

YOLO COUNTY HARM REDUCTION DIVERSION 2021 ANALYSIS

June 24, 2022

OVERVIEW

On January 01, 2021, the Yolo County District Attorney's Office started a Harm Reduction Diversion pilot. The initial study was to be for six months, but it was extended to one calendar year. The goal of the Harm Reduction Diversion (HR Diversion) program was to divert individuals arrested for low level drug possession or public intoxication offenses out of the criminal justice system by offering them a treatment program. The treatment program was administered by the Yolo County Health and Human Services Agency (HHSA). Individuals who qualified for HR Diversion had their charges waived and were mailed a letter directing them to the HHSA to enroll in treatment. The purpose of this analysis is to look at all HR Diversion cases from calendar year 2021 and analyze for recidivism. This analysis was to examine the overall population of individuals referred to HR Diversion. This report will focus on the individuals who were subsequently arrested after the date of the HR Diversion. For the individuals who were not arrested, there were a multitude of factors that could have influenced this, so it is not feasible to state it was only because of HR Diversion. At no point in this report will specific identifying information be given about any person. Data will only be separated into categories based on generalities, not name or other identifiers. Note that the related Excel spreadsheet of data does have identifying information, including names, dates of birth, and CII numbers in it.

During this analysis, data is known about the people who were referred, when letters of referral were sent, and if they were subsequently arrested. During the first half of 2021, the HHSA reported about how many contacts and referrals were made. For the remainder of the study the HHSA said "they don't have the staffing to provide us with that data."

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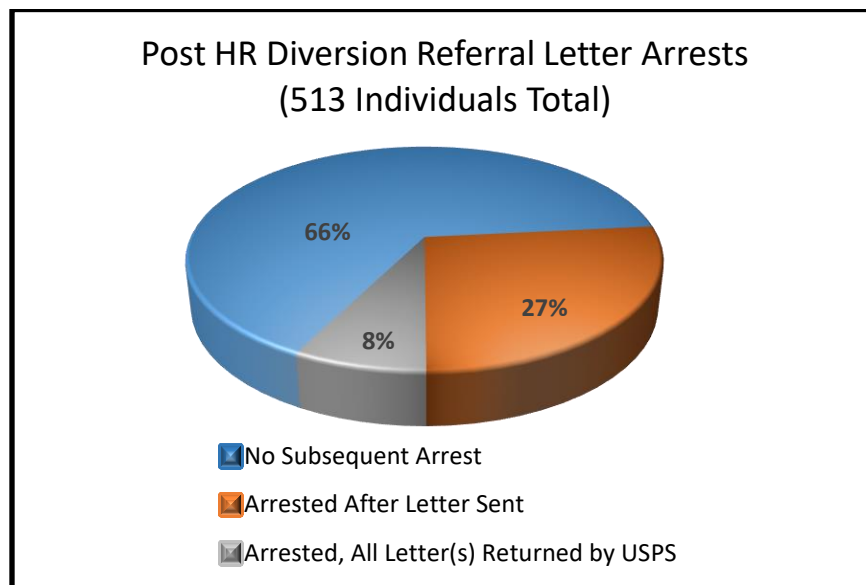
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SYNOPSIS

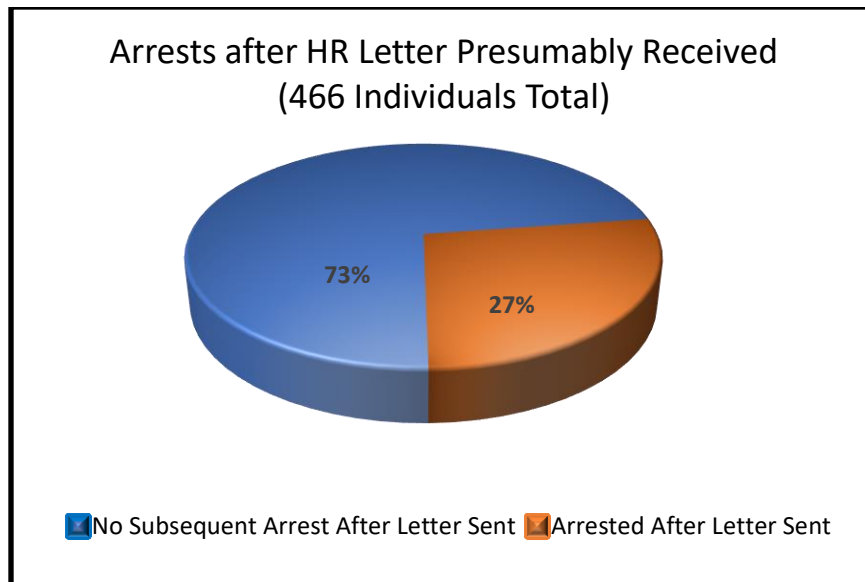
The goal of this research was to examine whether the HR Diversion Program had any effect on recidivism. There were 513 individuals who were directed to HR Diversion. There were 165 individuals who were arrested after their HR Diversion Letter was created, but 39 of them had the letter returned by the post office, so they never saw it.

	Number of Individuals	Percent
Total Number of Individuals	513	100%
No Subsequent Arrest	338	66%
Arrested After Letter Sent	136	27%
Arrested, but Letter Returned by USPS	39	8%



There were a total of 47 individuals who had all letter(s) returned by the Post Office, including eight with no subsequent arrest. It is a safe assumption that they never participated in any HR Diversion treatment program since they received no notification. For this analysis those 47 individuals were excluded, since they never knew of the program. Of the remaining 466, there were 126 individuals arrested (27%).

	Number of Individuals	Percent
Total Number of Individuals Received Letter	466	100%
No Subsequent Arrest	340	73.0%
Arrested After Letter Sent	126	27.0%



During the first half of 2021, the HHSA reported that they received 323 unique names. Of those, 48 contacted the access line for treatment or were already in treatment with 35 entering or continuing treatment and 13 not being treated. Out of those 13, 11 did not complete the screening and two were a mental health crisis and not a substance abuse disorder.

HHSA Numbers During the First Half of 2021

STATUS	Number of Individuals	Percent
Total Individuals	323	100%
No Contact With the HHSA	275	85.1%
Contacted HHSA or Already in Screening	48	14.9%
Entered or Continued Treatment	35	10.8%
Did not Complete the Process	11	3.4%
Not a Substance Abuse Disorder	2	0.6%

DEFINITIONS

The following terms used in this report will be defined as follows:

- **Arrests:** For the purpose of this report, the only arrests that will be considered are arrests for fresh charges. Arrests based on warrants or probation/parole violations are not included. Note that a probation/parole violation is often based on a fresh charge, so in that case the fresh charge would be counted. The only arrests considered in this report were those made after the date of their earliest HR Diversion letter. Arrests were determined by examining each individual's Department of Justice Arrest Sheet, and thus includes arrests made outside of Yolo County.
- **HR Arrests:** HR Arrests are arrests for a crime that would be a qualifier for HR Diversion, such as intoxicated in public or possession of narcotics paraphernalia. HR Arrests were considered their own category, and are not counted in Misdemeanor or Felony arrests.
- **Misdemeanor Arrests:** All arrests for misdemeanor charges, other than those that are HR arrests, warrants, or probation/parole violations.
- **Felony Arrests:** All arrests for felony charges, other than those that are HR arrests, warrants, or probation/parole violations.
- **Crimes Against:** Misdemeanor and Felony arrests are divided into three categories based on who the victim of the crime is:
 - **Society:** This is an illegal activity without a specific victim. An example is drunk in public.
 - **Property:** An illegal activity that damages property, but people are not physically endangered. An example is vandalism.
 - **Persons:** An illegal activity that endangers a person(s). An example is an assault.
- **Number of Arrests:** The numbers of arrests are the number of individuals with that category of arrest, not the total number of charges for that category. For example, if Females had 14 Misdemeanor arrests, that means 14 unique females were arrested for misdemeanor crimes. Each individual could have been arrested more than once.
- **Multiple Arrests:** If a person was arrested on more than one occasion after the HR Diversion letter, it was counted as multiple arrests. If they were arrested on multiple charges all at the same time, that was considered one arrest. Multiple arrests could include arrests for HR crimes, misdemeanors, and/or felonies.
- **Sex:** Based on the sex (not gender) of the person according to their booking information at the time of the arrest. Categories are Female or Male. Gender is not tracked on the Yolo County Jail inmate information, and thus is not included in this report.
- **Age:** Age is the age in years of the individual at the time of their earliest arrest for which they were directed to HR Diversion. Only adults are considered for HR Diversion, thus the youngest an involved person could be was 18. There was no maximum age.
- **Race:** Based on the race of the individual according to the booking information at the time of arrest. The four categories used in this report are Black, Hispanic, White, and All other Races Combined.
- **County Residency:** Based on the home address of the individual according to the booking information at the time of arrest. The two categories used in this report are Yolo County

Resident and Non Yolo County Resident (the individual lived anywhere outside of Yolo County). Transient subjects were counted by the county in which they lived.

- Housing Type: Based on the home address of the individual according to the booking information at the time of arrest. If the person provided an address to a physical structure as their home address, they were counted as living in a permanent structure. If they listed their address as “Transient”, “Homeless”, or similar, they were counted as transient. Note that this was based on the time of arrest, and does not imply housing status before or after the initial arrest, as that can change.

DATA COLLECTION

During calendar year 2021, there were 635 HR Diversion referrals made to 513 unique individuals, allowing that some individuals received more than one diversion. These 513 people were categorized by sex, age range, race, county residency, and housing type. These quantifiers were based on information collected at the time of arrest.

At least one HR Diversion Letter of Referral to the HHSA and a treatment plan was mailed to each of the 513 individuals. For 47 of the individuals, all letter(s) mailed to the individual were returned by the US Post Office as not deliverable. Thus, those 47 people did not receive any notification of the HR Diversion Program. Hence, they will be excluded from the analysis as HR Diversion could not possibly have had any affect on them. Of the remaining 466 individuals, it is presumed that they each received and read at least one HR Diversion Referral Letter, although there is no way to verify this.

The 466 individuals had their arrest records (rap sheet) examined for any arrests made after the date of their HR Diversion Letter. These records checks were performed in mid to late January 2022. Arrests were only considered for fresh charges, not warrants or probation/parole violations. It was found that 126 individuals had been arrested after the mailing date of their first HR Diversion letter. The following items were noted from the 126 individuals with post-referral arrests:

- The date their first HR Diversion referral was mailed
- The number of times they were mailed a HR Diversion referral letter
- The number of HR Diversion referral letters that were returned as undeliverable (for example, if a person had two letters mailed, and one was returned as undeliverable, it is presumed the person received the other one)
- The number of days from when their first HR Diversion referral letter was mailed until their first arrest
- If they were arrested on more than one occurrence
- The category of the arrest type, which were broken down to:
 - Crimes that would normally qualify for HR Diversion (ie possession of narcotics, possession of narcotics paraphernalia, or drunk or under the influence of narcotics in public)
 - Misdemeanor crimes against society, property, or persons (excluding any of the above HR Diversion level crimes)
 - Felony crimes against society, property, or persons

The complete data set is included in a separate Excel file.

CONSIDERATIONS, BARRIERS, AND OBSTACLES

There are several obstacles in this data which hinder the analysis.

1. Records show if a HR Diversion letter was mailed to an individual, and if the letter was returned by the post office as undeliverable. We have no way to verify if the individual actually received or read any letters that were not returned.
2. Assuming the individual did receive the letter, there is no way to know on what date they received and read it. All that is known is the date the letter was mailed. It is expected that mail service could easily take one or several days to reach a person, and unknown days before they read the letter. It is very possible that some individuals were arrested after the HR Diversion referral letter was mailed, but prior to the individual reading it.
3. The HR Diversion Referral letter sent to each person stated that the charges were not being pursued by the District Attorney's Office, and they did not need to appear in court. The individual was then directed to contact the HHSA to schedule Substance Abuse Treatment. However, due to HHSA staffing shortages, there is no complete data available about how many people followed up with the HHSA to schedule treatment, how many people participated in treatment, or how many people completed the treatment.
4. There is no indication of how long the program took to complete if an individual did participate. An individual could have been arrested after being referred to Harm Reduction, but prior to completing it.
5. There is no way to have a control group. In other words, there is no way to say whether the individual would have been arrested again if the initial charges had been pursued in court, or how many would have been rearrested regardless of treatment status.
6. The individuals who were not arrested after the HR letters were sent were not examined any further, as there are a multitude of variables which could influence each individual, and there is no way to determine if they were not arrested again as a result of the HR Diversion program.
7. Arrests were determined by examining the Department of Justice arrest records for each individual. This report does not include Notice to Appear (citations) where the individual is cited and released (not booked). Many HR crimes and misdemeanors can be cited and released, but are not captured in this report.
8. The arrest records were examined in January 2022. The HR Data was collected from January through December 2021. The time frame for a subsequent arrest was thus very short, and shorter for some people. For those referred late in 2021, it is conceivable that even if they did enroll in a treatment plan, they may not have completed or even started it when the arrest records were examined. A secondary check of arrest records in January 2023 or later would provide more detailed information about recidivism.

TYPES OF ARRESTS

The types of arrests were broken into three categories: HR arrests (crimes which would qualify for Harm Reduction), Misdemeanors (except HR crimes), and Felonies. The number of arrests in each category is shown on the following table:

Total Number Arrested	HR Arrests	Misdemeanors	Felonies	Multiple Arrests
126	76	84	78	61

The sum of the arrests is more than the total number of individuals as a person may be arrested in more than one category and/or more than one time.

There was little difference in type of arrest (Harm Reduction, Misdemeanor, or Felony) amongst those that were arrested. Nearly half (47.6%) had been arrested on more than one occasion after the HR Referral Letter was mailed.

POST HR DIVERSION REFERRAL ARRESTS

The following table is the arrests following the HR Diversion Letter by category. The arrests listed are for fresh charges only, and do not include arrests for warrants or probation/parole holds. "HR Arrest" include charges that would be considered for Harm Reduction Diversion, such as possession, paraphernalia, or public intoxication. They are not double-counted as misdemeanors.

Category	HR Diversion Referrals	Post Referral Arrest	HR Arrest	Misd Arrest	Felony Arrest	Multiple Arrests
Female	129	19	12	10	10	7
Male	337	107	64	74	68	54
Age 18-19	4	3	2	3	3	2
Age 20-29	107	36	18	28	24	19
Age 30-39	177	55	36	32	31	25
Age 40-49	102	24	18	15	14	12
Age 50-59	56	6	2	4	6	3
Age 60-69	20	2	0	2	0	0
Black	53	19	11	12	15	10
Hispanic	166	44	24	31	30	22
White	229	59	38	38	31	27
All Other Races	18	4	3	3	2	2
Yolo County Resident	289	77	49	64	43	40
Non-Yolo Co. Resident	177	49	27	20	35	21
Permanent Address	343	83	52	52	49	38
Transient	123	43	24	32	29	23
TOTAL	466	126	76	84	78	61

MISDEMEANOR ARRESTS

The following table breaks down all the misdemeanor arrests by type of misdemeanor (crime against society, crime against property, or crime against a person).

NUMBERS AND PERCENTAGES OF POST REFERRAL MISDEMEANOR ARRESTS

CATEGORY	ALL MISDEMEANOR		MISDEMEANOR CRIMES AGAINST:					
	All Misd.	% Misd.	Society	% Society	Property	% Property	Persons	% Persons
Female	10	11.9%	4	8.9%	7	14.9%	2	16.7%
Male	74	88.1%	41	91.1%	40	85.1%	10	83.3%
Age 18-19	3	3.6%	2	4.4%	2	4.3%	0	0.0%
Age 20-29	28	33.3%	13	28.9%	19	40.4%	3	25.0%
Age 30-39	32	38.1%	17	37.8%	18	38.3%	6	50.0%
Age 40-49	15	17.9%	12	26.7%	4	8.5%	1	8.3%
Age 50-59	4	4.8%	1	2.2%	3	6.4%	1	8.3%
Age 60-69	2	2.4%	0	0.0%	1	2.1%	1	8.3%
Black	12	14.3%	6	13.3%	10	21.3%	1	8.3%
Hispanic	31	36.9%	14	31.1%	14	29.8%	5	41.7%
White	38	45.2%	24	53.3%	21	44.7%	5	41.7%
All Other Races	3	3.6%	1	2.2%	2	4.3%	1	8.3%
Yolo County Resident	64	76.2%	29	64.4%	34	72.3%	8	66.7%
Non-Yolo Co. Resident	20	23.8%	16	35.6%	13	27.7%	4	33.3%
Permanent Address	52	61.9%	30	66.7%	27	57.4%	8	66.7%
Transient	32	38.1%	15	33.3%	20	42.6%	4	33.3%
TOTAL PEOPLE	84	18.0%	45		47		12	

In short, 84 people were arrested for a misdemeanor crime after receiving an HR Diversion Referral letter. This was 18% (84 out of 466) of all letter recipients.

Note that the total number of misdemeanor arrests is not a sum of each type, as a person could be arrested for more than one misdemeanor on the same arrest incident.

FELONY ARRESTS

The following table breaks down all the felony arrests by type of felony (crime against society, crime against property, or crime against a person).

NUMBERS AND PERCENTAGES OF POST REFERRAL FELONY ARRESTS

CATEGORY	All FELONY		FELONY CRIMES AGAINST:					
	All Felony	% Felony	Society	% Society	Property	% Property	Persons	% Persons
Female	10	12.8%	2	13.3%	8	13.6%	4	14.8%
Male	68	87.2%	13	86.7%	51	86.4%	23	85.2%
Age 18-19	3	3.8%	1	6.7%	3	5.1%	0	0.0%
Age 20-29	24	30.8%	3	20.0%	19	32.2%	7	25.9%
Age 30-39	31	39.7%	9	60.0%	22	37.3%	11	40.7%
Age 40-49	14	17.9%	2	13.3%	11	18.6%	6	22.2%
Age 50-59	6	7.7%	0	0.0%	4	6.8%	3	11.1%
Age 60-69	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Black	15	19.2%	4	26.7%	9	15.3%	9	33.3%
Hispanic	30	38.5%	5	33.3%	21	35.6%	12	44.4%
White	31	39.7%	4	26.7%	28	47.5%	5	18.5%
All Other Races	2	2.6%	2	13.3%	1	1.7%	1	3.7%
Yolo County Resident	43	55.1%	7	46.7%	34	57.6%	14	51.9%
Non-Yolo Co. Resident	35	44.9%	8	53.3%	25	42.4%	13	48.1%
Permanent Address	49	62.8%	10	66.7%	40	67.8%	12	44.4%
Transient	29	37.2%	5	33.3%	19	32.2%	15	55.6%
TOTAL PEOPLE	78	16.7%	15		59		27	

In short, 78 people were arrested for a felony crime after receiving an HR Diversion Referral letter. This was 16.7% (78 out of 466) of all letter recipients.

Note that the total number of felony arrests is not a sum of each type, as a person could be arrested for more than one felony on the same arrest incident.

SUMMARY

During calendar year, 513 unique individuals were referred to Harm Reduction Diversion. Of those, 47 had all letter(s) of referral returned by the US Post Office as undeliverable, leaving 466 unique individuals who presumptively received notification about Harm Reduction. Due to a staffing shortage, the HHSA has been unable to provide a final tally of the number of individuals who contacted them for treatment options, enrolled in treatment, or completed treatment.

The arrest records of all 466 were examined in January 2022. The following table shows the number and the percentage of the 466 that were arrested for HR crimes, misdemeanors, felonies, and if they were arrested on more than one occasion. Note that arrests are for fresh charges only. HR crimes are crimes that would meet Harm Reduction qualifications, such as public intoxication or possession, and are not counted amongst the misdemeanors or felonies.

Category	Number of Individuals	Percentage
Referred to HR Diversion	466	100%
No Post HR Arrest	340	73.0%
Arrested Post Referral	126	27.0%
Arrested for HR Crime	76	16.3%
Arrested for Misdemeanor	84	18.0%
Arrested for Felony	78	16.7%
More than One Arrest Incident	61	13.1%