

## Lee, Katherine

---

**From:** Greenwood, Andrew  
**Sent:** Monday, September 21, 2020 12:56 PM  
**To:** Lee, Katherine  
**Cc:** Wengraf, Susan; MacDonald, Michael; Thomsen, Rose  
**Subject:** Policy Revision-SRT Allowance - Tear Gas - Passed 092120byPSPC.docx  
**Attachments:** Policy Revision-SRT Allowance - Tear Gas - Passed 092120byPSPC.docx

Ms. Lee,

As you are aware, the Public Safety Policy Committee voted unanimously to past this item on the full Council, with no changes from the document as passed by the PRC Use of Force Subcommittee.

I wanted to make sure the full PRC is aware of their action, ahead of the meeting Wed. night, 9/23.

I will be attending the PRC meeting, along with much of staff who attended today; look forward to seeing you then.

Thanks,

Andrew Greenwood  
Chief of Police  
Berkeley Police Department

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, ~~or~~ responding to attacks during a SRT operation, ~~etc.~~) when it is objectively reasonable, in accordance with Policy 300, to protect people from the risk of serious bodily injury or death.

The above paragraph notwithstanding, As per City Council policy (June 9, 2020), the use of tear gas by employees of the Berkeley Police Department is ~~otherwise~~ prohibited in crowd control and crowd management situations.

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 be 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.