

The Pueblo Chieftain

May 22, 2002

Autopsy evidence reveals Baralla died of heart attack

By PATRICK MALONE

The Pueblo Chieftain

A 36-year-old man who died as police tried to arrest him on May 12 suffered a heart attack, according to an autopsy conducted Friday in Arapahoe County.

The autopsy was the second conducted on the body of Richard Baralla. It was requested by the Federal Bureau of Investigation, according to Sandy Sanchez, 46, Baralla's common-law wife. The FBI has launched a preliminary investigation into Baralla's death.

An initial autopsy conducted in Pueblo County was inconclusive as to the cause of death.

Pueblo County Coroner James Kramer said on Tuesday "chemical impact on the heart" caused by the exertion of being restrained was the cause of Baralla's death.

"There's certainly evidence (on Baralla's body) where the taser was used," Kramer said. "This man had what looks like a sudden cardiac arrest based on agitation and exertion. In talking with the forensic pathologist (who conducted the autopsy), there's no indication that the tasers themselves had any bearing."

Officially, Kramer said, the cause of death was "sudden death occurring with agitation during necessitated restraint." Sanchez said she doesn't discount the possible role of the taser shocks in Baralla's death.

"Something had to happen to cause him to have a massive heart attack," she said. "I think the taser had a lot to do with it."

Sanchez said she questions whether taser shocks were warranted when four officers were present to subdue Baralla.

"I'm hoping that after reviewing this they'll find our police department has found a new toy, and they're overusing it," she said. "The taser is more dangerous than anyone is willing to admit. It needs to be taken away."

Sanchez also challenged the finding of the latest autopsy that no evidence of blunt trauma was found. Sanchez said she observed bruising around the left side of Baralla's face, a black eye and bruising on one of his hands.

Pueblo Deputy Police Chief Ron Gravatt said last week that witnesses provided mixed statements to police about whether the force used by officers was appropriate.

Gravatt said Tuesday that a more definitive cause of death would have answered many questions.

He said the officers involved are still on the job, and the police department's internal investigation into the situation is continuing.

Sanchez maintained the stance Tuesday that she'd like to see the officers involved off the streets until the police department and FBI probes into Baralla's death are complete.

Toxicology tests from the first autopsy detected no illegal drugs or other substances that might have contributed to Baralla's death.

Police contacted Baralla at the intersection of Polk Street and Routt Avenue when it was reported that he was jumping in front of traffic. He stopped breathing as officers were handcuffing him.

Funeral services for Baralla were held Tuesday in Pueblo.

Autopsy inconclusive whether man died from Taser shocks

By PATRICK MALONE

The Pueblo Chieftain

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An autopsy conducted Monday on a man who died after struggling with police on Sunday was inconclusive about a cause of death.

Richard Baralla, 36, stopped breathing as officers tried to handcuff him at about 9:30 p.m. on Sunday. He was pronounced dead at St. Mary-Corwin Medical Center.

"The autopsy didn't turn up anything definitive," said Pueblo police Sgt. Dave Santos, who also works for the Pueblo County coroner's office.

Toxicology reports could hold clues to how Baralla died, Santos said. It will be at least next week before those results are in, he said.

Deputy Police Chief Ron Gravatt on Tuesday identified officers who responded to the call on Sunday that Baralla was jumping in front of cars as they drove at the intersection of Polk Street and Routh Avenue.

The first on the scene were officers Phil Hartman and Mathieu Cantin. Officer Dustin Dodge fired the two taser shots to the left side of Baralla's chest, according to Gravatt. Officer Kevin Jackson also responded.

Gravatt said Dodge executed chest compression techniques as Jackson aided Baralla with a breathing bag when he went into distress.

On Tuesday, Sgt. Richard Van Zandt interviewed William Tyler, 37, who on Monday told *The Pueblo Chieftain* he had seen officers beating Baralla.

In a tape recording of the interview played Tuesday for *The Chieftain*, Tyler recanted. He said he'd only seen one officer use a jabbing motion, possibly with a nightstick, on Baralla.

Gravatt said police were not aware that Tyler had seen the incident until his name appeared in a news report on Tuesday.

Of the 10 witnesses police have interviewed, none has said police acted inappropriately, according to Gravatt.

On Tuesday, Gravatt spoke with representatives of Taser International, the company that manufactures the industry standard model used Sunday on Baralla. They told him that the 50,000-volts that flow through the units are non-lethal, and that the amperage is 1/100th that necessary to cause damage to a person's heart.

"We just had to follow that up," Gravatt said. "We as a department and as human beings don't want any instrument that's going to hurt somebody."

An internal investigation into Baralla's death is continuing, Gravatt said. The officers involved have not been suspended.

May 14, 2002

Man dies in struggle with officers

By **PATRICK MALONE**

The Pueblo Chieftain

A 36-year-old Pueblo man died after a struggle with police Sunday, spurring an internal investigation by the Pueblo Police Department.

Richard Joseph Baralla, 1730 E. First St., stopped breathing while officers handcuffed him at the intersection of Polk Street and Routh Avenue, according to Deputy Police Chief Ron Gravatt.

He was pronounced dead at St. Mary-Corwin Medical Center. An autopsy was conducted Monday to determine the cause of his death. Results are pending.

Prior to the incident, police received calls of a man jumping out in front of moving cars in the 200 and 300 blocks of Polk Street at about 9:30 p.m., according to Gravatt. When officers responded, Baralla jumped in front of a police car, Gravatt said.

Officers chased Baralla. When they caught him, he resisted arrest and a struggle ensued during which he was zapped twice with a taser, according to Gravatt. Officers noticed he stopped struggling and was not breathing as they handcuffed him, the deputy chief said. Paramedics at the scene and emergency room personnel at the hospital tried unsuccessfully to revive him.

Gravatt said witnesses to the incident believed "the officers had done nothing wrong."

William Tyler, 37, witnessed the incident and said he thought officers used excessive force on Baralla. He said he saw police strike and kick Baralla after he was on the ground.

"It seemed to me like they were overdoing it," said Tyler, who lives near where the fight took place and was taking a walk when he happened onto the scene. "To me it looked like it was turning into another Rodney King beating."

Tyler said he was close enough to hear police talking about the possibility that Baralla was on drugs. Results of toxicology tests conducted Monday to determine if Baralla was intoxicated or on illegal drugs could take weeks, according to Gravatt.

Baralla's common-law wife, Sandy Sanchez, 46, said Baralla had been struggling with manic mood swings since being prescribed the potent antidepressant Celexa. She said he had been seeking a medication with fewer side effects for several weeks.

Sanchez and members of Baralla's immediate family met with Gravatt, Pueblo Police Chief Jim Billings and internal affairs investigator Richard Harsch late Sunday, Sanchez said.

They told Baralla's survivors that he eluded police when they tried to question him about lunging into traffic and resisted them when they caught him, according to Sanchez. She said police explained that Baralla was pepper-sprayed, then they used a taser on him twice before he stopped breathing as he was being handcuffed.

Carla Garcia, Baralla's 32-year-old sister, said his body appeared to have sustained two marks from a taser in the vicinity of his heart. He also had scrapes and cuts around his temples, she said.

District court records show Baralla had been in another physical confrontation with police within the past month. On April 24 a taser was used to subdue him at two separate times in a police cruiser and once at Parkview Medical Center when he was "uncooperative and combative," according to an arrest affidavit by officer Phillip Trujillo. Baralla's 27-year-old niece called police to report that he pushed her and threatened her with a knife. When he was apprehended, he banged his head against the window of a police cruiser, spit on the windows and kicked Trujillo, according to the affidavit.

Charges of second-degree assault on a police officer, menacing with a deadly weapon, third-degree assault and resisting arrest were pending against him in connection with that incident, according to court records. He was free on a personal-recognizance bond.

Garcia said she believes police had a vendetta against her brother over their past dealings with him. He had prior convictions for violating terms of his bail in 1993, and theft by receiving in 1987, according to court records.

Sanchez said Baralla feared police after the run-in last month.

"He was afraid of them," she said, "deathly afraid."

Gravatt said the officers under investigation have clean records, and investigators have found no evidence to this point that would indicate wrongdoing on their part.

"When there's a death involving police in any way, we obviously find that kind of unfortunate," Gravatt said. "It's hard on the deceased's family and the officers as well."

He defended tasers as a safe, nonlethal way to subdue suspects who resist arrest.

May 26, 2002

Nobody here likes putting a spotlight on officers

OpEd by Steve Henson

I like cops.

They do a job that most of us wouldn't want to do and couldn't do.

They are the garbage collectors of society.

They pay a heavy price. They work all hours of the day and night for little pay. They divorce too often. They get hurt and sometimes killed. Most of the people they serve are grateful, but the denizens they usually deal with spit and curse at them.

I've been very fortunate to count as friends a number of local cops, special men and women with names like Koncilja, Archuleta, Bravo, Terrill, Suazo, Ercul, Goodard, Graham, Cody, Sheehan, Higbee, Rivera, Silva, Billings and others.

I've also had the honor of riding with officers as an observer. I have admired their patience, clear thinking under great pressure and their restraint.

I couldn't do their job. I'd be pulling out the nightstick and pepper spray and reverting to my martial arts training before the red-light runner could find his proof of insurance.

Having said all of this, it's still the unpleasant job of our newspaper to occasionally put a spotlight on the police department.

We've had to perform that duty during the past couple of weeks. It hasn't been pleasant for the Pueblo Police Department, but it hasn't been pleasant for us, either.

To recap . . .

On May 12, police responded to the intersection of Polk and Routt when it was reported that Richard Baralla, 36, was jumping in and out of traffic. In order to subdue Baralla, the officers used pepper spray, then a taser gun (a device that sends out wires with barbed ends that allows officers to "stun" a suspect from a distance).

While officers were putting handcuffs on Baralla, he stopped breathing and officers couldn't save him. (After two autopsies, it was determined that the stress of being arrested - not the taser gun - apparently caused the man to have a heart attack.)

Here's where it got tricky.

A witness at the scene told our courts/police reporter, Patrick Malone, that the officers had used improper force on Baralla. The witness even went so far as to compare what he saw to the infamous incident in Los Angeles several years ago in which cops severely beat a black man named Rodney King.

When our story hit the porches the next morning, police officers understandably were upset, especially when they questioned the witness and he claimed Malone had misquoted him.

He didn't. I checked Malone's notes and questioned him about them. The witness had not been misquoted. Malone is a solid reporter. He doesn't and didn't misquote - period.

But since the witness had given a different story to the police department, we reported that fact and ran that story prominently on the front page of our newspaper in order to be fair to police.

Since then, other witnesses have come forward with concerns about the level of physical force officers used that night. The police department's internal affairs section is investigating the incident, and the FBI has been taking a look.

It's not because we "have it in for cops" that we published these stories and prominently display them. I've already noted how I feel about law officers, and I wouldn't allow a reporter with a clear anti-cops agenda to cover the police beat.

But when a suspect dies while in police custody and witnesses express concerns, that's news. And it will be news either way it plays out. If the officers involved are found to have committed misconduct, we'll report that. If they're cleared, we'll report that. And we'll do it straight-up without bias.

We don't like doing these kinds of stories.

First and most importantly, a person is dead. It's terrible anytime anyone dies in our community under unusual circumstances.

Secondly, we don't want to cast a shadow over the police department, which, day in and day out, does a terrific and thankless job.

But we also have a responsibility to you, our readers, and to our community not to ignore it when accusations of wrongdoing are leveled against a law enforcement agency.

Law officers take an oath to serve and protect. They know that they are held to a higher standard than a few guys in a Downtown bar who mix it up. They know that there's a fine line between a wrist lock used to subdue and a wrist lock used to cause pain.

They're trained to walk that fine line, to uphold a standard that most of us could not meet.

Now and then, an officer crosses that line, and it's our job to report when that happens.

Believe me, we get no pleasure from it. We don't do it to sell papers. We do it because our community and all communities insist that officers be better people than those who break the law.

No department's internal affairs section will apply the independent scrutiny to such matters that a community demands. That's *our* dirty job.

But like the difficult standards placed on cops, it's sometimes our place to perform a thankless duty.

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May 18, 2002

Drugs ruled out as cause of death after man's arrest

By PATRICK MALONE

The Pueblo Chieftain

Toxicology results from the first autopsy conducted on a man who died after a struggle with police on Sunday shed no clues about how he died.

Richard Baralla, 36, was pronounced dead at St. Mary-Corwin Medical Center. He stopped breathing as officers handcuffed him. Pepper spray and a taser were used to subdue Baralla.

Police responded to the intersection of Polk Street and Routt Avenue at about 9:30 p.m. on reports that Baralla was jumping in front of cars traveling in the area.

His common-law wife, Sandy Sanchez, 46, told *The Pueblo Chieftain* that Baralla suffered from depression, but had reactions to Celexa, an antidepressant he was prescribed. Baralla stopped taking the medication on April 21. He was not taking antidepressants at the time he died, Sanchez said.

An autopsy performed Monday was inconclusive as to the cause of Baralla's death, according to Pueblo police Sgt. Dave Santos, who also works for the Pueblo County Coroner's office. On Friday, Santos said no illegal drugs or

substances that might have contributed to Baralla's death were discovered by a toxicology test conducted as part of the autopsy.

A second autopsy was performed Friday in Arapahoe County, according to Pueblo police internal affairs investigator Sgt. Richard Harsch. The autopsy was requested by the Federal Bureau of Investigation, according to Sanchez.

She said she contacted the FBI on Thursday urging an investigation into Baralla's death. Pueblo Deputy Police Chief Ron Gravatt on Thursday confirmed that the FBI had opened a preliminary investigation into the incident.

An internal investigation into Baralla's death is being conducted by the Pueblo Police Department. Officers Phil Hartman, Mathieu Cantin, Dustin Dodge and Kevin Jackson responded to the call, according to Gravatt.

Sanchez said she is angry that the officers involved have not been suspended pending the results of the investigations.

"Those guys should not be on the street," she said. "Even when they're investigating a cops for hurting someone, they get suspended. This time, someone is dead."

Gravatt said the department "stands behind its record" of terminating officers when they abuse their authority. He said that abuse hasn't been established in the early going of the investigation into Baralla's death.

"The officers aren't always right. They're not always wrong either," said Gravatt. "We're doing an honest, fair investigation to get the truth out. Our job is trying to gather the facts, not prove anything. That's what we're doing right now, gathering facts."

"Right now, we're still in the initial stages of the investigation, but there's nothing to indicate the officers have done anything wrong, so yes, we're keeping them working."

Sanchez also questioned the validity of the police department's investigation of its own officers.

"How can people from Pueblo who work together every day give it a fair shake?" she said. "The whole investigation should be done outside (of Pueblo). I'm feeling a little better about the FBI investigating it."

Gravatt said the police department doesn't mind the FBI's involvement.

"We welcome the FBI taking a look at it," Gravatt said. "We don't have anything to hide whatsoever."

Witnesses have offered different perspectives on what they saw on Sunday, according to Gravatt.

"The majority of the people who saw what happened have said the officers did nothing wrong," he said. "But there are people who say otherwise."

Police internal investigation ends

Victim's common-law wife says department only exonerates itself

By PATRICK MALONE

The Pueblo Chieftain

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Pueblo police have finished the initial phase of an internal investigation into a Pueblo man's death last month as he was being arrested.

Deputy Pueblo Police Chief Ron Gravatt on Friday confirmed that the department's internal affairs division has forwarded the investigation to him for review. From there, it will be passed to Chief Jim Billings.

The probe targets the Mother's Day death of Richard Baralla, 36. Police had subdued him when he stopped breathing. He was dead on arrival at St. Mary-Corwin Medical Center.

Officers responded to a call that Baralla was lunging toward passing cars at the intersection of Routh Avenue and Polk Street. **Witnesses gave conflicting accounts about the amount of force used by police on Baralla. He had been handcuffed, pepper-sprayed and shocked twice with a Taser,** according to police.

Sandy Sanchez, Baralla's common-law wife, said she was informed earlier this week by District Attorney Gus Sandstrom that the officers involved were cleared by the internal probe of any wrongdoing and will not face criminal charges related to Baralla's death.

"Sandstrom said it's in the hands of the FBI and the U.S. Attorney's office," Sanchez said.

Sandstrom could not be reached for a comment on Friday.

Gravatt said he is in the process of reviewing the voluminous investigation and could not comment on its findings.

"It's not my place to comment on it," he said. "The ultimate determination is up to the chief of police."

The Federal Bureau of Investigations also is investigating Baralla's death.

The FBI requested a second autopsy on Baralla after the first, conducted locally, was inconclusive as to the cause of his death. The second autopsy, conducted in Arapahoe County, determined that he had died from a heart attack. No drugs or alcohol were found in his system.

Sanchez challenged the validity of the investigation focusing on local officers and conducted by members of the local law-enforcement community that are familiar with them.

"As I've said all along, there wasn't going to be a fair investigation if it was handled locally," Sanchez said. "I hope the FBI will take an objective look at this situation."

Police have said the investigation was above-board.

"I have completed about 99 percent of the investigation. It's been a very thorough investigation, very lengthy," said internal-affairs investigator Sgt. Richard Harsch. "It involved talking to witnesses numerous times, talking to officers and reviewing reports. It was very in-depth."

Initially officers Kevin Jackson, Phil Hartman, Mathieu Cantin and Dustin Dodge were named as those responding to the fateful call. On Friday, Gravatt said officer Andrew Braun and Sgt. Guy Thoms also were present.. Guy Thoms also were present.