Title: Execution Witnesses  Effective Date: November 15, 2018

Anne L. Prechtel, Department Director

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