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## Reform death penalty

MediaNews editorial

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 THE CALIFORNIA COMMISSION on the Fair Administration of Justice was appointed by the state Legislature to propose criminal justice reforms. Just covering the 30-year death penalty system alone, that commission needed a 117-page report to give us more bad news about the state's beleaguered prison system.

The commission said the system is "close to collapse" and "dysfunctional," while everything from legal representation to due process "is the law in name only, and not in reality." Yet California continues to pour in \$100 million annually for this sham.

That's another reason why the federal courts stepped in and forced the state to clean up its prison system. This report raises such great concerns with the death penalty system, it's safe to question why California would keep a death penalty system with so much mismanagement. It's easily the worst in the nation.

There are 673 inmates on California's death row — 79 of which are still waiting to be appointed attorneys to prepare for their automatic appeals to the California Supreme Court.

What's worse is it takes an average of about 25 years in California between the time a killer is convicted and executed — assuming the rare occasion when an inmate is executed in California. The national average is about 10 to 12 years.

This state has only executed 13 inmates since the death penalty was reintroduced in 1978 and none

since 2005 when a federal judge put a moratorium on executions until the state fixed some flaws in lethal injection.

The Supreme Court recently upheld a similar form of lethal injection performed in Kentucky, but how California reacts is anyone's guess.

According to this state's track record, an entire generation passes before due process is completed and that's not only ridiculous, but it's cruel to the victims' families who may never see justice served in their lifetimes and to the prisoner's family who anguish with uncertainty over not just years, but decades.

It's clear there are two paths to take here. One is to dramatically cut the time involved for due process. The commission recommends the state upgrade funding for legal representation, which we agree will speed up the process to the national average while giving a person convicted a fair amount of time to run through the course of appeals.

The commission also recommended to change the law to limit the crimes eligible for the death penalty to those committing multiple murders, killing law enforcement officials or witnesses or torturing victims to death. We believe circumstances are too complex in first-degree cases, and not all death penalty-eligible cases are that simple.

The other alternative is to end the death penalty system, not because it's morally wrong, but because the state is too inept to run the system.

As it stands now, California is wasting millions of dollars. We can no longer tolerate such incompetence. California needs a much better handle on the death penalty system.

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