

The Prosecutor
in a
modern media landscape

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Danish Team:

Pernille Aalbling Andersen

Christian Lund Hansen

Rasmus Kongsted Jensen

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1. Introduction

In recent years the transfer of information has been made steadily easier and faster through modern technology. Especially, the development of social media has changed the way we as individuals receive, exchange and search for information.

Social media has created a new platform for socializing by sharing photos, making status-updates, using live-blogs, and participate in different kinds of political or non-political groups. This tendency of making statements online also means that the use of e.g. Facebook shows aspects of private life to a wider audience than just the closest friends and family.

Social media is also available for the individual magistrate. Therefore, the primary objective of this paper is to examine whether this visibility of private life on social media poses ethical challenges for the magistrates and the public institutions, in relation to the overall requirements regarding magistrate's ethics and deontology.

Another way to communicate with the public as a magistrate is through the traditional media such as television, radio, newspaper etc. Therefore, the paper will also focus on the behaviour during this kind of contact with the media, as well as it will be examined, whether the traditional medias' use of various social media for broadcasting news, changes the working conditions for a magistrate.

This paper will only include an assessment of the ethical challenges for the public prosecutors employed in the Danish Public Prosecution Authority and, therefore, this paper will not focus on the magistrates in general.

First of all, this paper will include an examination of the principles and rules regarding the behaviour of a prosecutor, including impartiality, rules of decorum and the duty of confidentiality, which are considered to be relevant within the use of social media and contact with the traditional media.

Second of all, this paper will include a description of the cooperation between the prosecutor and the traditional media, and guidelines issued by the Danish Public Prosecution Authority on communication with the media.

Third of all, this paper will include an examination of the influence of social media on broadcasting and communication of information in order to get an insight regarding the potential challenges social media may cause for the prosecutor and the Public Prosecution Authority. Moreover, the visibility and identification of the prosecutor on social media, and the difference between using social media as a private person on the one side and representing the Public Prosecution Authority on the other side, will be analysed and illustrated by examples from real life.

Finally, this paper will include a conclusion containing a comprehensive view on the challenges of the prosecutor in relation to the use of social media, as well as suggestions regarding the specific behaviour on social media.

2. Code of conduct and ethics for prosecutors

2.1. Introduction

The primary objective of the Public Prosecution Authority (in Danish: "Anklagemyndigheden") is to manage indictment and prosecution on behalf of the public at the Court of Justice. Accordingly, the Public Prosecution Authority both decides whether to initiate, waive or continue prosecutions, as well as participating in the actual court hearings. The Public Prosecution Authority in general and the individual prosecutors hereby plays a key role in the criminal justice system.

Therefore, the individual prosecutor must be aware that holding a position as a public prosecutor involves representing a public authority. On behalf of society and in the

public interest the prosecutor ensures the application of the law, where a breach of the law carries a criminal sanction. Hereby, the prosecutor has to consider both the right of the individual and the necessary effectiveness of the criminal justice system.¹

Since prosecution implies interference with citizens' lives and freedom, it is of the utmost importance to maintain the public's confidence and respect in, as well as the name and reputation of, the Public Prosecution Authority in order to ensure the Public Prosecution Authority as a continuous institution. As a consequence, the business of the Public Prosecution Authority is governed by certain general principles – among these impartiality.

2.2. Impartiality

Impartiality means considering all relevant circumstances both in advantage and in disadvantage of the suspect and seek to present all necessary and reasonable enquiries regardless of the circumstances pointing towards the guilt or the innocence of the suspect.² Thus, it is an obligation of the prosecutor as a representative of the Public Prosecution Authority and as a magistrate to be impartial. However, the impartiality of the prosecutor does not only provide that the prosecutor exercises his or her professional duties in a certain way, it also requires that the prosecutor refrains from expressing individual opinions, which may question his or her impartiality, as well as the impartiality of the Public Prosecution Authority. Therefore, the distinction between being a prosecutor and being a private individual is overall blurred in deference to the Public Prosecution Authority.

¹ Page 225, in Recommendation rec (2000) 19 of The Committee of Ministers to member states on the role of public prosecution in the criminal justice system, adopted by the Committee of Ministers on 6. October 2000 at the 724th meeting of the Ministers' Deputies,

² In Danish national law regulated in the Administration of Justice Act " Retsplejeloven", article 96, section 2.

Generally, prosecutors are expected to act unaffected by pressure from all third parties, such as the media and the public, just as the prosecutors must exercise their prosecutorial duties independently and free from any political beliefs.

2.3. Rules of decorum

Besides the principle of impartiality the prosecutor's³ employment is regulated by the rules of decorum. Decorum is the vague description of the requirements to the behavior of the prosecutor as a public employee. This means that the prosecutor must prove himself or herself worthy of the esteem and confidence as required by the position.⁴ However, decorum is rather an overall indication on how the prosecutor is expected to abide by both legal rules and principles such as impartiality that apply to the role as a prosecutor, just as well as the prosecutor in any given situation outside the job is expected to behave and appear in consistence with the employment as a prosecutor.

Considering the vague content of decorum it is obvious that the code of conduct and ethics reach beyond the legal rules of the employment. It may be possible to codify some aspects of the behavior of the public prosecutor, but it is not possible to legislate on every aspect of the prosecutor's conduct of life. This also means that the prosecutor must behave in accordance with some unwritten standards, which are difficult to define or specify, and which may vary depending on nationality and cultural background. Therefore, integrity and common sense is absolutely necessary for the prosecutor's considerations about clothing, vocabulary as well as the use of social media.

Currently, the increasing use of these public networking and interaction facilities challenges the prosecutor. Especially online statements and comments are essential in conjunction with the individual freedom of expression. However, the freedom of expression is also restricted by the prosecutor's duty of confidentiality.

³ The rules of decorum both regulates the code of conduct for prosecutors and police officers.

⁴ In Danish law regulated in the law of official employment "Tjenestemandsløven", article 10.

2.4. Duty of confidentiality

As a result of the job the prosecutor will get access to confidential and sensitive information. According to Danish law, the disclosure or use of such information is sanctioned with a fine or imprisonment up to 6 months.⁵ However, this delineation of legal or illegal comments still leaves a grey area regarding comments on social media or contact with the media about criminal matters. Even though a specific comment or statement is not in conflict with the law, it may easily be in conflict with the expected behavior of a prosecutor and the rules of decorum.

In contrary to a prosecutor's statements on the social media, the prosecutor's communication with the traditional media, such as newspaper, television, radio and tabloids is always made within the employment as a prosecutor.

It is in the interest of the Public Prosecution Authority to cooperate with the media and supply them with necessary information, because their reports on criminal matters provide the public with knowledge about the criminal system, just as well as it contributes to strengthening the public confidence in the Public Prosecution Authority.

3. The prosecutor and the media

Criminal matters are of great news value for the traditional media, because crime is of common interest to the public. Furthermore, it is a fundamental principle to ensure public insight into the administration of criminal justice, just as well as knowledge about criminal matters contributes to a better understanding of the criminal system. Therefore, the Public Prosecution Authority must also cooperate with the media and share information. However, publicity is not unlimited. The prosecutor must also take several conflicting considerations into account before making public statements.

⁵ In Danish law the duty of confidentiality is regulated in the public administration act "Forvaltningsloven", article 27, and sanctioned in the penal code "straffeloven", article 152.

First of all the duty of confidentiality limits the extent of information that can be shared because of the parties involved, secondly the investigation may require that information is not disclosed, and thirdly it is important that the actual proceedings take place in the court room and not in the media.⁶

In general, there are different levels of communication with the media. Communication before the actual proceedings in court mainly relate to the investigation, and whether the police has a suspect. When a suspect is arrested, the prosecutor will often be questioned by the media on the reasons for custody etc. Especially, the prosecutor's comments on a suspect require considerations about the public's need for information in contrary to the duty of confidentiality and protection of the suspect.

The necessity of such considerations can be illustrated by a criminal matter from Denmark regarding homicide.

In the case a young woman was found dead in a basement on the 1th of January 2010⁷ - she was strangled in a pair of tights, and she had been sexual abused. Three days after the homicide a 48-year old man, who lived in the same building, where the body was found, was arrested and charged with murder. The identity of the man was known and published by the media. Hate groups were created on the social media, and the public had already sentenced him. However, less than a month later the police concluded that a lack of DNA-match indicated the innocence of this man. Another man was later convicted for the crime.

Although, the identity of the suspect was not secret and nothing could be blamed on the police or the prosecutor during the investigation, this specific case illustrates that caution should be exercised taking the honor and reputation of the suspect into account.

⁶ Page 5, in guidelines for contact with the media issued by the Danish Prosecution Authority, “Vejledning i mediekontakt på straffesagsområdet”

⁷ “The Herning Case”

Another level of communication with the media is the communication during the ongoing trial. The prosecutor must refrain from commenting on the specific pieces of evidence and the guilt of the accused, as well as testimonies should not be referenced. The prosecutor must be aware of the duty of impartiality and not make pre-judgments – as it is for the court to decide on the question of guilt.

Last but not least, communication with the media after the conviction must be made in respect of the decision of the court, which also means that the prosecutor cannot criticize the conviction. Overall, the prosecutor's behavior and opinions is the subject of much attention. Therefore, it is also relevant that the prosecutor gets advice and training in how to interact with the media to perform in accordance with the code of conduct and ethics for prosecutors.

However, not only the actual communication with the media is being assessed. In Denmark the media are allowed to use cell phones and computers to sending text messages from the courtroom, without asking for permission.⁸ Hereby, also live-blogging is allowed. A live-blog can be defined as a rolling textual coverage of an ongoing event, similar to live television or live radio. A live-blog is a single post which is constantly updated by the author, but with the possibility for others to participate by making comments and asking questions.

In Denmark there are several examples of live coverage of trials through the journalists' use of live-blogs. The journalists' were commenting on both testimonies, looks and clothing as well as reactions from witnesses, the accused and other parties involved. The prosecutor's behavior was described and object to constantly attention.

Hereby, the development of the social media has also changed the way of media coverage. The work conditions for the prosecutor have changed in line with the expanded use of social media and the internet in general.

⁸ In Danish national law regulated in the Administration of Justice Act, article 32.

4. The prosecutor and the social media

4.1. Introduction

The social media consists of individuals who together form a vast network wherein information can travel unimpeded and immediately.

The use of these social media is ever increasing, and they are fast becoming more and more integrated into daily life. Therefore, the norms of gathering and broadcasting information are subject to great changes. The question is, whether this poses ethical problems for the prosecutor who uses these media.

The Public Prosecution Authority – as any other public institution – is merely an entity consisting of the people embodying it. The use of social media presents several ethical challenges to the prosecutor and the Public Prosecution Authority as a whole. There are many reasons and motivations for using social media, and no matter how legitimised they might be, the fact remains the same: A prosecutor's use of social media is a hotbed for conflicts between the prosecutor's private and professional life. Both the active use of these media but certainly also the mere presence hereon can generate ethical challenges.

Before examining these issues the social media will be subject to brief but concise examination in terms of the effects they have on the broadcasting and communication of information.

4.2. Social media

The concept of social media is not only used by private persons, but also by many companies. Decision makers, boards and consultants try to identify how their firm can make profitable use of various types of social media such as Wikipedia, YouTube, Facebook and Twitter.

Social media can be defined as "a group of Internet-based applications that build on the ideological and technological foundations of Web 2.0,⁹ and that allow the creation and exchange of user-generated content."¹⁰ This means that web-based and mobile technologies turn communication into interactive global dialogue between a unspecified number of individuals. In essence social media has changed the way organizations, companies, communities, and individuals communicate.

It is widely known that companies, television shows, politicians, private persons etc. use all sorts of social media in relation to promotion, communication and publication of products, views, feelings etc.

Social media can be divided into several sub-categories, such as collaborative projects (e.g. Wikipedia), blogs, content communities (e.g. YouTube), social networking sites (e.g. Facebook), virtual game worlds (e.g. World of Warcraft) and virtual social worlds (e.g. Second Life). Depending on the type of social media, there will be a difference in self-disclosure. As an example blogs will provide a high amount of self-disclosure, whereas World of Warcraft will provide very little self-disclosure

In terms of individuals' use of social media it is the self-disclosure that can generate problems in relation to employment in a governmental institution. Depending of the type of social media individuals will be revealing information about themselves – consciously or subconsciously.

⁹ Web 2.0 is a contrast to ordinary websites where users are limited to passive viewing of content that was created for them.

¹⁰ "Users of the world, unite! The challenges and opportunities of Social Media" by Andreas M. Kaplan and Michael Haenlein, 2009.

4.3. The identification of the prosecutor

The subject of this section of the paper is to examine the challenges that the use of social media can present to the prosecutor on a professional level in terms of carrying out his or her assignments.

The essence of the prosecutor's job is to render decisions on indictment and continuance or discontinuance of investigations into criminal matters based on the application of legal arguments in accordance with the law. When rendering such decisions the prosecutor notifies the relevant parties about the decision and in doing so the name of the specific prosecutor will often appear in the letter containing the decision. In doing so the prosecutor becomes highly visible and identifiable to the parties involved.

The prosecutor who uses social media *can* encounter a problem here. If he or she renders a decision with which others strongly disagree, it is possible for the disagreeing party through the use of social media to look up that specific prosecutor online. Hereby, it is possible to obtain personal information about the prosecutor, which might not be intended or suited for use in conjunction with decisions in accordance with the principle of impartiality.

The social media are highly individual media, where the users can post a wide variety of very personalised content regarding current events, culture, politics, private parties, likes and dislikes in general etc. Hereby the prosecutor – willingly or unwillingly – displays an image of himself open to comments and criticism from other users of the social media. However, it must be said that it has long been possible for the disagreeing party to gain insight into the specific person rendering the decision in question. Especially, the ease and extent to which it can be done is unprecedented. Also, the type of information made accessible is different from the information that could previously be found.

In this way the Public Prosecution Authority has never before been as personalized by the people within the Public Prosecution Authority itself. The question is now what ethical challenges this raises.

As a starting point a prosecutor should only render decisions capable of withstanding scrutiny from dissatisfied citizens. Furthermore, the personal life of the prosecutor is seemingly irrelevant in terms of the substance of a decision.

However, the information made accessible risks serving as an unintended appendix for the decision rendered by the prosecutor. In this way it can be argued that such decisions consist of more than the legal arguments that entail the outcome of the decision. It must be of the utmost importance for the Public Prosecution Authority that its decisions are solely based on legal arguments whereby being credible, but also that this seems to be the case.

Despite the complexity of this issue a rather simple solution presents itself: If the prosecutor does not or is prohibited from using social media this problem can easily be avoided. In this way the Public Prosecution Authority can ensure – at least to a greater extent – that its decisions are not affected by the personal image of the individual prosecutor, who has rendered the decision.

However, it must be remembered that the prosecutor has a legitimate interest in keeping his personal life apart from his professional life, and that he must be allowed to participate in society on the same terms as anyone else.

Furthermore, there seems to be a legitimate interest in ensuring that prosecutors have a firm understanding of the society that surrounds them. By excluding them from vast social places – like social media in general – it seems that there is a risk that the prosecutor would over time lose touch with new unwritten social norms, and not to mention the lack of information submitted on these media.

4.4. The prosecutor's personal presence on social media

4.4.1. The use of social media

As mentioned earlier the expansion in the use of various social media raises new questions on how the prosecutor should act as an employee in the Public Prosecution Authority.

In this section it will be examined whether there is a difference between using social media as a private (and anonymous) person and as a person representing the Public Prosecution Authority. This distinction is considered relevant, because of the different types of regulation that can be used towards inappropriate behavior. If a prosecutor – as a private person - behaves inappropriate on a social media he or she should basically not be treated differently than other people in the society. However, violations of the rules of decorum etc. can lead to internal sanctions, such as a conversation or a warning. If inappropriate behaviour takes place while the prosecutor is representing the Public Prosecution Authority this will be dealt with in a special complaint system. This system in Denmark has just recently been reviewed, and it is now an independent institution that which has the competence to handle these cases.¹¹ A violation of the penal code will be dealt with in the same way as with all other people. However, it is the independent institution that investigates the case (not the police), and the violation of the penal code will subsequently have an internal consequence as well. This set of rules applies both for police officers and prosecutors working within the police.¹² In the following parallels will be drawn to cases involving police officers.

Identification with the Public Prosecution Authority (or the police) can be shown consciously or sub-consciously. As an example a person using Facebook can upload his or hers work status as a policeman (consciously) or he or she can upload a picture of himself or herself wearing a uniform (sub-consciously). In addition, there will also be a

¹¹ “Den Uafhængige Politiklagemyndighed”

¹² Another system applies on prosecutors in other areas of the Danish Public Prosecution Authority.

question of who has access to the persons profile, and therefore is given access to pictures, updates etc. This depends on the type of social media in use and the level of self-disclosure the social media provides.

4.4.2. Delineation: in or out of the position as a prosecutor

To illustrate the balance between acting as a private person and acting as a public employee a few recent examples from Denmark based on police officers' interaction on social media will be highlighted.

As an example of policemen using social media in private, but still falling within the category of being in service, there was in Denmark a case of 3 policemen using a dating site on the internet. On several pictures, the policemen were using their uniforms posing in different sexual scenes on a profile called "Nasty Cops". In this case it was ruled that 2 (A and B) of the 3 policemen had acted within service and third (C) was not, because he wasn't aware of the publication. A and B got a deduction in salary, whereas C got a fine of 10.000 DKK.¹³

On the other side the mere use of a title, e-mail etc. will properly not mean, that actions are made within service.

The General Attorney¹⁴ has decided on this in a case, where the daughter of a policeman was fired from her job. The policeman wrote a letter to the employer using his title and his work e-mail. The policeman was not considered to have acted within service, and the case was solved by a

¹³ "The annual report on complaints against the police" from the General Attorney, 2008-09, section 4.2.4. In Danish: "Rigsadvokatens beretning 2008-2009 – behandling af klager over politiet", afsnit 4.2.4.

¹⁴ "Rigsadvokaten"

conversation with the policeman, highlighting the issues of using title and work e-mail in private matters.¹⁵

In this case it was concluded that not all kind of identification between the person and the police (the Public Prosecution Authority) will statute that acts are made as part of the employment. However, the acts of the police officer were still criticized for being unsuitable for an employee within the police.

In another case a police officer made a statement on a blog with a racist element. The statement was considered a violation of the Danish penal code¹⁶, and led to a criminal case, which resulted in a fine. Furthermore, the police officer was excluded from the police. During the criminal case the defence lawyer argued, that the statement was not intended for a wider croup of people. However, the court found that the use of a blog on the internet fulfilled this element.¹⁷

All of the examples show that magistrates – such as prosecutors or police officers – in general need to be aware of how he or she acts on the internet. Even actions made as a private person can have influence on a prosecutor’s employment, because a prosecutor basically can be identified with the Public Prosecution Authority if there is just the smallest link between the person and the Public Prosecution Authority.

4.4.3. Ethical issues

A prosecutor must be aware of the fact that he or she represents the Public Prosecution Authority at all times, meaning that he or she also represents the Public Prosecution Authority, even when not at work. This applies not only in terms of social media, but in

¹⁵ “The annual report on complaints against the police” from the General Attorney, 2008-09, page 41. In Danish: “Rigsadvokatens beretning 2008-2009 – behandling af klager over politiet”, side 41.

¹⁶ The penal code article 266b. (Straffelovens § 266b)

¹⁷ The annual report from the Nation Police on cases against police officers (2009), no 32. In Danish: Rigspolitiets resume i disciplinærsager (2009), nr. 32.

all aspects of living. The reason why the use of social media is special is the fact that these online venues add another level to the concept of communication.

Via social media a person is now able to communicate directly with a huge number of individuals all over the world. Whereas traditional communication is made within a smaller and defined group, where doors can be closed and publication is not an integrated part. Therefore, prosecutors have to be aware of the fact that communication via social media cannot be considered private, and that there is a possibility of publication to a wider crowd of people than first expected. Even a “private” chat with a friend can be subject to later publication if the other person decides to do so.

At the same time, prosecutors have to think about what they post via social media, which debates they participate in, and what they signal during various activities on social media. As mentioned earlier it is of the utmost importance to maintain public confidence and respect in the work of a prosecutor, as well as the name and reputation of the Public Prosecution Authority in order to ensure the Public Prosecution Authority as a continuous institution.

Moreover, it is not only the personal information featured on social media that is of importance. As mentioned above, the existence of the social media relies on the relations between the individuals within the media themselves. Therefore, the persons with whom the prosecutor is connected to or befriended with (as for instance seen on Facebook) project an image of the prosecutor. For instance it must be considered very damaging for a prosecutor’s credibility if he or she is befriended with people who are already known criminals or who become part of criminal investigations.

4.4.4. The necessity of limitations

Based on the examples mentioned above it can be discussed, whether it is necessary to legislate or to make internal guidelines regarding the prosecutors’ activities on the social media. In a modern world, where access to the internet is everywhere and people all over the world are using the internet as a dominant means of communication,

networking and business, it is questionable whether strict rules on how to act on social media can be made.

As described previously,¹⁸ there are already certain guidelines and principles as to how prosecutors must act subsequent to the rules of decorum. These rules will also be applicable in terms of prosecutors' activities on the internet, even though it is likely that the Public Prosecution Authority has to hand out some additional guidelines as to how a prosecutor must act on the internet.

As an example, such guidelines have just recently been established within the medical profession in Denmark. The Medical Association¹⁹ has made a guide on how to act on social media.²⁰ The guide contains information on what to be aware of, and what a doctor should refrain from doing on social media.

On the other hand the chairman of the police society has in an interview pronounced that police officers should refrain from having a profile on social media such as Facebook.²¹

However, the question is how strict and detailed such guidelines can become, without interfering too much with the personal life of a prosecutor, and his or her right to freedom of speech, and at the same time be useful guidelines in terms of minimizing the risk of prosecutors' inappropriate use of social media.

¹⁸ See section 2., "Code of conduct and ethics for prosecutors"

¹⁹ "Lægeforeningen"

²⁰ "Sociale medier – en guide for læger", Lægeforeningen, 2012

²¹ 27th of March on <http://www.dr.dk/Nyheder/Indland/2012/03/27/102751.htm>

5. Conclusion

It can be concluded that the modern media landscape creates new ethical challenges for the prosecutor. Massive social media have emerged from the development of the internet and are proving a challenge for both the professional credibility and integrity of the prosecutor as well as for the private life of the prosecutor.

The user-generated content is the defining character of the new social media, as the social media consist only of the content provided by those who use these media. Consequently, there has never been greater opportunity for the individual to enjoy freedom of speech, to convey thoughts and opinions and to share pictures and interest with others, yet at the same time private life has never been as transparent.

Naturally, the prosecutor who uses these media is also part of this development. This poses new and interesting challenges in terms of the credibility and integrity of the prosecutor since the professional acts made by the prosecutor – willingly or unwillingly – now risk being seen in conjunction with the prosecutor’s private life as reflected via social media. This poses a problem for the prosecutor, as it is of the outmost importance that his position is perceived as absolutely impartial in accordance with the principle of impartiality.

Suddenly, the once private acts of the prosecutor can now be brought into public domain, and through the prosecutor’s position also become subject to public opinion. Therefore, the sanctity of private life for the prosecutor is under pressure, as the prosecutor has to be aware of his position when he or she uses these media as a private person.

Therefore, it is subject to discussion what the Public Prosecution Authority can do to ensure its credibility as an institution. Of course, ensuring the integrity and credibility of the Public Prosecution Authority is not solely the responsibility of the institution itself. The individual prosecutors must bear their equal share of this responsibility. However,

there are certain challenges that the Public Prosecution Authority is better suited to address – for instance the Public Prosecution authority seems better suited to address the use of live-blogging in general.

Further, it must be held in mind that the rules of decorum are already – at least to a certain extent – providing the prosecutor with certain elements of what constitute acceptable social behaviour. For instance the prosecutor should refrain from commenting on ongoing criminal cases via social media. However, these elements are based on traditional forms of social interaction and therefore seem inadequate in terms of handling the modern media landscape. Besides, the rules of decorum are prescriptions of too general and vague character to be useful for the practical use of social media.

On this basis, there seems to be an apparent need for the Public Prosecution Authority to adapt to the new challenges brought upon by social media and to establish certain internal rules or guidelines for the prosecutors to follow.

As developed above, a complete ban of the prosecutor's use of social media is of course the most effective way of minimizing any loss of credibility and or integrity. However, a complete ban also entails undesirable limitations on the private life of the prosecutor, which in the end could prove unbeneficial to the prosecutor's understanding of surrounding society.

Alternatively, internal rules or guidelines for the prosecutor's use of social media could be considered. If composed correctly such regulations could protect the integrity of the Public Prosecution Authority whilst at the same time allowing the prosecutor to have private life free of regulatory interference.

However, the codification of such rules or guidelines is not an easy task, as the balance between the mentioned considerations is very delicate. Furthermore, it is seemingly difficult to compose rules or guidelines that are general enough to encompass the wide

variety of conflicts that can arise out of the prosecutor's use of social media whilst also being concrete enough to have any practical value for the prosecutor.

Until such internal rules or guidelines are formed, the individual prosecutor who uses social media must rely on the general rules of decorum and his or her own judgment. In doing so, the prosecutor should specifically refrain from commenting on ongoing criminal cases – this is better done via the traditional media by the Public Prosecution Authority as an institution – and generally embrace the social media with the notion that not all private content or activities are suitable for the public eye.