



DATE: September 7, 2021
TO: City Council
FROM: City Attorney's Office
SUBJECT: *Estate of Chad A. Burnett v. City of Colorado Springs, et al.*,
Case No. 21-cv-01708-KMT

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

NATURE OF THE CASE

Plaintiff, Estate of Chad Alexander Burnett, filed an action in the District Court for the District of Colorado against Sergeant Michael Inazu, former-Officer Joseph Daigle, Officer Matthew Fleming, and Officer Caroline Barth and the City of Colorado Springs ("City") asserting claims for unlawful warrantless entry, excessive force, and failure to ensure reasonable safety and provide adequate medical care.

The complaint alleges that on May 24, 2020, Chad A. Burnett ("Burnett") was in the midst of a mental health crisis when a 911 call came in around 9:00 a.m. reporting that Burnett was threatening a neighbor with a knife and, another, reporting that Burnett was in the street with the knife.

Officers responded to Burnett's house around 10:00 a.m. After several attempts to persuade Burnett to leave his house,¹ Sergeant Inazu and Officer Daigle began speaking with neighbors about the initial call for service. While officers spoke with the neighbors, Burnett began throwing various items into the front yard, including the knife.

According to the complaint, at 11:39 a.m., Officers Inazu, Fleming and Daigle contacted Burnett outside his front door. Burnett retreated into the house and officers pursued him. Once inside the house, the officers ordered Burnett to the floor. Disobeying the order, Burnett "braced himself." The officers then approached Burnett with Officer Barth just behind them. Officer Barth then deployed her taser. The probes struck Burnett and he fell to the floor. On the floor, Burnett tensed his arms. Due to Burnett's continued resistance, Officer Barth arced her taser two more times. Once Burnett was handcuffed, officers attempted to escort him from the house. On the way out, Burnett braced himself against the doorframe to the front door. According to the

¹ The complaint alleges Sergeant Inazu and Officer Fleming ordered Burnett to exit his residence over 50 times over 90 minutes.

complaint, officers pushed Burnett out of the house and he fell. As the officers picked him up, Burnett flung himself backwards into the house. The officers then corralled him in the entryway and held him down. The officers placed flex cuffs on his legs. At some point, as Burnett laid on the floor, he lost consciousness. The complaint alleges that although officers confirmed that Burnett had a pulse on two separate occasions, they did not call paramedics until three minutes elapsed since he first lost consciousness, and did not attempt to resuscitate him until eight minutes after he stopped respirating. Burnett could not be resuscitated by paramedics or officers and he died on scene.

Plaintiff seeks compensatory damages, economic damages, and punitive damages, and pre- and post-judgment interest and costs.

RECOMMENDATION

The Civil Action Investigation Committee met on August 20, 2021 and has recommended that the City Council authorize City representation for Sgt. Inazu, Ofc. Daigle, Ofc. Fleming, and Ofc. Barth as required by the Colorado Governmental Immunity Act and the Liability of Peace Officers Act. Sgt. Inazu, Ofc. Daigle, Ofc. Fleming, and Ofc. Barth were acting in the course and scope of their employment, and in good faith during the incident. As usual, the City should reserve the right not to pay any award of punitive damages.