

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, JULY 21, 2020, AT 5:00 P.M. THE MEETING WAS HELD
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT
COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE
ORDER DATED 18 MARCH 2020**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Tali Bruce, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurgens, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior Planner Matt Taylor, City Planner Andrew Hulka

1. Welcome – Mayor Mike Peterson.

Mayor Peterson called the meeting to order at 5:05 p.m. and welcomed those listening.

2. Review of Business Meeting Agenda – Mayor Mike Peterson.

The agenda items were reviewed and discussed.

With regard to citizen comments, they are making adjustments in an effort to improve. The City communicated to its constituents that if they want to make written public comments, they were to register by 5:00 p.m. with the City Recorder. They would then be invited to join the meeting. They are trying to be as sensitive as possible to allow citizens to provide verbal feedback. It was reported that registration for live access to the webinar can be done up until the time that they close citizen comments.

Two action items were discussed. The first was a Resolution entering into an Interlocal Funding Agreement with Salt Lake County for \$500,000 for the purchase of 26 acres on Wasatch Boulevard. City Manager, Tim Tingey reported that the agreement involves Salt Lake County committing \$500,000 for the acquisition that will go along with the \$1 million that the City Council has committed to that project. The agreement specifies that the property must be purchased by December 1, 2020, or the funding dispersed back to the County.

The second action item was a Resolution approving appointments to the Parks, Trails, and Open Space Committee. Community/Economic Development Director, Michael Johnson stated that of the three candidates interviewed, two were being recommended. The recommended candidates were identified as Chris Owens, who represents District Two, and Paula McFarland, who represents District Three. The two appointments will balance out representation across all four

Council districts. The Mayor stated that the candidates are very well qualified to serve on the Committee.

Mayor Peterson reported that 15 to 20 citizens registered online for public comments, so he anticipated at least one hour of public comments. He discussed maintaining order and decorum to ensure that the comments run smoothly, given that this is the first time public comment will be taken verbally online. It was clarified that they are still accepting written comments that will be admitted into the record and forwarded to the City Council; however, they will not be read into the record. Procedural issues were discussed.

Mayor Peterson read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated 52-4-207(4).

3. Staff Reports.

a. Police Policies and Training Discussion – Police Chief Robby Russo and Lieutenant Dan Bartlett.

Mayor Peterson clarified that the intent of tonight's meeting is not to determine their position on all topics. This is the first of several meetings and discussions in which the Council will receive information and feedback.

Mr. Tingey relayed that over the past few weeks, he has had the chance to sit down with almost all of the police officers for Cottonwood Heights. He reported that the officers are struggling with the perceptions of law enforcement in light of the terrible incident in Minneapolis. They welcome the opportunity to present information regarding police policies, training, practices, and other relevant information to talk through. Mr. Tingey reported that based on the survey performed in the Fall, the majority of the residents of Cottonwood Heights feel safe and are satisfied with the work of the Police Department, however, the department is always looking for ways to improve.

Mr. Tingey discussed the extensive process involving the statewide discussion on law enforcement. He has been in contact with the Utah League of Cities and Towns ("ULCT") regarding the "Love, Listen and Lead" process. It includes a Multi-Cultural Affairs Committee who is providing 20 areas of discussion points. They will then do an extensive data push including focus groups, a statewide survey, and a task force. The task force will include 10 elected officials, six police chiefs, three city managers, and four city attorneys.

Council Member Mikell asked if the task force is truly representative and if there is an opportunity to have input on additional members. Mr. Tingey advised that the ULCT Board assembled the task force and he did not know whether additional members could or would be added. Communities not represented on the task force are invited to participate in all of their discussions and can use any useful information that comes from those discussions. Mr. Tingey will be involved in the discussions, just not as an official member.

Police Chief, Robby Russo echoed Mayor Peterson's sentiments that good policy and policing is an ongoing discussion. The policies and procedures to be presented are a culmination of experiences, best practices, and law over a long period of time.

Lieutenant Dan Bartlett reported that the department is keenly aware of the narrative surrounding the world surrounding policing, including issues of race. He did not believe it is an issue that this department has or will have.

i. Training;

Lieutenant Bartlett presented an update on training. He reported that the department seeks to provide ongoing training and encourages all of its personnel to participate in advanced training and formal education on a continual basis. The department provides the required amount of training for police officers for their certification, as well as seeking out additional training.

In the State of Utah, police officers are required to go through 480 hours of training to advance through the Academy. Specific requirements include 40 hours of Emergency Vehicle Operation ("EVO") Training within the first year of graduation from the academy. Officers must also receive 40 hours of annual training per year.

Once an officer is assigned to the City, they complete 640 hours of field training with a veteran officer who trains them continually until they graduate from the program.

Chief Russo has made it a requirement that all officers be certified in Crisis Intervention Techniques ("CIT"). Approximately 75% of the officers are CIT certified and they are working to have new officers enrolled in the training. They expect to have all officers certified soon. Lieutenant Bartlett reported that in fiscal year 2019, their officers averaged 134 hours of training. The POST recommended training schedule is also followed.

Over the past two years, the department provided 60 hours of in-class training on several topics, as depicted on the 2019 training calendar shown to the Council. In fiscal year 2020, they provided their officers with 60 hours of in-class training, which is 20 hours more than the 40-hour required minimum. In-house certified trainers perform the training. They also bring in outside trainers including UFA. They receive legal updates from the Attorney General's Office, the Salt Lake County District Attorney, and the City Prosecutor. They have also brought in partners such as Salt Lake Behavioral Health to assist with training.

The Department is part of the National Tactical Officers' Association ("NTOA"), which sets forth the requirements for SWAT training. SWAT training requirements include an additional 16 hours per month for SWAT operators and they must recertify every year. There is also a physical fitness requirement. Their fitness training must be regular and recurring and be in SWAT skills. They train their SWAT operators twice per month in addition to their regular Department training.

ii. Use of Force Policies;

Lieutenant Bartlett explained that in terms of policies, the department subscribes to Lexipol, which is a large company that provides policy for 8,100 participating public safety agencies. Lexipol reviews 9,000 legislative updates annually, stay current on applicable case law, and approve policies across the nation. Lexipol sends the department regular updates on the applicable law and policies. The department's policies are always changing and updated to remain current. They make sure that police officers are educated on the policies and take the policy quizzes provided by Lexipol.

Lieutenant Bartlett showed the Council eight topics that have been part of the recent national narrative on policing. These topics include chokeholds, strangleholds, de-escalation, warning shots, use of force continuum, exhausting all other means before shooting, duty to intercede, not shooting at moving vehicles, and comprehensive reporting.

With regard to de-escalation, Lieutenant Bartlett explained that the department conducts the training in-house by officers who attend "Train the Trainer" programs, which certifies them to train. De-escalation is on the department's annual training calendar and not simply a one-time training topic.

Cottonwood Heights has a Duty to Intercede policy. Any officer present that observes another officer using force that is clearly beyond that which is subjectively reasonable shall intercede to prevent the use of unreasonable force. The observing officer must also report his or her observations to a supervisor. The department has had this policy in place for years. The Use of Force policy provides that officers shall only use the amount of force that is reasonably necessary given the facts and circumstances perceived by the officer at the time in order to accomplish a legitimate law enforcement purpose. The standard is one of a "reasonable officer."

Implicit bias in law enforcement is a hot topic in the national narrative, and there is a push for training on this subject. Lieutenant Bartlett reported that they have been poring through the implicit bias training that are available, which includes both local and national training and certifications. Implementing this training is expensive, however, as there is no national standard for training on this topic. With no national standard, it is left to the departments to locate training that will fit with their respective departments. Lieutenant Bartlett can implement one of the trainings that they have researched, including one locally that costs \$20,000. He also found a national training that costs \$5,000.

ULCT is trying to develop a curriculum for this training. The department is waiting to determine if ULCT comes up with a training that they could implement. It is up to the Council whether they want the department to conduct the trainings that they have found or wait until ULCT finalizes its training curriculum. Much of the implicit bias training information on the market is co-mingled with the trainings they already perform, meaning that they are already getting a lot of this information out to the officers.

Currently, the Cottonwood Heights Police Department ("CHPD") does not have carotid control/chokehold in their policy on arrest control tactics. Neither the department nor the

academy teaches carotid control/chokehold as an arrest control tactic. Likewise, kneeling on the neck or the head is not taught by CHPD or the academy. These are not approved techniques. Any force that is used must be documented promptly, and any visual injuries require a medical response.

For years, the department has trained its officers to move out of the path of an approaching vehicle rather than discharging their firearm. Historically, the policy in law enforcement was that an officer could shoot at an approaching vehicle. The department changed that policy to its current policy years ago.

The department is part of the critical incident protocol. No one from the department is part of the review of a critical incident if a member of CHPD is involved. The review is conducted by outside agencies and involves a multi-disciplinary team that includes every other agency in the valley. The findings are presented to the District Attorney's Office for determination of whether the action of the officer is deemed justified. The department conducts its own administrative investigation, which is an Internal Affairs policy review.

Qualified immunity is another hot topic. The Supreme Court has ruled that the purpose of qualified immunity is to excuse an officer who makes a reasonable mistake in the exercise of his or her official duties. Officers must act within department policy and the law to qualify for immunity.

iii. Messaging; and

Chief Russo addressed the Department's "Solve the Problem" motto. He explained that the impetus for the motto is to have a mantra that reflects the department's motivations and policing objectives. For this reason, they chose "Solve the Problem" instead of "Protect and Serve." As an example, they will oftentimes get called to the same house on multiple occasions without resolution. Rather than continuing to respond to repeated calls, they will seek to solve the situation using resources from the community. In so doing, CHPD does things better than other agencies.

Another example of "Solve the Problem" in action involves car break-ins. Unlike other agencies that assign a case number and prepare a simple report, the CHPD actually sends an officer out to the scene to take the report and locate evidence. Officers will then work to track down the stolen property. In short, they treat every case like an important case.

Chief Russo recalled an incident involving his uncle who was rear-ended in another municipality. The officers responded, took a quick report, and sent them on their way. While that may qualify as "Serve and Protect," it does not solve the problem. The driver of the other vehicle had a long history of substance abuse and had been arrested in Cottonwood Heights for DUI. The point was made that his uncle deserved that level of service to have the other person held accountable for the accident.

Officers often are called to suicides. He recalled one incident where the officers took some extra time to clean up the scene for the family.

Their officers will work to solve problems that they encounter on their shift. He has received positive feedback regarding officers clearing an ADA ramp, or shoveling a driveway for a resident. This is above and beyond “Serve and Protect.”

The department spends time interacting with the community. They attend neighborhood and church functions where they can co-mingle and interact with the citizens they serve, and the community can get to know the officers.

Chief Russo relayed a story about an issue in District 4 where a young man was dressed as Jesus and yelling at passing vehicles. Many were critical of the department for allowing it to continue rather than removing the young man. Instead, the officers contacted mental health agencies who were able to get the young man into a program, thereby solving the problem.

iv. ULCT Police Task Force.

This agenda item was not specifically addressed.

Prior to opening the meeting up for questions and feedback, Mayor Peterson inquired as to the length of the Wasatch Boulevard design presentation by Community and Economic Development Director, Michael Johnson. He stated that the item may be continued to another meeting.

Council Member Bracken asked how often the department receives a report related to Duty to Intercede and the level of confidence that officers will comply with their duty to intercede. Lieutenant Bartlett expressed his confidence that the officers do comply with this policy because they have done so in the past. They have had a couple of instances where officers have been uncomfortable with what they saw and reported it to a supervisor. The incidents were investigated and addressed. All of the officers understand the policy and the importance of reporting incidents of concern.

Council Member Bruce inquired as to whether the department tracks complaints that come in from the community as well as complaints by fellow officers. Lieutenant Bartlett explained that there is a complaint system and they are tracked. Their focus is on the complaints that are sustained. If a complaint does not allege that a policy was violated, such as a complaint of rudeness, they will use that complaint as an opportunity to have a conversation with the officer. In the last calendar year, they have written up some officers for policy violations from something as simple as not wearing a mask to automobile accidents. If it involves gross misconduct, the officer will be criminally charged and/or fired.

Making the statistics available to the public on the City’s website creates network security concerns as well as privacy concerns. Summit County and Salt Lake appear to have good systems for making statistics available on the City website. Council Member Bruce requested that time and energy be put into further evaluating this option. Lieutenant Bartlett stated that they are already evaluating this.

Council Member Petersen applauded the department for going above and beyond. He had heard from many members of the community of the importance of the police officers having compassion in very difficult situations.

Mayor Peterson raised the topic of civilian review boards. Lieutenant Bartlett reported that State law prohibits Civilian Oversight Committees; however, Civilian Review Boards are allowed and look at whether an officer acted within policy. These boards can provide recommendations to the Police Chief, but it is still up to the Police Chief to impose the discipline and to make any updates or changes to policy or training. Civilian review creates some privacy issues as well as issues with litigation or threatened litigation. Civilian Review Boards add another layer that is not necessary as use of force issues are already reviewed by independent agencies.

Chief Russo returned to the issue of complaints against officers. He described an early warning system for complaints when they begin to see a pattern of conduct for any given officer. Lieutenant Bartlett explained that pursuant to State law, officer misconduct complaints must be sent to POST.

Council Member Bruce suggested that creating a Citizen Review Board would help build trust between police officers and the community. A Citizen Review Board creates a lot of goodwill and gives the residents a sense of being heard. She stated that the citizens deserve transparency in the CHPD. Certain information must remain private, however, and cannot be disclosed to the public.

Mayor Peterson inquired about hiring practices and diversity. Lieutenant Bartlett reported that diversity is very important to the department and they have done an excellent job in this regard. The rule of thumb is that a Police Department should mirror the demographic of the City. The CHPD is very diverse and has gone above and beyond in its hiring practices. Lieutenant Bartlett actively seeks out diverse groups of people to join the department, although he acknowledged that more work needs to be done with respect to hiring more women. They have hired every female applicant that has passed through the hiring process, but he thinks they can improve.

Council Member Mikell requested information on the SWAT team. The CHPD has 13 people assigned to SWAT, which is a secondary assignment. They partner with Murray City for mutual support. Lieutenant Bartlett estimated that they usually have one SWAT operation per year. Every officer in the department is assigned an AR-15 rifle and must account for every round used. SWAT officers are issued an M4 rifle that is better suited for SWAT operations.

Council Member Bruce asked about paying extra salary for the additional training for the 13 SWAT officers. It was noted that they are not paying for the additional training, as it is rolled into their required department monthly training. Cottonwood Heights meets the national standard for having a SWAT team.

Council Member Bruce inquired as to the use of SWAT with “no-knock” entry. The department does not execute many “no-knock” search warrants. When one is issued, it is up to Lieutenant Bartlett to determine whether to use the SWAT team. They have devised strategies within the Department to execute “no-knock” search warrants as safely as possible.

Council Member Bracken commented that “no-knock” warrants should be used rarely and expects that the courts are stringent in their issuance. According to Lieutenant Bartlett, there is a standard that must be met to obtain a “no-knock” search warrant. He reviews every warrant to ensure that it meets the Department’s standard for such warrants.

With regard to the “Solve the Problem” slogan, Council Member Mikell suggested that they change it to “Together We Solve the Problem,” as it seems much more inclusive.

Mayor Peterson proposed including additional questions and feedback on the agenda for the next meeting to identify topics to pursue.

4. Review of Calendars and Upcoming Events.

Council Member Schedules for the next week – 2020 Calendar:

- August 22 – 6:00 p.m. – Rolling Car Show between Cottonwood Heights and Midvale.

5. Possible Closed Meeting to Discuss Litigation, Property Acquisition and/or the Character and Professional Competence or Physical or Mental Health of an Individual.

There was no Closed Meeting.

6. Adjourn City Council Work Session.

MOTION: Council Member Bracken moved to adjourn the Work Session. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 6:27 p.m.

MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING HELD TUESDAY, JULY 21, 2020 AT 7:00 P.M. THE MEETING WAS HELD ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION DUE TO THE CURRENT COVID-19 PANDEMIC AND AS AUTHORIZED BY THE GOVERNOR'S EXECUTIVE ORDER DATED 18 MARCH 2020

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Tali Bruce, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Public Works Director Matt Shipp, Finance and Administrative Services Director S. Scott Jurgens, Communications Manager Tim Beery, Assistant Police Chief Paul Brenneman, Senior Planner Matt Taylor, City Planner Andrew Hulka

1.0 WELCOME AND DETERMINATION

Mayor Peterson called the meeting to order at 7:09 p.m. He read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

2.0 PLEDGE

Council Member Scott Bracken led the Pledge of Allegiance.

3.0 CITIZEN COMMENTS

City Manager, Tim Tingey described the new process of accepting live and written citizen comments, as outlined on the City's website, as well as in the Council Agenda. He read the following public comments into the record:

Jennifer Koh: We need police reform in Cottonwood Heights including the following:

- Banning chokeholds and other restraint methods that are just as dangerous, especially those that might end up restricting a person's airway;
- An elected Civilian Review Board with irreversible power to fire police officers; and
- Ban qualified immunity for police officers.

Yolanda Francisco-Nez: The Cottonwood Heights Police Department ("CHPD") needs to:

- Ban Chokeholds;
- Ban Police practice of putting their knee on one's neck;
- More implicit bias training;

- More de-escalation training;
- A Civilian Review Board; and
- Ban qualified immunity.

Do better and I will go back to shopping in your city.

Karen Edwards: I wanted to commend you for reviewing Cottonwood Heights' Policing Procedures (as I am hoping all cities and towns in Utah will follow suit). I am guessing that you too have recently become very aware that many countries around the world police very differently than we do in the United States and have significantly fewer deaths and violent encounters per capita than is the trend here. I know we have excellent men and women who work in enforcementthey are not the problem and I am grateful that they choose to serve. However, policing in this country needs to start looking a whole lot different. I know that change is hard, but we have other countries who have shown us how to protect more successfully. Policing in America is under a microscope (not to mention all over the evening news) and our people deserve much better. So again, I just wanted to thank you for making this a priority! Much Gratitude!

Kelvyn Cullimore: I understand that my previous letter was not read through to completion due to its length. I would request that you read this portion of my letter at the next meeting that apparently did not get read at the last meeting.

Years ago, when I was serving as Mayor, there was a shooting of a person in another jurisdiction who was in mental distress. Chief Russo and I had a conversation about how we would handle such a situation in Cottonwood Heights. The Council weighed in and we, together with police leadership, agreed that sensitivity training was needed and appropriate. It has happened repeatedly since that time. CHPD is among the best trained to deal with people fighting mental illnesses of all kinds and has shown a willingness to adapt and change to meet societal expectations and improve equal enforcement of the law.

In addition, many of the issues raised by those demanding reform have long been policy for Cottonwood Heights. In the history of the CHPD, I am only aware of three times when lethal force was used. That shows significant restraint and is evidence of proper training. I also believe statistics will show that CHPD has a much higher diversity population than the citizenry of Cottonwood Heights. At one point we boasted 50% minority members of our police force until the hostilities toward the police began a few years ago. Now it is down to around 30%.

The hostilities I refer to are those fostered by Councilwoman Tali Bruce. Her efforts to undermine CHPD, attack our Police Chief, and create a hostile environment has been most unfortunate. It has been her mission since being elected to rid the City of Chief Russo, and if possible, the entire Police Department. Councilwoman Bruce has even gone so far as to make a veiled attempt to get the Chief's wife fired from her position as a Dental Hygienist by telling the dentist Chief Russo's wife was employed by that she felt unsafe coming into his office. Her actions have resulted in a lawsuit being filed against the City and her by the Chief. I resent the fact that my tax dollars are going to be used to defend a lawsuit that is the product of Councilwoman Bruce's personal agenda. She feigns support for the police, but you cannot find a

single CHPD member who believes that to be true. It is a sound byte she utilizes to deflect criticism and give cover to her narrative. I am a constituent of District 3. She does not represent my views nor does she represent the views of the majority of the constituents I know in District 3.

I urge the City Council to recognize her misbehavior and settle the suit with Chief Russo to minimize the fiscal impact on the City and to send a message that her behavior needs to stop. The City Council majority has made it clear they support the Chief and the Police Department. Continued efforts by Councilwoman Bruce are nothing more than a furthering of her personal agenda at the expense of tax dollars, employee morale and a derailing of more important City business.

I know firsthand the importance of having our own Police Department. Statistically, we have one of the best in the State. They deserve our support. There are so many stories of the good deeds of our police. I remember when a particular citizen committed suicide. Police were called. They worked into the night to clean the home so the family did not have to deal with the trauma of cleaning up the scene. On another occasion a youth was missing. Police had a lead and hiked into the canyon only to find the young man had hung himself. Their efforts went above the expected and save the family the trauma of finding their son in that condition. On another occasion they bought bikes for kids whose bikes got stolen. The litany of good deeds by our police is long and storied.

Is there room for improvement? Of course. CHPD is better today than they were five years ago and will be better in five years than they are today. I believe them to be receptive to constructive input and willing to consider appropriate reforms. Ironically, most of the demands being made of police departments across the country have been policy at CHPD for years. We count on our police. We trust them. We support them. We hope you will too.

Tim Micklos: Recent local events have motivated me to reach out to the City Council. As a 30-year resident of Cottonwood Heights, I wish to state my strong support of the Cottonwood Heights Police Department. The quality and responsiveness of our police services vastly improved in September of 2008 when Cottonwood Heights launched the CWHPD. I value the members of the Department's service and professionalism and appreciate that they are willing to put themselves at risk every day to protect this community and its citizens.

I plan on taking the Police Citizens Academy when it is next offered. I would urge that every City Council member attend the Academy. If I secure a place in the next Academy, I would kindly give it up so a Council Member could attend. I believe this experience will enable our Council Members to better understand the challenges our police officers face daily in the line of duty as well as the overall scope of the services the Department provides. This experience would help each Council Member to better make informed decisions and recommendations concerning our police.

I support increased funding and training for our Police Department and strongly support maintaining police resource officers in our community schools. Council Member Tali Bruce has publicly stated she intends to "Reform" the CWH Police Department. I will be watching closely

to see if "Reform the police" is simply code for "Defund the police". I support increased funding and training for our police department and strongly support maintaining police resource officers in our community schools. I would oppose attempts to change the methodology currently in place for funding our Police Department.

W. David Meiling: My name is W. David Meiling and I live on Top of the World Drive. I would like the following to be read into public comment:

1. First, I want to register my opposition to any widening of Wasatch Boulevard. The current problem is one specifically caused by the ski resorts and the solution will only help the ski resorts. They should be bringing a solution to the table and paying for it. The Gondola option seems like the best option to me.
2. Defending the Police. This is obviously not an option in its entirety. I would support a reduction of police funding. Having police actively patrol looking for speeders and red lights and other minor violations is a waste and should never be done. If a police officer witnesses speeding, they should give a warning unless it is egregiously over the limit. Police unions need to be broken up. That is just a way for them to keep the bad apples. As a citizen, I do not have that kind of job security where I cannot be fired even if I do something against the job or company rules. I see no reason why police should have that luxury. I think we reduce budgets by somewhere between 10-30% and let half the force go. Then keep or hire officers who have high moral integrity and ethics. Then pay them twice what we were. Pay more, hire less but better-suited officers. Just a thought. "

[End of written comments.]

Prior to inviting citizen comments for those in attendance, Mayor Peterson emphasized the importance of decorum and order in the Council Meeting process. The Council respects everyone's right to speak and asks that all comments are civil and limited to three minutes.

The following are citizen comments received via the webinar:

Kim Stojack stated that Cottonwood Heights stands with their police officers and supports the residents and community. Violence is not acceptable and they strive to maintain a safe and welcoming community. She would like to include a statement in the newsletter that the City does not accept harassment and intimidation of residents or business owners. As a taxpaying citizen and former business owner in Cottonwood Heights, she had several questions and concerns about the CHPD. She questioned whether it is considered normal police protocol to give officers promotions at the gaming tables in Wendover, and if so, whether taxpayer dollars are being used to pay for these trips.

She provided examples of harassment and intimidation personally suffered at the hands of the CHPD at her business and her home. She reported that a handful of CHPD officers came barging into their business unannounced, went into the bathrooms, and started kicking bathroom stall doors open. They then left. A CHPD officer informed her that he does not need a reason to pull anyone over and that sometimes he does it simply because he is bored. Officers have

tailed her and her husband anytime they would drive in the City and it got to the point where they had to install cameras in their vehicles for their own safety.

An officer shined a spotlight in her then-teenaged daughter's bedroom in the middle of the night, which petrified her. Officers have come slow-rolling into their cul-de-sac, pausing at their driveway in front of their kitchen window to make their presence known. Her husband was cited because of how their son's truck was parked in their driveway, yet officers merely requested their neighbor move his car that was parked the same way.

Officer Bartlett came to their business during their Utah Food Bank Fundraiser, stating that he was delivering a message from the Chief to never go over his head again by going to the Mayor. He also told them that if CHPD wants to park a police vehicle in front of their business 24/7, they will do so.

Ms. Stojack stated that the systemic corruption in the Police Department will continue as long as the "good cops" are silenced. The police are to protect and serve the community, not harass and intimidate.

Kelvyn Cullimore raised issues surrounding police reform. He reported that statistics show that the CHPD has a much higher diversity population than the citizenry of Cottonwood Heights. At one point, they boasted 50% minority members in the police force until the hostilities toward police started a few years earlier. Now, the diversity percentage is down to 30%. The hostilities to which he referred are those fostered by Council Member Tali Bruce. Her efforts to undermine CHPD, attack its Police Chief, and create a hostile environment have been unfortunate. Her mission since being elected has been to rid the City of Chief Russo and if possible, the entire Police Department.

Mayor Cullimore was reminded of the need for decorum and told to not initiate personal attacks. He was allowed to continue.

Mayor Cullimore further stated that Council Member Bruce has gone so far as to make a veiled attempt to have Chief Russo's wife fired from her position as a dental hygienist. She told Mrs. Russo's employer that she felt unsafe coming into his office. Mr. Cullimore stated that Council Member Bruce's actions resulted in a lawsuit being filed against the City and her personally by Chief Russo. Mr. Cullimore resented his tax dollars being used to defend the lawsuit that is the product of Council Member Bruce's personal agenda. She has feigned support for the police, but there is not a single CHPD member who believes that to be true.

Mayor Cullimore requested the Council recognize Council Member Bruce's misbehavior and settle the suit with Chief Russo to minimize the fiscal impact on the City and send a message to Council Member Bruce that her behavior must cease. The City Council majority has made it clear that they support Chief Russo and CHPD. He stated that continued efforts by Council Member Bruce are nothing more than the furthering of her personal agenda at the expense of tax dollars, employee morale, and the derailing of more important City business.

Mayor Cullimore stressed the importance of the City having its own Police Department. Statistically, they have one of the best departments in the State. They deserve support for their work and good deeds. He recalled an incident involving a suicide where the officers worked into the night cleaning up the scene. On another occasion, a youth was missing, and officers hiked in the canyon to find that unfortunately, the youth had taken his own life by hanging. The officers' efforts saved the family from the trauma of finding their son in that condition. On another occasion, officers purchased bicycles for kids to replace those that had been stolen.

He recognized that there is room for improvement. CHPD is better today than they were five years ago, and they will be better in five years than they are today. He stated that the Department is receptive to constructive input and willing to consider appropriate reforms. Ironically, most of the police reform demands across the country have been policy at CHPD for years. They count on their police, they trust them, and they support them.

Mayor Peterson thanked Mayor Cullimore for his comments. He noted that the first two speakers referred to individuals in their comments. He strongly encouraged those making public comments to refrain from making personal attacks.

Tiffany James expressed appreciation to the Council and Chief Russo for their willingness to discuss police reform. She made clear that her family is not anti-police, however, it is only after their experience and hearing the experiences of others that they realized that they were one of many whose children were killed by a police officer in an unavoidable shooting.

While she was happy that the Council was willing to discuss policy reform, she was concerned that there is no mention in the reform process of CHPD performance, accountability, or responsibility when officers do not follow policies. Being accountable and responsible, and having officers undergo performance evaluations is critical to creating change and ensuring that officers and leadership are holding to the rule of law. She had heard repeatedly when City leadership is sought to be engaged on this issue, the emphasis is not on accountability, performance, or trying to improve, but on protecting the City from liability and justifying officer actions.

She referenced to the July newsletter that states specifically that an officer should never employ unnecessary force or violence and force should only be used with the greatest restraint and after other means have been found to be ineffective or inappropriate. A well-trained officer can do this. In the incident involving her son, the CHPD did not have a well-trained officer contrary to the information on the CHPD Facebook page. The officer had a taser available; he did not warn their son and did not even engage with their son. Their son was running away and was shot in the back. The officer was not faced with belligerent behavior or the threat of a weapon. He did not utilize de-escalation tactics nor did he look for alternative arrest methods. The involved officer was responding from fear. Ms. James stated that a well-trained officer is able to assess a situation before responding. She stated that reforms need to include mandatory cameras to assess performance as well as automatic termination if the officer is not wearing his camera. She also stated that there needs to be enforceable accountability standards in any type of lethal situation.

Heather Anderson reported that she has had multiple interactions with CHPD officers. This year, she worked with Brighton High School's Resource Officer Harris when a 15-year-old young man told her 14-year-old daughter that he planned to hurt himself. The officer was able to collaborate with the Sandy Police Department to find him and talk with his parents. They made sure he was safe and his harassment towards her daughter stopped. At Butler Middle School, Officer Potter was invaluable. Two years earlier, her daughter reported a student dealing drugs in the classroom at her table. The middle school administration called the involved student dealer and Ms. Anderson's daughter to the office together. This lack of discretion caused her daughter to be questioned and harassed by the dealer and the students who were buying the drugs. For her daughter's safety, she was removed from class for one week. Upon her return, Officer Potter helped her deal with the bullying and made her feel safe at school.

Prior to that incident, her daughter's gym locker was broken into and her phone case was stolen. Officer Potter caught the thief and returned her daughter's property, along with the property of many other students whose property had been stolen.

Ms. Anderson relayed another incident where a powdered substance was found on the school bus. The students were taken back to the school while police investigated the substance. The officer helped the EMT's monitor the students and notify parents. That same week, there were multiple threats of shootings at Butler Middle School and Brighton High School. Extra officers were visible at both schools and helped the students feel safe. Ms. Anderson stated that the only reason she allowed her children to return to school was the presence of trained officers in the schools. SWAT officers were on standby and she was grateful that they have the proper equipment to address the many different situations they face. She commented that to think that they should not consider and prepare for the worst possible situation is lazy and irresponsible. Ms. Anderson expressed her gratitude for ensuring the officers are trained and have the proper equipment to protect the community and schools.

Ms. Anderson reported that she has had to call 911 many times outside of the school environment to request the assistance of the police, which they provided. For example, a group of teens were fighting in the backyard of a vacant home; a neighbor's home was robbed of a gun and police were able to recover it; and a woman high on drugs was suicidal in a local park. She had also called the police when her garage door was opened in the middle of the night while her husband was away at work and she was home with her two children. The responding officers were kind and made sure they were all safe. Ms. Anderson thanked and expressed her appreciation to the Cottonwood Heights Police Department for solving many problems for her family.

Aaron James reported that his son would be here today if the CHPD policies had been followed. His wife spoke earlier in the meeting and he echoed her sentiments. They began a conversation regarding police policies two years ago with the City Manager, and those discussions seemed to have fallen on deaf ears. The newsletter states that the Police Department will not engage in cruel and degrading or inhumane treatment of any person, however that is not the reality. The CHPD Facebook page is still full of nasty, bully-like unsubstantiated reports regarding his son. The department and its officers, including the Chief responding on social media, should stop.

Their experience is that the documentation of a ‘use of force’ incident is simply a corroboration of the officers, not taking into account any eyewitnesses or testimony available to them. Mr. James echoed the sentiment of his wife regarding camera use. The CHPD camera use policy is not mandatory and there is no disciplinary action for failure to use a camera. He expressed his belief that had video footage from the cameras been preserved documenting the incident involving his son, there would be a very different story told of the incident. Officers would have been held accountable. Having officers held accountable is extremely important in protecting the City and creating community. Mr. James expressed his hope that the camera footage of his son’s incident will be revealed. Until then, he hoped that the policies identified come to fruition.

Edward Schwartz commented that there is a lack of transparency in City governance in the delivery of extremely important services, documents, and hearings for which the public should and must be participating. The construction of City Hall was one example. There were no public hearings and construction was approved by the City Council. The residents were still paying for it during these difficult financial times. He commended the City Manager of the City for the way it was being handled.

Another example was the Bonneville Shoreline/Wasatch Master Plan, where despite involving millions of dollars in development, there has been one public meeting. He questioned whether backroom deals were taking place.

Mr. Schwartz stated that the lack of transparency hinders proper governance of the City. Most recently, with the re-hiring of Chief Russo, there should have been a review of his performance over the past six months. His hiring was rushed and political. Mr. Schwartz has lived in Cottonwood Heights for 15 years and he has seen the City erode in its delivery of transparency. He commented that he believes that Mayor Peterson is trying to bring back transparency but more can be done. Public forums can be opened up on the Wasatch Boulevard Master Plan and the Bonneville Shoreline Trail so that the public can truly have a say in what is going on in the City. Mr. Schwartz was appalled at hearing former Mayor Cullimore attack a sitting Council Member. He stated that that should have been stopped at the outset.

Mr. Schwartz quoted the Dalai Lama who said, “A lack of transparency results in distrust and a deep sense of insecurity.” He hoped the Council would open up public comments on the Bonneville Shoreline Trail and the Wasatch Master Plan that was developed and approved over one year ago.

Raven James reported that she and her family agree with Mr. Schwartz with regard to his comments regarding harassment by allowing former Mayor Cullimore’s attack on a sitting Council Member. Her youngest brother, Zane, is not here today to celebrate his 23rd birthday because an officer acted as her brother’s judge, jury, and executioner in a moment of unjustified and irrational fear. CHPD claims that its officers are trained to exhaust all options before shooting and to deliver warning whenever possible if shooting becomes necessary. She did not see any justification that would apply to the violent end to her brother’s life. Officers should have been able to act rationally because Zane was running away, with no displays of aggression, or belligerent behavior, and no weapon in his hand. The officer acted in fear, leading to her

brother's death. Officers should be trained in de-escalation and alternative methods rather than lethal force.

Cottonwood Heights' police policies require this training because it is the key to being able to act rationally in a time of crisis. Officers should be able to rely on pattern recognition and hours of training to avoid situations like the one that ended her brother's life so carelessly. The safety of all residents is at risk when officers are allowed to act independently of their training and outside of their directive as peacekeepers.

Ms. James asked for mandatory cameras and a camera policy to monitor and evaluate officer behavior. If an officer uses deadly force, they must be held accountable by leadership. She also requested that when non-lethal arrest alternatives are available, and not used, there should be immediate termination.

Jennifer White thanked the Council for the opportunity to provide public comment and stated that this type of civil discourse is what brings about change. She stated that police officers need to be trained in de-escalation techniques. She was concerned that de-escalation training is not taking place in Cottonwood Heights. She agreed that there are a lot of good things that officers do in the community, however, she was aware of several times when CHPD officers have not de-escalated a situation.

Ms. White gave an example involving her son, who was pulled over and wrongly accused of assaulting a police officer and resisting arrest, which he vehemently denied. They had to retain an attorney and go to court. The case took approximately 1½ years, half of which was spent trying to obtain the video footage. They finally obtained the footage that showed her son, in handcuffs, getting slammed onto the hood of a police car despite speaking respectfully to the police officers. It was obvious from the video that the police were trying to antagonize her son. Because of the video footage, the charges against her son were dropped.

Ms. White stated that police cameras must be running at all times so that officers who are not doing the right thing can be held accountable. She understands an officer getting frustrated and angry, but they should be held to a higher standard. She commented that officers are not supposed to lose their temper and fight back. Cameras can help everyone be held accountable.

Debbie Mackintosh presented a signed petition from 173 Cottonwood Heights' citizens as follows:

1. Racism in any form from or towards any people is morally reprehensible.
2. Peaceful protests against racism are constitutional and morally good.
3. The majority of violence during recent protests in America has not been in support of points one and two, but rather by those who exploit the peaceful protests and the true need to address racism in our nation and to instead perform general mayhem and theft and/or to further their self-declared anti-American agendas.

4. Part of those anti-American agendas has included unsubstantiated, unscientific and unreasonable calls to defund the police.
5. Statistics have proven local law enforcement is an effective way to reduce crime, fight human trafficking, keep our neighborhoods safe, and aid individuals and families of all races and economic levels who find themselves in need.
6. In cities and communities across the country, where local police departments have been recently defunded, dismantled, or been told to stand down against instances of violence, lawlessness has naturally ensued and crime has risen substantially in an impressively short period of time.
7. Members of CHPD have shown themselves to be professional, disciplined, well trained, and service-oriented, with incredibly few exceptions.
8. The City Council has stated they want to keep the police fully and completely funded.

The signatories to the Petition do hereby

1. Commend and express gratitude the members of Cottonwood Heights Police Department for their exemplary service;
2. Call upon our Mayor, City Manager, City Council, and all City offices to work to keep the CHPD fully and completely funded per your statement;
3. Call upon our Mayor, City Manager, City Council, and all City offices to support and additionally fund access to and continuous improvement of training for our police officers; and
4. Request any further discussion of defunding or reallocation of funds away from the police department be dismissed as previously discussed and already approved in City Council so we can all move forward with other important City business.

The petition was signed by 173 citizens of Cottonwood Heights.

Council Member Bruce reported that she received a text from Matthew Carlson that indicated he was bumped from the screen when he tried to raise his hand to make a public comment. Records Culture Human Resources Director, Paula Melgar stated that he was on the screen, but she did not see him raise his hand. Mayor Peterson apologized for the technical glitches that they are still working through.

Mayor Peterson thanked everyone who took the time to submit written comments as well as those who took the time to access the webinar and share their thoughts. He expressed

disappointment that some of the comments became personal but understands the passion that people feel for the issues they are talking about.

Council Member Bruce objected to the persistent accusation that she is promoting defunding the police. She claimed that she has never uttered that phrase, it was not part of the rally and has not been part of the conversation. It is a fear-mongering technique that is being perpetuated, as evidenced by the signed petition, and countless emails read two weeks ago. She stated that such fear-mongering tactics and untruths damage their discourse.

Council Member Bracken commented that a lot of this has to do with the perception of what has occurred. He agreed that Council Member Bruce may not have used the term “defund,” but he does not believe there is malice in their intent, as that is what was perceived. Perception is what elected officials have to address. He agreed that they should keep the discourse as civil as possible.

Council Member Mikell added that the Council has never uttered the words, “defund.” They should be supportive of Council Member Bruce when people make accusations regarding statements she has not made. Mayor Peterson also added that defunding has been part of the national conversation. He appreciated the Council’s position that while they are talking about efficiency, policy, training, and other issues, defunding has not been part of the Council’s discussions. That is a perception that they will try to dispel as they move forward.

Council Member Petersen commented that when they brought people in from Salt Lake City, attacking the police was part of the message. Residents of Cottonwood Heights have issues with some of CHPD officers but what was brought in from Salt Lake City was a national message and a Salt Lake directive to attack police officers. The message was clear to defund or reallocate. He found it difficult to believe that Council Member Bruce felt threatened by those who were there supporting our officers because they were extremely civil. The pro-police participants were never threatening.

Council Member Bruce challenged Council Member Petersen’s comments. Vehicles, including CHPD officers, were racing up and down the street. Police officers were on the roof of City Hall. She related that it was very intimidating and disturbing. She recognized that there may have been one or two signs brought from Salt Lake City that brought a discussion that wasn’t localized to the City but she challenged anyone to listen to the speeches given by citizens of the City that were articulate, historical, and heartfelt.

Mayor Peterson concluded by stating that he attended both rallies. Personally, he did not see CHPD officers racing down the street but he emphasized that everyone has a perspective. The Council’s job is to sift through information and make an appropriate decision as to how to best serve their constituents going forward.

Chief Russo disagreed with the statement that CHPD officers were racing up and down the street. He stated that they were present to interact with the community.

4.0 ACTION ITEMS

4.1 Consideration of Resolution 2020-34 Approving Entry into an Interlocal Funding Agreement with Salt Lake County.

Mayor Peterson reported that the above resolution seeks funding of \$500,000 for the purchase of two parcels totaling just over 26 acres off Wasatch Boulevard. This would go toward an overall funding effort to obtain \$3 million to purchase the property to be used as either a trailhead or maintained as open space.

Mr. Tingey explained reported that it is an Interlocal Agreement with Salt Lake County for their commitment of \$500,000 toward the purchase of the parcels. He noted that the land has to be acquired by December 1, 2020. Staff recommended approval of the resolution.

MOTION: Council Member Bruce moved to approve Resolution 2020-34. The motion was seconded by Council Member Mikell. The motion passed with the unanimous consent of the Council.

4.2 Consideration of Resolution 2020-35 Approving Appointments to the Parks, Trails, and Open Space Advisory Committee.

Mayor Peterson reported that the above resolution seeks approval of appointing Chris Owens and Paula McFarland to the Parks, Trails, and Open Space Advisory Committee. Mr. Tingey reported that Mr. Owens lives in Council District 2 and Ms. McFarland lives in Council District 3. He and Mr. Johnson interviewed each via Zoom. Both candidates have volunteer experience relating to trails. Ms. McFarland has served on various committees and understands the role of advisory committees. Staff recommended confirmation of both appointments.

MOTION: Council Member Bracken moved to approve Resolution 2020-35. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

5.0 CONSENT CALENDAR

5.1 Approval of the City Council Work Session Meeting Minutes of June 16, 2020.

Council Member Bracken requested confirmation that they corrected certain paragraphs that were incorrectly attributed to the Mayor removed. Ms. Melgar confirmed that those paragraphs were removed.

MOTION: Council Member Bracken moved to approve the consent calendar. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

6.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bracken moved to adjourn. The motion was seconded by Council Member Bruce. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 8:10 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Business Meeting held Tuesday, July 21, 2020.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: August 4, 2020