

Agent Aguirre,

On 11-3-09, I meet with Mr. Mosler of the District Attorneys Special Operations Division and filed formal complaints against DDA Laura Gunn and DDA David Lataca.

Mr. Lataca, head of the insurance fraud investigation division had obstructed the filing and investigation of criminal insurance fraud complaints from citizens against insurance companies to protect special funding grant money to his division. The investigation of this insurance fraud complaint obstruction is what lead to the discovery and investigation of the Officer Damon Smith evidence tampering and it's cover up. Attached documentation files 001 thru 008.

The second complaint was against DDA Laura Gunn, who was in charge of the Damon Smith evidence tampering investigation. As previously stated, I believe this investigation was being obstructed by the DA's office and the Oceanside Police Department to avoid finding evidence that would identify other police officers involved in the 8 years of secretly recording criminal investigations. As the number of police officers expands, so does the civil liability and the number of corrupted criminal prosecution.

Six months after the start of the Smith investigations, I contacted the attorney, Andrew Limberg, who originally discovered the existence of the secret audio tapes. Mr. Limberg stated that no one from the DA's office or the Oceanside PD had ever contacted him. Mr. Limberg stated that Officer Damon Smith, upon leaving the witness stand, had engaged him in a conversation, and stated that it was "common knowledge" among the police officers he worked with, that Smith was secretly recording criminal investigations. I discovered this information on 10-6-09. On 10-9-09, I contacted DDA Laura Gunn and gave her the attorneys name, phone number, and law firm name, and the Smith statement information involving multiple Oceanside Police Officers in the knowledge of, and the cover up of the secret audio taping scheme. On 11-22-09 the DA's office, thru Paul Levikow (comm. Director) issued statements to the press that 37 tapes on corrupted criminal cases were being released to defense attorneys, and that Officer Smith was not going to be charged or prosecuted for anything. On 10-23-09, I contacted Mr. Limberg and verified that no one from the DA's office had ever contacted him regarding Officer Smith's statements. I set up an appointment for 11-3-09 with Mr. Mosler of the DA's office to file formal complaints. The morning of 11-3-09, I again contacted Mr. Limberg, and was again advised that no one from the DA's office or police had contacted him.

DDA Laura Gunn has intentionally hid evidence in a criminal investigation to cover up the involvement of multiple police officers in extensive evidence tampering. I believe the DA's office is involved in this conduct to minimize the number of corrupted criminal cases, to minimize the potential civil liability, and protect the public image of the DA's office and it's case handling. This drive to protect large amounts money that would have dramatic impacts on the DA's operations and public image, is one of the same motives as in the above insurance fraud investigation obstructions to protect millions in special funding grant money.

During my meeting with DDA Mosler and investigator staff(recorded) on 11-3-09, Mr. Mosler suggested that the reason that Officer Smith was being given a free pass on 50 to 150 felony crimes was some obscure case law that police officers could make secret recording in order to protect themselves from citizen civil lawsuits, which sounds like drowning people grabbing at air bubbles to stay afloat.

The evidence indicates this was not Officer Smith's motive for recording investigations. In 2001 Officer Smith, before graduation, was fired from the police academy for substandard performance. Officer Smith then filed a legal claim against the City of Oceanside and police personnel alleging that his

termination was based on racial and sexual discrimination by a white, lesbian, training officer. Several months later the city did a 180 degree turn around and rehired Officer Smith, and the claim went away. Officer Smith was put on the streets as a peace officer, where he promptly started recording investigations. I believe the evidence indicates the main reason Officer Smith started recording investigations was to gather evidence he could use against the Oceanside Police Department or other police officers to avoid future terminations, and any competent investigator would recognize that.

Some of the motives of the Oceanside Police Department are covered in the attached four misconduct complaints that were filed on 11-3-09. Other motives are the protection of tens of millions of dollars in ongoing union contract negotiations which have become more difficult with recent revelations that the police and fire unions are secretly financing a recall election to restructure the city council and provide a favorable vote on the contract. The recall petition process was totally financed by the police & fire unions in the early months of 2009 to get the recall on the December 2009 ballot. The contract vote is set for early 2010. The recall target is the swing vote for the unions. Two out of three of the replacement candidates are known union activist, whose campaigns are also being financed by the police and fire unions. A major criminal investigation of multiple police officers for evidence tampering at this point in time would cause substantial damage to the police public image, the contract negotiations, and the recall election.

The District Attorney's Office, multiple DDA's, a Mayor, a councilmember, and even DA Dumanis already have potential career ending exposures, and I have doubts that a real independent investigation will occur in the DA's office. The Damon Smith investigation should not have taken place in the San Diego County DA's Office in the first place. They have too many legal conflicts.

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