

IN THE CHANCERY COURT OF RANKIN COUNTY, MISSISSIPPI
TWENTIETH JUDICIAL DISTRICT

AMERICAN CIVIL LIBERTIES UNION OF
MISSISSIPPI and CENTER FOR
CONSTITUTIONAL RIGHTS,

Plaintiffs,

vs.

RANKIN COUNTY DISTRICT
ATTORNEY'S OFFICE,

Defendant.

Civil Action No. 61CH1:26-cv-00093

MOTION TO COMPEL
DOCUMENTS FOR IN CAMERA
REVIEW AND PRODUCTION

INTRODUCTION

In 2023, Rankin County Sheriff's deputies calling themselves the "Goon Squad" were exposed for perpetrating a two-decade campaign of terror and lawlessness against residents of this County. In the aftermath, the Rankin County District Attorney's Office ("RCDAO") admitted that the Goon Squad's misconduct not only "violated the public trust and shook the foundation of our justice system," but also called into question the integrity of many criminal cases that Goon Squad members helped prosecute. The RCDAO represented to the public that it was conducting an "extensive review" to determine which of its cases had been tainted.

Since then, however, the RCDAO has given the public no details about what it has done to address the Goon Squad's systemic misconduct. Rankin County residents still do not know when the RCDAO learned of the Goon Squad's abuses, what process the RCDAO used to review cases, how many cases were affected, and how those cases have been resolved. When Plaintiffs filed a public records request seeking this information, the RCDAO denied the request in its entirety. After months of back and forth, the RCDAO ultimately refused to produce any records whatsoever,

with one exception: email correspondence with a journalist in which the RCDAO made its public statement that it was undertaking an “extensive review” of affected cases.

The RCDAO thus claims that Mississippi law allows it to withhold every other record it has ever received, created, or sent concerning the Goon Squad. To the RCDAO, all those records are off-limits under the law: records identifying tainted cases, as well as emails from, to, or mentioning Goon Squad members. The RCDAO has not even produced public court filings.

As explained below, the RCDAO’s refusal to disclose records about its response to one of the worst criminal justice scandals in Mississippi history violates the Mississippi Public Records Act (“MPRA”). Worse still, it undermines the public’s trust in the administration of justice. Plaintiffs therefore request that this Court order the RCDAO to produce non-exempt records, turn over purportedly exempt records for in camera review, and substantiate, via an affidavit or sworn testimony, its claims that certain categories of records do not exist.

BACKGROUND

I. The Goon Squad

In 2023, public reporting revealed that a group of sheriff’s deputies had been terrorizing Rankin County residents for nearly twenty years.¹ The deputies, who called themselves the “Goon Squad,” used torture, violence, and other abusive practices to coerce confessions and extract or manufacture evidence. They “rammed a stick down [one person’s] throat until he vomited blood,” and “choked [another person] with a lamp cord and waterboarded him to simulate drowning,” then “beat him until the walls were spattered with his blood.”² In the raid that led to the public exposure of the Goon Squad’s actions, “deputies broke into the home of two Black men, . . . shocked them

¹ Brian Howey & Nate Rosenfield, *How a ‘Goon Squad’ of Deputies Got Away With Years of Brutality*, N.Y. Times (July 10, 2025), <https://www.nytimes.com/2023/11/30/us/rankin-county-mississippi-sheriff.html>.

² *Id.*

with Tasers and threatened to rape them,” then inserted a gun in one of the men’s mouths and shot him in the head, “grievously injur[ing]” him.³

According to published reporting, a Goon Squad deputy alleged that the RCDAO knew of at least some of the misconduct before it was publicly exposed. He reportedly stated that “deputies were entering homes without warrants so often that in 2022 a senior detective warned him that prosecutors in the district attorney’s office had noticed and had demanded they stop.”⁴ To Plaintiffs’ knowledge, published reporting contains no indication that these prosecutors divulged their alleged knowledge of warrantless home invasions to the public, to criminal defendants, or to judges.

II. The RCDAO’s Response

Instead, the RCDAO’s first public acknowledgment of the Goon Squad’s misconduct reportedly occurred in 2024. At that time, in the wake of widespread local and national coverage of the scandal,⁵ the District Attorney stated that the Goon Squad had “violated the public trust,”

³ *Id.*

⁴ Jerry Mitchell, Brian Howey, and Nate Rosenfield, *Former Mississippi Sheriff’s Deputy Describes Rampant Violence by ‘Goon Squad’*, Miss. Today (Feb. 21, 2025), <https://mississippitoday.org/2025/02/21/ex-deputy-describes-rampant-violence-by-goon-squad/>.

⁵ See, e.g., Brian Howey and Nate Rosenfield, *How a ‘Goon Squad’ of Deputies Got Away With Years of Brutality*, Miss. Today (Nov. 30, 2023), <https://mississippitoday.org/2023/11/30/rankin-county-sheriff-goon-squad-got-away-with-years-of-brutality/>; Pam Dankins, *Rankin County Sheriff updates training, policies after ‘Goon Squad’ members plead guilty*, Clarion-Ledger, (Nov. 29, 2023), <https://www.clarionledger.com/story/news/2023/11/29/rankin-county-ms-sheriff-makes-changes-after-assault-of-two-black-men-by-goon-squad/71732702007/>; CNN, *Officers belonging to self-described ‘goon squad’ plead guilty to torturing two Black men* (Aug. 4, 2023), <https://www.cnn.com/videos/us/2023/08/04/rankin-county-sheriff-torture-black-men-mississippi-young-dnt-lead-vpx.cnn>; CBS News, *Ex-Mississippi law enforcement officers known as “Goon Squad” plead guilty to state charges in racist assault* (Aug. 14, 2023), <https://www.cbsnews.com/news/rankin-county-mississippi-goon-squad-guilty-state-charges/>; Michael Goldberg, *‘The Goon Squad’: How rogue Mississippi officers tried to cover up their torture of 2 Black men*, NBC News Los Angeles (Aug. 4, 2023), <https://www.nbclosangeles.com/news/national-international/the-goon-squad-how-rogue-mississippi-officers-tried-to-cover-up-their-torture-of-2-black-men/3200214/>; PBS, *Ex-Mississippi officers plead guilty to racist assault on 2 Black men during raid* (Aug. 3, 2023), <https://www.pbs.org/newshour/nation/ex-mississippi-officers-plead-guilty-to-racist-assault-on-2-black-men-during->

and announced that his office had “immediately conducted an extensive review to identify any and all cases in which these officers were involved.”⁶ This statement reflected an important fact: the RCDAO had prosecuted many people with the help of the Goon Squad, so the Goon Squad’s misconduct “obviously called into question the integrity of criminal cases in which any of them were involved.” Compl., Ex. B, Dkt. No. 1-2 (RCDAO’s initial response to Plaintiffs’ request).⁷

But, beyond that one statement in 2024, the RCDAO has not publicly said what it has done—or not done—in response to revelations about the Goon Squad. In particular, the RCDAO has not described its purportedly “extensive review” of Goon Squad cases: which cases it reviewed, how numerous they are, how it decided whether to dismiss cases, how many cases it dismissed, and how many cases it chose to keep on the books.

Nor has the RCDAO publicly disclosed whether it notified defendants of the Goon Squad’s

raid; Li Zhou, *How a Mississippi case of police brutality emphasizes the need for more accountability*, Vox (Mar. 20, 2024), <https://www.vox.com/politics/2023/8/4/23820288/six-former-mississippi-police-offers-plead-guilty-assault>; Paulina Villegas, *Mississippi Ex-Officers Plead Guilty to State Charges in Torture of Black Men*, Washington Post (Aug. 14, 2023), <https://www.washingtonpost.com/nation/2023/08/14/mississippi-cops-torture-guilty-goon-squad/>; Kenneth Niemeyer, *A group of Mississippi cops who pleaded guilty to torturing Black men called themselves the ‘Goon Squad’ because they were willing to secretly use excessive force*, Business Insider (Aug. 5, 2023), <https://www.businessinsider.com/mississippi-police-cops-tortured-black-men-called-themselves-goon-squad-2023-8>.

⁶ Jerry Mitchell, *Rankin County DA Reviewing ‘Goon Squad’ Cases. Legal Experts Say That’s Not Enough*, Miss. Today (Mar. 11, 2024), <https://pulitzercenter.org/stories/rankin-county-da-reviewing-goon-squad-cases-legal-experts-say-thats-not-enough>.

⁷ In cases where Goon Squad officers were involved in the prosecution, the RCDAO had a legal duty to disclose their misconduct to defendants as potentially exculpatory evidence. *See Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154–55 (1972). Under binding U.S. Supreme Court case law, the legal duty to disclose material favorable evidence known to anyone “acting on the [prosecution’s] behalf” is “inescapable”; it does not depend on whether prosecutors contemporaneously knew about the evidence. *Kyles v. Whitley*, 514 U.S. 419, 437–38 (1995); *cf. Graham v. Dist. Att’y for Hampden Dist.*, 225 N.E.3d 245, 253 (Mass. 2024) (“[W]e order the district attorney’s office to obtain access to all categories of documents known to have been reviewed by the [the U.S. Department of Justice],” in connection with a pattern-or-practice investigation, “and disclose them” to criminal defendants).

systemic misconduct, either contemporaneously or after the fact. For example, Ronald Shinstock was convicted and sentenced to 40 years' imprisonment based in part on the testimony of Brett McAlpin, who led the Goon Squad. Compl., Ex. G ¶¶ 2–3, 14–15, Dkt. No. 1-7. In the warrantless raid leading to Mr. Shinstock's conviction, McAlpin and other deputies beat him, threatened him with sexual abuse, and told him he would be raped in prison. *Id.* ¶¶ 3–13. But, to Mr. Shinstock's knowledge, the RCDAO never disclosed to his attorney any information about the Goon Squad's pattern and practice of misconduct, either before or after the misconduct was publicly exposed. *Id.* ¶¶ 16–17, 23–24. That non-disclosure deprived Mr. Shinstock of critical impeachment evidence at his trial and casts doubt on whether the RCDAO has meaningfully reviewed the integrity of his conviction. *Id.* ¶¶ 16–24.

III. Plaintiffs' Public Records Request

On June 16, 2025, seeking to better understand the RCDAO's response to the Goon Squad revelations, Plaintiffs submitted a public records request to the RCDAO for the following records:

- (1) [T]he case list or similar record showing the case names and docket numbers of all cases that any member of the Goon Squad has been involved in, whether by investigating or testifying, in the last four years.
- (2) All policies, memos, and internal guidelines within the Rankin County District Attorney's Office for disclosing exculpatory and/or impeachment evidence.
- (3) All policies, emails, memos, or other records between 2022 and 2024, inclusive, reflecting actions taken by the Rankin County District Attorney's Office in response to revelations regarding the Goon Squad's misconduct, including, but not limited to:
 - a. Records regarding the Rankin County District Attorney's Office's process for identifying cases affected by the Goon Squad's misconduct;
 - b. Records regarding the Rankin County District Attorney's Office's process for determining whether to dismiss or otherwise resolve cases that have been affected by the Goon Squad's misconduct; [and]
 - c. Records regarding actions taken by the Rankin County District

Attorney's Office to prohibit or deter misconduct by law enforcement.

- (4) All policies and internal guidelines regarding the Rankin County District Attorney's Office's process for evaluating plea offers or plea deals with defendants (other than identifying, disclosing exculpatory and impeachment evidence in, and dismissing or otherwise resolving cases affected by such misconduct).
- (5) Communications between the Rankin County District Attorney's Office and members of the Goon Squad between 2022 and 2024, inclusive, including but not limited to communications to or from Chief Investigator Brett McAlpin regarding the use of warrantless raids.
- (6) Communications to or from the Rankin District Attorney's Office between 2022 and 2024, inclusive, referring to any member of the Goon Squad.

Compl., Ex. A, Dkt. No. 1-1.

On June 27, 2025, the RCDAO denied the request in its entirety. The RCDAO made the blanket assertion that the requested "information . . . either does not exist, is not in the [RCDAO's] possession and/or is exempt from a public records request under the [MPRA] and applicable law." Compl., Ex. B at 2, Dkt. No. 1-2. The RCDAO did not specify which records it claimed to not exist, which it claimed to not be in its possession, or which it claimed to be exempt from disclosure. *See id.*

On July 8, 2025, Plaintiffs requested that the RCDAO provide an itemized list of exemptions or reasons for denial pursuant to Miss. Code Ann. § 25-61-5(3). Compl., Ex. C, Dkt. No. 1-3. In response, the RCDAO asserted the following:

- (1) Request 1: The RCDAO "does not have a compiled case list or similar record," and the "underlying case files" are exempt pursuant to Miss. Code Ann. §§ 25-1-102 and § 25-61-3(f)(i), (ii), (viii).
- (2) Request 2: The RCDAO "does not maintain a formal written policy" for disclosing exculpatory evidence, impeachment evidence, and/or any agreements with witnesses.
- (3) Request 3: The RCDAO has no "written policy, emails, memos, or other records." "If these records were to exist, then they are exempt" under Miss. Code Ann. §§ 25-1-102, 25-61-3(b), and 25-61-3(f)(i), (iii), (v), (vi), and

(viii).

- (4) Request 4: “[T]here are no written policies or internal guidelines” for evaluating plea offers or plea deals with defendants. “If any internal notes, guidelines, or criteria regarding plea evaluations were to exist, they constitute prosecutorial strategy and work product” that are exempt pursuant to Miss. Code Ann. § 25-1-102.
- (5) Request 5: No written communications exist. “If any such communications were to exist, they would constitute investigative or attorney work product records” that are exempt under Miss. Code Ann. §§ 25-1-102 and 25-61-3(f)(i), (ii), (iv), (vi), and (viii).
- (6) Request 6: “[I]f [communications referencing Goon Squad members] were to exist, [they] are embedded within privileged prosecutorial discussions or investigatory material” and are exempt under Miss. Code Ann. §§ 25-1-102 and 25-61-3(f)(i), (ii), (iv), and (viii).

Compl., Ex. D, Dkt. No. 1-4.

On August 22, 2025, Plaintiffs submitted a second follow-up letter explaining that the RCDAO’s reasons for denying Requests 1, 3, 5, and 6 were contrary to law. Compl., Ex. E, Dkt. No. 1-5. Plaintiffs asked “whether [the RCDAO would] reconsider its positions or whether, instead, we [were] at an impasse that may have to be resolved” through litigation. *Id.* at 1.

The RCDAO provided its final response on September 9, 2025, stating: “Our office stands by our [previous] responses.” Compl., Ex. F at 1, Dkt. No. 1-6. It produced one email exchange in which the District Attorney provided his public statement that the RCDAO “conducted an extensive review to identify any and all cases in which [the Goon Squad was] involved.” *See id.* This is the first and only document the RCDAO has disclosed.

ARGUMENT

The RCDAO’s refusal to disclose any records beyond a self-serving, already-public statement in response to a law enforcement scandal that it admits “shook the foundation of our justice system” violates the MPRA. The MPRA commands that “all public records are hereby declared to be public property,” subject only to limited, enumerated exceptions. Miss. Code Ann. § 25-61-5(1)(a). The RCDAO bears the burden of proving “by clear and convincing evidence” that an exception applies. *Davis v. City of Bay St. Louis*, No. R-13-015 (Miss. Ethics Comm’n Mar. 7, 2014). None of the exceptions justifies the RCDAO’s blanket withholding of records here.

The RCDAO’s contrary stance rests on two claims: one factual and one legal. First, for certain Requests (in numbers 1, 3, and 5), the RCDAO advances a *factual* claim that responsive records do not exist. Second, for other Requests (in 1, 3, 5, and 6), the RCDAO advances a *legal* claim that the records are exempt from disclosure as attorney work product or under the “investigative reports” exception to the MPRA.⁸ See Compl., Appendix (summarizing RCDAO’s claims), Dkt. No. 1. Neither the record nor the law supports these claims. With respect to the factual claim, the RCDAO must adduce evidence to substantiate its assertion that the requested records do not exist—which this Court should evaluate against contradictory statements the RCDAO has made elsewhere—and detail the search it undertook. With respect to the law, at minimum, an in camera review is required to assess whether the RCDAO’s legal arguments are valid as applied to the records at issue. And because the RCDAO’s legal arguments are unsound, this Court should order the disclosure of the requested records following its in camera review.

⁸ Plaintiffs do not challenge the RCDAO’s denial of Requests 2 and 4. As to those requests, the RCDAO represents that it “does not maintain a formal written policy” for disclosing exculpatory evidence, impeachment evidence, and/or any agreements with witnesses, nor any “written policies or internal guidelines” for evaluating plea deals with defendants. Compl., Ex. D, Dkt. No. 1-4.

I. This Court should compel an affidavit or sworn testimony to support the RCDAO's claim that it possesses no records responsive to Requests 1, 3, and 5.

The RCDAO asserts that it has no records responsive to Requests 1 (case lists or similar records identifying cases with Goon Squad involvement), 3 (records reflecting actions taken by the RCDAO in response to Goon Squad misconduct), and 5 (communications between the RCDAO and Goon Squad members). *See* Compl., Ex. D, Dkt. No. 1-4. Those bare assertions cannot justify the RCDAO's denial of the requests. The law requires, at a minimum, an affidavit, or sworn testimony at an evidentiary hearing, or both.

Where “there is no evidentiary support for the [public body's] claim” that it does not “possess[] the requested documents,” a court “cannot affirm” the denial of a public records request. *Humphrey v. Holts*, 369 So. 3d 997, 1003–04 (¶ 15) (Miss. Ct. App. 2023). Thus, in *Humphrey*, the Court of Appeals remanded for the trial court to conduct “a full evidentiary hearing” because “there [was] no affidavit or sworn testimony to support the [public body's] contention” that it did not possess the requested items, and the requester “was not given the opportunity to provide evidence to the contrary.” *Id.* Moreover, to carry its burden to establish that it has no responsive records, “[a] public body must conduct an objectively reasonable search for responsive records.” Miss. Model Pub. Records Rule 4 cmt. 4.3(9) (Mar. 5, 2010); *see Am. Pub. Media v. Off. of the Dist. Att'y*, No. R-20-028 (Miss. Ethics Comm'n Oct. 15, 2020) (“The District Attorney's Office had a legal obligation to make a reasonable search for any responsive documents.”).

Yet the RCDAO has not produced any evidentiary support for its claims. Instead, it has simply insisted it has *no* records documenting any actions it took to address the Goon Squad's misconduct and *no* communications with members of the Goon Squad.

Not only has the RCDAO submitted no evidence to substantiate that claim, but its own statements belie it. The District Attorney publicly stated that his office “conducted an extensive

review to identify any and all cases in which these officers were involved,” “then reviewed each of those identified cases to determine if their testimony would be essential in the prosecution of that case.”⁹ And in its July 22, 2025 letter to Plaintiffs, the RCDAO reiterated that it had undertaken “an extensive review” and that “[t]he identification of cases was exhaustive and time consuming.” Compl., Ex. D at 1–2, Dkt. No. 1-4. Yet, in the same letter, the RCDAO asserted that it “does not have a compiled case list or similar record showing the case names and docket numbers” of the cases it reviewed. *Id.* at 1. It is inconceivable that the RCDAO undertook an “extensive” and “exhaustive” review that generated no records—not even a case list.

Accordingly, as in *Humphrey*, the RCDAO’s failure to supply affirmative evidence showing that the requested records do not exist is legally insufficient to establish its claim of non-existence. This Court should therefore order the RCDAO to conduct a reasonable search for responsive records and then, if it still claims that responsive records do not exist, provide a written affidavit or oral testimony at an evidentiary hearing detailing how it searched for those records and why it is certain they do not exist.

II. This Court should conduct an in camera review and order the production of records that the RCDAO asserts are legally exempt from disclosure.

The RCDAO contends that *all* records responsive to Request 6 (RCDAO communications referring to the Goon Squad) are exempt from disclosure as attorney work product and investigative reports. *See* Compl., Ex. D at 2, Dkt. No. 1-4. The RCDAO further argues that, to the extent any records responsive to Requests 1, 3, and 5 exist—including the names of Goon Squad cases it reviewed, other documentation of any actions it took to address the scandal, and its communications with or about the Goon Squad—they would likewise be exempt on the same grounds. *See id.* at 1–2.

⁹ Jerry Mitchell, *supra* n.6.

That response is inadequate as a matter of law for two reasons. First, under clear Mississippi case law, the RCDAO must submit the relevant records for in camera inspection so that this Court can assess the validity of the RCDAO's legal claims. Second, those legal claims are wrong as a matter of law, so the Court should reject them and compel the production of the underlying records after reviewing them in camera.

A. In camera review is warranted.

When a public body invokes MPRA exemptions to withhold records, it is proper for the Chancery Court to review the records in camera to determine whether they are exempt. *See, e.g., Miss. State Univ. v. People for Ethical Treatment of Animals, Inc.*, 992 So. 2d 595, 604 (¶ 15) (Miss. 2008) (noting that Chancery Court conducted in camera review of records claimed to be exempt); *DeLoge v. Desoto Cnty. Sheriff's Dep't*, 230 So. 3d 1026, 1028–29 (¶ 6) (Miss. Ct. App. 2017) (noting that Chancery Court conducted “in camera review to determine whether the disputed documents and items were investigative and thus exempt”); *Entergy Miss., Inc. v. Miss. Pub. Serv. Comm'n*, No. G2004-1164R/1, 2004 WL 5758564 (Miss. Ch. Nov. 30, 2004) (conducting in camera review to determine whether documents were exempt). That is because in camera review allows the Chancery Court to “make findings of fact as to the nature of the record reviewed and determine whether an exemption applies.” *Humphrey*, 369 So. 3d at 1003 (¶ 14).

Accordingly, at a minimum, this Court should order an in camera review of all records as to which the RCDAO asserts an MPRA exemption.

B. The RCDAO's legal arguments for withholding records are incorrect.

The MPRA does not contain a general exception for any records involving a law enforcement officer. So the legal issues in this case boil down to a simple question: If records involving a law enforcement officer are not generally exempt from disclosure, do those records

become exempt when that officer commits egregious misconduct? The answer is no.

The MPRA makes clear that “all public records are hereby declared to be public property,” unless the law instructs otherwise. Miss. Code Ann. § 25-61-5(1)(a). In other words, records must be disclosed unless specifically exempted. Further, “there is to be a liberal construction of the general disclosure provisions of [the MPRA], whereas a standard of strict construction is to be applied to the exceptions to disclosure [and] any doubt concerning disclosure should be resolved in favor of disclosure.” *Miss. Dep’t of Wildlife, Fisheries and Parks v. Miss. Wildlife Enforcement Officers’ Ass’n, Inc.*, 740 So. 2d 925, 936 (¶ 32) (Miss. 1999). And even when portions of a record are exempt from disclosure, non-exempt portions must still be produced. Miss. Code § 25-61-5(2).

Yet the RCDAO claims that the MPRA shields every single document in its possession concerning the Goon Squad except a single statement the RCDAO made to the press. To support this claim, the RCDAO broadly invokes the exemptions for attorney work product, *see* Miss. Code Ann. § 25-1-102, and investigative reports, *see id.* § 25-61-3(f). Neither exemption supports the RCDAO’s position.

The work-product doctrine allows public bodies to withhold records “which represent and constitute the work product” of attorneys “and which are related to litigation . . . or in anticipation of prospective litigation.” Miss. Code Ann. § 25-1-102. This “doctrine protects an attorney’s thoughts, mental impressions, strategies and analysis from discovery by opposing counsel.” *Baker Donelson Bearman Caldwell & Berkowitz, P.C. v. Seay*, 42 So. 3d 474, 492–93 (¶ 56) (Miss. 2010) (quoting *Hewes v. Langston*, 853 So. 2d 1237, 1245 (Miss. 2003)). The mere fact that a record relates to misconduct does not mean that it was prepared in anticipation of prospective litigation. Here, unless the RCDAO was already preparing for litigation over the Goon Squad’s misconduct before it was publicly exposed, the RCDAO cannot claim the work-product exemption over any

requested records that pre-date its public acknowledgement of the scandal.

The MPRA exempts certain law enforcement records, including those containing certain sensitive personnel information, those containing information about victims, and records constituting “investigative reports.” Miss. Code Ann. § 25-61-12. The MPRA expressly provides that the “investigative report” exemption does not apply to “incident report[s]” that contain “a narrative description . . . of an alleged offense,” including “the name and identification of each person charged.” *Id.* § 25-61-3(e), (f). And because it applies only to certain “reports,” the investigative-report exemption necessarily does not apply to records that are not “reports” at all.

Here, although the RCDAO might possess specific records (or portions of such records) that are exempt from disclosure, the MPRA cannot support the blanket withholding of *every* part of *every* RCDAO record relating to the Goon Squad bar one press statement. Instead, for the reasons explained below, Plaintiffs’ request necessarily includes records that fall outside the work-product and investigative-report exemptions.¹⁰

Request 1: *Records “showing the case names and docket numbers of all cases that any member of the Goon Squad has been involved in, whether by investigating or testifying, in the last four years.” Compl., Ex. A at 2, Dkt. No. 1-1.*

Case names and docket numbers comprise a limited set of information that is factual and public, and therefore cannot be privileged work product. That information also cannot be withheld as an investigative report. For starters, it is not a report at all. But even if it were, the MPRA expressly requires the disclosure of “incident report[s]” containing “the name and identification of [a] person charged with and arrested for [an] alleged offense.” Miss. Code Ann. § 25-61-3(e). If certain records contain information beyond case names and numbers that is specifically exempt as

¹⁰ When the RCDAO produces records for in camera review and a log detailing the basis for its exemption claims, Plaintiffs may respond specifically to those claims.

“investigative” under § 25-61-3(f), the RCDAO can redact it. *See id.* § 25-61-5(2). For example, an email containing the names of any “identified cases” the RCDAO says it reviewed¹¹ must be disclosed; if the email also contains information “that would reveal the identity of informants and/or witnesses,” *id.* § 25-61-3(f)(ii), those portions can be redacted.

Request 3: Records “reflecting actions taken by the [RCDAO] in response to revelations regarding the Goon Squad’s misconduct.” *Compl., Ex. A at 2, Dkt. No. 1-1.*

The RCDAO has made no effort to show that every record of anything it did in response to the Goon Squad’s misconduct would be attorney work product or an investigative report, and it is not hard to think of examples that would be neither. For example, instructions from the RCDAO to law enforcement agencies “to prohibit or deter misconduct” and to comply with the law, *Compl., Ex. A at 2, Dkt. No. 1-1*, are not investigative. Nor can such instructions be work product because they are not attorneys’ strategies or analysis “related to litigation . . . or in anticipation of prospective litigation.” *Miss. Code Ann. § 25-1-102*. And instructions exchanged with third parties are not privileged. *See Haynes v. Anderson*, 597 So. 2d 615, 623 (Miss. 1992) (McRae, J., specially concurring) (“An attorney or client waives work product by giving the documentation to a third person.”). Further, the RCDAO’s general policies governing Goon Squad issues—as opposed to deliberations about how to resolve individual cases—do not constitute work product or exempt investigative materials. *See Webster v. City of Southaven Police Dep’t*, No. R-10-008 (Miss. Ethics Comm’n Oct. 8, 2010) (determining that requested records, including a police department’s “policy and/or procedures manual(s) or similar records,” are not investigative reports).

Request 5: Records of “[c]ommunications between the [RCDAO] and members of the Goon Squad between 2022 and 2024.” *Compl., Ex. A at 2–3, Dkt. No. 1-1.*

These communications cannot constitute work product because they were exchanged with

¹¹ Jerry Mitchell, *supra* n.6.

Goon Squad members, who are neither part of nor clients of the RCDAO. Moreover, the RCDAO has not shown that every responsive communication conveyed “an attorney’s thoughts, mental impressions, strategies and analysis” relating to litigation. *Baker Donelson Bearman Caldwell & Berkowitz, P.C.*, 42 So. 3d at 492–93 (¶ 56); *see* Miss. Code Ann. § 25-1-102. Notably, a member of the Goon Squad reportedly stated that, in 2022, prosecutors within the RCDAO “demanded [the deputies] stop” engaging in warrantless home raids.¹² Communications of this nature would not constitute work product or an investigative report. If there are any responsive communications containing “investigative information” specifically exempt under § 25-61-3(f), the exempt portions can be redacted. *See* Miss. Code Ann. § 25-61-5(2).

Request 6: *Records of “[c]ommunications to or from the [RCDAO] between 2022 and 2024 . . . referring to any member of the Goon Squad.” Compl., Ex. A at 3, Dkt. No. 1-1.*

As with Request 5, the RCDAO has not shown that every such communication would be work product conveying “an attorney’s thoughts, mental impressions, strategies and analysis.” *Baker Donelson Bearman Caldwell & Berkowitz, P.C.*, 42 So. 3d at 492–93 (¶ 56). For example, communications from members of the public to the RCDAO reporting Goon Squad misconduct would not be privileged. Even assuming there are responsive communications “embedded within privileged prosecutorial discussions or investigatory material,” as the RCDAO claims, Compl., Ex. D at 2, Dkt No. 1-4, the non-exempt portions of those records must be produced, *see* Miss. Code § 25-61-5(2). And it is difficult to understand how these communications can be investigative records given that the RCDAO is no longer using evidence obtained by Goon Squad members to prosecute cases.

¹² Jerry Mitchell, Brian Howey, and Nate Rosenfield, *supra* n.4.

In fact, under the RCDAO's view, both the public records request that Plaintiffs sent to the RCDAO, as well as the ensuing letters between the Plaintiffs and the RCDAO, would be work product and investigative reports. That cannot be right. While some law enforcement agencies might prefer it if the MPRA allowed them to shield from public view all records concerning officers who have assaulted and tortured people, that is not the law.

CONCLUSION

For these reasons, Plaintiffs respectfully request that the Court order the RCDAO to (1) produce non-exempt records, (2) provide for in camera review the records it claims to be exempt, and (3) provide an affidavit or sworn testimony identifying each category of records it claims do not exist and detailing the steps it took to search for those records.

Dated: January 30, 2026

Respectfully submitted,

/s/ Ayanna Hill

Ayanna Hill (MS Bar No. 106590)

Joshua Tom (MS Bar No. 105392)

AMERICAN CIVIL LIBERTIES UNION OF
MISSISSIPPI

P.O. Box 2242

Jackson, MS 39225

(601) 354-3408

ahill1@aclu-ms.org

jtom@aclu-ms.org

/s/ D. Korbin Felder

D. Korbin Felder (MS Bar No. 106643)

CENTER FOR CONSTITUTIONAL RIGHTS

P.O. Box 12046

Jackson, MS 39236

(601) 228-6101

kfelder@ccrjustice.org

CERTIFICATION

On January 22, 2026, Plaintiffs reached out to the RCDAO to seek its position on this motion. On January 23, 2026, the RCDAO indicated that it opposed this motion and will not voluntarily produce the records Plaintiffs seek.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of this Motion to Compel Documents for In Camera Review and Production on William E. Jones, III, counsel of record for Defendant the Rankin County District Attorney's Office, by filing it on the Mississippi Electronic Court System and by e-mail transmission.

This the 30th day of January, 2026.

/s/ Ayanna D. Hill
Ayanna Hill, Esq.
Counsel for Plaintiffs