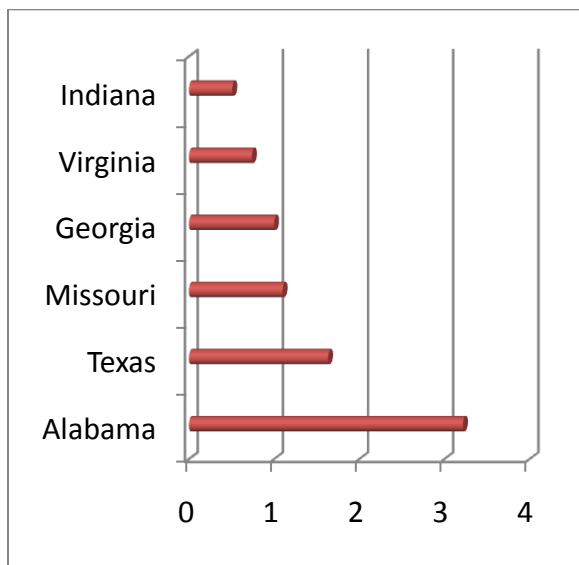


# ALABAMA'S HIGH DEATH SENTENCING AND EXECUTION RATES: AT ODDS WITH NATIONAL TRENDS

Despite national trends showing a recent decrease in death sentencing in the U.S., capital punishment is on the rise in Alabama.

## ALABAMA COURTS DOLE OUT MANY MORE DEATH SENTENCES

As evidence about unreliable imposition of the death penalty has grown, Alabama's death-sentencing rate remains the highest in the nation.



**CHART 1: AVERAGE DEATH SENTENCES PER 1 MILLION PEOPLE, 1977-2008**

Indeed, for more than 30 years, Alabama courts have sentenced people to death at a

significantly higher rate than all other states in the U.S.

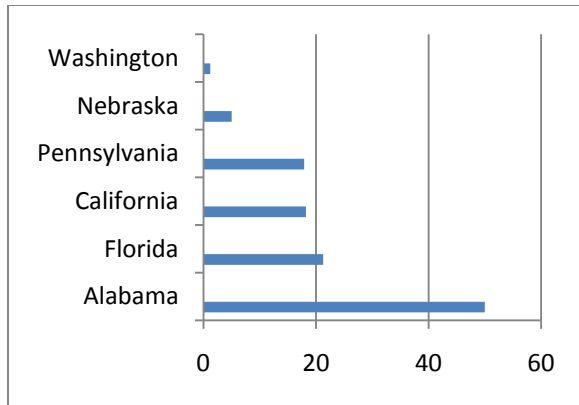
Since 1977, Alabama has imposed 3.2 death sentences per one million residents. This far exceeds the rate in Texas (1.6); Georgia (1.0); and Virginia (0.74).

(The states with the lowest death sentencing rates are New Hampshire, Colorado, Kansas, Connecticut, New Jersey, Washington, South Dakota, and Utah.)

With fewer safeguards permitting review of death cases and the declining availability of lawyers to assist condemned prisoners, Alabama's execution rate has also increased. **In 2009, Alabama executed more people than in any year since the 1940s and more people per capita than any other state in the country.**

## SMALL STATE, HUGE DEATH ROW

With just 4.6 million residents, Alabama also has the largest current per capita death row population (200 inmates) in the country. Alabama incarcerates 43.9 death row inmates for every one million residents. In contrast, California imprisons



**CHART 2: NUMBER OF DEATH ROW INMATES PER 1 MILLION PEOPLE, 2008**

18.2 people; Florida imprisons 21.2 people; and Pennsylvania imprisons 17.9 death row inmates per one million people.

With a population of more than 24.3 million, and 354 people on death row, Texas incarcerates 14.5 inmates per one million.

### THE RULE OF JUDICIAL OVERRIDE

In addition to having the nation's highest per capita death sentencing and execution rates, Alabama is the **only state** in the country that permits judges, without limitation, to override a jury verdict of life without parole and impose a death sentence.

More than a quarter of Alabama's death row prisoners were condemned to death by an elected judge after the jury decided life was the appropriate sentence. In 2008, an election year, 30% of death sentences were imposed by judicial override of jury life verdicts.

Alabama has **no state-wide public defender system**, and more than half of the state's death row prisoners were represented at trial by appointed lawyers whose compensation for out-of-court preparation was capped at \$1000.

### NATIONAL TREND AGAINST DEATH SENTENCING

Even as death sentences and executions remain high in Alabama, other states have dramatically slowed their rates of death sentencing and executions in recent years.

According to the Death Penalty Information Center, only **106 death sentences were imposed in 2009** in the U.S. This is the smallest number since capital punishment was reinstated in 1976, and compares with a national annual average of **295 death sentences during the 1990s**. Since 2007, New Jersey, New Mexico, and New York have abolished the death penalty.

### RACIAL BIAS IN DEATH SENTENCING, EXECUTIONS

Racial discrimination remains a dominant feature of Alabama's death penalty system. And 80% of all death sentences are imposed in cases with white victims, even though 65% of all murder victims in the state are African American.

Since capital punishment was instituted in the state of Alabama, fully 84% of people executed have been African American, even though the state has a black population of 27%.

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