

**ST. CLOUD POLICE CITIZENS' REVIEW BOARD
ANNUAL REPORT FOR 2020**

TO : Dave Kleis, Mayor
City of St. Cloud Council Members

FROM : St. Cloud Police Citizens' Review Board
John Omondi, Chair
Dean Reller, Vice Chair
Sergeant Greg Klinefelter
Officer Jacob Lanz, now Sergeant Jacob Lanz
Officer Tyler Tabatt
Debra Backus
Commander Brett Mushatt
Donna McCray
Assistant Chief Jeffrey Oxton
Darian Richardson

DATE : January 21, 2020

I. **OVERVIEW:** This is the 23rd annual report provided to the Mayor, Chief of Police, and St. Cloud City Council members consistent with the provisions of Ordinance Number 1773, entitled "St. Cloud Police Citizens' Review Board," hereinafter referred to as "the ordinance," which requires the Board to "make annual reports," Section 260.00, Subd. 3(c). This ordinance was adopted by the City Council on September 9, 1996 and amended in 2002. This Board by ordinance must meet at a minimum quarterly and every January to elect officers. The Board is scheduled to meet on the third Thursday of the month, depending on the number of cases to be reviewed. In 2020 the Board met on January 16th, August 20th, September 17th, November 19th, and December 15th.

II. **MEMBERSHIP UPDATE:** The City Ordinance allocates nine (9) members on the Board, including six (6) non-police members and three (3) police department members. Non-police members for 2020 included the following: Donna McCray, who previously served two terms ending in 2009, was reappointed to the Board February 8, 2010 with her term expiring April 30, 2012. She was reappointed to another term to expire April 30, 2015 and then reappointed with her term to expire April 30, 2018. Donna McCray's term expired the end of April. In July the City Council reappointed Donna McCray to serve another term to expire April 30, 2021. Debra Backus was appointed to the Board May 1, 2011 with her term to expire April 30, 2014. She was reappointed to another term to expire April 30, 2017. Her term was then extended to April 30, 2020. She was reappointed to another term to expire April 30, 2023. John Omondi was appointed June 6, 2016 to fill a vacancy on the board. His first term expired April 30, 2019. He was reappointed to another term to expire April 30, 2022. Dean Reller was appointed to the Board for his first term May 1, 2002 to expire April 30, 2005. He served a second term from May 2, 2005 to April 30, 2008, and then was appointed to a third term from November 24, 2014 to April 30, 2016. Dean Reller was reappointed with his term to expire April 30, 2019. He was reappointed to another term to expire April 30, 2022. Darian Richardson was appointed August 3, 2020 to fill a vacancy on the board. His first term will expire April 30, 2023. There is still one vacancy since July of 2018.

Police department members serving in 2020 included the following: Assistant Chief Jeffrey Oxton was appointed to fill the unexpired term of Assistant Chief Wilson in 2015 with his term to expire April 30, 2017. His term was then extended to expire April 30, 2020. Commander Brett Mushatt was appointed at that time with his term to expire April 30, 2023. Sergeant Greg Klinefelter was appointed to the Board in June of 2018 to serve in the sergeant position with his

term to expire April 30, 2021. Due to a large number of commitments, Sergeant Klinefelter's term will be filled by Sergeant Jacob Lanz who volunteered to serve the remainder of his term which is set to expire April 30, 2021. Officer Jacob Lanz was appointed to serve the officer position effective April 30, 2019 with his first term to expire on April 30, 2022. Effective November 15, 2020, Officer Lanz was promoted to the rank of sergeant and therefore was no longer eligible to represent officers of L.E.L.S. Local 33 Union. Therefore, Officer Tyler Tabatt was appointed to serve the remainder of Officer, now Sergeant Jacob Lanz's, term which is set to expire April 30, 2022. Sergeant Anne Whitson served as the Internal Affairs Sergeant and investigated all cases heard in 2020.

Officers were elected during the January 16, 2020 meeting. Debra Backus was elected Chair but since her term expired on April 30, 2020, John Omondi was elected Chair. Dean Reller was elected the Vice Chair.

III. ADMINISTRATIVE REVIEWS: In 2013 Chief Anderson began a more formal "Administrative Review" process. An "Administrative Review" is a document which summarizes the complaint and the initial information collected by the Professional Standards Unit. The initial information is inclusive of a formal statement of the complainant, all reports, video or audio recordings, statements, and/or evidence that has already been obtained through the course of the initial police contact. Prior to the initiation of a traditional formal internal investigation into the allegation the "Administrative Review," which is a summary document, is presented to the Command Staff. Upon review of this "Administrative Review" the Chief, or his/her designee, determine whether a formal internal investigation should occur or whether a final disposition or other recommendation can be made based on the totality of the information contained within the "Administrative Review" document.

When further information is needed, the Professional Standards Unit will continue with the traditional formal internal investigation. This investigation consists of the Professional Standards Unit collecting additional information, including potential witness statements, evidence, and an interview with the accused officer(s), all of which is documented in a formal report.

Until 2018, the Citizens' Review Board had historically only reviewed full internal investigations as described in the paragraph above. In these full internal investigations, the Citizens' Review Board members receive the final written report and must thoroughly review all of the contents prior to the meeting. During the meeting any audio or video recordings are reviewed, and the entire report is discussed and examined. The board then makes a findings recommendation on each case (for each allegation and officer). These recommendations are then given to the Chief of Police for his review. A formal letter is sent to the complainant with the final findings of both the Chief and the Citizens' Review Board. Chief Wm. Blair Anderson upheld recommendations made by the Board during 2018.

In 2018 it was determined by the Chief of Police that formal complaints resolved by Administrative Review would also be reviewed by the Citizens' Review Board. Through this new process the Citizens' Review Board would be able to review the written "Administrative Review" including all information leading up to the final disposition as determined by the Chief and/or his designee. The Citizens' Review Board then has the opportunity to either agree that the Chief and/or his designee adequately resolved the complaint or notify the Chief that the Board needs further information to make a determination. A formal letter is sent to the complainant with the final findings of both the Chief and the Citizens' Review Board. The Citizens' Review Board began reviewing these "Administrative Review" cases in January 2018.

** It should be noted that on October 17, 2018 Mayor Dave Kleis signed Executive Order 2018-2 which officially states that all formal citizen complaints shall be reviewed by the Citizens' Review Board (see attached). This Executive Order further supported the practice established by

the Police Chief in 2018 regarding the Citizens' Review Board's role in reviewing all Administrative Reviews as well as formal internal investigations.

IV. CASES: In 2020 there were twenty-five (25) citizen complaints reviewed by the Citizens' Review Board. The twenty-five (25) complaints consisted of four (4) formal internal investigations and twenty-one (21) Administrative Reviews.

The four formal internal investigations consisted of the following alleged violations:

<u>Case Number/Alleged Violation</u>	<u>Disposition by Review Board:</u>
1) Respect for Constitutional Rights	Unfounded
Use of Force (Officer A) – seven allegations	Unfounded
Use of Force (Officer B) – five allegations	Unfounded
Taser (Officers A & B)	Unfounded
2) Conduct Unbecoming to a Police Department Employee	Sustained
Mobile Video Recording Equipment	Sustained
3) Violation of Courtesy Policy	Not Sustained
Unbecoming Conduct of a Police Department Employee	Not Sustained
4) Violation of Mobile Video Recording Equipment Policy	Sustained
Professional Conduct of Peace Officers	Sustained

The twenty-one (21) Administrative Review cases examined by the Board consisted of the following alleged violations:

<u>Case Number/Alleged Violation</u>	<u>Disposition by Chief of Police</u>
1) Conduct Unbecoming to a Police Department Employee	Unfounded
2) Conduct Unbecoming of a Police Department Employee	Unfounded
3) Unsatisfactory Performance	Unfounded
4) Unsatisfactory Performance (Officer A)	Unfounded
Unsatisfactory Performance (Officer B)	Unfounded
5) Unbecoming Conduct of a Police Department Employee	Unfounded
(Officers A, B and C)	
Professional Conduct of Peace Officers Prejudice or	
Discrimination (Officers A and B)	Unfounded
Professional Conduct of Peace Officers Prejudice or	
Discrimination (Officer A)	Unfounded
6) Use of Force	Unfounded
Restraining Devices	Unfounded
7) Use of Force (Officer A)	Unfounded
Use of Force (Officer B)	Unfounded
8) Unbecoming Conduct of a Police Department Employee	Unfounded
(Officers A, B and C)	
Truthfulness (Officer A)	Unfounded

9) Unsatisfactory Performance (Officers A, B, C, D and E) Prejudice (Officers A, B, C, D and E)	Unfounded Unfounded
10) Use of Force	Unfounded
11) Courtesy Unsatisfactory Performance	Unfounded Unfounded
12) Unsatisfactory Performance	Officer No Longer Employed by SCPD at the time of review
13) Unbecoming Conduct of Police Department Employee (two complaints)	Unfounded
14) Courtesy Unbecoming Conduct of a Police Department Employee	Not Sustained Not Sustained
15) Unsatisfactory Performance (Officers A and B) Unsatisfactory Performance (Officer B) Conduct Unbecoming of a Police Department Employee (Officer B)	Unfounded Unfounded Unfounded
16) Use of Force/Assault (Officers A and B) Respect for Constitutional Rights (Officer A) Unsatisfactory Performance/Obstructing (Officer A) Unbecoming Conduct of a Police Department Employee/ Entrapment for Misuse of 911	Unfounded Unfounded Unfounded Unfounded
17) Unsatisfactory Performance	Unfounded
18) Unsatisfactory Performance Professional Conduct of Peace Officers/Principle Three/ Discrimination No Matching Policy No Matching Policy Truthfulness	Unfounded Unfounded Unfounded Unfounded
19) Courtesy	Unfounded
20) Use of Force (Officers A and B) Courtesy (Officer A) Unbecoming Conduct of a Police Department Employee (Officer A)	Unfounded Unfounded Unfounded
21) Unsatisfactory Performance	Unfounded

The Citizens' Review Board concurred with the Chief's dispositions for all twenty-one (21) Administrative Review cases that were brought forward and examined by the Board.

V. **SUMMARY:** The Board began hearing cases in April of 1998. The following number of cases has been heard since the establishment of the Board.

<u>Year</u>	<u>Number of Cases</u>
1998	8
1999	15
2000	9
2001	8
2002	13
2003	20
2004	15
2005	15
2006	9
2007	6
2008	8
2009	11
2010	10

<u>Year</u>	<u>Number of Cases</u>
2011	2
2012	5
2013	8
2014	4
2015	4
2016	2
2017	2
2018	11 (** Increase due to new policy and Executive Order 2018-2)
2019	11
2020	25

As the Chair of the Citizens' Review Board, I believe that it is the consensus of the board that the meetings held are well-focused on ensuring that the level of transparency exists regarding the police department's handling of citizen complaints. Through the process established by the city ordinance, the board has observed that the police department is thoroughly examining complaints made by the citizens and fairly determines the just outcome. In all cases discussed, the board found that the overall police department has consistently demonstrated a high degree of professionalism when dealing with people in all types of situations.

Report Respectfully Submitted By:



John Omondi, Chair
St. Cloud Police Citizens' Review Board