



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Ash Kalra

**SUBJECT: COUNCIL DISCUSSION AND  
POSSIBLE ACTION ON A CITY  
POSITION REGARDING PROPOSITIONS AND  
MEASURES ON THE NOVEMBER 6, 2012  
CALIFORNIA GENERAL ELECTION BALLOT  
(PROPOSITIONS 34 AND 36)**

**DATE:** October 22, 2012

Approved

Date

10/22/12

## RECOMMENDATION

Adopt a resolution in support of Propositions 34 and 36 on the November 2012 General Election Ballot.

## BACKGROUND

The debate regarding the death penalty is typically framed in terms of morality, effectiveness, and cost. In my opinion, all three factors lead to the conclusion that California's death penalty system is broken and should be replaced with life in prison without the possibility of parole. While our legal system is among the best in the world, it is not infallible, and studies have shown that anywhere from 130 to 140 people on death-row have been released due to evidence of wrongful convictions. More troubling are the studies stating that executed prisoners were found later to be innocent, or that there were serious doubts about the weight of the evidence against them. In addition, a recent study found that the death penalty has cost California taxpayers \$4 billion dollars since its reinstatement in 1978, and a report from the Legislative Analyst's office states that Prop. 34 will save \$130 million annually. Prop. 34 will not only cost taxpayers less, it will ensure that the ultimate miscarriage of justice of executing an innocent person can never occur, while still instituting the appropriately harsh penalty of life without the possibility of parole.

With respect to Proposition 36, my time working in the criminal justice system allowed me to see first-hand that the Three Strikes law has not been consistently applied in a rational manner, resulting in the diversion of scarce prison and financial resources as life sentences have been imposed for non-violent Third Strike offenses, including petty theft or simple possession of drugs. The cost of these misguided mandatory prison sentences—estimated to be anywhere from \$70 million to \$100 million a year—is borne by the taxpayers. Prop. 36 will do what the Three Strikes law was supposed to do: ensure that truly dangerous criminals will get life in prison for serious or violent third strike crimes without spending scarce resources to impose life sentences for some non-violent offenses.