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Execution of Offenders Sentenced to Death

The Oklahoma Department of Corrections (ODOC) establishes procedures for planning and carrying out the execution of a person convicted of a capital offense and sentenced to death. These procedures shall be followed as written unless deviation or adjustment is required, as determined by the director of Corrections or their designee (in the event of an absence). This policy outlines the internal procedures and does not create any legally enforceable rights or obligations.

I. Definitions

A. Stay

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

Stop

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

II. Responsibility

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

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

1. Faithfully adheres to constitutional mandates against cruel and unusual punishment, in accordance with Article II, Section 9 of the Oklahoma Constitution and the Eighth Amendment to the United States Constitution;

2. Is handled in a manner that minimizes its impact on the safety, security and operational integrity of the facility and the community in which it occurs;

3. Accommodates the public's right to obtain certain information concerning the execution;

4. Reasonably addresses the privacy interests as provided by law;

5. Provides contingency planning to identify and address unforeseen problems;

6. Allows for stays of execution, commutations and other exigencies;

7. Provides opportunity for citizens to exercise their First Amendment Rights to demonstrate for or against capital punishment in a lawful manner; and

8. Ensures there is an appropriate response to unlawful civil disobedience, trespass and other violations of the law by any person attempting to impact the execution or the operation of the facility.

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

1. Violate prohibitions against filming, taping, broadcasting or otherwise electronically documenting the execution of the offender;

2. Trespass and otherwise enter upon ODOC property without authorization;

3. Participate in unlawful demonstrations or unlawfully attempt to disrupt, prevent and otherwise interfere with the execution; and

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

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

III. Conduct and Selection of Staff for Execution Teams

A. Conduct of Staff

1. Participating staff shall adhere to OP-110215, entitled “Rules Concerning the Individual Conduct of Employees” and guided principles evidenced by:

a. Appropriate levels of professionalism, restraint and courtesy when interacting with witnesses, demonstrators, attorneys, news media, state and local law enforcement and any other member of the public directly or indirectly involved with the imposition of the sentence of death;

b. All assigned duties are performed proficiently and professionally;

c. Their ability to exercise the option to withdraw from the process by the prescribed means at any time;

d. Conduct that appropriately reflects the solemnity of the activities in which they elect to engage and the duties they choose to perform;

e. Reserving public comment on any and all facets of the execution; and

f. Maintaining confidentiality of identifying information regarding any person who participates in or performs any function of an execution. As defined in Oklahoma State Statute Title 22, Section 1015, “The identity of all persons who participate in or administer the execution process and persons who supply the drugs, medical supplies or medical equipment for the execution shall be confidential and shall not be subject to discovery in any civil or criminal proceedings. The purchase of drugs, medical supplies or medical equipment necessary to carry out the execution shall not be subject to the provision of the Oklahoma Central Purchasing Act.”

2. All team members serve on a strictly voluntary basis. At any point before, during, or after an execution any team member may decline to participate or participate further without additional notice and explanation or repercussion.

3. The associate director of Field Operations shall ensure all team members understand and comply with the provisions contained herein.

B. Selection of Staff for Execution Teams

1. The associate director of Field Operations coordinates the activities of the division managers of East and West Institutions and the wardens of Oklahoma State Penitentiary (OSP) and Mabel Bassett Correctional Center (MBCC) in activating the Execution Teams.

2. The OSP and MBCC wardens shall review the current teams' rosters and recommend retention and replacement of staff and alternates to the division manager of West Institutions.

3. The division manager of West Institutions shall evaluate the teams' composition and the wardens' recommendations to the director.

4. In the selection and retention of any staff for the teams, the division manager for West Institutions shall consider:

    a. Employees suspended or demoted in the past twelve (12) months or currently under investigation shall not be selected;

    b. Special consideration may be given to staff with pertinent specialized training and qualifications;

    c. Staff shall only be assigned to one (1) team in the overall execution process;

    d. Staff serving on any team shall not be related to the offender by blood or marriage or have any other legal relationship with the offender, the offender's family or the crime victims(s); and

    e. Staff participation in the execution process is strictly voluntary. ODOC staff is not required to attend or participate in an execution.

5. Any staff volunteers may withdraw from performing their assigned duties specific to the execution at any time by advising their team leader, advising a team member or advising their immediate chain of command.

IV. Execution Teams

A. Command Team

1. Provides overall coordination of execution procedures.

2. Consists of a minimum of three (3) team members:

    a. Commander (division manager of East Institutions)

    b. Recorder

    c. Telephone Operator

    d. Others as necessary

3. The commander is selected by the director.

4. All other team members are selected by the division manager of East Institutions with the documented approval of the director.

B. H Unit Section Teams

1. The H Unit Section chief shall coordinate the activities of the H Unit Section Teams to ensure compliance with conditions of confinement and application of approved procedures.

2. The director shall select the H Unit Section chief.

3. The H Unit Section Teams shall be comprised of the Restraint Team and the Special Operations Team.

    a. Restraint Team

        (1.) Provides continuous observation of the offender on the day of the execution and applies appropriate restraint procedures and offender management prior to, during, and after the execution.

        (2.) Consists of one (1) team leader and six (6) team members divided into two (2) teams.

        (3.) The division manager of West Institutions shall select the team leader with the documented approval of the director.

        (4.) Team members are selected by the warden of OSP with the documented approval of the director.

    b. Special Operations Team

(1.) Implements the protocols associated with the administration of the chemicals for the execution.

(2.) Consists of a minimum of five (5) team members:

(a.) Team Leader

(b.) Recorder

(c.) Three (3) additional team members

(3.) The team members and team leader are selected by the division manager of West Institutions with the documented approval of the director.

(4.) The team leader shall designate functions of the team members.

C. Intravenous (IV) Team

1. The IV Team shall consist of a team leader and member(s) of any one (1) or more of the following:

a. Physician(s)

b. Physician assistant(s)

c. Nurse(s)

d. Emergency medical technician(s) (EMT)

e. Paramedic(s)

f. Military corpsman or other certified or licensed personnel including those trained in the United States military.

2. The team leader and member(s) shall be currently certified or licensed within the United States.

3. The team leader and member(s) shall be selected by the director.

a. Selection of any team member shall include a review of the proposed team member’s qualifications, training, experience, and/or any professional license(s) and certification(s) they may hold.

b. Licensing and criminal history reviews shall be conducted by the inspector general's office prior to assigning or retaining any team member and upon the issuance of an Order Setting Execution Date.

4. The division manager of West Institutions shall ensure the team leader and member(s) thoroughly understand all provisions contained herein as written and by practice.

5. Team members shall be required to participate in the training sessions scheduled twenty-four (24) hours prior to the actual execution.

6. Documentation of team members' qualifications, including training of the team members, shall be maintained by the director or his designee.

7. All information pertaining to the selection and review of the IV Team members shall remain confidential in accordance with Title 22, Section 1015 of Oklahoma State Statute.

D. Maintenance Response Team

1. Tests all H Unit equipment utilized to impose the sentence of death and ensures electrical, plumbing, heating and air conditioning units are in working order.

2. Consists of one (1) team leader and three (3) team members.

3. The team leader and members are selected by the warden of OSP.

4. Reports to the Command Team.

E. Critical Incident Management Team (CIMT)

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

2. Consists of one (1) team leader and three (3) team members.

a. The team leader is the Employee Assistance Program coordinator or designee.

b. Team members are CIMT responders and are selected by the Employee Assistance Program coordinator.

3. Reports to the Command Team.

F. Traffic Control Team

1. Supervises the movement of people and vehicles into and out of the facility before, during, and after the execution.

2. Consists of one (1) team leader and eight (8) team members.

3. Team members and the team leader are selected by the warden of OSP.

4. Reports to the Command Team.

G. Witness Escort Teams

1. Coordinates the movement of all pre-approved witnesses on and off facility grounds and within its perimeter.

a. One (1) Witness Escort Team is assigned to escort and assist each group of pre-approved officials, victims, news media and offender family witnesses.

b. Witness Escort Team members shall always remain with witnesses within established areas.

2. Consists of one (1) team leader and eight (8) team members divided into four (4) teams.

3. Team members and the team leader are selected by the warden of OSP.

4. Reports to the Command Team.

H. Victim Services Team

1. Ensures victims of the crime that resulted in the imposition of death are informed of the execution date and their opportunity to witness the execution.

a. The team explains the execution process.

b. If the victim is interested in attending, the team submits the victim's name(s) for consideration to the director.

2. Consists of one (1) team leader and one (1) team member.

3. The team leader is the Victim Services coordinator.

4. The team member is selected by the Victim Services coordinator.

5. Reports to the Witness Escort Team leader.

V. Training

The agency will establish protocols and training to enable staff to function in a safe, effective and professional manner before, during and after an execution.

A. The division manager of West Institutions shall establish a training schedule and identify dates for periodic on-site practice by the H Unit Section Teams, to include ten (10) training scenarios within the twelve (12) months preceding the scheduled execution. Multiple training scenarios can be accomplished on the same date, including but not limited to contingency plans for:

1. Issues with execution equipment or supplies;

2. Issues with offender IV access, including obtaining alternate IV access site(s);

3. Issues if offender is not rendered unconscious after administration of execution chemicals;

4. Unanticipated medical or other issues concerning the offender or an execution team member; and

5. Issues regarding order, security or facilities at OSP.

B. The H Unit Section Team shall initiate training sessions no less than once per week until the scheduled date of execution beginning thirty-five (35) days prior to the execution date.

C. The H Unit Section Team shall conduct a minimum of two (2) training sessions with multiple scenarios within two (2) days prior to the scheduled execution.

D. The IV Team members shall participate in at least one (1) training session with multiple scenarios, within one (1) day prior to the scheduled execution.

E. The Command Team leader shall conduct training of the following team members seven (7) days prior to the execution date.

1. Witness Escort Team
2. Maintenance Response Team
3. Critical Incident Management Team
4. Traffic Control Team
5. Victim Services Team

VI. Selection of Execution Witnesses

A. ODOC Staff Witnesses

The following staff shall be present at the execution:

1. Director or designee
2. H Unit Section chief
3. Other necessary correctional officials

B. Law Enforcement Witnesses

The following persons may be present at the execution:

1. State Attorney General or designee
2. Cabinet Secretary of Public Safety or designee
3. Judge who presided during the trial
4. Chief of police of the municipality in which the crime occurred
5. District attorney or designee of the county of conviction
6. Sheriff of the county of conviction

7. Lead law enforcement officials from agencies that investigated the crime or testified in court or clemency proceedings related to the crime.

8. In the event the defendant has been sentenced to death in one or more criminal proceedings in this state, or has been sentenced to death in this state and by one or more courts of competent jurisdiction in another state (or pursuant to federal authority), or any combination thereof, and this state has priority to execute the defendant, the general counsel must invite the district attorney, the judge and the chief law enforcement official from each jurisdiction where any death sentence has been issued. The above mentioned officials shall be allowed to witness the execution or view the execution by closed circuit television as determined by the director.

9. The law enforcement witnesses authorized to be present at the execution shall receive a two-week prior written notice of the scheduled execution. (Attachment A)

C. Victim and Offender Witnesses

1. Victim and Offender witnesses may be subject to a criminal records check which will be conducted using the “Oklahoma Department of Corrections Request for Record” (DOC 090211B).

2. The division manager of West Institutions shall prioritize persons to view the execution, including: surviving victims; offender’s immediate family members; individuals who served a close supporting role or professional role to the offender including, but not limited to, a minister or licensed counselor. The warden of OSP may set a limit on the number of viewers within occupancy limits.

3. The victim and offender witnesses authorized to be present at the execution shall receive a two-week prior written notice of the scheduled execution. (Attachment B)

a. Victim Witnesses

(1.) Any surviving victim of the offender who is eighteen (18) years of age or older may view the execution if approved by the general counsel and the warden of OSP.

(2.) As used in this section, 'surviving victim' means any immediate family member of the deceased victim who, as a direct result of the crime, suffered serious harm or injury due to the criminal acts of the offender of which the offender has been convicted in a court of competent jurisdiction.

(3.) Immediate family is defined as the spouse, child by birth or adoption, stepchild, parent by birth or adoption, stepparent, grandparent, grandchild, sibling or stepsibling of each deceased victim or the spouse of any immediate family member specified in this section.

(4.) Any surviving victim approved to view the execution of the offender may request to have an accompanying support person who serves a close supporting role or professional role to the deceased victim or an immediate family member, including, but not limited to, a minister or licensed counselor. The warden of OSP and the director shall approve or disapprove such requests.

(5.) A representative from the Attorney General's Victim Services Unit and the ODOC Victim Services team coordinator or designee shall be allowed to attend the execution.

b. Offender Witnesses

(1.) Witnesses may include five (5) persons, relatives or friends, and two (2) qualified ministers who are 18 years of age or older, as selected by the offender and approved by the general counsel and the warden of OSP. If the offender is female, approval shall be received by the warden of MBCC in conjunction with the warden of OSP

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

D. News Media Witnesses

1. News media witness selection is contingent upon adherence to the provisions stipulated in the “News Media Statement After an Execution” (Attachment E)

2. No more than five (5) members of the news media may be selected to witness the execution. First preference will be given to a local media representative in the market where the crime was committed and to the associated press.

2. News media witnesses shall be held to the same standards for conduct as are all other official witnesses.

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

4. The Command Team may exclude any news media witness at any time if the media witness fails to abide by the provisions of this policy.

5. News media witnesses are not permitted to bring unauthorized items into H Unit. Examples of unauthorized items include:

   a. Any electronic or mechanical recording device.

   b. Still, moving picture, or video tape camera.

   c. Tape recorders or similar devices.

   d. Radio/television broadcasting devices.

6. Each news media witness shall be provided a tablet of paper and a pencil for taking notes once they have completed security screening.

7. News media not selected to witness the execution shall remain in the designated Media Room during the execution.

E. Persons Excluded from the Execution Process

1. The correctional officers, case manager and medical staff who attended to the offender while in isolation shall not participate in the execution process.

2. Minors shall not be permitted to witness an execution.

3. The director shall retain full discretion as to the selection of, and any change in, the witnesses selected for each scheduled execution.

VII. Timeline of Events for Executions

A. Receipt of Order Setting Execution Date

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

1. General Counsel's Office

a. Notify the director and associate director of Field Operations.

b. Notify the division manager of West Institutions, the warden of OSP and, if a female offender, the warden of MBCC.

c. Forward the original Order Setting Execution Date to the warden of OSP or MBCC.

d. Notify the coordinator of the Victim Services Team who shall contact the victim(s) and inform them of the court's issuance of the Order Setting Execution Date.

e. Notify the appropriate government officials and law enforcement officials.

2. Director of Corrections

a. Select the time of the execution and provide notice to the Oklahoma Court of Criminal Appeals.

b. Under exigent circumstances, the director shall have the authority to change the timeframes established in this policy.

3. Warden of OSP or MBCC

a. Coordinate the monitoring and evaluation of offender activity at their facilities for any activity related to the execution or its impact on the facility operation.

b. Direct the offender to complete the “35-Day Notification Packet” (Attachments F-1 thru F-5) and return it to the warden no later than thirty (30) days prior to the scheduled execution date.

c. Notify the offender that minors are prohibited from witnessing the execution pursuant to Oklahoma State Statute Title 22, Section 1015.

d. Notify the offender’s family members as indicated by the offender.

e. Notify the offender that requests for ODOC or contract staff to attend the execution shall be denied.

f. Notify the offender that requests for other offenders to attend the execution shall be denied.

g. Notify the offender to review and update as necessary form ODOC 030120B entitled “Designation for Disposition of Property.” The warden shall direct the offender to provide any changes no later than fourteen (14) days prior to the execution. If the offender does not provide instruction, the property and accounts shall be disposed of in accordance with OP-030120, entitled “Offender Property.”

h. Advise the offender that his/her body shall not be used for organ donation.

i. Summarize the options available with the offender for release and disposition of his/her body.

(1.) The warden shall direct the offender to review the previously completed “Release of Remains and Burial Arrangements” form (Attachment C) and update as necessary no later than fourteen (14) days prior to the execution.

(2.) If the offender provides no instruction or the information is insufficient or incorrect, the deceased shall be disposed of in accordance with OP-140111, entitled “Offender Death, Injury and Illness Notification and Procedures.”

j. Summarize the options available to the offender for the release of medical information in accordance with HIPAA regulations.

k. Advise the offender he/she may request a last meal by completing the “Last Meal Request” (Attachment F-5). Reasonable effort shall be made to accommodate the request which shall not exceed $25.00.

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

1. Facility

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

(1.) Warrant has been read to the offender.

(2.) An outline was provided to the offender how conditions of confinement shall be modified over the next thirty-five (35) days with a brief description of the relevant aspects of the execution process. (Attachments F-1 thru F-5)

(3.) The offender’s medical condition shall be assessed in order to identify any necessary accommodations or contingencies that may arise from the offender’s medical condition or history.

(a.) Any medical condition or history that may affect the performance of the execution shall be communicated as soon as possible through the chain of command to the director, who shall confer with others as necessary to plan such accommodations or contingencies.

(b.) The facts of the assessment and any conclusions shall be documented in the offender's healthcare record.

(4.) Any concerns for establishing or maintaining IV lines and any concerns or plans for medical accommodations or contingencies shall be communicated to the Special Operations Team in order that they may be discussed and addressed in execution trainings or rehearsals.

(5.) An appropriate member of the mental health staff shall evaluate the offender approximately thirty-five (35) days prior to the execution to evaluate his or her stability and mental health in light of the scheduled execution.

(a.) Any concerns or contingencies affecting the execution process shall be communicated through the chain of command to the director as soon as possible and documented in the offender's healthcare record.

(b.) The director shall order the warden to notify the appropriate district attorney and the attorney general of any concerns or contingencies.

(6.) Transfer the offender to the appropriate cell on Death Row at OSP (or MBCC when the offender is female). Before transferring the offender into the cell, the offender shall be strip searched, x-rayed, screened on the calibrated BOSS Chair and then issued a new set of clothes and shoes to wear.

(7.) The assigned cell shall be thoroughly searched prior to placing the offender in the cell.

(8.) Place the offender on 24-hour continuous observation and post staff to the offender's cell to maintain visual contact with the offender.

(9.) Establish an observation log to chronicle staff's observations of the offender's activities and behavior until the sentence of death is imposed or a stay of execution is issued.

(10.) The shift commander shall be responsible for ensuring the information recorded in the observation logs includes, but is not limited to:

1. All statements or behaviors that could be detrimental to completing an execution;

2. All meals provided to the offender and what portions of the meals the offender consumed or refused;

3. All medications provided to the offender and the observations made by staff as to whether the offender ingested the medication as prescribed; and

4. All liquids consumed by the offender.

(11.) The warden shall be responsible for reviewing observation logs once every twenty-four hour period, excluding weekends and holidays.

(12.) In the instance where the offender is female, the thirty-five (35) day protocols shall be implemented with the offender housed at MBCC.

b. Conditions of Confinement

(1.) The warden shall:

(a.) Ensure none of the offender's personal property is transferred with the offender, except as provided in this section;

(b.) Have the offender's personal property inventoried in his/her presence before the transfer of cells occurs and then have it boxed, sealed and removed from the cell.

(c.) Store the offender's property pending receipt of written instruction by the offender regarding disposition of property, or otherwise dispose of the property as outlined in OP-030120, entitled "Offender Property;"

(d.) Allow the offender to keep in the cell one (1) cubic foot each of legal and religious materials, a safety ink pen, paper and a book or periodical;

(e.) Issue the offender a new mattress, pillow and bedding;

(f.) Provide the offender limited hygiene supplies, including a towel and washcloth and exchange these items on a daily basis;

(g.) Ensure all offender medications are unit-dosed and issued in liquid form, when available. None of the offender's medication, including over-the-counter medications, shall be dispensed or maintained by the offender as keep-on-person (KOP);

(h.) Ensure the offender has access to a ODOC television set that is secured inside the cell and does not have access to any other appliances; and

(i.) Continue to provide outdoor exercise and showers, non-contact visits and phone calls per the current schedule for other death row offenders.

c. State and Local Law Enforcement Briefing

(1.) The warden of OSP shall ensure state and local law enforcement is periodically briefed and adequately prepared for the execution.

d. Site Checks

(1.) All of the equipment necessary to the administration of the execution shall be available on site and in good working order including:

(a.) Transportation vehicles

(b.) Communication devices with inter-operability capability and restricted frequencies

(c.) Climate control

(d.) Tool control

(e.) Safety equipment

(f.) Audio/Visual equipment

(g.) Utility infrastructure

(h.) Key control/locking devices

(i.) Medical emergency response capability

2. Division Manager of West Institutions

a. Identifies and assigns team leaders and members, with documented approval by the director, and upon approval shall activate the teams.

b. Ensures preventative maintenance in H Unit occurs and that an equipment inventory is completed. If deficiencies are noted, ensures appropriate and timely action is taken to correct the deficiency.

c. Directs the initiation of the continuous observation log commencing thirty-five (35) days prior to the day of the execution. The log shall be maintained until the execution occurs or a stay of execution is issued.

d. Activates the training schedule ensuring staff participating in the execution receives adequate training, written instruction and practice, all of which is documented.

3. Division Manager of Correctional Health Services

a. Directs Health Services staff to conduct a medical records file review to identify any prescribed medication(s) and dosages the offender is currently or was recently taking. Health Services staff provider shall modify prescribed medication as may be necessary.

b. Directs Health Services staff to dispense all offender medications in unit doses and in liquid form, when available. No medication, including over-the-counter medication, shall be provided or maintained by the offender as KOP.

c. Ensures Health Services staff continuously monitors offender for significant changes in his/her medical and/or mental health. Reports findings immediately to the division manager of West Institutions and the general counsel.

4. Victim Services Office

a. Identifies and advises victims of the crime for which the offender has been sentenced to death of the issuance of the Order Setting Execution Date and the scheduled date and time of the execution.

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

1. Inspector General or designee

a. Finalizes arrangements with the State Medical Examiner for the disposition of the body, security for the medical examiner’s vehicle and the custodial transfer of the body.

b. Obtains a body bag and tag from the Medical Examiner’s office.

2. General Counsel

a. Finalizes a list and documented approval of all witnesses for the director’s review including official offender and victim witnesses through coordination with the offices of Victim Services.

b. Upon documented approval, the director or designee shall prepare a written invitation to each chosen witness.

c. Sends the completed list of approved witnesses to the warden of OSP.

E. Two (2) Days Prior to the Day of Execution

1. Division Manager of West Institutions

a. Schedules and conducts on-site scenario training sessions, modifying practices as warranted.

b. Confirms adequate staffing and vehicles are in place for regular operations and the execution.

2. Warden of OSP

a. Confirms staff assigned to the Maintenance Response Team (MRT) are scheduled and shall be on-site eight (8) hours prior to the time scheduled for imposition of sentence.

b. Restricts access to H Unit to those with expressly assigned duties.

c. Verifies execution inventory and equipment checks are completed and open issues resolved in accordance with established protocols.

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

1. Final preparation of the execution area is completed. Each room receives final evaluation specific to its functions including security, climate control, lighting, sound, sanitation, and ensures that separation screens and appropriate restraints are ready.

2. Detailed staff briefings detailing operational changes, security and intelligence information as well as protocol and checklist requirements are provided to facility staff through shift briefings, staff meetings, etc.

3. The offender’s telephone privileges shall be terminated at 2100 hours the day prior to the execution, excluding calls from the offender’s attorney of record and others as approved by the division manager of West Institutions.

4. The offender's visitation privileges shall be terminated at 2100 hours the day prior to the execution. The offender shall be permitted two (2) hours of in-person visitation with no more than two (2) attorneys of record, concluding two hours prior to the scheduled execution or earlier if necessary to begin preparing the offender for the execution.

5. The warden of OSP shall ensure the offender receives the last meal as requested in accordance with policy. Every reasonable effort to accommodate the last meal request shall be made. All eating utensils and remaining food and beverage shall be removed upon completion of the meal.

6. The Traffic Control Team shall confer with state and local law enforcement agencies, establish check points and parameters for traffic control, and formulate inter-agency emergency response strategies. The team shall also coordinate the ingress/egress for ODOC and contract staff and other persons whose attendance is necessary. This process shall continue through the conclusion of the execution process.

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

1. Restricting Access to Institution Property

a. During the final twelve hours prior to the execution, access to the Oklahoma State Penitentiary is limited to:

(1.) On-duty personnel

(2.) On-duty contract workers

(3.) Volunteers deemed necessary by the warden

(4.) Law enforcement personnel on business-related matters

(5.) Approved witnesses

b. Restriction to the facility shall remain in effect until normal operations are resumed after the execution or stay of execution is issued.

c. Any non-execution related visitation sessions or special visits shall be cancelled.

d. Approved witnesses are gathered and separated into pre-determined staging areas.

(1.) One (1) Witness Escort Team is assigned to escort and assist pre-approved officials, victims, news media witnesses and offender's witnesses.

(2.) Witness Escort Teams shall remain with the assigned witnesses within established areas.

(3.) The Victim Services Team coordinator shall meet with the victim(s) in the staging area and shall remain available to them throughout the process. The team shall provide support and advocacy as appropriate.

1. News Media Access

a. Reasonable efforts shall be made to accommodate the representatives of the news media before, during, and after a scheduled execution; however, the ODOC reserves the right to regulate media access to ensure the orderly and safe operations of its facility.

b. The Communications Office shall coordinate the release of information to news media outlets. All ODOC and contract staff is expressly prohibited from providing information not readily available in the public domain.

c. News media witnesses to the execution shall be limited to five representatives.

(1.) One seat will be given to a local media representative in the market where the crime was committed.

(2.) One seat will be given to the associated press.

(3.) Three seats will be chosen from the remaining media representatives with preference given to Oklahoma-based media.

d. If more than one media representative meets criteria for the available seats, a lottery or lotteries shall be held.

e. The public information officer shall provide general information regarding the execution and the offender.

f. News media witnesses shall return to the Media Room after the execution to answer questions of all other media representatives concerning their observations during the execution, prior to filing or reporting their story.

3. Offender Preparation and Observation Log

a. The offender shall be escorted to medical to receive a full body x-ray.

b. All property in the assigned cell shall be removed and the cell thoroughly searched prior to the return of the offender from medical.

a. The offender shall be strip-searched and screened on the calibrated BOSS Chair before placement in the cell.

b. The offender shall be issued one (1) pair each of pants, shirt, underwear and socks on the morning of the execution.

c. The cell shall be furnished with a mattress, pillow and pillowcase, one (1) each top and bottom sheet, blanket, wash cloth, towel, and toilet paper.

d. The offender may have a safety ink pen and paper, religious items, a book or periodical and indigent-sized hygiene supplies (liquid soap, toothpaste) and a toothbrush and comb. These items may be made available only for the duration of the use and shall be removed immediately thereafter. Any other requested property shall require approval by the warden and shall be documented.

e. The Restraint Team shall take custody of the offender and the observation log. The Restraint Team members shall assume maintenance of the log until the execution is completed or a stay of execution is issued.

f. The offender shall remain on continuous watch. The Restraint Team members shall record observations and make entries every fifteen (15) minutes, or as incidents occur, in the observation log during the final four (4) hours.

c. The warden will ensure the assigned cell is preserved and secured immediately after the offender is moved to the execution chamber. Entry will be limited to preservation of mission only and will be released by the inspector general once the execution is completed or a stay of execution is issued.

d. The offender may be offered a mild sedative.

e. No later than four (4) hours prior to the execution the offender may be offered an additional mild sedative.

f. These time frames may be adjusted as necessary in the event of a stay of execution or other exigencies.

4. Notification to Proceed With Execution

a. Prior to moving the offender from the holding cell to the execution table, the director shall confer with the attorney general or designee and the governor or designee to confirm there is no legal impediment to proceeding with the lawful execution.

b. The H Unit Section chief shall direct the Restraint Team to prepare and escort the offender into the execution chamber

c. The Restraint Team shall secure the offender on the execution table.

5. IV Site(s) Preparation and Establishment

a. The IV Team shall enter the Execution Room to prepare and insert a primary IV catheter and a backup IV catheter. The arm veins near the joint between the upper and lower arm shall be utilized as the preferred site for the IV injection.

b. The director, acting upon the advice of the IV Team leader, shall determine the catheter sites.

c. In the event that the IV Team is unable to establish an IV at a preferred site, the member(s) may establish an IV at an alternative site(s), including a central femoral venous line, for use by the Special Operations Team when administering execution drugs.

d. The IV Team may utilize a non-invasive device to assist in locating a vein.

e. The IV Team shall be allowed as much time as is necessary to establish a viable IV site(s).

f. If the IV Team is unable to establish viable IV sites(s) the member(s) shall consult with the director.

g. The director shall consult with others as necessary for the purpose of determining whether or how long to continue efforts to establish viable IV sites(s).

h. After one hour of unsuccessful IV attempts, the director shall contact the governor or designee to advise of the status and potentially request a postponement of the execution.

i. A central femoral venous line shall not be used unless the person placing the line is currently certified or licensed within the United States to place a central femoral line.

6. Confirming and Recording Establishment of IV Sites(s)

a. An IV Team member shall test the viability of the IV site with a low-pressure saline drip through IV tubing. If necessary, a heparin lock may be attached to the IV needle as an alternative to the saline drip.

b. The H Unit Section chief and IV Team leader shall both confirm the visibility of the IV sites.

c. The H Unit Section Team Recorder shall document in the execution timeline the number of attempts to establish an IV site.

7. Using Alternative IV Sites

a. The H Unit Section Team chief shall observe the offender during the injection process to look for signs of swelling or infiltration at the IV site, blood in the catheter, and leakage from the lines and other unusual signs or symptoms.

b. The H Unit Section Team chief shall determine whether it is necessary to use an alternate IV site.

c. Whenever it is necessary to use alternate IV sites, the Special Operation Team shall administer a full dosage of the execution drugs through the alternate site, using additional syringes as necessary, prepared in accordance with the terms of this policy.

d. In the event the H Unit Section Team chief changes to another IV site, the Special Operation Team recorder shall capture that information on the execution timeline.

8. Proceeding with the Execution

a. When the offender is secured on the execution table by the Restraint Team and readied by the IV Team, the H Unit Section Team chief shall advise the director and order the witnesses to their respective seating.

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

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

c. The H Unit Section chief shall read aloud a summary of the Warrant of Execution.

d. The H Unit Section chief shall ask the offender if he wishes to make a last statement that is reasonable in length and does not contain vulgar language or intentionally offensive statements directed at the witnesses. The microphone shall remain on during the last statement, after which time it shall be turned off. The microphone may be turned off earlier in the event the offender uses vulgarity or makes intentionally offensive statements.

e. The director shall instruct the disbursement of chemicals to begin by the prescribed means.

H. Pronouncement and Documentation of Death

1. The director or designee shall announce death has occurred.

2. The H Unit Section chief shall complete and sign the return of the Death Warrant. The H Unit Section chief is also responsible for coordinating with the general counsel's office for the filing of the document with the sentencing court and the Oklahoma Court of Criminal Appeals within forty-eight (48) hours.

3. The State Medical Examiner's Office shall be given custody of the body in order to issue a Certificate of Death.

I. Stay of Execution

1. Upon receipt of notification that the court and/or governor has issued a Stay of Execution, the director shall advise the Command Team.

2. Upon receipt of the notification, the H Unit Section chief shall:

a. Instruct the Special Operations Team to stand down.

b. Direct the Restraint Team to remove the offender from the chamber and return to the assigned cell if the stay of execution is less than thirty-five days.

(1.) Prior to moving the offender back to the assigned cell, the inspector general shall release the cell.

(2.) The assigned cell shall be thoroughly searched prior to placing the offender in the cell.

c. Advise the witnesses a Stay of Execution has been issued.

d. The Command Team shall inform the following teams of the Stay of Execution:

(1.) Traffic Control Team Leader

(2.) Critical Incident Management Team Leader

(3.) Communications Director

(4.) Victim Services Coordinator

(5.) Escort Team Leader

e. The Traffic Control Team leader shall notify any protestors of the issuance of the Stay of Execution.

J. Post Execution/Stay of Execution

1. The Witness Escort Teams shall commence escorting witness groups from H Unit in the prescribed order from the facility.

2. Each group of witnesses shall continue to be kept separated from the other groups at all times.

3. News media witnesses shall return to the Media Room to participate in the media briefing.

4. Victim witnesses speaking with the media shall be escorted to the Media Room.

5. Media may remain on site in a designated location outside the secure perimeter for a limited time to complete live broadcasts.

6. The Victim Services team leader ensures the victim(s) receives follow up phone calls and support.

K. Site Clean Up and Recording of Execution Drugs

1. In accordance with OP-040109, entitled “Control of Contraband and Physical Evidence,” the Special Operations Team leader shall

properly dispose of any execution drugs that have not been utilized. The drugs will be inventoried on the form entitled “Oklahoma State Bureau of Investigation Inventory of Drugs Submitted for Destruction,” (OP-040109, Attachment B) and forwarded to the Oklahoma State Bureau of Investigation.

2. The warden of OSP shall witness the disposal of the unused execution drugs and document the disposal in accordance with policy.

3. The Special Operations Team leader shall document the name, description, expiration date, and lot number of all execution drugs used.

4. The Special Operations Team Leader shall save any packaging of the used execution drugs or take photographs of such packaging of items.

5. Under supervision of a person designated by the warden, the execution room shall be cleaned and secured. Institutional staff trained in infectious diseases preventive practices shall utilize appropriate precautions.

L. Normal Operations

1. The Command Team shall determine when the prison shall resume normal operations.

2. ODOC staff shall be deactivated at the direction of the Command Team.

M. Execution Documentation

1. The division manager of West Institutions shall gather all documents pertaining to the executions and forward to the general counsel for archiving.

2. The division manager of West Institutions shall attach a copy of the death warrant and forward it to the general counsel, who shall then forward it to the court from which it was rendered, indicating the time and mode and manner of which it was accomplished. Copies of the report and log shall be sent to closed records department for filing. MBCC shall receive a copy for females that are executed.

N. After-Action Review

1. Immediately following an execution, all of the Execution Teams and the on-site administrators directly involved in the execution process shall meet to review the process of the execution.

2. Any unique or unusual events shall be discussed, as well as opportunities for improvement and successful procedures.

3. Actions and documentation of the events shall be reviewed to identify any discrepancies.

4. The review should serve as an opportunity for all involved personnel to voice their opinions, concerns, and/or recommendations.

5. The review shall be formally documented and retained for future reference.

O. Critical Incident Debriefing

1. The Command Team shall ensure that critical incident debriefings are available for the Execution Teams and staff participants immediately following the execution.

2. The Critical Incident Management Team shall conduct interviews in accordance with Critical Incident Program guidelines.

VIII. Quality Assurance Review

The director shall designate the division manager for Field Support to evaluate the performance of the execution process and report findings to the director.

A. The division manager shall review documentation, training, and professional qualifications, to ensure compliance with the written policy directive.

B. The division manager may utilize assistance as necessary to compile or assess the information, and may consult with others consistent with the confidentiality of the process.

C. Whenever appropriate, the division manager shall consult with a properly trained medical person when reviewing the medical aspects of the execution procedures.

D. The division manager shall provide consultation and advice concerning modifications in the written directive.

E. The division manager shall prepare a report to the director following each execution, with appropriate suggestions or recommendations as needed.