

**“My Number One Priority”: How Victims’ Rights Advocates Derailed Rehabilitation’s Potential
Role in Prison Reform in California**

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Introduction: Rehabilitating California's Correctional System

In his January 2005 State of the State address, California Governor Arnold Schwarzenegger pledged to reform the state's juvenile¹ and adult corrections departments. In thanking those who work in the field of corrections for their service, the Governor told them, "We will free you from the prison of waste and mismanagement in which you have been held. California was once the national leader, a pioneer, in corrections integrity, innovation and efficiency. We can make it so once again" (Office of the Governor 2005g). Just under six months later, on July 1, 2005, Schwarzenegger officially changed the name of the California Department of Corrections (CDC) (alternatively called the Youth and Adult Correctional Agency, or YACA) to the California Department of Corrections and Rehabilitation (CDCR).

The inclusion of "corrections" in the Department's name was already a nod to rehabilitation, a penal theory in which the goal of punishment is to reform or otherwise change the offender such that he no longer desires to commit crime, not out of fear of punishment (deterrence) or due to an inability to commit crime (incapacitation), but because he agrees that crime is wrong. Including "corrections" in its appellation hints at an agenda to reform, change, or correct inmates into decent, law-abiding individuals. But this was a vestige from a previous era: nearly all American states (48 of the 50—all but Texas and Hawaii), "correction," "corrections," or "correctional" appears in the name of the department in charge of addressing crime and punishment, but states' correctional departments across the country have long lost their tangible association with rehabilitation (at least until recently and even then it is a slender association). Indeed, rehabilitation as a theory of punishment has long been supplanted in favor of deterrence, retribution, and incapacitation, and is only recently regaining attention in the various United States. Moreover, even though in.

Consequently, the addition of "Rehabilitation" to the Department's name in July 2005 was a significant moment in California penalty, one that brought hope to students of punishment and to others disappointed with penal trends of the last thirty or so years and made others skeptical of what would come. The question for us to consider here is whether California's symbolic embrace of rehabilitation led to the adoption of rehabilitation as an actual, perhaps even dominant, penal policy. This article examines some of the events that preceded and followed the renaming of the California Department of Corrections to determine the depth of the commitment—if there was indeed a commitment at all—to rehabilitation in California's prisons.

It finds that, initially, rehabilitation was noticeably embraced and was part of a plan to reform governance in California. Rehabilitation had a relatively coequal priority to public safety where both public safety and offender rehabilitation were concerns secondary to improving governance. This changed in late March 2005 when a victims' rights advocacy group criticized the Governor for "abandoning" crime victims. Quite rapidly, the Governor's original plan of improving California's governance gave way to ensuring public safety. There followed a highly palpable change in the Governor's (and his administration's) justifications for any prison reform and in the priority level of rehabilitation. This article thus demonstrates the fragility of rehabilitation in

¹ Note that, while the present article will have occasion to mention juvenile services, it primarily focuses on adult services.

politics and the precarious position of politicians who wish to reform the prison system. Additionally, it casts doubt on whether rehabilitation will be justified in its own right anytime soon rather than by its contribution to public safety.

Adopting Rehabilitation: “The Purpose of Corrections Should be to Correct”

In 1977, California passed legislation that announced the purpose of incarceration to be punishment (Penal Code Section 1170 (a) (1)). For decades thereafter, California was ruled by governors who accepted this notion and the attendant tough-on-crime/criminals stance it reflected. In 2003, California recalled one such governor and elected former Hollywood actor Arnold Schwarzenegger to take his place. For the first time in decades, California had a governor who believed that “the purpose of corrections should be to correct” (Warren and Reiterman 2005). One could point to various explanations for why this politically conservative governor has been relatively successful in avoiding being called “soft on crime,” such as the facts that he is *The Terminator* and has “personified toughness on the movie screen” (Warren 2005a), that he is a political conservative (a label commonly understood as reflecting a tough-on-crime attitude, among other things), and that he has at times referred to other male politicians as “girlie men,” a label that is rather difficult to apply to the former bodybuilder and fictional superhero/tough guy. But we need not pick one as such explanations do not concern us here. What does concern us, however, are the steps taken towards rehabilitation under Schwarzenegger’s governorship, steps that have caused some observers to assert that the Governor “appears determined to make genuine reform part of his legacy” (Warren and Reiterman 2005).

The Initial Plan: Bringing California Governance into the 21st Century

This section examines official statements made from August 2004 to March 2005. In addition to press releases from this period, this section focuses on (1) Governor Schwarzenegger’s comments in 2004 indicating a plan to reform California’s prisons; (2) Schwarzenegger’s January 5 State of the State Address, in which he stated that the corrections department would be the first state agency to be reorganized; and (3) the Governor’s Reorganization Plan 2, which was released to the Little Hoover Commission on January 6.

This section shows that the initial plan to reorganize California corrections was primarily about improving California governance within that agency. While concerns for public safety, victims’ rights, and achieving offender rehabilitation were present, they were overshadowed by a perceived need to improve government accountability, responsibility, efficiency, and cost-effectiveness. Public safety, according to the sources examined, would be enhanced by improving governance in these ways. The failure to rehabilitate offenders, moreover, was seen as symptomatic of larger issues attributed to the government’s failure to take responsibility and be accountable to its citizens. Strategies to improve criminal rehabilitation were thus limited in details and kind.

(1) Comments Prior to January 5, 2005

On August, 16, 2004, less than a month after Federal District Judge Thelton Henderson’s July 19 letter criticizing the abhorrent conditions of California carceral institutions, Governor

Schwarzenegger visited Mule Creek State Prison to see for himself the state of a California prison. It was the first time Schwarzenegger publicly indicated an intention to reform California's correctional system. He stated his twin vision of California prisons as follows:

“My vision of California's prison system is one where violent, dangerous offenders are kept behind bars, so our families stay safe. But I also see a system committed to rehabilitating our prisoners so they can be successful when they are released and a system managed with the highest degree of professionalism” (Office of the Governor 2004b).

Thus, public safety was present, but not a “number-one priority,” and rehabilitation was conceived of as beneficial for offenders' life after prison. But another key aspect of Schwarzenegger's goal for reform was government “professionalism”: the desirable “path of reform” was one “that will make California's prisons more efficient, more effective and more accountable” (Office of the Governor 2004b). As we shall see, this improved governance in corrections was a major justification for reform in the period before April 2005.

(2) State of the State (January 5, 2005)

Governor Schwarzenegger's remarks about his plans for the corrections department in his State of the State address on January 5, 2005, were limited: he announced that reorganizing the (youth and adult) correctional department would be his first order of business for the new year. It would be first, because “[i]ts need is the most urgent.” The broader goal in which this plan fit was to improve accountability and efficiency of California's government. Schwarzenegger closed by asking the legislators to “Join me in regaining the control of California's financial future. Join me in restoring the trust of the people. And join me in introducing a bold, new era of reform in California” (Office of the Governor 2005g).

(3) Governor's Reorganization Plan 2 (January 6, 2005)

The following day, Schwarzenegger's office released his plan for reorganization called, “Governor's Reorganization Plan 2: Reforming California's Youth and Adult Correctional System.”² Essentially, Schwarzenegger's plan intended to (1) rename the CDC to CDCR, (2) combine youth and adult authorities, (3) create a cabinet-level position for the new CDCR's Director, and (4) use various strategies to increase oversight and accountability of penal officials. In addition to collapsing the Youth and Adult Corrections Authority into one Department of Corrections and *Rehabilitation*, the Plan laid out precious few other statements about rehabilitation:

- There will be a Division of Adult Operations whose “management goal... will be to effectively operate and manage adult correctional institutions to confine and rehabilitate offenders.” Division officials will be “accountable for preparing inmates for eventual return to the community” (2005, 14).

² For details, see Governor's Reorganization Plan 2, released January 6, 2005 (<http://www.lhc.ca.gov/lhcdir/reorg/GRP2.pdf>) and the Governor's transmittal letter sent with it the same day (<http://www.lhc.ca.gov/lhcdir/reorghome/GRPTransmittal.pdf>).

- The Division of Education, Vocations and Offender Programs “will house programs designed to enable offenders to successfully reintegrate into the community. This includes academic education, vocational training, substance abuse and counseling programs. The Prison Industry Authority will also be part of this division...” (2005, 15).
- Finally, “[t]he Division of Community Partnerships will establish, maintain and expand cooperative agreements with local law enforcement and community-based organizations and other entities that can aid in the rehabilitation and reintegration of inmates, wards and parolees” (2005, 16).

Importantly, as two *LA Times* reporters pointed out, “No details of such programs were provided. Nor were cost estimates or an explanation of how the stepped-up rehabilitation effort would be paid for, especially within a department that has overspent its budget by about \$200 million this fiscal year” (Warren and Reiterman 2005). Similarly, in its response to the Governor’s Plan (which it nevertheless recommended to the Legislature for adoption), the Little Hoover Commission pointed out a central paradox that speaks to the Governor’s vague commitment to rehabilitation: “the \$95 million unallocated reduction in the Governor’s proposed 2005-06 Budget for the Department of Corrections would result in a 28 percent reduction in programs, despite the purported goal of the plan to refocus the new department on rehabilitation strategies. The agency assumes that the cuts can only be taken from inmate programs – rather than also from custody functions” (2005, 21-22).

In the Governor’s letter accompanying his Reorganization Plan 2, improving California governance is clearly a main theme. Indeed, the opening line states, “These two reform proposals [Governor’s Reorganization Plans 1 and 2] are the first in a series that will shape the future of California and create the first 21st Century government in the United States.” Specifically, the Governor explained he sought to improve responsiveness, accountability, productivity, and efficiency, and to “restore[] public trust in state government.” Nowhere is public safety mentioned in this cover letter (Schwarzenegger to Little Hoover Commission 2005). (In fact, in the body of the Plan, excluding the Appendix, public safety was mentioned twice when the Plan explained that various divisions or strategies were designed to “promote” (Schwarzenegger 2005, 13) or “protect” public safety (Schwarzenegger 2005, 14).)

Public safety was part of the overall goal of the Plan, however. The bottom-line purpose of reforming YACA was to “deliver a safer society at less cost to the people of California” (2005, 2). But reorganization was necessary for many reasons, and included among them was the “failure of the system to take responsibility and accountability for the rehabilitation of offenders and provide the training, counseling and support needed to prevent re-offending” (2005, 6). Again, this was an issue, first and foremost, of better governance.

Summary

Thus, as is evident in the above sections, initially, the primary purpose of reforming the corrections departments in Schwarzenegger’s eyes was the desire to improve governance in that area of government. Secondary reasons were public safety and better rehabilitation of offenders, where the latter was justified somewhat by arguments for efficiency and cost effectiveness. As we shall see, the issue of better governance soon switched with public safety in level of

importance (if it did not completely drop out of discussions) when victims' rights groups responded to the Governor's proposed changes. By contrast, rehabilitation has remained a secondary issue, perhaps even a tertiary issue after improved governance.

Under Attack: The Concern for Public Safety

During the last week of March 2005, the victims' rights advocacy group Crime Victims United of California, a group "[i]nitially... financed almost exclusively by the California Correctional Peace Officers Assn.," released a television advertisement which claimed that "the governor 'let us down' after promising to 'stand with victims.'" It "focus[ed] on parole violators" and indicated that killers would be returned to or allowed to remain on the streets to commit new crimes, and make new victims. "Harriet Salarno, the organization's founder, said in an interview, '...the governor said victims would be his first priority, and now we're being ignored.... We've got parolees running around all over committing crimes.'" She also criticized Schwarzenegger's support for rehabilitation in California's penal facilities. "Salarno... said she hoped the TV ad would serve as a 'wake-up call,' persuading Schwarzenegger to reverse course 'so we don't have more victims on his watch'" (Warren 2005b). It appears that this "persuasion" worked. Beginning in April 2005, Schwarzenegger and his administration, through word and deed, began trying to convince the public that the focus of his administration would be "public safety." Specifically, nearly every time Schwarzenegger discussed his prison reform plans, public safety was (and victims were) listed as a primary concern for his Administration, a pattern in direct contrast to Schwarzenegger's references to prison reform prior to April 2005.

This section follows the development of the Governor's verbal concern for public safety in relation to his comments about YACA, CDC, and CDCR. It finds that prior to April 4, 2005, Schwarzenegger mentioned public safety, but he rarely referred to it as *a* priority, let alone a *top* priority, but rather as one concern among many, possibly even one superseded by other pressing concerns. In this section, I argue that the pressure from victims' rights groups and the prison guards' union criticizing the Governor in late March and early April led to this change.

Before April 2005

Governor Schwarzenegger referred to "public safety" as a priority in 2004 all of two times. The first came in February 2004 when Schwarzenegger named "Jeanne Woodford, former warden of famed San Quentin prison,... director of California's Department of Corrections." On that occasion, he stated, "She shares my priorities of public safety and accountability and is a tremendous asset to my administration" (United Press International 2004). Months later, on August 12, 2004, Schwarzenegger signed AB 493 (legislation dealing with "sexually violent predators"). In his press release issued that day, he stated, "Public safety is my No. 1 priority. We need to make sure that local law enforcement is part of the process in placing sexually violent predators when the court orders their release. This bill will provide clarity on where sexually violent predators will be placed, and will enhance the state's ability to track them" (Office of the Governor 2004a). Nearly six months would pass before Schwarzenegger would refer to public safety as a priority of any degree.

April 2005 and After: Standing with the Victims, Ensuring Public Safety

On April 4, 2005, mere days after the *LA Times* ran an article entitled, “Victims' Rights Group Blasts Prison Rehab Plan; Organization that once sided with the governor says his parole proposals endanger the public” (Warren 2005b), Schwarzenegger received the California District Attorneys Association (CDAA) “Fiat Justicia Ruat Coelum” public safety leadership award. In addressing the CDAA, he said,

When someone becomes a victim of crime, it strikes at the heart of our most basic freedoms. As long as I am governor, California will continue to be a leader in victims' rights and public safety will continue to be a top priority. (Office of the Governor 2005b)

Weeks, rather than months, later, Schwarzenegger again referred to public safety as a priority, but said nothing of improved governance. On April 25, the Governor issued a press release stating, “Protecting public safety and guaranteeing every Californian the right not to become a victim is my priority.” This sentence was immediately followed by his description of the achievement of legislation passed in the State Legislature: “Today we took the first step to change the [Youth Adult Correctional] agency and its structure. We laid the foundation necessary to continue to reform our broken corrections system so we can prevent further crimes and protect the safety of all Californians” (Office of the Governor 2005h). This was a marked departure from Schwarzenegger’s earlier statements promising that California would once again be “the national leader, a pioneer, in corrections integrity, innovation and efficiency” (Office of the Governor 2005g).

Just over two weeks later, Schwarzenegger’s “priority” of public safety had become his “number one priority.” On May 10, when Schwarzenegger signed the legislation (SB 737) effecting these reforms, his office issued a press release in which he stated, “My number one priority is to protect public safety.” He explained,

When I came into office we faced some major challenges in our corrections system. Today we have come together to take an important step forward to confront those challenges and create a safer California....Through our bipartisan effort we have created the Department of Corrections and Rehabilitation, giving our corrections system the structure to be more effective and accountable to the people. I look forward continuing to work with Secretary Hickman and the Legislature to bring the remaining reforms to our prisons and prevent further crimes.

In the same press release, Secretary Hickman stated, “Public safety is at the core of all that we do” (Office of the Governor 2005d).

In another press release issued on June 23, nearly a month and a half later, Schwarzenegger stated, “My number one priority as Governor is protecting public safety while ensuring justice is served and the rights of victims and their families are protected” (Office of the Governor 2005e).

Though not touted as a priority, public safety and improved governance were the focus of the Governor's remarks when the CDC was officially renamed the Department of Corrections and Rehabilitation on July 1, 2005:

Today is a new day for corrections in California as we put into place the structure needed to bring reform to our prison system and protect public safety.... [The CDCR staff] now have a structure in place designed to make the [corrections] system more accountable and effective. I look forward to continuing to work with them to make our prison system again the best in the nation. (Office of the Governor 2005a)

References to public safety continued throughout the year. One came on August 16 (Office of the Governor 2005c); another on October 4 (Office of the Governor 2005i); yet another on November 10, this one from Business, Transportation & Housing Agency Secretary Sunne Wright McPeak (US States News 2005). The party line was now obviously one deeply invested in public safety. In all of 2004, there were all of two references to public safety as a priority. In 2005, in the nine months following the victims' groups' attacks, public safety was a priority, often a top priority, seven times.

This shift in foci is evident in other ways as well. Significantly, in the Governor's Reorganization Plan 2 (released in early January 2005), the phrase "public safety" was mentioned several times (11 references total on seven different pages; or 0.224 references per page in the report), often as something an institution or reform would help protect. However, nowhere in the 49-page report was public safety referred to as a top or number-one priority. Instead, the references are mostly bland (in comparison to statements that came mere months after this report was published) statements such as the first reference: "The management goal of the Board of Parole Hearings is to promote public safety through parole processes and decisions that are fair" (2005, 15). While there was not a great difference in qualitative references to public safety in later publications, there was a great quantitative change. There were 14 references to "public safety" in the 38-page "Strategic Plan" (2006), and 13 "public safety" references in the 36-page "CDCR Story" (2007) (or 0.361 and 0.368 references per page, respectively). These represent a 64.3% and 61.2% increase, respectively, in the ratio of instances of "public safety" to the number of pages in two major California reports. Even more significantly, YACA's Strategic Plan 2005 was included in the Appendix of the Governor's Reorganization Plan 2 and was thus included in the calculation of references to public safety. Without the appendix, the 19-page Plan by itself refers to public safety ~twice~, i.e., 0.105 references per page. Thus, between the January 2005 Reorganization Plan 2 and the Strategic Plan in January 2006 and CDCR Story in 2007, references to public safety thus increased by 250% and 244%, respectively. (The CDCR's 2006 Strategic Plan represents a 22.7% increase from the 0.3 references per page in YACA's 2005 Strategic Plan.) The rhetorical prominence of public safety thus increased dramatically between 2005 and 2006.

I argue that the pressure applied by victims' rights groups and the prison guards' union, condemning Schwarzenegger for "abandoning" the victims in favor of criminals caused the Governor to change his strategies of (1) how he justified reforming the criminal justice system, and (2) what reforms he proposed and supported. The change is also evident in the Governor's revised tone in referring to criminal justice issues. In fact, I do not think it is coincidental that in

August 2005, a mere five months after the initial attack by victims' rights groups, Schwarzenegger "proposed the Sexual Predator Punishment and Control Act, which would give California the most stringent sex offender laws in the history of the state" (States News Service 2005).

This is not to say that Schwarzenegger, his staff members, CDCR representatives, or other important actors never referred to public safety between January 1, 2005, and April 4, 2005. As mentioned above, they did. On February 22, for example, Schwarzenegger announced in a press release that "his plan to reorganize California's Youth and Adult Corrections Agency... is designed to establish clear lines of reporting, accountability, responsibility and performance assessment that will improve services, reduce the likelihood of repeat offenses, and protect public safety at less cost to the people of California" (Office of the Governor 2005f). Nor is this to say that public safety was not a priority, or even a main priority, between August 12, 2004, and April 4, 2005. It is, however, a demonstration that Schwarzenegger and his administration felt a *need* to make sure that the public *knew* public safety was still his top priority even though he was proposing prison reform legislation that included an emphasis on rehabilitating offenders.

But in case claiming public safety as priority was not enough, Schwarzenegger also demonstrated his commitment to public safety in California by promoting victims' rights. In response to the March and April 2005 attacks by victims groups, Schwarzenegger made victims the new focus of his administration, thus proving that he hadn't "pushed [them] aside" as Salerno had claimed (Warren 2005b).

In early April 2005, Schwarzenegger began placing victims' advocate positions in various statewide agencies. According to one press release, these were:

- Ms. Collene Campbell to the Commission on Peace Officer Standards and Training
- Ms. Susan Fisher to the Board of Prison Terms
- Ms. Sharon English as Victim Issues Advisor to YACA and as a member of the State Council to oversee the Interstate Compact on the Supervision of Adult Offenders (Office of the Governor 2005b)

Even more prominently, on April 24, 2006, Governor Schwarzenegger announced the creation of a Crime Victims' Advocate within his office. The position was filled in June 2006 by Susan Fisher, a woman active in crime victims' advocacy. In fact, rehabilitation increasingly became justified by the reduction in victimization. For example, the primary justification for rehabilitation in the rehabilitation "Fact Sheet" on the Office of the Governor's website is prominently displayed as "[f]ewer [v]ictims" (Office of the Governor 2005h). This centering of the victim in Schwarzenegger's penal policies has given his version of rehabilitation elements not found in previous rehabilitative eras, but that are generally consistent with national trends in adopting rehabilitation.

Summary

Following the attacks of the victims' rights groups, Schwarzenegger and his administration perceived a need to affirm that public safety was still the Governor's highest priority. Plans for

rehabilitation proved few and far between and completely lacking in detail as to *how* exactly inmates would be reformed. Indeed, actual legislation that embraced rehabilitation would not come until 2007—that is, only after prison overcrowding had become so severe that the Governor declared a state of emergency in California’s prisons. After March 2005, plans to implement rehabilitation were liabilities that could only—if at all—be counteracted by invocations of public safety’s high-priority status for government and the embracing of crime victims.

The significance of this for the state is twofold: First, it demonstrates the workings of politics and pressure groups on public policy issues and the serious consequences such ploys can have. After 30 years of tough-on-crime legislation, a retributive mentality keen on incapacitation, and the abandonment of rehabilitation, California’s prison system is undeniably at crisis level. If plans to address this crisis continue to be shot down (such as reducing the number of inmates and introducing rehabilitation), the crisis will explode into the state’s communities and neighborhoods—even more than it already has. Second, the brief history outlined above explains why in late 2006 and 2007, when rehabilitation finally reentered political consciousness as a possible strategy, rehabilitation was justified solely by its public safety dimension. This raises the question of whether rehabilitation should be embraced only because of its potential ability to enhance public safety or because of an obligation owed by the state to those it locks up. It seems a plan for rehabilitation based solely on the first justification would be highly susceptible to failure if crime rates change, albeit in ways unrelated to in-prison policies, and fosters the tough-on-crime mentality that brought the state into the crisis in the first place. The second, however, would be more conducive to a prison system that treats its inmates as people instead of animals and to a more holistic approach of crime control—one based in prevention—that recognizes the many factors that contribute to crime commission and thus potentially more successful at actually reducing crime but also at improving the health of California’s communities.

Conclusion

The developments outlined in this article have great significance for national trends in penalty. California has traditionally been a national trendsetter for (both rehabilitative and punitive) punishment, among other things. California’s “bellwether” status thus begs the question, Do California’s actions herald the dawn of a new era—one that embraces, rather than rejects, rehabilitation, a penal philosophy that has been all but abandoned for several decades? The answer to this question is complicated by the fact that California’s penal system is also in a state of crisis. Its correctional institutions (prisons, jails, and systems of probation and parole) are not materially different in proportion or rate of use from most penal institutions nationwide (Petersilia 2006, 6-9). However, they are unmanageable and untenable: the correctional system is inordinately expensive; prisons are badly overcrowded; and, while recidivism rates may not be the “worst” in the nation, the rate at which “parolees under supervision return to prison within three years [is] nearly twice the national average” (Petersilia 2006, 71). (Additionally, the state’s prison health care system is likewise in a state of crisis. See Sterngold 2005, Morain and Warren 2005.) Due to the desperate situation in which California finds itself, penal officials may be forced to grasp for immediate policies that are not well thought out or that are chosen due only to

the need for immediate action and the limited choice of options. If this is the case, California's reach for rehabilitation may be half-hearted and/or short-lived.

In the coming weeks, months, and years, it will be important to distinguish (1) between claims of rehabilitation that come with detailed plans of how rehabilitation will be implemented and those that claim to utilize rehabilitation but that do not quite flesh out "rehabilitative" policies, (2) between policies that choose rehabilitation for its own sake and those that choose rehabilitation because nothing else works or because there is no alternative, and (3) between policies that demonstrate a faith in rehabilitation and those that seek to tweak main features of classic rehabilitation theory. We should also be attuned not only to the motivations to incorporate rehabilitation in corrections, but also to when, how, and why justifications for rehabilitation change.

Small shifts in the justification for penal policies may have significant consequences for the policies actually chosen; the rhetorical changes regarding rehabilitation may indicate whether the State is truly embarking on a rehabilitative project—that is, making real, systematic changes—or whether the State is avoiding real change by making mere *nominal* changes. Will, as California Correctional Peace Officers Association Executive Vice President Lance Corcoran asked in 2005, "[e]verybody... get new business cards and letterhead, but we ma[k]e no change at ground level regarding programs and services provided to inmates" (quoted in Warren and Reiterman 2005)?

The conclusion I put forth is a depressing one: in the last three years, rehabilitation has never been embraced as a good in its own right. Rhetorically, Schwarzenegger supported rehabilitation early in his administration (2004 to early 2005), but out of a concern for better governance. Rehabilitation's instrumentality helps explain why early suggestions for rehabilitation came with virtually no explanation of how inmates would be rehabilitated: if rehabilitation was valued in and of itself, those favoring its implementation would likely be more explicit on how it would be implemented. When the victims' rights groups criticized the Governor for jeopardizing public safety with his emerging commitment to rehabilitation, talk of rehabilitation decreased while public safety became the "number one priority" of his administration. Only when it was inescapably true that California's prisons were deep in crisis mode (which became clear in the period after the one reviewed in this article) and solutions were desperately needed did necessity make rehabilitation easier to embrace. However, today it is still the case that strategies for rehabilitation are not forthcoming.

I close by suggesting that so long as rehabilitation is seen as an instrument to some other aim, rehabilitation cannot be embraced fully or successfully. AB 900, for example, demonstrates this problem in its provision for prison bed construction as a means to enabling rehabilitation in prisons: as some have pointed out, rehabilitation __cannot__ be successfully implemented on as large a scale as California's prison population. However, the lock-'em-up mindset that paralyzes California politics prevents the state from diminishing its prison population. As long as competing mindsets (e.g., deterrence/incapacitation/retribution and rehabilitation) coexist, prison policy is going to have very jagged edges.

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