



Office of the City Manager

November 10, 2021

To: Honorable Mayor, City Council Members and
The Police Accountability Board

From: *Dee* Dee Williams-Ridley, City Manager

Subject: **USE OF PEPPER SPRAY INCIDENT**

Attached please find the Use of Pepper Spray report that occurred on November 4, 2021. 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.

Attachment: Use of Pepper Spray Report 21-51179

cc: Paul Buddenhagen, Deputy City Manager
LaTanya Bellow, Interim Deputy City Manager
Mark Numainville, City Clerk
Jenny Wong, City Auditor
Jennifer Louis, Interim Chief of Police
Katherine J. Lee, Interim Director of Police Accountability
Matthai Chakko, Public Information Officer



Berkeley Police Department

November 10, 2021

To: Dee Williams-Ridley, City Manager

From: Jennifer Louis, Interim Chief of Police 

Subject: **USE OF PEPPER SPRAY INCIDENT**

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Attachment: Use of Pepper Spray Report Case 21-51179



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: November 4, 2021
Date of Pepper Spray Report

From: Jessee Macapagal
Note: This form 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): 21-51179

Incident Date: November 4, 2021

Incident Time: 1800

Incident Location: Dwight Way east of Telegraph Ave along north sidewalk

Application was: Effective Ineffective

Subject: Adult Juvenile DOG

Subject description:
Sex Height Weight

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

Additional comments on First Aid rendered: I pepper sprayed a dog that belonged to VALDEZ, Ruby. I asked Ruby if her eyes/mouth were okay. Ruby told me they were fine. Ruby didn't indicate any signs of irritation. Therefore, I believe Ruby wasn't affected by the pepper spray.

Nature of Incident:

VALDEZ's dog bit another person causing visible puncture wounds. While trying to separate VALDEZ and the dog, the dog became aggressive towards me due to VALDEZ's angry demeanor.

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

When I advised VALDEZ to let go of her dog's leash, VALDEZ refused and started yelling loudly. VALDEZ became angry and could not calm down. Due to VALDEZ's behavior, her dog became angry and aggressive. VALDEZ's dog started to lunge forward towards me while barking and biting. I believed there was a high likelihood of being bit as VALDEZ's dog had already bit another person causing puncture wounds. I pepper sprayed VALDEZ's dog to take its attention away from me and other BPD officers. I also believed by pepper spraying VALDEZ's dog, it would help control him.

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

<u>JLS-14</u>	Duty Supervisor
<u>ERL-11</u>	Watch Commander
<u>MOC-2</u>	Operations Captain
<u>Jre-1</u>	Chief of Police