

NEBRASKA ADMINISTRATIVE CODE

Title 69 – DEPARTMENT OF CORRECTIONAL SERVICES

Chapter 11 – EXECUTION PROTOCOL

001 Authority. When the Director of the State of Nebraska Department of Correctional Services (Director) receives an order of the Nebraska Supreme Court directing the enforcement of a sentence of death, that order will be carried out pursuant to Laws 2009, L.B. 36. The Director has the authority to create and modify this protocol.

002 Location. Executions will be performed in the execution chamber at the Nebraska State Penitentiary.

003 Execution Team. The Director shall appoint and remove all members of the Execution Team at his or her discretion. The Execution Team shall consist of the following:

003.01 The Director

003.02 The Warden of the Nebraska State Penitentiary (Warden)

003.03 The Nebraska State Penitentiary Staff Communicator (Staff Communicator)

003.04 An Escort Team consisting of an Escort Team Leader and an Escort Team comprised of at least six additional individuals.

003.05 An IV Team consisting of an IV Team Leader and a single IV Team Member.

004 Execution Team Qualifications

004.01 The Director, Warden and Staff Communicator are qualified by the responsibilities of the positions they hold within the Department and the completion of any specific training required by this protocol.

004.02 Escort Team. The Escort Team shall be correctional employees with training or experience in escorting secured prisoners on behalf of the Department.

004.03 IV Team. The IV Team Leader and IV Team Member shall be individuals trained in venipuncture and catheter placement to maintain an open intravenous line; shall have successfully completed training as an emergency medical technician and training in phlebotomy; shall have successfully completed training to initiate the flow of saline solution by IV, the injection of substances into an IV line, and to select a syringe set(s) capable of accomplishing the requirements of this protocol.

005 Execution Team Duties

005.01 The Director (1) has the responsibility to obey orders of the Nebraska Supreme Court directing the enforcement of a sentence of death; (2) appoints and removes members of the Execution team at his or her discretion; (3) supervises, directs and maintains a record of the qualifications and training of the Execution Team pursuant to this protocol; (4) shall be physically present at the execution; (5) shall direct the administration of all substances to the prisoner in accordance with this protocol; (6) shall summon a coroner to pronounce the death of the condemned inmate; and (7) shall certify the death of the condemned inmate to the appropriate court.

005.02 The Warden, under the supervision of the Director, shall (1) assure that court ordered executions in Nebraska are conducted pursuant to this protocol; (2) be physically present at the execution; (3) be trained in and shall conduct the consciousness checks required by this protocol after the administration of the sodium thiopental; (4) if he or she is unable to reasonably verify that the condemned inmate is unconscious, he or she shall communicate to the Director that an additional dose of sodium thiopental should be administered; and (5) after he or she has reasonably verified that the condemned inmate is unconscious shall communicate that fact to the Director.

005.03 Nebraska State Penitentiary Staff Communicator, under the supervision of the Warden, shall (1) maintain a written record of activities related to this protocol beginning when the Escort Team delivers the condemned prisoner to the execution chamber; and (2) serve as the Director's communication liaison with representatives of the Nebraska Department of Justice.

005.04 The Escort Team shall (1) assume custody of the condemned inmate at the Nebraska State Penitentiary Hospital; (2) secure the condemned inmate; (3) escort or otherwise deliver the condemned inmate from the Nebraska State Penitentiary Hospital to the execution chamber; (4) place the condemned inmate on the table in the execution chamber; (5) secure the condemned inmate to the table in the execution chamber; (6) exit the execution chamber; and (7) remain outside the execution chamber to respond to any inmate control issues that may arise until dismissed by the Director.

005.05 The IV Team Leader shall (1) obtain and maintain appropriate materials and equipment to accomplish his or her responsibilities under this protocol; (2) at least 48 hours before the scheduled execution date examine the condemned inmate to determine appropriate locations for intravenous catheter placement and report the results of that examination to the Director; (3) on the date of the execution, obtain, prepare and deliver to the execution chamber the substances identified by this protocol for injection into the condemned inmate; (4) once the condemned inmate is secured by the Escort Team on the table in the execution chamber, establish a functioning intravenous line capable of administering the lethal substances identified by this protocol into a vein of the condemned inmate; (5) attach a heart monitor to the

condemned inmate; (6) exit the execution chamber; (7) be prepared to correct any issues with respect to the intravenous line or condemned inmate's vascular system that might prevent or impede the injection of the lethal substances; (8) at the order of the Director, administer to the condemned inmate through the established intravenous line the lethal substances identified by this protocol in the order described by this protocol; (9) remain at his or her post until dismissed by the Director; (10) dispose of any substances or equipment employed in meeting the requirements of this protocol.

005.06 The IV Team shall assist the IV Team Leader as directed and be prepared to assume the responsibilities of the IV Team Leader should the IV Team Leader become unable to perform his or her responsibilities.

006 Execution Team Training

006.01 Training schedule.

006.01.01 When no execution date has been set by the Nebraska Supreme Court, the members of the Execution Team shall train at least once every six months at a time established by the Director. The Escort Team and the IV Team may train independently of the other members of the Execution Team.

006.01.02 When an execution date has been set by the Nebraska Supreme Court the Execution Team will train at least weekly at times established by the Director.

006.02 Training required. In addition to the qualifications noted in this protocol, the Execution Team shall train as follows.

006.02.01 Execution Team as a whole. When the training schedule requires weekly training, all members of the Execution Team shall participate in training as a unit, review this protocol, and engage in one or more drills in which all members enact their individual responsibilities (with the exception of intravenous catheter placement and use of saline and lethal substances) as established by this protocol.

006.02.02 Warden. The Warden will be trained in performing the consciousness checks required by this protocol. The Warden will be trained by the IV Team Leader or other individual(s) familiar with the consciousness check techniques required by this protocol in order to reasonably verify whether the condemned inmate is unconscious.

006.03 Training documentation. All training of the members of the Execution Team will be documented noting the date and duration of the training, who supervised the training, and the activities undertaken.

007 Consciousness Checks

007.01 As used in this protocol the consciousness checks to be performed on the condemned inmate shall consist of the following.

007.01.01 Brushing the eye lashes of one eye of the condemned inmate with the fingers of a hand, observing any involuntary muscular response; and

007.01.02 Opening one eye of the condemned inmate and passing over it a light source observing the pupil's reaction to the light.

008 Lethal Substances

008.01 Identification. Executions shall be accomplished by the intravenous injection of the following substances into the condemned inmate by the method described in this protocol.

008.01.01 Sodium thiopental

008.01.02 Pancuronium bromide

008.01.03 Potassium chloride

008.02 Administration of the lethal substances. The lethal substances shall be administered to the condemned inmate by the mechanism described in this protocol. They shall be administered in the following order and dosages.

008.02.01 Sodium thiopental will initially be administered in one 3 gram dose. There will be a waiting period of at least one minute between the administration of the sodium thiopental and conducting the consciousness checks. If unconsciousness is not verified by the Warden after the administration of the initial dose, additional 3 gram doses will be administered and consciousness checks conducted after the administration of each dose until unconsciousness is verified.

008.02.02 Once unconsciousness is verified, pancuronium bromide will be administered in one dose of 50 mg/100 ml.

008.02.03 Once the pancuronium bromide has been administered, potassium chloride will be the third lethal substance administered in one dose of 240 Meq.

008.02.04 A 50cc saline flush will be administered following each injection of a lethal substance.

008.02.05 If the coroner does not pronounce the condemned inmate dead at the conclusion of this process, the Director shall order the execution process repeated in the manner described by this protocol.

009 Procurement and inventory of lethal substances

009.01 The Director shall purchase two complete sets of the described lethal substances unless the Director determines that additional quantities should be kept in inventory.

009.02 The described lethal substances shall be purchased through the Department Pharmaceutical Supervisor or through some other appropriate source.

009.03 The purchase of the lethal substances will be treated as the purchase of high security items and their receipt and delivery are not subject to standard business delivery procedures, but will be delivered directly into the custody of the Director.

009.04 The Director shall document the order and receipt of the lethal substances and provide for their maintenance and storage.

009.05 The inventory of lethal substances will be reviewed every six months and also immediately upon receipt of an execution order from the Nebraska Supreme Court.

009.06 Expired lethal substances will be cleared from inventory and replaced.