

Chief Of Police Frank McCoy
Oceanside Police Department
3855 Mission Avenue
Oceanside, Ca 92054

March 3, 2008

Subject: Continuing Police Misconduct & Obstruction Of The Investigation of Criminal
Complain # 0800 1858.

Chief McCoy,

The first thing that a police officer learns is that the proof is always in the details, and that you document all those details. The time line evidence, supported by the statements of Oceanside Police Officers and Clerical Staff, says that Oceanside Police Officers are making false statement related to a criminal complaint investigation, and obstructing that investigation at every possible level.

As you are aware, I contacted the Oceanside Police Department on 1-28-08, on the recommendations of Dave Latauca of the District Attorneys Office, to file a criminal complaint. To be completely accurate, I now know that the District Attorneys Office also was doing everything possible to obstruct and avoid taking, and investigating a complaint for violations of PC 550. However, the District Attorneys Office could not find a legal way to get rid of me, and the complaint. The questions I was asking, and the paper trail I was building was making them little uncomfortable. So Deputy DA Latauca told me that I had to go to the Oceanside Police Department to file a complaint, as the only way for the DA's office to pick up the investigation. As a former police office, I'm much like you or any other cop. I expect people to follow the law, especially police officers and attorneys. I document everything, I investigate everything, and I even record conversations, and keep audio files, whenever, someone gives me cause to distrust what they are doing.

The DA's office knew, and as I had told them would be the case, that the Oceanside Police Department would not like, want, or even understand this type of criminal complaint, and it would be difficult to file. I just did not know how difficult. I now believe the DA's office also assumed that Oceanside Police Officers would use their position of authority, and the normal aggressive behavior toward anyone that challenged their opinions, to get rid of the complaint, and solve the DA's problem. So as least, the Oceanside PD is not alone in their failure to follow the law, and to protect and serve each and every citizen equally. You already have a copy of one of those letters to the DA's office dated 2-11-08 documenting those concerns. When the District Attorneys Office was notified that the complaint had been filed with the Oceanside PD, and was available for their review on request, the DA's position suddenly changed to, we don't request criminal complaints, and the local police must refer them. Deputy DA Latauca went on to state that the DA's Office simply does not have the time or the staff to investigate criminal complaints from citizens because there are to busy. However, I suspect the Oceanside PD, and it's staff already knew that, when Det. Brown attempted to dump me back onto the DA's Office, when he stated that the complaint should have gone directly

to the DA in the first place, and not to the Oceanside Police Department. Sounds like everyone has the same script for evading criminal complaints from citizen, that they don't want to hear about, much less investigate.

It is important to note that the criminal complaint I filed with your department included a three (3) inch thick three (3) ring binder, containing over 250 pages of written and visual evidence collected during a 14-month investigation. Those 250 plus pages of documents cover multiple areas of professional expertise, many of which are outside the normal expertise of police officers and most criminal attorneys. That is part of the reason that I continually request to be contacted and included in the investigation of my complaint. I wanted to be as helpful as possible, and because I had intimate knowledge of those special expert backgrounds that would speed up, clarify, and give context to written evidence contained in those technical documents. If you did not want my technical expertise or that of the other witness experts, then you are obligated under law to obtain expert assistance from other sources before you decide not to investigate a complaint. The other reason is that as the victim, I am entitled by law to receive a complete and professional investigation of my complaint, which never occurred. It is the Oceanside Police Departments legal responsibility to ensure that every possible legal protection and investigation resource is extended to every victim and every complaint. Even the ones you don't understand, or don't want.

An Investigation Time Line based on statements of police personnel, speaks for itself. Police Officers are obstructing, and providing false information to victims, regarding the handling and investigation of a criminal complaint.

The criminal complaint was filed on 1-28-08 – 1345 hrs - Monday.

1-31-08 - Thursday – Phone call - Complaint and documents are on Sgt Doyle's desk and have not been assigned to a detective. (Laurie Scott - FCD) Message left requesting meeting to review evidence documents, which will be attached to the documents.

2-4-08 – 1500 hrs – Monday – Phone Call - Complaint and documents are still on Sgt. Doyle's desk and have not been assigned to a detective. (Laurie Scott - FCD) Message left requesting meeting to review evidence documents, which will be given to Sgt. Doyle.

2-6-08 – 0855 hrs. – Wednesday – Traveled to OSPD, FCD front desk. Advised complaint declared a civil action by Sgt. Doyle and will not be assigned to a detective for investigation. Sgt Doyle not available to meet and talk with me.

2-6-08 – 0858 hrs – Wednesday – Verbal complaint of Police Misconduct and Obstruction of investigation filed with Supervising Officer Crossman, as Watch Commanded not available. Crossman later calls Det. Brown to meet with me.

2-6-08 – 0945 (+-) Detective Brown states he has read Officer Brush's report and done preliminary overview of documents.

1. Brown has no knowledge of specifics in documents, but makes generalized comments on extent and apparent completeness of documents indicating he has at least seen the 3 ring binder. (See complaint history)
2. Documents not available for reference or review with Det. Brown during our short meeting, as they had been booked into evidence at some earlier time and he saw no reason to get them out for our meeting. I spoke generally about difficulty documenting this type of crime and the importance of experience with Penal Code Section 550, but unable to be specific due to unavailability of documents. Request to meet and review documents rejected.
3. Brown confirms that case had been closed prior to 2-6-08, but does not mention any disposition recommendations, only that the documents will be available from evidence, on request by the District Attorneys Office.
4. Det. Brown advises me, that a criminal complaint of this type should have been filed directly with the District Attorney Insurance Fraud Division, instead of the Oceanside Police, as they were better equipped to handle this type of investigation.

Questions:

1. How does a peace officer properly investigate a case, which has never been assigned for investigation, with no time available in the time line, no orientation on the case, no technical background, and no contact with the victim or expert witnesses?
2. How does a detective review and properly investigate over 250 pages of technical documents and exhibits in less than an hour?
3. Why does an experienced Detective in the Financial Crimes Division, state that the District Attorney Office should have been contacted directly as they are more qualified to handle an investigation of this type? If his opinion is accurate, why did he not seek expert help on the complaint? The evidence documents are booked into evidence, with little to no time available, in the time line, to investigate the documents, which is in direct conflict with Det. Brown's statements.

Answer: There was no real investigation of the evidence documents, or anything else, as the case was never assigned, according to Financial Crimes Department personnel. There is also insufficient time, in the time line, to investigate even a small portion of the evidence documents, much less 250 pages, and the victim and

expert witnesses are being excluded from the investigation, and kept away from the evidence documents.

2-18-08 – 0815 hrs – Monday - All request for contact, made to the Oceanside Police Department over the past 18 days, regarding the complaint, have been ignored. A Police Misconduct Complaint is delivered to Oceanside Police Department to the attention of Chief McCoy. Letter of complaint includes issues of police coercion, obstructing complaint filing process, writing incomplete and inaccurate police reports, and obstructing a criminal investigation, by avoiding standard investigation procedures, and avoiding contact with victim and all expert witnesses directly related to the written documentation.

2-18-08 – 1315 hrs – Monday - Contacted by Lt. Goldsmith and advised he was out of town most of last week and did not get my messages until this date. He has no knowledge of original criminal complaint or the Police Misconduct Complaint filed earlier this date. Goldsmith is advised that I am very disappointed with the conduct of his FCD officers and the Oceanside Police Department, and he should obtain and read the Misconduct Complaint before we talk. Goldsmith advised he would do so and call me back (no call back). Goldsmith also advised that I would be out of town for five days starting Wednesday the 20th but would be available at anytime after the 24th to meet with investigations and review evidence documents.

2-20-08 – 1831 hrs – Wednesday – Phone message left by Sgt Doyle advising that he, and Lt. Goldsmith had met and discussed the criminal complaint. Doyle stated that Det. Brown had now been assigned to investigate the case and review the documents, and that they had decided that there was no criminal conduct and the case was going to be closed again, with a recommendation that the complaint not be sent to the District Attorney.

Once again the victim and expert witnesses are intentionally excluded from the investigation process, and from whatever police personnel are claiming to be a review of the evidence documents, and all of this occurs over a period of approximately 24 hours, according to statements of Sgt Doyle and Lt Goldsmith.

Same Question: How does a peace officer, properly review and investigate over 250 pages of technical evidence documents and exhibits, covering multiple professional disciplines, in less than one working day? Even if you add the first hour or so, of claimed document review on 2-6-08, to several hours on this day, of claimed document review, there is still nowhere near the time required to review and investigate over 250 pages of complex technical evidence documents, and still no contact with the victim or expert witnesses.

Answer: There was no real review of the evidence documents, as there is insufficient time in the time line to investigate even a small portion of the evidence documents, and the officer is not qualified on many aspects of the documents.

Through out the complaint handling process, not one attempt has been made by the Oceanside Police Department investigators to contact, or meet with the victim and expert witnesses. The victim has never been allowed to review the evidence documents with an investigator. All attempts for direct communications have been initiated by the victim, and all attempts to cooperate and assist with the police investigation has been obstructed and rejected by police investigators.

One has to ask, how something so wrong, so negligent, and so illegal could come about in a professional police investigation? It does not take a rocket scientist to follow the evidence.

- Desk Officer Brush knows nothing about PC 550, and does not want to take the time to learn, or to review the extensive evidence documents, much less take a complaint. The result is a desk officer with no knowledge of the crime being forced by circumstances to write a report that he does not want to write. That irritation and bias produces an incomplete and inaccurate police report that is passed on to Sgt Doyle in the Financial Crimes Division.
- Sgt. Doyle, a newly assigned supervisor, who also has never heard of, or handled such a complaint reads Officer Brush's incomplete and inaccurate report, and assumes it must be correct, as it was written by a fellow officer. Sgt. Doyle also does not want to review hundreds of pages of evidence documents on a complex complaint that he knows nothing about and assumes is not criminal, based on Brush's report. Doyle passes his bias on to Detective Brown.
- Detective Brown, at some point, also reads Officer Brush's inaccurate and incomplete report, and clearly understands his supervisors stated position that there is no evidence of a crime, so why go against his supervisors position, and waste time reviewing and investigating over 250 pages of evidence documents.

That is why the time line shows that only a few hours, on two different days, if that, were devoted to a criminal complaint investigation with over 250 pages of complex evidence documents. As I stated above, the proof is always in the details. The evidence of felony crimes against my family are contained in the details, and documented, in the 250 plus pages of evidence documents. Evidence documents that I cannot get anyone to take seriously, or investigate impartially, or properly, as is required by law. No one ever said that all police investigations of felony criminal conduct would be easy.

Evidence also indicates that the Police Misconduct complaint sent up a big red flag to police supervisor. The victim is knowledgeable about police investigation procedures, and documents everything. The Police Misconduct Complaint contains all of the above time line information, on the handling of the criminal complaint. If examined, it would raise serious questions about the quality and completeness of a criminal investigation by the Oceanside PD, and the investigation obstructions and false statements regarding evidence document handling have not been sufficient to convince the victim to drop the complaint and go away. The victim is still pushing for a real, complete investigation.

So, how do you protect the backside of the Oceanside Police Department, and various police officers, after the fact? Easy, you get someone else, outside the department that is already on the record for not wanting to take or investigate such complaints, and ask them what they think. So you take a complaint that has never really been investigated, while continuing to avoid including the victim and expert witnesses, along with the Police Departments bias to protect itself, and you set up a meeting with a Deputy DA. You take a complaint:

- That is tied to the professional reputation of your department and several peace officers.
- That is directly connected to an active Police Misconduct Complaint for obstruction of the complaint filing process, and coercion of the victim.
- That is based on a police report that your victim has told you in writing, is incomplete, inaccurate, and does not reflect information provided to the Oceanside Police, or the supplied evidence documents.
- That is directly connected to an obstructed and incomplete criminal investigation, that is well documented, in a verifiable time line by statements, and audio recording, of the department's own clerical staff and sworn peace officers, which indicates no real investigation, was ever undertaken.
- That you take to a District Attorneys Office that you already know dumped the complaint investigation onto the Oceanside Police Department, stating that they were too busy, and to short on staff, to handle the investigation, and don't like taking criminal complaints of this type, from citizens in the first place.
- To the District Attorneys Office, that the Police Department already knows is on the record, for not investigating complaints, without the recommendation of the local police authority. Which in this case, the Oceanside Police already made that decision back on 2-6-08, without a valid verifiable investigation.

When you stack a deck like this, how do you expect to get an impartial, objective evaluation from anyone? The answer is you don't want an impartial, objective evaluation. Why else would Sgt. Doyle even consider going to the District Attorneys Office at this late stage, while still avoiding victim and witnesses, if not to set up some kind of defense. Anything, to try and mitigate the Police Misconduct, and the documented obstructions to the investigation of a criminal complaint. Motive is always part of the driving force in most decisions, and this sounds like a good motive for the Oceanside PD and several of its officers to demonstrate some kind of support for their bad decisions.

There are also other motives in play. If there is no criminal complaint, then there is no victim. If there is no victim, than how is it possible for a police officer to coerce, a non-

existent victim, to not file a criminal complaint that does not exist? Perfect excuse for dropping or minimizing a Police Misconduct complaint, if no one looks too close. All you have to do is avoid doing your job, and dump a criminal investigation that looked too difficult, and that you don't understand, and did not want in the first place.

I expected a lot better from professional police officers, and as I have previously stated, this is not the first time I have seen this type of conduct from Oceanside Police Officers. The Oceanside Police Department, and multiple senior officers have made a series of really dumb decisions, demonstrated very poor judgment, and probably obstructed justice. So I will tell you again. I want a real, professional, unbiased, and transparent investigation, of a legitimate criminal complaint, that includes the victims, expert witnesses where appropriate, and a real review of the evidence documents with the victim and appropriate experts. It is very likely, that all of these negligent and illegal obstructions from the Oceanside PD and the District Attorneys Office have so tainted the legal process, that any chance of successfully prosecuting this complaint have been substantially reduced, if not eliminated.

I do not like being put in the position of being forced to choose between my family's legal rights and protections, and the reputation of the Oceanside Police Department and it's officers. I expect you and your officers to follow the law.

Respectfully Submitted

Woodrow L. Higdon