BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE
REGULAR MEETING

Monday, May 15, 2023
10:30 AM

2180 Milvia Street, 6th Floor, Berkeley, CA 94704 – Redwood Room
1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:
Councilmembers Rashi Kesarwani, Terry Taplin, and Susan Wengraf
Alternate: Councilmember Rigel Robinson

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. For in-person attendees, face coverings or masks that cover both the nose and the mouth are encouraged. If you are feeling sick, please do not attend the meeting in person.

Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - https://cityofberkeley-info.zoomgov.com/j/1619853040. If you do not wish for your name to appear on the screen, then 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 1-669-254-5252 or 1-833-568-8864 (Toll Free) and Enter Meeting ID: 161 985 3040. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@cityofberkeley.info.

Written communications submitted by mail or e-mail to the Public Safety Policy Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.
AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - April 24, 2023

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. January 16, 2023 Berkeley Hills Mudslide
   From: City Manager
   Contact: Jordan Klein, Planning and Development, (510) 981-7400; David Sprague, Fire, (510) 981-3473; Liam Garland, Public Works, (510) 981-6300

3. Dispatch Needs Assessment Presentation
   From: City Manager
   Contact: David Sprague, Fire, (510) 981-3473
Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

4. **Information Report Request: Alternatives to Chemical Agents for Response to Violent Large-Scale Crowd Scenarios**
   - From: Councilmember Taplin (Author)
   - Referred: August 29, 2022
   - Due: June 30, 2023
   - **Recommendation:** Direct the City Manager to study alternatives to chemical agents to improve the Berkeley Police Department’s ability and capacity to respond to and de-escalate large-scale crowd scenarios, including violent militias, and return a report to the City Council by the end of Fiscal Year 2023. Report should include but not be limited to the following factors:
     - BPD intelligence-gathering capabilities on potentially violent large crowd scenarios;
     - BPD response protocols including procedures for protecting bystanders, peaceful protesters, and businesses;
     - Tools and tactics available for crowd control in potentially violent scenarios;
     - Mutual aid and support from other local/state/federal agencies;
     - Applicable state and federal laws on crowd control and First Amendment rights.
   - **Financial Implications:** Staff time
   - Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Items for Future Agendas

- Requests by Committee Members to add items to future agendas

Adjournment

Written communications addressed to the Public Safety Committee and submitted to the City Clerk Department will be distributed to the Committee prior to the meeting.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.
I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on Thursday, May 11, 2023.

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.
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Remote participation by the public is available through Zoom. To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - https://cityofberkeley-info.zoomgov.com/j/1615224966. If you do not wish for your name to appear on the screen, then 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 1-669-254-5252 or 1-833-568-8864 (Toll Free) and Enter Meeting ID: 161 522 4966. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

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MINUTES

Roll Call: 9:31 a.m.

Present: Wengraf, Taplin

Absent: Kesarwani

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes – March 20, 2023
   Action: M/S/C (Wengraf/Taplin) to approve the March 20, 2023 minutes.
   Vote: Ayes – Wengraf, Taplin; Noes – None; Abstain – None; Absent – Kesarwani.

Committee Action Items

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Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

   From: City Manager
   Recommendation: Review the draft policies and provide direction to staff.
   Financial Implications: See report
   Contact: Jennifer Louis, Police, (510) 981-5900
   Action: 1 speaker. M/S/C (Wengraf/Taplin) Qualified positive recommendation to send the item to the City Council as presented with revisions at the April 24, 2023 Public Safety policy committee meeting.
   Vote: Ayes – Wengraf, Taplin; Noes – None; Abstain – None; Absent – Kesarwani.
Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

3. Information Report Request: Alternatives to Chemical Agents for Response to Violent Large-Scale Crowd Scenarios
   From: Councilmember Taplin (Author)
   Referred: August 29, 2022
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   Recommendation: Direct the City Manager to study alternatives to chemical agents to improve the Berkeley Police Department’s ability and capacity to respond to and de-escalate large-scale crowd scenarios, including violent militias, and return a report to the City Council by the end of Fiscal Year 2023. Report should include but not be limited to the following factors: -BPD intelligence-gathering capabilities on potentially violent large crowd scenarios; - BPD response protocols including procedures for protecting bystanders, peaceful protesters, and businesses; -Tools and tactics available for crowd control in potentially violent scenarios; -Mutual aid and support from other local/state/federal agencies; -Applicable state and federal laws on crowd control and First Amendment rights.
   Financial Implications: Staff time
   Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Items for Future Agendas

- The committee scheduled the following item for the May 15, 2023 meeting:
  Information Report Request: Alternatives to Chemical Agents for Response to Violent Large-Scale Crowd Scenarios

Adjournment

Action: M/S/C (Taplin/Wengraf) to adjourn the meeting.
Vote: Ayes – Wengraf, Taplin; Noes – None; Abstain – None; Absent – Kesarwani.

Adjourned at 10:06 am.

I hereby certify that the foregoing is a true and correct record of the Public Safety Committee meeting held on April 24, 2023.

Sarah K. Bunting, Assistant City Clerk
To: Public Safety Committee

From: Jordan Klein, Director of Planning & Development
      David Sprague, Interim Fire Chief
      Liam Garland, Director of Public Works

Subject: January 16, 2023 Berkeley Hills Mudslide

INTRODUCTION
This report outlines the impacts of the January 16, 2023 mudslide in the Berkeley hills, and examines City and private responsibilities related to landslide awareness and mitigation in general.

CURRENT SITUATION AND ITS EFFECTS
Beginning on December 29, 2022, a powerful series of storm systems brought extremely heavy rainfall and strong winds to Northern California, causing widespread flooding, mudslides, power outages, downed trees, sinkholes, and other storm impacts. While the City of Berkeley was spared major damage, the December 2022 and January 2023 Atmospheric River Winter Storms brought 16 inches of rainfall over a 14-day period and wind gusts in excess of 55 MPH.

On January 16, 2023, at approximately 6:30am, a large chunk of the hillside located on the eastern edge of Zaytuna College’s Upper Campus broke loose. The ensuing mudslide traveled onto the private property immediately downslope at 966 Middlefield Road, destroying an outbuilding and damaging the home and threatening several properties and the public right of way further downhill.

Initial Response
Emergency responders from the Berkeley Fire Department and Berkeley Police Department responded to the scene quickly, following a 911 call from the 966 Middlefield Road property owner. They began evacuating residents in downslope and adjacent properties. In total, residents at eight properties (1 impacted, 7 considered to be threatened) were evacuated by on-scene personnel that morning. All residents evacuated safely without injury or incident. None of the evacuated residents indicated to City staff that they had a need for sheltering assistance. They were referred to American Red Cross’s 24-hour Dispatch, as is common when a limited number of residents are evacuated following a house fire or other emergency incident.
The City published a Nixle message and Zonehaven advisory for Zone BER-E016 to urge the public to avoid the area, as first responders worked to address mudslide impacts. The Fire Department Public Information Officer held a field press conference at Berkeley Fire Station 7 and responded to media inquiries throughout the day from KCBS radio, CBS, ABC 7, NBC Bay Area, East Bay Times, SF Gate, Mercury News, Berkeley Scanner, and Berkeleyside.

The City coordinated response operations and communications through the Emergency Operations Center, and established the Incident Command Post at Berkeley Fire Station 7. Berkeley Fire Department, Police Department, Building & Safety Division, Public Works Department, utilities providers, and partners from the California Geological Survey and US Geological Survey responded to the scene that morning. Staff contacted geotechnical engineering firms to request that they report to the scene to evaluate the slide and advise on likely impacts and potential mitigation measures. The responding geotechnical engineer, Alan Kropp of Alan Kropp & Associates, confirmed that the mudslide was likely caused by rotational failure due to rain and weight of the soil which flowed down the hillside. It was found during the initial investigation that a drain pipe was present in the head scarp area and was discharging a significant amount of water into the landslide. As the pipe continued to run water into the slide zone, Kropp advised the City and Zaytuna College that the flow from the broken pipe needed to be diverted away from the slide area.

Although all impacts were on private property, in the interest of life safety and preventing further damage to property, Public Works and Fire Department staff moved quickly in coordination with Zaytuna College to purchase the necessary material and implement the geotechnical engineer’s recommended mitigations that same afternoon.

At about 4:30pm, the repair to the broken pipe was completed by Berkeley Fire and Public Works staff. Fire and Public Works personnel were released from the scene but Fire returned throughout the night to monitor slide movement. Building & Safety red-tagged five of the eight evacuated properties and City staff contacted those three households who were permitted to return home.

The first of the five red-tagged properties, 966 Middlefield Road, was the downslope neighbor of Zaytuna College. Mud slid from the Zaytuna property down into the yard of the Middlefield property, damaging the buildings onsite. The remaining four red-tagged homes were further downslope of the Middlefield property. Although these four properties were not directly impacted by the mudslide, staff determined under the advisement of geotechnical engineers that those properties continued to be threatened by the mudslide debris located in the yard at 966 Middlefield Road.

The Fire Department had evacuated several residences downhill from 966 Middlefield and asked the Building Division for their assessment. The Chief Building Official, after consultation with staff and Mr. Kropp, determined that the added weight of the debris field that had settled on the Middlefield property could trigger rotational failure at the
Middlefield site and threaten the properties below with landslide debris. The Building Division posted red placards to restrict any entry on 4 additional properties: 980 Wildcat, 304 The Spiral, 310 The Spiral, and 319 The Spiral until the added weight of the wet debris field on the Middlefield property could be removed.

**Ongoing Response**

Beginning on January 19, Chief Building Official David Lopez and the EOC began regular email communication to the red-tagged property owners and tenants. The Building Official advised that re-occupancy required additional assessments, as well as implementation of any mitigation measures dictated by the assessments.

Over the course of several weeks, the Building and Safety Division was in contact with three geotechnical engineers and Building and Safety staff to assess that the threat of future landslides had been mitigated. Once the Division confirmed that Zaytuna College had completed their mitigation measures and geotechnical engineers completed their assessments, the Chief Building Official lifted the red placards on February 3, 2023 for the downhill properties and permitted those residents to re-occupy their homes effective immediately. Heavy land moving equipment could not be used to remove the debris field due to the added weight of equipment and the lack of space to maneuver, resulting in a slow debris removal process.

The Building & Safety Division shifted the Middlefield property, which was the only one damaged by the slide, from red tag to yellow tag, which allows for limited entry to the site. As of April 27, the Middlefield property continues to have restricted access and owners are in contact with the Building Division.

**BACKGROUND**

In California, private property owners bear responsibility to protect their properties from potential landslides.

**Identifying Landslide Risk**

The California Geological Survey identifies areas across the state with landslide risk. The City of Berkeley has included this information in its 2019 Local Hazard Mitigation Plan, which references previously completed maps and geologic studies:

*Berkeley has a number of deep-seated landslides that continuously move, with the rate of movement affected by rainfall and groundwater conditions. Significant localized areas of the Berkeley hills face risk from landslide, and a major slide could endanger lives and impact scores of properties, utilities and infrastructure.*

*Landslides are expected in the Berkeley hills during the next earthquake, particularly if the earthquake occurs during the rainy winter months. Landslide movement could range from a few inches to tens of feet. Ground surface*
displacements as small as a few inches are enough to break typical foundations. Liquefaction is very likely in the westernmost parts of the city and could occur in much of the Berkeley flats.

The most recent landslide in Berkeley occurred in January 2017. In January 2017, the overall rainfall in California was on pace to be the wettest season in over 100 years on record. Rain created saturated soil conditions in parts of Berkeley and throughout the State. The slide occurred on an undeveloped lot in the North Berkeley hills and threatened to close the street lying in the path of the slide. Repairs to the hillside were completed in late 2018. No one was hurt. Berkeley’s most significant recent landslide occurred in North Berkeley during the winter of 1997-98, when soil became oversaturated from heavy rains brought by the El Nino weather system. One home was significantly damaged and had to be demolished. Two additional homes were yellow-tagged, meaning they were of questionable safety, but residents were able to reoccupy these homes after the hillside was stabilized. No one was hurt. At other times during the 20th century landslides of rainfall-saturated ground in the Berkeley Hills damaged and sometimes destroyed homes and public infrastructure, including streets, sewers, and other utilities. Most of the areas damaged were later rebuilt or built over. 88 Other recent landslide experiences are limited to minor slides blocking roads, such as the collapse of the Euclid Avenue retaining wall in 1996.

Mitigating Landslide Hazards

Landslide hazard can be reduced through grading, soil strengthening, geotechnical engineering components, drainage, control of runoff, and landscape methods. In new development, the City regulates the issuance of permits and inspects new development activities. However, most Berkeley hillside development predates current best practices and codes and therefore remains vulnerable to the threat of landslides. The City maintains certain major retaining structures in the right-of-way that help to control landslide risk in key areas.

Property owners are responsible for maintaining their own property and taking steps to mitigate landslide risks, while the city government responds to life safety threats posed by landslides when they occur.

Landslide Response

When landslides occur on private property, city government has a responsibility to respond to protect lives and prevent further threat to property. This typically involves assessing the damage and ensuring that the area is safe for residents and emergency responders.

In general, homeowner’s insurance policies issued in California, while worded slightly differently by various insurers, provide coverage for accidental physical loss to property
as described in the policy subject to exclusions and limitations. Standard exclusions include: flood, earth movement, earthquake, landslide or mudflow, settling, cracking, shrinking, subsidence or sinkhole, erosion, sinking, rising, shifting, expanding or contracting of earth. As such, property owners impacted by landslides, mudflows, and debris flows often must resolve damage without insurance coverage. Often impacted property owners explore the possibility of legal recourse due to the high cost and limited financial assistance available to support mitigations or repairs.

CONTACT PERSONS
David Lopez, Interim Chief Building Official, Planning & Development, 510-981-7441
Sarah Lana, Emergency Services Manager, Fire Department 510-981-5576
City of Berkeley, CA
Communication Center

Needs Assessment and Recommendations Presentation
May 15, 2023
Introductions

• Federal Engineering Core Team Members
  – Scott Strom, PMP, Project Manager
  – Cindy Sparrow, Fire Services/Public Health SME
  – Tracy Ward, Police Services/Public Health SME
  – Eric Parry ENP, EMD SME
  – Chuck Berdan, PMP, Fire Dispatch SME
Project Overview

- Project Overview
  - ECC Study for Prioritized Dispatch for medical and fire
- Additional Scope
  - Assess Dispatch Services for Albany and Piedmont Fire
  - Specialized Care Unit (SCU) Assessment
Project Methodology

- Methodology
  - Data Collection
  - On Site Interviews & Observation
  - Analysis
  - Report
Areas of Focus:

1. ORGANIZATIONAL ANALYSIS
2. STAFFING AND WORKLOAD ANALYSIS
3. FACILITY ANALYSIS
4. CALL PROCESSING AND WORKFLOW ANALYSIS
5. CRISIS RESPONSE
6. TRAINING PRACTICES & QA REVIEW
7. TECHNOLOGY ANALYSIS
8. ASSUMING DISPATCH FOR PIEDMONT & ALBANY
High Level Summary of Recommendations

IMMEDIATE PRIORITIES:

1. STAFFING
2. RECRUITING
3. FACILITY
4. TRAINING
Staffing Recommendations

Immediately adopt staffing analysis recommendations

Comment – FE does not recommend implementing planned initiatives until staffing issues have been resolved.
Recruiting Recommendations

Accelerate the recruiting process.

• Streamline the current process to reduce time to onboard

• Incentivize recruiting to attract quality candidates (both entry level and experienced)
  • Wages
  • Lateral Hire
Facility Recommendations

Expand the footprint of the ECC to accommodate the additional workstations required for full staffing.

- Create a back up site that doubles as a Training Facility
- Establish a fully functional Training room
Training Recommendations

Implement a Training & QA Coordinator position to plan, coordinate and support recruitment and training initiatives.

- Candidate must be trained in Emergency Dispatch QA (ED-Q)
- Design and implement CTO Training
- Create and implement Supervisor Training
- Prioritize continuing education and professional development
DETAILED OVERVIEW

A Deeper Dive into Scope Of Work Observations & Recommendations
Observation:

- The ECC is located within police headquarters, and is managed and funded by Berkeley PD
- There is a perception that the ECC favors police call processing and dispatch operations
- Communications Center Manager position has now been staffed.
Recommendations:

• Work towards an independent Communications Center with its own leadership and support model
• Require that ECC leadership have Emergency Communications Center experience
• Take steps to address and improve workplace culture
2. STAFFING & WORKLOAD ANALYSIS

Observation:

- There are currently fifteen vacant PSD positions in the ECC
- Minimum staffing requirements do not support current call volume and workload
- The “Horizontal” call processing model would be better suited to Berkeley ECC operations (i.e., dedicated call takers/dedicated dispatchers)
## 2. STAFFING & WORKLOAD ANALYSIS

### Recommended Staffing with Turnover – Berkeley ECC

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<td><strong>Total with Center Manager</strong></td>
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## 2. STAFFING & WORKLOAD ANALYSIS

### Berkeley ECC - Staffing Recommendations

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<td>666.4</td>
<td>3.46</td>
<td>4.00</td>
<td>1.54</td>
<td>9.00</td>
</tr>
</tbody>
</table>
2. STAFFING & WORKLOAD ANALYSIS (cont’d)

Recommendations:

• Increase overall staffing from 32 currently authorized to 59 overall positions (60 with Center Manager)
• Implement recommended minimum staffing levels each shift
• Continue cross training staff
• Ensure dedicated Supervisor on duty who does not work frontline roles
• Span of control for Supervisors is 3 – 7 employees
Observation:

- ECC has outgrown the current facility – no room for growth.
- There is no ECC back-up site
- There is a need for a structured evacuation plan
- There is a need for a functional training room
Recommendations:

- Renovate and expand current ECC facility
- Establish a back-up site
- Define a structured evacuation plan
- Establish a functional training room
- Establish an ECC Manager’s office
Observation:

- ECC as Primary PSAP does not provide scripted Pre-Arrival Instructions (PAIs) for medical, fire or police calls for service
- Current call processing methodology requires redundant creation (duplication) of medical call for service in order to comply with response requirements
Observation (continued):

- There are too many number based codes (with no type codes) that must be memorized by ECC staff
- There is no CAD to CAD interoperability between the ECC and the secondary PSAP (ACRECC)
4. CALL PROCESSING & WORKFLOW ANALYSIS

Recommendations:

• Conduct a detailed call-taking and business process analysis to identify efficiencies/risks and streamline process
• Create an ECC/ACRECC CAD to CAD interface
• Implement EMD/EFD scripted protocol systems to increase efficiencies and provide real-time information and access to pre-arrival instructions
• Plan to phase-in EPD scripted protocols
5. CRISIS RESPONSE ANALYSIS

Observations:

• There is no formalized process to identify, categorize, triage or dispatch calls that are appropriate for the Specialized Care Unit (SCU)

• Staff at the ECC have not been included in planning and feel disconnected from the program

• There is no understanding of how 988 transfers will be conducted from the ECC
5. CRISIS RESPONSE ANALYSIS

Recommendations:

FE facilitate a workshop for all stakeholders to:

• Discuss the establishment of a protocol to enable a preliminary triage system, workflow, and process for SCU dispatch

• Improve understanding of the SCU Program

• Facilitate a working linkage between the practitioners and ECC dispatch personnel
6. TRAINING PRACTICES & QA REVIEW

Observation:

• There is no dedicated Training Coordinator position
• Training is conducted by ECC supervisory staff and designated CTOs
• Consists of a combination of classroom and ‘at the workstation’ training
• No simulation training in classroom (shadow-based)
• No formalized Supervisor or CTO Training
Observation (continued):

- Mandatory POST training requires overtime
- No built-in training days on current schedule and minimum staffing levels
- Quality Assurance program has been developed, however there has been no staff to conduct reviews
6. TRAINING PRACTICES & QA REVIEW

Training Practices Recommendations:

- Create and implement a Training and Quality Assurance Coordinator position as soon as possible in order to:
  - Plan, coordinate and support the recruitment and training of new personnel
  - Revamp current training manual
  - Develop and deliver a QA/QI program for the ECC
  - Strive for accreditation
Observation:

• Tyler CAD system has the capability to interface with EMD software
• Station alerting system is not automated
• Protocol system implementation will require additional IT resources
Recommendations:

- Establish a fully automated station-alerting system that is integrated with CAD
- Implement a two-way interface with ACRECC to receive medical call information and updates in both CAD and MDTs
8. ASSUMING DISPATCH FOR PIEDMONT & ALBANY

Observation:

- 9-1-1 call taking and dispatch only for fire will be transitioned, not admin line call answer.
- The daily call volume & workload for the agencies is not significant in comparison to Berkeley Fire call volume.
- There will be delays in call processing due to the transfer time of 9-1-1 calls from the Primary 9-1-1 PSAP to Berkeley ECC.
8. ASSUMING DISPATCH FOR PIEDMONT & ALBANY

Observation (continued):

Technology Considerations

- Piedmont has the same CAD system (Tyler) as Berkeley, Albany has RIMS. All fire dispatch would occur on Berkeley ECC Tyler CAD.
- Interfaces needed for Fire RMS, ePCR, CAD to CAD with UC Berkeley PD, Oakland & ACRECC, and Fire Station Alerting
8. ASSUMING DISPATCH FOR PIEDMONT & ALBANY

Observation (continued):

ECC Impacts

• Training for Dispatchers
  • Area Familiarization
  • Policies and Procedures
  • Fire Department-specific Training

• Ensure streamlined procedure so fire call taking is the same process for all fire agencies, and not 3 different ways
8. ASSUMING DISPATCH FOR PIEDMONT & ALBANY

Recommendations:

- The addition of both Piedmont and Albany Fire Dispatch should be considered once staffing levels increase.
- Consider onboarding the agencies after EMD implementation and improvements to the Berkeley training program have occurred.
To: Honorable Mayor and Members of the City Council
From: Councilmember Taplin
Subject: Information Report Request: Alternatives to Chemical Agents for Response to Violent Large-Scale Crowd Scenarios

RECOMMENDATION
Direct the City Manager to study alternatives to chemical agents to improve the Berkeley Police Department’s ability and capacity to respond to and de-escalate large-scale crowd scenarios, including violent militias, and return a report to the City Council by the end of Fiscal Year 2023.

Report should include but not be limited to the following factors:
- BPD intelligence-gathering capabilities on potentially violent large crowd scenarios
- BPD response protocols including procedures for protecting bystanders, peaceful protesters, and businesses
- Tools and tactics available for crowd control in potentially violent scenarios
- Mutual aid and support from other local/state/federal agencies
- Applicable state and federal laws on crowd control and First Amendment rights

FINANCIAL IMPLICATIONS
Staff time.

CURRENT SITUATION AND ITS EFFECTS
Planning for large-scale crowd scenarios is a Strategic Plan Priority Project, advancing our goal to create a resilient, safe, connected, and prepared city.

As of June 9, 2020, the City of Berkeley has prohibited the use of tear gas, pepper spray, smoke canisters, and other chemical agents for crowd control by the Berkeley Police Department and any other outside agencies providing mutual aid in Berkeley. This prohibition was enacted due to concerns for the health and safety of peaceful protesters, including permanent lung damage and the potential to exacerbate the COVID-19 pandemic (see Attachment 1).

In 2021, the state legislature passed Assembly Bill 48 (see Attachment 2), which imposed restrictions on the use of chemical agents and kinetic energy projectiles by law enforcement officers during protests, including requirements for de-escalation, prohibiting their use for dispersing crowds, and restricting their use to “objectively
reasonable efforts” to only target violent individuals after all other options have been
exhausted, while also establishing public reporting requirements.

In June of 2022, the Berkeley Police Department presented to the City Council’s Public
Safety Policy Committee on regional best practices and conformance with AB-48 (see
Attachment 3).

In August of 2022, the Berkeley City Council was briefly scheduled to discuss potentially
lifting the prohibition on chemical agents on a temporary basis in response to reports of
violence at protests near People’s Park, due to concerns that the Alameda County
Sheriff’s Office would not provide mutual aid. The meeting was canceled, and the
prohibition remains in place.¹ UCPD, which is overseeing law enforcement at the park,
is permitted to use tear gas in limited situations under its use of force policy.² On August
5, 2022, the Sheriff Gregory Ahern clarified on KTVU that the Alameda County Sheriff’s
Office would provide mutual aid to the City, not “to assist with the movement of the
crowd.”³

Due to ongoing concerns regarding violent crowds outlined below, it is in the public
interest to study feasible alternatives for responding to potentially violent large
gatherings while protecting First Amendment rights, de-escalating and preventing bodily
harm for all present pursuant to existing City of Berkeley policies.

BACKGROUND
The extreme far-right in the US has become increasingly violent since the election of
President Donald Trump, with white supremacist propaganda and neo-Nazi rallies
consistently condoned by the highest echelons of the Republican Party. Since former
President Trump’s well-documented lies about election theft fomented an attempted
insurrection and violent invasion of the US Capitol on January 6, 2021, the need to
safeguard democratic institutions from violent extremism has only increased, as far-right
figures have openly threatened to increase violent demonstrations while pivoting to
more local, decentralized actions.⁴

Berkeley has been the site of several violent encounters with far-right militias and
counter-protesters. On February 1, 2017, a faction of protesters opposing a UC

Berkeley speaking event by far-right figurehead Milo Yiannopoulos engaged in looting of commercial retailers and injured peaceful protesters.\(^5\) On March 4, 2017, Berkeley police arrested 10 individuals following violent clashes at a “March 4 Trump” rally in Civic Center Park where 7 were injured. In response, then-President Trump praised the rallies and threatened to pull federal funding from UC Berkeley.\(^6\) On April 15, 2017, right-wing protesters (including neo-Nazi militia groups such as Oath Keepers) and counter-protesters fought violently with rocks, sticks, pepper spray, and smoke bombs, resulting in 21 arrests and 11 injuries, including one stabbing.\(^7\)

The City of Berkeley must assess its preparedness for large crowd scenarios in order to prevent future violence.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
None.

CONTACT PERSON
Councilmember Taplin  Council District 2  510-981-7120

ATTACHMENTS
1: June 9, 2020: Prohibiting Use of Chemical Agents for Crowd Control During COVID-19 Pandemic
2: Assembly Bill 48 (2021)
3: June 6, 2022: Berkeley City Council Public Safety Policy Committee presentation

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LATE AGENDA MATERIAL
Pursuant to Government Code Section 54954.2(b)

Meeting Date: June 9, 2020
Item Description: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic
Submitted By: Mayor Arreguin, Councilmember Harrison, Councilmember Robinson

Pursuant to California Government Code Section 54954.2(b) (2), the Mayor submits the attached item to the City Council for placement on the June 9, 2020 meeting agenda. Gov. Code Section 54954.2(b) (2) states that “Upon a determination by a two-thirds vote of the members of a legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).”

This item meets the criteria for “immediate action” as follows:

The City of Berkeley is currently in a declared state of emergency regarding the outbreak of a novel coronavirus, causing the respiratory disease COVID-19. COVID-19 is an acute respiratory illness that affects the lungs in addition to other symptoms. The severity of these symptoms increases based on underlying health conditions including asthma, heart and lung problems, diabetes, and other medical conditions.

Despite being in a declared public health emergency, the Berkeley Police Department can use chemical agents (tear gas, pepper spray, and smoke canisters) to disperse a crowd, but subject to the authorization and policies outlined in General Order U-2.

Public health experts have concluded that chemical agents like tear gas may make individuals more susceptible to COVID-19 and increase its community spread. Along with the immediate pain that can cause watering eyes and burning throats, tear gas may cause damage to people’s lungs and make them more susceptible to getting a respiratory illness, according to studies on the risks of exposure. The gas and smoke can also incite coughing, which can further spread the virus from an infected person.

On June 1, 2020, in response to a largely peaceful demonstration against the killing of George Floyd, Oakland Police fired tear gas into a crowd of demonstrators. The tear gas not only affected protestors by also bystanders in the immediate area. The police killing of George Floyd on May 25, 2020 and the deaths of other African Americans have sparked nationwide outrage and protests over police brutality, including demonstrations in the City of Berkeley. Additional protests may occur in the coming days and weeks.

Consideration of late agenda items is subject to approval by a two-thirds vote of the City Council. (California Government Code Section 54954.2(b)(2))
ACTION CALENDAR  
June 9, 2020

To: Members of the City Council

From: Mayor Jesse Arreguín, Councilmember Kate Harrison and Councilmember Rigel Robinson

Subject: Prohibiting the use of Chemical Agents for Crowd Control during the COVID-19 pandemic

RECOMMENDATION
Adopt a motion to establish an official City of Berkeley policy prohibiting the use of tear gas (CS gas), pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic, until such time that the City Council removes this prohibition.

BACKGROUND
The use of tear gas (CS gas) and pepper spray are authorized less-than-lethal uses of force which can be deployed in crowd control situations under Berkeley Police Department policy, with specific conditions (See General Order U-2).

On June 1, 2020, Oakland police deployed tear gas to disperse protesters who failed to move before a legally established curfew. The tear gas not only affected protestors by also bystanders in the immediate area. This has raised concerns over the police use of tear gas in protests, the chilling effect it has on people engaging in First Amendment activity, and the health impacts of tear gas during a public health emergency. In response to this incident, Oakland City Council President Rebecca Kaplan and Councilmembers Nikki Fortunato Bas and Sheng Thao issued a letter to Oakland City administrators requesting that OPD use of tear gas be immediately suspended and not used during the COVID-19 pandemic. Similarly, on June 5, 2020, Berkeley Councilmembers Harrison, Davila, Bartlett and Robinson made a similar request.

International, national, state and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"). In response to this emergency, on March 3, 2020, the City Manager acting as the Director of Emergency Services declared a local State of Emergency based on COVID-19 (hereinafter referred to as "the State of Emergency"), which the City Council subsequently ratified on March 10, 2020. In addition, on March 4, 2020, the Governor declared a state of emergency in California and the President of the United States declared a national state of emergency on March 13, 2020 regarding the novel coronavirus and COVID-19.

During the COVID-19 state of emergency, there is a heightened risk of individuals contracting the virus if they are exposed to tear gas, pepper spray or smoke. This will put people’s safety and lives at risk. As a public health strategy, the deployment of tear gas, pepper spray and smoke must be suspended.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7100 ● Fax: (510) 981-7199 ● TDD: (510) 981-6903
E-Mail: mayor@cityofberkeley.info ● Web: www.jessearreguin.com
According to a June 2, 2020 KTVU article, infectious disease specialists are circulating an online petition calling for police to stop using tear gas to disperse crowds and calling on police to use "public health best practices" during demonstrations.¹

According to an article in the June 3, 2020, New York Times, “Along with the immediate pain that can cause watering eyes and burning throats, tear gas may cause damage to people’s lungs and make them more susceptible to getting a respiratory illness, according to studies on the risks of exposure. The gas can also incite coughing, which can further spread the virus from an infected person.” ²

Researchers are concerned that the use of tear gas in crowds “might catalyze a new wave of Covid-19.”³

Data show that African Americans are disproportionately impacted by COVID-19 in Berkeley and Alameda County. In addition, “many black Americans disproportionately have pre-existing conditions like asthma that could make tear gas lethal.”

Tear gas has been banned for use in warfare, but is legal for police to use in the U.S. Yet, experts say it should be a weapon of last resort for crowd control and for addressing violent behavior of specific individuals because it affects everyone in the area including peaceful protestors.

The use of tear gas and other agents for crowd control adversely affects individuals in crowds of protestors as well as residents who are not involved in protesting, and it can have serious effects on medically vulnerable people and increase the spread of COVID-19.

Oakland Police Department’s own police training bulletin (V-F.2. July 26, 2006) states that “Breathing CS (gas) may create a feeling of tightness in the chest, shortness of breath, coughing and/or sneezing.” These are reactions that can spread COVID-19.

In response to mass protests over the killing of George Floyd, on Friday, June 5, 2020, Governor Newsom announced that he would work with the State Legislature, activists, law enforcement officers, and journalists to create new standards for policing protests in California.

“Protesters have the right not to be harassed,” he said. “Protesters have the right to protest peacefully. Protesters have the right to do so without being arrested, gassed, being shot at by projectiles.”⁴

³ Hilary Brueck and Canela López, “Tear gas is banned from war — but police still shoot it at protesters, who cough and bleed as a result. At least one has lost an eye,” Business Insider, June 3, 2020, https://www.insider.com/tear-gas-banned-from-war-why-dangerous-how-to-neutralize-2020-6
The police killing of George Floyd on May 25, 2020 and the deaths of other African Americans have sparked nationwide outrage and protests over police brutality, including demonstrations in the City of Berkeley. Additional protests may occur in the coming days and weeks. Therefore, the Council should take immediate action to impose this moratorium on the use of chemical agents during the COVID-19 pandemic.

FINANCIAL IMPLICATIONS
None. Prohibiting the use of tear gas, pepper spray and smoke will require the Berkeley Police Department to use other tactics in crowd control situations.

CONTACT PERSONS
Mayor Jesse Arreguín (510) 981-7100
Councilmember Harrison (510) 981-7140
Councilmember Robinson (510) 981-7170
Assembly Bill No. 48

CHAPTER 404

An act to amend Section 12525.2 of the Government Code, and to add Sections 13652 and 13652.1 to the Penal Code, relating to law enforcement.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST


(1) Existing law authorizes a peace officer to use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. Existing law requires law enforcement agencies to maintain a policy on the use of force, as specified. Existing law requires the Commission on Peace Officer Standards and Training to implement courses of instruction for the regular and periodic training of law enforcement officers in the use of force.

This bill would prohibit the use of kinetic energy projectiles or chemical agents by any law enforcement agency to disperse any assembly, protest, or demonstration, except in compliance with specified standards set by the bill, and would prohibit their use solely due to a violation of an imposed curfew, verbal threat, or noncompliance with a law enforcement directive. The bill would include in the standards for the use of kinetic energy projectiles and chemical agents to disperse gatherings the requirement that, among other things, those weapons only be used to defend against a threat to life or serious bodily injury to any individual, including a peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control. The bill would define chemical agents to include, among other substances, chloroacetophenone tear gas or 2-chlorobenzalmalononitrile gas. The bill would make these provisions inapplicable within a county jail or state prison facility.

This bill would also require each law enforcement agency, within a specified timeframe, to post on their internet website a summary, as described, of any incident in which a kinetic energy projectile or chemical agent is deployed by that agency for the purpose of crowd control. The bill would require the Department of Justice to provide a compiled list of links to these reports on its internet website.

(2) Existing law requires each law enforcement agency to annually report specified use of force incidents to the Department of Justice and requires the Department of Justice to annually publish a summary of those incidents, as specified.

This bill would require these reports to be made monthly. By imposing new duties on law enforcement agencies, this bill would create a state-mandated local program.
The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 12525.2 of the Government Code is amended to read:

12525.2. (a) Each law enforcement agency shall monthly furnish to the Department of Justice, in a manner defined and prescribed by the Attorney General, a report of all instances when a peace officer employed by that agency is involved in any of the following:

1. An incident involving the shooting of a civilian by a peace officer.
2. An incident involving the shooting of a peace officer by a civilian.
3. An incident in which the use of force by a peace officer against a civilian results in serious bodily injury or death.
4. An incident in which use of force by a civilian against a peace officer results in serious bodily injury or death.

(b) For each incident reported under subdivision (a), the information reported to the Department of Justice shall include, but not be limited to, all of the following:

1. The gender, race, and age of each individual who was shot, injured, or killed.
2. The date, time, and location of the incident.
3. Whether the civilian was armed, and, if so, the type of weapon.
4. The type of force used against the officer, the civilian, or both, including the types of weapons used.
5. The number of officers involved in the incident.
6. The number of civilians involved in the incident.
7. A brief description regarding the circumstances surrounding the incident, which may include the nature of injuries to officers and civilians and perceptions on behavior or mental disorders.

(c) Each year, the Department of Justice shall include a summary of information contained in the reports received pursuant to subdivision (a) through the department’s OpenJustice Web portal pursuant to Section 13010 of the Penal Code. This information shall be classified according to the reporting law enforcement jurisdiction. In cases involving a peace officer who is injured or killed, the report shall list the officer’s employing jurisdiction and the jurisdiction where the injury or death occurred, if they are not the same. This subdivision does not authorize the release to the public of the badge number or other unique identifying information of the peace officer involved.
(d) For purposes of this section, “serious bodily injury” means a bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

SEC. 2. Section 13652 is added to the Penal Code, to read:

13652. (a) Except as otherwise provided in subdivision (b), kinetic energy projectiles and chemical agents shall not be used by any law enforcement agency to disperse any assembly, protest, or demonstration.

(b) Kinetic energy projectiles and chemical agents shall only be deployed by a peace officer that has received training on their proper use by the Commission on Peace Officer Standards and Training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including any peace officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control, and only in accordance with all of the following requirements:

1. Deescalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

2. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

3. Persons are given an objectively reasonable opportunity to disperse and leave the scene.

4. An objectively reasonable effort has been made to identify persons engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of persons.

5. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

6. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

7. An objectively reasonable effort has been made to extract individuals in distress.

8. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

9. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

10. Kinetic energy projectiles or chemical agents shall not be used by any law enforcement agency solely due to any of the following:

   A. A violation of an imposed curfew.

   B. A verbal threat.

   C. Noncompliance with a law enforcement directive.
If the chemical agent to be deployed is tear gas, only a commanding officer at the scene of the assembly, protest, or demonstration may authorize the use of tear gas.

(c) This section does not prevent a law enforcement agency from adopting more stringent policies.

(d) For the purposes of this section, the following terms have the following meanings:

1. “Kinetic energy projectiles” means any type of device designed as less lethal, to be launched from any device as a projectile that may cause bodily injury through the transfer of kinetic energy and blunt force trauma. For purposes of this section, the term includes, but is not limited to, items commonly referred to as rubber bullets, plastic bullets, beanbag rounds, and foam tipped plastic rounds.

2. “Chemical agents” means any chemical that can rapidly produce sensory irritation or disabling physical effects in humans, which disappear within a short time following termination of exposure. For purposes of this section, the term includes, but is not limited to, chloroacetophenone tear gas, commonly known as CN tear gas; 2-chlorobenzaldehyde, commonly known as CS gas; and items commonly referred to as pepper balls, pepper spray, or oleoresin capsicum.

(e) This section does not apply within any county detention facility or any correctional facility of the Department of Corrections and Rehabilitation.

SEC. 3. Section 13652.1 is added to the Penal Code, to read:

13652.1. (a) Each law enforcement agency shall, within 60 days of each incident, publish a summary on its internet website of all instances in which a peace officer employed by that agency uses a kinetic energy projectile or chemical agent, as those terms are defined in Section 13652, for crowd control. However, an agency may extend that period for another 30 days if they demonstrate just cause, but in no case longer than 90 days from the time of the incident.

(b) For each incident reported under subdivision (a), the summary shall be limited to that information known to the agency at the time of the report and shall include only the following:

1. A description of the assembly, protest, demonstration, or incident, including the approximate crowd size and the number of officers involved.

2. The type of kinetic energy projectile or chemical agent deployed.

3. The number of rounds or quantity of chemical agent dispersed, as applicable.

4. The number of documented injuries as a result of the kinetic energy projectile or chemical agent deployment.

5. The justification for using the kinetic energy projectile or chemical agent, including any deescalation tactics or protocols and other measures that were taken at the time of the event to deescalate tensions and avoid the necessity of using the kinetic energy projectile or chemical agent.

(c) The Department of Justice shall post on its internet website a compiled list linking each law enforcement agency’s reports posted pursuant to subdivision (a).
SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
Background

- **June 2020**: City Council enacts a ban on tear gas and a moratorium on the use of smoke and pepper spray for crowd-control events.
- **2021 police reform bill AB 48** signed into law, placing restrictions on the types of force law enforcement can use in response to protests. As a general rule, the bill prohibits the use of “kinetic energy projectiles” and “chemical agents” to disperse any assembly, protest, or demonstration, except in compliance with several requirements.
- **January 1, 2022**: AB 48 codified as PC 13652 Section 2
Balanced Approach

Important considerations as to the appropriateness of using tear gas for law enforcement purposes:

Does the use of tear gas have a chilling effect on Free Speech?

Is the use of tear gas reasonable?
• Is the use of tear gas excessive?
• Is there accountability/oversight in its use?
• Is current policy in alignment with AB48?
• What are regional/State best practices?

Health concerns related to smoke and pepper spray during COVID-19
• Enacted when infections were up and there was no vaccine.
Protecting Free Speech

- History of use
- Allows for safe speech:
  - Intervene at lower levels
  - Mitigates co-opting of crowd by bad actors
  - Gives department ability to target individuals committing crimes and violence
  - Smaller contingent of officers able to protect large crowd
Is the use of tear gas reasonable?

• Allows a small number of officers to regain control over a much larger violent crowd.
• Minimal force used:
  • Consequences and level of force are much lower than all other options.
  • Effects are temporary.
  • Effects end as soon as no longer exposed.
  • Dissipates quickly.
Accountability and Oversight

New legal requirement created by AB48 aligns with the department’s past use and current policy language. Some of the legal requirements are:

- Requires **de-escalation techniques or alternatives** to force before use.
- Limits use to defend against **threats to life, serious bodily injury**, or to bring objectively dangerous and unlawful situations safely and effectively under control.
- Requires **announcement** before use.
- Requires officers to make objectively reasonable efforts to **identify** persons engaged in **violent** acts and target those individuals.
Accountability and Oversight (continued)

AB48/Penal Code 13652 requirements (continued):

• **Minimize** the possible incidental impact on bystanders, medical personnel, journalist, or other unintended targets.
• **Use must be objectively reasonable and proportional** to the threat (including frequency and intensity of use).
• **Specifically prohibited** in response to verbal threats, noncompliance with law enforcement directives, or curfew violations.
• **Note: AB 48 anticipates certain instances where tear gas may be reasonably used and places that responsibility on the commanding officer of the event.**
Accountability and Oversight (continued)

• Our current Use of Force (Policy 300) and First Amendment Assembly (Policy 428) policies align with requirements set forth in Penal Code section 13652.

• Oversight is required and provided via Police Equipment and Community Safety Ordinance.

• If tear gas ban was removed state reporting requirements would require the department to publish an after-action report documenting the equipment’s use and the reasons for it within 60 days of an incident.
What is the scope of use in Berkeley?

• To resolve a situation involving an armed barricaded person (SWAT call).
• Respond to a medical or fire emergency, or prevent catastrophic damage to critical infrastructure, where a violent crowd is present.
• To protect officers or community from large-scale violent assaults.
• To disburse a violent crowd through a minimal amount of force.
Regional/State Best Practices

What are other agencies doing?

• Oakland PD has a policy that aligns with State law
• No other local agencies have bans in place
• All agencies in the state are compelled to abide by the requirements and protections outlined in PC 13652.
Use of smoke and pepper spray

- Smoke has been used before deploying tear gas. Although not an alternative, it gives the department an option to try before deploying tear gas.
- Smoke is often used in conjunction with tear gas, and acts as a visual deterrent.
- Pepper Spray provides officers with an intermediate force option to use in response to an individual violent act.
  - Allows officers to respond to a specific threat up to 15 feet away.
  - Effects are temporary; there are no injuries once spray wears off.
Questions?

The mission of the Berkeley Police Department is to preserve the peace and allow for the peaceful expression of First Amendment Rights. These rights include, but are not limited to, assembling, marching, carrying signs, making speeches, or other lawful activity designed to express or advocate political, religious, or social opinions and beliefs.