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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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5
6 DELPHINE ALLEN, et al.,
7 Plaintiffs,
8 v.
9 CITY OF OAKLAND, et al.,
10 Defendants.
11

MASTER CASE FILE
NO. C00-4599 TEH
ORDER RE: ACCOUNTABILITY

12 Pursuant to the Court's August 31, 2010 order, Defendants designated Assistant Chief
13 Howard Jordan, Deputy Chief Eric Breshears, and Deputy Chief Jeffrey Israel as persons
14 responsible for particular tasks in the Memorandum of Understanding. The Court entered an
15 order so naming these individuals on September 15, 2010.

16 The Court understands that at least one of these individuals has taken on a different
17 role within the Department and now offers Defendants an opportunity to amend their
18 designations of senior command staff responsible for particular tasks. Defendants may also,
19 but are not required to, name other command-level personnel who will be jointly responsible
20 for implementing specific tasks. Defendants shall file any amendments or additions to their
21 designations of responsible persons on or before **May 2, 2011**. No filing is required if
22 Defendants do not request any changes.

23 Additionally, as part of the joint statement submitted prior to the last status
24 conference, Mayor Jean Quan submitted a letter indicating her commitment to reforming the
25 Department. So that the record is clear as to accountability, Defendants shall submit, by
26 **May 2, 2011**, a description of the line of authority above the Chief of Police. For example,
27 Defendants must identify to whom the Chief reports. If he does not report directly to the
28 Mayor, then Defendants shall identify all intermediate supervisors.

1 Finally, as the Court has explained repeatedly, including at the most recent status
2 conference, all employees of the Department, and not just the Department's senior command
3 staff and their superiors within the City, are subject to Court sanctions if they interfere with
4 or undermine implementation of this Court's orders. The Court shares the hope that such
5 sanctions, including possible contempt proceedings, will not become necessary. However, as
6 the Court has indicated, it stands prepared to take all necessary action to ensure that the
7 reforms it ordered – and to which the parties agreed – are finally implemented. It is well
8 beyond time to move past good intentions and into good practices.

9 If Plaintiffs, Defendants, or Intervenor Oakland Police Officers' Association
10 ("OPOA") believe that this Court's prior orders do not provide a sufficient legal basis to
11 enter sanctions, including contempt findings, against the individuals discussed above, they
12 shall file a brief explaining the deficiencies and proposing language to correct such
13 deficiencies. Similarly, if Defendants or Intervenor OPOA believe that not all individuals are
14 aware of their court-ordered obligation not to interfere with or undermine the reforms at issue
15 in this case, then they shall notify the Court of how and when they will ensure that all
16 individuals are aware of such obligations. Any submissions pursuant to this paragraph shall
17 be filed on or before **May 16, 2011**.

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19 **IT IS SO ORDERED.**

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21 Dated: 04/13/11



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT