STATE OF OHIO

DEPARTMENT OF REHABILITATION AND CORRECTION

SUBJECT: **Execution**	PAGE 1 OF 11
	NUMBER: 01-COM-11
RULE/CODE REFERENCE: ORC 2949.22; 2949.25	SUPERSEDES: 01-COM-11 dated 05/14/2009
RELATED ACA STANDARDS:	EFFECTIVE DATE: November 30, 2009
	APPROVED: Terry J. Collins

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Ohio Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish guidelines for carrying out a court-ordered sentence of death.

III. APPLICABILITY

This policy applies to all individuals involved in carrying out a court-ordered death sentence in accordance with all applicable policies, administrative regulations and statutes.

IV. DEFINITIONS

Critical Incident Debriefing Team - A group selected by the SOCF Warden**,** and including the Religious Services Administrator available to assist any persons involved in the execution process. A psychological debriefing process is available via DRC clinical staff and others to recognize stressors associated with executions and to work through them with affected staff as follows:

- Worker's own experiences of the execution including reactions and perceptions.
- Review any negative aspects and feelings.
- Review any positive aspects and feelings.
- Relationships with workers and/or family.
- Empathy (sharing) with others.
- Disengagement from execution experience.
- Integration of this experience into the professional work role for a positive future contribution to the overall team effort.
- Exploring Religious Convictions and feelings.

Death Row – (1) A housing area at OSP that has been designated by the Director of the Department of Rehabilitation and Correction to house male inmates who are committed to the Department with a sentence of death; (2) a housing area at ORW that is similarly designated to house female inmates

committed to the Department with a sentence of death; (3) A housing area at MANCI that has been designated by the Director of the Department of Rehabilitation and Correction to house male inmates who are committed to the Department with a sentence of death who are determined to be seriously mentally ill pursuant to the criteria set forth in Department Policy 67-MNH-27, Transfer of Offenders to the Ohio State Penitentiary, or whose medical needs are inconsistent with assignment to OSP pursuant to Department Policy 68-MED-13, Medical Classification. Death Row is also a reference to a housing status for inmates sentenced to death; it is not a security classification.

Execution Team - A team consisting of no less than twelve (12) members, designated by the Warden of the Southern Ohio Correctional Facility (SOCF) and the Religious Services Administrator. Their duties also include preparation and testing of equipment, carrying out pre- and post-execution activities, and counseling with the inmate.

Lethal Injection - The application to the person, upon whom the sentence was imposed, of a lethal injection of a drug or combination of drugs of sufficient dosage to quickly and painlessly cause death. The application of the drug or combination of drugs shall be continued until the person is dead.

Reprieve - The postponement of an execution.

Stay - A court-ordered suspension or postponement of a legal execution.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to carry out the death penalty as directed by Ohio Courts of Law. All execution processes shall be performed in a professional, humane, sensitive, and dignified manner. It is the responsibility of the Director to designate a penal institution where death sentences shall be executed. The Warden of that facility, or Deputy Warden in the absence of the Warden, is responsible for carrying out the death sentence on the date established by the Ohio Supreme Court.

VI. PROCEDURES

A. General Guidelines

1. All offenders sentenced to death by a court of law will be transported to a reception center within the Ohio Department of Rehabilitation and Correction for initial processing. Upon completion of the reception process the offender will immediately be transferred to the designated institution: Mansfield Correctional Institution (MANCI) or Ohio State Penitentiary (OSP) for male offenders or Ohio Reformatory for Women (ORW) for female offenders.

2. All court-ordered executions shall be carried out at the Southern Ohio Correctional Facility (SOCF) at 10:00 a.m. on the scheduled execution date.

3. Unless otherwise designated by the Director/designee, the condemned inmate will remain on death row until transferred to the Death House at SOCF for scheduled execution.

4. The Ohio Supreme Court shall designate the date of execution. Upon receipt of a scheduled execution date, the Warden of the institution housing the inmate shall notify the Director, the Religious Services Administrator, and the SOCF Warden.

5. Attendance at the execution is governed by the Ohio Revised Code, section 2949.25 and includes:

   a. The Warden or Acting Warden of the institution where the execution is to be conducted, and such number of correction officers or other persons as the Warden or Acting Warden thinks necessary to carry out the death sentence.
   b. The Sheriff of the county in which the prisoner was tried and convicted.
   c. The Director of the Department of Rehabilitation and Correction, or designee and any other person selected by the Director/designee to ensure that the death sentence is carried out.
   d. Such number of physicians of the institution where the execution is to be conducted and medical personnel as the Warden or Acting Warden thinks necessary.
   e. The prisoner may select one of the following persons: the Religious Services Administrator, minister-of-record, clergy, rabbi, priest, imam, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination or sect, subject to the approval of the Warden.
   f. Three persons designated by the prisoner who are not confined in any state institution subject to the approval of the Warden or Acting Warden based on security considerations.
   g. Three persons designated by the immediate family of the victim, subject to the approval of the Warden or Acting Warden based on security considerations, as detailed in Department Policy 03-OVS-06, Victim Involvement in the Execution Process.
   h. Representatives of the news media as the Director/designee authorize which shall include at least one representative of the following: a newspaper, a television station, and a radio station.

6. The SOCF Warden shall establish procedures for conducting executions consistent with all applicable laws, administrative codes, and DRC policies. This will include the establishment of a communication system between the Governor's Office and the SOCF Command Center.

   a. Primary communications will be via a telephone line opened directly to the SOCF Command Center from the execution chamber. This line will be tested one (1) hour prior to the scheduled execution. Other than testing, this line will remain open.
   b. Secondary communications will be via cellular telephone.
   c. In the event that both the primary and secondary communications are inoperable, the execution will be delayed until communications are established.

B. **Execution Procedures**

1. Approximately thirty (30) days prior to the scheduled execution date:

   a. The Managing Officer of the institution where the inmate is housed will notify the Director by memo, with copies going to the Regional Director, DRC Chief Counsel,

Assistant Director, APA, Ohio State Highway Patrol (Portsmouth and Jackson), and the Office of Victim Services.

b. The SOCF Execution Team will begin conducting training sessions no less than once per week until the scheduled date of execution. Training in the following topics will be provided for every member of the execution team prior to service and at least once per year thereafter:

i. the general nature and effects of the drugs that are used during the execution process,
ii. medication administration procedures, including the insertion of the IV needles and administration of intramuscular injections,
iii. signs or symptoms of problems when administering medications, and
iv. any legal developments of significance.

c. The Religious Services Administrator (RSA) shall make contact with the inmate to establish counseling and family contact information.

d. Prior to commencement of the initial training session, the Warden or the team leader will verify and document that the execution team includes persons who are currently qualified under Ohio Law to administer and prepare drugs for intravenous and intramuscular injections, and that the persons have at least one year experience as a certified medical assistant, phlebotomist, EMT, paramedic or military corpsman. Medical team members shall provide evidence of certification status at least once per year and upon any change in status.

e. All persons assigned to the execution team will be provided with a copy of this policy directive, to include subsequent revisions, and shall sign for its receipt.

2. Approximately seven (7) days prior to the execution:

a. The Managing Officer of the institution where the inmate is housed will have the Execution Information Release (DRC1808) completed by the condemned prisoner. This information will verify information on the condemned prisoner, visitors, witnesses, spiritual advisor, attorney, requested witness, property, and funeral arrangements.

b. The names of official witnesses/media witnesses will be supplied to the SOCF Warden, as outlined in this policy.

c. The names and relationships of the victim's witnesses will be supplied to the SOCF Warden.

d. The RSA will provide family information from the inmate to the Warden at SOCF.

3. Approximately twenty-four (24) hours prior to the scheduled execution:

a. The condemned prisoner will be transferred from Death Row and housed in the Death House at SOCF. The condemned inmate will be constantly monitored by at least

three (3) members of the execution team. A log will be maintained including, but not limited to, visitors, movement, mood changes, meals served, showers, telephone calls, etc.

b. An authorized independently licensed mental health professional will interview the prisoner periodically and submit progress reports to the Warden. All inmate files shall be maintained in the Warden's office at SOCF.

c. The Warden will establish a line of communication with DRC legal staff and the Attorney General's Office for notice of case status and/or other significant legal changes.

d. The RSA will provide counseling and spiritual support unless the inmate requests not to have contact.

e. Beginning with his arrival at SOCF, the inmate will not be forced to meet with non-staff visitors that he does not wish to see.

4. The following events will take place upon the inmate's arrival at the Death House:

a. Once the condemned inmate is at SOCF, the Death House will be restricted to the following:

Director/designee(s)
Warden
Chief Public Information Officer(s)
Institution Deputy Warden
Administrative Assistant to the Warden
Chaplain
Physician
Independently Licensed Mental Health Professional
Chief of Security
Maintenance Superintendent
Any other person as deemed necessary by the Warden.

b. Every possible effort shall be made to anticipate and plan for foreseeable difficulties in establishing and maintaining the intravenous (IV) lines. The condemned prisoner shall be evaluated by appropriately trained medical staff on the day of arrival at the institution, to evaluate the prisoner's veins and plan for the insertion of the IV lines. This evaluation shall include a "hands-on" examination as well as a review of the medical chart, to establish any unique factors which may impact the manner in which the execution team carries out the execution. At a minimum, the inmate shall be evaluated upon arrival, later that evening at a time to be determined by the Warden, and on the following morning prior to nine a.m. Potential problems shall be noted and discussed, and potential solutions considered, in advance of the execution.

c. SOCF chaplains will make periodic visits to the condemned prisoner, if requested by the inmate.

d. The Deputy Warden of Operations will assign security personnel to staff entrances, checkpoints and to assist the Ohio State Highway Patrol (OSHP).

e. The Execution Team Leader will ensure that the prisoner's property is inventoried in front of the prisoner. The condemned prisoner will have previously, per paragraph B2, specified who is to receive his or her personal effects.

f. The condemned prisoner will, per paragraph B2, specify in writing his/her request for funeral arrangements.

g. The Execution Team Leader will ask the condemned inmate to identify his or her last special meal request. The last meal will be served at approximately 4:00 p.m. the day prior to the scheduled execution.

h. The condemned prisoner will be allowed contact visits with family, friends and/or private clergy, as approved by the Warden, between the hours of 4:30 p.m. and 7:30 p.m. on the day prior to the scheduled execution. Cell front visits will be permitted between the hours of 6:30 a.m. and 8:00 a.m. on the day of the scheduled execution. The attorney and spiritual advisor may continue to visit with the condemned until 8:45 a.m. The Warden may increase the visiting opportunities at his discretion.

i. All communication equipment will be tested, including primary and secondary communication with the Governor's Office.

j. Key personnel will be briefed by the Warden, including medical and mental health, in order to allow intake information to be obtained.

k. The Warden will receive updates from security personnel and the OSHP on crowd control, demonstrations, pickets, etc.

l. The Chief of Security or designee will brief the Warden on the level of tension within the remainder of the prison population.

m. The Warden will relay any out of the ordinary activity to the South Regional Director.

n. The Execution Team will continue to prepare as needed.

o. The Warden shall consider the needs of the condemned inmate, visitors and family members, the execution team, prison staff and others, and may make alterations and adjustments to this or other policies as necessary to ensure that the completion of the execution is carried out in a humane, dignified and professional manner.

5. Approximately one (1) hour prior to the scheduled execution:

a. The prisoner will be permitted to take a shower and dress in the designated clothing for the execution.

b. Official witnesses to the execution will report to the institution. The victim's witnesses will report to the Portsmouth Highway Patrol Post for escort to the institution by designated SOCF personnel.

c. The RSA will be present to counsel and provide spiritual support to the inmate and staff.

6. Approximately fifteen (15) minutes prior to the scheduled execution:

a. The Warden shall read the death warrant to the condemned prisoner.
b. All authorized witness groups will be escorted to the death house separately by designated staff.

7. These procedures shall be followed concerning the medications used in the execution.

a. Upon notification to the Warden of a firm execution date, a person qualified under Ohio law to administer medications shall order a quantity of the following drugs in a timely manner from the institution's licensed pharmacist: thiopental sodium, midazolam and hydromorphone. A sufficient quantity shall be ordered as a contingency against the contamination or other inadvertent loss of any of the drugs.

b. On the day of the execution, the person qualified under Ohio law to administer medications shall take possession of the drugs thiopental sodium, midazolam and hydromorphone from the institution pharmacy, and shall document possession of the drugs by signing a receipt or log. The person qualified under Ohio law to administer medications shall deliver the drugs to the death house.

c. The person qualified under Ohio law to administer medications shall, in the presence of a second medically qualified person, give possession of the drugs to a person qualified to prepare intravenous and intramuscular injections. This transfer shall be documented by a receipt signed by these three parties. The person qualified under Ohio law to administer medications shall notify the command center upon the delivery of drugs and the command center shall log the time of delivery, the quantity, name and type of drugs delivered.

d. The drugs shall be prepared for injection by a person qualified under Ohio law to administer and prepare drugs for intravenous and intramuscular injections. The preparation of the drugs shall be monitored by a similarly qualified witness who shall independently verify the preparation and dosage of the drugs. Both medical professionals shall document and sign a written verification of the preparation and dosage of the drugs, which may be noted on the medication receipt referred to in paragraph c. above. When the drugs are prepared, the command center shall be notified and the time of the preparation recorded. The command center shall also record what drugs were prepared, the quantity, name and dosage of the prepared drugs.

e. The drugs shall be prepared as follows:

i. Five grams of thiopental sodium prepared with 25 mg/cc concentration, 40 cc per gram for a total of 200 cc which are placed in five syringes labeled "1" through

"5." Five additional grams shall be obtained and kept available in the area of the execution chamber, but need not be mixed and prepared unless the primary dose of five grams proves to be insufficient for the procedure. Five additional syringes labeled "6 through "10" shall be kept available for contingent use.

ii. 10 mg of midazolam shall be obtained or prepared with 5mg/mL concentration. 40 mg of hydromorphone shall also be obtained or prepared with 10 mg/mL concentration. Drugs for intramuscular injection may be drawn up into syringes for use as needed if the decision is made to use an alternative method. The midazolam and hydromorphone in the amounts specified above shall be drawn into or mixed in a single syringe for intramuscular injection, which shall be labeled "A". A second such syringe shall be prepared if needed, and shall be labeled "B." A third syringe of 60 mg of hydromorphone only shall also be prepared if needed and labeled as "C." These syringes shall be used if the team is unable to obtain IV sites, or if an IV injection is initiated and subsequently abandoned before the procedure is concluded.

iii. Depending upon the form and concentration of drugs delivered, it may be necessary to modify the preparation of syringes. In the event of any modification for any reason, a qualified witness shall review any modifications and the command center shall be notified and any changes recorded.

f. The execution team shall enter the holding cell to prepare the IV sites. The member(s) of the execution team who inserts the needle and starts the intravenous connection shall be a person trained and licensed under Ohio law to administer intravenous and intramuscular medications. This team member and any others performing duties related to the administration of the drugs shall have at least one year of experience as a certified medical assistant, phlebotomist, EMT, paramedic or military corpsman. The appropriate team member(s) shall evaluate and consider the establishment of one or two viable IV sites. The team member(s) shall make such number of attempts to establish IV sites as may be reasonable under the circumstances and shall take the amount of time necessary when pursuing this objective. This step shall be accomplished in the holding cell, and the staff shall utilize heparin locks to create the sites and keep them open. The team shall test the viability of the IV site with a small amount of saline, to be flushed through the heparin lock.

g. The arm veins near the joint between the upper and lower arm will be utilized as the preferred site for the IV injection. The team may utilize a non-invasive device such as a light, if desired, to assist in locating a vein. In the event that the execution team is unable to prepare the inmate's veins at the preferred site to receive the intravenous dose of drugs, a qualified medical person authorized to administer intravenous and intramuscular drugs may use an alternative site to deliver the drugs as they may be authorized by law.

h. The team members who establish the IV sites shall be allowed as much time as is necessary to establish one or two viable sites. If, due to the passage of time, the difficulty of the undertaking or other reasons, the team members question the feasibility of establishing two or even one site, the team will consult with the Warden.

The Warden, upon consultation with the Director and others as necessary, will make the decision whether or how long to undertake or continue efforts to establish an IV site. The Director shall also consult with legal counsel, the office of the Governor or any others as necessary to discuss the issue and alternatives.

i. If, after consultation, the Director and the Warden decide to proceed with an alternate method of execution, further attempts to establish an IV site may be discontinued.

8. Execution:

a. The Warden and Execution Team will escort the condemned prisoner to the execution chamber, place the condemned prisoner on the lethal injection bed, secure the straps and insert the intravenous injection tubes if intravenous injection is the method used. The team shall roll up the inmate's sleeves or take other steps to ensure that the arms are plainly visible to persons in the chamber and to those in the equipment room. The Warden, Team Leader and medical team members will all confirm the visibility of the IV sites. Once the injection tubes have been connected, a low-pressure saline drip shall be connected to the IV site(s) if the method is IV administration.

b. Upon the prisoner's entry into the chamber, a member of the medical team in the equipment room will announce each step or action taken by any member of the medical team for the purposes of having those steps recorded in the written record.

c. The Warden will ask the condemned prisoner if he has any last words. If the prisoner has a last statement, he will be allowed to make it while the witnesses are present in the adjacent viewing chambers, and are able to see him and hear him via microphone. There will be no restriction on the content of the condemned prisoner's statement and no unreasonable restriction on the duration of the prisoner's last statement.

d. Upon the Warden's signal, the injections shall be administered in the order described above by a person qualified under Ohio law to administer intravenous and intramuscular injections. One additional person who is qualified to administer intravenous and intramuscular injections shall be present in the control room to observe the administration. The start and finish time of each syringe shall be reported to the command center and recorded in a log. If an IV injection is used, the low-pressure saline drip shall be allowed to flush saline through the line(s) following completion of the IV medication administration.

e. The execution team leader, the person who administers the drugs and the Warden shall observe the inmate throughout the time that the drugs are being administered to the inmate. The team leader, the drug administrator and the Warden will watch 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. The person who connects the medication lines shall reenter the chamber following administration of the IV medication to inspect the IV site for evidence of incontinence or infiltration and to listen to the inmate for breathing sounds. If problems are detected during the administration of the drugs, the problem shall be corrected or the injection site changed. The medical team member who administers the drug may change IV sites whenever it appears necessary and may confer with the

Warden as desired. If it appears necessary to the Warden or the team leader that it is necessary to switch IV sites, the matter shall be communicated to the medical team member who administers the drugs. If the drug administrator switches sites, that fact shall be announced and recorded. In the event that the previously established IV site(s) become compromised, the team may take such time as may be necessary to establish a viable IV site or may consider the alternative method below. Whenever it is necessary to change IV sites during the execution process due to a deficiency in the initial IV site, the medication protocol and sequence must be started again.

f. If the Director and Warden decide IV injections should not be used, or if an IV injection is commenced and abandoned, the alternative method of conducting the execution may be used.

i. A medical team member shall enter the chamber at the direction of the Warden and shall administer an intramuscular injection of 10 mg midazolam and 40 mg hydromorphone, labeled syringe "A," into a large muscle of the condemned prisoner, usually the deltoid or triceps muscle. Alternative sites may include the hip, thigh or other location as may be appropriate under the circumstances.

ii. Five minutes after injection of this medication, a medical team member shall re-enter the chamber to listen for breathing sounds. If the inmate is still breathing, the medical team member shall administer an intramuscular injection of 10 mg midazolam and 40 mg hydromorphone, labeled syringe "B," into a large muscle.

iii. Five minutes after injection of this medication, a medical team member shall re-enter the chamber to listen for breathing sounds. If the inmate is still breathing, the medical team member shall administer an intramuscular injection of 60 mg of hydromorphone only, labeled syringe "C," into a large muscle.

iv. Any additional doses shall be administered as described for syringe "C."

g. At the completion of the lethal injection process and after a sufficient time for death to have occurred, the curtain will be closed and an appropriate medical professional will evaluate the offender to confirm the fact of his or her death. The curtain will then be re-opened and the Warden will announce the time of death.

9. Post-Execution:

a. The Warden, or his designee, will notify the Director that the execution has been carried out.

b. The RSA or the inmate's Spiritual Advisor will anoint the body of the inmate if requested by the inmate.

c. The RSA will coordinate the burial of the inmate's body with local chaplains if the inmate's family does not want the body.

d. The Execution Team will remove the deceased from the execution bed and place him or her on a gurney.

e. Disposition of the body will be in accordance with arrangements made prior to the execution at the prisoner's request.

f. The Warden will sign and return the death warrant to the court, indicating the execution has been carried out.

g. One member of the medical team shall properly dispose of any unused medications while another medical team member witnesses. Both medical team members shall record the disposal or return of unused medications in an incident report, which shall be submitted to the Team Leader.

10. Debriefing:

a. The Warden will ensure that critical incident debriefings are available for the Execution Team and staff participants immediately following the execution.

b. The critical incident debriefing team will conduct interview in accordance with CIM guidelines.

c. The RSA will be available for debriefing for the staff and the family of the inmate

Related Department Forms:

Execution Information Release	DRC1808