



CITY OF OAKLAND
newsrelease
Office of the City Attorney

FOR IMMEDIATE RELEASE
November 30, 2007

Contact: Alex Katz
Office (510) 238-3148
Cell (510) 599-6874
akatz@oaklandcityattorney.org

Despite all evidence to the contrary, a jury in U.S. District Court in San Francisco ruled today in favor of a plaintiff who was arrested after Oakland Police officers caught him hiding an assault rifle under stairs behind his house.

Court records show plaintiff Torry Smith was on parole for a felony conviction when officers arrived at his East Oakland home to find out why Smith's ATM card was found in the back seat of a well-known drug dealer's car. One of the officers witnessed Smith, who was naked at the time, carrying a rifle and trying to hide it under the stairs. Smith was arrested for felony possession of an assault weapon, among other crimes, and police recovered a Thompson .45 caliber assault weapon from his property. At the time, Smith told officers the gun belonged to his girlfriend's brother.

However, Smith and his then-girlfriend later sued, alleging that the officers planted the gun. Despite contradictory testimony from the two plaintiffs and another plaintiffs' witness, the jury awarded Smith \$5 million dollars in compensatory damages for emotional distress and \$8,000 for lost wages even though he was not employed at the time. The jury also awarded \$750,000 for emotional distress to Smith's girlfriend and found each officer liable for \$100,000 in punitive damages.

"We're baffled that the jury could make this decision, given the facts of the case," City Attorney John Russo said. "To reach this decision, the jury had to believe that two highly respected officers, in uniform, in a community where they are well known, in broad daylight, carried a 2 ½ foot assault rifle from their marked police car and planted it in the backyard of a man they had never even heard of before that day."

Police Chief Wayne Tucker stated: "These are hard-working officers who are well respected in the community and do not deserve this verdict. Both have received numerous commendations for valor, outstanding police work, solving homicides and fighting crime in Oakland, including commendations for Officer of the Year, the Medal of Valor, the Medal of Merit, Investigator of the Year and the Outstanding Service Award. They both have received numerous letters of appreciation from the District Attorney, other Chiefs of Police, private citizens and other law enforcement agencies."

The City will appeal and fully expects the appeal to be successful. Also, post trial motions will be filed immediately to challenge the verdict.

"We believe the jury got it wrong, and we believe the court was in error on a number of evidentiary rulings," Russo said. "The jury was bedazzled by a trumped up conspiracy theory, but we believe justice will prevail and these officers will be exonerated."

Oakland Police Contact:
Officer Roland Holmgren (510) 238-7230
rholmgren@oaklandnet.com
