



ADMINISTRATIVE RULE

SUBJECT: RESTRICTIONS AND PROHIBITIONS IN CIVIC CENTER PARK, WILLARD PARK, AND OHLONE PARK FOR SEPTEMBER 14, 2017

PURPOSE

The purpose of this rule is to preserve public safety, protect park property, safely and fairly balance competing uses of the City's parks, and facilitate First Amendment rights during an event being held at Zellerbach Hall at the UC Berkeley campus on September 14, 2017.

Pursuant to Berkeley Municipal Code ("BMC") Chapters 13.44 and 6.46, the City Manager is authorized to impose conditions on the issuance of a permit for a street or park event. No one has applied for or obtained a permit for use of Civic Center Park, Willard Park, or Ohlone Park, or for the use of streets in the vicinity of the event site on the UC Berkeley campus. Therefore, the conditions, restrictions and prohibitions of this Rule shall apply.

The September 14, 2017 event is being planned by a UC Berkeley-affiliated student group in the wake of a February 1, 2017 campus event that drew numerous protesters, as well as dozens of masked agitators who started fires, destroyed property, and engaged in violent confrontations with other protesters, forcing UC Berkeley to cancel the event and impose a campus-wide lockdown. The riot spread into the City streets, requiring a substantial police response. Subsequently, rallies and demonstrations were held at Civic Center Park and the surrounding streets on March 4, 2017, April 15, 2017, April 27, 2017, and August 27, 2017. The March 4 and April 15 assemblies turned violent, fights broke out, and numerous people were seriously injured. Arrests were made for offenses that included battery and assault with a deadly weapon. Violence at the events has been well documented by the Berkeley Police Department, the news media, and participants on social media. Some participants came to the park with metal pipes, baseball bats, lengths of 2"x 4" lumber (some with nails in them), bricks, pepper spray, mace, daggers, combat shields, poles, axe handles, hatchets, helmets, masks, and similar items. Numerous participants wore masks or otherwise covered their faces so as to attempt to evade identification while attempting to or committing crimes and engaging in violence.

On August 27, 2017, coordinated groups of individuals used Ohlone Park as a meeting place to stage weapons, shields, and other implements of riot, and to practice fighting maneuvers and tactics. These individuals donned masks and collectively marched with their weapons and shields to Civic Center Park, accompanied by a flatbed truck that carried additional implements of riot. Once at the park, a member of the assembled group gave amplified announcements warning, "If you don't want violence, move away." The group deployed

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purple smoke to create confusion, violently attacked several individuals, and attempted to provoke physical confrontations with police officers. Several people were seriously injured and 13 people were arrested.

Issuance of this rule and regulation is not a waiver of the City's current authority to enforce rules against unpermitted events, and does not constitute a sanction of any unpermitted event.

REGULATION

PURSUANT TO BMC 6.32.030:

On September 14, 2017, it shall be a violation of this Rule for any person to bring into Civic Center Park, Willard Park, or Ohlone Park, any of the following items:

- Metal pipes
- Lengths of lumber or wood (any size)
- Wooden dowels
- Poles or staffs
- Baseball bats or sticks modified for use as a weapon
- Glass bottles or metal cans modified for use as a weapon
- Bricks
- Rocks
- Pepper or bear spray (OC spray)
- Mace
- Knives or daggers
- Firearms
- Shields
- Axes, axe handles, or hatchets
- Ice picks
- Razor blades
- Tasers
- Improvised explosive devices (IEDs)
- Spray cans
- Fire works
- Smoke canisters
- Dynamite
- Heavy-gauge chain
- Torches, lanterns or other devices that use fire or fuel
- Slingshots
- Any other item that is generally considered an "implement of riot" that can be used as a weapon

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On September 14, 2017, in Civic Center Park, Willard Park, and Ohlone Park, signs and flags must be hand held, and may not be affixed to any pole or stick.

On September 14, 2017, in Civic Center Park, Willard Park, and Ohlone Park, wearing of a mask, scarf, bandana or any other accessory or item that covers or partially covers the face and shields the wearer's face from view, or partially from view, is prohibited, except for coverings worn due to religious beliefs, practices or observances.

Law enforcement personnel are exempt from this Rule.



City Manager

September 12, 2017

Date