

STATE OF OHIO



DEPARTMENT OF REHABILITATION  
AND CORRECTION

SUBJECT:	PAGE 1 of 4
Victim Involvement in the Execution Process	SECTION: 03-OVS-06 NUMBER:
RULE/CODE REFERENCE:	SUPERCEDES: 212-06 dated 7/17/03
RELATED ACA STANDARDS:	EFFECTIVE DATE: November 22, 2004
RELATED AUDIT STANDARDS:	APPROVED: <i>Ronald A. Wilkinson</i>

**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 authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

**II. PURPOSE**

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 DRC staff who might be involved in the execution of an inmate and/or crime survivors of victims of capital crimes.

**IV. DEFINITIONS**

- A. 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.
- B. Office of Victim Services (OVS):** Oversees the implementation of programs, procedures, and policies to ensure that the rights of crime victims of offender's under the jurisdiction of DRC are enforced. OVS also provides educational services to department staff as well as the community regarding crime victims.
- C. Crime Victim:** A person who has been directly or indirectly impacted by a criminal act committed by an offender.
- D. Immediate Family of the Victim(s):** For purposes of this policy, "close relative" or "immediate family" of the victim is defined as the following:

1. The spouse of the victim at the time of the victim's death;
2. The parent or stepparent of the deceased victim;
3. An adult brother, sister, child or stepchild of the deceased victim;
4. Another individual with a close relationship to the deceased victim, approved by the Director or his/her designee.

**E. 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 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. PROCEDURE**

- A. This includes notification by the OVS 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 to any requesting victim or survivor within 21 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 days prior to the scheduled execution date, in accordance with policy 001-09 (Execution). If there are no close relatives of the deceased victim(s) in the confidential 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 Administrative Regulation 5120-9-54 and DRC Policy 001-09, 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 close relatives of the deceased victim(s) and work in conjunction with the Warden at SOCF to approve the final witness list. It is the responsibility of the close relatives to notify the OVS of address or name changes. The victim witnesses may bring additional support persons with them on the day of the execution. These support persons will remain in the designated waiting area for victim representatives and do not witness the execution.
- D. If the person(s) requesting to witness an execution is not a close relative of the deceased victim(s), did not have a close relationship to the deceased, or the deceased is not the victim of the instant offense, or the individual has not been designated by a close relative of the deceased victim, OVS shall inform them that they are not permitted to witness 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 warden to view the execution via closed circuit. The warden

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 warden 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 will be permitted in the actual viewing area of the death house. The remaining witnesses shall witness via closed circuit viewing.
- G. OVS shall notify close relatives 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. In compliance with Policy 001-09, at least seven days prior to the scheduled execution, the OVS shall provide the names of the three designated victim witnesses and any attending family members who will accompany the witnesses to the prison, to the SOCF Warden, 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 and other attending relatives/witnesses to the prison during the execution.
- 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 will be a special parking space designated for attending relatives/witnesses. The Victim Coordinator at the institution will assist with the escorting, along with OVS staff, of any victim witnesses or attending relatives while they are inside the institution.
- K. The family should be made aware of any death penalty opponents who might be on the grounds or outside the fence conducting protests. DRC staff should 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. The OVS will, upon the request of the relatives, and with approval of the DRC public information office, assist the relatives in their contacts with the media. If OVS is contacted by representatives of the media requesting contact with the victim's family, OVS staff shall inform the DRC public information office and contact the victim's family informing them of the request. OVS shall not be directly involved in a media interview on behalf of the victim's family, representing them or their opinion about the case. If the relatives do not wish to speak with the media, DRC staff shall inform the media, at least while they are at the prison. Those wishing to speak with the media should be allowed to do so in the designated media briefing area arranged by DRC the day of the execution.

OVS staff shall have the right to end any media interviews at any time with DRC public information office assistance.

N. In the event that the surviving 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.

**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.