



DATE: January 20, 2016

TO: Colorado Springs City Council

FROM: Office of the City Attorney

SUBJECT: *Cheryl S. Metcalfe and Steven L. Metcalfe, a minor, through his parent and next friend Cheryl S. Metcalfe v. Reuben T. Crews, personally and in his professional capacity as an employee of the City of Colorado Springs; City of Colorado Springs; City of Colorado Springs Police Department; El Paso County and El Paso County Sheriff's Department; Case No. 2015CV33748*

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

Plaintiffs, Cheryl and Steven Metcalfe, brought this claim in the District Court of El Paso County Colorado. Plaintiffs allege that Colorado Springs Police Officer, Detective Reuben Crews, drove a vehicle in a negligent manner and caused an accident which injured both Plaintiffs.

Plaintiffs allege that on January 31, 2013 at or about 7:59 am, they were traveling east on Dublin Boulevard in a 1992 Jeep Cherokee, ("Jeep"). Plaintiffs further allege that at about the same time Detective Crews was driving an El Paso County owned vehicle north on Montarbor Drive and approaching the intersection of Montarbor and Dublin. Plaintiffs allege that the roads were icy and that Detective Crews failed to appreciate the road conditions. Specifically, Plaintiffs claim that Detective Crews failed to stop at the stop sign on Montarbor, slid into the intersection of Montarbor and Dublin, and caused an accident with Plaintiffs.

Plaintiffs are seeking an unspecified amount of damages which they claim exceeds \$150,000. Plaintiffs are seeking compensatory damages for current and future medical costs associated with the accident. Plaintiffs are also seeking damages for loss of enjoyment of life, loss of earning capacity, loss of capacity to preform household work, inconvenience, and permanent impairment and disability.

According to the reports for this incident, Detective Crews was on duty and traveling to a surveillance detail in an El Paso County owned Ford Sport Trac Pickup Truck.

Detective Crews was traveling north on Montarbor Drive. The roads were icy and Detective Crews was not able to stop his vehicle before sliding into the intersection of Montarbor and Dublin. When Detective Crews entered into the intersection, the front of Plaintiffs' Jeep struck the driver's side of his vehicle. The reports indicate that Plaintiffs saw Detective Crews slide into the intersection, but were unable stop before hitting Detective Crews.

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.

Sincerely,



Brian Stewart, Attorney