

Readers Forum: Capital Punishment is a costly mistake

By Ray Samuels

Guest Commentary

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THERE ARE three words you rarely hear from law enforcement: We were wrong. We do not like to admit it, but, despite our best efforts, we sometimes get it wrong. A lifetime in law enforcement has taught me that lesson and showed me that, when it comes to the death penalty, the risk of a mistake is just too great.

For 33 years, I have worked as a police officer in the state of California. I have seen some truly horrific and shocking crimes; crimes for which the death penalty was designed. One gruesome example that comes immediately to mind is the vicious stabbing death of an infant in a crib to stop the child from crying during a triple murder and robbery.

In part because of crimes like this, I used to support the death penalty, but my experience in law enforcement has showed me that California would be better off if we replaced the death penalty with permanent imprisonment.

I believe that murderers need to be held accountable. Permanent imprisonment can accomplish this; it is a severe sentence and an appropriate punishment for individuals who commit the most heinous crimes. More than 3,600 men and women have been given this sentence in California. They will all die in prison.

Unlike the death penalty, this sentence allows for the correction of mistakes. Despite the best intentions of law enforcement, prosecutors, defense attorneys, judges and jurors, innocent people have been convicted and sentenced to death.

The margin for error with the death penalty is too great. Once imposed, it is a bell that cannot be unring.

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. Even with the implementation of all the necessary precautions and strict supervisory and management oversight, the potential for error remains.

This year, several pieces of legislation intended to prevent wrongful convictions, proposed by the California Commission on the Fair Administration of Justice, failed to advance out of the Senate Appropriations Committee because they cost too much to implement. These bills were not perfect by any means, but they were an attempt to prevent mistaken eyewitness identification, the number one cause of

wrongful convictions, and false confessions, the second leading cause. The fact that we don't have the money to implement reforms such as these should concern us all.

Unfortunately, the situation is only going to get worse.

Local jurisdictions are likely to lose a significant amount of state funding this year because of the severe financial crisis. This funding helps cities and counties provide essential services in the areas of public safety, emergency services, and health and children's services. Without it, our communities will no doubt suffer dire consequences.

At the same time, we continue to waste hundreds of millions on the state's dysfunctional death penalty. If we replaced the death penalty with a sentence of permanent imprisonment, the state would save more than \$125 million each year. We haven't had an execution in California for three years. Are we any less safe as a result? I don't think so.

It is shocking to think that we are continuing to retain a costly and ineffective death penalty while refusing to fund measures that would prevent wrongful convictions and provide essential community services. If the millions of dollars currently spent on the death penalty were spent on investigating unsolved homicides, modernizing crime labs and expanding effective violence prevention programs, our communities would be much safer.

Holding onto the death penalty any longer would be a very costly mistake. Let's cut our losses and move on.

Samuels began his career in 1975 as a police officer for the city of Vallejo. He worked for the Concord Police Department and the Newark Police Department before serving as Police Chief of Newark from 2003 to 2008.