

CITY OF OAKLAND



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To: Members of the Public Safety Committee and Members of the Public
From: Council President Kaplan
Date: October 13, 2020
Subject: Termination of the Oakland Police Department's Participation in the Joint Terror Task Force

Dear Members of the Public Safety Committee and Members of the Public,

I encourage you to support a resolution that would terminate the Oakland Police Department's ("OPD") participation in the Federal Bureau of Investigation's ("FBI") Joint Terrorism Task Force ("JTTF"), as recommended by the unanimous vote of the Privacy Advisory Commission ("PAC") on December 5, 2019. There are many reasons to terminate the City's participation in this arrangement, ranging from the legal to the moral. Under Ordinance 13457, Transparency and accountability for City Accountability for City Participation in Federal Surveillance Operation, the JTTF had certain responsibilities, not the least of which was to provide an annual report on their activities to the PAC and the City Council. In a letter dated April 25, 2019, the PAC began to raise concerns about the reporting of the activities of the JTTF in Oakland. The concern is not unreasonable, given numerous reports of human rights violations by the JTTF across the country and here in the Bay Area, and because ICE is the second largest component of the JTTF and has actively worked with the FBI to deport immigrant rights' advocates.. The inadequate report left little room for oversight and protection of the civil liberties of the Oakland community. The inadequate reporting also violated Ordinance No. 13457. This disturbing trend continued this year. A report with the title "2018/2019 JTTF OPD Annual Report" was published on September 4, 2020. It was not scheduled for consideration by the City Council, nor was the December 5, 2019 PAC recommendation ever presented to the City Council.

The Arab, Middle-Eastern, Muslim, and South-Asian communities have been subject to surveillance and discrimination by the federal government community for nothing more than their religion or national origin. Black Lives Matter has been designated a source of domestic terror by the Barr Justice Department, so African-Americans are also the targets of unnecessary and intimidating federal surveillance. There is no reason to believe that the San Francisco office of the FBI, which runs the Bay Area JTTF and of which OPD is a part, is immune to these tactics. In 2019, it was revealed that after the events of September 11, 2001, the FBI and the JTTF used bogus counterterrorism measures to entrap an innocent California man, wrongfully prosecute him, and imprison him for 14 years on terrorism charges based solely on his religious views and national origin. The leadership of CAIR gave testimony of numerous young and/or vulnerable Muslim-American members of the Oakland community being entrapped and groomed by FBI undercover agents and informants into verbalizing threats that led to federal charges against individuals with no previous criminal background and no ability to carry out the verbal threats. Such tactics do not make Oakland safer.

The City of San Francisco withdrew from the JTTF in February 2017, but prior to that point, the city's relationship was as troubled as ours is and for similar reasons. The San Francisco office of the FBI has been consistent in their efforts to resist and frustrate local efforts at transparency and accountability. For the five years that the San Francisco Police ("SFPD") participated in the JTTF, both the FBI and the SFPD

assured elected officials and city residents that SFPD officers participating on the JTTF were following all state and local laws and policies. Nonetheless, in December 2016, the FBI provided a white paper that concluded that San Francisco could only comply with its “Civil Rights Ordinance,” if San Francisco’s standing orders, policies or ordinance, which is identical to the Oakland Ordinance, were weakened. In February 2019, the City of Portland also withdrew from the JTTF over similar concerns.

Since Oakland’s Civil Rights laws would not be upheld by federal law enforcement operating in this city, it does not make sense to have them operate in this city in this way. The City of Oakland would still maintain a relationship with the FBI, it just would not be a part of this task force that does more to harm our community than to protect it. Should the FBI have credible information pertaining to a threat in the City of Oakland, the FBI’s “duty to warn” always exists, even in the absence of an MOU. Support for my proposed Resolution would not interfere with or prevent Oakland from responding in such a scenario.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rebecca Kaplan", is enclosed in a thin black rectangular border.

Rebecca Kaplan
Oakland City Council President

Special Public Safety Committee
October 13, 2020