

National District Attorneys Association

National Prosecution Standards

Third Edition

with Revised Commentary

17. Relations with Non-Governmental Entities

2-17.1 Generally In all dealings with a non-governmental entity, the chief prosecutor should place the public interest above all other considerations.

2-17.2 Financial and Resource Assistance

- a. Where permitted by law, a prosecutor's office may accept financial or resource assistance from a non-governmental source when such assistance is specifically approved by the chief prosecutor;
- b. When determining whether to accept assistance from a non-governmental source, the chief prosecutor should give priority consideration to the public interest over the private interests of a non-governmental source, especially when the assistance relates to a specific case or cases rather than office-wide assistance;
- c. The chief prosecutor should consider whether accepting assistance from a nongovernmental source will create the appearance of undue influence;
- d. The chief prosecutor should have office procedures in place that protect the independent exercise of discretion of the office from the undue influence of a non-governmental resource that has provided assistance to the office during the investigation and prosecution of specific cases or types of cases. These procedures should include requirements for strict bookkeeping and accounting of any assistance received, whether financial or resource assistance, and if required by law, disclosure procedures.

Commentary

In times of strained budgets and inadequate resources, an offer of assistance from a nongovernment funding source is a temptation. Such arrangements need to be carefully examined to make certain that no illegal or unethical strings are attached. If the prosecutor should decide to accept the assistance, he or she must be diligent in keeping track of the funds or equipment provided. In addition, the prosecutor must be vigilant to not allow the assistance to interfere with his or her independent exercise of prosecutorial discretion.