

January 16, 2018

VIA E-MAIL ONLY

Anthony Finnell
Executive Director
Civilian Police Review Board
afinnell@oaklandnet.com

Re: File No. 17-1122 (Kirkpatrick)

Dear Mr. Finnell:

We write to demand that you replace investigator Joan Suape on the above referenced matter. As the signatories on the complaint against Chief Kirkpatrick for untruthfulness pertaining to the August 16, 2017 ICE raid in West Oakland, we have little confidence that Ms. Suape is acting in good faith.

Mr. Hofer has informed us that on January 12, 2018, Ms. Suape interviewed him as the lead complainant, and has provided us the information below. Prior to the interview, Ms. Suape asked Mr. Hofer for certain information, including a report about past OPD involvement with ICE (the report pertains to a 2013 incident). When Mr. Hofer questioned the relevance, Ms. Suape assured him that she would not focus on anything not relevant to the complaint. Ms. Suape stated that the interview would last between one and two hours. It lasted less than twenty minutes, and mostly pertained to non-relevant inquiries, including improper attempts to determine the family's legal status.

At issue in the complaint are three statements that the undersigned contend are untrue: that a MOU with ICE was severed at least by August 16 when the statement was made; that one person was charged with a crime pursuant to the August 16 raid at least by September 6 when the statement was made, and that there was no deportation matter pertaining to the August 16 raid, also stated on September 6. It is unclear why Ms. Suape feels it is appropriate to go far beyond whether these three statements are truthful or not.

In her written report to the City Council, Chief Kirkpatrick confirmed that the MOU was not severed until October 25. She further acknowledged to the City Council on November 28 that there was a deportation pending. As the party making the final claim, that one person was charged with a crime, Chief Kirkpatrick bears the burden of proving its truthfulness. She cannot meet her burden for the simple reason that as of September 6 when she made the statement, no one had been charged with a crime pursuant to the August 16 operation. To date, no one has.

Ms. Suape had no substantive need to interview Mr. Hofer at all, yet she attempted to place the burden on the complainants to essentially prove a negative. This is improper. As maker of the factual assertions, Chief Kirkpatrick bears the burden of establishing their truthfulness.

Furthermore, Mr. Hofer stated to us that he observed that Ms. Suape had multiple pages of questions in her hand, and it soon became clear that Ms. Suape was attempting to establish the criminal predicate that ICE says exists, that the family is guilty of human trafficking.

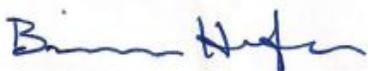
Without any sense of impropriety, Ms. Suape asked Mr. Hofer how the family entered into the country. She should be ashamed of herself. We are currently investigating whether Ms. Suape's line of questioning has violated our Sanctuary City status, any other city policy, or state law such as SB54, which does prohibit inquiring into an individual's immigration status. *See Cal. Gov. Code*, §7284.6(a)(1)(A). While she may not have violated the letter of the law, she has certainly violated its spirit.

Further, Ms. Suape spent only about five minutes on questions actually pertaining to the three false statements at issue. She is clearly going far beyond the scope of the complaint with her inquiry into the family's background, wasting taxpayer dollars, and possibly putting a family at risk that is still facing a pending deportation by attempting to elicit information about their entry to this country. The family at issue has the weight of the federal government bearing down on them. CPRB should not be assisting ICE.

This "investigation", if conducted in good faith, should have taken no more than one day. There is nothing left to investigate, as the Chief has already conceded that the MOU was not severed as claimed, a handful of federal court documents evidence that a deportation was initiated on August 16, and no criminal charges have been filed.

Ms. Suape's manner of investigation is wholly inappropriate, and she must be replaced immediately. Please inform us of your decision no later than **Friday, January 19, 2018**.

Sincerely,



Brian Hofer
(510) 303-2871
brian.hofer@gmail.com

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

/s/

Michael Kaufman

/s/

John Jones III

/s/

Rebecca Merton

/s/

Citizens Initiating Visits with Immigrants in Confinement (CIVIC)

/s/

Mary Vail

/s/

Alan Brill

/s/

California Sanctuary Campaign