

2010 MAY 31 PM 5:17

Approved as to Form and Legality

  
City Attorney's Office

**OAKLAND CITY COUNCIL**  
**RESOLUTION NO. 87316 C.M.S.**

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**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.

JUL 24 2018

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

PASSED BY THE FOLLOWING VOTE:

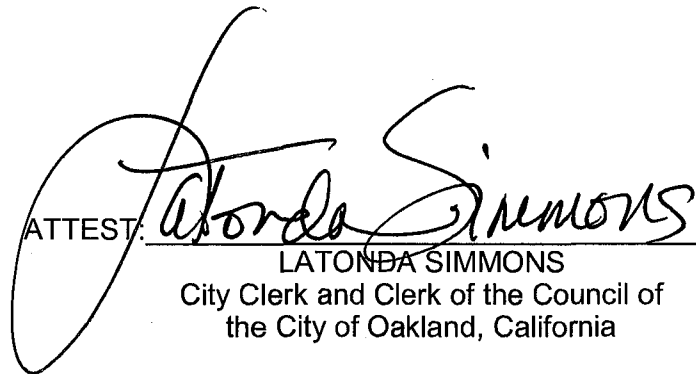
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLÉN, KALB, KAPLAN, AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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