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Fellow Oaklander,

Last week the Oakland Tribune published an op-ed that I wrote about a particularly costly and brazen lawsuit against the City of Oakland. The op-ed appears below as it ran in the newspaper. Please don't hesitate to contact me about this or any other issue, and please don't forget to vote on Nov. 4. You can look up the polling place for your neighborhood at <http://www.acgov.org/rov/>.

Respectfully,

John Russo  
Oakland City Attorney

## **Op-Ed: Police's lawsuit against Oakland is shameful** ***Oakland Tribune, October 22, 2008***

By John Russo

THESE ARE HARD times for the city of Oakland. To get out of a deep financial hole, the City Council set to cut libraries and museums, eliminate civilian police department employees, slash public works and make other cuts in services that our residents need.

In the middle of this financial crisis, a Pleasant Hill law firm has decided to hit Oakland taxpayers with a lawsuit that amounts to little more than a shakedown.

The class action lawsuit, instigated by Mike Rains, an attorney best known for representing Barry Bonds, would force Oakland to pay millions of extra dollars in overtime to cops — but not for patrolling the city's streets or investigating crimes.

Instead, the lawsuit contends that Oakland cops, rightfully among the highest paid officers in the state, should be paid more for getting dressed, polishing their medals and doing other menial tasks before and after their shifts.

If the lawsuit is successful, Oakland taxpayers will be on the hook for untold millions of dollars in overtime. Make no mistake — that would only mean more cuts in important services.

One plaintiff in the lawsuit, a sergeant making \$115,000, is demanding overtime for the few minutes of reading e-mail and making phone calls he does before his shift. At the same time, he admits making personal phone calls and reading personal e-mail on the city's dime.

This same sergeant drives an unmarked police vehicle to and from his home in Concord — the city pays for gas and repairs. Once a week, however, he spends about 11 minutes dropping off paperwork on his way home. He is in court demanding overtime for those 11 minutes.

One veteran testified that it takes him 30 minutes to put on his uniform — including 10 minutes to pin on his medals. One lieutenant wants overtime for the few seconds he spends shaking his pepper spray before each shift.

Incredibly, three of the lead plaintiffs were fired for cause: One for threatening an elderly couple with his service handgun, one for watching pornography while on duty and one for providing police investigation information to the criminals under investigation. Yet plaintiffs' attorneys want Oakland residents to pay these three former officers for the time they spent putting on and taking off their uniforms.

Let's be clear: Oakland cops deserve to be well-compensated for their service and for the grave risks they take on the job. But this lawsuit is a shameless move, even for this law firm, which has raked in huge legal fees fighting police reform and accountability measures in Oakland. So far, Oakland has spent \$317,000 defending this lawsuit. Perhaps that money could have kept a few library aides on the payroll.

The lawsuit also throws a wedge between the police officers' union and the city at a time when both sides are united around hiring more officers and improving public safety. Unfortunately, sowing discord between the city and its police officers — at the expense of Oakland residents — has proven to be good business for certain attorneys.

Oakland cops are better than this kind of nickel-and-dime lawsuit. Realizing the ridiculous nature of the complaint, a few officers have dropped out. The police union should follow their lead and wash its hands of this lawsuit, which is as embarrassing to officers as it is expensive to taxpayers.

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