

This transcript begins at [3 hours and 59 minutes](#) into the June 9, 2020, Berkeley City Council meeting. The [full meeting](#) is posted on the city's website.

CM Susan Wengraf: I'd like to make one minor suggestion. And that is the last sentence in the first, in the recommendation. Currently it reads, "During the COVID-19 pandemic, until such time that the City Council removes this prohibition..." I was going to suggest, "During the COVID-19 pandemic, until such time as the local emergency is, as the local public health emergency is canceled." Because the period of the pandemic is very open-ended and may go on for years, but the emergency, the emergency order that we instituted will be up to us to end. It's just a, it's a wordsmithing thing that makes it, I think it gives it some clarity.

The other question that I had is — I was reading [General Order \(U-2\)](#) that we — that was amended in 2017, and it seemed to me that it said pepper spray is prohibited as a crowd control mechanism so I think it already says that pepper spray is prohibited, but I defer to the chief, or to Farimah [the city attorney] to confirm that.

Mayor Jesse Arreguín: I think you're right about that Councilmember Wengraf. I actually wrote the amendment to the policy, which we made very clear that using pepper spray to move or disperse a crowd was ... a prohibited use of pepper spray. It was only, if there are people in a crowd, who are committing acts of violence, that they can use it in a targeted fashion, is my recollection of what the policy said.

Wengraf: OK, so could we get some clarification on that?

Arreguín: Absolutely. Chief Greenwood?

City Manager Dee Williams-Ridley: Chief, please state the question.

Police Chief Andrew Greenwood: Councilmember Wengraf is correct, as is Mayor Arreguín. You described correctly where it appears in U-2.

The concern on this item is that smoke or tear gas, the challenge that was faced on occasion, including last week, was where officers are standing a line because they can't go further back. This is similar to what we talked about [during 2017](#), where there's a space that you preserve for First Amendment speech, or — which was the case in 2017 — or you have critical infrastructure.

The riots of Friday night in Oakland started with officers on a line near the Oakland Police Department to prevent a crowd from actually being that close to the police department. Our officers were lined up with other mutual aid forces, I believe from the Alameda County Sheriff's Office, and [someone in the crowd threw an explosive device](#), an inflammable explosive device, which ignited. I'm happy to post that video or send you that video. It's on YouTube. And that is when officers needed to drive people back.

My understanding from talking to our folks, that they had been on the line, and people had been throwing stuff at them, for something like 20 minutes. A dispersal order was in the process of being given — which is confirmed on [this Youtube video](#), where you can hear it happening — and that tear gas was used in order to drive people back, to push them out of the range of fire of throwing things at the officers.

We will not, we have not, and we will not ever — as long as I'm part of this organization — move a crowd or disperse a peacefully demonstrating crowd, as we have seen in other places across the country, over the past 10 days.

That said, we have officers who are doing their work, using these tools, strictly according to the policies that we have, and my concern is for their safety. If people, if you are facing a large, hostile crowd, where malicious actors are hijacking a demonstration, are committing acts of violence against the police, by throwing things — and our officers saw for the first time multiple Molotov cocktails, actual Molotov cocktails, being thrown at the police.

There, the — that is lethal force from an attacker in the crowd. We need this non-lethal force to respond to it. So they fire with non-lethal force, they use gas to push those bad actors far enough away so they cannot attack them by throwing things at them. It's that simple.

I want to assure you that we are following those policies, our policies which are well-established. And I just want to make it clear that the narrative that the Berkeley Police Department is involved — or has been involved — in dispersing peaceful crowds in the last 10 days with tear gas and smoke, is absolutely, unequivocally not true. And that we will continue to follow our policies to the letter with this. So I'm very concerned about this. I watched this video this morning. I will send it to you in a moment, to all council.

It is an unfortunate reality that we need to have tools to back people away if we are not able to cede further ground. I would answer any other questions. And I - sorry for going on, but this is really important. Our people are putting their lives on the line and, if you see this video, my question would be what do we do? That's the question, what would we do?

Wengraf: Chief, if you could. Do, does our force have any alternative tools to use to protect themselves in a situation like you just described?

Greenwood: Firearms. We can shoot people?

Wengraf: That's, [laughs] — no.

Greenwood: I mean — that's, I — I don't mean to be callous. I'm just saying, if you're being attacked with lethal force, if we don't have less-lethal that can drive it back then, then we're absent a tool. That's my concern. I'm sorry I don't mean to go so — I'm not trying to be overly dramatic, and I apologize. But when projectiles are being thrown at you, when Molotov cocktails are being thrown at you, you need to be able to do something. And I - these less-lethal tools that we have now, that we use according to our policy, those are important tools for us.

Wengraf: But we can't use pepper spray, is that correct? Under current regulations, pepper spray can't be used?

Greenwood: Right, we're not driving a crowd back with pepper spray in our hands.

Wengraf: Right, and so, I'm not familiar with smoke bombs. I'm familiar with tear gas, you know I was here in the late '60s and it just happens that my son was tear gassed on Friday night in Oakland. So you know, look, I do not want to put our officers in harm's way. I don't think anybody on the council wants to put our officers in harm's way. We need to sort of, try to figure out a balance, to how our officers can

defend themselves in a situation where they are being attacked and, at the same time, protect the public health of demonstrators.

Greenwood: The question just simply becomes, if you have people who are attacking, by throwing objects, deadly objects, how can you push them back so they cannot throw the things at you? How do you create that space? That's the ultimate, that's the question. And so, the answer to that question is the tools we use. It's not shooting at them with guns, it's the tools that we use.

Wengraf: OK, thank you very much. Thank you.

Arreguín: I just want to say, I take issue chief, with the suggestion that I implied that our police department used tear gas, or these tactics, recently. I never said that. So I just want to clarify that for the record.

Greenwood: I –

Arreguín: You did state that. I did not say that.

Greenwood: I did not mean to say that you said it. I am saying that we used tear gas and smoke, on that Friday night in Oakland, to defend ourselves to create that space. So I in no way meant to intimate that you had made a wrong or misleading statement. I'm saying – and the public may not know it – but I'm saying we did. We used those tools that you're talking about tonight.

Arreguín: I – yes. Thank you.

Greenwood: I apologize for creating misunderstanding.

The chief apologized for his earlier remarks at [5 hours and 10 minutes](#) into the meeting.

Williams-Ridley: Mr. Mayor, thank you so much for giving me an opportunity. This is one of the toughest environments that we are all facing as a nation, as a city. It is hard, it's painful, it's hurtful. I would respectfully ask that we allow the chief of police to offer an apology, and it's a sincere apology, to our community and to all of you as council members and the mayor. And with that, I'd like to turn it over to the chief. Thank you.

Greenwood: I would like to apologize to all of you — mayor, council members and community members — for my statement, and for the way I came out. You know that it doesn't reflect my passion for service and my work in terms of trying to bring progressive leadership to this profession in service of the community. I was asked, "What other tools do you have?" I responded as I did. [Pause, sighs, crying]

I'm tired, as are my people. I should have been more mindful of that, and taken a moment. I should have said: We have nothing else, in the sense that gas and smoke are the last tools, the last resort that we have. There has been so much misinformation propagated today, without challenge, and you heard me answering out of some frustration from that. I apologize for answering that way. I am deeply sorry for the distraction. And, that's it. Thank you.

Arreguín: Thank you so much, chief.