

Sgt. McBride was advised PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, HE WAS NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN HIS FEDERATION/UNION REPRESENTATIVE OR ATTORNEY. He acknowledged this as well. The statement was concluded shortly thereafter.

On February 6th, 2015, I inter-office mailed two copies of our recorded interview to Sgt. McBride. Also enclosed was a letter asking him to review the statement for accuracy and to make any corrections. On February 13th, 2015, I received an initialed and signed copy of the statement from Sgt. McBride.

On 3/10/15 at approximately 0500 hours, Sgt. Montgomery came to the MPD IAU office for a recorded statement. He was not accompanied by a MPD Federation Representative.

Sgt. Montgomery was advised about Garrity and stated that he understood. Sgt. Montgomery read and signed the Data Practices Advisory otherwise known as the Tennesen Warning.

I informed Sgt. Montgomery that the purpose of this statement related to an internal investigation and specifically an administrative review that was being conducted regarding allegations of Officer Gregory possibly being in violating MPD Policy and Procedure, 1-403, Compliance with Lawful Orders, an employee must always obey lawful orders given by supervisors or their designees, but all employees will be held

accountable for their use of delegated authority. These allegations are in regards to an incident that occurred on 9/20/14. Sgt. Liotta stated she was working as a sergeant on the **13.43** shift in the 4th Pct. on that date. On that date she gave Officer Gregory a direct order not to ask supervisors from other shifts for time off or for a change in work assignment. Officer Gregory is alleged to have violated that order on 9/21/14.

Sgt. Montgomery was advised that he was being called to explain any information or knowledge he may have in regards to this event.

Sgt. Montgomery was asked how long he had been a sergeant assigned to the 4th Pct. **13.43**. He stated that he had been assigned to that shift for 2 years.

Sgt. Montgomery was asked if he had ever been one of Officer Gregory's supervisor's. He stated that he had not.

I informed Sgt. Montgomery that I had received a memo that he had sent to Inspector Friestleben and Sgt. Liotta in regards to Officer Gregory. The memo appeared to be an account of what had transpired on September 20th, 2014.

Sgt. Montgomery and I, each had a copy of the memo. Sgt. Montgomery was asked if he had indeed authored the memo. He informed me that he had. In the memo, it listed the date of the incident as September 19th, 2014. Sgt. Montgomery was asked

if he may have made an error about the date of the incident and that it was actually, 9/20/14. Sgt. Montgomery stated that was possible.

Sgt. Montgomery and I, then viewed the Daily Assignment Logs for September 19th, 20th and 21st of 2014 for the 4th Pct. [REDACTED] 13.43 [REDACTED]. On 9/19/14, it listed Officer Gregory as being assigned to squad 430. On 9/20/14, it showed Officer Gregory as being assigned to squad 430. On 9/21/14, it showed Officer Gregory as being assigned to the Desk.

I informed Sgt. Montgomery that when I had spoken to Sgt. Liotta about this matter that she had informed me that on 9/20/14; Officer Gregory had originally been assigned to work the Desk. Because of staffing issues, she assigned Officer Gregory to work squad 430, instead.

Sgt. Montgomery was asked if he recalled Officer Gregory speaking to him about working the Desk on 9/20/14. Sgt. Montgomery stated he spoke with Officer Gregory face to face at the 4th Pct. He believed it was after the [REDACTED] 13.43 [REDACTED] roll call. He believed the conversation probably took place between 2030 and 2100 hours that night. He stated Officer Gregory approached him and stated that Officer Peterson, from [REDACTED] 13.43 [REDACTED], had agreed to relieve him from the Desk duties at 0000 hours, if it was approved by Sgt. Montgomery.

Sgt. Montgomery stated that he told Officer Gregory that his request was not granted at this time. Sgt. Montgomery stated he informed Officer Gregory that he would have to see what the 911 call load was at around 0000 hours. If the call load was heavy, Sgt. Montgomery may not be staffing the Desk for the remainder of the 13.43 shift. Sgt. Montgomery never informed Officer Gregory that his request had been granted.

Sgt. Montgomery was asked if on 9/20/14, when he was approached by Officer Gregory about the Desk, if he had knowledge of the direct order that Sgt. Liotta had given Officer Gregory about asking supervisors from other shifts about asking for time off or for changing his work assignments. Sgt. Montgomery had no knowledge of the direct order given by Sgt. Liotta to Officer Gregory.

Sgt. Montgomery stated he and Sgt. Liotta had a conversation in regards to Officer Gregory. The conversation took place at the 4th Pct., and was face to face. Sgt. Montgomery did not recall the exact day and time of that conversation, but believed it was within a few days of the above incident. Sgt. Montgomery was then informed about the direct order that Sgt. Liotta had given Officer Gregory.

Sgt. Montgomery believed that Sgt. Liotta informed him that she had been told by Officer Gregory that he had been given permission to leave the Desk early on 9/20/14, by Sgt. Montgomery. Sgt. Montgomery told Sgt. Liotta that was not the case. Sgt. Montgomery informed Sgt. Liotta that when Officer Gregory told him that

Officer Peterson could work the Desk for him at 0000 hours on 9/20/14, that he told Officer Gregory that he would have to check the 911 call load before any decision was made about Desk relief. Sgt. Montgomery did not grant the request asked of him by Officer Gregory. Sgt. Liotta then informed Sgt. Montgomery that she had told Officer Gregory that he was not to leave early from the Desk.

Sgt. Montgomery was asked if he had ever given Officer Gregory a direct order. He stated that he had not.

Sgt. Montgomery was asked if he had ever spoken to Officer Gregory about him failing to follow a direct order; regardless of who had given him the order. He stated that he had not. Sgt. Montgomery stated he had spoken to Officer Gregory about his conduct. The conduct involved Officer Gregory "playing Sgt. Montgomery and Sgt. Liotta off of each other." Sgt. Montgomery stated what he meant by this was that Officer Gregory was told not to deceive the two of them. Officer Gregory was warned about telling the sergeants that it was okay with this sergeant if it was okay with the other sergeant.

Sgt. Montgomery stated this conversation with Officer Gregory was not documented. Sgt. Montgomery stated he had this conversation with Officer Gregory about a day or two after he had spoken with Sgt. Liotta about the incident that had occurred on 9/20/14.

Sgt. Montgomery was asked if he had discussed this issue about Officer Gregory not obeying a direct order with any of the other sergeants or lieutenants in the 4th Pct. Sgt. Montgomery could not recall. Sgt. Montgomery was asked if a meeting may have been called to discuss this issue. He stated that there was not a meeting held to discuss Officer Gregory.

Sgt. Montgomery was asked if he was aware of Officer Gregory allegedly failing to obey a direct order on 9/21/14. He stated that he did not recall. Sgt. Montgomery was asked if he was aware of Officer Gregory failing to obey Sgt. Liotta's direct order since the incident on 9/21/14. He was not aware of anything, but stated that he had spoken with Sgt. Liotta about other issues involving Officer Gregory.

Sgt. Montgomery was asked if he had discussed this case with anyone other than the supervisors involved at the 4th Pct. He stated that he had not.

Sgt. Montgomery was asked if there were any facts concerning this incident that he had knowledge of, but had not disclosed. He stated there were none.

Sgt. Montgomery was asked if there was anything else that he would like to add to this statement that I had not asked him concerning this incident. He stated that he had nothing to add.

Sgt. Montgomery acknowledged that this was a true and accurate statement. Sgt. Montgomery was then advised PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, HE WAS NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN HIS FEDERATION/UNION REPRESENTATIVE OR ATTORNEY.

The statement was concluded shortly thereafter.

On March 12th, 2015, I inter-office mailed two copies of our recorded interview to Sgt. Montgomery. Also enclosed was a letter asking him to review the statement for accuracy and to make any corrections. As of April 29th, 2015, I had not received an initialed and signed copy of the statement from Sgt. Montgomery.

On 3/31/15 at approximately 1015 hours, Officer Gregory came to the MPD IAU office for a recorded statement. He was interviewed by myself and was accompanied by Lt. Kroll, as his Federation Representative.

Officer Gregory was advised about Garrity and stated that he understood. Officer Gregory read and signed the Data Practices Advisory otherwise known as the Tennessen Warning.

Officer Gregory was advised that the purpose of this statement related to an internal investigation and specifically an administrative review that was being conducted

regarding allegations made against him. Officer Gregory was informed that he had allegedly failed to comply with a lawful order that had been given to him. The order was given by Sgt. Liotta on September 20th, 2014 and was alleged to have been disobeyed on September 21st, 2014.

Officer Gregory was informed that he was being called to explain any information he may have regarding these allegations. He stated that he understood.

Officer Gregory was advised that Workforce Director showed he was On-Duty, on September 20th, 2014. He stated that was correct. He was asked if he was originally scheduled to work the Desk that night. He stated that he was. He was later, assigned to work in a marked squad.

Officer Gregory was asked if he recalled a message going out on the MDC that day from Sgt. Liotta. He stated that he did. He was asked to tell me what he recalled of the content. He stated that he remembered the message asking for a volunteer from **13.43** to work the **13.43** shift, because of a staffing shortage.

I informed Officer Gregory that I was told that the message was asking if anyone could work the Desk for over time, during **13.43**. Officer Gregory stated that sounded accurate.

Officer Gregory was informed that Sgt. Liotta claimed she received a message on the MDC in response to her request. The message was believed to have been from Officer Steward's MDC. Officer Gregory was asked if he had sent a response from a MDC that Officer Steward was signed on to. Officer Gregory could not say for sure, but believed it was possible.

Officer Gregory was asked if he could recall what he said to Sgt. Liotta in that MDC message. He believed it was something along the lines of "that he had the Desk." He stated that Sgt. Liotta sent a message back in response, but he did not recall the content of the message. He stated the message was in regards to [REDACTED] 13.43 being short staffed and that a [REDACTED] 13.43 officer was going to cover the Desk. That he would be assigned to a squad.

Officer Gregory was asked if he then contact Sgt. Liotta via cell phone or in person. He stated he called her via cell phone. He was asked to describe what was said in the conversation between the two of them. He stated that he requested a more detailed answer for why he was not going to be working the Desk. He stated that he mentioned to her that he had spoken to [REDACTED] 13.43 Sgt. Montgomery, about him receiving Desk relief.

Officer Gregory was asked to explain the agreement he had obtained for working the Desk that night. Officer Gregory stated he had spoken to Officer Lauren Peterson, who was assigned to [REDACTED] 13.43 at that time. Officer Peterson stated that she could

relieve him on the Desk around 2230 hours, so that he could leave for the night. Sgt. Montgomery was in agreement.

Officer Gregory was asked if Sgt. Liotta gave him a direct order on 9/20/14. Officer Gregory stated that she did.

Officer Gregory was asked to tell me what that direct order was. He stated that the direct order was to not go outside of his shift's chain of command to ask other sergeants for permission for things. I then quoted to him what I had been told was the direct order; "You are not to make deals with [REDACTED] 13.43 sergeants. The only deals you will make will be with [REDACTED] 13.43 sergeants." He stated this sounded correct.

Officer Gregory was asked if this direct order had been given to him verbally. He stated that it was. He was asked if it was given to him in writing, as well. He stated that he did not recall. He was asked if the direct order issue had been put in writing in his Yearly Performance Evaluation for 2014. He stated that it had.

Officer Gregory was asked if on 9/20/14, had Sgt. Liotta assigned him to work the street that night, instead of the Desk. He stated that she had. Officer Gregory followed that order. He believed that Sgt. Liotta also informed him that he could not leave his shift early.

He believed that he worked his entire shift that night in a squad car. He was asked if he was alone (Able) or if he had a partner. He believed that he rode with Officer Jason Wolf. Officer Gregory was asked if he discussed what had transpired between himself and Sgt. Liotta, with Officer Wolf. He did not believe that he had.

Officer Gregory was asked about his telephone conversation with Sgt. Liotta. When he was speaking to her about the change of assignment that night, did he state something along the lines of "I fucking hate this place." He stated that he did not say it directly to her. He may have said something along those lines, when he thought the phone connection had been broken between them.

Officer Gregory was informed that Workforce Director showed that he was On-Duty, on September 21st, 2014. He stated that was correct. He was assigned to work the Desk. He was asked if he had requested to work the Desk that night. He did not recall.

Officer Gregory was asked if he had contacted [REDACTED] 13.43 Sgt. McBride that night about leaving early. He did not recall doing this.

Officer Gregory was asked if he recalled speaking with [REDACTED] 13.43 Sgt. McCann that night. He stated that he believed he spoke with him about leaving the Desk early that night. He asked Sgt. McCann, if he was going to have anyone from his shift, cover the Desk that night or if he could find an early replacement for him that night.

Officer Gregory believed Sgt. McCann's reply was that he was not going to cover the Desk that night, that the shift was short staffed.

Officer Gregory was asked if he recalled Sgt. McCann informing him that he was not his immediate supervisor and that he should speak with his shift supervisors about any change in his shift hours or assignment. Officer Gregory did not recall this.

Officer Gregory was informed that Sgt. McBride was his 13.43 supervisor that night and that I had spoken to Sgt. McBride about that evening. Sgt. McBride had informed me that Officer Gregory had spoken to Sgt. McCann about a change in his work schedule that night.

Officer Gregory was then asked if this was indeed the case, did he fail to obey Sgt. Liotta's direct order that had been given verbally to him on 9/20/14. Officer Gregory stated that he did not know if he agreed with the word, "disobey." He stated that he believed that his intentions were to make sure his "ducks were in a row" with the other shift supervisor, before he spoke with his own. He stated that he was not trying to supersede his chain of command. He felt that he wanted to know all the facts, before he spoke with his supervisor about adjusting his shift hours.

Officer Gregory was asked if he had been truthful with Sgt. McBride about the conversation that had taken place between himself and Sgt. McCann. He stated that

he did not remember exactly what he had said to Sgt. McBride. He stated that he would not have blatantly lied to him. He was sure that he would have had good intentions, in knowing the proper information, before asking him for permission. He stated that he would have had no intentions of lying to him or to try to mislead him with any information that he either needed to know nor would he have intentionally omitted any information.

Officer Gregory was asked if he tried to deceive Sgt. McBride so that he could leave early on the night of 9/21/15. He stated that he had no ill intentions or deceit in mind.

Officer Gregory was asked if he had disobeyed any other Direct Orders given to him by any supervisors since this incident. He stated none that he was aware of.

Officer Gregory was asked if any supervisor or supervisors had spoken with him about failing to follow the direct order given to him on 9/20/14. He stated that he spoke with Sgt. Billy Peterson about a similar matter. He did not recall when this took place. He stated that he told Sgt. Billy Peterson that he had spoken to a [REDACTED] 13.43 supervisor first, before a [REDACTED] 13.43 supervisor, in order to know if the request was even a possibility, before he spoke with his own supervisor. He again stated that he was not trying to be deceitful; he just wanted to know if a request was feasible, before he made a request with his own supervisor.

Officer Gregory was asked if he could understand why his supervisors would be upset with him doing this. He stated that he could understand their position. He stated that he could understand why they would want to be in the "know" before anyone else, about what was transpiring with officers on their shift. He believed this was a "communication breakdown." He again stated that he had no ill intentions. He was trying to gather information. He may have done it in an inappropriate order. He was trying to bring information, before asking for permission. He was never trying to lie, to anyone.

Officer Gregory was asked if he was a full time employee with the Minneapolis Police Dept. He stated that was correct. He agreed that he also worked Off-Duty jobs, as well. Off-Duty employment that would involve him wearing the uniform of the MPD.

Officer Gregory was shown a copy of the Off-Duty jobs he was listed as being approved for in Workforce Director. He stated that the list was correct. He was asked, in an average week, how many hours of Off-Duty work he was working. He believed it was around 20 hours. He was asked if he was aware that per MPD policy, officers are only supposed to work a combined 64 hours per week. He stated that he was aware of that policy and was not exceeding it.

Officer Gregory was asked if working these Off-Duty jobs, was effecting how he performed at his full time job as a police officer for the MPD. He did not feel it was affecting his performance.

Officer Gregory was then asked if the reason he was speaking with me today, was because on September 20th and 21st of 2014, he was attempting to work an Off-Duty job. He stated that on September 20th, 2014, that he was trying to leave early to work a part-time job. As for September 21st, 2014, he did not recall working a part-time job.

Officer Gregory was asked if since he was a full time employee, with the MPD, if he felt his number one priority was to perform his duties with the MPD, first and foremost, before his obligations to an Off-Duty job. He stated that was correct.

Officer Gregory was asked if there were any facts concerning this incident that he had knowledge of, but had not disclosed. He stated that there were none.

Officer Gregory was asked if there was anything else that he would like to add to this statement that I had not asked him concerning this incident. He stated that because of these issues in 2014, he bid and now works on the **13.43** shift. This will enable him to avoid conflicts with his duty hours and his off-duty jobs.

Officer Gregory acknowledged that this was a true and accurate statement and that PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, HE WAS NOT TO DISCUSS THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN HIS FEDERATION/UNION REPRESENTATIVE OR ATTORNEY. The statement was then concluded.

On April 13th, 2015, I inter-office mailed two copies of our recorded interview to Officer Gregory. Also enclosed was a letter asking him to review the statement for accuracy and to make any corrections. As of April 30th, 2015, I have not received an initialed and signed copy of the statement from Officer Gregory.

SUMMARY OF ALLEGATIONS

If these allegations are found to be true, Officer Gregory could be in violation of the following Department policy:

MPD Policy and Procedure 1-403: COMPLIANCE WITH LAWFUL ORDERS

An employee must always obey lawful orders given by supervisors or their designees, but all employees will be held accountable for their use of delegated authority.

An employee who receives conflicting lawful orders shall obey the most recent given. After complying with the order, the employee should notify the next highest-ranking employee above the employee giving the conflicting orders.

Employees shall truthfully answer questions or render material(s) and relevant statements in a departmental investigation when so directed, consistent with the constitutional rights of the employees. (B-D)

Investigative Facts

It is alleged that Officer William Gregory failed to comply with a lawful order given to him by Sgt. Wendy Liotta. Sgt. Liotta gave Officer Gregory the direct order, verbally on 9/20/14. Officer Gregory disobeyed that direct order during the course of his shift on 9/21/14.

From the information obtained in interviewing, Sgt. Liotta, Sgt. McCann, Sgt. McBride, Sgt. Montgomery and Officer Gregory, the information supports the fact that Officer Gregory failed to comply with the direct and lawful order given to him by Sgt. Liotta on 9/20/14.

I confirm that the information I provided in this case is true to the best of my knowledge.

Respectfully Submitted,

Sgt. Michael Heyer

Sgt. Michael Heyer

Internal Affairs Unit

MINNEAPOLIS POLICE DEPARTMENT

Deputy Chief Travis Glampe
Office of Professional Standards
Room 130-City Hall
350 South Fifth Street
Minneapolis, Minnesota 55415
612 673-2445



MEMORANDUM

02-29-2016

In my memo to AC Arneson, I stated this should be an 8 hour suspension because of Officer Gregory's assignment to an 8 hour shift. I then concluded by stating "10 Hour" suspension. That was in error and should have read "8 Hour".

AC Arneson relied on this error and made the final determination of a 10 hour suspension. The final determination should be an 8 hour suspension per Gregory's assignment.

MINNEAPOLIS POLICE DEPARTMENT

Deputy Chief Travis Glampe
Office of Professional Standards
Room 130-City Hall
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MEMORANDUM

01-11-2016

On 02-24-2016 a Loudermill Hearing was held with Officer William Gregory regarding IAU#14-22128. The Loudermill panel was composed of Deputy Chief Bruce Folkens, Inspector Mike Friestleben, and I. Officer Gregory attended the hearing along with Federation representative Lt. Kroll.

Following a review of the investigation, the contents of the investigative file, and the information presented at the hearing, the panel finds the following facts:

- Officer Gregory was scheduled to work [REDACTED] 13.43 in the 4th Precinct on 09-20-2014.
- Gregory attempted to broker a deal to have the [REDACTED] 13.43 officer relieve him from desk duty at midnight, instead of the normal end of the [REDACTED] 13.43 shift, around 02:00.
- Gregory reported to the [REDACTED] 13.43 sergeant, Sergeant Liotta that he had a deal in place with the [REDACTED] 13.43 sergeant, Sergeant Montgomery to get early desk relief so Gregory could leave early.
- Liotta denied this request to leave early and told Gregory that he was not to make deals with [REDACTED] 13.43 and that he needed to go through his [REDACTED] 13.43 sergeants to make such arrangements. Gregory acknowledges in his Garrity statement that he was given a direct order by Sgt. Liotta that he was not to go outside of his shift chain of command to ask for such permissions. This is important to note, as in the Loudermill hearing, Lt. Kroll stated that no direct order was given.
- Gregory was scheduled to work the desk on [REDACTED] 13.43 in the 4th Precinct on 09-21-2014.
- Gregory attempted to broker a deal with the [REDACTED] 13.43 sergeant, Sergeant McCann to leave early.

-Gregory then reported to the 13.43 sergeant, Sergeant McBride that he had a deal in place with 13.43 to leave early.

-At the time of this conversation with Gregory, McBride was unaware of the direct order given by Sgt. Liotta.

The panel finds the following policy was violated:

1-403 COMPLIANCE WITH LAWFUL ORDERS (12/28/01)

(B-D)

An employee must always obey lawful orders given by supervisors or their designees, but all employees will be held accountable for their use of delegated authority.

An employee who receives conflicting lawful orders shall obey the most recent given. After complying with the order, the employee should notify the next highest-ranking employee above the employee giving the conflicting orders.

Employees shall truthfully answer questions or render material(s) and relevant statements in a departmental investigation when so directed, consistent with the constitutional rights of the employees.

The panel determined that Gregory, by his own admission, was given a direct order to go through the 13.43 chain of command when seeking permission to do something like leave early. Gregory was given this order on 09-20-2014 and the very next day, he disobeyed this order and went to a 13.43 sergeant to make arrangements to leave early. The panel was unconvinced by Gregory’s claim that he was attempting to get “his ducks in a row” with 13.43 before seeking permission from his shift supervisors. The order was clear and Gregory should have made contact with his supervisors to initiate the request to leave early.

Final Recommendations

The panel recommends sustaining 1-403 Compliance with Lawful Orders at a “C” level.

This policy is contained on the Discipline Matrix as follows:

		Level	Mitigating	Baseline	Aggravating
1-403	Compliance with lawful orders in routine situations	B-C	WR	10 hours	20 hours

The panel recommends an 8 hour suspension. Officer Gregory is assigned the 4th Precinct 13.43, which is an 8 hour shift. 13.43 - Personnel Data

13.43 - Personnel Data

13.43 - Personnel Data

13.43 - Personnel Data

SUMMARY

1-403 Compliance with a Lawful Order-Sustained at a "C" level with a suspension. **13.43**

March 10, 2016

Officer William Gregory
Fourth Precinct
Minneapolis Police Department

RE: IAU Case Number #14-22128
Notice of Suspension (8 hours suspension without pay)

Officer Gregory,

The finding for IAU Case #14-22128 is as follows:

MPD P/P 1-403 Compliance with Lawful Orders.....SUSTAINED (Category C)
13.43 - Personnel Data

As discipline for this incident you are suspended for 8 hours without pay.

This case will remain in IAU files per the record retention guidelines mandated by State Law.

Be advised that any additional violations of Department Rules and Regulations may result in disciplinary action up to and including discharge from employment.

Sincerely,

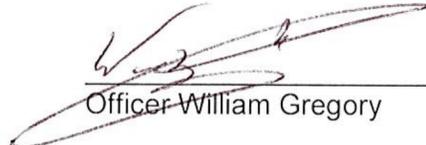
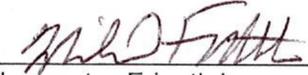
Jane Harteau
Chief of Police



By: Kristine Arneson
Assistant Chief

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Officer Gregory
Suspension Letter

I, Officer William Gregory, acknowledge receipt of this
Notice of Suspension.

 _____ Officer William Gregory	<u>3/18/16</u> _____ Date of Receipt
 _____ Inspector Frestleben	<u>3-18-2016</u> _____ Date

CC: Personnel
Inspector Frestleben
IAU