



September 18, 2025

Via Email and First-Class Mail

Cerelyn Davis
Chief, Memphis Police Department
And Memphis Police Department Custodian of Records
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Memphis, TN
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Subject: Request for Transparency; Public Records Request W040333-052125

Dear Chief Davis and Memphis Police Department Records Custodian:

We write to ask you to reconsider the denial of public records request W040333-052125 (“Stand for Children TN Request”). The Stand for Children TN Request—submitted by Stand for Children Tennessee and the American Civil Liberties Union Foundation of Tennessee on May 21, 2025—principally seeks use-of-force reports and memoranda from field investigations that Memphis Police Department (“MPD”) officers create pursuant to MPD policy in the ordinary course of operations. The material sought would shine a light on recent MPD practices and enable us—as well as members of the community—to better understand the change that’s needed now. Thus, we are disappointed that the MPD wholly denied this request without a valid explanation, even though the information falls comfortably within the type of material subject to public disclosure under Tennessee’s Public Records Act (“TPRA”).

In issuing this denial, MPD is currently an outlier among peers. On the same day that the Stand for Children TN Request was submitted, the ACLU, its affiliates, and local partners submitted requests to six other law enforcement agencies that were the subject of DOJ investigations. Those requests seek substantially the same records sought here. All six other agencies produced responsive information; none issued a blanket denial. This includes law enforcement agencies in Kentucky and Mississippi—states that have open records laws similar to the one in Tennessee.

We’re eager to support MPD reform following DOJ’s findings of misconduct, and to help prevent the abuses that DOJ’s investigation documented—abuses the people of Memphis have



long protested. While we're encouraged that the City and MPD have promised accountability, MPD's denial of the Stand for Children TN Request undermines that goal. As we explain more fully below, MPD's denial is improper, and we ask MPD to revoke its denial and work with us toward transparency.

Before proceeding, we must address the threat of deployment of the National Guard and federal agents into Memphis. This development makes transparency and accountability of the MPD to the residents of Memphis even more urgent, as we now face the additional threat of harm from both state and federal government actors. It is as important as ever for us to continue our push for transparency and truth about what is happening to the people of Memphis by the police of Memphis.

Tennessee Law Requires MPD to Provide the Information Requested

The TPRA strongly favors transparency of public records. Under Section 10-7-503(a)(2), the custodian of a public records "shall promptly make available for inspection any public record not specifically exempt from disclosure," and, where an exemption applies, the custodian must explain the basis of denial. The TPRA is to "be broadly construed so as to give the fullest public access to public records." Tenn. Code Ann. § 10-7-505(d). Public information includes "all" records or material "regardless of physical form or characteristics" that is "made . . . in connection with the transaction of official business by any governmental entity." Tenn. Code Ann. § 10-7-505(a)(1)(A)(i). Disclosure of records is required "even in the face of serious countervailing considerations" because "the General Assembly has directed the courts to construe" the TPRA's disclosure requirements "broadly." *See Jetmore v. City of Memphis*, No. W2018-01567-COA-R3-CV, 2019 WL 4724839, at *9 (Shelby Cty. Chancery Court) (Sept. 26, 2019).

The Stand for Children TN Request includes nine separate and specific requests that largely seek 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.

MPD’s Denial is Inconsistent with Tennessee Law

In response to this concise and clear request for documents, MPD issued a non-specific, overly broad denial that cannot be squared with the TPRA’s narrowly drawn exemptions. Specifically, in response to this request for records that MPD regularly creates and electronically maintains, MPD issued the following denial: “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.” The statutory provision cited in this denial allows an agency to decline a request that would require the creation of a new document. This exemption does not apply here because the records sought are regularly created by MPD officers in the ordinary course of their duties.

Working Together Toward Transparency

We appreciate that responding to a request for records might require some time, and we are happy to work with MPD to find a fair process for production that will avoid undue burdens. Working with us toward that end is not only MPD’s obligation under the TPRA; working with us is also crucial if MPD is to earn public trust in the wake of the DOJ investigation. Law enforcement must be accountable to the community for protecting both safety and civil rights. And there can be no such accountability if law enforcement is shrouded in secrecy. Transparency is even more essential here because MPD was found to be violating constitutional rights throughout the community and has promised to change. We agree with Judge Bernice Donald that “the promise of change is sunlight.”¹

¹ ABC24 Memphis, *Judge Bernice Donald discusses police reform with ABC24*, YouTube (Mar. 4, 2025), <https://www.youtube.com/watch?v=ScE0sRy7mF0>.



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We therefore hope and expect that you will welcome the shining light, and that you will revoke MPD's denial and provide the information sought. Should MPD be unwilling to provide the information, we ask that MPD indicate in writing the specific bases for refusing each enumerated request. Such an explanation is required under the TPRA, and it would assist us in understanding how to move forward. If there are requests that present identifiable, undue burdens, for example, we are open to discussing reasonable modifications.

While we intend to resolve this amicably, we are prepared to litigate if necessary, and we will seek reasonable attorneys' fees and costs, as well as injunctive relief, for any willful denial. *See* Tenn. Code § 10-7-505(g); *Clarke v. City of Memphis*, 473 S.W.3d 285, 290-91 (Tenn. Ct. App. 2015) (in case in part upholding an award of attorneys' fees and costs arising from the denial of a records request to Memphis and MPD, holding that "an award of attorneys' fees will be warranted under the TPRA when a municipality denies a records request by invoking a legal argument that has no good faith basis in light of existing law.").

Thank you for your time.

Sincerely,

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Agreed to and supported by:

Just City

Transformative Justice Initiative, University of Memphis School of Law
Memphis Interfaith Coalition for Action and Hope (MICAH)