

September 03, 1998

TO: Lieutenant Dale Birney
Sergeant Marty Carver

FROM: Officer Jim Wagner #414 *JW*

SUBJECT: Information Request

Sirs, having trained over 150 law enforcement agencies and military units on my free time (most of which are tactical teams including the FBI, US Marshals SOG, Los Angeles Sheriffs SWAT, San Diego P.D. SWAT, Navy SEALs, Army Special Forces, INS, Navajo Nation SWAT, US Air Force SRT, US Coast Guard Boarding Teams, USMC Special Operations Training Group, etc.) I feel that I am not only well qualified, but morally obligated, for the sake of officer safety, to bring to the attention of the mayor and city council of Costa Mesa current SWAT training policies and information on recent call-outs which may help to protect lives and property in the future. Of course, this package will first be submitted through my chain-of-command.

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company*

In order to accurately present the comprehensive package which I am about to submit I need to know the exact reasons why my position as Command Post Operations Officer (as well as Range Safety Officer for which I am certified, and sniper trainer) on the SWAT team was "dissolved."

As you both may recall, on May 24, 1997, after serving 3 unblemished years on the team and having passed my first year of SWAT probation, I was told by you both that my services were "no longer needed." You may also recall that I thanked you both for the opportunity to serve on the team, but that my termination came as a great surprise since I was in the middle of several, officer safety, projects, and I had never received any negative comments from my direct supervisor Lieutenant Ron Smith. In fact, I had been continually praised for the fine job I was doing. I didn't want to leave my post, I truly enjoy SWAT, but obviously my services were no longer needed even though the city had paid for much of my tactical training: tactical diagramming, sniper training, Close Quarters Battle training, firearms training, and crisis management.

Of course, I was confused at the time of my termination. To this day tactical teams, literally from all over the world, seek my tactical skills and instructions, but my own team "dissolved" my position. All I could do was obediently accept the wisdom of my chain-of-command even though Sergeant Freeman, Logistics Supervisor, protested the decision and recommended me for the position of logistics officer to utilize my skills which nobody to this day could adequately accomplish. However, I have found out since

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my termination that the need for the skills that I used to perform were not actually "dissolved."

Since my termination I have found out that unqualified personnel have been performing tasks which I was trained for. This alarms me very much. On March 21, 1998 (98-9778) a man was believed to have barricaded himself in his second story apartment and threatening to commit suicide. I was dispatched to the call and was the first officer on scene and one of the last officers to leave. In other words, I was at this call from start to finish. However, I was assigned to cover the outer southeast perimeter. I saw unarmed Park Ranger Kevin Condon a couple of times in the *kill zone* from a distance and asked him the next day why he had been even in the area at all. He told me that Sergeant Gogerty had assigned him to draw up a tactical diagram. — *unfounded*

I asked Ranger Condon if he had any skill in tactical diagrams or any training in scouting in hostile areas. He told me that he had none. He said that his drawing was "lousy" but that he ^{was} just helping out. I was shocked for a couple of reasons:

1. I was told that my services of providing tactical diagrams was no longer needed, yet an unarmed park ranger was performing this very duty.
2. I was even more disturbed that an unarmed, limited trained ranger, was sent into a hostile area without the proper equipment. He was approximately 75-100 yards from the suspect's window without any cover or concealment.

Although I admire Ranger Condon's can-do attitude I wondered why I was not assigned the task since I have provided the most professional tactical diagrams ever seen by this department and was trained in scout/sniper tactics. I was there, but was not called upon. Fortunately the suspect was in the hot tub below the Command Post and not armed looking out his window. — *unfounded*

Another event which made me realize that my position had not truly been "dissolved" was on June 26, 1998 on Canyon Drive (98-21852). A fugitive was hiding in the attic of a house. I was still on duty as the call went out.

I found out later that Lieutenant Birney drew a tactical diagram based upon interviewing the suspect's girlfriend. Again, I was not called upon.

The last SWAT call-out was at the Kona Lanes Bowling alley where a robbery suspect was inside. Although I was not at this event I interviewed a few people who were. I was told that logistics was totally "fucked up." One of my assignments when I was on the SWAT team was to provide good coordinated logistical support and an organized Command Post. I was complimented on several occasions by both Lieutenant Smith and Sergeant Freeman for my abilities to accomplish just that. Lately, even tactical

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supervisors get tied up passing out equipment when they should be on the front line commanding.

I don't bring up these incidents to belittle the team or anyone on the team. I merely use them as illustrations to bring up the question - why was my position "dissolved?" As you recall, I was never told the reasons. I expected to get something in writing laying out the reasons I was terminated, but either it was lost before it got to me or it was never written. Or, is it this department's policy to lay someone off from a specialty detail without being told specifically why. And, that's all I am requesting - why?

Section withheld for internal admin remarks and notes here