

Oakland police sergeant faced no charges for domestic violence arrest despite video evidence

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2015 Cop Domestic Violence Steve Valle

OAKLAND (BCN) — A decorated Oakland police sergeant faced no criminal charges for his domestic violence arrest last year and remains in his position despite evidence of a history of abuse turned over by his ex-girlfriend, including allegedly threatening her with a gun to her head, according to newly released police documents and the woman who reported the abuse.

The woman, who asked not to be identified, said that since the day last September that she called 911 to report the ongoing abuse by Oakland police Sgt. Steve Valle, she was never contacted by an internal affairs investigator for a follow-up interview despite directly reaching out to the investigator assigned to the case, Sgt. Tyman Small.

Instead, she was interviewed only by domestic violence investigators, who she felt were hostile to her because of Valle's position in the department as a respected gang expert who has received a Medal of Merit and a commendation for exemplary performance.

"I feel like I was just left in the dark during that whole situation. I was being interviewed for hours and hours and hours," she said.

The woman said she provided police with video evidence of Valle pulling her across a floor by her leg, photos of bruises on her arm, and offered to testify against him.

"I felt like they were making me out to be a bad person, like it was my fault these things happened to me," she said. "I just felt like I was all alone during this whole situation."

Within a month, the Alameda County District Attorney's Office had declined to prosecute. A prosecutor explained the decision to her over the phone and cited a lack of evidence, but no one from the district attorney's office met with her in person, she said.

District attorney's office spokeswoman Teresa Drenick said, "We made an exhaustive review of the matter and determined that we were not going to file charges."

Months later, investigators still haven't returned the woman's phone, where she had saved the videos, including one with audio of a person she identified as Valle threatening to kill her. However, she made sure she emailed the videos to herself before calling police and kept copies of them.

In one video, the couple isn't visible but can be heard yelling at one another, with the woman telling the man, reportedly Valle, that if he put a gun in her face again she would slap him.

“I will kill you, I will f—ing kill you, you stupid whore if you’re going to f—ing burn me again,” the man yells. “Get out of my f—ing life you ugly piece of s—.”

After she tells him if he touches her again she’ll call 911, he mocks her, and finally yells, “I’ll f—ing crack you in the head with the f—ing gun you dumb b—h.”

In video of another incident in October 2014, Valle is visible holding her leg and dragging her across the floor as she yells back at him, “Let go of my leg, it hurts.”

The woman asked that the videos not be released for her privacy.

An attorney for Valle — Justin Buffington of the law firm Rains Lucia Stern, which has defended numerous police officers accused of wrongdoing — denied that any abuse happened and accused the woman of in fact being the abuser, calling her “extremely violent.”

Buffington said at one point the woman threw scalding water on Valle, injuring him. The woman said she did throw water on Valle because he was coming toward her with a gun. Valle and the woman were in a relationship for about four years.

Valle and the woman were in a relationship for about four years. For about three of those years, the woman said they shared an apartment in Oakland together along with Valle’s 4-year-old son.

She said the abuse started about halfway through their relationship and continued in one form or another until Valle was arrested.

She threatened to call 911 many times, she said, but when she would, Valle told her things like “he runs OPD” and “he can make things disappear.”

But on Sept. 21, after they got into an argument over the volume of her music, Valle was throwing things at her and when she left the apartment they shared, he locked the door behind her, according to police reports. She’d had enough and called 911.

Police initially responded to the home at 11:36 a.m. and were advised before they arrived that the woman was reporting an Oakland police sergeant. They found the woman crying uncontrollably outside and spoke to her there. When they knocked on the door, Valle told them it was open. They found him sitting on the couch and noted his “calm and cooperative” demeanor in their reports.

According to the reports, Valle told the responding officers that the fight started when she refused to turn her music down, which he worried would bother his sick son.

Officer Edgar Macedo noted in his report that Valle admitted he had thrown some belongings around the apartment but didn’t intend to hurt or hit her. He locked the door when she left because he didn’t think she was coming back and wanted to prevent his son or his dog from getting out, according to Macedo.

The officers interviewed the woman outside of the home for hours. While talking to them, she reported the prior abuse and turned over the video of him dragging her by the leg. She also told them at one point he had pinned her against a wall and held a gun to her head, threatening to “blow her brains out,” Macedo wrote in his report.

The officers called internal affairs and later placed Valle under arrest. They seized his handguns, a department-issued 9mm and a personal .40-caliber, and took his son into protective custody.

Valle was taken into custody at 3:55 p.m. He was booked into jail on \$110,000 bail on suspicion of assault with a firearm and criminal threats.

The officers called a judge to obtain an emergency protective order for the woman, but the judge, whose name was redacted in the police report, at first refused to issue it. He eventually granted the order later that night.

After that day, the woman said there was little communication about the status of her case from the Police Department.

She eventually managed to track down the internal affairs investigator assigned to the case, Small, but wasn't able to speak with him.

When she finally talked to someone at the district attorney's office about a month later, she found out there would be no criminal charges.

Diane Wetendorf, a retired domestic violence counselor who authored “Police Domestic Violence: A Handbook for Victims,” said few cases of domestic violence involving police officers even result in an arrest because either the woman is afraid to report it or even if they do, they lack the hard evidence like Valle's girlfriend provided to Oakland police.

In most incidents of domestic violence involving police officers, the abuse isn't reported right away, if at all, because the women have been threatened with retaliation or told that no one will believe their story, Wetendorf said.

Because it may often go unreported and the few studies conducted have used small sample sizes and found wildly different results, the prevalence of domestic violence among police officers is unclear.

But Wetendorf said she thinks the culture of the department can influence officers' personal conduct. A department where officers are able to get away with lawbreaking can embolden other officers into thinking that they are invincible.

“They get this confidence that they're going to be immune to be held accountable,” she said. “They see things happening that's 10 times worse than what they're doing so they figure they're

going to be safe.”

Wetendorf said in her experience, even cases involving police that result in arrest are not prosecuted as frequently. Evidence that might lead to criminal charges in most cases is deemed insufficient in cases involving police, she said.

“When it comes to police domestic violence, it’s a whole different ball game, and basically they get away with it,” she said. “They get away with murder. There’s a lot of cases that I’ve worked on where there’s a murder that the cops pass it off as a suicide.”

Oakland police has had its own recent suspicions of murder in an officer’s wife’s death. After Irma Huerta-Lopez, the wife of Oakland police Officer Brendan O’Brien, was found shot to death on June 16, 2014, police launched an investigation. Her death was ruled a suicide, despite that two shots were fired and gunshot residue was found on O’Brien’s hands.

O’Brien then killed himself in 2015. A suicide note he left revealed he had been having sex with an underage girl who goes by the name Celeste Guap and implicated other officers in the exploiting of Guap, an apparent victim of human trafficking.

Huerta-Lopez’s family raised concerns that she actually had been murdered when the scandal surrounding Guap finally became public earlier this year. The investigation has spread to multiple Bay Area departments and led to an audit of Oakland’s police recruitment and training protocols.

While then-Oakland police Chief Sean Whent, who resigned as the scandal grew, said it is “not uncommon” for two bullets to be fired during a suicide and that the gunshot residue on O’Brien’s hands could have been from police training, Mayor Libby Schaaf asked the Alameda County District Attorney’s Office to review the Oakland police investigation.

On Monday, the district attorney’s office released a report saying the investigations into Huerta-Lopez and O’Brien’s deaths were “professional, unbiased and thorough.”

While the department hasn’t disclosed many details of the investigation surrounding Guap because most of it remains internal and protected by state law, the Police Department has also been reluctant to disclose recent arrests of its officers, a matter of public record.

Officer Cullen Faeth was arrested last December for a bizarre incident when he arrived at the Oakland home of a county probation officer.

He allegedly was at the front door, screaming to get inside and jumped on her back when she came outside to confront him.

In February, Officer Matthew Santos was arrested when he allegedly pulled a gun on a painter working outside his apartment door at the request of his building management.

In both cases, criminal charges were eventually filed but the arrests weren’t disclosed for months.

While Faeth and Santos were both rookies who had joined the department within a year or two before their arrest, Valle has had a long and distinguished career with Oakland police. In recent years, he has received a Medal of Merit, a promotion and a citation for exemplary performance.

He worked as a police dog handler with the narcotics division before he was promoted to sergeant on Jan. 17, 2014. About seven months before his arrest, he was cited for meritorious and exemplary performance at a ceremony on Feb. 6, 2015. He frequently testifies in criminal cases as a gang expert.

Valle's arrest wasn't disclosed until after repeated public records requests for reports of arrests of Oakland police officers. Records custodians consulted with the city attorney's office before releasing the report.

Even then, the department continued to withhold the more detailed incident report, claiming the investigation was ongoing.

As of June, Oakland police spokeswoman Officer Johnna Watson said that the administrative review into Valle's conduct had concluded and that he was in good standing in the department. She declined to comment on the results of any personnel matters.

But after news of his arrest became public, Alameda County Public Defender Brendan Woods raised questions about whether it could affect criminal prosecutions.

In a letter to City Administrator Sabrina Landreth, Woods asked for information about what criminal cases Valle had testified in since his September arrest.



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