



**DATE:** May 24, 2023

**TO:** City Council

**FROM:** Office of the City Attorney

**SUBJECT:** *Michael Lynn Ratcliff v. Tyler Brown, Bill Elder, Francis Johnson, Lizet Castillo, Shane Owen and Clayton Sunada, Case No. 23-cv-00605-RM-MDB, 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 Michael Ratcliff alleges he called police on January 28, 2019 to report “vigilante members of the community” were stalking and harassing him. He alleges law enforcement arrested him, “acted like they were going to murder” him and used “the convict community” to psychologically abuse him during his incarceration. He makes additional allegations against a District Court judge, the El Paso County Sheriff’s Office and the Arapahoe County Sheriff’s Office for actions during his prosecution and incarceration.

Reports and body worn camera video show that CSPD officers were called to a Circle K convenience store on the store manager’s report of a person threatening individuals with a knife. Officers contacted Mr. Ratcliff, who had a 16-inch knife on his person. He was identified by witnesses as the person who had threatened a delivery driver with a knife in the store. Mr. Ratcliff was arrested for felony menacing.

Mr. Ratcliff brought this pro se civil action against current CSPD Officers Lizet Castillo and Clayton Sunada and former CSPD Officer Shane Owen. Mr. Ratcliff asserts, in a conclusory fashion, that he was questioned without legal representation; held an unreasonable amount of time while undergoing competency proceedings; denied effective assistance of counsel; and denied his right to a speedy trial.

Mr. Ratcliff seeks monetary damages in the amount of \$7,500,000.

## **RECOMMENDATION**

The Civil Action Investigation Committee has met and recommends that the City represent current Officers Castillo and Sunada and former Officer Owen as required by the Colorado Governmental Immunity Act and the Peace Officer's Liability Act. Both officers were acting in the course and scope of their employment and not in a willful and wanton manner. As usual, City Council should reserve the right not to pay any award of punitive damages.