

The Governor's Commission on Administration of Lethal Injection

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PRELIMINARY REPORT OF FINDINGS AND RECOMMENDATIONS

Overview

Pursuant to Executive Order 06-260 issued by Governor Bush on December 15, 2006, the Governor's Commission on Administration of Lethal Injection was created 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 the administration of death by lethal injection comports with the United States and Florida Constitutions, as interpreted by current case law."

Upon the finalization of the Commission membership, the Chair, appointed by the Governor's Office, called the first meeting of the Commission which was held Monday, January 29, 2007, in Tampa, Florida. All Commission members were in attendance with the exception of Mr. Doss who participated telephonically. An agenda was provided and the proceedings were recorded. The following documents were provided each Commission member, specifically: an agenda of the January 29, 2007, meeting; a copy of the Executive Order 06-260; a copy of the December 20, 2006, Summary of the Findings of the Department of Corrections' Task Force Regarding the December 13, 2006, Execution of Angel Diaz submitted by Secretary James R. McDonough, Secretary of the Florida Department of Corrections; a copy of the Department of Corrections' most recent Execution by Lethal Injection Protocols effective for executions after August 16, 2006, and a copy of the Preliminary Autopsy Findings dated December 14, 2006, signed by Dr. William F. Hamilton.

Following introductory remarks and introduction of the Commission members to the audience, the Chair presented a brief summary of the Commission's charge per the Executive Order. The Chair then called four witnesses, all of which made statements and were responsive to inquiries by various members of the Commission.

Neil Dupree, CCRC South, was called first and presented eye-witness testimony as to what he observed at the December 13, 2006, execution of Angel Diaz. Randall Bryant, Warden, Florida State Prison, discussed his role during an execution, the Department protocols and his observations and account of the December 13, 2006, execution of Angel Diaz. Randall Polk, Assistant Warden, Florida State Prison, discussed his role during an execution and his observations and account of the December 13, 2006, execution of Angel Diaz. Finally William Matthews, a physician's assistant, was called and discussed his observations regarding the December 13, 2006, execution of Angel Diaz and answered inquiries from Commission members as to the intravenous lines and other medical matters.

Upon completion of the testimony of scheduled witnesses, the Commission discussed generally what additional information and witnesses were needed and determined the scheduling for future meetings on February 5th and February 9th, 2007, in Tampa, Florida. It was specifically noted that the final autopsy report had not issued regarding the December 13, 2006, Angel Diaz execution and that the Commission was unable to assess fully what occurred without the final autopsy report and the testimony of the medical examiner. There was also discussion that Commission members might elect to do an onsite visit of the execution chamber site on Monday February 12, 2007, in order to better understand its configuration. The Department agreed to provide a schematic and other visual evidence of the execution chamber site. Commission members were also asked to provide the names of any persons they wished to hear testimony from and provide any written information that might be informative.

Actions Taken and Strategic Plan

As a result of the January 29, 2007, meeting, the Commission voted to submit a preliminary report on February 1, 2007, pursuant to the Executive Order, discussing what transpired thus far, and to submit an interim report on February 15, 2007, presenting, in more detail, findings based on additional meetings of the Commission. The Commission's belief is that additional information is needed in order to generate any meaningful recommendations and its intent is to gather this information through written documentation and testimony of other Department personnel, and others, regarding the lethal injection protocols during next two meetings.

It is contemplated that the Commission's charge will be completed on March 1, 2007, and a final report and recommendation will be submitted on that date.

Recommendations

At the present time, the Commission has no specific recommendations to report in light of the Commission's action that additional information is required before any conclusion can be drawn.

Respectfully Submitted,

Bill Jennings
Chairman