



DATE: August 24, 2021

TO: Colorado Springs City Council

FROM: Civil Action Investigation Committee

SUBJECT: *Celia Palmer v. Colorado Springs, Colorado, Keith Wrede, Wesley Woodworth*, Case No. 21-cv-01903-RM-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 the involved City employees.

NATURE OF THE CASE

Plaintiff Celia Palmer was at the June 2, 2020 Black Lives Matter protest in downtown Colorado Springs with a friend. She alleges that after CSPD issued the order to disperse from the Police Operations Center at 10:43 p.m., she and her friend walked northward on Nevada and then east on Cimmaron. She alleges that CSPD Officers Wrede and Woodworth targeted them. Officer Wrede allegedly tackled them both without warning and from behind, causing her head to hit the pavement. Officer Woodworth then allegedly jumped on Ms. Palmer, grabbed her by the hair, and slammed her head against the ground. Neither Officer Wrede's or Woodworth's body-worn cameras were activated to record until after they used force on Ms. Palmer; purposefully so, according to Ms. Palmer. Ms. Palmer was arrested and charged with obstructing a peace officer, Colo. Rev. Stat. § 18-8-104, allegedly for failing to disperse.

Officer Woodworth wrote in his police report concerning the incident that Ms. Palmer attempted to push Officer Wrede off of her friend and grabbed onto Officer Wrede multiple times while on the ground. Ms. Palmer alleges that these things did not happen, that Officer Woodworth's statements were false.

Nearly a month later, on June 30, 2020, a Black Lives Matter protest occurred in downtown Colorado Springs during which protesters marched on Interstate 25. A local news station aired a live feed of this protest on its Facebook page. Defendant Wrede, while watching that feed, posted "KILL 'EM ALL" three times on the feed from a pseudonymous Facebook account. Defendant Wrede also posted "Solid move BLM way to make your point. I hope you are proud you damn Terrorist."

The DA ultimately dismissed the obstruction charge against Ms. Palmer. She filed suit against Officer Wrede, Officer Woodworth, and the City on July 14, 2021.

Ms. Palmer asserts the following claims under 42 U.S.C. § 1983 against Officers Wrede and Woodworth:

1. First Amendment Violation – Freedom of Speech and Assembly
2. First Amendment Violation – Retaliation
3. Fourth Amendment Violation – Excessive Force
4. Fourteenth Amendment Violation – Excessive Force
5. Fourteenth Amendment Violation – Due Process
6. Fourth Amendment Violation – Unlawful Arrest
7. Fourth Amendment Violation – Unlawful Search
8. Fourth Amendment Violation – Malicious Prosecution

Ms. Palmer seeks monetary and non-monetary relief.

RECOMMENDATION

The Civil Action Investigation Committee met on August 17, 2021, and 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 were acting in the course and scope of their 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.