



DATE: December 13, 2022
TO: City Council
FROM: City Attorney's Office
SUBJECT: *People of the State of Colorado v. Wesley Cosgrove*

A firefighter with the Colorado Springs Fire Department ("CSFD"), Wesley Cosgrove, has been charged with careless driving causing death. Firefighter Cosgrove has requested that the costs of his criminal defense, including counsel fees and expenses, be borne by the City.

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the request.

NATURE OF THE CASE¹

On October 16, 2022, at approximately 2:45 p.m., a call was received reporting that a man was attempting to light a fire in a tree stump in Dorchester Park. CSFD was dispatched to the reported fire. Engine 3 and Brush Truck 3 were dispatched, nonemergent, from Fire Station 3.

Upon arrival, Engine 3 stopped on the east side of the park facing south. Brush Truck 3 was directed by Engine 3 to enter the park and put out the fire. Firefighter Cosgrove, who was driving Brush Truck 3 and accompanied by a Fire paramedic, entered the park south of a parking lot on the east side. Driving south offroad on the eastern-most side of the park, Firefighter Cosgrove saw the small fire to the southwest and what he believed to be discarded items at the southeastern corner of the park where the grass and dirt meet. He attempted to drive around the items and turn west. The rear passenger side wheels² rolled over part of the items. Firefighter Cosgrove then continued to drive west towards the small fire. Firefighter Cosgrove parked near the fire, walked to the rear of the truck, and started to turn on the water pump. An unidentified individual caught Firefighter Cosgrove's attention and pointed to the pile. Firefighter Cosgrove walked over to the pile and observed an individual, later identified as

¹ Firefighter Cosgrove is presumed innocent, and the prosecution has the burden to prove the charge beyond a reasonable doubt. Nothing in the nature of the case should be construed as an admission on behalf of the City or the employee in any further proceeding.

² Brush Truck 3 is a dual rear-wheel truck, commonly described as a "dually."

Margret Miller, lying under a blanket amongst the items. He pulled the blanket back and observed that Ms. Miller had signs of trauma. He was unable to find a pulse. Ms. Miller was pronounced dead at the scene. The fire was extinguished by another firefighter.

Firefighter Cosgrove has been charged with one count of Careless Driving resulting in death, a class 1 traffic misdemeanor.

RECOMMENDATION

City Council should decline to approve the request that the costs of defense, including counsel fees and expenses, and/or fines should be borne by the City. The cost of defending the employee does not serve the interests of the City.