



KAY IVEY
GOVERNOR

State of Alabama Department of Corrections

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JOHN Q. HAMM
COMMISSIONER

February 24, 2023

Governor Kay Ivey
State of Alabama
Alabama State Capitol
Montgomery, Alabama 36104

Dear Governor Ivey:

Last fall, you tasked the Department of Corrections with conducting a “top-to-bottom” review of our execution process. I am writing to report that our review is now complete. The Department conducted an in-depth review of our execution process that included evaluating: the Department’s legal strategy in capital litigation matters, training procedures for Department staff and medical personnel involved in executions, increasing the number of medical personnel utilized by the Department for executions, assisting medical personnel participating in the process, and the equipment on-hand to support the individuals participating in the execution. During our review, Department personnel communicated with corrections personnel responsible for conducting executions in several other states. Our review also included thorough reviews of execution procedures from multiple states to ensure that our process aligns with the best practices in other jurisdictions.

After discussing the matter with my staff, I am confident that the Department is as prepared as possible to resume carrying out executions consistent with the mandates of the Constitution. This is true in spite of the fact that death row inmates will continue seeking to evade their lawfully imposed death sentences.

When undertaking our review, I pledged that “Everything is on the table – from our legal strategy dealing with last minute appeals, to how we train and prepare, to the order and timing of events on execution day, to the personnel and equipment involved.” Each of these areas has been considered.

At your request, the Supreme Court of Alabama changed its rule for scheduling executions. Before the amendment to Rule 8(d)(1) of the Alabama Rules of Appellate Procedure, the Supreme Court of Alabama would issue a single-day execution warrant that would expire at midnight. As you know, this caused unnecessary deadline pressure for Department personnel as courts issued orders late into the night in response to death-row inmates’ last-minute legal challenges. Now, under the new rule, the Court will issue an order permitting you to set a “time frame” for the execution to occur. This change will make it harder for inmates to “run out the clock” with last-minute appeals and requests for stays of execution.

The Department has also decided to add to its pool of available medical personnel for executions. The vetting process for these new outside medical professionals will begin immediately. In addition, the Department has ordered and obtained new equipment that is now available for use in future executions.

Finally, Department personnel have conducted multiple rehearsals of our execution process in recent months to ensure that our staff members are well-trained and prepared to perform their duties during the execution process. We will continue to update our rehearsal and training procedure to ensure that Department personnel are in the best possible position to carry out their responsibilities during the execution process.

As you said on November 21, 2022, “For the sake of the victims and their families, we’ve got to get this right.” After completing this thorough review, I am confident that the Department is as ready as possible to deliver closure for victims’ families and justice for all Alabamians.

Sincerely,

A handwritten signature in blue ink that reads "John Q. Hamm". The signature is written in a cursive style with a large initial "J" and "H".

John Q. Hamm
Commissioner