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19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 DELPHINE ALLEN, et al.,  
 22 Plaintiffs,  
 23 v.  
 24 CITY OF OAKLAND, et al.,  
 25 Defendants.  
 26

Master Case No.: C00-4599 TEH (JL)  
**STIPULATION AND ORDER RE:  
 SECTION V.C.1 (TASK 26) AND V.G.1  
 (TASK 30) OF THE SETTLEMENT  
 AGREEMENT**

[Honorable Thelton E. Henderson]

STIPULATION AND ORDER RE:  
 CHANGES TO LANGUAGE IN SECTION V.C.1 and V.G.1  
 OF THE SETTLEMENT AGREEMENT

C00-4599 TEH (JL)

1 STIPULATION

2 IT IS HEREBY STIPULATED by and between the parties that Section V, C, 1  
3 (Task 26) and Section V, G, 1 (Task 30) are hereby amended as follows to clarify the  
4 types of incidents to be reviewed by the Force Review Board (FRB) and the Executive  
5 Force Review Board (EFRB).

6 Section V, C, 1 (Task 26), "Force Review Board (FRB)," shall read as  
7 follows:

8 OPD shall develop and implement a policy concerning its FRB proceedings. The  
9 policy shall:

10 1. Set out procedures, membership and a timetable for FRB review of use of  
11 force investigations involving Level 2 incidents, as defined in Department General Order  
12 K-4, REPORTING AND INVESTIGATING THE USE OF FORCE;

13 Section V, G, 1 (Task 30), "Executive Force Review Board (EFRB)," shall  
14 read as follows:

15 1. An EFRB shall be convened to review the factual circumstances surrounding  
16 any Level 1 force, in-custody death, or vehicle pursuit-related death incidents. A firearm  
17 discharge at an animal shall be reviewed by the EFRB only at the direction of the Chief of  
18 Police. The Board shall have access to recordings and/or transcripts of interviews of all  
19 personnel on the scene, including witnesses, and shall be empowered to call any OPD  
20 personnel to provide testimony at the hearing.

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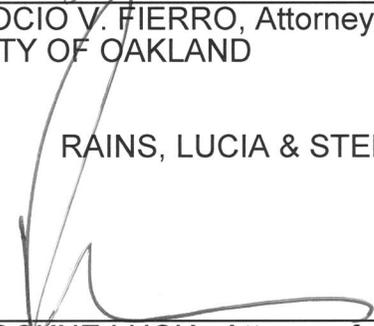
Dated: October 16 September \_\_, 2008

OAKLAND CITY ATTORNEY'S OFFICE

By:   
ROCIO V. FIERRO, Attorneys for Defendant  
CITY OF OAKLAND

Dated: September 23, 2008

RAINS, LUCIA & STERN ,PC

By:   
ROCKNE LUCIA, Attorney for Interveners  
OAKLAND POLICE OFFICERS ASSOCIATION

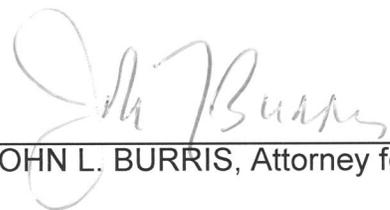
Dated: September 23, 2008

LAW OFFICES OF JAMES B. CHANIN

By:   
JAMES B. CHANIN, Attorney for Plaintiffs

Dated: September \_\_, 2008

LAW OFFICES OF JOHN BURRIS

By:   
JOHN L. BURRIS, Attorney for Plaintiffs

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**ORDER**

**IT IS HEREBY ORDERED** that Section V, C, 1 and Section V, G, 1 of the Settlement Agreement approved by this Court on or about January 22, 2003, are hereby revised and modified, consistent with the terms of the Parties' Stipulation.

IT IS SO ORDERED.

Dated: 10/20/08

