



EL PASO COUNTY

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AGENDA ITEM SUMMARY

Date: Tuesday, March 21, 2023 Item No. 5.1.

To: Board of County Commissioners

From: Nathan Whitney, First Assistant County Attorney/Steve Martyn, Assistant County Attorney

Agenda Wording: Resolution to acknowledge General Release regarding litigation matters known as McGinn v. El Paso County, CO, et al., 22-cv-01387-WJM-MDB

SUMMARY (including information on budgeted matters)

Resolution to acknowledge General Release regarding litigation matters known as McGinn v. El Paso County, CO, et al., 22-cv-01387-WJM-MDB

BACKGROUND (including information on budgeted matters)

Juniper McGinn (“McGinn”) is a transgender female who has been diagnosed with gender dysphoria. On June 2, 2020, McGinn was arrested by Colorado Springs Police Department (“CSPD”) officers during a protest within the Colorado Springs city limits. A CSPD officer sprayed McGinn with Oleoresin Capsicum (“OC”) spray during her arrest. After her arrest, McGinn was transported to the El Paso County Criminal Justice Center (“CJC”), where she was stripped-out and decontaminated of OC spray and then released. McGinn filed a civil rights lawsuit in federal district court claiming that her strip-out in CJC violated her constitutional rights and rights under the Americans with Disabilities Act. The Motion to Dismiss was fully briefed and before the Court. A settlement conference was scheduled for March 14, 2023 before Magistrate Braswell. In preparing for this settlement conference, the parties were able to come to an agreement, a copy of which is included herein at Exhibit A.

ESTIMATED TIME FOR PRESENTATION

10 minutes/hours

FINANCIAL IMPLICATIONS

Business Year: 2023

Subject to TABOR? NO

Fund:

Funding Amount:	\$0.00
Increase to original adopted Budget	\$0.00
Net Cost to County:	\$0.00
Total Project Cost:	\$0.00
Vendor Information	

ATTACHMENTS

Resolution approving General Release (Settlement Agreement) for McGinn v. EPC et al., Case No. 22-cv-01387

Exhibit A: Proposed Settlement Agreement for McGinn v. EPC et al., Case No 22-cv-01387