



DATE: June 23, 2020

TO: Civil Action Investigation Committee

FROM: Office of the City Attorney

SUBJECT: *David Adkins v. City of Colorado Springs and Gerald Bellow 20CV1022-KMT*

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

Plaintiff, David Adkins, by and through his attorney, brought this claim, in US District Court, District of Colorado, alleging that Officer Bellow and the City of Colorado Springs ("City") violated his rights pursuant to the Fourteenth Amendment of United States Constitution. Specifically, Plaintiff claims that Officer Bellow used excessive force in attempting to arrest him and that the City failed to properly train and supervise Officer Bellow.

Plaintiff alleges that on April 13, 2018, police officers were attempting to arrest him for multiple felonies. Apparently knowing that he was wanted, Plaintiff claims he abandoned his car after an auto accident and sought refuge in a pick-up truck located in the maintenance facility parking lot of the Colorado Springs Airport ("COA"). Plaintiff alleges that after he hid in the pickup truck, Officer Bellow along with several other officers arrived on scene. According to Plaintiff, a maintenance employee told Officer Bellow which truck Plaintiff was in. With this information, Plaintiff claims Officer Bellow calmly approached the truck and without warning fired five shots into the pickup truck. Plaintiff claims he ran from the truck and was arrested shortly thereafter.

According to the reports, this incident began on April 13, 2018, when Plaintiff invaded a home on North Weber Street and robbed its residents. Armed with a revolver Plaintiff fired a shot during the robbery before escaping in a white Kia. Shortly after stealing the Kia, Plaintiff drove it onto COA property and entangled it in the fence near the maintenance facility. Plaintiff abandoned the Kia, approached a COA employee, brandished a firearm, and demanded keys to a vehicle. Plaintiff then entered the

maintenance facility parking lot. Officer Bellow and another officer arrived a short time later and spoke with the employee. The employee told the officers about the gun and that Plaintiff had entered the parking lot. However, he did not know where in the parking lot Plaintiff was. The officers split up and began searching for Plaintiff. After checking several cars, Officer Bellow approached a pickup truck with the windows fogged up. Believing that Plaintiff was in the truck, Officer Bellow began to back away and radio for help. As Officer Bellow was backing away, Plaintiff suddenly sat up. Fearing that Plaintiff was going to shoot him, Officer Bellow fired his service weapon at the truck and took cover behind another vehicle. None of Officer Bellow's shots hit Plaintiff, who fled from the truck and was arrested a short time later.

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 not to pay any award of punitive damages.