

RESOLUTION NO. _____ It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, Arapahoe County is generally obligated under the terms of the Colorado Peace Officers Act to bear the costs of the defense of its law enforcement officials and employees incurred in lawsuits brought against them for injuries they are alleged to have caused within the course and scope of their employment, and indemnify them with respect to money judgments and settlements that might result from such suits so long as their conduct was not willful or wanton; and

WHEREAS, Arapahoe County is also responsible for fully indemnifying its officers pursuant to C.R.S. § 13-21-131(4) for alleged violations of the state constitution so long as its officers were acting in good faith and with a reasonable belief that their actions were lawful; and

WHEREAS it is common for plaintiffs, without a factual basis to do so, to allege that government officials and employees acted outside the scope and course of their employment, or acted willfully and wantonly, or in bad faith; and

WHEREAS, a lawsuit titled *James Allen Preston v. Arapahoe County, Colorado, et al.*; Civil No. 2026CV13, was recently commenced in El Paso County District Court against several defendants, including two Arapahoe County Sheriff's deputies for conduct undertaken by them during the course and scope of their official duties and employment; and

WHEREAS, it appears from the information presently available that the claim(s) asserted against the deputies did not arise from wanton or willful conduct and that the actions of the deputies were taken in good faith with a reasonable belief that their actions were lawful; and

WHEREAS, the Board hereby determines that it is in the public interest for Arapahoe County to bear the cost of defending the individual deputies named in the above-noted suit and to pay or settle such claims on their behalf, subject to the terms and conditions contained in the Colorado Peace Officer Act and C.R.S. § 13-21-131(4).

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for the County of Arapahoe, State of Colorado, that the cost of providing a legal defense for Arapahoe County Sheriff Deputies Sergio Rocha-Casillas and Nicholas Wilmer in the matter of *James Allen Preston v. Arapahoe County, Colorado, et al.*; Civil No. 2026CV13, pending in the El Paso County District Court, shall be borne by Arapahoe County and that such representation shall be provided by the Arapahoe County Attorney's Office.

BE IT FUTHER RESOLVED that Arapahoe County finds that Deputies Sergio Rocha-Casillas and Nicholas Wilmer were acting in good faith and with a reasonable belief that their actions were lawful.

BE IT FURTHER RESOLVED that Arapahoe County shall, subject to the terms, conditions, and limitations contained in the Colorado Peace Officers Act and C.R.S. § 13-21-131(4), indemnify Deputies Sergio Rocha-Casillas and Nicholas Wilmer from any judgments, inclusive of punitive damages, or settlements that may enter against them in the above-noted litigation, and that the claims asserted against them may be compromised, settled, and disposed of by Arapahoe County as it may deem appropriate, necessary, or convenient.

The vote was:

Commissioner Baker, ___; Commissioner Campbell, ___; Commissioner Fields, ___; Commissioner Summey, ___; and Commissioner Warren-Gully, ___.

The Chair declared the resolution adopted and so ordered.