

Mayor Thorpe, Mayor Pro Tem Wilson and City Council Members,

I believe that the investigation of the complaint by Tamisha Torres-Walker has been compromised. Please see the email discussion below.

**Thomas Lloyd Smith**

City Attorney

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**From:** Vida **Thomas** <[vida@oiglaw.com](mailto:vida@oiglaw.com)>

**Sent:** Friday, September 10, 2021 11:02 AM

**To:** Brooks, Tammany <[tbrooks@antiochca.gov](mailto:tbrooks@antiochca.gov)>; Smith, **Thomas** Lloyd <[TLSmith@antiochca.gov](mailto:TLSmith@antiochca.gov)>

**Subject:** Concern about report finding

Hello, Chief Brooks and Mr. Smith.

It has come to my attention that there are concerns about one of the findings in my final report. Specifically, the finding concerning whether Officer Prieto behaved in an “uncivil, disorderly or unprofessional manner” towards Ms. Walker, in violation of APD Policy 1001.3.4(a). Because the finding in my draft report was different from the finding in my final report, I want to clarify the sequence of events leading up to my final finding.

My draft report contained a finding sustaining the allegation that Officer Prieto had behaved in an “uncivil” manner. As my draft report indicated, I reached this finding by

applying the Oxford dictionary definition of “uncivil.” After reading my draft finding, Chief Brooks informed me of the APD’s interpretation of Policy 1001.3.4, which uses a higher standard than expressed by the dictionary definition of “uncivil.” I determined that Officer Prieto’s behavior did not violate this higher standard as articulated by the Chief. Although I explained this reasoning in the final report, I did not explain that I believed that Officer Prieto’s behavior met the dictionary definition of “uncivil.” I would be happy to provide an addendum to the final report that includes this clarification.

This investigation was unique because there were persistent disagreements about who OIG’s client was: the Police Chief (with whom OIG executed the investigation contract) or the City Attorney (whose budget funded the investigation). As you both know, this created some tension between the two of you, which made it advisable that I include you both in all of my communications. I did not do that regarding this amended finding, which I regret. However, at all times, I endeavored to conduct an impartial investigation, balance the apparently conflicting interests of the police department and the city attorney’s office, and reach findings that were driven by the evidence and nothing else. I believe I did that.

If either of you would like me to prepare and attach an addendum as described above to the final report, please let me know in writing, and I will be happy to provide it.

**From:** Brooks, Tammany <[tbrooks@antiochca.gov](mailto:tbrooks@antiochca.gov)>

**Sent:** Monday, September 13, 2021 10:04 AM

**To:** 'Vida Thomas' <[vida@oiglaw.com](mailto:vida@oiglaw.com)>; Smith, Thomas Lloyd <[TLSmith@antiochca.gov](mailto:TLSmith@antiochca.gov)>

**Subject:** RE: Concern about report finding

Good morning Vida,

It is my understanding that OIG’s client was neither myself nor the city attorney, but instead was “the City of Antioch.” Additionally, the service requested was “to conduct an impartial investigation” into the matter, which should make the question as to who is OIG’s client irrelevant to your findings. I trust that your final work product is reflective of your contracted obligations, and as such do not need an addendum.

Thank you,

