


Office of the City Manager

December 21, 2011

To: Honorable Mayor and Members of the City Council  
The Police Review Commission

From: Christine Daniel, Interim City Manager 

Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the use of pepper spray report relating to the use of Oleorisin Capsicum (OC) that occurred December 2, 2011.

Attachments: Use of Pepper Spray Report 11-67338

cc: William Rogers, Interim Deputy City Manager  
Deanna Despain, City Clerk  
Ann-Marie Hogan, City Auditor  
Lillian Mayers, Interim Police Review Commissioner  
Michael Meehan, Chief of Police  
Mary Kay Clunies-Ross, Public Information Officer

BERKELEY POLICE DEPARTMENT  
USE OF PEPPER SPRAY REPORT  
(Note - this is a public document)

This report is to be completed by any Department employee who uses "Oleoridin Capsicum" (OC) spray during the performance of his or her duties. The authorization for this report comes from City of Berkeley Council actions taken September 16, 1997 directing that any use of "OC" be reported to the City Council and the Police Review Commission via the Police Department's Chain of Command as a public record within seven (7) days of its use.

Date: 12022011

To: Berkeley City Council and Police Review Commission via

JK

Chief of Police /approved for routing

DL3

Captain of Patrol /approved for routing

DB14

Watch Commander /approved for routing

(30) 316

Duty Supervisor /approved for routing

From:\*

OFFICER PETER BTELDAWES #18

\* Note: This form is to be completed by the Department Employee using the spray. If that person is unable to complete this form due to injury, it shall be completed by his or her immediate supervisor.

Subject: USE OF "PEPPER SPRAY" INCIDENT

Refer to Case Number(s): 11-67338

Date of Incident: 12022011

Time of Incident: 1337

Location of Incident: 2919 HARPER ST.

Application was:  Effective  Ineffective

Information on Subject:  Adult  Juvenile

Physical description: M 6' 225  
Sex Height Weight

First Aid for Subject:

Paramedic responded and administered First Aid

Additional comments on First Aid rendered: I WASHED SUSPECT'S FACE WITH GARDEN HOSE PRIOR TO BFD'S ARRIVAL.

**Nature of Incident:** SUSPECT WAS BURGLARIZING A HOME. POLICE CHALLENGED HIM. HE RAN THROUGH THE BACK YARD AND OVER A FENCE. AS HE APPROACHED ME, I YELLED AT HIM TO STOP AND GET ON THE GROUND. HE REFUSED. I SPRAYED HIM IN THE FACE FROM ABOUT 10 FEET AWAY. AT THAT POINT, SUSPECT GAVE UP

**Summary and justification of the Actions of Officer(s) Involved:**

SUMMARY - SEE ABOVE,

I PEPPER SPRAYED THE BURGLAR BECAUSE HE WOULD NOT STOP AFTER BEING ORDERED TO DO SO.

SUSPECT GAVE UP IMMEDIATELY AFTER BEING SPRAYED.

cc: Chief of Police