



**For Immediate Release:**

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## **Judge Orders Idaho Prison Officials to Disclose Secret Lethal Injection Records**

On Monday a Fourth District judge ordered Idaho prison officials to disclose lethal injection records they had previously sought to keep secret regarding the drugs used in Idaho's two most recent executions.

Judge Lynn Norton issued a Peremptory Writ of Mandate Monday afternoon requiring the disclosure of any records for the use of lethal injection in the executions of Paul Ezra Rhoades and Richard Leavitt in 2011 and 2012, including paperwork about the source of the drugs used and communications with suppliers.

The order comes after law professor Aliza Cover, represented by the ACLU of Idaho, filed a public records lawsuit against Idaho Board of Correction in February to gain access to information about the execution drugs Idaho Department of Correction (IDOC) used, in addition to any records about efforts to obtain drugs for future executions.

"The death penalty is a matter of enormous significance to the people of Idaho. The order to disclose public records about how the state conducts executions is crucial to promoting government accountability and a meaningful public discourse about this issue," Cover said.

Cover originally sent an information request to IDOC in September 2017. IDOC refused to provide any information about the source or safety of the lethal injection drugs it uses.

"The government holds immense power in its ability to impose and carry out the death sentence. The very fact that they are keeping information secret about how they wield that power should concern all Idahoans. We commend Judge Norton for restoring transparency to this process." said Molly Kafka, ACLU of Idaho Community Lawyer-Organizer Fellow, who assisted in representing Cover.

Lethal injection is the only execution method allowed under Idaho law. Records uncovered in prior litigation revealed that Idaho prison officials had sought lethal injection drugs from a supplier in India months before the execution of Rhoades in November of 2011. Federal authorities later blocked lethal injection drug shipments from the same supplier to several states.

In 2016 the last remaining open-market supplier of lethal injection drugs, Pfizer, blocked their usage for lethal injection and specifically asked IDOC to return all lethal injection drugs the department had obtained from them.

Link to Court decision: [https://www.acluidaho.org/sites/default/files/field\\_documents/2018-05-14\\_order\\_granting\\_peremptory\\_writ\\_of\\_mandate\\_requiring\\_disclosure\\_of\\_some\\_records.pdf](https://www.acluidaho.org/sites/default/files/field_documents/2018-05-14_order_granting_peremptory_writ_of_mandate_requiring_disclosure_of_some_records.pdf)

Link to Court writ of mandate: [https://www.acluidaho.org/sites/default/files/field\\_documents/2018-05-14\\_peremptory\\_writ\\_of\\_mandate.pdf](https://www.acluidaho.org/sites/default/files/field_documents/2018-05-14_peremptory_writ_of_mandate.pdf)

Link to Aliza Cover's petition: [https://www.acluidaho.org/sites/default/files/field\\_documents/2018-02-27\\_verified\\_petition\\_for\\_a\\_writ\\_of\\_mandate.pdf](https://www.acluidaho.org/sites/default/files/field_documents/2018-02-27_verified_petition_for_a_writ_of_mandate.pdf)

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