

IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT COURT OF COLORADO

Civil Action Nos. 1:20-cv-01878-RBJ & 1:20-cv-01922-RBJ-MEH (consolidated)

ELISABETH EPPS, *et al.*

Plaintiffs,

v.

CITY AND COUNTY OF DENVER, *et al.*,

Defendants

SUPPLEMENTAL EXPERT REPORT OF NORMAN STAMPER

1. On February 8, 2022, I was provided additional materials that had recently been produced by the City and County of Denver, pursuant to a court order. These materials are less redacted versions of memos written by the Office of Independent Monitor of their interviews with DPD personnel. (DEN ICR 11695-11787.) The information contained in the additional materials further support the opinions I provided in my original and rebuttal reports.

2. Of particular note are the observations of Captain Sylvia Sich, who stated that “policing fails in three areas: supervision, leadership, and training” and that “those are the areas that are always to blame for bad policing.” (DEN ICR 011772.) I agree. She described the command staff in the Command Post as “paralyzed” in decisionmaking, and that “criticism of officers on the ground was ‘non-stop.’” (DEN ICR 011773.) She wondered why police lines were not moving, why officers were not disciplined, and “she kept thinking, ‘what are they supposed to do without training or supervision?’” She also stated that they “saw so many officers taking rocks and bottles and she knew that this was not what was trained in Field Force.” (DEN ICR 011773.) She also observed that “a lot of officers and protestors may have been injured due to a lack of supervision and command.” (DEN ICR 011773.) This supports the opinions I have previously expressed. Training is especially important when there are difficult, on-the-scene, judgment calls that officers must make in using force, and especially when they have to respect the rights of peaceful protesters and balance that with targeting only individuals who are actually jeopardizing the safety of officers or others.

3. Lt. Coppedge, who is a DPD Training Academy lieutenant, described a change in emphasis in training from the prior chief of police to the current Chief (Pazen). According to Coppedge, “[u]nder the current Chief of Police, the prevailing attitude is that training is not important.” (DEN ICR 011715.) He described how this de-emphasis on training contributed to

the DPD's response to the protests, which as I have previously described, was inconsistent with generally accepted police practices, and caused the constitutional violations against Plaintiffs.

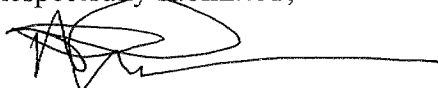
4. Similarly, Sgt. Knutson described seeing "officers moving a crowd with pepperball only," and that "there was an absence of 'command and control,' and too much reliance on pepperball." (DEN ICR 011728.) This is what I saw in the videos (and testimony) as well, and it is contrary to generally accepted police practices. This is not a proper way to move a crowd. As Captain Sich pointed out, the proper, disciplined way to move protesters is supposed to be taught in Field Force training, which is supposed to train on "how to move forward in a disciplined line, using batons and command presence to successfully move protestors without using force." (DEN ICR 011772.)

5. Officer Stadler's and Lt. Coppedge's observations also support my opinion that there was a failure of training, leadership, and supervision. Coppedge "saw the DPD's response to the GFP as a total 'leadership failure.'" (DEN ICR 011714.) Stadler observed that "especially on the first night of the protests, there was a lack of communication and strategy regarding less lethal deployment" and "people were not getting clear instructions and that teams were pushing people out of the park and throwing gas just to deploy gas instead of making tactical decisions." (DEN ICR 011770.) These are consistent with my observations of the video and testimonial evidence in this case.

6. The additional material also supports my opinion that DPD failed to adequately prepare for the protests. For example, Sgt. O'Neill compared the George Floyd Protests to other events: "When asked whether he felt like there was more coordination by the DPD for previous protests, Sergeant O'Neill said he agreed to a certain extent and described months of preparation prior to Y2K that helped them handle the Broncos and Avalanche 'riots.'" (DEN ICR 0011745.) There is no legitimate excuse for DPD not to have expected widespread, mass protests after the death of George Floyd on May 25. Protests exploded in major cities around the country. It would have been reasonable for DPD to assume that mass protests would occur in Denver and to quickly put together at least a rudimentary contingency plan, even if they had no backup plans that they had already prepared in case of such an event.

7. This additional material, containing observations of individuals within the DPD, support my opinions that the policies, procedures, and customs of the City were inconsistent with generally accepted police practices, and that they were the cause of the constitutional violations alleged by Plaintiffs.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'N' followed by a horizontal line extending to the right.

Norman Stamper

Date: February 16, 2022