

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

ALIZA COVER,

Petitioner,

vs.

IDAHO BOARD OF CORRECTION,
IDAHO DEPARTMENT OF
CORRECTION, JEFFREY RAY,

Respondents.

Case No. CV01-18-03877

PEREMPTORY WRIT OF MANDATE

The Respondents can withhold the exempt portions of records including redactions on:

- 1) Presentence investigation records on Exhibit 40, pages 720, 2272 to 2275;
- 2) Execution and escort team members identifying information including training dates on Exhibit 40, pages 1, 5, first box on 434, 662, 693, 749, 703, 706, and 711, 1952-1965, and 751; and work location information on pages 763 and 768; and the handwritten confidential cash log.
- 3) CERT team location on pages 91, 94, 96, 153, 157, 230, 231, 244, 299, 570, 575, 578, 630, 635, 1285, 2378-2384, 2391-2397, and 2400-2406; but pages 1139, 1143, 1145, 1160, 1286, 1305, 1341, 1352, 1370, 1373, 1376, 1448, 1461, 1500, 1502, and 1504 must be redacted consistent with page 91; and page 230.
- 4) Law enforcement agency support at pages 776, 1332, and 1334-1335.
- 5) Radio and communication plans on pages 701, 1093, 1114, 1242, 1391, 1444, 1633, 1754, and 1756-1758.
- 6) Site-specific security procedure or operations and emergency plans with assignment, staging, staffing, demobilization, after action, and contingency plans pages 1223 (although 1609 should be unredacted consistently with 1223), 1715-1717, 1762-1887, 1260, 1300, 1302, 2066-2067, 2378-2384, 2391-2397, 2400-2406, 1975-1980, 730-743, 1332, 1334-1335, 1353-1363, 1365-1367, 1419, 1424-1443, 1452, 1456-1459, 1667-1674, 1709-1714, 1720-1725, 1734-1753, 1322, 1324-1325, 1327-1328, 1330-1331, the demobilization plan beginning at page 15 (although the same beginning at page 1091 should be redacted the same), 1115 and 2229, 1511, 2234, 1334, 1337 (although 1618 and 2354 need to be redacted consistently), 1532, and 1704-1707, and 1561.
- 7) Maps at pages 1731-1733 only.

- 8) Non-drug supplier information at 778-834, and 1296.
- 9) Agendas and meeting minutes must be released with the least restrictive redactions:
Command and General Staff minutes beginning at pages:
11/18/11, page 1195 must be unredacted like page 250,
11/17/11, page 1191 must be unredacted like 248,
11/10/11, pages 1087-1088 must be unredacted like 234-235,
11/8/11, page 1097 must be unredacted like 218,
11/1/11, page 1184 must be unredacted like 204,
10/25/11, pages 1164 and 195 must be unredacted like page 91,
10/27/11, page 1170 must be unredacted like 200,
6/5/12, page 1348 must be unredacted like 1146,
5/31/12, page 1379 must be unredacted like 1135,
5/24/12, page 1118 must be unredacted like 218.

Agency Representative Meeting minutes beginning at pages:
11/17/11 page 1194 must be unredacted like page 136,
11/10/11 pages 1095 and 234 must be unredacted like 117,
11/8/11 page 1105 must be unredacted like 131,
11/3/11 pages 1108 and 1179 must be unredacted like 123,
11/1/11 page 1177 must be unredacted like 120,
5/24/12 page 1112 must be unredacted like 146,
5/31/12 pages 1142 and 1378 must be unredacted like 152,
6/7/12 pages 159 and 1161 must be unredacted like 158,
6/11/12 page 1163 must be unredacted like 161.

- 10) Only the family member names on pages 669, 689, 2385 and names on pages 1084-1086, 1621-1623, and 1639-1641; and the family member's actual medical condition on page 681 and between pages 2412, 2414-2416; names and offender numbers on pages 734-735; offender name and status of his son on page 737; personally identifying information on pages 700, 2276, 2277, 2278; medical condition of unrelated inmate on three paragraphs down on page 776 and 1561.

11) Page 655.

- 12) Petitioner clarified in this litigation that she was not pursuing the release of telephone numbers (except if on pages 654 or 655 of Exhibit 40), or records identifying on-site physician or staff, contractors, consultants, and volunteers serving on an escort or medical team. The Petitioner narrowed her request.

The Court finds these pages contain names which Cover stated she was not requesting: Exhibit 40, pages 25, 40, 43-44, and 49, 661, 661,669,677,679, 681, 684, 686, 689, 694, 696-697, 699, 702, 703, 706, 711, 713, 718, 745, 1599, 1614, 1627, 1653, 2407-2408, 2418, and 2477. Activity logs at Exhibit 40, pages 835-1079, and 1888-1951 also have names redacted.

The Court finds these pages contain telephone numbers which Cover stated she was not requesting: Exhibit 40, pages 75, 81, 116, 129, 130, 177, 183, 190, 193, 236-237, 239, 275, 277, 280, 281, 338-339, 354, 356, 359, 360, 417-418, 501,

509, 512, 514, 518, 521, 587, 602-604, 625, 629, 631, 632, 636-637, 676, 679, 684, 710, 714, 1089-1090, 1126, 1132, 1268, 1274, 1288-1290, 1339, 1403-1404, 1413-1414, 1446-1447, 1464-1478, 1483-1485, 1492, 1493, 1495-1498, 1512-1523, 1543, 1557-1560, 1562-1563, 1573-1576, 1579-1584, 1635, 1687, 1688, 1693, and 1718.


The Court will return the exempt binders to the Respondents with this order to disclose any records responsive to Petitioner's September 21, 2017 public records request other than those above.

The Court issues this Peremptory Writ of Mandate to the Idaho Board of Correction and the Idaho Department of Correction requiring a diligent search of its records (as defined in the Public Records Act) and disclosure of:

- a) Any records responsive to Petitioner's request on September 21, 2017 for "drugs that have been or will be purchased/used for future executions (including identifying information about the drugs, drug labels, expiration dates, purchase orders/receipts; paperwork about how the drugs are stored)."
- b) Any records (as defined in the Public Records Act) responsive to Petitioner's request on September 21, 2017 for "The use of lethal injection in the Rhoades and Leavitt executions (including paperwork about where IDOC got its drugs from, and communications with drug suppliers or others regarding acquisition of drugs)."

Once the Respondents have complied with this writ, the Board and Department of Correction must certify that the agency has released all records responsive to the Petitioner's September 21, 2017 request.

ORDERED Signed: 3/20/2019 05:52 PM



Lynn Norton
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2019, I e-mailed (served) a true and correct copy of the above document to the following:

Richard Eppink
reppink@acluidaho.org

Jessica Kuehn
Jessica.kuehn@ag.idaho.gov

PHIL MCGRANE
Clerk of Court


Deputy Clerk Signed: 3/21/2019 08:10 AM

