



# Professional Standards Unit

2020 Annual Report



## JOHNSON COUNTY SHERIFF'S OFFICE

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

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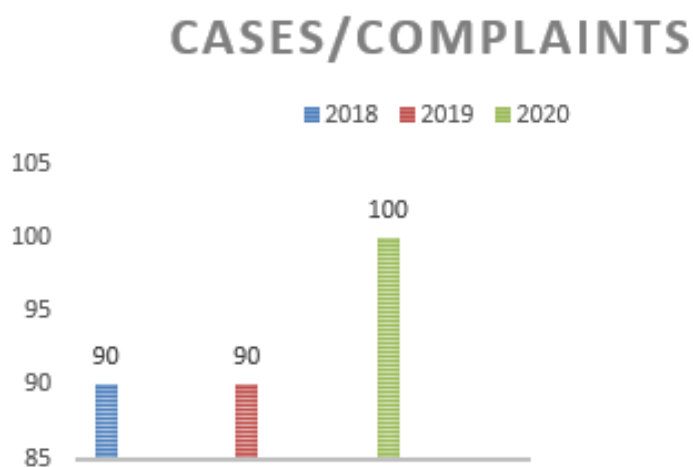
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# Overview

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 100 cases/complaints investigated during 2020. This was a 10 percent (10%) increase in cases (90) from 2019, and in cases (90) from 2018.



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 100 cases, all were investigated to the fullest extent possible. Among the cases, 57 of them (57%) were initiated by external sources. The remaining 43 cases (43%) were a result of internal complaints. When the internal and external complaints were combined (100 cases), 52% of the cases (52 cases) were sustained. The other 48% (48 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 2020, there were nearly 700 employees at the Sheriff's Office, both Civilian and Civil Service/Sworn. Of those, only 78 different employees were involved in the 100 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 (21 cases), Treatment of Prisoners (16 cases), and a tie between Unbecoming Conduct (10) and Courtesy (10). 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 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, and third was Knowledge of Standards which is failing to understand all policies and procedures.

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

- Twenty-one (21) different Professional Standards
- Nine (9) Civilian Standards (included)
- Against seventy eight (78) different staff members
  - Six (6) involving Divisions
  - Eighty-five (85) involving Deputies
  - Nine (9) involving Civilians
  - Seven (7) involving Supervisors (Sergeants, civilian supervisors and above)

<b>Violation</b>	<b>Times Alleged</b>	<b>Sustained</b>	<b>Exonerated</b>	<b>Unfounded</b>	<b>Not Sustained</b>
<b>Weapon Management</b>	1	1			
<b>Neglect/Absence/Report of Duty</b>	6	6			
<b>Knowledge of Standards</b>	5	5			
<b>Sex, Ethnic, Rel Harassment</b>	2		1	1	
<b>Violation of Rules</b>	9	9			
<b>Unbecoming Conduct</b>	10	6			4
<b>Use of Sheriff's Office Equipment</b>	2	2			
<b>Insubordination</b>	1	1			
<b>Conformance to Laws</b>	2	1			1
<b>Courtesy</b>	10	1	4	4	1
<b>Off Duty LEO Contact</b>	1	1			
<b>Retaliation</b>	1			1	
<b>Intervention</b>	1				1
<b>Treatment of Prisoners</b>	16		6	9	1
<b>Sheriff's Office Reports</b>	1	1			
<b>Info Tech/Comms Systems Usage</b>	2		1	1	
<b>Associations</b>	1			1	
<b>Arrest/Search and Seizure</b>	2		1	1	
<b>Subject Control/Use of Force</b>	3		1	2	
<b>Racial/Biased Based Policing</b>	3		3		
<b>Unsatisfactory Performance</b>	21	18	1	2	
<b>TOTALS</b>	100	52	18	22	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 2020, PSU investigated nineteen (19) cases (19%). The remaining eighty-one (81) cases (81%) were investigated by the Divisions. PSU also investigated four (4) external complaints made against three (3) local law enforcement organizations. PSU coordinated four (4) Divisional Hearings (convened for Category C violations), and two (2) Professional Standards Disciplinary Boards (convened for Category A and B 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

Nineteen (19) cases. Thirteen (13) cases originated from external sources and the other six (6) originated from internal sources.

- Eleven (11) cases were Sustained (six (6) internal, five (5) external)
  - Three (3) Counseling Statements (one (1) internal)
  - Six (6) Official Reprimands (three (3) internal)
  - One (1) Suspension (internal)
  - One (1) Resignation (internal)
- One (1) case was Not Sustained (external)
- Three (3) cases were Exonerated (external)
- Four (4) cases were Unfounded (external)

## Court Services

Five (5) cases originated from external sources.

- Three (3) cases were Sustained
  - One (1) Counseling Statement
  - Two (2) Direct Terminations
- Two (2) cases were Not Sustained (one (1) civilian)

## New Century Adult Detention Center

Twenty-nine (29) cases. Sixteen (16) cases originated from external sources and thirteen (13) from internal sources.

- Thirteen (13) cases were Sustained (eleven (11) internal, two (2) external)
  - Six (6) Official Reprimands (five (5) internal, one (1) external)
  - Six (6) Counseling Statements (five (5) internal, one (1) external)
  - One (1) Suspension (internal)
- Five (5) cases were Exonerated (external)
- None (9) cases were Unfounded (1 internal)
- Two (2) cases were Not Sustained (external and internal)

## Operations Bureau

### Patrol

Twenty-three (23) cases. Twelve (12) cases originated from external sources and eleven (11) originated from internal sources.

- Eleven (11) cases were Sustained (internal)
  - Five (5) Official Reprimands
  - Six (6) Counseling Statements
- Two (2) cases were Not Sustained (external)
- Seven (7) cases were Exonerated (external)
- Three (3) cases were Unfounded (external)

### Warrants

No cases were reported.

### Investigations

No cases were reported.

# Communications Bureau

Twelve (12) cases. Ten (10) cases originated from internal sources and two (2) cases originated from external sources.

- Ten (10) cases were Sustained (internal)
  - Seven (7) Counseling Statements
  - Three (3) Official Reprimands

# Judicial Services Bureau

## Civil

Seven (7) cases. Five (5) originated from external sources and two (2) from internal sources.

- Two (2) cases were Sustained (internal)
- One (1) case involved four (4) deputies resulting in one (1) Official Reprimand and three (3) Counseling Statements
- One (1) case involved a civilian employee (Official Reprimand)
- Three (3) cases were Exonerated
- Two (2) cases were Unfounded

## Court Security

One (1) external case was Not Sustained.

# Support Services Bureau

## Personnel

No cases were reported.

## Purchasing

No cases were reported.

## Records

One (1) internal case resulted in an Official Reprimand.

# Training & Research Bureau

One (1) external case resulted in a Suspension.

# Administration Bureau

One (1) external case was unfounded.

# Criminalistics Laboratory

One (1) internal case resulted in a Counseling Statement.

# Awards

In 2020, staff members received 529 awards and commendations. This reflects a twelve percent (12%) increase in awards from 2019 (465).





# Use of Force <sup>[1]</sup>

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 2020, 305 different staff members were involved in 235 Use of Force incidents. The Use of Force incidents are separated by Division, with the Detention Facilities displayed by building.

• Detention	158
◦ Central Booking	72
◦ New Century	86
• Civil	2
• Communications	1
• Investigations	2
• Patrol	55
• SERT	9
• Training	2
• Warrants	76

[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 (474 uses), followed by verbal direction (387 uses), displaying a firearm (81 uses), displaying a taser (68 uses) and touch pressure (61 uses).

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

- 285 deputy actions (41%) required force to restrain a subject for their own safety.
- 178 deputy actions (25%) required force as it was necessary to defend an officer.
- 136 deputy actions (20%) required force to affect the arrest.
- 38 deputy actions (6%) required force as it was necessary to defend a person.
- 34 deputy actions (6% ) required force to prevent property damage.
- 7 deputy actions (2%) required to prevent escape.

## Accidents

A total of fifteen (15) accidents involving Sheriff's Office vehicles were reported to PSU in 2020.

- Patrol 11
  - Civil 1
  - Detention 2
  - Training 1
- TOTAL 15

## 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 will commence in mid-February of 2021. A listing of all items stored in the Property Room will be compiled from the Property Room Information Management System and compared to items stored on shelves.

# 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, 2020. The 2020 Annual Report year included cases received between July 1, 2019 and June 30, 2020.

For the entire calendar year of 2020, the Professional Standards Unit investigated three (3) cases (one self-reported) involving allegations of racial or biased-based policing.

The first case, reported on January 16, 2020, occurred on November 28, 2020, at approximately 2:45 p.m. on K7 Highway and involved a deputy who observed a vehicle traveling 55 mph in a 65 mph zone and failing to maintain a single lane of travel. The driver was administered SFSTs, failed them, and was arrested for DUI. The driver, who claimed he was arrested because he was black, had his blood analyzed and cannabinoids and prescription medications were found in his system. 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 February 15, 2020, occurred at 1:59 a.m. and involved a deputy who was dispatched to a business in De Soto, KS, after a black male refused to leave the business and threatened staff with violence. The male was arrested for disorderly conduct and claimed he was arrested because of the color of his skin. The deputy contacted the male after he was dispatched to the business and had probable cause to arrest him. The matter was reviewed and there was no evidence to support racial profiling occurred.

The third case, self-reported from June 13, 2020, occurred at approximately 12:15 p.m. in the area of Old 56 Highway and 167th Street in Gardner, KS. The deputy contacted the driver during a traffic stop for traveling 60 mph in a 45 mph zone. Investigation revealed the driver had a suspended license, was in possession of marijuana, THC wax, open alcohol containers, and also had ten (10) misdemeanor warrants from two (2) local agencies. The driver claimed he was arrested because he 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.