


Office of the City Manager

February 6, 2012

To: Honorable Mayor and Members of the City Council
The Police Review Commission

From: Christine Daniel, Interim City Manager 

Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the use of pepper spray report relating to the use of Oleorisin Capsicum (OC) that occurred on January 23, 2012.

Attachment: Use of Pepper Spray Report 12-4209

cc: William Rogers, Interim Deputy City Manager
Ann-Marie Hogan, City Auditor
Michael Meehan, Chief of Police
Mark Numainville, Acting City Clerk
Lillian Mayers, Interim Police Review Commissioner
Mary Kay Clunies-Ross, Public Information Officer



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.

Date: January 23, 2012
Date of Pepper Spray Report

From: Ofc. Ledoux
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): #12-4209

Incident Date: January 23, 2012

Incident Time: 2020 hrs.

Incident Location: Virginia/Acton

Application was: **Effective** **Ineffective**

Subject: **Adult** **Juvenile**

Subject description: m 6'3" 200
Sex **Height** **Weight**

First Aid for Subject: Paramedic responded and administered First Aid Yes No

Additional comments on First Aid rendered: Facial rinse by BFD

Nature of Incident:



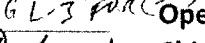
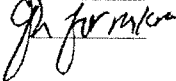
BPD officers were dispatched to a report of a male choking a female. Officers contacted the male suspect who fled on foot. Officers chased the suspect and upon catching up with him he physically resisted, fought, and continued to attempt to escape.

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

BPD officers were dispatched to a report of a male choking a female. Officers contacted the male suspect who fled on foot. Officers chased the suspect and upon catching up with him he physically resisted, fought, and continued to attempt to escape. I arrived to assist at the Ohlone pathway just west of Virginia St./Acton. I assisted (3) officers who were attempting to detain the suspect. The suspect was physically resisting and fighting. I gave the suspect a verbal warning to stop fighting or I would use pepperspray on him. He continued to resist. I sprayed the suspect in the eyes with a half second burst of OC. This seemed ineffective so I repeated with a second half second burst. After the second burst the suspect stopped resisting and was taken into custody without further incident..

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

 S-25
Duty Supervisor
 PFLH
Watch Commander
 G.L.S. PARCE
Operations Captain
 J. J. [unclear]
Chief of Police