

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 EDWARD R. MAGUIRE

1. On February 8, 2022, I was provided with 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 (OIM) summarizing their interviews with personnel from the DPD and other agencies (DEN ICR 11695-11787). The information contained in the additional materials further supports the opinions I presented in my original and rebuttal reports.

2. Lt. John Coppedge, who is assigned to the DPD Training Academy, characterized the Department's response to the George Floyd protests (GFP) as a total "leadership failure" (DEN ICR 011714). He explained that previous police chiefs were more committed to training than Chief Pazen. He further noted that under Chief Pazen, "the prevailing attitude is that training is not important" (DEN ICR 011715). As a result, when he held training related to protest response, only six people attended.

3. Sgt. Erik Knutson, who is assigned to the Training Academy, is the DPD's "primary crowd control trainer" (DEN ICR 11726). Sgt. Knutson noted that he had difficulty getting commanders to allow officers to attend his protest-related training courses. Training is essential for teaching officers at every level the appropriate strategies and tactics for handling protests fairly and effectively. The lack of emphasis on training described by Lt. Coppedge and Sgt. Knutson supports my earlier opinion that the DPD did not provide its officers with sufficient training on how to prepare and respond in a professional and appropriate manner to the GFP.

4. Lt. Kim Lovato acknowledged that in its response to the GFP, the DPD was "caught with its pants down," and that as a result, "chaos ensued" (DEN ICR 11733). According to the OIM summary, "Lieutenant Lovato felt there was a mentality throughout the department that George

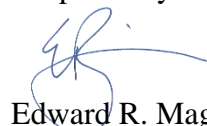
Floyd's death and the resulting protests were occurring far away and would not affect Denver. Because of this wrong assumption, the department was not prepared for the protests when they began" (DEN ICR 11733).

5. My protest policing guide emphasizes the importance of using various information and intelligence sources to learn ahead of time about protests. It notes that "police should not approach protests and other public order events blindly. Detailed knowledge about the social identities of the groups or subgroups participating in the event can help provide a clearer sense of the most appropriate policing strategies... This type of information should feature prominently in police intelligence briefings [and] in the selection of strategies and tactics..."¹ The DPD's lack of preparation for the GFP signals both an intelligence failure and a leadership failure within the Department. As a result, the DPD responded to the GFP haphazardly, chose inappropriate strategies and tactics, and did not follow the provisions of its own *Crowd Management Manual*.

6. My initial report (dated August 2, 2021) concluded that during the GFP, "DPD officers relied on inappropriate strategies and tactics that were more likely to inflame tensions than to relieve them." DPD Division Chief Ron Thomas's comments to the OIM interviewers are consistent with this perspective. Chief Thomas said that as the protests went on, the command staff learned that "sometimes the mere presence of police officers agitates the protesters" (DEN ICR 11785) and that "not engaging the protesters led to better results" (DEN ICR 11786). These phenomena are well known among people with expertise in crowd management. The fact that the DPD command staff in charge of the Department's response to the GFP only discovered them *during* the protests is a further testament to their lack of preparation and their lack of expertise on crowd management.

7. The additional materials support my earlier opinion that during the GFP, the DPD's policies, training, strategies, and tactics were inconsistent with generally accepted police practices, and that they caused the constitutional violations alleged by Plaintiffs.

Respectfully submitted,



Edward R. Maguire, Ph.D.

Date: February 22, 2022

¹ Maguire, E. R., & Oakley, M. (2020). *Policing Protests: Lessons from the Occupy Movement, Ferguson, and Beyond – A Guide for Police*. Harry Frank Guggenheim Foundation (quote from p. 58).