

Office of the City Manager

July 9, 2020

To: Honorable Mayor and Members of the City Council

The Police Review Commission

From: 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



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



BERKELEY POLICE DEPARTMENT



OFFICE OF THE CHIEF

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:	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 N	umber(s):							
20-2602	23							
Inciden	at Date:	RECEIVED						
5-29-20)	JUL 06 2	020					

Incident Time: approx 2000 hours	;								
Incident Location:	7th aı	nd Broadway,	Oakland						
Application was:	x	Effective		Г	Ineffective				
Subject:	X	Adult		_	Juvenile				
Subject description	n:	М							
·	•	Sex	Height		Weight				
First Aid for Subjec	ct: Pa		onded and ad	minist	ered First	Yes	Γ	No	x
Additional comment treat him.	s on i	First Aid rende	e red : Suspect	ran in	to the crowd	so we v	were ı	nable	e to
Nature of Incident: During a protest at the grabbed his baton. I							ficer a	ınd	

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

On 5-29-20 I was assigned as a squad leader for an SRT response to a protest event in Oakland. The protest was in response to the killing of George Floyd in Minneapolis. Around 1800 hours, we arrived to the Oakland Police Administration Building (PAB) and checked in. We brought our personnel to the area of 7th and Broadway and saw a crowd of several hundred protesters approaching the PAB. An Oakland PD Captain asked if we could

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.

