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6 Mexican cops jailed in Oregon man's death

By John Killen, The Oregonian September 03, 2008, 2:55AM

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Courtesy of Kym Botner

Sam Botner plays on the beach with two of his children.

Mexican prosecutors are taking the unusual step of jailing six policemen from the resort town of San Jose del Cabo for what they say could be 30 days or more while they investigate how and whether a vacationing Oregonian was beaten to death in officers' custody, according to U.S. officials.

Steve Royster, spokesman for the U.S. State Department's Bureau of Consular Affairs, said Tuesday that last week's death of 38-year-old Sam Botner of Yoncalla was "a grave concern." The State Department is monitoring Mexico's investigation, he said.

Botner, a father of three who was vacationing with his wife after returning from a commercial fishing trip, reportedly suffocated on his own blood Aug. 27 in a San Jose del Cabo jail. He was arrested in a condominium parking lot that day when he reportedly got into a fight.

Botner's wife, Kym, said she believes her husband was beaten to death while handcuffed and in police custody. After viewing postmortem photos, Kym Botner said someone at the jail "just mutilated" Sam.

"His nose was totally off the side of his face," she said. "The handcuff marks were horrible."

Typically, authorities are given just two days to investigate before deciding on charges, said the State Department's Royster. It was unclear Tuesday why Mexican authorities had extended the process in this case.

Officials at the Mexican Consulate in Portland said they were waiting to hear about their government's position on the case.

Sergio Hayakawa-Leon, coordinator for the Portland office's protection department, said the office had not received autopsy reports or any video footage related to the case. But he said it wasn't necessarily the Mexican Consulate's job to get involved in the death of an American citizen.

"Our duty is to get involved in the Mexican national issues in the United States, not the American citizens' issues in Mexico," Hayakawa-Leon said.

The equivalent of the attorney general's office in the state of Baja California Sur, which is investigating the case, didn't have any other details available late Tuesday.

But Baja California Sur state deputy prosecutor Omar Barajas told The Associated Press that the police officers gave contradictory statements about the man's incarceration. One confessed to kicking him in the face. Others said the victim hit his face on the ground when they pushed him to the floor to subdue him.

Surveillance video and witness statements indicate that officers struck the victim, Barajas said.

Kym Botner said the incident happened after her husband had returned to their condo while she remained on the beach. She said she heard her husband and another man yelling in the parking lot. A truck with seven or eight policemen pulled into the lot; the men were armed with what looked like machine guns, she said.

The officers arrested her husband, who, she said, was resisting. She said police told her to come to the station the following morning, so she spent an anxious night alone in her condo. The next morning, she went to the police station with the manager of the condos where she and her husband were staying.

The manager acted as an interpreter when Kym Botner was told her husband had died in custody.

"I didn't understand it," she said. "It didn't make sense to me. They didn't know if he fell or got pushed. It was a red flag for me."

She said she was told his nose had been broken. She said her husband is 6-foot-1 and 250 pounds and it would have taken a significant blow to break his nose.

She said it wasn't until that night that she learned police officers were suspected of involvement in the death. She said she met with the Mexican prosecutor in the case, who told her that her husband's death was being investigated as a homicide and that police were involved.

She learned from accounts in the Mexican media and from her conversations with authorities there that her husband was beaten, placed in a cell, then removed and beaten again after two cellmates tried to get help for him.

Kym Botner said the coroner listed his cause of death as asphyxiation.

She said her husband was a fisherman and timber cutter who was raised in Yoncalla. They met in high school and had been married for 12 years. His children range in age from 10 to 16 years old.

"That was one of the hardest things, to have to come home and tell my 10-year-old," she said.

-- Susan Goldsmith of *The Oregonian* contributed to this report. Information from *The Associated Press* was also used.

-- Noelle Crombie; noellecrombie@news.oregonian.com

-- Melissa Navas; melissanavas@news.oregonian.com

-- *The Associated Press* contributed to this report.

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Posted by **pearljam550**
September 02, 2008, 9:46AM

geeze, i will never ever go to mexico on vacation. animals is what those cops are.shady criminals with guns and badges.i hope this lady gets justice, but i sincerely doubt she will see justice done.the whole country of mexico is corrupt. im gonna stick to the virgin island for my vacations.

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Posted by **tomthefrog**
September 02, 2008, 10:28AM

this incident just goes to show you that when you are in a forign country, other than britan, you have no rights and just because you are an american, that will play against you in most countries... especially latin american countries. as someone that has spent extensive time in south america, central america and mexico i have learned that you are being scrutinized 24-7 while youre there and because you are an american you better not step even the least little bit out of line or this will happen to you too. americans are reviled, hated, and despised in most of these countries and they will spare no expense to make you life miserable if you don't walk a very tight, narrow line in these countries. they don't give a damn about us in those countries and either does your embassy. the embassy and government will do little or nothing to help you... you are on your own. don't be fooled once you leave the security and sanctity of the united state you have nothing...period.

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Posted by **zakarious**
September 02, 2008, 11:20AM

This is truly an awful story and my heart goes out to the Botner family. But there's no need to fear monger. We need to remember, this kind of crime isn't unique to Mexico. It happens in the US as well. If fear of crooked cops is keeping you from traveling the world, you'd be wise not to travel at all, including anywhere in America. Case in point- several years ago a good friend of mine was almost beaten to death by 12 Milwuakee cops for "resisting". He was lucky he pulled through (barely) but he could just as easily have been killed...in the US by US law enforcement. Crooked and violent cops can be found anywhere.

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Posted by **puffy999**
September 02, 2008, 11:22AM

Don't go to Mexico. Ever. This is NOT uncommon down there, and it makes the abuse and corruption in US police departments look tame.

One of my father's friends was arrested and dumped in the desert after the police robbed him. I know of people who have had to use all of their cash to get out of police custody, people who did absolutely nothing.

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Posted by **davej2008**
September 02, 2008, 1:04PM

I thought the correct response in these situations was "he shouldn't have resisted arrest, you should always do what the cops say." Or maybe that's only the response when it's the **Portland** cops who have killed someone in custody?

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Posted by **wrnchbndr**
September 02, 2008, 1:13PM

I wouldn't go down there if you paid me.

warkitten I'll buy your ticket.
DaveJ2008 unless you were there and witnessed what happened STFU

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Posted by **ewebetcha**
September 02, 2008, 1:42PM

they are definitely corrupt. we flew into mexico with a connection in mexico city. the baggage handlers took 30% of our things out of our baggage. the airlines do not replace stolen baggage (read the back of your ticket). anyway...it put "our friendly neighbors" in prespective for us. and from what I am hearing, it is getting more and more dangerous down there. all we have to do is sit idly by and we can import some of that danger with all of the illegals coming across...that is what mexico is counting on.

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Posted by **dgalley**
September 02, 2008, 1:50PM

So sorry for the Botner family, may your precious memories comfort you while you deal with your loss.

This is not the first time nor will it be the last time this happens in Mexico. Doesn't mean it will happen if you do travel down there, just remember you are a visitor in their country & the law works differently down there. No excuse for the police pummeling a guy in cuffs. Learn a little bit of the language before you go, lest you have a run in with the cops down there, usually a few buck will get you out of jail quick, but causing a scene or yelling at them won't make you stay any better.

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Posted by **warkitten**
September 02, 2008, 1:56PM

wrnchbndr, awesome! Would you like to send a check? Paypal?

I go every christmas, tickets for my wife and I are usually around 1K.

Oh wait, you're not just spouting random garbage are you?

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Posted by **webster623**
September 02, 2008, 1:59PM

I am so sorry for the entire Botner family. I know all too well what they are dealing with. My 22 year old son Nolan died tragically last year while vacationing in Cancun. Since Nolan's death I have made it my priority to educate people about the many unknown dangers of vacationing in Mexico. Please visit: WWW.MEXICOVACATIONAWARENESS.COM

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Posted by **poisongirl35**
September 02, 2008, 2:19PM

My family and I had a run-in with the Mexican cops, and quickly decided to never go back. I cannot imagine how this woman feels. I hope that the US will get involved because a US citizen was treated so poorly. I really hope justice will be found for this man and his family.

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Posted by **judahlevi**
September 02, 2008, 4:04PM

The liberals of Oregon will always find a reason to defend the evil acts of others or strike the moral relativity drum that the USA is not any better than any other country. Baloney!

Mexico is a third-world country where corruption is rampant, particularly with the police. Warkitten can take his chances with his wife all he wants but I never vacation there.

Hawaii is far better, clean water, US money, US laws, and plenty of sunshine.

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Posted by **hilaryclinto**
September 02, 2008, 4:27PM

A friend's nephew, a Mexican American from LA, went partying in Tiajauna a couple of months ago. He did not come home. His cousins found him after getting a phone call. He was sitting upright in a bar stool, in a cantina, but missing all his internal organs. The unwilling organ donor.

The problem with illegal aliens and legal aliens that you don't know about, because they won't tell you and neither will the liberal apologists, is that those corrupt and drug lord driven countries are where the parents, grand parents, children, brothers and sisters, all still live. That leaves the illegal in the US vulnerable to the threats of the creeps at home, the narcos and the cops, the federales. They can make the people here illegally undertake crime in this country by making clear the threat to relatives in the home country, whether it

be Mexico or China. The threat of violence to your family in the homeland is real, and you can't do anything about it but conform to their wishes. That is bad deal immigration reformers won't talk about.

Mexico is out of control, for Americans, and for Mexicans. Out of control. Kidnappings, murders, torture, all are every day occurrences in every nook and cranny of the country. Not a safe place. A bad place. A really, really bad place. With millions of good people, but good people without the protection of a just and able government. Out of control. Sad, really.

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Posted by **yankeeshogun**
September 02, 2008, 5:53PM

I spent a few days in Mexico in the late 80s getting harassed by both the army and police, who asked for bribes to let us get by roadblocks. Once was enough. Of course the U.S. has its share of cops and immigration official on power trips.

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Posted by **thirteenburn**
September 02, 2008, 6:44PM

Regardless of why this man was arrested, his resisting was the perfect opportunity for a little "payback" for what is happening here in the U.S. You know, the recent spate of raids on companies and rounding up illegal immigrants?

A few weeks ago, a drug gang decided to dump five-plus decapitated bodies in an area once the domain of mostly American's and others from around the world, enjoying a 'Las Vegas type' atmosphere near Cancun and Playa de Carmen, two hotspots for tourism. Last week, four more decapitated bodies were dumped in plain sight in Tijuana, and I'm sure that most of you reading this either have a personal story of their own or know someone and heard their personal story about how much "fun" they had in Tijuana. In otherwords Tijuana equals tourism. American tourism.

I guess what I'm trying to say, as far as I'm concerned, I feel it's no longer safe for American citizens to visit and/or live in Mexico at this time. I really don't. Which lead me to my next thought and I wondered how soon Mexico would put some serious effort in stemming the flow of illegal immigrants into our country, if we as country stopped going to their country to play?

How many millions of tourist dollars can disappear from Mexican coffers before they decided enough is enough? I'm sure that some politician somewhere has already thought about this, though. Right? And if so, then where did that idea go? I've never heard of anything close to a threat of economic sanctions.

But whatever. It's just an idea that I guess is too politically incorrect, because that wouldn't be fair to poor Mexico to force them to help keep THEIR OWN FREAKING PEOPLE from leaving by the millions every year. I mean, seriously what's going to be left of Mexico when their entire population has succeeded in coming into our country?

Oh ya, that's right - it will still be full of Americans who are dropping those millions of dollars into what's left of the Mexican government, partying day and night in the warm waters of the Mexican Riviera and basically subsidizing a country that in a way, no longer exists.

Sad but true...

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Posted by **realitybiter**
September 02, 2008, 7:01PM

Mexico now has an average of two kidnappings per day. They figure that at least half of the kidnappings have some police corruption involved (turning a blind eye, receiving proceeds).
Why any rational American who has any desire to live would spend one dime

or moment in Mexico is beyond me. This is not conjecture. This is reality:
<http://www.reuters.com/article/marketsNews/idUSN0129989520080901>
or
<http://news.bbc.co.uk/2/hi/americas/7590272.stm>

Mexico is sinking into anarchy. The easy oil money is gone (lower production), and it will only get worse. The gangs are out of control and the police, the judges, and everyone in between are corrupt. Fish local!
Watch "Man on Fire". It seemed like great fiction a couple of years ago, but now it seems so true.

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Posted by **relaxntakeit**
September 02, 2008, 8:05PM

Just having read a travel guide for Baja, one of the points the author makes, MORE THAN ONCE, is to be courteous at all times, never raise your voice or act threateningly, no matter how frustrated you may be. Politesse and courtesy are everything.
Unfortunately, as is stated above, Americans are hated in many places. This is because, to a large extent, Americans are arrogant and display a sense of entitlement in their dealings. This is offensive to others. When out of the US, Americans are subject to the laws of the host country, period. Whatever your opinion of their culture or jurisprudence system, it is theirs, and you are subject to its authority. If you don't like that, disagree with it, or can't face the obvious risk, don't go. And yes, the State Department is powerless, DUH! America isn't the power people think it is. In almost all literature about going abroad, these warnings are posted, and repeated, many times. Mexico adheres, still largely, to the Napoleonic Code, which is that the accused is GUILTY UNTIL PROVEN INNOCENT. It is the responsibility of the accused to prove their innocence, not the state's responsibility to prove their guilt. The news account said that the deceased was in an argument, raising his voice, and then resisted arrest. FATAL MISTAKE, in Mexico. Regardless of whether the officers in question are prosecuted, three children are now fatherless. It's a sad thing, and can be an object lesson for folks who may not have the temperament to weather Mexican culture and customs. After all, Los Cabos, etc, are not Miami Beach, or American playgrounds, despite some folks' ideas along those lines.

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Posted by **relaxntakeit**
September 02, 2008, 8:11PM

uh, BTW, warkitten, in your statement, "for my wife and I"... the correct syntax would be: "...for my wife and me"....Don't understand the problem people are having with pronouns and apostrophes, these days.

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Posted by **warkitten**
September 02, 2008, 8:41PM

Relax, thank you so much!!! While you're playing king of the grammar bee, the rest of us will be having a discussion regarding the issue at hand. Don't get me wrong though, your input is valuable. Those of us who contribute do appreciate the efforts of those of you who can only parse text and snipe. Everyone does what they can, and you're living proof. Great job!

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Posted by **warkitten**
September 02, 2008, 8:48PM

Relax, you may also want to look up the word "Politesse". Hoisted on your own pitard?

Regardless of your stupidity, you make a halfway decent point. While it doesn't justify murder, resisting the police is always a bad idea and especially bad in a foreign country. When traveling abroad, it's always wise to make yourself aware of the law of the land you're in, show some respect, and use situational awareness... Especially in an global environment where Americans are looked on poorly due to the actions of our government.

That being said, I spend the holidays in this area every year, and I don't plan to stop. I've never had any trouble and if I continue to conduct myself intelligently I don't I will.

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