



OFFICE OF INSPECTOR GENERAL
City of Albuquerque

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Informative Investigative Case Synopsis

FILE NO: 23-0049-C

SUBJECT MATTER: Allegation of abuse of authority by a City Supervisor against a City Employee through targeting and harassment for refusing to work at the Alvarado Transit Center (ATC) due to dangers present there.

STATUS: Final

INVESTIGATOR: Christopher Saavedra

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April 29th, 2024
Date of Completion

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May 15, 2024
Date of Approval

DISTRIBUTION:

- Honorable Mayor**
- President City Council**
- Chief Administrative Officer**
- City Councilors**
- Director Council Services**
- City Attorney**
- Department Director**
- Members, Accountability and Government Oversight Committee**
- File**

EXECUTIVE SUMMARY

The City of Albuquerque Office of Inspector General (OIG) conducts investigations, inspections, evaluations, and reviews following the Association of Inspectors General (AIG) standards.

City Ordinance 2-17-2 states the “Inspector General's goals are to (1) Conduct investigations, inspections, evaluations, and reviews 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) Carry out the activities of the Office of Inspector General through independence in both fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to ensure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.”

As defined in the Inspector General Ordinance § 2-17-3, “fraud is the knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Waste is the thoughtless or careless expenditure, mismanagement, or abuse of resources to the detriment of the City. Abuse is the use of resources or exercise of authority that is contrary to rule or policy, or knowingly inconsistent with any established mission or objectives for the resource, or the position held by the person exercising the authority. Abuse does not necessarily involve fraud or illegal acts.”

Between May and June 2023, the OIG received multiple allegations alleging targeting and harassment of a City Employee (RP) by a City Supervisor (S1). The OIG determined that the allegations contained elements of fraud, waste, or abuse and that it was appropriate for the OIG to conduct a fact-finding investigation. The purpose of the investigation was to substantiate or not substantiate, through the collection of sufficient evidence, the allegations of targeting and harassment of RP by S1.

Based on the evidence obtained and reviewed by the OIG during the course of the investigation, the OIG was not able to substantiate the allegation of targeting or harassment by S1 against RP.

ABBREVIATIONS

ATC: Alvarado Transit Center
CITY: City of Albuquerque
E2: City Employee
OIG: Office of Inspector General
RP: City Employee
S1: City Supervisor

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 to safeguard and preserve public trust. Investigations, inspections, evaluations, and reviews are conducted following AIG Standards.

Complaint

Allegation of abuse of authority by a City Supervisor (S1) against a City employee (RP) through targeting and harassment for refusing to work at the Alvarado Transit Center (ATC) due to dangers present there.

Background

Between May and June 2023, the OIG received multiple allegations of targeting and harassment against a City Employee (RP) by a City Supervisor (S1). Included with the allegation were several copies of documents, emails, texts, and legal documents, including a statement from a witness.

The allegations also included several issues within the Metro Security Department that were investigated in OIG report 23-0061-C and will not be addressed within this investigative report.

SCOPE AND METHODOLOGY

Scope:

Witness interviews of Metro Security employees regarding targeting and harassment against RP.

The methodology consisted of:

- Assess complaint allegation
- Obtain and review evidence in support of the allegation
- Prepare an investigation work plan
- Review the Inspector General Ordinance, Article 17
- Review the Code of Conduct, 301
- Research employee information for those identified
- Collect evidence or statements to corroborate the events
- Contact the Legal Department to identify pending litigation that would prohibit OIG from investigating

Contact Risk Management to identify pending litigation that would prohibit OIG from investigating
Write report

This report was developed based on information from interviews, inspections, observations, and the OIG's review of selected documentation and records.

INVESTIGATION

Allegation:

Allegation of abuse of authority by a City Supervisor against a City employee through targeting and harassment for refusing to work at the ATC due to dangers present there.

Authority:

Article 17: Inspector General Ordinance

Code of Conduct 301.3

Evidence:

Witness Interviews

Subject Interviews

Analysis:

In conducting our investigation, the OIG considered the above-noted evidence as a basis for our analysis.

Retaliation, as defined by the City of Albuquerque's Central Human Resource Department is "Any action a reasonable employee would believe, is intended to discourage protected activity".

The City of Albuquerque's Code of Conduct 301.3 Standards of Conduct states "Employees shall not harass others by making sexual advances or by creating an intimidating or offensive working environment or by making false accusations regarding such conduct.

Between May 2023 and June 2023, the OIG received multiple allegations with additional documents that were reviewed. The OIG reviewed a typed, unsigned statement, from another City employee, identified in the statement as E2. The statement is below:

When I Metro Security Officer [E2] was a new hire I was told to be careful of Metro Security Officer [RP] by Metro Security Sergeant [S1]. I feel as if [S1's] comment was targeted towards Officer as I was a probationary officer. I feel that [RP] is being targeted by Metro Security Sergeant [S1].

Additionally, RP stated in the initial allegation that they were advised that S1 told the mobile officers to stay away from ATC the night RP was assigned to the ATC night shift “because [RP] is there”. The OIG could not validate that S1 made such a comment.

Interviews:

The OIG interviewed E2 regarding the information identified in the initial allegation.

The OIG asked if E2 had ever witnessed any form of targeting or harassment within Metro Security. E2 stated that they have not. The OIG asked if E2 had ever been assigned to the Mobile Unit for Metro Security. E2 stated that they have prior. The OIG asked if E2 had ever been told by S1 to avoid ATC because a specific officer was stationed there. E2 stated that they had not ever received an order like that from S1 or any other supervisor. The OIG asked if E2 had seen anything that might have been perceived as targeting or harassment. E2 stated that some officers are not happy with their assigned posts during a shift bid. E2 explained that Metro Security officers with higher seniority have the first choice of where to work and what schedule. E2 explained that officers with lower seniority have been upset in the past about their assignments. E2 stated that all officers have been unhappy with their assignments at one point in their careers, especially when they first started.

The OIG interviewed S1 regarding the information identified in the initial allegation.

The OIG asked S1 about the alleged incident from May, 7th, 2023, and if they had ever ordered another officer in the mobile unit to avoid any area during their routine patrols. S1 stated that they had never given an order like that to anyone. S1 stated that they go to great lengths to try and ensure officer safety of not only the officers they supervise but any other officer in Metro Security. The OIG asked if S1 could think of any order that might have been mistaken for the order given in the allegation. S1 stated the only time that they have ordered the mobile unit to avoid an area in the past would be due to active Albuquerque Police Department activity. The OIG asked S1 if they had witnessed or had any of their employees that they supervise bring up any other forms of targeting or harassment within Metro Security. S1 stated that they have not seen any targeting/retaliation or harassment personally. S1 independently stated that in the past they used to supervise RP, who S1 stated would bring up several instances of harassment, targeting/retaliation, or other rights violations. S1 stated that RP brought up several workplace concerns and allegations of workplace rights violations and that Metro Security management requested that all discipline for RP be handled by S1’s supervisors.

The OIG discovered that RP filed similar workplace rights violations that were being addressed by other outside agencies specifically organized to address these types of violations.

Conclusion:

Based on Retaliation, as defined by the City of Albuquerque’s Central Human Resource Department and the evidence obtained and reviewed by the OIG during the course of the investigation, the OIG could not identify any actions taken by Metro Security with the intent to discourage RP from engaging in any protected activity. As a result, the OIG was not able to substantiate the allegation of targeting or harassment by S1 against RP.