

# YOLO COUNTY HARM REDUCTION DIVERSION 2022 ANALYSIS

December 30, 2022

## OVERVIEW

During calendar year 2021, the Yolo County District Attorney's Office piloted a Harm Reduction Diversion (HR Diversion) Program. The goal of the HR Diversion Program was to divert individuals arrested for low level drug possession and/or public intoxication offenses out of the criminal justice system by offering them treatment administered by the Yolo County Health and Human Services Agency (HHSA). In 2021, individuals who qualified for HR Diversion had no formal charges filed by the District Attorney, but instead were mailed a letter directing them to contact HHSA for drug and/or alcohol services. HHSA was also notified of the referral and assumed principal responsibility for future interactions with the individuals referred. After six months, program data revealed that only 10.8% of all individuals referred engaged in some kind of treatment.

For the 2021 analysis see <https://yoloda.org/wp-content/uploads/2022/07/Yolo-County-Harm-Reduction-Diversion-2021-Anaylsis-Updated.pdf>.

As a result of the low treatment engagement data from 2021, the program was modified for 2022. In an effort to increase accountability and incentivize treatment, formal charges were filed by the District Attorney and then the individual was mailed a notice about the HR Diversion Program. If the individual wished to participate, they were directed to show up in court for the arraignment and bring proof that they had already engaged HHSA and enrolled in a treatment program. If an individual appeared in court without proof of engagement, yet expressed a desire to participate in HR-Diversion, the arraignment was continued to allow for engagement. With proof of treatment engagement, charges were dismissed. Otherwise, the case would continue through the criminal justice system as normal.

This analysis examines the cases of all individuals arrested in Yolo County on HR level crimes and referred to HR Diversion between January 1, 2022, and September 30, 2022. The HR Diversion Program is ongoing. The September 30 date was selected as it was the end of the third quarter, as most individuals would have their arraignment by the time of this study. When an individual is arrested on HR charges, they are typically issued a citation/notice to appear and given a court date within 90 days. The purpose of this analysis is to look at the HR Diversion cases and examine fail to appear (FTA) at arraignment, and recidivism.

## TABLE OF CONTENTS

1. [Synopsis](#)
2. [Definitions](#)
3. [Data Collection](#)
4. [Demographics](#)
5. [Fail to Appear](#)
6. [Proof of Enrollment](#)
7. [Recidivism](#)
8. [Arrest Types](#)
9. [Summary](#)
10. [Considerations and Obstacles](#)
11. [Sample Letter](#)

## SYNOPSIS

In this study, from January 01 to September 30, 2022, there were 407 referrals made to the Harm Reduction Diversion Program. Out of the 407 referrals, there were:

- 364 unique individuals
- 73 HR Diversion letters returned as undeliverable (334 were not returned)
- 299 unique individuals presumably received an HR letter
- 10 people who had their letter returned appeared in court and were advised of HR Diversion in court
- 309 unique individuals were presumptively advised of the HR Diversion Program
- 54 unique individuals had letters returned, and there is no record of them being advised in court
- 86 people (27.8%) who received notification showed proof of enrollment in treatment
- 31 people were also part of HR Diversion in 2021
- 2 people from this study are known to be deceased (both were drug related)

Failures to Appear were lower amongst those who received notification of HR Diversion than of those who did not receive it. Of the HR diversion letters that were delivered or returned undeliverable:

- HR Notification letter delivered: 143 (42.8%) failed to appear at their arraignment
- HR Notification letter returned: 51 (69.9%) failed to appear at arraignment

Recidivism was down notably amongst those that showed proof of enrollment in HR Diversion compared to those that received notification and those that did not receive the letter. There was not a notable difference between those who received notification but have not shown proof of enrollment and those that did not receive any notification:

	Received Referral, No		
	Enrollment	Enrolled in Diversion	Did Not Receive Referral
No Arrests	63.4%	84.9%	79.6%
Any Arrest	36.6%	15.1%	22.2%
HR Arrest	25.9%	12.8%	22.2%
Misd. Arrest	16.1%	7.0%	9.3%
Felony Arrest	20.1%	9.3%	11.1%

*\* Note: The arrests do not total 100% as an individual can be arrested more than once*

## 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 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.
- If a person was arrested on multiple charges all at the same time, that was considered one arrest. Arrests could include arrests for HR crimes, misdemeanors, and/or felonies. If the person was arrested on more than one occasion after the HR Diversion letter, it was counted as multiple arrests.
- **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 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 individuals 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 January 01 to September 30, 2022, there were 407 HR Diversion referrals made to 364 unique individuals, allowing that some individuals received more than one diversion. These 364 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.

The 364 individuals had their arrest records (rap sheet) examined for any arrests made after the date of their HR Diversion Letter, as well as whether they appeared in court for their arraignment or failed to appear (FTA). These records checks were performed in early December 2022. Arrests were only considered for fresh charges, not warrants or probation/parole violations.

In addition to demographics, the following categories were classified for each individual:

- The date their HR Diversion referral was mailed
- The date the letter was returned as undeliverable, if applicable
- The date they showed proof of enrollment in a treatment program, if applicable
- Whether they appeared at arraignment or FTA
- The number of days from when their first HR Diversion referral letter was mailed until their first arrest
- The number of days from when their first HR Diversion referral letter was mailed until their first arrest
- The number of days from when showed proof of enrollment until their first arrest
- The number of times they were arrested after the HR Referral letter was mailed
- 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
  - Felony crimes
- Each crime was also noted if it occurred before or after showing proof of enrollment, if applicable

## DEMOGRAPHICS

The demographics of each individual (sex, age, race, residency, and housing type) were gathered on all individuals who were referred to the Harm Reduction Program. Individuals were referred to Harm Reduction based on their initial drug and/or alcohol charges, as well as other factors outside of this study. Thus, individuals may not represent an exact cross-section of the Yolo County population. This study does not make or imply any correlation between any demographic, arrest, or referral. The individuals involved in this Harm Reduction Referral Program were approximately:

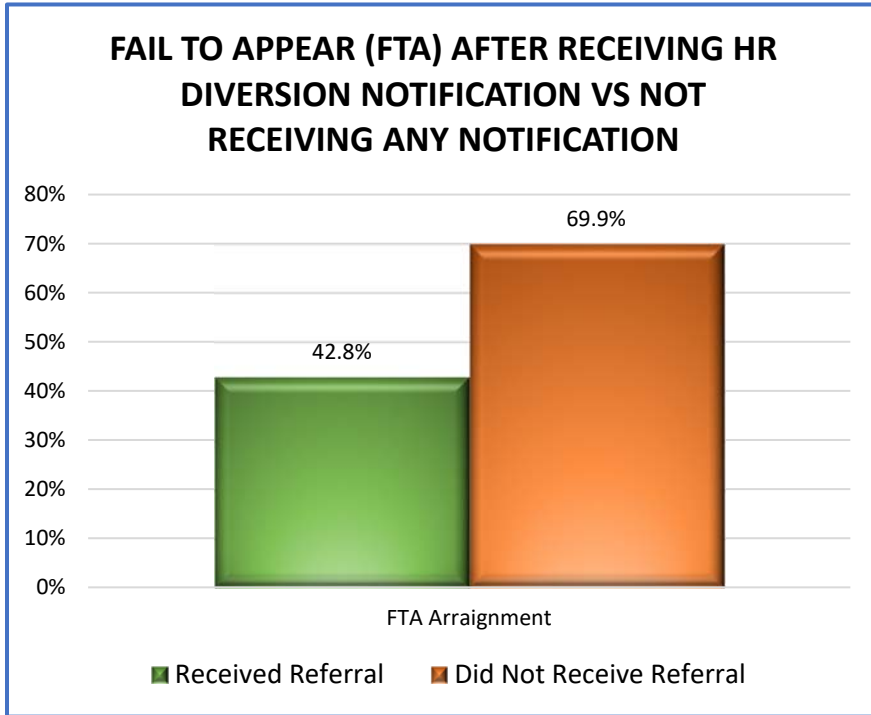
- 3:1 male to female.
- 20% were in their 20's, 41% in their 30's, 21% in their 40's, and 14% in their 50's.
- 10% Black, 34% Hispanic, 52% White, and 4% All Other Races combined.
- 64% Yolo County residents, 36% from outside of Yolo County.
- 75% provided a physical address at arrest, 25% listed themselves as transient.

The following table shows the numbers of demographics across several categories, followed by the percentage in red font:

Category	All HR Referrals		Unique Individuals	
Female	107	26.3%	98	26.9%
Male	300	73.7%	266	73.1%
Age 18-19	5	1.2%	5	1.4%
Age 20-29	80	19.7%	74	20.3%
Age 30-39	167	41.0%	148	40.7%
Age 40-49	87	21.4%	78	21.4%
Age 50-59	55	13.5%	48	13.2%
Age 60-69	13	3.2%	11	3.0%
Black	40	9.8%	38	10.4%
Hispanic	137	33.7%	119	32.7%
White	213	52.3%	193	53.0%
All Other Races	17	4.2%	14	3.8%
Yolo County Resident	261	64.1%	226	62.1%
Non-Yolo Co. Resident	146	35.9%	138	37.9%
Permanent Address	306	75.2%	276	75.8%
Transient	101	24.8%	88	24.2%
<b>TOTAL</b>	<b>407</b>	<b>100%</b>	<b>364</b>	<b>100%</b>

## FAIL TO APPEAR AT ARRAIGNMENT

Each HR Diversion Referral was tracked to see if the individual appeared at their court arraignment (including having an attorney appear on their behalf), or if they failed to appear. This was tracked by the referrals, not the individual, as people with multiple referrals may appear on one case, then fail to appear on another. This happened three times in this study. It was broken down into whether the individual presumptively received the letter notifying of them of the HR Diversion Program, or if the letter was returned as undeliverable. Of those who received the letter, 43% failed to appear, while 70% of those with undeliverable letters failed to appear.



The Fail to Appear by demographic are shown in the following table:

Category	All Individuals		Fail to Appear (FTA) at Arraignment	
Female	98	26.9%	46	12.6%
Male	266	73.1%	127	34.9%
Age 18-19	5	1.4%	0	0.0%
Age 20-29	74	20.3%	34	9.3%
Age 30-39	148	40.7%	76	20.9%
Age 40-49	78	21.4%	37	10.2%
Age 50-59	48	13.2%	21	5.8%
Age 60-69	11	3.0%	5	1.4%
Black	38	10.4%	14	3.8%
Hispanic	119	32.7%	52	14.3%
White	193	53.0%	97	26.6%
All Other Races	14	3.8%	10	2.7%
Yolo County Resident	226	62.1%	94	25.8%
Non-Yolo Co. Resident	138	37.9%	79	21.7%
Permanent Address	276	75.8%	119	32.7%
Transient	88	24.2%	54	14.8%
<b>TOTAL</b>	<b>364</b>	<b>100%</b>	<b>173</b>	<b>47.5%</b>



## PROOF OF ENROLLMENT

The goal of the Harm Reduction Diversion Program was to guide individuals towards a treatment program with the incentive that current charges would be dismissed if they showed proof of enrollment in a treatment program.

- Out of the 407 HR notifications that were mailed out, there were 94 enrollments (23.1%). This included some people who showed more than one proof.
- There were 86 unique people who showed proof of enrollment (23.6% of all unique individuals).
- 85 of the 86 people who showed proof of enrollment did not have the HR referral letter returned and/or were notified in court of the HR Diversion Program.

The demographics for the people who showed proof of enrollment were:

Category	All Individuals		Showed Proof of Enrollment	
Female	98	26.9%	25	6.9%
Male	266	73.1%	61	16.8%
Age 18-19	5	1.4%	3	0.8%
Age 20-29	74	20.3%	13	3.6%
Age 30-39	148	40.7%	34	9.3%
Age 40-49	78	21.4%	21	5.8%
Age 50-59	48	13.2%	10	2.7%
Age 60-69	11	3.0%	5	1.4%
Black	38	10.4%	11	3.0%
Hispanic	119	32.7%	28	7.7%
White	193	53.0%	45	12.4%
All Other Races	14	3.8%	2	0.5%
Yolo County Resident	226	62.1%	55	15.1%
Non-Yolo Co. Resident	138	37.9%	31	8.5%
Permanent Address	276	75.8%	74	20.3%
Transient	88	24.2%	12	3.3%
<b>TOTAL</b>	<b>364</b>	<b>100%</b>	<b>86</b>	<b>23.6%</b>

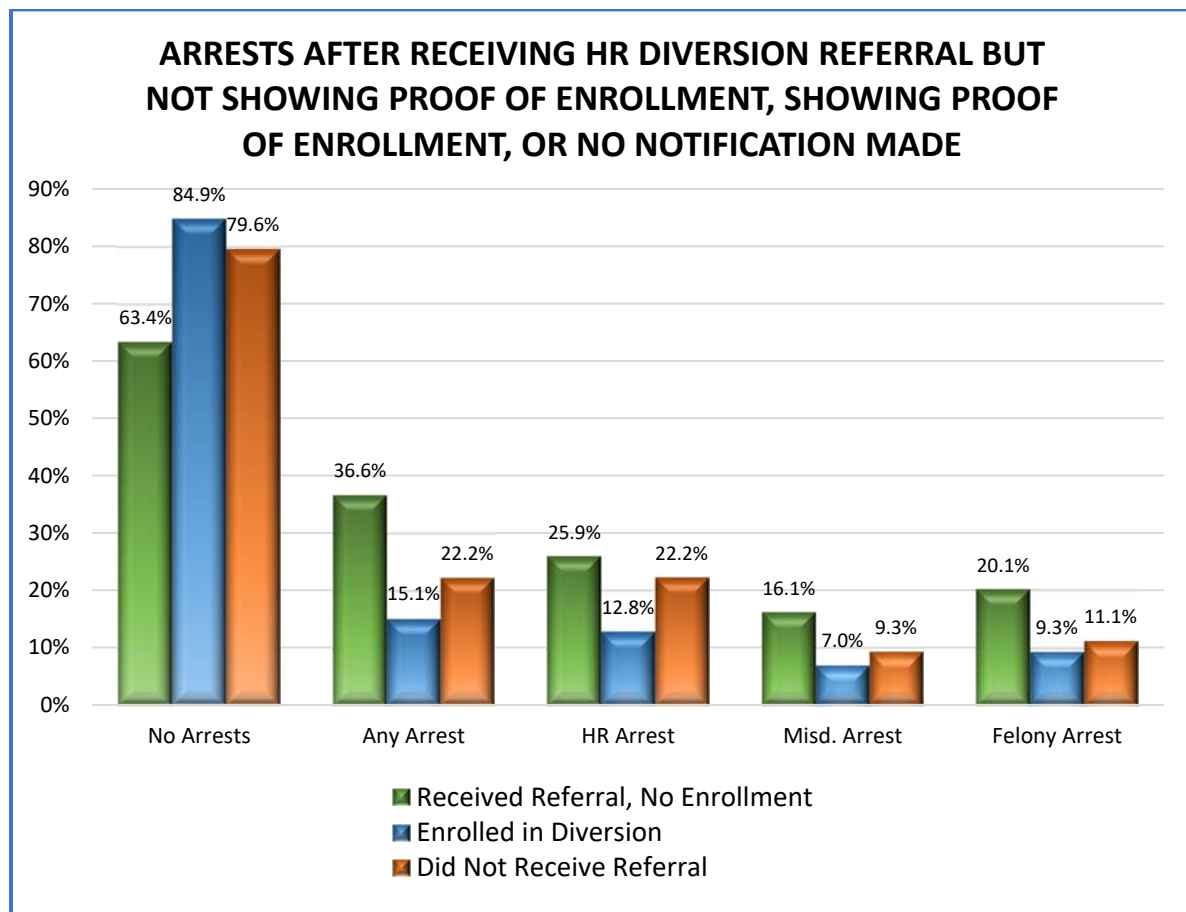
## RECIDIVISM

This study examined whether each unique person was arrested after the date of their notification letter, as well as after the date of proof of enrollment. Only arrests for fresh charges were considered. Warrants and violations of probation or parole were not considered a fresh charge since they were often related to a charge prior to the referral letter, however, there was often a fresh charge associated with a violation which would be considered.

The 364 unique people were divided into three groups:

1. Those who presumptively received notification either by letter or in court, but did not show proof of enrollment (224 people)
2. Those who showed proof of enrollment (86 people)
3. Those who were presumptively not notified of HR Diversion as letters were returned undeliverable and no notification in court was noted (54 people)

The data showed that the people who showed proof of enrollment had fewer arrests than those who did not show proof of enrollment or did not receive notification of HR Diversion. These sample sizes are not very big though, so a small change in arrests can lead to a large percentage change.



Here are the demographics of all people regarding arrests. Percentages are of the total number of individuals in each category:

Category	All Individuals		Arrested After Referral, No Enrollment		Arrested After Proof of Enrollment		Arrested, No Notification	
Female	98	26.9%	16	7.1%	1	1.2%	0	0.0%
Male	266	73.1%	66	29.5%	12	14.0%	12	22.2%
Age 18-19	5	1.4%	2	0.9%	0	0.0%	0	0.0%
Age 20-29	74	20.3%	23	10.3%	2	2.3%	4	7.4%
Age 30-39	148	40.7%	35	15.6%	7	8.1%	4	7.4%
Age 40-49	78	21.4%	19	8.5%	3	3.5%	2	3.7%
Age 50-59	48	13.2%	13	5.8%	1	1.2%	2	3.7%
Age 60-69	11	3.0%	1	0.4%	0	0.0%	0	0.0%
Black	38	10.4%	5	2.2%	3	3.5%	3	5.6%
Hispanic	119	32.7%	30	13.4%	5	5.8%	3	5.6%
White	193	53.0%	44	19.6%	4	4.7%	5	9.3%
All Other Races	14	3.8%	3	1.3%	1	1.2%	1	1.9%
Yolo County Resident	226	62.1%	54	24.1%	6	7.0%	7	13.0%
Non-Yolo Co. Resident	138	37.9%	28	12.5%	7	8.1%	5	9.3%
Permanent Address	276	75.8%	50	22.3%	11	12.8%	6	11.1%
Transient	88	24.2%	32	14.3%	2	2.3%	6	11.1%
<b>TOTAL</b>	<b>364</b>	<b>100%</b>	<b>82</b>	<b>36.6%</b>	<b>13</b>	<b>15.1%</b>	<b>12</b>	<b>22.2%</b>

The following table shows the demographics of each type of arrest (HR Arrest, Misdemeanor Non-HR Arrest, or Felony Arrest). The percentages are out of all unique individuals (364).

Category	All Individuals	HR Arrests	Misdemeanor Arrests (non-HR)	Felony Arrests
Female	98 26.9%	18 4.9%	8 2.2%	11 3.0%
Male	266 73.1%	68 18.7%	43 11.8%	52 14.3%
Age 18-19	5 1.4%	1 0.3%	2 0.5%	1 0.3%
Age 20-29	74 20.3%	18 4.9%	12 3.3%	12 3.3%
Age 30-39	148 40.7%	34 9.3%	14 3.8%	28 7.7%
Age 40-49	78 21.4%	21 5.8%	14 3.8%	15 4.1%
Age 50-59	48 13.2%	12 3.3%	7 1.9%	7 1.9%
Age 60-69	11 3.0%	0 0.0%	2 0.5%	0 0.0%
Black	38 10.4%	9 2.5%	4 1.1%	7 1.9%
Hispanic	119 32.7%	28 7.7%	18 4.9%	23 6.3%
White	193 53.0%	45 12.4%	27 7.4%	28 7.7%
All Other Races	14 3.8%	4 1.1%	2 0.5%	5 1.4%
Yolo County Resident	226 62.1%	53 14.6%	30 8.2%	36 9.9%
Non-Yolo Co. Resident	138 37.9%	33 9.1%	21 5.8%	27 7.4%
Permanent Address	276 75.8%	54 14.8%	37 10.2%	41 11.3%
Transient	88 24.2%	32 8.8%	14 3.8%	22 6.0%
<b>TOTAL</b>	<b>364 100%</b>	<b>86 23.6%</b>	<b>51 14.0%</b>	<b>63 17.3%</b>

## ARREST TYPES

An interesting aspect of examining arrests are the categories of what an individual was arrested for. The following table shows some of the most notable arrest categories and the total number of people arrested in each, not the total number of times they were arrested. Percentages are not included as the sample size is so small that that any change in arrest values could have a large in percentage.

Category	Arrested After Referral, No Enrollment	Arrested After Proof of Enrollment	Arrested, No Notification
Narcotics Sales or Smuggling	4	1	0
Driving Under the Influence (DUI)	4	2	1
Felony Assault	8	0	0
Domestic Violence	5	0	1
Robbery	6	1	0
Burglary	8	2	1
Vehicle Theft	9	0	1

## SUMMARY

During the first three quarters of calendar year 2022, 407 referrals to the Harm Reduction Diversion were made to 364 unique individuals. Of those, 309 people did not have the letter returned or were advised in court of Harm Reduction. The other 55 had no verifiable notifications. There were 86 people who showed proof of enrollment in a treatment program.

Of the people who presumptively received the referral, 42.8% failed to show up in court for their arraignment. Of the ones who had referrals returned as undeliverable, 69.9% failed to appear at arraignment.

Arrest rates after referral were similar to the arrest rates of those who did not receive the notification. Arrest rates of those who showed proof of enrollment in a treatment program had lower arrest rates.

Category	Referral, No Enrollment	Proof of Enrollment	No Notification
FTA at Arraignment	42.8%	NA	69.9%
Any Arrests	36.6%	15.1%	22.2%
HR Crime Arrests	25.9%	12.8%	22.2%
Misdemeanor Arrests (non-HR)	16.1%	7.0%	9.3%
Felony Arrests	20.1%	9.3%	11.1%


## CONSIDERATIONS AND OBSTACLES

There are several factors to consider in this study.

1. During this analysis, data is known about the people who were referred, when letters of referral were sent, and if they were subsequently arrested. It is known if the letter was returned to the Yolo County District Attorney's Office as "undeliverable". It is assumed, but not proven, that if the letter was not returned that the addressee received and read the letter.
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 a few days to reach a person, and unknown days before they read the letter. It is possible that some individuals were arrested after the HR Diversion referral letter was mailed, but prior to the individual reading it. (Note: in this study, the earliest arrest after the letter was mailed was four days later).
3. There are still individuals who have not appeared in court (FTA), or who's court cases are not yet resolved. These people may still enroll in treatment after the time of this study.
4. There are numerous factors that could influence future arrests, including treatment programs and other factors.
5. 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, thus are not captured in this report.
6. The individuals were referred to HR Diversion between January 01 and September 30, 2022. Their recidivism arrest records were examined in December 2022. The time frame for a subsequent arrest was thus short, and shorter for some people. For those referred late in 2022, it is conceivable that even if they did engage HHSA for services they may not have completed or even started it when the arrest records were examined. A secondary check of arrest records in January 2024 or later would provide more detailed information about recidivism.
7. 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 unredacted identifying information, including names, dates of birth, and CII numbers in it.

**LETTER OF REFERRAL TO THE HR DIVERSION PROGRAM**

Below is a redacted sample of a letter mailed out advising the individual of the HR Diversion Program:

<p>OFFICE OF THE <b>DISTRICT ATTORNEY</b></p> <p>COUNTY OF YOLO</p> <p><b>JEFF W. REISIG</b> DISTRICT ATTORNEY</p>		<p><b>JONATHAN RAVEN</b> CHIEF DEPUTY DISTRICT ATTORNEY</p> <p><b>JOHN EHRK</b> CHIEF INVESTIGATOR</p> <p><b>NIKKI ABAURREA</b> CHIEF FISCAL ADMINISTRATIVE OFFICER</p>
<p><i>Date</i> , 2022</p>		
<p><i>Defendant Name</i> <i>Address</i> <i>City</i> , CA <i>ZIP Code</i></p>		
<p>Re: Cite # <i>Number</i>, issued by <i>Agency</i> , on <i>Date/2022</i> Charge(s): <i>Charge(s)</i> Phone number: (530) <i>Phone Number</i></p>		
<p>A criminal complaint has been filed against you regarding the above-mentioned report in Yolo County Superior Court, Dept. 1, Woodland, California. You are ordered to appear on <i>Date/2022</i>.</p>		
<p>You may avoid criminal penalties if you choose to seek and participate in drug and/or alcohol counseling. <b>Contact the Yolo County's Health and Human Services Agency "Substance Use Treatment" hotline at 1-888-965-6647 to make an appointment within the next 7 days.</b> They take calls 24 hours a day, 7 days a week. A treatment provider from Health and Human Services will also call you within two weeks to schedule an initial assessment to discuss your treatment plan.</p>		
<p>Walk in services are also available Monday-Friday from 9 am-4 pm at:</p>		
<p>600 A Street – Navigation Center Davis</p>	<p>215 West Beamer Street – West Entrance Woodland</p>	
<p>500 Jefferson Blvd., Suite 195 West Sacramento.</p>	<p>137 N. Cottonwood Street Woodland</p>	
<p>At your court date of <i>Date/2022</i> if you present written proof from Yolo County Health and Human Services Agency that you have engaged in treatment as recommended by Yolo County Health and Human Services, the criminal complaint will be withdrawn and you will suffer no criminal penalty.</p>		
<p>This notice only applies to the specific deferred citation listed above. If you have questions about the citation referenced above, please email <a href="mailto:District.Attorney@yolocounty.org">District.Attorney@yolocounty.org</a>.</p>		
<p>Sincerely,</p>		
<p><i>Signature</i> <i>Name</i> Supervising Deputy District Attorney</p>		