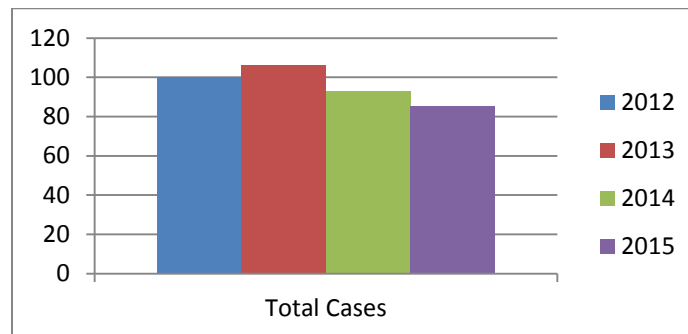


Johnson County Sheriff's Office Professional Standards Unit 2015 Annual Report

The Professional Standards Unit (PSU), comprised of two investigators and one Command Level supervisor, provides the Sheriff's Office with a thorough, consistent and fair investigative review of complaints. The Unit is located within the Administration Division of the Sheriff's Office and reports directly to the Sheriff. PSU has full authority to conduct investigations without interference from any employee. PSU exists to provide the following services to employees of the Sheriff's Office and the community:

- Protect the public from misconduct of an employee,
- Protect the agency and employees from false accusations of misconduct,
- Provide an early warning system of misconduct, and
- Identify organizational conditions that may contribute to misconduct.

The Professional Standards Unit is tasked with investigating complaints from external sources, such as citizens or an outside agency, as well as internal complaints initiated by employees. There were 85 cases/complaints investigated during 2015. This was an 8.6% decline in cases (93) from 2014, and a 19% decline in cases (106) from 2013.



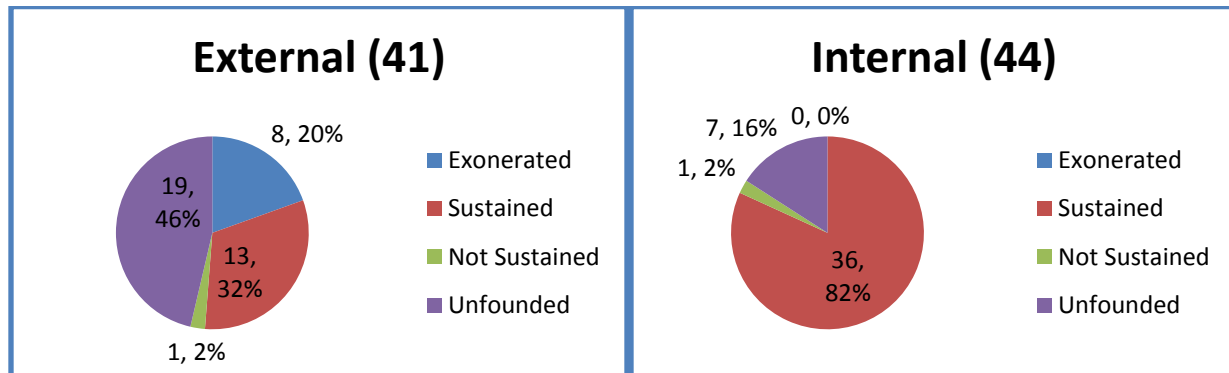
Upon conclusion of an investigation, a final disposition will be determined. The Sheriff's Office has four (4) disposition findings:

- **Exonerated** – the action of the agency or the employee was consistent with agency policy.
- **Unfounded** – the complaint was clearly false or there is no credible evidence to support the complaint.
- **Not Sustained** – there is insufficient proof to confirm or to refute the allegation.
- **Sustained** – there is probable cause to believe the allegation is true and the action of the agency or the employee was inconsistent with agency policy.

All of the 85 cases were investigated to the fullest extent possible. Among the cases, 41 of them (48%) were initiated by external sources. The remaining 44 cases (52%) were a result of internal complaints. When the internal and external complaints were combined (85 cases), 58% of the cases (49 cases) were

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sustained. The other 42% (36 cases) were exonerated, unfounded or not sustained. The following charts represent external and internal cases and the disposition results.



Cases are defined as investigations that were conducted. Some of these cases involve multiple violations and multiple employees. For example, one case could include two different violations and five different employees. This is only counted as one case but increases the amount of times the violation is alleged. In some cases, only one violation may have been sustained resulting in a final disposition of the case being recorded as sustained. In 2015, there were nearly 600 employees at the Sheriff's Office, both Civilian and Civil Service/Sworn. Of those, only 73 different employees were involved in the 85 cases.

The three most frequent complaints received from external sources were Courtesy (12 cases) which included allegations that staff were rude or unprofessional, didn't explain reason for contact, didn't express empathy or compassion; Conformance to Laws (7 cases) involving agency vehicles reportedly committing traffic infractions, speeding or parked illegally, or involved in criminal matters; and Unbecoming Conduct (7 cases) involving behavior that brings the agency or employee into disrepute.

Regarding internal complaints, the most frequent violation involved Unsatisfactory Performance (10 cases). This violation could include allegations that staff failed to perform their duties or failed to conform to work standards. Insubordination (5 cases) was another issue, involving subordinates failing to follow a supervisor's order or being rude to a supervisor. Unbecoming Conduct also had five cases from an internal source.

Overall, the three most frequent complaints from both internal and external sources were Courtesy, Unsatisfactory Performance and Unbecoming Conduct.

As shown in the following table, there were 126 allegations concerning:

- 21 different Professional Standards
- 8 Civilian Standards
- Against 73 different staff members
 - 8 involving the Agency
 - 79 involving Deputies
 - 8 involving Civilians
 - 30 involving Supervisors (Sergeants and above)

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Violation	Times Alleged	Sustained	Exonerated	Unfounded	Not Sustained
Neglect of Duty	1	1			
Knowledge of Standards	4	4			
Sexual, Ethnic, Racial, Religious Harassment	2	1		1	
Violation of Rules	6	5			1
Unbecoming Conduct	12	5	1	5	1
Treatment of Prisoners (Civilian)	1	1			
Conformance to Laws (Civilian)	1	1			
Unbecoming Conduct (Civilian)	1	1			
Courtesy (Civilian)	1			1	
Unsatisfactory Performance (Civilian)	1	1			
Use of Sheriff's Office Facilities/Equipment (Civilian)	1	1			
Knowledge of Standards (Civilian)	1		1		
Neglect of Duty (Civilian)	1	1			
Reporting for Duty (Civilian)	1	1			
Chain of Command	2	1			1
Insubordination	5	5			
Conformance to Laws	7	1	3	1	2
Supervision	6	3			3
Courtesy	17	5	1	11	
Retaliation	6	1		5	
Arrest, Search and Seizure	1			1	
Hostile Work Environment	3			3	
Treatment of Prisoners	3			3	
Truthfulness	8			7	1
Information Technology/Communication Systems Usage	2	2			
Racial Profiling	4		2	2	
Use of Sheriff's Office Facilities/Equipment	5	4		1	
Subject Control	6	2	3	1	
Unsatisfactory Performance	16	14		2	
Reporting for Duty	1	1			
TOTALS	126	62	11	44	9

Cases can be investigated either by the Division where the accused employee is assigned, or by the Professional Standards Unit. PSU primarily investigates matters that are categorized as A, B, or AR (Administrative Review) violations. Category A violations are treated the most seriously. Other categories, while still unacceptable, are of declining severity down to a Category D violation, which is the least severe. Divisions primarily investigate matters that are C or D violations.

In 2015, PSU investigated 17 cases (20%). The remaining 68 cases (80%) were investigated by the Divisions.

PSU coordinated five Divisional Hearings (convened for Category C violations), one Professional Standards Disciplinary Board (convened for Category A and B violations), and one Civil Service Board Appeal Hearing.

The Sheriff's Office has seven different Bureaus, including Detention, Operations, Communications, Judicial Services, Support Services, Training and Administration. Statistical information is broken down separately for Bureaus and Divisions within the Sheriff's Office.

The following information includes complaints made against individual

staff members, as well as the Division in general when no specific employee was named or determined.

Detention Bureau

The Johnson County Sheriff's Office maintains two Detention facilities; the New Century Adult Detention Center in New Century and the Central Booking Facility in Olathe. Since staff can work out of either facility, cases were recorded based upon the location of the incident occurring, not where a particular staff member was assigned.

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Central Booking Facility

(16 total cases – does not include three against the Agency that originated within CBF)

Sixteen different staff members were involved in these cases. Five of the employees were Civilian and eleven were Sworn employees. Seven of these cases originated from internal sources and the remaining nine were from external sources.

- 10 cases were sustained (seven internal, three external)
 - 1 coaching (external involving a Civilian)
 - 5 Counseling Statements
 - 2 Official Reprimands (one involving an external case)¹
 - 1 Suspension (external involving a Sworn employee)²
- 2 cases were not sustained (both external)
- 3 cases were unfounded (all external)
- 1 case was exonerated (external)

New Century Adult Detention Center

(17 total cases – does not include two cases against the Agency that originated within NCADC)

Sixteen different staff members were involved in these cases, all of which were Sworn employees. Thirteen of the cases originated from internal sources and the remaining three came from external sources.

- 11 cases were sustained (9 internal, 2 external)
 - 2 verbal counseling (one external)
 - 4 Counseling Statements
 - 4 Official Reprimands (one external)
 - 1 Termination³
- 6 cases were unfounded (one external)

Operations

Patrol

Sixteen different staff members were named or involved in the twenty-two cases recorded for the Patrol Division. Nine of those cases were reportedly by internal sources and 13 were received from external sources.

- 12 cases were sustained (eight internal, four external)
 - 1 Performance Feedback (Non-Disciplinary)
 - 5 Counseling Statements⁴

¹ One Official Reprimand was the result of a Divisional Hearing that was convened to determine disposition and discipline.

² Result of a Professional Standards Board that was convened to determine disposition and discipline.

³ Employee was terminated without a disciplinary hearing and appealed to the Civil Service Board. CSB upheld the termination.

⁴ One Counseling Statement was the result of a Divisional Hearing that was convened to determine disposition discipline.

- 5 Official Reprimands
- 1 Suspension⁵
- 7 cases were unfounded (six external, one internal)
- 3 cases were exonerated (all external)

Communications

Ten different staff members were associated to ten cases. Seven of the cases originated from internal sources and three were from external sources.

- 9 cases were sustained (3 external, 6 were internal)
 - 6 resulted in Official Reprimands⁶
 - 3 resulted in Counseling Statements
- 1 case was not sustained

Judicial Service Bureau

Civil

Five staff members were associated to five cases. Of those five cases, three came from external sources.

- 2 cases were sustained (both internal)
 - Both were Counseling Statements
- 1 case was exonerated (external)
- 2 cases were unfounded (both external)

Vehicle Registration Enforcement Unit (VREU)

One external case was recorded involving the VREU. This case originated in VREU but included a member of the Patrol Division, which resulted in another case/disposition for Patrol on a separate issue that was determined during the investigation. This external case was unfounded.

Court Security

One external case involved one staff member. The case was unfounded.

Support Services Bureau

Personnel

One external case involved one staff member. The case was unfounded.

⁵ Suspension was result of a Divisional Hearing that was convened to determine disposition and discipline.

⁶ One Reprimand was the result of a Divisional Hearing that was convened to determine disposition and discipline.

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Training

Research and Planning

One member of the R and P Unit was exonerated of an external case.

Administration Bureau

Criminalistics Laboratory

Three staff members were involved in three internal cases. Two of the cases were sustained and one was unfounded.

Agency

Eight cases were investigated that involved issues related more to Agency Policies and Procedures than to specific staff members.

- 3 cases were sustained (one internal; two external)
 - 2 cases resulted in change of Policy and/or clearer guidance to staff
 - 1 case involved a contract employee/employer
- 1 case was exonerated
- 4 cases were determined to be unfounded

Awards

In 2015, 238 different staff members received 396 awards and commendations. This reflects a 21% decrease in awards from 2014 (495). The following table shows the awards received, separated by Divisions.

Administration	8	JCSO	7
Civil	30	Patrol	61
Communications	50	Personnel	11
Court Security	16	Research and Planning	4
Crime Lab	18	Records	10
Detention	114	Training	14
Fiscal	1	VREU	4
Fleet Management	2	Warrants	20
Investigations	26	TOTALS	396

Use of Force⁷

Sheriff's Deputies have the responsibility to protect life and property and to apprehend criminal offenders in accordance with legal requirements (K.S.A. 21-5227), as well as follow the guidelines set forth in landmark cases including *Graham v. Connor (490 U.S. 386 (1989))*, *Johnson v. Glick (481 F.2d*

⁷ Information provided is from data available as of 03-09-2016. Some subject control reports were pending at the time of this report.

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1028 (2d Cir. 1973), and *Tennessee v. Garner* (471 U.S. (1985)). The type of control or force used by a deputy must be reasonable.

The following definitions are used by the Sheriff's Office regarding types of force:

- **Deadly Force** – Force which is reasonably likely to cause death or great bodily harm.
- **Defensive Force** – the use of physical force that is reasonably necessary to safely prevent or avoid the threat from another; to defend a Deputy or someone else from actual or apparent assault and/or battery.
- **Empty Hand Techniques** – techniques that have minimal probability of causing serious injury (examples would be joint locks, limb control, touch pressure, and/or strikes)
- **Non-Deadly Force** – physical force which is not reasonably likely to cause death or which does not create some specified degree of risk that a reasonable Deputy would consider likely to cause great bodily harm to another.
- **Restraining Force** – the application of physical force reasonably necessary to safely control a person in a lawful detention, arrest or other lawful purpose.

In 2015, 206 different staff members were involved in 163 Use of Force incidents, involving 154 different subjects. The Use of Force incidents are separated by Division, with the Detention Facilities being displayed by building.

Detention (117)	
Central Booking Facility	51
New Century Adult Detention Center	66
Civil	7
Court Security	1
Patrol	36
Warrants	2
	<hr/>
	163

Each incident may involve several different actions taken by multiple staff members. One incident may require the Deputy to apply force such as limb control, as well as give verbal commands/directions. Another example would be a felony car stop, which may require multiple Deputies to direct a subject out of the car utilizing lethal cover with a firearm, as well as may require limb control, touch pressure or strikes to affect the arrest. Because the Sheriff's Office demands accountability of the action of its Deputies, all use of force requires a Deputy to document their actions. The 163 Use of Force incidents included 849 total Deputy actions.

The primary action taken was limb control (363 uses), followed by verbal direction (272 uses) and touch pressure (64 uses). Visual display of a firearm was utilized 32 times. Deputies engaged in a vehicle pursuit action on four occasions. There were no incidents which resulted in deadly force in 2015.

Of those incidents, the reason for force used was listed as follows, according to the Subject Control Report form that is used to document the incident:

- 67 incidents (41%) required force as it was necessary to defend a person/Deputy.
- 44 incidents (27%) required force to restrain a subject for their own safety.
- 33 incidents (20%) required force to affect the arrest.

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- 12 incidents (7%) required force for other reasons.
- 4 incidents (3%) required force to prevent property damage.
- 3 incidents (2%) the reason for force was not listed.

Accidents

A total of 32 accidents involving Sheriff's Office vehicles were reported to PSU in 2015.

Civil	4
Communications	1
Court Security	1
Crime Lab	3
Detention – CBF	1
Detention – NCADC	4
Fleet Management	1
Investigations	1
Patrol	15
Warrants	1
	<hr/>
	32

Racial or Biased Based Policing

As required by state statute K.S.A. 22-4610 (d)(1), the Johnson County Sheriff's Office submitted its Annual Report regarding racial or biased-based policing to the Kansas Attorney General's (AG's) Office on July 20, 2015. The annual report year included cases received between July 1, 2014 and June 30, 2015. A total of four cases matched the criteria to report to the AG's office. Three of those cases were from 2014 (all unfounded) and one case was prior to June 30, 2015 (unfounded).

For the entire year of 2015, Professional Standards documented two reported cases involving allegations of racial or biased-based policing, one of which was reported to the Attorney General's Office as it occurred prior to June 30th. This case involved two Deputies from two different Divisions. It was investigated to the fullest extent and determined there was no evidence of racial profiling. The investigation completed by PSU was reviewed by the Sheriff's Office Community Advisory Review Board. Upon reviewing the matter, the Board felt the actions taken by the Deputies did not rise to the level of or involve racial profiling. The Board, comprised of four of the five members, including two representing the African American community, one representing the Muslim community and one representing the Jewish community, was unanimous in their agreement that the PSU findings were appropriate.

The complainants in this case also filed a complaint with the Racial Profiling and Biased-Based Policing Unit of the Kansas Attorney General's Office. The Attorney General's Office was provided the entire PSU investigative file for review and conducted their own investigation, including interviewing the two Deputies involved. The Attorney General's Office determined there was insufficient evidence of racial or other biased-based policing on the part of the one involved Deputy and no evidence of racial or other biased-based policing on the part of the other involved Deputy.

The second case involving racial profiling was a self-reported interaction by Civil Division Deputies who had contact with a subject during a Court Ordered Protection from Abuse Order with removal of a

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subject. The subject of that order made inquiries during the interaction, asking if Deputies were going to shoot him and stated that he was a “black man.” Deputies self-reported the contact as a claim of racial profiling and the matter was reviewed. There was no evidence to support racial profiling occurred.

Property and Evidence Room Audit

As directed by Sheriff’s Office Policy, a Property Room audit is to be conducted by the Professional Standards Unit during the first quarter of each odd year. The audit and inventory of the Property Room commenced on February 23, 2015, and was completed on March 4, 2015. A listing of all items stored in the Property Room was compiled from the Property Room Information Management System. Audit staff then physically went to each shelf to inventory each item. Items found on shelves were compared to lists from the database. When discrepancies were noted, all avenues to ensure the proper action were taken regarding the property and its final disposition. All discrepancies were able to be corrected in this matter.

Over 12,000 items were included in the audit. In conducting the inventory, 20 minor discrepancies were discovered. Items from 13 property slips were located on the shelves but the database listed them as destroyed. Items from 4 property slips were in the wrong location. Items from 1 property slip had been transferred to another shelf. Items from another property slip showed to be in the Property Room but were actually signed out to the Crime Lab. Additionally, one property slip was duplicated on another property slip.

Three potentially serious discrepancies were noted. This included items (a Bud Light Beer Can and a plastic container of amber liquid) and a DVD (in-car video) which were possibly inadvertently destroyed. One item listed on another property slip (a Mac iPod) could not be accounted for, even after interviewing the submitting Deputy. The item was part of unclaimed property that had been left at the Courthouse and no owner was identified.