

Statement of Principles

As a national association dedicated to supporting and enhancing the effectiveness of prosecutors in their efforts to create safer communities, ensure justice and uphold public safety, the Association of Prosecuting Attorneys (APA) creates this statement of principles regarding discovery and that all steps in criminal proceedings - to protect the rights of society, the accused, victims, witnesses - be fair, impartial and balanced.

- Discovery being the right to obtain access to relevant and material evidence necessary to prepare a criminal case such as written, recorded or oral statements, defendant's prior record, any statements by defendant, reports of examinations and tests, expert witnesses, prior transcripts, physical evidence, and other documents not protected by legal privilege;*
- A criminal trial must be a search for the truth and all people are entitled to equal protections;*
- Existing statutory and decisional law, when properly adhered to, is sufficient to protect the fair trial rights of all accused in a criminal trial;*
- Prosecutors have a duty to disclose exculpatory information to an accused and their counsel independent of either a defense request or a court order;*
- A "search for the truth" is best served with the reciprocal exchange of discovery between all parties;*
- Criminal trial courts have inherent powers in the exercise of their discretion to order the inspection of discoverable material;*
- The victims of crime, their families and witnesses must be protected from abuse including the enforcement of existing evidentiary rules including privacy interests, work product and privileges (i.e. physician-patient);*
- Procedural standards, litigant concerns, social values, political interests, institutional considerations, and systemic capacity must never impair the right of all parties to a fair trial including an accused's opportunity for an adequate defense;*
- All forensic evidence in a criminal trial must be reliable and its analysis properly conducted;*
- The oath, duties and obligations of a prosecutor extend to all proceedings and includes, among other things, integrity, compassion, good judgment, and fairness.*