

GOVERNOR KATIE HOBBS

# STATE OF ARIZONA

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# EXECUTIVE ORDER

Executive Order 2023-05

*Establishing a Death Penalty Independent Review Commissioner*

**WHEREAS**, while the Arizona Department of Corrections, Rehabilitation, & Reentry (ADCRR) will be making improvements to its policies and practices under new leadership, it has historically been a system that needs better oversight, accountability, and transparency; and

**WHEREAS**, under State law, the ADCRR has the responsibility to conduct executions, which requires that the ADCRR follow clear and legal procedures; and

**WHEREAS**, Arizona has a history of executions that have resulted in serious questions about ADCRR's execution protocols and lack of transparency; and

**WHEREAS**, a comprehensive and independent review must be conducted to ensure these problems are not repeated in future executions.

**NOW, THEREFORE**, I, Katie Hobbs, Governor of the State of Arizona, by virtue of the power vested in me by the Arizona Constitution and the laws of this State, hereby order and direct as follows:

- 1) An Independent Review Commissioner shall be appointed by and serve at the pleasure of the Governor to review and provide transparency into the ADCRR's lethal injection drug and gas chamber chemical procurement process, execution protocols, and staffing considerations including training and experience.
- 2) The Commissioner shall not be currently or previously employed with the ADCRR and shall have experience with death penalty or lethal injection issues.
- 3) The Commissioner shall have access to ADCRR records and the authority to conduct interviews, including of ADCRR staff, for the purpose of reviewing all components of the execution process for lethal injections and the gas chamber.
- 4) The scope of the Commissioner's review shall include:
  - a. The State's procurement of lethal injection drugs, including but not limited to the source of the drugs, the cost to the State, and any considerations about the drugs such as composition and expiration;
  - b. The State's procurement of gas chamber chemicals, including but not limited to the source of the chemicals, the cost to the State, and the composition of the chemicals;
  - c. ADCRR procedures and protocols for conducting an execution by gas chamber and by lethal injection, including but not limited to setting lines for a lethal injection, transparency and media access, access to legal counsel for the inmate, and contingency planning; and

- d. Staffing considerations, including but not limited to training, staffing plans to conduct executions, and staff background and experience for administering an execution.
- 5) The Commissioner shall issue a final report to the Governor and Attorney General that includes recommendations on improving the transparency, accountability, and safety of the execution process. The Commissioner will abide by A.R.S. § 13-757(C) at all times, including when handling or producing any documents accessed during the review and when issuing any reports.
- 6) This Executive Order shall take effect immediately upon signature.


IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona



**GOVERNOR**

**DONE** at the Capitol in Phoenix on this twentieth day of January in the Year Two Thousand Twenty-Three and of the independence of the United States of America the Two Hundred and Forty-Seventh.

**ATTEST:**



**SECRETARY OF STATE**

