

The CCN for the call is 13-379176. Associated documents regarding this call also included in this report for the reader's reference are:

- CAPRS Report, 13-379176
- Incident Detail Report, 13-379176
- Subject Information Form, Ruby Shanqua Dees, mother
- Child Protection Intake Summary Report

Officer Buck was then asked if he was surprised to learn of the third incident involving Sgt. Warnberg and comments or behavior of an inappropriate sexual nature when [REDACTED] told him about the second incident at the Holiday. Officer Buck responded, "...I've seen a lot. I mean, it doesn't, it didn't surprise me or shock me, but it, to me it was something that shouldn't have to happen I guess."

The interview was then concluded. After the interview, this investigator realized he had not asked Officer Buck about the location of the parties at the Holiday where the breastfeeding comments were allegedly made by Sgt. Warnberg.

The recorder was turned on again and Officer Buck stated that at that time the remarks were said, [REDACTED] 13.43 was standing to the north of the north-most table, and Sgt. Warnberg was standing to her left, which would be to the east, approximately two (2) to three (3) feet away. He stated he was standing to the south of them, at the south-most table.

Officer Buck was asked to clarify his distance from them, as he had earlier stated he was approximately five (5) feet from [REDACTED] 13.43 and Sgt. Warnberg. Officer Buck responded that "it could have been a little more give or take, about a foot or two, but yeah, about five (5) feet.

He was asked about other officers there, and he responded, "Amongst us, there... There could have been some in between us and I do kind of recollect there were some, umm, it would have been in the next aisle over, at the end of the next aisle."

Officer Buck was then asked if Sgt. Warnberg was the closest of all the MPD personnel there to [REDACTED] 13.43 and he responded that he was.

Note:

This investigator had been to the scene of the allegation, and Officer Buck's description of the orientation the tables is consistent with what this investigator observed.

Officer Buck was then asked if had had stated that when Sgt. Warnberg made the alleged comment about breastfeeding, that he leaned in toward her, and Officer Buck responded, "He did, yeah."

The interview was then concluded.

### Statement of Sgt. Steve Mosey

On December 17, 2014, Sgt. Steve Mosey came to the Internal Affairs Office and provided a recorded statement in this case. Below is a summary of that interview:

Sgt. Mosey is the supervisor of the 4<sup>th</sup> Precinct [REDACTED] 13.43 - Personnel Data, and is [REDACTED] 13.43's direct supervisor. He was asked if [REDACTED] 13.43 reported to him that Sgt. Warnberg had been involved in an incident with her that took place at the Holiday gas station on November 14, 2013, and he responded that she had.

He stated that he was at In-Service training and that she left a message telling him she wanted to talk to him "about something that was made her uncomfortable." He stated he called her during a break and she told him she was at the Holiday gas station having coffee with Sgt. Warnberg.

During the coffee, she told Sgt. Mosey that she told Sgt. Warnberg [REDACTED] 13.43 - Personnel Data [REDACTED] 13.43, at which point she stated that Sgt. Warnberg told her, "Well, you need to get drunk," and then said "so then we can fuck."

At this point, Sgt. Mosey stated [REDACTED] 13.43 told him she felt very uncomfortable and that she started to walk away, whereupon Sgt. Warnberg stated words to the effect of, "You don't like to drink?" Sgt. Mosey stated [REDACTED] 13.43 told him that she took this to mean, "Well then she likes to fuck." As she walked away, Sgt. Mosey stated [REDACTED] 13.43 then told him Sgt. Warnberg then tried to make a joke of it and said something to the effect of, "That's funny, isn't it?" and also added, "You need to laugh." At this point, Sgt. Mosey said that [REDACTED] 13.43 told him she felt very uncomfortable and left the Holiday.

Sgt. Mosey was asked if he spoke to [REDACTED] 13.43 in person as well, and he responded that he had.

Sgt. Mosey was asked if [REDACTED] 13.43 related any other inappropriate incidents involving remarks made by Sgt. Warnberg. Sgt. Mosey stated [REDACTED] 13.43 had.

He stated she did not have an exact date or who was present, but that [REDACTED] 13.43 told him the subject of breastfeeding had come up, and Sgt. Warnberg had "made what she thought was an inappropriate comment about her breasts or her nipples."

Sgt. Mosey was asked for further details about this, and he stated that [REDACTED] 13.43 "thought Officer Buck was there and she thought his reactions by his physical face...were very uncomfortable."

He was asked again if [REDACTED] 13.43 mentioned any names of others present at this incident, and Sgt. Mosey responded, "She did not."

Sgt. Mosey was then asked what he did with this information, and he responded that he began an initial investigation and reported it to the Inspector of the 4<sup>th</sup> Precinct, who in turn reported it to the Commander of Internal Affairs.

Sgt. Mosey stated that he and Inspector Kjos checked squad GPS data and found that both [REDACTED] 13.43 and Sgt. Warnberg were at the Holiday station at the same time on November 14, 2013.

Sgt. Mosey also asked █ 13.43 █ if she felt comfortable enough to finish her shift, and he stated she told him she was.

Sgt. Mosey was asked if he ever talked to █ 13.43 █, and he responded he did not.

Sgt. Mosey stated that he, Inspector Kjos, and █ 13.43 █ all met in Inspector Kjos' office and went over the incident in detail.

Sgt. Mosey was asked if he had ever heard or witnessed Sgt. Warnberg say anything that was inappropriate, and Sgt. Mosey responded that he had "heard rumors on other incidents, nothing formal, nothing brought to me as a supervisor, but rumors of other incidents that Sgt. Warnberg's been involved with."

When asked about these rumors, Sgt. Mosey stated that he heard that while working a Twins game, Sgt. Warnberg had noticed that 13.43 - Personnel Data wasn't wearing a nametag, and "poked her in the chest in the breast region and said, where's your nametag?"

When asked if he had heard anything else, Sgt. Mosey stated that he had heard that while Sgt. Warnberg was assigned to 13.43 - Personnel Data, he went on a call with two female officers, whose names he could not recall.

Sgt. Mosey stated that when the two female officers came back to their squad from inside a house, Sgt. Warnberg "was sitting in their squad and they were puzzled as to why....and they asked him and he couldn't give a legitimate answer..."

Note: For an explanation of this incident, please refer to the statement of Officer Bridget Reilly.

Sgt. Mosey also stated "and then of course the...baby rumor, or...or the dead kid rumor, staring at the woman's breasts, it was the mom or something, I heard that one too."

Note: For an explanation of this incident please refer to the summary of MPD CCN 13-379176, involving Ruby Shanqua Dees and her deceased daughter, Treasure Jackson, DOB 10-28-2013, DOD, 11-14-2013. Of note, this incident was the same day as the allegation of the comments regarding getting drunk and having sex made by Sgt. Warnberg at the Holiday gas station.

Sgt. Mosey was then asked if anything had ever been reported to him as a supervisor regarding inappropriate comments by Sgt. Warnberg, and he stated, "No, had it been brought up to me as a supervisor, I would have taken the appropriate steps."

Sgt. Mosey was asked if Sgt. Warnberg had ever said anything to him which he considered to be inappropriate, and he responded, "He has not."

Sgt. Mosey was asked if he had any reason to doubt what █ 13.43 █ told him was the truth, and he responded, "None whatsoever." He added that he has "known her for a long time and it was genuine that was coming from her facial expressions, her mood, her tone and everything else."

Sgt. Mosey was asked if he thought █ 13.43 █ could have embellished any portion of what he was told by █ 13.43 █, and he responded, "I don't think so."

Sgt. Mosey added that [13.43] has repeatedly said that she "wishes no harm against Sgt. Warnberg as far as this incident is concerned."

### **Statement of CPS Jennifer Waisanen**

On 12-18-2013, 4<sup>th</sup> Precinct CPS Jennifer Waisanen came to Internal Affairs and provided a statement in this case, which is summarized below:

This investigator explained to CPS Waisanen that her name had come up during the course of this investigation as possibly having been subjected to conversations with Sgt. Warnberg where the City of Minneapolis Anti-Discrimination, Harassment and Retaliation Policy was violated, and that we were investigating this possibility.

CPS Waisanen was asked if she had ever been in a position where she or Sgt. Warnberg initiated a conversation where there was a sexual topic or where sexual comments were made to her. She responded, "Not that I recall, no."

CPS Waisanen said that Sgt. Warnberg "would walk by and he would chat once in a while, but he...I don't recall him ever saying anything inappropriate to me or of a sexual nature or anything."

CPS Waisanen was asked if she ever overheard any conversations where Sgt. Warnberg made comments or engaged in conversation that may have been either sexually charged or offensive, and she responded that the "only thing I heard was this recent one, people were talking about it."

CPS Waisanen stated that the discussion centered around the fact that Sgt. Warnberg was transferred because he "said something to [13.43]...do you want to have sex with me or something or..."

CPS Waisanen was asked if anyone had ever complained to her that they have had a comment made to them by Sgt. Warnberg that was either off-color or of a sexual nature or inappropriate for the workplace, and she responded, "No."

### **Statement of Officer Bridget Reilly**

On 12-20-2013, Officer Bridget Reilly came to Internal Affairs and provided a statement in this case, which is summarized below:

Steve Kennedy explained to Officer Reilly that her name had come up during the course of this investigation as possibly having been subjected to conversations with Sgt. Warnberg where the City of Minneapolis Anti-Discrimination, Harassment and Retaliation Policy was violated, and that we were investigating this possibility.

Officer Reilly stated that Sgt. Warnberg was her supervisor on [13.43] during the winter of 2013. (WorkForce Director records show Sgt. Warnberg was assigned to 4<sup>th</sup> Precinct [13.43] from 1-13-2012 to 6-1-2013)

Steve Kennedy asked Officer Reilly if she had ever had any experiences with Sgt. Warnberg where he either said something to her, or where his actions made her feel uncomfortable, or where she thought the actions or remarks were inappropriate for the workplace.

To this, Officer Reilly responded, "No."

Steve Kennedy then asked her about an incident where she was on a call and after leaving the address, came out to her squad and found Sgt. Warnberg sitting inside her squad alone. She stated that she did remember this incident.

She stated the nature code was a domestic unwanted, and that she and Sgt. Warnberg arrived at approximately the same time and entered the house together. Once the situation was under control, she stated Sgt. Warnberg left the house, and that she did the same approximately two or three minutes later.

She had the male from the call with her, and when she got to her car, she observed Sgt. Warnberg leaning in to her squad at the driver's side door. She stated she asked him, "What are you doing, Sarge?" To this, she stated he responded "Uhh... basically, Uhh... nothing, I thought this was my car."

This investigator asked her if she believed that, and she responded that she didn't really care. She was asked if Sgt. Warnberg offered any explanation to her as to what he was doing in her squad, and she responded, "No."

Officer Reilly added that officers will unlock the squad for another officer when that officer is going to transport a person, and Sgt. Warnberg could have been doing that. This investigator pointed out that Sgt. Warnberg told her he thought that was his squad. She responded that she thought it "was odd" but did not make her feel uncomfortable.

She was asked if she had any personal items in the squad, and if any of those personal items had been disturbed, and she responded that the only thing she had in the squad was her cell phone, and that it did not appear to be handled or touched.

She added that she may have told somebody that "Warnberg was in my squad car", and agreed that the story may have gotten legs from there.



## 13.43 - Personnel Data

## 13.43 - Personnel Data

She stated that in the six months that Sgt. Warnberg was her supervisor, he never said anything to her that made her feel uncomfortable, and if he had, she stated she would have just said something to him, and if things progressed from there, she would have taken it further, but there was nothing ever said which made her feel that she needed to say something to him.

Officer Reilly stated that she was not aware of any other officers who had expressed similar experiences with Sgt. Warnberg to her to the point where they became uncomfortable.

She was asked if she recognizes a difference between her car partners and a supervisor, and she responded that the joking and familiar behavior was "a little odd coming from him, being a supervisor." She added that she had joked with supervisors before, but had known them much longer.

Her opinion was that people develop relationships over a period of time by working together and learning about their families and so forth, but that she didn't know Sgt. Warnberg that well. She added that she could not give a concrete example,

13.43 - Personnel Data

13.43

### Statement of Sgt. Tomma Freundschuh

On January 9, 2014, Sgt. Tomma Freundschuh came to the Internal Affairs Office and provided a recorded statement in this case. Below is a summary of that interview:

Sgt. Freundschuh was asked if 13.43 had ever approached her in any capacity to voice concerns she had with Sgt. Warnberg or comments made to 13.43 by Sgt. Warnberg, and she responded, "No, she hasn't."

She was asked if any other person had approached her and voiced concerns about comments made by Sgt. Warnberg, and she responded, "No."

When asked if she was surprised to learn that Sgt. Warnberg had made some inappropriate comments to 13.43, she responded, "I guess that I'm surprised he would say something of a sexual nature, I guess."

When asked if she had ever heard Sgt. Warnberg say anything to her which was either risqué or of a sexual nature, she responded, "No, I haven't."

### Statement of Sgt. Shannon Barnette

On January 14, 2014, Sgt. Shannon Barnette came to the Internal Affairs Office and provided a recorded statement in this case. Below is a summary of that interview:

Sgt. Barnette was asked if she had ever been told by any MPD employee that they had heard or observed Sgt. Warnberg make remarks which were inappropriate for the workplace. Sgt. Barnette responded that she had heard of this incident after it happened, but didn't remember any prior incidents.

She stated that she was aware of prior complaints against Sgt. Warnberg which had gone to Internal Affairs, and referenced the incident involving Sgt. Warnberg and 13.43 - Personnel Data at a Twins game, but stated that she didn't know exactly what it was about. She also mentioned another incident, but said she did not have any facts about it.

She was asked if Sgt. Warnberg had ever said anything to her that she thought was inappropriate, and she responded, "No."

She was asked if she had any information about the complaint brought by 13.43, and she stated she did not.

### **Statement of Officer Todd Babekuhl**

On January 22, 2014, Officer Todd Babekuhl came to the Internal Affairs Office and provided a recorded statement in this case. Below is a summary of that interview:

Officer Babekuhl was told that his name came up during an interview with 13.43 where she stated that she had told him about the incident with Sgt. Warnberg on the day it occurred, November 14, 2013. He was asked if this was true, and he responded, "Yes."

Officer Babekuhl stated he was doing reports on the computer and 13.43 walked in and said to him, "Did you hear what Warnberg said to me?" He stated he wasn't really listening, and that 13.43 said that Sgt. Warnberg said something to her to the effect of "Uh, let's get drunk and screw."

To this, Officer Babekuhl said that 13.43 told him, "I couldn't believe it." He then said that 13.43 told him that Sgt. Warnberg then looked at her and said, "Oh, You probably don't drink anyway, or get drunk."

Officer Babekuhl stated that he asked 13.43 "So what now?", and that she responded, "Well, I think I'm gonna mention something to Sgt. Mosey."

He was asked how she appeared to him, and he responded that "she wasn't looking like she thought it was funny." He added that he thought "she was just like, I can't believe somebody said that to me."

Officer Babekuhl was asked if 13.43 had ever told him about any other incidents involving Sgt. Warnberg, and he responded that he didn't remember any.

Officer Babekuhl was asked if anybody else had ever told him about other inappropriate comments made by Sgt. Warnberg, and he responded that no person had, but that he had heard rumors 13.43 - Personnel Data

He added that other than what he was told by 13.43, he had not been told of any inappropriate comments or comment of a sexual nature directed to others by Sgt. Warnberg.

He stated that he has known 13.43 since before she started as a police officer, and played volleyball with her parents for a long time before she came on the department, and believes that she is an honest person.

He was asked if she had ever lied to him about anything, and he responded, "No."

He was asked if he had any reason to think she was not telling the truth in this case, and he responded, "No."

He was asked if he believed her; if he didn't think she was making it up, and he responded, "Yeah, I...I believe it happened."

He was asked if he thought [REDACTED] 13.43 had embellished it, and he responded, "I don't think she ever embellishes anything."

He was asked if he had any reason at all to doubt what she said, and he responded, "No, I don't think she's ever lied to me."

### **Statement of Sgt. James Novak**

On January 22, 2014, Sgt. James Novak came to the Internal Affairs Office and provided a recorded statement in this case. Below is a summary of that interview:

Sgt. Novak was asked if anyone had ever reported to him that Sgt. Warnberg had made comments that were of a sexual nature or inappropriate for the workplace, and he responded, "I don't believe so, no."

Sgt. Novak was asked how he learned of the current complaint involving Sgt. Warnberg, and he responded that he was in a room with Sgt. Warnberg when Sgt. Warnberg was called out of the room by Lt. McGinty, who later told Sgt. Novak that Sgt. Warnberg "was being moved or sent home or....and it had to do with an issue regarding hostile work environment, I don't know remember exactly."

### **13.43 - Personnel Data**

Sgt. Novak added that [REDACTED] 13.43 - Personnel Data [REDACTED] 13.43 He went on to say [REDACTED] 13.43 - Personnel Data [REDACTED] "I've never heard him make comments to people, because if he did I'd pull him to the side and say, Hey, are you stupid? I've never had that experience with him."

Sgt. Novak was asked if he had ever found [REDACTED] 13.43 to be untruthful, and he responded that the only experiences he has had with her involved getting overtime shifts [REDACTED] 13.43 - Personnel Data [REDACTED] 13.43 - Personnel Data, and added "But that honesty really would never come up for that, I don't believe."

Sgt. Novak stated that [REDACTED] 13.43 - Personnel Data [REDACTED] 13.43 - Personnel Data [REDACTED] he did not think that Sgt. Warnberg made comments to [REDACTED] 13.43 [REDACTED] 13.43 at the Holiday "because that's just too egregious."

### **Statement of Sgt. Ryan Lynch**

On February 13, 2014, Sgt. Ryan Lynch came to the Internal Affairs Office and provided a recorded statement in this case. Below is a summary of that interview:

Sgt. Lynch took over the duties on 4<sup>th</sup> Precinct [REDACTED] 13.43 from Sgt. Warnberg after Sgt. Warnberg was transferred. He was asked what he had heard about the allegations, and he responded that he had heard officers congregating around the desk area of the station, and that he heard that Sgt. Warnberg had “said something to [REDACTED] 13.43 about getting drunk and screwing or something like that.”

Sgt. Lynch said that he had brought a box of Sgt. Warnberg’s possessions from the 4<sup>th</sup> Precinct to him at the 2<sup>nd</sup> Precinct, and told him that the accusation and reason for his transfer was that he had said words to the effect of getting drunk and having sex with [REDACTED] 13.43.

Sgt. Lynch was asked what Sgt. Warnberg’s reaction to this was, and he responded that Sgt. Warnberg, “looked kind of taken aback, and you know, and made some kind of...kind of a denial that, no, nothing like that ever happened.”

Sgt. Lynch was asked if he thought Sgt. Warnberg’s denial seemed “angry” to him, and he responded, “I don’t know if I’d say angry, but he...he...I mean, his...his facial expressions had changed and he, you know, denied it.”

Sgt. Lynch was asked to elaborate on Sgt. Warnberg’s denial; to describe if it was a strong denial, a vehement denial, and he stated, “Yeah. I mean I remember him shaking his head “No” and saying to the effect that that didn’t happen.”

Sgt. Lynch was asked how he would feel if he was wrongfully accused of sexual harassment, and he responded, “I’d be upset.” He was asked if he would be angry, and he responded, “Angry and probably disappointed at whoever made the allegation, yeah.”

He was asked if he thought Sgt. Warnberg’s reaction seemed to fit with that, and he stated, “Yeah, I thought so.”

### **Statement of Officer Jeff Hagen**

On May 21, 2014, Officer Jeff Hagen came to the Internal Affairs Office and provided a statement in this case. Below is a summary of that interview:

Officer Hagen was asked if he had gone to the Holiday gas station on Tuesday, 9-24-2013, and he responded, “I did.”

He was asked if he remembered if [REDACTED] 13.43 was there, and he responded, “I don’t clearly remember her being there.” He was asked if it was possible that [REDACTED] 13.43 was there, or if he was certain that she wasn’t there, and he responded, “No, it’s possible.”

He was asked if he remembered if Sgt. Warnberg was there, and he responded, “I’m not sure who was all present that day.” He was asked if it was possible that Sgt. Warnberg was there, or if he was certain that he wasn’t there, and he responded, “Yeah. It’s possible.”

He was asked if there was a group of officers there, and he responded, "There was."

He was asked if he had heard any conversations on that day that he recalled, and he responded, "Nothing that stands out."

He was asked if he heard conversations about [REDACTED] 13.43 - Personnel Data [REDACTED] and he responded, "Not that I remember."

He was asked if he heard any questions about whether [REDACTED] 13.43 - Personnel Data [REDACTED] 13.43 - Personnel Data [REDACTED], and he responded, "No."

He was asked if he heard Sgt. Warnberg make any comments to [REDACTED] 13.43 [REDACTED] about breastfeeding, and he responded, "No."

He was asked if he heard Sgt. Warnberg make any comments to [REDACTED] 13.43 [REDACTED] of a sexual nature in general, and he responded, "No."

He was asked if he heard Sgt. Warnberg make any comments to [REDACTED] 13.43 [REDACTED] about her breasts or whether breastfeeding stimulates nipples and whether she likes that or not, and he responded, "Not that I remember."

He was asked if he heard Sgt. Warnberg make any kind of conversation that day, and he responded, "I don't remember the detail of any conversations."

He was asked if he remembered who left first – Sgt. Warnberg or [REDACTED] 13.43 [REDACTED], and he responded, "No."

He was asked if he had any conversations with Officer Buck back in the squad about anything that was said at the Holiday, and he responded, "No."

He was asked if Officer Buck brought any concerns to him about any conversations that Sgt. Warnberg had with [REDACTED] 13.43 [REDACTED] – either on that day or any other day - regarding comments of an inappropriate sexual nature, and he responded, "Not that I remember."

He was asked if he didn't hear Sgt. Warnberg make any comments of a sexual nature to [REDACTED] 13.43 [REDACTED] on Tuesday, 09-24-2013, did he hear Sgt. Warnberg make any sexual comments regarding breastfeeding or [REDACTED] 13.43 [REDACTED]'s breasts on any other day at the Holiday gas station, and he responded, "No."

He was asked if he had ever heard Sgt. Warnberg make any kind of sexually inappropriate comments to [REDACTED] 13.43 [REDACTED] at any time, and he responded, "No."

## Statement of Sgt. Kent Warnberg

On January 30, 2014, Sgt. Kent Warnberg came to the Internal Affairs Office and provided a statement in this case. Below is a summary of that interview:

Sgt. Warnberg was asked if he had ever been at the Holiday gas station at the same time that [REDACTED] 13.43 - Personnel Data was there too, and he responded, "I have."

Sgt. Warnberg was asked if he had any recollection of being at the Holiday gas station with a small group of other sworn personnel, when [REDACTED] 13.43 - Personnel Data [REDACTED] 13.43 - Personnel Data. His response to this was, "I knew that [REDACTED] 13.43 - Personnel Data. I don't know how it came out, but yes I was aware of that."

Sgt. Warnberg was asked if other officers were present. His response was, "Umm...I don't know if there were officers there or not, I imagine there were. I don't recall then."

Sgt. Warnberg was told that [REDACTED] 13.43 [REDACTED] alleged that someone in that group of sworn officers who were at Holiday asked her if [REDACTED] 13.43 - Personnel Data [REDACTED].

Sgt. Warnberg was told that the allegation was that he stated to [REDACTED] 13.43, "Well [REDACTED] 13.43, you know what that feels like to have your breasts stimulated."

Sgt. Warnberg was asked if he made that comment to her. His response was, "I had never heard that comment nor did I make it, in my whole life."

Sgt. Warnberg was asked if there had ever been any kind of negative contact between him and [REDACTED] 13.43 [REDACTED] which might lead her to make an accusation like this, and he responded, "There has not." Sgt. Warnberg added, "I have never had a problem with her."

Sgt. Warnberg was asked again about the allegation involving breastfeeding, and was told that he had reportedly made the comment about breastfeeding while staring at [REDACTED] 13.43 [REDACTED]'s chest, and that that "stimulates the nipples."

Sgt. Warnberg responded, "This is the first time I've ever...I know about breastfeeding, but this is the first time I've ever heard anything about [REDACTED] 13.43 [REDACTED] or [REDACTED] 13.43 breastfeeding, period. This is news to me."

Sgt. Warnberg was asked again about any past problems he has had with [REDACTED] 13.43 [REDACTED] which might lead her to make such a strong and very explicit accusation, and he responded, "I don't know what to say. I've never had any problems with her. I don't know anything about that specific conversation and I wouldn't talk about breastfeeding and whatever it does to her breasts, I don't do that."

Sgt. Warnberg was then asked if he had ever had any conversations with [REDACTED] 13.43 [REDACTED] that were sexual in nature or made any comments to [REDACTED] 13.43 [REDACTED] that were sexual in nature. He responded, "I have not."

Sgt. Warnberg was then asked if he recalled being at the Holiday gas station on November 14<sup>th</sup>, 2013, and sitting with [REDACTED] 13.43 [REDACTED] on her left side at one of the round tables with stools while eating breakfast and talked with her. Sgt. Warnberg responded, "I do."

Sgt. Warnberg was then told that [REDACTED] 13.43 [REDACTED] alleged during this conversation that he proposed that the two of them engage in sex. He was asked if he made that suggestion to [REDACTED] 13.43 [REDACTED] and he responded, "I did not and I wouldn't."

Sgt. Warnberg was further told that [REDACTED] 13.43 [REDACTED] said that she talked with him and while the two were engaging in chit chat, she told him, "Well, I'd better go do some work." And that he said to her, "Well you know what you should do?" and she said, "What's that?" and his reply to her was, "You should get drunk," followed by some other comments.

Sgt. Warnberg was asked if he recalled ever making comments like these to her, and his response was, "I do not recall that and can tell you I wouldn't make a comment like that."

Sgt. Warnberg was then advised that after telling her "she should get drunk," that as she got up to leave, he followed that comment with another which was, "and then we can fuck." He was asked if he made that comment to her, and he responded, "I did not."

Sgt. Warnberg was then told that [REDACTED] 13.43 [REDACTED] said she didn't respond to this, and then he allegedly said, "Well, unless of course you don't like to drink."

Steve Kennedy told him, "That's the third part to that. Any...Does that...?" Sgt. Warnberg responded, "Again"

Steve Kennedy then stated, "I know you've already said that you didn't make these types of comments to her." Sgt. Warnberg responded, "Right."

Steve Kennedy then stated, "I'm offering you these individual pieces of it to see if in total they add up to a recollection for you." Sgt. Warnberg responded, "They do not, because I did not say that."

Steve Kennedy then told Sgt. Warnberg, "All right, and the last part of her allegation is that she said that she looked at you and didn't quite know what to say and you stated to her, "Isn't that funny? You need to laugh." Sgt. Warnberg responded, "Again, I did not say that and I wouldn't say that."

Sgt. Warnberg was asked if it was possible that he just blurted these comments out and didn't even realize what he were saying. Sgt. Warnberg responded, "Umm...I don't want to say yes it's possible because I don't talk that way, I don't talk to females that way. I guess anything in the world is possible, but I wouldn't say this to a female about, "Let's drink" or whatever she said. And I'm...I don't...I'm not that way. And..."

Sgt. Warnberg was further asked if it possible that he just blurted it out; that he didn't realize what he was saying, or that he was maybe trying to be funny or make a joke; that he was trying to lighten the atmosphere. Sgt. Warnberg responded, "Yes, I guess anything's possible, but I don't recall saying that. I wouldn't make fun of something like that."

Sgt. Warnberg was asked if he felt that he was being wrongly accused. He responded, "I do. This is...This is killing me on the first part about the breastfeeding. I don't...I don't remember any of that, I don't...talking about breastfeeding. And this, on the second allegation – I wouldn't say that to people, I don't talk that way. I wouldn't put myself in a predicament where I get an allegation like this. There's so much to lose verses what to gain and I would not do that."

Sgt. Warnberg was asked if he remembered going to a dead baby call on 11-14-2013, and he responded that he did. He was asked if he remembered if Officer Buck was there. He responded that he did.

He was asked if he remembered what the mother looked like, and he responded "She was a black female."

He was asked if he remembered if she had if she had large breasts, and he responded, "I have no idea. I...She was crying and it was a pretty rough scene."

He was advised that during this difficult time it was alleged that he was staring at the mother's breasts in a manner which made her obviously uncomfortable. He was asked if it was possible that he could have been doing that and not realized it.

He responded, "I don't remember staring at her breasts and I don't know who saw that or said that, but in a traumatic scene, I don't think I would just start staring at somebody's breasts."

Sgt. Warnberg was asked if at a scene like that where a baby has just passed away, would staring at the mother's breasts be a normal reaction by a police supervisor. He responded, "That would not be a normal reaction."

Sgt. Warnberg was further advised that the person making the statement that he did so stands by his allegation. Sgt. Warnberg responded, "I don't know what to say. I don't know how anybody knows what I was looking at or did look at. I don't...I don't recall what the lady looked like. I remember it was a very traumatic scene."

Sgt. Warnberg was asked why he thought an officer would report that they saw him doing this if he hadn't done it. Sgt. Warnberg responded, "I have no idea. I was not aware of that. I don't know what to say. I wouldn't do that. I mean, I was busy doing supervisor stuff."

Sgt. Warnberg was asked if he had received information advising him that 13.43 - Personnel Data 13.43 - Personnel Data around the time of 11-14-2013, and he responded that he had, but could not remember the exact date or how he was notified.

Sgt. Warnberg was also advised that the dead baby call was on the same day and prior to the allegations of the improper sexual conversations at Holiday.

Sgt. Warnberg was asked, with these two significant things that just happened to him, in relatively close order, was it possible that because of his frame of mind, that he may have said something inappropriate to 13.43 that he didn't recall saying?

Sgt. Warnberg responded, "In that frame of mind – Yes, it is possible. I don't remember saying any of that and I wouldn't. I...It's just...But I guess I don't know what my frame of mind was right then and I didn't realize that was the day the baby died – Oh, I remember that real clear. And I don't remember if that was the day I was notified. I guess I didn't put those two together."

Sgt. Warnberg was asked if he thought 13.43 was making all of this up. He responded, "I don't know where this came from. I don't recall and I wouldn't say..."

Sgt. Warnberg was then told, "From [REDACTED] 13.43" His response was, "Right. But I don't know what would cause her to say this. It just killed me when I received this notice and I didn't know what it was about. And I guess it does surprise me and I don't know the...it's a reason."

Sgt. Warnberg was then asked if he would have us believe that the other people who have given us statements about this case would be lying. He responded, "No, I trust them. I don't know who these people are and I'm not gonna ask, but I know who I think was at the crime scene, or the dead baby scene, and I don't know any reason why they would lie, because you need to tell the truth."

He was asked if there was any reason that any of these personnel would have to make up lies about his conduct. He responded, "Well, I...I don't know."

Sgt. Warnberg was advised that others have said he has a bit of an odd sense of humor, and asked if he agreed with that. He responded, "Yes, I would."

Sgt. Warnberg was asked again, that given his state of mind, from what happened, a little bit of an odd sense of humor, could it be possible that he said something like that to [REDACTED] 13.43, intending it to be a joke, not intending it to be hurtful, and that's what came out?

He responded, "If I did say that, and this is the truth - I don't remember it, but it would...probably if that were said, it would be yes, as a joke, but I don't recall saying that, it's just not there in my brain. And I don't know why it's not there, it's just...You know, I do...I have a sense of humor, but I wouldn't say this to a female, even trying to be, you know...What else can I answer for your questions?"

Sgt. Warnberg was asked how he would describe his emotion right now. He responded, "Right now?"

Sgt. Warnberg was asked if he felt angry. He responded, "I don't think I'm angry, I'm just at a loss of words to...to tell in all honesty what I believed happened and what I remember."

Sgt. Warnberg was asked if he felt fear; if he was afraid. He responded, "No."

This investigator told him "You seem like you're afraid to me. But when someone is wrongfully accused, would you agree that in your experience as a police officer that a common reaction for them is anger?" Sgt. Warnberg responded, "It is."

This investigator reminded him, "But you said you don't feel angry."

Sgt. Warnberg responded, "Well...Why...Why hold...Let it...I can't change what's happened and I was very upset when I first got this letter and talked to the Federation member and "mad" was a good term and I said, "I don't know what it's about." And so we sat down and talked, said, "Well, try to remember everything and write it down." And that's what I did. And I'm...I'm mad about this first, start with the first allegation - I don't recall anything about the nipples, it's just total news, total news. I remember talking to [REDACTED] 13.43 at the station a second time and I don't recall making any funny jokes. I'm not trying to block it out, she...I was there, I talked to her, there's no doubt about it, you know. And I didn't know I was even eating that day, I usually just have coffee. And I don't know if she thought I was trying to be funny or not funny, or I don't know what...I don't know the reason."

Sgt. Warnberg was told that it upset [REDACTED] 13.43 enough that she immediately made a report to her supervisor. He was also told that she didn't want him to get in any trouble; that this investigator didn't think it was personal, but that she wanted it to stop. Sgt. Warnberg responded, "I understand that."

Steve Kennedy then stated to Sgt. Warnberg, "For a person who doesn't want you to get in trouble to go ahead and unburden herself of something that was bothering her, that would be inconsistent with a person who has maliciously tried to set you up or jam you up or some other reason. But I would like to know, what's your reaction to hearing that?"

Sgt. Warnberg responded, "Of her saying that I don't want to get in trouble?"

To this, Steve Kennedy responded, "Of her saying that she didn't want you to get in trouble, but she wanted it to stop?"

Sgt. Warnberg responded, "I didn't know there was anything...was going on for me to stop – like me harassing her or something – that was news to me."

Sgt. Warnberg requested a break in the interview, and during this time, no questions were asked. When he returned, he wanted to explain that approximately two (2) weeks after his transfer, he had received a phone call from Sgt. Ryan Lynch of the Fourth Precinct, and in that phone call he had learned from Sgt. Lynch that the rumor going around regarding his case were that he had said "Let's go fuck" to [REDACTED] 13.43."

Steve Kennedy stated to Sgt. Warnberg, "When I first asked you about this situation on November 14<sup>th</sup>, you, I believe, told me that this was the first you'd heard of it. Sgt. Warnberg responded, "I did. That...For what the complaint was, but I didn't know what the complaint was gonna be – that's why I answered that way. He said, "This is what she's saying," and..."

Sgt. Warnberg was then asked if that was the first he'd heard of it. Sgt. Warnberg responded, "Well then, I misspoke and I correct myself because I was, what Ryan told me; what she was saying and I didn't know if that was the truth or not. And that's...that's what I knew."

Sgt. Warnberg was asked why he waited until this point to tell us that. He responded, "I don't know."

This investigator followed up this question by asking "when Steve asked you the question about the allegation, why didn't you volunteer it at that point?"

Sgt. Warnberg responded, "I don't know, I guess I didn't think of it right then. When we were talking with my Federation Rep, "So is there anybody else that talked to you about this?" and I said, "Yeah, I got a phone call." So I'm telling you what I...what this gentleman said."

Sgt. Warnberg was asked at the end of the interview if he had anything to say or add to his statement, and he responded, "I understand that now. No, I don't have anything further to say."

## SUMMARY OF ALLEGATIONS

**Allegation # 1:** It is alleged that Sgt. Kent Warnberg violated the below listed policies:

- MPD Policy and Procedure, 2-110, Harassment, Sexual Harassment, Supervisors Held to a Higher Standard.
- The City of Minneapolis Anti-Discrimination, Harassment and Retaliation Policy.

It is alleged that while on duty and in uniform, Sgt. Warnberg engaged in conversations of a sexual nature with [13.43 - Personnel Data] on two (2) occasions, where he made comments about stimulation of her breasts and nipples, and suggested that she get drunk so that they could engage in sex. If these allegations were found to be true, it would violate the following:

### **2-110 HARASSMENT (01/07/02) (01/15/08) (09/19/08) (A-D)**

**Harassment** - any communication or other activity that occurs based upon an individual's protected class status which may be considered discriminatory, derogatory or biased.

**Protected class status** - an individual's race, color, creed, religion, ethnic/national origin, gender, age, disability (including pregnancy), or characteristics identified as sexual orientation, affectional preference, marital status, familial status, status with regard to public assistance and veterans status.

**Sexual harassment** - any sexual advances, request for sexual favors, or other verbal or physical acts of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

**Note:** Courts have recognized acts of harassment directed at an individual because of gender, to be sexual harassment even though no behavior of a sexual nature occurred.

All harassment is a violation of Federal and State laws as well as the Minneapolis Civil Rights ordinance, and may expose not only the City, but also individuals, to significant liability under the law.

Supervisors are held to a higher standard of conduct and shall be subject to a higher level of discipline for engaging in any form of harassment or for failing to enforce the City's Respect in the Workplace Policy.

### Investigative Facts

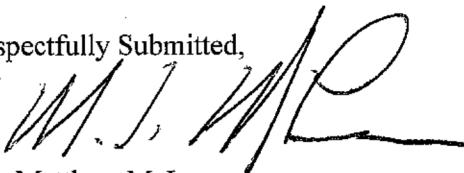
- [13.43 - Personnel Data] was on duty in uniform as a Minneapolis Police Officer assigned to the Fourth Precinct [13.43 - Personnel Data] on 11-14-2013, and on that date, [13.43] was driving a marked squad [13.43].
- Sergeant Kent Warnberg was on duty in uniform as a Minneapolis Police Sergeant assigned to [13.43] in the Fourth Precinct on 11-14-2013, and on that date, Sergeant Warnberg was driving a marked squad P#76653.
- GPS data from Squad [13.43], [13.43], and Squad 408, Sgt. Warnberg, show that both cars were at the Holiday gas station located 2322 Washington Avenue North, Minneapolis, MN together during the morning hours of 11-14-2013.
- Video from the interior of the Holiday gas station showed that [13.43] and Sergeant Warnberg were seated together at a table inside the Holiday gas station during the morning hours of 11-14-2013.
- [13.43] and Sgt. Warnberg are seen on video to be engaged in conversation while Sergeant Warnberg has breakfast and coffee, and [13.43] has coffee.
- They are seated alone at the table; there are no other people in the small dining area.
- There is no audio of the conversation.
- [13.43]'s face cannot be seen.
- At the conclusion of their conversation, [13.43] is seen to stand up and talk to Sergeant Warnberg for a brief time, and then to leave the Holiday.
- Sergeant Warnberg is seen to remain at the table for a short time, and then to leave the Holiday after [13.43].
- GPS data showed that [13.43] proceeded to the Fourth Precinct immediately after leaving the Holiday.
- On 11-14-2013, Sergeant Warnberg had responded to a dead baby call prior to getting coffee at the Holiday.
- Officer Scott Buck was present at this dead baby call, and in a report to Inspector Kjos, regarding the allegation of improper sexual conversations with [13.43], voiced concerns about Sergeant Warnberg's conduct during this call, specifically that Sergeant Warnberg was staring at the mother of the deceased baby's breasts to the point where it made Officer Buck and in Officer Buck's opinion, the mother, later identified as Ruby Dees, uncomfortable.
- On 11-14-2013, [13.43] called her immediate supervisor, [13.43] Sergeant Steve Mosey and reported that Sergeant Warnberg had engaged in an inappropriate conversation of a sexual nature with her while at the Holiday gas station.

- While making her report of the inappropriate conversation on 11-14-2013, [REDACTED] 13.43 also told Sergeant Mosey about another incident which she stated occurred approximately three (3) weeks prior at the same Holiday gas station, where Sergeant Warnberg had made sexually inappropriate remakes regarding breastfeeding and nipple stimulation to [REDACTED] 13.43.
- Sergeant Mosey in turn notified Inspector Kjos, and they determined that [REDACTED] 13.43 and Sergeant Warnberg were at the Holiday station together on the date and time of the allegation, 11-14-2013.
- Inspector Kjos notified Commander Granger of the Internal Affairs Unit, as well as City of Minneapolis Human Resources of the allegations.
- Inspector Kjos, Sergeant Mosey and [REDACTED] 13.43 met on the first available workday where [REDACTED] 13.43 was on duty and formalized the reporting of the incidents.
- Sergeant Warnberg was transferred from the Fourth Precinct, first to the Licensing Unit very briefly, then to the Second Precinct Property Crimes.
- [REDACTED] 13.43 provided a statement in Internal Affairs where she stated that Sergeant Warnberg made inappropriate comments of a sexual nature to her on two (2) occasions, both occurring at the Holiday gas station.
- Officer Scott Buck provided a statement in Internal Affairs where he stated that he heard Sergeant Warnberg make inappropriate comments of a sexual nature to [REDACTED] 13.43, specifically referencing her breasts, nipples, breastfeeding and the stimulation of nipples during breast feeding.
- Sergeant Warnberg provided a statement in Internal Affairs where he denied making any comments of an inappropriate sexual nature to [REDACTED] 13.43 at any time or in any location.
- Jim Shomion, Loss Prevention, Holiday Companies, advised that the video recording system at the store located at 2322 Washington Avenue malfunctioned and was replaced on October 16, 2013. As such, all video from that date back was lost and could not be recovered.
- GPS data for the squads driven by Sgt. Warnberg, [REDACTED] 13.43, Officer Buck and Officer Hagen on 9-24-2013 show that all four (4) of these parties were together at the Holiday gas station during the morning hours on that date.
- [REDACTED] 13.43 was not working an overtime shift on 9-24-2013, but was working a regular shift.
- This date is fifty (50) days, or seven (7) weeks prior to 11-14-2013.
- Steve Kennedy concluded in his report that there was sufficient corroboration to substantiate the allegation that Sgt. Warnberg violated the City of Minneapolis Anti-Discrimination, Harassment and Retaliation Policy when he made the comments to [REDACTED] 13.43 regarding breastfeeding and breast stimulation.

- Steve Kennedy also **substantiated** that Sgt. Warnberg did violate the City of Minneapolis Anti-Discrimination, Harassment and Retaliation Policy when Sgt. Warnberg made the comments to [REDACTED] 13.43 [REDACTED] regarding getting drunk and having sex with her.

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

Respectfully Submitted,

A handwritten signature consisting of two stylized letters, M and L, written in black ink.

Sgt. Matthew McLean

Internal Affairs Unit

**CITY OF MINNEAPOLIS  
HUMAN RESOURCES DEPARTMENT  
250 South Fourth Street – Room 100  
Minneapolis, Minnesota 55415**

TO: Patience Ferguson, Director, Human Resources  
Janee Harteau, Chief, Minneapolis Police Department

FROM: Steve Kennedy, Investigator, Human Resources

DATE: April 21, 2014

SUBJECT: Report of Anti-Discrimination, Harassment, & Retaliation Policy  
Complaint Investigation

RE: Complainant – [redacted] 13.43 - Personnel Data  
Subject – Sgt. Kent Warnberg

The following sets forth the investigative results, findings, and conclusions stemming from the investigation into the above referenced complaint under the Anti-Discrimination, Harassment, and Retaliation Policy. This summary report is arranged into four key areas: Case Background, the Investigation, Conclusions, and Recommendations.

## I. CASE BACKGROUND

On Monday, November 18, 2013, Commander DeChristopher Granger of the Minneapolis Police Department's Internal Affairs Unit (IAU), notified me via email that a new complaint implicating the City's Anti-Discrimination, Harassment, and Retaliation (ADH&R) Policy had been received in IAU. The attachments that accompanied Commander Granger's email consisted of a memorandum prepared by 4<sup>th</sup> Precinct Inspector Michael Kjos, a memorandum prepared by Sgt. Steven Mosey, and a brief written statement prepared by the complainant in this matter, [redacted] 13.43 - Personnel Data [redacted]. [redacted] 13.43 's statement, dated November 15, 2013, alleged that a supervising Sergeant from her precinct, Sgt. Kent Warnberg, had made a comment of a sexual nature to her while they were both on break at the Holiday gas station on Washington Avenue in North Minneapolis. The text of [redacted] 13.43 's statement is cut and pasted, 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. [REDACTED] 13.43 - Personnel Data

[REDACTED] 13.43 - Personnel Data [REDACTED]. 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 I would 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.

The documentation provided by Inspector Kjos and Sgt. Mosey detailed the action they had taken upon learning of [REDACTED] 13.43's allegation, including their request to [REDACTED] 13.43 to create a written statement (above), and promptly forwarding the matter to Deputy Chief Travis Glampe and subsequently to Commander Granger.

Based upon the allegation that Sgt. Kent Warnberg had made comments of a sexual nature to [REDACTED] 13.43, an investigation was initiated to determine if the City's ADH&R Policy had been violated. ADH&R Policy complaint investigations that involve MPD personnel are conducted jointly with MPD's Internal Affairs Unit. Commander Granger subsequently assigned IAU investigator Sgt. Matt McLean to investigate the complaint with the Human Resources Investigative Unit. Sgt. McLean opened IAU Case File 13-26995 and participated as co-investigator throughout the entire interview process and investigation. The results of the investigation into the allegations of violations of the ADH&R Policy are presented below.

#### A. COMPLAINT

[REDACTED] 13.43 - Personnel Data alleged that on November 14, 2013, a supervising Sergeant from her precinct, Sgt. Kent Warnberg, made a comment of a sexual nature to her while they were both on break at the Holiday gas station. [REDACTED] 13.43 also alleged that approximately three weeks prior to that, Sgt. Warnberg, in the presence of other officers, had referenced her breasts and made another sexual comment to her.

#### B. ANTI-HARASSMENT TRAINING (most recent incidence)

[REDACTED] 13.43 - Personnel Data – “Respect in the Workplace” – 04/20/10

Sgt. Kent Warnberg – “Respect in the Workplace” – 04/13/10

## C. DISCIPLINARY HISTORY

### Sgt. Kent Warnberg

No incidents of discipline due to “Respect in the Workplace Policy” or “Anti-Discrimination, Harassment, & Retaliation Policy” infractions on HRIS or on Sgt. Warnberg’s “Blue Card”.

## II. THE INVESTIGATION

### A. INTERVIEW DETAILS

Based on the complaint and information obtained throughout the investigation, the following individuals were interviewed:

Interviewee/Role	Job Classification/Date Hired	Date and Location of Interview
1. 13.43 - Personnel Data Complainant	13.43 - Personnel Data	December 10, 2013, MPD, IAU
2. Sgt. Steve Mosey, Witness	Police Sergeant, February 23, 1987	December 17, 2013, MPD, IAU
3. Officer Scott Buck, Witness	Police Sergeant, April 02, 1990	December 17, 2013, MPD, IAU
4. CPS Jennifer Waisanen, Witness	Crime Prevention Specialist, October 27, 1997	December 18, 2013, MPD, IAU
5. Officer Bridget Reilly, Witness	Police Officer, June 02, 2008	December 20, 2013, MPD, IAU
6. Sgt. Tomma Freundschuh, Witness	Police Sergeant, February 23, 1987	January 09, 2014, MPD, IAU
7. Sgt. Shannon Barnett, Witness	Police Sergeant, February 23, 1987	January 14, 2014, MPD, IAU
8. Sgt. James Novak, Witness	Police Sergeant, June 29, 1992	January 22, 2014, MPD, IAU
9. Officer Todd Babekuhl, Witness	Police Officer, April 03, 1989	January 22, 2014, MPD, IAU
10. Sgt. Kent Warnberg, Subject	Police Sergeant, January 16, 1989	January 30, 2014, MPD, IAU
11. Sgt. Ryan Lynch, Witness	Police Sergeant, January 22, 1990	February 13, 2014, MPD, IAU

### B. FINDINGS

#### Re-Statement of Allegation

13.43 - Personnel Data alleged that on November 14, 2013, a supervising Sergeant from her precinct, Sgt. Kent Warnberg, made a comment of a sexual nature to her while