



DATE: October 12, 2020
TO: Colorado Springs City Council
FROM: City Attorney's Office
SUBJECT: *Kerri K. Powell, et al. v. City of Colorado Springs & Officer Matthew Hood*
Case No. 2020CV31155

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

NATURE OF THE CASE

Plaintiffs, Kerri and Payge Powell, have filed an action in the El Paso County District Court against the City of Colorado Springs ("City") and Officer Matthew Hood asserting claims for negligence, negligence *per se* against Officer Hood and respondeat superior against the City.

The complaint alleges that Kerri Powell and her daughter were stopped at the northbound I-25 off-ramp at the intersection of West Bijou Street shortly after 9:00 am on June 28, 2018. The complaint alleges that Plaintiffs' light turned green and their vehicle entered the intersection. As it entered the intersection, Plaintiffs allege that Officer Hood, who was driving westbound on Bijou, ran a red light and struck them.

Plaintiffs seek compensatory damages, pre- and post-judgment interest, and costs.

RECOMMENDATION

It is recommended that City Council approve City representation for Officer Hood as required by the Colorado Governmental Immunity Act and the Liability of Peace Officers Act. Officer Hood was acting in the course and scope of his employment, and in good faith during the incident. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.