

CHAPTER 1: PRE-EXECUTION CHECKLIST

I. General Provisions

A. Purpose of Chapter

1. The purpose of this chapter is to provide a checklist of procedures and events that should occur between the period of time prior to the establishment of an execution date and 24 hours prior to the execution.
2. Full detail will not be provided for each procedure or event in this chapter. For detail, refer to specific chapters which follow.
3. This chapter covers the following time periods:
 - a. prior to the execution date being established;
 - b. establishment of the execution date to thirty days prior to the execution;
 - c. twenty-nine to fourteen days prior to the execution;
 - d. thirteen to seven days prior to the execution;
 - e. six to three days prior to the execution; and
 - f. forty-eight to twenty-four hours prior to the execution.

B. Policy

1. A systematic countdown to execution must be completed to ensure that all procedures and events necessary to adequately prepare for the execution are completed in a timely manner.
2. Absent intervention by the court system or the President as noted in Chapter 7, delays in the countdown process will only occur in extraordinary situations relating to the security and good order of the institution as approved by the Director of the BOP.

II. Establishing an Execution Date

After a sentencing hearing is conducted in a United States District Court resulting in a determination that a criminal defendant be sentenced to death for commission of an offense described in a Federal statute, and the sentencing judge signs the appropriate Judgment and Order:

- A. Except to the extent a court orders otherwise, the Director of the BOP will designate a date, time, and place for the execution of the sentence. On June 18, 1993, the Director of the BOP established the United States Penitentiary, Terre Haute, Indiana, as the site of such executions. The following individuals/offices will be advised in writing of the execution date: the sentencing judge, Attorney General, Office of the Deputy Attorney General, Office of the Pardon Attorney, the Assistant Attorney General for the Criminal Division, the Chief of the Capital Crimes Unit, Director of the United States Marshals Service (USMS), the Office for Victims of Crime, Assistant Director for Correctional Programs Division, Assistant Director for General Counsel and Review Division, appropriate Regional Director, United States Attorney's Office for the district of conviction, United States Attorney's Office for the Southern District of Indiana and Warden of USP Terre Haute.
- B. Under current federal regulations, the date established will be no sooner than 60 days from the entry of the judgment of death (28 C.F.R. § 26.3(a)(1)) and notice of it must be given to the defendant no later than 20 days before the execution (28 C.F.R. § 26.4(a)). If the date designated passes by reason of a stay of execution, then a new date will be promptly designated by the Director of the BOP when the stay is lifted.
- C. The Warden of USP Terre Haute will notify, in writing, the condemned individual under sentence of death, of the date designated by the Director for execution at least 90 days in advance. If the designated execution date is stayed, notice of the new execution date must be given no later than 20 days before the execution, if time permits and if not, as soon as possible. If the execution date is set by a judge, the Warden will notify the condemned individual, in writing, as soon as possible. The Warden will include information concerning the clemency application process in the written notice. Under 28 C.F.R. §1.10(b), a petition for commutation of sentence should be filed no later than 30 days after the condemned individual has received notification from the Warden of the execution date.
- D. Unless the President interposes, the execution of the sentence will not be stayed on the basis of the condemned individual filing a petition for executive clemency.

III. Period of Time Between Establishment of an Execution Date to Thirty Days Prior to the Execution

The following procedures should be completed between the time an execution date is set and 30 days prior to the execution.

A. Briefing the Condemned Individual

As soon as practical after establishment of the execution date, the Warden at USP Terre Haute or designee, will personally brief the condemned individual regarding relevant aspects of the execution process including information contained in items C through F of this section. A briefing sheet outlining these aspects of the execution will be given to the condemned individual. If requested, a copy of the briefing sheet will be given to a representative identified by the condemned individual. In addition, the Warden will ascertain the inmate's religious preference.

B. Condemned Individual's Choice of Witnesses

When the condemned individual is informed by the Warden of the execution date, he/she will be advised that he/she may designate not more than one spiritual adviser, two defense attorneys, and three adult friends or relatives (at least 18 years old) to be present at the execution. The condemned individual will be asked to submit the list of his/her witnesses to the Warden no later than 30 days after notification of the date of the scheduled execution.

C. Disposition of Personal Property and Accounts

The Warden will review the options available to the inmate for property/account distribution and will ask the condemned individual to provide instructions, no later than 14 days prior to the execution, concerning the disposition of the personal property and funds in any accounts controlled or administered by the SOP. If the condemned individual fails to provide instructions for such disposition, the property/accounts will be disposed of in accordance with the Accounting Management Manual and Inmate Systems Management Manual.

D. Organ Donation

The condemned individual's body will not be used for organ donation.

E. Disposition of Body

The Warden will review options available to the condemned individual following the release of the body to the Vigo County Coroner. He will ask the condemned individual to provide instructions concerning the disposition of his/her body no later than 14 days prior to the execution. If the condemned individual fails to provide instructions, the body will be handled in accordance with the Accounting Management Manual.

F. Designation of Persons Required to Assist with the Execution

1. Those persons necessary to carry out the execution will be identified.
 - a. The Warden, with the assistance of the Director, USMS, and the Director, BOP, will be responsible for identifying, selecting and obtaining the services of the individuals administering the lethal injection.
 - b. The Warden is responsible for selection of the persons involved in perimeter security, transportation, and command post operations, as well as crowd control, support functions and access screening.
2. Individuals will be identified for placement in all vital or important positions. Alternates will also be identified. The Assistant Director, Correctional Programs Division, Regional Director, and the Warden will determine which positions require alternates and will ensure adequate coverage is provided.
3. No officer or employee of the Department of Justice will be required to be in attendance at or participate in any execution if such attendance or participation is contrary to the moral or religious convictions of the officer or employee. Staff participation in the execution process must be on a voluntary basis.

G. Other Approved Witnesses

1. In addition to the United States Marshal designated by the Director of the USMS (hereafter called the "Designated United States Marshal") and the Warden, the following persons will be present at the execution.
 - a. Necessary personnel selected by the Designated United States Marshal and the Warden.
 - b. Those attorneys of the Department of Justice whom the Deputy Attorney General determines are necessary.
 - c. Not more than the following numbers of persons selected by the Warden:
 - (1) eight citizens (in identifying these individuals, the Warden, no later than 30 days after the setting of an execution date, will ask the United States Attorney for the jurisdiction in

which the condemned individual was prosecuted to recommend up to eight individuals who are victims or victim family members to be witnesses of the execution); and

(2) ten representatives of the press.

2. No other person will be present at the execution, unless such person's presence is granted by the Director of the BOP. No person younger than 18 years of age will witness the execution.
3. The Warden will notify all witnesses of the date, time and place of the execution as soon as practicable before the designated time of execution.

H. Contact with the Vigo County Coroner

1. The Warden will contact the Vigo County Coroner to coordinate the Coroner's role.
2. The Vigo County Coroner will be requested to provide direction concerning:
 - a. transfer of custody of the body of the executed individual from the Warden to the Vigo County Coroner;
 - b. transportation of the body from the Execution Room to the Vigo County Coroner's facility; and
 - c. security arrangements during the transfer.

I. Briefing of Institution Staff

1. It is necessary to maintain, as nearly as possible, normal prison operations throughout the execution process.
2. Local prison administrators should be briefed by the Warden, as appropriate, on plans for the execution, restrictions on access, crowd control, additional security procedures, etc., on an on-going basis.
3. As soon as plans begin to evolve which will affect general prison operations, briefings should begin and continue until operations return to normal.

IV. Period of Time Between Twenty-Nine to Fourteen Days Prior to the Execution

A. Witnesses

1. To the extent possible, the Warden will develop a final list of citizen and condemned individual's witnesses.
2. All witnesses/participants will be required to sign an agreement prior to being cleared and added to the witness list. Included in the document will be an agreement to be searched before entering the Execution Facility and not to photograph or make any other visual or audio recording of the execution (see Appendix A).

B. Qualified Person

The Warden will finalize arrangements for a qualified person to be present at the execution and to declare the executed individual deceased.

C. Condemned Individual's Property and Accounts

The Warden will finalize arrangements for disposition of the condemned individual's property and accounts no later than 14 days prior to the scheduled execution date.

D. Disposition of Body

The Warden will finalize arrangements with the Vigo County Coroner for disposition of the body, security for the Vigo County Coroner's vehicle, and transfer of custody of the body in accordance with appropriate State and local laws.

E. Selection of Executioner(s)

The Warden, with the assistance of the Director, USMS and Director, BOP, will finalize the selection of executioner(s) and their alternates.

F. Training

1. The Warden will ensure that appropriate training sessions are held for persons involved in the various aspects of the execution event.
2. Not all of the persons involved need to practice together. Individual teams will practice as units, with inter-team practices scheduled, as necessary by the Warden, to facilitate coordination and smooth interaction.

V. Period of Time Between Thirteen to Seven Days Prior to the Execution

A. Condemned Individual's Property and Accounts

All paperwork regarding disposition of property and accounts should be completed.

B. Food Services

At least seven days prior to execution, the Warden or designee will contact the condemned individual to arrange for his/her last meal.

C. Purchase of Substances to be Used in Lethal Injection

The Warden will ensure the purchase of lethal substances to be used in the execution. Once purchased, these lethal substances will be secured in the institution until called for by the Warden.

D. Law Enforcement Coordination

1. The Warden will meet with Federal, State, and local law enforcement personnel to coordinate support related to the execution.
2. Joint practices should be conducted between law enforcement staff involved to ensure coordination and interaction is well defined and understood.

E. Restrictions on Condemned Individual's Visitors

Beginning seven days prior to the designated date of execution, the condemned individual will have access only to his/her spiritual advisers (not to exceed two), his/her defense attorneys, members of his/her family, and the officers and employees of the institution. Upon approval of the Director of the BOP, the Warden may grant access to such other proper persons as the condemned individual may request.

VI. Period of Time Between Six to Three Days Prior to the Execution

A. Witnesses

Non-media witness agreements should be signed by the witnesses and reviewed by the Warden or designee.

1. The Warden will provide a final list of witnesses to the:
 - a. Assistant Director, Correctional Programs Division;
 - b. Assistant Director, Information, Policy, and Public Affairs Division;

- c. Regional Director;
- d. Director, USMS; and
- e. local United States Marshal (referred to hereafter as the Designed United States Marshal)
- f. United States Attorney's Office - District of conviction
- g. United States Attorney's Office - Southern District of Indiana

2. Persons who refuse to sign agreements will not be allowed to attend the execution.

B. Brief Affected Law Enforcement Agencies

The Warden will ensure that staff from other law enforcement agencies who have not participated in practice sessions or have not otherwise been briefed previously will be briefed and their responsibilities explained.

C. Condemned Individual's Property and Accounts

Verify arrangements are complete.

D. Executioner(s)

An individual designated by the Warden will:

- 1. review with executioner(s) and alternates arrangements for their transportation and escort to the Execution Facility; and
- 2. review with participants' arrangements for security of executioner(s) and protection of their identities.

E. Equipment Check/Inventory

All equipment necessary to conduct the execution will be inventoried and checked at least 72 hours prior to the execution by individuals designated by the Warden.

VII. Period of Time Between Two Days to One Day Prior to the Execution

(b)(2) & (b)(7)(F)

(b)(2) & (b)(7)(F)

B. Practices

Final practices will be conducted as directed by the Warden.

C. Equipment Checks

Maintenance staff should verify necessary installation of and test electrical, heating/air conditioning and communications equipment in:

1. BOP Execution Facility;

2. Command Center.

D. Warden Contacts

1. To ensure that coordination efforts are in place, the following entities will be contacted by the Warden:
 - a. Department of Justice Command Center (to ensure communications, if required, by the Attorney General, the Supreme Court, the President of the United States and the affected United States Attorneys Offices);
 - b. BOP Director's Office;
 - c. USMS Director's Office; and
 - d. affected law enforcement agencies.
2. Identify specific individuals who are contact persons for the entities/individuals listed in Subsection 1 above.

E. Equipment Check Verification by Warden

1. The Warden will ensure completion of pre-execution inventory and equipment check in the BOP Execution Facility.
2. The Warden will verify that the Execution Facility's equipment checks have been completed.