Q: Should “untruthfulness” during administrative investigations mandate employee termination?

I have chosen the following topic to complete my Internal Affairs Certification: Should ‘untruthfulness’ during administrative investigations mandate employee termination?

When a Police Officer is hired with an agency he/she recites and takes an oath of office, while raising their right hand and typically the oath has the phrase “I do solemnly swear.” After reciting the oath the individual will have completed their transformation from civilian status to that of a sworn law enforcement professional.

When you become a law enforcement professional the actions the law enforcement professional takes will be evaluated and scrutinized by training officers, supervisors, prosecutors, defense attorneys, the media, and by the public. When appointed as a law enforcement officer, individuals have been entrusted with a tremendous responsibility granted to them by their appointed authority. The duties must be performed within legal parameters, with the highest degree of ethical and moral convictions.

There will be numerous occasions that a law enforcement officer will raise his/her right hand to take an oath or affirmation that he/she will testify honestly. These occasions include but are not limited to: Grand Jury; defense depositions; courtroom testimony; preparing arrest warrants and search warrants. It is likely a law enforcement officer will have to swear to the truthfulness of his or her testimony during internal or administrative investigation, either as a witness officer or the subject of misconduct complaint.

One of the most difficult ethical dilemmas a police officer might face in his/her career is to testify honestly during an administrative or internal affairs investigation. If the officer does not testify
truthfully it may result to disciplinary actions against the office or his/her co-worker. Not telling the truth or embellishing the facts could damage the officer’s credibility as a witness in any court or administrative setting.

Once an officer damages his credibility it could end his/her career. The officer will not be trusted within the community. Police officers testify under oath as a job requirement and once their credibility has been destroyed, the officer cannot be trusted in future investigations.

In 1977, the National Institute of Ethics (NIE) compiled The National Law Enforcement Officer’s Research Project which revealed that false statements/reports (19.2%) ranks at the top of the ten most frequent offenses for which a law enforcement officer is decertified. If an officer does not have a state law enforcement certificate he/she will not be able to perform the duties required of his/her office and will likely be terminated.

Agency administrators need to be conscious of the negative impact an untruthful officer can have on an agency. Truthfulness should be a core organizational value and be mandated the officer will be truthful in policies and procedures or the officer will be terminated. Agencies also need to report any untruthfulness to the state board to possibly revoke the officer’s state certification so they cannot work for another law enforcement agency.

All law enforcement agencies should have documented in their policies that untruthful conduct by law enforcement employees has a damaging effect on the day-to-day operations of policing. The use of untruthful statements to avoid disciplinary action further undermines the agency expectations of the law enforcement professional. Truthfulness by law enforcement personal is not only an issue of witness credibility in a court of law; it is the fundamental nature of law enforcement services and strikes to the core of the ability to provide appropriate service. As a result, untruthful conduct must be met with the most serious of disciplinary action: termination.

References


The Police Chief December 2014. The Untruthful Employee: Is termination the only Response? By Ronal Serpas, superintendent, New Orleans, Louisiana, Police Department, and Michael Hager, Captain, Metropolitan, Tennessee, Police Department.