



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2018 MAY 31 PM 5:17

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne E. Kirkpatrick  
Chief of Police

**SUBJECT:** Parole Data System Use Agreements

**DATE:** April 24, 2018

City Administrator Approval

Date:

5/31/18

## RECOMMENDATION

**Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator, Or Designee, To Enter Into An Agency Participation Agreement And Hold Harmless Agreement With The California Department Of Corrections And Rehabilitation (CDCR) For Use Of The Parole Law Enforcement Automated Data System (LEADS) 2.0 Computer Application.**

## EXECUTIVE SUMMARY

This resolution will allow the Oakland Police Department (OPD) to enter into an Agency Participation Agreement and Hold Harmless Agreement with CDCR to use the Parole LEADS 2.0 Computer Application, which provides detailed information concerning parolees and conditions of their parole. OPD needs access to this detailed information to determine if someone contacted during police operations is subject to restricted parole conditions. OPD has used the older version of Parole LEADS for approximately twenty years; CDCR is requiring that OPD sign the Agency Participation Agreement and Hold Harmless Agreement to access Parole LEADS 2.0.

## BACKGROUND / LEGISLATIVE HISTORY

Parole supervision involves an additional sentence of up to three years of local supervision for prisoners released from a California correctional facility. Individuals on parole are supervised by CDCR parole agents, and are subject to specified conditions, such as the search of their home or person. The CDCR Division of Adult Parole Operations (DAPO) is responsible for protecting the public while providing individuals on parole with opportunities for change and community reintegration.

California Penal Code Section 3067(b)(3) provides that inmates paroled from a correctional facility are subject to search or seizure by a parole officer or other peace officer at any time of the day or night, with or without a search warrant and with or without cause.

Item: \_\_\_\_\_  
Public Safety Committee  
June 12, 2018

LEADS is an internet web-based computer application which provides local law enforcement agencies (LEAs) with photos and information about individuals on parole who are supervised by the CDCR Division of Adult Parole Operations (DAPO). OPD has relied on the older Parole LEADS system for approximately 20 years. This new Parole LEADS 2.0 system is a modernized web-based system that is automatically updated every 15 minutes to provide local law enforcement real-time, detailed information about parolees in their communities.

### **ANALYSIS AND POLICY ALTERNATIVES**

The new search functions allow partner LEAs to find needed information about the status of parolees. Parole LEADS provides the following types of information to LEAs:

- Names and aliases;
- Physical descriptions;
- Residential location;
- Photographs (of more than 109,000 active parolees)
- Known vehicles;
- Google Earth integration for location finding;
- Commitment offenses (which led to original incarceration); and
- Parole registration requirements and any special conditions such as: 1) Non-Revocable Parole (NRP) status (parolees not under supervision who were not originally committed to prison for serious offenses)<sup>1</sup>; or 2) PC 290 (sex offender) registration, potential victim contact information.<sup>2</sup>

Parole LEADS provides useful information to all staff tasked with investigating crime. For example, patrol officers who are the first responders to robbery victims can run queries in LEADS based on information provided by victims. If a victim provides descriptive information, such as a tattoo and/or vehicle, an officer can use this information to look for leads. Investigators can leverage initial information based on other intelligence to further query LEADS for data that can lead to more successful investigations.

### ***Agency Participation and Hold Harmless Agreements***

All OPD employees must first register with LEADS and be allowed to gain access by CDCR. Once access is authorized, everyone must first log on with his or her specific information. This way, searches can be tracked. OPD plans to access this system to review data; OPD will not import LEADS data to OPD, nor input any data into LEADS.

CDCR requires that OPD sign a form Agency Participation Agreement as well as a Hold Harmless Agreement to access Parole LEADS. The DAPO Offender Information in LEADS is

---

<sup>1</sup> [https://www.cdcr.ca.gov/parole/Non\\_Revocable\\_Parole/index.html](https://www.cdcr.ca.gov/parole/Non_Revocable_Parole/index.html)

<sup>2</sup> California Penal Code Section 290 (the "Sex Offender Registration Act") requires sex offenders to register with the chief of police of the city in which they are residing.

considered Criminal Offender Record Information (CORI). Releasing or copying CORI to non-authorized persons is a misdemeanor pursuant to California Penal Code Sections 13302 through 13304. This information is furnished by DAPO is for official law enforcement purposes only. The Agency Participation Agreement stipulates that OPD personnel who will access must have both a need to know and a right to know. The agreement stipulates that LEADS will only be accessed from authorized OPD computer workstations at the local law enforcement agency's place of business. User account maintenance will be the responsibility of OPD.

The Hold Harmless Agreement stipulates that the State of California and CDCR, and all officers and employees thereof connected to its use, shall not be answerable or accountable in any manner for:

- Any loss or damage that may happen as a result of the use of information from Parole LEADS or for injury to or death of any person including employees of the user agency and the public
- Damage to property from any cause which might have been prevented by the user agency, or anyone employed by or under contract with the user agency

The Hold Harmless Agreement specifies that OPD, as a user of LEADS, shall hold harmless the State of California, the CDCR, and all officers and employees thereof connected with Parole LEADS, from all claims, suits or actions of every name, kind, and description, brought forth, or on account of, injuries to or death of any person including but not limited to employees of the user agency and the public, or damage to property as a result of use of information from Parole LEADS or except as otherwise provided by statute.

However, OPD shall not be responsible for liability, injuries, death, damages or indemnification to the State caused by the sole negligence of the State or its agents.

OPD believes that the risk associated with signing the Hold Harmless Agreement is low as many LEAs, including OPD, have used an older version of LEADS for over twenty years without any legal issues. To OPD's knowledge, the City has never received a legal claim or challenge based on its use of the Parole LEADS system. Staff accordingly recommends accepting the requirement to sign the Hold Harmless Agreement.

### **FISCAL IMPACT**

Signing the Agency Participation Agreement and Hold Harmless Agreement shall not affect normal OPD operations or cause additional fiscal impacts.

**PUBLIC OUTREACH / INTEREST**

No public outreach was required in connection with this report and City Council Resolution.

**COORDINATION**

The Office of the City Attorney reviewed this report, the accompanying resolution and the associated Agency Participation and Hold Harmless Agreements.

**SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no economic development opportunities associated with this report and resolution.

***Environmental:*** There are no environmental development opportunities associated with this report and resolution.

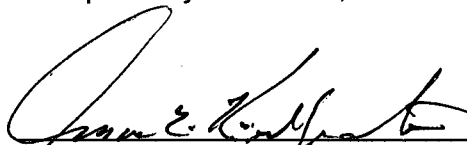
***Social Equity:*** These agreements will lead to more focused investigations and oversight of individuals restricted by parole regulations. Access to LEADs data will help OPD personnel to maintain accountability of parolees living in or visiting the Oakland community. This oversight is meant to help individuals in the parole and probation systems to comply with their supervision restrictions and minimize the likelihood they will commit a new offense while they reintegrate into the community. All residents and visitors benefit from greater public safety provided by this accountability system.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Approve A Resolution Authorizing The City Administrator, Or Designee, To Enter Into An Agency Participation Agreement And Hold Harmless Agreement With The California Department Of Corrections And Rehabilitation (CDCR) For Use Of The Parole Leads 2.0 Computer Application.

For questions regarding this report, please contact Captain Roland Holmgren, OPD Criminal Investigations Division, at (510) 238-4486.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
Darren Allison, Deputy Chief  
OPD, Police Area One

Roland Holmgren, Captain of Police  
OPD, Criminal Investigations Division

Serge Babka, Sergeant of Police  
OPD, Office of the Chief of Police

Timothy Birch, Police Services Manager I  
OPD, Training Division, Research and Planning

Prepared by:  
Bruce Stoffmacher, Legislation Manager  
OPD, Training Division, Research and Planning

2018 MAY 31 PM 5: 17

Approved as to Form and Legality

  
City Attorney's Office

**OAKLAND CITY COUNCIL**  
**RESOLUTION NO. \_\_\_\_\_ C.M.S.**

---

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR, OR DESIGNEE, TO ENTER INTO AN AGENCY PARTICIPATION AGREEMENT AND HOLD HARMLESS AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) FOR USE OF THE PAROLE LEADS 2.0 COMPUTER APPLICATION**

**WHEREAS**, the Parole Law Enforcement Automated Data System (LEADS) is an application which provides local law enforcement agencies (LEAs) with photos and information about parolees supervised by the CDCR Division of Adult Parole Operations (DAPO); and

**WHEREAS**, OPD has used and relied on information from the Parole LEADS system for approximately 20 years; and

**WHEREAS**, the CDCR has created a modernized web-based system, Parole LEADS 2.0, that is updated every 15 minutes to provide LEAs with real-time, detailed information about parolees, including names, addresses, photographs and parole status;

**WHEREAS**, OPD plans to access the LEADS system to review data; OPD will not import LEADS data to OPD databases, nor input any data into LEADS, and OPD will only access the LEADS system to access parolee records; and

**WHEREAS**, the CDCR requires that OPD sign an Agency Participation Agreement and a Hold Harmless Agreement to access Parole LEADS 2.0; and

**WHEREAS**, the Agency Participation Agreement will stipulate that Parole LEADS Criminal Offender Record Information (CORI) data will be accessed exclusively from OPD authorized computers; and

**WHEREAS**, the Hold Harmless Agreement provides that the State of California and CDCR, and all officers and employees thereof connected to its use, shall not be

answerable or accountable in any manner for any loss or damage that may happen as a result of OPD's use of information from Parole LEADS, and that OPD shall hold harmless the State of California and the CDCR from all claims, suits or actions as a result of OPD's use of Parole LEADS; and

**WHEREAS**, the Hold Harmless Agreement specifies that OPD shall not be responsible for liability, injuries, death, damages or indemnification to the State caused by the sole negligence of the State or its agents; and

**WHEREAS**, City staff believes that the risk of signing the Hold Harmless Agreement is low as many LEAs, including OPD, have used Parole LEADS for over twenty years without any legal challenges, and OPD is unaware of any legal claim or challenge ever filed against the City based on OPD's use of Parole LEADS; and

**WHEREAS**, Article V, Section 504(l) of the Oakland City Charter requires that the City Council approve all intergovernmental relationships and contracts; now, therefore be it

**RESOLVED**: That the City Administrator or designee is authorized to enter into an Agency Participation Agreement and Hold Harmless Agreement with CDCR related to OPD access of Parole LEADS; and be it

**FURTHER RESOLVED**: That the City Administrator or designee is authorized to complete all required negotiations, certifications, assurances, and documentation required to execute, modify, extend and/or amend the agreements necessary for OPD's use of the current and future versions of Parole LEADS without returning to the City Council; and be it

**FURTHER RESOLVED:** That in accordance with Article IV, Section 401(6) of the City Charter, the agreements authorized by this resolution shall be approved by the City Attorney's Office as to form and legality before execution, and a copy of the fully executed agreements shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY,  
GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California