



PUBLIC HEARING AGENDA ITEM

DATE OF PUBLIC HEARING: October 1, 2019
SUBJECT: Resolution Regarding Defense and Indemnification of Johnathon Davis as Defendant Pursuant to C.R.S. § 24-10-101, et seq., 19-cv-02038-RM-KLM
FROM: Heidi Miller, County Attorney and Kerri A. Booth, Assistant County Attorney
AGENCY/DEPARTMENT: County Attorney's Office
HEARD AT STUDY SESSION ON N/A
AUTHORIZATION TO MOVE FORWARD: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECOMMENDED ACTION: That the Board of County Commissioners Adopt the Resolution Regarding Defense and Indemnification of Johnathon Davis as Defendant Pursuant to C.R.S. § 24-10-101, et seq.

BACKGROUND:

The Board of County Commissioners formally indemnifies employees and elected officials who are named in civil lawsuits. This lawsuit is brought by Jacinto Lopez who was an inmate held at the Adams County Detention Facility. Mr. Lopez alleges that Deputy Johnathon Davis used excessive force in cuffing him and deliberately slammed his head into the floor without provocation and was indifferent to his serious medical need when he hand-cuffed Mr. Lopez for failing to lock down.

The County Attorney's Office has reviewed the facts of this lawsuit and it has been determined that Deputy Johnathon Davis was acting within the course and scope of his employment at all relevant times related to this lawsuit. Therefore, the County Attorney's Office is recommending that Deputy Johnathon Davis be indemnified for any potential damages that might arise out of this litigation.

AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:

Adams County Sheriff's Office

ATTACHED DOCUMENTS:

Resolution

FISCAL IMPACT:

Please check if there is no fiscal impact ☐. If there is fiscal impact, please fully complete the section below.

Fund:
Cost Center:

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
Total Revenues:			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
Total Expenditures:			

New FTEs requested: ☐ YES ☐ NO

Future Amendment Needed: ☐ YES ☐ NO

Additional Note:

Potential fiscal impact is unknown. If litigation results in settlement or judgment against the County or its employees/elected officials, there would be a fiscal impact. The potential amount of that impact is impossible to estimate at this time.