

## **501 KAR 16:320. Execution team qualifications.**

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 qualifications for the execution team.

### Section 1. Selection of Execution Team.

- (1) The warden of the Kentucky State Penitentiary shall be a member of the execution team by virtue of his official position.
- (2) The warden shall designate a deputy Warden to be a member of the execution team.
- (3) All other members of the execution team shall not be required to serve as members of the execution team without their consent.
- (4) An execution team member shall read and understand the execution procedures. A review of the execution procedures shall be conducted by the warden annually.

### Section 2. IV Team Qualifications.

- (1) At least two (2) members of the execution team shall be designated as the IV team for an execution by lethal injection. An IV team shall not be part of the execution team for an execution by electrocution.
- (2) A member of the IV team shall be a:
  - (a) Phlebotomist;
  - (b) Emergency Medical Technician;
  - (c) Paramedic; or
  - (d) Military Corpsman.
- (3) A member of the IV team shall:
  - (a) Have at least one (1) year of professional experience in his specialty or profession;
  - (b) Remain certified in his specialty or profession; and
  - (c) Fulfill all continuing education requirements in his specialty or profession.
- (4) Prior to participating in an execution, a member of the IV team shall have participated in at least two (2) execution practices receiving step-by-step instructions from an existing IV team member.
- (5) The warden shall review annually the training and current certification, as appropriate, of each IV team member to ensure compliance with the required qualifications and training.

### Section 3. Execution Practice.

- (1) Each practice shall include a complete walk through of an execution.
- (2) For execution by lethal injection:
  - (a) The execution team shall practice the lethal injection execution process at least ten (10) times during the course of one (1) calendar year; and
  - (b) Each practice shall include the siting of two (2) IVs into a person who serves voluntarily.
- (3) For execution by electrocution:
  - (a) The execution team shall practice the electrocution process at least two (2) times during the course of one (1) calendar year; and
  - (b) During each practice of execution by electrocution, the execution team shall:
    1. Visually inspect the:

- a. Headgear and electrode;
  - b. Strap and electrode for the leg;
  - c. Leather straps on the chair; and
  - d. Cables to the electrocution equipment; and
2. Use a testing device placed in the chair and connected to the cables of the electrocution equipment to simulate an electrocution.
- (4) The warden shall maintain a record of all execution team training documenting the:
- (a) Date of practice;
  - (b) Type of execution practiced; and
  - (c) Names of the participants.
- (36 Ky.R. 1565; 2094-M; 2042-A; eff. 5-7-2010; Crt eff. 2-20-2020.)