



Professional Standards Unit

2021 Annual Report



JOHNSON COUNTY SHERIFF'S OFFICE

27747 W. 159th Street
New Century, Kansas 66031.

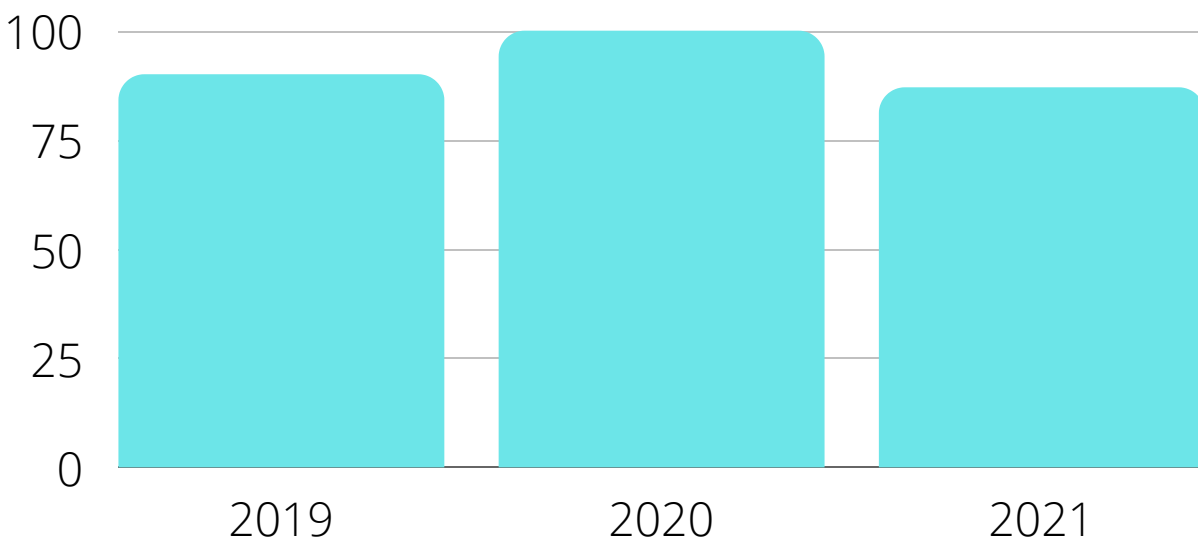
PREPARED BY DET. SGT. JESSE VALDEZ II

Overview

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.

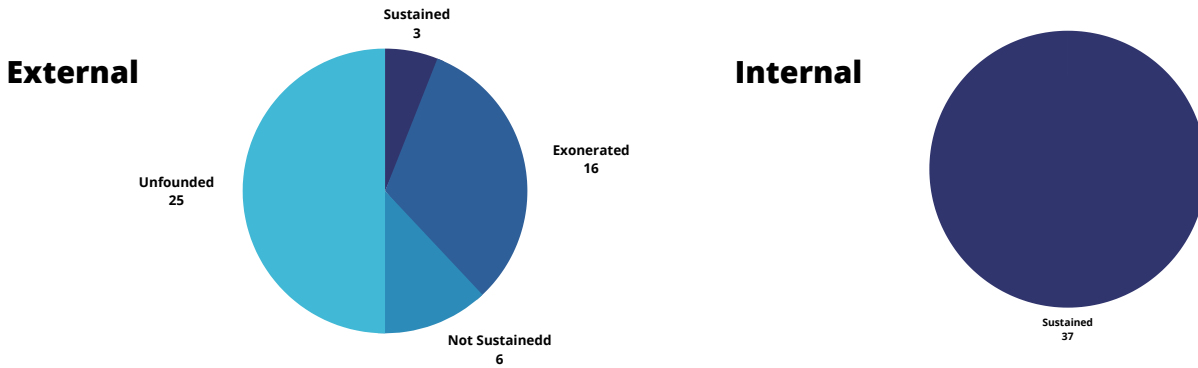
The Professional Standards Unit is tasked with investigating complaints from external sources, such as citizens or an outside agency, as well as internal complaints initiated by employees. There were 87 cases/complaints investigated in 2021. This was a 13% decrease in cases (100) from 2020, and in cases (90) from 2019.



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.

Of the 87 cases, all were investigated to the fullest extent possible. Among the cases, 50 of them (57%) were initiated by external sources. The remaining 37 cases (43%) were a result of internal complaints. When the internal and external complaints were combined (87 cases), 46% of the cases (40 cases) were sustained. The other 54% (47 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/or 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 2021, there were nearly 700 employees at the Sheriff's Office, both Civilian and Civil Service/Sworn. Of those, only 66 different employees were involved in the 87 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 (19 cases), Violation of Rules (12), and Courtesy (11).

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; second was Courtesy which included allegations that staff were rude or unprofessional; and third was Racial Biased Based Policing which precludes anyone from being subjected to investigatory activities based on their race, ethnicity, or national origin.

Regarding internal complaints, the most frequent violation was Violation of Rules which is when employees violate standards, procedures, or other policies; second was Unsatisfactory Performance which includes allegations that staff failed to perform their duties or failed to conform to work standards; and third was Neglect/Absence/Reporting for Duty which is failing to report for duty.

As shown in the following table, there were 87 allegations concerning:

- 17 different Professional Standards
- Five (5) Civilian Standards (included)
- Against seventy eight (66) different staff members
 - 10 involving Divisions
 - 69 involving Deputies
 - Five (5) involving Civilians
 - Three (3) involving Supervisors (Sergeants, civilian supervisors and above)

Violation	All eg at io ns	S us ta in e d	Ex o n e r a t e d	U n f o u n d e d	N o t S u s t a i n e d
Abuse of Position	1			1	
Report for Duty	8	8			
Knowledge of Standards	6	6			
Harassment	2		1	1	
Violation of Rules	12	8		4	
Unbecoming Conduct	3	3			
Supervision	1		1		
Conform to Laws	4	1		2	1
Courtesy	11	2	2	4	3



Violation	Al le g at io n s	S u s t a i n e d	E x o n e r a t e d	U n f o u n d e d	N o t S u s t a i n e d
Retaliation	1			1	
Intervention	1	1			
Treatment of Prisoners	19		6	11	2
Tech Usage	1	1			
Arrest Search Seizure	2		1	1	
Subject Control	1		1		
Biased Policing	4		4		
Unsatisfactory Performance	10	10			
TOTALS	87	40	16	25	6

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 2021, PSU investigated 15 cases (17%). The remaining 72 cases (83%) were investigated by the Divisions. PSU also investigated one internal complaint made against a supervisor for another local law enforcement organization. PSU coordinated three Divisional Hearings (convened for Category C violations), and two 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 (2) 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

26 cases. 14 cases originated from external sources and 12 from internal sources.

- 12 cases were Sustained (internal)
 - 3 Counseling Statements (internal)
 - 7 Official Reprimands (internal)
 - 1 Suspension
 - 1 Direct Termination
- 1 case was Not Sustained (external)
- 7 cases were Exonerated (external)
- 6 cases were Unfounded (external)

Court Services

3 cases. 2 cases originated from external sources and 1 from an internal source.

- 1 case was Sustained (internal)
 - 1 Counseling Statement
- 2 cases were Not Sustained

New Century Adult Detention Center

23 cases. 14 cases originated from external sources and 9 from internal sources.

- 10 cases were Sustained (9 internal, 1 external)
 - 6 Official Reprimands (5 internal, 1 external)
 - 4 Counseling Statements (internal)
- 2 cases were Exonerated (external)
- 11 cases were Unfounded (external)

Operations Bureau

Patrol

20 cases. 15 cases originated from external sources and 5 from internal sources.

- 7 cases were Sustained (5 internal, 2 external)
 - 1 Official Reprimands (internal)
 - 6 Counseling Statements (4 internal, 2 external)
- 1 case was Not Sustained (external)
- 5 cases were Exonerated (external)
- 7 cases were Unfounded (external)

Community Policing Unit

1 case originated from an external source and was Not Sustained

Warrants

No cases were reported.

Investigations

No cases were reported.

Communications Bureau

5 cases. 2 cases originated from external sources and 3 from external sources.

- 3 cases were Sustained (1 external)
 - 3 Counseling Statements
 - 2 cases were Exonerated (external)

Judicial Services Bureau

Civil

5 cases . 1 case originated from external sources and 4 from internal sources.

- 4 cases were Sustained (internal)
 - 1 Counseling Statement
 - 2 Official Reprimands
 - 1 Direct Termination
- 1 case was Unfounded

Court Security

4 Cases. 2 originated form external sources and 2 from internal sources.

- 2 cases were Sustained (internal)
 - 1 Counseling Statement
 - 1 Suspension
- 2 Cases were Unfounded

Support Services Bureau

Personnel

No cases were reported.

Purchasing

No cases were reported.

Records

No cases were reported.

Training & Research Bureau

No cases were reported.

Administration Bureau

No cases were reported.

Criminalistics Laboratory

No cases were reported.

Awards

In 2021, staff members received 377 awards and commendations. This is a decrease in awards from 2020 (529).



Use of Force ^[1]

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 2021, there were 334 Use of Force incidents and are separated by Division, with the Detention Facilities displayed by building.

• Detention	259
◦ Central Booking	157
◦ New Century	102
• Civil	1
• Communications	1
• Patrol	61
• SERT	3
• Warrants	6
	Total 334

[1] Information provided is from data available as of 01-27-2021. Some subject control reports were pending at the time of this report.

Each incident may involve several different actions taken by multiple staff members. One incident may require the employee 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 an employee to document their actions.

The primary action taken was limb control (857 uses), followed by verbal direction (615 uses), displaying a firearm (118 uses), displaying a taser (111 uses) and touch pressure (74 uses).

According to the 678 Subject Control Reports submitted, the following is the reason force was used:

- 560 deputy actions required force to restrain a subject for their own safety.
- 350 deputy actions required force as it was necessary to defend an officer.
- 174 deputy actions required force to affect the arrest.
- 69 deputy actions required force as it was necessary to defend a person.
- 35 deputy actions required force to prevent property damage.
- 10 deputy actions required force to prevent escape.

Accidents

A total of 8 accidents involving Sheriff's Office vehicles were reported to PSU in 2021.

- Patrol 6
- Warrants 1
- Drug Task Force 1
- TOTAL 8

Property & 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 was scheduled to take place in the spring of 2021 but was postponed due to Covid. An audit of the property room safe was conducted in January of 2022 and all items store in the safe were present and accounted for.

Once a new inventory management software system is installed, another audit of the property room will be conducted.

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 2, 2021. The 2021 Annual Report year included cases received between July 1, 2020 and June 30, 2021.

For the entire calendar year of 2021, the Professional Standards Unit investigated four cases involving allegations of racial or biased-based policing.

The first case, reported on February 19, 2021 and occurred on January 29, 2021, involved a deputy who observed a vehicle displaying an expired temporary tag (Oct. 2020). After receiving a warning, the black female driver claimed she was stopped due to the color of her skin. The traffic stop was lawfully based upon probable cause for a traffic misdemeanor. The matter was reviewed and there was no evidence to support racial profiling occurred.

The second case, from February 19, 2021, involved a deputy who observed a vehicle displaying an expired tag (Sept. 2020). Contact was made with black female driver and the deputy smelled the odor of burnt marijuana coming from the vehicle. The vehicle was searched and marijuana "shake" was found inside the vehicle. After the driver received a traffic citation for expired tags, she claimed she was stopped due to the color of her skin. The traffic stop was lawfully based upon probable cause for a traffic misdemeanor. The matter was reviewed and there was no evidence to support racial profiling occurred.

The third case from March 16, 2021, involved a black male who attempted to turn himself in at the Central Booking Facility due to an outstanding warrant. While waiting for a deputy to contact him, he attempted to exit the lobby area and was contacted by two deputies. He also observed two more deputies ten feet behind the other deputies (for a total of four deputies). The black male felt the four deputies on scene were excessive and due to the color of his skin. The contact was based on probable cause for the active warrant and the male turning himself in on that warrant. The matter was reviewed and there was no evidence to support racial profiling occurred.

The fourth case from April 15, 2021, involved a deputy who observed a vehicle with an expired (Nov. 2020) and switched tag. Contact was made with the black female driver who claimed she was stopped due to the color of her skin. She received a citation for the expired tag and a warning for expired insurance. The traffic stop was lawfully based upon probable cause for a traffic misdemeanor. The matter was reviewed and there was no evidence to support racial profiling occurred.