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Commission Report on California's Death Penalty Points to Excessive Costs, including the Costs of Fixing the System's Flaws

*Advocates for alternatives call for replacing the death penalty
with permanent imprisonment*

Sacramento—The first comprehensive study of California's death penalty was released today by the California Commission on the Fair Administration of Justice (CCFAJ), a nonpartisan statewide advisory board. The 116 page report highlights a myriad of problems, including the failure to adequately fund defense counsel for poor people facing death sentences, a decades-long appeals process, and the risk that innocent people will be sentenced to death, as has happened in California and other states.

Ultimately, the report says the people of California must make a choice: spend hundreds of millions on reforming the current death penalty, drastically narrow the state's death penalty, or replace the death penalty with permanent imprisonment.

"This is the first comprehensive review of the many problems with California's death penalty and the conclusion is clear: pursuing death sentences is excessively costly and compromises our ability to effectively fight crime," said Stefanie Faucher, Program Director for Death Penalty Focus (DPF). "The time has come to replace our wasteful death penalty with permanent imprisonment and to invest in solving unsolved murders."

"This report is a wake-up call to all Californians," said Darryl Stallworth, a former prosecutor, now the Law Enforcement Outreach Coordinator for DPF. "If we simply replaced the death penalty with permanent imprisonment, our state could afford to implement more effective violence prevention programs."

The CCFAJ report cited several studies prepared by the American Civil Liberties Union of Northern California (ACLU-NC), including [*The Hidden Death Tax: The Secret Costs of Seeking Execution*](#), the first report to review the actual records of trial expenses in death penalty cases. *The Hidden Death Tax* revealed that the state of California spends an

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additional \$117 million annually as a result of the 673 people already on death row. That amounts to nearly \$175,000 per inmate per year. The CCFAJ report also notes that on June 10th, the California State Auditor revealed that the new death row facility will cost at least \$395 million to build, and more than \$1 billion to operate over the next 20 years.

“We are pleased that the Commission has revealed the honest truth about the excessively high costs of California’s death penalty, and the many costly reforms that are still needed,” said Natasha Minsker, Death Penalty Policy Director of the ACLU-NC. “But we are very disappointed that the Commission failed to call for immediate action to remedy racial and ethnic disparities in death sentencing in this state.” Evidence presented to the CCFAJ demonstrated that individuals convicted of killing white victims are far more likely to be sentenced to death than individuals whose victims are Latino or African-American.

The ACLU-NC had called on the CCFAJ to recommend that California institute proportionality review, a procedure used by the majority of states, intended to ameliorate racial disparities. Instead, a majority of the Commission recommended more expansive data collection before any remedies are adopted. “Californians expect and demand a criminal justice system that treats all people equally, regardless of race and class,” said Minsker. “We cannot continue to ignore the evidence that our death penalty is not fairly applied.”

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