

## JUDICIAL INQUIRY COMMISSION

DATE ISSUED: DECEMBER 15, 2000

ADVISORY OPINION 00-765

---

### SERVICE ON AN ADVISORY BOARD CONCERNING THE USE OF LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS

#### ISSUE

May a circuit judge serve on an advisory board concerning the use of Local Law Enforcement Block Grant Funds? **Answer:** Yes.

#### FACTS

A circuit judge has been asked to serve on an advisory board on the use of Local Law Enforcement Block Grant funds. The grant award document requires that an advisory board be established that includes representatives of groups with a recognized interest in criminal justice and crime/substance abuse prevention and treatment. At a minimum, the board must include representatives in the locality from law enforcement, the prosecutor's office, the public school system, the court system, and a nonprofit educational, religious, or community group active in crime prevention or drug use prevention or treatment. The stated intent is to form a team approach toward solving community problems. The advisory board reviews applications for funding and makes nonbinding recommendations to the city council concerning the use of funds received under the program. An example of an item approved for funding in the past is computer terminals to be placed in patrol cars for accessing information on licenses and registration or NCIC or ACJIS information.

#### DISCUSSION

Canon 4 of the Alabama Canons of Judicial Ethics provides that, subject to proper performance of judicial duties, a judge may engage in certain activities to improve the law,

the legal system, and the administration of justice, if in doing so the judge does not cast doubt on his capacity to decide impartially any issue that may come before him. Quasi-judicial activities thus permitted under Canon 4 include consulting with executive bodies and making recommendations to public fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

It appears that the purpose of the advisory board in question is to improve the administration of justice. Further, unlike membership in the Fraternal Order of Police (Advisory Opinion 78-35), membership on the board does not imply commitment to the interests of the local police, but rather a dedication to improvement of the administration of justice. Thus, the Commission concludes that such membership will not cast doubt on the judge's capacity to impartially decide issues in which the police are involved.

In Advisory Opinion 81-111, the Commission decided that the Alabama Canons did not prohibit service by a judge as a member of a Criminal Justice Commission formed by a political action group to examine the state's criminal justice system and develop suggested solutions to problems found within that system. In Advisory Opinion 87-294, the Commission similarly decided that service on an Attorney General's Task Force on Victims and Victims' Rights was permitted under the canons; the task force was designed to analyze and evaluate current laws and efforts relating to victims and victims' rights while protecting the rights of accused defendants. In Advisory Opinion 91-429, the Commission concluded that the canons permitted a district judge who regularly presided over cases brought by the Birmingham Police Department to serve on a committee created by

the city council to study, research, and recommend proposals, ways and means of assisting the police department to more effectively carry out its responsibilities and to formulate programs to reduce and deter crime; committee membership was selected from a cross-section of business, civil, governmental, judicial and law enforcement elements of the community.

Although the Commission finds no conflict between service on the advisory board in question and the canons under the facts presented, it can envision additional circumstances arising that would make service on the board inappropriate. The judge should be mindful of the qualifying provisions in Canon 4; if particular matters considered by the board in the future should cast doubt on the judge's ability to impartially decide cases ordinarily appearing before him, the judge should resign his membership on the board.

## REFERENCES

Alabama Advisory Opinions 78-35, 81-111, 87-294, and 91-429.

Alabama Canons of Judicial Ethics, Canon 4.

---

This opinion is advisory only and is based on the specific facts and questions submitted by the judge who requested the opinion pursuant to Rule 17 of the Rules of Procedure of the Judicial Inquiry Commission. For further information, you may contact the Judicial Inquiry Commission, 800 South McDonough Street, Suite 201, Montgomery, Alabama 36104; tel.: (334) 242-4089; fax: (334) 240-3327; E-mail: [jic@alalinc.net](mailto:jic@alalinc.net).