

Berkeley Cops Irritated About Pepper Spray / They want city's rules relaxed on safety seals

Debra Levi Holtz, Chronicle Staff Writer Published 4:00 am, Friday, December 17, 1999

1999-12-17 04:00:00 PDT BERKELEY -- Saying their lives may be endangered, Berkeley police officers are demanding the right to carry pepper-spray canisters without safety seals over the triggers.

Police Chief **Dash Butler** said he will meet today with the city attorney and representatives of the **Berkeley Police Association**, which rep city's 200 police officers, to try to resolve the issue.

Police Department guidelines currently require the safety seals.

An attorney for the police officers said the issue will go to court if the city does not comply with the demand.

Manufacturers of pepper-spray canisters design them with a protective lip around their triggers to prevent accidental discharges. But Berkeley takes it a step further.

The department glues its own plastic tab over the trigger button. Officers must remove the tab before they can use the spray, according to Butler.

The demand to end the practice was prompted by a recent incident during which a police officer was bitten by a suspect during a struggle. Attorney **Alison Berry Wilkinson**, representing the police association, said the officer was unable to remove the tab on his pepper-spray dispenser.

"The officer was very seriously injured," Wilkinson said yesterday. "He suffered a human bite that took a chunk of flesh off his forearm."

Wilkinson said many officers claim they have been unable to break the safety tab during emergency situations, especially when they must use only one hand.

"Given the number of incidents detailing significant problems with the tab, it is clear that the required tab is hazardous and unsafe," she said.

Butler countered yesterday that he had not received any complaints about the department policy on the safety tabs until he received Wilkinson's letter this week.

This is the first time the pepper-spray issue has been raised since a citizens committee asked the City Council to ban pepper spray two years ago. After a series of heated public debates, the City Council rejected an outright ban.

Before that decision, the council had adopted interim guidelines on the use of the chemical irritant. One of those measures was placing safety seals over the triggers. While the council never approved a permanent policy, the Police Department has continued to follow the interim guidelines.

"This has been an interim policy with no sunset," Butler said yesterday. "Now this whole issue brings the matter to a head."

City Attorney **Manuela Albuquerque** said yesterday that Butler can change the policy without approval from the City Council because he was never legally required to follow the interim measures.

The Berkeley Police Association is asking for a temporary moratorium on the tabs until a safer alternative is designed. In lieu of that, the association is asking that the officers be allowed to use the more powerful Mace chemical spray.

During the debate over pepper spray in 1997, Berkeley police officers told the City Council that they needed the chemical in their arsenal so they are not forced to rely on batons and guns to subdue combative suspects.

Opponents of the eye- and nostril-burning spray say it is an untested chemical weapon that can be lethal when directed at people using certain drugs or with heart and respiratory conditions.

According to Berkeley police guidelines, officers must fill out reports every time they use pepper spray, and they are not allowed to use it to control crowds.

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