

August 29, 2006

PERSONAL & CONFIDENTIAL

Governor Arnold Schwarzenegger
The State Capitol
Sacramento, CA 95814

Re: California Prison System

Dear Governor Schwarzenegger:

I have noted in the press that you are undertaking a \$6 billion campaign to get bond funding for new construction to address overcrowding problems in the prison system. At some point we must change the way we manage corrections on a systemic basis. Otherwise, the prisons will continue to grow uncontrollably.

In 1970, the year I graduated law school, there were 10,000 inmates in the California prison system. In 1988, when I was appointed to the bench, there were 49,000 inmates. Today in 2006 there are 175,000 prisoners in California prisons. The present population has grown 1700% in thirty-five years, when the population in the state has only doubled from about 16 million to 34 million.

Unknown to most of the public, 40% of the adult prison population is released every year. Seventy percent will be released within 3 years. We have the highest recidivism rate, 85% within two years, in the country. Eighty-five percent of the prison population is addicted. At least two-thirds, and many suggest more like 75%, have severe reading problems that cause them to be functionally illiterate. These risk factors are not remediated on a mandatory basis as a condition of release. Prisoners are sent home with the same problems that caused them to get incarcerated to begin with. They go back to drugs and alcohol and crime to pay for these vices, and are back in custody on parole violations or new crimes in short order. Competent research indicates that effective inpatient treatment reduces the likelihood that these risk factors will cause released inmates to reoffend. In other words, treatment of addiction and literacy problems will reduce recidivism.¹ Competent treatment programs in the California prison system reduces recidivism to under 25% and in some cases to under 15%.²

¹ Joan Petersilia, Ph.D., Criminologist at University of California, Irvine; David A. Deitch, Ph.D., Clinical and Social Psychologist specializing in treatment for the prison population; Thomas McClelland, Ph.D., University of Pennsylvania; and Kevin Knight, Ph.D., Texas Christian University are among a few of the competent researchers who have come to this conclusion.

² The Family Foundations Program in San Diego and Santa Fe Springs is an example of this success in recidivism reduction with substance abuse treatment.

Competent mandatory drug and alcohol treatment as a condition of release for addicted prisoners will not only reduce recidivism, but the size of the prison population. These services must be mandated both in our institutions and in prison release programs and on parole. If we will mandate treatment as a condition of release, the prison population that has grown exponentially, uncontrollably over the last 35 years will begin to decrease. Within a matter of two to three years we will have more savings in reduced incarceration costs than we spend on treatment. The same old approach of putting more people in prison for longer and building more prisons has no effect on the prison population or our social problems. We must take a different approach if we wish to find a solution to these problems.

Very truly yours,

James R. Milliken
Judge of the Superior Court (Ret.)

JRM/mdw