

Police Review Commission (PRC)

USE OF FORCE POLICY SUBCOMMITTEE

Commissioners Perezvelez (Chair), Chang, Leftwich, Ramsey

**Wednesday, September 16, 2020
7:00 P.M.**

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, this meeting of the Use of Force Subcommittee of the City of Berkeley Police Review Commission will be conducted exclusively through teleconference and Zoom videoconference and there will not be a physical meeting location available.

To access the meeting remotely: join from a PC, Mac, iPad, iPhone, or Android device using this URL: <https://us02web.zoom.us/j/81555308275>. If you do not wish for your name to appear on the screen, use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen. To join by phone: Dial **1 669 900 6833** and enter Meeting ID **81555308275**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

1. CALL TO ORDER

2. PUBLIC COMMENT

(Speakers are generally allotted up to three minutes, but may be allotted less time if there are many speakers; they may comment on items on this agenda only.)

3. APPROVAL OF AGENDA

4. NEW BUSINESS (discussion and action)

- a. Review proposed change to Policy 303.6 providing allowance for Special Response Team use of tear gas in certain circumstances.

5. ADJOURNMENT

Communications Disclaimer

Communications to the Police Review Commission, like all communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, do not include that information in your communication. Please contact the PRC Secretary for further information. City offices are currently closed and cannot accept written communications in person.



Communication Access Information (A.R.1.12)

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public by being posted on the Police Review Commission's web page within three business days of the meeting.

Contact the Police Review Commission at (510) 981-4950 or prc@cityofberkeley.info.

Lee, Katherine

From: Greenwood, Andrew
Sent: Tuesday, September 15, 2020 11:33 AM
To: Wengraf, Susan; Lee, Katherine
Subject: Information on Special Response Team - Tear Gas Policy Draft
Attachments: Policy Revision-SRT Allowance for use of tear gas.docx

Councilmember Wengraf, PRC Secretary Lee,

In their July 23 meeting, as part of the Use of Force Item, Council referred "to the Police Review Commission and the Public Safety Committee the issue of providing an allowance for the Special Response Team to use tear gas in certain circumstances."

The Department proposes policy language for consideration by the PRC and the Public Safety Policy Committee.

Attached please find our proposed change in language in Policy 303 Control Devices and Techniques, Section 303.6.

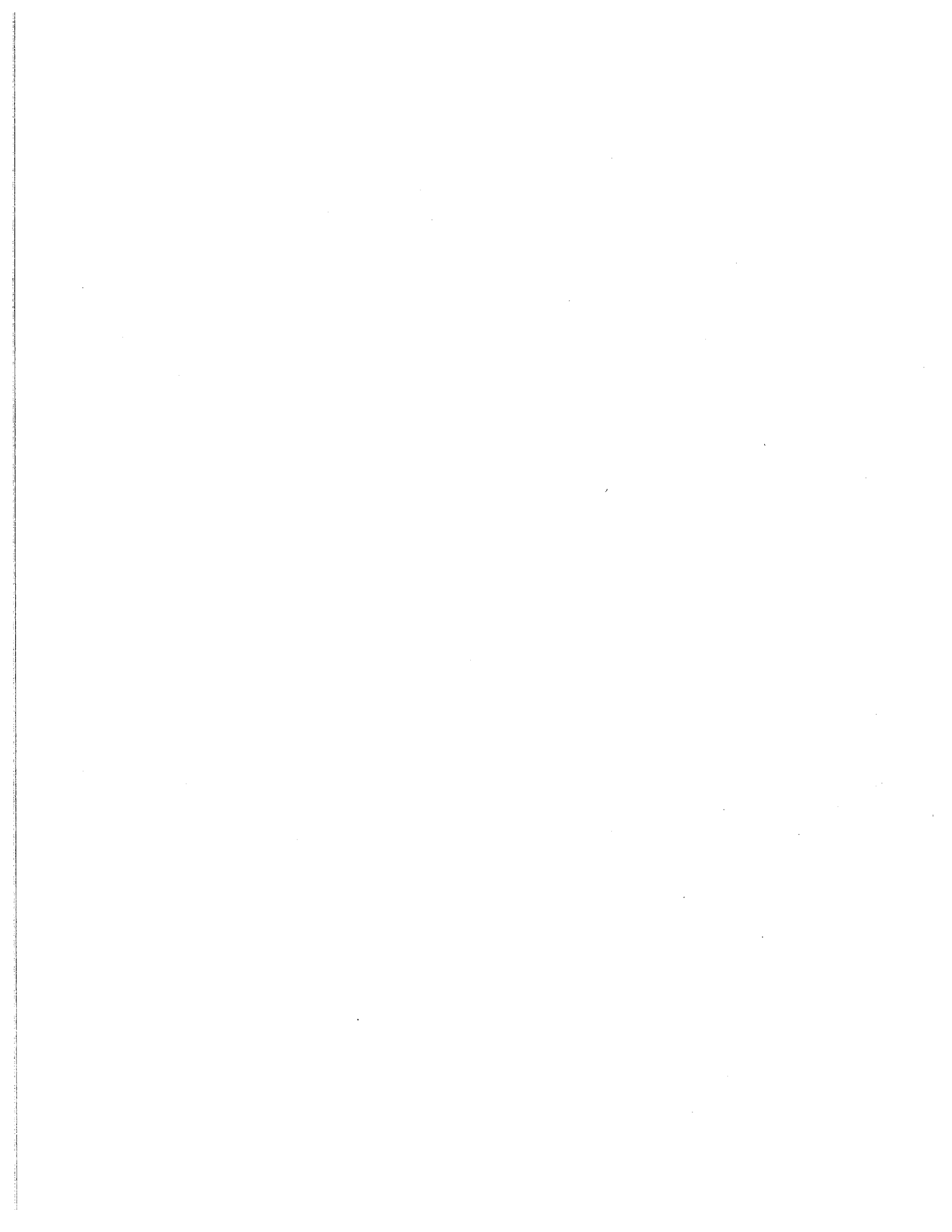
I understand both bodies will be on parallel courses of consideration, and am prepared to support you in terms of proceeding with this request.

At this moment, I understand the following meetings are scheduled or being scheduled, and at which we would present information:

1. The Public Safety Police Committee has the matter on their Monday Sept. 21 meeting Agenda.
2. The PRC will be first having its Use of Force Subcommittee meeting on the matter, possibly tomorrow, Wed. Sept 16, with a goal of a recommendation to the full PRC at their Wed. Sept. 23 meeting.

Thank you for your consideration of this critical safety need.

Andrew Greenwood
Chief of Police
Berkeley Police Department
(510) 981-5700



September 15, 2020

To: Berkeley City Council Public Safety Policy Committee
Berkeley Police Review Commission

From: A. R. Greenwood, Chief of Police

Re: **POLICY RECOMMENDATION: COUNCIL REFERRAL PROVIDING ALLOWANCE FOR SPECIAL RESPONSE TEAM USE OF TEAR GAS IN CERTAIN CIRCUMSTANCES**

During their July 23 meeting, as part of their action regarding the Use of Force policy item, Council referred “to the Police Review Commission and the Public Safety Committee the issue of providing an allowance for the Special Response Team to use tear gas in certain circumstances.”

The Department proposes the below policy language for consideration by the PRC and the Public Safety Policy Committee, to provide the allowance.

We propose this new language:

303.6 TEAR GAS GUIDELINES

Tear gas may only be used by trained members of the Special Response Team during SRT operations, (e.g. during barricaded subject operations, responding to attacks during a SRT operation, etc.) when it is objectively reasonable, to protect people from the risk of serious bodily injury or death.

As per City Council policy (June 9, 2020), the use of tear gas by employees of the Berkeley Police Department is otherwise prohibited.

When practicable, fire personnel should be alerted or summoned to the scene prior to deployment of tear gas by SRT, in order to control any fires and to assist in providing medical aid or gas evacuation if needed.

The above language will completely replace the current language:

303.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Chief of Police may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

- (a) However, tear gas may used without the Chief’s authorization when exigent circumstances prevent the request from being made and the delay would

likely risk injury to citizens or police personnel (e.g., rocks, bottles, or other projectiles being thrown and immediate crowd dispersal is necessary). In the event immediate use is necessary, notification to the Chief of Police, or his/her designee, should be made as soon as possible after the deployment.

When practicable, fire personnel should be alerted or summoned to the scene prior to the deployment of tear gas to control any fires and to assist in providing medical aid or gas evacuation if needed.

We will be available to attend Committee and Commission meetings to answer questions as soon as possible, to address this critical safety need.