

An execution chamber at San Quentin Prison in California

# California death penalty system 'dysfunctional:' report

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LOS ANGELES (AFP) — California's death penalty system is close to collapse, an independent commission said Monday in a report that calls for judicial reform in the most populous US state.

Without recommending the abolition of capital punishment, the report said that in February, California had 670 inmates on death row, compared to 3,263 in all the United States, and that 20 people were condemned to death by the state each year.

Due to the appeals process, staff or budget shortfalls, more than 20 years go by in California between a death sentence and its execution, said the California Commission on the Fair Administration of Justice (CCFAJ) in its report.

The average delay in other US states between sentence and execution is 12 years.

Since California reinstated the death penalty in a 1978 referendum -- the US Supreme Court ruled in favor of its reinstatement nationwide in 1976, 13 executions have been carried out in the state, while 52 death row inmates have died in other circumstances: 38 by natural death, 14 by suicide.

California's Supreme Court Chief Justice Ronald George said in the report that unless the state's death row system is reformed, the backlogs in post conviction proceedings will continue to grow "until the system falls of its own weight."

"While some opponents of the death penalty might welcome such a prospect," the report added, "the members of this Commission believe that doing nothing would be the worst possible course.

"The failures in the administration of California's death penalty law create cynicism and disrespect for the rule of law, increase the duration and costs of confining death row inmates, weaken any possible deterrent benefits of capital punishment, increase the emotional trauma experienced by murder victims' families, and delay the resolution of meritorious capital appeals."

CCFAJ members, including judges, police officers and academics, urged a 95 million dollar budget increase for more court-appointed lawyers, and reforms deferring the last decision in death penalty cases to appeal courts, rather than the state Supreme Court.

The commission also stressed that California could "replace the current system with a narrower death penalty law, or to replace capital punishment with lifetime incarceration," but that ultimately the choices "must be made by the California electorate."

New York-based Human Rights Watch, which has helped the CCFAJ since it was created in 2004, reiterated on Monday its call to abolish the death penalty.

"California, and all other US jurisdictions, should abolish the death penalty," said HRW's David Fathi, "but until that day comes, California must take steps to ensure that executions don't result from error or racial bias."

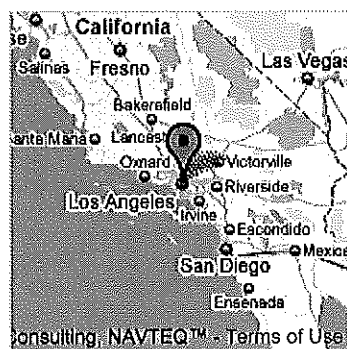
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