



**DATE:** August 11, 2025

**TO:** Colorado Springs City Council

**FROM:** Office of the City Attorney

**SUBJECT:** *Zachary Bowers v Sergeant Charles Johnson, Officer Devin Mielke, Officer Nathanael Ferrari, Officer Justin Murphy, and Officer Scott Alamo*  
1:25-cv-1605-WJM-CYC

This memorandum is to apprise you of the facts alleged in the above-referenced case as you consider the claims made against the officers involved.

### **NATURE OF THE CASE**

Plaintiff, Zachary Bowers, by and through his attorneys, brought this case in the United States District Court, District of Colorado, alleging that the above-named officers violated his rights pursuant to the Fourth Amendment of the United States Constitution and the Colorado Constitution through Colorado Revised Statute 13-21-131. Specifically, Plaintiff claims that the officers arrested him without probable cause, used excessive force during his arrest, and maliciously prosecuted him.

Plaintiff alleges that on June 21, 2023, Officer Mielke, Officer Ferrari, and Sergeant Johnson responded to his residence after he called 911. He claims that the officers remained at his residence after being told to leave and that they made the determination to arrest him without having probable cause to do so. He also claims that they exacerbated his fragile mental state by informing him that they were going to seek a warrant for his arrest. Finally, Plaintiff alleges Officer Murphy used excessive force later that same day, by tasing him, and that Officer Alamo arrested him without probable cause, as he walked down the sidewalk on Academy Boulevard.

According to reports, on June 21, 2023, at Plaintiff's request, Officers Mielke and Ferrari were dispatched to 310 Kenwood Circle for a possibly physical domestic violence situation. At the scene, they spoke with Plaintiff, his wife, and his two daughters. Through their investigation, they learned that Plaintiff and his wife had been fighting with each other all morning. They also learned that Plaintiff had pushed his wife and locked her out of the house. When the officers attempted to speak with Plaintiff a second time,

he refused. Instead, he began yelling at the officers from inside the house telling them to leave. He also sent his wife a text message indicating an intent to commit suicide. Given the situation, the officers remained at the scene outside of the home. Next, Sergeant Johnson arrived and unsuccessfully attempted to speak with Plaintiff through the front door. Plaintiff became irate when Sergeant Johnson, through the closed door, told him that they were leaving to seek a warrant for his arrest. Plaintiff opened the door, brandished a hatchet at the officers and demanded that they shoot him. He then retreated back into the house and the officers left. Shortly after the officers left, Plaintiff's daughter called 911 and told the dispatcher her parents were still fighting, that Plaintiff had taken all of his wife's muscle relaxers, and that they were taking him to the hospital. The officers developed a plan to arrest Plaintiff after he received medical treatment. In an unmarked car, Sergeant Johnson and Officer Alamo watched the family leave the residence in a Honda Ridgeline. About an hour later, another police officer observed Plaintiff on foot at 1426 N. Academy Boulevard. It appeared that Plaintiff was not going to seek medical attention, and officers decided to go ahead and arrest him. As Plaintiff was walking down the sidewalk, officers approached him and ordered him to stop. Officer Murphy, who was directly in front of Plaintiff with his taser drawn, deployed his taser after Plaintiff ignored his commands and continued moving toward him. The taser was effective and Officer Alamo placed Plaintiff under arrest.

### **RECOMMENDATION**

The Civil Action Investigation Committee met on July 18, 2025, and recommends City Council acknowledge the City's obligation to represent the officers involved, 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 in good faith. As usual, it is recommended that the City reserve the right to decline payment of any award of punitive damages.