



DATE: February 27, 2023
TO: City Council
FROM: City Attorney's Office
SUBJECT: *Dalvin Gadson Ochoa v. Hickman, et al.*,
Case No. 22-cv-03278-CNS-STV

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

NATURE OF THE CASE

Plaintiff, Dalvin Gadson Ochoa, alleges in his complaint filed in the U.S. District Court for the District of Colorado that CSPD officers Hickman, Anderson and Hummel used excessive force and failed to intervene in stopping the excessive force of the other officers in violation of the state and federal constitutions during a traffic stop.

The complaint alleges that Officer Hickman stopped Plaintiff's vehicle for failing to display a license plate in the early morning hours of October 9, 2022. After the other two named officers arrived on scene, Plaintiff was ordered to exit his vehicle. In response, Plaintiff asked if he could sit in his car. Officer Hickman advised him that he could not, and he was going to be placed in handcuffs on suspicion of driving under the influence. Plaintiff was then ordered to stand up and turn around so he could be placed in handcuffs. He refused. According to the complaint, Officers Hickman and Hummel then attempted to physically remove Plaintiff from the vehicle. Plaintiff pulled away from the officers and they allegedly began to punch, knee, and hit Plaintiff multiple times. Plaintiff was eventually pulled from the vehicle, placed on the ground and arrested. Plaintiff claims he was diagnosed with a black eye, back injuries, chest wall contusions, an abrasion to the right side of his back and a closed head injury as a result of the officers' actions.

In the complaint, Plaintiff seeks injunctive relief, compensatory, economic, consequential, special damages. Plaintiff also seeks an award of attorney's fees pursuant to 42 U.S.C. § 1988.

RECOMMENDATION

The Civil Action Investigation Committee met on February 15, 2023 and has recommended City representation for Ofcs. Hickman, Anderson and Hummel as required by City Code, the Colorado Governmental Immunity Act and the Liability of

Peace Officers Act. The officers were acting in the course and scope of their employment. As usual, City Council should reserve the right to decline payment of any award of punitive damages.