



“As Chief of Police of Newark, I have done everything in my power to prevent wrongful convictions by implementing the best practices in my office. But like all police agencies, we are an organization of human beings, and like all things human, we are susceptible to mistakes. Holding onto the death penalty any longer would be a very costly mistake.”

- Ray Samuels, Former Chief of Police, Newark, California

Permanent Imprisonment Best Serves our Priorities: Punish and Protect

We all know that terrible crimes must be severely punished and dangerous people must be taken off the street. In California, we can condemn the worst offenders to permanent imprisonment. Permanent imprisonment is severe, swift and certain punishment. It protects us and our families, and locks up the worst offenders for good. It ensures that we don't execute an innocent person and stops us from wasting \$125 million each year on the death penalty. That would mean \$125 million more we could use to catch other murders who currently walk free on our streets.

Every Victims Family Deserves Swift and Certain Justice

The death penalty is neither swift nor certain. Death penalty cases drag on for years, prolonging the pain and suffering of victims' families. Death penalty cases make media stars out of killers and waste scarce public safety resources. Permanent imprisonment provides certainty and peace of mind to more victims.

The Death Penalty Wastes the Resources We Need for Public Safety

The death penalty costs millions more than permanent imprisonment. By using permanent imprisonment instead, we will have more money for law enforcement to solve violent crime and protect our communities. The fact is most murders in California are unsolved and thousands of killers continue to walk the streets. If everyone on death row was condemned to permanent imprisonment, we would have an additional \$125 million to solve more murders, protect our communities and address the needs of victims.

The Death Penalty is Applied Unevenly

Our criminal justice system should treat all people equally, regardless of how much money they make, where they live, or the color of their skin. But California's death penalty is applied unevenly. Poor people who cannot afford a good lawyer are much more likely to be sentenced to execution. Someone whose victim is white is three times more likely to be sentenced to death someone whose victims is African-American, and four times more likely than when the victim is Latino. If the government cannot be trusted to deliver justice fairly and equally, then it cannot be entrusted with the ultimate decision of who lives and who dies.

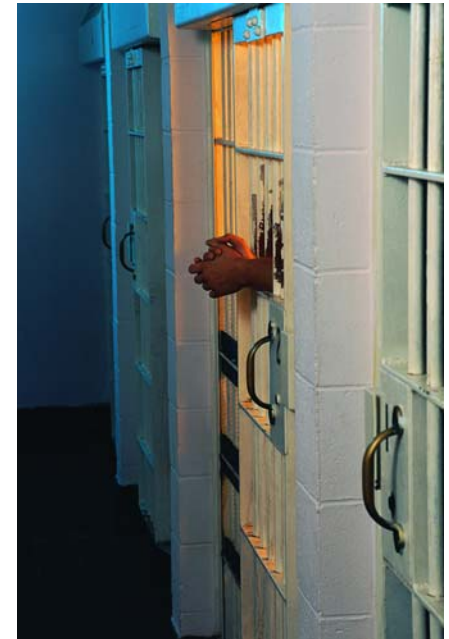
Mistake Have Been Made

Our criminal justice system is failing to deliver on its most fundamental priorities: protecting innocent people while convicting the guilty. In California alone, over 200 innocent men and women have been convicted of serious crimes they did not commit; 6 of whom were sentenced to execution. More than 139 innocent people have been freed from death rows nationwide, and there is strong evidence to suggest that several innocent men have been executed in recent years. As long as we continue to have a death penalty, we will risk making the ultimate mistake despite our best intentions.

The Death Penalty Fails to Deter Better Than Permanent Imprisonment

The best deterrent we have to murder is apprehending those responsible and ensuring that they can no longer harm society. According to statistics from the latest FBI Uniform Crime Report, regions of the country that use the death penalty the least are the safest for police officers. Police are most in danger in the south, which accounts for more than 80% of all executions.

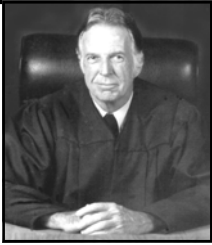
Facts Law Enforcement Should Know About the Death Penalty



Law Enforcement and Judges for Alternatives to the Death Penalty

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“I sent nine men to death row. I believed then it was the appropriate punishment for certain murders, but recent events have altered my view. Human error, inequities, biases and personal ideologies create the problems that have caused my rejection of the death penalty. I believe fixing these deficiencies is searching for the Holy Grail. **This may seem strange coming from a man known as the "hanging judge" of Orange County, but I think it's time to abolish the death penalty.”**

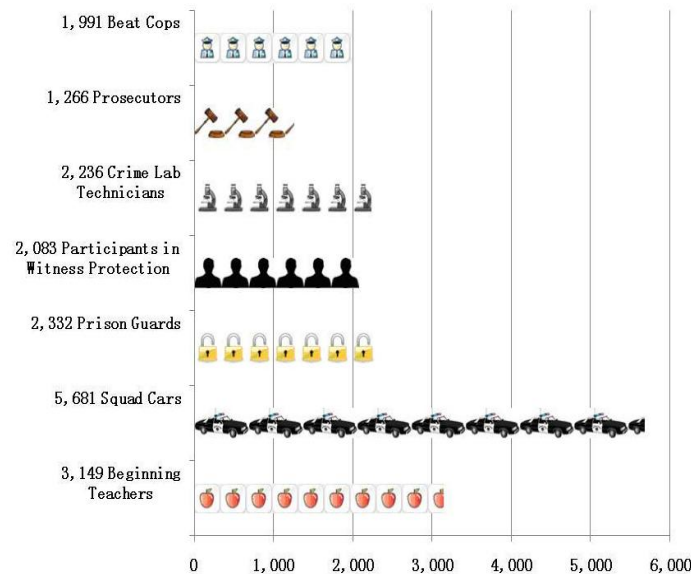
-Donald A. McCartin, retired Orange County Superior Court Judge

By replacing the death penalty with permanent imprisonment, California taxpayers could save upwards of **\$125 million per year.**

	The current death penalty system (costs over and above the cost of seeking permanent imprisonment)	The additional costs that would be incurred by replacing the death penalty with permanent imprisonment
Additional Cost of Trials (Incurred at the county level)	\$20 Million	\$5 Million
Additional Cost of Direct Appeals and Habeas (Incurred by State)	\$54.4 Million	\$3 Million
Additional Cost of Confinement (Incurred by State)	\$63.3 Million	\$3.5 Million
Total	\$137.7 Million	\$11.5 Million

Source: *California Commission on the Fair Administration of Justice, Death Penalty Report, June 30, 2008, Pg. 84*

What could California taxpayers get for **\$125 million per year?**



California Facts at a Glance

- There are more than 680 people on death row.
- Housing a prisoner on death row costs \$90,000 more per year than housing that same prisoner in a maximum security, level 4 prison.
- The average time between a death judgment and execution is 17.2 years, five years more than the national average. Reducing this backlog would cost upwards of an additional \$100 million annually.
- Three times more people die of natural causes or suicide on death row than from execution.
- 70% of death penalty cases are overturned (either verdict or penalty) in federal courts because of problems at the trial level.
- More than 3500 individuals have been sentenced to permanent imprisonment since 1978 and not one guilty person has been released.
- The new death row housing facility is projected to cost \$400 million to build and \$1.2 billion to operate over the next 20 years.

“I worked in the Alameda District Attorney’s office for thirteen years before I ever thought seriously about the death penalty. After trying my first death penalty case, I came to the realization that the process was flawed, time-consuming and very expensive. Seeking permanent imprisonment for the defendant would have saved the county a great deal of money, resulted in swift and certain punishment for the victims’ families, and allowed me to resolve far more cases.”

-Darryl Stallworth, Alameda County Deputy District Attorney, 1992-2007

