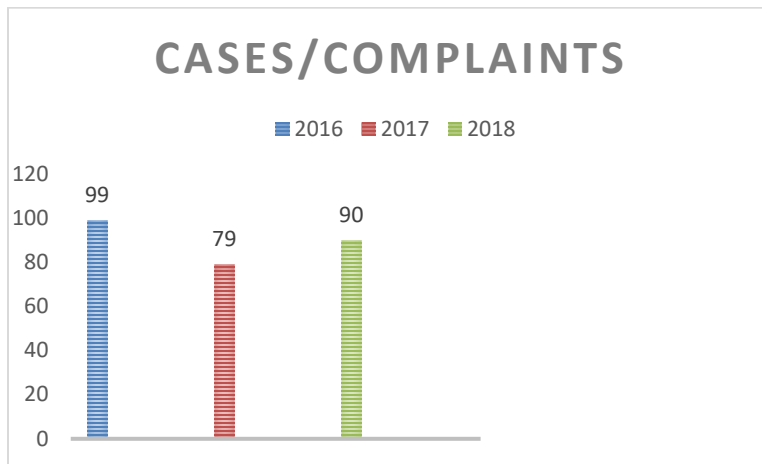


Johnson County Sheriff's Office Professional Standards Unit 2018 Annual Report

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 90 cases/complaints investigated during 2018. This was an 11% increase in cases (79) from 2017, and a 9% decrease in cases (99) from 2016.

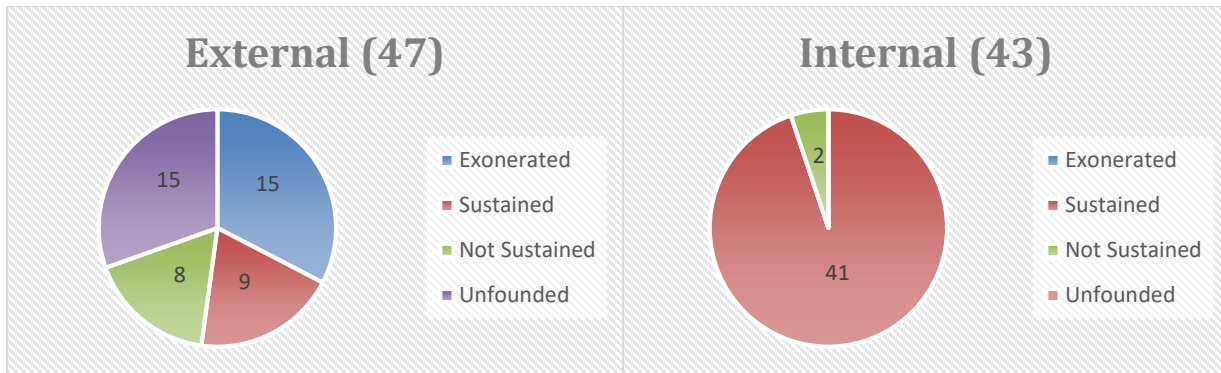


Upon conclusion of an investigation, a final disposition will be determined by one of the following findings:

- **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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Of the 90 cases, all were investigated to the fullest extent possible. Among the cases, 47 of them (52%) were initiated by external sources. The remaining 43 cases (48%) were a result of internal complaints. When the internal and external complaints were combined (90 cases), 55% of the cases (50 cases) were sustained. The other 45% (40 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 2018, there were nearly 650 employees at the Sheriff's Office, both Civilian and Civil Service/Sworn. Of those, only 81 different employees were involved in the 90 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 Treatment of Prisoners (18 cases), Unbecoming Conduct (13 cases), and Unsatisfactory Performance (13 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 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 and Unbecoming Conduct. Third was Violation of Rules which is when employees violate standards, procedures, general orders or other polices and.

As shown in the following table, there were 90 allegations concerning:

- 19 different Professional Standards
- 7 Civilian Standards(included)
- Against 81 different staff members
 - 9 involving Divisions
 - 74 involving Deputies
 - 7 involving Civilians

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- 6 involving Supervisors (Sergeants and above)

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.

Violation	Times Alleged	Sustained	Exonerated	Unfounded	Not Sustained
Weapon Management	1	1			
Neglect of Duty	2	2			
Knowledge of Standards	2	1		1	
Sex, Ethnic, Racial, Rel Harassment	1	1			
Violation of Rules	11	10	1		
Unbecoming Conduct	13	6	1	2	4
Use of Sheriff's Office Equipment	3	3			
Insubordination	5	5			
Conformance to Laws	4	1			3
Courtesy	8	3	3	2	
Arrest, Search and Seizure	1			1	
Confidentiality	1			1	
Treatment of Prisoners	18	2	7	7	2
Sheriff's Office Reports	1		1		
Info Tech/Comms Systems Usage	3	3			
Associations	1	1			
Subject Control	1		1		
Absence from Duty	1	1			
Unsatisfactory Performance	13	10	1	1	1
TOTALS	90	50	15	15	10

In 2018, PSU investigated 17 cases (19%). The remaining 73 cases (81%) were investigated by the Divisions.

PSU coordinated six Divisional Hearings (convened for Category C violations), and four 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.

Central Booking Facility

28 cases. 13 cases originated from internal sources and the other 15 from external sources.

- 14 cases were sustained (13 internal, 1 external)
 - 5 Official Reprimands (4 internal, 1 external)

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- 6 Counseling Statements (internal)
- 2 Suspensions (internal)
- 1 Resignation (internal)
- 3 cases were Not Sustained (external)
- 4 cases were Exonerated (external, one involving 2 deputies)
- 7 cases were Unfounded (external)

Court Services

4 cases. Two cases originated from an internal source and two from external source.

- 4 cases were sustained
 - 2 Counseling Statements (1 internal, 1 external involving 2 deputies)
 - 1 Suspension (internal)
 - 1 Resignation (While under investigation)

New Century Adult Detention Center

24 cases. 14 cases originated from internal sources and 10 from external sources.

- 16 cases were sustained (14 internal, 2 external)
 - 8 Official Reprimands (6 internal, 2 external)
 - 7 Counseling Statements (all internal[1 case involved 8 deputies])
 - 1 Demotion and Suspension (internal)
- 3 case were Not Sustained (external)
- 3 cases were Exonerated (external)
- 2 cases were Unfounded (external)

Operations Bureau

Patrol

18 cases. 14 cases originated from external sources and four from internal sources.

- 6 cases were sustained (4 internal, 2 external)
 - 3 Official Reprimands (2 internal, 1 external)
 - 2 Counseling Statements (1 internal, 1 external)
 - 1 Suspension (internal)
- 2 cases were Not Sustained (external)
- 6 cases were Exonerated (external[1 case involved 2 deputies])
- 4 cases were Unfounded (external[1 case involved 2 deputies])

SERT

2 internal cases were sustained and resulted in Counseling Statements.

Warrants

No cases were reported.

Investigations

No cases were reported.

Communications Bureau

7 cases. Six cases originated from internal sources and one from an external source.

- All were sustained
 - 6 Counseling Statements
 - 1 Suspension (internal)

Judicial Services Bureau

Civil

One external case was Unfounded.

Court Security

5 cases. Four originated from external sources and one from an internal source.

- 2 cases were sustained
 - 1 Counseling Statement (external)
 - 1 Suspension (internal)
- 1 case was Not Sustained and resulted in a Performance Feedback (external)
- 2 cases were Exonerated (external)

Support Services Bureau

Personnel

One internal case was Not Sustained.

Purchasing

No cases were reported

Records

No cases were reported

Training and Research Bureau

No cases were reported

Administration Bureau

Administration

No cases were reported.

Criminalistics Laboratory

No cases were reported.

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Awards

In 2018, staff members received 435 awards and commendations. This reflects a 18% increase in awards from 2017 (326). The following table shows the awards received, separated by Divisions.

Administration	18	Investigations	28
Civil/Tag	31	Patrol	80
Communications	72	Personnel	7
Court Security	14	Records	2
Crime Lab	46	Training/R&P	15
Detention	95	Warrants	26
Fiscal	1		
		TOTAL	<hr/> 435

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).
- **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 2018, 241 different staff members were involved in 225 Use of Force incidents, involving 183 different subjects. The Use of Force incidents are separated by Division, with the Detention Facilities displayed by building.

Detention – 168 Total	
- Central Booking	83
- New Century	85
Civil	4
Court Security	4

¹ Information provided is from data available as of 01-28-2019. Some subject control reports were pending at the time of this report.

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Investigations	1
Patrol	43
Warrants	<u>5</u>
	225

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 (502 uses), followed by verbal direction (419 uses) and the visual display of a taser (77 uses). Touch pressure was utilized 63 times.

According to the 663 Subject Control Reports submitted, the following is the reason force was used:

- 281 Deputy actions (42%) required force to restrain a subject for their own safety.
- 122 Deputy actions (18%) required force as it was necessary to defend an officer.
- 120 Deputy actions (18%) required force to affect the arrest
- 23 Deputy actions (3%) required force to prevent property damage
- 24 Deputy actions (4%) required force as it was necessary to defend a person.
- 16 Deputy actions (2%) required to prevent escape.

Accidents

A total of 17 accidents involving Sheriff's Office vehicles were reported to PSU in 2018.

Patrol	12
Civil	4
Detention	<u>1</u>
Total:	17

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, 2018. The 2019 annual report year will include cases received between July 1, 2018 and June 30, 2019.

For the entire calendar year of 2018, Professional Standards had no documented allegations of racial or biased-based policing.