



DATE: June 8, 2021

TO: Colorado Springs City Council

FROM: Office of the City Attorney

SUBJECT: *Brian Halik v. A. Brewer; Unknown Officers of the Tactical Enforcement Unit*, Case No. 21-cv-00508-PAB-KMT, United States District Court, District of Colorado

This memorandum addresses the facts alleged in the above-referenced case as you consider the claims made against former CSPD Detective Adam Brewer.

NATURE OF THE CASE

In February 2019, a credible victim reported to CSPD a series of incidents that involved Plaintiff Brian Halik impersonating a federal law enforcement officer and possessing at least one firearm, CSPD Detective Adam Brewer sought a search warrant for Plaintiff's home. As background, in 2013 the Plaintiff pled guilty to violating 18 U.S.C. § 1028(a)(6) for displaying fake federal law enforcement officer credentials. In January 2014, he was sentenced for again falsely posing as a law enforcement officer in New York. In May 2014 at the Pikes Peak International Raceway and again in October 2014 at Doherty High School, he was accused of impersonating a police officer at car shows.

Plaintiff also is a convicted felon, having twice pled guilty to conspiracy to commit vehicular eluding in December 2017. As a result, since then, Plaintiff has been prohibited from purchasing and/or possessing a firearm under Colorado law.

A state court judge agreed that probable cause existed for the search and granted the search warrant.

With the assistance of CSPD's Tactical Enforcement Unit ("TEU"), Detective Brewer executed the search warrant at Plaintiff's home. Mr. Halik's claims arise out of the search warrant execution.

Mr. Halik asserts that Detective Brewer violated his Fourth Amendment rights against unlawful search, seizure and use of excessive force and his Fourteenth Amendment due process rights by allegedly making false statements in the search warrant affidavit, damaging his home during the search, dumping out an urn containing his father's

ashes, unlawfully seizing certain property, not returning seized property, not providing compensation for his property, unlawfully searching the rental vehicle that was parked in the driveway and his roommate's leased premises, conducting an unauthorized public strip search of him, and using excessive force through the deployment of the TEU.

Mr. Halik also asserts in conclusory fashion state law claims for stalking, harassment, defamation, discrimination, and intentional infliction of emotional distress.

Mr. Halik seeks monetary as well as non-monetary relief.

RECOMMENDATION

The Civil Action Investigation Committee met on June 4, 2021 and has recommended that the City represent Detective Brewer as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Detective Brewer was acting in the course and scope of his employment and not in a willful and wanton manner. As usual, it is recommended that the City reserve the right not to pay any award of punitive damages.