

CCV Summer News 2011

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california
Crime Victims
for **Alternatives**
to the Death Penalty

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The beginning of the end: Recent developments mean death penalty's days are numbered

2011 has been a good year for opponents of California's death penalty as significant shifts in both public opinion and state policy suggest that our state is on its way to ending capital punishment once and for all. As leaders scramble to cut costs in the face of our more than \$28 billion budget shortfall, a climate has begun to emerge where citizens are no longer willing to keep throwing money at the death penalty at a time when vital social services are being cut.

Recent polling by David Binder Research provides hard evidence of this change of heart. The April 16th poll indicates that 63% percent of Californians support Governor Brown commuting the 712 current death sentences to life without the possibility of parole and requiring these prisoners to work to pay restitution to their victim's family members. While the sheer number of supporters is encouraging by itself, a deeper look reveals even better news as support carries across geographic boundaries, with majority approval in every region, and party lines, with 70% of Independents, 64% of Democrats, and even 58% of Republicans in favor of commutation. While a 2010 poll indicated that a slight plurality (42% to 41%) preferred life without parole to death, this new research shows that the tides have begun to change much more rapidly as Californians are faced with the opportunity to save \$1 billion dollars over the next five years at a time when such savings are more important than ever. The new polling data is particularly exciting as it suggests that Governor Brown, who personally opposes the death penalty, may have the political support necessary to act on what has traditionally been regarded as a thorny issue for elected officials.

Governor Brown seems to be attentive to these emerging realities, and his recent decision to halt

the construction of a new death row at San Quentin State Prison is an important step in the right direction. The Governor cancelled the project, which had been budgeted at \$356 million, arguing that it would be "unconscionable" to spend such a large amount on the death penalty at a time



"when children, the disabled and seniors face painful cuts to essential programs." The new facility had been commissioned by Governor Gray Davis in 2003 and was designed to hold 1,152 inmates as new death sentences were expected to significantly outstrip the rate at which they would be carried out. Governor Brown's decision to

cut the program represents a recognition of what the state's true priorities should be at a time when any budget decision entails very real trade-offs. It will not, however, be enough to prevent unnecessary spending on the death penalty in the future unless it is supplemented with the decision to commute all death sentences to life without the possibility of parole.

Another significant policy development worth taking note of is the California Department of Corrections and Rehabilitation's announcement that no executions will be carried out this year. This decision, which comes in the wake of San Quentin Warden Michael Martel's scrapping of his execution team, will mean that California, despite having the largest death row in the country, will be execution-free for six years. The CDCR is currently in the process of revising its execution protocols to make sure they meet state and federal constitutional guidelines against cruel and unusual punishment. These concerns were raised in 2006 when the lawyers for Michael Morales persuaded U.S. District Judge Jeremy Fogel that serious lapses in the procedure and equipment used at San Quentin exposed their

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Passing the torch: A farewell message from the Program Coordinator



It is with great sadness that I announce my departure from CCV. After serving as the Program Coordinator for more than three years, I have decided to pursue graduate studies at New York University. This was a very difficult decision to make, but I have no doubt that CCV will continue to grow and remain a driving force in the fight against the death penalty because of your amazing contributions.

When I first came on board with CCV in March 2008, I was not quite sure what to expect or whether I was truly up to the task. Within days, I received a flood of emails from many of you warmly welcoming me to the project. You shared your personal stories and expressed gratitude towards me for joining the cause. It is each and every one of you, however, who deserve my gratitude. Thank you for letting me be a small part of this profound journey. Your devotion to creating a safer and more peaceful world out of your own personal grief and loss inspires me daily.

Together we have made great strides in raising the voices of murder victim family members who oppose the death penalty. CCV supporters have been featured in dozens of radio and TV interviews and have published several op-eds and letters to the editor. We have spoken at hundreds of schools, churches, service clubs, and community forums. And our base of supporters has grown from a modest, but mighty, 100 supporters to a force of more than 650 murder victim family members who speak out against the death penalty in CA.

We have also raised awareness about the inadequacies of victims' services and public safety in California due to insufficient resources. In 2010, we released the report "The Silent Crisis in California," which found that 1,000 new murders go unsolved each year in California. We delivered the report and a letter signed by 150 murder victim family members to former Governor Schwarzenegger's office asking him to convert all death sentences to life without parole and use the money

saved to solve more murders. We have asked Governor Jerry Brown to do the same since he took office in January.

Although it is difficult to say goodbye, I am very pleased to introduce you to CCV's new Program Coordinator, Chelsea Bond, who, I have no doubt, will carry on our momentum and success.

Chelsea Bond is a graduate of Chapman University, where she studied Political Science and Peace Studies. She previously worked for the Orange County Public Defenders, Cavanagh Law Firm, and has been a leader in several progressive student organizations advocating prison reform and social justice. She has traveled extensively, studying the Truth and Reconciliation Commission in South Africa, researching sustainable development in Costa Rica, and assisting domestic abuse victims in Ecuador. She also contributed to the first LGBT Human Rights Journal in Ecuador, focusing on violence against the LGBT community. Chelsea also volunteers with animal welfare and rescue groups, homeless shelters, and local political campaigns.



Chelsea Bond becomes the new Program Coordinator on July 19

Chelsea will take over as Program Coordinator on July 19. Judy Kerr and Aqeela Sherrills will remain on board as CCV's Outreach Coordinators in Northern and Southern California.

Wishing all of you the very best,

Aarti Kelapure

BREAKING NEWS: Bill seeks to abolish the death penalty in California



penalty with life without the possibility of parole on the November 2012 ballot.

"Capital punishment is an expensive failure and an example of the dysfunction of our prisons," Hancock said in a statement.

On June 27, Democratic Sen. Loni Hancock of Berkeley introduced a bill seeking to abolish California's broken death penalty. SB 490 would place an initiative to replace California's death

"California's death row is the largest and most costly in the United States. It is not helping to protect our state; it is helping to bankrupt us."

"Today we're not tough on crime," Hancock continued, "we're tough on the taxpayer. Every time we spend money on failed policies like the death penalty, we drain money from having more police officers on the street, more job training, more education, more of the things that would truly make for safer communities."

UPDATE: The Assembly Public Safety Committee passed SB 490 on July 7. The bill will now go to the Assembly Appropriations Committee.

In Her Own Words: Sister Phyllis D'Anna

Murder victim family members oppose the death penalty for many reasons. CCV does not endorse any specific reason for opposing the death penalty, but supports all family members in telling their stories. This column allows our supporters to share their stories in their own words.



My name is Sister Phyllis D'Anna; to most I'm Sister Phil. I was raised in San Jose. I went to St. Claire's Elementary School and Notre Dame San Jose High School. I am a Catholic nun and I've lived and worked in the Bay Area most all my life.

My father grew up in San Jose on Bird Ave. He worked as a realtor. In 1970, at age 59, he was murdered in the East Palo Alto convenience store where he worked in the evenings. He left a wife and five children, including me.

In the papers this was called the "Good Guy Murder" because my dad was known as being a very good, kind and spiritual man; a good Catholic-Mass everyday kind of man. Two men robbed the store for money, \$25, for drugs. The trial took place in San Mateo County. By some "fluke" of justice the men were charged with second degree murder (I think it was because neither one of them would tell which one actually pulled the trigger.)

Shortly after the trial was under way, my mom was asked to go testify as a "character witness." She would not go. She said she could not face any more pain and heartache. I personally could not see what the trial had to do with us, with my dad or with the terrible pain we were experiencing. We had what we had to deal with; the trial belonged to the state. That's what the state did to people who broke the law. It would not bring my dad back.

I felt the two young perpetrators were victims also. Growing up in East Palo Alto and on drugs, life could not have been good

for them. What I hoped for them, what I actually felt justice would be, is that they would realize what they had done and would feel remorseful. (That seemed like the worst punishment of all, going through life realizing the harm and pain you have caused another.)

I hoped and prayed that they would rehabilitate themselves and become productive members of society. I wrote them a letter while they were in jail waiting for their trial. I wanted them to know who my dad was, what they had done to his family and to express my prayer for their rehabilitation and transformation. I knew my dad had forgiven these young men because that was the kind of man he was. He would have been the first to reach out to them in love, to help them on the path towards their redemption.

It seems one man was not able to recover and continued in his life of drugs and crime and was eventually murdered himself. [The other man] seems to have rehabilitated himself and is an upstanding member of his community helping others with drug and alcohol recovery.

My prayer now is that the justice system will become just as an upstanding member of our community as my father's murderer did; that it will take men and women who end up in their courts and help them want to rehabilitate themselves and recover from whatever has caused them to come to this point. If recovery and rehabilitation are not an option for certain individuals, my prayer is that we become a society that can [show] these individuals the compassion and care, while in our custody, that Jesus showed towards the thief and all of us on the cross. "Father, forgive them for they know not what they do."

In lovingkindness [*sic*],
Sr. Phil

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client to an undue risk of being tortured to death.

The decision to put off the over-haul for another year is a promising sign. Perhaps it means that the state is waiting to see if further developments, like commutation, would render their efforts unnecessary. Regardless, we should take comfort in the fact that our de facto moratorium on executions will continue.

While all these developments point to the increasing likelihood that major changes await California's system of capital punishment, it is important to remember that lives and livelihoods are at stake here, and it is crucial that we do not become content to wait for the institution to come crumbling down of its own accord. A crucial case in point concerns California's victim's restitution fund, which is quickly running out of money. Since its founding in 1965, the California Victim Compensation Program has provided victims and their families with desperately needed financial assistance, allowing them to pay medical bills

and cover other expenses engendered by their attackers. Unfortunately, the state's budget problems have not spared the fund, and requests for payment have begun to rapidly outstrip the state's ability to collect the fines from misdemeanor and felony convictions that keep it running. At the current rate, insolvency seems inevitable as the fund's debt will reach upwards of \$30 million in as little as two years. While officials are considering cost-cutting measures, they may only delay the inevitable as the program suffers from an abundance of eligible participants, and the state is currently more interested in spending money to execute criminals than on helping their victims.

The Victim's Compensation Program is just one of a vast number of social programs whose survival has come increasingly into question as California's financial crisis continues. While it is certainly true that ending the death penalty will not magically balance the budget, eliminating the sink-hole will redirect millions of dollars to people who really need them. Because of this, we should enthusiastically embrace the signs that the death penalty's days are numbered, and do everything we can to ensure that the end comes sooner rather than later.

CALIFORNIA CRIME VICTIMS FOR ALTERNATIVES TO THE DEATH PENALTY

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California Crime Victims for Alternatives to the Death Penalty (CCV) is a coalition of murder victim family members who support alternatives to the death penalty. After the horrifying loss of a loved one to homicide, they are left with a clear awareness that the death penalty fails to address the needs of victims on many counts. The coalition does not endorse any specific reason for opposing the death penalty, but supports all families in telling their stories and educates the public about alternatives to the death penalty. CCV can also direct families to available support and resources regardless of their views on the death penalty or whether the perpetrator has been apprehended.

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Illinois becomes 16th state to abolish the death penalty

On March, 9, 2011, Illinois Governor Pat Quinn signed a bill making his state the 16th to abolish its death penalty. The bipartisan bill, which passed the state legislature in January, commutes the sentences of Illinois' 15 death row inmates to life without parole, and reallocates the funding previously slotted for capital defense to law enforcement training and increased restitution for victims' families.

Quinn did not make this decision lightly, as shown by the two-month wait between the bill's passage and his signing it into law. He carefully considered arguments from supporters and opponents, taking a particularly hard look at the feelings of the family members of murder victims. In his statement, the Governor acknowledged the unimaginable heartache that accompanies losing a loved one and made clear that he understood and could not blame families for desiring retribution. His decision to sign the bill, however, was motivated by numerous conversations with families who felt that the death penalty only prolonged their pain and suffer-



Illinois Governor Pat Quinn

ing. By ensuring that murderers are locked away for life, Illinois' policy will help victims avoid years of painful hearings while also providing the state with the funding necessary to prevent similar crimes before they happen. He explained that, in a world of limited resources, it was wiser policy to take "the enormous sums expended by the state in maintaining a death penalty system [and spend them] on preventing crime and assisting victims' families in overcoming their pain and grief."

Governor Quinn's decision should provide inspiration for death penalty opponents nation-wide, as his actions show that there is nothing inevitable about capital punishment. As concerns over the cost and fairness of the death penalty rise, public opinion has swung increasingly against it, suggesting that a post-

death penalty America may soon be a reality. Illinois is not the first or last step in the process, but it is an important one nonetheless, as each victory adds momentum to the push for more effective alternatives to capital punishment.