

11-11-09

Department Of Justice
110 West A Street, Suite 1100
San Diego, CA 92101
Att: Gary W. Schons, Senior Assistant Attorney General

Mr. Schons,

As per our telephone conversation on 11-5-09, I will be sending you a series of e-mails with documentation attached. There is simply too much documentation to go over just one or two e-mails.

As I indicated on the phone this public corruption complaint is not a simple one incident issue that can be reported in a short note. The complexity and magnitude expanded with time and money. It involves the protection of about 100 million dollars, or more, of special funding grant money, extensive civil liability exposure for police and DA's, tens of millions in police & fire union assets and ongoing contract negotiations. These obstructions and cover ups are also connected to protecting the public images of the police and DA's office, the political and professional reputations and careers of DA's including Dumanis, Chief of Police McCoy, Mayor Wood, Councilmember Sanchez, and others, thru the money trail. The money trail also leads to a covertly filed recall election filed by the Oceanside police and fire unions, to remove & replace a swing vote council member, before a new multi-million dollar police and fire union contract expansion vote comes up in January of 2010.

This is not the first time that I have made contact with the Attorney General's Office, and sent extensive written documentation on the involvement of Oceanside Police officers and San Diego Deputy District Attorneys in obstruction of justice and obstructing and interfering with the filing and investigation of criminal complaints. I told the AG's office that police and DA's were up to their necks in criminal conduct for money, and the result was a form letter from the AG's office, talking about how DA's have discretionary power in deciding whether or not complaints have sufficient merit for prosecution. The problem is, the complaints also involved the conduct of the police and the DA's that are deciding whether or not to investigate themselves in the first place.

I also did not tell the parties involved everything about me. In the beginning I was a citizen, a victim, and a former police officer. I did not tell them I was also a photo journalist with more than 30 years of experience in the investigation and documentation of both criminal and civil cases.

The investigation started in January of 2008, when I discovered that citizens, which are criminally defrauded by an Insurance Company, cannot file a criminal complaint with the District Attorney's office, or the local police, no matter how much evidence they have. I was even more surprised to find out why. The district attorney's insurance fraud investigation divisions are receiving million of dollars in special funding grants, with attached restrictions, that prohibit the investigation and prosecution of insurance companies based on complaints from citizens. This illegal policy, by a variety of means, has been passed down to local law enforcement agencies to block all local complaints. All agencies, coerce citizens to drop criminal complaints, and go hire a civil attorney.

The above investigations lead to the discovery of the Oceanside Police Officer Damon Smith Evidence Tampering Cover Up (News Articles Attached).

In April 2009 a court reporter picked up on a case involving the testimony of Oceanside Officer Damon Smith. During testimony it was revealed by Officer Smith that while on duty, for a period of

approximately 8 years, he had been secretly making audio recording of investigations, and hiding those tapes from the criminal justice system. The vast majority of these corrupted cases went through the North County Public Defender's Office. My investigation disclosed that during May, by either plan or through a series of errors and mistakes, during the initial set up of the investigation everything got moved into the Special Operations unit of the DA's office. A DA's office with a major legal conflict, and a vested interest in minimizing the number of corrupted criminal prosecutions that their office had handled, and or would have to re-investigate and re-prosecute.

Retirements of key personnel in the Public Defender Office resulted in no one having any knowledge of, or follow up from the DA's office regarding the investigation. Nor was I able to determine that any other agencies, like the Attorney General, the U.S. Attorney's Office, or any independent investigation agency was ever contacted. The investigation has just started, no one will talk about how many tapes, how many corrupted cases, how many attorney notifications, or how many other police officers knew about or were involved in the evidence tampering. However, DA Dumanis is already making public statements to the press that, "Officer Damon Smith will not face any criminal liability for failing to turn over the tapes he made of his interactions with suspects and witnesses".

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.

If that is not bad enough, every time Officer Smith went into court and raised his right hand, and swore to tell the truth, the whole truth, OOPS !!! except about those secrete evidence tapes, that was always called perjury when I was a cop. When I graduated from the police academy I clearly understood what evidence tampering was, and obstruction of justice, and any cop with half a brain know that you cannot hide recording investigation from the officers you work with for 8 day, much less 8 months or 8 years.

In June 2009, as a Oceanside citizen and as part of my investigation, I started making regular public notifications during city council meeting, about the lack of investigation of Officer Smith and the Oceanside Police Department on a variety of investigated issues. The public city council meetings was selected as they are recorded on video with sound. Written notifications of criminal misconduct to the Oceanside PD, the DA's office, the city council, the Attorney General, ect., were simply ignored and buried. I wanted a public record of notification in the presence of Chief Frank McCoy, Mayor Wood (retired OPD), Councilmember Sanchez (retired public defender), and other council members. Chief Frank McCoy was also making public statements about how Damon Smith had not done anything illegal by recording conversation and it was strictly an internal personnel matter. At the same time Chief McCoy blocked all complaints and investigations that would identify other police officers that knew about or were involved in the evidence tampering. These video tape are available for viewing on the Oceanside City council web site, or can be purchased from the public broadcast television station.

Six months after the start of the Smith investigations and numerous complaints, 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 (investigation supervisor) 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 evidence 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. The same motives are driving the Oceanside Police Dept. cover up.

The OPD has had a series of corruption complaints and public image issues. A major criminal investigation of the OPD at this point in time with all of the past public notifications on Damon Smith could bring down the Chief of Police, Mayor Wood, Councilmember Sanchez, a number of district attorneys, and others. This police civil liability, and union money protection issue would be substantially damaged in the final months of new contract negotiations for expanded benefits. Especially, with the recent revelations that the police & the fire unions were manipulating the recall election process to get a majority vote on the council before the January vote (city campaign finance records in city hall).

Formal complaints have been filed against various DDA’s and Oceanside Police Officers (copies will be provided as additional evidence info). I have also filed or will be filing complaints with documentation to the FBI, various trial lawyers groups, the ACLU, and the FPPC.

I will provide all possible assistance and I will testify. I expect the AG’s office to do its job this time.

Woodrow L. Higdon