

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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5 DELPHINE ALLEN, et al.,
6 Plaintiffs,
7 v.
8 CITY OF OAKLAND, et al.,
9 Defendants.

MASTER CASE FILE
NO. C00-4599 TEH

ORDER RE: OFFICER-
INVOLVED SHOOTINGS AND
OCCUPY OAKLAND
INVESTIGATIONS

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11 The Monitor has recently raised with the Court questions about how Defendants
12 investigate officer-involved shootings, up through and including the proceedings of the
13 Executive Force Review Board and subsequent deliberations by the Chief of Police and the
14 City officials who supervise him. This is of utmost concern, as uses of force and the manner
15 in which they are investigated are among the most serious issues in this case, and
16 officer-involved shootings, many of which result in death, are the most grave possible uses of
17 force. The Court hereby directs the Monitor to identify any systemic problems that exist in
18 the process by which Defendants evaluate such cases, as well as whether unique problems
19 arose in any individual case, and recommend solutions to those problems. This analysis shall
20 be included in the Monitor's next quarterly report. If the Monitor believes it is warranted, he
21 shall also investigate, pursuant to the Court's January 27, 2012 order, whether sanctions are
22 appropriate in any cases of individual misconduct he might uncover.

23 The Monitor's concerns surrounding officer-involved shootings highlight the
24 uncertainty over whether Defendants will, without further intervention by the Court, ever be
25 able to comply with the reforms to which they agreed over nine years ago. They have been
26 unable to do so to date, despite the assistance of two different monitoring teams which they
27 themselves have selected, and multiple changes in the leadership of both the Department and
28 the City. The Court therefore finds it necessary to enter additional orders as to the Occupy

1 Oakland-related investigations that were the subject of the Court's May 1, 2012 order. The
2 Court understands that Defendants complied with that order by timely implementing a plan
3 approved by the Monitor. To ensure that the plan is enforceable by the Court, Defendants
4 shall file, by **June 8, 2012**, their plan for addressing these investigations, along with a
5 proposed order that adopts the plan as an order of the Court. Defendants must identify
6 specific actions that named individuals shall take by certain deadlines or else face contempt
7 or other sanctions from this Court. The Court may also consider monetary sanctions against
8 the City for each day that the deadlines are missed.

9 Of course, the long history of this case demonstrates that Court orders may not be
10 sufficient to ensure compliance. Thus, the Court continues to consider whether receivership
11 proceedings are necessary and, if so, whether the schedule proposed by the parties should be
12 accelerated if progress continues to lag.

13 Finally, the Court understands that, in connection with his approval of the above plan,
14 the Monitor has reviewed the report prepared by the Frazier Group on the Occupy Oakland
15 events of October 25, 2011. The Monitor's next quarterly report shall address any
16 implications of the Frazier report relevant to this case.

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18 **IT IS SO ORDERED.**

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20 Dated: 05/31/12



21 THELTON E. HENDERSON, JUDGE
22 UNITED STATES DISTRICT COURT
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