

EXECUTIVE SUMMARY

2025 was the fourth year in a row that every person California sentenced to die was a person of color. This pattern of sentencing to death exclusively people of color dates to November 1, 2021 – the same month the legislatively-commissioned Committee on Revision of the Penal Code observed, “race often determines when the death penalty is sought and when it is imposed.”

The number of death sentences in the state continued to outpace appellate and habeas counsel appointments. In 2025, California added 5 people to its death row, while California courts made 2 new appointments of appellate counsel and 1 new appointment of habeas counsel in capital cases. The HCRC accepted the 1 new appointment of habeas counsel in 2025. The pool of available counsel to accept state habeas counsel shrank for the second year in a row; there is currently just one attorney on the statewide habeas panel. Meanwhile, at year end, 28 capitally-sentenced people were awaiting appointment of appellate counsel and 391 capitally-sentenced people were awaiting appointment and/or funding of state habeas counsel. Those awaiting habeas counsel constitute 70% of the state's death-sentenced population.

Remarkably, despite these factors, the size of California's death row continued to decrease. There were 562 people under a sentence of death at the end of 2025 – 12 fewer than at the same time the previous year. California's death-sentenced population has nearly 200 fewer people than it did just a decade prior, when death row's size peaked at approximately 754.

The factors that motivated Governor Gavin Newsom to declare a moratorium on executions on March 13, 2019, remain present in administration of the death penalty to this day, including:

1. California continues to have the largest death row in the Western Hemisphere, despite a significant decrease in size since the moratorium. Its death-sentenced population is twice that of the next largest state: Florida.
2. Systemic racism, implicit bias, and overt bias are evident in empirical studies and case examples since the moratorium. Indeed, in 2025, the Legislature and the Governor agreed that “the racially disproportionate application of the death penalty is ‘in historical continuity with the long and sordid history of lynching in this country.’”
3. There are 45 people who will be immediately vulnerable for a request for an execution date if the next Governor lifts the moratorium. This number was 25 at the time Governor Newsom declared the moratorium.
4. Geographical disparities in seeking and obtaining death sentences persist. Some California counties do not pursue death, while others – like Los Angeles, San Bernardino, and Riverside – disproportionately contribute to the extraordinary size of California's death row. Together, these 3 counties account for over 50% of California's death-sentenced population, exceeding the size of Florida's death row.
5. In California and nationwide, the years since the moratorium have seen more exonerations of innocent people on death row. To date, 8 innocent people – all men of color – have been exonerated from California's death row. That is, for every 3 people California has executed, it has exonerated 2. The 8 people exonerated from California's death row spent years, if not decades, under the threat of execution as they fought to prove their innocence. The dearth of habeas counsel and the delay in appointments means it is probable the next exonerees from California's death row will wait even longer for a court to recognize their innocence.

When Governor Newsom declared the moratorium, he concluded, “California's death penalty system is unfair, unjust, wasteful, protracted and does not make our state safer.” The moratorium paused executions but otherwise left this system intact.