



JUDICIAL INVESTIGATION COMMISSION

City Center East - Suite 1200 A
4700 MacCorkle Ave., SE
Charleston, West Virginia 25304
(304) 558-0169 • FAX (304) 558-0831

January 29, 2020

Re: JIC Advisory Opinion 2020-04.

Dear Mr. :

Your recent request for an advisory opinion was reviewed by the Judicial Investigation Commission. The factual scenario giving rise to your request is as follows:

You currently serve as the Chief of Police of , West Virginia. You are also running in the May 2020 election for Magistrate of County. You want to know whether you can place pictures and videos of you in your law enforcement uniform on campaign social media sites or use them in campaign advertising. You also want to know if you can campaign while on duty in uniform. Lastly, you would like to know if you can mention directly or in campaign advertising that you serve as a Police Chief.

As a candidate for Magistrate you are bound by Canon 4 of the Code of Judicial Conduct. Rule 4.2(A)(1) which states that "[a] judge or candidate subject to public election shall act at all times in a manner consistent with the independence, integrity and impartiality of the judiciary."

Based upon the foregoing, the Commission finds that you should not use photographs or videos of you in uniform on your campaign social media sites or in advertisements since members of the public could misconstrue, however wrong they may be, that you are not neutral and detached but that you would favor law enforcement in cases before you if elected to the bench. Likewise the Commission is also of the opinion that you should not campaign while on duty as the Chief of Police for the same reason. However, the Commission believes that you can list any law enforcement experience either directly or in campaign advertising since it goes toward your qualifications for the position.

It is hoped that this opinion fully addresses the issues which you have raised. If there is any further question regarding this matter do not hesitate to contact the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan D. Moats", with a long horizontal flourish extending to the right.

Alan D. Moats, Chairperson
Judicial Investigation Commission

ADM/tat