

Army Regulation 190–55

Military Police

**U.S. Army
Corrections
System:
Procedures for
Military
Executions**

**Headquarters
Department of the Army
Washington, DC
23 July 2010**

UNCLASSIFIED

SUMMARY of CHANGE

AR 190-55

U.S. Army Corrections System: Procedures for Military Executions

This major revision, dated 23 July 2010--

- o Adds responsibilities for the Assistant Secretary of the Army for Manpower and Reserve Affairs (para 1-4b).
- o Adds responsibilities for the Commander, Army Corrections Command (para 1-4i).
- o Adds the role of the Armed Forces Medical Examiner and the required duties of the examiner's designated medical officer (paras 4-2 and 4-3).
- o Updates the initial notification memorandum and the execution order document (apps b and c).
- o Makes administrative changes (throughout).

Effective 23 August 2010


Military Police

U.S. Army Corrections System: Procedures for Military Executions

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


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Administrative Assistant to the
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History. This publication is a major revision.

Summary. This regulation establishes responsibilities and updates policy and procedures for carrying out a sentence of death, as imposed by general courts-martial or military tribunal, per the Uniform Code of Military Justice and the Manual for Courts-Martial, United States.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United

States, and the U.S. Army Reserve, unless otherwise stated.

Proponent and exception authority. The proponent of this regulation is the Provost Marshal General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions and identifies key internal controls that must be evaluated (see appendix F).

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from Headquarters, Department of the Army, Army Corrections Command (DAPM–ACC), 150 Army Pentagon, Washington, DC 20310–0150.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Headquarters, Department of the Army, Army Corrections Command (DAPM–ACC), 150 Army Pentagon, Washington, DC 20310–0150.

Distribution. This publication is available in electronic media only and is intended for command levels C, D, and E for the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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Glossary

Chapter 1 Introduction

1–1. Purpose

This regulation prescribes policies and procedures for carrying out death sentences imposed by military courts-martial or military tribunals and approved by the President of the United States.

1–2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1–3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

1–4. Responsibilities

Only the President of the United States can approve and order the execution of a death sentence (under the Uniform Code of Military Justice (UCMJ) Article 71(a), Rules for Courts-Martial (RCM) 1207). The DODD 1325.04 appoints the Secretary of the Army (SA) as the Department of Defense (DOD) executive agent for DOD Level III Corrections. As such, the SA is responsible for providing a facility to carry out executions of military prisoners with approved death sentences. When the President approves a death sentence of an Army prisoner, specific responsibilities are as follows:

a. Secretary of the Army. The SA will—

(1) Provide the initial notification of the President's approval of the death sentence via the Provost Marshal General (PMG) to the Commandant, U.S. Disciplinary Barracks (CMDT, USDB) (see sample memo, app B).

(2) Approve the location for the execution.

(3) Prescribe the date of the execution, which shall be no sooner than 60 days but no later than 150 days from the date of Presidential approval of the sentence of death. Prescribe immediately the execution order that specifies the CMDT, USDB as the execution officer. If the date designated for execution passes by reason of a stay of execution, the CMDT, USDB shall designate a new date and time, or location if necessary, after the stay of execution is lifted.

(4) Provide the PMG the execution order stating the approved manner of execution by lethal injection, location, and date of the execution (see sample memo, app C).

(5) Provide notification to and allow for a State witness, at no cost to the Federal Government, for those members of the Army National Guard who receive a sentence of death for offenses committed while on active duty under Title 10, United States Code (USC).

b. Assistant Secretary of the Army for Manpower and Reserve Affairs. The ASA (M&RA) will—

(1) Exercise Army Secretariat oversight for corrections, casualty assistance, and mortuary affairs.

(2) Coordinate for, and sign agreements with, Federal and/or State agencies for the use of execution facilities as necessary.

(3) Designate an officer or civilian equivalent (General Schedule–13 (GS–13) or above) as the representative of the ASA (M&RA) on the Headquarters, Department of the Army (HQDA), Execution Management and Coordination Team (EMCT).

c. Provost Marshal General. The PMG will—

(1) Establish policies and coordinate procedures necessary to carry out the execution order.

(2) Provide the initial notification of the President's approval of the death sentence through the Commander, U.S. Army Corrections Command (CDR, ACC) to the CMDT, USDB.

(3) Provide the signed execution order of the Secretary, through the Commander, ACC to the CMDT, USDB (see sample memo, app C).

(4) Notify the Office of the Chief of Legislative Liaison (OCLL); the ASA (M&RA); the Office of the Army General Counsel (OGC); the Office of the Chief Public Affairs (OCPA); the Office of The Judge Advocate General (OTJAG); the Office of The Surgeon General (OTSG); and the Office of the Armed Forces Medical Examiner (AFME), as appropriate, of the manner, date, time, and location of the execution.

(5) Direct the CDR, ACC to establish an EMCT composed of key HQDA staff elements whose responsibilities are to monitor and coordinate the preparation for, and the conduct of, the execution.

(6) Review necessary standing operating procedures (SOPs) for the EMCT upon notification of a potential execution.

(7) Recommend the execution location to the SA for approval and provide the location to the CMDT, USDB upon approval by the SA.

(8) Designate the Director, EMCT.

d. The Judge Advocate General for the Army. TJAG will—

(1) Serve as the primary legal advisor to the SA and the Assistant Secretaries of the Army on military justice and casualty and mortuary affairs matters related to military executions.

- (2) Prepare the initial written notification to be signed by the SA (see sample memo, app B).
- (3) Prepare the execution order to be signed by the SA. The execution order must identify the approved manner of execution by lethal injection, location, date, and time of the execution, and identify the CMDT, USDB as the execution officer (see sample memo, app C).
- (4) Notify the PMG; General Counsel; Chief, Legislative Liaison (CLL); SA; ASA (M&RA); Chief, Public Affairs (CPA); The Surgeon General (TSG); civilian counsel for the sentenced prisoner; Chief, Defense Appellate Division; Chief, Government Appellate Division; and the victim of a death-qualifying offense or its attempt, if surviving, or the victim's designated next of kin (NOK), if not surviving, as the status of any death sentence action changes. Notifications should occur when the case leaves the DOD, when it is sent to the President, when the President approves or disapproves any sentence to death, and whenever stays are applied or lifted by the courts.
- (5) Provide victim/witness support for those authorized to witness the execution (para 2-5a(10)). This includes, but is not limited to, making travel arrangements, lodging, escort to execution facility, and providing other necessary logistical support.
- (6) Maintain liaison with the Department of Justice and the White House.
- (7) Designate an officer as the OTJAG representative to the EMCT.
- (8) Coordinate, in conjunction with the Secretary of the Army General Counsel (AGC), with the Office of the Secretary of Defense, and the Department of Justice, as required and necessary.
 - e. Army General Counsel.* The AGC will—
 - (1) Provide legal support to the ASA (M&RA) in the oversight of corrections and law enforcement and, in coordination with TJAG, military justice and casualty and mortuary affairs matters related to military executions.
 - (2) While recognizing the independence of TJAG in advising on matters of military justice, review and comment on all documents requiring Secretariat action.
 - (3) In coordination with TJAG, review for legal sufficiency any agreements with Federal and/or State agencies pertinent to military executions.
 - (4) In coordination with TJAG, provide legal advice to the CPA and the CLL on their respective exercise of responsibilities related to military executions.
 - (5) In conjunction with TJAG, coordinate legal matters related to military executions between the Department of the Army, the OGC, the DOD, the Department of Justice, and the White House.
 - (6) Designate a representative to the EMCT.
 - f. Chief of Public Affairs.* The CPA will—
 - (1) Develop and publish guidance regarding release of information to the news media and public concerning preparation for, and conduct of, an approved execution.
 - (2) Designate an officer, or civilian equivalent (GS-12 or above), as the public affairs representative on the EMCT.
 - (3) Develop and publish guidance on the selection of a minimum of two news media representatives to witness the execution.
 - (4) Develop, coordinate, and execute stand-up and operation of the Media Operations Center (MOC) on site or nearby the execution location. This responsibility also includes developing personnel, budget, and operational requirements. Ensure that appropriate subject-matter expertise is available to media representatives as required. The MOC will brief media witnesses and escort selected media representatives to the execution.
 - (5) Provide an after-action report to the CDR, ACC within 30 days of completing the mission.
 - g. Chief of Legislative Liaison.* The CLL will—
 - (1) Prepare and coordinate Congressional notification per SA guidance.
 - (2) Schedule and arrange briefings for members of Congress, as required.
 - (3) Designate an officer or civilian equivalent (GS-12 or above) as the representative of the OCLL on the EMCT.
 - h. The Surgeon General.* TSG will—
 - (1) Designate a senior medical officer to provide pre-execution medical support as required, such as an oral or other type of tranquilizer, saline solution, an electrocardiograph machine or other necessary equipment to support the execution team.
 - (2) Designate an officer as the representative of the OTSG on the EMCT.
 - i. Commander, Army Corrections Command.* The CDR, ACC will—
 - (1) Provide immediate notification of the approved death sentence to the CMDT, USDB and a copy of the approval memo (see appendix B).
 - (2) Forward the execution order to the CMDT, USDB, immediately upon receipt of the order.
 - (3) Coordinate support for the execution as required.
 - (4) Provide oversight on the USDB's development of the execution training program.
 - (5) Establish the EMCT, which shall meet as needed, but no less than quarterly.
 - (6) Develop and conduct periodic reviews and updates of a comprehensive EMCT SOP and execution protocol.
 - (7) Arrange for the contracting of the following services, as necessary:

- (a) Acquisition of lethal substances for lethal injection.
- (b) Medical or other qualified personnel to insert intravenous needles into the condemned prisoner.
- (c) Personnel to administer the lethal substances.
- (d) Medical or other qualified personnel to monitor the electrocardiograph machine or other necessary medical equipment and notify the CMDT, USDB, when no vital signs remain.
- j. Commandant, U.S. Disciplinary Barracks.* The CMDT, USDB will—
 - (1) Act as the execution officer responsible for the conduct of the execution.
 - (2) Upon notification of the approved death sentence, expeditiously notify the prisoner of the approved sentence.
 - (3) Inform ACC and OTJAG that the prisoner has been informed of the President’s decision.
 - (4) Upon notification of the approved execution order, immediately notify the prisoner of the approved order.
 - (5) Develop a comprehensive Execution Plan, to include necessary SOPs and training support programs for pre- and post-execution requirements.
 - (6) Notify the condemned prisoner’s designated NOK of the time, date, and location of the execution and any additional information as deemed necessary, such as visitation procedures, presence of relatives as witnesses, and available support and assistance.
 - (7) Obtain disposition instructions from the NOK for the executed prisoner’s remains and personal belongings.
 - (8) Coordinate with the OTSG designated senior medical officer to obtain an oral or other type of tranquilizer, saline solution, an electrocardiograph machine or other necessary equipment to support the execution team and the designated Government medical officer as required.
 - (9) Establish the Execution Watch Team (EWT).
 - (10) Arrange for the contracting of services per paragraphs 1–4i(7)(a) through 1–4i(7)(d), above, as necessary, if directed.
 - (11) Prepare and submit an after-action report to the Commander, ACC within 30 days.

Chapter 2

Pre-Execution Procedures

2–1. Execution notification and coordination

- a.* Upon a final judgment as to the legality of the proceedings in accordance with UCMJ, Art. 71(c)(1), TJAG will transmit the record of trial, the decision of the Court of Criminal Appeals, the decision of the Court of Appeals for the Armed Forces, the decision of the Supreme Court, any clemency petition by prisoner and/or counsel, and the recommendation of TJAG to the SA for the decision of the President, pursuant to RCM 1204(c) or 1205(b) and AR 27–10.
- b.* Upon approval by the President, and returning the decision to the DOD and HQDA for action, TJAG will make the appropriate notifications listed in paragraph 1–4d(4), above.
- c.* The PMG will provide the CMDT, USDB with the President’s action per paragraph 1–4c(2) and direct the ACC to activate the EMCT, per the EMCT SOP.
- d.* Dissemination of the initial notification from the PMG may be via phone, fax, or electronic mail.
- e.* There will be no media release until the prisoner has been notified of the President’s decision. All media releases will be coordinated and managed by the OCPA.
- f.* The CMDT, USDB will notify the prisoner of the President’s action per paragraph 1–4j(4) and will implement the Execution Plan and associated SOPs.
- g.* When the CMDT, USDB initially notifies the prisoner of the presidential decision to execute, the CMDT will be accompanied by a chaplain and a Trial Defense Service (TDS) attorney (if reasonably available).
- h.* Dissemination of the execution order from the PMG may be via e-mail or fax, through the ACC to CMDT, USDB.
- i.* Once the prisoner has been formally notified of the pending execution, the prisoner’s status will be changed to that of “condemned prisoner.”
- j.* The condemned prisoner shall be afforded a chaplain of his choice (by faith or by name) from those personnel providing pastoral care to the USDB prisoners (including contracted civilian clergy personnel).
- k.* The CMDT, USDB will ensure the prisoner is discharged from the Army in accordance with the sentence immediately prior to the execution of the death sentence.
- l.* The CMDT, USDB will notify the medical examiner and/or toxicologist several days prior to the execution of the type of drugs or medication to be used in the execution. This includes the use of sedatives, muscle relaxants, and the actual lethal injection.
- m.* The commander of the medical treatment facility (MTF) must contact the AFME’s office to confirm the notification and inquire if any support is needed from the MTF.

n. The CMDT, USDB will require the condemned prisoner to update their DD Form 93 (Record of Emergency Data), in accordance with AR 600–8–1.

2–2. Disposition of personal property

- a. The condemned prisoner’s personal property and funds will be accounted for per ACC policy.
- b. Arrangements will be made for disposition of personal property prior to execution in accordance with AR 190–47.
- c. If the condemned prisoner declines or is unable to dispose of personal property prior to execution, disposition of the deceased prisoner’s personal property and funds will be made per AR 638–2.

2–3. Contacting next of kin and disposition of remains

- a. The CMDT, USDB will coordinate notification of the condemned prisoner’s designated NOK prior to execution to obtain disposition instructions for the remains and personal belongings.
- b. The care and disposition of the remains will be made per AR 638–2.
- c. If NOK does not claim the deceased prisoner’s remains, the Army will arrange for the disposition of the prisoner’s remains.

2–4. Public affairs

- a. *Access.* AR 190–47 governs access to Army corrections facilities by the public and news media.
- b. *Media news releases.*
 - (1) The OCPA, in coordination with the EMCT, will release all information regarding executions within the Army Corrections System.
 - (2) Within 7 days of the approval of the execution date, a news release announcing the date and location of the execution will be published (see app D for approved sample).
 - (3) No later than 14 days prior to the scheduled execution date, a media advisory announcing the location of the media operations center and an explanation of the media pool process will be published (see app E for approved sample).
 - (4) Per AR 190–47, telephonic or personal interviews with the condemned prisoner by news media are not permitted.
- c. *Visits.*
 - (1) Visitation of the condemned prisoner will be in accordance with AR 190–47.
 - (2) The CMDT, USDB, may permit visits, for other than Family members, consistent with the security requirements of the institution and the wishes of the condemned prisoner.

2–5. Witnesses

- a. The following individuals and representatives are authorized to be present at the execution:
 - (1) The CMDT, USDB.
 - (2) A representative of the PMG.
 - (3) A sufficient amount of USDB cadre, as deemed appropriate by the CMDT for security purposes, and to ensure professional military conduct of the execution.
 - (4) Execution team members.
 - (5) The prisoner’s counsel of record, if requested by the condemned prisoner.
 - (6) A chaplain designated by the CMDT, USDB or at the request of the prisoner, including contracted civilian clergy support.
 - (7) A minimum of 2 media representatives, selected under the direction of the OCPA from a pool of media representatives requesting to witness the execution and their CPA appointed public affairs escort(s).
 - (8) Representatives of the condemned prisoner’s Family, if requested by the prisoner.
 - (9) If the condemned prisoner was a member of the Army National Guard at the time of the offense, the governor of the affected State or Territory or the Commanding General of the District of Columbia, if affected, may designate a representative to be a witness.
 - (10) The victim (if surviving), of a death-qualifying offense or its attempt, a relative (spouse, children or parents of a victim) of a death-qualifying offense or its attempt; or, in the alternative, one representative of the victim of a death-qualifying offense or its attempt as designated by the victim (if surviving) or the victim’s Family. Upon request, the CMDT, USDB may authorize other victims to be present.
- b. No person under the age of 18 shall witness the execution.
- c. The CMDT, USDB, will approve the list of witnesses (less news media witnesses).

2-6. Special communications

a. The Director, EMCT, will confirm and test all communications systems for all respective agencies not later than 72 hours prior to the scheduled time of execution. The communications net will be established between—

- (1) The White House Situation Room and the Office, SA.
- (2) The SA and the EWT.
- (3) The SA and the EMCT.
- (4) The EMCT and the EWT.

b. The EMCT will test communications with the EWT hourly beginning at 4 hours prior to the time designated for the execution.

c. The communication connections are to remain open and will be used, if required, to delay or cancel the execution proceedings, as may be directed by the President, or to delay the execution proceedings, as may be directed by the SA. Information received from any court or judicial officer will be immediately forwarded to the TJAG representative of the EMCT.

d. The communication connections will be established a minimum of 1 hour prior to the time of designated execution between the White House Situation Room and the SA, and between the SA and the EWT, with both connections manned without interruption until after the condemned prisoner is pronounced dead by the designated medical personnel.

e. If, for any reason, both sets of redundant communications are interrupted during the 30 minutes immediately preceding the designated time of execution, the actual execution will be delayed until communications are reestablished. Upon reestablishment of communications, the CMDT, USDB, will proceed with the execution. Assembled witnesses and personnel at each end of the communications links will be advised of the new execution time and the reason for the change.

f. Communications will be terminated on order of the CMDT, USDB, immediately upon the designated medical personnel's pronouncement of the exact time of death of the condemned prisoner. The officer in charge of the EWT will terminate telephonic communications by announcing, "The sentence of death has been executed; time of death was _____ . Communications may now be closed."

2-7. Professional service support

a. Professional services support provided to condemned prisoners will not be less than those provided other prisoners, as required in AR 190-47.

b. A TDS or civilian counsel representing the condemned prisoner may be present when the death-sentenced prisoner is notified that the execution has been approved, if reasonably available. Other legal counsel will not be present. Following notification, the TDS or civilian counsel representing the condemned prisoner may advise the prisoner of any further legal action available for seeking a stay of the execution, provide other appropriate legal advice regarding the execution, and assist the condemned prisoner in settling his legal affairs.

c. Medical assistance and counseling may be provided as requested by the prisoner. The medical assistance is limited to that which addresses the medical needs of the prisoner as a patient.

d. TSG will appoint a senior medical officer to provide medical support prior to the execution.

e. The CMDT, USDB will provide a chaplain of the condemned prisoner's choice, if available, from those serving at the USDB, including contracted civilian clergy support. The chaplain will be available to assist the prisoner and the prisoner's Family as soon as the prisoner is notified of the scheduled date of the execution.

2-8. Training

a. The PMG will ensure that the HQDA, EMCT has sufficient written guidance and direction and clear delineation of the EMCT mission in monitoring and coordinating the necessary pre- and post- execution requirements.

b. The CMDT, USDB will ensure that all individuals selected and designated as members of the EWT are sufficiently trained to carry out the execution and attendant functions in a professional and military manner.

Chapter 3 Execution Procedures

3-1. General

a. Military executions will be by lethal injection.

b. The identities of the military personnel and the execution team who participate in military executions will be kept confidential to the fullest extent permitted by law.

3–2. Execution by lethal injection

a. The execution is conducted by means of continuous intravenous administration of a lethal substance, or substances, in a quantity sufficient to cause death. All lethal substances, or residue thereof, remaining after completion of the execution will be disposed of appropriately.

b. The condemned prisoner will be moved from their cell to the execution area prior to the execution with a time duration limited to the minimum amount of time absolutely necessary to prepare the prisoner for execution.

(1) The condemned prisoner will be placed on the execution table and restrained by means of appropriate fasteners to ensure the safety and security of the prisoner and EWT personnel.

(2) Once the prisoner is secured to the table, the Execution Team will insert a large-bore intravenous channel into an appropriate vein, assure the flow of a normal saline solution, and connect the condemned prisoner to the electrocardiograph machine.

(3) The execution area will be cleared of all nonessential personnel. At that time, the curtains in the execution area will be opened and made visible to all assembled witnesses.

(4) Those personnel approved to witness the execution will be escorted from the witness assembly area to the witness viewing rooms prior to the opening of the curtains to the execution area. Witnesses arriving after others have been escorted to the witness viewing rooms will normally not be permitted to enter or view the execution. Once in the viewing area, all witnesses will receive a final briefing on the specifics of the procedure they are about to observe and the behavior and decorum expected. Those who fail to maintain the expected level of behavior will be removed.

(a) At no time will media representatives conduct interviews of witnesses while congregated in the witness assembly or viewing areas.

(b) At the time designated for the execution, the CMDT, USDB will read aloud the charge or charges, the finding of the court, the sentence, and the execution order. The CMDT, USDB will then order the execution to begin.

(c) Following the CMDT's reading of the information in paragraph 3–2*b*(4)(*b*) above, the execution team will administer the lethal agents.

(d) The execution team will monitor vital signs and notify the CMDT, USDB when no vital signs remain. The CMDT, USDB will then announce that the execution is complete. At that time all persons, including the witnesses, will leave the viewing area, except those designated members of the EWT responsible for removal of the body.

(e) The AFME representative will certify death and provide a report of death at the morgue or medical facility; conduct an autopsy; and secure syringes of lethal substances as required.

(f) The CMDT, USDB will notify the Fort Leavenworth Casualty Office of the prisoner's death. Persons authorized to direct disposition may designate the Army to provide the mortuary benefits.

Chapter 4 Post-Execution Procedures

4–1. After-action report

The CMDT, USDB, will prepare and send an after-action report to the PMG through the ACC not later than 72 hours after the condemned prisoner is pronounced dead.

4–2. Report of death

The designated AFME medical officer (forensic pathologist) will complete the appropriate report of death (autopsy examination report), prepare a death certificate, and provide a preliminary copy of the report to the CMDT, USDB, within 24 hours of the death. A copy of the report will be an enclosure to the CMDT's after-action report.

4–3. Role of the Armed Forces Medical Examiner

a. Title 10, U.S. Code, Section 1471 authorizes the AFME to conduct a forensic pathology investigation (including an autopsy) on a deceased condemned prisoner.

b. Under no circumstances will the AFME medical officer participate in any pre-execution or execution procedure.

Appendix A References

Section I Required Publications

Except where otherwise indicated below, the following publications are available on the Army Publishing Directorate Web site at: <http://www.apd.army.mil>.

AR 27-10

Military Justice (Cited in para 2-1a.)

AR 190-47

The Army Corrections System (Cited in paras 2-2b, 2-4a, 2-4b(2), 2-4c(1), 2-7a.)

AR 600-8-1

Army Casualty Program (Cited in para 2-1n.)

AR 638-2

Care and Disposition of Remains and Disposition of Personal Effects (Cited in paras 2-2c, 2-3b.)

UCMJ, Art. 71(a)

Execution of Sentence (Cited in para 1-4.) (Available at <http://www.army.mil/references/ucmj/>.)

UCMJ, Art. 71(c)(1)

Suspension of Sentence (Cited in para 2-1a.)

10 USC 1471

Forensic Pathology Investigations (Cited in para 4-3.) (Available at <http://www.gpoaccess.gov/uscode/>.)

Section II Related Publications

A related publication is a source of additional information. The user does not have to read a related reference to understand this publication.

DOD 7000.14-R, Volume 5

Financial Management Regulations

DODD 1300.22

Mortuary Affairs Policy

DODD 1325.04

Confinement of Military Prisoners and Administration of Military Correctional Programs and Facilities

DODI 1300.18

Department of Defense Personnel Casualty Matters, Policies, and Procedures

R.C.M. 1204(c)

Action on Decision by the Court of Appeals for the Armed Forces (Available at <http://www.jagcnet.army.mil/criminallaw/>.)

R.C.M. 1205(b)

Review by the Supreme Court (Available at <http://www.jagcnet.army.mil/criminallaw/>.)

R.C.M. 1207

Sentences Requiring Approval by the President (Available at <http://www.jagcnet.army.mil/criminallaw/>.)

10 USC 12301

Subtitle E-Reserve Components, Part II-Personnel Generally (Available at <http://uscode.house.gov/>.)

Section III
Prescribed Forms

This section contains no entries.

Section IV
Referenced Forms

DA Form 11-2
Internal Control Evaluation Certification

DA Form 2028
Recommended Changes to Publications and Blank Forms

DD Form 93
Record of Emergency Data (Prescribed in para 2-1*n*.)

Appendix B
Notification of Approved Death Sentence (Sample)

B-1. Notification Memorandum

The following is an example of a notification of an approved sentence to death.



SECRETARY OF THE ARMY
WASHINGTON

MEMORANDUM THRU Provost Marshal General, 2800 Army Pentagon, Washington,
DC 20310-2800

Commander, United States Army Corrections Command, 150 Army Pentagon,
Washington, DC 20310-0150

FOR Commandant, United States Disciplinary Barracks, 1301 North Warehouse Road,
Fort Leavenworth, KS 66027-2304

SUBJECT: Notification of Approved Sentence to Death

In accordance with Article 71(c) (1), Uniform Code of Military Justice, on ___ (date) the President of the United States approved the sentence of death in the case of United States v. Private _____ (name), ___-__-____ (SSN). A copy of the President's action is attached to this notification. You are directed to notify Private _____ (name) of the President's action.

Encl

Secretary of the Army
_____ date
_____ time

Figure B-1. Sample notification memorandum of an approved death sentence

B-2. Notification

The Commandant, USDB is directed to notify the prisoner of the approved sentence.

**Appendix C
Execution Order (Sample)**

C-1. Execution order

Execution order, United States v. Private _____.



**SECRETARY OF THE ARMY
WASHINGTON**

MEMORANDUM THRU

Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800

Commander, United States Army Corrections Command, 150 Army Pentagon,
Washington, DC 20310-0150

FOR Commandant, United States Disciplinary Barracks, 1301 North Warehouse Road,
Fort Leavenworth, KS 66027-2304

SUBJECT: Execution Order, United States v. Private _____ (name)

1. On _____ (date), The President of the United States, in the enclosed action, approved the sentence of death adjudged in the case of United States v. Private _____ (name), ___-__-__ (SSN).
2. This execution will take place at _____ (location), on _____ (date), at _____ (time), by lethal injection, in accordance with AR 190-55.
3. The execution officer will be the Commandant, United States Disciplinary Barracks.

Encl

Secretary of the Army

_____ date

_____ time

Figure C-1. Sample memorandum of execution order

C-2. Notice to the Commandant, U.S. Disciplinary Barracks

This memorandum gives notice to the Commandant, USDB about an SA-approved execution order.

Appendix D Press Release (Sample)

D-1. Initial press release

The following is an example of press release in regard to an approved sentence.

U.S. ARMY PRESS RELEASE

Army Schedules Date for Execution of _____

(Washington) The Army has scheduled the execution of _____ for _____ at _____.

Brief synopsis of court-martial—example: In 19XX, a court-martial panel sitting at Fort X, State convicted Rank Name, by unanimous vote, of committing several crimes in year in location, to include (list major specific crimes). The court-martial panel sentenced him or her to death for these crimes.

The Secretary of the Army has directed that _____ be executed by lethal injection, and the Army will be responsible for conducting the execution at the _____ based on an agreement with the Bureau of Prisons.

Only the President, as Commander-in-Chief of the Armed Forces, can approve the execution of a death sentence [Article 71(a), Uniform Code of Military Justice]. On _____, he approved the death sentence in the case of the United States v _____. The President took action following completion of a full appellate process which upheld the conviction and sentence to death.

_____ is currently housed in the U.S. Disciplinary Barracks, Fort Leavenworth, KS.

Note: An advisory will be sent in the coming weeks to media representatives regarding the establishment of a media information center and procedures for applying to be a media pool witness to this execution.

Figure D-1. Sample initial press release

D-2. Initial press release information

The press release should include a brief synopsis of the court-martial process concerning death sentences.

Appendix E Media Advisory (Sample)

E-1. Media advisory

The following is an example of a U.S. Army media advisory regarding an approved sentence to death.

U.S. Army Media Advisory

The Army has scheduled the execution of _____ for _____ at _____.

A media support center will be established at _____ to facilitate media coverage of the scheduled execution.

Due to space limitations, a pool will be used to give access to 2 media representatives to witness the execution. Media interested in participating as a member of the pool must attend the selection session scheduled for _____ at _____. Pool members will be provided with additional guidance upon selection. Please note: Media pool members will not be able to use any type of recording device in the witness room, to include video cameras, audio recording devices and still cameras. Sketch artists will not be allowed.

The center will open to all press [provide operation date and hours].

There will be a question and answer session at _____ to provide media with background information.

A block of hotel rooms have been set aside for the media. To reserve a room call the _____.

For more information please call _____.

Figure E-1. Sample U.S. Army media advisory

E-2. Media advisory information

The media advisory should include coverage information for the scheduled execution.

Appendix F Internal Control Evaluation Checklist

F–1. Function

To ensure the evaluation of key internal controls for administration of the Army Corrections System Procedures for Military Executions.

F–2. Purpose

The purpose of this checklist is to assist users in evaluating their key internal controls. It is *not* intended to cover *all* controls.

F–3. Instructions

Answers must be based on the actual *testing* of key internal controls such as document analysis, direct observation, interviewing, sampling, and simulation. Answers that indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls *must* be evaluated at least once every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification Statement).

F–4. Test questions

a. Have uniform HQDA policies for the scope and responsibilities of the Army Corrections System Procedures for Military Executions been established and coordinated with appropriate/interested DOD elements? (HQDA only).

b. Has the HQDA Execution Management and Coordination Team, led by the Army Corrections Command, developed detailed plans and procedures required for the execution of a prisoner with a Presidentially approved sentence of death?

c. Has all necessary coordination been completed between the Army Corrections Command, the Army Staff at HQDA, and the commander and staff of the U.S. Disciplinary Barracks to address the processes, procedures, and support (including facilities, the lethal drugs, administering personnel, training, and so forth) that are mission essential?

d. Has the ACC, in coordination with the Office of The Army Judge Advocate General, developed the lethal injection protocol the Army will use?

e. Has the ACC established a system to obtain the lethal drugs?

f. Has the ACC established a system for the accountability, storage, and disposal of the lethal drugs at the appropriate secure location?

g. Has the ACC, in coordination with appropriate DOD and HQDA elements, reviewed the EMCT SOP and obtained the Provost Marshal General's approval?

h. Have the DOD team members supporting the execution at HQDA (EMCT) and at the execution location been properly trained?

F–5. Supersession

This evaluation replaces the evaluation for administering military execution procedures previously published in AR 190–55, dated 17 January 2006.

Glossary

Section I Abbreviations

ACC

Army Corrections Command

AFME

Armed Forces medical examiner

AR

Army Regulation

ASA (M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

CDR

commander

CPA

Chief, Public Affairs

CLL

Chief of Legislative Liaison

CMDT

commandant

DA

Department of the Army

DOD

Department of Defense

DODD

Department of Defense Directive

EMCT

Execution Management and Coordination Team

GS

General Schedule

HQDA

Headquarters, Department of the Army

MOC

Media Operations Center

EWT

Execution Watch Team

MTF

medical treatment facility

NOK

next of kin

OCLL

Office of the Chief of Legislative Liaison

OCPA

Office of the Chief Public Affairs

OGC

Office of the Army General Counsel

OTJAG

Office of The Judge Advocate General

OTSG

Office of The Surgeon General

PMG

Provost Marshal General

RCM

rule for court-martial

SA

Secretary of the Army

SOP

standing operating procedure

TDS

Trial Defense Service

TJAG

The Judge Advocate General

TSG

The Surgeon General

UCMJ

Uniform Code of Military Justice

USDB

U.S. Disciplinary Barracks

Section II**Terms****Execution Management and Coordination Team**

Representatives from HQDA key staff elements responsible for monitoring and coordinating the execution policy and procedures to conduct a presidentially approved death sentence.

Execution officer

The officer appointed to carry out the execution in the manner affirmed and/or approved by the SA.

Execution Team

The personnel, specifically trained and medically certified, responsible for the actual conduct of the execution by lethal injection.

Officer in charge (OIC), Execution Watch Team

The officer in charge, appointed by the CMDT, USDB, responsible for the custody and control of the condemned prisoner and establishment and termination of redundant special communications.

Section III**Special Abbreviations and Terms**

This section contains no entries.

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