



**PRISONER OPERATIONS**

**DEATH SENTENCE**

**Implementation of the Death Sentence in Federal Cases**

- A. PURPOSE:** To set forth the policies, responsibilities, and procedures of the United States Marshals Service (USMS) in the discharge of a federal court order for the sentence of death for a federal prisoner.
- B. AUTHORITY:** 18 USC 3596, 3597; 28 CFR 0.111(b); 28 CFR Part 26.
- C. POLICY**
  - 1. The USMS will execute the order of the court in the administration of a sentence of death for a federal prisoner in accordance with the cited authority, and in conjunction with the defined responsibilities of the Bureau of Prisons (BOP) in accomplishing this responsibility.
  - 2. No employee shall be required to attend or to participate in any prosecution or execution if such participation is contrary to his or her moral or religious convictions.
- D. PROCEDURES**
  - 1. The Director of the USMS will designate a U.S. Marshal to execute the Judgment and Order issued by a United States District Court. The primary designated U.S. Marshal shall be from the Southern District of Indiana. An alternate U.S. Marshal will be chosen by the Director from the district in which the Judgment and Order was originally issued or as designated by the Director. The alternate U.S. Marshal will be available in the district where the execution is to take place but may not be required to be present in the execution building.
  - 2. The U.S. Marshal will ensure that the attorney for the government has appended a "Return" to the Judgment and Order, which the U.S. Marshal will use to inform the court that the sentence of death has been executed. The U.S. Marshal will execute the Judgment and Order and submit the "Return" to the issuing U.S. District Court.
  - 3. The means, date, and place of the execution will be designated by the Director, Bureau of Prisons (BOP). The primary location for the implementation of the death sentence is the BOP facility located in the U.S. Penitentiary, Terre Haute, Indiana.
  - 4. In the event that neither the designated nor alternate U.S. Marshal is able to fulfill the role, the Director will delegate the responsibility to substitute U.S. Marshals, as authorized by statute.
- E. RESPONSIBILITIES**
  - 1. **Director:** Designates a U.S. Marshal and an alternate U.S. Marshal to supervise the implementation of the sentence of death.
  - 2. **Designated U.S. Marshal:** is responsible for:
    - a. Attending the planning sessions required by the BOP execution protocol
    - b. Attending the execution, including:
      - (1) Monitoring the communication with the Department of Justice (DOJ) Command Center

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- (2) Verifying to the Warden at the appropriate time that no stay or commutation has been received from the President via the DOJ Command Center
  - (3) Receiving a copy of the death certificate from the attending coroner
  - (4) Signing the "Return" and submitting it to the appropriate court
  - (5) Submitting a report to the Director within 7 days of the execution
3. **Substitute U.S. Marshal(s):** In the event that neither the designated U.S. Marshal nor the alternate U.S. Marshal is able to perform these duties, the Director will delegate their responsibility to substitute U.S. Marshals. The substitute U.S. Marshals will assume and accomplish the responsibilities as cited above.