2007-075.1

San Diego County
SHERIFF'S DEPARTMENT

NOTICE OF PROPOSED DISCIPLINARY ACTION

TO: William B. Kolender, Sheriff		DATE: June 23, 2008	
It is recommended that the following disciplinary action be administered to the below named employee:			
EMPLOYEE'S NAME:	Jesus Sanchotena #6842	TITLE:	Deputy Sheriff-Detentions
DEPARTMENT POLICY AND / OR PROCEDURE SECTION(S) VIOLATED:	2.3 Violation of Rules	2.46 Truthfulness	
	2.6 Conformance to Law		
	2.34 Carrying of Firearms		
RECOMMENDED DISCIPLINE:	Termination		
SECOND LEVEL SUPERVISOR:	Michael Glick, Detentions Lieutenant	DATE:	06/23/2008
LIST PRIOR RELATED OFFENSE(S) WITHIN LAST FIVE YEARS WITH DATE & ACTION	N/A		

I have been advised of the above charges and recommended discipline:

EMPLOYEE'S SIGNATURE:	Jesus G Sanchotena	DATE: 06/23/08
2nd LEVEL SUPERVISOR SIGNATURE:		DATE: 6/23/08
3rd LEVEL SUPERVISOR SIGNATURE:	Daniel J. Rue, CAPT	DATE: 6-24-08
COMMENTS:		
REVIEWED BY INTERNAL AFFAIRS:	W. Kimery	DATE: 07.07.08
4th LEVEL SUPERVISOR SIGNATURE:	Lori A. Bird, Commander	DATE: 8-21-08
COMMENTS:		
ADDITIONAL REVIEW:	A. H. Guerin II, Assistant Sheriff	DATE: 08/25/08
ADDITIONAL REVIEW:	William D. Gore, Undersheriff	DATE: 8/26/08
ADDITIONAL REVIEW:	William B. Kolender, Sheriff WBK	DATE:

INTERNAL AFFAIRS SECTION

☐ WRITTEN REPRIMAND BY:	DATE:	
☑ NOTICE OF INTENT AND CHARGES: J HANUS	DATE:	7-14-08
☑ ORDER SERVED: J HANUS	DATE:	8-27-08
☒ CIVIL SERVICE NOTIFIED: P. Lorenz, AdminSecII	DATE:	08-27-2008
☐ PAYROLL NOTIFIED:	DATE:	
FINAL ACTION TAKEN: TERMINATION	DATE:	08-26-2008

IA-2 5/02 (PREVIOUS AS 1/3)

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

August 27, 2008
IA# 2007-075.1

TO: Civil Service Commission

FROM: William Kemery, Lieutenant
Internal Affairs Unit

ORDER OF TERMINATION AND CHARGES – JESUS SANCHOTENA

The Order of Termination and Charges dated 08-26-2008 filed against Jesus Sanchtena has been received by the Civil Service Commission on: _____
Date

Commission Response:

[ ] The above individual **HAS** appealed the Order of Termination and Charges.

[ ] The above individual **HAS NOT** appealed the Order of Termination and Charges.

Please return this form to the Sheriff's Internal Affairs Unit (MS-O41) as soon as possible.

Thank you.

W. Kemery

William Kemery, Lieutenant
Internal Affairs Unit
(858) 974-2065

Attachment

RECEIPT OF MATERIALS

EMPLOYEE:JESUS SANCHOTENA #6842
Case # 2007-075.1

DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Notice of Proposed Disciplinary Action to Jesus Sanchotena dated 06-24-2008		
Notice of Intent to Terminate and Charges to Jesus Sanchotena dated 07-09-2008		
Discipline Recommendation & Rationale to Sheriff Kolender dated 06-24-2008		
Investigative Reports by Sergeant S. Ybarrondo dated 04-30-2008 and attachments	07-14-08 J.S. 6842	7-14-08 JN
Skelly Conference Letter to Jesus Sanchotena		
Order Not to Disclose Materials to Jesus Sanchotena		
Declaration & Acknowledgement of Personal Service		
Three (3) CD-R's		

RECEIPT OF MATERIALS

EMPLOYEE: JESUS SANCHOTENA #6842
Case # 2007-075.1

DESCRIPTION OF DOCUMENT	EMPLOYEE RECEIVED (DATE & INITIAL)	APPOINTING AUTHORITY (Date & Sign)
Order of Termination and Charges to Jesus Sanchotena dated 08-26-2008		
Skelly Conference by Captain Patricia Duke dated 08-19-2008	08-27-08 JS 6842	8-27-08 JHANNIS
Declaration/Acknowledgement of Personal Service		

San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062

William B. Kolender, Sheriff

William D. Gore, Undersheriff

August 26, 2008

Jesus Sanchotena
[redacted]

Dear Deputy Sheriff-Detentions Jesus Sanchotena:

ORDER OF TERMINATION AND CHARGES, CASE # 2007-075.1

I hereby order that you be terminated from your position as a Deputy Sheriff-Detentions (Class #5757) in the Sheriff's Department and the Classified Service of the County of San Diego for each and all of the following causes:

CAUSE I

You are guilty of dishonesty as set forth under Section 7.2 (d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.46 – Truthfulness**, in that: On March 13, 2008 and April 22, 2008, when you were ordered to answer the questions asked by Internal Affairs investigators truthfully, completely, and to the fullest extent of your knowledge, you were untruthful in you answers. You told investigators, on June 14, 2006, after you were stopped by the California Highway Patrol (CHP), you and [redacted] drove to your house in Good Year, Arizona and then to a gun show in Phoenix, Arizona. On that day, federal agents followed you after the CHP traffic stop and observed you and [redacted] go to a gun shop in Yuma, Arizona and then back into California. You did not travel to the locations you told the Internal Affairs investigators.

CAUSE II

You are guilty of failure of good behavior, as set forth under Section 7.2(r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section **2.6 Conformance to Laws Law (as it relates to Title 18 of the United States Code-Section 1001),** in that: On April 4, 2007, when you were interrogated by federal agents, you were untruthful with your answers, violating Title 18 of the United States Code-Section 1001, a felony. You told investigators on June 14, 2006, after you were stopped by the California Highway Patrol (CHP), you and [redacted] drove to your house in Good Year, Arizona and then to a gun show in Phoenix, Arizona. On that day, federal agents followed you after the CHP traffic stop and observed you and [redacted] go to a gun shop in Yuma, Arizona and then back into California. You did not travel to the locations you told federal agents.

CAUSE III

You are guilty of failure of good behavior, as set forth under Section 7.2(r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section **2.3 Violation of Rules (as it relates to Sheriff's Policy and Procedures Section 5.3-Driving Into Mexico),** in that: On April 4, 2007, you drove into Mexico with your loaded duty handgun, and an additional loaded handgun magazine, in your vehicle. U.S. federal agents subsequently arrested you after the firearm and magazine were discovered during an inspection of your vehicle at the U.S. border crossing when you were returning to the United States.

CAUSE IV

You are guilty of conduct unbecoming an officer, as set forth under Section 7.2(m) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section **2.34 Carrying of Firearms,** in that: As your *"common practice,"* you improperly stored your duty handgun in your unattended vehicle. You placed the handgun in a hidden compartment and failed to store it locked in the vehicle's glovebox or in a locked trunk.

CAUSE V

You are guilty of acts, which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the **San Diego County Sheriff's Department Executive Order** and the **Mission, Vision, Values and Goals**. Your conduct constituting such acts inimical to the public service is that set forth under Causes I through IV above.

Your attention is directed to Sections 904.1, 904.2, 909, 909.1, 910.1(k), and 910 (k) (l) of the Charter of the County of San Diego and Rule VII of the Civil Services Rules. If you wish to appeal this order to the Civil Service Commission of the County of San Diego, you must file such an appeal and an answer in writing with the Commission within ten (10) calendar days after this order is presented to you. Such an appeal and answer must be in writing and delivered to the Civil Service Commission at its offices at 1600 Pacific Highway, Room 458, San Diego, California 92101, within such ten (10) calendar day period. An appeal is not valid unless it is actually received by the Commission within such ten (10) calendar day period. A copy of such appeal and answer shall also be served, either personally or by mail, by the employee on the undersigned within the same ten (10) calendar day period.

Sincerely,

William B. Kolender

William B. Kolender, Sheriff

WBK: spy

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

[ ] **NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES**
[ ] **NOTICE OF INTENT TO SUSPEND AND CHARGES**
[ ] **NOTICE OF INTENT TO TERMINATE AND CHARGES**

[ ] **ORDER OF PAY-STEP REDUCTION AND CHARGES**
[ ] **ORDER OF SUSPENSION AND CHARGES**
[X] **ORDER OF TERMINATION AND CHARGES**

[ ] **NOTICE REGARDING RESTRAINING ORDER DATED** _____

of which a true copy is attached hereto, by delivering a copy thereof to

Jesus Sanchotena personally at Ridgehaven on August 27, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27 day of August, 2008, at San Diego, California.

_____
Signature of person making personal service

ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 27 day of AUGUST, 2008.

SIGNED _____

IA# 2007-075.1

San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062

William B. Kolender, Sheriff

William D. Gore, Undersheriff

July 9, 2008

Jesus Sanchotena
[redacted]

Dear Deputy Sheriff-Detentions Jesus Sanchotena:

NOTICE OF INTENT TO TERMINATE AND CHARGES, CASE #2007-075.1

Please take notice that it is my intention to recommend to the Sheriff that you be terminated from your position as a Deputy Sheriff-Detentions (Class #5757) in the Sheriff's Department and the Classified Service of the County of San Diego for each and all of the following causes:

CAUSE I

You are guilty of dishonesty as set forth under Section 7.2 (d) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure **Section 2.46 – Truthfulness,** in that: On March 13, 2008 and April 22, 2008, when you were ordered to answer the questions asked by Internal Affairs investigators truthfully, completely, and to the fullest extent of your knowledge, you were untruthful in you answers. You told investigators, on June 14, 2006, after you were stopped by the California Highway Patrol (CHP), you and [redacted] drove to your house in Good Year, Arizona and then to a gun show in Phoenix, Arizona. On that day, federal agents followed you after the CHP traffic stop and observed you and [redacted] go to a gun shop in Yuma, Arizona and then back into California. You did not travel to the locations you told the Internal Affairs investigators.

CAUSE II

You are guilty of failure of good behavior, as set forth under Section 7.2(r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section **2.6 Conformance to Laws Law (as it relates to Title 18 of the United States Code-Section 1001),** in that: On April 4, 2007, when you were interrogated by federal agents, you were untruthful with your answers, violating Title 18 of the United States Code-Section 1001, a felony. You told investigators on June 14, 2006, after you were stopped by the California Highway Patrol (CHP), you and [redacted] drove to your house in Good Year, Arizona and then to a gun show in Phoenix, Arizona. On that day, federal agents followed you after the CHP traffic stop and observed you and [redacted] go to a gun shop in Yuma, Arizona and then back into California. You did not travel to the locations you told federal agents.

CAUSE III

You are guilty of failure of good behavior, as set forth under Section 7.2(r) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section **2.3 Violation of Rules (as it relates to Sheriff's Policy and Procedures Section 5.3-Driving Into Mexico),** in that: On April 4, 2007, you drove into Mexico with your loaded duty handgun, and an additional loaded handgun magazine, in your vehicle. U.S. federal agents subsequently arrested you after the firearm and magazine were discovered during an inspection of your vehicle at the U.S. border crossing when you were returning to the United States.

CAUSE IV

You are guilty of conduct unbecoming an officer, as set forth under Section 7.2(m) of Rule VII of the Rules of the Civil Service Commission as it relates to Sheriff's Policy and Procedure Section **2.34 Carrying of Firearms,** in that: As your *"common practice,"* you improperly stored your duty handgun in your unattended vehicle. You placed the handgun in a hidden compartment and failed to store it locked in the vehicle's glovebox or in a locked trunk.

CAUSE V

You are guilty of acts, which are incompatible with and/or inimical to the public service as set forth under Section 7.2 (s) of Rule VII of the Rules of the Civil Service Commission of the County of San Diego. You are guilty of acts, which are incompatible with the **San Diego County Sheriff's Department Executive Order** and the **Mission, Vision, Values and Goals**. Your conduct constituting such acts inimical to the public service is that set forth under Causes I and IV above.

You have **five (5)** regular business days to request a Skelly Conference. You may respond either orally, in writing or both, regarding the above proposed charges and discipline. Your response will be considered by the Sheriff before final action is initiated. Upon receipt of this notice, you will be provided with all documents possessed by this department upon which this proposed action is based. If you have any questions of said documents, please contact Lieutenant Kemery of the Internal Affairs Unit.

You have until 4:30 p.m. on July 21 2008 to contact Internal Affairs at (858) 974-2065 if you wish to respond to the above charges and discipline. Internal Affairs will provide you the name of a Skelly Officer, whom you should contact without delay, as the conference must be held within ten (10) days, unless waived by mutual agreement. If there are extenuating circumstances precluding you from staying within this time limit, contact Internal Affairs immediately.

If you fail to respond, or your response is unsatisfactory, an Order of Termination and Charges will be served upon you and the discipline initiated.

Sincerely,

WILLIAM B. KOLENDER, SHERIFF

Daniel J. Pena, Captain-Detentions
George Bailey Detention Facility

WBK:DJP:spy

7.16.12

FROM THE OFFICE OF

INTERNAL AFFAIRS – CONFIDENTIAL

DECLARATION/ACKNOWLEDGEMENT OF PERSONAL SERVICE

I, the Undersigned, certify that I am over 18 years of age and a resident of the County of San Diego, and that I served the

[ ] **NOTICE OF INTENT OF PAY-STEP REDUCTION AND CHARGES**
[ ] **NOTICE OF INTENT TO SUSPEND AND CHARGES**
[X] **NOTICE OF INTENT TO TERMINATE AND CHARGES**

[ ] **ORDER OF PAY-STEP REDUCTION AND CHARGES**
[ ] **ORDER OF SUSPENSION AND CHARGES**
[ ] **ORDER OF TERMINATION AND CHARGES**

[ ] **NOTICE REGARDING RESTRAINING ORDER DATED** _____

of which a true copy is attached hereto, by delivering a copy thereof to

Jesus Sanchotena personally at Ridgehaven on July 14, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14 day of July, 2008, at San Diego, California.

_____
Signature of person making personal service

ACKNOWLEDGEMENT OF SERVICE

I do hereby acknowledge receipt of the above noted document.

Executed this 14 day of JULY, 2008.

SIGNED Jesus S

IA# 2007-075.1

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

August 19, 2008

TO: William B. Kolender, Sheriff

FROM: Patricia J. Duke, Captain
Santee Station

SKELLY CONFERENCE – DEPUTY JESUS SANCHOTENA #6842 I. A. CASE #2007-075.1

COMMAND RECOMMENDATION:

Lieutenant Glick has recommended Deputy Jesus Sanchotena be terminated from employment with the San Diego County Sheriff's Department.

SYNOPSIS:

Deputy Detention/Courts Jesus Sanchotena, assigned to the South Bay Detention Facility, was the subject of the above reference Internal Affairs investigation. Deputy Sanchotena has been on the Department for 10 years.

This case involved an incident in where Deputy Sanchotena was arrested at the U.S. Port of Entry upon his return from Mexico. Deputy Sanchotena had his Department-issued duty weapon concealed in a hidden compartment in his vehicle, which was discovered at the secondary inspection area of the U.S. border crossing. During the course of the investigation, Deputy Sanchotena was found to have violated the Department's policy on carrying firearms and for failing to secure his firearm in a manner prescribed by policy. In addition, and more importantly, Deputy Sanchotena was found to have been untruthful with regard to an incident prior to his arrest.

Prior to the above detention/arrest, Deputy Sanchotena was identified by Federal Agents as a 'person of interest' and subsequent surveillances were conducted monitoring his activity. Agents were concerned with Deputy Sanchotena's obvious (through surveillance) associations with people known to have ties to the Arellano Felix Cartel; specifically the [redacted] Family and [redacted].

On April 4, 2007, Federal Agents were notified of Deputy Sanchotena detention at the Border and responded to interview him. During this interview Deputy Sanchotena was questioned regarding his associations with members of the [redacted] Family and [redacted]. In addition Agents questioned him regarding his actions on June 14, 2006 when he was pulled over by a California Highway Patrol Officer. [redacted] was the identified passenger with Deputy Sanchotena at the time of this traffic stop.

It was alleged that during his interview with Federal Agents, Deputy Sanchotena was untruthful regarding his activity on June 14, 2006 after being pulled over by California Highway Patrol. In this interview and subsequent I.A. interview, Deputy Sanchotena recalled the traffic stop, however stated following the stop he went to his home in Goodyear Arizona, then to a gun show in Phoenix and then returned to San Diego. This statement is the core to the truthfulness charge addressed in the I.A. Investigation.

The facts of the Internal Affairs Investigation show Deputy Sanchotena was under surveillance following the traffic stop. He was observed going to Sprague's gun store in Yuma, Arizona and meeting with what appeared to be a proprietor he knew and addressed as "[redacted]" Deputy Sanchotena and [redacted] spent approximately one hour and 40 minutes in the store, and left after purchasing five Glock high capacity 33-round magazines. During this gun shop visit, Sanchotena and [redacted] negotiated with [redacted] for the purchase of two AR-15 rifles. After leaving the gun shop, Sanchotena (along with [redacted]) stopped and got gas, and then drove directly back to the United States through the Border Patrol checkpoint on Interstate 8 West in Imperial County.

As a result of the Internal Affairs Investigation, violations of the following San Diego County Sheriff's Department's Policy and Procedures, Rules of Conduct were sustained against Deputy Sanchotena:

2.3 Violation of Rules (P & P Section 5.3 – Driving into Mexico)
2.34 Carrying of Firearms
2.6 Conformance to Law (Title 18 of the United Stated Code – Section 1001 – Fraud and False Statements)
2.46 Truthfulness

Lieutenant Glick, who prepared the Discipline Recommendation and Rationale on Deputy Sanchotena, concurred with the Internal Affairs investigation's sustained findings. Lieutenant Glick recommended termination due to the totality of the facts of the investigations; specifically truthfulness. Glick stated, "By violating the Department's policy on truthfulness, Deputy Sanchotena has done irreparable damage to his reputation and career. He has proven he cannot be trusted to testify truthfully when called upon to do so. …In order to maintain the highest public trust in law enforcement, Deputy Sanchotena's employment with the Sheriff's Department should be terminated."

CONDUCT OF THE CONFERENCE:

I conducted a Skelly Conference for Deputy Sanchotena on August 1, 2008 at 10:30 a.m. in my office at the Santee Patrol Station. Attorney Rick Pinkard was presented and indicated Deputy Sanchotena waived his right to be present.

In preparation for the Skelly Conference, and prior to reaching a decision, I reviewed the following:

- The Notice of Proposed Disciplinary Action
- Notice of Intent to Terminate
- Disciplinary Recommendation and Rationale prepared by Lieutenant Mike Glick
- Skelly Conference Letter
- [redacted]

Attorney Rick Pinkard acknowledged that Deputy Rodriquez:

- Received the Notice of Proposed Disciplinary Action
- Was aware of the reason for the action
- Received a copy of the investigative reports and other relevant material concerning this matter
- [redacted]
- Was aware that this was his opportunity to respond the charges and recommended disciple.

Mr. Pinkard started the Skelly Conference off by indicating he had just a few concerns regarding the investigation and subsequent findings. It was agreed upon that my meeting with Mr. Pinkard would not be recorded by either party.

Mr. Pinkard indicated he did not feel Deputy Sanchotena 'intentionally' took his duty firearm into Mexico and cited that Sanchotena worked an extended shift the day prior which most likely had an effect on his failure to remove the firearm from his vehicle prior to his trip to Mexico.

Mr. Pinkard further indicated the charge of truthfulness was 'nothing but a shadowy inference…and there was no evidence' Deputy Sanchotena was being dishonest. He indicated the fact Deputy Sanchotena could not recall the specifics of his actions following the CHP traffic stop is reasonable given the event occurred over a year prior to the Internal Affairs interview. Mr. Pinkard felt Deputy Sanchotena merely 'got his dates confused' on when he went to a gun show which he felt was not 'unusual' just simply a 'mistake.' He also felt that the fact Sanchotena told the Federal Agents basically the same statement he told to the I.A. Investigators regarding what he did following the traffic stop corroborated that Deputy Sanchotena was confused on exactly what his course of actions were on the date of the stop.

Overall, Mr. Pinkard did not feel the facts of the investigation supported a sustained finding for truthfulness. He indicated Deputy Sanchotena's inability to recall exactly what occurred on June 14th 2006, did not support a violation of truthfulness.

DISCUSSION:

I carefully reviewed all written and recorded material pertaining to this investigation. I listened with an open-mind to input given by Mr. Pinkard at the time of Skelly and also spoke with I.A. Investigator Scott Ybarando to clarify questions I had regarding the investigation.

I will respond to each of Mr. Pinkard's comments/concern reference the investigation, sustained findings and proposed charges.

Although Mr. Pinkard's asserted Deputy Sanchotena did not knowingly bring a firearm into Mexico, it is undisputed he drove into Mexico with his firearm in a hidden 'make shift' compartment. The investigation did not sustain on 2.6 Conformance to law, as the I.A. Investigation agreed that there was "no evidence to show he knowingly did so." In addition, and undisputed, Deputy Sanchotena altered his personal vehicle to create a hidden compartment in which to conceal his weapon. He further admitted to bringing his weapon into Mexico on several occasions.

Mr. Pinkard's main contention in this investigation is the truthfulness charge. As mentioned above, he feels the facts do not support a sustained finding for this charge. He indicated the charge of truthfulness is based on, "shadowy inferences, no evidence, and murky" insinuations. Mr. Pinkard feels there were no direct facts supporting the sustained finding.

I completely disagree. Deputy Sanchotena knows an I.A. Investigation is serious and acknowledges the importance of truthfulness when advised at the onset of his interview. Deputy Sheriff's are expected to recall events and could very well be required to testify to this recollection. It is unreasonable to believe Deputy Sanchotena became confused on the details of what he did following the CHP traffic stop. It is a significant event to be stopped for a vehicle violation, which in itself, would reasonably imprint on one's mind. The fact Deputy Sanchotena clearly recalls the stop, however, does not remember what he did following the stop is not reasonable nor believable. Further, when pressed on his recollection during a second I.A. interview, Deputy Sanchotena could not recall or responded to specific questions with, "I don't know…I don't remember". It appeared, after listening to each interview with Deputy Sanchotena (two I.A. and one with Federal Agents), that he became increasing selective on what he recalled with each interview.

Although the I.A. investigator did not delve into other discrepancies present during the interview with Federal Agents and the subsequent Department I.A. interview, I found Deputy Sanchotena's statements suspect of truthfulness. When asked by Federal Agents about his association with the

[redacted] Family, specifically where they lived, he stated they lived in Mexico and were looking to buy a home in Chula Vista. However, in his interview with I.A. he indicated they lived in a home in Chula Vista and he had visited them on five to six occasions. In addition, Deputy Sanchotena indicated to Federal agents he was not aware of the [redacted] Family having business ties in the United States, although while under surveillance, he was seen at their auto business in Otay Mesa on several occasions. On one occasion he was seen bringing a large black duffel bag into this business, however not leaving with it. When questioned about this during his I.A. interview he did not 'remember' bringing a duffle bag into the business.

This investigation is strewn with serious and concerning allegations involving Deputy Sanchotena's associations and his actions with individuals known to have strong ties to the Arellano Felix Organization. The core of the truthfulness charge against Deputy Sanchotena in this investigation surrounds his involvement with [redacted], who was a known body guard for the [redacted] Family and was shot in the face during a kidnapping attempt.

Although, this investigation did not sustain on Association charges, Deputy Sanchotena's close involvement with the [redacted] Family and [redacted] weighs heavy on my concerns regarding Sanchotena's Honesty and Integrity, two of our Department's Core Values. Deputy Sanchotena's ignorance with Federal Agents and with I.A. investigators regarding his knowledge of these individuals and their ties to criminal activity is contrary to what is expected of a law enforcement officer. Deputies are expected to be suspicious and to question things that don't seem right. Deputy Sanchotena's statement he did not find it suspicious that [redacted], acting as a body guard for the [redacted] family, was shot in the face during a foiled kidnapping attempt is of great concern.

CONCLUSION:

In considering whether the facts presented support the findings of this investigation, I believe they do. I also find the discipline proposed is proportionate and reasonable given the violations and truthfulness. **Honesty** and **Integrity** is the heart of the public's expectation for their law enforcement officers. Is also fundamental character traits every law enforcement agency demands and must have of its employees.

By being untruthful during this investigation, Deputy Sanchotena has impacted his ability to perform all the necessary job functions of a Deputy Sheriff. With heightened demands on prosecutors to disclose adverse information about prosecution witnesses, Deputy Sanchotena's reports and ability to testify is in serious question. More importantly, Deputy Sanchotena's reputation within the Department is severely scared and also in serious question. I further concur with Lieutenant Glick's assessment that "Deputy Sanchotena has done irreparable damage to his reputation and career." Therefore, I believe major discipline is appropriate and necessary. Termination is the most appropriate resolution to this case.

RECOMMENDATION:

The recommendation for **TERMINATION** should be sustained.

Patricia J. Duke

Patricia J. Duke, Captain
Santee Station

LaBird

Commander Lori Bird, Commander
Detention Operations, Area 1

✓ Approve ___ Disapprove

Date 8-21-08

Comments: Concur

A. H. Guerin #5

Alfred Guerin, Assistant Sheriff
Detention Services Bureau

✓ Approve ___ Disapprove

Date 08/25/08

Comments: _____

William D Gore

William D. Gore, Undersheriff

✓ Approve ___ Disapprove

Date 8/26/08

Comments: _____

William B. Kolender, Sheriff

~~Approve~~ ____Disapprove

Date 8/26/08

Comments_____

From the Office of

INTERNAL AFFAIRS - CONFIDENTIAL

Skelly Conference Letter
Case # 2007-075.1

As indicated on the "Notice of Intent" to discipline, which you are receiving, disciplinary action against you is being considered. If you wish to invoke your right to a pre-disciplinary due process hearing on this matter (*Skelly Conference*), you must make the request within five (5) regular business days. The Skelly Conference is a relatively informal hearing, not an adversarial evidentiary trial. The final date to request a hearing is indicated on your "Notice of Intent". Your request should be made by calling the Internal Affairs Unit at (858) 974-2065.

If you do not request the conference within that time, your right to a Skelly Conference will have been waived, and the recommended discipline may be imposed.

Your Skelly rights are:

1. To receive a written "Notice of Intent" to discipline, which may be served upon you either in person or by mail. That notice will include the level of proposed discipline, the charges, and a brief explanation of the reason for the discipline.

2. To receive a copy of the materials upon which the proposed discipline is based, including reports, tape recordings, photographs, etc. Any item certified as confidential and withheld from you by the department cannot be used as a basis for discipline.

3. To have sufficient time to review the supporting materials so that your response can be prepared.

4. To respond orally, in writing, or both to the proposed discipline and charges.

5. To a hearing officer who is not in your chain of command.

6. To have a representative or attorney present at the hearing.

7. To receive copies of all materials prepared as a result of the Skelly Conference.

8. To receive a new Skelly Conference for any new charges or increased discipline, which arise from the Skelly Conference.

I have read and understand my Skelly rights.

Jesus Sanchotena.

Witness

7-14-08
Date

From the Office of

INTERNAL AFFAIRS - CONFIDENTIAL

ORDER NOT TO DISCLOSE MATERIALS

Pursuant to Department Policy, materials are being furnished to you upon which your proposed discipline is based. These materials are reproductions and are a part of the confidential employee personnel records of the San Diego Sheriff's Department. Dissemination of this information is restricted to a need and a right to know.

You are ordered not to disclose, release, or copy these materials to or for anyone, other than your attorney and/or association representative, without the written authorization of the Internal Affairs Lieutenant. Materials include all written documentation, tape recordings, and videotapes.

Any unauthorized release of information contained in these documents compromises the confidentiality of your personnel file, and may impede the Department's ability to protect your confidentiality in future discovery motions. This could subject you and the County to unnecessary liability and criticism, to which the Department may be required to defend in a public forum.

You are strongly encouraged to destroy or return these materials when they no longer serve a useful purpose. Should you desire to review material related to your discipline at a later time, you may make arrangements with the Internal Affairs Unit.

Failure to abide by this order could result in a charge of insubordination, and subject you to disciplinary action up to and including termination.

I have received a copy of this order.

Jesus Sanchotena.

I.A. Case # 2007-075.1

COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

June 24, 2008

To: William B. Kolender, Sheriff
San Diego County

From: Michael Glick, Detentions Lieutenant
South Bay Detention Facility

Via: Chain of Command

Discipline Recommendation and Rationale for Deputy Sheriff – Detentions Jesus Sanchotena #6842, Internal Affairs Case #2007-075.1

RECOMMENDATION

I have read the investigative reports prepared by Sergeant Scott Ybarrondo, and all associated attachments. Sergeant Ybarrondo found Deputy Sanchotena in violation of Department Policy and Procedure sections:

2.3 Violation of Rules
2.6 Conformance to Law
2.34 Carrying of Firearms
2.46 Truthfulness

I concur with Sergeant Ybarrondo's analysis, conclusions and findings in this case. Based on the nature of the misconduct involved, and after weighing the factors in aggravation and mitigation, I recommend Deputy Sanchotena be terminated.

RATIONALE

I found Sergeant Ybarrondo's investigation to be thorough, fair and unbiased. There was substantial evidence to conclude the alleged misconduct did occur. The Department Rules of Conduct with regard to these allegations are clear and understandable. There was no action or inaction on the Department's part, which led to Deputy Sanchotena's misconduct.

This case was initiated following Deputy Sanchotena's arrest at the U.S. Port of Entry upon his return from Mexico. Deputy Sanchotena had his Department-issued duty weapon concealed in a

hidden compartment in his vehicle, which was discovered at the secondary inspection area of the U.S. border crossing.

During the course of the investigation, Deputy Sanchotena was found to have violated the Department's policy on carrying firearms for failing to secure his firearm in a manner prescribed by policy. More importantly however, Deputy Sanchotena was found to have been untruthful with regard to an incident that occurred prior to his arrest.

During that incident, Deputy Sanchotena was pulled over by a California Highway Patrol officer for exceeding the speed limit while driving toward the Arizona state line. At the time, Deputy Sanchotena had an individual named [redacted] as a passenger in his vehicle. According to DEA sources, [redacted] is a former high-ranking police official from Mexico, who has a long history of ties to the Arellano Felix Cartel. When asked by the officer where he was going, Deputy Sanchotena said he was on his way to Sprague's Sports, a gun store in Yuma, Arizona. A subsequent surveillance set up at Sprague's Sports confirmed Sanchotena and [redacted] arrival there.

While at the gun store, Sanchotena and [redacted] negotiated over the price of two AR-15 rifles. When they entered the store, they greeted an employee named "[redacted] by his first name, indicating they knew him. They spent one hour and 40 minutes in the store, during which time Sanchotena made several phone calls on his cellular phone. They ended up buying five Glock high capacity 33 round magazines before leaving the store. The surveillance continued until Sanchotena and [redacted] reached a Border Patrol check point in Imperial County, California, upon leaving the gun store in Yuma.

While being detained at the U.S. Port of Entry just prior to his arrest, Deputy Sanchotena was interviewed by federal law enforcements agents. When asked about the incident in which he was stopped for speeding on his way to Arizona, Deputy Sanchotena said he was pulled over while on his way to a gun show in Phoenix and also went to check on a home he owns in Goodyear Arizona that same day.

During his subsequent Internal Affairs interview, Deputy Sanchotena reiterated what he told the federal law enforcement agents, saying he was on his way to a gun show in Phoenix and to check on his home in Goodyear when he was pulled over for speeding that day. This was proven to be untrue based on the surveillance placing him at Sprague's Sports in Yuma, then returning to California immediately upon leaving the store.

On June 23, 2008, at approximately 0950 hours, I met with Deputy Sanchotena in the Internal Affairs Conference Room at the John F. Duffy Administrative Center. Also present was his employee representative, DSA Attorney Rick Pinckard. The purpose of this meeting was to allow Deputy Sanchotena to review the investigative reports related to this case and provide any new or mitigating information prior to my recommendation for discipline. Deputy Sanchotena and Mr. Pinckard were provided the opportunity to read the Internal Affairs reports related to this case prior to our discussion.

Deputy Sanchotena had no additional information to add to the investigation. When asked if he had anything to offer as mitigation, Mr. Pinckard spoke on Deputy Sanchotena's behalf.

Regarding the allegation of taking his duty weapon across the border into Mexico, Mr. Pinckard said Deputy Sanchotena did not knowingly do this. He explained it was an unintentional act after working all night, and Deputy Sanchotena *"made a mistake."* Mr. Pinckard further stated Deputy Sanchotena's truck was not equipped with a trunk, so it was not possible for him to secure his weapon in a manner preferred by the Department. Mr. Pinckard said Deputy Sanchotena's weapon was stored in a safe and secure manner in the hidden compartment in his truck.

Mr. Pinckard disputed the truthfulness finding in this case. He essentially said Deputy Sanchotena was questioned about an event that occurred approximately two years prior to the interview, and Deputy Sanchotena answered *"to the best of his recollection."* Mr. Pinckard said Deputy Sanchotena owns a house in the Phoenix area and he travels there regularly. He essentially said Deputy Sanchotena was mistaken when he said he went to Phoenix the day he went to the gun store in Yuma, and that he was not intentionally untruthful.

I disagree with Mr. Pinckard on this point. It is not reasonable to believe that Deputy Sanchotena did not remember going to Sprague's Sports in Yuma and mistakenly thought he went to a gun show in Phoenix and checked on his home in Goodyear Arizona on the day in question. I informed Deputy Sanchotena and Mr. Pinckard that I agreed with the findings in this case and my recommendation for discipline would be termination.

By violating the Department's policy on truthfulness, Deputy Sanchotena has done irreparable damage to his reputation and career. He has proven he cannot be trusted to testify truthfully when called upon to do so. I do not believe any form of progressive discipline will repair or correct the damage Deputy Sanchotena has inflicted upon his career with the Sheriff's Department. In order to maintain the highest public trust in law enforcement, Deputy Sanchotena's employment with the Sheriff's Department should be terminated.

Date: 6/24/08

Michael Glick, Lieutenant
South Bay Detention Facility

Daniel Pena, CAPT 6-24-08 (✓) Approved ( ) Disapproved
Daniel Pena, Captain Date
George Bailey Detention Facility

COMMENTS:_____

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_____ ( ) Approved ( ) Disapproved
Lori Bird, Commander Date
Detention Operations Area 1

COMMENTS:_____

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_____ ( ) Approved ( ) Disapproved
A.H. Guerin, Assistant Sheriff Date
Detention Services Bureau

COMMENTS:_____

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_____ ( ) Approved ( ) Disapproved
William D. Gore, Undersheriff Date
San Diego Sheriff's Department

COMMENTS:_____

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_____ ( ) Approved ( ) Disapproved
William B. Kolender, Sheriff Date
San Diego County

COMMENTS:_____

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San Diego County Sheriff's Department

Post Office Box 939062 • San Diego, California 92193-9062

William B. Kolender, Sheriff

William D. Gore, Undersheriff

July 15, 2008

Law Offices of Bobbitt, Pinckard & Fields
8388 Vickers Street
San Diego, CA 92111

Re: Deputy-Detentions / CtSvc Jesus Sanchotena
IA# 2007-075.1

Dear Mr. Pinckard:

Your discovery request was received in the Internal Affairs Unit on May 12, 2008.

With regard to your discovery request in the matter of Deputy-Detentions Sanchotena, Deputy-Detentions Sanchotena was provided copies of all materials upon which the proposed action is based, as well as any audio recordings.

A copy of Sheriff's Policy and Procedure, Section 2 (Rules of Conduct) is enclosed, containing the policy sections charged in this case.

Sincerely,

WILLIAM B. KOLENDER, SHERIFF

W. Kemery

William Kemery, Lieutenant
Internal Affairs Unit

WBK:WK:pgl

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July 14, 2008

Sheriff William B. Kolender
San Diego County Sheriff's Department
P.O. Box 939062
San Diego, CA 92193-9062

VIA US MAIL & FASCIMILE
(858-974-2244)

Re: Deputy Jesus Sanchotena

Dear Sheriff Kolender:

Our office represents Deputy Jesus Sanchotena for the purpose of appeal from the notice of proposed discipline served upon him today, July 14, 2008. Based on the information available to us at this time, on behalf of our client we deny the allegations on which this action is based and request an opportunity to respond to the allegations at the earliest opportunity. I will serve as Deputy Sanchotena's representative in this matter. Please contact our office regarding the scheduling of this oral reply at the earliest opportunity either by phone or email to: Rick@coplaw.org.

Prior to any disciplinary proceeding our client is entitled to any relevant information related to the proposed discipline. Relevant information includes evidence that has any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action, or the truthfulness of a witness's testimony or of a declarant's hearsay statement. (*See* Evidence Code §§ 210, 780 &1202). Penal Code §135.5[1] has expanded the nature of information that must be provided to a public safety officer during any disciplinary proceeding. It is now unlawful to **conceal** any relevant evidence during the disciplinary process. **Concealment** would include knowingly not providing any relevant evidence.

I recognize some information that may not be relevant to the appointing authority in order to make a decision regarding discipline of a public safety officer would be relevant to my client to disprove the allegations or mitigate the facts or level of discipline. Therefore, I have provided a list of information that we consider relevant to defending our client from the allegations alleged in the proposed notice of discipline. Relevant evidence also includes evidence, which may assist in miligation of the level of discipline. Please keep in mind the information we are requesting is in addition to that information that must be provided pursuant to *Skelly v. State Personnel Board*.

In behalf of our client, we request the following information:

1. A current copy of all policies and procedures alleged to have been violated by our client.
2. All written reports (as defined by *San Diego Police Officers Assn. v. City of San Diego*, (2002) 98 Cal. App. 4th 779) prepared as a result of the allegations against our client.

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[1] Penal Code § 135.5 states "Any person who knowingly alters, tampers with, conceals, or destroys relevant evidence in any disciplinary proceeding against a public safety officer, for the purpose of harming that public safety officer, is guilty of a misdemeanor.

3. All investigator notes.
4. A copy of all radio transmissions related to this investigation.
5. All written or recorded statements of any potential witness.
6. All prior criminal history of any known potential witness related to this investigation.
7. All information that could lead to or tends to mitigate the conclusions as set forth in the proposed notice of discipline. Information includes any information known to members of your agency whether in a written form or merely within the knowledge of members of your staff.
8. All statements or utterances by our client, oral or written, however recorded or preserved, whether or not signed or acknowledged by our client.
9. The names and addresses of any witness who may have knowledge of the events that caused the discipline to be proposed.
10. An opportunity to examine all physical evidence obtained in the investigation against our client.
11. All laboratory, technician, and other reports concerning the testing and examination of any physical evidence.
12. All reports of experts made in conjunction with the case, involving the results of physical or mental examinations, scientific tests, experimental or comparisons which relate to the allegations as set forth in the notice of proposed discipline.
13. All photographs, motion pictures, or videotapes taken during the investigation.
14. Any exculpatory or mitigating evidence in the possession of your agency.
15. Any information relevant to the credibility of any witness.
16. Any potential rebuttal evidence in the possession of your agency.
17. Any and all relevant evidence known or in the possession of your agency.
18. Any recommendations from supervisory or management staff that differ or contradict the current conclusions or recommendation of discipline.
19. All performance evaluations for the past ten (10) years.
20. Any and all materials reflecting documentation of positive or negative performance maintained in any department files (including Internal Affairs files).
21. Any and all notes, minutes and/or materials from any meetings or discussions involving captains or chiefs in the process of determining the level of discipline to be proposed.
22. Any and all electronically stored data including email and any other computer generated files.
23. Any and all findings of the Citizen's Law Enforcement Review Board relating to this proposed discipline.
24. All discoverable information under Penal Code §1054 as required by *San Diego Police Officers Association v. City of San Diego*, (2002) 98 Cal App. 4th 779.

Any information not provided violates Government Code § 3303(g) and subjects your agency to penalty of up to twenty-five thousand dollars plus attorney fees.

Please treat this request as a continuing request until this matter has been settled or adjudicated. Thank you for your anticipated cooperation.

Sincerely,

RL Pinckard

Richard L. Pinckard

RLP/rab

cc: Internal Affairs

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FAX TRANSMISSION

Date: **July 15, 2008**

To: **SDSO/IA**

From: **Annette Burstein**

Re: **Appeal of Jesus Sanchotena**

FAX No. Sending to: (858) 974-2077

FAX No. Sending from: (858) 467-1285

Total number of sheets **including** this page: 3

COMMENTS:

☐ Original being mailed via U.S. Mail

☒ Original **NOT** being mailed

☐ Please confirm receipt by calling (858) 467-1199.