

**Army Regulation 190-55**

**Military Police**

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

**Headquarters  
Department of the Army  
Washington, DC  
1 November 1999**

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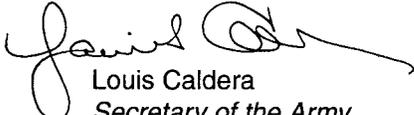
\*Army Regulation 190-55

1 December 1999

**Military Police**

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

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Louis Caldera  
Secretary of the Army

**History.** This printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

**Summary.** This regulation revises policies 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 U.S. Army Reserve, and the Army National Guard when in title 10, United States Code status.

**Proponent and exception authority.** The proponent of this regulation is the Deputy Chief of Staff for Operations and Plans (DCSOPS). The DCSOPS has the authority to approve exceptions to this

regulation that are consistent with controlling law and regulation. The DCSOPS may delegate the approval authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

**Army management control process.** This regulation contains management control provisions in accordance with AR 2-11 but does not identify key management controls that must be evaluated.

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from Headquarters, Department of the Army (DAMO-ODL).

**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 (DAMO-ODL), 400 Army Pentagon, Washington, DC 20310-0400.

**Distribution.** This publication is available in electronic media only and is intended for command level D for the Active Army, Army National Guard, and U.S. Army Reserve.

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\* This regulation supersedes Army Regulation 190-55, 27 October 1986.  
AR 190-55 ● 1 November 1999

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# Summary of Change

Army Regulation 190-55

This revision —

- Includes execution policy and procedures for all death-sentenced Army prisoners.
- Adds, modifies, and elaborates on responsibilities of the chain of command (para 1-4).
- Adds the requirement to contract for personnel to conduct medical tasks during the execution phase (para 1-4).
- Adds the requirement for an Execution Management and Coordination Team (para 1-4).
- Specifies the location for all military executions (para 1-4a).
- Adds the requirement for an Execution Watch Team (para 1-4k).
- Includes expanded and detailed notification procedures (para 2-1).
- Elaborates on required special communications (para 2-7).
- Changes the designated time for executions (para 3-1b).

## **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 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 (Article 71(a), Uniform Code of Military Justice (UCMJ) and Rules For Courts-Martial (RCM) 1207, Manual for Courts-Martial (MCM)(1998 Edition)). All death sentences will be carried out by lethal injection at the United States Disciplinary Barracks (USDB). When the President approves a death sentence, specific responsibilities are as follows:

- a. The Secretary of the Army (SA) will—
  - (1) Affirm the manner of execution as death by lethal injection.
  - (2) Affirm the USDB as the location for the execution.
  - (3) Prescribe the date of execution, which shall be no sooner than 60 days from the date of approval by the President for the sentence of death. If the date designated for execution passes by reason of a stay of execution, the Commandant, USDB, shall designate a new date no sooner than 14 days, but no later than 30 days, after the stay of execution is lifted, unless otherwise directed by the SA.
  - (4) Inform the Deputy Chief of Staff for Operations and Plans (DCSOPS) of the approved manner, location, and date of the execution.
  - (5) Provide notification to and allow for a State witness, at no cost to the Federal Government, for those members of the National Guard who receive a sentence of death for offenses committed while on active duty under title 10, United States Code.
- b. The Deputy Chief of Staff for Operations and Plans will—
  - (1) Establish policies and coordinate procedures necessary to carry out the execution order.
  - (2) Notify the Chief of Legislative Liaison (CLL); the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)); the Army General Counsel; the Chief of Public Affairs (SAPA); The Judge Advocate General (TJAG); The Surgeon General (TSG); the Commanding General, U.S. Army Training and Doctrine Command (TRADOC); and other commands, as appropriate, as to the manner, date, time, and location of the execution.

- (3) Establish a Headquarters, Department of the Army (HQDA), Execution Management and Coordination Team (EMCT) composed of all key staff elements whose responsibilities are to monitor and coordinate the preparation for, and the conduct of, the execution. The EMCT will be activated and will operate in the Army Operations Center, Pentagon, unless otherwise directed by the Secretary of the Army.
  - (4) Ensure establishment of telephonic communications in accordance with paragraph 2-6 of this regulation.
  - (5) Provide sufficient written guidance and direction to the EMCT.
  - (6) Contract for the following services:
    - (a) Acquisition of lethal substance for lethal injection.
    - (b) Medical or other qualified personnel to insert IVs into the condemned prisoner.
    - (c) Medical or other qualified personnel to monitor electrocardiograph machine and notify the Commandant, USDB, when no vital signs remain, and to pronounce death.
- c. The Army Judge Advocate General will—
- (1) Notify the DCSOPS; the Army General Counsel (AGC); the Chief, Legislative Liaison (CLL); the Office of the Secretary of the Army (OSA); the ASA (M&RA); the Chief of Public Affairs (SAPA); the civilian counsel for the sentenced prisoner; the Chief, Defense Appellate Division; the Chief, Government Appellate Division; and the victim, if surviving, or the victim's designated next-of-kin, if not surviving, as the status of any death sentence action changes. Notifications should occur when the case leaves the Department of Defense, when it is sent to the President, when the President approves or disapproves any sentence of death, and whenever stays are applied or lifted by the courts.
  - (2) Maintain liaison with the Department of Justice and the White House.
  - (3) Designate an officer as the Office of the Judge Advocate General (OTJAG) representative to the EMCT.
- d. The Army Chief of Public Affairs 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.
- e. The Army Chief of Legislative Liaison 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 Chief of Legislative Liaison on the EMCT.
- f. The Army Surgeon General will—
- (1) Designate a local medical facility to provide medical support.

- (2) Designate medical personnel to provide medical assistance to the prisoner as a patient.
- (3) Designate medical personnel to certify death and to provide a report of the prisoner's death after the prisoner has been pronounced dead.
- g.* The Commanding General, U.S. Army Training and Doctrine Command will—
  - (1) Forward the execution order to the Commander, Combined Arms Center (CAC) and Fort Leavenworth.
  - (2) Provide oversight on the USDB's development of the execution training program.
  - (3) Designate an officer as liaison to the EMCT.
  - (4) Provide copies of the execution plans to HQDA (DAMO-ODL).
- h.* The Commander, CAC and Fort Leavenworth will—
  - (1) Forward the execution order to the Commandant, USDB.
  - (2) Provide installation support for the execution.
- i.* The Commandant, USDB will—
  - (1) Act as execution officer responsible for the conduct of the execution at that facility.
  - (2) Develop comprehensive internal procedures (execution plan) to implement the execution policy.
  - (3) Develop and implement a comprehensive training program to ensure that assigned cadre are prepared to provide necessary support for pre- and post-execution security and other requirements.
  - (4) Personally serve notification to the prisoner of the approved death sentence within 12 hours after receiving notification from the CAC Commander.
  - (5) Notify the condemned prisoner's next of kin (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. The Commandant will also obtain disposition instructions from the NOK for the executed prisoner's remains and, if appropriate, personal belongings.
  - (6) Submit to the DCSOPS, in writing, not later than 5 calendar days prior to the designated execution date, the names of personnel and NOK designated as witnesses.
  - (7) Provide Execution Watch Teams (EWTs).
  - (8) Ensure establishment of telephonic communications in accordance with paragraph 2-6 of this regulation.
  - (9) Provide a chaplain of the condemned prisoner's choice (by faith or by name) from those personnel providing pastoral care to USDB prisoners (including contract personnel).
  - (10) Ensure that witnesses are advised of, and acknowledge, the specific time and location where they are to assemble and, subsequently, be escorted to the witness viewing area.
  - (11) Prepare and submit an after-action report to the DCSOPS through the CAC Commander.

- j. The HQDA Execution Management and Coordination Team will—
  - (1) Assemble under the overall supervision of, and at the time and location prescribed by, the DCSOPS.
  - (2) Oversee functional areas during pre- and post-execution procedures and provide recommendations to the DCSOPS.
  - (3) Provide a representative to serve as a witness during execution of the death sentence.
  - (4) Review witness requests submitted by the Commandant, USDB and recommend to the DCSOPS approval or disapproval of the requests.
  - (5) Ensure establishment of telephonic communications as described in paragraph 2-6.
  - (6) Terminate communications following pronouncement of death by the designated medical officer.
- k. Commencing 48 hours prior to the execution, Execution Watch Team members will—
  - (1) Maintain continuous 24-hour observation, security, and supervision of the inmate.
  - (2) Thoroughly document all behavior, activity, and mental state.

**Chapter 2**  
**Pre-execution Procedures**

**2-1. Execution notification and coordination**

- a. If the sentence of death is final, in accordance with Article 71(c)(1), Uniform Code of Military Justice, 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 action of the President, pursuant to Rule for Courts-Martial 1204(c) or 1205(b) and AR 27-10.
- b. The SA will transmit the documents submitted by TJAG to the President for decision.
- c. Upon notification by the White House Liaison Office that the President has acted upon the death sentence, TJAG will notify OSA; ASA (M&RA); DCSOPS; AGC; CLL; SAPA; civilian counsel for the sentenced prisoner; Chief, Defense Appellate Division; and Chief, Government Appellate Division. There will be no media release until the prisoner has been notified. TJAG will prepare an execution order for signature of the SA designating the location, date, and manner of execution, in accordance with paragraphs 1-4a and 3-1a. TJAG will provide the approved execution order to the DCSOPS. The DCSOPS will notify the CG (TRADOC) and other major Army commands (MACOMs), as appropriate, of the manner, location, and date of the execution.
- d. The DCSOPS will—
  - (1) Activate the EMCT.
  - (2) Notify the CG, TRADOC, of the approved death sentence and the instructions of the SA.

- e. The CG, TRADOC will forward to the Commander, CAC and Fort Leavenworth, this notification and orders appointing the Commandant, USDB as the Execution Officer.
- f. The Commander, CAC and Fort Leavenworth will forward to the Commandant, USDB, this notification and orders appointing the Commandant, USDB as the Execution Officer.
- g. The Commandant, USDB, will implement the execution plan and personally notify the prisoner of the approved death sentence within 12 hours of receiving notification from the Commander, CAC and Fort Leavenworth. The following representatives will be present during the notification:
  - (1) A chaplain from the Directorate of Pastoral Care, USDB.
  - (2) A Trial Defense Service attorney from the USDB, or the supporting Regional TDS office.
- h. Once the prisoner has been formally notified of the pending execution, the prisoner's status will be changed to that of "condemned prisoner," and the Commandant will notify the DCSOPS that the notification has been completed.
- i. The DCSOPS will notify TJAG and the SAPA that the prisoner has been notified. TJAG will then notify the victim, (if surviving) that the President has acted upon the death sentence. The SAPA will then be authorized to release information to the media.
- j. After the President has approved an execution, additional clemency petitions or requests for stays and recommendations will be provided to TJAG, who will deliver them to the White House liaison office. A copy will be furnished to the SA, Department of Justice and the counsel for the accused.

## **2-2. Disposition of personal property**

- a. The condemned prisoner's personal property and funds will be accounted for per AR 210-174, paragraph 2-3.
- b. Arrangements will be made for disposition of personal property prior to execution per AR 190-47.
- c. If the condemned prisoner elects not to, 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 Commandant, USDB, will coordinate notification of the condemned prisoner's NOK prior to execution to obtain disposition instructions for the remains and, if appropriate, personal belongings.
- b. The disposition of the remains will be made per AR 638-2.
- c. If NOK does not claim the deceased prisoner's remains, the prisoner will be buried in the USDB inmate cemetery. Burial in a post cemetery is governed by AR 210-190.

## **2-4. Public affairs**

- a. *General.* AR 190-47 governs access to Army corrections facilities by the public and news media.
- b. *Media news releases.*

- (1) The SAPA will coordinate the release of all information regarding executions within the Army correctional system.
- (2) Per AR 190-47, telephonic or personal interviews with the condemned prisoner by news media are not permitted.

*c. Visits.*

- (1) AR 190-47 governs visits.
- (2) The Commandant, USDB, may permit visits in the case of a condemned prisoner consistent with the security requirements of the institution and the condemned prisoner.

## **2-5. Witnesses**

*a. Selection.* Only staff members and witnesses may be present during the execution. Those individuals are—

- (1) The Commandant, USDB.
- (2) A representative from ODCSOPS.
- (3) A cadre of the USDB, as deemed appropriate by the Commandant, for security purposes and to ensure professional military conduct of the execution.
- (4) The execution team.
- (5) The prisoner's counsel of record, if requested by the condemned prisoner (maximum of one counsel).
- (6) A chaplain from the Directorate of Pastoral Care, USDB (including contracted chaplain support).
- (7) A minimum of two media representatives, selected under the direction of SAPA, from a pool of media representatives requesting to witness the execution.
- (8) Representatives of the condemned prisoner's family, if requested by the prisoner and approved by the DCSOPS.
- (9) A representative of the affiliated State, if the condemned prisoner was a member of the Army National Guard at the time of the offense.
- (10) The victim (if surviving), or one relative of the victim, or one representative of the victim.
- (11) No person under the age of 18 shall witness the execution.

*b. Approval of witnesses.*

- (1) The Commandant, USDB, will submit, in writing, the names of all (less news media witnesses) personnel designated to serve as witnesses, and those requested by the condemned prisoner, for consideration and approval not later than 5 calendar days prior to the approved date of execution.
- (2) The witness request list (less news media witnesses) will be forwarded to Headquarters, Department of the Army, (DAMO-ODL), 400 Army Pentagon, Washington, DC 20310-0440.
- (3) The witness request list (less news media witnesses) will be reviewed and approved by the DCSOPS.

## **2-6. Special communications**

- a. Telephonic communications for executions must be established a minimum of 30 minutes prior to the time designated for the execution. Communications will be established between—
  - (1) The White House Situation Room and the OSA.
  - (2) The OSA and the EWT at the USDB.
  - (3) The OSA and the EMCT at the Army Operations Center.
  - (4) The EMCT and the EWT.
- b. Telephonic 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.
- c. Redundant telephonic connections will be established between the White House Situation Room and the SA and EWT, with both connections manned without interruption until the condemned prisoner has been pronounced dead by the designated medical personnel.
- d. The Chief, EMCT will provide telephone numbers not later than 24 hours prior to the scheduled time of execution.
- 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 plus an additional 30 minutes. Upon reestablishment of communications, the Commandant, USDB, will announce the new designated time of 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 Commandant, USDB, immediately upon the designated medical personnel's pronouncement of the exact time of death of the condemned prisoner. The officer in charge (OIC) 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 services 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. Other than TDS, legal counsel will not be present when the death-sentenced prisoner is notified that the execution has been approved. Following notification, the legal counsel will advise the prisoner of any further legal action available for seeking a stay of the execution, will provide other appropriate legal advice regarding the execution, and will assist the condemned prisoner in settling his or her 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. The TSG will appoint a senior medical officer to certify death following the execution and to provide a death certificate, which will accompany the report of execution.

- e. The Commandant, USDB, will provide a chaplain of the condemned prisoner's choice, if available, from those serving at the USDB (including contracted chaplain 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.

### **Chapter 3**

#### **Execution Procedures**

##### **3-1. General**

- a. Military executions will be by lethal injection.
- b. The Secretary of the Army will establish the manner, location, and date of execution. Executions will normally occur at 2200.

##### **3-2. Execution by lethal injection**

- a. The execution is conducted by means of a continuous intravenous administration of a lethal substance, or substances, in a quantity sufficient to cause death.
  - (1) All lethal substances, or residue thereof, remaining after completion of the execution will be disposed of by the execution team.
  - (2) The Commandant, USDB, is also authorized to acquire, from the local medical treatment facility, an oral or other type of tranquilizer, saline solution, and an electrocardiograph machine.
- b. At a time (duration limited to the minimum amount of time absolutely necessary to prepare the prisoner for execution) prior to the execution, the condemned prisoner will be moved to the execution area from his or her cell. Neither the execution area, nor the transfer of the prisoner to the area, will be visible to any personnel other than those determined essential for the security of the prisoner and those involved in the actual conduct of the execution.
  - (1) The condemned prisoner will be placed on the execution table with arms, legs, and chest restrained by means of appropriate fasteners.
  - (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. The executioner and assistant executioner will move to an area out of sight of all other personnel. At that time, the execution area will be opened and made visible to all assembled witnesses.
  - (4) Prior to opening the execution area to view by the witnesses, those personnel approved to witness the execution will be escorted from the witness assembly area to the viewing room. Those witnesses arriving after the others have been escorted to the witness viewing room will normally not be permitted to enter or view the execution. Once in the viewing area, all witnesses will be given a final briefing on the specifics of the procedure they are about to observe and the behavior and decorum expected. Those who cannot 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 Commandant, USDB, will read aloud the charge, the finding of the court, the sentence, and the orders. The Commandant, USDB will then order the execution to begin.
- (c) At that time, the execution team will administer the lethal agents.
- (d) The execution team will monitor vital signs and notify the Commandant, USDB, when no vital signs remain. The Commandant, USDB, will then announce that the execution is completed. 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) A medical officer, appointed by TSG, will certify death and provide a report of death at the morgue or medical facility.
- (f) The designated medical officer will notify the Fort Leavenworth Casualty Office of the prisoner's death. Persons authorized to direct disposition (PADD) may designate the Army to provide the mortuary benefits.

### **3-3. Training**

- a. The Chief, DAMO-ODL, will ensure that the 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 Commandant, USDB, will ensure that all individuals selected and designated as members of the EWTs are sufficiently trained to carry out the execution and attendant functions in a professional and military manner.

## **Chapter 4**

### **Post-execution Procedures**

#### **4-1. After action report**

The Commandant, USDB, will prepare and send an after-action report through TRADOC to HQDA (DAMO-ODL) not later than 72 hours after the condemned prisoner is pronounced dead.

#### **4-2. Report of death**

The designated medical officer will complete the appropriate report of death. A copy of the report will be an enclosure to the Commandant's after-action report.

## **Appendix A References**

### **Section I Required Publications**

#### **AR 27-10**

Legal Services: Military Justice (para 2-1a)

#### **AR 190-47**

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

#### **AR 210-174**

Accounting Procedures for Prisoners' Personal Property and Funds (para 2-2a)

#### **AR 210-190**

Post Cemeteries (para 2-3c)

#### **AR 638-2**

Care and Disposition of Remains and Disposition of Personal Effects (para 2-3c)

#### **MCM**

Manual for Courts-Martial, United States (1998 Edition) (para 1-4)

#### **UCMJ**

Uniform Code of Military Justice (para 1-4)

### **Section II Related Publications**

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

#### **AR 11-2**

Management Control

#### **DODD 1325.4**

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

### **Section III Prescribed Forms**

This section contains no entries.

### **Section IV Referenced Forms**

This section contains no entries.

## **GLOSSARY**

### **Section I Abbreviations**

#### **AGC**

Army General Counsel

#### **ARNG**

Army National Guard

#### **CAC**

Combined Arms Center

#### **CLL**

Chief of Legislative Liaison

#### **DAMO-ODL**

Security, Force Protection, and Law Enforcement Division, ODCSOPS

#### **DCSOPS**

Deputy Chief of Staff for Operations and Plans

#### **EMCT**

Execution Management and Coordination Team

#### **EWT**

Execution Watch Team

#### **HQDA**

Headquarters, Department of the Army

#### **MACOM**

major Army command

#### **MCM**

Manual for Courts-Martial

#### **NOK**

next of kin

#### **ODCSOPS**

Office of the Deputy Chief of Staff for Operations and Plans

#### **OIC**

officer in charge

#### **OSA**

Office of the Secretary of the Army

#### **OTJAG**

Office of the Judge Advocate General

#### **SA**

Secretary of the Army

#### **SAPA**

Chief of Public Affairs

**TJAG**

The Judge Advocate General

**TRADOC**

U.S. Army Training and Doctrine Command

**TSG**

The Surgeon General

**USAR**

United States Army Reserve

**USDB**

United States Disciplinary Barracks

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

Representative 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/approved by the SA.

**Execution Team**

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

**OIC, Execution Watch Team**

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

**Section III****Abbreviations and Special Terms**

This section contains no entries.

## **Index**

This index is organized alphabetically by topic and subtopic. Topics and subtopics are identified by paragraph number, selected topics by table number.

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