

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

May 2, 1988

The Judicial Inquiry Commission has considered your request for an opinion concerning whether, under the Alabama Canons of Judicial Ethics, a circuit court judge may participate in testing an electronic surveillance device for possible use in supervising parolees, probationers or other persons under the supervision of the court or penal authorities. Under the facts presented, the State Board of Pardons and Parole has asked the judge to take part in the testing program. The judge will agree to do so with the agreement that his participation will in no way be used as an endorsement of the product. The judge's participation will include wearing the electronic surveillance device and attempting to elude detection by those attempting to keep him under surveillance. This judge hears criminal cases at all stages of trial court proceedings. The judge has also been active for several years with the Circuit Judges Association and governmental committees studying alternative probation programs and intensive surveillance programs as a means of reducing crime and the cost of incarceration. His familiarity with studies presently being undertaken is probably the motivating factor in his being requested to participate in this testing program.

It is the opinion of the Commission that the proposed activity does not violate the Alabama Canons of Judicial Ethics. Under Canon 4 of the Alabama Canons of Judicial Ethics, it is provided that:

“A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice.”

Further under that Canon, such activities must not cast doubt upon the judge's capacity to decide impartially any issue that may come before him. It does not appear to the Commission that the described activity would cast doubt on the judge's capacity to impartially decide any issue coming before him. His whole purpose in this instance is to improve the legal system and the administration of justice.

Sincerely,

JUDICIAL INQUIRY COMMISSION