

OVERLAND PARK POLICE DEPARTMENT STANDARD OF CONDUCT



NUMBER: 0200
TOPIC: HONESTY & TRUTHFULNESS
EFFECTIVE DATE: 05/07/2025
SUPERCEDES: 10/12/2017

/s/ Doreen Jokerst
Chief of Police

/s/ Eric Blevins
Public Safety Attorney

CALEA REFERENCE: NONE

PURPOSE

To establish standards of conduct for the honesty and truthfulness of Members, emphasizing that maintaining an unimpaired record of and reputation for integrity is essential for each Member. This policy does not apply to the lawful and tactical use of misinformation when necessary and appropriate to the conduct of a criminal investigation.

RATIONALE

The Department and its Members have spent considerable effort earning the public's support and trust. Maintaining public trust and the Department's credibility is essential for effectively accomplishing the Department's mission. A Member's use of lies or other untruths threatens public safety, violates Constitutional Rights, and destroys the public trust. Lies intended to protect a Member or others during an official investigation are a serious and inexcusable offense. These actions destroy the Department's trust in the untruthful Member and irreparably damage their credibility, as well as the credibility of the Department with the community.

The United States Supreme Court's decision in *Brady v. Maryland* and subsequent cases that apply its holding, evidence that a Member whose testimony is material to a prosecution has a history of untruthfulness is deemed to be exculpatory evidence, which the prosecution must disclose to the defendant, and which can be used to attack the Member's credibility in court.

The Department must disclose to the prosecutor such exculpatory evidence existing in the Department's records when requested. Thus, acts or omissions that lead to a conclusion by the Department that a Member has been untruthful, dishonest, or deceptive in any significant way related to the Member's official duties permanently jeopardize the successful prosecution of all future cases in which the Member's testimony might be required. In law enforcement, there are no second chances for Members to regain their integrity.

For these reasons, Members are prohibited from engaging in dishonest, untruthful, or deceptive conduct related to their official duties. Such conduct will not be tolerated and is presumptive grounds for termination. Untruthfulness, dishonesty, and deceitful conduct include, but are not limited to, lies committed verbally or in writing, material omissions, or other deliberate actions intended to mislead or deceive.

STANDARDS OF CONDUCT

- Members are prohibited from engaging in dishonest, untruthful, or deceptive conduct related to the Member's official duties or job-related conduct. This includes but is not limited to statements made to any superior or supervisor in an attempt to conceal conduct that is illegal, inappropriate, or prohibited by City or Department rules, regulations, or policy.
- Members will always be accurate, complete, and truthful when acting in an official capacity or job-related conduct. Members will never knowingly make false or deceptive statements in verbal or written communications or during any investigation, inquiry, or hearing related to Department matters.
- Members will not knowingly make false statements under oath or during official proceedings.
- Members will not distort or withhold information from any official report, investigation, or inquiry.
- Members will not misrepresent or deliberately distort the facts or alter any evidence relating to any matter under investigation, either internal or external.
- Members will not create false evidence or give false testimony in any investigation or inquiry.
- Members will not falsely implicate another in any criminal act or Departmental misconduct.
- Members will not promote a code of silence by failing to bring forward information regarding another Member's involvement in criminal activities or serious breach of Departmental conduct.
- Members will not participate in endeavors likely to promote a code of silence in the Department.

CONSEQUENCES OF POLICY VIOLATION

Members who are found to be deceitful face two independent potential consequences. Cases of untruthful, dishonest, or deceptive conduct may be so malicious, improper, and/or serious that termination of the Member's employment is warranted without further analysis of the potential impact of the wrongful act on their credibility. (Brady Analysis)

Cases of untruthful, dishonest, or misleading conduct may appear insufficient to warrant termination. However, the wrongful act may establish a history of untruthfulness or damage a Member's credibility to the point where it adversely impacts their ability to testify in the prosecution of future cases. Members whose past untruthful, dishonest, or deceitful conduct keeps them from testifying in criminal cases may no longer be able to perform the essential job duty of testifying in court.

In these latter cases, whether a Member's employment with the City will be terminated because they can no longer perform the essential job duty of credibly testifying in criminal cases will be subject to the following analysis:

- 1. Does the Member have, as an essential job requirement, the need to testify in criminal cases?** Every commissioned Police Officer has an essential job duty to testify effectively in criminal cases. For Professional Members of the Department, the issue of essential job duties is answered in the job description on file. In any job whose job description lists "providing testimony," testifying will be determined to be an essential job requirement.
- 2. Does the law require the Department to disclose inappropriate, untruthful, or dishonest behavior in a criminal case involving the Member as a witness?** The Public Safety Legal Advisor will review the facts relating to the wrongful act and will advise the Chief of Police if, under *Brady*, there exists a legal duty to disclose the Member's behavior as potential exculpatory evidence upon request. If the Public Safety Legal Advisor determines there is a duty to disclose the behavior, the Chief of Police or designee will proceed with the analysis outlined in Paragraph 3 below. If the Public Safety Legal Advisor determines that no duty exists to disclose the behavior, the matter will be disposed of following the Department's disciplinary policies. Provided nothing contained herein limits the authority of the Department to take disciplinary action against the Member for the wrongful act(s), unrelated to the Member's ability to testify in court, up to and including termination from employment.
- 3. If the Department is required to disclose the Member's wrongful act(s), does the Member's dishonest, untruthful, or deceptive behavior create an unacceptable risk that their testimony would be impeached in the prosecution of future cases?** It will be the responsibility of the Chief of Police or designee to determine whether the Member's wrongful actions create an unacceptable risk that their testimony would be impeached in future criminal proceedings.

If it is determined that a Member has as an essential job duty, the ability to effectively testify in criminal cases, and, it is determined that the Member's wrongful conduct would require disclosure as potential exculpatory evidence, and, if the Chief of Police or designee, determines that the Member's wrongful act(s) create an unacceptable risk that the Member's testimony would be impeached in the prosecution of future criminal cases; the Member is unable to perform all of their essential job duties and therefore is unfit for duty. Members who can no longer perform their essential job duties will be terminated from employment with the City.

If the Chief of Police determines the Member's wrongful act(s) do not create an unacceptable risk that the Member's testimony will be impeached in future criminal prosecutions, the matter will be disposed of following the Department's disciplinary policies, provided nothing contained herein limits the authority of the Department to take disciplinary action against them for the wrongful act(s), unrelated to their ability to testify in court, up to and including termination from employment.

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Reviewed by: Deputy Chief Eric Houston