

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America

v.

Levian D. Pacheco

No.

17-6323MS

REDACTED
CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

Count 1: On or between July 20, 2017, and July 25, 2017, in the District of Arizona, at Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which juvenile persons are held in custody by direction of or pursuant to a contract or agreement with The United States Department of Health and Human Services, defendant LEVIAN D. PACHECO, did knowingly engage in sexual contact and cause sexual contact, to wit, the intentional touching, either directly or through the clothing, of the penis and testicles of John Doe 1, a 17-year-old juvenile male, and done without the juvenile's permission with the intent to abuse, arouse or gratify the sexual desire of any person in violation of Title 18, United States Code, Sections 2244(b) and 2246(3).

Count 2: On or between July 20, 2017, and July 25, 2017, in the District of Arizona, at Kokopelli Southwest Key Casa in Mesa AZ which is a facility in which juvenile persons are held in custody by direction of or pursuant to a contract or agreement with The United States Department of Health and Human Services, defendant LEVIAN D. PACHECO, did knowingly engage in sexual contact and cause sexual contact, to wit, the intentional touching either directly or through the clothing of the penis of John Doe 2, a 17-year-old juvenile male, and done without the juvenile's permission with the intent to abuse, arouse or gratify the sexual desire of any person in violation of Title 18, United States Code, Sections 2244(b) and 2246(3).

Count 3: On or between May 1, 2017, and July 25, 2017, in the District of Arizona, at Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which Juvenile persons are held in custody by direction of or pursuant to a Contract or agreement with The United States Department of Health and Human Services, defendant LEVIAN D. PACHECO, did knowingly engage in sexual contact and cause sexual contact, to wit, the intentional touching either directly or through the clothing of the penis of John Doe 3, a 17-year-old juvenile male, and done without the juvenile's permission with the intent to abuse, arouse or gratify the sexual desire of any person in violation of Title 18, United States Code, Sections 2244(b) and 2246(3).

I further state that I am a Special Agent with the United States Department of Health and Human Services, Office of the Inspector General, Office of Investigations ("HHS-OIG") and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein.

Continued on the attached sheet and made a part hereof: Yes No

AUTHORIZED BY: Roger Dokken, Assistant U.S. Attorney



Signature of Complainant

SA Lauren Hanover
Dept. of Health and Human Services - OIG
Office of Investigations
Printed Name and title

Sworn to before me and signed in my presence.

Date: 8/16/17



Judge's Signature

City and State: Phoenix, Arizona

Honorable David K. Duncan, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

REDACTED

I, Lauren Hanover, being duly sworn, state the following:

BACKGROUND AND EXPERIENCE OF AFFIANT

1. As set forth herein, your Affiant respectfully submits that there is probable cause to believe that LEVIAN D. PACHECO (DOB XX/XX/1993) has committed acts in violation of 18 U.S.C. 2244 (b) – Abusive Sexual Contact without Consent: 1. The defendant knowingly engaged in a sexual contact with the victims. 2. The victims had not given permission for the sexual contact.

2. On or between July 20, 2017 and July 25, 2017, in the District of Arizona, at Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which juvenile persons are held in custody by direction of or pursuant to a contract or agreement with The United States Department of Health and Human Services, defendant LEVIAN D. PACHECO, did knowingly engage in sexual contact and cause sexual contact, to wit, the intentional touching, either directly or through the clothing, of the penis and testicles of John Doe 1, a 17-year-old juvenile male, and done without the juvenile's permission with the intent to abuse, arouse or gratify the sexual desire of any person in violation of Title 18, United States Code, Sections 2244(b) and 2246(3).

3. On or between July 20, 2017 and July 25, 2017, in the District of Arizona, at Kokopelli Southwest Key Casa in Mesa AZ which is a facility in which juvenile persons are held in custody by direction of or pursuant to a contract or agreement with The United States Department of Health and Human Services, defendant LEVIAN D. PACHECO, did knowingly engage in sexual contact and cause sexual contact, to wit, the intentional touching either directly or through the clothing of the penis of John Doe 2, a 17-year-old juvenile male, and done without the juvenile's permission with the intent to abuse, arouse or gratify the sexual desire of any person in violation of Title 18, United States Code, Sections 2244(b) and 2246(3).

4. On or between May 1, 2017 and July 25, 2017, in the District of Arizona, at Kokopelli Southwest Key Casa in Mesa AZ, which is a facility in which juvenile persons are held in custody by direction of or pursuant to a Contract or agreement with The United States Department of Health and Human Services, defendant LEVIAN D. PACHECO, did knowingly engage in sexual contact and cause sexual contact, to wit, the intentional touching either directly or through the clothing of the penis of John Doe 3, a 17-year-old juvenile male, and done without the juvenile's permission with the intent to abuse, arouse or gratify the sexual desire of any person in violation of Title 18, united states Code, Sections 2244(b) and 2246(3).

5. I am a Special Agent with the United States Department of Health and Human Services, Office of the Inspector General, Office of Investigations ("HHS-OIG") and have been so employed since 1999. I am assigned to the Phoenix Field Office. I am tasked primarily with criminal investigations involving any of our Department Programs to include Medicare and Medicaid Fraud and Office of Refuge Resettlement Program Crimes involving Undocumented Minors at contracted Facilities. I have training and experience in the enforcement of the laws of the United States, including the preparation and presentation of arrest warrant affidavits.

6. I make this affidavit based upon personal knowledge derived from my participation in this investigation, upon my experience as a HHS-OIG agent, and upon information I believe to be reliable from sources including, among others, the following: (i) oral and written reports about this and other investigations that I have either written or received from other law enforcement officers and law enforcement agencies; (ii) law enforcement action as further described below that has already taken place in the criminal proceedings for which we seek detention of LEVIAN D. PACHECO.

7. This affidavit is submitted in support of the Direct Complaint; it does not set forth each and every fact known to me or the other investigators about this investigation. Rather, this affidavit sets forth only those facts necessary to establish the requisite probable cause.

FACTS TO SUPPORT PROBABLE CAUSE

8. All of the events described in this Affidavit occurred in Mesa Arizona, in the District of Arizona, unless otherwise described.

PROBABLE CAUSE

9. The Office of Refugee Resettlement (ORR) is a program of the Administration for Children and Families (ACF), an office within the United States Department of Health and Human Services (HHS). ORR helps new populations maximize their potential in the United States by linking them to critical resources that assist them in becoming integrated members of American society. Unaccompanied alien children apprehended by immigration officials are transferred to the care and custody of ORR. The age of these individuals, their separation from parents and relatives, and the hazardous journey they take make unaccompanied alien children especially vulnerable to human trafficking, exploitation and abuse. The majority of unaccompanied alien children are cared for through a network of ORR - funded care providers. Southwest Key Casa Kokopelli in Mesa, Arizona is an ORR federally funded facility, in which children are held in custody by direction of or pursuant to a contract or agreement with the head of the United States Department of Health and Human Services.

10. On July 24, 2017, at approximately 1742 hours Mesa Police Department was dispatched to Southwest Key Casa Kokopelli in reference to a minor being molested. Officers met with and one of the victims and staff and took statements. During the investigation, it was learned by Mesa Police Department that there were other victims. The following are statements taken from the Mesa Police Department narratives that were developed from Victim Interviews.

11. On July 25, 2017, at 1634 hours, John Doe 1, a 17-year-old, was interviewed at Mesa PD. Upon interviewing, John Doe 1 disclosed one incident on approximately 07/21/17-07/24/17. Incident was as follows: On one occurrence during the timeframe listed above, John Doe 1 went to the bathroom. The bathroom is located inside his bedroom that he shared with five other children. He went to the bathroom at approximately 0200-0400. Upon finishing and washing his hands, the suspect entered the bathroom and touched John Doe 1 over the clothes on his penis. The suspect used his own hand to touch John Doe 1.

SIX PACK PHOTO LINEUP

12. John Doe 1 was shown photo line-up #99450 of the suspect, and positively identified the suspect, LEVIAN PACHECO, as the person who touched him. John Doe 1 expressed fear and stated that he cried due to this occurring.

13. On July 25, 2017, at 1741 hours, John Doe 2, a 17-year-old, was interviewed by Mesa PD. Upon interviewing, John Doe 2 disclosed that on approximately July 24, 2017, he woke up to go to the bathroom. He believed that it was approximately 0200 hours. John Doe 2 stated that the suspect had went into the bathroom as well, and told him that he would cover him with a blanket. John Doe 2 stated that he laid down in bed, and the suspect tickled his chest area and touched him on his penis, over the clothes. John Doe 2 stated he had a conversation with John Doe 1 about this, and then reported it due to it happening to someone else.

SIX PACK PHOTO LINEUP

14. John Doe 2 was also showed photo line-up #99450, and positively identified the suspect, LEVIAN D. PACHECO, as the person who touched him.

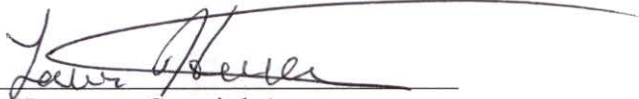
15. On July 26, 2017, at 1415 hours, John Doe 3, a 17-year-old, was interviewed by Mesa PD. Upon interviewing, John Doe 3 disclosed two incidents. The first incident occurred around the date of June 1, 2017, through June 15, 2017. John Doe 3 was cleaning his room with his roommate, who was identified as Juvenile 1. The suspect, who he knows as Levian, entered the room and grabbed John Doe 3 over the clothes on his penis. The suspect did this with his hand. The second incident occurred around July 1, 2017. This was similar to the first incident, in that John Doe 3 was cleaning his room with his roommate, Juvenile 1. The suspect entered the room and grabbed John Doe 3 over the clothes on his penis. The suspect did this with his hand. This time, John Doe 3 told the suspect to stop bothering him and he would report it if it happened again.

16. Due to John Doe 3 knowing the identity of the subject who touched him, no photo line-up was shown.

CONCLUSION

17. Based on the information provided in this affidavit, I respectfully submit that there is probable cause to believe LEVIAN D. PACHECO has violated 18 U.S.C. 2244(b) and 2246(3)

I declare under penalty of perjury under the law of the United States of America that the foregoing is true and correct.



Lauren Hanover, Special Agent
Department of Health and Human Services
Office of the Inspector General – Office of Investigations

Subscribed and sworn before me this 16th of August, 2017

I find probable cause to believe that the offenses alleged in the Information have been committed by LEVIAN PACHECO.



HONORABLE DAVID K. DUNCAN
United States Magistrate Judge