



DEPARTMENT OF CORRECTIONS
MONTANA STATE PRISON
OPERATIONAL PROCEDURE

Procedure:	MSP 3.6.1 EXECUTIONS	
Effective Date:	February 5, 2001	Page 1 of 2 and No Attachments
Revision Date(s):	September 1, 2020	
Reference(s):	DOC Policy 3.6.1	
Signature:	Jim Salmonsens / Interim Warden	

I. PURPOSE

To ensure that death sentences are carried out in the manner prescribed by law.

II. DEFINITIONS

Death Warrant – An official order for the execution of a condemned person.

Warden – Refers to the Montana State Prison Warden.

III. PROCEDURES

A. Death Warrant

1. When an execution date is set by the court for a condemned offender, a certified copy of the death warrant must be delivered to the Director of the Department of Corrections by the sentencing county pursuant to *46-19-1-3 MCA*. The warrant must indicate the following;
 - a. the conviction;
 - b. judgement;
 - c. date of execution; and
 - d. duration of the warrant.

B. Execution Manual

1. The execution procedural manual is a confidential document maintained by the Warden.
2. The execution procedural manual must address specific details in and around the execution process, including at a minimum, the following areas;
 - a. pre-execution procedures
 - 1) communications
 - b. execution procedures
 - 1) security zones
 - 2) crowd control
 - c. post execution procedures
 - 1) searches
 - d. stays, commutations, and other delays
 - 1) security pass list
 - e. witnesses
 - 1) training
 - 2) briefing
 - f. news media

- 1) post orders

C. Method of Execution

1. The punishment of death must be inflicted by administration of a continuous intravenous injection of a lethal quantity of an ultra-fast acting barbiturate in combination with a chemical paralytic agent, until a coroner pronounces that the offender is dead according to accepted standards of medical practice.

D. Executioner

1. The execution must be performed by a person selected by the Warden and trained to administer a lethal injection.
2. The person administering the injection need not be a physician, registered nurse or licensed practical nurse.
3. The Warden may also select an alternate executioner(s).
4. The Warden or the Warden's designee shall supervise the execution.
5. The identity of the executioner and alternate executioner(s) shall remain confidential.

E. Witnesses to the Execution

1. The Warden shall ensure that the execution will be observed by no more than 12 witnesses. The following are categories and numbers of witnesses allowed;
 - a. the condemned offender may select three witnesses.
 - b. the news media shall be allowed three witnesses.
 - c. the family of the victim shall be allowed three witnesses.
 - d. state witnesses shall be selected by the Department Director to be part of the 12 required witnesses.

F. Postponement

1. A dedicated communication line shall be established between the place of execution and the Governor's office. A second dedicated communication line shall be established between the place of execution and the State Attorney General's office. The dedicated lines shall remain open until the offender is pronounced dead or until a postponement is granted by one of the following;
 - a. a stay granted by a court of competent jurisdiction, which must be communicated directly to the Warden by the Attorney General's office.
 - b. A respite granted by the Governor, which shall be communicated directly to the Warden by the Governor or Governor's counsel.

IV. CLOSING

Questions concerning this procedure should be directed to the Department Director or Warden.

V. REFERENCES

53-1-203 MCA
46-19-103 MCA
46-23-315 MCA