

City of Detroit
Office of Inspector General
2015 2nd Quarter Report
(April 1, 2015 – June 30, 2015)



January 8, 2016

Office of Inspector General (OIG) Complaints

The OIG received a total of 69 complaints during the 2nd Quarter of 2015.

Office of Inspector General Initiated Cases

The OIG initiated 37 cases during this quarter. The investigations involved 20 different departments or agencies.

Department/Agency	# of Investigations
Human Resources Department	3
Public Lighting Department	2
Fire Department	1
General Services Department	2
Police Department	4
Planning and Development Department	1
Human Rights Department	1
Department of Transportation	4
Building, Safety Engineering, and Environmental Department	4
Water and Sewerage Department	2
Office of Inspector General	1
Board of Ethics	1
Office of Contracting and Procurement	1
Finance Department	2
Detroit Land Bank Authority	2
Municipal Parking Department	2
Wayne County Prosecutor's Office	1
Department of Administrative Hearings	1
Wayne County Treasurer's Office	1
Contractor/Other	1
Total	37

Office of Inspector General Closed Cases

A case is considered closed when an OIG file manager completes their investigation and the Inspector General approves a finding. During the 2nd Quarter, the OIG closed 17 cases. The following list provides a brief synopsis of each closed case.

2013-008

Complainant alleged that a firm contracted to fill potholes and salt roads overcharged the Department of Public Works (DPW) by falsely stating the number of vehicle trips it performed. The OIG investigation did not find fraud, abuse, waste or corruption, but instead determined that the vendor employed two drivers with the same name so the trip logs appeared to contain duplications.

2014-DF-0185

Complainant alleged that a City of Detroit employee with the Human Resources Department lived with a City of Detroit vendor and may have exercised an inappropriate level of control over the vendor's contract. The OIG investigation revealed that the employee did not exercise any influence or control over the vendor's work for the City of Detroit. Therefore, the OIG found no evidence of fraud, abuse, waste or corruption.

2014-DA-0221

Complainant alleged that a Department of Public Works (DPW) employee improperly parked a City of Detroit vehicle on a residential street overnight. Unfortunately, the initial complaint information was insufficient to identify the vehicle in question and the complainant was not willing to provide additional information. The OIG contacted DPW and worked with the department to investigate the matter. In the end, the OIG did not find sufficient evidence to move forward.

2014-DC-0247

In June 2014 the Office of Inspector General investigated Case #2014-DF-0187 involving a Public Lighting Department (PLD) employee accused of fraudulently using a department procurement card and stealing PLD equipment. The investigation resulted in the employee being convicted of multiple felonies. The case highlighted deficiencies in PLD's inventory controls. As a result the OIG began a review of the department's policies. The OIG investigation closed once the department addressed the issues and hired a contractor to manage its equipment inventory.

2014-DC-0385

Complainant alleged that members of the Detroit Police Department (DPD) abused their authority when they failed to produce an interview recording related to a criminal trial and a subsequent DPD administrative hearing. DPD conducted the interview as part of a separate but related DPD Internal Affairs (IA) investigation. And while the recording perhaps should have been included in the complainant's administrative file, the OIG found insufficient evidence to suggest that DPD's failure to provide the recording was purposeful. Therefore, DPD's error did not constitute an abuse of authority.

2014-DA-0420

Complainant alleged that various law enforcement officials, including a member of the Detroit Police Department, abused their authority by allowing false information to be presented during his criminal trial. The investigation of concern to the complainant was conducted by officers from a federal agency and the evidentiary decisions complained about were made by a member of the state judiciary. The OIG's jurisdiction is limited to Detroit public servants and contractors. The DPD officer involved in the incident retired in 2012 and is outside of the OIG's jurisdiction as well.

2015-DC-0005

Complainant, a Detroit police officer, alleged that members of the Internal Affairs section of the Detroit Police Department abused their authority by wrongfully manipulating an arrest warrant against him. The complainant was unable to provide the necessary information to investigate his claims.

2015-DW-0006

The OIG received a fax from an anonymous sender that included three months of time sheet records for a Detroit Water and Sewerage Department (DWSD) contractor. The time sheet records did not reveal an obvious case of fraud and a DWSD administrator confirmed that the time sheet records were correct. Therefore, the OIG found no instance of fraud, abuse, waste, or corruption.

2015-DA-0037

Complainant alleged that the Detroit Police Department was abusing its authority by failing to report specific crime information to a company which owns and operates a website that compiles and reports crime statistics to the general public. The City of Detroit has no operational control over the website. DPD's grants the company direct access to public crime data for informational purposes. DPD reserves the right to withhold information which might impede ongoing criminal investigations. The website contains a public disclaimer to visitors that not all police data is listed. The OIG determined that any missing information on the website was not caused by an abuse of authority on the part of DPD.

2015-CC-0038

Complainant alleged that a contractor retaliated against him by having his compensation withheld after he submitted a complaint against the contractor to the City of Detroit Planning and Development Department. The OIG was unable to substantiate his allegation.

2015-NA-0042

Complainant alleged that a vehicle with no City Vehicle I.D. number or municipal license plate wrongfully retrieved fuel at the city's Russell-Ferry Fuel Station. The investigation revealed that the vehicle was owned by a local car rental firm and that a City of Detroit department was using the vehicle for legitimate purposes..

2015-NA-0047

Complainant alleged that DWSD inappropriately awarded a contract to a vendor. The complainant alleged that DWSD misled the public by including false information in an award bid tabulation. The DWSD Procurement Policy states that a potential vendor may appeal a denial of their bid protest to the Detroit City Council. The OIG informed the complainant of this process and closed the case.

2015-DA-0048

Complainants alleged that a Building, Safety Engineering, and Environmental Department (BSEED) building inspector abused his authority by seeking to inspect their building which had already been issued a Certificate of Compliance. However, City of Detroit Ordinance at §9-1-37(a) allows for the suspension of a certificate of compliance when the owner fails to comply with one or more blight violation notices. Therefore, the OIG did not substantiate the allegation.

2015-DA-0056

Complainant alleged that the Office of the Chief Investigator (OCI) refused to investigate his claims involving police brutality. The OIG investigation revealed that OCI conducted an investigation and found the allegations "Not Sustained." The OIG referred the complainant to the Board of Police Commissioners in the event that the complainant wished to dispute OCI's investigative findings.

2015-NA-0061

Complainant alleged that DPD failed to provide her with a copy of a police report. The OIG closed this case after providing the complainant with an updated telephone number for DPD's Records and Statistics division.

2015-DA-0071

Complainant alleged that the City of Detroit should have paid for damage caused to a porch from a city-owned tree. The OIG referred the complainant to an administrator in the General Services Department (GSD) and closed the case.

2015-NA-0073

The OIG received a complaint regarding an active criminal trial with the Wayne County Prosecutor's Office (WCPO). The OIG referred the complaint to WCPO and closed the case.

City of Detroit Office of Inspector General

OIG # 2014-DA-0420

April 22, 2015



James W. Heath
INSPECTOR GENERAL

I. Background & Complainant's Allegations

On November 25, 2014, Alvin Davis, a former agent with the United States Department of Homeland Security - Immigration and Customs Enforcement (ICE), filed a complaint with the Office of Inspector General (OIG) alleging that public servants with the Detroit Police Department, the Office of the Wayne County Prosecutor, ICE and a judge on the 3rd Circuit Court abused their authority by allowing information they knew to be false to be presented during his criminal trial.

On February 11, 2010, the Office of the Wayne County Prosecutor charged Mr. Davis with (2) counts each of unlawful imprisonment, assault with a dangerous weapon and felonious assault. The charges resulted from an incident that occurred in Detroit following a robbery at the home of Mr. Davis's mother. The victims, Kristopher and Keenen Delbridge, alleged that Mr. Davis assaulted them in an effort to retrieve items which had been stolen from Mr. Davis's mother's home. On July 23, 2010, Mr. Davis was convicted of felonious assault, unlawful imprisonment and felony firearms with respect to one of the victims following a jury trial. The Detroit Police Department served as the investigating agency. Assistant Wayne County Prosecutor Thomas Trzcinski prosecuted the case and Judge James Callahan presided over the trial.¹

In January 2004 while Mr. Davis was employed by ICE, he was the subject of an investigation conducted by US-OIG examining his role in allowing an Iraqi citizen, Mohsin Al-Uglah, admission into the United States. As part of his regular professional duties, Mr. Davis processed Mr. Al-Uglah's application for entry into the United States. The US-OIG investigated the circumstances under which Mr. Al-Uglah was allowed entry because there was a question regarding a pending criminal sexual conduct charge against him. The relevant portion of the inquiry involved Mr. Davis's personal relationship with Zoha Madarani, who was Mr. Al-Uglah's representative in his immigration matter. When questioned by his employer, Mr. Davis initially denied having a romantic relationship with Ms. Madarani; however, he later admitted to having one with her. The City of Detroit Office of Inspector General is not aware of any final finding of wrongdoing on the part of Mr. Davis related to this incident.

Prosecutor Trzcinski made a motion to introduce evidence related to the January 2004 investigation during Mr. Davis's criminal trial. Judge Callahan ruled that aspects of the investigation could be admitted against Mr. Davis should he choose to take the stand at trial for the purpose of showing allegedly prior inconsistent statements offered by Mr. Davis. Mr. Davis did not testify during his trial.

Mr. Davis alleges that the public servants involved in his case abused their authority by allowing what he contends to be inaccurate and incomplete information concerning the investigation to be presented at trial. Mr. Davis contends that the investigation had nothing to do with his criminal charges and prevented him from testifying in his trial. Mr. Davis stated that he believes that the jury's decision might have been different had he testified.

¹ Thomas J. Trzcinski died on December 24, 2013.

II. Office of Inspector General Jurisdiction

The City of Detroit Office of Inspector General is an independent office established by the 2012 Charter of the City of Detroit. Its mission is to investigate allegations of waste, abuse, fraud, and corruption.² The Inspector General's jurisdiction extends "to the conduct of any Public Servant and City agency, program or official act, contractors and subcontractors providing goods and services to the City, business entities seeking contracts or certification of eligibility for city contracts and persons seeking certification of eligibility for participation in any city program."³

III. Discussion

With the exception of the DPD officers who participated in the prosecution of Mr. Davis's case, the OIG does not have jurisdiction over the primary individuals who performed acts which Mr. Davis alleges were improper. Neither the presiding judge, the county prosecutor, nor the federal agents fit within the Charter's definition of public servant, contractor, or subcontractor.⁴

DPD Officer John Day served as the officer in charge (OIC) of the criminal case. Typically, the OIC is the person who leads the investigation prior to the filing of criminal charges. Generally the assistant prosecuting attorney assigned to the case assumes primary responsibility for the case once criminal charges are filed. The prosecutor is responsible for trial tactics, the presentation of evidence, and the filing of any motions. The judge makes ultimate rulings concerning the admissibility of evidence.⁵ Accordingly, Officer Day cannot be held ultimately responsible for the decisions and rulings of the prosecutor and judge.

Mr. Davis understands this office's jurisdiction. His argument is that as OIC Officer Day was responsible for ensuring the veracity of the evidence and arguments presented in court. His point is not entirely without merit. For instance, an OIC who allows clearly erroneous evidence to be introduced without comment is likely in violation of his duty. However, this matter is quite different. First, Officer Day had nothing to do with the 2004 investigation, and cannot be expected to know the intricacies of the federal investigation. Secondly, Mr. Davis's complaint is essentially with the trial court's ruling, which is outside of the officer's control.

However, even if this office were to conclude that John Day was in some way responsible for the prosecutor's motion and the judge's ultimate ruling, our jurisdiction is limited because Officer Day is no longer employed by the City of Detroit, and therefore, does not satisfy the definition of a public servant under the OIG's authority. Records indicate that he retired in 2012.

² 2012 Charter of the City of Detroit, Art 7.5, Sec 7.5-301

³ 2012 Charter of the City of Detroit, Art 7.5, Sec 7.5-305

⁴ 2012 Charter of the City of Detroit, Art 2, Sec 2-105(9),(27)

⁵ Although beyond the scope of the OIG's inquiry, the Michigan Court of Appeals affirmed Judge Callahan's ruling on admission of the 2004 investigation on appeal.

IV. Conclusion

While the OIG has jurisdiction to investigate the actions of any City of Detroit public servant, this office cannot offer Mr. Davis the relief he seeks because it does not have jurisdiction over the primary actors in his matter. Additionally, the one public servant over whom this office did have jurisdiction, is no longer employed by the city.