

**ST. CLOUD POLICE CITIZENS' REVIEW BOARD  
ANNUAL REPORT FOR 2023**

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

FROM : St. Cloud Police Citizens' Review Board  
Dean Reller, Chair  
Samuel Johnson, Vice Chair  
Assistant Chief Brett Mushatt  
Darian Richardson  
Sergeant Jacob Lanz  
Officer Aaron Sutcliffe  
Debra Backus  
Donna McCray  
Steven Johnson

DATE : January 18, 2024

I. **OVERVIEW:** This is the 26<sup>th</sup> 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 2023 the Board met on January 19<sup>th</sup>, April 20<sup>th</sup>, September 21<sup>st</sup>, and December 19<sup>th</sup>.

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 2023 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. In May the City Council reappointed Donna McCray to serve another term to expire April 30, 2024. 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. Her term was then extended to April 30, 2026. 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. His term was then extended to April 30, 2025. Darian Richardson was appointed August 3, 2020 to fill a vacancy on the board. His first term was set to expire April 30, 2023. He was reappointed to a second term to expire April 30, 2026. Samuel Johnson was appointed March 28, 2022 to fill a vacancy on the board. His first term will expire April 30, 2025. Steven Johnson was appointed March 28, 2022 to fill a vacancy on the board. His first term will expire April 30, 2025.

Police department members serving in 2023 included the following: Assistant Chief Brett Mushatt was appointed in April of 2020 with his term to expire April 30, 2023. He was reappointed to a second term to expire April 30, 2026. 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 was filled by Sergeant

Jacob Lanz who volunteered to serve the remainder of his term which is set to expire April 30, 2021. In May the City Council reappointed Sergeant Jacob Lanz to serve another term to expire April 30, 2024. 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. Officer Tabatt was reappointed with his term to expire April 30, 2025. Officer Tabatt resigned from the St. Cloud Police Department on October 25, 2022 and Officer Aaron Sutcliffe was appointed on December 19, 2022 to take his place with his term to expire on April 30, 2025. Lieutenant Kelly Simondet served as the Internal Affairs Lieutenant and investigated all cases heard in 2023.

Officers were elected during the January 19, 2023 meeting. Dean Reller was elected Chair. Samuel Johnson 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 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 2023 there were eight (8) citizen complaints reviewed by the Citizens' Review Board. The eight (8) complaints consisted of one (1) formal internal investigation and seven (7) Administrative Reviews.

The one formal internal investigation consisted of the following alleged violation:

<u>Case Number/Alleged Violation</u>	<u>Disposition by Review Board:</u>
1) Policy 150 - Professional Conduct of Police Officers, Principle One	Unfounded

The seven (7) 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) Policy 150 – Professional Conduct of Peace Officers	Unfounded
2) Policy 140 – Unsatisfactory Performance	Unfounded
3) Policy 138 – Truthfulness	Unfounded
4) Policy 150 – Professional Conduct of Peace Officers	Unfounded
5) Harassment	Unfounded
6) Policy 140 – Unsatisfactory Performance	Unfounded
7) Policy 140 – Unsatisfactory Performance and Policy 150 – Professional Conduct of Peace Officers – Principle Five	Unfounded

The Citizens' Review Board concurred with the Chief's dispositions for all seven (7) 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>	<u>Year</u>	<u>Number of Cases</u>
1998	8	2012	5
1999	15	2013	8
2000	9	2014	4
2001	8	2015	4
2002	13	2016	2
2003	20	2017	2
2004	15	2018	11 (** Increase due to new policy and Executive Order 2018-2)
2005	15		
2006	9	2019	11
2007	6	2020	25
2008	8	2021	12
2009	11	2022	6
2010	10	2023	8
2011	2		

As the Chair of the St. Cloud Police Citizens' Review Board, I can certify that the board has successfully carried out its duty to evaluate citizens' complaints of police misconduct in a transparent and impartial manner. It is the opinion of this board, based on the cases reviewed this past year, that the St. Cloud Police Department conducts itself with a high level of professionalism in their interactions with the public and the carrying out of their appointed duties.

Report Respectfully Submitted By:

A handwritten signature in black ink, appearing to read 'D. Reller', with a long horizontal flourish extending to the right.

Dean Reller, Chair  
St. Cloud Police Citizens' Review Board