

September 14, 2009

To: United States Attorney for the Western District of Washington,
c/o Mr. Jonathan S. Solovy, Legal Counsel to Mr. Michael Santos

From: Professor Joan Petersilia

Subject: Mr. Michael Santos and How His Behavior Has Been Conductive to Preventing
and Reducing Crime

I am writing to support Michael Santos' Petition for executive clemency. I want to begin saying that, despite the fact that I have been a criminologist working on criminal justice issues for over 30 years, I have never written a letter supporting *any* action for *any* prisoner. I have often been asked to write such letters, but I never felt it was my place to question the decisions made by those in the justice system who probably had more information than I about an individual offender. But Mr. Santos' case is so compelling that I feel mandated to change my policy and write on his behalf.

I am a Professor of Law at Stanford Law School and also co-director of Stanford's Criminal Justice Center. I am a criminologist by training, specializing in sentencing and corrections matters. Prior to joining Stanford, I was Director of RAND's Criminal Justice Program and the founder of University of California, Irvine's Center on Evidence-Based Corrections. Between 2005-2008, I was Governor Schwarzenegger's chief policy advisor on prison and parole matters, and chaired two statewide California commissions to examine and reform our state's corrections system. I have spent over three decades developing best practices for rehabilitation programs, establishing recidivism prediction models for parole release, and educating students on the costs and benefits of prisons and community alternatives. I believe this background allows me to speak rather confidently about the role that Mr. Santos has played in preventing and reducing crime.

I am quite familiar with Mr. Santos, his original crime, and how he has bettered himself while in prison. In fact, I use his materials in my class teachings to illustrate someone who has taken responsibility for his crime and made the best of his many years in prison. His book, *About Prison*, not only influences my recommendations and public speeches, but I recommend the book to dozens of families who write to me worried about what the future holds for their loved ones headed to prison. What you will find in *About Prison* is useful and practical advice about the criminal justice system and living in prison, written about in a 'no-excuses given' by Mr. Santos' for his crime. He has used his time in prison to not only improve his own life and education but, through his writings, prevent many others from going down the same path.

It is also important to note that Mr. Santos continues to educate students every day through his answers to their questions, posed in the classroom but answered individually through his responses posted on a website maintained by his devoted wife.

This is truly extraordinary. Students in criminology classes all over the country are able to “communicate” with a person currently serving time. The educational value of this cannot be overstated. We often stigmatize and fear what we do not know and understand. Mr. Santos is breaking down those barriers between those in the free society and those behind bars. He does it not in a “liberal” versus “conservative” dialogue, which would be rather useless to the true educational goals he pursues, but rather in a balanced and thoughtful manner. When he is released, I hope he will come to speak to my Stanford classes on crime policy. His willingness to engage the public in crime control, prevention, and rehabilitation matters is an educational service that is truly extraordinary and useful. I know that it influences hundreds of students across the United States, and his published writings go even further to reach a more general public audience. Not only does he help the students in the classroom, but again it is worth mentioning, that families often turn to his book to better understand what it is like behind prison walls. This further “prevents and reduces” crime in those communities.

Two last points are worth making. I often use his criminal case as an illustration of U.S. drug policy gone awry. He has simply served too long a prison term for the severity of his original crime (he has already served far longer than many of those convicted of aggravated assault and manslaughter). Continued imprisonment serves no additional rehabilitation or incapacitation purpose. If retribution is what we were after in his case, surely we have exacted that by now. I can also tell you, without hesitation, that Mr. Santos is an excellent risk for release. My statistical experience in parole risk assessment, tells me that there is nothing in Mr. Santo’s background or current behavior that suggest he poses any threat to the community once released. He has an extensive support system in the larger community and within his family, and strives to continue teaching and writing about his criminal justice experiences. It appears that his psychological adjustment has remained intact during his lengthy incarceration.

For all these reasons, I support Mr. Santos’s commutation petition. Continued imprisonment seems to serve no justice-related purpose, and in these tight economic times, it also wastes taxpayer’s money. For those who can be released, without threat to the public, and who have served far too many years (relative to the severity of their conviction), justice demands a reconsideration of their case. There can be no doubt that his behavior in prison has served to prevent crime and reduce it in the general community.

I trust that my comments will be useful to you in your deliberations. If I can provide any additional information, please do not hesitate to call upon me. I can be reached at 650 723-4740 or Petersilia@law.stanford.edu.

Sincerely,

A handwritten signature in black ink, reading "Joan Petersilia". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Joan Petersilia
Professor of Law