



**REGULAR MEETING AGENDA OF THE ANTIOCH CITY COUNCIL
MEETING AS THE POLICE OVERSIGHT STANDING COMMITTEE
COUNCIL CHAMBERS, 200 H STREET, ANTIOCH, CA 94531
TUESDAY, NOVEMBER 23, 2021 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_XeLUFAERTOSdHmWR1rBogg

- 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, Mayor Pro Tem - D4
VICE CHAIR Lori Ogorchock, Council Member - D3
Tamisha Torres Walker, Council Member - D1
Lamar A. Thorpe, Mayor
Michael Barbanica, Council Member – D2

Ron Bernal, City Manager
Thomas Lloyd Smith, City Attorney

1. ROLL CALL

2. PUBLIC COMMENT ON UNAGENDIZED ITEMS

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

Recommended Action: Motion to approve the minutes.

4. REVIEW AND DISCUSS POLICE CHIEF RECRUITMENT AND HIRING PROCESS

Recommended Action: It is recommended that the Police Oversight Standing Committee

- Motion to recommend that the City Council approve a policy by formal action at a regular meeting of the Antioch City Council.

OR

- Provide direction to staff in accordance with the standing committee's instructions.

5. FORMATION OF ANTIOCH POLICE OVERSIGHT COMMISSION

Recommended Action: It is recommended that the City Council consider the framework for formation of the Antioch Police Oversight Commission and provide feedback and direction to staff on next steps.

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.

CITY OF
ANTIOCH
CALIFORNIA

SPECIAL MEETING MINUTES
ANTIOCH CITY COUNCIL MEETING AS
THE POLICE OVERSIGHT STANDING COMMITTEE
TUESDAY, OCTOBER 26, 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

Vice Chair Ogorchock called the meeting to order at 5:00 p.m.

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

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

2. PUBLIC COMMENT ON UNAGENDIZED ITEMS

Public comments submitted in writing were read into the record from the following individuals:

David Sharples
Teki Flow
Latrece Martin
Kibibi Columbus
Frank Sterling
Chala Bonner

The following oral comments were entered into the record by individuals utilizing Zoom Audio/Video Technology:

Harry Thurston
Leslie May

3. APPROVAL OF POLICE STANDING COMMITTEE MINUTES OF SEPTEMBER 28, 2021

Motion by Mayor Pro Tem Wilson and seconded by Council Member Barbanica to approve the minutes of September 28, 2021.

Roll Call Vote:

Ayes: Torres-Walker, Barbanica, Wilson, Thorpe,
Motion carries.

Noes: None

4. APPOINTMENT OF STANDING COMMITTEE CHAIR / VICE CHAIR

Public comments submitted in writing were read into the record from the following individuals:

Leslie May

Mayor Thorpe nominated Mayor Pro Tem Wilson as Committee Chair. This was seconded by Council Member Barbanica.

Roll Call Vote:

Ayes: Torres-Walker, Barbanica, Wilson, Thorpe, Ogorchock
Motion carries.

Noes: None

5. REVIEW AND DISCUSS POLICE CHIEF RECRUITMENT AND HIRING PROCESS

The following oral comments were entered into the record by individuals utilizing Zoom Audio/Video Technology:

Harry Thurston
Frank Sterling

Public comments submitted in writing were read into the record from the following individuals:

Leslie May

Mayor Thorpe, Mayor Pro Tem Wilson and Council Member Torres-Walker requested a working draft that includes the following: an external recruitment pool, one representative from each district involved in the hiring process, the City Council's ability to ratify the contract prior to hiring.

6. REVIEW OF ANTIOCH POLICE DEPARTMENT POLICY NO. 300: USE OF FORCE

The following oral comments were entered into the record by individuals utilizing Zoom Audio/Video Technology:

Harry Thurston
Francisco Torres

Council consensus agreed the future Police Oversight Standing Committee members, comprised of an independent review body, is to be tasked with the review of APD Policy No. 300 given the time and attention the topic requires.

7. FUTURE AGENDA TOPICS

Council Member/Vice Chair Ogorchock - Recruitment and hiring process for Police Chief

Council Member Barbanica - Updating of police officer's tasers

Council Member Torres-Walker - Potential civilian oversight models

8. ADJOURNMENT

On motion by Mayor Thorpe and seconded by Mayor Pro Tem Wilson, the Standing Committee unanimously adjourned the meeting at approximately 6:00 p.m.

DRAFT

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

DATE: Meeting of November 23, 2021
TO: Honorable Mayor and Members of the City Council
SUBMITTED BY: Ron Bernal, City Manager
SUBJECT: Police Chief Recruitment and Hiring Process

RECOMMENDED ACTION

It is recommended that the City Council discuss and recommend a policy by formal action at a regular meeting of the Antioch City Council or provide direction to staff in accordance with the standing committee's instructions.

FISCAL IMPACT

There is no fiscal impact at this time.

DISCUSSION

At the October 26, 2021 meeting, the standing committee received an overview of the current hiring process for the Police Chief. The City Council directed staff by consensus to incorporate several additional elements. The revised approach is summarized and recommended as follows:

1. The City Manager selects one individual from each Council district to be a participant in the Search Committee.
2. The City Manager works in tandem with HR and the Search Committee to review and update the job description and minimum qualifications for the position as appropriate.
3. The City Manager initiates the RFP process to solicit and select an executive search firm to conduct a nationwide recruitment. Once a firm is selected, the brochure content is developed, as well as the overall timeline and approach. Once an adequate applicant pool is achieved, the executive search firm reviews applications and identifies candidates for interview.
4. Different audiences convene in a panel interview format, including city managers, public safety executives, department heads, police department personnel, the Search Committee and other community members.

5. Once the panel interview process informs the ranking of candidates, the City Manager interviews the top candidates for final ranking. The City Council Members are advised of the finalist.
6. The City Manager makes a conditional offer to the top candidate.
7. The recruiting firm conducts a thorough background check which includes credit history, criminal background, professional and personal references and neighbors. The finalist's current / last place of employment may be visited to gather additional information.
8. Upon clearance of all conditions, the City Manager notifies the Mayor and City Council Members, makes the appointment, followed by a public announcement.

The standing committee's request to have the City Council ratify the Police Chief contract is in conflict with the existing Antioch Municipal Code. As such, contract ratification is not incorporated in the above proposed policy.

Some additional elements for an enhanced community engagement effort may also be of interest. These include:

- The recruiter's facilitation of Town Hall style meeting(s) that would include the Mayor and City Council, Search Committee and the community at-large.
- Polls and surveys to gather information on the community's desires and expectations.

Approaches like these could inform the task of revising the Police Chief job description which would require City Council approval.

Once the standing committee determines what elements to include in the new Police Chief recruitment policy, the recommendation would be brought before the City Council for approval.

ATTACHMENTS

None

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

DATE: Meeting of Tuesday, November 23, 2021

TO: Honorable Mayor and Members of the City Council

SUBMITTED BY: Thomas Lloyd Smith, City Attorney

SUBJECT: Discussion Item: Formation of Antioch Police Oversight Commission

RECOMMENDED ACTION

It is recommended that the City Council consider the framework for formation of the Antioch Police Oversight Commission and provide feedback and direction to staff on next steps.

FISCAL IMPACT

The Commissioners for the Antioch Police Oversight Commission would serve their duties without pay. However, the City would have to allocate enough money to the Commission, so that they can perform their required functions and duties. Professional training for the commissioners would need to be calculated and could cost in the range of \$5,000 to \$10,000 annually.

The City Attorney's Office would require additional funding to support the Commission and its functions. The annual cost of legal services would be dependent upon the scope and responsibilities of the Commission. It could require hiring a Deputy City Attorney, who would be assigned to the Commission.

DISCUSSION

The City of Antioch is considering the formation of an Antioch Police Oversight Commission ("Commission"), which would oversee the Antioch Police Department's policies, procedures, and practices to ensure that they confirm to national standards of constitutional policing. The following are discussion topics for the City Council's consideration concerning the proposed Antioch Police Oversight Commission:

I. Commission Membership

a. Appointment

- i. The Mayor would nominate the members of the Antioch Police Oversight Commission for appointment subject to the approval of City Council.

- b. Number of Commission Members
 - i. Staff recommends 7 commission members.
 - 1. All current commissions have 7 members. The Board of Administrative Appeals has 5 members.
- c. Residency Requirement
 - i. Commission members would be required to be Antioch residents.

II. Term of Office

- a. Staff recommends that the first group of Commissioners serve staggered terms, so that later members would have staggered terms. The following is an example:
 - i. 1-Year Term: 2 commissioners
 - ii. 2-Year Term: 2 commissioners
 - iii. 3-Year Term: 3 commissioners
- b. Later members would serve three-year terms, with a two-term limit.

III. Meetings

- a. The Commission shall meet at least twice each month unless it determines that one meeting is sufficient in a particular month.
- b. The Commission shall meet at least twice each year in locations other than City Hall.

IV. Commission Functions Concerning Antioch Police Department Policy
(Sample areas for councilmember consideration)

The Antioch Police Oversight Commission would serve in an advisory capacity to the City Council on matters within the Commission's scope of authority. The following are sample Commission duties and responsibilities for councilmember consideration:

- a. Review Antioch Police Department policies and procedures within the Commission's scope of authority.
- b. Propose changes to existing Antioch Police Department's policies within the Commission's scope of authority.
 - i. The Commission's proposed changes to the Antioch Police Department's policies would be subject to review and approval by the Antioch City Council.
- c. Approve or reject changes to the Antioch Police Department's proposed policies and procedures within the Commission's scope of authority. After approval or rejection by the Commission, the Antioch Police Department's

proposed changes, notice of the Commission's approval or rejection, and any revisions proposed by the Commission, shall be submitted together to the City Council for review.

- i. The Commission's proposed changes, and any rejections of the Antioch Police Department's proposed changes, would be subject to the City Council's review and approval.
- ii. Changes to the Antioch Police Department's policies and procedures would be subject to the Commission's approval.

V. Commission Scope of Review for Antioch Police Department Policy
(Sample areas for councilmember consideration)

i. Training Policy (Policy 204)

Purpose and Scope: It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

ii. Recognition and Awards Program (Policy 211)

Purpose and Scope: The Antioch Police Department is committed to providing the community with the highest standard of performance by each member of the Department. We realize high morale and job satisfaction are of great importance to our personnel and volunteers. People are more productive when they enjoy their work and feel as though they are being appreciated for what they accomplish. To this end, the Antioch Police Department has developed a process which recognizes outstanding work by employees and volunteers beyond salary and compensation. The purpose of this policy is to establish guidelines by which the department can recognize employees for their performance.

iii. Use of Force (Policy 300)

Purpose and Scope: 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.

iv. **Canines (Policy 311)**

Purpose and Scope: This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

v. **Bias-Based Policing (Policy 401)**

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).

vi. **First Amendment Assemblies (Policy 412)**

Purpose and Scope: This policy provides guidance for responding to public assemblies or demonstrations.

vii. **Hate Crimes (Policy 603)**

Purpose and Scope: It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority. This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible. All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

viii. **Discriminatory Harassment (Policy 1003)**

Purpose and Scope: The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

VI. Enabling Legislation

- a. The Commission may make recommendations to the City Council for enacting legislation that will further the goals and purposes of the Commission.
- b. The City Council may, on its own initiative, enact legislation that will further the goals and purposes of the Commission.
- c. Once the Commission is seated, subsequent legislation shall be submitted to the Commission for review and comment. The Commission shall have forty-five (45) days to submit its comments to the City Council, such time to be extended only by agreement of the City Council.

VII. Budget and Staffing

- a. The City shall allocate a sufficient budget for the Commission to perform its functions and duties including budgeting for the City Attorney's Office to provide a legal advisor to the Commission.

ATTACHMENTS

None.