

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 08-
 :
 v. : 21 U.S.C. § 846
 :
 ALAN SOUTO : I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment, the United States Attorney for the District of New Jersey charges that:

Conspiracy to Distribute and Possess with
Intent to Distribute Cocaine

1. At all times relevant to this Information:
 - a. Defendant ALAN SOUTO served as: (i) an elected member of the Borough of Haledon Council, the legislative body of municipal government for the Borough of Haledon, New Jersey and (ii) a Detective-Sergeant for the Passaic County Sheriff's Department ("PCSD"), assigned as the Commanding Officer of the PCSD Evidence Bureau. SOUTO was responsible for, among other things, the preservation and maintenance of evidence obtained in the course of various federal, state and local criminal investigations and prosecutions. In this regard, SOUTO maintained 24-hour access to various items of evidence maintained in PCSD evidence vault.
 - b. Upon completion of the entire criminal and appellate process for cases with evidence maintained at the PCSD,

SOUTO's duties and responsibilities included the preparation of destruction lists and the scheduling of narcotics evidence for destruction, also referred to as a "drug burn," since it was no longer necessary to maintain such narcotics evidence in the Evidence Vault.

The Conspiracy

2. Between in or about August 2007 and in or about July 2008, in Passaic County, in the District of New Jersey and elsewhere, defendant

ALAN SOUTO

did knowingly and intentionally conspire and agree with others to distribute and possess with intent to distribute 5 kilograms or more of a mixture or substance containing cocaine, a Schedule II narcotic drug controlled substance, contrary to Title 21, United States Code, Sections 841(a) and 841(b)(1)(A).

3. It was the object of the conspiracy for SOUTO and others, on various occasions, to steal quantities of narcotics maintained in evidence, including significant quantities of cocaine, from the PCPD Evidence Vault and arrange for delivery and storage of the narcotics to other co-conspirators of SOUTO who, in turn, would arrange for distribution of the narcotics to various individuals in Passaic County, New Jersey and elsewhere.

4. It was part of the conspiracy that, prior to stealing narcotics evidence from the Evidence Vault, SOUTO

falsely listed numerous quantities of narcotics maintained in evidence as evidence ready for destruction at the next available drug burn, then scheduled in or about January 2008. SOUTO falsified these entries in an effort to substantiate the destruction of evidence that he intended to steal.

5. It was a further part of the conspiracy that, shortly before the drug burn was scheduled to occur, SOUTO, on various occasions, entered the Evidence Vault during non-operating hours via an access card issued by the PCPD to SOUTO. Once inside, SOUTO removed multi-kilogram quantities of narcotics from evidence bags and placed them inside plastic freezer bags that SOUTO used to transport the narcotics from the Evidence Vault to a storage location designated by a co-conspirator.

6. It was a further part of the conspiracy that, in order to conceal his theft of the narcotics from the Evidence Vault, SOUTO substituted sugar in place of the stolen narcotics inside the evidence bags. To further conceal his criminal activity, SOUTO then utilized bags and tape to reseal all of the evidence bags with which he had tampered.

7. It was a further part of the conspiracy that, after stealing quantities of narcotics, SOUTO, on numerous occasions and at the direction of his co-conspirators, hid the narcotics at a pre-arranged residential location in Haledon, New Jersey.

8. It was a further part of the conspiracy that, once the narcotics were sold by certain co-conspirators, SOUTO received shares of the proceeds totaling at least approximately \$250,000 derived in exchange for his participation in the conspiracy.

In violation of Title 21, United States Code, Section 846.

RALPH J. MARRA, JR.
Acting United States Attorney