



**SPECIAL MEETING MINUTES
ANTIOCH CITY COUNCIL MEETING AS
THE POLICE OVERSIGHT STANDING COMMITTEE
TUESDAY, JULY 13, 2021, AT 7:00 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

Council/Committee Chair Torres-Walker called the meeting to order at 7:00 p.m. Assistant City Manager Rosanna Bayon Moore called the roll.

Present: Council Member/Committee Chair (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

2. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Wilson led the Council and audience in the Pledge of Allegiance.

3. PUBLIC COMMENTS ON UNAGENDIZED ITEMS

The following public comments were read into the record by Assistant City Manager Rosanna Bayon Moore:

- Samantha Calamari, asked for the immediate ban of the knee to the neck restraint and positional asphyxia.
- Maria Reynos expressed deep sadness and anger over the manner her grandson Angelo Quinto died with a knee to the neck and asked this practice stop now.
- Christina Ortega asked for the immediate ban of the knee to the neck restraint and positional asphyxia.

- Robert Collins asked for the immediate ban of the knee to the neck restraint and positional asphyxia.
- Bella Quinto Collins urged the City Council to vote for an immediate ban of the knee to the neck restraint and positional asphyxia.

The following comments were made by individuals utilizing Zoom/Audio/Video technology:

- Diana Collins Puente urged the City Council to vote for an immediate ban of the knee to the neck restraints and positional asphyxia.
- Frank Sterling asked for the immediate ban of the knee to the neck restraint and positional asphyxia and urged City Council to listen to the family of Mr. Quinto and people calling in.
- Patricia Granados asked for the immediate ban of the knee to the neck restraint and positional asphyxia and asked for a Federal investigation of the APD.
- Cassandra Quinto Collins urged the City Council to vote for an immediate ban of the knee to the neck restraints and positional asphyxia and a support of AB490.

4. ANTIOCH POLICE DEPARTMENT POLICY NO. 423: BODY-WORN CAMERAS AND POLICY NO. 427: MOBILE VIDEO/AUDIO RECORDER

City Manager Ron Bernal reported reasons for establishing the Police Reform Standing Committee and asked for the Committee to review and recommend policy.

Chief Tammany Brooks reported on the APD committee that was established to put together a policy for each program. The group met numerous times and researched other departments' policies, federal and state laws, and industry best practices before putting together the policies submitted. The Body Worn Cameras have been received and assigned to the officers. Axon the selected vendor for the Body Worn Cameras will begin to conduct in-house departmental training for officers, supervisors, administrators, and professional staff July 20-23, 2021. In-car cameras have not yet been received. The APD's desire is for the policy for Body Worn Cameras to be adopted so that the equipment is not left idle.

PUBLIC COMMENTS

The following public comments were read into the record by Assistant City Manager Rosanna Bayon Moore:

- Alejandra Megoza provided written comment expressing a vote against passing the policy for Body Worn Cameras until there is community input.
- Robert Collins provided written comment expressing a vote against passing the policy for Body Worn Cameras until there is community input.
- Destiny W. Briscow requested the ACLU model of Body Worn Cameras be adopted and video from

cameras be retained for 4-5 years.

- Bella Quinto Collins provided written comment expressing a vote against passing the policy for Body Worn Cameras.
- Amy Hayes provided written comment expressing a vote against passing the policy for Body Worn Cameras until there is community input.
- Samantha Calamari provided written comment expressing a vote against passing the policy for Body Worn Cameras.

The following public comments were made by individuals utilizing Zoom Audi/Video Technology:

- Destiny Briscow expressed a vote against passing the policy for Body Worn Cameras and requested the ACLU model be adopted.
- Patsy Kyles asked for a vote not to move forward with the policy for Body Worn Cameras and for funding for cameras to come from the APD budget.
- Deana Collins Fuentes urged the City Council not to move forward with the policy for Body Worn Cameras until there is community input.
- Frank Sterling urged the City Council not to move forward with the policy for Body Worn Cameras until there is community input and a look at other models.

DISCUSSION

Council Member/Vice Chair Ogorchock asked Chief Brooks how the policies were developed.

Chief Brooks explained it was a joint effort with employees, members of the union, supervisors, professional staff along and others who had worked in previous agencies. He also explained how the ACLU had been consulted, in addition to following best practices from around the state.

Council Member Barbanica asked if the Body Worn Cameras will be filming during the normal course of the Police Officers' duties.

Chief Brooks confirmed it would.

Council Member Barbanica asked if Chief Brooks could confirm if when the Police Officer turns on their overhead lights if video recording as well as the car automatically engages.

Chief Brooks confirmed it would.

Chief Brooks also shared if an Officer draws his/her firearm the camera activates as well, and this will be the same with Tasers when that technology becomes available.

Mayor Pro Tem Wilson asked for a clarification on the verbiage regarding reasonable efforts and subjective language.

Chief Brooks explained the vagueness is necessary based on the number of variables that can come up including many mitigating factors and circumstances.

Mayor Thorpe agreed that there is vagueness in the policy and the desire to move forward with this initial draft and expand to work in protections and officer accountability. Mayor Thorpe also asked for clarity as to when a sworn officer should, or should not wear a camera.

Chief Brooks explained the cameras are not designed for use when a sworn officer is working undercover.

Council Member Barbanica stated a desire to move forward with approving the policy and have the cameras out on the streets. He further stated that the language around the policy be amended through the Police Oversight Standing Committee or a City Council Meeting.

Council Member/Vice Chair Ogorchock stated she would like to move forward with the policy.

Council Member/Chair Torres-Walker expressed she would like to see Chief Brooks work with the City Attorney to address the language in the policy that is unclear. She also asked for an expansion of the length of the video retention to 3-5 years and a desire to take the policy to the community for input. She further stated she could not support the policy as it stands currently.

Chief Brooks addressed the storage issues by explaining video that is tagged as related to a particular case can be saved and held indefinitely. The two-year storage purge mark is only for items that have not been requested.

A motion was made by Council Member/Vice Chair Ogorchock and seconded by Council Member Barbanica to approve Antioch Police Department Policy No. 423: Body Worn Cameras and Policy No. Mobile Video Audio Recorder.

Roll Call Vote:

Ayes: Ogorchock, Barbanica

Noes: Torres-Walker, Wilson, Thorpe

Motion fails.

On a motion by Mayor Pro Tem Wilson and seconded by Mayor Thorpe the City Council unanimously agreed to have Council Member/Chair Torres-Walker work with Attorney Lloyd Smith and Chief Brooks on the policy and bring back for one last review by the City Council.

Council Member/Chair Torres-Walker offered a suggestion to schedule a meeting to review policy changes before the next meeting on 7/27/21.

Roll Call Vote:

Ayes: Ogorchock, Barbanica, Torres-Walker, Wilson, Thorpe

Noes: None

Motion carries.

5. POLICE OVERSIGHT STANDING COMMITTEE'S SCOPE OF POLICY REVIEW FOR ANTIOCH POLICE DEPARTMENT POLICIES

City Manager Bernal asked for the committee to provide direction to staff and define and the scope of policies the committee seeks to review.

Chief Brooks explained the Police Department Policy Manual has 150 different policies contained within ten different chapters. The policy is available for all to view online. The Antioch Police Department utilizes a company called Lexipol as the base product for the manual with specific policies that are regularly updated in response to changing best practices, new state, and federal guidelines, as well as court decisions. Policies are reviewed and updated on an ongoing basis to stay in legal compliance.

PUBLIC COMMENTS

The following public comment was made by individuals utilizing Zoom Audi/Video Technology:

- Francisco Torres expressed Lexipol uses wrong policy and is designed to protect the Police Department and not the community. The Police Department should draw from multiple sources.
- Mayor Thorpe recommended the Standing Committee look at Police policy and include community review and input.
- Council Member Barbanica stated he was concerned too much time would be spent looking over every policy
- Mayor Thorpe clarified not every policy would be reviewed but as updates occur.
- Council Member Barbanica agreed the entire manual would not need to be reviewed.
- Council Member/Chair Torres-Walker expressed a desire to have the community join and give input on the specific areas of concern in the policies.

6. FUTURE STANDING COMMITTEE MEETING SCHEDULE AND AGENDA TOPICS

City Manager Bernal asked when the committee would like to have the next meeting.

NO PUBLIC COMMENT

DISCUSSION

Mayor Pro Tem Wilson suggested the meeting be added just prior to the second Council Meeting of the month.

Council Member Barbanica agreed with a once-a-month meeting prior to the second Council Meeting of the month.

Mayor Thorpe also agreed with a once-a-month meeting prior to the second Council Meeting of the month.

Council Member/Vice Chair Ogorchock asked if it is the norm to have all members of the City Council meet on a Standing Committee.

Attorney Lloyd-Smith stated it is not the norm, but that the committee is flexible enough to do this.

Mayor Thorpe stated he asked for the entire City Council to attend, and it will be temporary.

Council Member/Chair Torres-Walker recommended to continue to move forward with meeting once per month and asked if the meeting can be cancelled with proper notification.

Attorney Lloyd Smith stated you may cancel with proper public notice.

ADJOURNMENT

On motion by Council Member Barbanica, seconded by Mayor Thorpe, the Standing Committee unanimously adjourned the meeting at 8:39 p.m.