

CITY OF DETROIT


OFFICE OF INSPECTOR GENERAL

REQUEST TO CLOSE INVESTIGATION MEMORANDUM

DATE:

10/22/2019

TO: Ellen Ha
Inspector General

Approved 

FROM: Jacqueline Hendricks-Moore
File Manager

CASE NAME: Drinking and Excessive Lunch OCI BOPC

OIG # 19-0019-INV

COMPLAINANT INFORMATION: Anonymous

I. Introduction

On May 13, 2019, the Office of Inspector General (OIG) opened an investigation into an allegation that Lawrence Akbar, a supervisor with the Office of the Chief Investigator (OCI) took his subordinates out for an extended lunch which involved consumption of alcoholic beverages and using a city vehicle as their means for transportation.

II. Background Information

A. Office of the Chief Investigator (OCI)

The OCI serves as the investigative agency for the Detroit Board of Police Commissioners (BOPC). The OCI investigates citizen's complaints of police misconduct against the Detroit Police Department (DPD) and its personnel. If an OCI investigation uncovers criminality in a complaint, the case is forwarded to the DPD Professional Standards Division for investigation.

B. City of Detroit Polices

i. Substance Abuse Policy

The Substance Abuse Policy states in part,

The City of Detroit's goal is to establish and maintain a work environment that is free from the effects of alcohol and drugs. Employees who work while under the influence of drugs or alcohol present a safety hazard to themselves, their coworkers and the public. Moreover, the presence of drugs and/or alcohol in the work place limits the City's ability to perform at the highest levels and provide our customers with quality service.

Also, in regards to the use of city vehicles the policy states in part,

The use or possession of alcohol, illegal drugs, narcotics or controlled substances, including the illegal sale of these substances, while on the job, in City vehicles, or on City property, constitutes grounds for disciplinary action, up to and including discharge.

ii. Corrective Disciplinary Action Guidelines & Attendance Policy

The Corrective Disciplinary Action Guidelines & Attendance Policy for "Group Offense IV" states in part,

First Offense: Thirty (30) Calendar day suspension, with Recommendation For Discharge

Examples: Possession, distribution, or use of alcoholic beverages, illegal drugs, narcotics, habit forming drugs, or any other potential intoxicating or impairing substance during working hours, or while on City of Detroit work sites or in City vehicles.

C. 2012 City of Detroit Charter, Article 7.5 Chapter 3. Office of Inspector General

The 2012 Detroit Charter Section 7.5-310 states in part,

It shall be the duty of every Public Servant, contractor and subcontractor and licensee of the city, and every applicant for certification of eligibility for a city contract or program, to cooperate with the Inspector General in any investigation pursuant to this Article.

Any Public Servant who willfully and without justification or excuse obstructs an investigation of the Inspector General by withholding documents or testimony is subject to forfeiture of office, discipline, debarment or any other applicable penalty.

III. Investigation Summary

A. Interviews

As the complaint did not identify which OCI employees accompanied Mr. Akbar for the extended lunch involving consumption of alcoholic beverages, the OIG interviewed the following OIG Investigators:

- Lawrence Akbar, OCI Supervisor Investigator
- Gianna Coulter, OCI Investigator
- Rosalia Madrigal, OCI Senior Investigator and Analyst
- Tiffany Stewart, OCI Investigator
- Yoniqua Coleman, OCI Investigator¹
- Makeeba James, OCI Investigator²
- Carolyn Nichols, OCI Investigator³

¹ Interviewed by the OIG on May 20, 2019

² Interviewed by the OIG on May 23, 2019

³ Interviewed by the OIG on May 22, 2019

- Lisonya Sloan, OCI Senior Investigator⁴
- Marquitta Stanton, OCI Investigator⁵

Based on the information obtained from the above listed interviewees the OIG determined that **Ms. Coulter, Ms. Stewart, Ms. Madrigal and Mr. Akbar** were the individuals involved in the complaint. Therefore, the following is a synopsis of the OIG's interview with these four individuals as it relates to this allegation.

i. Gianna Coulter

On May 20, 2019, the OIG interviewed Ms. Coulter. Ms. Coulter explained she has been employed with OCI for about 6 years. Mr. Akbar is her immediate supervisor. Ms. Coulter described Mr. Akbar as being very knowledgeable about OCI's processes and polices. Ms. Coulter and Ms. Stewart share an office. Ms. Coulter claimed she went out to lunch with Ms. Stewart and Madrigal to celebrate Ms. Stewart's birthday. They had lunch at Vicente's (1250 Library St., Detroit). Ms. Coulter did not recall the exact date or time they left the office to go to lunch. She believed they had lunch some time during the 1st week of May, 2019. Ms. Coulter admitted to signing out a city vehicle and driving Ms. Stewart and Ms. Madrigal to Vicente's.

According to Ms. Coulter, she and her companions (Ms. Stewart and Ms. Madrigal) ordered at least one drink (alcoholic beverage) during the lunch at Vicente's. Ms. Coulter admitted to consuming her drink. However, she did not recall whether Ms. Stewart or Ms. Madrigal consumed their drinks. Ms. Coulter estimated they were at Vicente's for about an hour.

Shortly after leaving Vicente's, Ms. Coulter received a phone call from Mr. Akbar asking her and her companions to meet him at Armando's (4242 Vernor St., Detroit). Mr. Akbar told her he had a birthday card for Ms. Stewart.

Ms. Coulter, Stewart and Madrigal met Mr. Akbar at Armando's and sat with him while he ate his lunch. Ms. Coulter did not order anything to eat or drink while at Armando's. She stated Mr. Akbar ordered food and a soda with his meal. Ms. Coulter confirmed Mr. Akbar did not order any alcoholic beverage while at Armando's. The three women returned to work, riding in the city vehicle, after leaving Armando's.

Ms. Coulter stated she is familiar with the City's policy regarding no consumption of alcohol during city work hours and when driving a city vehicle.

ii. Tiffany Stewart

On May 21, 2019, the OIG interviewed Ms. Stewart. Ms. Stewart has been employed with the OCI for about 6 years. Mr. Akbar is her immediate supervisor. Ms. Stewart also described Mr. Akbar as being knowledgeable about the job and being available to assist her when she had questions. She received on-the-job training from Mr. Akbar and Melanie White, another OCI Investigator. Ms. Stewart confirmed that she shares an office with Ms. Coulter.

Ms. Stewart explained she went to lunch at Vicente's with Ms. Coulter and Madrigal. She stated they surprised her by treating her to lunch for her birthday. Ms. Stewart did not recall the

⁴ Interviewed by the OIG on May 24, 2019

⁵ Interviewed by the OIG on May 20, 2019

exact date or time they left the office to go out to lunch. Ms. Stewart generally picks up lunch while she is out of the office conducting field work.

She confirmed Ms. Coulter's statement in that they all rode together in a city vehicle to Vicente's for lunch. Ms. Stewart also confirmed Ms. Coulter's statement in that all three women ordered a drink with their respective lunch. However, Ms. Stewart did not recall the particular drink each person had ordered on that day. Ms. Stewart stated she ordered one glass of sangria. Ms. Coulter and Ms. Madrigal paid for Ms. Stewart's lunch.

Ms. Stewart also confirmed Ms. Coulter's testimony that on the way back to the office, Ms. Coulter received a phone call from Mr. Akbar asking them to meet him at Armando's in Mexican town, because he had a birthday card for her. They met Mr. Akbar at Armando's and sat down with him while he ate his lunch.

Ms. Stewart confirmed Ms. Coulter's testimony in that Mr. Akbar ordered his food, but did not order any alcoholic beverage. Ms. Stewart stated that she knows this to be true, because Mr. Akbar was sitting next to her at Armando's. Ms. Stewart indicated she did not order anything to eat or drink at Armando's.

Ms. Stewart stated she is familiar with the city's policy regarding no consumption of alcohol during city work hours and when driving a city vehicle.

iii. Rosalia Madrigal

On May 21, 2019, the OIG interviewed Ms. Madrigal. Ms. Madrigal stated she has been employed with OCI for about 14 years. She is a senior investigator and as such, she does not share her office with any teammate. Ms. Madrigal is a system analyst for the OCI's Citizens Complaint Report (CCR) database system. Ms. Madrigal reviews all the final, approved investigations reports to update and maintain current information in OCI's CCR database. Therefore, Ms. Madrigal no longer conducts investigations for OCI. In addition, she explained that while her immediate supervisor is Mr. Akbar, she generally reports directly to Chief Investigator Dr. Polly McCalister.

At the beginning of the interview, Ms. Madrigal stated she rarely goes out to lunch, so she did not recall if she went to lunch with any co-workers during the 1st week of May 2019. She was advised to review her calendar on her phone to see if this would help her to refresh her memory.

Shortly thereafter, Ms. Madrigal explained she went out to lunch with Ms. Coulter and Stewart, to celebrate Ms. Stewart's birthday. Ms. Madrigal stated they went to a restaurant in Mexican town called "Armando's" for lunch. When Ms. Madrigal was asked if she went elsewhere for lunch, she replied "that was it" indicating that they did not go anywhere else. Ms. Madrigal recalled Mr. Akbar arrived later at Armando's while Ms. Coulter, Ms. Stewart and she were there having lunch. Ms. Madrigal did not recall the exact time or date when they went to Armando's.

Subsequently, the OIG asked Ms. Madrigal if she went to Vicente's before going to Armando's. Initially, Ms. Madrigal stated "No," but later she changed her statement and admitted she had lunch at Vicente's.

However, Ms. Madrigal followed up with another statement claiming she did not "recall" if she went to both restaurants on the same day. Ms. Madrigal admitted she went to Vicente's for

lunch with Ms. Coulter and Ms. Stewart. Ms. Madrigal was asked what alcoholic beverage (drink) she ordered at Vicente's. Ms. Madrigal claimed she did not "recall" if she ordered a drink.

She then stated, had she ordered a drink, it probably would have been a glass of sangria because Vicente's has good sangria. Ms. Madrigal followed up with another statement saying she did not "recall" if she ordered a drink at Vicente's.

However, when Ms. Madrigal was asked if she was the only person at the table who ordered a drink (alcoholic beverage), she replied "probably not." Ms. Madrigal was then asked if she had ordered a drink at Armando's. Ms. Madrigal admitted to ordering a glass of sangria, but she sent it back because she didn't like the taste. Ms. Madrigal then commented that Vicente's makes the best sangria.

Ms. Madrigal admitted to returning to work after lunch and riding in a city vehicle. Ms. Madrigal was not the driver, however, she did not recall who drove the vehicle. Ms. Madrigal also admitted that they are required to sign out for city vehicles when using the vehicle.

Ms. Madrigal also stated she is familiar with the city's policy regarding no consumption of alcohol during city work hours and when driving a city vehicle.

Lastly, it should be noted that during Ms. Madrigal's interview, the OIG reminded her that pursuant to "Garrity" she is required to answer all questions truthfully and honestly. The reason the OIG reminded Ms. Madrigal about "Garrity" is because she continued to answer the OIG's questions using words like "I do not recall" and "probably" making her answers to the questions appear untruthful and dishonest.

iv. Lawrence Akbar

On May 22, 2019, the OIG interviewed Mr. Akbar. Mr. Akbar explained he retired from the DPD as a lieutenant after 29 years of service. Prior to his retirement, he was assigned to OCI and worked as an investigator supervisor. Thereafter, upon Mr. Akbar's retirement from the DPD, he was hired by the OCI as an investigator supervisor.

Mr. Akbar admitted he was aware that Ms. Coulter and Madrigal took Ms. Stewart out to lunch to celebrate Ms. Stewart's birthday. Mr. Akbar did not recall the exact date and time he went to lunch with Ms. Coulter, Madrigal and Stewart. However, he did recall that all four of them were at Armando's for lunch.

Mr. Akbar had a birthday card for Ms. Stewart and he wanted to give it to her. Mr. Akbar stated that Ms. Stewart, Madrigal and Coulter were heading back to the office, after lunch, when he asked them to meet him at Armando's. He tried calling Ms. Stewart, Madrigal and Coulter, but only Ms. Coulter answered her phone.

Mr. Akbar explained the three women sat down with him while he ate his lunch at Armando's. Ms. Madrigal, Coulter and Stewart did not order any food. Ms. Stewart and Coulter did not order anything to drink. However, he recalled Ms. Madrigal ordering a beverage and sending it back because she did not like it. Mr. Akbar claims he did not know or recall what Ms. Madrigal ordered. Mr. Akbar did not order or consume any alcoholic beverage while at Armando's. He did not recall if he returned to the office that day, because he was working at police headquarters on a special project, offsite.

IV. Conclusion

The OIG finds the following:

1. On May 2, 2019, Ms. Coulter, Ms. Stewart and Ms. Madrigal went out to lunch at Vicente's Cuban Cuisine to celebrate Ms. Stewart's birthday.
2. Ms. Coulter signed out for a city vehicle and they all rode together to lunch at Vicente's.
3. While at Vicente's, they ordered and consumed at least one alcoholic beverage. Although Ms. Coulter and Stewart admitted to the same, Ms. Madrigal claimed she did not recall. However, both Ms. Coulter and Ms. Stewart were clear in that all three women ordered and consumed an alcoholic beverage.
4. On the way back to the office, Ms. Coulter received a phone call from Mr. Akbar asking them to meet him at Armando's, because he had a birthday card for Ms. Stewart.
5. Ms. Coulter, Ms. Stewart and Ms. Madrigal met Mr. Akbar at Armando's and sat down with him while he ate his lunch.
6. At Armando's, Ms. Madrigal ordered a glass of sangria, but sent it back because she didn't like it.
7. Ms. Coulter, Ms. Stewart and Ms. Madrigal left Armando's and returned to the office riding in a city vehicle. Mr. Akbar returned either to his office or police headquarters,
8. Ms. Coulter, Ms. Stewart and Ms. Madrigal consumed alcohol during work hours which is a violation of the City of Detroit – Substance Abuse Policy. Even if Ms. Madrigal did not order or consume any alcoholic beverage at Vicente's, she admits to ordering and drinking sangria at Armando's.
9. Ms. Coulter operated a city vehicle after consuming an alcoholic beverage at lunch which is a violation of the City of Detroit – Substance Abuse Policy.
10. Several of Ms. Madrigal's answers to the OIG's questions were inconsistent and contradictory to the statements provided by Ms. Coulter and Ms. Stewart and Mr. Akbar.
11. There is no evidence to substantiate the allegation that Mr. Akbar consumed any alcohol at Armando's during city work hours on May 2, 2019.

V. Recommendation

The OIG recommends that OCI take appropriate disciplinary actions against Ms. Coulter, Ms. Stewart and Ms. Madrigal for their misconduct. The OIG found that Ms. Coulter and Ms. Stewart were truthful in their answers and cooperated fully with the OIG's investigation. Also, they expressed remorse for their inappropriate decision. The OIG recommends that Ms. Coulter and Ms. Stewart's cooperation and honesty be taken into consideration when disciplining them.