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Office of the City Attorney  
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City Attorney

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March 16, 2004

**HONORABLE CITY COUNCIL**  
Oakland, California

**Subject: Donald Jones v. City of Oakland, et al.**  
**United States District Court Case No. C-03-3303 WHA**  
**Our File No. 23206 – Oakland Police Department**  
**(Police Conduct)**

Dear President De La Fuente and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled matter arising from alleged civil rights violations during the arrest of the plaintiff for a total sum of Eight Thousand Dollars and No Cents (\$8,000.00), to be made payable to Donald Jones and Wayne Johnson, Esq., his attorney.

Mr. Jones alleges that excessive force was used in the course of a false arrest for theft of a cell phone, which occurred on October 1, 2002. Mr. Jones claims that the arresting officers bent his wrists to such a degree that he was injured. He also claims that he was subjected to an arrest that was not supported by probable cause. It appears that there was not probable cause for his arrest because his arrest was based on an equivocal identification.

The settlement is recommended to avoid the risk of an adverse verdict at trial and the additional exposure for attorney's fees should that occur.

Respectfully submitted,

JOHN A. RUSSO  
City Attorney

Attorney Assigned:  
Maria Bee  
318792

10.4 CC  
ORA/COUNCIL  
MAR 16 2004

OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.



MXB/kj

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF DONALD JONES v. CITY OF OAKLAND, ET AL., UNITED STATES DISTRICT COURT CASE NO. C03-3303 WHA, OUR FILE NO. 23206, IN THE AMOUNT OF \$8,000.00. THIS CASE INVOLVES CLAIMS OF VIOLATIONS OF CIVIL RIGHTS AGAINST OAKLAND POLICE OFFICERS. (OAKLAND POLICE DEPARTMENT – POLICE CONDUCT)**

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Donald Jones v. City of Oakland, et al., United States District Court Case No. C03 3303 WHA, City Attorney's File No. 23206, for a sum not to exceed a total of Eight Thousand Dollars and No Cents (\$8,000.00) payable by the City of Oakland to Donald Jones and Wayne Johnson, Esq., his attorney of record.

**FURTHER RESOLVED:** That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

**FURTHER RESOLVED:** That the sum of Eight Thousand Dollars and No Cents (\$8,000.00) be paid to Donald Jones and Wayne Johnson, Esq., his attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

318798

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ORA/COUNCIL  
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