

# Lawsuit alleges El Paso County sheriff's deputies and sergeant used excessive force after traffic stop

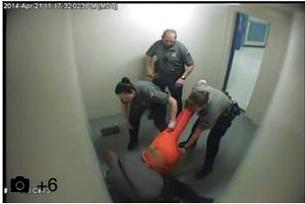
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A Pennsylvania woman needed spinal fusion surgery after two El Paso County sheriff's deputies and a sergeant used "unreasonable and excessive force" when they slammed her to the ground, tased her in the buttocks and slammed her head in the back of a patrol car after a traffic stop went awry, a pending federal lawsuit contends.

The lawsuit states that a body camera on one of the deputies that was inadvertently left on filmed the deputies, one of them smirking, later talking about how one of them "power-bombed her through the concrete," with the other deputy stating he had "tased her in the butth---."



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"It wasn't super nice," the lawsuit alleges the video shows the deputy, who took the woman to the ground, as saying. "I guess I could have been a little nicer."

The lawsuit, filed in September in the U.S. District Court in Denver, alleges the deputies and sergeant acted rashly and unconstitutionally when they resorted to using force against the unarmed woman, Mary Duvall, now 53, of Saxton, Pa, who is five foot two-inches tall.

The lawsuit contends that at the command of one of the deputies Duvall exited the truck after the traffic stop. It further alleges that she was attempting to comply with an additional order from the law enforcement officers that she turn around and face the truck as she exited the vehicle, but one of the deputies took her to the ground before she could comply.

The medical bills of Duvall, a registered nurse, have totaled in the hundreds of thousands of dollars, according to the lawsuit. She has struggled with debilitating back and leg pain and urinary incontinence.

The deputies arrested Duvall, who spent a day in jail, on a felony charge of second-degree assault and misdemeanor charges of driving under the influence, obstructing a police officer and resisting arrest. Prosecutors four months later dismissed the charges after reviewing the body camera footage of the incident, the lawsuit states. Duvall pleaded guilty to a minor traffic infraction of changing lanes, commonly known as weaving.

Jacqueline Kirby, a Sheriff's Office spokeswoman, declined comment because the litigation is pending.

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In court documents, Bryan Schmid, a senior assistant El Paso county attorney, defended the sheriff's deputies and sergeant, stating that they acted reasonably and in response to escalating behavior from Duvall. That court filing, seeking dismissal of the lawsuit, disputed that Duvall followed law enforcement commands that she turn and face the truck after exiting the vehicle, giving one of the deputies "very little time to make a decision about how to handle the plaintiff."

Duvall, in an interview, said she was the one who had little time to comprehend what the deputy was ordering her to do as she exited the truck. She admitted that she had been "running her mouth and using swear words," but disputed there was any justification for the force used against her.

"I was trying to ease myself down," she said. "And he grabbed a hold of me, and then it was like bam. My feet didn't even have time to touch the ground."

She said she was angry because the deputy that initiated the traffic stop during the early morning hours of November 23, 2018 had been following her for three miles without cause. She was driving her son, who had recently divorced, back to Pennsylvania from Buena Vista. She said she was driving ten miles below the speed limit because she was unfamiliar with how to handle her son's truck, which had an attached trailer. The traffic stop occurred about 2:31 a.m. while she was eastbound on Highway 24 in Colorado Springs.

She said a blood test administered after her arrest found that she was not impaired by drugs or alcohol. The taser, she said, was the most intense pain she has ever experienced. The lawsuit states that one of the deputies, Robert Sirois, scratched his finger and elbow while slamming Duvall to the ground. It states that the sergeant told Duvall's son that was justification for the felony second-degree assault charge, which was later dismissed.

The lawsuit names as defendants El Paso County deputies Sirois and Christopher Beyrle and Sgt. Cliff Porter. The lawsuit alleges that Sirois unnecessarily took the woman to the ground, and that Beyrle tased her while she posed no threat because Sirois was kneeling on top of her, with her hands behind her back. It alleges that Porter later slammed her head into the back of a patrol car after she hurled an epithet at him and told him she needed him to pull up her pants, which were now around her knees

The lawsuit states that the professional standards unit of the El Paso County Sheriff's Office later exonerated the sergeant and deputies by finding they had not used excessive force.

"Ms. Duvall's case is yet another example of the customs, habits and practices by EPSO that condones excessive force as well as officers giving false reports to investigators in official records that cover up their abuses of power — a practice that continues to be tolerated by EPSO and defendant El Paso County," the lawsuit alleges.

Video footage, filed as an exhibit of the lawsuit, does not show that Duvall assaulted the officers, though it does show her poking her finger at the face of one of the deputies out the window of the truck after the traffic stop. The video also shows her being demonstrative, using epithets and complaining about the traffic stop and stating that she planned to use her phone to video record the officers' actions.