



**City of Oakland and
Oakland Police Department**

Complaint Form

TF-3039b (2/06)

CAD Incident No.	Case No.	Date Stamp
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Complainant's LAST Name, First, Middle Hofer, Brian & see attached list	<input type="checkbox"/> Male <input type="checkbox"/> Female	Race: <input type="checkbox"/> Asian <input type="checkbox"/> Black	<input type="checkbox"/> Hispanic <input type="checkbox"/> White <input type="checkbox"/> Middle Eastern	<input type="checkbox"/> Native American <input type="checkbox"/> Pac. Islander <input type="checkbox"/> Other	Date of Birth
Address 1084 61st Street		City <input type="checkbox"/> Oakland Zip Oakland 94608	Home Phone (510) 303-2871	Work Phone ()	
Person/Supervisor Receiving Complaint (Other than IAD or CPRB)	Serial No.	Regular Unit of Assignment	Date	Time	

Complete this portion if complainant is a minor or if assisted by another person

LAST Name, First, Middle	Relationship to Complainant		
Address	City <input type="checkbox"/> Oakland Zip	Home Phone ()	Work Phone ()

Location of Occurrence	Day	Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM
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Identity of Involved Personnel

Badge No.	<input type="checkbox"/> Name / Vehicle No., etc.	<input type="checkbox"/> Officer	<input type="checkbox"/> Ranger	<input type="checkbox"/> Civilian	Sex	Race
	Chief of Police Anne Kirkpatrick				F	W

Brief Narrative Using Own Words. If you need more space, use an additional sheet of paper. Any questions, call the Internal Affairs Division at 510 238-3161 or the Citizens' Police Review Board at 510 238-3159.

Please see attached narrative, page 4 of the packet. The three false statements pertain to an ICE operation in West Oakland, conducted on August 16, 2017.

For additional background information, please see the Chief's October 20, 2017 written report, submitted to the Public Safety Committee for its November 14, 2017 meeting.

Were you injured? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (Describe) Loss of public trust, slander of family, violation of council directive	What would you like as a result of this complaint? Admissions, apology to council re MOU, apology to family re slander; appropriate discipline.
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Witness Name (LAST, First, Middle)	Address	City/Zip	Phone (Include Area Code)
General Public, City Council			

I have read and understood this statement, which I have made of my own free will, and the facts contained therein are true and correct to the best of my knowledge.

Complainant's Signature X Brian Hofer & see attached list Date 11/6/17

For Official Use Only

Check all Categories that Apply:		
<input type="checkbox"/> Force	<input type="checkbox"/> Conduct	<input checked="" type="checkbox"/> Untruthfulness
<input type="checkbox"/> Procedure	<input type="checkbox"/> Bias/Discrimination	
Other _____		

Complaint Received by	Date Received
<input type="checkbox"/> Walk-in <input type="checkbox"/> Mail <input type="checkbox"/> Fax	
Intake Officer/Personnel	<input type="checkbox"/> IAD <input type="checkbox"/> CPRB

Notice and Releases

The CITIZENS' POLICE REVIEW BOARD (CPRB) also investigates complaints against the police. The CPRB process (civilian complaint review) is a PUBLIC PROCESS. This means that all the information you provide to the CPRB and any information you authorize the OAKLAND POLICE DEPARTMENT to release to the CPRB will be maintained in CPRB files indefinitely and may be released to the public. You may, however, keep your address and telephone number confidential.

I have read and understood that the information gathered during the investigation may be released to the public. I authorize the release of my address (check) and telephone numbers (check) I provided on this Complaint Form.

Brian Huffer & see attached list
Complainant's Signature

11/6/17
Date

In order for the CPRB to effectively investigate your complaint, you must authorize the OAKLAND POLICE DEPARTMENT to release to the CPRB the following information to which you are entitled by law [Cal. Gov. Code § 6254 (f)]: any statements you have given or may give in the future to the OAKLAND POLICE DEPARTMENT regarding this incident, the names and addresses of persons involved in or witnesses to the incident (other than confidential informants), the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, and statements of all witnesses (other than confidential informants).

I have read and understood the above and authorize the OAKLAND POLICE DEPARTMENT to release the above information to the CPRB.

Brian Huffer & see attached list
Complainant's Signature

11/6/17
Date

Additional Complainants:

Tracy Rosenberg

Tracy Rosenberg

/s/

Rev. J. Alfred Smith, Jr.

/s/

Margaret Cunningham

/s/

Pamela Drake

/s/

Sharon Rose

/s/

Judith Stacey

/s/

Linda Olvero

Untruthful statements made by Chief Anne Kirkpatrick

1. "...the Oakland Police Department no longer has a contract (MOU) to actively participate in investigations with HIS..." – stated in press release on August 16, 2017.

Notice to terminate the MOU was provided on August 25, 2017, with an effective terminate date of September 25, 2017. The ICE operation occurred on August 16, 2017.

The complaint packet includes the August 25, 2017 letter, and the Chief's October 20, 2017 report to the Public Safety Committee confirming the September 25, 2017 termination date.

2. "One person has been charged with a crime." – stated at town hall meeting on September 6, 2017.

The video of this statement can be found at:

<https://www.indybay.org/newsitems/2017/09/10/18802806.php>

At the time of this statement, no one had been charged with a crime pursuant to the August 16 operation. As of the date of this complaint, no one has been charged with a crime pursuant to the August 16 operation.

3. "There is not a deportation matter in this case." – stated at town hall meeting on September 6, 2017.

The video of this statement can be found at:

<https://www.indybay.org/newsitems/2017/09/10/18802806.php>

The complaint packet includes a Record of Deportable/Inadmissible Alien, Form I-213; Warrant for Arrest of Alien – "take into custody for removal proceedings under the Immigration and Nationality Act..."; Notice to Appear – "In removal proceedings under section 240 of the Immigration and Nationality Act...".

Exhibit C

"Today, August 16, 2017, at approximately 6:30 a.m., Homeland Security Investigations (HSI) served a federal criminal search warrant in connection with human trafficking of juveniles in our city (700 block of 27th Street).

HSI is conducting a criminal investigation, not a civil immigration or deportation action. This branch focuses on Transnational Gangs, Human Trafficking, Human Smuggling, Child Exploitation and Narcotic Enforcement.

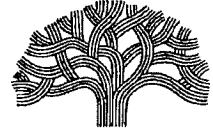
Yesterday, HSI headquarters in San Francisco contacted Oakland Police Chief Anne E. Kirkpatrick and requested two police officers to assist with traffic control. Chief Kirkpatrick gave strict instructions to the commander and officers that they may not assist HSI with any enforcement efforts. The officers' only role was that of traffic control and neighborhood safety.

Although the Oakland Police Department no longer has a contract (MOU) to actively participate in investigations with HSI, the Department may assist our local, state, and federal agencies when requested as it pertains to traffic control, community safety and officer safety.

HSI is the primary investigating agency."

Exhibit D

CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Office of the City Administrator

August 25, 2017

(510) 238-3301
FAX (510) 238-2223
TDD (510) 238-2007

Ryan Spradlin, Special Agent in Charge
Jeff Snowden, Group Supervisor
David Magdycz, Acting Deputy Special Agent in Charge
U.S. Immigration and Customs Enforcement
Homeland Security Investigations
630 Sansome St.
San Francisco, CA 94111

Re: Termination of Memorandum of Understanding between US ICE/HSI and
Oakland Police Department

Dear Gentlemen:

Pursuant to Resolution 86860 passed by the Oakland City Council on July 18, 2017, I am writing to formally notify you of the City's intent to terminate the attached MOU between U.S. Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) and the Oakland Police Department (OPD) which designated certain OPD officers as Customs Officers (Excepted). Based on the terms of the MOU, the City exercises its right to terminate thirty days from the date of this letter, or on September 25, 2017.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Landreth'.

Sabrina B. Landreth
City Administrator

Enclosure: MOU

Cc: Chief Kirkpatrick
Kimberly Bliss, OPD Departmental Counsel

Exhibit I

I-95 Number: APS [REDACTED] . SANTOS ALBERTO		Sex: <input checked="" type="checkbox"/> M Race: [REDACTED] Height: [REDACTED] Weight: [REDACTED]
Country of Birth: GUATEMALA	U.S. Address: IN ICE CUSTODY	Date of Birth: [REDACTED] Age: [REDACTED]
Date of Entry: Unknown Date, UNK, WI - Without Inspection	Date of Release: [REDACTED]	I-95 Number: [REDACTED]
Date of Birth: [REDACTED] Age: [REDACTED]	Date of Arrest: 08/16/2017	I-95 Status: <input checked="" type="checkbox"/> SFR/SFR
Country of Birth: GUATEMALA	AP: <input checked="" type="checkbox"/>	I-95 Number: See I-831
NK Issuing Port of Entry Number: [REDACTED]	Social Security Number: [REDACTED]	I-95 Number: H 7560 CARRASQUILLO
Date of Release: [REDACTED]	Social Security Number: [REDACTED]	I-95 Number: [REDACTED]

Immigration Record: NEGATIVE	Criminal Record: See Narrative
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Name, Address, and Nationality of Spouse (M, F, or None): None

Name, Address, and Nationality of Known Relatives:

[REDACTED] . JUAN NATIONALITY: GUATEMALA

[REDACTED] . MARTA NATIONALITY: GUATEMALA

None Claimed

See Narrative

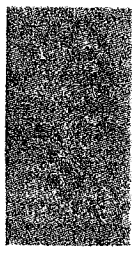
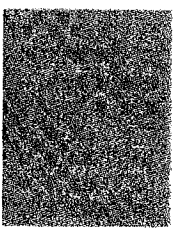
See Narrative

None Claimed

See Narrative

See Narrative

FIN: Left Index fingerprint Right Index fingerprint



Subject Health Status

The subject claims good health.

Current Administrative Charges

08/16/2017 - [REDACTED] - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)

... (CONTINUED ON I-831)

H 7560 CARRASQUILLO

DO

[Signature]

H 7560 CARRASQUILLO

August 16, 2017

Warrant of Arrest/Notice to Appear

[Signature]

Alien's Name ██████████, SANTOS ALBERTO	File Number ██████████	Date 08/16/2017
Event No: ██████████		

Previous Criminal History

On 08/10/2017, the subject was arrested for the crime of "Human Slavery or Trafficking" which is still pending.

Records Checked

At/Near

OAKLAND, CA

Record of Deportable/Excludable Alien:

On August 16, 2017, HSI Human Trafficking Group conducted a Search Warrant at 715 27th Street, Oakland Ca 94612. All officers were wearing tactical attires with "Police" patches and "HSI" badges clearly visible on the most outer garments.

██████████, Santos Alberto, (Subject) an adult male citizen of Guatemala, was found at the residence searched where several victims of Human Trafficking were rescued. But Subject ██████████, Santos Alberto, is not believed to be a victim and there is no evidence yet that he was a perpetrator, conspirator or accomplice of the alleged crimes described on the search warrant/ complaint.

Subject has no prior criminal history in the United States.

At approximately 0730hrs (TFO) Carrasquillo made contact with a male individual with the name (subject) ██████████, Santos Alberto, who presented a consular Id from Guatemala and a passport from Guatemala. TFO H. Carrasquillo asked Subject if he had any legal status to reside in the United States. Subject answered no, and was then advised of his arrest. TFO H. Carrasquillo further explained to Subject that the Officers are with the U.S. Immigration and Custom Enforcement. TFO H. Carrasquillo arrested Subject by applying restraints in the backward position and checked the handcuff for proper tightness and double-locked the handcuff for safety. TFO H. Carrasquillo escorted a government vehicle without incident. Subject claimed no medical problems Subject also claimed to have no minor children in the United States.

At a safer location, Subject restraints were reapplied to the front and straight position for safety and comfort during transportation Subject was then transported to the San Francisco ERO office at 630 Sansome Street, San Francisco, CA without any incident.

Except for what is mentioned above, Subject disclaims any other equities, ties, or petitions pending before the U.S. Department of Homeland Security or the U.S. Citizenship and Immigration Service on his behalf.

Disposition:

Signature H 7560 CARRASQUILLO	Title DO
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Alien's Name [REDACTED], SANTOS ALBERTO	File Number [REDACTED]	Date 08/16/2017
Event No: [REDACTED]		

Subject did not claim to have any medical problems or under any medications.
 Subject did not claim any other pending applications or petitions before Department of Homeland Security.
 Subject did not claim fear of persecution or torture upon his return to Guatemala.
 Subject claimed to have no minor children in the United States.

Subject will be processed as Notice to Appear.

Other Identifying Numbers

ALIEN-[REDACTED]
 Driver's License (State and Country): (CALIFORNIA UNITED STATES)

Signature [Handwritten Signature]	Title DO
H 7560 CARRASQUILLO	

Exhibit J

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. [REDACTED]

Date: 08/16/2017

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that [REDACTED], SANTOS is removable from the United States. This determination is based upon:

- checkboxes for: execution of a charging document, pendency of ongoing removal proceedings, failure to establish admissibility, biometric confirmation, statements made voluntarily by the subject

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

[Signature] (Signature of Authorized Immigration Officer)

Mathan Logon GS/HSI (Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at SAN FRANCISCO, CA (Location)

on [REDACTED], SANTOS on August 16, 2017, and the contents of this (Name of Alien) (Date of Service)

notice were read to him or her in the SPANISH language. (Language)

H 7560 CARRASQUILLO DO

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Exhibit K

Exhibit L

Notice to Appear

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

DOB: [REDACTED]

Event No: [REDACTED]

In the Matter of:

Respondent: SANTOS ALBERTO [REDACTED]

currently residing at:

IN ICE CUSTODY

(Number, street, city and ZIP code)

(Area code and phone number)

- 1. You are an arriving alien.
- 2. You are an alien present in the United States who has not been admitted or paroled.
- 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA;
3. You arrived in the United States at or near UNKNOWN, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30(f)(2) 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

Time and date to be set.

(Complete Address of Immigration Court, including Room Number, if any)

on To be set. at To be set. to show why you should not be removed from the United States based on the charge(s) set forth above.

charge(s) set forth above.

[Signature] GS/HISZ (Signature and Title of Issuing Officer)

Date: August 16, 2017

SAN FRANCISCO, CA

(City and State)

See reverse for important information



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2017 NOV -2 AM 10:10

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: OPD/HSI/ICE Raid Compliance

DATE: October 20, 2017

City Administrator
Approval

Date

11/1/17

RECOMMENDATION

Staff Recommends That The City Council Receive This Report With Possible Action Regarding The HSI/ICE Raid in West Oakland on August 16, 2017. Said Report Shall Include 1.) A Chronological Timeline And Review Of The August 16, 2017 HSI/ICE Raid; 2.) The Date The OPD/ICE Memorandum Of Understanding Was Officially Terminated; 3.) Specifically Set Forth Any And All Oakland Police Department Involvement In, And Tasks, At The HSI/ICE West Oakland Raid On August 16, 2017; 4.) Number Of Officers And Associated Cost of OPD Involvement; 5.) Respond To Each Question Raised In The Privacy Commission's Memo Dated October 5, 2017; And 6.) Recommendations for Improvement In Transparency, And Compliance With Council Approved Policy Regarding Involvement With ICE.

EXECUTIVE SUMMARY

This report responds to Councilmember Desley Brooks' and Councilmember Rebecca Kaplan's request that the Oakland Police Department (OPD) provide an Informational Report regarding an operation conducted by HSI (Homeland Security Investigations) on August 16, 2017. This report provides each of the following:

- A chronological timeline and review of the August 16, 2017 HSI West Oakland operation;
- The date the OPD/HSI Memorandum of Understanding was officially terminated;
- Information about OPD involvement in the August 16, 2017 HSI West Oakland operation (including tasks performed by OPD);
- The number of officers involved in the August 16, 2017 HSI West Oakland operation and the associated cost of OPD involvement;
- A response to each question in the memorandum authored by Privacy Advisory Commission Chair Brian Hofer and provided to other members of the Privacy Advisory Commission on October 5, 2017;
- Compliance with Council-approved policy regarding involvement with ICE; and

Item: _____
Public Safety Committee
November 14, 2017

Kirkpatrick authorized OPD officers to provide traffic control only to enhance public safety and reduce the risk of a friendly-fire event.

SAC Spradlin has since confirmed with Chief Kirkpatrick that the operation was, in fact, part of a criminal investigation and involved the execution of a search warrant.

An October 6, 2017 press release from the San Francisco Division of ICE (**Attachment D**), provided the following:

Chief Kirkpatrick has been truthful in her statements about the nature of the ongoing Homeland Security Investigation (HSI) investigation and OPD's involvement. The operation in question involved the execution of a search warrant on Aug. 16, in the 700 block of 27th Street, as part of an ongoing criminal investigation – not a civil immigration investigation. ... While we are unable to comment further at this time because this is an open investigation, HSI will provide relevant information to the public as circumstances permit.

Date of Termination for OPD/HSI Memorandum of Understanding

The MOU between OPD and HSI was terminated on September 25, 2017, as provided in **Attachment B**.

OPD Involvement in HSI West Oakland Operation of August 16, 2017

On August 16, 2017, OPD provided traffic control. No OPD officers participated or assisted in HSI's service of a search warrant or related operations. OPD personnel were stationed on the median of 27th Street offset from the residence and at the intersection of 27th Street and West Street, at the end of the block where the residence is located.

Number of Officers and Associated Cost

There was one sergeant and two officers providing traffic control on August 16, 2017, from 7:00 am until 12:00 noon. The associated cost of these OPD personnel was \$968.05.

Response to Questions in PAC Memorandum of October 5, 2017

There are two questions in the memorandum (**Attachment C**) provided by Privacy Advisory Commission Chair Brian Hofer on October 5, 2017. Both are at the top of third page. An answer has been provided for each question.

- *Why would ICE need OPD to provide security?*

OPD was not providing "security" for HSI, but traffic enforcement and a visual OPD presence in order to enhance public, officer, and HSI safety. HSI requests local law enforcement agencies to provide traffic control because they are