



\$1.5 million settlement OK'd in officer-involved death

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OAKLAND — The City Council on Tuesday night approved a \$1.5 million settlement with the family of a 20-year-old man shot and killed by police two years ago.

Gary King Jr. was fatally shot by police Sgt. Pat Gonzales during an altercation Sept. 20, 2007. The city maintained Gonzales believed King had been reaching for a gun, but the killing prompted public outcry from people who believed King was wrongfully killed. The family sued in 2008.

"The amount of the settlement reflects an acknowledgment of the strengths of the family's case against the officer and the gravity of their loss," said Michael Haddad, an attorney for King's family. "Hopefully this will allow the family to begin to have some closure."

Haddad said at least 10 witnesses disputed Gonzales' version of the event. But Bill Simmons, a deputy city attorney, said there were also witnesses who corroborated what Gonzales said — and that the city stood by the officer's assertion that King seemed to be reaching for a gun.

Nonetheless, Simmons said there was a risk to both sides if the case went to a jury and that it made sense to settle.

"We're realistic and saw that there was a risk a jury might not see it our way," he said.

The city did not accept liability by entering into the agreement.

The shooting occurred at 54th Street and Martin Luther King Jr. Way in North Oakland after King left a convenience store.

In the lawsuit, King's family contended that Gonzales shot King even though he posed no "objective threat" to the officer. A gun was recovered from King's pocket after the shooting, however, and Gonzales was cleared in an internal Oakland police investigation.

The Alameda County District Attorney's Office also investigated the incident, but didn't bring charges.

King was the third person Gonzales shot while on duty. In the other cases, one person was killed, and one was left a quadriplegic. The city agreed to pay \$100,000 to the man who survived.

Gonzales was later wounded in the March 21 shootout with Lovelle Mixon, a parolee who killed four Oakland police officers before he was gunned down.

Harry Stern, an attorney for Gonzales, who remains on active duty, defended his client's record.

"The fact the city chose to settle a particular case doesn't necessarily bear on the merits of a claim," he said. "Sgt. Gonzales is an outstanding and highly trained police officer, with an unquestionable work ethic and tactical ability."

The council's vote on the settlement was a unanimous 7-0, with Councilmember Ignacio De La Fuente (Glenview-Fruitvale) absent.

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