



**DATE:** December 27, 2016

**TO:** Colorado Springs City Council

**FROM:** Office of the City Attorney

**SUBJECT:** *David Johnson, II v. Erik Gulbrandson*, individually and in his official capacity; *City of Colorado Springs*.

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, David Johnson II, brought this claim in the District Court of El Paso County Colorado. Plaintiff alleges that Colorado Springs Police Officer Erik Gulbrandson was negligent in his operation of a motor vehicle when Officer Gulbrandson struck Plaintiff and his bicycle with a vehicle while making a left turn.

Plaintiff alleges on May 2, 2014 at or about 10:25 pm he was riding a bicycle east on Bijou Street approaching the intersection of Bijou Street and North Union Boulevard. Plaintiff alleges on the same date, time, and place, Officer Gulbrandson was operating an undercover police vehicle west bound on Bijou. Officer Gulbrandson made a left turn and collided with Plaintiff's bicycle in the intersection. Plaintiff alleges that Officer Gulbrandson was negligent in his operation of the vehicle. Plaintiff also alleges that he was injured in the accident and claims damages in excess of \$100,000.

According to the reports for this incident, On May 1, 2014 at or about 10:25 pm, Officer Gulbrandson was conducting surveillance on known and possibly armed felons. Officer Gulbrandson was in an unmarked police vehicle and stopped for a red traffic signal at the intersection of Bijou Street and North Union Boulevard. When the light turned green, Officer Gulbrandson checked to make sure there was no oncoming traffic and began to make a left turn from westbound Bijou on to southbound Union. As he was turning, Officer Gulbranson glanced into his review mirror to ensure his suspects had not identified his vehicle as a police vehicle. Officer Gulbrandson then heard an impact and stopped his vehicle to render aid to Plaintiff until an ambulance arrived. Detective May interviewed Plaintiff after the accident. Plaintiff told Detective May that he was

traveling in the bike lane and observed Officer Gulbrandson's vehicle in the intersection. Plaintiff stated the officer's vehicle was moving slowly.

### **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 to not pay any award of punitive damages.