

**BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE  
SPECIAL MEETING MINUTES**

**BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES**

**Wednesday, July 17, 2019  
12:00 PM**

1947 Center Street, Basement - Multi-Purpose Room

Committee Members:

Councilmembers Ben Bartlett, Susan Wengraf, and Rigel Robinson

**Roll Call:** 12:09 a.m.

**Present:** Wengraf, Robinson, Bartlett

**Public Comment on Non-Agenda Matters:** 1 speaker.

**Minutes for Approval**

*Draft minutes for the Committee's consideration and approval.*

**1. Minutes - June 3, 2019**

**Action:** M/S/C (Robinson/Wengraf) to approve the minutes as presented.

**Vote:** All Ayes.

**Committee Action Items**

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

## Committee Action Items



2. **Adopt an Ordinance Amending Berkeley Municipal Code Chapter 2.99 to Prohibit City Use of Face Recognition Technology** *(Item Contains Revised Material)*

**From:** Councilmember Harrison

**Referred:** May 28, 2019

**Due:** October 29, 2019

**Recommendation:** Adopt an ordinance amending Berkeley Municipal Code Chapter 2.99 to prohibit the City from acquiring, retaining, requesting, accessing, or using: (1) any face recognition technology, or (2) any information obtained from face recognition technology.

**Financial Implications:** See report

Contact: Kate Harrison, Councilmember, District 4, 981-7140

**Action:** 10 Speakers. Discussion held. The committee requested that the City Attorney, Police Department, and IT staff return with more information, including:

- Analysis of proposed loop holes.
- Current contract analysis on San Pablo Park cameras.
- Legal memo regarding the constitutionality.
- Background information regarding receipt from other agencies.
- How the proposed Ordinance aligns with the existing Acquisition and Use of Surveillance Technology Ordinance.

The item was continued to the next scheduled meeting.

3. **Alternative Compliance Measures to Achieve Fire Safety in Existing Live/Work Spaces**

**From:** Councilmembers Robinson and Harrison

**Referred:** May 13, 2019

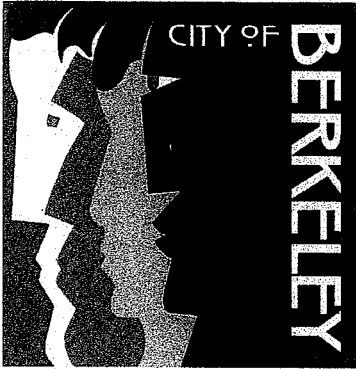
**Due:** October 28, 2019

**Recommendation:** Refer to the City Manager to develop alternative code compliance measures for nontraditional live/work spaces, in order to improve residential safety without displacing existing communities. Given the current shortage of affordable housing, Staff should consider how to enact a policy of leniency towards existing structures which may not be in complete compliance with city permits. Staff should seek methods to incentivize incremental safety renovations without exposing communities to eviction concerns.

**Financial Implications:** Staff time

Contact: Rigel Robinson, Councilmember, District 7, 981-7170

**Action:** The item was withdrawn by the author, Councilmember Rigel Robinson.



# Public Safety Committee

City of Berkeley  
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Berkeley, CA 94704  
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## ACTION CALENDAR

July 23th, 2019

To: Honorable Mayor and Members of the City Council

From: City Council Public Safety Committee:  
Councilmember Ben Bartlett  
Vice Mayor Susan Wengraf  

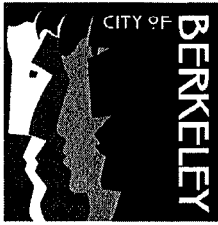
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Councilmember ~~Rashi Kesarwani~~  
Councilmember Rigel Robinson

Subject: Referral Response: Update on Various Referrals and Recommendations Regarding Stop Data Collection, Data Analysis and Community Engagement

### RECOMMENDATION

That the City Council, with a qualified positive recommendation, for the Mayor to convene the task force, as outlined in Councilmember Harrison's amended referral (4/24/18), in an expeditious manner and to request that adequate budget resources be allocated to allow the task force to complete its work regarding the City Manger's Referred April 30th, 2019 item: Review and provide feedback on the Berkeley Police Department responses to inter-related Council and Police Review Commission referrals, reports and recommendations, including the Center for Policing Equity report recommendations, regarding stop data collection, data analysis, community engagement, and related topics.



Police Department

July 19, 2019

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

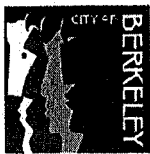
From: *DWR* Dee Williams-Ridley, City Manager

Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the Use of Pepper Spray report that occurred on July 9, 2019. 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 19-37316

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, 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 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:** July 9, 2019  
Date of Pepper Spray Report

**From:** D. Morales #47  
Note: This for 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):** 19-37316

**Incident Date:** July 9, 2019

**Incident Time:** 2245 hours

**Incident Location:** 63<sup>rd</sup> Street / Herzog Street, Oakland CA

**Application was:**  Effective  Ineffective

**Subject:**  Adult  Juvenile

**Subject description:** F 5'-06" 250  
Sex Height Weight

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

**Additional comments on First Aid rendered:** Jones was transported to Alta Bates Hospital via ambulance for medical evaluation.

**Nature of Incident:**

Ebony Jones had kidnapped her wife in her vehicle, and struck and threatened her wife while driving around in the vehicle. Jones was located at the above location and refused to comply with officers' commands to exit the vehicle.

**RECEIVED**  
JUL 12 2019  
OFFICE OF THE CHIEF

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

Jones eventually exited the vehicle and physically resisted officers' attempts to handcuff her. Less-lethal rounds were not immediately effective in obtaining compliance from Jones. In order to overcome her resistance and gain compliance without further escalation of force, I discharged OC spray at her face for approximately 2-3 seconds from a distance of approximately 7 feet. Jones then surrendered to officers and allowed herself to be handcuffed.

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

<u>EM 5-20</u>	Duty Supervisor
<u>B. 19.</u>	Watch Commander
<u>AKR</u>	Operations Captain
<u>AGC-1</u>	Chief of Police

