



DATE: July 7, 2025
TO: City Council
FROM: City Attorney's Office
SUBJECT: *Al'morion Germany v. City, et al.*,
Case No. 25-cv-01746-MDB

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

NATURE OF THE CASE

Plaintiff, Al'morion Germany, filed an action in the District Court for the District of Colorado against Officer Benjamin Hengel and the City of Colorado Springs ("City"). Plaintiff asserts excessive force claims under the United States and Colorado Constitutions and state law negligence and battery claims against Officer Hengel. Plaintiff asserts a 42 U.S.C. § 1983 claim and a state law negligence claim against the City.

The Complaint alleges Plaintiff was at the Nova nightclub in downtown Colorado Springs. After midnight, on June 9, 2024, Plaintiff and his friends were involved in an altercation inside the club which spilled outside. CSPD officers, already at the club for other reasons, observed the altercation and ran towards it. According to the complaint, upon seeing the officers, Plaintiff fled north on Nevada Avenue towards Pikes Peak Avenue. Plaintiff turned west on Pikes Peak Avenue and continued his flight. As Plaintiff was halfway down the block, the complaint alleges Officer Hengel drew his firearm and shot three times striking Plaintiff in the left and right trapezius and grazing him with the third shot. The complaint admits Plaintiff possessed a gun, but claims he did not threaten officers or others with the weapon or otherwise use the gun.

Publicly available information, including surveillance video, shows that Plaintiff pointed a firearm at a woman outside the bar and then struck her with the gun while fleeing north on Nevada Avenue. While fleeing, Plaintiff turned and pointed the firearm at an individual and officer, and continued his flight. Plaintiff ignored multiple commands to drop the firearm and continued to run towards Tejon Street where multiple bars and patrons were located before being shot.

Plaintiff seeks \$7,000,000.00 in compensatory damages, punitive damages, injunctive relief, and an attorney's fees award.

RECOMMENDATION

The Civil Action Investigation Committee met on June 25, 2025 and recommended City Council acknowledge representation for Officer Hengel as required by the Colorado Governmental Immunity Act and the Liability of Peace Officers Act. The officer was acting in the course and scope of his employment, and in good faith during the incident. As usual, City Council should reserve the right to decline payment of any award of punitive damages.