



Office of the District Attorney, Alameda County
Nancy E. O'Malley, District Attorney



PRESS RELEASE

For Immediate Release – June 5, 2017

District Attorney O'Malley Announces Felony Charges Filed against Almena and Harris for their Role in Deadly Warehouse Fire

OAKLAND, CA – Alameda County District Attorney Nancy E. O'Malley today announced that her office has filed felony criminal charges against Derick Ion Almena and Max Harris in connection with the deadly warehouse fire on December 2, 2016, which took the lives of 36 men and women. Both Almena and Harris are charged with 36 counts of involuntary manslaughter, a felony violation of California Penal Code Section 192(b).

"We continue to mourn the loss of 36 young and vibrant men and women, 36 members of our community who should be with us today," says DA O'Malley. "Defendants Almena and Harris knowingly created a fire trap with inadequate means of escape, filled it with human beings, and are now facing the consequences of their deadly actions."

"My Office launched this criminal investigation within hours of the fire, and we have worked steadily for the past six months to ensure that those responsible for these deaths are brought to justice."

In the months leading to today's filing of criminal charges, the District Attorney team consisting of two Attorneys, three District Attorney Inspectors, and multiple Victim-Witness Advocates has dedicated itself to an intense investigation of the circumstances leading to the fire, the conditions of the warehouse in the hours just prior to the fire, and detailed events once the blaze began to rip through the building. The investigative team conducted in excess of 75 individual witness interviews, executed more than 12 search warrants, reviewed more than 6,000 thousand pages of investigative reports, and examined and catalogued over 300 individual pieces of physical evidence. Throughout the investigation, the District Attorney's Office worked with multiple agencies, including the Oakland Fire Department, the Oakland Police Department, the Alameda County Sheriff's Office, and the Bureau of Alcohol, Tobacco, and Firearms (ATF).

Throughout the months of investigation, the DA Team met on a regular basis with DA O'Malley and additional attorneys to analyze the legal issues and institute appropriate criminal proceedings. To prosecute a manslaughter case based on criminal negligence, the District Attorney must be satisfied that any defendant acted with gross or reckless conduct akin to a disregard for human life, and that the deadly consequences of those actions were reasonably foreseeable. As stated in the declaration of probable cause, Almena and Harris acted knowingly and with disregard for the risk when they:

- Allowed individuals to live in the warehouse and deceived the police, fire department and owners about that fact

- Allowed large groups to assemble in the warehouse for musical events in the space and on December 2nd, 2016 they actually blocked one of two means of egress
- Conducted unpermitted and uninspected construction, including electrical work
- Allowed the floor to ceiling storage of large quantities of highly flammable materials that created a deadly and dangerous space

Almena's and Harris' actions were reckless, creating a high risk of death. A reasonable person would have known that acting in that way would create such risk. Their actions were so different from the way an ordinarily careful person would act in the same situation that their actions amounted to a disregard for human life. Their reckless actions were the proximate cause of the death of the 36 individuals trapped inside the warehouse when the fire started.

Prior to this announcement, the Victim/Witness Assistance Division of the DA's Office reached out to inform the family of each of the victims of this charging decision, and we will work closely with the families as the case progress through the criminal justice system.

Defendants Almena and Harris were taken into custody without incident this morning. Mr. Almena was arrested in Lake County and Mr. Harris in Los Angeles County. Arraignments for the defendants will take place upon their arrival to Alameda County.

Copies of the criminal complaint and the narrative language from the declaration of probable cause are attached to this press release.

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