



*City of Pueblo
Police Department*

INTERNAL AFFAIRS CASE FOLDER

Internal Affairs Case # 2020-0026

Officer Involved: Cpl. Gary Wyberg

This file folder contains privileged and confidential information relating to an administrative investigation of the Pueblo Police Department.

**Pueblo, Colorado Police Department
Intra-Department Communication**

TO: [REDACTED]
FROM: [REDACTED] Internal Affairs Section
SUBJECT: I.A. Investigation # 2020-0026
DATE: 06/18/20

Sir,

I have finished the investigation of IA 2020-0026 Below are the names of all persons interviewed, synopsis and the narrative of the investigation.

Officers Involved: Cpl. Gary Wyberg

Other Officers on Scene: [REDACTED]

Complainant/Witness

NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY.STATE, ZIP	TELEPHONE
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME		TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY-STATE, ZIP	TELEPHONE
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME		TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY. STATE, ZIP	TELEPHONE
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME		TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY. STATE, ZIP	TELEPHONE
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME		TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY. STATE, ZIP	TELEPHONE
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME		TELEPHONE
NAME: LAST FIRST MIDDLE			ADDRESS: (STREET, CITY. STATE, ZIP	TELEPHONE
DOB	RELATIONSHIP to complaint	BUSINESS: ADDRESS, NAME		TELEPHONE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

SYNOPSIS:

On 04/24/20, Pueblo Police [REDACTED] was handling Pueblo PD CR# [REDACTED] [REDACTED] which was a Domestic Violence involving juveniles. During his investigation, Cpl. Wyberg identified [REDACTED] as the suspect and he and [REDACTED] [REDACTED] contacted [REDACTED] near W. 12th and Conley. The officers spoke to [REDACTED] outside and when it was determined to place [REDACTED] under arrest, he was turned around to face a wall. As the officers were handcuffing him, he attempted to flee on foot. Cpl. Wyberg was able to grab [REDACTED] around the waist and pull him to the ground. Once on the ground, the officers were able to get on top of the suspect and place him in handcuffs. Once in handcuffs, Cpl. Wyberg uses his police radio to request a supervisor respond. Cpl. Wyberg also tells [REDACTED] he was lucky he did not get tased. [REDACTED] responds and tells Cpl. Wyberg, "shut up you stupid ass, I'll take your taser". Cpl. Wyberg then gives [REDACTED] a right forearm to the right side of his head as he is lying on the ground face down with his head looking to the right. The officers lift [REDACTED] up and walk him to [REDACTED] patrol vehicle. After [REDACTED] is in the vehicle, the window is down, and he continues to talk and yell at the officers. Cpl. Wyberg stands outside of the vehicle and continued to yell at [REDACTED] until [REDACTED] [REDACTED] steps in front of Cpl. Wyberg and tells him to separate himself from the situation.

REPORT:

The information in this report was learned from officer reports, Response to Aggression reports, BWC footage, radio traffic, and officer interviews.

28 I reviewed [REDACTED] Response to Aggression report regarding this incident.
29 [REDACTED] documented that on 04/24/20 he was called to respond to respond to W.
30 12th and Conley at the request of officers because they were involved in a use of force.
31 He arrived and learned the Cpl. Wyberg and [REDACTED] arrested [REDACTED]
32 [REDACTED] for domestic violence/domestic violence. [REDACTED] spoke to [REDACTED]
33 mother, [REDACTED] and she and [REDACTED] both said Cpl. [REDACTED] used a
34 forearm strike or elbow strike to [REDACTED] face.
35

36 I also viewed the RTA report Cpl. Wyberg wrote. Cpl. Wyberg documented when
37 [REDACTED] attempted to flee on foot, he grabbed him around the waist and pulled him
38 to the right and their momentum took them to the ground. He stated he landed on
39 top of [REDACTED] and gave him verbal commands to give him his hands because his
40 hands were underneath him. He documented he and [REDACTED] were able to get his
41 hands behind him and place him in custody. He said [REDACTED] continued to try to
42 roll over onto his back and thrash around. He said he told [REDACTED] he almost got
43 tased and [REDACTED] said, "I'll take your taser". Cpl. Wyberg documented he felt
44 [REDACTED] push up underneath him like he was trying to get up. He said he struck
45 [REDACTED] with his right forearm to the right side of [REDACTED] face to prevent him
46 from getting up. He said [REDACTED] then immediately stopped trying to get up from
47 underneath them.

48
49 [REDACTED] documented he viewed both Cpl. Wyberg and [REDACTED] BWC and
50 observed Cpl. Wyberg strike [REDACTED] with his right forearm while [REDACTED] was
51 lying on the ground looking to the right. [REDACTED] documented that Cpl. Wyberg
52 [REDACTED]
53 [REDACTED]
54 [REDACTED]

55 Cpl. Wyberg BWC

56
57 Cpl. Wyberg and [REDACTED] contact a male outside of the apartment and ask him
58 his name. He replies it is [REDACTED] and Cpl. Wyberg asks if his mom is home and

59 [REDACTED] replies no. Cpl. Wyberg asked if he wanted to tell him what happened with
60 [REDACTED] and [REDACTED] said nothing happened with her. Cpl. Wyberg began asking how
61 he could get in contact with his mother. [REDACTED] said she did not have a phone and
62 he did not know to get in contact with her. He asked Cpl. Wyberg if [REDACTED]
63 grandmother made the report and Cpl. Wyberg told him [REDACTED] also made the report.
64 [REDACTED] stated [REDACTED] grandma lies and the only thing that happened was he threw
65 a phone charger at [REDACTED] Cpl. Wyberg informed him he needed to get in contact
66 with his mom or his adult sister and asked him to use his phone he was holding to
67 call his sister. [REDACTED] said his phone was not working and he could only talk to his
68 sister on messenger. [REDACTED] asked the officers if their Body Worn Cameras were
69 on and Cpl. Wyberg said they were. They continue to talk to [REDACTED] about trying
70 to contact his mom or sister and he tells them he does not know where his mom is,
71 but his sister is at work.

72

73 Using the time stamp on the video, at 05:52 they approach [REDACTED] and [REDACTED]
74 [REDACTED] grabs his left arm and Cpl. Wyberg grabs his right arm. [REDACTED] asks what's up
75 and tells them to hold up. The officers turn him towards the wall of the apartment
76 and get handcuffs out. At 06:07 [REDACTED] attempts to flee on foot to the right. It is
77 difficult to see on the camera how he is taken to the ground but Cpl. Wyberg stated
78 in his RTA report that he grabbed [REDACTED] by the waist and pulled him to the right
79 and their momentum took them to the ground. At 06:11 they are on the ground and
80 [REDACTED] begins yelling he did not do anything and yells for someone to, "Get mom".
81 At 06:23 a female can be heard telling [REDACTED] to, "Stop resisting". At 06:24 a
82 female later identified as [REDACTED] mother, [REDACTED] can be seen standing
83 next to the disturbance. Cpl. Wyberg and [REDACTED] are on top of [REDACTED] and he
84 is face down on the ground. Cpl. Wyberg tells him to give him his hands and asks
85 him why he has to be stupid. [REDACTED] asks what is going on and Cpl. Wyberg tells
86 her he is getting arrested for assaulting [REDACTED]

87

88 At 06:39 you can see one handcuff of [REDACTED] right hand and Cpl. Wyberg tells him
89 to roll over. [REDACTED] states, "Fuck you" and Cpl. Wyberg says, give me your hand.

90 [REDACTED] is on the upper torso/head area of [REDACTED] and Cpl. Wyberg is on his
91 lower waist/legs area. [REDACTED] is still on his left side/facedown with his left arm
92 underneath his body. At 06:45 you can hear the second handcuff being placed on
93 his left wrist and [REDACTED] is telling [REDACTED] this is why he needs to cooperate. AT
94 06:49 Cpl. Wyberg tells [REDACTED] "Alright, I got him". [REDACTED] lets his body
95 weight off of [REDACTED] and raises to his knees. At 05:59 Cpl. Wyberg airs on the
96 radio that a Supervisor needs to respond. At 07:04 Cpl. Wyberg tells [REDACTED] that
97 he is lucky he didn't get tased. [REDACTED] responds by saying, "shut up you stupid
98 ass, I'll take your taser". At 07:06 Cpl. Wyberg then give [REDACTED] a forearm strike
99 to the right side of his face/head area as he lays facedown and looking to the right.
100 As this occurs, you can see [REDACTED] has both hands on [REDACTED] right shoulder
101 area holding him down. You can also hear [REDACTED] tell Cpl. Wyberg, "You cannot
102 do that".

103

104 At 07:12 the officers stand [REDACTED] up and [REDACTED] is telling Cpl. Wyberg he cannot
105 do that because it is his freedom of speech. Cpl. Wyberg responds, "I'll show you
106 freedom of speech". They then begin walking [REDACTED] to their patrol vehicles and
107 [REDACTED] can be heard yelling at them for hitting [REDACTED] in the mouth. [REDACTED] is
108 cussing and telling Cpl. Wyberg he risked his job because his body camera was on.
109 As they were trying to place [REDACTED] in the patrol car, he is turning towards Cpl.
110 Wyberg and is calling him a pussy ass bitch. Cpl. Wyberg is telling him to stop and
111 asks [REDACTED] if he wants to run and act tough. [REDACTED] asks Cpl. Wyberg is he
112 wants to elbow people and Cpl. Wyberg asks him if he wants to strangle a little girl
113 (Referring to [REDACTED] At 08:18 [REDACTED] gets in the patrol car and Cpl. Wyberg again
114 asks him if he wants to strangle a little girl and tells him he is, "a real big man".
115 Cpl. Wyberg walks back over to where the struggle occurred.

116

117 When he walks back to the patrol car, [REDACTED] is talking to Officers [REDACTED]
118 and [REDACTED]. She states [REDACTED] was cooperating and Cpl. Wyberg yells he was
119 not cooperating, he was resisting arrest. As Cpl. Wyberg is standing outside of the
120 patrol car, [REDACTED] states he was being arrested and was not told for what. Cpl.

121 Wyberg yells to him that he is a juvenile, therefore he cannot talk to him and that is
122 why he was trying to get in touch with his mom. Cpl. Wyberg continues to argue
123 with [REDACTED] until Cpl. [REDACTED] walks over to him and tells him it's alright. Cpl.
124 Wyberg turns to walk away and states, "I don't fucking care anymore dude". Cpl.
125 Wyberg then walks away and does not engage in anymore banter with [REDACTED]

126

127 [REDACTED] BWC

128

129 [REDACTED] BWC was activated and captured the conversation he and Cpl. Wyberg
130 ad with [REDACTED] when they contacted him outside the apartment. When [REDACTED]
131 attempted to flee and the struggle ensued, [REDACTED] was on top of [REDACTED] and
132 was putting his weight on him to keep him from getting up. As he did this, his BWC
133 turned off. His camera turned off just after Cpl. Wyberg handcuffed [REDACTED]'s
134 right wrist and told him to roll over so he could get his left wrist.

135

136 After the Response to Aggression, [REDACTED] spoke to [REDACTED] and he complained
137 his lip hurt from when Cpl. Wyberg elbowed him, and he had an abrasion on his left
138 elbow that hurt. [REDACTED] photographed the injuries.

139

140 Cpl. Gary Wyberg Interview

141

142 It should be noted, Cpl. Wyberg was interviewed regarding IA#2020-0025 and
143 IA#2020-0026 on 05/13/20 with [REDACTED] and [REDACTED]
144 [REDACTED] present. [REDACTED] requested I serve Cpl. Wyberg a Garrity Advisement
145 therefore I provided him a Garrity Advisement signed by [REDACTED] I spoke
146 to Cpl. Wyberg regarding IA#2020-0025 and when we concluded that conversation, I
147 stopped the recording and took a break. I then re-contacted them, began a separate
148 recording at approximately 11:28am and interviewed him regarding IA#2020-0026.
149 The following is a summary of the information gleaned during the interview.

150

151 I told him I wanted to talk to him regarding an incident when he arrested a juvenile
152 on a domestic violence call. I told him he contacted the suspect near W. 12th and

153 Conley and he stated that was correct. I asked him to tell me what happened during
154 the contact. He stated he contacted the suspect outside of the apartment. He said due
155 to the fact the male was a juvenile, he was asking the male where his mom was. Cpl.
156 Wyberg stated he knew he had enough probable cause to arrest the male on a felony
157 charge. He said he figured Pueblo Youth Corrections would accept the suspect
158 because it was a felony charge.

159

160 Cpl. Wyberg said the suspect kept giving him the run around regarding where his
161 mom was. He said he even asked the suspect where his sister was because he had
162 mentioned she was home. Cpl. Wyberg stated he noticed the suspect was looking
163 around when he was talking to him and he had a feeling the suspect was going to try
164 to run. He said he decided to take the male into custody.

165

166 He said at first the suspect placed his hands behind his back, but he clasped his hands
167 together. He said they tried to pull his hands apart to put handcuffs on him. He said
168 before they could put handcuffs on him, the suspect tried to run. Cpl. Wyberg said
169 he grabbed him by the waist, and they ended up going down to the ground. He said
170 the suspect was on his stomach and they were still trying to get his hands out from
171 under him. He said eventually he and [REDACTED] get his hands out from
172 underneath the suspect. He said he was not sure where the mom was during this
173 contact but when the suspect tried to run, the mom came out from somewhere and
174 started yelling. He said the suspects mother was behind him when she started yelling.

175

176 He said they eventually get him handcuffed and he was still on the ground. He said
177 the suspect was still moving and trying to push up while he was on the ground. Cpl.
178 Wyberg said he told the suspect he was lucky he did not get tased. He said the suspect
179 responded something like, "Fuck you, I'll take your taser". Cpl. Wyberg said the
180 suspect tried to roll over and push up from underneath him. He said he then, "came
181 down with my body weight and my forearm on the side of his chin to put him back
182 down on the ground and flatten him out to keep him from getting up".

183

184 I asked him when they were on the ground and got handcuffs on him, he got on the
185 radio and called for a supervisor. Cpl. Wyberg stated that was correct. I told him I
186 heard him ask for a supervisor in a relatively calm voice and he also asked the suspect
187 why he had to be stupid. Cpl. Wyberg again agreed this occurred. I asked him if he
188 felt comfortable enough at that point to air, he needed a supervisor and he said he
189 did. I told him I also heard him tell [REDACTED], "I got it" so [REDACTED] took his weight
190 off the suspect and was just holding the suspect down with two hands on his shoulder.
191 Cpl. Wyberg again agreed this occurred. I told him this is when he made the comment
192 to the suspect that he was lucky he was not tased. Cpl. Wyberg agreed. I also
193 confirmed this is when the suspect said something like, fuck you, I'll take your taser.
194 Cpl. Wyberg agreed.

195

196 I told him he had backed off and [REDACTED] had backed off, so why did he feel it
197 was necessary to throw a forearm when the suspect was in custody, and he had told
198 [REDACTED] "I got him". He said when the suspect made that statement, he tried
199 to roll over and lift up from underneath him. He felt like the suspect was still trying
200 to get away from underneath him. I told him we watched his BWC prior to the
201 interview and I asked if he saw the suspect trying to roll over when he made the
202 statement and he said he did. I asked him if he felt the suspect was a flight risk when
203 he and [REDACTED] were on top of him and he was in handcuffs. He said [REDACTED]
204 [REDACTED] was dealing with the suspects mom. He went on to say he has had people kick
205 him and bite him while they are in handcuffs. So, when the suspect made that threat,
206 he felt it was a credible threat and when the suspect moved underneath him like he
207 was trying to get up, he felt he needed to respond.

208

209 I asked him if he had been taught this tactic during arrest control. He said he has
210 been taught to use forearms in arrest control. I told him shortly after this, they stood
211 him up. I asked him what happened next. He said they walked him to a patrol vehicle
212 and put him in the vehicle. I asked him if anything happened after that and he said
213 he did not believe so. I told him I watched the video and the suspect continued to be
214 very uncooperative verbally after he was placed in the patrol car and Cpl. Wyberg

215 agreed. I told him I observed him engage in some verbal banter with the suspect and
216 he said he remembered that, but he does not remember what specifically was said. I
217 asked him if he remembered yelling back and forth with the suspect. He said he
218 remembered telling the suspect something about choking out his pregnant girlfriend.

219
220 I told him the verbal confrontation escalated and at one point, [REDACTED] came over
221 and intervened telling Cpl. Wyberg it was ok. I asked if he recalled this and he said
222 he did. I told him when this happened, he turned around and stated, "I don't fucking
223 care anymore". I asked if he could explain what he meant by that. I told him we
224 attempt to have systems in place such as the Early Warning System. I asked if there
225 was anything going on that I should be aware of that be the cause of some of his actions
226 we talked about today. I asked if he was ok and I asked if he was understanding what
227 I was trying to say. He stated he understood what I was saying. He said he thinks it
228 is just a stressful time for everyone. He said Officers are dealing with people and no
229 matter what "we do" such as he tried to not get into a use of force with this suspect
230 and no matter what he did, it ended up happening anyway. He said from his
231 perspective, the way they took the suspect to the ground, it was a gentle use of force.
232 He said besides the one forearm strike, there were no punches, kicks, or anything.

233
234 He went on to say he had a finger that was previously broken, and it was wrapped up
235 underneath in the handcuffs. He said he had [REDACTED] take photographs of it
236 because he thought he may have re-broken it. He said he had the pain in his finger,
237 and he was upset. I asked if he was familiar with the use of force policy and he said
238 he was. I asked if he felt anything that occurred during this incident was a violation
239 of department policy and he stated, "No". I asked him if he was honest with his
240 answers to my questions and he said, "Yes". I asked if there was anything about this
241 case that I had not asked about, that he felt I should be aware of. He stated, "I mean
242 I never denied it, I mean, like in reference to the other one, like this one happened,
243 you know. this one as soon as [REDACTED] got there, I told him what happened. I
244 told him that the kid was handcuffed, like I was up front with everything from the
245 beginning. You know this isn't like, typical for me. Like especially like going back to

246 the other one, like to not report stuff like that. Like if something happens, I'll be
247 honest, and I'll report it. Like it's not, you know like I said, if something happens
248 then I'll report it, I'll say what happened. Just like what happened with this, whether
249 the findings, whatever the findings come out. Like I didn't lie about it, I didn't, I was
250 straight up honest as soon as [REDACTED] got there." I told him I did not have any
251 further questions and [REDACTED] did not have anything further to add. The interview
252 concluded.

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279 On 04/24/20, Pueblo Police Cpl. Gary Wyberg was handling Pueblo PD CR# [REDACTED]
280 [REDACTED] which was a Second-Degree Assault/Domestic Violence involving juveniles.
281 During his investigation, Cpl. Wyberg identified [REDACTED] as the
282 suspect and he and [REDACTED] contacted [REDACTED] near an apartment complex
283 at W. 12th and Conley. The following can be seen on Cpl. Wyberg's BWC. The
284 officers spoke to [REDACTED] outside near the apartment and when it was determined to
285 place [REDACTED] under arrest, he was turned around to face the apartment wall. Each
286 Officer grabbed a wrist and were attempting to handcuff him when he attempted to
287 flee on foot. Cpl. Wyberg was able to grab [REDACTED] around the waist and pull him to
288 the ground. Once on the ground, the officers were able to get on top of the suspect
289 and place him in handcuffs.

290

291 Once the suspect is in handcuffs, Cpl. Wyberg uses his police radio to request a
292 supervisor respond. Cpl. Wyberg also tells [REDACTED] he was lucky he did not get tased.
293 [REDACTED] responds by telling Cpl. Wyberg, "shut up you stupid ass, I'll take your
294 taser". Cpl. Wyberg then gives [REDACTED] a right forearm to the right side of his head
295 as he is lying on the ground in handcuffs, face down, with his head looking to the right.
296 The officers lift [REDACTED] up and walk him to Cpl. [REDACTED] patrol vehicle. After [REDACTED]
297 is in the vehicle, the window is down, and he continues to talk and yell at the officers.
298 Cpl. Wyberg stands outside of the vehicle and continued to yell at [REDACTED] until [REDACTED]
299 [REDACTED] steps in front of Cpl. Wyberg and tells him to separate himself from the
300 situation. Cpl. Wyberg turns away and states, "I don't fucking care anymore".

301

302 During his interview, Cpl. Wyberg does not deny striking [REDACTED] with his right
303 forearm. He states the reason he did this is because he felt [REDACTED] was trying to roll
304 over and push up from underneath him and he felt [REDACTED] was still trying to get
305 away. When asked about his verbal argument with [REDACTED] after he was placed in
306 the patrol car, and then making the statement, "I don't fucking care anymore". Cpl.
307 Wyberg stated he remembered arguing with [REDACTED] but he does not remember what

308 was being said. He also elaborated that he believes it is a stressful time right now for
309 everyone. He also stated he tried to avoid a use of force with [REDACTED] but it still
310 occurred.

311

312 It should be noted Cpl. Wyberg was interviewed regarding this case as well as IA#
313 2020-0025. After the initial interview for both cases, Cpl. Wyberg requested to speak
314 to me again and I interviewed him on 06/15/20. During this interview, Cpl. Wyberg
315 relayed that when both incidents occurred, [REDACTED]

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

Sgt. [REDACTED]

Incident Report Additional Offense List

Pueblo Police Department

OCA: [REDACTED]

Offense List (Continued)

Page 2

Counter	Offense Description	Fel/Misd	Statute	Completed/Attempted
# 4	RESISTING ARREST	M	18-8-103 4801	Com

Incident Report Additional Name List

Pueblo Police Department

OCA: 20-007056

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) IO 1	[REDACTED]		[REDACTED]	18	W	F
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr Gcs		B: 719- -			
			Mobile #: 719- -			
2) IO 2	[REDACTED]		[REDACTED]	58	W	F
	Address [REDACTED]		H: [REDACTED]			
	Empl/Addr		B: - -			
			Mobile #: - -			

INCIDENT/INVESTIGATION REPORT

Pueblo Police Department

Case # [REDACTED]

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

D R U G S	IBR	Status	Quantity	Type Measure	Suspected Type	

Assisting Officers
[REDACTED]

Suspect Hate / Bias Motivated:

NARRATIVE
On 04-24-2020 at approximately 1101 hours I, Officer Gary Wyberg was dispatched to 1000-blk of Ruppel St on a report of a domestic report.

Juvenile Information.

Nothing Further.

REPORTING OFFICER NARRATIVE

Pueblo Police Department

OCA
[REDACTED]
Date / Time Reported
Fri 04/24/2020 10:58

Victim
JUVENILE

Offense
ASSAULT IN THE 2ND DEG-BODILY INJURY

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

The following evidence was submitted by this Officer:

- None BWC video Dash cam video Surveillance video
- Interview room video Digital photographs Still digital photographs of video Audio recordings

ACOVA WAS WAS NOT notified and a VRA pamphlet WAS WAS NOT provided.

On 04-24-2020 at approximately 1101 hours I, Officer Gary Wyberg was dispatched to 1021 Ruppel St #17 on a report of a domestic report.

When I arrived on scene I contacted [REDACTED] and her grandmother, [REDACTED] (DOB [REDACTED]). [REDACTED] stated she was at her boyfriend's, [REDACTED] house at [REDACTED] when she was in his bedroom. [REDACTED] and [REDACTED] are involved in an intimate relationship and [REDACTED] had just finished putting on her makeup and sent a Facebook message to [REDACTED] who was in the living room. [REDACTED] came into the room mad at [REDACTED] because on the Facebook message [REDACTED] had changed [REDACTED] name to a black heart emoji and a ring. [REDACTED] said only a red heart was acceptable. [REDACTED] was on the bed and [REDACTED] climbed on top of her and they were face to face and [REDACTED] bit [REDACTED] on the right cheek causing her physical pain. [REDACTED] then took both of his hands and put them around [REDACTED] throat and began choking her. [REDACTED] said he choked her so hard that she began to get blurred vision. [REDACTED] stated she was still having pain in her throat at the time of the interview. [REDACTED] grandmother, [REDACTED] was on her way over to pick her up and she wanted to leave but needed her phone charger. [REDACTED] threw the phone charger at [REDACTED] hitting her in the left side of the head leaving a mark which was still bleeding. [REDACTED] kept asking [REDACTED] for his kiss and hug before she left and finally [REDACTED] gave [REDACTED] a hug so she could get out of the room. As [REDACTED] was walking out of the apartment to meet her grandma [REDACTED] again asked [REDACTED] for his kiss. [REDACTED] just wanted to leave and again [REDACTED] pushed [REDACTED] up against the cement wall leading out the apartment and started choking her again around the neck with both hands. [REDACTED] started screaming and yelling and [REDACTED] older sister, [REDACTED] came out of the apartment and told [REDACTED] and [REDACTED] to stop because they were upsetting her baby. [REDACTED] then yelled to [REDACTED] to come and get her granddaughter, [REDACTED] was parked by the residence. I took photos of [REDACTED] s injuries and they were attached to the case. [REDACTED] also completed the the DV Form.

[REDACTED] said she heard the yelling and came to get [REDACTED] She did not see the assault happen but when [REDACTED] got into the car she was crying and upset and told [REDACTED] everything that happened. [REDACTED] said this happened in November and they were supposed to go to trial on the assault in June. I had dispatch clear [REDACTED] who had an active Restraining Order Protecting [REDACTED] from [REDACTED]



REPORTING OFFICER NARRATIVE

OCA [REDACTED]
Date / Time Reported Fri 04/24/2020 10:58

Pueblo Police Department

Victim JUVENILE	Offense ASSAULT IN THE 2ND DEG-BODILY INJURY
--------------------	---

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

[REDACTED]

At approximately 1318 hours [REDACTED] and myself went to 1211 Conley #6 to try and contact [REDACTED]. We contacted [REDACTED] standing outside of his apartment. [REDACTED] said neither his mother or sister were home and he had no way of getting a hold of them. [REDACTED] asked if we were there because of [REDACTED] and I told him we were and he asked if [REDACTED] had called or her grandmother. I told him they both called. I asked him what happened and he admitted to throwing the phone charger at [REDACTED]. I asked [REDACTED] to turn and place his hands behind his back that he was under arrest and at first he complied. As Officer [REDACTED] was attempting to handcuff [REDACTED] tried to pull away from [REDACTED] and myself and force had to be used to take [REDACTED] to the ground and to be handcuffed.

[REDACTED] and AMR responded to our location.

This is a summary of my investigation nothing further.

Incident Report Suspect List

Pueblo Police Department

OCA: [REDACTED]

1	Name (Last, First, Middle) <i>JUVENILE</i>					Also Known As <i>JUVENILE</i>					Home Address <i>JUVENILE</i>				
	Business Address <i>JUVENILE</i>														
DOB	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
	<i>17</i>	<i>W</i>	<i>M</i>	<i>H</i>	<i>508</i>	<i>180</i>	<i>BLK</i>	<i>BRO</i>	<i>LBR</i>	<i>JUVENILE</i>					
Scars, Marks, Tattoos, or other distinguishing features <i>JUVENILE</i>															
<i>Reported Suspect Detail</i>					Suspect Age		Race	Sex	Eth	Height	Weight	SSN			
Weapon, Type		Feature		Make		Model			Color	Caliber	Dir of Travel				
VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN				
Notes										Physical Char					

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST*

Occurred: 04/24/2020

Offense: *ASSAULT IN THE 2ND DEG-BODILY INJURY*

Investigator: [REDACTED]

Date / Time: 04/24/2020 14:47:09, Friday

Supervisor: [REDACTED]

Supervisor Review Date / Time: 04/25/2020 10:56:09, Saturday

Contact:

Reference: *Supplement*

-----CASUALTY REPORT-----

On 04/24/20 at approximately 1335 hrs., I, [REDACTED] responded to [REDACTED] Pueblo, to assist [REDACTED] and Cpl. G. Wyberg, who was out with a male, that was resisting them.

While en route, [REDACTED] aired the male juvenile, later known as [REDACTED] was in custody.

Upon my arrival, I was advised [REDACTED] and Cpl. G. Wyberg had responded to [REDACTED] as they were investigating a domestic violence case, where [REDACTED] was the suspect. I was advised [REDACTED] had choked his pregnant girlfriend and thrown a phone charger at her head where it had hit her, cutting her head.

I observed [REDACTED] as he was in the back seat of one of the patrol cars. Sgt. [REDACTED] had responded and was speaking with [REDACTED] s mother and [REDACTED] I was asked by Sgt. [REDACTED] to complete a casualty report on Cpl. [REDACTED] and Cpl. G. Wyberg as they were reporting minor injuries from the struggle with [REDACTED]

[REDACTED] stated he injured his left ring finger and thumb as he was attempting to hand cuff [REDACTED] and his right knee when they lost their footing on the decorative rocks near the apartment complex.

Cpl. G. Wyberg stated he injured his left pinky finger as it was swollen and told me this was his previously broken finger. Cpl. G. Wyberg stated he had some roadrash on his left elbow and left shin as he was trying to gain control of [REDACTED] when they were on the decorative rocks.

Photographs were taken of the injuries by [REDACTED] Please see the photographs for details. No further information.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLEARED BY ARREST

Case Mng Status: CLEARED BY ARREST

Occurred: 04/24/2020

Offense: ASSAULT IN THE 2ND DEG-BODILY INJURY

Investigator: [REDACTED]

Date / Time: 04/24/2020 14:47:26, Friday

Supervisor: [REDACTED]

Supervisor Review Date / Time: 04/25/2020 10:56:09, Saturday

Contact:

Reference: Cad Notes

[FIRE] UDTS: [REDACTED]

[04/24/20 13:50:23 [REDACTED]

[FIRE] UDTS: [REDACTED]

[04/24/20 13:47:37 [REDACTED]

[FIRE] RAN FROM PD

[04/24/20 13:46:07 [REDACTED]

[FIRE] JUVENILE MALE APPROX 17 YO [REDACTED]

[04/24/20 13:46:05 [REDACTED]

[FIRE] UDTS: [REDACTED]

[04/24/20 13:45:58 [REDACTED]

Event spawned for PFD Event ID [REDACTED] CallRef:418

[04/24/20 13:45:42 [REDACTED]

Event spawned for PPD Event ID: [REDACTED] CallRef:417

[04/24/20 13:45:13 [REDACTED]

{766} WE SHOULD HAVE ENOUGH NOW

[04/24/20 13:35:57 [REDACTED]

UDTS: {766} IN CUSTODY

[04/24/20 13:33:58 [REDACTED]

766 NEED OFFICERS

[04/24/20 13:33:56 [REDACTED]

{765} IC

[04/24/20 13:33:54 [REDACTED]

[REDACTED]

[04/24/20 12:20:35 [REDACTED]

[FIRE] UDTS [REDACTED]

[04/24/20 11:40:20 [REDACTED]

[FIRE] UDTS: [REDACTED]

[04/24/20 11:38:45 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST*

Occurred: *04/24/2020*

Offense: *ASSAULT IN THE 2ND DEG-BODILY INJURY*

Investigator: [REDACTED]

Date / Time: *04/24/2020 14:47:26, Friday*

Supervisor: [REDACTED] (2153)

Supervisor Review Date / Time: *04/25/2020 10:56:09, Saturday*

Contact:

Reference: *Cad Notes*

[REDACTED]

MR. [REDACTED] IN: [REDACTED] AT 11:23 24APR20

OUT: P504 12 AT 11:23 24APR20

[04/24/20 11:25:10 [REDACTED]

[04/24/20 11:00:27 [REDACTED]

HE IS NOT ON SCENE

[04/24/20 10:59:54 [REDACTED]

SUSPECT IS [REDACTED]

[04/24/20 10: [REDACTED]

THEY ARE AT GRANDMOTHERS HOUSE NOW

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST*

Occurred: *04/24/2020*

Offense: *ASSAULT IN THE 2ND DEG-BODILY INJURY*

Investigator: [REDACTED]

Date / Time: *04/24/2020 14:47:26, Friday*

Supervisor: [REDACTED]

Supervisor Review Date / Time: *04/25/2020 10:56:09, Saturday*

Contact:

Reference: *Cad Notes*

[04/24/20 10:59:29 [REDACTED]

rp says that she picked up her granddaughter from her boyfriends and she was assaulted by him. [REDACTED] dob [REDACTED] is victim

[04/24/20 10:59:21 [REDACTED]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLEARED BY ARREST

Case Mng Status: CLEARED BY ARREST

Occurred: 04/24/2020

Offense: ASSAULT IN THE 2ND DEG-BODILY INJURY

Investigator: WYBERG, GARY P Jr (12684)

Date / Time: 04/24/2020 16:17:17, Friday

Supervisor: [REDACTED]

Supervisor Review Date / Time: 04/25/2020 12:01:00, Saturday

Contact:

Reference: Supplement

DISTRICT COURT, PUEBLO COUNTY, COLORADO
,JUDGE

Pueblo Combined Court
501 N. Elizabeth St.
Pueblo, Colorado 81003
Phone: 719-404-8700

THE PEOPLE OF THE STATE OF COLORADO
vs.

[REDACTED]
Defendant.

? COURT USE ONLY ?

Case Number «Case»

Division «Division»

AFFIDAVIT OF PROBABLE CAUSE FOR A WARRANTLESS ARREST

Case Number [REDACTED]

STATE OF COLORADO)

) ss.

COUNTY OF PUEBLO)

I, Officer Gary Wyberg being first duly sworn upon his oath, states that he has reason to believe that [REDACTED] (date of birth [REDACTED] has committed the crime(s) of 2nd Degree Assault/Domestic Violence (C.R.S. 18-3-203/18-6-800.3, as amended) (a class 4F), and as reason for this belief states as follows:

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST*

Occurred: *04/24/2020*

Offense: *ASSAULT IN THE 2ND DEG-BODILY INJURY*

Investigator: *WYBERG, GARY P Jr (12684)*

Date / Time: *04/24/2020 16:17:17, Friday*

Supervisor: [REDACTED]

Supervisor Review Date / Time: *04/25/2020 12:01:00, Saturday*

Contact:

Reference: *Supplement*

Notary Public

Pueblo Police Department Case Report #

The undersigned Judge of the 10th Judicial District finds that the affidavit above provides:

_____ Probable Cause

_____ No Probable Cause

That the defendant committed the crime listed.

Bond is hereby set in the amount of _____ cash, property or surety.

Bond setting shall be before the court assigned this case.

The Defendant shall be immediately released.

By the court this _____ day of _____, 20__.

Signature

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLEARED BY ARREST

Case Mng Status: CLEARED BY ARREST

Occurred: 04/24/2020

Offense: ASSAULT IN THE 2ND DEG-BODILY INJURY

Investigator: [REDACTED]

Date / Time: 04/25/2020 08:35:28, Saturday

Supervisor: [REDACTED]

Supervisor Review Date / Time: 04/25/2020 11:00:23, Saturday

Contact:

Reference: Supplement

The following evidence was submitted by this Officer:

- None BWC video Dash cam video Surveillance video
- Interview room video Digital photographs Still digital photographs of video Audio recordings

On 4/24/20 at approximately 1120 hours, I, [REDACTED] was dispatched to cover Cpl. Gary Wyberg on a Domestic Violence call located at 1021 Ruppel Ave. #17. Cpl. Wyberg wanted my assistance in locating the suspect, [REDACTED]

At approximately 1318 hours, we arrived at 1211 Conley Ave. and was searching for apartment #6. We were having trouble locating the apartment and began walking around the complex. Once we reached the north side of the building, we noticed a young male leaning up against the building.

Cpl. Wyberg asked the male if he knew where apartment #6 was located. The male told him he didn't know. Wyberg asked him for his name, and the male said [REDACTED]. Wyberg asked him if he knew the victim, [REDACTED]. He replied saying she was his girlfriend.

Cpl. Wyberg asked [REDACTED] where his mom was, and he said he didn't know because she is always going out. He asked [REDACTED] if there was an adult at home, he said his sister, but she was at work. He said she worked at GCS Call Center. [REDACTED] stated he did not know any of their phone numbers, and said his phone did not work and wanted to use our phone.

Cpl. Wyberg told [REDACTED] to put his hands behind his back, so I got a hold of his left wrist and turned him against the building because through my experience, I knew he might be thinking about resisting and trying to get away.

All of a sudden, [REDACTED] pushed off the wall and tried to get away. Cpl. Wyberg was able to get his arms around [REDACTED] and take him to the ground. Once on the ground, I maneuvered to the front and put all my weight on top of him and put him in a arm bar. I placed one cuff on his right wrist. I was unable to get control of the left wrist because it was underneath him, so Wyberg took control of the handcuffs, and was able to get [REDACTED]'s left wrist into the other cuff.

All of a sudden, [REDACTED] came running from around the corner. I didn't know if there was anyone else coming, so I called for backup. We picked [REDACTED] up from the ground and escorted him to the patrol car, and place him in the back. The whole time, [REDACTED] kept cussing at Wyberg. I looked back towards the

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 04/27/2020 13:41

Pueblo Police Department

OCA: [REDACTED]

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLEARED BY ARREST*

Case Mng Status: *CLEARED BY ARREST*

Occurred: *04/24/2020*

Offense: *ASSAULT IN THE 2ND DEG-BODILY INJURY*

Investigator: [REDACTED]

Date / Time: *04/25/2020 08:35:28, Saturday*

Supervisor: [REDACTED]

Supervisor Review Date / Time: *04/25/2020 11:00:23, Saturday*

Contact:

Reference: *Supplement*

apartment, and [REDACTED] sister came from around the corner and was holding a baby.

Officers began to arrive on scene, and [REDACTED] arrived a short time after. I explained to [REDACTED] what had happened.

I transported [REDACTED] to the police station and contacted the Juvenile Screener by phone. Once Cpl. Wyberg completed his affidavit, I transported [REDACTED] to PYC.

[REDACTED] asked me to get a hold of mom and let her know [REDACTED] was at PYC. I tried calling, but the number she gave me, went to someone else named [REDACTED] I tried to make contact at their apartment, but nobody answered the door.

No further information.

Investigator Signature

Supervisor Signature

Pueblo, CO
POLICE DEPARTMENT

INTRA-DEPARTMENTAL MEMORANDUM

To:

[REDACTED]

From:

[REDACTED]

Subject:

Response to Aggression CR #

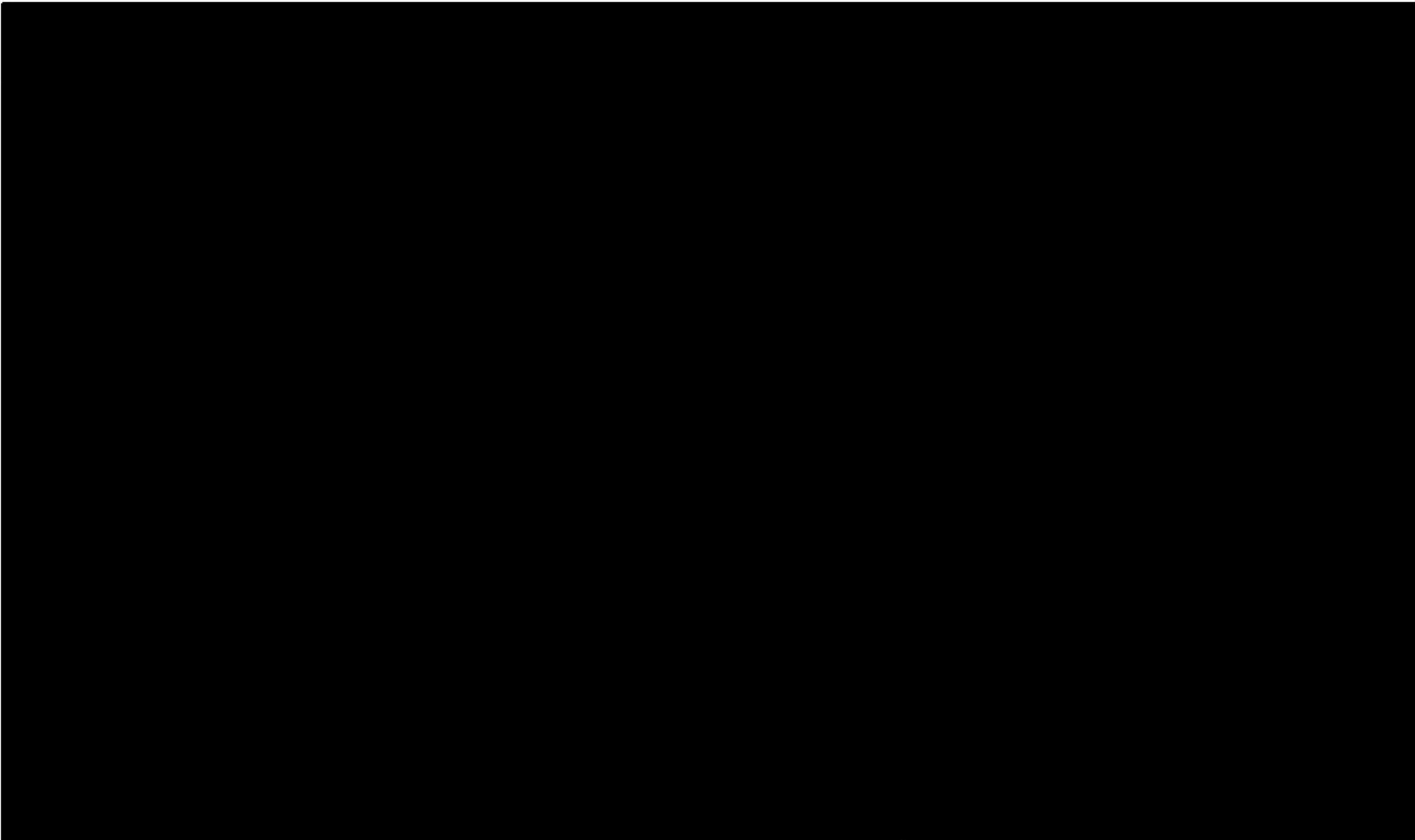
[REDACTED]

Date:

April 27, 2020

[REDACTED]





Please see attached Response to Aggression forms for further details.

Nothing Further



PUEBLO POLICE DEPARTMENT
RESPONSE TO AGGRESSION / RESISTANCE REPORT

CR# [REDACTED]

Supervisor
Print Supervisor Name [REDACTED]

Date [REDACTED]

Supervisor Signature [REDACTED]

Serial # [REDACTED]

Reviewed By
Please Print Name [REDACTED]

Date [REDACTED]

Signature [REDACTED]

Within Department Policy

Deputy Chief
Please Print Name _____

Date _____

Signature _____

Within Department Policy

Outside Department Policy

Chief of Police
Please Print Name _____

Date _____

Signature _____

Within Department Policy

Outside Department Policy

Pueblo Police Department
Use of Force Report

To be completed by the officer using force.

INCIDENT INFORMATION

1. Date of this Report [REDACTED] 2. Date of Incident [REDACTED] 3. Time of Incident [REDACTED]
4. Location of Incident [REDACTED]
5. IBR number [REDACTED]
6. Type of force a.) TAKE DOWN (Y) b.) EMPTY HAND (Y) c.)
(Effective Y/N) Other (explain)
7. At the time of the incident, was the officer in uniform or plainclothes? UNIFORM
8. List name and code numbers of all officers present at the time the force was used
[REDACTED]

9. List names, addresses, and phone numbers of any witnesses

OFFICER INFORMATION

10. Name WYBERG, GARY P JR 11. Rank POLICE OFFICER 12. Code 12684
13. Where assigned SERV/SPSR/DSRO/SRO 14. Phone # [REDACTED]
15. Race W 16. Sex M 17. Date of birth [REDACTED]
18. Date of employment 02/06/2006 19. Total years of education
20. Was the officer injured? [REDACTED] 21. If yes, type of injuries [REDACTED]
22. Name of hospital 23. Type of treatment [REDACTED]

SUBJECT INFORMATION

24. Name [REDACTED] 25. Address [REDACTED]
26. Race W 27. Sex M 28. Date of birth [REDACTED]
29. Social security # [REDACTED]
30. Work phone [REDACTED] 31. Home phone [REDACTED]
32. Did subject complain of injury? [REDACTED] 33. Were there visible signs of injury? [REDACTED]
34. If yes, type of injuries [REDACTED]

Note: Subject must go to the hospital for any complaint of injury or use of OC spray. Treatment must be refused at the hospital.

35. [REDACTED]
36. Name of hospital [REDACTED] 37. How transported to hospital [REDACTED]
38. Name of doctor [REDACTED]
39. Time of treatment [REDACTED] 40. Time of release [REDACTED]
41. Was subject under the influence of drugs or alcohol? NONE
42. Photos attached? Y If no, explain:
43. Was suspect arrested? Y If yes, list charges. If no, explain:

INCIDENT DESCRIPTION

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective. NOTE: In case of use of the OC Fogger, or in any case as directed by supervision, this information must be reported in standard letter format and attached to this form.

On [REDACTED] at approximately [REDACTED] I, Officer Gary Wyberg responded to [REDACTED] to contacted [REDACTED] who was the suspect in a second degree assault/domestic violence case I was working.

[REDACTED] and I contacted [REDACTED] outside his residence and he was not cooperative about giving information on how to contact his mother or older sister. [REDACTED] was getting nervous and looking around and gave me the impression he was going to run. At one point he even asked if our Body Cameras were on. When I made the decision to place [REDACTED] under arrest for the 2nd Degree Assault Charge I advised [REDACTED] to place his hands behind his back which at first he complied. [REDACTED] had his hands grasped together and I kept pulling them apart so [REDACTED] could handcuff [REDACTED] I was on the right side of [REDACTED] and [REDACTED] was on the left side of [REDACTED] Before we could get the handcuffs on, [REDACTED] tried to run and was physically resisting and using his arms to push away from myself and Officer [REDACTED]. I was able to grab [REDACTED] around the waist and pulled him to my right side. Our momentum took us to the ground with me on top of him. Once on the ground I gave [REDACTED] a loud verbal command to give me his hands which were underneath him. I was able to pull [REDACTED] right arm out from underneath him and get the handcuff on his right wrist. [REDACTED] was still trying to pull [REDACTED] left arm out from underneath him. I again give him a loud verbal command to give me his hands. [REDACTED] was able to pull [REDACTED] left arm out from underneath and I was able to handcuff [REDACTED] left wrist. [REDACTED] was yelling for his mother, [REDACTED] and even with [REDACTED] and myself body weight on [REDACTED] he was still trying to turn over onto his back and was thrashing around. I advised [REDACTED] as he was still making aggressive movements that he almost got tased he responded saying "I'll take your taser". At this point I felt [REDACTED] push up underneath like he was again trying to get up. I then struck him with my right forearm to the right side of [REDACTED] face to prevent him from getting up. [REDACTED] immediately stopped trying to press up from underneath us. [REDACTED] and I then picked up [REDACTED] up off the ground and he was placed in the marked patrol SUV. [REDACTED]

WYBERGG, 73, PPD]

INCIDENT DESCRIPTION

On [REDACTED] at approximately [REDACTED] I, Officer Gary Wyberg responded to 1211 Conley #6 to contacted [REDACTED] who was the suspect in a second degree assault/domestic violence case I was working.

45. Officer's signature _____

Date: _____

[REDACTED] and I contacted [REDACTED] outside his residence and he was not cooperative about giving information on how to contact his mother or older sister. [REDACTED] was getting nervous and looking around and gave me the impression he was going to run. At one point he even asked if our Body Cameras were on. When I made the decision to place [REDACTED] under arrest for the 2nd Degree Assault Charge I advised [REDACTED] to place his hands behind his back which at first he complied. [REDACTED] had his hands grasped together and I kept pulling them apart so [REDACTED] could handcuff [REDACTED] I was on the right side of [REDACTED] and [REDACTED] was on the left side of [REDACTED]. Before we could get the handcuffs on, [REDACTED] tried to run and was physically resisting and using his arms to push away from myself and [REDACTED]. I was able to grab [REDACTED] around the waist and pulled him to my right side. Our momentum took us to the ground with me on top of him. Once on the ground I gave [REDACTED] a loud verbal command to give me his hands which were underneath him. I was able to pull [REDACTED] right arm out from underneath him and get the handcuff on his right wrist. Officer [REDACTED] was still trying to pull [REDACTED] left arm out from underneath him. I again give him a loud verbal command to give me his hands. [REDACTED] was able to pull [REDACTED] left arm out from underneath and I was able to handcuff [REDACTED] left wrist. [REDACTED] was yelling for his mother, [REDACTED], and even with [REDACTED] and myself body weight on [REDACTED] he was still trying to turn over onto his back and was thrashing around. I advised [REDACTED] as he was still making aggressive movements that he almost got tased he responded saying "I'll take your taser". At this point I felt [REDACTED] push up underneath like he was again trying to get up. I then struck him with my right forearm to the right side of [REDACTED] face to prevent him from getting up. [REDACTED] immediately stopped trying to press up from underneath us. [REDACTED] and I then picked up [REDACTED] up off the ground and he was placed in the marked patrol SUV. [REDACTED]

WYBERGG, 73, PPD]

SUPERVISOR'S REPSONSIBILITIES

Note: A cover letter from the supervisor, through channels, must accompany this form (Except cases involving ONLY the use of the individual OC canister. If a complaint of excessive use of force was made, a PD-82 must be compiled.

I have reviewed this use of force, and have determined that

it is within the policy guidelines

lesser force alternatives were available

training and proper tactics were followed

Supervisor's name

Supervisor's code #

Supervisor's signature

Supervisor's assignment OPER/PAT/GRN/WI

Telephone #

In cases involving ONLY the use of the individual OC canister, the reviewing supervisor must explain his/her conclusion below. In other cases, the cover letter explains the conclusion

On _____ I, _____ responded to the area of _____ regarding officers asking for a supervisor.

Upon my arrival I contacted Cpl. G. Wyberg, who informed me he and _____ were in the area looking for _____ to locate a suspect in a domestic assault. He stated they were looking for _____ as he choked and assaulted his girlfriend. He went on to say they located a juvenile male outside a downstairs apartment. The male was being evasive, but they eventually were able to identify him as _____. At one point they went to take him into custody, and he attempted to get away from them. Cpl. Wyberg said he grabbed _____ by his waist and turned with _____. Their momentum then carried them to the ground with Cpl. Wyberg landing on top of him. He added that they struggled with _____ as he would not give him his hands so they can place him into cuffs. Cpl. Wyberg stated at one point during the struggle, as _____ kept resisting he gave _____ a right forearm to the right side of his head. Cpl. Wyberg and _____ were then able to get _____ into cuffs.

Continued on Additional Page

CHIEF OF POLICE REVIEW:

I CONCUR

I DO NOT CONCUR (EXPLANATION ATTACHED)

Name

Supervisor's code #

Signature _____

Distribution

Original - Through channels to the Major of the Affected Service

Copy - Internal Affairs Division

Copy - Training Division

ADDITIONAL INFORMATION (Continued from previous pages)

Continued from page #3

I next spoke to [REDACTED] as he was being looked at by [REDACTED]. I observed [REDACTED] but did not observe anything on [REDACTED] as I was informed about but heard him say [REDACTED]. I introduced myself to him and asked if he wanted to tell me what happened. [REDACTED] stated he was out waiting for a bus, he sees officers and spoke to them. He says they have him turn around and put his hands behind his back. They tell him stop resisting and he starts panicking and calling out for his mom. He says he tells the officer "fuck you, you can't be doing this to me, then all of a sudden, he puts his elbow into my lip". He again said he was [REDACTED]. I informed him I would be reviewing body cam footage and ended our discussion.

I attempted to look for witnesses in the area and observed a group of individuals standing across the street on [REDACTED] from where the arrest took place. I was notified that the individuals did not see anything, and they only came outside after hearing a ruckus. While on scene I observed a female who identified herself as [REDACTED] who was [REDACTED] mother. She was clearly upset about the incident. She would understand and calm down at times and be argumentative at others. She was not happy with Cpl. Wyberg and wanted his information. Cpl. Wyberg presented her a business card of his prior to them leaving. After reviewing the BWC footage, I observed the mother showed up as officers were on the ground attempting to take her son into custody. I attempted to contact her at the phone number she provided, [REDACTED] but found out it was the wrong number. [REDACTED] informed me he even let the son try calling her while they were waiting transport to PYC and the person on the other end of the phone stated it was the wrong number and they did not know a [REDACTED]. I even double checked the number through the BWC footage. He even attempted to recontact her in person at her address and received no answer. On [REDACTED] I attempted to contact her at her address and again but received no answer. I did leave my business card in her door, asking for her to call me.

On [REDACTED] I received a call from [REDACTED]. I was able to speak to her about what she saw when her son was taken into custody. She stated she was at her neighbors and was heading home when she heard yelling and saw it was from officers and her son. She said she heard him calling for her as he did not realize she was there. She observed there was a little bit of a struggle between them and saw he was put in cuffs. She then said that after her son was in cuffs, Officer Wyberg elbowed her son in the mouth. She thought it was with his left elbow. She then observed the officers pick up her son and walk him to a police car. She said her son was held high, almost on his toes as they walked him. She also stated she saw Officer Wyberg hit her son with his open right hand to her son's face. She said she told the officer he needed to stop.

I next reviewed BWC footage for Cpl. Wyberg. The video shows them arriving and contacting a juvenile. They ask what apartment he was standing by as they are looking for [REDACTED] and he incorrectly tells them it is #5. They ask if he knows where [REDACTED] is and he says he does not. He tells them his name is [REDACTED]. Cpl. Wyberg asks if his mother is around and he says no. They identify him as the suspect they are looking for. When they go to place him in custody, Cpl. Wyberg grabs his right wrist and [REDACTED] grabs his left. They move him to the wall of the apartment to finish cuffing him and [REDACTED] attempts to run. Cpl. Wyberg grabs him around the wrist and the spin around to the ground where both officers get him cuffed after a short struggle. From the time he tries to run to them placing him in cuffs is about 45 seconds. After he is in cuffs, Cpl. Wyberg then asks for a supervisor on the radio and informs [REDACTED] that he is lucky he was not tased. [REDACTED] responds with, "shut up you stupid ass, I'll take your taser". Cpl. Wyberg then gives [REDACTED] a forearm to the right side of his head

ADDITIONAL INFORMATION (Continued from previous pages)

as he lays on the ground looking to the right. Both officers then lift [REDACTED] up and transport him to [REDACTED] Vehicle. I observed Cpl. Wybergs right hand come up to the back of the neck area of [REDACTED], but did not observe it to be a strike as his mother believed.

After review [REDACTED]

PPD]

Pueblo Police Department
Use of Force Report

To be completed by the officer using force.

INCIDENT INFORMATION

1. Date of this Report [REDACTED] 2. Date of Incident [REDACTED] 3. Time of Incident [REDACTED]
4. Location of Incident [REDACTED]
5. IBR number [REDACTED]
6. Type of force a.) CONTROL HOLDS (Y) b.) c.)
(Effective Y/N) Other (explain)
7. At the time of the incident, was the officer in uniform or plainclothes? UNIFORM
8. List name and code numbers of all officers present at the time the force was used
9. List names, addresses, and phone numbers of any witnesses

OFFICER INFORMATION

10. Name [REDACTED] 11. Rank POLICE OFFICER 12. Code [REDACTED]
13. Where assigned SERV/SPSR/DSRO/ 14. Phone # [REDACTED]
15. Race W 16. Sex M 17. Date of birth [REDACTED]
18. Date of employment [REDACTED] 19. Total years of education
20. Was the officer injured? [REDACTED] 21. If yes, type of injuries [REDACTED]
22. Name of hospital 23. Type of treatment [REDACTED]

SUBJECT INFORMATION

24. Name [REDACTED] 25. Address [REDACTED]
26. Race W 27. Sex M 28. Date of birth [REDACTED]
29. Social security # [REDACTED]
30. Work phone [REDACTED] 31. Home phone [REDACTED]
32. Did subject complain of injury? [REDACTED] 33. Were there visible signs of injury? [REDACTED]
34. If yes, type of injuries [REDACTED]

Note: Subject must go to the hospital for any complaint of injury or use of OC spray. Treatment must be refused at the hospital.

35. Type of treatment [REDACTED]
36. Name of hospital [REDACTED] 37. How transported to hospital [REDACTED]
38. Name of doctor [REDACTED]
39. Time of treatment [REDACTED] 40. Time of release [REDACTED]
41. Was subject under the influence of drugs or alcohol? [REDACTED]
42. Photos attached? Y If no, explain: [REDACTED]
43. Was suspect arrested? Y If yes, list charges. If no, explain: [REDACTED]

INCIDENT DESCRIPTION

44. Describe, in detail, your actions, the actions of any other involved officers, and the actions and conduct of the subject(s) before, during and after the use of force. Include whether the use of each type of force was effective. NOTE: In case of use of the OC Fogger, or in any case as directed by supervision, this information must be reported in standard letter format and attached to this form.

On [REDACTED] at approximately [REDACTED] I assisted Cpl. Gary Wyberg in attempting to locate a suspect in a domestic violence case he was working. The suspect we were looking for was [REDACTED]

We arrived at [REDACTED] and tried to locate apartment [REDACTED]. We began walking around the apartment complex, and noticed a young male leaning up against the building. Cpl. Wyberg asked the male the location of [REDACTED] and he responded he didn't know.

Cpl. Wyberg asked the male for his name, and he replied [REDACTED]. Wyberg began asking him questions regarding the location of parents, and he responded he lived with mom, but she was not home. Wyberg asked if there was any other adults at the residence, he said his sister, but she was at work and stated she worked at GCS Call Center. [REDACTED] also claimed he did not know their phone numbers to get a hold of them.

[REDACTED] kept looking around and looked nervous. From my experience, this was telling me he was thinking about running. Cpl. Wyberg asked him to place his hands behind his back. [REDACTED] began to argue and was getting excited. I gained control of his left wrist and turned him towards the building, so if he did try to get away, we could pin him up against the wall.

I took out my handcuffs and began trying to place the left cuff. [REDACTED] pushed off the wall and tried to get away. Cpl. Wyberg was able to get his arms around [REDACTED] waist and used his momentum to take him to the ground.

I was able to get around to the top part of [REDACTED] body, so I put all my weight on top of him to hold him down, but he kept trying to get up. I felt something vibrate on my chest, and later discovered my Body Camera turned off. I was able to get his right arm into an arm bar and place his right hand into one of the cuffs. Cpl. Wyberg was able to gain control of his left wrist, and took control of the handcuffs and placed his left hand into the cuff. This is when

INCIDENT DESCRIPTION

mother, [REDACTED], came running around the corner, and began yelling at her son to cooperate, then turned her attention to Cpl. Wyberg and began yelling at him asking why her son was being arrested. I began scanning the area for other family members and for the officers that were coming to our aid.

[REDACTED] was helped to his feet and we walked him over to my patrol car and placed him in the back seat. The whole time, [REDACTED] kept yelling at Cpl. Wyberg. This is when I noticed the green light flashing on my body camera and turned it back on.

[REDACTED] arrived on scene and conducted his investigation. Once it was completed, I transported [REDACTED] to the Police Station 200 S, Main St. and waited for Cpl. Wyberg to complete his Affidavit, then transported him to PYC.

No further information.

[REDACTED] PPD]

[REDACTED] PPD]

45. Officer's signature _____ Date: _____

SUPERVISOR'S REPSONSIBILITIES

Note: A cover letter from the supervisor, through channels, must accompany this form (Except cases involving ONLY the use of the individual OC canister. If a complaint of excessive use of force was made, a PD-82 must be compiled.

I have reviewed this use of force, and have determined that:



- it is not within the policy guidelines
- lesser force alternatives were available
- training and proper tactics were not followed

Supervisor's name [Redacted]

Supervisor's code # [Redacted]

Supervisor's signature [Redacted]

Supervisor's assignment OPER/PAT/GRN/WI

Telephone # [Redacted]

In cases involving ONLY the use of the individual OC canister, the reviewing supervisor must explain his/her conclusion below. In other cases, the cover letter explains the conclusion

On Friday [Redacted] around [Redacted] I, [Redacted] responded to the area of [Redacted] regarding officers asking for a supervisor.

Upon my arrival I spoke to [Redacted] who informed me of the reason for them being at the location, which was to find a DV suspect. He went on to say they observed a male and determined him to be suspect [Redacted] stated he grabbed one of his wrists and moved him toward the wall of the apartment they were near to better control [Redacted] It was at this time [Redacted] attempted to run from them. He stated Cpl. Wyberg grabbed hold of [Redacted] as he fled, and they went to the ground. [Redacted] stated he assisted in getting cuffed as [Redacted] was resisting.

I next spoke to arrestee [Redacted] as he was [Redacted] I observed [Redacted] but did not observe anything on [Redacted] as I was informed about, but heard him say [Redacted] I introduced myself to him and asked if he wanted to tell me what happened [Redacted] stated he was out waiting for a bus, he sees officers and spoke to them. He says they have him turn around and put his hands behind his back. They tell him stop resisting and he starts panicking and calling out for his mom. He says he tells the officer

Continued on Additional Page

CHIEF OF POLICE REVIEW: I CONCUR I DO NOT CONCUR (EXPLANATION ATTACHED)

Name

Supervisor's code #

Signature _____

Distribution

Original - Through channels to the Major of the Affected Service

Copy - Internal Affairs Division

Copy - Training Division

ADDITIONAL INFORMATION (Continued from previous pages)

Supervisor's Conclusions

Continued from page #3

"fuck you, you can't be doing this to me, then all of a sudden, he puts his elbow into my lip". He again said he was [REDACTED]

[REDACTED] I informed him I would be reviewing body cam footage and ended our discussion.

I attempted to look for witnesses in the area and observed a group of individuals standing across the street on [REDACTED] from where the arrest took place. I was notified that the individuals did not see anything, and they only came outside after hearing a ruckus.

While on scene I observed a female who identified herself as [REDACTED] who was [REDACTED] mother. She was clearly upset about the incident. She would understand and calm down at times and be argumentative at others. She was not happy with Cpl. Wyberg and wanted his information. Cpl. Wyberg presented her a business card of his prior to them leaving. After reviewing the BWC footage, I observed the mother showed up as officers were on the ground attempting to take her son into custody. I attempted to contact her at the phone number she provided, [REDACTED] but found out it was the wrong number. [REDACTED] informed me he even let the son try calling her while they were waiting transport to PYC and the person on the other end of the phone stated it was the wrong number and they did not know a [REDACTED]

[REDACTED] I even double checked the number through the BWC footage. He even attempted to recontact her in person at her address and received no answer. On Sunday [REDACTED]

[REDACTED] I attempted to contact her at her address and again but received no answer. I did leave my business card in her door, asking for her to call me.

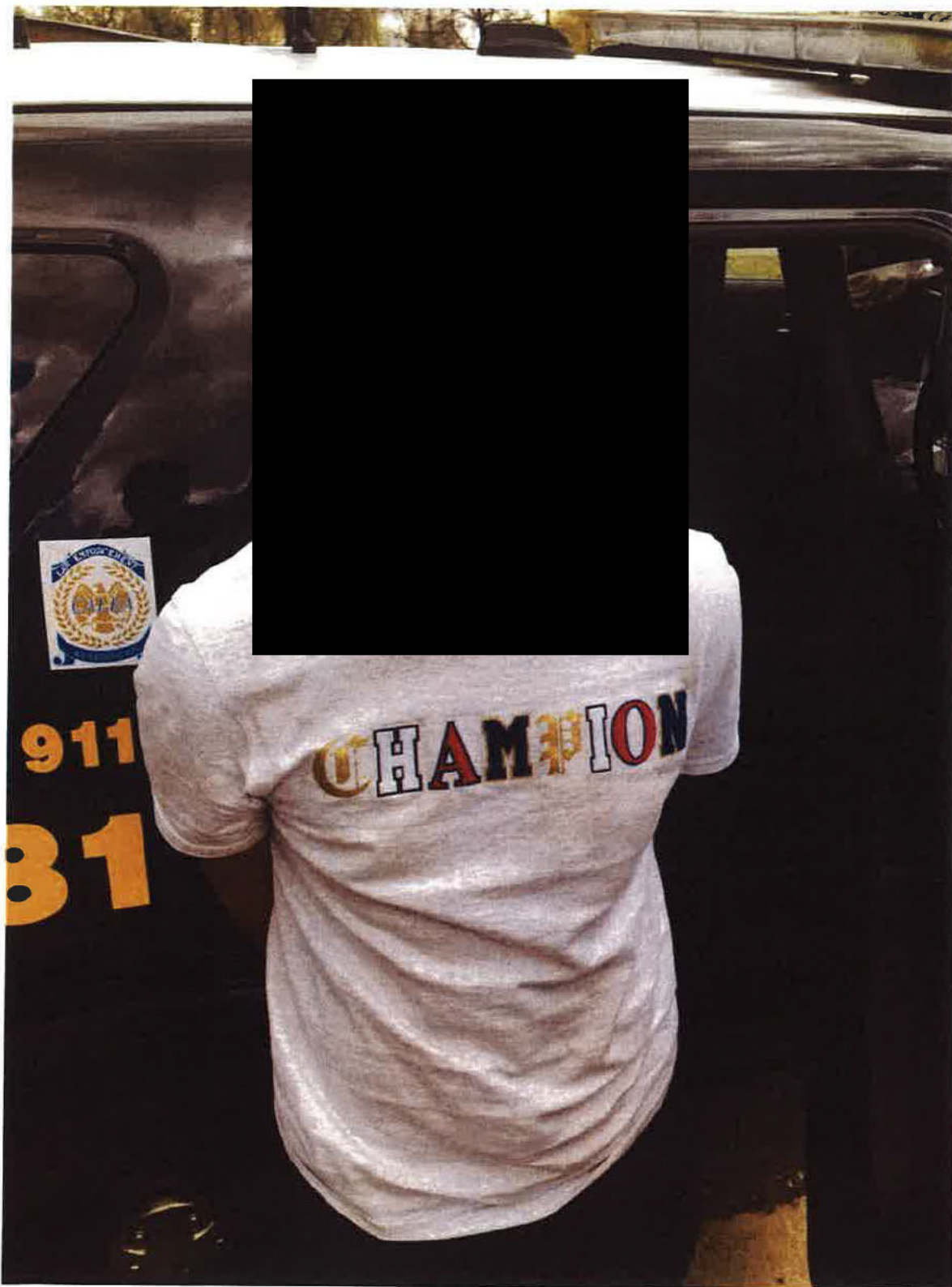
I reviewed BWC footage from [REDACTED] I observed the initial contact and the decision the officers make to take [REDACTED] into custody with [REDACTED] grabbing [REDACTED] left wrist. [REDACTED] then tries to flee and is grabbed by Cpl. Wyberg and taken to the ground. Cpl. [REDACTED] puts his weight on the back of [REDACTED] This action must have deactivated [REDACTED] BWC. They then are able to get [REDACTED] into cuffs. [REDACTED] later realizes his BWC turned off and turns it on after [REDACTED] is placed into his patrol vehicle. The video goes back to the point where they stand [REDACTED] up after being cuffed so not much video is missing, only audio.

After review [REDACTED]

[REDACTED] PPD]

R to A

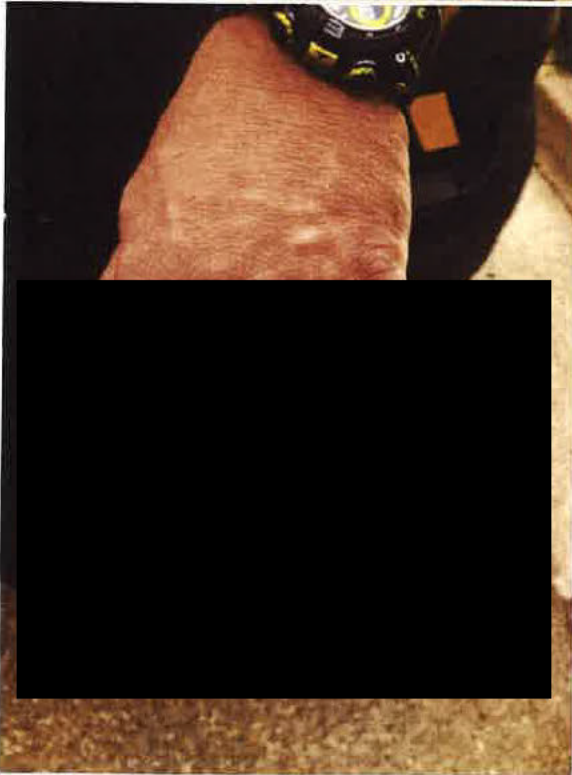
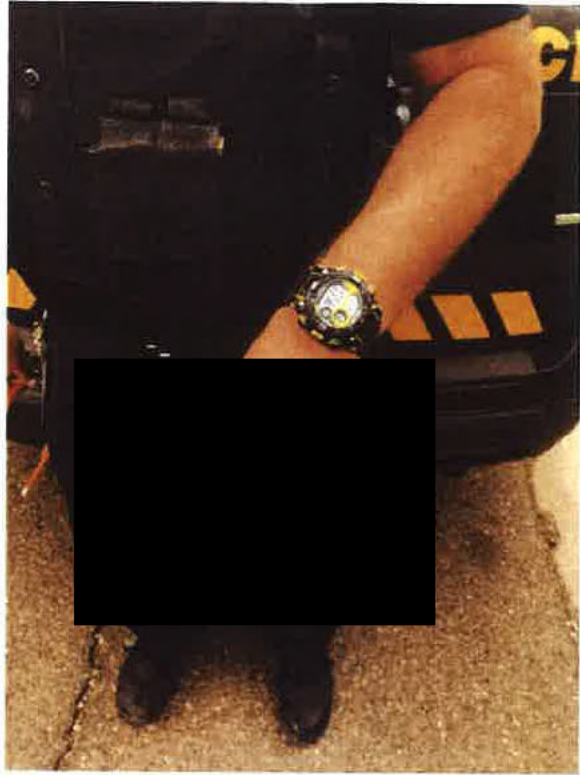
CR#

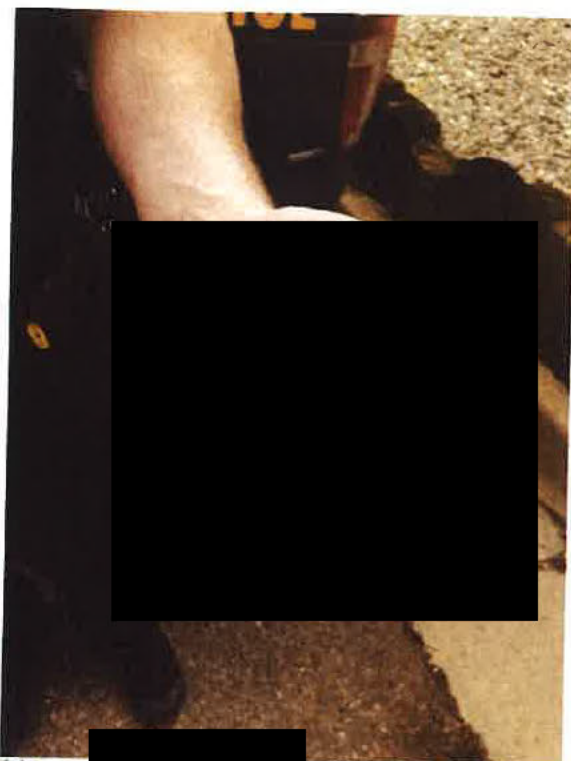




R to A

CR#





Troy D. Davenport
Chief of Police

Michael L. Bennett
Deputy Chief

Chris Noeller
Deputy Chief



Police Department

200 South Main Street
Pueblo CO 81003
PHONE 719-553-2420
FAX 719-553-2479

April 27, 2020

ATTN: [REDACTED]

RE: Pueblo Police Department Officer Gary Wyberg – CR# [REDACTED]

The purpose of this letter is to comply with our obligation to provide notification to the Pueblo County District Attorney's Office to assist with the prosecution's legal and ethical responsibilities under Rule 16 of the Colorado Rules of Criminal Procedure, the Colorado Rules of Professional Conduct, and applicable federal and state case law. In compliance with those obligations, the Pueblo Police Department provides notice regarding Cpl. Gary Wyberg.

The Internal Affairs (I.A.) section of the Pueblo Police Department is investigating allegations that Cpl. Gary Wyberg violated department policy and/or federal or state law (I.A. [REDACTED]) with relation to Pueblo District Court Case No. [REDACTED]. This I.A. case is still open and pending a final determination. By this notification, the Department is not asserting that the information contained therein is material but provides notice that the file may include information that is inculpatory or exculpatory and understands that your office may advise defendant(s) of the same pursuant to applicable law.

Sincerely,

[REDACTED]

[REDACTED]
Services Bureau

[REDACTED] jkh



ACCREDITED 2017 – COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC



Pueblo, Colorado
POLICE DEPARTMENT

INTRA-DEPARTMENTAL COMMUNICATION

TO: Cpl. Gary Wyberg
FROM: [REDACTED]
SUBJECT: IA Investigation # [REDACTED] and # [REDACTED]
DATE: 05/11/20

In accordance with Department Order **1020.6 ADMINISTRATIVE INVESTIGATION WITH THE EMPLOYEE**; you are hereby informed that you are the subject of an Internal Affairs Investigation.

The complaint alleges: Regarding IA# [REDACTED] on [REDACTED] you were involved in a vehicle pursuit with a U-Haul truck. During the pursuit, the suspect drove at high speeds, in the wrong lanes of traffic, and used extremely dangerous driving tactics to evade law enforcement. A supervisor aired for the pursuit to be terminated and you and [REDACTED] continued to pursue the suspect. When the vehicle pursuit ended and the suspect fled on foot, you were on scene for the arrest. You are alleged to have used excessive force during the arrest.

Regarding IA# [REDACTED] on [REDACTED] you arrested a juvenile male for domestic violence. During the arrest, the suspect attempted to flee. You and [REDACTED] were able to arrest the suspect. After the suspect was in handcuffs, it is alleged you delivered a forearm strike to the suspects head. [REDACTED]

Please review any reports or notes you may have concerning this incident. In compliance with Article 36.5 of the collective bargaining agreement; Any employee who is the subject of a citizen's written complaint, on a matter which is not of a criminal nature, filed with the Internal Affairs Office shall be provided with a copy of the complaint in writing as soon as possible and he/she shall respond, if requested, within forty-eight (48) hours. You may also wish to review DEPARTMENT Order 1020.6 Administrative Investigation with the Employee.

An interview has been scheduled on May 13th at 11:00am

Due to the ongoing COVID-19 pandemic and social distancing protocol, the interview will be held in Training Room #2 at the Pueblo Police Department.

[REDACTED]
Internal Affairs

Date Received: [REDACTED] Time Received: 11:50

Signed: [REDACTED]

