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Report of Investigation

FILE NO: 21-0094-C

SUBJECT: Employee Stealing Christmas Decorations

STATUS: Final

INVESTIGATOR: JOC

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2/8/2022
Date of Completion

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2/24/2022
Date of Approval

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EXECUTIVE SUMMARY

The Office of Inspector General (OIG) received a complaint on December 14, 2021 through the 311 system. The complainant stated that the driver of a white truck with City decals and a government plate was parked in front of the citizen's apartment, and that the driver stepped out and took some of the citizen's Christmas decorations from the front of their apartment and put the decorations in the truck. When the citizen drove up, the person in the truck drove off. The citizen stated that the vehicle had City decals which said Senior Affairs and they provided a license plate number for the vehicle.

Pursuant to City Ordinance 2-17-2, the Inspector General's goals are to: (1) Conduct investigations in an efficient, impartial, equitable and objective manner; (2) Prevent and detect fraud, waste and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the City's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

The OIG investigated the matters by reviewing dash cam video provided by the complainant, reviewing the GPS records for the vehicle identified in the complaint, reviewing the Department of Senior Affairs Staff/Participant Incident Form and the Staff/Participant Witness Statement provided by E1, and by conducting interviews of pertinent employees. The OIG was provided access to the Department documents and the OIG is appreciative to all personnel for their cooperation in the conducting of this fact-finding investigation.

The OIG's investigation reveals that E1's actions were improper and not supported by the City's policies and procedures. E1 admitted guilt for taking the complainant's Christmas decoration. E1 claimed that they initially thought the decoration was debris and the color caught their eye. However, upon closer examination, E1 realized it was a Christmas decoration. They claimed to have looked around to see if it had come off from somewhere, but did not notice anything. E1 stated that "given the season" they then decided to take the decoration, and admitted to putting it in their City vehicle and taking it to their personal residence.

Overall, the Employee's actions may constitute theft which is a violation of the law and therefore would be in violation of the City's Code of Conduct. The OIG noted one area for improvement to the Departments operations. As a result of our investigation, the OIG has made two (2) recommendations for improvement. See the RECOMMENDATIONS section on pages 6-7 of the report.

ABBREVIATIONS

E1: Senior Affairs employee
OIG: Office of Inspector General
S1: Senior Affairs supervisor
SA: Department of Senior Affairs

INTRODUCTION

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque in order to safeguard and preserve the public trust.

The Office of Inspector General (OIG) received a complaint on December 14, 2021 through the 311 system. The complainant stated that the driver of a white truck with City decals and a government plate was parked in front of the citizen's apartment, and that this individual stepped out and took some of the citizen's Christmas decorations from the front of their apartment and put the decorations in the truck. When the citizen drove up, the person in the truck drove off. The citizen stated that the vehicle had City decals and said Senior Affairs. A license plate number for the vehicle was provided.

SCOPE AND METHODOLOGY

The scope of the investigation involved the performance of certain procedures to assess the employee's compliance with policies and procedures. The methodology will consist of:

- Review of dash cam video footage provided by complainant
- Review of GPS records for the vehicle identified in the complaint
- Review of Department incident report and witness statement forms
- Interviews of relevant City employees
- Gain an understanding of the policies and procedures related to job assignments, work schedules, required record keepings, and employee permitted breaks
- Obtain and review relevant policies and procedures for the City
- Obtain and review relevant policies and procedures for the Department of Senior Affairs

INVESTIGATION

Background

E1 has been a meal delivery driver with the City of Albuquerque's Department of Senior Affairs (SA) for approximately four (4) years ten (10) months. E1's duties include transporting hot meals to home-bound seniors and to ensure proper temperature of foods on arrival. E1's schedule is Monday through Friday from 8:30 am to 2:30 pm. It is a six-hour shift in which E1 is allotted one fifteen-minute break with no lunch break.

Contact with Complainant

The OIG contacted the complainant via telephone to obtain additional information. The complainant stated that as he and his partner were driving up to their residence, they saw a white truck parked in front of the gate. They noticed a person take Christmas decorations from the front of their residence and then put the decorations in the truck. The complainant stated that when they pulled into the parking spot next to the truck, this individual then drove off.

The complainant provided dash cam video footage of the incident, which the OIG reviewed.

Contact with the Department of Senior Affairs

The OIG spoke with the Deputy Director for the Department of Senior Affairs (SA), who stated that SA was conducting their own investigation into this incident. He shared that GPS information for the Senior Affairs vehicle E1 was driving shows that E1 stopped outside of the complainant's residence and then proceeded to stop at their own personal residence afterward. The Deputy Director stated that E1 admitted to taking the decorations and had provided a written statement regarding the incident.

Review of Documents

The OIG reviewed the Department of Senior Affairs Staff/Participant Incident Form for the incident referenced in the complaint. The OIG also reviewed the Staff/Participant Witness Statement provided by E1, which was completed on December 15, 2021. Finally, the OIG reviewed GPS information from E1's City vehicle, which shows that E1 did make a stop at the complainant's residence and then subsequently made a stop at their personal residence.

Interview of E1

The OIG interviewed E1 who stated they initially thought the decoration was debris on the sidewalk and that it caught their eye, as this "debris" was red in color. When E1 stopped to pick up this "debris", E1 saw that it was actually a Christmas decoration. E1 observed the scene to see if it had fallen from somewhere, but did not see anything. E1 admitted to taking the decoration, figuring that it was "the season" and put it in the City vehicle. E1 also admitted to stopping at their personal residence afterward, stating that their residence is along their regular delivery route and that E1 will stop at their personal residence at times for a bathroom break. E1 admitted to still having the decoration at their personal residence.

E1 stated there was a car that had driven up when E1 had stopped to pick up the decoration. E1 stated a woman in the car was looking at E1, but did not say anything. E1 admitted to not asking the woman if the decoration belonged to them or if they knew who it belonged to.

Interview of S1

The OIG spoke with E1's supervisor (S1), who confirmed that E1 is allotted one fifteen-minute break for their six-hour shift and can also take bathroom breaks when needed. Drivers must contact dispatch when they are taking a break and again when they are back on route. S1 stated that there is no record or log kept of when the meal delivery drivers call into dispatch.

S1 shared that any City facility is a designated stop site for the drivers, so they can stop at any City facility for a bathroom break or their allotted 15-minute break. S1 stated that drivers can also stop at a gas station or for coffee or a snack. However, S1 stated that the drivers are not allowed to stop at their personal residence for breaks, even if it is along their delivery route. S1 confirmed that E1 was issued a Notice of Investigation for this incident, which the OIG reviewed.

CONCLUSION

The OIG's investigation reveals that E1's actions were improper and that the allegations in the complaint were substantiated. E1 admitted to taking the Christmas decoration in question. E1 also admitted to stopping at their personal residence afterward, which according to S1, is not allowed. As a result of our investigation, OIG has made two (2) recommendations for improvement.

FINDINGS AND RECOMMENDATIONS

Possible theft of decoration

Condition: E-1 took a decoration, that E-1 determined to be debris, from the front of a residence without inquiring with the residence as to whether or not it was their decoration.

Criteria: N.M. Stat § 30-1-6, 30-19-1, 30-33a-4, 31-19-1, 66-8-102 states a petty misdemeanor larceny when the value of the stolen property or services is \$250 or less.

Cause: E-1 had determined the item to be debris and was going to pick it up. Once the item was identified as a holiday decoration, E-1 took a break and drove the decoration to the E-1's personal residence.

Effect: E-1 took something that belonged to someone else and this was witnessed by citizens. E-1's actions have an effect on the City, the Department, the employee and casts each in a negative light with the citizens that City employees are here to serve. If charged with petty misdemeanor, E-1 could face up to six months in jail and a fine of \$500.

Recommendation: In accordance with City policies and procedures, the department should consider and enact the appropriate action.

Management Response: As a result of the Investigative Findings and Report dated February 7, 2022, the investigator substantiated the allegations of an item being taken without authority to include stops from an assigned route. We will conduct a formal disciplinary hearing to pursue corrective and/or disciplinary action.

Violation of Department Policy

Condition: E-1 violated the department policy by stopping for a break at their personal residence.

Criteria: Department Policy

Cause: Unknown

Effect: E-1 was able to utilize their break at their personal residence to drop off the holiday decoration.

Recommendation: The Department of Senior Affairs should consider keeping a log of all dispatch calls from the meal deliver drivers.

Management Response: We have established the following protocol, which will be reflected in our Nutrition and Transportation Policy and Procedures:

- Meal Delivery Driver break(s) will be recorded on an excel spreadsheet by the Home Delivered Meals Customer Service Representative (HDMCSR) daily, by instituting the following process:
 - Bathroom breaks and 15-minute breaks will be called into HDMCSR via 2-way radio
 - HDMCSR will log in the driver name, address, date, start time and end time of each break on the break log
 - HDMCSR will send break log to the Para-Transit Supervisor every Friday for review