

1 THIS IS A TAPE-RECORDED STATEMENT OF SERGEANT GEOFFREY TOSCANO ON
2 NOVEMBER 22, 2016, AT APPROXIMATELY 1650 HOURS IN THE MINNEAPOLIS POLICE
3 DEPARTMENT INTERNAL AFFAIRS OFFICE BEING INTERVIEWED BY SERGEANT JOSE
4 GOMEZ. ALSO, PRESENT IS FEDERATION REPRESENTATIVE, OFFICER BJORK.
5 TRANSCRIBED BY R. METCALF.

6
7 RE: OPCR Case Number #16-18106

8
9 Q: What is your full name?

10 A: Geoffrey Joseph Toscano.

11
12 Q: What is your present rank and work assignment?

13 A: Sergeant in the Juvenile Unit.

14
15 Q: What is your employee number and date of appointment?

16 A: 7257 and I believe it was September of 1996.

17
18 Q: YOU ARE BEING ORDERED TO GIVE A COMPLETE AND TRUTHFUL STATEMENT
19 PERTAINING TO THE SCOPE OF YOUR EMPLOYMENT OR FITNESS FOR DUTY. IT IS A
20 COMPELLED STATEMENT PURSUANT TO MPD POLICY AND PROCEDURE.

21
22 UNDER THE GARRITY DECISION, ANY STATEMENT PROVIDED IN THIS INVESTIGATION
23 CANNOT BE USED IN A CRIMINAL PROCEEDING AGAINST YOU, EXCEPT IN THE CASE OF
24 ALLEGED PERJURY. HOWEVER, THESE STATEMENTS MAY BE USED AGAINST YOU IN
25 RELATION TO EMPLOYMENT ALLEGATIONS.

26
27 Do you understand this warning?

28 A: I do.

29
30 Q: I AM ADVISING-, ADVISING YOU THAT IF YOU REFUSE TO ANSWER, GIVE A FALSE OR
31 INTENTIONALLY INCOMPLETE STATEMENT, OR INTENTIONALLY OMIT INFORMATION
32 THAT IS PERTINENT TO THIS INVESTIGATION, YOU WILL BE SUBJECT TO DISCIPLINARY
33 ACTION UP TO AND INCLUDING SUSPENSION OR DISCHARGE.

34
35 Do you understand this?

36 A: I do.

37
38 Q: Is it correct that you read, understood, and signed the Data Practices Advisory,
39 otherwise known as the Tennessen Warning?

40 A: I did.

41
42 Q: Have I informed you that the purpose of this statement relates to an internal
43 investigation, and specifically, an administrative review that is being conducted and that
44 you have been accused of the following:

INT 

- 1 • On September 19, 2016, you worked an overtime shift at Juvenile Investigations
- 2 from 1700 hours to 0200 hours on the 20th. It is alleged that you left this
- 3 overtime shift early and were subsequently compensated for the entire shift;
- 4 • It is alleged when you were asked by your direct supervisor what time you left
- 5 the shift on September 19, 2016, you answered untruthful;
- 6 • It is also alleged that on October 17, 2016, you worked off-duty employment in
- 7 the area of 26th Street and Bloomington while you were...also worked your
- 8 regular city shift at Juvenile Investigations which resulted in you allegedly being
- 9 paid by more than one employer for that same time period;
- 10 • It is alleged that you also failed to work your regular city shift and were still
- 11 compensated for the entire city shift on October 17, 2016;
- 12 • It is also alleged you failed to apply and receive approval before working this off-
- 13 duty employment.

14
15 Did I inform you of that?

16 A: You did.

17
18 Q: And that you are being called to explain the circumstances regarding these

19 allegations?

20 A: Yes.

21
22 Q: Can you tell me how you prepared for this interview?

23 A: Um, I don't know I really prepared. Um, I-, I...when I got this, I checked Workforce

24 and stuff like that. I didn't realize that some of the things hadn't been taken care of.

25
26 Q: OK. Um, and Sergeant Toscano, are you...you're currently assigned to the Juvenile

27 Unit or Juvenile Investigations?

28 A: Correct.

29
30 Q: Um, go ahead.

31 A: I just...this doesn't make sense to me. On September 19th, you worked an overtime

32 shift from 1700 to 0200 on September 20th.

33 BB: From...

34 A: It's supposed to be 7...the 19th-

35
36 [indiscernible - cross-talking]

37
38 Q: On September...

39 A: -into the 20th?

40
41 [indiscernible - cross-talking]

42
INT 

1 Q: Into the 20th.
2 A: OK.
3
4 Q: Yep.
5 A: OK.
6
7 Q: Um, and can you tell me what your duties are as a Juvenile Investigator? You work
8 nights, correct?
9 A: I do.
10
11 Q: OK. What are the normal hours?
12 A: For me, 4:00 to 2:00.
13
14 Q: OK. So, 1600 to 0200?
15 A: 0200.
16
17 Q: OK.
18 A: Uh, everybody...the other people -- Sergeant McShane, Sergeant Liotta, uh, Sergeant
19 Delaney -- they work 1700 to 0300.
20
21 Q: OK. And so, can you tell me what your duties as a night investigator at Juvenile?
22 A: Well, uh, on a normal night, let's...for instance last night, uh, I was-, I was the OD,
23 which means the Officer of the Day.
24
25 Q: OK.
26 A: So, the Officer of the Day is responsible for anybody that...any case that walks in that
27 door.
28
29 Q: OK.
30 A: Um, Officer Mike Arett, who is our transport officer-
31
32 Q: Mm-hmm (indicating yes).
33 A: -he'll process, which is prints or photos, you know, whatever the level of the crime is.
34
35 Q: OK.
36 A: And once he's done with that, it's my responsibility to, uh, get a Scales statement or
37 Miranda rights to the-, to the suspects. If they wanna talk to me, I take a taped
38 statement from them. Um, when we're done with that, uh, I usually...depending on the
39 time of the night, I'll attempt to call witnesses or victims. You know, sometimes, it's late
40 at night I'm unable to get ahold of anybody, so then I end up doing that the next couple
41 of days. I'm also assigned a few cases not as many as the night guy...or the day guys-
42

INT 

1 Q: OK.

2 A: -um, but, you know, you'll...I'll get one, or two, or three cases a week-

4 Q: OK.

5 A: -um, that I just...that I work on my own.

7 Q: OK. And you said the OD guy or the duty guy-

8 A: Mm-hmm (indicating yes).

10 Q: -does that kind of rotate or...? So, you're not a permanent...?

11 A: No, it does rotate and-

13 Q: OK.

14 A: -it just depends on scheduling-

16 Q: OK.

17 A: -who is working. Uh, people on vacation, you'll get it more. Like, last week, I think I
18 had it three days in a row.

20 Q: OK.

21 A: I had it Saturday, Monday, Tuesday.

23 Q: And is it Monday through Sunday -- seven days a week?

24 A: We're closed on Sundays.

26 Q: OK. Um, and is, uh...who is your direct supervisor?

27 A: Lieutenant Hildreth.


29 Q: And does he work-, does he work evenings or days?

30 A: He works days.

32 Q: As an investigative sergeant in the Juvenile Division, do you pretty much work
33 independently would you say or kind of by yourself, or do you work as a team or with a
34 coinvestigator?

35 A: You know it depends. Um, you know, if you're the OD, sometimes you're just getting
36 crushed, you know. If you've got, you know, two guys or two squads that come in with
37 four guys with stolens, you've got eight guys to process and interview. And, you know,
38 I'll...you know, if I'm the OD, Sergeant McShane will say, hey, I'll take this next group
39 that comes in if they come in and, you know, just to kind of give yourself a...

41 Q: OK. But, like cases and all that, you normally work kind of independently or do you
42 work cases together?

INT 

1 A: Mostly independently, you know. It's-, it's not, uh, infrequent that, you know, if I
2 gotta do something up on the Northside and-, and McShane does, you know, we'll ride
3 up to the Northside, and we'll hit his spot and get video or whatever, and then we'll go
4 talk to my victim. You know just...

5
6 Q: OK. Um, so, would you say working the Juvenile nights you work under like little or
7 no supervision from a supervisor?

8 A: Correct.

9
10 Q: Um, and I'd like to go to Monday, September 19th. I have a screenshot of Workforce
11 Director, um, for this date, um, right there. Uh, did you work on this date?

12 A: I did.

13
14 Q: And can you tell me what your shift consisted of for the day?

15 A: Well, I had the Range that day.

16
17 Q: OK.

18 A: Uh, so, I went from my house to Forest Lake, and then when we were done in Forest
19 Lake we went to the SOC for the defensive tactics portion of it, and then I came back to
20 the office.

21
22 Q: OK. Um, did you end up working an overtime shift on the 19th at the Juvenile Unit?

23 A: I did.

24
25 Q: OK. And can you tell me about that? How-, how did that come about, like did
26 somebody request you to work it or...?

27 A: Well, essentially, what happens is-, is, uh, every once in a while we'll have a day that
28 nobody is working and the Lieutenant likes to keep the-, uh, the office open.

29
30 Q: OK.

31 A: And he must have asked me a few days earlier, hey, can you cover this Monday. It's
32 a green day.

33
34 Q: OK. So, you don't specifically remember when he asked you?

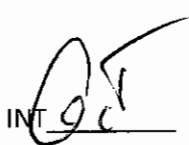
35 A: I don't.

36
37 Q: It was prior to this day?

38 A: It was...it definitely wasn't Sunday cause we're off-

39
40 Q: Right.

41 A: -but it was-, it was a few days before that.

42


1 Q: OK. And it was Lieutenant Hildreth that asked you?

2 A: Yes.

3

4 Q: OK. Do you remember if this was over the phone, or you don't remember if it was in
5 the office, or...?

6 A: I-, I don't recall.

7

8 Q: Um, do you recall anything about the conversation about working the overtime shift
9 that night with Lieutenant Hildreth?

10 A: Um, I don't.

11

12 Q: Do you remember if Lieutenant Hildreth told you because you had such a long day
13 for training that you could leave early if you wanted to, that you didn't necessarily have
14 to stay till 0200 on the 19th?

15 A: I think we talked about that on that day.

16

17 Q: On the 19th?

18 A: The 19th, yes.

19

20 Q: OK.

21 A: Um, from a timestamp, I was in somewhat early.

22

23 Q: OK. Um, what do you remember about that conversation?

24 A: Just that.

25

26 Q: OK. In the Juvenile office?

27 A: Yes.

28

29 Q: OK. So, do you remember approximately what time you arrived at City Hall? I think I
30 have a screenshot from...Exhibit A. This is, uh, from the 19th and there's an individual
31 looks like entering...this is 3rd Avenue right here.

32 A: Yep.

33

34 Q: And it's...

35 A: 16-, 1620.

36

37 Q: Yeah. Is that accurate about the time you arrived?


38 A: Uh, yeah. You know, actually I thought it was a little earlier, but yeah-

39

40 Q: Mm-hmm (indicating yes).

41 A: -that's what the timestamp shows.

42

INT 

1 Q: In the...and then, Workforce Director shows reasoning was "Staff Shortage."

2 A: Mm-hmm (indicating yes).

4 Q: Um, so, you were covering OD for this shift basically -- duty...?

5 A: Yeah, cause I was gonna be the only one there.

7 Q: OK. And the overtime entry from the 19th, uh, is 1700 hours to-

8 A: 0200.

10 Q: -0200 into the 20th. Um, does that look accurate?

11 A: Yes.

13 Q: And, uh, can you tell me does, uh, the Workforce Director entry, uh, accurately
14 reflect the time you worked on, uh, September 19th?

15 A: Does it...the time I entered or the time I actually worked?

17 Q: Well, the time you worked. The time that you were getting compensated by the city,
18 I mean, does that reflect your work hours that day?

19 A: Well, I thought it did, but apparently in looking at this it's-, it's not correct. No.

21 Q: OK. Do you remember...can you tell me why or what...?

22 A: Well, the timestamp here shows me leaving at 11:31 and like when I was talking to-,
23 to Bill yesterday, I was trying to figure out what the hell happened. And-, and I know
24 that particularly day... -- I don't know -- have-, have you ever been down to our office?
25 It's...

27 Q: I-, I have, but it's been awhile.

28 A: It's...I was the only one there that night, it's super-hot in there, and I was doing
29 everything I could to just stay awake that night. And apparently and this is the only
30 thing I can think of is that I was kind of dozing off and looked at my computer, and I
31 thought it was 1:30, and I shut my stuff down, and-, and I left.

33 Q: OK. Um, so, you're referencing the City Hall videos from the 19th?

34 A: Yeah.

36 Q: Um, this is at 2331 and you said it shows you leaving. And then, um, is that your
37 truck on the next one on (Exhibit) F?

38 A: Yeah, I would think it is.

40 Q: OK. Um, do you recall if...were you gonna enter a time the next day or do remember
41 what...? Um, you just...you said you thought it was closer to two o'clock when you left.

INT 

1 A: Yeah, I just...like I said, I was at my desk reading and I just...I couldn't stay awake
2 anymore. I-, I thought I fell asleep and I mean I jerked up. When I looked over at the
3 computer screen, I just shut my stuff off and-

4
5 Q: OK.

6 A: -closed up the office.

7
8 Q: Um...

9 A: And there was-, there was no ill will on my part to-, to try to screw the city out of any
10 money, or time, or anything like that. I...

11
12 Q: Your-, your intention wasn't to...?

13 A: No, it was-, it was an honest mistake and I feel sick that I'm even in here having to
14 explain myself for this.

15
16 Q: Did you say you were the only investigator in that night? There was no
17 other...nobody else in the room?

18 A: Nobody was in there.

19
20 Q: No civilians or...?

21 A: No. Uh, Officer Arett was off that night, um, and, you know, essentially, you're-,
22 you're a slave to the door. You know, instead of being a slave to 911, you're a slave to
23 waiting for people to come in. So, you know, as it gets later, you know, if you got your
24 case work caught up and there's nobody to call about interviews or anything like that, it
25 gets kind of dull. Lights are buzzing. You know you're just sitting there just trying to
26 stay awake.

27
28 Q: Um, so, for the overtime on the 19th, um, this is a kind of like an audit of the time...of
29 the overtime.

30 A: Mm-hmm (indicating yes).

31
32 Q: Um, and it looks like it was from 17 to 0200. It was entered by Geoffrey Toscano on
33 9/20, which would have been Tuesday-

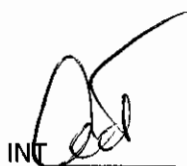
34 A: The next day, yeah.

35
36 Q: -at 3-

37 A: 37.

38
39 Q: -37:24 (3:37:24). Does that sound about accurate?

40 A: Yeah.

41

INT

1 Q: OK. So, at the time when you entered this entry, you were...what were you under
2 the assumption of or...?

3 A: That I left at like, you know, 1:45 or so. I mean I just didn't...

4
5 Q: OK. And you know who is...who is ultimately responsible for making sure that the
6 time is-

7 A: It-, it is me.

8
9 Q: -entered accurately?

10 A: It's me. I take full responsibility for that.

11
12 Q: And, um, that's just the polic...for the Code of, uh...the Minneapolis Police
13 Department Policy and Procedure 5-102 Code of Ethics.

14 A: Mm-hmm (indicating yes).

15
16 Q: Um, I just wanna read it real quick. It says, "*All sworn and civilian members of the
17 department shall conduct themselves in a professional and ethical manner at all times
18 and not engage in any off-duty conduct that would...any...*" -- I'm sorry -- "*shall not
19 engage in any on or off-duty conduct that would tarnish or offend the ethical standards
20 of the department. Employees shall abide by the City's Ethics in Government Policy,
21 Chapter 15.*" Um, Sergeant Toscano, with the knowledge of...you have of the Policy and
22 Procedure 5-102 Code of Ethics, do you believe you violated this policy reference this
23 incident we just discussed?

24 A: I don't. I believe it was a-, a mistake on my part. I didn't -- like I said -- I didn't
25 purposely do this.

26
27 Q: OK.

28 A: You know I know that I'm a slave to the door. And if-, if I had known that it was
29 11:31, I mean that's a pretty big gap between what I put in. I mean there's a good
30 chance someone is gonna come in. I mean it's...

31
32 Q: And normally, if, um, if you're the duty...officer of the day or, um, the duty officer,
33 would you...is there like a phone or something you would take to...like if you were to
34 leave or, um...?

35 A: Yeah, you...other than, you know, if there's somebody else there, "Hey, Lyle, will you
36 cover the phone for me-

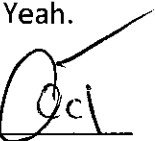
37
38 Q: Right.

39 A: -we're gonna go..."

40
41 Q: But, like a cellphone, though? Is there like a cellphone duty phone?

42 A: Yeah.

INT



Q: OK.

A: It's-, it's an old city phone, yellow, rubberized.

Q: Like a brick? Yep.

A: Yeah.

Q: So, did you take that phone with you that night when you left?

A: To go home?

Q: Yes.

A: No.

Q: And can you tell me why you didn't?

A: Why would I take it home? I was...it was a mistake. I thought that...

*it was quitting time
G.T.
12/5/16*

Q: OK. And, uh, I have a CAPRS report. It's 16-342864. And if you can go to Supplement #4, this is basically a, um...the offense was carry a weapon without a permit and involved some juveniles. At the bottom of the, uh, Supplement #4, I'll just read it real quick. It says, *"My partner and I transported AP1 and AP2 to City Hall for fingerprints and photos. The Juvenile Unit was closed, so we went to the Crime Lab."* Um, so, that...if you look back at the video from the 19th of September and you look at Exhibit G, that's Officer Williams and Rodin, um, and it looks like it's 11:53 when they're walking in to the office.

A: Mm-hmm (indicating yes).

Q: Um, do you...um, so, you wouldn't have been in the Juvenile office at this time?

A: Correct.

Q: Do you remember having a-, a conversation with Lieutenant Hildreth reference this case number?

A: Uh, I don't know the-, the specific case number. I know that the next day he asked me, you know, what time did you leave last night, and I said like 1:45 or so.

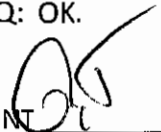
Q: OK.

A: And he said was...there was some grumblings about some guys coming down and the unit being shut up, and I thought...

Q: Being what?

A: Closed down.

Q: OK.


INT

1 A: Shut up/closed down.

2
3 Q: Yep.

4 A: And I just assumed, wow, they must have came, you know...cause I said, you know,
5 the night guys after me keep it open until 3:00. I just figured they thought it was
6 supposed to be open until 3:00 and they were bitching, and I never thought anything
7 more of it. And he said I'll check the reports and get back to you, and I said OK. And
8 then, a couple days later, he said I approved your time and I said OK.

9
10 Q: OK.

11 A: And like I said, because genuinely I thought I was there, so I figured just...I might have
12 just missed them or they came in after, you know, between 2:00 and 3:00, and, well, I
13 wasn't there.

14
15 Q: Do you remember what -- I'm sorry I might have missed it -- what time did you tell
16 Lieutenant Hildreth that you left there? Did he ask you what time you left?

17 A: He said, you know, what time you left and I said like 1:45.

18
19 Q: OK. And then there's this email that I have from Lieutenant Hildreth. It looks like he
20 sent to you. Uh, subject is OT, sent it Thursday, September 22nd, um -- that same week -
21 - at 1:41 p.m. Um, and it basically says, "Thanks again for working the staff shortage on
22 Monday. I approved your slip," and then you sent back a smiley face.

23 A: Yeah, just kind of like you're welcome.

24
25 Q: OK. And, um, just going back real quick to when you-, uh, when you left the Juvenile
26 office. Um, did you...you didn't leave a note or anything, right, like post it on the door?

27 A: No, I...like he said-, he said I could leave early and I just...

28
29 Q: Right. But, you-, you didn't leave a note on the door?

30 A: No.

31
32 Q: OK. Just...um, and again, why was that?

33 A: Well, we don't leave notes on the door unless...like for instance, say I was there by
34 myself-

35
36 Q: Right.

37 A: -and I went and got something to eat. You throw the note up on the door, you know,
38 and go get something to eat, come back, pull it off when you come back.

39
40 Q: Yep.

41 A: Well, if you're...we don't...when we're closing down for the night, we don't put a
42 note on the door because we're closed.

INT 

1

2 Q: OK. Um, so, the...

3 A: There-, there is a note that's...that is on the door all the time. Right on the main door
4 that says what to do.

5

6 Q: The outside one or once you go inside?

7 A: I believe it's the outside-, outside doors. You go through the first door, then you go
8 to the second door where we are.

9

10 Q: Yep.

11 A: I believe there's a note that says what to do when the Juvenile Unit is closed.

12

13 Q: Is closed, OK.

14 A: Yeah, and that's always up there.

15

16 Q: And normally, if you were to-, if you were to leave early, would you necessarily
17 notify like Crime Lab or anybody in case, you know, a juvenile comes in or what not? Is
18 there a pol...if you're just gonna shut down early, you just shut down the Juvenile Unit.

19 A: I'm-, I'm done at 2:00, so I always have guys there-

20

21 Q: OK.

22 A: -so I don't have to ever deal with it.

23

13.43



INT 

13.43



13 Q: Who is "we"?

14 A: Lieutenant Hildreth and I had a discussion the next day. He asked me why I left and I
15 told him why I thought I left. He mentioned people grumbling about the-, the office
16 being closed, and like I said, I just assumed it was they had come in, you know, between
17 2:00 and 3:00, and so, I never thought anything else of it.

18

19 Q: OK. Um, when did you first realize that the actual time you walked out of City Hall?

20 A: When I saw this.

21

22 Q: Today?

23 A: Yes.

24

25 Q: And you're referencing the City Hall video that I showed you?

26 A: Yes.

27

28 Q: Um, Exhibit E. This is...that's the first time today?

29 A: Yes.

30

31 Q: OK. OK. OK. And I'd like to go on to the October 17th now.

32 A: OK.

33

34 Q: Um, were you scheduled -- this is a screenshot of Workforce Director for the 17th of
35 October -- were you scheduled to work your regular shift at the Juvenile from...is it 1600
36 to 0200 in Workforce?

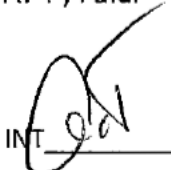
37 A: I-, I was.

38

39 Q: OK. Can you tell me, um, during that date did you have a conversation with
40 Lieutenant Hildreth, uh, reference you being late to your shift, uh, at the office?

41 A: I-, I did.

42

INT. 

1 Q: OK. Can you tell me about the conversation?

2 A: Well, this part-time job was kind of a cluster to start with. Um...

3

4 Q: What-, what is this part-time job?

5 A: The-, the movie shoot that I worked. Um...

6

7 Q: Mogadishu, Minnesota?

8 A: Minnesota, yeah.

9

10 Q: OK.

11 A: Um, the dates and the times were changing and I know Bill worked a few-, a few of
12 those with me. They were literally changing on the day-

13

14 Q: OK.

15 A: -or the day before, the night before. You know, we'd say, hey...they'd say, hey, we
16 need you at this particular location, with this many cops, and you're gonna be here from
17 this time to this time. And then, Bob would send something a couple of days later, like
18 he's...an ongoing correspondence with the lady who schedules people-

19

20 Q: OK.

21 A: -and just basically it was, no, we only two officers, and we're gonna switch their
22 times from this to this to this to this. So, um...I'm sorry. What was the question now?

23

24 Q: Uh, your conversation with Hildreth-

25 A: Oh, convers...yes.

26

27 Q: -and that's why I have a screenshot of the text-

28 A: Right.

29

30 Q: -from his phone.

31 A: So, once-, you know, once I had been there for a while that day, I realized I was
32 gonna be a little later than I thought I was. So, knowing that I had to work that night, I
33 sent him a text saying I'm gonna be late tonight. He said how late. I said 6:00/6:30.
34 Ultimately, it ended being 7:30.

35

36 Q: And that's p.m., right?

37 A: Correct.

38

39 Q: Yep.

40 A: 19-, 1930 hours.

41

INT 

1 Q: OK. Did you ever have any more conversations? So, this is all the conversation you
2 had was text with Lieutenant Hildreth?

3 A: That's it.

5 Q: You never had any voice or any other type of communication, phone...?

6 A: Not-, not to my recollection.

8 Q: OK. Um, so, you never know...you didn't know who was covering for you or
9 anything? Like, he didn't get back to you to say who was...if you were good or...?

10 A: Somehow I knew that Simonson was covering for me.

12 Q: OK.

13 A: I don't know if-, if he sent a text or not.

15 Q: If Hildreth did?

16 A: No, Hildreth or Simonson.

18 Q: OK. Do you know if you have that text?

19 A: I long erased them.

21 Q: OK. So, what...so, tell me what-, what happened? You worked this part-time job.

22 A: Correct.

24 Q: Take me through how late did you work and what did you end up going after the off-
25 duty job.

26 A: When I finished up, I went back down to my office with the intent to work that night.

27 Uh, Sergeant Simonson...

29 Q: Yeah, I was gonna show you. So, this is a screenshot of City Hall video, uh, Exhibit J,
30 and there's an officer walking in. It's on the 17th at 1942.

31 A: Correct.

33 Q: Can you tell me who that is or is that...?

34 A: That's me.

36 Q: OK. So, at approximately that time you-, you went back to City Hall after-, after the
37 part-time job?

38 A: Yes.

40 Q: OK. I'm sorry. So, you walked in?

41 A: So, I walked in, and, uh, Sergeant Simonson was at his desk, and, uh, I talked to him
42 for a little bit. I stripped down out of my uniform and he-, uh, he mentioned that,

INT [Signature]

1 uh...or I said to him I said... -- cause it ended up being fricking really cold outside and I
2 didn't have a coat on -- I'm like I am fricking freezing. I don't feel real good. And he
3 mentioned...he said, well, if you want, I'll cover for you tonight. You can take off. I'm
4 like really. He goes I'll call the lieutenant. If he has a problem with it, he can call you
5 and you can come back. And I said awesome. So, I then asked Sergeant Simonson...I
6 said could you throw a V-day in for me, and he said sure, and I left. And if you'll notice
7 the next day here-

8
9 Q: Mm-hmm (indicating yes).

10 A: -on the 18th.

11
12 Q: Yep.

13 A: I did the same thing that night. I called...actually, I never came in. I called Sergeant
14 McShane and said, hey, throw a V-day in for me. I was working that thing again. He
15 said-

16
17 Q: OK.

18 A: -he said OK. And-, and that one ended up getting entered in.

19
20 Q: Gotcha.

21 A: So, I think what happened is ^{Brad Grizzle} Brian just must have forgotten to enter my vacation day.

22
23 Q: And you specifically pos...you remember telling Sergeant Simon... -- Brad Simonson --

24 A: Yes. Yep.

25
26 Q: -Sergeant Simonson to throw in a V-day for you?

27 A: Yes.

28
29 Q: OK.

30 A: And-, and the reason-, and the reason being is, at this point, I was at 400 hours of
31 vacation.

32
33 Q: OK.

34 A: So, I was maxed out. It does me no good not to use it. If I don't use it, I lose it
35 anyways-

36
37 Q: OK.

38 A: -so I mean...

39
40 Q: And Simonson's, uh, response was that he was gonna talk to Hildreth about it or is
41 that when you said...?

INT 

1 A: No, he-, he said that-, he said...well, he said, yes, he'd put the V-day in for me; but
2 prior to that he said I'll call or text -- or I don't remember exactly what he said -- the
3 lieutenant and let him know I'm staying. If he has a problem with it, I'll have him call
4 you back and you'll...and-, and you can come back and finish your shift.
5

6 Q: OK. Was-, uh, was your intention -- at this time as far as working -- uh, was your
7 intention to-, um, to get compensated by two different employers, uh, during this time?

8 A: No, my-, my-, my intention was to take ten hours of vacation time and that's what
9 we call V-day. You know that when you-

10
11 Q: Yep.

12 A: -you work the streets V-days.
13

14 Q: And then, this is-, this is an off-duty slip that you fill out-

15 A: Sure.
16

17 Q: -for Mogadishu, Minnesota and it looks like this is the 17th.

18 A: Yep.
19

20 Q: So, it does show here 7 a to-

21 A: 7.
22

23 Q: -1930, basically p.m. Is that accurate?

24 A: Yes.
25

26 Q: OK. Um, and then you were saying the next day you did the same. You called in.
27 There's a V-day in there because you worked the same thing again. Correct?

28 A: Yes.
29

30 Q: From 7:00 a.m. to...

31 A: 8:45.
32

33 Q: Yeah, 2045 p.m. ...or hours. OK. Um, and is...this is your...is this your signature on...?

34 A: That is.
35

36 Q: OK. Do you-, do you recall going in that night on the 17th, uh, logging onto your
37 computer?

38 A: I don't, but when you showed me the things... and like I said, my-, my intentions
39 were to work that night. So, I'm sure I came in, signed on my computer, and then, you
40 know, when Brad said, you know, you can take off, I just accidentally...accidentally I
41 signed off.
42

INT 

1 Q: Mm-hmm (indicating yes).

2 A: And then, instead of resigning on, I said, hey, will you just throw a V-day in for me.

3

4 Q: OK. So, you intended to work your shift when you walked in?

5 A: Oh, yeah.

6

7 Q: And then, when did that change you said?

8 A: Well, when I walked in. Like I said, I was freezing. It was super windy, and I was-

9

10 Q: OK.

11 A: -I was directing traffic, and it was a cluster. And I was just like, man, I-, I would really
12 like to-, to go home right now. Long day.

13

14 Q: Uh, do you know besides, uh, Lieutenant Hildreth does anybody in the unit have his
15 timekeeping ability in Workforce Director, like that can enter time, or change time, or
16 approve time?

17 A: Well, we all can, I believe.

18

19 Q: OK. Do you know if he specifically addresses some other sergeant in the unit?

20 A: Well, I know that when he is gonna be gone-

21

22 Q: Mm-hmm (indicating yes).

23 A: -Sergeant Simonson is his-, his kind of go-to guy.

24

25 Q: OK.

26 A: He'll do case assignments, and, you know, uh, if you're not gonna be around, let Brad
27 know that you're gonna be sick or whatever.

28

29 Q: OK. In this, um...in Juvenile, is it... -- I don't know what...if there's an SOP in the unit -
30 - is there...uh, do you need approval from the lieutenant before you burn, uh, like a
31 vacation time, or does the lieutenant just say, you know, it's kind of on you guys, or can
32 you can tell me about that?

33 A: So, if there's more than two people working-

34

35 Q: Mm-hmm (indicating yes).

36 A: -you know, and-, and sometimes I'll-, you know, I'll talk to maybe Dan the night
37 before and say, you know, thinking about taking a vacation tomorrow, you cool with it.
38 Because you don't want to screw your-, your partners-

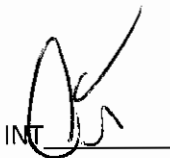
39

40 Q: Mm-hmm (indicating yes).

41 A: -and then you can just take your vacation time. I mean you don't...as long as there's-,
42 as long as there's a body in there, the lieutenant doesn't have a problem with that.

INT 

1
2 Q: Gotcha. Were you sitting there in the Juvenile Unit when Simonson talked to,
3 texted, or called, uh, Lieutenant Hildreth reference the time?
4 A: I don't think so.
5
6 Q: OK.
7 A: I don't think he had called him yet by the time I left.
8
9 Q: OK. And that you said there was nobody else in Juvenile Unit?
10 A: That night, no, or Brad would not have been there.
11
12 Q: Did you have any communication with Simonson before you arrived at the Juvenile
13 Unit?
14 A: Like I said, he might have texted me and said I was...he was covering for me.
15
16 Q: OK.
17 A: And that's...that-, that might have been how I found out how he was covering for me.
18
19 Q: So, when you told Simonson to put you in for the V-day, what were your
20 expectations?
21 A: That he would put my vacation time in for me, so that I wouldn't be accused of
22 double-dipping. And I mean, again, you know, you gotta guy there on time and a half I
23 mean it's-, it's obviously gonna raise some-, some eyebrows of, well, why is a day guy
24 working a green day shift when you've got the normal guy there. I mean it doesn't...
25
26 Q: Uh, can you tell me why...you didn't have any communication with Hildreth after you
27 left the Juvenile office?
28 A: No.
29
30 Q: Can you tell me why you didn't or did you think calling to talk to him about the, uh,
31 burning the day?
32 A: Like I said, Brad said he was gonna contact him, and if he had a problem, then he
33 could just give me a call back and I would come back in.
34
35 Q: OK. When you logged onto your computer, can you tell me why you didn't enter-,
36 enter the time at that time?
37 A: I can't tell you I don't know. Maybe I was just glad I was going home, and just click,
38 and go.
39
40 Q: Did you ever check to see if the time was accurate for the 17th after this day?

INT 

Own Responsibility

1 A: I did not and I understand that's my ~~own~~ and...but, if you look here, I ended up
2 going on vacation for an extended period of time. So, when I got back, that was the
3 furthest thing from my mind.

4
5 Q: OK. Did you ever, um, I have an email from Lieutenant Hildreth reference time, sent
6 October 28th to the Juvenile Investigations, which you're a part of the, the group.

7 A: Yes.

8
9 Q: It says, "All, please check your time period and get it submitted. I will be entering it
10 on Monday morning before my week of training to get everyone's time submitted to
11 payroll for processing." Do you remember seeing this email?

12 A: No, because it's something he sends every month right before payroll is supposed to
13 come.

14
15 Q: Pay...

16 A: It's-, it's kind of one of those things you just kind of click.

17
18 Q: OK.

19 A: I don't really even...

20
21 Q: OK. You don't remember seeing that specific one?

22 A: No.

23
24 Q: OK.

25 A: I mean obviously I probably did and I'm sure I erased it.

26
27 Q: Did you ever discuss this, uh, time with Lieutenant Hildreth with the vacation
28 after...from this date on, uh, 17th to now?

29 A: No.

30
31 Q: And for this date on the 17th, um, who's responsibility would it be to make sure that
32 the time is accurately reflected in Workforce Director?

33 A: It's me. I mean I dropped the ball. In both these instances, I dropped the ball. I
34 mean it's...

35
36 Q: I have, uh...I'd like to go through MPD Policy and Procedure Off-Duty 3800 (3-800).
37 It's Section D, Restrictions and Prohibition. Under #7, it's highlighted right there. Um, it
38 says, "An employee shall not submit time documents to the City or an off-duty employer
39 that will result in being paid by more than one employer for the same time period." Um,
40 with what you know of the incident and the policy, do you believe you violated this
41 policy and procedure?

INT 

1 A: I do not. I mean this is-, this is basic stuff. I've been a cop for 20 years. We know
2 you don't double-dip. Like I said, my...I had asked Brad to enter my time, and to the
3 best of my knowledge, the time had been entered.

4
5 Q: OK. Did-, um, did you ever...were you ever compensated for the-

6 A: I was.

7
8 Q: -for this date on the-, on the 17th?

9 A: Yeah, and I still haven't cashed the checks yet.

10
11 Q: I'm looking for...and I got all the paperwork messed up. Uh, I'm looking for the...

12 A: This?

13
14 Q: Yep, thank you.

15 A: Yeah, I know where this is going.

16
17 Q: Uh, so, this is an off-duty by employee report-

18 A: Yes.

19
20 Q: -that I ran in Workforce Director. It shows any approved sites that you've entered in
21 Workforce. Um, and for your employee number, it looks like you have the City Center
22 to direct traffic. Does that look accurate?

23 A: Yes.

24
25 Q: Um, can you tell me did you submit an off-duty for the Minnesota Film Board?

26 A: I did not.

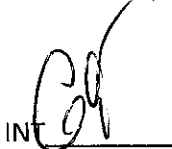
27
28 Q: And can you tell me why?

29 A: Um, there's really no excuse, but like I said this was a-, this was a cluster from the
30 start with the date changes, and the time changes, and the officer changes. I mean I
31 was cancelled and rearranged for a couple different days, and it just completely slipped
32 my mind, and that's my responsibility.

33
34 Q: Um, the Off-Duty, uh, Policy and Procedure 3-800, Section A, bullet 1...bullet point
35 1...uh, do you have a copy of this?

36 A: Yep.

37
38 Q: It says, "All MPD employees who pursue off-duty employment must apply for and
39 receive approval, before the off-duty employment commences. Unpaid/volunteer
40 positions do not require completion of the Off Duty/Employer Site Approval Request
41 Form." Um, do you feel you violated this policy?

INT 

1 A: Well, apparently, I did. Um, it wasn't on purpose. Uh, you know, I...we signed on
2 with an off-duty number. My badge is signed on. I wasn't trying to cover anything up or
3 anything.

4
5 Q: And-, and I have copies of the, um, off-duty log and your-, your badge is on there, so.

6 A: Correct.

7
8 Q: OK.

9 A: That is...

10
11 Q: The off-duty number was 6382 at 26th and Bloomington?

12 A: Yep.

13
14 Q: And your badge number is right there with these other officers?

15 A: The other officers, yeah.

16
17 Q: OK.

18 A: I don't remember who it was, but.

19
20 Q: OK.

21 A: But, yes, it, you know...I wasn't trying to hide anything. It just slipped my mind and,
22 again, my responsibility.

23
24 Q: Looking back at these incidences, the two separate dates, um, going back is there
25 anything that you would have done differently if this were to happen again?

26 A: Well, I was...would for sure double-check my time. Um, had I had any inclination that
27 I had left that much earlier than I thought I did on the 17th, I believe, of September?

28
29 Q: When you left early?

30 A: Yeah.

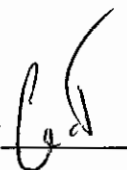
31
32 Q: Yeah, uh...

33 OFFICER WILLIAM BJORK: The 19th.

34
35 Q: The 19th, yep.

36 A: Yeah, I would have-, I would have without-, without a doubt changed it. I mean
37 what's-, what's two hours when you've got 20 years on. I mean it goes back to the
38 whole, you know, it's gonna be...it would take a lot for me to do something stupid on
39 this job to risk my career, my family, you know, but, you know, if it's something I need
40 to tighten up my-, my own self-policing I suppose.

41

INT 

1 Q: OK. Just real quick, going back to the first date just one question on the 19th, uh,
2 when you left City Hall at, uh, 23...um...

3 A: 30.

5 Q: Yeah, approximately. Um, where did you go from there?

6 A: Home.

8 Q: OK.

9 A: It took me everything to stay awake that night, too. I remember doing the whole
10 [slapping face noise], rolling the windows down in the car.

12 Q: OK. Um, I'm just gonna take a quick break.

14 [break/recorder off - time on audio 42:53]

16 Q: Recorder is back on. It's, uh, 5:49 p.m. This is, again, Sergeant Gomez with Sergeant
17 Toscano and Federation Representative Bjork reference OPCR Case #16-18106.

19 Um, Sergeant Toscano, is there any facts concerning this incident that you have
20 knowledge, but have not disclosed?

21 A: No.

23 Q: Is there anything else that you would like to add to this statement that I have not
24 asked you concerning this incident?

25 A: Just the simple fact that, you know, I apologize to anybody who had to deal with this.
26 I mean it was-, you know, it was a little bit shoddy work on my-, on my part and, uh, I
27 definitely learned my lesson in keeping up and following up with my time.

29 Q: Is this a true and accurate statement?

30 A: It is.

32 Q: PER MPD POLICY AND PROCEDURE, SECTION 5-107.8, YOU ARE NOT TO DISCUSS
33 THIS INTERVIEW OR CASE INVESTIGATION WITH ANYONE OTHER THAN YOUR
34 FEDERATION, UNION REPRESENTATIVE, OR ATTORNEY.

36 Do you understand this statement?

37 A: I understand.

40 STATEMENT CONCLUDED AT 5:50 P.M.

42
INT 

1 
2
3 Sergeant Geoffrey Toscano
4

12/5/16
Date

5
6
7 Witness
8

9
10 Job #: 46869


INT