

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

Civil Action No. 20-cv-1616-RBJ

AGAZI ABAY,
GABRIEL THORN,
AMY SCHNEIDER, and
MICHAEL McDANIEL, on behalf of themselves
and other similarly situated individuals,

Plaintiffs,

v.

CITY AND COUNTY OF DENVER,

Defendant.

STIPULATION

The parties agree and stipulate during the pendency of this litigation to the following:

1. The requirements of C.R.S. § 24-31-905(1)(a-c) regarding law enforcement action in response to protests are effective as of June 19, 2020. As provided therein:
 - (1) In response to a protest or demonstration, the Denver Police Department and any person acting on behalf of DPD shall not:
 - a. discharge Kinetic Impact Projectiles (“KIPs”) and all other non- or less-lethal projectiles in a manner that targets the head, pelvis, or back;
 - b. discharge KIPs indiscriminately into a crowd;
 - c. use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and

repeated if necessary, followed by sufficient time and space to allow compliance with the order.

2. In addition to the requirements of C.R.S. § 24-31-905, Denver agrees:
 - a. DPD will not use chemical agents or KIPs unless an on-scene supervisor at the rank of Sergeant or above specifically authorizes such use of force in response to specific acts of violence or destruction of property that the Sergeant has personally witnessed or learned about from a fellow officer, absent exigent circumstances. Exigent circumstances include but are not limited to situations where the Sergeant could not be immediately present and delay would be unreasonable.
 - b. All officers deployed to the demonstrations or engaged in the demonstrations must have their body-worn cameras recording any and all acts of confrontation between police officers and others. Officers shall not intentionally obstruct the camera or recording.
3. Non-Denver officers shall not use any weapon beyond what Denver itself authorizes for its own officers. All non-Denver officers shall comply with Colorado law regarding the use of force and responses to protests or demonstrations.

On behalf of the Plaintiffs:

s/ Ross Ziev

Ross Ziev, Esq.
Help in Colorado, Ross Ziev, PC
Email: ross@helpincolorado.com

On behalf of the City and County of Denver:

s/Melanie Lewis

Melanie Lewis, Assistant City Attorney
Denver City Attorney's Office
Civil Litigation Section
201 W. Colfax Avenue, Dept. 1108
Denver, CO 80202-5332
Telephone: (720) 913-3100
Facsimile: (720) 913-3182
Email: melanie.lewis@denvergov.org