



POLICY DIRECTIVE

| | |
|-------------------|---|
| Policy: | DOC 3.6.1 EXECUTIONS |
| Effective Date: | 01/01/1998 Page 1 of 3 |
| Revision Date(s): | 07/16/2012; 04/24/2026 |
| Signature/Title: | /s/ Eric Strauss, Director |

I. POLICY

The Department will ensure that offender death sentences are carried out in the manner prescribed by law.

II. APPLICABILITY

Department adult secure facilities.

III. DEFINITIONS (see Glossary)

IV. REQUIREMENTS

A. Death Warrant

1. When an execution date is set by the court for a condemned offender, the sentencing county must deliver a certified copy of the death warrant to the Department Director pursuant to 46-19-103, MCA.
2. The death warrant must indicate the following elements:
 - a. conviction;
 - b. judgment;
 - c. date of execution; and
 - d. duration of warrant.

B. Procedure Manual

1. The execution procedure manual must address the specific details of the execution process including, at minimum, the following:
 - a. pre-execution procedures;
 - b. execution procedures;
 - c. post-execution procedures;
 - d. stays, commutations, and other delays;
 - e. witnesses;
 - f. communications;
 - g. news media;
 - h. security zones/crowd control;
 - i. searches;
 - j. security pass list;
 - k. training and briefing; and
 - l. post orders.

C. Place and Time of Execution

1. The Montana State Prison Warden will provide a location in which executions will be carried out for either male or female offenders sentenced to death.

2. The execution area will be enclosed from public view, within the secure perimeter of the Montana State Prison, and have all the necessary items available for the execution.
3. The execution will take place after midnight at a time identified by the Warden on the date set by the court.

D. Method of Execution

1. The punishment of death must be administered pursuant to 46-19-103 (3), MCA.

E. 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 select an alternate executioner(s).
4. The executioner's identity will remain confidential.
5. The Warden or Warden's designee will supervise the execution.

F. Witness to the Execution

1. The Warden will ensure that the execution is observed by no more than 12 witnesses. The witnesses, to the extent possible, will include:
 - a. three persons designated by the person to be executed;
 - b. three persons designated by the family of the victim of the crime;
 - c. three persons chosen by the Department; and
 - d. three persons from the news media.
2. The Department may reject a potential witness if the individual:
 - a. poses a risk to the safety or security of Department personnel, other witnesses, or any other person; or
 - b. may be perceived as likely to disrupt proceedings due to the individual's emotional or mental state.
3. No persons under age 18 or persons under the care or custody of the Department will be permitted to observe the execution.
4. Department staff or other approved persons necessary to carry out the execution may not be counted as witnesses.

G. Postponement

1. A dedicated communications line will be established between the place of execution, Warden's office, Department Emergency Operations Center (EOC), and the Governor's Office.
2. A second dedicated communications line will be established between the place of execution, Warden's office, Department Emergency Operations Center (EOC), and the State Attorney General's Office.
3. The dedicated lines will remain open until the offender is pronounced dead or until a postponement is granted by one of the following circumstances:
 - a. a stay is granted by a court of competent jurisdiction that will be communicated directly to the Warden by the Attorney General's Office; or

- b. a respite is granted by the Governor that will be communicated directly to the Warden by the Governor or the Governor's counsel.

V. CLOSING

Questions about this policy should be directed to the Department Director or the appropriate Warden.

VI. REFERENCES

- A. §§ 46-19-103, MCA; 46-23-315, MCA