

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SAN BERNARDINO  
AND RECORD OF ACTION**

**May 18, 2021**

**FROM**

**JOHN McMAHON, Sheriff/Coroner/Public Administrator**

**SUBJECT**

Approve Participation and Hold Harmless Agreements with the California Department of Corrections and Rehabilitation, Division of Adult Parole Operations

**RECOMMENDATION(S)**

1. Approve and authorize the submission of a non-financial Agency Participation Agreement **County Contract No. 21-381** with the California Department of Corrections and Rehabilitation, Division of Adult Parole Operation for participation in the Parole Law Enforcement Automated Data System.
2. Approve and authorize the submission of a Participating Agency Hold Harmless Agreement with the California Department of Corrections and Rehabilitation, Division of Adult Parole Operation required for participation in the Parole Law Enforcement Automated Data System.
3. Approve the indefinite duration of the non-financial Agency Participation Agreement and Participating Agency Hold Harmless Agreement with the California Department of Corrections and Rehabilitation, Division of Adult Parole Operation for participation in the Parole Law Enforcement Automated Data System, as an exception to the Standard County contract term of five years established in County Policy 11-06 SP 1.
4. Authorize the Sheriff/Coroner/Public Administrator to execute and file the Agency Participation Agreement and related Participating Agency Hold Harmless Agreement, and any non-substantive amendments, subject to review by County Counsel, as required by the California Department of Corrections and Rehabilitation, Division of Adult Parole Operation for participation in the Parole Law Enforcement Automated Data System.
5. Direct the Sheriff/Coroner/Public Administrator to execute and transmit all documents in relation to this Agreement to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: John Ades, Captain, 387-0640)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**Pursue County Goals and Objectives by Working with Other Agencies.**

**FINANCIAL IMPACT**

The recommended Agreements are non-financial in nature and will not result in the use of Discretionary General Funding (Net County Cost).

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**BACKGROUND INFORMATION**

The recommended Agreements provide for the continued cooperation between the Sheriff/Coroner/Public Administrator (Department) and the California Department of Corrections and Rehabilitation (CDCR), Division of Adult Parole Operations (DAPO). CDCR's DAPO provides controlled and secure access to adult parolee information to local law enforcement agencies through its Parole Law Enforcement Automated Data System (Parole LEADS). The Agency Participation Agreement establishes the operating policies and procedures to share and use the statistical or summary data obtained through Parole LEADS as intended for crime analysis and other law enforcement use only.

Approval of Recommendations No. 1 and No. 2 will allow for the Department to continue receiving available information from Parole LEADS. The recommended Agreements provided by the CDCR contain terms and conditions that differ from the standard County Contract, and include the following:

1. Indemnification
  - Non-Standard term: The CDCR agreements have no indemnity to the County but require the County to indemnify both the State of California and CDCR, and their officers, agents and employees.
  - Potential Impact: The County may be liable for any potential harm or loss suffered by the State of California, CDCR, firm or corporation, subcontractor, or employees as a result for the use of the information obtained from Parole LEADS.
  - Justification: While the County standard contract requires the Contractor to indemnify the County, in this situation the Department obtains critical information through the LEADS system that would outweigh the risk associated with utilizing the system.
2. Waiver of Subrogation
  - Non-standard term: While the County standard contract requires a waiver of subrogation, the CDCR agreements do not include waivers of subrogation.
  - Potential Impact: The County could be liable for potential damages sought by the CDCR, firm, corporation, subcontractor, or employee as a result for the use of the information obtained from Parole LEADS.
  - Justification: The benefit from accessing this information outweighs any risk from not waiving subrogation, which appears to be minimal.

While these are notable exceptions to the County's standard contract language, the Department recommends approval of these Agreements to pursue the County goals and objectives by accessing the LEADS information for the safety, health, and social needs of the County's residents; as well as by working with other agencies. County Counsel and Risk Management have reviewed CDCR's agreements and have provided their input based on the minimal risk to the County.

The agreements will be effective upon execution by the Department; however, the documents do not include a termination date. The indefinite duration of the agreements exceeds the

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County's standard contract term of five years, per County Policy 11-06, Standard Practice 1 (SP 1). Approval of Recommendation No. 3 will provide an exception to County Policy 11-06 SP 1.

Signing and filling the agreements for the Parole LEADS is an on-line process to be completed by the "Chief Law Enforcement Official" of the agency requesting participation into the system. Approval of Recommendation No. 4 will allow the Sheriff/Coroner/Public Administrator to execute and submit the agreements in compliance with CDCR's policy.

**PROCUREMENT**

Not Applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Richard D. Luczak, Deputy County Counsel, 387-5455) on April 19, 2021; Risk Management Department (LeAnna Williams, Director, 386-8621) on April 20, 2021; Finance (Carolina Mendoza, Administrative Analyst, 387-0294) on April 26, 2021; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-5423) on April 27, 2021.

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Record of Action of the Board of Supervisors  
County of San Bernardino

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Janice Rutherford  
Ayes: Col. Paul Cook (Ret.), Janice Rutherford, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 18, 2021



cc: Sheriff - Ades w/agree for sign  
Contractor - C/O Sheriff w/agree  
File - w/agree  
CCM 05/25/2021