



Office of Victims' Services

Execution & Clemency in California

A guide for victims

Clemency

What is a clemency hearing?

A clemency hearing happens when the inmate asks the Governor to grant clemency or stop the execution. The Governor does not have to give the inmate a clemency hearing. The Governor may instead deny or grant clemency without a hearing.

What happens at the clemency hearing?

The prisoner, his lawyer, family, doctors, psychiatrist and others may speak on behalf of the inmate. Opponents of the death penalty may also speak against the execution.

If the District Attorney (DA) does not think the prisoner should get clemency, the DA will present statements from investigators and the victim's family and friends saying why the execution should take place.

If there is a clemency hearing, a recommendation will be made to the Governor who will then decide whether or not to grant clemency. If clemency is denied, the execution process will continue.

Can I go to the clemency hearing?

Yes. The clemency hearing is open to the public. If you want to go, call your DA's office first.

If you prefer not to go, you can send the DA a video taped statement, or a written statement that someone else can read for you.

Can I speak at the clemency hearing?

Yes. You may give a "Victim Impact Statement." But, the number of people who give statements and how long each person can speak may be limited.

What should I say in my statement?

Your statement should say how the loss of your loved one has affected you and your family. If you need help, ask your DA.

What if I feel too upset to give a statement?

Thinking about how the crime impacted you and your family can bring up painful emotions. The Office of Victims' Services (OVS) will be there at the hearing to support you.

If you feel too upset to give your statement in person, the DA can help you make a statement in writing or on video.

Execution

Where will the execution be?

In California, all executions take place at San Quentin State Prison in Marin County.

How will I get to the prison?

An OVS advocate will meet you at a specific time and place on the day of the execution and you will travel together to the prison.

If you cannot go with the OVS staff, let your DA know and they will send you driving directions.

What time should I be at the prison?

Get there before 8:00 p.m.

Who else will be at the execution?

By law, the warden must be present. The warden must also invite:

- two doctors,
- the Attorney General,
- several peace officers,
- at least 12 reputable citizens, and
- the immediate family of the victim or victims (people who are closely related to the victim by blood, adoption, or marriage).

No one under 18 is allowed to witness an execution.

Will the prisoner's family be there?

Maybe. The prisoner can ask up to 5 relatives or friends and 2 ministers to be at the execution.

Will I be alone?

No. An OVS advocate for the Attorney General's Office will be there the whole evening to help and support you. Trained counselors will be there, too.

You also can bring another support person, like a friend or relative. But, they can't go into the execution area.

If you want to bring a support person, tell the OVS at least 2 weeks before the execution. They will ask you for your support person's name, date of birth, and state issued identification number.

Are there special rules I have to follow at the prison?

Yes. You must bring a state issued photo ID. You will have to go through a metal detector and the officers may search you.

You CANNOT bring:

- cameras or tape recorders,
- cell phones or pagers,
- alcohol or drugs, or
- weapons of any kind.

The prison may not let you in if you have been convicted of a felony in the past or if you are under the influence of alcohol or drugs. The prison can refuse entrance to anyone.

What should I wear?

Dress comfortably and conservatively. You cannot wear:

- cut-off pants or shorts,
- tank tops,
- see-through clothing, or
- clothes made from denim or blue jean material.

Can the execution be delayed?

Yes. If a judge makes an order called a "stay of execution," a Court will delay the execution and then decide if it can take place.

There can be a stay of execution at any time – even just a few minutes before the execution. This uncertainty may be very difficult for you.

OVS will tell you about anything that happens that may affect the execution.

Will the media be there?

Yes. The media will be at the prison and in the execution witness area.

Members of the media usually stand at the back of the execution area. The victims' relatives usually sit near the front.

Do I have to talk to the media?

No. But, you can if you want to. Please let the OVS know so we can help you make arrangements to speak to the media or give them your written statement.

If you need help writing a statement, please call us.

Will there be protestors at the prison?

Often people who are opposed to the death penalty hold demonstrations when there is an execution at the prison.

This may be very hard on you. We will do our best to keep the demonstrators away from you.

What if I have other questions?

Call us, or write us at:

Office of the Attorney General
Office of Victims' Services
1300 I Street
P.O. Box 944255
Sacramento, CA 95814

Tel: (877) 433-9069 toll free!

e-mail: victimservices@doj.ca.gov

We would like to acknowledge the following people for their assistance in putting this manual together:
California Deputy Attorneys General Carlos Martinez, William Pahl (retired), Ward Campbell;
United States Attorney for the Eastern District of California McGregor Scott; Dee Fuller; Aileen Adams;
and California State Prison at San Quentin Public Information Officer V.M. Crittendon