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Rational Criminal Justice

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Rational Criminal Justice

OCTOBER 15, 2012 BY [ANDY BRUNNER-BROWN](#) 0 COMMENTS

Californians are being given the chance on the upcoming ballot simultaneously to repeal the death penalty and to redirect death row expenses into police investigations. The Official Voter Guide summarizes [Proposition 34](#):

Repeals death penalty and replaces it with life imprisonment without possibility of parole. Applies retroactively to existing death sentences. Directs \$100 million to law enforcement agencies for investigations of homicide and rape cases. Fiscal Impact: Ongoing state and county criminal justice savings of about \$130 million annually within a few years, which could vary by tens of millions of dollars. One-time state costs of \$100 million for local law enforcement grants.

Opinions vary greatly about the death penalty: some are concerned about executing [innocent but wrongly-convicted](#) persons while others are concerned about [ensuring justice](#) (read: execution). No matter what the view point, the current system is not functioning. There are over 700 inmates sitting on death row but, since the death penalty was reinstated in California in 1978, only [13 inmates](#) have been executed. (84 have died from [natural causes](#)).

Part of the dysfunction is in the process. Death row inmates are guaranteed the right to petition for a writ of [habeas corpus](#), which allows challenging convictions or sentencing for reasons outside of trial error. These procedures delay the execution; the average time between sentencing and execution is over [25 years](#). The delays are so long that many inmates die of natural causes instead of execution. Combined, the appeals process and the delay give death row inmates a slim [chance to reverse the conviction](#), which is a luxury non-capital inmates do not have.

Another major problem is death row prison infrastructure. In addition to the large legal expenses from the trial and appeals, death row inmates cost the state more because they are in a [separate housing](#). As a result of the cost of this housing, and because of the duration of the process, death row inmates require millions in tax dollars.

Because of the length and cost of the death row process, the question presented on this year's ballot essentially turns on whether Californians want to spend of money on a system that does not execute as intended or to spend money on finding violent criminals, not whether California should keep the death penalty.

Moral ideals regarding the death penalty aside, Californians concerned with justice should support redirecting expenses spent on a broken system into funding for murder and rape investigations, which will better equip police departments to find violent criminals. This funding should get more criminals off the street—some of them for life without parole—which should please all sides of the death penalty issue. Instead of spending hundreds of millions of tax dollars to house murderers for decades, California will increase murder investigation funding while still saving millions of tax dollars and providing [“another death penalty”](#) for murderers.

After all, when you go out of your way to kill someone who can no longer do harm, there's some irrational motivation.

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