

# Mecklenburg County Sheriff's Office



## Office of Professional Compliance FY2022 Annual Report

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# Table of Contents

The Vision and Mission of the Mecklenburg County Sheriff's Office .....	2
Vision: .....	2
Mission: .....	2
The Mission of the Office of Professional Compliance .....	2
The Office of Professional Compliance Staff .....	3
Introduction .....	4
Categories of Misconduct.....	5
Category A .....	5
Category B .....	5
Category C .....	5
Category D .....	5
Complaint Adjudication .....	6
Adjudication Status Definitions: .....	6
OPC Year-End Statistics.....	8
Incident Types .....	9
Incidents Resulting in a Complaint or an Allegation of Misconduct.....	10
Complaint and Allegation Adjudication Status Breakdown .....	11
Rules of Conduct Violations, Violation Levels, and Action Taken for Sustained Complaints and Allegations.....	12
Rules of Conduct Violations.....	12
Categories of Misconduct.....	13
Action Taken .....	13
Bias-Based Policing Complaints .....	14
Use of Force Incidents .....	15
Vehicle Accidents .....	16
Vehicle Pursuits.....	17
Conclusion .....	18

# Vision and Mission of the Mecklenburg County Sheriff's Office

## Vision:

To be a nationally recognized public safety organization dedicated to deliberate service to our community. To have a highly-skilled, well-trained, and educated Sheriff's Office that is progressive, service-oriented, and purpose-driven to influence change by being "The Difference."

## Mission:

The mission of the Mecklenburg County Sheriff's Office is to serve our community through intentional engagement, access, and transparency. To perform the constitutional and statutory mandates of the Office of Sheriff with the highest degree of competence, skill, and professionalism. To actively enforce the laws of our state and to safely operate our detention facilities through progressive, innovative, and humane practices aimed towards rehabilitating those in custody through non-conventional methods and returning citizens back into our community with hope and a chance for a successful future.

## 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 ensure ethical conduct of all its employees. The Office of Professional Compliance (OPC) was established to address the employee misconduct investigative process uniformly, provide citizens with a fair and effective avenue for redress of legitimate complaints against employees, protect all employees from false charges, and assure that accused employees are treated fairly and consistently. While the responsibility for conforming to the Sheriff's Office rules and regulations rests upon 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**

KAREN JONES

JOSEPH SERENO

## **SERGEANTS**

RODNEY FREEMAN

THOMAS SHIELDS

TAMEKA TALFORD

**JOHNATHAN WHITMORE (CALEA)**

## **ADMINISTRATIVE SUPPORT**

PATRICIA WILLS

LISA KERNER

## Introduction

The Mecklenburg County Sheriff's Office, Office of Professional Compliance operates in accordance with the established MCSO General Order #4, "Discipline, Internal Investigations, and 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 internal<sup>1</sup> and or an external<sup>2</sup> 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 other location to complete the report.

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

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<sup>1</sup> 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.

<sup>2</sup> 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 detention center residents).

# Categories of Misconduct

There are four categories of misconduct that are utilized by OPC and are used as a tool to determine the level of severity for each allegation and to 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 12 months are treated as a Category A violations.

## 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 12 months are subject to specific corrective action(s) outlined in a written reprimand. Subsequent alleged Category C violations within 12 months 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 12 months are subject to documented corrective counseling and documented verbal reprimand, respectively. Subsequent alleged Category D violations within 12 months are investigated as Category C violations.

## Complaint Adjudication

OPC 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.

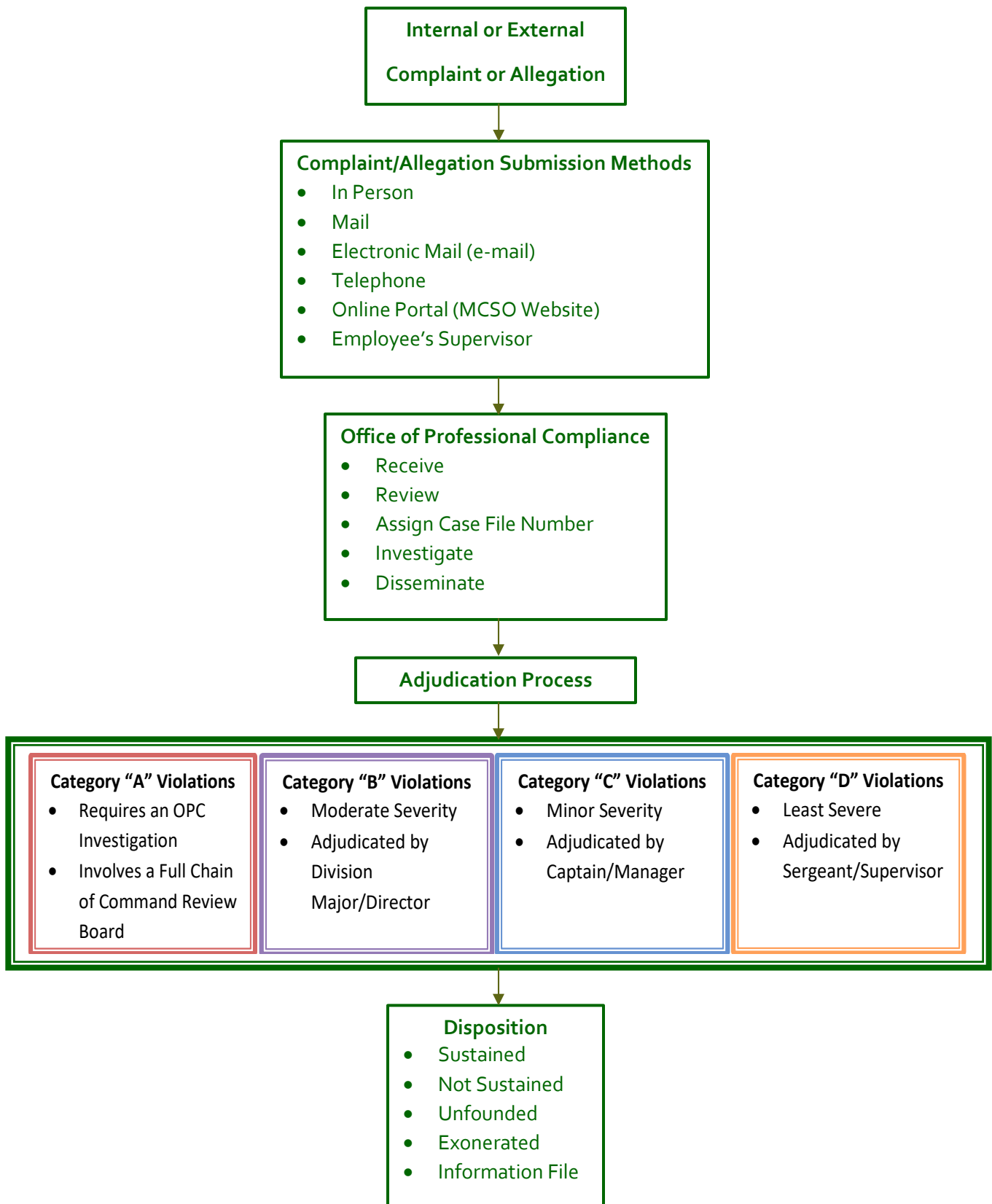
**Exonerated**: The acts that provided the basis for the complaint or allegation occurred, but the investigation revealed that they were justified, lawful, and proper.

**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 several statistical reports, IA Pro facilitates reviewing various trends and examining data with a greater level of detail.

As mentioned above, the implementation of IA Pro has allowed OPC to maintain a greater level of detail in reference to all reviewed incidents. 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.

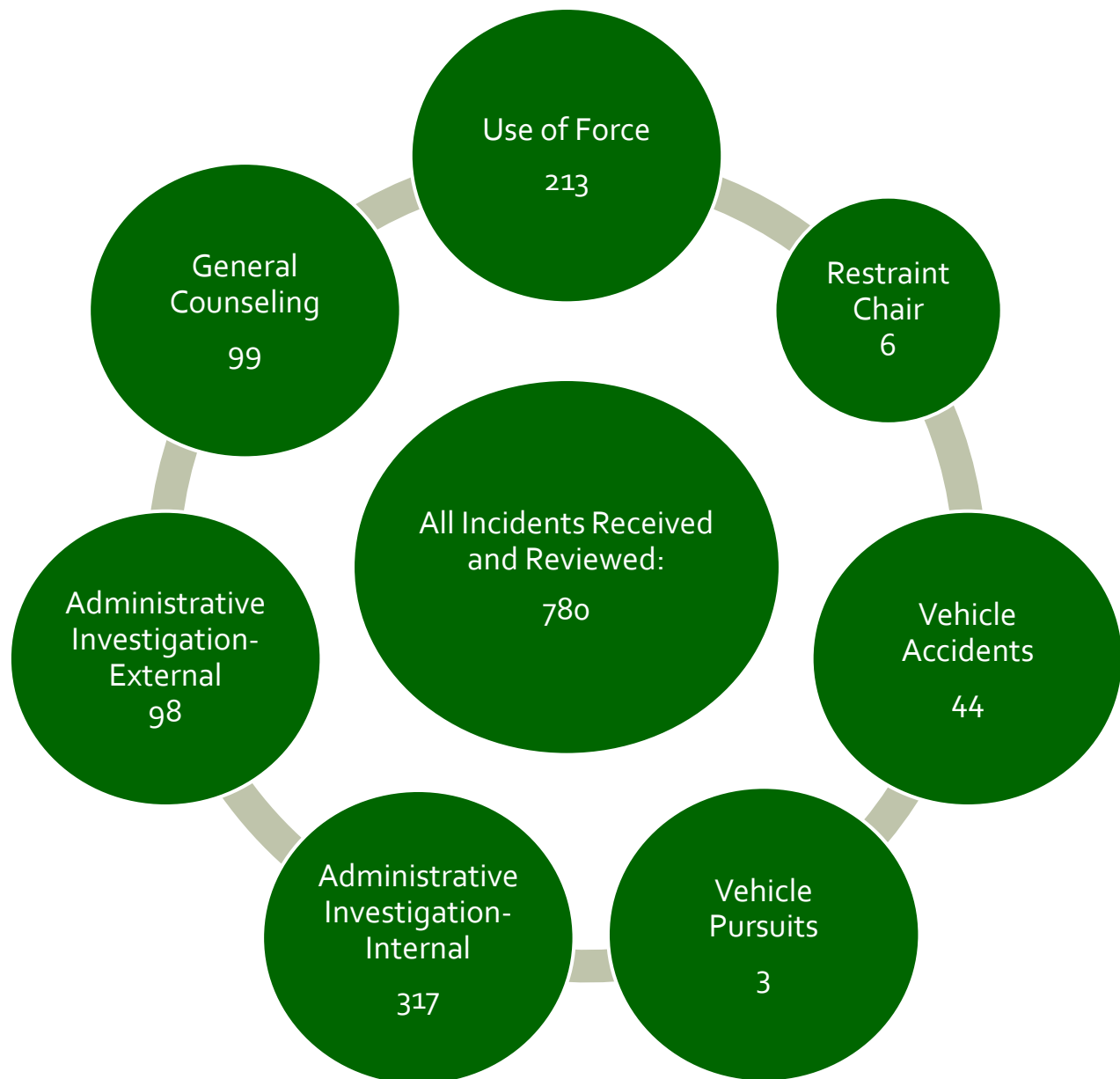
Another helpful feature utilized by IA Pro is the ability to distinguish between complaints and specific allegations that are outcomes of investigative incidents and other types of incidents where an allegation or a complaint of misconduct was not necessarily submitted via an external or an internal 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 FY22, the OPC reviewed and completed approximately 780<sup>3</sup> incidents that occurred throughout the agency.

Figure 2: Incident Types Captured in IA Pro during FY22

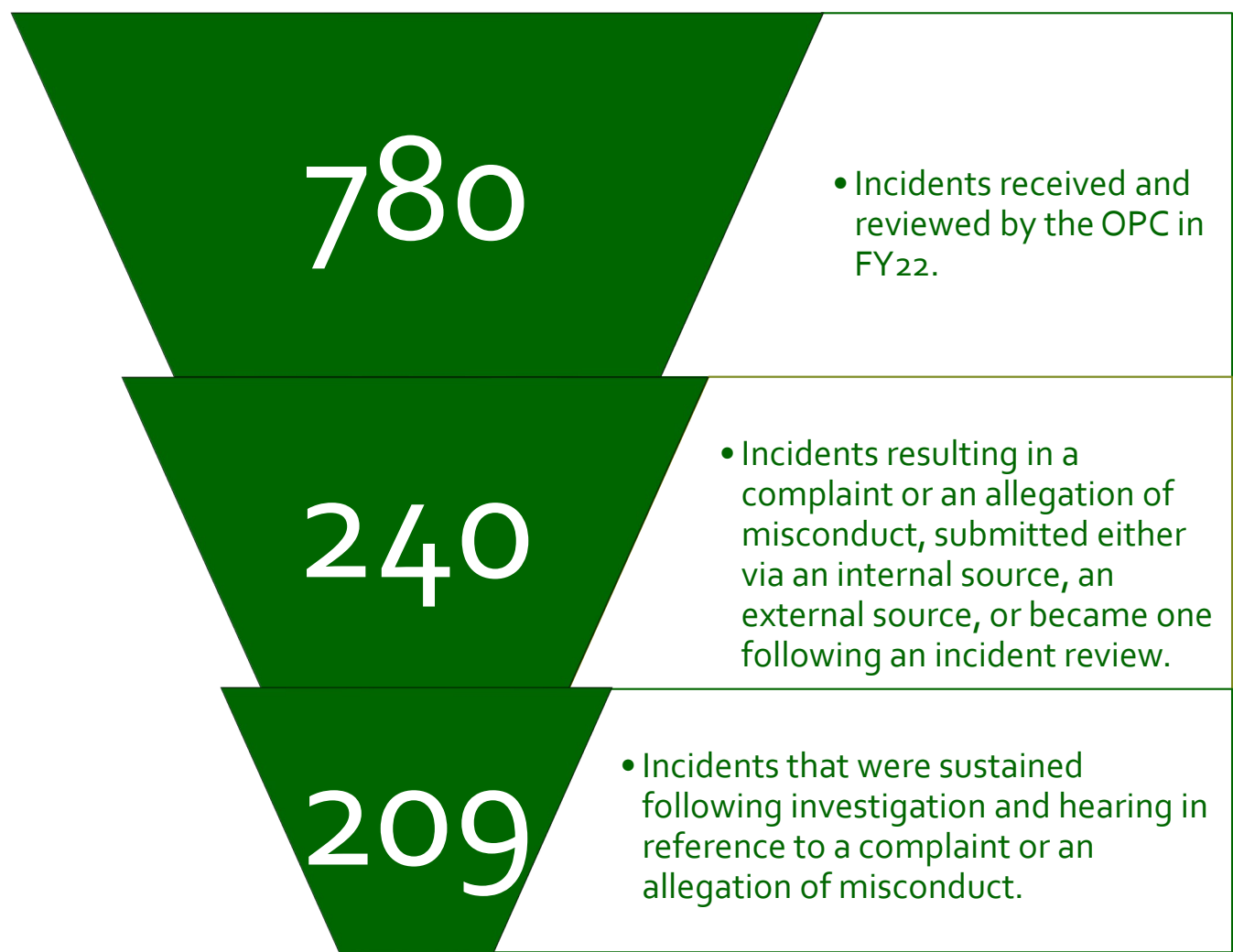


<sup>3</sup> The nature of these incidents varies from investigating complaints and allegations of misconduct, to reviewing incidents that are deemed for informational purposes only. A single staff member can be involved in multiple incidents of varying nature.

# Incidents Resulting in a Complaint or an Allegation of Misconduct

Of the 780 incidents reviewed by the OPC during FY22, 240 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

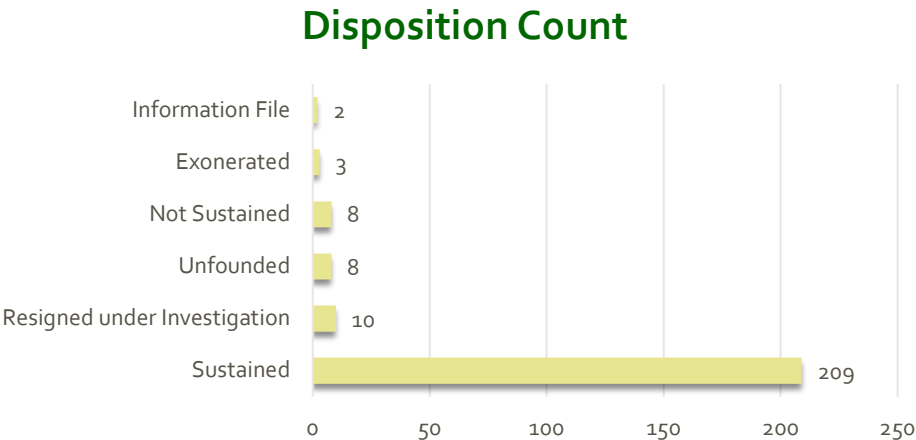


**Note:** Of the 240 incidents that resulted in a complaint or an allegation of misconduct, 209 or 87% were adjudicated with a final status of sustained.

# Complaint and Allegation Adjudication Status Breakdown

The incidents that were reviewed and investigated for complaints or allegations of misconduct were subsequently adjudicated with one of the statutes assigned:

Graph 1: Complaints and Allegations Adjudicated



**Note:** Of the 240 incidents reviewed and investigated, 209 complaints or allegations of misconduct were sustained, and 8 were not sustained upon completion of the investigation. Additionally, 11 incidents were determined to be unfounded or exonerated; 10 individuals involved in incidents resigned under investigation.

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

Each complaint or allegation of sustained misconduct 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 209 incidents where complaints and allegations that were sustained, the specific rules of conduct violations are shown in the table below:

**Table 1: Rules of Conduct Violations**

Conduct Violation Categories	Number Sustained
Absence from Duty	22
Attendance	3
Conformance to Laws	4
Courtesy	21
Harassment	2
Insubordination	1
Neglect of Duty	23
Personal Appearance	1
Reporting for Duty	39
Rules of Conduct	7
Truthfulness	2
Unbecoming Conduct	2
Use of Force	4
Use of Sheriffs Ofc Equipment	17
Violation of Rules	62
Grand Total	209

## Categories of Misconduct

One of the four violation categories is assigned for all incidents where a complaint or an allegation of misconduct was sustained. The table below provides a breakdown of violations assigned to sustained incidents for FY22 with annual comparisons for FY21 and FY20.

**Table 2: Categories of Misconduct for Sustained Incidents**

Level of Violation	FY22	FY21	FY20
Category A Violations	26	34	35
Category B Violations	53	39	47
Category C Violations	34	42	24
Category D Violations	96	74	69
<b>Total</b>	<b>209</b>	<b>189</b>	<b>175</b>

**Note:** Compared to FY21, there was an 11% increase in the number of allegations of misconduct that were sustained in FY22.

## Action Taken

The following types of disciplinary action were taken for all incidents where complaints and allegations of misconduct were sustained during FY22.

**Table 3: Disciplinary Action Taken**

Disciplinary Action Taken	Frequency
Corrective Counseling	76
Documented Counseling	1
Suspension	21
Termination	13
Verbal Reprimand	22
Written Reprimand	75
Other	1
<b>Total</b>	<b>209</b>

**Note:** Of the 209 incidents resulting in disciplinary actions taken in FY22, 76 resulted in corrective counseling.

## Bias-Based Policing Complaints

This section of the report includes traffic stop data as well as data regarding internal and external complaints where bias-based policing or racial profiling was alleged. Mecklenburg County Sheriff's Office General Order #37 Racial, Ethnic, or Biased Based Profiling reiterates the MCSO's commitment to bias-free policing and the strict prohibition of the practice of bias-based policing. Due to this department's CALEA self-assessment process, MCSO General Order # 37 was effective on June 5, 2020, to include a requirement of an annual review of department practices, bias policing data, and citizen concerns.

- Traffic Contacts: Includes all complaints of bias-based related traffic stops whether or not a citation or warning was issued
- Field Contacts: Includes all complaints of bias-based related to citizen contacts during field interviews, investigative stops, etc.
- Asset Forfeiture: Includes all complaints of bias-based related cases of criminal or civil asset forfeiture

Bias-Based Policing Complaints from:	Frequency
Traffic Contacts	0
Field Contacts	1
Asset Forfeiture	0

During the twelve months, the MCSO received one external complaint or concern alleging biased policing or racial profiling, after investigation, the complaint was found to be unfounded.

Date	Type of Encounter	Disposition
8/30/2021	Field Contact - During Traffic Stop	Unfounded

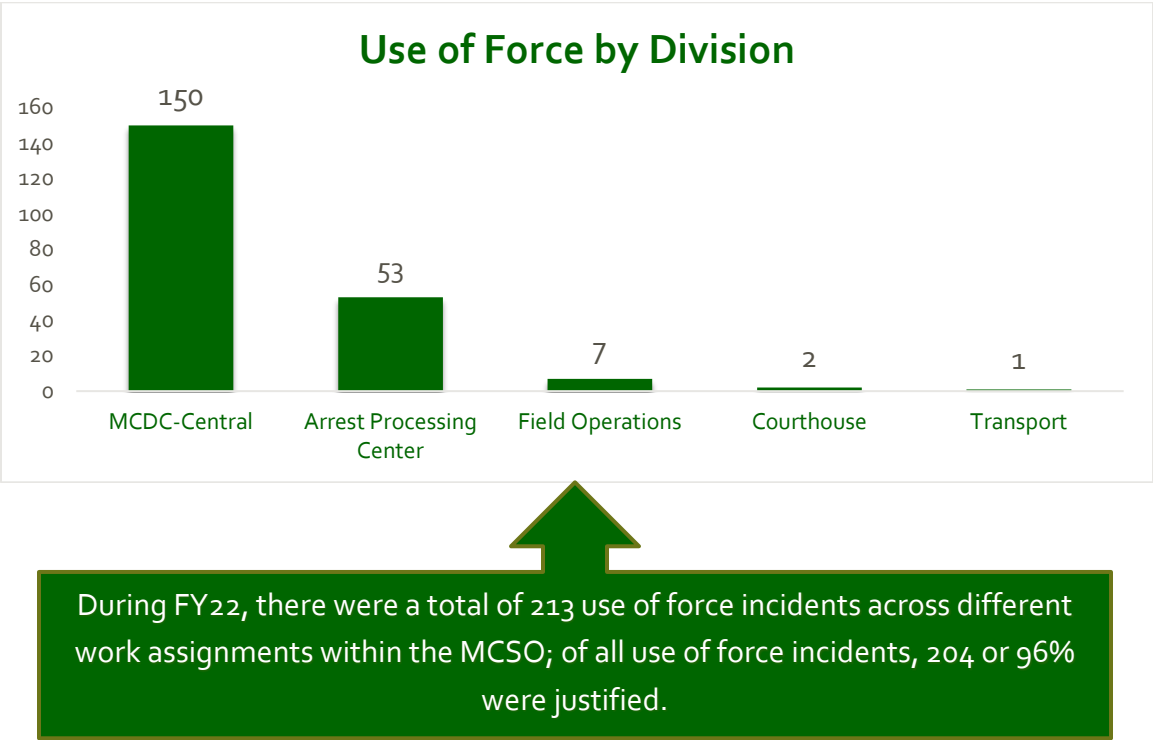
The data collected regarding reported MCSO use of bias-based incidents, as well as any pertinent legal update(s), are utilized in the ongoing analysis of MCSO policy, practices, training, and equipment directly related to reported biased-based issues. Any alleged biased-based incident found not in compliance with the law and/or MCSO policy is scrutinized to determine individual training needs and any necessary updates to MCSO policy, practice, and equipment.

# Use of Force Incidents

Due to the nature of the job within the fields of detention and law enforcement, compliance may not always be gained from individuals with whom MCSO sworn and certified staff interact. At times, to ensure the safety and security of all, proper application of force may be required. All uses of force conducted by the MCSO staff are documented and included in a packet 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.

Data collected regarding MCSO use of force incidents and any pertinent legal update(s) are utilized in the ongoing analysis of MCSO policy, practices, training, and equipment directly related to the use of force. Any use of force incident found not in compliance with the law and/or MCSO policy is scrutinized to determine individual training needs and any necessary updates to MCSO policy and practice.

Graph 2: FY22 Use of Force Incidents by Area of Assignment



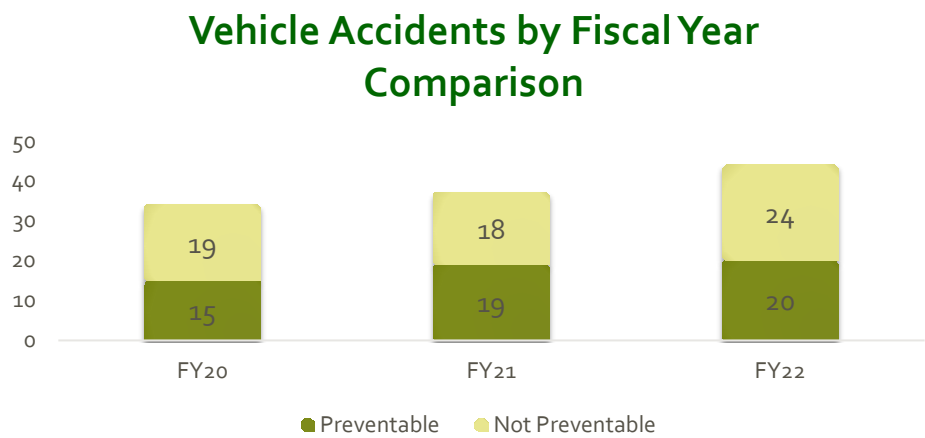


# Vehicle Accidents

All MCSO staff who possess a valid North Carolina driver’s license can apply for a County driver’s permit 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 civilian. The graph below provides a summary of all vehicle accidents involving MCSO employees.

Data collected regarding vehicle pursuits involving MCSO personnel and any pertinent legal update(s) are utilized in the ongoing analysis of MCSO policy, practices, and training directly related to vehicle pursuits. Any vehicle pursuit found not complying with the law and/or MCSO policy is scrutinized to determine individual training needs and any necessary update to MCSO policy and practice.

Graph 3: MCSO Vehicle Accidents



**Note:** Of the 44 vehicle accidents that occurred during the FY22, 20 or 45.45% were classified as Preventable, while 24 or 54.55% were classified as Not Preventable. Additionally, of the 20 preventable vehicle accidents, an MCSO employee was at fault in 15 of these accidents.

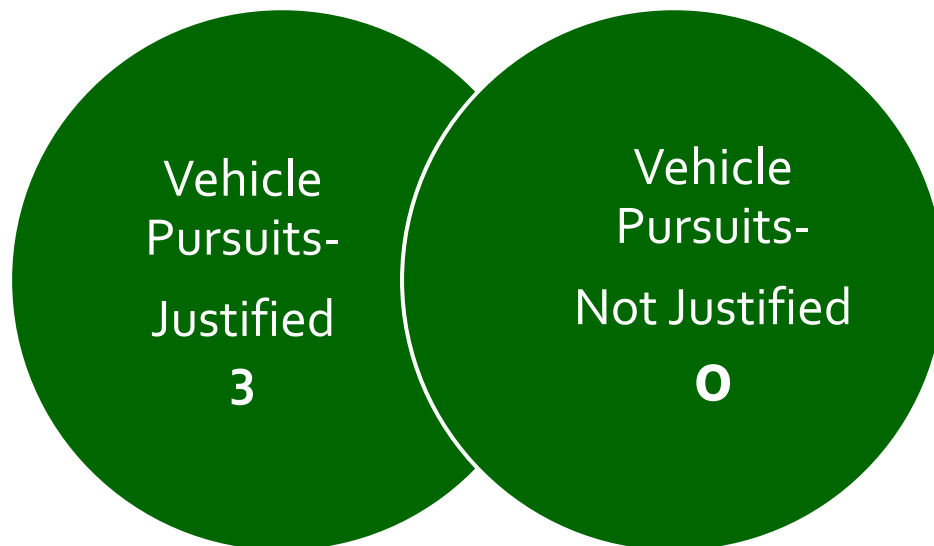
Causes of Accidents	
• Animal	1
• Carwash Equipment	1
• Failure to Maintain Safe Distance	10
• Failure to Yield	5
• Negligence	2
• Redlight Violation	2
• Stop Sign Violation	1
• Unsafe Backing	13
• Unsafe Lane Change	1
• Cause not Recorded	8

**Note:** Of the 44 vehicle accidents that occurred in FY22, unsafe backing was the primary cause of the accident.

## 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. Regarding vehicle pursuits, the MCSO deputies assigned to Field Operations can and will engage in vehicle pursuits when situations arise and in accordance with applicable laws and Sheriff's Office policy.

Figure 4: FY22 Vehicle Pursuits



All vehicle pursuits that the MCSO initiated or were 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 of all Category A violations within 60 days of receipt. During FY22, the OPC investigated and disposed of 45 incidents including allegations of employee misconduct that were classified as Category A violations, with an average number of days to dispose at 36 days. The table below provides a summary of disposition frequency by day grouping.

**Table 4: Disposition frequency by day grouping**

Day Grouping	Number Disposed
0-30	20
31-60	17
>60	8
<b>Total</b>	<b>45<sup>4</sup></b>

**Note:** Of the 45 Category A level allegations of misconduct received in FY22 (both sustained and not sustained), 37 or approximately 82% were disposed of in 60 days or less, and 10 individuals resigned under investigation before adjudication of the incident.

## End of Report

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<sup>4</sup> OPC investigated 45 Category A level violations in FY22. Of those, 26 were sustained and 10 individuals resigned under investigation.