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Panel finds California death penalty flawed, urges overhaul

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Published 12:00 am PDT Tuesday, July 1, 2008

Capital punishment in California is too flawed to be effective and is crippled by an appeals backlog that delays punishment for crimes, a state Senate-appointed panel has concluded.

The California Commission on the Fair Administration of Justice issued an in-depth report on the death penalty Monday, the first official review of the practice since it was reinstated in 1978.

The state's death-penalty system must undergo a multimillion-dollar upgrade – an investment that voters must weigh in on – to lessen the nation's longest time between conviction and execution, the panel said.

"We've got to insist on these resources if we want a credible death penalty," said former Attorney General John Van de Kamp, commission chairman.

Alternatives the commission offered were to narrow the field of defendants eligible for the death penalty or to abolish it. Both measures would ignite controversy, Van de Kamp said, but would potentially save rather than cost money.

Keeping someone on death row costs \$92,000 annually above the cost of a year at a maximum-security state prison, the commission found. The cost of appeals can be three times the cost of the original trial.

The need for reform is clear, commissioners said.

At least 70 percent of death-row judgments that are appealed to the state high court result in new hearings, with ineffective counsel the typical reason, said Gerald F. Uelman, a law professor who publishes an annual survey of the state Supreme Court.

The 22-member commission, including California Attorney General Jerry Brown, defense attorneys and religious leaders, was created to examine the justice system and forward recommendations to the Legislature. The commission, created in 2004, expires today.

During several hearings, the commission heard from lawyers, law enforcement personnel and California Chief Justice Ronald M. George, who told the commission the death-penalty system is "dysfunctional."

The panel heard from relatives of victims – some who have been waiting 30 years through

appeals – and from others who said they would get no comfort from an execution.

Van de Kamp said the commission declined to weigh in on moral issues about the death penalty or even recommend whether to abolish it or not, a job that belongs to the legislators and voters, he said.

The commission agreed on the overall conclusion about the appeals process, which could drag on for decades, and the route to fix it: hire more lawyers to handle appeals.

Senate Majority Leader Gloria Romero, D-Los Angeles, chairwoman of the Senate Committee on Public Safety, accepted the report at the commission's final press conference Monday.

"This is more than symbolic," she said.

But she sidestepped questions about how to come up with hundreds of millions of dollars to pay for the reforms when the state budget is in a shambles.

To see the report and previous work by the commission, go to www.ccfaj.org.

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