

Minneapolis
City of Lakes

Police Department

Janeé L. Harteau
Chief of Police

350 South 5th Street - Room 130
Minneapolis, MN 55415-1389

612 673-2735
TTY 612 673-2157

October 21, 2014

Sergeant Kent Warnberg
Second Precinct
Minneapolis Police Department

RE: IAU Case Number #13-26995
13.43 - Personnel Data

Sergeant Kent Warnberg,

The finding for IAU Case #13-26995 is as follows:

City of Minneapolis Anti-Discrimination, Harassment, & Retaliation Policy/Respect in the Workplace..... SUSTAINED (Category D)
MPD P/P 2-110 Harassment – Sexual Harassment.....SUSTAINED (Category D)
MPD P/P 5-105 Professional Code of Conduct.....SUSTAINED (Category D)

As discipline for this incident you will be 13.43 - Personnel Data. This case will remain a "D" violation and can be used as progressive discipline indefinitely. 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 more severe disciplinary action up to and including discharge from employment.

Sincerely,

Janeé Harteau
Chief of Police

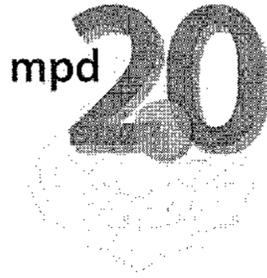


Page 2
Sergeant Kent Warnberg
13.43

I, Sgt. Kent Warnberg, acknowledge receipt of this
Notice 13.43 - Personnel Data .

<u>Kent B. Warnberg</u>	<u>10/22/14</u>
Sgt. Kent Warnberg	Date of Receipt
<u>[Signature]</u>	<u>10-22-14</u>
Signature of Person Delivering Notice	Date

CC: Personnel
Inspector Waite
IAU



Memorandum

TO: File
FROM: Chief Harteau
CC: Chief Harteau
Date: October 20, 2014
RE: IAU Case #13-26995

Upon reviewing the case file in detail, I support the panel's sustained findings and recommendation to
13.43 - Personnel Data Sgt. Warnberg 13.43 - Personnel Data

13.43 - Personnel Data
13.43 - Personnel Data It should be noted that these complaints of violations of the City's Anti-Harassment, Discrimination and Retaliation Policy were also independently sustained by the City of Minneapolis' HR Department as well.

All officers are held to a higher standard than the general public with respect to their actions both on and off duty, but this escalates when a member is in a promoted rank. As the Chief, I will not tolerate discrimination or harassment of any kind and will discipline appropriately when found. I also expect all of the leadership of this department to ensure a work environment free of such behavior and if found, to report and handle it immediately. If a person in a promoted rank is found to be engaging in discrimination, harassment, retaliation in violation the City's Policy, or failing to take prompt action to end it when they are aware it is occurring, they are held to a higher level of discipline.

Sgt. Warnberg, while in a leadership capacity engaged in the harassment of an officer on more than one occasion. 13.43 - Personnel Data
13.43 - Personnel Data

13.43 - Personnel Data

**MINNEAPOLIS POLICE DEPARTMENT
INTERNAL AFFAIRS COMPLAINT FORM #3401**

COMPLAINT INFORMATION

INTERNAL AFFAIRS CASE NUMBER: 13-26995	CCN: N/A	DATE OF INCIDENT: 11/14/2013	TIME OF INCIDENT: 0930
LOCATION OF INCIDENT: 2322 Washington Avenue N., Minneapolis, MN	DATE OF COMPLAINT 11-18-2013	REFERRAL METHOD: Internal	
COMPLAINANTS NAME (LAST, FIRST MIDDLE) 13.43	SEX 13.43	RACE: 13.43	DATE OF BIRTH:
HOME ADDRESS: 13.43 - Personnel Data	CITY / STATE / ZIP: 13.43 - Personnel Data	TELEPHONE:	

POLICY INFORMATION

POLICIES ALLEGED TO BE VIOLATED:

- **The City of Minneapolis Anti-Discrimination, Harassment, and Retaliation Policy**
- **MPD Policy and Procedure 2-110, HARASSMENT, Sexual Harassment, Supervisors Held to a Higher Standard of Conduct (01/07/02) (01/15/08) (09/19/08) (A-D)**

ACCUSED EMPLOYEE(S)

NAME/BADGE:

Sergeant Kent Brian Warnberg, Badge #7570

COMPLAINT ALLEGATIONS

It is alleged that on 11-14-2013, Sgt. Kent Warnberg made sexually inappropriate comments to **13.43 - Personnel Data** while the two were seated together for breakfast and coffee at the Holiday gas station located on Washington Avenue in the Fourth Precinct. The comments allegedly made by Sgt. Warnberg involved having **13.43** get drunk so that they could then have sex.

It is further alleged that on or about 9-24-2013, Sgt. Warnberg made sexually inappropriate comments to **13.43** **13.43** at the same Holiday gas station where he remarked about her breasts, breastfeeding, and having her nipples stimulated.

RECOMMENDATION

(Preliminary Cases Only)

- Reckoning Period Expired Before Complaint was Filed
- No Basis for Complaint
- Closed Pending Further Information
- Refer to Precinct with Coaching Documentation
- Exceptionally Cleared
- Policy Failure
- Other

13.43 - Personnel Data

DATE
6-9-14
DATE



Minneapolis Police Department
4th Precinct – Inspector Kjos

MEMORANDUM

To: Commander Granger Internal Affairs Unit and Minneapolis Human Resources
From: Inspector Kjos
Date: November 18, 2013
Subject: Sexual Harassment Complaint against Sgt. Kent Warnberg

On Thursday, November 14th, Sgt. Mosey contacted me at home and informed me that one of his officers had contacted him about what she felt was inappropriate behavior by an MPD Supervisor. He told me that [13.43 - Personnel Data] had informed him that on this date Sgt. Warnberg had made a comment to her where he suggests she get drunk and has sex with him. At the time I was informed of this, all the affected individuals were off duty, including myself and Sgt. Mosey. I told Sgt. Mosey that we would meet on Friday and discuss this further and set up a time to speak with [13.43] to see how she felt about this situation and to inform her that there would be an official investigation by Human Resources regarding a sexual harassment complaint.

After speaking with Sgt. Mosey I spoke to Commander Granger of Internal Affairs and informed him of the situation. Sgt. Warnberg is not [13.43] immediate supervisor and therefore I did not see any urgency that required contacting either party during their non-work hours.

On Friday, November 15th, I met with Sgt. Mosey and advised him on Sexual Harassment investigation procedures and printed the anti-discrimination, harassment, and retaliation procedures manual off the City of Minneapolis website. [13.43 - Personnel Data]; therefore we planned to meet with her on Monday. I assisted Sgt. Mosey with a query in Visinet Browser (Computer Aided Dispatch Software). I was able to verify that [13.43] and Sgt. Warnberg were at the Gas Station where the alleged harassment was to have taken place on Thursday morning between 9 and 10 AM. Each of their squads is tracked by GPS and each of them was at this location for some time with an overlapping period of approximately 30 minutes. Sgt. Mosey showed me a memorandum he said he had received from [13.43] regarding this incident. The memorandum briefly described two separate incidents where statements made by Sgt. Warnberg made her feel uncomfortable.

On Monday, November 18th, Sgt. Mosey and I met with [13.43]. She was clearly uncomfortable speaking about this incident and said she did not want Sgt. Warnberg to get fired. We assured her that any consequences that Sgt. Warnberg suffers are because of his actions and she should not feel responsible for the end result. [13.43] stated, as is described in her memorandum, that she was at the Holiday gas station for coffee, which she normally does in the morning and Sgt. Warnberg came in and started talking to her. She said he had asked her how she was doing and she told him about [13.43] [13.43 - Personnel Data] [13.43] said Sgt. Warnberg made a statement that she should get drunk and then they should "fuck." She said she was upset with this comment and went to leave when he made a comment similar to "maybe you don't like to drink" and finally ending it with a suggestion that his comment was funny and she needed to laugh.



Minneapolis Police Department
4th Precinct – Inspector Kjos

13.43 then described a different incident where she said there were other officers present and Sgt. Warnberg commented on her breasts. She said there was a comment made about breast feeding and he then said something to her about how she must like to breast feed while staring at her chest. She said it was an uncomfortable moment and everyone just kind of was shocked. 13.43 could not remember the exact date, but said she was working 13.43 - Personnel Data and she remembered that Officer Buck was at the gas station as well when this comment was made.

After speaking to 13.43 I advised Sgt. Mosey (her direct supervisor) to document this incident and to send me a copy of his memorandum to be forwarded to IAU. I informed Sgt. Mosey I would attempt to confirm from Officer Buck if he recalls anything of this nature as he was working and I felt it would be appropriate to get the perspective of a non-involved individual.

I later spoke to Officer Buck at approximately 1540 hours in my office. I asked him a very simple question: Have you ever witnessed Sgt. Warnberg make an inappropriate comment to a female officer and specifically 13.43 - Personnel Data? Officer Buck said he has seen Sgt. Warnberg behave in a manner that makes him feel uncomfortable on more than one occasion. Officer Buck said he has actually felt like saying something to Sgt. Warnberg, but since he was his boss he didn't pursue the issue.

Officer Buck said he was at the Holiday gas station about a month ago when Sgt. Warnberg made a comment to 13.43 that really made him uncomfortable. He said Sgt. Warnberg commented on how breast feeding stimulated the nipples and then said to 13.43, "Bet you like that," while staring directly at 13.43's chest. He said they were all kind of shocked by the statement and they just kind of ignored him.

Officer Buck then described an incident from last week where Sgt. Warnberg's behavior again made him feel very uncomfortable. He said they were on a call where a baby had died and the mother of the baby was very well endowed. Officer Buck said Sgt. Warnberg kept staring at the woman's breasts to the point it was very noticeable and he actually was about to tell the Sgt. to stop and go away when the woman crossed her arms over her chest in what Officer Buck felt was a clear sign she knew he was staring at her breasts. 13.43 - Personnel Data

13.43 - Personnel Data
13.43 - Personnel Data I told Officer Buck thanks for the input and advised him that he may be getting a call from a Human Resources investigator.

Sgt. Mosey forwarded me his Memorandum and I am sending all three of these documents to Commander Granger in the MPD Internal Affairs Unit.

Respectfully Submitted,
Insp. Michael Kjos
Inspector Michael Kjos
Minneapolis Police Department



MINNEAPOLIS POLICE DEPARTMENT

Internal Affairs Unit
Administrative Case #13-18999
Sgt. Matthew McLean
May 28, 2014

CASE BACKGROUND

This case involves an alleged violation of the City of Minneapolis Anti-Discrimination, Harassment and Retaliation Policy.

The investigation was conducted by Mr. Steve Kennedy from the City of Minneapolis Human Resources Department, with assistance from Sgt. Matthew McLean of the Minneapolis Police Department Internal Affairs Unit.

13.43 - Personnel Data alleged that during the morning hours on 11-14-2013, she was having coffee at the Holiday Gas Station, located 2322 Washington Avenue North, when she was joined at a table by Sgt. Kent Warnberg.

13.43 stated that Sgt. Warnberg asked her how she was doing, and that she responded by telling him 13.43 - Personnel Data

13.43 stated that after a few minutes, she told Sgt. Warnberg that she "better go do some work." She stated that Sgt. Warnberg then told her, "You know what you should do, is get drunk...and then we can fuck."

13.43 stated she was taken aback and started walking away. She states as she did so, Sgt. Warnberg then stated to her, "Maybe you don't like to drink?" 13.43 stated that she took this to mean "that she would like to fuck."

13.43 stated Sgt. Warnberg then said to her, "That's funny, isn't it? You need to laugh." 13.43 stated that she then left the store.

13.43 is assigned to the 4th Precinct 13.43 and was working in uniform on an overtime shift. Sgt. Warnberg was at that time a supervisor assigned to the 4th Precinct 13.43.

13.43's direct supervisor is Sgt. Steve Mosey. She reported this incident to him later that day by telephone and Sgt. Mosey met that day with 13.43, who gave him a brief summary of the incident at the Holiday, as well as another incident where Sgt. Warnberg allegedly engaged in a conversation with her regarding her breasts.

Sgt. Mosey and Inspector Kjos determined via VisiNet that Sgt. Warnberg and [REDACTED] 13.43 were at the Holiday gas station at the same time on 11-14-2013.

Inspector Kjos, Sgt. Mosey and [REDACTED] 13.43 met on 11-18-2013, which was the first available working day where [REDACTED] 13.43 was on duty. In this meeting, [REDACTED] 13.43 provided the same information to them regarding the incidents, and [REDACTED] 13.43 was advised that a Human Resources investigation would be initiated.

On 11-18-2013, Inspector Kjos notified the commander of the Internal Affairs Unit, Commander Granger, of the allegations in memo format via email, and also included PDF copies of the memos prepared by Sgt. Mosey and [REDACTED] 13.43.

Steve Kennedy of the City of Minneapolis Human Resources was notified in memo format by Commander Granger via email on 11-18-2013. Included in Commander Granger's notification were the PDF copies of memos from Inspector Kjos, Sgt. Mosey and [REDACTED] 13.43.

Those memos are included in the case file, and can be found in Sections 4, 5, and 6.

On 11-19-2013, Steve Kennedy sent a complaint notification letter to Sgt. Warnberg advising him that he was the subject of an internal investigation for a potential violation of the City of Minneapolis's Anti-Discrimination, Harassment, and Retaliation Policy.

Sgt. Warnberg was transferred from the 4th Precinct [REDACTED] 13.43 Supervisor position to the Licensing Division. There was a potential conflict with Sgt. Warnberg and another officer already in the Licensing Division, so Sgt. Warnberg was then transferred to Second Precinct [REDACTED] 13.43, effective 11-20-2013.

CASE INVESTIGATION

Investigation of the Get Drunk and Have Sex Allegation

Memo from [REDACTED] 13.43 to Sgt. Mosey

[REDACTED] 13.43 submitted a memo to Sgt. Mosey outlining her allegations regarding Sgt. Warnberg's inappropriate comments. That memo is reproduced verbatim below:

"On 11/15/2013 I stopped for coffee at Holiday gas station. While I was sitting there Sgt. Warnberg came and sat down with me. He asked me how I was doing. I stated that I was [REDACTED] 13.43 - Personnel Data. After a few minutes I told him I better go do some work. He stated to me "you know what you should do, is get drunk...and then we can fuck." I was taken aback and started walking away. He then said "maybe you don't like to drink" referring to would I like the other. Sgt. Warnberg then stated "that's funny isn't it? You need to laugh." I left the store at this point.

Three weeks prior to this incident I was working overtime for [REDACTED] 13.43. I was at Holiday grabbing a cup of coffee and talking with several other officers. Sgt. Warnberg arrived. In the conversation Sgt. Warnberg brought up my breasts and made a sexual comment to me. Myself and other officers just ignored him and left the store."

Memo from Inspector Kjos to Commander Granger

Inspector Kjos was contacted at home by Sgt. Mosey on November 14, 2013 after Sgt. Mosey became aware of the allegations of inappropriate behavior on the part of Sgt. Warnberg. At the time of this notification, all affected individuals were off duty.

Inspector Kjos then spoke with the commander of the Internal Affairs Unit, Commander Granger, and advised him of the allegations.

On the following day, Friday, November 15, 2013, Inspector Kjos met with Sgt. Mosey and advised him of the City of Minneapolis policies regarding allegations of sexual harassment and the Anti-Discrimination, Harassment and Retaliation Policy and the procedures for conducting an investigation where these allegations are made.

Inspector Kjos and Sgt. Mosey checked VisiNet, and determined that Sgt. Warnberg and 13.43 13.43 were both working and were both at the Holiday during the date and time of the alleged incident.

13.43 was scheduled for an off day on this date; plans were made to meet with 13.43 13.43 upon her return to duty on Monday, November 18, 2013.

This meeting was held on that date, and those present were Inspector Kjos, Sgt. Mosey and 13.43. Inspector Kjos stated in his memo that 13.43 was "clearly uncomfortable speaking about this incident and said she did not want Sgt. Warnberg to get fired."

In his memo, Inspector Kjos describes the allegations made by 13.43 regarding the suggestion by Sgt. Warnberg that she should get drunk and then they could fuck.

In addition to this, 13.43 then described a different incident where she said there were other officers present and Sgt. Warnberg commented on her breasts. She said there was a comment made about breast feeding and he then said something to her about how she must like to breast feed while staring at her chest. She said it was an uncomfortable moment and everyone was just kind of shocked. 13.43 could not remember the exact date, but said she was working an overtime shift on 13.43 and she remembered that Officer Buck was at the gas station when this comment was made.

Inspector Kjos spoke to Officer Buck in his office, and asked him directly, "Have you ever witnessed Sgt. Warnberg make an inappropriate comment to a female officer and specifically 13.43 - Personnel Data?"

Inspector Kjos reported that Officer Buck responded that he "has seen Sgt. Warnberg behave in a manner that makes him feel uncomfortable on more than one occasion."

Inspector Kjos reported that Officer Buck said "he has actually felt like saying something to Sgt. Warnberg, but since he was his boss he didn't pursue the issue."

Inspector Kjos reported that Officer Buck said he:

“...was at the Holiday gas station about a month ago when Sgt. Warnberg made a comment to [REDACTED] 13.43 that really made him uncomfortable. He said Sgt. Warnberg commented on how breast feeding stimulated the nipples and then said to [REDACTED] 13.43, “Bet you like that,” while staring directly at [REDACTED] 13.43’s chest. He said they were all kind of shocked by the statement and they just kind of ignored him.”

Inspector Kjos further reported that:

“Officer Buck then described an incident from last week where Sgt. Warnberg’s behavior again made him feel very uncomfortable. He said they were on a call where a baby had died and the mother of the baby was very well endowed. Officer Buck said Sgt. Warnberg kept staring at the woman’s breasts to the point where it was very noticeable and he actually was about to tell the Sgt. to stop and go away when the woman crossed her arms over her chest in what Officer Buck felt was a clear sign she knew he was staring at her breasts. [REDACTED] 13.43 - Personnel Data

13.43 - Personnel Data

Inspector Kjos forwarded the memo submitted by [REDACTED] 13.43, the memo submitted to him by Sgt. Mosey, and his memo to Commander Granger on November 18, 2013.

Video Review, Holiday, 11-14-2013

On 11-20-2013, this investigator went to the Holiday gas station located at 2322 Washington Ave., Minneapolis to recover video. I spoke to the manager, Jamie Milligan, 612-521-7084, and was able to have her burn video from 11-14-2013, from 0900 to 0945 to a CD.

The Holiday is located on the southeast corner of Washington Ave. N. and N. 24th Ave., and faces west, with separate entrance doors on the west side. Customers enter via the south door, and exit via the north door. The checkout counter is located between these doors. At the south end of the store is a coffee and snack bar, and at the northwest corner of the store is a small seating area with two small round tables.

I took this video to the Crime Lab on that date and requested the CD be copied. This was done, and I later reviewed that video, which is summarized below:

The video opens at 0900 on 11-14-2013, and is in color and focus. There are 32 different camera views.

Camera "Entry Door"

09:12:37: Sgt. Warnberg enters the store on camera. He then walks to the bathroom.

09:14:38: Sgt. Warnberg emerges from the bathroom and walks to the drink bar, located at the southwest corner of the store.

09:15:16: Sgt. Warnberg gets a beverage from the drink bar, and engages in conversation with a male there.

09:17:49: Sgt. Warnberg leaves the drink bar, and walks east to the food counter, where he takes some food.

09:18:07: Sgt. Warnberg leaves the food area, walking towards the dining area located in the northwest corner of the store. At this time, he leaves the field of view of this camera.

Camera "HBC"

This camera is in the very northwest of the store, and looks straight down at the small seating area below. There are two (2) small round tables with two chairs at each table.

09:00:23: [REDACTED] 13.43 is seated and is visible in the very bottom frame of this view. Since the camera looks straight down, only [REDACTED] 13.43's arms and hands are visible. She is seated at the corner chair at the north-most table, with her back to the northwest corner of the store. On the table in front of her is her coffee and cell phone. She is speaking with a female in a red top whom this investigator recognized as a manager of the store. There are no other people at her table or the other table. From time to time [REDACTED] 13.43's distinctive hair is visible.

09:12:37: The manager leaves [REDACTED] 13.43's table.

09:19:31: Sgt. Warnberg can be seen at the register paying for his beverage and food.

09:20:51: Sgt. Warnberg finishes paying for his items, and walks over to the seating area. He starts to put his items down on the table to the south of [REDACTED] 13.43's table, but changes his mind and puts it down on her table. [REDACTED] 13.43 appears to be talking on her phone, as she can be seen gesticulating with her hand.

09:21:00: Sgt. Warnberg places two food items and a beverage on the table to [REDACTED] 13.43 left and across from her. He does not sit down, but instead goes to the paper rack and takes a newspaper.

09:21:19: Sgt. Warnberg returns to the table and starts eating, drinking and reading the newspaper.

09:23:49: [REDACTED] 13.43 can be seen to operate her phone, possibly texting. During this time, Sgt. Warnberg can be seen to eat, drink and engage [REDACTED] 13.43 in conversation. [REDACTED] 13.43's face cannot be seen.

09:37:11: Sgt. Warnberg leans in close across the table to [REDACTED] 13.43 and says something to her. [REDACTED] 13.43 reaches for her coffee cup.

09:37:14: Sgt. Warnberg leans back in his chair and can be seen to be smiling and looking at [REDACTED] 13.43.

09:37:15: [REDACTED] 13.43 is seen to get up and move to her left, as Sgt. Warnberg turns to his right to look at her.

09:37:18: [REDACTED] 13.43 is seen to move to her left away from the table and Sgt. Warnberg, while Sgt. Warnberg can be seen to be smiling at her. [REDACTED] 13.43's face is not visible.

09:37:31: [REDACTED] 13.43 stands to Sgt. Warnberg's right, and appears to be talking to him, as she is gesticulating with her right hand.

09:37:40: Sgt. Warnberg continues to look at [REDACTED] 13.43 as she is facing him.

09:37:42: [REDACTED] 13.43 takes her coffee cup from the table and leaves, as Sgt. Warnberg continues to look at her as she goes. He appears to be smiling or laughing, and after she leaves, he returns his attention to his newspaper.

09:37:57: [REDACTED] 13.43 goes to the register and pays for her items.

09:38:26: [REDACTED] 13.43 leaves the store via the exit door.

09:39:20: Sgt. Warnberg packs up his newspaper and puts it back on the rack for sale, cleans up his items from the table and heads for the door.

09:39:42: The video ends.

Because of the angle of the camera and the positioning of [REDACTED] 13.43, it is not possible to see her face and reaction when the remarks in question were made.

WorkForce Director, Schedule, 11-14-2013

This investigator checked the WorkForce Director records for Sgt. Warnberg and [REDACTED] 13.43 on 11-14-2013 and found the following:

- Sgt. Warnberg: Assigned to 4th Precinct [REDACTED] 13.43, Squad 408, 0530 to 1530 hours
- [REDACTED] 13.43: Assigned to 4th Precinct [REDACTED] 13.43 - Personnel Data [REDACTED] 13.43 Squad [REDACTED] 13.43, 0700 to 1700 hours

Sgt. Warnberg was scheduled for, and worked, a regular day. [REDACTED] 13.43 was scheduled for, and worked, a regular day from 0700 to 1500, and took two (2) hours of vacation time from 1500 to 1700.

WorkForce Director, Employee Work Log, 11-14-2013

This investigator checked the WorkForce Director "Employee Work Log" report for 11-14-2013 for Sgt. Warnberg and [REDACTED] 13.43 and found the following:

- Sgt. Warnberg responded to five (5) calls for service, including MPD CCN 13-379176, which was the "Baby Not Breathing" call referenced elsewhere in this report. He arrived on the call at 0701 hours and cleared "AST" at 0842 hours.

13.43 - Personnel Data

This data indicates which units both Sgt. Warnberg and [REDACTED] 13.43 were assigned to on 11-14-2013, and indicates that both were not on a call during the time of the alleged incident.

This data also allowed this investigator to use the VisiNet function to determine the location of Sgt. Warnberg and [REDACTED] 13.43's vehicles via GPS at the time of the incident.

VisiNet Data, GPS, Squad 408 and Squad 8424, 11-14-2013

Using the VisiNet Data, this investigator searched for the location of Squad 408, Sgt. Warnberg, and Squad [REDACTED] 13.43 - Personnel Data on 11-14-2013 at approximately 0855 hours. The address of the Holiday gas station is 2322 Washington Avenue North. Those findings are summarized below:

Sgt. Warnberg

- Sgt. Warnberg arrived at 24th and Washington at 09:11:04 hours, with his speed showing zero (0) at this time, indicating he was parked.
- Sgt. Warnberg's squad showed movement at 09:41:08 hours, indicating he left the Holiday at this time. His squad is noted travelling south on Washington Avenue at this time.

[REDACTED] 13.43

- [REDACTED] 13.43 arrived at 24th and Washington at 08:59:29 hours, with her speed showing zero (0) at this time, indicating she was parked.
- [REDACTED] 13.43's squad showed movement at 09:39:34, indicating she left the Holiday at this time. She also travelled southbound on Washington Avenue upon leaving the Holiday.
- [REDACTED] 13.43 is tracked to the 4th precinct, arriving there at 09:51:42, and staying there until 10:41:14, when she was dispatched to a call.

This is consistent with [REDACTED] 13.43's statement that she went to the 4th precinct immediately after the incident and spoke to Officer Babekuhl about what happened at the Holiday.

These times do correspond with the times of arrival and departure for Sgt. Warnberg and [REDACTED] 13.43 at the Holiday, as recorded on the surveillance video.

Investigation of the Breastfeeding and Nipple Stimulation Allegation

This investigator attempted to ascertain the exact date and time of this allegation, but was not successful in doing so.

In her memo to Sgt. Mosey, [REDACTED] 13.43 stated that the comments made to her by Sgt. Warnberg regarding breastfeeding and nipple stimulation occurred:

“Three weeks prior to this incident I was working overtime for [REDACTED] 13.43. I was at Holiday grabbing a cup of coffee and talking with several other officers. Sgt. Warnberg arrived. In the conversation Sgt. Warnberg brought up my breasts and made a sexual comment to me. Myself and other officers just ignored him and left the store.”

In her statement to Internal Affairs, [REDACTED] 13.43 stated that Officer Buck was present during this conversation.

This investigator examined WorkForce Director records for the 4th Precinct [REDACTED] 13.43 and 4th Precinct [REDACTED] 13.43, and compared these records to find a date where Sgt. Warnberg, [REDACTED] 13.43 and Officer Buck were all working, and once done, to then to examine VisiNet data, specifically the Automatic Vehicle Locator function (AVL) which records the GPS location, compass direction and speed of the squad to find a time where all three were at the Holiday together.

This investigator was not able to find a day where [REDACTED] 13.43 was working an overtime shift which was approximately three (3) weeks prior to the 11-14-2013 incident where Sgt. Warnberg and Officer Buck were also working and where all three of their squads were at the Holiday at the same time.

This investigator asked Sgt. Myslajek of the Internal Affairs Unit for assistance in searching for a possible date. Using VisiNet, Sgt. Myslajek determined that Sgt. Warnberg, [REDACTED] 13.43, Officer Buck and Officer Jeff Hagen were all at the Holiday on 9-24-2013 between the hours of 0843 to 0918 hours. This date is approximately 7 weeks prior to the 11-14-2013 incident, and [REDACTED] 13.43 was not working an overtime shift.

Note: This investigator attempted to recover video from the Holiday for this date and time, but was advised that the video equipment had malfunctioned and the equipment was removed and replaced, therefore there is no video available.

WorkForce Director, Schedule, 9-24-2013

This investigator checked the WorkForce Director records for Sgt. Warnberg and [REDACTED] 13.43 on 9-24-2013 and found the following:

- Sgt. Warnberg: Assigned to 4th Precinct [REDACTED] 13.43, Squad 408, 0530 to 1530 hours.
- [REDACTED] 13.43: Assigned to 4th Precinct [REDACTED] 13.43 - Personnel Data [REDACTED], Squad [REDACTED] 13.43, 0700 to 1700 hours.
- Officer Buck: Assigned to 4th Precinct [REDACTED] 13.43, Squad 460, 0600-1600 hours.
- Office Hagen: Assigned to 4th Precinct [REDACTED] 13.43, Squad 420, 0600-1600 hours.

Sgt. Warnberg was scheduled for, and worked, a regular day. He had gas mask fit testing at the SOC from 1000 to 1100.

Officer Buck was assigned to Squad 410 with Officer Hagen and was designated as the Response Car. He worked a regular day from 0600 to 1600.

Officer Hagen was assigned to Squad 410 with Officer Buck and was designated as the Response Car. He worked a regular day from 0600 to 1600, and also had gas mask fit testing from 1000 to 1100 hours.

[REDACTED] 13.43 was scheduled for, and worked, a regular day from 0700 to 1700.

This investigator also checked Workforce Director Schedule and AVL locator data for 4th Precinct [REDACTED] 13.43 and 4th Precinct [REDACTED] 13.43 for other possible officers who were working on this date who might have been at the Holiday at the time the alleged comments were made. Those officers were:

- Officers Krebsbach and Perry, Squad 430, were at 43rd and James.
- Officer Gillies, Squad 424, was at Clifton Place.
- Officer Lennander and Recruit Reisdorfer, Squad 420, were at the station.
- Officer Lukes, Squad 460, was at 45th and Camden.
- Officer Creighton, Squad 481, did not log on until 1300 hours.
- Officers Rudd and Webber, Squad 8420 did not log on until 1820 hours.

This investigator also checked the schedule and lineups for the 2nd Precinct and the 1st precinct for officers who had 4th Precinct connections or were friends with the officers at the Holiday to see if any of those officers who were working that day might have gone to the Holiday. No possible matches were found.

VisiNet Data, GPS, Squad 408 and Squad 8424, Squad 410, 9-24-2013

Using the VisiNet Data, this investigator searched for the location of Squad 408, Sgt. Warnberg, and Squad 8424, [REDACTED] 13.43, Squad [REDACTED], Officer Buck and Officer Hagen on 9-24-2013. The address of the Holiday gas station is 2322 Washington Avenue North. Those findings are summarized below:

Sgt. Warnberg

- Sgt. Warnberg arrived at 23th and Washington at 09:02:32 hours, with his speed showing zero (0) at this time, indicating he was parked.
- Sgt. Warnberg's squad showed movement at 09:11:06: hours, indicating he left the Holiday at this time. His squad is noted travelling south on 2nd Street to West Broadway at this time.

13.43

- [REDACTED] 13.43 arrived at 23th and Washington at 08:43:26 hours, with her speed showing zero (0) at this time, indicating she was parked.
- [REDACTED] 13.43's squad showed movement at 09:21:30, indicating she left the Holiday at this time. She travelled east on Pacific Street southbound upon leaving the Holiday.

Officer Buck and Officer Hagen

- Officers Buck and Hagen arrived at 23th and Washington at 08:43:07 hours, with their speed showing zero (0) at this time, indicating they were parked.
- Officers Buck and Hagen's squad showed movement at 09:17:20, indicating they left the Holiday at this time. They travelled south on Washington Ave. upon leaving the Holiday.

Sgt. Warnberg was with the other officers for a total of approximately 9 minutes.

Case Statements

Statement of [REDACTED] 13.43 - Personnel Data

On December 10, 2013, [REDACTED] 13.43 - Personnel Data came to the Internal Affairs Office and provided a statement in this case. Below is a summary of that interview:

[REDACTED] 13.43 was asked to describe in her own words what happened regarding her complaint and she stated, "I usually stop at Holiday on a work day and that morning I went, I was sitting by myself, and Sgt. Warnberg came in, sat down with me and he asked me how things were going. I stated to him [REDACTED] 13.43 - Personnel Data

[REDACTED] 13.43. And after a few minutes I got up and said, "Well, I'd better go do some work," and he said to me, "Well you know what you should do?" and I said, "What's that?" and he said, "You should get drunk." And as I was getting up to leave, he then said, "And then we can fuck." And I kinda stopped and I went, "pfft," to myself, "did he just actually say that to me?" And then after a second he said, "Well, unless of course you don't like to drink." Kinda re...I took it as meaning I like to do the other. So, and then I was just uncomfortable and I just walked...I just left. So...And then I kinda just sat and I was like sitting in my car going, "I can't believe this guy just said that to me." And I went back to the police precinct and mentioned it to one of my friends who I've been friends with the entire time on the Department and they were shocked and..."

13.43 was asked who she told this to, and she responded that she told it to Officer Todd Babekuhl.

13.43 was then asked if when she started walking away had Sgt. Warnberg stated to her, "That's funny isn't it? You need to laugh." 13.43 responded, "Oh, yes, he did", and added, "while I was walking away he's like, "Isn't that funny? You need to laugh." And I just kept walking away."

13.43 was then asked if Sgt. Warnberg had ever asked her or made a comment to her in the past about having sex, or was this the first time he had ever made a comment to her about having a sexual relationship, and 13.43 responded, "Yes, and besides prior to that, he's mentioned...a couple...a conversation around other cops, I believe it was someone had asked if 13.43 - Personnel Data and he kinda turned it into something."

13.43 was asked if she had any idea why Sgt. Warnberg would say something like this to her, and she responded, "You know, we're not good friends, so I wouldn't...it's not a friendship thing. And he...If he would have stayed, he would have been my direct...one of my direct supervisors. But to be honest with you, I think he says stuff and doesn't even realize what he's saying sometimes."

13.43 was asked if she talked with anyone else besides Sgt. Mosey, either on the day the incident occurred or in the following days, and she responded, "I did talk to Officer Buck; I had seen him on a call shortly after. And just cuz it was...I never had anyone say something so blunt like that to me before, after even years of being on this job. And...And I had asked Scott, I said, "Scott, do you remember back a couple of weeks?" I said, "Were you at coffee when he kind of referred to my breasts and..." And Scott's like, "Yeah, I remember that." And, you know, so..."

13.43 was then asked about the second item on her documentation which she thought occurred approximately three weeks prior to November 15th also at the Holiday station while she was working an overtime shift for 13.43. She was specifically asked about the content of the conversation as well as who was present.

13.43 stated, "I could...I could be off by my dates, I'm... I can't remember exactly what officers were there - there was probably four or five of us - and the way I recall it, is someone had asked me 13.43 - Personnel Data... and it was an innocent, you know, comment, "13.43 - Personnel Data?" And...he just...Sgt. Warnberg was there and he said something similar to, "Well 13.43, you know what that feels like to have your breasts stimulated," something on that order. And everyone there just got all quiet, like, "Okay," you know... And everyone kinda just knows to ignore him because he says dumb stuff once in a while. And then everyone just started talking and then left, we all picked up our conversation and walked out."

13.43 was asked to elaborate on her remark that Sgt. Warnberg "says dumb stuff once in a while." She responded, "I can't give an exact thing, he just...He's just kinda goofy sometimes, so I just...Yeah, I mean... I guess, you know, over the years he has said stuff in a sexual nature and he does say just goofy stuff once in a while, just on calls. But I can't remember exactly, you know, I can't be specific about anything he has said...Just working around him, you know, in the time that I have, I've just gotten so I tune him out (laughter) if it's not pertaining to police work, I just kinda tune him out most of the time."

13.43 was asked if there were any other incidents or comments of a sexual nature involving Sgt. Warnberg and she responded, "Well, just like when I spoke with Officer Buck. He had been on a call earlier in the day and felt uncomfortable. He stated to me he felt uncomfortable because Sgt. Warnberg was there and was staring at the woman's chest."

It was clarified that the incident 13.43 referenced above was the dead baby call which Sgt. Warnberg and Officer Buck had been at on during the morning hours of November 15, 2013.

13.43 was asked if there was anything else regarding Sgt. Warnberg that she had not talked about and she responded, "No. To be honest, I don't think he's a bad person or a bad police officer. At times...I...some...really don't think he knows what he's saying at times, I think he does it and go...and he even is like maybe, "Did I just say that?" (Laughter). You know, I really think it just comes out and before he realizes what he's saying.

13.43 was asked if she recalled the look on Sgt. Warnberg's face when he made the breastfeeding comment, and she responded, "I think he was trying to be funny, but everyone just kinda thought it... Okay, you're being gross now, you know. You turned something that's a natural thing into something sick. And then like just when he says on the second incident, "Isn't that funny?" I think he realized what he said and he was trying to make like he was joking."

13.43 was asked about Sgt. Warnberg being her direct supervisor, and she responded, "He's a 13.43 supervisor, and I fall under Sgt. Mosey as my direct supervisor, but he's...I still fall under Warnberg just because I'm out on the street, whereas if Sgt. Mosey is unavailable I would have to go to Sgt. Warnberg if he's working, or Sgt. Novak, you know. So, in a way he is...he's the supervisor. I would be going to 13.43 next year, where he would have if he would have stayed, would have been my direct supervisor."

13.43 was asked if she felt Sgt. Warnberg's comments were intended to be hurtful or malicious in any way to her, and she responded, "Not hurtful, just like...It was just...I think he really just doesn't know what... He doesn't know that he's...like trying to be funny or trying to...and he, like I said, just doesn't realize what he's saying sometimes."

13.43 was asked if there was anything else she wanted to add, and she stated there was not. The interview was then concluded.

Statement of Officer Scott Buck

On December 17, 2013, Officer Scott Buck came to the Internal Affairs Office and provided a statement in this case. Below is a summary of that interview:

13.43 had said that Officer Buck was present when Sgt. Warnberg made comments to her about breastfeeding. At this time, a group of officers were having coffee together. 13.43 did not know the exact date, or the names of the officers, but 13.43 believed it was sometime in October.

Officer Buck was asked if he recalled this. He stated, "I do recall it. And again, I don't know exact...what the exact words were, but it was something about, umm, umm, he ref...he was talking to her and if she liked breastfeeding, stimulates her nipples or feels good, or something to that effect."

He was advised that [REDACTED] 13.43 had stated that the topic of breastfeeding was brought up, and the question was asked [REDACTED] 13.43 - Personnel Data, and it was alleged that Sgt. Warnberg turned to her and stated, "Well [REDACTED] 13.43, you know what that feels like to have your breasts stimulated."

Officer Buck was asked if his recollection of this was consistent with what [REDACTED] 13.43 had recalled, and he indicated that it was.

Officer Buck was asked to provide the names of the other officers who were present, but was unable to do so. He stated that "we have twenty-some people on our shift; I don't want to...pretty much everybody will stop in there for a cup of coffee."

Officer Buck was asked if the other officers were male, or if there were female officers present. He responded that he knew "there were some males, but there could have been some female officers there too."

When the breastfeeding comments were made, Officer Buck stated he was approximately five (5) feet away from [REDACTED] 13.43 and Sgt. Warnberg, and he stated that he clearly heard what was said.

Officer Buck was asked about [REDACTED] 13.43's reaction upon hearing these comments, and he stated "She was quiet...I think it was just one of those where everybody was just kinda like, really? Everybody was just quiet."

Officer Buck was asked what Sgt. Warnberg did when the conversation became quiet, and he responded, "Well, there was a couple of seconds of quiet and then I think the conversation just changed, if I remember correctly."

Officer Buck was asked if there was any conversation afterwards about it, or if anyone said anything to Sgt. Warnberg about it that day, and Officer Buck responded, "Not that I'm aware of, no."

Officer Buck was asked if he told anybody else about Sgt. Warnberg's comments about breastfeeding that day, and he responded that he had not.

Officer Buck was asked if he had any doubt in his mind as to who the breastfeeding comments were directed to, and he responded, "No, there wasn't any doubt, that's pretty obvious."

Officer Buck was shown a copy of the schedule, and this investigator attempted to determine exactly which day the breastfeeding incident took place, but we were unable to do so. It was established that Officer Buck would work different cars during the day, such as the warrant car, the truant car, and his regular district car.

He was asked with this in mind, could he recall the specifics of what he was doing or assigned as when the breastfeeding incident occurred, and he could not.

Officer Buck was then asked about his knowledge of the events at the Holiday on November 14, 2013. He stated that [REDACTED] 13.43 told him something to the effect of, "Yeah, you can get drunk and...and we can fuck."

He stated that she told him this on the same day that it occurred, and that they talked about the breastfeeding incident as well.

13.43 - Personnel Data

Officer Buck was asked if he was surprised about Sgt. Warnberg making inappropriate sexual comments to [REDACTED] 13.43, and he responded, "No, because I've heard about other things too, you know, in his career."

Officer Buck was asked if he had told Inspector Kjos about an experience on a call with Sgt. Warnberg where he found Sgt. Warnberg's behavior to be odd or inappropriate, and he responded that he had.

Officer Buck was asked to explain this, and he responded that, "It was a DOA of a two-week-old baby and, uh, I guess it was about an hour or so into the call...Umm...As you can imagine, the...the mother was pretty upset. Umm...And at one point, umm, let's see, I remember him...Okay, she was...She was wearing a shirt, she had probably just happened to be wearing a shirt without a bra. I remember him, seeing him staring at her chest, and, uh, for more than, you know, just you know when you glance at somebody, I mean it was kind of a prolonged thing, to the point where it made her uncomfortable - where she had to cross her arms. And I did tell, and I told Kjos this too, that you know, and I told [REDACTED] 13.43 when we had been in a discussion. I'd thought at that point of pulling him aside and saying, "Hey, you know, you can't stare at her like that, you know, you made her really feel uncomfortable, because I didn't think it was right. So, umm...Then for whatever reason I didn't. But at that point I...I almost...I felt obligated, but then a part of me is telling me too, "Well he's my supervisor, why should I be telling him this?" But I thought just as a co-worker I should say something to him."

Officer Buck was asked if there were any other officers present at this incident who saw Sgt. Warnberg's behavior, and he responded that there were not. He was also asked if the female said anything to Sgt. Warnberg, and Officer Buck responded, "No, she didn't. She just kind of crossed her arms and looked...I think..."

Note:

This incident occurred on the same day as the allegation of inappropriate conduct of the part of Sgt. Warnberg at the Holiday station. This call was the first call Sgt. Warnberg responded to on 11-14-2013. [REDACTED] 13.43 did not respond to this call.