



Professional Standards Unit

2022 Annual Report



JOHNSON COUNTY SHERIFF'S OFFICE

27747 W. 159th Street
New Century, Kansas 66030.

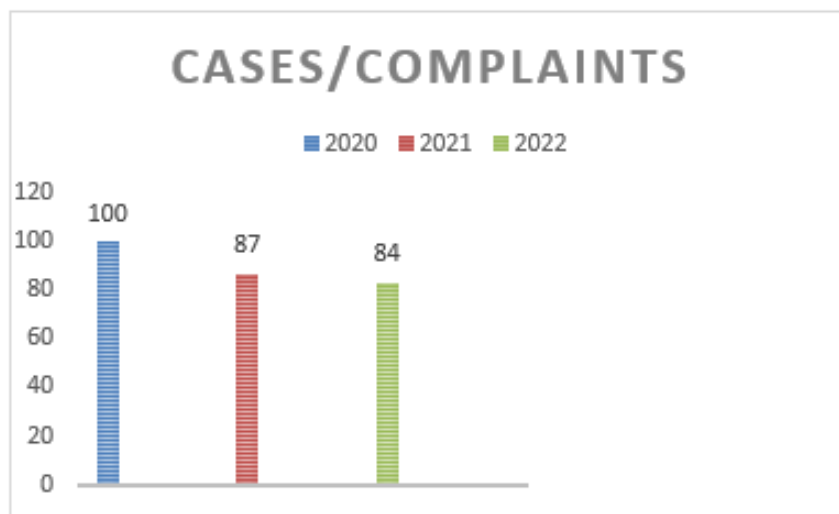
PREPARED BY SERGEANT JESSE VALDEZ

Overview

The Professional Standards Unit (PSU), comprised of one investigator, one part-time investigator, and one Command Level supervisor, provide the Sheriff's Office with a thorough, consistent and fair investigative review of complaints. The Unit is located within the Administration Division of the Johnson County Sheriff's Office (JCSO) 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.

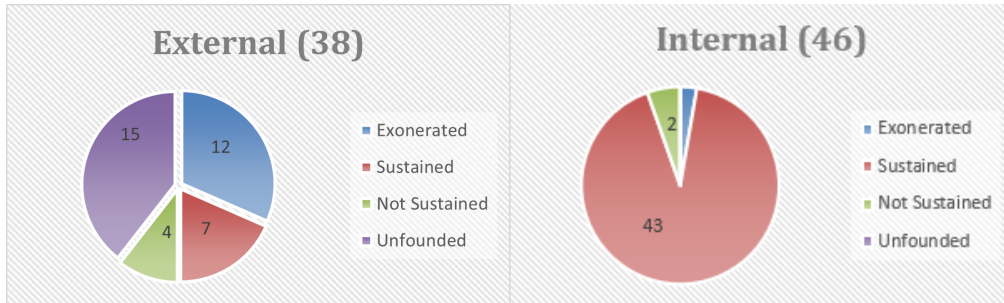
The Professional Standards Unit is tasked with investigating complaints from external sources, such as citizens or an outside agency, as well as internal complaints initiated by the JCSO. There were 84 cases/complaints investigated in 2022. This was a 3 case decrease in cases (87) from 2021. There were 100 cases in 2020.



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 84 cases, all were investigated to the fullest extent possible. Among the cases, 38 of them (46%) were initiated by external sources. The remaining 46 cases (54%) were a result of internal complaints. When the internal and external complaints were combined, 59% of the cases (50 cases) were sustained. The other 41% (34 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 2022, there were nearly 600 employees at the Sheriff's Office, both Civilian and Civil Service/Sworn. Of those, only 67 different employees were involved in the 84 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 (22 cases), Unsatisfactory Performance (17 cases), Violation of Rules (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, didn't explain reason for contact, or didn't express empathy or compassion. Third was Conformance to Laws when an employee commits any misdemeanor, felony, or traffic infraction/misdemeanor.

Regarding internal complaints, the most frequent violation was 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 policies. Third was Unbecoming Conduct which involves behavior that brings the agency or employee into disrepute.

As shown in the following table, there were 100 allegations concerning:

- 16 different Professional Standards
- Five (5) Civilian Standards
- Against 67 different staff members
 - 10 involving Divisions
 - 60 involving Deputies
 - Six (6) involving Civilians
 - Four (4) involving Supervisors (Sergeants, civilian supervisors and above)

Violation	Times Alleged	Sustained	Exonerated	Unfounded	Not Sustained
Abuse of Position	1		1		
Neglect/Absence/Report of Duty	4	3		1	
Knowledge of Standards	2	2			
Violation of Rules	11	10			1
Unbecoming Conduct	5	5			
Insubordination	1	1			
Conformance to Laws	7	5			2
Courtesy	5	2	2		1
Sheriff's Office Equipment	2	2			
Associations	2	1	1		
Treatment of Prisoners	22		7	14	1
Sheriff's Office Reports	2	2			
Arrest/Search and Seizure	1		1		
Truthfulness	1	1			
Racial/Biased Based Policing	1		1		
Unsatisfactory Performance	17	16			1
TOTALS	84	49	13	15	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 2022, PSU investigated nineteen (11) cases (13%). The remaining 73 cases (87%) were investigated by the Divisions. PSU also investigated one internal complaint for a local law enforcement organization. PSU coordinated one Divisional Hearings (convened for Category C violations).

The Sheriff's Office has seven (7) 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

27 cases. 12 cases originated from external sources and 15 from internal sources.

- 15 cases were Sustained (2 internal, 13 external)
 - 5 Counseling Statements (internal)
 - 4 Official Reprimands (internal) One case involved two employees.
 - 4 Direct Terminations (3 internal)
 - 2 Resignations (internal)
- 4 cases were Not Sustained (3 external)
- 4 cases were Exonerated (external)
- 4 cases were Unfounded (external)

Court Services

No cases were reported.

New Century Adult Detention Center

33 cases. 16 cases originated from external sources and 17 from internal sources.

- 19 cases were Sustained (16 internal)
 - 5 Official Reprimands (4 internal)
 - 9 Counseling Statements (8 internal)
 - 3 Direct Terminations (2 internal)
 - 1 (5) day Suspension (internal)
 - 1 Resignation (internal)
- 1 case was Not Sustained (external)
- 4 cases were Exonerated (3 external)
- 9 cases were Unfounded (external)

Operations Bureau



Patrol

13 cases. 4 cases originated from external sources and 9 from internal sources.

- 10 cases were Sustained (9 internal)
 - 1 Official Reprimand
 - 7 Counseling Statements
- 2 cases were Exonerated (external). One case involved two employees.
- 1 case was Unfounded (external)
- 1 Direct Termination (internal)
- 1 Resignation (external)

Community Policing Unit

No cases were reported.

Warrants

2 cases. 1 case originated from an external source and 1 from an internal source.

- 1 case was sustained (internal)
 - Counseling Statement
- 1 case was Unfounded (external)

Investigations

2 cases. 1 originated from external source and 1 from internal source.

- 1 case was Sustained (internal)
 - Counseling Statements
- 1 case was Not Sustained (external)

Communications Bureau



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

- 2 cases were Sustained (internal)
 - 2 Counseling Statements
- 1 case was Exonerated (external)

Judicial Services Bureau



Civil

No cases were reported.

Court Security

1 case came from an external source and was Exonerated. It involved two employees.

Support Services Bureau



Personnel

No cases were reported.

Purchasing

No cases were reported.

Records

1 external case was reported and it was Exonerated.

Training & Research

1 external case was reported and it was Sustained with an Official Reprimand.

Administration Bureau

No cases were reported.

Criminalistics Laboratory

1 internal case was reported and it was Sustained with a Resignation.

Awards

In 2022, staff members received 443 awards and commendations. Staff received 377 in 2021.

Administration
5

Civil
13

Communications
114

Court Security
3

Fiscal
1

Crime Lab
63

Drug Task Force
5

Detention
71

Personnel
4

Honor Guard
21

Investigations
19

Patrol
67

PIO
3

Training RnP
11

Warrants
7

CPU
8

SERT
28

TOTAL
443

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 2022, 283 Use of Force incidents are separated by Division, with the Detention Facilities displayed by building.

• Detention	216
◦ Central Booking	113
◦ New Century	103
• Civil	3
• Patrol	52
• SERT	3
• Drug Task Force	1
• Warrants	8
	283

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 (840 uses), followed by verbal direction (517 uses), displaying a taser (96 uses), displaying a firearm (94 uses) and touch pressure (67 uses).

According to the 283 Subject Control Incidents in 2022, the following is the reason force was used:

- 520 deputy actions required force to restrain a subject for their own safety.
- 299 deputy actions required force as it was necessary to defend an officer.
- 219 deputy actions required force to affect the arrest.
- 64 deputy actions required force as it was necessary to defend a person.
- 37 deputy actions required force to prevent property damage.
- 15 deputy actions required to prevent escape.

Accidents

A total of eight accidents involving Sheriff's Office vehicles were reported to PSU in 2022.

- Patrol 6
 - Warrants 1
 - PIO 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 commence in spring of 2021 but postponed due to Covid. An audit of the property room safe was conducted in January of 2022 and all items stored in the safe were present and accounted for.

The property room purchased a new inventory software program in 2022. Once the new inventory software is installed, another audit of the property room will be done in the spring of 2023.

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 5, 2022. The 2022 Annual Report year included cases received between July 1, 2021 and June 30, 2022.

For the entire calendar year of 2022, the Professional Standards Unit investigated one case involving allegations of racial or biased-based policing.

The case, from February 4, 2022, involved a white male deputy who observed a vehicle traveling on K10 Highway with dark tinted windows. Contact was made with the black male driver and the rear window registered 12% tint when the minimum is 35%. The deputy also requested a free air sniff by a K9 because the same driver was arrested in March 2021 with two pounds of marijuana in the same vehicle. The K9 alerted to the vehicle, and no contraband was found after the car was searched. The driver received a warning for excessive tint and claimed he was stopped due to the color of his skin. 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.