



# **The Hidden Death Tax: The Secret Cost of Seeking Execution in California**

AND

# **Death by Geography: A County By County Analysis of the Road to Execution in California**

Report Update  
March 2009

# The Hidden Death Tax: The Secret Cost of Seeking Execution in California and Death by Geography: A County By County Analysis of the Road to Execution in California

Report Update  
March 2009

While states across the country reconsider the death penalty in light of its high costs and failure to provide any benefit, the state of California continues to spend more and more money on the most dysfunctional death penalty system in the country.

In March 2008, the ACLU of Northern California produced the first comprehensive analysis of the costs of the death penalty in California. *The Hidden Death Tax* revealed that the state pays \$90,000 more per year per inmate to house people on death row than it would pay if all those individuals were condemned to permanent imprisonment instead. When the costs of mandatory appeals are included, the per-prisoner price rises to \$175,000 more, each and every year.

In one year since that report was released, the population of California's death row has grown by 11, to a total of 680 people. In 2008, California had 20 new death sentences, but six people on death row died of natural causes or suicide and three were removed after their convictions were reversed.

The 11 new additions to death row add almost \$1 million to the annual cost of housing people on death row, now totaling \$61.2 million more each year than the cost of housing in the general population. Once the mandatory appeals begin in these 11 cases, the added cost to the state will be almost \$2 million each year on top of the \$57 million we already pay each year for court, prosecution, and defense costs in death penalty cases. The recently approved state budget also includes \$136 million in funds to begin construction of a new death row facility, a project that will cost more than \$400 million to complete.

Perhaps even more troubling, these additional costs are being imposed on the state by a small number of counties. Data from death sentencing in 2008 reveals that *fewer* California counties are sentencing *more* people to execution, creating huge burdens for the entire state to bear.

Last year, the ACLU-NC analyzed county-by-county trends in death sentencing in California, concluding that the state's death penalty system is arbitrary, unnecessary and a waste of critical resources. Reviewing death sentences through 2007, *Death by Geography* revealed that a small minority of counties actively pursue death sentences; in fact, only 10 counties accounted for nearly 83% of death sentences from 2000 to 2007.

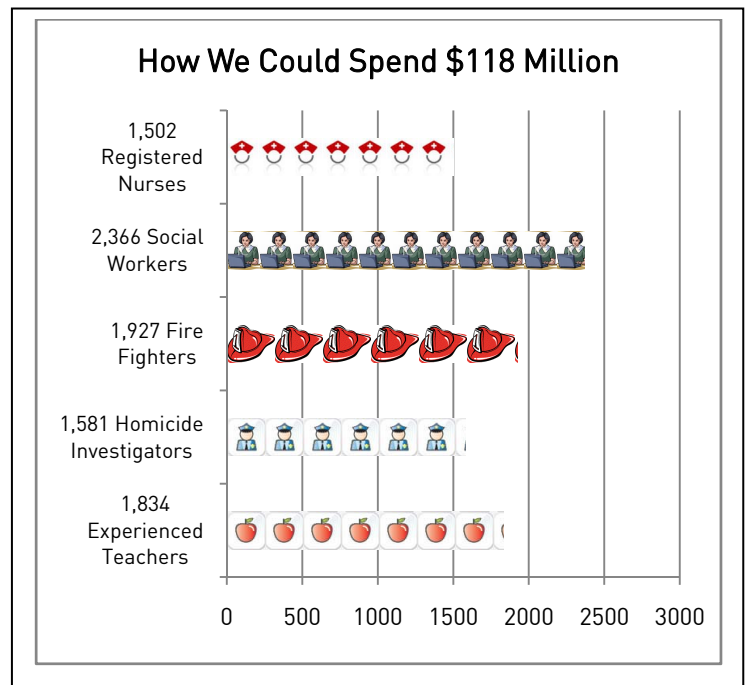
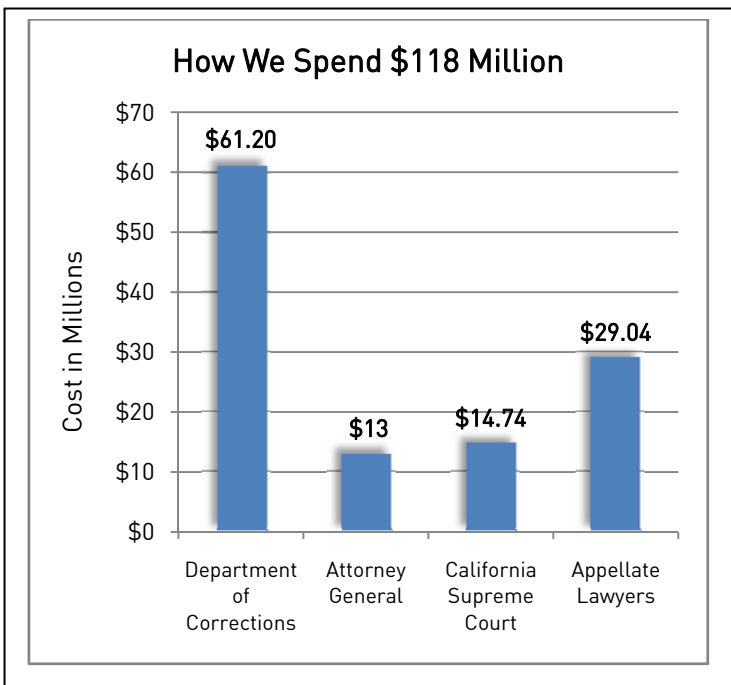
Figures updated to include 2008 demonstrate that even fewer counties continue to send more people to California's death row. In 2008, only seven counties sentenced a combined total of 20 people to execution. Only five counties – Alameda, Los Angeles, Orange, Riverside and San Bernardino – sentenced more than one person to death in 2008, setting themselves apart as the five most active death penalty counties in the state. These five counties are the only counties in the state that have sentenced more than 10 people to execution since 2000.

Meanwhile, 30 counties have not had a single death sentence since 2000.

The data further reveal that:

- The five most aggressive death penalty counties account for 65% of all death sentences from 2000 to 2008, and 90% of sentences in 2008 alone.
- According to the most recent U.S. Census in 2000, these five counties make up only 50.4% of the entire California population.
- In 2008, the five counties sentenced more people to death among themselves than the entire state did in 2002, 2004 and 2006 each.
- Alameda has now sentenced more people to execution than all other Bay Area Counties combined.
- 1 in every 59 homicide defendants in San Bernardino is sentenced to execution; 1 in every 333 defendants in Fresno receives the same punishment.
- Riverside is responsible for 12.8% of death sentences since 2000, but makes up only 4.6% of the state population, according to the 2000 U.S. Census.
- In 2008, Orange sentenced more people to execution than in the 4 previous years combined.
- In 2008, Los Angeles County taxpayers spent at least \$6.6 million on the death penalty trials of 6 defendants.

As states as diverse as New Mexico, Montana and Kansas re-evaluate the costs and benefits of the death penalty, California continues to waste more money than any other state. With school teachers receiving layoff notices, police and prosecutors forced to cut staff, and county agencies overburdened, California can no longer afford to continue with business as usual when it comes to the death penalty.<sup>1</sup>



<sup>1</sup> Average California Fire Fighter, Homicide Investigator, and Social Worker salaries are taken from the US Bureau of Labor Statistics, available at: <http://www.bls.gov/>. Average Teacher Salaries are taken from the California Department of Education, available at <http://www.cde.ca.gov/>.

**County Death Sentencing from 2000-2008  
26 Largest Counties (2000 Census)**

Total Death Sentences		Death Sentences Per Capita		Death Sentences Per Murder Charged	
California (Total)	187	Tulare	1.630	Ventura	0.054
Los Angeles	50	Riverside	1.553	Riverside	0.044
Riverside	24	Alameda	1.108	Alameda	0.030
Alameda	16	Contra Costa	0.949	Contra Costa	0.029
San Bernardino	16	San Joaquin	0.178	San Luis Obispo	0.026
Orange	14	San Bernardino	0.936	Santa Barbara	0.022
Contra Costa	9	Ventura	0.664	Orange	0.021
San Diego	9	Kern	0.605	Monterey	0.018
Sacramento	7	Sacramento	0.572	Tulare	0.018
Tulare	6	California (Average)	0.552	San Bernardino	0.017
Ventura	5	Los Angeles	0.525	California (Average)	0.015
Kern	4	Santa Barbara	0.501	Merced	0.014
San Joaquin	3	Monterey	0.498	San Diego	0.013
Monterey	2	Orange	0.492	Sonoma	0.013
Santa Barbara	2	Merced	0.475	Kern	0.012
Santa Clara	2	San Luis Obispo	0.405	Los Angeles	0.011
Fresno	1	San Diego	0.320	San Joaquin	0.011
Merced	1	Stanislaus	0.224	San Mateo	0.011
San Luis Obispo	1	Sonoma	0.218	Sacramento	0.009
San Mateo	1	San Mateo	0.141	Santa Clara	0.007
Sonoma	1	Fresno	0.125	Stanislaus	0.005
Stanislaus	1	Santa Clara	0.119	Fresno	0.003
Marin	0	Marin	0	Marin	0
Placer	0	Placer	0	Placer	0
San Francisco	0	San Francisco	0	San Francisco	0
Santa Cruz	0	Santa Cruz	0	Santa Cruz	0
Solano	0	Solano	0	Solano	0

# Alameda County

## Leading Northern California in death sentences, trailing in solving homicides

	Overall Death Sentences 2000-2008	Death Sentences Per 100,000 Population	Death Sentences Per Murder Charged
<b>Total</b>	16	1.108	.030
<b>Rank among 26 largest counties</b>	3 (tied)	3	3

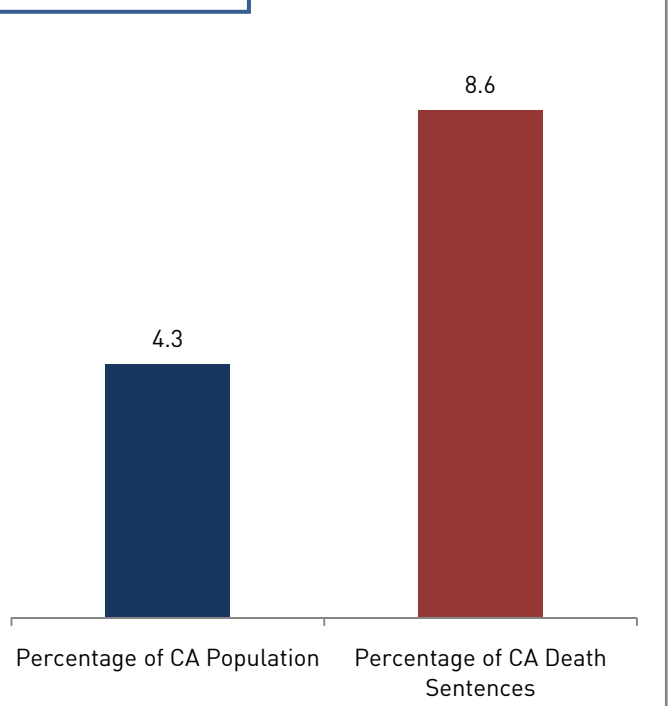
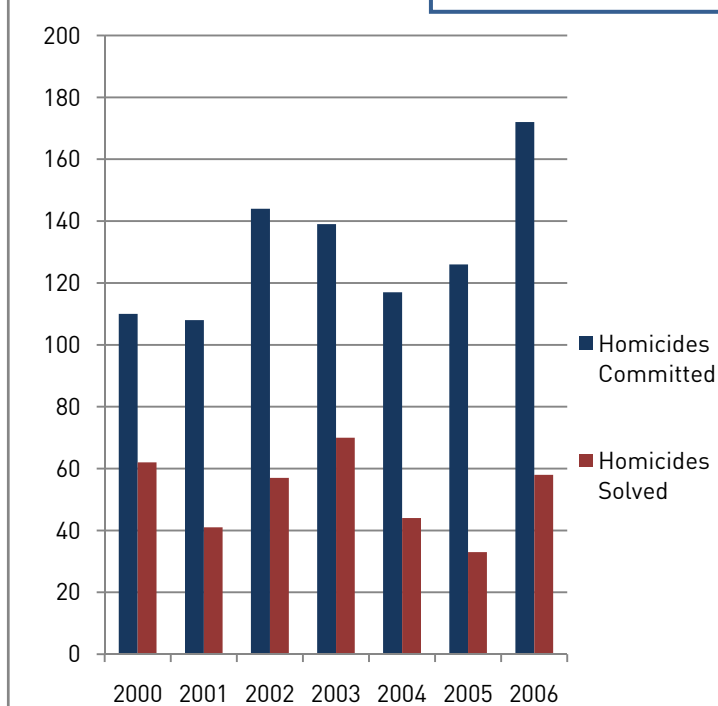
	Average Homicide Per 100,000 Residents	Average Percentage of Homicides Solved	Money Wasted Seeking Executions
<b>Total</b>	8.8	40.3	\$17.6 Million
<b>Rank among 26 largest counties</b>	3	25	3 (tied)

The **\$17.6 million** wasted seeking executions in Alameda since 2000 could have instead funded the salaries of an additional:

**28 Registered Nurses; or**

**42 Social Workers**

### Alameda: The Facts at a Glance



# Los Angeles

## Leading the state in death sentences and homicide rate

	Overall Death Sentences 2000-2008	Death Sentences Per 100,000 Population	Death Sentences Per Murder Charged
<b>Total</b>	50	.525	.011
<b>Rank among 26 largest counties</b>	1	10	15

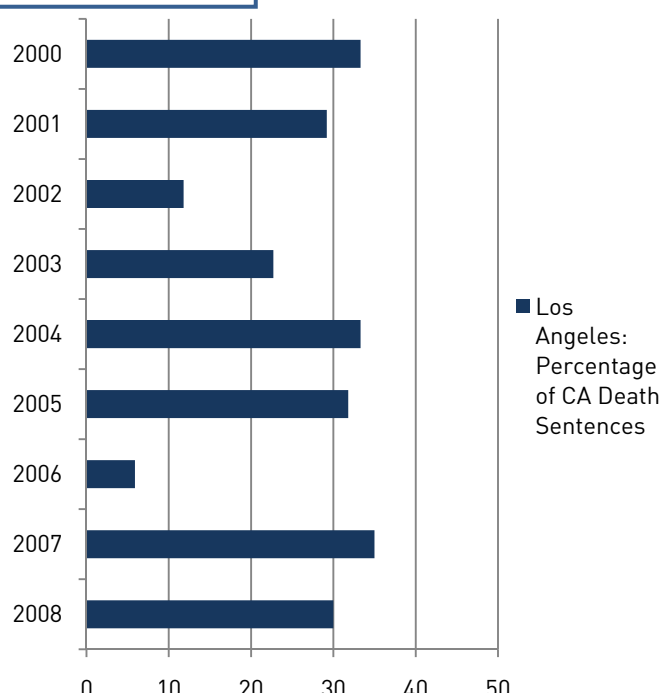
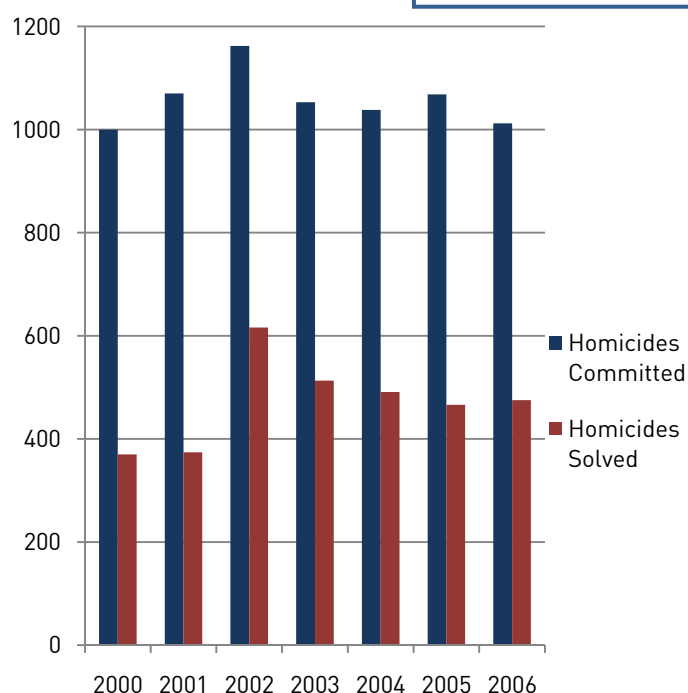
	Average Homicide Per 100,000 Residents	Average Percentage of Homicides Solved	Money Wasted Seeking Executions
<b>Total</b>	10.6	44.5	\$55 Million
<b>Rank among 26 largest counties</b>	1	23	1

The **\$55 million** wasted seeking executions since 2000 in Los Angeles could have instead funded the salaries of an additional:

**88 Registered Nurses; or**

**133 Social Workers**

### Los Angeles: The Facts at a Glance



# Orange

## Sentencing more people to death while solving fewer and fewer homicides

	Overall Death Sentences 2000-2008	Death Sentences Per 100,000 Population	Death Sentences Per Murder Charged
<b>Total</b>	14	.492	.021
<b>Rank among 26 largest counties</b>	5	13	7

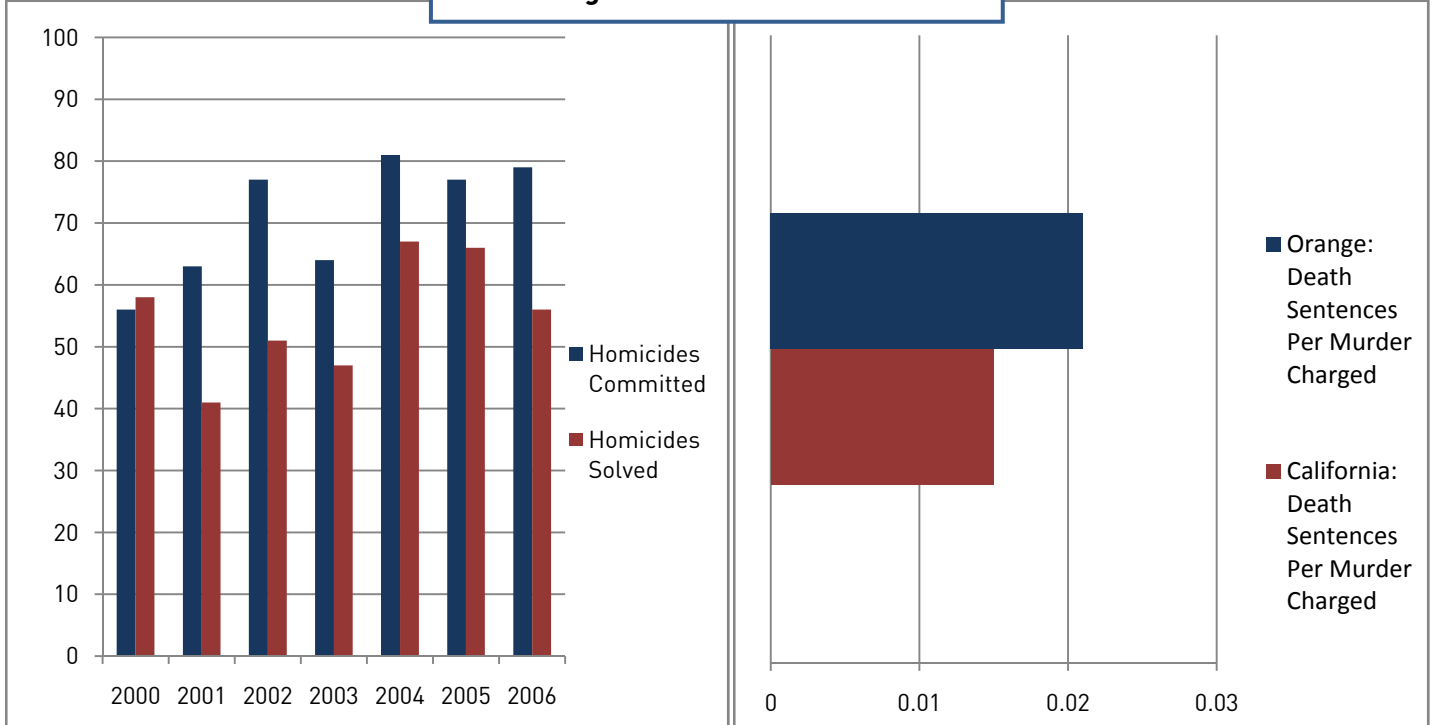
	Average Homicide Per 100,000 Residents	Average Percentage of Homicides Solved	Money Wasted Seeking Executions
<b>Total</b>	2.4	78.2	\$15.4 Million
<b>Rank among 26 largest counties</b>	21	5	5

The **\$15.4 million** wasted seeking executions in Orange since 2000 could have instead funded the salaries of an additional:

**24 Registered Nurses; or**

**37 Social Workers**

**Orange: The Facts at a Glance**



# Riverside

**1/25 of the population,  
and 1/8 of death sentences**

	Overall Death Sentences 2000-2008	Death Sentences Per 100,000 Population	Death Sentences Per Murder Charged
<b>Total</b>	24	1.553	.044
<b>Rank among 26 largest counties</b>	2	2	2

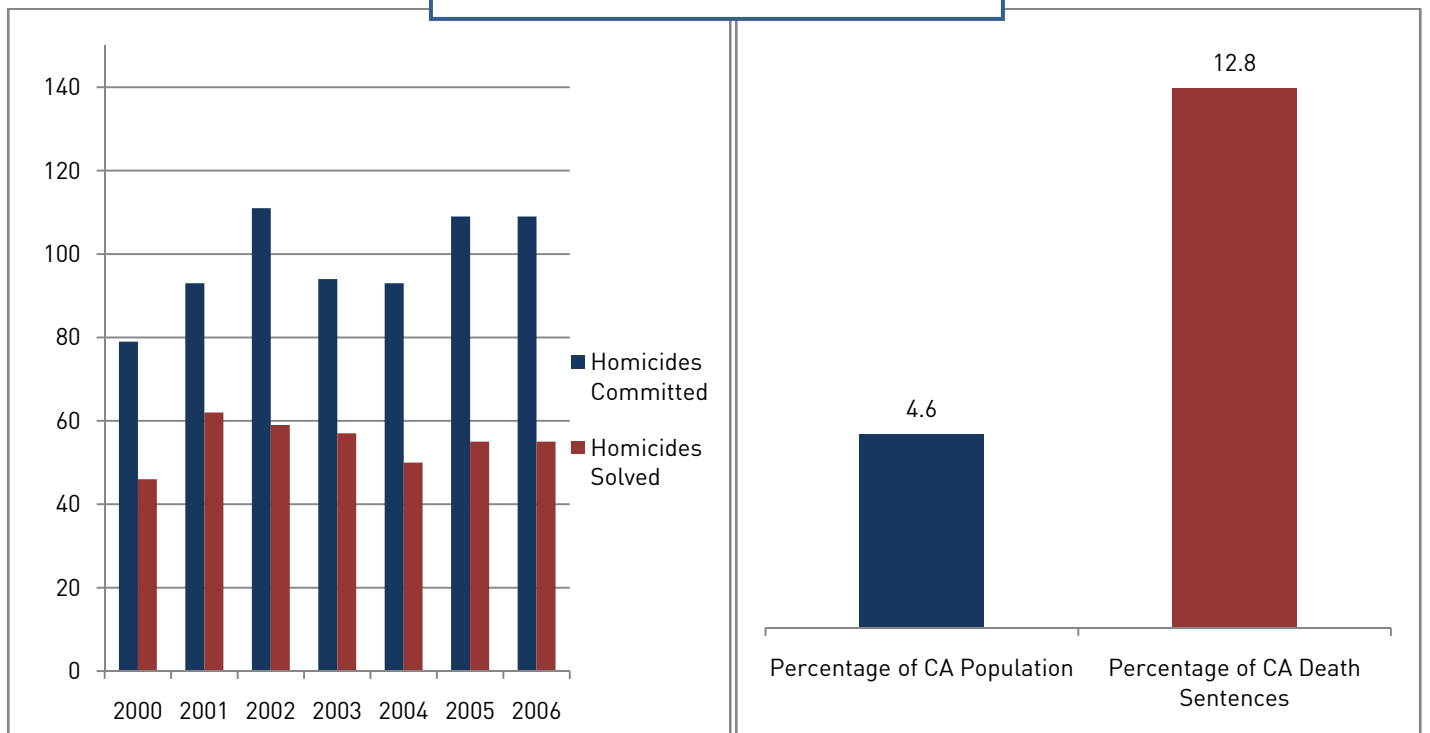
	Average Homicide Per 100,000 Residents	Average Percentage of Homicides Solved	Money Wasted Seeking Executions
<b>Total</b>	5.5	56.2	\$26.4 Million
<b>Rank among 26 largest counties</b>	14	17	2

The **\$26.4 million** wasted seeking executions in Riverside since 2000 could have instead funded the salaries of an additional:

**42 Registered Nurses; or**

**63 Social Workers**

## Riverside: The Facts at a Glance





# San Bernardino

## Above average death sentencing and homicide rates

	Overall Death Sentences 2000-2008	Death Sentences Per 100,000 Population	Death Sentences Per Murder Charged
<b>Total</b>	16	.936	.017
<b>Rank among 26 largest counties</b>	3 (tied)	5	10

	Average Homicide Per 100,000 Residents	Average Percentage of Homicides Solved	Money Wasted Seeking Executions
<b>Total</b>	8.2	61.7	\$17.6 Million
<b>Rank among 26 largest counties</b>	5	14	3 (tied)

The **\$17.6 million** wasted seeking executions in San Bernardino since 2000 could have instead funded the salaries of an additional:

**28 Registered Nurses; or**

**42 Social Workers**

### San Bernardino: The Facts at a Glance

