



**REGULAR MEETING AGENDA OF THE ANTIOCH CITY COUNCIL
MEETING AS THE POLICE OVERSIGHT STANDING COMMITTEE
COUNCIL CHAMBERS, 200 H STREET, ANTIOCH, CA 94531
TUESDAY, JANUARY, 25, 2022 AT 4:00PM**

In February of 2021, the Antioch City Council convened a special meeting to consider several dimensions of Police Reform. On April 13, 2021, the City Council then established the Police Reform Standing Committee of the Whole City Council, subsequently renamed the Police Oversight Standing Committee.

The City of Antioch Police Oversight Standing Committee is an entity intended to operate on an interim basis prior to the formation of an independent review body. Responsibilities of the Police Oversight Standing Committee are defined by Antioch City Council Resolution No. 2021/67 and are described as follows:

- 1) To review and recommend modifications to Antioch Police Department policy that integrate community input and expertise.
- 2) To review and audit on duty police officer complaints and the resolution of said complaints.
- 3) To review Antioch Police Department use of force policies and provide community updates.
- 4) To guide the future formation of an Antioch Police Department Civilian Oversight Commission for On Duty Officer Complaints.

Notice of Opportunity to Address the Standing Committee

Members of the public wishing to provide public comment may do so in the following ways:

- 1) **In Person**. Fill out a Speaker Request Form, available near the entrance doors, and place in the Speaker Card Tray near the City Clerk before the City Council Meeting begins.
- 2) **Via Written Public Comment**. Written comments may be submitted electronically by the deadline of 3PM the day of the meeting to policeoversight@antiochca.gov. All comments received by the deadline will be provided to the Police Oversight Standing Committee. Please indicate the agenda item and title in your email subject line.
- 3) **By Virtual Appearance**. Oral comments can be submitted to the Police Reform Oversight Committee during the meeting with advance registration. You may register and attend the webinar by visiting https://us02web.zoom.us/webinar/register/WN_g-wKBOqtSYWzt-kJ89bXYw

- You will be asked to enter an email address and a name. Your email address will not be disclosed to the public. After registering, you will receive an email with instructions on how to connect to the meeting.
- When the public comments are announced, click the "raise hand" feature in Zoom. For instructions on using the "raise hand" feature in Zoom, visit: https://www.antiochca.gov/raise_hand.
- When calling into the meeting using the Zoom Webinar telephone number, press *9 on your telephone keypad to "raise your hand". Please ensure your Zoom client is updated so staff can enable your microphone when it is your turn to speak.

Please be advised that the City cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the Standing Committee receives your comments, you are strongly encouraged to submit your comments in writing in advance of the meeting.

After hearing from the public, the agenda item will be closed. Deliberations will then be limited to members of the Standing Committee.

Notice of Availability of Reports

This agenda is a summary of the discussion items/actions proposed to be taken by the Standing Committee. The Agenda, including Staff Reports, will be posted on the City's Website. To view the agenda information, please visit <https://www.antiochca.gov/government/agendas-and-minutes/posc/>

CHAIR Monica E. Wilson, Council Member - D4

VICE CHAIR Lori Ogorchock, Council Member - D3

Tamisha Torres Walker, Council Member - D1

Lamar A. Thorpe, Mayor

Michael Barbanica, Mayor Pro Tem - D2

Cornelius H. Johnson, Interim City Manager

Thomas Lloyd Smith, City Attorney

1. ROLL CALL

2. PUBLIC COMMENTS ON UNAGENDIZED ITEMS

3. POLICE OVERSIGHT STANDING COMMITTEE MINUTES OF NOVEMBER 23, 2021

Recommended Action: Motion to approve the minutes.

4. REVIEW AND DISCUSS PROCESS FOR CIVILIAN COMPLAINTS OF ON DUTY POLICE OFFICERS

Recommended Action: It is recommended that the Police Oversight Standing Committee receive the presentation by Antioch Police Department and provide direction to staff.

5. FUTURE AGENDA TOPICS

Recommended Action: It is recommended that the Police Oversight Standing Committee motion to establish the meeting topic/s as proposed.

- 6. ADJOURNMENT:** *Committee Member will make a motion to adjourn the meeting. A second of the motion is required, and then a majority vote is required to adjourn the meeting.*

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 email 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 at (925) 779-6950 or via e-mail: publicworks@ci.antioch.ca.us.

CITY OF
ANTIOCH
CALIFORNIA

SPECIAL MEETING MINUTES
ANTIOCH CITY COUNCIL MEETING AS
THE POLICE OVERSIGHT STANDING COMMITTEE
TUESDAY, NOVEMBER 23, 2021, AT 5:00 P.M.

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held the Police Oversight Standing Committee meeting live stream (at www.antiochca.gov/). The Police Oversight Standing Committee meeting was conducted utilizing Zoom Audio/Video Technology.

1. ROLL CALL

The meeting was called to order at 5:00 p.m.

Present: Mayor Pro Tem (District 4) / Chair Wilson, Council Member/Vice Chair (District 3) Ogorchock, Council Member (District 1) Torres-Walker and Council Member (District 2) Barbanica.

Absent: Mayor Thorpe

Staff: City Manager Ron Bernal
Assistant City Manager Rosanna Bayon Moore
City Attorney Thomas Lloyd Smith
Interim Police Chief Anthony Morefield

2. PUBLIC COMMENT ON UNAGENDIZED ITEMS

No public comment.

3. APPROVAL OF POLICE STANDING COMMITTEE MINUTES OF OCTOBER 26, 2021

Motion to approve by Council Member / Vice Chair Ogorchock and seconded by Council Member Barbanica to approve minutes of October 26, 2021

Roll Call Vote:

Ayes: Torres-Walker, Wilson, Barbanica, Ogorchock

Noes: None

Absent: Thorpe

Motion carries.

4. REVIEW AND DISCUSS POLICE CHIEF RECRUITMENT AND HIRING PROCESS

Comments were entered into record by the following:

Harry Thurston provided oral comment.

Motion by Council Member Barbanica to approve the policy set by City Manager Bernal. This was seconded by Council Member / Vice Chair Ogorchock

Roll Call Vote:

Ayes: Barbanica, Ogorchock

Noes: Wilson, Torres-Walker

Absent: Thorpe

Motion fails.

5. FORMATION OF ANTIOCH POLICE OVERSIGHT COMMISSION

Comments were entered into record by the following:

Harry Thurston provided oral comment.

Motion by Council Member / Vice Chair Ogorchock to not pursue the formation of a Police Oversight Commission. This was seconded by Council Member Barbanica.

Roll Call Vote:

Ayes: Barbanica, Ogorchock

Noes: Wilson, Torres-Walker

Absent: Thorpe

Motion fails.

6. FUTURE AGENDA TOPICS

Council Member Torres-Walker – Routing of civilian complaints to the City Attorney's office

Council Member Torres-Walker – Municipal Code review of the Police Chief

appointment process to include the City Council

Council Member Wilson – Review, audit, and resolution of complaints of on-duty Police Officers

7. ADJOURNMENT

On motion by Council Member / Vice Chair Ogorchock seconded by Council Member Barbanica, the Standing Committee unanimously adjourned the meeting at approximately 5:04 p.m.



Antioch Police Department Internal Affairs

Acting Lieutenant Gary
Lowther #4032



Policy of the Antioch Police Department

- The Antioch Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.
- It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

Personnel Complaint Categories

Internal Investigation

- Alleged misconduct or improper job performance of any employee of the Police Department that is reported by a member of the Police Department.

Citizen Complaint

- Alleged misconduct or improper job performance of any employee of the Police Department that is reported by a member of the public.

Findings

- **Unfounded**: The investigation clearly established the allegation was not true.
- **Exonerated**: The acts which were the basis of the complaint occurred, but were justified, lawful, and proper.
- **Sustained**: The investigation disclosed sufficient evidence to clearly prove the allegation made in the complaint.
- **Not Sustained**: The investigation disclosed insufficient evidence to clearly prove or disprove the allegation.
- **No Finding**: The complainant failed to disclose promised information to further the complaint.
- **Withdrawn**: The complainant affirmatively indicates the desire to withdraw their complaint.

Internal Investigation

- Any member (sworn or non-sworn) of the Police Department can initiate an allegation of misconduct or improper job performance of another employee.
- The allegation is documented in a memorandum and forwarded through the chain of command.
- The Chief of Police determines who will have responsibility over the investigation. (immediate supervisor, internal affairs, contracted outside investigator)
- The completed investigation is reviewed through the chain of command. The Chief of Police determines the final disposition, finding(s), and any disciplinary action.

Internal Investigation Laws

Government Code 3303

- Public Safety Officers Procedural Bill Of Rights (POBR).
- AB 301 Rights and Obligations

Government Code 3304

- Agency has 1-year to complete the investigation and initiate discipline from the date the department became aware of the allegation.

Lybarger Admonition.

- An order to answer questions and cooperate during an administrative investigation. Refusal results in discipline. Statements are not admissible in a criminal proceeding if the allegations are criminal in nature.

Citizen Complaint

- Initiated by any member of the public alleging misconduct or improper job performance that, if true, would constitute a violation of Department Policy, Federal Law, or State Law.
- All complaints are courteously accepted by any department member and promptly given to the appropriate supervisor.

How Complaints Are Received

- In person at the Antioch Police Department
- Phone
- Email
- Mail
- Fax
- Police Department Website

Availability of Complaint Forms

- Personnel complaint forms are accessible to the public and clearly visible in the front lobby of the Antioch Police Department.
- Personnel complaint forms are available on the Antioch Police Department website and can be submitted electronically.
- The website also contains a direct phone number and email address to the Internal Affairs Unit.



Citizen Complaint Investigation

- Formal complaint is routed through the office of the Chief of Police.
- The complaint is entered in a computer database and assigned a case number.
- Depending on the nature of the allegation, the investigation will be assigned to either:
 - Supervisor of the employee
 - Internal Affairs Unit
 - Contracted Outside Investigator



Citizen Complaint Investigation

- A thorough and detailed investigation is conducted which includes evidence collection and interviews.
- The investigation must be completed within one year of the date the Police Department became aware of the allegation. (Government Code 3304).
- The completed investigation is forwarded through the chain of command.
- The Chief of Police confirms the final disposition, findings of the case, and issues corrective action.

Post Investigation

- Per California Penal Code 832.7(e)
 - The Police Department shall ensure that the complainant is provided written notification of the disposition within 30 days of the final disposition.
- The investigation is retained pursuant to the Antioch Police Department Records Retention Policy.

Transparency

SB 1421

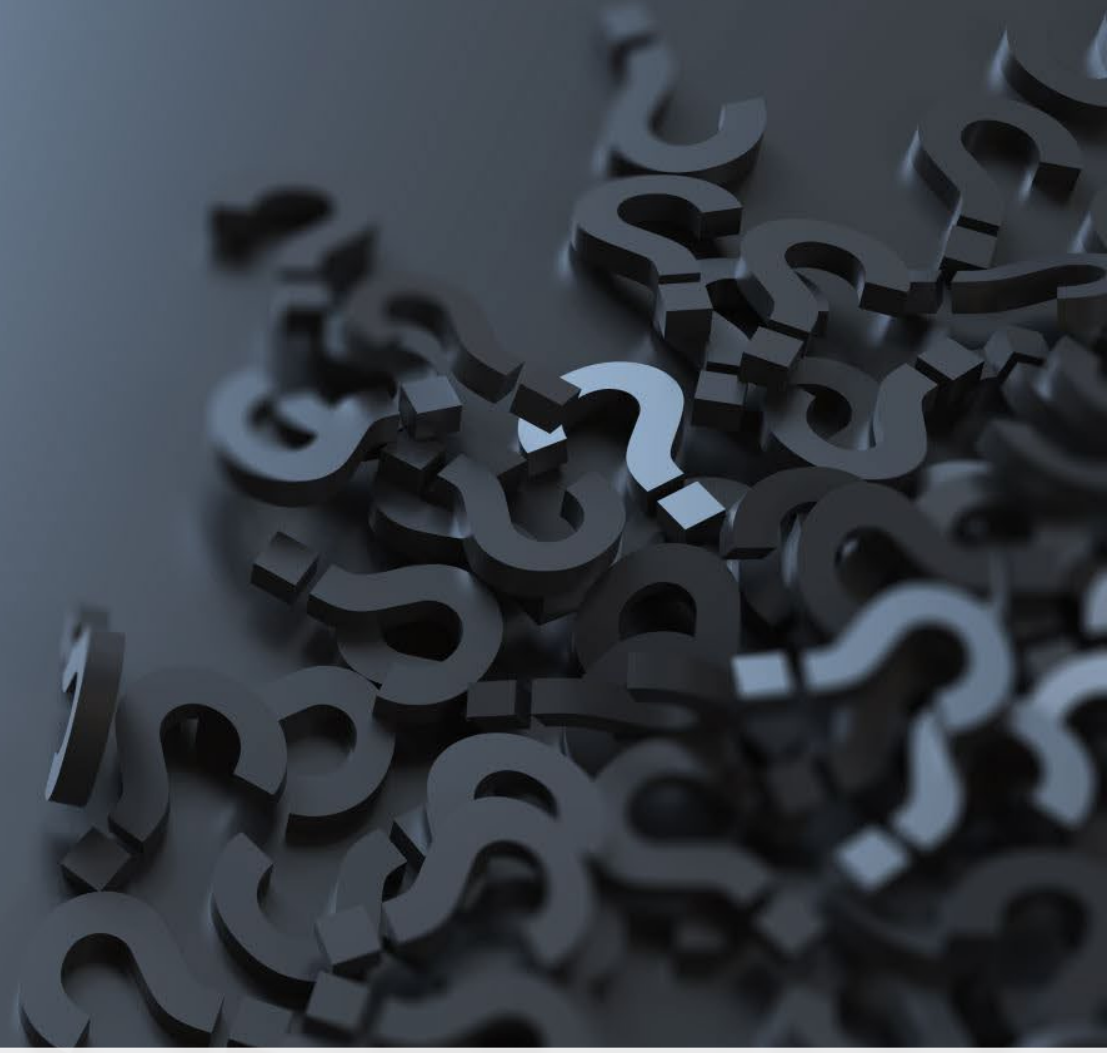
- Requires public disclosure of investigations with sustained findings of:
 - Dishonesty
 - Perjury
 - Use of force that results in great bodily injury or death
 - Sexual assault
 - Discharge of a firearm at a person.

Transparency

- SB 16
 - Requires public disclosure of investigations with sustained findings of:
 - Unreasonable or Excessive use of force
 - Failing to intervene against another officer using excessive or unreasonable force
 - Unlawful arrest
 - Unlawful searches

Transparency

- In our commitment to transparency the Antioch Police Department uploads all applicable SB 1421 and SB 16 records to our NextRequest portal allowing unfettered access to the public to view these records without making a request.



Questions