



DATE: August 2, 2023
TO: City Council
FROM: Office of the City Attorney
SUBJECT: *Michael Foster v. Colorado Springs Police Department and Daniel Mork,*
Case No. 23CV216, El Paso County District Court

This memorandum addresses the facts alleged in the above-referenced case as you consider the claims made against the involved City employee.

NATURE OF THE CASE

Plaintiff Michael Foster alleges, on January 31, 2023, Colorado Springs Police Department (“CSPD”) officers, including Officer Daniel Mork, assaulted him. He alleges officers’ actions resulted in his hospitalization for a broken orbital bone. He claims ongoing medical issues because of the encounter, including the loss of feeling in the right side of his face, a traumatic brain injury and “severe memory loss.”

Reports and body worn camera video show that CSPD officers arrested Mr. Foster in the parking lot of the Kings Soopers on Austin Bluffs Parkway and Academy Boulevard. Officers had been searching for Mr. Foster, who was wanted for several serious felony crimes. When officers attempted to arrest him, he fled and during a foot chase was taken to the ground by a uniformed officer.

Mr. Foster brought this pro se civil action against CSPD and Officer Mork. Mr. Foster asserts, in a conclusory fashion, that Officer Mork and other officers used excessive force against him. Mr. Foster does not specifically seek monetary damages but instead asks “for justice to be served [a]nd the participants of this to be held accountable.”

RECOMMENDATION

The Civil Action Investigation Committee has met and recommends that the City represent Officer Daniel Mork as required by the Colorado Governmental Immunity Act and the Peace Officer’s Liability Act. Officer Mork was acting in the course and scope of his employment and not in a willful and wanton manner. As usual, City Council should reserve the right not to pay any award of punitive damages.