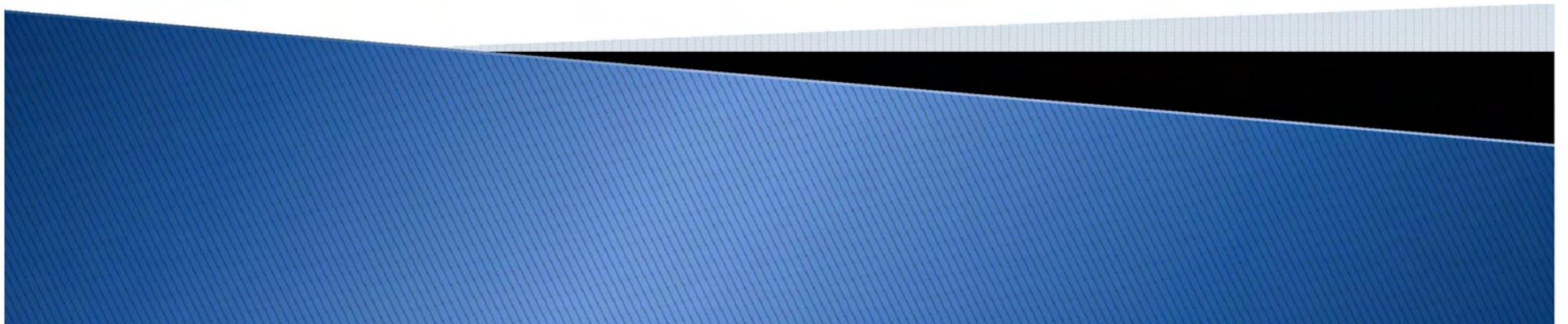


The Costs of California's Death Penalty and Who Pays the Price



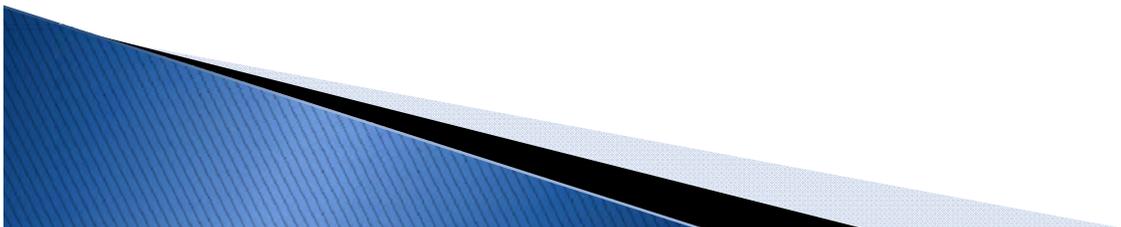
Bottom Line

- ▶ Price Tag: **\$1 billion over 5 years *more* than permanent imprisonment**
 - \$125 million each year, mostly Gen Fund
 - \$400 million to build new death row
- ▶ Who Pays: California's most vulnerable



Permanent Imprisonment

- ▶ All figures compared to this cost effective, swift & certain punishment
 - Created in 1977
 - Every person whose sentence was affirmed has died or will die in prison
 - Only the innocent have been released
 - Appeals normally end in 18 months



Why Does the Death Penalty Cost So Much?

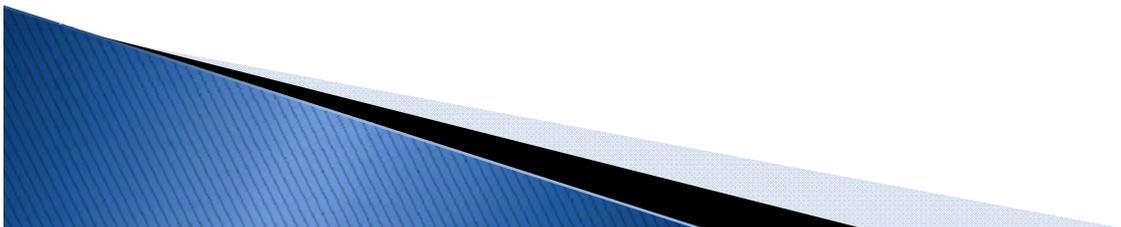
- ▶ Death is different: extra protections needed to ensure we do not make a mistake
- ▶ Need to protect the innocent, the poor and the mentally ill from wrongful execution
- ▶ California Commission on Fair Administration of Justice:

We remain at risk of executing an innocent person in California



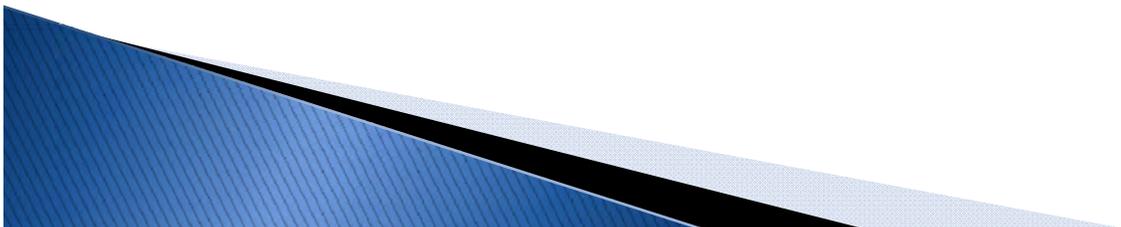
Costs Begin with the Trial

- ▶ Two trials instead of one
- ▶ Second, “penalty trial” completely unique
- ▶ Requires
 - More work by prosecution: more attorneys, investigators, experts
 - More work by defense: minimum of two attorneys, investigators, experts
 - Specially qualified judge and jury



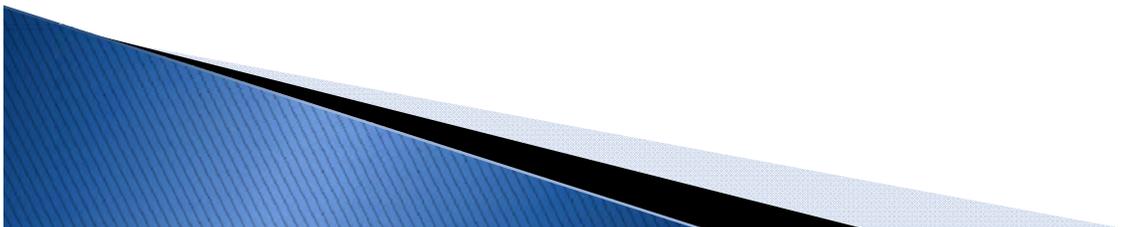
Trial Costs: Who Pays

- ▶ County pays for:
 - Extra expenses of prosecution
 - Extra expenses of defense
- ▶ State pays for:
 - Extra court time—case typically takes 3x as long to complete



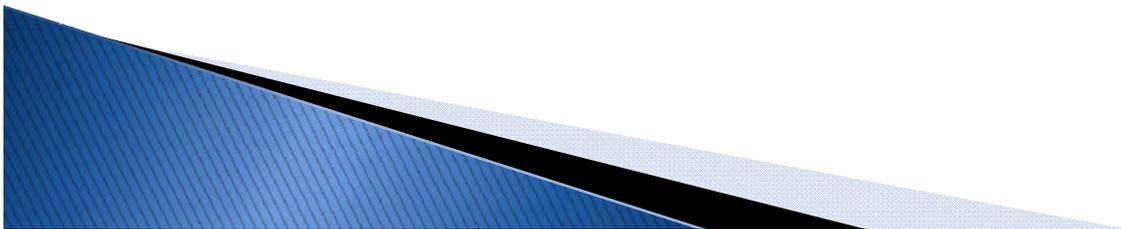
Total Trial Costs

- ▶ Each Trial:
 - Average \$1 million more per trial
 - Most expensive case: \$11 million
- ▶ Over all:
 - \$20 to \$30 million each year in added costs statewide



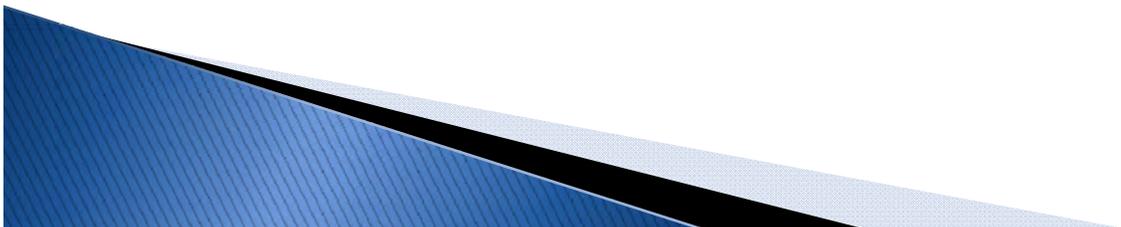
Post-Conviction Costs: Even Greater

- ▶ Major components:
 - Housing on Death Row
 - Legal expenses of mandatory review



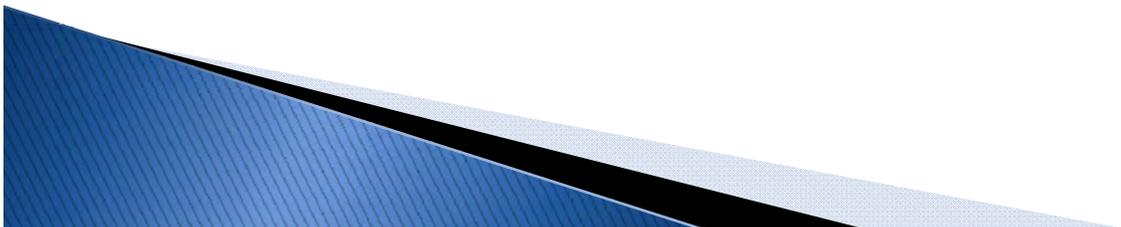
Costs of Death Row Housing

- ▶ Costs : \$90,000 per yr per inmate
more than regular housing
- ▶ Pop.: 700 inmates
- ▶ Total: **Over \$63 million this year**



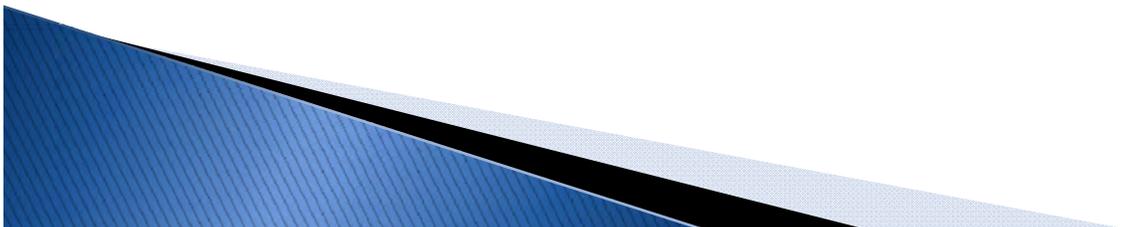
Costs of Death Row Housing

- ▶ Why is it more expensive?
 - Single celled housing
 - More guards
- ▶ If we convert all death sentences to permanent imprisonment we could create *more prison beds* by double celling



New Death Row Facility

- ▶ Needed because current facility is overburdened, outdated and unsafe
 - San Quentin Capacity: 680
 - San Quentin now holds: 660
- ▶ Costs of New Facility:
 - \$400 million in construction
 - \$1 billion to run for 20 years



Post-Conviction Court and Legal Fees

- ▶ Steps in Process—Paid for by State
 - Direct appeal to California Supreme Court
 - Habeas corpus proceeding in state court
 - Habeas corpus proceeding in federal court

Time Needed: 25 years

- ▶ Compare to permanent imprisonment
 - Direct appeal to Court of Appeals

Time Needed: 18 months



State Pays: Court Costs

- ▶ Supreme Court Costs:
 - CA Supreme court spends 25–30% of its time on death penalty cases
 - Dedicated staff working on cases
 - Most expensive court in the state to run
- ▶ Could close Supreme Court 1 day a week if eliminated death penalty cases



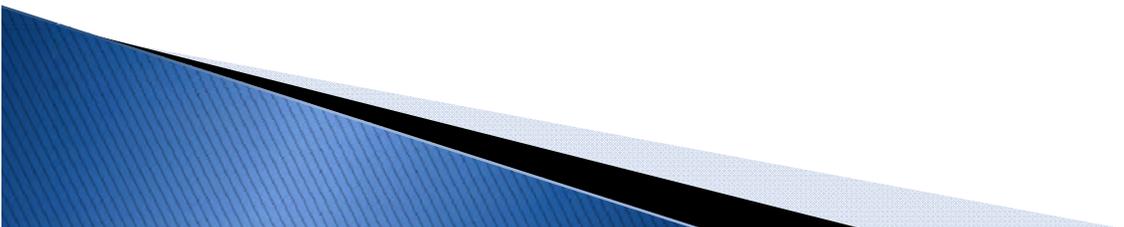
State Pays: AG Costs

- ▶ Department of Justice Costs:
 - 15% of AG's staff time on death penalty
 - \$12 million spent last fiscal year
 - AG turns away hundreds of civil cases—state paid \$10 million to hire private attorneys in one case alone
 - ▶ Could reduce staff or external legal fees by millions if eliminated death penalty cases
- 

State Pays: Defense Costs

- ▶ Three agencies work only on defending death penalty cases:
 - Habeas Corpus Resource Center
 - Annual budget \$14 million
 - Office of the State Public Defender
 - Annual budget of \$10.8 million

continued...

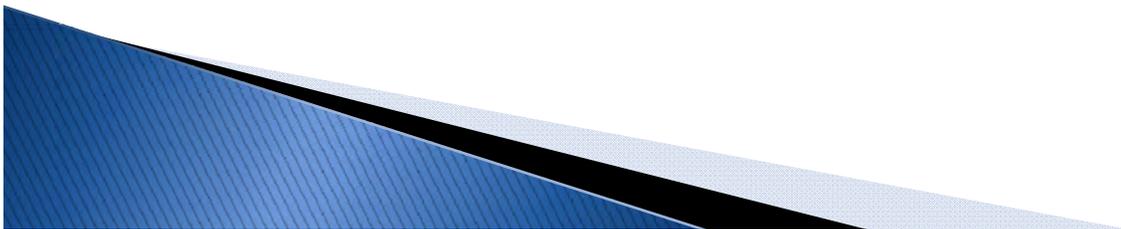


More Defense Costs:

- California Appellate Project
 - Annual budget of \$5.5 million
- State also pay fees to private attorneys
 - Annual budget of \$7.7 million

Grand Total: \$38 million a year

All \$ saved if replace death penalty



Biggest Problem with the System: We Don't Spend Enough

- ▶ State commission found cases take 25 years to complete because:
 - We don't have enough attorneys to represent people on death row:
 - Wait for habeas counsel 8–12 yrs
 - We spend too little at the trial level:
 - 2 out of 3 cases reversed because of ineffective assistance of counsel



More Money Would be Needed to Speed the Process

- ▶ To make process move faster we must
 - Increase staff at state defense agencies
 - Increase staff at AG's Office
 - Provide more resources at trial

Price Tag: \$95 million more

Lag time of more than a decade to eventually reach 12 years to process cases



What Do We Get for That Money?

- ▶ Most people on death row die of natural causes
 - 13 executions since 1967
 - 83 people died of other causes
 - ▶ About 1% of people sentenced to death in CA have been executed in the last 30 years
 - ▶ Commission: California's death penalty is an expensive form of life without parole
- 

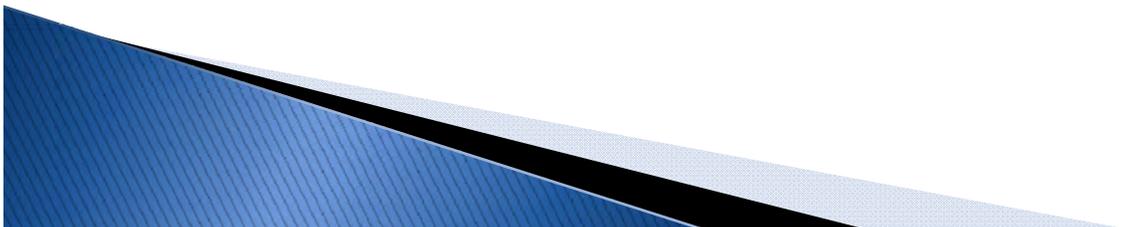
Other Costs

- ▶ Murder victim family members are dragged through decades of painful court hearings
- ▶ The killer becomes a celebrity while the victim is forgotten
- ▶ Family members are promised something that occurs 1 in 100 times
- ▶ Not enough money to catch killers or service victims needs



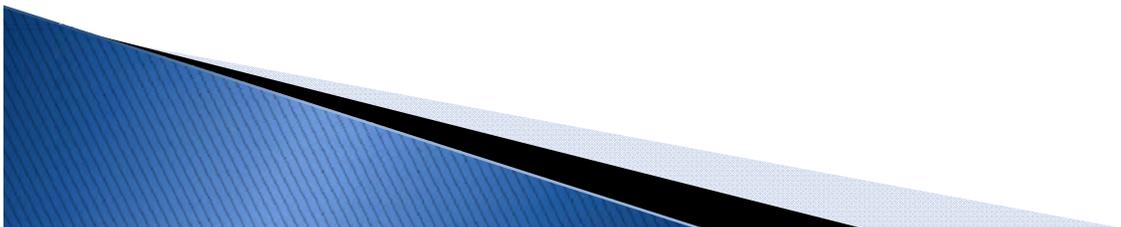
People are Getting Away with Murder

- ▶ Nearly half of all murders unsolved in CA
 - Some communities, as high as 60%
- ▶ More than 1,000 murders unsolved a year
- ▶ 11,000 murders unsolved in past decade
- ▶ Majority of murders occur in low income communities—least likely to be solved



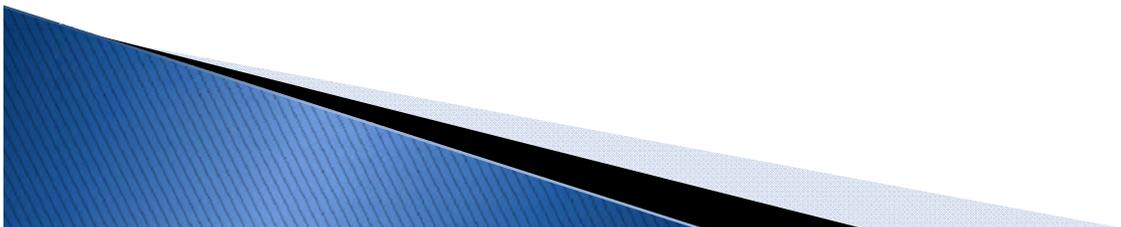
Catching Killers Deters Murder

- ▶ Likelihood of apprehension most important element in deterrence
 - People who get away with murder learn they can
- ▶ Requires resources to investigate, improve forensic labs and relocate witnesses



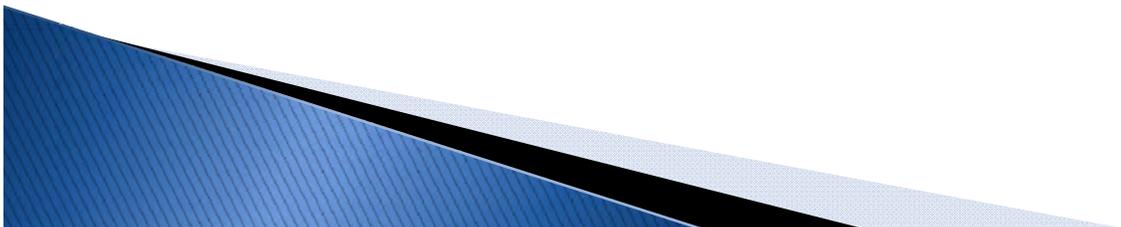
Who Can End Wasteful Spending on the Death Penalty?

- ▶ The Governor: can convert 700 death sentences to permanent imprisonment
 - Cut \$63 million from corrections
 - Cut \$38 million for defense agencies
 - Cut millions from court and AG budgets
 - Avoid building \$400 million death row



Who Else Can End the Spending?

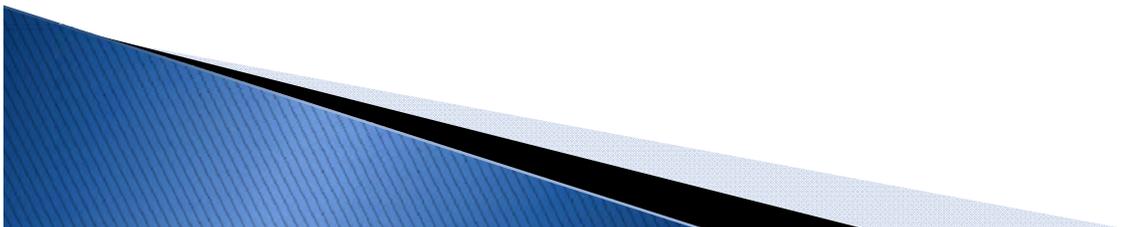
- ▶ District Attorneys: can stop seeking death
 - Lower court costs
 - Prevent increasing post-conviction costs
- ▶ The Voters: can replace the death penalty with permanent imprisonment



What Can You Do?

- ▶ Urge the Governor to convert death sentences for immediate savings
 - Immediate solution to shift funds from corrections to education

- ▶ Urge DAs to stop seeking death sentences:
 - LA County sent more people to death row than the state of Texas in 2009



What Kind of California Do We Deserve?

- ▶ We all deserve a California that is safe, healthy and sustainable.
- ▶ Replacing the death penalty with permanent imprisonment will help us achieve that dream.

