



**REGULAR MEETING AGENDA OF THE ANTIOCH CITY COUNCIL
MEETING AS THE POLICE OVERSIGHT STANDING COMMITTEE
COUNCIL CHAMBERS, 200 H STREET, ANTIOCH, CA 94531
TUESDAY, MARCH 22, 2022 AT 4:30PM**

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_UnFjKW0eTYyMJqvLLYk51w

- 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 JANUARY 25, 2022

Recommended Action: Motion to approve the minutes.

4. REVIEW AND DISCUSS ASSEMBLY BILL (AB) 481 – MILITARY EQUIPMENT USE

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

5. REVIEW AND DISCUSS FORMATION OF THE ANTIOCH POLICE OVERSIGHT COMMISSION - SUMMARY OF CONTENT FOR A DRAFT ORDINANCE FORMATION OF A CIVILIAN POLICE OVERSIGHT BODY

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

6. FUTURE AGENDA TOPICS

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

7. 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.

**SPECIAL MEETING ANTIOCH CITY COUNCIL
SPECIAL MEETING MINUTES
POLICE OVERSIGHT STANDING COMMITTEE
COUNCIL MEMBERS TORRES-WALKER AND OGORCHOCK
TUESDAY, JANUARY 25, 2022, AT 4:00 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.

ITEM 1. ROLL CALL

Meeting is called to order at 4:00 p.m.

Present: Council Member (District 4)/Chair Wilson, Council Member/Vice Chair (District 3) Ogorchock, Mayor Thorpe, Council Member (District 1) Torres-Walker, City Clerk, Ellie Householder. Mayor Pro Tem/Council Member (District 2) Barbanica absent.

Staff: Interim City Manager Cornelius Johnson
Assistant City Manager Rosanna Bayon Moore
City Attorney Thomas Lloyd Smith
Captain Trevor Schnitzius
Acting Lieutenant Lowther

ITEM 2. PUBLIC COMMENT ON UNAGENDIZED ITEMS

No public comment.

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

Motion by Council Member/Vice Chair Ogorchock and seconded by Mayor Thorpe to approve minutes of November 23, 2021.

Roll Call Vote:

Ayes: Thorpe, Torres-Walker, Wilson, Ogorchock

Noes: None

Motion carries.

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

Presentation by Acting Lieutenant Lowther

Arrival of Mayor Pro Tem Barbanica at 4:45 p.m.

Recommended Action: Attorney Lloyd Smith will pursue discussions with City Council, Interim Chief Morefield, and Human Resources on a second avenue for complaints and development of processes and procedures.

ITEM 5. FUTURE AGENDA ITEMS

Council Member Torres-Walker – Hiring of Police Chief
Council Member Torres-Walker – Civilian Oversight Body

Mayor Thorpe - Finish reforms started: 1. Oversight Board, 2. Investigations with outside counsel, 3. Police Chief hiring, 4. Training framework.

ADJOURNMENT

On motion by Council Member/Vice-Chair Ogorchock seconded by Council Member Torres-Walker, the Standing Committee unanimously adjourned the meeting at approximately 4:55 p.m.

**STAFF REPORT TO THE CITY COUNCIL MEETING AS
THE POLICE OVERSIGHT STANDING COMMITTEE**

DATE: Meeting of March 22, 2022

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Joseph Vigil, Police Lieutenant

APPROVED BY: Anthony Morefield, Interim Chief of Police *AmA3320*

SUBJECT: Assembly Bill 481 - Military Equipment Use

RECOMMENDED ACTION

It is recommended that the City Council review and provide feedback on the report and attached Military Equipment policy.

FISCAL IMPACT

There is no fiscal impact in accepting this report.

DISCUSSION

Assembly Bill 481 (AB 481), approved on September 30, 2021, by Governor Gavin Newsom (codified as Chapter 12.8 of the California Government Code and commencing with section 7070 et seq.), requires all local law enforcement agencies obtain approval from the applicable governing body (City Council) via adoption of a “military equipment” use policy by ordinance prior to requesting, seeking funding, acquiring, collaborating with other jurisdictions about the deployment of military equipment, or using military equipment.

The term “military equipment”, as used in AB 481, does not necessarily indicate equipment used by the military. Items deemed to be “military equipment” include but are not limited to, unmanned aerial systems (UAS), armored vehicles, command and control vehicles, specialized firearms and ammunition, kinetic energy weapons and munitions, and noise-flash diversionary devices. Many of the items listed as “military equipment” by AB 481 are in wide use by law enforcement agencies across the country as best practices to enhance community and officer safety.

The Police Department contracts with a company called Lexipol which designs (web based) policy manuals and training for law enforcement agencies all over the United States. Lexipol further provides a full library of customizable, state-specific law

enforcement policies that are updated in response to new state and federal laws and court decisions. The (attached) Military Equipment policy (706) was drafted in Lexipol and adheres to California Government section 7070 et seq with respect to the approval, acquisition, and reporting requirements of military equipment and is consistent with industry best practices.

In addition to the policy obligations, Assembly Bill 481 requires the City to:

- Publish the draft military equipment use policy to the Police Department's website 30 days ahead of a public hearing to approve the policy.
- Publish an annual report to include each type of military equipment approved by City Council.
- Hold at least one well-publicized and conveniently located community engagement meeting within 30 days of submitting and publicly releasing the annual military equipment report.
- Have the Police Department present an annual report concerning military equipment use to the City Council.

ATTACHMENTS

- A. APD Military Equipment Policy 706
- B. Military Equipment Inventory

Military Equipment

706.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

706.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the [Department/Office].

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Antioch Police Department

Antioch PD Policy Manual

Military Equipment

706.2 POLICY

It is the policy of the Antioch Police Department that members of this [department/office] comply with the provisions of Government Code § 7071 with respect to military equipment.

706.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this [department/office] to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying [department/office] equipment that qualifies as military equipment in the current possession of the [Department/Office], or the equipment the [Department/Office] intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Antioch Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the [department/office]'s funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the [department/office] website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the [Department/Office] will respond in a timely manner.

706.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the [Department/Office]:

[Insert attachment here]

706.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the [department/office] website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

Antioch Police Department

Antioch PD Policy Manual

Military Equipment

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this [department/office].
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

706.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with their policy.

706.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the [department/office] website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in [department/office] inventory.

706.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the [Department/Office] shall hold at least one well-publicized and conveniently located community engagement meeting, at which the [Department/Office] should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

MILITARY USE EQUIPMENT

1. Wheeled Armored Vehicle

A. Description, quantity, capabilities, and purchase cost

- a. International, NAVSTAR, MAXXPRO M1224, Cost \$658,000 (received from military at no cost). Quantity 1.

The MAXXPRO is an armored vehicle that seats 6-10 people and has an open floor plan to aid in rescuing people. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of a shield and personal body armor. The MAXXPRO has increased ground clearance and a heavy duty suspension which allows an emergency response for a number of situations.

B. Purpose

To be used in response to critical incidents to enhance officer and community safety, improve scene containment and stabilization, and assist in resolving critical incidents.

C. Authorized Use

The use of the MAXXPRO shall only be authorized by an appropriate supervisor or the SWAT commander, based on the specific circumstances of a given critical incident. The MAXXPRO will only be used by officers properly trained in its deployment and in a manner consistent with Antioch Police Policy and training.

D. Expected Lifespan

25 years

E. Fiscal Impact

Annual maintenance cost of approx. \$2000

F. Training

All drivers of the MAXXPRO shall attend formalized instruction and be trained in the operations and driving of this vehicle.

G. Legal and Procedural Rules

Use and procedures regarding this vehicle are contained in Policy 310 & 702.

2. Command and Control Vehicle

A. Description, quantity, capabilities, and purchase cost

- a. 2008 Chevrolet Kodiak 5500Box Truck (custom built) vehicle, cost \$235,000. Quantity 1

A vehicle used as a mobile office that provides shelter, access to department computer systems, and restroom facilities on extended events. Referred to as a Crisis Negotiation Team Vehicle (CNT).

B. Purpose

To be used for critical incidents.

C. Authorized use

The CNT vehicle is to be used by department personnel assigned to the CNT team. Operators of the vehicle will be trained in its operation and handling of the vehicle. All drivers of the vehicle will have a valid driver's license.

D. Expected Lifespan

The CNT vehicle has a 20 year lifespan.

E. Fiscal Impact

Annual maintenance cost of approx. \$2000.

F. Training

Driver's will complete a closed course training block of instruction annually.

G. Legal and Procedural Rules

Driver's will adhere to the rules of the road as stated in California State law and Policy section 702.

3. Unmanned Aircraft Systems (UAS)

A. Description, quantity, capabilities, and purchase cost

- a. DJI Mavic 2 Enterprise Advanced, cost \$6,500 each. Quantity 6
UAS that weighs approx. 907 grams and can record video and capture photos. Has lights and speakers and a thermal camera.
- b. DJI Mavic 2 Dual, cost \$ 3,350 each. Quantity 2
UAS that weighs approx. 900 grams and can record video and take pictures. Has a thermal camera, lights, and speaker.
- c. DJI Mavic Enterprise Zoom, cost \$1,500 each. Quantity 5
UAS that weighs 900 grams and can record video and take photos. Has lights, a speaker, and can track flight paths.
- d. DJI Air 2, cost \$800 each. Quantity 4
UAS that weighs approx. 570 grams and can record videos and take pictures.
- e. DJI Mavic Air, cost \$500 each. Quantity 6
UAS that weighs 430 grams and can record video and take pictures.
- f. DJI Mini 2, cost \$450 each. Quantity 2
UAS that weighs 249 grams and can record video and take pictures. Can track flight paths.

B. Purpose

To be used when its views and functions can assist officers with the following situations:

- a. Major collision investigations
- b. Searching for missing persons
- c. Natural disaster management
- d. Crime scene documentation
- e. SWAT, tactical, CNT, or other public safety and life preservation situations
- f. In response to requests from local, state, or federal fire personnel in response to fire evacuation, prevention, or response.

C. Authorized use

Only assigned operators who have completed the required training shall be permitted to operate APD UAS, defined by policy section 341.

D. Expected Lifespan

UAS' have a lifespan of 2-3 years depending on usage.

E. Fiscal Impact

Annual maintenance and battery replacement cost is approx. \$7,500.00.

F. Training

All UAS operators are licensed by the Federal Aviation Administration for UAS operation. Operators must also attend POST certified classes in UAS operation.

G. Legal and Procedural Rules

Use established under policy 341 and FAA Regulation 14 CFR Part 107.

4. Specialized Firearms and Ammunition

A. Description, quantity, capabilities, and purchase cost

A. Colt AR-15 rifle, Cost \$1,400 each. Quantity 41

B. M4 AR-15 rifle, Cost \$1,400 each. Quantity 6

C. Colt Commando SB (short barrel) rifle, Cost \$1,250 each. Quantity 4

The above listed rifles are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over long distances. They are more powerful and accurate than a pistol, light weight, air cooled, gas operated, and magazine fed. There is no expiration dates, as the rifles can be serviced and replaced depending on the failure. The listed rifles are lethal options designed to stop violent encounters. They give the operator the ability to penetrate soft body armor being worn by an individual.

D. H&K UMP, Cost \$1,500 each. Quantity 5

The UMP is a lightweight and compact firearm designed to give officers better control inside confined spaces within structures and more accuracy than a standard issue pistol.

E. Remington 700 bolt action rifle, Cost \$2,000 each. Quantity 5

The Remington 700 is a long barreled bolt action rifle. It has a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over long distances. They are more powerful and accurate than a pistol and standard rifle. The 700 is a precision rifle used for stopping an armed individual at a safe distance. The 700 rifle gives the operator the ability to penetrate body armor as well as objects if need be.

F. Federal brand .223 caliber rifle ammunition, Cost \$300/ case. Quantity 42 cases.

Federal brand .223 ammunition is the primary ammunition used in all AR-15 based rifles. It is also used in training.

G. Ruag brand .308 caliber rifle ammunition, Cost \$ 620/case. Quantity 13 cases.

Ruag brand .308 ammunition is the primary ammunition used in the Remington 700 bolt action rifle. The department utilizes two types of Ruag ammunition, one for training/target and the other for duty.

B. Purpose

To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

C. Authorized use

Only members that are POST certified are authorized to use a rifle.

D. Expected Lifespan

Rifles – No expiration

Ammunition – No expiration

E. Fiscal Impact

Annual maintenance is approx. \$50 for each rifle.

F. Training

In order to use a rifle, officers must attend a POST certified rifle course or the FBI certified rifle course.

G. Legal and Procedural Rules

It is the policy of the Antioch Police Department to utilize Specialized Firearms for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force and Policy 300.

5. Projectile Launch Platforms and Projectiles

A. Description, quantity, capabilities, and purchase cost

a. Penn Arms Model L140-4, Cost \$900 each. Quantity 15.

The L140-4 is a 40mm compact single-shot break-open frame launcher with a rifled barrel and folding stock. This launcher has a double-action trigger, trigger lock push button and hammer lock safeties. Designed for deploying less lethal projectiles.

b. Projectiles

i. CTS direct impact sponge round, Cost \$ 35.00 each. Quantity 75

Lightweight plastic and foam projectile.

ii. CTS Frangible CS round, Cost \$ 30.00. Quantity 40

Crushable foam projectile which contains a small amount of OC irritant.

iii. CTS Ferrett round, Cost \$ 21.00, Quantity 110

Hard plastic projectile used to penetrate barriers to introduce a small amount of chemical agent.

B. Purpose

To limit the escalation of conflict where use of lethal force is prohibited or undesirable. It's purpose is to minimize risk to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous individuals.

C. Authorized use

Situations for use of the lethal weapon systems may include, but are not limited to:

i. Self-destructive, dangerous and/or combative individuals

ii. Riot/crowd control and civil unrest

iii. Circumstances where a tactical advantage can be obtained

iv. Potentially vicious animals

v. Training exercises or approved demonstrations.

D. Expected Lifespan

L140-4 no expiration

All munitions have a shelf life of 5 years

E. Fiscal Impact

Annual maintenance of the L140-4 is approx. \$50.00 each. The purchase of new munitions annually approx. \$900- \$2000.

F. Training

40 mm instructors attend a POST certified course and instruct users within the department on its use and capabilities.

G. Legal and Procedural Rules

Use is established through Antioch Police Department Policy 302.

6. Firearm and Firearm accessories

A. Description, quantity, capabilities, and purchase cost

- a. Remington 870 Less lethal Shotgun, Cost \$350.00. Quantity 2

The 870s are older APD shotguns that have been retrofitted and repurposed to assist in deploying gas canisters. This delivery system aids officers in maintaining space between officers and individuals reducing the immediacy of a threat.

- b. CTS LC5 Launching Cups, Cost \$265.00. Quantity 4

Launching cups are designed to work with the 870 shotguns to introduce gas canisters into an environment.

- c. CTS 2600 12 gauge launch cartridge, Cost \$5.00. Quantity 50

Cartridge used to launch the cup from 870 shotgun.

B. Purpose

To limit the escalation of conflict where use of lethal force is prohibited or undesirable. It's purpose is to minimize risk to all parties through temporary discomfort and/or incapacitation of potentially violent or dangerous individuals.

C. Authorized use

Situations for use of the less lethal weapon systems may include, but are not limited to:

- i. Self-destructive, dangerous and/or combative individuals
- ii. Riot/crowd control and civil unrest
- iii. Circumstances where a tactical advantage can be obtained
- iv. Potentially vicious animals
- v. Training exercises or approved demonstrations.

D. Expected Lifespan

Remington 870 no expiration

Launching cups 25 years

Launch cartridge no expiration

E. Fiscal Impact

No annual maintenance and launching cups and cartridges are purchased as needed at approx. cost of \$225-\$1400 per year.

F. Training

Officers are required to attend a POST certified course in chemical agents.

G. Legal and Procedural Rules

Use is established in Antioch Police Policy 302.

6. Diversionary Devices

H. Description, quantity, capabilities, and purchase cost

- a. CTS Flashbang (single use) #7290, Cost \$ 37.00. Quantity 94

- Diversionsary device that emits loud “bang” and flash of light.
- b. CTS Flashbang (triple single) #7290-3, Cost \$104.00. Quantity 9
Diversionsary device that emits loud “bang” and flash of light three times.

Diversionsary devices create loud sound and a bright flash to temporarily divert the attention of individuals in the immediate area. They are used to distract and temporarily incapacitate dangerous individuals by overwhelming their sense of vision and hearing. This distraction allows officers to seize a moment of opportunity to take control of high risk situations.

- I. Purpose
- J. To produce atmospheric over-pressure and brilliant white light and, as a result, can cause short term (6-8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.
- K. Authorized use
Diversionsary Devices shall only be used:
 - a. By officers trained in their proper use
 - b. In hostage and barricaded suspect situations
 - c. In high risk warrant (search/arrest) services where there may be extreme hazards to officers
 - d. During other high-risk situations where their use would enhance officer safety
 - e. During training exercises
- L. Expected Lifespan
Until used
- M. Fiscal Impact
No annual maintenance, purchased as needed approx. \$1239.00 - \$2500.00
- N. Training
Officers will attend POST certified training in diversionsary devices.
- O. Legal and Procedural Rules
Use is established in Antioch Police Policy 302.

6. Chemical Agent and Smoke Canisters

- A. Description, quantity, capabilities, and purchase cost
 - a. CTS CS Baffled Grenade #5230B, Cost \$ 34.00. Quantity 40
Pyrotechnic grenade designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire. Can be hand thrown or launched with the 870 shotgun.
 - b. CTS CS Smoke Canister #8230, Cost \$ 19.00. Quantity 65
The smallest diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically designed for outdoor use and should not be deployed on rooftops. Can be hand thrown or launched.
 - c. CTS Smoke Canister 5230, Cost \$ 32.00. Quantity 50
Large diameter burning grenade that discharges a high volume of smoke and chemical agent through multiple emission ports. Specifically for outdoor

use and should not be deployed on rooftops, in crawl spaces or indoors due to potential fire hazard. Can be hand thrown or launched.

B. Purpose

To limit the escalation of conflict where use of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

- A. Self-destructive, dangerous and/or combative individuals
- B. Riot/crowd control and civil unrest
- C. Circumstances where a tactical advantage can be obtained
- D. Potentially vicious animals
- E. Training exercises or approved demonstrations

C. Authorized use

Only officers who have completed a POST certified course in chemical agents are authorized to use chemical agents listed in this section.

D. Expected Lifespan

Shelf life of 5 years

E. Fiscal Impact

No annual maintenance costs, purchased as needed \$770.00-\$2000.00

F. Training

Officers utilizing chemical agent canisters must be certified by POST in chemical agents.

G. Legal and Procedural Rules

Use is established in Antioch Police Policy 302.

**STAFF REPORT TO THE CITY COUNCIL MEETING AS
THE POLICE OVERSIGHT STANDING COMMITTEE**

DATE: Meeting of Tuesday, March 22, 2022

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney

SUBJECT: Antioch Police Oversight Commission - Summary of Content for a Draft Ordinance

RECOMMENDED ACTION

It is recommended that the City Council review the summary of content for a draft ordinance and provide feedback to staff.

FISCAL IMPACT

The members of the Antioch Police Oversight Commission will not be compensated for their time. However, the City will need to provide funding for the Police Commission's general operating expenses, training, continuing education, and public outreach and events. There will also be expenses associated with staff time dedicated to working with the Police Commission.

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 a summary of content for 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.

§ 4-5.109 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 1. Adoption. Chapter 3 is hereby added to Title 4 of the Antioch Municipal Code to read as follows:

Sections

4-3.010	CREATED.
4-3.020	PURPOSE.
4-3.030	MEMBERSHIP AND APPOINTMENT.
4-3.040	TERMS OF OFFICE AND REMOVAL FROM OFFICE.
4-3.050	OFFICERS.
4-3.060	MEETINGS.
4-3.070	NO COMPENSATION.
4-3.080	BUDGET.
4-3.090	TRAINING.
4-3.100	POWERS AND DUTIES.
4-3.110	PUBLIC REPORTS.
4-3.120	REQUIREMENT OF COOPERATION BY THE ANTIOCH POLICE DEPARTMENT AND ALL OTHER CITY EMPLOYEES AND OFFICIALS WITH THE POLICE COMMISSION.

§ 4-3.010 CREATED.

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

§ 4-3.020 PURPOSE.

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.

§ 4-3.030 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.

§ 4-3.040 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. After two consecutive full terms, an interval of three years must pass before a member is eligible to be reappointed. The expiration date of all terms shall be December 31, 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 nominate for appointment a replacement commissioner followed by confirmation by the City Council for the remainder of that term.

§ 4-3.050 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.

§ 4-3.060 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.

§ 4-3.070 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.

§ 4-3.080 BUDGET.

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

§ 4-3.90 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.

§ 4-3.100 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 in public safety of social services, 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, education programs regarding policing in Antioch and community outreach events, such as town hall meetings, forums to communicate information about neighborhood watch programs, or 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. Such data may include, but is not limited to, data regarding police use of force; demographics of individuals stopped, searched, or arrested; demographics of Antioch Police Department officers and staff; officer training and qualifications.

§ 4-3.110 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.

ATTACHMENTS

A. None.