

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 CLARIFYING
JANUARY 24, 2012 ORDER RE:
THE MONITOR'S AUTHORITY

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11 On January 24, 2012, the Court ordered the Chief of Police to “regularly consult with
12 the Monitor on all major decisions that may impact compliance with the [Negotiated
13 Settlement Agreement].” Jan. 24, 2012 Order at 3. If the Chief declines to act in accord
14 with a recommendation by the Monitor, then the City Administrator and Mayor must make
15 themselves available to discuss the intended action with the Monitor. *Id.* If the City refuses
16 to implement one of the Monitor’s recommendations, then the Court may schedule a hearing
17 at which “the City will bear the burden of persuading the Court that its failure to follow the
18 Monitor’s recommendation will not have a negative impact on the City’s compliance
19 efforts.” *Id.* The Court now clarifies that any hearings regarding recommendations that
20 involve confidential personnel matters will be held under seal. The Court further clarifies
21 that not all matters may require a hearing, particularly if it appears that the City is
22 intentionally rejecting a recommendation of the Monitor for purposes of delay or is
23 otherwise acting in bad faith.

24 In addition, the Monitor may recommend that certain actions be implemented within a
25 short timeframe. The Monitor shall immediately notify the Court if he recommends that
26 Defendants take any action within twenty-four hours or less. If necessary under the
27 circumstances, the Court expects the parties to be available on short notice for any hearing
28 conducted pursuant to the January 24, 2012 order.

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Finally, the Court reminds the parties and their personnel that communications by the Monitor, including the consultations and recommendations discussed above, are confidential. Any unauthorized disclosure shall be subject to sanctions.

IT IS SO ORDERED.

Dated: 06/07/12



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT