

Mecklenburg County Sheriff's Office
Office of Professional Compliance

Annual Report
FISCAL YEAR 2017



Table of Contents

- The MISSION of the Mecklenburg County Sheriff’s Office 3
 - Our GUIDING PRINCIPLES are: 3
- The MISSION of the Office of Professional Compliance 4
- The Office of Professional Compliance Staff..... 5
- Introduction 6
- Categories of Misconduct 7
 - Category A:..... 7
 - Category B:..... 7
 - Category C:..... 7
 - Category D: 7
- Complaint Adjudication 8
 - Adjudication Status Definitions: 8
- OPC Year-End Statistics 10
- Pre IA Pro Implementation 11
- Post IA Pro Implementation..... 12
 - Incident Types 13
 - Incident Occurrence by Area of Assignment 14
 - Post IA Pro Complaints and Allegations of Misconduct..... 15
 - Post IA Pro Complaint and Allegation Adjudication..... 16
- Rules of Conduct Violations, Violation Levels, and Action Taken for Sustained Complaints and Allegations 17
 - Rules of Conduct Violations 17
 - Categories of Misconduct 18
 - Action Taken 18
- Use of Force Incidents..... 19
- Vehicle Pursuits..... 20
- Vehicle Accidents 21
- Considerations 22

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

John O'Malley (Part-Time)

Sergeants

Terri L. Johnson

Washington Johnson, III

Thomas Shields

Administrative Support

Patricia Wills

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. Category A violations can result in any appropriate corrective action, to include termination of employee in question.

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. First sustained Category B violation can result in any appropriate corrective action. Second sustained Category B violation within a 12 month period can result in a one day suspension; subsequent alleged Category B violations sustained within a 12-month period are treated as a Category A violation and are subject to any corrective action, to include termination of employee in question.

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.

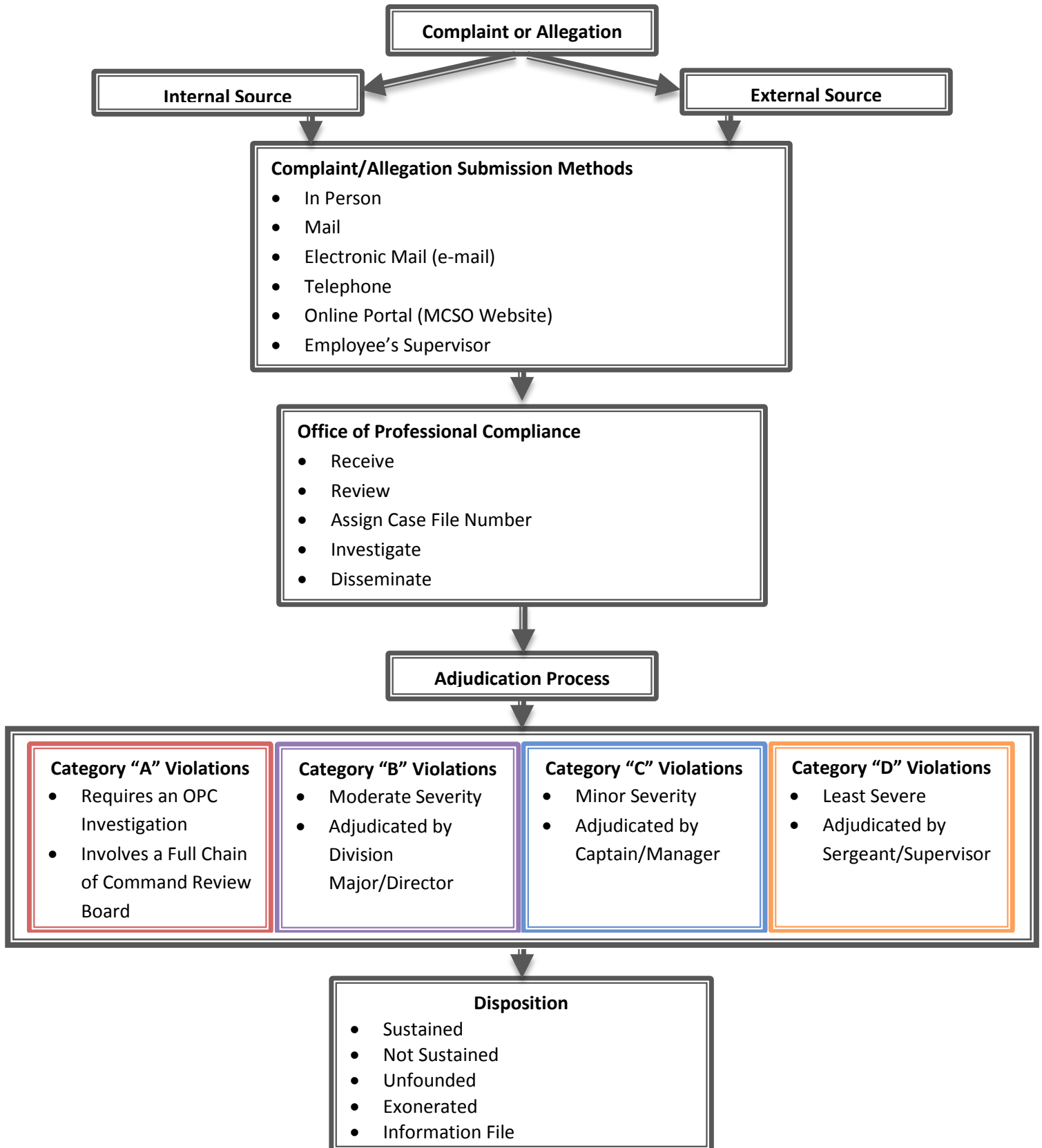
Exonerated: The acts that provided the basis for the complaint or allegation occurred, but the investigation revealed that they were justified, lawful, and proper.

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

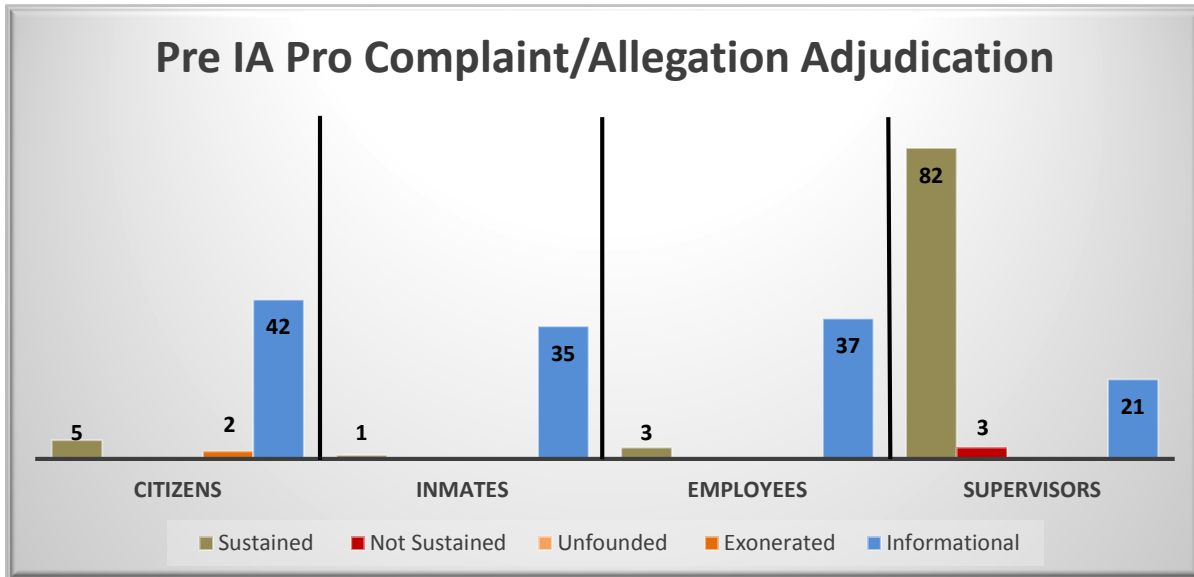
Prior to January 1, 2017, the OPC statistical data was manually maintained in an Excel spreadsheet format. Effective January 1, 2017, the OPC implemented a new case management system, Internal Affairs-Professional version (IA Pro). This system is specifically designed to assist law enforcement with the 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.

Due to the fact that OPC data was maintained in two different formats during the course of the FY17, some of the data will be presented in two separate sections: pre IA Pro implementation (July 1, 2016-December 31, 2016) and post IA Pro implementation (January 1, 2017-onward). Data points for FY17 that were maintained in both formats, will be combined to reflect FY totals.

Pre IA Pro Implementation

During the first half of the FY17 (July 1, 2016-December 31, 2016) the OPC investigated and reviewed a total of 231 complaints or allegations of misconduct. There were four types of sources for those complaints and allegations: citizens, inmates, employees, and supervisors.

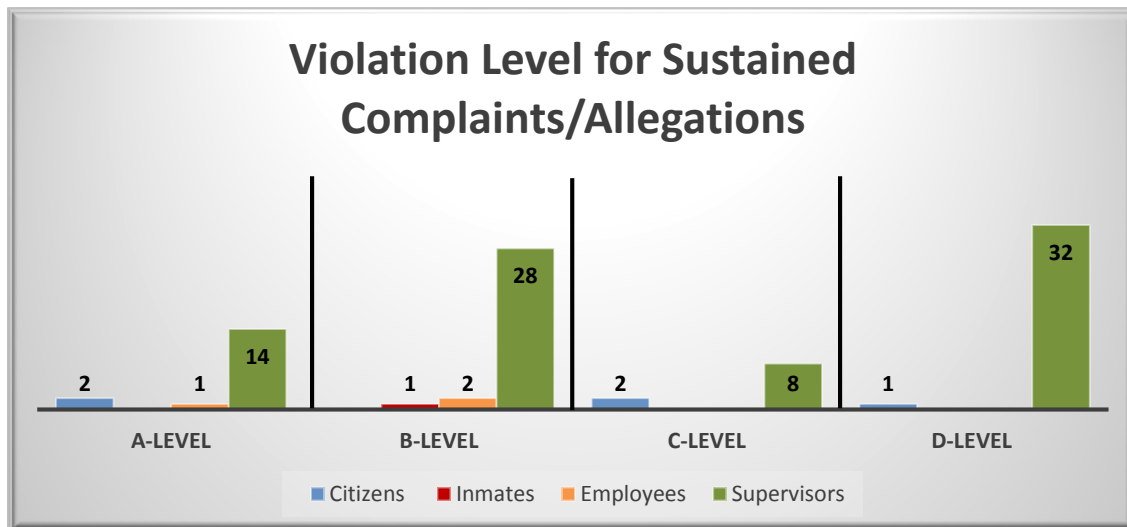
Graph 1: Adjudication for all complaints and allegations received during the first half of FY17.



Note: Of the 231 complaints and allegations of misconduct received from all sources between July 1, 2016-December 31, 2016, 91 were sustained.

Depending on the severity of incidents that are sustained, an adjudicated complaint or allegation will be assigned an appropriate violation level: A, B, C, or D.

Graph 2: Violation level for sustained complaints or allegations.



Note: Of the 91 complaints or allegations that were sustained, 17 were appropriately assigned level A.

Post IA Pro Implementation

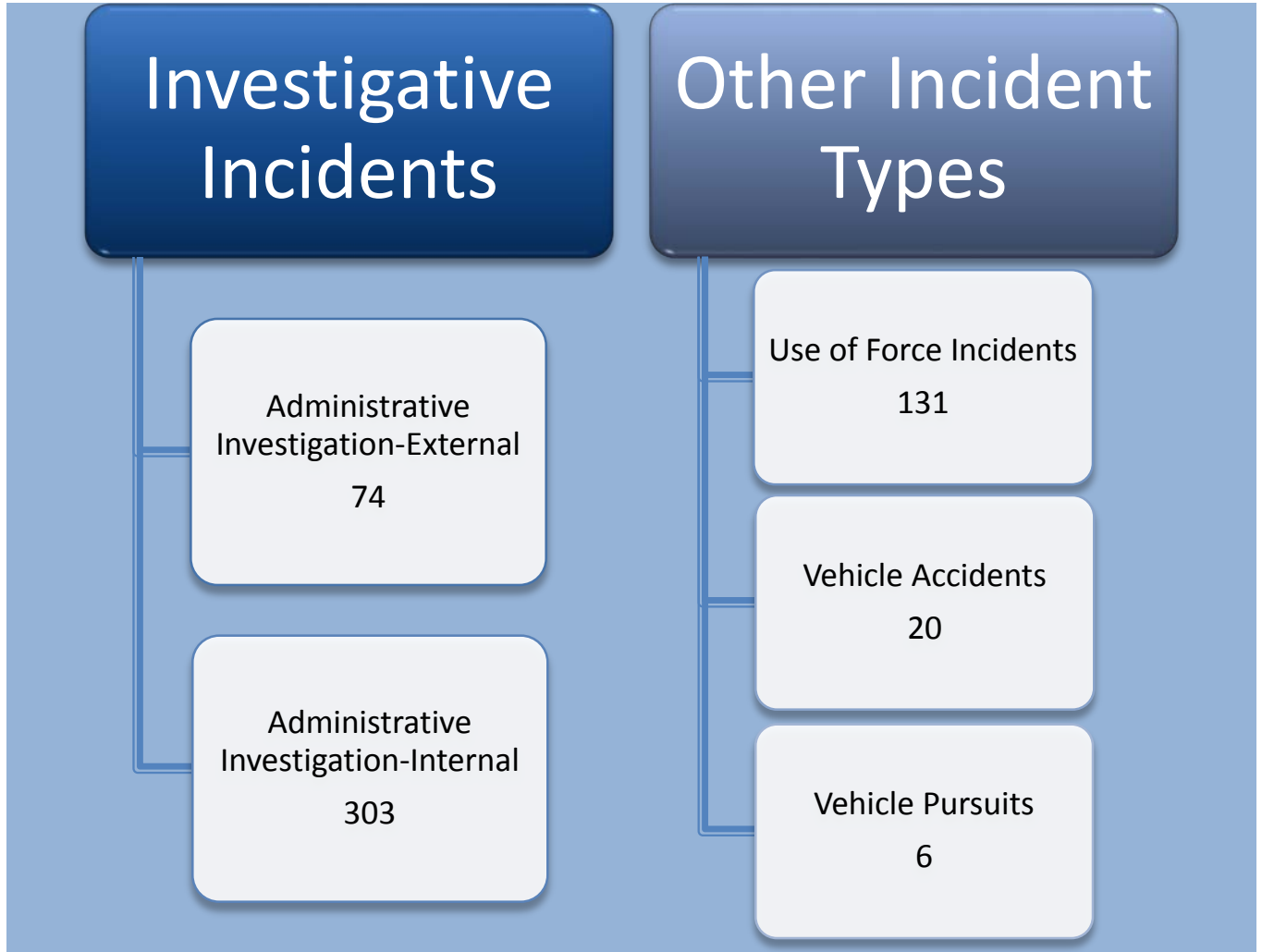
As mentioned above, the implementation of IA Pro has allowed the MCSO OPC to maintain greater level of detail in reference to all reviewed incidents, regardless of them being a complaint or an allegation of misconduct. The statistical reports available in IA Pro allow designated staff to easily generate 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.

Incident Types

During the second half of FY 17 (January 1, 2017-June 30, 2017) the OPC reviewed approximately 534³ different incidents that occurred throughout the agency.

Figure 2: Incident types captured in IA Pro during the second half of the FY17.



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 Assignment⁴

Of the 534 incidents that were reviewed by the OPC during the second half of FY17, 460 incidents had area of occurrence data available.

Table 1: Incident occurrence by area of assignment.

Incident Occurrence Area	Number of Incidents
Arrest Processing	65
Business Management	2
Civil Judgment Unit	12
Classification	18
Communications	1
Court Security	42
Domestic Violence Unit	2
Field Operations	26
Funeral Escort	1
Gun Permits/Special Registration	2
Inmate Finance/Property	10
Inmate Programs	3
K9 Operations	2
MCJ-Central	223
MCJ-North	41
Reserves	1
Sheriff-Administration	1
Training	2
Transportation	6
Total	460

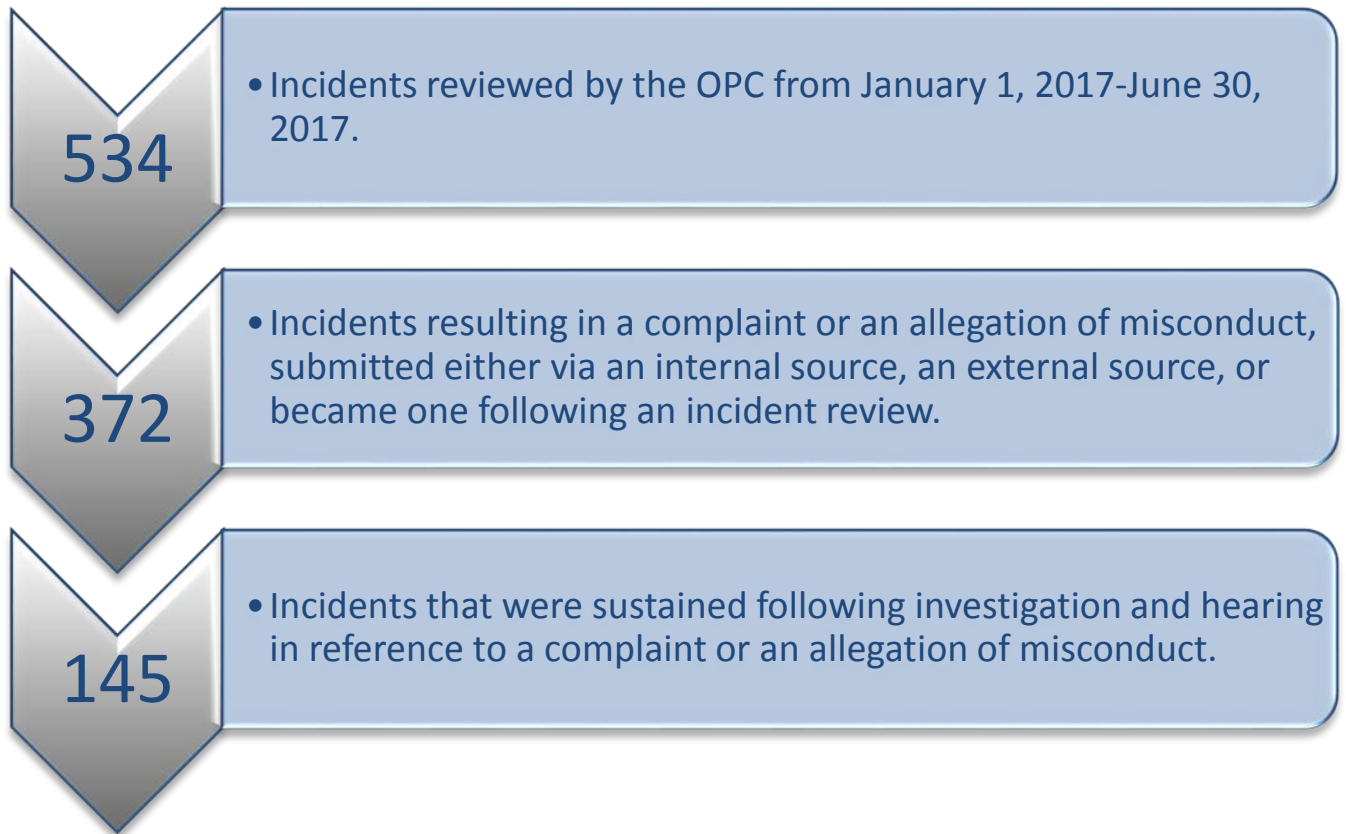
Note: Of the 534 incidents reviewed by the OPC, area of assignment did not apply to 74 incidents, due to the informational nature of those incidents.

⁴ Incident occurrence by area of assignment is captured in the IA Pro software; therefore, it is available only for incidents that occurred between January 1, 2017-June 30, 2017 and where recording this field is applicable.

Post IA Pro Complaints and Allegations of Misconduct

Of the 534 incidents reviewed by the OPC during the second half of the FY17, 372 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.

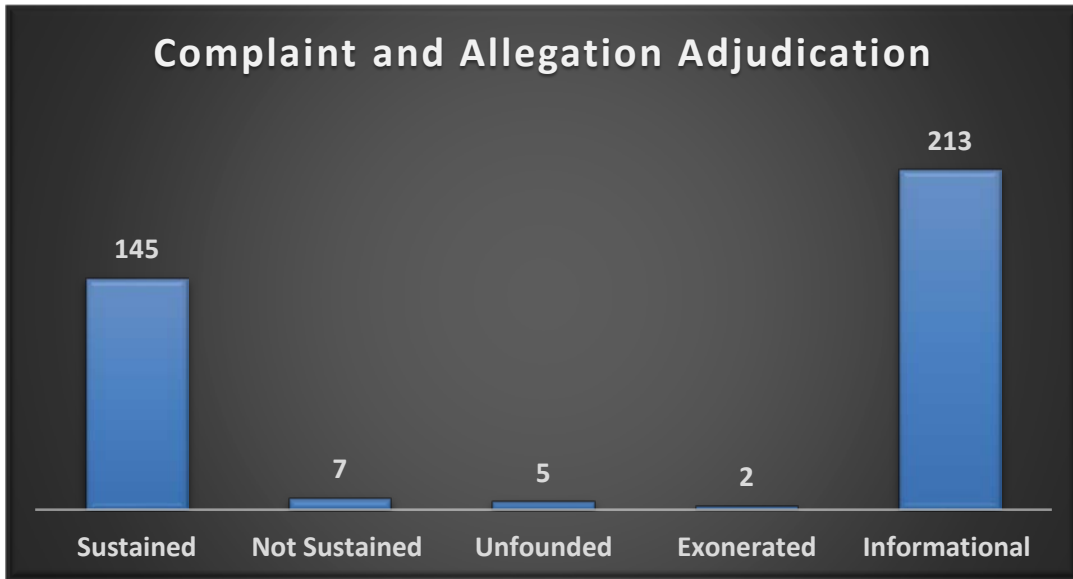
Figure 3: Incidents subsequently sustained following investigation and hearing.



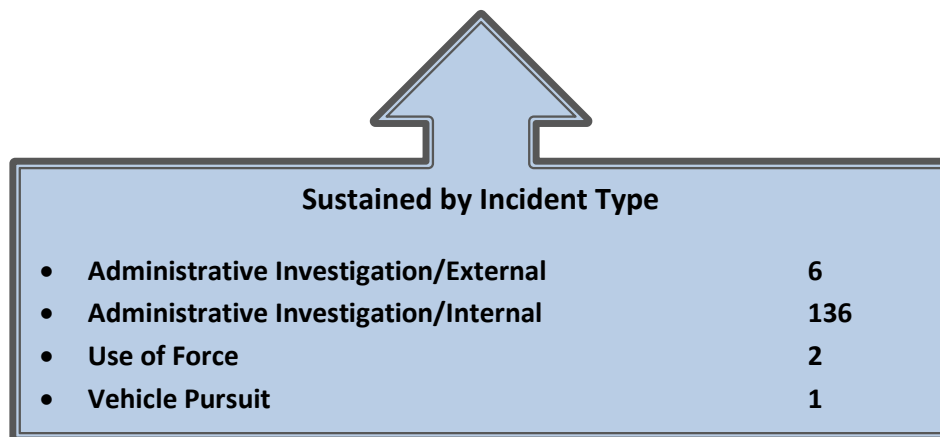
Post IA Pro Complaint and Allegation Adjudication

The 372 incidents that were reviewed and investigated for complaint or allegation of misconduct, were subsequently adjudicated with one of the five statutes assigned:

Graph 3: Complaints and allegations adjudicated.



Note: Of the 372 incidents that were reviewed and investigated, 145 complaints or allegations of misconduct were sustained.



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 145 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	22
Abuse of Position	2
Chain of Command	4
Conformance to Laws	1
Courtesy	8
Knowledge of Regulations	1
Neglect of Duty	19
Personal Appearance	1
Reporting for Duty	18
Sheriff's Office Reports	1
Supervision	1
Unbecoming Conduct	5
Unsatisfactory Performance	5
Use of Force	2
Use of Sheriff's Office Equipment	15
Use of Tobacco	1
Violation of Rules	39
Total	145

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 violations assigned to sustained incidents for both halves of the FY17, as well year-end totals.

Table 3: Categories of Misconduct.

<i>Level of Violation</i>	<i>Post IA Pro</i>	<i>Pre IA Pro</i>	<i>FY17 Total</i>
<i>Category A Violations</i>	23	17	40
<i>Category B Violations</i>	45	31	76
<i>Category C Violations</i>	24	10	34
<i>Category D Violations</i>	53	33	86
Total	145	91	236

Note: In the second half of the FY17, 145 incidents of complaints and allegations of misconduct were sustained.

Action Taken

For all incidents where complaints and allegations for misconduct were sustained during the second half of the FY17, disciplinary action was taken.

Table 4: Disciplinary action taken.

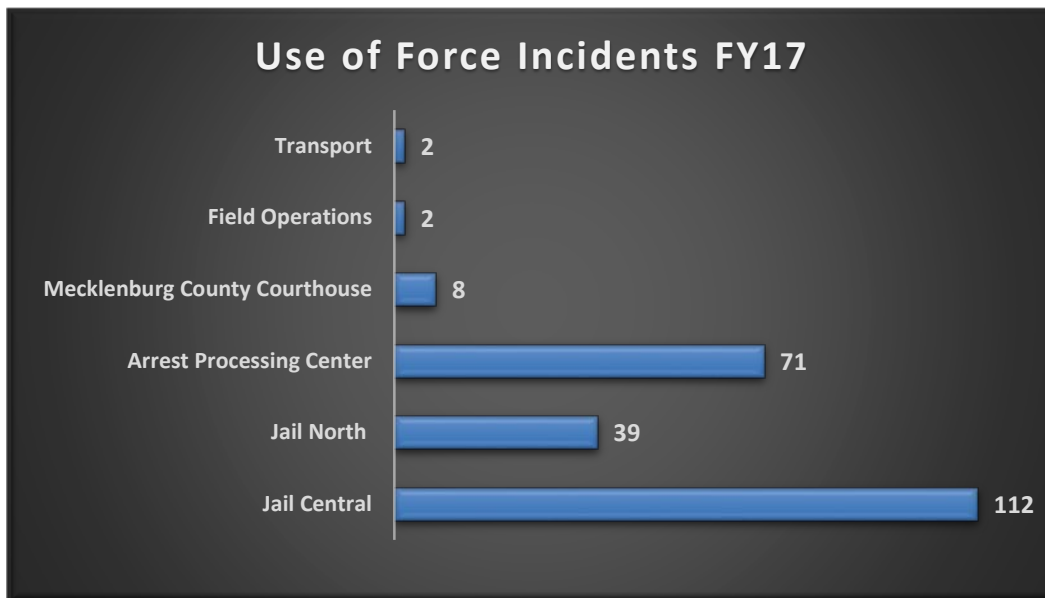
Disciplinary Action	Frequency
Corrective Counseling	47
Suspension	22
Termination	3
Verbal Reprimand	6
Written Reprimand	67
Total	145

Note: Of the 145 disciplinary actions taken in the second half of the FY17, 3 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 4: Use of force incidents FY17.

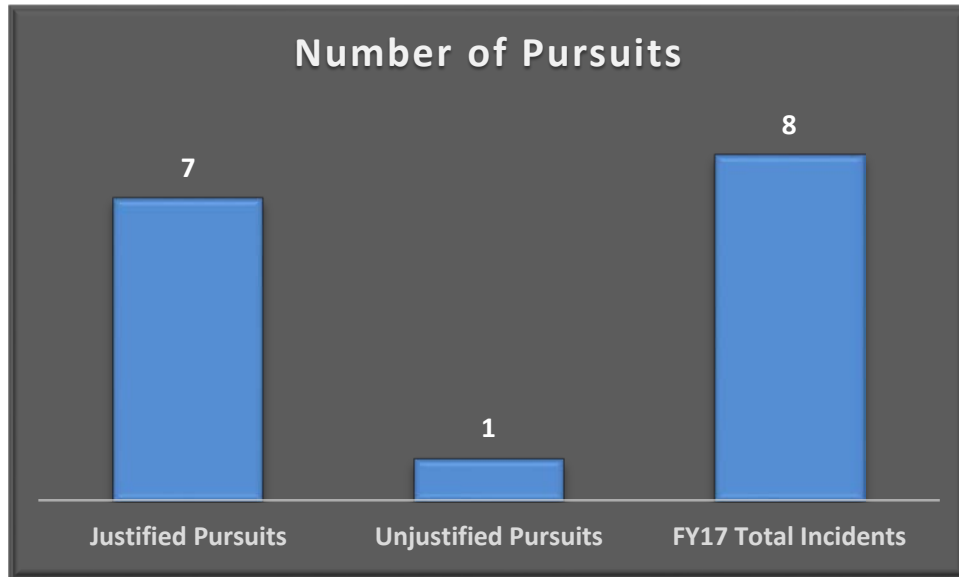


During FY17, there were a total of 234 use of force incidents across different work assignments within the MCSO; of all use of force incidents, 231 uses of force or 98.7% were justified.

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.

Graph 5: MCSO vehicle pursuits.

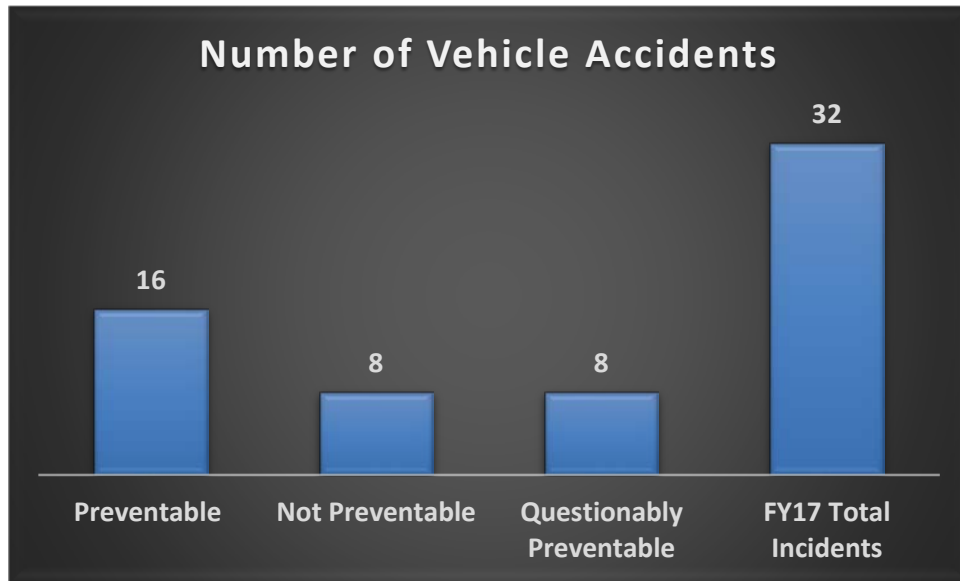


All vehicle pursuits that the MCSO initiated or was engaged in are reviewed by the OPC to determine whether the pursuit was justified or unjustified, based on the agency's policies and procedures.

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 6: MCSO vehicle accidents.



Note: Of the 32 vehicle accidents that occurred during the FY17, an MCSO employee was at fault in 10 of these accidents. Of the 32 accidents, 8 were classified as Questionably Preventable, where the accident review board concluded that there were mitigating circumstances that contributed to the accident; therefore, the employee was not at fault.

Causes of Accidents	
• Failure to Maintain Safe Distance	3
• Failure to Yield	2
• Negligence	1
• Red Light Violation	1
• Unsafe Backing	5
• Cause not Recorded	20

Considerations

The current OPC Annual Report is the first report that formally presents an overview of the work that is done by the division on daily basis. With transparency in mind, the current report provides a detailed look at the internal incidents that are reviewed and investigated by the OPC, in order to ensure that the agency and its staff operate at the highest level, as well as in accordance with the policies and procedures that are in place.

As mentioned in the introduction, data for this report were maintained in two different formats during the course of the FY17. Additionally, the level of detail maintained within both formats differs. With that in mind, best efforts were made to gather and interpret the data in a manner that provides a clear understanding and interpretation of the work completed by the OPC.

Since many of the data variables in the current report are reflective of the first or second half of the FY17, it was not feasible to provide total year-end numbers in reference to those variables. With the successful implementation and use of the IA Pro, greater level of detail will continue to be maintained. Forthcoming annual reports will reflect that level for entire fiscal years, therefore improving the interpretation and understanding of the year-end statistics.

End of Report