

**Internal Investigation
Administrative Worksheet
PI# 18-063**

Principal(s): Deputy Leith Chacon

Complainant(s): Administration

Facility/Location: San Juan Capistrano / Field Operations

Disposition:

- 1. OCSD Policy Manual Section 1018.1 – Standard of Conduct
 Unfounded / No Further Action / Exonerated / Not Sustained / Sustained
- 2. OCSD Policy Manual Section 1018.33- Incurring Liability
 Unfounded / No Further Action / Exonerated / Not Sustained / Sustained
- 3. OCSD Policy Manual Section 1018.5- Performance of Duty
 Unfounded / No Further Action / Exonerated / Not Sustained / Sustained
- 4. OCSD Policy Manual Section 1018.6- Obedience to Laws and Regulations
 Unfounded / No Further Action / Exonerated / Not Sustained / Sustained
- 5. OCSD Policy Manual Section 1019.11- Tampering With Evidence
 Unfounded / No Further Action / Exonerated / Not Sustained / Sustained
- 6. OCSD Policy Manual Section 1001.2- Canon of Ethics
 Unfounded / No Further Action / Exonerated / Not Sustained / Sustained
- 7. OCSD Field Operations Manual (FOM), Section "19 C.4" - Evidence
 Unfounded / No Further Action / Exonerated / Not Sustained / Sustained

Administrative Leave

Discipline: Written Reprimand Suspension (# of hours 40) Demotion (to rank of _____) Dismissal

Comments / Other: Discussed w/ Excc. Command Staff 3-6-19

Administrative Disposition by: T. Sawyer Date: 3-6-19

Administrative Appeal Hearing

Date: _____

Time: _____

In Attendance: _____

Comments: _____

Disposition: _____

Disposition by: _____ Date: _____



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

NOTICE OF SUSPENSION Personnel Investigation #18-063

LEITH CHACON
SAN JUAN CAPISTRANO POLICE SERVICES
FIELD OPERATIONS COMMAND

You are hereby notified that the Orange County Sheriff-Coroner Department ("Department") is suspending you without pay from your position of Deputy Sheriff II for a period of forty (40) working hours. Your suspension shall be served in its entirety over consecutive days and will be completed within one pay period. Pursuant to Article X, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you will be suspended for violating the following:

1. OCSD POLICY SECTION 1018.1 - STANDARD OF CONDUCT

Members shall conduct their private and professional lives in such a manner as to avoid bringing discredit upon themselves or the department.

2. OCSD POLICY SECTION 1018.33 - INCURRING LIABILITY

Members shall exercise extreme caution and good judgment to avoid occurrences that might give rise to liability chargeable against the department, the Sheriff-Coroner, or the County.

3. OCSD POLICY SECTION 1018.5 - PERFORMANCE OF DUTY

Members shall perform their duties as required or directed by law, department rules/regulations, procedures, policies or by order of a superior officer. All lawful duties required by competent authority shall be performed promptly as directed.

4. OCSD POLICY 1018.6 – OBEDIENCE TO LAWS AND REGULATIONS

(a) Members shall observe and obey all laws and ordinances, all rules/regulations, procedures and policies of the department and all orders of the department or commands thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule/regulation, procedure or policy in question.

5. OCSD POLICY 1019.11 – TAMPERING WITH EVIDENCE

Members shall not fabricate, withhold, alter or destroy evidence of any kind.

6. OCSD POLICY 1001.2 - CANNON OF ETHICS

CANON TWO – Peace officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities.

Standard 2.3 – Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.

7. OCS D FIELD OPERATIONS MANUAL (FOM), SECTION "19 C. 4" – EVIDENCE

C. Collection

4. Once you have collected the item, retain physical control over it until it is booked in the evidence locker. Property and evidence WILL be secured in an authorized Property/Evidence locker by the end of shift. (Placing items in an employee locker or in your personal vehicle for temporary storage is strictly prohibited). Under extenuating circumstances, a supervisor may authorize temporary storage in an authorized secure area (example: locked office safe, closet or file cabinet) if that area is only accessible by the deputy or the supervisor. This will maintain chain of custody.

In the letter entitled "Notice of Pending Suspension" you were provided, the specifics of the above listed violations. In addition, you were provided your right to request a Due Process Review (Skelly Meeting) of this matter, which you did not exercise.

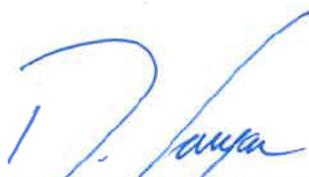
This incident may serve as basis for a substandard evaluation, and/or denial of promotion and/or transfer. Also, be advised that any future sustained incident of a similar nature may result in a substandard performance evaluation, more severe discipline being imposed upon you, up to and including termination, and/or the denial of promotion and/or transfer.

You have the right to appeal, pursuant to Article X, Section 3C and Article XI, Sections 7 & 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.

Your suspension will be served as follows:

Friday, April 12, 2019	1800-0600	(12 hours)
Saturday, April 13, 2019	1800-0600	(12 hours)
Wednesday, April 17, 2019	1800-0600	(12 hours)
Thursday, April 18, 2019	1800-2200	(4 hours)

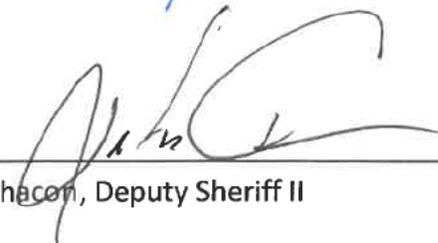
Total: 40 hours



Dave Sawyer, Commander

4-2-19

Date



Leith Checon, Deputy Sheriff II

4/11/19

Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

SHERIFF-CORONER DON BARNES

NOTICE OF PENDING SUSPENSION Personnel Investigation #18-063

LEITH CHACON
SAN JUAN CAPISTRANO POLICE SERVICES
FIELD OPERATIONS

You are hereby notified that the Orange County Sheriff-Coroner Department ("OCSD") intends to suspend you without pay from your position as a Deputy Sheriff II, for a period of forty (40) working hours. Your suspension shall be served in its entirety over consecutive days and will be completed within one pay period. Pursuant to Article X, Section 3, of the County of Orange Memorandum of Understanding for the Peace Officer Unit, and the Orange County Sheriff's Department Policy Manual 340.2 (a) 2, you will be suspended for violating the following:

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On March 21st, 2018, at the direction of Commander W. Baker, Internal Affairs initiated a personnel investigation into your on-duty actions relating to improper collection and booking of evidence.

An investigation into your collection and booking of evidence from January 2016 to October 2017 revealed you violated Department policy approximately forty-three (43) times by booking in evidence later than the same shift. Additionally, there were three (3) incidents where no evidence was booked/logged into "Remedy" (Sheriff's Evidence).

During your interview with Internal Affairs Sergeants Montano and Mauga, you admitted to consistently booking in evidence late as well as practicing poor chain of custody procedures. You told Sergeants Montano and Mauga that you understood the potential liability issues regarding booking in evidence late brings to yourself and the Department. You stated you regularly used the trunk of your SET patrol vehicle to hold onto evidence until the time of booking; against Department policy. You also admitted you violated various Department policies during the timeframe of the investigation and stated you took responsibility for your irresponsible actions.

As a member of the Orange County Sheriff's Department, you have an unyielding responsibility to continually conduct yourself professionally, honestly, and not bring public embarrassment or liability upon yourself, your Department, or its members. After consideration of all available information, the Department believes you violated the above listed OCSD Policy sections.

In addition to this "Notice of Pending Suspension," you are entitled to the documents that substantiate the decision to suspend you:

- Initial Action
- Investigative Summary
- Initiating Memos
- CD of Internal Affairs Interview

This incident may serve as basis for a substandard evaluation, and/or denial of promotion and/or transfer. Also, be advised that any future sustained incident of a similar nature may result in a substandard performance evaluation, more severe discipline being imposed upon you, up to and including termination, and/or the denial of promotion and/or transfer. You are entitled to a due process review (Skelly Meeting) before discipline is imposed. You may respond in writing to Assistant Sheriff Jon Briggs within ten (10) calendar days of receipt of this notice, or you may request a meeting. If you choose a meeting, you must notify Internal Affairs Sergeant AJ Patella within ten (10) calendar days of receipt of this notice and a meeting will be arranged for a later date.

If you do not provide a written response or request a meeting by 1700 hours on the tenth calendar day following your receipt of this notice, it will be assumed you have waived your right to be heard. If you do respond, consideration will be given to your response prior to taking any proposed action on this proposal for suspension. You are entitled to represent yourself or may be represented by the Association of Orange County Deputy Sheriffs ("AOCDS") pursuant to the Memorandum of Understanding between the County of Orange and AOCDS in any pre-disciplinary meeting you may request.

If this proposed action becomes final, you have the right to appeal, pursuant to Article X, Section 3C and Article XI, Sections 7 and 8 of the Memorandum of Understanding, County of Orange and the Association of Orange County Deputy Sheriff's for the Peace Officer and Supervising Peace Officer Unit.



Dave Sawyer, Commander

3-13-19

Date



Leith Chacon, Deputy Sheriff II

3.20.19

Date

Initial Action

Case #18-063

ORANGE COUNTY SHERIFF'S DEPARTMENT

3/21/2018

COMPLAINANT: Sheriff's Administration

COMPLAINANT DATE: 3/21/2018

DIVISION: Southwest Operations

DIVISION COMMANDER: Captain J. England

INITIAL ACTION

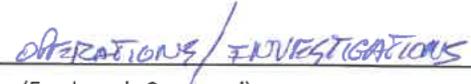
- No Further Action
- Division Review
- Human Resources Investigation
- Division Personnel Investigation
- Personnel Investigation
(Requires Completion of Administrative Leave Authorization)

CRIMINAL INVESTIGATION (Requires Administrative Leave Review)

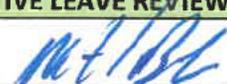
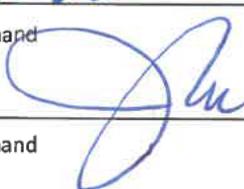
- Internal Criminal
- Outside Agency _____

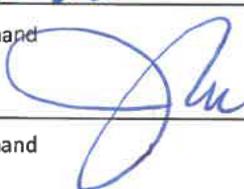
ADMINISTRATIVE LEAVE AUTHORIZATION (AL checked requires AL Review)

- ADMINISTRATIVE LEAVE
- NO ADMINISTRATIVE LEAVE



 Date: 3/22/18
 Executive Command (Employee's Command)

ADMINISTRATIVE LEAVE REVIEW



 Date: 3-22-18
 Executive Command (Field Ops/Investigative Command)


 Date: 3-22-18
 Executive Command (Professional Services Command)

Initiating Memorandums

**ORANGE COUNTY SHERIFF'S DEPARTMENT
INTERNAL MEMO**



TO: Commander Bill Baker
FROM: Lieutenant Nathan Wilson
DATE: March 20, 2018
RE: Personnel Investigation - Deputy Leith Chacon

Beginning on February 2, 2018, an internal audit was conducted of the department's Property Evidence System. During the course that audit, it was revealed that Deputy Leith Chacon had failed to book a piece of evidence in accordance with Field Operations Manual, Section 19, which states that "Property and evidence will be secured in an authorized Property/Evidence locker by the end of shift. (Placing items in an employee locker or in your personal vehicle for temporary store is strictly prohibited)".

On January 9, 2016, Dep. Leith Chacon arrested a subject on a weapons charge and probation violation (DR#16-006753). He collected brass knuckles as evidence of the violation. The subject pled guilty to the charges on January 12, 2017. Dep. Chacon did not book the evidence used in support of the charges until February 10, 2017, thirty-two days after it had been collected and thirty days after the subject pled guilty.

I am requesting an internal investigation into the actions of Deputy Leith Chacon.

*Refer to
INTERNAL CRIMINAL
W. BAKER
3-21-18
(W)*



Personnel Investigation Summary



To: Lieutenant Garrett DeGiorgio
From: Sergeant Justin Montano
Date: February 26th, 2019
RE: Personnel Investigation #18-063

COMPLAINANT: SHERIFF'S ADMINISTRATION

EMPLOYEE(S): DEPUTY LEITH CHACON #2852

INCIDENT LOCATION: CITY OF SAN JUAN CAPISTRANO

INCIDENT DATE(S): JANUARY 1ST, 2016 THROUGH OCTOBER 6TH, 2017

ALLEGATION(S):

1. OCSD POLICY 1018.1	STANDARD OF CONDUCT
2. OCSD POLICY 1018.5	PERFORMANCE OF DUTY
3. OCSD POLICY 1018.33	INCURRING LIABILITY
4. OCSD POLICY 1018.6	OBEDIENCE TO LAWS AND REGULATIONS
5. OCSD POLICY 1019.11	TAMPERING WITH EVIDENCE
6. OCSD POLICY 1001.2	CANNON OF ETHICS
7. OCSD FOM SECTION "19 C. 4"	EVIDENCE

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INITIAL ACTION

On 03-21-18, Commander W. Baker recommended an Internal Criminal investigation into the on-duty actions of Deputy Leith Chacon. It was alleged Deputy Chacon violated numerous policies relating to collection and booking of evidence.

On 01-17-19, The Orange County District Attorney’s office declined to file charges against Deputy Chacon. ***For further details, see page 5 of this report for the copy of the official DA letter.***

On 01-23-19, after the completion of the Internal Criminal investigation and DA review, Assistant Sheriff J. Briggs recommended an Internal Affairs investigation regarding any violations of Department policies.

Below are the internal memos supporting/initiating the Internal Affairs (IA) investigation:

MEMORANDUMS INITIATING THE INTERNAL AFFAIRS INVESTIGATION

MEMO FROM LIEUTENANT N. WILSON TO COMMANDER W. BAKER (DATED 03-20-18):

ORANGE COUNTY SHERIFF'S DEPARTMENT INTERNAL MEMO



TO: Commander Bill Baker
FROM: Lieutenant Nathan Wilson
DATE: March 20, 2018
RE: Personnel Investigation - Deputy Leith Chacon

Beginning on February 2, 2018, an internal audit was conducted of the department's Property Evidence System. During the course that audit, it was revealed that Deputy Leith Chacon had failed to book a piece of evidence in accordance with Field Operations Manual, Section 19, which states that "Property and evidence will be secured in an authorized Property/Evidence locker by the end of shift. (Placing items in an employee locker or in your personal vehicle for temporary store is strictly prohibited)".

On January 9, 2016, Dep. Leith Chacon arrested a subject on a weapons charge and probation violation (DR#16-006753). He collected brass knuckles as evidence of the violation. The subject pled guilty to the charges on January 12, 2017. Dep. Chacon did not book the evidence used in support of the charges until February 10, 2017, thirty-two days after it had been collected and thirty days after the subject pled guilty.

I am requesting an internal investigation into the actions of Deputy Leith Chacon.

*Refer to
INTERNAL COMMANDER
W. BAKER
3-21-18
@*



MEMO FROM LIEUTENANT K. NAVARRO TO CAPTAIN A. STEPHENS (DATED 01-23-19):

**ORANGE COUNTY
SHERIFF'S DEPARTMENT
INTERNAL MEMO**



To: Captain Andy Stephens

From: Lieutenant Kevin Navarro 

Date: January 23, 2019

RE: Internal Criminal Investigation #18-015653

On March 22, 2018, the Orange County Sheriff's Department Auditor Detail was assigned an Internal Criminal Investigation regarding OCSD Deputy Leith Chacon #2852. It was alleged Deputy Chacon collected evidence/property and failed to book it into evidence. Deputy Chacon was not placed on administrative leave for this incident.

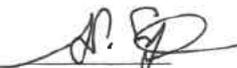
Auditor Detail Investigator [REDACTED] conducted a thorough investigation of the incident. At the conclusion of the investigation, he submitted copies of all reports associated with the investigation to the Orange County District Attorney's Office.

The case was assigned to Deputy District Attorney Susan Laird for review. On January 17, 2019, after carefully reviewing the case, Deputy DA Laird rejected the case and concluded the filing of criminal charges was not warranted. The DA's criminal review of this case is closed.

I recommend this case be assigned to Internal Affairs for an administrative review related to any violation(s) of department policy.

Command Staff

Remarks


Investigations Captain

CONCUR TO IA


Area Commander

CONCUR TO IA.


Assistant Sheriff

CONCUR TO IA.

LETTER FROM THE DISTRICT ATTORNEY'S OFFICE TO INVESTIGATOR [REDACTED]



**OFFICE OF THE
DISTRICT ATTORNEY**
ORANGE COUNTY, CALIFORNIA
TODD SPITZER

January 17, 2019

Investigator [REDACTED]
Orange County Sheriff's Department
Attn: Internal Affairs
P.O. Box 449
Santa Ana, CA 92702-9951

RE: Internal Criminal Investigation of Deputy Sheriff Leith Chacon
Case no. 18-015653

Dear Investigator [REDACTED]

Our office has reviewed the above listed report by Investigator [REDACTED] dated March 22, 2018, regarding Orange County Sheriff Deputy Leith Chacon's late booking of evidence, as well as his failure to book evidence or property, at the Orange County Sheriff's Department. It is our conclusion after reviewing all the available evidence that the filing of criminal charges against Deputy Chacon is not warranted because we do not have sufficient evidence to prove beyond a reasonable doubt that Deputy Chacon committed a crime. However, it is our office's intention to notify all the impacted defendants of Deputy Chacon's conduct in connection with evidence relating to such defendants' cases. Thank you for bringing this matter to our attention.

Sincerely,

SUSAN J. LAIRD
Orange County District Attorney's Office
Deputy District Attorney
Special Prosecutions Unit
714-347-8627
susan.laird@da.ocgov.com



REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: www.OrangeCountyDA.com

MAIN OFFICE
401 CIVIC CENTER DR W
P.O. BOX 608
SANTA ANA, CA 92701
(714) 834-3000

NORTH OFFICE
1275 N. BERKELEY AVE
FULLERTON, CA 92832
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 696-7261

HARBOR OFFICE
4801 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4850

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

CENTRAL OFFICE
401 CIVIC CENTER DR W
P.O. BOX 905
SANTA ANA, CA 92701
(714) 834-3052

INTERNAL CRIMINAL INVESTIGATION (INVESTIGATOR [REDACTED]):

INTERNAL CRIMINAL – COPY OF INVESTIGATIVE SUMMARY

Background:

On Thursday, March 22, 2018, I was assigned this Internal Criminal Investigation by Sergeant J. Montano. Sergeant Montano gave me a packet of information containing internal memos by Commander B. Baker, Captain K. Burmood, and Lieutenant N. Wilson. Sergeant Montano told me this investigation would comprise of an Internal Criminal Investigation into possible mishandling of evidence by Deputy Leith Chacon.

Summary of Internal Memos:

Beginning February 2, 2018, an internal audit was conducted of the department's Property Evidence System. The timeframe of the audit was February 1, 2016 – February 1, 2018. During the course of that audit, it was revealed Deputy Leith Chacon had failed to book evidence in accordance with Field Operations Manual, Section 19, which states that "Property and evidence will be secured in an authorized Property/Evidence locker by the end of shift. (Placing items in an employee locker or in your personal vehicle for temporary storage is strictly prohibited.)"

DR#16-006753: *Deputy Chacon booked in Brass Knuckles on 2/10/16. The suspect pleaded guilty to possession of brass knuckles on 1/12/16 and served three days in custody.*

DR#16-011688: *On 1/15/16, Deputy Chacon arrested a probationer for violation of probation. The probationer's cell phone was collected since it was receiving messages related to narcotic activity. The cell phone was not booked.*

DR#16-059938: *On 3/11/16, Deputy Chacon arrested a suspect for a warrant arrest. During a search of the suspect, Deputy Chacon located a methamphetamine pipe containing a useable amount of methamphetamine. The paraphernalia and methamphetamine were not booked. No case was filed.*

DR#16-234140: *On 9/8/16, Deputy Chacon issued a suspect a citation for H&S 11377, H&S 11364, CPC 602 and SJMC 5-3.02. No evidence was booked. On 11/18/16, the suspect pleaded guilty to the charges and served two days in jail.*

DR#16-264034: *On 10/7/16, Deputy Chacon detained known gang members for a possible CPC 594 violation. Deputy Chacon collected an aerosol spray paint can and a black baseball glove. This evidence was not booked.*

Sheriff's Remedy System:

When an OCSD employee books evidence, he or she is required to book it into property through the "Remedy" computer application at one of several computer terminals located throughout the department. Remedy terminals and secure evidence lockers are located at many OCSD buildings, including the Stanton Station, Southeast Station in Lake Forest, Southwest Station in Aliso Viejo, and other locations. Using Remedy, the employee inputs his or her own name, assignment, property description, and other information into a computerized form. Once all the information is entered and saved, a tag and a label are generated. The employee attaches the label to the item of evidence. The employee writes his or her initials and ID number on the evidence tag and attaches it to the item. The employee then places the item of evidence into a secure evidence locker. Remedy users can also generate various reports that list items booked in under a particular DR number. One report called "Case Items Report" simply lists the items booked under a DR number. Another report called "Audit Trail Report" lists who booked an item (among other information). These reports also display whether property is still in evidence, has been released, or has been destroyed. The description of the property in evidence is solely dependent on how the employee describes it when he or she enters it into Remedy. The description does not necessarily reflect what is actually booked into evidence.

Photographic Evidence:

When a Deputy Sheriff takes his or her own photographs as part of an investigation, there is an alternate procedure for booking them into evidence. The deputy may submit them without using the Remedy system. After taking photos and saving them to a CD or other digital media, the deputy places the CD into a photo evidence envelope and then into a secure evidence locker. According to the OC Crime Lab (OCCL) photo lab Section Manager, Kim Brown, the process is as follows. The evidence is collected daily and delivered to Sheriff's Evidence. The envelopes containing CD's are delivered to the OCCL photo lab where they are logged into their tracking system. The deputy's photographs are then available to be viewed electronically at some later date. Kim told me there can be a delay of a few days between when the deputy submits the evidence at their workplace and the date it is reflected in the OCCL computer tracking system. The date listed for photo CDs in the below table is the date the evidence was logged into the OCCL photo lab system. If the lab had no record of a receipt of photos for a DR number, that information is in the Notes section of the table.

Identification of Possible Late Evidence Booking:

Using Sheriff's software applications, I located 82 case numbers in which Deputy Chacon is the assigned deputy. I identified 43 case numbers under which he collected evidence. I then collected Property Tracking Reports using Remedy. I compared the dates when evidence was booked with the dates it was collected. I then checked court records for each case to determine whether the suspect pled guilty before Deputy Chacon booked the evidence. I compiled my findings into the below table. The highlighted sections are the incidents in question. The "Notes" section of the table contains language from Deputy Chacon's reports regarding when the evidence was to be booked as well as other notes. **For details, see the table on pages 8 through 14 of this memo.**

DR#	REPORTED	COLLECTED	BOOKED	EVIDENCE DESCRIPTION	CASE NOTES
17-039630	10/6/2017	10/6/2017	10/18/2017	METHAMPHETAMINE PIPE	H&S 11364-REPORT STATED, THE PIPE WAS BOOKED INTO EVIDENCE AT THE SOUTHWEST SUBSTATION.
17-026836	7/11/2017			NONE	WARRANT ARREST
17-007231	2/23/2017			NONE	CPC 496, EVIDENCE WAS RETURNED TO VICTIM.
17-004117	2/1/2017	2/1/2017	2/2/2017	METHAMPHETAMINE, BASEBALL BAT, HEADPHONES	CPC 459- REPORT STATED, I COLLECTED THE EVIDENCE AND PROPERTY AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHEAST STATION.
17-003183	1/25/2017			NONE	CPC 166(a)(9)
16-279404	10/27/2016	10/27/2016	10/29/2016	.47 OZ COCAINE	H&S 11351- REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.

16-264034	10/8/2016			NONE	REPORT STATED THE COLLECTION OF A BLACK AEROSOL SPRAY CAN AND A BLACK BASEBALL GLOVE WAS BOOKED AT THE SOUTHWEST SUBSTATION, BUT NO EVIDENCE WAS LOCATED IN REMEDY.
16-254530	9/28/2016	9/28/2016	10/14/2016	PARAPHERNALIA, MARIJUANA	H&S 11364- REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE ALISO VIEJO SUBSTATION.
16-235002	9/9/2016			NONE	AOA SALT LAKE CITY P.D.
16-234140	9/8/2016			NONE	H&S 11377, 11364- REPORT STATED HE BOOKED THE GLASS PIPE AT THE ALISO VIEJO SUBSTATION. REMEDY SHOWED NO EVIDENCE IN THE SYSTEM. ON 11/18/16, SUSPECT PLEADED GUILTY TO POSSESSION CHARGES.
16-228973	9/3/2016			NONE	WARRANT ARREST
16-219821	8/26/2016			NONE	CVC 12500
16-218377	8/24/2016	8/24/2016	8/25/2016	PARAPHERNALIA	H&S 11364- REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION IN ALISO VIEJO.
16-218270	8/24/2016			NONE	WARRANT ARREST
16-202035	8/9/2016			NONE	WARRANT ARREST

16-119792	5/18/2016			NONE	DAMAGE TO COUNTY PROPERTY
16-098206	4/23/2016			NONE	AOA PROBATION
16-075753	3/29/2016			NONE	WARRANT ARREST
16-075633	3/29/2016	3/29/2016	4/23/2016	LAPTOP, FLASHLIGHTS, SCREWDRIVERS	FOUND PROPERTY. REPORT STATED, I COLLECTED THE ITEMS AND BOOKED THEM INTO AN EVIDENCE LOCKER AT THE SOUTHWEST STATION IN ALISO VIEJO.
16-072420	3/25/2016			NONE	WARRANT ARREST
16-067066	3/19/2016	3/19/2016	3/26/2016	METHAMPHETAMINE, PARAPHERNALIA, XANAX	H&S 11377, REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION IN ALISO VIEJO.
16-065150	3/17/2016	3/17/2016	3/26/2016	.5 GRAMS OF HEROIN	H&S 11350. REPORT DID NOT STATE IF THE EVIDENCE WAS COLLECTED OR BOOKED.
16-064394	3/16/2016	3/16/2016	3/26/2016	HEROIN, PARAPHERNALIA, SCALE	H&S11350. REPORT MENTIONS THE TESTING OF THE NARCOTICS BUT DOES NOT STATE IF THE EVIDENCE WAS BOOKED.
16-064357	3/16/2016			NONE	WARRANT ARREST
16-063278	3/15/2016			NONE	CPC 653(m)
16-059938	3/11/2016			NONE	H&S 11377, 11364. REPORT DID NOT STATE ANY INFORMATION REGARDING BOOKING THE EVIDENCE.
16-059310	3/10/2016			NONE	CVC 14601

16-059094	3/10/2016	3/10/2016	3/18/2016	METHAMPHETAMINE, SCALE	H&S 11377. REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-054657	3/5/2016	3/5/2016	3/11/2016	METHAMPHETAMINE, MARIJUANA	H&S 11377. REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-053985	3/4/2016	3/4/2016	3/11/2016	MARIJUANA	CVC 23222(b). REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-053091	3/3/2016			NONE	WARRANT ARREST
16-052239	3/2/2016			NONE	CVC 14601
16-046594	2/25/2016			NONE	CVC 14601
16-045626	2/24/2016			NONE	WARRANT ARREST
16-044658	2/23/2016			NONE	WARRANT ARREST
16-044598	2/23/2016			NONE	FRAUD REPORT. IMAGES ARE EMBEDDED INTO THE REPORT.
16-042061	2/20/2016	2/20/2016	3/11/2016	METHAMPHETAMINE	H&S 11377. REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-041367	2/19/2016			NONE	WARRANT ARREST
16-040349	2/18/2016	2/18/2016	3/11/2016	METHAMPHETAMINE, PARAPHERNALIA	H&S 11377. REPORT DOES NOT STATE IF THE

					METHAMPHETAMINE OR THE PIPE WERE BOOKED.
16-040341	2/18/2016			NONE	WARRANT ARREST
16-036485	2/13/2016			NONE	CPC 243
16-035615	2/12/2016			NONE	CVC 14601
16-033828	2/10/2016			NONE	WARRANT ARREST
16-029960	2/6/2016			NONE	WARRANT ARREST
16-029874	2/6/2016			NONE	FRAUD REPORT. IMAGES ARE EMBEDDED INTO THE REPORT.
16-029216	2/5/2016	2/5/2016	2/10/2016	MARIJUANA	H&S 11357(b). REPORT DOES NOT STATE ANY INFORMATION ABOUT BOOKING THE MARIJUANA.
16-028499	2/4/2016			NONE	WARRANT ARREST
16-027579	2/3/2016	2/3/2016	2/10/2016	COCAINE	H&S 11350. REPORT STATED HE NIK TESTED THE COCAINE BUT NO INFORMATION IF THE EVIDENCE WAS BOOKED.
16-027545	2/3/2016			NONE	WARRANT ARREST
16-023723	1/30/2016	1/30/2016	2/10/2016	METHAMPHETAMINE, PARAPHERNALIA	H&S 11377. REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-023329	1/29/2016	1/30/2016	2/10/2016	METHAMPHETAMINE, PARAPHERNALIA	H&S 11377,11364. REPORT STATED, I COLLECTED THE EVIDENCE AND BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-021289	1/27/2016			NONE	CPC 240/242
16-020601	1/26/2016			NONE	CPC 594

16-020480	1/26/2016			NONE	CPC 530.5
					H&S 11377. REPORT STATED, ALL EVIDENCE WAS BOOKED INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-020271	1/26/2016	1/26/2016	1/26/2016	METHAMPHETAMINE, PARAPHERNALIA	
					H&S 11364. REPORT DID NOT STATE ANY INFORMATION REGARDING BOOKING THE SYRINGES.
16-017161	1/22/2016	1/22/2016	1/26/2016	7 SYRINGES	
16-016338	1/21/2016			NONE	WARRANT ARREST
					AOA PROBATION. REPORT STATED, FUENTES COLLECTED THE CELL PHONE AND ARRESTED [REDACTED] FOR PROBATION VIOLATION. NO CELL PHONE IN EVIDENCE.
16-011688	1/15/2016			NONE	
16-009824	1/13/2016			NONE	WARRANT ARREST
16-006914	1/10/2016			NONE	CPC 459
					CPC166(a). REPORT DOES NOT HAVE INFORMATION ABOUT BOOKING THE BRASS KNUCKLES INTO EVIDENCE. ON 1/12/16 THE SUSPECT PLED GUILTY TO A PROBATION VIOLATION. EVIDENCE WAS NOT BOOKED UNTIL 2/10/16.
16-006753	1/9/2016	1/9/2016	2/10/2016	BRASS KNUCKLES	
16-003543	1/5/2016			NONE	WARRANT ARREST
					H&S11364. REPORT STATED, I COLLECTED THE EVIDENCE AND
16-001397	1/2/2016	1/2/2016	2/10/2016	METHAMPHETAMINE PIPE	

					BOOKED IT INTO AN EVIDENCE LOCKER AT THE SOUTHWEST SUBSTATION.
16-001382	1/2/2016			NONE	WARRANT ARREST
16-001261	1/2/2016	1/2/2016	1/18/2016	MACHETE, METHAMPHETAMINE PIPE, CELL PHONE	H&S 11377. REPORT STATED, DEPUTY CHACON AND I MAINTAINED CUSTODY OF ALL EVIDENCE UNTIL WE BOOKED IT INTO SHERIFF' S EVIDENCE LOCKER IN ALISO VIEJO SUBSTATION.
16-000680	1/1/2016			NONE	CVC 14601

Sheriff's Remedy System:

When an OCSD employee books evidence, he or she is required to book it into property through the "Remedy" computer application at one of several computer terminals located throughout the department. Remedy terminals and secure evidence lockers are located at many OCSD buildings, including the Stanton Station, Southeast Station in Lake Forest, Southwest Station in Aliso Viejo, and other locations. Using Remedy, the employee inputs his or her own name, assignment, property description, and other information into a computerized form. Once all the information is entered and saved, a tag and a label are generated. The employee attaches the label to the item of evidence. The employee writes his or her initials and ID number on the evidence tag and attaches it to the item. The employee then places the item of evidence into a secure evidence locker. Remedy users can also generate various reports that list items booked in under a particular DR number. One report called "Case Items Report" simply lists the items booked under a DR number. Another report called "Audit Trail Report" lists who booked an item (among other information). These reports also display whether property is still in evidence, has been released, or has been destroyed. The description of the property in evidence is solely dependent on how the employee describes it when he or she enters it into Remedy. The description does not necessarily reflect what is actually booked into evidence.

Photographic Evidence:

When a Deputy Sheriff takes his or her own photographs as part of an investigation, there is an alternate procedure for booking them into evidence. The deputy may submit them without using the Remedy system. After taking photos and saving them to a CD or other digital media, the deputy places the CD into a photo evidence envelope and then into a secure evidence locker. According to the OC Crime Lab (OCCL) photo lab Section Manager, Kim Brown, the process is as follows. The evidence is collected daily and delivered to Sheriff's Evidence. The envelopes containing CD's are delivered to the OCCL photo lab where they are logged into their tracking system. The deputy's photographs are then available to be viewed electronically at some later date. Kim told me

there can be a delay of a few days between when the deputy submits the evidence at their workplace and the date it is reflected in the OCCL computer tracking system. The date listed for photo CDs in the below table is the date the evidence was logged into the OCCL photo lab system. If the lab had no record of a receipt of photos for a DR number, that information is in the Notes section of the table.

Search for Missing Evidence Items:

A thorough search of the Sheriff's Evidence System was conducted for the items that were believed to be missing. The search used the DR number, the suspect's name(s), the date of the incident, the Deputy's name(s), assignment, location, and item description. Each of these parameters were searched both individually and together. Nothing was found during this search. SSO. A. Medina #4943 with Sheriff's Property/Evidence performed a search for the missing items of evidence but was unable to locate them.

Findings:

Of case numbers where evidence was booked in, Deputy Leith Chacon booked evidence:

- o the same shift: 1 time
- o the next shift: 2 times
- o between 2 and 7 days: 6 times
- o between 8 and 29 days: 13 times
- o over 30+ days 1 time

Incidents in Question:

DR# 16-006753: On 1/9/16, Deputy Chacon was working his assigned position on the Special Enforcement Team (SET) in the City of San Juan Capistrano. At 2150 hours, Deputy Chacon stopped a vehicle for modified exhaust {CVC 27151(a)}. When he spoke with the driver at the driver's side window, Deputy Chacon could smell a strong odor of marijuana. He asked the driver, [REDACTED] if there was anything illegal in the car. [REDACTED] stated there was marijuana inside the vehicle. Deputy Chacon had [REDACTED] exit the vehicle. As the driver's door opened, he could see brass knuckles in the driver's side door panel. [REDACTED] was later arrested for possession of the brass knuckles and was booked into the Orange County Jail. The report did not state if the brass knuckles were booked into evidence.

On 1/12/16, [REDACTED] **pleaded guilty to possession of brass knuckles. [REDACTED] was sentenced to (6) days of jail and served (3) actual days. On 2/10/16, the brass knuckles were booked into evidence at the Aliso Viejo substation.**

DR# 16-011688: On 1/15/16, Deputy Chacon was working his assigned position on the Special Enforcement Team (SET) in the City of San Juan Capistrano. At 2215 hours, Deputy Chacon conducted a car stop on a vehicle with a cracked windshield. He spoke to the driver, [REDACTED], who was on formal probation with search and seizure terms and was wanted by probation. During a search of [REDACTED] vehicle, Deputy Chacon noticed text messages related to the sales of narcotics on [REDACTED] cell phone. [REDACTED] was arrested for

his warrant and the phone was collected by Deputy Probation Officer Fuentes. The report did not state if the phone was booked into evidence.

I conducted a records check of the evidence using the Remedy System using the DR#16-011688 and by using Deputy Chacon's name, work location, DR#, suspect's name, date collected, and booking location. I could not locate any evidence in the System. I also contacted SSO Medina who works for the Orange County Sheriff's Department Property/Evidence detail reference the case. He was unable to locate the evidence.

DR# 16-059938: On 3/11/16, Deputy Chacon was working his assigned position on the Special Enforcement Team (SET) in the City of San Juan Capistrano. During his shift, he encountered [REDACTED] who exited a known drug dealer's garage. He detained [REDACTED] and had him empty his pockets. [REDACTED] pulled out a bindle of methamphetamine and threw it onto the ground. Deputy Chacon searched [REDACTED] and located a glass pipe, with burnt residue, wrapped in a paper towel. Deputy Chacon stated in his report he tested the methamphetamine but did not state what he did with the evidence.

I conducted a records check of the evidence using the Remedy System using the DR#16-059938 and by using Deputy Chacon's name, work location, DR#, suspect's name, date collected, and booking location. I could not locate any evidence in the System. I also contacted SSO Medina who works for the Orange County Sheriff's Department Property/Evidence detail reference the case. He was unable to locate the evidence.

The case was never submitted to the O.C. District Attorney's Office via the Electronic Direction for Complaint system.

DR# 16-234140: On 9/8/16, Deputy Chacon was working his assigned position on the Special Enforcement Team (SET) in the City of San Juan Capistrano. At 2330 hours, he saw a known subject, [REDACTED], drinking a beer in public. Deputy Chacon asked [REDACTED] if he had anything illegal on his person and [REDACTED] stated he had "Pookie" (a term used to describe methamphetamine). Deputy Chacon conducted a consent search and located a glass pipe with a burnt white residue and a usable amount of a methamphetamine. Deputy Chacon cited [REDACTED] for possession of methamphetamine, possession of drug paraphernalia, and drinking alcohol in public. The report stated he booked the glass pipe into evidence at the Aliso Viejo substation.

I conducted a records check of the evidence using the Remedy System using the DR#16-234140 and by using Deputy Chacon's name, work location, DR#, suspect's name, date collected, and booking location. I could not locate any evidence in the System. I also contacted SSO Medina who works for the Orange County Sheriff's Department Property/Evidence detail reference the case. He was unable to locate the evidence.

The suspect [REDACTED] pled guilty to charges: H&S 11377(a), H&S 11364(a) and SJMC 5-3.02(a) on 11/18/16. [REDACTED] was sentenced to (4) days in jail and served (2) actual days with (2) days credited for good conduct time.

DR# 16-264034: On 10/7/16, Deputy Chacon was working his assigned position on the Special Enforcement Team (SET) in the City of San Juan Capistrano. At 2350 hours, Deputy Chacon was patrolling the area a [REDACTED] La Zanja in the City of San Juan Capistrano. While patrolling the area, he saw three known gang members. One of the suspects, [REDACTED] appeared to be out of breath leaving a breezeway. [REDACTED] was also wearing a black baseball glove. [REDACTED] was detained and was placed in the back of Deputy Chacon's patrol car. Deputy Chacon walked down the breezeway and noticed newer graffiti. He could not prove that [REDACTED] committed the vandalism. [REDACTED] was released at the scene. Deputy Chacon collected an aerosol spray paint can he located at the scene and the black baseball glove which [REDACTED] was wearing. The report stated Deputy Chacon booked the aerosol spray paint can and the black baseball glove into the Aliso Viejo evidence locker.

I conducted a records check of the evidence using the Remedy System using the DR#16-264034 and by using Deputy Chacon's name, work location, DR#, suspect's name, date collected, and booking location. I could not locate any evidence in the System. I also contacted SSO Medina who works for the Orange County Sheriff's Department Property/Evidence detail reference the case. He was unable to locate the evidence.

No charges were filed with the District Attorney reference this case.

***** I conducted a search of the Patrol Video Surveillance (PVS) system and was unable to locate any videos related to the above incidents.**

Interview with Deputy Chacon:

On May 2, 2018, at 1648 hours, I conducted an interview of Deputy Leith Chacon at the AOCDS building located at 1600 N. Main, Santa Ana. During the interview, the following people were present in the room: Deputy Leith Chacon, Jan Christie (Attorney representing Leith Chacon), Investigator Kristin Hayman, Investigator Darren Taylor, and myself. I read Deputy Chacon his Miranda Advisement per my department issued card. Chacon answered, "Yes" to all four questions stating he understood his rights and agreed to talk. The following is a summary of the interview. For further details, refer to the CD recording.

Chacon told me has been employed with the Orange County Sheriff's Department for 11 years. Of those 11 years, he has worked five years in Patrol Operations, assigned to the City of San Juan Capistrano. From February 2016 – April 2016, he was assigned to the Special Enforcement Team (SET). From April 2016 – June 2016, he was assigned to the South Directed Enforcement Team (DET). From June 2016 – December 2016, he was assigned to the SET team again. From December 2016 – present he was assigned to the South DET team again.

While Chacon was assigned to the SET car in the city of San Juan Capistrano, he worked primarily by himself. On occasion, a reserve Deputy would be assigned to work with him. I asked Deputy Chacon what steps he performs when he collects evidence. Chacon stated he collects the evidence and places it into a paper bag or manila envelope. He maintains custody and control of evidence by using the trunk of his SET car or his county issued car. He would later book the evidence into an evidence locker at the end of his shift or at the end of his work week. I asked if there was ever a delay in the booking process and Chacon said most times he would book the evidence

at the end of his shift. I asked Chacon if he ever left evidence in his trunk at the end of his shift and he stated, "It happened occasionally."

When asked about DR#16-006753, Chacon said he could not recall the incident and needed to see the report to refresh his memory. When asked about the brass knuckles, Chacon could not recall removing the brass knuckles, nor booking them into evidence. I informed Chacon the brass knuckles were booked after the suspect pled guilty to the charge of possession of brass knuckles.

When asked about DR#16-011688, Chacon said he could not recall the incident and needed to see the report to refresh his memory. After looking at the report, Chacon said he remembered the incident. Chacon said he was working with Probation Officer Fuentes. Chacon said he remembered searching the suspect but only remembers looking at the cell phone. Chacon could not recall what happened to the cell phone during the incident. I asked if Probation Officer Fuentes might have taken the cell phone and Chacon stated, "Correct." Chacon could not recall any further details of the incident.

When asked about DR#16-059938, Chacon said he could recall the incident. Chacon said he remembered contacting the suspect ██████████ in an alley and asked if he had any "dope". The suspect threw "dope" at him. ██████████ and Chacon got in a scuffle and Chacon detained the suspect. Incident to arrest, Chacon searched the suspect and located a methamphetamine pipe. Chacon said he collected the evidence using paper bags and placed the evidence into his trunk. Chacon stated he booked the evidence at the Aliso Viejo Substation, but could not recall if it was at the end of his shift. I asked Chacon if he discarded the evidence and he said, "No". I asked Chacon if he sold the methamphetamine and he said, "No". I asked Chacon if he used the methamphetamine and he said, "No". Chacon could not recall any further details of the incident.

When asked about DR#16-234140, Chacon said he could recall the incident. Chacon stated he was patrolling a gang area and saw ██████████ sitting on an electrical box drinking a tall can of alcohol. Chacon said he conducted a search of the suspect and located a methamphetamine pipe on the suspect. Chacon stated he collected the pipe, put it into a bag, and placed the evidence into his trunk. Chacon said he did not remember taking the evidence out of his trunk, but did remember booking it. I asked Chacon if he discarded the evidence and he said, "No". I asked Chacon if he sold the methamphetamine and he said, "No". I asked Chacon if he used the methamphetamine and he said, "No". Chacon could not recall any further details of the incident.

When asked about DR#16-264034, Chacon said he could recall the incident. Chacon said he remembered people running from an alley way. He detained one of the suspects who discarded a spray paint can and glove. He placed the suspect in the back seat of his car and collected the spray paint can and glove. He placed them into the trunk of his vehicle. Chacon remembered booking the evidence, but could not recall if it was at the end of his shift or at the end of his work week. Chacon could not recall any further details of the incident.

After the interview, I asked Chacon for consent to search his county vehicle and he agreed to the search. Investigator Darren Taylor and I searched his county vehicle at the AOCDS building. We did not locate any items pertaining to evidence. On May 3, 2018, Investigator Kristin Hayman and I searched Chacon's work desk located in the South DET office at the Southeast Substation. During the consent search of Chacon's desk, we did not locate any items related to evidence. Chacon and his attorney were present during the search of his county vehicle and his desk.

Witness Interviews:

Phone interview with Probation Officer Andy Fuentes reference DR# 16-011688:

On 5/1/18, at 1454 hours, I spoke with Probation Officer A. Fuentes over a recorded telephone call reference DR#16-011688. I asked Fuentes if he could recall the incident. The following is a summary of the interview. For further details, refer to the CD recording.

Fuentes was told by another probation officer to locate a probationer who was in violation of probation. Deputy Chacon located the probationer in the city of San Clemente. As Deputy Chacon was searching the probationer's person, he located a cell phone on him. Fuentes said he could not recall who took the cell phone but vaguely remembers there being a cell phone. Fuentes said he did not know what happened to the phone after it was collected. Fuentes could not recall any further details of the incident.

Phone interview with Deputy B. Murray reference DR#16-059938:

On 5/1/18, at 1022 hours, I spoke with Deputy B. Murray over a recorded telephone call reference DR#16-059938. I asked Murray if he could recall the incident. The following is a summary of the interview. For further details, refer to the CD recording.

Deputy Murray stated Deputy Chacon made contact with a suspect who became combative. Deputy Murray assisted Deputy Chacon in detaining the suspect. Prior to Deputy Murray arriving, the suspect threw a bindle of methamphetamine at Deputy Chacon. Deputy Murray did not recall a methamphetamine pipe at the scene. I asked Deputy Murray who booked the evidence and he stated he assumed Deputy Chacon did. Deputy Murray could not recall any further details of the incident.

Phone interview with Deputy ██████████ reference DR#16-234140:

On 4/23/18, at 0915 hours, I spoke with Deputy ██████████ over a recorded telephone call reference DR#16-234140. I asked ██████████ if he could recall the incident. The following is a summary of the interview. For further details, refer to the CD recording.

Deputy ██████████ stated he was on training with Deputy ██████████. They responded to assist Deputy Chacon with a known suspect named ██████████. I asked Deputy ██████████ if he collected any evidence during the call. He stated he did not collect evidence because, according to the Computer Aided Dispatch (CAD), it was Chacon's call

and Deputy Chacon would have probably collected the evidence. Deputy ██████ could not recall any further details of the incident.

Phone interview with Deputy ██████ reference DR#16-234140:

On 4/23/18, at 1525 hours, I spoke with Deputy ██████ over a recorded telephone call reference DR#16-234140. I asked ██████ if he could recall the incident. The following is a summary of the interview. For further details, refer to the CD recording.

██████ said he remembered going to the call and that he was training Deputy ██████ ██████ said he could not recall what happened to the evidence on that day. Deputy ██████ could not recall any further details of the incident.

End of report.

INTERNAL AFFAIRS INVESTIGATION

Background:

Both the Internal Criminal and the Internal Affairs investigations revealed forty-three (43) incidents where Deputy Chacon collected evidence from 01-01-16 through 10-06-17. ***See pages 8 through 14 of this memo for further details.*** Out of those forty-three (43) incidents, Chacon booked approximately twenty-two (22) of those days or weeks later. Of the case numbers where evidence was booked in, Deputy Chacon booked evidence:

- the same shift: 1 time
- the next shift: 2 times
- between 2 and 7 days: 6 times
- between 8 and 29 days: 13 times
- over 30+ days 1 time
- no evidence found 3 times

Additionally, there were three (3) instances where we were unable to locate any evidence booked in (although Chacon describes collecting evidence in his reports). The missing evidence from those three incidents contained the following items: one methamphetamine pipe with a “useable” amount of methamphetamine inside the pipe, approximately one (1) gram of methamphetamine, another methamphetamine pipe, a black baseball glove and a black spray paint aerosol can. ***See narrative below for further details regarding these incidents.***

Note: A fourth incident, DR#: 16-011688, has a “Missing” cell phone attached to it but it appears the collector of the cell phone in question is a Deputy Probation Officer who was riding with Chacon during his patrol shift.

District Attorney (DA) Case Related Information:

Of the three incidents where no evidence was logged into Remedy, there was one (1) incident where a suspect pled guilty and served jail time. The missing item in this case was the glass methamphetamine pipe with a “usable” amount of methamphetamine inside the pipe that was stated above.

Additionally, one suspect pled guilty and served jail time AFTER the evidence (Brass Knuckles) was booked late (approximately 29 days) into Remedy.

Note: In February of 2019, Deputy District Attorney Susan Laird sent two letters to the defendants impacted by Deputy Chacon’s conduct relating to missing evidence. See attached letters for further details.

Interview of Deputy Leith Chacon/Representative Samantha Swanson– February 6th, 2019/1657 Hours

On February 6th, 2019, at approximately 1657 hours, Sergeant Mauga and I interviewed Deputy Leith Chacon in the Internal Affairs office. Also present was AOCDS representative/attorney Samantha Swanson. Prior to going on recording, I had Chacon review and sign the Public Safety Procedural Bill of Rights, the Confidentiality Directive and the Miranda/Lybarger Admonishment. The interview was audio recorded. The following is a summary of that interview, for details see the actual recording:

Note: On May 2nd, 2018, Deputy Chacon was previously interviewed extensively by Investigators [REDACTED] K. Hayman, and D. Taylor relating to the Internal Criminal investigation. Due to the repetitive nature of the Internal Criminal interview and the Internal Affairs interview I conducted, I will document those items of relevance in relation to this Personnel Investigation.

Chacon has worked for the Orange County Sheriff's Department for approximately twelve (12) years. He has been assigned to the City of San Juan Capistrano from June 2013 to present. Chacon was assigned as the Special Enforcement Team (SET) Deputy for the city from various timeframes since 2013. From December 2016 to August 2018, Chacon was assigned to the South Directed Enforcement Team (S. DET). Chacon is familiar with the department's policies and procedures and knows how to access Lexipol and the policy manual.

I asked Chacon if he recalled being interviewed by OCSD Investigator [REDACTED] on 05-02-18 regarding an Internal Criminal investigation into possible evidence related issues. Chacon recalled the interview and stated everything he told us then was accurate.

Note: I provided Chacon and his representative copies of the 43 item chart (pages 8 through 14 of this memo) relating to this investigation. I asked Chacon if the information on the chart appeared accurate. He replied, "Yes." Due to the totalities of Chacon possibly violating various policies, I did not go over in detail each of the 43 incidents. I concentrated on specific cases highlighted below.

DR Review of "Missing" Evidence Cases:

- ***DR 16-264034:*** I asked Chacon about this incident where on 10-07-16, he collected an aerosol spray paint can and a black baseball glove as evidence. ***However, no evidence was found in Remedy relating to this DR.*** Chacon told us he recalled this incident and was working as the SET Deputy at the time. Chacon recalled seeing a vandalism in progress and multiple "gangsters" running away from the scene. Chacon detained one suspect regarding the vandalism, with the glove and spray paint can found nearby. Chacon did not arrest the suspect but wrote an information report for S.GET. Chacon recalled collecting the evidence at the scene, packaging the evidence, and booking it in at the SW Sub Station at a later time. Chacon could not recall the exact date he booked in the items but stated it was most likely 1-2 weeks after the collection. Chacon told us there were no other people around when he booked in the items but he was "positive" he booked them in. Chacon could not recall if he logged into Remedy with his login or if he booked the items in when someone else was logged in. ***Note: I spoke with the OCSD***

property/evidence staff regarding this incident. They checked for the missing items using Deputy Name, PID, suspect name, date range collected, and evidence description but were still unable to locate the evidence.

- ***DR 16-234140:*** I asked Chacon about this incident where on 09-08-16, he conducted a “ped stop” of a subject and collected a methamphetamine pipe as evidence. ***However, no evidence was found in Remedy relating to this DR.*** Chacon recalled this incident and recalled collecting the small amount of methamphetamine and a pipe. He placed the pipe in a manila envelope and arrested the subject for trespassing. Chacon could not recall if the methamphetamine was inside the pipe or if he collected the methamphetamine and the pipe separately. Chacon could not recall if he booked in the pipe/meth into evidence and denied destroying the pipe. Chacon could not recall any other pertinent details of this incident.

Note: The suspect pled guilty to charges: H&S 11377(a), H&S 11364(a) and SJMC 5-3.02(a) on 11/18/16. He was sentenced to (4) days in jail and served (2) actual days with (2) days credited for good conduct time.

- ***DR 16-011688:*** I asked Chacon about this incident where on 01-15-16, he listed a “Samsung Galaxy cell phone” on his DR as evidence. ***However, no evidence was found in Remedy relating to this DR.*** Chacon told us he recalled this incident but stated he did not collect the phone. Chacon told us he was working SET and was riding in the same car with Deputy Probation Officer (DPO) A. Fuentes. Chacon told us Fuentes collected the phone because the incident was related to “his case.” Fuentes was assigned to S.GET at the time. Chacon did not recall what Fuentes did with the phone or if he booked it into evidence.
- ***DR 16-059938:*** I asked Chacon about this incident where on 03-11-16, he listed approximately one gram of methamphetamine and a glass pipe as evidence. ***However, no evidence was found in Remedy relating to this DR.*** Chacon told us he recalled this incident and recalled collecting the items listed. Chacon recalled placing the methamphetamine into a manila envelope and placing the pipe in a separate manila envelope. After placing the items in the manila envelopes, he placed the items in his “box” in the trunk of his car until time of booking. Chacon recalled booking in the items at the SW Sub Station although he was unsure of the date of booking. I told Chacon we noticed he did not write in his DR that he booked in the items into evidence regarding this case and I asked him if that is his normal procedure. Chacon stated normally he wrote his reports before he booked in the evidence. I asked if he intentionally did not write that he booked in the items into evidence. Chacon replied, “No.”

I asked Chacon if he actually recalled booking in the evidence or if he just “thought” he did. Chacon replied, “I guess you could say it’s just a thought I booked it in.” Chacon believed he booked the items in at the end of his shift.

Chacon's representative, Samantha Swanson, clarified with Chacon that part of his "thought" (regarding booking in evidence) was that he believes he never has failed to book in evidence. Chacon denied using any of the missing evidence for personal use including using, selling, destroying, or giving away evidence. Chacon also stated he has not "lost" any evidence that he could recall.

DR Review of "Booked Late" Evidence Cases (Partial):

- ***DR 16-006753:*** I asked Chacon about this incident where on 01-09-16, he collected brass knuckles as evidence. ***The brass knuckles were booked into Evidence approximately 31 days later.*** Chacon recalled collecting the brass knuckles from a car stop. Chacon saw the brass knuckles inside of the vehicle door panel. Chacon recalled collecting the brass knuckles as evidence, packaged them, and placed them into his trunk. ***In his DR, Chacon listed the brass knuckles as evidence but did not write anything regarding booking them into Sheriff's Evidence.***

Note: During his internal criminal interview, Chacon said he could not recall the incident and needed to see the report to refresh his memory. When asked about the brass knuckles, Chacon could not recall removing the brass knuckles, nor booking them into evidence.

I asked Chacon why he now recalled details of this incident when during his internal criminal interview he could not. Chacon told us that after he had time to read the DR (after the internal criminal interview), as well as the year that has passed, the details of this incident became clearer to him. Chacon stated the brass knuckles were "probably" in the trunk of his SET patrol car. Chacon could not give a reason on why the brass knuckles were in the trunk for approximately 31 days. ***Note: The suspect pled guilty to the possession of brass knuckles prior to them being booked into evidence.***

- ***DR 16-001397:*** I asked Chacon about this incident where on 01-02-16, he cited a suspect for possession of paraphernalia and collected a methamphetamine pipe as evidence. ***The evidence was booked 36 days later, the same day the DR was written.*** Chacon could not recall this incident, the collection of the methamphetamine pipe, or his booking in of the pipe.

I asked Chacon, during this investigative timeframe, what his practice was for collection and booking of his evidence. Chacon stated he was "trying to obtain as many stats as possible" and would book in evidence when he had the opportunity to. Chacon told us "sometimes" it wasn't always at the end of his shift and "sometimes" he would wait to book in evidence until the following week (when he "cleared his caseload" and wrote reports). Chacon stated he sometimes stored collected evidence in the "evidence box" located in the back of his SET car.

Chacon denied he took evidence home or stored it in his locker. Chacon told us he would commonly look at evidence he held onto when he wrote his reports. No supervisor authorized Chacon to hold onto evidence longer than a shift. I asked Chacon if he understood the potential liability for the Department due to his mishandling of evidence. Chacon told me he did not “at the time” but fully understands now.

I asked Chacon what were some of the reasons he held onto evidence before booking it in. Chacon stated he put “tremendous pressure” on himself by competing with other SET teams. Chacon said he tried to be as “proactive as possible.” I asked Chacon how he currently collects and books in evidence. Chacon stated his collection of evidence hasn’t changed but he now books all evidence at the end of his shift. Chacon denied having any outstanding evidence and told us he has not booked in any evidence late since the start of our investigation.

Chacon stated he believed he was maintaining the “chain of custody” in regards to his evidence. He now realizes that he was wrong and the chain of custody was broken on the incidents where he did not book in his evidence on time. Chacon stated if he had a chance to do things differently back then (timeframe of investigation), he would have booked in all evidence by the end of his shifts. Chacon told us he was not intentionally violating policy.

I had Chacon read out loud **OCSD Policy 1019.11- Tampering with Evidence** which states: “*Members shall not fabricate, withhold, alter or destroy evidence of any kind.*” After, I asked him if he violated this policy as it pertains to “withholding” evidence during the timeframe of this investigation. Chacon replied, “Yes.”

I had Chacon read out loud **OCSD Policy 1001.2 – Canon of Ethics, Canon Two** which states: “*Peace officers shall be aware of and shall use proper and ethical procedures in discharging their official duties and responsibilities. **Standard 2.3** – Peace officers shall follow legal practices in such areas as interrogation, arrest or detention, searches, seizures, use of informants, and collection and preservation of evidence.*” I asked Chacon if he was following this policy as it pertains to the “collection and preservation” of evidence during the timeframe of this investigation. Chacon replied, “No.....not every time.”

I had Chacon read out loud the **Field Operations Manual (FOM), Section “19 C. 4”** regarding collection of evidence where it specifically states: “*Property and evidence WILL be secured in an authorized Property/Evidence locker by the end of shift. Placing items in an employee locker or in your personal vehicle for temporary storage is strictly prohibited.*” I asked Chacon if the trunk of his SET was an “authorized property/evidence locker.” He responded, “No.” I asked Chacon if he violated this policy and he responded, “Yes.”

Chacon stated he has been truthful and honest with us during this interview.

End of interview.

Included and/or Attached for Review:

- Initial Action
- Internal Memorandums
- 1 CD containing the Internal Affairs interviews with Deputy Chacon
- Copy of Investigator [REDACTED] internal criminal investigation
- Copies of DR's associated with the IA interview of Chacon

DA Letters to Defendant



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

February 22, 2019

[REDACTED]
San Juan Capistrano, CA 92675

RE: People vs. [REDACTED]
Orange County Superior Court case no. [REDACTED] and
OCSD DR # 16-234140

Dear [REDACTED]

This letter is to notify you that evidence in the above referenced case, to wit: a glass pipe approximately 4 inches long with a bulb at one end, was never booked into evidence at the Orange County Sheriff's Department. On 11/18/16, while representing yourself in this case, you entered a plea of guilty to a violation of 11364(a) HS, 11377(a) HS, and 5-3.02(a) SJMC and received a 4 day jail sentence with no term of probation. Please let me know if you need additional information.

Sincerely,

SUSAN J. LAIRD
Orange County District Attorney's Office
Deputy District Attorney
Special Prosecutions Unit
714-347-8627
susan.laird@da.ocgov.com



REPLY TO: ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE

WEB PAGE: <http://orangecountyda.org/>

MAIN OFFICE
401 CIVIC CENTER DR W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3500

NORTH OFFICE
1275 N. BERKELEY AVE
FULLERTON, CA 92632
(714) 773-4480

WEST OFFICE
8141 13TH STREET
WESTMINSTER, CA 92683
(714) 896-7251

HARBOR OFFICE
4801 JAMBOREE RD.
NEWPORT BEACH, CA 92660
(949) 476-4650

JUVENILE OFFICE
341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 835-7824

CENTRAL OFFICE
401 CIVIC CENTER DR W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3952



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA
TODD SPITZER

February 22, 2019

[REDACTED]
Lake Forest, California 92630

RE: People vs [REDACTED]
Orange County Superior Court case no. [REDACTED] and
OCSD DR # 16-006753

Dear [REDACTED]

On 1/12/16, while representing yourself in this case, you entered a plea of guilty to 21810 PC and received a 6 day jail sentence with no term of probation. This letter is to notify you that the brass knuckles not booked until 2/10/16, approximately 29 days later. Please let me know if you need additional information.

Sincerely,

SUSAN J. LAIRD
Orange County District Attorney's Office
Deputy District Attorney
Special Prosecutions Unit
714-347-8627
susan.laird@da.ocgov.com



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NEWPORT BEACH, CA 92660
(949) 476-4650

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341 CITY DRIVE SOUTH
ORANGE, CA 92668
(714) 935-7624

CENTRAL OFFICE
401 CIVIC CENTER DR. W
P.O. BOX 808
SANTA ANA, CA 92701
(714) 834-3952



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCS.D.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

P.I. #18-063

MIRANDA WARNING / LYBARGER ADMONISHMENT

Due to the nature of this administrative investigation, Government Code Section 3303(h) requires me to advise you of your rights. Therefore it is important that you understand that criminally:

- You have the right to remain silent. (Do you understand?)
- Anything you say may be used against you in court. (Do you understand?)
- You have the right to an attorney before and during any questioning. (Do you understand?)
- If you cannot afford an attorney, one will be appointed for you before questioning. (Do you understand?)

MIRANDA WAIVER

Waiver: With these rights in mind, would you like to speak to me?

YES

NO

I have read and acknowledge the above admonition and fully understand my Constitutional/Miranda Rights.

Employee Initials

(CJ)

LYBARGER WARNING

Deputy Leith Chacon, as a result of your refusal to waive your Miranda rights, and according to the Lybarger v- Los Angeles decision, I must advise you that the interview at this point will be administrative, and no part of this interview or information that is derived from this interview may be used in a criminal investigation. However, at the same time, since this is administrative, I must remind you that you must answer the questions and, should you refuse to answer any of the questions, that at some future date you may be charged with insubordination.

I have read and acknowledged the above Lybarger warning. I fully understand I am being compelled to answer any and all questions. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

Employee Initials

(CJ)

Employee Signature

2-6-19

Date

Sergeant Signature

2-6-19

Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

550 N. FLOWER STREET
SANTA ANA, CA 92703
714-647-7000
WWW.OCSD.ORG

SHERIFF-CORONER
SANDRA HUTCHENS

P.I. #18-063

CONFIDENTIALITY DIRECTIVE

Deputy Leith Chacon, you are hereby ordered not to discuss this case (or any case in which you are a witness or a principal), using any form of communication, with anyone other than your employee representative, Internal Affairs Investigators or specific parties that may be designated by Internal Affairs.

For the purpose of this directive, the Internal Affairs Sergeant presenting this directive is your superior officer. Any violation of this directive may be considered a violation of Orange County Sheriff-Coroner Department Policy 1018.4 and subject you to possible discipline, up to and including dismissal.

OCSD Policy 1018.4 Insubordination

Members shall not be insubordinate. Intentional failure or refusal by any member of the department to obey a lawful order given by a superior officer shall be insubordination.

I have read and acknowledged the above admonition. I fully understand that I am required to make full, complete and truthful statements. Any refusal to do so will be considered insubordination, resulting in discipline up to and including termination.

Employee Signature

2-6-19

Date

Sergeant Signature

2-6-19

Date



ORANGE COUNTY SHERIFF'S DEPARTMENT

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SANDRA HUTCHENS

P.I. #18-063

PUBLIC SAFETY OFFICER PROCEDURAL BILL OF RIGHTS (POBOR)

You are being advised that your rights are fully outlined in the Public Safety Officers Procedural Bill of Rights Act, Government Code 3300-3311. Your rights include:

- 3303(b) You have the right to know who will be conducting the interview
- 3303(c) You have the right to know the nature of the investigation prior to the interview
- 3303(i) You have the right to have a representative of your choice present during the interview
- 3303(g) You have the right to record this interview with your own recorder
- 3303(g) Should it become necessary to interview you a second time reference this investigation, a copy of this interview will be made available to you prior to the second interview.

I have read and acknowledged the above advisement. I fully understand the above listed rights will be afforded me during this interview.

Employee Signature

2.6.19

Date

Sergeant Signature

2.6.19

Date



Case Report by Principal - LEITH R. CHACON

Print Date: 3/21/2018

<u>Case Number</u>	<u>Incident Date</u>	<u>Issue Date</u>	<u>Complete Date</u>	<u>Complaint Description</u>	<u>Disposition</u>
PI18-063 A	1/9/2016	03/21/2018		Deputy allegedly failed to book in evidence.	Criminal

Total Cases per Principal: 1



CHACON, LEITH (2852)

Rank: DEPUTY SHERIFF II

Bureau: San Juan Cap Police Svcs

Division: SOUTHWEST OPERATIONS DIVISION

Hire Date: 3/26/2007

Approved Date: 6/22/2010 6:25:24 [Print Detail](#)

[Print](#)

LAST COMM COMP TC WC IA RMB UOF

Cat Date RefNo Description

▼ AOT Total: 26

▼ STC Total: 47

▼ TTC Total: 10

▼ WC Total: 1

Perishables/Mandatory

Status

PSP Firearms Due by 12/31/2018

PSP ACT Due by 12/31/2018

PSP Tact comm Due by 12/31/2018

PSP Driving Due by 12/31/2018

CPR Expires by 9/5/2019

Disputed History

Thresholds

Disp. De: ▼ Date ▼ Type ▼

[Report Missing Items](#)