

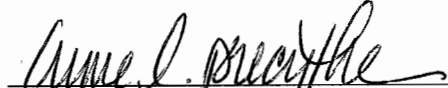
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**MISSOURI DEPARTMENT OF CORRECTIONS  
DEPARTMENT  
PROCEDURE MANUAL**

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Title: Execution Witnesses

Effective Date: November 15, 2018

  
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Anne L. Precythe, Department Director

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**I. PURPOSE:** This policy provides guidelines for the selection of execution witnesses.

- A. AUTHORITY:** Section 546.740, RSMo; Section 595.209, RSMo; Mo. Const. Art. I, Sec. 32; *State ex rel. Taylor v. Steele*, 449 S.W.3d 380 (Mo. 2014).
- B. SCOPE:** Nothing in this policy is intended to give a protected liberty interest to any offender or to create in, or confer upon, the public a right to witness a Missouri execution. Execution witnesses will not be selected on the basis of color, race, religion, creed, sex, pregnancy, national origin, viewpoint, or other protected status.

**II. PROCEDURES:**

**A. GENERAL INFORMATION**

1. The Director shall invite execution witnesses as follows:
  - a. The Director shall invite the Attorney General.
  - b. The Director shall invite at least eight reputable citizens who are at least twenty-one years of age.
  - c. The Director may invite any crime victims and survivors of the crime for which the sentence of death will be imposed, as provided by the Missouri Constitution.
2. Offender Witnesses:
  - a. The offender will be permitted to invite witnesses to the execution provided that they meet the criteria established in Section 546.740, RSMo., including:
    - (1) Up to two clergy or religious members and;
    - (2) Up to five relatives or friends.
    - (3) The offender shall not be permitted to invite another incarcerated offender.
  - b. The offender shall request his/her execution witnesses at least two weeks prior to the scheduled execution date by completing the official witness form.
3. State's Witnesses
  - a. The Director shall invite at least eight citizens to attend the execution as State's witnesses.
  - b. Individuals must satisfy the following criteria before the Director will extend an invitation to serve as a State's Witness:

- (1) be at least twenty-one years of age;
  - (2) be a citizen of Missouri; and
  - (3) be reputable, as determined after a review of the individual's criminal history.
- c. Media Witnesses: The Director will invite media representatives to serve as media witnesses as described below:
- (1) A reporter selected by the Associated Press; and
  - (2) A reporter selected by the Missouri Broadcaster's Association; and
  - (3) A reporter selected by the Missouri Press Association; and
  - (4) A media agency which regularly disseminates news of general interest and coverage located in Missouri. Preference may be given to those agencies located in the community where the offense occurred.
- d. The Director will invite at least 2 representatives from the circuit court, prosecuting attorney's office and/or law enforcement agencies from the jurisdiction wherein the criminal case for which the offender is to be executed originated.
- e. Community Witnesses: The Director may invite up to three citizens to serve as witnesses. Consideration will be given to citizens who:
- a. Reside in the county wherein the offense which the offender is to be executed occurred; or
  - b. Reside in the county wherein the execution is to be carried out; or
  - c. Are currently employed by a Missouri governmental body.

#### **B. WITNESS FORMS**

1. All individuals who are invited to witness an execution must complete the following appropriate form(s) before the scheduled execution:
  - a. Offender's Witnesses: (1) Official Witness Agreement (2) Background Check Form
  - b. Director's Witnesses: (1) Official Witness Agreement (2) Background Check Form
  - c. Community Witnesses: (1) Official Witness Agreement (2) Background Check Form
  - d. Press Witnesses: (1) Official Witness Agreement, (2) Pool Reporter Agreement (3) Background Check Form

#### **IV. REFERENCES:**

#### **V. HISTORY:**

- A. Original Effective Date: October 1, 2018
- B. Revised: November 15, 2018