

CITY OF OAKLAND



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July 18, 2023

HONORABLE CITY COUNCIL
Oakland, California

**Subject: Claim of Makyla Brown
City Attorney File No. C34366
(Oakland Police Department – Excessive Force)**

President Fortunato Bas 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 claim of Makyla Brown (“Brown”) in the above-entitled claim for the sum of Four Hundred Thousand Dollars and No Cents (\$400,000.00).

On the night of May 31, 2020, Claimant Makyla Brown exited a shoe store at 1620 High Street amidst a group of looters. Brown and others attempted to run from Oakland Police Department (“OPD”) officers who were responding to the scene. In an apparent attempt to stop Brown from running away, OPD Acting Lieutenant Richard Vierra swung a baton at Brown and hit Brown in the mouth. Brown suffered several chipped incisor teeth and a three-centimeter full-thickness laceration of the upper lip, resulting in a permanent scar and alleged loss of sensation. OPD determined that this baton strike violated OPD’s use of force policy.

Without admitting liability, the City has determined to compromise Brown’s claim in the amount of Four Hundred Thousand Dollars and No Cents (\$400,000.00). This amount includes satisfaction of Brown’s claimed damages, attorneys’ fees, and costs.

The City Council authorized settlement of this case in Closed Session on Thursday, March 30, 2023 (moved by Councilmember Kevin Jenkins and seconded by Councilmember Janani Ramachandran - 7 Ayes, 1 Excused- President Pro Tem Dan Kalb).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER
City Attorney

Assigned Attorney:
Kevin P. McLaughlin