Idaho Department of Correction	**Standard Operating Procedure**	Title: **Execution Procedures**		Page: 1 of 36
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SCOPE

This standard operating procedure (SOP) applies to all Idaho Department of Correction (IDOC) staff members involved in the administration of capital punishment and to persons in IDOC custody sentenced to capital punishment.

Version Summary
Version 6: This SOP renumbers and replaces SOP 135.02.01.001 v5.0, *Execution Procedures*. It also incorporates and replaces previous POLICY 135 v2.0, *Executions*. This version updates terminology and adds details regarding the use of a firing squad.

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A. STATUTORY AUTHORITY

1. Idaho Code § 19-2716, Methods of Execution

2. Idaho Code § 20-217A, Appointment of Director – Salary – Powers and Duties

3. Idaho Code § 20-244, Government and Discipline of the Correctional Facility – Rules and Regulations

B. BOARD OF CORRECTION IDAPA RULE

06.01.01.135, Executions

C. GOVERNING POLICY STATEMENT

1. It is the policy of the Idaho Board of Correction that the Idaho Department of Correction (IDOC) is always cognizant that the execution of a condemned person is one of the most serious responsibilities of the IDOC and that the execution of an offender must be approached with the highest regard for the dignity of all involved.

2. It is also the policy of the Board that the IDOC carry out scheduled executions in a manner that is consistent with professional correctional standards and State and Federal Law.

D. PURPOSE

To establish specific procedures for administration of capital punishment through firing squad or lethal injection in accordance with Idaho Code and the Constitutions of the United States of America and the State of Idaho.

E. RESPONSIBILITY

1. Director of IDOC

a. Overall control over the execution process, including approval of administrative policy, SOP, and field memoranda.

b. Communicate with Idaho Governor's Office, Idaho Board of Correction, Idaho Legislators, and Idaho Commission of Pardons and Parole.

c. Determine execution procedures.

d. Approve news media representatives for media center access.

e. File declaration certifying the available method of execution.

2. Chief of the Division of Prisons

a. Approve field memoranda and post orders related to the execution process.

b. Contact and notify members of the victim's family.

c. Contact and notify the State of Idaho's witnesses.

d. Brief witnesses before the execution.

e. Ensure that regular briefings occur for all involved staff commencing after the death warrant is served until the facility has returned to normal operations. The Critical Incident Stress Management (CISM) team members will be available to speak with interested and affected staff, individuals, or groups who have been identified by the facility warden or other staff.

f. Appoint a person to serve as liaison between the victim, victim's family, and IDOC. In most cases, this will be the IDOC Victim Services Coordinator or a non-IDOC trained victim witness coordinator.

g. Brief staff as needed following service of a death warrant.

3. Deputy Chief of the Division of Prisons

a. Appoint an Acting Idaho Maximum Security Institution (IMSI) Warden.

b. Coordinate IDOC activities as the Incident Command System (ICS) command center operations chief. ICS activities will involve facilities within IDOC's South Boise Complex.

c. Activate the following teams and oversee the activities of:

i. ICS

ii. Correctional Emergency Response Team (CERT)

iii. Maintenance

iv. Critical Incident Stress Management (CISM)

v. Traffic Control Team

vi. Idaho State Correctional Institution (ISCI) media center

vii. South Idaho Correctional Institution (SICI) grounds and perimeter security

d. More than one Deputy Chief of Prisons may share the responsibilities for the position set out by this SOP or as assigned by the Director or the Chief of Prisons.

4. Administrative Team

a. The Administrative Team consists of the Chief and Deputy Chiefs of Prisons, the IMSI Warden, and any additional IDOC staff the Director or the Chief of Prisons may appoint.

b. Plan, direct, and implement all pre-execution and post-execution activities.

c. Coordinate all processes associated with specialty team personnel selection, training, rehearsal, and performance, as well as equipment and supply acquisition.

d. Ensure the execution process is conducted in accordance with this SOP.

e. Confirm the department adheres to Idaho Code sections 19-2705, 19-2713, 19-2714, 19-2715, 19-2716, 19-2716A, 19-2718, and IDAPA 06.01.01.135.

f. Select staff for the Escort Team, Firing Squad and Medical Team.

g. Arrange for emergency third party medical services to be on site during the execution procedure.

h. Confirm all equipment such as electrical, plumbing, heating, and cooling units in the execution chamber are in working order.

i. Establish an annual training schedule for the Firing Squad Team, Escort Team and Medical Team, and confirm compliance as required by this SOP.

j. Schedule periodic on-site rehearsal sessions by the Firing Squad Team, Escort Team, and Medical Team, as required by this SOP.

5. Idaho Maximum Security Institution (IMSI) Warden

a. Notify the condemned person that a death warrant has been served.

b. Assign an IDOC liaison for the condemned person.

c. Create and maintain a log documenting the events leading up to the execution date that serves as a permanent record of the execution activities.

d. Issue all the orders to facilitate an execution at IMSI.

e. Ensure all visitors and execution witnesses meet the standard IDOC visitor requirements and any additional requirements implemented by this SOP.

6. Idaho Maximum Security Institution (IMSI) Acting Warden

a. Manage and maintain daily operations and internal security at IMSI while a warrant is in place.

b. Schedule staff for regular posts and additional security to begin 48 to 24 hours prior to the execution up to and including a 'level C response' in accordance with the ICS.

7. Idaho State Correctional Institution (ISCI) Warden

a. Establish field memoranda to identify authority and guidelines to coordinate media external staging activity. The Chief of the Division of Prisons must approve the field memoranda.

b. Provide logistical and communication support at the IDOC's South Boise Complex.

8. South Idaho Correctional Institution (SICI) Warden

a. Establish field memoranda to identify authority and guidelines to coordinate and implement external security measures, including guidelines for other law enforcement and support agencies operating on the IDOC's South Boise Complex. The Chief of the Division of Prisons must approve the field memoranda.

F. DEFINITIONS

1. ***Condemned Person:*** A person in IDOC custody who has been convicted of a criminal offense, sentenced to death, and for whom a death warrant has been served.
2. ***South Boise Complex:*** The group of six IDOC correctional facilities operated within the Kuna, Idaho area south of Boise.

G. STANDARD PROCEDURES

1. Introduction

a. Carrying out a lawfully imposed death sentence is one of the most serious and controversial responsibilities of IDOC. IDOC leadership and staff must be aware of the pressures an execution places on them and the prison population and be prepared and able to meet the situations that might arise. A high regard for the dignity of all individuals involved must be maintained.

b. All executions, both males and females, will be conducted at IMSI. The condemned person will be transported to IMSI immediately when the death warrant is served, if not already housed there.

c. No IDOC staff member or contractor, except as identified by Idaho Code or contract, will be required to participate in an execution and can withdraw from the process at any time and a replacement will be appointed in accordance with Idaho law and this SOP.

d. IDOC will make every effort in the planning and preparation of an execution to ensure that the execution process:

i. Complies with the Constitution of the United States, the Constitution of the State of Idaho, and Idaho law, including but not limited to Idaho Code Sections 19-2705, 19-2713, 19-2714, 19-2715, 19-2716, 19-2716A, 19-2718, and IDAPA Rule 06.01.01.135.

ii. Is handled in a manner that minimizes its impact on the safety, security, and operational integrity of IMSI.

iii. Accommodates the public's right to obtain certain information concerning the execution and minimizes the impact on the community, IDOC, and the State of Idaho.

iv. Respects the privacy interests of families of the victims and of the condemned person.

v. Provides contingency planning to identify and address unforeseen problems.

vi. Maintains lines of communication necessary to receive information regarding stays of execution, commutations, and other circumstances throughout the execution process.

vii. Provides opportunity for lawful demonstration.

viii. Ensures there is an appropriate response to unlawful civil disobedience, trespass, and other disruptive or criminal conduct.

2. Monitoring Appellate Activities

a. The Deputy Chief of Prisons, in conjunction with the Deputy Attorneys General (DAGs) representing IDOC, will monitor the appellate process of individuals sentenced to death. When it appears an individual may be within one year or less of exhausting appeals, the Deputy Chief of Prisons will notify the Director, the Chief of Prisons, and the IMSI Warden of the possibility of the issuance of a death warrant within the next year.

b. The Administrative Team will begin the planning and preparation process when an individual is within this one-year timeframe.

3. Staff Conduct and Professionalism

a. All IDOC staff and contractors must maintain a high degree of professionalism regarding the execution process. Expectations demonstrating professionalism include, but are not limited to, the following:

i. Restraint and courtesy when interacting with the condemned person, the incarcerated population, witnesses, demonstrators, attorneys, news media, law enforcement, and any member of the public regarding the administration of a death sentence.

ii. Proficient performance of all assigned duties in a respectful manner.

iii. Conduct that appropriately reflects the gravity of the execution process.

4. Attempted Disruption of Execution Process

a. IDOC is required by Idaho law to carry out capital punishment sentences from Idaho courts. IDOC will take those actions necessary to fulfill this requirement and prevent the disruption of an execution or disruption to the safe and orderly operation of its correctional facilities. Prohibited activities include, but are not limited to the following:

i. Filming, taping, recording, broadcasting, or otherwise electronically documenting the execution.

ii. Trespassing or entering upon IDOC property without authorization.

iii. Participating in unlawful demonstrations or unlawful attempts to disrupt, prevent, or otherwise interfere with an execution.

iv. Unlawfully threatening, intimidating, or otherwise attempting to influence persons involved in the execution process.

b. These prohibitions apply to the incarcerated population, staff, and the public.

c. IDOC will arrange adequate law enforcement is present to ensure the safe control of the public on IDOC property, including officers stationed at the Execution Unit, if necessary. This may include members of the Boise Police Department, the Ada County Sheriff's Department, or the Idaho State Police, and other law enforcement agencies.

5. Specialty Teams and Training and Practice Requirements

a. The execution process requires four specialty teams: the Escort Team, Firing Squad Team, Medical Team, and the Administrative Team. The Escort, Firing Squad, and Medical Teams may also be referred to collectively as the Execution Team herein.

b. The names of the individuals on the Execution Team will be treated with the highest degree of confidentiality. The identity of all individuals (except those Administrative Team Members specifically identified in this SOP) participating in or performing any ancillary functions in an execution is confidential. Confidential information includes any information that could identify those individuals. Confidential information is not subject to disclosure. The identities of Escort Team are available to the Director, the Chief of Prisons, and the Administrative Team. The identities of the Firing Squad and Medical Team members are available to the Director and the respectively assigned Deputy Chief of Prisons. See IDAPA 06.01.01.108.04 and 06.01.01.135.

c. Escort Team Members – Criteria and Selection Requirements

i. Service on the Escort Team is voluntary. Staff may withdraw at any time.

ii. Staff must meet the following criteria to be selected for the Escort Team:

1) Demonstrate high degree of professionalism.

2) Demonstrate ability to maintain confidentiality.

3) No personnel disciplinary action in the past 12 months.

4) Current IDOC employee with at least one year of satisfactory employment.

5) No blood or legal relationship to the victim or victim's family.

6) No blood or legal relationship to the condemned person or family.

iii. The Administrative Team will identify qualified personnel to serve on the Escort Team, verify qualifications, and complete criminal background checks before approving participation on the Escort Team.

iv. The Deputy Chief of Prisons will designate an Escort Team Leader and at least one alternate Escort Team Leader.

v. The Escort Team Leader reports to a designated Administrative Team Member and ensures that all Escort Team members understand all provisions of this SOP and are well-trained in the escort procedures.

d. Firing Squad – Criteria and Selection Requirements

i. The Firing Squad consists of volunteers whose training and experience includes the deployment and proficient use of firearms.

ii. Volunteers must meet the following criteria to be selected for the Firing Squad:

1) Hold POST peace officer certification for a minimum of 3 years.

2) Demonstrate firearm proficiency. Proficiency will be tested under conditions substantially similar to those present in the execution chamber. Proficiency must be exhibited before initial selection as follows:

a) Fire each IDOC-provided firearm at a minimum of 21 feet, with 100% accuracy.

b) Hit a target of the same size, shape, and dimension that will be used during an execution.

c) Hit a target at a substantially similar height to the height at which the target will be attached to the condemned during an execution.

d) During the proficiency test, failure to accurately hit the specific target with one round from each IDOC-provided firearm disqualifies the volunteer from selection.

3) No personnel disciplinary action in the past 12 months regarding use of a firearm, use of force, or similar conduct.

4) No blood or legal relationship to the victim or victim's family.

5) No blood or legal relationship to the condemned person or family.

e. Medical Team Members – Criteria and Selection Requirements

i. The Medical Team consists of volunteers whose training and experience include establishing intravenous (IV) access by peripheral line and/or

central venous line. The Medical Team will be responsible for inserting IV catheters, ensuring the line is functioning properly throughout the procedure, preparing the chemicals, preparing the syringes, drawing the chemicals, monitoring the condemned person (including the level of consciousness), and administering the chemicals as described in *Execution Chemicals Preparation and Administration*.

ii. To serve on the Medical Team, individuals must meet the following criteria:

1) At least three years of medical experience as an emergency medical technician (EMT), licensed practical nurse (LPN), military corpsman, paramedic, phlebotomist, physician assistant (PA), physician (MD or DO), nurse practitioner (NP), registered nurse (RN), or other medically trained personnel including those trained in the United States military.

2) Have current peripheral line venous access proficiency through ongoing training, education and experience, and/or current job duties.

3) Demonstrate current proficiency in the following: understanding medical orders, reading and understanding medical orders and labels, drawing chemicals, and understanding the effect of a chemical or pharmaceutical on the human body. Proficiency can be established based on ongoing training, education and experience, and/or current job duties.

4) Be certified in cardiopulmonary resuscitation (CPR).

5) No blood or legal relationship to the victim or victim's family.

6) No blood or legal relationship to the condemned person or condemned person's family.

iii. In addition to the above minimum qualifications, to establish central venous line IV access, individuals must meet the following criteria:

1) Be a licensed physician.

2) Have current central venous line catheter placement proficiency.

f. The Administrative Team

i. The Administrative Team will identify qualified persons to serve on the Firing Squad and Medical Teams; verify their professional qualifications (to include required licensing or certification), training, and experience; complete criminal background checks; and conduct personal interviews before approving participation on the Firing Squad or Medical Team.

ii. The Administrative Team will ensure that all Execution Team members understand all provisions of this SOP and are well-trained in the execution procedures.

iii. Licensing and certification and criminal history reviews will be conducted

prior to selection for the Firing Squad and Medical Teams, annually after placement on each specialty team, and after issuance of a death warrant. Participation on the Firing Squad or Medical Team is contingent on passing these reviews.

g. The Deputy Chief of Prisons will designate a Team Leader and at least one Alternate Team Leader for the Firing Squad Team and Medical Team respectively.

h. Training and Rehearsal Requirements

i. The Administrative Team will establish a training schedule for each calendar year that identifies dates for on-site training and rehearsal sessions for the Execution Team. All training and rehearsal sessions must be documented by a designated Administrative Team Member. A minimum of four training sessions will be scheduled each calendar year for the Execution Team.

ii. The Director may suspend or modify the number and frequency of training sessions if no execution is anticipated in that calendar year. The Director may increase the number and frequency of training sessions to ensure adequate training of the Execution Team.

iii. To participate in an execution, the Execution Team must participate in a minimum of four training sessions within the twelve months prior to the execution. Training and rehearsal sessions for the Firing Squad Team will include fire and dry fire training. Training and rehearsal sessions for the Medical Team shall include the placement of peripheral line IV catheters and administering IV fluids through peripheral lines in a minimum of two live volunteers. The specific training requirement will be based on the method of execution certified by the Director.

iv. After a death warrant is served, the Execution Team will train weekly before the scheduled execution date, consistent with the method of execution certified by the Director.

v. In the forty-eight hours prior to the scheduled execution, the Execution Team must participate in a minimum of four training sessions and two rehearsals, consistent with the method of execution certified by the Director.

i. Emergency medical services

i. Provide emergency medical assistance and transport to anyone requiring such care during the execution process, including resuscitation efforts for the condemned person as needed.

ii. Stage near the Execution Unit as determined by the Administrative Team. Emergency medical personnel will provide their own equipment and supplies.

iii. Emergency medical services provided under this section are not considered part of the execution procedures.

iv. Emergency medical personnel will maintain proper professional licensing or certification as required by the scope of the emergency medical services to be provided.

v. The identities of emergency medical personnel are confidential and will be protected from disclosure. See IDAPA 06.01.01.108 and 06.01.01.135.

6. Death Warrant for Pregnant Person

If there is reason to believe that a condemned person is pregnant, IDOC will comply with the requirements of Idaho Code section 19-2713 and 19-2714.

7. Stay of Execution

Upon notification that a court has issued a stay of execution, the following will occur:

a. The Director will notify the following:

i. Administrative Team Members

ii. Office of the Governor of Idaho

iii. Executive Director of the Idaho Commission of Pardons and Parole

iv. Victim Liaison

b. Deputy Chief of Prisons

i. Advise facility staff that a stay of execution has been issued.

ii. Begin systematically deescalating the operation and when applicable instruct execution activities and related operations to stand down.

iii. When appropriate, return all IDOC and contract facilities to normal operations.

c. IDOC Public Information Officer (PIO) will issue a press release to the media.

d. The IMSI Warden will determine housing and visiting in accordance with Idaho Code § 19-2705; SOP 319.02.01.001, *Restrictive Housing*; and SOP 604.02.01.001, *Visiting*.

e. If a stay of execution is received the day of a scheduled execution, in addition to the process steps above, the following will also occur:

i. Administrative Team: Ensure that IDOC-provided firearms and ammunition are secured in accordance with *Firing Squad Administration*. Ensure that all chemicals and medical supplies are handled in accordance with *Execution Chemicals Preparation and Administration*.

ii. If the stay is anticipated to last more than two hours, the Director may direct the condemned person be returned to a designated cell and return of the condemned person's property.

iii. In the event of a lethal injection execution, if a stay is anticipated to last more than two hours, the Director will consult with the Medical Team

Leader regarding whether and when to remove the IV catheters.

8. Public Information and Media Access

a. The PIO is responsible for preparing and releasing information to the media. The Director must approve each release prior to dissemination.

b. A media center will be located on-site at the South Boise Complex.

c. The PIO will act as the IDOC's liaison with all media agencies requesting access to the South Boise Complex or information regarding the execution. The PIO will notify all news media of the following IDOC rules:

i. Media representatives must comply with IDOC visiting standards for access to witness the execution and to have access to the media center. This includes IDOC's prohibition on weapons and tobacco use on IDOC premises.

ii. Cameras, video cameras, cellular telephones, and recording devices are not allowed inside IMSI or the execution chamber.

iii. Cameras, video cameras, and recording devices are allowed in the media center and at the area(s) designated for media at the South Boise Complex.

iv. Individuals entering IDOC premises are subject to search (metal detector and clothed body search), must arrive at the designated time, and must enter IDOC property as instructed.

d. News Media Representatives

i. A news media representative is a person whose primary employment is gathering or reporting news for:

1) A newspaper, as defined in Idaho Code § 60-106

2) A news magazine having a normal circulation being sold by newsstands and by mail circulation to the general public

3) Radio and television news programs of stations holding Federal Communication Commission licenses

4) The Associated Press

ii. News organizations which distribute content primarily via internet will be admitted on a case-by-case basis. The PIO will verify that each internet-based organization is a bona fide news media. The Director will be the final authority to approve admittance of news media representatives from internet-based news agencies to the media center.

e. Media Representative Witnesses to the Execution

i. IDOC will permit up to four news media representatives to witness the execution. This is subject to change by the Director.

ii. Fourteen days prior to the execution, any news media representative who desires to witness the execution must submit a fully completed *Execution*

Witness Acknowledgment & Agreement to the PIO for the purposes of undergoing a criminal background check and approval.

iii. The media representative witnesses will be selected as follows:

1) The Associated Press will select one media representative witness.

2) One media representative witness will be randomly selected from each of the following groups:

a) Media organizations that focus on and primarily cover the region in which the county of conviction is located. The Director will determine which media agencies provide substantial coverage to the residents in the county of conviction.

b) Print and internet news media organizations that focus on and primarily cover and deliver local news to communities in Idaho.

c) Broadcast news media organizations that focus on and primarily cover and deliver local news to communities in Idaho.

iv. Each media organization may only submit one representative for selection.

f. Media Representative Witness Selection

i. Approximately seven days before the scheduled execution, the PIO will conduct the drawing for three media representative witnesses. A drawing for alternates in each category will be conducted at the same time. Selected media witnesses are not permitted to transfer or delegate their selection to any other individual.

ii. Media representative witnesses must agree to return directly to the media center following the execution and share information and observations with the other news media representatives. The PIO will facilitate that discussion and briefing.

g. Media Staging

i. The Deputy Chief of the Division of Prisons will determine the schedule and location for media vehicle staging and the schedule when news media representatives who are not participating in the witness pool must arrive.

ii. On the day of the execution, media representative witnesses must arrive at the media center at the time designated by the PIO. News media representatives will sign in at the designated media center. IDOC will transport the four media representative witnesses from the media center to IMSI. The news media witnesses will be escorted to the Execution Unit with the state witnesses.

iii. The transport officers will remain in a pre-assigned area at IMSI until the execution is declared completed by the IMSI Warden. The escort officers will then transport the media representatives back to the media center to participate in the news conference.

9. External Security

a. The South Boise Complex will be broken down into four security areas:

i. Inner perimeter zone: the area within the respective facilities' fences.

ii. Controlled perimeter zone: an extended perimeter around the South Boise Complex facilities.

iii. Restricted zones: areas designated for the media.

iv. Extended zones: areas designated for observers/demonstrators.

b. At the designated time, the SICI Warden will control access to the South Boise Complex.

c. South Boise Women's Correctional Center (SBWCC) will provide security staff as needed to the SICI Warden to help support security of the controlled perimeter zone.

d. The SICI Warden is responsible for establishing posts at strategic access and checkpoints in the controlled perimeter zone surrounding the facilities.

10. Persons Allowed in the Execution Unit During Execution

a. The Director will have the discretion to determine the number of persons allowed in the Execution Unit at any time. In exercising this discretion, the Director will consider the safe and orderly operation of IMSI, the interests of the victim's family, and whether multiple death warrants are being executed concurrently.

b. By permitting individuals to witness the execution, IDOC is not creating any right or privilege that does not already exist. Individual placement of witnesses in the Execution Unit is subject to change at the discretion of the Director. Individuals who fail to adhere to the requirements and directives of IDOC may be escorted out of the Execution Unit, IMSI, or IDOC premises.

c. IDAPA 06.01.01.135.06 provides that in most instances the following persons should be allowed in the Execution Unit, subject to the discretion of the Director of IDOC:

i. The Administrative Team

ii. The Execution Team members

iii. Emergency medical personnel

iv. The Director of IDOC

v. The Idaho Board of Correction representative

vi. The Chief of the Division of Prisons or designee

vii. The IMSI Warden or designee

viii. The Ada County Coroner or designee

ix. The prosecuting attorney from the county of conviction

x. The sheriff from the county of conviction

xi. A district judge from the county of conviction

xii. The Governor of Idaho or designee

xiii. The Attorney General of Idaho or designee

xiv. Two members of the victim's family

xv. The spiritual advisor for the condemned person

xvi. Two witnesses selected by the condemned person

xvii. An attorney of record for the condemned person

xviii. Four media representatives

d. In addition, the IDOC liaison for victim families and the IDOC liaison for the condemned will be allowed in the Execution Unit, subject to the discretion of the Director.

e. The Execution Unit includes two witness areas, the Execution Chamber, Execution Preparation Room, the Medical Team Room, the Firing Squad Room, and staging areas. The persons permitted in each area are as follows:

f. State of Idaho Witness Area

i. One Escort Team Member

ii. The Chief of the Division of Prisons

iii. Two members of the victim's family

iv. Four media representatives

v. The prosecuting attorney from the county of conviction

vi. The sheriff from the county of conviction

vii. A district judge from the county of conviction

viii. A representative of the Idaho Board of Correction

ix. The Idaho Governor or designee

x. The Idaho Attorney General or designee

xi. IDOC Victim Family Liaison

g. Condemned Person's Witness Area

i. One Escort Team Member

ii. One IDOC liaison

iii. Two approved visitors selected by condemned person

iv. One attorney of record for condemned person

h. Execution Chamber

i. The condemned person

ii. Two Escort Team Members

iii. Interpreter (if necessary)

iv. The Director of IDOC

v. The IMSI Warden or designee

vi. In a firing squad execution, only the condemned person will be present in the Execution Chamber after the condemned person is prepared as described in the appended *Firing Squad Administration* protocol.

i. One Spiritual Advisor – may be present in the Execution Unit if requested by the condemned person. The details regarding spiritual exercise will be as approved by IMSI Warden as set forth in this procedure.

j. The Ada County Coroner and emergency medical personnel will be located at a staged in or near the Execution Chamber as determined by the Administration Team.

k. Firing Squad/Medical Team Room

i. Firing Squad/Medical Team Members

ii. Administrative Team Members

iii. The Director of IDOC

l. Execution Preparation Room

i. The condemned person

ii. IMSI Warden or designee

iii. Two Escort Team Members

iv. The Medical Team

v. The Director of IDOC

11. General Timeline

a. The processes described in this SOP are based on a general timeline. The timeline is generally divided into the following stages:

i. Upon Service of a Death Warrant

ii. Thirty to Twenty-one Days Prior to the Execution

iii. Twenty-one to Seven Days Prior to the Execution

iv. Seven to Two Days Prior to the Execution

v. Two Days Prior to the Execution

vi. Twenty-Four to Twelve Hours Prior to the Execution

vii. Final Preparations

viii. Pronouncement of Death

b. The timeline is subject to change to accommodate unforeseen events.

c. The procedures for carrying out the execution are found in appended protocols labeled *Firing Squad Administration* and *Execution Chemicals Preparation and Administration*.

12. Upon Service of a Death Warrant

a. Only the Director can accept service of the death warrant. Once a death warrant is served, the following steps will be implemented.

b. Director of IDOC:

i. Immediately notify the warden of the facility in which the condemned person is housed and the IMSI Warden.

ii. Immediately forward the death warrant to the warden of the facility in which the condemned person is housed.

iii. Notify:

1) Idaho Board of Correction

2) Chief of Prisons

3) Executive Director of the Idaho Commission of Pardons and Parole

4) Idaho Governor's Office

5) IDOC PIO

6) Office of the Attorney General (via the DAGs assigned to IDOC)

iv. File declaration to certify the method of execution that is available.

c. IMSI Warden

i. Begin a log to provide a comprehensive chronological history of every aspect of the execution procedure.

ii. Deliver a copy of the death warrant to the condemned person.

iii. Immediately segregate the condemned person from the general population.

iv. Place the condemned person under constant observation by two staff members for 24 hours a day, seven days a week.

v. An observation logbook will be immediately established to record staff observation of the condemned person's activities and behavior. Entries will be chronological. Each day will be recorded beginning at midnight as MM/DD/YYYY. During the final four hours before the execution, staff will record each entry noting the time in hours and minutes and make entries a minimum of once every 30 minutes.

vi. Notify the facility health services administrator (HSA) and a designated mental health professional that the condemned person has been placed in solitary confinement under a death warrant.

vii. Retain the original death warrant.

viii. Place a copy of the death warrant in the condemned person's central file.

ix. Appoint a staff member to serve as liaison between the condemned person, the condemned person's family, the condemned person's attorney(s), and the IMSI Warden (If the condemned person does not speak English, ensure an interpreter is obtained and available to communicate with the condemned person).

d. First Briefing and Communication after the Death Warrant is Served

i. The Chief of Prisons will ensure that regular briefings occur for all involved.

ii. At a minimum, briefings and communication will be conducted as follows:

1) Immediately after the death warrant is served

2) If any changes are made to the established execution timeline

3) As deemed necessary to keep staff well informed prior to the execution

4) The day after the execution

13. Conditions of Confinement

a. Immediately following the service of a death warrant, the condemned person will be moved to a predetermined isolation cell in accordance with Idaho Code § 19-2705. The isolation cell will be supplied a fresh mattress and pillow that has been thoroughly inspected, and clean bedding. An unclothed body search will be conducted, and the condemned person will be given clean clothes and different shoes. Any needs of the condemned person that require special accommodations will be identified and implemented as necessary.

b. Until the execution has been stayed or completed:

i. Any movement of the condemned person will require escort by two correctional staff members with appropriate restraints.

ii. The condemned person will be placed under 24-hour, constant observation by two uniformed staff members.

iii. The condemned person will be allowed daily outdoor exercise, showers, and telephone access.

iv. The condemned person will be provided access to a television set and any electronics previously purchased by the condemned and approved by the IMSI Warden.

c. Property: The condemned person's personal property will be inventoried. The condemned person will be allowed to keep not more than six cubic feet of legal papers and religious materials, a pencil and paper, books, periodicals, and commissary food items. All remaining property will be boxed, sealed, and removed from the cell. It will be stored pending receipt of written instructions from the condemned person regarding disposition of property or otherwise disposed of as outlined in SOP 312.02.01.001, *Death of an*

Inmate.

d. Commissary: The condemned person will be allowed to purchase food items from the commissary until the delivery date of commissary is within seven days of the execution. The IMSI Warden has discretion to extend this time frame. Non-food purchases must be approved by the IMSI Warden. The spending limit will be the same as established in SOP 320.02.01.001, *Property: State-issued and Resident Personal Property*. However, the IMSI Warden can increase or decrease this amount with approval of the Deputy Chief of Prisons. The condemned person may retain consumable commissary items as approved by the IMSI Warden until completion of the last meal.

e. Last Meal: For the last meal, the condemned person can select a meal from the established IDOC menu. The last meal will be served at approximately 1900 hours the day prior to the scheduled execution.

f. Hygiene Items

i. The condemned person will receive the following hygiene supplies: bar soap, toothpaste and toothbrush, towel, and washcloth. These items will be exchanged as necessary.

ii. Clean clothing and bedding will be issued as necessary.

iii. If requested, shaving supplies will be issued and immediately removed once shaving is finished.

g. Access to the condemned person will be limited to the following:

i. Law enforcement personnel investigating matters within the scope of their duties

ii. The condemned person’s attorney of record and agents of the condemned person’s attorney of record: “Agents of the attorney of record” means employees of the attorney of record including investigators, paralegals, legal interns, and mitigation specialists but does not include retained experts or other independent contractors of the attorney of record.

iii. Facility healthcare services staff

iv. Spiritual advisors selected by condemned person

v. Condemned person’s immediate family. The condemned person’s immediate family is limited to the following:

1) Mother or father, including stepparents

2) Siblings of whole or half-blood, by adoption, and stepsiblings

3) Legal spouse verified by marriage license or other operation of law

4) Biological children, adopted children, and stepchildren

5) Grandparents of blood relation

6) Grandchildren (adult) of blood relation

h. Visiting

i. Visiting for the condemned person will be limited to:

1) Attorney of record and agents of the attorney of record

2) Spiritual advisors selected by condemned person

3) Condemned person's immediate family

ii. All visits by the attorneys of record and agents of the attorney of record must be in accordance with SOP 604.02.01.002, *Attorney and Professional Individual Access to Inmates* and the guidelines established in this SOP. The condemned person's attorney of record and agents of the attorney of record will be permitted contact visits under staff visual observation, but so that the staff members cannot hear the conversation.

iii. All other visits, including social visits by attorneys and their agents, must be in accordance with SOP 604.02.01.001, *Visiting*, and the guidelines established in this SOP. Normally, minor children will not be allowed to visit. Any exception must be approved by the Deputy Chief of Prisons.

iv. Spiritual advisors and immediate family will have non-contact visits until seven days immediately preceding the scheduled execution. Contact visits by spiritual advisors and immediate family may commence in the seven days immediately preceding the execution.

v. The IMSI Warden will have the authority to approve and establish the frequency and duration in which visits occur and will have the authority to suspend or deny visits when public safety or the safe, secure, and orderly operation of the prison could be compromised.

i. Spiritual Advisor

i. The condemned person can select a spiritual advisor. The spiritual advisor must be approved by the facility warden for visiting before visits can occur. A spiritual advisor cannot be an IDOC staff member or the staff member of a contract facility. A spiritual advisor may be a contract provider for volunteer and religious activities. Only one spiritual advisor will be permitted to witness the execution.

ii. If the condemned person wishes to engage in spiritual activity during the execution, the condemned person must submit a concern form to the IMSI Warden identifying the specific requested conduct no later than 14 days prior to the scheduled execution. The request must include the following information: name of advisor, list of religious items requested, details regarding presence in the Execution Unit and/or Execution Chamber, and list of religious practices requested. The IMSI Warden will provide a response no later than seven days prior to the scheduled execution.

j. Healthcare

i. The IMSI Warden will request that the IDOC statewide medical director

review the condemned person's healthcare record and identify any prescribed medication(s) or health care issues.

ii. Facility healthcare services staff will dispense all medications in unit doses and when available, in liquid form. No medication including over-the-counter medications will be provided or maintained by the condemned person as keep-on-person.

iii. The facility HSA will provide the condemned person an opportunity to complete an Idaho Physician Orders for Scope of Treatment form.

iv. Facility healthcare services staff will take necessary steps to maintain the condemned person's health prior to the execution and will respond appropriately to health care issues and emergencies including suicide attempts, subject to a validly executed Physician Orders for Scope of Treatment directive.

v. Facility healthcare services staff will monitor the condemned person daily for significant changes in the condemned person's medical or mental health. If the condemned person's health changes, facility healthcare services staff must report the condemned person's condition immediately to the IMSI Warden.

k. All access, visits, etc. will be documented in the constant observation log.

14. Thirty to Twenty-One Days Prior to the Execution

a. After service of the death warrant until twenty-one days prior to the execution, the following activities will occur. If any of the activities identified in this section cannot be achieved within this timeframe, the responsible party will notify the Director, Chief of Prisons, and the Deputy Chief of Prisons.

b. Unless a specific timeline is identified, the tasks outlined in this section are not required to be completed in a specific order.

c. Director of IDOC:

i. Continue communication with the Idaho Board of Correction.

ii. Continue communication with the Idaho Governor's Office.

iii. Communicate as needed with the Executive Director of the Idaho Commission of Pardons and Parole.

iv. Meet with the Chief of the Division of Prisons, the Deputy Chief of the Division of Prisons, and other members of the IDOC Leadership Team as needed.

d. Chief of Prisons

i. Continue to provide briefings to IDOC staff.

ii. Send Witness Notification and Agreement form to local and state government officials the director of the IDOC has identified as potential witnesses to the execution.

iii. Monitor planning related to the scheduled execution.

e. Administrative Team

i. Communicate with the Ada County Coroner's office regarding the disposition of the body, security for the Ada County Medical Examiner's vehicle, and the custodial transfer of the body.

ii. Confirm the qualifications of the team members to serve on the Execution Team, approve or deny each team member, review the current specialty team rosters, and make replacements if needed.

iii. If Lethal Injection: ensure the assigned Medical Team Members physically evaluate the condemned person to assess and identify appropriate venous access locations.

iv. Arrange tests of all equipment and systems such as electrical, audio, plumbing, HVAC units in the execution chamber to ensure they are in working order.

v. Contact the emergency medical services personnel who will be present on the scheduled day of execution to ensure availability.

vi. Assign a staff member to test and perform maintenance as needed to all utilities (HVAC units, plumbing, electrical etc.) in the Execution Unit and establish a schedule for testing and reporting unit status during the time leading up to the execution date.

vii. Ensure the Firing Squad Room, Medical Team Room, Execution Chamber, and Execution Preparation Room are equipped with one synchronized clock each. The synchronized clocks will be the official time keeping devices for the execution procedures.

viii. Ensure that execution ammunition or chemicals have been purchased or that sources have been established. When ammunition or chemicals are received, immediately start a chain of custody document, secure the ammunition or chemicals, and monitor to ensure compliance with manufacturer specifications. Access to the ammunition or chemicals is limited to the members of the Administrative Team.

ix. If Firing Squad:

1) Consult with Firing Squad Team Members regarding the equipment for the procedure and ensure all equipment and other supplies necessary to properly conduct the procedure are on site, immediately available for use, and functioning properly.

x. If Lethal Injection:

1) If chemicals are on site, check the expiration dates on each item to ensure they will not expire before the execution date. If any chemical will expire before the execution date, immediately dispose of it appropriately and notify the Director.

2) Consult with Medical Team Members regarding the equipment for the procedure and ensure all equipment and other medical supplies necessary to properly conduct the procedure are on site, immediately available for use, functioning properly, and have not expired.

3) Ensure that all backup medical equipment, including a backup electrocardiograph (EKG) machine and instruments, are on site, immediately available for use, functioning properly, and have current service dates.

4) Check applicable dates on medical supplies to ensure they are useable on the execution date.

xi. Ensure that the Execution Team and Incident Command Staff conduct training as required by this SOP in preparation for the execution.

xii. Ensure that communication devices with inter-operability capability and restricted frequencies are available and will be on site before the execution date.

f. Deputy Chief of Prisons

i. Notify facility heads at all IDOC correctional facilities of the pending execution and provide instruction to the facility heads regarding staff briefings and expectations.

ii. Direct all IDOC facility heads to develop incident action plans (IAPs) for their respective facilities for facility management during the period leading up to and following the execution. The IAPs must be submitted to the Deputy Chief of Prisons at least 21 days before the scheduled execution date.

iii. Activate ICS. Identify and assign team leaders and members.

iv. Establish the IDOC's South Boise Complex security zones and provide that information to facility heads and other staff as needed.

v. Confirm with the respective specialty Team Leader that the training schedule required by this SOP has been activated and ensure that all training is documented.

vi. Discuss preparations at IMSI with the IMSI Warden.

vii. Confirm with all South Boise Complex facility wardens that the training schedule has been activated.

viii. Contact the CISM team.

ix. If necessary, request through the appropriate authority that the Federal Aviation Administration (FAA) place a 24-hour temporary flight restriction.

x. Invite state and local law enforcement liaisons to participate in periodic briefings about the execution and its impact on the community including access restrictions, crowd control, additional security precautions that

may be warranted, and other pertinent information. Collaborate with each agency to determine each agency's role and each jurisdiction's responsibilities.

xi. Schedule tabletop and simulation exercises with state and local law enforcement, identifying areas and activities for improvement and incorporate the findings into future simulations.

xii. Determine if any IDOC staff member, contractor, volunteer, or other person under IDOC jurisdiction is a family member, has a legal or other significant relationship with the condemned person, the condemned person's family, the victim, or the victim's family and develop a management and/or support plan.

g. IDOC Public Information Officer

i. Issue a news release announcing the date and time of the execution.

ii. Provide *Execution Witness Acknowledgment & Agreement* form to media contacts as requested and establish a deadline for the return of all forms that provides enough time for background checks to be conducted prior to the execution date.

iii. Lead and coordinate media representative witness selection process.

h. IDOC Victim Services Coordinator

i. Determine if IDOC has documented the victim or victim's immediate family who have requested notification and obtain contact information. Provide the contact information to the Chief of Prisons.

1) If possible, the Chief of Prisons, or designee, will first contact the victim or victim's family by telephone.

ii. Provide a copy of the *Execution Witness Acknowledgment & Agreement* form to each victim or victim's family member who expresses interest in witnessing the execution using certified mail with a return receipt or other method that permits delivery tracking. Completed *Execution Witness Acknowledgment & Agreement forms* must be received at least 14 days before the execution.

iii. Notify the Victim Witness Coordinator in the county in which the crime originated.

iv. Serve as liaison to victim family members.

i. IMSI Warden

i. Once death warrant is served, begin an execution log to be kept in the IMSI Warden's office. This log will provide a comprehensive and chronological history. The IMSI Warden will document every aspect of the execution proceeding, including tasks and/or actions assigned to, or completed by an Administrative Team Member, until the condemned person has been executed or has received a stay of execution. When the

process has been completed either by execution or stay, the log will be maintained by the IMSI Warden.

ii. Ensure that the facility HSA provides the condemned person an opportunity to complete an Idaho Physician Order for Scope of Treatment form.

iii. Ensure that the facility healthcare service is providing medications in unit doses and when available, in liquid form; that no medication, including over-the-counter medication, is being provided to the condemned person as keep-on-person; and that any medication the condemned person has requested be discontinued is no longer being provided.

iv. Inform the condemned person of the following on the day the death warrant is served:

1) Right to select a spiritual advisor. Advise the condemned person regarding spiritual advisor processes as set forth in section 14 above.

2) Options available for the condemned person to identify witnesses to their execution. The condemned person may decline to have any witnesses present. Within two business days of service of the death warrant, provide *Execution Witness Acknowledgment & Agreement* form to individuals selected by condemned person as potential witnesses by certified mail or other means which can verify delivery.

3) Conditions of confinement as modified by this SOP.

4) Opportunity to contact the condemned person's attorney of record by phone and to speak with a facility volunteer and religious activity coordinator (VRC) or spiritual advisor.

5) Relevant aspects of the execution process as set forth in the *Summary of Procedures*.

v. Inform the condemned person of the following additional information:

1) Options available for the disposition of the condemned person's body. Advise the condemned person that directions for disposition must be provided seven days before the execution date. If no such direction is provided, the bodily remains will be disposed of in accordance with SOP 312.02.01.001, *Death of an Inmate*. Give the condemned person a copy of SOP 312.02.01.001.

2) Process for requesting a last meal from the IDOC standard food service menu.

vi. Determine if there are any IDOC staff who are family members, have a legal relationship, or any other significant relationship with the condemned person, the victim, or victim's family; or if there are any persons under IDOC jurisdiction who are family members, have a legal relationship, or any other significant relationship with the condemned person, the victim, or victim's family. If any such persons are identified,

relay that information to the Deputy Chief of Prisons.

vii. Notify the commissary provider of the restrictions placed on the condemned person's commissary purchases.

viii. Contact the condemned person's family by telephone to inform them of the scheduled execution date, the name and contact information of the warden's liaison, and any other related information.

ix. Direct the Health Services Director to develop a medical emergency response plan that provides adequate emergency response in the Execution Unit.

x. Ensure that healthcare services staff obtain the condemned person's current weight and enter that information into the IMSI Warden's execution log.

j. IMSI Warden's Liaison to Condemned Person

i. Meet with the condemned person at least once each working day and forward all questions and concerns directly to the IMSI Warden.

k. IMSI Acting Warden

i. Establish a management plan including staffing, meals, and contingency plans to ensure the safe and orderly operation of the facility during the time leading up to the execution.

ii. Brief the Deputy Chief of Prisons on the management plan.

iii. Monitor IMSI activities and brief the Deputy Chief of Prisons if any concerns or problems arise.

15. Twenty-One to Seven Days Prior to the Execution

a. Twenty-one to seven days prior to the execution, the following activities will occur. If any of the activities identified in this section cannot be achieved within this timeframe, the responsible party will notify the Director, Chief of Prisons, and the Deputy Chief of Prisons.

b. Unless a specific timeline is identified, the tasks outlined in this section are not required to be completed in a specific order.

c. Chief of Prisons

i. Continue to provide briefings to IDOC staff.

ii. Compile a list of State of Idaho and media witnesses and forward all completed *Execution Witness Acknowledgment & Agreement* forms to the Deputy Chief of Prisons.

iii. Monitor planning related to the scheduled execution.

d. Administrative Team

i. Ensure that the Execution Team and ICS Staff conduct training in preparation for the execution.

ii. Contact the Ada County Coroner's office and finalize the protocol regarding the transfer of the condemned person's body to the coroner's custody following the execution and forward that information to the IMSI Warden.

iii. Take steps to resolve any outstanding equipment and inventory issues.

e. Deputy Chief of Prisons

i. Brief Director and Chief of Prisons.

ii. Continue to conduct tabletop and live exercises with ICS and Execution Team.

iii. Review IDOC facility IAPs and continue discussion and preparation with facility heads.

iv. Contact the CISM Team Leader and ensure the team is making appropriate preparations.

v. Continue to meet with state and local law enforcement agencies to discuss any changes or modifications to crowd control, traffic control, and community safety and conduct tabletop exercises.

f. IDOC PIO

i. Address media-specific inquiries.

ii. Forward all completed *Execution Witness Acknowledgment & Agreement* forms provided by potential media representative witnesses to the Deputy Chief of the Division of Prisons or designee for a criminal background check.

iii. Notify members of the media regarding the status of their witness applications.

g. IMSI Warden

i. Communicate with the condemned person as needed.

ii. Retrieve the completed *Execution Witness Acknowledgment & Agreement* forms for the condemned person's identified potential witnesses.

iii. Ensure the condemned person has provided directions for the handling of their remains. If no information is provided or the information is insufficient or incorrect, the remains will be handled according to SOP 312.02.01.001, *Death of an Inmate*.

iv. Ensure that the condemned person has had the opportunity to complete an Idaho Physician Orders for Scope of Treatment form.

v. Ensure the condemned person has provided directions for the disposition of property and resident trust account funds.

vi. Meet with the facility HSA and IDOC Health Services Director to review plans for coverage and emergency response before and following the scheduled execution.

vii. Provide a response to spiritual advisor request, if any, no later than seven days prior to the scheduled execution.

h. IMSI Warden's Liaison to Condemned Person

i. Continue daily contact with the condemned person.

ii. Stay in contact with the condemned person's family.

iii. Update the IMSI Warden on any issues, requests, or questions.

i. IMSI Acting Warden

i. Ensure that the necessary action steps have been taken regarding the IMSI management plan including staffing, meals, and contingency plans to ensure the safe and orderly operation of the facility during the time leading up to the execution.

ii. Brief the Deputy Chief of Prisons on the status of the management plan.

iii. Continue to monitor IMSI activities and brief the Deputy Chief of the Division of Prisons if any concerns or problems arise.

16. Seven to Two Days Prior to the Execution

a. Seven to two days prior to the execution, the following activities will occur. If any of the activities identified in this section cannot be achieved within this timeframe, the responsible party will notify the Director, the Chief of Prisons, and the Deputy Chief of Prisons.

b. Unless a specific timeline is identified, the tasks outlined in this section are not required to be completed in a specific order.

c. Chief of Prisons

i. Continue to provide briefings to staff.

ii. Compile a list of all names of those planning to witness the execution.

iii. Monitor planning related to the scheduled execution.

d. Administrative Team

i. Ensure that the Execution Team and ICS Staff have completed all training sessions required by this SOP.

ii. Confirm maintenance for all utilities in the Execution Unit has been performed as required by this SOP.

iii. Test equipment, lighting, audio, HVAC units, etc. in the Execution Unit.

iv. Ensure that audio/video equipment is ready and operational.

v. Confirm that the inventory of equipment, necessary supplies, and backup materials are on-site.

vi. If Firing Squad: Recheck the firearms and ammunition to ensure they are operable and ready for use.

vii. If Lethal Injection:

1) Recheck the medical supplies and chemicals to ensure that each item is ready, has not expired, is properly packaged, and if applicable sterilized.

2) At least three days before the scheduled execution date, obtain technical assistance for the purpose of reviewing the lethal substances, review chemical test results and certificate of analysis, the amounts, the methods of delivery and injection, and the condemned person's physical and historical characteristics to evaluate compliance with this SOP. The individual(s) conducting the technical review will observe the Medical Team place peripheral venous access IV catheters and establish an IV drip line in a live body. The individual(s) conducting the technical review will meet with the Administrative Team to review the findings. The Director will make the final determination regarding compliance with this SOP.

e. Deputy Chief of Prisons

i. Brief Director and Chief of Prisons.

ii. Continue tabletop and live exercises as needed.

iii. Confirm staffing levels and necessary vehicles for regular operations and the execution are appropriate and ready.

iv. Ensure state and local law enforcement agencies are fully briefed.

v. Gather all information regarding media, potential media witnesses, and those who will be present at the execution and ensure all potential witnesses have completed an *Execution Witness Acknowledgment & Agreement* form and all necessary background checks have been completed or are in process.

vi. In conjunction with the IDOC Leadership Team, ISCI and IMSI Wardens, finalize the media plan, potential media witnesses, and those who will be present at the execution.

f. IDOC Public Information Officer

i. Conduct the selection process for media representative witnesses and alternates approximately seven days prior to the execution.

ii. Compile a list of the media representatives who want to be at the South Boise Complex or in the media center but not present at the execution.

iii. Forward the lists of media agencies, media staff members, and potential media witnesses to the Director, Chief of Prisons, Deputy Chief of Prisons, and IMSI Warden.

iv. Conduct a preliminary briefing with potential media representative witnesses and media representatives serving as pool reporters.

g. Firing Squad Leader

i. Ensure serviceability of firearms and ammunition.

h. Medical Team Leader

i. If Firing Squad:

1) Verify equipment necessary to confirm death is present in the Medical Team Room.

ii. If Lethal Injection:

1) Ensure serviceability of all medical equipment including EKG machines (to include instruments), the defibrillator, and the availability of graph paper.

2) Ensure heart monitor lead lines are sufficient in length.

i. IMSI Warden

i. Communicate with the condemned person as needed.

ii. Address any unresolved questions or issues.

iii. Review and comply with the response to the spiritual advisor request, if any.

j. IMSI Warden's Liaison to Condemned Person

i. Continue daily contact with the condemned person.

ii. Have the condemned person complete a withdrawal slip for any remaining funds in his or her trust account and designate to whom the funds should be sent.

iii. Stay in contact with the condemned person's family.

iv. Update the IMSI Warden on any issues, requests, or questions.

k. IMSI Acting Warden

i. Review staffing to ensure there is adequate coverage near the execution date.

ii. Review use of force inventories, less than lethal weapons and munitions to ensure that adequate supplies are in place if needed for emergency response.

iii. Brief shift commanders, unit sergeants, and case managers.

iv. Ensure that proper tool and key control procedures are being followed.

v. Ensure that transportation vehicles that are not assigned to the execution process are available if needed for IMSI operational needs.

vi. Meet with maintenance staff to review any problems or concerns with infrastructure.

vii. Meet with the facility Health Services Administrator to ensure that an adequate emergency response plan is in place for the time frame near

the execution.

viii. Brief the IMSI Warden and the Deputy Chief of Prisons regarding the emergency plan preparedness and any issues or concerns.

17. Two Days Prior to the Execution

a. Two days prior to the execution, the following activities will occur. If any of the activities identified in this section cannot be achieved within this timeframe, the responsible party will notify the Director, Chief of Prisons, and the Deputy Chief of Prisons.

b. Unless a specific timeline is identified, the tasks outlined in this section are not required to be completed in a specific order.

c. Chief of Prisons

i. Continue to provide briefings to IDOC staff.

ii. Monitor planning related to the scheduled execution.

d. Administrative Team

i. Conduct at least two rehearsal sessions with the Execution Team and ICS staff.

ii. Confirm that Execution Team members, emergency services personnel, and the Ada County Coroner are scheduled and will be on-site at the established time.

iii. Restrict access to the Execution Unit to those with expressly assigned duties.

iv. Ready the Execution Chamber for the execution.

v. Verify execution inventory and equipment checks are completed and open issues resolved.

e. Deputy Chief of Prisons

i. Schedule and conduct South Boise Complex simulation exercises as necessary and modify practices if warranted.

ii. Ensure that contracted services have planned their activities to coincide with the incident action plans for modified operational status related to the scheduled execution.

iii. Contact IDOC facility heads to monitor their preparation and status.

iv. Confirm adequate staffing, equipment, and materials are in place for regular operations and the execution.

18. Twenty-Four to Twelve Hours Prior to the Execution

a. Twenty-four to twelve hours prior to the execution, the following activities will occur. If any of the activities identified in this section cannot be achieved within this timeframe, the responsible party will notify the Director, Chief of Prisons, and the Deputy Chief of Prisons.

b. Unless a specific timeline is identified, the tasks outlined in this section are not required to be completed in a specific order.

c. Administrative Team

i. Ensure the final preparation of Execution Unit is complete. Each room receives a final evaluation specific to its functions including security, climate control, lighting, sound, and sanitation.

ii. Ensure that video and audio monitoring and intercom systems are functioning properly.

iii. Ensure the Firing Squad Room, Medical Team Room, Execution Preparation Room, and Execution Chamber clocks are accurately set and working.

iv. Ensure that appropriate restraints are ready.

v. Ensure that communication devices are ready.

vi. Verify execution inventory and equipment checks are completed and open issues resolved.

d. Deputy Chief of Prisons

i. Activate the following teams:

1) Incident Command Team

2) CERT

3) Maintenance

4) CISM

5) Traffic Control Team

ii. Modify operation of the South Boise Complex.

iii. Contact IDOC facility heads to ensure they are prepared to activate their IAPs for modified operation.

iv. Establish the ICS Command Center.

e. IDOC Public Information Officer: Establish the media center.

f. IDOC Health Services Director: Review the condemned person’s medical file and healthcare.

g. IMSI Warden

i. Ensure that all the condemned person’s remaining property, except one religious item, is removed and inventoried, and that there is a completed disposition sheet for personal property.

ii. Ensure that both witness areas are in order.

iii. Ensure that transportation vehicles are ready.

iv. Ensure that food service is prepared to serve the requested last meal.

v. Comply with the response to the spiritual advisor request, if any.

h. IMSI Acting Warden

i. Activate the IMSI facility management plan.

1) The plan can be activated earlier if activities, behaviors, or other issues indicate it prudent to do so.

ii. Ensure that detailed staff briefings are provided.

iii. Ensure that CISM is on-site at IMSI.

19. Twelve Hours Prior To the Execution

a. Twelve hours prior to the execution, the following activities will occur. If any of the activities identified in this section cannot be achieved within this timeframe, the responsible party will notify the Director, Chief of Prisons, and the Administrative Team.

b. Unless a specific timeline is identified, the tasks outlined in this section are not required to be completed in a specific order.

c. Deputy Chief of Prisons

i. Contact IDOC facility heads to ensure they have activated their incident action plans for modified operation.

d. Restricting Access to IDOC Property

i. During the final 12 hours prior to the execution, access to the South Boise Complex is limited. Restrictions will remain in effect until normal operations resume after the execution or upon a stay of execution.

ii. Access is limited to the following:

1) On-duty personnel

2) On-duty contract personnel

3) Volunteers deemed necessary by the facility wardens

4) Approved delivery vehicles

5) Approved media representative

6) Approved execution witnesses

7) Law enforcement personnel on business-related matters

8) Others as approved by the ICS Operations Chief

e. Incarcerated Population Management

i. The South Boise Complex facilities will go on secure status as defined and ordered by the ICS Operations Chief at conclusion of a formal count and not less than nine hours prior to the scheduled execution.

ii. After the conclusion of the execution or upon a stay of execution, all IDOC and contract prison facilities will return to regular operations at the

direction of the ICS Operations Chief.

f. Activities of the Condemned Person

i. Ensure the last meal is served by approximately 1900 hours the day prior to the scheduled execution. All eating utensils and remaining food and beverage will be removed upon completion of the meal.

ii. Telephone calls will be terminated at 2100 hours the day prior to the execution, excluding calls with the attorney of record and others approved by the IMSI Warden.

iii. Visits will be terminated at 2100 hours the night prior to the execution. Any deviation from these hours must have Deputy Chief approval.

iv. No later than 2300 hours the night prior to the execution, the facility healthcare services staff will offer the condemned person a mild sedative.

v. No later than five hours prior to the execution, the condemned person will be offered a light snack.

vi. No later than four hours prior to the execution, the facility healthcare services staff will offer the condemned person another mild sedative.

20. Final Preparations

a. During the final preparations, the IMSI Warden will be unavailable to address issues not directly related to the execution process. All other inquiries will be directed to a member of the Administrative Team.

b. Prior to entering the execution witness areas, the Chief of Prisons or designee will provide briefings of the execution process to the execution witnesses. The victim's family and condemned person's family will receive separate briefings.

c. The procedures for carrying out the execution are found in the protocols appended hereto: *Firing Squad Administration* and *Execution Chemicals Preparation and Administration*.

d. Total anonymity for personnel located in the Firing Squad Room and Medical Team Room must be maintained. At no time will the personnel be addressed by name or asked anything that would require a verbal response.

21. Pronouncement of Death

a. Idaho Code § 19-2716 requires that the death of a condemned person be pronounced by the Ada County Coroner or Deputy Coroner.

b. The Ada County Coroner or Deputy Coroner will be staged in or near the Execution Unit during the execution process. When the execution process has been completed, the coroner will enter the execution chamber, examine the condemned person, and pronounce the condemned person's death. The Director will announce that the sentence of death has been carried out as ordered by the court and the execution has been completed.

22. Return of the Death Warrant

a. After the execution, the IMSI Warden must complete and return the death warrant, showing the date, time, and manner in which it was executed.

b. The original death warrant will be returned to the sentencing court. A copy of the death warrant with the return information will be filed in the condemned person's central file. An additional copy of the death warrant with the return information will be provided to the DAGs representing IDOC.

23. Following the Execution

a. Administrative Team

i. After completion of the execution or upon a stay of execution, ensure the following:

1) If Firing Squad, the Firing Squad Team:

a) Secures all firearms and ammunition.

b) Secures all spent casings.

c) Inventories all ammunition.

d) Completes chain of custody forms.

2) If Lethal Injection, the Medical Team:

a) Returns all unused medical supplies to the safe in the Execution Unit and properly disposes of all used medical supplies.

b) Secures the unused and undrawn execution chemicals in the IMSI Warden's safe.

c) Disposes of any execution chemicals that have been opened but not used.

d) Completes chain of custody forms.

3) Gather all documents, logs, recordings, EKG machine tape, and notes, etc.

b. Deputy Chief of Prisons

i. Contact all facility heads and determine each facility's status and any issues that were experienced related to the execution process.

c. Under the supervision of a person designated by the Administrative Team, the Execution Unit will be cleaned and secured. Professionals trained in infectious disease preventative practices and sterilization will utilize appropriate precautions in cleaning the Execution Chamber and Execution Preparation Room.

d. Resuming Normal Operations

i. ICS Command Center will determine when the facilities resume normal operations after receiving assessments from all facility wardens.

ii. IDOC staff will be deactivated at the direction of ICS Staff.

e. Within 48 hours of the completion of the execution, the Deputy Chief of Prisons and IMSI Warden will debrief the Director and Chief of Prisons and other leadership team staff as the Director deems appropriate regarding the process. If applicable, they will make recommendations to revise the standard operation procedure or other related processes or documents.

H. REFERENCES

1. Forms (and protocols)

a. *Execution Chemicals Preparation and Administration*

b. *Execution Witness Acknowledgment & Agreement*

c. *Firing Squad Administration*

d. *Summary of Procedures*

2. Cited Documents

a. Idaho Code § 19-2705, Death Sentence or Death Warrant and Confinement There under – Access to Condemned Person

b. Idaho Code § 19-2713, Proceedings When Female Supposed to be Pregnant

c. Idaho Code § 19-2714, Findings in Case of Pregnancy

d. Idaho Code § 19-2715, Ministerial Actions Relating to Stays of Execution, Resetting Execution Dates, and Order of Execution of Judgment of Death

e. Idaho Code § 19-2716, Infliction of Death Penalty

f. Idaho Code § 19-2716A, Practice of Medicine and Possession of Controlled Substances – Exemption – Exceptions to Governmental Liability – Confidentiality – Licensure

g. Idaho Code § 19-2718, Return of Death Warrant

h. Idaho Code § 60-106, Qualifications of Newspapers Printing Legal Notices

i. IDAPA 06.01.01.108, Idaho Public Records Act

j. SOP 312.02.01.001, *Death of an Inmate*

k. SOP 319.02.01.001, *Restrictive Housing*

l. SOP 320.02.01.001, *Property: State-issued and Resident Personal Property*

m. SOP 604.02.01.001, *Visiting*

n. SOP 604.02.01.002, *Attorney and Professional Individual Access to Inmates*

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