



Ethics, Lobbying and FACJJ

New Member Orientation
April 6, 2008

Ethics and FACJJ

- Conflict of interest is major concern
- Actual, appearance or perception of COI
- Expected bias vs. unexpected bias

Where COIs can arise is related to unanticipated or indirect bias.

It is anticipated and understood that each member brings a bias – that of her or his jurisdiction – and will use that bias in making recommendations and advocating for specific positions. That is perfectly acceptable.

What is not acceptable is when a FACJJ member advocates for a position or recommendation that PERSONALLY and DIRECTLY benefits him or her. This typically arises when an individual's biases are not known, thereby resulting in actual or apparent COIs.

E.g., FACJJ member wife or family member works for NJDC. Or, FACJJ member's law or business partner is on board of directors of NJDC. That FACJJ member may not advocate for official FACJJ position or recommendation to increase funding specifically for NJDC, or to otherwise benefit NJDC. As that benefit would accrue to the FACJJ member through his or her family or partner.

Must be careful not to take such positions or to recuse self from votes on such matters.

Ethics and FACJJ

- Think general vs. specific recommendations

Overall: Avoid taking positions that look as if any particular organization or individual is being favored

The more general the recommendation or policy, the less likely there is to be a COI for an individual FACJJ member.

Lobbying and FACJJ

- 2002 anti-lobbying statute expanded lobbying restrictions to state/local/tribal govts, all grantees and FAC members
- Exception: allowed where statutory authority exists (e.g., FACJJ reports)

18 USC sec 1913

Therefore, FACJJ members canNOT as FACJJ representatives lobby Congress or individual legislators BUT can through OJJDP provide advice and make recommendations to president/congress

In this matter, what is important is the “hat worn” and that hat needs to be apparent to everyone.

So, you have the right of course as an individual to go to your legislator, but NOT as FACJJ member – may not lobby with federal dollars.

And should you choose to lobby your legislator, need to be certain there is no misunderstanding of who you represent – yourself.

Additional Guidance

The Office of General Counsel, Office of
Justice Programs, U.S. Dept of Justice

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