

From: McDonald, Terri@CDCR
To: Giurbino, George@CDCR
Cc: McAuliffe, John@CDCR
Subject: RE: ARIZONA DEPARTMENT OF CORRECTIONS REQUEST FOR EXECUTION CHEMICALS
Date: Wednesday, September 22, 2010 5:41:13 PM

Let's have them talk to John McAuliffe as first discussion and he can elevate to Scott if necessary. I tagged him on the email.

-----Original Message-----

From: Giurbino, George@CDCR
Sent: Wednesday, September 22, 2010 4:58 PM
To: McDonald, Terri@CDCR
Subject: ARIZONA DEPARTMENT OF CORRECTIONS REQUEST FOR EXECUTION CHEMICALS

Hi Terri,

The Arizona Department of Corrections would like to have a follow up discussion with an appropriate CDCR representative concerning the availability of "any" available chemicals associated with the three chemical process used for a lethal injection. I provided preliminary information to the representative below earlier today; however, it appears that they would like more specific information. Is there someone specific in agency that we would want to contact and work with Arizona on this issue??

Thank you,

George

George J. Giurbino, Director
Division of Adult Institutions/
California Department of Corrections and Rehabilitation
[REDACTED]

-----Original Message-----

From: THERESE SCHROEDER [REDACTED]
Sent: Wednesday, September 22, 2010 4:35 PM
To: Najera, Elizabeth@CDCR; Giurbino, George@CDCR
Cc: ROBERT PATTON
Subject: phone call

Mr. Giurbino, I hate to bother you again but I wanted to send you an email as I am leaving for the day and I know you are in a meeting.

When we talked earlier today you mentioned that you could assist us (ADC) with the other two drugs needed for the 3 drug protocol. I would like to speak with you about this.

If you are able to call today- you could speak with my boss- Division Director of Operations- Robert Patton.

I truly appreciate your help. Thanks again.

Therese Schroeder
Security Operations Administrator- ADC

From: [Kernan, Scott@CDCR](mailto:Kernan.Scott@CDCR)
To: McAuliffe, John@CDCR
Subject: Re: ARIZONA DEPARTMENT OF CORRECTIONS REQUEST FOR EXECUTION CHEMICALS
Date: Wednesday, September 22, 2010 8:19:43 PM

Yes. If we can help please let me know so I can advise matt and gov ofc before we commit. Thx
Scott

----- Original Message -----

From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Sent: Wed Sep 22 19:13:33 2010
Subject: Fw: ARIZONA DEPARTMENT OF CORRECTIONS REQUEST FOR EXECUTION CHEMICALS

Scott

If AZ is talking about the 2nd and 3rd drug (Pancuronium Bromide and Potassium Chloride) we could help. This is based on the email stream and AZ asking about "other drugs". If you agree I am ok with them calling me to deal with specific needs. They were very helpful when we asked in 2007.

John

----- Original Message -----

From: McDonald, Terri@CDCR
To: Giurbino, George@CDCR
Cc: McAuliffe, John@CDCR
Sent: Wed Sep 22 17:41:11 2010
Subject: RE: ARIZONA DEPARTMENT OF CORRECTIONS REQUEST FOR EXECUTION CHEMICALS

Let's have them talk to John McAuliff as first discussion and he can elevate to Scott if necessary. I tagged him on the email.

-----Original Message-----

From: Giurbino, George@CDCR
Sent: Wednesday, September 22, 2010 4:58 PM
To: McDonald, Terri@CDCR
Subject: ARIZONA DEPARTMENT OF CORRECTIONS REQUEST FOR EXECUTION CHEMICALS

Hi Terri,

The Arizona Department of Corrections would like to have a follow up discussion with an appropriate CDCR representative concerning the availability of "any" available chemicals associated with the three chemical process used for a lethal injection. I provided preliminary information to the representative below earlier today; however, it appears that they would like more specific information. Is there someone specific in agency that we would want to contact and work with Arizona on this issue??

Thank you,

George

George J. Giurbino, Director
Division of Adult Institutions/
California Department of Corrections and Rehabilitation
[REDACTED]

From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Subject: RE: LI
Date: Thursday, September 23, 2010 8:30:07 AM

John,

Talked with Matt. He needs to know how much we have (how many executions worth), how much we think we can loan them, when do we expect to get replenished if necessary, and the urgency of their request, when to they need it. Get that to me and I'll make it happen.

I was thinking of running to SQ over the weekend to just check on things and thank the staff. Would that be getting in the way? What is your assessment of how things are going?

Thx

Scott

-----Original Message-----

From: McAuliffe, John@CDCR
Sent: Thursday, September 23, 2010 8:05 AM
To: Kernan, Scott@CDCR
Subject: Fw: LI

Scott

I talked to AZ this morning they are looking for the 2nd and 3rd drugs. See email. I told them I would get back to you.

John

----- Original Message -----

From: THERESE SCHROEDER [REDACTED]
To: McAuliffe, John@CDCR
Cc: ROBERT PATTON [REDACTED]
Sent: Thu Sep 23 07:59:02 2010
Subject: Re: LI

Thank you so much for your assistance. ADC needs all 3 drugs and I understand that you are able to assist with Pancuronium Bromide and Potassium Chloride.

You can reach me or Division Director of Operations [REDACTED] at [REDACTED]

Thank you,
Therese Schroeder
Security Operations Administrator

>>> "McAuliffe, John@CDCR" <John.McAuliffe@cdcr.ca.gov> 9/22/2010 10:27 PM >>>

Your email was forwarded to me. I have contacted the Undersecretary and he has asked that you contact me. Please call me at [REDACTED] Look forward to your call.

John McAuliffe

From: Kernan, Scott@CDCR
To: [REDACTED]@CDCR; Duffy, Brian@CDCR
Subject: FW: LI
Date: Thursday, September 23, 2010 11:38:54 AM

From: McAuliffe, John@CDCR
Sent: Thursday, September 23, 2010 11:38:05 AM
To: Kernan, Scott@CDCR
Subject: Re: LI
Auto forwarded by a Rule

Scott

We will be training Saturday, Sunday and Monday from 5AM to 1PM. You would not be in the way Ben Rice stated he was going to come by Sunday.

We have enough of the chemicals for six executions to include practice. Currently at SQ

Thiopental. 7.5 grams
Pancuronium Bromide 2100 mg
Potassium Chloride. 8400 mEq

350 mg of Bromide per execution to include training

1400 mEq of Potassium Chloride per execution to include training

AZ is asking for 320 mg of Pancuronium Bromide and 760 mEq of Potassium Chloride for one upcoming execution date not set yet. We have a supply for 6 executions of the 2 drugs. Since Brown may end up 1 drug give AZ. 350 mg of Pancuronium Bromide and 1400 mEq of Potassium Chloride. This will keep SQ,s inventory exact only difference 5 vs 6 executions.

John

----- Original Message -----
From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Thu Sep 23 08:29:58 2010
Subject: RE: LI

John,

Talked with Matt. He needs to know how much we have (how many executions worth), how much we think we can loan them, when do we expect to get replenished if necessary, and the urgency of their request, when to they need it. Get that to me and I'll make it happen.

I was thinking of running to SQ over the weekend to just check on things and thank the staff. Would that be getting in the way? What is your assessment of how things are going?

Thx

Scott

-----Original Message-----
From: McAuliffe, John@CDCR
Sent: Thursday, September 23, 2010 8:05 AM
To: Kernan, Scott@CDCR
Subject: Fw: LI

Scott

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John

----- Original Message -----

From: THERESE SCHROEDER [REDACTED]

To: McAuliffe, John@CDCR

Cc: ROBERT PATTON [REDACTED]

Sent: Thu Sep 23 07:59:02 2010

Subject: Re: LI

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You can reach me or Division Director of Operations Robert Patton at [REDACTED]

Thank you,
Therese Schroeder
Security Operations Administrator

>>> "McAuliffe, John@CDCR" <John.McAuliffe@cdcr.ca.gov> 9/22/2010 10:27 PM >>>
Your email was forwarded to me. I have contacted the Undersecretary and he has asked that you contact me. Please call me at [REDACTED] Look forward to your call.
John McAuliffe

From: [McAuliffe, John@CDCR](mailto:McAuliffe,John@CDCR)
To: [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR)
Subject: Re:
Date: Monday, September 27, 2010 3:20:39 PM

Scott
I'll take care of it and contact AZ.
John

From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Mon Sep 27 15:13:52 2010
Subject:

John,

Got the green light to share with AZ. Just need to make sure we are not going to run out, but know that is just not a problem at this point. You arrange logistics and if you need anything from me please let me know.

Scott

From: Kernan, Scott@CDCR
To: Gaddl, Kathy@CDCR
Subject: Fw: No CDCR Star Today
Date: Tuesday, September 28, 2010 11:02:40 AM

Send to john and have him advise. Thx

From: Cate, Matt@CDCR
To: Kernan, Scott@CDCR
Sent: Tue Sep 28 10:51:23 2010
Subject: FW: No CDCR Star Today

Arizona says they have ordered Sodium Thiopental. Where are from whom?

From: Hidalgo, Oscar@CDCR
Sent: Tuesday, September 28, 2010 9:24 AM
To: CDCR Cabinet
Subject: No CDCR Star Today

Due to staff shortages in OPEC, the CDCR will not be published today. Here are some key news clips below.

Governor delays execution for Riverside killer

09:00 AM PDT on Tuesday, September 28, 2010

By RICHARD K. DE ATLEY
The Press-Enterprise

AP Interactive: [Method of execution in states with the death penalty](#)

UPDATED 8:45 A.M.: A federal judge who cleared the way for the execution of Albert Greenwood Brown Jr. has been ordered to hold a hearing on whether California's three-drug protocol for lethal injection executions complies with a [U.S. Supreme Court](#) ruling.

"This matter is remanded to the district court to determine whether, under Baze, Brown is entitled to a stay of his execution as it would be conducted under the three-drug protocol now in effect," the U.S. 9th Circuit Court of Appeals wrote.

Baze is the 2008 U.S. Supreme Court ruling that found constitutional the three-drug cocktail used in lethal injection executions. It adopted a standard of whether the procedure poses a "substantial risk of serious harm."

Brown was sentenced to death in 1982 for the kidnap, rape, and strangulation of 15-year-old Susan Louise Jordan of Riverside in 1980.

Brown, 56, currently faces death by legal injection at San Quentin Prison at 9 pm

From: McAuliffe, John@CDCR
To: Cullen, Vincent@CDCR
Subject: Re: ADC assistance
Date: Tuesday, September 28, 2010 12:35:49 PM

350. mg pancuronium bromide
1400 mEq potassium chloride
This would cover an execution of 2 trays and 2 backup trays. Also this would cover 1 tray for each of the 3 training days just prior to the execution.
John

----- Original Message -----
From: Cullen, Vincent@CDCR
To: McAuliffe, John@CDCR
Sent: Tue Sep 28 12:27:33 2010
Subject: FW: ADC assistance

John,
What quantity did you and I agree we could provide AZ?

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison
[REDACTED]

-----Original Message-----
From: Luna, Rudy@CDCR
Sent: Tuesday, September 28, 2010 12:11 PM
To: Cullen, Vincent@CDCR
Cc: Rodriguez, William A.@CDCR
Subject: FW: ADC assistance

Warden,

Below, is the request from Arizona Corrections regarding Pancurium Bromide.

Luna

-----Original Message-----
From: THERESE SCHROEDER [REDACTED]
Sent: Tuesday, September 28, 2010 12:03 PM
To: Luna, Rudy@CDCR
Cc: CARSON McWILLIAMS; KAREN INGRAM; TARA DIAZ
Subject: ADC assistance

Lt. Luna, as discussed per John McAuliffe, you are the POC for Arizona Department of Corrections and the obtaining of Pancurium Bromide.

We are in need of this medication and will arrange shipping/delivery and payment through our Procurement Department.

We would like the medication delivered to:

Warden Carson McWilliams

ASPC- Florence
P O Box 629

Florence, Az 85232-0629

I am available at [REDACTED]

office- [REDACTED]

or call Warden McWilliams at [REDACTED] and speak with Warden or [REDACTED].

Thank you,
Therese Schroeder
Security Operations Administrator

From: TERESE SCHROEDER
To: McAuliffe, John@CDCR; Luna, Rudy@CDCR
Subject: Fwd: ADC assistance
Date: Tuesday, September 28, 2010 3:29:48 PM

My apologies- I gave you the wrong Warden's number below

Warden Carson McWilliams number is [REDACTED]

>>> THERESE SCHROEDER 9/28/2010 12:03 PM >>>

[REDACTED], as discussed per John McAuliffe, you are the POC for Arizona Department of Corrections and the obtaining of Pancurium Bromide.

We are in need of this medication and will arrange shipping/delivery and payment through our Procurement Department.

We would like the medication delivered to:

Warden Carson McWilliams

ASPC- Florence
P O Box 629
Florence, Az 85232-0629

I am available at BB- [REDACTED]

office- [REDACTED]

or call Warden McWilliams at [REDACTED] and speak with Warden or [REDACTED]

Thank you,
Therese Schroeder
Security Operations Administrator

From: Kernan, Scott@CDCR
To: [REDACTED] Kathy@CDCR; Duffy, Brian@CDCR
Subject: FW: Execution Protocol Drugs
Date: Tuesday, September 28, 2010 6:21:25 PM

From: McAuliffe, John@CDCR
Sent: Tuesday, September 28, 2010 6:21:20 PM
To: Kernan, Scott@CDCR
Subject: Fw: Execution Protocol Drugs
Auto forwarded by a Rule

Fyi

----- Original Message -----
From: CHARLES FLANAGAN [REDACTED]
To: McAuliffe, John@CDCR
Cc: THERESE SCHROEDER [REDACTED]
Sent: Tue Sep 28 17:38:36 2010
Subject: Execution Protocol Drugs

John:

As we discussed on the phone today, we have followed the lead of [REDACTED] and purchased the drugs we need from a company in London. Frankly, there was no possibility of getting the Thiopental Sodium/Sodium Pentothal from any source in the U.S., to include from any of the departments of corrections in other states that use the same 3-drug protocol as us.

The name of the company and the person with whom we arranged the purchase is:



We were able to purchase enough of each drug in our protocol for each of the upcoming executions:

Sodium Pentothol as Thiopental Sodium (could not acquire in U.S.)
Pancuronium Bromide (could not acquire enough in the U.S.)
Potassium Chloride (could get in the U.S., but not necessarily in time).

We understand that [REDACTED] has still not received their drugs and that this may be due to the process of getting the shipment through Customs and the FDA. We have followed the following process to try and expedite the shipment through Customs and the FDA to us:

- We hired our own customs broker, locally, and mandated that the sender, who actually hires Fed Ex to transport, fills out the paperwork to ensure Fed Ex uses our broker, not theirs.

- We ensured that Fed Ex knew, and we documented clearly on all forms, that the "Port of Unladen" be Memphis, TN (the Fed Ex hub for all overseas transports), and the "Port of Entry" be Phoenix, AZ. This gives absolute jurisdiction to the Customs and FDA to the local people and not to those offices in Memphis.

- We called and explained to the [REDACTED] what we were doing and why, as well as the time-sensitivity and criticality of the issue. He provided us with e-mail verification that the shipment was to be expedited through customs.

- We called and spoke with the [REDACTED], explaining the same issues and background as we did with [REDACTED]. He notified his chain of command to Washington DC, with his recommendation that the shipment be processed expeditiously to us as it was for the purpose of executions and not for use by the general public. That was approved.

- We communicated the same issues to the local Fed Ex folks, who have been helpful in ensuring the refrigerated drugs be refrigerated while held in Phoenix for the few hours between arrival and customs clearance.

- We are sending our [REDACTED] along with [REDACTED] Florence prison (where executions are performed and the drugs are stored) to meet with the [REDACTED] official. The [REDACTED] will photograph and inventory the contents of the shipment in the presence of our staff. He will then turn the drugs over to us to transport to our secure storage at the prison.

This has been a very staff-intensive and difficult road. I anticipate having the drugs at some time between 0830 and 1000 hrs. tomorrow morning. That will be the true test of the process outlined above. Between ordering to shipment, we had about a 3 working day lapse. Between shipment and receipt, we will have had a little over 2 days.

The final proof will be in the pudding of the acceptance by the court of our statement that we have the drugs in our possession by the deadline some 25 days prior to our first scheduled execution...and then the actual execution and post execution reviews.

I would be happy to speak with whomever you wish about the process in more detail. Let me know if I can ever help on any issue. Thank you also for your assistance with the pancromium.

Charles

Charles Flanagan
Deputy Director
Arizona Department of Corrections
1601 West Jefferson Street
Phoenix, AZ 85007

[REDACTED]

From: Kernan, Scott@CDCR
To: [REDACTED]
Subject: FW: Execution Protocol Drugs
Date: Wednesday, September 29, 2010 8:19:00 AM

[REDACTED]

Please check out this email string. Sounds like Arizona has found a way to get it via customs. I am calling AZ this morning and see if they will lend us enough for one execution and try to contact the vendor and see if they can get us additional quantity. What do you think?

Scott

-----Original Message-----

From: McAuliffe, John@CDCR
Sent: Tuesday, September 28, 2010 6:21 PM
To: Kernan, Scott@CDCR
Subject: Fw: Execution Protocol Drugs

Fyi



From: [Cullen, Vincent@CDCR](mailto:Cullen,Vincent@CDCR)
To: [Giurbino, George@CDCR](mailto:Giurbino,George@CDCR)
Subject: RE: Pancuronium Bromide
Date: Wednesday, September 29, 2010 10:13:07 AM

K... I will await word from Scott. I do have sufficient quantities.

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison
[REDACTED]

-----Original Message-----

From: [Giurbino, George@CDCR](mailto:Giurbino,George@CDCR)
Sent: Wednesday, September 29, 2010 10:07 AM
To: [Cullen, Vincent@CDCR](mailto:Cullen,Vincent@CDCR)
Cc: [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR)
Subject: Re: Pancuronium Bromide

Hi Vince,

I would not have any issue w/ providing a portion of our available PB to AZ. I am unaware of current available doses, but would recommend retention to meet potential local needs for balance of Calendar Year.

As there are more issues beyond my knowledge potentially involved in this issue, I defer final authorization to Mr. Kernan and Mr. Ben Rice.

----- Original Message -----

From: [Cullen, Vincent@CDCR](mailto:Cullen,Vincent@CDCR)
To: [Giurbino, George@CDCR](mailto:Giurbino,George@CDCR); [Kernan, Scott@CDCR](mailto:Kernan,Scott@CDCR)
Sent: Wed Sep 29 10:01:10 2010
Subject: FW: Pancuronium Bromide

George/Scott,
Myself and John McAuliffe are ok with loaning some Pancuronium Bromide to AZ. I just need your OK.

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison
[REDACTED]

-----Original Message-----

From: [Luna, Rudy@CDCR](mailto:Luna,Rudy@CDCR)
Sent: Wednesday, September 29, 2010 9:12 AM
To: [Cullen, Vincent@CDCR](mailto:Cullen,Vincent@CDCR); [Rodriguez, William A.@CDCR](mailto:Rodriguez,William.A.@CDCR)
Subject: FW: Pancuronium Bromide

FYI...

-----Original Message-----

From: THERESE SCHROEDER [REDACTED]
Sent: Wednesday, September 29, 2010 8:08 AM
To: [Luna, Rudy@CDCR](mailto:Luna,Rudy@CDCR)

Subject: Pancuronium Bromide

Lt. Luna, ADC's need for Pancuronium Bromide is greater than ever today. We have had issues with our expected shipment and are not sure if we will have enough.

We are so appreciative of California DOC's offer of assistance. Please let me know what I can do to make this easier on you. I am available all day today.

[REDACTED]

[REDACTED]

Therese Schroeder
Security Operations Administrator

From: Kernan, Scott@CDCR
To: [REDACTED]@CDCR; Duffy, Brian@CDCR
Subject: FW: Execution Protocol Drugs
Date: Wednesday, September 29, 2010 10:13:48 AM

From: McAuliffe, John@CDCR
Sent: Wednesday, September 29, 2010 10:13:45 AM
To: Kernan, Scott@CDCR
Subject: Re: Execution Protocol Drugs
Auto forwarded by a Rule

Scott
21 grams would cover backup trays and training. Our minimum would be 12 grams.(2 trays for execution 2 for backup) We can use the 7 grams that expires on 1 Oct for training.
John

----- Original Message -----
From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Wed Sep 29 10:05:16 2010
Subject: RE: Execution Protocol Drugs

John,

Need to know exact quantity we will need for one execution if AZ loans it to us. Need asap.

You and I also have to talk today about FDA and Customs.

Scott

-----Original Message-----
From: McAuliffe, John@CDCR
Sent: Tuesday, September 28, 2010 6:21 PM
To: Kernan, Scott@CDCR
Subject: Fw: Execution Protocol Drugs

Fyi

----- Original Message -----
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To: McAuliffe, John@CDCR
Cc: THERESE SCHROEDER [REDACTED]
Sent: Tue Sep 28 17:38:36 2010
Subject: Execution Protocol Drugs

John:

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The name of the company and the person with whom we arranged the purchase is:

[REDACTED]



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- We ensured that Fed Ex knew, and we documented clearly on all forms, that the "Port of Unladen" be Memphis, TN (the Fed Ex hub for all overseas transports), and the "Port of Entry" be Phoenix, AZ. This gives absolute jurisdiction to the Customs and FDA to the local people and not to those offices in Memphis.
- We called and explained to the [REDACTED] what we were doing and why, as well as the time-sensitivity and criticality of the issue. He provided us with e-mail verification that the shipment was to be expedited through customs.
- We called and spoke with the [REDACTED] explaining the same issues and background as we did with Customs (and Customs had already communicated their promise of expeditious handling and why to the FDA). He notified his chain of command to Washington DC, with his recommendation that the shipment be processed expeditiously to us as it was for the purpose of executions and not for use by the general public. That was approved.
- We communicated the same issues to the local Fed Ex folks, who have been helpful in ensuring the refrigerated drugs be refrigerated while held in Phoenix for the few hours between arrival and customs clearance.
- We are sending our Pharmacy Program Manager, along with the Deputy Warden of Operations for the Florence prison (where executions are performed and the drugs are stored) to meet with the FDA official. The FDA will photograph and inventory the contents of the shipment in the presence of our staff. He will then turn the drugs over to us to transport to our secure storage at the prison.

This has been a very staff-intensive and difficult road. I anticipate having the drugs at some time between 0830 and 1000 hrs. tomorrow morning. That will be the true test of the process outlined above. Between ordering to shipment, we had about a 3 working day lapse. Between shipment and receipt, we will have had a little over 2 days.

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Charles

Charles Flanagan

[REDACTED]
Arizona Department of C [REDACTED]
1601 West Jefferson Street
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Kernan, Scott@CDCR
To: Giurbino, George@CDCR; Cullen, Vincent@CDCR
Subject: RE: Pancuronium Bromide
Date: Wednesday, September 29, 2010 11:22:23 AM

We have approval to loan them some. John and Vince working on the details. Thx

Scott

-----Original Message-----

From: Giurbino, George@CDCR
Sent: Wednesday, September 29, 2010 10:07 AM
To: Cullen, Vincent@CDCR
Cc: Kernan, Scott@CDCR
Subject: Re: Pancuronium Bromide

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Warden (A)
San Quentin State Prison
[REDACTED]

-----Original Message-----

From: Luna, Rudy@CDCR
Sent: Wednesday, September 29, 2010 9:12 AM
To: Cullen, Vincent@CDCR; Rodriguez, William A.@CDCR
Subject: FW: Pancuronium Bromide

FYI...

-----Original Message-----

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Sent: Wednesday, September 29, 2010 8:08 AM
To: Luna, Rudy@CDCR
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[REDACTED]

[REDACTED]

Therese Schroeder
Security Operations Administrator

From: Kernan, Scott@CDCR
To: [REDACTED]@CDCR; Duffy, Brian@CDCR
Subject: FW: Execution Protocol Drugs
Date: Wednesday, September 29, 2010 12:03:43 PM

From: McAuliffe, John@CDCR
Sent: Wednesday, September 29, 2010 12:03:42 PM
To: Kernan, Scott@CDCR
Subject: Re: Execution Protocol Drugs
Auto forwarded by a Rule

Scott
Just got off the phone with DEA. No problem with going to AZ and picking up drugs. I have names and details on what to do.
John

----- Original Message -----
From: Kernan, Scott@CDCR
To: McAuliffe, John@CDCR
Sent: Wed Sep 29 10:05:16 2010
Subject: RE: Execution Protocol Drugs

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To: Kernan, Scott@CDCR
Subject: Fw: Execution Protocol Drugs

Fyi

----- Original Message -----
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Cc: THERESE SCHROEDER [REDACTED]
Sent: Tue Sep 28 17:38:36 2010
Subject: Execution Protocol Drugs

John:

As we discussed on the phone today, we have followed the lead of [REDACTED] and purchased the drugs we need from a company in London. Frankly, there was no possibility of getting the Thiopental Sodium/Sodium Pentothal from any source in the U.S., to include from any of the departments of corrections in other states that use the same 3-drug protocol as us.

The name of the company and the person with whom we arranged the purchase is:

[REDACTED]

[REDACTED]

We were able to purchase enough of each drug in our protocol for each of the upcoming executions:

Sodium Pentothol as Thiopental Sodium (could not acquire in U.S.)
Pancuronium Bromide (could not acquire enough in the U.S.)
Potassium Chloride (could get in the U.S., but not necessarily in time).

We understand that [REDACTED] has still not received their drugs and that this may be due to the process of getting the shipment through Customs and the FDA. We have followed the following process to try and expedite the shipment through Customs and the FDA to us:

- We hired our own customs broker, locally, and mandated that the sender, who actually hires Fed Ex to transport, fills out the paperwork to ensure Fed Ex uses our broker, not theirs.

- We ensured that Fed Ex knew, and we documented clearly on all forms, that the "Port of Unladen" be Memphis, TN (the Fed Ex hub for all overseas transports), and the "Port of Entry" be Phoenix, AZ. This gives absolute jurisdiction to the Customs and FDA to the local people and not to those offices in Memphis.

- We called and explained to the [REDACTED] Customs what we were doing and why, as well as the time-sensitivity and criticality of the issue. He provided us with e-mail verification that the shipment was to be expedited through customs.

- We called and spoke with the [REDACTED] FDA official [REDACTED], explaining the same issues and background as we did with Customs (and Customs had already communicated their promise of expeditious handling and why to the FDA). He notified his chain of command to Washington DC, with his recommendation that the shipment be processed expeditiously to us as it was for the purpose of executions and not for use by the general public. That was approved.

- We communicated the same issues to the local Fed Ex folks, who have been helpful in ensuring the refrigerated drugs be refrigerated while held in Phoenix for the few hours between arrival and customs clearance.

- We are sending our [REDACTED] along with the Deputy Warden of Operations for the Florence prison (where executions are performed and the drugs are stored) to meet with the FDA official. The FDA will photograph and inventory the contents of the shipment in the presence of our staff. He will then turn the drugs over to us to transport to our secure storage at the prison.

This has been a very staff-intensive and difficult road. I anticipate having the drugs at some time between 0830 and 1000 hrs. tomorrow morning. That will be the true test of the process outlined above. Between ordering to shipment, we had about a 3 working day lapse. Between shipment and receipt, we will have had a little over 2 days.

The final proof will be in the pudding of the acceptance by the court of our statement that we have the drugs in our possession by the deadline some 25 days prior to our first scheduled execution...and then the actual execution and post execution reviews.

I would be happy to speak with whomever you wish about the process in more detail. Let me know if I can ever help on any issue. Thank you also for your assistance with the pancromium.

Charles

Charles Flanagan

[REDACTED]
Arizona Department of C [REDACTED]
1601 West Jefferson Street
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Cullen, Vincent@CDCR](mailto:Cullen.Vincent@CDCR)
To: McAuliffe, John@CDCR
Subject: Re: AZ
Date: Wednesday, September 29, 2010 2:08:04 PM

John,
How many bottles equates to 350mg?

----- Original Message -----
From: McAuliffe, John@CDCR
To: Cullen, Vincent@CDCR
Sent: Wed Sep 29 13:07:41 2010
Subject: Re: AZ

I guess we pack with dry ice and ship? Or we could say we will drive it out to you for 21 gram of sodium thiopental.
John

----- Original Message -----
From: Cullen, Vincent@CDCR
To: McAuliffe, John@CDCR
Sent: Wed Sep 29 12:43:42 2010
Subject: Re: AZ

Thanks John. How will we get it to them?

----- Original Message -----
From: McAuliffe, John@CDCR
To: Cullen, Vincent@CDCR
Cc: 'McDonald@cdcr.ca.gov' <McDonald@cdcr.ca.gov>; Giurbino, George@CDCR; Kernan, Scott@CDCR
Sent: Wed Sep 29 12:32:38 2010
Subject: AZ

Warden
Just got off the phone with DEA concerning AZ request for Pancuronium Bromide ((350 mg). For accountability we should use a blank chain of custody form that we use for LI. List the drug; amount; lot numbers; number of vials; Dr.'s DEA # (SQ and AZ). DEA #'s will reflect transfer to Feds.
John

From: [Cullen, Vincent@CDCR](mailto:Cullen.Vincent@CDCR)
To: Kernan, Scott@CDCR; McAuliffe, John@CDCR; Glurblno, George@CDCR
Cc: [REDACTED]
Subject: Pancuronium Bromide
Date: Wednesday, September 29, 2010 2:36:14 PM

Just an FYI....

[REDACTED] (Team Administrator) and myself just removed 35 10mL vials of Pancuronium Bromide from the Lethal Injection Facility to ship to Arizona. We completed the chain of custody log. [REDACTED] will accompany Business Services to UPS/Fedex to witness the transfer to Arizona.

VINCENT S. CULLEN
Warden (A)
San Quentin State Prison

[REDACTED]

From: McAuliffe, John@CDCR
To: Kernan, Scott@CDCR
Subject: Fw: Dr 's SQ DEA #
Date: Wednesday, September 29, 2010 4:36:05 PM

Drugs on the way to AZ.
John

----- Original Message -----

From: [REDACTED]
To: McAuliffe, John@CDCR
Sent: Wed Sep 29 16:34:48 2010
Subject: Re: Dr 's SQ DEA #

John,
Just returned back from Fed Ex. Drugs are on their way to Arizona.

----- Original Message -----

From: McAuliffe, John@CDCR
To: Cullen, Vincent@CDCR
Cc: Kernan, Scott@CDCR; Rice, Benjamin@CDCR; Slavin, Bruce@CDCR; McCleave, Kelly@CDCR
Sent: Wed Sep 29 16:16:33 2010
Subject: Dr 's SQ DEA #

Warden

DEA called me and gave me 2 of our 3 Dr 's SQ DEA #s. The third Dr was emailed and told to reapply due to having an incomplete address. These additional numbers will be used when ordering the drugs I will put together a book with all of the Dr 's names, contact info, DEA #'s and CDCR work info. I will include the Nurses with same info. Additionally, I will include the DEA agent info assigned to SQ with point of contact info.rmatation.

John

From: Kernan, Scott@CDCR
To: Cate, Matt@CDCR; Rice, Benjamin@CDCR
Subject: FW: FW: Execution Protocol Drugs
Date: Wednesday, September 29, 2010 4:52:00 PM

Written confirmation. I am arranging to have OCS agents pick up the drug and transport directly to SQ. When I tie it down I'll give you an ETA.

Scott

-----Original Message-----

From: CHARLES FLANAGAN [REDACTED]
Sent: Wednesday, September 29, 2010 4:40 PM
To: Kernan, Scott@CDCR
Cc: CARSON McWILLIAMS; ROBERT PATTON
Subject: Re: FW: Execution Protocol Drugs

Scott:

To confirm our verbal conversation, Director Ryan has authorized the Arizona Department of Corrections (ADC) to provide you with 12 grams of the Thiopental Sodium we have just acquired. You also have our thanks for the Pancuronium Bromide your agency has provided to ADC. Please let us know when your employees would like to arrive at the Arizona State Prison Complex-Florence, located at Florence, Arizona, in order to pick up the drugs, as you indicated this is your preferred method of delivery and transportation.

Warden Carson McWilliams will facilitate the transfer to your staff. His contact information is:

[REDACTED]

I understand from you that your staff will contact him tomorrow morning to arrange a time to meet the Warden and take possession of the drug.

Charles

>>> "Kernan, Scott@CDCR" <Scott.Kernan@cdcr.ca.gov> 9/29/2010 11:04 AM >>>
Mr. Flanagan,

Sorry for delay in getting this information. Just wanted to make sure. Appears that we would need 12 grams minimum. We are going to start working now on procuring via the method you so kindly described. Thanks again for your help. Please let me know what your Director thinks and am sure either the Secretary or even the Governor could make a call if necessary. Look forward to hearing from you.

Scott

-----Original Message-----

From: McAuliffe, John@CDCR
Sent: Wednesday, September 29, 2010 10:14 AM
To: Kernan, Scott@CDCR
Subject: Re: Execution Protocol Drugs

Scott

21 grams would cover backup trays and training. Our minimum would be 12 grams.(2 trays for execution 2 for backup) We can use the 7 grams that expires on 1.Oct for training.

Cullen, Vincent@CDCR

From: Kernan, Scott@CDCR
Sent: Wednesday, September 29, 2010 4:57 PM
To: McAuliffe, John@CDCR
Cc: Cullen, Vincent@CDCR
Subject: FW: FW: Execution Protocol Drugs

John,

Got the 12 grams from AZ. I am going to have agents from OCS down south pick it up tomorrow and drive it directly to SQ. What kind of documents do we need for chain of control? Also important that we get at that pharmacy in England. GREAT JOB.

Scott

-----Original Message-----

From: CHARLES FLANAGAN [REDACTED]
Sent: Wednesday, September 29, 2010 4:40 PM
To: Kernan, Scott@CDCR
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[REDACTED]
[REDACTED] (direct line)

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Charles

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John

From: Kernan, Scott@CDCR
To: "CHARLES FLANAGAN"
Subject: RE: Execution Protocol Drugs
Date: Wednesday, September 29, 2010 4:57:00 PM

Charles,

Just confirming I received this email. Staff will be contacting Warden first thing in the morning. You guys in AZ are life savers. By you a beer next time I get that way.

Scott

-----Original Message-----

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Subject: Re: Execution Protocol Drugs

Scott

[REDACTED] Our minimum would be 12 grams.(2 trays for
execution.2 for backup) [REDACTED] the 7 grams that expires on 1 Oct for training.
John

[REDACTED]

From: Kernan, Scott@CDCR
To: [REDACTED]@CDCR; Duffy, Brian@CDCR
Subject: FW: Execution Protocol Drugs
Date: Wednesday, September 29, 2010 5:35:37 PM

From: CHARLES FLANAGAN [REDACTED]
Sent: Wednesday, September 29, 2010 5:35:03 PM
To: Kernan, Scott@CDCR
Subject: RE: FW: Execution Protocol Drugs
Auto forwarded by a Rule

no need...happy to help...

>>> "Kernan, Scott@CDCR" <Scott.Kernan@cdcr.ca.gov> 9/29/2010 4:57 PM >>>
Charles,

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