



DATE: November 22, 2016

TO: Colorado Springs City Council

FROM: Office of the City Attorney

SUBJECT: *Ruth Love v. Greccio Housing- Melissa Hatch, Sgt. Anderson, Officer Carnes, Officer Simpson, Case No. 16-S-890 Small Claims Court El Paso County Colorado.*

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

NATURE OF THE CASE

Plaintiff, Ruth Love, brought this claim in the Small Claims Court of El Paso County Colorado. Plaintiff alleges that Colorado Springs Police Officers Scott Carnes, Robert Simpson and Sergeant Eric Anderson, failed to file criminal charges against an individual who caused property damage to Ms. Love's vehicle. Ms. Love also claims that the above officers failed to provide her with the name of the perpetrator who damaged her property.

Plaintiff alleges that the tires on her car were slashed by an unknown party. Plaintiff claims that Melissa Hatch, of Greccio Housing, knows who damaged her property and has a video of the incident. Finally, Plaintiff claims that Officer Carnes refused to divulge the name of the perpetrator, and CSPD refused to allow her to file a complaint against the perpetrator. Plaintiff is seeking total damages in the amount of \$5,350.00.

According to the reports for this incident, Plaintiff told Officer Simpson that the tires on her car were slashed between the hours of 9:00 pm on July 11, 2016 and 11:00 am July 12, 2016. Officer Simpson conducted the initial investigation, valued the damage to Plaintiff's vehicle at \$600, and requested a copy of the surveillance video. On August 1, 2016, Officer Lawrence Eckenroth retrieved and viewed a copy of the video. According to Officer Eckenroth, the video shows an unknown Hispanic male slashing the tires on a 1979 Lincoln Continental at or about 4:16 pm on July 11, 2016. It is presumed that the vehicle belongs to Ms. Love. After viewing the video, Officer Eckenroth placed it into evidence. Officer Carnes took over the investigation on August 30, 2016. The investigation in this case remains on going.

RECOMMENDATION

The Civil Action Investigation Committee has recommended that the City represent the Officers as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. The Officers and Sergeant were acting in the course and scope of their employment, and were acting in good faith. As usual, it is recommended that the City reserve the right to not pay any award of punitive damages.