



December 28, 2011

Final Investigative Report Concerning Ombudsman Complaint 2011-0205

COMPLAINT

On November 16, 2011, a complaint was filed with the Municipal Ombudsman's office alleging the following: (1) the complainant was riding on a People Mover bus and speaking to the driver when the driver told her to sit down and the complainant did so; the driver then pulled the bus over and told the complainant to get off the bus or the driver would call APD; the complainant got up and alleges that the driver pushed her through the back door of the bus into a snow drift. (2) The complainant states she called APD to report the bus driver's alleged assault and the officer failed to investigate the assault or to give her a police report.

FINDINGS

The first allegation regarding the People Mover bus driver was recorded by video on the bus and the video was reviewed by Ombudsman's Office. The video confirms most of the complainant's allegations - that the People Mover driver pulled the bus over; told the complainant to get off the bus or the driver would call APD; and that the bus driver held her hand up behind the complainant and, more likely than not, touched the complainant as she exited the back of the bus. Although People Mover management states the video is unclear as to whether the driver touched the complainant, it states the driver's behavior was unacceptable. Thus, People Mover provided a written apology as well as apologized in person to this complainant. People Mover also agreed to provide federal Title VI training to all of its bus drivers. **Thus, the first allegation of the complaint is JUSTIFIED.**

The second allegation - that an APD officer failed to investigate the alleged assault and failed to give the complainant a police report - resulted in a response from APD that its policy in situations where there are no reported injuries, no witnesses, and no domestic violence, is typically not to issue a police report, but to issue an incident report. In this situation, the complainant did not report any injuries, indicated there were no witnesses, and the incident did not involve domestic violence; thus, APD gave her an incident report. **Thus, the second allegation of the complaint is NOT JUSTIFIED.**

ANALYSIS AND CONCLUSION

Allegation involving People Mover. On or about November 13, 2011, the complainant boarded the #8 bus at the downtown Transit Center. The complainant alleges, and the People Mover

video shows, that the driver stopped the bus between bus stops near Northway Mall, and spoke to a person on the street; the driver offered and allowed this person to board the bus without paying the fare. The complainant stated that she believed the bus was operated by the same driver that allegedly “stranded” her twice the previous day; she stated she was concerned about the different treatment that she received compared to this passenger. The complainant alleges, and the People Mover video shows, that the complainant, in a non-confrontational manner, approached the driver while that driver was operating in the bus, and asked her if she was driving the #3 the previous day. The driver confirmed that she had been driving the #3 and the complainant asked why the driver stranded her twice the day before. The driver told the complainant to sit down. The complainant did sit down near the rear of the bus. The driver pulled the bus over, demanded that the complainant leave the bus and threatened to call the police if the complainant didn’t leave. The complainant alleges that the bus driver “shoved” her “into a snow bank.” (A pile of snow was visible on the video between the bus and the sidewalk; however, the complainant did not appear to stumble as the result of a “shove”.) Although People Mover states the video is unclear as to whether the driver touched the complainant, the video shows one of the driver’s hands behind the complainant, and what appears to be, more likely than not, contact on the complainant’s back, with the comment “get out.” **For all of the above reasons, the first allegation of the complaint is justified.**

People Mover responded to this incident immediately. People Mover managers spoke with the complainant and People Mover conducted an internal investigation. On or about November 30, 2011, People Mover Operations and Maintenance Superintendant met with the complainant and offered a verbal apology and formal letter of apology. People Mover agreed to provide federal Title VI training for all People Mover drivers, as well as customer service training. Since personnel matters are confidential, there is no information in this report regarding those matters. **Since action to remedy this allegation has been or will be taken, no further action is necessary.**

Second allegation involving APD. The complainant claimed that when she contacted the Anchorage Police Department regarding this incident, the APD officer did not investigate or issue a police report. Upon inquiry, APD informed this office that in situations where there are no observable injuries, no witnesses, and no evidence of domestic violence, APD does not issue police reports, but instead issues incident reports, which includes all pertinent information. In this situation, the complainant stated that she called APD at or around 1:00 p.m. and at about 8:00 p.m. that evening, an APD officer arrived at her residence. According to both the complainant and APD, she did not report any, nor were there any visible injuries, there were no witnesses, and there was no domestic violence. Therefore, the officer did not issue a police report, but issued an incident report. **For all of the above reasons, the second allegation is not justified.**

In summary, the first issue of this complaint is justified. Because the department took action to address this issue, no further actions, outside of the training, is recommended. The second issue is not justified. For all of these reasons, this matter is closed.

If you object to the Ombudsman's decision to decline or discontinue this investigation or review, you may file a grievance with the Ombudsman as specified in A.M.C.R. 2.60.006. A preliminary report regarding this matter was provided to the division and department.



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