

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject TRUTHFULNESS	Policy Number CP-5 Effective Date 11-17-22
Related Information GC-17, <i>Employee Disciplinary Procedures</i> GH-5, <i>Early Identification System</i>		Supersedes CP-5 (03-03-22)
Version Date 11-17-22	Review Period July 2023 – June 2024	Description of Review Statement of Annual Review – No Changes

PURPOSE

Our community demands our integrity because our integrity defines who we are as an organization both internally and externally. The degree to which we obtain and sustain trust among our peers determines not only our organizational effectiveness but also directly impacts our individual safety and security. The degree to which we obtain and sustain the public's trust determines our effectiveness in crime prevention, investigation, prosecution, and conviction.

The purpose of this Office Policy is to establish the mandatory regulations to which all Maricopa County Sheriff's Office employees must strictly adhere with regard to truthfulness and personal integrity. It defines the obligation of employees to be completely truthful in order to be effective in the performance of their duties and in order to secure and maintain the public's trust. Furthermore, it unconditionally informs all employees that failure to comply with this Office Policy shall result in termination, in accordance with Office Policy GC-17, *Employee Disciplinary Procedures*.

By detailing specifically, the absolute need for honesty, this Office Policy seeks to promote truthfulness in all Office-related matters and seeks to protect employees from the devastating consequences of untruthfulness.

Under the United States Constitution and United States Supreme Court case law, the state has a duty to seek out exculpatory evidence and provide that information to the defense in a criminal matter. *Brady v. Maryland*, 373 U.S. 83 (1963); *Kyles v. Whitley*, 514 U.S. 419 (1995). The exculpatory evidence includes, but is not limited to, records indicating an employee has a history of dishonesty. This evidence may be used to impeach an employee's credibility and consequently the credibility of the Office. Therefore, honesty and integrity are essential in law enforcement to maintain public trust.

Although this Office Policy refers to employees throughout, this Office Policy also applies with equal force to all volunteers. Volunteers include, but are not limited to, reserve deputies and posse members.

POLICY

In order to maintain the public's trust and individual and organizational effectiveness, it is the policy of the Office to require absolute truthfulness from every employee when questioned by a supervisor, an Internal Affairs investigator, criminal investigator, and/or a polygraph examiner. This Office Policy applies with respect to communications and/or questioning by a supervisor about any subject at any time, relating to job responsibilities, job performance, and/or matters covered by Office Policy, Maricopa County Merit System Rules, or Office adopted Maricopa County Policy.

This Office Policy is in no way intended to infringe upon the rights of an employee against self-incrimination in a criminal matter but serves notice that the Fifth Amendment is not a protection for deception. When an employee chooses to talk to a criminal investigator, they shall be truthful.

The requirement for absolute truthfulness is **not limited to on-duty** conduct and communications. It is the policy of the Office to hold employees to the same standard of truthfulness when questioned while off-duty about an Office matter and/or when questioned about off-duty conduct.

DEFINITIONS

Appointing Authority: The Sheriff of Maricopa County or the designated representatives authorized to act in this capacity.

Criminal Investigator: An individual having the responsibility for investigating criminal violations.

Employee: A person currently employed by the Office in a classified, unclassified, contract, or temporary status.

Exculpatory: That which is likely to prove the innocence of a person.

Fifth Amendment: An amendment to the U.S. Constitution, providing, among other things, that no person be required to testify against themselves in a criminal case or be subjected to double jeopardy.

Impeach: To call into question a person’s good character.

Integrity: Uncompromising adherence to moral and ethical principles; honesty.

Internal Affairs Investigator: Any employee who conducts an administrative investigation of misconduct, including investigators assigned to the Professional Standards Bureau (PSB) or supervisors in an Office division or bureau who are assigned to investigate misconduct.

Misconduct: Includes any violation of Office policy or procedure; federal, state, or local criminal or civil law; constitutional violations, whether criminal or civil; administrative rules, including, but not limited to, the Maricopa County Merit System Rules; or Office regulations.

Criminal Misconduct: Misconduct by an employee that a reasonable and trained supervisor or internal affairs investigator would conclude could result in criminal charges due to the apparent circumstances of the misconduct.

Minor Misconduct: Misconduct that, if sustained, would result in discipline or corrective action less severe than a suspension.

Minor misconduct, while a violation of Office Policy, can often be addressed with supervisor initiated intervention intended to improve a situation, or prevent a potential negative work performance situation from progressing into a misconduct investigation. To address these employee behaviors, supervisors may initiate an intervention method, as specified in Office Policy GH-5, *Early Identification System*, to include: Squad briefing; meeting with supervisor; employee services; supervisor ride-along/work along; training; supervisor evaluation period; action plan; meeting with the commander; re-assignment; and coaching. The use of intervention shall only be used to address employee minor misconduct or behavior that does not, per the Office Disciplinary Matrix, exceed a Category 1, First or Second Offense or a Category 2, First Offense, and which has not been received by the Office as an External Complaint or has not already been assigned to the Professional Standards Bureau (PSB).

Serious Misconduct: Misconduct that, if sustained, would result in discipline of a suspension, demotion, or dismissal.

Official Investigation: An official examination by a supervisor, an internal affairs investigator, or a criminal investigator, into alleged employee misconduct that relates to or may affect an employee’s position with the Office. The Office has two types of investigations that are used to examine these allegations:

1. **Administrative Investigation:** An investigation conducted into apparent violations of Office Policy. Sustained allegations for an administrative investigation provide the basis for the imposition of discipline according to the Discipline Matrices and the Categories of Offenses, as specified in Office Policy GC-17, *Employee Disciplinary Procedures*.
2. **Criminal Investigation:** An investigation by a criminal investigator into an allegation of employee criminal misconduct. These include the process of collecting information (or evidence) about a crime in order to: 1) determine if a crime has been committed; 2) identify the perpetrator; 3) apprehend the perpetrator, and 4) provide evidence to support a conviction in court.

The following does not constitute an official investigation or investigative interview: (a) questioning in the normal course of duty, counseling or instruction, or an informal verbal admonishment by, or other routine or unplanned contact with a supervisor or other law enforcement officer; or (b) preliminary questioning to determine the scope of the allegations or if an investigation is necessary. However, such counseling, instructions, verbal admonishments, other contacts, and preliminary questioning are covered by and subject to the truthfulness standards found in this Office Policy.

Polygraph Examiner: Someone having the responsibility for administering a polygraph exam for pre-employment or pre-appointment background investigations and criminal investigations.

Volunteer: A person who performs hours of service for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. An employee may not volunteer to perform the same, similar, or related duties for the Office that the employee is normally paid to perform.

PROCEDURES

1. **Truthfulness:** It is the expectation of the Office that all employees shall be absolutely truthful when being questioned, whether on-duty or off-duty by a supervisor, an Internal Affairs (IA) investigator, a criminal investigator and/or a polygraph examiner. This Office Policy also applies with respect to communications and/or questioning by a supervisor about any subject at any time relating to job responsibilities, job performance, and/or matters covered by Office Policy, Maricopa County Merit System Rules, or Office adopted Maricopa County Policy. The requirement for absolute truthfulness applies with equal force to on-duty and off-duty conduct and communications. The following non-exhaustive list of examples provides contexts for this Office Policy:
 - A. Employees shall not lie or make a false statement relative to a material fact for the purpose of deception, during the course of an official investigation.
 - B. Employees shall not intentionally mislead an IA investigator during the course of an official investigation:
 1. Employee actions whether written or verbal shall be considered misleading when it is apparent that the intent was to lead the investigator to pursue or refrain from pursuing a course of investigation substantially different from the course they may have otherwise taken, whether or not the employee is successful doing so.

2. The investigator shall document in the investigation how the employee specifically intended to impede, obstruct, delay, prevent, or otherwise interfere with the investigation.
 - C. Employees shall not make false official records or enter or cause to be entered into any books, logs, records, reports, or electronic documents any inaccurate, false, or improper information or material for the purpose of deception.
 - D. Employees shall not mislead or misrepresent themselves to the public or other governmental agencies in the course of their duties or regarding their duties or position with the Office for the purpose of deception. Employees shall not make false statements to the public or other governmental agencies that may discredit the Office or any of its employees.
 2. **Limited Exceptions:** This Office Policy shall not apply to an IA investigator or a criminal investigator, while gathering information or evidence during an ongoing investigation, or during a polygraph examination interview.
 - A. It is recognized that an IA investigator or a criminal investigator may mislead a person as part of an investigative or interview technique.
 - B. It is recognized a polygraph examiner may mislead a person as part of an interview technique during a polygraph examination of:
 1. A person participating in a pre-employment or pre-appointment interview;
 2. An employee as part of a criminal investigation; or
 3. A suspect, witness, or an investigative lead as part of a criminal investigation.
 3. **Allegations of Untruthfulness:** In cases where the alleged misconduct involves a violation of this Office Policy, the Professional Standards Bureau (PSB) Commander, the Chief Deputy or Chief of Administration may initiate an administrative investigation. If the decision is made not to investigate, the decision and the supporting information shall be documented in a memorandum and retained by the PSB in both hard copy and electronic form for record retention purposes.
 4. **Consequence of Untruthfulness:** A sustained violation of this Office Policy shall result in dismissal of employment or dismissal of volunteer relationship. Only the appointing authority may make a final finding on a truthfulness allegation.