



Idaho

Idaho Supreme Court Orders Release of Secret Lethal Injection Records

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BOISE—Today the Idaho Supreme Court issued a decision in *Cover v. Idaho Board of Correction*, ordering the release of lethal injection records that the Idaho Department of Correction previously kept from the public.

The lawsuit was filed in February 2018 by law professor and death penalty scholar Aliza Cover against the Idaho Board and Department of Correction over those agencies' refusal to disclose public records regarding the lethal injection drugs it uses in state executions.

"Today's decision is a victory for transparency," said Cover. "Every Idahoan should be able to access information on how the death penalty is being carried out in their name."

The Supreme Court said that the Department of Correction seemed "to argue that no evidence is necessary" to show that it had authority to keep the records secret.

The Court ruled that the lethal injection supplier records she requested "must be released to Cover without redaction."

"We have been at this for years now. The courts have ruled that Idaho's correctional officials kept the lethal injection records from the public frivolously," said Ritchie Eppink, Legal Director at the ACLU of Idaho. "The courts ruled that the records were withheld from the public in bad faith. This is no way for government to behave. We are glad Idahoans will get to learn for themselves how the State of Idaho carried out these executions."

In a similar case, the Nebraska Supreme Court ruled in May 2020 that prison officials in that state must disclose records about the source of drugs used in a 2018 execution, Nebraska's first by lethal injection. Following the ruling, the records revealed that [Nebraska may have executed Carey Dean Moore in August of 2018 using drugs supplied by a pharmacy in violation of pharmaceutical companies' distribution policies.](#)

Read more about *Cover v. Idaho Board of Correction* here:

<https://www.acluidaho.org/en/cases/cover-v-idaho-board-correction>

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