

FELONY COMPLAINT FILING HISTORY

AS OF March 13, 2008

Case # 0800 1858 Oceanside Police Department
Woodrow L Higdon

1-28-08, 1345 HRS Monday

Contacted Office Brush of the Oceanside Police Department, on the recommendation of the District Attorneys office, to file felony complaint. Office Brush was advised that I wanted to file a felony complaint against an insurance company and two of its employees for violations of California State Penal Code Section 550 (b) and any other applicable criminal fraud violations. Brush immediately started telling me that complaints about homeowner insurance were civil matter and that I should contact the insurance commission. Repeated attempts to explain why the complaint was criminal and not civil were repeatedly and constantly obstructed and interrupted with increasingly forceful advisals that I should drop this complaint and go hire an attorney. Office Brush eventually asked what evidence I had to support such a complaint. Upon seeing the 3 inch thick, 3 ring binder of physical evidence, Office Brush continued to push his view that this was not a police matter and that I should go hire an attorney to sue my insurance company. My questioning disclosed that Office Brush did not even know what PC 550 was, and did not want to review the written evidence. Each time I tried to explain the basis for the complaint, the vocal obstructions became more intense, and Office Brush was visibly irritated with me for not accepting his point of view and leaving. The pressure to drop the complaint and stop bother the police department was intense through out the reporting process. Most victims of crimes would have run for cover.

At this point I advised Office Brush that I was a former Police Officer and that the only reason I was there, was on the recommendations of Dave Latauca of the District Attorneys Office, and that I expected him to take the complaint. Only then did Officer Brush obtain a copy of the California Penal Code and look up PC 550. Officer Brush had never handled or heard of such a report, but eventually consented to take the report. He was not happy about it. The report process became more of a controlled interrogation than a report interview process. Brush wanted me to only answer the questions he asked. The reporting process clearly demonstrated that Office Brush did not understand this type of complain and was not willing to take the time for me to explain. The report process indicated very clearly that the report would not reflect the necessary information for an appropriate investigation. All attempts to provide appropriate information were ignored or stopped with notifications to just answer the questions. As the discussion of the written documents continued, Brush became more impatient with the volume and with me. Brush advised the remainder of the reporting process could wait for the investigation by the Financial Crimes Division. When questioned, Brush advised that Financial Crimes Division would have report the following morning.

I told Office Brush multiple times that I understood that this was an unusual felony criminal complaint, with extensive documentation, and that I wanted to be as helpful as possible. I advised Brush that due to the extensive documentation, some of which was technical, that I wanted to be contacted by the detective assigned to handle the

investigation. Brush was resistant to this request, however eventually advised that the detectives would decide when to contact me, and ended the conversation.

1-31-08 Thursday

Telephoned Financial Crimes Division (Laurie Scott). Scott advised that complaint was on the desk of the investigation assignment Sergeant, and file would be assigned to a detective for investigation. I advised Scott to please have the Sergeant contact me as documentation was extensive and somewhat technical, and I was sure that my expert knowledge would be helpful in the investigation. Scott advised she would put a note on the complaint folder and have the Sergeant contact me.

2-4-08, 1500 hrs. Monday

No call back from assignment Sergeant. Phoned Financial Crimes Division again. Scott advised that complaint was still on the desk of the Sergeant, waiting for assignment to a detective for investigation. I advised that I had not been contacted by the Sergeant as requested. Scott indicated she would place a second note requesting that I be contacted regarding the investigation

2-6-08, 0815 hrs Wednesday

No call back from assignment Sergeant. Voice mail message left, again requesting contact from investigation assignment Sergeant.

08:46 hrs - Traveled to Oceanside PD to obtain a copy of the report written by Officer Brush. Lack of response from the Financial Crimes Division gives me additional concerns that omissions or confused report statements in Brush's report could be obstructing the investigation of the complaint. Advised at front counter that it would take ten (10) days to get a copy of the report and cost \$5.50. Report ordered.

08:55 hrs - Walked over to Financial Crimes Division and advised clerk (possibly Scott as she remembered my phone calls) that I had never hear from the investigation assignment Sergeant. I requested a meeting with investigation assignment Sergeant to discuss complaint. Clerk checked the back room and advised Sergeant not available. Clerk stated that complaint was still on assignment desk, and was not being assigned for investigation, as assignment Sergeant had decided it was a civil matter.

0900 hrs. – Contacted PD front desk and request to see the watch commander regarding Police Misconduct. Advised that watch commander was not available. I was immediately contacted by CSO Supervisor Ken Crossman. I spent approximately 45 minutes with Crossman describing the basics of the complaint. I also described the obstructions and verbal pressures encountered with Officer Brush, to drop the complaint. I advised Crossman that Brush's abusive approach to taking a criminal report was

misconduct. A victim of a crime should never be pressured to drop the complaint and go away, especially when the officer does not even know the specifications and meaning of penal code section being discussed, and he had not thoroughly reviewed the written evidence, or completed an investigation.

I advised Crossman that multiple phone requests to the Financial Crimes Division for contact regarding the complaint had been ignored, and that I had just been told, by the clerk at Financial Crimes front desk, that my felony complaint was not even going to be assigned for investigation. I advised Crossman that the refusal of FCD to talk to, or meet with the victim, or witnesses gave me great concerns about what was, or was not put in Brush's report. It was bad enough to be continually pressured by a uniformed police officer to not file a felony complaint, much less to have it trash canned, over what I had suspected from the beginning would be an incomplete or incorrect report.

Crossman, also did not know what Penal Code Section 550 was, and had never heard of, or handled a complaint from a homeowner against an insurance company. Crossman obtained a copy of the Penal Code and looked up section 550 for reference.

Crossman was advised that I do not like the idea of filing a misconduct complaint against a police officer, however, I would not allow the abusive and negligent misconduct of a police officer to obstruct the investigation of a legitimate felony criminal complaint that involved 14 months of investigation and documentation, and a loss of more than \$50,000.00. Crossman stated that he understood the frustration I was experiencing, as his insurance company had also walked away from a damage claim he had from a break in crime. Crossman contacted the Financial Crimes Division and arranged for Detective Mike Brown to meet with me.

Detective Brown and I met for approximately ½ hour and discussed the basic violations of the Penal Codes, however, the documents were not available for reference as they had been booked into evidence. The discussion provided the following information.

1. Detective Brown, as with the earlier desk officers, had never handled, nor was he aware of any other Oceanside police officer that had ever handled a criminal complaint, or investigation, where a homeowner was filing the complaint, and the insurance company was the suspect. He had handled a number of cases where the insurance company was filing the complaint against the policyholder.
2. Detective Brown advised that the existing documentation and level of investigation was far beyond what the Oceanside PD would have done, or could have done, even if the complaint had been originally filed with the Oceanside PD. Detective Brown advised that much of the documentation was outside their expertise, that there did not appear to be anything left for local police to investigate, and he had no reason to doubt the accuracy of the documents.

3. Detective Brown advised with just a preliminary review, he was not sure where civil issues might stop, and criminal issues might start due to the unusual nature of the complaint. However, he advised that the documents were booked into evidence and available to the District Attorney's Office on request under case #0800 1858.
4. Detective Brown also stated that this complaint should have been taken directly to the District Attorney's Office in the first place, and filed with the Insurance Fraud Division, as they were the appropriate agency and would be far better qualified to investigate the complaint.

1400 hrs – Left message for Dave Latuca of the District Attorneys Office advising that the complaint was filed as recommended with the Oceanside Police Department under Case #0800 1858 and available on request. Advised that I had still not heard from the Economic crimes division regarding a contact person.

2-7-08, 1035 hrs. Thursday

Contacted by District Attorney Office – Dave Latuca advised he will call Economic Crimes Division again and get back to me.

2-11-08, Friday

Follow up Letter to District Attorney regarding filing of criminal complaint with Oceanside Police Department.

2-14-08, Thursday

Contacted by Dave Latuca of the District Attorney Office. Mr. Latuca advised that the case must go to the Economic Crimes Division as his Insurance Fraud Division does not handle this type of case. Latuca also advised that the police department must refer case up to the District Attorney, as the District Attorneys Office does not have the staff or the time to conduct an investigation of this type, and the investigation must be done by the local police department. No indication of a case referral as of this time.

10:00 hrs - Contacted Financial Crimes Division via phone and requesting contact and name of division commander for complaint on lack of proper criminal investigation and referral. Sgt. Doyle on phone and will call me back.

11:40 AM – No call back from Sgt. Doyle. Contacted Financial Crimes Division via phone. Sgt Doyle unavailable, voice mail message left requesting contact regarding obstructions of criminal investigation.

1630 hrs – Received copy of Oceanside Police Report. Report is extremely incomplete as originally suspected. Report does not contain the necessary information to reflect elements of criminal conduct established by the provided documents. Brush did not review the documentation, and apparently no one else bothered after reading Brush’s substandard and incomplete report.

2-15-08, 0850 hrs. Friday

No call back from Sgt. Doyle, Called PD (Toni). Toni advised that Lt. Goldsmith was on the phone, but he was in charge of investigations. Transferred to voice mail, left message requesting call regarding improper handling of felony criminal complaint.

0355 hrs – No call back. Contacted PD and requested to speak with Lt. Goldsmith. Advised he had just stepped out of his office for a few minutes, but I could leave a voice mail message. Message left, again requesting contact regarding improper handling of a felony criminal complaint.

2-18-08 Monday

0815 HRS – No call back. Delivered misconduct complaint letter, dated this date, to secretary of Chief Frank McCoy.

1315 hrs. – Contacted by Lt. Goldsmith and advised he had been out of town and was returning my phone call. Goldsmith was asked if he had reviewed by letter of complaint, and he stated no, and asked what kind of problems was I having with the handling of criminal investigation. Goldsmith was advised that a formal letter of complaint was delivered to the PD front desk this AM and that he should review the letter and the attached documentation and then we could talk.

2-20-08 – 6:31PM – Wednesday (phone machine message)

Phone message from Sgt Doyle advising that he, Lt. Goldsmith, and Det. Brown had reviewed the documentation and decided there is no criminal case and they are closing the case. Approx. 48 hours since Misconduct letter was dropped at PD. Still no involvement of victim or witnesses in investigation, or any complete review of evidence documents. Over 400 pages of documents in 3 ring binder. No investigation or review of documents up to meeting with Det. Brown and documents were not available as in evidence. So when did Det. Brown review any documents? Current time line does not have sufficient time to properly review documentation.

2-25-08 – 0900 hrs – Monday

Phoned Lt. Goldsmith regarding Sgt. Doyle’s phone message that investigation was going to be dropped and requested meeting to discuss both complaints. Goldsmith advised that the investigation was not going to be dropped, and he had discussed this

issue with Sgt. Doyle, at some time after Doyle's phone message to me on the 20th. Goldsmith would not explain beyond advising me to contact Sgt. Doyle directly.

2-25-08 - 0910 hrs – Left phone message for Sgt Doyle as per instructions from Lt. Goldsmith.

2-25-08 - 1720 hrs – Contacted by Sgt. Doyle. Case is being closed as stated on the 20th by Sgt Doyle, in his phone message. The only reason he called was to try and sell me his position on closing the case. Doyle will not agree to meet with me and look at written documentation under any circumstances. Multiple request were rejected. Doyle states he meet with a deputy DA at the District Attorneys office to discuss complaint, and that both agreed that the complaint should be dropped and the case closed. This is the same DA's office that pushed me off onto the local police to get rid of me and my pushing the DA's office to accept and investigate a criminal complaint. This is the same San Diego DA's office that avoided and obstructed the filing of the complaint in the first place, and later stated they were too busy to investigate criminal complaints of this type, from citizens.

Doyle was irritated that I would not accept his opinions without proof. Doyle was advised multiple times that my proof was in the documents, if they would just take the time to sit down with me and look. Doyle was advised that all available evidence indicated that his primary agenda, from the very beginning, was to get rid of this complaint, and that he had taken that bias with him to the District Attorneys office, that had the same agenda. I also pointed out how most decisions have motives, and it would be very advantageous for Office Brush's Misconduct Complaint, if the criminal complaint was dropped. If there is no criminal complaint, then there is no victim for a police officer to coerce, not to sign a complaint. Dumping the complaint would be the perfect excuse to dump the Misconduct Complaint as well. Doyle was very irritated and threatening to hang up. I think I hit a nerve.

1735 hrs – Left message for Lt Goldsmith that contact with Sgt Doyle disclosed that his view was unchanged from his 2-20-08 phone message of case closed, go away. See complaint letter of 3-3-08 for details.