Table of contents

1. CALIFORNIA; Death row foes cite state costs; California could save $1 billion, they say, by commuting all capital sentences to life without parole................................................................. 1
CALIFORNIA; Death row foes cite state costs; California could save $1 billion, they say, by commuting all capital sentences to life without parole.

Author: Williams, Carol J


Abstract: "Resources now spent on the death penalty could be used to investigate unsolved homicides, modernize crime labs and expand effective violence prevention programs, especially in at-risk communities," Woodford wrote in her statement to the California Department of Corrections and Rehabilitation, which she headed as an appointee of Gov. Arnold Schwarzenegger.

Links: Linking Service, Click here to order Full Text from OCLC ILLiad

Full text: Nearly 3 1/2 years into a court-ordered suspension of executions, opponents have embraced a new argument: that Californians can't afford to carry out the death penalty in a constitutional manner. They contend that by commuting all 682 death row inmates' sentences to life without the possibility of parole, the state could save up to $1 billion over the next five years -- a view expected to be offered, and challenged, during a public hearing today in Sacramento on proposed changes to the lethal injection procedures.

The cost-saving argument has emerged as abolitionists have unsuccessfully lobbied for repeal of capital punishment on moral grounds. They have been empowered by the state's budget crisis, as well as by some influential law-and-order advocates who have concluded that deficiencies in the legal and corrections systems are beyond repair.

More California death row inmates have died in the time that executions have been halted than were put to death in the previous 30 years: 16 have died since early 2006, 11 of natural causes and five by suicide, compared with 13 put to death since 1976.

Today's six-hour hearing concludes a two-month period for public comment on the revised lethal injection routine that has drawn at least 2,000 written opinions. Among those calling for commutation on economic grounds are former California Atty. Gen. John Van de Kamp and former corrections chief Jeanne Woodford.

"With California facing its most severe fiscal crisis in recent memory -- with draconian cuts about to be imposed from Sacramento that will affect every resident of the state -- it would be crazy not to consider the fact that it will add as much as $1 billion over the next five years simply to keep the death penalty on the books," Van de Kamp argued.

A death penalty advocate through his long prosecutorial career, Van de Kamp led a review last year of the state's capital punishment apparatus by the California Commission on the Fair Administration of Justice. The bipartisan panel concluded that the system is dysfunctional and needs nearly $100 million more annually to provide adequate legal representation for capital cases and cut in half what is now an average of 25 years between conviction and execution.

Or, opponents of execution say, the state can abandon the legal battles and special death row accommodations that boost the cost of imprisoning each capital inmate to about $138,000 a year, or three times that of other prisoners.

"Resources now spent on the death penalty could be used to investigate unsolved homicides, modernize crime labs and expand effective violence prevention programs, especially in at-risk communities," Woodford wrote in her statement to the California Department of Corrections and Rehabilitation, which she headed as an appointee of Gov. Arnold Schwarzenegger.
Longtime death penalty foes have jumped on the savings bandwagon, recognizing an approach more likely to persuade budget-conscious conservatives than traditional arguments that executions are immoral and disproportionately applied to minorities, the poor and the mentally ill.

"Now is really the time to ask: If we are faced with the choice of laying off police and prosecutors and closing crime labs or shutting down the death penalty, is the goal to protect the public? If it is, that should be an easy decision to make," said Natasha Minsker, head of death penalty policy for the American Civil Liberties Union of Northern California.

Even those wrongfully convicted and made into symbols for repealing the death penalty have switched tactics to cite the social benefits of commutation.

"Weighing the need for the death penalty with our other needs -- police, firemen, teachers -- I think the balance should go on the side of the community," said Tom Goldstein, an Orange County man who spent 24 years in prison for a murder he didn't commit.

Still, arguments persist for retaining execution as a sentencing option.

A study this year by the Criminal Justice Legal Foundation suggested that the savings from commuting death sentences may be elusive, and that prosecutors may have a harder time getting plea bargains in murder cases if the possibility of death is off the table.

"In states where the death penalty is the maximum punishment, a larger number of murder defendants are willing to plead guilty and receive a life sentence," said Kent Scheidegger, legal director for the Sacramento-based foundation.

District attorneys, however, already appear to be seeking the death penalty less often. The number of death sentences in the state has fallen by half over the last decade, from 42 in 1999 to 18 last year.

Nationally, the numbers have fallen even more sharply, from 328 in 1994 to 111 last year.

California's distinction of housing the nation's largest death row yet accounting for only 13 of the 1,168 executions in the country since 1976 demonstrates the state's ambivalence about capital punishment, said Mark Drozdowski, a deputy federal public defender who heads the Los Angeles capital case unit.

"It's like a college where nobody ever graduates, where they just keep building more dorms," Drozdowski said.

"The fact that we hardly ever have executions in California makes it more palatable" for those who oppose capital punishment, fostering tolerance of the status quo that fails to bring about closure for victims’ families or timely reprieve for those found on appeal to be wrongly convicted, Drozdowski said.

--
carol.williams@latimes.com

BEGIN TEXT OF INFOBOX
682 - Awaiting execution at San Quentin State Prison
56 - New arrivals to death row since executions were halted in February 2006
13 - Death row prisoners executed since 1976
80 - Death row prisoners who have died of suicide or natural causes since 1976
$125 million - Annual additional cost of legal representation and incarceration of capital prisoners
68% - Public support for the death penalty

Source: California Department of Corrections and Rehabilitation, Death Penalty Information Center, Field Research Corp., Gallup Poll

Subject: Clemency; Cost control; State budgets; Public hearings; Capital punishment;
Location: California
Publication title: Los Angeles Times