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Execution of Inmates Sentenced to Death

The Oklahoma Department of Corrections (ODOC) establishes procedures for planning and carrying out the execution of a person convicted of a capital offense and sentenced

to death. These procedures shall be followed as written unless deviation or adjustment is required, as determined by the agency director or, in the event of an absence, their designee. This procedure outlines the internal procedures and does not create any legally enforceable rights or obligations.

I. Definitions

A. Stay

An order by the governor or court of competent jurisdiction to reprieve or suspend the execution of the judgment of death.

B. Stop

An order by the agency director that all acts congruent to an execution shall immediately cease until the agency director orders the execution to continue or a stay is ordered by the governor or court of competent jurisdiction.

C. Equipment

Any instrument, machine, or apparatus that is nonexpendable and includes items as listed on the "Execution Equipment Inventory" ([Attachment G-1](#), attached).

D. Supplies

Any non-durable, disposable health care materials and includes items as listed on the "Event Inventory Guide" ([Attachment G-2](#), attached). This does not include the chemicals used in the execution.

E. Surviving Victim

For the purpose of this policy, surviving victim is defined as any immediate family member of the deceased victim who, as a direct result of the crime, suffered serious harm or injury due to the criminal acts of the inmate of which the inmate has been convicted in a court of competent jurisdiction. Surviving victim includes surviving witnesses who were harmed yet survived the incident for which the inmate is being executed.

F. Immediate Family

For the purpose of this policy, immediate family is defined as the spouse, child by birth or adoption, stepchild, parent by birth or adoption, stepparent, grandparent, grandchild, sibling or stepsibling of each surviving victim or the spouse of any immediate family member specified in this section.

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II. Responsibility

The ODOC ensures the execution of a person sentenced to death under state law by a court of competent authority and jurisdiction is carried out in keeping with statute, case law and professional practices.

A. The ODOC shall make every effort in the planning and preparation of an execution to ensure the execution process:

1. Faithfully adheres to constitutional mandates against cruel and unusual punishment, in accordance with Article II, Section 9 of the Oklahoma Constitution and the Eighth Amendment to the United States Constitution;
2. Is handled in a manner that minimizes its impact on the safety, security and operational integrity of the facility and the community in which it occurs;
3. Accommodates the public's right to obtain certain information concerning the execution;
4. Reasonably addresses the privacy interests as provided by law;
5. Provides contingency planning to identify and address unforeseen problems;
6. Allows for stays of execution, commutations and other exigencies;
7. Provides opportunity for citizens to exercise their First Amendment Rights to demonstrate for or against capital punishment in a lawful manner; and
8. Ensures there is an appropriate response to unlawful civil disobedience, trespass and other violations of the law by any person attempting to impact the execution or the operation of the facility.

B. The ODOC shall detain, seek the arrest and encourage prosecution of persons who:

1. Violate prohibitions against filming, taping, broadcasting or otherwise electronically documenting the execution of the inmate;
2. Trespass and otherwise enter upon ODOC property without authorization;
3. Participate in unlawful demonstrations or unlawfully attempt to disrupt, prevent and otherwise interfere with the execution; and

4. Unlawfully threaten, intimidate and otherwise attempt to influence authorized persons involved in the execution process.

These prohibitions apply to the inmate population, ODOC personnel and members of the general public engaging or attempting to engage in disruptive and other prohibited behaviors.

III. Conduct and Selection of Staff for Execution Teams

A. Conduct of Staff

1. Participating staff shall adhere to [OP-110215](#) entitled “Rules Concerning the Individual Conduct of Employees” and guided principles evidenced by:
 - a. Appropriate levels of professionalism, restraint and courtesy when interacting with witnesses, demonstrators, attorneys, news media, state and local law enforcement and any other member of the public directly or indirectly involved with the imposition of the sentence of death;
 - b. All assigned duties are performed proficiently and professionally;
 - c. Their ability to exercise the option to withdraw from the process by the prescribed means at any time;
 - d. Conduct that appropriately reflects the solemnity of the activities in which they elect to engage and the duties they choose to perform;
 - e. Reserving public comment on any and all facets of the execution; and
 - f. Maintaining confidentiality of identifying information regarding any person who participates in or performs any function of an execution. As defined in Oklahoma State Statute Title 22, Section 1015, “The identity of all persons who participate in or administer the execution process and persons who supply the drugs, medical supplies or medical equipment for the execution shall be confidential and shall not be subject to discovery in any civil or criminal proceedings. The purchase of drugs, medical supplies or medical equipment necessary to carry out the execution shall not be subject to the provision of the Oklahoma Central Purchasing Act.”

2. All team members serve on a strictly voluntary basis. At any point before, during, or after an execution any team member may decline to participate or participate further without additional notice and explanation or repercussion.
3. The agency director shall ensure all team members understand and comply with the provisions contained herein.

B. Selection of Staff for Execution Teams

The agency director will ensure an adequate number of staff are selected and trained to carry out the execution and address unexpected events. Unless otherwise stated herein, the agency director will select staff for the execution teams, ensuring each team member is provided a copy of this operations procedure and that each team member understands his/her specific responsibilities. Employees suspended or demoted in the past 12 months shall not be selected.

1. Staff shall only be assigned to one team in the overall execution process;
2. Staff serving on any team shall not be related to the inmate by blood or marriage or have any other legal relationship with the inmate, the inmate's family or the crime victims(s); and
3. Staff participation in the execution process is strictly voluntary. ODOC staff is not required to attend or participate in an execution. Any staff volunteers may withdraw from performing their assigned duties specific to the execution by advising their team leader, advising a team member or advising their immediate chain of command.

IV. Execution Teams

A. Command Team

1. Provides overall coordination of execution procedures.
2. Consists of a minimum of three team members:
 - a. Commander;
 - b. Recorder;
 - c. Telephone operator; and
 - d. Others as necessary.

B. H Unit Section Teams

1. The H Unit Section chief shall coordinate the activities of the H Unit Section Teams to ensure compliance with conditions of confinement and application of approved procedures.
2. The H Unit Section Teams shall be comprised of the Restraint Team and the Special Operations Team.
 - a. Restraint Team
 - (1) Provides continuous observation of the inmate on the day of the execution and applies appropriate restraint procedures and inmate management prior to, during, and after the execution.
 - (2) Consists of one team leader and six team members divided into two teams.
 - b. Special Operations Team
 - (1) Implements the protocols associated with the preparation and administration of the chemicals for the execution ([Attachment D](#), attached).
 - (2) Consists of a minimum of five team members:
 - (a) Team leader;
 - (b) Recorder; and
 - (c) Three additional team members.
 - (3) The team leader shall designate functions of the team members.

C. Intravenous (IV) Team

1. The IV Team shall consist of a team leader and member(s) of any one or more of the following:
 - a. Physician(s)
 - b. Physician assistant(s)
 - c. Nurse(s)
 - d. Emergency medical technician(s) (EMT)

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- e. Paramedic(s)
 - f. Military corpsman or other certified or licensed personnel including those trained in the United States military.
2. The team leader and member(s) shall be currently certified or licensed within the United States.
 3. Selection of the team leader and any team member shall include a review of the proposed team member's qualifications, training, experience, and/or any professional license(s) and certification(s) they may hold.
 4. Licensing and criminal history reviews shall be conducted by the Inspector General's office prior to assigning or retaining any team member and upon the issuance of an Order Setting Execution Date.
 5. Documentation of team members' qualifications, including training of the team members, shall be maintained by the agency director or his designee.
 6. All information pertaining to the selection and review of the IV Team members shall remain confidential in accordance with O.S. 22 Section 1015 of Oklahoma State Statute.

D. Maintenance Response Team

1. Tests all H Unit equipment utilized to impose the sentence of death and ensures electrical, plumbing, heating and air conditioning units are in working order.
2. Consists of one team leader and three team members.
3. The team leader and members are selected by the warden of the Oklahoma State Penitentiary (OSP).
4. Reports to the Command Team.

E. Critical Incident Management Team (CIMT)

1. Educates affected staff at all levels in the ODOC prior to, during, and after the execution regarding possible psychological responses and effective coping mechanisms as well as provides ongoing follow-up contact to staff.
2. Consists of one team leader and three team members.

- a. The team leader is the Employee Assistance Program coordinator or designee.
 - b. Team members are CIMT responders and are selected by the Employee Assistance Program coordinator.
3. Reports to the Command Team.

F. Traffic Control Team

1. Supervises the movement of people and vehicles into and out of the facility before, during, and after the execution.
2. Consists of one team leader and eight team members.
3. Team members and the team leader are selected by the warden of OSP.
4. Reports to the Command Team.

G. Witness Escort Teams

1. Coordinate the movement of all pre-approved witnesses on and off facility grounds and within its perimeter.
 - a. Witness Escort Teams are assigned to escort and assist each group of pre-approved officials, victims, news media and inmate family witnesses.
 - b. Witness Escort Team members shall always remain with witnesses within established areas.
2. Consists of one team leader and eight team members divided into four teams.
3. Team members and the team leader are selected by the warden of OSP.
4. Reports to the Command Team.

H. Victim Services Team

1. Ensures victims of the crime that resulted in the imposition of death are informed of the execution date and their opportunity to witness the execution.
 - a. The team explains the execution process.

- b. If the victim is interested in attending, the team submits the victim's name(s) for consideration to the agency director.
2. Consists of one team leader and one team member.
3. The team leader is the victim services coordinator.
4. The team member is selected by the victim services coordinator.
5. Reports to the Witness Escort Team leader.

V. Training

The agency will establish protocols and training to enable staff to function in a safe, effective and professional manner before, during and after an execution. Prior to training, a copy of this operations procedure will be given to all team members. All training will be documented.

- A. The agency director shall establish a training schedule and identify dates for periodic on-site practice by the H Unit Section Teams, to include ten training scenarios within the 12 months preceding the scheduled execution. Multiple training scenarios can be accomplished on the same date, including but not limited to contingency plans for:
 1. Issues with execution equipment or supplies;
 2. Issues with inmate IV access, including obtaining alternate IV access site(s);
 3. Issues if the inmate is not rendered unconscious after administration of execution chemicals;
 4. Unanticipated medical or other issues concerning the inmate or an execution team member; and
 5. Issues regarding order, security or facilities at OSP.
- B. The H Unit Section Teams shall initiate training sessions no less than once per week until the scheduled date of execution beginning 35 days prior to the execution date.
- C. The H Unit Section Teams and IV Team members shall conduct a minimum of two training sessions with multiple scenarios within seven days prior to the scheduled execution.

- D. The Command Team leader shall conduct training of the following team members approximately seven days prior to the execution date. Documentation of the training will be provided to the director.
1. Witness Escort Team
 2. Maintenance Response Team
 3. Critical Incident Management Team
 4. Traffic Control Team
 5. Victim Services Team

VI. Selection of Execution Witnesses

A. ODOC Staff Witnesses

The following staff shall be present at the execution:

1. Agency director or designee
2. H Unit Section chief

B. Law Enforcement Witnesses

The following persons may be present at the execution:

1. Cabinet Secretary of Public Safety or designee;
2. Judge who presided during the trial;
3. Chief of police of the municipality in which the crime occurred;
4. District attorney or designee of the county of conviction;
5. Sheriff of the county of conviction;
6. Lead law enforcement officials from agencies that investigated the crime or testified in court or clemency proceedings related to the crime;
7. In the event the defendant has been sentenced to death in one or more criminal proceedings in this state, or has been sentenced to death in this state and by one or more courts of competent jurisdiction in another state (or pursuant to federal authority), or any combination thereof, and this state has priority to execute the defendant, the general counsel must invite the district attorney, the

judge and the chief law enforcement official from each jurisdiction where any death sentence has been issued. The above mentioned officials shall be allowed to witness the execution or view the execution by closed circuit television as determined by the agency director; and/or

8. The law enforcement witnesses authorized to be present at the execution shall receive a two-week prior written notice of the scheduled execution per [Attachment A](#) entitled "Notification Letter to Dignitaries/Law Enforcement (sample)" (attached).

C. Victim and Inmate Witnesses

1. Victim and inmate witnesses may be subject to a criminal records check which will be conducted using the "Oklahoma Department of Corrections Request for Record" ([DOC 090211B](#)).
2. The inmate witnesses authorized to be present at the execution shall receive a two-week prior written notice of the scheduled execution per [Attachment B](#) entitled "Notification Letter to Inmate Witnesses (sample)" (attached).
3. Victim Witnesses
 - (a) Any surviving victim of the inmate who is 18 years of age or older may view the execution if approved by the agency director.
 - (b) Any surviving victim approved to view the execution of the inmate may request to have an accompanying support person who serves a close supporting role or professional role to the deceased victim or an immediate family member, including, but not limited to, a minister or licensed counselor. The agency director shall approve or disapprove such requests.
 - (c) A representative from the Attorney General's Victim Services Unit and the ODOC Victim Services team coordinator or designee shall be allowed to attend the execution.
4. Inmate Witnesses

Witnesses may include five persons, relatives or friends, and two qualified ministers who are 18 years of age or older, as selected by the inmate and approved by the director.

5. All witnesses shall be provided a summary detailing the execution process which shall include what to expect and rules of conduct throughout the execution.

D. News Media Witnesses

1. News media witness selection is contingent upon adherence to the provisions stipulated in the "News Media Statement After an Execution" ([Attachment E](#), attached).
2. No more than five members of the news media may be selected to witness the execution. First preference will be given to a local media representative in the market where the crime was committed and to the Associated Press.
3. News media witnesses shall be held to the same standards of conduct as all other official witnesses.
4. All witnesses shall be provided a written summary detailing the execution process, which shall include what to expect and rules of conduct throughout the execution.
5. The Command Team may exclude any news media witness at any time if the media witness fails to abide by the provisions of this procedure.
 - a. News media witnesses are not permitted to bring unauthorized items into H Unit. Examples of unauthorized items include:
 - (1) Any electronic or mechanical recording device;
 - (2) Still, moving picture, or video tape camera;
 - (3) Tape recorders or similar devices; and
 - (4) Radio/television broadcasting devices.
 - b. Each news media witness shall be provided a tablet of paper and a pencil for taking notes once they have completed security screening.
 - c. News media not selected to witness the execution shall remain in the designated Media Room during the execution.

E. Persons Excluded from the Execution Process

1. The correctional officers, case manager and medical staff who attended to the inmate while in isolation shall not participate in the execution process.
2. Minors shall not be permitted to witness an execution.
3. The agency director shall retain full discretion as to the selection of, and any change in, the witnesses selected for each scheduled execution.

VII. Timeline of Events for Executions

A. Receipt of Order Setting Execution Date

Upon receipt of the Order Setting Execution Date, the following staff shall initiate the protocols below.

1. General Counsel's Office
 - a. Notify the agency director.
 - b. Forward the original Order Setting Execution Date to the warden of OSP or Mabel Bassett Correctional Center (MBCC).
 - c. Notify the coordinator of the Victim Services Team who shall contact the victim(s) and inform them of the court's issuance of the Order Setting Execution Date.
 - d. Notify the appropriate government officials and law enforcement officials listed in VI. B, of this procedure.
2. ODOC Director
 - a. Select the time of the execution and provide notice to the Oklahoma Court of Criminal Appeals.
 - b. Under exigent circumstances, have the authority to change the timeframes established in this procedure.
3. Warden of OSP or MBCC
 - a. Coordinate the monitoring and evaluation of inmate activity at their facilities for any activity related to the execution or its impact on the facility operation.
 - b. Direct the inmate to complete the "35-Day Notification Packet" (Attachments F-1 through F-5, attached) and return

it to the warden no later than 30 days prior to the scheduled execution date.

- c. Notify the inmate that minors are prohibited from witnessing the execution pursuant to Oklahoma State Statute Title 22, Section 1015.
- d. Notify the inmate's family members as indicated by the inmate.
- e. Notify the inmate that requests for ODOC or contract staff to attend the execution shall be denied.
- f. Notify the inmate that requests for other inmates to attend the execution shall be denied.
- g. Notify the inmate to review and update as necessary [DOC 030120B](#) entitled "Designation for Disposition of Property." The warden shall direct the inmate to provide any changes no later than 14 days prior to the execution. If the inmate does not provide instruction, the property and accounts shall be disposed of in accordance with [OP-030120](#) entitled "Inmate Property."
- h. Advise the inmate that his/her body shall not be used for organ donation.
- i. Summarize the options available with the inmate for release and disposition of his/her body.
 - (1) The warden shall direct the inmate to review the previously completed "Release of Remains and Burial Arrangements" form ([Attachment C](#), attached) and update as necessary no later than 14 days prior to the execution.
 - (2) If the inmate provides no instruction or the information is insufficient or incorrect, the deceased shall be disposed of in accordance with [OP-140111](#) entitled "Inmate Death, Injury and Illness Notification and Procedures."
- j. Summarize the options available to the inmate stating for the release of medical information in accordance with HIPPA regulations.
- k. Advise the inmate he/she may request a last meal by completing the "Last Meal Request" ([Attachment F-5](#),

attached). Reasonable effort shall be made to accommodate the request, which shall not exceed \$25.00.

B. Thirty-Five (35) Days Prior to the Day of Execution

1. Facility

a. The warden or designee shall confirm in writing to the agency director that the following steps have been completed:

- (1) Warrant has been read to the inmate.
- (2) An outline was provided to the inmate how conditions of confinement shall be modified over the next 35 days with a brief description of the relevant aspects of the execution process. (Attachments F-1 through F-5)
- (3) The inmate's medical condition shall be assessed in order to identify any necessary accommodations or contingencies that may arise from the inmate's medical condition or history.
 - (a) Any medical condition or history that may affect the performance of the execution shall be communicated as soon as possible through the chain of command to the agency director, who shall confer with others as necessary to plan such accommodations or contingencies.
 - (b) The facts of the assessment and any conclusions shall be documented in the inmate's healthcare record.
- (4) Any concerns for establishing or maintaining IV lines and any concerns or plans for medical accommodations or contingencies shall be communicated to the Special Operations Team in order that they may be discussed and addressed in execution trainings or rehearsals.
- (5) An appropriate member of the mental health staff shall evaluate the inmate approximately thirty-five (35) days prior to the execution to evaluate his or her stability and mental health in light of the scheduled execution.

- (a) Any concerns or contingencies affecting the execution process shall be communicated through the chain of command to the agency director as soon as possible and documented in the inmate's healthcare record.
 - (b) The agency director shall order the warden to notify the appropriate district attorney and the attorney general of any concerns or contingencies.
- (6) Transfer the inmate to the appropriate cell on H Unit at OSP (or MBCC when the inmate is female). Before transferring the inmate into the cell, the inmate shall be strip searched, x-rayed, screened on the calibrated BOSS Chair and then issued a new set of clothes and shoes to wear.
- (7) The assigned cell shall be thoroughly searched prior to placing the inmate in the cell.
- (8) Ensure an inventory is completed of all items on Attachments G-1 and G-2 (attached). If deficiencies are noted, ensures timely action is taken to correct the deficiency.
- (9) Establish an observation log to chronicle staff's observations of the inmate's activities and behavior until the sentence of death is imposed or a stay of execution is issued.
- (10) The shift commander shall be responsible for ensuring the information recorded in the observation logs includes, but is not limited to:
 - (a) All statements or behaviors that could be detrimental to completing an execution;
 - (b) All meals provided to the inmate and what portions of the meals the inmate consumed or refused;
 - (c) All medications provided to the inmate and the observations made by staff as to whether the inmate ingested the medication as prescribed; and
 - (d) All liquids consumed by the inmate.

- (11) The warden shall be responsible for reviewing observation logs once every twenty-four hour period, excluding weekends and holidays.
- (12) The warden will communicate any significant changes in the inmate's medical and/or mental health to the health services administrator and agency director.
- (13) In the instance where the inmate is female, the 35 day protocols shall be implemented with the inmate housed at MBCC.

b. Conditions of Confinement

- (1) The warden shall:
 - (a) Ensure none of the inmate's personal property is transferred with the inmate, except as provided in this section;
 - (b) Have the inmate's personal property inventoried in his/her presence before the transfer of cells occurs and then have it boxed, sealed and removed from the cell;
 - (c) Store the inmate's property pending receipt of written instruction by the inmate regarding disposition of property, or otherwise dispose of the property as outlined in [OP-030120](#) entitled "Inmate Property;"
 - (d) Allow the inmate to keep in the cell one (1) cubic foot each of legal and religious materials, a safety ink pen, paper, a book or periodical, family photographs and correspondence from family members;
 - (e) Issue the inmate a new mattress, pillow and bedding;
 - (f) Provide the inmate limited hygiene supplies, including a towel and washcloth and exchange these items on a daily basis;
 - (g) Ten calendar days after being placed on continuous observation, the warden may approve weekly canteen purchases of no more than \$20.00 based on the inmate's behavior;

- (h) Ensure all inmate medications are unit-dosed and issued in liquid form, when available. None of the inmate's medication, including over-the-counter medications, shall be dispensed or maintained by the inmate as keep-on-person (KOP);
 - (i) Ensure the inmate has access to a ODOC television set that is secured inside the cell and does not have access to any other appliances; and
 - (j) Continue to provide outdoor exercise and showers, non-contact visits and phone calls per the current schedule for other death row inmates.
 - c. State and Local Law Enforcement Briefing
 - (1) The warden of OSP shall ensure state and local law enforcement is periodically briefed and adequately prepared for the execution.
 - d. Site Checks
 - (1) The warden of OSP shall ensure all of the equipment necessary to the administration of the execution shall be available on site and in good working order including:
 - (a) Transportation vehicles;
 - (b) Communication devices with inter-operability capability and restricted frequencies;
 - (c) Climate control;
 - (d) Tool control;
 - (e) Safety equipment;
 - (f) Audio/Visual equipment;
 - (g) Utility infrastructure;
 - (h) Key control/locking devices; and
 - (i) Medical emergency response capability.

2. Warden of OSP

- a. Ensures preventative maintenance in H Unit occurs and that an equipment inventory is completed. If deficiencies are noted, ensures appropriate and timely action is taken to correct the deficiency.
- b. Directs the initiation of the observation log commencing 35 days prior to the day of the execution. The log shall be maintained until the execution occurs or a stay of execution is issued.

3. Correctional Health Services Administrator (OSP or MBCC)

- a. Directs Health Services staff to conduct a medical records file review to identify any prescribed medication(s) and dosages the inmate is currently or was recently taking. Health Services staff provider shall modify prescribed medication as may be necessary.
- b. Directs Health Services staff to dispense all inmate medications in unit doses and in liquid form, when available. No medication, including over-the-counter medication, shall be provided or maintained by the inmate as KOP.
- c. Ensures Health Services staff monitors the inmate two times per day for significant changes in his/her medical and/or mental health. Reports findings of significant changes immediately to the warden.

4. Victim Services Office

Coordinates with the Attorney General's office to identify and advise victims of the crime for which the inmate has been sentenced to death of the issuance of the Order Setting Execution Date and the scheduled date and time of the execution.

5. A licensed pharmacist inventories the execution drugs and verifies the drugs on hand comply with the requirements of [Attachment D](#) entitled "Preparation and Administration of Chemicals" and provides a copy of the inventory to the agency director.

C. Fourteen Days (14) Prior to the Day of Execution

1. Inspector General or Designee

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- a. Finalizes arrangements with the State Medical Examiner for the disposition of the body, security for the medical examiner's vehicle and the custodial transfer of the body.
- b. Obtains a body bag and tag from the Medical Examiner's office.

2. Agency Director

- a. Approves a final list of all witnesses including officials, and inmate and victim witnesses through coordination with the office of Victim Services.
- b. Upon documented approval, the agency director or designee shall prepare a written invitation to each chosen witness.
- c. Sends the completed list of approved witnesses to the warden of OSP.

D. Seven Days (7) Prior to the Day of Execution

1. Agency director or designee

- a. Schedules and conducts on-site scenario training sessions, modifying practices as warranted.
- b. Confirms adequate staffing and vehicles are in place for regular operations and the execution.
- c. Ensures a licensed pharmacist inventories the execution drugs and verifies the drugs on hand comply with the requirements of [Attachment D](#) entitled "Preparation and Administration of Chemicals."

2. Warden of OSP

- a. Confirms staff assigned to the Maintenance Response Team (MRT) are scheduled and shall be on-site eight (8) hours prior to the time scheduled for imposition of sentence.
- b. Restricts access to H Unit to those with expressly assigned duties.
- c. Verifies execution inventory and equipment checks are completed and open issues resolved in accordance with established protocols.

E. Twenty-Four (24) Hours Prior to the Day of Execution

1. The warden of OSP will:
 - a. Ensure final preparation of the execution area is completed. Each room receives final evaluation specific to its functions including security, climate control, lighting, sound, sanitation, and ensures that separation screens and appropriate restraints are ready;
 - b. Provide comprehensive staff briefings, detailing operational changes, security and intelligence information, as well as protocol and checklist requirements to facility staff through shift briefings, staff meetings, etc.;
 - c. Ensure the inmate's telephone privileges are terminated at 2100 hours the day prior to the execution, excluding calls from the inmate's attorney of record and others as approved by the agency director or designee;
 - d. Ensure the inmate's visitation privileges are terminated at 2100 hours the day prior to the execution. The inmate shall be permitted two hours of in-person visitation with no more than two attorneys of record, concluding two hours prior to the scheduled execution or earlier if necessary to begin preparing the inmate for the execution; and
 - e. Ensure the inmate receives the last meal as requested in accordance with procedures. Every reasonable effort to accommodate the last meal request shall be made. All eating utensils and remaining food and beverage shall be removed upon completion of the meal.
2. The Traffic Control Team leader shall confer with state and local law enforcement agencies, establish checkpoints and parameters for traffic control, and formulate inter-agency emergency response strategies. The team shall also coordinate the ingress/egress for ODOC and contract staff and other persons whose attendance is necessary. This process shall continue through the conclusion of the execution process.
3. The Special Operations Team leader shall photograph and confirm in writing to the agency director the presence by name, description, expiration date, and lot number all execution drugs to be used as required by [Attachment D](#) entitled "Preparation and Administration of Chemicals."

F. Twelve Hours (12) Prior To and Through the Execution

1. Restricting Access to Institution Property

- a. During the final 12 hours prior to the execution, access to the Oklahoma State Penitentiary is limited to:
 - (1) On-duty personnel;
 - (2) On-duty contract workers;
 - (3) Volunteers deemed necessary by the warden;
 - (4) Law enforcement personnel on business-related matters; and
 - (5) Approved witnesses.
- b. Restriction to the facility shall remain in effect until normal operations are resumed after the execution or stay of execution is issued.
- c. Any non-execution related visitation sessions or special visits shall be cancelled.
- d. Approved witnesses are gathered and separated into pre-determined staging areas.
 - (1) Witness Escort Teams are assigned to escort and assist pre-approved officials, victims, news media witnesses and inmate's witnesses.
 - (2) Witness Escort Teams shall remain with the assigned witnesses within established areas.
 - (3) The Victim Services Team coordinator shall meet with the surviving victim(s) in the staging area and shall remain available to them throughout the process. The team shall provide support and advocacy as appropriate.

2. News Media Access

- a. Reasonable efforts shall be made to accommodate the representatives of the news media before, during, and after a scheduled execution; however, the ODOC reserves the right to regulate media access to ensure the orderly and safe operations of its facility.
- b. The Communications Office shall coordinate the release of information to news media outlets. All ODOC and contract

staff is expressly prohibited from providing information not readily available in the public domain.

- c. News media witnesses to the execution shall be limited to five representatives.
 - (1) One seat will be given to a local media representative in the market where the crime was committed.
 - (2) One seat will be given to the Associated Press.
 - (3) Three seats will be chosen from the remaining media representatives with preference given to Oklahoma-based media.
- d. If more than one media representative meets criteria for the available seats, a lottery or lotteries shall be held.
- e. The public information officer shall provide general information regarding the execution and the inmate.
- f. News media witnesses shall return to the Media Room after the execution to answer questions of all other media representatives concerning their observations during the execution, prior to filing or reporting their story.

3. Contingency Procedure

- a. An Automated External Defibrillator (AED) shall be readily available on site in the event that the inmate goes into cardiac arrest at any time prior to initiating the administration of the chemicals in accordance with [Attachment D](#) entitled "Preparation and Administration of Chemicals." Trained medical staff shall make every effort to revive the inmate should this occur.
- b. Trained medical personnel and emergency transportation, neither of which is involved in the execution process, shall be available in proximity to respond should any medical emergency arise.
- c. If at any point any team member determines that any part of the execution process is not going according to procedure, they shall advise the IV Team leader who shall immediately notify the agency director. The agency director shall determine whether to go forward with the procedure, start the procedure over at a later time within the twenty-four (24) hour day, or stop the execution.

4. Inmate Preparation and Observation Log

- a. The inmate shall be escorted to the medical unit to receive a full body x-ray.
- b. All property in the assigned cell shall be removed and the cell thoroughly searched prior to the return of the inmate from the medical unit.
- c. The inmate shall be strip-searched and screened on the calibrated BOSS Chair before placement in the cell.
- d. The inmate shall be issued one pair each of pants, shirt, underwear and socks on the morning of the execution.
- e. The cell shall be furnished with a mattress, pillow and pillowcase, one each top and bottom sheet, blanket, wash cloth, towel, and toilet paper.
- f. The inmate may have a safety ink pen and paper, religious items, a book or periodical and indigent-sized hygiene supplies (liquid soap, toothpaste), toothbrush and comb. These items may be made available only for the duration of the use and shall be removed immediately thereafter. Any other requested property shall require approval by the warden and shall be documented.
- g. The Restraint Team shall take custody of the inmate and the observation log. The Restraint Team members shall assume maintenance of the log until the execution is completed or a stay of execution is issued.
- h. The inmate shall remain on continuous watch. The Restraint Team members shall record observations and make entries every 15 minutes, or as incidents occur, in the observation log during the final four hours.
- i. The warden will ensure the assigned cell is preserved and secured immediately after the inmate is moved to the execution chamber. Entry will be limited to preservation of mission only and will be released by the Inspector General once the execution is completed or a stay of execution is issued.
- j. The inmate may be offered a mild sedative based on the inmate's need. The sedative shall be provided to the inmate no later than four (4) hours prior to the execution, unless it is determined medically necessary.

- k. These time frames may be adjusted as necessary in the event of a stay of execution or other exigencies.
5. Notification to Proceed With Execution
 - a. Prior to moving the inmate from the holding cell to the execution table, the agency director or designee shall confer with the attorney general or designee and the governor or designee to confirm there is no legal impediment to proceeding with the lawful execution.
 - b. The H Unit Section chief shall direct the Restraint Team to prepare and escort the inmate into the execution chamber.
 - c. The Restraint Team shall secure the inmate on the execution table by the prescribed means with the inmate's arms positioned at an angle away from the inmate's side.
 6. IV Site(s) Preparation and Establishment
 - a. The IV Team shall enter the Execution Room to prepare and insert a primary IV catheter and a backup IV catheter. The arm veins near the joint between the upper and lower arm shall be utilized as the preferred site for the IV injection.
 - b. The agency director, acting upon the advice of the IV Team leader, shall determine the catheter sites.
 - c. In the event that the IV Team is unable to establish an IV at a preferred site, the member(s) may establish an IV at an alternative site(s), including a central line, for use by the Special Operations Team when administering execution drugs.
 - d. The IV Team may utilize a non-invasive device to assist in locating a vein.
 - e. The IV Team shall be allowed as much time as is necessary to establish a viable IV site(s).
 - f. If the IV Team is unable to establish viable IV sites(s) the member(s) shall inform the agency director. The agency director will determine whether to request a postponement of the execution.
 - g. The agency director shall consult with others as necessary for the purpose of determining whether or how long to continue efforts to establish viable IV sites(s).

- b. The agency director shall confirm with the attorney general or designee and the governor or designee that there is no legal impediment to proceeding. Upon oral confirmation that there are no legal impediments to proceeding with the execution, the agency director shall order the H Unit Section chief to proceed with the execution.

If there is a legal impediment the agency director shall instruct the H Unit Section chief to stop the execution and to notify the inmate witnesses that the execution has been stayed or delayed. The H Unit Section chief shall also notify the Command Team to notify the agency's public information officer in the Media Room.

- c. The H Unit Section chief shall read aloud a summary of the Warrant of Execution.
- d. The H Unit Section chief shall ask the inmate if he wishes to make a last statement that is reasonable in length and does not contain vulgar language or intentionally offensive statements directed at the witnesses. The microphone shall remain on during the last statement, after which time it shall be turned off. The microphone may be turned off earlier in the event the inmate uses vulgarity or makes intentionally offensive statements. The H Unit Section chief will remain in the execution chamber to observe the IV sites.
- e. The agency director or designee shall instruct the disbursement of chemicals to begin in accordance with [Attachment D](#) entitled "Preparation and Administration of Chemicals."

G. Pronouncement and Documentation of Death

1. The agency director or designee shall announce death has occurred.
2. The H Unit Section chief shall complete and sign the return of the Death Warrant. The H Unit Section chief is also responsible for coordinating with the General Counsel's office for the filing of the document with the sentencing court and the Oklahoma Court of Criminal Appeals within five business days.
3. The State Medical Examiner's Office shall be given custody of the body in order to issue a Certificate of Death.

H. Stay of Execution

1. Upon receipt of notification that the court and/or governor has issued a Stay of Execution, the agency director shall advise the Command Team.
2. Upon receipt of the notification, the H Unit Section chief shall:
 - a. Instruct the Special Operations Team to stand down.
 - b. In the event that a pending stay results in more than an approximately two (2) hour delay, the catheters shall be removed and the inmate shall be returned to the holding cell until further notice.
 - c. Direct the Restraint Team to remove the inmate from the chamber and return him/her to the assigned cell if the stay of execution is less than 35 days.
 - (1) Prior to moving the inmate back to the assigned cell, the inspector general shall release the cell.
 - (2) The assigned cell shall be thoroughly searched prior to placing the inmate in the cell.
 - d. Advise the witnesses a Stay of Execution has been issued.
 - e. The Command Team commander shall inform the following teams of the Stay of Execution:
 - (1) Traffic Control Team Leader
 - (2) Critical Incident Management Team Leader
 - (3) Communications Director
 - (4) Victim Services Coordinator
 - (5) Witness Escort Team Leader
 - f. The Traffic Control Team leader shall notify any protestors of the issuance of the Stay of Execution.

I. Post Execution/Stay of Execution

1. The Witness Escort Teams shall commence escorting witness groups from H Unit in the prescribed order from the facility.
2. Each group of witnesses shall continue to be kept separated from the other groups at all times.

3. News media witnesses shall return to the Media Room to participate in the media briefing.
4. Victim witnesses speaking with the media shall be escorted to the Media Room.
5. Media may remain on site in a designated location outside the secure perimeter for a limited time to complete live broadcasts.
6. The Victim Services team leader ensures the victim(s) receives follow up phone calls and support.
7. Upon the pronouncement of death, the agency director shall notify the governor or designee and the attorney general or designee that the sentence has been carried out and the time that death occurred.
8. An IV Team member shall clamp and cut the IV lines leaving them connected to the inmate for examination by a medical examiner.
9. An investigator with the Inspector General's office and a medical examiner shall take photos of the inmate's body:
 - (a) While in restraints prior to being placed in the body bag;
 - (b) Without restraints prior to being placed in the body bag;
 - (c) Sealed in the body bag; and
 - (d) A photo of the seal in place on the bag.
10. The inmate's body shall be placed on a medical examiner's gurney and released into the custody of a medical examiner's office.
11. Once the inmate's body is placed in a medical examiner's transport vehicle, it shall be escorted off the premises.

J. Site Clean Up and Recording of Execution Drugs

1. In accordance with [OP-040109](#) entitled "Control of Contraband and Physical Evidence," the Special Operations Team leader shall properly dispose of any execution drugs that have not been utilized by inventorying them on the form entitled "Oklahoma State Bureau of Investigation Inventory of Drugs Submitted for Destruction" (www.ok.gov/osbi/documents/LABdestructForm.pdf) and forwarding the unused drugs to the Oklahoma State Bureau of Investigation.

2. The warden of OSP shall witness the disposal of the unused execution drugs and document the disposal in accordance with procedure.
3. The Special Operations Team leader shall document the name, description, expiration date, and lot number of all execution drugs used.
4. The Special Operations Team Leader shall save any packaging of the used execution drugs or take photographs of such packaging of items.
5. Under supervision of a person designated by the warden, the execution room shall be cleaned and secured. Institutional staff trained in infectious diseases preventive practices shall utilize appropriate precautions.

K. Normal Operations

1. The Command Team commander shall determine when the prison shall resume normal operations.
2. ODOC staff shall be deactivated at the direction of the Command Team commander.

L. Execution Documentation

1. The chief of Operations shall gather all documents pertaining to the executions and forward to the general counsel for archiving.
2. The chief of Operations shall attach a copy of the death warrant and forward it to the general counsel, who shall then forward it to the court from which it was rendered, indicating the time, mode and manner of which it was accomplished. Copies of the report and log shall be sent to the agency's closed records department for filing. MBCC shall receive a copy for females that are executed.

M. After-Action Review

1. Immediately following an execution, all of the Execution Teams and the on-site administrators directly involved in the execution process shall meet to review the process of the execution.
2. Any unique or unusual events shall be discussed, as well as opportunities for improvement and successful procedures.

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3. Actions and documentation of the events shall be reviewed to identify any discrepancies.
4. The review should serve as an opportunity for all involved personnel to voice their opinions, concerns, and/or recommendations.
5. The review shall be formally documented and retained for future reference.

N. Critical Incident Debriefing

1. The Command Team shall ensure that critical incident debriefings are available for the Execution Teams and staff participants immediately following the execution.
2. The Critical Incident Management Team shall conduct interviews in accordance with Critical Incident Program guidelines.

VIII. Quality Assurance Review

- A. The agency director or designee shall designate the chief of Staff, or designee, to evaluate the performance of the execution process and report findings to the agency director. The chief of Staff shall review documentation and training to ensure compliance with the written procedure directive.
- B. The chief of Staff or designee may utilize assistance as necessary to compile or assess the information, and may consult with others consistent with the confidentiality of the process.
- C. Whenever appropriate, the chief of Staff or designee shall consult with a properly trained medical person when reviewing the medical aspects of the execution procedures.
- D. The chief of Staff or designee shall provide consultation and advice concerning modifications in the written directive.
- E. The chief of Staff or designee shall prepare a report to the agency director following each execution, with appropriate suggestions or recommendations as needed.

IX. References

Policy Statement No. P-040100 entitled "Security Standards for the Oklahoma Department of Corrections"

OP-030120 entitled "Inmate Property"

OP-040109 entitled "Control of Contraband and Physical Evidence"

OP-110215 entitled "Rules Concerning the Individual Conduct of Employees"

OP-140111 entitled "Inmate Deaths, Injury and Illness Notification and Procedures"

Robinson v. Maynard, 857 P.2d 817 (Okla. App. 1992)

21 O.S. § 142A-14

22 O.S. §1014 and 1015

X. Action

The wardens of Oklahoma State Penitentiary and Mabel Bassett Correctional Center are responsible for compliance with this procedure.

The general counsel is responsible for the annual review and revisions.

Any exception to this procedure will require prior written approval from the agency director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-040301 entitled "Procedures of the Execution of Offenders Sentenced to Death" dated June 30, 2015

Distribution: Policy and Operations Manual
Agency Website

<u>Attachments</u>	<u>Title</u>	<u>Location</u>
Attachment A	“Notification Letter to Dignitaries/Law Enforcement (sample)”	Attached
Attachment B	“Notification Letter to Inmate Witnesses (sample)”	Attached
Attachment C	“Release of Remains and Burial Arrangements”	Attached
Attachment D	“Preparation and Administration of Chemicals”	Attached
Attachment E	“News Media Statement After an Execution”	Attached
Attachment F-1	“35 Day Information Packet”	Attached
Attachment F-2	“Summary of Rules and Procedures”	Attached
Attachment F-3	“Witnesses”	Attached
Attachment F-4	“Visitors”	Attached
Attachment F-5	“Last Meal”	Attached
Attachment G-1	“Execution Equipment Inventory”	Attached
Attachment G-2	“Event Inventory Guide”	Attached
<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
DOC 030120B	“Designation for Disposition of Property”	OP-030120
DOC 090211B	“Oklahoma Department of Corrections Request for Record”	OP-090211
OSBI Form	“OSBI Inventory of Drugs Submitted for Destruction and/or Other Items in OSBI Custody for Destruction” http://www.ok.gov/osbi/documents/LABdestructForm.pdf	Website Link