

YOLO COUNTY PROBATION DEPARTMENT: EVALUATING THE RISKS OF RECIDIVISM

SUMMARY

The Grand Jury investigated how the Yolo County Probation Department (YCPD) measures the effectiveness of its evidence-based tools for evaluating the risk that probationers may violate the terms of their probation or commit new offenses.

The Grand Jury determined that the County has received millions of dollars in incentive money to effect policy changes that sharply reduced the number of adult probationers sent back to prison. The county has also followed a statewide trend that encourages juvenile detainees to be kept with their families rather than confining them in the Juvenile Detention Facility or placing them in group homes.

These changes require a local validation of the impact of the risk assessment tools, which use such factors as severity of past crimes, age, and history of drug or alcohol abuse to determine the level of supervision required to ensure public safety.

The Grand Jury found that there are severe limitations in the Department's data systems that make it difficult to assess whether these tools are minimizing the risks of probationers' committing new crimes and compromising public safety.

The Department is aware of these difficulties and is working to improve its tracking systems, but the investment needed to make its various databases and case files mesh has not been a high priority.

REASON FOR INVESTIGATION

The investigation was prompted by Probation Department statistics showing a reduction in the number of adult offenders returned to state prison for probation violations and a substantial reduction in the population in the county's Juvenile Detention Facility.

California Penal Code Section 925 provides: "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of the county including those operations, accounts, and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers and districts."

ACTIONS TAKEN

The Grand Jury interviewed Probation Department management and consultants. It also reviewed:

- Statistics on recidivism and the impact of AB 109 and SB 678, presented by the YCPD to the Board of Supervisors and others
- Juvenile Detention Facility population statistics
- Yolo County Sheriff's Department crime statistics,
[http://www.yolocountysheriff.com.com/pdf/artonecrimes\(2\).pdf](http://www.yolocountysheriff.com.com/pdf/artonecrimes(2).pdf)
- City of Woodland's Public Safety 2012 End of Year Report,
http://cityofwoodland.granicus.com/MetaViewer.php?meta_id=12499&view=&showpdf=1
- City of West Sacramento news release, Correct Crime Statistics (02-06-13)
<http://cityofwestsacramento.org/civica/filebank/blobload.asp?BlobID=8901>
- City of Davis , 5-Year Davis Crime Trend (2008-2012)
- FBI Uniform Crime Reporting for Yolo County cities (2009-2011)
- Community Corrections Partnership website,
<http://www.yolocounty.org/Index.aspx?page=2401>

WHAT THE GRAND JURY DETERMINED

Context: Assessing Risk

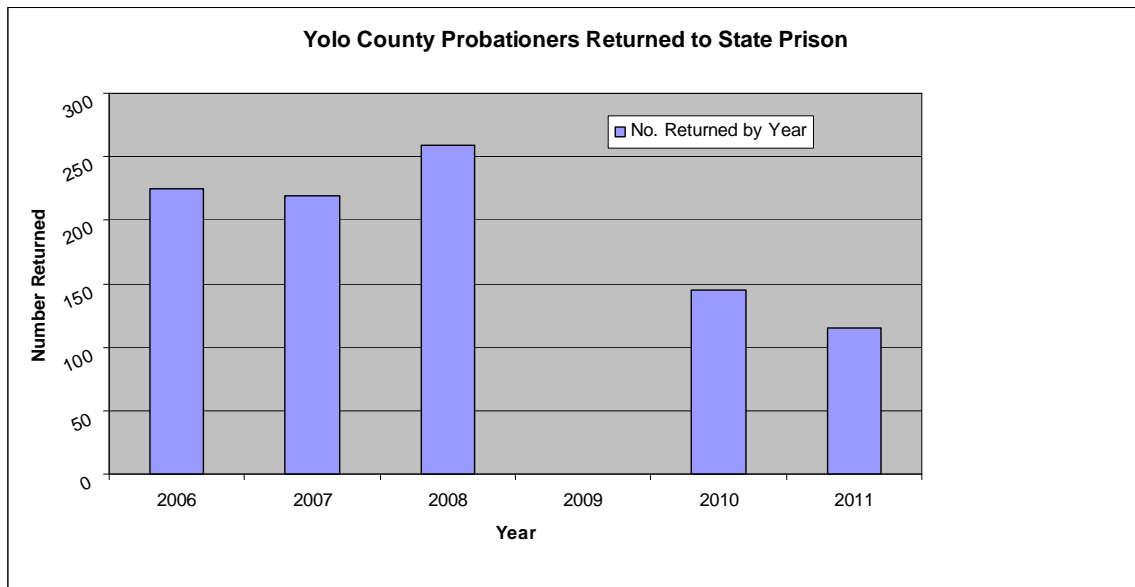
In following up on complaints from staff of the Yolo County Probation Department, the Grand Jury learned that the Department continues to embrace evidence-based practices for managing offenders in its charge. These practices use risk and need assessment tools to determine which probationers should have minimal supervision or should be placed in more intensive programs. Such programs could include electronic monitoring or work requirements. Less than a third of the 3000 adult probationers in the county are actively supervised; the others have minimal reporting requirements.

The evidence-based tools attempt to measure the possibility that a probationer will reoffend. These tools have become crucial, because of changes in state laws that provide cash incentives to the County for reducing the number of probationers returned to state prison. The new laws also send state prisoners, convicted of non-sexual, non-violent and non-serious offenses, to the County for incarceration and parole supervision. The increase in probationers in Yolo County that might be expected from these changes has been managed by shifting responsibility for hundreds of probationers to their home counties, so the overall number has stayed about the same.

A change in policy has reduced the population of the Yolo County Juvenile Detention Center and placed a large majority of juvenile detainees in their own homes, permitting them to continue to attend school and live in their communities.

New Laws

One of the new laws, SB 678, which went into effect in 2010, promised cash incentives to counties throughout the state for reducing the number of offenders sent back to overcrowded state prisons for new crimes and probation violations. In its first two years, the incentive program brought almost \$3 million in revenue to Yolo County.



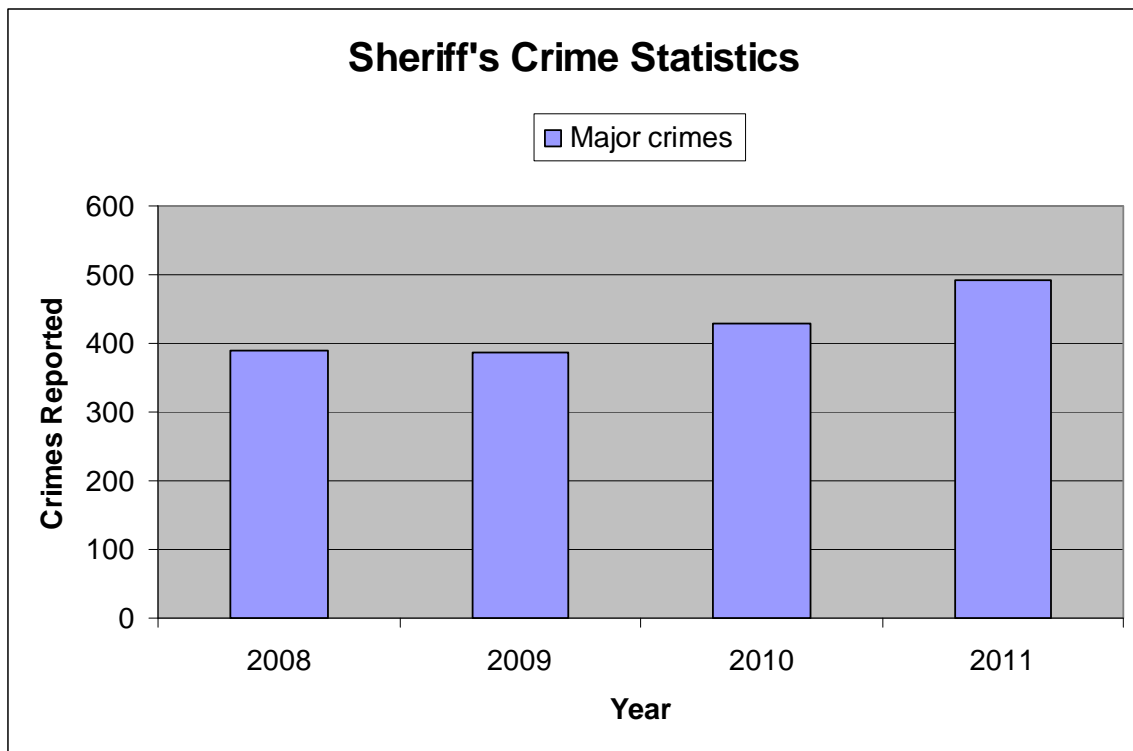
(Note: The state formula for measuring return rates used an average for the years 2006-8 as a baseline for comparison to 2010 and subsequent years. Due to program implementation, statistics for calendar year 2009 are not included in the calculation.)

Another new law, AB 109, shifts offenders convicted of non-serious, non-sexual, non-violent offenses to the counties for confinement in the county jails. Those prisoners

covered by the statute become the responsibility of local probation departments when they are released on parole.

Crime Rates: Effects Still Uncertain

Whether these recent changes in state law have had an impact on public safety is yet to be determined. There are some indications that crime rates in Yolo County are rising after years of decline. For example, the Yolo County Sheriff's Department reports an increase of 27 percent in major crimes reported in its jurisdiction from 2009 to 2011.



(Source: Sheriff's Department report of Part I crimes¹ for areas outside of cities in Yolo County)

Yolo County cities have reported a general decline in crimes over the same period. However, this may be changing. Woodland reported a 28 percent increase in major crimes in 2012 compared to 2011; West Sacramento reported an increase of 8 percent. Only Davis, among Yolo County's three largest cities, showed no increase at all in 2012—after a drop of 37 percent since 2008.

Whether these increases are the result of the new state laws or other factors, or are simply a temporary spike, is unknown.

¹ Part I crimes, as defined by the FBI for its Uniform Crimes Report include homicide, forcible rape, robbery, aggravated assault, burglary, larceny, vehicle theft, and arson. Together these provide an index of major crime in a community.

Local Validation of Risk Assessments Lacking

YCPD management agrees it needs to improve its tracking systems for measuring how effective it has been in assessing probationers released to the community in alternative probation supervision programs. The Department is unable, for example, to compare its risk assessments with the overall long-term behavior of probationers placed in these programs. The Grand Jury was told that the information stored in its systems does not allow this “local validation” of its risk assessments. The Department’s databases do not mesh. An improved tracking system would allow the Department to determine the overall usefulness of the tools in predicting probation violations and likelihood of new offenses.

The Department has taken some steps to improve its decision-making. In March, for example, the Board of Supervisors approved an \$82,500 study to evaluate the short-term and long-term cost-effectiveness of programs intended to change the behavior of probationers after their release from prison or jail.

The Grand Jury also learned that the Department is working with local law enforcement through the executive committee of the Community Corrections Partnership (CCP), which is mandated by AB 109 to come up with improved ways to measure and reduce recidivism.² These issues have a direct effect on public safety. The CCP page on the Department’s website is difficult to find. As of the end of March, the page provided minimal agendas, but no backup materials or minutes of previous meetings. The CCP site is not highlighted as a “Hot Topic” on the main County website.

Juvenile Detainees: Fewer in Custody

The Department also enacted policies that dramatically reduced the number of local youths held in the Yolo County Juvenile Detention Facility (JDF), which is operated by the Probation Department. The current facility was built in 2005 with a maximum capacity of 90 juveniles, but has never reached that number.

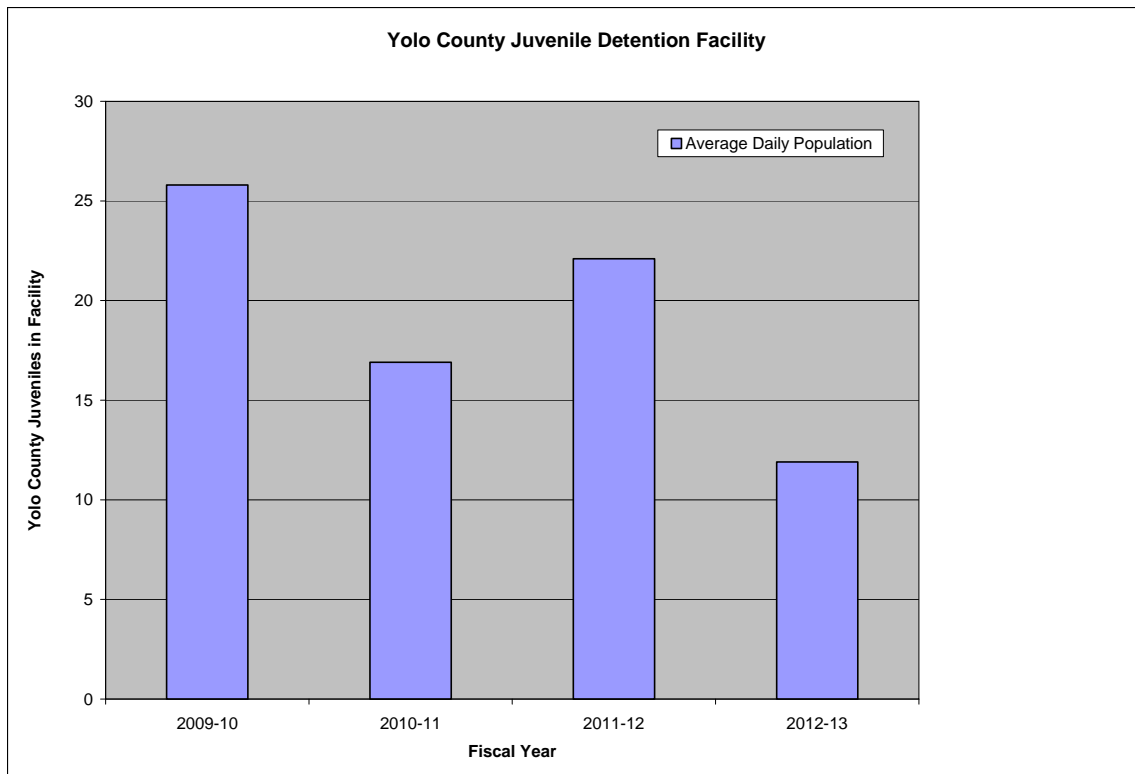
In 2007, there were as many as 45 local juveniles in the facility, Department officials told the Grand Jury. In November 2012, the average daily number of local young detainees in the facility dropped to just seven. The County has entered into a contract with the federal government to house up to 25 juvenile federal detainees. The Detention Facility also

² The CCP is headed by the Chief Probation Officer and includes the District Attorney, the Sheriff, the Public Defender, a local police chief, the court executive officer, and the Director of Alcohol, Drug, and Mental Health. The panel makes recommendations on allocation of AB 109 funds.

houses a small number of juveniles from Tuolumne County. JDF is staffed to supervise a maximum of 50 juveniles.

The sharp reduction in Yolo County juveniles in the facility is the result of probation department policies that promote keeping juveniles with their families while under Department supervision. In implementing this policy, probation officers were required to get approval from their supervisors before sending those who violated the terms of their release to the JDF. The local population dropped so much that the County has studied the possibility of shutting down the facility and contracting with a neighboring county for the small number of youths remaining. Probation officials told the Grand Jury that contractual obligations and a state statute preclude closing the facility

The impact of a larger number of juveniles released into the community in home-based supervision programs has not been measured.



According to department officials, in recent months, the average population in the JDF has begun to rise slowly, at least partly the result of changes in how the Department deals with probation violations. On a day in March when grand jurors arrived at the JDF for an interview, there were 16 local juveniles in custody.

FINDINGS

- F1. The makeup of the adult probation population in Yolo County is changing as a result of new state laws that shift responsibilities to the counties for some state prisoners and parolees. The impact on public safety is still uncertain.
- F2. Risk assessment tools continue to play an important role in determining the degree of local supervision and program placement for adult probationers to minimize impacts on public safety. The use of “evidenced-based” risk assessment tools creates more opportunities for probationers to serve their terms in programs with alternative supervision models, including daily reporting and electronic monitoring.
- F3. Changes in Department policy have placed more juvenile detainees in their own homes rather than in the county’s Juvenile Detention Facility. But the impact on the community and juvenile offender rehabilitation has not been determined. A recent rise in the number of youth incarcerated in the county may be the result of a change in policy by the Probation Department.
- F4. The Probation Department has not allocated adequate resources to evaluate the impact of its risk-assessment tools and policies for adults or juveniles.
- F5. The Community Corrections Partnership is well positioned to help determine the impact of Probation Department policies and recent changes in state law. It is important for the public to be aware of the information considered and actions taken by the CCP, however, its County webpage is difficult to find and provides incomplete information.

RECOMMENDATIONS

- R1. The YCPD should continue to coordinate its cooperation with local law enforcement agencies to assess its policies in supervising probationers and in establishing standards for sending those who violate the terms of their release back to prison or jail.
- R2. The effectiveness of risk assessment in assigning probationers to programs and aiding their successful reentry into the community should be validated. The YCPD should develop a proposal by December 31, 2013 to fund an outside consultant specifically for this purpose.
- R3. The YCPD needs to invest increased funding to upgrade its computerized systems to provide “local validation” of its risk and need assessment tools. As part of this effort, it must provide the public with statistics updated quarterly showing the impacts of AB 109 and SB 678, including county-wide crime statistics.
- R4. The YCPD’s Community Corrections Partnership website should be regularly updated to include agendas, meeting minutes and backup materials so that interested public can gain an understanding of the issues facing the probation department and law enforcement community.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following individual:

- Chief Probation Officer: Recommendations R1-R4

From the following advisory body:

- The Community Corrections Partnership executive committee: Recommendation R4