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**Report of Investigation**

**FILE NO:** 23-0061-C

**SUBJECT MATTER:** Allegation of abuse of power by Metro Security Management through bullying, harassment, and retaliation against Metro Security Officers.

**STATUS:** Final

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## EXECUTIVE SUMMARY

According 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) Carry out the activities of the Office of Inspector General through independence in both fact and appearance, investigation and interdiction, and (4) Propose recommendations 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.

The Office of Inspector General (OIG) received an anonymous allegation of abuse of power by Metro Security Management through bullying, harassment, and retaliation against Metro Security Officers.

The OIG determined that the allegations contained elements of potential 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 collect evidence to substantiate or not substantiate the allegation of abuse of power by Metro Security Management through bullying, harassment, and retaliation against Metro Security Officers.

The following is a summary of the findings, subsequent matters, and recommendations.

### **Finding:**

The OIG was able to substantiate violations of the Code of Conduct 301.3 and 301.17 as the result of DD2, commenting “the flogging will cease when morale goes up.” This statement was considered to be unprofessional, intimidating, and offensive by City employees and embodied the prohibited behavior identified in 301.3.

### **Recommendation:**

***Ensure Annual Workplace Trainings are Completed:*** GSD should require additional training on the Code of Conduct and Workplace Harassment for City Employees.

### **Subsequent Matter 1:**

During the course of the investigation, the OIG identified several accounts from Metro Security officers interviewed who felt there was a severe lack of training regarding certain functions of their daily job duties.

## **Recommendations:**

1. ***Ensure Crucial Training is Completed for Metro Security Officers:*** GSD should provide documented training specific to situations that Metro Security Officers encounter including but not limited to:
  - a. Fentanyl Exposure
  - b. Identification of the Presence of Drugs and other Narcotics
  - c. Narcan Administration
  - d. CPR
  - e. Tourniquet Administration
  - f. Verbal De-escalation
  - g. Violent Altercations
  - h. Citations
  
2. ***GSD should Collaborate with Metro Security Division employees and supervisors on Recurring Issues:*** GSD should work with Metro Security employees and supervisors on issues encountered while performing their job duties and how to address them. Additionally, Standard Operating Procedures (SOP) should be revisited periodically to ensure that best practices are being implemented and revised as needed. Training should be provided to all Metro Officers on any changes made to the SOP.
  
3. ***Consider Revision to AI NO: 7-17:*** Consider revising *AI No: 7-17: Return to Temporarily Restricted Duty and Permanently Modified Work Assignments Resulting from Work-Related Injury* to incorporate procedures for officers who are sent to the hospital as a result of fentanyl exposure while on duty.

## **Subsequent Matter 2:**

During the course of the investigation, the OIG identified that the minimum requirements or qualifications for a City Security Officer position are two (2) years of security, customer service, or parking operations experience.

The OIG reviewed Security Officer positions from comparable cities and noticed that other cities had more rigorous requirements than the City of Albuquerque.

The City of Denver, the City of Nashville, and the City of Baltimore require at least one (1) year of either military experience, security experience, or law enforcement experience. The City of New Orleans position requires passing a written test along with a qualifying medical and psychological/psychiatric evaluation after completion of a one (1) year probationary period.

## **Recommendation:**

***Minimum Job Requirements Review of Security Officers:*** GSD should reevaluate the minimum job requirements for a Security Officer due to the additional job responsibilities and to better match job requirements established by similar positions in different cities with comparable population sizes.

**Subsequent Matter 3:**

The OIG's interviews revealed when an officer utilizes the Family Medical Leave Act (FMLA) to avoid working mandatory overtime, the Metro Security Division pays two (2) officers at time and a half to fill one post, resulting in a waste of City resources.

**Recommendation:**

***Address the paying of two (2) officers at time and a half to fill one post due to the Family Medical Leave Act (FMLA):*** GSD and the Union should collaborate to address the issue of waste by paying two (2) officers at time and a half when one Security Officers utilized FMLA to not work overtime.

In conclusion, general observations highlighted the need to address the duties and training of Security Officers and job-related policies, necessitating immediate corrective actions and systematic improvements to mitigate potential liability to the City.

## ABBREVIATIONS

ATC:	Alvarado Transit Center
CITY:	City of Albuquerque
E1:	City Employee
E2:	City Employee
E3:	City Employee
D1:	Department Director
DD2:	Department Deputy Director
M1:	City Employee
M2:	City Employee
METRO:	Metro Security Division
OIG:	Office of Inspector General

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

## SCOPE AND METHODOLOGY

### **Scope:**

Evidence identified during the investigation on specific instances of alleged abuse of power through bullying, harassment, and/or retaliation from the following methodologies:

- Conduct information-gathering interviews
- Review City policies and procedures
- Review of pertinent City records

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

## INVESTIGATION

### **Allegation:**

Allegation of abuse of power by Metro Security Division Management through bullying, harassment, and retaliation against Metro Security Officers.

The OIG considered the following definitions when analyzing the allegation:

Black's Law Dictionary defines Harassment<sup>1</sup> as:

*Repeated conduct that is not wanted and is known to all parties as offensive.*

The American Psychological Association defines Bullying<sup>2</sup> as:

*A form of aggressive behavior in which someone intentionally and repeatedly causes another person injury or discomfort. Bullying can take the form of physical contact, words, or more subtle actions*

The City's Central Human Resource Labor and Relations Office defines Retaliation as:

*Any action a reasonable employee would believe is intended to discourage protected activity.*

**Authority:**

**301.3 Standards of Conduct:**

Employees shall not use insulting, abusive or offensive language or actions toward the public or co-workers. Ethnic or sexist jokes, slurs and other comments or actions that might embarrass or offend others are prohibited. 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. Display of visual materials that may be sexually or racially offensive is also prohibited.

**301.17 Supervision of Employees:**

Employees with supervisory duties or responsibilities shall, in all instances, ensure that all supervisory actions comply with the provisions of the Merit System Ordinance, Labor-Management Relations Ordinance, Personnel Rules and Regulations, applicable legislation, and relevant judicial/administrative decisions."

**Evidence:**

- Interviews
- City Policies
- City Documents

**Interviews:**

The OIG conducted interviews with various City employees regarding the allegation of bullying harassment, and retaliation against Metro Security Officers and was provided the following testimonies.

During an interview with E1, E1 stated that they have not witnessed anything that they would consider to be bullying, harassment, or retaliation.

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<sup>1</sup> <https://thelawdictionary.org/harassment/>

<sup>2</sup> <https://www.apa.org/topics/bullying#:~:text=Bullying%20is%20a%20form%20of,words%2C%20or%20more%20subtle%20actions.>

During an interview with E2, E2 stated that they have not witnessed anything that they would consider to be bullying, harassment, or retaliation.

During an interview with E3, E3 stated that DD2 commented to a room of Metro Security officers and sergeants, that “The flogging will cease when the morale goes up”. E3 stated that they took this statement to be offensive, threatening, and a form of intimidation, as E3 knew that flogging meant whipping or punishing people. E3 stated that they did not feel that DD2 was joking when they made this comment.

E3 stated that they were unsure if DD2 would retaliate or potentially physically harm them. E3 stated they know of several Metro Security officers who come from similar “environments” as DD2 and that they would not speak to co-workers in the same manner.

M2 corroborated the statement made about flogging by DD2 on December 20, 2023. M2 stated they did not initially understand what was said until E3 explained what “flogging” meant to those present. M2 stated they felt that it was an inappropriate comment that should not be made in the workplace.

An email was later issued by DD2 on December 20, 2023, apologizing for their comment and stating:

*I realize I often-times come across very direct, to the point some would consider rude. I'm not intending to, I'm just used to working in environments where getting the message across “quickly” is more important than getting across “politely.” I also have a very dark sense of humor from decades of dealing with this. I recently made a “joke” in front of several Officers, and I have learned this offended some, or all of them. For that, I am sincerely sorry. We all know morale can be an issue, and I was “attempting to make light” of that, and it came across wrong. Again, I apologize.*

The OIG interviewed DD2 and inquired about the comment and email apology and DD2 responded:

*In terms of the comment about the joke. Yes, I did make that, I apologized to the folks that it did because I was attempting to lighten the load because there have been a lot of disciplines going out. But not just against the officers [Security Officer J12's], I mean I have even received disciplines from my supervisor. There is a culture within the division, and it has been for decades, and so one of the constant complaints that I heard when I first came on board was that nobody was being held accountable. The sergeants were complaining that they would write up an officer and that the upper management would dismiss it and it would go away and nothing was ever done. Or the most severe thing they would be provide a Letter of Instruction, which technically isn't a disciplinary action, its minor corrective action. And if the officers got so many of those, that they would simply wad them up, throw them away, and laugh about it. So, the constant complaint from the sergeants and the lieutenants was that people are not being held accountable. So, our efforts now are to hold people accountable; and that is sadly, we tried initially when I first came on board, we had regular monthly meetings with all the sergeants and the lieutenants, tried to discuss issues, tried to come up; and they*



*would basically disintegrate into bitch sessions. Where they would simply complain about everything. We [Metro Security] have worked hard on providing them with the materials that they needed to do their job.*

DD2 stated that Metro Security management has done all they can to improve their working conditions. DD2 elaborated that “one of the things that still comes up is that some of them don’t want to do their jobs”. The OIG asked for clarification on this statement, and DD2 stated that some officers would not ‘call out’ when they got somewhere. DD2 stated this is an officer safety issue that needs to be addressed. DD2 stated that some officers would not call out as they felt Metro Security management was “attempting to track them”. DD2 stated this was one example of the many things regarding the increase in disciplinary actions taken against Metro Security officers. DD2 stated that there has always been an “us vs. them” mentality between Metro Security officers and Metro Security management. DD2 stated that Metro Security management has attempted to schedule multiple team-building trainings to address this mentality.

**Finding:**

The OIG was able to substantiate violations of the Code of Conduct 301.3 and 301.17 as the result of DD2, commenting “the flogging will cease when morale goes up.” This statement was considered to be unprofessional, intimidating, and offensive by City employees and embodied the prohibited behavior identified in 301.3.

**Recommendation:**

GSD should ensure that all of Metro Security complies with the mandatory annual training. GSD should require additional training on the Code of Conduct and Workplace Harassment for City Employees.

**Management Response:**

*General Services Department Human Resources Coordinators has teamed with the Employee Learning Center Trainers to collaborate efforts regarding the completion of all required Workplace Training. We are currently creating a process to accomplish this task. Assisting with these efforts is Will Wheeler, Organizational Learning Analyst II from the HR training group with the Employee Learning Center.*

*The General Services Department will require all employees to annually re-take, pass, and provide a certificate of completion for both the Code of Conduct training and the Workplace Harassment training. Employees will be required to provide the General Services Human Resources Department a copy of the certificate of completion for tracking purposes. A digital copy of the certificate of completion will be maintained in the employee’s electronic training file.*

*ETA of Compliance: Wednesday, July 31, 2024*

## SUBSEQUENT MATTERS & OBSERVATIONS

### Subsequent Matter 1:

During the course of the investigation, the OIG identified several accounts from Metro Security officers interviewed who felt as though there was a severe lack of training regarding certain functions of their daily job duties.

During the interviews with city employees, the OIG was provided the following information that was considered when making recommendations for improvement.

E1 stated that Metro Security provides its officers with little to no training outside of the initial training that new hire “Basic Training” Metro Security officers are provided. E1 stated that the only thing that was provided to officers was an email sent to all Metro Security officers on April 12, 2023, by a Department Director (D1) at the time which stated:

*We are aware that there has been concern regarding inhaled, second-hand Fentanyl smoke. REDACTED and I have consulted several sources to ensure we are taking appropriate, post exposure actions.*

*Our latest inquiry through Risk Management produced the following reply: Risk Management along with Transit and Concentra, City’s on-site medical contractor, spent a lot of time researching fentanyl exposures to our employees. Several of us had an opportunity to meet with representatives from the NM Department of Health who verified and confirmed the recommendations provided by Concentra. We were told by REDACTED, Deputy Secretary, and REDACTED, Harm Reduction Program Manager, both with the New Mexico Department of Health, that an individual cannot get a “contact” high from smelling fentanyl smoke. The Department of Health provided us with this link: <https://healthandjusticejournal.biomedcentral.com/articles/10.1186/s40352-021-00163-5> that summarized a study on the misinformation regarding fentanyl exposures.*

*This article asserted the American College of Medical Toxicology and the American Academy of Clinical Toxicology stated, “the risk of fentanyl overdose via incidental transdermal exposure is very low and it take would take 200 min of breathing fentanyl at the highest airborne concentrations to yield a therapeutic dose, but not a potentially fatal one (Moss et al., 2018).”*

*I checked with the Fire Rescue Department and they are following the recommendations by the Department of Health and Concentra. The recommendations are the following:*

- *Exit the area and get fresh air.*
- *Sit quietly with slow deep breathing for up to 30 minutes until feeling better.*
- *An individual may feel anxious about the situation and may experience an anxiety reaction, they are not in danger.*
- *If the individual continues to have symptoms, then they should call Poison Control at 1-800-222-1222. If the person is concerned and wants to seek treatment, then*

*the employee should come to the Employee Health Clinic (Hours 7a-5p, M-F) 505-768-4630.*

E1 stated that in speaking with newer officers, they were not given this training about fentanyl or Narcan administration. E1 stated that during “Basic Training”, new officers are given some training on the use of Oleoresin Capsicum (OC) Spray (a stronger form of pepper spray), baton strikes, and handcuffing. Notably, E1 stated that they are only taught how to handcuff someone compliant but did not address how to handcuff someone who is non-compliant or combative.

The OIG asked E1 what the standard issued equipment for Metro Security officers was. E1 stated that all officers carried handcuffs, OC Spray, radio, and baton; while some officers were issued tourniquets.

The OIG asked in what situations Metro Security officers utilize their handcuffs. E1 stated that Metro Security officers have the authority to detain private citizens depending on the situation. E1 provided the example that if someone breaks a bus window over \$1,000.00, an officer can detain someone for up to sixty (60) minutes. The OIG asked if it was a common practice for female officers to be requested when a male officer detains a female citizen. E1 stated that it was not a common practice nor in policy or procedure to do so.

E1 stated that there is a lack of standard operations among Metro Security management. Different members of Metro Security management will provide instruction on a particular task in different ways. E1 stated that this leads to a lot of contention from management towards officers.

E2 stated that there were City Council meetings about the fentanyl exposure issues, where it was discussed that the Metro Security Division does not have any policies regarding exposure. The response from Metro Security management, according to E2, is that any symptoms Metro Security officers experience are psychosomatic. E2 stated that a new policy stated that an officer who is exposed to fentanyl is administered a drug test to ensure if the officer has any narcotic or illicit substance in their system after being exposed while on duty.

E2 stated that there have been three (3) officers previously taken to the hospital due to exposure at the Alvarado Transit Center (ATC) on two (2) separate instances and one (1) officer at the Main Library post. According to E2, the officer at the Main Library went to inspect the restroom walked into a cloud of fentanyl, and started feeling dizzy. That officer was administered Narcan and taken to the hospital. At the time that the officer was cleared from the hospital, they were instructed to report back to duty.

E2 stated that Metro Security officers are responsible for administering Narcan to any individual that they encounter that the officer deems necessary, including private citizens. Metro officers are then supposed to call first responders to the location.

E2 stated that some officers were given training about two (2) years ago, while others were sent an email with a YouTube video on how to administer Narcan. Specifically, E2 stated that officers assigned to the ATC, Mobile, and Parks Patrol posts were given the training, while everyone else was given the YouTube video to review. E2 stated that there have been instances where Narcan has run out or Metro Security officers have had issues obtaining Narcan in the past. E2 stated that Narcan is a part of the inspection sheet for Mobile units and in their first aid kit as of recent.

E2 stated that Metro Security officers are fearful that when an officer is assessing an unresponsive individual, the officer could be exposed to secondhand fentanyl.

E2 stated that from 2003 until the end of 2023, no additional defensive training or refresher training has been provided to Metro Security officers. E2 further stated that under the current charter at the time of the interview, officers are authorized to use up to deadly force in some situations; as Metro Security officers are expected to interact with individuals that may have a deadly weapon.

According to E2, no training was provided by Metro Security Management for the use of tourniquets. E2 stated that a former Sergeant with Metro Security told some officers “Don’t put it around their neck and tighten it”.

E2 stated that Metro Security officers are being utilized to do police work with the implementation by the City Administration to have Metro Security officers issue citations. E2 stated that Metro Security officers, not being sworn officers, do not have the authority to administer citations. E2 stated that no policy or procedure was in place at the time of the interview and that the only form of training given to Metro Security officers was a 25-page book on the citations that officers can issue. E2 stated that only some officers were given training on how to write citations, but E2 could not identify how many officers were trained.

E2 indicated knowing that Metro Security officers are being dispatched to situations that they are not equipped to handle. E2 provided the example that there have been two (2) shooting situations where Metro Security officers were present at ATC. E2 stated that before the merger of Metro and Transit Security, the job of a Metro Security officer was not as dangerous. E2 gave an example of in the past, if someone was in the plaza that wasn’t supposed to be, the officer would handle the situation until that individual would leave the property line of the City. According to E2, Metro Security officers are being instructed to follow the individual past the City property line, being told that the sidewalks are City property.

During E3’s interview with the OIG, they corroborated the information identified by E1, E2, and M1 that no training is provided by Metro Security management on certain functions of their position, including but not limited to the exposure to fentanyl or the administration of Narcan. E3 further stated during their interview that “there is a lot of stuff that I don’t have training on”.

The OIG asked who was responsible for determining when to administer Narcan. E3 stated that it was at the officer’s discretion when to administer Narcan. E3 stated they feel that they do not have the training to identify the different types of drugs or narcotics. E3 stated that they were unsure of how to identify the difference between an individual with diabetes who needs insulin, an individual who was unresponsive due to other medical conditions such as a seizure, or someone who was on drugs or narcotics.

E3 stated that the default action of most Metro Security Officers when encountering an unresponsive individual that does not smell like alcohol is to first administer Narcan. E3 gave an example where they attempted to administer Narcan to an individual who then immediately got up before E3 was able to administer Narcan to the individual. E3 stated they felt that the lack of training on Narcan leads to officers administering it to individuals who would otherwise not need it. E3 believes that training on how to identify situations on when to administer Narcan would lead

to less waste of Narcan. E3 stated that it is a common occurrence for officers to administer Narcan several times during a week.

E3 stated that it has been around eight (8) years or more since they last received any type of first aid or Cardiopulmonary resuscitation (CPR) training from Metro Security. E3 stated that they were unaware of the changes to the medical consensus of the administration of CPR to an individual.

E3 stated that they have personally spoken with Albuquerque Fire and Rescue (AFR), to which the AFR member told E3 that they would provide Narcan training to Metro Security. E3 stated that they are desperately wanting to have more training provided by Metro Security.

M1 stated that Metro Security sergeants were instructed by Metro Security management that any emails sent by Metro Security management are to be considered policy and/or procedure. M1 stated that before the interview, no trainer had been hired by the Metro Security Division to conduct any form of training. M1 stated that Narcan training should be done during a new hire's "Basic Training". M1 stated they were unaware of any records of Metro Security officers who have completed a form of Narcan training. M1 stated that the Narcan utilized by Metro Security officers is administered through the nasal passage. M1 elaborated that Metro Security officers are required to administer Narcan to any individual that they deem necessary and do so at their discretion.

During OIG's interview with M1, the OIG asked what training officers were provided for fentanyl exposure. M1 stated that no official training was provided to Metro Security officers. M1 stated the consensus of Metro Security management was that any symptoms exhibited by officers exposed to fentanyl are psychosomatic.

The OIG asked if officers are exposed, and what the expectation was for them to return to work. It was M1's understanding that Metro Security management expects them to return to their post after being cleared by the hospital.

The OIG identified and reviewed *AI No: 7-17: Return to Temporarily Restricted Duty and Permanently Modified Work Assignments Resulting from Work Related Injury*, which states:

*It is the policy of the city of Albuquerque to fully utilize its employees and to maintain a productive, equitable and positive work environment. To accomplish this goal and to comply with the Workers' Compensation Act this policy encourages the return of employees injured on the job to productive work as soon as medically appropriate after the injury. The Policy also includes provisions for providing appropriate assignments for those employees who have permanent work restrictions as the result of a work related injury or illness.*

*Participation in the Program is required by all employees returning from a work related injury or illness. All Departments will participate and provide full cooperation with the Risk Management Division of the Department of Finance and Administrative Services in the effort to identify and develop appropriate assignments and to place these returning employees in them. If an appropriate assignment is unavailable in the employee's home department temporary or permanent reassignment to another*

*department may be considered. In the case of a Temporary Restricted Duty reassignment the employee's payroll status will remain with the home department. The Risk Management Division shall administer the program, which will include the following components.*

*1. Temporary Restricted Duty*

*This component is intended to return an employee who has sustained an on-the-job injury to a productive level of work in preparation for return to his/her pre-injury position. The maximum duration of temporary restrictions shall be 45 calendar days. Extension of restricted duty will be determined by Risk Management based on medical information from the authorized provider.*

*The employee's department in collaboration with Risk Management shall be responsible for identifying Restricted Duty assignments. The Restricted Duty assignment will be temporary in nature to assist the employee and the operating department during the employee's temporary inability to return to normal duty.*

The OIG identified it was the understanding of the Metro Security Officers interviewed that if an officer is exposed to a drug or narcotic like fentanyl and is sent to the hospital and subsequently cleared by the hospital, that officer is expected to report back to their assigned post for the remainder of their shift.

The OIG asked if Metro Security officers are required to follow individuals outside of City property. M1 stated that they were unaware of any policy or procedure to have Metro Security officers follow individuals. M1 stated that they only instruct Metro Security officers to follow an individual in instances where an officer deploys their OC Spray to ensure the safety of the individual until the effects of the OC Spray subside.

M1 stated that no training was provided by Metro Security management for the issuance of citations. M1 stated the directive to have Metro Security officers issue citations came from the City Administration. M1 stated that they were unsure of what to do about attending court to follow up on citations issued and cannot detain an individual for refusing to provide their name, despite a refusal to provide their information being a citation Metro Security officers are required to issue.

At the time of the interview with the OIG, it was M1's understanding that Metro Security management removed the use of deadly force wording from the Metro Security officer's Standard Operating Procedure (SOP). M1 believed that this exposes officers to potential liability should someone pass away from an unintentional use of force that resulted in that individual's death. An example provided by M1 is if an officer deploys their baton and strikes an individual incorrectly by mistake, that could result in that individual's death without the direct intent of that officer to do so.

The OIG identified 101.5 Emergency and Threat Authority from the Metro Security SOP which states the following:

*If the Division determines an emergency or security-related threat or other security-related situation exists, this Division may take necessary actions in order to ensure the safety and*

*security of individuals present at City of Albuquerque buildings, facilities and property. This includes the authority to order City-owned buildings, facilities and properties into a lockdown or other security-related action as deemed necessary and appropriate for the situation or as directed by Law Enforcement.*

The OIG reviewed the SOP and identified that the use of deadly force definition was not present in the SOP for Metro Security Officers.

M1 further explained that they had observed inconsistent training provided to new hires in their “Basic Training”. Some officers will learn different ways to perform their job functions from class to class. Additionally, M1 stated that new hires will not be sent to “Basic Training” until there are at least five (5) officers in total. M1 was unsure of what those officers did before attending their training.

The OIG asked if officers were provided training on tourniquets. M1 stated that to their knowledge, no officer was provided training on the use of tourniquets by Metro Security.

During M2’s interview with the OIG, they corroborated the information identified by E1, E2, and M1 that no training is provided by Metro Security management for certain functions of their position, including but not limited to the exposure to fentanyl or the administration of Narcan. M2 stated that it has been around seven (7) to eight (8) years since they last received any form of CPR training.

M2 stated that after the merger of facilities and transit security, a lot of the Metro Security officers, are afraid to get exposed to situations such as violent altercations, fentanyl, and other drug use that was not commonplace for officers previously with facilities.

During DD2’s interview with the OIG, DD2 stated that they partnered with AFR for information on what to do when exposed to secondhand fentanyl smoke and provided that information to the sergeants and lieutenants of Metro Security Division to then train the Metro Security officers under their management. DD2 stated that the decision to follow the recommendations of AFR was made by DD2, DD2’s deputy chief, and Metro Security lieutenants. DD2 stated there were no certifications or records for this information when it was first given to Metro Security officers. DD2 stated that this information was “added to the basic curriculum of what they are supposed to do”.

The OIG asked if any other factors led Metro Security management to follow the recommendation of AFR. DD2 stated they had done some research on the internet to determine what the national trends were and that AFR’s information was consistent with national standards.

The OIG asked what the standard procedure was for Metro Security officers when dealing with violent altercations. DD2 stated that if it is a true violent altercation, the recommendation is to have the Metro Security officer disengage and contact the Albuquerque Police Department (APD).

DD2 stated that officers are trained in the use of force, case law, and defensive tactics. The OIG asked if this was training the new Metro Security officers receive when they are first hired or if it was training that was conducted regularly. DD2 stated that the training is provided when Metro Security officers are first hired; however, a refresher training course was provided to officers in

the fall of 2023. DD2 stated that Metro has had problems providing training as the department, until recently, did not have a certified trainer to conduct the training and the Metro Security officer's union was questioning if officers would receive overtime pay for any training. DD2 stated that Metro Security management identified the lack of training as a deficiency in the division and took steps to change it.

The OIG asked if the lack of certified training was the reason behind the lack of refresher training provided by the Metro Security Division. DD2 stated:

*The lack of a trainer period. Certification is somewhat ambulant in this particular case because the Metro Security Division being a City entity, is not held to the traditional standards that a private security firm would. I don't want to say they aren't held to the standards, because our [Metro Security] standards are significantly higher than that. We [Metro Security] are not under the same licensing requirements through state's regulations and licensing. The City is self-insured, the City gives us our [Metro Security] authority through Administrative Instructions. There is a lot of discussion of certified instructors, we [Metro Security] would love to have certified instructors. Who are they going to be certified by?*

The OIG asked if, before the refresher training course that was provided in the fall of 2023, there was any additional refresher training done for Metro Security officers by the Metro Security Division. DD2 stated that there had not been one during their tenure. The OIG asked if there are plans with the newly hired trainer for the Metro Security Division to conduct annual or semi-annual refresher training for Metro Security officers. DD2 stated that part of the role of the new trainer is to coordinate refresher training courses for CPR, first aid, defensive tactics, case law, as well as the Crisis Intervention Team (CIT). DD2 stated that refresher training was one of the issues they identified when first hired. DD2 stated they have been working to correct that going forward with the goal being to have a refresher course provided every month.

The OIG asked if the officers who are expected to provide medical intervention had received training for the equipment that was issued. DD2 stated when the Metro Security Division received the funding for tourniquets, every officer had to be signed off for it by the lead trainer at the time. DD2 stated that the same was true for officers who carried Narcan. DD2 stated the following:

*A lot of the officers seem to have found their own supplies of Narcan and carry it on their own volition. I don't know what level of training they have received in it. Normally it is the single dosage type is what they have been acquiring. They find it to be easier to carry for one thing. The ones that we [Metro Security] get from AFR have to be assembled, they are basically a syringe. You take the top off, put the ampule in, screw it in, put on a little nose atomizer so that it doesn't create nasal damage.*

*Some of them [Metro Security Officers] are like that is too much work to do and problematic. I am not forbidding them from carrying the other type of Narcan. Narcan from all reports from everybody is very benign in and of itself, you can't cause damage by giving Narcan to someone that doesn't need it. Again, I'm not the subject matter expert, this is what we [Metro Security] get from AFR. You see everybody, Bernalillo County Mental Health, everybody is pushing Narcan to every private citizen that they can because of the opioid crisis.*



The OIG asked where these officers are receiving this other form of Narcan. DD2 was unsure but stated that the Main Library has storage of Narcan as they will administer it there. DD2 stated some officers have also approached Bernalillo County to receive this Narcan as well.

The OIG asked about a Metro Security officer's ability to use deadly force. DD2 stated the current policy defines deadly force and allows Metro Security officers to use deadly force to preserve their life or the life of someone else. During the OIG interview, DD2 stated:

*The Administration is currently reviewing a new use of force policy, because that policy was, I think, from 2015 and it's not well written to put it mildly; and I was a use of force instructor at the state academy so I have some expertise in that matter. What we [Metro Security] to the administration had included that, however at some point City legal said no we don't want that in there. They didn't want the definition of it, they didn't want to say it would be authorized or anything. They didn't forbid it; they just didn't include it. Which from our [Metro Security] perspective left a big hole.*

The OIG identified that there was no communication and, therefore no clarity for Metro Security Officers on whether deadly force was permissible, resulting in confusion among Metro Officers, and potential liability for the City.

### **Recommendations:**

The OIG recommends that Metro Security management evaluate areas of improvement identified by Metro Security officers and provide documented training specific to situations that Metro Security officers encounter, including but not limited to:

- Fentanyl Exposure
- Identification of the Presence of Drugs and other Narcotics
- Narcan Administration
- CPR
- Tourniquet Administration
- Verbal De-escalation
- Violent Altercations
- Citations

With additional duties being given to the Metro Security Division, the City should ensure that proper development and training are being given.

The OIG recommends that Metro Security management collaborate with Metro Security Division employees and supervisors to help identify recurring or new issues that Metro Security Officers could encounter while performing their job duties and how to address them.

The frequency of those collaborations should be sufficient and timely to address common issues encountered by the Metro Security Officers.

Additionally, SOP should be revisited periodically to ensure that best practices are being implemented and revised as needed. Training should be provided to all Metro Officers on any changes made to the SOP.

Lastly, the City should consider revising *AI No: 7-17: Return to Temporarily Restricted Duty and Permanently Modified Work Assignments Resulting from Work-Related Injury* to incorporate procedures for officers who are sent to the hospital as a result of fentanyl exposure while on duty.

**Management's Response:**

Recommendation 1:

*Metro Security is currently creating a schedule, in collaboration with Risk Management, for reoccurring training for subjects listed above as well as others. This training will be provided annually to continue to reinstate the procedures and techniques.*

Recommendation 2:

*Metro Security Division supervisors are currently partaking of team building trainings conducted by the Employee Learning Center (ELC) Trainers to become more cohesive and effective leaders. Metro Security is working with ELC to create a training program that can be completed through a computer terminal at any site. This program is to ensure that any new changes to Policies and SOP are read and an exam is given to ensure the material is comprehensive. SOP's will be reviewed yearly for accuracy and relevancy.*

Recommendation 3:

*If an injury or illness occurs while an employee is "on-duty," then the employee is eligible to return to Temporarily Restricted Duty and Modified Work Assignments as indicated from a release of care paperwork from their Primary Care Physician and with proper evaluation and clearance from the Employee Health Clinic. Then Department Human Resources, Employee Relations Division, and the Risk Management Team seek an appropriate accommodation for the employee.*

*The only time an employee of the City of Albuquerque is not eligible for these options is when the injury or illness occurs while the employee is not on duty, and therefore, not eligible for Workers Compensation.*

*Any and all alteration of AI NO: 7-17 would have a direct effect on City Rules and Regulations: 401.10 Injury Time. Consequently, it would also affect all departments City Wide and is beyond the sole discretion of the General Services Department.*

**Subsequent Matter 2:**

During the course of the investigation, the OIG identified that the minimum requirements or qualifications for a City Security Officer position are two (2) years of security, customer service, or parking operations experience.

During the interviews with city employees, the OIG was provided the following information that was considered when making recommendations for improvement.

E2 stated that over the last several years, the job requirements for a Metro Security Officer have been lowered three (3) times while the job duties and responsibilities have increased. At the time of the interview the job requirements for a Metro Security Officer with the City of Albuquerque state:

***MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:***

*Education directly related to the minimum requirements below may be substituted for experience on a year-for-year basis.*

*High school diploma or GED; and*

*Two (2) years of security, customer service, or parking operations experience.*

***ADDITIONAL REQUIREMENTS:***

*Possession of a valid New Mexico Driver's License, or the ability to obtain by date of hire.*

*Possession of a City Operator's Permit (COP) within six (6) months from date of hire.*

*Possession of an expandable baton certificate within six (6) months from date of hire into position.*

*Possession of an appropriate valid defensive driver course, handcuffing & chemical weapon (OC) course certificate within six (6) months from date of hire into position.*

E2 stated from their personal experience, that a lot of nineteen (19) – twenty-four (24) year old individuals are being hired; a lot of whom this is their first job.

E3 also stated they felt the minimum job requirements for the Metro Security Officer position were too low. E3 stated they felt that individuals who come from retail customer service experience do not have the basic knowledge or skill sets to de-escalate a contentious situation that Metro Security officers with law enforcement or security have.

M1 stated that they felt the requirements were too low for the normal duties, stating that people can come from customer service jobs without any direct experience in security or other type of law enforcement.

During the interview with DD2, the OIG asked about newer officer experience with the Metro Security Division. DD2 stated that due to the low employment pool to fill positions within the Metro Security Division, there was difficulty hiring individuals strictly with law enforcement or security backgrounds. DD2 provided an example that APD or AFR do not only hire individuals with law enforcement or fire and rescue backgrounds, they hire individuals that they believe can be trained to become police or fire and rescue. DD2 stated the decision to expand to individuals with customer service experience was made due to the lack of applicants for vacant positions. DD2 stated that Metro Security management evaluates the new hires during their six (6) month probation period, and if the new officer is not a good fit for the Metro Security officer position, they can then terminate them.

The OIG asked if, in DD2's experience, the new hire officers who are terminated during their probation tend to be individuals without law enforcement or security backgrounds. DD2 stated that

most of the individuals who are terminated during their probation tend to be individuals who were prior security officers. DD2 stated that this trend is similar to police agencies, stating:

*A lot of the lateral police officers that get hired, are problem children at their old departments. That's why they are leaving. So, you get the same thing within the security industry.*

DD2 stated an issue that Metro Security management faces when hiring new individuals is previously when conducting background checks for new hires, Metro Security would utilize the Interstate Identification Index (Triple-I) from APD. DD2 said the previous HR coordinator had Metro Security management change to using TruView, which is the standard background check utilized by the City. DD2 stated the key difference between Triple-I and TruView is that Triple-I provides information on an individual's arrests, whereas TruView only provides information on an individual's convictions. DD2 stated that they are writing a Memorandum of Understanding (MOU) to reimplement the use of Triple-I for the Metro Security Division.

The OIG reviewed Security Officer positions from comparable cities and noticed that other cities had more rigorous requirements than the City of Albuquerque.

The City of Denver, the City of Nashville, and the City of Baltimore require at least one (1) year of either military experience, security experience, or law enforcement experience. The City of New Orleans position requires passing a written test along with a qualifying medical and psychological/psychiatric evaluation after completion of a one (1) year probationary period.

### **Recommendation:**

The OIG recommends, with the additional responsibilities given to Metro Security officers, that the Metro Security Division reevaluate the minimum job requirements to better match requirements established by similar positions in different cities with comparable population sizes.

### **Management's Response:**

*Security officer positions have recently been categorized as difficult to recruit and a hiring incentive was created to attract new employees to the MSD. We anticipate these incentives could offer the City of Albuquerque a larger candidate pool to hire from.*

### **Subsequent Matter 3:**

The OIG's interviews revealed when an officer utilizes the Family Medical Leave Act (FMLA) to avoid working mandatory overtime, the Metro Security Division pays two (2) officers at a time and a half to fill one post, resulting in a waste of City resources.

During E2's interview, the OIG asked about FMLA violations of overtime. E2 explained that when a Metro Security officer is mandated overtime and chooses to utilize their FMLA, an amount of leave is deducted from that Metro Security officer's leave accruals equal to time-and-a-half of their mandated overtime.

E2 provided an example of an officer being mandated to work an eight (8) hour shift and choosing to utilize their FMLA, instead of working the shift, the officer will have twelve (12) hours of their leave deducted from their leave accruals, starting with their sick leave and then moving to their vacation leave. E2 explained that once an officer's leave accruals are all used, the officer is then placed on physical layoff, being told they are no longer able to perform their job duties. E2 stated that the actual scheduled time an officer is mandated for overtime is deducted from their total FMLA hours of four-hundred and eighty (480) hours.

The OIG clarified if the post the officer was going to be assigned to for overtime was still filled. E2 stated that the next lowest person on the officer seniority list is then mandated to work that overtime shift and is paid at time and a half. The OIG asked if this resulted in two officers being paid time and a half for a single post, and E2 confirmed that was correct.

The OIG inquired about the FMLA overtime procedure within Metro. M1 corroborated the information that was stated by E1 and E2 during their interviews, that an officer can refuse to work overtime and cite their FMLA. Resulting in the City having to pay two officers at a time and a half for a single post.

DD2 corroborated the statements made by E1, E2, and M1 about officers with FMLA overtime restrictions being paid at time and a half while not working the overtime shift. DD2 provided additional information that officers who are paid for forty (40) hours of straight time, are then paid at time and a half; regardless of if that officer has physically worked the forty (40) hours or had some combination of leave used in conjunction with the hours worked. DD2 stated that this was due to the Metro Security officer union contract, whereas normally individuals are not paid at time and a half until they have physically worked forty (40) hours.

DD2 stated that because of the union contract and the instruction from the Department of Labor (DOL), mandatory overtime has to be offered to an individual with an FMLA overtime restriction.

**Recommendation:**

The City of Albuquerque and the Union should collaborate to address the issue of waste by paying two (2) officers at time and a half to fill one post.

**Management's Response:**

*GSD management will review the requirements of the union's contract.*

*The following is the current clause in the AFSCME Local 1888 J Series contract:*

*2.3.5 Employees may volunteer for any number of voluntary overtime assignments.*

*Each day's overtime assignments will be offered to those on the volunteer overtime list, by seniority, rotating daily. If no Employee on the voluntary overtime list is available, mandatory overtime may be required. Mandatory overtime will be assigned in reverse order of seniority from the master seniority list, rotating weekly, and two shifts may be assigned to each employee at the same time. If no employee volunteers for an overtime assignment, Management at their sole discretion may involuntarily mandate an employee work overtime or may choose to close the post for that shift. On a weekly basis, the*

*Department shall send to the Union a list of all posts that were closed for the week and mandatory overtime was not required.*

*For each work week, if an employee volunteers for two overtime assignments, or is mandated two overtime assignments, or a combination, then the employee may not be assigned mandatory overtime for the remainder of the work week. If an employee cancels a voluntary assignment, then the employee is subject to mandatory overtime. If an assignment bridges a work week, it counts in the week in which the assignment started. An assignment may be JV and/or minimum staffing.*

*Officers already on duty will be required to remain on duty until a replacement is obtained. If no replacement is obtained within three hours of the start of the shift, the holdover Officer may be required to work the remainder of the shift, and a holdover of three (3) or more hours count as an overtime assignment.*

*2.3.10 Employees who are off duty and called in for a minimum staffing overtime assignment shall receive a minimum of two (2) hours pay at the applicable rate. If overtime is to be worked on the same day as contacted, time shall commence two (2) hours prior to the start time of the assignment and shall comply with Section 2.3.12 of this Agreement. The City agrees to pay the assigned overtime employee two (2) hours of pay at the applicable rate: time and one-half (1.5X) for all hours worked in excess of forty (40) hours per week; straight time for all hours worked at forty (40) hours or less. For the purpose of computing overtime, paid leave will be considered time worked.*

*Currently, an employee who is approved for FMLA, is removed from the voluntary minimum staffing overtime call list. However, per the contract, if no one volunteers for the vacant shift, then Management at their sole discretion may involuntarily mandate an employee to work overtime or may choose to close the post for that shift. All employees are subject to be involuntarily mandated overtime. However, if an employee invokes their FMLA right, and requests for this time to be paid, then they are compensated at 1.5X for all hours. Payment for this time comes from either their Vacation or Sick accruals, and 1.5X hours are removed from their FMLA entitlement.*

*For example, employee A is contacted for mandated overtime. S/he invokes their FMLA right and requests to be compensated, which is their right pursuant to FMLA. S/he is compensated at 1.5X from their vacation or sick leave for the total number of hours of the overtime shift. In addition, the same number of hours for which s/he was compensated is removed from their FMLA entitlement at 1.5X. Since the shift must be filled, Employee B is contacted to work the overtime shift. This may appear as if two employees were called in to fill the overtime shift, in reality only Employee B worked the shift, while the compensation of Employee A keeps GSD in compliance with FMLA.*

*If the employee does not indicate they wish to be compensated, then no time is removed from their Vacation or Sick accruals, however, 1.5X hours still are removed from their FMLA entitlement for the total number hours of the overtime shift, which also keeps GSD in compliance with FLMA.*