

INTEROFFICE MEMORANDUM
Oklahoma State Penitentiary

DATE: October 23, 2019

TO: Scott Crow, Interim Director
Oklahoma Department of Corrections

THRU: Mike Carpenter, Acting Director
Institutions

FROM: Tommy Sharp, Interim Warden
Oklahoma State Penitentiary

SUBJECT: Relocation of Death Row Inmates

The staff at Oklahoma State Penitentiary are currently in the planning/preparation process of relocating death row inmates to A-Unit of the Oklahoma State Penitentiary. The plan includes moving all qualifying death row inmates to A-Unit by October 30, 2019. This plan remains fluid as the process moves forward and has taken place in the following phases:

It is noted that a maintenance emergency has required the movement date to change from starting on October 23. A hot water leak has been found under the slab of A-4 pod, and the floor must be busted through to repair the leak. It is now expected the movement date would start on October 28 and be concluded by October 30.

Phase 1

A-Unit Pod 4 has been identified as the housing location for inmates affected by this plan. There are currently 44 inmates sentenced to death at OSP and A-Unit Pod 4 can house up to 56 inmates. These inmates will be the only inmates housed on this pod. A-Unit was chosen because it currently houses the Phase Program and classroom space is readily available for potential future program availability.

Phase 2

Inmates previously housed in A-4 have been moved to other maximum security pods on A&C Units. This process was completed the week of October 14, 2019. Once the pod was emptied, maintenance staff was able to address any maintenance issues on the pod. A paint crew began painting the cell walls the morning of October 21, 2019, with the intent to paint all cells prior to moving the inmates into the cells. This work is now complete.

Phase 3

The Warden, Deputy Warden, Chief of Security, Mental Health Services, H-Unit Manager and H-Unit Case Manager have conducted individual meetings with the inmates on death row. These meetings began the week of September 23, 2019 and the plan to move death row inmates to A-Unit was discussed with each inmate.

Topics of discussion included:

- The idea that just because someone is sentenced to death does not mean they have to be managed differently than someone who has been given any other sentence.
- The benefits of moving to A-Unit such as contact visiting, a cell with a window, outside exercise, job opportunities, etc.
- The fact that death row currently has the option to single cell and that option will not be available on A-Unit. Also discussed the pros/cons of having a cell partner.
- What will happen if they refuse to move or refuse to have a cell partner. We first explained the fact we will not force them to do something we believe would be dangerous for them. We understand they are on death row for a reason and many have been there for a long time.
- They were asked if they know of inmates currently on death row they would prefer to live with. We also offered the opportunity for them to begin living together now in order to get used to the living conditions prior to moving to A-Unit.
- Address any concerns/questions the inmate has and expend our best effort to put a positive outlook on the future move.

OSP staff spent approximately 2 hours each morning interviewing the inmates over a 2-3 week period. The purpose of these meetings was to give the inmate plenty of notice of the move and time to process the information. It also gave staff the opportunity to identify those inmates who would not be candidates to move to A-Unit (i.e. mental health, risk of victimization, high profile, etc.) These discussions and decisions were made using the existing administrative segregation decision process used for other administrative segregation inmates throughout the years.

Inmate interviews were completed on October 10, 2019. Based on these interviews, each inmate's management history and the experience of the facility staff involved, it was determined which inmates would initially be moved to A-Unit and which inmates would be placed in administrative segregation on H-Unit:

Moving to A-Unit (32 inmates total)

Martinez, Mica #679077	Johnson, Albert #129369
Tryon, Isaiah #615351	Grissom, Wendell #575281
Harmon, Marion #581143	Smith, Roderick #156394
Fuston, Ronnie #769086	Sanchez, Anthony #275098
Harris, Jimmy #408711	Pavatt, James #455677
Simpson, Kendrick #568612	Harris, Donnie #688359
Fairchild, Richard #241527	Frederick, Darrell #88910
Bosse, Shaun #667410	Coddington, James #194169
Bench, Miles #713261	Posey, Derek #842726
Wood, Tremaine #271967	Mitchell, Alfred #206964
Cuesta-Rodriguez, Carlos #563531	Murphy, Patrick #372682
Johnson, Raymond #207742	Postelle, Gilbert #585999
Littlejohn, Emanuel #190341	Rojem, Richard #146688
Underwood, Kevin #576482	Hancock, Phillip #126307
Goode, Clarence #227935	Eizember, Scott #497824
Davison, Dustin #687068	Davis, Nicholas #414338

Administrative Segregation (12 inmates Total)

Stouffer, Bigler #146930 – Facility staff determined age and [REDACTED] make him susceptible to victimization.

Glossip, Richard #267303 - High profile inmate with large amount of media attention. Facility staff determined he would be highly susceptible to victimization.

Ryder, James #374773 – Facility staff believe the inmate's [REDACTED] issues would make him susceptible to victimization.

Grant, John #102816 – Inmate demonstrates aggression toward inmates and staff. Inmate has also made statements that he would kill anyone we put in the cell with him.

Nolen, Alton #634241 – Inmate committed a high profile heinous crime. Inmate also has [REDACTED] issues and demonstrates aggression towards inmates and staff.

Bush, Ronson #256917 – Inmate has a permanent [REDACTED] from a previous incarceration due to [REDACTED]. Facility staff believe he would be susceptible to victimization.

Cannon, Jermaine #201615 – Inmate has [REDACTED] staff believe would make him susceptible to victimization. Inmate has also made statements he would kill anyone we put in the cell with him.

Cole, Benjamin #489814 – Staff believes the inmate has [REDACTED] and his age makes him susceptible to victimization.

Grant, Donald #522436 – Inmate has [REDACTED] issues and shows aggression toward inmates and staff. Inmate also made statements he would kill anyone we put in the cell with him.

Jones, Julius #270147 - High profile inmate with large amount of media attention which facility staff believe would make him susceptible to victimization.

Lay, Wade #516263 – Facility staff believes the inmate has [REDACTED] issues which make him susceptible to victimization.

Smith, Michael #457856 – Facility staff believes the inmate has [REDACTED] issues that make him susceptible to victimization.

It is important to note any inmate placed on administrative segregation is reviewed monthly in accordance with OP-040204 entitled "Segregation Measures" and may be returned/placed on A-Unit at any time after being approved by the warden.

Phase 4

Upon approval of the Director, qualifying death row inmates will be moved from H-Unit to A-Unit Pod 4. These moves will most likely be completed in 1-2 business days.

One cell at a time, facility CERT will inventory the inmate's property while it is being packed. Once the property is packed and inventoried, the inmate and their property will be escorted from H-Unit to A-Unit. The escort will be conducted by two (2) CERT members and supervised by a Shift Captain. All other movement on the yard will be ceased during these moves.

- Death row inmates will remain in maroon scrubs while housed on A-Unit.
- During this move, staff will ensure all inmate property is compliant with OP-030120 entitled "Inmate Property."
- Inmates will be allowed to store or mail out excess property in accordance with policy as are all other inmates.
- While housed on A-Unit, inmates will receive the same access to contact visiting, recreation, programs and jobs as all other inmates housed on A-Unit.
- Staff on A-Unit will be evenly split between staff normally assigned to A-Unit and staff normally assigned to Southwest. In this, we will have staff normally working

with the inmates present which increases our likelihood of noticing a developing issue or managing an incident prior to full escalation. The facility recognizes the stress this move places on the inmates involved and efforts will be taken to mitigate these stressors through familiar staff being available.

Facility staff anticipate one or more inmates may refuse to move when the time comes. In instances where inmates refuse to move, they will be addressed as any other inmate refusing to accept a housing assignment. The inmate will be issued a misconduct and placed on segregated housing status. Once that process is complete, the inmate will be given another opportunity to accept the housing assignment.

Inmates remaining on H-Unit Southwest will be categorized as all other administrative segregation inmates housed on H-Unit. This includes all conditions of confinement and expectations for staff and inmate found in current policy. As noted above, all inmates confined in this category are reviewed in thirty day cycles for continued placement and, through these reviews, can remain in administrative segregation or be moved to A-Unit as the inmates' status dictates.

OSP facility staff is prepared to finalize these moves once the plan is finalized and approved.

Once moves are complete the facility and Director of Institutions staff will convene a working group to study the security considerations and conditions of confinement rules for beds made empty by this move. Great care must be exercised that a normal officer working a normal shift can know with certainty the rules affecting inmates housed in this area. These newly empty beds will be converted to some form of administrative segregation housing and inmates with like security considerations will house there. Creating a policy dictating these conditions and rules will be required before the beds can be filled.

If additional information is needed please advise.

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INTEROFFICE MEMORANDUM
Oklahoma State Penitentiary

DATE: October 29, 2019

TO: Scott Crow, Interim Director
Oklahoma Department of Corrections

THRU: Mike Carpenter, Director of Institutions

FROM: Tommy Sharp, Warden
Oklahoma State Penitentiary

SUBJECT: Relocation of Death Row Inmates

On the morning of October 29, 2019, OSP began moving eligible death row inmates from H Unit to A Unit Pod 4. This move was conducted by OSP CERT under the supervision of Deputy Warden Chris Rankins and Captains Bill Quick and Chad Morgan. Dr. James Smash, Psych Services, was also on-site to address any potential issues. Inmates were previously provided with boxes in order to have their property ready to move. Inmate movement began at approximately 8:45 a.m. and was completed at approximately 12:00 p.m. without issue. The following inmates are now housed on A-Unit Pod 4:

(33 inmates total)

Martinez, Mica #679077	Johnson, Albert #129369
Tryon, Isaiah #615351	Grissom, Wendell #575281
Harmon, Marion #581143	Smith, Roderick #156394
Fuston, Ronnie #769086	Sanchez, Anthony #275098
Harris, Jimmy #408711	Pavatt, James #455677
Simpson, Kendrick #568612	Harris, Donnie #688359
Fairchild, Richard #241527	Frederick, Darrell #88910
Bosse, Shaun #667410	Coddington, James #194169
Bench, Miles #713261	Posey, Derek #842726
Wood, Tremaine #271967	Mitchell, Alfred #206964
Cuesta-Rodriguez, Carlos #563531	Murphy, Patrick #372682
Johnson, Raymond #207742	Postelle, Gilbert #585999
Littlejohn, Emanuel #190341	Rojem, Richard #146688
Underwood, Kevin #576482	Hancock, Phillip #126307

In Re Cole Attachment B6

Goode, Clarence #227935

Eizember, Scott #497824

Davis, Nicholas #414338

Glossip, Richard #267303 – Inmate was originally designated as Administrative Segregation due to his high profile crime, however, inmate was willing to move and doesn't believe he will have any issues on A-Unit. Staff agreed to move him to A-Unit and if any issues arise in the future he will be re-designated as Administrative Segregation. Inmate will be single celled on A-Unit.

Smith, Michael #457856 – Inmate was originally designated as Administrative Segregation due to [REDACTED] issues that make him susceptible to victimization. During further interviews with the inmate leading up to the move, staff determined he could live on A-Unit-single celled. If issues arise in the future, the inmate will be re-designated as Administrative Segregation.

Administrative Segregation (11 inmates Total)

Davison, Dustin #687068 – Was not originally designated as Administrative Segregation, however, leading up to the move, Davison threatened to kill his proposed cell partner if they were made to live together.

Stouffer, Bigler #146930 – Facility staff determined age and [REDACTED] make him susceptible to victimization.

Ryder, James #374773 – Facility staff believe the inmate's [REDACTED] issues would make him susceptible to victimization.

Grant, John #102816 – inmate demonstrates aggression towards inmates and staff. Inmate has also made statements that he would kill anyone we put in the cell with him.

Nolen, Alton #634241 – Inmate has a high profile heinous crime. Inmate also has [REDACTED] issues and demonstrates aggression towards inmates and staff.

Bush, Ronson #256917 – Inmate has a permanent [REDACTED] from a previous incarceration due to [REDACTED]. Facility staff believe he would be susceptible to victimization.

Cannon, Jermaine #201615 – Inmate has [REDACTED] issues staff believe would make him susceptible to victimization. Inmate has also made statements he would kill anyone we put in the cell with him.

Cole, Benjamin #489814 – Staff believe the inmate has [REDACTED] issues, [REDACTED] issues and age which make him susceptible to victimization.

Grant, Donald #522436 – Inmate has [REDACTED] issues and shows aggression towards inmates and staff. Inmate also made statements he would kill anyone we put in the cell with him.

Jones, Julius #270147 - High profile inmate with large amount of media attention which facility staff believe would make him susceptible to victimization.

Lay, Wade #516263 – Facility staff believe the inmates has [REDACTED] issues which make him susceptible to victimization.

It is important to note, any inmate placed on administrative segregation is reviewed monthly in accordance with OP-040204 entitled "Segregation Measures" and may be returned/placed on A-Unit at any time after being approved by the warden.

The fact these moves were made in under 4 hours without incident is a testament to the work and dedication demonstrated by OSP staff over the past 6 weeks. Many hours were spent interviewing death row inmates in addition to the time spent by unit staff on a daily basis addressing inmate issues and concerns leading up to this move. In addition, CERT operated very professionally and efficiently during the move.

I anticipate we will have to address issues over the next few weeks as these inmates adjust to their new environment. I have no doubt the staff at this facility will handle those issues with the utmost respect and professionalism as is expected from them.

If additional information is needed please advise.

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