



## MEMORANDUM

---

**TO:** Privacy Advisory Commission

**FROM:** Roland Holmgren,  
Deputy Chief of Police

**SUBJECT:** OPD – FBI 2018 Joint Terrorism  
Taskforce (JTTF) Annual Report

**DATE:** June 28, 2019

---

### **EXECUTIVE SUMMARY**

Ordinance No. 13457 C.M.S. approved by the City Council on October 3, 2017, adds Chapter 9.72.010 to the City of Oakland Municipal Code (OMC) concerning “Law Enforcement Surveillance Operations.” OMC 9.72.010 requires that, among other requirements, that by January 31 of each year, the Chief of Police shall provide to the Privacy Advisory Commission (PAC) and City Council, a public report with appropriate public information on the Police Department’s work with the Federal Bureau of Investigation (FBI) Joint Terrorism Task Force (JTTF) or other federal law enforcement agency task force in the prior calendar year. The Oakland Police Department (OPD) has already introduced a draft 2018 FBI JTTF Taskforce annual report to the PAC at its February meeting; this report provides updated information for 2018.

### **STAFFING, EQUIPMENT AND FUNDING**

As of January 1, 2018, (1) one employee (sworn OPD officer) was assigned to the FBI JTTF. The officer was assigned to work a standard regular work week of (40) forty hours per week. This officer is assigned to OPD’s Intelligence Unit and has a joint duty of also participating and assisting with the FBI JTTF. The officer’s duties and reporting responsibilities depend upon whether there is any active counter-terrorism investigation as well as the current needs and priorities of the OPD Intelligence Unit.

The position is compensated as a regular OPD officer; the FBI does not compensate OPD for this position’s salary. The officer position works regular hours: 40 hours per week; 1,920 hours per year (approximately). Any overtime (OT) hours specific to taskforce operations are paid by the FBI - in 2018, the OPD JTTF did not work any OT hours related to JTTF duties.

In 2018, the JTTF Officer was on special loan from the Intelligence Unit and assigned to the Bureau of Services for all of 2018; this Officer only participated minimally in JTTF operations (approximately 1-2 times a month).

### **OTHER RESOURCES PROVIDED**

The FBI provided a vehicle, covered all fuel expenditures and allowed access to the FBI JTTF office space and access to FBI data systems. OPD provides the mobile phone used by the Task Force (TF) officer. The officer is not provided with any FBI surveillance equipment.

## **CASES ASSIGNED TO THE OPD JTTF OFFICER**

The JTTF Officer assists the FBI on counter-terrorism cases. In 2018, the OPD JTTF Officer was assigned on special loan to OPD's Bureau of Services (ongoing), and was not assigned to any JTTF Task Force cases as a lead investigator; the limited assistance was due to the OPD JTTF Officer being on special loan away from the JTTF for this year.

The JTTF Task Force Officer was assigned zero (0) cases as lead investigator in 2018. However, the JTTF Officer was assigned to assist on (1) one case, which gained national attention. This was an October 2018 pipe bomb investigation in which Bay Area politicians and members of the media received pipe bombs in the mail. OPD was concerned that local figures in Oakland were also targeted. The OPD JTTF Officer coordinated with the Task Force on investigations (the Task Force determined that no Oakland based officials were targeted, and this information was relayed to City officials)<sup>1</sup>

A past-year example provides context to the nature of OPD's FBI JTTF Task Force. This example is provided as 2018 is the first year for OPD to provide annual reports to the PAC. In 2016 the Task Force investigated the case leading to the arrest of Amer Alhaggagi. The investigation revealed that Alhaggagi planned to: 1) set fires in the hills of Berkeley; 2) strategically place backpack bombs in various public areas around downtown Oakland; 3) sell cocaine laced with rat poison at bars and clubs in Oakland and Berkeley; and 4) detonate a car bomb at a gay nightclub in San Francisco. The FBI learned that in July of 2016, Alhaggagi had applied to the Oakland Police Department for a position as a police Officer. The Oakland JTTF Officer assisted the FBI in identifying Alhaggagi as the subject. Ultimately, the FBI was able to safely arrest him. Alhaggagi was sentenced to 15.5 years' imprisonment because of his conviction on the above-mentioned criminal activity.

"Duty to Warn" is identified as the "requirement to warn U.S. and non-U.S persons of impending threats of intentional killing, serious bodily injury, or kidnapping".<sup>2</sup> The JTTF Officer participated in zero (0) duty to warn cases.

There were zero (0) cases in 2018 where OPD declined to participate after FBI request. The FBI knows that OPD task force officers must comply with all Oakland laws and policies. Furthermore, the FBI commonly works with different jurisdictions and understands that taskforces must collaborate with the particular polices and laws of those jurisdictions.

## **UNDERCOVER OPERATIONS AND INTERVIEWS**

In 2018, the OPD JTTF Officer did not conduct any undercover operations or interviews (JTTF interviews are normally conducted by FBI Agents) - zero (0) were conducted.

In 2018, the OPD JTTF Officer did not take part in any interviews (voluntary or involuntary) - zero (0) were conducted.

In 2018, the OPD JTTF officer did not conduct any assessments - zero (0) assessments conducted. Generally, unless someone were to come to the OPD to report a threat, all assessments begin with

---

<sup>1</sup> This case occurred before 2018 (the year of this annual report). OPD is including this past information because 2018 is the first reporting year; past information is provided for context as to relevant work related to the JTTF TF.

<sup>2</sup> FBI Duty to Warn – Intelligence Community Directive 191: <https://fas.org/irp/dni/icd/icd-191.pdf>

the FBI. Procedurally, FBI is notified and an assessment is opened and FBI will then forward the assessment to specific agents.

The OPD JTTF officer does not manage any informant relationships. In 2018, there were zero (0) informant's managed by OPD JTTF. Furthermore, the Intelligence Unit is the Informant Program Coordinator for all OPD informants. A file check was conducted on the JTTF Officer and there were zero (0) informant relationships related to the JTTF<sup>3</sup>.

There were no situations in 2018 where the officer conducted undercover operations or managed informants. There were no requests from outside agencies (e.g. Immigration and Customs Enforcement or "ICE") for records or data of OPD. There were no cases where the Task Force Officer was involved or aware of asking an individual's U.S. Person (residency) status. Furthermore, it is OPD Policy that OPD shall not inquire about a citizen's residency status

The FBI is aware of requirements mandated of OPD and its protocols for undercover operations and interviews; the Task Force Officer was always held responsible for following all sworn officer policies and standards.

### **TRAINING AND COMPLIANCE**

The OPD JTTF Officer follows all OPD policies and receives several police trainings, including but not limited to: continual professional training, procedural justice, and annual firearms training. The Officer has also reviewed all provisions of the JTTF MOU. The JTTF Officer as well as supervisor are held responsible by OPD for compliance with all applicable Oakland and California laws. The most recent list of trainings attended are as follows:

27-Jun-18	#29501-FIREARMS-Force Options-5, 8, 10HR
28-Jun-18	Criminal Investigations/Constitutional Law Update
26-Jun-18	Racial Profiling Update-2HR
15-Jun-18	Procedural Justice II Training-4.5HR
06-Apr-18	In-Service Firearms Qualif-CPOA-10 or 8HR
25-May-17	Criminal Invest/4th-5th Amendment Issues/Use of Force/Stop Data-2, 1HR

The OPD JTTF Officer supervisor (Intel Sergeant) conducts mandatory bi-weekly meetings with the officer. Daily and weekly meetings are also held when critical incidents occur.

### **ACTUAL AND POTENTIAL VIOLATIONS OF LOCAL/STATE LAW**

The JTTF OPD Officer had no violations of local, California, or Federal law. OPD Command consults with the Office of the City Attorney to ensure that all polices conform with State and Federal laws. Furthermore, a file check was conducted on the OPD JTTF Officer's complaint history in 2018 and there were zero (0) zero complaints against the officer.

---

<sup>3</sup> Identities of any informant would never be released to the public as such information is may be dangerous for the life of the informant.

---

**SUSPICIOUS ACTIVITY REPORTING (SARs) and NORTHERN CALIFORNIA REGIONAL INTELLIGENCE CENTER (NCRIC)**

OPD submits Suspicious Activity Reports (SARs) to the Northern California Regional Intelligence Center (NCRIC). These reports contain information regarding activity, such as, but not limited to: narcotics, cyber-attacks, sabotage, terrorism threats, officer safety, and human trafficking. NCRIC provides a secure online portal where police agencies can provide this information. NCRIC has shared with OPD that providing false or misleading information to NCRIC is a violation of Federal Law and may be subject to prosecution under Title 18 USC 1001. The JTTF is a recipient of SAR information. The OPD JTTF Officer submitted zero SARs to NCRIC during the 2018 calendar year. It is unknown how many SAR's OPD Officers received during 2018 as there is no current tracking system.

**COMMAND STRUCTURE FOR OPD JTTF OFFICER**

The OPD JTTF Officer works under the command structure of OPD; the OPD JTTF Officer reports directly to the OPD Intelligence Unit Supervisor (Sergeant). The Officer also coordinates with the FBI Supervisor, who is also serves as a Counterterrorism Assistant Agent.