

Changes to Less-Lethal Use of Force Policy Following the 2020 George Floyd Protests: An Analysis

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Abstract

This project looks at changes to policy regarding less-lethal use of force by the police following the 2020 George Floyd protests. It has a particular emphasis on the changes made following eye injuries that resulted from less-lethal weapon use in efforts to subdue crowds. It examines historical use of force policy and highlights challenges in the fluid definitions that exist regarding appropriateness of weaponry for an indicated level of response. Data from changes regarding policy, training, and outcomes is reviewed at the city (Denver), state (Colorado), and national levels.

Introduction

- Less-lethal force is defined as **“any use of force other than that which is considered deadly force that involves physical effort to control, restrain, or overcome the resistance of another.”**
- Despite being “less-lethal,” these weapons can still cause **death or serious bodily injury**.
- Throughout the spring 2020 George Floyd protests across the United States, less-lethal weapons were repeatedly deployed to subdue crowds.
- Numerous complaints were lodged against the police department of the city and county of Denver regarding the use of these weapons (including tear gas, pepper balls, and 40 mm sponge grenade launchers) that resulted in **skull and jaw fractures, the severing of a finger, and devastating ophthalmic injuries**.
- The use of less-lethal force remains largely up for interpretation in policy manuals and overwhelmingly understudied in the academic sphere



Figure 2. Photographs from *Berkley Human Rights Center*.

Jury awards \$14 million to demonstrators injured in Denver during protests over George Floyd’s death

By Aya Elamroussi and Andy Rose, CNN

Figure 3. Headline from *CNN*.

Methods

- Literature review conducted between **October 2023 and January 2024**.
- Search terms included, **“use of force,” “less-lethal use of force,” “crowd management policy,” “ophthalmic injury,” “protest injury,” “George Floyd Protests,” “FBI training,” “peace officer training,” and “use of force policy.”**
- 30 peer-reviewed papers were initially identified then reduced to 6 peer-reviewed papers after exclusion criteria was applied.
- Blogs, opinion pieces, papers published >15 years ago, and work not clearly centered on less-lethal use of force were excluded.
- The bulk of this research centered on **publicly available data published by government websites, policy manuals, state constitutions, and supreme court rulings**.
- Data was isolated by date and city, state, and federal location

Results

Changes to Policy

Denver

- Use of force now can only be used “when consistent with the minimization of injury to others”
- New restrictions, including forbidding the firing of non-lethal weapons at the back of protesters or indiscriminately into a crowd.
- Many items stayed the same.** Few updates to Crowd Management Policy. Pepper ball systems, bean bag shotguns, and M-26 Tasers are explicitly included as appropriate crowd control even in post-2020 updates.

Colorado

- State legislation SB20-217 introduced, mandating body cameras and new reporting requirements.
- Updates to HB21-1250: all discharge of weapons must be reported.
- Removal of qualified immunity provision for officers.

Federal

- No universal definition for use of force or true federal regulations.
- FBI began national use of force data collection project in 2019.
- Presidents Trump and Biden enacted new executive orders focused on police accountability.

Changes to Training

Denver

- New emphasis on critical thinking in high-stress scenario trainings
- Active Bystandership for Law Enforcement (ABLE) peer intervention to prevent harmful actions by officers
- “Before the Blue and Beyond the Badge” for new recruits to engage with community members

Colorado

- New recruits need 62 hours of arrest control training (ACT). No change since 2020. Each agency can use a different training curriculum for ACT.
- 12 hours of subsequent training per year regarding arrest control, driving, and firearm use.

Federal

- No standardized curriculum.
- In 2022, DOJ mandated all officers receive annual training on DOJ Use of Force policy to emphasize good judgement on use of force deployment.

Outcomes

Denver

- Denver Police Department now mandates tracking of all use of force incidents, even if they did not result in injury to subject/officer. Compliance has been slow.

Colorado

- In 2022, 57% of agencies in the state were compliant with use of force recording.

Federal

- Less than 60% of total law enforcement officer population is represented in use of force database as it is completely voluntary. Additionally, the FBI cannot release all data until 80% of officers are represented.

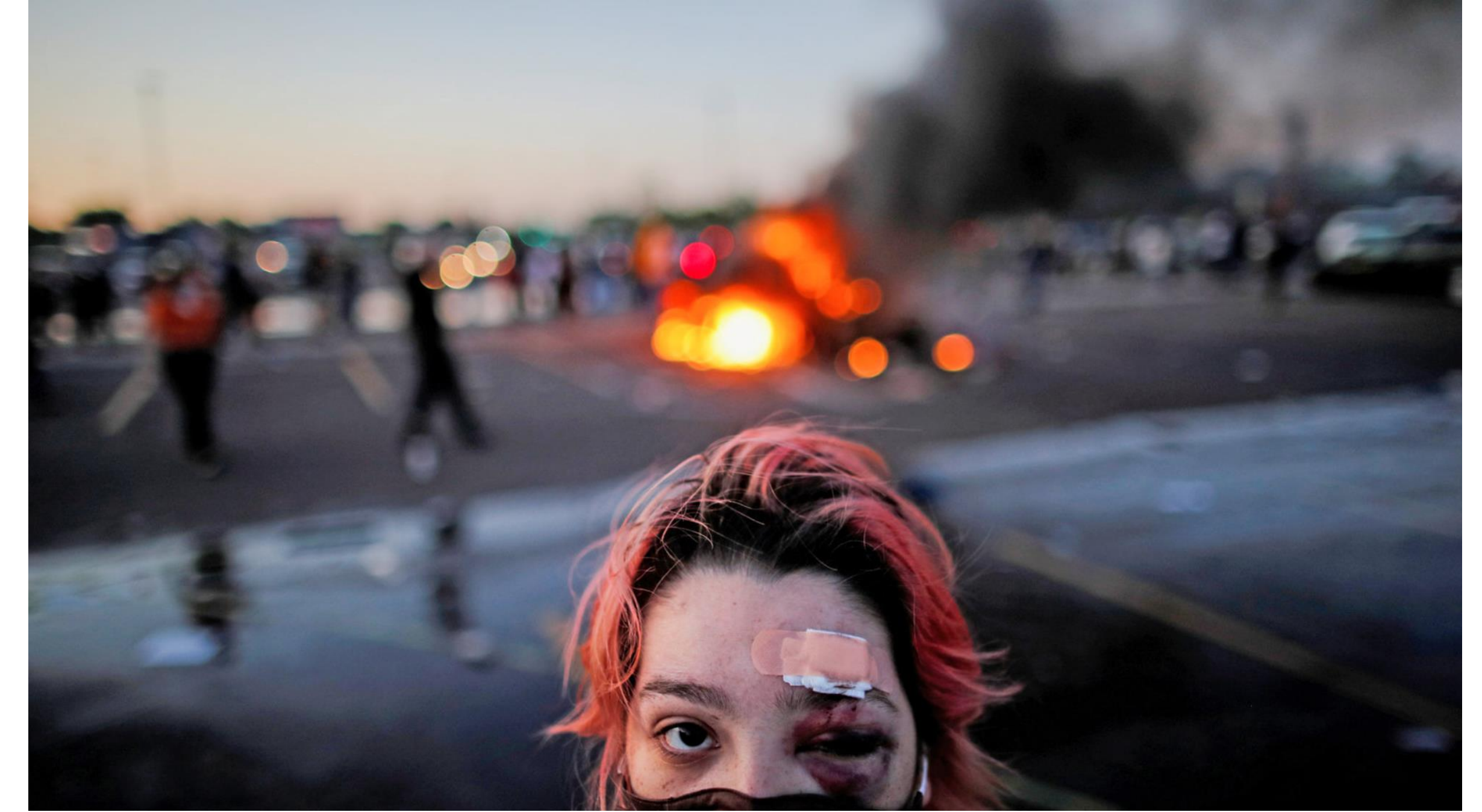


Figure 1. Photograph by Carlos Barria from *The New York Times*.

Discussion

- There is a growing need for **uniform definitions of less-lethal use of force** at the city, state, and federal level.
- Reliance on historical legislation that defines “reasonable” as subjective can lead to civilians **suffering dramatic injury or even death**.
- Universal definitions will lend themselves to **more effective reporting requirements** which remain murky and incomplete.
- Training methodology must be **standardized** when it comes to use of force.

Conclusions

- The momentum for change when it comes to preventing injury and death with less-lethal use of force weapons is one that should be used to **propel policy action**.
- Policy guidance at the federal level that creates **explicit definitions for less-than-lethal use of force** will be critical going forward.
- Less-lethal weapons can offer a route for law enforcement to keep themselves and the public safer; however, historical data reflects that they are not wholly without risk.
- There is **extreme importance** in making sure those trained to use these weapons are **continuously provided education and training simulations** to help them make **appropriate, safe decisions**.
- Future research should be devoted to analysis of ongoing data being reported from these agencies with an organized approach to **highlighting the differences in reporting requirements**.
- Additionally, further research into the **exact less-lethal weapons being used and the precise training requirements** will underscore the diversity of preparedness by training agency.

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