

# Records reveal lack of protocol in Clayton Lockett's Oklahoma execution

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Those in charge of carrying out the execution of Clayton Lockett on April 29, 2014, knew it wasn't going well, documents released Friday to the Tulsa World show.

A paramedic and doctor were rapidly trying to find a vein on Clayton Lockett and start an IV to deliver his lethal injection.

On that evening, inside the death chamber at Oklahoma State Penitentiary, officials were feeling the pressure with another execution scheduled to start in less than two hours. After numerous failed attempts in Lockett's arms, neck and feet, the team reluctantly decided to start an IV in Lockett's femoral vein, near the groin.

It was Lockett who suggested the vein in his right leg, according to the paramedic.

The emergency medical technician told Lockett she didn't like to do femoral IVs "because they cause a lot of clots."

Lockett responded: "Does it really matter?"

More than 5,000 pages of documents released to the Tulsa World by the Department of Public Safety



## Execution chamber

FILE - This Thursday, Oct. 9, 2014 photo shows the execution chamber at the Oklahoma State Penitentiary in McAlester, Okla. Charles Warner is scheduled to be executed Jan. 15, 2015 for the 1997 killing of his roommate's 11-month-old daughter. (AP Photo/Sue Ogrocki, File)

Friday detail just how much of a “procedural disaster” Oklahoma’s execution of Clayton Lockett was.

That was the term the U.S. 10th Circuit Court of Appeals deemed Lockett’s execution; and now a subsequent challenge by other Oklahoma death row inmates is headed to the U.S. Supreme Court in April.

According to the documents, the femoral IV also failed and started leaking the drugs into Lockett’s tissue, which the state later determined was the single biggest failure in Lockett’s 43-minute death, where he raised up off the gurney and spoke after he was supposed to be unconscious.

The documents, which the World sued the state to obtain under the Open Records Act, reveal that drug syringes weren’t properly labeled, Lockett was never moved to a “high max” cell in the seven days ahead of his execution, as required by DOC protocol, and he somehow hoarded drugs and a utility knife blade inside his cell without prison staff knowing.

Some of the documents remain heavily redacted, including ones that describe the role of the Attorney General’s office in choosing the drugs used to execute Lockett and others that describe who was on the phone with the prison in the governor’s office.

The governor’s address, phone number and date of birth are redacted from her 30 minute interview, which was stopped by her attorney several times.

A prison employee whose job was to remain on the phone with the Governor’s office said that after Lockett’s execution was “stopped,” a woman got on the line and asked if Lockett was being given medical care. He did not know if the woman was Gov. Mary Fallin, he told investigators.

For most of his testimony about that phone call, the DOC employee refers to being on the phone with a man, whose name is redacted in that document.

“I guess he didn’t know if he was getting medical care or not, I mean the doctor was doing whatever he was doing, so I mean, I think the Governor’s office wanted to know, ‘Hey was this guy on his way to the hospital?’ ”

About 30 seconds to two minutes later, Lockett was dead, the employee said.

The paramedic told investigators that she did not have experience starting femoral IVs. The doctor also seemed inexperienced with the procedure, at one point confusing a vein with an artery, according to the EMT, who was called “ma’am” twice during her lengthy interview.

The paramedic told investigators she told the doctor that the needles were too short for femoral IV access.

“Well, we’ll just have to make it work,” the doctor replied, according to the interview transcript.

She said the mood in the execution chamber was tense because the team members felt pressured by having to carry out two executions in one night.

“I think it was the fact that we knew there were two and we didn’t know what the game plan was basically, between execution number 1 and execution number 2. I had two sets of drugs. I had to make sure that this set of drugs had his name on it,” she said.

However, the EMT would quickly discover the drugs did not have Lockett’s name on them or the name of the drugs on them, as was the usual practice.

After the execution began to go awry and Lockett tried to “get up off the table,” the EMT was summoned to help the doctor.

The doctor explained that the IV had “dislodged” and that he was going to try to start a new IV in the right femoral vein.

The doctor was a fill-in who was upset when prison staff asked him to go through a pat down as he entered the prison, Warden Anita Trammell told investigators. She calmed him down and he told her: “I’m just filling in anyway. I was just — I don’t even know why I’m even, why I even, you know, agreed to do it.”

Trammell also told investigators that she was asked to sign an affidavit prepared by the Attorney General’s office that contained statements that weren’t true, including that she had verified the pharmacist’s license and the expiration dates on the lethal drugs.

After she voiced concerns about that affidavit to Department of Corrections Director Robert Patton, she told investigators, he told her that in a court of law, that could be considered “falsifying a document.”

Trammell expressed concerns to Patton about signing a document that she’d never been asked to sign at prior executions.

“The assistant AG that was there, Mr. Hadden, had her sign a document that she had never had to sign before,” Patton told investigators in his interview.

Immediately after that statement, the following eight lines of his response are redacted, in addition to several other paragraphs.

Patton told investigators that DOC’s General Counsel and the AG’s office told him the purpose of that affidavit was twofold: In case of future litigation and for a possible press release if there was a question about the pharmacist.

Aaron Cooper, a spokesman for the Attorney General’s office, told the World in an emailed statement that “No one asked or expected Warden Trammell to sign an affidavit that was not completely accurate.”

“The warden and DOC counsel were given a draft affidavit as a starting point and were told they could revise it as needed. The warden reviewed and revised the affidavit. It is standard procedure for attorneys to revise affidavits before they are submitted,” Cooper said.

Trammell told investigators that if she had it to do again, she wouldn't have signed the affidavit presented to her by the AG's office, according to her interview transcript.

The records were turned over two weeks ahead of a court hearing on an Open Records lawsuit filed by the Tulsa World and the Reporters' Committee for Freedom of the Press.

The newspaper and its attorneys are now reviewing the documents provided by DPS in order to determine whether the agency provided all of the records requested by the World.

In December, the World and Enterprise Editor Ziva Branstetter sued Gov. Mary Fallin and DPS officials seeking the immediate release of records related to Lockett's execution. The newspaper requested the documents in the days and months immediately after the April 29 execution of Lockett.

Through multiple Open Records requests, the World has sought thousands of pages of interview transcripts that were part of the state's official investigation. Even though the transcripts are part of the court record in a lawsuit by 21 death-row inmates, the state had previously designated them “confidential” and refused to release them.

The U.S. Supreme Court will hear oral arguments exactly one year after Lockett's execution.

In addition to the transcripts, the World requested emails and communications by Fallin and her staff related to the Lockett execution that the state has failed to produce. Those records have not been given to the World.

Reporters Committee is a nonprofit organization dedicated to upholding the First Amendment and freedom of information rights of journalists working in areas where U.S. law applies. The group is funded by corporate, foundation and individual contributions, and serves more than 2,000 reporters, editors and media lawyers who seek its help each year.

Oklahoma's Open Records law requires state agencies to comply with requests with “prompt, reasonable” access.

A hearing on the lawsuit is scheduled for March 27 in Oklahoma County District Court.