

Former FBI official: Oakland mayor's warning about ICE raids 'short-sighted,' dangerous

The federal government is investigating whether the mayor of Oakland, California violated the law when she warned her community of impending raids by Immigration and Customs Enforcement, but one of the state's senators said Friday it is the Trump administration's behavior that is "outrageous."

"At-large immigration raids impact the public safety of entire communities, not just immigrants," Sen. Kamala Harris, formerly California's attorney general, said in a statement Friday. "Local leaders have a duty to protect the safety of their residents, and it's outrageous that this Administration would try to punish them for doing their job. This Administration has put a target on California's back and we won't be bullied."

Oakland Mayor Libby Schaaf announced on local television and social media Saturday that multiple sources had told her ICE was planning to make arrests in the Bay Area.

"My priority is for the well-being and safety of all residents—particularly our most vulnerable—and I know that Oakland is safer when we share information, encourage community awareness, and take care of our neighbors," Schaaf said.

She also provided resources for undocumented immigrants to understand their legal rights in case they were detained.

The raids came days later. In a statement Tuesday, ICE confirmed more than 150 arrests for violations of immigration laws, about half of whom did not have prior criminal convictions.

According to ICE, however, 864 "criminal aliens" and public safety threats remained at large after the raids, and ICE Acting Director Thomas Homan placed responsibility for that directly on Schaaf.

"The Oakland mayor's decision to publicize her suspicions about ICE operations further increased that risk for my officers and alerted criminal aliens – making clear that this reckless decision was based on her political agenda with the very federal laws that ICE is sworn to uphold," he said.

In response, Schaaf defended her warning as an effort to protect law-abiding families living in fear of deportation and promote "the long-term well-being" of her city.

"I do not regret sharing this information," she said on Twitter Tuesday night. "It is Oakland's legal right to be a sanctuary city and we have not broken any laws. We believe our community is safer when families stay together."

Current California Attorney General Xavier Becerra has not directly addressed Schaaf's actions, but he was critical of the ICE raids.

"It's becoming sadly clearer that #ICE is losing its focus on #immigration enforcement: rather than focus on people who are dangerous criminals, we hear ICE may be terrorizing communities, including family members who are citizens," he said on Twitter Wednesday.

Oakland is one of many so-called "sanctuary cities" in California and around the country where local law enforcement is prohibited from cooperating with ICE activities. Critics say such policies are an affront to

the rule of law and lead to dangerous criminals being released on the streets, but proponents maintain they are protecting their residents from federal overreach and building valuable trust with the immigrant community.

The Trump administration has taken a harsh stance against these jurisdictions, threatening to withhold federal funds and even floating the prospect of pursuing criminal charges against local officials. ICE also says the inability to take suspects into custody at jails necessitates more raids in residential areas like the ones denounced by Harris and Becerra.

Homan told Fox News Wednesday that the Department of Justice is reviewing whether Schaaf broke the law. White House Press Secretary Sarah Sanders confirmed that at a press briefing Thursday.

"I think it's outrageous that a mayor would circumvent federal authorities, and certainly put them in danger by making a move such as that. And that's currently under review by the Department of Justice," she told reporters.

The standoff is the latest escalation of a conflict that has raged between California officials and the administration on a number of fronts since Trump took office. The president recently threatened to withdraw ICE from the state completely if it continues to challenge federal immigration authority.

Peter Moskos, a former Baltimore police officer and a professor at John Jay College of Criminal Justice, suggested there is some precedent for state and local officials to defy and undermine federal law enforcement in this fashion, both for good and bad reasons.

"Historically you saw it in prohibition, you saw it with segregation, you saw it with the Fugitive Slave Act," he said.

Whatever one's opinion of ICE's increasingly aggressive tactics, some former law enforcement officials say alerting criminals that authorities are coming to arrest them is a dangerous way to express disapproval.

"The only time I've seen this before is when criminals decide to obstruct justice by helping other criminals," said John Iannarelli, a former FBI spokesperson who also served as an FBI SWAT team member and a San Diego police officer. "The behavior of the mayor is outrageous, it's unprecedented, and it's dangerous."

Iannarelli called Schaaf's position "short-sighted" and said it increased the risk for the officers, the immigrants, and the community itself.

"There's a reason law enforcement does not announce in advance we're coming to arrest someone. It's for basic officer safety," he said.

Once criminals are aware of a raid, it could also endanger unsuspecting officers in the area on other business like units responding to run-of-the-mill 911 calls.

"You have persons who are being arrested not solely based on their status in the U.S. but many of these people have been previously deported and have been convicted of crimes in the past," Iannarelli said. "There's a vested interest not to be arrested."

It could have made the raid more perilous, agreed Moskos, who is a critic of ICE's tactics, but he stressed that the agency was fully aware the targets had been tipped off and could have planned accordingly or just called the whole thing off.

"If they're worried about danger, they don't have to do the raid," he said. "That's a option."

According to ICE, those detained during the sweep included gang members, drunk drivers, people with violent assault convictions, and sex criminals. Fugitives officers believe are still in the Oakland area include a Honduran citizen with past arrests for cocaine possession and sex with a minor and a Mexican citizen with convictions on drug and firearms charges.

Many of the detainees did not have violent records, though, and some had committed no known crime since entering the country illegally. ICE maintains that its raids prioritize public and national security threats, fugitives, and illegal reentrants, but it also states that "all of those in violation of immigration laws may be subject to immigration arrest, detention and, if found removable by final order, removal from the United States."

According to Iannarelli, even suspects without a history of violence can become a threat to officers and their neighbors when their freedom is on the line.

"People, regardless of how benign a crime might be, generally do not want to go to jail," he said.

If Schaaf's intention was to protect the citizens and undocumented residents of her city, Iannarelli said she ultimately achieved the exact opposite.

"It's inconceivable to me that someone who's charged with overseeing the safety of a city can be so incredibly unaware of public safety operations," he said.

However, Moskos noted complicating ICE's task was more of a feature than a bug of her plan.

"Of course it makes it more difficult," he said. "She's trying to make it more difficult."

Art Rios, an immigration attorney and an adjunct professor at Stetson University College of Law, said he understands why Schaaf issued a public warning, but from a strictly legal perspective, she could be in trouble.

"I'm afraid there might be a definite obstruction of justice in this case because she learned of a federal law enforcement operation and then divulged that information to the public," he said.

In a statement Friday, Schaaf dismissed the notion that her announcement constituted a felony.

"Asking residents to know their constitutional rights is not illegal," she said.

Schaaf has previously said she consulted with legal counsel before making her announcement, and since she was made aware of the raid through unofficial sources, she does not think she obstructed justice. Iannarelli disagrees.

"The mayor was aware that ICE was seeking to effect lawful arrests and notifying persons in advance to avoid arrest is obstruction of justice under the law," he said.

Obstruction of justice may not be the only relevant charge.

Former ICE official Dan Cadman, now a fellow at the Center for Immigration Studies, wrote in a blog post Thursday that Schaaf's actions could be construed as violating statutes for obstruction of proceedings before departments, agencies, and committees or conspiracy against the United States.

Chapman also rejected Schaaf's defense that she did not learn of the raid through official channels.

"The question of whether or not Schaaf's actions went over the line from lawful to felonious, therefore, doesn't depend in any way whatever on having obtained her inside information 'informally,'" he said. "That is not the threshold question."

According to Rios, the federal statute for harboring unauthorized aliens might also apply.

"It's a very fine line between protecting a special sector of your community and opposing the administration's policies to taking action that may put federal agents at risk or interfere with their operations," he said.

Moskos predicted any eventual charging decision for Schaaf will be as much a political one as a legal one.

"If they want to get you, they can," he said.