

Office of the City Manager

August 3, 2012

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

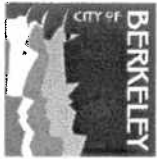
From: Christine Daniel, City Manager *CD*

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 July 7, 2012.

Attachment: Use of Pepper Spray Report 12-36307

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



---

# 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:** July 7, 2012  
Date of Pepper Spray Report

**From:** Ofc. Shannon #120  
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):** 12-36307

**Incident Date:** July 7, 2012

**Incident Time:** 1440

**Incident Location:** Shattuck Ave. and Bancroft Way

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

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

**Subject description:**   M          5'4          120    
                              Sex                      Height                      Weight

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

**Additional comments on First Aid rendered:** The Berkeley Fire Department arrived on scene and treated both CONTRERAS, A. and CONTRERAS, J. for OC exposure and minor abrasions.

**Nature of Incident:**

Narcotics investigation.

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

I stopped (4) subjects as part of a narcotics investigation. One subject said he had identification in his possession but refused to provide it. He began fighting with BPD officers when I attempted to place him in handcuffs. I gave the subject a verbal warning to stop fighting or I would pepper spray him. He continued physically resisting so I deployed a ½ second burst of OC which was effective, as he immediately stopped fighting. I then assisted BPD officers who were fighting with a second subject from the group. He was physically resisting attempts to secure him in handcuffs and refused to give us one of his hands, which was near his waistband. I deployed a ½ second burst of OC on the second subject which was effective, as he immediately complied.

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

\_\_\_\_\_  
153011  
613  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Duty Supervisor**  
**Watch Commander**  
**Operations Captain**  
**Chief of Police**