



Board Agenda Item 42

DATE: March 28, 2023

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer

SUBJECT: Data Use Agreement with The Regents of the University of California

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute a Data Use Agreement with The Regents of the University of California, acting on behalf of the California Policy Lab at its UCLA and UC Berkeley campuses to provide data for project research to better understand the characteristics of the criminal justice population and how they change over time, as well as to improve the targeting and efficacy of interventions designed to improve outcomes, effective March 28, 2023, not to exceed five consecutive years, which includes a three-year base contract and two optional one-year extensions (\$0); and**
- 2. Approve and authorize the Chief Probation Officer to execute each Research Project Description, subject to County Counsel review and approval as to legal form.**

There is no Net County Cost associated with the recommended actions, which will allow Probation to share and provide County of Fresno data without delay to the California Policy Lab (CPL) for project research. In 2020, the Governor signed Assembly Bill 1950 (AB1950) to reduce the numbers of inmates in jail for probation violations. The CPL is conducting research to evaluate the impacts of AB1950 on probation departments and the criminal justice outcomes of individuals under probation supervision. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the Department will not be able to provide data and assist the CPL to better understand the characteristics of the criminal justice population and how they change over time, as well as to improve the targeting and efficacy of interventions designed to improve outcomes.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions.

DISCUSSION:

Assembly Bill 1950 (AB1950) was approved by California Governor Gavin Newsom on September 30, 2020, effective January 1, 2021. AB1950's goal is to reduce the number of inmates in jail for probation violations. The reforms cap or limit the duration probationers can serve, reducing the government's spending on managing and housing inmates.

The CPL is conducting research to evaluate the impacts of AB1950 on probation departments and the criminal justice outcomes of individuals under probation supervision.

The County, which operates through certain departments as a public criminal justice agency committed to the public good, which desires to better understand the characteristics of the criminal justice population and how they change over time, as well as to improve the targeting and efficacy of interventions designed to improve outcomes.

The recommended agreement sets out terms and conditions regarding the provision of data by the County to the CPL for research. No Data shall be provided by Data Owner to CPL until the execution of a "Research Project Description." Each Research Project Description describes the Data to be provided by the County to CPL and the research for which that Data shall be used. Research planned by CPL that involves generalizable research on human subjects shall be submitted in advance to an Institutional Review Board ("IRB") for IRB review and approval, if applicable to the research.

It should be noted, the recommended agreement has terms regarding CPL may provide access to Data to faculty, employee, research staff, and affiliated graduate student at other University of California campuses and/or "Third Party" or "Third Parties" with the permission of the Data Owner.

The recommended agreement contains a mutual indemnification clause, which is common in agreements with other public agencies. It also contains a limitation on liability, which provides that, with the exception of the indemnification provisions of the agreement, neither party shall be liable to the other party for any damages arising from breach of the agreement, negligence, strict liability, or other tort, or any other cause. The Department has conferred with Risk Management and believes that the benefits of entering into the recommended agreement outweighs any risks associated with these nonstandard provisions.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Data Use Agreement

CAO ANALYST:

Samantha Buck