

March 28, 2008

California Commission on the Fair Administration of Justice  
Attn: John Van de Kamp, Chair  
900 Lafayette Street, Suite 608  
Santa Clara, California 95050

Dear Commissioners,

We, the undersigned, are current and former prosecutors, law enforcement officers, and correctional officers. We have devoted some or all of our lives to improving public safety and making the criminal justice system work. Based on our years of experience, we have concluded that California's death penalty is broken.

We believe that individuals who commit murder should be held accountable. Life without parole is a harsh and appropriate punishment for individuals convicted of the most serious crimes. Not one person sentenced to life without parole in California has ever been pardoned or paroled. A trial seeking life without parole is far speedier than a death penalty case and costs far less. By pursuing life without parole sentences instead of death, resources now spent on the death penalty prosecutions and appeals could be used to investigate unsolved homicides, modernize crime labs, and expand effective violence prevention programs.

Many of us have also watched California's death penalty fail victims' families. The death penalty system drags survivors and family members through years of appeals, forcing them to relive the tragic nightmare of the crime over and over again.

Finally, when life and death are at stake there is no margin for error. The advent of DNA-testing has provided proof that innocent people have been sentenced to death. But in the majority of death penalty cases, there is no DNA-evidence. Sentencing individuals to life without parole instead of death ensures that we will never make the irreversible mistake of executing an innocent person.

California's death penalty is not working. We encourage the California Commission on the Fair Administration of Justice to engage in a robust discussion of these issues and of the social utility of the death penalty. The empirical and anecdotal evidence developed over the past thirty-one years demonstrates that California's death penalty scheme and its application are broken.

Sincerely,

Elener Linda Babbitt  
Former Correctional Officer  
Duell Vocational Institute, CA 1980

James Brosnahan  
Former Assistant U.S. Attorney  
Arizona and California, 1961-1966

Walter Brown  
Former Assistant U.S. Attorney,  
C.D. of California, 1989-1994

Paris Coleman  
Former Deputy District Attorney  
Alameda County, 1994-2007

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Former Assistant U.S. Attorney  
N.D. California, 1974-1978

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Former Deputy Attorney General for California, 1976-1981

Bruce Enos  
Former Deputy District Attorney  
Sonoma County, 1977-2005

Terrence Hallinan  
Former District Attorney  
City and County of San Francisco, 1995-2004

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Sheriff  
City and County of San Francisco, 1979-Present

Aundré Herron\*  
Former Assistant Prosecuting Attorney  
Jackson County, MO, 1982-1987

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Former Deputy District Attorney  
Los Angeles County, 1995-2005

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Los Angeles Police Department  
Los Angeles County, Deputy District Attorney, 1988-1990  
Shasta County, Assistant District Attorney, 1990-1997  
Judge Pro Tem, Placer County Superior Court

Jan David Karowsky  
Former Deputy District Attorney  
Sacramento County, 1973 - 1977

Fern Laethem  
Former Deputy District Attorney, Sacramento County, 1976- 1979

Former Assistant U.S. Attorney, E.D. of California, 1979-1980

John Lum

Chief Probation Officer, San Luis Obispo County, 1994-2001

Assistant Director, Santa Clara County Department of Correction, 1989-1994

Facility Director, New York State Division for Youth, 1980-1985

Prison Superintendent, Associate Commissioner, Acting Commissioner, Massachusetts Department of Correction, 1976-1980

Raymond McKeon

Former Captain

South San Francisco Police Department 1960-1989

Pamela Merchant

Former Special Counsel, Department of Justice, State of California, 2001-2004

Former Senior Trial Attorney, U.S. Department of Justice, D.C. and Massachusetts, 1992-1999

Former Assistant Attorney General, Commonwealth of Massachusetts, 1986-1988

William Minkel

Former Sergeant

San Francisco Police Department, 1978-1997

Joseph Ossmann

Former Parole Agent/Administrator 1996 - 2007

California Department of Corrections and Rehabilitation

Charles Patterson\*

Former Military Prosecutor, 1966 - 1969

Former Special Assistant U.S. Attorney, Maine, 1970

Ray Samuels

Police Chief of Newark, CA, 2003-Present

Concord Police Department, 1981 – 1999

Vallejo Police Department, 1975 – 1980

Gordon B. Scott

Former Deputy District Attorney

Sonoma County, 1989-2000

Mai Linh Spencer\*

Former Trial Attorney, U.S. Department of Justice, D.C., 1998-2002

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Alameda County, 1992-2007

Norm Stamper

Former Police Chief of Seattle, 1994-2000

Police Officer, San Diego Police Department, 1965-1993

Carter Stewart  
Former Assistant U.S. Attorney  
N.D. California, 2003-2005

Alison Tucher  
Former Deputy District Attorney  
Santa Clara County, 1995-1998

John Vandavelde  
Former Assistant U.S. Attorney  
C.D. of California, 1976-1980

Tony West  
Former Assistant U.S. Attorney  
N.D. of California, 1994-1999

Jon Willis  
Deputy District Attorney  
Imperial County, 2002 - Present

Jeanne Woodford  
San Francisco Chief Adult Probation Officer  
Former Director, California Department of Corrections and Rehabilitation  
Former Warden, San Quentin State Prison

\*currently practicing law in California.