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14 UNITED STATES DISTRICT COURT

15 FOR THE CENTRAL DISTRICT OF CALIFORNIA

16 EASTERN DIVISION

17 UNITED STATES OF AMERICA,) NO. 5:16-CV-1129
)
18 Plaintiff,)
)
19 vs.) <u>VERIFIED COMPLAINT FOR</u>
) <u>FORFEITURE</u>
20 ALL MONIES, INCLUDING INSURANCE)
21 BENEFITS AND INTEREST, PAYABLE) [18 U.S.C. § 981(a)(1)(G)(iii)]
22 PURSUANT TO CLAIM NUMBER)
1179068 UNDER MINNESOTA LIFE) [F.B.I.]
23 INSURANCE GROUP POLICY NO.)
33772-G, FOR BASIC LIFE)
24 INSURANCE COVERAGE IN THE)
AMOUNT OF \$25,000, AND)
25 SUPPLEMENTAL LIFE INSURANCE)
COVERAGE IN THE AMOUNT OF)
\$250,000,)
26 Defendants.)
27)

1 The United States of America brings this claim against the
2 defendants all monies, including insurance benefits and
3 interest, payable pursuant to claim number 1179068 under
4 Minnesota Life Insurance group policy no. 33772-G, for basic
5 life insurance coverage in the amount of \$25,000, and
6 supplemental life insurance coverage in the amount of \$250,000
7 (the "Policy Benefits"), and alleges as follows:

8 JURISDICTION AND VENUE

9 1. This is a civil forfeiture action brought pursuant to
10 18 U.S.C. § 981(a)(1)(G)(iii).

11 2. This court has jurisdiction over the matter under 28
12 U.S.C. §§ 1345 and 1355.

13 3. Venue lies in this district pursuant to 28 U.S.C.
14 § 1395(a).

15 PERSONS AND ENTITIES

16 4. The plaintiff is the United States of America.

17 5. The defendants are all monies, including insurance
18 benefits and interest, payable pursuant to claim number 1179068
19 under Minnesota Life Insurance group policy no. 33772-G, for
20 basic life insurance coverage in the amount of \$25,000, and
21 supplemental life insurance coverage in the amount of \$250,000.

22 6. The interests of Rafia Farook ("Rafia") in the Policy
23 Benefits may be adversely affected by these proceedings.

24 7. The defendant Policy Benefits, once taken into
25 plaintiff's custody pursuant to the arrest warrant in rem, shall
26 be held by the United States Marshals Service, where they shall
27 remain subject to this court's jurisdiction during the pendency
28 of this action.

1 SUMMARY OF FACTUAL AND LEGAL BASES FOR FORFEITURE

2 8. Syed Rizwan Farook ("Farook") was one of the
3 perpetrators of a terrorist attack that occurred on December 2,
4 2015 in San Bernardino, California, in the Central District of
5 California (the "San Bernardino Attack"). During the course of
6 the San Bernardino Attack, Farook died in a shootout with law
7 enforcement. Investigation has revealed that Farook had been
8 radicalized and aspired to engage in terrorist actions beginning
9 no later than 2011. Starting in approximately 2011, Farook and
10 a co-conspirator, Enrique Marquez Jr. ("Marquez"), made plans to
11 conduct terrorist attacks in Riverside County, California. As
12 part of that planning, Farook and Marquez acquired weapons and
13 explosive powder to facilitate the attacks and engaged in
14 training to carry out the attack plans. In 2012 and 2013, after
15 Farook had initiated plans to conduct the attacks, he obtained
16 the life insurance coverage described above. Farook named
17 Rafia, his mother, as the primary beneficiary of that coverage.

18 9. Plaintiff alleges that the Policy Benefits are assets
19 derived from a Federal crime of terrorism, as that term is
20 defined at 18 U.S.C. § 2332b(g)(5). Specifically, in carrying
21 out the San Bernardino Attack, Farook intended to influence or
22 affect the conduct of government by intimidation or coercion, or
23 to retaliate against government conduct; and violated 18 U.S.C.
24 §§ 2332f (prohibiting the delivery of an explosive device to a
25 place of public use or a state or government facility, with the
26 intent to cause death or serious bodily injury, or extensive
27 destruction of such a place or facility) and 2339A (providing
28 material support to terrorists). The Policy Benefits are

1 therefore subject to forfeiture pursuant to 18 U.S.C.
2 § 981(a)(1)(G)(iii).

3 FACTS SUPPORTING FORFEITURE

4 Farook's Plans for Violent Jihad

5 10. Beginning at an unknown time, but no later than
6 November 14, 2011, and continuing through to December 2, 2015,
7 Farook and his co-conspirators (specifically, his wife, Tashfeen
8 Malik ("Malik") and, at times, Marquez), engaged in the planning
9 of and preparation to carry out terrorist attacks against the
10 United States, its citizens and their property. Farook's plans
11 culminated in the San Bernardino Attack on December 2, 2015,
12 carried out by Farook and Malik.

13 Farook and Marquez Plan Terrorist Attacks

14 11. Farook conspired with Marquez to acquire firearms and
15 bomb-making components, which Farook and Malik ultimately used
16 in the San Bernardino Attack. Due in part to his involvement in
17 the acquisition of those firearms and bomb-making components,
18 Marquez has been charged with violations of 18 U.S.C. § 2339A(a)
19 (Conspiring to Provide Material Support to Terrorists); 18
20 U.S.C. § 922(a)(6) (Making a False Statement in Connection with
21 the Acquisition of Firearms); and 18 U.S.C. § 1546 (Fraud and
22 Misuse of Visas, Permits, and Other Documents). *United States*
23 *v. Marquez*, EDCR 15-93-JGB.

24 12. Farook introduced Marquez to Islam in late 2005. In
25 2007, Marquez converted to Islam. Farook subsequently
26 introduced Marquez to radical Islamic ideology, which included
27 discussion of the extremist views of the now-deceased imam and
28

1 Islamic lecturer Anwar al-Awlaqi,¹ who was an advocate of violent
2 jihad, a term used in this context to connote a religious war
3 carried out by Muslims against those who do not believe in
4 Islam. Violent jihadists believe that their death while
5 furthering jihad will result in their martyrdom. One of the
6 goals of violent jihad is the pursuit of a holy war against the
7 United States in retaliation for government policies, such as
8 the support of Israel.

9 13. In approximately 2011, Farook and Marquez began making
10 plans to commit terrorist acts in the southern California area.
11 They were inspired by the acts of Muslim Army Major Nidal Hasan,
12 who shot and killed 13 people and injured more than 30 at Fort
13 Hood, Texas on November 5, 2009. Marquez and Farook also

14

¹ Anwar al-Awlaqi has been identified as a propagandist and
15 attack planner for Al-Qa'ida in the Arabian Peninsula. According
16 to the Combatting Terrorism Center article "Anwar al-`Awlaqi:
17 Profile of a Jihadi Radicalizer" by Christopher Heffelfinger,
dated March 2010,

18 Al-`Awlaqi has already served to radicalize a sizeable
19 number of young Muslims, including Americans and other
20 English-speaking Muslims who aspired to learn more about
21 jihad and its permissibility according to Shari`a (Islamic
22 law). He has translated and discussed famous Arabic-
23 language tracts on jihad in his lectures and articles, as
24 well as hadith stories and other matters of faith and
25 doctrine. . . . What makes al-`Awlaqi unique is his role in
26 the radicalization process, serving as a critical link that
takes dedicated students of Salafi-jihadi ideology from an
inspirational to an operational mode. Accordingly, al-
`Awlaqi's greatest significance lies in his ability to
function as a motivational speaker, demonstrating a proven
talent to drive believers into action.

27 CTC Sentinel, March 2010, Volume 3 Issue 3 (available at
28 <https://www.ctc.usma.edu/posts/anwar-al-awlaqi-profile-of-a-jihadi-radicalizer>).

1 studied other terrorist shootings, including the 2011 attack in
2 Oslo, Norway, where a Norwegian man set off bombs in a
3 government center, killing seven people, before heading to an
4 island summer camp for young members of the Labor Party and
5 killing at least 80 others. During this period, Marquez had
6 ties to a group of jihadists ("California jihadists") who were
7 arrested in 2012 when they attempted to travel to Afghanistan to
8 join Al Qa'ida.

9 14. Farook provided Marquez with radical Islamic materials
10 in 2011. Marquez spent time at Farook's residence, where he
11 read materials, listened to lectures, and watched videos
12 involving radical Islamic content. For example, Marquez
13 reviewed a publication by Al-Qa'ida in the Arabian Peninsula
14 ("AQAP"); content by Al-Qa'ida founder Abdullah Azzam; and
15 videos produced by the Al-Qa'ida affiliate Al-Shabaab. In
16 August of 2011, Farook told Marquez of his interest in joining
17 AQAP in Yemen.

18 15. In 2011, Marquez and Farook discussed the prospect of
19 becoming a "shahid." Shahid (or Shaheed) is an Arabic term
20 meaning "witness" and is also used to denote a martyr. In this
21 context, it is believed to refer to the honorific term to denote
22 a person who has died during violent jihad.

23 16. Marquez and Farook agreed in or about October 2011 to
24 acquire firearms to execute their planned terrorist attacks. In
25 late 2011 and early 2012, on two occasions, Marquez purchased
26 firearms, namely, AR-15 rifles, for Farook from two separate
27 stores of a local sporting goods retailer. Specifically, on
28 November 14, 2011, Marquez purchased a Smith & Wesson, model

1 M&P-15 Sport, 5.56 caliber rifle, bearing serial number SN77510
2 (the "Smith & Wesson Rifle"). On February 22, 2012, Marquez
3 purchased a DPMS, model A-15, 5.56 caliber rifle, bearing serial
4 number FH108002 (the "Oracle Rifle"). Marquez and Farook
5 subsequently purchased ammunition and gear. They also visited
6 gun ranges to practice shooting and train for their violent
7 attacks.

8 17. In approximately 2012, Marquez purchased a bottle of
9 explosive powder in furtherance of his and Farook's plans to
10 create bombs and commit mass killings. Marquez gave the bottle
11 of explosive powder to Farook.

12 Farook and Malik Marry and Make Plans
13 to Engage in Violent Jihad

14 18. After the arrest of the California jihadists in 2012,
15 Marquez distanced himself from Farook. In 2013, Farook began
16 communicating online with Malik, who was living in Saudi Arabia.
17 Farook and Malik married in 2014 in Saudi Arabia. Prior to
18 their marriage, Farook and Malik exchanged online communications
19 in which they discussed jihad and martyrdom. After getting
20 married, Farook returned to the United States with Malik, and
21 they lived with Rafia. Initially, Farook and Malik lived in
22 Riverside, California, with Rafia and other members of Farook's
23 family. In May 2015, Farook, Malik, and Rafia moved together to
24 a two-bedroom apartment in Redlands, California, where they
25 lived until the San Bernardino Attack.

26 The San Bernardino Attack

27 19. On December 2, 2015, Farook and Malik carried out the
28 San Bernardino Attack:

1 a. At approximately 9:00 a.m., Farook entered the
2 Inland Regional Center in San Bernardino, California (the
3 "IRC") to attend a work-related event and placed an item on
4 a table. At approximately 10:40 a.m., Farook left the
5 event while it was still in progress.

6 b. At approximately 11:00 a.m., at least one masked
7 individual dressed in black tactical gear began shooting at
8 people, both outside and inside the IRC. Plaintiff alleges
9 that Farook was one of the shooters in the attack, as part
10 of which, fourteen people were killed and at least twenty-
11 two other people were injured. Farook left the scene in a
12 black sports utility vehicle (the "SUV") that he had
13 rented.

14 c. Minutes after the start of the San Bernardino
15 Attack, Malik pledged allegiance in a Facebook post to a
16 terrorist organization known as the Islamic State of Iraq
17 and the Levant ("ISIL"). Her post stated "We pledge
18 allegiance to Khalifa bu bkr al bhaghdadi al quraishi." Al
19 Bhaghadadi is the leader of ISIL.

20 d. At the IRC, law enforcement found a remotely
21 controlled improvised explosive device ("IED") on a table.
22 This IED was composed of three galvanized steel pipe bombs.
23 The three pipe bombs had a green wire connected to them and
24 were attached to a remote-control toy car to create a
25 radio-controlled IED. At the time law enforcement found
26 it, the IED was armed and ready to detonate. Plaintiff
27 alleges that the IED was delivered to or placed at the IRC
28 by Farook.

1 e. Later that day, law enforcement officers located
2 and pursued the SUV that had been seen leaving the IRC.
3 During the pursuit, the vehicle's occupants, later
4 determined to be Farook and Malik, fired several rounds of
5 ammunition at law enforcement officers.

6 f. The SUV eventually stopped, and Farook and Malik
7 continued to fire ammunition rounds at law enforcement
8 officers, who returned fire. Both Farook and Malik died at
9 the scene. They were wearing clothing matching the
10 description of the shooters at the IRC, and they were in
11 possession of the weapons used during the attack at the
12 IRC. Specifically, after the shootout, law enforcement
13 officers recovered four firearms and thousands of rounds of
14 5.56 mm ammunition near the SUV. The four firearms
15 included the Smith & Wesson Rifle, the Oracle Rifle, and
16 two semi-automatic handguns, which belonged to Farook.
17 Subsequent forensic testing of the expended 5.56 mm
18 ammunition casings found at the IRC with those found near
19 the SUV determined that the Smith & Wesson Rifle and the
20 Oracle Rifle were used both at the IRC and in the shootout
21 with law enforcement. At the scene of the shootout, law
22 enforcement also uncovered the remote control for the IED
23 found at the IRC.

24 g. Between the time of the shooting at the IRC and
25 the shootout with law enforcement officers that resulted in
26 their deaths, Farook and Malik did not flee the area.
27 Instead, they drove around the areas near the IRC and their
28 residence in the SUV.

1 h. A subsequent search of the residence that Farook
2 occupied with his mother Rafia and Malik resulted in the
3 discovery of several pieces of steel pipe, some of which
4 were plugged on both ends with green wire attached. Also
5 discovered were bomb-making equipment and components,
6 including various types of tools, soldering equipment for
7 the manufacture of electrical circuits, and remote-control
8 toy cars. Investigators also found the bottle of explosive
9 powder that Marquez had purchased and given to Farook to
10 build IEDs for use in their terrorist attack planning.
11 Subsequent forensic testing by the Federal Bureau of
12 Investigation's Laboratory, Explosives Unit, determined the
13 explosive powder seized at Farook's residence to be
14 chemically and physically consistent with the explosive
15 powder recovered from the IED placed at the IRC on December
16 2, 2015. In addition, investigators found a copy of
17 "Defense of Muslim Lands," by Abdullah Azzam, a mentor and
18 early influencer of Osama bin Laden, and what appeared to
19 be pages of supplications and prayers to Mujahideen.

20 Farook's Acquisition Of The Insurance Coverage

21 20. During the period that Farook and Marquez were
22 planning terror attacks, Farook became an employee of the County
23 of San Bernardino. On or about January 28, 2012, as part of his
24 employee benefits, Farook acquired non-contributory life
25 insurance coverage with Minnesota Life Insurance Company
26 ("Minnesota Life") with a \$25,000 death benefit. On July 13,
27 2013, Farook successfully obtained supplemental contributory
28 life insurance coverage from Minnesota Life with a \$250,000

1 death benefit. FAROOK designated Rafia as the primary
2 beneficiary for all such coverage. Farook's death during the
3 San Bernardino Attack triggered the payment of the Policy
4 Benefits, and those benefits are the defendant assets here.

5 21. Based on the above, plaintiff alleges that the Policy
6 Benefits were derived from a Federal crime of terrorism against
7 the United States, citizens or residents of the United States,
8 or their property, rendering them subject to forfeiture to the
9 United States pursuant to 18 U.S.C. § 981(a)(1)(G)(iii).
10 Specifically, in carrying out the San Bernardino Attack, Farook
11 committed violations of 18 U.S.C. §§ 2332f(a)(1) and 2339A with
12 the intent to influence or affect the conduct of government by
13 intimidation or coercion, and/or to retaliate against government
14 conduct.

15
16 WHEREFORE, plaintiff United States of America prays that:

17 (a) due process issue to enforce the forfeiture of the
18 defendant Policy Benefits;

19 (b) due notice be given to all interested parties to
20 appear and show cause why forfeiture should not be decreed;

21 (c) that this Court decree forfeiture of the defendant
22 Policy Benefits to the United States of America for disposition
23 according to law; and

24 / / /

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1 (d) for such other and further relief as this Court may
2 deem just and proper, together with the costs and disbursements
3 of this action.

4 DATED: May 31, 2016

EILEEN M. DECKER
United States Attorney
LAWRENCE S. MIDDLETON
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

9
10 /s/ Frank D. Kortum
FRANK D. KORTUM
Assistant United States Attorney

11
12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA
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VERIFICATION

I, Jessie T. Murray hereby declare that:

1. I am a special agent with the Federal Bureau of Investigation and am the case agent for the forfeiture matter entitled United States of America v. All Monies, Including Insurance Benefits And Interest, Payable Pursuant To Claim Number 1179068 Under Minnesota Life Insurance Group Policy No. 33772-G, For Basic Life Insurance Coverage In The Amount Of \$25,000, And Supplemental Life Insurance Coverage In The Amount Of \$250,000.

2. I have read the above Verified Complaint for Forfeiture and know its contents. It is based upon my own personal knowledge and reports provided to me by other law enforcement agents.

3. Everything contained in the Complaint is true and correct, to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed May 31st, 2016 in Tustin, California.


JESSIE T. MURRAY