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Report: Calif. death penalty system deeply flawed

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California's 30-year-old death penalty system that costs more than \$100 million annually to administer is "close to collapse," according to a new report issued Monday.

The California Commission on the Fair Administration of Justice, appointed by the state Legislature to propose criminal justice reforms, issued a 117-page report detailing a deeply flawed system with the biggest backlog of cases in the nation.

The commission stopped short of calling for the abolition of the state's death penalty. It did note, however, that California would save hundreds of millions of dollars if capital punishment were eliminated. Most condemned inmates are essentially given life sentences because so few executions are carried out, the report said.

The commission blamed inadequate legal representation and a broad death penalty law that makes nearly all first-degree murder cases eligible for the death penalty among other issues that have made the California capital punishment system "dysfunctional."

"It is the law in name only, and not in reality," the report stated.

The commission recommended California double its annual amount of capital punishment spending to hire more defense lawyers and prosecutors.

There are 673 inmates on California's death row. Seventy-nine of them are still waiting to be appointed attorneys to prepare their automatic appeals to the California Supreme Court.

California has executed 13 inmates since reinstating the death penalty in 1978. No one has been executed since 2005, when a federal judge ordered a de facto moratorium until state officials fixed flaws in how California prison officials deliver the lethal injection during executions.

It takes an average of about 17 years in California between the time a killer is convicted and executed on the exceedingly rare occasion when an inmate is executed. The national average is about 10 years.

"The families of murder victims are cruelly deluded into believing that justice will be delivered with finality during their lifetimes," the report stated.


The commission also suggested limiting the number of crimes eligible for the death penalty to multiple murders, the killing of law enforcement officials or witnesses and the torture of murder victims. As it stands, the commission said 87 percent of all first-degree murder charges could be prosecuted as death penalty cases.

The commission "found no credible evidence" that an innocent person had been executed in California in the last 30 years.

"The strain placed by these cases on our justice system, in terms of the time and attention taken away from other business that the courts must conduct for our citizens, is heavy," the commission concluded.

On the Net:

California criminal justice commission: <http://www.ccfaj.org/> [<http://www.ccfaj.org/>]

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