

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 08-03
(December 16, 2008)

Court Participation in Silent Witness Program

Issue

Is it ethically proper for courts to participate in a project where television screens are placed in courthouse lobbies to display continuous information about the Silent Witness program?

Answer: No

Facts

Courts are being asked by local police for permission to install television screens in public waiting areas of the court to help promote the Silent Witness program. The police believe that courthouse lobbies are good places to display prerecorded information about the program because of the high volume of public traffic in the justice and municipal courts. The program would include the following types of information in a taped loop or repeating DVD: crime prevention tips, truncated versions of Silent Witness programs that appear on regular television, public service announcements from courts or local governments, court process-related information, and news from sponsors. The screens would be installed and maintained by the program at no cost to the courts or local government. The hardware is donated to the Silent Witness program and the programming would be supported by the Silent Witness staff.

Discussion

There is no doubt that Silent Witness is a law enforcement activity. The program's website clearly states that "Silent Witness is a crime reduction program and law enforcement tool that pays for information about criminal activities that lead to the arrest of suspected criminals. The organization services all valley law enforcement. Funding for the reward program comes from corporate and individual donations." The program director is a Phoenix police sergeant and the program's motto, also on the website, is "it pays to fight crime." Additionally, the website lists various projects that Silent Witness is hosting such as the "Catch a Crook Golf Tournament." Corporate sponsors of the organization include Wal-Mart, Federal Express, Qwest, and APS.

Judges, at all times, must act in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary. Canons 1A, 2A, 4A(1). This project is clearly one that would result in the judiciary working with a law enforcement agency to reduce crime. Whereas the goal of Silent Witness is commendable, it is imperative that the judiciary not be perceived by the public as assuming the role of law enforcement. Many of the courts that are being asked to allow these displays in their lobbies are justice courts and municipal courts. Often times, the perceived lines between law enforcement and the judiciary are already muddled due to the fact that many of these courts share space with the local law enforcement agency, the constable, and the prosecutor's office. Adding yet another visual law enforcement component to the mix would only give the public more cause to doubt the independence of the court from these agencies.

This committee has previously discussed the judiciary's role in working with law enforcement in Advisory Opinions 92-17 and 03-08. We have advised judges that working with various law enforcement programs must be approached with great caution so as to ensure that the public trust in the independence of the judiciary is maintained. This program, sponsored by Silent Witness, detracts from that goal.

There has been some discussion about the fact that if the programming was limited to the more benign subjects like public service announcements, court procedures and sponsor-related information, then the screens could be allowed. However, after further consideration, it is the opinion of this committee that these conditions would still not make the displays acceptable. Canon 2 requires that judges "shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." The Silent Witness program is supported, as is the display equipment and the programming content, by corporations and private individuals. Some of the previously named corporate sponsors have been, or could be, parties involved in cases that are tried in these courts. To allow these displays in the courts could give the appearance to the public that these corporations sponsor the court itself and consequently may be the beneficiary of favoritism. This perception would undermine the public's confidence in the impartiality of the court. In a multi-use building this result is avoided only if the lobby is clearly separate from the space occupied by the court.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1A, 2, 2A, and 4A(1).

Other References

Arizona Judicial Ethics Advisory Committee, Opinions 92-17 (December 29, 1992), 03-08 (December 17, 2003).