



CITY OF NOVATO
CALIFORNIA

POLICE ADVISORY AND REVIEW BOARD MEETING

Agenda

Thursday, May 4, 2023 – 5:30 PM

City Council Chambers, 901 Sherman Ave.

Board Chair

VACANT

Vice Chair

VACANT

Board Members

Bruce Bartel
Alice Dow
Frank Drouillard
Anne Glasscock
Ky Medigovich
William Palmini
Bruce Ritter

The Police Advisory & Review Board welcomes you to attend its meetings which are regularly scheduled four times per year. Your interest is encouraged and appreciated.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (415) 899-8986. Notification at least 48 hours prior to the meeting will enable the City to make reasonable accommodation to help ensure accessibility to this meeting. The Multicultural Advisory Commission may discuss and/or take action on any or all of the items listed on the agenda irrespective of how the agenda items are described.

Public Participation/Comment Instructions

Members of the public may participate and provide comments to the Police Advisory & Review Board as follows:

- **Written public comments** may be submitted by email to hr@novato.org. Written public comments received more than 3 hours prior to the start of the meeting will be distributed to the Police Advisory & Review Board. Written public comment received after the 3 hour deadline, including those received during and after the meeting, will be collected and placed in the public record. Written public comments will not be read during the meeting.

A. CALL TO ORDER AND ROLL CALL

B. APPROVAL OF FINAL AGENDA

C. PUBLIC COMMENT

There is a three-minute time limit to speak, although the Chair may shorten the time based on the number or speakers or other factors. A speaker may not yield their time to another speaker.

For issues raised during Public Comment that are not on the published agenda, except as otherwise proved under the Ralph M. Brown Act, no action can legally be taken. The PARB may direct that the item be referred to Human Resources for action or may schedule the item on a subsequent agenda.

D. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and will be enacted by a single vote of the PARB. There will be no separate discussion unless specific items are removed from the Consent Calendar for separate discussion and action. Any PARB member may remove an item from the Consent Calendar and place it under General Business for discussion.

D.1. Approve the meeting minutes of February 2, 2023

E. UNFINISHED AND OTHER BUSINESS

F. GENERAL BUSINESS

F.1. Introduction of new PARB Members

F.2. Election of Chair and Vice Chair

F.3. Receive a Presentation on AB481 (Military Equipment Policy)

F.4. Receive and Discuss a Presentation on the Police Department Complaint Process

F.5. Review of Activity in the School Resource Program

F.6. Review of Department Activity and All Citizen Complaints Filed Since Last Meeting

G. BOARD AND LIASION REPORTS

G.1. Board Member Reports

G.2. Future Agenda Items

▪ **Current list:**

- **Review & Discussion of Possible Updates to PARB Policies and Bylaws**

- **Review of SB2 Requirements, Hiring & Selection & Decertification of Peace Officers**
- **Community Outreach**
- **Review of RIPA Reporting**
- **Types of Crimes w/Solve Rates**

G.3. Staff Liaison Report

H. ADJOURNMENT

If urgent matters arise after the publication of the regular agenda, there will be an addendum. It will be posted at the referenced locations mentioned in the Affidavit of Posting before the meeting begins.

Materials, that are submitted to members of the PARB after the distribution of the agenda packet, are available for public inspection in the City Clerk's Office, located at 922 Machin Avenue during normal business hours. Such materials shall also be made available on the City of Novato website at novato.org when practical and provided that City staff is able to post those documents prior to the meeting. Also, when non-confidential written materials are distributed to members of the PARB during a public meeting by staff or a member of the PARB, copies shall be made available to members of the public following that meeting.

AFFIDAVIT OF POSTING

I, Greg Canfield, certify that on Monday, May 1, 2023, the agenda was posted on the City Community Service Board at 922 Machin Avenue and on the City's website at novato.org.

/Greg Canfield/

Greg Canfield, Management Analyst II



CITY OF NOVATO
POLICE DEPARTMENT



ASSEMBLY BILL 481

**MILITARY EQUIPMENT FUNDING,
ACQUISITION AND USE POLICY**



CITY OF NOVATO
POLICE DEPARTMENT

Background

IN 2021, THE STATE OF CALIFORNIA PASSED AB 481 REGULATING THE USE OF MILITARY EQUIPMENT BY LAW ENFORCEMENT AGENCIES.

AS A RESULT OF THE LAW CHANGE, OUR POLICE DEPARTMENT WAS REQUIRED TO OBTAIN APPROVAL FROM THE NOVATO CITY COUNCIL FOR THE FUNDING, ACQUISITION, OR USE OF MILITARY EQUIPMENT.

IN 2022, NOVATO'S CITY COUNCIL PASSED AN ORDINANCE ESTABLISHING A MILITARY EQUIPMENT POLICY.

AS REQUIRED BY AB 481, THE NOVATO POLICE DEPARTMENT HAS PRODUCED AN ANNUAL REPORT FOR MILITARY EQUIPMENT USE.



CITY OF NOVATO
POLICE DEPARTMENT

Patrol Rifles and Less Lethal Options



**Less Lethal Impact Device- 40mm Launcher
Kinetic Energy Projectile-40 mm (ALS 4006 D)**



**Sig Sauer M400 Patrol Rifle
Patrol Rifle Ammunition .223**



CITY OF NOVATO
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Armored Rescue Vehicle





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Drones and Robot





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Night Vision Goggles





CITY OF NOVATO
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Specialized Firearms and Ammunition

Specialized Weapons

Sig Sauer MCX

H&K 33

Colt AR-15

Remington Model 700

Accuracy International AT 308

Precision Rifle Ammunition

.223 and .308 caliber





CITY OF NOVATO
POLICE DEPARTMENT

2022 Deployments

On March 1, 2022, the Armored Rescue Van was requested by the Sonoma County Sheriff's Office to assist during the search for a homicide suspect in Sonoma County.

On March 10, 2022, the Crisis Response Unit was deployed to assist with the arrest of a robbery suspect at a business in Novato. The suspect was safely taken into custody.

On June 15, 2022, the Crisis Response Unit was deployed to assist with the arrest of a homicide suspect at a home in Novato. The suspect was safely taken into custody.



CITY OF NOVATO
POLICE DEPARTMENT

2022 Drone Deployments

During 2022, the Drone was deployed during four incidents:

- To collect evidentiary photos at a fire and at a crime scene**
- To gain officer safety information during a CNT call involving a barricaded suspect in a stolen vehicle**
- To search an open space area for a missing person**



CITY OF NOVATO
POLICE DEPARTMENT

Complaints or Compliments

During 2022, the Novato Police Department did not receive any complaints related to the use or deployment of our military equipment.



CITY OF NOVATO
POLICE DEPARTMENT

Contact Information



Captain Sasha D'Amico

Operations Captain

CRU Commander

415-899-7030

sdamico@novato.org



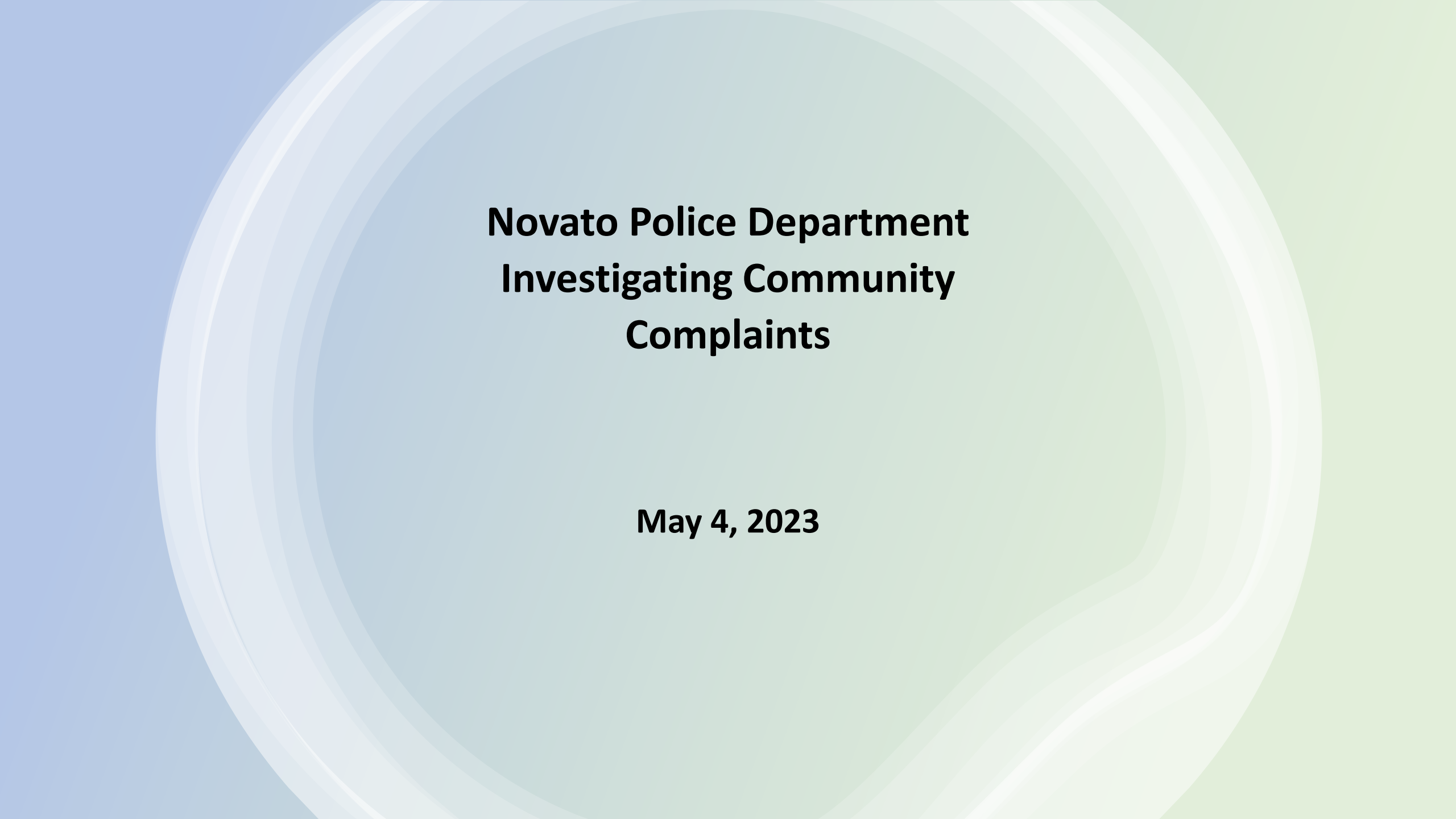
Lieutenant Sophia Winter

Patrol Lieutenant

SWAT Tactical Commander

415-899-7020

swinter@novato.org



**Novato Police Department
Investigating Community
Complaints**

May 4, 2023



What is a Complaint?

- A complaint is an allegation of employee misconduct or improper job performance that would constitute a violation of department policy or a federal/state/local law, that may result in a formal investigation.
- A complaint may also be directed at established policy or operational procedures.

- *See California Penal Code section 832.5(a) for more information.*
- *Refer to NPD Policy 1019, Personnel Complaints.*



Receiving Complaints

Complaints are received:

- In person, usually at the police station, a community member requests to speak to a supervisor about an interaction with an NPD employee.
- By telephone, a community member requests to speak to a supervisor.
- Digitally, through email, or via compliment/complaint forms on the City of Novato website.
- By mail to the Office of the Chief of Police
- Directly to any department employee
- As a result of a lawsuit

Supervisor Preliminary Investigation

Includes a review of information and documents about the related incident.


- Computer Aided Dispatch records
- Police Reports
- Body-worn camera recordings
- In-car/fleet camera recordings



Command Staff Review

- The preliminary investigation will be forwarded to the supervisor's Lieutenant who will review it, identify potential policy/procedure violations, and recommend how to handle the complaint.
- The Lieutenant will share their recommendation with their Captain and the Chief.
- The Chief will authorize a course of action to include initiating an investigation.

Interview with the Community Member Complainant

- The assigned investigator will contact the complainant and arrange to interview them.
 - Most interviews occur at the police department.
 - The complainant may bring a support person with them during the interview.
 - The complainant may record the interview.
 - Community members who are witnesses will be similarly interviewed.
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Employee Interviews

- Complaints often focus on specific employees involved in an incident. If the employee is the person who is alleged to have violated policy, procedure, or law, they are the **SUBJECT** of the investigation.
- If an employee knows information about the incident, but is **NOT** accused of misconduct, they are a **WITNESS** for the investigation.

Public Safety Officer Bill of Rights

- For Peace Officers, The California Public Safety Officers Procedural Bill of Rights Act (POBR) provides a variety of protections including guarantees of procedural rights when officers are being investigated for alleged misconduct.
- POBR does not guarantee protections for professional staff.
- *Refer to Government Code 3303 et seq. for more information.*

The Subject Interview

Interviews are to be conducted at a reasonable hour when the employee is on-duty.

The interview is generally held in a conference room or office at the police department.

The investigator is usually a Lieutenant but can be a supervisor or a contracted investigator. There can be no more than 2 interviewers.

The employee may bring a representative of their choice: An attorney or an association representative.

Personnel Investigation Report



The investigator is a fact-finder. They seek as much information as possible about the incident and the involved parties' perceptions and actions to obtain the most well-rounded idea of what occurred and why it occurred.



The investigator creates a comprehensive report including all the information they learned during the investigation. POBR requires the investigation be completed within ONE YEAR of the department's discovery of alleged misconduct.

Preponderance of Evidence

The standard of proof for internal investigation is the preponderance of evidence standard – i.e., more likely than not.



The investigator provides a “finding” about each allegation.

Division Commander Recommendation

The Division Commander (Captain) reviews the completed investigation and the employee's personnel file.

The Division Commander makes a recommendation about a disposition for each alleged policy violation.

The Division Commander also may recommend:

- Discipline
- Counseling
- Additional Training
- Policy/Procedure Change
- Updating Equipment



Complaint Dispositions

The **Chief of Police** determines the disposition for each policy/procedure violation allegation and whether discipline will be imposed.

Unfounded: When the investigation discloses that the alleged acts did not occur or did not involve department members.

Exonerated: When the investigation discloses the alleged act occurred but that the act was justified, lawful, and/or proper.

Not Sustained: When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the department member.

Sustained: A final determination by an investigating agency, commission, board, hearing officer, or arbitrator for an administrative appeal that the actions of the employee were found to violate law or department policy.

Discipline

- The Chief of Police prepares and provides a **Notice of Intent to Discipline (NOID)** to the employee receiving punitive action for a sustained policy violation resulting from a complaint. The employee may request a hearing with the Chief of Police to present mitigating evidence.
- Discipline or punitive actions may include Written Reprimand, Suspension, Demotion, or Termination.

Notifying the Community Member Complainant

- After the Chief of Police has decided on the disposition for each policy/procedure violation allegation, within 30 days, a letter will be sent to the complainant providing the final disposition regarding the procedure/policy violation(s).
- By California law, most personnel matters and the content of the investigation are confidential. Details of the investigation cannot be released to the complainant.
- If sustained misconduct falls under Penal Code 832.7(b)(1) the related records shall be available for public inspection.
- If the complainant disagrees with the final disposition, they have 30 days to appeal the disposition to the City Manager.
- The City Manager may refer a complaint to the Police Advisory Review Board for further investigation.



Questions?



NOVATO POLICE

SRO PROGRAM



NOVATO UNIFIED SCHOOL DISTRICT

MEET YOUR NEW SRO

School Resource Officer Program



Jonathan Antimo
School Resource Officer

Bilingual Officer (Spanish)

Crisis Negotiation Team Member

Raised in Marin County

Previously Worked for Boys & Girls Club of America

2022 SRO ACTIVITY



*Numbers above reflect 2022-2023 school year August 2022 through April 2023.



MOVING FORWARD 2023



2nd SRO Position Testing:
Selection made

2nd SRO Position:
Begins in July 2023

Panel Members Included:

- School staff member
- Member of PARB
- High school student

Upcoming Outreach Efforts

- Tobacco and vaping
- Vigilant Parent Project
- Youth Support program meetings
- (play Marin, Multicultural Center of Marin, North Marin Community Services, crossfit Novato, Novato parks and recreation Dept.)

Themes

- Harassment, fights, gang activity
- Vaping and sales on campus
- Possession and distribution of CSAM, extortion

QUESTIONS?

