

# CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TDD: (510) 839-6451

June 30, 2020

## HONORABLE CITY COUNCIL

Oakland, California

**Subject: Najari Smith v. City of Oakland; Nigel Lawson, individually and in his official capacity as police officer for City of Oakland; Julian Bordona, individually and in his official capacity as police officer for City of Oakland; Scott Hewitt, individually and in his official capacity as police sergeant for City of Oakland; Craig Haney, individually and in his official capacity as police records specialist for City of Oakland; and DOES 1-50, individually and in their official capacities as police officers for the City of Oakland, inclusive United States District Court Case No. 19-CV-06527-WHO City Attorney File No. 33166 (Oakland Police Department – Civil Rights/Wrongful Arrest/Racial Profiling)**

President Kaplan and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled claim for the sum of One Hundred Forty-Seven Thousand Five Hundred Dollars and No Cents (\$147,500.00), payable to Najari Smith and his counsel, Walter Riley.

Plaintiff Mr. Najari Smith was stopped by OPD officers and cited for playing loud music from a trailer attached to his bicycle at approximately 10 p.m. at the First Fridays event on August 3, 2018 in Oakland. To complete the citation, officers asked Mr. Smith for identification, who first declined and then offered a passport card and driver's license and conflicting information. Officers then arrested Mr. Smith for obstructing the officers' performance of their duties—a Penal Code § 148 offense—and Mr. Smith was taken into custody and spent the night in jail. Mr. Smith was not subsequently prosecuted.

Mr. Smith sued the City, alleging that he was wrongfully detained in the first place and then wrongfully arrested. He also alleged that officers improperly towed his bicycle and used excessive force against him. Mr. Smith has agreed to settle his claims for a settlement payment in the amount \$147,500.00. This settlement resolves all claims in this matter.

HONORABLE CITY COUNCIL

June 30, 2020

**Subject: Najari Smith v. City of Oakland, et al.**

Page 2

The Council authorized settlement of this case in Closed Session on Thursday, June 18, 2020 (moved by Councilmember Gallo and seconded by Councilmember Gibson McElhaney – 8 Ayes).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is written in a cursive style with a large initial "B".

BARBARA J. PARKER  
City Attorney

Assigned Attorneys:

David Pereda

Vadim Sidelnikov