

ADOPTED AS REVISED BY VOICE VOTE

RECOMMENDATION

- 1 RESOLVED, That the American Bar Association adopts the black letter *ABA Criminal*
- 2 *Justice Standards on Prosecutorial Investigations*, dated February 2008, to supplement
- 3 the *ABA Criminal Justice Standards on the Prosecution Function*.

**ABA STANDARDS FOR CRIMINAL JUSTICE:
PROSECUTORIAL INVESTIGATIONS**

FEBRUARY 2008

**STANDARD 1.4 VICTIMS, POTENTIAL WITNESSES, AND TARGETS
DURING THE INVESTIGATIVE PROCESS**

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~~(g) The prosecutor should not routinely seek to obtain a waiver of the attorney-client privilege or work product doctrine through the granting or denial of any benefit or advantage.~~

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**STANDARD 2.9 USE OF THE INVESTIGATIVE POWERS OF THE GRAND
JURY**

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(i) A prosecutor with personal knowledge of non-frivolous evidence that directly negates the guilt of a subject of the investigation should present or otherwise disclose that evidence to the grand jury. If **such** evidence is provided to the prosecutor by the subject or target of the investigation and the prosecutor decides not to provide the evidence to the grand jury, the prosecutor should notify the subject, target or their counsel of that decision without delay, so long as doing so would not jeopardize the investigation or prosecution or endanger others.

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