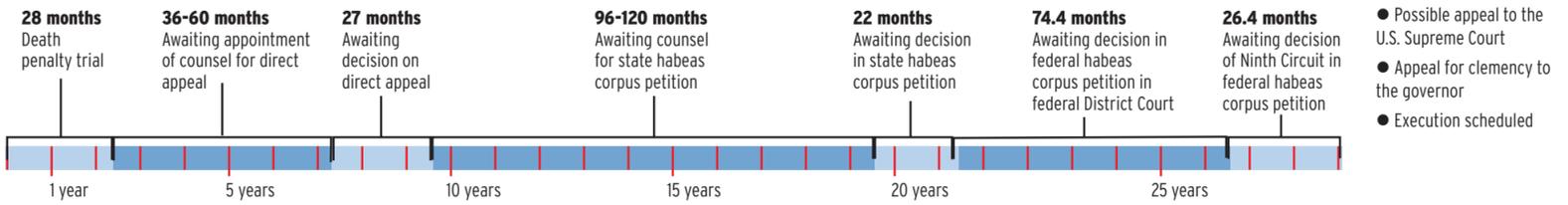


Death penalty process

Here is a view of the average time it takes from conviction and death sentencing to execution in California. This is a simplification of the process. Each trial is unique and cases often bounce back and forth between the state and federal habeas corpus claims. The national average is eight to ten years from sentencing to execution; 33 states have the death penalty.



Sources: California Legislative Analyst's Office, California Department of Corrections and Rehabilitation and California Commission on the Fair Administration of Justice; Death Penalty Information Center Sonya Quick and Molly Zisk /The Register

Expediency stalks death penalty vote

Prop. 34 swing voters appear more concerned with costs than morality.

While core advocates on either side have long argued over whether the death penalty is moral and just, the outcome of Proposition 34 could hinge on practical issues: whether it's worth the cost, whether the process can be made efficient and whether voters trust that the worst killers would indeed remain in prison until they die.



MARTIN WISCKOL REGISTER WRITER



The nonpartisan state Legislative Analyst's Office estimates the state could save more than \$100 million annually if Prop. 34 passes, because of shorter trials, fewer appeals, the need for fewer judges and prosecutors, and savings from ending the more costly housing of death row inmates.

The measure calls for capital punishment in California to be replaced with life in prison without the possibility of parole. The death penalty is applied only to the most heinous murders, including serial killers, contract killers, child killers and police killers.

Voters have twice affirmed their support for the death penalty - 68 percent voted for it in 1972; 71 percent did so in 1978. But it's unlikely they envisioned its subsequent re-implementation. It's only been carried out for 14 of the past 45 years because of legal challenges and court rulings. In that time, there have been 13 executions in the state while 725 inmates sit on

But opponents, including Orange County Sheriff Sandra Hutchens, say the predicted savings is overstated and relatively insignificant. Even at \$100 million, it's only about 1 percent of the \$9 billion budget for the California Department of Corrections and Rehabilitation, Prop. 34 opponents point out.

"It's not about saving money," Hutchens said. "It's about whether you're for the death penalty or not. ... It's a matter of making sure the person is never on the street again to reoffend."

Hutchens says that despite the language in Prop. 34 ensuring the sentence of life in prison without parole, future governors could



FILE PHOTO: THE ASSOCIATED PRESS

Proposition 34 calls for the death penalty to be replaced with life in prison without the possibility of parole. The lethal injection facility at San Quentin State Prison is shown.

intervene to commute sentences and future voters could roll back the life sentence requirement.

She says that the death penalty helps bring closure for many victims and that shortcomings in the process can be addressed.

A CASE AGAINST

Scott Howe, a criminal justice professor at Chapman University, isn't so sure.

"I believe that some people who commit these horrible crimes deserve the death penalty, but the system does not go about that efficiently," said Howe, who this year published a paper titled "Can California Save



Howe

its Death Sentences?"

"It's dysfunctional," he said.

"Death row inmates in California aren't being executed, for the most part. They're dying in prison."

Executions have been on hold since 2006, suspended by courts considering cases arguing that the three-drug lethal injection could cause "cruel and unusual suffering." But even if that obstacle is removed, there's unlikely to be a glut of executions, Howe said.

"In 14 years, they execut-

ed 13 people," he said. "The money could be spent on schools and other good things, rather than executing a half-dozen or fewer people a year."

While death row inmates cost more than life-sentence inmates, death row inmates are far more likely to die in prison than be executed. Since 1984, 84 have died in prison, most of natural causes or suicide.

If the method-of-execution issue is resolved, the biggest problem with the process will be the California Supreme Court, Howe said. Death sentences are automatically appealed to the state's high court, bypassing the appeals court.

"There are just seven judges on the Supreme Court," he said. "They can't handle all the cases. And there aren't enough defense lawyers who want to take the cases. The people who say, 'fix the system,' are willing to spend even more money than is being spent already."

Howe said Texas has a court that handles only death penalty cases and leads the nation in executions - 489 since 1976. But Howe noted that, unlike in California, evidence has arisen in Texas indicating that innocent people may have been put to death.

MONEY CONCERN GROWS

While Hutchens says the issue isn't about money, many voters disagree.

When the Field Poll began asking Californians in 1959 if they wanted to keep the death penalty, 49 percent said "Yes," 29 percent said "No," and 22 percent had no opinion.

The percentage in favor of capital punishment rose over the years, peaking at 83 percent in 1986. It has been generally declining since, landing at 68 percent in 2011 - although 48 percent said they preferred life in prison without parole. (A September poll by the Public Policy Institute of Cali-

SEE PROP. 34 • PAGE 10

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