



Office of the City Manager

March 6, 2017

To: Honorable Mayor and  
Members of the City Council

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

Subject: March 4, 2017 Demonstration

Please see the attached report from Interim Police Chief Andrew Greenwood regarding the demonstration that took place in Civic Center Park last Saturday, March 4, 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

March 6, 2017

To: D. Williams-Ridley, City Manager

From: A. Greenwood, Int. Chief of Police

Re: **INFORMATION FOR MAYOR, COUNCIL AND COMMUNITY; MARCH 4 DEMONSTRATION**

On Saturday, March 4<sup>th</sup>, a rally took place at and around Civic Center Park. Billed by its organizer as a “March on Berkeley” in support of free speech, the rally attracted a variety of allied interests, ultimately drawing several hundred demonstrators, counter-protestors, and media. Certain elements of the crowd came armed and prepared to fight. Assaults between some individuals on rivaling sides within the crowd generated significant media coverage and attention. Ten arrests were made. It appears no uninvolved bystanders or community members were injured. No officers were injured. No property was vandalized or destroyed. A number of community events occurred in the immediate vicinity and blocks surrounding the rally, and none of those events were significantly affected. Significant criminal investigations are ongoing. Given the interest in this event, I wanted to share additional information with our elected officials and our community.

Planning prior to the event was extensive. Plans were continuously refined, keeping in mind that there is no “one size fits all” plan for demonstrations. Each event has its own set of unique and evolving characteristics to be considered. Staffing for Saturday was increased significantly, and Berkeley Police planned for a variety of contingencies.

In preparing for the event, Berkeley Police and City officials met, called, and otherwise communicated with area stakeholders. We worked with BUSD officials, the Downtown Business Association, the Berkeley Chamber of Commerce, the Farmer’s Market, Telegraph Business Improvement District, and University of California and UCPD officials as it became clear the event was going to occur. This allowed stakeholders to plan accordingly. We also alerted the community ahead of time via messages on Nixle and Nextdoor.

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, pre-event communication with groups who had stated their intent to attend met with mixed results. The event organizer did not respond to City staff efforts to coordinate, though as the event drew near, the organizer did respond to BPD outreach efforts. Some groups did not respond at all. Others gave inaccurate and inconsistent information regarding their intentions, level of preparedness, and security plans.

The event crowd grew at its peak to approximately 400 people, and was comprised of various, seemingly leader-less factions. The group By Any Means Necessary (BAMN) began a rally prior to noon. (BAMN organizers did not respond to BPD outreach efforts prior to the event.) The “March on Berkeley” organizer indicated their event would start at 2:00 PM. People allied with the organizer, (who himself appeared carrying a large “anarcho-capitalist” flag), began arriving shortly before 2:00 PM. By this time, the crowd included a large number of media and observers.

Initially, the protestors and counter-protesters remained in separate groups. As the number of participants grew, the two sides moved closer together, and converged into one large group.

Fights broke out intermittently between various protestors and counter-protesters throughout the event. These altercations usually took place in the middle of the group, and lasted a few seconds. Based on the location and duration of the altercations, it was frequently difficult for officers on the ground to identify primary aggressor suspects and victims. BPD teams provided medical attention to those who needed it, and sought suspect descriptions and other leads from victims and witnesses, many of whom were uncooperative. When officers did observe criminal acts, they took coordinated enforcement action when practical, while balancing the need to make individual arrests against the need of managing the risks posed by the overall event. Ultimately BPD made ten arrests for crimes ranging from simple battery to assault with a deadly weapon.

Over time, the crowd size shrank. Later in the afternoon, there was a march away from the park into the downtown. BPD monitored the march and the downtown area. When the march returned to the park, the crowd size had further diminished.

Our response to fights between some among the various groups within the crowd have drawn attention. Again, there is no “one size fits all” approach. When a crowd includes armed people intent on committing violence on each other, safeguarding our community becomes a particularly challenging balancing act.

Our responsibility in this situation is to act with a clear and level-headed 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.

During the course of the event, there were multiple assaults, all between elements of the crowd. This was not surprising. Many on both sides attended armed with weapons, shields, pepper spray, portable radios, smoke canisters, etc., wearing protective padding and helmets, and in at least one confirmed case, ballistic armor. These people actively inserted themselves into confrontations with those with opposing views. While our message to peaceful observers and media members is to separate themselves from those committing violence, Saturday’s

crowds of peaceful attendees surrounding those who were fighting, made managing the event considerably more complex for our Department.

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

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. Finally, intervention risks escalating an event into a full riot.

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. In addition to the ten arrests, BPD also recovered and gathered numerous weapons throughout the afternoon, further reducing potential violence. (A photograph of the seized weapons is attached.)

After several hours, people began leaving the area. The dispersal of the crowd gave less cover to agitators. The strategy of identifying, locating, and making targeted arrests (even after the offense occurred) may have caused people who earlier committed a crime to leave.

BPD provided medical care and facilitated Berkeley Fire Department medical attention to several people. All but one cooperated—some in fact simply wanted to go back into the crowd.

It's important to note that no *uninvolved* community members were injured, and there were no reports of violence or vandalism in the downtown and surrounding areas as a result of the rally or brief march through the downtown 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.



Here, a suspect is seen assaulting a crowd member.

His description was broadcast to officers, who took him into custody, below.





The arrested suspect being led away.



Another arrest, of a masked assault suspect.



Officers detained this individual, who was wearing ballistic body armor under his shirt.



An assortment of weapons and helmets recovered during the day at Civic Center Park, including baseball bats, pepper spray, an ax handle, black flags, and a large board with protruding nails.