

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

May 21, 2024

**FROM**

**JASON ANDERSON, District Attorney**

**SUBJECT**

Amendment to Contract with Sicuro Data Analytics, LLC for Data Preparation and Analysis

**RECOMMENDATION(S)**

1. Approve **Amendment No. 2 to Contract No. 24-389** (4400019419) with Sicuro Data Analytics, LLC to continue to prepare data and apply specialized statistical analyses necessary for compliance with the Racial Justice Act, increasing the total by \$575,000, from \$375,000 to an amount not to exceed \$950,000, with no change to the term of January 3, 2022, through January 2, 2027.
2. Authorize the Purchasing Agent to issue change orders up to an aggregate total of \$10,000, revise non-financial/non-material terms, and approve and execute corresponding non-substantive amendments to Contract No. 4400019419, subject to County Counsel review.
3. Direct the District Attorney to transmit any subsequent non-substantive amendments to Contract No. 4400019419 to the Clerk of the Board of Supervisors within 30 days of execution.

(Presenter: Robert Brown, Assistant District Attorney, 382-7747)

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

**Operate in a Fiscally-Responsible and Business-Like Manner.**

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

**FINANCIAL IMPACT**

Approval of this item will not result in the use of additional Discretionary General Funding (Net County Cost). The District Attorney's Office (Department) has expended \$369,333 and estimates an additional cost of \$575,000 to continue data preparation and analysis through the end of the contract on January 2, 2027. Amendment No. 2 will increase the contract amount by \$575,000, for a total contract amount of \$950,000. Sufficient appropriation has been included in the Department's 2023-24 budget and will be included in future recommended budgets.

**BACKGROUND INFORMATION**

The Department is the public prosecutor mandated to prosecute crimes committed within San Bernardino County (County) under Government Code 26500. Over the last several years, measures of fairness and equity in the criminal justice system have received additional scrutiny. In 2020, the California Legislature enacted Assembly Bill (AB) 2542 that Governor Newsom signed into law on September 30, 2020. It was subsequently amended by AB 256 and signed by Governor Newsom on September 29, 2022. As a result of AB 2542 and AB 256, the California Racial Justice Act is codified as Penal Code Section 745, which prohibits prosecutors from

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seeking or obtaining a criminal conviction or imposing a sentence based on race, ethnicity, or national origin.

The Racial Justice Act allows and requires data evaluation to determine if there is a disparity in the charging, settling, and disposition of cases based on race, ethnicity, or national origin. To demonstrate compliance, district attorneys throughout California must collect and compile relevant data and analyze it using appropriate statistical tools. The Racial Justice Act initially applied to any judgments entered after January 2, 2021. With the passage of AB 256 in 2022, the Racial Justice Act now applies to all sentences, including those imposed before January 2, 2021. Furthermore, Penal Code section 741 requires the adoption of a method referred to as “Race-Blind Charging” by January 1, 2025. This method means cases are reviewed to make a preliminary filing decision without knowing details to infer race, ethnicity, or national origin. Penal Code section 741 allows some exceptions for certain crimes.

A number of California counties have contracted with Sicuro Data Analytics LLC (Sicuro) for expert services to prepare their case data and perform statistical analysis to determine compliance with the Racial Justice Act. On May 6, 2022, the Purchasing Department (Purchasing) initially approved Contract No. 4400019419 (Contract) with Sicuro for data preparation and analysis services in the amount of \$180,000 for a term of January 3, 2022 through January 2, 2027. The Department also contracted with Sicuro due to the Department’s lack of resources and/or training to prepare case data and conduct specialized statistical analysis while maintaining daily operations. As the Department needs to be able to respond in a timely manner to defendant petitions to the Superior Court of racial bias, it was necessary to contract with a vendor who specializes in criminal justice data analysis. It is common that prior to conducting statistical analyses, the data must be prepared to be consistent and uniform to obtain meaningful results that can be interpreted. Sicuro developed methods and procedures to prepare the Department’s case data for various statistical analyses to demonstrate compliance with AB 256. Sicuro also developed a process to retrieve case disposition data from the Superior Court to be uploaded into the Department’s Case Management System (STAR:TNG).

On May 4, 2023, the State of California (State) notified the Department of an upcoming audit of the impact of Proposition 47 on Riverside and San Bernardino Counties. Proposition 47 reduces felonies to misdemeanors for specified low-level drug and property crimes. The State planned to conduct this audit on behalf of the California Joint Legislative Audit Committee and requested data by the end of May 2023. On May 19, 2023, Purchasing approved Amendment No. 1, increasing the Contract by \$195,000, from \$180,000 to \$375,000, for the preparation of case data and reports for the Department in response to the audit required by the California Joint Legislative Audit Committee, and adding the analysis of Proposition 47 to the Contract scope of work. In February 2024, the State notified the Department that the audit would be placed on hold until further notice. The State has not provided further notification to the Department.

The Department is nearing expenditure of the total amount authorized under the Contract and requests approval of Amendment No. 2 for an additional increase. This increase will allow Sicuro to continue data preparation and analysis of new cases as well as older cases with petitions for resentencing. Approval of Amendment No. 2 will ensure provision of data to the Department necessary to continue evaluating its compliance with the requirements of the Racial Justice Act and assist with decision-making to ensure continued compliance. Sicuro’s data preparation and analysis will provide needed data to evaluate the effectiveness of the Department’s procedures.

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**PROCUREMENT**

County Policy 11-04 requires Board of Supervisors approval for procurement of services that exceed \$200,000 in a single annual period. The Department anticipates exceeding the \$200,000 threshold in 2023-24 and requests approval of Amendment No. 2 to the Contract with Sicuro.

Purchasing concurs with the continued non-competitive procurement of services from Sicuro based on the justification of specialized credentials. Sicuro has the expertise in data analysis and an understanding of the criminal justice process within San Bernardino County necessary to assist the Department in its efforts to comply with the Racial Justice Act. Sicuro has already spent a significant amount of time learning departmental operation and preparing case data for statistical analyses and reports.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Richard Luczak, Deputy County Counsel, 387-5455) on April 23, 2024; Purchasing (Jessica Barajas, Supervising Buyer, 387-2065) on April 23, 2024; Finance (Kathleen Gonzalez, Administrative Analyst, 387-5412) on May 2, 2024; and County Finance and Administration (Robert Saldana, Deputy Executive Officer, 387-5423) on May 7, 2024.

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Record of Action of the Board of Supervisors  
San Bernardino County

**APPROVED (CONSENT CALENDAR)**

Moved: Curt Hagman   Seconded: Joe Baca, Jr.  
Ayes: Col. Paul Cook (Ret.), Dawn Rowe, Curt Hagman, Joe Baca, Jr.  
Absent: Jesse Armendarez

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: May 21, 2024



cc: DA -Walker w/agree  
Contractor - c/o DA w/agree  
File - w/agree  
CCM 05/22/2024