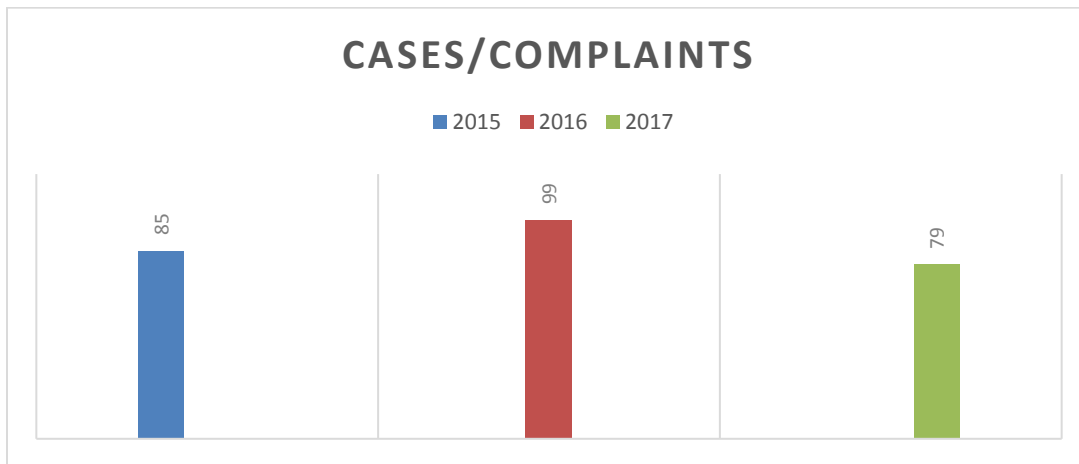


Johnson County Sheriff's Office Professional Standards Unit 2017 Annual Report

The Professional Standards Unit (PSU), comprised of one investigator 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 79 cases/complaints investigated during 2017. This was a 20% decrease in cases (99) from 2016, and a 6% decrease in cases (85) from 2015.

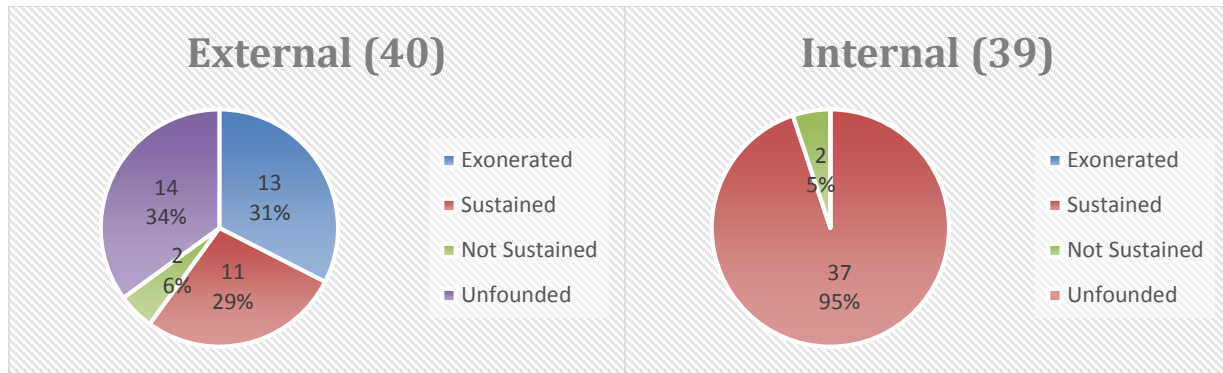


Upon conclusion of an investigation, a final disposition will be determined. The Sheriff's Office has four (4) disposition findings:

- **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.

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All of the 79 cases were investigated to the fullest extent possible. Among the cases, 40 of them (52%) were initiated by external sources. The remaining 39 cases (48%) were a result of internal complaints. When the internal and external complaints were combined (79 cases), 62% of the cases (48 cases) were sustained. The other 38% (31 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 2017, there were nearly 650 employees at the Sheriff's Office, both Civilian and Civil Service/Sworn. Of those, only 71 different employees were involved in the 79 cases.

According to the violation chart on page 3, the three most frequent complaints of deputy and civilian employees from both internal and external sources were Unsatisfactory Performance (14 cases), Courtesy (13 cases), and Violation of Rules (10 cases).

The three most frequent complaints received from external sources were Treatment of Prisoners which included allegations that staff failed to provide health, safety, and all other human necessities; Courtesy which included allegations that staff were rude or unprofessional, didn't explain reason for contact, or didn't express empathy or compassion; and a tie between Conformance to Laws involving employees committing traffic infractions, speeding or parked illegally, or involved in criminal matters; and Unbecoming Conduct involving behavior that brings the agency or employee into disrepute.

Regarding internal complaints, the most frequent violation involved Unsatisfactory Performance which includes allegations that staff failed to perform their duties or failed to conform to work standards. Second was Violation of Rules which is when employees violate standards, procedures, general orders or other polices. Unbecoming Conduct was third.

As shown in the following table, there were 105 allegations concerning:

- 28 different Professional Standards
- 7 Civilian Standards(included)
- Against 71 different staff members
 - 6 involving Divisions
 - 65 involving Deputies

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- 8 involving Civilians
- 5 involving Supervisors (Sergeants and above)

Violation	Times Alleged	Sustained	Exonerated	Unfounded	Not Sustained
A. Off Duty Law Enforce Contact	1	1			
AA. Neglect of Duty	3	2			1
B. Knowledge of Standards	1	1			
BB. Sex, Ethnic, Racial, Rel Harassment	3	1		1	1
C. Violation of Rules	10	9	1		
CC. Unbecoming Conduct	9	8		1	
Civilian R. Neglect of Duty	1	1			
Civilian S. Off -Duty LEO Contact	1	1			
Civilian EE. Unbecoming Conduct	2	2			
Civilian I. Courtesy	2	2			
Civilian A. Absence from Duty	1	1			
Civilian II. Violation of Rules	1	1			
Civilian P. Knowledge of Standards	1	1			
E. Insubordination	3	3			
FF. Conformance to Laws	6	5			1
GG. Courtesy	13	2	7	3	1
HH. Arrest, Search and Seizure	3	1	1	1	
II. Intervention	1			1	
L. Treatment of Prisoners	8		1	5	2
LL. Truthfulness	4	2		1	1
MM. Info Tech/Comms Systems Usage	5	5			
NN. Racial Profiling	3		3		
OO. Associations	1	1			
G. Supervision	2			1	1
W. Subject Control	3		1	2	
X. Absence from Duty	1	1			
Y. Unsatisfactory Performance	14	13	1		
Z. Reporting for Duty	2	2			
TOTALS	105	66	15	16	8

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 serious. 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 2017, PSU investigated 17 cases (22%). The remaining 62 cases (78%) were investigated by the Divisions.

PSU coordinated two Divisional Hearings (convened for Category C violations), and five Professional Standards Disciplinary Boards (convened for Category A and B violations).

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 and 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.

The Court Services Unit, based out of the Central Booking Facility, ensures the safety and security of inmates that travel between both detention facilities, district court, and medical appointments.

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Central Booking Facility

20 cases. 10 cases originated from internal sources and the other 10 from external sources.

- 11 cases were sustained (9 internal, 2 external)
 - 3 Counseling Statements (2 internal[one civilian], 1 external)
 - 6 Official Reprimand (all internal. 1 involved a civilian)
 - 1 Suspension - (internal involving 1 deputy)
 - 1 Termination - (external involving 1 deputy)
- 2 cases were not sustained (1 internal [verbal coaching], 1 external[involved 2 deputies])
- 6 case was unfounded (external[3 involved the division])
- 1 case was exonerated (external)

Court Services

6 cases. One case originated from an internal source and five cases from external sources.

- 3 cases were sustained (1 internal, 2 external)
 - 2 Counseling Statements (one internal, one external involving 4 deputies)
 - 1 Official Reprimand (external)
- 2 cases were unfounded (external)
- 1 case was exonerated (external involving 2 deputies)

New Century Adult Detention Center

15 cases. 11 cases originated from internal sources and 4 from external sources.

- 12 cases were sustained (11 internal, 1 external)
 - 3 Counseling Statements (2 internal[1 case involved a civilian employee], 1 external)
 - 4 Official Reprimands (internal)
 - 2 Suspensions (internal)
 - 3 Resignations (internal)
- 1 case was not sustained (external)
- 2 cases were unfounded (both external and involved the division)

Operations Bureau

Patrol

13 cases. Three cases originated from internal sources and ten from external sources. One external case involved both Patrol and the CBF.

- 4 cases were sustained (3 internal, 1 external)
 - 1 Official Reprimand
 - 2 Counseling Statements
 - 1 Performance Feedback (external)
- 5 cases were exonerated (external). One case involved two deputies
- 4 cases were unfounded (external)

Warrants

One case originated from an external source and was unfounded.

Investigations

One internal case was sustained and resulted in an Official Reprimand.

Communications Bureau

10 cases. Seven cases originated from internal sources and three from external sources.

- 7 cases were sustained (6 internal, 1 external)
 - 6 Counseling Statements (6 internal)
 - 1 Resignation (external involving a deputy)
- 1 case was not sustained (internal)
- 1 case against the division's procedures was exonerated (external)
- 1 case involving two deputies was unfounded (external)

Judicial Services Bureau

Civil

5 cases. Three cases originated from internal sources and two from an external source.

- 4 cases were sustained (3 internal, 1 external)
 - 1 Verbal Counseling (external)
 - 2 Counseling Statement (civilian employees)
 - 1 Official Reprimand
- 1 case was exonerated (external)

Court Security

3 cases. All three originated from external sources.

- 2 cases were exonerated
- 1 case was unfounded

Support Services Bureau

Personnel

No cases were reported

Purchasing

One internal case was sustained and the civilian employee received a Counseling Statement.

Records

2 cases. One internal case and one external case involved the same civilian employee.

- Official Reprimand (internal)
- Termination (external)

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Training and Research Bureau

One internal and one external case involved academy recruits. Both cases were sustained with one (external) receiving an Official Reprimand and one (internal) receiving a Counseling Statement.

Administration Bureau

Administration

No cases reported.

Criminalistics Laboratory

No cases reported.

Awards

In 2017, staff members received 326 awards and commendations. This reflects a 20% decrease in awards from 2016 (429). The following table shows the awards received, separated by Divisions.

Administration	7		
Civil	21	Patrol	27
Communications	61	Personnel	6
Court Security	5	Research and Planning	1
Crime Lab	60	Records	3
Detention	107	Training	7
Investigations	19	Warrants	2
		TOTAL	<hr/> 326

Use of Force¹

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 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).

¹ Information provided is from data available as of 01-22-2018. Some subject control reports were pending at the time of this report.

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- **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 2017, 223 different staff members were involved in 184 Use of Force incidents, involving 167 different subjects. The Use of Force incidents are separated by Division, with the Detention Facilities displayed by building.

Detention – 142 Total	
- Central Booking	67
- New Century	75
Civil	5
Court Security	1
Patrol	30
SERT	3
Warrants	<u>3</u>
	184

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. All use of force incidents require a Deputy to document their actions.

The primary action taken was limb control (434 uses), followed by verbal direction (375 uses) and the visual display of a firearm (62 uses). Touch pressure was utilized 53 times. There was one incident which resulted in deadly force in 2017.

According to the 603 Subject Control Reports submitted, the following is the reason force was used:

- 250 Deputy actions (41%) required force to restrain a subject for their own safety.
- 154 Deputy actions (26%) required force as it was necessary to defend an officer.
- 73 Deputy actions (13%) required force to affect the arrest
- 54 Deputy actions (9%) required force to prevent property damage
- 51 Deputy actions (8%) required force as it was necessary to defend the public.
- 13 Deputy actions (2%) required to prevent escape.
- 8 Deputy actions (1%) required force with no reason given.

Accidents

A total of 24 accidents involving Sheriff's Office vehicles were reported to PSU in 2017.

Patrol	17
Civil	3
Detention	3
Administration	<u>1</u>
Total:	24

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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, 2017. The 2018 annual report year will include cases received between July 1, 2017 and June 30, 2018.

For the entire year of 2017, Professional Standards documented three self-reported cases involving allegations of racial or biased-based policing.

The first case, from October of 2017, occurred at 3:14 a.m. and involved a Patrol Deputy who self-reported contact he had with a driver during a traffic stop. The Deputy, who was stationary, initiated a traffic stop on a vehicle traveling 86 mph in a 70 mph zone and a traffic citation was issued. The driver claimed he was racially profiled after he was stopped due to the Deputy taking approximately 10 minutes to write and serve the citation. The traffic stop was lawfully based upon probable cause for a traffic infraction. The matter was reviewed and there was no evidence to support racial profiling occurred.

The second case, from November of 2017, occurred at 1:30 a.m. and involved a Patrol Deputy who self-reported contact he had with a driver during a traffic stop. The Deputy initiated a traffic stop for a defective tag light and a warning was given. The driver commented, "It seems like you pulled me over when you saw that I was black." The traffic stop was lawfully based upon probable cause for a traffic infraction. The matter was reviewed and there was no evidence to support racial profiling occurred.

The third case, from December of 2017, occurred at 10:45 a.m. and involved a Patrol Deputy who self-reported contact he had with a driver during a traffic stop. The Deputy, going the opposite direction of the speeding vehicle, initiated a traffic stop on a vehicle traveling 86 mph in a 70 mph zone and a traffic citation was issued. The driver stated, "This is a strong case of profiling, the Corolla was doing 90 (mph) when it passed me." The traffic stop was lawfully based upon probable cause for a traffic infraction. The matter was reviewed and 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. An audit and inventory of the Property Room commenced on November 7, 2016 and was completed on November 10, 2016 due to newly elected Sheriff Hayden assuming responsibility of the Property Room and its contents. 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 manner.

The next scheduled property room audit will occur in the first quarter of 2019.