

# Richmond Confidential

## Prison realignment update in Contra Costa County



By Sukey Lewis

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County Supervisor John Gioia wants to know if California's prison realignment program is working in Contra Costa County, and after two years, he and others with an interest in law enforcement may be about to get some answers.

On October 1, 2011, California began its implementation of AB109— a law that moves lower-level offenders and parole violators from state prisons to local facilities— after a federal judge determined that the state's corrections system was unconstitutionally overcrowded.

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Since then, community-based organizations, law enforcement and county officials have been working together to comply with the court and reduce recidivism, but Richmond Police Chief Chris Magnus says it's been a little like building an airplane in mid-flight; without evaluation, it's hard to know whether that plane is soaring or crashing.

Next Tuesday, October 22, the County Board of Supervisors will vote on a \$246,000 contract with Resource Development Associates (RDA). If approved, this Oakland-based consulting firm will immediately begin the first phase of its three-phased approach to AB109 data collection and evaluation.

Gioia says these assessments will help the county “to invest limited dollars in a way that gives us maximum effectiveness and reduces recidivism.”

Magnus says this contract is a step in the right direction, but thinks more investment will be needed. “The scary part is, we’re spending millions of dollars that could have profound impacts on people’s lives and public safety,” Magnus said.

Probation Department Chief Philip Kader says that the metrics his department collects do show a reduction in recidivism. Probation is seeing a failure rate of 30% for AB109 individuals—down from 70% prior to realignment. Kader defines client failure by three measures—new arrest warrants, failing to keep in touch with his officers, and any new law violations.

Kader says this improvement represents progress but is not enough. “If you were a baseball player batting .700 that would be a great statistic. On the other hand, if you’re a heart surgeon, that would mean accidents are killing one of every four patients.”

Kader credits the relative success of the Probation Department in part to the access that the Sheriff’s Department has provided to “clients” while they are still incarcerated.

At West County Detention facility in Richmond, probation officers are

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able to meet privately with inmates in small rooms, which are otherwise used for attorney-client conversations. Officers then figure out which transitional programs are most appropriate for their clients: job training, drug treatment or help to find housing.

West County was built to be programs-based, Sheriff Department Lt. Brian Vanderlind, the facility commander says. And most of the inmates here take advantage of the various educational opportunities provided.

From 8:00 to 10:00 am, and then again from 12:45 to 2:30 pm, inmates gather in the eight classrooms to learn computer skills, take parenting classes, or take classes towards their high-school diploma. Graduation ceremonies take place in a landscaped outdoor area, where families get to watch prisoners walk down the aisle in a cap and gown.

While West County has been able to provide everything from engraving to parenting classes, Contra Costa's other detention facility in Martinez only offers independent study and the library.

Contra Costa County classifies different criminals based on their offense and risk factors. Inmates who require protective custody due to gang affiliation or sexual orientation have to be housed at the maximum security Martinez Detention facility. "Martinez wasn't built to have robust programming," Casten says. He sees this as one of the primary challenges facing the Sheriff's Department; "We need to get those people to the programs."

West County's 30 acres of buildings and groomed landscaping averaged 835 inmates in September, well below its maximum capacity of 1096. Martinez, meanwhile, housed around 655, only 40 inmates shy of its maximum 695.

However, Vanderlind says West County is facing some potential difficulties of its own. Built to deal with a transient population, Vanderlind worries about the increasing number of inmates who are sentenced to incarceration in West County for two years or more. If this trend continues, he says the jail will run out of space.

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Additionally, inmates who see themselves as “state property” sometimes are disgruntled by the jail’s policies, which have been constructed around the idea of short stays. Few personal items are allowed in cells, and inmates cannot purchase items that they could in state prison, such as tennis shoes or television sets.

Kader says that probation is the lynchpin to a successful criminal justice system, and he is starting to see signs that the Contra Costa justice system is moving away from long-term sentencing. The court now uses some form of supervision in nine out of ten cases, he says.

Contra Costa is funneling resources to community-based organizations, Gioia says. Out of the total \$19 million awarded to the county \$5 million has been invested in community organizations.

Rebecca Brown, president of Further The Work and director of the Reentry Solutions Group, says she is heartened to see this shift in thinking. It represents the partnership that is going on between community activists, law enforcement and county officials; “There is the realization that collaboration is more than sitting down together; it is saying we’re part of a system of care.”

Kader says the clients have also noticed this shift. He reports that in interviews with probation staff, one individual said, “I used to feel that when I get out of prison, the agency that was keeping an eye on me, was waiting in the bushes—waiting for me to mess up. As soon as I messed up, they handcuffed me and sent me back to prison. You guys are rooting for me and want me to succeed.”

Brown says she is optimistic that evaluation will show that investment in community organizations is key to both safer streets and effective rehabilitation. However, she advises patience. “It is a very long-term highly demanding course of investment,” she says, which has gone underfunded for so long, it may take time to see results.

While Kader says he is cautiously optimistic, the future of AB109 is uncertain. Funding is guaranteed only through July of 2014.

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At this point, Kader says he is also somewhat frustrated that while “AB109 is less than 15% of my department’s responsibility to the community, it gets 85% of the attention.”

Like Brown, Kader says he hopes the emphasis on AB109 leads to a broader shift of resources towards probation and reentry services. “The real underlying message of this is; ‘Wow something different is happening here.’”

Brown says there is a much needed “paradigm shift” going on in the way that California deals with sentencing and incarceration. “We are seeing a huge philosophical shift,” she says. “There is the pragmatic recognition that incarceration and reentry are costly and destabilizing unless we do things differently. It is in our enlightened self-interest to improve opportunities for success. We know the cost of failure.”

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