



The Supreme Court
of Kansas

Kansas Judicial Center

Topeka, Kansas 66612-1507

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CLERK APPELLATE COURTS

JUDICIAL ETHICS ADVISORY PANEL

Judicial Ethics Opinion JE-70

September 16, 1996

QUESTION: May a district judge serve on a police department community advisory board, the purpose of which board is "the advocacy of community policing" and to "improve police services?"

ANSWER: No, a judge should not serve on such a board.

COMMENT: Canon 4 A and C, 1995 Kan. Ct. R. Annot. 409-410 provide in applicable part:

A. "Extra Judicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

(1) cast reasonable doubt on the judge's capacity to act impartially as a judge.

C. Governmental, Civic or Charitable activities.

(1) A judge shall not appear at a public hearing before, or otherwise consult with, an executive or legislative body or official except on matters concerning the law, the legal system or the administration of justice or except when acting pro se in a matter involving the judge or the judge's interests.

(2) A judge shall not accept appointment to a governmental committee or commission or other governmental position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system or the administration of justice. . . .

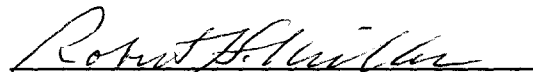
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The advisory board (which we acknowledge to be a very worthwhile endeavor) is made up of various citizens of the community from various walks of life. Included are the Chief of Police and a number of police officers. The police, of course, appear as witnesses in almost all criminal cases and in many juvenile proceedings. Two board members are prosecutors; the defense bar is not represented.

The board will hold public hearings. Judges, as Board members, would not be able to screen the issues and remove themselves from receiving information which may relate to specific cases or issues before the court.

Membership on the board would give the impression that judges, as members, were closely associated with the police department and the prosecutorial function, and thus would cast reasonable doubt on the judges' ability to act impartially.

For these and other reason, we conclude that judges should not serve on the police department community advisory board.


Robert H. Miller, Chairman


Adrian J. Allen


E. Newton Vickers