

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Victim Involvement in the Execution Process	PAGE <u>1</u> OF <u>3</u>
	NUMBER: 03-OVS-06
RULE/CODE REFERENCE:	SUPERSEDES: 03-OVS-06 dated 11/22/04
RELATED ACA STANDARDS:	EFFECTIVE DATE: April 16, 2014
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish procedures that provide for the involvement of survivors of victims of death row inmates during the process of implementing the death penalty.

III. APPLICABILITY

This policy applies to all Department staff who might be involved in the execution of an inmate and/or crime survivors of victims of capital crimes.

IV. DEFINITIONS

Closed Circuit Viewing - Alternative method of viewing executions in a location separate and apart from the death house witness areas, involving closed circuit television connection from the death chamber to another location staged for viewing. At no time are these procedures videotaped or electronically broadcast beyond the perimeter of the prison grounds.

Immediate Family of the Victim(s) - For purposes of this policy, “close relative” or “immediate family” of the victim is defined as the following:

- The spouse of the victim at the time of the victim’s death;
- The parent or stepparent of the deceased victim;
- An adult brother, sister, child or stepchild of the deceased victim;
- Designated victim representative pursuant to ORC 2930.02.

Victim Witnesses - Those individuals, designated by the immediate family of the victim(s) who witness the execution.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) to keep the relatives of the victim(s) apprised of all procedures and actions related to the imposition of the death sentence, if they request such participation.

VI. PROCEDURES

- A. The Office of Victim Services shall notify registered victims of the offender's application for pardon or clemency at the time of the application, and pending hearing to review such application. Notice of any hearing shall be given registered victims within 60 calendar days prior to the hearing. Regardless of the opinion of the victim(s) family members have regarding the death penalty and what outcome they are seeking, OVS shall work with them as requested to insure that their voices are heard throughout the clemency process
- B. OVS shall be notified of scheduled or pending executions approximately 30 calendar days prior to the scheduled execution date, in accordance with policy Department Policy 01-COM-11, Execution. If there are no close relatives of the deceased victim(s) in the victim notification database, OVS shall review the offender's file in an attempt to locate a close relative of the deceased victim(s).
- C. Per Department Policy 01-COM-11, Execution, no more than three witnesses for the execution may be designated by the victim's family. The OVS shall be responsible for processing requests to witness an execution from the immediate family of the deceased victim(s) and work in conjunction with the Managing Officer at SOCF to approve the final witness list. It is the responsibility of the immediate family to notify the OVS of address or name changes. The immediate family members attending the execution are permitted to bring a support person/s who shall remain in the designated waiting area.
- D. If the person(s) requesting to witness an execution is not a close relative of the deceased victim(s), was not designated to be a witness by a close relative, or was not designated as a victim representative, OVS shall inform them that they are not permitted to attend the execution
- E. In the event there were other homicides that were not prosecuted, the surviving family members of those victims may be permitted by the SOCF Managing Officer to view the execution via closed circuit. The SOCF Managing Officer shall consider the nature of the crime and other relevant information pertaining to the case in order to make this decision.
- F. In the event there were multiple victims for which the death sentence was given, there may be special consideration granted by the SOCF Managing Officer to permit participation as witnesses. Each family permitted to view an execution for multiple death sentences would be permitted to designate up to three witnesses, but only a maximum of 6 victim witnesses shall be permitted in the actual viewing area of the death house. The remaining witnesses shall witness via closed circuit viewing.

- G. OVS shall notify immediate family that a stay of execution is always possible, which would void the pending execution date.
- H. The OVS shall meet with the attending relatives/witnesses to discuss their role and expectations for the day of the execution. The OVS shall make available to designated victim witnesses resources that may assist them in preparation to enter the SOCF facility and view the execution. (ie: "Execution Chamber Tour" video), policies or other information regarding the execution process.
- I. At least 14 days prior to the scheduled execution, the OVS shall provide the names of the three designated victim witnesses and other attending family members who will accompany the witnesses to the prison, to the SOCF Managing Officer, the public information office, and other DRC staff needing this information. Included in this information is the name of any OVS staff who will be accompanying the victim.
- J. On the day of the execution, the attending relatives/witnesses shall meet at a pre-determined location outside the prison and travel together to the institution one hour prior to the scheduled execution. There shall be a special parking space designated for attending relatives/witnesses. The Victim Coordinator at the institution shall assist with the escorting, along with OVS staff, of any victim witnesses or attending relatives while they are inside the institution.
- K. The family shall be made aware of any death penalty opponents who might be on the grounds or outside the fence conducting protests. DRC staff shall take all precautions to ensure that the attending relatives are not harassed or intimidated.
- L. Once inside the institution, the attending relatives/witnesses shall be taken to a pre-determined waiting area separate from the media and offender family witnesses.
- M. Upon the request of the immediate family, and with approval of the Office of Communications, OVS may assist the family with media contacts. If OVS is contacted by representatives of the media requesting contact with the immediate family, OVS staff shall inform the Office of Communications and the immediate family of the request. OVS shall not be directly involved in a media interview on behalf of the immediate family by representing them or their opinion about the case. Immediately following the execution the immediate family may choose to make a statement and/or field questions to the media outlets at the institution. DRC staff shall inform the media if the immediate family has chosen not to make a statement.
- N. In the event that the immediate family members of the victim(s) do not choose to witness the execution, the staff of OVS shall continue to provide support services to the family as requested.
- O. Special Conditions
- In an emergency situation or extended disruption of normal institutional operation, any provision or section of this policy may be suspended by the Director or his/her designee for a set period of time.