



## ADMINISTRATIVE RULE

### **SUBJECT: RESTRICTIONS AND PROHIBITIONS IN DEFINED AREA OF BERKELEY FOR SEPTEMBER 14, 2017**

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#### **PURPOSE**

The purpose of this rule is to preserve public safety, protect public and private property, and facilitate First Amendment rights of freedom of speech and assembly an event being held at Zellerbach Hall at the UC Berkeley campus on September 14, 2017.

Pursuant to Berkeley Municipal Code (“BMC”) Chapter 13.45, the City Manager is authorized to issue narrowly tailored temporary regulations in a defined area of the City that are consistent with the First Amendment to the U.S. Constitution, and is authorized to take such other narrowly tailored actions as are necessary to preserve public health, public safety and property on City streets and sidewalks when no permit has been obtained pursuant to BMC Chapter 13.44.

No person or association has applied for or obtained a permit for use of the streets and sidewalks in connection with the UC Berkeley event at Zellerbach Hall on September 14, 2017. 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.

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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 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 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 13.45.020:

On September 14, 2017, the following items are prohibited from being brought by any person into the area of Berkeley designated on Exhibit A (attached hereto) and bounded by the following roads: Martin Luther King, Jr. Blvd to the west; Piedmont Avenue, Gayley Road, La Loma Avenue and LeConte Avenue to the east; Dwight Way to the south, and Cedar Street to the north:

- Bricks
- Rocks
- Billy clubs
- Poles, sticks, staffs, dowels or baseball bats modified for use as a weapon
- No flags, signs, or banners mounted on poles, boards, sticks, or staffs unless affixed to a building or non-movable structure
- Pepper or bear spray (OC spray)
- Mace
- Knives or daggers
- Firearms
- Shields
- Axes, axe handles, or hatchets
- Ice picks
- Tasers
- Improvised explosive devices (IEDs)
- Fire works
- Dynamite
- Torches, lanterns or other devices that use fire or fuel

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- Slingshots
- Any other item that is generally considered an “implement of riot” that can be used as a weapon.

Law enforcement personnel are exempt from this Rule.



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City Manager

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September 12, 2017

Date

**Exhibit A**

