



DATE: May 16, 2016

TO: Civil Action Investigation Committee

FROM: Office of the City Attorney

SUBJECT: *Maurice Cooper v. Jeremy Sheldon, Todd Rekar, Pete Carey,*
Case No. 15-cv-975-JLK, U.S. District Court for the District of Colorado

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the Officers involved.

NATURE OF THE CASE

Plaintiff, Maurice Cooper, filed an action in the United States District Court for the District of Colorado alleging that Colorado Springs Police Officers Jeremy Sheldon and Todd Rekar used excessive force when arresting him.

Plaintiff alleges in his complaint that on February 12, 2015, he was staying at the Wyndham Mining Exchange Hotel. The clerk at the hotel called the police because Plaintiff was acting suspiciously. Officers Sheldon and Rekar responded. Plaintiff alleges that he walked out of the hotel and around the officers' parked police cruiser. He alleges that Officer Sheldon grabbed him by the throat, choking him. He further alleges that after he was handcuffed, an officer shot pepper spray in his eyes and kicked him in the head several times. Plaintiff alleges that he suffered lacerations to the face, legs, and arms, bruising to the face, and a broken nose.

Plaintiff asserts that the officers violated his Fourth Amendment right to be free from unreasonable seizures. He also asserts an official capacity claim against the officers and Chief Carey, claiming that the Chief permitted and enforced policies and procedures that permitted Officer Sheldon's and Rekar's use of excessive force.

Plaintiff is seeking an unspecified amount of money for his claimed damages to include actual economic damages; compensatory damages for emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, medical bills, and other pecuniary and non-pecuniary losses; punitive damages; and attorneys' fees and costs.

Plaintiff also is seeking injunctive relief to include an apology from each Defendant, policy changes, a prohibition against retaliating against Plaintiff and disciplinary action against Defendants.

According to the police reports, when the officers arrived at the hotel, they were told that Plaintiff had been behaving in a strange and threatening manner. They learned that Plaintiff was on parole, and there were three active felony probable cause affidavits against him. Plaintiff fled from the officers, refused to release his hands for handcuffing, and thrashed about aggressively while the officers attempted to gain control of him. Plaintiff ultimately was handcuffed and charged with two counts of assaulting a police officer, resisting arrest, obstructing a police officer and possession of a controlled substance.

RECOMMENDATION

It is recommended that the Committee vote to have the City represent Officers Sheldon and Rekar and Chief Carey as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officers were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right to not pay any award of punitive damages.

Sincerely,

Anne H. Turner
Senior Attorney, Litigation