

2023 JUL -6 PM 7:54

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY

Barbara J. Parker

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89824 C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF MAKYLA BROWN, CITY ATTORNEY FILE NO. C34366, FOR THE SUM OF FOUR HUNDRED THOUSAND DOLLARS AND NO CENTS (\$400,000.00) (OAKLAND POLICE DEPARTMENT – EXCESSIVE FORCE)

WHEREAS, on the night of May 31, 2020 Claimant Makyla Brown (“Brown”) exited a store on High Street in Oakland amidst a group of looters and attempted to run from Oakland Police Department (“OPD”) officers responding to the scene; and

WHEREAS, OPD Acting Lieutenant Richard Vierra swung a baton and hit Brown in the mouth; and

WHEREAS, OPD determined that this baton strike violated OPD’s use of force policy; and

WHEREAS, Brown suffered several chipped teeth and a three-centimeter laceration to the upper lip, resulting in a permanent scar and alleged loss of sensation; and

WHEREAS, without admitting fault or wrongdoing, the City has determined to compromise Brown’s claim in the amount of Four Hundred Thousand Dollars and No Cents (\$400,000.00); now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim of Claimant Makyla Brown in the amount of Four Hundred Thousand Dollars and No Cents (\$400,000.00); and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **JUL 18 2023**

AYES - FIFE, GALLO, ~~WILSON~~, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS **-7**

NOES **0**

ABSENT **0**

ABSTENTION **0**

Excused - Jenkins

ATTEST:

Asha Reed

ASHA REED

City Clerk and Clerk of the Council of the
City of Oakland, California