

*Arizona Supreme Court
Judicial Ethics Advisory Committee*

ADVISORY OPINION 96-01
(February 23, 1996)

Court Verification of Police Overtime Records

Issue

Is it ethically proper for a municipal court magistrate, bailiff or judicial assistant to sign verifications of city police overtime records?

Answer: No.

Facts

A municipal police department is examining new ways of improving the accountability of its current overtime system. A change in how overtime slips are approved and procedures for authorization of overtime payment is being considered. These changes involve the cooperation of court personnel in verifying time spent by police officers in court.

Discussion

A judge must at all times maintain the appearance of impartiality and uphold the integrity and independence of the judiciary. (*See* Canons 1,2 and 3 of the Arizona Code of Judicial Conduct.) The signing and verification of overtime slips for police witnesses in court may give the public perception that the court in some manner controls the income or employment of the police officers. The proposed involvement of court staff in the facts provided here would certainly create the appearance of impropriety. The procedure could also create the impression that court personnel work for the police.

The prosecution and the police are representatives of the executive branch of government and must create some other method of verifying police overtime that does not involve the court or its staff. Police in other jurisdictions have apparently done so without the need to involve court personnel.

Applicable Code Sections

Arizona Code of Judicial Conduct, Canons 1, 2 and 3 (1993).