

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA

3
4 DELPHINE ALLEN, et al.,

5 Plaintiffs,

6 v.

7 CITY OF OAKLAND, et al.,

8 Defendants.

Case No. 00-cv-04599-TEH

**ORDER RE: RECRUITMENT,
HIRING, AND EARLY WARNING
PROCESSES**

9
10 The Compliance Director has informed the Court of the City's request for his
11 assistance with an ongoing audit being conducted jointly by the Oakland Police
12 Department and the Oakland City Auditor. The Court is further informed that Plaintiffs do
13 not oppose this request. The purpose of the audit, which the City initiated as one of
14 several responses to recent personnel issues, is to examine the Department's recruitment
15 process and early warning system.

16 Both of these areas are within the Compliance Director's authority. The early
17 warning system is the subject of Tasks 40 and 41 of the Negotiated Settlement Agreement
18 ("NSA"), and the Compliance Director has "authority to direct specific actions by the City
19 or OPD to attain or improve compliance levels, or remedy compliance errors, regarding all
20 portions of the NSA and AMOU." Dec. 12, 2012 Order at 6. The Compliance Director
21 also has "the power to review, investigate, and take corrective action regarding OPD
22 policies, procedures, and practices that are related to the objectives of the NSA and
23 AMOU." *Id.* There can be no question that the Department's recruitment and hiring
24 practices are related to the objectives of the NSA:

25 The parties join in entering into this Settlement Agreement . . .
26 *to promote police integrity* and prevent conduct that deprives
27 persons of the rights, privileges and immunities secured or
28 protected by the Constitution or laws of the United States. The
overall objective of this document is to provide for the
expeditious implementation . . . of the *best available practices*
and procedures for police management in the areas of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


supervision, training and accountability mechanisms, and to enhance the ability of the Oakland Police Department . . . to protect the lives, rights, dignity and property of the community it serves.

NSA at 1 (emphasis added). Accordingly, the Compliance Director requires no additional orders from the Court to provide the assistance sought by the City regarding the ongoing audit.

Nonetheless, the Court issues this order to make clear that, in addition to providing the assistance requested by the City, the Compliance Director also has the authority to oversee the implementation of policies and practices to improve the Department’s recruitment, hiring, and early warning system processes. While some necessary changes might not become obvious until after the audit is completed, the Department shall, with the Compliance Director’s assistance and oversight, immediately begin reviewing these processes and implementing reforms to correct what recent events have demonstrated is a flawed system.

IT IS SO ORDERED.

Dated: 06/16/16



THELTON E. HENDERSON
United States District Judge