



- Sergeant Toscano exited 3rd Avenue doors at 07:14 PM



- Sergeant Toscano entered 3rd Avenue doors at 08:05 PM.



- Sergeant Toscano exited 3rd Avenue doors at 11:31 PM.



Lieutenant Hildreth checked Juvenile reports the following day and noticed MPD CAPRS CCN 16-342864, this was a Juvenile booking at 12:11 AM for September 20th, 2016. Lieutenant Hildreth thought this was odd because Sergeant Toscano was supposed to be working in the Juvenile unit at this time. Lieutenant Hildreth also noticed supplement number 4 (Officer Travis Williams) stated the Juvenile unit was closed.⁴

In viewing City hall video I noticed at 11:53 PM, Officer Travis Williams and Anthony Rodin entered 3rd Avenue with two other individuals in handcuffs. Officers then exit with the same individuals at 12:24 AM on September 20th, 2016.



⁴ 1st Hildreth Q&A pg. 6 (15 – 21)

Sergeant Toscano was asked if the time he entered for September 19th, 2016, in Workforce director accurately reflected the time he worked. Sergeant Toscano stated "Well, I thought it did, but apparently in looking at this it's-, it's not correct. No. I was the only one there that night, it's super-hot in there, and I was doing everything I could to just stay awake that night. And apparently and this is the only thing I can think of is that I was kind of dozing off and looked at my computer, and I thought it was 1:30, and I shut my stuff down, and-, and I left."⁵ Sergeant Toscano stated he went straight home after he left City hall.⁶

Sergeant Toscano said it was an honest mistake and he felt sick that he had to explain himself. Sergeant Toscano was the only sworn or civilian staff working that night in the Juvenile unit. Sergeant Toscano was asked who is untimely responsible for making sure time is entered accurately in Workforce director and he stated "It-, it is me. I take full responsibility for that."⁷

During the interview Sergeant Toscano believed he didn't violate MPD Policy and Procedure 5-102 Code of Ethics because it was a mistake on his part and he didn't realize it was 11:31 PM when he exited the 3rd Avenue doors and went home.⁸

⁵ Sergeant Toscano Q&A pg. 7 (13 – 31)

⁶ Audit Exhibit N showed Sergeant Toscano logged off at 11:28 PM

⁷ Sergeant Toscano Q&A pg. 9 (5 – 10)

⁸ Sergeant Toscano Q&A pg. 9 (16 – 30)

The Minneapolis Police Department's Policy and Procedure Manual states in part:

3-800 OFF-DUTY EMPLOYMENT

D. Restrictions and Prohibitions

7. An employee shall not submit time documents to the City or an off-duty employer that will result in being paid by more than one employer for the same time period.

The key issue is whether Sergeant Toscano submitted time documents to the City or an Off-duty employer that resulted in him being paid by more than one employer for the same period on October 17th, 2016.

According to Workforce director Sergeant Toscano is listed as working his regular shift, 04:00 PM to 02:00 AM on October 17th, 2016. I conducted an audit for this date which showed Sergeant Toscano's time for October 17th, was submitted to payroll by Lieutenant Hildreth on October 31st, 2016.¹⁵

Between Off-duty employment (HBO Mogadishu Minnesota) and Sergeant Toscano's regular work day on October 17th, 2016, it appears Sergeant Toscano's City shift overlaps with his Off-duty employment from 04:00 PM to 07:30 PM, this is commonly referred to as "double dipping". Sergeant Toscano stated he was compensated for the Off-duty employment on October 17th, 2016.¹⁶

I obtained City Hall video from Chip Teigen, Security Management Property Services, for October 17th, 2016. I specifically requested cameras that captured the Juvenile Unit entrance and 3rd Avenue doors. The following is a timeline of Sergeant Toscano's and Simonson's activity from October 17th, 2016:

¹² Sergeant Toscano Q&A pg. 10/11 (36 – 17)

¹³ Sergeant Toscano Q&A pg. 11 (19 – 23)

¹⁴ Sergeant Toscano Q&A pg. 12/13 (40 – 20)

¹⁵ Email from Lisa Charpentier, Intellectual Properties, Business Application Analyst

¹⁶ Sergeant Toscano Q&A pg. 21 (5 – 9)

- Sergeant Toscano entered City hall from 3rd Avenue at 07:42 PM.



- Sergeant Toscano exited the Juvenile unit at 07:58 PM.



- Sergeant Simonson exited the Juvenile unit by room 21.



Lieutenant Hildreth received a text message from Sergeant Toscano Monday, October 17th, 2016, at 12:54 PM. The text message stated Toscano was going to be late to work on this date and would arrive at approximately 6-6:30 PM.

Lieutenant Hildreth stated he didn't believe Sergeant Toscano showed up for work because he received a text message from Sergeant Simonson at 07:59 PM on October 17th, 2016, requesting to call him. Sergeant Simonson told Lieutenant Hildreth that Toscano had not arrived at the Juvenile unit and Toscano was at an Off-duty job. In this phone conversation Lieutenant Hildreth instructed Sergeant Simonson to continue covering the shift until midnight.

Sergeant Toscano entered the Juvenile unit at approximately 07:42 PM, after working Off-duty employment. Sergeant Simonson was the only other individual in the Juvenile unit. Sergeant Toscano never entered any Vacation, PAL or COMP time while he was in the Juvenile unit.¹⁷ Sergeant Toscano told Sergeant Simonson to enter a vacation day. Sergeant Simonson did not enter vacation time into Workforce director because he called Lieutenant Hildreth and relayed this information to him.¹⁸

Lieutenant Hildreth would have straightened this incident out but he was served with the Internal Affairs notice on the case and couldn't discuss this incident with Sergeant Toscano. Lieutenant Hildreth would have normally followed up with Sergeant Toscano and this would have been cleared up¹⁹. Lieutenant Hildreth was sent the Internal Affairs letter for this allegation on October 28th, 2016.

Lieutenant Hildreth sent an email to the email group Police – Juvenile investigation (Sergeant Toscano is included in this group). The email was sent on October 28th, 2016 at 10:41 AM, and the subject was "Timekeeping – Payroll week". In this email Lieutenant Hildreth reminded staff to check their time for the period and to get it submitted.

¹⁷ AUDIT On October 17th, 2016, Sergeant Toscano logged onto his City computer at 07:46 PM and logged off at 07:49 PM

¹⁸ Sergeant Toscano Q&A pg. 15/16 (41 -7) Sergeant Simonson Q&A pg. 4 (20 – 23) Sergeant Toscano Q&A pg. 16 (23 – 38) Sergeant Simonson Q&A pg. 6 (17 – 21) Sergeant Simonson Q&A pg. 10 (24 – 26)

¹⁹ 3rd Hildreth interview pg. 3 (18 – 29)

During the interview Sergeant Toscano was asked if he remembered seeing this email and he stated "No, because it's something he sends every month right before payroll is supposed to come. It's-, it's kind of one of those things you just kind of click. I don't really even, no. I mean obviously I probably did and I'm sure I erased it."²⁰

During the interview Sergeant Toscano was asked whose responsibility it was to make sure time is accurately reflected in Workforce director and he stated "It's me. I mean I dropped the ball. In both these instances, I dropped the ball."²¹ Sergeant Toscano was asked if he violated Off-duty policy 3-800 section D, bullet point 7, and he stated "I do not. I mean this is-, this is basic stuff. I've been a cop for 20 years. We know you don't double-dip. Like I said, my...I had asked Brad to enter my time, and to the best of my knowledge, the time had been entered".²²

The Minneapolis Police Department's Policy and Procedure Manual states in part:

3-800 OFF-DUTY EMPLOYMENT

III. Rules/Regulations/Procedures

A. General Policies

1. All MPD employees who pursue off-duty employment must apply for and receive approval, before the off-duty employment commences. Unpaid/volunteer positions do not require completion of the Off Duty/Employer Site Approval Request Form.

The key issue is whether Sergeant Toscano failed to apply and receive approval before working Off-duty employment for the Minnesota Film Board on October 17th, 2016.

Sergeant Toscano worked Off-duty employment on October 17th, 2016 for the filming of "Mogadishu, Minnesota" which is being made by Poets & Pirates Productions, a division of HBO. This Off-duty employment is listed in Workforce director under "The Minnesota Film Board" for submitting an Off-duty request.

In reviewing an Off-duty by Employee Report query, Sergeant Toscano was not approved to work the Minnesota Film Board. Sergeant Toscano did not fill out an Off-duty request for the Minnesota Film Board and he stated that there was no excuse for him not doing it.²³

During the interview Sergeant Toscano acknowledged that he violated MPD policy and procedure 3-800 Off-duty employment section A, the first bullet point and stated "Well, apparently, I did. Um, it wasn't on purpose. Uh, you know, I...we signed on with an off-duty number. My badge is signed on. I wasn't trying to cover anything up or anything".²⁴

²⁰ Sergeant Toscano Q&A pg. 20 (5 – 25)

²¹ Sergeant Toscano Q&A pg. 20 (31 – 34)

²² Sergeant Toscano Q&A pg. 21 (1 – 3)

²³ Sergeant Toscano Q&A pg. 21 (20 – 32)

²⁴ Sergeant Toscano Q&A pg. 22 (1 – 3)

Closing

There are four key issues presented:

1. Whether Sergeant Toscano conducted himself in a professional, ethical manner and did he engage in any on or off duty conduct that tarnished or offended the ethical standards of the department when he allegedly left work early on September 19th, 2016, while on overtime and was still compensated for time he wasn't working.
 - Sergeant Toscano worked City overtime on September 19th, 2016, from 05:00 PM to 02:00 AM into the 20th.
 - I reviewed a Workforce director audit that showed Sergeant Toscano entered this overtime on September 20, 2016, at 03:37 PM.
 - I reviewed City hall video and Sergeant Toscano exited the 3rd Avenue Doors at 11:31 PM. See Exhibit E for a screen shot of City hall video.
 - Sergeant Toscano was struggling to stay awake in the Juvenile Office and he must of dozed off and when he looked at his computer he thought it was 01:30 AM.
 - Sergeant Toscano shut his computer off and went straight home.
 - Sergeant Toscano stated it was an honest mistake and that it is ultimately his responsibility for making sure his time is accurately entered into Workforce director.
 - Sergeant Toscano didn't believe he violated MPD Policy and Procedure 5-102 Code of Ethics because it was an honest mistake on his part and he didn't realize it was 11:31 PM when he left the Juvenile office.
 - In his interview Sergeant Toscano was asked if he would have done anything different in this incident. Sergeant Toscano would have double checked the time.

13.43

3. Whether Sergeant Toscano Submitted time documents to the City or an Off-duty employer that resulted in him being paid by more than one employer for the same period on October 17th, 2016.
- Sergeant Toscano text messaged Lieutenant Hildreth on October 17th, at 12:54, notifying Hildreth he was going to be late.
 - Lieutenant Hildreth acknowledged text message and Toscano stated he would come in around 06:00-06:30 PM.
 - Sergeant Toscano worked Off-duty employment for the filming of "Mogadishu Minnesota" on October 17th, 2016, from 07:00 AM to 07:30 PM.
 - Sergeant Toscano worked his regular City shift on October 17th, 2016, from 04:00 PM to 02:00 AM.
 - There appears to be an overlap with Sergeant Toscano's Off-duty and regular City shift from 04:00 PM to 07:30 PM.
 - Sergeant Toscano entered the Juvenile unit at 07:42 PM on October 17th, 2016 and left at 07:58 on October 17th, 2016.
 - Sergeant Toscano spoke with Sergeant Simonson in the Juvenile unit when he entered and notified him he was going to use a vacation day.
 - Sergeant Simonson heard Toscano say he wanted to use a vacation day. Simonson didn't enter the vacation day for Toscano into workforce because he notified Lieutenant Hildreth of this after Toscano left.
 - Lieutenant Hildreth stated he was at a Radio Club meeting, which was being held at a bar, when he got a call from Sergeant Simonson. Lieutenant Hildreth stated it was loud in the bar.
 - Lieutenant Hildreth didn't hear Sergeant Simonson notify him that Sergeant Toscano was using a vacation day or that he had showed up at the Juvenile unit.
 - On October 28th, 2016 Lieutenant Hildreth sent an email to the Juvenile unit telling them to check their time and get it submitted before he does payroll on October 31st, 2016.
 - Sergeant Toscano stated Lieutenant Hildreth always sends these emails out and he doesn't remember seeing this specific email.
 - The regular City shift on October 17th, 2016 from 04:00 PM to 02:00 AM was submitted to payroll by Lieutenant Hildreth on October 31st, 2016
 - Sergeant Toscano hand wrote and submitted a time crew card for "Mogadishu Minnesota" on October 17th, 2016. The hours submitted were 07:00 AM to 07:30 PM.
 - Sergeant Toscano stated he was compensated for the "Mogadishu Minnesota" Off-duty employment he worked on October 17th, 2016.
 - Sergeant Toscano stated he "dropped the ball" and he asked Sergeant Simonson to enter a vacation day and he thought the time was entered.
 - Sergeant Toscano stated it is his responsibility to ensure that time is accurately reflected in Workforce director.

4. Whether Sergeant Toscano failed to apply and receive approval before working Off-duty employment at 26th Street and Bloomington Avenue for Mogadishu/Minnesota on October 17th, 2016.

- Sergeant Toscano worked Off-duty employment for the filming of "Mogadishu Minnesota", The Minnesota Film Board.
- An Employee Report query in Workforce director revealed Sergeant Toscano was not approved to work the Minnesota Film Board.
- Sergeant Toscano stated he violated MPD policy and procedure 3-800 Off-duty employment section A and it wasn't on purpose.

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

Investigator:



Date

1-3-17

EVIDENCE

1. Statements

13.43



f) Sergeant Geoffrey Toscano

2. Records

- a) MPD Policy and Procedure
- b) City hall video for September 19th and October 17th
- c) Exhibits
- d) Audits conducted from Sergeant Toscano's city computer
- e) Audits conducted on Sergeant Toscano's Workforce director
- f) Correspondence/timesheet from Amy Thompson and Off-duty site
- g) MECC Channel 7 Log
- h) Off-duty by Employee Report
- i) Emails from Lieutenant Hildreth and one from Sergeant Simonson
- j) Text messages from Sergeant Toscano & Simonson
- k) Workforce director schedule for Sergeant Toscano 09/19 – 10/17
- l) MPD CAPRS 16-342864

DATA PRACTICES ADVISORY



Internal Investigation Warning for Employees under Investigation (Tennessen Warning)

You are being questioned as part of an official internal investigation into a complaint of misconduct. The information you provide will be used in a fact-finding process, as part of the total evidence, to determine if such misconduct occurred and for assessing whether disciplinary action should be taken. Any admissions that you make during the course of questioning may be used against you as evidence of employee misconduct or as a basis for discipline. The information you supply may also be used in a grievance hearing, arbitration, or other appeal procedure. The following individuals and entities may have access to the information you provide:

- The subject of the data, which includes you, but may include someone else.
- Employees and officials of the City of Minneapolis whose work assignments reasonably require access to the information.
- Individuals or entities that have contracts with the City of Minneapolis reasonably requiring access to the information.
- Attorneys for the City of Minneapolis if such information is related to a matter upon which the City seeks legal advice.
- If disciplinary action is imposed against you based on the results of this investigation, the information you provide may be made available to the public as documentation supporting final disciplinary action.
- Other persons or entities authorized by you, by a state or federal law, or by court order to have access to such information.

Failure to provide the information requested means that the internal investigation must be concluded based upon all evidence and testimony received by the investigator(s) without your statement.

I have read the above warning or have had it read to me.

Signature		10/24/16
		Date/Time
Witness		10/24/16
		Date/Time

November 30th, 2016

Sergeant Geoffrey Toscano
Minneapolis Police Department
Juvenile Investigations

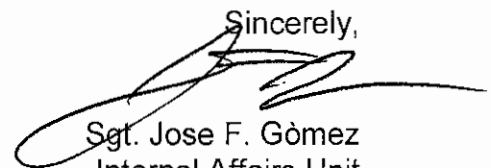
Sergeant Toscano,

Enclosed you will find two identical copies of your statement. Please take time to review your statement. Make any corrections by crossing out any discrepancies, then write in the correction, and initial the correction. After reviewing each page please initial at the bottom of each page. At the end of reviewing your statement, and any corrections that you may have made, please sign and date the last page.

Please mail back, one of the reviewed and signed copies by the end of your next scheduled shift. You may keep the other copy for your own records. If a corrected and signed statement is not returned within five (5) days, it will be assumed that the statement does not require corrections and will be added to the case file unsigned.

Thank you for your assistance in this case. Any questions or concerns you can reach me at (612) 673-3644.

Sincerely,



Sgt. Jose F. Gómez
Internal Affairs Unit
Minneapolis Police Department

Sergeant Geoffrey Toscano
Minneapolis Police Department
Juvenile Investigation

RE: OPCR Case Number: 16-18106
NOTIFICATION LETTER

Sergeant Tosano,

You are being investigated for an alleged violation of the City of Minneapolis Police Department Policy and Procedures.

MPD Policy and Procedure alleged to have been violated:

- [REDACTED]
- **5-102 CODE OF ETHICS**
- **3-800 OFF-DUTY EMPLOYMENT -- A (1) & D (7)**

On September 19th, 2016, you worked an overtime shift from 1700 hours to 0200 hours on September 20th, 2016. It is alleged you left this overtime shift early and were subsequently compensated for the entire shift. It is alleged when asked by your direct supervisor what time you left the shift on September 19th, 2016, you answered untruthful.

It is also alleged that on October 17th, 2016, you worked Off-Duty employment while you also worked your regular City shift at Juvenile investigations which resulted in you allegedly being paid by more than one employer for the same time period. It is alleged you also failed to work your regular City shift and were still compensated for the entire City shift on October 17th, 2016. It is alleged you failed to apply and receive approval before working this Off-Duty employment.

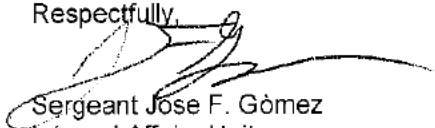
***The listed policy violations may be amended and/or changed at any point during the investigation.**

According to Workforce Director you are scheduled to work on November 22nd, 2016. Your appointment to provide a statement to the Internal Affairs Unit has been scheduled for **Tuesday, November 22nd, at 1630 hours in the IAU office, Rm 112, City Hall.**

It is your responsibility to arrange for a Federation representative prior to coming to your interview if you choose to have Federation representation. I can be contacted by e-mail or phone at 673-3644 between the hours of 0900 and 1700, Monday through Friday.

Failure to show for your scheduled interview may result in charges against you. This is an ongoing investigation and as such you are not to discuss this case or interview with anyone other than your attorney and/or Federation Representative.

Respectfully,



Sergeant Jose F. Gómez
Internal Affairs Unit
11/14/2016

Sergeant Geoffrey Toscano
Minneapolis Police Department
Juvenile Investigation

RE: OPCR Case Number: 16-18106
NOTIFICATION LETTER

Sergeant Tosano,

You are being investigated for an alleged violation of the City of Minneapolis Police Department Policy and Procedures.

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- [REDACTED]
- **5-102 CODE OF ETHICS**
 - **3-800 OFF-DUTY EMPLOYMENT – A (1) & D (7)**

On September 19th, 2016, you worked an overtime shift at Juvenile Investigations from 1700 hours to 0200 hours on September 20th, 2016. It is alleged you left this overtime shift early and were subsequently compensated for the entire shift. It is alleged when asked by your direct supervisor what time you left the shift on September 19th, 2016, you answered untruthful.

It is also alleged that on October 17th, 2016, you worked Off-Duty employment in the area of 26th Street and Bloomington, while you also worked your regular City shift at Juvenile investigations which resulted in you allegedly being paid by more than one employer for the same time period. It is alleged you also failed to work your regular City shift and were still compensated for the entire City shift on October 17th, 2016. It is alleged you failed to apply and receive approval before working this Off-Duty employment.

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Respectfully,


Sergeant Jose F. Gomez
Internal Affairs Unit
11/14/2016