

Appendix A-II: District Attorneys' Code of Conduct for Political Activity

The office of District Attorney, under the Constitution and laws of New York State, is an elected position. District Attorneys must regularly submit their record of performance to the electorate. The District Attorney is therefore involved directly in the political process. Thus, it is reasonable and proper for District Attorneys and members of their staffs to engage in activities that do not compromise their office's efficiency or integrity or interfere with the professional responsibilities and duties of their offices.

District Attorneys may engage in the following conduct:

1. Register to vote themselves, and vote.
2. Have membership in a political party.
3. Contribute money to political parties, organizations and committees.
4. Attend political/social events.
5. Participate in community and civic organizations that have no partisan purposes.
6. Sign political petitions as an individual.
7. In order to demonstrate public support for the nonpartisan nature of the District Attorney's office, a District Attorney should consider accepting the endorsement of more than one political party when running for office.
8. District Attorneys are entitled to criticize those policies that undermine public safety and support those policies that advance it, by freely and vigorously speaking out and writing on criminal justice issues and the individuals involved in those issues.

District Attorneys and Assistants shall not:

1. Be a member or serve as an official of any political committee, club, organization or group having a political purpose.
2. Endorse candidates, except that Assistant District Attorneys shall be permitted to engage in political activity in support of the re-election of the District Attorney by whom they are employed.

3. While attending a political/social function, District Attorneys or Assistant District Attorneys shall not speak at such functions; they shall not publicize their attendance at such functions; nor shall they act in a manner which could be interpreted as lending the prestige and weight of their office to the political party or function. However, this shall not prohibit normal political activity during the course of a campaign year.
4. Coerce or improperly influence any individual to make a financial contribution to a political party or campaign committee or to engage in political activities.
5. Except as otherwise provided, engage in any political activity during normal business hours or during the course of the performance of their official duties or use office supplies, equipment, facilities or resources for political purposes.
6. Misuse their public positions for the purpose of obstructing or furthering the political activities of any political party or candidate.

The above activities are reasonable and ethical, and are consistent with the impartiality of the District Attorney's office. The above activities should also help District Attorneys maintain a sense of public confidence in the non-partisan nature of the District Attorney's office. Such conduct also guarantees the constitutional rights of prosecutors and their assistants in the exercise of their elective franchise. Candidates for the office of District Attorney shall abide by these rules.