

Executive Summary

While it is clear that California tax payers spend hundreds of millions of dollars every year seeking execution, far more than any other state, it is unclear just how much money is being spent. Costs to state taxpayers incurred at the post-conviction level may be readily identified; but potentially millions of dollars spent by counties at the trial level remains hidden from public view. This report identifies the known costs at the state level and analyzes for the first time records of actual trial expenses, revealing some of these hidden costs to counties.

California taxpayers pay at least \$117 million each year at the post-conviction level seeking execution of the people currently on death row, or \$175,000 per inmate per year. The largest single expense is the extra cost of simply housing people on death row, \$90,000 per year per inmate more than housing in the general prison population. Executing all of the people currently on death row or waiting for them to die naturally—which will happen first—will cost California an estimated \$4 billion more than if all of the people on death row were sentenced to die of disease, injury or old age.

Much more difficult to quantify is the cost of death penalty trials to counties. Records from a sample of trials in which actual cost were recorded reveal that death penalty trials in California have cost as much as \$10.9 million. These records also reveal the substantial impact death penalty cases have on local prosecutors' offices and law enforcement agencies. In one death penalty case, the staff of the district attorney's office spent more than 20,000 hours working on the case. District Attorneys report hiring additional attorneys, investigators and support staff as a result of the increased work load. These detailed records also reveal both questionable costs (like more than \$900 in dry cleaning charged to the county) and efforts to reduce costs (like negotiating to pay an expert 1/5 the usual rate).

These records support the conclusion that death penalty trials cost at least \$1.1 million more than non-death penalty trials. Being very conservative, California counties likely spend at least \$22 million more per year seeking execution than they would seeking death in prison by other means.

In total, considering both state and county expenses, California likely spends at least \$139 million each year in pursuit of execution. That money would pay the salaries of more than 2,500 experienced teachers, or 2,250 new CHP officers.

Little is currently being done to track the details of expenses at the trial level in cases seeking execution. But the records reviewed here demonstrate that the costs can be tracked and that valuable information is revealed when they are. All that is required is the will to do so.