


Office of the City Manager

January 10, 2012

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 on January 3, 2012.

Attachment: Use of Pepper Spray Report 12-435

cc: William Rogers, Interim Deputy City Manager  
City Clerk's Office  
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: 11/3/12

To: Berkeley City Council and Police Review Commission via

[Signature] Chief of Police /approved for routing  
[Signature] Captain of Patrol /approved for routing  
[Signature] Watch Commander /approved for routing  
S-13 [Signature] Duty Supervisor /approved for routing

From: \* W. COCKE #143

\* 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): 12-435

Date of Incident: 01/03/12

Time of Incident: 1645

Location of Incident: SACRAMENTO ST. | VIRGINIA ST.

Application was:  Effective  Ineffective

Information on Subject:  Adult  Juvenile

Physical description: M 6'2 210  
Sex Height Weight

First Aid for Subject:  Paramedic responded and administered First Aid

Additional comments on First Aid rendered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Nature of Incident: THE PEPPER SPRAY WAS USED ON A  
COMBATIVE RESISTING SUBJECT WHO I WAS ATTEMPTING  
TO DETAIN FOR 422 PC, 647(h)PC, AND 647(i)PC. HE  
HAD THREATENED TO KILL THE RESIDENT AT 1502 FRANCISCO  
ST.

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

- I ATTEMPTED TO DETAIN THE SUBJECT AT THE S/E CORNER  
OF SACRAMENTO ST. / VIRGINIA ST. AFTER IDENTIFYING MYSELF  
AS A POLICE OFFICER. HE SEEMED AGITATED AND ANGRY.
- I PLACED MY RIGHT HAND ON HIS LEFT SHOULDER AS HE  
ATTEMPTED TO WALK AWAY AFTER I TOLD HIM NOT TO  
MOVE. HE ANGRILY SAID NOT TO TOUCH HIM AND SLAPPED  
MY HAND AWAY.
- I FELT THAT HE WAS A THREAT TO MY SAFETY BASED UPON  
HIS Demeanor AND ACTIONS. I PULLED OUT MY OC  
CANNISTER AND TOLD HIM TO STOP OR I WOULD PEPPER  
SPRAY HIM. HE TURNED TOWARDS ME AND SQUARED OFF IN  
A FIGHTING STANCE WITH HIS HANDS CLENCHED IN FISTS. I THOUGHT  
HE WAS GOING TO STRIKE ME. I SPRAYED HIM TWICE IN THE FACE. HE ATTEMPTED TO  
PUNCH ME WITH HIS RIGHT FIST, BUT I BLOCKED IT.

cc: Chief of Police