



DATE: July 31, 2017

TO: Colorado Springs City Council

FROM: Office of the City Attorney

SUBJECT: *Willie Edward Watlington, II v. The City of Colorado Springs, c/o The Colorado Springs Police Department, Officer Brown*

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

NATURE OF THE CASE

Plaintiff, Willie Watlington, brought this claim in the District Court of El Paso County, Colorado. Plaintiff alleges that Defendants violated his constitutional rights when Officer Timothy Browne's police dog, Blitz, injured him after he ran from Officer Browne who had ordered Plaintiff to stop. According to the complaint, Plaintiff is seeking \$3000 in damages.

Plaintiff alleges that at an unspecified time on an unspecified day in December of 2015, he was injured after Officer Browne released his dog. Plaintiff claims that he had not committed any crimes and that he had complied with Officer Browne's commands.

According to the reports for this incident, on December 10, 2015, at or about 10:23 p.m., a group of Colorado Springs police officers were gathered outside of the Union Station Lounge, located at 2419 Union Blvd., to arrest an individual believed to be inside. The individual was wanted for Assaulting an Officer and Felony Eluding. The officers decided that three detectives would enter the lounge through the front door and attempt to contact the individual. Officer Browne and Canine Blitz remained outside to watch the backdoor. Shortly after the detectives entered the lounge, Plaintiff exited the back door and began running away. Officer Browne identified himself as a police officer and ordered Plaintiff to stop running. Plaintiff continued running and Officer Browne, believing Plaintiff may be the wanted individual, chased him with Blitz on a leash. While he was chasing Plaintiff, Officer Browne twice more identified himself as a police officer and twice ordered Plaintiff to stop running and lay on the ground. After the second order, Plaintiff looked back and laid down on the ground. When Plaintiff looked back,

Officer Browne realized that he was not the wanted individual. However, by this point, he was close enough to Plaintiff that Blitz, while still on the leash, was able to make contact with Plaintiff. Plaintiff's left leg was injured as a result of the incident, and he was taken to Penrose Hospital for treatment.

RECOMMENDATION

The Civil Action Investigation Committee has recommended that the City represent the Officer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officer was acting in the course and scope of his employment, and was acting in good faith. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.