Office of the City Manager

July 9, 2020

## To: Honorable Mayor and Members of the City Council The Police Review Commission <br> From: Dwke Dee Williams-Ridley, City Manager <br> 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.

## BERKEEEY POEICE DEPARTMENT



> (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 Number(s):

20-26023

## Incident Date:

## RECETVED

5-29-20

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Incident Time:
approx 2000 hours
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Incident Location: 7th and Broadway, Oakland

Application was: $x$ Effective
$\Gamma$ Ineffective

Subject:
X
Adult
$\Gamma$ Juvenile

| Subject description: | $M$ |
| :--- | :--- | :--- |
| Sex |  |
| Height |  |
| Weight |  |

First Aid for Subject: Paramedic responded and administered First Yes $\Gamma$ No X Aid

Additional comments on First Aid rendered: Suspect ran into the crowd so we were unable to treat him.

## Nature of Incident:

During a protest at the intersection of 7th/Broadway. The suspect battered an officer and grabbed his baton. I used OC spray to stop his violent attack on a police officer.

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
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 Off. 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 Off. 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.


Duty Supervisor
Watch Commander
Operations Captain
Chief of Police

