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COPS & COURTS

Realignment funding formula not adding up in all counties

By [Nicole Jones \(/people/nicole-jones\)](#)



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Not too long ago, the men now sitting around a table at the Contra Costa Probation Office were in prison. "I want to ask how long have you been in prison," Chief Adult Probation Officer Philip Kader asks them. They respond with three, six and even 12 times.

But now they're getting a taste of their newly found freedom. Thanks to realignment, they're here under a new program called post-release community supervision. They're having dinner with the probation officers that are responsible for them. Sharing a meal together is how they start their weekly class called "Thinking for a Change."

In a role-playing scenario, case manager Yuri Sequoian explains how to do active listening and how to have successful interactions with probation officers – in other words, how to stay out of jail.

“And it’s not just chit-chat,” Kader says. “We’re not trying to build relationships so we go have barbeque dinner and go to the Giants game together, although I’m not against either of those things.”

Kader is in charge of making realignment work in Contra Costa County and says his first goal is public safety. Part of that is reducing recidivism. Before realignment, nearly two-thirds of state parolees were back in custody within three years. Now that these lower level offenders are the county’s domain, officers want to make sure they don’t end up back behind bars.

“The idea of them believing that we want them to have success, and that is something several of these guys that have been to prison, two, three, four times have told us, they’re just not used to,” Kader says. “They’re just not accustomed to feeling as if the people that are dealing with them are really rooting for them.”

And that’s one of the really new things happening in Contra Costa County. Probation officers are now called case managers; they’re building relationships and trying to anticipate problems before they escalate.

“The thing that they have us on right now, I think it’s way better then the way it was before,” says Damien Livingston, who’s been in prison six times for receiving stolen property and grand theft auto. He’s been out since December and decided to sign up for this 26-week class, which also cuts time off his supervision.

“Now you have probation officers you can talk to, right. And when they come to your house they don’t come to your house like you’re a member of the Taliban or something,” he says, “five or six, seven police surrounding your house. Your neighbors look at you like you are really a criminal even if you’re trying to get it together.”

Livingston’s been on state parole before. He says it’s like someone’s just waiting for you to mess up to send you back to prison. “I couldn’t do parole. But this probation stuff is working,” he says. “I like it. I’m here, because if it was parole, I wouldn’t even be here. So I’m thankful for it. They’re trying to do something different. They ain’t just throwing you back in jail, and that’s a plus.”

Chief Kader says this kind of program gives hope to guys like Livingston. But without guaranteed funding, it may not continue. Since realignment began last October, counties are absorbing 2-3 times more offenders than the state projected. “But, no county government official will tell you they’re surprised that the state may have underestimated or under funded something,” Kader says. “The difficulty we’re having in this county is not so much our will, or even our infrastructure to support it, but it is funding, which we believe is based on a flawed formula.”

That formula the state uses to decide how much money each county gets for realignment is based mainly on how many people it sent to prison prior to realignment. “Where the formula is flawed,” Kader says, “is we have been avoiding sending people to prison for many years. We’re right in the middle of the state average arrest rate, yet, we are the lowest per capita of people that are being sent to prison.”

That means that if a county was sending offenders to programs instead of prison, now they have less money to spend on programs. For realignment, Contra Costa, with one million residents was given \$4.6 million, while Tulare County – with about half the population – got \$5.7 million. Both counties have a similar crime rate. Kader says the funding model doesn’t make sense intuitively. “The formula is set up that way that doesn’t give us the added benefit of tools to use that we think could expand the service delivery options to our clients,” he says.

Contra Costa County’s jails under realignment are facing their own challenges.

Commander Matt Schuler and Captain Jeff Nelson take me on a tour of the West County jail in Richmond. It’s an open campus setting. Birds are chirping over a beautiful yard the inmates created in a landscaping class. It’s peaceful.

“It does kind of have a bucolic feel,” Nelson says, “but it lends to that

because I worked out here in 1993, this was dirt, you know having some trees and flowers out here gave them the opportunity to learn that stuff but it also gives a better vibe to the whole place.”

Nelson says Contra Costa has always been a reform-oriented county. It was the first in the country to use direct supervision. It’s a kind of jail model that lets inmates move freely amongst the deputy staff. They offer GED classes, anger management and other services. Nelson says inmate morale is typically better in this set-up.

“Probably not surprising it goes without saying, if you lock somebody up in a room and they’re in there for the majority of the day and they can’t move around in a day room atmosphere like this, they get testy,” he says. “So this provides us with actually in the long-run a more secure environment because it’s better for the deputies, it’s better for the inmates, without sounding too touchy feely, they all get along a lot better.”

And unlike other counties, many of which have overcrowded facilities, Contra Costa has kept its jail population pretty low, mostly by expanding the use of electronic monitoring. Schuler says the county also expanded the maximum security facility Marsh Creek. What’s been tough, Schuler says, is figuring out what to do with inmates who require special custody, like gang members.

“It’s going to be tough for the inmates that are going to be staying with us for long-term,” he says, adding that “it’s always going to be tough because these facilities weren’t built for that.”

Before realignment, the state paid the county \$77 for housing parole violators. Now the county is only getting reimbursed at about \$25 a day. Regardless of its struggles with realignment, Contra Costa County has had some success. Since October, the county’s recidivism rate is only about 15 percent, which is much lower than it was at the state level.

And, there may be some relief with regard to funding. County officials like those in Contra Costa will continue to lobby the state to consider a new and what they say is a more fair funding formula.

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