

501 KAR 16:340. Electrocutation protocol.

RELATES TO: KRS 196.030, 196.070, 196.180, 431.213-431.270

STATUTORY AUTHORITY: KRS 196.035, 197.020, 431.218, 431.220, 431.224, 431.240, 431.250, 431.260, 431.270

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 and 197.020 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any of its divisions. KRS 431.220 establishes requirements for the execution of the death penalty. This administrative regulation establishes the protocol for execution by electrocution.

Section 1. Preliminary Steps. (1) The penitentiary shall have a minimum of three (3) phones that may be used simultaneously available for communication with the courts and counsel on the day of execution. The warden shall determine if necessary phones are operational prior to the execution.

(2) The electrocution equipment shall be designed to deliver approximately five (5) to ten (10) amps depending upon the condemned person's physique at the designed voltage.

(3) The electrocution equipment shall be checked and tested in accordance with 501 KAR 16:320, Section 3(3), within forty-eight (48) hours of the time scheduled for an execution by electrocution.

(4) A sodium chloride solution shall be made by a member of the execution team within five (5) hours prior to the time scheduled for an execution by electrocution by the following:

(a) Approximately five (5) gallons of water at room temperature shall be placed in a container; and

(b) Up to 128 ounces of iodized table salt shall be slowly added to the water while continuously mixing until the water will not visibly absorb salt. Sufficient absorption is observed when the salt will not dissolve in the water and visibly collects at the bottom of the container.

(5) Natural sea sponges for the head and leg electrodes shall be prepared by soaking them in the sodium chloride solution until they are saturated.

(6) If the penitentiary does not have power when the execution is scheduled to commence, the generator for the execution building shall be started.

(7) The condemned person's head and one (1) leg shall be shaved on the day of execution.

(8) The warden shall order the condemned person escorted to the execution chamber and strapped in the chair.

(9) The warden shall order the viewing curtain opened.

(10) The warden shall announce the execution to the witnesses.

(11) The warden shall ask the condemned person if he wants to make a final statement. If a statement is made by the condemned person, it shall be limited to two (2) minutes. The witnesses shall be allowed to hear the condemned person's statement.

(12) The warden shall announce the final preparations for the execution to the witnesses.

(13) The viewing curtain shall be closed.

(14) The execution team members shall:

(a) Attach the chin strap to the condemned person;

(b) Attach the head gear to the condemned person;

(c) Attach the leg band to the condemned person;

(d) Adjust the back board;

(e) Attach the cables from the electrocution equipment to the head and leg electrodes with the nuts sufficiently tightened to ensure a firm connection;

(f) Wipe any salt water released from the sponges from condemned person's head and leg;

and

- (g) Secure the condemned person's leather face covering.
- (15) The warden shall make a visual check of connections and straps.
- (16) The execution team shall exit the execution chamber.
- (17) The viewing curtain shall be opened.
- (18) The warden shall:
 - (a) Announce the execution of the condemned person to the witnesses; and
 - (b) Pull the face covering over the condemned person's face.
- (19) All persons except the condemned person shall exit the execution chamber.
- (20) Counsel assigned by the cabinet, and counsel assigned by the Attorney General shall be asked whether any stays, orders, pardons, or commutations of sentence have been received.

Section 2. Execution. (1) The warden shall order the execution to proceed.

(2) The execution equipment shall be activated for a two (2) minute cycle. The cycle shall consist of:

- (a) Approximately 2,400 volts for a period of fifteen (15) seconds; and
- (b) Approximately 240 volts for the remainder of the two (2) minute cycle.
- (3) If the warden sees evidence of a malfunction, he shall press the stop button on the electrocution equipment to end the cycle.
- (4) At the end of the two (2) minute cycle:
 - (a) The viewing curtain shall be closed; and
 - (b) The warden shall observe the condemned person for signs of life for five minutes, which at a minimum shall include pulse and respiration.
- (5) If the warden observes signs of life during the five (5) minute observation period:
 - (a) The viewing curtain shall be opened; and
 - (b) The warden shall order the execution cycle stated in subsection (2) of this section be repeated.
- (6) If the warden observes signs of life again, the execution shall be stopped. The commissioner shall contact the Governor's Office and request that the execution be suspended.
- (7) If the warden does not observe signs of life:
 - (a) The coroner shall check the condemned person to declare death, which at a minimum, shall include pulse and pupils; and
 - (b) The physician shall certify the cause of death.

Section 3. Post Execution Steps. (1) The warden shall announce the completion of the execution to the witnesses. The viewing curtain shall be open during the warden's announcement.

(2) The witnesses shall be escorted out of the witness room.

Section 4. Stabilization Procedure. (1) Before an execution commences:

- (a) The warden shall arrange for an ambulance and staff to be present on penitentiary property during the execution; and
- (b) A medical crash cart and defibrillator shall be located in the execution building in close proximity to the execution chamber.
- (2) If at any time during the execution process the Governor grants a pardon or commutes the sentence of the condemned person or if a court of competent jurisdiction issues a stay after an execution has commenced:
 - (a) The execution team shall stop the execution; and
 - (b) The medical staff on site shall attempt to stabilize the condemned person with the

equipment and personnel listed in subsection (1) of this section.

Section 5. Volunteer. (1) If a condemned person, who is a volunteer, tells department staff that he does not wish to continue with the execution process, the staff shall tell the warden.

(2) If the execution is in process:

(a) The execution team shall stop the execution; and

(b) The medical staff on site shall attempt to stabilize the condemned person with the equipment and personnel listed in Section 4(1) of this administrative regulation.

(3) The warden shall allow the condemned person to contact his attorney.

(4) The warden shall notify the commissioner.

(5) The commissioner shall contact the Governor's Office and request that the execution be suspended. (36 Ky.R. 1569; 2099-M; 2044-A; eff. 5-7-2010; 44 Ky.R.1897, 2349; eff. 7-6-2018.)