



Board Summary Report

File #: 26-196

Agenda Date: 4/14/2026

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To: Board of County Commissioners

Through: Ron Carl, County Attorney

Prepared By:

Writer Mott, Deputy County Attorney

Subject:

Approval of a resolution authorizing legal representation and indemnification in litigation filed against an employee of the Arapahoe County Sheriff's Office.

Purpose and Request:

A lawsuit titled *Cleveland Flood III v. Samantha Kellogg, et al.*; Civil No. 2025CV32465 commenced on October 12, 2025, in the Arapahoe County District Court against an employee from the Arapahoe County Sheriff's Office, arising from an altercation that occurred at the Arapahoe County Detention Facility between Mr. Flood and another inmate. This memo and the accompanying resolution seek the Board's formal authorization to provide legal defense services and indemnification coverage for the deputy who has been named in the suit.

Alignment with Strategic Plan: Good Governance - Deliver mandated and essential services with excellence.

Background and Discussion: Under the provisions of the Colorado Governmental Immunity Act, a county is obligated to bear the costs of providing a legal defense for its employees when they are sued for acts or omissions allegedly committed by them while performing their jobs. The county is further obligated to indemnify its peace officers for any judgments or settlements for alleged violations of the Colorado state constitution as long as the County determines the peace officer was acting in good faith and with a reasonable belief that their actions were lawful. Here, Plaintiff alleges the employee of the Sheriff's Office was working as a "peace officer" at the time of the incident. The County disputes those allegations. If a Court was to determine the employee was acting as a peace officer, the County Attorney's Office has determined that the conduct of the employee named in the lawsuit was not undertaken wantonly or willfully, or with any intent to violate the plaintiff's rights and that the employee was acting in good faith based on a reasonable belief that her actions were lawful. It is also apparent that all of the conduct challenged by Plaintiff was taken by the employee within the scope of her job duties. Accordingly, Samanta Kellogg qualifies for both legal defense and indemnification protection at the County's expense under the CGIA and with respect to the alleged state law constitutional claims.

Alternatives: Employ outside legal counsel for the defendant employee.

Fiscal Impact: N/A

Alignment with Strategic Implementation Strategies: N/A

Concurrence: The County Attorney has endorsed the proposed representation.