



Office of the Mayor

**Motion, Special Meeting Item # 1**

Motion to re-affirm and further amend the Berkeley City Council's policy regarding the use of pepper spray by the Berkeley Police Department as such use relates to crowd control, expression of First Amendment speech, and addressing acts of violence by specific individuals within a crowd, as follows (in bold):

**Oleoresin Capsicum (pepper spray) shall not be used as a crowd control technique to disperse a crowd or move a crowd.**

**Pepper spray shall not be used on persons engaged in legal speech or other expression that is protected by the First Amendment, nor upon those committing unlawful acts by non-violent or passive resistance means, (e.g. sitting or lying down to block a street or doorway).**

**Police may use pepper spray upon specific individuals within a crowd who are committing acts of violence upon police or others.**