

The Governor's Commission on Administration of Lethal Injection

John W. "Bill" Jennings
Senator Victor Crist
Rodney Doss
Harley Lappin
Honorable Stan Morris
Dr. Steve Morris



Representative Dennis Ross
Harry K. Singletary
Dr. Peter Springer
Carolyn Snurkowski
Dr. Davis Varlotta

Agenda

January 29, 2007

9am to 1pm

The Offices of the Florida Bar
Tampa Airport – Conference Room A
Tampa, Florida

- I. Introductory Remarks by the Chair, John W. "Bill" Jennings
- II. Introduction of the Commission Members
- III. Scope of Commission Pursuant to Executive Order 06-260 and Time Limitations
- IV. Commission Issues Concerning Scope of Participation
- V. Contents of Preliminary and Final Report
- VI. Creation of Working Groups
- VII. Testimony of Witnesses
- VIII. Scheduling Matters
- IX. New Business

Adjourn

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 06-260

WHEREAS, the laws of Florida provide that, under certain circumstances, murder in the first degree is punishable by death; and

WHEREAS, in 2000, the Florida Legislature determined that death by lethal injection is the preferred method for carrying out a sentence of death, leaving to persons under sentence of death the option of choosing to have the death sentence administered by electrocution; and

WHEREAS, in implementing the death penalty, Florida has adopted procedures and protocols for lethal injection intended to ensure that the lethal injection is administered appropriately and in a manner that does not cause unnecessary pain and suffering; and

WHEREAS, courts, including the Florida Supreme Court in the case of *Sims v. State*, 754 So.2d 657 (Fla. 2000), and subsequent cases citing *Sims*, have upheld Florida's method of lethal injection as consistent with the Eighth Amendment of the United States Constitution and its prohibition against cruel and unusual punishment; and

WHEREAS, the cases that have upheld Florida's lethal injection protocols have done so based on evidence that the Department of Corrections was adequately implementing and following such protocols; and

WHEREAS, the findings in the autopsy report prepared by William F. Hamilton, M.D., Medical Examiner for the 8th Circuit, regarding Angel Diaz, who was executed on December 13, 2006, indicate that the lethal injection protocols may need to be reviewed to determine if any

additional protocols should be added or whether any existing protocols should be modified in any way; and

WHEREAS, the significantly lengthier death process for Mr. Diaz compared to that of other inmates who previously have been executed by lethal injection in Florida, including, according to witness accounts, a longer period of time during which Mr. Diaz lay conscious, should be considered; and

WHEREAS, as a matter of humanity, constitutional imperative, and common sense, if the State is going to execute persons convicted of capital crimes, it must do so in a manner that comports to its own protocols and the United States and Florida Constitutions;

NOW, THEREFORE, I, JEB BUSH, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1. I hereby create the Governor's Commission on Administration of Lethal Injection (the "Commission").

Section 2. The purpose of the Commission shall be to review the method in which the lethal injection protocols are administered by the Department of Corrections and to make findings and recommendations as to how administration of the procedures and protocols can be revised so that Floridians, including those persons who are sentenced to death, can be assured that the State continues to take reasonable and appropriate measures to ensure that its administration of death by lethal injection comports to the United States and Florida Constitutions, as interpreted by current case law.

Section 3. The Commission shall be composed of 11 members, five of whom shall be appointed by the Governor, three of whom shall be appointed by the Attorney General, one of

whom shall be appointed by the Senate President, one of whom shall be appointed by the Speaker, and one of whom shall be appointed by the Chief Justice of the Florida Supreme Court. To the extent possible, the members of the Commission shall reflect a cross-section of the scientific, medical, law enforcement and legal communities. At least one such member of the Commission shall be an attorney with extensive capital collateral experience or a present or former capital collateral regional counsel or registry attorney. In order to provide the broadest experience available to the Commission, at least three members shall be persons who are not currently involved in the criminal justice system in Florida. The Chairman shall be appointed by the Governor from among the members of the Commission.

Section 4. Members of the Commission shall serve at the pleasure of the appointing authority and shall serve without compensation, except that they may be reimbursed for travel to Commission meetings at the rates permitted under Section 112.061, Florida Statutes (2006).

Section 5. The Commission shall meet as often as necessary, and in no event fewer than three times, and shall submit its preliminary report of findings and recommendations to the Governor no later than February 1, 2007, and its final report of findings and recommendations by March 1, 2007. Upon issuance of its final report, the Commission shall be dissolved. Moreover, all meetings of the Commission shall be open to the public as set forth in Article I, Section 24(b) of the Florida Constitution and Chapter 286, Florida Statutes (2006).

Section 6. The Commission's purpose and mission shall be limited to evaluating Florida's lethal injection procedures and protocols, including enforcement of those procedures and protocols, and shall not extend to re-evaluating the policy decisions of the Legislature in enacting a death penalty or the means chosen by the Legislature for implementing the state's death penalty.

Section 7. The Executive Office of the Governor shall provide administrative support to the Commission.

Section 8. Until the Commission has issued its findings and recommendations and the appropriate revisions to the Department of Corrections' procedures and protocols have been adopted, or until further executive order, no further death warrants shall be signed.

Section 9. All state agencies under the direction of the Governor are hereby ordered, and all other state agencies are hereby requested, to provide such assistance to the Commission as may be requested by the Commission in furtherance of this Executive Order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 15th day of December, 2006.

GOVERNOR

ATTEST:

SECRETARY OF STATE

Summary of the Findings of the
Department of Corrections' Task Force Regarding the
December 13, 2006 Execution of Angel Diaz

Submitted December 20, 2006 to
James R. McDonough,
Secretary of the Florida Department of Corrections

Introduction. On December 13, 2006, Angel Diaz, convicted and sentenced for the crime of first degree murder, was executed by means of lethal injection, as provided by Chapter 922, Florida Statutes. On the morning of December 14, 2006, in response to concerns regarding the circumstances surrounding the execution, the Secretary of the Department of Corrections, in consultation with the Office of the Governor, formed an investigatory task force to look into the events of execution (hereinafter "Task Force"). The Secretary appointed two members of the Department, Maximillian J. Changus, Assistant General Counsel and George B. Sapp, Assistant Secretary for Institutions who had familiarity with the execution process and two members not affiliated with the Department, Electra Bustle, Assistant Commissioner for the Florida Department of Law Enforcement and Bonita J. Sorensen, M.D., Deputy State Health Officer with the Department of Health. The described objective was to immediately conduct interviews with personnel involved with the execution process as carried out on the day in question, analyze the collected observations to determine if there were deviations from the written procedure, and prepare a prompt report.

Methodology. Early in the afternoon of December 14, 2006, Members Changus, Bustle, and Sorensen went to Florida State Prison to interview members of the execution team. Ms. Bustle and Dr. Sorensen were provided copies of the controlling document, "Execution by Lethal Injection Procedures, Effective for Executions after August 16, 2006" (hereinafter referred to as the Lethal Injection Procedure and attached to this report as Exhibit "A"). Upon the Task Force members' arrival at Florida State Prison, Warden Randall Bryant assembled his execution team staff. A tour of the execution chamber and surrounding areas was provided in order to allow Members Bustle and Sorensen to observe the setting for the execution process. Within the prison, Task Force members asked some initial questions; then all personnel returned to the administrative building to conduct interviews of the Departmental staff involved with the execution process. All three members present participated in each interview. All questioning was completed with staff individually, except the correctional officer staff on the preparation team. Interviews continued until all Department personnel involved had been interviewed, with over five hours of questioning.

Task Force Member Sapp interviewed the executioners himself, to protect the statutorily mandated anonymity of those individuals. Task Force Member Sapp also interviewed the execution team member that actually placed the IV line, who was not available at the time of the initial interviews. The independent observer from the Florida Department of Law Enforcement that witnessed the

execution was also interviewed. After the interviews, the members consulted and began preparation of this report.

Definitions: The Lethal Injection Procedure identifies various persons involved in the administration of the execution. They include the warden of Florida State Prison, the executioners who actually initiate the flow of lethal chemicals into the inmate and the execution team which refers to correctional officers and other persons, including those with medical training who assist with the administration of the execution. This report will utilize these terms throughout so as to not identify specific individuals who are entitled to anonymity pursuant to Section 945.10, Florida Statutes.

General findings: There are a multitude of actions involved in preparing for and carrying out an execution, including institutional security, visitation, and inmate care concerns. A complete description of the responsibilities of the warden and the execution team are too numerous to detail in a report of this nature. However, it was determined from the interviews that these preliminary matters were attended to by the Warden. This report will only address issues beyond the preliminary preparations of the inmate.

Factual findings from interviews:

Experience, training and preparation: Pursuant to the Lethal Injection Procedure, the warden verified the training and qualifications of all execution team members. The execution team participated in several training events and walk-throughs prior to the day of execution. It should be noted that the prison had carried out three executions in the prior three months, so that the execution team had numerous opportunities to prepare for the day of execution.

Use of checklist: Compliance with the Lethal Injection Procedure is required to be documented by use of a checklist. The warden has complied with this requirement. A copy of the completed checklist is attached to this report as Exhibit "B".

Limited examination: The Lethal Injection Procedure requires that the warden designate one or more members of the execution team to conduct a limited medical examination to determine whether there are medical issues that could potentially interfere with the administration of the lethal injection process. According to members of the execution team, the primary reason for undertaking this examination is to

determine whether venous access could be a problem. These findings are to be reported to the warden as soon as is practicable. It was confirmed that an examination of the inmate, in conjunction with a routine medical visit, was completed at the appropriate time and a discussion with the warden promptly followed.

Preparation of the lethal chemicals: The Lethal Injection Procedure currently requires that the lethal chemicals be mixed according to a very specific regimen. Two members of the execution team reported that the chemicals were mixed according to the established regimen. Based on the information collected including the description on how the chemicals were mixed, it appears that the chemicals were mixed properly. However, it should be noted that the Lethal Injection Procedure requires that the independent observer from the Florida Department of Law Enforcement witness the mixing of these chemicals. This was not done so, which is a deviation from the written procedure. According to the statements of the execution team members, the chemicals were properly transported and secured in the executioners' room; it appears this requirement was completed in accordance with the Lethal Injection Procedure.

Presumptive drug and alcohol testing: The Procedure directs that, approximately one hour prior to execution, all members of the execution team will be tested for presence of drugs or alcohol to prevent a team member's impairment from impacting his or her ability to carry out the necessary functions. All execution team members, the executioners and the warden were tested and all tested negative. However, it is noted that the members were tested at various times during the afternoon prior to the execution, but all individuals remained within the prison boundaries post-testing.

Preparation of the inmate: After reading of the execution warrant, and at the appropriate time as detailed in the Lethal Injection Procedure, the inmate was placed on the gurney and restraints were applied. Heart monitor leads were applied to the inmate and the monitors were checked to ensure that they were operational. At that point, an execution team member inserted intravenous (IV) lines into both arms of the inmate. The left arm IV line was completed on the first try, although it was noted that it took some effort to thread the catheter into the vein, due to resistance or "dragging." When the right arm IV line was initially attempted, insertion was successful but the catheter would not thread

into the vein. Therefore, the execution team member reattempted at another site further up the arm. The catheter again met resistance but at least one-half to three quarters of the catheter threaded into the vein. A check of the IV solution drip and the presence of a flash of blood evidenced, to the satisfaction of two execution team members, that venous access had been satisfactorily completed in both arms.

Administration of the lethal chemicals: Both executioners reported that they had received adequate training and have participated in prior executions. After confirmation by the Governor's office that there were no last-minute legal stays, the warden signaled to the executioners that they were to proceed. As directed in the Lethal Injection Procedure, the primary executioner began the delivery of sodium pentothal from Stand "A" into line "A" (left arm). The primary executioner noted that the pushing of the chemicals was more difficult and took two to three times longer than normal. Both executioners had been advised to push slowly because of concerns over the inmate's veins. After dispensing the first two syringes of sodium pentothal, the saline flush, and the first half of the first syringe of pancuronium bromide, the executioner advised the assisting member of the execution team that he could no longer push the syringe. A decision was made by the execution team to switch to line "B" (right arm). The remainder of the chemicals in Stand "A" was dispensed in proper sequence into line "B." With the administration of the potassium chloride, there was no corresponding decline in heart rate. As directed in the Lethal Injection Procedure, the primary executioner began the flow of the lethal chemicals from Stand "B." The primary executioner started with the sodium pentothal from Stand "B" into line "B." During this administration, with guidance from the assisting execution team members, the secondary executioner started with a saline flush from Stand "B" into line "A" and then administered the syringes of potassium chloride from Stand "B" into line "A." The primary executioner continued with the sequential flow of lethal chemicals and completed the pushing of the first syringe of pancuronium bromide from Stand "B." At that point, the heart rate monitors evidenced that the heart had begun to cease functioning. The executioners stopped the administration of lethal chemicals and waited for the cessation of cardiac activity. The execution team members did a physical check to ensure that the inmate had expired. Pronouncement was then made.

Observations of the execution team during the execution: All of the execution team members present in the chamber indicated that they

were not primarily focused on observing the inmate during this time, for various reasons including respect for the process. The execution team also indicated that the inmate's head was turned towards the witnesses. Based on the placement of the execution team members within the chamber, a few of them were able to observe the inmate's facial expressions. There were reports of some facial movements, including squinting and limited bodily movements. Many of the execution team members noted that the inmate twice asked, "What's happening?" during the initial part of the administration of the lethal chemicals. They all reported that they heard snoring, which was believed to have started about eight to ten minutes into the administration. None related seeing or hearing any evidence of pain.

Independent observer from FDLE: The observer, Inspector Tim Westveer, was able to see the inmate from his vantage point. He noted the inmate making several facial expressions approximately five minutes into the procedure and that subsequently he observed the inmate snoring and breathing deeply.

Post-execution matters: Although this was not a primary focus of the Task Force, the interviews indicate that the normal series of events occurred, including the removal of the inmate's body. A limited debriefing was held the next morning, which is a minor deviation from the written procedure that indicates that it will be held immediately after the inmate's body was removed.

Conclusions:

Limitations: The Task Force members are currently aware of the preliminary autopsy findings released by Dr. William Hamilton. However, this information was not in the possession of the Task Force members at the time of their interviews completed on December 14, 2006. Additionally further pathological analysis is to be completed by the Eighth Circuit's Office of the Medical Examiner.

Since the Governor has, in response to the events of this particular execution, created the Commission on Administration of Lethal Injection, the Task Force believes that the Commission will incorporate the completed autopsy information in its process at the appropriate time.

Pre-execution limited medical examination: The Lethal Injection Procedure requires a limited examination of the inmate to determine whether there were issues that would interfere with the execution. In this case, there were no indications reported to the warden that the condition of the inmate's veins might pose difficulty in ensuring that venous access was adequate to complete the process.

Preparation of the lethal chemicals: The evidence gathered supports the conclusion that the lethal chemicals were mixed in accordance with the Lethal Injection Procedure. However, the Lethal Injection Procedure requires the presence of an independent observer from the Florida Department of Law Enforcement. The FDLE observer was not present at the time of the preparation of the chemicals.

Administration of the lethal chemicals: There were deviations from the established procedure.

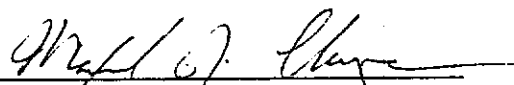
First, when the executioners encountered difficulty in pushing the lethal chemicals during the administration of the first stand of lethal chemicals, the execution team made a decision to direct the primary executioner to switch from line "A" to line "B," without an assessment of the primary access site, as called for in the Lethal Injection Procedure.

Second, a decision was made for the secondary executioner to administer a saline flush and the potassium chloride from Stand "B" into line "A" simultaneously with the primary executioner pushing the sodium pentothal from Stand "B" into line "B." Neither of these decisions is described as an option within the confines of the Lethal Injection Procedure.

Next steps: The Governor's creation of the Commission on the Administration of Lethal Injection will be able to examine the execution process and conduct a more thorough review of this area and incorporate the findings of the medical examiner in its deliberations. The Task Force will be available to assist the Commission in its endeavor.

Final comment: The Task Force would like to thank Warden Bryant, the members of the execution team, and the executioners for their cooperation with this review process. All parties integral to the execution process made themselves available for interview at the convenience of the Task Force and were open in their discussion of events.

Respectfully submitted,



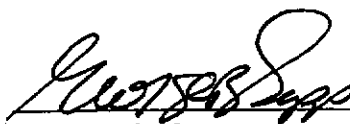
Maximillian J. Changus
Assistant General Counsel
Florida Department of Corrections



Electra Bustle
Assistant Commissioner
Florida Dept. of Law Enforcement

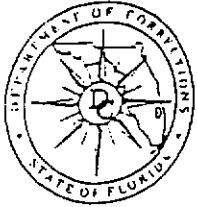


Bonita J. Sorensen, M.D.
Deputy State Health Officer
Florida Department of Health



George B. Sapp
Assistant Secretary for Institutions
Florida Department of Corrections

Exhibit A



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
JEB BUSH

Secretary
JAMES R. McDONOUGH

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EXECUTION BY LETHAL INJECTION PROCEDURES
Effective for executions after August 16, 2006

PURPOSE: To establish the procedures for the execution by lethal injection of inmates sentenced to death.

DEFINITIONS:

- (1) **Execution team**, where used herein, refers to correctional officers and other persons who are selected by the warden of Florida State Prison to assist in the administration of an execution by lethal injection, and who have the training and qualifications, including the necessary licensure or certification, required to perform the responsibilities or duties specified.
- (2) **Executioner**, where used herein, refers to a person 18 years of age or older, who is selected by the warden of Florida State Prison to initiate the flow of lethal chemicals into the inmate.
- (3) **Warden**, where used herein, refers to the warden, or acting warden, of Florida State Prison.

SPECIFIC PROCEDURES:

- (1) **Receipt of Warrant:** These execution procedures will commence upon receipt of the Governor's Warrant of Execution. The warden will schedule the execution for a date and time certain that is within the period of time designated in the warrant. The warden will provide a copy of the Warrant of Execution to the department's Secretary and General Counsel, deliver a copy to the named inmate, and notify the Florida Department of Law Enforcement, any state correctional institutions, and any local agencies that may be affected by the execution of the issuance of the warrant and of the date and time selected for the execution.
- (2) **Selection of the Executioners:**
 - (a) The warden will select two (2) executioners who are fully capable of performing the designated functions to carry out the execution. The warden will provide each executioner with a copy of this procedure and will explain fully their respective duties and responsibilities. The identities of the executioners will be kept strictly confidential as provided by statute.
 - (b) Upon the arrival of the executioners at Florida State Prison to perform their duties, the warden will administer both a presumptive drug test (oral swab method) and a presumptive alcohol test (breath analyzer) to each executioner. A positive indication for the presence of alcohol or any chemical substance that may impair their normal

facilities will disqualify that person from participating in the execution process. If one or both of the executioners is disqualified, the warden will continue to select and test as many additional executioners as is necessary to ensure the presence of two qualified executioners at the execution.

- (c) The warden will designate one of the selected executioners as the primary executioner and the other as the secondary executioner. The primary executioner will be solely responsible for initiating the flow of lethal chemicals into the inmate during the execution. The secondary executioner will be present and available during the execution to assume the role of the primary executioner if the primary executioner becomes unable for any reason, as determined by the warden, to carry out his/her functions.
- (3) **Selection of the Execution Team:** The warden will designate the members of the execution team and verify that each member has the training and qualifications, and possesses the necessary licensure or certification, required to perform the responsibilities or duties specified. The warden will ensure that all members of the execution team and other involved staff have been adequately trained to perform their requisite functions in the execution process. The identities of the members of the execution team are strictly confidential.
- (4) **Training of the Execution Team:** The warden, or his/her designee, will conduct simulations of the execution process on a quarterly basis.
- (5) **Use of Checklist:** Compliance with this procedure will be documented on the Lethal Injection Procedures Checklist. Upon completion of each step in the process, a designated member of the execution team will place a checkmark in the appropriate space to indicate that the step has been completed. Prior to the administration of the lethal chemicals, the warden will consult with the designated team member and verify that all steps in the process have been performed properly. At the conclusion of the process, the warden will again consult with the designated team member and verify that the remaining steps in the process were performed properly. The warden will then sign the form, attesting that all steps were performed properly.
- (6) **Purchase and Maintenance of Lethal Chemicals:** A designated member of the execution team will purchase, and at all times ensure a sufficient supply of, the chemicals to be used in the lethal injection process. The designated team member will ensure that the lethal chemicals have not reached or surpassed their expiration dates. The lethal chemicals will be stored securely at all times as required by state and federal law.
- (7) **Approximately One (1) Week Prior to Execution:**
- (a) The warden will designate one or more members of the execution team to review the inmate's medical file and to make a limited physical examination of the inmate to determine whether there are any medical issues that could potentially interfere with the proper administration of the lethal injection process. The team member(s) will verbally report his/her findings to the warden as soon as is practicable following the file review and physical examination.
- (b) If the team member(s) reports an issue that could potentially interfere with the proper administration of the lethal injection process, the warden will consult with any or all of the members of the execution team and resolve the issue.
- (8) **Approximately Eight (8) Hours Prior to Execution:** The food service director, or his/her designee, will personally prepare and serve the inmate's last meal. The inmate will be allowed to request specific food and non-alcoholic drink to the extent such food and drink

costs forty dollars (\$40) or less, is available at the institution, and is approved by the food service director.

(9) Approximately Four (4) Hours Prior to Execution: The inmate will be escorted by one or more correctional officers to the shower area in Q-Wing East where the chief of security will supervise the showering of the inmate. If the inmate is a female and the chief of security is male, the chief of security will designate a female to supervise the showering of the inmate. Immediately thereafter, the inmate will be returned to his/her assigned cell and issued appropriate clothing. A designated member of the execution team will obtain and deliver the clothing to the inmate.

(10) Approximately Two (2) Hours Prior to Execution:

(a) The only staff authorized to be on the first floor of Q-Wing are members of the execution team and others as approved by the warden, including one or more independent observers from the Florida Department of Law Enforcement.

(b) A designated member of the execution team, in the presence of one or more additional members of the execution team, including an independent observer from the Florida Department of Law Enforcement, will prepare the lethal injection chemicals as follows:

(1) Sodium pentothal: A sterile, disposable twenty cubic centimeter (20cc) syringe will be used to draw ten milliliters (10ml) of sterile water for injection from a vial containing same and then inject those ten milliliters (10ml) of sterile water for injection into a vial containing 500 milligrams of sodium pentothal to create a five percent (5%) solution of sodium pentothal. This procedure will be repeated until twenty (20) vials of sodium pentothal have been reconstituted, for a total of ten grams (10g) of sodium pentothal in solution. The syringe used to reconstitute the sodium pentothal will be discarded. A new, sterile, disposable, sixty cubic centimeter (60cc) syringe and needle will be used to draw the entire contents of five vials of sodium pentothal in solution, for a total of two and one-half grams (2.5g) of sodium pentothal in solution. That syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube), clearly labeled with the number one (1), and placed in the first slot on a wooden stand designed to hold eight (8) such syringes in separate slots. The stand will be clearly labeled with the letter "A." This process will be repeated with a second syringe, which will be clearly labeled with a number two (2) and placed in the second slot on stand "A." Two additional syringes will be drawn in the same manner, fitted with the blunt cannula, and clearly labeled with the numbers one (1) and two (2), respectively. These two syringes will be placed in the first two slots on a second wooden stand that has been clearly labeled with the letter "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.

(2) Pancuronium bromide: A sterile, disposable sixty cubic centimeter (60cc) syringe will be used to draw fifty milligrams (50mg) of pancuronium bromide from one or more vials containing same. The syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube). This procedure will be repeated until there are four (4) syringes, each containing fifty milligrams (50mg) of pancuronium bromide, for a total of 200 milligrams. Two syringes will be clearly labeled with the numbers four (4) and five (5), respectively, and placed into slots four (4) and five (5) on stand "A." This procedure will be repeated with the other two syringes, each of which will be fitted with a blunt cannula, labeled appropriately and placed in slots four (4) and five (5).

respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.

- (3) Potassium chloride: A sterile, disposable sixty cubic centimeter (60cc) syringe will be used to draw one hundred twenty milliequivalents (120mEq) of potassium chloride from one or more vials containing same. The syringe will then be fitted with an eighteen (18) gauge, one (1) inch blunt cannula (tube). This procedure will be repeated until there are four (4) syringes, each containing one hundred twenty milliequivalents (120mEq) of potassium chloride, for a total of 480 milliequivalents. Two syringes will be clearly labeled with the numbers seven (7) and eight (8), respectively, and placed into slots seven (7) and eight (8) on stand "A." This procedure will be repeated with the other two syringes, each of which will be fitted with a blunt cannula, labeled appropriately, and placed in slots seven (7) and eight (8), respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.
- (4) Saline solution: A sterile, disposable twenty cubic centimeter (20cc) syringe will be used to draw twenty milliliters (20ml) of sterile saline solution from one or more vials containing same. This procedure will be repeated until there are four (4) syringes, each containing twenty milliliters (20ml) of sterile saline solution, for a total of eighty (80) milliliters. Each syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube). Two syringes will be clearly labeled with the numbers three (3) and six (6), respectively, and placed into slots three (3) and six (6) on stand "A." This procedure will be repeated with the other two syringes, each of which will be placed in slots three (3) and six (6), respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.
- (c) The designated member of the execution team who has prepared the lethal chemicals will transport them personally, in the presence of one or more additional members of the execution team, to the executioner's room. Stand "A" will be placed on the worktop for use by the primary executioner. Stand "B" will be placed on a shelf underneath the worktop within easy reach of the executioners should they be needed during the execution. The lethal chemicals will remain secure in the locked room until the executioners arrive. No one other than the executioners will have access to the lethal chemicals, unless a stay is granted, in which case the execution team member who prepared the lethal chemicals will retrieve them from the locked room and dispose of them according to state and federal law.
- (d) A designated member of the execution team will prepare, using an aseptic technique, two (2) standard intravenous (IV) infusion sets, each consisting of a pre-filled, sterile plastic bag of normal saline for IV use (a solution of sodium chloride at 0.9% concentration) with an attached drip chamber, a long sterile tube fitted with a back check valve and a clamp to regulate the flow, a connector to attach to the access device, and an extension set fitted with a luer lock tip for a blood cannula to allow for the infusion of the lethal chemicals into the line. The extension set that will be used to infuse the lethal chemicals into the primary injection line will be clearly marked with an "A," and the additional extension set that will be attached to the secondary injection line will be clearly marked with a "B."
- (e) A designated member of the execution team will explain the lethal injection preparation procedure to the inmate and offer any medical assistance or care deemed appropriate. The inmate will be offered and, if accepted, will be administered an

intramuscular injection of diazepam, in an appropriate dosage relative to weight, to ease anxiety.

- (f) Authorized media witnesses will be picked up at the designated media on-looker area located at New River Correctional Institution by two designated Department of Corrections escort staff, transported to the main entrance of Florida State Prison as a group, cleared by security, and escorted to the population visiting park, where they will remain until being escorted to the witness room of the execution chamber by the designated escort staff.

(11) Approximately One (1) Hour Prior to Execution:

- (a) Any members of the execution team not already present, as well as the designated physician(s) required by statute, will report to the execution chamber for preparations.
- (b) The warden will administer both a presumptive drug test (oral swab method) and a presumptive alcohol test (breath analyzer) to each member of the execution team. A positive indication for the presence of alcohol or any chemical substance that may impair their normal faculties will disqualify that person from participating in the execution process.
- (c) A designated member of the execution team will ensure that the telephones in the execution chamber are fully functional and that there is a fully-charged, fully-functional cellular telephone in the execution chamber. Telephone calls will be placed from each telephone to ensure proper operation.
- (d) A designated member of the execution team will ensure that the public address (P.A.) system is fully functional.

(12) Approximately Thirty (30) Minutes Prior to Execution:

- (a) Official witnesses will be secured in the witness room of the execution chamber by two designated Department of Corrections escort staff.
- (b) Authorized media witnesses will be secured in the witness room of the execution chamber.
- (c) The only persons authorized in the witness room are: twelve (12) official witnesses, including family members of the victim, four (4) alternate official witnesses, one (1) nurse or medical technician, twelve (12) authorized media representatives, one (1) representative from the department's public affairs office, one (1) designated staff escort, and one (1) designated security officer. Any exception must be approved by the warden.
- (d) A designated member of the execution team will establish telephone communication with the Governor's office on behalf of the warden. The phone line will remain open to the Governor's office during the entire execution procedure. The assistant warden will use this open line to report the ongoing activities of the execution team and other personnel to the Governor's office.
- (e) A designated member of the execution team will escort the two executioners into the executioner's room, where they will remain until the execution process is complete.
- (f) The warden will read the Warrant of Execution to the inmate.

- (g) Designated members of the execution team, supervised by the designated assistant warden, will apply wrist restraints to the inmate and escort him from his cell.
 - (h) Designated members of the execution team, supervised by the designated assistant warden, will assist the inmate, if necessary, in positioning himself/herself onto the execution gurney.
 - (i) Designated members of the execution team, supervised by the designated assistant warden, will secure the restraining straps.
 - (j) One or more designated members of the execution team will attach the leads to two (2) heart monitors to the inmate's chest, ensuring that the monitors are operational both before and after the chest restraints are secured.
 - (k) A designated member of the execution team will insert one intravenous (IV) line into each arm at the medial aspect of the antecubital fossa of the inmate and ensure that the saline drip is flowing freely. The team member will designate one IV line as the primary line and clearly identify it with the letter "A." The team member will designate the other line as the secondary line and clearly identify it with the letter "B." If venous access cannot be achieved in either or both of the arms, access will be secured at other appropriate sites until peripheral venous access is achieved at two separate locations, one identified as the primary injection site and the other identified as the secondary injection site.
 - (l) If peripheral venous access cannot be achieved, a designated member of the execution team will perform a central venous line placement, with or without a venous cut-down (wherein a vein is exposed surgically and a cannula is inserted), at one or more sites deemed appropriate by that team member. If two sites are accessed, the extension sets attached to each line will be identified with an "A" or a "B," depending on their identification as the primary and secondary lines.
 - (m) Designated members of the execution team, supervised by the designated assistant warden, will wheel the inmate into the execution chamber and position the inmate in front of the witness gallery window. A drape will cover the window at this time.
 - (n) One or more designated members of the execution team will remove, one at a time, from the pole attached to the gurney, the two (2) saline bags and pass the bags, along with the extension sets labeled "A" and "B," through a small opening into the executioner's room, where the primary or secondary executioner will hang the bags on separate hooks inside the room. The designated team member(s) will ensure that the tubing from the IV insertion points to the bags has not been compromised and that the saline drip is flowing freely.
- (13) Approximately Fifteen (15) Minutes Prior to Execution: The execution chamber will be secured. Only designated staff and other authorized persons will be allowed in the chamber.
- (14) Administration of Execution:
- (a) The warden will use the open telephone line to determine from the Governor whether there has been a stay of execution. If the warden receives a negative response, s/he will return the telephone handset to the designated assistant warden to continue reporting the ongoing activities of the execution team and other personnel to the Governor's office. The warden will then proceed with the execution.

- (b) One or more designated members of the execution team will open the drape to the witness gallery window and turn on the public address (P.A.) system.
- (c) The warden will permit the inmate to make an oral statement, which will be broadcast into the witness gallery over the P.A. system. At the conclusion of the inmate's statement, or if the inmate declines to make a statement, a designated member of the execution team will turn off the P.A. system.
- (d) At the designated time for the execution, or as is reasonably practicable thereafter, the warden will walk into the executioner's room and affirmatively instruct the primary executioner to begin the administration of the lethal chemicals. In the presence of the secondary executioner and within sight of one or more members of the execution team, the primary executioner will administer the lethal chemicals in the following manner:
 - (1) The executioner will remove from the wooden stand on the worktop the syringe labeled number one (1), which contains two and one-half grams (2.5g) of sodium pentothal in solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (2) The executioner will remove from the wooden stand on the worktop the syringe labeled number two (2), which contains two and one-half grams (2.5g) of sodium pentothal in solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (3) The executioner will remove from the wooden stand on the worktop the syringe labeled number three (3), which contains twenty milliliters (20ml) of saline solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (4) The executioner will remove from the wooden stand on the worktop the syringe labeled number four (4), which contains fifty milligrams (50mg) of pancuronium bromide, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (5) The executioner will remove from the wooden stand on the worktop the syringe labeled number five (5), which contains fifty milligrams (50mg) of pancuronium bromide, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (6) The executioner will remove from the wooden stand on the worktop the syringe labeled number six (6), which contains twenty milliliters (20ml) of saline solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate

that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

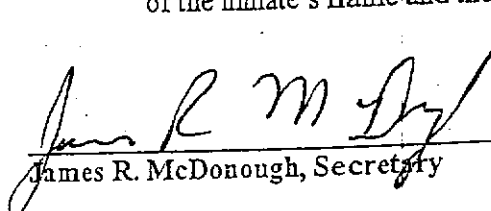
- (7) The executioner will remove from the wooden stand on the worktop the syringe labeled number seven (7), which contains one hundred twenty milliequivalents (120mEq) of potassium chloride, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (8) The executioner will remove from the wooden stand on the syringe labeled number eight (8), which contains one hundred twenty milliequivalents (120mEq) of potassium chloride, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
- (e) If at any time prior to or during the administration of the lethal chemicals the primary venous access becomes compromised, a designated member of the execution team will immediately close the drape to the witness gallery window. One or more additional members of the execution team will assess the situation and take appropriate remedial action at that access site. If the primary access site is no longer viable, the executioner will administer the lethal chemicals into the secondary access site, using the extension set labeled "B." If the secondary access site is or at any time becomes compromised, a designated member of the execution team will secure peripheral venous access at another appropriate site or will perform a central venous line placement, with or without a venous cut-down, at one or more sites deemed appropriate by that team member. Once venous access is achieved, a designated member of the execution team will open the drape to the witness gallery window and the execution will proceed.
 - (f) Throughout the execution process, one or more designated members of the execution team will observe the heart monitors. If the heart monitors reflect a flat line reading during or following the complete administration of the lethal chemicals, the physician will examine the inmate to determine whether there is complete cessation of respiration and heartbeat. If after the complete administration of the lethal chemicals, the heart monitors do not reflect a flat line reading and/or the physician cannot pronounce the inmate dead, the executioner will begin a second flow of lethal chemicals into the primary or alternate IV line, as necessary, using the steps set forth in section (14)(d) of this procedure.
 - (g) Once the inmate is pronounced dead by the physician, a designated member of the execution team will record the time of death on the Lethal Injection Procedures Checklist.
 - (h) The warden will notify the Governor via the open phone line that the sentence has been carried out and the time of death.
 - (i) A designated member of the execution team will turn on the P.A. system and make the following announcement to the witnesses in the gallery: "The sentence of the State of Florida vs. [Inmate Name] has been carried out at [time of day]."
 - (j) The designated Department of Corrections escort staff will escort the official witnesses and all of the media pool from the witness room of the execution chamber.

(15) Immediate Post-Execution Procedures:

- (a) Designated members of the execution team will dispose of the equipment and any remaining chemicals as required by state and federal law.
- (b) The designated assistant warden will coordinate the entry of hearse attendants for recovery of the inmate's body.
- (c) The inmate's body will be removed from the execution table by hearse attendants under the supervision of the designated assistant warden.
- (d) The designated assistant warden will obtain a certification of death from the physician and will deliver the certification to the hearse attendants prior to their departure.
- (e) The inmate's body will be transported by the hearse attendants to the medical examiner's office in Alachua County for an autopsy.
- (f) All members of the execution team, the assistant warden(s), and the designated physician(s) will immediately proceed to the warden's conference room for debriefing.

(16) Follow-Up Procedures:

- (a) The warden will forward the Warrant of Execution and a signed statement of the execution to the Secretary of State.
- (b) The warden will file an attested copy of the Warrant of Execution and a signed statement of the execution with the clerk of the court that imposed the sentence.
- (c) The correctional senior sentence specialist will advise central office records by e-mail of the inmate's name and the date and time of death by execution.


James R. McDonough, Secretary

16 Aug 06
Date

Exhibit B

FLORIDA DEPARTMENT OF CORRECTIONS
FLORIDA STATE PRISON
LETHAL INJECTION PROCEDURES CHECKLIST

DATE: 12/13/06INMATE NAME: Angel DiazDC#: 101061OFFICIAL TIME OF DEATH: 6:34 PMI. Pre-execution Procedure

1. Lethal chemicals were transported from pharmacy to execution chamber anteroom.
2. Sodium pentothal was prepared and placed on stands.
3. Pancuronium bromide was prepared and placed on stands.
4. Potassium chloride was prepared and placed on stands.
5. Saline solution was prepared and placed on stands.
6. Both stands of lethal chemicals were transported to executioner's room and room was locked.
7. Two intravenous infusion sets were prepared and the extension sets were marked "A" and "B."
8. Execution process was explained to the inmate.
9. Inmate declined was administered (circle one) an injection of diazepam.
10. Telephone in execution chamber and cellular phone were determined to be fully operational.
11. Public address system was determined to be fully operational.
12. Executioners were each administered presumptive drug and breath analyzer test.
13. Members of execution team were each administered presumptive drug and breath analyzer test.
14. Executioners were escorted to executioner's room and room was unlocked.
15. Telephone contact was made with Governor's office.
16. Assistant warden began describing activities to Governor over telephone.
17. Warden read warrant of execution to inmate. - *Interpreter provided*
18. Wrist restraints were applied to inmate.
19. Inmate was escorted from his/her cell and assisted onto execution gurney.
20. Gurney restraints were applied to inmate.
21. Leads to two (2) heart monitors were attached to inmate's chest.
22. Both heart monitors were determined to be fully operational.
23. Peripheral venous access was achieved at an appropriate site on right side of inmate's body and saline drip was determined to be fully operational.
24. Peripheral venous access was achieved at an appropriate site on left side of inmate's body and saline drip was determined to be fully operational.

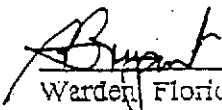
Lethal injection procedures checklist 2

- N/A 25. Venous access was achieved using a central venous line placement at an appropriate site on inmate's body and saline drip was determined to be fully operational. (Check only if appropriate).
- N/A 26. A cut-down procedure was used to achieve venous access at an appropriate site on inmate's body and saline drip was determined to be fully operational. (Check only if appropriate).
27. Inmate was wheeled into execution chamber.
28. Both saline bags were passed, one at a time, into executioner's room and hung on hooks.
29. Saline drip at each access site was determined to be fully operational.
30. Execution chamber was secured.
31. Warden confirmed with Governor over telephone that no stay had been issued.
32. Drape over witness gallery window was opened.
33. Public address system was turned on.
34. Inmate (made) declined to make (circle one) a statement.
35. Public address system was turned off.
36. Warden instructed executioner to begin administration of lethal chemicals.

II. Execution Procedure

37. Eight (8) syringes containing lethal chemicals and saline flushes were administered.
- NA 38. Remedial measures were taken when venous access became compromised during administration of lethal chemicals. (Check only if appropriate).
39. Physician confirmed complete cessation of respiration and heartbeat and pronounced inmate dead.
40. Second set of lethal chemicals was administered after physician could not confirm complete cessation of respiration and heartbeat after complete administration of first set of lethal chemicals. (Check only if appropriate).
41. Official time of death was recorded at top of this form.
42. Warden informed Governor over telephone that sentence had been carried out and of time of death.
43. Public address system was turned on and witnesses were informed that sentence had been carried out and of time of death.
44. Official and media witnesses were escorted from witness gallery.
45. Hearse attendants were escorted into execution chamber and inmate's body was removed.
46. Hear attendants were provided with death certificate.

I HEREBY ATTEST that the above actions, as indicated, were properly performed under my supervision.


Warden Florida State Prison



FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
JEB BUSH

Secretary
JAMES R. McDONOUGH

An Equal Opportunity Employer

2601 Blair Stone Road • Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

EXECUTION BY LETHAL INJECTION PROCEDURES
Effective for executions after August 16, 2006

PURPOSE: To establish the procedures for the execution by lethal injection of inmates sentenced to death.

DEFINITIONS:

- (1) **Execution team**, where used herein, refers to correctional officers and other persons who are selected by the warden of Florida State Prison to assist in the administration of an execution by lethal injection, and who have the training and qualifications, including the necessary licensure or certification, required to perform the responsibilities or duties specified.
- (2) **Executioner**, where used herein, refers to a person 18 years of age or older, who is selected by the warden of Florida State Prison to initiate the flow of lethal chemicals into the inmate.
- (3) **Warden**, where used herein, refers to the warden, or acting warden, of Florida State Prison.

SPECIFIC PROCEDURES:

- (1) **Receipt of Warrant:** These execution procedures will commence upon receipt of the Governor's Warrant of Execution. The warden will schedule the execution for a date and time certain that is within the period of time designated in the warrant. The warden will provide a copy of the Warrant of Execution to the department's Secretary and General Counsel, deliver a copy to the named inmate, and notify the Florida Department of Law Enforcement, any state correctional institutions, and any local agencies that may be affected by the execution of the issuance of the warrant and of the date and time selected for the execution.
- (2) **Selection of the Executioners:**
 - (a) The warden will select two (2) executioners who are fully capable of performing the designated functions to carry out the execution. The warden will provide each executioner with a copy of this procedure and will explain fully their respective duties and responsibilities. The identities of the executioners will be kept strictly confidential as provided by statute.
 - (b) Upon the arrival of the executioners at Florida State Prison to perform their duties, the warden will administer both a presumptive drug test (oral swab method) and a presumptive alcohol test (breath analyzer) to each executioner. A positive indication for the presence of alcohol or any chemical substance that may impair their normal

faculties will disqualify that person from participating in the execution process. If one or both of the executioners is disqualified, the warden will continue to select and test as many additional executioners as is necessary to ensure the presence of two qualified executioners at the execution.

- (c) The warden will designate one of the selected executioners as the primary executioner and the other as the secondary executioner. The primary executioner will be solely responsible for initiating the flow of lethal chemicals into the inmate during the execution. The secondary executioner will be present and available during the execution to assume the role of the primary executioner if the primary executioner becomes unable for any reason, as determined by the warden, to carry out his/her functions.
- (3) **Selection of the Execution Team:** The warden will designate the members of the execution team and verify that each member has the training and qualifications, and possesses the necessary licensure or certification, required to perform the responsibilities or duties specified. The warden will ensure that all members of the execution team and other involved staff have been adequately trained to perform their requisite functions in the execution process. The identities of the members of the execution team are strictly confidential.
- (4) **Training of the Execution Team:** The warden, or his/her designee, will conduct simulations of the execution process on a quarterly basis.
- (5) **Use of Checklist:** Compliance with this procedure will be documented on the Lethal Injection Procedures Checklist. Upon completion of each step in the process, a designated member of the execution team will place a checkmark in the appropriate space to indicate that the step has been completed. Prior to the administration of the lethal chemicals, the warden will consult with the designated team member and verify that all steps in the process have been performed properly. At the conclusion of the process, the warden will again consult with the designated team member and verify that the remaining steps in the process were performed properly. The warden will then sign the form, attesting that all steps were performed properly.
- (6) **Purchase and Maintenance of Lethal Chemicals:** A designated member of the execution team will purchase, and at all times ensure a sufficient supply of, the chemicals to be used in the lethal injection process. The designated team member will ensure that the lethal chemicals have not reached or surpassed their expiration dates. The lethal chemicals will be stored securely at all times as required by state and federal law.
- (7) **Approximately One (1) Week Prior to Execution:**
 - (a) The warden will designate one or more members of the execution team to review the inmate's medical file and to make a limited physical examination of the inmate to determine whether there are any medical issues that could potentially interfere with the proper administration of the lethal injection process. The team member(s) will verbally report his/her findings to the warden as soon as is practicable following the file review and physical examination.
 - (b) If the team member(s) reports an issue that could potentially interfere with the proper administration of the lethal injection process, the warden will consult with any or all of the members of the execution team and resolve the issue.
- (8) **Approximately Eight (8) Hours Prior to Execution:** The food service director, or his/her designee, will personally prepare and serve the inmate's last meal. The inmate will be allowed to request specific food and non-alcoholic drink to the extent such food and drink

costs forty dollars (\$40) or less, is available at the institution, and is approved by the food service director.

- (9) Approximately Four (4) Hours Prior to Execution: The inmate will be escorted by one or more correctional officers to the shower area in Q-Wing East where the chief of security will supervise the showering of the inmate. If the inmate is a female and the chief of security is male, the chief of security will designate a female to supervise the showering of the inmate. Immediately thereafter, the inmate will be returned to his/her assigned cell and issued appropriate clothing. A designated member of the execution team will obtain and deliver the clothing to the inmate.
- (10) Approximately Two (2) Hours Prior to Execution:
- (a) The only staff authorized to be on the first floor of Q-Wing are members of the execution team and others as approved by the warden, including one or more independent observers from the Florida Department of Law Enforcement.
- (b) A designated member of the execution team, in the presence of one or more additional members of the execution team, including an independent observer from the Florida Department of Law Enforcement, will prepare the lethal injection chemicals as follows:
- (1) Sodium pentothal: A sterile, disposable twenty cubic centimeter (20cc) syringe will be used to draw ten milliliters (10ml) of sterile water for injection from a vial containing same and then inject those ten milliliters (10ml) of sterile water for injection into a vial containing 500 milligrams of sodium pentothal to create a five percent (5%) solution of sodium pentothal. This procedure will be repeated until twenty (20) vials of sodium pentothal have been reconstituted, for a total of ten grams (10g) of sodium pentothal in solution. The syringe used to reconstitute the sodium pentothal will be discarded. A new, sterile, disposable, sixty cubic centimeter (60cc) syringe and needle will be used to draw the entire contents of five vials of sodium pentothal in solution, for a total of two and one-half grams (2.5g) of sodium pentothal in solution. That syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube), clearly labeled with the number one (1), and placed in the first slot on a wooden stand designed to hold eight (8) such syringes in separate slots. The stand will be clearly labeled with the letter "A." This process will be repeated with a second syringe, which will be clearly labeled with a number two (2) and placed in the second slot on stand "A." Two additional syringes will be drawn in the same manner, fitted with the blunt cannula, and clearly labeled with the numbers one (1) and two (2), respectively. These two syringes will be placed in the first two slots on a second wooden stand that has been clearly labeled with the letter "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.
- (2) Pancuronium bromide: A sterile, disposable sixty cubic centimeter (60cc) syringe will be used to draw fifty milligrams (50mg) of pancuronium bromide from one or more vials containing same. The syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube). This procedure will be repeated until there are four (4) syringes, each containing fifty milligrams (50mg) of pancuronium bromide, for a total of 200 milligrams. Two syringes will be clearly labeled with the numbers four (4) and five (5), respectively, and placed into slots four (4) and five (5) on stand "A." This procedure will be repeated with the other two syringes, each of which will be fitted with a blunt cannula, labeled appropriately and placed in slots four (4) and five (5),

respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.

- (3) Potassium chloride: A sterile, disposable sixty cubic centimeter (60cc) syringe will be used to draw one hundred twenty milliequivalents (120mEq) of potassium chloride from one or more vials containing same. The syringe will then be fitted with an eighteen (18) gauge, one (1) inch blunt cannula (tube). This procedure will be repeated until there are four (4) syringes, each containing one hundred twenty milliequivalents (120mEq) of potassium chloride, for a total of 480 milliequivalents. Two syringes will be clearly labeled with the numbers seven (7) and eight (8), respectively, and placed into slots seven (7) and eight (8) on stand "A." This procedure will be repeated with the other two syringes, each of which will be fitted with a blunt cannula, labeled appropriately, and placed in slots seven (7) and eight (8), respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.
 - (4) Saline solution: A sterile, disposable twenty cubic centimeter (20cc) syringe will be used to draw twenty milliliters (20ml) of sterile saline solution from one or more vials containing same. This procedure will be repeated until there are four (4) syringes, each containing twenty milliliters (20ml) of sterile saline solution, for a total of eighty (80) milliliters. Each syringe will then be fitted with an eighteen (18) gauge, one (1) inch, blunt cannula (tube). Two syringes will be clearly labeled with the numbers three (3) and six (6), respectively, and placed into slots three (3) and six (6) on stand "A." This procedure will be repeated with the other two syringes, each of which will be placed in slots three (3) and six (6), respectively, on stand "B." All materials used to prepare these syringes will be removed from the work area and discarded pursuant to state and federal law.
- (c) The designated member of the execution team who has prepared the lethal chemicals will transport them personally, in the presence of one or more additional members of the execution team, to the executioner's room. Stand "A" will be placed on the worktop for use by the primary executioner. Stand "B" will be placed on a shelf underneath the worktop within easy reach of the executioners should they be needed during the execution. The lethal chemicals will remain secure in the locked room until the executioners arrive. No one other than the executioners will have access to the lethal chemicals, unless a stay is granted, in which case the execution team member who prepared the lethal chemicals will retrieve them from the locked room and dispose of them according to state and federal law.
 - (d) A designated member of the execution team will prepare, using an aseptic technique, two (2) standard intravenous (IV) infusion sets, each consisting of a pre-filled, sterile plastic bag of normal saline for IV use (a solution of sodium chloride at 0.9% concentration) with an attached drip chamber, a long sterile tube fitted with a back check valve and a clamp to regulate the flow, a connector to attach to the access device, and an extension set fitted with a luer lock tip for a blood cannula to allow for the infusion of the lethal chemicals into the line. The extension set that will be used to infuse the lethal chemicals into the primary injection line will be clearly marked with an "A," and the additional extension set that will be attached to the secondary injection line will be clearly marked with a "B."
 - (e) A designated member of the execution team will explain the lethal injection preparation procedure to the inmate and offer any medical assistance or care deemed appropriate. The inmate will be offered and, if accepted, will be administered an

intramuscular injection of diazepam, in an appropriate dosage relative to weight, to ease anxiety.

- (f) Authorized media witnesses will be picked up at the designated media on-looker area located at New River Correctional Institution by two designated Department of Corrections escort staff, transported to the main entrance of Florida State Prison as a group, cleared by security, and escorted to the population visiting park, where they will remain until being escorted to the witness room of the execution chamber by the designated escort staff.

(11) **Approximately One (1) Hour Prior to Execution:**

- (a) Any members of the execution team not already present, as well as the designated physician(s) required by statute, will report to the execution chamber for preparations.
- (b) The warden will administer both a presumptive drug test (oral swab method) and a presumptive alcohol test (breath analyzer) to each member of the execution team. A positive indication for the presence of alcohol or any chemical substance that may impair their normal faculties will disqualify that person from participating in the execution process.
- (c) A designated member of the execution team will ensure that the telephones in the execution chamber are fully functional and that there is a fully-charged, fully-functional cellular telephone in the execution chamber. Telephone calls will be placed from each telephone to ensure proper operation.
- (d) A designated member of the execution team will ensure that the public address (P.A.) system is fully functional.

(12) **Approximately Thirty (30) Minutes Prior to Execution:**

- (a) Official witnesses will be secured in the witness room of the execution chamber by two designated Department of Corrections escort staff.
- (b) Authorized media witnesses will be secured in the witness room of the execution chamber.
- (c) The only persons authorized in the witness room are: twelve (12) official witnesses, including family members of the victim, four (4) alternate official witnesses, one (1) nurse or medical technician, twelve (12) authorized media representatives, one (1) representative from the department's public affairs office, one (1) designated staff escort, and one (1) designated security officer. Any exception must be approved by the warden.
- (d) A designated member of the execution team will establish telephone communication with the Governor's office on behalf of the warden. The phone line will remain open to the Governor's office during the entire execution procedure. The assistant warden will use this open line to report the ongoing activities of the execution team and other personnel to the Governor's office.
- (e) A designated member of the execution team will escort the two executioners into the executioner's room, where they will remain until the execution process is complete.
- (f) The warden will read the Warrant of Execution to the inmate.

- (g) Designated members of the execution team, supervised by the designated assistant warden, will apply wrist restraints to the inmate and escort him from his cell.
 - (h) Designated members of the execution team, supervised by the designated assistant warden, will assist the inmate, if necessary, in positioning himself/herself onto the execution gurney.
 - (i) Designated members of the execution team, supervised by the designated assistant warden, will secure the restraining straps.
 - (j) One or more designated members of the execution team will attach the leads to two (2) heart monitors to the inmate's chest, ensuring that the monitors are operational both before and after the chest restraints are secured.
 - (k) A designated member of the execution team will insert one intravenous (IV) line into each arm at the medial aspect of the antecubital fossa of the inmate and ensure that the saline drip is flowing freely. The team member will designate one IV line as the primary line and clearly identify it with the letter "A." The team member will designate the other line as the secondary line and clearly identify it with the letter "B." If venous access cannot be achieved in either or both of the arms, access will be secured at other appropriate sites until peripheral venous access is achieved at two separate locations, one identified as the primary injection site and the other identified as the secondary injection site.
 - (l) If peripheral venous access cannot be achieved, a designated member of the execution team will perform a central venous line placement, with or without a venous cut-down (wherein a vein is exposed surgically and a cannula is inserted), at one or more sites deemed appropriate by that team member. If two sites are accessed, the extension sets attached to each line will be identified with an "A" or a "B," depending on their identification as the primary and secondary lines.
 - (m) Designated members of the execution team, supervised by the designated assistant warden, will wheel the inmate into the execution chamber and position the inmate in front of the witness gallery window. A drape will cover the window at this time.
 - (n) One or more designated members of the execution team will remove, one at a time, from the pole attached to the gurney, the two (2) saline bags and pass the bags, along with the extension sets labeled "A" and "B," through a small opening into the executioner's room, where the primary or secondary executioner will hang the bags on separate hooks inside the room. The designated team member(s) will ensure that the tubing from the IV insertion points to the bags has not been compromised and that the saline drip is flowing freely.
- (13) **Approximately Fifteen (15) Minutes Prior to Execution:** The execution chamber will be secured. Only designated staff and other authorized persons will be allowed in the chamber.
- (14) **Administration of Execution:**
- (a) The warden will use the open telephone line to determine from the Governor whether there has been a stay of execution. If the warden receives a negative response, s/he will return the telephone handset to the designated assistant warden to continue reporting the ongoing activities of the execution team and other personnel to the Governor's office. The warden will then proceed with the execution.

- (b) One or more designated members of the execution team will open the drape to the witness gallery window and turn on the public address (P.A.) system.
- (c) The warden will permit the inmate to make an oral statement, which will be broadcast into the witness gallery over the P.A. system. At the conclusion of the inmate's statement, or if the inmate declines to make a statement, a designated member of the execution team will turn off the P.A. system.
- (d) At the designated time for the execution, or as is reasonably practicable thereafter, the warden will walk into the executioner's room and affirmatively instruct the primary executioner to begin the administration of the lethal chemicals. In the presence of the secondary executioner and within sight of one or more members of the execution team, the primary executioner will administer the lethal chemicals in the following manner:
 - (1) The executioner will remove from the wooden stand on the worktop the syringe labeled number one (1), which contains two and one-half grams (2.5g) of sodium pentothal in solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (2) The executioner will remove from the wooden stand on the worktop the syringe labeled number two (2), which contains two and one-half grams (2.5g) of sodium pentothal in solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (3) The executioner will remove from the wooden stand on the worktop the syringe labeled number three (3), which contains twenty milliliters (20ml) of saline solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (4) The executioner will remove from the wooden stand on the worktop the syringe labeled number four (4), which contains fifty milligrams (50mg) of pancuronium bromide, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (5) The executioner will remove from the wooden stand on the worktop the syringe labeled number five (5), which contains fifty milligrams (50mg) of pancuronium bromide, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (6) The executioner will remove from the wooden stand on the worktop the syringe labeled number six (6), which contains twenty milliliters (20ml) of saline solution, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate

that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.

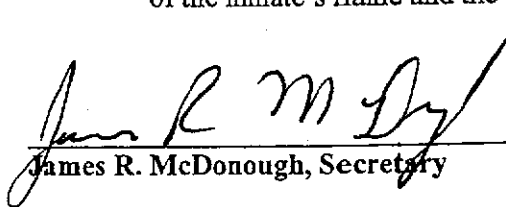
- (7) The executioner will remove from the wooden stand on the worktop the syringe labeled number seven (7), which contains one hundred twenty milliequivalents (120mEq) of potassium chloride, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
 - (8) The executioner will remove from the wooden stand on the syringe labeled number eight (8), which contains one hundred twenty milliequivalents (120mEq) of potassium chloride, place the blunt cannula into the open port of the IV extension set labeled "A," and push the entire contents of that syringe into the IV port at a rate that meets the injection resistance of the cannula. When the syringe is depleted, s/he will hand the empty syringe to the secondary executioner for safe disposal.
- (e) If at any time prior to or during the administration of the lethal chemicals the primary venous access becomes compromised, a designated member of the execution team will immediately close the drape to the witness gallery window. One or more additional members of the execution team will assess the situation and take appropriate remedial action at that access site. If the primary access site is no longer viable, the executioner will administer the lethal chemicals into the secondary access site, using the extension set labeled "B." If the secondary access site is or at any time becomes compromised, a designated member of the execution team will secure peripheral venous access at another appropriate site or will perform a central venous line placement, with or without a venous cut-down, at one or more sites deemed appropriate by that team member. Once venous access is achieved, a designated member of the execution team will open the drape to the witness gallery window and the execution will proceed.
 - (f) Throughout the execution process, one or more designated members of the execution team will observe the heart monitors. If the heart monitors reflect a flat line reading during or following the complete administration of the lethal chemicals, the physician will examine the inmate to determine whether there is complete cessation of respiration and heartbeat. If after the complete administration of the lethal chemicals, the heart monitors do not reflect a flat line reading and/or the physician cannot pronounce the inmate dead, the executioner will begin a second flow of lethal chemicals into the primary or alternate IV line, as necessary, using the steps set forth in section (14)(d) of this procedure.
 - (g) Once the inmate is pronounced dead by the physician, a designated member of the execution team will record the time of death on the Lethal Injection Procedures Checklist.
 - (h) The warden will notify the Governor via the open phone line that the sentence has been carried out and the time of death.
 - (i) A designated member of the execution team will turn on the P.A. system and make the following announcement to the witnesses in the gallery: "The sentence of the State of Florida vs. [Inmate Name] has been carried out at [time of day]."
 - (j) The designated Department of Corrections escort staff will escort the official witnesses and all of the media pool from the witness room of the execution chamber.

(15) Immediate Post-Execution Procedures:

- (a) Designated members of the execution team will dispose of the equipment and any remaining chemicals as required by state and federal law.
- (b) The designated assistant warden will coordinate the entry of hearse attendants for recovery of the inmate's body.
- (c) The inmate's body will be removed from the execution table by hearse attendants under the supervision of the designated assistant warden.
- (d) The designated assistant warden will obtain a certification of death from the physician and will deliver the certification to the hearse attendants prior to their departure.
- (e) The inmate's body will be transported by the hearse attendants to the medical examiner's office in Alachua County for an autopsy.
- (f) All members of the execution team, the assistant warden(s), and the designated physician(s) will immediately proceed to the warden's conference room for debriefing.

(16) Follow-Up Procedures:

- (a) The warden will forward the Warrant of Execution and a signed statement of the execution to the Secretary of State.
- (b) The warden will file an attested copy of the Warrant of Execution and a signed statement of the execution with the clerk of the court that imposed the sentence.
- (c) The correctional senior sentence specialist will advise central office records by e-mail of the inmate's name and the date and time of death by execution.


James R. McDonough, Secretary

16 Aug 06
Date

FLORIDA DEPARTMENT OF CORRECTIONS
FLORIDA STATE PRISON
LETHAL INJECTION PROCEDURES CHECKLIST

DATE: _____

INMATE NAME: _____

DC#: _____

OFFICIAL TIME OF DEATH: _____

I. Pre-execution Procedure

- _____ 1. Lethal chemicals were transported from pharmacy to execution chamber anteroom.
- _____ 2. Sodium pentothal was prepared and placed on stands.
- _____ 3. Pancuronium bromide was prepared and placed on stands.
- _____ 4. Potassium chloride was prepared and placed on stands.
- _____ 5. Saline solution was prepared and placed on stands.
- _____ 6. Both stands of lethal chemicals were transported to executioner's room and room was locked.
- _____ 7. Two intravenous infusion sets were prepared and the extension sets were marked "A" and "B."
- _____ 8. Execution process was explained to the inmate.
- _____ 9. Inmate declined/was administered (**circle one**) an injection of diazepam.
- _____ 10. Telephone in execution chamber and cellular phone were determined to be fully operational.
- _____ 11. Public address system was determined to be fully operational.
- _____ 12. Executioners were each administered presumptive drug and breath analyzer test.
- _____ 13. Members of execution team were each administered presumptive drug and breath analyzer test.
- _____ 14. Executioners were escorted to executioner's room and room was unlocked.
- _____ 15. Telephone contact was made with Governor's office.
- _____ 16. Assistant warden began describing activities to Governor over telephone.
- _____ 17. Warden read warrant of execution to inmate.
- _____ 18. Wrist restraints were applied to inmate.
- _____ 19. Inmate was escorted from his/her cell and assisted onto execution gurney.
- _____ 20. Gurney restraints were applied to inmate.
- _____ 21. Leads to two (2) heart monitors were attached to inmate's chest.
- _____ 22. Both heart monitors were determined to be fully operational.
- _____ 23. Peripheral venous access was achieved at an appropriate site on right side of inmate's body and saline drip was determined to be fully operational.
- _____ 24. Peripheral venous access was achieved at an appropriate site on left side of inmate's body and saline drip was determined to be fully operational.

- _____ 25. Venous access was achieved using a central venous line placement at an appropriate site on inmate's body and saline drip was determined to be fully operational. **(Check only if appropriate).**
- _____ 26. A cut-down procedure was used to achieve venous access at an appropriate site on inmate's body and saline drip was determined to be fully operational. **(Check only if appropriate).**
- _____ 27. Inmate was wheeled into execution chamber.
- _____ 28. Both saline bags were passed, one at a time, into executioner's room and hung on hooks.
- _____ 29. Saline drip at each access site was determined to be fully operational.
- _____ 30. Execution chamber was secured.
- _____ 31. Warden confirmed with Governor over telephone that no stay had been issued.
- _____ 32. Drape over witness gallery window was opened.
- _____ 33. Public address system was turned on.
- _____ 34. Inmate made/declined to make **(circle one)** a statement.
- _____ 35. Public address system was turned off.
- _____ 36. Warden instructed executioner to begin administration of lethal chemicals.

II. Execution Procedure

- _____ 37. Eight (8) syringes containing lethal chemicals and saline flushes were administered.
- _____ 38. Remedial measures were taken when venous access became compromised during administration of lethal chemicals. **(Check only if appropriate).**
- _____ 39. Physician confirmed complete cessation of respiration and heartbeat and pronounced inmate dead.
- _____ 40. Second set of lethal chemicals was administered after physician could not confirm complete cessation of respiration and heartbeat after complete administration of first set of lethal chemicals. **(Check only if appropriate).**
- _____ 41. Official time of death was recorded at top of this form.
- _____ 42. Warden informed Governor over telephone that sentence had been carried out and of time of death.
- _____ 43. Public address system was turned on and witnesses were informed that sentence had been carried out and of time of death.
- _____ 44. Official and media witnesses were escorted from witness gallery.
- _____ 45. Hearse attendants were escorted into execution chamber and inmate's body was removed.
- _____ 46. Hear attendants were provided with death certificate.

I HEREBY ATTEST that the above actions, as indicated, were properly performed under my supervision.

Warden, Florida State Prison