MPR News | Minnesota Now 'Very troubling': St. Paul City Council member Molly Coleman on full report of Mayor Her probe 01M3WC7MZSAY9ZNQ8MR8W38GS3

NINA MOINI: Thanks for joining us here on *Minnesota Now.* I'm Nina Moini. The city of St. Paul today released the full report of the investigation into misconduct allegations against the mayor. The city's police chief, Axel Henry, alleged mayor Kaohly Her sexually harassed him and that city employees retaliated against him after he complained.

The city had previously released a summary of the investigation, but this full report is coming out after city council members called for its release. Our Melissa Olson has been going through the report of the investigation, which was partially redacted before it was released to the public. She's here to tell us what's new in this report. Thanks for doing that for us, Melissa.

MELISSA OLSON: Hi, Nina.

NINA MOINI: The full report is more than 70 pages, whereas the summary that was previously released was a page and a half, right? So what was left out of that summary that you've now learned?

MELISSA OLSON: Investigators confirmed several things. The best known is a text she sent to police officers in March. Some officers call their Wednesday hot dog lunch, quote unquote, "Wiener Wednesday." The mayor sent them a meme about it with a caption that reads as sexual in nature.

Investigators found she didn't write that caption. It came down to a meme posted online. But she added a face to the picture and sent it anyway. They also confirmed she put male officers' faces on photos of shirtless UFC fighters and bodybuilders, some of them framed, and placed them around police offices. She also covered staff photos with her own headshot.

She told investigators officers didn't know, at first, that it was her. Investigators didn't believe that. A member of the command staff caught her doing it and told her to stop. All of this happened in her first few months on the job. She took office in January. Early on, she spent a lot of time at the police department. She worked out in the police gym most mornings and stopped by those offices afterwards.

Investigators found she made two female employees uncomfortable by talking about their breasts. In one case, a woman said the mayor touched the woman while asking whether they looked too big. A text the woman sent a friend that same day backed up that account.

NINA MOINI: OK. And we just want to clarify one thing-- that a woman said the mayor touched her owns breasts, not the officer's breasts.

MELISSA OLSON: Sorry about that. Yes.

NINA MOINI: That's OK. I just want to clarify.

MELISSA OLSON: Investigators repeatedly returned to this idea that if a male mayor had done the same thing to female officers, there would be no question as to whether it was inappropriate.

NINA MOINI: Yeah. And some of these things have been reported-- it's good to just go over what was confirmed by all of this. But why didn't that count as sexual harassment?

MELISSA OLSON: Much of it comes down to the relationship between the mayor and the police chief. His name is redacted from the report, but the details match the lawsuit that he's filed. Text messages show the two developed a close working relationship that starts last November.

He gave her at least two gifts and invited her to a cigar bar. That relationship took a turn in January, and their texts dropped off sharply.

NINA MOINI: Oh, OK.

MELISSA OLSON: The police chief alleged the mayor tried to set up a date at that bar. Investigators said the texts showed that claim is not credible. The report documents the mayor told him that he could bring others to that meeting. It was at that meeting the mayor told him to decide whether they were going to be friends. And she told investigators that she gave him three options. They could be friends and work together, they could work together without being friends, or he couldn't stay in his job.

Investigators said Her pressed him as to whether they could be friends. And they said that that might have been inappropriate. Touching his leg under the table at a March meeting was, quote unquote, "unwelcome," and that caused him a lot of discomfort. But investigators said they could not determine that either of those was sexual. As they put it, quote, "the once-welcomed interactions were no longer welcomed."

It's also worth noting that the report never spells out the definition of sexual harassment. The violations, it confirms, fall under the city's rules on offensive material and behavior.

NINA MOINI: I mean, these are the details everybody has been talking about. How does the mayor explain this?

MELISSA OLSON: Mayor Her cooperated with investigators, saying that she takes the investigation seriously. She told investigators that inappropriate photos posted around the office were a match for police culture, which she said is about working out and staying fit. Investigators believe she meant the pictures as a practical joke, but said that matching the culture doesn't excuse it.

She denied being interested in a sexual relationship with the chief. She said she may have touched his leg, but not in a sexual way. During her last interview, she said she couldn't recall touching him in that way. She also traced the conflict to police fights.

She said their first conflict came in January over how police should respond to ICE during Operation Metro Surge. And she told investigators she believed the complaint came because the chief isn't happy and she's digging into the police budget.

She also talked about this publicly. She went on former city council member Dai Thao's Hmong language YouTube show. According to a Pioneer Press translation, she said she was raised to open her heart and wondered if she should have, perhaps, been more cautious.

NINA MOINI: And just lastly, Melissa, chief Axel Henry now is suing the mayor and the city. How does this report factor into that case?

MELISSA OLSON: Beyond sexual harassment. Henry's lawsuit, filed in Ramsey County district court, includes claims under the state's whistleblower, human rights, and data practices laws. On retaliation, the lawsuit says the mayor shut him out of personnel decisions, publicly criticized his complaint, and gave raises to other police command staff, but not to him. The report doesn't address those claims.

For now, the two leaders communicate through an intermediary as they continue to work together. Investigators called that, quote, "not a sustainable solution."

NINA MOINI: Thanks so much for your reporting on this, Melissa.

MELISSA OLSON: You're welcome, Nina.

NINA MOINI: That's MPR News reporter Melissa Olson. Now, we're going to turn to St. Paul city council member Molly Coleman for reaction on the full report. She represents Ward 4 in the Northwestern corner of the capital city. She is one who called, among others, for this report to be publicly released. Councilmember Coleman, thanks for your time today.

MOLLY COLEMAN: Thanks for having me, Nina.

NINA MOINI: What is your initial reaction to this report that's now been released? I know it's more than 70 pages and pretty heavily redacted, but what's your reaction now that that has been released by the city?

MOLLY COLEMAN: Well, it certainly is a long report. There are a lot of redactions. We're looking at this next to the complaint that was filed last week to try to get a sense of the whole picture here. But it is very troubling.

And I think that the preceding conversation did a good job of pulling out some of the highlights. I have a number of concerns about the behavior that is described here. I have big questions about the standard that was used to determine whether or not this behavior amounted to sexual harassment.

I think some of the findings, the conclusions, have significant implications for the city. And the one that is the most concerning to me is the final general observation-- that the relationship, or lack thereof, between the mayor and the police chief is not sustainable. I cannot think of two people in the city whose relationship is more important for the functioning of our city, for public safety, for making sure that this is a community where every single person feels like their government is protecting them. And so I am, again, while we are still working our way through this, there's been a lot of new information that's come out in the last 24 hours or so, I am deeply concerned by what is in this report.

NINA MOINI: And our Melissa Olson was saying something about the mayor and the police chief using an intermediary, not really being able to communicate. And that's some of what you're alluding to that is concerning to anybody-- should be really concerning to anyone. Yesterday, you said that you were frustrated on social media about the council's decision to hire a law firm to defend Mayor Her and the city in Chief Henry's lawsuit, which, we should mention, is a separate case from this report being released. The report was an internal city report from a third party law firm that they had hired to do that report. So I just want to continue to explain-- it's getting really convoluted for people.

You had to vote on that. You felt like your hands were sort of tied. Can you talk about that? People don't want to be paying $500 an hour from taxpayers to go toward a law firm to be helping their mayor with something like this.

MOLLY COLEMAN: Well, certainly, I don't, as a taxpayer in the city of St. Paul, want to be paying taxes to go to the civil legal defense. It is, first of all, I think we need to talk about the bigger legal context here. There will be four law firms involved in this litigation at this point.

So we had the first law firm that was brought on in the spring to conduct this investigation that we are just reviewing the results of today. We have a law firm that will be representing the city, because there are conflicts between when there are multiple departments within the city that are involved in litigation. We have the law firm that was hired to represent the mayor yesterday. And we'll have another law firm that the council is voting to hire next week, who will conduct an independent analysis of the city's obligation, or lack thereof, to indemnify the mayor.

So this is a sprawling, sprawling case. We have significant costs. I will say there are also other costs that have been reported that we don't yet have numbers on. So we know that, seemingly, as a result of this investigation and these allegations, the mayor is no longer using St. Paul Police officers to provide her security. We have, as a council, received no information about what contract might or might not exist with the county to provide those security services, what that cost might be. So the costs here are quite significant.

The vote yesterday, and my frustration with it, was one that we had almost no choice on. And I want to be really clear about that. The city has a legal obligation to indemnify employees until and unless it is proven that the behavior that is alleged is so far outside of their scope of work that that obligation to indemnify, represent, cover the costs of, does not exist.

NINA MOINI: OK.

MOLLY COLEMAN: If we had not voted to hire an external law firm to represent the mayor, then we would have been opening ourselves up to additional legal risk, potentially from the mayor herself, who would have had legal standing to sue the city over the decision to not provide her counsel. So the vote that we had to take yesterday was one that we learned about minutes before we were asked to take this vote in a closed door session.

NINA MOINI: OK.

MOLLY COLEMAN: And one that we really had no choice on. And that's an incredibly frustrating position to be in.

NINA MOINI: Well, the frustrations really haven't stopped. And we've had yourself, we've had council member Jost on, people really want to hear from Mayor Her. I'm wondering what you think the mayor should do next in light of this being released, in light of all of these issues-- do you feel like the mayor has done all she can to address some of these concerns, particularly as it relates to how everybody in positions of authority is going to be able to work together moving forward?

I don't want to put words in people's mouths, but people are saying this is a distraction. People deserve better. These people can't communicate. What should Mayor Her do next, in your opinion?

MOLLY COLEMAN: Yeah. We need answers from the mayor on the relationship between the mayor and the police department, and specifically the mayor and the chief. We elect a mayor to oversee the police department and to ensure that there is that civilian accountability and oversight. And we need to understand how that relationship has operated up until this point and how it will operate going forward. That is my number one concern at this point.

NINA MOINI: Have you heard about a time frame through which that would be provided?

MOLLY COLEMAN: I have not. So the requests that we have made, both publicly and privately, we have not received any sort of response or time frame. And we continue to hear that now that this is the subject of litigation, it can't be discussed. But we also have the mayor, as Melissa reported, going on a podcast with a former council member just this week. So the notion that the public's questions about public safety can't be answered, it just doesn't ring true to me. And that, I think, should be a top priority for every single person in city hall right now is making sure that the public has those answers.

NINA MOINI: Council Member Coleman, thanks for your time. We'll continue to follow all of this. We appreciate it.

MOLLY COLEMAN: Thank you so much.

NINA MOINI: That's St. Paul city council member Molly Coleman.