



**The City of San Diego
M E M O R A N D U M**

RECEIVED
24 MAY -9 AM 11:59
INTERNAL AFFAIRS

DATE: April 23, 2024

TO: Martha Sainz, Captain, Southern Division

FROM: Jeffrey Peterson, Captain, Internal Affairs

SUBJECT: Internal Affairs Investigation

The Internal Affairs Unit is conducting an investigation involving personnel assigned to your command. The details are as follows:

IA Control Number:	2024-0123
Complainant(s)	N/A
Location:	██████████ Churrituck Drive
Date/Time of Incident:	4/1/2024/1932 hours
CAD Event Number:	E24040001071
Allegation(s):	Search, Procedure

The following personnel have been identified as being involved in this incident:

Subject: Police Officer I, Jose Arellano-Fregoso #1832

Please ensure that the involved personnel are made aware of the investigation. Please present all subject and witness officers with the enclosed memorandum. Have them sign in the presence of a supervisor and return it to the Internal Affairs Unit.

If you or the involved personnel desire additional information, please contact Detective Sergeant Travis Easter at ██████████.

Jeffrey Peterson, Captain
Internal Affairs

JP/te



THE CITY OF SAN DIEGO

MEMORANDUM

RECEIVED
24 MAY -9 AM 11:59
INTERNAL AFFAIRS

DATE: April 23, 2024
TO: Jose E. Arellano-Fregoso, Police Officer I, #1832
FROM: Jeffrey Peterson, Captain, Internal Affairs
SUBJECT: Internal Affairs Investigation # 2024-0123

This is to inform you that you have been identified as a subject officer in an Internal Affairs investigation. This investigation concerns the following allegations:

1. Search
2. Procedure

Additional allegations may arise during the investigation.

This investigation stems from an incident which occurred on April 1, 2024/1932 hours at [REDACTED] Churrituck Drive. Please review any reports or other documents you prepared in connection with this incident, prior to your interview. Please review your own Body Worn Camera (BWC) footage. I hereby order and admonish you NOT to view any surveillance footage or BWC footage other than your own prior to the interview. Internal Affairs Detective Sergeant Travis Easter will contact you to schedule an interview.

As a subject officer you will be allowed to have a representative present during your interview. Representatives must not be connected with this investigation.

I hereby order you not to discuss this investigation or the allegations with anyone other than the investigating supervisor or your legal representative. Your failure to comply with this order will be deemed insubordination and subject you to disciplinary action up to and including termination. This requirement is set forth in Department Policy 9.4 (Obedience to Lawful Orders Policy).

I order you to cooperate with the investigation and answer all questions directed to you during your interview fully and truthfully, as required by Department Policy 9.29 (Truthfulness Policy). Your failure to answer all questions fully and truthfully will subject you to disciplinary action up to and including termination. Any dishonesty or lack of cooperation during the investigation will be reported to P.O.S.T. and may lead to your P.O.S.T. certificate being suspended or revoked.

I have received a copy of this memorandum and agree to comply with the orders.

I acknowledge that any allegation which meets SB2 criteria shall be reported to P.O.S.T.

I acknowledge that any allegation or sustained finding which meets SB1421 or SB16 criteria may be disclosed to the public.

I acknowledge that if I resign prior to the completion of the investigation, the investigation will continue until it is complete. Upon conclusion of the investigation and any applicable appeals process, if the case is determined to be responsive to a request made pursuant to SB 1421 or SB16, the information may be released with appropriate redactions.

 #1832
Subject  e

05-04-2024
Date

This memorandum has been presented to me by:


ID ID#

5-4-2024
Date

Supervisor: Once the employee has signed the form, the original will be returned to the Internal Affairs Unit, MS-709 **within 10 days.**



**SWORN PERSONNEL ADMONISHMENT
(WITH LYBARGER/GARRITY WARNING)
SUBJECT**

This is a confidential sworn personnel investigation.

You may be subject to discipline as a result of this confidential sworn personnel investigation, should the findings indicate that such action is warranted. Therefore, you have the right to have a representative present at this time.

The purpose of this confidential sworn personnel investigation is to obtain information to assist the City of San Diego in determining whether administrative disciplinary action is warranted against you. The City is not questioning you for the purpose of bringing or substantiating any criminal charge against you.

You are directed to answer all of the questions posed to you completely, truthfully, and to the best of your knowledge. You may consult with your representative before answering any question, but your representative may not answer the question for you. If you refuse to answer a question, it will be considered insubordination and you may be subject to discipline.

If information indicates that you may be or have been charged with a criminal offense, you have the right to remain silent and the right to the presence and assistance of counsel. However, you do not have the right to refuse to answer any question during this confidential sworn personnel investigation, including on self-incrimination grounds. While you have the right to remain silent and not incriminate yourself generally, your silence or refusal to answer during this administrative confidential sworn personnel investigation will be considered insubordination and may lead to administrative discipline, up to and including termination.

Therefore, any statement made by you during this confidential sworn personnel investigation, compelled by the threat of discipline, as well as any fruits of those statements, cannot be used against you in any criminal proceeding.

The City of San Diego has a strong interest in protecting the integrity of its confidential sworn personnel investigations, preserving evidence, preventing fabrication, and protecting witnesses from harassment, intimidation, and retaliation. You are directed not to engage in any harassing, intimidating, or retaliatory conduct toward anyone. You also must not try to interfere with the investigation in any way. Any violation of these directives may result in discipline.

If you fully understand these instructions, please sign your name below.

[Redacted Signature]

05/23/2024
Date

[Redacted Signature]

5/23/24
Date



**SWORN PERSONNEL ADMONISHMENT
WITNESS**

This is a confidential sworn personnel investigation. You are considered a witness.

It is not anticipated that you will be subject to any discipline as a result of this confidential sworn personnel investigation. However, if during your interview, information comes to light indicating that you may be subject to discipline, we will stop the interview, let you know that you may be subject to discipline, and you will have the right to representation at that time.

You are directed to answer all questions completely, truthfully, and to the best of your knowledge. If you refuse to answer a question, it will be considered insubordination and you may be subject to discipline.

The City of San Diego has a strong interest in protecting the integrity of its confidential sworn personnel investigations, preserving evidence, preventing fabrication, and protecting witnesses from harassment, intimidation, and retaliation. You are directed not to engage in any harassing, intimidating, or retaliatory conduct toward anyone. You also must not try to interfere with the investigation in any way. Any violation of these directives may result in discipline.

If you fully understand these instructions, please sign your name below.

5/22/24

Date

5/22/24

Date

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Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division: Internal Affairs

Approved By: Carmelin Rivera, Lieutenant [REDACTED] Date of Report: May 31, 2024

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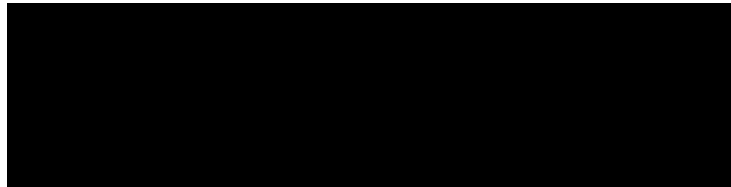
San Diego Police Department Investigator's Report

Date of Incident: April 1, 2024
Time of Incident: 1932 hours
Location of Incident: ■■■ Churrituck Drive, San Diego, CA 92154
Subject: Internal Investigation I.A. #2024-0123

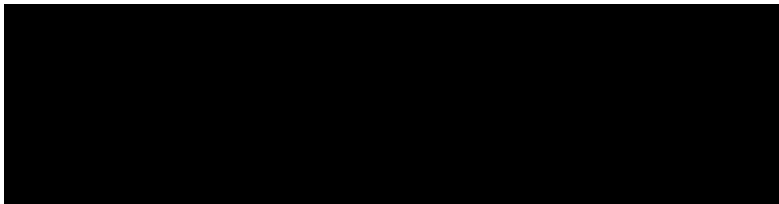
CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY.

SUBJECT OFFICER: Arellano-Fregoso, Jose, E., Police Officer I, ID #1832
Date of Hire: 06-18-2020
S.D.P.D., Southern Division – 2nd Watch
(619) 424-0400 (W)
H/M, Age: ■■■

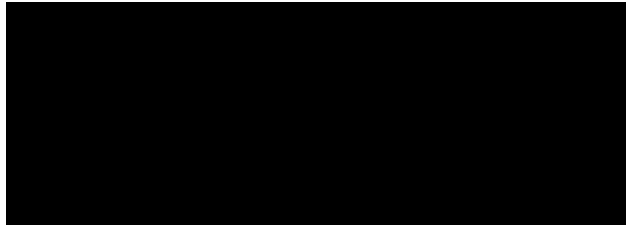
WITNESS OFFICER:



WITNESS OFFICER:



CIVILIAN WITNESS:



Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
Approved by: Carmelin Rivera, Lieutenant Date of Report: May 31, 2024

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SUMMARY:

On April 1, 2024, at about 1932 hours, Officers Arellano-Fregoso and [REDACTED] conducted a traffic stop at [REDACTED] Churrituck Drive (E24040001071). They contacted the driver who was a [REDACTED] named [REDACTED]. During the stop, Officer Arellano-Fregoso asked [REDACTED] if he could search the vehicle. Officer Arellano-Fregoso implied that he would search the vehicle and asked for [REDACTED] cooperation. [REDACTED] allowed Officer Arellano-Fregoso to search the vehicle. An empty rifle magazine was found during the search. [REDACTED] was arrested for being a [REDACTED] in possession of a magazine without incident.

Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
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ALLEGATION:

1. SEARCH

Officer Arellano-Fregoso did not obtain consent prior to searching [REDACTED] vehicle.

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INVESTIGATION:

On April 15, 2024, I was assigned IA #2024-0123 by Lt. Carmelin Rivera.

On April 16, 2024, I reviewed the Blue Team report concerning the investigation. I learned [REDACTED] reviewed the incident and believed a potential violation of the Department's search procedure occurred. The report also stated the arrest report was inaccurate regarding the documentation of [REDACTED] consent for Officer Arellano-Fregoso to search the vehicle.

I reviewed the following documents pertaining to the event:

- The arrest report package for incident [REDACTED] submitted by Southern Division
- Officer Arellano-Fregoso's BWC footage
- [REDACTED]' BWC footage

I reviewed Officer Arellano-Fregoso's arrest report for [REDACTED]. In the report, Officer Arellano-Fregoso documented that he conducted a records check on [REDACTED]. He stated that he asked for consent to search [REDACTED] vehicle and [REDACTED] answered, "yes." Officer Arellano-Fregoso wrote the search of [REDACTED] vehicle was consensual three times.

I reviewed the call for service that was also included in the arrest report package. I learned Officer [REDACTED] was also present during the incident.

In my review of the arrest packet that was sent with the complaint, I found the San Diego County Sheriff's Department Notice of No Complaint, Add, Drop, or Change Charge form. I learned [REDACTED] had been released "from all pending charges." The reason was for, "in the interest of justice." [REDACTED] signed the form on April 2, 2024.

I reviewed Officer Arellano-Fregoso's BWC footage titled, "[REDACTED] Churrituck Dr/Traffic Stop/Contact And Investigation." The video is 40 minutes and 58 seconds long. I documented the following events:

- The first two minutes shows Officer Arellano-Fregoso riding in the passenger seat of the patrol vehicle.
- 02:30 – Officer Arellano-Fregoso identifies himself and tells [REDACTED] that he was stopped because his exhaust was loud. He also said [REDACTED] was going in and out of traffic.
- 05:01 – Officer Arellano-Fregoso goes back to his patrol vehicle and conducts a records check.
- 09:35 – Officer Arellano-Fregoso talks to [REDACTED] about his prior incidents of transporting narcotics. He asks [REDACTED] if there are any narcotics in the vehicle.

Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
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- 09:54 – Officer Arellano-Fregoso asks [REDACTED] if they can search his vehicle. It is unclear what [REDACTED] initial response was. He can be heard saying, "I'm not even a fourth waiver" afterward.
- 10:05 – Officer Arellano-Fregoso states there are "articulable facts to say there is a possibility, or could have, controlled substances in this vehicle. I would prefer, instead of us trying to force our way into it and do all that we have to do. Which is uh, pretty much, I would prefer your cooperation instead of just forcing it. Does that make any sense? I just want to make sure there is nothing to be worried about here and you will be let go, essentially."
- 10:38 – [REDACTED] answers, "yeah."
- 10:55 – Officer Arellano-Fregoso conducts a pat down of [REDACTED]
- 11:37 – Officer Arellano-Fregoso searches the vehicle.
- 15:22 – Officer Arellano-Fregoso finds a rifle magazine and asks [REDACTED] if he goes hunting. [REDACTED] answers, "no."
- 15:30 – Officer Arellano asks to check [REDACTED] trunk to make sure there are no weapons in the vehicle. [REDACTED] says no and offers to open the trunk.
- 18:50 – Officer Arellano-Fregoso calls someone to determine if possession of the magazine is a crime. He described the search as consensual.
- 34:15 – [REDACTED] is handcuffed.

On April 23, 2024, I reviewed [REDACTED]' BWC footage titled, "1016." The video is one hour 40 minutes and 47 seconds long. I documented the following events:

- The first two minutes of the video do not contain audio. It shows [REDACTED] driving the patrol vehicle.
- 02:01 – Officer Arellano-Fregoso is talking to [REDACTED] while [REDACTED] approaches the vehicle.
- 09:53 – Officer Arellano-Fregoso asks [REDACTED] if they can search the vehicle. [REDACTED] initial response is unclear. He can be heard saying, "I'm not even a fourth waiver" afterward.
- 10:40 – [REDACTED] steps out of the vehicle. He is cooperative. He sits against the patrol vehicle push bumper while Officer Arellano-Fregoso conducts his vehicle search.
- 34:00 – [REDACTED] is handcuffed by [REDACTED].

I mailed a Command Notification to Southern Division and Subject Officer Notification to Officer Arellano-Fregoso. After my review of the BWC footage, I determined [REDACTED] would not be a witness because he was not present during the vehicle search. [REDACTED] did not make a comment to him about the search or arrest.

On April 26, 2024, at 1415 hours, I interviewed [REDACTED] over the phone. Although he did not complain, I decided to speak to him about the incident. I recorded the interview with his consent and uploaded it to the IA Pro case file.

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Approved by: Carmelin Rivera, Lieutenant Date of Report: May 31, 2024

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On May 10, 2024, I sent e-mails to [REDACTED] and Arellano-Fregoso to schedule their interviews. I scheduled [REDACTED] witness officer interview for May 22, 2024. I scheduled Officer Arellano-Fregoso's subject officer interview for May 23, 2024.

On May 22, 2024, at 0752 hours, I interviewed [REDACTED] in the Internal Affairs interview room. I read him the witness officer admonishment and recorded the interview. Internal Affairs Sgt. Y. Quintos #5635 was also present for the interview. I later uploaded it to the IA Pro case file.

On May 23, 2024, at 0748 hours, I interviewed [REDACTED] in the Internal Affairs interview room. I read him the subject officer admonishment and recorded the interview. San Diego Police [REDACTED] represented [REDACTED] and was present in the interview. Internal Affairs Sgt. Y. Quintos #5635 was also present for the interview. I later uploaded the interview to the IA Pro case file.

On May 31, 2024, at 1226 hours, I interviewed [REDACTED] over the phone. I read him the witness officer admonishment and recorded the interview. I later uploaded the interview to the IA Pro case file.

All interviews were audio recorded, unless otherwise noted, and the recordings will be maintained with the Internal Affairs file. The statements are "in essence" synopses of the interviews. (For exact and complete details of the interviews, refer to the audio recordings.)

Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
Approved by: Carmelin Rivera, Lieutenant Date of Report: May 31, 2024

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Civilian Witness Interview: [REDACTED]

On April 26, 2024, at 1415 hours, I interviewed [REDACTED] over the phone and recorded it with his consent. The following is an "in-essence" transcription of the interview. (For exact and complete details of the interview, refer to the audio recording.) The interview is three minutes and 30 seconds long.

[REDACTED] felt the traffic stop was "fucking bullshit." The officers pulled him over because he switched lanes twice. [REDACTED] claimed he had his blinkers on at the time. The officer asked why he switched lanes. [REDACTED] stated it was because the car in front of him was going "like 20 miles an hour" The officer wanted to search the car and [REDACTED] wanted to know why because he was not a fourth waiver or on probation. The officer said that he saw [REDACTED] previous history. [REDACTED] told me, "He (Arellano-Fregoso) basically said that I had no choice." The officer said he was either going to search the car or call for backup. [REDACTED] could not remember exactly what else the officer said. At that point, [REDACTED] told him to go ahead and search the car. An empty clip was found and he was taken to jail. [REDACTED] was upset because his wife had to bail him out and he can't get the money back.

The interview was concluded at 1419 hours.

Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
Approved by: Carmelin Rivera, Lieutenant Date of Report: May 31, 2024

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Witness Officer Interview:

On May 31, 2024, at 1226 hours, I interviewed [REDACTED] over the phone. The following is an "in-essence" synopsis of the interview. (For exact and complete details of the interview, refer to the audio recording.) I read him the witness officer admonishment and recorded the interview. The audio interview is six minutes and 14 seconds long.

[REDACTED] is currently assigned [REDACTED]. He oversees the [REDACTED]. One [REDACTED] brought the case to his attention. The [REDACTED] thought the officers forced their way into the vehicle and asked [REDACTED] to review the BWC.

[REDACTED] saw Officer Arellano-Fregoso speak to [REDACTED] from the passenger side. [REDACTED] was the sole vehicle occupant. Officer Arellano-Fregoso wanted [REDACTED] consent to search the vehicle. [REDACTED] asked if he had to give consent. Officer Arellano-Fregoso said something along the lines of, "I don't want to force our way inside the vehicle." [REDACTED] then said okay. [REDACTED] believed Officer Arellano-Fregoso's statement did not give [REDACTED] a choice. It sounded as if he was going to get in the vehicle either way.

After his review, [REDACTED] took the case from his detective and submitted a Blue Team entry to his command. He dropped the charges against [REDACTED] because he did not feel Officer Arellano-Fregoso had consent to get inside the vehicle. He felt that it was a wrongful search.

The interview was concluded at 1232 hours.

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Witness Officer Interview: [REDACTED]

On May 22, 2024, at 0752 hours, I interviewed [REDACTED] in the Internal Affairs interview room. The following is an "in-essence" synopsis of the interview. (For exact and complete details of the interview, refer to the audio recording.) I read him the witness officer admonishment and recorded the interview. Internal Affairs Sgt. Y. Quintos #5635 was also present for the interview. The audio interview is 10 minutes and 24 seconds long.

[REDACTED] has been employed with the San Diego Police Department since March 2023. He is currently assigned to [REDACTED] and works [REDACTED] with [REDACTED]. He worked [REDACTED] on April 1, 2024, and [REDACTED] with Officer Jose Arellano-Fregoso. They made a traffic stop at around 1930 hours on [REDACTED] Churrituck Drive. The vehicle was a [REDACTED]. The driver [REDACTED] unsafely weaved in and out of traffic and his vehicle had a loud exhaust. [REDACTED] demeanor was calm. He did not make any furtive movements while [REDACTED] approached the vehicle.

Officer Arellano-Fregoso conducted a records check on [REDACTED] during the stop. [REDACTED] later learned, from Officer Arellano-Fregoso, that [REDACTED] had an [REDACTED]. Officer Arellano-Fregoso asked [REDACTED] if he could search the vehicle. Officer Arellano-Fregoso stated he had, based on the records check, articulable facts to search the vehicle. At first, [REDACTED] said he was not a fourth waiver. Officer Arellano-Fregoso explained that he was asking for consent to search the vehicle even though [REDACTED] was not a fourth waiver. [REDACTED] actions and demeanor did not make [REDACTED] suspicious of him. [REDACTED] said he did not have enough facts to know if Officer Arellano-Fregoso could've forced his way into the vehicle at that point.

[REDACTED] agreed to have his vehicle searched after he was asked a second time. [REDACTED] did not know what they would've done if [REDACTED] answered no. According to [REDACTED], Officer Arellano-Fregoso made the decision to conduct the vehicle search. [REDACTED] believed [REDACTED] freely and voluntarily gave consent to have his vehicle searched because he agreed after he was asked. [REDACTED] is familiar with the legal parameters for consensual searches per Department procedure 4.01. He stated that consent must be recorded on a BWC or written form. [REDACTED] was cooperative. [REDACTED] was unsure if Officer Arellano-Fregoso explained to [REDACTED] that he had the right to refuse consent at any time.

[REDACTED] does not normally ride with Officer Arellano-Fregoso. His normal partner was gone and they decided to ride together that day. Based on Officer [REDACTED] experience, he felt the decision to search the vehicle belonged to Officer Arellano-Fregoso because he led the contact. [REDACTED] did not have a reason or belief to go inside the vehicle. He wouldn't have continued to challenge [REDACTED] if there was pushback or if it was

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his stop. [REDACTED] trusted Officer Arellano-Fregoso's judgment. He observed the moving violations and felt there was probable cause to conduct the traffic stop.

According to [REDACTED], [REDACTED] did not take back his consent at any moment during the stop. [REDACTED] stood with him while the vehicle was being searched and they spoke about the vehicle's horsepower and value. [REDACTED] appeared comfortable and did not seem intimidated by the search.

The interview was concluded at 0802 hours.

Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
Approved by: Carmelin Rivera, Lieutenant Date of Report: May 31, 2024

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Subject Officer Interview: Officer Jose Arellano-Fregoso #1832

On May 23, 2024, at 0748 hours, I interviewed Officer Jose Arellano-Fregoso in the Internal Affairs interview room. The following is an "in-essence" synopsis of the interview. (For exact and complete details of the interview, refer to the audio recording.) I read him the subject officer admonishment and recorded the interview. San Diego Police [REDACTED] represented Officer Arellano-Fregoso and was present in the interview. Internal Affairs Sgt. Y. Quintos #5635 was also present for the interview. The audio interview is 29 minutes long.

Officer Arellano-Fregoso is currently assigned to Southern Division patrol with Saturday, Sunday and Monday as his days off. He worked second watch on April 1, 2024, and rode with [REDACTED]. They made a traffic stop on [REDACTED] Churrituck Drive at about 1930 hours. The name of the driver was [REDACTED]. They were initially driving eastbound on Palm Avenue when he observed [REDACTED] vehicle changing lanes. [REDACTED] actions forced the other drivers to slam on their brakes. Officer Arellano-Fregoso believed [REDACTED] unsafely changed lanes. As they got closer to the vehicle, Officer Arellano-Fregoso heard the vehicle exhaust and believed it was more than 95 decibels.

Upon contact, Officer Arellano-Fregoso described [REDACTED] demeanor as cordial. [REDACTED] did not appear to be upset and seemed normal. He did not make any furtive movements while Officer Arellano-Fregoso approached the vehicle. Officer Arellano-Fregoso conducted a records check. He learned [REDACTED] had a [REDACTED], [REDACTED] [REDACTED] from 2014 until approximately 2021. Based on what he learned and other inferences, Officer Arellano-Fregoso decided to ask if he could search the vehicle.

Officer Arellano-Fregoso described the inferences as [REDACTED] arrest history, being close by the border, and the area where he was driving. According to Officer Arellano-Fregoso, it is known that a lot of drugs cross through the international border. The area where [REDACTED] was driving on Palm Avenue is a main thoroughfare to the Otay area. [REDACTED] vehicle is a [REDACTED]. It is known to Officer Arellano-Fregoso that car takeovers, car shows, burnouts, doughnuts, and car meets occur on the weekends in the San Ysidro and Otay areas. The weekend had just passed as well. The loud exhaust led Officer Arellano-Fregoso to believe the vehicle had been altered, which gave him information that [REDACTED] could be part of the vehicle takeovers. He thought [REDACTED] was possibly headed to one of the vehicle get togethers. It is known, in those instances, that vehicles have narcotics or weapons, especially in the area that he was going to. According to Officer Arellano-Fregoso, people involved in the vehicle takeovers usually have narcotics. Those inferences led Officer Arellano-Fregoso to believe there could have been narcotics or weapons in the vehicle.

Officer Arellano-Fregoso asked [REDACTED] if he had narcotics in the vehicle and [REDACTED] answered no. Officer Arellano-Fregoso did not believe him because he did not think [REDACTED] would be

Reporting Officer:	<u>Travis Easter, Detective Sergeant</u>	ID:	<u>6717</u>	Division	<u>Internal Affairs</u>
Approved by:	<u>Carmelin Rivera, Lieutenant</u>	Date of Report:	<u>May 31, 2024</u>		

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truthful based on his inferences and [REDACTED] prior arrest history. Based on Officer Arellano-Fregoso's experience, people who he usually contacts do not always tell him the truth. People whom he has arrested for [REDACTED] said they did not have weapons or drugs and it always showed to be incorrect.

Officer Arellano-Fregoso asked to search [REDACTED] vehicle because he wanted to confirm there was nothing, as far as drugs or weapons, inside to be concerned about. [REDACTED] replied that he was not a fourth waiver. Based on his answer, Officer Arellano-Fregoso thought [REDACTED] understood his constitutional rights. He could not remember what [REDACTED] said prior to that statement. He told [REDACTED] that he had "specific, articulable facts," which was a reference to the inferences he had upon making the traffic stop. [REDACTED] actions and demeanor made Officer Arellano-Fregoso suspicious that he had weapons or controlled substances in the vehicle. He was suspicious because, in his experience, some people have acted overly friendly or polite as a way to get officers to vouch for them. Officer Arellano-Fregoso believed [REDACTED] had a reason to lie because people with prior narcotic arrest history could have a stricter sentence because of it.

(At this point of the interview, I read Officer Arellano-Fregoso's statement to [REDACTED] based on the BWC footage. It is as follows: "articulable facts to say there is a possibility, or could have, controlled substances in this vehicle. I would prefer, instead of us trying to force our way into it and do all that we have to do. Which is uh, pretty much, I would prefer your cooperation instead of just forcing it. Does that make any sense? I just want to make sure there is nothing to be worried about here and you will be let go, essentially.")

Officer Arellano-Fregoso meant that, based on the information he had at the time, he reasonably believed there could be drugs in the vehicle. He planned to get a police K-9 to sniff around the vehicle and develop more information to believe there was narcotics in the car. Officer Arellano-Fregoso stated he didn't want to force his way into the vehicle as a way to imply they would still search it if they had gotten enough information. Being a newer officer, he had a lot of things going on and had difficulty explaining the proper police procedure to potentially search the vehicle.

Officer Arellano-Fregoso believed he had enough information at that time to search the vehicle. He did not think force was the proper word to use. He could've explained that they could develop probable cause to search the vehicle once the K9 completed its sniff around the vehicle. Officer Arellano-Fregoso did not have probable cause to search the vehicle at that point. After Officer Arellano-Fregoso's explanation to [REDACTED] [REDACTED] agreed to allow Officer Arellano-Fregoso to search the vehicle. If [REDACTED] had said no, Officer Arellano-Fregoso would've requested for the K9 as he planned. [REDACTED] was not under arrest at that time.

Officer Arellano-Fregoso defined consent as when a person physically or verbally demonstrates that one may be allowed to do as they may. He believed [REDACTED] freely and voluntarily gave consent because at no point in time did he coerce or give [REDACTED] an ultimatum to do it. Officer

Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
Approved by: Carmelin Rivera, Lieutenant Date of Report: May 31, 2024

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Arellano-Fregoso said it was from [REDACTED] own free words. Officer Arellano-Fregoso said he was familiar with implied or express consent per Department Procedure 4.01. He stated implied consent would be when a person would do a gesture or open a door for instance to express an understanding to go ahead without saying it. Express consent would be when a person gives consent per their words.

Officer Arellano-Fregoso said he was familiar with the legal parameters of a consensual search per Department Procedure 4.01. (At this point of the interview, I showed him a printed copy of Department Procedure 4.01). He stated the legal parameters were that consent must be expressed or implied, it must be freely and willingly given by the subject, and the search cannot extend the scope of the officer's request.

Officer Arellano-Fregoso was unfamiliar with the Reasonable Person Test per Department Procedure 4.01. (At this point of the interview, I showed him a printed copy of Department Procedure 4.01). He described the Reasonable Person Test as what a reasonable person, in the same situation, would believe. Based on his explanation to search the vehicle and his understanding of the Reasonable Person Test, Officer Arellano-Fregoso believed a person in [REDACTED] position would feel free to say no.

Officer Arellano-Fregoso did not explain to [REDACTED] that he had the right to refuse, modify or withdraw his consent of the search at any time. He did not do it because he did not think about saying it. Officer Arellano-Fregoso was unaware of the section in Department Procedure 4.01 concerning when an officer has to explain a person's right to refuse a consensual search.

While searching the vehicle, [REDACTED] stood within close proximity to stop the search if he wanted. [REDACTED] was not in the back of a patrol vehicle or any place where he could not express a desire to stop the search. Officer Arellano-Fregoso stated [REDACTED] was approximately four to six feet from the vehicle.

Officer Arellano-Fregoso did not have an all points bulletin or prior reports of a possible car gathering in the area on that day. He attended a two-day Department class regarding car takeovers and modified vehicles. Officer Arellano-Fregoso never participated in a specific vehicle takeover event. He has conducted proactive enforcement in his assigned area as part of his regular patrol duties. He has not recovered narcotics as a result of that focused enforcement. Officer Arellano-Fregoso did not see any narcotic-related behavior or paraphernalia from [REDACTED] Officer Arellano-Fregoso did not find any particular items that could've been loosened, modified or hidden in the vehicle.

The interview was concluded at 0817 hours.

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Approved by:	<u>Carmelin Rivera, Lieutenant</u>	Date of Report:	<u>May 31, 2024</u>		

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CONCLUSIONS:

1. SEARCH – SUSTAINED

Officer Arellano-Fregoso did not obtain consent prior to searching [REDACTED] vehicle.

The Fourth Amendment, United States Constitution, states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

People v. Boyer (2006) 38 Cal.4th 412, 445-446 . . . (*People v. Gutierrez* (2019) 33 Cal.App.5th Supp. 11, 17.)

The voluntariness of consent is a question of fact to be determined from the totality of circumstances. [Citations.] If the validity of a consent is challenged, the prosecution must prove it was freely and voluntarily given—i.e., “that it was [not] coerced by threats or force, or granted only in submission to a claim of lawful authority.” [Citations.]”

Department Policy 9.03, Obedience to Laws Policy, revised January 26, 2004, states:

Members shall obey all federal, state, county, and municipal laws. If any member is arrested, charged, indicted, or is knowingly under investigation for a criminal offense, excluding traffic infractions and parking violations, that member shall immediately report the incident to his or her supervisor or commanding officer.

Department Procedure 4.01, Stop/Detention and Pat Down Procedures, III, revised August 27, 2021, states:

The Department understands that direct contact with officers is, to the vast majority of the public, a rare and infrequent event. As a consequence, such contact can often be uncomfortable, awkward, or unnerving for citizens when they do not know why they are being contacted. A way to alleviate this is to provide citizens being contacted with the reasons for the interaction. Officers should communicate the reasons for the necessity of contact with citizens to the extent this is possible, in light of investigatory and safety concerns. Interactions with citizens must be consistent with Fourth Amendment search and seizure principles. Interactions that exceed the scope of the Fourth Amendment may lead to negative impacts in criminal and civil cases.

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Department Procedure 4.01, Stop/Detention and Pat Down Procedures, IV, A, 2, revised August 27, 2021, states:

The Reasonable Person Test: The test: Would a reasonable person under the same or similar circumstances believe that he or she is free to leave?

It is not what the person contacted believes or should believe. It is what a reasonable person in the same circumstances would believe.

If a reasonable person would not believe they have a choice under the circumstances, then the person contacted is being detained, and absent sufficient legal cause to detain the person, it is an illegal detention.

Department Procedure 4.01, Stop/Detention and Pat Down Procedures, IV, 5, a, b, revised August 27, 2021, states:

Consensual Searches

- a. Absent a search warrant, officers may conduct a search of a person or a person's property under limited circumstances. This includes incidents when a subject gives their consent for a search.
- b. Consent may be express or implied.
 - (1) Express Consent: When a person responds in the affirmative to an officer's request for permission to search, specifically any word(s) that reasonably indicates the person is agreeing to the specific request. Express consent may be verbal or written.
 - (2) Implied Consent: When a person's actions or responses effectively communicate permission to search; for example an individual handing an officer his or her car keys after the officer requests to search the vehicle. A failure to object to a search or a request to search does not constitute implied consent.
 - (3) Consensual searches shall be conducted within the following legal parameters. Failure to adhere to these parameters may cause negative impacts in criminal or civil cases:
 - (a) Express or implied consent is given by the subject;
 - (b) Consent is freely and voluntarily given by the subject;
 - (c) The search shall not exceed the scope of consent given by the subject;

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(d) The search is not unduly intensive or intrusive;

(i.) For example, consent to search does not authorize officers to destroy or damage the property or location during the search.

(e) The search is not unreasonable in its duration.

Department Procedure 4.01, Stop/Detention and Pat Down Procedures, IV, 5, d, revised August 27, 2021, states:

The officer shall explain to the person they have the right to refuse, modify, or withdraw consent to search at any time, even after consent was given and the search has begun.

22107 California Vehicle Code states:

No person shall turn a vehicle from a direct course or move right or left upon a roadway until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided in this chapter in the event any other vehicle may be affected by the movement.

27151(a) California Vehicle Code states:

A person shall not modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of the vehicle so that the vehicle is not in compliance with the provisions of Section 27150 or exceeds the noise limits established for the type of vehicle in Article 2.5 (commencing with Section 27200). A person shall not operate a motor vehicle with an exhaust system so modified.

On April 1, 2024, [REDACTED] and Arellano-Fregoso conducted a traffic stop on [REDACTED] at [REDACTED] Churrituck Drive for being in violation of 22107 and 27151(a) CVC. [REDACTED] drove a [REDACTED] at the time. Officer Arellano-Fregoso contacted [REDACTED] from the passenger side of vehicle and informed [REDACTED] why they stopped him. [REDACTED] was the cover officer during the stop. Officer Arellano-Fregoso conducted a records check and learned [REDACTED] was a [REDACTED]. [REDACTED] arrest history ranged from 2014-2022. He wanted to conduct a vehicle search to ensure narcotics were not inside [REDACTED] vehicle. Officer Arellano-Fregoso asked [REDACTED] for his consent. [REDACTED] responded that he was not a fourth waiver. Officer Arellano-Fregoso told [REDACTED] that he had articulable facts to search the vehicle and would prefer his cooperation instead of trying to force his way in. [REDACTED] did not resist the vehicle search. During his search of the vehicle, Officer Arellano-Fregoso found a rifle magazine. He subsequently arrested [REDACTED] for the offense.

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During [REDACTED] interview, he stated that he did not agree with the traffic stop. [REDACTED] claimed he used his blinkers. When Officer Arellano-Fregoso asked to search his vehicle, [REDACTED] only responded that he was not a fourth waiver. Upon Officer Arellano-Fregoso's explanation, [REDACTED] stated Officer Arellano-Fregoso "basically said that I had no choice." He continued to say that Officer Arellano-Fregoso was going to search (his vehicle) or call for backup. [REDACTED] gave his consent to let Officer Arellano-Fregoso search the vehicle.

During [REDACTED] interview, [REDACTED] reviewed the BWC video and did not believe [REDACTED] voluntarily gave Officer Arellano-Fregoso consent to search the vehicle. He felt it was a wrongful search and decided to drop the charges against [REDACTED]. He did not submit it to the District Attorney's office for review.

During [REDACTED] interview, [REDACTED] stated he witnessed the traffic violations [REDACTED] committed. He did not see [REDACTED] make any furtive movements or actions that made him suspicious when he approached the vehicle. According to [REDACTED], Officer Arellano-Fregoso led the contact during the stop. [REDACTED] does not normally ride with Officer Arellano-Fregoso. They rode together because [REDACTED] regular partner was gone for the day. Officer Arellano-Fregoso decided to conduct the vehicle search after his records check. [REDACTED] stated he did not know enough facts to have a reason to conduct a vehicle search. He trusted Officer Arellano-Fregoso's judgment. [REDACTED] stated [REDACTED] was calm, cooperative and did not seem intimidated by the search. He also felt that [REDACTED] freely and voluntarily gave consent to have his vehicle searched.

During Officer Arellano-Fregoso's interview, Officer Arellano-Fregoso stated it is known to him that drugs cross the international border. He described Palm Avenue, the location where he initially saw [REDACTED] violation, as the main thoroughfare to the Otay area. Officer Arellano-Fregoso described the Otay area as a place where car takeovers, car shows, burnouts, doughnuts, and car meets regularly occur on the weekends. He has attended a Department training course focused on vehicle takeovers and conducted proactive patrol enforcement to address the issues in that area as part of his regular patrol duties. Based on his training and experience, it is known to him that vehicles like [REDACTED] [REDACTED] are part of the car takeovers. He stated some of the vehicles can have altered car parts. He also stated that vehicles involved with car takeover events have been known to have weapons and narcotics inside. Officer Arellano-Fregoso said he had not made an arrest associated with a vehicle takeover.

Officer Arellano-Fregoso believed [REDACTED] was being overly friendly, which made him suspicious. He has had people lie to him during his time as a police officer. He decided to conduct a vehicle search at the time. He planned to use a police K9 to sniff around the vehicle in the event [REDACTED] refused to let him search. Officer Arellano-Fregoso admitted that the term "force" was not the best way to describe his intentions. He had a plan to develop probable cause to search the vehicle but [REDACTED] consented. Officer Arellano-Fregoso felt [REDACTED] freely and voluntarily gave consent.

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During Officer Arellano-Fregoso's interview, he stated [REDACTED] stood approximately four to six feet away from his vehicle during the search. He said [REDACTED] was within close proximity to stop the search if he wanted. He did not tell [REDACTED] that he had a right to refuse, modify or withdraw his consent at any time during the search. Officer Arellano-Fregoso was unaware that he was required to do so.

Officer Arellano-Fregoso believed there were narcotics or weapons in the vehicle. Officer Arellano-Fregoso claimed he had reasonable suspicion that further criminal activity was afoot because of his knowledge of the area, [REDACTED] narcotics history, and the loud exhaust coupled with his training and experience. He did not have an all-points bulletin or reports of a possible car gathering that day. He was suspicious of [REDACTED] calm and friendly demeanor. He did not see [REDACTED] make any furtive movements or symptomology that showed [REDACTED] was possibly under the influence of a controlled substance. His suspicions were raised after he learned of [REDACTED] narcotic offense history. During his interview, Officer Arellano-Fregoso stated he has arrested narcotic offenders for weapons violations after they denied having a weapon. He continued to state that he has been lied to by people during previous incidents. Officer Arellano-Fregoso decided to ask for [REDACTED] consent to search the vehicle because he did not have probable cause at the time. He planned to use a police K9 to sniff around the vehicle, if [REDACTED] answer would've been no.

Officer Arellano-Fregoso asked [REDACTED] for his consent to do a vehicle search and [REDACTED] did not say yes or no. His initial response could not be heard in [REDACTED] and Arellano-Fregoso's BWC videos. [REDACTED] [REDACTED] and Arellano-Fregoso did not remember what [REDACTED] initial response was either. [REDACTED] responded that he was not a fourth waiver. [REDACTED] verbiage indicates he is knowledgeable of his rights pertaining to the Fourth Amendment, which protects people from unreasonable searches.

Officer Arellano-Fregoso explained to [REDACTED] that he had articulable facts to search the vehicle and did not want to force his way into it. Officer Arellano-Fregoso's "articulable facts" were not specific to the traffic stop or [REDACTED]. There had been no reported incident of a vehicle takeover in the area. [REDACTED] vehicle was a [REDACTED], which is a popular sports car. [REDACTED] polite demeanor was not a clear sign that he was involved in criminal activity. Their proximity to the international border is not enough to raise suspicions that a person may be transporting drugs in a nice car. Officer Arellano-Fregoso said he has been lied to by people whom he has contacted as part of his patrol duties. Although he has encountered people who have been untruthful, that does not mean everyone is dishonest.

Officer Arellano-Fregoso's explanation to [REDACTED] implied that he would use force to search the vehicle if [REDACTED] did not give his consent. Officer Arellano-Fregoso said he preferred [REDACTED] cooperation instead of forcing his way into the vehicle, which further insinuated that the vehicle would be searched regardless of [REDACTED] consent. He could not force his way into the vehicle at that time and admitted, during his interview, that force was the wrong word to use in his explanation. Officer Arellano-Fregoso told him, "I just want to make sure there is nothing to be worried about here and you will be let go, essentially." His comment implied that [REDACTED] was not free to go and would only be let go if Officer Arellano-Fregoso

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searched the vehicle. [REDACTED] agreed because he felt that he had no choice. [REDACTED] did not believe Officer Arellano-Fregoso gave [REDACTED] a choice to refuse either. Officer Arellano-Fregoso did not ask [REDACTED] again for consent vehicle and directed him out of the vehicle.

[REDACTED] witnessed the interaction and believed [REDACTED] freely and voluntarily gave consent to search the vehicle. He stated [REDACTED] was cooperative and did not seem intimidated by the search. [REDACTED] said [REDACTED] did not take back his consent at any moment during the stop.

If [REDACTED] had given consent within the legal parameters, Officer Arellano-Fregoso would have needed to explain to [REDACTED] that he could have withdrawn it. Even though [REDACTED] stood from a distance where he could have refused consent, it did not matter because [REDACTED] did not freely give consent.

Officer Arellano-Fregoso is familiar with the definitions of expressed and implied consent per Department Procedure 4.01. During his interview, he described expressed consent as for when a person uses their words to give consent. He described implied consent as a person's actions that would express an understanding for an officer to move forward with his actions. When asked to apply the Reasonable Person Test to the situation, Officer Arellano-Fregoso believed another person in [REDACTED] situation would've felt free to say no. In his BWC video, Officer Arellano-Fregoso can be heard saying that he was given consent on multiple occasions. In [REDACTED] arrest report, Officer Arellano-Fregoso wrote that he had given consent. It is clear that Officer Arellano-Fregoso believed he was granted consent by [REDACTED]

Although [REDACTED] remained calm and cooperative, [REDACTED] did not freely or voluntarily give expressed or implied consent to Officer Arellano-Fregoso. The search was conducted outside of the legal parameters listed in Department Procedure 4.01. Therefore, the allegation of search is **SUSTAINED**.

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DOCUMENTATION:

The results of this investigation are based on the following items:

1. [REDACTED] Arrest Package
2. Audio interviews (4)
3. Officer Body Worn Camera videos (2)

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LT. <u>C. Rivera</u>	ID # <u>5336</u>
DATE <u>7/9/24</u>	

Reporting Officer: Travis Easter, Detective Sergeant ID: 6717 Division Internal Affairs
Approved by: Carmelin Rivera, Lieutenant Date of Report: May 31, 2024



The City Of San Diego

MEMORANDUM

RECEIVED
24 AUG 20 PM 1:05
INTERNAL AFFAIRS

DATE: August 7, 2024

TO: Alberto Leos, Captain, Southern Division

FROM: Paul Connelly, Executive Assistant Chief of Police
Via Jeffrey Peterson, Captain, Internal Affairs

SUBJECT: Completed Internal Investigation

CONFIDENTIAL: THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR THE CITY ATTORNEY.

COMPLAINT INDEX FILE NUMBER: 2024-0123

SUBJECT OFFICER: ARELLANO-FREGOSO, Jose, Police Officer II, ID #1832

NATURE OF COMPLAINT: I. Search

DISPOSITION: I. Sustained

Discipline or Notice of Adverse Action must be served by: April 15, 2025

The confidential, administrative personnel investigation of the above complaint has been completed and is attached for your review. The contents of the investigation are the property of the San Diego Police Department and all related materials shall not be released to any unauthorized person. Commanding Officers will review the investigation with the subject employee and return the signed package to Internal Affairs within 30 days.

If the employee does not agree with the disposition/findings of this investigation, they may file a written rebuttal within 30 days from the date the actual order of discipline is served. The rebuttal will be filed with the investigation in Internal Affairs, see D.P. 1.10, IX, E.

- ☒ Mark the box if the subject employee retained the attached investigation.
- ☒ Mark the box if the subject employee retained the electronic case file.

I have read the Internal Affairs investigation reference the above complaint.

Employee

1832

Date 08-08-2024

Comm
Office



San Diego Police Dept Arrest/Juvenile Contact Report

CAD Event No.: [REDACTED] Case No.: [REDACTED]
Case Disposition: **Arrest**
Primary Victim: **State of California** Report No.: [REDACTED]

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☒ **ARREST REPORT**
☐ **JUVENILE CONTACT REPORT** **WARRANT:** ☐ **LOCAL** ☐ **OUT**

GENERAL CASE INFORMATION

Primary Charge: 30305 (A)(1) - PC - PROHIBITED PERSON OWN/POSSESS/ETC AMMUNITION/ETC (F)			
Special Studies:		Related Cases:	
Location, City, State, ZIP: [REDACTED] Churrituck Dr, SAN DIEGO, CA 92154		Occurred On: 04/01/2024 19:40:11 (Monday)	
Jurisdiction: Otay Mesa West - San Diego	Beat: 723	Call Source: OFFICER	(and Between):
Means:		Motives:	

VICTIM/S

IBR/UCR OFFENSE/S

Offense Description: 30305 (A)(1) - PC - PROHIBITED PERSON OWN/POSSESS/ETC AMMUNITION/ETC (F)		Level: F	Against: SO	Completed? Yes	Counts	Using:
Location Type: 13 - Highway/Road/Alley		Hate/Bias: 88 - None (no bias) (mutually exclusive)			Domestic Violence: No	
Criminal Activity: P - Possessing/Concealing	Type Security:	Gang Related: No	Entry:	Point of Entry:		
Weapons/Force: 90 - Other Dangerous Weapon	Tools:	Targets:				

ARRESTEE/S

Arrestee #1

ALIAS / AKA / NICKNAME / MONIKER:				
Name Type:	First:	Middle:	Last:	Suffix:

CONTACT INFORMATION:

IDENTIFICATION:

SCARS, MARKS, TATTOOS, ODDITIES:

ARREST INFORMATION

Arrest Type:	LE Disposition:	JUS 750 Type:	Citation No.:	Booking No.:
Arrested By: SD1832 - ARELLANO FREGOSO, JOSE				

Reporting Officer SD1832 - ARELLANO FREGOSO, JOSE	Division / Organization Southern Patrol (Southern)	Reviewed By [REDACTED]
Report Date 4/1/2024 9:15:19 PM	Detective Assigned [REDACTED]	Reviewed Date 04/01/2024 23:30:15



San Diego Police Dept Arrest/Juvenile Contact Report

Case No. [REDACTED]

CAD Event No.: [REDACTED]

Case Disposition: **Arrest**Primary Victim: **State of California**

Report No. [REDACTED]

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Miranda Read: Yes	Admonished By: SD1832 - ARELLANO FREGOSO, JOSE	Miranda Response:	Jail Billing Code: SDPD	Booked Location: San Diego Central Jail
Armed With: 01 - Unarmed		Use of Force to effect Arrest:		
JUVENILES				
Adult Present:	Person Notified:	Juvenile Disposition:	Detention Name:	
Parents Notified By:	Notification Method:	Date and Time Notified:	Juvenile Released To:	
RELEASE INFORMATION				
Released Location:	Released On:	Released By:	Release Reason:	

SUSPECT/S (Not Yet Arrested)**WITNESSES****OTHER ENTITIES****PROPERTY****Property Item #1.000 - BLACK RIFLE MAGAZINE**

Derivative No.: 0	Property Category: 1807 - Magazine		
Status: ES - Evidence (Seized)	Count: 1	Value:	
Manufacturer:	Model:		
Serial No.:	Model Year:	OAN:	
Color: Black	Caliber:		
Body Style:	Recovered/ Seized Date: 04/01/2024		
Owner:	Disposition:		
Evidence Tag:	Alert(s):		
Drug Type:	Drug Quantity:		
Search Warrant:			
Notes:			

REPORT NARRATIVE**SYNOPSIS:**

On 04/01/2024 at approximately 2000 hours, [REDACTED], was detained while driving his vehicle a [REDACTED]. A consensual search of his vehicle revealed a rifle magazine in the rear passenger floor board. A records check revealed [REDACTED] was a convicted felon.

[REDACTED] was arrested and booked into Central Jail for 30305(a)(1)PC.

ORIGIN:

On 04/01/2024 at approximately 1935 hours, while in full San Diego Police Department uniform and driving a marked San Diego Police Department vehicle, [REDACTED] and I, were driving eastbound on 3400 Palm Avenue, when I noticed a [REDACTED] driving eastbound on 3400 Palm Avenue.

BACKGROUND:

None

Reporting Officer SD1832 - ARELLANO FREGOSO, JOSE	Division / Organization Southern Patrol (Southern)	Reviewed By [REDACTED]
Report Date 4/1/2024 9:15:19 PM	Detective Assigned [REDACTED]	Reviewed Date 04/01/2024 23:30:15



San Diego Police Dept Arrest/Juvenile Contact Report

CAD Event No.:

Primary Victim: State of California

Case No. [REDACTED]

Case Disposition: Arrest

Report No. [REDACTED]

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INVESTIGATION:

The vehicle was approximately 100 feet away from me. I noticed the vehicle change from the number one lane to the number two lane then to number one lane (zig-zag in traffic) approximately four times making other vehicles have to slow down, in violation of 22107CVC. The vehicle also had a very loud exhaust, so loud that I could hear the exhaust roar from 100ft away. Based on my training and experience, I believed the exhaust to louder than 95 decibals, in violation of 27151(a)CVC.

I activated my overhead emergency lights. At the beginning of my shift, I confirmed my patrol vehicle was equipped with a steady red light facing forward. The vehicle yielded on [REDACTED] Churrituck Drive.

I contacted the driver. The driver later identified via his California driver's license as [REDACTED] stated that he did signal before turning and that he did not believe he was driving recklessly. I conducted a records check on [REDACTED]

I asked [REDACTED] if he had any weapons or narcotics in the vehicle and he stated no. I asked for consent to search [REDACTED] vehicle and he said yes.

I asked [REDACTED] to step outside of the car to conduct the search. I asked [REDACTED] if he could please wait near the hood of my patrol vehicle. [REDACTED] stood near the hood of my patrol vehicle that was approximately 4-6 feet away from his car. [REDACTED] had an unobstructed view of me and his car. [REDACTED] was able to see everything I did during the search. [REDACTED] was not handcuffed and was in full capacity to stop the search at any time.

I conducted a consensual search of the vehicle. During the search of the vehicle, I found a black 7 round magazine that belonged to a rifle. The magazine was located in the rear passenger side floor panel. I asked if [REDACTED] if he was military or has military family and stated no. I asked [REDACTED] why was there a rifle magazine in his vehicle. [REDACTED] stated he was not aware of it being in his car but that it may have belonged to a friend of his.

[REDACTED] told me that he was a convicted felon. I was able to confirm that [REDACTED] was a convicted felon.

[REDACTED] on 11/13/2014 and on 08/15/2017.

Per 30305(a)(1)PC - No person prohibited from owning or possessing a firearm under Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9 of this title, or Section 8100 or 8103 of the Welfare and Institutions Code, shall own, possess, or have under custody or control, any ammunition or reloaded ammunition.

Ammunition defined is -bullet, cartridge, magazine, clip, speed loader, autoloader or projectile capable of being fired from a firearm.

Reporting Officer SD1832 - ARELLANO FREGOSO, JOSE	Division / Organization Southern Patrol (Southern)	Reviewed By [REDACTED]
Report Date 4/1/2024 9:15:19 PM	Detective Assigned [REDACTED]	Reviewed Date 04/01/2024 23:30:15



San Diego Police Dept Arrest/Juvenile Contact Report

Case No. [REDACTED]

CAD Event No.: [REDACTED]

Case Disposition: **Arrest**Primary Victim: **State of California**

Report No. [REDACTED]

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Based on [REDACTED] being a [REDACTED] the vehicle being registered to [REDACTED] [REDACTED] being the only occupant of the vehicle, and the presence of the magazine in his vehicle, I arrested [REDACTED] per 30305(a)(1)PC.

I placed [REDACTED] in handcuffs, checked for tightness, and double locked, per the San Diego Police Department Policy and procedure.

[REDACTED] arrived on scene and assisted in transporting the vehicle keys to [REDACTED] residence located [REDACTED]. Before taking the vehicle keys to [REDACTED]. I closed the vehicle's windows and locked all doors.

I transported [REDACTED] to HQ for processing. I admonished [REDACTED] per my department issued PD-145. [REDACTED] stated "yeah" and "yeah" to questions one and two.

STATEMENTS:

Statement of [REDACTED] (admonished): Paraphrased

The magazine is not mine. It belongs to a friend of mine. Two weeks ago my friend and I went to a deserted area to shoot cans and other items in an open area. Once we were done, my friend put his firearms and other belongings in my car. I did not think to much of it because I had been drinking and did not give it much importance. I guess the magazine stayed inside the vehicle and I did not notice it. The vehicle had stayed parked at my house for approximately two weeks. I did not drive the car until today. I usually don't even check the back seats.

The only thing in the back seats are my vapes that I bought approximately one month ago. I consume the vapes pretty heavily, but I did not see the magazine. I do not want to provide the name of my friend. I will take possession of the magazine that was in my car.

*****end of statement *****

[REDACTED] was later booked into Central Jail for 30305(a)(1) PC - felon in possession of ammunition.

During this even my BWC was on and recording. A RIPA was submitted following this report.

EVIDENCE:

One rifle magazine - barcode #11504119

INJURIES:

None

FOLLOW-UP:

None

Reporting Officer SD1832 - ARELLANO FREGOSO, JOSE	Division / Organization Southern Patrol (Southern)	Reviewed By [REDACTED]
Report Date 4/1/2024 9:15:19 PM	Detective Assigned [REDACTED]	Reviewed Date 04/01/2024 23:30:15



San Diego Police Dept Arrest/Juvenile Contact Report

Case No.

[REDACTED]

CAD Event No.:

[REDACTED]

Case Disposition:

Arrest

Primary Victim:

State of California

Report No.

[REDACTED]

5

Page 5 of 5

RELATED REPORTS:

None

Reporting Officer SD1832 - ARELLANO FREGOSO, JOSE	Division / Organization Southern Patrol (Southern)	Reviewed By [REDACTED]
Report Date 4/1/2024 9:15:19 PM	Detective Assigned [REDACTED]	Reviewed Date 04/01/2024 23:30:15

Call For Service

Event ID: E24040001071
Event Created: 4/1/2024 7:32:13 PM

Call For Service

Event ID	[REDACTED]	Reporting Party	
Event Created	4/1/2024 7:32:13 PM	Address	[REDACTED] Churrituck Dr
Dispatcher	[REDACTED]	City, State, Zip	SAN DIEGO, CA 92154
Call Source	OFFICER	Phone	
Received	4/1/2024 7:32:13 PM	Call type	PRISONER IN CUSTODY
Dispatched	4/1/2024 7:32:14 PM	Event Type	PRISONER IN CUSTODY
Arrived	4/1/2024 7:32:15 PM	Reported Offense	
Cleared	4/1/2024 10:47:23 PM	Verified Offense	
Location	[REDACTED] Churrituck Dr	Tow Company	
City, State, Zip	SAN DIEGO, CA 92154	Vehicle	
Beat	1723	Vehicle License	
Grid		Disposition	A
Jurisdiction	Otay Mesa West - San Diego	Priority	
Map		Classification	
X Coordinate		Agency	SDPD - San Diego Police Dept
Y Coordinate		Cases	[REDACTED]
Longitude	-117.058124		
Latitude	32.583725		

Officers
SD1832 - ARELLANO FREGOSO, JOSE
[REDACTED]

Notes 4/1/2024 19:32:13 1832 Field Event
4/1/2024 19:32:15 1832 ** VEH search completed at 04/01/24 19:32:15
4/1/2024 19:39:45 1832 721Z2 -- CODE 4 **
4/1/2024 20:20:50 1832 721Z2 -- W/1016
4/1/2024 20:20:55 1832 ** Event Type changed from T to 1016 at: 04/01/24 20:20:55
4/1/2024 20:27:59 1832 ** Case number 24013028 has been assigned to event E24040001071
4/1/2024 20:30:16 1832 ** LOI search completed at 04/01/24 20:30:16
4/1/2024 22:47:23 1832 ** Event E24040001071 closed.



Report generated by:

User [REDACTED]
Username [REDACTED]
Department San Diego Police Dept. - CA
Local Timezone America/Los_Angeles
Generated on Apr 2, 2024 8:28 AM

Evidence ID	ID	Title	Evidence Group	Owner	Uploaded by	Uploaded on	Recorded on	Duration	Category	Status	File Type	Source	Shared To	Shared From	Device Home
f56b0e6763 a64b7c903 c11a2993a e2f9	[REDACTED]	[REDACTED] Churrituck Dr/Traffic Stop/ Transport Jail		Arrelano Fregoso, Jose (1832)	Arrelano Fregoso, Jose (1832)	02 Apr 2024 00:15:36	01 Apr 2024 21:29:01	25m 17s	Arrest - Felony - No Case	Active	video	axonbody3	-	-	
f9f7a2c957 d540f384a8 2c43690ec 03a	[REDACTED]	[REDACTED] Currituck Dr /10-16/Tran sport Hq		Arrelano Fregoso, Jose (1832)	Arrelano Fregoso, Jose (1832)	02 Apr 2024 00:08:59	01 Apr 2024 20:18:37	27m 16s	Arrest - Felony - No Case	Active	video	axonbody3	-	-	
bd446756e 63049358d 80ee29658 0f9f5	[REDACTED]	t stop [REDACTED]		[REDACTED]	[REDACTED]	01 Apr 2024 23:23:29	01 Apr 2024 20:17:14	10m 39s	Arrest - Felony - No Case	Active	video	axonbody3	-	-	
6f7deb0746 594ed6963 57aa27fdc3 f5c	[REDACTED]	[REDACTED] t stop		[REDACTED]	[REDACTED]	01 Apr 2024 23:20:42	01 Apr 2024 20:06:28	4m 49s	Arrest - Felony - No Case	Active	video	axonbody3	-	-	
d590b12b0 d2d491e96 3cd750347 8be05	[REDACTED]	1016		[REDACTED]	[REDACTED]	02 Apr 2024 00:05:51	01 Apr 2024 19:30:29	1h 16m	Arrest - Felony - No Case	Active	video	axonbody3	-	-	
e9dbb5c80f 0e436a965 5ee54a7fd9 13e	[REDACTED]	[REDACTED] Currituck Dr/ Traffic Stop/ Contact And Investi gation		Arrelano Fregoso, Jose (1832)	Arrelano Fregoso, Jose (1832)	02 Apr 2024 00:01:58	01 Apr 2024 19:30:20	40m 58s	Arrest - Felony - No Case	Active	video	axonbody3	-	-	



San Diego County
SHERIFF'S

DEPARTMENT

NOTICE OF NO COMPLAINT, ADD,
DROP, OR CHANGE CHARGE

Sheriff's Case Number [REDACTED]

TO: SHERIFF, SAN DIEGO COUNTY JAIL

FROM: ☐ SAN DIEGO SHERIFF'S DEPARTMENT

☒ OTHER San Diego Police Department
(Agency / Department)

SUBJECT: ☐ NOTICE OF NO COMPLAINT ISSUED

☒ ADD, CHANGE, OR DROP CHARGE

☐ DETENTION ONLY

PRISONER'S
NAME

Last

First

Middle

County Jail
Booking No.

- ☐ No complaint will be issued by the District/City Attorney against the above-named prisoner, charged with:

Reason: _____

- ☒ The charge(s) against the above-named prisoner have been changed or dropped:

Release: In the interest of justice

Add: Release from all pending charges

- ☒ This is your authority to release the above-named prisoner per Section 849(b)(1) P.C., subject to any holds now pending.
- ☐ This is your authority to release the above-named prisoner charged with violation of Section 647(f) P.C. per Section 849(b)(2) P.C., subject to any holds now pending.
- ☐ This is your authority to release the above-named prisoner per Section 849.5 P.C., subject to any holds now pending.

Date

4/2/24

Department / Office San Diego Police Department /

TRANSACTION REPORT

APR/02/2024/TUE 09:58 AM

FAX (TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	APR/02	09:57AM	[REDACTED]	0:00:57	1	MEMORY OK	ECM 6852

San Diego County
SHERIFF'S

DEPARTMENT

NOTICE OF NO COMPLAINT, ADD,
DROP, OR CHANGE CHARGE

Sheriff's Case Number [REDACTED]

TO: SHERIFF, SAN DIEGO COUNTY JAIL

 FROM: ☐ SAN DIEGO SHERIFF'S DEPARTMENT
☒ OTHER San Diego Police Department
 (Agency / Department)

 SUBJECT: ☐ NOTICE OF NO COMPLAINT ISSUED
☒ ADD, CHANGE, OR DROP CHARGE
☐ DETENTION ONLY
PRISONER'S
NAME

Last [REDACTED] First [REDACTED] Middle [REDACTED]

County Jail
Booking No. [REDACTED]
☐ No complaint will be issued by the District/City Attorney against the above-named prisoner, charged with:

Reason: _____

☒ The charge(s) against the above-named prisoner have been changed or dropped:
Release: In the Interest of JusticeAdd: Release from all pending charges
☒ This is your authority to release the above-named prisoner per Section 849(b)(1) P.C., subject to any holds now pending.

☐ This is your authority to release the above-named prisoner charged with violation of Section 847(f) P.C. per Section 849(b)(2) P.C., subject to any holds now pending.

☐ This is your authority to release the above-named prisoner per Section 849.5 P.C., subject to any holds now pending.

Date

4/2/24

Department / Office San Diego Police Department