



DATE: February 8, 2016
TO: Colorado Springs City Counsel
FROM: Office of the City Attorney
SUBJECT: *Aaron Gregory Johnson v. Lisa Ann Vizconde; Officer Calloway; District Attorney of Division 13; Jennifer Chu, Public Defender, Case No. 15CV562*

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

NATURE OF THE CASE

Plaintiff, Aaron Gregory Johnson, has brought this action in the El Paso County District Court. Plaintiff alleges that due to Officer Calloway's investigation, Plaintiff was unlawfully arrested.

Plaintiff alleges that on September 24, 2015, Ms. Lisa Ann Vizconde contacted the Colorado Springs Police Department to report that Plaintiff had broken into her home. Plaintiff alleges that Officer Calloway took Ms. Vizconde's statement. Plaintiff claims that Ms. Vizconde told Officer Calloway that two witnesses told Ms. Vizconde that they witnessed Plaintiff entering and exiting her residence. Plaintiff then claims that Officer Calloway interviewed one of the witnesses. Plaintiff alleges, however, that Officer Calloway's report of that interview is incorrect because the witness did not speak English. Plaintiff was subsequently arrested for the burglary.

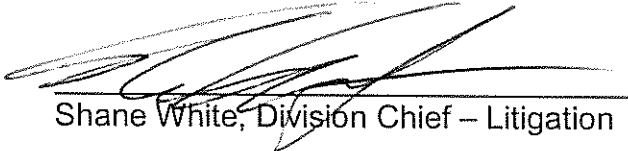
Plaintiff is alleging that Officer Calloway committed perjury as to the witness statement, conspired with Ms. Vizconde to have Plaintiff falsely arrested, filed a false police report, and lacked probable cause for the arrest. Plaintiff is seeking compensation for lost wages and punitive damages.

It is accurate that Ms. Vizconde contacted the CSPD regarding Plaintiff burglarizing her residence. It is also accurate that Ms. Vizconde and a witness were interviewed. However, Officer Calloway was not one of the responding officers.

RECOMMENDATION

The Civil Action Investigation Committee has recommended the City represent Officer Calloway as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Officer Calloway was not involved in the actions of which Plaintiff complains. Therefore, Officer Calloway did not act unlawfully. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.

Sincerely,

A handwritten signature in black ink, appearing to read "Shane White", is written over a horizontal line. The signature is stylized and somewhat cursive.

Shane White, Division Chief – Litigation