

Mecklenburg County Sheriff's Office
Office of Professional Compliance

Annual Report
FISCAL YEAR 2018



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The MISSION of the Mecklenburg County Sheriff's Office

To protect the citizens of Mecklenburg County by operating secure and professional rehabilitative detention facilities, enforcing civil and criminal laws, providing outstanding public service with integrity and upholding the constitutionality of the Sheriff's Office.

Our GUIDING PRINCIPLES are:

- Integrity and credibility
- Respecting the rights of individuals through ethical and humanitarian practice
- Recognizing the importance of each employee
- Creating an environment where employees can learn and grow professionally
- Fiscal responsibility and accountability
- Forming partnerships to improve our community
- Opportunities for citizens and volunteer involvement
- Opportunities for inmate change
- Recognizing the Sheriff's Office works for the citizens of Mecklenburg County

The MISSION of the Office of Professional Compliance

The Mecklenburg County Sheriff's Office (MCSO) strives to maintain the trust of the citizens it serves and ensures ethical conduct of all its employees. The MCSO's Internal Affairs Division has been very properly named the Office of Professional Compliance (OPC). The OPC was established to address the employee misconduct investigative process in a uniform manner, provide citizens with a fair and effective avenue for redress of their legitimate complaints against employees, protect all employees from false charges, and assure that accused employees are treated fairly and uniformly. While the responsibility for conforming to the Sheriff's Office rules and regulations rests on all employees, it is most effectively discharged when agency supervisors set a positive example. The OPC reports all investigative findings to the Sheriff of Mecklenburg County.



North Carolina Internal Affairs Investigators Association



The Office of Professional Compliance Staff

Major

Daniel Johnson

Captains

Charles McGee

Karen L. Jones

Jeffrey Eason

John O'Malley (Part-Time)

Sergeants

Terri L. Johnson

Washington Johnson, III

Thomas Shields

Administrative Support

Patricia Wills

Lisa Kerner

Introduction

The Mecklenburg County Sheriff's Office (MCSO), Office of Professional Compliance (OPC) operates in accordance with the established General Order #4, "Discipline, Internal Investigations, & Employee Rights." The OPC facilitates the process of filing a complaint or an allegation for employee misconduct; the allegations and complaints can be submitted by an internal¹ and or an external² source.

Allegations and complaints against an MCSO employee can be made in person, by mail, over the telephone, electronic mail, or via the online portal located on the MCSO website. For instances where the complainant cannot file the report in person, the OPC personnel may visit the person at his or her home, place of business, or any other location to complete the report.

Upon receiving an allegation or a complaint of employee misconduct, the OPC has the primary responsibility for review and investigation of the submissions. Based on the violation category that the complaint alleges took place, the OPC will forward the case file to the appropriate unit for further investigation and review. A completed case file will be adjudicated at the appropriate level, depending on the violation category.

¹ An internal source for an allegation or a complaint is an employee of the MCSO; submission can be made by a supervisor, a co-worker, or any other member of the agency.

² An external source for an allegation or a complaint is any source that is outside of the MCSO; submission can be made by members of the general public or customers served by the MCSO (including arrestees and inmates).

Categories of Misconduct

There are four categories of misconduct that are utilized by MCSO Office of Professional Compliance and are used as a tool to determine the level of severity for each allegation and assign proper corrective action.

Category A:

Category A violations are the most serious type of violations; upon their receipt and investigation by the OPC, completed case files are reviewed by the employee's Chain of Command. A sustained Category A violation can result in any appropriate corrective action, including termination.

Category B:

Category B violations are of moderate severity; each violation of this category is investigated and reviewed at the Major or the Director level Chain of Command Review Board Hearing. The Major or the Director over the employee's area of assignment will be responsible for the final disposition of the hearing for violations in this category. The first sustained Category B violation is subject to suspension for one day without pay. Except in aggravated cases, this suspension shall be suspended for one year under such conditions as the Sheriff or his designee may impose. A second sustained Category B violation within 12 months of the first sustained Category B violation is subject to suspension for one day without pay. In addition, any suspended disposition applicable to the previous violation shall be activated. Subsequent alleged Category B violations sustained within a 12-month period are treated as a Category A violation.

Category C:

Category C violations are of minor severity; each violation of this category is investigated and disposed of by the Captain or the Manager supervising the employee's area of assignment. Each disposition made in Category C violation hearings must be reviewed by the Major or the Director over the area of assignment. First and second Category C violations sustained within a 12-month period are subject to specific corrective action(s) outlined in a written reprimand. Subsequent alleged Category C violations within a 12-month period are investigated as Category B violations.

Category D:

Category D violations are the least severe; each violation of this category is investigated and disposed of by the Sergeant or the Supervisor over the employee's area of assignment. The first and second sustained violations in this category within a 12-month period are subject to documented corrective counseling and documented verbal reprimand, respectively. Subsequent alleged Category D violations within a 12-month period are investigated as Category C violations.

Complaint Adjudication

The MCSO Office of Professional Compliance personnel serve to advise the Chain of Command on the investigation and disciplinary process, but do not participate in the determination of the final disposition. The following adjudication statuses are used for final disposition: sustained, not sustained, exonerated, unfounded, and information file.

Adjudication Status Definitions:

Sustained: The investigation disclosed sufficient evidence to prove the allegation made in the complaint.

Not Sustained: The investigation failed to disclose sufficient evidence to prove or disprove the allegation made in the complaint.

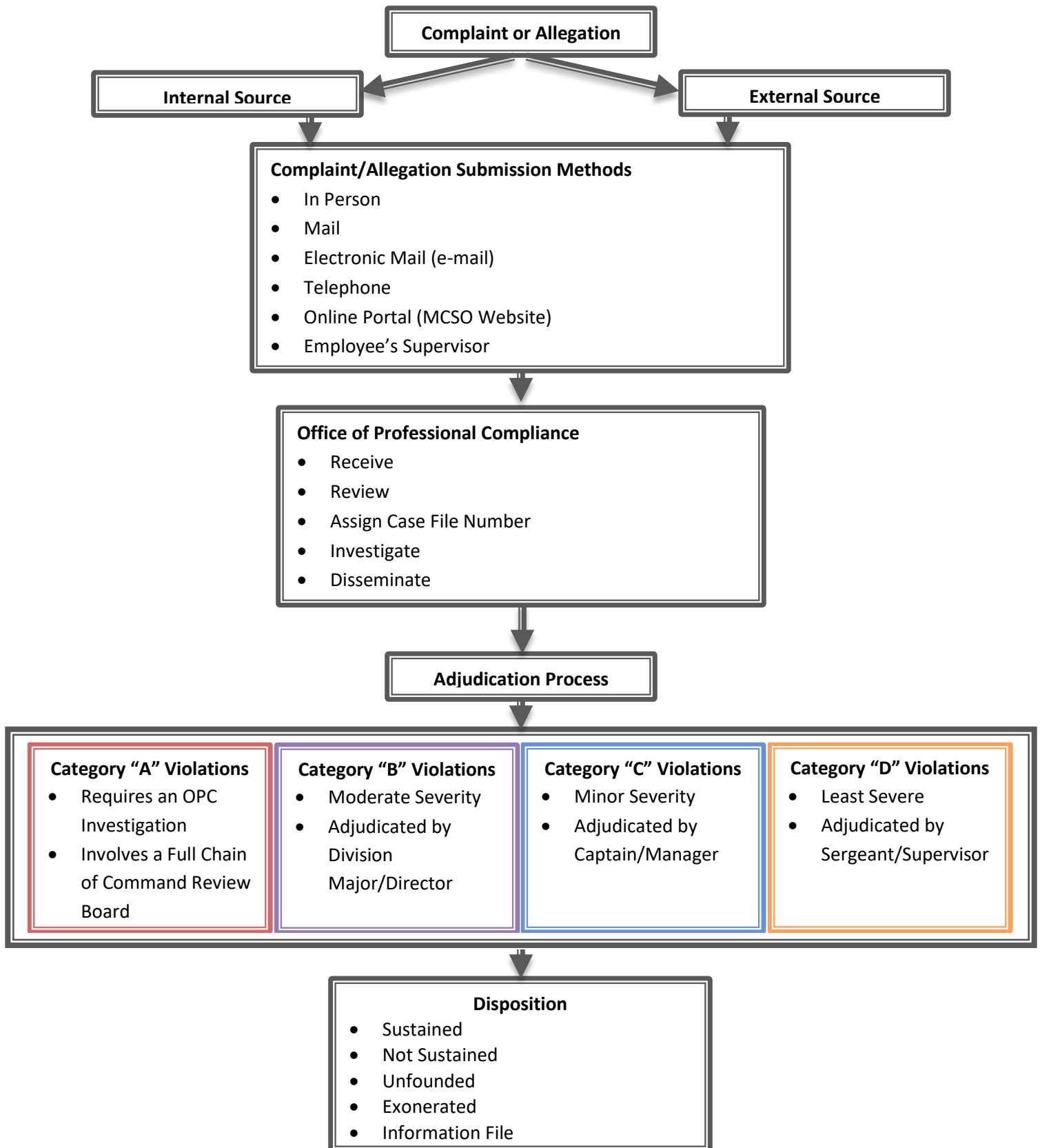
Exonerated: The acts that provided the basis for the complaint or allegation occurred, but the investigation revealed that they were justified, lawful, and proper.

Unfounded: The allegation is false. The incident never occurred or the employee was not involved in the incident, or the investigation conclusively proved that the employee's alleged act or actions never took place.

Information File: The allegation of employee misconduct investigated by the OPC is lacking in merit and substance; therefore, preparation of formal charges and review by a Chain of Command Review Board would serve no useful purpose. Allegations within this category of disposition are set aside pending receipt of additional information relevant to the investigation.

Figure 1 on the next page provides a high-level overview of the process, from initially receiving the complaint or allegation of misconduct, to assigning a disposition to the incident.

Figure 1: Procedure for Receiving, Processing, and Investigating Allegations of Employee Misconduct.



OPC Year-End Statistics

Effective January 1, 2017, the OPC implemented a new case management system, Internal Affairs-Professional version (IA Pro). This system is specifically designed to assist law enforcement with the process of receiving complaints and allegations, data entry, case management, complaint disposition, and file management; in addition, the system allows for effective data management. By incorporating data management with a number of statistical reports, IA Pro facilitates the process of reviewing various trends, as well as looking at data with greater level of detail.

As mentioned above, the implementation of IA Pro has allowed the MCSO OPC to maintain greater level of detail in reference to all reviewed incidents, regardless of them being a complaint or an allegation of misconduct. The statistical reports available in IA Pro allow designated staff to easily generate reports that include useful variables such as categories of administrative incidents, incident types, work assignments where incidents have occurred, specific complaint or allegation, incident disposition, incident classification by violation level, and action taken for sustained incidents.

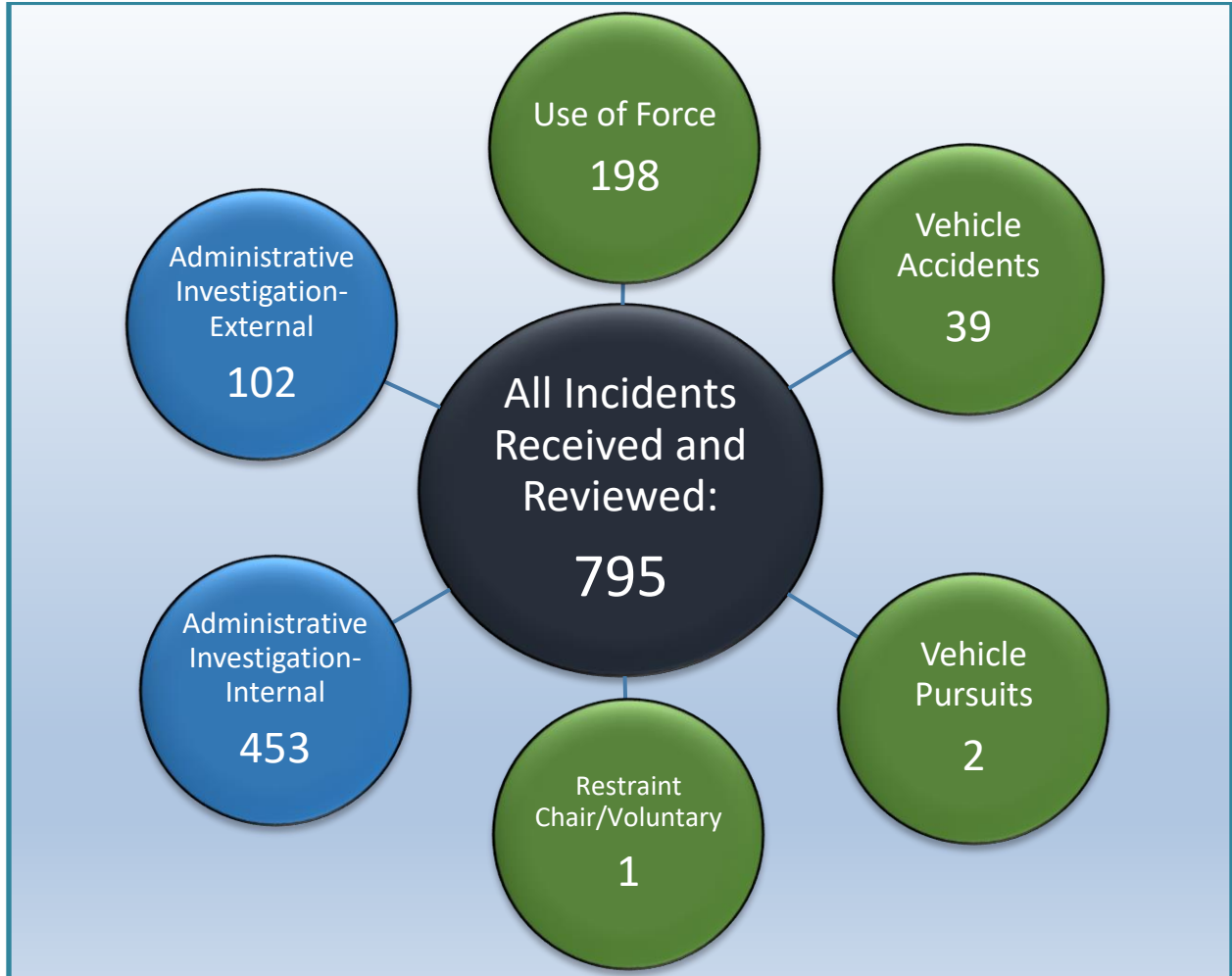
Another helpful tool utilized by IA Pro is the ability to distinguish between complaints and specific allegations that are outcomes of investigative incidents and other types of incidents where an allegation or a complaint of misconduct was not necessarily submitted via an external or an internal source; rather, it became evident after a review of the incident details.

The current annual report is based on the data that is recorded and maintained in IA Pro.

Incident Types

During the FY18, the OPC reviewed approximately 795³ different incidents that occurred throughout the agency.

Figure 2: Incident types captured in IA Pro during the FY18.



³ The nature of these incidents varies from investigating complaints and allegations of misconduct, to reviewing incidents that are deemed for informational purposes only. A single staff member can be involved in multiple incidents of varying nature.

Incident Occurrence by Area of Assignment

Of the 795 incidents that were reviewed by the OPC during the FY18, 698 incidents had area of occurrence data available.

Table 1: Incident occurrence by area of assignment.

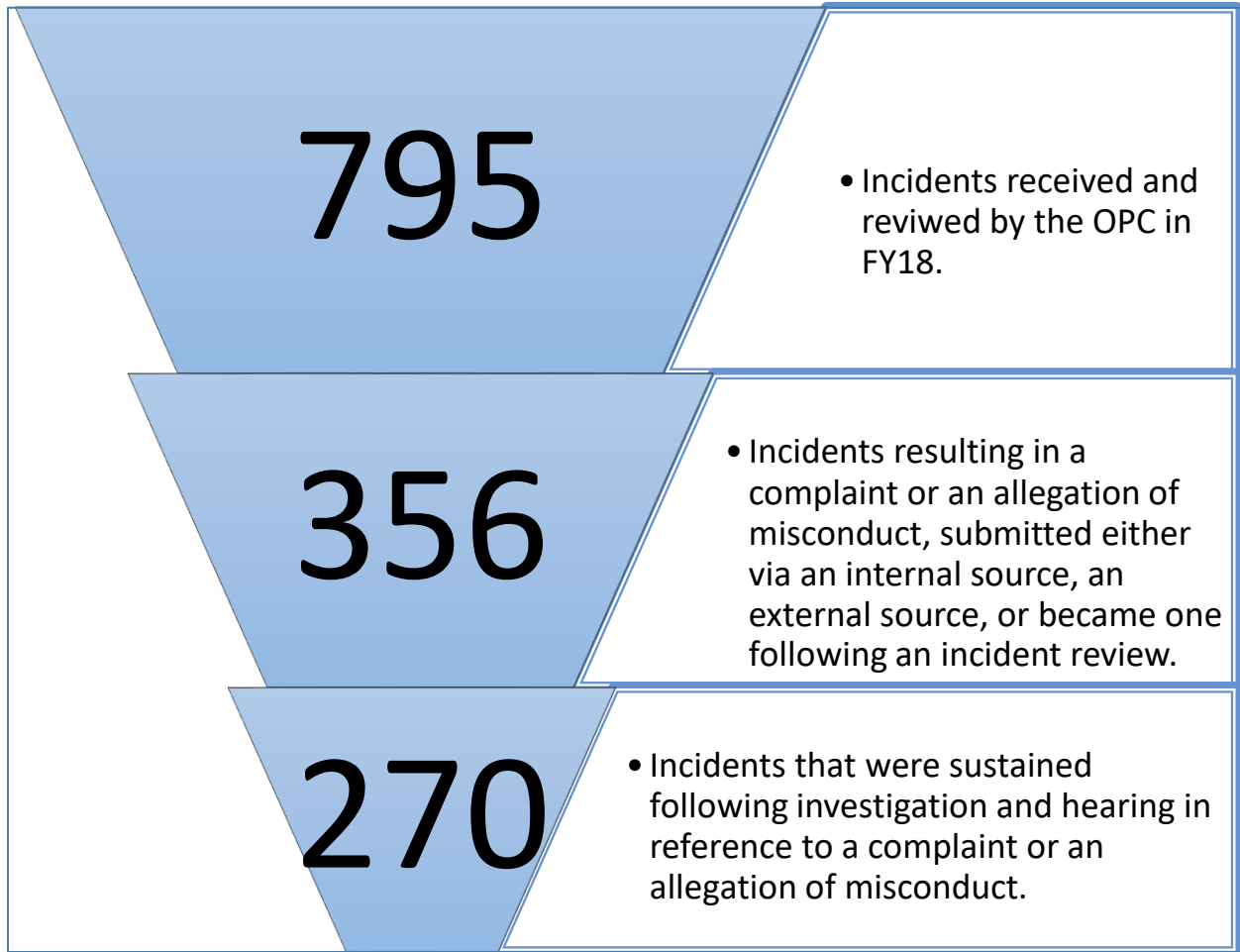
Incident Occurrence Area	Number of Incidents
Arrest Processing	101
Business Management	2
Child Support Enforcement	6
Civil Judgment Unit	17
Classification	31
Communications	2
Court Security	76
Domestic Violence Unit	6
Facility Development	5
Field Operations	55
Funeral Escort	1
Gun Permits/Special Registration	4
Inmate Finance/Property	7
Inmate Programs	10
K9 Operations	5
MCJ-Central	272
MCJ-North	62
Office of Prof Compliance	3
Personnel/Recruit	2
Public Information	1
Research and Planning	1
Reserves	5
Sheriff-Administration	2
Training	5
Transportation	17
Total	698

Note: Of the 795 incidents reviewed by the OPC, area of assignment did not apply to 97 incidents, due to the informational nature of those incidents.

Incidents Resulting in a Complaint or an Allegation of Misconduct.

Of the 795 incidents reviewed by the OPC during the FY18, 356 incidents were related to complaints or allegations of misconduct, submitted either via an internal source, an external source, or became one following an incident review.

Figure 3: Incidents subsequently sustained following investigation and hearing.

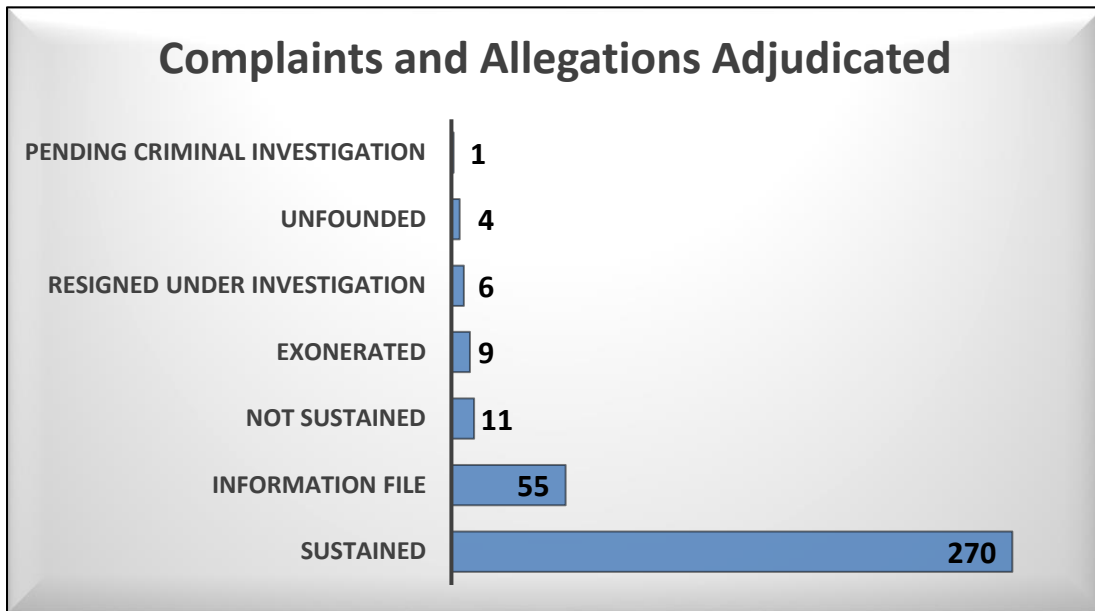


Note: Of the 356 incidents that resulted in a complaint or an allegation of misconduct, 270 or 75.8% were adjudicated with a final status of sustained.

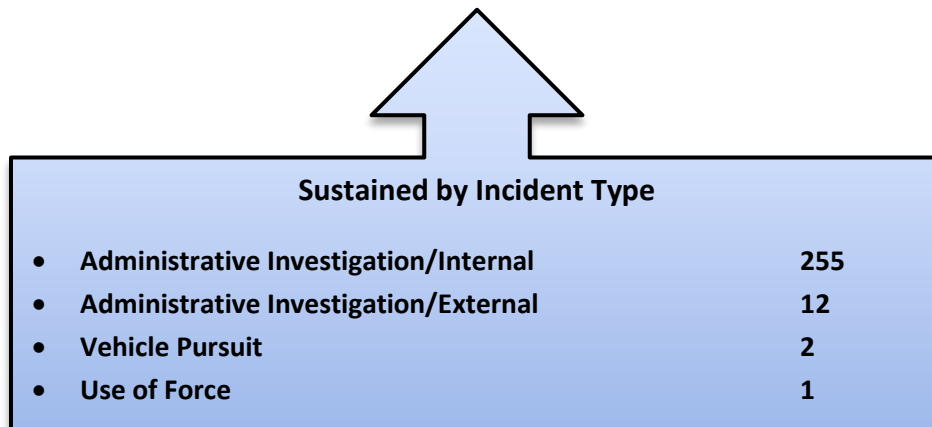
Complaint and Allegation Adjudication Status Breakdown

The 356 incidents that were reviewed and investigated for complaint or allegation of misconduct, were subsequently adjudicated with one of the statutes assigned:

Graph 1: Complaints and allegations adjudicated.



Note: Of the 356 incidents that were reviewed and investigated, 270 complaints or allegations of misconduct were sustained. In six cases, staff resigned during the investigation and currently, there is still one case that remains open from FY18, pending the conclusion of a criminal investigation. Administrative investigations involve compelled employee statements. Therefore, information collected in an administrative investigation may not be used in a criminal investigation. In any matter alleging criminal conduct, the administrative investigation is delayed pending the outcome of the criminal investigation.



Rules of Conduct Violations, Violation Levels, and Action Taken for Sustained Complaints and Allegations

Each complaint or allegation of misconduct that was sustained is assigned to a category based on the alleged misconduct and the appropriate disciplinary action is taken to address the sustained misconduct as specified by the category.

Rules of Conduct Violations

For the 270 complaints and allegations that were sustained, the specific rules of conduct violations are shown in the table below:

Table 2: Rules of conduct violations.

Conduct Violation Categories	Number Sustained
Absence from Duty	43
Arrest, Search and Seizure	1
Conformance to Laws	2
Courtesy	19
Employment Outside the Sheriff's Office	2
Harassment	2
Insubordination	3
Knowledge of Regulations	2
Neglect of Duty	23
Personal Appearance	7
Possession and Use of Drugs	2
Reporting for Duty	56
Sheriff's Office Reports	4
Unbecoming Conduct	7
Unsatisfactory Performance	1
Use of Force	1
Use of Sheriff's Office Equipment	33
Violation of Rules	62
Total	270

Categories of Misconduct

For all incidents where a complaint or an allegation of misconduct was sustained, one of the four violation categories was assigned. The table below provides a breakdown for violation levels assigned to sustained incidents for FY18; the additional FY17 column is provided for annual comparisons.

Table 3: Categories of misconduct.

Level of Violation	FY18	FY17
Category A Violations	34	40
Category B Violations	70	76
Category C Violations	41	34
Category D Violations	125	86
Total	270	236

Note: Compared to FY17, there was an increase in the number of allegations of misconduct that were sustained in FY18. Most notably, in FY18, there was an increase in the number of allegations sustained in Category D violation level.

Action Taken

For all incidents where complaints and allegations for misconduct were sustained during the FY18, disciplinary action was taken.

Table 4: Disciplinary action taken.

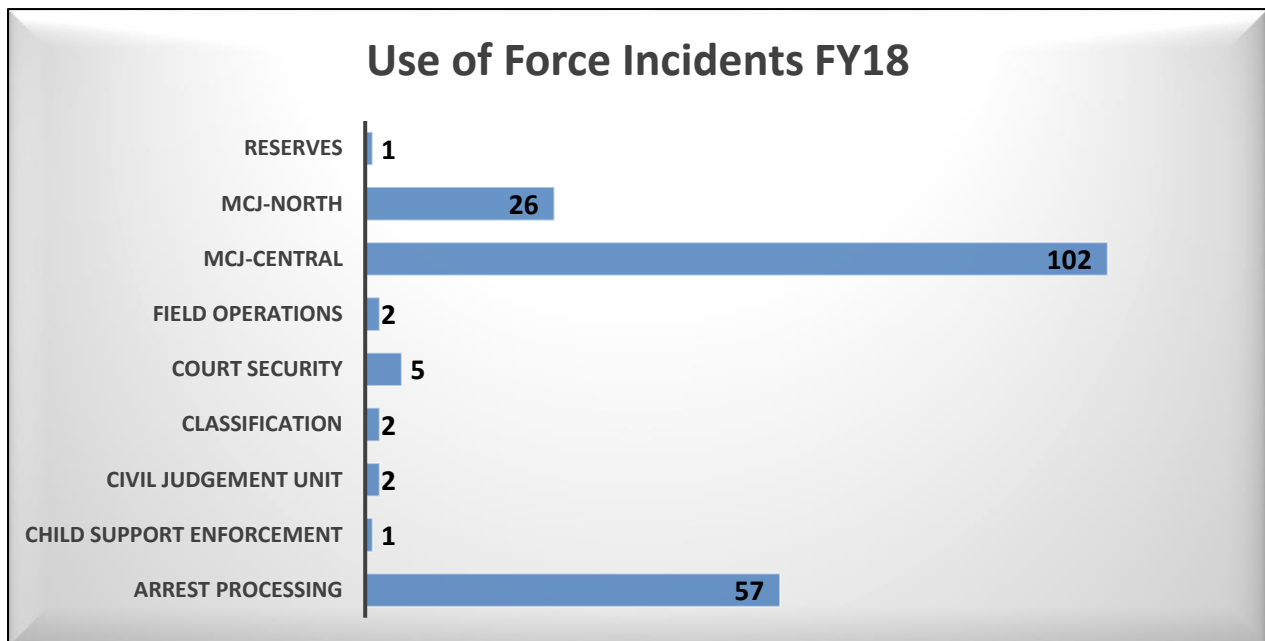
Disciplinary Action Taken	Frequency
Corrective Counseling	104
Suspension	37
Termination	6
Verbal Reprimand	22
Written Reprimand	101
Total	270

Note: Of the 270 disciplinary actions taken in FY18, 6 resulted in a termination.

Use of Force Incidents

Due to the nature of the job within the fields of detention and law enforcement, compliance may not be always gained from individuals with whom the MCSO sworn and certified staff interact. At times, in order to ensure safety and security of all, proper applications of force may be required. All uses of force conducted by the MCSO staff are documented and are included in a packet that is reviewed by the employee's chain of command and the OPC. A review of each use of force incident concludes whether the application was justified or not justified.

Graph 2: FY18 use of force incidents by area of assignment.

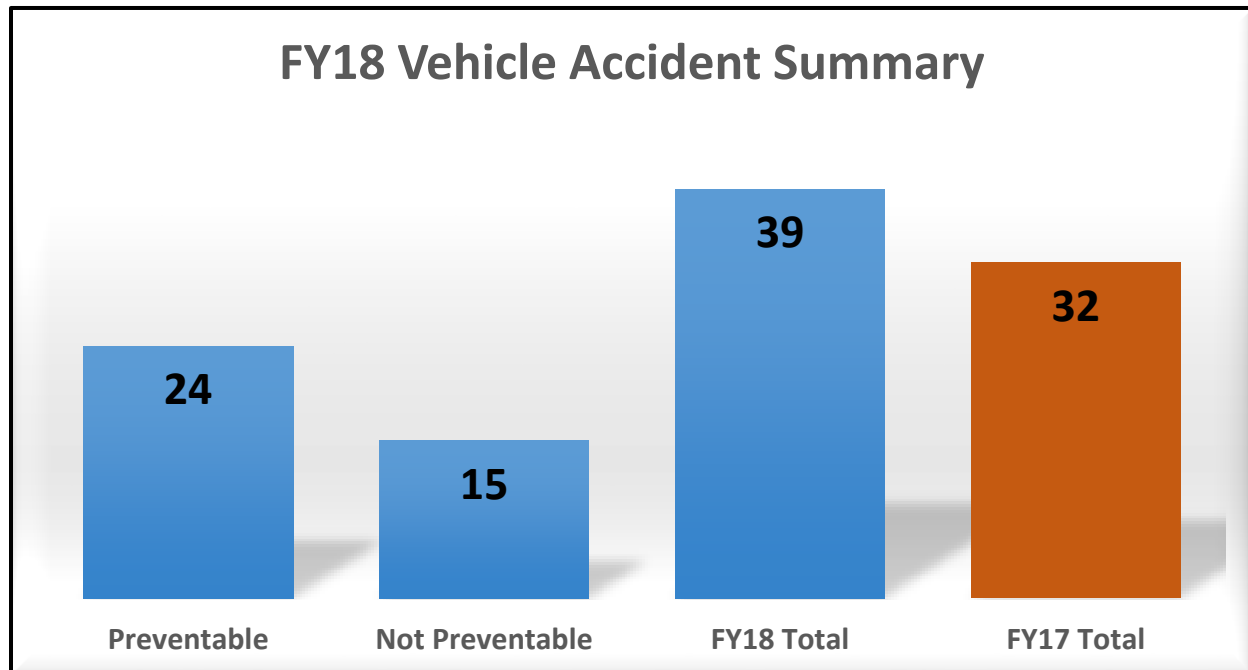


During FY18, there were a total of 198 use of force incidents across different work assignments within the MCSO; of all use of force incidents, 197 uses of force or 99.5% were justified. Additionally compared to FY17, there was a decrease of approximately 15.4% in the use of force incidents.

Vehicle Accidents

All MCSO staff who possess a valid North Carolina driver's license can apply for a County driver's permit in order to be able to operate a Sheriff's Office vehicle for approved work-related business. Designated vehicles can be operated by authorized staff who are sworn, certified, or are civilians. The graph below provides a summary of all vehicle accidents involving MCSO employees.

Graph 3: MCSO vehicle accidents.



Note: Of the 39 vehicle accidents that occurred during the FY18, 24 accidents or 62% were classified as Preventable, while 15 or 38% were classified as Not Preventable. Additionally, of the 39 vehicle accidents, an MCSO employee was at fault in 13 of these accidents. Compared to FY17 total number of accidents, there was an approximately 21.9% increase in FY18.

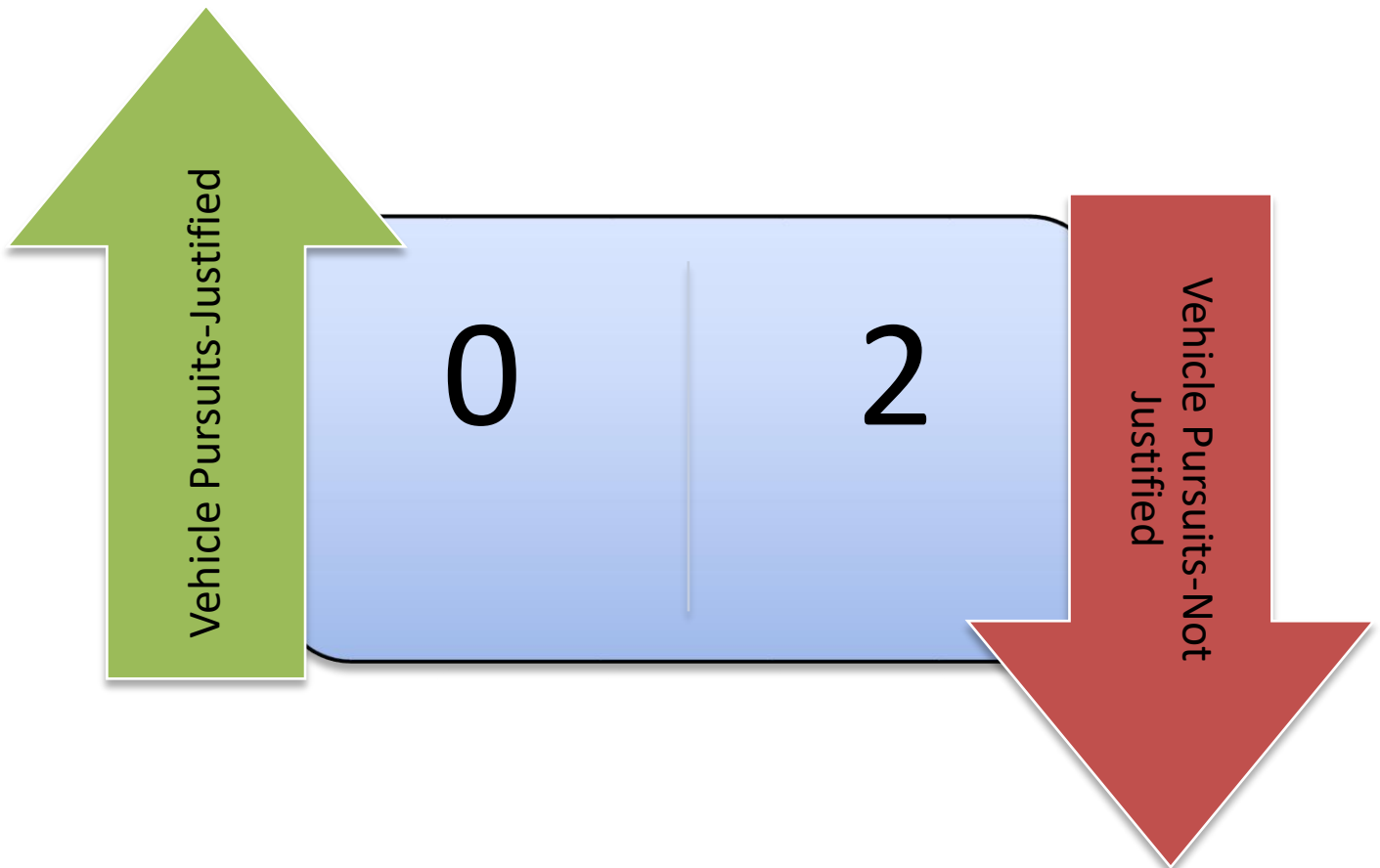
Causes of Accidents	
• Failure to Maintain Safe Distance	2
• Improper Turn	1
• Negligence	16
• Unsafe Backing	7
• Cause not Recorded	13

Note: Of the 39 vehicle accidents that occurred in FY18, accident cause was recorded for 26 incidents, with Negligence being the primary reason.

Vehicle Pursuits

The MCSO has county-wide law enforcement jurisdiction; however, the MCSO does not answer 911 calls for service. The MCSO deputies enforce laws across the entire county, if and when they observe the law being violated. With regards to vehicle pursuits, the MCSO deputies assigned to Field Operations can and will engage in vehicle pursuits when situations arise and in accordance to applicable laws and Sheriff's Office policy.

Figure 4: FY18 vehicle pursuits.



Note: During the FY18, there were two vehicle pursuits involving MCSO Field Operations deputies. Both pursuits were disposed of as "Not Justified."

All vehicle pursuits that the MCSO initiated or was engaged in are reviewed by the OPC to determine whether the pursuit was justified or unjustified, based on the agency's policies and procedures.

Conclusion

As mentioned above in the Categories of Misconduct section, all Category A violations are investigated and disposed of by the OPC. The OPC has a goal to dispose all Category A violations within 60 days of receipt. During the course of FY18, the OPC investigated and disposed of 54 allegations of employee misconduct that were classified as Category A violations, with an average number of days to dispose at 39 days. Table below provides a summary of disposition frequency by day grouping.

Table 5: Disposition frequency by day grouping.

Day Grouping	Number Disposed
0-29	21
30-60	26
>60	7
Total	54

Note: Of the 54 allegations of misconduct in Category A level of violation that were received in FY18, 47 or approximately 87% were disposed of in 60 days or less.

End of Report