

The background of the cover features a collage of three distinct symbols. At the top left is a portion of a police officer's helmet with a 'POLICE' badge. In the center is the Great Seal of the State of Kansas, which depicts a landscape with a sun, mountains, a river, and a plow, surrounded by the text 'STATE OF KANSAS', 'GREAT SEAL OF THE STATE OF KANSAS', and 'JANUARY 29, 1861'. At the bottom left is a portion of the Johnson County Sheriff's Office seal, showing a shield with a scale of justice and the words 'JOHNSON COUNTY'.

Professional Standards Unit

2023 Annual Report

JOHNSON COUNTY SHERIFF'S OFFICE

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

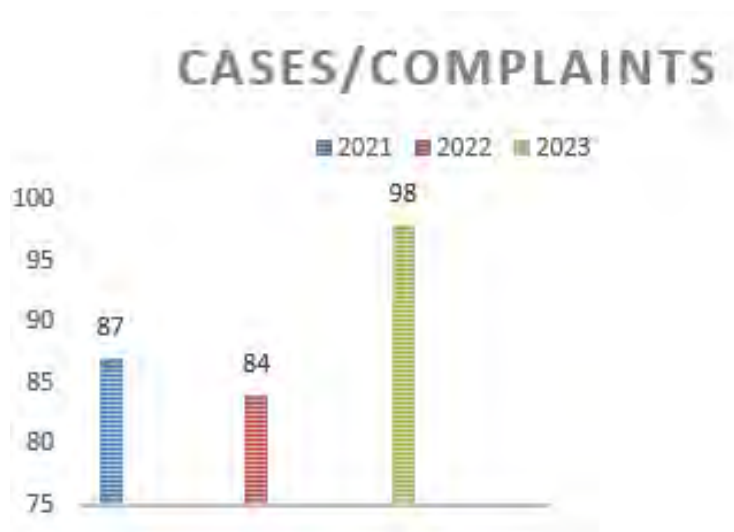
PREPARED BY SERGEANT JESSE VALDEZ

Overview

The Professional Standards Unit (PSU), comprised of one investigator, one part-time investigator, and one Executive 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 98 cases/complaints investigated in 2023. This was a 14 case increase in cases (84) from 2022. There were 87 cases in 2021.



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 98 cases, 52 of them (53%) were initiated by external sources. The remaining 46 cases (47%) were a result of internal complaints. When the internal and external complaints were combined (98 cases), 54% of the cases (53 cases) were sustained. The other 46% (45 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 2023, there were nearly 675 employees at the Sheriff's Office, both Civilian and Civil Service/Sworn. Of those, only 84 different employees were involved in the 98 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 Courtesy (19 cases), Unsatisfactory Performance (15 cases) and Treatment of Prisoners (13 cases).

The three most frequent complaints received from external sources were Courtesy which included allegations that staff were rude or unprofessional, didn't explain reason for contact, or didn't express empathy or compassion; Treatment of Prisoners which included allegations that staff failed to provide health, safety, and all other human necessities; and Unbecoming Conduct which involves behavior that brings the agency or employee into disrepute.

As for 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; Unbecoming Conduct which involves behavior that brings the agency or employee into disrepute; and Reporting for Duty which involves reporting for all duty assignments, court hearings, and training at the same time and place by assignment or orders.

As shown in the following table, there were 98 allegations concerning:

- 20 different Professional Standards
- Eleven (11) Civilian Standards
- Against 84 different staff members
 - 6 involving Divisions
 - 77 involving Deputies
 - Twenty One (21) involving Civilians
 - Seven (7) 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	9	8	1		
Knowledge of Standards	3	2		1	
Violation of Rules	5	2		2	1
Unbecoming Conduct	8	4	2	1	1
Insubordination	3	3			
Conformance to Laws	2	1		1	
Courtesy	19	3	8	5	3
Sheriff's Office Equipment	1	1			
Supervision	3	3			
Treatment of Prisoners	13	1	6	5	1
Sheriff's Office Reports	4	4			
Arrest/Search and Seizure	3	1	1		1
Truthfulness	3	2			1
Racial/Biased Based Policing	1		1		
Unsatisfactory Performance	14	14			
Weapon Management	2	2			
Information Technology	2	2			
Subject Control	1		1		
Retaliation	1			1	
TOTALS	98	53	21	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 2023, PSU investigated 13 cases (13%). The remaining 85 cases (87%) were investigated by the Divisions. PSU also investigated one complaint for a local law enforcement organization.

PSU coordinated five Divisional Hearings (convened for Category C violations) and six disciplinary boards (A and B category 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.

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

31 cases. 17 cases originated from external sources and 14 from internal sources.

- 15 cases were Sustained (14 internal, 1 external)
 - 6 Counseling Statements (internal)
 - 1 Official Reprimands (internal)
 - 4 Direct Terminations (3 internal, 1 external)
 - 1 Resignations (internal)
 - 3 Suspension (internal)
- 2 cases were Not Sustained (external)
- 8 cases were Exonerated (external)
- 6 cases were Unfounded (external)

Court Services

No cases were reported.

New Century Adult Detention Center

26 cases. 10 cases originated from external sources and 16 from internal sources.

- 18 cases were Sustained (15 internal, 3 external)
 - 2 Official Reprimands (2 internal)
 - 9 Counseling Statements (9 internal, 3 external)
 - 3 Direct Terminations (2 internal, 1 external)
 - 4 Suspensions (internal)
 - 1 Resignation (internal)
- 3 cases were Not Sustained (2 external, 1 internal)
- 1 case was Exonerated (external)
- 4 cases were Unfounded (external)

Operations Bureau



Patrol

15 cases. 9 cases originated from external sources and 6 from internal sources.

- 6 cases were Sustained (internal)
 - 3 Official Reprimand
 - 3 Counseling Statements
- 5 cases were Exonerated (external)
- 3 cases were Unfounded (external) One case involved two employees.
- 1 case was Not Sustained (external)

Community Policing Unit

No cases were reported.

Warrants

1 case originated from an external source.

- 1 case was Sustained and the employee resigned

Investigations

2 cases originated from an external source.

- Both cases were exonerated

Communications Bureau

6 cases. 2 cases originated from external sources and 4 from internal sources.

- 5 cases were Sustained (internal)
 - 4 Counseling Statements (internal)
 - 1 Official Reprimand (external)
- 1 case was Unfounded (external)

Judicial Services Bureau

Civil

3 cases originated from an external source.

- 1 case was Sustained with a Counseling Statement
- 2 cases were Exonerated

Court Security

5 cases. 4 cases originated from an external source and 1 from an internal source.

- 2 cases were Sustained (one case involved two employees with different sanctions)
 - 2 Official Reprimands (external, internal)
 - 1 Suspension (internal)
- 2 cases were Not Sustained (external)
- 1 case was Exonerated (external)

Support Services Bureau

Personnel

1 case originated from an external source and was Exonerated.

Purchasing

No cases were reported.

Records

2 cases. One originated from an external source and one from an internal source.

- 1 case was Sustained with an Official Reprimand (internal)
- 1 case was Unfounded (external)

Training & Research

1 case originated from an external source and was Unfounded.

Administration Bureau

Administration

1 case originated from an external source and was Exonerated.

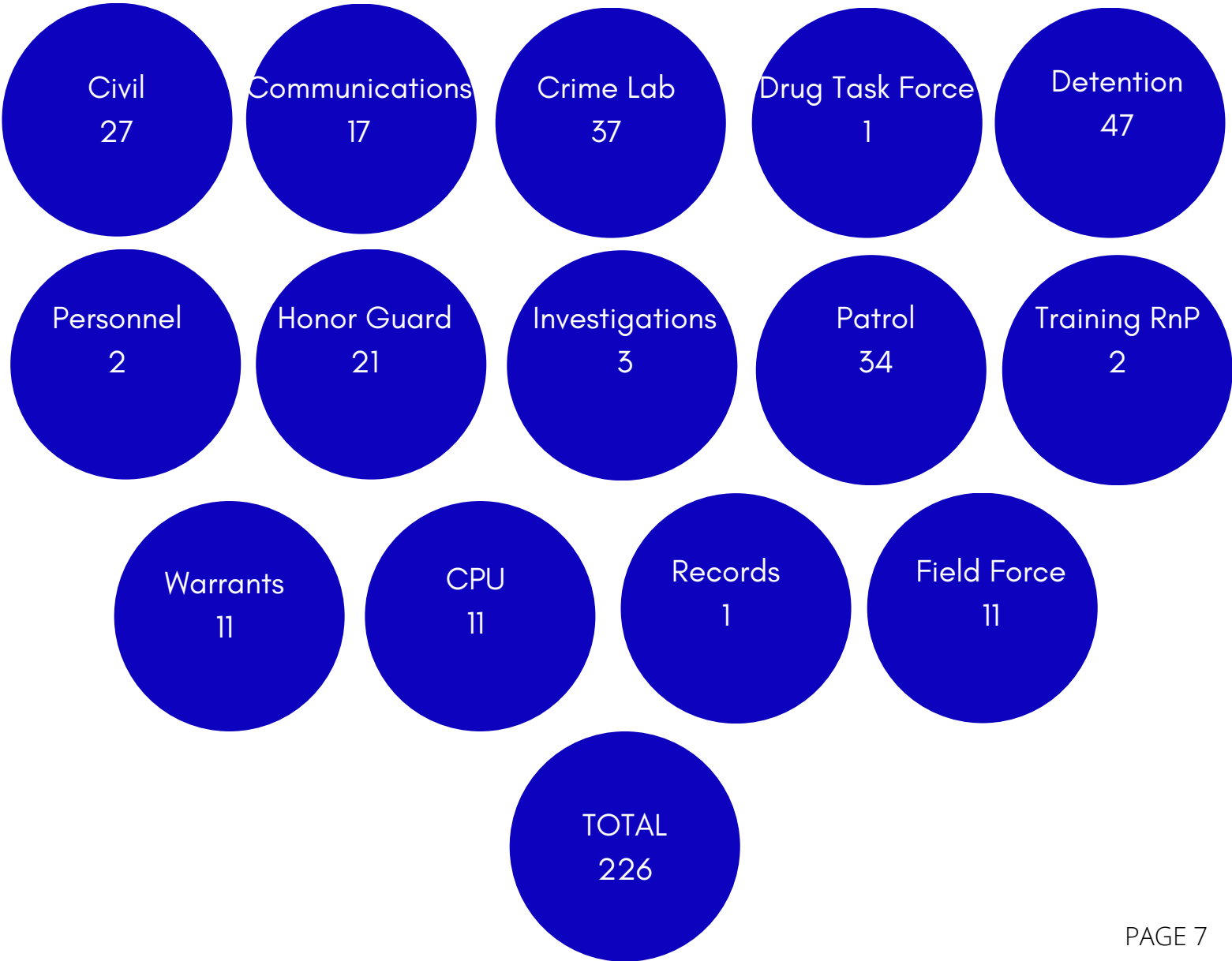
Criminalistics Laboratory

4 cases. 2 cases originated from an external source and 2 from an internal source.

- 4 cases were Sustained
 - 1 Counseling Statement (external)
 - 2 Official Reprimands (internal, external)
 - 1 Resignation (internal)

Awards

In 2023, staff members received 226 awards and commendations. The following table shows the awards received, separated by Divisions.



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 2023, 292 Use of Force incidents are separated by Division:

• Detention	215
• Civil	6
• Patrol	50
• SERT	8
• Drug Task Force	1
• Warrants	11
• Court Security	1
	292

[1] Information provided is from data available as of 01-24-2023.

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 (847 uses), followed by verbal direction (512 uses), displaying a firearm (84 uses), displaying a taser (73 uses), and touch pressure (58 uses).

According to the 292 Subject Control Incidents in 2023, the following is the reason force was used:

- 456 deputy actions required force to restrain a subject for their own safety.
- 427 deputy actions required force as it was necessary to defend an officer.
- 168 deputy actions required force to make an arrest.
- 47 deputy actions required force as it was necessary to defend a person.
- 22 deputy actions required force to prevent property damage.
- 13 deputy actions required to prevent escape.

Accidents

A total of 4 accidents involving Sheriff's Office vehicles were reported to PSU in 2023.

- | | |
|------------------|----------|
| • Patrol | 2 |
| • Investigations | <u>2</u> |
| TOTAL | 4 |

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

The property room purchased a new inventory program in 2022. In the spring of 2023, an audit of the property room was done, and all items were present and accounted for.

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 6, 2023. The annual report year included cases received between July 1, 2022, and June 30, 2023.

For the entire calendar year of 2023, Professional Standards investigated one case involving allegations of racial or biased-based policing.

The incident, from February 23, 2023, involved a white male deputy who observed a vehicle fail to make a complete stop at a stop sign. Contact was made with the black male driver, who received a verbal warning for the traffic infraction. The driver felt 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 investigated and there was no evidence to support racial profiling occurred.