State of California
Office of Administrative Law

In re:
Department of Corrections and Rehabilitation

Regulatory Action:

Title 15, California Code of Regulations

Adopt sections: **3349.1, 3349.2, 3349.3, 3349.4, 3349.5, 3349.6, 3349.7, 3349.8, 3349.9**
Amend sections: **3349**
Repeal sections:

NOTICE OF FILING AND PRINTING ONLY

Government Code Section 11343.8

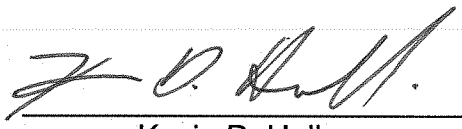
OAL Matter Number: 2018-0129-02

OAL Matter Type: File and Print Only (FP)

This request for filing and printing by the California Department of Corrections and Rehabilitation ("Department") concerns the lethal injection process for inmates condemned to death. This action is exempt from the Administrative Procedure Act pursuant to Penal Code section 3604.1.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Date: March 1, 2018



Kevin D. Hull
Senior Attorney

For: Debra M. Cornez
Director

Original: Scott Kernan, Secretary
Copy: Josh Jugum

TATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION — FILE & PRINT

(See instructions on reverse)

STD. 400 (REV. 01-2013)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2018-0129-02FP	

For use by Office of Administrative Law (OAL) only

2018 JAN 29 P 1:17

OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
In the office of the Secretary of State
of the State of California
MAR 01 2018
1:44pm

NOTICE | REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of Corrections and Rehabilitation

AGENCY FILE NUMBER (If any)
17-0347

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE

3. NOTICE TYPE	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
☐ Notice re Proposed Regulatory Action ☐ Other			

OAL USE ONLY	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE
	☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/ Withdrawn		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
Administration of the Death Penalty - Lethal Injection

1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) **(Including title 26, if toxics related)**

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)

ADOPT: 3349.1, 3349.2, 3349.3, 3349.4, 3349.5, 3349.6, 3349.7, 3349.8, 3349.9

AMEND: 3349

REPEAL:

TITLE(S): 15

3. TYPE OF FILING

- ☐ Regular Rulemaking (Gov. Code §11346)
- ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)
- ☐ Emergency (Gov. Code, §11346.1(b))
- ☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.
- ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)
- ☐ Emergency Readopt (Gov. Code, §11346.1(h))
- ☒ File & Print
- ☒ Other (Specify) Exempt Per Penal Code § 3604.1
- ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
- ☐ Print Only

per agency request 3/1/18

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

- ☐ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
- ☒ Effective on filing with Secretary of State
- ☐ §100 Changes Without Regulatory Effect
- ☐ Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

- ☐ Department of Finance (Form STD. 399) (SAM §6660)
- ☐ Fair Political Practices Commission
- ☐ State Fire Marshal
- ☐ Other (Specify)

7. CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
Joshua Jugum	916 445-2228	916 324-6075	joshua.jugum@cdcr.ca.gov

8. **I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.**

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE: 1-29-18

TYPED NAME AND TITLE OF SIGNATORY
SCOTT KERNAN, SECRETARY

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 01 2018

Office of Administrative Law

TEXT OF PROPOSED REGULATIONS

In the following, underline indicates new text and ~~strikethrough~~ indicates deleted text.

California Code of Regulations, Title 15, Division 3.

Subchapter 4. GENERAL INSTITUTION REGULATIONS

Title of Article 7.5 is amended to read:

Article 7.5. ~~Execution~~ Administration of Death Penalty

3349. Method of Execution.

Subsections 3349(a) through 3349(d) are amended to read:

(a) Inmates sentenced to death shall have the opportunity to elect to have the punishment imposed by lethal gas or lethal injection. Upon being served with the Execution W~~w~~arrant ~~of execution~~, the inmate shall be served with ~~CDC Form 1801-B (4/98), Service of Execution Warrant, Warden's Initial Interview.~~ CDCR Form 1801-B (Rev. 01/18), Service of Execution Warrant, Warden's Initial Interview, which is incorporated by reference. The completed CDCR Form 1801-B shall be transmitted to the San Quentin W~~w~~arden.

(b) The inmate shall be notified of the opportunity ~~for such selection~~ to elect lethal gas or lethal injection and that, if the inmate does not choose either lethal gas or lethal injection within ten calendar days after being served with the Eexecution W~~w~~arrant, the penalty of death shall be imposed by lethal injection. The inmate's attestation to this service and notification shall be made in writing and witnessesd utilizing the CDCR Form 1801 (Rev. ~~4/98~~ 01/18), Notification of Execution Date and Choice of Execution Method, which is incorporated by reference. The completed CDCR Form 1801 shall be transmitted to the San Quentin W~~w~~arden.

(c) The inmate's selection shall be made in writing and witnessed utilizing the CDCR Form 1801-A (Rev. ~~4/98~~01/18), Choice of Execution Method, which is incorporated by reference. The completed CDCR Form 1801-A shall be transmitted to the San Quentin W~~w~~arden.

(d) The inmate's election shall be irrevocable, with the exception that, if the inmate sentenced to death is not executed ~~on the date set for execution~~ within the 10 day period specified by the Execution Warrant and a new Eexecution Warrant is issued ~~date is subsequently set~~, the ~~person~~ inmate again shall have the opportunity to elect to have the punishment imposed by lethal gas or lethal injection, according to the procedures set forth in Sections (a), (b), and (c).

NOTE: Authority cited: Sections 1227, 3604, 3604.1 and 5058, Penal Code. Reference: Sections 190, 1227, 3603, 3604 and 5054, Penal Code.

New Section Title 3349.1 is adopted to read:

3349.1 Definitions

New 3349.1 Presentence is adopted to read:

For the purpose of Subchapter 4, Article 7.5, the following definitions shall apply:

New Subsections 3349.1(a) through 3349.1(v) are adopted to read:

(a) *Administrative Assistant - Public Information Officer* means the staff member or members responsible for responding to media inquiries and other duties as assigned.

(b) *Alienists* means CDCR psychiatrists, all of whom must be from the medical staffs of the Department of Corrections and Rehabilitation who will perform the duties required by Penal Code Section 3700.5.

(c) *Designated Security Housing* means the area designated by the San Quentin Warden where a condemned inmate shall be housed prior to the initial scheduled execution date.

(d) *Execution Report* means the documents the Team Administrator routes through the San Quentin Chief Deputy Warden for the San Quentin Warden's review and signature after an execution. The Execution Report shall include: a CDCR Form 2177-A San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log – Pentobarbital or CDCR Form 2177-B San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log – Thiopental, CDCR Form 2179 San Quentin State Prison Lethal Injection Intravenous Sub-Team Execution Log, CDCR Form 2181 San Quentin State Prison Lethal Injection Team Administrator/Team Supervisor Execution Log, CDCR Form 2182 Lethal Injection Team Supervisor Execution Report, CDCR Forms 2183 Execution Report Team Member from all Lethal Injection Team members, and any documented use of force in accordance with Section 3268.1, Reporting and Investigating the Use of Force for Institution/Facility Staff. In addition, the Execution Report shall include all appropriate supplemental reports.

(e) *Execution Warrant* means the court order specifying a period of ten days during which a judgment of death shall be carried out pursuant to Penal Code Section 1227.

(f) *Infusion Control Room* means the space allocated for the Lethal Injection Chemical preparation area and is the room designed to accommodate the Infusion Sub-Team, designated members of the Intravenous Sub-Team, the Team Administrator, Team Supervisor, designated members of the Record Keeping Sub-Team, San Quentin Litigation Coordinator, and one representative each from the Governor's Office, the Inspector General's Office, and the Attorney General's Office.

(g) *Infusion Sub-Team* means the Lethal Injection Team members who are responsible for receiving the Lethal Injection Chemical, preparation of the Lethal Injection Chemical, drawing the Lethal Injection Chemical into syringes, labeling and color coding the syringes and infusing the Lethal Injection Chemical.

(h) *Intravenous Sub-Team* means the Lethal Injection Team members who are responsible for: placing electrocardiogram leads, insertion of the intravenous catheters, attaching and monitoring the intravenous lines, performing consciousness checks, and crimping, uncoupling, and detaching the intravenous lines.

(i) *Lethal Injection Chemical* means a barbiturate used to perform an execution.

(j) *Lethal Injection Chemical Supplier* means a licensed pharmacy, pharmacist, compounding pharmacy, manufacturer, supplier, wholesaler, or distributor.

(k) *Lethal Injection Facility* means the dedicated structure at San Quentin consisting of three witness viewing rooms, an Infusion Control Room, the Lethal Injection Facility Holding Area, restrooms and the Lethal Injection Room.

(l) *Lethal Injection Facility Holding Area* means the cell and associated area where the inmate is held prior to an execution.

(m) *Lethal Injection Room* means the room where the inmate is executed.

(n) *Lethal Injection Team* means the individuals that comprise the three sub-teams described in this Article.

(o) *Master Execution File* means the permanent record of all documents related to an execution that is maintained at San Quentin.

(p) *Ministers of the Gospel* means a person serving as an agent specific to a system of beliefs, secular or otherwise.

(q) *Pre-Execution Logbook* means a record of documentation of the condemned inmate's activities, requests, conduct and behavior, which shall commence upon receipt of the Execution Warrant.

(r) *Record Keeping Sub-Team* means the Lethal Injection Team members who are responsible for documenting each element of the execution and for assembling those documents for inclusion in the Master Execution File.

(s) *Selection Panel* means the Associate Director Reception Centers, the San Quentin Warden, and the Team Administrator who recruit and select the Team Supervisor and Team members.

(t) *Spiritual Advisor* means a person who, by profession or practice, provides spiritual advice, assistance, or guidance, religious or otherwise.

(u) *Team Administrator* means the Associate Warden who is responsible for providing managerial oversight of the Lethal Injection Team's training, preparation and the performance of assigned duties during an execution.

(v) *Team Supervisor* means the Captain who is responsible for providing direct supervision of the Lethal Injection Team's training, preparation and performance of assigned duties during an execution.

NOTE: Authority cited: Sections 1227, 3604, 3604.1 and 5058, Penal Code. Reference: Sections, 190, 1227, 3600, 3601, 3602, 3603, 3604, 3605, 3607, 3700.5 and 5054, Penal Code; *Baze v. Rees* (2008) 553 U.S. 35 and *Towery v. Brewer* (2012) 672 F.3d 650.

New Section Title 3349.2 is adopted to read:

3349.2 Recruitment, Selection and Annual Review of Lethal Injection Team Members.

New Subsections 3349.2(a) through 3349.2(a)(2)(E) are adopted to read:

(a) Recruitment and Selection Process.

(1) The Director - Division of Adult Institutions, or designee, and the San Quentin Warden shall recruit and select an Associate Warden to serve as the Team Administrator. The Team Administrator is not a member of the Lethal Injection Team, but the screening criteria set forth in subsections (b)(2) and (3) and (c)(1)(A)-(H) shall apply.

(2) The Director - Division of Adult Institutions, or designee, with the Selection Panel, shall recruit and select the Team Supervisor and the Lethal Injection Team members. The Team Supervisor is not a member of the Lethal Injection Team, but the screening criteria set forth in subsections (b)(2) and (3) and (c)(1) shall apply. The Lethal Injection Team shall consist of CDCR employees, or contracted medical personnel, or a combination of both, and shall comprise a minimum of 12 members who shall be assigned to one of three sub-teams and who shall serve at the will of the Director – Division of Adult Institutions.

(A) The Selection Panel shall review qualifications of, interview, and recommend candidates for the Team Supervisor and Lethal Injection Team members. All recommendations shall be subject to the review and approval of the Director, Division of Adult Institutions. The Associate Director – Reception Centers shall chair the Selection Panel and ensure the Team Supervisor and Lethal Injection Team members are selected consistent with the criteria established in this section. After selection of the Lethal Injection Team members, the Team Administrator shall assign each member to one of the following Sub-Teams: Intravenous Sub-Team, Infusion Sub-Team, or Record keeping Sub-Team pursuant to the criteria as set forth in subsection (d) below. Each sub-team shall have a minimum of four members.

(B) The Team Administrator shall select an Intravenous Sub-Team leader from among the Intravenous Sub-Team members. The Intravenous Sub-Team leader shall be qualified in his or her profession to supervise medically trained personnel. The Intravenous Sub-Team leader shall be responsible for determining training curriculum for duties identified in subsection (d)(1) for the Intravenous Sub-Team, assessing performance of each Intravenous Sub-Team member during training and executions, and reporting any concerns about any Intravenous Sub-Team member to the Team Administrator and the Team Supervisor.

(C) The Team Administrator shall select an Infusion Sub-Team leader from among the Infusion Sub-Team members. The Infusion Sub-Team leader shall be qualified in his or her profession to supervise medically trained personnel. The Infusion Sub-Team leader shall be responsible for determining training curriculum for duties identified in subsection (d)(2) for the Infusion Sub-Team, assessing performance of each Infusion Sub-Team member during training and executions, and reporting any concerns about any Infusion Sub-Team member to the Team Administrator and the Team Supervisor.

(D) The CDCR may contract with medical personnel or a pharmacist to be members of the Lethal Injection Team. The CDCR may also contract with a physician to serve as the physician attending the execution to declare death. Contract personnel shall meet all the criteria set forth in subsections (b), (c), and (d).

(E) Names and identities of the Lethal Injection Team members shall remain confidential.

New Subsections 3349.2(b) through 3349.2(b)(3)(B)2. are adopted to read:

(b) Screening of Lethal Injection Team Candidates.

(1) The Selection Panel shall screen and ensure each candidate meets the criteria established for membership on one of the three designated sub-teams as set forth in subsection (d) below.

(2) The Selection Panel screening process shall include:

(A) Review of all the state employee candidate's available performance evaluations.

(B) Review of the state employee candidate's official personnel, supervisory, and training files.

(C) Review of the candidate's current Criminal Identification and Information Report from the California Department of Justice.

(3) As part of the screening process, the Selection Panel shall interview each candidate to determine the following:

(A) Personal history and background.

(B) Professional experience, including the following:

1. Professional experiences that would aid the candidate in performing Lethal Injection Team member duties.

2. Knowledge, composure, training, related skill and ability.

New Subsections 3349.2(c) through 3349.2(c)(2) are adopted to read:

(c) Criteria for Lethal Injection Team membership. Each Lethal Injection Team member shall be selected based on general qualifications and specific expertise necessary to effectively carry out the duties of one of the specialized sub-team functions.

(1) The following general criteria shall be utilized in the selection of all state-employed Lethal Injection Team members:

(A) Permanent full time CDCR employee.

(B) History of reliable job performance and professional demeanor.

(C) Reliable attendance record.

(D) No corrective action.

(E) No sustained adverse action as reflected in the CDCR Official Personnel File or State Personnel Board records.

(F) Most recent annual employee performance evaluation shall meet or exceed expected standards in all rated areas.

(G) If a CDCR employee, shall not be on probation in the candidate's current classification. This does not apply to promotions made subsequent to initial placement on the Lethal Injection Team.

(H) A member of the Lethal Injection Team must agree to not work or be assigned to any condemned housing unit. This includes any overtime.

(2) For contracted team members, verification of current licensure and review of any disciplinary action taken by any licensing board.

New Subsections 3349.2(d) through 3349.2(d)(3)(B) are adopted to read:

(d) In addition to the general selection criteria described in subsection 3349.2(c), each candidate for a specific Lethal Injection Team Sub-Team shall meet the following criteria:

(1) All members of the Intravenous Sub-Team shall be medically trained personnel: physician, physician assistant, registered nurse, emergency medical technician, paramedic, or medic.

(A) Intravenous Sub-Team members shall provide current certification and licensure to verify the ability to perform the following:

1. Insertion and maintenance of intravenous catheters into peripheral or appropriate veins.

2. Placement of the electrocardiogram leads used during the lethal injection process.

(B) Intravenous Sub-Team members shall have experience setting up intravenous lines in the last twelve months in the performance of their job duties, unrelated to their duties as a Lethal Injection Team member.

(2) Infusion Sub-Team shall have at least one member who is a physician, physician assistant, pharmacist, registered nurse, emergency medical technician, paramedic, or medic. All Infusion Sub-Team members shall:

(A) Be able to follow the directions provided by the Lethal Injection Chemical Supplier in preparing the Lethal Injection Chemical.

(B) Possess the organizational skills to appropriately label and color code the chemical used during the lethal injection process.

(3) Record Keeping Sub-Team members shall:

(A) Understand the importance of and how to keep accurate records during the lethal injection process.

(B) Demonstrate proficiency in report writing and record keeping.

New Subsections 3349.2(e) through 3349.2(e)(4) are adopted to read:

(e) Annual Review of the Lethal Injection Team members shall be conducted in order to ensure continued compliance with selection criteria. The annual review shall be conducted by the Team Administrator during the month of June. This shall include review of the following:

(1) Official personnel, supervisory and training files, if a state employee.

(2) Most recent performance evaluation, if a state employee.

(3) Criminal Identification and Information Report from the California Department of Justice.

(4) All related certifications and licensure to ensure they are current.

NOTE: Authority cited: Sections 3604, 3604.1 and 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604, and 5054, Penal Code; Section 19130, Government Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 1, 17, 27; Death-Penalty Case Protective Order dated 4/3/06, *Morales v. Woodford*, U.S. District Court Northern District of California (No. 5:06-cv-00219-JF).

New Section Title 3349.3 is adopted to read:

3349.3. Lethal Injection Team Training.

New Subsection 3349.3(a) is adopted to read:

(a) The Team Administrator shall ensure training on the lethal injection process is provided to each Lethal Injection Team member.

New Subsection 3349.3(b) is adopted to read:

(b) Each Lethal Injection Team member shall undergo training specific to their assigned duties during an execution.

New Subsections 3349.3(c) through 3349.3(c)(5) are adopted to read:

(c) Lethal Injection Training Session Requirements.

(1) Training shall be conducted at least once per month for a minimum of eight hours for all Lethal Injection Team members. Training dates will be scheduled by the Team Supervisor and approved by the Team Administrator and the San Quentin Warden. The Team Supervisor shall determine training curriculum for the Record Keeping Sub-Team and training for the Intravenous Sub-Team and Infusion Sub-Team other than that set forth in Section 3349.2(a)(2)(B) and (C). All Lethal Injection Team members must participate in all scheduled training, as specified, unless on approved leave. The Team Supervisor shall attend all Lethal Injection Team training, unless on approved leave.

(2) After an Execution Warrant has been served on an inmate, the Team Administrator shall ensure the Team Supervisor schedules training in the 30 calendar days immediately preceding the initial scheduled execution date.

(3) The Lethal Injection Team shall train for the three consecutive calendar days immediately preceding the initial scheduled execution date.

(4) The Lethal Injection Team members must participate in at least six training sessions prior to being assigned duties during an execution which includes each of the three daily training sessions immediately preceding the initial scheduled execution date.

(5) Any medical personnel who serves as the physician attending the execution, including one contracted pursuant to subsection 3349.2(a)(2)(D) must participate in at least one training session in the six months preceding the initial scheduled execution date and participate in each of the three daily training sessions immediately preceding the initial scheduled execution date.

New Subsections 3349.3(d) through 3349.3(d)(2) are adopted to read:

(d) Training for all Lethal Injection Team members shall include the following:

(1) A simulation of an execution by lethal injection.

(2) Identification of potential problems and recommendations for avoidance or resolution.

New Subsections 3349.3(e) through 3349.3(e)(6) are adopted to read:

(e) Training specific to the Intravenous Sub-Team shall include the following:

(1) Use of an electrocardiogram for vital signs.

(2) Setting up intravenous lines and intravenous drip.

(3) The different sizes of intravenous catheters and determination of the proper size of the catheter(s) to be used, dependent on the size and condition of the vein.

(4) Performance of consciousness checks in accordance with Subsection 3349.7(c).

(5) Monitoring intravenous lines to ensure patency.

(6) Crimping, uncoupling, and detaching intravenous lines.

New Subsections 3349.3(f) through 3349.3(f)(5) are adopted to read:

(f) Training specific to the Infusion Sub-Team shall include the following:

(1) Preparation of the Lethal Injection Chemical used in the lethal injection process.

(2) Level and rate of infusion of the Lethal Injection Chemical into the intravenous lines.

(3) Labeling and color coding of the syringes used in the lethal injection process.

(4) Sequence of syringes used in the lethal injection process and the physical effects the Lethal Injection Chemical can have on the inmate as it is administered.

(5) Handling and accountability of the Lethal Injection Chemical.

New Subsections 3349.3(g) through 3349.3(g)(3) are adopted to read:

(g) Training specific to the Record Keeping Sub-Team shall include the following:

(1) Accurate record keeping.

(2) Report writing.

(3) Preparation of specific records used to document an execution.

New Subsections 3349.3(h) through 3349.3(h)(2) are adopted to read:

(h) Training Documentation and Records.

(1) The Team Supervisor shall maintain a lethal injection training file. This training file shall contain a record of all lethal injection training sessions and shall be maintained in a secured location at San Quentin. A copy of the records for training conducted the three calendar days immediately preceding the initial scheduled execution date shall be included in the Master Execution File.

(2) During each training session, the designated Record Keeping Sub-Team member shall document the training on the following CDCR Forms, which are hereby incorporated by reference: CDCR Form 2177-A (01/18), San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log –

Pentobarbital , CDCR Form 2177-B (01/18), San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log – Thiopental, CDCR Form 2179 (01/18), San Quentin State Prison Lethal Injection Intravenous Sub-Team Execution Log- and CDCR Form 2181 (01/18), San Quentin State Prison Lethal Injection Team Administrator/Team Supervisor Execution Log.

NOTE: Authority cited: Sections 3604, 3604.1 and 5058, Penal Code. Reference: Sections 190, 3603, 3604, and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27.

New Section Title 3349.4 is adopted to read:

3349.4 Execution Site Operation.

New Subsection 3349.4(a) is adopted to read:

(a) Security. All persons entering the Lethal Injection Facility shall have prior oral or written approval by the San Quentin Warden, or designee in the Warden's absence. This approval shall be documented by the San Quentin Warden, San Quentin Chief Deputy Warden, Team Administrator or Team Supervisor in the key control log. The San Quentin Warden shall maintain a record of all individuals approved to enter the Lethal Injection Facility.

New Subsections 3349.4(b) through 3349.4(b)(2) are adopted to read:

(b) The Lethal Injection Facility safe, and lockable enclosure containing a refrigerator, shall be permanently mounted within the Infusion Control Room.

(1) The combination to the safe shall be known only by the San Quentin Warden, the San Quentin Chief Deputy Warden, and the Team Administrator.

(2) The combination to the safe shall be changed after each execution to maintain quality control, accountability, and security of the Lethal Injection Chemical.

New Subsections 3349.4(c) through 3349.4(c)(4) are adopted to read:

(c) Key Procedure.

(1) The keys for the Lethal Injection Facility shall be located in the San Quentin key control area in a locked box secured under glass. All access shall be approved by the San Quentin Warden or designee.

(2) The key allowing access to the locked box shall only be issued to the San Quentin Warden, the Chief Deputy Warden, the Team Administrator or the Team Supervisor.

(3) Each person authorized to draw the key to the locked box shall be required to sign the key control log noting the time at key check out, reason for entry into the Lethal Injection Facility, and time of key return.

(4) Each person authorized to draw the keys to the Lethal Injection Facility shall personally return the keys and secure them in the locked box under glass.

New Subsections 3349.4(d) through 3349.4(d)(4) are adopted to read:

(d) The Team Supervisor shall conduct and document monthly security and operational inspections of the Lethal Injection Facility, to include the following:

(1) Functionality of equipment

(2) Supply inventory

(3) Building maintenance

(4) The Team Supervisor shall document the inspection on the CDCR Form 2137 (01/18), Monthly Security and Operational Inspection Sheet, which is incorporated by reference.

NOTE: Authority cited: Sections 3604, 3604.1 and 5058, Penal Code. Reference: Sections 190, 3603, 3604, 3605 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27.

New Section Title 3349.5 is adopted to read:

3349.5 Responsibilities and Tasks Upon Receipt and Service of the Execution Warrant.

New Section 3349.5 Presentence is adopted to read:

Following CDCR's receipt of the Execution Warrant, the following shall occur:

New Subsections 3349.5(a) through 3349.5(d) are adopted to read:

(a) The Litigation Coordinator where the inmate is housed shall identify any pending litigation regarding the inmate or the scheduled execution and advise the Warden of the institution where the inmate is housed and the San Quentin Warden.

(b) The San Quentin Litigation Coordinator shall create a Master Execution File and insert a copy of all documents transmitted between San Quentin State Prison and the California Department of Corrections and Rehabilitation headquarters, the institution where the inmate is housed if other than San Quentin, or any other agency or organization, pertaining to a scheduled execution.

(c) The San Quentin Warden or the Warden where the inmate is housed shall notify the Director - Division of Adult Institutions, and other appropriate officials as necessary, within 24 hours of receipt of the Execution Warrant. The Director – Division of Adult Institutions shall notify the CDCR Secretary. The CDCR Secretary shall notify the Governor's Legal Affairs Secretary. A copy of the Execution Warrant shall be delivered to the Governor's Legal Affairs Secretary within 24 hours of receipt of the Execution Warrant.

(d) The Secretary shall, upon notification of the Execution Warrant, select and appoint three Alienists, as defined in Section 3349.1, to interview and evaluate the inmate to determine his/her sanity pursuant to Penal Code Section 3700.5. The Director – Division of Adult Institutions shall maintain a list of Alienists with a minimum of six names.

New Subsections 3349.5(e) through 3349.5(e)(6) are adopted to read:

(e) The San Quentin Warden, in conjunction with the Warden of the institution where the inmate is housed, shall:

(1) Coordinate transfer of the condemned male inmate to San Quentin State Prison.

(2) In the presence of an Associate Warden and the Litigation Coordinator of the institution where the inmate is housed, serve the Execution Warrant on the inmate to be executed, interview the inmate, and document the interview on a CDCR Form 1801-B (Rev. 01/18), Service of Execution Warrant -Warden's Initial Interview.

(A) Inform the inmate of the choices of execution method, either lethal injection or lethal gas, and document on the CDCR Form 1801 (Rev. 01/18), Notification of Execution Date and Choice of Execution Method.

(B) Instruct the inmate to indicate his/her election of execution method within ten calendar days of the inmate's receipt of the CDCR Form 1801-A (Rev. 01/18), Choice of Execution Method, with the explanation that if no election is made, lethal injection will be the method of execution.

(C) Provide the inmate a copy of CDCR Forms 1801-C (01/18), Request For Approval of Witnesses, 1801-D (01/18), Last Meal Request, and 1801-F (01/18), Release of Remains and Burial Arrangements, which are hereby incorporated by reference.

(3) If there is good reason to believe that a condemned female inmate may be pregnant, notify the District Attorney pursuant to Penal Code Section 3705, and comply with the provisions of Penal Code Section 3706.

(4) Ensure the inmate has a copy of the current California Code of Regulations, Title 15, Division 3, for review of general rules and procedures that shall be utilized during the days leading up to the date of execution.

(5) Ensure the appointed Alienists have access to interview and evaluate the inmate pursuant to Penal Code Section 3700.5.

(6) Ensure any information received which may be relevant to the inmate's sanity is immediately made available to the Alienists panel.

New Subsections 3349.5(f) through 3349.5(f)(2)(E) are adopted to read:

(f) The San Quentin Warden shall:

(1) Set the initial date and time for execution. The Execution Warrant shall specify a period of 10 days during which the judgment shall be executed. The execution may be carried out at any time within this period.

(2) If the inmate has chosen lethal injection on the CDCR Form 1801-A, Choice of Execution Method, or made no choice, select the Lethal Injection Chemical.

(A) Lethal Injection Chemical selection shall be done on a case-by-case basis, taking into account changing factors such as the availability of a supply of chemical. The San Quentin Warden shall make the selection in consultation with medical personnel and notify the CDCR Secretary of the selection.

(B) CDCR may contract with medical personnel to assist with chemical selection. Medical personnel shall be a medical doctor, clinical toxicologist, pharmacologist, anesthesiologist, or other appropriate expert.

(C) The San Quentin Warden shall determine which chemical shall be utilized to perform the execution and document the selection on the CDCR Form 1801-A (Rev. 01/18), Choice of Execution Method. CDCR considers the listed chemicals to be equally effective in carrying out the purpose of the regulations. The San Quentin Warden shall select one chemical from the following (or any name that they may be

known or sold by including their pharmaceutical name, foreign name, generic name, trade name or brand name):

Barbiturates:
- Pentobarbital
- Thiopental

(D) The San Quentin Warden shall ensure that the Lethal Injection Chemical is obtained from a Lethal Injection Chemical Supplier as defined in subsection 3349.1(i).

(E) If either chemical described in Subsection 3349.5(f)(1)(C) is declared unconstitutional for purposes of execution by a court with jurisdiction, the chemical shall not be considered for selection.

New Subsections 3349.5(f)(3) through 3349.5(f)(9) are adopted to read:

(3) Inform the Warden of the institution where the inmate is housed of the Lethal Injection Chemical selection.

(4) Inform the inmate of the scheduled execution date, that he/she shall be executed by lethal injection, the Lethal Injection Chemical and amount to be used, document this information on the CDCR Form 1801-A (Rev. 01/18), Choice Of Execution Method, and provide a copy of this form to the inmate.

(5) Meet with the Team Administrator, who shall notify the Team Supervisor and the Lethal Injection Team members of the Execution Warrant.

(6) Ensure the Team Administrator, the Team Supervisor and all Lethal Injection Team members involved in the lethal injection process understand their roles in the scheduled execution by reviewing the following:

(A) Training session performance assessments.

(B) Most recent staff performance in job duties for state-employed team members to include annual personnel evaluation and any corrective or adverse action, and any disciplinary action taken by a state licensing board against any team member.

(C) Any other information or concerns expressed by the Team Administrator, Team Supervisor or Lethal Injection Team Member.

(D) Any other information that causes the San Quentin Warden to believe persons identified in subsection (6) may be unprepared or unable to perform the duties during a scheduled execution.

(7) Refer the inmate to the Intravenous Sub-Team for a vein assessment to determine the size, location, and resilience of the veins. The vein assessment shall identify the primary, backup, and alternate backup locations. Vein assessment shall take into account individualized medical history and information including age, physical condition of vein site, scarring, body size, body weight, dehydration, skin texture, rolling veins, hardening of veins, bruising, vein or bone trauma. The alternate backup location may be a vein or a percutaneous portal vein access, if necessary. Upon completion of the vein assessment, the Warden shall obtain a copy of the results report and ensure it is placed in the Master Execution File.

(8) Ensure all institution staff members with specific lethal injection responsibilities are notified of the Execution Warrant.

(9) Select witnesses pursuant to Penal Code Section 3605.

New Subsections 3349.5(g) through 3349.5(g)(1)(C) are adopted to read:

(g) Following service of the Execution Warrant, the Warden of the institution where the inmate is housed shall ensure the following occur by the designated staff:

(1) The Associate Warden of the unit where the inmate is housed shall:

(A) Ensure the condemned unit staff create a Pre-Execution Logbook and at a minimum, conduct hourly checks and document the inmate's activities, requests, conduct and behavior in the inmate's Pre-Execution Logbook.

(B) Immediately report any behavior that is bizarre or unusual for any inmate or uncharacteristic for the particular inmate in writing on CDCR Form 128-B (4/74), General Chrono, which is incorporated by reference, to the Warden of the institution where the inmate is housed, the San Quentin Warden, and the Alienists.

(C) Visit the inmate's housing unit daily and sign in on the inmate's Pre-Execution Logbook with each visit.

New Subsections 3349.5(g)(2) through 3349.5(g)(2)(E) are adopted to read:

(2) The Correctional Counselor II – Condemned Unit at the institution where the inmate is housed shall:

(A) Maintain daily contact with the inmate and document the inmate's conduct and behavior in the inmate's Pre-Execution Logbook. Immediately report any behavior that is bizarre or unusual for any inmate or uncharacteristic for the particular inmate in writing to the Associate Warden of the institution where the inmate is housed, the Warden of the institution where the inmate is housed, the San Quentin Warden, and the Alienists.

(B) Update the inmate's Notification In Case Of Inmate Death, Serious Injury Or Serious Illness in the Strategic Offender Management System as defined in Section 3000.

(C) Submit a report to the San Quentin Warden via the Warden of the institution where the inmate is housed consisting of a review of the inmate's case factors and any observations of the inmate documented by the assigned Correctional Counselor I and/or custody staff to determine the inmate's past and present conduct and behavior for inclusion in the CDCR Form 2173 (01/18), 20-Day Pre-Execution Report, which is incorporated by reference.

(D) Collect the completed CDCR Forms 1801-C (01/18), Request For Approval of Witnesses, 1801-D (01/18), Last Meal Request, and 1801-F (01/18), Release of Remains and Burial Arrangements, within ten calendar days of providing the forms to the inmate and forward them to the Litigation Coordinator at the institution where the inmate is housed.

(E) Ensure all non-legal and non-Spiritual Advisor telephone calls made by the inmate on an institutional telephone are monitored. Legal and Spiritual Advisor calls shall not be monitored but shall be facilitated by staff. All calls shall be logged in the inmate's Pre-Execution Logbook.

New Subsections 3349.5(g)(3) through 3349.5(g)(5)(B) are adopted to read:

(3) The Litigation Coordinator at the institution where the inmate is housed shall:

(A) Ensure approval for visiting is on file for the inmate's attorney(s) and notify the Visiting Lieutenant.

(B) Notwithstanding Section 3178, schedule attorney visits expeditiously upon request of the inmate's attorney(s).

(4) The Warden's Administrative Assistant-Public Information Officer at the institution where the inmate is housed shall act as liaison between the inmate's family and the Warden of the institution where the inmate is housed.

(5) The Visiting Lieutenant at the institution where the inmate is housed shall:

(A) Ensure that the attorney(s) for the inmate is afforded expeditious access to the inmate. This may include facilitating attorney visits during weekends and holidays as necessary.

(B) Arrange for visiting pursuant to California Code of Regulations, Title 15, Division 3, Subchapter 2, Article 7, Visiting.

New Subsections 3349.5(h) through 3349.5(h)(5) are adopted to read:

(h) Sanity Review pursuant to Penal Code Section 3701.

(1) Attorneys may submit in writing any information they believe may have a bearing on evaluating the sanity of an inmate with a scheduled execution date at any time prior to the scheduled execution. This information shall be submitted to the San Quentin Warden who shall forward it to the Alienists.

(2) The Warden where the inmate is housed shall have available for review all psychiatric information pertaining to the inmate known to psychiatric staff. This information shall be submitted to the San Quentin Warden who shall forward it to the Alienists.

(3) The information in Subsection (h)(1) and (h)(2), together with any information forwarded to the Warden of the institution where the inmate is housed or the San Quentin Warden regarding the inmate's conduct or behavior, shall be used to determine if there is a good reason to believe the inmate has become insane at any time, pursuant to Penal Code Section 3701. Should the San Quentin Warden, in consultation with the Alienists, find there is a good reason to believe the inmate has become insane at any time, the San Quentin Warden shall notify the District Attorney pursuant to Penal Code Section 3701, via a CDCR Form 2174 (01/18), Notification By Warden To The District Attorney Concerning Sanity of Condemned Inmate, which is hereby incorporated by reference.

(4) The Warden where the inmate is housed and the San Quentin Warden shall notify the Director – Division of Adult Institutions and the Secretary of CDCR of any notification to the District Attorney concerning the sanity of the condemned inmate.

(5) The Secretary of CDCR shall notify the Governor's Legal Affairs Secretary in writing of all referrals to the District Attorney's office pursuant to Penal Code Section 3701.

NOTE: Authority cited: Sections 636, 1227, 3604; 3604.1; 3605; 3700.5, 3701; 5058, Penal Code, *Glossip v. Gross* (June 29, 2015, No. 14-7955) 576 U.S. [135 S.Ct. 2726, 2732] *Thorburn et al. v. Depart. of Corrections et al.* (1998) 66 Cal.App. 4th 1284; *Morales v. Tilton* (2006) 465 F.Supp.2d 972,

983. See also *Heckler v. Chaney* (1985) 470 U.S. 821; *O'Bryan v. McKaskle*, (5th Cir. 1984) 729 F.2d 991; *Abdur'Rahman v. Bredesen*, 181 S.W.3d 292 (Tenn. 2005), cert. denied, 126 S.Ct. 2288, 164 L.Ed.2d 813 (U.S. 2006); *State v. Deputy*, (Del. Super. Ct. 1994) 644 A.2d 411. *Morales v. Hickman*, Case Nos. C 06 219 JF and C 06 926 FJ RS, Document No. 78 (February 21, 2006 Order on Defendant's Motion to Proceed with Execution Under Alternative Condition to Order Denying Preliminary Injunction). Reference: Sections 190, 636, 1227, 3600, 3601, 3602, 3603, 3604, 3604.3, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704, 3705, 3706 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27, *Towery v. Brewer* (2012) 672 F.3d 650.

New Section Title 3349.6 is adopted to read:

3349.6 Chronology of events after Execution Warrant has been served.

New Section 3349.6 Presentence is adopted to read:

Once the Execution Warrant has been served on the inmate the following shall occur leading up to the scheduled execution date. The procedures established in this section are based on a timeline; however, the timeline is subject to change if needed to accommodate unforeseen events.

New Subsections 3349.6(a) through 3349.6(a)(5) are adopted to read:

(a) Approximately 20 calendar days prior to the initial scheduled execution date and time:

(1) The San Quentin Warden and the Warden of the institution where the inmate is housed shall ensure the three Alienists each complete the CDCR Form 2173 (01/18), 20-Day Pre-Execution Report pursuant to Penal Code Section 3700.5.

(2) Each Alienist shall complete the CDCR Form 2173, attach his or her independent psychiatric report regarding the inmate, and submit it to the San Quentin Warden or, if the inmate is female, the Central California Women's Facility Warden.

(3) The Alienists panel shall submit to the Governor and the San Quentin Warden or, if the inmate is female, the Central California Women's Facility Warden, a copy of the completed CDCR Form 2173 (01/18), 20-Day Pre-Execution Report, and shall include a summary of the examinations, interviews, and history stated in plain language.

(4) The San Quentin Warden or, if the inmate is female, the Central California Women's Facility Warden, shall submit the completed CDCR Form 2173 (01/18), 20-Day Pre-Execution Report with a cover letter, and the summary of the inmate's conduct and behavior, submitted by a Correctional Counselor II – Condemned Unit, to the Director – Division of Adult Institutions and the CDCR Secretary. If the San Quentin Warden or, if the inmate is female, the Central California Women's Facility Warden, has good reason to believe the inmate has become insane after reviewing any of the three 20-Day Pre-Execution Reports, the San Quentin Warden shall notify the District Attorney pursuant to Penal Code Section 3701. A single Alienist's report questioning the inmate's sanity is sufficient to trigger the requirement that the San Quentin Warden shall notify the District Attorney. The notification shall be via a CDCR Form 2174 (01/18), Notification By Warden To The District Attorney Concerning Sanity of Condemned Inmate, which is hereby incorporated by reference.

(5) The San Quentin Warden or, if the inmate is female, the Central California Women's Facility Warden, shall furnish a copy of the report to counsel for the defendant upon his or her request.

New Subsections 3349.6(b) through 3349.6(b)(7)(B) are adopted to read:

(b) Approximately five calendar days prior to the initial scheduled execution date, the following shall occur:

(1) The San Quentin Warden shall ensure the condemned male inmate has been moved to the Designated Security Housing area. Condemned female inmates shall be transferred to San Quentin in accordance with subsection (d) and will be housed in the Designated Security Housing area upon arrival.

(2) The Warden of the institution where the inmate is housed shall ensure the condemned inmate will be under observation 24 hours a day by an officer assigned for that purpose.

(3) The Associate Warden where the inmate is housed shall ensure monitoring of the inmate's behavior is continued by unit staff with documentation completed every hour in the inmate's Pre-Execution Logbook.

(A) Should the inmate display any conduct or behavior that is bizarre or unusual for any inmate or uncharacteristic for the particular inmate, the Warden of the institution where the inmate is housed and the San Quentin Warden shall be notified by institutional staff.

(B) The Warden of the institution where the inmate is housed and the San Quentin Warden shall monitor any reported changes in the inmate's behavior utilizing the provisions of Penal Code Section 3701. If there is good reason to believe that the inmate has become insane it shall be reported by the San Quentin Warden to the Secretary of the CDCR in writing via the Director – Division of Adult Institutions in addition to reporting it to the District Attorney.

(4) The Correctional Counselor II – Condemned Unit shall begin daily briefings for the Warden of the institution where the inmate is housed regarding the inmate's needs, requests, and behavior.

(5) The inmate shall have 24-hour access to a telephone for attorney contact. Legal calls will not be monitored but shall be facilitated by staff. All calls shall be logged in the inmate's Pre-Execution Logbook.

(6) Religious accommodations.

(A) State employed Spiritual Advisors selected by the inmate shall be allowed to perform their spiritual functions at the inmate's cell front between the hours of 0600 to 2200 and by telephone at any time.

(B) Pre-approved non-state employed Spiritual Advisors may visit the inmate utilizing the visitor process and shall be allowed to perform their spiritual functions at the inmate's cell front between the hours of 0600 to 2200 or by telephone at any time.

(7) The Team Administrator along with the Food Manager shall interview the inmate to confirm what request, if any, the inmate may have for a last meal as noted on the CDCR Form 1801-D (01/18), Last Meal Request.

(A) Accommodations for the last meal shall be reasonable and not exceed a fifty dollar ($50.00) limit.

(B) The Food Manager shall determine if food services can fulfill the request or make arrangements to obtain the requested menu items.

New Subsections 3349.6(c) through 3349.6(c)(3) are adopted to read:

(c) Approximately three calendar days prior to the initial scheduled execution date:

(1) The Team Administrator shall ensure that Lethal Injection Team members assigned to specific functions begin daily training on their assignments. All Lethal Injection Team members designated as backups shall be involved in training for their specified backup functions.

(2) The Team Supervisor shall schedule and conduct daily required training for the Lethal Injection Team. The Intravenous Sub-Team leader or the Infusion Sub-Team leader shall conduct any training that requires medical knowledge.

(3) The Intravenous Sub-Team leader, Infusion Sub-Team leader, and the Team Supervisor shall begin daily assessments of the Lethal Injection Team members to ensure readiness for their assigned duties. If at any time the Intravenous Sub-Team leader, Infusion Sub-Team leader, or Team Supervisor believes a Lethal Injection Team member may be unable to complete the assigned duties, the Team Administrator shall be notified, and the Lethal Injection Team member shall be excused from participation in the scheduled execution.

New subsection 3349.6(d) is adopted to read:

(d) Pursuant to Penal Code Section 3602, condemned female inmates shall be transported to San Quentin no sooner than 72 hours prior to the initial scheduled execution date. A condemned female inmate shall be transported no later than 12 hours prior to the initial scheduled execution date and time. The female inmate shall be housed in the Designated Security Housing area upon transfer to San Quentin.

New Subsections 3349.6(e) through 3349.6(e)(2)(C) are adopted to read:

(e) Approximately 24 hours prior to the initial scheduled execution date and time:

(1) The San Quentin Warden shall confirm that all Lethal Injection Team members are fully prepared and ready to perform their assigned duties by reviewing the following:

(A) Training session performance assessments.

(B) Most recent staff performance in job duties for state-employed team members, to include annual personnel evaluation and any corrective or adverse action, and any disciplinary action taken by a state licensing board against any team member.

(C) Any other information or concerns expressed by the Team Administrator, Team Supervisor or Lethal Injection Team Member.

(D) Any other information that causes the San Quentin Warden to believe any team member may be unprepared or unable to perform the duties during a scheduled execution.

(2) The Team Administrator shall:

(A) Accompany the Team Supervisor and a Lethal Injection Team member to obtain the Lethal Injection Chemical and complete the CDCR Form 2176 (01/18), Lethal Injection Chain of Custody San Quentin State Prison, which is hereby incorporated by reference, to acknowledge receipt of the Lethal Injection Chemical.

(B) Ensure the Lethal Injection Chemical is properly controlled and secured in the Lethal Injection Facility safe or refrigerator.

(C) Ensure the CDCR Form 2176 (01/18), Lethal Injection Chain of Custody San Quentin State Prison, is completed upon any movement of the Lethal Injection Chemical. The original CDCR Form 2176 shall remain with the Lethal Injection Chemical. A copy of the form shall be distributed to the San Quentin Warden, the San Quentin Chief Deputy Warden, and forwarded to the San Quentin Litigation Coordinator for placement in the Master Execution File.

New Subsections 3349.6(f) through 3349.6(f)(2) are adopted to read:

(f) Approximately six hours prior to the initial scheduled execution date and time:

(1) The Team Supervisor shall:

(A) Brief the inmate on execution procedures.

(B) Supervise the movement of the inmate to the Lethal Injection Facility Holding Area cell.

(C) Secure the inmate in the Lethal Injection Facility Holding Area cell.

(D) Ensure assigned custody staff provide direct and constant observation of the inmate in the Lethal Injection Facility Holding Area and document all of the inmate's activities, requests, conduct, and behavior in the inmate's Pre-Execution Logbook with entries made approximately every 15 minutes.

(E) Ensure the last meal is delivered to the Lethal Injection Facility, inspected for contraband and served to the inmate in the Lethal Injection Facility Holding Area cell.

(F) Inform the inmate they may request additional food items, coffee, juice and soft drinks, programs on the radio or television, phone calls and mailing of letters.

(2) Once the condemned inmate is secured in the Lethal Injection Facility holding area cell, visiting, with the exception of an Attorney and a state employed or pre-approved non-state employed Chaplain or Spiritual Advisor, shall cease. No visitation shall occur between the hours of 2200 and 0600.

New Subsections 3349.6(g) through 3349.6(g)(2)(B) are adopted to read:

(g) Approximately three hours prior to the initial scheduled execution date and time, the following shall be initiated:

(1) The Team Supervisor shall:

(A) Ensure that all visiting shall cease. Attorneys and Spiritual Advisors may have access to the inmate by phone as requested by the Attorney, Spiritual Advisor, or the inmate.

(B) Ensure the Record Keeping Sub-Team member assigned to the Team Administrator/Team Supervisor initiates documentation on the CDCR Form 2181 (01/18), San Quentin State Prison Lethal Injection Team Administrator/Team Supervisor Execution Log.

(C) Remove the Lethal Injection Chemical from the Lethal Injection Facility safe or refrigerator and immediately transfer custody of the Lethal Injection Chemical to two members of the Infusion Sub-Team.

(D) Ensure accountability of the Lethal Injection Chemical. A minimum of two members of the Infusion Sub-Team shall verify receipt of the designated Lethal Injection Chemical at the time of transfer, and sign the CDCR Form 2176 (01/18), Lethal Injection Chain of Custody San Quentin State Prison.

(E) Ensure a Record Keeping Sub-Team member initiates documentation on the CDCR Form 2177-A (01/18), San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log - Pentobarbital or CDCR Form 2177-B (01/18), San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log – Thiopental, upon receipt of the Lethal Injection Chemical by the Infusion Sub-Team members and continue observation and documentation throughout the execution.

(2) The San Quentin Warden and Team Administrator shall meet with the inmate in the Lethal Injection Facility Holding Area and shall advise the inmate of the following:

(A) A written last statement may be prepared by the inmate which will be made available after the execution.

(B) A sedative may be requested, and if approved by a physician, the sedative shall be administered under the physician's direction.

New Subsections 3349.6(g)(3) through 3349.6(g)(4)(F) are adopted to read:

(3) The Lethal Injection Chemical shall be prepared according to the instructions provided by the Lethal Injection Chemical Supplier

(4) Preparation for administration of the Lethal Injection Chemical shall be as follows:

(A) If Pentobarbital is the designated Lethal Injection Chemical, it shall be administered by means of three syringes for a total of 7.5 grams. A fourth syringe shall be prepared with a saline flush.

(B) If Thiopental is the designated Lethal Injection Chemical, it shall be administered by means of five syringes for a total of 7.5 grams. A sixth syringe shall be prepared with a saline flush.

(C) The Infusion Sub-Team shall prepare the Lethal Injection Chemical for administration as follows:

1. Three identical trays shall be prepared. Each tray shall contain a total of 7.5 grams of the Lethal Injection Chemical.

2. Tray A shall be color-coded red and shall be the primary tray used for the lethal injection process.

3. Tray B shall be colored-coded blue and shall be the backup tray.

4. Tray C shall be color-coded yellow and shall be the alternate backup tray.

(D) If Pentobarbital has been designated, Trays A, B, and C shall each have three syringes containing the Lethal Injection Chemical, each color-coded to match the tray; and a fourth syringe, color-coded white, containing the saline flush. The syringes shall be labeled by sequence of administration as follows:

1. Three syringes, each containing 2.5 grams of Pentobarbital, shall be labeled #A-1, #A-2, and #A-3 for Tray A, #B-1, #B-2, and #B-3 for Tray B, and #C-1, #C-2, and #C-3 for Tray C.

2. Syringe #4 shall contain a saline flush and be labeled #A-4 for Tray A, #B-4, for Tray B, and #C-4 for Tray C.

(E) If Thiopental has been designated, Trays A, B, and C shall each have five syringes containing the Lethal Injection Chemical, each color-coded to match the tray; and a sixth syringe, color-coded white, containing the saline flush. The syringes shall be labeled by sequence of administration as follows:

1. Five syringes, each containing 1.5 grams of Thiopental, shall be labeled #A-1, #A-2, #A-3, #A-4, and #A-5 for Tray A, #B-1, #B-2, #B-3, #B-4, and #B-5 for Tray B, and #C-1, #C-2, #C-3, #C-4, and #C-5 for Tray C.

2. Syringe #6 shall contain a saline flush and be labeled #A-6 for Tray A, #B-6, for Tray B, and #C-6 for Tray C.

(F) A medically trained Infusion Sub-Team member shall prepare the syringes for Tray A, Tray B and Tray C. A separate medically trained Infusion Sub-Team member or Intravenous Sub-Team member shall verify proper preparation of the syringes for Tray A, Tray B and Tray C.

New Subsections 3349.6(h) through 3349.6(h)(1)(B) are adopted to read:

(h) Approximately two hours prior to the initial scheduled execution date and time:

(1) The San Quentin Warden shall:

(A) Ensure the curtain is open on the viewing windows prior to the witnesses' arrival. The curtain shall remain open throughout the execution process until the inmate is pronounced dead.

(B) Ensure all witnesses are escorted to the designated witness rooms in the Lethal Injection Facility.

New Subsection 3349.6(i) is adopted to read:

(i) Within one hour prior to the initial scheduled execution date and time, the Team Supervisor shall ensure that open dedicated phone lines with the Governor's Office, the Office of the Attorney General, California State Supreme Court and the San Quentin Warden's office complex are established in the Infusion Control Room.

New subsections 3349.6(j) through 3349.6(j)(2)(D) are adopted to read:

(j) Approximately 45 minutes before an initial scheduled execution date and time, the San Quentin Warden shall order the inmate to be prepared for the execution.

(1) Upon direction of the San Quentin Warden to prepare the inmate, the Team Supervisor shall:

(A) Order the inmate placed in restraints and removed from the Lethal Injection Facility Holding Area cell.

(B) Ensure a Record Keeping Sub-Team member initiates documentation on the CDCR Form 2179 (01/18), San Quentin State Prison Lethal Injection Intravenous Sub-Team Execution Log.

(C) Observe the Intravenous Sub-Team place the electrocardiogram leads on the inmate.

(2) Resistive inmates.

(A) In the event that an inmate refuses to comply with a direct order to be placed in restraints or to exit any area, the Team Supervisor shall advise the Team Administrator and the San Quentin Warden.

(B) The Team Supervisor shall speak to the inmate in an attempt to gain the inmate's compliance.

(C) If the inmate continues to refuse to comply with a direct order, force may be used in accordance with Section 3268, Use of Force.

(D) Any use of force shall be documented in accordance with Section 3268.1, Reporting and Investigating the Use of Force for Institution/Facility Staff, and a copy placed in the Master Execution File.

New Subsections 3349.6(k) through 3349.6(k)(5) are adopted to read:

(k) Approximately 15 minutes before an initial scheduled execution date and time, the San Quentin Warden shall:

(1) Order the inmate escorted to the Lethal Injection Room.

(2) Order the inmate to be secured to the gurney with restraints.

(3) Order the inmate's hands to be secured to the arm rests on the gurney with medical tape.

(4) Ensure the Team Administrator and Team Supervisor take positions in the Infusion Control Room. The Team Supervisor shall directly supervise infusion of the Lethal Injection Chemical and saline during the execution.

(5) Ensure the San Quentin Litigation Coordinator takes a position at the Lethal Injection Facility telephones at least 15 minutes prior to a scheduled execution to ensure constant communication with the Governor's Office, the Office of the Attorney General, California Supreme Court and the San Quentin Warden's office complex. The San Quentin Litigation Coordinator shall communicate all calls to the San Quentin Warden, the Team Administrator and the Team Supervisor.

New Subsection 3349.6(l) is adopted to read:

(l) In the event the execution is stayed for any reason, the procedures described in this Article shall be suspended as required by the stay of execution until the stay is lifted. Upon the stay being lifted, the execution may be resumed or, if necessary, rescheduled a minimum of three hours from the time at which the stay was lifted.

NOTE: Authority cited: Sections 1227, 3604, 3604.1 and 5058, Penal Code. Reference: Sections 190, 3600, 3601, 3602, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704, and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27; *Baze v. Rees* (2008) 553 U.S.35, *Towery v. Brewer* (2012) 672 F.3d 650.

New Section Title 3349.7 is adopted to read:

3349.7 Administration of the Lethal Injection Chemical.

New Subsections 3349.7(a) through 3349.7(a)(8) are adopted to read:

(a) After the inmate is secured in the Lethal Injection Room, the Intravenous Sub-Team members shall:

(1) Take their designated positions in the Lethal Injection Room.

(2) Inspect the restraints to ensure that they do not restrict the inmate's circulation or interfere with the insertion of the catheters.

(3) Attach the intravenous lines to the catheters and insert three catheters into pre-designated veins.

(4) As each catheter is inserted, inform the Intravenous Sub-Team member in the Infusion Control Room to initiate the intravenous saline drip into the intravenous lines attached to the catheters.

(5) Designate primary, backup and alternate backup intravenous lines.

(6) Inform the San Quentin Warden when the intravenous lines have been successfully established.

(7) One Intravenous Sub-Team member shall exit the Lethal Injection Room and report to the Infusion Control Room to continuously monitor the saline drips.

(8) One Intravenous Sub-Team member shall remain in the Lethal Injection Room to continuously monitor the intravenous lines. This Intravenous Sub-Team member shall stand next to the inmate and assess the consciousness of the inmate throughout the execution in accordance with subsection (c)(4)(A).

New Subsections 3349.7(b) through 3349.7(b)(5) are adopted to read:

(b) After the inmate's intravenous lines are successfully established, the San Quentin Warden shall:

(1) Take a position in the Lethal Injection Room in close proximity to the inmate.

(2) Confirm there is no matter pending before any court that precludes the execution from proceeding via the California Supreme Court, the Governor's Office, and the Office of the Attorney General.

(3) Ensure a statement detailing the court order mandating the execution is read aloud over the public address system.

(4) Provide an opportunity for the inmate to make a brief final statement on the public address system.

(5) Direct the Infusion Sub-Team to administer the Lethal Injection Chemical.

New Subsections 3349.7(c) through 3349.7(c)(12) are adopted to read:

(c) Infusion.

(1) The infusion of the Lethal Injection Chemical shall begin with Tray A using the intravenous catheter designated as primary.

(2) The saline drip for the intravenous catheter that was designated as the primary infusion site shall be stopped prior to the infusion of the first syringe. The saline drip in the backup and alternate backup intravenous lines shall be continually maintained. Should the backup or alternate backup intravenous line be designated for infusion, the saline drip for that catheter shall be stopped prior to the infusion of the first syringe.

(3) A Record Keeping Sub-Team member in the Infusion Control Room shall initiate a ten minute countdown at the start of the infusion of syringe #1.

(4) If Pentobarbital has been designated, the Lethal Injection Chemical shall be administered, beginning with Tray A and using the primary intravenous catheter, as follows:

(A) #1 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered, followed by a consciousness assessment of the inmate; the Intravenous Sub-Team Member shall brush the back of his/her hand over the inmate's eyelashes, and speak to and gently shake the inmate. Observations shall be documented. If the inmate is unresponsive, it will demonstrate that the inmate is unconscious. The process shall continue as follows:

(B) #2 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered.

(C) #3 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered.

(D) #4 syringe containing the saline flush.

(5) If Thiopental has been designated, the Lethal Injection Chemical shall be administered, beginning with Tray A and using the primary intravenous catheter, as follows:

(A) #1 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered, followed by a consciousness assessment of the inmate; the Intravenous Sub-Team Member shall brush the back of his/her hand over the inmate's eyelashes, and speak to and gently shake the inmate. Observations shall be documented. If the inmate is unresponsive, it will demonstrate that the inmate is unconscious. The process shall continue as follows:

(B) #2 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered.

(C) #3 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered.

(D) #4 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered.

(E) #5 syringe containing the specified amount of the designated Lethal Injection Chemical shall be administered.

(F) #6 syringe containing the saline flush.

(6) If, following the administration of syringe #1 the assessment indicates the inmate is not unconscious, the Intravenous Sub-Team member shall check the catheter for patency. After checking for patency, syringe #2 shall be administered followed by a second consciousness assessment of the inmate in the same manner as described in subsection (c)(4)(A). If the assessment indicates the inmate is not unconscious, the San Quentin Warden shall direct that the injection through the primary intravenous catheter be discontinued and the entire sequence re-initiated with the Lethal Injection Chemical on the next sequential Tray using the associated intravenous catheter.

(7) If, at any time during the infusion of the Lethal Injection Chemical the intravenous catheter fails, the San Quentin Warden shall:

(A) Direct the lethal injection process using the intravenous catheter and the chemical on the Tray currently in use be discontinued.

(B) Direct the Lethal Injection Chemical administration process set forth in subsections (2)-(6) begin again, but using the Lethal Injection Chemical on the next sequential Tray and the associated catheter.

(8) The inmate's heart activity shall be monitored by an electrocardiogram.

(9) The attending physician shall monitor the electrocardiogram. Death shall be determined and declared by a physician. Once death is declared, infusion of any remaining Lethal Injection Chemical shall cease.

(10) In the event all syringes from Tray A have been administered, the ten minute countdown has elapsed and death has not been declared, or an intravenous site cannot be maintained at the primary site, the Record Keeping Sub-Team member shall advise the Team Supervisor, who shall then advise the Team Administrator and the San Quentin Warden. The San Quentin Warden shall direct the Lethal Injection Chemical administration process set forth in subsections (2) - (9) be repeated, but using the backup intravenous catheter and the syringes from Tray B.

(11) In the event all syringes from Tray B have been administered, the ten minute countdown has elapsed and death has not been declared, or an intravenous site cannot be maintained at the backup site, the Record Keeping Sub-Team member shall advise the Team Supervisor, who shall then advise the Team Administrator and the San Quentin Warden. The San Quentin Warden shall direct the Lethal Injection Chemical administration process set forth in subsections (2)-(9) be repeated, but using the alternate backup site and Tray C.

(12) In the event that all syringes of Lethal Injection Chemical from Tray C have been administered, ten minutes has elapsed, and death has not been declared, or an intravenous site cannot be maintained at the alternate backup site, the San Quentin Warden shall stop the execution and summon medical assistance for the inmate as set forth in subsection (d).

New Subsection 3349.7(d) is adopted to read:

(d) Should the execution be stayed or stopped for any reason after infusion of the Lethal Injection Chemical has commenced, the Team Administrator shall immediately request San Quentin medical personnel, or contracted medical personnel if there is no state civil service employee who is available and willing to perform the prescribed duties, respond to the Lethal Injection Facility to provide any medical care that is deemed necessary. The curtains on the viewing windows for witnesses shall be closed. The San Quentin Warden shall immediately go to the Infusion Control Room and ensure an announcement is made via the public address system notifying the witnesses the execution has been stayed or stopped. Immediately after the announcement, the public address system shall be turned off. The San Quentin Warden shall direct staff to escort the witnesses from the Lethal Injection Facility to the media center or off grounds. Stays issued prior to infusion shall be subject to the provisions of subsection 3349.6(l).

NOTE: Authority cited: Sections 3604, 3604.1 and 5058, Penal Code. Reference: Sections 190, 3600, 3603, 3604 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27; *Baze v. Rees* (2008) 553 U.S.35, *Towery v. Brewer* (2012) 672 F.3d 650.

New Section Title 3349.8 is adopted to read:

3349.8 Post Execution Procedure.

New Subsections 3349.8(a) through 3349.8(a)(3) are adopted to read:

(a) Immediately following the declaration of death of the inmate, the San Quentin Warden shall:

(1) Ensure a prepared statement is read aloud via the public address system notifying the witnesses the execution is complete.

(2) Ensure the curtains on the viewing windows for witnesses are closed.

(3) Direct staff to escort the witnesses from the Lethal Injection Facility to the media center or off grounds.

New Subsection 3349.8(b) is adopted to read:

(b) The Intravenous Sub-Team shall crimp closed and disconnect all intravenous lines. The catheter or needle shall not be removed from the inmate to allow for review by the Marin County Coroner.

New Subsection 3349.8(c) is adopted to read:

(c) The Team Supervisor shall ensure the inmate's body is placed with care and dignity into a post-mortem bag pending removal as pre-arranged with the contract mortuary.

New Subsections 3349.8(d) through 3349.8(d)(2) are adopted to read:

(d) Approximately one hour after the execution, the San Quentin Warden shall ensure:

(1) A statement to the media is issued advising the sentence has been carried out and announcing the time of death.

(2) The inmate's written statement is made available if applicable.

New Subsection 3349.8(e) is adopted to read:

(e) It is the responsibility of the Lethal Injection Team and assigned custody staff to clean each area of the Lethal Injection Facility after the inmate's body has been removed.

New Subsection 3349.8(f) is adopted to read:

(f) Any unused Lethal Injection Chemical and the reason why it was unused shall be documented on the CDCR Form 2176 (01/18), Lethal Injection Chain of Custody - San Quentin State Prison. The Infusion Sub-Team shall transfer the unused Lethal Injection Chemical to the Team Supervisor who shall place it in the Lethal Injection Facility safe to await disposal. The Lethal Injection Chemical transfer shall be documented on the CDCR Form 2176 (01/18), Lethal Injection Chain of Custody - San Quentin State Prison, and the final signature block signed by the Team Supervisor. The signed form shall remain with the Lethal Injection Chemical.

New Subsection 3349.8(g) is adopted to read:

(g) The Intravenous Sub-Team shall complete a post-execution inventory of all supplies and equipment that were used during the execution. The Intravenous Sub-Team shall give the inventory to the Team Supervisor, who shall arrange for replacement and replenishment of supplies.

New Subsections 3349.8(h) through 3349.8(h)(6) are adopted to read:

(h) Lethal Injection Reporting requirements:

(1) Immediately following the execution, the Team Supervisor shall complete a CDCR Form 2182 (01/18), San Quentin State Prison Execution Report – Team Supervisor, which is hereby incorporated by reference.

(2) Immediately following the execution, each Lethal Injection Team member shall complete a CDCR Form 2183 (01/18), San Quentin State Prison Execution Report – Team member, which is hereby incorporated by reference, documenting their actions and observations during the execution. The Lethal Injection Team members shall use identifiers assigned to their specific position (duties), rather than their names and/or classifications, when they submit their reports.

(3) Any use of force shall be documented and reviewed in accordance with Section 3268.1, Reporting and Investigating the Use of Force for Institution/Facility Staff.

(4) The Team Administrator shall review the completed Execution Report. The Execution Report shall be routed through the San Quentin Chief Deputy Warden for the San Quentin Warden's review and signature.

(5) A copy of the completed Execution Report shall be delivered to the Director – Division of Adult Institutions and the CDCR Secretary for review and follow up as needed.

(6) The original Execution Report shall be retained at San Quentin as part of the Master Execution File.

New Subsection 3349.8(i) is adopted to read:

(i) Assigned custody staff shall conduct a security inspection of the Lethal Injection Facility to ensure all doors are secured and no items were left behind.

New Subsection 3349.8(j) is adopted to read:

(j) The Team Supervisor shall secure the Lethal Injection Facility, return the keys and report directly to the Team Administrator and the San Quentin Warden that the Lethal Injection Facility has been secured.

New Subsections 3349.8(k) through 3349.8(k)(3) are adopted to read:

(k) Debriefing.

(1) The Team Administrator along with the Team Supervisor shall hold a debriefing with all Lethal Injection Team members prior to leaving the Lethal Injection Facility. All documents and records concerning the execution shall be collected by the Team Administrator for review and inclusion in the Execution Report.

(2) The Team Administrator along with the Team Supervisor shall offer the Lethal Injection Team members post trauma counseling.

(3) As soon as possible but no later than 24 hours after the execution, the San Quentin Warden shall arrange for a confidential individual debriefing by appropriate staff with the Team Administrator, the Team Supervisor, and each Lethal Injection Team member. Each individual may be accompanied by a person of his or her choosing to the individual debriefing. The San Quentin Warden shall offer the Team Administrator and Team Supervisor post trauma counseling

New Subsection 3349.8(l) is adopted to read:

(l) The San Quentin Litigation Coordinator shall assemble all appropriate reports, place them into the Master Execution File, and maintain the Master Execution File.

New Subsection 3349.8(m) is adopted to read:

(m) The San Quentin Warden shall ensure the CDCR Form 2178 (01/18), Return on Execution Warrant, which is hereby incorporated by reference, is completed and forward it and a copy of the Certificate of Death to the Clerk of the Court from which the inmate was under sentence of death pursuant to Penal Code Section 3607.

NOTE: Authority cited: Sections 3604, 3604.1, 3607, 5058 and 5061, Penal Code. Reference: Sections 190, 3600, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704, and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27,; *Baze v. Rees* (2008) 553 U.S.35 *Towery v. Brewer* (2012) 672 F.3d 650.

New Section Title 3349.9 is adopted to read:

3349.9 Lethal Injection Record Keeping and Documentation.

New Subsection 3349.9(a) is adopted to read:

(a) Upon receipt of the Execution Warrant, the Litigation Coordinator at the institution where the inmate is housed shall be responsible for the security of all documents generated to be included in the Master Execution File prior to transfer of the inmate to the Lethal Injection Facility. Upon transfer the San Quentin Litigation Coordinator shall assume responsibility.

New Subsection 3349.9(b) is adopted to read:

(b) The Warden of the institution where the inmate is housed is responsible to ensure that all documents generated by staff associated with the inmate to be executed are accurate, completed in a timely manner, and forwarded to the Litigation Coordinator who shall retain a copy and send the original document to the San Quentin Warden.

New Subsection 3349.9(c) is adopted to read:

(c) The Team Supervisor shall ensure that all documents generated by the Lethal Injection Team are accurate, completed in a timely manner, and forwarded to the Team Administrator for review. Upon completion of review, the Team Administrator shall forward the documents to the San Quentin Litigation Coordinator for inclusion in the Master Execution File.

New Subsection 3349.9(d) is adopted to read:

(d) The San Quentin Litigation Coordinator shall maintain the Master Execution File at San Quentin in a secure location. The Master Execution File shall serve as a permanent record of all documents related to the execution.

New Subsections 3349.9(e) through 3349.9(e)(26) are adopted to read:

(e) The Master Execution File shall include the following documents:

(1) People's Application for Appointment of Execution Date.

(2) Execution Warrant.

(3) CDCR Form 1801 (Rev. 01/18), Notification of Execution Date and Choice of Execution Method.

(4) CDCR Form 1801-B (Rev. 01/18), Service of Execution Warrant -Warden's Initial Interview.

(5) Notice of Execution Warrant to Director, Division of Adult Institutions.

(6) Notice of Execution Warrant to Governor's Legal Affairs Secretary.

(7) Memorandum identifying Alienist Panel.

(8) CDCR Form 1801-A (Rev. 01/18), Choice of Execution Method.

(9) CDCR Form 1801-C (01/18), Request For Approval of Witnesses.

(10) CDCR Form 1801-D (01/18), Last Meal Request.

(11) CDCR Form 1801-F (01/18), Release of Remains and Burial Arrangements.

(12) CDCR Form 2173 (01/18), 20 Day Pre-Execution Report, pursuant to Penal Code 3700.5.

(13) CDCR Form 2174 (01/18), Notification By Warden To The District Attorney Concerning Sanity of Condemned Inmate.

(14) CDCR Form 2176 (01/18), Lethal Injection Chain of Custody San Quentin State Prison.

(15) CDCR Form 2177-A (01/18), San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log - Pentobarbital or CDCR Form 2177-B (01/18), San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log – Thiopental.

(16) CDCR Form 2178 (01/18), Return on Execution Warrant.

(17) CDCR Form 2179 (01/18), San Quentin State Prison Lethal Injection Intravenous Sub-Team Execution Log.

(18) CDCR Form 2181 (01/18), San Quentin State Prison Lethal Injection Team Administrator/Team Supervisor Execution Log.

(19) CDCR Form 2182 (01/18), San Quentin State Prison Execution Report-Team Supervisor.

(20) CDCR Form 2183 (01/18), San Quentin State Prison Execution Report – Team member.

(21) Condemned inmate's Pre-Execution Logbook.

(22) Copies of Lethal Injection Team training documentation for the three calendar days immediately preceding the execution.

(23) Copies of Inmate Visiting Records.

(24) If force was utilized at any point during the lethal injection process, CDCR Form 2182 (01/18), San Quentin State Prison Execution Report-Team Supervisor, shall be forwarded to the Executive Use of Force Review Committee to include in its review. When the Committee has completed their review of the Use of Force, the Executive Use of Force Review Committee findings and all associated documentation shall be added to the Master Execution File.

(25) The Execution Report

(26) Any and all other documents relative to the execution.

New Subsection 3349.9(f) is adopted to read:

(f) After an execution has concluded, the Team Administrator shall review the Master Execution File to ensure that all documents are accounted for and appropriately categorized.

New Subsection 3349.9(g) is adopted to read:

(g) In the event the execution is stayed, the Master Execution File shall be closed and remain at San Quentin in a secure location.

NOTE: Authority cited: Sections 3604, 3604.1, 5058 and 5061, Penal Code. Reference: Sections 190, 3600, 3601, 3602, 3603, 3604, 3605, 3700, 3700.5, 3701, 3702, 3703, 3704, 3705, 3706 and 5054, Penal Code; United States Constitution, Amendment VIII; California Constitution, Art. 1, Sections 17, 27,; *Baze v. Rees* (2008) 553 U.S.35 and *Towery v. Brewer* (2012) 672 F.3d 650.

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

NAME and NUMBER

CDC 128-B (Rev. 4/74)

DATE

GENERAL CHRONO

STATE OF CALIFORNIA
NOTIFICATION OF EXECUTION DATE AND CHOICE OF EXECUTION METHOD
CDCR 1801 (REV. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DISTRIBUTION:
WARDEN (ORIGINAL)
CENTRAL FILE – COPY
INMATE - COPY

ADOPT

On _____, I, _____, was served Execution
MONTH, DATE, AND YEAR — PRINT OR TYPE FULL NAME AND CDCR #

Warrant number _____ issued by _____
NAME OF COUNTY

County Superior Court on _____. I was notified that I have an execution date of
MONTH, DATE, AND YEAR

_____ and that I may choose either lethal injection or lethal gas as the
MONTH, DATE, AND YEAR

method of execution. I understand that I have ten days from the date of the service of the Execution Warrant, or

_____ to make this choice in writing on CDCR Form 1801-A.
MONTH, DATE, AND YEAR

I also understand that if I do not make a choice, lethal injection will be the method of execution.

INMATE'S SIGNATURE	CDCR NUMBER	DATE SIGNED
SIGNATURE OF WITNESS		DATE SIGNED

COMMENTS OF WITNESS

STATE OF CALIFORNIA
CHOICE OF EXECUTION METHOD
CDCR 1801-A (REV. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DISTRIBUTION:
WARDEN (ORIGINAL)
CENTRAL FILE – COPY
INMATE - COPY

ADOPT

On _____, I, _____, was served Execution
MONTH, DATE, AND YEAR — PRINT OR TYPE FULL NAME AND CDCR #

Warrant number _____ issued by _____
NAME OF COUNTY

County Superior Court on _____.
MONTH, DATE, AND YEAR

I was notified that I have an execution date of _____ and that I may
MONTH, DATE, AND YEAR

choose either lethal injection or lethal gas as the method of execution. I understand that I had ten days from the date of the service of the Execution Warrant, or until _____ to make this
MONTH, DATE, AND YEAR

choice in writing on a CDCR Form 1801-A, and that if I did not make a choice, lethal injection would be the method of execution.

This is to notify the Warden that my choice is _____.
LETHAL INJECTION OR LETHAL GAS

INMATE'S SIGNATURE	CDCR NUMBER	DATE SIGNED

SIGNATURE OF WITNESS	DATE SIGNED

COMMENTS OF WITNESS

The chemical utilized for the lethal injection shall be _____ in the
NAME OF CHEMICAL

amount of _____. The inmate was informed of the choice and amount of chemical.
AMOUNT OF CHEMICAL

WARDEN'S SIGNATURE	DATE SIGNED

SIGNATURE OF WITNESS	DATE SIGNED

STATE OF CALIFORNIA
SERVICE OF EXECUTION WARRANT – WARDEN'S INITIAL INTERVIEW
CDCR 1801-B (REV. 01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ADOPT

I, _____, have received a copy of the Execution Warrant number _____ issued by
PRINT OR TYPE FULL NAME AND CDCR #

_____ County Superior Court on _____. I had the opportunity to discuss the Execution
NAME OF COUNTY MONTH, DAY, YEAR

Warrant with the Warden on _____. I understand that I am entitled to elect either lethal injection or lethal gas as the
MONTH, DAY, YEAR

method of execution. I further understand that I must make my choice in writing on a CDCR Form 1801-A within ten days of service of the Execution Warrant. If I do not choose either lethal injection or lethal gas within ten days after the service of this Execution Warrant, I understand the method of execution will be lethal injection. I further understand that if I receive a stay of execution, I will again have the opportunity to choose the method of execution if I am served with another Execution Warrant. I understand I have an execution date of _____.
MONTH, DAY, YEAR

X _____
INMATE'S SIGNATURE

( ) Inmate has received a copy of the Execution Warrant but refuses to sign for it.

X _____
WARDEN'S SIGNATURE

X _____
WITNESS' SIGNATURE

Staff shall initial the following, if applicable:

( ) Inmate understands he/she may choose either lethal injection or lethal gas as the method of execution.

( ) Inmate understands he/she must make his/her choice I writing on the CDCR Form 1801-A within ten days after service of the Execution Warrant. This ten day period expires on _____.
MONTH, DAY, YEAR

( ) Inmate understands he/she will be contacted on the above date if the Warden has not received the form 1801-A, Choice of Execution Method.

( ) Inmate understands that if he/she makes no choice, execution will be imposed by lethal injection.

( ) Inmate understands he/she will be interviewed by psychiatric staff and a report of their findings will be provided to the Governor, the Secretary, the Director-Division of Adult Institutions, the San Quentin Warden or the Warden of CCWF, and the inmate's counsel upon request of counsel.

( ) Inmate has been provided with a copy of Title 15 regulations, and has been given an explanation of the course of events following service of the Execution Warrant.

( ) Effective communication was established: see comment section.

INTERVIEWER'S OBSERVATION AND COMMENTS

WARDEN PRINTED NAME	WARDEN SIGNATURE	DATE SIGNED
WITNESS' PRINTED NAME/ (Litigation Coordinator)	WITNESS' SIGNATURE	DATE SIGNED

STATE OF CALIFORNIA
REQUEST FOR APPROVAL OF WITNESSES
CDCR 1801-C (01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ADOPT

REQUEST FOR APPROVAL OF WITNESSES

Per Penal Code Section 3605, I am requesting that the following person(s) be permitted to witness the execution. I understand that all requested witnesses must meet all visiting criteria pursuant to California Code of Regulations, Title 15, Division 3, Subchapter 2, Article 7. I understand that no witnesses under the age of 18 will be permitted.

PERSONS, RELATIVES OR FRIENDS			
NAME & AGE	**ADDRESS**	**TELEPHONE #**	**RELATIONSHIP**

MINISTERS OF THE GOSPEL		
NAME	**ADDRESS**	**TELEPHONE #**

Inmate Name _____ Inmate Signature _____ CDCR # _____

☐ Witnesses contacted to obtain information needed to perform CLETS check

☐ CLETS check completed by Administrative Assistant (Attach reports)

APPROVED/DISAPPROVED

_____ _____

Warden Date

California State Prison at San Quentin

STATE OF CALIFORNIA
LAST MEAL REQUEST
CDCR 1801-D (01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ADOPT

LAST MEAL REQUEST

I am requesting that the following food be provided for my last meal. I understand that all requests must be approved by the Food Manager and the Warden. Unreasonable requests shall not be accommodated. Last meal cost shall not exceed $50.00.

Meal Items Requested

Inmate Name _____ Inmate Signature _____ CDCR # _____

APPROVED/DISAPPROVED

Food Manager _____ Date _____

APPROVED/DISAPPROVED

Warden _____ Date _____
California State Prison at San Quentin

ADOPT

RELEASE OF REMAINS AND BURIAL ARRANGEMENTS

I am requesting that my remains be released to the person or organization identified herein. I understand that the state of California does not accept financial responsibility for the disposition of my remains. I have designated the person who will accept that responsibility. If I do not designate these arrangements, or my designee does not accept this responsibility, the State will process my remains in accordance with Penal Code Section 5061 and California Code of Regulations, Title 15, Section 3357.

Funeral Home _____

Address _____

_____

Telephone _____

Contact Person _____

Person financially responsible for the disposition of remains:

Name _____

Address _____

_____

Telephone _____

Relationship _____

_____ _____ _____

Inmate Name Inmate Signature CDCR #

_____ _____

Warden Date
California State Prison at San Quentin

ADOPT

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Monthly Security and Operational Inspection Sheet
CDCR 2137 (01/18)

	Building Maintenance	Good Working Order/Clean	Needs Repair/ Cleaning	Comments/Work Order
A)	Doors/Locks/Keys			
B)	Lights (Lamps)			
C)	Electrical (switches and plugs)			
D)	Refrigerator (Temp.)			
E)	Safe – (Secure/No Obstruct)			
F)	Plumbing- (Sinks/Toilets)			
G)	Fire Ext. – (Ext./Sprinkler)			
H)	Floors			
I)	Walls			
J)	Storage Rooms			
K)	Restroom			

	Equipment	Operational	Needs Repair	Comments
A)	Restraints			
B)	Locks			
C)	Cut Down Tool			
D)	Baton			
E)	OC (MK-4)			
F)	Camera			
G)	PPE Kits			

	Supplies	Quantities	Items Ordered
A)	I.V. Supplies		
B)	Infusion Supplies		

STATE OF CALIFORNIA
20-DAY PRE-EXECUTION REPORT
CDCR 2173 (01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ADOPT

Memorandum

Date :

To : WARDEN

From : San Quentin State Prison, San Quentin, CA 94964

Subject : **20-DAY PRE-EXECUTION REPORT**
_____ (NAME AND NUMBER OF INMATE)

This report is prepared pursuant to Title 15, Article 7.5 and Section 3700.5 of the California Penal Code. Inmate _____ (name), CDCR# _____ is scheduled for execution of his/her death sentence on _____ (date).

Inmate _____ (name) was advised that I was a psychiatrist and the purpose of the interview was to evaluate his/her competency to undergo execution. I advised that I was not his/her treating physician and that the results of the interview were not confidential but would be shared with others. The inmate said he/she understood/did not understand (circle one) the information above.

Inmate _____ (name)[describe: grooming, demeanor, orientation, speech, mood and any other features relevant to the documentation of the inmate's competency on a separate report and attach to this form.]

Inmate _____ (name), CDCR# _____ understood his/her circumstances and:

Understood the nature of the death penalty and the reasons it was imposed.

Did not understand the nature of the death penalty and the reasons it was imposed.

It is my opinion that Inmate _____ (name) is competent/not competent (circle one) to undergo execution.

_____ (Print Name of Alienist)
Staff Psychiatrist

_____ (Signature of Alienist) _____
Staff Psychiatrist Date

ADOPT

NOTIFICATION BY WARDEN TO DISTRICT ATTORNEY CONCERNING SANITY OF CONDEMNED INMATE (PC § 3700, 3700.5, 3701)

To: _____, District Attorney, County of Marin

From: _____, Warden, San Quentin State Prison

Re: Condemned Inmate _____, CDCR # _____

Pursuant to Penal Code § 3701, There is good reason to believe that the above named inmate/defendant, who is under sentence of death, has become insane.

This is based on the following:

_____

_____

A. Information concerning the inmate:

1. County from which the inmate is under sentence of death: _____
2. Charges convicted of: _____
3. Date set for execution: _____

B. Enclosed with this memorandum are the following:

_____ 1. Copies of the reports of the three alienists who examined the Inmate/defendant per PC § 3700.5;

_____ 2. A copy of the inmate's psychiatric file;

_____ 3. Other _____

_____, Warden
California State Prison at San Quentin

Date: _____

ADOPT

LETHAL INJECTION CHAIN OF CUSTODY
SAN QUENTIN STATE PRISON

This form is the chain of custody that accompanies the Lethal Injection Chemical scheduled for the execution of _____ _____ at _____ on _____.
Inmate name CDCR # Time Date

STEP 1. Obtain the Lethal Injection Chemical from the Lethal Injection Chemical Supplier

Chemical name	Lot #	Expiration Date

Type and quantity of packages	Volume per package	Total amount

Name of Lethal Injection Chemical Supplier

Received by_____ Date_____ Time_____
Lethal Injection Team Member ID

Received by_____ Date_____ Time_____
Team Supervisor

Verified by_____ Date_____ Time_____
Team Administrator

STEP 2. Transfer of the Lethal Injection Chemical from the Lethal Injection Facility safe to the Infusion Sub-Team

Chemical name	Lot #	Expiration Date

Type and quantity of packages	Volume per package	Total amount

Received by_____ Date_____ Time_____
Infusion Sub-Team Member ID

Received by_____ Date_____ Time_____
Infusion Sub-Team Member ID

Verified by_____ Date_____ Time_____
Team Supervisor

STEP 3. Transfer of unused Lethal Injection Chemical from the Infusion Sub-Team to the Lethal Injection Facility safe (if necessary)

Chemical name	Lot #	Expiration Date

Type and quantity of packages	Volume per package	Total amount

Reason Lethal Injection Chemical Not Used

Received by_____ Date_____ Time_____
Team Supervisor

Verified by_____ Date_____ Time_____
Infusion Sub-Team Member ID

Verified by_____ Date_____ Time_____
Infusion Sub-Team Member ID

STEP 4. Final signature after completion of the lethal injection protocol.
(Original signed form to remain with Lethal Injection Chemical)

Team Administrator: _____ _____/_____
Print Name Date Time

_____
Signature

Team Supervisor: _____ _____/_____
Print Name Date Time

_____
Signature

ADOPT

San Quentin State Prison Lethal Injection
Infusion Sub-Team Execution Log - Pentobarbital

Inmate Name	CDCR #	Date of Execution

Record Keeping Sub-Team Member Identification #: _____

Lethal Injection Chemical _____

Total Dose Per Syringe _____ Total Dose Per Tray _____

Step	Task	Time	Comments
1.	Infusion Sub-Team Members arrive at the Lethal Injection Facility.		
2.	Transfer of chemicals to Infusion Sub-Team.		
3.	Prepare Lethal Injection Chemical according to Lethal Injection Chemical Supplier instructions.		
	TRAY A – Primary - Red		
4.	Draw 2.5 grams of the designated Lethal Injection Chemical into a syringe.		
5.	Label this syringe in red; A-1.		
6.	Repeat step 4 and label this syringe in red; A-2.		
7.	Repeat step 4 and label this syringe in red; A-3.		
8.	Draw saline flush into syringe and label in white; A-4.		
	TRAY B – Backup - Blue		
9	Draw 2.5 grams of the designated Lethal Injection Chemical into a syringe.		
10.	Label this syringe in blue; B-1.		
11.	Repeat step 9 and label this syringe in blue; B-2		
12.	Repeat step 9 and label this syringe in blue; B-3		
13.	Draw saline flush into syringe and label in white; B-4.		
	TRAY C – Alternate Backup - Yellow		
14.	Draw 2.5 grams of the designated Lethal Injection Chemical into a syringe.		
15.	Label this syringe in yellow; C-1.		
16.	Repeat step 14 and label this syringe in yellow; C-2.		
17.	Repeat step 14 and label this syringe in yellow; C-3.		
18.	Draw saline flush into syringe and label in white; C-4.		
	INFUSION. Once death is declared, infusion of any remaining chemical shall cease.		
19.	Infusion Sub-Team member or Intravenous Sub-Team member verifies proper preparation of Trays A, B and C.		
20.	Saline drip for primary catheter stopped.		
21.	Inject syringe #A-1.		

Step	Task	Time	Comments
22.	Consciousness check. If the inmate is not unconscious, check the catheter for patency. Continue to step 23.		
23.	Inject syringe #A-2.		
24.	Consciousness check (if necessary). If the inmate is unconscious, continue to step 25. If the inmate remains conscious, discontinue Tray A and initiate Tray B in the backup intravenous catheter (step 27).		
25.	Inject syringe #A-3.		
26.	Inject syringe #A-4 Saline Flush.		
	Backup. If all four syringes in Tray A have been administered and death has not been declared after 10 minutes, or if at any time during infusion the primary catheter has failed, continue to Tray B.		
27.	Saline drip for backup catheter stopped.		
28.	Inject syringe # B-1.		
29.	Consciousness check. If the inmate is not unconscious, check the catheter for patency. Continue to step 30.		
30.	Inject syringe # B-2.		
31.	Consciousness check (if necessary). If the inmate is unconscious, continue to step 32. If the inmate remains conscious, discontinue Tray B and initiate Tray C in the alternate backup intravenous catheter (step 34).		
32.	Inject syringe # B-3.		
33.	Inject syringe # B-4 Saline Flush.		
	Alternate Backup. If all four syringes in Tray B have been administered and death has not been declared after 10 minutes, or if at any time during infusion the backup catheter has failed, continue to Tray C.		
34.	Saline drip for alternate backup catheter stopped.		
35.	Inject syringe # C-1.		
36.	Consciousness check. If the inmate is not unconscious, check the catheter for patency. Continue to step 37.		
37.	Inject syringe # C-2.		
38.	Consciousness check (if necessary). If the inmate is unconscious, continue to step 39. If the inmate remains conscious, discontinue Tray C. The execution shall be stopped and medical assistance summoned.		
39.	Inject syringe # C-3.		
40.	Inject syringe # C-4 Saline Flush.		
	Physician declares death.		

Lethal Injection Team Administrator

Date

ADOPT

San Quentin State Prison Lethal Injection Infusion Sub-Team Execution Log - Thiopental

Inmate Name	CDCR #	Date of Execution

Record Keeping Sub-Team Member Identification #: _____

Lethal Injection Chemical _____

Total Dose Per Syringe _____ Total Dose Per Tray _____

Step	Task	Time	Comments
1.	Infusion Sub-Team Members arrive at the Lethal Injection Facility.		
2.	Transfer of chemicals to Infusion Sub-Team.		
3.	Prepare Lethal Injection Chemical according to Lethal Injection Chemical Supplier instructions.		
	TRAY A – Primary - Red		
4.	Draw 1.5 grams of the designated Lethal Injection Chemical into a syringe.		
5.	Label this syringe in red; A-1.		
6.	Repeat step 4 and label this syringe in red; A-2.		
7.	Repeat step 4 and label this syringe in red; A-3.		
8.	Repeat step 4 and label this syringe in red; A-4.		
9.	Repeat step 4 and label this syringe in red; A-5.		
10.	Draw saline flush into syringe and label in white; A-6.		
	TRAY B – Backup - Blue		
11.	Draw 1.5 grams of the designated Lethal Injection Chemical into a syringe.		
12.	Label this syringe in blue; B-1.		
13.	Repeat step 11 and label this syringe in blue; B-2.		
14.	Repeat step 11 and label this syringe in blue; B-3.		
15.	Repeat step 11 and label this syringe in blue; B-4.		
16.	Repeat step 11 and label this syringe in blue; B-5.		
17.	Draw saline flush into syringe and label in white; B-6.		
	TRAY C – Alternate Backup - Yellow		
18.	Draw 1.5 grams of the designated Lethal Injection Chemical into a syringe.		
19.	Label this syringe in yellow; C-1.		
20.	Repeat step 18 and label this syringe in yellow; C-2.		
21.	Repeat step 18 and label this syringe in yellow; C-3.		
22.	Repeat step 18 and label this syringe in yellow; C-4.		
23.	Repeat step 18 and label this syringe in yellow; C-5.		
24.	Draw saline flush into syringe and label in white; C-6.		

Step	Task	Time	Comments
INFUSION. Once death is declared, infusion of any remaining chemical shall cease.			
25.	Infusion Sub-Team member or Intravenous Sub-Team member verifies proper preparation of Trays A, B and C.		
26.	Saline drip for primary catheter stopped.		
27.	Inject syringe #A-1.		
28.	Consciousness check. If the inmate is not unconscious, check the catheter for patency. Continue to step 30.		
30.	Inject syringe #A-2.		
31.	Consciousness check (if necessary). If the inmate is unconscious, continue to step 32. If the inmate remains conscious, discontinue Tray A and initiate Tray B in the backup intravenous catheter (step 36).		
32.	Inject syringe #A-3.		
33.	Inject syringe #A-4.		
34.	Inject syringe #A-5.		
35.	Inject syringe #A-6 Saline Flush.		
	Backup. If all six syringes in Tray A have been administered and death has not been declared after 10 minutes, or if at any time during infusion the primary catheter has failed, continue to Tray B.		
36.	Saline drip for backup catheter stopped.		
37.	Inject syringe # B-1.		
38.	Consciousness check. If the inmate is not unconscious, check the catheter for patency. Continue to step 39 below.		
39.	Inject syringe # B-2.		
40.	Consciousness check (if necessary). If the inmate is unconscious, continue to step 41. If the inmate remains conscious, discontinue Tray B and initiate Tray C in the alternate backup intravenous catheter (step 45).		
41.	Inject syringe # B-3.		
42.	Inject syringe # B-4.		
43.	Inject syringe # B-5.		
44.	Inject syringe # B-6 Saline Flush.		
	Alternate Backup. If all six syringes in Tray B have been administered and death has not been declared after 10 minutes, or if at any time during infusion the backup catheter has failed, continue to Tray C.		
45.	Saline drip for alternate catheter stopped.		
46.	Inject syringe # C-1.		
47.	Consciousness check. If the inmate is not unconscious, check the catheter for patency. Continue to step 48 below.		
48.	Inject syringe # C-2.		

Step	Task	Time	Comments
49.	Consciousness check (if necessary). If the inmate is unconscious, continue to step 50. If the inmate remains conscious, discontinue Tray C. The execution shall be stopped and medical assistance summoned.		
50.	Inject syringe # C-3.		
51.	Inject syringe # C-4.		
52.	Inject syringe # C-5.		
53.	Inject syringe # C-6 Saline Flush.		
	Physician declares death.		

Lethal Injection Team Administrator

Date

STATE OF CALIFORNIA
RETURN ON EXECUTION WARRANT
CDCR 2178 (01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ADOPT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF _____

THE PEOPLE OF THE STATE OF CALIFORNIA	)	
	)	**Case No. _____**
vs.	)	
	)	
	)	
(_____) (inmate's name)	)	**RETURN ON EXECUTION**
_____	)	**WARRANT**

To the Honorable _____, Judge of the Superior Court of the State of California, County of _____:

I, _____, Warden of the California State Prison at San Quentin, in compliance with Section 3607 of the Penal Code of the State of California, do hereby certify:

The Execution Warrant entitled Judgment of Death and Commitment issued in this case on _____ (date) by the Honorable _____, Judge of the Superior Court for the County of _____, was received at this institution on _____ (date), as required by Penal Code Section 1227;

On _____ (date), shortly after 12:01 a.m., the above warrant was executed within the walls of San Quentin Prison, in compliance with the Execution Warrant, by administering a lethal injection to _____, until he/she was dead. A true and correct copy of the Certificate of Death is attached to this Return.

In accordance with the provisions of Penal Code Section 3605, I was present at this execution and invited the presence of those witnesses required by this Section.

DATED: _____

_____

_____, Warden
California State Prison at San Quentin

ADOPT

San Quentin State Prison Lethal Injection Intravenous Sub-Team Execution Log

Inmate Name	CDCR#	Date of Execution

Record Keeping Sub-Team Member Identification # _____

Step	Task	Time	Comments
1.	IV tubing and needles given final check.		
2.	ECG pads are placed on inmate's chest.		
3.	ECG leads attached to monitor.		
4.	Inspect inmate restraints to ensure circulation.		
5.	Insert intravenous catheter – Primary.		
6.	Primary catheter patency confirmed.		
7.	Intravenous drip initiated – Primary.		
8.	Insert intravenous catheter – Backup		
9.	Backup catheter patency confirmed.		
10.	Intravenous drip initiated – Backup.		
11.	Insert intravenous catheter - Alternate backup.		
12.	Alternate backup catheter patency confirmed.		
13.	Intravenous drip initiated - Alternate backup.		
14.	One Intravenous Sub-Team Member exits Lethal Injection Room and goes to Infusion Room to record infusion of chemicals on ECG graph paper.		
15.	One Intravenous Sub-Team Member takes position next to inmate to monitor intravenous lines and assess the consciousness of the inmate.		
INFUSION. Once death is declared, infusion shall cease.			
16.	Saline drip in primary infusion site is stopped.		
17.	Syringe #A-1 administered; mark ECG graph paper #A-1.		
18.	Sub-Team Member in Lethal Injection Room checks inmate for consciousness. Check catheter for patency if inmate is not unconscious.		
19.	Syringe #A-2 administered; mark ECG graph paper #A-2.		
20.	Sub-Team Member in Lethal Injection Room checks inmate for consciousness (if necessary).		
21.	Syringe #A-3 administered; mark ECG graph paper #A-3.		
22.	Syringe #A-4 administered; mark ECG graph paper #A-4.		
If Thiopental Is Used, Proceed to Step 23 Below.			
23.	Syringe #A-5 administered; mark ECG graph paper #A-5.		
24.	Syringe #A-6 administered; mark ECG graph paper #A-6.		
If chemicals on Tray B are used the backup catheter will be used.			
25.	Saline drip in backup site is stopped.		
26.	Syringe #B-1 administered; mark ECG graph paper #B-1.		

27.	Sub-Team Member in Lethal Injection Room checks inmate for consciousness. Check catheter for patency if inmate is not unconscious.		
28.	Syringe #B-2 administered; mark ECG graph paper #B-2.		
29.	Sub-Team Member in Lethal Injection Room checks inmate for consciousness (if necessary).		
30.	Syringe #B-3 administered; mark ECG graph paper #B-3.		
31.	Syringe #B-4 administered; mark ECG graph paper #B-4.		
If Thiopental Is Used, Proceed to Step 32 Below.			
32.	Syringe #B-5 administered; mark ECG graph paper #B-5.		
33.	Syringe #B-6 administered; mark ECG graph paper #B-6.		
If chemicals on Tray C are used the alternate backup catheter will be used.			
34.	Saline drip in alternate backup site is stopped.		
35.	Syringe #C-1 administered; mark ECG graph paper #C-1.		
36.	Sub-Team Member in Lethal Injection Room checks inmate for consciousness. Check catheter for patency if inmate is not unconscious.		
37.	Syringe #C-2 administered; mark ECG graph paper #C-2.		
38.	Sub-Team Member in Lethal Injection Room checks inmate for consciousness (if necessary).		
39.	Syringe #C-3 administered; mark ECG graph paper #C-3.		
40.	Syringe #C-4 administered; mark ECG graph paper #C-4.		
If Thiopental Is Used, Proceed to Step 41 Below.			
41.	Syringe #C-5 administered; mark ECG graph paper #C-5.		
42.	Syringe #C-6 administered; mark ECG graph paper #C-6.		
43.	Mark ECG graph paper when death is declared.		
44.	Prepare final report.		

Lethal Injection Team Administrator

Date

San Quentin State Prison
Lethal Injection Team Administrator/Team Supervisor Execution Log

ADOPT

Inmate Name	CDCR #	Date of Execution

Record Keeping Sub-Team Member Identification # _____

Step	Task	Time	Comments
1.	3 hours prior: Assemble Record-Keeping Sub-Team and make assignments.		
	Record Keeping Sub-Team activated; Execution Logs begin.		
2.	The Team Supervisor removes the Lethal Injection Chemical from the Lethal Injection Facility safe.		
3.	The Team Supervisor transfers custody of the Lethal Injection Chemical to two members of the Lethal Injection Infusion Sub-Team and completes the CDCR Form 2176 Lethal Injection Chain of Custody San Quentin State Prison.		
4.	The Team Administrator along with the Warden of San Quentin meet with the condemned inmate in the Lethal Injection Facility holding cell area. • Ask if the inmate wishes to write a last statement to be read after the execution. • Advise the inmate a sedative may be requested, and if approved by a physician, the sedative shall be administered under their direction.		
5.	The Lethal Injection Team Administrator and Team Supervisor take positions in the Infusion Control room.		
6.	Infusion of Lethal Injection Chemical is initiated.		
7.	Flat line noted on ECG.		
8.	Death declared.		
9.	Witnesses notified that inmate has expired.		
10.	Curtains drawn on viewing windows.		
11.	Inmate's body prepared for Coroner/Mortuary.		
	If chemicals on Tray B are used the backup catheter will be used.		
12.	Repeat protocol.		
13.	Flat line noted on ECG.		
14.	Death declared.		
15.	Witnesses notified that inmate has expired.		
16.	Curtains drawn on viewing windows.		
17.	Inmate's body prepared for Coroner/Mortuary.		
	If chemicals on Tray C are used the alternate backup catheter will be used.		
18.	Repeat protocol.		
19.	Flat line noted on ECG.		

Step	Task	Time	Comments
20.	Death declared.		
21.	Witnesses notified that inmate has expired.		
22.	Curtains drawn on viewing windows.		
23.	Inmate's body prepared for Coroner/Mortuary.		

Lethal Injection Team Administrator: _____ Date: _____

STATE OF CALIFORNIA
SAN QUENTIN STATE PRISON TEAM SUPERVISOR EXECUTION REPORT
CDCR 2182 (01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

ADOPT

San Quentin State Prison
Team Supervisor Execution Report

PAGE ___ OF ___

EXECUTION TEAM SUPERVISOR: **DATE:**

1. SUMMARY AND BRIEF DESCRIPTION OF EXECUTION:

2. UNUSUAL EVENT:

3. NARRATIVE OF EXECUTION:

INMATE NAME: LAST **FIRST** **MIDDLE** **CDCR #**

STATE OF CALIFORNIA
SAN QUENTIN STATE PRISON TEAM MEMBER EXECUTION REPORT
CDCR 2183 (01/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

San Quentin State Prison
Team Member Execution Report

ADOPT

TEAM MEMBER ID# **PAGE ___ OF ___**

TEAM ASSIGNMENT: **DATE:**

NARRATIVE:

INMATE NAME: LAST **FIRST** **MIDDLE** **CDCR #**

RETURN

STATE OF CALIFORNIA

NOTIFICATION OF EXECUTI DATE AND CHOICE OF EXECUTION METHOD

CDC [illegible] (Rev. 4/98)

DEPARTMENT OF CORRECTIONS
[illegible]

On _____ I, _____
MONTH, DATE, AND YEAR — PRINT OR TYPE FULL NAME

was served Warrant of Execution number _____ issued by

_____ County Superior Court on _____.
NAME OF COUNTY — MONTH DATE YEAR

It was explained to me that I have an execution date of _____
and that I may choose either lethal gas or lethal injection as the method of execution. I understand that I have ten days from the date of the service of the warrant, or until _____ to make this choice in writing to the Warden.
MONTH DATE YEAR

I also understand that if I do not make a choice, lethal injection will be the method of execution.

INMATE'S SIGNATURE		DATE SIGNED
[illegible]		[illegible]

COMMENTS OF WITNESS

NOT CAL

STATE OF CALIFORNIA
CHOICE OF EXECUTION METHOD
[illegible] (Rev. 4/98)

DEPARTMENT OF CORRECTIONS
DISTRIBUTION
[illegible] WARDEN
[illegible] CENTRAL FILE
[illegible] INMATE

On _____, I, _____,
MONTH, DATE, YEAR WARRANT WAS SERVED — PRINT OR TYPE FULL NAME

was served Warrant of Execution number _____ issued by the

_____ County Superior Court on _____
NAME OF COUNTY — MONTH, DATE, YEAR

I have been notified that my execution date will be _____
MONTH, DATE, YEAR

and that I may choose either lethal gas or lethal injection as the method of execution.

I understand that I had ten days from the date the warrant was served, or until _____ to make this choice in writing to the Warden.
MONTH, DATE, YEAR

I also understand that if I do not make a choice, lethal injection will be the method of execution.

This is to notify the Warden that my choice is _____
LETHAL GAS OR LETHAL INJECTION

(either lethal gas or lethal injection).

INMATE'S SIGNATURE	[illegible]	DATE
SIGNATURE OF WITNESS		DATE SIGNED

COMMENTS OF WITNESS

_____

_____

_____

SERVICE OF EXECUTION WARRANT
WARDEN'S INITIAL INTERVIEW
(DOC 130.1B (4/98)

I _____ have received a copy of the Warrant of Execution
PRINT INMATE'S NAME

number _____ issued by _____ County Superior Court on _____
NAME OF COURT MONTH, DAY, YEAR

I have had an opportunity to discuss its ramifications and other related issues with a prison administrator on _____ I understand that I am entitled to elect either lethal gas or lethal injection as the method of my execution. I further understand I must make my choice in writing to the warden. If I do not choose either lethal gas or lethal injection within ten days after the service of this execution warrant, I understand the method of execution will be lethal injection. I further understand if I receive a stay of execution, I will again have the opportunity to choose the method of execution when I am served with another execution date. I understand I have an execution date of _____
MONTH, DAY, YEAR

X _____
INMATE'S SIGNATURE

( ) Inmate has received a copy of the Warrant of Execution but refuses to sign for it

X _____
INMATE'S SIGNATURE

( ) Inmate understands he may choose either lethal gas or lethal injection as the method of execution

( ) Inmate understands he must make his choice in writing to the Warden within ten days after service of this execution warrant. This ten day period expires on _____
MONTH, DAY, YEAR

( ) Inmate understands he will be recontacted on the above date if the Warden has not received his written notice of choice.

( ) Inmate understands if he makes no choice, execution will be imposed by lethal injection

( ) Inmate understands the nature of the document and the possible ramifications

( ) Inmate has been in contact with legal counsel regarding this matter

( ) Inmate understands he will be interviewed by psychiatric staff and a report of their findings will be filed

( ) Inmate claims to be of the _____ faith

( ) Inmate understands he will be interviewed by a chaplain and a nonspecific report will be filed

( ) Inmate has had an explanation of the course of events set in motion by the Warrant of Execution