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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DELPHINE ALLEN, et al.,  
Plaintiffs,  
v.  
CITY OF OAKLAND, et al.,  
Defendants.

Case No. [00-cv-04599-WHO](#)

**ORDER PLACING CITY OF  
OAKLAND INTO SUSTAINABILITY  
PERIOD**

The Negotiated Settlement Agreement (NSA) the parties executed on January 22, 2003, contemplated that federal court oversight would terminate after the defendants achieved substantial compliance with all of the provisions of the NSA and maintained that compliance for a year. No one expected that it would take more than nineteen years to reach substantial compliance.

The good news is that the defendants have achieved substantial compliance, and that the path here has led to tangible improvements in policing in Oakland and to the promise that a culture that understands and supports constitutional policing is taking root. This would not have occurred without: the leadership of Chief Armstrong and his leadership team, and their willingness to be accountable and take responsibility; the commitment of the mayor and City officials; the expertise of Dr. Jennifer Eberhart and experts from Stanford University; and the determined, wise and dedicated work of the Independent Monitoring Team. And it will not be sustained without: the commitment of the officers of the Oakland Police Department to the goals, principles and methods of constitutional policing; the continued leadership of City officials and command staff at OPD; and, the constructive oversight by the Oakland Police Commission and its Office of Inspector General (OIG), in whom the citizens of Oakland have invested their confidence.

But before federal court oversight is over, the defendants must show that they are

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1 complying with all provisions of the NSA for a year. The procedures outlined below will be in  
2 force for the next year.

3 It is HEREBY ORDERED that:

4 1. The City shall enter the one year-sustainability period as of June 1, 2022.  
5 2. The sustainability period will involve the monitoring of the last remaining and most  
6 critical Negotiated Settlement Agreement Tasks: 2, 5, 20, 24, 25, 26, 30, 31, 34, 41, and 45.

7 3. During this one-year period, the assessment of the Department's compliance with  
8 the relevant Tasks shall be the principal responsibility of the Monitor/Compliance Director and  
9 two members of the Monitoring Team. The remainder of the Monitoring Team will have  
10 intermittent roles as circumstances warrant. These activities shall include, but not be limited to,  
11 observing Force Review Boards and Executive Force Review Boards, reviewing certain reports,  
12 and participating in site visits.

13 4. To help OPD build capacity and support sustaining NSA compliance, the  
14 Monitor/Compliance Director will, after consulting with the Chief of Police, designate an  
15 individual to be assigned to OPD's Office of Internal Accountability (formerly the Office of  
16 Inspector General) to serve as the Department's NSA sustainability liaison. This person will be  
17 appended to the Monitoring Team to help the Monitor/Compliance Director prepare reports  
18 relevant to those NSA Tasks that are to be monitored during the sustainability period.

19 5. The Monitoring Team will undertake its monitoring duties on a reduced schedule.  
20 Currently, the Monitoring Team conducts site visits and issues status reports on a monthly basis.  
21 During the sustainability period, and to support the Department's self-governance, the Monitoring  
22 Team will conduct site visits and issue our reports on a quarterly basis.

23 6. At the beginning of the sustainability period, the Monitoring Team will meet with  
24 OIA staff to explain the methodology the Monitoring Team will be using during the sustainability  
25 period and the role the Monitoring Team expects OIA to play.

26 7. The one-year sustainability period will include three site visits and four reports.  
27 The site visits will occur in August 2022; November 2022; and February 2023. The sustainability  
28 reports will be issued in September 2022, covering May/June/July; in December 2022, covering

1 August/September/October; in March 2023, covering November/December/January; and a final  
2 report in May 2023, covering February/March/April.

3 8. In addition to the Task assessments, the Monitoring Team will continue the  
4 following activities:

- 5 • Maintain regular contact with the Chief and other Department officials to discuss  
6 Department updates, personnel issues, high-profile cases, critical incidents, and other  
7 matters.
- 8 • Review and comment upon NSA-related Department policies.
- 9 • Review OIA’s audit reports and provide feedback.
- 10 • Observe FRBs and EFRBs.
- 11 • Observe and provide technical assistance on Risk Management Meetings.
- 12 • Engage in other activities, as the Monitor/Compliance Director deems necessary.

13 9. At the start of the sustainability period, there may be some outstanding projects for  
14 the Department to complete – including, for example, its follow-up work on the disparity in  
15 discipline study. In addition, the Department currently has some crucial pending policies –  
16 including, but not limited to those recommended by the Court-appointed independent investigator  
17 of the “Instagram case.” The Monitoring Team will oversee their completion.

18 10. Absent extraordinary circumstances, the Monitor/Compliance Director need not  
19 assess compliance with Tasks other than those listed above.

20 11. The Police Commission, which has authority over the Oakland Police Department,  
21 may choose to establish its own assessment protocols for these Tasks during the sustainability  
22 year. To the extent it would be helpful, the Monitor/Compliance Director is authorized to share  
23 with the Commission’s Inspector General any methodologies or tools that have been used during  
24 the sustainability period.

25 12. During the sustainability period, Plaintiffs’ attorneys will continue their  
26 participation in this process.

27 13. If OPD does not fully comply with the NSA and remain in full compliance during  
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1 the sustainability period, the Court's oversight will continue.

2 **IT IS SO ORDERED.**

3 Dated: May 12, 2022

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William H. Orrick  
United States District Judge

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United States District Court  
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