



DATE: March 11, 2024
TO: Colorado Springs City Council
FROM: Office of the City Attorney
SUBJECT: *James Taggart v. Jason Otero*
Case No. 23-CV-23090

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's complaint arises out of James Taggart's contact with Colorado Springs Police Department ("CSPD") Sergeant Jason Otero ("Sgt. Otero").

The complaint alleges that on February 19, 2023, Sgt. Otero responded to an ongoing domestic disturbance between Plaintiff, James Taggart ("Taggart"), and Ericka Moore, with a report that a firearm was in the home. Sgt. Otero was allegedly advised about the firearm in the home, arrived on location, and confirmed that Ericka Moore was in possession of the firearm.

Subsequently, the complaint alleges that Sgt. Otero followed Taggart out of the apartment and down the sidewalk to an adjacent parking lot. Sgt. Otero tried to persuade Taggart to talk to him, and to stop leaving the premises. Taggart eventually stopped and turned toward Sgt. Otero. Sgt. Otero warned Taggart that he would fire his TASER weapon at Taggart and then deployed the weapon. As the complaint alleges, the TASER arc caused Taggart to fall forward and hit the concrete, sustaining injury to his nose, mouth, and face. Once on the ground, the complaint alleges, Sgt. Otero did not permit Taggart to change position while awaiting the arrival of back up and continued to warn Taggart that he would arc the TASER again if Taggart failed to comply with orders. Sgt. Otero directed that Taggart be placed under arrest and, upon a search, Taggart was found to have no weapons on his person. The District Attorney's Office dismissed the charges against Taggart.

Based upon these allegations, Taggart seeks injunctive relief against Sgt. Otero, prohibiting him from maintaining P.O.S.T. certification, along with unspecified damages, and costs.

RECOMMENDATION

The Civil Action Investigation Committee met on December 5, 2023 and 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 not to pay any award of punitive damages.