

February 3, 2017

To: D. Williams-Ridley, City Manager

From: A. Greenwood, Int. Chief of Police

Re: **INFORMATION FOR MAYOR AND COUNCIL; FEB. 1 RIOT**

Wednesday night a protest at the University of California (UC) Berkeley campus spilled over onto City streets. A criminal element within that crowd seized the opportunity to commit crimes, including attacking a number of our banks and businesses, setting fires, and spray painting numerous sites. I wanted to share this information regarding our response with our elected officials.

Our actions Wednesday night, from pre-planning to the event itself, were informed significantly by our experience in the December 2014 riots. In the resulting post-incident review, policy creation, and updated training, the Berkeley Police Department (BPD) approach to these events has significantly evolved. For example, most of our Department recently went through a full day of training focused on the December 2014 riots, including training on our new policy, associated legal issues, and scenario-based training with role players. This recent training supported the work our officers did last night, in command and control, decision-making, and deployment of our officers.

Our highest priority in these events is life-safety. In accordance with this priority, we have a keen focus on context, on what we're doing and why, and on what effect or response our actions may generate. I think this is not only in keeping with the values of our community, but with the best-informed practices of Law Enforcement across the country, in a time where community trust in our actions is absolutely essential.

Crowd management is a complex challenge for law enforcement. A large, leaderless crowd may appear to stand together on one hand to exercise their 1st amendment rights to assemble, and to speak freely, yet have different motives and intents throughout the course of a given demonstration. When such a crowd includes within it a faction of armed people intent on committing violence, as happened Wednesday night, safeguarding the community's safety becomes particularly challenging.

If you were watching the livestreams on the internet, you saw that Wednesday night a large crowd gathered at the UC Berkeley campus to protest a controversial speaker. I saw several streams from within the crowd itself. From what I saw and heard, a great portion of the demonstrators on Sproul Plaza appeared relatively peaceful, standing, singing, dancing, chanting, watching, playing music, and generally boisterously expressing their views. Into this crowd came a large group of armed, masked individuals, often referred to as "black bloc" anarchists, who brought projectiles, shields, explosive fireworks and other weapons. In a coordinated effort, this group carried out an organized, focused attack on UC Police, barricades and campus property. This action prompted UC officials to cancel the speaking engagement. A long demonstration ensued on campus. After a couple of hours of demonstration, including several acts of violence and vandalism, but which also included a large number of people singing, dancing, chanting, etc., the crowd came onto city streets, and became our responsibility to manage.

We monitored the crowd continually, especially concerned with our primary focus: life-safety. We had a person in the UCPD command post, relaying information. We could also see open source livestream videos on the internet. BPD responded to several reports of injury, assessed the need for medical care and rescue, and acted appropriately on a case-by-case basis. Relying on several sources of information, BPD officers moved if needed to get close to the reported incident, and determine their next course of action. All this was done knowing that placing police officers into a potentially volatile crowd situation could have prompted a focused, sustained violent attack on police, thereby rapidly escalating the risk of harm to *all* involved—peaceful protestors, violent actors, residents, businesses and police officers.

In one case where officers came into view, they reported being seen by the crowd, and members of the crowd started to move *towards* them, even from hundreds of feet away—which confirmed to me that elements of the crowd were actively looking for a conflict with our officers.

Given the actions of those who attacked UC, we knew opportunistic rioters were eager to provoke and escalate a police response to an already boisterous and potentially volatile crowd, thereby putting relatively peaceful protestors into harm's way. The black bloc typically uses a peaceful crowd to shield their activities during a police response, and we kept this in mind as we worked through each issue we were faced with.

Of course, we do not indiscriminately use force upon an entire crowd. Doing so can harm more people, including protestors who are not breaking the law. We have continually refined our crowd management policies to both facilitate the peaceful expression of free speech and maintain public safety.

If constituents ask about reporting a crime related to the riot, please have them do so by calling 510-981-5900, and we'll take it from there. While we heard numerous reports of crimes or injuries, in some cases no one has come forward to make an actual report.

Finally, I'd like to extend thanks on behalf of our management team to Mayor Arreguin for taking the time to come by BPD Command Staff meeting Thursday morning and expressing his thanks and support of our folks. None of our staff could recall when a Mayor had come by like that, and it meant a lot to our team. I'd also like to express the team's appreciation of your and Deputy City Manager Grogan's visit to Command Staff this morning as well. Your support and kind words were very much appreciated.

PRC Policy Complaint #2384

I was cited twice in July 2015 while riding my bicycle, for failing to stop at stop signs on Milvia Street, a designated "Bicycle Boulevard." I do not think bicyclists on a "bicycle boulevard" are beyond the law, but one of the times I was cited the officer quite sternly said, "Are you aware you were going 10 mph through that stop sign?" (For most motorists on side-streets like this one, 10 mph IS a stop.) There are 12 stop signs in the 17 blocks between University Avenue and Russell Street on Milvia, where the street ends, so one is legally supposed to come to a full stop and rev up again 12 times in 17 blocks in that stretch — which is a ridiculous thing to ask a bicyclist to do. The street was clearly not designated a "bicycle boulevard" in response to the needs of bicyclists.

There are traffic diverters at the intersection of Dwight and Milvia, as a result of which motorized traffic south of that intersection is virtually nonexistent. Both of my citations occurred exactly one block south of that intersection, at Parker, where bicyclists, seeing the total absence of cars, might perhaps start going through stop signs — hopefully (as i always do) slowing and checking carefully for opposing traffic. On this street, with no vehicular traffic but for bicyclists and police officers, I was twice charged over \$200 for riding through stop signs, a sum that rose to nearly \$600 in total as I made arrangements to work off my debt to society through community service and then became too sick to be able do so. Everybody should be subject to the law, I agree. What upsets me is that this seemed such an obvious cash grab on the part of the Police Department: sending officers to a place where they *knew* bicyclists on a "bicycle boulevard" would routinely be performing the crime of riding 10 mph through the stop signs placed every one-and-a-half blocks and charging them \$238 for doing so. I am not a suspicious person, but when such an unprecedented activity occurs twice in one week one is entitled to suspect some sort of organized intent behind it.

It seemed, and still seems, to have been a fund-raising campaign, targeting bicyclists where they could routinely be found performing citable crimes. (Bicyclists are charged at full vehicular level for every moving offense, despite their having nothing like the access to road space that cars have.) The practice cannot be said to be protecting society from harm : ticketing bicyclists going 10 MPH through a stop sign on an abandoned side street? Is that what our police department is for?

The "bicycle boulevards," as I said, are not there for bicycles. They are there in order to get bicycles off main streets so they don't disrupt and annoy motorists. Milvia is one block west of Shattuck, which is too narrow to safely accommodate cars *and* bicycles. With its numerous stop signs, Milvia was not selected as a "bicycle boulevard" because it was favorable to bicycling, but because it was one street over from a major street from which the City wished to remove bicycle traffic. Similarly, the major bicycle route to Oakland, another designated

"bicycle boulevard," is Shafter Avenue. As one turns on to it, Shafter is so badly paved that one's teeth are practically chattering after ten blocks — *and* it has speed bumps. Is this "bicycle boulevard" intended to be favorable to bicyclists? Hardly. It is intended exclusively to get them out of the way of drivers on College and Broadway. I accept that principle, in principle. I'm happy to get out of the way of motorized traffic. Calling such low-grade detours "bicycle boulevards," as if they were some sort of benign concession to bicyclists, is simply insulting.

Milvia was once my favorite street to ride on, but I never ride on it anymore. In my 44 years in Berkeley, during which I have never owned a car, I rode on it almost every day. After recent experience, though, something just clenches up in me when I think of going down that quiet, safe, car-free street, and I usually go up Shattuck instead. I may well die on Shattuck. If cities have an idea that calling a street a "bicycle boulevard" is going to make it attractive to bicyclists despite its obvious shortcomings, they have failed in that attempt by dispatching police officers to those "boulevards" who are basically just shooting fish in a barrel with their "traffic citations." This practice has been successful in discouraging bicyclists from using the so-called "bicycle boulevards," and, in my case at least, has caused a significant loss of respect for my local police force.

— Stephen Pitcher