



DATE: December 7, 2020

TO: Colorado Springs City Council

FROM: Office of the City Attorney

SUBJECT: *Estate of Jeffry Melvin v. City of Colorado Springs, Colorado; Daniel Patterson; and Joshua Archer*, No. 20-cv-00991-CMA-KMT, United States District Court, District of Colorado

This memorandum apprises you of the facts alleged in the above-referenced case as you consider the claims made against Joshua Archer.

NATURE OF THE CASE

Plaintiff's complaint arises out of Jeffrey Melvin's contact with former Colorado Springs Police Department ("CSPD") Officers Daniel Patterson and Joshua Archer.

Plaintiff alleges that on April 26, 2018, at around 12:31 A.M., Officers Patterson and Archer responded to a report of a disturbance at an apartment building on East Fountain Boulevard. A resident informed CSPD of overhearing a fight in unit 211. At unit 211, the officers were greeted by the occupant, who admitted that a fight had occurred earlier between him and another male but the male had since left. Inside the apartment, the officers found a woman and a girl. The officers proceeded to check for warrants and investigate the situation in the apartment.

Jeffrey Melvin, a 27-year-old African-American male, then arrived. He hastily ran into the apartment, shut and locked the door in Officer Patterson's face, not knowing that Officer Archer was inside. Officer Archer unlocked the door from inside the apartment, allowing Officer Patterson to enter. Officer Patterson then sought to detain Mr. Melvin, but Mr. Melvin refused to submit to handcuffing. Mr. Melvin struggled physically with the officers, at times trying to jump out the second story apartment's window. An officer deployed pepper spray and the officers each deployed their tasers in an attempt to cause Mr. Melvin to submit to handcuffing. None of their efforts was effective, and after many minutes of struggling, Mr. Melvin managed to rip taser prongs from his skin, run out the front door of the apartment, down the stairs, out of the building and across Fountain Boulevard. The officers eventually caught up to Mr. Melvin on foot and were able to detain him.

Medical was called and Mr. Melvin was transported to the hospital. He eventually died on May 2, 2018.

The Estate of Jeffrey Melvin sued the officers and the City on April 8, 2020, asserting the following claims:

1. Excessive Force Resulting in Death under the Fourth Amendment; and
2. Denial of Equal Protection under the Fourteenth Amendment.

Plaintiff seeks unspecified declaratory, equitable and injunctive relief; economic and non-economic damages; punitive damages; interest; and attorney's fees and costs.

RECOMMENDATION

The Civil Action Investigation Committee met on May 14, 2020, and has recommended that the City represent Officer Archer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Officer Archer was acting in the course and scope of his employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.