

Men charged in 36 deaths at Ghost Ship warehouse

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OAKLAND — The founder of a ramshackle collective who officials say illegally converted an Oakland warehouse into residences for artists and musicians saw himself as a guru and benevolent landlord trying to help people struggling to survive in the expensive San Francisco Bay Area.

Instead, court documents say his reckless actions created “a high risk of death” at the warehouse known as the Ghost Ship where 36 people died in a massive fire in December.

Derick Almena, 47, and his right-hand man, Max Harris, 27, were each charged Monday with 36 counts of involuntary manslaughter for the deaths during an unpermitted dance party.

Alameda County District Attorney Nancy O'Malley said Almena had turned the warehouse into a “deathtrap.”

“Witnesses describe wood and other flammable objects being stored from floor to ceiling on the first level. Storing that amount of flammable material in the manner described ... created an extremely dangerous fire load,” according to the criminal complaint in the case.

Visitors and tenants alike described the Ghost Ship as a warren of scrap wood, sofas, old pianos and snaking electrical cables. Several said Almena brushed them off when they voiced concerns.

On the night of the deadly blaze, Almena and Harris had blocked access to one exit near the spot where a DJ was playing music, prosecutors said.

Almena quickly became the focal point of widespread anger and criticism after the fire. Past residents accused him of ignoring hazardous living conditions and putting profits over safety.

Hours after the fire, Almena posted a comment to his Facebook page that stoked the anger.

“Everything I worked for is gone,” he wrote. He later said he didn't know people had died when he posted the comment.

Four days after the fire, Almena gave a brief, rambling interview to NBC's Today show. He was asked about charging for concerts and subleasing space.

“Profit?” Almena asked host Matt Lauer rhetorically. “This is not profit, this is loss. This is a mass grave. I'm only here to say one thing, that I am incredibly sorry and that everything I did was to make this a stronger, more beautiful community and to bring people together.”

Almena had rented the warehouse and hired Harris as a “creative director” to help sublet living space.

The two men were arrested and each was being held on bail of nearly \$1.1 million. They could face up to 39 years in prison if convicted of all the counts.

Almena's three lawyers called their client a “scapegoat.”

“We believe that these charges represent no less than a miscarriage of justice and we are confident that this attempt to make a scapegoat out of our client will fail,” attorneys Kyndra Miller, J. Tony Serra and Jeffrey Krasnoff said in a joint statement.

It's unknown if Harris is represented by a lawyer. He was arrested in Los Angeles County and will be transported to Alameda County to face the charges. Almena was arrested in Lake County.

Mary Alexander, a lawyer representing families of fire victims, said the relatives were pleased with the charges.

"They are glad someone is being held accountable," she said.

Nonetheless, Alexander said she was disappointed the owner of the building, Chor Nar Siu Ng, wasn't charged. Ng has not commented publicly on the fire.

O'Malley declined to discuss whether more people will be charged but did say her investigation had ended.

Alexander and other lawyers are suing Almena, Harris, Ng and others for wrongful death.

The lawsuits also name Pacific Gas & Electric, alleging the utility should have known the warehouse was wired hazardously.

Danielle Boudreaux said she was friends with Almena and his wife for eight years before they had a falling out over conditions at the warehouse. She said she was disappointed that more people weren't charged.

"There is more responsibility to go around," Boudreaux said.

Federal and local fire officials had focused much of the investigation on electrical sources. But prosecutor Teresa Drenick said Monday the fire had destroyed so much of the warehouse that a cause will likely never be known.

The two dozen tenants at the Ghost Ship each paid between \$350 and \$1,400 a month to live and work there. The site lacked permits for either activity.

Almena and Harris also rented space to promoters and musical acts and charged admission to shows in a building — again without permits, officials said.

Almena lived in the warehouse with his wife and three young children, who were staying the night in a nearby hotel the night of the fire.

Harris is accused of renting the upstairs to a dance party promoter on the night of the fire.

Between November 2013 and December 2016, police showed up at the warehouse multiple times to check on complaints but Almena and Harris often met police outside and told officers no one lived there, records show.

Associated Press writer Janie Har and Olga R. Rodriguez in San Francisco contributed to this report.