



# DEATH IN DECLINE '09

Los Angeles Holds California Back as Nation Shifts to Permanent Imprisonment

A REPORT ON THE DEATH PENALTY BY THE ACLU OF NORTHERN CALIFORNIA

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Death in Decline '09 is a report of the ACLU of Northern California, written by Natasha Minsker, Ana Zamora, and Nicole Silverstein. Edited by Miriam Gerace. Cover art by Gigi Pandian.

The report is available at [www.aclunc.org/deathpenalty](http://www.aclunc.org/deathpenalty).

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## **EXECUTIVE SUMMARY**

The tide is turning in the United States from death sentences to permanent imprisonment. A growing number of states are choosing permanent imprisonment over the death penalty, fueled by growing concerns about the wrongful conviction of innocent people and the high costs of the death penalty in comparison to permanent imprisonment. In 2009, the number of new death sentences nationwide reached the lowest level since the death penalty was reinstated in 1976.

### ***CALIFORNIA’S “KILLER COUNTIES”: LOS ANGELES, ORANGE, RIVERSIDE***

California lags behind in this national trend. The Golden State sent more people to death row last year than in the seven preceding years. By the close of 2009, California’s death row was the largest and most costly in the United States.

But the aggressive pursuit of the death penalty in California is limited to a few “Killer Counties.” In fact, nearly all of California’s 58 counties have, in practice, replaced the death penalty with permanent imprisonment, mirroring the nationwide trends. Only three counties—Los Angeles, Orange and Riverside—accounted for 83% of death sentences in 2009. Together, these “Killer Counties” sentenced more people to die in 2009 than did the entire state each year from 2002 to 2008. The increase in death sentences in 2009 was most stark in Los Angeles County. With 13 death sentences, Los Angeles County sent more people to death row in 2009 than any year this decade—more than the entire state of Texas for the same period—making Los Angeles the leading death penalty county in the country.

### ***A CRISIS WITHIN A CRISIS***

While California faces the worst economic crisis in nearly a century – with deep cuts to education, health care and public safety programs—the death row population and its attendant expenses are increasing. California’s death penalty system is by far the biggest in the country but the resources needed for a fair and effective system are lacking. Death penalty cases can take up to 25 years to complete and spending has reached \$137 million per year. The money now spent by the state on the 700 people on death row could provide health care for more than one million children in the Healthy Families program. Even still, there are insufficient funds for the double trial process required in death penalty cases—some local officials have taken to cutting costs by denying funding to defense attorneys—nor are there funds for the mandatory three levels of review for death sentences following trial. Experts forecast that, without an

additional \$95-million infusion of funds, there will be even greater delays. Meanwhile, the risk of condemning and executing innocent persons grows and specialized death row housing is near capacity. California's death penalty system is in crisis, but the state lacks the resources needed to fix it.

### ***LATINOS: THE NEW FACE OF DEATH ROW***

In the last few years, there has been a dramatic increase in the number of Latinos sentenced to death in California. Latinos comprised a staggering 50 percent of new death sentences in 2007, 38 percent of death sentences in 2008, and 31 percent of death sentences in 2009. In contrast, Latinos comprised only 16 percent of those sentenced to death in 2001.

The number of Latinos on death row has historically been well below the number of Latinos in the California population. In 2000, Latinos were 19 percent of the death row population but 33 percent of the people living in California. What is driving this increase cannot be determined at the moment. For a state with a growing Latino population this development is worrisome. The increasing number of Latinos sentenced to death raises questions about the choices made by District Attorneys in charging death penalty cases, and the composition of juries in these cases. Unfortunately, California does not currently collect and make public the data needed to answer these questions.

### ***THE BOTTOM LINE***

A shift to permanent imprisonment would mean significant savings in a time of fiscal crisis, would eliminate the risk of executing the innocent, and would lead to more consistent policies across all California counties. California is on track to spend \$1 billion on the death penalty in the next five years, though even more funds are required to protect the innocent from wrongful conviction and to ensure timely review of lengthy death penalty cases. For all the money dedicated to the death penalty in California, only 1 out of 100 people sentenced to death has actually been executed during the last thirty years.

Permanent imprisonment ensures swift and certain punishment for those who commit serious crimes: every person sentenced to permanent imprisonment will die in prison or has died in prison. It is a better alternative for California that would punish serious offenders and protect more communities, while also saving the state millions. These resources could be shifted to schools in desperate need of funds, or local police who lack the basic resources needed to solve murders. It is time for California to move forward and replace the death penalty with permanent imprisonment.

## PART I: CALIFORNIA DEATH SENTENCES IN 2009

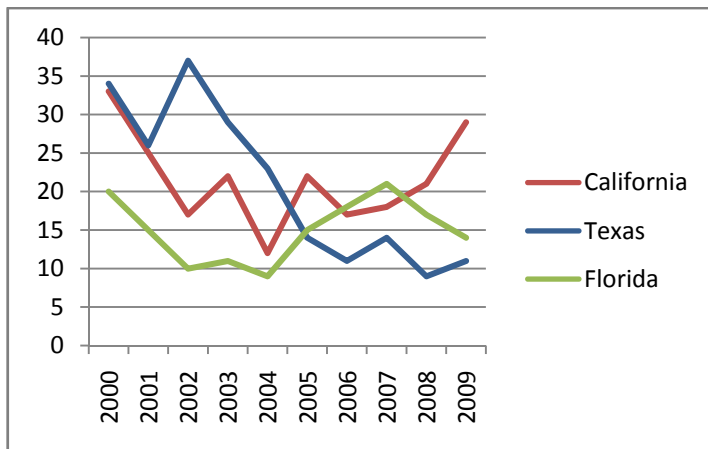
### *MOST STATES SHIFT TO PERMANENT IMPRISONMENT BUT CALIFORNIA LAGS BEHIND*

In 2009, the number of new death sentences nationwide reached the lowest level since the death penalty was reinstated in 1976. There are three primary reasons for this shift: 1) the availability of permanent imprisonment as an effective alternative to the death penalty; 2) growing concern that innocent people continue to be wrongfully sentenced to death; and 3) the high costs of the death penalty when compared to permanent imprisonment.<sup>i</sup>

California, however, broke from this trend sending more people to death row than in the seven preceding years. In 2009, California sent 29 new people to death row. In contrast, from 2002 to 2008, California averaged only 18 new death sentences a year, reaching the low point of 12 new death sentences in 2004. The number of new death sentences in California last year was a significant increase from even the year before when only 20 people were sentenced to death. By the close of 2009, California’s death row housed 698 inmates making it by far the largest and most costly death row in the country.<sup>ii</sup>

The high number of new death sentences in California last year also contrasts sharply with the trends in Texas and Florida, historically two of the nation’s most frequent imposers of the death penalty. In 2009, Texas sent only 11 people to death row, less than half the number sentenced to death in California. But in 2000, California and Texas imposed a similar number of new death sentences: 33 in California compared to 34 in Texas.<sup>iii</sup> Likewise, Florida had only 14 new death sentences in 2009, again less than half the number of new death sentences in California last year and a significant decline from the 20 new death sentences in Florida in 2000.<sup>iv</sup> While the rest of the country has dramatically shifted towards permanent imprisonment as a swift, severe and cost effective alternative to the death penalty, California seems to be lagging behind.

**Number of Death Sentences Over the Last Ten Years**

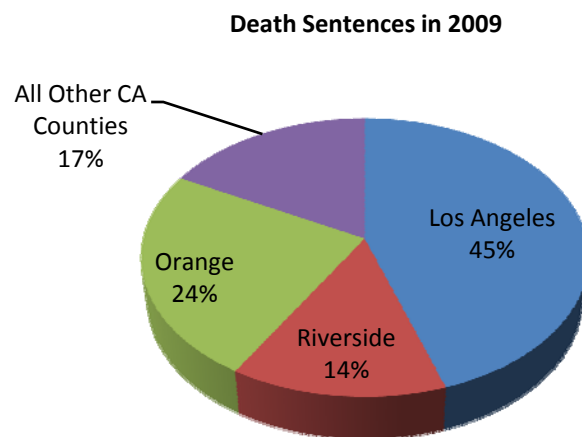


Year	California	Texas	Florida
2000	33	34	20
2001	25	26	15
2002	17	37	10
2003	22	29	11
2004	12	23	9
2005	22	14	15
2006	17	11	18
2007	18	14	21
2008	21	9	17
2009	29	11	14

## ***A HANDFUL OF “KILLER COUNTIES” MAKE CALIFORNIA THE LEADING DEATH PENALTY STATE***

Closer inspection of the data reveals that high death sentencing is not a statewide phenomenon in California. In fact, almost every one of California’s 58 counties has, in practice, replaced the death penalty with permanent imprisonment, mirroring the nationwide trends. But more and more death sentences are coming from fewer and fewer California counties, leading to the overall increase in death sentences statewide last year.

In 2009, only six counties accounted for 96.6% of death sentences.<sup>v</sup> Even more startling, just three counties—Los Angeles, Orange and Riverside—accounted for 83% of death sentences in 2009. Only 41% of California’s population lives in these counties. Together, these three counties sentenced more people to die in 2009 than the entire state did each year from 2002 to 2008. It is the increase in death sentencing in just these three counties that accounts for the high number of death sentences statewide in California in 2009.



The ACLU’s original report, *Death by Geography: A County by County Analysis of the Road to Execution in California*, first revealed dramatic geographic variation in the use of the death penalty in California. We noted that only ten counties in California accounted for the vast majority of death sentences in the state: from 2000-2007, those ten counties accounted for 83% of death sentences statewide.<sup>vi</sup>

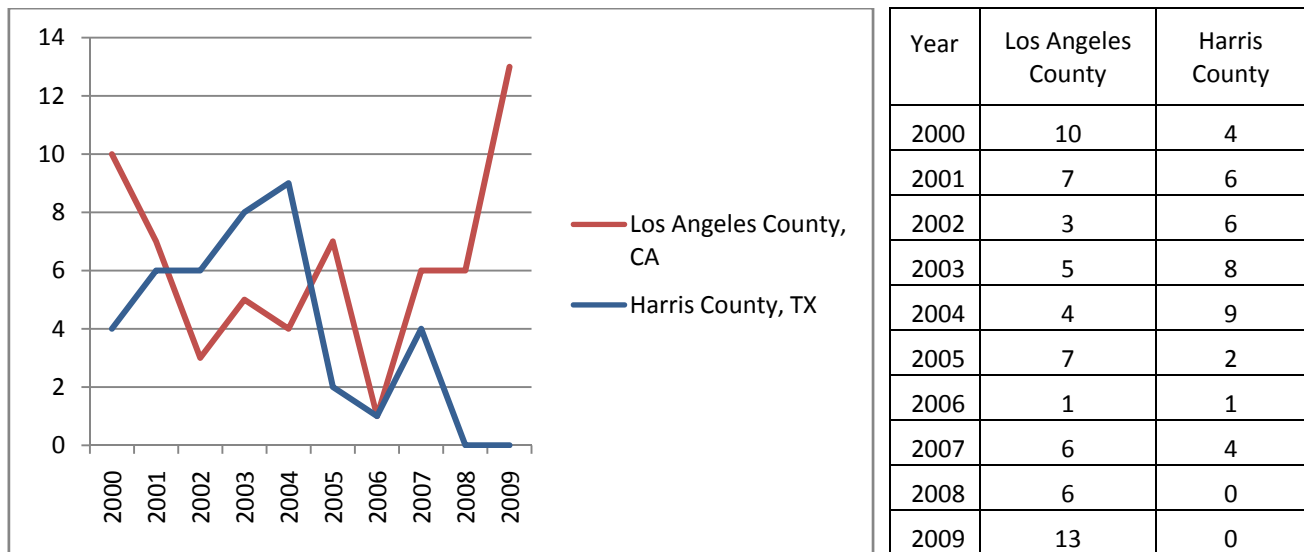
One year later, we observed that only five of the “top ten counties” accounted for 90% of new death sentences in 2008. Those five counties were: Los Angeles, Orange, Riverside, Alameda and San Bernardino.<sup>vii</sup> Notably, Alameda and San Bernardino County—previously aggressive death penalty counties—had no new death sentences in 2009. Death sentencing has become even more localized to a narrow part of California.

## LOS ANGELES COUNTY BECOMES THE LEADING “KILLER COUNTY” IN THE COUNTRY

The increase in death sentences in 2009 was most stark in Los Angeles County. With 13 death sentences, Los Angeles County sent more people to death row in 2009 than any year this decade—more than the entire state of Texas last year. Los Angeles has now become the leading death penalty county in the country.

Throughout the last decade, Harris County, Texas has been the nation’s leading death sentencing county, outpacing new death sentences in Los Angeles County, sometimes by as much as two to one. Yet, while Los Angeles sentenced 13 people to death last year, Harris County did not impose a single death sentence.<sup>viii</sup> Prosecutors attribute this dramatic change to the fact that permanent imprisonment first became available as an alternative sentence in death penalty cases in Texas in 2005 and to the high costs of seeking the death penalty.<sup>ix</sup>

Death Sentences: Los Angeles and Harris Counties



As the death penalty becomes marginalized to a smaller and smaller portion of California, the inequalities and lack of fairness in the system increase. County level District Attorneys have full discretion to decide whether to pursue the death penalty or the alternative punishment of permanent imprisonment. These decisions have enormous fiscal consequences for the counties and the entire state. The majority of the state has decided to live without the death penalty while only a handful of “killer counties” continue to pursue executions. Yet we are all paying the price for their choices.

## **PART II: A CRISIS WITHIN A CRISIS, THE COSTS OF THE NATION'S LARGEST DEATH PENALTY**

### ***MORE MONEY WASTED EVEN AS THE SYSTEM BECOMES LESS FUNCTIONAL***

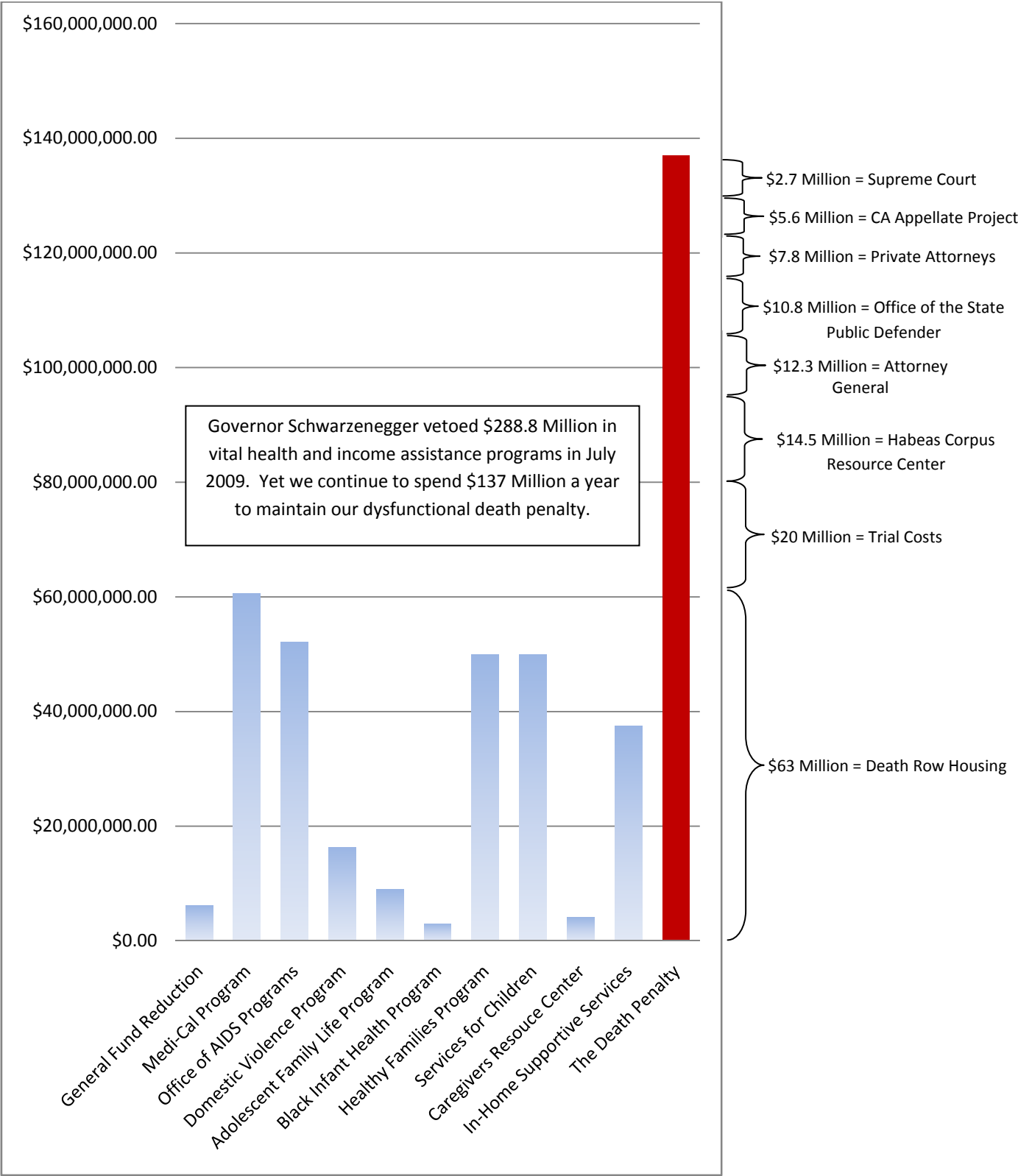
With a death row population exceeding 700, the financial costs of California's death penalty system are already by far the greatest in the country. At the same time, California continues to face the worst economic crisis in nearly a century, resulting in deep cuts to education, health care and public safety programs. As a result, the money needed to properly fund the state's death penalty system is not there. As California continues to send more and more people to death row without providing sufficient funds for the mandatory review process, the delays and inequities in death penalty cases will only grow.

The California Commission on the Fair Administration of Justice concluded in 2008 that California was spending an estimated \$137 million per year on the death penalty. The Commission also found that the mandatory review process for death penalty cases then took more than 25 years to complete. Even still, the Commission concluded that California remains at risk of executing an innocent person.<sup>x</sup>

According to the Commission, the only way to reduce the length of the review process is to spend even more money on prosecutors, defense attorneys and court staff to handle death penalty cases. The Commission concluded we must *increase* spending on the death penalty by an *additional* \$95 million per year, if we want to reduce the time needed to review death penalty cases in a fair and accurate manner.<sup>xi</sup> But because of the state's fiscal crisis, the Governor and the Legislature have failed to implement any of these recommendations.



**THE PRICE WE PAY**



### ***INCREASED RISK OF EXECUTING INNOCENT FROM DENIAL OF FUNDING AT TRIAL***

In fact, at the county level, some trial judges and county administrators are seeking to cut costs in death penalty cases by cutting corners, increasing the likelihood that innocent people will be wrongfully convicted and sentenced to death. In Contra Costa, for example, the Presiding Judge of the Criminal Division denied funding for investigation to defense attorneys in new death penalty cases.<sup>xii</sup> Fortunately, she was ordered to reverse her decision by the California Supreme Court. But the ACLU of Northern California has received an increasing number of similar complaints from across the state.

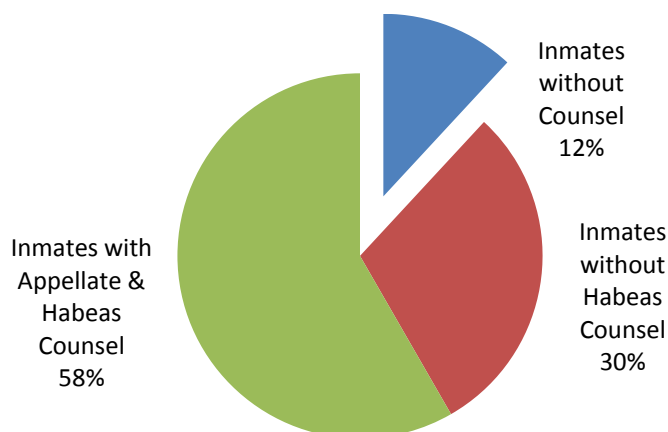
Denying funding to the defense in death penalty cases will significantly increase the number of mistakes made in death penalty trials, leaving innocent people sentenced to death and ultimately leading to even more cases reversed on appeal. Indeed, even in 2008, the California Commission on the Fair Administration of Justice concluded that the state was woefully underfunding death penalty cases at the trial level, creating a risk that an innocent person would be executed and causing two out of three death penalty cases to be reversed on appeal.<sup>xiii</sup>

### ***INSUFFICIENT FUNDING AT THE STATE LEVEL INCREASES DELAYS***

At the state level, a review of the budgets of the Supreme Court, Department of Justice and state defense agencies reveals no increase in their spending levels for fiscal year 2009-2010, despite the growing number of people on death row.<sup>xiv</sup> The result: more people on death row without attorneys and more delays in moving death penalty cases through the appeals process.

The mandatory review process in death penalty cases includes an appeal to the California Supreme Court and a review process called habeas corpus, conducted in state and federal court. Of the 698 inmates on California's death row at year's end, 208 (30%) have no counsel for habeas corpus proceedings and 83 (12%) have no counsel of either appellate or habeas corpus proceedings.<sup>xv</sup> In total, 291 inmates on death row—42 percent—lack a necessary attorney.

**Representation of Inmates on Death Row, 2009**



In 2009, 21 inmates were appointed new appellate attorneys, while 29 were sentenced to death.<sup>xvi</sup> Individuals sentenced to death wait four or five years for appellate counsel to be appointed, and some have waited more than a decade for habeas counsel to be appointed. As the wait for an attorney grows, so too will the time needed to review death penalty cases. Meanwhile, memories fade, records are lost and the likelihood of mistakes grows.

***DEATH ROW APPROACHES CAPACITY, REQUIRING NEW FACILITY OR CONVERSION OF OTHER PRISON BEDS***

If new death sentences continue at last year's rate, San Quentin may run out of room to house people on death row this year. San Quentin currently has 680 cells designated for death row. Of the 700 people now on death row, 660 are currently at San Quentin.<sup>xvii</sup> If an additional 20 to 30 people are sentenced to death this year, San Quentin will surpass current housing capacity for condemned inmates.

The state has known for many years that a new death row housing facility is needed. According to the State Auditor, this facility will cost at least \$396 million to construct and \$1 billion to operate over 20 years.<sup>xviii</sup> The construction costs are to be paid for through lease revenue bonds. But issuance of the bonds has been delayed and the construction has not begun.

As a result, San Quentin will be required to convert other prison cells into death row housing to make room for those newly sentenced to death. Because individuals sentenced to death must be housed alone while most other inmates are housed two to a cell, this will likely require converting double cells to single cells. The result: even fewer beds available in California's already overcrowded prisons and, potentially, more inmates released to make room for an expanded death row.

## PART III: THE CHANGING FACE OF DEATH ROW

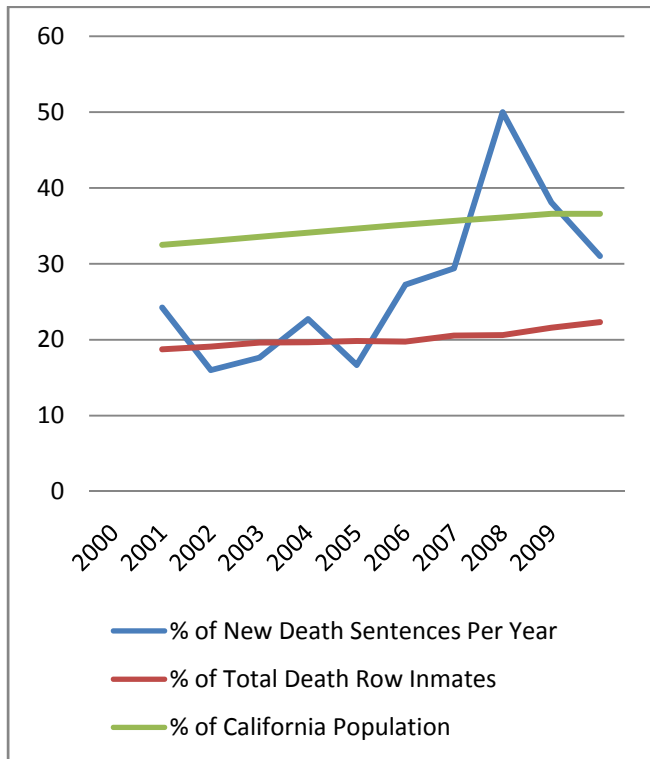
### *FEWER COUNTIES SEND MORE LATINOS TO DEATH ROW*

For many years, African Americans have been significantly overrepresented on California’s death row. Comprising just over seven percent of California’s population, African Americans currently constitute almost 36 percent of the state’s death row population. These numbers have remained largely unchanged for the past ten years and African Americans continue to be sentenced to death at a high rate in California.

In contrast, the number of Latinos on death row has historically been well below the number of Latinos in the California population. In 2000, Latinos were 19 percent of the death row population but 33 percent of the people living in California.

In the last few years, however, there has been a dramatic increase in the number of Latinos sentenced to death. Latinos comprised a staggering 50 percent of new death sentences in 2007, 38 percent of death sentences in 2008, and 31 percent of death sentences in 2009. In contrast, Latinos comprised only 16 percent of those sentenced to death in 2001.

**Latinos: New Death Sentences, Total on Death Row, and Population in California**



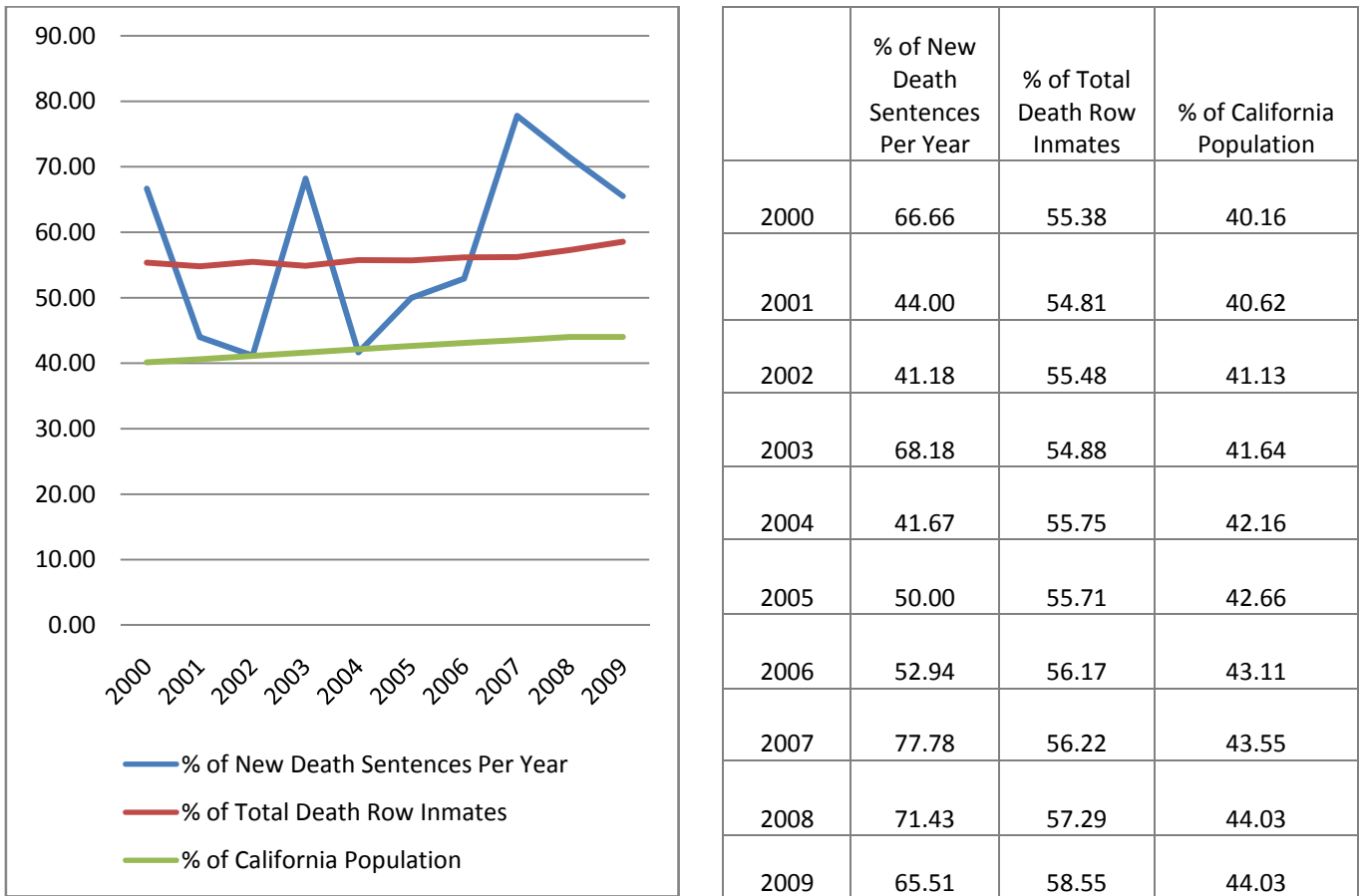
	% of New Death Sentences Per Year	% of Total Death Row Inmates	% of California Population
2000	24.24	18.75	32.52
2001	16.00	19.10	33.02
2002	17.65	19.64	33.57
2003	22.73	19.68	34.12
2004	16.67	19.84	34.66
2005	27.27	19.75	35.19
2006	29.41	20.55	35.66
2007	50.00	20.61	36.13
2008	38.10	21.58	36.61
2009	31.03	22.32	36.61

The overwhelming majority of Latinos sentenced to death come from just two counties: Los Angeles and Orange. Los Angeles alone accounted for 36 percent of death sentences imposed on Latinos in 2008, while Orange County accounted for 14 percent. The increase in the number of people sentenced to death who are Latinos appears to be caused by the increasing number of death sentences from Los Angeles and Orange Counties, combined with the decreasing number of death sentences from most other counties.

What is driving this increase cannot be determined at the moment. For a state with a growing Latino population this development is worrisome. The increasing number of Latinos sentenced to death raises questions about the choices made by District Attorneys in charging death penalty cases, and the composition of juries in these cases. Unfortunately, California does not currently collect and make public the data needed to answer these questions.

In total, over 65 percent of the people sentenced to death in California in 2007, 2008 and 2009 were African Americans or Latino, even though they represent only 44 percent of the California population. As use of the death penalty becomes confined to a smaller and smaller portion of the state, concerns over the fairness of its application grow.

**Latinos and African Americans: New Death Sentences, Total on Death Row, and Population in California**



## CONCLUSION

### *THE BOTTOM LINE: PERMANENT IMPRISONMENT IS THE BETTER CHOICE*

In sum, California remains on track to spend well over \$1 billion on the death penalty in the next five years. Even still, the state cannot afford to spend all that is required to protect the innocent from wrongful conviction and ensure timely review of death penalty cases. Even some previous supporters of the death penalty agree that the system is simply a waste of money. For all the money we have already spent on the death penalty in California, only 1 out of 100 people sentenced to death has actually been executed during the last thirty years.

On the other hand, if the Governor converts all 700 death sentences to permanent imprisonment, the state could cut at least \$125 million in expenses from the General Fund budget and avoid spending \$400 million in construction costs for the new death row. Likewise, at the local level, District Attorneys can save their counties millions by seeking permanent imprisonment instead of the death penalty. Permanent imprisonment ensures swift and certain punishment for those who commit serious crimes: every person sentenced to permanent imprisonment will die in prison or has died in prison. Only those later found innocent of the crimes they were convicted of have been released.

A shift to permanent Imprisonment would mean significant savings in a time of fiscal crisis, would eliminate the risk of executing the innocent, and would lead to more consistent policies across all California counties. It is a better alternative for California that would punish serious offenders and protect more communities, while also saving the state millions. These resources could be shifted to schools in desperate need of funds, or local police who lack the basic resources needed to solve murders.

It is time for California to move forward and replace the death penalty with permanent imprisonment.

## APPENDIX A

### County Death Sentencing from 2000-2009 24 Largest Counties (Based on the 2008 Census Estimate<sup>1</sup>)

Total Death Sentences 2000-2009		Death Sentences Per Capita (based on 2008 Census Estimate)		Death Sentences Per Murder Charged from 1998-2007 <sup>2</sup>	
<b>California Aver.</b>	<b>216</b>	Tulare	1.642	Riverside	0.048
Los Angeles	62	Riverside	1.333	Ventura	0.042
Riverside	28	Contra Costa	1.068	Placer	0.032
Orange	22	Alameda	1.017	Orange	0.029
San Bernardino	16	San Joaquin	0.892	Contra Costa	0.029
Alameda	15	San Bernardino	0.794	San Luis Obispo	0.028
San Diego	11	Orange	0.731	Alameda	0.027
Contra Costa	11	Los Angeles	0.629	Santa Barbara	0.019
Sacramento	7	Ventura	0.627	Tulare	0.018
Tulare	7	<b>California Aver.</b>	<b>0.588</b>	Monterey	0.017
San Joaquin	6	Sacramento	0.502	San Bernardino	0.015
Ventura	5	Kern	0.500	San Joaquin	0.015
Kern	4	Santa Barbara	0.493	<b>California Aver.</b>	<b>0.015</b>
Stanislaus	2	Monterey	0.490	San Diego	0.014
Monterey	2	Stanislaus	0.392	Los Angeles	0.012
Santa Barbara	2	San Luis Obispo	0.377	Kern	0.010
Fresno	1	San Diego	0.367	Stanislaus	0.008
Placer	1	Placer	0.292	Sacramento	0.008
San Luis Obispo	1	Fresno	0.110	Fresno	0.002
Santa Clara	0	Santa Clara	0.000	Santa Clara	0.000
San Francisco	0	San Francisco	0.000	San Francisco	0.000
San Mateo	0	San Mateo	0.000	San Mateo	0.000
Sonoma	0	Sonoma	0.000	Sonoma	0.000
Solano	0	Solano	0.000	Solano	0.000
Santa Cruz	0	Santa Cruz	0.000	Santa Cruz	0.000

<sup>1</sup> Most recent year that data is available.

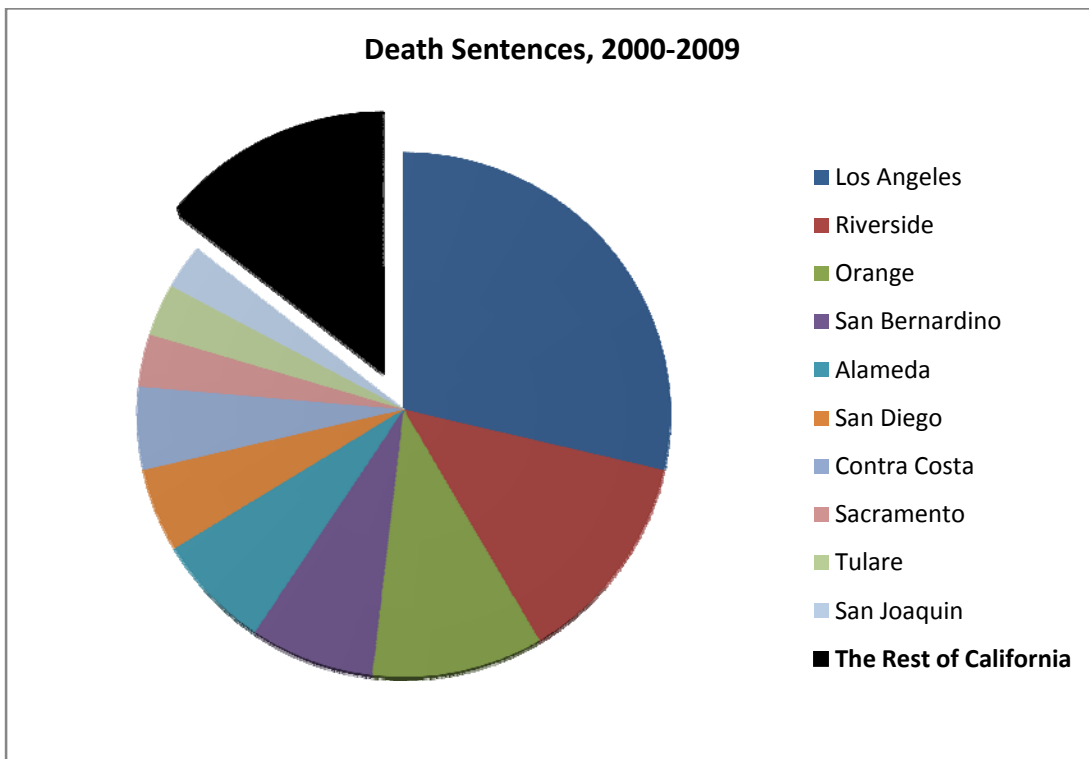
<sup>2</sup> Most recent 10 years that data is available.

## APPENDIX B

### The "Top 10" in Ten Years of Death Sentencing

	Total Death Sentences, 2000-2009	Death Sentences in 2009
Los Angeles	62	13
Riverside	28	4
Orange	22	7
San Bernardino	16	0
Alameda	15	0
San Diego	11	1
Contra Costa	11	2
Sacramento	7	0
Tulare	7	1
San Joaquin	6	0
The Rest of California	31	1

	Total Death Sentences	"Top 10" Total Death Sentences	"Top 10" Percent of Total
2000	33	29	87.9%
2001	25	18	72.0%
2002	17	14	82.4%
2003	22	18	81.8%
2004	12	10	83.3%
2005	22	18	81.8%
2006	17	15	88.2%
2007	18	15	83.3%
2008	21	20	95.2%
2009	29	28	96.6%





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<sup>i</sup> The Death Penalty in 2009: Year End Report, Death Penalty Information Center, December 2009, available at <http://www.deathpenaltyinfo.org/documents/2009YearEndReport.pdf>.

<sup>ii</sup> All data on death sentences in California in this report is from the California Department of Corrections and Rehabilitation and the California Appellate Project. All population data is from the US Census estimate for 2008.

<sup>iii</sup> Data on death sentences in Texas is from the Death Penalty Information Center, <http://www.deathpenaltyinfo.org/death-sentences-united-states-1977-2008>, the Bureau of Justice Statistics Bulletin, <http://bjs.ojp.usdoj.gov/index.cfm?ty=dcdetail&iid=253>, and the Texas Department of Criminal Justice, <http://www.tdcj.state.tx.us/stat/offendersondrow.htm>.

<sup>iv</sup> Data on death sentences in Florida is from Death Penalty Information Center, <http://www.deathpenaltyinfo.org/death-sentences-united-states-1977-2008>, and the Florida Department of Corrections, <http://www.dc.state.fl.us/activeinmates/deathrowroster.asp>.

<sup>v</sup> These six counties were Los Angeles, Riverside, Orange, Contra Costa, San Diego, and Tulare. The only other death sentence in 2009 came from Madera County, a county that has not sent anyone to death row since 1999.

<sup>vi</sup> The “top ten” counties at the end of 2007 were: Los Angeles, Orange, Riverside, San Bernardino, Alameda, Contra Costa, San Diego, Sacramento, Tulare, and Ventura. The report is available at [http://www.aclunc.org/docs/criminal\\_justice/death\\_penalty/death\\_by\\_geography/death\\_by\\_geography.pdf](http://www.aclunc.org/docs/criminal_justice/death_penalty/death_by_geography/death_by_geography.pdf)

<sup>vii</sup> See March 2009 report update is available at [http://www.aclunc.org/issues/criminal\\_justice/death\\_penalty/updated\\_reports\\_california\\_still\\_the\\_highest\\_spender\\_on\\_the\\_death\\_penalty.shtml](http://www.aclunc.org/issues/criminal_justice/death_penalty/updated_reports_california_still_the_highest_spender_on_the_death_penalty.shtml).

<sup>viii</sup> Data for death sentences from Harris County, Texas is from Texas Department of Criminal Justice, <http://www.tdcj.state.tx.us/stat/offendersondrow.htm> and <http://www.tdcj.state.tx.us/stat/executedoffenders.htm>.

<sup>ix</sup> See Death Penalty Pursuit: Costs vs. Certainty, David Pittman, Amarillo Globe-News, Feb. 1, 2010, available at [http://www.amarillo.com/stories/020110/new\\_news3.shtml](http://www.amarillo.com/stories/020110/new_news3.shtml); Harris County Looses State Lead in Executions, Lisa Olsen, Houston and Texas News, Dec. 28, 2009, available at <http://www.chron.com/disp/story.mpl/hotstories/6788682.html>.

<sup>x</sup> California Commission On The Fair Administration Of Justice: Official Recommendations on the Fair Administration of The Death Penalty in California, June 30, 2008, available at <http://ccfaj.org/rr-dp-official.html>, hereafter CCFAJ Death Penalty Report.

<sup>xi</sup> *Ibid.*

<sup>xii</sup> See *Nathan Burriss v. Superior Court of Contra Costa*, Court of Appeal State of California, First Appellate District, Division Three, A126366.

<sup>xiii</sup> CCFAJ Death Penalty Report.

<sup>xiv</sup> Budget information for the Supreme Court and the Department of Justice were obtained through requests under the California Public Record Act. These documents are on file with the ACLU. Budget information for the Office of the State Public Defender is available at <http://www.ebudget.ca.gov/StateAgencyBudgets/8000/8140/spr.html>. Budget

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information for the Habeas Corpus Resource Center is available at  
<http://www.ebudget.ca.gov/StateAgencyBudgets/0010/0250/spr.html>.

<sup>xv</sup> Information about appointment of counsel for inmates on death row is from the California Appellate Project.

<sup>xvi</sup> *Ibid.*

<sup>xvii</sup> 15 women sentenced to death are housed at the State Prison for Women, Chowchilla. A small number of men sentenced to death are housed at specialized medical facilities or are temporarily in local or federal custody for re-trials and other reasons. All information about death row housing was provided by Lt. Eric Messick at San Quentin.

<sup>xviii</sup> The State Auditor's July 2008 report on the proposed construction of a new death row housing unit is available at  
<http://www.bsa.ca.gov/pdfs/reports/2007-120.2.pdf>.