



## CLOSED CASE SUMMARY

ISSUED DATE: MARCH 3, 2018

CASE NUMBER: 2017OPA-0936

### Allegations of Misconduct & Director’s Findings

**Named Employee #1**

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times	Not Sustained (Unfounded)

*This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.*

### EXECUTIVE SUMMARY:

The Complainant alleged that Named Employee #1 was hostile and degrading when she stood in front of the Complainant's car and shouted that it was the Complainant's own fault that she (the Complainant) could not move into another lane.

### ANALYSIS AND CONCLUSIONS:

#### **Named Employee #1 - Allegation #1**

#### **5.001 - Standards and Duties 9. Employees Shall Strive to be Professional at all Times**

Named Employee #1 (NE#1) was flagging traffic when she encountered the Complainant. The Complainant stated that when she stopped her vehicle because of traffic, NE#1 tapped on her vehicle. The Complainant stated that she lowered her window and asked NE#1 not to tap on her vehicle. NE#1 asked the Complainant to move into the right lane (inside lane), and the Complainant reported telling NE#1 that she could not because of the car in front of her. The Complainant then raised her window.

The Complainant stated that NE#1 tapped on her vehicle a second time and made the same request. The Complainant indicated that she again gave the same reply. The Complainant explained that pedestrians began walking in front and behind her car because she was stopped in a crosswalk and that NE#1 began rudely telling the pedestrians that it was the Complainant’s fault that the pedestrians were blocked. The Complainant reported that this upset her. Once the traffic was clear, the Complainant asked NE#1 for her identifying information and stated that NE#1 quickly stated her name and serial number. The Complainant then told NE#1 that she would not move her vehicle until she had time to put NE#1’s information into her phone.

NE#1 stated that the Complainant attempted to turn into the outside lane that was full with vehicles. NE#1 signaled for her to move to the inside lane where there was significantly more space and would allow the crosswalk to be clear. NE#1 stated there was enough room for the Complainant to move her vehicle and clear the crosswalk. When the Complainant would not move, NE#1 tapped on her window and asked her to move into the right lane. The Complainant let her window down told NE#1 not to touch her car and then put her window back up. When the pedestrians began to cross, NE#1 stated she stood in front of the Complainant’s car while pedestrian were in front



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and behind the car. NE#1 recounted that the pedestrians began to complain about the Complainant blocking the crosswalk and NE#1 said that she told the pedestrians that it was safe to cross. NE#1 further told the pedestrians that she had requested the Complainant to move her vehicle but that the Complainant would not move to the right lane. When the traffic moved, NE#1 stated she told the Complainant she could move forward and stepped from in front of the Complainant's vehicle. The Complainant then put her car in park and would not move. NE#1 stated that she provided her name and serial number when the Complainant requested it. NE#1 further stated that she was professional and that she told the Complainant (prior to the pedestrians crossing), that if she moved into the right lane, she would allow the Complainant to move to the left lane when traffic cleared.

A witness officer observed the dispute between NE#1 and the Complainant. He did not report hearing any yelling. The witness officer reported seeing the Complainant's car in the intersection during this interaction. He then made contact with both NE#1 and the Complainant. NE#1 indicated that they had engaged in an argument. The witness officer spoke with the Complainant who appeared to be upset and was near tears. She was upset that NE#1 had touched her car and corrected her in front of the pedestrians. The witness officer noted that, during his conversation with the Complainant, he was leaning on her car and she also asked him not to touch her vehicle. The Complainant indicated that she wanted to make a complaint and the witness officer facilitated that process. This interaction was largely captured by the witness officer's In-Car Video (ICV).

After reviewing the ICV and the statements provided by the Complainant, NE#1 and the witness officer, I find that NE#1 was working in a very busy intersection and asked the Complainant to move into a lane that she did not want to move in. When the pedestrians began to cross, NE#1 stood in front of the Complainant's car for the safety of the pedestrians, and attempted to explain to them why the car was stopped in the crosswalk. While that conversation may have been somewhat gratuitous and, as the Complainant alleged, purposed to embarrass her, I cannot definitively establish that this was the case. Based on the evidence available, I do not find that NE#1's conduct violated policy in this instance. For these reasons, I recommend that this allegation be Not Sustained – Unfounded.

Recommended Finding: **Not Sustained (Unfounded)**