



Board Summary Report

File #: 25-152

Agenda Date: 3/11/2025

Agenda #: 6.e.

To: Board of County Commissioners

Through: Ronald Carl, County Attorney

Prepared By:

Writer Mott, Deputy County Attorney

Subject:

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

Purpose and Request:

A lawsuit, *Slater, et al. v. Rocha, et al.*, Civil No. 24-cv-03612-RTG, was commenced on December 31, 2024, in the United States District Court for the District of Colorado against Deputies Rocha-Casillas and Wilmer from the Arapahoe County Sheriff's Office, alleging a violation of Keola Slater and James Preston's civil rights. This memo and the accompanying resolution seek the Board's formal authorization to provide legal defense services and indemnification coverage for the ACSO deputies who has been named in the suit.

Background and Discussion: Under the provisions of the Colorado Peace Officers Act and the Colorado Governmental Immunity Act, a county is obligated to bear the costs of providing a legal defense for its law enforcement officers and officials when they are sued for acts or omissions allegedly committed by them while performing their jobs. Similarly, a county is obligated to indemnify its officers for judgments or settlements that may enter against them for alleged violations of federal constitutional law, excluding punitive damages. After reviewing the facts and information currently available, and despite certain allegations made by the plaintiffs in the complaint filed with the court, the County Attorney's Office has determined that the conduct of the individual deputies named in the lawsuit were not undertaken wantonly or willfully, or with any intent to violate the plaintiffs' rights and that the individual deputies were acting in good faith based on a reasonable belief that their actions were lawful. It is also apparent that all of the conduct challenged by the plaintiffs was taken by the deputies within the scope of their job duties. Accordingly, Deputies Sergio Rocha-Casillas and Nicholas Wilmer qualify for both a legal defense and indemnification protection at the County's expense under the terms and limitations of the Peace Officers Act and Colorado Governmental Immunity Act.

Alternatives: Employ outside legal counsel for the defendant employees.

Fiscal Impact: N/A

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Concurrence: The County Attorney's Office recommends that the Board adopt the proposed resolution accompanying this memo and authorize both a legal defense and indemnification protection for Deputies Sergio Rocha-Casillas and Nicholas Wilmer in the above-noted litigation, including protection from punitive damages. The defense in this case will be conducted by the County Attorney's Office.

Resolution: Attached is a copy of the draft resolution.