

FOR IMMEDIATE RELEASE

March 15, 2013

Chief's Message to the Community



City of
OAKLAND
California

Media Contacts:

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Oakland, CA - Recent news accounts and events have caused community concern regarding the adequacy of investigations conducted by the Oakland Police Department (OPD). As Chief of Police, I am responsible for the effective, professional, and lawful delivery of police services under my command. These understandable community concerns require my attention to ensure accountability and community trust is maintained or strengthened.

False Arrest Allegation

Allegations regarding a February 13, 2013 arrest of Mr. Chau Van have caused potential belief within the community that Mr. Van was falsely arrested, accused, and mistreated; I do not believe this assessment is accurate. In short, the underlying assault with a deadly weapon case is an open, active investigation for which Mr. Van remains as an identified and named suspect.

On December 9, 2011, at about 2:30a.m., a victim was seriously battered near or within the 1000 block of Webster Street. This victim was struck in the head with a bat and beaten by four suspects as he lay defenseless on the ground. Officers contacted this victim as he was being treated for injuries at a local hospital, and investigators learned that one or more of the suspects could possibly be identified by examining a potential motive and speaking to others involved.

On December 13, 2011, my investigators contacted a citizen who outlined a potential motive and identified Mr. Van by name as a suspect. Using this information, Mr. Van's photo was included in a line-up and shown to the victim who positively identified Mr. Van as the man who struck him in the head with a bat; Mr. Van was also identified as a suspect by a witness to the offense. On December 19, 2011, the investigator presented these facts and circumstances to a Judge, and an arrest warrant was issued for Mr. Van.

On February 7, 2012, in our efforts to involve and inform the community of our efforts to address violent crime in Oakland, I asked for the public's assistance in locating Mr. Van for arrest. His photograph was included in a Department issued press release asking for information leading to his arrest. Mr. Van self-surrendered six days later and was booked for assault with a deadly weapon (PC §245 (a)(1)) and not for PC §245 (a)(2) as originally stated at the press conference. Mr. Van was released from custody without charges pending additional investigation.

The fact that these charges were not immediately filed does not mean the arrest was unlawful or unwarranted. The Oakland Police Department maintains the option to

request charging following additional investigation. In fact, on the day Mr. Van was released from custody, investigators developed additional information that placed Mr. Van at the scene of this offense when it occurred. We believe persons who can provide further information, statements, or evidence exist and may come forward. Anyone with information related to this case is asked to call investigators at [238-3426](tel:238-3426).

Additionally, at no time was Mr. Van's name or photo maintained on a "Most Wanted List," nor does the Department maintain a "Most Wanted List" made available to the public as alleged. The only related record was the Department's press release which was automatically archived, as are all officially issued press releases, on the Department's website as a public record. After concerns were raised in Mr. Van's lawsuit, this press release was removed from the archive pending review by the City Attorney's Office.

California DNA Project

In 2000, a jury convicted Mr. Johnny Williams of two counts of child molest and one count of attempted rape. Mr. Williams served a 14 year sentence only to be fully and recently exonerated due to assistance received from the California DNA Project. Community concern has developed due to news accounts or beliefs that the Oakland Police Department was negligent in its testing of evidence which may have prevented his conviction in the first place.

In 1998, the assigned Oakland Police Department investigator recovered the victim's shirt, noted the presence of possible stains, and made a request for the shirt to be examined for biological evidence. He further requested for any evidence found to be compared to Mr. Williams' profile. In 1999, before trial, the District Attorney's Office appropriately sent the shirt to another laboratory for testing. This outside laboratory reported that biological evidence was not found.

In the summer of 2012, a Deputy District Attorney, in agreement with the California DNA project, requested the Oakland Police Department Lab to test the shirt for the presence of DNA. The OPD Lab conveyed their results that a sperm donor profile had been successfully developed and that Mr. Williams had been excluded as a donor. This was the first and only time the OPD Lab performed this work on the evidence in question.

It should also be noted that no issues were raised with the other aspects of this investigation. The Director of the DNA Project, Cathy Dreyfuss, was quoted as saying, "This was not a case of misconduct or mistakes; nobody did anything wrong."

Where mistakes are discovered, the community can expect follow through and action. In another case brought to our attention by the Innocence Project, it was revealed that an investigator, who is no longer with the Department, conducted a photographic line-up in 2006 for "public relations" purposes. Although the investigator truthfully and appropriately revealed his intent and actions at trial, this improper investigative step resulted, in part, in the suspect's wrongful conviction. Since learning of these circumstances, I have caused a full review of the former investigator's work and

accepted an offer to more closely work with the Northern California Innocence Project on related matters. All current commanders involved in contemporary criminal case review and chargings under my direction agreed that the line-up was improper and would not have had the same result today. The entire criminal justice system – including myself on behalf of our police department - owes an apology to Mr. Ronald Ross, and I thank the Northern California Innocence Project for righting this past mistake.

- Chief Howard A. Jordan

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