

**CITY OF DETROIT
OFFICE OF INSPECTOR GENERAL
OIG CASE # 2014-0177**

AUGUST 13, 2014



JAMES W. HEATH
Inspector General

I. Introduction

The Office of Inspector General (OIG) opened an investigation on June 12, 2014 after receiving a complaint alleging that Detroit Police Commissioner Willie Burton improperly used his city issued badge to gain entry into an apartment building for the purpose of political campaigning. The OIG concludes that there is insufficient evidence to substantiate the complainant's allegation.

II. Office of Inspector General Authority & Jurisdiction

The Office of Inspector General was established by the 2012 Charter of the City of Detroit. Its purpose is to ensure honesty and integrity in City government by rooting out waste, abuse, fraud, and corruption. The powers and duties of the Inspector General extend 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.¹ As a member of the City of Detroit Board of Police Commission, Mr. Burton is a Public Servant as defined by the Charter, and falls under the jurisdiction of the OIG.²

III. Investigation Summary

A. Complaint

On June 11, 2014 Detroit Board of Police Commissioner attorney Aliyah Sabree forwarded a complaint from a private citizen involving Commissioner Burton to the OIG. The complainant³ suspected that Commissioner Burton had improperly used his city issued badge to gain entry into a private apartment complex for the purpose of political campaigning.

B. Board of Police Commissioners

In November 2013, Willie Burton was elected to represent the 5th District on the City of Detroit Board of Police Commissioners (BOPC). Commissioner Burton assumed office on January 1, 2014. The BOPC has supervisory control and oversight of the Police Department as set forth in the Charter of the City of Detroit.⁴ The BOPC is composed of eleven members. Seven are elected and four are appointed by the Mayor. BOPC members are not paid a salary,

¹ 2012 Detroit City Charter Section 7.5-305

² Detroit City Charter Sec. 2-105(A)(27) – Public Servant means the Mayor, members of City Council, City Clerk, appointive officers, any member of a board, commission or other voting body established by either branch of City government or this Charter and any appointee, employee or individual who provides services to the City within or outside of its offices or facilities pursuant to a personal services contract.

³ The Office of Inspector General protects the confidentiality of complainants unless they agree to have their identity made public. In this instance, the complainant has not done so.

⁴ 2012 Detroit City Charter Sec. 7-802

nor do they possess law enforcement authority of any kind. However, they are issued a badge and identification card which identifies them as members of the BOPC.

C. Documents Reviewed

- 2012 Charter of the City of Detroit
- Sign in sheets for Washington Boulevard Building
- Video footage from the lobby of the Washington Boulevard Building

D. Interviews

OIG staff interviewed the following individuals during the investigation:

- Complainant
- Willie Burton, Police Commissioner
- Dee Davis, President of “United Tenants Council of Councils”
- Kathy Marshall, building manager for Washington Boulevard Apartments, 234 State St
- Aliyah Sabree, Council for the Board of Police Commissioners
- Scott Sergison, building manager for Elmwood Park Plaza
- Jesscia Taylor, Chairperson for the Board of Police Commissioners

E. Complainant’s Statement

Complainant is the president of a tenant council in the Washington Boulevard Apartments, a senior citizen facility. As such, he schedules events for building residents. On May 29th Commissioner Burton contacted complainant and explained that he was calling on behalf of Wayne County Executive Robert Ficano to inquire about scheduling a time when Mr. Ficano could speak to tenants about his candidacy for re-election. Complainant agreed to make arrangements for Mr. Ficano to speak to the tenants; however, he declined Commissioner Burton’s offer to have the campaign sponsor a dinner and a movie for tenants. Complainant agreed to post a flyer in the building advertising the speaking engagement.

On June 8th Commissioner Burton called Complainant and asked permission to deliver his own flyers to the building. Complainant told Commissioner Burton he was not available to receive the flyers, nor let him into the building. However, on June 9, 2014, he discovered that flyers announcing a dinner and a movie with Robert Ficano were posted throughout the building and under tenants’ apartment doors. Complainant checked the visitor’s log sheet at the front door, but did not see where Commissioner Burton had signed in, so he assumed that he had used his city issued identification to gain entry into the building. According to the Complainant, Commissioner Burton did not respond to his inquiry about whether he had delivered the flyers.

F. Police Commissioner Willie Burton

On June 18, 2014, OIG Investigator Jackson and OIG Deputy Inspector General Kamau Marable interviewed Commissioner Burton. Commissioner Burton described himself as a

“generalist”⁵ and listed Robert Ficano as one of his clients. Commissioner Burton acknowledged possessing a BOPC identification and badge, but indicated that he has never used them to gain entry into a locked or restricted building for any reason other than the performance of his official duties. He stated that he had not been given any particular direction concerning the appropriate use of the badge and identification and was unaware of an official policy concerning BOPC credentials. Commissioner Burton refused to answer specific questions relating to whether he had entered the Washington Blvd Apartments for the purpose of distributing campaign materials.

IV. Analysis

A. Commissioner Burton’s membership on the Board of Police Commissioners does not preclude him from working as a “Generalist.”

Commissioner Burton is free to perform professional work outside of his duties as a police commissioner. This includes engaging in political activities. In fact, the Charter seems to contemplate that members of the BOPC will hold jobs since it specifically precludes them from receiving salaries, retirement benefits, health benefits, or other fringe benefits as compensation for their service.⁶ However, BOPC members are Public Servants as defined by the Charter and are precluded from engaging in employment which is in conflict with their official duties.⁷ For instance, since commissioners have jurisdiction over police affairs, it would be improper for a commissioner to vote for or against a proposed Police Department contract in which he or she had a personal or outside professional interest. In the case of Commissioner Burton, it does not appear that his advocacy on behalf of Mr. Ficano conflicts with his official duties.

B. There is no evidence that Commissioner Burton abused his authority to gain entrance into the building

As this office has discussed in the past, a public servant who inappropriately displays or presents his city issued credentials abuses his authority.⁸ Badges or identification cards which appear to bestow law enforcement privileges on the bearer are particularly susceptible to abuse because of the effect they might have on the general public.

There is no direct evidence that Commissioner Burton misused his city credentials to enter the Washington Blvd apartments. The front door security at the building consists of an unlocked outer door leading to a vestibule with a tenant buzzer system and a locked inner door which leads to a security counter. Upon entering the first door, a guest is required to buzz a tenant’s apartment to have the second door opened. A tenant is able to unlock the door from their apartment by pressing a button. The guest must then pass a security desk, which is generally staffed by a building employee who normally requests that the guest sign the visitor’s log. Complainant assumed that Commissioner Burton “badged his way into” the building after noticing that someone had posted the campaign event flyers throughout the building and failing to find his name on the visitor’s log.

⁵ The term “generalist” as used by Commissioner Burton appears to be synonymous with “political consultant”

⁶ 2012 Detroit City Charter Sec. 7-802

⁷ 2012 Detroit City Charter Sec. 2-106.1(2)(d)

⁸ OIG # 2014-DA-0006 (June 19, 2014)

Commissioner Burton was adamant that he has never used BOPC credentials to gain admission to any building. Inexplicably, he refused to answer direct questions about whether he entered the Washington Blvd Apartments to deliver campaign materials. However, the OIG reviewed video footage from June 8, 2014, the same day on which the complainant believes the flyers to have been delivered. The video shows a man who appears to be Commissioner Burton entering the Washington Blvd Apartments at approximately 8:13pm. The person entered the front door of the building carrying a white plastic bag, pressed a buzzer on the intercom system, and proceeded through the second door once it was unlocked. A security guard stopped the man. He then removed a wallet from his back pocket and showed the contents to the security guard, who allowed him to proceed after seeing the contents of the wallet.⁹ The same man can be seen leaving the building approximately a half an hour later. Someone inside of the building must have buzzed the man in prior to his interaction with the security guard. Whoever it was did so without seeing a BOPC badge.

OIG investigators were not able to interview the security guard who was on duty on the evening of June 8, 2014. The guard worked for a private security firm which the building no longer uses. However, the building manager, Kathy Marshall, questioned the guard prior to the termination of the contract. According to Ms. Marshall, the guard had no independent recollection of the incident. He neither remembered any interaction with Commissioner Burton, nor anyone presenting BOPC or law enforcement type credentials to gain admission to the building.

V. Conclusion and Recommendations

The available evidence does not support a conclusion that Commissioner Burton abused his authority by misusing his BOPC credentials. The complaint which led to the initiation of this case was based upon an assumption on the part of the complainant. The lack of direct evidence supporting the allegation precludes the Office of Inspector General from substantiating it.

However, the question of abuse presented by the complaint deserves a response. The BOPC should adopt a policy outlining the appropriate use of BOPC credentials. While this is an appropriate policy for all city departments, it has particular importance for BOPC members because the credentials they receive can more easily be mistaken for actual law enforcement identification. (Attachment A). The Office of Inspector General requires that staff members sign a form governing the use of city issued identification materials. (Attachment B). Other cities across the nation have similar procedures. Setting clear guidelines for the use of the credentials issued to BOPC members and staff will hopefully aid in preventing future abusive actions.

⁹ During this interview with OIG staff, Commissioner Burton indicated that he routinely carries his BOPC badge and identification in his personal wallet along with his other personal effects.

Attachment A





Detroit Police Department

**Picture
here**

Commissioner

TITLE

John Doe

NAME



Attachment B

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Inspector General

BADGES AND CREDENTIALS POLICY

I. Introduction

The OIG issues badges and/or credentials to employees as a means of identification for use in connection only with official duties. This policy outlines procedures for the safeguarding of badges and credentials against misuse.

II. Purpose

The purpose of this policy is to ensure that badges and credentials are appropriately managed and used only in connection with official duties.

III. Policy

Depending on their position, OIG employees designated by the Inspector General shall be assigned a badge and a badge number. All OIG employees will be issued credentials which include the employee's photograph.

A. Use

1. OIG badges and/or credentials are issued for purposes of identification and shall be displayed only in connection with official duties. A badge and/or credentials may be used only by the person to whom they are issued and only for authorized official use. Authorized official use includes, but is not limited to: identification at an interview, identification during surveillance, or to gain access to City facilities for the purpose of conducting official OIG business.
2. Possession of an OIG badge and/or credentials does not connote law enforcement or peace officer status or authority and does not constitute authority to carry firearms.
3. OIG employees may not alter or change the officially issued credentials in any way including, but not limited to, affixing any unauthorized item or writing to it.

B. Misuse

Unauthorized use or misuse of the badge and/or credentials may result in discipline, up to and including discharge. The following is a non-exhaustive list of improper uses:



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1. Displaying the badge and/or credentials to a law enforcement officer in hopes of affecting his or her behavior (e.g. to get out of a ticket, an arrest, or other law enforcement action);
2. Displaying the badge and/or credentials at a place of business in order to gain access at a reduced cost or no cost, or to receive any other privileges not available to the general public or a government employee;
3. Displaying the badge and/or credentials for personal reasons or when use of a law enforcement or civilian identification card is required or appropriate;
4. Failure to take appropriate care to secure, or maintain control of, badge and/or credentials.

C. Loss/Theft of Badge and/or Credentials

1. Each OIG employee to whom an OIG badge and/or credentials is assigned shall make every reasonable effort at all times to prevent theft or loss of such items.
2. Upon determining that either a badge or credentials is missing, an OIG employee must immediately notify the Inspector General and provide a written report of the circumstances surrounding the disappearance.
3. The Inspector General shall verify the facts surrounding the loss and make a determination whether or not the loss of the badge and/or credentials was avoidable. If the loss is determined to have been unavoidable, a replacement badge and credentials shall be issued to the OIG personnel at no cost. If the loss is determined to have been reasonably avoidable and/or caused by the employee's negligence, the OIG employee will be required to pay the replacement cost.
4. Avoidable loss of a badge or credentials may be considered as grounds for disciplinary action.
5. In the case of all lost badges, a report will be made to an appropriate law enforcement agency so that the badge number can be included in NCIC for national tracking purposes.



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D. Damaged/Worn Badges or Credentials

Damaged or severely worn OIG badges or credentials shall be turned in and replacements shall be issued.

E. City Property

All OIG badges and/or credentials are property of the City of Detroit and must be immediately relinquished upon request of a supervisor or at the termination of employment.

Employee Acknowledgement:

I, _____ acknowledge that I have read
OIG Employee

And will abide by the Office of Inspector General's Policy on Badges and Credentials.

X

OIG Employee

Badge #

OIG Identification