



## Execute Justice: The Time Has Come to End California's Death Penalty

**Who is accountable for this broken system, what are we doing to repair it, and is it really worth the price?**

*By Natasha Minsker*

These are just some of the questions that the **California Commission on the Fair Administration of Justice** should be asking as it begins to examine California's broken death penalty system. The Commission will hold the first of three hearings today, January 10. The same day, Gov. Schwarzenegger releases his plan to deal with state's crippling \$14 billion budget deficit. The Commission and the governor must come to terms with the spiraling costs we pay to maintain an unfair, unjust, and unnecessary death penalty system. The question is, what are they going to do about it?



The California Commission on the Fair Administration of Justice was created by the California Senate to investigate the causes of wrongful conviction and wrongful executions, and to recommend reforms to make California's criminal justice system "just, fair, and accurate." Composed of law enforcement, prosecutors, defense attorneys, judges, and citizens, the Commission has already issued a series of unanimous recommendations related to the other problems in California's criminal justice system. In public hearings from January through March, the Commission will tackle the many flaws in California's death penalty. Now is the time for all Californians to start asking some challenging questions.

### **Is the death penalty applied unfairly?**

At the first hearing, experts will present evidence about how California's death penalty is unfairly applied, discussing troubling **racial, ethnic, and geographic disparities** in who is sentenced to die. For example:

- A person whose victim is white is three times more likely to be sentenced to die than a person whose victim is African-American and four times more likely than a person whose victim is Latino.
- Counties with a high proportion of white residents are much more likely to pursue the death penalty than more diverse communities.
- Most California counties have abandoned the death penalty: Only 10 counties account for over 80 percent of all death sentences.

Most death penalty states have implemented some reforms to identify death sentences that appear arbitrary and excessive, especially death sentences that may have been influenced by race. Before New Jersey replaced the death penalty with a sentence of death in prison, the New Jersey Supreme Court was the national leader in the struggle against racial and ethnic disparities in the death penalty. The New Jersey Supreme Court said this was because of "the unique commitment of the people of New Jersey to the elimination of racial discrimination."

It is a sad state of affairs that California, the most diverse state in the country, has not demonstrated the same commitment. California has done nothing at all to eliminate racial, ethnic, and geographic disparities in its death penalty.

**If we don't have the money to fix the system, what's the alternative?**

Implementing reforms like New Jersey did to eliminate racial discrimination in death sentencing will cost money, and many more reforms are needed to California's death penalty system. For example, future Commission hearings will feature testimony about such problems as insufficient funding for defense attorneys, which means that some people are sentenced to die because they were too poor to hire a good lawyer.

Ultimately, the Commission will need to consider how much it will cost to implement these reforms and how much we are already paying for this broken system. Just building the new death row facility will cost \$336 million. At the same time, Californians are being asked to tighten our belts and limit spending on health care, education and other public programs. The Commission needs to tell Californians the truth: We don't have the money to fix the system. Replacing the death penalty with life without parole will allow us to invest in effective public safety programs that will actually help make us safer.

**But what do victims want?**

Survivors of murder victims are also asking questions about the utility of the death penalty and the costs. **California Crime Victims for Alternatives to the Death Penalty**, a coalition of loved ones of murder victims, has released a series of testimonials from victims' families who oppose the death penalty. They do so for many reasons, not the least of which is that California's system is so deeply flawed that sitting through years of appeals, backlogs, and reversed sentences only prolongs their suffering and diverts resources away from programs that could actually help them rebuild their lives.

**California has paid dearly for the death penalty and has gotten nothing but a broken, unfair, and unjust system in return.** It is time to get rid of the death penalty and spend that money on catching more killers and preventing more murders.

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Posted on January 10, 2008

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