

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

DOYLE LEE HAMM,)	
)	
Plaintiff,)	
)	
v.)	
)	2:17-cv-02083-KOB
JEFFERSON S. DUNN, et al.)	
)	
)	
Defendants.)	

AFFIDAVIT OF JEFFERSON S. DUNN

Before me, the undersigned notary public, personally appeared Jefferson S. Dunn who, after being duly sworn by oath, did depose and say as follows:

1. My name is Jefferson S. Dunn and I presently serve as the Commissioner of the Alabama Department of Corrections (the "ADOC"). I have served in this capacity since April 1, 2015.

2. I am over nineteen years of age, the age of majority in Alabama, and I give this statement based on my personal knowledge of the facts and information contained herein.

3. Although the Warden of Holman Correctional Facility is statutorily charged with carrying out an execution, I maintain executive oversight of, and final authority over, the ADOC's execution procedures. To the best of my knowledge, the ADOC Commissioner has always maintained this authority over the execution

protocol.

4. It is the ADOC's policy that all documents associated with the execution of death row inmates are confidential, to include the ADOC execution protocol. The ADOC has a strong interest in protecting the confidentiality of its execution protocol because the protocol contains security procedures relating not only to the execution itself, but procedures concerning the days leading up to a scheduled execution. The protocol specifies the location of ADOC correctional officers, their duty posts, and their movement within the facility prior to and after a scheduled execution date. Further, the protocol details specific times that correctional officers and a condemned inmate will be in specific locations within the correctional facility. The public dissemination of these security procedures would put correctional officers at risk, for example, by disclosing the number of officers deployed to certain areas of the correctional facility at certain times and would compromise the ADOC's security plan during the execution process. The public disclosure of this information could also compromise the ADOC's ability to ensure the safety of other visitors to the facility, as well as other inmates, during an execution. Finally, the protocol references categories of correctional staff who participate as members of the execution team and the public disclosure of this information could provide a means to identify the identities of these personnel based on their titles.

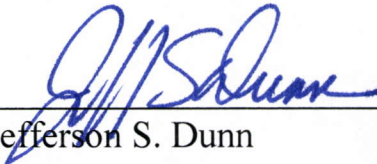
5. Similar to the execution protocol, the ADOC maintains the confidentiality of other security procedures that involve sensitive information concerning the deployment or duty posts of correctional staff, the placement of inmates, and sensitive security information. For instance, the ADOC maintains the confidentiality of other specific security protocols for death row, riots/disturbances, hostage situations, and many other sensitive security events, for similar reasons that the execution protocol is classified as confidential. Public disclosure of such would compromise the ADOC's mandated duty to administrate its facilities and/or compromise the security of individuals, both inside its facilities and in the community.

7. The ADOC has consistently taken steps to maintain the confidentiality of the execution protocol because of these strong security interests. The ADOC has successfully moved to quash non-party subpoena requests for the execution protocol because of the security concerns identified above. The ADOC has provided redacted copies of the execution protocol only in a limited context in litigation involving Alabama death-row inmates challenging the State's method of execution. Even then, the ADOC has provided the protocol only in appropriate circumstances and subject to a protective order, which prohibits the public disclosure of the protocol and limits the use of the protocol to only that litigation as it relates to that particular plaintiff's specific claim.

8. I am also aware that certain aspects of the protocol relating to the actual administration of an execution by lethal injection, such as the type, doses, and sequences of the drugs used and the fact that the drugs are administered intravenously, have already been made publicly available in filings made in numerous other death penalty cases.


Further affiant sayeth not.

I, Jefferson S. Dunn, declare under penalty of perjury that the foregoing is true and correct and is based on my own personal knowledge.



Jefferson S. Dunn

Sworn to and subscribed before me on this 13th day of April, 2018.



NOTARY PUBLIC
My Commission Expires: 11/21/19