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## Lessons from Two Years Without the Death Penalty in California

*By Judy Kerr  
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California Crime Victims for Alternatives to the Death Penalty*

Exactly two years ago from Thursday, California temporarily stopped executing people, yet more people than ever are dying on death row. The effective moratorium has been in place because of legal challenges to the way the state has chosen to kill people in California and most other states. But since the last California execution, nine men on death row have died of natural causes or suicide. We've only carried out 13 executions in the last 30 years. In all, 53 people have died of natural causes or suicide while waiting for the state to kill them. That's more than 4 times as many as the number of deaths by execution.

The sad irony in these numbers is that there is no meaningful distinction between the people we sentence to die by execution and those we sentence to die in prison. The reality is that people who commit the same crimes get different punishments based on location. Defendants are sentenced to die by execution because the county they live in doesn't provide their lawyers enough money to hire experts or because the prosecutor's office just happens to aggressively pursue death. There are 58 different counties in California and there are 58 different death penalties. In some counties there is an established reputation for aggressive identification of death eligible charges and in other counties the death penalty has already been abandoned.

In January of this year a statewide commission created by the legislature began a public process of asking difficult questions about the death penalty. The California Commission on the Fair Administration of Justice, a bi-partisan panel of law enforcement, defense attorneys, judges, politicians and citizens, will hold the second of three public hearings on the death penalty in LA today. At the first hearing, the Commission heard evidence from legal experts and scholars on the racial and geographic disparities in death sentencing. They heard about reforms that could, if implemented, bring the system back into compliance with its own legal standards. Those reforms would cost an extraordinary amount of money.

The members of the Commission also heard from family members of murder victims like me. Those family members said clearly and repeatedly that the death penalty does not remove grief; that for some it aggravates the pain of the loss; and that in all cases it diverts precious resources from public safety budgets.

All of the murder victim survivors who testified at the hearing spoke out in strong and unanimous opposition to the death penalty. But most of the mainstream media coverage did not include our voices. Fortunately, this YouTube video corrected the error, echoing the voices of victims' family members, including my own, who told the Commission we have much more important public safety needs on which to spend our limited state and county resources.

Many have been surprised to learn that sentencing people to grow old and die naturally in prison costs far less than trying to execute them. Californians pay more than \$114 million each year to maintain a death penalty system that is functionally equivalent to death in prison. Over 20 years, the state would save more than \$2.3 billion if we actually

2/22/2008

sentenced everyone on death row to death in prison. These figures don't even include the costs of trials. Each death penalty trial costs a county three times more than a trial seeking death in prison.

There is no way to make death by execution any cheaper, and if we are going to try to fix it, its going to cost a lot more, as the Commission heard. Many of those surprised by the information about the cost of the death penalty and the extraordinary cost of needed reform find their minds more open to alternative solutions for even the worst of the worst crimes.

Many murder victim survivors in California know that its time to replace executions and simply sentence people to die in prison. It is a well established fact that most prisoners sentenced to death by execution in California actually meet the same fate as prisoners sentenced to what is called life without the possibility of parole. The sentences have different names, but the end result is almost always the same: the prisoner dies a lonely death within the walls of the prison away from the freedom and comfort of life on the outside.

The Commission will continue to hear about the many problems with California's death penalty and the many expensive reforms needed. But there is one choice that preserves justice. It is a choice that can be found in a careful hearing of the voices from family members of murder victims. Replace death by execution with death in prison.

*Judy Kerr's brother was brutally beaten in 1993. She is the Spokesperson and Victim Liaison for California Crime Victims for Alternatives to the Death Penalty--a coalition of families, friends, and loved ones of murder victims who oppose the death penalty. The coalition supports families, friends, and loved ones in telling their stories and being heard. CCV educates the public about alternatives to the death penalty and provides information, resources, and support to families regardless of their views on the death penalty or whether the perpetrator has been apprehended.*  
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