



**Minutes of the
Millcreek City Council
January 12, 2021
6:30 p.m.
Special Meeting**

The City Council of Millcreek, Utah, met in a special public meeting on January 12, 2021. The meeting was conducted electronically per Millcreek State of Local Emergency Directive No. 2 of 2020 and live streamed via the City's website with an option for online public comment.

PRESENT:

Council Members

Jeff Silvestrini, Mayor
Silvia Catten, District 1 (Virtual)
Dwight Marchant, District 2 (Virtual)
Cheri Jackson, District 3 (Virtual)
Bev Uipi, District 4

City Staff

Rita Lund, Communications Director
Alexander Wendt, Deputy Recorder
Kurt Hanson, Legislative Policy Director
Andrew Clark, Emergency Manager

Minutes by Alexander Wendt.

Attendees: Chief DeBry (Virtual), Under Sheriff Jake Peterson (Virtual), Lt. Chris Petty-Brown, Sherri Wittwer (Virtual), Sheriff Rivera (Virtual), and Sherry Anderson (Virtual).

SPECIAL MEETING – 6:00 p.m.

TIME COMMENCED: 6:04 p.m.

Council Member Bev Uipi called the special meeting to order.

Council Member Uipi said that the purpose of the meeting is to respond to resident concerns about policing in Millcreek. The last special meeting on policing in Millcreek was in August 2020. Since the town hall meeting in August, there was a field training meeting in October 2020. In the training session there was a session on financing and budgeting at the Unified Police Department (UPD). The second workshop was with the training team. There was a live simulation workshop where attendees were able to experience some situations that police officers go through every day. Council Member Uipi explained that she will review questions that had been received prior to the meeting.

Council Member Uipi asked Mayor Silvestrini to explain how UPD is funded. Mayor Silvestrini explained that the UPD is a regional police department in Salt Lake County and serves a number of cities and metro townships in Salt Lake County. UPD is governed by a board of directors and trustees. Each jurisdiction gets a seat on the board. UPD policies are approved by the board. These policies range from vacation time to use of force. The board has the power to change UPD policy. UPD is run by the Sheriff of Salt Lake County. Sheriff Rivera is the chief executive

officer. Chief Mazarin is the chief, Under Sheriff Peterson is also part of the command staff. Millcreek pays a contract price to UPD based on the number of officers in the precinct. The accounting function for UPD is shared with all the members. Human resources staff, operational items, and K-9 Unit are shared. These dogs are used for several roles, they can be used to locate hidden suspects or find lost children. There was a case in Herriman where a lost child was found by a K-9 that had fallen down a storm drain. There is a tactical team that is trained to respond to dangerous situations, like a hostage situation. The training and those officers are shared between jurisdictions. There is a forensic lab and firing range. There is a unit that investigates serious traffic accidents. Millcreek shares all these facilities with the other jurisdictions. The formula for the contract price to pay for police services is based on the number of cases the entity has, population, and property values. Millcreek pays about \$11 million a year to UPD. Millcreek pays monthly. Millcreek has borrowed throughout the year to pay UPD because of the way fees are collected, but now Millcreek is out of the cycle of borrowing. This saves Millcreek residents \$175,000 a year in interest and other costs. There is a discussion every year concerning the Millcreek budget. Millcreek strives to pay officers a competitive wage said Mayor Silvestrini. Council Member Uipi read a question, "What is available for our community to the police budget?" Millcreek residents can request changes to the budget. Precinct level changes can be added to the budget. UPD level budget changes will be voted on by the UPD board. Millcreek funded an additional 4 detectives and a sergeant for a crime suppression unit. This was in response to citizen concerns. Council Member Uipi said that this is an ongoing dialogue, and it will continue with Millcreek's UPD partners.

Council Member Uipi read a question about funding, "Why don't we divert funding from the police to focus on evictions, homelessness and poverty?" Council Member Uipi said homelessness and poverty are community issues and it goes beyond policing. Mayor Silvestrini talked about the transitional housing shelter in Millcreek. Millcreek was approached by Salt Lake County to have a shelter in Millcreek. The shelter has been used as a facility for assisted living in the past and the use as a shelter is permitted within zoning regulations. The shelter is not a walk-in shelter, clients can only be referred there. Millcreek felt an obligation to help because homelessness is a county and statewide issue. The use will end on April 15, 2021. Salt Lake County has given Millcreek additional funds to offset costs. The facility has been operating for about thirty days. No complaints have been received about the facility.

Council Member Uipi read a question about nonviolent crime, "Are nonviolent crimes going unsolved?" Council Member Uipi said that many nonviolent cases are solved, and they take a lot of time for detectives to solve. These crimes often help officers solve other cases. Council Member Uipi received a question about crime and what is crime. She referred residents to Utah Code Title 76, a crime is a violation of any penal statute of the state. Mayor Silvestrini said that UPD will enforce many other parts of Millcreek code. Millcreek parking code is an example of city code enforced by UPD. They also enforce the snow code which is a parking issue. Council Member Uipi read, "What situations warrant police officers?" She said any situation that is suspect or potentially harmful to someone's safety. Millcreek residents are encouraged to report suspicious activity to the non-emergency police dispatch. Dispatch must give a description of the individual from the caller to dispatch an officer to the situation. Council Member Uipi read, "How is resisting arrest defined currently?" Each state has its own definition. In Utah resisting arrest is called interfering with a police officer. This is prohibited by Utah State Code 76-6-305. She read, "Do unions help police bargain?" Millcreek is not part of a police union with collective bargaining rights. However, there is an association that many officers belong to, The Salt Lake

Valley Law Enforcement Association. Council Member Uipi read, “What is the fraternal order of police?” More information can be found at www.utahstatefop.com. This organization mainly represents officers in Salt Lake City, not UPD. Most UPD officers belong to the Salt Lake Valley Law Enforcement Association, and that organization does not have collective bargaining power.

Council Member Uipi read, “When hiring police officers how does UPD track resignations and what are the current standards?” All candidates who are interested in law enforcement must pass a written and physical test after Police Officer Standards and Training (POST) training of 15 weeks. UPD reviews test scores, background checks, and interviews perspective officers to select officers with the best competencies and best fit. Officers are required to undergo 40 hours of follow up training each year. Mayor Silvestrini explained how UPD screens employment hopping. UPD does interview and checks available records that apply to prior disciplinary history. There is a problem in that there is not an adequate database to record this. Sometimes an officer will leave an agency with discipline pending and there may not be an adequate record. If the previous agency does not complete discipline to finality, there would be no record. Mayor Silvestrini said that in response to concern about the issue there are several bills in the Utah State Legislature to deal with this. Chief Mazarin talked about the recruitment process and the importance of conducting a good background check and other advances in technology help this. When someone applies to be a police officer, they allow their previous employers to share their personnel file, and for investigators to speak to people from their life. If there is anything in the past that is problematic, then the department background investigator can make necessary decision. Under Sheriff Peterson said they support a bill that creates a database with past employer information at POST. Council Member Uipi asked Chief DeBry about hiring at UPD for the Millcreek Precinct. Chief DeBry explained that UPD hires the officer outright and if there is an open position in Millcreek that is posted to all UPD and an officer may apply. Filling UPD vacancies must be done fairly. UPD officers can apply and then Millcreek Precinct will interview the applicants.

Council Member Uipi read another question from the August townhall, “How may we find out about UPD budget?” Council Member Uipi said that the UPD website informs residents about the budget. Mayor Silvestrini said that if residents have questions about the budget, they may contact the Mayor and he can help with that. Terminology and the structure of the budget can be confusing. Sometimes people ask about militarized equipment in the budget but many of those items are donated, or from federal grants, assets forfeiture, and not Millcreek tax dollars. Mayor Silvestrini said that he meets with Millcreek residents every Friday afternoon and could discuss it.

Council Member Uipi reviewed the workshops held in October 2020. They were about UPD budgeting, training and mental health, and a live simulation. Council Member Uipi reviewed the Riverton City’s decision to leave UPD. There are services that cities share with UPD, like forensics. Mayor Silvestrini answered questions about other jurisdictions that have left UPD. There has been a change at UPD since Herriman and Riverton left. There is a new Sheriff. Sheriff Rivera has been far more responsive to the concerns about transparency in the UPD budget, she brought in a new chief financial officer and implemented recommendations where the board felt cost reductions were appropriate. Mayor Silvestrini said that perhaps the concern other cities had was that they may have felt that they were subsidizing services or from lack of knowledge. Mayor Silvestrini said sharing these services makes complete sense. It saves money to have one legal counsel or HR department rather than 12. The job of the board is that the job is

done efficiently. Maybe other jurisdictions may not want to pay to have an accident reconstruction unit. One city left UPD and there was a terrible accident in their city, and they needed the accident reconstruction unit but there was no way for them to use the unit after they left UPD. Fundamentally a city council made that choice and did not see value in that unit. This unit was just used in Millcreek recently. If Millcreek stopped paying for shared services, they could put more officers on the street, but Millcreek would lose expertise and shared services that benefit residents. By being part of UPD, there are 300 officers to draw from rather than 65 officers spread over three shifts. This can help find an active shooter or solve another terrible situation.

Council Member Uipi summarized the training and mental health workshop with UPD. Council Member Uipi said that Millcreek benefits from shared mental health services. Many attendees asked about de-escalation. UPD has changed their training to be better. This is about reaching a peaceful resolution without the use of force. There are 8 detectives, one victim advocate, and a Licensed Clinical Social Worker (LCSW) that rotate between precincts. Council Member Uipi said that Millcreek benefits from the Mental Health Unit at UPD; all UPD jurisdictions do. Council Catten said that the Salt Lake Tribune explained that 40% of shootings happen when someone is in a mental health crisis. Council Member Catten asked if someone can help explain training in instances when mental health is the issue. Chief Mazarin answered and explained that the UPD Mental Health Unit is progressing well. Oftentimes when law enforcement meets people that have mental health issues, the event has often escalated before the officers get there and that is why officers were called. Officers do receive mental health training and have for years. The mental health group has been able to give help before events truly get bad. When Chief Mazarin was a precinct chief, there was a person who needed extra help and the mental health professionals were able to help this person, so they did not escalate further. They see reports and help establish patterns. Under Sheriff Peterson said that officers are always taking crisis intervention training. UPD and Sheriff Rivera have been in contact with other stakeholders to help mental health training. Sheriff Rivera insists that mental health training is part of the training curriculum multiple times a year. Working mental health training is added to all kinds of other training. The mental health unit is funded by Salt Lake County. The Unified Police Department is a great beneficiary of the mental health unit. Council Member Uipi added that mental health is an issue in the community, and we are all learning more. Council Member Marchant asked if a surrounding city that has their own police force who might lack a mental health unit could use that service. Under Sheriff Peterson said that the mental health unit is important to the whole county and is a county wide service.

Council Member Uipi said that in the October training they learned that there are sensitivity training and cultural awareness trainings done. Council Member Uipi explained that members of the public had asked about those specific trainings. Council Member Uipi asked, "What is happening with the police officer shortage in Utah, and what type of experience UPD may lose with retirements?" Chief Mazarin said the department is down by about 15 officers. UPD has been lucky, officers leaving have been retiring after many years of service. They are not leaving due to turnover or department hopping. At some point the retirement bubble will burst as more officers simply get to retirement age. Under Sheriff Peterson said that the people coming into law enforcement brand new into the academy have a lot of hope. They want to serve and be part of a solution. Council Member Uipi said this concluded the long summary of the training in October. Council Member Uipi asked for public comment. There was one item of public comment that had been emailed. The Deputy Recorder read the comment.

Jeff and Lynda Gibson 3074 S. Richmond Street – *“We have been dealing with trespassing in this area for years. Their (the police) response time has been slower and slower. The last time we called, somebody dumped garbage in our yard and went down into a neighbor's vacant rental house and used heroin there. The police didn't start coming until after the neighbor got there and called again, screaming to get to the house. The perpetrator had already left the house and was on the run by the time the police arrived but was eventually caught. Someone we know was prosecuted for trespassing on their own property, and the officer that took the call did not talk to the person that was accused of trespassing. They are not properly taking care of those who are actually dealing with trespassing. This is happening in the city center area and I would think that the police would be more vigilant.”*

Council Member Uipi asked if Salt Lake City or UPD responded to the call since that area is a border area. Council Member Uipi said she understands the frustration of the caller. Mayor Silvestrini said that the City would like officers to respond as quickly as they can. There is a constant effort to prioritize calls depending on what is going on in the area at the time. If there is an event where someone is in danger, officers will respond to that first. Chief Mazarin said that he appreciates the feedback even if they cannot intervene in the original call. That way they can figure out how to change in the future based on what was done right and wrong. Mayor Silvestrini said he would refer the comment to Chief DeBry for further work.

Teresa Carlson, 3979 S Crestwood Drive – Ms. Carlson explained there are many problems regarding mental health and substance abuse that the police need help with. Ms. Carlson said that people hope that no knock warrants will be legislated away or changed through legislation because it is unfair to people and the conditions are difficult. Ms. Carlson said that there are not enough people of a different ethnic background that are officers. Mayor Silvestrini said that UPD does endeavor to hire officers from the ethnic backgrounds that they serve. Ms. Carlson said again that there are not enough mental health workers. Ms. Carlson said that other people are concerned about sending SWAT teams to drug possession. Mayor Silvestrini thanked Ms. Carlson for what she does as part of the League of Women Voters and as a Millcreek resident. Council Member Uipi said that Millcreek UPD recognizes diversity in the police force as an important issue. Sheriff Rivera joined the meeting and thanked the City Council for the invitation.

The Deputy Recorder received another public comment online from the City's website. The Deputy Recorder read the comment.

Jeff and Lynda Gibson, 3074 S. Richmond – *“This was UPD that called and responded.”* Council Member Uipi said that Chief DeBry will investigate this.

Council Member Uipi explained that she would now review a list of questions received from Linda Milne a very active member of the Millcreek Community. *“Are investigations by the Citizen's Advisory Board (CAB) public record? Who is the civilian who is currently serving on this Board?”* Under Sheriff Peterson explained that UPD wanted to make their policies up to date and brought in the citizen advisory board. There are monthly meetings with the citizen advisory board to help create good policy.

“Is there a path for recommendations for policy changes to reach the CAB, for debate and review, other than by being determined by the Sheriff, the Command Staff and other members of Department?” Under Sheriff Peterson said his previous answer answers this. The CAB is open to anyone who would like to join. There is a state background check to become part of the CAB. Chief Mazarin said there are a number of ways that people can ask for policy changes. Individuals can speak to their city council, send a letter to the sheriff, and call the department. *“By what process does UPD seek out Best Practices and Lessons Learned from other police departments around the country?”* Sheriff Rivera said that UPD follows POST standards. They work with major county sheriffs and chiefs of police all over the country. They speak with the District Attorney’s office. This is all ongoing and never stops.

“By what means does UPD recruit?” Sheriff Rivera answered and said they are looking for the best of the best. In the last few years UPD has had to recruit less. Sheriff Rivera said that the Under Sheriff will interview each applicant that makes it through the process. There is not a lot of turnover in UPD with people leaving for other agencies. They recruit at colleges, any way they can online, and word of mouth.

“I know there are several barriers to accomplish the hiring of officers from the refugee community. Do we currently have any officers from the Refugee community?” Sheriff Rivera said that there are not currently members of the refugee community in UPD currently. Doing a background check is hard due to a lack of background. Members of the refugee community are recruited for the citizens advisory board and the cadet program. On the Sheriff Department side of things there are two members of the refugee community working now and one is in training.

“When was the last time a police officer in Millcreek was fired for cause?” Sheriff Rivera said they cannot speak about personnel issues in a public meeting. *“When was the last time a police officer was cited for bad conduct but allowed to resign with a clean record?”* Sheriff Rivera said that in UPD this would not happen. The record of bad conduct stays with their personnel file. *“What threshold of bad conduct would have to be reached by an officer to generate a permanent negative employment record that would be shared with any inquiring employer?”* Council Member Uipi said that Chief Mazarin covered this earlier.

How many of our police officers have secondary employment? Sheriff Rivera said that 330 officers work secondary employment. This can be many different types of jobs. It is the officer’s decision. Under-Sheriff Peterson said that UPD officers are hard workers.

“On average, how much does it cost to have a non-police professional assist in the de-escalation and/or resolution of a potentially dangerous situation, domestic matter, or mental health incident, etc., -- including the police manpower to protect the professional?” Sheriff Rivera said that every situation is different, so the costs are different based situationally. Many calls that require mental health professionals are costly. *“At what frequency does de-escalation training occur?”* Sheriff Rivera said that every piece of training that involves de-escalation is trained on. There is not one specific training that covers de-escalation. It is constantly taught year-round.

“If officers strictly follow UPD training, policy, and procedure, could a George Floyd incident occur in Millcreek?” Sheriff Rivera said that if officers follow policy then no it cannot happen. *“In practice, if no lives are directly in danger by rioters, but property is, would Millcreek police intervene to protect said property and curtail the violence?”* Sheriff Rivera said yes, they would

intervene depending on the situation. UPD would contact the organizer of the event and set rules up front and UPD has not had a problem so far. If you treat people with respect, then they respect it right back.

“How does weighted voting on UPD Board favor or disfavor Millcreek?” Mayor Silvestrini said that budgetary matters can be subject to a weighted vote. The formula is based on population and the amount of money that the jurisdiction pays for services. That vote is only invoked if two members ask for it. The weighted voting has never been used and by far most UPD board decisions have been unanimous.

“After reading council notes and media interviews from Taylorsville, Herriman and Riverton, about leaving the UPD, they expect to save about ½ million dollars while also providing better policing coverage. Could the mayor and police chief comment.” Mayor Silvestrini said there are several start-up costs if a city starts their own police department. Cities have received less than they thought they would receive when they left. If Millcreek decided to forgo the things shared with UPD there could be more officers on the street in Millcreek, but shared resources are very important and provide tangible benefit. Not all the benefit Millcreek would get from leaving UPD is more officers on the street. Oftentimes the shared services through UPD come back faster than at the state level. Mayor Silvestrini said that he does not believe that when all the bills are added up other cities that leave UPD are saving as much as they wanted. Cities that leave are giving up robust benefits that they cannot afford on their own. Chief DeBry explained that cities would lose shared resources that you do get with UPD due to economies of scale. They lose the mental health unit, SWAT, K-9, and other units that UPD offers. You cannot just hire an officer and turn them into a homicide detective.

“Is there any scenario that would trigger our mayor’s recommendation to leave UPD?” Mayor Silvestrini said that perhaps, but he cannot see that happening. *“Would UPD survive without Millcreek? Mayor Silvestrini said that UPD is one of the largest departments in the state.”* Mayor Silvestrini said it would hurt UPD, but it still would survive because it serves many people and jurisdictions. *“If Millcreek left the UPD, is there any alternate way for our police department to receive shared services?”* Mayor Silvestrini said that other police agencies do contract for UPD for discreet services. That is because UPD has a forensic lab that turns around quick results that is faster than the state lab. Arranging for services on an ala-carte basis would not deliver the affordable services that Millcreek currently enjoys. *“If UPD dissolved, what would be the fate of the shared services that UPD offers its members?”* Mayor Silvestrini said that if UPD dissolved, every member of UPD would have to find a way to have police services. Fundamentally, new departments created if UPD theoretically dissolved means that new departments would lose shared knowledge, resources, and experience.

Public Comment from Valor McNeely, 3248 S. Melbourne- *“What are the hours that the licensed clinical social workers in Millcreek work? Are they off weekends, evenings etc?”* Sheriff Rivera answered and said that LCSW workers do work around the clock but usually work on the dayshift. *“With the unsheltered population growing every day, and most of the pressure being on Salt Lake City, does Millcreek plan on a permanent shelter in the future?”* Mayor Silvestrini said that there is no plan for this now because Millcreek has not been asked to do this. Mayor Silvestrini said that homelessness is not a Salt Lake City, Midvale, or South Salt Lake problem and other communities are important here. Mayor Silvestrini said he is working with the legislature on this and would like to see more funding to divert people from incarceration and get

them help for substance abuse, job training, and mental health counseling. Millcreek residents are frustrated with property crime that is ongoing. Our police officers are frustrated as well. Sometimes the person arrested is released from jail and is supposed to go to treatment. This creates lots of frustration.

Council Member Uipi closed the public comment portion of the meeting.

Sheriff Rivera expressed her thanks. Sheriff Rivera thanked the Council and community for asking questions about policing. Policing and City Councils are important parts of the community and everyone needs to work together. Chief DeBry thanked the Council and Mayor for their support. He thanked Chief Peterson and Sheriff Rivera for their help and support. Chief DeBry said that he is proud to work in Millcreek, he believes that Millcreek Precinct is a flagship. Chief DeBry explained that UPD officers will buy milk for families in need and help in many other ways. They do a phenomenal job and they constantly learn to be better.

Council Member Uipi turned the time over to the Mayor and Council for their last comments. Mayor Silvestrini said that he is happy and proud to work with UPD to ensure that residents' needs are met. Council Member Marchant gave his thanks for this meeting and thanked Chief DeBry for his service. Council Member Marchant has heard from members of his district and they are happy with UPD. Council Member Jackson expressed her thanks to everyone who participated in the meeting. She hopes the community will continue to ask questions. Council Member Catten thanked everyone for attending the meeting. Council Member Catten said 2020 has been very difficult for many reasons and that recurring accountability and transparency is good. Council Member Catten said as a working group committed to progress and change it is important to keep this an open working group and continue talking about progress in UPD. She would like to hear about small and big wins from UPD. Council Member Catten said she would like to hold a similar meeting in a year.

Council Member Uipi wanted everyone to consider when they would like to meet again. She thanked Under Sheriff Jake Peterson, Sheriff Rivera, Chief DeBry, and Chief Mazarin. Council Member Uipi thanked the City Council for having this dialogue on improvement.

ADJOURNED: Mayor Silvestrini made a motion to adjourn the meeting. Council Member Jackson seconded. All Council Members voted yes. The Motion passed unanimously. The meeting adjourned at 8:30 p.m.

APPROVED: _____ Date
Jeff Silvestrini, Mayor

Attest: _____
Elyse Sullivan, City Recorder