



WELLSTONE DEMOCRATIC RENEWAL CLUB



DEFENDING RIGHTS & DISSENT



THE CENTER FOR MEDIA JUSTICE



July 6, 2017

**VIA E-MAIL ONLY**

Hon. Desley Brooks (dbrooks@oaklandnet.com)  
Hon. Annie Campbell Washington (acampbellwashington@oaklandnet.com)  
Hon. Noel Gallo (ngallo@oaklandnet.com)  
Hon. Lynette Gibson McElhaney (lmcElhaney@oaklandnet.com)  
Hon. Abel Guillen (aguillen@oaklandnet.com)  
Hon. Dan Kalb (dkalb@oaklandnet.com)  
Hon. Rebecca Kaplan (atlarge@oaklandnet.com)  
Hon. Larry Reid (lreid@oaklandnet.com)  
Oakland City Council  
1 Frank H. Ogawa Plaza  
Oakland, CA 94612

Re: Surveillance/Task Force Ordinance (McElhaney)

Dear Honorable Members of the Oakland City Council:

We are a broad coalition of organizations from Oakland, or with local chapters encompassing Oakland-based constituencies. We strongly urge the Oakland City Council to adopt the “Ordinance To Provide A Protocol For

City Participation In Federal Law Enforcement Surveillance Operations”, sponsored by Councilmember McElhaney. The ordinance was reviewed and was approved unanimously by the Privacy Advisory Commission on March 9, 2017. The Public Safety Committee will consider Councilmember McElhaney’s ordinance at its July 11 meeting.

The intent of the ordinance can be summarized simply: our police, our Oakland values. Although the ordinance applies to any federal task force, its primary focus and concern is the FBI’s Joint Terrorism Task Force (“JTTF”). In 1997, the Oakland Police Department (“OPD”) entered into an agreement to participate on the JTTF. If adopted, the ordinance requires that OPD adhere to our higher local and/or state standards when participating on the JTTF.

Current FBI guidelines allow for surveillance of people not suspected of wrongdoing. When the FBI conducts an assessment into someone’s background, that person’s citizenship status is investigated. No reasonable suspicion of any criminal act is required by the FBI prior to this action. Non-citizens are flagged, and a separate file is created, even if no criminal investigation occurs. As a Sanctuary City, this means that OPD could inadvertently be putting Oaklander’s at risk, simply by participating in a JTTF inquiry.

As they proudly proclaim on their website, ICE is the largest federal contributor to the JTTF, participating in each of the 104 local JTTF’s through the country. The willingness of ICE to lie while posing as local police officers, or when operating a joint task force as they did in Santa Cruz, is further evidence that the Oakland Police Department must distance itself from ICE to establish and maintain trust in our community.

Furthermore, JTTF units have unlawfully surveilled and targeted Muslim Americans for years. Recognizing the growing threat to its Muslim community from the Trump Administration, San Francisco terminated its relationship with the JTTF this past February. San Francisco’s new police chief justified the decision - "When that confidence is shaken, we have to slow down for a minute and make sure that the public sees us as an organization that they can trust," said Police Chief William Scott<sup>1</sup>.

In 2012, at the urging of a coalition of 79 organizations, San Francisco adopted a very similar ordinance as the one before you. Like San Francisco’s Police Commission, Oakland’s Privacy Advisory Commission would add an additional layer of scrutiny and transparency into these types of agreements with federal entities.

The Trump Administration’s rhetoric adds to existing concerns about the JTTF’s investigative methods. "Donald Trump made very clear that he was going to be targeting Muslims and he wants mass Muslim surveillance and part of the work done with the JTTF could feed into this horrible Muslim registry, they're talking about," said retired attorney John Crew, who fights for civil liberty issues<sup>2</sup>.

Councilmember McElhaney’s ordinance is a necessary defense of Oakland values and our Sanctuary City status, and we ask that you support it.

Sincerely,

American Civil Liberties Union - NorCal  
Block By Block Organizing Network  
California Sanctuary Campaign  
Center For Media Justice  
Coalition for Police Accountability  
Defending Rights & Dissent  
First They Came For The Homeless

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<sup>1</sup> <http://abc7news.com/1733119/>

<sup>2</sup> <http://abc7news.com/1733119/>

Jewish Voice for Peace – Bay Area Chapter  
Latino Task Force  
Media Alliance  
Oakland Privacy  
Strike Debt Bay Area  
Veterans for Peace – East Bay Chapter #162  
Wellstone Democratic Renewal Club