




Inland News

Death penalty survey gets few responses from district attorneys



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The Press-Enterprise

The Riverside County district attorney gave no answer and the San Bernardino County district attorney only partial answers to the California Commission on the Fair Administration of Justice on a death penalty survey.

San Bernardino County District Attorney Michael Ramos was one of 14 district attorneys out of 58 in the state who responded to a commissioned study conducted last year by three Pepperdine School of Law professors.

Ramos said he did not respond to the full survey because he fears the commission does not simply want to collect data, but rather is building ammunition to try to abolish the death penalty.

Rod Pacheco, Riverside County district attorney, did not respond to the survey. He also did not return several phone messages left for him Thursday seeking comment on why he did not respond to the survey.

The state commission held hearings Wednesday and Thursday in Los Angeles to determine how district attorneys choose which defendants will face the death penalty.

Defendants charged with first-degree murder with special circumstances are eligible.

Ramos, who testified at the hearing, said he disclosed who makes the decisions and when. But he did not want to divulge the criteria in great detail because he believes critics would use that as a tool to show the death penalty is not meted out equally in each county.

"I see this as a move by this commission to abolish the death penalty," Ramos said.

Ramos acknowledged each county administers the death penalty differently based on the beliefs of its constituency.

"You have to take into consideration that no two counties are alike," Ramos said. "I have a different constituency than the district attorney in San Francisco. ... The people in my county are conservative, and they voted for me because they know I am tough on crime. They believe, as I do, in the death penalty."

Pacheco has been open with the public about the process he started almost a year ago of having a committee help make the decision. Most district attorneys who responded to the questionnaire also have death penalty committees.

The Pepperdine professors -- H. Mitchell Caldwell, Carol A. Chase and Christine Chambers Goodman -- slammed the district

attorneys who did not respond, noting in their report released Nov. 8 that it "paints a distressing picture of the willingness of those who tinker with the machinery of the death penalty to expose their decision-making process to the electorate."

The commission asked for responses from the state's 58 county district attorneys from Jan. 30, 2007, through Sept. 11.

The California Commission on the Fair Administration of Justice will hold its third and final hearing on the death penalty on March 28 at Santa Clara University.

Victims' rights groups and other advocacy groups will be invited to testify, according to the commission's Web site.

The commission is expected to report on its findings after the third hearing.

The state Senate approved the creation of the commission in 2004 because DNA evidence exonerated some people convicted of crimes in California. The commission has been asked to explore problems that would lead to wrongful convictions and make recommendations on how to resolve those problems.

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