

# NEVADA DEPARTMENT OF CORRECTIONS

## EXECUTION MANUAL

### EM 102

## WITNESS SELECTION CRITERIA AND INSTRUCTIONS

**Effective Date:** September 15, 2021 (Replaces June 9, 2021 Version and revises EM 102.01.(H) - No other changes made)

### CONFIDENTIAL IN UN-REDACTED FORMAT: NO

#### AUTHORITY AND RESPONSIBILITY

The Director and designated Deputy Director will ensure that this manual is accurately revised and published upon order of the Governor prior to a scheduled execution.

#### 102.01 WITNESSES TO THE EXECUTION

- A. The Director of the Department of Corrections (“Director”) shall be present at the execution. NRS 176.355(2)(c).
- B. The Director shall invite the following to be present at the execution (NRS 176.355(2)(e)):
  1. A competent Physician;
  2. The County Coroner (in White Pine County this person is the same as certain trained members of the White Pine County Sheriff’s Department);
  3. A psychiatrist;
  4. Not less than six (6) reputable citizens over the age of 21 years.

In addition, the following may be invited to be present at the execution:

- The County Sheriff; (in White Pine County, certain members of the Sheriff’s Department are trained as county coroner’s)
- A local mortician;
- The spiritual advisor of the condemned inmate who is scheduled to be executed and/or the facility chaplain;
- The District Attorney of the sentencing county;
- Immediate family members of the condemned inmate;
- One attorney of record of the condemned inmate; and

- Anyone else the Director in his discretion wishes to invite.
- C. Two weeks prior to the scheduled execution, the designated Warden will provide notification to the Department of Public Safety, Sheriff and Coroner in writing of the execution and request a police unit from both agencies to be on-site for the execution. A letter will be hand delivered to all three of those agencies by a NDOC staff member.
- D. The Director, in his sole discretion, shall determine the maximum number of persons who may be present for the execution per NRS 176.355(2)(e). If all who are invited also elect to attend, there will be up to four specific groups of witnesses: Official witnesses, Victim witnesses, Media witnesses and Inmate Family members.
- E. The Director shall give preference to those eligible members or representatives of the immediate family of the victim who requested, pursuant to NRS 176.357, to attend the execution. NRS 176.355(2)(c).
1. The Director shall notify those members of the immediate family of the victim who have, pursuant to NRS 176.357, requested to be informed of the time, date and place scheduled for the execution. NRS 176.355(2)(d).
- F. A person who has not been invited by the Director may not witness the execution. NRS 176.355(4).
- G. One week prior to scheduled execution date a confidential list of approved Official, Victim and Media Witnesses as well as Inmate Family members will be finalized and distributed to the Execution Management Team.
- H. A person who has been invited by the Director as witnesses will be permitted to view and hear the execution from the moment the condemned inmate is escorted into the Execution Chamber Room until such time as the execution is completed.

## **102.02 WITNESSES PROCEDURE**


- A. A person who has been invited by the Director to witness the execution will be provided with individualized instructions two weeks prior to scheduled execution regarding the location and time that they will need to arrive prior to the execution to be checked-in and processed.
- B. Witnesses to the execution must present proof of a valid current State or Federally issued photo identification (i.e. Driver's License, Passport, or Consular I.D.), and other vital information upon request, prior to being issued a Witness/Media Pass and being permitted to gain entry to the institution/facility where the execution will take place and/or any other pre-execution staging areas.
- C. Witnesses to the execution must submit to a search of their person (i.e. clothed body search and metal detector inspection), vehicle or any other property, that they have brought onto NDOC property.

1. All witnesses and inmate family members will be required to complete and sign a Consent to Search (DOC 1615) prior to being allowed into the institution/facility.
  2. To the extent any testing is needed for contagious diseases (e.g. COVID-19), all individuals agree that they will consent to testing prior to entry into the facility to the same extent any other visitor entering an NDOC facility would be required to do so.
- D. No witness to the execution, including Media Witnesses, will be permitted to take any cameras, recording devices, cell phones, or personal items into the institution/facility where the execution will take place and/or any other pre-execution staging areas.
1. Any attempt to bring cellphones, recording or photography equipment (i.e. cameras or recording devices) into the institution/facility where the execution will take place and/or any other pre-execution staging areas will result in immediate revocation of the Director's previously issued invitation to witness the execution.

**NO ATTACHMENTS: SEE CEM 112 FOR ALL EXECUTION RELATED FORMS**

**I, Charles Daniels, hereby state and declare that this Protocol, EM 102, was amended on September 15, 2021 to make changes to EM 102.01(H). No other revisions to EM 102 Protocol dated June 9, 2021 have been made. This version of EM 102 shall supersede and replace the June 9, 2021 Version of EM 102.**

**Signature Authority:**

  
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 Director Charles Daniels

9-15-21  
 Date