

SUPPORTING DOCUMENTS



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

April 1, 2014

Madeline Cohen
O. Dean Sanderford
ASST. FEDERAL PUBLIC DEFENDERS
OFFICE OF THE FEDERAL PUBLIC DEFENDER
DISTRICTS OF COLORADO AND WYOMING
633 17th Street, Suite 1000
Denver, CO 80202

Re: Executions of Clayton Lockett and Charles Warner

Dear Ms. Cohen and Mr. Sanderford:

I am in receipt of your March 28, 2014, letter requesting information concerning the drugs to be used in the execution of your clients, Clayton Lockett and Charles Warner. As you know, the State will be appealing Judge Parrish's March 26th decision. Pursuant to 12 O.S. 2011, § 66, the State is entitled to an automatic stay of her ruling. Thus, it is my opinion that the areas for allowable inquiry are still quite narrow. With this understanding, the following is a response to your various questions. Each paragraph number below corresponds with your question numbers:

1. The Oklahoma Department of Corrections ("ODOC") will utilize a three (3) drug method using midazolam, pancuronium bromide and potassium chloride to execute your clients. The dosages of the drugs for this method of execution are set forth at page 18 of the March 21, 2014 protocol which was previously forwarded to you. If for some reason you have lost or misplaced your copy, please advise and I will gladly send you a new one.
2. The drugs necessary to execute your clients have been purchased by ODOC and are being held at a pharmacy utilized by ODOC to obtain execution drugs. Absent some unforeseen circumstances beyond ODOC's control, the State is currently prepared to proceed with your clients' scheduled executions utilizing the three (3) drug method discussed in ¶ 1.
3. Because [a] ODOC intends to appeal Judge Parrish's ruling and [b] 12 O.S. 2011, § 66 automatically stays her ruling pending resolution of the State's appeal, ODOC declines to identify, at this time, the source(s) of the drugs to be used to execute your clients.

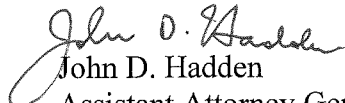
4. The exact quantities of the drugs to be used in your clients' executions are set forth in the protocol discussed in ¶ 1.
5. The midazolam and pancuronium bromide obtained by ODOC to execute your clients are compounded drugs. A qualitative analysis of these drugs has been ordered and will be completed approximately fourteen (14) days from today's date. ODOC will provide a copy of these test results to you as soon as they become available. Additionally, ODOC will disclose to you the certificate of analysis provided with the raw ingredients used to compound the midazolam and pancuronium bromide. Note that the documents discussed in this paragraph will be appropriately redacted and/or reproduced in order to withhold the identity of any and all individuals involved in obtaining, distributing, supplying or otherwise handling the drugs. Also, be advised that the potassium chloride to be used to execute your clients is manufactured, so no special testing will be performed on this drug.
6. *See* ¶ 5.
7. ODOC, at this time, declines to identify any participant in the execution process, for reasons discussed in ¶ 3.
8. As discussed in ¶ 2, the drugs necessary to execute your clients have been purchased by ODOC and are being held at a pharmacy utilized by ODOC to obtain execution drugs. As described at page 19 of the March 21, 2014, execution protocol, these drugs will be acquired from the pharmacist within twenty-four (24) hours of the execution. ODOC declines to identify for you the date on which the drugs intended for use in your clients' executions were purchased in light of the information being provided in this correspondence.
9. The drugs used by ODOC to execute your clients will not be expired. ODOC will obtain and provide expiration dates as soon as possible.
10. ODOC will not identify the current location of the pharmacy holding the drugs to be used in your clients' execution in order to protect the identity of the pharmacist. *See* ¶ 3 above. However, the drugs are stored in a manner consistent with proper storage and care. ODOC obtains the drugs from a certified or licensed compounding

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pharmacist, or compounding pharmacy, in good standing with their licensing board who maintains the integrity of the drugs to be used to execute your clients.

Should you have any additional questions, please do not hesitate to contact me.

Sincerely,


John D. Hadden
Assistant Attorney General

cc: Mike Oakley
Warden Anita Trammell

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Anita Trammell, Warden Oklahoma State Penitentiary	 signature		

Procedures for the Execution of Offenders Sentenced to Death

The Department of Corrections will carry out the punishment of death, as defined by and according to state statute, in a timely and efficient manner.

For the purpose of this procedure, the term “offender” will apply to anyone under the authority, custody or care of a prison operated by the Oklahoma Department of Corrections.

I. Logs

Seven days prior to the execution of an offender sentenced to death, a daily log will be kept regarding every aspect of the proceedings except names of those participants who are to remain anonymous.

II. Location and Time of Execution

All judgments of death will be executed at Oklahoma State Penitentiary (OSP) at a time and day designated by the court order or appropriate authority. At least 24 hours prior to any scheduled execution, the Warden will have a direct telephone line installed to provide immediate access by the Governor.

III. Pre-Execution Procedures

A. Notification of Department of Corrections Personnel

The Attorney General’s office will notify the Department of Corrections general counsel 60 days prior to the execution that it should occur as scheduled. The general counsel will notify the director, appropriate deputy director, DOC public Information Officer, and the Warden of the Oklahoma State Penitentiary (OSP) or Mabel Bassett Correctional Center.

B. Notification of Offender

Within thirty days prior to a scheduled execution, the Warden, the Deputy Warden, the Chaplain, representatives from Medical Services and Mental Health Services, the Unit Manager and the Case Manager Coordinator will meet and advise the offender of the rules and procedures of the execution so the offender may plan for visits, religious assistance and other privileges. If the offender refuses to leave his cell for the notification meeting, the Warden has the option to meet with the offender privately at his cell. In either case, the meeting will be documented in the log. At this time Psychological Services will evaluate the offender, and begin providing daily updates on the offender to the Warden. The Lead Physician will have the offender scheduled for a physical examination; the offender will be assessed to ensure there are no health issues that will interfere with the execution process.

A thirty-day packet will be given to the offender during this meeting. This

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packet includes, but is not limited to, information regarding expanded visiting list, rules, phone list, witness list, last day visit list, and burial arrangements information for the offender to complete and return to the unit manager. (Attachment A, "Thirty Day Notification" and Attachment A-1 30 Day Information Packet)

1. At the discretion of the Warden, the offender may be allowed special visiting privileges during the seven days prior to the execution.
 - a. For special visits, the offender may specify five (5) visitors and one (1) member of the clergy. Visitors must be approved by the Warden of the facility where the offender is housed.
 - b. The number of visitors may be increased to the number of the offender's immediate family members.
 - c. The number of clergy may be increased to two.
 - d. The visits will occur in a designated visiting area and under the supervision of a correctional officer.
 - e. More than two visits may be permitted during one period, but the visits will be sequenced so that no more than two visitors are in the visiting area at the same time.
 - f. The offender will not be allowed to make changes to the 30 day Information Packet, once the time frame has reached 7 days prior to the execution.
2. Visits by the attorney(s) of record will be permitted during visiting hours in the contact attorney area and other times as approved by the Warden or designee. These visits will be monitored by a correctional officer or staff person through the observation window.
3. The facility Chaplain, upon request, will be available to the offender continuously during the final 24-hour period.
4. The offender may request a supervised 30 minute non-contact visit at the holding cell with his spiritual advisor or facility Chaplain. This visit must be requested at least 24 hours in advance and must be between 4:00 p.m. and 5:00 p.m. on the day of the execution. Individuals that are under any type of supervision, by any corrections or law enforcement authority from any state or other local government entity, are prohibited from being a spiritual advisor.
5. The offender will be advised that the facility Chaplain and/or spiritual advisor are not permitted to be in the execution chamber during the execution process.
6. At the time of the offender's notification, mental health services will evaluate the offender. Seven days prior to the execution date, the offender will be transferred to a high maximum cell. Based on the

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mental health services evaluation and other contingencies which may occur, the offender may be placed in the high maximum cell at an earlier date. Twelve hours prior to the execution, the offender will be placed in Cell SW-4-LL.

7. Once an execution date has been received by the facility, a file will be maintained in the office of the H Unit Manager, containing copies of any requests to staff or other documents generated by or for the offender.
 8. A log will be maintained beginning when the offender is placed in the high-maximum cell with entries from Health Care Services, Psychological Services, Case Managers, and the Chaplain. This log will be transferred to the Execution Holding Cell Area Officers, after the offender is moved to the execution holding cell.
 9. This log will provide a detailed chronological history of every aspect of the execution proceedings. They will include any and all transactions concerning the condemned offender, i.e., telephone calls, correspondence, and visits between staff and offender.
 10. The personnel of Health Services, Mental Health Services, the assigned Case Manager, and the Chaplain will see the offender as requested. During the last seven days, these personnel will see the offender on a daily basis and document each visit.
 11. The Warden of the institution holding the offender will notify the Department of Correction's Public Information Officer of the thirty day notification.
- C. One of the facility Physicians will be available during the last twelve hours prior to an execution.
- D. On the day prior to the date of the scheduled execution, the Maintenance Superintendent, Deputy Wardens, CERT Commander or designee, and the H Unit Manager, will examine the Execution Area to ensure it is secure and operational.
- E. Procedures for placing a male offender in the Execution Holding Cell are as follows:
1. Prior to 6:00 a.m., on the day of the scheduled execution, the privacy screen will be placed around Cell SW-4-LL. A minimum of four (4) staff and one (1) camera operator will be present to film the activity throughout the search procedure. The Unit Manager and the CERT Commander or designee must be present. Cell SW-4-LL will be thoroughly searched by two officers under the supervision of the CERT Commander or designee and the drug detection dog may also be utilized when available. They will then conduct a thorough search of the shower located adjacent to Cell SW-4-LL. At least one officer will be posted and remain at the cell at all times. At 6:30 a.m. on the morning of the scheduled execution, officers selected by the CERT Commander or designee will proceed to the high maximum cell housing the offender and search, issue new clothing

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and escort the offender to medical where he will be x-rayed (beginning at the head and x-rayed downward of the body). The x-rays will be taken prior to eating breakfast. The offender will then be escorted back to H Unit and placed in the shower next to cell SW-4-LL.

2. The offender will enter the shower area and may take a shower under the supervision and observation of staff.
3. Two sets of clothing, to include shorts, pants, shirts, socks, and shoes, in the appropriate sizes, mattress, sheets and a blanket will be provided for the offender. Upon completion of the shower, the offender will change into one set of clothing. The remaining set of clothing will be maintained by the officers for issuance to the offender each time he enters or exits the cell. Clothing will be searched each time the offender is moved.
4. After the offender has dressed, restraints will be applied. The shower door will be opened and the offender will step out on the run and the shower door will be secured. Cell SW-4-LL door will be opened and staff will monitor the offender's movement from the shower to the cell. After the offender enters cell SW-4-LL, the cell door will be closed and secured.
5. Assigned staff (a minimum of three officers) will take up positions in front of the cell door maintaining constant observation of the offender and keep a master log of the activities that take place involving the offender during their assigned shift.
6. Officers will be assigned to work from 5:30 a.m. until 1:30 p.m. and 1:30 p.m. until 6:00 p.m.
7. Any appliances owned by the offender will be exchanged one for one by the facility and thoroughly searched by the Unit Manager and CERT Commander or designee prior to being placed in SW-4-LL. The offender's personally-owned television and/or radio, or fan, will not be taken into SW-4-LL.
8. Legal material not to exceed two cubic feet will be allowed in the cell after it has been thoroughly searched. No canteen items will be allowed in the cell from the offender's property. These items will be exchanged on a one for one ratio from the facility canteen. Hygiene items will be made available on a check-out/check-in basis. No personal property will be allowed other than a Bible, Koran, or other equivalent religious materials (as deemed appropriate by the facility Chaplain), and family pictures (no frames or photo albums). Only those pictures authorized by the Warden, Deputy Wardens or CERT Commander or designee will be allowed in the cell. Under no circumstances will an item be introduced into the cell until it has been thoroughly searched by staff.

F. Procedures for placing a **female** offender in the execution holding cell area are as follows:

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1. Prior to arrival of a female offender to be placed in the execution holding cell, OSP will have two correctional officers thoroughly search Cell SW-4-LL under direct supervision of the CERT Commander or designee. The drug detection dog may also be utilized when available. They will then conduct a thorough search of the shower located adjacent to Cell SW-4-LL. At least one (1) officer will be posted and remain at the cell at all times. Privacy screens will be drawn around cell SW-4-LL to prevent visual contact with other offenders and privacy curtains will be placed between the execution table and chamber doorway prior to the offender being moved to H Unit.

2. MBCC will x-ray the offender prior to departure from MBCC. Upon arrival at OSP, the offender will again be x-rayed; officers selected by the CERT Commander or designee will then transport the female offender by vehicle to the rear of H Unit. She will be escorted to the H Unit Law Library and placed in a caged area for legal visit opportunities or escorted through the chamber to the shower adjacent to cell SW-4-LL.

In the event the Law Library is utilized, the offender will be removed from H Unit Law Library and escorted to medical for x-rays and returned to SW-4-LL through the H Unit chamber area.

- a. The Unit Manager and CERT Commander or designee must be present. The offender will be escorted to the shower adjacent to Cell SW-4-LL.

- b. The offender will enter the shower and a search will be conducted by staff of the same gender. The offender may take a shower under the supervision and observation of female correctional staff.

- c. Two sets of clothing, to include female underpants, bra, pants, shirts, socks, and shoes, in the appropriate sizes, mattress, sheets and a blanket will be provided. Upon completion of the shower, the offender will change into one set of clothing. The remaining set of clothing will be maintained by the officers for issuance to the offender each time she enters or exits the cell. Clothing will be searched each time the offender is moved.

- d. After the offender has dressed, restraints will be applied. The shower door will be opened and the offender will step out on the run and the shower door will be secured. Cell SW-4-LL door will be opened and staff will monitor the offender's movement from the shower to the cell. After the offender enters cell SW-4-LL, the cell door will be closed and secured.

- e. Three officers will be posted in front of cell SW-4-LL to monitor the offender. These officers will be trained prior to their assignment on Post Orders and policies. (Two from MBCC and one from OSP) The officers will maintain constant observation of the offender and keep a master log of the

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activities that take place involving the offender during their assigned shift.

- f. Any appliances owned by the offender will be exchanged one for one by the facility and thoroughly searched prior to being placed in SW-4-LL. The offender's personally-owned television and/or radio, or fan, will not be taken into SW-4-LL.
 - g. Legal material not to exceed two cubic feet will be allowed in the cell after it has been thoroughly searched. No canteen items will be allowed in the cell from the offender's property. These items will be exchanged on a one for one ratio from the facility canteen. Hygiene items will be made available on a check-out/check-in basis. No personal property will be allowed other than a Bible, Koran, or other equivalent religious materials (as deemed appropriate by the facility Chaplain), and family pictures (no frames or photo albums). Only those pictures authorized by the Warden, Deputy Wardens or CERT Commander or designee will be allowed in the cell. Under no circumstances will an item be introduced into the cell until it has been thoroughly searched by staff.
 - h. The supper meal (if requested) will be served from the line by the Unit Manager and the CERT Commander or designee.
3. During the time a female death row offender is housed on H Unit, two **female** Correctional Officers from MBCC and one (1) OSP female Correctional Officer will be assigned to work from 4:00 p.m. until 6:30 p.m.

G. Procedures for the Execution Holding Cell: Offender-Attorney Visits:

1. Upon notification by the SW Control Room Officer of full contact attorney visit for the offender in SW-4-LL, two escort officers will place handcuffs (in front) and leg irons on the offender through the food passageway of cell SW-4-LL.
2. Any legal material the offender wishes to carry into the client/attorney contact visit will be passed out through the food passageway and thoroughly searched by the officers. The cell door will then be opened and the escort officers will escort the offender to the attorney/client visiting room and secure the offender in the room.
3. The officers assigned to cell SW-4-LL will maintain constant surveillance of the cell in the offender's absence. Escort officers will take up a position in the Unit Manager's office that allows the officers to maintain constant surveillance of the offender and attorney.
4. At the end of the attorney visit, one of the escort officers will take up a position on the run outside the attorney/client visiting room and maintain constant surveillance of the offender and attorney through

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the observation glass in the attorney/client visiting room. After the officer has been posted, the second escort officer will be notified by the SW Control Room Officer. The second escort officer will then proceed from the Unit Manager's office onto the run outside the attorney/client visiting room.

5. The attorney/client visiting room door will be opened and the two officers will escort the offender back to SW-4-LL area and place the offender in the shower. Any time the offender has a full contact visit, he/she may be transported to the IHCC to be x-rayed prior to being returned to SW-4-LL.
 6. After the offender has been placed in the shower, handcuffs and leg irons will be removed from the offender by the officers.
 7. After the handcuffs and leg irons have been removed, the offender will completely strip handing all clothing out through the security passageway. A new set of clothing will be passed through the passageway. Once the offender has dressed, handcuffs and leg irons will be applied, and the shower door will be opened. The offender will step out on the run and the shower door will be secured.
 8. The execution holding cell door will be opened and the offender will enter the cell and the cell door will be secured.
 9. Officers will then remove restraints from the offender.
 10. Any legal material taken to or brought back from the attorney/client room will be thoroughly searched by the officers assigned to the execution holding cell.
- H. At the time the offender is removed from his cell on Death Row for transfer to SW-4-LL, the H Unit Manager will ensure a proper inventory is conducted of the offender's personal property. Only that property authorized on Attachment A will be allowed in SW-4-LL. The property that is not allowed will be stored in a secure location within the OSP Personnel Office. At the completion of the execution, all of the offender's property will be released to the individual(s) designated to receive the property from the Personnel Office.
- I. A minimum of two Correctional Officers of the same gender as the offender, will assume the post outside SW-4-LL, and will maintain a shift log. An entry will be made when the escort team arrives with the offender. This log will be maintained in accordance with procedures in OSP-040102-01, entitled "Facility Post Orders and Log".
- J. Notification of Family
- The holding facility will notify the offender's immediate family by certified mail at least two weeks prior to the scheduled date of execution and of their responsibility for making burial arrangements.
- K. Notification of Oklahoma State Penitentiary

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If the offender to be executed is female, the Warden of Mabel Bassett Correctional Center will notify the Warden of the Oklahoma State Penitentiary and make arrangements for transfer of the offender when an execution date is set.

L. Notification of Executioners

The Warden of the Oklahoma State Penitentiary or designee will notify the executioners of an execution date in a timely manner. The identities of these individuals will remain confidential.

- M. Within 30 days prior to the execution, the offender will be scheduled for a physical examination to be conducted by the facility health services unit. During this physical examination, the offender will be evaluated for any existing health conditions and be checked for ease of intravenous accessibility for identification purpose that may interfere with or affect the execution process.

IV. Visiting Privileges

A. Family

At the discretion of the warden, the offender may be allowed special visiting privileges during the seven days prior to the execution.

1. For special visits, the offender may specify five visitors and one member of the clergy. Visitors must be approved by the warden of the facility where the offender is housed.
2. The number of visitors may be increased to the number of the offenders' immediate family members.
3. The number of clergy may be increased to two.
4. The visits will occur in a designated visiting area and under the supervision of a correctional officer.
5. More than two visits may be permitted during one period, but the visits will be sequenced so that no more than two visitors are in the visiting area at the same time.

B. Legal Representation

Visits by the attorney(s) of record will be permitted during visiting hours in the contact attorney area and other times as approved by the warden. These visits will be monitored by a correctional officer or staff person through the observation window.

C. Spiritual Support

1. The facility chaplain, upon request, will be available to the offender continuously during the final 24-hour period.

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2. The offender may request a supervised 30 minute non-contact visit at the holding cell with his/her spiritual advisor or facility chaplain. This visit must be requested at least 24 hours in advance and must be conducted between 4:00 p.m. and 5:00 p.m. on the day of the execution. Individuals that are under any type of supervision, by any corrections or law enforcement authority from any state or other local government entity, are prohibited from being a spiritual advisor.
3. The offender will be advised that the facility chaplain and/or spiritual advisor are not permitted to be in the execution chamber during the execution process.

V. Media Coverage of the Execution

A. Pre-Execution Coverage

1. Members of the media will be notified of the execution at least 15 days prior to the execution by the Department of Corrections public information officer.
2. Media access to the offender will be according to procedures established in OP-020301 entitled "Information Requests and Release of Information from Agency Records and Media Access to the Oklahoma Department of Corrections." All requests for individual interviews with the offender will be arranged at least ten days prior to the execution and completed at least two days prior to the execution.
3. Video taping of the physical plant by the media may be allowed at least ten days prior to the execution at the discretion of the Warden of the Oklahoma State Penitentiary.

B. Execution Coverage

1. An information center will be set up in the Jackie Brannon Correctional Center Minimum Unit Visiting Area, which will be available to all media representatives wishing to cover the execution.
2. All interested news media sources should contact the public information officer at the address below and inform the public information officer in writing regarding the names of the reporters and photographers covering the execution at least 24 hours before the execution date:

Department of Corrections
3400 Martin Luther King Avenue
P.O. Box 11400
Oklahoma City, Oklahoma, 73136-0400

This will assist in providing of media accommodations at the OSP information center before, during, and after the time of execution.

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C. Selection of Media Witnesses (Maximum of Twelve)

1. Twelve media representatives will be allowed as witnesses in the execution area, to include:
 - a. A newspaper of general circulation, at least one of which will be a representative from a metropolitan newspaper with circulation over 50,000.
 - b. Associated Press (AP)
 - c. Media based within Oklahoma will be given first preference.
2. Other media representatives will remain in the designated information center area.
3. The media representatives to witness the execution will be chosen two hours prior to the execution.
 - a. Each reporter will be requested to place his/her name and media representation into a container.

A designated staff person will draw names, allowing one person from wire service (AP), different Oklahoma newspapers of general circulation, radio and television.
 - c. The representatives selected will sign a statement agreeing to fully brief the remaining media representatives covering the execution before filing their stories. (Attachment A to OP-040301)
 - d. No tape recorders, cellphone or cameras will be allowed in the execution viewing area.
4. At the appropriate time, a designated staff member will escort the twelve representatives selected to view the execution to the H -Unit Central Control. These representatives will be pat searched as well as searched by a soni-frisker upon arrival at H-Control.
5. Pencil and paper will be provided to the media representatives in the H -Unit Control Lobby.
6. After being searched, the media representatives will be escorted to the second floor of H Unit enter the Viewing Room and be seated in the rear of the Viewing Room.
7. After completion of the execution, the designated twelve media representatives will then be escorted back to the Media Center where they will brief the remaining representatives.
8. The Department of Corrections Public Information Officer will make a public statement to the Media Representatives at the Information Center following the execution.

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VI. **Last Meal**

- A. The offender's last meal request must be available on a menu of a local restaurant and approved by the Warden. This meal, not to exceed \$15.00, must be requested ten days prior to the date of execution. MBCC will provide the female offender's last meal request while at MBCC.
- B. The last meal will normally be served by the Unit Manager and CERT Commander or designee between 12:00 noon and 3:00 p.m. on the day of execution.

VII. **Telephone Calls**

- A. Telephone calls will be permitted from 8:00 a.m. to 4:30 p.m. on the day of the execution.
- B. Attorney telephone calls will be permitted upon request. Such calls are to be collect calls which will be placed through the existing telephone service on the quad.
- C. Female offender name, number and phone list will need to be added to OSP phone system.

VIII. **Persons Allowed at the Execution**

At 10:00 a.m. the day of the scheduled execution, the perimeter of Oklahoma State Penitentiary will be secured. Post assignments will be prepared at least two weeks in advance of a scheduled execution.

A. **Witnesses**

- 1. The following persons will be present at the execution:
 - a. The warden of Oklahoma State Penitentiary
 - b. Other necessary correctional officials
 - c. A physician
 - d. If the offender is female, the warden of Mabel Bassett Correctional Center will also be present.
- 2. The following persons may be present at the execution:
 - a. The cabinet secretary of Public Safety.
 - b. Selected members of the media
 - c. The judge who presided during the trial
 - d. Chief of police of the municipality in which the crime occurred
 - e. The district attorney of the county of conviction

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f. The sheriff of the county of conviction

B. Additional Witnesses:

1. Additional witnesses may include five witnesses and two qualified ministers, who are 18 years of age or older as selected by the offender and approved by the Warden.
2. Any surviving victim of the offender who is eighteen years of age or older may view the execution, with the approval of both the Director of the Department of Corrections and the Warden. The Director and Warden will prioritize persons to view the execution, including immediate family members, surviving victims, and those who serve a close supporting role or professional role, including but not limited to, a minister or licensed counselor, and may set a limit on the number of viewers within occupancy limits. Any surviving victim approved to view the execution of their perpetrator may have an accompanying support person as provided for members of the immediate family of a deceased victim. As used in this subsection, "surviving victim" means any person who suffered serious harm or injury due to the criminal acts of the defendant of which the defendant has been convicted in a court of competent jurisdiction.

Immediate family member is defined as spouse, a child by birth or adoption, a stepchild, a parent, a grandparent, a grandchild, a sibling of a deceased victim, or the spouse of any immediate family member specified in this paragraph.

3. 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 Warden 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 will be allowed to witness the execution or view the execution by closed circuit television as determined by the Director of the Department of Corrections.
4. The individuals authorized to be present at the execution will receive a two-week prior written notice of the scheduled execution.
5. Holding areas for the witnesses will be provided prior to their being escorted (one group at a time) to the Execution Viewing Room. The designated holding areas for the witnesses are as follows:
 - a. Warden's Office: Departmental, State, and County Officials
 - b. Jackie Brannon Correctional Center Minimum Security Visiting Area: Media Representatives
 - c. OSP Recreation Building: Victim's Witnesses Approved by

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Warden

- d. Jackie Brannon Correctional Center Community Corrections Unit Offices: Offender Witnesses Approved by Warden.
6. Thirty minutes prior to the execution, the above individuals will be escorted to the designated H Unit holding areas:
 - a. H Unit Managers Office - Department of Corrections, State, and County Officials
 - b. H Unit Law Library - Designated Media Witnesses
 - c. H Unit Room #10 Programs Room - Victim's Family Approved by Warden
 - d. H Unit Staff Lounge - Offender Witnesses Approved by Warden
 7. A list of witnesses attending the execution will be maintained, and all persons attending the execution will be required to sign a witness sheet prior to entering the Execution Area.
 8. Family members of victim's families, authorized in accordance with Oklahoma state statute may view the execution via closed circuit television from the Program's Room #10, located on the first floor of H Unit or the area designated in the Execution Viewing Room.
 - a. Approved victim's family members will meet in the Recreation Building, located on next to the Administration Building, two hours prior to the scheduled execution.
 - b. A list of authorized family members will be provided to the H Unit Manager by the Warden on the day of the scheduled execution.
 - c. A representative from Health Services and the Chaplain's Office will be available near the Program's Room #10 during the execution.
 9. No cameras, cellphone, tape recorders, or other recording or electronic devices will be allowed in the viewing area.
 10. A designated staff member of Oklahoma State Penitentiary will be responsible for attending to the needs of the family of the offender scheduled for execution.
- C. Persons Excluded from the Execution Process:

The Correctional Officers and Case Manager(s) who attended the offender while in isolation **will not** participate in the execution process.

IX. Execution Procedures

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A. Assumption of Duty

On the day of the execution at approximately 4:00 p.m., the Deputy Director of Institutions will relieve the Warden of Oklahoma State Penitentiary of all duties except the executive control of the execution proceedings.

B. Method of Execution

The execution will be by administering a lethal quantity of a drug or drugs until death is pronounced by a licensed physician.

1. Selection of a Licensed/Certified Health Care Specialist in IV insertion:

Prior to the scheduled execution, the Warden of Oklahoma State Penitentiary will recruit an EMT-P or person with similar qualifications and experience in IV insertion. The identity of the person will not be disclosed. Remuneration will be handled through the Business Manager's Office.

2. Selection of Persons to Administer Lethal Chemical Agents:

Prior to the scheduled execution, the Warden will choose three (3) persons to administer the lethal agents. The identities of the persons selected as executioners shall not be disclosed. Remuneration will be handled through the Business Manager's Office.

3. Selection of Licensed Physician:

Prior to the scheduled execution, the Warden of Oklahoma State Penitentiary will recruit a Licensed Physician. The identity of the person will not be disclosed. Remuneration will be handled through the Business Manager's Office. Medical equipment and instruments will be provided for the attending Licensed Physician, as previously designated and requested by the Physician.

4. Execution Review and Training

Prior to the execution the following shall occur:

- a. The Deputy Warden or designee will review the following Field Memorandum OSP-040301-01, entitled "Procedures for the Execution of Offenders Sentenced to Death" section IX. C and the sequence of events inside the execution room with the executioners and EMT-P prior to each execution. The EMT-P will give the executioners the following instructions prior to each execution: "Administer the drugs at a steady flow without pulling back on the plunger of the syringe".
- b. The Deputy Warden will verify the current status of the EMT-P license, no later than 2 weeks prior to the execution.

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- c. The Warden, Deputy Warden(s), the Chief of Security, and the Physician, in the execution chamber shall jointly review the sequence of events inside the execution room prior to the execution.
- d. The Strap Down Team will conduct a walk-through of the strap down procedures no later than 2 weeks prior to the execution.
- e. Newly assigned staff involved in the execution process will shadow and observe experienced staff to gain a full working knowledge and understanding.

C. Execution Proceedings:

- 1. The offender will be dressed in scrubs and tennis shoes which, will be provided by Oklahoma State Penitentiary or Mabel Bassett Correctional Center. The offender will be moved to the Execution Room to be restrained on the execution gurney.
- 2. The person recruited by the warden for IV insertion will insert the appropriate intravenous catheter(s) into a peripheral vein in each arm, and will ensure the patency until the time of execution by slow infusion of normal saline or dextrose five percent (5%) in sterile water. If this person is unable to gain appropriate IV access, the physician present will start the necessary IV. The physician will start the necessary IV in the arm or start a central line. In the event a central line cannot be established the attending physician will perform a cut down procedure to establish the line.
- 3. The Department of Corrections, State, and County officials, media representatives, and all offender witnesses will be escorted to the Viewing Room, to be seated one group at a time.
- 4. The Warden will ask the offender if he/she wishes to make any last comments.
- 5. Any persons acting in a manner as to impede the execution procedure may be subject to removal from the Execution Area.
- 6. After such comments as the offender may make, the Warden will direct the designated persons to administer the lethal chemical agents which will continue by intravenous infusion until such time as the offender is pronounced dead by the attending physician.
- 7. The Warden shall have the sole discretion as to which lethal agent will be used for the scheduled execution. The lethal agents to be used may include:
 - a. Three Drug Method Using Sodium Thiopental. The injection of lethal agents will be given in the following order with two bilateral doses of each drug to be given simultaneously:

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First, sodium thiopental 2500 mg/100 ml in the left arm and 2500 mg/100 ml in the right arm; a flush of 50 cc of saline will then be injected into both lines.

Second, vecuronium bromide or a comparable non-depolarizing neuromuscular blocking agent of comparable strength, 20 mg/20 cc in the left arm and 20 mg/20 cc in the right arm; a flush of 50 cc of saline will be injected into both lines.

Prior to the administration of vecuronium bromide or a comparable non-depolarizing neuromuscular blocking agent, the physician present in the Execution Room will monitor the condemned offender's level of consciousness through whatever means the physician believes are appropriate, to ensure that the condemned is sufficiently unconscious prior to the administration of the blocking agent. The physician may monitor the condemned offender with an EKG monitor and/or stethoscope.

The blocking agent will NOT be administered until at least 5 minutes after the beginning of the administration of the sodium thiopental.

Third, potassium chloride 100 meq/50 cc in the left arm and 100 meq/50 cc in right arm: a flush of 50 cc of saline will be injected into both lines.

If the medical personnel are only able to obtain one patent IV, both doses of each drug will be administered in a serial fashion with a saline flush following the completed administration of each drug. If the physician pronounces death of the condemned before the administration of all three drugs, the injection of any remaining drugs will continue until completed.

- b. Three Drug Method Using Pentobarbital. The injection of lethal agents will be given in the following order with two bilateral doses of each drug to be given simultaneously:

First, Pentobarbital, 2500 mg/100 ml in the left arm and 2500 mg/100 ml in the right arm; a flush of 50 cc of saline will then be injected into both lines.

Second, vecuronium bromide or a comparable non-depolarizing neuromuscular blocking agent of comparable strength, 20 mg/20 cc in the left arm and 20 mg/20 cc in the right arm; a flush of 50 cc of saline will be injected into both lines.

Prior to the administration of vecuronium bromide or a comparable non-depolarizing neuromuscular blocking agent, the physician present in the Execution Room will monitor the condemned offender's level of consciousness through whatever means the physician believes are appropriate, to ensure that the condemned is sufficiently unconscious prior to the administration of the blocking agent. The physician may monitor the condemned offender with an

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EKG monitor and/or stethoscope.

The blocking agent will NOT be administered until at least 5 minutes after the beginning of the administration of the pentobarbital.

Third, potassium chloride 100 meq/50 cc in the left arm and 100 meq/50 cc in right arm: a flush of 50 cc of saline will be injected into both lines.

If the medical personnel are only able to obtain one patent IV, both doses of each drug will be administered in a serial fashion with a saline flush following the completed administration of each drug. If the physician pronounces death of the condemned before the administration of all three drugs, the injection of any remaining drugs will continue until completed.

- c. One Drug Method Using Pentobarbital. The use of pentobarbital alone shall be administered 2500 mg in the left arm and 2500 mg in the right arm. A flush of 50 cc of saline will then be injected into both lines. The physician may monitor the condemned offender with an EKG monitor and/or stethoscope.

If the medical personnel are only able to obtain one patent IV, both doses of the pentobarbital will be administered in a serial fashion with a saline flush following the completed administration of each dose.

- d. Three Drug Method Using Midazolam and Hydromorphone. The injection of lethal agents will be given as follows:

A mixture of 50 mg of midazolam (or equivalent sold by another name) and 50 mg hydromorphone (or equivalent sold by another name). Said midazolam and hydromorphone shall be drawn into or mixed in a single syringe and labeled "1," and injected into either arm intravenously. A flush of 50 cc of saline will be injected into the line following administration of the syringe. Five (5) minutes after the administration of the midazolam and hydromorphone, the physician present will check the offender for consciousness through whatever means the physician believes appropriate. If the offender is unconscious, then potassium chloride 100 meq/50 cc shall be administered followed by flush of 50 cc of saline into the line.

If the offender is conscious, the physician shall signal to the warden to administer a second syringe with an identical mixture of midazolam and hydromorphone labeled "2." If a patent IV can be obtained in each arm, this mixture will be administered in the arm not utilized in the initial injection; a flush of 50 cc of saline will be injected into the line following administration of the syringe;. The physician may continue to monitor the condemned offender with an EKG monitor and/or stethoscope until the physician is satisfied the condemned offender is unconscious. When the condemned offender is no longer conscious, then potassium chloride 100

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meq/50 cc shall be administered followed by flush of 50 cc of saline into the line.

If the physician pronounces death of the condemned before the administration of the potassium chloride, the potassium chloride shall nonetheless be administered to the condemned offender.

- e. Three Drug Method Using Midazolam and Blocking Agent. The injection of lethal agents will be given in the following order with two bilateral doses of each drug to be given simultaneously:

First, Midazolam, 50mg/10 ml in the left arm and 50 mg/10 ml in the right arm; a flush of 50 cc of saline will then be injected into both lines.

Second, vecuronium bromide or a comparable non-depolarizing neuromuscular blocking agent of comparable strength, 20 mg/20 cc in the left arm and 20 mg/20 cc in the right arm; a flush of 50 cc of saline will be injected into both lines.

Prior to the administration of vecuronium bromide or a comparable non-depolarizing neuromuscular blocking agent, the physician present in the Execution Room will monitor the condemned offender's level of consciousness through whatever means the physician believes are appropriate, to ensure that the condemned is sufficiently unconscious prior to the administration of the blocking agent. The physician may monitor the condemned offender with an EKG monitor and/or stethoscope.

The blocking agent will NOT be administered until at least 5 minutes after the beginning of the administration of the midazolam.

Third, potassium chloride 100 meq/50 cc in the left arm and 100 meq/50 cc in right arm: a flush of 50 cc of saline will be injected into both lines.

If the medical personnel are only able to obtain one patent IV, both doses of each drug will be administered in a serial fashion with a saline flush following the completed administration of each drug. If the physician pronounces death of the condemned before the administration of all three drugs, the injection of any remaining drugs will continue until completed.

- 7. In the event a Stay of Execution is granted during the actual administration of the lethal chemical agents, all proceedings will cease immediately. At that time, the shades will be lowered and medical personnel will take action immediately to render emergency measures.
- 8. The Deputy Warden or designee will acquire a sufficient quantity of the previously named chemical agents, and will maintain the security of these chemical agents in accordance with the Chain of Custody document (Attachment B-1 or B-2).

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9. The drugs are to be prepared by a state-licensed pharmacist. The drugs are to be mixed, when necessary by the pharmacist and placed in the syringes by the pharmacist. The pharmacist shall label each syringe with the name of the drug and the name of the offender. The pharmacist shall place an easily identifiable number on each syringe so that the syringes are numbered in the order they are to be administered as outlined in this policy. The drugs will be acquired from the pharmacist within 24 hours of the execution.
10. Following the execution, the Warden or designee will receipt the body to the Medical Examiner, and the death certificate will be forwarded to the court from which the judgment was rendered. The certificate will indicate the time, mode, and manner in which the death occurred. Copies of this report and execution log will be sent to Closed Records for filing. Mabel Bassett Correctional Center will receive a copy of the death certificate for female offenders executed.
11. The offender's personal property and trust fund account will be released to the designated individual(s).

D. Procedures on Completion of Execution

Upon pronouncement of death, all persons will leave the execution areas except those responsible for the removal of the body. Custody of the body will be transferred to the medical examiner and will be transported per arrangements made by the medical examiner for the purpose of examination.

E. Execution Costs

All costs incurred as a result of the execution, prior to and after, will be the responsibility of the Oklahoma State Penitentiary for male offenders or the Mabel Bassett Correctional Center for female offenders.

X. Post Execution Procedures

A. Reports

Following the execution, the Warden of the Oklahoma State Penitentiary will attach a copy of the death warrant forward it to the court from which the judgment was rendered indicating the time, mode, and manner in which accomplished. Copies of the report and log will be sent to Closed Records and the correctional facility's records section for filing. Mabel Bassett Correctional Center will receive a copy of the death warrant for female offenders executed.

B. Burial Procedures

After the body has been released from the Medical Examiner, the offender's body will be sent for burial as arranged by the family. If the family did not arrange for burial, the state will assume responsibility for the offender's burial at the DOC cemetery.

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C. Debriefing

The administrative staff will meet in the Warden's office after the execution and evaluate the procedure, to identify if there are any issues or concerns within the process.

XI. REFERENCES

OP-040301 entitled "Procedures for the Execution of Offenders Sentenced to Death"

OP-020108 entitled "Information Requests and Release of Information from Agency Records and Media Access to the Department of Corrections"

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

22 O.S. § 1015-1016, supp. 1995

XII. ACTION

The Wardens of Oklahoma State Penitentiary and Mabel Bassett Correctional Centers will be responsible for compliance with this procedure.

Any exceptions to the procedures in this field memorandum will require prior written approval from the Warden.

Replaced: Field Memorandum No. OSP-040301-01, entitled, "Procedures for the Execution of Offenders Sentenced to Death", dated 08/26/11.

Distribution: Personnel designated in OSP-010101-01.

THIRTY DAY NOTIFICATION

<u>Offender Name</u>	<u>Number</u>
----------------------	---------------

I am Anita Trammell, Warden of the Oklahoma State Penitentiary. You have been sentenced to die for the crime of Murder at 6:00 p.m. on . The purpose of this meeting is to inform you of the rules and procedures to be followed for the next thirty (30) days and to discuss certain privileges you may be afforded. When this meeting concludes, you will be returned to the Death Row Unit where you will remain until the morning prior to the date of execution.

On the morning of the date of the execution, you will be placed in a special cell where you will remain until the time of execution. While in this cell and until the time of execution, you will be under constant surveillance by Correctional Officers.

SUMMARY OF RULES AND PROCEDURES

1. If you leave your cell for any reason, you will be handcuffed and strip-searched.
2. The lights in your cell will remain on at all times.
3. Television and radio will be located inside the cell.
4. In the event of illness or injury, you will be treated in the cell if feasible.
5. The only items of personal property allowed in your cell will be:
 - a. Comb
 - b. Reading Materials (2 cubic feet)
 - c. Legal Materials (2 cubic feet)
 - d. Photographs of Family/Friends
 - e. Religious Materials
 - f. Writing Materials

Excess personal property will be stored in the Personnel Office until you are executed or receive a stay of execution. It will be your responsibility to make arrangements for the disposition of the personal property.

6. On a daily basis you may be contacted by your Case Manager, Chaplain, Psychological Services Personnel, and Health Services Personnel. The facility Chaplain will be available to you continuously during the last twenty-four (24) hour period.
7. Seven days prior to the execution and after being moved to the high max cell, you may designate five (5) visitors and two (2) members of the clergy of whom

I must approve,. If you have more than five (5) immediate family members, the visiting list may be expanded upon my authorization. You may have two (2) visitors at a time and up to two (2) visits during the visiting periods. Visits during the last twenty-four (24) hours will be limited to clergy, Attorney of Record, and two (2) visitors approved by myself, visiting periods will be between the hours of 8:30 a.m. – 11:45 a.m. Visiting will be non-contact.

8. Arrangements for your burial are the responsibility of your family. The facility will notify your family by certified mail at least two weeks prior to the date of the execution of their responsibility for making arrangements. If the family does not make arrangements with a funeral home, the state will assume responsibility for your burial.

Anita Trammell, Warden
Oklahoma State Penitentiary

Offender's Signature

EXPANDED PHONE LIST: (Name, Phone Number, and Relationship). The phone numbers you have at present and the expanded phone numbers should not exceed 20 numbers total.

	Name	Phone Number	Relationship
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

Offender/ DOC #

The above information is submitted for the Warden's approval.

Anita Trammell, Warden

Date

EXPANDED VISITING LIST

(You may expand your current visiting list, up to 5 visitors and/or 1 clergy/spiritual advisor, in addition to your regular visiting list for the last seven days upon approval of the Warden. Please list any others, up to five, that you may want to add. Note: Do not add those already listed on your visiting list)

	Name	Address	Telephone	Relationship
1.				
2.				
3.				
4.				
5.				
6.				Clergy
	Spiritual/Clergy			

Offender / DOC #

The above information is submitted for the Warden's approval.

Anita Trammell, Warden

Date

WITNESSES: (5 witnesses and 2 spiritual advisors/clergy need name, address, telephone, relationship and age.)

	Name & Age	Address	Telephone	Relationship
1.				
	Witness			
2.				
	Witness			
3.				
	Witness			
4.				
	Witness			
5.				
	Witness			
6.				
	Spiritual/Clergy			
7.				
	Spiritual/Clergy			

Offender / DOC #

The above information is submitted for the Warden's approval.

Anita Trammell, Warden

Date

ITEMS TO BE TAKEN TO HOLDING CELL SW 4 LL

(Be specific and on canteen items, must list brand name and how many.)

(All canteen items must be in your possession at time of move and unopened.)

ALL HYGIENE ITEMS WILL BE ISSUED AS NEEDED

	Item Name	Brand Name	Quantity
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

Offender / DOC #

The above information is submitted for the Warden's approval.

Anita Trammell, Warden

Date

LAST DAY PHONE LIST: (Name, Phone Number, and relationship)

	Name	Phone Number	Relationship
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

Offender / DOC #

The above information is submitted for the Warden's approval.

Anita Trammell, Warden

Date

LAST DAY VISITORS: (Only two immediate family, unless you have no immediate family, or if your immediate family does not intend to visit, then you may list two friends. Need to list names, addresses, relationship, and age.) Visiting for the last day is from 8:30 am to 11:45 am.

	Name & Age	Address	Telephone	Relationship
1.				Family/Friend
2.				Family/Friend
3.				Attorney
4.				Attorney
5.				Attorney
6.				Attorney
7.				Attorney
8.				Attorney
9.				Clergy/Spiritual Advisor
10.				Clergy/Spiritual Advisor

 Offender Name

DOC#

The above information is submitted for the Warden's approval.

 Anita Trammell, Warden

Date

RELEASE OF REMAINS AND BURIAL ARRANGEMENTS:

(Name, address and phone number of the Funeral Home that will pick up your remains, and who will be responsible financially, name, address, phone number.)

Offender Name: _____
DOC#: _____

Funeral Home: _____
Address: _____
Phone Number: _____
Director's Name: _____

Next of Kin: _____
Address: _____
Phone #: _____

Person Financially Responsible for Disposition of Remains: _____
Address: _____
Phone #: _____

As designated by _____ **DOC#** _____, you are authorized to release the remains to the above mentioned Funeral Home.

State of Oklahoma County of: _____

The foregoing instrument was acknowledged before me this _____
By _____

_____ Date

_____ Offender Signature and DOC Number

My Commission expires: _____

_____ Notary

The above information is submitted for the Warden's approval.

_____ Anita Trammell, Warden

_____ Date

Execution Checklist

1. Upon receiving Court Order Setting the date of Execution; prepare a 30-Day Packet. (This can be given to him before the 30-Day Notification)
2. Set a date with the Warden for the 30-Day Notification. Prepare 6 folders and a log book.
3. When the offender is finished with his packet, the secretary will type the information for the Warden's for approval. Upon approval of the Warden, the packet will be distributed to the proper personnel.
4. A few days before the execution, get the exact dollar (\$) amount for the last meal and inform the Business Office of the amount.
5. Ensure the execution area is clean. Ensure the Medical Execution Box has been filled and placed in the Execution Room. Be sure at least 10 blue pads are in the room. Check the flashlight for new batteries.

Last Day

1. Arrive on H-Unit and put the curtains around SW-4-LL and SW-4-KK by 5:30 a.m. After curtains are in place, wake the inmate up.
2. David Fields will arrive with the clothing and property. Place these items in SW-4-LL.
3. Retain at least one sheet from the laundry bag (prefer 2 sheets), one for under the execution bed and one for the bed.
4. Offender will then be strip searched and taken to IHCC for x-rays. Ask the offender at that time, if he wants to eat. If he does, only the **Unit Manager and/or Lieutenant** are to feed him. Three (3) officers are placed at SW-4-LL to watch the offender. Any contact visit requires the offender to be x-rayed again.
5. The closed circuit TV system is checked by you and Maintenance at approximately 9:00 a.m. and 4:00 p.m. the day of the execution.
6. Find out the number of victim's witnesses and set up the Programs Room for that number.
7. Pick up the last meal money at 10:00 a.m. The Unit Manager and/or Lieutenant will get the last meal and deliver it to the offender at 12:00 noon.
8. Tour at 3:00 p.m.
9. Check the closed-circuit T.V. System again approximately 4:00 p.m.

CONFIDENTIAL
NOT TO BE REVEALED TO PUBLIC

Department of Corrections
Oklahoma State Penitentiary
Chain of Custody

This form is the chain of custody that accompanies the execution drugs scheduled for (offender name and number)

Prescription filled by _____ at _____ AM on this ____ day of ____, ____.

Signature R. pH.

- Evidence Description Drug # 1(a) pentobarbital / _____ PM
- Evidence Description Drug # 1(b) pentobarbital / _____ PM
- Evidence Description Drug # 2(a) vecuronium bromide or other blocking agent / _____ PM
- Evidence Description Drug # 2(b) vecuronium bromide or other blocking agent / _____ PM
- Evidence Description Drug # 3(a) potassium chloride / _____ PM
- Evidence Description Drug # 3(b) potassium chloride / _____ PM

Please indicate on #1 (a) which drug was used by circling the correct one.

Evidence Received by _____ Date: _____ Time: _____ AM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Execution began at _____ PM

Execution was completed at _____ PM on _____.

Signature

CONFIDENTIAL
NOT TO BE REVEALED TO PUBLIC

Department of Corrections
Oklahoma State Penitentiary
Chain of Custody

This form is the chain of custody that accompanies the execution drugs scheduled for _____
DOC# _____.

Prescription filled by _____ at _____ AM on this ____ day of __, ____.

R. pH.
Signature

Evidence Description Drug # 1 (a) sodium thiopental	/	_____	PM
Evidence Description Drug # 1 (b) sodium thiopental	/	_____	PM
Evidence Description Drug # 1 (c) sodium thiopental	/	_____	PM
Evidence Description Drug # 1 (d) sodium thiopental	/	_____	PM
Evidence Description Drug # 2 (a) vecuronium bromide or other blocking agent	/	_____	PM
Evidence Description Drug # 2 (b) vecuronium bromide or other blocking agent	/	_____	PM
Evidence Description Drug # 3 (a) potassium chloride	/	_____	PM
Evidence Description Drug # 3 (b) potassium chloride	/	_____	PM

Evidence Received by _____ Date: _____ Time: _____ AM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Execution began at _____ PM

Execution was completed at _____ PM on _____.

Signature

CONFIDENTIAL
NOT TO BE REVEALED TO PUBLIC
Department of Corrections
Oklahoma State Penitentiary
Chain of Custody

This form is the chain of custody that accompanies the execution drugs scheduled for _____.

Prescription filled by _____ at _____ AM on this ____ day of _____, _____.

Signature R. pH.

Evidence Description Drug # 1(a) pentobarbital / _____ PM
Evidence Description Drug # 1(b) pentobarbital / _____ PM
Evidence Description Drug # 1(a) pentobarbital / _____ PM
Evidence Description Drug # 1(b) pentobarbital / _____ PM

Please indicate which drug was used by circling the correct one(s).

Evidence Received by _____ Date: _____ Time: _____ AM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Execution began at _____ PM

Execution was completed at _____ PM on _____.

Signature

CONFIDENTIAL
NOT TO BE REVEALED TO PUBLIC
Department of Corrections
Oklahoma State Penitentiary
Chain of Custody

This form is the chain of custody that accompanies the execution drugs scheduled for _____

Prescription filled by _____ at _____ AM on this ____ day of _____, _____.

Signature R. pH.

Evidence Description Drug # 1 (a) midazolam _____ / _____ PM
Evidence Description Drug # 1 (b) midazolam _____ / _____ PM
Evidence Description Drug # 1 (c) midazolam _____ / _____ PM
Evidence Description Drug # 1 (d) midazolam _____ / _____ PM
Evidence Description Drug # 2 (a) hydromorphone _____ / _____ PM
Evidence Description Drug # 2 (b) hydromorphone _____ / _____ PM
Evidence Description Drug # 3 (a) potassium chloride _____ / _____ PM
Evidence Description Drug # 3 (a) potassium chloride _____ / _____ PM

Please indicate which drug was used by circling the correct one(s).

Evidence Received by _____ Date: _____ Time: _____ AM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Execution began at _____ PM

Execution was completed at _____ PM on _____.

Signature

Midazolam, Vecuronium Bromide or other blocking agent, Potassium Chloride

CONFIDENTIAL
NOT TO BE REVEALED TO PUBLIC
Department of Corrections
Oklahoma State Penitentiary
Chain of Custody

This form is the chain of custody that accompanies the execution drugs scheduled for _____

Prescription filled by _____ at _____ AM on this ____ day of _____, _____.

_____. R. pH.
Signature

- Evidence Description Drug # 1 (a) midazolam / _____ PM
Evidence Description Drug # 1 (b) midazolam / _____ PM
Evidence Description Drug # 1 (c) midazolam / _____ PM
Evidence Description Drug # 1 (d) midazolam / _____ PM
Evidence Description Drug # 2 (a) vecuronium bromide or other blocking agent / _____ PM
Evidence Description Drug # 2 (a) vecuronium bromide or other blocking agent / _____ PM
Evidence Description Drug # 3 (a) potassium chloride / _____ PM
Evidence Description Drug # 3 (a) potassium chloride / _____ PM

Please indicate which drug was used by circling the correct one(s).

Evidence Received by _____ Date: _____ Time: _____ AM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

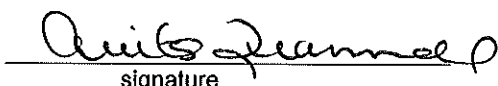
Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Evidence Received by _____ Date: _____ Time: _____ PM
Evidence Stored at _____ Evidence received from _____

Execution began at _____ PM

Execution was completed at _____ PM on _____.

_____.
Signature

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Anita Trammell, Warden Oklahoma State Penitentiary	 signature		

Addendum 01 Procedures for the Execution of Offenders Sentenced to Death

This Addendum to the Procedures for the Execution of Offenders Sentenced to Death is prepared in the event of two inmates are ordered to be executed on the same day. Unless otherwise stated, the Procedures for the Execution of Offenders Sentenced to Death with the effective date of April 14, 2014 will be followed.

III. Pre-Execution Procedures

B. Notification of Offender

4. Each Offender may request a supervised 30 minute non-contact visit at the designated holding cell with his spiritual advisor or facility Chaplain. The visit must be requested at least 24 hours in advance and must be between 4:00 p.m. and 5:00 p.m. on the day of the execution. Individuals that are under any type of supervision, by any corrections or law enforcement authority from any state or other local government entity, are prohibited from being a spiritual advisor.
6. At the time of the offender's notification, mental health services will evaluate the offender. Based on the mental health services evaluation and other contingencies which may occur, the offender may be placed in the high maximum cell. Twelve hours prior to the execution, the offender will be placed in either Cell SW-4-LL or Cell SW-4-KK.

E. Procedures for placing each offender in their respective Execution Holding Cell are as follows:

Prior to 4:30 a.m., on the day of the scheduled execution, the privacy screen will be placed around Cell SW-4-LL and Cell SW-4-KK. A minimum of four (4) staff and one (1) camera operator will be present to film the activity throughout the search procedure. The Unit Manager and the CERT Commander or designee must be present. Cell SW-4-LL and Cell SW-4-KK will be thoroughly searched by two officers under the supervision of the CERT Commander or designee and the drug detection dog may also be utilized when available. They will then conduct a thorough search of the shower located adjacent to Cell SW-4-LL and Cell SW-4-KK. At least one officer will be posted and remain at the cell at all times.

1. **Procedures for Execution Procedures to begin at 6:00 p.m.**

- a. Beginning at 4:30 a.m. on the morning of the scheduled execution officers selected by the CERT Commander or designee will proceed to the cell housing the offender whose execution procedure will begin at 6:00 p.m. The selected officers will search, issue new clothing and escort the offender to medical where he will be x-rayed (beginning at the head and x-rayed downward of the body). The x-rays will be taken prior to eating breakfast. The offender will then be escorted back to H Unit and placed in the shower next to cell SW-4-LL.
- b. The offender will enter the shower area and may take a shower under the supervision and observation of staff.
- c. Two sets of clothing, to include shorts, pants, shirts, socks and shoes in the appropriate size, mattress, sheets and a blanket will be provide for the offender. Upon completion

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of the shower, the offender will change into one set of clothing. The remaining set of clothing will be maintained by the officers for issuance to the offender each time he enters or exits the cell. Clothing will be searched each time the offender is moved.

- d. After the offender has dressed, restraints will be applied. The Shower door will be opened and the offender will step out on the run and the shower door will be secured. Cell SW-4-LL door will be opened and staff will monitor the offender's movement from the shower to the cell. After the offender enters cell SW-4-LL, the cell door will be closed and secured.
- e. Assigned staff (a minimum of three officers) will take up positions in front of the cell door maintaining constant observation of the offender and keep a master log of the activities that take place involving the offender during their assigned shift.
- f. Officers will be assigned to work from 4:30 a.m. until 1:30 p.m. and 1:30 p.m. until 6:00 p.m.
- g. Any appliances owned by the offender will be exchanged one for one by the facility and thoroughly searched by the Unit Manager and CERT Commander or designee prior to being placed in SW-4-LL. The offender's personally-owned television and/or radio, or fan, will not be taken into SW-4-LL.

2. Procedures for Execution Procedures to begin at 8:00 p.m.

- a. Beginning at 5:30 a.m. on the morning of the scheduled execution officers selected by the CERT Commander or designee will proceed to the cell housing the offender whose execution procedure will begin at 8:00 p.m. The selected officers will search, issue new clothing and escort the offender to medical where he will be x-rayed (beginning at the head and x-rayed downward of the body). The x-rays will be taken prior to eating breakfast. The offender will then be escorted back to H Unit and placed in the shower next to cell SW-4-KK.
- b. The offender will enter the shower area and may take a shower under the supervision and observation of staff.
- c. Two sets of clothing, to include shorts, pants, shirts, socks and shoes in the appropriate size, mattress, sheets and a blanket will be provide for the offender. Upon completion of the shower, the offender will change into one set of clothing. The remaining set of clothing will be maintained by the officers for issuance to the offender each time he enters or exits the cell. Clothing will be searched each time the offender is moved.
- d. After the offender has dressed, restraints will be applied. The Shower door will be opened and the offender will step out on the run and the shower door will be secured. Cell SW-4-KK door will be opened and staff will monitor the offender's movement from the shower to the cell. After the offender enters cell SW-4-KK, the cell door will be closed and secured.
- e. Assigned staff (a minimum of three officers) will take up positions in front of the cell door maintaining constant observation of the offender and keep a master log of the activities that take place involving the offender during their assigned shift.
- f. Officers will be assigned to work from 5:30 a.m. until 1:30 p.m. and 1:30 p.m. until 8:00 p.m.
- g. Any appliances owned by the offender will be exchanged one for one by the facility and

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thoroughly searched by the Unit Manager and CERT Commander or designee prior to being placed in SW-4-KK. The offender's personally-owned television and/or radio, or fan, will not be taken into SW-4-KK.

G. Procedures for the Execution Holding Cell: Offender – Attorney Visits:

1. Upon notification by the SW Control Room Officer of full contact attorney visit for the offender in with Cell SW-4-LL or Cell SW-4-KK, two escort officers will place handcuffs (in front) and leg irons on the offender through the food passageway of the respective cell.
3. The officers assigned to either Cell SW-4-LL or Cell SW-4-KK will maintain constant surveillance of their assigned cell in the offender absence. Escort offices will take up a position in the Unit Manager's office that allows the officers to maintain constant surveillance of the offender and attorney.
5. The attorney/client visiting room door will be opened and the two officers will escort the offender back to the shower adjacent to Cell SW-4-LL and Cell SW-4-KK. The offender will be placed in the shower. Any time the offender has a full contact visit, he/she may be transported to the IHCC to be x-rayed prior to being returned to his/her respective assigned cell.

H. At the time the offender is removed from his cell on Death Row for transfer to either Cell SW-4-LL or Cell SW-4-KK, the H Unit Manager will ensure a proper inventory is conducted of the offender's personal property. Only that property authorized on Attachment A will be allowed in Cell SW-4-LL or Cell SW-4-KK. The property that is not allowed will be stored in a secure location within the OSP Personnel Office. At the completion of the execution, all of the offender's property will be released to the individual(s) designated to receive the property from the Personnel Office.

I. A minimum of two Correctional Officers of the same gender as the offender, will assume the post outside Cell SW-4-LL and Cell SW-4-KK, and will maintain a shift log. An entry will be made when the escort team arrives with the offender. This log will be maintained in accordance with procedures in OSP-040102-01, entitled "Facility Post Orders and Log".

IV. Visiting Privileges

C. Spiritual Support

1. The offender must request a supervised 30 minute non-contact visit at the holding cell with his/her spiritual advisor or facility chaplain. This visit must be requested at least 24 hours in advance and must be conducted between 4:00 p.m. and 5:00 p.m. on the day of the execution. Individuals that are under any type of supervision, by any correctional or law enforcement authority from any state or other local government entity, are prohibited from being a spiritual advisor.

VII. Telephone Calls

A. Telephone calls will be permitted from 12:00 p.m. to 4:00 p.m. on the day of the execution.



Mary Fallin
Governor

FILED

APR 29 2014

OKLAHOMA SECRETARY
OF STATE

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2014-10

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to Article 6 Section 10 of the Oklahoma Constitution, hereby grant a stay of the execution of Charles Frederick Warner of fourteen (14) days from the scheduled date of execution, April 29, 2014. This stay is issued to allow the Oklahoma Department of Corrections to evaluate the current execution protocol and to allow exhaustion of all possible legal remedies. The execution for Charles Frederick Warner is therefore scheduled for May 13, 2014.

This Executive Order shall be forwarded to the Director of the Oklahoma Department of Corrections and the Oklahoma Attorney General who shall cause the provisions of this Order to be implemented by all appropriate agencies of state government.

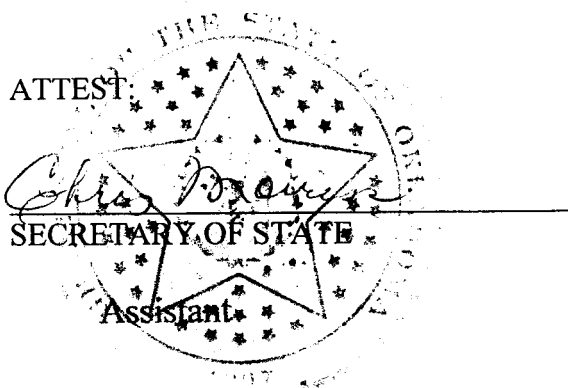
IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 29th day of April, 2014.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

MARY FALLIN

ATTEST:



046902



Mary Fallin
Governor

FILED

APR 30 2014

OKLAHOMA SECRETARY
OF STATE

EXECUTIVE DEPARTMENT
EXECUTIVE ORDER 2014-11

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby appoint Michael C. Thompson, Commissioner of the Oklahoma Department of Public Safety, to conduct an independent review of the events leading up to and during the execution of Clayton Derrell Lockett. The review shall include first, an inquiry into the cause of death of Clayton Derrell Lockett through a thorough examination by a forensic pathologist. Second, an inquiry addressing whether the Oklahoma Department of Corrections correctly followed the agency's current protocol for executions. Lastly, the review shall contain any recommendations to improve the current execution protocol used by the Oklahoma Department of Corrections.

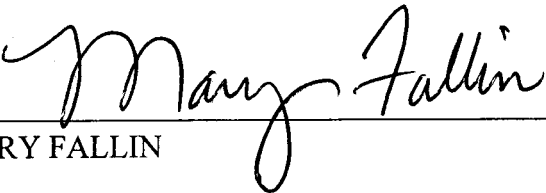
Further, pursuant to the authority in Title 63 section 938 of the Oklahoma Statutes, I direct the Chief Medical Examiner to authorize the examination and autopsy of Clayton Derrell Lockett. Specifically, I hereby direct the Chief Medical Examiner to authorize the Southwestern Institute of Forensic Science (SWIFS) in Dallas, Texas to perform the autopsy, additional examination, and all other related testing on the remains of Clayton Derrell Lockett. In order to effectuate this examination, I direct the Office of the Chief Medical Examiner to transport the remains of Clayton Derrell Lockett to and from this facility for this purpose. The Chief Medical Examiner is ordered to appropriately maintain the remains of Clayton Derrell Lockett until released to his family.

Copies of this Executive Order shall be distributed to the Commissioner of the Oklahoma Department of Public Safety, the Executive Director of the Oklahoma Department of Corrections, the Oklahoma Office of the Chief Medical Examiner, the Southwestern Institute of Forensic Science in Dallas, Texas, and the Oklahoma Attorney General who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

046905

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 30th day of April, 2014.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



MARY FALLIN





STATE OF OKLAHOMA
OKLAHOMA DEPARTMENT OF CORRECTIONS

May 1, 2014

The Honorable Mary Fallin
Governor, State of Oklahoma
Room 212, State Capitol
Oklahoma City, OK 73105

Dear Governor Fallin:

On April 29, 2014, the Oklahoma Department of Corrections carried out the legal execution of offender Clayton D. Lockett #206409. The information provided below is a timeline of events leading up to offender Lockett's death.

- | | |
|------------|---|
| 0506 hours | The Correctional Emergency Response Team (CERT) arrives at offender Lockett's cell to escort to medical for x-rays as part of the execution protocol. Lockett refused orders to be restrained. |
| 0509 | CERT team exits unit in preparation for cell entry. |
| 0550 | CERT team and medical personnel on unit to conduct planned use of force. After giving a verbal order to be restrained, offender Lockett refused, and an electronic shock device (Taser) was administered. |
| 0553 | Offender Lockett was taken to H Unit medical room where it was found he had a self-inflicted laceration to his right arm. Treatment was administered. Offender Lockett was then transported by vehicle to the medical facility, Intermediate Health Care Center (IHCC), at Oklahoma State Penitentiary. |
| 0635 | Offender Lockett arrives at IHCC for treatment of self-inflicted injuries which were observed during the cell extraction at 0550 hours. |
| 0645 | Offender Lockett was moved to an observation cell in IHCC. Medical personnel examined offender Lockett's self-inflicted wounds. Three officers were assigned for continuous observation until 1719 hours. |
| 0700-0815 | Offender Lockett was checked by the cell watch team, accompanied by medical personnel, every 15 minutes. |
| 0815 | Physician Assistant examined offender Lockett and determined that sutures were not needed. |

0840 Offender Lockett was returned to an observation cell in IHCC.

0850-0935 Offender Lockett was checked by the cell watch team every 15 minutes.

0915 (approx.) Offender Lockett refused visits from his attorneys.

0942 Offender Lockett was offered a food tray and refused the food tray.

0955-1045 Cell watch team checked offender Lockett every 15 minutes.

1025 (approx.) Offender Lockett confirmed his refusal to visit with his attorneys.

1111 Offender Lockett was offered a food tray and refused the food tray.

1135-1450 Cell watch team checked offender Lockett every 15 minutes.

1510-1555 Cell watch team checked offender Lockett every 15 minutes.

1610-1640 Restraint team escorts offender Lockett from IHCC to H-unit SW shower (final holding cell prior to execution).

1655-1710 Offender Lockett visits with mental health personnel.

1719 Offender Lockett was escorted from SW shower to the execution chamber by Warden Trammell and the restraint team.

1722 Offender Lockett was placed and restrained on the execution table.

1727-1818 Phlebotomist enters execution chamber to determine appropriate placement for IV. The Phlebotomist examined offender Lockett's left and right arms, left and right legs, and both feet to locate a viable insertion point. No viable point of entry was located. The doctor then examined the offender's neck and then went to the groin area.

1818 The IV insertion process is complete. Insertion point was covered with a sheet to prevent witness viewing of the groin area.

1820 Phlebotomist exits execution chamber.

1823 Warden Trammell receives approval to proceed with the execution from Director Patton. Shades in execution chamber are raised. Offender Lockett was given the opportunity to make a final statement and declined. Warden Trammell begins the execution. Midazolam is administered intravenously.

1830 Doctor checked Offender Lockett for consciousness; offender was still conscious.

1833	Doctor checked Offender Lockett for consciousness; offender was unconscious. Vecuronium bromide is administered intravenously. Potassium chloride is administered intravenously.
1842	Shades lowered; Phlebotomist and doctor check IV.
1844-1856	The doctor checked the IV and reported the blood vein had collapsed, and the drugs had either absorbed into tissue, leaked out or both. The warden immediately contacted the director by phone and reported the information to the director. The director asked the following question, "Have enough drugs been administered to cause death?" The doctor responded, "No." The director asked, "Is another vein available, and if so, are there enough drugs remaining?" The doctor responded, "No" to both questions. The director requested clarification as to whether enough drugs had been administered to cause death. The doctor responded, "No." The director asked the condition of the offender, the warden responded the doctor was checking the offender's heart beat and found a faint heart beat and the offender was unconscious.
1856	Director calls off execution under the authority granted by the governor.
1906 hours	Doctor pronounced Offender Lockett deceased.

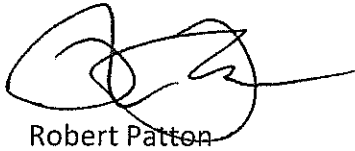
Based on my review of these events, I recommend the following actions:

- **Conduct a complete review/revision to the execution protocols.** The current protocol puts all responsibility and decision-making on the warden at the Oklahoma State Penitentiary. Those decisions should rest on upper management and ultimately on the Director of Corrections. As written, the current protocol does not require the director's review or approval prior to implementation. I intend to explore best practices from other states and ensure the Oklahoma protocol adopts proven standards.
- **Request an indefinite stay of execution.** It will take several days or possibly a few weeks to refine the new protocols. Once written, staff will require extensive training and understanding of new protocols before an execution can be scheduled. I recommend asking the Court of Criminal Appeals to issue an indefinite stay of execution.
- **Investigation of circumstances surrounding the execution.** I fully support an external investigation into the circumstances of offender Lockett's execution. While I have complete confidence in the abilities and integrity of my Inspector General and his staff, I

believe the report will be perceived as more credible if conducted by an external entity. I will ensure the investigating agency receives full cooperation and disclosure of all information.

If additional information or direction is needed, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "Robert Patton", written over a circular stamp or seal.

Robert Patton
Director