



**OFFICE OF INSPECTOR GENERAL**  
*City of Albuquerque*

Ken Bramlett  
Inspector General

P.O. Box 1293, Suite 5025  
Albuquerque, New Mexico 87103  
Telephone: (505) 768-3150  
Fax: (505) 768-3158

---

---

**Report of Investigation**

**FILE NO:** 19-0003-I

**DATE:** October 17, 2019

**SUBJECT:** Aviation: Alleged abuse of position; unethical conduct

**STATUS:** Final

**INVESTIGATOR:** JoVonne O'Connell

  
\_\_\_\_\_  
KENNETH BRAMLETT, INSPECTOR GENERAL  
OFFICE OF THE INSPECTOR GENERAL

  
\_\_\_\_\_  
EDMUND E. PEREA, ESQ.  
ACCOUNTABILITY IN GOVERNMENT OVERSIGHT COMMITTEE CHAIR

**DISTRIBUTION:**

Honorable Mayor	1
President City Council	1
Chief Administrative Officer	1
City Councilors	1
Director Council Services	1
City Attorney	1
Director of Aviation	1
Accountability and Government Oversight Committee	1
File	1

## Executive Summary

The Office of Inspector General (OIG) for the City of Albuquerque (City), NM, conducted an investigation based on information received from a complaint regarding a police officer for the Aviation Department. According to the complaint, the police officer (PO-1) was accused of committing a security violation when accessing a particular gate which grants employees access to the airport grounds. This particular gate shall be referred to as “the identified gate” throughout the remainder of this report. PO-1 utilized the identified gate while responding to a call dispatched by the Aviation Communications Center.

PO-1 was responding to a call to do a shipment check at the belly freight area of the Albuquerque Sunport (airport). PO-1 was in his police vehicle and utilized the identified gate to enter the Aircraft Operating Area (AOA). The initial concern was that PO-1 failed to stop and allow the identified gate to fully close behind him before he drove away. Aviation Administration then questioned why PO-1 was utilizing the identified gate at all, stating that this was an emergency use-only gate and a shipment check is not considered an emergency. As a result, the decision was made to issue a security violation to PO-1 and suspend his airport security badge for three days, which meant that PO-1 could not be at the airport in a working capacity during this time.

The investigation revealed that PO-1 was following a directive from the Acting Aviation Police Commander (APC) which states that:

*“Operational Necessity” shall be defined as: When responding to a call-for-service and/or articulable exigent circumstances exits whereas the [identified gate] needs to be utilized for safety reasons.*

PO-1 viewed being dispatched for a shipment check as a call-for-service, and his utilization of the identified gate was for “operational necessity”.

The Aviation Department self-reports security violations to the Transportation Security Administration (TSA). The TSA conducted their own investigation into PO-1’s alleged security violation and concluded that PO-1 committed no violation by utilizing the identified gate for the purpose of conducting a shipment check.

The investigation revealed that at the time of PO-1’s alleged violation, the Aviation Department was operating under policies and procedures which allowed use of the identified gate for “operational necessity”.

The investigation revealed that high-ranking officials within Aviation Administration had past security violations for improper use of the identified gate, which resulted in the suspension of badges, as well as fines by the TSA. It was expressed by some Aviation Administration personnel during the course of the investigation that things needed to be consistent, and if they could not use that gate, no one could.

The Aviation Department and the TSA have since worked together to update policies, procedures and directives regarding use of the identified gate.

## **Abbreviations**

APC:	Acting Aviation Police Commander
AD:	Associate Director
PO-1:	Police Officer
AOA:	Aircraft Operating Area
APD:	Albuquerque Police Department
ASC:	Acting Airport Security Coordinator
Assistant FSD:	Assistant Federal Security Director
CAD:	Computer Aided Dispatch
DC:	Deputy Police Chief
Director:	Aviation Director
FSD:	Federal Security Director
Inspector:	TSA Inspector
TSA:	Transportation Security Administration

## **Introduction**

The Office of Inspector General (OIG) received a complaint alleging potential abuse of power and unprofessional conduct by individuals within the Aviation Department Administration. The OIG was made aware of an incident which occurred on August 5, 2019 involving a police officer who works within the Aviation Department (PO-1).

During the morning of August 5, 2019, PO-1 was dispatched by the Aviation Communications Center to do a shipment check. PO-1 responded to the call and utilized a particular gate that allows employees to enter the Aircraft Operating Area (AOA). (This particular gate shall be referred to as “the identified gate” throughout the remainder of this report.) PO-1 was subsequently notified by the Acting Aviation Police Commander (APC) that he had committed a security violation when accessing the identified gate. In addition, the Associate Director of Operations (AD) for the Aviation Department questioned why PO-1 was utilizing this gate at all, and as a result, planned to revoke PO-1’s airport access badge and place him on a three-day suspension.

## **Scope**

The scope of this investigation focused on the allegations asserted by the complainant and review into PO-1’s alleged security violation and the suspension of his badge. The methodology consisted of reviewing relevant documents and interviewing City personnel and TSA personnel who could provide information regarding the allegation.

The following activities were conducted as part of the investigative process:

- Interviews of Aviation personnel
- Interviews of TSA personnel
- Interviews of APD personnel
- Review of relevant policies, procedures and directives
- Review of relevant City employee rules and regulations

## **Investigation and Interviews**

### **Background**

The officers who work within the Aviation Department are members of the Albuquerque Police Department (APD). Several years ago, the Aviation Department had their own police division that reported to Aviation Administration. Around 2016 there was a merger and APD has since taken over that division of the Aviation Department. As a result, Aviation Administration is not in charge of the APD officers assigned to Aviation.

However, there are various policies, procedures and directives at the airport which those working at the airport must abide by. The Aviation Department also coordinates with the Transportation Security Administration (TSA) on some of these to help ensure the safety of the airport and all individuals who are there at any given time.

Those who work at the airport are issued an airport security badge which identifies them as an airport employee and grants them access to various areas of the airport depending on their job. In order to be issued an airport security badge, one must take a class that goes over airport security and they must pass a test given at the end of the class. They must also pass a background check. Once issued an airport security badge, an employee must adhere to all applicable policies, procedures and directives. If an employee has an airport security violation -- or perceived violation -- it is standard that the employee's badge is taken and the employee is placed on suspension while the matter is investigated. The suspension is usually three days.

If a violation, or potential violation, has occurred, the Aviation Department "self-reports" the violation to the TSA and the TSA will look into the matter. If no violation is found, the employee's badge will be reinstated. If a violation is found, the employee will serve their suspension and their badge will not be reinstated until they have re-taken the security class, which is only offered a couple of days during the work week. An employee cannot be at the airport in a working capacity without an airport security badge. It should also be noted that it is the discretion of the Aviation Department and not the TSA, whether a badge is suspended or revoked. However, if an employee is found to have a security violation, they then face a badge suspension and possibly a fine by the TSA for both the employee and possibly the City as well.

### **Interview with PO-1**

The OIG met with PO-1, who relayed that during his shift on August 5, 2019 he was dispatched to do a shipment check at the belly freight. He explained that shipment checks are essentially a welfare check of goods coming into the airport that will be sold on the secure side of the airport. PO-1 stated he was assigned to the exterior of the airport that day, and upon being dispatched to do the shipment check, he utilized the identified gate to respond to the call for service.

Per directives that were in place at that time, Aviation police officers were only allowed to utilize the identified gate for operational necessity or in the event of an airport emergency. PO-1 referenced a memo from the APC dated April 18, 2019 which defines "Operational Necessity" as:

*“responding to a call-for-service and/or articulable exigent circumstances exits whereas [the identified gate] needs to be utilized for safety reasons.”*

PO-1 felt he was abiding by the directive, as he was responding to a call-for-service.

PO-1 informed the OIG that a couple days passed and on August 7, 2019 he was informed by his sergeant and lieutenant that the Aviation Administration wanted to suspend his airport security badge. According to PO-1, the initial concern was that upon entering the identified gate, PO-1 did not allow the gate to fully close behind him before he continued on his way to do the shipment check.<sup>1</sup> Aviation Administration then questioned why PO-1 was utilizing the identified gate at all, to which PO-1 explained that per directives he was utilizing the identified gate as operational necessity as defined when responding to a call-for-service. However, PO-1 stated that for whatever reason Aviation Administration kept pushing for a violation.

PO-1 was issued a security violation notice citing “Improper use of [the identified gate]. Officer used [the identified gate] to enter the AOA to respond to a shipment check.” PO-1 stated he received a phone call from the Acting Airport Security Coordinator (ASC) a day or two after the incident, informing him that the violation was being withdrawn and that his airport security badge would not be suspended. According to PO-1 there was no explanation given to him as to why the violation was being rescinded, and he indicated that for the day or two prior, Aviation Administration seemed to be insistent that he was going to receive a security violation.

PO-1 indicated that the APC was trying to push for a written warning only. However, PO-1 expressed to the APC that he did not want a written warning, as he felt he did nothing wrong. The APC informed PO-1 that the plan was then to have PO-1 serve his suspension during the days he was already scheduled to be off work, which during that particular week was Wednesday, Thursday, Friday and Saturday. Though PO-1 stated he was scheduled to work overtime on Wednesday and Saturday. PO-1 found all this interesting and pointed out that usually when a badge violation occurs, the employee’s badge is pulled immediately and the employee is escorted off airport property. In his case, the alleged violation took place on Monday. He worked his regular shift Tuesday and his overtime shift on Wednesday. Upon completion of his overtime shift, his sergeant took his badge. PO-1 was already scheduled to be off work Thursday and Friday, and it was during this time he received the telephone call informing him that there was no violation and he could return to work. PO-1 stated that the only time he really would have missed out on would have been his Saturday overtime shift.

PO-1 shared that prior to the April 18, 2019 directive, several members of Aviation Administration received fines or suspensions for utilizing the identified gate. However, according to PO-1, they were not using the gate for operational necessity. PO-1 expressed concern that he was being caught in the middle of what he described as a political game between the TSA and Aviation. He expressed concern that Aviation was using his alleged violation and suspension to make a statement, and possibly as a form of retaliation against the TSA or APD.

---

<sup>1</sup> One of the rules that all employees at the airport must follow is that when entering or exiting any secure door or gate, the employee must stop and make sure that the door or gate fully closes behind them before they leave the area.

## **Interview with TSA**

The OIG met with both the TSA's Assistant Federal Security Director (Assistant FSD), who serves as the law enforcement liaison, and the Federal Security Director (FSD). The Assistant FSD relayed that he received a telephone call from the Deputy Chief (DC) for APD informing him that PO-1 had an alleged security violation and that the AD had planned to suspend PO-1's badge. An Inspector for the TSA (Inspector) had been notified of the alleged violation, and conducted an investigation into the matter. During the course of the TSA's investigation they found that at the time of PO-1's alleged violation, the Aviation Department was operating under policies and procedures which allowed use of the identified gate for "calls-for-service". As a result, the TSA found that PO-1 had committed no violation in utilizing the identified gate to respond to the shipment check he had been dispatched to.

The Assistant FSD shared that on the morning of August 7, 2019, a couple of days after the alleged violation, both he and the Inspector were in a common public area of the airport when the AD approached them. Pleasantries were exchanged and the AD then thanked the Assistant FSD and Inspector for their support in the matter involving PO-1's alleged violation and badge suspension. At that point, the TSA had not yet completed their full investigation into the matter. However, based off of policies and directives that were in place as of that date, police officers were allowed to utilize the identified gate to respond to calls-for-service. The Assistant FSD stated that the AD then "went off", using profanity and saying that if a violation was not found and a fine not issued, then she was going to quit. The Assistant FSD indicated that this reaction took him by surprise and while he took no offense to it, he felt it was unprofessional.

The Federal Security Director (FSD) relayed that he received a phone call from the Director for the Aviation Department (Director). The Director expressed that she would like the TSA's support and that things needed to be "fair". The FSD shared that in the past the Director had received a security violation for utilizing the identified gate, as well as other employees within Aviation Administration. There had also been fines issued for the violations. However, the FSD indicated that in these instances, the identified gate was being used for convenience and it is not meant to be used as a convenience gate. He acknowledged that the language in the policies and directives is very vague and the TSA and Aviation Department are working together to make these policies and directives clearer. However, the FSD reiterated that the matter involving PO-1 was definitively a non-violation.

## **Interview with Deputy Chief for the Albuquerque Police Department**

On August 27, 2019 the OIG met with the Deputy Chief (DC) for the Albuquerque Police Department (APD). The DC oversees the Aviation Division of APD.

The DC stated that he received a phone call from the APC stating that the Aviation Department was about to suspend the airport security badge of PO-1. He added that nobody from the Aviation Department had reached out to him to inform him of any concerns they had with PO-1, especially enough to where they would want to pull PO-1's credentials. The DC stated he is very familiar with the fact that if an employee's airport credentials are suspended, then that employee cannot be at the airport in a working capacity. Because of this, the DC felt that he should have been notified by Aviation Administration, as this essentially meant that one of his officers was being punished.

The DC was aware that PO-1 had been dispatched by the Aviation communications center on a call-for-service for a shipment check. He was informed by the APC, however, that per Aviation Administration, PO-1 did not have an “operational necessity” to use the identified gate. The DC learned that other high-ranking officials within the Aviation Department have had their badges suspended by the TSA in the past for their use of the identified gate. Because of this, PO-1 was going to have his badge suspended for utilizing the identified gate.

The DC indicated that he read through the directives regarding use of the identified gate, to include the APC’s memo which provided clarification as to what constituted “operational necessity”. In going over this information, the DC relayed he did not see where PO-1 committed a violation. He stated that he eventually spoke with the AD about this matter, and the AD explained that PO-1 was not responding to a life-threatening emergency, and that a call-for-service is not an operational necessity. The DC had a subsequent conversation with the FSD for the TSA, who informed the DC that PO-1’s use of the identified gate was not a violation. The DC followed up with the Assistant FSD who informed him that upon speaking with the Inspector, it was in fact determined that PO-1 committed no violation.

The DC shared that he felt frustrated because despite the TSA informing him that there was no violation, subsequent conversations with the Acting ASC and with the AD indicated that the plan at that point was to still suspend PO-1’s badge. He stated in his conversation with the AD he questioned why there still seemed to be an issue despite the TSA stating that no violation occurred. The DC shared that the response he got from the AD was that she was suspending PO-1’s badge because she “can”, and it is their (the Aviation Department’s) airport and essentially their rules and policies. (In a later interview the OIG had with the AD, the AD confirmed that she had told the DC “Because it’s our security plan, our airport, and our rules.”) The DC indicated he still did not understand the logic. He followed up by asking the AD: “So you are going to suspend a badge for a violation the TSA says does not exist, and that the airport will not be sanctioned for?” He stated the AD’s response was: “Well other people have lost their badges for use of [the identified gate].” The AD also indicated that PO-1’s badge suspension was not discipline, to which the DC disagreed and stated that this would be viewed as discipline per the APD union contract.

The DC assured that if his officers make a mistake, then they will be held accountable. However, he also felt that the officers are owed due process, as well as a clear set of rules when operating in that (airport) environment so that they do not get into trouble when they genuinely believe they are doing the right thing, such as responding to a call-for-service.

The DC stated that his conversations with the AD and Director for Aviation were cordial, but he felt that regardless, the decision to revoke PO-1’s badge was going to stand. The following day, the DC received a telephone call from the APC letting him know that PO-1’s badge was not going to be revoked after all. The APC also indicated that the DC would also be receiving an email informing him of this decision. The DC stated that to this day, he has not seen such an email or anything in writing stating the decision had been made to not suspend PO-1’s badge. However, to this day the TSA has made it clear to the DC that there was no violation on the part of PO-1, and the DC personally believes that PO-1 adhered to directives and did what the DC would have expected him to do.

## **Interview with TSA Inspector**

On August 29, 2019 the OIG met with an inspector for the TSA (Inspector) who conducted TSA's investigation into the matter involving PO-1. The Inspector relayed that TSA had been informed that there had been an access control issue at the identified gate, and that the issue involved one of the police officers for the Aviation Department. The Inspector stated that she met with the AD regarding this issue and reviewed various records, including video footage and the Computer Aided Dispatch (CAD) reports. The Inspector was aware there was a concern that when PO-1 entered the identified gate, he did not wait for the gate to fully close before driving off. However, the Inspector confirmed that upon review of the video footage, PO-1 did allow the gate to fully close before he proceeded to the call for the shipment check.

The Inspector stated that she and the AD then went to the communications center. The Inspector reviewed the records, which showed that PO-1 swiped his badge and entered the PIN to gain access to the identified gate. The CAD report also showed that PO-1 had called out to report that he was going to inspect a vendor delivery. The Inspector confirmed that per the directives that were in place at the time of the incident, PO-1 was going out on a call-for-service and was therefore allowed to access the identified gate. The Inspector further confirmed that everything was documented accordingly and there was no violation on the part of PO-1.

The Inspector stated that she informed the AD that there was no violation that the TSA could hold PO-1 or the airport accountable for. At this time, the AD was accepting of that conclusion. However, the Inspector shared that earlier in the morning that same day, the AD had approached the Inspector and the Assistant FSD in a public area of the airport to say hello and to express her appreciation for the TSA "having the backs" of the Aviation Administration concerning PO-1's security violation in accessing the identified gate. The Inspector informed the OIG she had not reviewed the documents and video at that point, and therefore, had not yet made a determination on the matter. The Inspector stated she pointed this out to the AD, who then commented that "we (the airport) better get a fine". The Inspector stated that the "F-word" proceeded to "fly" out of the AD's mouth numerous times, and added that the AD also commented that if there was no fine issued then she was going to "up and quit".

The Inspector pointed out that the profanity was not aimed at herself nor the Assistant FSD, and believed that the AD was expressing her frustration with the overall situation. However, being that they were out in the public eye with people passing by, the Inspector felt that the AD's outburst was unprofessional. The Inspector was wearing her uniform whereas the AD was dressed in civilian clothes, so the Inspector felt that to passersby, it looked like a civilian was raising their voice to and cursing at a law enforcement officer. She indicated that although profanity does not bother her, this public display made her feel uncomfortable.

The Inspector went on to explain that there has been issues with the identified gate in the past and that the TSA has opened cases against the Aviation Operations officers, who are not considered law enforcement. There have also been cases opened against various individuals within Aviation Administration for misuse of the identified gate, in which the airport ended up paying some civil penalties as a result. Because of this, the AD questioned that if the TSA could find violations against Aviation Administration and the Operations officers, then why couldn't TSA find violations against the police officers. The Inspector reiterated that with regard to the incident involving PO-1, from her regulatory perspective, PO-1 committed no violation. PO-1

was dispatched on a call-for-service, he called it in and proceeded to respond to the call for service. In addition, PO-1 swiped his badge at the identified gate, keyed his PIN and waited for the gate to fully close before proceeding to the call-for-service.

The Inspector also relayed that she met with the AD again later in the day, and the AD was calm and cooperative and asked what documents and evidence the Inspector needed to review.

### **Interview with the Associate Director of Operations**

On September 10, 2019, the OIG met with the AD. She stated that on August 5, 2019 she was in her office and heard on the radio that someone asked to open the identified gate. The AD found this strange as the identified gate is an emergency use only gate. She added that from her window she had also seen an unmarked vehicle drive by, which she also found strange, as unmarked vehicles are not allowed on the airfield. She proceeded to try and identify the unmarked vehicle and its purpose for being on the airfield. She contacted the APC to inquire if APD was transporting human remains or collecting evidence, and explained to the OIG that this would be an appropriate use of the identified gate. The AD shared that the unmarked vehicle was eventually identified as an evidence vehicle. She continued that while she was viewing video of the unmarked vehicle exiting through the identified gate, she noticed a police vehicle entering through the identified gate. The AD stated she then went to the communications center to inquire as to who was called to the identified gate, and was informed that it was PO-1 who was called for a shipment check. The AD then met with the APC to inquire if there was a suspicious package that needed to be checked, but was informed that PO-1 was responding to a regular shipment check.

The AD commented that Aviation has gotten in a lot of trouble with the TSA for use of the identified gate. She explained that per directives in place at that time, the identified gate was to be used for emergencies only. PO-1 accessing the identified gate to go to a vendor shipment check is not considered an emergency, and therefore, was a security violation. And as a result, they would need to suspend PO-1's badge. (OIG review of the pertinent policy shows emergencies are not the only appropriate use of the identified gate. It should also be noted that neither the removal/transport of human remains or evidence would constitute an emergency.)

According to the AD, it was the ASC's decision to suspend PO-1's badge and she supported him in that decision. She informed the OIG that she coordinated with the ASC and the APC, who looked at PO-1's work schedule and saw that his scheduled days off for that week were Thursday, Friday and Saturday. It was therefore decided that they would suspend PO-1's badge following the completion of his shift on Wednesday (August 9, 2019). The AD also decided that they would have a special airport security class for PO-1 on that Sunday so that he could have his badge reinstated, explaining that the person who teaches that class was going to be in on Sunday anyway. She further explained that Aviation Administration was trying to work with APD and PO-1 so that he would not lose out on pay.

The OIG asked the AD about her conversation with the Inspector and the Assistant FSD. She recalled that she had seen both of them and confirmed that it was in a public area of the airport. However, the AD indicated that she did not recall "anything substantial" about the conversation. According to the AD, she did not recall losing her cool, using profanity or threatening to quit in the event that a violation was not found and a fine not issued with regard to the matter involving

PO-1. She stated she recalled losing her temper regarding this situation when she was having a conversation with the Aviation Director. However, the AD indicated she did not recall this happening during her conversation with the Inspector and the Assistant FSD. When asked if that could have occurred, the AD stated “I could have said it.” and “I could have used curse words.” The AD also acknowledged that this was not professional.

The OIG asked the AD about her conversation with the DC. She indicated that the DC expressed concern for the morale of his officers with situations such as the one involving PO-1. She added that she responded by asking the DC “What about the morale of every other badged employee at this airport if we don’t issue this violation?” She admitted that she also informed the DC that these were their (the Aviation Department’s) directives, and it was their airport and their rules. However, the AD also wanted to point out that she is about consistency; she likes to be consistent with the security rules and with every badge holder.

If an employee’s badge is revoked or suspended for any reason, then the Aviation Department reports this to the TSA. TSA will then conduct their investigation into the matter. If TSA determines that there was no violation, then the Aviation Department will reinstate the employee’s badge, as was the case for PO-1.

### **Interview with the Acting Airport Security Coordinator**

On September 11, 2019, the OIG met with the Acting ASC for the Aviation Department. According to the ASC, on the morning of August 5, 2019 he was with his direct supervisor, the AD, in her office when they noticed an unmarked vehicle driving across the airfield. Both he and the AD reviewed video and were finally able to identify the unmarked vehicle and determine that it was on the airfield for legitimate reasons. The ASC went on to explain that as he and the AD were watching video of the unmarked vehicle leaving the airfield through the identified gate, they noticed PO-1 pull up to the gate, swipe his badge and radio in to the communications center. The ASC confirmed that PO-1 had been dispatched to do an inspection at the belly freight, which is common for food and other products that come into the airport.

The ASC indicated that what brought their attention to PO-1 was when the identified gate opened, PO-1 proceeded through the gate and continued driving, failing to stop and allow the gate to fully close, which is normal procedure. The ASC and AD spoke with the APC who commented that the police use the identified gate all of the time. However, the ASC stated that in his view, everybody should be held to the same standards and are not to use the identified gate at all, except in the event of an emergency. He felt this should be the case, no matter who it is, be it himself, the Director, the TSA, the FBI, etc. He admitted that part of the issue is that people have their own interpretation of the directive. Other employees, including, those within Aviation Administration, had received violations in the past for utilizing the identified gate for what they believed to be operational necessity, such as going to a meeting. The ASC therefore considered PO-1’s use of the identified gate in this instance to be a violation, stating “If I’m not allowed to do it, then they shouldn’t be allowed to do it.”

According to the ASC, he asked the APC how he felt about this situation and proposed resolving the matter with a warning, or something along those lines. According to the ASC, the APC’s response was “You guys are going to do what you want to do.” The decision was then made by himself, the AD and one of the Aviation attorneys to issue a violation to PO-1 and suspend his

badge. However, the ASC stated that he informed PO-1 that he did not have to start his suspension until his overtime shift was completed on Wednesday, August 7, 2019. The ASC indicated that he also did this, as he did not want to leave the airport short-handed on officers. So, although PO-1's violation occurred the morning of August 5, 2019, he was allowed to continue to work the remainder of his shift that day, his shift on Tuesday, and his overtime shift on Wednesday.

According to the ASC, the day after the violation was issued to PO-1, the ASC received an email from the APC with the directive he had issued to the police officers in April of this year, which states that the identified gate shall be used only in the event of an airport emergency or for "operational necessity", which includes responding to a call-for-service. The directive also states that the identified gate "shall not be used for convenience, for example to leave home for the day."

Upon receiving this email from the APC and reviewing the directive, the ASC stated he decided to pull PO-1's violation and rescind his suspension. He then contacted PO-1 and told him to come back to work. The ASC pointed out that PO-1 had not missed any time, as he was already off anyway, and he would not be missing out on any overtime work. He also indicated that it had only been a day or so and at that point, he had not yet processed the paperwork for the violation and suspension. The ASC stated that he also informed the TSA of the decision to rescind the violation and suspension.

The ASC confirmed that the Aviation Department does self-report to TSA when there is a security violation. However, the ASC commented that the TSA does not tell him what to do and they do not tell the Aviation Department what the rules are. Rather, the TSA makes sure that the Aviation Department follows the rules.

### **Interview with the Director**

On September 12, 2019, the OIG met with the Director for the Aviation Department. According to the Director, on August 5, 2019 PO-1 used the identified gate to enter the airfield to respond to a shipment check, which is a non-emergency purpose. As a result, PO-1 was given a temporary badge revocation for approximately 24 hours, but then was able to come back to work after that.

According to the Director, the decision to revoke PO-1's badge was made collectively by the AD, the ASC, the APC and one of the attorneys for the Aviation Department. The matter was also reported to the TSA. The Director stated that she was notified of the violation and judgment after PO-1's badge was revoked.

The Director stated that anybody can have a security violation. However, because this situation was a bit different than other security violations, the Director indicated she had requested to look into the matter as well. She mentioned that PO-1's suspension came at somewhat of a "good time" in that it was during his scheduled days off. As part of her review into the matter, the Director stated she looked at directives for the airport, as well as the directive that the AC had dispersed to the Aviation officers concerning use of the identified gate. She stated she also spoke with the Inspector with the TSA.

The Director concluded that although she understood why the initial judgment was made regarding PO-1's use of the identified gate, the Director felt that the directives were not clear enough with regard to the Aviation police. Admittedly, the Director stated the term "operational necessity" made things confusing with regard to use of the identified gate, as each person can have their own interpretation and definition of "operational necessity". In the case of PO-1, it would have been fair for him to assume that within the scope of his duties and job description, a shipment check would have been a fair interpretation of the term "operational necessity". Because of this, the Director concluded that she would ask that PO-1's badge be reinstated before the 3-day suspension commenced.

The Director relayed that the identified gate has been particularly challenging when it comes to security of the airport and understanding who can use the identified gate and when. She shared that everyone from Director level, down has gotten in trouble at one point in time or another for using the identified gate. The operations officers had been cited in the past for using the identified gate for what they interpreted as "operational necessity". The Director felt that the AD, in her mind, was just wanting things to be fair across the board, and is passionate about upholding a fair security program.

The OIG asked the Director if she recalled having a conversation with the TSA FSD in which she expressed that she needed the TSA's support regarding PO-1's badge revocation and that things needed to be "fair". The Director explained that when it comes to security at the airport, things do need to be fair across the board. Having a badge at the airport is viewed as a privilege and not a right. Therefore, rules need to be followed in order to keep one's badge. The Director expressed that they would like everyone to be held to the same standard when it comes to that. She further explained that the TSA is the airport's regulator; they oversee the implementation of every security practice and security-related program. However, they have no say in what happens with the airport security badges. According to the Director, the TSA will not tell the Aviation Department that an individual's badge should or should not be revoked. The Director confirmed that the Aviation Department practices self-reporting, meaning that when there is a security violation, the Aviation Department reports it to the TSA.

### **Conclusion**

Upon review of the applicable policies and procedures that govern the identified gate, the OIG found that PO-1 committed no violation in utilizing the identified gate on August 5, 2019.

The TSA has also stated that their investigation into the matter concludes that PO-1 committed no violation in utilizing the identified gate on August 5, 2019.

During the investigation, it was discovered that both the former and current Aviation Director had security violations for improper use of the identified gate in the past. These violations resulted in the suspension of badges and in one instance, a fine by the TSA. During the course of the investigation, the ASC stated that if they could not use that gate, no one could.

The Aviation Department and the TSA have since worked together to update directives regarding use of the identified gate.

There was not enough evidence to substantiate or unsubstantiate concerns that Aviation Administration was using the alleged violation and brief suspension of PO-1 as retaliation or to make a statement. However, the concerns regarding the AD's interaction with the TSA in which she was alleged to have used profanity and raised her voice in view of the public is in violation of section 301 Code of Conduct of the City of Albuquerque's Employee Rules and Regulations:

*301.3 Standards of Conduct*

*Employees shall in all instances maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of co-workers and the community.*

*Employees shall not use insulting, abusive or offensive language or actions toward the public or co-workers.*