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O.C. DEPUTIES DOCTORED AND SHRED RECORDS AFTER FEDS BEGAN PROBE

R. SCOTT MOXLEY | MARCH 31, 2017



OCSD in action (OC Weekly art)

Sheriff's deputies doctored and shred records after the announced launch of a U.S. Department of Justice (DOJ) probe eight years ago into suspected police corruption, according to the latest courthouse bombshell filed March 30 in what is known nationally as the Orange County Jailhouse Informant Scandal.

Revealed in a brief filed by Scott Sanders, the assistant public defender in *People v. Scott Dekraai*, a pending death penalty case marred by astonishing law enforcement misconduct, Deputy Michael Carrillo wrote an entry never intended for public consumption: “ADJUSTED (sic) THE DISCIPLINARY ISOLATION LOGS FOR THE DOJ TO MATCH THE LOGS FOR AD-SEG AND PC LOGS, PER SGT JOHNSON.”

The events in question occurred in 2009 and are only coming to light this week because Sheriff Sandra Hutchens’ Orange County Sheriff’s Department (OCSD) has hidden jail records for years in flagrant contempt of numerous lawfully-issued court orders.

In January 2013, Superior Court Judge Thomas M. Goethals told OCSD to surrender evidence to Sanders, prompting the department to hide thousands of pages of records, rename files to mask their location and existence, craft sworn fraudulent affidavits, repeatedly commit perjury in *Dekraai* and concoct a public relations campaign to pose as the victims of an unfounded smear campaign.

The Carrillo entry was dated April 8, 2009, nine days before Hutchens and Mike James, the officer overseeing jail operations, met with federal officials, who were concerned, in part, by revelations that OCSD altered evidence in the immediate aftermath of the 2006 death of John Derek Chamberlain, a pre-trial inmate brutally beaten to death for 40 minutes by more than two dozen men while nearby deputies claimed they didn’t hear or see anything.

About a month after DOJ announced the launch of the investigation in December 2008, Deputy Bill Grover memorialized in a secret database that he’d been shredding department records, according to Sanders.

Separate entries by Special Handling Deputy Ben Garcia describe his dedication to the “DOJ project.”

In 2014 and 2015 *Dekraai* hearings, Garcia committed perjury by denying the existence of OCSD records that contained proof the agency was operating an illegal snitch scam to help District Attorney Tony Rackauckas and his prosecutors win convictions in weak cases, Goethals has ruled.

The con game centers on the lie between officers and informants who testify there had been no collusion to obtain incriminating statements from government targets.

“One would have logically thought that an agency under investigation for its treatment of incarcerated inmates would have had great trepidation about violating the constitutional rights of those same inmates—particularly with the DOJ looking on—and did not need to be told that it was time to stop violating rights associated to due process,” Sanders advised the judge. “Nonetheless, on June 25, 2009, just two months after meeting with federal investigators and two months before he told the press of the agency’s [reform] progress, James authorized a blatant effort to violate the Sixth Amendment by placing homicide defendant [Leonel] Vega and informant Oscar Moriel in side-by-side recorded cells to ‘gain valuable evidence reference the murder from recorded conversations between the two.’”

The U.S. Supreme Court bans the police and their agents, like snitches, from questioning defendants who have been charged with a crime and have legal representation.

Rackauckas has been angling to free Moriel, an admitted serial killer for the Mexican Mafia, because of his informant work.

Last year, Sanders discovered that Hutchens failed to advise him or Goethals that she’d gotten board of supervisors’ permission to destroy records related to the snitch scandal after they’d already been ordered surrendered.

He also slammed the sheriff for managing “a blatant conspiracy to defraud” the court by renaming sought “informant” records to a term no outsider would ever think to request: “Source of Information” or “SOI,” a scheme devised in 2014, two months after news of the informant scandal broke.

“The agency appears to have decided that it would simply stop using the term ‘informant’ and refer to those carrying out the identical acts as “sources of information,” and then advance in this litigation with perjured denials of a jailhouse informant program,” wrote Sanders, who possess emails between deputies discussing the ruse.

Two major questions remain in the case: What else is Hutchens, who replaced ex-sheriff-turned-convicted-felon Mike Carona, hiding? And, given all the cheating, what is the appropriate punishment for the defendant, who committed the worst mass shooting in county history?

At the March 30 hearing, the assistant public defender conceded his client's actions were "horrible," but he told Goethals that a "history of misconduct" by Hutchens and Rackauckas in *Dekraai* should be punished by an earned sanction: blocking their push for the death penalty and instead issuing a term of life in prison without the possibility for parole (LWOP).

As the *Weekly* reported yesterday, Bethany Webb, the sister of one of Dekraai's eight Seal Beach salon murder victims, blasted law enforcement's corruption in the case and backed an LWOP outcome.

The next hearing in the case is scheduled for April 21.

In December, DOJ announced a new investigation into Orange County law enforcement agencies because of the informant scandal.



R. SCOTT MOXLEY

CNN-featured investigative reporter R. Scott Moxley has won Journalist of the Year honors at the Los Angeles Press Club; been named Distinguished Journalist of the Year by the LA Society of Professional Journalists; obtained one of the last exclusive prison interviews with Charles Manson disciple Susan Atkins; won inclusion in Jeffrey Toobin's *The Best American Crime Reporting* for his coverage of a white supremacist's senseless murder of a beloved Vietnamese refugee; launched multi-year probes that resulted in the FBI arrests and convictions of the top three ranking members of the Orange County Sheriff's Department; and gained praise from *New York Times Magazine* writers for his "herculean job" exposing entrenched Southern California law enforcement corruption.

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