



CLOSED CASE SUMMARY

ISSUED DATE: NOVEMBER 23, 2018

CASE NUMBER: 2018OPA-0477

Allegations of Misconduct & Director’s Findings

Named Employee #1

Allegation(s):		Director’s Findings
# 1	5.001 - Standards and Duties 10. Employees Shall Strive to be Professional	Not Sustained (Inconclusive)

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 the Named Employee was unprofessional towards her while she was waiting to board a ferry.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegations #1

5.001 - Standards and Duties 10. Employees Shall Strive to be Professional

The Complainant alleged that she was waiting in line for the Coleman Dock ferry when she had a negative interaction with Named Employee #1 (NE#1). The Complainant stated that she was in line and she heard NE#1 yell: “do it now” and “today.” The Complainant told OPA that she mistakenly believed that NE#1 was talking to her and was directing her to drive onto the ferry. She then pulled out of line and drove to the onboarding area. Once there, she was told by another officer that they were not yet boarding her ferry. She explained that she believed that she had been told to drive there by NE#1 and that he had been rude to her. The other officer acknowledged that they received many complaints concerning NE#1 and told her to wait there so that they could figure out what she should do next. The Complainant stated that NE#1 then came to where she was stopped. NE#1 told her that she had to go to the end of the line and refused to acknowledge that he had previously given her conflicting instructions. She recounted that he was rude and aggressive towards her. She stated that she called NE#1 a “jerk” and told him that she was going to file a complaint against him. She explained to OPA that she referred to NE#1 using this term because he was “barking” orders at drivers and because he “yelled” at her.

As part of its investigation, OPA also interviewed NE#1. He told OPA that he works at the dock up to two times per week. He recalled interacting with the Complainant on the date in question. He stated that they observed her pull to the front of the line and, when he spoke to her about it, she confirmed that he did not send her and, instead, that she deliberately attempted to move up in line. NE#1 stated that, when he told her that she needed to get back in line, she became aggressive and starting “chipping” at him. He told OPA that she made another “snide” comment when he saw her later. NE#1 denied that he engaged in unprofessional behavior in this instance. He recalled that,



due to how “tense” the interaction was, he told the Complainant that he was going to activate his Body Worn Video (BWV) and attempted to do so. However, he later determined that his BWV had not actually activated.

OPA was not able to identify the other officer who the Complainant interacted with. OPA did interview one other officer, but that officer told OPA that he did not recall the incident. OPA reviewed third-party video from the dock; however, it did not prove or disprove the Complainant’s allegations. As discussed above, NE#1 did not record BWV. Lastly, OPA determined that NE#1 has had at least three other complaints against him regarding his work at the ferry dock. Even though this is concerning, it does not necessarily mean that he engaged in misconduct in any of those cases or, for that matter, that he did so here.

While OPA deems the Complainant to be credible and sees no motivation for her to fabricate this incident, there is insufficient evidence to either prove or disprove her claims. The Complainant and NE#1 provide irreconcilable accounts and, given the lack of video evidence, I cannot determine which one is accurate. For these reasons, I recommend that this allegation be Not Sustained – Inconclusive.

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