



ANTIOCH POLICE OVERSIGHT COMMISSION AGENDA

Date: **Monday, April 1, 2024**

Time: 6:30 P.M.

Place: **Antioch City Hall – Council Chambers**
200 H Street
Antioch, CA 94509

ANTIOCH POLICE OVERSIGHT COMMISSIONERS

Harry Thurston, Chairperson
Porshe Taylor, Vice Chairperson
Treva Hadden
Alicia Dianne Lacey-Oha
Leslie May
Mahogany Spears
Devin Williams

Staff Liaison: Kwame P. Reed, Acting City Manager
Thomas Lloyd Smith, City Attorney
Brian Addington, Interim Police Chief

*Commission meetings are live streamed at:
<https://www.antiochca.gov/government/boards-commissions/#section-apoc>.
Please see the inside cover for detailed Speaker Rules.*

ACCESSIBILITY: In accordance with the Americans with Disabilities Act and California law, it is the policy of the City of Antioch to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950, and e-mail: publicworks@antiochca.gov.

PLEASE TURN OFF CELL PHONES BEFORE ENTERING MEETING LOCATION.

ANTIOCH POLICE OVERSIGHT COMMISSION

SPEAKER RULES

Welcome to the Antioch Police Oversight Commission meeting. The Commission encourages community participation. The Ralph M. Brown Act guarantees the public's right to address the Commission, within the framework of Speaker Rules. Because agendas encompass many business items, Speaker Rules enable the meeting to be efficiently conducted and concluded at a reasonable hour.

How to submit a Public Comment – Members of the public wishing to provide public comments, may do so one of the following ways:

- 1) **Written Public Comment** – Written comments may be submitted electronically to the City Clerk at the following email address: cityclerk@antiochca.gov, *prior to 3:00 p.m. the day of the Commission Meeting*. Please indicate the agenda item in your email subject line. Written public comments received before 3:00 p.m., the day of the meeting, will be provided to the Commissioners before the meeting.
- 2) **In Person** – Please fill out a Speaker Request Form, available near the entrance doors, and place it in the Speaker Card Tray near the City Clerk before the meeting begins. Speakers will be notified shortly before they are called to speak. When you are called to speak, please limit your comments to the time allotted (up to 3 minutes). If there are several speakers, the amount of time allotted may be modified at the Chairperson's discretion.

Record of all public comments – *All public comments will become part of the official public record and subject to disclosure under the Public Records Act. All public comments will be retained on file by the City Clerk's Office; entered into the official meeting record and will be available to the public upon request. Written public comments will not be read during the Commission Meeting.*

Notice of Availability of Reports

The Antioch Police Oversight Commission will meet regularly on the first and third Mondays of the month at 6:30 p.m. (except during the months of July and December when regular meetings shall occur once per month). The Antioch Police Oversight Commission Agendas are posted onto the City's Website 72 hours before each meeting. To be notified when the agenda packets are posted onto our City's Website, simply click on this link: <https://www.antiochca.gov/notifications/> and enter your e-mail address to subscribe. To view the agenda information, please click on the following link: <https://www.antiochca.gov/government/boards-commissions/#section-apoc>.

ANTIOCH POLICE OVERSIGHT COMMISSION'S PURPOSE

The purpose of the Commission is to advise the City Council, City Manager, and Chief of Police on the administration of the Antioch Police Department and on matters of public safety within the City of Antioch to ensure that the Antioch Police Department's policies, practices, and customs conform to national standards of constitutional policing. [Ordinance No. 2212-C-S, adopted May 24, 2022: <https://www.antiochca.gov/fc/posc/posc-ord-2212.pdf>].

NOTICE OF OPPORTUNITY TO ADDRESS THE ANTIOCH POLICE OVERSIGHT COMMISSION

This agenda is a summary of the discussion items/actions proposed to be taken by the Antioch Police Oversight Commission. The public has the opportunity to address the Commission on each agenda item. The Commission can only take action on items that are listed on the agenda. Comments regarding matters not on this Agenda may be addressed during the "Public Comments" section on this agenda. No one may speak more than once on an agenda item or during "Public Comments". Please see the Speaker Rules on the inside cover of this Agenda for information on public participation.

AGENDA

I. CALL TO ORDER AND ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. DISCUSSION ITEM: OVERVIEW OF THE ANTIOCH POLICE OVERSIGHT COMMISSION ORDINANCE

Recommended Action: It is recommended that the Antioch Police Oversight Commission receive and file the presentation.

IV. APPROVAL OF THE ANTIOCH POLICE OVERSIGHT COMMISSION MEETING MINUTES OF MARCH 18, 2024

Recommended Action: It is recommended that the Antioch Police Oversight Commission approve the Antioch Police Oversight Commission Meeting Minutes of March 18, 2024.

V. NEW BUSINESS

1. INTERIM POLICE CHIEF BRIAN ADDINGTON'S COMMENTS

- A. Staff Presentation
- B. Public Comment
- C. Discussion and direction to staff

2. DISCUSSION ITEM: USE OF FORCE

- D. Staff Presentation
- E. Public Comment
- F. Discussion and direction to staff

3. DISCUSSION ITEM: UNDERSTANDING OF THE COMPLAINT PROCESS AND RESOLUTION PROCESS

- A. Staff Presentation
- B. Public Comment
- C. Discussion and direction to staff

VI. PUBLIC COMMENTS

Members of the public are given the opportunity to address the Commission on an item that is not on the agenda; up to three (3) minutes. If there are several speakers, the amount of time allotted may be modified at the Chairperson's discretion.

VII. STAFF COMMUNICATIONS

VIII. COMMISSION COMMUNICATIONS

IX. UPCOMING/ FUTURE AGENDA ITEMS

The Commission will engage in a working session to discuss and determine agenda items for the upcoming Commission meeting, and to agree on a list of agenda items to be discussed on future agendas. The Commission will work on creating a list of agenda items for future meetings.

X. NEXT MEETING DATE – April 15, 2024, at 6:30 p.m.

XI. ADJOURNMENT

After Commission Communications, the Chairperson/ Vice Chairperson will make a motion to adjourn the meeting. A second motion is required, and then a majority vote is required to adjourn the meeting.



STAFF REPORT TO THE ANTIOCH POLICE OVERSIGHT COMMISSION

DATE: Regular Meeting of April 1, 2024

TO: Honorable Chairperson and Members of the Antioch Police Oversight Commission

SUBMITTED BY: Thomas Lloyd Smith, City Attorney

SUBJECT: Discussion Item: Overview of Antioch Police Oversight Commission Ordinance

RECOMMENDED ACTION

It is recommended that the Antioch Police Oversight Commission receive and file the presentation.

FISCAL IMPACT

There is no fiscal impact for this item.

DISCUSSION

Civilian oversight of police departments is an evolving governmental function designed to provide the community with a means to influence police department policies and to help ensure that policing is conducted in a manner that is constitutional, effective, and responsive to the standards, values, and expectations of those served by the police department.

The City Council directed City staff to research and make recommendations to the City Council Police Oversight Standing Committee on the potential formation of an Antioch Police Oversight Commission ("Police Commission"). City staff researched (1) police oversight commissions and boards in general law and charter cities; (2) the differences between police oversight commissions in general law cities and charter cities; and (3) solutions that can be achieved under each type of government within state and local laws and policies.

City staff has prepared an ordinance forming the Antioch Police Oversight Commission with the aim of strengthening trust, transparency, accountability, and police-community relations in the City of Antioch by ensuring that the Antioch Police Department's policies, practices, and customs meet or exceed national standards of constitutional policing.

ANTIOCH POLICE OVERSIGHT COMMISSION

The purpose of the Antioch Police Oversight Commission is to strengthen trust, transparency, accountability, and police-community relations in the City of Antioch by

ensuring that the Antioch Police Department's policies, practices, and customs meet or exceed national standards of constitutional policing.

The Police Commission shall advise the City Council, City Manager, and Chief of Police on the administration of the Antioch Police Department and on policy matters concerning public safety within the City of Antioch. The Police Commission shall facilitate community participation and oversight by reviewing and recommending policies, procedures, practices, and programs designed to result in community policing that is effective, responsive, and sensitive to the diverse needs of the residents of the City.

The Police Commission shall promote and encourage open communication and cooperation between the Antioch Police Department and residents of the City, recognizing that policing the City of Antioch is a shared responsibility.

The Police Commission shall develop, review, and make policy recommendations aimed at informing the community of its rights and responsibilities when interacting with police officers.

The powers and duties of the Police Commission include the following:

(A) Propose changes including modifications to the Police Department's proposed changes, to any policies or procedures of the Police Department that govern First Amendment assemblies, use of force, use of canines, use of de-escalation techniques on civilians, hate crimes, or biased-based policing including profiling based on any of the protected characteristics identified by federal, state, or local law. All such proposed changes and modifications shall be submitted to the City Council for approval or rejection.

(B) Recommend City Council approval or rejection of the Police Department's proposed changes to all policies and procedures of the Police Department that govern First Amendment assemblies, use of force, use of canines, use of de-escalation techniques with civilians, hate crimes, or biased-based policing including profiling based on any of the protected characteristics identified by federal, state, or local law.

(a) If the Police Commission recommends rejection of the proposed policy, the Police Department's proposed changes, notice of the Commission's rejection, and the reasons for rejection, together with the Police Department's proposed changes, shall be submitted to the City Council for review.

(b) If the Police Commission recommends approval of the Police Department's policy, the Police Department's proposed changes will proceed directly to the City Council for review.

(c) If the Police Commission does not approve or reject the Police Department's proposed changes within sixty (60) days of the Police Department's submission of the proposed changes to the Police Commission, the Police Department's proposed changes will proceed directly to the City Council for review.

(C) Review and comment on, at its discretion, any other policies, procedures, customs, and general orders of the Police Department. All such comments shall be submitted to the Chief of Police, the City Manager, and the City Attorney. The Chief of Police shall provide a written response to the Police Commission upon request.

(D) Review the City Council's proposed budget advise whether budgetary allocations for the Police Department are aligned with the Police Department's policies and procedures. The Police Commission shall conduct at least one public hearing on the Police Department budget per budget cycle and shall forward to the City Council any recommendations for change.

(E) Require the Chief of Police to submit an annual report to the Police Commission regarding such matters as the Police Commission shall require.

(F) Report at least once a year to the Mayor, the City Council, and to the public to the extent permissible by law, the information contained in the Chief's report in addition to such other matters as are relevant to the functions and duties of the Police Commission.

PUBLIC REPORTS

The Police Commission shall draft and issue public reports regarding its duties and responsibilities. An annual report may be in the form of an update from a previous year's report. The Police Commission may issue additional public reports as it deems appropriate.

The Police Commission shall provide annual public reports to City Council, City Manager, and City Attorney on the Police Department's progress on Police Commission recommendations and other updates relevant to the mission of the Police Commission.

All public reports shall omit or redact any confidential or privileged information as defined by State law.

ATTACHMENTS

A. Ordinance – Antioch Police Oversight Commission

ORDINANCE NO. 2212-C-S

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
ADDING SECTION 5.109 TO TITLE 2 AND CHAPTER 3 TO TITLE 4 OF
THE ANTIOCH MUNICIPAL CODE CREATING THE ANTIOCH POLICE
OVERSIGHT COMMISSION**

WHEREAS, the City Council directed City staff to research and make recommendations to the City Council Police Oversight Standing Committee on the potential formation of an Antioch Police Oversight Commission;

WHEREAS, City staff researched (1) police oversight commissions and boards in general law and charter cities; (2) the differences between citizen police oversight commissions in general law cities and charter cities; and (3) solutions that can be achieved under each type of government within state and local laws and policies; and

WHEREAS, City staff recommends the formation of the Antioch Police Oversight Commission to increase transparency, enhance accountability, foster trust, and strengthen police-community relations in the City.

The City Council of the City of Antioch, California, hereby ordains as follows:

SECTION 1. Recitals.

The above recitals are incorporated as though set forth in this section.

SECTION 2. Adoption.

Section 2-5.109 is hereby added to the Antioch Municipal Code to read as follows:

§ 2-5.109 ANTIOCH POLICE OVERSIGHT COMMISSION.

The Antioch Police Oversight Commission ("Police Commission") consists of seven members. The Police Commission has the duties as specified in Chapter 3 of Title 4 of this code.

SECTION 3. Adoption.

Chapter 3 is hereby added to Title 4 of the Antioch Municipal Code to read as follows:

Sections

4-3.101	CREATED.
4-3.102	PURPOSE.
4-3.103	MEMBERSHIP AND APPOINTMENT.
4-3.104	TERMS OF OFFICE AND REMOVAL FROM OFFICE.
4-3.105	OFFICERS.

4-3.106	MEETINGS.
4-3.107	NO COMPENSATION.
4-3.108	BUDGET.
4-3.109	TRAINING.
4-3.110	POWERS AND DUTIES.
4-3.111	PUBLIC REPORTS.

§ 4-3.101 CREATED.

There is hereby created an Antioch Police Oversight Commission (hereinafter referred to as the "Police Commission").

§ 4-3.102 PURPOSE.

The purpose of the Police Commission is to advise the City Council, City Manager, and Chief of Police on the administration of the Antioch Police Department and on matters of public safety within the City of Antioch to ensure that the Antioch Police Department's policies, practices, and customs conform to national standards of constitutional policing.

The Police Commission shall facilitate community participation and oversight by reviewing and recommending policies, procedures, practices, and programs designed to result in community policing that is effective, responsive, and sensitive to the diverse needs of the residents of the City.

The Police Commission shall promote and encourage open communication and cooperation between the Antioch Police Department and residents of the City, recognizing that policing the City of Antioch is a shared responsibility.

The Police Commission shall develop, review, and make policy recommendations aimed at informing the community of its rights and responsibilities when interacting with police officers.

§ 4-3.103 MEMBERSHIP AND APPOINTMENT.

(A) The Police Commission shall consist of seven (7) voting members appointed by the Mayor and confirmed by the City Council.

(B) All voting members of the Police Commission shall be residents of the City of Antioch.

(C) The Mayor and the City Council shall strive to appoint and confirm at least:

(a) one (1) representative from each of the four (4) councilmember voting districts of the City;

- (b) one (1) representative of the Antioch faith-based community;
- (c) one (1) representative of the Antioch business community; and
- (d) one (1) employee or student of the Antioch Unified School District.

(D) No one shall be excluded from the Police Commission because he or she has a criminal record.

(E) The following shall not be eligible to serve as a Police Commissioner:

- (a) current sworn police officer or his/her spouse;
- (b) current City employee or his/her spouse;
- (c) former Department sworn employee or his/her spouse; or
- (d) current or former employee, official, or representative of an employee association representing sworn police officers or his/her spouse.

(F) Commissioners shall not be issued and shall not display, wear, or carry badges that so resemble a peace officer's badge that an ordinary reasonable person would believe that Commissioners have the authority of a peace officer.

§ 4-3.104 TERMS OF OFFICE AND REMOVAL FROM OFFICE.

(A) The terms of office for all members of the Police Commission shall be three years, but the terms of not more than three (3) members shall expire in any one year. Therefore, when the initial seven (7) members are selected, two (2) commissioners shall be appointed to serve an initial one-year term, two (2) commissioners shall be appointed to serve an initial two-year term, and the remaining three (3) shall serve an initial three-year term. No members shall serve for more than two consecutive full terms. For this purpose, the initial one-year and two-year terms in this paragraph shall be considered full terms. The expiration date of all terms shall be November 30, but each member shall serve until his or her successor is duly appointed and qualified.

(B) A member may resign before the expiration of his or her term with written notification to the chairperson of the Police Commission and the Mayor.

(C) Members of the Police Commission shall serve at the pleasure of the City Council and may be removed from office by a majority vote of the Council.

(D) The Police Commission may recommend to the City Council that a member be removed for reasons including but not limited to:

- (a) misuse of position as a Police Commission member;

- (b) misuse of police-issued documents;
- (c) misconduct that impedes the member's ability to serve as an effective and impartial Police Commission member;
- (d) unexcused absences from at least three meetings in a one-year span of time;
- (e) violation of the Code of Ethics of the National Association for Civilian Oversight of Law Enforcement (NACOLE); or
- (f) conflict of interest.

(E) Upon receipt of notification of resignation or a Council vote of removal, the position shall be considered vacant and eligible for the Mayor to nominate a replacement commissioner for appointment with confirmation by the City Council. The replacement commissioner shall serve for the remainder of the term and be eligible for reappointment for one additional term.

§ 4-3.105 OFFICERS.

During January of each year, the Police Commission shall elect one of its members as chairperson and one as vice-chairperson who shall each hold office for one (1) year or until their respective successors are elected. After all Police Commission members have been appointed and confirmed, officers shall be elected no later than the second meeting of the Police Commission. No officer shall be eligible to serve more than two consecutive terms in the same office.

§ 4-3.106 MEETINGS.

(A) The Police Commission shall hold its first meeting within thirty days after all of its members have been appointed and confirmed. At the first meeting, the Police Commission shall set the time and date of regularly scheduled meetings, which shall occur at least twice each month, except during the months of July and December when regular meetings shall occur once per month. Regular meetings of the Police Commission shall be held at Antioch City Hall except for meetings held under section 4-3.060(B). The Police Commission shall notify the public of the time and place of its meetings and provide time for public comment at each meeting in compliance with the Brown Act.

(B) At least two meetings of the Police Commission each year shall be held at locations within the City of Antioch other than City Hall for the purpose increasing community engagement with the Police Commission. The Police Commission shall make a good faith effort to hold these meetings at public schools, youth centers, or community-based organizations within the City of Antioch.

(C) All Police Commission meetings are subject to the Brown Act.

(D) In the interest of upholding and modeling a positive relationship between the citizens of Antioch and the Antioch Police Department, the Antioch Chief of Police, or his or her designee, shall attend the beginning of all public meetings of the Police Commission and, as the first order of new business, be placed on the agenda to comment or report on any matters under consideration by the Police Commission.

§ 4-3.107 NO COMPENSATION.

Members of the Police Commission shall serve without compensation. However, the City Council may authorize the reimbursement of reasonable expenses incurred by the members in the performance of their duties.

§ 4-3.108 BUDGET.

The City shall provide the Police Commission with funding for general operating expenses, training, and continuing education for all Police Commissioners.

§ 4-3.109 TRAINING.

The City shall provide appropriate funding for introductory training of new Police Commission members as well as continuing education for all members. Training shall cover all of the following, but not be limited to:

- (A) The ordinance establishing the Police Commission;
- (B) National standards of constitutional policing;
- (C) Department operations, policies, procedures, practices, and programs;
- (D) Laws governing local public records and public meetings, confidentiality, police officer rights, arrestee rights, and excessive force; and
- (E) Police policies, practices, and procedures around stops, arrests, use of force, detention, large-scale protests, and marginalized communities.

§ 4-3.110 POWERS AND DUTIES.

To effectuate its purpose, the Police Commission shall, in compliance with the California Public Records Act (Gov. Code, §§ 6250 et seq.), Penal Code Sections 832.7 and 832.8; California Public Safety Officers Procedural Bill of Rights Act (Gov. Code, §§ 3300 et seq.), Government Code section 38630, Government Code section 37104, Penal Code section 832.7, and all other applicable state and federal law:

(A) Propose changes, at its discretion or upon receiving direction from the City Council, including modifications to the Police Department's proposed changes, to any policies or procedures of the Police Department that govern First Amendment assemblies, use of force, use of canines, use of de-escalation techniques on civilians, hate crimes, or biased-based policing including profiling based on any of the protected characteristics identified by federal, state, or local law. All such proposed changes and modifications shall be submitted to the City Council for approval or rejection.

(B) Recommend City Council approval or rejection of the Police Department's proposed changes to all policies and procedures of the Police Department that govern First Amendment assemblies, use of force, use of canines, use of de-escalation techniques with civilians, hate crimes, or biased-based policing including profiling based on any of the protected characteristics identified by federal, state, or local law.

(a) If the Police Commission recommends rejection of the proposed policy, the Police Department's proposed changes, notice of the Commission's rejection, and the reasons for rejection, together with the Police Department's proposed changes, shall be submitted to the City Council for review.

(b) If the Police Commission recommends approval of the Police Department's policy, the Police Department's proposed changes will proceed directly to the City Council for review.

(c) If the Police Commission does not approve or reject the Police Department's proposed changes within sixty (60) days of the Police Department's submission of the proposed changes to the Police Commission, the Police Department's proposed changes will proceed directly to the City Council for review.

(C) Review and comment on, at its discretion, any other policies, procedures, customs, and general orders of the Police Department. All such comments shall be submitted to the Chief of Police, the City Manager, and the City Attorney. The Chief of Police shall provide a written response to the Police Commission upon request.

(D) Review the City Council's proposed budget advise whether budgetary allocations for the Police Department are aligned with the Police Department's policies and procedures. The Police Commission shall conduct at least one public hearing on the Police Department budget per budget cycle and shall forward to the City Council any recommendations for change.

(E) Require the Chief of Police to submit an annual report to the Police Commission regarding such matters as the Police Commission shall require.

(F) Report at least once a year to the Mayor, the City Council, and to the public to the extent permissible by law, the information contained in the Chief's report in addition to such other matters as are relevant to the functions and duties of the Police Commission.

(G) Receive reports from the Police Department on publicly disclosable information concerning the status of civilian complaints. Develop a program for the mediation of civilian complaints, in coordination with the Chief of Police, the City Manager, and the City Attorney.

(H) Study, develop, and recommend community policing and alternative crime-prevention policies and strategies to the Chief of Police, City Manager, City Attorney, and City Council; assess and make recommendations regarding the role of social services in public safety, including but not limited to those related to mental health, alcohol and substance abuse, homelessness, juvenile justice, and education.

(I) Develop and recommend, in conjunction with the Chief of Police and the City Manager, educational programs regarding policing in Antioch and community outreach events, such as town hall meetings, forums to communicate information about neighborhood watch programs, and events designed to encourage safety and emergency preparedness.

(J) Request and review data from public records of the Antioch Police Department as needed to effectuate the Police Commission's powers and duties including data regarding police use of force; demographics of individuals stopped, searched, or arrested; demographics of Antioch Police Department officers and staff; and officer training and qualifications.

§ 4-3.111 PUBLIC REPORTS.

(A) The Police Commission shall draft and issue public reports regarding the issues described in section 4-3.100. An annual report may be in the form of an update from a previous year's report. The Police Commission may issue additional public reports as it deems appropriate.

(B) The Police Commission shall provide annual public reports to City Council, City Manager, and City Attorney on the Police Department's progress on Police Commission recommendations and other updates relevant to the mission of the Police Commission.

(C) All public reports shall omit or redact any confidential or privileged information as defined by State law.

SECTION 4. CEQA.

The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which provides that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it can be determined that the proposed project will not have a significant adverse effect on the environment, the project is not subject to CEQA. This Ordinance authorizes the City Council to create an Antioch Police

Oversight Commission and does not propose nor authorize any action or specific project that would have the potential to cause a significant adverse effect on the environment.

SECTION 5. Severability.

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable, or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 6. Publication; Effective Date.

This Ordinance shall take effect and be enforced within thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

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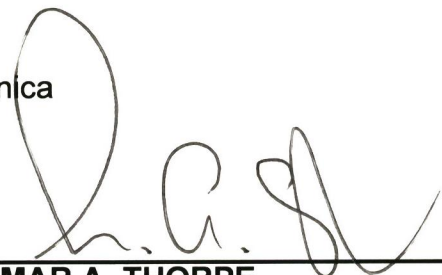
I **HEREBY CERTIFY** that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch held on the 10th day of May, 2022 and passed and adopted at a regular meeting thereof held on the 24th day of May, 2022, by the following vote:

AYES: Council Members District 1 Torres-Walker, District 4 Wilson, and Mayor Thorpe

NOES: Council Member District 3 Ogorchock

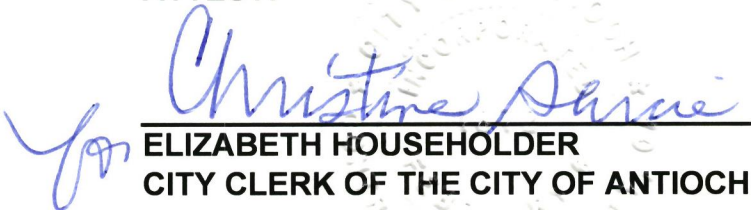
ABSTAIN: None

ABSENT: Mayor Pro Tem (District 2) Barbanica



LAMAR A. THORPE
MAYOR OF THE CITY OF ANTIOCH

ATTEST:


ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH

**CITY OF ANTIOCH
ANTIOCH POLICE OVERSIGHT COMMISSION
REGULAR MEETING**

**Regular Meeting
6:30 p.m.**

**March 18, 2024
City Council Chambers**

I. CALL TO ORDER AND ROLL CALL

City Clerk Householder called the meeting to order at 6:33 P.M. on Monday, March 18, 2024, in Council Chambers.

Present: Commissioners Lacey-Oha, Hadden, May, Spears, Taylor, Thurston and Williams

Staff: Acting City Manager, Kwame Reed
City Attorney, Thomas Lloyd Smith
City Clerk, Ellie Householder
Interim Police Chief, Brian Addington

II. PLEDGE OF ALLEGIANCE

City Clerk Householder led the Pledge of Allegiance.

On motion by Commissioner Thurston, seconded by Commissioner May, the Antioch Police Oversight Commission (APOC) unanimously amended the agenda and moved Agenda Item IV up as the next order of business.

IV. INTERIM POLICE CHIEF BRIAN ADDINGTON'S COMMENTS

Interim Police Chief Addington introduced himself, offered his support and invited Commissioners to participate in a ride-along with the Antioch Police Department (APD).

III. OPENING REMARKS BY MAYOR LAMAR A. HERNANDEZ-THORPE

Mayor Hernandez-Thorpe thanked APOC members for serving, provided opening remarks and discussed the importance of their role on the Commission. He recognized those serving honorably in the APD.

V. ELECTION OF A CHAIRPERSON

City Attorney Smith reviewed the role of the APOC Chairperson and the selection process.

Commissioners May, Taylor and Thurston expressed interest in being selected as the Chair and provided their basis for wanting to serve in that capacity.

The Commission received public comments from individuals who spoke on the election of the Chairperson for the APOC.

Discussion ensued regarding the nomination process. Commissioners May and Williams expressed support for the nomination of Commissioner Taylor as Chair, while Commissioners Hadden and Lacey-Oha supported the nomination of Commissioner Thurston for the same position.

After the discussion, City Clerk Householder facilitated a poll among the members of the APOC. The result of the poll was a vote of 6 to 1 in favor of selecting Commissioner Thurston as the Chair of the Commission.

Chairperson Thurston received the gavel and presided over the remainder of the meeting. He thanked the Commission for appointing him as Chair.

VI. ELECTION OF A VICE CHAIRPERSON

Commissioners Taylor and May expressed interest in being selected as the Vice Chair of the APOC.

The Commission received a public comment from an individual who spoke on the election of the Vice Chairperson for the APOC.

Commissioners May expressed support for the nomination of Commissioner Taylor as Vice Chair.

City Clerk Householder facilitated a poll among the members of the APOC. The result of the poll was a vote of 7 to 0 in favor of selecting Commissioner Taylor as the Vice Chair of the Commission.

Chairperson Thurston stated he looked forward to working with Commissioner Taylor as Vice Chair of the Commission.

VII. DETERMINATION OF THE DATE AND TIME OF REGULARLY SCHEDULED ANTIOCH POLICE OVERSIGHT COMMISSION MEETINGS

City Attorney Smith informed the APOC that staff was seeking guidance regarding the scheduling of regularly scheduled meetings.

Acting City Manager Reed asked the Commission to consider scheduling meetings on the first and third weeks of the month, to avoid possible scheduling conflicts with City Council meetings.

A motion was made by Commissioner Hadden and seconded to hold APOC meetings on the 1st and 3rd Mondays of the month.

Speaking to the motion, Commissioner Lacey-Oha commented regarding a conflict in her schedule, particularly her inability to attend meetings on Mondays until May. She added if Mondays were preferred by the Commission, she would determine how to proceed.

A substitute motion was made by Commissioner May, seconded by Commissioner Spear to hold APOC meetings at 6:30 P.M. on the 1st and 3rd Mondays of the month.

The Commission received public comment from individuals who spoke on the determination of the date and time of regularly scheduled APOC meetings and Roberts Rules of Order pertaining to public comment.

City Attorney Smith explained the process for the public comment period.

A vote taken on the substitute motion to hold APOC meetings at 6:30 P.M. on the 1st and 3rd Mondays of the month, unanimously passed.

VIII. OVERVIEW OF THE ANTIOCH POLICE OVERSIGHT COMMISSION'S PURPOSE

City Attorney Smith provided an overview of the APOC purpose.

The Commission received public comment from individuals who spoke on the purpose of the APOC.

IX. USE OF COMMISSIONER SPECIFIC EMAIL ADDRESS

Acting City Manager Reed and City Attorney Smith discussed the importance of Commissioners utilizing City issued email addresses for all communication with staff and the community on behalf of the APOC. They also reminded Commissioners that City email accounts were subject to public records requests.

X. PUBLIC COMMENTS

The Commission received general public comments from several individuals including Fred Brown Jr., Capresha Poole, Kathryn Wade, Tachina Garrett, Gavin Payton, NAACP Youth Council and Sara B.

XI. STAFF COMMUNICATIONS

Acting City Manager Reed announced that staff would be reaching out to Commissioners to get their preferences for name badges. He thanked the Commissioners for their commitment to the City and noted staff looked forward to working with them to improve the relationship between the community and APD.

XII. COMMISSION COMMUNICATIONS

Chairperson Thurston reminded Commissioners to complete their 700 forms and ethics training.

City Clerk Householder stated Commissioners with questions about filings or ethics training could email cityclerk@antiochca.gov for assistance.

Commissioner Hadden confirmed with City Clerk Householder that recently completed Ethic Training for another jurisdiction could be counted as completed for Antioch.

Commissioner May questioned if the Commissioners would be receiving business cards.

In response to Commissioner May, City Attorney Smith explained that the Commission operated under Robert's Rules of Order and he would direct members to the Antioch Municipal Code which contained rules of conduct for the Commission.

Commissioner Williams and Chairperson Thurston thanked the public for their participation this evening.

Commissioner Taylor congratulated Chairperson Thurston. She thanked the public for their input and discussed meeting the needs of the community.

Commissioner Spears thanked the Commission for their input. She congratulated Chairperson Thurston and Vice Chairperson Taylor and stated she looked forward to working with them.

Commissioner May thanked the public for their participation and the Commission for choosing to serve in this capacity. She congratulated Chairperson Thurston and Vice Chairperson Taylor.

Commissioner Lacey-Oha congratulated Vice Chairperson Taylor and Chairperson Thurston. She thanked the community for their attendance this evening.

Chairperson Thurston stated it was an honor to serve the Commission and community. He noted as a team they would resolve matters within the APD.

XIII. UPCOMING/ FUTURE AGENDA ITEMS

Chairperson Thurston announced the Commission would engage in a working session to discuss and determine agenda items for the upcoming Commission meeting.

Following discussion, the Commission created the following list of agenda items for future meetings:

- Presentation by Field Training Officers
- Internal Affairs Process
- Review of Hiring Processes (new and lateral officers) and Promotional Protocols
- APD Equity Training
- Community Participation in Oral Boards (new and lateral) and Promotions
- Use of Force Policy
- Officer Involved Shooting Protocols.
- Communication Dissemination to the Community
- Formation of Ad Hoc Committees
- Ongoing Training Types and Frequency
- Protocol for Use of APD Tactical Units
- Community Complaints and Resolution Process
- Presentation from Mental Health Crisis Response Team (AQCRT) and CORE Team
- APD Response to Crisis Calls
- APD Policy for Police Officer Mental Health
- Pier Support
- Officer Involved Shooting Protocols

Acting City Manager Reed encouraged the Commission to review the APD policy manual.

Following discussion, the Commission prioritized the following agenda items:

- Use of Force
- Complaint and Resolution Process
- Hiring Process
- Protocol for Tactical Unit

Chairperson Thurston stated that either he or Vice Chairperson Taylor would meet with staff to initiate the process of scheduling future agenda items.

XIV. NEXT MEETING DATE

Chairperson Thurston announced the next meeting would be held at 6:30 P.M. on April 1, 2024.

XV. ADJOURNMENT

On motion by Commissioner Williams, seconded by Commissioner Hadden the Antioch Police Oversight Commission unanimously adjourned at 9:31 P.M.

Kitty Eiden
KITTY EIDEN, Minutes Clerk



ANTIOCH POLICE DEPARTMENT

APRIL 1ST, 2024

#2
04-01-24

CAPTAIN VIGIL

Policy 300

Use of Force

835a PC

- Pain Compliance
- De-escalation
- Deadly Force
- Reporting

- Supervisory Responsibility
- Training

Policy 301

Handcuffing and Restraints

- Juveniles
- Handcuffs & Plastic Cuffs
- Auxiliary restraints

Policy 302

Control Devices and Techniques

- Baton
- Tear Gas
- Oleoresin Capsicum
- Pepper Projectile Systems
- Kinetic Energy Projectiles

- Treatment

- Training

Policy 303

Conducted Energy Weapons

- Warnings
- Use
 - People
 - Animals
- Reporting

Policy 304

Firearms

- Duty Weapons
- Off-duty weapons
- Qualifications
- Equipment

Policy 311

Canine

- Use
- Apprehension
- Article Search

- Reporting
- Selection
- Responsibilities
- General Care
- Equipment
- Training



ANTIOCH POLICE DEPARTMENT

APRIL 1ST, 2024

#3

04-01-24

CHIEF ADDINGTON

- Personnel Complaints
- Policy 1011
- How we receive complaints
- Allegations of criminal misconduct
- IA Pro/Blue Team

CHIEF ADDINGTON

- **Supervisor Responsibilities**
- **The Internal Affairs Process**
- **Police Officer Bill of Rights (POBR)**
- **Statute of Limitations**
- **Administrative Leave**

CHIEF ADDINGTON

- Findings
 - Sustained
 - Not Sustained
 - Exonerated
 - Unfounded
- SB2 – Publicly Available Records of Discipline
- POST Reporting and POST's Role in the Process
- Brady Notification



Presentation April 2024

ANTIOCH POLICE OVERSIGHT COMMISSION

Powers and Duties



POWERS AND DUTIES: CORE AREAS OF OVERSIGHT

Ordinance § 4-3.110 POWERS AND DUTIES.

(A) Propose changes including modifications to the Police Department's proposed changes, to any policies or procedures of the Police Department that govern **First Amendment assemblies, use of force, use of canines, use of de-escalation techniques on civilians, hate crimes, or bias-based policing** including profiling based on any of the protected characteristics identified by federal, state, or local law. All such proposed changes and modifications shall be submitted to the City Council for approval or rejection.

POWERS AND DUTIES: CORE AREAS OF OVERSIGHT

Ordinance § 4-3.110 POWERS AND DUTIES.

(B) Recommend City Council approval or rejection of the Police Department's proposed changes to all policies and procedures of the Police Department that govern **First Amendment assemblies, use of force, use of canines, use of de-escalation techniques with civilians, hate crimes, or bias-based policing** including profiling based on any of the protected characteristics identified by federal, state, or local law.

POWERS AND DUTIES: FIRST AMENDMENT ASSEMBLIES

The First Amendment, United States Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging** the freedom of speech, or of the press; or **the right of the people peaceably to assemble**, and to petition the Government for a redress of grievances.



POWERS AND DUTIES: FIRST AMENDMENT ASSEMBLIES

First Amendment Assemblies (APD Policy 412)

- **412.1 PURPOSE AND SCOPE:** Provides guidance for responding to **public assemblies or demonstrations.**
- **412.2 POLICY:** APD respects the rights of people to **peaceably assemble.** It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

POWERS AND DUTIES: FIRST AMENDMENT ASSEMBLIES

First Amendment Assemblies (APD Policy 412)

- **412.1** PURPOSE AND SCOPE
- **412.2** POLICY
- **412.3** GENERAL CONSIDERATIONS
- **412.4** UNPLANNED EVENTS
- **412.5** PLANNED EVENT PREPARATION
- **412.6** UNLAWFUL ASSEMBLY DISPERSAL ORDERS
- **412.7** USE OF FORCE
- **412.8** ARRESTS
- **412.9** MEDIA RELATIONS
- **412.10** DEMOBILIZATION
- **412.11** POST EVENT
- **412.12** LABOR DISPUTES
- **412.13** TRAINING

POWERS AND DUTIES: USE OF FORCE

Use of Force (APD Policy 300)

- This policy provides guidelines on the **reasonable use of force**. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).
- In addition to those methods, techniques, and tools set forth below, **the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force**, including but not limited to the Control Devices and Techniques and Conducted Electrical Weapon policies.

POWERS AND DUTIES: USE OF FORCE

Use of Force (APD Policy 300)

- **APD Policy 301:** Handcuffing and Restraints
- **APD Policy 302:** Control Devices and Techniques
- **APD Policy 303:** Conducted Energy Weapons
- **APD Policy 304:** Firearms
- **APD Policy 305:** Officer-Involved Critical Incident
- **APD Policy 306:** Vehicle Pursuits
- **APD Policy 307:** Foot Pursuits
- **APD Policy 308:** Search and Seizure
- **APD Policy 309:** Major Incident Notification
- **APD Policy 310:** Special Weapons and Tactics (SWAT) & Crisis Negotiation Team (CNT)
- **APD Policy 311:** Canine

POWERS AND DUTIES: USE OF DE-ESCALATION TECHNIQUES

APD Policy

300.3.1 DE-ESCALATION REQUIREMENT (Use of Force)

Officers shall, when feasible and while considering officer and public safety, employ de-escalation techniques to decrease the likelihood of the need to use force during an incident and to increase the likelihood of voluntary compliance and/or peaceful resolution.

POWERS AND DUTIES: USE OF DE-ESCALATION TECHNIQUES

APD Policy

414.5 DE-ESCALATION (Crisis Intervention Incidents)

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.

POWERS AND DUTIES: USE OF DE-ESCALATION TECHNIQUES

APD Policy

414.5 DE-ESCALATION (Crisis Intervention Incidents)

- Speak and move slowly and in a non-threatening manner.
- Use phrases such as "I want to get you help," to demonstrate intent.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

POWERS AND DUTIES: USE OF DE-ESCALATION TECHNIQUES

APD Policy

- **300.3.1** DE-ESCALATION REQUIREMENT (Use of Force)
- **300.3.4** ALTERNATIVE TACTICS - DE-ESCALATION (Use of Force)
- **300.8** TRAINING (Use of Force)
- **303.9(f)** TRAINING (Conducted Electrical Weapons)
- **413.3(a)** GENERAL CONSIDERATIONS (Civil Disputes)
- **414.4(b)** FIRST RESPONDERS (Crisis Intervention Incidents)
- **414.5** DE-ESCALATION (Crisis Intervention Incidents)
- **415.4(c)** CONSIDERATIONS AND RESPONSIBILITIES (Mental Illness Commitments)

POWERS AND DUTIES: HATE CRIMES

Hate Crimes (Policy 603)

- “Hate crime” includes but is not limited to a violation of Penal Code § 422.6, and means a **criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim: (a) Disability (b) Gender (c) Nationality (d) Race or ethnicity (e) Religion (f) Sexual orientation (g) Association with a person or group with one or more of these actual or perceived characteristics:** 1. “Association with a person or group with these actual or perceived characteristics” includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of “hate crime” under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).
- Note: A “hate crime” need not be motivated by hate but may be motivated by any bias against a protected characteristic.

POWERS AND DUTIES: HATE CRIMES

Hate Crimes (Policy 603)

603.2 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling **crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics**, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Antioch Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6).

POWERS AND DUTIES: HATE CRIMES

Hate Crimes (APD Policy 603)

- 603.1 POLICY
- 603.2 PURPOSE AND SCOPE
- 603.3 PLANNING AND PREVENTION
- 603.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP
- 603.5 RELEASE OF INFORMATION
- 603.6 TRAINING

POWERS AND DUTIES: BIAS-BASED POLICING

Bias-Based Policing (Policy 401)

401.1.1 DEFINITIONS

Bias-based policing - An inappropriate reliance on characteristics such as **race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group** (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4).

POWERS AND DUTIES: BIAS-BASED POLICING

Bias-Based Policing (Policy 401)

401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Antioch Police Department's commitment to **policing that is fair and objective**. Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

POWERS AND DUTIES: BIAS-BASED POLICING

Bias-Based Policing (Policy 401)

- 401.1 PURPOSE AND SCOPE
- 401.2 POLICY
- 401.3 BIAS-BASED PROFILING PROHIBITED
- 401.4 MEMBER RESPONSIBILITY
- 401.5 SUPERVISOR RESPONSIBILITY
- 401.6 TRAINING
- 401.7 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

POWERS AND DUTIES: OTHER AREAS OF OVERSIGHT

Ordinance § 4-3.110 POWERS AND DUTIES.

(C) Review and comment on, at its discretion, any other policies, procedures, customs, and general orders of the Police Department. All such comments shall be submitted to the Chief of Police, the City Manager, and the City Attorney. The Chief of Police shall provide a written response to the Police Commission upon request.

POWERS AND DUTIES: ANTIOCH POLICE DEPARTMENT BUDGET

Ordinance § 4-3.110 POWERS AND DUTIES.

(D) Review the City Council's proposed budget and **advise** whether budgetary allocations for the Police Department are aligned with the Police Department's policies and procedures. The Police Commission shall **conduct at least one public hearing on the Police Department budget per budget cycle** and shall **forward to the City Council any recommendations for change.**

POWERS AND DUTIES: REQUIRED REPORTING

Ordinance § 4-3.110 POWERS AND DUTIES.


(E) Require the Chief of Police to submit an annual report to the Police Commission regarding such matters as the Police Commission shall require.

(F) Report at least once a year to the Mayor, the City Council, and to the public to the extent permissible by law, the information contained in the Chief's report in addition to such other matters as are relevant to the functions and duties of the Police Commission.

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CALIFORNIA
OPPORTUNITY LIVES HERE

THANK YOU

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