

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 94-10
(August 3, 1994)

**Staff Participation in a Volunteer
Police Assistance Program**

Issue

May court staff workers participate in a local volunteer police assistance program?

Answer: Yes, if the volunteer activity does not conflict with the independence and impartiality of the court; otherwise, no.

Facts

A metropolitan police department recruits volunteers for a Police Assistance Group. Numerous types of volunteer work are available, including issuing parking citations, observing parks and malls for suspicious conduct, searching for missing persons, working in police offices, assisting detectives to investigate cases and organizing neighborhood watch programs.

Discussion

Canon 3A(5) specifically applies some restrictions in the Code of Judicial Conduct to court staff. It prohibits court staff from exhibiting bias and prejudice. While not mentioning court staff, Canon 1 requires judges to maintain public confidence in an independent judiciary.

Two issues raised by this inquiry are (1) whether conflicts of employment duties are created and (2) whether service in the police assistance group constitutes partiality or the appearance of partiality by the court in favor of the prosecution in criminal cases. The answers depend on what types of volunteer work are performed. The Advisory Committee seeks to allow the widest possible community participation by judges and their staffs consistent with the code. Certain types of volunteer services, such as searching for missing persons, do not create conflicts of interest by placing the court staff in a position of assisting actual criminal prosecution. Nor does such volunteer service constitute or create the appearance of partiality by the court, since rescuing missing persons is non-controversial. Other activities, such as issuing parking citations, patrolling parks and malls, and assisting investigations, do both. Court staff should not be involved in volunteer activities likely to put them in court as witnesses for the prosecution or defense. Nor should court staff volunteer to work at what are normally considered regular police jobs, for to do so would suggest the appearance of a court that is predisposed to decide cases in favor of one side.

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In summary, the committee advises looking to the type of volunteer service proposed. If it involves working on actual cases that may come to court, or in a regular police staff role, including telephone receptionist and office clerical work, it should be avoided. If it involves general community service and is unrelated to actual prosecution, it should be permitted.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1 and 3A(5) (1993).