

# HSI CRIMINAL SEARCH WARRANT

# INTEGRITY

My Integrity and Truthfulness has been called into question regarding the HSI event on August 16, 2017

My Integrity is strong enough to withstand any attack to it and open to any examination of it.

In this open hearing tonight, I shall provide the facts as I know them.

# AUGUST 15, 2017

- I received a call from SAC Spradlin HSI San Francisco
- I am informed that a Federal search warrant for the crime of Human Trafficking will be executed the next morning (the 16<sup>th</sup>) at 7:30 AM
- I received the following information about the investigation:
  - A long standing investigation – the target involved a janitorial business
  - The trafficking victims had been juveniles when it started but were now adults
  - Wrap around services were in place for any victims who wanted to take advantage of the services
- I specifically inquired to confirm this was not a deportation matter – I was assured that it was criminal in nature
- Before this event, I heard SAC Spradlin address the role of HSI versus ERO at the ACPCSA meeting. He clearly addressed that HSI does not do ERO work and he was not on the ERO side of ICE
- SAC Spradlin asked for 2 marked patrol units for public safety to minimize any danger nearby the warrant service

# PUBLIC SAFETY CONSIDERATIONS

- Warrant service was scheduled for 7:30 to 8:00 AM on a weekday (Wednesday)
- Location – a residential neighborhood
- This is the time of day many residents would be leaving their homes and could find themselves in the middle of a “police action”
- Execution of a criminal warrant includes the potential for forced entry which heightens the potential danger in the vicinity
- Officer safety considerations associated with friendly fire when external agency or undercover operations are conducted. (OPD has already experienced the death of an OPD officer from friendly fire)
- My number one concern was and is PUBLIC SAFETY

# NOTIFICATIONS MADE

I notified both the City Administrator and the Mayor that I had approved the use of two officers to monitor traffic while HSI served the warrant.

# CLEAR DIRECTIONS NOT TO PARTICIPATE IN WARRANT SERVICE TRAFFIC CONTROL ONLY

- I approved two marked patrol officers to close the adjacent streets
- One sergeant was present for oversight of our officers
- Their orders were NOT to “participate” in HSI’s operation

# AUGUST 16, 2007 PRESS RELEASE

- At 11:40 AM first press statement went out by OPD Media Unit that erroneously stated it was a human sex trafficking case. I caught the mistake and at 12:17 it was corrected.
- It has been stated by Brian Hofer in his October 5, 2017 memo that I admitted that I gave the wrong information to the PIO - that the underlying criminal case was a sex trafficking case. That is wrong. What I said was that our PIO assumed it was a sex trafficking case. I caught the error and had it corrected. One of the members of the Task Force did not believe that the PIO made the mistake and therefore believed it was me.
- Regardless, the mistake was made. I own it and we corrected it.

# PUBLIC STATEMENTS

- Based on the information given to me by HSI, I made public statements that this was a criminal case and not a deportation matter
- I began to hear rumors alleging that the HSI case was for deportation, not for trafficking. I contacted HSI and was again assured that the purpose of the warrant was an underlying criminal case.
- HSI's consistent message to me, which was reaffirmed recently, is that there is a pending criminal case which was the purpose of the warrant.

# GOVERNANCE

- Traffic Control: OMC 10.08.110: *“[No] person other than an officer of the Police Department, or a person authorized by the Chief of Police or person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal”*
- 4 Resolutions:
  - (1986) 63950 C.M.S
  - (2007) 80584 C.M.S...
  - (2008) 81310 C.M.S.
  - (2016) 86498 C.M.S.

# RESOLUTIONS IN 1986 AND 2007

- 1986 – Resolution 63950 C.M.S.

*“...refrain....relating to the alleged violations of the civil provisions of the immigration law”*

- 2007 – Resolution 80584 C.M.S.

*“ ...shall not enforce civil immigration laws...Further Resolved: That, in accordance with state and federal laws, the Oakland Police Department will continue to cooperate with federal immigration agencies in matters involving criminal activity and the protection of public safety...”*

# RESOLUTIONS IN 2008 AND 2016

- 2008 Resolution – 81319 C.M.S. (no language directing OPD)
- 2016 – Resolution 86498 C.M.S.

*“...shall refrain from assisting or cooperating...violations of the civil provisions of the immigration laws....”*

*Further Resolved: That in accordance with State and Federal laws the Oakland Police Department will continue to cooperate with Federal immigration agencies in matters involving criminal activity and the protection of public safety....”*

# MOU

- The issue of the rescinded MOU with ICE is a not relevant to this issue.
- The MOU was an agreement the City Council approved in May of 2016 that had to do with entering into an agreement with ICE for cross designating task force officers (TFOs) and reimbursement provisions for OT.
- OPD did not have any officers assigned as TFOs so the MOU was not in play.

# CLOSING REMARKS TO CITY COUNCIL AND COMMUNITY

- My primary responsibility is for your safety and for you to trust your police department
- Fear impacts that trust
- In an effort to allay that fear, I fully support the Sanctuary policies of this city and OPD's policies will reflect those values
- I will honor the decisions on how the City Council on how we as a Department and City move forward