



U.S. Department of Justice
Federal Bureau of Investigation

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Public Safety Committee Oakland City Council

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To the Honorable Members of the Oakland City Council:

I am submitting this statement for your consideration as you contemplate the Resolution Terminating the Oakland Police Department's Participation in the Joint Terrorism Taskforce introduced by Council President Kaplan and Councilmember Fortuna Bas.

FBI Mission and Partnership with the City of Oakland Police Department

The mission of the FBI is to protect the American people and uphold the constitution. The FBI accomplishes that mission through a series of priorities including protecting the US from terrorist attack, protecting and defending the civil rights of all citizens, combating significant violent crime, and taking on public corruption at all levels of government. The investigations and operations we conduct in order to protect the American people are complex and conducted without bias of any kind, regardless of immigration status and in full recognition of our mission. Investigations involving national security threats, civil rights, violent gang activity, human trafficking, crimes against children, hate crimes, and color of law violations represent some of our most important work. Successful prosecutions require the FBI follow the facts, the evidence and the law without bias of any kind in every case without exception. However, the FBI cannot and has never done this work to solve crimes and mitigate threats alone. We work with our state and local law enforcement partners every single day including the City of Oakland Police Department toward a common goal of protecting people, upholding the constitution and vigorously ensuring that the civil rights of all citizens

remain intact. When people are not secure, that is a failure of law enforcement and its oversight bodies. When a child is kidnapped, it is our job to find them. When a human being is trafficked, it is our job to bring to justice the perpetrator and help the victims of these horrific crimes. When a violent gang terrorizes a city, it is our job to stop them. This is a collective responsibility, not just the job of the FBI.

Safety

The safety of the people of Oakland is of paramount importance to the FBI. Our people live in Oakland and one of our largest, most important FBI offices is in downtown Oakland. We are part of the diversity and fabric of the City. The City of Oakland is safer because of the FBI's partnerships and task force work with the Oakland Police Department. Your homicide rate is lower, and your clearance rate is higher, your human trafficking problem is being addressed, and your violent gang problem is being reduced all as a direct result of the FBI and Oakland police department's partnerships and task forces.

The City of Oakland was the site of an act of Domestic Terrorism on May 29th when a Federal Protective Service Officer was shot and killed by an anti-government extremists. The two individuals responsible for that terrorist act were brought to justice, but only after another violent shootout in Santa Cruz, resulting in the tragic death of Santa Cruz County Sheriff's Deputy. The FBI worked seamlessly in partnership with the Oakland Police department throughout the investigation of this act of domestic terrorism. Prior to this event together, we prevented a person from targeting the LBGTQ+ community and burning the Oakland hills. Prior to that event, once again working with OPD, we prevented a person from detonating a truck bomb in Oakland. Together we have protected the people of this city. Without the ability to cooperate toward joint law enforcement goals in this manner, the public is less safe.

The FBI hosts numerous task forces in the San Francisco Bay Area including Safe Streets Task Force, JTTF, Homicide Task Force, Crimes against Children Task Force, Cyber Task Force, and other task force environments and partnerships. All task force officers, regardless of the task force to which they are assigned, operate under the same authorities, guidelines and policies set up to ensure that participating officers are not placed in a position to perform actions potentially inconsistent with their departments' guidelines or California law. I raise this to make it clear that decisions made by this council will adversely impact all FBI task forces and partnerships with the Oakland Police Department. This will make the City of Oakland less safe.

The FBI collaborates and works with the Oakland Police Department in many capacities. The FBI's Evidence Response Team routinely assists the Oakland Police Department in the processing of crime scenes. The FBI's Behavioral Analysis Unit

assists the Oakland Police Department with complex cases requiring in depth profiles of potential suspects. The FBI provides Forensic Interviewers to assist the OPD when requested for complex interviews sometimes involving child crime victims. The FBI is available and has provided victim and witness assistance resources in OPD cases requiring such assistance. This assistance is most often in furtherance, not of any federal crime, but purely to assist and support the investigation and prosecution of local crimes investigated by the Oakland Police Department and prosecuted by the Alameda County District Attorney's Office.

Transparency

One of the primary benefits of participation in the JTTF, as well as all other task forces, involves transparency, meaning that city governments have full visibility into the FBI's work on domestic and international terrorism operations and investigations that involve or implicate their city. Transparency into federal law enforcement activities is a key concern for the City of Oakland. The City of Oakland has that transparency through the appointed Police Chief and that Chief's command staff. The FBI ensures that they have access to all classified information related to the JTTF including any information germane to the safety of the citizens of Oakland. OPD task force officers assigned to FBI led task forces have security clearances, are federally deputized, and are expected to keep the City of Oakland, through the Chief of Police, informed of any intelligence in the FBI's holdings that indicate there is threat to citizens of Oakland or its infrastructure.

Oversight

With regard to oversight of JTTF matters, it is the expectation that task force officers' participation in JTTF activities is regularly reviewed by cleared command staff to ensure that their participation in JTTF matters comports with California State law, Oakland City Ordinances, and the department's general orders and policies. It is through the command staff at OPD that the city of Oakland maintains both transparency and oversight.

Collaboration and Communication

When there is no OPD participation in JTTF matters (domestic terrorism/international terrorism), Safe Streets Task Force, Homicide Task Force, and other task force environments, there are significant public safety implications relative to information sharing, effective and efficient communication, and collaboration to mitigate threats. The City of Oakland is therefore blind to the threats they face, rendering its citizens less safe and this blindness is purposely self-imposed.

Conclusion

Passing this resolution will make the citizens of Oakland less safe, eliminate City of Oakland oversight of JTTF operations in Oakland, and impede communications between the City of Oakland and the FBI regarding serious criminal threats to the City and during times of crisis.

The FBI has an obligation and duty to conduct investigations within the City of Oakland. This will not change. What changes if you choose to remove officers from this partnership is that you will not have visibility into the investigations we conduct within the City of Oakland and within Alameda county. Other departments will fill the gap where OPD currently stands as trusted partners. This would be unfortunate and completely preventable by the Oakland City Council.