LAWRENCE G. WASDEN
Attorney General
State of Idaho

PAUL R. PANTHER
Deputy Attorney General
Chief, Criminal Law Division

L. LaMONT ANDERSON, ISB #3687
JESSICA M. LORELLO, ISB #6554
Deputy Attorneys General
Criminal Law Division
Capital Litigation Unit
P.O. Box 83720
Boise, Idaho 83720-0010
Telephone: (208) 334-4539

Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

RICHARD A. LEAVITT,	)	CASE NO. 1:93-cv-00024-BLW
	)	
Petitioner,	)	**CAPITAL CASE**
	)	
vs.	)	RESPONSE TO PETITIONER'S MOTION FOR ACCESS
	)	
A.J. ARAVE,	)	
	)	
Respondent.	)	
_____	)	

COMES NOW, Respondent, A.J. Arave ("state"), by and through his attorney, L. LaMont Anderson, Deputy Attorney General and Chief, Capital Litigation Unit, and does hereby respond to Petitioner's ("Leavitt") Emergency Motion for Access to Petitioner by Expert (Dkt. 325) by objecting to the same.

BACKGROUND

As a result of the Ninth Circuit's May 17, 2012 decision in Leavitt v. Arave, 646 F.3d 605 (9th Cir. 2011), Leavitt filed a Petition for Certiorari, which was denied by the Supreme Court on May 14, 2012 (Dkt. 321), resulting in issuance of the Ninth Circuit's Mandate on May 16, 2012 (Dkt. 320). However, while Leavitt's Petition for Certiorari was pending, this Court issued two sealed orders (Dkt. 315, 316) based upon a "sealed document" filed by Leavitt (Dkt. 314). Additional sealed documents were filed on May 9, 2012 (Dkt. 317) and May 17, 2012 (Dkt. 319), which apparently were addressed by the Court in sealed orders on May 17, 2012 (Dkt. 322), and May 18, 2012 (Dkt. 323).

After issuance of the Ninth Circuit's Mandate and pursuant to I.C. § 19-2715(2) (2012),[1] the state sought a death warrant for Leavitt's execution. On May 17, 2012, the Honorable Jon J. Shindurling signed a Death Warrant, setting Leavitt's execution for June 12, 2012. (Appendix A.) As a result of issuance of the Death Warrant and pursuant to the Idaho Department of Correction's ("IDOC") January 6, 2012 "Execution Protocol" (Appendix B) and I.C. § 19-2705, Leavitt was served with the Death Warrant at approximately 4:00 p.m. on May 17, 2012, and moved to the "Isolation Chamber."[2]

At some time, presumably in one of its sealed orders, this Court authorized Leavitt's attorneys to retain Dr. Charles Honts for purposes of interviewing Leavitt.

---

[1] Idaho Code § 19-2715(2) was amended during the 2012 Idaho Legislative Session with an emergency clause and reads as follows, "Upon Remittitur or mandate after a sentence of death has been affirmed, the state shall apply for a warrant from the district court in which the conviction was had, authorizing execution of the judgment of death."

[2] This information was conveyed to undersigned counsel via e-mail on May 17, 2012, at approximately 5:16 p.m. by Warden Randy Blades. Should the Court or counsel desire undersigned counsel or Warden Blades to submit an affidavit regarding the same, the state will file such an affidavit. The state did not file an affidavit because of its desire to file this response quickly and without unnecessary delay, thereby providing Leavitt and the Court as much time as possible to render a decision regarding his current motion.

(Dkt. 325-1, p.1.) At an unknown time, Leavitt's attorney "arranged with Dr. Honts and the Warden's Office at the Idaho Maximum Security Institution (IMSI) for that interview to occur on May 18, 2012 at the hour of 1:00 p.m." (Dkt. 325-1, p.2.) On the morning of May 18, 2012, a "representative of IMSI" contacted one of Leavitt's attorneys and informed him that "under I.C. § 19-2705, the prison would not permit Dr. Honts access to Mr. Leavitt because he was not an 'agent' of Mr. Leavitt's attorneys pursuant to the statute." On May 18, 2012, at approximately 12:26 p.m., Leavitt filed the instant Emergency Motion for Access to Petitioner by Expert, requesting that Dr. Honts be permitted access to Leavitt at the previously scheduled time. (Dkt. 325.) At approximately 4:49 p.m., this Court entered a Docket Entry Order denying Leavitt's motion to have Dr. Honts interview Leavitt at the previously scheduled time, but ordered an expedited briefing schedule to address Leavitt's instant motion. (Dkt. 326.)

ARGUMENT

Idaho Code § 19-2715(2) requires the state to obtain a death warrant once the remitter or mandate has been issued. Idaho Code § 19-2705 requires that "[w]henever a person is sentenced to death, the judge passing sentence shall, in accordance with section 19-2719, Idaho Code, sign and file a death warrant fixing a date of execution not more than thirty (30) days thereafter." Pursuant to these two statutes, the state obtained a death warrant on May 17, 2012, that set Leavitt's execution for June 12, 2012. At the time Leavitt's death warrant was obtained, the state was unaware Dr. Honts had even been retained, let alone that an appointment had been made for him to interview Leavitt the following day.

Irrespective, even prior to issuance of the Death Warrant, Dr. Honts should not have been permitted access to Leavitt without a proper court order. It is undersigned counsel's understanding that, pursuant to IDOC policy, contact visits between death-sentenced inmates and experts is not permitted without a court order. Such orders are routinely granted and have been previously granted in Leavitt's case. (Dkts. 33, 42, 47, 189, 192, 197, 217, 234.)

However, under I.C. § 19-2705(3), when a death warrant has been issued, "the warden of the prison in which the person is incarcerated shall keep the condemned person in solitary confinement until execution." Additionally, when the death-sentenced inmate is in solitary confinement,

> [n]o person shall be allowed access to the condemned person except law enforcement personnel investigating matters within the scope of their duties, the attorney of record, attending physicians, a spiritual adviser of the condemned's choosing, the members of the immediate family of the condemned, and then only in accordance with prison rules. Persons under death warrant will be allowed contact with their attorneys of record and the agents of their attorneys of record. Such visits will take place subject to prison rules. No other contact visits shall be permitted."

Id. Idaho Code § 19-2705 defines "agents of the attorneys of record" as "employees of the attorneys of record including investigators, paralegals, legal interns and mitigation specialists but does not include retained experts or other independent contractors of the attorneys of record."

IDOC's January 6, 2012 "Execution Protocol" also governs conditions of confinement after a death warrant has been served, and reads, in part, as follows, "Immediately following the service of a death warrant, the offender will be moved to a predetermined isolation cell in accordance with Idaho Code, section 19-2705." (Appendix B, p.18.) The January 6, 2012 "Execution Protocol" also governs access to

the inmate, limiting access to "[l]aw enforcement personnel investigating matters within the scope of their duties," the inmate's attorney of record, "[a]gents of the offender's attorney of record," and attending physicians or healthcare staff. (Id., p.19.) Visitation with the inmate is limited to the inmate's spiritual advisor of his/her choosing, "[a]pproved visitors," and members of the inmate's "immediate family." (Id., pp.19-20.) Other guidelines are also applicable, including contact visits. (Id., pp.20-21.)

Because Leavitt, along with three other death-sentenced inmates, is challenging the constitutionality of the January 6, 2012 "Execution Protocol" in a civil rights action, *see* Creech, et al. v. Reinke, et al., #1:12-cv-173-EJL, the state is unwilling to deviate from the protocol unless, of course, the Court orders otherwise. The state's position is buttressed by recent decisions from the Ninth Circuit criticizing the exercise of discretion by Arizona officials stemming from Arizona's execution protocol. *See* Lopez v. Brewer, No. 12-16084, slip op. (9th Cir. May 18, 2012); Lopez v. Brewer, No. 12-16084, slip op. (9th Cir. May 15, 2012).

Moreover, the state is concerned an expert is being retained and expects to have a contact visit on the eve of Leavitt's execution after the Death Warrant has been issued. The expert has apparently been retained to support Leavitt's Petition for Commutation, which must be filed no later than May 25, 2012. (Dkt. 325-1, pp.2-3.) Idaho Code § 19-2601 governs the commutation process in Idaho and does not require death sentenced inmates to wait until the eve of an execution to gather information in support of a commutation petition. The delay involved in retaining Dr. Honts and filing the instant motion should strike against granting Leavitt's instant motion, particularly in light of I.C. § 19-2715 and the January 6, 2012 "Execution Protocol".

CONCLUSION

The state respectfully requests that Leavitt's Emergency Motion for Access to Petitioner by Expert be denied.

DATED this 21st day of May, 2012.

/s/
L. LaMONT ANDERSON
Deputy Attorney General and
Chief, Capital Litigation Unit

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or about the 21st day of May, 2012, I caused to be serviced a true and correct copy of the foregoing document by the method indicated below, postage prepaid where applicable, and addressed to the following:

David Nevin Nevin, Benjamin, McKay & Bartlett P.O. Box 2772 Boise, ID 83701	_____ _____ _____ _____ _X_	U.S. Mail Hand Delivery Overnight Mail Facsimile Electronic Court Filing
Andrew Parnes Law Office of Andrew Parnes P.O. Box 5988 Ketchum, ID 83340	_____ _____ _____ _____ _X_	U.S. Mail Hand Delivery Overnight Mail Facsimile Electronic Court Filing

/s/_____
L. LaMONT ANDERSON

APPENDIX A

DISTRICT COURT
SEVENTH JUDICIAL DISTRICT
BINGHAM COUNTY, IDAHO
2012 MAY 17 AM 11:28
SARA STAUB CLERK
BY _____ DEPUTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BINGHAM

STATE OF IDAHO Plaintiff, vs. RICHARD A. LEAVITT, Defendant.	))))))))))	CASE NO. CR-1985-4110 DEATH WARRANT

TO: Brent Reinke, Director of the Idaho Department of Correction, and Randy Blades, Warden, Idaho Maximum Security Institution:

WHEREAS, the above-named Defendant, on the 25th day of September, 1985, was found guilty by a jury of the crime of First-Degree Murder as charged in the prosecutor's Amended Information; and,

WHEREAS, on the 19th day of December, 1985, this Court made and entered its Pronouncement of Sentence, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death; and,

WHEREAS, on the 8th day of January, 1986, this Court made and entered its Judgment of Conviction, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death; and,

WHEREAS, on the 1st day of May, 1987, this Court entered an order denying Defendant's Petition for Post-Conviction Relief; and,

WHEREAS, on the 30th day of May 1989, the Idaho Supreme Court issued its opinion upholding the conviction and denial of post-conviction relief stemming from conviction, but reversing the death sentence and remanding for resentencing; and,

WHEREAS, after a resentencing hearing, on the 25th day of January, 1990, this Court signed its Memorandum Decision and Findings of the Court in Considering the Death Penalty, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death, which was filed on the 29th day of January, 1990; and,

WHEREAS, on the 15th day of March, 1990, this Court signed the Judgment of Conviction and Sentencing Order, finding that Defendant is guilty of Murder in the First-Degree and imposing the sentence of Death, which was filed on the 6th day of April, 1990; and,

WHEREAS, on the 27th day of November, 1991, the Idaho Supreme Court issued its opinion upholding the death sentence; and,

WHEREAS, this Court has entered orders denying all of Defendant's successive and subsequent petitions for post-conviction and other state collateral relief; and,

WHEREAS, the Idaho Supreme Court has affirmed the denial of Defendant's successive and subsequent petitions for post-conviction and other state collateral relief; and,

WHEREAS, on the 14th day of December, 2000, the Honorable B. Lynn Winmill entered Judgment granting Defendant federal habeas relief and ordering the state to initiate new trial proceedings; and,

WHEREAS, on the 14th day of June, 2004, the United States Court of Appeals for the Ninth Circuit,reversed the granting of federal habeas relief requiring the initiation of new trial proceedings, but remanded for consideration of Defendant's ineffective assistance of counsel claims arising from his resentencing; and,

WHEREAS, on the 28th day of September 2007, the Honorable B. Lynn Winmill entered Judgment granting Defendant federal habeas relief and ordering the state to initiate new sentencing proceedings; and;

WHEREAS, on the 17th day of May, 2011, the United States Court of Appeals for the Ninth Circuit reversed the granting of federal habeas relief requiring the initiation of new sentencing proceedings; and,

WHEREAS, on the 14th day of May, 2012, the United States Supreme Court denied Defendant's petition for certiorari, and;

WHEREAS, on the 16th day of May, 2012, the United States Court of Appeals for the Ninth Circuit issued its Mandate, which automatically lifted any stay imposed by Judge B. Lynn Winmill; and,

WHEREAS, Idaho Code § 19-2715(2) mandates that upon a remittitur or mandate being issued after a sentence of death has been affirmed, the district court shall set a new execution date; and,

WHEREAS, the Court is not aware of the existence of any stay of execution or other legal impediment to execution of the judgment.

NOW THEREFORE, YOU ARE HEREBY COMMANDED, pursuant to Idaho Code § 19-2716 and the Judgment of this Court, to receive said Defendant into your custody, and on the 12 day of June, 2012, you shall cause the execution of said sentence of death to take place, unless said sentence is stayed by law, and that you shall make a return upon this Death Warrant, showing the time, mode and manner in which it was executed pursuant to Idaho Code § 19-2718.

DATED this 17 day of May, 2012.

Jon J. Shindurling
DISTRICT JUDGE

[illegible] hereby certify that the [illegible] instrument is a full, true and correct copy of the original on file in the office of the undersigned Clerk of the District Court of the Seventh Judicial District of [illegible] Bingham County.
Date 5/17 [illegible] 12
SARA J. STAUB
Clerk of the Court
Deputy Clerk

APPENDIX B

Idaho Department of Correction	Standard Operating Procedure Operations Division General Administration	Control Number: 135.02.01.001	Version: 3.6	Page Number: 1 of 35
		Title: Execution Procedures		Adopted: 5-18-1998 Reviewed: 1-6-2012 Next Review: 1-6-2014

This document was approved by Kevin Kempf, chief of the Operations Division, on 1/6/12 (signature on file).

Open to the general public: ☒ Yes ☐ No

If no, is there a redacted version available: ☐ Yes ☐ No

BOARD OF CORRECTION IDAPA RULE NUMBER 135

Executions

POLICY CONTROL NUMBER 135

Executions

DEFINITIONS

Standardized Terms and Definitions List

None

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish specific procedures for administration of capital punishment in accordance with the Idaho Code and the constitutions of the United States of America and the state of Idaho.

SCOPE

This SOP applies to all Idaho Department of Correction (IDOC) staff members involved in the administration of capital punishment and to offenders who are under death warrant and the execution of which has not been stayed.

Note: This SOP is subject to revision at the discretion of the chief of the Operations Division or the director of the IDOC. Either person may revise, suspend, or rescind any procedural steps, at any time, at his sole discretion.

RESPONSIBILITY

Director of the IDOC

The director of the IDOC shall be responsible for:

- Exercising overall control of the administrative policy, SOP, field memorandum, and of the execution process itself;
- Communicating with Idaho governor's office, Idaho Board of Correction, legislators, and Idaho Commission of Pardons and Parole;

- Determining execution method and ensuring that applicable chemicals are obtained; and
- Approving news media representatives for media center access.

Chief of the Operations Division

The chief of the Operations Division shall be responsible for:

- Approving all SOPs, field memorandums, and post orders related to the execution process;
- Contacting/notifying members of the victim's family;
- Contacting/notifying the state of Idaho's witnesses;
- Briefing the victim's family, the condemned offender's family, and the state of Idaho's witnesses before the execution; and
- Disseminating briefings as needed to staff following the issuance of a death warrant.

Deputy Chief of the Prisons Bureau

The deputy chief of the Prisons Bureau shall be responsible for:

- Appointing one or more staff member(s) within the bureau to assist the Idaho Maximum Security Institution (IMSI) warden;
- Coordinating the IDOC's south Boise complex activities as the Incident Command System (ICS) command center operations chief; and
- Activating the following teams and overseeing their activities:
  - Command;
  - Correctional Emergency Response Team (CERT);
  - Maintenance;
  - Critical Incident Stress Management (CISM);
  - Traffic Control Team;
  - Idaho State Correctional Institution (ISCI) media center; and
  - South Idaho Correctional Institution (SICI) grounds and perimeter security.

Administrative Team

The Administrative Team consists of the deputy chiefs of the Prisons Bureau, the IMSI warden, and the backup to the IMSI warden for the purpose of serving as the execution director. The Administrative Team is responsible for:

- Providing, planning, directing, and implementing all pre-execution and post-execution activities;
- Coordinating all processes associated with specialty team (section 5) personnel selection, equipment, supply acquisition, training, rehearsal, and performance;
- Conducting preparatory steps in order to ensure that the execution process is conducted in accordance with this SOP;

- Reviewing and ensuring that the department faithfully adheres to the letter and intent of Idaho Code, sections 19-2705, 19-2713, 19-2714, 19-2715, 19-2716, 19-2718;
- Selecting staff to serve on the Escort Team and Medical Team;
- Identifying a licensed physician to be on sight during the execution procedure;
- Ensuring that all of the equipment such as electrical, plumbing, heating and cooling units (HVAC) in the execution chamber are tested periodically to ensure they are in working order; and
- Ensuring that an annual training schedule is established and identifying dates for periodic for periodic on-site rehearsal sessions by the Escort Team, Medical Team, and command staff.

Idaho Maximum Security Institution (IMSI) Warden

The IMSI warden shall be responsible for:

- Serving the death warrant;
- Assigning to the condemned offender a warden's liaison;
- Creating and maintaining a log documenting the events leading up to the execution date;
- Issuing all the orders to facilitate an execution at IMSI;
- Approving the spiritual advisor for the offender if one is requested; and
- Creating a permanent record of the execution activities.

Idaho Maximum Security Institution (IMSI) Deputy Warden of Security

The IMSI deputy warden of security shall be responsible for internal security at IMSI. In addition to the regular posts, the IMSI deputy warden of security shall be responsible for scheduling staff for 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.

Idaho State Correctional Institution (ISCI) Warden

The ISCI warden shall be responsible for establishing a field memorandum to identify authority and guidelines to coordinate media activity and providing logistical and communication support at the IDOC's south Boise complex.

Note: The chief of the Operations Division must approve the field memorandum.

South Idaho Correctional Institution (SICI) Warden

The SICI warden shall be responsible for establishing a field memorandum 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.

Note: The chief of the Operations Division must approve the field memorandum.

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GENERAL REQUIREMENTS

1. Introduction

Execution of an offender under sentence of death is one of the most serious responsibilities of the agency and a high regard for the dignity of all involved must be maintained.

An execution generates public debate and attention. IDOC staff must be aware of the pressures an execution places on themselves and offenders. Extra security precautions are necessary and staff must be prepared and able to meet the situations that might arise.

All execution procedures, for both male and female offenders, will be conducted at IMSI.

No IDOC staff member or contractor, except as identified by Idaho Code or contract, will be forced to participate in an execution and can withdraw from the process at any time without prejudice.

The IDOC shall make every effort in the planning and preparation of an execution to ensure that the execution process:

- Faithfully adheres to the letter and intent of Idaho Code, sections 19-2705, 19-2713, 19-2714, 19-2715, 19-2716, and 19-2718;
- Is handled in a manner that minimizes its impact on the safety, security, and operational integrity of the prison in which it occurs;
- Reasonably addresses the right of the offender to not suffer cruelly during the execution;
- Accommodates the public's right to obtain certain information concerning the execution and strives to minimize the impact on the community and the state of Idaho;
- Reasonably addresses the privacy interests of victims and their families;
- Provides contingency planning to identify and address unforeseen problems;
- Maintains lines of communication for stays of execution, commutations, and other circumstances up to the time that the offender is executed;
- Provides opportunity for citizens to exercise their First Amendment rights to demonstrate for or against capital punishment in a lawful manner; and
- Ensures there is an appropriate response to unlawful civil disobedience, trespass and other violations of the law by any person attempting to impact the execution or the operation of the prison.

2. Monitoring Appellate Activities

The deputy chief of the Prisons Bureau, in conjunction with the deputy attorneys general (DAGs) who represent the IDOC, will monitor the appellate process of those offenders under the sentence of death. When it appears that an offender may be within one year or less of exhausting his appeals, the deputy chief of the Prisons Bureau will notify the director of the IDOC, chief of the Operations Division, and the IMSI warden of the possibility of the issuance of a death warrant within the next year.

The Administrative Team will begin the planning and preparation process when an offender is determined to be possibly within this one year timeframe.

3. Staff Conduct and Professionalism

All IDOC staff and contractors are responsible to maintain a high degree of professionalism regarding the execution process, to include all IDOC and contract facilities that are not involved in the execution process. Expectations demonstrating professionalism include, but are not limited to, the following:

- Restraint and courtesy when interacting with offenders, witnesses, demonstrators, attorneys, news media, state of Idaho and local law enforcement and any member of the public regarding the implementation of the death penalty;

- All assigned duties are performed proficiently and professionally; and
- Conduct that appropriately reflects the gravity of the execution process.

The names of the individuals serving on the escort and medical teams (see section 5) and the name of the on-site licensed physician (see section 6) will be treated with the highest degree of confidentiality. Any staff member who is aware of the identities of the individual team members and/or the on-site physician must maintain strict confidentiality of those identities. Any staff member who discloses the identities of any individual team member or the on-site physician will receive disciplinary action up to and including dismissal. (See SOP 205.07.01.001, *Corrective and Disciplinary Action*).

4. Attempted Disruption of Execution Process

The IDOC is required by Idaho Code to carry out the execution of an offender under sentence of death. The 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 to include, but not limited to the following:

- Filming, taping, broadcasting or otherwise electronically documenting the execution of an offender;
- Trespassing and otherwise entering upon IDOC property without authorization;
- Participating in unlawful demonstrations or unlawfully attempting to disrupt, prevent and otherwise interfere with an execution; and/or
- Unlawfully threatening, intimidating and otherwise attempting to influence authorized persons involved in the execution process.

These prohibitions apply to the offender population, contractors, IDOC staff, and members of the general public.

The IDOC will ensure that adequate law enforcement officers to include but not limited to the Boise Police Department, Ada County Sheriff's Department, and/or Idaho State Police are present to ensure the safe control of citizens on IDOC property, including officers stationed at the Execution Unit, if deemed necessary.

5. Specialty Teams and their Training and Practice Requirements

The execution process requires three (3) specialty teams: an Escort Team, a Medical Team, and an Administrative Team. The names of the individuals on the Escort Team and Medical Team will be treated with the highest degree of confidentiality (see section 3). The anonymity of all individuals (except those Administrative Team members who must participate as required by Idaho Code) participating in or performing any ancillary functions in the execution and any information contained in the records that could identify those individuals must remain confidential and are not subject to disclosure. The identities of escort and medical team members will be limited to the director of the IDOC, the chief of the Operations Division, and the Administrative Team.

Escort Team Members – Criteria and Selection Requirements

To serve on the Escort Team is strictly voluntary (staff may withdraw at any time without prejudice). Escort Team members must meet the following criteria:

- Has displayed a high degree of professionalism;
- Has displayed an ability to maintain confidentiality;

- Has had no personnel disciplinary action in the past 12 months;
- Has at least one year of satisfactory employment with the IDOC;
- Has no blood relationship or legal relationship to the victim's family; and
- Has no blood relationship or legal relationship to the condemned offender or offender's family.

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

The deputy chief of the Prisons Bureau will designate an Escort Team leader and at least one alternate Escort Team leader.

The Escort Team leader shall (a) report to and take direction from a designated Administrative Team member, and (b) ensure that all team members thoroughly understand all provisions of this SOP and are well-trained in the escort procedures.

Medical Team Members – Criteria and Selection Requirements

The Medical Team shall consist of volunteers whose training and experience include administering intravenous (IV) drips. The Medical Team shall be responsible for inserting IV catheters, ensuring the line is functioning properly throughout the procedure, mixing the chemicals, preparing the syringes, monitoring the offender (including the level of consciousness), and administering the chemicals as described in appendix A, *Execution Chemicals Preparation and Administration*.

The Medical Team can be comprised of any combination of the following disciplines:

- Emergency medical technician (EMT);
- Licensed practical nurse (LPN);
- Military corpsman;
- Paramedic;
- Phlebotomist;
- Physician assistant;
- Physician;
- Registered nurse (RN); or
- Other medically trained personnel including those trained in the United States military.

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

- Must have at least three (3) years of medical experience as an EMT, LPN, military corpsman, paramedic, phlebotomist, physician assistant, physician, RN, or other medically trained personnel including those trained in the United States military;
- Has no blood relationship or legal relationship to the victim's family; and
- Has no blood relationship or legal relationship to the condemned offender or offender's family.

The Administrative Team shall identify qualified personnel to serve on the Medical Team; verify their professional qualifications (to include professional license[s] and certification[s]), training, and experience; complete criminal background checks; and conduct personal interviews before approving their participation on the team.

> **Note:** Licensing and/or certification, and criminal history reviews shall be conducted, prior to entering into an agreement. These reviews shall be conducted annually and upon the issuance of a death warrant.

The Administrative Team shall ensure that all Medical Team members thoroughly understand all provisions of this SOP and are well-trained in the execution procedures.

The deputy chief of the Prisons Bureau will designate a Medical Team leader and at least one alternate Medical Team leader.

The Medical Team leader shall (a) have direct oversight over the Medical Team, and (b) report to and take direction from a designated Administrative Team member

Training and Rehearsal Requirements

The Administrative Team shall (a) ensure an annual training schedule is established, and (b) identify dates for periodic on-site rehearsal sessions by the Escort Team, Medical Team, and command staff. All training and rehearsal sessions shall be documented and submitted to a designated Administrative Team member. The training schedule shall meet the following criteria:

- The schedule shall include a minimum of 10 annual training sessions for the escort and medical teams;
- After receiving a death warrant, the Escort Team, Medical Team, and command staff will train weekly before the scheduled execution date;
- The Escort Team, Medical Team, and command staff members must participate in a minimum of four (4) training sessions prior to participating in an actual execution;
- Prior to any scheduled execution, the Escort Team, Medical Team, and command staff shall conduct a minimum of two (2) rehearsal sessions during the 48 hours before the scheduled execution; and
- Training and rehearsal sessions for the Medical Team shall include the placing of IV catheters and establishing an IV drip in a minimum of two (2) live volunteers prior to each execution.

> **Note:** If no execution is anticipated beyond the time required to assemble and adequately train the escort and medical teams, the director of the IDOC may suspend annual training.

6. Licensed Physician on Site during Execution

A licensed physician will be on-site and staged in or near the Execution Unit. The Administrative Team will verify the physician's professional licensure and will complete a criminal background check.

> **Note:** The on-site physician will not be a member of any teams described herein this SOP and will not participate in the execution in any way.

Note: The on-site physician's identity shall remain anonymous and shall be protected from disclosure in the same manner described for the medical and escort team members. (See section 3 and section 4.)

The on-site physician will have access to an on-site medical crash cart, including applicable medications, and defibrillator. The physician must be a medical doctor licensed by the Idaho Board of Medicine.

The on-site physician will provide the following services:

- First Aid: Provide emergency care if needed to any person in the immediate area; and
- Resuscitation: Will assist in any necessary resuscitation effort of the offender should a problem occur with the execution process.

Emergency Medical Personnel and Ambulance Service

Emergency medical technicians and ambulance service will be staged near the Execution Unit as determined by the Administrative Team to provide emergency medical assistance and transport to anyone requiring such care during the process.

7. Death Warrants and Pregnant Females

If there is reason to believe that a female under death warrant is pregnant, the facility warden will require the offender to be examined by three (3) physicians. If the offender is found to be pregnant, the facility warden will immediately notify the prosecuting attorney of the county with jurisdiction, the Idaho governor's office, and the sentencing judge. The facility warden will suspend the execution, until the offender is no longer pregnant and the sentencing court has appointed a day for execution.

8. Stay of Execution

Upon receipt of notification that the court has issued a stay of execution, the director of the IDOC shall advise the chief of the Operations Division, deputy chief of the Prisons Bureau, and IMSI warden.

If the stay of execution is received immediately prior to the execution, the IMSI warden will advise the witnesses that a stay of execution has been issued. If it is anticipated that the stay will be for an extended period of time, have the witnesses escorted back to their specified staging areas.

Director of the IDOC

- Notify the state of Idaho governor's office; and
- Notify the executive director of the Idaho Commission of Pardons and Parole.

Chief of the Operations Division

- Provide a briefing to the state of Idaho's witnesses and the condemned offender's witnesses; and
- Provide a briefing to IDOC staff.

Administrative Team

Ensure that all chemicals and medical supplies are handled in accordance with appendix A, *Execution Chemicals Preparation and Administration*.

Deputy Chief of the Prisons Bureau

- Advise facilities that a stay of execution has been issued;
- Begin systematically deescalating the operation and when applicable instruct execution activities related operations to stand down; and
- When appropriate, return all IDOC and contract facilities to normal operations.

IDOC Public Information Officer (PIO)

Issue a press release to the media.

IMSI Warden

- If the stay is issued after the offender has been moved to the execution chamber and IV catheters have been inserted, and the stay is anticipated to be for more than two (2) hours, direct the Medical Team to remove the catheters;
- Direct the Escort Team to remove the offender from the Execution Unit and return him to a designated cell; and
- If applicable, return offender's property.

9. General Timelines

The processes described in this SOP are based on a timeline; however, the timeline is subject to change as needed to accommodate unforeseen events.

The timeline begins with issuance of a death warrant and concludes following the execution or stay of execution. The sequence of events is based on the following timeline:

- Issuance of the death warrant;
- 30 days prior to the execution;
- 21 days prior to the execution;
- Seven (7) days prior to the execution;
- Two (2) days prior to the execution;
- 24 hours prior to the execution;
- 12 hours prior to the execution;
- Execution procedures; and
- Post-execution activities.

10. Public Information and Media Access

The IDOC PIO is responsible to prepare and release information to the media. The IDOC PIO will clear each press release with the deputy chief of the Prisons Bureau before it is released to the media.

The IDOC PIO will act as the IDOC's liaison with all media agencies requesting access to the IDOC's south Boise complex or information regarding the execution. The IDOC PIO will notify all news media of the following IDOC rules that must be adhered to:

- Tobacco is not allowed within any IDOC facility;
- Weapons of any kind are not allowed on IDOC property;

- Cameras, video cameras, cellular telephones, and recording devices are not allowed inside IMSI or the execution chamber;
- Cameras, video cameras, and recording devices are allowed in the media center and at the area(s) designated for media on the IDOC's south Boise complex;
- Are subject to search (metal detector and random pat search);
- Must arrive at the facility at the designated time; and
- Must enter IDOC property as instructed.

Media Center

A media center will be established and will be located on property at the IDOC's south Boise complex.

The term "news media representative" shall be defined as a person whose primary employment is gathering or reporting news for:

- A newspaper as defined in Idaho Code, section 60-106;
- A news magazine having a national circulation being sold by newsstands and by mail circulation to the general public;
- Radio and television news programs of stations holding Federal Communication Commission licenses; and
- The Associated Press.

Because advances in information technology have blurred the definition of the term 'news media', resulting in there being no commonly accepted definition of the term, and because IDOC has an obligation to assure the orderly operation of the media center by regulating access to center, news organizations which distribute content primarily via a website will be admitted on a case-by-case basis. The IDOC PIO will verify that each web-based organization is a bona fide news media. The director of the IDOC will be the final authority to approve admittance of news media representatives from web-based news agencies.

Media Witnesses to the Execution

In addition to the media center where news media representatives will be provided information and briefings, the IDOC has allotted four (4) seats for news media representatives to witness the execution. News media organizations wishing to have reporters witness the execution must submit their representatives' names, birth dates and Social Security numbers at least 14 days prior to the scheduled execution for the purposes of undergoing a criminal background check and approval (see appendix B, *Media Notification and Agreement*). The four (4) media seats are comprised as follows:

- One media witness seat is allocated to the Associated Press. The Associated Press will select the reporter.

The following media witness seats are selected by random drawings:

- One media witness seat is allocated to media representing the region that serves the county of conviction. The director of the IDOC will determine which media agencies provide substantial coverage to the residents in the county of conviction for admittance into the pool for this seat;
- One seat is allocated for local print/internet; and

- One seat is allocated for local broadcast media.

Note: Local media is defined as a print/internet or broadcast media whose primary mission is to cover and deliver local news to the residents of Idaho. Each media organization may submit no more than one person as a possible media witness.

Random Drawing

Approximately one week before the scheduled execution, the IDOC PIO will conduct the random drawing for three (3) media seats. The drawing shall include selecting alternative representatives should the primary representative withdraw prior to the execution.

News media representatives requesting access to the media center must complete appendix B, *Media Notification and Agreement,* and agree to return directly to the media center following the execution and share their information with the other news media representatives. The IDOC PIO will facilitate that discussion and briefing.

Media Staging

The deputy chief of the Prisons Bureau 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.

News media representatives who have been selected to witness the execution must arrive at the media center at the time designated by the IDOC PIO, which is approximately three (3) hours before the scheduled execution.

News media representatives will sign in at the designated media center.

ISCI will provide two (2) escort officers and a transport van to transport the news media representatives selected to be present at the execution from the media center to IMSI. The news media witnesses will join the other state of Idaho witnesses to be escorted to the Execution Unit.

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.

11. External Security

Temporary Flight Restriction

In consultation with local law enforcement and home land security, the deputy chief of the Prisons Bureau will assess any security threat or risk posed by air craft. If a security or safety risk involving aircraft is perceived, before the execution the deputy chief of the Prisons Bureau will request through appropriate channels that the Federal Aviation Administration (FAA) place a temporary flight restriction (TFR) surrounding the IDOC's south Boise complex consisting of the following (see section 16). An example of the TFR airspace would be as follows:

- **Radius:** Three (3) nautical miles
- **Altitude:** 500 feet from the surface

IDOC's South Boise Complex Security Zones

The IDOC property south of Boise known as IMSI, ISCI, SICI, and South Boise Women's Correctional Center (SBWCC) will be broken down into four (4) security areas:

- **Inner perimeter zone:** the respective facilities fences
- **Controlled perimeter zone**: an extended perimeter around the four (4) facilities
- **Restricted zones:** areas designated for the media
- **Extended zones:** areas designated for observers/demonstrators.

At the designated time, the SICI warden will control access to the IDOC's south Boise complex to include IMSI, ISCI, SICI, and SBWCC.

SBWCC will provide security staff as needed to the SICI warden to help support security of the controlled perimeter zone.

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

12. Those Present at Execution

The director of the IDOC (or designee) shall have the discretion to determine the number of persons allowed in the Execution Unit during the execution procedure. In exercising this discretion, the director of the IDOC (or designee) shall consider the safe and orderly operation of IMSI, the interests of the victim's family, and whether multiple death warrants are being executed concurrently. Persons allowed in the Execution Unit are as follows.

Note: Individual placement of attendees in the Execution Unit is subject to change at the discretion of the IMSI warden.

- The Administrative Team;
- The Escort Team (up to four [4] members total);
- The Medical Team;
- The on-site physician (one total);
- The director of the IDOC (or designee);
- An Idaho Board of Correction representative (one total);
- The chief of the Operations Division (or designee);
- The IMSI warden (or designee) (one total);
- The Ada County coroner (one total);
- The prosecuting attorney from the county of conviction (one total);
- The sheriff from the county of conviction (one total);
- The sentencing judge (one total);
- The Idaho governor (or his representative) (one total);
- The Idaho attorney general (or his representative) (one total);
- Members of the victim's family (two [2] total);
- A spiritual advisor of the offender's choosing (one total);
- Friends (approved visitors) or members of the offender's family (two [2] total);
- The offender's attorney of record (one total); and

- Members of the news media (up to four [4] total, see section 10).

The Execution Unit includes witness areas, the execution chamber, the Medical Team room, and staging areas. The persons in each area are as follows:

State of Idaho Witness Area

- An Escort Team member (one total);
- The chief of the Operations Division;
- Members of the victim's family (two [2] total);
- Members of the news media (up to four [4] total in accordance with section 10);
- The prosecuting attorney from the county of conviction (one total);
- The sheriff from the county of conviction (one total);
- The sentencing judge (one total);
- An Idaho Board of Correction representative (one total) ;
- The Idaho governor (or his representative) (one total) ; and
- The Idaho attorney general (or his representative) (one total).

Condemned Offender's Witness Area

- An Escort Team member (one total);
- IDOC liaison for offender's family;
- Friends (approved visitors) or members of the offender's family (two [2] total);
- The offender's attorney of record (one total); and
- A spiritual advisor of the offender's choosing (one total);

Execution Chamber

Other than the offender, the other individuals authorized to be in the execution chamber are:

- Escort Team members (up to two [2] total);
- Interpreter (if necessary):
- The director of the IDOC; and
- The IMSI warden (or designee).

Note: The Ada County coroner and the on-site physician (see section 6) will be located in a staging area near the execution chamber as determined by the IMSI warden.

Medical Team Room

- Only the Medical Team; and
- Only the Administrative Team.

13. Upon Receipt of a Death Warrant

Upon the receipt of a death warrant by the director of the IDOC, the following steps will be implemented.

Note: If the warrant is delivered to a facility warden instead of the director of the IDOC, the facility warden will implement step 4, and immediately notify the director, the chief of the Operations Division, and the deputy chief of the Prisons Bureau.

Functional Roles and Responsibilities	Step	Tasks
Director of the IDOC	1	• Immediately notify the warden of the facility in which the offender is housed **and** the IMSI warden; and • Immediately forward the death warrant to the warden of the facility in which the offender is housed.
Director of the IDOC	2	Notify the: • Idaho Board of Correction; • Executive director of the Idaho Commission of Pardons and Parole; • Idaho governor's office; and • IDOC PIO.
Facility Warden	3	Begin a log to provide a comprehensive chronological history of every aspect of the execution procedure.
Facility Warden	4	Serve the death warrant on the offender.
Facility Warden	5	Immediately segregate the offender from the general offender population (see section 15).
Facility Warden	6	Place the offender under constant observation by two (2) staff members for 24 hours a day, seven (7) days a week. **Note:** An observation logbook will be immediately established to record staff's observation of the offender's activities and behavior until the offender is executed or a stay of execution is received. Entries will be chronological. Each day will be recorded beginning at midnight as M/DD/YYYY. During the final four (4) hours before the execution, staff shall record each entry noting the time in hours and minutes, and make entries a minimum of once every 30 minutes.
Facility Warden	7	Notify the facility health authority **and** clinician that the offender has been placed in solitary confinement under a death warrant.
Facility Warden	8	• Notify the sentencing court that the death warrant has been served; • Retain the original death warrant; • Place a copy of the death warrant in the offender's central file; • Provide the offender with a copy of the death warrant; and • Forward a copy of the death warrant to the lead DAG who represents the IDOC.

Functional Roles and Responsibilities	Step	Tasks
Facility Warden	9	Within 24 hours after the death warrant is served, appoint a staff member (normally an IMSI deputy warden) to relieve the warden of all duties except those duties related to the execution procedure until there is a stay of execution or the execution process has been completed.
Facility Warden	10	Appoint a staff member to serve as liaison between the condemned offender, the offender's family, and the IMSI warden (if the offender does not speak English ensure an interpreter is obtained and available to communicate with offender);

14. Briefing and/or Communication: After the Death Warrant is Served

The facility warden shall ensure that at a minimum, a weekly briefing will occur for all involved staff commencing after the death warrant is served until the facility has returned to normal operations. The 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.

At a minimum, briefings and/or communication will be conducted as follows:

- Immediately after the death warrant is served;
- If any changes are made to the established execution timeline;
- As deemed necessary to keep staff well informed during the week prior to the execution; and
- The day after the execution.

15. Conditions of Confinement

Immediately following the service of a death warrant, the offender will be moved to a predetermined isolation cell in accordance with Idaho Code, section 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 offender will be given clean clothes and different shoes.

Identify any special accommodations that are required if the offender has a disability or other special need.

Until the execution has been stayed or completed, any movement of the offender will require that he be escorted in full restraints, by two (2) correctional staff.

The offender will be placed under 24-hour, constant observation by two (2) uniformed staff members until there is a stay of execution or the offender is transferred to the execution chamber.

The offender will be allowed daily outdoor exercise, showers, and telephone access.

The offender will be provided access to a television set.

Property

The offender's personal property will be handled as provided in this section.

The offender's personal property shall be inventoried. The offender will be allowed to keep not more than six (6) cubic feet of legal papers and religious materials, a pencil and paper, books or 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 offender regarding disposition of property or otherwise disposed of as outlined in directive 312.02.01.001, *Death of an Inmate*.

Commissary

The offender will be allowed to purchase food items from the commissary until the delivery date of commissary is within seven (7) days of the execution, the IMSI warden can extend this time frame at his discretion. 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 Offender Personal Property*. However, the IMSI warden can increase or decrease this amount with approval of the deputy chief of the Prisons Bureau. The offender may retain consumable commissary items as approved by the IMSI warden until completion of the last meal.

Last Meal

For the last meal, the offender can select a meal from the established IDOC menu. The last meal will be provided to the offender at approximately 1900 hours the day prior to the scheduled execution.

Hygiene Items

The offender shall receive limited hygiene supplies (bar soap, toothpaste and toothbrush) and a towel and washcloth. These items will be exchanged on a daily basis.

The offender will be issued a clean set of clothing and bedding daily.

The offender will be provided (issued by staff) a safety razor to shave. Staff will immediately remove the razor from the offender's possession after he has finished shaving.

Access to the Offender

Access will be limited to the following:

- Law enforcement personnel investigating matters within the scope of their duties;
- The offender's attorney of record;
- Agents of the offender's attorney of record; and
- Attending physician/healthcare staff.

Access is defined as those activities that are necessary for official business. Law enforcement personnel, attorneys of record and their agents, and attending physician/healthcare staff are considered as official business and such access will be a contact visit.

Visitation

Visitation will be limited to the following:

- Spiritual adviser of the offender's choosing;
- Approved visitors;
- Members of the offender's immediate family, specifically the offender's:

- Mother or father, including step parents;
- Brothers or sisters of whole or half (½) blood, by adoption or stepbrothers or stepsisters;
- Lawful spouse verified by marriage license or other operation of law;
- Natural children, adopted children, or stepchildren;
- Grandparents of blood relation; and
- Grandchildren of blood relation.

All visitations must be in accordance with SOP 604.02.01.001, *Visiting*, and the guidelines established herein this SOP.

The offender's attorney of record and his agents will be provided contact visits. Such contact visits will be under staff visual observation, but so that the staff members cannot hear the conversation.

Note: For the purposes of this section, 'agents of the attorney of record' means employees of the attorneys of record including investigators, paralegals, legal interns and mitigation specialists but does not include retained experts or other independent contractors of the attorneys of record.

Immediate family and approved visitors must be approved in accordance with SOP 604.02.01.001, *Visiting*. Normally, minor children will not be allowed to visit and any exception must be approved by the deputy chief of the Prisons Bureau.

Approved visitors and immediate family may be allowed non-contact visits until seven (7) days before the execution date. Any exception to this rule must be approved by the deputy chief of the Prisons Bureau. Between serving the death warrant until seven (7) days before the execution, all visits with immediate family, approved visitors, and spiritual advisor will be non-contact.

In the seven (7) days immediately before the execution, if there is no stay of execution, visits with approved visitors who are not immediate family will cease. This time frame can be extended by the IMSI warden in collaboration with the deputy chief of the Prisons Bureau.

In the seven (7) days immediately before the execution, approved immediate family and spiritual advisor may be granted contact visits with the offender. (The offender's attorney of record will continue to have contact visiting during the seven [7] days immediately before the execution.)

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

Note: If there is a stay of execution, the IMSI warden will determine housing in accordance with SOP 319.02.01.001, *Restrictive Housing*, and visiting in accordance with SOP 604.02.01.001, *Visiting*.

Spiritual Advisor

The offender can request a spiritual advisor of his choosing. The spiritual advisor must be approved by the facility warden before visitation can occur. The spiritual advisor cannot be an IDOC staff member or the staff member of a contract facility. The spiritual

advisor will normally be an approved religious volunteer or member of the clergy. The spiritual advisor may be a contract provider for volunteer and religious activities in accordance with the requirement of that contract.

Healthcare

The IMSI warden shall request that the facility health authority review the condemned offender's healthcare record and identify any prescribed medication(s) or health care issues.

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

The facility health authority shall provide the offender an opportunity to complete an Idaho Physician Orders for Scope of Treatment form.

Facility healthcare services staff will take necessary steps to maintain the offender's health prior to the execution and shall respond appropriately to health care issues and emergencies including suicide attempts and will take reasonable steps to revive the offender in medical distress at all times prior to the execution, unless the offender has a "do not resuscitate" request on file.

Facility healthcare services staff will monitor the offender daily for significant changes in the offender's medical or mental health and if the offender's health changes, facility healthcare services staff must report the offender's condition immediately to the IMSI warden.

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

16. Thirty (30) to 21 Days Prior to the Execution

After serving the death warrant until 21 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 of the IDOC, chief of the Operations Division, and the deputy chief of the Prisons Bureau.

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

Director of the IDOC

- Continue communication with the Idaho Board of Correction;
- Continue communication with the Idaho governor (or his representative);
- Communicate as needed with the executive director of the Idaho Commission of Pardons and Parole; and
- Meet with the chief of the Operations Division, the deputy chief of the Prisons Bureau, and other members of the IDOC Leadership Team as needed.

Chief of the Operations Division

- Continue to provide briefings to IDOC staff;
- Send appendix C, *State Witness Notification and Agreement,* to the following and establish a deadline for the return of all forms:
    - The Ada County Coroner;

- The prosecuting attorney from the county of conviction;
- The sheriff from the county of conviction;
- The sentencing judge;
- The Idaho governor;
- The Idaho attorney general;
- The Idaho Board of Correction; and

- Monitor planning related to the scheduled execution.

Administrative Team

- Finalize arrangements with the Ada County coroner's office for the disposition of the body, security for the Ada County medical examiner's vehicle, and the custodial transfer of the body;
- Evaluate the candidates to serve on the escort and medical teams (see section 5), approve or deny each candidate, review the current specialty team rosters, and make replacements if needed;
- Ensure the assigned Medical Team members physically evaluate the offender to predetermine appropriate venous access locations;
- Ensure that all of the equipment such as electrical, audio, plumbing, HVAC units in the execution chamber are tested periodically to ensure they are in working order;
- Contact licensed physician to ensure he is available to perform duties as identified herein;
- 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;
- Ensure the Medical Team room and execution chamber are equipped with one synchronized clock each. The synchronized clocks will be the official time keeping devices for the execution procedures;
- Ensure that execution chemicals and other medical supplies have been purchased and/or that sources have been established. When chemicals are received, immediately start a chain of custody document, secure the chemicals, and monitor to ensure compliance with manufacturer specifications. Access to the chemicals must be limited the members of the Administrative Team;
- If chemicals are on site, check the expiration dates on each item to ensure they will not expire before the execution date. If any item will expire before the execution date, immediately dispose of it appropriately;
- Consult with Medical Team members regarding the equipment for the procedure and ensure all equipment necessary to properly conduct the procedure is on site, immediately available for use and functioning properly;
- Ensure that all backup medical equipment, including a backup electrocardiograph (EKG) machine and instruments, crash cart, and defibrillator are on site, immediately available for use and functioning properly;

- Check applicable sterilization dates on medical supplies to ensure they are useable on the execution date;
- Ensure that the Escort Team, Medical Team, and command staff are conducting training (see section 5) in preparation for the execution; and
- Ensure that communication devices with inter-operability capability and restricted frequencies are available and will be on site before the execution date.

Deputy Chief of the Prisons Bureau

- Notify facility heads at all IDOC correctional facilities of the pending execution and provide instruction to the facility heads regarding staff briefings and expectations;
- Request that all IDOC facility heads develop incident action plans (IAP) 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 the Prisons Bureau at least 21 days before the scheduled execution date;
- Contact the IDOC contract monitor and Correctional Alternative Placement Program (CAPP) and Idaho Correctional Center (ICC) facility heads to discuss their respective IAPs for facility management during the period leading up to and following the execution. The CAPP and ICC facilities must submit their IAPs to the IDOC 21 days before the execution date;
- Identify and assign team leaders and members, and activate the teams;
- Establish the four (4) security areas of the IDOC's south Boise complex and provide that information to facility heads and other staff as needed see section 11;
- Confirm with the IMSI warden that the training schedule has been activated ensuring that staff members participating in the execution have received adequate training, written instruction and practice, and that all training has been documented;
- Discuss preparations at IMSI with the IMSI warden;
- Confirm with all IDOC south Boise complex facility wardens that the training schedule has been activated ensuring that staff members participating in the execution have received adequate training, written instruction and practice, and that all training has been documented;
- Contact the CISM team;
- Notify the IDOC victim services coordinator of the court's issuance of a death warrant;
- If warranted, request through the appropriate authority that the Federal Aviation Administration (FAA) place a 24 hour temporary flight restriction (TFR) surrounding the IDOC's south Boise complex consisting of the following:
  - **Radius:** Three (3) nautical miles
  - **Altitude:** 500 feet from the surface
- Ensure state of Idaho and local law enforcement is periodically briefed and adequately prepared for the execution;

- Establish the agenda, schedule meetings, and lead the discussion with state of Idaho and local law enforcement and applicable IDOC staff regarding community safety, traffic control, and crowd control;
- Ensure that personnel from law enforcement agencies who have not participated in training sessions or who have not previously been involved in the execution process are briefed and their responsibilities explained;
- Invite state of Idaho 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;
- Schedule tabletop and simulation exercises with state of Idaho and local law enforcement identifying areas and activities for improvement and incorporate the findings into future simulations; and
- If it is determined that any IDOC staff member, contractor, volunteer, or other offender under IDOC jurisdiction is a family member, has a legal or other significant relationship with the condemned offender, the condemned offenders' family, the victim, or the victim's family, contact the applicable manager to discuss potential issues and ensure that appropriate management and/or support plans are developed.

IDOC PIO

- Issue a news release announcing the date and time of the execution;
- Send appendix B, *Media Notification and Agreement*, to media liaisons and establish a deadline for the return of all forms; and
- Facilitate up to one telephone interview with the offender per day with Idaho media from the day the death warrant is issued until the day before the execution (excluding weekends and state of Idaho and federal holidays). The offender and his attorney of record may select the order in which the interviews occur. The offender may refuse any or all media requests for interviews.

IDOC Victim Services Coordinator

Determine if the IDOC has recorded victims who have requested notification. If such victims exist, obtain contact information for each victim (minor children will not be allowed to witness an execution). The victim service coordinator will provide the contact information to the chief of the Operations Division. If possible, the chief of the Operations Division will first make contact with the victim's family by telephone.

- Send each victim who has identified themselves to the IDOC appendix D, *Victim's Family Witness Notification and Agreement* using certified mail with a return receipt;
- The requests to be present at the execution must be received at least 14 days before the execution; and
- Notify the IDOC victim services coordinator in the county in which the crime originated.

IMSI Warden

- 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 offender has been executed or has received a stay of execution order. When the process has been completed either by execution or stay, the log will be placed in the offender's central file;
- Ensure that the facility health authority provides the offender an opportunity to complete an Idaho Physician Order for Scope of Treatment form;
- 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 offender as keep-on-person; and that any medication the offender has requested be discontinued is no longer being provided;
- Discuss with the offender the options available for the disposition of his body after it has been released by the Ada County coroner. Advise the offender that he cannot donate his body for organ donation;
- Inform the offender that he can request a spiritual advisor and ask if the offender would like to request a spiritual advisor now;
- Inform the offender that a total of two (2) adult family members or friends (approved visitors), his attorney of record, and a spiritual advisor may be present at the execution. The offender can decline any of these individuals who want to witness the execution. No minors (see section 16) or other offenders can witness the execution;
- Outline how conditions of confinement will be modified over the next 30 days and briefly describe the relevant aspects of the execution process;
- Offer the offender the opportunity to contact his attorney of record by phone and to speak with a facility volunteer and religion coordinator (VRC) or spiritual advisor;
- Advise the offender he may request a last meal. The meal can be his choice from the IDOC standard food service menu;
- Provide the offender with a copy of appendix E, *Summary of Procedures*. (Attach the signed original to the IMSI warden's execution log.);
- Ensure that the offender's file is reviewed thoroughly to determine if there are any IDOC staff members, contractors, or volunteers who are family members, have a legal relationship, or any other significant relationship with the condemned offender, the victim, or victim's family; or if there are any offenders under IDOC jurisdiction who are family members, have a legal relationship, or any other significant relationship with the condemned offender, the victim, or victim's family. If any such persons are identified, relay that information to the deputy chief of the Prisons Bureau;
- Notify the commissary provider of the restrictions placed on the offender's commissary purchases;
- Contact the condemned offender'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 issues;

- Within two (2) business days of receiving a death warrant, send appendix F, *Offender's Friend/Family Witness Notification and Agreement,* to the offender's family by certified mail citing the date of execution and informing them of their liaison person. The notification will inform them that if they choose to receive the remains that they are responsible for making arrangements for the offender's burial, or the state of Idaho will have the remains cremated;
- Inform the offender and the offender's family that disposition of remains information must be received seven (7) days before the execution date and that if the offender does not provide information for disposal of his remains, his remains will be disposed of in accordance with directive 312.02.01.001, *Death of an Inmate*. (Give the offender a copy of directive 312.02.01.001.);
- Request that the IDOC health authority develop a medical emergency response plan that provides adequate emergency response in the Execution Unit; and
- Ensure that healthcare services staff obtain the offender's current weight and enter that information into the IMSI warden's execution log.

IMSI Warden's Offender Liaison

Meet with the condemned offender at least once each working day and forward all of the offender's questions and concerns directly to the IMSI warden.

IMSI Deputy Warden (Acting as Facility Head)

- 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;
- Brief the deputy chief of the Prisons Bureau on the management plan; and
- Monitor IMSI activities and brief the deputy chief of the Prisons Bureau if any concerns or problems arise.

17. Twenty-one (21) to Seven (7) Days Prior to the Execution

Twenty-one (21) to seven (7) 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 of the IDOC, chief of the Operations Division, and the deputy chief of the Prisons Bureau.

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

Chief of the Operations Division

- Continue to provide briefings to IDOC staff;
- Compile a list of state of Idaho and media witnesses including pool reporters, and submit the list and all completed state witness notification and agreements (appendix C) and media notification and agreements (appendix B) to the deputy chief of the Prisons Bureau; and
- Monitor planning related to the scheduled execution.

Administrative Team

- Ensure that the Escort Team, Medical Team, and command staff are conducting training (see section 5) in preparation of the execution;

- Contact the Ada County coroner's office and determine the protocol regarding the transfer of the offender's body to the coroner's possession following the execution and forward that information to the IMSI warden; and
- Take steps to resolve outstanding equipment and inventory issues.

Deputy Chief of the Prisons Bureau

- Brief director of the IDOC and chief of the Operations Division;
- Continue to conduct tabletop and live exercises with the previously identified teams;
- Review IDOC, CAPP, and ICC facility IAPs, and continue discussion and preparation with facility heads;
- Contact the CISM team leader and ensure the team is making appropriate preparations; and
- Convene a meeting with state of Idaho and local law enforcement agencies to discuss any changes or modifications to crowd control, traffic control, and community safety.

IDOC PIO

- Address media-specific inquiries;
- Forward all completed media notification and agreements (appendix B) to the deputy chief of the Prisons Bureau (or designee) for a criminal background check;
- Arrange telephone interviews with the offender up to one day prior to the execution; and
- Notify members of the media regarding the status of their witness applications.

IMSI Warden

- Visit with the condemned offender as needed;
- Retrieve the completed *Offender's Friend/Family Witness Notification and Agreement* (appendix F) and answer any questions the offender may have;
- Ensure the offender has provided directions for the handling of his remains. (If the offender provides no information or the information is insufficient or incorrect, the deceased shall be disposed of in accordance with directive 312.02.01.001, *Death of an Inmate*.);
- Ensure that the offender has had the opportunity to complete an Idaho Physician Orders for Scope of Treatment form;
- Ensure the offender has provided directions for the disposition of his property and offender trust fund; and
- Meet with the facility health authority and IDOC health authority to review plans for coverage and emergency response before and following the scheduled execution.

IMSI Warden's Offender Liaison

- Continue daily contact with the offender;
- Stay in contact with the condemned offender's family; and
- Update the IMSI warden on any issues, requests, or questions.

IMSI Deputy Warden (Acting as Facility Head)

- 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;
- Brief the deputy chief of the Prisons Bureau on the status of the management plan; and
- Continue to monitor IMSI activities and brief the deputy chief of the Prisons Bureau if any concerns or problems arise.

18. Seven (7) to Two (2) Days Prior to the Execution

Seven (7) to two (2) 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 of the IDOC, chief of the Operations Division, and the deputy chief of the Prisons Bureau.

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

Chief of the Operations Division

- Continue to provide briefings to IDOC staff;
- Gather the names of those planning to be present in the Execution Unit; and
- Monitor planning related to the scheduled execution.

Administrative Team

- Ensure that the Escort Team, Medical Team, and command staff have completed adequate training sessions (see section 5);
- Confirm preventive maintenance of the execution chamber is current;
- Test equipment, lighting, audio, HVAC units, etc. in the execution chamber;
- Ensure that audio/video equipment is ready and operational if needed;
- Confirm that the inventory of equipment, necessary supplies, and backup materials are on-site;
- Recheck the medical supplies and chemicals to ensure that each item is ready, expiration dates have not been exceeded, items are properly packaged, and if applicable sterilized; and
- At least three (3) days before the scheduled execution date, obtain technical assistance for the purpose of reviewing the lethal substances, the amounts, the methods of delivery and injection, and the offender's physical and historical characteristics to evaluate compliance with this SOP. The individual(s) conducting the technical review will observe the Medical Team place 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 his findings. The director of the IDOC will make the final determination regarding compliance with this SOP.

Deputy Chief of the Prisons Bureau

- Brief director of the IDOC and chief of the Operations Division;

- Stand up the ICS center;
- Continue tabletop and live exercises;
- Confirm staffing levels and necessary vehicles for regular operations and the execution are appropriate and ready;
- Ensure local law enforcement agencies are fully briefed;
- Gather all information regarding media, potential media witnesses, and those who will be present at the execution; and
- 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.

IDOC PIO

- Conduct the random drawing, approximately seven (7) days prior to the execution, for three (3) media seats, to include alternate representatives should the primary representative withdraw prior to the execution;
- Complete a list of the media representatives that want to be on or near the IDOC's south Boise complex and/or be in the media center, but not present at the execution;
- Forward the lists of media agencies, media staff members, and potential media witnesses to the director of the IDOC, chief of the Operations Division, deputy chief of the Prisons Bureau, and IMSI warden; and
- Conduct a preliminary briefing with potential media witnesses and media representatives serving as pool reporters.

Medical Team Leader

- Ensure serviceability of all medical equipment including EKG machines (to include instruments) and/or defibrillator, and the availability of graph paper; and
- Ensure heart monitor lead lines are sufficient in length.

IMSI Warden

- Meet with the condemned offender as needed; and
- Address any unresolved questions or issues.

IMSI Warden's Offender Liaison

- Continue daily contact with the offender;
- Have the offender complete a withdrawal slip for any remaining funds in his trust account and designate to whom the funds should be sent;
- Stay in contact with the condemned's family; and
- Update the IMSI warden on any issues, requests, or questions.

IMSI Deputy Warden (Acting as Facility Head)

- Review staffing to ensure there is adequate coverage near the execution date;
- Review use of force inventories, less than lethal weapons and munitions to ensure that adequate supplies are in place if needed for emergency response;
- Brief shift commanders, unit sergeants, and case managers;

- Ensure that proper tool and key control procedures are being followed;
- Ensure that transportation vehicles that are not assigned to the execution process are available if needed for IMSI operational needs;
- Meet with maintenance staff to review any problems or concerns with infrastructure;
- Meet with the facility health authority to ensure that an adequate emergency response plan is in place for the time frame near the execution; and
- Brief the IMSI warden and the deputy chief of the Prisons Bureau regarding the emergency plan preparedness and any issues or concerns.

19. Two (2) Days Prior to the Execution

Two (2) 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 of the IDOC, chief of the Operations Division, and the deputy chief of the Prisons Bureau.

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

Chief of the Operations Division

- Continue to provide briefings to IDOC staff; and
- Monitor planning related to the scheduled execution.

Administrative Team

- Conduct at least two (2) rehearsal sessions with the Escort Team, Medical Team, and command staff (see section 5);
- Confirm that escort and medical teams, a licensed physician (see section 6), emergency medical personnel, and the Ada County coroner are scheduled and will be on-site at the established time;
- Restrict access to the execution chamber to those with expressly assigned duties;
- Ready the execution chamber for the offender; and
- Verify execution inventory and equipment checks are completed and open issues resolved.

Deputy Chief of the Prisons Bureau

- Schedule and conduct IDOC south Boise complex simulation exercises, as necessary and modify practices if warranted;
- Ensure that contracted services have planned their activities to coincide with the incident action plans for modified operational status related to the scheduled execution;
- Contact IDOC, CAPP, and ICC facility heads to monitor their preparation and status;
- and
- Confirm adequate staffing, equipment, and materials are in place for regular operations and the execution.

20. Twenty-Four (24) to 12 Hours Prior To the Execution

Twenty-four (24) to 12 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 of the IDOC, chief of the Operations Division, and the deputy chief of the Prisons Bureau.

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

Administrative Team

- 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;
- Ensure that video monitoring and intercom systems are functioning properly;
- Ensure the Medical Team room and execution chamber clocks are accurately set and working;
- Ensure that appropriate restraints are ready;
- Ensure that communication devices are ready;
- Ensure that the Medical Team leader checks the EKG machine instruments to confirm they are functioning properly;
- Ensure that the crash cart and defibrillator are in place and functioning properly; and
- Check medical supply and chemical inventory.

Deputy Chief of the Prisons Bureau

- Activate the following teams:
  - Command
  - CERT
  - Maintenance
  - CISM
  - Traffic Control Team
- Ensure CISM is activated state-wide;
- Modify operation of the IDOC's south Boise complex;
- Contact IDOC, CAPP, and ICC facility heads to ensure they are prepared to activate their IAPs for modified operation; and
- Establish the ICS command center.

IDOC PIO

Establish the media center.

IDOC Health Authority

Conduct a review of the offender's healthcare.

IMSI Warden

- Ensure that all the offender's remaining property, except one religious item, is removed and inventoried, and that the offender has completed a disposition sheet for his property;
- Ensure that witness areas are in order;
- Ensure that transportation vehicles are ready; and
- Ensure that food service is prepared to serve offender his last meal request.

IMSI Deputy Warden (Acting as Facility Head)

- Activate the IMSI management plan;

> **Note:** the plan can be activated earlier if activities, behaviors, or other issues indicate it prudent to do so.

- Ensure that detailed staff briefings are provided; and
- Ensure that CISM is on-site at IMSI.

21. Twelve (12) Hours Prior To the Execution

Twelve (12) 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 of the IDOC, chief of the Operations Division, and the Administrative Team.

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

Deputy Chief of the Prisons Bureau

Contact IDOC, CAPP, and ICC facility heads to ensure they have activated their incident action plans for modified operation.

Restricting Access to IDOC Property

During the final twelve hours prior to the execution, access to the IDOC's south Boise complex is limited. Restrictions shall remain in effect until normal operations resume after the execution or a stay of execution is issued.

Access is limited to the following:

- On-duty personnel;
- On-duty contract personnel;
- Volunteers deemed necessary by the facility wardens;
- Approved delivery vehicles;
- Approved media;
- Approved execution witnesses;
- Law enforcement personnel on business-related matters; and
- Others as approved by the ICS operations chief.

Population Management

- The IDOC's south Boise complex and CAPP and ICC facilities shall go on secure status as defined and ordered by the ICS operations chief at conclusion of a formal count and not less than nine (9) hours prior to the scheduled execution; and
- After the conclusion of the execution or stay of execution, all IDOC and contract prison facilities shall return to regular operations at the direction of the ICS operations chief.

Condemned Offender Activities

- Ensure the offender receives the last meal by approximately 1900 hours prior to the scheduled execution. (All eating utensils and remaining food and beverage shall be removed upon completion of the meal.);
- Phone calls are concluded by 2100 hours. (Telephone calls shall be terminated at 2100 hours the day prior to the execution, excluding calls with the offender's attorney of record and others approved by the IMSI warden.);
- Visitation shall be terminated at 2100 hours the night prior to the execution, excluding visits from the offender's attorney of record and others as approved by the IMSI warden;
- No later than 2300 hours the night before the execution, the facility healthcare services staff will offer the offender a mild sedative;
- No later than five (5) hours prior to the execution, the offender shall be offered a light snack. (All eating utensils and remaining food, to include any remaining consumable commissary, shall be removed upon completion of the meal.); and
- No later than four (4) hours prior to the execution, the facility healthcare services staff will offer the offender another mild sedative.

22. Final Preparations

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

Witness Briefing

Prior to entering the execution witness area, the chief of the Operations Division will provide briefings of the execution process to those who will be present at the execution. The victim's family and offender's family will receive separate briefings.

Procedures to Carry out the Execution

The procedures for carrying out the execution are found in appendix A, *Execution Chemicals Preparation and Administration*.

Note: Total anonymity of personnel in the Medical Team room must be maintained. At no time will the personnel be addressed by name or asked anything that would require an oral response.

23. Pronouncement of Death

Idaho Code, section 19-2716, requires that the death of a condemned offender be pronounced by the Ada County coroner (or deputy coroner).

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 offender, and pronounce the offender's death to the IMSI warden. The IMSI warden will announce that the sentence of death has been carried out as ordered by the court and the execution has been com pleted.

24. Return of Service on the Death Warrant

After the execution, the IMSI warden must complete a return of service of the death warrant, showing the date, time, mode, and manner in which it was executed. The original death warrant will be returned to the sentencing court. A copy of the death warrant with the return of service information will be filed in the offender's central file. A copy of the original death warrant shall be forwarded to the DAG office.

25. Following the Execution

Administrative Team

- Ensure that the assigned members of the Medical Team will return all unused materials to the safe in the execution chamber;
- Gather all documents, logs, recordings, sequence of chemical forms (see appendixes A1 thru A4), EKG machine tape, list of identifiers, etc. and deliver them to the DAG who represents the IDOC for storage;
- Upon completion or long-term stay, inventory the items, complete the chain of custody, and secure the items in the administration safe;
- Retrieve all secured materials; and
- Destroy all used materials in accordance with safe disposal practices and document the disposition of each drug on the inventory sheet.

Deputy Chief of the Prisons Bureau

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

Execution Chamber and Condemned Isolation Cell Cleaning

Under the supervision of a person designated by the designated Administrative Team member, the execution chamber and condemned isolation cell shall be cleaned and secured. Facility staff trained in infectious diseases preventive practices will utilize appropriate precautions in cleaning the execution chamber.

Resuming Normal Operations

ICS command center shall determine when the prisons resume normal operations after receiving assessments from all facility wardens.

IDOC staff shall be deactivated at the direction of ICS command center.

Debriefing

Within 48 hours, the deputy chief of the Prisons Bureau and IMSI warden will debrief the director of the IDOC and chief of the Operations Division and other Leadership Team staff as the director deems appropriate regarding the process and if applicable make recommendations to revise the standard operation procedure or other related processes or documents.

REFERENCES

Appendix A, *Execution Chemicals Preparation and Administration*

Appendix A1, *Sequence of Chemical Form- Method 1*

Appendix A2, *Sequence of Chemical Form- Method 2*

Appendix A3, *Sequence of Chemical Form- Method 3*

Appendix A4, *Sequence of Chemical Form- Method 4*

Appendix B, *Media Notification and Agreement*

- Appendix B (Fill-in version)

Appendix C, *State Witness Notification and Agreement*

- Appendix C (Fill-in version)

Appendix D, *Victim's Family Witness Notification and Agreement*

- Appendix D (Fill-in version)

Appendix E, *Summary of Procedures*

- Appendix E (Fill-in version)

Appendix F, *Offender's Friend/Family Witness Notification and Agreement*

- Appendix F (Fill-in version)

Directive 312.02.01.001, *Death of an Inmate*

Idaho Code, Title 19, Chapter 27, Section 19-2705, *Death Sentence or Death Warrant and Confinement There under – Access to Condemned Person*

Idaho Code, Title 19, Chapter 27, Section 19-2713, *Proceedings When Female Supposed to be Pregnant*

Idaho Code, Title 19, Chapter 27, Section 19-2714, *Findings in Case of Pregnancy*

Idaho Code, Title 19, Chapter 27, Section 19-2715, *Ministerial Actions Relating to Stays of Execution, Resetting Execution Dates, and Order of Execution of Judgment of Death*

Idaho Code, Title 19, Chapter 27, Section 19-2716, *Infliction of Death Penalty*

Idaho Code, Title 19, Chapter 27, Section 19-2718, *Return of Death Warrant*

Idaho Code, Title 60, Chapter 1, Section 60-106, *Qualifications of Newspapers Printing Legal Notices*

Standard Operating Procedure 205.07.01.001, *Corrective and Disciplinary Action*

Standard Operating Procedure 319.02.01.001, *Restrictive Housing*

Standard Operating Procedure 320.02.01.001, *Property: State-issued and Offender Personal Property*

Standard Operating Procedure 604.02.01.001, *Visiting*

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IDAHO DEPARTMENT OF CORRECTION
Execution Chemicals Preparation and Administration

A. Modifications to Protocols and Procedures

There shall be no deviation from the procedures, protocols, and chemicals in this procedure without prior consent from the director of the IDOC. A member of the Administrative Team shall monitor and ensure compliance with protocols and procedures related to the preparation and administration of chemicals.

B. Preparation of Chemicals

At the appropriate time, the IMSI warden shall transfer custody of the chemicals to the Medical Team leader so the Medical Team can complete chemical and syringe preparation.

The Medical Team leader will supervise the syringe preparation, assigning a Medical Team member to prepare each chemical and the corresponding syringe. The assigned Medical Team members shall prepare their designated chemical and syringes for two (2) complete sets of chemicals to be used in the implementation of the death sentence. A third set of syringes shall be available and ready for use as backup.

The assigned Medical Team member shall be responsible for preparing and labeling the assigned sterile syringes in a distinctive manner identifying the specific chemical contained in each syringe by (a) assigned number, (b) chemical name, (c) chemical amount and (d) the designated color, as set forth in the chemical chart below. This information shall be preprinted on a label, with two (2) labels affixed to each syringe to ensure a label remains visible.

There shall be sufficient lighting and physical space in the Medical Team room and the execution chamber to enable team members to function properly and to observe the offender. The offender will be positioned to enable the Medical Team leader to view the offender, the offender's arms (or other designated intravenous [IV] location) and face with the aid of a color camera and a color monitor.

After the Medical Team prepares all syringes with the proper chemicals and labels as provided in the applicable chemical chart, the Medical Team leader shall place three (3) complete sets of the prepared and labeled syringes in the color-coded and labeled syringe trays in the order in which the chemicals are to be administered. The syringes will be placed in the color-coded and labeled syringe trays in a manner to ensure there is no crowding, with each syringe resting in its corresponding place in the shadow box which is labeled with the name of the chemical, color, chemical amount and the designated syringe number.

The syringes shall be placed in such a manner to ensure the syringe labels are clearly visible. Prior to placing the syringes in the color-coded and labeled syringe trays, the flow shall be checked by the Medical team leader running heparin/saline solution through the line to confirm there is no obstruction.

After all syringes are prepared and placed in color-coded and labeled syringe trays in proper order, the Medical Team leader shall confirm that all syringes are properly labeled and placed in the color-coded and labeled syringe trays in the order in which the chemicals are to be administered as designated by the applicable chemical chart. Each chemical shall be administered in the predetermined order in which the syringes are placed in the tray.

C. Approved Chemicals

The IDOC has four (4) options for lethal injection methods. Which option is used is dependent upon the availability of chemicals.

The director of the IDOC has approved the following lethal injection chemicals and methods as described in Chemical Chart 1, Chemical Chart 2, Chemical Chart 3, and Chemical Chart 4:

Method 1

CHEMICAL CHART 1	
Primary SET A	
Syringe No.	Label
1A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
2A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
3A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
4A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
5A (flush)	60mL Heparin/Saline, **BLACK**
6A (complete 6-7)	60mg Pancuronium Bromide, BLUE
7A (complete 6-7)	60mg Pancuronium Bromide, BLUE
8A (flush)	60mL Heparin/Saline, **BLACK**
9A (complete 9-10)	120mEq Potassium Chloride, **RED**
10A (complete 9-10)	120mEq Potassium Chloride, **RED**
11A (flush)	60mL Heparin/Saline, **BLACK**

CHEMICAL CHART 1		CHEMICAL CHART 1	
Backup Set B		**Backup Set C**	
Syringe No.	Label	Syringe No.	Label
1B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	1C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
2B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	2C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
3B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	3C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
4B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	4C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
5B (flush)	60mL Heparin/Saline, **BLACK**	5C (flush)	60mL Heparin/Saline, **BLACK**
6B (complete 6-7)	60mg Pancuronium Bromide, **BLUE**	6C (complete 6-7)	60mg Pancuronium Bromide, **BLUE**
7B (complete 6-7)	60mg Pancuronium Bromide, **BLUE**	7C (complete 6-7)	60mg Pancuronium Bromide, **BLUE**
8B (flush)	60mL Heparin/Saline, **BLACK**	8C (flush)	60mL Heparin/Saline, **BLACK**
9B (complete 9-10)	120mEq Potassium Chloride, **RED**	9C (complete 9-10)	120mEq Potassium Chloride, **RED**
10B (complete 9-10	120mEq Potassium Chloride, **RED**	10C (complete 9-10)	120mEq Potassium Chloride, **RED**
11B (flush)	60mL Heparin/Saline, **BLACK**	11C (flush)	60mL Heparin/Saline, **BLACK**

Syringe Preparation (Method 1)

Syringes 1A, 2A, 3A, 4A, 1B, 2B, 3B, 4B, 1C, 2C, 3C and 4C each contain 1.25 gm/50ml. of sodium pentothal / 1 in 50 ml. of sterile water in four (4) 60 ml. syringes for a total dose of 5 grams of sodium pentothal in each set. Each syringe containing sodium pentothal shall have a GREEN label which contains the name of chemical, chemical amount, and the designated syringe number.

Syringes 5A, 8A, 11A, 5B, 8B, 11B, 5C, 8C and 11C each contain 60 ml. of a heparin/saline solution, at a concentration of 10 units of heparin per milliliter, and shall have a **BLACK** label which contains the name of the chemical, chemical amount, and the designated syringe number.

Syringes 6A, 7A, 6B, 7B, 6C and 7C each contain 60 mg of pancuronium bromide for a total of 120 mg of pancuronium bromide in each set. Each syringe containing pancuronium bromide shall have a BLUE label which contains the name of the chemical, chemical amount, and the designated syringe number.

Syringes 9A, 10A, 9B, 10B, 9C and 10C each contain 120 milliequivalents of potassium chloride for a total of 240 milliequivalents of potassium chloride in each set. Each syringe containing potassium chloride shall have a **RED** label which contains the name of the chemical, chemical amount, and the designated syringe number.

After the Medical Team prepares all syringes with the proper chemicals and labels as provided in the applicable chemical chart, the Medical Team leader shall ensure the IV setup is completed.

Method 2

CHEMICAL CHART 2	
Primary SET A	
Syringe No.	Label
1A (compete 1-2)	2.5 g Pentobarbital GREEN
2A (complete 1-2)	2.5 g Pentobarbital GREEN
3A (flush)	60mL Heparin/Saline, **BLACK**
4A (complete 4-5)	60mg Pancuronium Bromide, **BLUE**
5A (complete 4-5)	60mg Pancuronium Bromide, **BLUE**
6A (flush)	60mL Heparin/Saline, **BLACK**
7A (complete 7-8)	120mEq Potassium Chloride, **RED**
8A (complete 7-8)	120mEq Potassium Chloride, **RED**
9A (flush)	60mL Heparin/Saline, **BLACK**

CHEMICAL CHART 2	
Backup Set B	
Syringe No.	Label
1B (complete 1-2)	2.5 g Pentobarbital GREEN
2B (complete 1-2)	2.5 g Pentobarbital GREEN
3B (flush)	60mL Heparin/Saline, **BLACK**
4B (complete 4-5)	60mg Pancuronium Bromide, **BLUE**
5B (complete 4-5)	60mg Pancuronium Bromide, **BLUE**
6B (flush)	60mL Heparin/Saline, **BLACK**
7B (complete 7-8)	120mEq Potassium Chloride, **RED**
8B (complete 7-8)	120mEq Potassium Chloride, **RED**
9B (flush)	60mL Heparin/Saline, **BLACK**

CHEMICAL CHART 2	
Backup Set C	
Syringe No.	Label
1C (complete 1-2)	2.5 g Pentobarbital GREEN
2C (complete 1-2)	2.5 g Pentobarbital GREEN
3C (flush)	60mL Heparin/Saline, **BLACK**
4C (complete 4-5)	60mg Pancuronium Bromide, **BLUE**
5C (complete 4-5)	60mg Pancuronium Bromide, **BLUE**
6C (flush)	60mL Heparin/Saline, **BLACK**
7C (complete 7-8)	120mEq Potassium Chloride, **RED**
8C (complete 7-8)	120mEq Potassium Chloride, **RED**
9C (flush)	60mL Heparin/Saline, **BLACK**

Syringe Preparation (Method 2)

Syringes 1A, 2A, 1B, 2B, 1C, and 2C each contain 2. 5 gm of pentobarbital for a total of 5 grams in each set. Each syringe containing pentobarbital shall have a **GREEN** label which contains the name of chemical, chemical amount and the designated syringe number.

Syringes 3A, 6A, 9A, 3B, 6B, 9B, 3C, 6C and 9C each contain 60 ml. of a heparin/saline solution, at a concentration of 10 units of heparin per milliliter, and shall have a **BLACK** label which contains the name of the chemical, chemical amount and the designated syringe number.

Syringes 4A, 5A, 4B, 5B, 4C and 5C each contain 60 mg of pancuronium bromide for a total of 120 mg of pancuronium bromide in each set. Each syringe containing pancuronium bromide shall have a **BLUE** label which contains the name of the chemical, chemical amount and the designated syringe number.

Syringes 7A, 8A, 7B, 8B, 7C and 8C each contain 120 milliequivalents of potassium chloride for a total of 240 milliequivalents of potassium chloride in each set. Each syringe containing potassium chloride shall have a **RED** label which contains the name of the chemical, chemical amount and the designated syringe number.

After the Medical Team prepares all syringes with the proper chemicals and labels as provided in the applicable chemical chart, the Medical Team leader shall ensure the IV setup is completed.

Method 3

CHEMICAL CHART 3	
Primary Set A	
Syringe No.	Label
1A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
2A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
3A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
4A (complete 1-4)	1.25 g Sodium Pentothal, GREEN
5A (flush)	60mL Heparin/Saline, **BLACK**

CHEMICAL CHART 3		CHEMICAL CHART 3	
Backup Set B		**Backup Set C**	
Syringe No.	Label	Syringe No.	Label
1B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	1C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
2B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	2C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
3B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	3C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
4B (complete 1-4)	1.25 g Sodium Pentothal, GREEN	4C (complete 1-4)	1.25 g Sodium Pentothal, GREEN
5B (flush)	60mL Heparin/Saline, **BLACK**	5C (flush)	60mL Heparin/Saline, **BLACK**

Syringe Preparation (Method 3)

Syringes 1A, 2A, 3A, 4A, 1B, 2B, 3B, 4B, 1C, 2C, 3C, and 4C each contain 1.25 gm/50ml. of sodium pentothal / 1 in 50 ml. of sterile water in four (4) 60 ml. syringes for a total dose of 5 grams of sodium pentothal in each set. Each syringe containing sodium pentothal shall have a GREEN label which contains the name of chemical, chemical amount, and the designated syringe number.

Syringes 5A, 5B, and 5C each contain 60 ml. of a heparin/saline solution, at a concentration of 10 units of heparin per milliliter, and shall have a **BLACK** label which contains the name of the chemical, chemical amount, and the designated syringe number.

After the Medical Team prepares all syringes with the proper chemicals and labels as provided in the applicable chemical chart, the Medical Team leader shall ensure the IV setup is completed.

Method 4

CHEMICAL CHART 4	
Primary Set A	
Syringe No.	Label
1A (complete 1-2)	2.5 g Pentobarbital GREEN
2A (complete 1-2)	2.5 g Pentobarbital GREEN
3A (flush)	60mL Heparin/Saline, **BLACK**

CHEMICAL CHART 4		CHEMICAL CHART 4	
Backup Set B		**Backup Set C**	
Syringe No.	Label	Syringe No.	Label
1B (complete 1-2)	2.5 g Pentobarbital GREEN	1C (complete 1-2)	2.5 g Pentobarbital GREEN
2B (complete 1-2)	2.5 g Pentobarbital GREEN	2C (complete 1-2)	2.5 g Pentobarbital GREEN
3B (flush)	60mL Heparin/Saline, **BLACK**	3C (flush)	60mL Heparin/Saline, **BLACK**

Syringe Preparation (Method 4)

Syringes 1A, 2A 1B, 2B, 1C, and 2C each contain 2.5 gm of pentobarbital for a total of 5 grams in each set. Each syringe containing pentobarbital shall have a GREEN label which contains the name of chemical, chemical amount and the designated syringe number.

Syringes 3A, 3B, and 3C each contain 60 ml. of a heparin/saline solution, at a concentration of 10 units of heparin per milliliter, and shall have a **BLACK** label which contains the name of the chemical, chemical amount and the designated syringe number.

After the Medical Team prepares all syringes with the proper chemicals and labels as provided in the applicable chemical chart, the Medical Team leader shall ensure the IV setup is completed.

Note: The chemical amounts as set forth in chemical charts 1, 2, 3, and 4 are designated for the execution of persons weighing 500 pounds or less. The chemical amounts will be reviewed and may be revised as necessary for an offender exceeding this body weight.

Note: The quantities of chemicals prepared and administered may not be changed in any manner without prior approval of the director of the IDOC.

Note: The full dose contained in each syringe shall be administered to the offender and subsequently documented by the designated recorder. The quantities of the chemicals prepared and administered may not be changed in any manner without prior approval of the director of the IDOC after consultation with the Medical Team leader. If all electrical activity of the heart ceases prior to administering all of the chemicals, the Medical Team members shall continue to follow this protocol and administer all remaining chemicals in the order and amounts set forth in the applicable chemical chart.

IV Setup Procedure

After all syringes are prepared and placed in proper order, the Medical Team leader shall confirm that all syringes are properly labeled and placed in the order in which the chemicals are to be administered as designated by the chemical chart. Each chemical shall be administered in the predetermined order in which the syringes are placed in the color-coded and labeled syringe trays.

Note: All of the prepared chemicals shall be used or properly disposed of no later than 24 hours after the time designated for the execution to occur.

Note: Should a stay delay the execution beyond 24 hours of the scheduled execution, another primary set of syringes shall be prepared when the execution is rescheduled in accordance with the process set forth in this procedure.

D. Chemical Delivery Procedures

The Medical Team recorder is responsible for completing the applicable sequence of chemical form (see appendixes A1 thru A4). The recorder shall document on the form the amount of each chemical administered and confirm that it was administered in the order set forth in the chemical chart. Any deviation from the written procedure shall be noted and explained on the form.

E. Preparation, Movement, and Monitoring of Offender

Prior to moving the offender from the isolation cell to the execution table, the director of the IDOC will confer with the Idaho attorney general (or designee) and the Idaho governor (or designee) to confirm there is no legal impediment to proceeding with the lawful execution and there are no motions pending before a court which may stay further proceedings.

The offender will be offered a mild sedative based on the offender's need. The sedative shall be provided to the offender no later than four (4) hours prior to the execution, unless it is determined medically necessary.

At the designated time, the Escort Team will escort the offender to the execution room secured on the table by the prescribed means with the offender's arms positioned at an angle away from the offender's side.

After the offender has been secured to the execution table, the Escort Team leader will personally check the restraints which secure the offender to the table to ensure they are not so restrictive as to impede the offender's circulation, yet sufficient to prevent the offender from manipulating the catheters and IV lines.

Once the offender is secured, the Medical Team leader will attach the leads from the electrocardiograph (EKG) machine to the offender's chest and confirm that the EKG machine is functioning properly and that the proper graph paper is used. A backup EKG machine shall be on site and readily available if necessary.

A Medical Team member shall be assigned to monitor the EKG machine, and mark the EKG graph paper at the commencement and completion of the administration of each chemical. The assigned identifier of the Medical Team member monitoring the EKG machine shall be noted at each juncture.

Throughout the procedure, the Medical Team members shall continually monitor the offender's level of consciousness and EKG machine readings, maintaining constant observation of the offender using one or more of the following methods: direct observation, audio equipment, camera, and television monitor as well as any other medically approved method(s) deemed necessary by the Medical Team leader. The Medical Team leader shall be responsible for monitoring the offender's level of consciousness.

The assigned Medical Team members will insert the catheters and attach the IV lines.

The witnesses will be brought in to the applicable witness areas.

Once all witnesses are secured in the witness rooms, the IMSI warden shall read aloud a summary of the death warrant.

A microphone will be positioned to enable the Medical Team leader to hear any utterances or noises made by the offender throughout the procedure. The Medical Team leader will confirm the microphone is functioning properly, and that the offender can be heard in the Medical Team room.

The IMSI warden shall ensure there is a person present in the execution chamber throughout the execution who is able to communicate with the offender in the offender's primary language. This person will be positioned to clearly see, hear and speak to the offender throughout the execution. If the IMSI warden can communicate with the offender in the offender's primary language, he may serve in that capacity.

The IMSI warden will ask the offender if he wishes to make a last statement and provide an opportunity to do so.

The IMSI warden will offer the offender an eye covering.

F. Intravenous Lines

The assigned Medical Team members shall determine the best sites on the offender to insert a primary IV catheter and a backup IV catheter in two (2) separate locations in the peripheral veins utilizing appropriate medical procedures. The insertion sites in order of preference shall be: arms, hands, ankles and feet, as determined medically appropriate by the Medical Team leader. Both primary and backup IV lines will be placed unless in the opinion of the Medical Team leader it is not possible to reliably place two (2) peripheral lines. In the event that it is not possible to reliably place two (2) peripheral lines, the Medical Team leader will direct Medical Team members to place an IV catheter in a central line for the purpose of administering the chemicals.

At the discretion of the Medical Team leader, a localized anesthetic may be used to numb the venous access site.

To ensure proper insertion in the vein, the assigned Medical Team members should watch for the flashback of blood at the catheter hub in compliance with medical procedures.

The assigned Medical Team members shall ensure the catheter is properly secured with the use of tape or adhesive material, properly connected to the IV line and out of reach of the offender's hands. A flow of heparin/saline shall be started in each line and administered at a slow rate to keep the line open.

The primary IV catheter will be used to administer the chemicals and the backup catheter will be reserved in the event of the failure of the first line. Any failure of a venous access line shall be immediately reported to the IMSI warden.

The IV catheter in use shall not be covered and shall remain visible throughout the procedure.

The IMSI warden shall physically remain in the execution chamber with the offender throughout the administration of the chemicals in a position sufficient to clearly observe the offender and the primary and backup IV sites for any potential problems and shall immediately notify the Medical Team leader and director of the IDOC should any issue occur. Upon receipt of such notification, the director of the IDOC will stop the proceedings and take all steps necessary in consultation with the Medical Team leader prior to proceeding further with the execution.

Should it be determined that the use of the backup IV catheter is necessary, a complete set of backup chemicals will be administered in the backup IV as set forth in the applicable chemical chart.

Should it become necessary to use an alternate means of establishing an IV line because, in the opinion of the Medical Team leader, it is not possible to reliably place a peripheral line in the offender, a Medical Team member may utilize a central line catheter if, in the opinion of the Medical Team leader, such a line may be reasonably placed. The Medical Team member responsible for placing a central line

catheter shall have at least one year of regular and current professional experience conducting that procedure. The Medical Team member will place the central line catheter utilizing appropriate medical procedures. The Medical Team member shall ensure the catheter is properly secured with the use of tape or adhesive material, properly connected to the IV line and out of reach of the offender's hands. This line shall be utilized for the administering of all chemicals.

Upon successful insertion of the catheter into a central line, a Medical Team member will inject a solution of heparin/saline into the catheter to ensure patency of the catheter.

G. Administration of Chemicals Methods 1 and 2

At the time the execution is to commence and prior to administering the chemicals, the director of the IDOC will reconfirm with the Idaho attorney general (or designee) and the Idaho governor (or designee) that there is no legal impediment to proceeding with the execution. Upon receipt of oral confirmation that there is no legal impediment, the director of the IDOC will instruct the IMSI warden to commence the process to carry out the sentence of death. The IMSI warden will then order the administration of the chemicals to begin. If there is a legal impediment to the execution, the director of the IDOC shall instruct the IMSI warden to **stop the process**, and to notify the offender and witnesses that the execution has been stayed or delayed. The IMSI warden (or designee) shall also notify the IDOC PIO and other pertinent staff.

Upon receiving the order to commence the execution process from the director of the IDOC, the IMSI warden will instruct the Medical Team leader to begin administrating the chemicals. The Medical Team leader will instruct the assigned Medical Team member to begin dispensing the first chemical.

Upon direction from the Medical Team leader, the assigned Medical Team member will visually and verbally confirm the chemical name on the syringe and then administer the full dose of sodium pentothal/or pentobarbital immediately followed by the heparin/saline flush. The heparin/saline is administered as a secondary precaution to further ensure the line is functioning properly and flushed between each chemical.

After the sodium pentothal/or pentobarbital and heparin/saline have been administered and before the Medical Team members begin administering the pancuronium bromide, the Medical Team leader shall confirm the offender is unconscious by direct examination of the offender. The Medical Team leader, dressed in a manner to preserve his anonymity, will enter into the room where the IMSI warden and offender are located to physically confirm the offender is unconscious by using all necessary medically appropriate techniques such as giving verbal stimulus, soliciting an auditory response, touching the eyelashes, and/or conducting a sternal rub. The Medical Team leader will also confirm that the IV line remains affixed and functioning properly.

No further chemicals shall be administered until the Medical Team leader has confirmed the offender is unconscious. After three (3) minutes have elapsed since the administration of the sodium pentothal/or pentobarbital, the Medical Team leader will assess and confirm that the offender is unconscious. The Medical Team leader will verbally advise the IMSI warden of the offender's status.

In the unlikely event that the offender is conscious, the Medical Team shall assess the situation to determine why the offender is conscious. The Medical Team leader shall communicate this information to the IMSI warden, along with all Medical Team input. The IMSI warden will determine how to proceed or, if necessary, to start the procedure over at a later time or stand down. The IMSI warden may direct the curtains to the witness viewing room be closed, and, if necessary, for witnesses to be removed from the execution unit.

If deemed appropriate, the IMSI warden may instruct the Medical Team to administer an additional 5 grams of sodium pentothal/or pentobarbital followed by the heparin/saline flush from backup set B.

Upon administering the sodium pentothal/or pentobarbital and heparin/saline from backup set B, the Medical Team leader will again physically confirm the offender is unconscious using proper medical

procedures and verbally advise the IMSI warden of the same. Throughout the entire procedure, the Medical Team members and the IMSI warden shall continually monitor the offender using all available means to ensure that the offender remains unconscious and that there are no complications.

Only after receiving oral confirmation from the Medical Team leader that the offender is unconscious and three (3) minutes have elapsed since commencing the administration of the sodium pentothal/or pentobarbital and heparin/saline from backup set B, will the IMSI warden instruct the Medical Team leader to proceed with administering the next chemicals.

When instructed, the Medical Team leader will instruct the assigned Medical Team members to begin administering the full doses of the remaining chemicals (pancuronium bromide and potassium chloride), each followed by a heparin/saline flush as set forth in the applicable chemical chart.

If after administering the potassium chloride and subsequent heparin/saline flush, the electrical activity of the offender's heart has not ceased, the additional potassium chloride and heparin/saline flush contained in backup set B shall be administered.

The full dose contained in each syringe shall be administered to the offender and subsequently documented by the designated recorder. The quantities of the chemicals prepared and administered may not be changed in any manner without prior approval of the director of the IDOC after consultation with the Medical Team leader.

If all electrical activity of the heart ceases prior to administering all the chemicals, the Medical Team members shall continue to follow this protocol and administer all remaining chemicals in the order and amounts set forth in the applicable chemical chart.

When all electrical activity of the heart has ceased as shown by the EKG machine, the Medical Team leader will advise the Ada County coroner and the IMSI warden that the procedure has been completed. The Medical Team leader will ensure that the EKG machine runs a print-out strip for two (2) minutes after the last chemical injection.

The Ada County coroner will enter the execution chamber, examine the offender, and pronounce the offender's death to the IMSI warden. The IMSI warden will then announce that the sentence of death as been carried out as ordered by the court.

The witnesses will be escorted from the Execution Unit back to the respective staging and/or exit locations.

Note: Backup set C will be used if (1) electrical activity of the heart has not ceased after administration of sets A and B, or (2) either primary set A or backup set B are damaged or otherwise deemed unusable.

H. Administration of Chemicals Methods 3 and 4

At the time the execution is to commence and prior to administering the chemicals, the director of the IDOC will reconfirm with the Idaho attorney general (or designee) and the Idaho governor (or designee) that there is no legal impediment to proceeding with the execution. Upon receipt of oral confirmation that there is no legal impediment, the director of the IDOC will instruct the IMSI warden to commence the process to carry out the sentence of death. The IMSI warden will then order the administration of the chemicals to begin. If there is a legal impediment to the execution, the director of the IDOC shall instruct the IMSI warden to **stop the process**, and to notify the offender and witnesses that the execution has been stayed or delayed. The IMSI warden (or designee) shall also notify the IDOC PIO and other pertinent staff.

Upon receipt of the director of the IDOC's order and under observation of the Medical Team leader, the IMSI warden will advise the Medical Team leader to begin the administration of chemicals. The Medical Team leader will instruct the assigned Medical Team member to begin dispensing the first chemical.

Upon direction from the Medical Team leader, the assigned Medical Team member will visually and verbally confirm the chemical name on the syringe and then administer the full dose of sodium pentothal/or pentobarbital immediately followed by the heparin/saline flush.

If after administering the sodium pentothal/or pentobarbital, subsequent heparin/saline flush, and 10 minutes have elapsed, and the electrical activity of the offender's heart has not ceased, the additional sodium pentothal/or pentobarbital and heparin/saline flush contained in backup set B shall be administered.

The full dose contained in each syringe shall be administered to the offender and subsequently documented by the designated recorder. The quantities of the chemicals prepared and administered may not be changed in any manner without prior approval of the director of the IDOC after consultation with the Medical Team leader.

If all electrical activity of the heart ceases prior to administering all the chemicals, the Medical Team members shall continue to follow this protocol and administer all remaining chemicals in the order and amounts set forth in the applicable chemical chart.

When all electrical activity of the heart has ceased as shown by the EKG machine, the Medical Team leader will advise the Ada County coroner that the procedure has been completed. The Medical Team leader will ensure that the EKG machine runs a print-out strip for two (2) minutes after the last chemical injection.

The Ada County coroner will enter the execution chamber, examine the offender, and pronounce the offender's death to the IMSI warden. The IMSI warden will then announce that the sentence of death as been carried out as ordered by the court.

The witnesses will be escorted from the Execution Unit back to the respective staging and/or exit locations.

Note: Backup set C will be used if (1) electrical activity of the heart has not ceased after administration of sets A and B, or (2) either primary set A or backup set B are damaged or otherwise deemed unusable.

I. Documentation of Chemicals and Stay

In the event that a pending stay results in more than a two (2) hour delay, the catheter will be removed, if applicable, and the offender shall be returned to the isolation cell until further notice.

The Medical Team recorder shall account for all chemicals that were not administered and document, in the applicable sequence of chemical form (see appendixes A1 thru A4), the chemical name, syringe identification code, amount, date, and the time. Time will be marked based on the approved Medical Team room clock. The Medical Team leader and the Medical Team recorder each will sign the applicable sequence of chemical form (see appendixes A1 thru A4). And will give the unused chemicals to a member of the Administrative Team.

All logs, the applicable sequence of chemical forms (see appendixes A1 thru A4), the list of identifiers, and the EKG machine tape shall be submitted to the deputy attorney general who represents the IDOC for storage.

Upon completion of the execution or when a stay exceeding 24 hours is granted the Administrative Team shall be responsible for the appropriate disposal of all medical waste and supplies to include unused, drawn chemicals in accordance with state of Idaho and federal law.

J. Contingency Procedure

A portable cardiac monitor/defibrillator will be readily available on site in the event that the offender goes into cardiac arrest at any time prior to dispensing the chemicals; trained medical staff shall make every

effort to revive the offender should this occur, unless the offender has signed a do not resuscitate (DNR).

Trained medical personnel and emergency transportation, neither of which is involved in the execution process, shall be available in proximity to respond to the offender should any medical emergency arise at any time before the order to proceed with the execution is issued by the director of the IDOC.

If at any point any Medical Team members determine that any part of the execution process is not going according to procedure, they shall advise the Medical Team leader who shall immediately notify the IMSI warden. The IMSI warden, in consultation with the director of the IDOC may consult with persons deemed appropriate and will determine to go forward with the procedure, start the procedure over at a later time within the 24-hour day, or stand down.

IDAHO DEPARTMENT OF CORRECTION
Sequence of Chemical Form- Method 1

Offender: _____ Number: _____
Court Case #: _____
Warrant of Death Issued By: _____

Chemical Chart 1: PRIMARY SET A			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1A	1.25 g Sodium Pentothal, GREEN		
2A	1.25 g Sodium Pentothal, GREEN		
3A	1.25 g Sodium Pentothal, GREEN		
4A	1.25 g Sodium Pentothal, GREEN		
5A	60mL Heparin/Saline, **BLACK**		
6A	60mg Pancuronium Bromide, BLUE		
7A	60mg Pancuronium Bromide, BLUE		
8A	60mL Heparin/Saline, **BLACK**		
9A	120mEq Potassium Chloride, RED		
10A	120mEq Potassium Chloride, RED		
11A	60mL Heparin/Saline, **BLACK**		

Chemical Chart 1: BACKUP SET B			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1B	1.25 g Sodium Pentothal, GREEN		
2B	1.25 g Sodium Pentothal, GREEN		
3B	1.25 g Sodium Pentothal, GREEN		
4B	1.25 g Sodium Pentothal, GREEN		
5B	60mL Heparin/Saline, **BLACK**		
6B	60mg Pancuronium Bromide, BLUE		
7B	60mg Pancuronium Bromide, BLUE		
8B	60mL Heparin/Saline, **BLACK**		
9B	120mEq Potassium Chloride, RED		
10B	120mEq Potassium Chloride, RED		
11B	60mL Heparin/Saline, **BLACK**		

Chemical Chart 1: BACKUP SET C			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1C	1.25 g Sodium Pentothal, GREEN		
2C	1.25 g Sodium Pentothal, GREEN		
3C	1.25 g Sodium Pentothal, GREEN		
4C	1.25 g Sodium Pentothal, GREEN		
5C	60mL Heparin/Saline, **BLACK**		
6C	60mg Pancuronium Bromide, BLUE		
7C	60mg Pancuronium Bromide, BLUE		
8C	60mL Heparin/Saline, **BLACK**		
9C	120mEq Potassium Chloride, RED		
10C	120mEq Potassium Chloride, RED		
11C	60mL Heparin/Saline, **BLACK**		

IDAHO DEPARTMENT OF CORRECTION
Sequence of Chemical Form- Method 2

Offender: _____ Number: _____
Court Case #: _____
Warrant of Death Issued By: _____

Chemical Chart 2: PRIMARY SET A			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1A	2.5 g Pentobarbital GREEN		
2A	2.5 g Pentobarbital GREEN		
3A	60mL Heparin/Saline, **BLACK**		
4A	60mg Pancuronium Bromide, BLUE		
5A	60mg Pancuronium Bromide, BLUE		
6A	60mL Heparin/Saline, **BLACK**		
7A	120mEq Potassium Chloride, **RED**		
8A	120mEq Potassium Chloride, **RED**		
9A	60mL Heparin/Saline, **BLACK**		

Chemical Chart 2: BACKUP SET B			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1B	2.5 g Pentobarbital GREEN		
2B	2.5 g Pentobarbital GREEN		
3B	60mL Heparin/Saline, **BLACK**		
4B	60mg Pancuronium Bromide, BLUE		
5B	60mg Pancuronium Bromide, BLUE		
6B	60mL Heparin/Saline, **BLACK**		
7B	120mEq Potassium Chloride, **RED**		
8B	120mEq Potassium Chloride, **RED**		
9B	60mL Heparin/Saline, **BLACK**		

Chemical Chart 2: BACKUP SET C			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1C	2.5 g Pentobarbital GREEN		
2C	2.5 g Pentobarbital GREEN		
3C	60mL Heparin/Saline, **BLACK**		
4C	60mg Pancuronium Bromide, BLUE		
5C	60mg Pancuronium Bromide, BLUE		
6C	60mL Heparin/Saline, **BLACK**		
7C	120mEq Potassium Chloride, **RED**		
8C	120mEq Potassium Chloride, **RED**		
9C	60mL Heparin/Saline, **BLACK**		

IDAHO DEPARTMENT OF CORRECTION
Sequence of Chemical Form- Method 3

Offender: _____ Number: _____
Court Case #: _____
Warrant of Death Issued By: _____

Chemical Chart 3: PRIMARY SET A			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1A	1.25 g Sodium Pentothal, GREEN		
2A	1.25 g Sodium Pentothal, GREEN		
3A	1.25 g Sodium Pentothal, GREEN		
4A	1.25 g Sodium Pentothal, GREEN		
5A	60mL Heparin/Saline, **BLACK**		

Chemical Chart 3: BACKUP SET B			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1B	1.25 g Sodium Pentothal, GREEN		
2B	1.25 g Sodium Pentothal, GREEN		
3B	1.25 g Sodium Pentothal, GREEN		
4B	1.25 g Sodium Pentothal, GREEN		
5B	60mL Heparin/Saline, **BLACK**		

Chemical Chart 3: BACKUP SET C			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1C	1.25 g Sodium Pentothal, GREEN		
2C	1.25 g Sodium Pentothal, GREEN		
3C	1.25 g Sodium Pentothal, GREEN		
4C	1.25 g Sodium Pentothal, GREEN		
5C	60mL Heparin/Saline, **BLACK**		

IDAHO DEPARTMENT OF CORRECTION
Sequence of Chemical Form- Method 4

Offender: _____ Number: _____
Court Case #: _____
Warrant of Death Issued By: _____

Chemical Chart 4: PRIMARY SET A			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1A	2.5 g Pentobarbital GREEN		
2A	2.5 g Pentobarbital GREEN		
3A	60mL Heparin/Saline, **BLACK**		

Chemical Chart 4: BACKUP SET B			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1B	2.5 g Pentobarbital GREEN		
2B	2.5 g Pentobarbital GREEN		
3B	60mL Heparin/Saline, **BLACK**		

Chemical Chart 4: BACKUP SET C			
Syringe No.	**Label**	**Date and Time Administered**	**Comments**
1C	2.5 g Pentobarbital GREEN		
2C	2.5 g Pentobarbital GREEN		
3C	60mL Heparin/Saline, **BLACK**		