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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12
 13 **DERRICK CLARK, et al.,**

14 Plaintiffs,

15 v.

16 **STATE OF CALIFORNIA, et al.,**

17 Defendants.

C 96-1486 CRB

STIPULATION REGARDING JOINT INTERVIEWS CONDUCTED BY THE PARTIES AS PART OF THE JOINT MONITORING AND/OR AUDITING PROCESS; ORDER

Judge The Honorable Charles R. Breyer
 Action Filed: April 22, 1996

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 20 The parties stipulate that:

21 1. On September 16, 2010, this Court issued its Findings of Fact and Conclusions of Law
 22 denying Defendants' Motion to Terminate the Settlement Agreement. (Doc. 500.)

23 2. Since that date, the parties have agreed to conduct joint monitoring of the CDCR's
 24 adherence with the Developmental Disability Program. Additionally, the parties are working
 25 together to finalize an auditing tool to further improve the auditing process. An important
 26 element of joint monitoring and/or auditing is joint interviews of class members. The perspective
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1 of class members is one of several methods that allow the parties to evaluate CDCR's adherence
2 with the Developmental Disability Program.

3 3. To effectively monitor and/or audit CDCR's adherence with the Developmental
4 Disability Program, the parties must gather sufficient information to provide operational oversight
5 and management of the program. This process includes class member interviews, as well as
6 gathering information through review of written materials and staff interviews.

7 4. The parties agree that any comments or statements made by a class member in an
8 interview conducted for the purpose of joint monitoring and/or audits shall not be admissible as
9 evidence by either party, unless agreed to by both parties. The parties further agree that the final
10 joint monitoring reports that rely in part on the findings derived from the statements of class
11 members in the interviews are admissible as evidence.

12 5. Nothing in this agreement prohibits CDCR staff from interacting with inmates in the
13 Developmental Disability Program, documenting that interaction, and/or using information
14 exchanged in the normal course and scope of work to ensure adherence with the Developmental
15 Disability Program.

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17 Dated:

//s// Sara Norman
Sara Norman, Esq.
Prison Law Office
Counsel for Plaintiffs

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21 Dated: _____

//s// Danielle F. O'Bannon
Danielle F. O'Bannon
California Attorney General's Office
Counsel for Defendants

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24 Per the parties' stipulation, IT IS SO ORDERED.

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26 Dated: July 16, 2014

