

Alabama's death penalty system remains unusually cruel

By Dev Wakeley, worker policy advocate | January 2025

Overview

Alabama took an important step toward death penalty reform in 2017, but the state's system remains broken. That year, Alabama finally outlawed judicial override in capital cases. That means judges no longer can impose the death penalty when a jury recommends life without parole. But the ban was not retroactive, and dozens of people sentenced that way remain on death row. Overall, Alabama has more people on death row per capita than any other state.

Death penalty opposition more than doubled nationally in the past 30 years, Gallup found. This may result partly from high error rates. For every 10 people executed since 1976, one innocent person has been set free. More states are ending capital punishment, with Virginia becoming the first Southern state to do so in 2021.

Alabama's death penalty laws do not align with multiple U.S. Supreme Court rulings. Racial disparities also plague the state's system. People convicted of killing a white person in Alabama are more than four times more likely to get a death sentence than people convicted of killing someone who is not white, the Equal Justice Initiative found in 2011.

How lawmakers can help

Alabama should enact these changes to reduce injustices in its death penalty system:

- Make the judicial override ban retroactive.
- Require unanimous agreement from the jury to sentence people to death.
- Require prosecutors to prove a defendant was 18 or older at the time of the crime.
- Forbid executions of people with serious cognitive impairments.
- Stop using particularly cruel and painful methods of execution.
- Impose a moratorium to study and end racially biased death penalty practices.
- Provide increased transparency.
- Ultimately eliminate capital punishment.

Bottom line

Our state should reduce and eliminate unequal, unfair practices in its death penalty scheme. Alabamians deserve a fair, unbiased justice system, and these reforms would be steps toward a more just state.

Former Arise senior policy analyst Mike Nicholson contributed to this fact sheet.