

# Incident/Investigation Report

Agency: ACSO

Case Number: 11CN11005601

Date: 04/29/2011 08:20:17

## Incident Information

Date/Time Reported	Date/Time Found	Date/Time Found	Officer
04/25/2011 22:07	01/22/2011 18:36	01/22/2011 18:36	(AC0213) MARSHALL, JIMMY
Incident Location			
150 N 19th Ave, Adams_county, CO 80601			

## Charges

<b>1</b>	Charge Type	Description	Statute	UCR	<input type="checkbox"/> Att
	Municipal	INCIDENT	9080	999	<input checked="" type="checkbox"/> Com
Alcohol, Drugs or Computers Used		Location Type	Premises Entered	Forced Entry	Weapons
<input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input type="checkbox"/> Computers		JAIL/PENITENTARY		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1. None
Entry	Exit	Criminal Activity			2.
					3.
Bias Motivation		Bias Target	Bias Circumstances	Hate Group	

## Other Persons Involved

Name Code	Seq. #	Name (Last, First, M)	Race	Sex	DOB
Involved, Other	<b>1</b>	YBARRA, MARIO ANDRE	W	M	12/08/1966
Address				Home Phone	
LAKEWOOD, CO 80214					
Employer Name/Address				Business Phone	
/					

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### Notes/Narratives

On 01-22-11 at about 18:36 hours, I was working my assigned post in Booking. At this time Deputy Michael Soto and I were with a new arrest Mario Yabarra (D.O.B.12-08-1966) back in the mug shot photo area. I was attempting to take a photo finger print from Mr. Yabarra using the electronic finger print device. Mr. Yabarra slapped at the finger print device with his right hand and stated, "Fuck this finger print machine and fuck you too." At the same time Mr. Yabarra turned and walked away. I immediately took hold of Mr. Ybarra by the back of his shirt collar and took him down to the ground on his stomach. Deputy Soto was on Mr. Yabarras left side and I was on his right side. After a brief struggle we gained control of Mr. Yabarras arms. We put Mr. Yabarras arms behind his back and held him in a wrist lock. We then assisted Mr. Yabarra to his feet and escorted him to cell#3.

Once the cell door was closed and locked Mr. Yabarra started pounding on the window with his fists and shouting verbal insults at the booking officers. After a few minutes of this the P.B.O. (Primary Booking Officer) instructed us to remove Mr. Yabarra from cell #3 and place him in the quiet room. Mr. Yabarra remained there until he quieted down and was later booked in without incident.

### Notes/Continuation

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/28/2011 22:51:59	OFFICER SUPPLEMENT	(AC1008) SOTO, MICHAEL R
Contact Name		Supervising Officer
		(AC8302) WAKEN, PHIL

### Supplement Notes

On January 22, 2011, I, Deputy M. Soto, was working Booking at the Adams County Detention Facility, 150 N. 19th Avenue, Brighton, Co. 80601. At 1836 hours, Deputy Marshall and I were attempting to fingerprint Mario Ybarra (Date of Birth 12-08-1966) in the fingerprint/mug shot area in booking.

While attempting to fingerprint Mario Ybarra, the machine malfunctioned. Deputy Marshall instructed Mario Ybarra to place his finger back on the fingerprint pad. Mario Ybarra appeared to be agitated when Deputy Marshall told him to try again. Mario Ybarra then hit the fingerprint machine with his right hand and stated, "Your fucking machine doesn't work". Mario Ybarra then stepped away from the machine and appeared to be exiting the fingerprint/mug shot area. Deputy Marshall turned Mario Ybarra towards the wall and grabbed a hold of his shirt collar. Mario Ybarra appeared to be pulling away from Deputy Marshall. Deputy Marshall began to take Mario Ybarra to the ground. While going to the ground, I grabbed Mario Ybarra's left arm to help restrain Mario Ybarra. While on the ground, Mario Ybarra's arms tensed up and he would not comply when I told him to stop resisting. After struggling for about five seconds, Deputy Marshall and I were able to place Mario Ybarra in a wrist lock. Mario Ybarra was then assisted to his feet by Deputy Marshall and I. Mario Ybarra was then taken Cell 3 to for a cool down period. While in Cell 3, Mario Ybarra began yelling through the door at several officers in Booking. After about one minute, the primary booking officer instructed several officers to open the door and place Mario Ybarra in the quiet room.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/27/2011 10:34:16	ADDITIONAL INFO	(AC3033) BRADFORD, ANDREW
Contact Name		Supervising Officer
		(AC8310) VALDEZ, DEBRA

### Supplement Notes

On 01/22/11, around 18:30 PM, while working at the Adams County Detention Facility at 150 N. 19th Avenue, Brighton, Colorado, in the Pre-Trial Services office in Booking, I walked to the Copy Room, adjacent to the Fingerprint Room and next to the Photo Room, to refill my water bottle. As I walked to the Copy Room I passed by Deputy Rush, who was standing in the Fingerprint Room, and I saw Deputy Marshall, along with the inmate Ybarra, Mario standing in the Photo Room. Having filled my water bottle I exited the Copy Room and proceeded through the Photo Room. As I approached the end of the wall separating the Finger Print and Photo Room I heard a physical altercation to my immediate left from the Photo Room. I looked into the Photo Room and observed Deputies Marshall and Soto securing inmate Ybarra, Mario on the floor. I then alerted deputy staff to the altercation, at which point additional deputies arrived.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/28/2011 20:53:26	OFFICER SUPPLEMENT	(AC0908) HANEY, SHEA M
Contact Name		Supervising Officer
		(AC9202) RODEHORST, GARY

### Supplement Notes

On 04/28/2011 I, Deputy Haney, was working my assigned post in "B" Module at the Adams County Detention Facility which is located at 150 N. 19th Ave Brighton, CO 80601.

On 04/28/2011, I received notification that I needed to write a report reference an incident on 01/22/2011 at approximately 1836 hours that occurred in the Booking Unit of the Detention Facility. On 04/28/2011 at approximately 2028 hours, I responded to the Sergeant's Office to review video of the incident. According to the video, on 01/22/2011 at approximately 1842 hours, I responded to the Booking Unit and observed several Deputies placing an inmate in Booking Holding cell #3. Once the inmate was secured in the cell, I exited the scene.

I do not remember anything that was said via the radio system. I also can't recall anything that was said by Deputies or the inmate.

Nothing Further.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/29/2011 02:23:38	OFFICER SUPPLEMENT	(AC0911) JACKSON, BRIAN D
Contact Name		Supervising Officer
		(AC9202) RODEHORST, GARY

### Supplement Notes

On Thursday, April 28, 2011, at approximately 2110 hours, while working my assigned post of A module of the Adams County Detention Facility (150 N. 19th AVE, Brighton, CO 80601), I (Deputy BD Jackson) was called to the sergeant's office to review video of an incident that occurred in booking on January 22, 2011 at approximately 1836 hours.

On the video I watched an incident involving Inmate Mario Ybarra (DOB: 12/08/1966) and Deputies J. Marshall and M. Soto. This incident occurred in the photograph area of booking. During this incident I was standing just adjacent to the photograph area near the main counter of booking.

I recall having just left the photograph area, after having made an Inmate Identification Card, prior to Deputies Marshall and Soto entering with Mario Ybarra. I recall Mario Ybarra using abusive language when addressing Deputies Marshall and Soto. Due to Mario Ybarra's behavior I instinctively stayed in the area. I recall the deputies having technical difficulty with the fingerprint machine after which Mario Ybarra struck the fingerprint machine and escalated his verbal abuse toward Deputies Marshall and Soto. I recall Deputy Marshall instructing Mario Ybarra to calm down and Mario Ybarra continuing to escalate his verbal abuse. Deputy Marshall then grabbed Mario Ybarra by the right arm and attempted to secure him against the wall. Mario Ybarra resisted Deputy Marshall and was taken to the floor. After Deputy Marshall took Mario Ybarra to the floor Deputy Soto secured Mario Ybarra's left arm and Deputy Rush secured Mario Ybarra's legs in an attempt to help Deputy Marshall secure Mario Ybarra. I picked up paperwork that Deputy Marshall had dropped in order to get it out of the way. I recall Mario Ybarra resisting as Deputies Marshall and Soto attempted to bring Mario Ybarra's arms behind his back. Once Deputies Marshall and Soto secured Mario Ybarra's arms behind his back Mario Ybarra was assisted to his feet and escorted to booking cell #3 for a cool-down period. I handed Deputy Marshall the paperwork after he exited booking cell #3 and exited booking.

No further information.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/29/2011 00:26:51	OFFICER SUPPLEMENT	(AC3042) KLOPPEL, JORDAN P
Contact Name		Supervising Officer
		(AC8302) WAKEN, PHIL

### Supplement Notes

On 04/28/11 I, Deputy KloppeL, was working my assigned post of "B" Module at the Adams County Detention Facility, located at 150 N. 19th Ave, Brighton, CO 80601. At about 20:26 hours, I was called to the Sergeant's Office and informed to write a report concerning an incident I responded to in Booking on 01/22/11. While in the Sergeant's Office I reviewed video of the incident to refresh my memory.

While watching the video, I saw that I responded into the Booking area at about 18:42 hours. I witnessed Deputies assigned to Booking escorting an individual into Cell 3. I stood by the cell door while the Deputies removed the individual's shoes. The door was then closed. I then left Booking at about 18:43 hours. I do not remember anything that was said by the individual or the Deputies during the incident.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/29/2011 00:51:53	OFFICER SUPPLEMENT	(AC0031) MALDONADO, SAMUEL
Contact Name		Supervising Officer
		(AC9202) RODEHORST, GARY

### Supplement Notes

On 042811 I was requested by Sgt Waken to complete a supplement on an incident that occurred on 012211 with Deputies and inmate Ybarra, Mario (DOB 12-8-1966). While working the Booking unit I observed the following. At approximately 1845 hours I was escorting two inmate workers to the back property/releasing area when I was alerted that deputies had to restrain Ybarra, Mario in the Mug Shot area. Upon arrival I observed Deputy Marshall, Deputy Soto and Deputy Rush place Ybarra, Mario in holding cell number three. This is a cell Booking uses to place uncooperative arrestees for cool down. As I recall Ybarra, Mario was very argumentative and was uncooperative during the booking and receiving process. It was later learned that Ybarra, Mario had slapped the Fingerprint I.D. box knocking it over. No other action or observations were taken by this Deputy. End of report.



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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/29/2011 05:04:27	OFFICER SUPPLEMENT	(AC0710) RUSH, MARILYN
Contact Name		Supervising Officer
		(AC8302) WAKEN, PHIL

### Supplement Notes

On January 22, 2011 I was working my assigned post in booking at the Adams County Detention Facility. At 1830 I was standing at the booking counter with my back to the booking photo area. Deputy J. Marshall and Deputy M. Soto were taking the photo of a new arrest. The new arrest was later identified to me as Mario Ybarra (DOB 12/08/1966). I heard Mario Ybarra raise his voice and become verbally aggressive with Deputy Marshall, I turned around to see Deputy Marshall and Mario Ybarra struggling on the floor. I then noticed Deputy M. Soto was pinned between Mario Ybarra and the wall of the counter in the photo area. I went over and assisted by securing Mario Ybarra's feet so that Deputy Soto could get away from the wall. I then released Mario Ybarra's feet and Deputy Marshall and Deputy Soto escorted Mario Ybarra to holding cell 3. I cleared the cell just before the Deputies entered with Mario Ybarra. I gave Mario Ybarra a verbal command to stay against the wall until the door was closed. Mario Ybarra turned to me as I was exiting the cell and was given another verbal command to stay against the wall. After the door was closed Mario Ybarra became very angry and started yelling and making hand gestures to the booking deputies. Mario Ybarra continued to yell, strike, and kick the door of the holding cell.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/28/2011 21:20:16	OFFICER SUPPLEMENT	(AC0825) SMOLINSKI, ANDREW J
Contact Name		Supervising Officer
		(AC9202) RODEHORST, GARY

### Supplement Notes

On January 22, 2011 I, Deputy Smolinski responded to the booking unit at approximately 1842 hours due to an unknown disturbance. As I entered into the booking unit I observed Deputies Marilyn Rush, Michael Soto, Jimmy Marshall, and Audrey Espinoza escorting an inmate later identified as Mario Ybarra (D.O.B 12081966) to booking holding cell 3. I observed as the deputies ordered Inmate Ybarra to kneel on the ground. The Deputies removed his shoes, and exited the cell.

I exited the booking unit at approximately 1843 hours, and took no further action as the booking deputies appeared to have the situation under control.

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### Supplement Information

Supplement Date	Supplement Type	Supplement Officer
04/29/2011 11:43:55	OFFICER SUPPLEMENT	(AC9716) ESPINOSA, AUDREY
Contact Name		Supervising Officer
		(AC8302) WAKEN, PHIL

### Supplement Notes

On 01/22/2111 I was working my assigned post in booking at Adams County Sheriff's Office. We received a verbally combative arrestee from Thornton Police department. He was identified as Mario Ybarra DOB: 12/08/1966. Mr. Ybarra was verbally challenging during the receiving process. Mr. Ybarra was given several verbal commands to take socks and shoes off and place our socks on he was very verbal during this process. Deputy M. Soto proceeded to take Mr. Ybarra to the photo imager room to take picture he was still being very verbal. At about 1845hrs I observed deputies J. Marshall, M. Soto and M. Rush on the floor in the photo imager room trying to gain control of Mr. Ybarra's right and left arms. Mr. Ybarra was actively resisting. Deputy M. Soto was trying to gain control of his left arm he had told Mr. Ybarra to stop resisting several times. All the deputies involved gained control of Mr. Ybarra and helped him to his feet and escorted him to holding cell #3 so he could cool off. He was kneeled onto the floor I took his shoes and all the deputies involved disengaged and the door was closed. While Mr. Ybarra was in holding cell #3 he began to yell and displayed hand gestures and started to punch the wall. For his own safety I told the deputies working in booking to put him into the quiet room. At about 1845hrs a log and the duty sergeant was notified that he was in quiet room. There was no further action taken at this time.