

**IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE
FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS**

STAND FOR CHILDREN TENNESSEE,

Petitioner,

v.

Docket No. _____

CITY OF MEMPHIS,

Part: _____

Respondent.

**PETITION FOR ACCESS TO PUBLIC RECORDS AND TO OBTAIN JUDICIAL
REVIEW OF DENIAL OF ACCESS AND FOR INJUNCTIVE RELIEF**

Petitioner, Stand for Children Tennessee, pursuant to the Tennessee Public Records Act (“TPRA”), Tenn. Code Ann. §§ 10-7-501 *et seq.*, including Tenn. Code Ann. § 10-7-505(b), respectfully petitions this Court for relief compelling the City of Memphis (the “City” or “Respondent”), and its division the Memphis Police Department (“MPD”), to promptly produce requested public records concerning MPD’s use of force and investigatory stops, and to enjoin Respondent from continuing to engage in unlawful records practices. In support, Petitioner states as follows:

PARTIES

1. Petitioner, Stand for Children Tennessee, the Tennessee affiliate for Stand for Children Leadership Center, Inc., is a 501(c)(3) nonprofit organization dedicated to improving outcomes for children and families through research, advocacy, and community engagement, including public policy and government accountability work. Stand for Children Tennessee’s principal place of business is in Memphis, Shelby County, Tennessee.

2. Respondent City of Memphis is a municipal government subject to the requirements of the TPRA, with its principal offices located at 125 N. Main Street, Memphis, Tennessee 38103. The City maintains the records at issue in this Petition through its various departments and divisions, including the MPD. The City of Memphis may be served through Mayor Paul Young or City Attorney Tannera George Gibson, located at 125 N. Main Street, Room 336, Memphis, Tennessee 38103.

JURISDICTION AND VENUE

3. This Court has subject-matter jurisdiction pursuant to Tenn. Code Ann. § 10-7-505(b), as well as Tenn. Code. Ann. § 1-3-121.

4. Venue is proper in this Court because the actions giving rise to this Petition occurred in Shelby County, Tennessee.

FACTUAL ALLEGATIONS

5. On May 21, 2025, Petitioner submitted a public records request to MPD seeking records related to MPD's use of force and investigatory stops (the "Public Records Request") via the City's online "Public Records Center" portal in accordance with the City's established procedures. (Ex. A Public Records Request W040333-052125 at 7-10 (May 21, 2025, Acknowledgement of Receipt of Public Records Request W040333-052125).) The Public Records Request principally seeks use-of-force reports and memoranda from field investigations that MPD officers are required to create pursuant to MPD policy in the ordinary course of operations.

6. Specifically, the Public Records Request requested nine specific and discrete categories of documents:

1. Response to Resistance Forms for fifty (50) separate incidents that are closest in time to, and predate, April 30, 2025 (*see, e.g.*, MPD Policies and Procedures ("P&P") 03-010 § 4.12.5), including uses of force by any

specialized unit; and any corresponding completed Inspectional Services Bureau review. (*See* P&P §§ 3.3.1; 4.12.5.)

2. Blue Team Incident Reports for fifty (50) separate incidents that are closest in time to, and predate, April 30, 2025, including uses of force by any specialized unit. (*See* P&P 03-010 § 4.12.2.)
3. Blue Team Pointed Weapon Reports for fifty (50) separate incidents that are closest in time to, and predate, April 30, 2025, including uses of force by any specialized unit. (*See* P&P 03-010 § 4.12.2(4).)
4. The fifty (50) reports and memoranda, closest in time to, and predating, April 30, 2025, created when an adult was injured or claimed to have been injured as a result of an officer's use of force, including uses of force by any specialized unit. (*See* P&P 03-010 § 4.6.3.)
5. The fifty (50) reports and memoranda, closest in time to, and predating, April 30, 2025, created when a juvenile was injured or claimed to have been injured as a result of an officer's use of force, including uses of force by any specialized unit. (*See* P&P 03-010 § 4.6.4.)
6. Field Investigation Memos for fifty (50) separate incidents that are closest in time to, and predate, April 30, 2025, including those involving any specialized unit. (*See* P&P 03-040 § 4.3.2.)
7. Annual Use of Force Analyses of Reports for the years 2021, 2022, 2023, and 2024, including but not limited to those required under P&P 03-010 § 4.12.6. (*See* P&P 03-010. § 4.12.6.)
8. Documents sufficient to identify the total number of use of force incidents for the period June 1, 2024, through May 31, 2025, and the total number of each level of force (*e.g.*, Level 1, Level 2, etc.) in that period.
9. MPD's policies, procedures, or rules in effect immediately prior to January 7, 2023, related to (a) use of force; (b) search, seizure, and field interviews; and (c) racial discrimination, racial profiling, or discriminatory law enforcement practices, to the extent they are different from those currently in effect. In the alternative, we would also accept a redline comparing the current and former policies, if available.

(*See* Ex. A at 7–8.)

7. Each of the nine enumerated requests comprising the Public Records Request are narrowly tailored, appropriately limited in scope, and provide MPD with sufficient specificity to

identify the requested records. (*See id.*) Seven of the nine requests specifically cite the MPD policy that requires the creation and electronic maintenance of the requested record in the ordinary course of MPD operations. (*See id.*, Req. Nos. 1-7.) Of the other two requests, one seeks the number of such reports in a specific time period, which is a tabulation that should be maintained in MPD's electronic system and easy to produce. The final request seeks policy documents that, again, should be straightforward and easy to produce to the extent the policies exist.

8. Each request is narrowly tailored and specific for additional reasons. For example, Public Records Request Nos. 1–3 and 6 only seek specific types of forms, reports, and memos related to 50 separate incidents. (*See id.*) Likewise, Public Records Request Nos. 4–6 ask for 50 of each type of reports or memoranda described. (*Id.* at 8.) Public Records Request No. 7 only seeks an annual report for the years 2021–2024; Public Records Request No. 8 only asks for documents “sufficient to identify” the total number of use of force incidents for a one-year period; and Public Records Request No. 9 only seeks MPD's policies, procedures, or rules in effect “immediately prior to January 7, 2023” related to three discrete subjects “to the extent they are different from those currently in effect.” (*Id.*) Moreover, Public Records Request Nos. 1–7 cite to specific sections of MPD's Policies and Procedures, providing the MPD with additional context about the documents sought—including the provisions of MPD's Policies and Procedures that expressly contemplate the creation and/or maintenance of these documents in the ordinary course. (*Id.* at 7–8.)

9. MPD is the custodian of these records, which are public records within the meaning of Tenn. Code Ann. § 10-7-503(a)(1).

10. On June 12, 2025, the City's Public Records Office issued a written denial of Petitioner's Public Records Request (the “Denial”), stating:

The City has reviewed your request and has determined that **your request is overly broad/vague therefore your request is denied pursuant to the following statutory exception: Tenn. Code Ann. §10-7-503(a)(4)**. A records custodian is not required to sort through files and compile information to create or recreate records that do not already exist; and requests must sufficiently identify the records.

This completes your public records request with the City of Memphis.

(See Ex. A at 1–3 (June 12, 2025, Denial of Public Records Request W040333-052125) (emphasis in original).) MPD’s Denial did not explain which of Petitioner’s narrowly tailored and specifically-identified nine requests would require it to “sort through files and compile information to create or recreate records” nor did it explain which of the nine requests were not “sufficiently identif[ied].” (*Id.* at 3.)

11. The Court of Appeals of Tennessee has recognized that a government entity’s “obligation to show cause why it is denying access includes a requirement that the [government entity] respond specifically to each request or, in other words, show cause why it is denying access to each requested item so that the court can adequately review its justification.” See *Hickman v. Tenn. Bd. of Probation & Parole*, 2003 WL 724474, at *11 (Tenn. Ct. App. Mar. 4, 2003). Nevertheless, MPD did not specifically respond to any of Petitioner’s nine enumerated requests. (See Ex. A at 3.)

12. Petitioner attempted in good faith to resolve these issues. On September 18, 2025, Petitioner sent a letter to MPD via email and first-class mail clarifying the scope of its Public Records Request. (Ex. B (Sept. 18, 2025, Letter to MPD).) In the letter, Petitioner stated that the Public Records Request largely seeks:

documents that officers create in the regular course of business and that are electronically maintained. The first six requests, for example, seek use-of-force reports and field investigation memos from this past spring. Under MPD policy, officers are required to create use-of-force reports and field investigation memos as a matter of course, close in time to incidents. See, e.g., MPD Policies and Procedures 03-010 § 4.12.5. And—under MPD policy—the reports and memos are

entered into and maintained electronically in MPD’s Blue Team platform. *See, e.g.*, MPD Policies and Procedures 03-010 § 4.12.1. The three other requests seek annual reports that are required to be created under MPD policy; data that MPD appears to maintain concerning use of force; and procedures in effect before the DOJ investigation, related to use of force and stops—two areas where DOJ found significant misconduct.

As information created and maintained in the regular course of MPD’s operations pursuant to MPD policy, the material requested is subject to public disclosure under the TPRA.

(*Id.* at 2–3.)

13. Further, Petitioner explained that MPD’s “non-specific, overly broad denial . . . cannot be squared with the TPRA’s narrowly drawn exemptions” and is inapplicable here. (*Id.* at 3.) For example, MPD invoked Tenn. Code Ann. § 10-7-503(a)(4), which permits an agency to deny a request that would require the agency to create a new document, but this exemption is inapplicable because “the records sought are regularly created by MPD officers in the ordinary course of their duties.” (*Id.*)

14. After MPD failed to respond to Petitioner’s letter, Petitioner followed up with the City Attorney for Memphis inquiring as to whether a response might be forthcoming. (Ex. C (Oct. 14, 2025, Email to Memphis City Attorney).).

15. To date, Respondent has not replied to Petitioner’s September 18, 2025, letter or October 14, 2025, email, and Petitioner has not received any public records from MPD pursuant to the Public Records Request.

16. Despite Petitioner attempting to cooperate with MPD, MPD has not complied with the TPRA. Petitioner has requested that “[s]hould MPD be unwilling to provide the information,” that “MPD indicate in writing the specific bases for refusing each enumerated request”—as “required under the TPRA.” (Ex. B at 4.) Petitioner also stated, “[i]f there are requests that present

identifiable, undue burdens, for example, we are open to discussing reasonable modifications.”
(*Id.*)

CLAIM FOR RELIEF

Violation of the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-501 *et seq.*

17. Petitioner realleges and incorporates the foregoing paragraphs of this Petition as if fully set forth herein.

18. Petitioner is a grassroots advocacy group with its principal place of business in Shelby County, Tennessee, with standing to request public records and to seek judicial relief under the TPRA.

19. MPD is a division of the City and thus its records policies and practices are governed by, and attributable to, the City.

20. The City is a municipal entity subject to the provisions of the TPRA.

21. The records that Petitioner requested through the Public Records Request are public records within the meaning of Tenn. Code Ann. § 10-7-503(a)(1).

22. Respondent has violated the TPRA by (i) failing to promptly produce the records; (ii) imposing unlawful conditions to access; and (iii) failing to identify and narrowly apply any specific statutory exemption.

23. Petitioner’s Public Records Request is narrowly tailored, specifying the particular reports and other documents that Petitioner seeks, and does not require MPD to compile or create new records. As Petitioner explained to the MPD in the September 18, 2025, letter (Ex. B), the public records requested are either (i) reports, memoranda, and/or analyses that members of the MPD are required to create and maintain in the ordinary course of their duties; or (ii) policies and procedures that MPD maintains in the ordinary course. None of the nine requests are “overly

broad” or “vague” as to justify Respondent’s blanket denial of access, much less without any further explanation.

24. The Tennessee Supreme Court has described the TPRA as “an all encompassing legislative attempt to cover all printed matter created or received by government in its official capacity.” *Griffin v. City of Knoxville*, 821 S.W.2d 921, 923 (Tenn. 1991) (citing *Bd. of Educ. v. Memphis Publ’g Co.*, 585 S.W.2d 629, 630 (Tenn. App. Ct. 1979)). The TPRA must be broadly construed to provide the fullest possible access. *See* Tenn. Code Ann. § 10-7-505(d); *see also Patterson v. Convention Ctr. Auth. of Metro. Govt. of Nashville & Davidson Cty.*, 421 S.W.3d 597, 606 (Tenn. Ct. App. 2013) (recognizing that courts must “construe the statute broadly ‘so as to give the fullest possible public access to public records’” (quoting *id.*)), *appeal denied* (Aug. 18 2013). “Accordingly, there is a ‘presumption of openness’ under the TPRA, ‘favoring disclosure of governmental records.’” *Id.* (quoting *Schneider v. City of Jackson*, 226 S.W.3d 332, 340 (Tenn. 2007)).

25. Respondent’s actions constitute a denial of access within the meaning of Tenn. Code Ann. § 10-7-503(a)(3).

26. Respondent knew that its conduct violated the TPRA. Petitioner is therefore entitled to reasonable attorneys’ fees and costs. Tenn. Code Ann. § 10-7-505(g).

PRAYER FOR RELIEF

WHEREFORE, PETITIONER RESPECTFULLY ASKS THIS COURT TO:

27. Declare that Respondent has willfully violated the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501 *et seq.*, by unlawfully denying access to non-exempt records;

28. Order Respondent to immediately make available for inspection and copying the records responsive to Petitioner's Public Records Request (request number W040333-052125), without the imposition of unlawful fees or conditions;

29. Enjoin Respondent from continuing to engage in the unlawful practices described herein and require Respondent to adopt, implement, and consistently apply written public records policies that are fully compliant with the TPRA;

30. Set this matter for an expedited show-cause hearing pursuant to Tenn. Code Ann. § 10-7-505(b) and enter such interim orders as are necessary to preserve Petitioner's rights and to prevent further delay or spoliation, including a litigation hold on responsive records and data;

31. Award Petitioner all reasonable attorneys' fees and costs pursuant to Tenn. Code Ann. § 10-7-505(g); and

32. Award any such other and further relief as the Court deems just and proper to enforce compliance with the TPRA and prevent ongoing violations.

THIS IS PETITIONER'S FIRST REQUEST FOR EQUITABLE RELIEF.

Respectfully submitted by,

/s/ Malcolm B. Futhey III

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**Motion to admit pro hac vice is forthcoming*

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been mailed the 24th day of February 2026 via U.S. Mail, postage prepaid, to the following:

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