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Report of Investigation

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SUBJECT: Westside Emergency Housing Shelter; Contractor Non-Compliance

STATUS: Final

INVESTIGATOR: JOC

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2/24/2022

Date of Approval

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EXECUTIVE SUMMARY

The OIG was contacted by the Acting Director for City Council Services with a complaint submitted to the City Councilors concerning conditions at the Westside Emergency Housing Center (WEHC). The complainant alleged there are certain security guards who are controlling individuals who stay at the WEHC, making them pay cash or drugs to stay and not allowing them to leave at times. The complainant stated that they personally do not stay at the WEHC, but that they keep hearing the name of a certain security guard (SG1) from some female friends. According to the complainant, this particular guard was a former officer with the Albuquerque Police Department (APD).

After receiving this communication, it was determined that the allegation did rise to the level of fraud, waste, or abuse and the OIG determined that it was appropriate to conduct a fact-finding investigation.

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

The OIG investigated the matters by reviewing the contracts between the Department of Family and Community Services (DFCS) and Heading Home¹, reviewing the contract between Heading Home and Duke City Security LLC "dba" DC Security², doing a physical observation of the Westside Emergency Housing Center (WEHC), and by conducting interviews of pertinent Heading Home and DC Security personnel. The OIG was provided access to documents and is appreciative to all personnel for their cooperation as the OIG conducted this fact-finding investigation.

The OIG's investigation reveals that the allegations related to SG1 are unfounded. The OIG's investigation revealed that SG1 was never an employee of Heading Home or of DC Security. In addition, the allegations that there are certain security guards who are controlling individuals who stay at the WEHC, making them pay cash or drugs to stay and not allowing them to leave at times, could not be substantiated but it was noted that there is no policy regarding the collection of items from WEHC guests.

¹ Heading Home is a New Mexico non-profit that provides emergency housing, permanent supportive housing services and prioritized street outreach to people experiencing homelessness.

² DC Security is a full-service security firm that offers a variety of security services.

ABBREVIATIONS

COO: Chief Operating Officer
DFCS: Department of Family and Community Services
DOC: Director of Contracts
OIG: Office of Inspector General
SG1: Security Guard 1
WEHC: Westside Emergency Housing Center

INTRODUCTION

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

The OIG was contacted by then Acting Director for City Council Services with a complaint submitted to the City Councilors concerning conditions at the Westside Emergency Housing Center (WEHC). The complainant alleged there are certain security guards who are controlling individuals who stay at the WEHC, making them pay cash or drugs to stay and not allowing them to leave at times. The complainant stated that they personally do not stay at the WEHC, but that they keep hearing the name of a certain security guard (SG1) from some female friends. According to the complainant, this particular individual was a former officer with the Albuquerque Police Department (APD).

SCOPE AND METHODOLOGY

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

- Obtain and review relevant contracts
- Physical observation of the Westside Emergency Housing Center
- Interviews of relevant individuals

INVESTIGATION

Contract Background

On July 1, 2021, the City of Albuquerque's Department of Family and Community Services (DFCS) and Heading Home entered into a Sub-Recipient Agreement to administer Emergency Solutions Grant (ESG) Programs. The City was the grantee of the ESG award which is being used to fund this agreement and is for the Westside Emergency Housing Center (WEHC). The term of this agreement is from July 1, 2021 through June 30, 2022. The Scope of Services include providing an emergency shelter 24 hours a day, 7 days a week. Also, providing on-site security at the overnight shelter site, ensuring that safety standards are met at all times. Per the "Project Budget

Detail Form – Operating”, Contractual Services include: *Licensed Security (\$139,573 for one year of services).*

DFCS and Heading Home also entered into a contract in which City funds from the General Fund (GF) were to be appropriated for the City to “provide basic social services to ensure that its residents are afforded access to basic services required to maintain a reasonable quality of life”, and that the City would engage Heading Home as the contractor “to render certain social services in connection therewith.” The term of this contract is from October 1, 2021 through June 30, 2022. The Scope of Services include providing an emergency shelter 24 hours a day, 7 days a week. Also, providing on-site security at the overnight shelter site, ensuring that safety standards are met at all times. In addition, providing security and client assistance on each daily transportation bus to and from the shelter. Per the “Project Budget Detail Form – Personnel”, money was requested from the City to fund the salaries for six (6) bus monitors and two (2) lead bus monitors.

Contact with Heading Home

The OIG contacted Heading Home on November 10, 2021 and spoke with the Director of Contracts (DOC). The DOC stated that those individuals who were providing onsite security services at the WEHC were employees of Heading Home. However, the DOC also revealed that DC Security has taken over the onsite security services and has been providing said services at the WEHC since September 13, 2021. The OIG requested a copy of the contract. On November 11, 2021 the DOC provided a document which said “Estimate 1065” and indicated this was the only document Heading Home had in place for services provided by DC Security. The document was sent to and was accepted (signed off on) by the CEO of Heading Home. The document was dated September 13, 2021 and was for a level three security officer to patrol at the WEHC. Handwritten on the document and circled was “thru June 30, ‘22”. The description on this document also stated:

One Level 3 officer patrolling the area for any paraphernalia, weapons, and inappropriate behavior. From the hours of 1400-1600 the officer will be located at the front of the center to check guests bags as they come in.

The DOC stated that they would look to see if they could find any additional documents related to services provided by DC Security.

Visit to the Westside Emergency Housing Center

The OIG visited the Westside Emergency Housing Center (WEHC) and spoke with the Director. The Director stated they have held this position at the WEHC since August 2021. They explained that the Heading Home employees who had previously provided onsite security services at the WEHC are now bus monitors. The idea was to have the bus monitors trained by DC Security guards; however, that has not happened. There are three or four buses that go out to pick up members of the unhoused community and bring them back to the WEHC. There is one monitor per bus, and they are there to help provide protection, limit the number of items that can be brought on the bus, and to try and keep things orderly during transportation. The monitors do not search individuals before they board the bus and there are no written policies and procedures.

The Director stated that when they started in their current position at the WEHC, things were already in the works to have DC Security provide onsite security services, so they were not involved in that decision. The Director explained that there are two DC Security officers at the

WEHC; one works the day shift and the second works the night shift. All are certified level three officers, which means they have had mandatory firearms training and are certified to carry a firearm.

The Director explained that when individuals come to stay at the WEHC, they check in with Guest Host Services at the front. Guests empty their belongings into a bin and are searched for alcohol, drugs and weapons. The officers dispose of any alcohol, drugs and paraphernalia, or weapons found. The officers do not confiscate money.

The Director provided the OIG with a tour of the WEHC. There is a male dorm and a female dorm and the security officers do patrol these areas. However, the Director explained that a female WEHC staff member will always accompany the security officer any time they patrol the female dorm.

Review of DC Security Contract

On November 19, 2021 the DOC for Heading Home provided the OIG with the contract between Heading Home and DC Security for services provided by DC Security at the WEHC. The OIG reviewed the Professional Services Contract between Heading Home and DC Security. The contract stated that the "Agreement" was made and entered into on November 18, 2021. The signature date on this contract was also November 18, 2021. The term of this Agreement is from November 18, 2021 to August 18, 2022 and will automatically renew at the end of August 18, 2022, for 90-day extensions until either party cancels.

Under Appendix A, Article 2 Coverage and General Nature of Work, Section 2.02 states:

The general nature of the work is for Contractor to provide patrol and related security services to Client and its members by maintaining an ongoing security presence on Client's premises ("Premises"). Contractor shall provide uniformed, qualified security officers ("Officers") to: i) assist, where lawful and appropriate, with the detainment of persons who the Officer has probable cause to believe has committed or is in the process of committing a crime on the Premises or otherwise is engaged in suspicious activity; ii) timely notify Law Enforcement and Client's designated personnel of suspected criminal and/or suspicious activity on the Client's Premises; iii) be alert and vigilant for signs of suspicious activity which are to include larceny, burglary, criminal mischief, graffiti, and criminal damage to property; iv) walk the property to ensure its secure; v) respond to calls for assistance; vi) check front office; vii) and otherwise assist Client in maintaining a crime-free atmosphere within the Premises. Notwithstanding the foregoing, Client understands that the Officers are not law enforcement personnel and do not have arrest/apprehension powers, except that Officers may detain persons for crimes in progress, crimes that a member of Client has witnessed, or when there is probable cause for the Officer to believe that a felony has been committed. Because Officers are not law enforcement personnel, they cannot detain persons based upon reasonable suspicion alone except as provided in the foregoing sentence.

There was no section in the contract that addresses searching guests and their personal belongings for alcohol, drugs and related paraphernalia, and weapons, and the manner in which this will be done. In addition, there was nothing that addressed what would be done with such items found on guests coming in to stay at the WEHC.

The DOC for Heading Home did include information provided by DC Security with regard to background checks of their security officers. According to DC Security:

1. *A "basic" in house background check through the New Mexico court systems is performed*
2. *Upon actually being hired, DC Security performs a more extensive records check with all 50 states*
3. *After completing the in-house training, which is state mandated, DC Security officers are fingerprinted and complete a FBI background check*

Visit to Heading Home

The OIG visited Albuquerque Heading Home and spoke with the Director of Contracts (DOC). The DOC stated they served as the Director of the WEHC from January 2021 and left at the end of June 2021. The DOC started in their current role September 2021. The DOC admitted that there is a lot of staff turnover, especially at the WEHC. They stated that many of the staff are young, and working at the shelter can be challenging.

The DOC stated that Heading Home's contract with DC Security was already in place when they became re-employed with Heading Home and it was the CEO who was involved in obtaining DC Security's services. However, this CEO is no longer with Heading Home. The DOC confirmed it was Heading Home employees who were providing onsite security services prior to DC Security and they did not conduct searches of those who stayed at the WEHC.

Contact with Human Resources Representative for Heading Home

The OIG spoke with the Human Resources representative (HR) for Heading Home. HR explained that there are a lot of younger employees and the job can be very stressful, especially at the WEHC. Some do not know the best way to handle situations and "have gotten a little rough", though HR clarified this did not mean "beating up" individuals.

HR stated Heading Home has not had any issues with the security officers at the WEHC and informed the OIG that there is no record of SG1 ever being employed by Heading Home.

Contact with DC Security

The OIG spoke with the Chief Operating Officer (COO) for DC Security. The COO did not know why there was no official contract until November 18, 2021, even though DC Security began providing security services at the WEHC effective September 13, 2021. The COO stated this was not intentional.

There is a total of five to six officers who provide security services at the WEHC. There are three to four males and two females who rotate. The COO stated that all of the officers are certified level three officers.

The COO stated that the officers patrol both outside and inside the WEHC, which includes conducting checks of the female and male dorms. If there is no female officer who is on duty, a WEHC employee will accompany the male officer to conduct checks of the female dorm. The

same is true if there is no male officer on duty, then a WEHC employee will accompany the female officer to conduct checks of the male dorm. The COO went on to state that DC Security tries to make it a regular practice, regardless, that a WEHC employee accompany the officers when conducting dorm checks.

The COO confirmed that the DC Security officers do check both the male and female guests for weapons and paraphernalia when they come to stay at the WEHC. Males receive a pat down and females are checked with a metal detector wand. The COO stated that all bags are emptied out and checked as well, and any weapons or paraphernalia found on the guest's person or in their bag is disposed of by the DC Security officers.

The COO stated DC Security has never had any issues with their officers and further stated that DC Security has never employed SG1.

CONCLUSION

The OIG's investigation reveals that the allegations related to SG1 are unfounded. The OIG's investigation revealed that SG1 was never an employee of Heading Home or of DC Security. The OIG spoke with various individuals with Heading Home and with DC Security and there have been no additional complaints or issues with security officers. In addition, the allegations that there are certain security guards who are controlling individuals who stay at the WEHC, making them pay cash or drugs to stay and not allowing them to leave at times could not be substantiated due to a lack of internal controls over the intake process.

The document from DC Security titled 'Estimate 1065' did state that officers would patrol the area for any paraphernalia, weapons, and inappropriate behavior. In addition, from the hours of 1400 – 1600 an officer would be located at the front of the WEHC to check guests' bags as they come in. However, it did not specify what the process would be for handling any paraphernalia or weapons found. The official contract from DC Security did not address conducting searches of guests and their personal belongings for paraphernalia and weapons, and what would be done with said items.

Both the Director of the WEHC and the COO for DC Security stated that the security officers do confiscate and dispose of any paraphernalia and weapons found. Money is not confiscated. However, if there are no policies and procedures with regard to this, or if this is not documented in the contract or made clear to those who come to stay at the WEHC, this may lead to the perception that was outlined in the complaint, in that security officers are making guests "pay" drugs or other items in order to stay at the WEHC or in order to leave.

As a result of our investigation, the OIG has made one (1) recommendation for improvement.

OBSERVATION AND RECOMMENDATION

Lack of Controls

Condition: In speaking with multiple individuals from Heading Home and DC Security, various processes were mentioned with regard to searching WEHC guests for alcohol, drugs, weapons, and other items not allowed, and for collecting/confiscating such items. In addition, in reviewing old and new contracts, there was lack of clarity with regard to these processes.

Criteria: For the safety and security of the guests and the staff at the WEHC, it is good business practice to have documented policies and procedures that clearly outline processes for guest intake and for searching guests for alcohol, drugs, weapons, and any other items not allowed, as well as processes for collecting/confiscating such items.

Cause: There is no clear direction in the contract or subcontract, and there are no policies that could be found on these processes, leading to confusion and inconsistencies for the guests.

Effect: There are no documented policies and procedures for safety and security which creates confusion or the perception that security officers are making guests “pay” with items in order to stay at the WEHC.

Recommendations: The City should consider requiring that Heading Home and the entity providing security services implement written policies and procedures outlining the process for checking WEHC guests for alcohol, drugs and paraphernalia, and weapons, and outlining the process of what will be done with said items. A daily log should be kept of items confiscated. Consideration should also be given to include these processes in the security contract.

The City should consider requiring that Heading Home be consistent with making sure those who stay at the WEHC are aware that they will be searched for alcohol, drugs, and weapons and that such items will be confiscated and disposed of. Consideration should be given to having signage/announcements upon entering the WEHC. In addition, consideration should be given to having the bus monitors make individuals aware of this before they are transported to the WEHC.

Department Response: The DFCS will work with Heading Home to develop written policies and procedures for providing security at the WEHC, in alignment with the City’s goal of operating the WEHC as a low-barrier shelter. The policies and procedures will establish the limited conditions under which guests’ property would be searched, how Heading Home will handle and record any items that are confiscated and how guests will be notified of the WEHC policy and procedures regarding personal property. Once these policies and procedures are established, Heading Home will communicate to the security company in writing that it must abide by these policies and procedures. The City will work with Heading Home to establish policies and procedures for providing security at the WEHC by March 31, 2022.