



Office of the City Manager

July 23, 2020

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

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

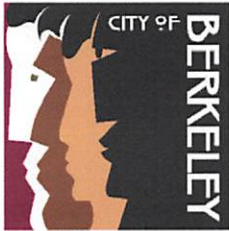
Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the Use of Pepper Spray report that occurred on May 29, 2020. Please note that this and the previous incident took place on the same day, but by different officers (see my memo to you dated July 9, 2020, attached).

The authorization for these reports comes from the City of Berkeley Council action taken September 16, 1997, directing that any use of "Oleoresin Capsicum" OC spray 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.

Attachment: Use of Pepper Spray Report 20-26023

cc: Paul Buddenhagen, Deputy City Manager  
David White, Deputy City Manager  
Andrew Greenwood, Chief of Police  
Mark Numainville, City Clerk  
Jenny Wong, City Auditor  
Matthai Chakko, Assistant to the City Manager / Public Information Officer



Berkeley Police Department

July 20, 2020

To: Dee Williams-Ridley, City Manager  
From: Andrew R. <sup>AGC</sup>Greenwood, Chief of Police  
Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the Use of Pepper Spray report that occurred on May 29, 2020. The authorization for these reports comes from the City of Berkeley Council action taken September 16, 1997, directing that any use of "Oleoresin Capsicum" OC spray be reported to 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.

Attachment: Use of Pepper Spray Report Case 20-26023



# 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 use “Oleoresin Capsicum” OC spray during the performance of his or her duties. The authorization for this report comes from City of Berkeley Council action 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:** June 15, 2020  
Date of Pepper Spray Report

**From:** Ofc. Kevin Kleppe  
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.

**Case Number(s):** 2020-00026023

**Incident Date:** May 29, 2020

**Incident Time:** Approximately 2100-2230 hours

**Incident Location:** 8<sup>th</sup> St / Broadway in Oakland, CA

**Application was:**  **Effective**  **Ineffective**

**Subject:**  **Adult**  **Juvenile**

<b>Subject description:</b>	<u>    M    </u>	<u>    Unk.    </u>	<u>    Unk    </u>
	Sex	Height	Weight

**First Aid for Subject:** Paramedic responded and administered First Aid    Yes     No

**Additional comments on First Aid rendered:** Subject fled after being exposed and BPD was therefore unable to render aid or take the subject into custody for felony assault on a peace officer PC 245(c).

**Nature of Incident:**

On 5/29/20 BPD officers were sent in a mutual aid capacity to assist OPD and Alameda County agencies for a planned demonstration in the area of 7<sup>th</sup> St / Broadway. Mutual aid was requested as there was a potential for the demonstration to become violent, and acts of violence/property damage could occur. During that time I was assigned as a Team Leader for

SRT's Gold Team and we were on a skirmish line (starting at 7<sup>th</sup> /Broadway and eventually moving to approximately 11<sup>th</sup> / Broadway) with Alameda County Sheriff's deputies. During this demonstration members of the crowd began throwing glass bottles, bricks, rocks, chunks of concrete, explosives, fireworks, and Molotov Cocktails at the officers on the skirmish line (both BPD and ACSO). These felony assaults resulted in several injuries of BPD and ACSO personnel to include bruises and burns.

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

During the night of 5/29/20 I observed an individual subject (unkown age, race, heigh or weight) at the intersection of 8<sup>th</sup> St and Broadway who was hiding behind a building and repeatedly throwing large chunks of concrete and rocks into the skirmish line of BPD and ACSO officers (in violation of PC 245). I deployed a canister of CTS OC Vapor at the corner of the building where the suspect was darting out from. This canister landed, the OC Vapor deployed and the subject stopped his continued felony assaults on officers on the line. This occurred at an unknown exact time.

Also, during these violent assaults I saw a group of people who were throwing large chunks of concrete and rocks into the skirmish line of BPD and ACSO officers. I deployed a second canister of CTS OC Vapor at the feet of this group. The OC Vapor deployed and the group scattered, running away from BPD officers, but stopping their felony assault of officers.

**Please print and route through Chain of Command to the Office of the Chief.**

<u>                    </u>	<b>Duty Supervisor</b>
<u>M. L - 3</u>	<b>Watch Commander</b>
<u>DNR</u>	<b>Operations Captain</b>
<u>G. C.</u>	<b>Chief of Police</b>