

Army Regulation 190–55

Military Police

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

**Headquarters
Department of the Army
Washington, DC
17 January 2006**

UNCLASSIFIED

SUMMARY of CHANGE

AR 190-55

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

This major revision dated 17 January 2006-

- o Changes the title to U.S. Army Corrections System: Procedures for Military Executions to be in line with other corrections regulations (cover).
- o Streamlines the responsibilities and procedures (para 1-4).
- o Realigns responsibilities from Deputy Chief of Staff, G-3/5/7 to the Provost Marshal General (para 1-4b).
- o Allows other locations be used to carry out executions (para 1-4b(6)).
- o Allows the Provost Marshal General to delegate the contracting of required services to the Commandant, United States Disciplinary Barracks (para 1-4b(7)(e)).
- o Clarifies the role of The Surgeon General (para 1-4f).
- o Allows the Commandant, United States Disciplinary Barracks to approve the list of witnesses (less news media) (para 2-5a(1)).
- o Expands on the role of the Armed Forces Medical Examiner (para 4-2).
- o Shows examples of notification letter and execution order (apps B and C).

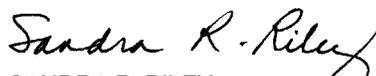
Military Police

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:


SANDRA R. RILEY
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Secretary of the Army*

History. This publication is a major revision. The portions affected by this major revision are listed in the summary of change.

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 management control process. This regulation does not contain management control provisions.

Supplementation. Supplementation of

this regulation and establishment of command and local forms are prohibited without prior approval from Headquarters, Department of the Army, Provost Marshal General (DAPM–MPD–CI), 2800 Army Pentagon, Washington, DC 20310–2800.

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, Provost Marshal General (DAPM–MPD–CI), 2800 Army Pentagon, Washington, DC 20310–2800.

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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*This regulation supersedes AR 190–55, dated 1 November 1999.

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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 (Article 71(a)), Uniform Code of Military Justice (UCMJ, Art. 71(a)) and Manual for Courts–Martial (MCM) (2005 Edition)), Rules for Courts–Martial (RCM) 1207. Department of Defense Directive (DODD) 1325.4 appoints the Secretary of the Army (SA) as the Department of Defense (DOD) executive agent for DOD Level III Corrections, and as such, shall provide a facility to carry out executions of military prisoners with approved death sentences. When the President approves a death sentence, specific responsibilities are as follows:

a. The Secretary of the Army will—

(1) Provide the initial notification of the President’s approval of the death sentence via the Provost Marshal General (PMG) to the Commandant (CMDT), United States Disciplinary Barracks (USDB) (see app B).

(2) Approve the location for the execution.

(3) Prescribe the date of the 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 CMDT, 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) Provide the PMG with the approved manner (lethal injection), location, and date of the execution (see 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.

b. The Provost Marshal General will—

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

(2) Provide the signed execution order (as soon as possible, but not before the initial notification of the condemned prisoner) of the President’s approval of the death sentence through the Commanding General (CG), U.S. Army Training and Doctrine Command (TRADOC) to the CMDT, USDB.

(3) Notify the Office of the Chief of Legislative Liaison (OCLL); the Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA (M&RA)); the Office of the Army General Counsel (OGC); the Office of the Chief of Public Affairs (OCPA); the Office of the Judge Advocate General (OTJAG); the Office of the Surgeon General (OTSG); as appropriate, as to the manner, date, time, and location of the execution.

(4) Establish a Headquarters, Department of the Army (HQDA), Execution Management and Coordination Team (EMCT) composed of key staff elements whose responsibilities are to monitor and coordinate the preparation for, and the conduct of, the execution.

(5) Review and approve necessary standing operating procedures (SOPs) for EMCT upon notification of potential execution.

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

(7) Establish a contract for the following services. The PMG may delegate the establishment of the contract to the CMDT, USDB.

(a) Acquisition of lethal substance for lethal injection.

(b) Medical or other qualified personnel to insert intravenous needles into the condemned prisoner.

(c) Personnel to administer the lethal substance.

(d) Medical or other qualified personnel to monitor electrocardiograph machine or other necessary medical equipment and notify the CMDT, USDB, when no vital signs remain

c. The Judge Advocate General (TJAG) for the Army will—

(1) Prepare the initial written notification to be signed by the SA (see app B).

(2) 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 specify CMTD, USDB as the Execution Officer (see app C).

(3) Notify the PMG; General Counsel; Chief Legislative Liaison (CLL); Secretary of the Army; ASA (M&RA); chief, Public Affairs (CPA); TSG; civilian counsel for the sentenced prisoner; chief, Defense Appellate Division; chief, Government Appellate Division; and the victim, 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.

(4) Maintain liaison with the Department of Justice and the White House.

(5) Designate an officer as the OTJAG representative to the EMCT.

d. The 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 2 news media representatives to witness the execution

e. The 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 CLL on the EMCT.

f. The Surgeon General (TSG) will—

(1) Designate a local medical facility to provide medical support as required.

(2) Designate medical personnel to provide medical assistance to the prisoner as a patient as required.

(3) Designate medical personnel to pronounce death, provide a report of the prisoner's death after the prisoner has been declared dead and prepare a death certificate.

g. The Commanding General, TRADOC will—

(1) Forward the execution order to the CMTD, USDB, immediately upon receipt of the order.

(2) Coordinate installation support for the execution as required.

(3) Provide oversight on the USDB's development of the execution training program

h. The Commandant, USDB will—

(1) Act as 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 PMG and OTJAG that the prisoner has been informed of the President's decision.

(4) Develop a comprehensive Execution Plan, to include necessary SOPs and training support programs for pre- and post- execution requirements.

(5) 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.

(6) Obtain disposition instructions from the NOK for the executed prisoner's remains and personal belongings.

(7) Coordinate with a local medical treatment facility (MTF) to obtain an oral or other type of tranquilizer, saline solution, an electrocardiograph machine or other necessary equipment to support the contract execution team and the designated Government medical officer as required.

(8) Establish the Execution Watch Team (EWT).

(9) Establish a contract to conduct services per paragraph 1-4b(7)(a) through 1-4b(7)(d), above, if directed.

(10) Prepare and submit an After-Action Report to the PMG.

Chapter 2

Pre-Execution Procedures

2-1. Execution notification and coordination

a. If the sentence of death is final, 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 1-4c(3), above.

- c. The PMG will activate the EMCT per the EMCT SOP.
- d. Dissemination of the initial notifications 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 release will be coordinated and managed by the CPA.
- f. The CMDT, USDB, 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 the Trial Defense Service (TDS) attorney (if reasonably available).
- h. Dissemination of the execution order from the PMG may be via email or fax to TRADOC.
- 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 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 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 MTF must contact the office of the Armed Forces Medical Examiner (AFME) to confirm the notification and inquire if any support is needed from the MTF.

2-2. Disposition of personal property

- a. The condemned prisoner's personal property and funds will be accounted for per DOD 7000.14-R, Volume 5.
- b. Arrangements will be made for disposition of personal property prior to execution in accordance with 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 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 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. AR 190-47 governs access to Army corrections facilities by the public and news media.
- b. Media news releases—
 - (1) The CPA, in coordination with the EMCT will coordinate the release of all information regarding executions within the Army Corrections System.
 - (2) 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, in the case of a condemned prisoner consistent with the security requirements of the institution and 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 from PMG.
 - (3) The USDB cadre, as deemed appropriate by the CMDT, for security purposes and to ensure professional military conduct of the execution.
 - (4) Contracted 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 CPA, from a pool of media representatives requesting to witness the execution.
 - (8) Representatives of the condemned prisoner's family, if requested by the prisoner.

(9) The Governor of the afflicted state may designate a representative to be a witness, 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.

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 chief, HQDA, 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 EWT at the USDB.

(3) The SA and the EMCT.

(4) The EMCT and the EWT.

b. Communications for executions will be tested hourly for the 12 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, the SA and 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 plus an additional 30 minutes. Upon reestablishment of communications, the CMDT, 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 CMDT, 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 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. 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. The legal counsel will provide other appropriate legal advice regarding the execution, and will 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. The Surgeon General will appoint a senior medical officer to pronounce the death, report the death, and prepare the death certificate.

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

Military executions will be by lethal injection.

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 his 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 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 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 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 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 CMDT, USDB, will read aloud the charge or charges, the finding of the court, the sentence, and the execution orders. The CMDT, USDB will then order the execution to begin.

(c) Following the CMDT's reading of documents in *(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 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 senior medical officer, appointed by TSG, will certify death and provide a report of death at the morgue or medical facility.

(f) The senior medical officer 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 not later than 72 hours after the condemned prisoner is pronounced dead.

4–2. Report of death

The designated AFME medical officer will complete the appropriate report of death and provide a preliminary copy of the report to the CMDT, USDB, within 24 hours of the death. The AFME report is separate and distinct from that of the senior medical officer. A copy of the report will be an enclosure to the CMDT's After-Action Report.

Appendix A References

Section I Required Publications

AR 27–10

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

AR 190–47

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

AR 210–190

Post Cemeteries. (Cited in para 2–3c.)

AR 638–2

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

UCMJ, Art. 71(a) and 71(c)(1)

Execution of Sentence; Suspension of Sentence. (Cited paras 1–4 and 2–1a.)

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.

DOD 7000.14–R, Volume 5

Financial Management Regulations

DODD 1325.4

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

R.C.M. 1204(c)

Action on decision by the Court of Appeals for the Armed Forces. (Cited in para 1–4.) (Available at <http://www.jagcnet.army.mil/criminallaw>.)

R.C.M. 1205(b)

Review by the Supreme Court. (Cited in para 1–4.) (Available at <http://www.jagcnet.army.mil/criminallaw>.)

R.C.M. 1207

Sentences Requiring Approval by the President. (Cited in para 1–4.) (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

This section contains no entries.

Appendix B
Notification Letter

Sample Initial Notification from Secretary of the Army to be read by the Commandant, USDB to the prisoner upon notification that the President has approved a death sentence.

On _____ (Date), the President of the United States approved the entire sentence including the sentence of death in the United States v. _____ (Full Name of Prisoner) in accordance with Article 71(c)(1), Uniform Code of Military Justice.

Secretary of the Army
Signature

Appendix C
Sample Execution Order

MEMORANDUM THRU Provost Marshal General, 2800 Army Pentagon, Washington, DC 20310-2800
FOR Commandant, United States Disciplinary Barracks

1. On _____ (Date), The President of the United States approved the sentence, including the sentence to death in United States v. _____ (Full Name of Prisoner). This execution shall take place at _____ on _____, at _____ hours, by lethal injection, in accordance with AR 190-55.
2. The execution officer will be the Commandant, United States Disciplinary Barracks.

Secretary of the Army
Signature/Date/Time

Glossary

Section I Abbreviations

AFME

Armed Forces Medical Examiner

ASA (M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

CPA

chief, Public Affairs

CG

commanding general

CLL

Chief Legislative Liaison

CMDT

commandant

DOD

Department of Defense

DODD

Department of Defense Directive

EMCT

Executive Management and Coordination Team

EWT

Execution Watch Team

HQDA

Headquarters, Department of the Army

IAW

in accordance with

MCM

Manual for Courts–Martial

MTF

medical treatment facility

NOK

next of kin

OCLL

Office of the Chief of Legislative Liaison

OCPA

Office of the Chief of Public Affairs

OGC

Office of the Army General Counsel

OIC

officer in charge

OSA

Office of the Secretary of the Army

OTJAG

Office of The Judge Advocate General

OTSG

Office of The Surgeon General

PMG

Provost Marshal General

RCM

Rules for Courts–Martial

SA

Secretary of the Army

SOP

Standard Operating Procedure

TDS

Trial Defense Service

TJAG

The Judge Advocate General

TRADOC

U.S. Army Training and Doctrine Command

TSG

The Surgeon General

UCMJ

Uniform Code of Military Justice

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 and/or 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 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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