

UNITED STATES DISTRICT COURT
for the
Northern District of California

United States of America
v.
Ole Hougen

Case No.

Defendant(s)

FILED
SEP 29 2020
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE
MAG

CR 20 71395

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 5, 2020 in the county of Santa Cruz in the
Northern District of California, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 249(a)(1)	Hate Crimes

This criminal complaint is based on these facts:

See the attached affidavit of FBI Special Agent Kyle R. Biebesheimer.

Continued on the attached sheet.

/s/ Kyle R. Biebesheimer w/permission by VKD
Complainant's signature

Approved as to form Marissa Harris
AUSA Marissa Harris

FBI Special Agent Kyle R. Biebesheimer
Printed name and title

Sworn to before me by telephone.

Date: 09/25/2020

Virginia K. DeMarchi
Judge's signature

City and state: San Jose, CA

U.S. Magistrate Judge Virginia K. DeMarchi
Printed name and title

Print

Save As...

Attach

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AFFIDAVIT IN SUPPORT OF COMPLAINT

Your affiant, FBI Special Agent Kyle R. Biebesheimer, having been duly sworn, states the following:

1. I am a Special Agent with the Federal Bureau of Investigation, currently assigned to the Civil Rights Squad of the San Francisco Division, Oakland, California. I have been employed as a Special Agent of the FBI since April 2, 2010.
2. I have been assigned to a civil rights squad since August of 2018 in the San Francisco Division of the FBI. In this capacity, I have investigated and assisted other agents in investigating civil rights violations, including both color of law violations and crimes of bias (hate crimes). From February of 2017 to August of 2018, I served as a Supervisory Special Agent (SSA) at FBI Headquarters where I worked in the Counterterrorism Division assisting program managers with high profile counterterrorism investigations. From 2010 to 2016, I served as an agent on San Francisco's Joint Terrorism Task Force (JTTF) where I worked domestic terrorism matters, including investigations of white supremacy extremists.
3. Additionally, prior to joining the FBI, I served as Deputy District Attorney for the Los Angeles County District Attorney's Office from March of 2007 to October of 2009. In that capacity, I tried numerous misdemeanor and felony violations of California law; handled hundreds of felony preliminary hearings; and adjudicated dozens of juveniles for assorted felony and misdemeanor conduct.

4. The information contained herein is based upon my personal knowledge and knowledge gained from other law enforcement officials, as well as witnesses that have provided reliable information.
5. This Affidavit is being submitted in support of a criminal complaint charging that the defendant, OLE HANSEN HOUGEN, used a dangerous weapon to willfully attempt to cause bodily injury to a black man, S.B., because of S.B.'s actual or perceived race and color, in violation of Title 18, United States Code, Section 249(a)(1).
6. Your Affiant has probable cause to believe that OLE HOUGEN attacked S.B. with a knife and attempted to cause bodily injury because of S.B.'s race and skin color in Santa Cruz, California, which is within the Northern District of California. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of an arrest warrant for defendant OLE HOUGEN, I have not set forth each and every fact learned during this investigation. Instead, I have set forth only those facts that I believe are necessary to establish probable cause.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

7. FBI agents interviewed S.B., a black man who lives in Santa Cruz. S.B. described being attacked by HOUGEN on July 5, 2020.
8. S.B. explained that he was walking in the crosswalk of San Lorenzo Boulevard and Broadway located in Santa Cruz, California when HOUGEN—a white man S.B. had never met before—offered S.B. two dollars for marijuana. When S.B.

declined and continued walking, HOUGEN called S.B. a “faggot.” When S.B. clarified that he was in fact bisexual and told HOUGEN to “fuck off,” HOUGEN called him a “nigger.”

9. S.B. then turned to face HOUGEN and HOUGEN ran towards him with a knife in his hand. HOUGEN slashed at S.B. with the knife approximately ten times and attempted to stab S.B. in the chest, stomach, and face area.
10. Throughout HOUGEN’s attack, HOUGEN called S.B. a “nigger” approximately seven to eight times.
11. S.B., in self-defense, put his arms up in a boxing manner towards HOUGEN, causing HOUGEN to back up.
12. S.B. also had a knife on his person in a cloth sheath located on his right hip. S.B. did not use his knife during the incident; but he believed it fell out during the attack due to a tear in the left seam of the sheath. S.B. stated that he decided not to use the knife against HOUGEN during the incident.
13. Santa Cruz Police Department (SCPD) arrived within several minutes of the attack and prepared reports of their investigation and discussion with various witnesses to the attack, including S.B. SCPD officers noticed an abrasion on S.B.’s left ear that was red in color and appeared to be irritated. When officers asked S.B. if the injury occurred during the accident, S.B. was not sure, but believed it may have. During his FBI interview, S.B. told me that he did not have any injuries on his ear prior to the attack.

14. SCPD located three individuals who witnessed the attack. W.C. witnessed the attack while driving in her car. As she approached the intersection, she saw HOUGEN in the street, wielding a knife in an aggressive manner. She then saw HOUGEN take approximately ten jabs with the knife at S.B., coming within two to three inches of striking him. S.B. responded by backing away from HOUGEN.
15. C.N. also witnessed the attack while driving through the intersection. He observed HOUGEN trying to swipe at S.B.'s waist area with a knife multiple times. S.B. responded by taking a defensive posture; then, backing away in retreat.
16. A third eyewitness, C.S., observed the attack from the vantage point of a levee located next to the intersection. From the levee's walking path, he observed HOUGEN and S.B. in the street. He heard HOUGEN yelling at S.B., calling him "nigger" approximately ten times. He also saw HOUGEN swinging an unknown object at S.B. multiple times—an object that came to within three to four inches of striking S.B.'s chest and head area. He also observed S.B. backing away from the attack.
17. On July 5, 2020, within minutes of the attack, SCPD arrested HOUGEN. During a search incident to his arrest, SCPD recovered a green knife from HOUGEN that was approximately nine inches long, including a four-inch blade.
18. When SCPD Officer J.G., who is of Mexican descent, attempted to read HOUGEN his *Miranda* rights, Hougen called Officer J.G. a racist and stated, "you're a colored person, and I'm a white person, this is racist. I don't understand it from you at all."

19. While HOUGEN was in the back of SCPD Officer J.B.'s patrol vehicle at Santa Cruz County Jail, HOUGEN made several attempts to obtain Officer J.G.'s attention by calling out, "Hey bean dip," "Hey spico," and "Hey Mexico." When jail staff came to the sally port to perform the medical clearance and related COVID-19 procedures, HOUGEN stated that he only wanted a "white person to help." HOUGEN also expressed his displeasure with Officer J.G. being "colored" to jail staff several times. While being transported to the jail, HOUGEN asked if there were any people like him in the jail with "blonde hair" and "blue eyes."
20. During my investigation, I sought additional evidence regarding HOUGEN's motive for the assault. My investigation revealed that HOUGEN has engaged in racially-motivated violence on prior occasions. The below information was obtained from law enforcement reporting.
21. On August 29, 2014, HOUGEN was involved in an altercation with H.G., a black man, in Petaluma, California. On that day, H.G. was enjoying lunch at a shelter with three white friends. For no apparent reason, HOUGEN approached H.G. and inquired, "Nigger what are you doing sitting with white people?" At the meal's conclusion, H.G. got up from his table and observed HOUGEN clutching a knife, staring directly at him. As H.G. attempted to leave the dining hall, HOUGEN confronted him by shoving his sleeping bag into H.G.'s stomach and saying, "Here nigger, carry this!" A physical fight broke out until witnesses intervened. H.G. confirmed the details of this incident to federal investigators in September 2020.

22. On December 29, 2018, E.J., a black man, was picking oranges near Gold Street and California Street in Redding, California, when HOUGEN yelled: "Hey you, fucking nigger, what are you doing? Breaking into buildings or trying to steal shit from around here?" HOUGEN picked up two large rocks and told E.J. he was going to "smash" him and "fucking kill him." When HOUGEN approached E.J., HOUGEN dropped the rocks and punched E.J. in the face, causing his mouth to bleed. HOUGEN then ran from the scene. E.J. walked down the road when HOUGEN began punching and yelling at E.J. again, calling him "a fucking nigger" and saying that he would "kill him." When Redding Police Department Officers arrived, HOUGEN was uncooperative. The entire time, HOUGEN yelled racial slurs towards E.J., calling him a "nigger" and stating that he would "kill him."

23. In addition, my investigation revealed an incident that occurred on an Amtrak train on April 8, 2018 in Washington State. I obtained records from the Klickitat County (Washington) Sheriff's Office personnel who investigated the incident. According to the official Sheriff's Office reports, multiple witnesses told responding officers that HOUGEN threatened black passengers on the train. A black passenger named J.M. told police that HOUGEN approached him with a knife and threatened, "I'm gonna cut you, you fucking nigger!" A black Amtrak employee, T.B., reported that HOUGEN had also called him a "nigger" and threatened to stab him.

CONCLUSION

24. Based on the foregoing, there is probable cause to believe that on or about July 5, 2020, OLE HOUGEN violated 18 U.S.C. § 249(a)(1) by willfully attempting to cause bodily injury to an person by using a dangerous weapon, because of any person's actual or perceived race and color. Accordingly, I respectfully ask the Court to issue an arrest warrant and complaint charging HOUGEN with this crime.

SUBSCRIBED AND SWORN TO ME over the telephone pursuant to Fed. R. Crim P. 4.1 and 4(d) this 29 day of September 2020.



HON. VIRGINIA DEMARCHI
U.S. Magistrate Judge, Northern District of California

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 249(a)(1) - Hate Crimes

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See attachment.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FILED

SEP 29 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

DEFENDANT - U.S.

OLE HOUGEN

DISTRICT COURT NUMBER

CR 20 71395 MAG

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Kyle R. Biebesheimer

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a re prosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form David L. Anderson

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) AUSA Marissa Harris

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution Roundtree Facility

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: None

If Summons, complete following:

Arraignment Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

U.S. v. OLEHOUGEN
PENALTY SHEET:

Count 1: 18 U.S.C. § 249(a)(1)—Hate Crimes

Penalties:

- Maximum Prison Term: 10 years
- Maximum Fine: \$250,000
- Maximum Supervised Release: 3 years
- Special Assessment Fee: \$100
- Restitution

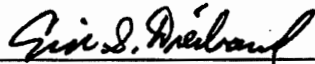
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA §
 §
V. § CRIMINAL NO.
 §
OLE HOUGEN §
 §

CERTIFICATE OF THE ASSISTANT ATTORNEY GENERAL

I, Eric S. Dreiband, hereby certify that in my judgment, prosecution by the United States of Ole Hougen for violations of Title 18, United States Code, § 249, on or about July 5, 2020, is in the public interest and is necessary to secure substantial justice. This certification is made pursuant to Title 18, United States Code, § 249(b).

Signed this 11th day of September, 2020.



ERIC S. DREIBAND
Assistant Attorney General
Civil Rights Division