



Kriss Worthington

Councilmember, City of Berkeley, District 7
 2180 Milvia Street, 5th Floor, Berkeley, CA 94704
 PHONE 510-981-7170 FAX 510-981-7177
kworthington@ci.berkeley.ca.us

CONSENT CALENDAR
 September 27, 2016

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington

Subject: Request the District Attorney Drop Charges for Ayohenia Chaney

RECOMMENDATION

That the City Council look into the case and its basis and potentially send a letter to the Alameda County District Attorney requesting that charges for Ayohenia Chaney be dropped as a result of the June 1, 2016 incident at 835 Page Street.

BACKGROUND

On June 1, 2016, Alameda County Sheriffs Deputies came to the Berkeley home at 835 Page St. to perform an eviction. The home belonged to Ernest Thornton, a Buffalo Soldier and honorable veteran of the United States Army who died the year before and was occupied by his grand nephew and his grand niece, Ayohenia Offutt-Chaney, who had cared for him in the years before his death. Mr. Thornton's estate went into probate, and during the process, the administrator of the estate, who was not a member of the family, initiated an eviction procedure. The administrator's agent swore to personally serving documents on Mr. Thornton's grand nephew at a time that the grand nephew was out of the state. As a result, the family was not notified about the unlawful detainer in time to contest it in court, and an eviction was noticed.

When the Sheriffs Deputies arrived to perform the eviction, Ms. Offutt-Chaney was in the home. She was wrought with emotion but spoke to the officers with sufficient composure to explain her presence in the home and her account of the unjust eviction. Ms. Offutt-Chaney agreed to leave and was escorted out by the Deputies. Once outside the residence, the Deputies told Ms. Offutt-Chaney that she was free to leave in her friend's vehicle, and they allowed her to make one final statement about the tragic circumstances of the eviction while standing on the sidewalk in front of the house. As she made her statement, another officer who had not been present during the eviction approached and ordered her arrested. She was charged with resisting arrest and failure to obey a court order.

FINANCIAL IMPLICATIONS: Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON

Councilmember Kriss Worthington

510-981-7170

Attachment:

Letter to Alameda County District Attorney Nancy O'Malley

Dear Nancy E. O'Malley,

On June 1, 2016, Alameda County Sheriffs Deputies came to the Berkeley home at 835 Page St. to perform an eviction. The home belonged to Ernest Thornton, a Buffalo Soldier and honorable veteran of the United States Army who died the year before and was occupied by his grand nephew and his grand niece, Ayohenia Offutt-Chaney, who had cared for him in the years before his death. Mr. Thornton's estate went into probate, and during the process, the administrator of the estate, who was not a member of the family, initiated an eviction procedure. The administrator initiated this procedure over the objections of the family. The administrator's agent swore to personally serving documents on Mr. Thornton's grand nephew at a time that the grand nephew was out of the state. As a result, the family was not notified about the unlawful detainer in time to contest it in court, and an eviction was noticed. When presented with the opportunity, Ms. Offutt-Chaney attempted to purchase the home outright but the administrator was not interested in working with her.

The looming loss of this home was exceptionally difficult for the family. The home had been in their family for decades, purchased with Mr. Thornton's benefits from the G. I. Bill, and they were overwhelmed with the deceitful process and the lack of resources available to the family to expose the injustice of the process.

When the Sheriffs Deputies arrived to perform the eviction, Ms. Offutt-Chaney was in the home. She was wrought with emotion but spoke to the officers with sufficient composure to explain her presence in the home and her account of the unjust eviction. She pleaded with them to help her. The Sheriffs discussed the eviction with her for around 45 minutes and insisted that there was nothing they could do to help. Ms. Offutt-Chaney eventually agreed to be escorted out by the Deputies.

Once outside the residence, the Deputies told Ms. Offutt-Chaney that she was free to leave in her friend's vehicle, and they allowed her to make one final statement about the tragic circumstances of the eviction while standing on the sidewalk in front of the house. As she made her statement, another officer who had not been present during the eviction approached and ordered her arrested. She was charged with resisting arrest and failure to obey a court order.

These charges against Ms. Offutt-Chaney serve no purpose but to add to the injustice of the eviction. Ms. Offutt-Chaney is still pursuing all legal avenues to reclaim the home and keep at least one black family, with a history of dedicated service to the United States, rooted in Berkeley.

There is no purpose served by pursuing charges against Ms. Offutt-Chaney, and we, the Berkeley City Council request that you drop the charges against Ms. Offutt-Chaney in the interest of justice.

Respectfully,

The Berkeley City Council