



## SOMETHING DOESN'T ADD UP:

### THE COSTS AND TRADE-OFFS OF MAINTAINING THE DEATH PENALTY IN CALIFORNIA

*"In California, a sentence of death is usually a sentence of life without parole, except it costs us a lot more."*

--Santa Clara University Law Professor Gerald F. Uelman (*Los Angeles Times*, May 17, 2009)

#### PREMISE

By redirecting resources currently allocated by California for death penalty prosecutions, appeals, and housing of death row inmates, we can: (1) reduce incidences of violent crime, and (2) improve public safety, particularly in communities hardest hit by crime and violence.

#### CENTRAL QUESTION

If given more complete information about how resources could be allocated to create safer communities, would we continue to distribute them in this way, or would we choose differently?

#### THE COST OF THE DEATH PENALTY IN CALIFORNIA

- California pays \$137 million annually to maintain its present death penalty system. This compares with an estimated \$11.5 million each year to maintain a system where the maximum penalty was life in prison.<sup>1</sup> Despite proposing devastating cuts totaling over \$21 billion, Governor Schwarzenegger's budget still allocates \$125 million per year for death penalty cases, and \$400 million over five years to build a new facility to house the state's 680 death row inmates.
- If California ended all death penalty trials, it would save counties an additional \$100 million over five years.<sup>2</sup>
- It costs \$92,000 more per year to house one inmate on death row rather than in the general prison population. Multiplied by 680, that equals over \$61 million per year.<sup>3</sup>
- A capital trial costs Los Angeles County \$1.1 million more than a non-capital murder trial.<sup>4</sup>

<sup>1</sup> California Commission on the Fair Administration of Justice, June 30, 2008, available online at: <http://www.ccfaj.org/rr-dp-official.html>

<sup>2</sup> Natasha Minsker, *Save \$1 Billion in Five Years—End the Death Penalty in California*, available online at the Death Penalty Information Center: <http://deathpenaltyinfo.org/california-could-save-1-billion-5-years-eliminating-death-penalty>

<sup>3</sup> "Death Row Often Means a Long Life," *Los Angeles Times*, March 6, 2005.

<sup>4</sup> David Erickson, *Capital Punishment at what price? An analysis of the cost issue in a strategy to abolish the death penalty*, 1993, available online at: <http://deathpenalty.org/article.php?id=42%5>

## THE ALTERNATIVES

*“Even though those are tough choices, what is the alternative?”*

—Governor Arnold Schwarzenegger (May 27, 2009)

**Below, we respond to the Governor’s question. In terms of promoting public safety in our communities, consider these alternatives:**

### GANG PREVENTION

There are currently over 250 active gangs in the City of Los Angeles with a combined membership of over 26,000 people. In the past five years, the Los Angeles Police Department has verified over 23,000 violent gang crimes in the City. According to a Vera Institute cost-benefit analysis, violent gang crime costs the taxpayers and victims in Los Angeles almost \$2 billion every year.<sup>5</sup> A policy report, entitled *No More Children Left Behind Bars*, written by the Houston Institute, found that “dollars would most judiciously be spent on preventive measures shown to lead vulnerable children from gang activity and into constructive activity.”<sup>6</sup>

*Effective and Promising Strategies to Combat Gang Violence in Los Angeles*

**Expand YouthBuild:** A program that enables low income participants between the ages of 16 and 24 to earn a GED or high school diploma while receiving job and leadership training by building affordable housing for families. The program places an emphasis on re-entry and creating positive alternative lifestyles for juveniles who have already found themselves in the criminal justice system. In a testimony submitted to the Subcommittee on Crime, Terrorism and Homeland Security of the U.S. House of Representatives, Ely Florez wrote:

I was hungry for change. However, jail and probation officers never seemed to believe me. I felt I’d been written off. But, I was lucky in the end. I found an organization like the Youth Justice Coalition and LA CAUSA YouthBuild that believe in the empowerment of young people to better their lives and their communities.

Currently, 800 young people are being turned away each year in Los Angeles by the nine YouthBuild programs there. This is without any significant recruiting by YouthBuild. With more resources, the demand would undoubtedly be higher. The cost per full year per youth for YouthBuild is \$22,000. The cost per youth, given an average length of stay of 8.2 months is about \$16,000. A redirection of \$1 million saved by Los Angeles each year in not pursuing the death penalty could result in an additional 63 youths enrolling in this program.

**Replicate “2003 Summer of Success”:** A collaboration between community police and neighborhood organizations saturated “The Jungle” with midnight sports, tutoring, reading programs, hip-hop contests, computer games and other activities from 8:00pm to 3:00am. No murders occurred that summer and violence was drastically reduced.<sup>7</sup> The cost was \$600,000 for

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<sup>5</sup> Vera Institute of Justice, Cost-Benefit Analysis, available online at: [http://www.advancementprojectca.org/index.php?q=/c/resource/sc/up\\_call\\_to\\_action](http://www.advancementprojectca.org/index.php?q=/c/resource/sc/up_call_to_action)

<sup>6</sup> *No More Children Left Behind Bars* (March 2008), available online at: <http://charleshamiltonhouston.org/Publications/Item.aspx?id=100012>

<sup>7</sup> Summer of Success A Model for a Comprehensive Gang Violence Prevention Strategy, description available at: [http://www.advancementprojectca.org/index.php?q=/c/resource/sc/up\\_summsucc](http://www.advancementprojectca.org/index.php?q=/c/resource/sc/up_summsucc)

the summer. One less capital murder trial each year at a savings of \$1.2 million to the city of Los Angeles could fund this program for two summers.

### **INCREASE HIGH SCHOOL GRADUATION RATES**

According to a recent report released by America's Promise, entitled *Cities in Crisis*, only 44.4% of Los Angeles students in the 2003-2004 school year graduated on time from high school,<sup>8</sup> making it 44<sup>th</sup> among the country's largest 50 cities in its rate of high school graduation.

The relationship between education and crime has now been quantified by several economists. If California graduated 5% more males from high school each year, it would:

- save \$752,933,842 in crime related costs;
- earn an additional \$352,182,007 in income, and yield a total benefit to the state of \$1,105,115,855 in savings.<sup>9</sup>

A 10% increase in male graduation rates would reduce murder and assault arrest rates by about 20%, motor vehicle theft by 13% and arson by 8%.

#### *Promising Strategies to Increase High School Graduation Rates*

#### **Expand Implementation Of Positive Behavioral Intervention Strategies (PBIS) In Schools:**

The US Department of Education is encouraging every state to invest in PBIS because it reduces suspensions and expulsions, improves attendance rates and academic achievement, and improves staff and student perceptions of school safety. PBIS was implemented in the Los Angeles Unified School District in 2007 after a successful three-year pilot program, but it is vastly underfunded.

One cost analysis estimated that the cost per school of implementing PBIS in clusters of schools is approximately 66,000.<sup>10</sup> With the redirection of \$1 million, this means that students in an additional 15 schools in Los Angeles could benefit from this program.

**Expand LA's Best — Better Educated Students For Tomorrow:** LA's BEST is the largest after-school program in Los Angeles. It currently serves more than 28,000 children in 180 Los Angeles Unified School District (LAUSD) elementary schools with the greatest needs and fewest resources throughout the City of Los Angeles. The program is open to children who regularly attend a school where LA's BEST is located and is offered at no cost to parents.

A 2007 evaluation of LA's BEST, funded by the Department of Justice, found that:

- Students enrolled in LA's BEST are 30 percent less likely to commit juvenile crime than their peers;
- For every dollar invested in the LA's BEST program, Los Angeles saves \$2.50 in costs associated with crime.<sup>11</sup>

At the press conference to release the study's results, Mayor Antonio Villaraigosa said, "This study shows that when we invest in our children and we engage our students, crime rates drop and everyone benefits."

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<sup>8</sup>Closing the Graduation Rate Gap, available online at: <http://www.americaspromise.org/Our-Work/Dropout-Prevention/Cities-in-Crisis.aspx>

<sup>9</sup> Saving Futures, Saving Dollars: The Impact of Education on Crime Reduction and Earnings, August 2006, Alliance for Excellent Education

<sup>10</sup> *Application of Economic Analysis to School-Wide Positive Behavioral Support Programs*, January 2008, published in the Journal of Positive Behavioral Interventions, Volume 10, #1

<sup>11</sup> Full study available online at: <http://www.lasbest.org/resourcecenter/ucla.php>

The daily cost per child to enroll in LA's BEST is \$7.50, or approximately \$1,350 per year. If \$1 million were redirected from the death penalty to this program, an additional 740 students could be served each year.

### **EXPAND SUBSTANCE ABUSE TREATMENT**

Drug and alcohol use is a major contributing factor to a large number of murders and other crimes committed in Los Angeles. According to the National Drug Intelligence Center,<sup>12</sup> "high levels of violent crimes and property crimes within the Los Angeles HIDTA region are associated with the production, distribution, and abuse of illicit drugs in the region."

One study found that the average substance abuse treatment cost in California is \$1,583 per patient and is associated with a societal benefit of \$11,487 in return—a more than a 7-to-1 ratio of benefit to costs. The ratio rose to 9-to-1 when the researchers inflated arrest data to approximate actual crimes committed.<sup>13</sup>

If \$1 million were redirected from capital prosecutions to substance abuse treatment in Los Angeles, 632 additional persons could be treated, at an overall cost benefit of \$7,259,784 to the city.

### **TEST RAPE KITS**

According to the L.A.P.D., there were 867 rapes committed in the city in 2007. Rape kits consist of DNA, hairs, fibers and other evidence of the crime that is taken from the victim's body after the rape has occurred. The DNA, in particular, can be matched to DNA samples already available to the police, and therefore increase the likelihood of catching the rapist. According to the *New York Times*, there are 12,669 rape kits sitting untested in police storage facilities in L.A. County.<sup>14</sup> More than 450 have been stored, untested, for more than 10 years. Each kit costs \$1,500 to test.

If \$1 million were redirected from the death penalty to testing rape kits, 666 rape kits could be tested, thus increasing the odds of apprehending the offender in each instance.

**YOU DO THE MATH:** These are just a few ideas we could propose to the District Attorney of Los Angeles and the Governor as effective alternatives to death penalty expenditures. They are based on a solid understanding of what our communities need and what works to make them safe and vital places to live, play, work and worship. We encourage you to review our report, *No More Children Left Behind Bars*,<sup>15</sup> for a fuller examination of how to craft positive public safety alternatives that work.

**IT IS TIME TO DEMAND** that our precious resources be spent to help our children thrive, and to keep our communities safe.

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<sup>12</sup> <http://www.usdoj.gov/ndic/pubs23/23937/crime.htm>

<sup>13</sup> Benefit-cost in the California treatment outcome project: does substance abuse treatment "pay for itself"? Available online at: <http://www.ncbi.nlm.nih.gov/pubmed/16430607>

<sup>14</sup> Nicholas Kristoff, NY Times, "Is Rape Serious?" April 29, 2009, original source: Human Rights Watch, Sarah Tofte.

<sup>15</sup> <http://www.charleshamiltonhouston.org/Publications/Item.aspx?id=100012>