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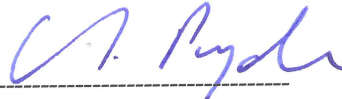
**D I R E C T O R O F  
P U B L I C P R O S E C U T I O N S**

**ODPP**

**CODE OF CONDUCT, 2014**

## AUTHORITY TO ISSUE

In accordance with the authority given to me under section 117 (13) of the Constitution, I hereby authorise the issue of the Code of Conduct 2014 for the Office of the Director of Public Prosecutions.



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Christopher T. Pryde  
Director of Public Prosecutions

Dated this 26<sup>th</sup> day of August, 2014

## CODE OF CONDUCT

### **I. PREAMBLE**

1. In order to properly safeguard the role and responsibilities entrusted to the Office of the Director of Public Prosecutions ('ODPP') by the State, the Director of Public Prosecutions ('DPP') issues this Code of Conduct ('the Code') which contains the governing principles within which every employee whether temporary, permanent, contracted, on attachment, a volunteer or seconded must operate.
2. The positional responsibilities of each employee, whether technical (legal) or corporate (administration and finance), require the highest standard of professional and ethical conduct. Each employee is required to contribute to the good governance of the ODPP and to assist in maintaining its reputation for independence, fairness and courage. The Code contains standards consistent with international standards for prosecutors and principles of corporate good governance.
3. The DPP, persons holding positions of supervisory authority within the ODPP, and the Corporate Services Division are responsible for providing information and advice in respect of the proper implementation of this Code as well as in respect of any ethical concerns an employee might have. Ethical conduct is not a passive process but requires conscious choices and firm decisions. Employees must exercise good judgment consistent with the ethical values of the ODPP embedded in the Code.
4. While the ODPP respects the individual's right to privacy and does not wish to impinge on an employee's personal life and behaviour outside the Office, employment with the ODPP carries certain obligations that may proscribe conduct, both at work and elsewhere. The extent of those proscriptions is set out in this Code.
5. These key principles should be kept in mind and practiced by each employee:
  - (i) act honestly and impartially;
  - (ii) never make private use of, nor disclose without authorisation, any confidential information obtained through your course of employment with the ODPP;
  - (iii) do not abuse your authority or abuse powers of access entrusted to you by the DPP;
  - (iv) avoid outside activity that could reasonably be perceived as a conflict of interest; and
  - (v) be courteous and professional in interacting with others.

6. Not all situations provide clear-cut avenues of action for an employee. This Code is designed to assist employees make ethical decisions, but may not cover every exigency. When in doubt about the ethical implications of any course of action seek advice from the DPP, persons in positions of supervisory authority within the ODPP, or the Corporate Services Division before you act. To assist, each employee should ask the following questions before embarking on a course of action:
  - (i) Is this course of action legal?
  - (ii) Is this course of action the right thing to do?
  - (iii) Will this course of action positively or negatively impact my professional reputation?
  - (iv) Will this course of action positively or negatively impact on the reputation of the ODPP?
  - (v) Is there an alternative course of action that does not pose an ethical conflict?
  
7. It is important to note that failure to practice according to the standards set out in this Code, in the Prosecutor's Handbook, the Prosecution Code, the Human Resources Manual, or in accordance with the written policies and directives of the DPP may be grounds for disciplinary action. Disciplinary action may include termination, which may be imposed depending on the nature and seriousness of the violation, an employee's prior record of contributions, any previous record of misconduct, and a fair consideration of any mitigation offered by or on behalf of the employee.
  
8. Before any disciplinary action is undertaken, the impugned employee will be given the opportunity to hear the charges against him or her; and to respond within reasonable time. The employee will be given the opportunity to call any evidence either in response to the allegation or in mitigation; and in the case of any disagreement with the result of the disciplinary proceedings the impugned employee may appeal the matter to the DPP or seek judicial review of any decision thereafter made by the DPP. The principles of natural justice apply to all disciplinary proceedings and in respect of all disciplinary action taken within the ODPP.

## **II. SCOPE**

9. The Code applies to all employees of the ODPP, including the DPP. It outlines, in one document, guidelines for employee conduct. It also provides guidance on how to exercise sound judgment in ethical matters and includes practical examples to illustrate how the rules can be applied.

10. The Code is meant to clearly define the obligations of each employee as an employee of the State, and as members of a criminal law office. The Code strengthens the safeguards needed to ensure that both the ODPP and its employees are, and are seen to be, free of any conflict and beyond reproach.

### **III. BASIC STANDARD OF CONDUCT**

11. Each employee must observe the highest standards of professional and ethical conduct consistent with this Code. Each employee must strive to avoid even the appearance of impropriety in his or her conduct. In the performance of duties, each employee must be exclusively loyal to the ODPP, and to its objectives, purposes, and principles.

#### *Integrity*

12. Employees are expected to act with integrity in all official activities, avoiding any behaviour that would reflect adversely on either the employee or the ODPP. Integrity includes honesty in all matters, probity (morality, correctness, honour), and loyalty.
13. Employees are required to provide accurate and complete information needed by the ODPP for the administration of personnel matters, and must immediately report to the Human Resources Manager any charges in personal circumstances that affect eligibility for benefits and allowances.
14. Employees are expected to observe the local laws of each municipality, town, city, and country where they are based (including countries that employees are visiting as part of official duties or while on leave). Employees must avoid any action that could be perceived as an abuse of their position or status as an employee of the ODPP.

For example, the employee should not be seen to avoid or attempt to avoid liability on a matter by virtue of his or her position as an employee of the ODPP. As further examples, employees are expected to meet any private legal obligations to pay child support or spousal maintenance and honour private contractual obligations, not be declared bankrupt, and treat domestic employees fairly. The ODPP would also be seriously concerned about any notoriously disgraceful conduct by an employee, particularly conduct involving domestic violence or abuse of others.

15. The ODPP will not investigate allegations that an employee has violated the law of Fiji or any country that the employee is visiting in an official or private capacity. However, if an employee is being investigated and this information has been brought to the ODPP's attention, it is both prudent and appropriate that the

employee be notified about the matter. If the investigations have been submitted to the ODPP for advice on prosecutions, information barriers<sup>1</sup> will be erected in respect of that employee, and in certain circumstances transfer to another Division of the ODPP may result until resolution of the matter. Suspension (with or without pay), or termination may result if, on a fair and proper analysis of the matter, the DPP is satisfied that the allegations are more likely than not to be true. Any adverse action will be considered taking into account the nature, circumstances, and seriousness of the alleged offending and the principles of natural justice.

16. In circumstances where an employee is the subject of an order from a domestic or international court of law, or from a lawful domestic or international authority to satisfy an outstanding legal obligation and the ODPP has received that lawful order instructing the ODPP as employer to withhold an amount of salary to satisfy the outstanding legal obligation, the ODPP will comply.

### *Impartiality*

17. Employees are expected to act with impartiality in the discharge of their official functions. Care must be taken to avoid situations that create a conflict of interest.
18. Employees should take care that in expressing personal views and convictions they do not compromise, or appear to compromise, their performance of official duties or the interests of the ODPP.
19. Further, no employee should allow personal relationships or considerations, including bias or favouritism, to influence the performance of official duties.
20. The following principles apply:
  1. No employee shall, in his or her official practice or function, discriminate unlawfully against, victimise or harass any person on the basis of race, colour, ethnic or national origin, nationality, citizenship, sex, gender or gender re-assignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief.
  2. Each employee is individually and professionally responsible for his or her own conduct and for his or her own official work and must exercise sound judgment in the conduct of his or her official activities.

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<sup>1</sup> An information barrier is an organisational contrivance within an enterprise designed to prevent the flow of confidential information to or from a part or parts of that enterprise. Its purpose is to prevent it being able to be said that an 'insulated' area of a firm or company has in fact used or will be in a position to use confidential information possessed by another part of the same firm or company (See: P D Finn, 'Conflicts of Interest and Professionals' in Professional Responsibility' (Legal Research Foundation Inc Seminar conducted at the University of Auckland, 28 and 29 May 1987))

3. A prosecutor must not permit his or her absolute independence, integrity and freedom from external pressures to be compromised; and employees are prohibited from acting in any manner which shall, or shall be likely to, bring the absolute independence and integrity of the ODPP into question.
  4. No employee shall do anything (for example, accept a present) in such circumstances as may lead to an inference that his or her independence or the independence of the ODPP may be compromised.
21. No employee may sit in an interview, or be involved in the decision-making process regarding the employment of a family member or any other person with whom there is likely to be a conflict of interest, or the appearance of a conflict of interest arising from any relationship with that person, whether adverse or otherwise. Information barriers will be erected to ensure the integrity of ODPP processes and any wilful and knowing breaches of these information barriers will result in the commencement of disciplinary proceedings.
  22. No employee may sit in an interview panel or be involved in any step of the process regarding any proceedings in which they have an interest (for example: positions to which they have applied or complaints proceedings that they have instituted or may be a witness before). Information barriers will be erected to ensure the integrity of these processes, and any wilful and knowing breaches of these information barriers will result in the commencement of disciplinary proceedings.
  23. In relation to disciplinary proceedings, neither the employee who is the subject of a disciplinary proceeding nor the person who made the complaint may be part of the decision-making process, except if it is the DPP who is instituting a disciplinary complaint against an employee. An independent inquiry team made up of no less than two (2) people appointed by the DPP shall be convened to investigate the allegations made, and during this process may call and hear from and record the statements of any person who, in their opinion, may assist them in arriving at a fair and just determination of the facts.

In any case, the independent inquiry team shall hear from the party making the complaint and the party impugned, and may return to these parties as many times as is, in their opinion, necessary to enable them to make a fair and just decision within the timeframe given to them by the DPP; which timeframe must be fair and reasonable in light of the circumstances of each case. The person impugned should be notified of each step undertaken during the course of the inquiry; should be given access to statements gathered; and should be given an opportunity to respond to any adverse information or any adverse inferences arising from information gathered during the course of the inquiry. The inquiry process must be supervised by an Assistant Director of Public Prosecutions or any other

experienced employee or person with a proven reputation for procedural fairness so appointed by the DPP.

24. Information barriers will be erected in every situation involving a conflict of interest involving employees, and the terms and extent of these information barriers will be determined by the DPP on a case by case basis. In arriving at these terms and in determining the extent of the information barriers, the DPP is at liberty to convene a special team of at least two (2) independent persons to examine the situation and make recommendations regarding the appropriate measures to be taken by the ODPP to avoid any allegations of impropriety against it. The DPP is at liberty to erect physical barriers by way of transfer if the nature of the conflict requires it.

### ***Discretion***

25. Every employee should exercise the utmost discretion in undertaking any action, or arriving at any decision to undertake an action. The following questions may assist:

- (i) Am I applying the correct principle, rule, law or procedure?
- (ii) Is what I am considering relevant and material or am I allowing extraneous or irrelevant matters to affect my decision making?
- (iii) Do I properly understand the facts?
- (iv) Am I missing something important that should be taken into account?

26. Employees should exhibit tact and reserve when making official pronouncements, which should in every case be made in a manner that is consistent with the dignity and reputation of the ODPP.

27. Employees should refrain from participating in activities that are in conflict with the interests of the ODPP, or which might on any reasonable consideration of the matter result in damage to the reputation of the ODPP.

28. Employees must respect and safeguard the confidentiality of information which is available or known to the employee by reason of their official function.

## **IV. CONDUCT WITHIN THE ODPP**

### ***Duty of Loyalty***

29. By accepting an appointment with the ODPP, employees are undertaking to discharge their functions under the sole authority of the DPP. Therefore, the employee must respect the character of that appointment by not accepting any instructions given by the private bar, any international or domestic agency or



organisation, or any other source external to the ODPP. Your professional instructions come from the DPP and the DPP alone.

### ***Courtesy and Respect***

30. Employees should treat their colleagues, regardless of rank or employment status, with courtesy and respect and without harassment or physical or verbal abuse.
31. Employees should take care to avoid behaviour in the workplace that, although not rising to the level of harassment or abuse, may nonetheless, on any reasonable consideration of the matter, create an atmosphere of hostility or intimidation.

### ***Diversity***

32. In accordance with the Constitutional mandate of the DPP as an independent officer of the State, employees are expected to act with tolerance, sensitivity, respect and impartiality toward the culture, race, colour, ethnic or national origin, nationality, citizenship, sex, gender or gender-reassignment, sexual orientation, marital or civil partnership status, disability, age, religion or belief of other persons.

### ***Accountability***

33. Employees must act within the scope of their authority at all times. Employees will remain accountable for tasks that have been assigned to them but delegated to others, and employees are expected to exercise adequate control and supervision over areas and matters for which they are responsible.

### ***Use of ODPP property, facilities and supplies***

34. Employees have a responsibility to ensure that ODPP resources are used for the official business of the ODPP, and are expected to devote time contracted to the ODPP to the official activities of the ODPP.
35. A rule of reason<sup>2</sup> applies to the personal use of ODPP premises or equipment.

### ***Conflict Resolution***

36. The DPP, members of the Executive Committee and persons in positions of supervisory authority within the ODPP have a responsibility to make themselves available to employees who may wish to raise concerns in confidence, and an obligation to deal with such situations in an impartial and sensitive manner.
37. The DPP, members of the Executive Committee, and persons in positions of supervisory authority must endeavour to create an atmosphere in which employees feel free to use, without fear of reprisal, the existing institutional channels for

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<sup>2</sup> Use shall not be judged 'illegal' per se, such conduct shall be judged on the basis of its reasonableness, taking into account the policies and procedures of the ODPP and any permission granted by the DPP, either prior to or retrospectively.

conflict resolution, and to express concerns about situations which are, or have the potential to be, conflictive.

## **V. USE AND DISCLOSURE OF INFORMATION**

### ***Use and Disclosure of Confidential Information***

38. Employees have a responsibility to protect the security of any confidential information provided to, or generated by the ODPP. In order to avoid unauthorised disclosure each employee should be careful regarding how confidential information is handled.
39. The basic principle regarding information security is that confidential information may be communicated amongst employees in accordance with internal rules and guidelines, but may not be communicated to outsiders without authorisation. This authorisation may take the form of direct written instructions from the DPP to individuals or to divisions and/or departments within the ODPP, or by way of general policies established by the DPP.
40. Employees are prohibited from using confidential information obtained by them in the course of business for their own advantage (example: in private business dealings).

### ***Press relations, public statements and publications***

41. Employees are prohibited from providing to the news media, publishing material or making public statements relating to the policies or activities of the ODPP without authorisation by the DPP. While employees are free to publish or speak about subjects unrelated to the policies or activities of the ODPP, they should avoid any public communication which may call into question the integrity, independence or probity of the ODPP. Tact and discretion should be the order of the day.
42. Special procedures have been established for handling media contact with the ODPP. Media contact regarding the policies or activities of the ODPP or the status of a case in Court should be immediately channelled to the media liaison officer who will thereafter take down the particulars of the media request and take it up with the DPP.
43. The ODPP owns the copyright for all written work produced during the course of official duties, and has the right to publish such work in any manner it deems appropriate.
44. Approval from the DPP is needed for publication of works relating to the ODPP or its activities regardless if prepared on an employee's own time, or prior to joining the ODPP, or after separation from the ODPP. No approval is required for works prepared on the employee's own time, or prior to joining the ODPP, or after separation from the ODPP, if the subject of the work is unrelated to the ODPP or its activities.

## **VI. CONFLICTS OF INTEREST, INCLUDING PERSONAL FINANCIAL AFFAIRS**

### ***Conflicts of Interest***

45. Employees should avoid any situation involving a conflict or the appearance of a conflict between the employee's personal interests and the performance of the employee's official duties. In dealing with external authorities, suppliers or other parties, employees should act in the best interest of the ODPP to the exclusion of any personal advantage.
46. If a potential conflict exists, employees must make prompt and full disclosure of the conflict to the DPP, through the Human Resources Manager or a person in a position of supervisory authority within the ODPP, and discuss whether they should recuse themselves from the situation that is creating the conflict or appearance of conflict. In all instances, this issue should be brought to the attention of the DPP in writing. Employees, and in particular legal practitioners, are reminded that they have a duty to safeguard their own professional reputations as well as the professional independence of the ODPP, and should not easily abdicate responsibility for the safeguarding of their own professional reputations or the professional reputation of the ODPP.
47. Employees engaged in ODPP procurement activities who have, or are considering having, any direct or outside interest (financial or otherwise) which might conflict or appear to conflict with the interest of the ODPP should make this situation known to the DPP, through the Human Resources Manager, and where so directed withdraw from participating in the procurement activity or activities. The decision of the DPP on the matter is final. Employees are reminded that they must not abdicate their individual duty to be honest.
48. If an employee is negotiating, or has an arrangement concerning prospective employment outside the ODPP, he or she should maintain an arms-length relationship with the prospective employer in all matters where the work of the ODPP is concerned (for example: you should recuse yourself from involvement in respect of any file or any procurement activity involving your prospective employer). This also applies to any person who is seconded to the ODPP from another agency or organisation, on attachment with the ODPP, or is engaged in any temporary capacity with the ODPP.

### ***Personal financial affairs***

49. Employees are generally free to conduct their personal financial affairs as they see fit with two exceptions:
  - (1) they should honour private contractual obligations, and in all cases conduct their financial affairs in a manner that does not bring the employee into personal disrepute; and

- (2) employees are prohibited from using, or providing to others confidential information that they have access to by virtue of their employment with the ODPP for the purposes of carrying out private transactions or obtaining a gain or causing a loss (whether financial or otherwise) for themselves or others.

### ***Disclosure***

50. Employees should disclose any financial or business interests that they or their immediate family members (including parents and siblings) have that might be in actual or apparent conflict with their work as an employee of the ODPP. This disclosure should be made to the DPP through the Human Resources Manager. The disclosure must be reduced into writing by either the person disclosing the conflict or apparent conflict or the person receiving the disclosure, and a record of this disclosure should be properly maintained as an official record of the ODPP and submitted to the DPP as part of the ordinary business of the ODPP.
51. Employees are required to periodically (for no longer than a year at a time between reviews) certify in a form prescribed by the DPP that they have read the policy on conflict of interest and are in compliance. If an employee is unsure about the extent of his or her compliance, he or she should err on the side of caution and provide an explanation in respect of any matters in doubt.
52. In addition, while being respectful of each employee's right to privacy, in light of the nature of the work the ODPP undertakes on behalf of the State the DPP may require certain categories of employees to file a confidential statement of financial interests and activities for any period. These statements shall be filed with the Corporate Services Division, and will be reviewed by the DPP or any two independent officers delegated this role by the DPP annually.

## **VII. EXTERNAL ACTIVITIES**

53. Employees need permission from the DPP to engage in any outside salaried employment, occupation, or profession. The DPP will not, in general, object to the employee engaging in such an activity provided that: (i) it does not interfere with the employee's ability to perform his or her regular work for the ODPP; (ii) it is compatible with the ODPP's rules on employee conduct set out in this Code and elsewhere; (iii) it does not create a conflict of interest; and (iv) it does not violate domestic laws and applicable immigration rules.
54. Employees are free to participate in volunteer activities of a community or charitable nature without the need for advance clearance from the DPP. However, if an employee is in doubt as to whether an activity he or she is contemplating would run counter to the criteria at Section 53 (i) – (iv) above, the employee should seek advice from the Human Resources Manager. A note of this request for clarification and any instruction given thereto must be made and retained by the Corporate Services Division as an official record of the ODPP and must be submitted to the DPP as part of the ordinary business of the ODPP.

### ***Political Activities***

55. Employees need permission to engage in political activities except for voting, making political contributions authorised by law, and participating at the local, grass roots or community level. Employees may not run for elected public office without first notifying the DPP, through the Human Resources Manager, in writing. An employee who accepts a political appointment will be deemed to have resigned. The rules relating to conduct set out in this Code apply.

### ***Acceptance of gifts, decorations and honours***

56. Employees are prohibited from soliciting gifts or favours in connection with their function as officers of the State. Gifts that are offered should normally be declined. However, employees may accept a gift when it would otherwise create embarrassment to refuse it. All items received in your official capacity regardless of value will need to be declared to the Assets Management Committee of the Corporate Services Division, and an official record of this declaration will need to be made and retained by the Corporate Services Division as an official record of the ODPP. The matter will need to be brought to the attention of the DPP, through the Principal Administrative Officer, as part of the ordinary business of the ODPP. Items received at conferences and workshops given as part of the conference or workshop package need not be declared and may be retained by employees without issue.
57. No employee should accept any honour or decoration given to them in connection to their official duties as an employee of the ODPP. If there is no advance notice of the honour or decoration and it is impossible to refuse it without giving offence, then you may accept it on behalf of the ODPP and then report it to the DPP through the Assets Management Committee of the Corporate Services Division. All such reports must be reduced to writing and retained as an official record of the ODPP and submitted to the DPP, through the Principal Administrative Officer, as part of the ordinary business of the ODPP. This does not apply to cases where the honour or decoration is given in recognition of services unrelated to the ODPP, which is a private matter for you.

### ***Post-ODPP Employment***

58. Employees who separate from the ODPP, or who are on leave (including leave without pay), are expected to observe the respective rules on use or disclosure of confidential information and are bound by the Official Secrets Act where they have agreed to be so bound.
59. Employees who separate from the ODPP should not use or disclose confidential information known to them by reason of their service with the ODPP, and should not contact former colleagues to obtain confidential information from the ODPP.

60. Employees are prohibited from providing confidential information to former colleagues, who after separation from the ODPP should be treated like any other outside party.

## VIII. EXAMPLES

### *Basic Standard of Conduct*

61. ***An employee fails to pay his or her spousal or child support obligations, notwithstanding a court order to do so. Does this violate the ODPP's standards of conduct? Yes.*** Employees are required to abide by all court orders, and laws, and must not engage in conduct that would bring the ODPP as a law office into disrepute.
62. ***An employee fails to comply with domestic violence laws. Does this violate the ODPP's standards of conduct? Yes.*** If the violence is not systematic (that is, has not occurred more than once) **and** is not an assault, then the matter may not be taken further than a note in your personnel file. If the violence is systematic (that is, has occurred more than once) **or** involves an assault, then the matter may result in disciplinary action, including termination.
63. ***An employee receives a traffic ticket in respect of the operation of a motor vehicle. Does this violate the ODPP's standards of conduct? No.*** The type of unlawful conduct that would violate the ODPP's standards on private conduct is conduct that is so serious under the circumstances that it would embarrass the ODPP or call into question an employee's ability to perform his or her official duties. For example, not all reported incidents of careless driving may, necessarily, constitute a violation of the ODPP's standard of conduct but driving whilst intoxicated or dangerous driving will always constitute a violation of the ODPP's standard of conduct and can result in disciplinary action. The same reasoning holds true for absolute or strict liability offences, and much will depend on the nature, circumstances and seriousness of the offending.
64. ***Is a report, in and of itself, sufficient to justify disciplinary action? Much will depend on the nature, circumstances and seriousness of the alleged offending. In some instances, where the facts asserted are notorious and would, on any reasonable appraisal of the matter, tend to bring the reputation of the ODPP into disrepute, disciplinary action may commence. However, in circumstances where a decision is taken to terminate following due internal investigative processes commenced on the basis of a report only, the officer will be accorded the right to offer his or her resignation instead. In all circumstances, an officer will be accorded the right to due administrative process in accordance with the principles of natural justice.***

### **Conduct within the ODPP**

65. ***I am taking orders for a lovo pack on behalf of a fundraising activity I am supporting. May I ask colleagues whether they wish to place an order? Yes, so long as there is no coercion or pressure placed on colleagues to make a purchase.***
66. ***I am aware that my colleagues have made false claims on their travel or meal claims. Should I report this? Yes. You should not condone or be seen to be condoning any unethical behaviour as this could (on any reasonable appraisal of the matter) bring the reputation of the ODPP into disrepute. Under no circumstances should you actively participate in, or facilitate the commitment of an ethical violation by another employee. However, employees should note that malicious and unfounded whistle blowing is unacceptable behaviour, which may, in and of itself constitute a violation of Section 31 of this Code.***
67. ***An employee puts up an object or displays a picture that makes other employees uncomfortable. Should the employee be required to remove it? Much will depend on the nature of the object, the extent of exposure to the person who is making the complaint, and whether, on any reasonable appraisal of the matter, the object would tend to give offence to any other person walking into the impugned officer's work space. While it is expected that employees will avoid actions that could reasonably be deemed to create a hostile work environment or make others uncomfortable, members of staff should be mindful that frivolous and vexatious complaints also constitute the creation of a hostile and uncomfortable work environment and for that reason, are a violation of Section 31 of the Code.***
68. ***My daughter is away at a university abroad. In order to cut down the cost of telephone calls, I occasionally send her e-mails using my ODPP email account. Is this a violation of the ODPP rules on conduct? The primary purpose of the e-mail facilities of the ODPP is official communication, although some private use is tolerated. The use of e-mail at the Office for personal purposes is permitted as long as this does not encroach on work time, overburden the electronic network or involve a significant extra expense for the ODPP.***
69. ***I need to make arrangements for the pick-up of my daughter, niece or grand-daughter at school and I need to make a series of phone calls. Can I do this from my office? Yes, as long as the number and duration of such calls are limited and do not interfere with the performance of your duties. Generally, spending a small amount of time on personal calls is permitted within the constraints established by your supervisor. If significant time has to be spent on personal matters, you should make up the time by staying later in the office or you should make the calls during the lunch break. You are required to pay for any long distance calls and any calls made on the landline to a mobile phone which have been made for personal reasons.***

### **Use and Disclosure of Information**

70. ***A former colleague calls up and asks for statistics regarding the number of rape cases prosecuted by the ODPP over the past ten years. You give it because you***

*are friends without first consulting the DPP and obtaining his authorisation. Does this constitute a violation of the rules? Yes. Once an employee has separated from the ODPP he or she is to be treated like an ordinary member of the public, which means that they need to write to the DPP like everyone else for permission to obtain that data. No information is to be released except with the DPP's permission.*

**71. I have taken a photocopy of disclosures relating to a pending case home and on the way to work the next day, I forget it in a taxi. Does this violate the ODPP's standards of conduct?** *Yes. Every employee has a responsibility to handle confidential information with care. Disclosures, financial documents or personnel information should be carefully secured at all times, and should never leave the ODPP without permission from your supervisor. In transporting confidential information to and from work you are responsible for ensuring that everything that goes out comes back in.*

### **Conflict of Interest, Including Personal Financial Affairs**

**72. I have been recruited by a private law firm. Before my departure I am asked to handle a brief involving an accused who that private law firm is representing. Should I accept the brief?** *No. You will be exposed to confidential information which might be useful to your future employer. While we have every confidence in your integrity and your willingness to subject yourself to information barriers in your new firm, the situation does create the appearance of a conflict of interest that you should ethically endeavour to avoid.*

**73. I learned, through my brother-in-law who works for a software firm, of a new product of that firm that may be useful for the ODPP. May I arrange a meeting between the software firm and representatives of the ODPP?** *Yes, so long as you do nothing to influence the ODPP decision whether or not to acquire the software or otherwise use the products of the firm.*

### ***External Activities***

**74. I have been invited by a university to teach a course in law, for which I will be paid FD\$500.00. Can I accept the invitation?** *You can accept the invitation provided that it is approved by the DPP prior to acceptance, and provided that the work, including preparation for the work, is not done on office time.*

**75. I have been invited by a university to present a guest lecture, for which I will receive no remuneration. Can I accept the invitation?** *Yes, so long as you do not speak about the ODPP or any of its policies or activities, and so long as the conduct of that presentation, or the preparation of that presentation, is not undertaken on office time. If you are required to comment on the ODPP or any of its policies or activities, then you will need permission from the DPP to speak to those matters.*



- 76. I own an apartment, or a house, and in order to generate income I am renting it. Must I seek the permission of the ODPP to avoid violating the rules on outside activities?** No. You may operate and own a business provided you avoid any conflict of interest between that business and your function as an employee of the ODPP. You are required to ensure that your duties as an employee of the ODPP are not compromised in any way by virtue of any of your outside activities. However, you may be required to declare it in accordance with the rules and policies of disclosure.
- 77. May I participate in a lawful public demonstration on an issue not closely related to the work of the ODPP, for example, a public demonstration against nuclear testing or pollution of the environment, or animal cruelty, or raising awareness against breast cancer without obtaining advance clearance?** Yes, as long as you participate in a manner that does not publicly identify your connection with the ODPP. If, however, you intend to make a public statement on a “national political question”, advance clearance is required from the DPP.
- 78. May I join and participate in the activities of a non-governmental environmental, animal rights, religious or civic organisation, without obtaining advance clearance?** Yes. You may join both formal and informal clubs and non-governmental organisations, provided you do not identify yourself in connection with the ODPP, and provided you personally do nothing to bring embarrassment to the ODPP or adversely affect the interests of the ODPP. If the activities of the organisation you have joined bring embarrassment to the ODPP or adversely affect the interests of the ODPP you may have a conflict and as such may be required to suspend or terminate your activities with that organisation.
- 79. May I sign a petition supporting a particular political candidate or endorse a candidate for elected office?** You may sign a petition supporting a political candidate or endorse a candidate for elected office, provided you are confident, on any reasonable appraisal of the matter, that you can do so without publicly identifying yourself in connection with the ODPP and without bringing embarrassment to the ODPP or adversely affecting the interests of the ODPP.
- 80. I am invited to accept an honorary degree in connection with work I did as an alumni of a university; or for other services I have provided at the community level which have been unrelated to the ODPP. May I accept?** Yes. Provided on any reasonable appraisal of the matter you are confident that it has had nothing to do with the ODPP, you may accept or decline at your discretion. However, if you are uncertain, you should bring it to the attention of the DPP, through the Human Resources Manager. If the matter is unrelated to the ODPP or does not, on any reasonable consideration of the matter, embarrass the ODPP or adversely impact the interests of the ODPP, no objection to your receiving the honour will be raised.

Comments and enquiries should be addressed to:

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OR

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