

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND



04 MAR 17 PM 1:34

ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CA 94612

Office of the City Attorney
John A. Russo
City Attorney

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

April 6, 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,

A handwritten signature in black ink, appearing to read "John A. Russo".

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Maria Bee
318792

10.4CC
CITY COUNCIL

APR 06 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

10.4CC

OAKLAND CITY COUNCIL
APR 06 2004