

CITY OF GRAND JUNCTION, COLORADO

RESOLUTION NO. 16-01

**ACKNOWLEDGING DEFENSE OF CHIEF MARTYN E. CURRIE AND
DETECTIVE KEVIN IMBRIACO OFFICER IN
CIVIL ACTION NO. 00 N 2190**

RECITALS:

A Federal District Court action has been filed naming Detective Kevin Imbriaco and Police Chief Marty Currie as defendants. The lawsuit alleges that Detective Imbriaco improperly when he obtained a search warrant, searched the premises and seized personal property. Chief Currie is alleged to have failed to adequately supervise and train Detective Imbriaco, thereby condoning illegal and unconstitutional behavior. The City's investigation establishes that both City Police Department employees acted professionally and properly.

Colorado's Governmental Immunity Act (24-10-110 and 24-10-118, C.R.S.) provides that the City has certain indemnification obligations. The City may, if the City Council so determines by resolution adopted at an open public meeting that it is in the public interest to do so, defend a public employee against a punitive damages claim or pay or settle any punitive damage claim against a public employee. Although it is unlikely that a punitive damage claim would be sustained, it is right and proper to pass this resolution defending both employee officers.

The City Council finds that officers acted appropriately and within the scope of their employment. The City Council desires to inform City employees that the City will 'stand behind them' when such employees are being sued for the lawful performance of their duties.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF GRAND JUNCTION:**

The City Council hereby determines at an open public meeting that it is in the public interest to defend Detective Kevin Imbriaco and Police Chief Marty Currie against claims for damages in accordance with 24-10-110, C.R.S. and/or to pay or to settle any punitive damage claims in accordance with 24-10-118, C.R.S. arising out of case 00 N 2190.

PASSED and **ADOPTED** this 21st day of February 2001.

/s/ Gene Kinsey
Gene Kinsey
President of the Council

ATTEST:

/s/ Stephanie Nye
Stephanie Nye
City Clerk