



Office of the City Manager

April 18, 2017

To: Honorable Mayor and
Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Subject: April 15, 2017 Demonstration

Please see the attached report from Police Chief Andrew Greenwood regarding the demonstration that took place in Civic Center Park last Saturday, April 15, 2017. If you have any questions, please contact me.

Thank you.

Attachment

cc: Department Directors
Timothy Burroughs, Assistant to the City Manager
Tasha Tervalon, Assistant to the City Manager
Matthai Chakko, Assistant to the City Manager / Public Information Officer

April 17, 2017

To: D. Williams-Ridley, City Manager

From: A. Greenwood, Chief of Police

Re: **INFORMATION FOR MAYOR, COUNCIL AND COMMUNITY; APRIL 15 DEMONSTRATION**

On Saturday, April 15, 2017, a demonstration took place in and around Civic Center Park, and for a period on Center St., and at the intersection of Center/Shattuck Ave. I wanted to provide additional information to share with our elected officials and our community.

This non-permitted event attracted several hundred demonstrators and counter-demonstrators. Demonstrators arrived early in Civic Center Park. Part of the City's preparation included a one-day administrative regulation designed to allow for the peaceful expression of free speech. Those regulations prohibited anything that could be used as a weapon inside the park and mandated restrictions on entry and exit. These rules allowed the City to configure the park with temporary fencing to support separation of the demonstrators and counter-demonstrators. Controlled access points were created and staffed by police as resources allowed.

We found that once again, large elements of the factions arrived in the area armed and prepared to fight. The park strategy helped police to confiscate dozens of weapons, including sticks, wooden dowels, poles, a stun gun, mace, knives, bear spray, an axe handle, and pepper spray. Over the course of the morning and afternoon, groups engaged with each other, taunting and occasionally assaulting one another. Late in the afternoon, crowds moved up Center St., where there were some assaults between opposing demonstrators, and traffic was blocked, the crowds ultimately dispersed after a targeted arrest, which was followed with police peacefully clearing people from the street to the sidewalks without any use of force. Our strategy focused on people committing criminal actions, and numerous arrests were made. The conflicts resulted in considerable media coverage and attention, though, at this time, we're not aware of any vandalism to downtown businesses or injuries to anyone not connected to the events. Outside of the area of Civic Center Park, impacts on the community were minimal, as downtown crowds came for movies, theater and other events, as on any given Saturday.

There were twenty arrests. That included two people who BPD had identified as being part of March 4 violence and were identified and arrested from within the crowd. Berkeley Fire and Police responded to eleven injuries, of which seven were transported. As experienced on March 4, not all injured victims wished to cooperate with criminal investigations.

In addition to arrests made on Saturday, we are conducting several follow-on investigations, focused on identifying and apprehending suspects who committed violence and vandalism

At least eight officers were injured, including several reporting hearing loss due to illegal explosives thrown at them, exposure to pepper spray and a knee injury. Investigations into several felonious assaults is focusing on identifying and apprehending the suspects in these cases.

Planning prior to the event was extensive, and informed by our experience from the March 4 demonstration. Staffing was increased significantly. In preparing for the event, Police and City officials met with and/or communicated with various stakeholders. These included BUSD officials, the Downtown Business Association, the Ecology Center Farmer's Market, and others. This pre-event communication strategy provided stakeholders with information upon which to base their own decisions with regards to preparing for the 15th. We provided information to the community through Nixle, Nextdoor, and Twitter, before, during and after the event.

Coordination within various City of Berkeley Departments was extensive, and collaboration amongst departments (e.g. Berkeley Fire Department, Public Works, Parks, the City Attorney's office, the City Manager's Office) was again a key element in our City's work to manage this event.

As mentioned earlier, the City used a number of measures to work to support freedom of speech, while reducing opportunities for violent contact. The one-day Administrative rule allowed officers to control access points to the park and prohibit people from bringing in items which could be used as weapons. Fencing was used to delineate areas for each faction. Arrests were made on several occasions. When possible, we also video-recorded assaults to gather evidence in criminal investigations to allow us to identify and arrest suspects. This strategy has yielded additional arrest warrants and arrests.

Pre-event outreach with event organizers allows us to adequately prepare for events, provide guidance on how to have a safe event, always with a goal of protecting and facilitating free speech, while keeping our community safe. These pre-event discussions drive our planning processes, and inform our messaging to the community.

In this case, organizers did *not* participate in planning efforts generally associated with safely-run Special Events. While there was respectful communication involving the organizer and two groups of supporters, this was not a substitute for participating in the Special Events planning process. This falls far short of the discussions which normally occur as part of the Special Events planning process, where plans for adequate security, first aid, and contingencies are routinely developed and mutually agreed upon.

On April 15, groups initially remained separated in the park. At one point, about three dozen "antifa" entered the park over fencing, ultimately confronting demonstrators, and escalating violence, with fights and assaults breaking out. At one point, a person sprayed a large amount of chemical irritant, possibly pepper-spray, which exposed crowd members and police officers to the irritant. I authorized a request for mutual aid through the Alameda County Mutual Aid Coordinator, who had been advised of the event well in advance. The Oakland Police

Department responded to the County coordinator's request. OPD provided us with vital support, including providing security for City Hall, around which much of the confrontations were taking place.

The groups migrated around the park and onto the surrounding streets. During the course of the event, we saw crowds on Allston Way, Milvia and Center, and on Center up to just east of Shattuck. A number of assaults between demonstrators occurred in this immediate area, and demonstrators also blocked traffic in the intersections through their presence. Ultimately, the crowd, reduced in size, moved to the sidewalks after a targeted arrest, and a line of officers directed people back to the sidewalk. Traffic was opened up, and there were no further incidents of violence.

Our responsibility in this situation is to act with deliberation, and keen awareness of context, of what actions we're taking and why, and of what effect or reaction our actions may generate. We are rightly expected to not get swept into the volatility of the crowd. This is in keeping with the values of our community, and the best-informed practices of Law Enforcement across the country, in a time where community trust in our actions is absolutely essential.

Again, there were multiple assaults, all between elements of the crowd. People on both "sides" actively sought confrontations with those with opposing views. While our messaging to peaceful observers and media members asked that people separate themselves from those committing violence, crowds of onlookers and video recorders were suffused throughout the event, frequently placing themselves in very close proximity to those who were fighting. This phenomenon again made managing the event considerably more complex for our Department.

A fight within a volatile crowd is not a simple matter in which to intervene. Intervening on intermixed groups of armed participants fighting or eager to fight presents challenges. Intervention requires a major commitment of resources, a significant use of force, and carries with it the strong likelihood of harming those who are not committing a crime.

In the midst of these dynamics, our officers are held fully accountable for the legal, reasonable, and judicious use of force, while bringing about the least harm possible.

With these factors in mind, and instead of unnecessarily exacerbating the problem, we arrested individuals when conditions best favored the safety of all involved. Berkeley Police worked to identify those committing violence, even when suspects' actions amidst the cover of a crowd did not allow immediate apprehension.

During the course of this event, BPD made twice as many arrests as on March 4, and it's likely we will end up arresting more individuals through our investigations.

The primary vandalism which occurred impacted the Center Street Parking Lot construction site, which was broken, and the Berkeley High Community Theater exterior wall on Allston Way, was vandalized with anarchist symbols and graffiti, and a large glued-on poster.

A note on Mutual Aid: We requested Mutual Aid after our resources were essentially completely deployed. Mutual Aid requests are made to the Alameda County Mutual Aid coordinator, who then notifies agencies to request personnel. Any response to a call for assistance can take considerable time to arrive, be briefed, and be deployed—generally at least an hour. The Oakland Police Department responded, with approx. 180 personnel, including squads of officers, motorcycle officers, supervisors and commanders. Community members may have seen the convoy of OPD responders, as they responded en masse. OPD support allowed us to focus on targeted arrest activity, while ensuring that, for example, City Hall was secured.

It's important to note that no *uninvolved* community members were injured, and there were no reports of violence or vandalism outside of the Center St. area.

Substantial criminal investigations are continuing. A website has been established for those who wish to upload photos or videos: <http://bit.ly/berkvideo>.

We anticipate releasing photographs of currently unidentified suspects to the public in the next few days. We will be seeking the public's assistance in identifying additional suspects.

If constituents ask about reporting a crime related to the riot, please have them do so by calling 510-981-5900.

The photos below are attached for your information.



Explosive thrown at BPD officers detonates.

Weapons recovered from attendees



Bear spray, pepper spray, knives, stun gun



Functioning stungun

