



Office of the City Manager

July 9, 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. 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 6, 2020

To: Dee Williams-Ridley, City Manager  
From: Andrew R. 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



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## 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.

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**Date:** 6/1/2020

\_\_\_\_\_  
Date of Pepper Spray Report

**From:** Lt. S. Fomby L-2

\_\_\_\_\_  
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):**

20-26023

**Incident Date:**

5-29-20

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deploy immediately and stop the crowd from reaching the PAB. We quickly geared up and deployed into the intersection of 7th and Broadway. We linked up with the Alameda County Sheriff's Office (ACSO) SRU and formed a skirmish line. The crowd approached our line and immediately became hostile toward our officers. Protesters began throwing rocks and bottles. A group of protesters starting fighting Ofc. Salas #141 and other officers on the right side of our line. I approached the area of the confrontation from behind the line. I observed a BM fighting with Ofc. Salas and grabbing his baton. I used a MK9 OC canister and sprayed the suspect in the face. The suspect and several other attackers ran away into the crowd. We were not able to arrest him or render medical aid due to the violent crowd.

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

|                   |                           |
|-------------------|---------------------------|
| <u>X</u>          | <b>Duty Supervisor</b>    |
| <u>X</u>          | <b>Watch Commander</b>    |
| <u>SKL</u>        | <b>Operations Captain</b> |
| <u>          </u> | <b>Chief of Police</b>    |