

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF
THE HONORABLE DANIEL HARRIS,
MAGISTRATE OF BARBOUR COUNTY**

COMPLAINT NO. 179-2024

The matter is before the Judicial Investigation Commission (“JIC”) upon a complaint setting forth certain allegations against the Honorable Daniel Harris, Magistrate of Barbour County. After a review of the complaint, Respondent’s written reply, his sworn statement, other evidence gathered including but not limited to courthouse surveillance video and the pertinent Rules contained in the Code of Judicial Conduct, the JIC found probable cause on June 6, 2025, that Respondent violated Rules 1.1, 1.2, 2.8(B) and 2.16(A), of the Code of Judicial Conduct. Furthermore, the JIC found that formal discipline was not necessary but that Respondent be publicly admonished pursuant to Rules of Judicial Disciplinary Procedure (“RJDP”) 1.11 and 2.7(c) as set forth in the following statement of facts and conclusions of law. Pursuant to the Supreme Court of Appeals of West Virginia, which is the final arbiter of judicial discipline in this State, an admonishment “constitutes advice or caution to a judge to refrain from engaging in similar conduct which is deemed to constitute a violation of the Code of Judicial Conduct.” *See* RJDP 4.12.

STATEMENT OF FACTS

Respondent was elected Magistrate for Barbour County in 2016 and took office on January 1, 2017. Respondent was re-elected in 2020 and 2024. At all times relevant to this investigation, Respondent was serving in his capacity as Magistrate. Respondent has no prior Judicial Discipline. Prior to becoming a magistrate, Respondent served as a law enforcement officer with various agencies for approximately 18 years.

On Saturday, September 7, 2024, Respondent was the on-call Magistrate for Barbour County. Around 4 p.m., a Barbour County Sheriff’s Corporal contacted Respondent and advised that he had left an arrest warrant at the courthouse to be reviewed and signed by Respondent. During the phone call the Corporal also told Respondent that Deputy Alex Williams had arrested a defendant on an out-of-county warrant the previous night. Respondent went to his office around 9:30 p.m. to review the warrant and arraign Deputy Williams’ defendant. However, Respondent could not find Deputy Williams’ paperwork

from the arrest. Respondent contacted the Corporal and told him to have Deputy Williams bring the paperwork to his office. After completing the warrant and still waiting for Deputy Williams, Respondent downloaded what paperwork was available from the UJA, contacted the Regional Jail and had the personnel fax him the paperwork in their possession.

As Respondent was reviewing paperwork, Deputy Williams dropped off his arrest paperwork in a designated drop box. Respondent saw Deputy Williams leaving from his second story office. Respondent got the deputy's attention and had him come to his office. Respondent was seated at his desk while Deputy Williams stood across the desk from him. Given that it was a weekend and later in the evening, the only two individuals at the at the magistrate facility were Respondent and Deputy Williams.

Respondent explained he needed arrest paperwork properly filled out and timely filed to avoid violating a defendant's constitutional rights. Respondent also advised that Deputy Williams' paperwork was incorrect and again stressed the importance of submitting correct documents. Respondent perceived Deputy Williams' responses to his statements as cavalier. Deputy Williams thought Respondent was being condescending. He could also tell that Respondent was becoming angry. Both Deputy Williams and Respondent testified that the conversation became increasingly heated.

Both men testified that at some point during the conversation Deputy Williams told Respondent, "You are not going to talk to me that way." According to Deputy Williams, Respondent replied he would talk to the Deputy however he wanted. Respondent then stood up from his desk, gave the Corporal the signed warrant and told him to "get the fuck out of his office." Respondent admits making the statement but only after he says Deputy Williams refused to leave despite several requests.

Deputy Williams testified that shortly thereafter Respondent again said, "Get the Fuck out of my office, boy." Deputy Williams, who is African American, took that as a racial slur. When asked about it at his sworn statement, Respondent testified:

- Q. Deputy Williams alleges that at one point you said, "Get the F out of my office, boy."
- A. I don't recall calling him boy. I'm not saying that it's not something I would say, but I don't recall saying specifically boy.
- Q. Is it possible that you would have said that?

- A. Yes, I guess. Uh-huh.
- Q. Do you not find that term racially offensive with an African American male?
- A. I guess he could have interpreted it that way. That was not my intent.
- Q. I'm sorry. That was not my question. Do you find that term racially offensive towards African American males?
- A. Do I?
- Q. Yes. Did you intend to be racially offensive?
- A. No, I did not.
- Q. If you would have said it, what would have been your intent?
- A. Probably his age and the attitude that he had. I don't know if it means anything but my assistant is African American. I don't – I am not racist. I have family that are mixed race that that's – that would not have been my intent whatsoever. It would've been his age and his attitude and disrespect.
- ''''
- Q. Are you aware that most African Americans think . . . the term "boy" toward a male African American who is not a boy is racially insensitive?
- A. Yeah. I guess it would be.
- Q. And how long have you been aware of that?
- A. I don't know. I guess maybe since I was in law enforcement. When -- I don't really think about it, I guess.
- Q. Would you agree that although you may not have meant to say it, it was insensitive?
- A. Yeah. I can see where he could feel that. I'm – not my intent though. Like I said, I was more along the lines of a young fella and a lot of – there's several in that specific department that are about 20s and 30s and I would've – you know, it was not intentional in that aspect whatsoever.

As Deputy Williams began to leave, he would take a few steps toward the door, stop and continue the heated argument. Deputy Williams wrote in his report that when the two got to the door, Respondent "grabbed me by my outer carrier forcing me through the closed door." During his sworn statement, Dept. Williams testified that "[i]t started out like him pushing me like from the front, and then I kind of, kind of turned, and then he was just behind me, just following me out the entire time, just pushing me all the way out."

Respondent maintained that when Deputy Williams finally made it to the door, he stopped again and turned toward Respondent while still arguing. Respondent again ordered him to leave. Respondent wrote in his self-report, "I opened the door myself and extended my arms and moved Williams out into the stairwell passed the threshold of the door all while telling him to go. I closed the door. I didn't know how else to deescalate the situation but to remove him myself." During his sworn statement, Respondent admitted he shoved Deputy Williams out of the door into hallway. The video of the event also shows Respondent shoving Deputy Williams out the door.

CONCLUSIONS

By a vote of 7-0,¹ the Commission unanimously found that probable cause exists in the matters set forth above to find that the Honorable Daniel Harris, Magistrate of Barbour County, violated Rules 1.1, 1.2, 2.8(A) and 2.16(A) of the Code of Judicial Conduct as set forth below:

Rule 1.1 – Compliance with the Law

A judge shall comply with the law, including the West Virginia Code of Judicial Conduct.

Rule 1.2 – Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Rule 2.8 – Decorum, Demeanor

- (B) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals with in an official capacity, and shall require similar conduct of lawyers, court staff, court officials and others subject to the judge's direction and control.

Rule 2.16 – Cooperation with Disciplinary Authorities

- (A) A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies.

The Commission further found that formal discipline was not essential as Respondent had a reputation for being a good magistrate and had no prior judicial discipline. However, the Commission found that the violations were serious enough to warrant a public admonishment.

The Preamble to the Code of Judicial Conduct provides:

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to the American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law. . . . Good judgment and adherence to high moral and personal standards are also important.

¹ The Commission consists of 9 members. One public member was absent. The Chairman recused himself.

It further states:

Judges should maintain the dignity of judicial office at all times and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity and competence.

Comment [1] to Rule 1.2 states that “[p]ublic confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both the professional and personal conduct of a judge.” Comment [2] provides that “[a] judge should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens and must accept the restrictions imposed by the Code.” Comment [3] notes that “[c]onduct that compromises or appears to compromise the independence, integrity, and impartiality of a judge undermines public confidence in the judiciary.” Comment [4] states that “[j]udges should participate in activities that promote ethical conduct among judges and lawyers, support professionalism within the judiciary and the legal profession, and promote access to justice for all.” Comment [5] provides:

Actual improprieties include violations of law, court rules or provisions of this Code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judge violated this Code or engaged in other conduct that reflects adversely on the judge's honesty, impartiality, temperament, or fitness to serve as a judge.


Comment [1] to Rule 2.8 states that “[t]he duty to hear all proceedings with patience and courtesy is not inconsistent with the duty imposed by Rule 2.5 Judges can be efficient and businesslike while being patient and deliberate.” Comment [1] to Rule 2.16 states that “[c]ooperation with investigations and proceedings of judicial and lawyer discipline agencies, as required in Paragraph (A), instills confidence in judges’ commitment to the integrity of the judicial system and the protection of the public.”

Respondent had no business shoving the Deputy out the door. It is never appropriate for a judicial officer to place his or her hands on anyone unless it is in self-defense -- which is not what happened here. Respondent couched the terms of the push very carefully in his written response so as to not indicate that it was a shove. Respondent also should not have sworn at the deputy. Two wrongs don’t make a right. A judge is supposed to rise above the fray. When he doesn’t, the judge casts a pall on the integrity of the

judicial system as a whole. The Commission cannot say that Respondent's use of the term "boy" was racist. What seems an ordinary use of a word to one may be offensive to another. Certain words have historically negative connotations and the use of the term "boy" to an African American adult male is one of them. Suffice it to say, the Commission expects Respondent to choose his words more wisely in the future.

Thus, it is the decision of the Judicial Investigation Commission that the Honorable Daniel Harris, Magistrate of Barbour County, be admonished for violating Rules 1.1, 1.2, 2.8(B) and 2.16(A) of the Code of Judicial Conduct. Accordingly, the Judicial Investigation Commission hereby publicly admonishes Magistrate Harris for his conduct as fully set forth in the matters asserted herein.

Pursuant to Rule 2.7(c) of the Rules of Judicial Disciplinary Procedure, the Respondent has fourteen (14) days after receipt of the public admonishment to file a written objection to the contents thereof. If the Respondent timely files an objection, the Judicial Investigation Commission shall, pursuant to the Rule, file formal charges with the Clerk of the Supreme Court of Appeals of West Virginia.



The Honorable Bridget Cohee, Vice Chairperson
Judicial Investigation Commission



Date

BC/tat