Excessive force, poor communication marred Denver police response to George Floyd protests, independent monitor finds

Report released Tuesday is first official overview of police tactics during May 28-June 1 protests
The Denver Police Department's response to massive racial justice protests in late May and early June was beset with poor communication, multiple examples of excessive force, and inadequate record-keeping that made it difficult for police leaders to evaluate decision-making, an investigation by the city's independent monitor found.

The 94-page investigative report, released Tuesday, for the first time offers an overview and analysis of the department's decisions, policy violations and mistakes during the first five days of George Floyd protests in Denver, some of the largest in the city's history.

Incomplete or nonexistent records inhibited the department's ability to track officers' actions, evaluate the effectiveness of tactical plans and make changes to those strategies, according to Independent Monitor Nick Mitchell's report.

Although Mitchell's team completed dozens of interviews and reviewed hundreds of records, the department's failure to keep detailed records was "an obstacle to a full after-the-fact analysis of the DPD's uses of force during the protests," the report states.

Denver police officials do not know how many rounds of less-lethal munitions — pepper balls, foam bullets, tear gas — their officers used during the first days of the protests. Department leaders failed to create rosters of which officers were deployed to the first four days of protests, making it impossible to know how many officers worked the protests. Officers often did not complete use-of-force reports until days or weeks after the fact. Dozens of officers either did not wear body cameras or did not activate them during the protests, meaning hours of interactions and arrests were not documented on video.
Between May 28 and June 1, hundreds of police officers were deployed to monitor the thousands of Coloradans marching in Denver’s streets to protest the killing of Floyd by Minneapolis police and the killings of other Black people at the hands of law enforcement. More than 80 Denver police officers were injured during the contentious protests as were hundreds of protesters and bystanders who were struck with police projectiles, engulfed in tear gas or hit with pepper spray. The chaos caused more than $3 million in damage to businesses and government buildings and police arrested more than 400 protesters.

“The protests that began on May 28, 2020, were unlike any others in Denver’s history, given their size and scale, as well as the injuries and damage that resulted from them,” Mitchell wrote in his report.

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Police officers interviewed by Mitchell’s team also cited a lack of clarity from their supervisors on what they should be doing. Officers said police leaders called the protests “the most challenging situation they have faced in decades on the DPD,” according to the report.

“Some DPD officers who we spoke with described physical or emotional after-effects from policing the (protests) that linger to this day,” the report states. “Similarly, some community members have described anger, trauma and a loss of confidence in the police based on their experiences. The damage to trust between officers and the community that resulted from the (protests) is impossible to quantify.”
Excessive use of force

The Office of the Independent Monitor found several instances where Denver police officers used inappropriate force against protesters, like officers who used pepper spray and fired pepper balls at people who were simply “verbally objecting” to police and not posing any threat. Officers also shot projectiles at peoples’ faces and groins, against department policy, and threw dangerous explosive devices directly at people.

It was impossible to tally exactly how many protesters and bystanders were injured by police, the report states. Denver ambulances were called at least 125 times to the protest area during the demonstrations and treated people suffering from tear gas and injuries from projectiles.

Mitchell’s team found that several officers were not certified to wield the less-lethal weapons they were handed when they reported for protest duty, in violation of the department’s policies. By comparing officers’ use-of-force reports to the list of officers certified to use pepper-ball guns and rubber bullets, the independent monitor found at least five officers who used the weapons without the required training.
“For example, one officer indicated that on May 30, ‘upon arrival to the meeting point near the Capitol Building, I was given training for the Pepper Ball launcher due to the emergency situation, and as we did not have enough officers who had the certification,’” the report states. “Other officers also stated that they were given ‘emergency field training’ when they began working at the George Floyd protests.”

The monitor’s office also found that Denver police routinely failed to give dispersal orders to a crowd before using force.

“We reviewed hundreds of hours of video footage and observed dozens of situations in which the DPD used less-lethal munitions to disperse crowds,” the independent monitor’s report states. “We heard orders to disperse in only a minority of those situations. In most, the available video did not show any exigency that required the application of less-lethal munitions without orders to disperse.”

Communication between officers and the department’s command center also was muddled, in part because officers were directed to do all communication on a single radio channel that was frequently overwhelmed, the investigation found. Officers said they did not always know which commander was leading the on-the-ground response on a given day.

“They sometimes reported a lack of clarity about their strategic objectives, which led to confusion about when to advance on, retreat from, or hold specific pieces of ground downtown,” the report states.

Mitchell recommended several policy changes, including banning the use of rubber-ball grenades in crowd-control situations, creating stricter rules for when an officer can shoot someone with a pepper ball and providing more regular training on crowd control.
Incomplete records

The failure to maintain detailed and accurate records about their actions during the five days of protests has made it difficult to investigate allegations of excessive use of force, the report states. Denver police did not keep rosters of which officers were deployed, many officers did not complete detailed use-of-force reports and many did not wear or turn on body cameras during the protests.

For example, between 150 and 200 Denver police officers worked at the protests on June 1 but the department only gave the independent monitor footage from 38 officers.

The department’s internal affairs bureau opened more than 100 investigations into allegations of excessive use of force at the protests. While many of those investigations are ongoing, at least 20 have been closed because it was impossible to identify which officer’s actions were in question.

“These declined complaints contained potentially serious allegations, such as officers firing pepper ball rounds into a car of people trying to leave the (protests) or unnecessarily throwing (a flash-bang grenade) into the yard of a private residence,” the report states.
It’s impossible to know exactly how many times Denver police fired less-lethal weapons at protesters because the department did not keep track. Within the first hours of protests, units deployed in the streets reported running out of some munitions and the department asked other Denver-area agencies for more supplies. Denver did not track how many rounds of each munition they received nor how many each officer or unit used, according to the report.

“Effective tracking of less-lethal munitions is critical in protest management, as it helps to determine when new supplies must be ordered,” the report states. “It also enhances accountability, as tracking logs can be used to identify whether particular teams or squads are running through munitions at disproportionate rates, which can prompt supervisory investigation, review or intervention.”

But a look at the department’s invoices provides a sense of scale.

Before the protests began May 28, the department had 30,000 pepper balls, 600 foam bullets, 200 gas and smoke grenades and 150 tear-gas canisters. Between May 29 and June 1, the Denver Police Department ordered 66,000 pepper balls, 670 sponge bullets, 450 gas and smoke grenades, and 300 grenades that spew out rubber pellets upon detonation, according to the report.

The weapons cost $202,341, according to the report. On May 29, the Colorado State Patrol flew a plane to Wyoming to pick up an order of foam bullets and gas grenades from a weapons manufacturer for Denver police.
Mitchell recommended that the Denver Police Department improve its policy for managing crowds to mandate the creation of rosters, create a tracking system for less-lethal munitions and require all officers wear body cameras while responding to a protest.

Mitchell is scheduled to present his report to the Denver City Council's Safety, Housing, Education and Homelessness Committee at 10:30 a.m. Wednesday and again to the Civilian Oversight Board at 6 p.m. Wednesday.
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