

Chief Of Police Frank McCoy  
Oceanside Police Department  
3855 Mission Avenue  
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February 18, 2008

Subject: Police Misconduct  
Obstruction Of Criminal Complain Filing Process  
Coercion of Victim To Drop Complaint  
Incomplete And Inaccurate Felony Report Preparation

Chief McCoy,

The conduct of Oceanside Police Officers, connected with the filing of a felony criminal complaint, is forcing me into a position I do not like. I have to choose between protecting the legal rights my family, or filing misconduct complaints against police officers. I am a former police officer and I am proud of it. I did a good job and I followed the law, and I expect those around me to do the same. To say that the conduct of some Oceanside officers has been substandard and unprofessional is an understatement.

The supporting documentation for this complaint is attached as follows:

1. Felony Complaint Filing History (5 page) 1-28-08 thru 2-15-08
2. Letter To District Attorney Dated 2-11-08 (4 pages)

I contacted the Oceanside Police Department on 1-28-08 to file a felony criminal complaint, on the recommendation of the District Attorneys Office. The District Attorneys Office has advised me that the only way for the Economic Crimes Division to pick up a complaint was for it to be filed with my local law enforcement agency. Due to the unusual nature of the complaint, involving PC 550 and insurance companies, I advised the DA's office that I expected resistance from the Oceanside Police Department. However, I had no idea that it would be so extreme. The unusual nature of a felony criminal complaint against an insurance company and two of its employees for violations of PC 550 does not change the fact that it is still a felony criminal complaint, that deserves the full professional attention of the Oceanside Police Department. I contacted Officer Brush at the front desk and received anything but a professional reception. (See Documentation History)

I did not expect a uniformed, experienced police officer, that did not even know what PC 550 was, who had not reviewed any of the documentation, and had done no investigation of the facts, to immediately start coercing me to drop the complaint and go away. Variations of this coercive attack continued through the reporting process. You do not coerce victims to drop complaints when the officer does not even recognize the Penal Code Section. (See Documentation History)

I did expect some resistance from a local police department, but I confident that an explanation of the unusual issues involved with this type of complaint would solve the problem. However, I never got that chance due to the resistance of a desk officer to take a complaint he did not understand. As I would not drop the complaint and go away, Officer Brush became more and more irritated with me. (See Documentation History)

I did not expect a uniformed police officer to become so irritated that he would change a complaint interview into an interrogation. An interrogation that I could tell would not provide an accurate or complete report. That observation turned out to be very accurate, when I was able to get a copy of the report some two weeks later. The report was very incomplete and inaccurate and did not reflect the information that I had attempted to relate to Officer Brush, or which was contained in the evidence documents provide to Officer Brush. I was not able to provide much input in an interrogation environment. (See Documentation Notes)

I did not press these issues with Officer Brush at that time, as I did not want to aggravate an already tense situation. I made the mistake of assuming that report errors and omissions could be rectified during the future Financial Crimes Division Investigation, which never occurred.

I also drafted a letter to the District Attorneys Office advising them that the complaint had been filed. I also advised them about the difficulties that I had encountered with getting the complaint filed, but it was filed. (Copy Attached For Your Review)

Several days passed and there was no contact from the Financial Crimes Division. As the victim I wanted to be helpful so I began calling to try and set up a meeting to provide what expert assistance and insight I had with the extensive documents. Multiple calls and messages to the supervising assignment sergeant, over a period of a week, requesting contact were never returned. Each time the desk clerk advised that the case had not yet been assigned to a detective for investigation, and that my request for contact had been given to the supervisor. (See Documentation Notes)

As no one would return my phone calls, on 2-6-08 I drove to the Oceanside PD, only to be informed by a clerk that the felony complaint was going to be ignored and treated as a civil matter. There had been no investigation, no interview of victims, or witnesses, or competent review of the extensive written documentation. The case had never been assigned to a detective. The investigation division had refused contact with the victim obstructing the investigation, and dumped the complaint, and no one was available to meet with me. So considering all the coercion I got from Officer Brush to drop the complaint, what did Officer Brush's report say? The front desk advised it would take ten days to get a copy of the report.

I immediately contacted the front desk requesting to see the watch commander regarding Police Misconduct. He was not available, so I was referred to CSO Supervisor Ken Crossman. We discussed the police misconduct and investigation obstruction issues. Notes on that discussion are included in the attached complaint history. Crossman was

able to set up a meeting with Detective Brown, and the notes on that meeting are also reflected in the complaint history. The notice from Detective Brown that the documents have been booked into evidence and are available to the District Attorney on request also turns out to be just another misrepresentation. The District Attorneys Office advised that they do not request documents from PD's. The Police Departments are required to investigate and send the case to the DA with recommendations. Brown's advise that the complaint should have gone to the DA's Insurance Fraud Division in the first place was also incorrect. They do not handle this type of felony complaint; it must be sent to the Economic Crimes Division by the police department.

I again started calling and requesting the names of supervisors to contact regarding the obstruction of a criminal investigation. I was still trying to avoid filing Police Misconduct Complaints by contacting supervisors. I left four different messages for Sgt Doyle and Lt. Goldsmith requesting contact regarding obstruction of a felony investigation and misconduct. Not one of those request for contact have been answered.

On 2-14-08 I received a copy of Officer Brush's report. As originally suspected, the report is substantially incomplete and full of errors and omissions. I am beginning to understand why the Financial Crimes Division wants to dump the complaint. It also makes me suspicious about any voice communications between Brush and the FCD case assignment Sergeant regarding the complaint. Especially considering Office Brush's coercive opposition to the complaint.

I have made seven (7) phone calls, and two (2) direct contacts during the last two weeks, leaving messages for supervisors, and requesting contact from Oceanside Police Supervisors, regarding everything from victim assistance in investigating a felony complaint, to misconduct, coercion of victims to drop complaints, obstruction of a criminal investigation, and substandard and negligent police report preparation. Not one of those phone calls has been returned as of the date of this letter. I would think that even one call of such a nature would attract the attention of a professional police department. (See Documentation Notes)

And if all of this is not enough, this is not the first time that I have observed Oceanside Police Officers involved in misconduct and even misdemeanor criminal conduct. The last time I choose to keep the complaint verbal to a field supervisor sergeant in order to avoid adversely impacting the career of a police officer.

I am literally shocked and appalled by all of the coercion, evasion, misrepresentation, and obstruction to a felony criminal investigation, that I have observed and heard from Oceanside Police Department personnel over the past 17 days.

I expect a real investigation from the Oceanside Police, of a felony criminal complaint. An investigation that includes talking to the victims and witnesses relative to written evidence. I expect the police department to treat victims as victims and to avoid coercive tactics to drop complaints that officers do not understand, or want to avoid. The fact that my complaint is unusual does not make it any less criminal, or any less the legal

responsibility of the Police Department to properly investigate. Penal Code Section 550 is a real felony criminal section. Just as real as a 459, or a 211, or even a 288, and most of these criminal offenses seldom involve losses exceeding \$50,000.00 as in my complaint. If you want to convince a victim, that is a former police officer with a background in law, that a complaint is civil, you better do a competent investigation first and provide convincing evidence.

If you really want to protect and serve the public, than start including protection from unscrupulous insurance companies whenever possible. The complaints are rare as it is difficult to document. Insurance fraud by insurance companies is far more prevalent than you might think. There is no one else in our legal system that can do it. The complaint must come through a local police department, be properly investigated, and referred to the District Attorney for prosecution. I will not walk away quietly from such extensive obstruction of a complaint, or from my obligations to my family.

I want a sit down meeting, face to face, with a senior police supervisor regarding all of the above issues, and I want a real investigation. I will be out of town on business from Feb. 20<sup>th</sup> through Feb. 25<sup>th</sup>.

Respectfully Submitted

Woodrow L Higdon