



OCEANSIDE POLICE DEPARTMENT

MISSION STATEMENT

OUR PURPOSE IS TO WORK WITH THE COMMUNITY TO BUILD TRUST AND PROVIDE QUALITY SERVICE THAT ACTIVELY PREVENTS CRIME, REDUCES THE FEAR OF CRIME, AND PROMOTES SAFETY.



I WANT TO SPEAK WITH THE MEMBER'S SUPERVISOR. I WANT TO FILE A FORMAL COMPLAINT.

Name: WOODROW L. HIGDON Date of Birth: 7-18-43

Address: 2544 RUDDER ROAD, OCEANSIDE, CA 92054

Daytime Phone: (760) 754 - 8703 Evening Phone: () -

Event Date: 2001 THRU 2009 APPX Event Time: VARIABLE Case Number: SEE DA LIST

Location: VARIABLE

Name of Member(s): OFFICER DAMON SMITH & OTHER UN-IDENTIFIED OPD OFFICERS

PROVIDE A DETAILED EXPLANATION OF THE BASIS FOR YOUR COMPLAINT. ATTACH ADDITIONAL PAGES AS NECESSARY.

DOCUMENTATION : 1.5 HOURS ORAL RECORDED STATEMENT GIVEN TO SGT RON HARDY ON 11-3-09 AT THE OCEANSIDE POLICE DEPARTMENT WITH SUPPORTING WRITTEN DOCUMENTATION AS ITEMIZED IN THE AUDIO RECORDING.

~~THIS COMPLAINT IS ONE OF A SERIES OF FIVE (5) MISCONDUCT COMPLAINTS AGAINST DIFFERENT OFFICERS OCCURRING DURING A 20 MONTH CORRUPTION INVESTIGATION OF THE OCEANSIDE POLICE DEPT. BETWEEN 1-28-08 AND 3-11-09. THE FIRST BEING AGAINST OFFICER BRUSH DATED 2-18-08.~~

~~THIS COMPLAINT IS ONE OF FOUR INTER-RELATED COMPLAINTS FILED THIS DATE AGAINST CHIEF FRANK McCOY, SGT AARON DOYLE, DETECTIVE MICHAEL BROWN, AND OFFICER DAMON SMITH WITH THE COMMON FACTOR BEING THE MISCONDUCT OF CHIEF FRANK McCOY. ATTACHED PAGES WILL BE SUPPLEMENTAL OR SUPPORTING INFORMATION OF ISSUES DISCUSSED IN THE ABOVE AUDIO STATEMENT AND PROVIDED SUPPORTING DOCUMENTS.~~

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A POLICE OFFICER FOR ANY IMPROPER POLICE CONDUCT. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE THE COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN OFFICER BEHAVED IMPROPERLY. CITIZEN COMPLAINTS AND ANY REPORTS OR FINDINGS RELATED TO COMPLAINTS ARE CONFIDENTIAL, AND WILL BE RETAINED BY THIS AGENCY FOR AT LEAST FIVE YEARS.

IT IS UNLAWFUL TO MAKE A COMPLAINT WHICH YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU MAY BE SUBJECT TO A CIVIL LAWSUIT FOR MONEY DAMAGES.

Woodrow L. Higdon, Complainant
Signature (required)

11-3-09
Date

Return completed form to: Oceanside Police Department
Professional Standards Office
3855 Mission Avenue
Oceanside, CA 92054

11-3-09

Oceanside Police Department
Internal Affairs
Att: Sgt. Ron Hardy

Subject: Officer Damon Smith & Other Unidentified OPD Officers - Misconduct Complaint Supplemental Information

In April of 2009 North County Times reporter Terry Figueroa was covering the North County Courts and detected a case of extensive evidence tampering by Officer Damon Smith of the Oceanside Police Department. While testifying under oath in court, Damon Smith revealed he had been secretly making audio recordings of his investigations and hiding the tapes from the criminal justice system for a period of approximately 8 years.

My investigation, and the investigations of other media groups have determined that Officer Damon Smith was even fired from the police academy in 2001 for substandard performance. Damon Smith then filed a claim/complaint against the city of Oceanside and police officials alleging racial and sexual discrimination from a white, lesbian, training officer. Several months later the city and the police department reversed the firing, and re-hires Damon Smith. The OPD then put Officer Smith out on the streets as a peace officer, where he promptly started secretly recording field investigations, including criminal investigations.

The suggestion that Damon Smith made these recording just to protect himself from citizen civil suits is absurd. With the above history, any competent investigator would recognize that Damon Smith started secretly recording investigations mostly to protect himself from the Oceanside Police Department. He had already been fired once, and he did not want that to happen again without hard evidence he could use against the OPD.

Just so there is no mistake in the meaning of this complaint, we are not talking about a truck driver that went into a donut shop and recorded his donut order to a waitress.

We are talking about an experienced veteran police officer, on duty, that planned and executed the secret audio recording of multiple criminal investigations for a period of approximately eight (8) years, with the intent to hide the recording from the criminal justice system, and did in fact hide those recordings from the criminal justice system.
The intent is established by the repetitive criminal conduct.

The criminal conduct is established by the District Attorneys criminal investigation and the recent release of 37 audio tapes to criminal defense attorneys, on corrupted criminal prosecutions. If there was no criminal conduct the DA's office would not have a criminal

investigation, as the DA's office is already on the record as not investigation civil issues. We still don't know how many tapes Damon Smith made and/or destroyed or hid after the fact, or the identities of the other police officer that knew about, were involved in, and kept quiet about the secret evidence tampering. That is because, as in the past, the OPD is obstructing and blocking complaints against, and the investigation of police officers.

The involvement of other Oceanside police officers beyond Damon Smith is a fact. A fact that the OPD and the DA's office have been going out of their way to avoid investigating for six months, even though I had filed multiple complaints in public city council meeting, in the presence of Chief Frank McCoy.

All of those complaints have been recorded on video tape, with sound, over the past six months. The involvement of multiple OPD officers is also a fact based on the statements of Officer Damon Smith in front of an officer of the court witness. Statements that were made the same day the secret recording scam was discovered, six months ago. The identity and contact information of that witness was provided to you during my oral statement on 11-3-09. Damon Smith was talking about how his secret recordings were "common knowledge" among the officers he worked with. So just how many police officers is "common knowledge", 5, 10 15, or more?

This attorney is a witness that was at ground zero for this investigation, and no one from the OPD or the DA's office ever contacted him for a statement, which provides additional evidence that there was never a real investigation of Damon Smith or the Oceanside Police Department. Even a basic investigator would know to start an investigation at the scene of the occurrence. That is, unless the investigators wanted to avoid primary evidence against Damon Smith, and avoid identifying the involvement of other police officers. That would help mitigate a public image scandal for the OPD at a critical time in the OPD's union contract negotiations. A time when the media had exposed the police department's involvement in recall election manipulation, not to mention the potential of \$20 to \$40 million dollars in civil liability dumped on the OPD and the DA's office by Damon Smith. Huge civil liability that would double and triple with the revelation that other OPD police officers were involved in the evidence tampering and its cover up.

This information is also been provided with complaints to the District Attorney's Office, the Attorney General, and the Federal Bureau of Investigation with other appropriate documentation

According to statements made to me, from the DA's office last week (Paul Levikow), it is the OPD'S responsibility to fully investigate the conduct of Officer Damon Smith. Damon Smith has not even been fired, much less arrested, or even properly

investigated. This was done to avoid identifying other OPD officers involved in the evidence tampering.

So where is the real investigation? Does Damon Smith have additional tapes that are being used as leverage against the OPD, in exchange for no termination or arrest? How many other OPD officers is Damon Smith talking about? Were any of the other officers also secretly recording investigations? Since the OPD has obstructed the investigation for six months it is highly probable that all other tapes have been destroyed and evidence trails obscured with time.


Woodrow L. Higdon

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