BOARD OF SUPERVISORS
AGENDA LETTER

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:

Department Name:	District Attorney
Department No.:	021
For Agenda Of:	December 6, 2022
Placement:	Administrative
Estimated Time:	
Continued Item:	No
If Yes, date from:	
Vote Required:	4/5

TO: Board of Supervisors

FROM: Department Director Joyce E. Dudley, District Attorney (805-568-2308)

Contact Info: Michael Soderman, Chief Financial & Administrative Officer (805-568-2303)

SUBJECT: **Approval of Agreement with Sicuro Data Analytics, LLC.**

County Counsel Concurrence	**Auditor-Controller Concurrence**
As to form: Yes	As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

a) Approve, ratify, and authorize the Chair to execute an Agreement with Sicuro Data Analytics, LLC for Racial Justice Act analysis, development of an internal data dashboard, and data analytics for the period of December 1, 2022 through December 31, 2024, subject to available funding and annual appropriations, for a total contract amount not to exceed $510,000;

b) Approve Budget Revision Request No. 0008637 (4/5 vote required); and

c) Determine that the above recommended actions are not the approval of a project that is subject to environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15378(b)(4), finding that the project is a creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

Summary Text:

The District Attorney's Office has an immediate need to make aggregate data reasonably accessible for discovery in response to Penal Code §745 (Racial Justice Act) motions. The District Attorney's Office is requesting that the Board of Supervisors approve and authorize the Chair to execute an Agreement with Sicuro Data Analytics, LLC, for Racial Justice Act analysis, development of an internal data dashboard, and data analytics in an amount not to exceed $510,000.00. The term of the Agreement begins on December 1, 2022 and ends on December 31, 2024. This Agreement will be fully-funded with federal American Rescue Plan Act (ARPA) funds.

Following Board approval, Sicuro Data Analytics will begin extracting and analyzing case data from the Santa Barbara County District Attorney's Office (SBDA) existing case management system (CMS). Access to this type of data and analysis will enable SBDA to produce data and statistical analyses to examine equitable and fair treatment in prosecutorial decision-making processes. By the end of this project, Sicuro will have developed a data asset that can be leveraged to improve management decision-making within the District Attorney's Office through an internal data dashboard, which will employ detailed analytics that Sicuro will produce through presentations to and feedback from management in the District Attorney's Office.

Background:

In recent years, the measure of fairness and equity within the California criminal justice system has changed from qualitative evaluations of individual cases to an assessment focused heavily on quantitative analysis and aggregate statistics. Groups working to reform the criminal justice system frequently rely on targeted statistics to support certain conclusions about the administration of justice. However, raw statistics can be misleading. Even the most well-intentioned evaluations can be inaccurate if they are only based on a subset of available data.

It is against this backdrop that Assembly Bill 2542 (2020), or the Racial Justice Act (now codified as Penal Code § 745), was enacted. PC § 745 provides remedies to defendants who allege disparate treatment based on race, ethnicity, or national origin. To establish disparate treatment, petitioners look to "statistical evidence or aggregate data [that] demonstrate a significant difference in seeking or obtaining convictions or in imposing sentences comparing individuals who have committed similar offenses and are similarly situated, and the prosecution cannot establish race-neutral reasons for the disparity." (PC § 745, subd. (h)(1).)

As a result, it is incumbent upon prosecutors to ensure that the data relied upon in this process compares "similar offenses" and individuals who are "similarly situated". These critical components are typically the most difficult for District Attorney's offices to measure, as these categories have the potential to produce considerable ambiguity in discerning appropriate comparisons between defendants and cases.

Obtaining and analyzing appropriate data is remarkably difficult and time-consuming. For this reason, many District Attorney's offices have begun working with groups that have significant and specialized experience in conducting complicated empirical analyses of raw computer data. These niche businesses have come to recognize that accurate data mining requires identifying "otherwise similar" defendants, and then conducting a comparison of prosecutor choices for these individuals.

To fairly, objectively, and comprehensively analyze our historical data, the Santa Barbara County District Attorney's Office believes that the best option is to contract with Sicuro Data Analytics. Sicuro Data Analytics is comprised of a team of experts that specialize in complex data retrieval and analysis in

numerous professional capacities. Their clients include several other District Attorney's offices in the State of California. Since the passage of Penal Code § 745, Sicuro Data Analytics began working with several District Attorney's offices in California to assist in the complex analysis that is needed to ensure prosecutorial fairness.

Sicuro Data Analytics is led by Dr. Greg DeAngelo. Dr. DeAngelo is President of Sicuro Data Analytics, an Associate Professor of Economic Sciences at Claremont Graduate University, and the Director of the Computational Justice Lab. His research focuses on legal institutions, and he works closely with public sector agencies to address pressing issues facing criminal justice agencies. His work aims to provide fair and unbiased analyses of policies and practices within criminal justice agencies and criminal justice actors by incorporating tools from computer and social sciences. Sicuro Data Analytics is uniquely qualified as this work is in response to a new/emerging need resulting from the passage of the Racial Justice Act, and therefore this work qualifies as a non-competitive purchase.

Extracting and analyzing case data from the Santa Barbara County District Attorney's Office will be an enormous and laborious task. Case data is currently comprised of information migrated to PowerBI from our aging case management system. We anticipate that this process will be a massive undertaking. As such, it is beyond the current capabilities and capacity of District Attorney and County staff. Through their work with other offices including the Riverside, San Bernardino, Placer, and Stanislaus District Attorney's Offices, Sicuro Data Analytics has identified and addressed many of the complications that are involved in extracting and analyzing data from case management systems, learning different office processes and systems, and quantifying missing or corrupted data.

Access to this type of data and analysis will enable the Santa Barbara County District Attorney's Office to produce data and statistical analysis to prove equitable and fair treatment within our prosecutorial decision-making process. It will also enable our office to respond to litigation accurately and in a timely manner. This data will also provide measurable outcomes in the form of easy-to-digest data analyses that can be distributed to stakeholders, which will promote greater understanding of the criminal justice system in Santa Barbara County.

Ultimately, access to accurate data assists in ensuring equitable and fair treatment under the law regardless of race, ethnicity, or national origin. It may also provide trajectory analyses to identify which prosecutorial options are the most effective at reducing recidivism. For all prosecutors, assuring equal treatment to all persons under the law is of the utmost importance. Utilizing Sicuro Data Analytics will enable the District Attorney's Office to better evaluate our own performance and provide the community with verifiable information that will enhance their trust in the criminal justice system.

The COVID-19 pandemic had a detrimental impact on the criminal justice system and public safety. The federal ARPA funding is an appropriate existing source for the proposed services, as a main goal of ARPA is to improve the design and execution of programs responding to the pandemic while addressing the needs of marginalized populations. The reduction in court operations created a backlog of cases which necessitated the need to change the approach to how cases were handled throughout the criminal justice system in Santa Barbara County. This has resulted in a need to better understand the impacts of those changes on the County's criminal justice system by analyzing criminal justice data both pre and post-pandemic. This data will enable the District Attorney's Office to make data-informed management decisions related to the post-pandemic criminal justice system. The goal is to eliminate the court backlog, improve public safety, and ensure that effective policy-making decisions are being made in regards to equitable, fair, and proportionate treatment in the County justice system.

In addition, in January 2022, the U.S. Treasury released additional guidance regarding the use of ARPA funds, stating that governments with high capacity to use data and evidence to administer programs are more likely to be responsive to the needs of their community, more transparent about their community impact, and more resilient to emergencies such as the pandemic and its economic impacts. The data analytics that will be performed under this contract will achieve these described goals.

Performance Measure:

Exhibit A: Statement of Work summarizes the services provided through the Agreement. This Agreement will allow the Santa Barbara County District Attorney's Office to thoroughly and effectively respond to Racial Justice Act motions and develop an internal data dashboard to guide management decision-making.

Contract Renewals and Performance Outcomes:

N/A

Fiscal and Facilities Impacts:

The total cost of this contract is not-to-exceed $510,000 over a two-year period, funded through existing unspent ARPA allocations for Fiscal Year 2022-23 that will be repurposed for this effort. Fiscal Year 2022-23 costs include an initial office visit and data ingestion, cleaning, and audit for approximately $95,000. Fiscal Year 2023-24 costs include Racial Justice Act analysis ($100,000), the development and construction of an internal data dashboard ($50,000), and ongoing analytics ($100,000) for a total fiscal year cost of $250,000. Fiscal Year 2024-25 costs include the ongoing maintenance of an internal data dashboard ($25,000) and ongoing analytics ($140,000) for a total fiscal year cost of $165,000. A Budget Revision Request is included to increase appropriations of $95,000 in the District Attorney's Office General Fund for Fiscal Year 2022-23 funded by an Operating Transfer from the County Executive Office.

Fiscal Analysis:

Funding Sources	Current FY Cost:	Annualized On-going Cost:	Total One-Time Project Cost
General Fund			
State			
Federal	$ 95,000.00		$ 510,000.00
Fees			
Other:			
Total	$ 95,000.00		$ 510,000.00

Key Contract Risks:

Sicuro Data Analytics was selected because they are a unique company that is comprised of a team of experts that specialize in complex data retrieval and analysis in numerous professional capacities-including several District Attorney's Offices in the State of California. Sicuro Data Analytics is uniquely qualified as this work is in response to a new/emerging need resulting from the passage of the Racial Justice Act, and therefore this work qualifies as a non-competitive purchase. There is minimal risk to the County.

The District Attorney's Office, in coordination with the consultant, will be subject to periodic reporting per ARPA requirements. As with any contract funded by federal sources, there is a risk of future audit disallowances and repayments through the federal auditing process. This contract includes language

allowing the County to seek any legal remedy for the repayment of any amounts disallowed in audit findings, minimizing risks to the County.

Staffing Impacts:

There are no staffing impacts.

Special Instructions:

Please return the following items to John DeAlba, DA Department Business Specialist:

a) One (1) Minute Order.
b) One (1) duplicate fully-executed original of the Agreement.

Attachments:

Attachment A: Service Agreement with Sicuro Data Analytics, LLC.
Attachment B: Budget Revision Request No. 0008637

Authored by:

John DeAlba, Department Business Specialist (x82434)