



**DATE:** August 10, 2020

**TO:** Colorado Springs City Council

**FROM:** Office of the City Attorney

**SUBJECT:** *Nathanial Karl Buchmann v. A. Lloyd, M. Suarez, B. Kelly and Ingalsbe*,  
No. 19-cv-3205-KLM, United States District Court, District of Colorado

This memorandum apprises you of the facts alleged in the above-referenced case as you consider the claims made against Colorado Springs Police Officers Aaron Lloyd, Mike Suarez, Brian Kelly and Eric Ingalsbe (the "CSPD Officers").

#### **NATURE OF THE CASE**

Mr. Buchmann's complaint arises out of his arrest on July 2, 2019. Mr. Buchmann was wanted on four outstanding felony warrants: for a parole violation, theft from an at risk adult, second degree burglary, and escape. The day before, on July 1, 2019, he had escaped from the back of a marked El Paso County Sheriff's cruiser.

The CSPD Officers are members of the multi-jurisdictional Violent Offender Fugitive Task Force ("VOFTF"). The El Paso County Sheriff's Office requested VOFTF's assistance in apprehending Mr. Buchmann on July 2, 2019. The VOFTF were told that Mr. Buchmann may be armed and had threatened suicide.

Based on a tip, the VOFTF located Mr. Buchmann on a bike in the parking lot of the Citadel Mall at approximately 1:45 pm on July 2, 2019. In their unmarked vehicles, the officers surrounded Mr. Buchmann. Detective Suarez activated the emergency equipment on his vehicle, at which time Mr. Buchmann began to ride away. K-9 Officer Kelly drove his marked canine vehicle forward, into Mr. Buchmann's view, at which point Mr. Buchmann dismounted the bicycle and continued on foot. Detective Suarez exited his vehicle with his gun drawn and ordered Mr. Buchmann to "stop, don't run, and get on the ground." Instead of complying with the orders, Mr. Buchmann began to run away. Standing at the front of his vehicle, Officer Kelly yelled "police K-9 stop," but Mr. Buchmann continued to run. Officer Kelly released Canine Broc. Running from the officers and Broc, Mr. Buchmann and Broc collided with the side of another officer's

vehicle. Canine Broc brought Mr. Buchmann to the ground and bit Mr. Buchmann's upper right thigh. Mr. Buchmann eventually surrendered his hands for handcuffing and Canine Broc was ordered to release Mr. Buchmann.

AMR provided treatment to Mr. Buchmann on the scene. Detective Suarez then transported Mr. Buchmann to Memorial Hospital for further treatment of his wounds. While in the back of Detective Suarez's police cruiser, Mr. Buchmann kicked at the door several times, causing damage to the vehicle. An officer therefore applied leg restraints to Mr. Buchmann while he was being transported.

At the hospital, Mr. Buchmann allegedly asked Detectives Lloyd and Suarez if they could obtain a wheelchair for him due to his leg injuries. They allegedly told Mr. Buchmann "no."

Mr. Buchmann sued the officers in their individual and official capacities asserting excessive force claims under the Fourth Amendment. He seeks \$1 million in compensatory damages and \$1 million in punitive damages.

### **RECOMMENDATION**

The Civil Action Investigation Committee met on June 30, 2020, and has recommended that the City represent the Officers 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 not to pay any award of punitive damages.