



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
PRISON

REVISION DATE
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POLICY

TITLE

CAPITAL PUNISHMENT

REVIEW/REVISION HISTORY:

Effective: 9/3/93
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Revised: 3/1/14

SUMMARY OF REVISION/REVIEW:

Attachment 2 - Adjusted sequence of events related to gallery seating and video display, and added one minute observation requirement

APPROVED:

Signature on file

BERNARD WARNER, Secretary
Department of Corrections

2/12/14

Date Signed

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON		
	REVISION DATE 3/1/14	PAGE NUMBER 2 of 12	NUMBER DOC 490.200
	TITLE CAPITAL PUNISHMENT		

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; [RCW 10.95.160-190](#); [WAC 137-48-050](#); DOC 410.040 Incident Command System (ICS)

POLICY:

- I. The Department has established procedures governing capital punishment to meet the requirements of RCW 10.95.160-190. These procedures set forth:
 - A. Security requirements for an Inmate Sentenced to the Death Penalty (ISDP),
 - B. Protocol for conducting an execution,
 - C. The care provided the ISDP while a valid Death Warrant is in force, and
 - D. The method of execution by lethal injection or hanging.
- II. The Department Secretary designates the Assistant Secretary for Prisons to coordinate:
 - A. The responsibilities of the Washington State Penitentiary (WSP) Superintendent.
 - B. A review of the procedures and all operational decisions in carrying out the execution, as well as the legal status of the Death Warrant.

DIRECTIVE:

- I. ISDP Housing
 - A. Upon receipt of an ISDP and prior to receipt of a Death Warrant:
 1. Male ISDPs shall be housed in a single person cell located in a segregated area of WSP.
 2. Female ISDPs shall be housed in a segregated area of the Washington Corrections Center for Women (WCCW). Prior to the execution date, the female ISDP will be transported to WSP for housing and execution.
- II. Pre-Execution Procedure
 - A. Consistent with RCW 10.95.190, a log shall be maintained with the Death Warrant in the Superintendent's Office.
 - B. Responsibilities are listed in the Execution Procedures and Assignments Checklist (Attachment 1).

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON		
	REVISION DATE 3/1/14	PAGE NUMBER 3 of 12	NUMBER DOC 490.200
	TITLE CAPITAL PUNISHMENT		

- C. Only personnel assigned by the Superintendent will attend the execution. No facility personnel will be required to participate in any part of the execution procedure.

III. Notification to ISDP

- A. After receiving confirmation of a valid Death Warrant, the Superintendent will designate an Associate Superintendent to personally interview the ISDP regarding procedures relating to the execution.
- B. The Associate Superintendent will provide the ISDP with a written summary of procedures, to include mail, visits, telephone usage, and available religious services. The ISDP will be informed of the following:
1. The date of the execution.
 2. The punishment of death shall be by lethal injection.
 - a. The primary and presumed method of execution will be an intravenous injection using a one drug protocol (i.e., pentobarbital or thiopental sodium, followed by a saline flush).
 - 1) The Superintendent will determine which drug will be used before the ISDP is given a choice of methods.
 - b. The ISDP may elect hanging as an alternate means of execution.
 - c. The procedure to be used will be determined 14 days prior to the execution, and the method cannot be changed after that date. The one drug protocol shall be the exclusive method of execution unless the ISDP elects hanging in writing.
 3. Mail procedures for an ISDP with an active Death Warrant will be as follows:
 - a. The Mail Room Sergeant will be instructed, in writing, to forward all incoming mail, unopened, to the designated Associate Superintendent, who will screen and exclude any items which may threaten the order and security of the facility with regard to the ISDP.
 - 1) Mail intended to harass the ISDP will be considered a threat to the orderly operation of the facility and restricted per WAC 137-48-050.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON		
	REVISION DATE 3/1/14	PAGE NUMBER 4 of 12	NUMBER DOC 490.200
	TITLE CAPITAL PUNISHMENT		

- 2) Legal mail will be screened, not read.
 - b. The Mail Room Sergeant will maintain a log of all incoming and outgoing mail, noting the date and time of receipt and delivery. A separate log will be maintained for all legal mail.
4. All visits between the ISDP and authorized visitors will be no contact.
 - a. Visitation for an ISDP will be consistent with the visiting procedures of other offenders housed in the Intensive Management Unit (IMU).
 - b. Seven days prior to the execution, daily visits will be authorized in addition to visits with the attorney of record.
 - c. Twenty-four hours prior to the execution date, all visits and visitors require the approval/denial of the Superintendent.
 - d. After the ISDP is moved to the execution holding cell, visits will be restricted to approved clergy and the attorney of record.
5. The ISDP will have unlimited phone access during the daily yard period. Fourteen days prior to the execution date, an additional daily one hour yard will be provided.
 - a. There will be no limit on the number or duration of calls to and from the attorney of record.
 - b. Only calls with the attorney of record will be authorized following transfer to the execution holding cell.

IV. Media Relations

- A. The Superintendent/designee will coordinate all requests for information concerning an execution.
 1. A single event to provide representatives of major and local media an opportunity to access the chamber will be authorized by the Superintendent and coordinated by designated personnel.
- B. The Superintendent will establish procedures for selecting media witnesses as specified in the Witness Selection section of this policy.
 1. No audio/electronic/video equipment, cameras, telephones, or recording/communication devices will be permitted in the chamber. Media witnesses will be subject to an electronic and pat search. Written consent

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON</p>		
	<p>REVISION DATE 3/1/14</p>	<p>PAGE NUMBER 5 of 12</p>	<p>NUMBER DOC 490.200</p>
	<p>TITLE CAPITAL PUNISHMENT</p>		

for search will be required using DOC 21-575 Acknowledgment of Visitor Search Requirements.

2. The only items that are allowed in the chamber are pens, pencils, and writing tablets supplied by the facility.
- C. Requests from media representatives for access to the Information Center must be submitted in writing.
1. Information Center access will not be permitted more than 3 hours prior to an execution.
- D. Media access to a designated area of the facility parking lot will be permitted at a designated time the day prior to the execution.
- E. Media will not be permitted to film or conduct interviews with facility employees, contract staff, or volunteers without the prior authorization of the Superintendent/designee.
- F. All normal facility security procedures will apply. Failure to comply with these procedures, Department policies, operational memorandums, or directions from authorized personnel may be cause for removal from the facility and/or facility grounds. The Superintendent may establish emergency rules and procedures.
- V. Witness Selection
- A. Not less than 20 days prior to an execution, individuals who wish to attend and witness the execution must submit a letter of request (e.g., application) to the Superintendent. The letter must designate the relationship to the ISDP and reason(s) for wishing to attend. Eligible individuals include:
1. Judicial officers (i.e., the Judge who signed the Death Warrant for the ISDP, the current Prosecuting Attorney or a Deputy Prosecuting Attorney of the county from which the final Judgment and Sentence and Death Warrant were issued, and the most recent attorney of record representing the ISDP),
 2. Law enforcement representatives (i.e., officers responsible for investigating the crime for which the inmate was sentenced to death),
 3. Media representatives,
 4. Representatives of the families of the victims (i.e., immediate family or victim advocates of the immediate family), and
 5. Representatives from the ISDP's immediate family.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON</p>		
	<p>REVISION DATE 3/1/14</p>	<p>PAGE NUMBER 6 of 12</p>	<p>NUMBER DOC 490.200</p>
	<p>TITLE CAPITAL PUNISHMENT</p>		

- B. Not less than 15 days prior to the execution, the Superintendent shall determine the total number of individuals, other than Department employees, who will be allowed to attend and witness the execution.
 - 1. The Superintendent shall determine the number of witnesses allowed in each category of eligible individuals.
 - a. No less than 5 media representatives will be included, with consideration given to news organizations serving communities affected by the crimes or the execution.
 - b. Up to 2 law enforcement representatives will be included. The chief law enforcement officer of the jurisdiction where the crime was committed shall designate the law enforcement representatives.
 - 2. Once the list is composed, the Superintendent shall serve the list on all parties who submitted a letter (e.g., application) to witness the execution.
- C. Not less than 10 days prior to the execution, the Superintendent shall file the witness list with the Superior Court from which the conviction and Death Warrant were issued. The witness list will be filed with a petition asking that the court enter an order certifying the list as a final order identifying the witnesses to attend the execution. The final order of the court certifying the witness list shall not be entered less than 5 days after the filing of the petition.
- D. Unless a show cause petition is filed with the Superior Court from which the conviction and Death Warrant were issued within 5 days of the filing of the Superintendent's petition, the Superintendent's list, by order of the Superior Court, will become final and no other party will have standing to challenge its appropriateness.
- E. In no case may the Superintendent or the Superior Court order or allow more than 17 witnesses to a planned execution, excluding required personnel.
- F. All witnesses must adhere to the facility's search and security provisions in regards to witnessing an execution and may be subject to emergency rules and procedures. Written consent for search will be required using DOC 21-575 Acknowledgment of Visitor Search Requirements.

VI. Execution Holding Cell

- A. Prior to the execution, but no sooner than 24 hours before, the ISDP will be moved to the execution holding cell.
- B. The holding cell will contain:

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p>	APPLICABILITY PRISON		
	REVISION DATE 3/1/14	PAGE NUMBER 7 of 12	NUMBER DOC 490.200
	TITLE CAPITAL PUNISHMENT		
POLICY			

1. Bedding that includes a mattress, 2 sheets, 3 blankets, a pillow, and a pillow case,
 2. Personal hygiene items that include 2 towels, a washcloth, and a bar of soap,
 3. Approved personal items and clothing that include underwear, facility clothing, legal materials, religious items, jewelry, or other personal items as requested by the ISDP and approved by the Superintendent, and
 4. Other personal items as requested by the ISDP and approved by the Superintendent to be retained by the holding cell personnel and issued as requested by the ISDP.
- C. A female ISDP may be housed in the WSP Intensive Management Unit (IMU) prior to being moved to the execution holding cell.
- D. Two correctional employees will be posted at the holding cell at all times and a complete log of activities will be maintained.

VII. Final Meal

- A. At the meal period just prior to the time of execution, the ISDP will be allowed to provide his/her meal selection from a menu prepared and provided by the Food Service Manager. The Food Service Manager will ensure preparation and delivery of the meal to the ISDP.

VIII. Execution Preparation

- A. The Superintendent will appoint individuals to support the execution process.
 1. No personnel will be required to participate in any part of the execution procedure.
 2. Briefings and rehearsals will be conducted as necessary to ensure adequate preparation for the execution. For an execution by lethal injection, there shall be a minimum of 3 practice sessions preceding an execution that shall include the siting of intravenous (IV) lines.
- B. Medical Review
 1. A physical examination of the ISDP may be conducted to determine any special problems (e.g., collapsed veins, obesity, deterioration of bone or muscular structure) that may affect the execution process. The ISDP's height and weight will be measured during the examination.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON		
	REVISION DATE 3/1/14	PAGE NUMBER 8 of 12	NUMBER DOC 490.200
	TITLE CAPITAL PUNISHMENT		

2. Based upon the physical examination, the Superintendent may consult with appropriate experts to determine whether deviation from the policy is advisable to ensure a swift and humane death.

C. Crowd Control

1. The Superintendent will notify law enforcement agencies of the date of execution, enabling them to prepare for any traffic and crowd control issues that may arise.
2. Prior to the execution, the Superintendent will hold briefings for local and state law enforcement agencies to determine the manner and extent to which WSP and Department resources will support law enforcement in managing crowd control and potential external threats.
3. An area(s) will be designated for the general public.
4. The WSP Emergency Response Team (ERT) will provide crowd control for the protection of the WSP grounds.
 - a. The ERT Commander(s) will be briefed by the Superintendent prior to the execution.
 - b. In the event that protesters and/or onlookers gather, law enforcement assistance will be requested to direct them to the designated area.

IX. Execution Procedure

A. Lethal Injection

1. Lethal Injection Materials/Personnel
 - a. All tubing, syringes, saline solution, and other apparatus will be on site and verified no later than 7 days prior to the execution.
 - b. The Superintendent will direct the acquisition of the appropriate quantities of the lethal substance. It will be available and on site 7 days prior to the execution date.
 - c. The Superintendent will ensure the security and continued verification of all materials.
 - d. Lethal Injection Team members will have sufficient training or experience to carry out the lethal injection process without any

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON</p>		
	<p>REVISION DATE 3/1/14</p>	<p>PAGE NUMBER 9 of 12</p>	<p>NUMBER DOC 490.200</p>
	<p>TITLE CAPITAL PUNISHMENT</p>		

unnecessary pain to the ISDP. Minimum qualifications include one or more years of professional experience as a certified Medical Assistant, Phlebotomist, Emergency Medical Technician, Paramedic, military corpsman, or similar occupation.

2. Lethal Injection Table
 - a. The Superintendent, in conjunction with the Plant Manager, will examine and verify that the lethal injection table is in working order with all restraints available.

3. Preparation of the Execution Area
 - a. The Lethal Injection Team will inspect the area designated for lethal injection and make any final recommendations to the Superintendent.
 - b. The Lethal Injection Team will assemble all necessary materials for transport to the chamber no less than one hour prior to the time of execution. The Lethal Injection Team Leader will secure the lethal substance and personally transport it to the chamber.
 - c. The solution for injection will be prepared not more than 30 minutes prior to administration.

4. Execution Process
 - a. The Superintendent will direct that the ISDP be brought to the chamber. The Escort Team will place the ISDP on the lethal injection table and appropriately secure the ISDP to the table. The Escort Team will then leave the room.
 - b. The Lethal Injection Team will establish 2 IV lines and start a normal flow of saline through each line. The Lethal Injection Team will ensure that a slow, normal saline flow is maintained through each line.
 - c. The Superintendent will ask the ISDP if s/he has any last words.
 - d. Upon notification from the Superintendent, the Lethal Injection Team will introduce the following lethal solution using a bolus injection into the tubing in the order specified per Attachment 2:
 - 1) 5 g pentobarbital or thiopental sodium
 - 2) 50 cc normal saline

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON</p>		
	<p>REVISION DATE 3/1/14</p>	<p>PAGE NUMBER 10 of 12</p>	<p>NUMBER DOC 490.200</p>
	<p>TITLE CAPITAL PUNISHMENT</p>		

- e. Either line may be used for injection of the solution(s) as required.
- f. The Lethal Injection Team Leader will signal the Superintendent when the solution has been administered.
- g. If the Superintendent observes that the ISDP is conscious following the first dose of pentobarbital or thiopental sodium, s/he will close the curtain and summon the physician to examine. If the physician is unable to pronounce death, the Superintendent will re-open the curtain and direct the Lethal Injection Team to administer an additional 5 g dose of pentobarbital or thiopental sodium.
- h. At a time deemed appropriate by the Superintendent, the curtain will be closed. The Superintendent will call for the physician to examine the body and make a pronouncement of death.
- i. After the pronouncement of death, the Lethal Injection Team will remain in the area until directed to leave.
- j. Post-execution procedures will be followed.

B. Hanging

- 1. The gallows area trap door(s) and release mechanisms will be inspected for proper operation.
- 2. A determination of the proper amount of drop of the ISDP through the trap door will be made. The following standard military execution drop chart will be used:

<u>WEIGHT (Pounds)</u>	<u>DROP DISTANCE</u>
120	8'1"
125	7'10"
130	7'7"
135	7'4"
140	7'1"
145	6'9"
150	6'7"
155	6'6"
160	6'4"
165	6'2"
170	6'0"
175	5'11"
180	5'9"

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	APPLICABILITY PRISON		
	REVISION DATE 3/1/14	PAGE NUMBER 11 of 12	NUMBER DOC 490.200
	TITLE CAPITAL PUNISHMENT		

185	5'7"
190	5'6"
195	5'5"
200	5'4"
205	5'2"
210	5'1"
220 and over	5'0"

3. Equipment

- a. Hood – The hood will be a neutral color with an outer surface made of rough material, split at the open end so that it will come down over the chest and back.
- b. Collapse Board – A board will be provided for use in case the ISDP collapses.
- c. Restraints – Restraints will be used to ensure that the hands and arms of the ISDP are securely held to his/her front and sides.
- d. Rope – The rope will be manila hemp, at least $\frac{3}{4}$ inch and not more than $1\frac{1}{4}$ inches in diameter and approximately 30 feet in length. The rope will be soaked and then stretched while drying to eliminate any spring, stiffness, or tendency to coil. The knot will be treated with wax, soap, or clear oils ensuring a smooth sliding action through the knot. The knot will be tied according to Army regulations.

4. Execution Process

- a. Restraints will be placed on the ISDP by the assigned personnel.
- b. The Escort Team will escort the ISDP to the gallows area. The ISDP will be placed, standing, in the spot designated by the Superintendent. The Superintendent will ask the ISDP if s/he has any last words.
- c. The hood will be placed on the ISDP and leg restraints applied. If a collapse board appears to be necessary, the Escort Team will put the board in place.
- d. The noose will be placed snugly around the ISDP's neck in such a manner that the knot is directly behind the left ear.
- e. The Superintendent will direct the trapdoor be released.

 <p>STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS</p> <p>POLICY</p>	<p>APPLICABILITY PRISON</p>		
	<p>REVISION DATE 3/1/14</p>	<p>PAGE NUMBER 12 of 12</p>	<p>NUMBER DOC 490.200</p>
	<p>TITLE CAPITAL PUNISHMENT</p>		

- f. The Escort Team will move to the lower floor location to assist with removal of the deceased ISDP. The curtains will be closed.
- g. At a time deemed appropriate by the Superintendent, the physician will be called to make a pronouncement of death.

X. Post-Execution Procedure

- A. The Assistant Secretary for Prisons will notify the Secretary and Incident Command Center of the time of death. Necessary calls to Headquarters will be made to the Department Emergency Operations Center.
- B. The Superintendent will inform a designated employee of the time of death, who will then inform the witnesses.
- C. The witnesses will be escorted out of the execution area immediately after the pronouncement of death.
- D. The media witnesses will be escorted to the Information Center.
- E. The Chaplain will provide official notification to the family of the time of death.
- F. The body will be removed from the facility by a predetermined route.
- G. A post-trauma specialist and the Chaplain will be available to employees, contract staff, and volunteers before, during, and after the execution. Employees, contract staff, and volunteers will also be provided a confidential list of off-site locations where counseling and/or spiritual support will be available.
- H. Within 20 days after the execution, the Superintendent shall return the Death Warrant to the clerk of the trial court from which it was issued, along with the log identified in the Pre-Execution Procedure section of this policy.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

- [Execution Procedures and Assignments Checklist \(Attachment 1\)](#)
- [Superintendent's Checklist - Lethal Injection \(Attachment 2\)](#)

DOC FORMS:

- [DOC 21-575 Acknowledgment of Visitor Search Requirements](#)