



Minneapolis
Park & Recreation Board

Corrective Action/Discipline Documentation

Please type or print in ink. Attach additional pages for comments if necessary. Send signed and completed forms to HR.

EMPLOYEE INFORMATION

Employee's Name: Robert MooneyEmployee ID: 030227Employee's Job Title: Police SergeantUnion: POFMSupervisor: Chief Jason OhottoPhone: 612-230-6564

INCIDENT INFORMATION

Date/Time of Incident: June 9-10, 2020

Location of Incident: _____

Description of Incident:

Sergeant Mooney sent two emails to Commissioner Stephanie Musich on June 9 at 11:11 PM "Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?" and on June 10 at 1:17 AM "By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more favors than any. Let's see how that works out for you now." Commissioner Musich did not respond to either email but did reach out to Chief Ohotto on June 10, 2020 to express her concerns.

Witnesses to Incident: Commissioner Musich

Was this incident in violation of MPRB Policy, Rules &/or Civil Service Rules? ☐ No ☒ Yes, policy(ies)/rule(s) violated:

11.03A: Substandard Performance

- ☐ 1. Failure to perform job at minimum acceptable standards
☐ 2. Failure to meet or continue to meet established requirement of the position or are not qualified to perform the duties of the position

11.03B: Misconduct

- | | |
|---|---|
| <input type="checkbox"/> 1. Tardiness and absenteeism
<input type="checkbox"/> 2. Sick leave abuse
<input type="checkbox"/> 3. Absence without leave
<input type="checkbox"/> 4. Insubordination
<input type="checkbox"/> 5. Willful or negligent damage of City property
<input type="checkbox"/> 6. Interference with the work of other employees
<input type="checkbox"/> 7. Harassment on the basis of any protected class
<input type="checkbox"/> 8. Misappropriation of City property, funds, or money
<input type="checkbox"/> 9. Violation of safety rules, laws, and regulations
<input type="checkbox"/> 10. Discourtesy to public or fellow employee
<input type="checkbox"/> 11. Violence, threats of violence, abusive behavior, abusive language, or mental harassment
<input type="checkbox"/> 12. Accepting gifts from the public in connection with performance of duties as a City employee | <input type="checkbox"/> 13. Criminal or dishonest conduct whether such conduct was committed while on duty or off duty
<input type="checkbox"/> 14. Reporting to work under the influence or in possession of alcohol or illegal drugs, or using such substance on the job
<input type="checkbox"/> 15. Soliciting or receiving funds for political purposes or personal gain during work
<input type="checkbox"/> 16. Using authority to influence or to compel an employee to become politically active
<input type="checkbox"/> 17. Use or threat of political influence on employment status
<input type="checkbox"/> 18. Making a false statement or the failure to disclose a material fact during an investigation to management
<input checked="" type="checkbox"/> 19. Violation of department rules, policies, procedures or City ordinances
<input type="checkbox"/> 20. Other justifiable causes: |
|---|---|

Has the impropriety of the employee's actions been explained to the employee? ☐ No ☒ Yes, did the employee offer any explanation for the conduct? (Explain):

See case investigation

PRE-DETERMINATION HEARING – only required if Suspension, Demotion, or Termination is recommended.

Employee was informed of alleged violations on (date) June 29, 2020. The employee was given the opportunity to respond at the pre-determination meeting held on (date) July 2, 2020.

☒ Attach copies of the notification of pre-determination hearing letter, documentation, & notice of final decision letter given to employee.

CORRECTIVE ACTION PLAN

Plan for correcting the problem:

The corrective action in this case will be a 10-hour suspension held in abeyance for one year. During this period of time, you must not demonstrate any same or similar behavior or you will serve any new disciplinary action in addition to the 10 hours from this incident. At the end of one year. If there are no same or similar violations, you will have this discipline reduced to a written reprimand.

CORRECTIVE ACTION TAKEN

Supv and Frm/Mgr Approval Required:

- ☐ Verbal Warning
- ☐ Written Warning

Dir., Asst Supt, HR, and Superintendent Approval Required:

- ☒ Suspension (w/o pay) # of days * 10 hours held in
- ☐ Demotion (Attach Hire/Job Change Form) abeyance for one
- ☐ Termination year. No same/
- Similar will
- reduce to written
- warnin

EFFECTIVE DATE(S) OF ACTION:

Permanent: effective date/time): _____ Temporary: beginning on _____, ending _____ total working days _____

Immediate Supervisor's Signature: _____ Date: _____

Foreman/Manager's Signature: [Signature] Date: 7-27-20**EMPLOYEE ACKNOWLEDGEMENT**

I acknowledge that I have read & understand this disciplinary documentation form & the following notice of legal rights.

Employee's Signature: [Signature] Date: 7-27-2020**SIGNATURES: Required for Suspension, Demotion, or Termination**Director's Signature: [Signature] Date: 7-27-2020

Assistant Superintendent's Signature: _____ Date: _____

Director, Human Resources Signature: _____ Date: _____

Superintendent's Signature: _____ Date: _____

Rule 11.06 Appeal Rights of Employees

Disciplined employees may appeal to the Commission only as provided herein. An employee may appeal to the Commission a suspension of over thirty days, a permanent demotion (including salary decreases), or a discharge.

Probation: An employee removed or discharged during a probationary period may not appeal and is not entitled to a hearing under these rules. A veteran removed during an initial probationary period is not entitled to a hearing under these rules or to a Veteran's Preference hearing. The rights of a veteran are subject to Minnesota Statute §197.46.

Employee Request For Hearing: Disciplined employees who are eligible to be heard may appeal a disciplinary action by requesting a hearing before the Commission. The request for hearing must be in writing and must describe the alleged breach of disciplinary rules and procedures by management. The request for hearing must be postmarked or received by the Human Resources Department/Civil Service Commission within 15 calendar days from the date the disciplinary action was provided to the employee. The 15 days are counted from the first day after the notice was served. If the 15th day falls on a Saturday, Sunday, or a legal holiday, the request may be served on or before the following business day. The date of the postmark must be within the 15 day period.

Veterans Request For Hearing: Veterans who are eligible under Minnesota Statute §197.46 may appeal their removal or discharge by requesting a hearing before the Commission. A request for hearing must be in writing and may describe the alleged breach of disciplinary rules and procedures by management. A request for hearing from a veteran must be received by the Human Resources Department/Civil Service Commission within 30 days of receipt by the veteran of the notice of intent to discharge. The 30 days are counted from the first day after the notice was served. If the 30th day falls on a Saturday, Sunday, or a legal holiday, the request must be made on or before the following business day. The rights of a veteran are subject to Minnesota Statute §197.46.

All Requests for a Hearing & Appeals Should Be Submitted to:

Human Resources Department/ Civil Service Commission
250 South 4th Street, Room 100
Minneapolis, MN 55415-1339

Distribution:

Original: Human Resources

Copy: Union _____

Copy: Supervisor _____

Copy: Employee _____

Logged by: _____

Date: _____



**Minneapolis
Park & Recreation Board**

Administrative Offices
2117 West River Road North
Minneapolis, MN 55411-2227

Northside Operations Center
4022 1/2 North Washington Avenue
Minneapolis, MN 55412-1742

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Minneapolis, MN 55409-1000

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July 27, 2020

Sergeant Robert Mooney
Minneapolis Park Police Department
2117 West River Road North
Minneapolis, MN 55411

Subject: Determination Meeting

Sergeant Mooney,

A predetermination letter was held on Thursday, July 2, 2020 at 1000 hours in the Minnehaha Conference Room. The meeting was attended by you, me and Rhonda Heryla from Human Resources.

This letter is to inform you that the investigation of policy violations surrounding two emails sent to a commissioner are **SUSTAINED**.

Summary of Incident:

On June 9, 2020 and June 10, 2020, you sent Commissioner Steffanie Musich two emails from _____

June 9, 11:11 PM: *Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?*

June 10, 2020, at 1:17 AM: *By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more favors than any. Let's see how that works out for you now.*

Commissioner Musich did not respond to either email but did reach out to Chief Ohotto on June 10, 2020 to express her concerns. Human Resources conducted an employment investigation, and the investigator was Uzodima Frank Aba-Onu.

Based on the information and documentation/reports we have gathered relating to the charges, it has been determined that you violated policies and procedures and Civil Service Commission rules as cited below:

Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City Ordinance; specifically Minneapolis Park Police Department Special Order 2015-04 Code of Conduct (Sworn)

o Under the Code, members of the Department are obligated to "conduct themselves in a professional and ethical manner at all times and not engage in any off-duty conduct that would tarnish or offend the ethical standards of the department." Moreover, § 5-102.02 states that one should "never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions."

Accredited



2010-2020

The corrective action in this case will be a 10-hour suspension held in abeyance for one year. During this period of time, you must not demonstrate any same or similar behavior, or you will serve any new disciplinary action in addition to the 10 hours from this incident. At the end of one year. If there are no same or similar violations, you will have this discipline reduced to a written reprimand.

The following were considered as aggravating circumstances:

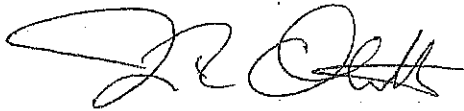
- 1) Role as a supervisor

The following were considered as mitigating circumstances:

- 1) 22 years 3 months of service as a Police Officer/Sergeant
- 2) Acknowledgement of your behavior

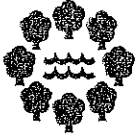
If you have any questions, you may call me at 612-230-6564.

Sincerely,

A handwritten signature in black ink, appearing to read 'JR Ohotto', with a stylized flourish at the end.

Chief Jason R. Ohotto
Minneapolis Park Police Department

CC: MPRB Human Resources



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Superintendent
Al Bangoura

Secretary to the Board
Jennifer B. Ringold



June 29, 2020

Sergeant Robert Mooney
Minneapolis Park Police Department
2117 West River Road North
Minneapolis, MN 55411

Subject: Predetermination Meeting

Sergeant Mooney,

This letter informs you that your attendance is required at a meeting on Thursday, July 2, 2020 at 1000 hours in the Minnehaha Conference Room at 2117 West River Road. The purpose of the meeting is to allow you the opportunity to respond to the charges listed below and to comply with the labor agreement between the Minneapolis Park and Recreation Board and the Police Officers Federation of Minneapolis.

Summary of Incident:

On June 9, 2020 and June 10, 2020, you sent Commissioner Steffanie Musich two emails from:

June 9, 11:11 PM: *Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?*

June 10, 2020, at 1:17 AM: *By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more favors than any. Let's see how that works out for you now.*

Commissioner Musich did not respond to either email but did reach out to Chief Ohotto on June 10, 2020 to express her concerns. Human Resources conducted an employment investigation, and the investigator was Uzodima Frank Aba-Onu.

Based on the information and documentation/reports we have gathered relating to the charges, it has been determined that you may have violated policies and procedures and Civil Service Commission rules as cited below:

Civil Service Rule 11.03 B.19 Violation of department rules, policies, procedures or City Ordinance; specifically Minneapolis Park Police Department Special Order 2015-04 Code of Conduct (Sworn)

o Under the Code, members of the Department are obligated to "conduct themselves in a professional and ethical manner at all times and not engage in any off-duty conduct that would tarnish or offend the ethical standards of the department." Moreover, § 5-102.02 states that one should "never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions."

At the meeting you will be given an opportunity to respond to the above charges and to explain any mitigating circumstances.

You are allowed to have a Union representative present as permitted in your labor agreement. If you choose to have representation, it is your responsibility to make any arrangements for the presence of such a representative.

If you have any questions, you may call me at 612-230-6564.

Sincerely,

A handwritten signature in black ink, appearing to read "J R Ohotto". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Chief Jason R. Ohotto
Minneapolis Park Police Department

CC: MPRB Human Resources

INVESTIGATION REPORT

**Prepared for Minneapolis Park & Recreation Board
in response to allegations from MPRB Commissioner Steffanie Musich
June 23, 2020**

Prepared by:

**Uzodima Franklin Aba-Onu
Bassford Remele, P.A.
100 South 5th Street, Suite 1500
Minneapolis, MN 55402-1254**

CONTENTS

I.	Scope and Summary of Investigation	1
II.	Persons Interviewed	2
III.	Information Reviewed.....	3
IV.	Summary of Interviews	4
	A. Sergeant Robert Mooney.....	4
VI.	Summary of Relevant Emails and Documents	7
VII.	Findings of Fact	8
IX.	Relevant Policies and Conclusions	9
	A. Whether Sergeant Mooney violated the Minneapolis Park Police Code of Conduct Special Order 2015-40	9
	B. Whether Sergeant Mooney violated the Minneapolis Civil Service Rules 11.03.B- 19 and/or 11.03.B-20.	10

I. Scope and Summary of Investigation

The Minneapolis Park & Recreation Board ("Park Board" or "MPRB") initiated this investigation following an email by MPRB Commissioner Steffanie Musich to Chief Jason Ohotto regarding purported comments made by a Park Police Officer. Commissioner Musich indicated the emails were sent from _____, detailing the following:

6/9/2020 11:11 PM

Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?

6/10/2020 1:17 AM

By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more favors than any. Let's see how that works out for you now.

As a result of this complaint, the MPRB retained Bassford Remele, P.A. to conduct an independent employment investigation to determine whether the alleged conduct violated any MPRB Administrative Policies, Code of Conduct, Minneapolis Civil Service Commission Rules, or any laws and/or policies.

II. Persons Interviewed

Sergeant Robert Mooney,¹ Minneapolis Park Officer, interviewed via zoom conferencing on June 18, 2020.

¹ Adam Swierczek, Federation Representative for the Park Police attended the meeting.

III. Information Reviewed

- Minneapolis Park Police Code of Conduct Special Order 2015-40
- Minneapolis Civil Service Rules
- The Minneapolis Park & Recreation Board and The Police Officers' Federation of Minneapolis Labor Agreement
- Notification Letter for Investigation dated June 15, 2020
- Emails produced by Sergeant Robert Mooney

IV. Summary of Interviews²

A. Sergeant Robert Mooney

1. Background Information

Robert Mooney stated that he is a Patrol Supervisor for the Park Police.

Mr. Mooney started in law enforcement with the Minneapolis Police Department in 1997 and transitioned to the Park Police, becoming a sworn Park Police officer in 2003.

As Patrol Supervisor, Mr. Mooney stated (among other duties) that he oversees the day watch patrol for the City of Minneapolis and the Park Police, manages the squads and agents, acts as the homeless coordinator, and serves as an instructor for the use of tasers and defense tactics.

2. Relationship with Commissioner Steffanie Musich

Mr. Mooney stated that although he knows Ms. Musich, he does not have a personal or working relationship with Musich.

Mr. Mooney indicated that roughly three to four years ago, he responded to a call/report in which someone had robbed Ms. Musich's minor son of a pizza as Musich's son walked home with the pizza. According to Mr. Mooney, they were able to apprehend the person who stole the pizza and Mooney indicated that he discussed the matter with Ms. Musich and her husband.

Mr. Mooney did not recall any other interactions with Ms. Musich.

3. June 9 and June 10 Email Communications

When asked whether he sent emails to Ms. Musich on June 9 and June 10, Mr. Mooney stated, "I believe that I sent these emails," but indicated he had no independent recollection as to sending the emails. When asked again, Mr. Mooney re-iterated that he did not recall sending the emails, stating, "I was intoxicated and just don't remember it."

When asked why he sent the messages, Mr. Mooney said that he was angry about a vote that the Park Board's Commissioners had on Wednesday, June 3 that showed that the Park Board did not support the Park Police.

² The Investigator provided Sergeant Robert Mooney with a copy of the MPRB's Tennesen Warning Notice in advance of the interview and read it aloud. The Investigator also read a Garrity Warning. Sergeant Mooney acknowledged receipt of the Tennesen Warning and agreed to be interviewed. Sergeant Mooney returned signed Tennesen Agreements via email.

According to Mr. Mooney, the Commissioners met on June 3 and discussed issues relating to the Park Police such as Park Police Uniforms, changing the Park Police's name, and various aspects of limiting the police department.

Mr. Mooney stated that what "really pissed [him] off" was that the Commissioners voted to divest from the Minneapolis Police Department. Mr. Mooney explained that this would strain the Park Police as generally, the Park Police would act as back-up for the Minneapolis Police and vice versa. By divesting from the Minneapolis Police Department, he believed that the Minneapolis Police Department would not back up the Park Police, causing a strain on the limited resources and endangering his officers. Mr. Mooney stated that "it is hard thing to understand when you are not a cop," and "when someone takes your back-up away," it is hard for officers to do their job.

Mr. Mooney stated that he was angry at the seven Commissioners who made this vote. When asked if he sent emails to the other Commissioners, Mr. Mooney stated, "no." Mr. Mooney indicated that he was upset with Ms. Musich because based on her past record, he expected her to support the Park Police. Mr. Mooney later amended his comment and stated that he does not think that Ms. Musich does not support the Park Police but indicated that the vote was a big deal. He indicated that they did not understand what it meant by preventing the Park Police from backing up Minneapolis Police, stating that this can cause an officer his life.

4. June 9 Email

Mr. Mooney indicated Ms. Musich did not respond to his email.

When asked what he meant by his comment "[t]hen you ask the chief to have the police," Mr. Mooney reiterated that he was intoxicated, but noted that he likely was frustrated with the Park Board's knee jerk reaction to get away from Minneapolis Police Department, stating that this will reduce the man power available to the Park Police.

5. June 10 Email

Mr. Mooney indicated Ms. Musich did not respond to his email.

When asked what he meant by his comment "of any park commissioner you have asked for more favors than any," Mr. Mooney indicated that Ms. Musich would email Chief Ohotto a request from a constituent and Chief Ohotto would forward the email down the chain to get the issue resolved. Although Mr. Mooney noted that Ms. Musich was one of the Commissioners that did that a lot, he indicated that her requests were lawful.

6. Miscellaneous

When asked if he had any more comments to make, Mr. Mooney noted that Ms. Musich got it correct in the June 15 notice letter when she stated that it was just an officer blowing off steam. Mr. Mooney stated that he takes the Commissioners' June 3rd vote personally but indicated that it was out of character for him to send the emails. Although he noted that as a commissioner, Ms. Musich gets worse messages, he stated that personally, he would not want to have gotten those June 9 and 10 emails. Mr. Mooney further stated that he understood why it upset Ms. Musich, noting again that he did not mean to do it and that it does not get anything accomplished.

When asked whether he thought his actions were violations of the Code of Conduct or the Civil Service Rules, Mr. Mooney responded, "no," noting that he is still a person and that he still gets to communicate with politicians.

VI. Summary of Relevant Emails and Documents

A. Email from Sergeant Mooney to Commissioner Musich dated Tuesday, June 9, 2020, at 11:11 pm

In this email, Sergeant Mooney wrote:

From: Robert Mooney
To: smusich@minneapolisparks.org
Date: Tuesday, June 9, 2020, 11:11 PM CDT

Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?

B. Email from Sergeant Mooney to Commissioner Musich dated Wednesday, June 10, 2020, at 1:17 am

In this email, Sergeant Mooney wrote:

Sellout then needs something

From: Robert Mooney
To: smusich@minneapolisparks.org
Date: Wednesday, June 10, 2020, 01:17 AM CDT

By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more personal favors than any. Let's see how that works out for you now.

VII. Findings of Fact

On or about June 9, 2020, at 11:11 p.m., Sergeant Robert Mooney sent an email to Commissioner Steffanie Musich from _____, indicting the following:

Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?

Ms. Musich did not respond to the email.

Subsequently, on or about June 10, 2020, at 1:17 a.m., p.m. Mr. Mooney sent the following email message to Ms. Musich:

By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more favors than any. Let's see how that works out for you now.

Ms. Musich did not respond to this email as well.

Mr. Mooney stated that he was intoxicated and does not remember sending the emails. However, Mr. Mooney acknowledged that he did send them, providing this Investigator with a copy of the emails.

This Investigator finds credible Mr. Mooney's statement that he was angry with the Park Board and its Commissioners, mainly Ms. Musich, for the recent vote to divest from the Minneapolis Police Department, indicating that the decision to divest put his officers in danger and limited the resources available to the Park Police.

IX. Relevant Policies and Conclusions

A. Whether Sergeant Mooney violated the Minneapolis Park Police Code of Conduct Special Order 2015-40

1. Policy language

Under the Code, members of the Department are obligated to "conduct themselves in a professional and ethical manner at all times and not engage in any off-duty conduct that would tarnish or offend the ethical standards of the department."

Moreover, § 5-102.02 states that one should "never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions."

2. Application of policy to allegations

This Investigator finds it more likely than not that Mr. Mooney was intoxicated when he sent the June 9 and June 10 emails to Ms. Musich. Although this Investigator finds Mr. Mooney credible in stating that he regrets sending the messages, it does not change the fact that Ms. Musich received messages from what appeared to be a Park Police officer at 11:11 p.m. and 1:17 a.m.

This Investigator does not find that the messages themselves were malicious or sent to threaten Ms. Musich.

However, Mr. Mooney acknowledged that he was angry at the decision by the Park Board to divest from the Minneapolis Police Department. Though this Investigator finds it credible that Mr. Mooney genuinely felt that the Park Board's decision would cause a strain on and put the Park Police in a worse off position, Mooney's personal comments to one of the Commissioners at 11:11 p.m. and 1:17 a.m. was not a professional way to address those concerns. Comments such as "[b]y all means sell the police And [sic] then ask for a special service," "[o]f any park commissioner you have asked for more favors than any" and "[l]et's see how that works out for you now" show that Mr. Mooney allowed his personal feelings to influence him in sending messages that inferred that Ms. Musich's actions were less than ethical. Mr. Mooney acknowledged that none of Ms. Musich's actions in requesting assistance from the Park Police (to his knowledge) were illegal or wrong. Therefore, at the very least, Mr. Mooney sent these personal emails knowing that his inferences and comments were not accurate.

Mr. Mooney may have been blowing off steam and may not have meant to send the emails. But that does not change the fact that he, as a Sergeant of the Park Police, sent two emails to a commissioner while intoxicated that made allegations of inappropriate behavior by the commissioner and challenged the commissioner's ethics.

Therefore, this Investigator can substantiate this allegation as a violation of the Minneapolis Park Police Code of Conduct.

B. Whether Sergeant Mooney violated the Minneapolis Civil Service Rules 11.03.B-19 and/or 11.03.B-20

1. Policy language

Under this Rule, misconduct is defined as a "failure to comply with any work rule, policy, ordinance or law or any behavior that would offend a reasonable person." (§ 11.03.B.) Conduct which may lead to disciplinary action include, but are not limited to, "[v]iolations of department rules, policies, procedures or City Ordinances," (§ 11.03.B-19), or "[o]ther justifiable causes." (§ 11.03.B-20.)

2. Application of policy to allegations

Arguably, Mr. Mooney's purported violation of the Code of Conduct (see above) may not be a "failure to comply with any work rule, policy, ordinance or law" depending on one's interpretation of the Code of Conduct and whether it meets the definition noted above.

Therefore, this Investigator cannot substantiate this allegation as a violation of the Minneapolis Civil Service Rules 11.03.B-19.

Regardless, in reviewing Mr. Mooney's conduct, this Investigator finds it most applicable to determine whether Mooney's conduct would be offensive to a reasonable person under the same or similar circumstance as Commissioner Musich.

It is unclear whether Ms. Musich had reason to believe that Mr. Mooney was intoxicated when she received the June 9 and June 10 emails. One could make an inference of intoxication based on the timing of the messages (i.e., 11:11 p.m. and 1:17 a.m.) and the grammatical errors present in the emails. However, without knowing more about Mr. Mooney personally, this Investigator cannot find it more likely than not that Ms. Musich (or a reasonable person who had no working or personally relationship with Mooney) would come to that conclusion.

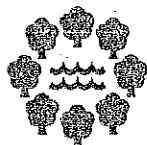
In any event, Mr. Mooney sent the two email messages at a late hour (11:11 p.m. and 1:17 a.m.) which, based on the language and the name on the email address, appeared to come from a Park Police officer alleging that a commissioner acted in a questionable manner, i.e., "requesting favors."

The emails imply many different meanings. A few, taken directly from Ms. Musich's comments to Chief Ohotto are that "I do not want to be perceived **as abusing my power as an elected official**, nor do I want residents of my district to **be punished through denial of service for my political decisions** which is what these emails imply is occurring." (Emphasis added.) In other words, the emails insinuate that (1) a commissioner "traded" favors, and (2) that the commissioner or her constituents could no longer rely on the Park Police to assist her/them.

Given the context of the emails (the vote to divest from the Minneapolis Police Department), who sent the emails, and the hour they were sent, this Investigator finds it more likely than not that a reasonable person in the shoes of a Park Board Commissioner would find the emails offensive.

Therefore, this Investigator can substantiate this allegation as a violation of the Minneapolis Civil Service Rules 11.03.B-20.

June 16, 2020



Minneapolis Park & Recreation Board

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2117 West River Road North
Minneapolis, MN 55411-2227

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Minneapolis, MN 55412-1742

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Kale Severson
AK Hassan
Steffanie Musich
Brad Bourn
Meg Forney
Londel French

Superintendent
Al Bangoura

Secretary to the Board
Jennifer B. Ringold

Accredited



2010-2020

Sergeant Robert Mooney
Minneapolis Park Police Department
2117 West River Road
Minneapolis, MN 55411

Notification Letter for Investigation

Sergeant Mooney:

You are the subject of an investigation for alleged violations of Minneapolis Park and Recreation Board policy, Minneapolis Park Police policy, and/or Minneapolis Civil Service Commission Rules by a Minneapolis Park Police Department employee.

The alleged policy violations include:

- Special Order 2015-04 Code of Conduct to include:
5-102.02 Minnesota Law Enforcement Code of Ethics, "I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions."
- Civil Service Rule 11.03.B-19 Violation of department rules, policies, procedures or City ordinances
- Civil Service Rule 11.03.B-20 Other justifiable causes

A summary of allegations is as follows. On June 10, 2020, MPRB Commissioner Steffanie Musich emailed Chief Jason Ohotto regarding two emails she had received from a Park Police employee.

Chief Ohotto,

I hope this email finds you well. I am sorry to add another challenge to your day as I'm sure you're already tasked with a lot. I have attached two emails I received in the last 24 hours. They appear to be from a park police officer. I was unaware that passing along resident concerns and requests for service was perceived by our officers as "requesting favors," if there is another process for getting information provided by the public to the appropriate staff that I am supposed to be following, please let me know what that process is. I do not want to be perceived as abusing my power as an elected official, nor do I want residents of my district to be punished through denial of service for my political decisions which is what these emails imply is occurring.

It has been my experience that you are a compassionate and thoughtful leader that helps their employees achieve their potential while serving the people of Minneapolis with dignity and integrity. I am hopeful that

these emails do not reflect the actions of the park police in general, it rather only the late night blowing off of steam for one officer.

Sincerely,
Steffanie Musich
Commissioner 5th District
Minneapolis Park and Recreation Board

Attached to her email to Chief Ohotto were two emails sent from supermoondog@yahoo.com.

6/9/2020 11:11 PM

Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?

6/10/2020 1:17 AM

By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more favors than any. Let's see how that works out for you now.

Human Resources has retained Uzodima Franklin Aba-Onu to conduct an independent investigation into the complaint and whether any policy violations occurred. As the subject of the investigation, you are hereby ordered to provide a statement to the assigned investigator. Mr. Aba-Onu is available to meet virtually with you at 1:00 PM on Thursday, June 18, 2020. Further details regarding this virtual meeting will be provided to you.

This is an ongoing investigation and you are not to discuss this case or interview with anyone other than your union/Federation representative. You are entitled to be represented at this interview by a union/Federation representative or an attorney.

Sincerely,



Chief Jason Ohotto
MINNEAPOLIS PARK POLICE DEPARTMENT

CC: Human Resources

Ohotto, Jason R.

From: Musich, Steffanie D.
Sent: Wednesday, June 10, 2020 5:20 PM
To: Ohotto, Jason R.
Subject: Advice Requested
Attachments: mime-attachment; ATT00001.htm; mime-attachment; ATT00002.htm

Chief Ohotto,

I hope this email finds you well. I am sorry to add another challenge to your day as I'm sure you're already tasked with a lot. I have attached two emails I received in the last 24 hours. They appear to be from a park police officer. I was unaware that passing along resident concerns and requests for service was perceived by our officers as "requesting favors," if there is another process for getting information provided by the public to the appropriate staff that I am supposed to be following, please let me know what that process is. I do not want to be perceived as abusing my power as an elected official, nor do I want residents of my district to be punished through denial of service for my political decisions which is what these emails imply is occurring.

It has been my experience that you are a compassionate and thoughtful leader that helps their employees achieve their potential while serving the people of Minneapolis with dignity and integrity. I am hopeful that these emails do not reflect the actions of the park police in general but rather only the late night blowing off of steam for one officer.

Sincerely,
Steffanie Musich

Commissioner 5th District
Minneapolis Park and Recreation Board
612-230-6443 x5

Subscribe to the 5th District Mailing List: http://eepurl.com/QZ_-9

Facebook Page: www.facebook.com/SteffanieMusich

Twitter Feed: www.twitter.com/CommishMusich

Note: If this is a reply to a resident's email that had multiple commissioners copied on it, I am prevented from replying to all by Open Meeting Rules (www.revisor.gov/statutes/?id=13D), replying staff members are able to reply to all and will do so with their response if needed.

Ohotto, Jason R.

From:
Sent: Wednesday, June 10, 2020 1:17 AM
To: Musich, Steffanie D.
Subject: [External] Sellout then needs something.

By all means sell the police And then ask for a special service. Of any park commissioner you have asked for more personal favors than any. Let's see how that works out for you now.

[External] This email originated from outside of the Minneapolis Park & Recreation Board. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ohotto, Jason R.

From:
Sent: Tuesday, June 09, 2020 11:11 PM
To: Musich, Steffanie D.
Subject: [External]Website Inquiry

Thanks for your support of the park police in this last vote. Which was none. Then you asked the chief to have the police. Wait the rangers respond to a call. And you think that's going where?

[External] This email originated from outside of the Minneapolis Park & Recreation Board. Do not click links or open attachments unless you recognize the sender and know the content is safe.