



DATE: July 8, 2025

TO: City Council

FROM: Office of the City Attorney

SUBJECT: *Kenneth Kohler v. Kristopher Czajkowski*, No. 25-cv-01589-NYW-MDB, United States District Court, District of Colorado

This memorandum appraises the Councilmembers of the facts alleged in the above-referenced case as you consider the claims made against Police Officer Kristopher Czajkowski.

NATURE OF THE CASE

This is a case of mistaken identification. Plaintiff's complaint arises out of his arrest and 27-day incarceration for felony motor vehicle theft.

On April 18, 2024, an individual described as a white male, in his younger 30s, with a beard, wearing a dark long sleeve sweatshirt, a dark backwards baseball cap, and shorts, was seen breaking into a person's utility truck and then driving away.

The vehicle had a tracking device. When it was located, the suspect was still near the truck. The suspect's photograph was taken while he was leaving the scene. The photograph was given to the victim, who posted it on his Facebook page asking for help identifying the man.

A Facebook friend of the victim responded, "Yes, his name is Kenneth Kohler. He used to work at my job. Got fired. He is currently on parole." The Facebook friend also recognized the blue gloves and bracelet the suspect was wearing and that Mr. Kohler commonly wore. The Facebook friend showed the photograph of the suspect to his boss, who agreed that it was Mr. Kohler. They obtained Mr. Kohler's DOC mugshot and sent it to the victim, who had spoken to the suspect before leaving his vehicle. The victim could compare the two photos and likewise conclude that they were the same person.

Officer Czajkowski checked law enforcement databases and utilized several photographs of Mr. Kohler to compare to the suspect's photo and positively identify him as the suspect. He also learned that Mr. Kohler was a known transient in the area where the truck was found.

Officer Czajkowski incorporated the forgoing information into an arrest warrant affidavit that he presented to Judge Ann Rotolo on April 21, 2024. Judge Rotolo issued the arrest warrant.

Mr. Kohler was arrested on May 3, 2024. Because he couldn't post bond, he was held in jail until May 30, 2024, when the DA dismissed the charges against him. Mr. Kohler's attorney

had convinced the DA that Mr. Kohler was not the suspect in the photo because Mr. Kohler has a calf tattoo and does not have a gauge earring.

Mr. Kohler sued Officer Czajkowski on May 20, 2025, asserting the following claims under both the Fourth Amendment to the U.S. Constitution and C.R.S. § 13-21-131:

1. Unlawful arrest;
2. *Franks* Claim; and
3. Wrongful prosecution.

Plaintiff seeks compensatory damages, punitive damages, interest, and attorney's fees and costs.

RECOMMENDATION

The Civil Action Investigation Committee voted on June 25, 2025, to recommend to City Council that the City represent Kristopher Czajkowski as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Officer Czajkowski was acting in the course and scope of his employment and not in a willful and wanton manner. As usual, the City Attorney's Office recommends that the City reserve the right not to pay any award of punitive damages.