

**OFFICE OF INSPECTOR GENERAL
CITY OF ALBUQUERQUE**



**Investigative Report
Case # 12-214**



OFFICE OF INSPECTOR GENERAL
CITY OF ALBUQUERQUE

June 27, 2012

Bruce Rizzieri
Director, ABQ-Ride Department
City of Albuquerque

Dear Mr. Rizzieri,

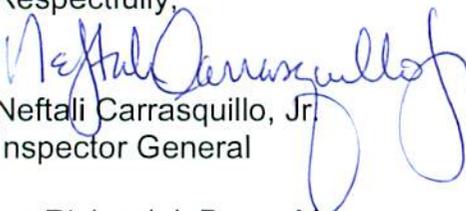
Re: OIG-12-214: Alleged Accident/Injury Involving Sun Van Chauffeur

On November 4, 2011, the Office of Inspector General (OIG) was notified that Tran2 wanted to speak with us about helping with an investigation of an alleged accident. On November 7, 2011, the OIG met with Tran3 and Tran2 at the Transit Department. During this meeting, the OIG was shown, and later provided, a video of an alleged accident/injury involving Tran1 which occurred on October 26, 2011. The concern was that Tran1 was claiming injuries sustained from the alleged accident and the video called into question the veracity of this claim. The OIG verbally advised the Transit Department that we would be investigating the alleged accident/injury and that the OIG wanted to be informed of any actions being taken by the Transit Department related to this matter. This did not occur.

The failure of the Transit Department to keep the OIG informed resulted in an inadequate investigation and investigative report, which in turn resulted in a settlement that cost City taxpayers more than it could have because the City would have been in a better position to settle for a lesser amount. The series of events detailed in this report illustrates clearly the results of a City Department's attempts to do investigations with personnel inadequately trained to conduct such investigations.

Enclosed please find a copy of the OIG's investigative report regarding this matter.

Respectfully,


Neftali Carrasquillo, Jr.
Inspector General

cc: Richard J. Berry, Mayor
City Council
Robert J. Perry, CAO

John Soladay, COO
Lou Hoffman, Director DFAS
Peter Ennen, Risk Management

Executive Summary

On November 4, 2011, the Office of Inspector General (OIG) was notified that Tran2 wanted to speak with us about possibly helping with an investigation of an alleged accident. On November 7, 2011, the OIG met with Tran3 and Tran2 at the Transit Department. During this meeting, the OIG was shown, and later provided, a video of an alleged accident/injury involving Tran1 which occurred on October 26, 2011. The concern was that Tran1 was claiming injuries sustained from the alleged accident and the video called into question the veracity of this claim. The OIG verbally advised the Transit Department that we would be investigating the alleged accident/injury and that the OIG wanted to be informed of any actions being taken by the Transit Department related to this matter. This did not occur.

After review of the Transit Department's investigation and meeting with Risk Management, the OIG decided to re-investigate the alleged accident/injury involving Tran1. The OIG investigation included conducting interviews with Transit Department personnel, interviewing an external resource with transit experience, reviewing documents and information provided, and gathering evidence. Based on the investigation conducted, the OIG concludes the following:

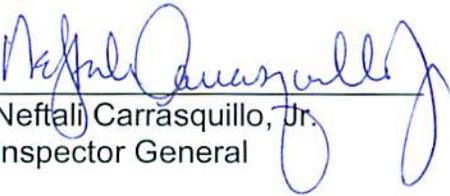
- 1. That Tran4 was tasked with investigating the alleged accident/injury involving Tran1, which occurred on October 26, 2011.**
- 2. That Tran4 is not an accident investigator, that he has no formal accident investigation or accident reconstruction training, nor is conducting accident investigations part of his job description as stated by him.**
- 3. That on December 28, 2011, Tran4 issued his investigative report which concluded the following:**
 - a) Tran1 was properly trained on the wheel chair lift procedure;**
 - b) Tran1 failed to place the gearshift selector in the Park position before exiting the vehicle and trying to operate the wheel chair lift;**
 - c) Tran1 released the Park brake while standing outside the vehicle with the driver's door opened while the van was in Drive causing the van to roll over the curb and into the parking lot grassy area;**
 - d) Tran1 made a false report to dispatch regarding this incident;**
 - e) Tran1 failed to maintain control of the vehicle creating a severe unsafe condition for the public, her and the vehicle; and,**
 - f) Tran1 did not intentionally allow the van to roll over the curb and into the grassy area.**
- 4. That the City, based on the conclusion's made by Tran4, settled a workman's compensation claim with Tran1 for a higher amount than they could have.**
- 5. That the investigative report submitted, by Tran4, did not include important facts that could have had an effect on the settlement determination, such as that Tran1 was untruthful about certain key elements of the events.**

6. That Tran4, having evidence to controvert Tran1's assertions, never affectively challenged those assertions.
7. That Tran4 had insufficient basis for concluding that Tran1 did not intentionally cause the accident.

The OIG makes the following recommendations for consideration by the Transit Department:

1. That the Transit Department considers formal accident investigation training for those managers that may be tasked with investigating accidents in the future, and/or utilize those with expertise to provide guidance for these investigations.

Details of the investigation are contained within the investigative report and are attached to this executive summary



Neftali Carrasquillo, Jr.
Inspector General

OIG INVESTIGATIVE REPORT

On November 4, 2011, the Office of Inspector General (OIG) was notified that Tran2, wanted to speak with us about helping with an investigation of an alleged accident. On November 7, 2011, the OIG met with Tran3 and Tran2 at the Transit Department. During this meeting, the OIG was shown, and later provided, a video of an alleged accident/injury involving Sun Van Chauffeur Tran1 which occurred on October 26, 2011. The concern was that Tran1 was claiming injuries sustained from the alleged accident and the video called into question the veracity of this claim. The OIG verbally advised the Transit Department that we would be investigating the alleged accident/injury and that the OIG wanted to be informed of any actions being taken by the Transit Department related to this matter. This did not occur.

On or about December 15, 2011, after numerous attempts to contact Tran3 to request information, the OIG was advised that the investigation had been conducted and completed by the Transit Department and that possible disciplinary action was pending. The OIG met with the Director, ABQ-Ride on December 30, 2011 to express our discontent with the lack of cooperation we received from his Department. The Director asked the OIG to show where it stated they had to inform the OIG of anything. The OIG respectfully advised and referred the Director to the IG Ordinance, and as such, decided to drop the matter at that time.

On March 16, 2012, the OIG requested a copy of the investigation report conducted by the Transit Department to include with our file of the matter. The OIG was advised by the Director that they could not provide the report because this was a personnel issue and possible discipline was pending. The OIG was told the Transit Department did not want to jeopardize the department's case but would provide the information after the case was closed. The OIG advised the Director that the OIG would wait for the completion of disciplinary procedures currently pending, but pointed out that the Inspector General Ordinance, § 2-17-12 (B), ROA 1994, states that, "All city officials, employees and contractors shall provide the Inspector General full and unrestricted access to all city offices, employees, records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, electronic data, property equipment and facilities and any other materials within their custody." The OIG further pointed out that providing the OIG with a copy of the investigation would have no bearing or affect any ongoing disciplinary procedures.

On May 4, 2012, the OIG met with Risk Management as a result of being advised that the City had settled with Tran1. The OIG requested and was provided a copy of the Transit Department's investigation report by Risk Management. Risk Management told the OIG that because the investigation conducted by the Transit Department stated that Tran1 did not intentionally allow the van to roll over the curb and into the grassy area, the City had to settle. The OIG advised that the report found that Tran1 had made a false report to dispatch and that her actions caused the van to roll, and as such, disagreed with the settlement decision.

I. The OIG reviewed the taped interviews that were conducted by Tran4 of Tran5, Tran6, and Tran1 regarding the alleged accident involving Tran1.

(a) On November 15, 2011, Tran5 was interviewed and advised by Tran4 that he was investigating an allegation of inappropriate conduct regarding an employee. Tran4 asked Tran5 if he had responded to a change-out or a roll-call for van 2828 on October 26, 2011, to which he stated yes. Tran5 was asked if he had inspected the van when he arrived at the location and he stated he found that the van had thrown the back serpentine belt and was advised by Tran1 that the van had lost its brakes and it didn't hold and it rolled into the median. Tran5 did not recall noting any damage to the vehicle. Tran5 stated that on the way back to the shop that he tested the emergency and regular brakes and that they worked fine. Tran5 stated that he had advised Tran1 that the serpentine belt had broken and that when Tran1 asked him if that had anything to do with or control the brakes he stated no. Tran4 asked Tran5 if he had told Tran1 if the belt controlled the brakes and he said no. Tran5 stated the serpentine belt does not control the brakes or cause a brake failure. Tran5 stated that the serpentine belt controls the power steering pump which could cause the regular brakes to be hard, but it does not cause the loss of brakes. The serpentine belt also has nothing to do with the emergency brake. Tran5 stated that he also tested both the emergency and regular brakes on an incline and decline and they held and worked fine.

(b) On November 16, 2011, Tran6 was interviewed and advised by Tran4 that he was investigating an allegation of inappropriate conduct regarding an employee. Tran6 was asked to explain the correct operating procedures that one would follow while operating a wheelchair lift of a para-transit vehicle. Tran6 stated that the wheelchair lift will not operate if: (1) the vehicle is not in park; (2) the emergency brake is not engaged; (3) in some vehicles, if the power toggle switch is not turned on; and (4) the wheelchair lift door is not open. Tran4 asked if it was common practice to engage or release the emergency brake while standing outside the vehicle and Tran6 stated that it was not common practice and was a safety hazard to do so. Tran6 stated that you should only release the emergency brake if you are seated with your foot on the service brake just in case. Tran4 asked Tran6 if Tran1 had been instructed not to release the emergency brake from outside the vehicle and Tran6 stated yes.

(c) On November 17, 2011, Tran1 was interviewed and advised by Tran4 that he was investigating an allegation of inappropriate conduct and procedure by her. Tran4 asked Tran1 to explain the events of October 26, 2011. Tran1 explained that on that morning she arrived at the scene to pick up a passenger when the van started making a loud metal sounding noise. Tran1 stated that she drove around in the area and parked to check the vehicle but did not see anything. Tran1 stated she got back into the van and called dispatch who advised her to standby while they checked with maintenance. When dispatch got back to her, Tran1 stated that they advised her to continue her route. Tran1 then stated she moved the van and parked to pick up her passenger and put the van in park and got out. Tran1 stated that when she went around the van to get in, the van started rolling. Tran1 stated she put her right foot into the van and part of her body was in the van as she tried hitting the emergency brake to stop it because she was being dragged. Tran1 stated she got the van to stop and avoided hitting two poles. Tran1 stated she got back into the van and drove it around, picked up the passenger, and called dispatch and explained what had happened. She was told to stay there and they would send maintenance out. Tran1 stated that Tran5 arrived and looked under the van, opened the hood and started checking things when he pulled out a belt and stated

“Oh yeah it was definitely your brakes”. Tran1 went back to the office, filled out a report and was driven to City Health Center.

Tran4 asked Tran1 if she had received any injuries as a result of the incident and she stated she had sprains and strains in her lower back and leg. Tran1 stated that her Doctor put her off work, for a period of time, and then recommended light duty. Tran1 stated she submitted a claim but it was denied.

Tran4 asked Tran1 if before starting her day on October 26, 2011, if she had conducted a pre-inspection of her vehicle and she stated yes. Tran4 asked Tran1 if she had noticed any discrepancies with the vehicle, emergency or service brakes and she stated no. Tran4 asked Tran1 if she had been trained on the correct operating procedures to operate a wheel chair lift on a para-transit vehicle and she stated yes. Tran4 asked Tran1 if she had been trained on the correct safety procedures to follow while operating a wheel chair lift and she stated yes.

Tran4 asked Tran1 if she put the van into park when she arrived at the scene before she exited the vehicle to operate the wheel chair lift and she stated yes. Tran1 was asked if she engaged the emergency brake and she stated yes and added that the lift cannot be operated without having the emergency brake on. Tran1 was asked if she released the emergency brake from outside the vehicle before it rolled into the grassy area and she stated no. Tran4 asked Tran1 if she had left the van in drive or neutral when she tried to operate the wheel chair lift before it rolled into the grassy area and she said no and added that it was in park. Tran4 asked Tran1 to explain the way the wheel chair lifts works and what parameters have to be in place in order for it to work to which she explained the correct procedure.

II. On April 18, 2012, the OIG met with Resource1 in order to utilize his expertise and experience in reviewing the facts of the alleged accident/injury involving Tran1. Resource1 has over 35 years in the Transit field with 13 years in a supervisory and management capacity. Resource1 has investigated numerous accidents, over his career, has testified in court and is also on the City’s Transit Advisory Board.

Resource1’s review of the facts included listening to the interview of Tran1 recalling how the alleged accident/injury occurred and then shown the video/audio of Tran1’s actions during the incident. The video/audio comes from the on-board cameras of the van and shows four (4) different camera angles: (a) the van driver seat and a small area behind the driver, (b) the door where passengers enter the van, (c) the area outside and directly in front of the van, and, (d) the interior passenger seating area.

Resource1 was asked to render his opinion, based on his expertise and experience, on the following questions:

1. If the van started rolling as Tran1 approached it as Tran1 stated in her interview with Tran4.

Resource1 stated that the video shows Tran1 walking in front of the van and opening the driver door. At no time does the van begin to roll as she approached it

as Tran1 stated in her interview. Thus, Tran1 was not being truthful when she stated that when she went around the van to get into it, the van started rolling.

2. What actions, if any, caused the van to roll?

Resource1 stated that the video shows that when Tran1 opens the van driver door it seems she reaches in and releases the emergency break and that that action immediately causes the van to start rolling. Resource1 stated that he could hear a pop when Tran1 seemingly released the emergency brake but he wanted to personally check out the same model vehicle to make sure. Resource1 subsequently called the OIG and advised that he had the opportunity to check a similar model vehicle. Resource1 stated that he was sure that what Tran1 was seen doing was in fact releasing the emergency brake and that the sound he heard on video was, in fact, the sound of the emergency brake being released. Thus, Tran1 was not being truthful when she stated that she had not released the emergency brake from outside the vehicle before it started rolling into the grassy area.

3. If the actions that caused the van to roll indicate that the van had been placed in park as Tran1 had stated in her interview with Tran4?

Resource1 was asked if the van had been placed in park, would it have rolled as shown in the video when the emergency break was released. Resource1 stated that the van had not been placed in park and was either left in drive or neutral for it to immediately roll when the emergency brake was released. Thus, Tran1 was not being truthful when she stated that she had placed the van in park when she arrived in the area to pick up her passenger.

4. If the video showed that Tran1 was being dragged as she stated in her interview with Tran4?

Resource1 stated that from what he could observe of the video, it showed Tran1 running alongside with the vehicle while she was attempting to stop it. Resource1 stated that it did not seem to him that the area where the van started rolling had any steep incline nor the distance from start of roll to stopping was long. Resource1 stated that he would have to actually visit the scene to make sure but it also did not seem like she was being dragged as she stated.

III. On May 9, 2012, Tran5 was interviewed. Prior to being interviewed, Tran5 acknowledged that he had been issued and received a Letter of Interview. Tran5 was also advised that he was entitled to have a union representative with him during this interview and he stated he did not require one. Tran5 was also advised that the interview would be taped and that an oath would be administered to which he acknowledged.

Tran5 was asked to recall his responses to the alleged accident/injury of Tran1 on October 26, 2011. The facts recalled by Tran5 basically matched the facts provided to Tran4 when interviewed on November 15, 2011. Tran5 stated that he was told the emergency brakes didn't hold and he stated that there were three (3) things wrong with

that picture: (1) the vehicle has to be in park before the wheel chair will even move, (2) if the van is in park, the only way it will get out of park is if it breaks the pin in the transmission then the shifter indicator will shift, and (3) the emergency brakes held because he had tested them and they worked. Tran5 was asked if he understood what Tran1 was claiming and he stated yes but that he tested the brakes and they worked fine and held. Tran5 was asked if you stop the van and leave it in neutral or drive, intentionally or not, and apply the emergency brake will the vehicle move if the emergency brakes are working and he stated no it will hold. Tran5 was asked if you release the emergency brake and the vehicle had been left in neutral or drive, intentionally or not, he stated the vehicle will move. Tran5 stated that there was no problem with the brakes.

Tran5 was asked if had had shown Tran1 the belt and he said he did. Tran5 was then asked if he ever told Tran1 that the broken belt meant it was her brakes. Tran5 stated she asked him if the belt would cause the brakes not to work and he said no. Tran5 was asked if Tran1 had stated that he (Tran5) told her (Tran1) that it was the breaks when he showed her the belt was accurate and he said no. Thus, Tran1 was not being truthful when she stated that upon checking the vehicle; Tran5 showed her the belt and stated it was the brakes. Tran5 stated at no time did he ever tell Tran1 that the van had any problems with the brakes. Tran5 went on to state that she kept asking him if it was the brakes and he told her several times no.

IV. On May 9, 2012, Tran4 was interviewed. Prior to being interviewed, Tran4 was advised that the interview would be taped and that an oath would be administered to which he acknowledged.

Tran4 was asked how long he has been conducting accident type investigations to which he stated that he doesn't do investigations very often and only periodically. Tran4 stated that he has been doing them since approximately 2004 and has conducted about 10-15 investigations. Tran4 was asked if conducting accident investigations was part his job description and he stated no. Tran4 was asked what type of training he has received and he stated that the only formal training he has received was part of the City supervisor's workshops which involved covering policies and procedures the City has, discipline issues, investigations and procedures to follow. Tran4 was asked if he has ever received any accident investigation training and he said no. Tran4 was asked if he ever received any accident reconstruction training and he said no. Tran4 was asked if he felt he was qualified to do this type of accident investigation and he stated that he believed he was qualified to do employee misconduct investigations and this type of accident investigations based on his experience, the supervisor classes he has attended and the past investigations he has already conducted.

Tran4 was asked how/why he was asked to conduct this investigation and he stated that when this incident had happened there was an initial concern that it was mechanical in nature. He stated that Tran3 and Tran2 had reviewed the tape and had concerns that Tran1 had intentionally caused the accident. At that time the investigation was assigned to him, Tran4 stated that he proceeded to review the tape, several times, and then interview witnesses. Tran4 stated that his impression of what he saw on the video was that Tran1 stopped the van to pick up a passenger. That when Tran1 tried to

activate the wheel chair lift it did not activate so she walked back around to see what was wrong, she popped the emergency brake and it rolled into the grassy area.

Tran4 stated he was tasked to investigate whether or not Tran1 intentionally caused the accident. Tran4 was asked if when he asked Tran1 if she had released the emergency brake from outside the vehicle before it rolled in the grassy area, if Tran1 was being truthful when she stated she had not and Tran4 stated he found that to be lying on her part. Tran4 was asked if when Tran1 stated that when she went back around to the vehicle, as a result of the wheel chair lift not activating, that the vehicle started moving was Tran1 being truthful Tran4 stated that that was not an accurate statement. Tran4 was asked what caused the vehicle to move and he stated that he found that Tran1 failed to follow procedures to operate the wheel chair lift; that she had left the van in drive and it should have been put in park; she set the emergency brake and that's why the wheel chair lift did not operate. She went back to the vehicle to find out what was going on and she released the emergency to reset it and then the van took off. Tran4 was asked again what caused the vehicle to move and he stated her releasing the emergency brake.

Tran4 was asked if when Tran1 was asked at least twice whether or not she had put the van in park and she answered yes if this was accurate and Tran4 stated that that comment was false. Tran4 was asked if Tran1 was being dragged by the van when it started to roll as she claimed and he stated that what he observed is that when the van started to roll after she released the emergency break Tran1 was leaning in and looked like she panicked and seemed like she tried to jump in to get the van to stop and couldn't and so she ran along with the van until the van hit the curb and stopped and at this point Tran1 jumped in. Tran4 stated that he did not see her being dragged.

Tran4 was asked why if he had evidence that she had lied about what caused the van to move, that she had placed the van in park, that she was dragged, why he concluded that she did not intentionally cause the accident? Tran4 agreed that her actions caused the accident but he wanted to be clear that there was a difference in maliciously intentionally causing an accident and being negligent. The OIG advised that we agreed with his distinction but we disagreed with his conclusion that she did not intentionally cause the accident because he did not have a sufficient basis to come to that conclusion. Tran4 could and should have clearly concluded and stated in his report that Tran1 was trained and knew the proper operating procedures for wheel chair lift operations and that her failure and negligence in following these procedures caused the van to roll and that she lied several times as to the facts surrounding this incident. A conclusion that Tran1 did not intentionally cause the accident should not have been made nor stated.

Tran4 never directly asked Tran1 if she intentionally caused the accident. Tran4 never challenged her inconsistencies in her responses which he stated were false; and in his report he concluded she made a false report to dispatch. Tran4 never showed Tran1 the video to counter her assertions. Tran1 also submitted a false Transit Department Incident Report for this incident which Tran4 never confronted Tran1 with. Tran1 also was not being truthful when she stated that Tran5, upon inspecting the vehicle, told her that it was the brakes. It is clear that the van had absolutely no

problems with the brakes based on what Tran5 stated in his two interviews. Tran4 did not offer key facts that could have been utilized and may have had an important bearing on a settlement cost determination. Tran4 felt that based on what he was tasked to do that he had completed that task through his investigation.

V. On May 11, 2012, Tran3 was interviewed. Prior to being interviewed, Tran3 was advised that the interview would be taped and that an oath would be administered to which she acknowledged.

Tran3 was asked if she recalled the OIG meeting with her, and other Transit Department personnel, in her office because it was believed that Tran3 had possibly intentionally wrecked the van she drove to which she stated she recalled the meeting. Tran3 was asked if she remembered the OIG advising her that we would be conducting this investigation and wanted to be advised of any interviews to be conducted and that OIG had made numerous phone calls and left message for updates which were never returned. Tran3 stated that it was her understanding that the OIG was present for the interviews and we advised we were not. Tran3 stated that she was told by Risk Management that the reason the City had to settle with Tran1 was because of the conclusion made by Tran4 that Tran1 had not intentionally caused the accident. Tran1 stated that she believed that Tran4 concluded that she was negligent but that it was not purposeful.

Tran3 was advised that the OIG was displeased with the lack of cooperation by the Transit Department due to the lack of returned phone calls and updates and she stated that she did call and gave us the files and we advised her that we were provided with the information on December 15, 2011 which was a month after the interviews had been conducted. Tran3 was asked if she remembered the OIG advising her that we would be looking to meet with the Director and she stated that the Director was involved every step of the way and was following instructions that she was given. Tran3 was advised that because we were not informed in a timely fashion, the OIG was not able to be involved and could not conduct a more thorough investigation which could have possibly affected the settlement cost determination.

Tran3 stated that when she met with Risk Management and the Workman's Compensation (WC) Attorney handling the claim, they stated that under the WC statute, even if as an employee you go out and purposefully get hurt and you lie about it in an investigation you are still entitled to benefits but at a lower percentage. Tran3 stated that the Attorney felt they would have to pay something anyway but because Tran4 stated it was not intentional they might have to pay a higher percentage.

VI. On May 16, 2012, Tran1 was interviewed. Prior to being interviewed, Tran1 acknowledged that she had been issued and received a Letter of Investigation. Tran1 was also advised that she was entitled to have a union representative with her during this interview and she stated that she had asked her lawyer to be present but was not sure if he would make it but was fine with going forward and being interviewed. Tran1 was also advised that the interview would be taped and that an oath would be administered to which she acknowledged.

Tran1 was asked to recall what happened on October 26, 2011 to which she proceeded to describe the events as she did in her November 17, 2011 interview conducted by Tran4. Tran1 stated that as a result of being dragged by the van, she sustained injuries to her sciatic nerve, lower back and leg, as well as, scraping her knee and had no prior conditions or injuries. Tran1 stated that she was half way in-half way out and her leg was dragging on the ground and her shoe was all torn.

Tran1 was advised that the OIG had reviewed the video of the accident, listened to the interviews conducted, read the investigative report issued and consulted with a Transit expert. Tran1 was told that we noted some inconsistencies in what was said and what was seen. The first inconsistency discussed with Tran1 was her assertion that Tran5, the mechanic that arrived at the scene, told her that it was the brakes when he showed her the serpentine belt. Tran1 was told that the mechanic denied ever telling her that there was anything wrong with the brakes which contradicted what Tran1 stated.

The second inconsistency that was discussed with Tran1 was her response to Tran4's question as to whether she released the emergency brake from outside the vehicle before it rolled into the grassy area. The response from her taped interview was played and she answered no which was how she responded to the OIG. We then played the video portion where this event occurred and the video shows Tran1 walking in front of the van and approach the driver side door, open the driver side door, reach in and release the emergency brake from outside the vehicle just before it started rolling into the grassy area. Tran1 would not acknowledge that what she saw on the video was her releasing the emergency brake though that is the conclusion of Tran4 and Resource1 and what is seen on the tape.

The third inconsistency that was discussed with Tran1 was her assertion that when she went around back to the vehicle, and just before she got into the vehicle, it started moving. Tran1's taped interview response regarding this issue was played for her, which matched what she had just told the OIG. We then played the video portion where this event occurred and the video shows Tran1 walking in front of the van and approach the driver side door but what we do not see is the van moving just before she got to it as she had stated in her interviews with Tran4 and the OIG.

The fourth inconsistency discussed with Tran1 was her response to the question if she engaged the vehicle in Park when she arrived at the scene to pick up her passenger. Tran1's taped response was played for her and she is heard answering yes to the question. We then played the video portion where this event occurred and the video shows Tran1 open the driver side door and reach in to release the emergency brake. Immediately upon releasing the emergency brake, the van starts rolling which both Tran4 and Resource1 agree that this signifies that the vehicle had not been place in Park as Tran1 had stated. If the vehicle had been in Park then releasing the emergency would have maybe caused the vehicle to jerk forward slowly but it would have stopped and not continue to roll.

Tran1 was advised that her depiction that she was dragged by the van is not what the video shows. Tran1 was told that both Tran4 and Resource1 describe this particular issue as Tran1 running along with the van and not being dragged as she asserted.

At this point, Tran1 was advised that the OIG would be issuing a report stating the facts and inconsistencies discovered in our investigation.