



DENVER
OFFICE OF THE
INDEPENDENT MONITOR

The Police Response to the George Floyd Protests in Denver, an Independent Review

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KEY FACTS

- The GFP in Denver started on May 28, three days after George Floyd's murder.
- Large crowds peacefully demonstrating during the day.
- Smaller crowds engaged in violent clashes and property damage at night.
- Protests were multi-directional.
- By the third day, Sat. May 30: 10,000+ people.

KEY FACTS

- 339 arrests during first five days, mostly for curfew but also other charges.
- 200+ fire-related calls, 33 guns seized.
- Significant injuries to protesters and police.
- 81 officer injuries; 11 placed on limited duty, 4 took time off for injuries.

KEY FACTS

- Many serious community member injuries though precise number is unknown. 125 DHPD calls.
- 100+ complaints to IAB, 50+ remain open.
- Significant damage to gov't property and businesses.
- Litigation to date: 3 lawsuits, 50+ notices of claim.

METHODOLOGY

- The OIM reviewed:
 - Policies, procedures, reports, rosters, inventories, officer statements, CAD, and arrest records.
 - Hundreds of hours of BWC, HALO, and helicopter footage.
 - Radio communications.
- Interviewed dozens of officers and command staff, other Denver employees, and community members.
- Reviewed academic research and best practice literature on crowd control and less-lethal munitions.

LESS LETHAL MUNITIONS USED

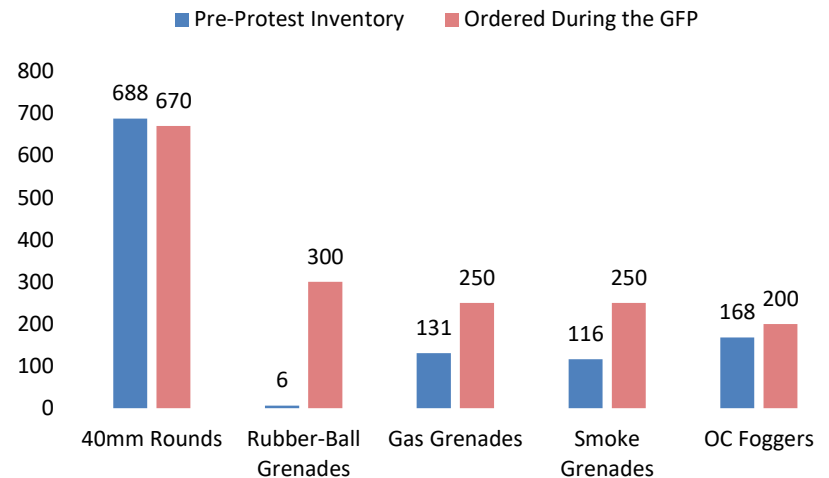
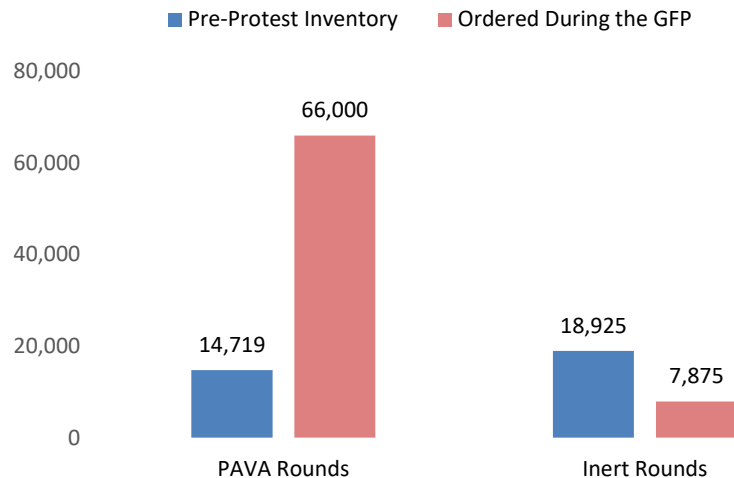
- Less-lethal munitions used by the DPD at GFP:
 - Pepperball launchers
 - PAVA and inert rounds
 - 40mm launchers
 - OC Foggers
 - Gas and smoke grenades
 - Rubber-ball grenades
 - Noise flash diversionary devices (“flash bangs”)

INTERNAL CONTROLS ON USE OF FORCE

- Mass-protests events are chaotic and difficult to manage.
- Internal controls help regulate the way force is used.
 - Tracking less-lethal munitions.
 - Creating officer rosters.
 - Requiring BWC to record uses of force.
 - Promptly preparing use of force reports.
 - Issuing and recording orders for crowd dispersal.
 - Only certified officers may deploy certain less-lethal.

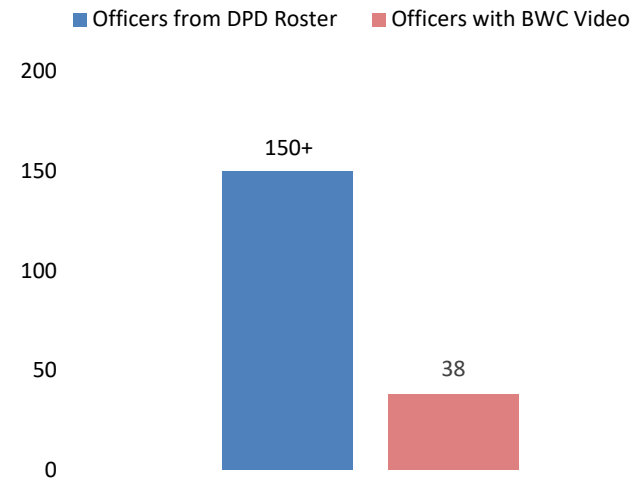
INTERNAL CONTROLS ON USE OF FORCE

- Incomplete tracking of less-lethal munitions.
 - DPD ordered \$202,341.50 during the first five days.
 - Did not track how quickly officers used them.
 - Impossible to determine quantity used in total.



INTERNAL CONTROLS ON USE OF FORCE

- BWC Issues
 - NO OIM access to Evidence.com.
 - Instead DPD sent links to download 1,218 videos (226 hrs. 23 mins.)
 - Many officers did not use BWC at all.
 - During the first five days just one officer roster. On June 1, of 150-200 officers on the roster, 38 recorded BWC.
 - There were 124 arrests that day and they should have been recorded.
 - Not all detectives, lieutenants, captains, commanders, and chiefs were required to wear BWCs.



INTERNAL CONTROLS ON USE OF FORCE

- Some UOF statements were written 2 weeks late.
 - Often vague, repetitive (sometimes verbatim), and unhelpful.
 - Officers expressed concerns about detailing events that far in the past.
- Inconsistent recording of crowd dispersal orders.
 - Policy requires recorded warnings.
 - Best practices: warn before using force.

INTERNAL CONTROLS ON USE OF FORCE

- Forceful crowd dispersals without orders.
 - Less-lethal used before any warning or order.
 - Not always due to exigent circumstances or violence.
- Lack of officer identification on riot gear.
 - IAB complaints dismissed due to inability to ID officers.
- Officers used less-lethal weapons they were not certified for.
 - Five officers explicitly stated that they received training at GFP.
 - Others reported use but were not on the Certified Officer List.

USE OF FORCE

- OIM referred extremely troubling UOF to IAB:
 - OC or pepperball at persons verbally objecting to police behavior and not engaged in physical resistance.
 - Pepperball or other projectiles impacting prohibited areas of the body (head, face, groin).
 - Continuing to deploy chemical, gas, impact, or explosive munitions after people were dispersing or leaving.
 - Throwing explosive devices at or extremely close to individuals, sometimes resulting in people being knocked to the ground or suffering apparent injury.
 - Deploying OC spray towards the drivers of vehicles or throwable munitions into lanes of traffic.

POLICY DEFICIENCIES FOR LESS-LETHAL

- No guidance for high-risk explosive devices.
 - DPD used rubber-ball grenades and noise flash diversionary devices (flash bangs).
 - Rubber-ball grenades
 - 180 rubber balls propelled 360 degrees for 50 feet.
 - Cannot target an individual and will hit bystanders.
 - Body of grenade can become shrapnel.
 - Research raises concerns for eyes, soft tissue, and potential lethality.
 - Flash bangs
 - Up to 4,900 degrees Fahrenheit, can cause fires and severe burns.

POLICY DEFICIENCIES FOR LESS-LETHAL

- Inappropriate standard for Direct Fire pepperball.
 - Pepperball can be used as both area saturation (chemical) and direct fire (impact).
 - Each use presents different risks to health and safety.
 - Chemical is irritant, impact can cause long-term damage.
- DPD policy does not differentiate.
 - Can be used both ways against “defensive resistance.”
 - Impact should only be used against “active aggression” or higher.

MUTUAL AID

- In total, 18 agencies aided the DPD.
 - Mostly tactical teams, such as SWAT.
- National standards call for comprehensive mutual aid agreements.
 - Establish ground rules.
 - Who can request aid under what circumstances.
 - Specify type of aid and command structure.
- DPD did not have relevant mutual aid agreements.
 - 8 provided: 6 agencies were not present, 2 were not relevant to GFP.

MUTUAL AID

- Responding agencies varied in level of aid.
 - Some very active, conducting their own arrests.
 - Others protected property, DFD, or access to the interstate.
 - Used less-lethal not approved under DPD policy.
 - Rubber-ball rounds.
 - Less-lethal shotguns.
 - Beanbag rounds.
 - Were not required to adhere to Denver use of force standards.
 - Different standards
 - DPD: “reasonable and necessary ... to safely accomplish a lawful purpose.”
 - Others: “reasonable,” or “reasonable and appropriate.”
 - Not all require intervention to prevent inappropriate force.

ADDITIONAL ISSUES

- OIM referred three issues for DPD's own review based on concerns raised during officer interviews:
 - Officers received little guidance from Operations Chief (the on-the-ground field commander).
 - The single radio channel used for all transmissions was overcrowded and inaccessible for communication with the Command Post.
 - Insufficient crowd control and field force operations training.

QUESTIONS?

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