

- The email read, *"I believe we spoke since this email, but I think we need to meet ASAP. No matter what the Chief decides to do or not to do, we still need to keep the reps of our group updated and talk about the outcome of the recent CSO recruitment effort. For those of you who are not updated, we recently had 60 CSOs get selected to the Background process. Out of 60 people selected, they only sent 30% minorities included in that number were four black males were selected out of 34 were eligible, three black females out of 9 who were eligible, three Latino males out of ten, two Asian males out of 23, uh, one American Indian male out of three, and one Asian female was eligible, but was, uh, not sent to Backgrounds. There were 19 white males sent out of 49 and white females out of 20. These are all groups that we need to hire and we recruited. We have a Somali male, 13.43 who has been with MPD since he was 14 years old, and he was not sent to Backgrounds. St. Paul has just offered him a job as a CLO on Friday. There is no excuse for letting this young man get away from us. This is one of the topics we need to dis-, discuss along with how do we prevent this in the future with cadets and CSOs, how do we make sure that the Training Unit supervisors support this effort, what happened to the goal to-, of diversity this department and other units in the department, whose job is it to oversee our diversity training efforts I thought it was Sherman Patterson. Please look at your schedules and let me-, lets meet next week even if it's just some of us. The Chief needs to know that we still are very concerned about diversity."*

The following questions were asked and answered by Sgt. Callaway regarding the email:

Q: After reviewing and reading that, what was the-, tell me about the purpose of sending that information?

A: So, that our group would have all the information when we met with the Chief.

Q: And on the email, it was sent-, this information was sent to Inspector Arradondo, Nicole Archbold, Ab-, Abdirahman Muse, Lee Edwards, Arthur Knight, Toddrick Kurth, Charles Adams III, and Patrick Reuben. Did you include information in this text from the Excel spreadsheet with the hiring data in your-, in the body of your email?

A: Yes.

Q: At the time, did you think it was appropriate to release that data to all those people?

A: I did because we were going to discuss it with the Chief. I, I thought they should-, we can't discuss it-, have a discussion if, uh, we don't know what we're talking about.

Q: Did this group meet face-to-face at some point prior, prior to bringing this information to the Chief?

A: No.

Q: So, you-, is it-, is what you're telling me you were-, you were sharing your information about information from the spreadsheet with the group? Is that accurate?

A: I was giving them information that they would have before our meeting with her.

Q: And at the time that you drafted this if you recall the information from Destiny Xiong and you shouldn't use those numbers, did you continue to use these same numbers or did these numbers come from somewhere else?

A: Tho-, um, I would imagine these are same numbers from the-, from the stats.

Q: What was Destiny Xion-, Xiong's position with HR?

A: Yeah, she's a HR for MPD. HR person in charge of MPD.

Q: Was she the, the top person? Was she the person in control of this information?

A: I would imagine, yes.

Q: When you were given a written instruction that that information should not be used, what was-, what was the purpose of going forward with the same demographic information?

A: Um, I don't-, I don't understand, um, um, should not be used. I don't know what used what-, for what. Um, um, I guess-, like I said, I don't-, I didn't even-, um, I don't even remember that, that wording that's in her email, but, um, I'm not sure to-... I, I, I guess I didn't understand or didn't even, uh, think about used for what. Um, this was information that we were gonna talk to the Chief about and so, um, I felt like that it was information that, uh, since we're gonna be meeting with her that we were all gonna talk about that information and, um, and so I, I, I thought that that was, um, um, information that was going to be brought up at a meeting and that it was information that they should know.

Email from Office of Janee Harteau dated Monday July 21, 2014, 2:33 PM:

Sgt. Callaway reported she received an email from the Chief that read, "*She said I want to assure that I'm fully committed to diversifying our department. I just learned of the issues with the CSOs and have some discussion and have more set with HR to discuss how to best move forward. This is unacceptable and is being addressed. I will follow up with you once we have some resolution. If you have any additional questions or cer-, concerns, please let me know.*"

The following questions were asked and answered by Sgt. Callaway:

Q: After viewing and reading these emails in 16.a. and 17 as well as 16, some of the information contained in these two emails was broadcast on the KSTP news story that aired on local television. Are you aware of that?

A: I am now.

Q: Did you release any information to Jay Kolls?

A: Absolutely not.

Q: Did you release any information to KSTP?

A: Absolutely not.

Q: Did you have any correspondence via email with Jay Kolls?

A: Absolutely not.

Q: Did you have any email correspondence with KSTP?

A: Absolutely not.

Q: Did you talk with Jay Kolls on the phone?

A: Absolutely not.

Q: Did Jay Kolls ever call you to seek information?

A: Absolutely not.

Q: Did you ever have a conversation with Destiny Xiong, one-on-one, person-to-person, about who released this information to KSTP?

A: No.

Q: Specifically, did you inform Destiny Xiong that Sgt. David Burbank released this information to KSTP?

A: No, I did not. What I told Destiny was that I did not, um, give anybody outside-, that the people that I gave that email to was, um, our group and that, um, Dave Burbank also had that information and that, um, other people-, that, that, um, other people could've got that information from Dave. I don't-, I have no idea about Dave saying anything to, uh, um, a media outlet. I did not tell her that.

Q: When did you have that conversation with Destiny Xiong?

A: I don't remember when it was, but I was just-, um, I was just telling her, uh, you know, I, I think that, um, uh, words were getting back that, uh, Administration was pissed off at me and, um, I was telling her that I didn't tell anybody. I didn't tell, um, uh, people in the Urban League who were complaining about it. I didn't talk to any other, uh, um, [inaudible] different people. I did not talk to anybody, um, from the Urban League. I didn't talk to-, only officers, uh...

Q: Let's-, let's just stay with Destiny Xiong for a minute. Do you know when you spoke with Destiny Xiong or was it via email that you had this correspondence?

A: Uh, I don't even remember.

Q: Was this a face-to-face conversation?

A: Uh, I'm, I'm pretty sure-... I, I don't remember talking to her on the phone about it. Um, [inaudible cross-talking].

Q: Let me break it down one more time. Do you remember having a conversation with Destiny Xiong on the phone about this?

A: I don't remember if it was on the phone or face-to-face. I don't remember.

Q: Do you remember the date or time-

A: No.

Q: -or, or specifically a timeframe?

A: No, I don't.

Q: Do you have any firsthand knowledge of who released this information to the media outlet, specifically KSTP?

A: No, I do not.

Q: Did you forward this information to your personal email account, for example, specifically, the Excel spreadsheet with the CSO hiring data?

A: Um, I don't remember. I could've.

Q: Let me ask you one more time. Did you send this spreadsheet, Minneapolis Police Department Community Service Officer Candidates Recruitment Hire #21446 to your personal email?

A: I, I don't remember doing it. I could've, but I don't recall specifically.

Q: Just for clarification on my part. I would like to give you the following names and can, can you tell me what groups they were involved in: Lee Edwards, Arthur Knight, Toddrick Kurth, Charles Adams III, or-, and Patrick Reuben. What group were they a part of?

A: The group that we met with the Chief.

Q: Alice White?

A: Same group.

Q: Chief John Harrington and Chief, uh, Blair Anderson?

A: No group.

Q: Abdirahman Muse and Nicole Archbold?

A: Um, uh, the same group. Uh, Nicole Archbold. Uh, Abdi and Nicole are recruitment group.

Q: And Medaria Arradondo?

A: Same group.

Q: Same group meaning what?

A: Same group that we meet with the Chief.

Q: I'd like to review Department Policy with you. Under 4-501 Confidential Department Records, Reports, and Information, have you take, take a look at it. What does that policy mean to you? Can you tell me about that?

A: Numerous official files, documents, records, reports and information held by the MPD or in the custody or control of MPD employees are regarded as non-public and/or confidential. Employees shall not access, disclose or permit the disclosure or use of such files, document, report, records, or information except as required in the performance of their official duties and consent, um, with related to data practices. If an employee is uncertain of the status of any document, he should consult with, um, MPD Data Practices Specialist or supervisor of the Records Information Unit.

Q: After obtaining the information on the recruitment numbers, did you ever consult with a supervisor about the data?

A: No, I didn't.

Q: Did you consult with the MPD Data Practices Specialist or the supervisor of the Records Information Unit about the data?

A: No, I didn't.

Q: Did you seek out clarification about the information contained in the Excel spreadsheet with anyone?

A: No, I didn't.

Q: Under Policy 5-103...

A: Did, did you say explanation of the-, you said did I seek out explanation of the data?

Q: Yes.

A: Yes, from Destiny.

Q: And what were you told?

A: Uh, I just-, I read what you're told, but I was answering the question correctly.

Q: Did Destiny Xiong tell you not to use that information?

A: She said it was premature and shouldn't be used. Yes.

Q: And did she-, did she either verbally or in writing tell you to go ahead and, uh, go through the data, compile it, and release it?

A: No, she didn't.

Q: Did anyone above you either in rank or above you in, in, in the chain of the department either Civilian or Sworn instruct you to compile and put the final numbers together and send out to other members of either the police department or outside the police department?

A: No.

Q: Under 5-103 Use of Discretion, can you tell me about your use of discretion in this matter that we've talked about?

A: Um, I would say as it re-, um, relates to, um, the Chief, um, um, obviously, I was not using correct discretion [inaudible cross-talking].

Q: Which Chief are you talking about?

A: Harrington. Was not using, um, um, discretion of-, um, wasn't-... Um, obviously, I wasn't using discretion, but, um, with the other groups...

Q: How about with Chief Anderson before we move forward? You said you mentioned that...

A: Well, with the Chiefs. I said the Chiefs and then you said which Chief. The Chiefs, um, obviously, they are outside MPD and, um, I wasn't, uh, uh, using discretion. Um, with, um, the, the group, um, as I said before, I thought that I was giving them information that we were going to be using in meeting with the Chief, so.

Q: In the same vein, can you talk about your discretion in your sharing of the information with, with people in your-, in your two workgroups that you mentioned? Can you tell me-, tell me some more about that?

A: How-, I'm sorry.

Q: You mentioned that there's two other groups that you were a member of and, and you took the information...

A: No, I didn't say two other groups.

Q: OK. Clarify that for me.

A: You said two groups. One was a hiring group.

Q: OK.

A: And, and the other was a group that where we meet with the Chief.

Q: OK. Do you consider those to be two groups or do you consider them to be one group?

A: Um, no, they're two different groups.

Q: OK. That's what I'm talking about.

A: OK.

Q: In your use of discretion in sharing information contained in that Excel spreadsheet and you crunching numbers with those two groups, can you tell me about your discretion in sharing with those two groups?

A: I didn't share information with the hiring group, so and, and I just explained that the information that I gave the second group that meets with the Chief, um, that, um, um, I, I felt that giving that information to-, because that is not the entire group and so giving that group to, uh, um, to a limit of group of people who we usually meet first and then meet with the Chief and then bring it back to the larger group, um, I didn't think that that, um, I, I thought that me sharing that information was, um, normal. We, we talk about many things with the Chief and, and I-, and, and, um, uh, I felt we were definitely-, this is something we're gonna meet with her and talk to her about.

Sgt. Callaway denied she knew Jay Kolls. Sgt. Callaway denied she spoke with any media outlet unless it was, "PAL" related.

SUMMARY STATEMENT OF SERGEANT DAVID BURBANK

Sergeant David Burbank was interviewed in MPD IAU on 1/08/2015. His statement was recorded and taken under Garrity. Sgt. Burbank was sent an IAU notification on 1/02/2015. Lt. Delmonico was present from the Federation during the interview.

Sgt. Burbank reported he was working as a sergeant, assigned to the MPD Recruitment Unit. His supervisor was Lt. Jonathan Hoff. Just prior to the recorded interview, Sgt. Burbank viewed a KSTP video (Jay Kolls story,) dated 8/15/2014. In addition he viewed an Excel spreadsheet and an email from Heather Rende dated July 16th 2014.

Sgt. Burbank reported he was involved in the department's recruitment efforts. He stated, *"I go to various schools, um, colleges, community events. Um, just, um, put on classes for the recruitment team. Um, part of the recruiting process with information sessions when people are hired."*

Sgt. Burbank was asked about his involvement in a CSO Workgroup. He was asked the following questions and he provided the following responses:

Q: Are you a member of a CSO hiring group?

A: You have to, a little further on that.

Q: Sure. Is there a group of people that work for the Police Department that meet from time to time along with members of HR, Human Resources, specifically about recruitment efforts specific to, uh, Community Service Officers?

A: We have a hiring meeting in the Chief's Office generally scheduled for every other Tuesday.

Q: OK. And can you tell me who are members of that, that group that meet by name?

A: Uh, Deputy Chief-, Deputy Chief Glampe, Heather Rende, Destiny Xiong, Commander Case, Lt. Hoff, myself. Um, before Sgt. Follano was there. Um, now, Gerald Moore would be there. Um, there is Jen Rudlong was there. That's I can remember off the top of my head. Oh, oh, and Sgt. Callaway was at times there.

Q: Repeat that last one?

A: Sgt. Callaway. And Steve Bantle.

Q: You mentioned that this group meets approximately every other Tuesday?

A: Correct.

Q: And how long has this group been meeting and how long has it been formed approximately?

A: I've been meeting there since I started in that division almost three to five years, so.

Sgt. Burbank reviewed a MPD Special Order that was issued December 10, 2013. Special Order 13-047 and the subject of the order was, "Release of Non-Public Data and Employee Signature Required." Sgt. Burbank reported he acknowledged the special order and he signed the employee copy and the order was counter signed by his supervisor, Lt. Hoff.

Sgt. Burbank was given a copy of an email to review. The email was from Heather Rende. The email was dated 7/16/2014. The following questions were asked concerning that email and an email attachment:

Q: I'd like to show you a copy of an email, and can you take a look at this email and can you identify it for me?

A: My name is on there, so this is a email I received.

Q: OK. Can you read the date of the email, um, and the, the verbatim, uh, statement on the email?

A: Uh, it's from Heather Rende dated July 16, 2014, which is a Wednesday. "Here are the current CSO stats at this moment in time. They were sent to Backgrounds yesterday."

Q: And according to records, that email contained an attachment. I'd like to show you a copy of that attachment, and on the attachment on, on the bottom right, it has a red number two. Could you take a look at this spreadsheet and could you identify that spreadsheet for me?

A: Yeah, this is the basically the stats for the CSO hiring evolution.

Q: Do you have a memory of, uh, reviewing not only the email, but the spreadsheet?

A: Yes.

Q: In viewing the spreadsheet, on the top line it says "Last Updated: November 12, 2008." Did you consider this, uh, attachment with the Excel spreadsheet data-, did you consider this to be a final copy of information or was this some sort of a work in progress based on your estimation?

A: It'd be a work in progress otherwise you can just-, cause not everything is completed here and, um, it's just basically the initial process of people who went to Backgrounds, so the hiring process still is in place.

Q: You mentioned that HR personnel, Heather Rende, R-E-N-D-E, sent this out. By looking at the email, can you tell me the names of, of people that this was sent to?

A: Uh, Sgt. Jan Callaway, Lt. Jon Hoff, myself, and Commander Case.

Q: Were all four of these people that it was sent to are these members of the CSO group?

A: Yes.

Q: When you received this data on the Excel spreadsheet, did you consider that information to be public or non-public, and, and could you explain?

A: I'd say non-public. It's for use within to keep stats of tracking where we're at and progression of hiring.

Q: And in the bottom of Heather Rende's email, the HR Associate Consultant, there's a blue line it says "Notice:". Can you read that, that comment after "Notice"?

A: If message is received in error, please delete and notify sender. Sender does not waive confidential-, confidentiality or privileges. Uh-, unauthorized use is prohibited.

Sgt. Burbank was asked the following questions about a KSTP TV News report:

Q: At this-, at the beginning of our meeting today prior to the recorded statement, the KSTP television broadcast was viewed. It's on, um, CD, and the date of the

broadcast was 8/15/14. After reviewing that, can you tell me in general terms, um, tell me about that video? What you know just by viewing it?

A: Just that it was like kind of a slam on our recruitment efforts and that's about all I can really say.

Q: The information in that particular vide-, video, was it your belief that it-, that was in direct relation to that that email that was dated July 16, 2014, in which you were a recipient of?

A: It had information on it, but I really don't know.

Q: The KSTP video the broadcaster on there -- the news broadcaster -- was a person by the name of Jay Kolls, a reporter. I'd like to show you a, an image of Jay Kolls and some information that was pulled off the Internet about his previous experience, awards, and pers-, personal interests along with his-, a, a phone number that was listed on, uh, the open web about Jay Kolls. If you could review his name, his photo, and a phone number. In addition, I'd like to have you take a look at, uh, a page from Jay Kolls' Twitter account which lists his, his name and, and a way to get in contact him-, with him on his Twitter account. In addition, I'd like to have you take a look at a web story from the Internet that says Minneapolis Police email show minority recruitment numbers unacceptable news.

A: OK.

Q: Can you tell me about you specifically releasing the CSO hiring data to KSTP and/or Jay Kolls?

A: No, I did not release anything to the media nor did I talk to him about anything. It's...

Q: And I'll ask one more time in a different format. Did you talk to Jay Kolls on the telephone about any of this CSO hiring data?

A: No.

Q: Did you contact Jay Kolls via Twitter about any of the CSO hiring data?

A: No.

Q: Did you contact Jay Kolls in person about any of this CSO hiring data?

A: No.

Q: Did you contact Jay Kolls via an email-

A: No.

Q: -about this hiring data?

A: No.

Q: Was any of this hiring data sent to Jay Kolls via fax?

A: By me, no. Nothin'.

Q: During the time period of 7/16/2014 through approximately 8/16/2014, have you had any contact with Jay Kolls?

A: No.

Q: At any time during that same time period, 7/16/2014 through 8/16/2014, did you ask permission from a supervisor to release any of this CSO data, hiring data, um, did you ask a supervisor if you could release that information to Jay Kolls?

A: No.

Q: Was this information shared -- this CSO hiring data -- with anyone outside of the MPD by you?

A: No.

Q: Specifically, with that first email from Heather Rende, July 16, 2014, and the, the email page has a, a, a number one written in red Sharpie on the bottom right corner. Did you share this information with anyone outside of your work group?

A: In the...

Q: Specifically, the, the hiring data spreadsheet, the Excel spreadsheet.

A: I may have mentioned it to other officers that were Minneapolis, but I didn't, you know, let 'em handle it or anything.

Q: Did you specifically release the, the exact Excel spreadsheet that I have in front of you with a red Sharpie number two-, did you release this data on, on its face to anyone?

A: No.

Q: Can you tell me about a conversation that you had with Sgt. Jan Callaway when you informed Sgt. Callaway that you released this CSO hiring data to KSTP news?

A: No, I mean I never released it to KSTP news.

Q: Did you inform Sgt. Callaway that you released it to KSTP?

A: No.

Q: Did you inform Destiny Xiong that you released this information to KSTP news, specifically, um, in, in, in regards to the Jay Kolls story?

A: No, I never released this information to anybody.

Q: Did you release-, did you talk to Heather Rende and inform Heather Rende that you released the information to, uh, KSTP and in-, and specifically the Jay Kolls story?

A: Once again, it'd be no, I never released this information out.

Q: Can you tell me if you have any firsthand knowledge of any other member of the MPD that released this specific information regarding CSO recruitment numbers to the media?

A: No.

Q: In regard to MPD Policy 4-501 Confidential Department Records, Reports, and Information -- just for clarification -- did you consider the attachment -- the Excel spreadsheet with CSO hiring data and on the top "Last Updated: November 12, 2008," -- did you consider this information to be private data?

A: Yes.

Q: And did you release this data to anyone outside your hiring group?

A: Physically no.

Q: Did you send this information via email to anyone outside your hiring group?

A: No.

SUMMARY STATEMENT OF SERGEANT DAVID BURBANK (Follow-up interview)

Sgt. Burbank was scheduled a follow-up interview in Internal Affairs on 7/16/2015. The statement was recorded and taken under Garrity. Lt. Kroll from the Federation was present for the interview. Sgt. Burbank's previous statement was taken in MPD IAU on 1/08/2015.

Sgt. Burbank's assignment was MPD Recruitment. His current supervisor was Commander Gerald Moore. Prior to the interview, Sgt. Burbank reviewed a copy print-out of his previous statement and a copy of an Excel spreadsheet (CSDO hiring data) dated 11/12/2008.

The follow-up interview questions focused on questions from page 7 (verbatim print-out) of Sgt. Burbank's previous statement provided to IAU on 1/08/2015.

Sgt. Burbank reported he verbally shared information with Officer Eric Lukes. The information shared was information from the Excel spreadsheet (CSO hiring data.) When asked to explain the context in which the information was shared, Sgt. Burbank stated that he was in room 106 at the S.O.C. Officer Lukes was having a discussion with Sgt. Jan Callaway about recruitment numbers. Sometime during that discussion, Sgt. Burbank reported he allowed Officer Lukes to view an, "identical copy" of the Excel Spread sheet with the CSO hiring data. Sgt. Burbank estimated that Officer Lukes viewed the information on the Excel spreadsheet for under a minute.

Sgt. Burbank denied he provided Officer Lukes with a print-out copy of the Excel spread sheet. Sgt. Burbank denied he sent an email to Officer Lukes with a copy of the Excel spread sheet. Sgt. Burbank reported that the time frame of the conversation with Officer Lukes was prior to 7/16/2014.

Sgt. Burbank reported that his supervisor at the time was Lt. Jonathon Hoff. Sgt. Burbank reported that Lt. Hoff did not instruct him to share the information from the CSO Hiring data Excel spreadsheet with Officer Lukes.

When asked to give an example of the conversation he had with Officer Lukes, Sgt. Burbank stated the following:

"Well, when you look at the numbers that are coming in on the top end, you see got, um, 65 black males apply and you come down and only, um, four brought down to the final eligible list. Well, in this case, it's nine black males where 34 black males were brought down and then you end up...you know, I don't have full complete, but he just wondered why our numbers of diversity aren't coming in when the top end is showing that we have a lot of people applying. And the Native American is the one I use the most because you have five Native American males apply, two of them show up at the, uh, PT test, so all three made it all the way down and only one is allowed to go to the round table. And this is supposed to be a list where they can kind of pick from who they move."

When asked if Sgt. Burbank had any knowledge of any member of the MPD that released the CSO hiring data, Sgt. Burbank stated, no.

SUMMARY STATEMENT OF DESTINY XIONG

On 10/15/2014, I met with Destiny Xiong in MPD IAU for a recorded interview. Ms. Xiong managed the Human Resources hiring process for the MPD. Ms. Xiong described her job duties, *"That includes, but is not limited to, uh, hiring and recruitment, um, and selection process, um, as well as any-, um, provide assistance to supervisors in performance management, performance coaching, uh, provide any HR training that is necessary for the department, um, in addition to, um, providing some consultit-, consultative services as needed for, um, benefits, employee relations, and what not."*

When asked to describe the hiring process for CSO candidates, Ms. Xiong reported, *"With the CSO position, of course, it begins with an application process. The applications open-, could be open from anywhere between two to three weeks. Um, from the application, we do a screening process and selecting candidates that meet the minimum established qualifications in the job posting. Um, those who met the minimum qualifications will participate, um, in a fitness exam. Um, the fitness exams, uh, standards, um, or a fitness assessment for the CSO position is established by the Police Department. Candidates who, uh, complete the fitness assessment are then invited to an oral exam. The oral exam is conducted, uh, with, uh, uh, MPD personnel in the oral panels. Um, upon completion of the oral panels, um, uh, the application-, uh, details of the applicant or the profile is compiled for the, uh, the front office or the administration to review and then select candidates that they would like to move forward into backgrounds. Upon backgrounds, they-, um, that takes about approximately 12-16 weeks. Upon completing their backgrounds, then they are moved*

forward to a round table selection process in which the administration as well as myself sit in that round table and make our recommendations to the Chief on who we would like to be hired. Um, after the round table and recommendations are made, the Chief and I sit down, review those recommendations, she makes the final selections, um, and those final selected candidates are provided a conditional job offer contingent on a, uh, medical exam, psychological exam, and a, uh, pre-employment drug and alcohol test. Um, once all the candidates have successfully passed those conditions of their offer, then they are given the final offer, and then upon that final offer, they begin the academy."

Ms. Xiong described the records keeping process. She informed me that a spread sheet on demographic data is kept for potential candidates. The data was compiled on an Excel spread sheet and kept in Human Resources. Ms. Xiong reported the information on the internal document was confidential.

The following questions were asked of Ms. Xiong:

Q: Do you know of a work group within the Minneapolis Police Department that is, either paneled or they come together from time to time to review, uh, the data that we've just talked about and do they have access to this data-, this, this demographic information?

A: Uh, we do have a work group, which is what we call the Hiring Committee. We meet, um, every two weeks to discuss where we are in the hiring stages, what we need as far as support, um, or next steps. Um, this work group consists of, uh, Deputy Chief Travis Glampe, who leads it, uh, Commander Case, Lt. Hoff, myself, uh, Jennifer Rudlong-Smith, who is our Health and Wellness Coordinator, Heather Rende, who is the HR Associate Consultant and reports to me, um, Sgt. Gerald Moore, Background Sergeant, um, and then we've on occasionally have had Sgt. Callaway, uh, Sgt. Bantle, who are the Academy Sergeants, and then at times, uh, Sgt. Dave Burbank as well.

Q: All those people that you've just mentioned, do they have access within the work group to the demographic information?

A: Um, we do provide the information to them upon a request, um, but it is known that because the application is in process that it's not to be shared information.

The following questions were asked and answered by Ms. Xiong in reference to an email string:

Q: I would like to have you look at an email string that starts out with a date of July 16, 2014, and goes through July 19, 2014. In addition, I'd like to have you view an Excel spreadsheet on CSO Recruitment Numbers. I have printed emails for you to view and they are labeled Items A, B, C and D. If I could have you take a look at those and after you've had a chance to take a look, can you kind of tell me in a

general sense, um, about the email string? And after you've had a chance to look, if we could kind of look at these-, this email string in relation to the, the dates where they-, where it started on 7/16/2014, at about 1047 hours.

A: OK.

Q: If we can talk about, um, the first part of the email string that starts from Heather Rende on Wednesday, July 16, 2014, 10:47 a.m., after you view this particular text, can you tell me about that text based on either what you know or, or what you've been told?

A: Um, based on what I recall, um, I understand that there was a previous conversation that Sgt. Callaway and Heather had regarding previous CSO Exam Demographic Data, which at that time those CSO programs were completed, um, and the process, um, was finalized and certified-, or the list was certified as an eligible list. And, uh, my conversation with my Heather was why did you send this information out. She said, you know, she wanted to give them an update. She didn't realize that the-, because it was in the process that it could not be, um, uh, shared as far as, um, being counted as a final number.

Q: Were you included on this original email string or were you told about this after it was sent out?

A: I was not included on the initial email string. When I got Sgt. Callaway's email, was when I requested Heather to send me the information that she sent, so that I have a better understanding of what information was released to Sgt. Callaway.

Q: Did you receive an email from Sgt. Callaway, and if so, can you take a look at the email string and give me the date and time and then read from that email?

A: It appears based on the email that you printed out, um, Email A and Email C. I received Email C, which is dated Wednesday, July 16, 2014, at 1:33. Did you want me to read the entire email?

Q: Could you-, could you read that verbatim for me?

A: Yep. Um, hey Destiny, I thought we were going for a more diverse group. Some females black and Latino were counted twice as minorities. There was one Asian female who didn't get selected. We don't have any on-, um, we don't have any on our department, maybe one. Also, the American-Indian, Pacific Islanders. The 34 black males and only four selected. It looks like we are doing percentages, but if we do that won't the white males and females always get more spots than everyone else. It doesn't seem fair because they will always be the majority applying. I'm not sure how the process works and I'm not complaining, but I guess when they told us to go out and recruit I thought they wanted a very diverse group. I guess I probably don't understand the process. I thought all of the eligible minorities would have gone to Backgrounds. I feel like we will be blamed in the end because we didn't recruit enough diversity when we really did work hard to get a diverse group. In the end, I just really believe that Recruitment and Backgrounds is always blamed for not getting the high diversity numbers. That was the end.

Q: When you received that email, what was your impression?

A: Um, I was, uh, taken back because, one, I didn't know what information she received, um, so I wanted to first get an understanding of what is she even referring to. As I mentioned earlier, because this information is in the process, it's really not shared information, um, or published information I should say. Um...

Q: Did you work backwards at that point and contact, uh, Heather Rende?

A: Yes, I did.

Q: And what information did Heather provide you with?

A: She forwarded me the email that she sent to, uh, Sgt. Callaway, Lt. Hoff, Sgt. Burbank, and Commander Case, um, on July 16th at 10:47.

Q: Along with that email, was there also an attachment with some information?

A: Yes. The attachment was for Community Service Officer, um, position candidate number-, or requisition number 21446.

Q: After the gaining an insight into what was sent to Sgt. Callaway and after reading Sgt. Callaway's email, did you provide Sgt. Callaway with a written response?

A: Yes, I did.

Q: And if so, could you-, could you read the written response and provide me the date that the response was, was given to her?

A: Yes. Um, it is dated Friday, July 18, 2014, at 11:45 a.m., um, with the subject Current CSO Group. Hi Jan, I was out of the office and was unable to respond back to you. The City of Minneapolis is committed to bringing in a workforce that is representative of the community we serve while being compliant with all federal, state, and local hiring laws. The demographic spreadsheet you received was sent prematurely and should not be used. If you have any questions, please do not hesitate to contact me.

Q: In mentioning the email that was originally sent out by Heather Rende, was that information sent out as a, you mentioned, as general information and update so to speak, was she instructed to send that information out or was she just doing this as, as a courtesy or, or were you told that, that there was a specific request for the information?

A: Uh, she was not instructed to, uh, send it out. Uh, when we do give updates, it's typically in that hiring meeting where it's verbal updates. Um, again, as I mentioned, um, I believe there was a conversation that occurred between Heather and Sgt. Callaway regarding previous examinations for CSOs, and, and as those are completed exams, she may have been under the impression that it was OK to at least share this updated information in a published, um, or in a written document.

Q: Do you have a sense of when that verbal conversation may have occurred between Heather Rende and Sgt. Jan Callaway?

A: I do not.

Q: On the bottom of Heather Rende's email, can you tell me about the notice printed on the bottom that read, "If this message is received in error, please delete and notify the sender. Sender does not waive confidentiality or privilege. Unauthorized use if prohibited." Can you tell me what does that mean?

A: Um, a lot of the information that-, uh, I would say the majority of the information that is sent out from the Human Resources Department is private information because it is discussing individual's either personnel information, um, demographic data which is, um, such as the Community Service Officer spreadsheet, um, or disciplinary actions it's confidential.

Ms. Xiong reported the information on the Excel spreadsheet was not a final document, it was, "in process" and continuous until a final list was compiled. I asked the following questions about the demographic spreadsheet and an email where Ms. Xiong corresponded with Sgt. Janice Callaway.

Q: In your email to Sgt. Callaway dated 7/18/2014 at 1145 hours, can you tell me about the statement, "The demographic spreadsheet you received was sent prematurely and should not be used?"

A: Yes. So, um, what I was referencing or when I was reviewing the attachment that was sent to her, I was looking at the line that said selected for background 60. This conversation that-, um, uh, as I mentioned is part of the process where we present the candidate profile to the administration and then they select individuals to go to background, that conversation was still a continuous conversation. The Administration and myself, specifically Deputy Chief Glampe, had not concluded our final decisions on the final number of candidates and who those candidates were going to be to move forward into backgrounds. We had only discussed the 60; however, we were still looking and adding more candidates. So, therefore, this information was not accurate.

Q: Was Sgt. Callaway ever on the selection committee?

A: No.

Q: Was Sgt. Callaway ever contacted for an opinion about which candidate should be hired?

A: No.

Q: Did you correspond with Sgt. Callaway in any other format other than this email? For example, did you talk to her in person over phone-, in person or over the phone?

A: Um, I don't believe so. I may have to-, not over the phone. Um, I don't know if there are email correspondences, I will have to double check, but I don't recall.

Q: Can you tell me was Sgt. Callaway authorized to share information contained in the Excel spreadsheet, labeled Item B, with anyone outside of the MPD?

A: No. She was not authorized to do so.