



DATE: August 2, 2023

TO: City Council

FROM: Office of the City Attorney

SUBJECT: *Shane Logan v. City of Colorado Springs, Eric Price and Scott Carnes*
Case No. 23-cv-01547-RMR-MDB, United States District Court, District of Colorado

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

NATURE OF THE CASE

Plaintiff, Shane Logan, alleges, on June 18, 2021, Colorado Springs Police Department ("CSPD") officers were investigating a vehicle in a parking lot of an apartment complex. Plaintiff claims he filmed their actions from a doorway. Plaintiff claims that Officers Eric Price and Scott Carnes, without probable cause, arrested him for obstructing a police investigation solely based on his protected filming of police.

Reports and body worn camera video show that CSPD officers responded to a robbery of a convenience store matching a pattern of convenience store robberies. Their investigation yielded a male and female suspect description as well as a specific vehicle and license plate description. Officers searching for the vehicle and the suspects spotted a vehicle with license plate matching that description and followed it into a narrow apartment complex parking lot. A female fled from the vehicle and told officers the male suspect was still in the vehicle. Officers were unable to see inside the vehicle as the windows were heavily tinted. Officers initiated a high-risk containment of the vehicle.

Multiple officers surrounded the vehicle with weapons drawn as loud-speaker commands were given to exit the vehicle. As this was happening, Plaintiff stepped out of the rear door to the building and was within feet of officers' cover positions. He was legally open carrying a handgun on his waist. He was given repeated commands by Officer Price to go back in the building as the stand-off continued. Plaintiff refused and only returned inside after lighting and smoking a cigarette. Officers took no action toward Plaintiff as they remained focused on the vehicle.

Mr. Logan went to the front of the building and began filming the officers' actions from that location. Officers, after deploying a K-9, learned that the vehicle was empty, and the information provided by the female suspect was incorrect.

Once the situation had resolved, Officer Price approached Plaintiff and cited him with misdemeanor Interference for his actions in the rear of the building and his refusal to promptly comply with Officer Price's lawful orders to go inside the building.

Plaintiff sued the officers and the City on June 19, 2023 asserting the following claims:

1. False Arrest;
2. Malicious Prosecution;
3. Violation of First Amendment Rights; and
4. First Amendment Violation – Retaliation.

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

RECOMMENDATION

The Civil Action Investigation Committee has met and recommends that the City represent Officers Eric Price and Scott Carnes as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Officers Price and Carnes were acting in the course and scope of their 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.