



# IAP

International Association of Prosecutors

## PROSECUTOR EXCHANGE PROGRAM

## COORDINATOR'S MANUAL

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## Goal

Under the Prosecutor Exchange Program ("PEP"), the International Association of Prosecutors (the "IAP") encourages and facilitates the coordination and administration of both bilateral prosecutor exchanges and also one-way placements for limited time periods and for specific purposes between the prosecution offices of different but compatible (as to language and legal tradition) countries and legal jurisdictions.

As criminal activity becomes increasingly international, prosecution offices around the world must work together more closely than in previous eras. PEP will facilitate the exchange and dissemination of information, expertise and experience among prosecution offices and contribute to the professional development of both the exchange prosecutors and the offices that they serve.

## Background

PEP encourages and facilitates temporary employment at a prosecution office in another country. This first-hand experience of another prosecution system is intended to reinforce the IAP's goals of:

- promoting high standards and principles in the administration of criminal justice;
- assisting prosecutors internationally in the fight against organized or other serious crime;
- promoting the professional needs of prosecutors;
- promoting good relations between prosecution agencies;
- facilitating the exchange and dissemination of information, expertise and experience; and
- promoting examination of comparative criminal law and procedure and assisting prosecutors engaged in justice reform projects.

## Who Can Participate

To provide some measure of quality assurance for exchange participants, the PEP is open to prosecution offices that are organizational members of the IAP. In addition, where they are

providing funding for an exchange or another benefit (such as the services of an expert), the PEP may be assisted by associations of prosecutors that are also organizational members of the IAP or by individual members of the IAP. Associations of prosecutors that have expressed an interest in PEP exchanges are listed in Appendix B.

In the case of an individual member of the IAP providing expertise for a PEP exchange, their involvement in the exchange must be proposed to the PEP Committee by the organizational member of the IAP that is to benefit from the exchange. In this case, an individual member of the IAP may participate in a PEP exchange provided:

- The individual member of the IAP can demonstrate the expertise needed for the proposed exchange. This expertise can be demonstrated through: a C.V., letters of recommendation, publications, and other documentation.
- That the organizational member benefiting from the exchange is satisfied as to the qualifications of the individual member to provide the expert training,

## **Role of the IAP**

PEP is a bilateral program in which the coordination and administration of the exchanges will take place between the individual offices involved. To increase efficiency, it is decentralized and not controlled by the IAP. The IAP acts as a promoter, publicist, facilitator and as a repository of helpful exchange information, but is not a decision-maker or coordinator of any particular exchange. Implementing a particular exchange is left to a coordinator appointed by each prosecution office (the “Coordinator”).

The IAP will:

- promote the PEP and the assistance available through the IAP Newsletter, website, regional and annual conferences, meetings with the heads of individual offices and at other appropriate events and occasions;
- encourage the establishment of bilateral exchanges between offices;
- encourage each prosecution office organizational member to establish a position of Coordinator;

- maintain and update a database containing the names and contact information of the appointed Coordinator for each office, as well as helpful information about the bilateral exchanges established by any participating offices;
- provide a Coordinator with access to a central IAP contact person with information which will help establish bilateral exchanges between offices; and
- act as a focal point for prosecutors to obtain information about exchanges where their offices do not yet have a Coordinator.

## Responsibilities of the Coordinator

Every prosecution office that joins the PEP should appoint a prosecutor as the Coordinator of the program for their office.

The Coordinator will generally:

- encourage applicants within the home office to apply to the Coordinator for exchanges, highlighting the benefits of an exchange;
- liaise with the other offices regarding the mechanics and timing of each exchange, perhaps setting up exchanges on a regular basis;
- select and establish bilateral exchange programs with other offices;
- set the criteria for qualified applications from prosecutors within the home office;
- using the criteria and through the office's internal procedures, select candidates appropriate for an exchange; and
- consider setting up arrangements by which the home office is able to pay for the salary and expenses of prosecutors who participate in an exchange.

## Types of Exchanges

The types of exchanges may take many forms including:

- direct exchange of prosecutors, i.e. prosecutors may essentially exchange jobs at the same time or at different times;

- study visits where prosecutors, while not actually performing the prosecutor's role, may observe how matters are handled under a different system; and
- secondments in which only one office sends a prosecutor to another office, perhaps to conduct a particular prosecution or to conduct relevant training.

## Coordinating an Exchange

While an exchange may be a direct simultaneous exchange of prosecutors, study or training visit, or secondment in which only one office sends a prosecutor, an office may also wish to use the PEP for any reason consistent with the PEP's goals. For example, an office may wish the assistance of a prosecutor for a particular case or type of case—even though prosecuting particular cases is not the principal purpose of PEP. The IAP may be able to provide assistance in particular cases through another program. Feel free to inquire with the IAP if your primary goal is to obtain assistance from a prosecutor for a particular case.

Every exchange is likely to be organized somewhat differently, according to the specific needs of the moment at the individual offices involved and the wishes of the prosecutors involved. Each office and prosecutor has different priorities and limitations. Therefore, the IAP does not propose a rigid format according to which the exchange must take place. Instead, the IAP will facilitate the process by helping offices and prosecutors identify each other and determine the preferred approach and by providing relevant information.

This manual is intended to be the beginning of a conversation with other offices and prosecutors. The manual will evolve as feedback from offices is obtained. Please feel free to use the "Contacting PEP" information at the end of this manual to discuss any particular issue in more detail.

## Preliminary Considerations

To assist in determining what type of exchange may be appropriate, offices should consider the following points.

1. What are the reasons and relative priorities of your office for participating?

- a. Do you wish your prosecutors to learn about another system? Learn about a specific area of law, procedure, policy, office culture or other aspect of practice? To share knowledge with other offices? Both?
  - b. Professional development for prosecutors.
  - c. Help with the dissemination of best practices among prosecutorial offices in different countries.
  - d. Provide valuable insight for prosecutors into the cultural differences between countries.
  - e. Promote excellence in prosecution offices, by encouraging prosecutors to visit and learn from other prosecution offices throughout the world.
  - f. Provide a memorable professional development experience for prosecutors.
2. What, too, are the priorities of the prosecutors in your office? Why do they wish to participate? What sort of system are they looking to learn about or where do they believe that they can assist? What country do they, perhaps for personal reasons, wish to live in for a short time?
  3. Should the exchange be simultaneous or sequential? Simultaneous exchanges may be more difficult since they require mutually agreeable scheduling. However, in some cases, perhaps due to staff limitations and providential timing, a simultaneous exchange may work better and have certain advantages, including the ability of the prosecutors, if they wish, to exchange the temporary use of accommodation and, in some cases, automobiles and other personal items.
  4. What procedure will be used to screen prosecutors for an exchange? Who will make the final decision? In some exchanges, the home office (the originating office) will want to advertise and screen applicants for suitability and the host office (the destination office) could then select from the short list. This selection from the short list could be done after reviewing the short list of résumés and a narrative memo and after a thorough telephone discussion with the home Coordinator or senior officer. In other cases, the home Coordinator, alone, may make the decision after relatively little procedure, based on the



experience and track record of the applying prosecutors and a discussion with the host Coordinator as to the needs of the host office.

The list of the Coordinators, with their confidential contact details, is found in Appendix A. Feel free to contact any of the other Coordinators to discuss the possibilities of an exchange.

## Financial Arrangements

An important issue that must be resolved prior to commencing any exchange is an agreement as to who bears the costs of the exchange.

The costs of the exchange would normally be borne by the individual offices participating in an exchange, although in some cases, there may be international organizations or associations of prosecutors that may contribute to the exchange. The IAP will publicize such opportunities as they arise.

On bilateral exchanges, where prosecutors from each office will spend about the same time at the other office, the prosecutor's home office may wish to continue to pay the prosecutor the same salary, analogous to the prosecutor being on paid educational leave.

In some cases, the prosecutor may waive a salary, using their earned vacation time or taking a leave of absence. Such a waiver may work better on shorter exchanges and streamline compliance with various professional admission rules, office policies and visa requirements. A prosecutor may wish to waive a salary if they consider the participation to be sufficiently valuable for personal or future career goals.

The travel and accommodation costs associated with the exchange also need to be considered. Who will cover these costs? Often, these costs are covered by the exchange prosecutors themselves, sometimes by the prosecutors' home offices. Depending on the nature of the exchange, however, it may be reasonable for the host country to pay (or at least contribute), especially if the cost of living is relatively higher in the host country. Also, for example, if the prosecutor is participating in an exchange with the primary goal being to assist the host country with training and development, it may be reasonable for the host country to pay, perhaps, for travel and accommodation costs. In some cases, an international organization or association of prosecutors may contribute to accommodation and travel. This issue of

responsibility for costs is, of course, important to be considered and agreed upon prior to each exchange.

If the cost of living in the host country is significantly higher than the prosecutor's home country, consideration should also be given to granting a supplementary living allowance by either office.

## Work Permits

Thought must be given to any visa or other entry requirements which may be needed to work in the host country.

1. Are there any visa or entry requirements? If so, what are they? Will the visa or entry requirement be different if the prosecutor is paid a salary by his home jurisdiction as opposed to the host? What if the prosecutor assists on a volunteer basis during their vacation or a leave of absence?
2. How long can a prosecutor work with a particular visa?
3. How will the prosecutor obtain the necessary visa? Will the host country office assist?

## Medical insurance

1. Will prosecutors need additional medical insurance coverage when they are living in the host country?
2. Who will pay for this? In most cases, the home jurisdiction would arrange for and cover the cost.

## Professional right to practice

In every exchange, consideration must be given to whether or not it is necessary to obtain a right to practice from the host's professional governing body (e.g. The Law Society). If the exchange is simply a study visit where the prosecutor is observing or doing work that does not amount to "the practice of law", such qualification may not be necessary.

Where a right to practice must be obtained before the prosecutor can begin work, thought must be given to such matters as:

1. Who will arrange this right to practice? In most cases it would make sense for the host country to arrange this right on behalf of the prosecutor.
2. What is involved in arranging practice rights? Is there a cost? Who will pay this cost?
3. If the prosecutor limits the type of work that they will perform (e.g. only to work under the direct supervision of a host office prosecutor or in a particular professional capacity), does this affect the necessity for obtaining practice rights?
4. Is it necessary for the prosecutor to obtain professional indemnity insurance? If so, how is this obtained? Can the host country assist with this? Who covers the cost?

## Other Issues

- Assistance may be needed with choosing suitable accommodation, schooling for children if required, spouse relocation and dealing with other issues commonly encountered by workers from other countries.
- The IAP may establish nominal and flexible PEP user fees to support the IAP's administration costs in relevant cases. Coordinators will be advised if this is the case.

## Updates to this Manual

This manual will continue to be updated as PEP proceeds and more offices have accumulated experience about what works and what does not, and why.

If your office has participated in an exchange program, either within or outside PEP, we would appreciate it if you could send us relevant information to assist us with expanding and updating this manual.

The IAP is collecting accounts of exchanges that have already proven effective, as well as sample exchange agreements/protocols and other relevant documents and information. With permission and appropriate confidentiality maintained, these will be made available to all participating offices.

Please feel free to encourage your colleagues at offices that are not listed in Appendix A to participate in PEP. The IAP would like the greatest possible participation in PEP in order to make it as helpful as possible to IAP members.

## Contacting PEP

This program is being coordinated by:

- **Nicola Mahaffy**, Crown Counsel, Ministry of Attorney General, British Columbia, Canada  
(+1 604 775 3573 (DL), [Nicola.Mahaffy@gov.bc.ca](mailto:Nicola.Mahaffy@gov.bc.ca) )
- **Nicholas Cowdery**, Former DPP for New South Wales, Australia  
([ncowdery@optusnet.com.au](mailto:ncowdery@optusnet.com.au))

Please contact them with any suggestions, amendments to this Manual or other information.

## Appendix A: PEP Coordinators confidential contact information

Country	Coordinator	Email	Direct Phone	Fax
Argentina, Autonomous City of Buenos Aires	Juan Bautista Mahiques, Attorney General	<a href="mailto:relacionesinternacionales@fiscalias.gob.ar">relacionesinternacionales@fiscalias.gob.ar</a>	+54 9 11 5295 2200 (extension 2108) / +54 9 11 5299 4400 (extension 4607)	
Australia, NSW	Lloyd Babb	<a href="mailto:LBabb@odpp.nsw.gov.au">LBabb@odpp.nsw.gov.au</a>	+ 61 2 9285 8888	
Barbados	Mrs. Donna C.B. Babb-Agard, QC, DPP Mr. Alliston Seale, Principal Crown Counsel	<a href="mailto:dpp@barbados.gov.bb">dpp@barbados.gov.bb</a>	+ 246 – 535 - 0500	+ 246 271 - 2338
Belgium	Thomas Lamiroy	<a href="mailto:Thomas.Lamiroy@just.fgov.be">Thomas.Lamiroy@just.fgov.be</a>	+ 32 2 557 7730	+ 32 2 557 7790
Bermuda	Cindy Clarke	<a href="mailto:cclarke@gov.bm">cclarke@gov.bm</a>	+ 1 441 296 1277	+ 1 441 296 8464
Canada, Federal (Public Prosecution Service of Canada)	Robert Doyle	<a href="mailto:Robert.Doyle@ppsc-sppc.gc.ca">Robert.Doyle@ppsc-sppc.gc.ca</a>	+ 1 613 952 0267	+1 613 954 2958
Canada, Nova Scotia	Martin E. Herschorn QC	<a href="mailto:herschme@gov.ns.ca">herschme@gov.ns.ca</a>	+ 1 902 424 8931	+ 1 902 424 4484
Canada, Quebec	Sonia Paquet	<a href="mailto:sonia.paquet@dpcp.gouv.qc.ca">sonia.paquet@dpcp.gouv.qc.ca</a>	+ 1 418 643 9059 (21258)	+ 1 418 646 5412
Denmark	Jacob Willeredt	<a href="mailto:jwi@ankl.dk">jwi@ankl.dk</a>	+ 45 22 12 72 00 + 45 26 13 57 65 m	+ 45 33 43 67 10
Estonia	Marianne Tiigimaa	<a href="mailto:Marianne.Tiigimaa@prokuratuur.ee">Marianne.Tiigimaa@prokuratuur.ee</a>	+ 372 613 9418	+ 372 6139 402
Hong Kong, China	Paul Ho	<a href="mailto:paulho@doj.gov.hk">paulho@doj.gov.hk</a>	+ 852 2867 3056	+ 852 2536 8429
Hungary	Magdolna Hajdu	<a href="mailto:neuf@mku.hu">neuf@mku.hu</a>	+ 36 1 354 5541	+ 36 1 269 2662
Ireland	Ray Briscoe	<a href="mailto:raymond.briscoe@dppireland.ie">raymond.briscoe@dppireland.ie</a>	+353 1 858 8530	
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Malawi	Stephen Kayuni	<a href="mailto:stephen.kayuni@justice.gov.mw">stephen.kayuni@justice.gov.mw</a>	+ 265 (0) 888 304 691 +265 01 788 411	+ 265 1 788209
Malaysia	Tun Abd Majid Bin Tun Hamzah	<a href="mailto:tam@agc.gov.my">tam@agc.gov.my</a>	+ 603 8888 5050	+ 603 8888 9377
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Mauritius	Rashid Ahmine	<a href="mailto:ahminer@intnet.mu">ahminer@intnet.mu</a>	+ 230 405 5673 + 230 255 6552 m	+ 230 210 1609
Montenegro	Mrs. Cukovic	<a href="mailto:rcukovic@pris.mn.yu">rcukovic@pris.mn.yu</a>	+ 382 20230 624	
Nepal	Mr. Padma Prasad Pandey, Deputy AG  Shishir Lamichane, Government Attorney	<a href="mailto:pdmpandey@gmail.com">pdmpandey@gmail.com</a>  <a href="mailto:sisir.lamichhane@hotmail.com">sisir.lamichhane@hotmail.com</a>  <a href="mailto:shishirlamichhane@ag.gov.np">shishirlamichhane@ag.gov.np</a>	Shishir Lamichane:  +977-9849356541	

Netherlands	Ewout Klont Danielle Deli	<a href="mailto:e.c.klont@om.nl">e.c.klont@om.nl</a> <a href="mailto:d.deli@om.nl">d.deli@om.nl</a>	+ 31 70 339 9611	+ 31 70 339 9851
New Zealand	Brian Dickey	<a href="mailto:Brian.Dickey@mc.co.nz">Brian.Dickey@mc.co.nz</a>	+ 64 9 336 7565 +64 9 336 7516	+ 64 9 336 7629
New Zealand - Serious Fraud	Mark Williams	<a href="mailto:mark.williams@sfo.govt.nz">mark.williams@sfo.govt.nz</a>	+ 64 9 303 0121 + 64 27 508 3358 m	+ 64 9 303 0142
Norway	Runar Torgersen	<a href="mailto:runar.torgersen@riksadvokaten.no">runar.torgersen@riksadvokaten.no</a>	+47 22477850 (SB) +47 22477863 (DL) +47 46911733 (MI)	+47 22333112 (fax)
Samoa	Leone Sua-Mailo	<a href="mailto:Leone.sua@ag.gov.ws">Leone.sua@ag.gov.ws</a>	+ 685 319 11	+ 685 33626
Singapore	Ming Kuang Han	<a href="mailto:HAN_Ming_Kuang@agc.gov.sg">HAN_Ming_Kuang@agc.gov.sg</a>	+65 6908 9343	+65 6538 9000
Solomon Islands	Andrew Kelesi	<a href="mailto:AKelesi@dpp.gov.sb">AKelesi@dpp.gov.sb</a>	+ 677 23876	+ 677 28431
Sweden	Bodil Bassmann	<a href="mailto:bodil.bassmann@ekobrottsmyndigheten.se">bodil.bassmann@ekobrottsmyndigheten.se</a>	+ 46 8 762 00 15	+ 46 8 762 02 40
Switzerland	Michel-Andre Fles, Deputy Attorney General Gabriele Veltman	<a href="mailto:Michel-andre.fels@jgk.be.ch">Michel-andre.fels@jgk.be.ch</a> <a href="mailto:gabriele.veltman@ba.admin.ch">gabriele.veltman@ba.admin.ch</a>	+ 41 31 380 8700	+ 41 31 380 8701
Tonga	Aminiasi Kefu	<a href="mailto:aminiasi@kalianet.to">aminiasi@kalianet.to</a>	+ 676 25 347	+ 676 24 005
Turks and Caicos	Angela Brooks	<a href="mailto:ABrooks@gov.tc">ABrooks@gov.tc</a>	+ 1 649 232 2769	+1 649 946 4837
Uganda- DPP	Amos Ngolobe)	<a href="mailto:ngolobeamos@gmail.com">ngolobeamos@gmail.com</a>	+ 256 414 332 507 + 256 712 467 553 m	+ 256 414 251 951
United Kingdom, Scotland, Crown Office and Procurator Fiscal	Helen Nisbet	<a href="mailto:Helen.Nisbet@copfs.gsi.gov.uk">Helen.Nisbet@copfs.gsi.gov.uk</a>	+44 844 561 2885	
U.S.A, Department of Justice	Thomas Burrows	<a href="mailto:Thomas.Burrows@usdoj.gov">Thomas.Burrows@usdoj.gov</a>	+1 202 514 1436	+1 202 514 0080

## Appendix B:

### Associations of Prosecutors Coordinators confidential contact information

Country	Coordinator	Email	Phone	Interest
Canada BC Crown Counsel Association	Kevin Marks	<a href="mailto:kmarks@bcprosecutors.com">kmarks@bcprosecutors.com</a>	+1 (236) 468 – 3762	
Canada Canadian Association of Crown Counsel	Rick Woodburn	woodbuer@gov.ns.ca	+1 902 424 7670	
Mongolian Association of Prosecutors	Tsetsegmaa G	<a href="mailto:intcd@prokuror.mn">intcd@prokuror.mn</a> <a href="mailto:tsegii.g.d@gmail.com">tsegii.g.d@gmail.com</a>	+976 51 260 855 +976 9929 3113 (M)	Visit other jurisdictions to gain experience with: <ol style="list-style-type: none"> <li>1. Human Trafficking</li> <li>2. Narcotics</li> <li>3. Corruption cases</li> </ol>
US, National Association of Attorneys General	Jeanette L. Manning	<a href="mailto:jmanning@naag.org">jmanning@naag.org</a>	+1 202 326 6258	Runs a number of training programs on a wide range of topics. Please contact the association for course information.

# Appendix C

## Helpful websites

Please note that that IAP is not responsible for the accuracy of non-IAP websites. As with other information on the Internet, consider it as a starting point and verify the information through authoritative sources.

### Global Country Information

<http://www.infoplease.com/countries.html>

<http://www.countryreports.org/>

<https://www.cia.gov/library/publications/the-world-factbook/>

[http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_4965.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_4965.html)

### International Organizations

<http://www.iap-association.org/>

<http://www.interpol.int/>

<http://www.isrcl.org/>

<http://www.icln.net/>

<http://www.eurojust.europa.eu/>

<http://www.icc-cpi.int/>

<http://www.amue-ejpa.org/>

### Funding Organizations

<http://www.thecommonwealth.org/>

### Working in different cultures

<http://www.worldbusinessculture.com/>

### Visa and work permit requirements

<http://www.globalvisas.com/>

### Health

<http://www.cdc.gov/travel>

### Currency Exchange Rates

<http://www.oanda.com/currency/converter/>



## **Safety**

<https://travel.state.gov/content/passports/en/alertswarnings.html>

<https://travel.gc.ca/travelling/advisories>

<https://www.gov.uk/foreign-travel-advice>

<http://smartraveller.gov.au/Pages/default.aspx>

# Appendix D

## Precedent Proposal: Exchange between Canada and New South Wales

### Proposal

To institute an exchange of one prosecutor, at a similar level of experience, between British Columbia (BC), Canada, and New South Wales (NSW), Australia. This exchange would be of five months duration.

### History

Such an exchange was carried out for a three month term on two successive years in 1996 and 1997. It was very well received by the two locations, and received rave reviews from the participants.

### Purpose

This exchange is intended to provide a development opportunity for a prosecutor from BC to understand and participate in a different prosecution milieu. It is similar to the other International placements that have been undertaken, either at a prosecutor's own initiative, or as part of a Branch sponsored program, in that it provides differing perspectives and approaches to the practice of law as a prosecutor. These exchanges have proven to be valuable learning opportunities, and some of the practices of other jurisdictions have been modified and incorporated into Canada's practices. We have a chance to be leaders in another community, and provide information regarding our perspective and practices to others. This exchange will provide the unique option of actually practising law in another common law jurisdiction for both the Australian and Canadian participants. A 5 month exchange would allow for considerable integration into either office, and allow for a suitable period in which to undertake prosecution trial work.

### Work Experience during the Exchange

After a short period of familiarization in the prosecutor's office in New South Wales, the BC prosecutor will be able to appear court. This will not require a formalized call or articling, but will

be done with the leave of the court. This particularly will not be problematic in the Local Court, the magistrates court that deals with summary matters and committal proceedings. It is also anticipated that leave will be obtainable in the District Court, (the main trial court) for appeals, sentencing hearings, guilty pleas, and likely even trials.

The prosecutor from Australia will be able to enter into a three month temporary articling position in BC (provided they have been called at least two years in Australia), and appear on summary conviction matters, under the supervision of a practising lawyer. For the remaining two months, the prosecutor could assist in more serious cases, sitting at counsel table with leave of the court.

## **Financial and Documentation Details**

### 1) Salary

Each prosecutor's salary and benefits would continue to be paid by their respective employers, at the normal rate.

### 2) Living/travel arrangements

The intent of the exchange is to have the two prosecutors literally "trade places", so they would live in each other's homes, and work primarily in each other's offices. There would be insurance and other ramifications that would remain the responsibility of the individual selected. Cost of travel would be borne by the prosecutor undertaking the exchange. The prosecutor will be responsible for obtaining any necessary travel documents or permits, and any vaccinations or pre-travel medical care required.

### 3) Visa, Medical, Income Tax

There are no visa requirements for the prosecutor coming to Canada. A letter issued by the Assistant Deputy Attorney General (ADAG) covering the named person, outlining the duration of the exchange and the payment scheme will allow entry into Canada under R186E covering foreign government officers. A visitor's permit will then be issued by Customs and Immigration at the airport, allowing the prosecutor to work.

The successful applicant will have to obtain extended medical coverage for the time spent outside Canada. He or she will also have to liaise with the DPP in New South Wales to insure any visa requirements are met.

As the Canadian prosecutor has no intention to become permanently resident elsewhere, and is being paid in Canada, it is not anticipated there would be any income tax implications.

## **Selection Process**

A letter from the ADAG soliciting expressions of interest should be circulated immediately. Applications/expressions of interest be made before April 18, decision by April 30. Applicants must have at least two years experience as a prosecutor with our office, and must commit to remaining with our office at the end of the exchange.

Applicants will be requested to not only outline their history with the office and their suitability for the position, but also provide details of their accommodation (for purposes of the exchange) and details of whether other family members would be also staying with the prosecutor. This is to ensure that the exchange participants are a "fit" in terms of the residences they will be exchanging.

Final selection from the suitable applicants to be made by the ADAG, in consultation with the DPP from NSW.

# Appendix E

## Precedent Prosecutor Exchange Agreement

Between:

THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS,  
NEW SOUTH WALES, AUSTRALIA

- and -

THE PUBLIC PROSECUTION SERVICE OF CANADA

- and -

•

- and -

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In order to encourage a greater understanding by prosecutors of New South Wales and Canada of their respective criminal justice systems and to provide them with an opportunity to further their professional experience, and to foster closer relations between the Office of the Director of Public Prosecutions, New South Wales (NSW) and the Public Prosecution Service of Canada (PPSC), NSW and PPSC hereby agree to the following:

1. • (Prosecutor NSW), a prosecutor with NSW, will exchange positions with • (Prosecutor PPSC), a prosecutor with PPSC, from for 5 months from \_\_\_\_\_, 2009.
2. Prosecutor NSW will perform work relating to criminal prosecutions assigned by the PPSC during this period and agrees to abide by PPSC policies and procedures as if he were an employee of the PPSC. In particular, Prosecutor NSW agrees to be bound by the provisions of the FPS Deskbook, the Security of Information Act and the Values and Ethics Code for the Public Service, Government of Canada, and shall declare any actual or potential conflict of interest prior to the commencement of his placement in Canada. Similarly, Prosecutor PPSC will perform work relating to criminal prosecutions assigned by NSW during this period and agrees to abide by NSW policies and procedures as if he were an employee of the NSW. In

particular, Prosecutor PPSC agrees to be bound by the Prosecution Guidelines furnished by the Director of Public Prosecutions of NSW and the Office of the Director of Public Prosecutions Code of Conduct. Both the NSW and PPSC acknowledge that the positions which are the subject of the exchange are of a skilled nature. They further acknowledge that these positions require significant experience in criminal prosecutions which both officers have.

3. It is agreed that all materials provided to Prosecutor NSW and Prosecutor PPSC during their placements, whether classified or unclassified, will be returned to the host jurisdiction at the conclusion of the placement, unless permission to take or copy the materials is obtained from the host jurisdiction.

4. Both officers will continue to be employed by their home offices and will receive their normal entitlements to compensation and benefits through their home offices. Both officers acknowledge that health coverage which they may currently have through their employment with their respective home offices and otherwise may not cover all expenses while out of their home countries. The officers assume all responsibility to ensure that they are adequately insured during the period of the placements for any personal injuries, illnesses, or liabilities which they may incur.

5. Upon the completion of the exchange, both officers will be entitled to return to the same or equivalent positions with their home offices on the same terms and conditions as if they had not participated in the exchange.

6. Any leave officers wish to take during the course of the exchange, such as vacations, etc., is subject to the approval of both the NSW and the PPSC.

7. NSW agrees to pay for any work related costs which the PPSC officer incurs provided that NSW has pre-authorized such expenses and such expenses relate to the work the PPSC officer is performing for NSW. Similarly, PPSC agrees to pay for any work-related costs which the NSW officer incurs provided that PPSC has pre-authorized such expenses and such expenses relate to work the NSW officer is performing for the PPSC. All other expenses relating to the exchange are to be borne by the officers, subject to any agreement they may separately conclude with their home offices.

8. NSW and PPSC agree to provide to each other an evaluation of the work performed by the exchange officer throughout the period of exchange and Prosecutor NSW and Prosecutor PPSC agree to provide to their home offices reports on their placements.

THE PARTIES TO THIS AGREEMENT AGREE TO BE BOUND BY THE TERMS OF THIS AGREEMENT AND HAVE INDICATED SUCH AGREEMENT BY SIGNING BELOW:

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Director of Public Prosecutions, CANADA, On behalf of the Public Prosecution Service of Canada

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Prosecutor PPSC

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Director of Public Prosecutions, New South Wales, AUSTRALIA

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Prosecutor NSW

# Appendix F

## Precedent Proposal: Capacity Building to International Standards

### Objectives:

1. Explore and understand Host Office's prosecution system and possibly apply to improve Visitor's Office's prosecution system.
2. Create competency and effectiveness in case handling/management for Visitor's Office's prosecutors.
3. Build network of prosecutors between Visitor's Office and Host Office.

### Methodology:

1. Dispatch a prosecutor from Visitor's Office to research/work on a selected topic related to the prosecutor's functions in Host Office's institute/office for certain period.
2. The visiting prosecutor writes a paper which describes a selected topic of Host Office's prosecution system or comparative study, and recommends possible application to Visitor's Office's prosecution system.
3. The visiting prosecutor, upon return to his home office, reports his work at a conference of Visitor's Office's prosecutors.

### Input from Visitor's Office:

1. One visiting prosecutor; and,
2. All budget and expenses for the visiting prosecutor.

### Input from Host Office:

1. Office space and facilities for the visiting prosecutor;



2. Research access (e.g., library, non-confidential information, field-work observation);  
and,
3. A supervisor/ partner colleague.

**Output:**

A research paper on a selected topic (e.g., Prosecution, Investigation, Diversion, Plea Bargaining, Case Management, Organizational Management, etc.).

**Duration:**

6 months

# Appendix G

## Travel Tips

### Learn

Learn as much as you can about your destination country before you leave. See Global Country Information section in Appendix B. For example, you can obtain USA Consular Information Sheets on every country of the world. They describe exit and entry requirements, health conditions, crime and security situations, currency regulations, political disturbances, data about driving and train schedules.

### Safety

Consider purchasing a short-term health and emergency assistance policy designed for travellers. Check if the plan you purchase includes medical evacuation in the event of an accident or serious illness. Make sure that the plan covers the entire period that you are there and also what you will be doing there. All such plans have limitations.

When you travel, protect yourself from fraud and identity theft. Never carry more personal documents than you need and be sure to keep them safe. See Safety section in Appendix B.

### Electronics

Check with your home mobile phone provider to see if you are able technically to use your mobile phone handset or “roaming” at your destination location. If not, research alternate convenient, ideally mobile, communication methods to adopt at your destination immediately upon arrival. A locally purchased mobile phone and service (or perhaps only a Pre-paid GSM SIM Card inserted into a “non-locked” home handset after checking with your home provider about the “lock” status of your handset) purchased on arrival at the destination airport is generally far cheaper than using your roaming home mobile phone through your home service.

Check power requirements for computers and electrical appliances such as shavers, hair dryers etc.

## **Documentation**

Air travel has become more challenging and preparing for air travel and the new security and carry-on and other luggage requirements is important. Ask your travel agent or airline about these requirements.

You will almost always need a passport and may need a travel visa. Importantly, you may need to show a work visa to enter a country. You may want to carry travel immunization records. You may also need an international driver's license.

## Children

With very young toddlers and babies, you may wish to start talking to them about the trip the day before. With older children, start earlier, telling them about the destination, what you will do there, and perhaps even teaching them some of the local language or learning the language together.

You may also wish to share all the details about how you will get there. Things that seem obvious, like riding to the airport in a taxi or shuttle bus, might be upsetting for young children. On the day of travel, keep saying what is going to happen next and what expectations you have of your children, such as "I expect you to wear your seatbelt on the plane, just like you do in the car."

Beginning at about age two, you may wish to give your child a small bag and ask them to pack a few important items. A self-packed suitcase can be comforting for a very young child.

# Appendix H

## Office's interests as expressed to IAP to date

Office	Length	Will receive	Will send	Interest
MINISTERIO PÚBLICO FISCAL DE LA CIUDAD AUTÓNOMA DE BUENOS AIRES, ARGENTINA (Public Prosecution Service of the Autonomous City of Buenos Aires, Argentina)	2 weeks (it could be longer, depending on the kind of exchange)	yes (subject to capacity and financing)	yes (subject to financing)	<p><b><u>Gain experience in the prosecution of:</u></b></p> <ol style="list-style-type: none"> <li>1. Drug trafficking;</li> <li>2. Corruption;</li> <li>3. Violence in sporting events;</li> <li>4. Investigation techniques.</li> </ol> <p><b><u>Receive prosecutors interested in the following subjects:</u></b></p> <ol style="list-style-type: none"> <li>1. Accusatorial system;</li> <li>2. Domestic violence;</li> <li>3. Gender-based violence;</li> <li>4. Cybercrime;</li> <li>5. A.I. applied to legal proceedings. (The <i>Ministerio Público Fiscal de la Ciudad Autónoma de Buenos Aires</i> has developed and successfully implemented an AI system called "Prometea", with excellent results.)</li> </ol>
Australia, New South Wales	Negotiable	Yes		<p>All crime.</p> <p>Has innovative programs:</p> <ol style="list-style-type: none"> <li>a) NSW Drug Court,</li> <li>b) Victims and witnesses support, and</li> <li>c) with private law firms who provide pro bono advice and representation to victims of sexual assault respecting privilege over counselling records and other personal records.</li> </ol>
Barbados	2 weeks	Yes	Yes	<ol style="list-style-type: none"> <li>1. On-line Child Exploitation</li> <li>2. Money Laundering</li> <li>3. Corporate Fraud and Corruption – Investigations and Prosecutions</li> <li>4. Organized Crime, Gangs and related laws</li> <li>5. Terrorism and Terrorism Suppression</li> <li>6. Human Trafficking</li> <li>7. Victims and Witness Support</li> <li>8. Asset Forfeiture/Freezing</li> <li>9. Asset Seizure/Confiscation</li> <li>10. Transnational Crime, Cybercrime, e-tech crimes, organized crime syndicates</li> <li>11. Homicide investigation</li> <li>12. Constitutional Duties of Prosecutors</li> <li>13. Reciprocal exchange with common law countries respecting all crime</li> <li>14. Video Technology to facilitate Testimony from Foreign Witnesses</li> <li>15. Child Witnesses</li> <li>16. Witness Protection and Care</li> </ol>

Office	Length	Will receive	Will send	Interest
				<p>17. Justice Reform  18. Restorative Model of Justice for Young Offenders  19. Cross Border Cooperation and Mutual Legal Assistance  20. Sex Crimes – Rape and other sexual offences  21. Trial Advocacy  22. Case Management – interagency cooperation, reviewing case files with investigators, pre-trial conferences with victims, witnesses and investigators, electronic case management</p> <p>Prefers exchange with English speaking Commonwealth countries and countries with similar legal systems</p>
Bermuda	2 Months		Yes	<p>Send a prosecutor to another jurisdiction to gain experience with:</p> <ol style="list-style-type: none"> <li>1. Money laundering,</li> <li>2. Asset forfeiture / freezing,</li> <li>3. Organized Crime, and</li> <li>4. All crime.</li> </ol>

Office	Length	Will receive	Will send	Interest
Canada, Federal Public Prosecution Service of Canada	Any	Yes	Yes, subject to funding	<p>All crime in the Northern Territories, where circuit work and innovative programs on family violence and alternative sentencing are prevalent.</p> <p>Drug cases (including organized crime) and federal regulatory offences (tax, customs, environment, fisheries, etc.) in the provinces. Larger offices have several specialized units.</p> <p>Drug Treatment Court programs in some cities.</p> <p>School for Prosecutors – can accept foreign students.</p> <p>Interested in mentoring / training prosecutors from other jurisdictions.</p> <p>Exchanges or visits can take various forms and can accommodate prosecutors from common law or civil law jurisdictions.</p>
Canada, Nova Scotia	Any	Yes	Yes, subject to funding	<p>All crime.</p> <p>Has innovative programs:</p> <ul style="list-style-type: none"> <li>a) An early resolution pilot project,</li> <li>b) Dedicated Youth Court prosecutors in two largest urban areas,</li> <li>c) Innovative use of video technology to facilitate testimony from foreign witnesses in telemarketing fraud cases,</li> <li>d) Enhanced responses to sexual offences, and</li> <li>e) Creation and starting-up of a Mental Health Court.</li> </ul> <p>Interested in mentoring / training prosecutors from other jurisdictions.</p>
Canada, Quebec	Any	Yes	Yes, subject to funding	<p>All crime, Organized Crime Unit, Proceeds of Crime Unit, International Criminal Law Unit.</p> <p>Knowledge of the French language is essential for participants.</p>

Office	Length	Will receive	Will send	Interest
Hong Kong, China	1-2 weeks (slightly longer for certain study visits)	Yes	Yes	<p>Study visit to another jurisdiction to study specialized areas such as:</p> <ol style="list-style-type: none"> <li>1. Fraud</li> <li>2. Human trafficking</li> <li>3. Technology Crime</li> <li>4. Vulnerable witnesses</li> <li>5. Animal cruelty</li> <li>6. Operation of another prosecution service generally</li> </ol> <p>Will host a prosecutor interested in:</p> <ol style="list-style-type: none"> <li>1. Observing the operation of the office generally</li> <li>2. Anti-corruption</li> <li>3. Asset recovery</li> <li>4. Money laundering</li> </ol>
Ireland	Negotiable	Yes	Yes	<p>All areas of crime.</p> <p>Has an innovative and world recognized program for criminal asset seizure.</p>
Jamaica		Yes	Yes	<p>All areas of criminal prosecutions, but specifically:</p> <ol style="list-style-type: none"> <li>1. Gangs and organized crime and related laws</li> <li>2. Financial crimes including: money laundering, ponzi schemes, and complex fraud cases.</li> <li>3. Cross boarder cooperation and mutual legal assistance</li> <li>4. Registration of pre and post trial orders</li> <li>5. Lottery scam and other advance fee frauds</li> <li>6. Human Trafficking</li> <li>7. Extradition</li> <li>8. Sexual offences and along with HSCA</li> <li>9. Cyber-crime and other technology crime</li> <li>10. Corruption</li> </ol> <p>Drug Trafficking</p>
Malawi	4 – 12 weeks		Yes (subject to funding)	<p>To gain experience with:</p> <ol style="list-style-type: none"> <li>1. Money Laundering / Asset Forfeiture</li> <li>2. Fraud</li> <li>3. Organized crime</li> <li>4. Cyber crime</li> <li>5. Prosecution of complex cases</li> </ol> <p>Witness protection issues</p>



Office	Length	Will receive	Will send	Interest
Maldives				To gain experience with: <ul style="list-style-type: none"> <li>1. Counter terrorism</li> <li>2. Terrorism Financing and Money Laundering</li> <li>3. Human Trafficking, and smuggling</li> <li>4. Drug Trafficking</li> <li>5. Prosecutorial skills</li> <li>6. Pretrial conferences with victims and witnesses</li> <li>7. Juvenile Justice system</li> </ul>
Mauritius	2 – 3 weeks	Yes	Yes	Send or receive a prosecutor for reciprocal exchanges with common law countries to gain experience with: <ul style="list-style-type: none"> <li>1. Financial crime and money laundering</li> <li>2. Piracy</li> <li>3. Asset recovery</li> <li>4. Corruption</li> <li>5. Trial advocacy</li> </ul> Witness protection
Mongolia			Yes	Visit other jurisdictions to gain experience with: <ul style="list-style-type: none"> <li>1. Human Trafficking</li> <li>2. Narcotics</li> </ul> Corruption cases
Nepal		Yes	Yes	Would like to send prosecutors abroad to gain skills in the areas of: <ul style="list-style-type: none"> <li>1. Cybercrime investigation and prosecution</li> </ul> Plea bargaining
The Netherlands			Yes	Professional development opportunity for interested prosecutors.

Office	Length	Will receive	Will send	Interest
New Zealand		Yes	Yes	<ol style="list-style-type: none"> <li>1. Drug Trafficking, national and international,</li> <li>2. Organized crime, particularly drug trafficking – to review their domestic practices against other international models, Investigation and prosecution of serious or complex fraud.</li> <li>3. Asset seizure/forfeiture,</li> <li>4. Terrorism suppression, and</li> <li>5. General crime.</li> </ol>
New Zealand, Serious Fraud	1 – 3 months	Yes	Yes	<p>Exchange of prosecutors with countries having similar legal systems to gain experience in:</p> <ol style="list-style-type: none"> <li>1. Investigation and prosecution of serious or complex fraud.</li> <li>2. Investigation and prosecution of bribery and corruption cases.</li> </ol> <p>Document handling, use of electronic court rooms; intelligence and document databases.</p>
Samoa	2 – 3 months	Yes	Yes	<p>Send prosecutors to other jurisdictions, or receive an experienced prosecutor, to get experience with:</p> <ol style="list-style-type: none"> <li>1. Serious fraud cases</li> <li>2. Sexual assault cases</li> <li>3. Cases with child witnesses</li> </ol> <p>Money laundering and proceeds of crime</p>
Singapore	3 - 6 months	Yes	Yes	<p>Reciprocal exchange of prosecutors with common law countries, particularly Canada, Australia and the UK.</p> <p>Send prosecutors on study visits regarding:</p> <ol style="list-style-type: none"> <li>1. Money laundering and financing of terrorism</li> <li>2. Corruption (as it relates to asset tracing and forfeiture)</li> <li>3. Cyber crime</li> <li>4. International cooperation (MLA, Extradition and other forms of cooperation)</li> <li>5. Case-flow management: interagency cooperation, reviewing case files with investigators, pre-trial conferences with victims, witnesses and investigators</li> <li>6. Prosecutorial skills.</li> </ol>

Office	Length	Will receive	Will send	Interest
Solomon Islands	1 - 6 months	Yes	Yes	<p>Send prosecutors to other jurisdictions, or receive an experienced prosecutor, to get experience with:</p> <ol style="list-style-type: none"> <li>1. Financial crime,</li> <li>2. Cyber crime, and</li> <li>3. Robberies, Homicides and other serious offences.</li> </ol> <p>Common law countries preferred, particularly Canada, Australia, New Zealand and the UK, or any other English speaking country.</p>
Switzerland			Yes	Open to all expressions of interest.
Tonga	Up to 1 month		Yes, subject to funding	<p>Send prosecutor to other jurisdiction to observe generally.</p> <p>Prefer: Australia, New Zealand, Canada, the UK, Hong Kong or Singapore</p>
Turks and Caicos	2 weeks – 6 months			<p>Reciprocal exchange with Common Law countries to gain experience with:</p> <ol style="list-style-type: none"> <li>1. Advocacy</li> <li>2. Best practices</li> <li>3. Case management</li> <li>4. Major prosecutions</li> </ol> <p>Large office experience</p>
Uganda – DPP	Various, depending on the particular exchange			<p>Mainly interested in sending prosecutors overseas to get experience with:</p> <ol style="list-style-type: none"> <li>1. Cyber crime</li> <li>2. Money laundering</li> <li>3. Corruption</li> <li>4. Extradition</li> <li>5. Mutual Legal Assistance</li> <li>6. Human trafficking</li> <li>7. Drug Trafficking</li> <li>8. Arms Trafficking</li> <li>9. The management of field offices</li> </ol> <p>Prefer exchanges with: Denmark, Sweden, Netherlands, United Kingdom, Australia, Republic of Ireland, Canada, Singapore, Thailand, China, and the United States of America.</p>

Office	Length	Will receive	Will send	Interest
United Kingdom, Scotland, Crown Office and Procurator Fiscal	Negotiable	Yes	Yes	Send a prosecutor to another jurisdiction to provide training and gain experience with: <ol style="list-style-type: none"> <li>1. Confiscation / Proceeds of Crime</li> <li>2. Asset recovery / seizure</li> <li>3. Organised Crime</li> <li>4. Money laundering</li> </ol>
USA, Department of Justice, Overseas Pros. Dev.	Various		Yes	Will provide training in all areas of criminal prosecutions.