

IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY, PART IV

TENNESSEE IMMIGRANT & REFUGEE)
RIGHTS COALITION and MICHAEL C.)
HOLLEY,)

Plaintiffs/Petitioners,)

vs.)

CASE NO. 25-1126-IV

TENNESSEE DEPARTMENT OF SAFETY)
AND HOMELAND SECURITY and JEFF)
LONG, in his official capacity as)
Commissioner of the Tennessee Department)
of Safety and Homeland Security,)

Defendants/Respondents.)

ORDER

This Tennessee Public Records Act case was filed on August 4, 2025 and heard September 22, 2025. Here, two Tennessee citizens (a qualifying entity and an individual) are attempting to obtain access to public records made or received in connection with the Tennessee Highway Patrol's participation in certain of the federal government's immigration enforcement initiatives in Tennessee. Petitioners are claiming that the operative state entity has: 1) delayed producing video footage of the traffic stops in question; 2) made bare, implausible assertions that certain documents did not exist; and 3) erroneously insisted on redacting certain material, including unit numbers, badge numbers, vehicle numbers, officers' names, and other information from dispatch reports. In prelitigation communications, the state entity claimed redactions were warranted under the Tenn. Code Ann. § 10-7-504(i) exception, which is designed to prevent, among other things, disclosure of and/or disruption of certain governmental electronic information and/or systems. After Petitioners sued, the state entity asserted an additional basis for restricting disclosure relying on Tenn. Code Ann. § 10-7-504(g) for the proposition that

public records deemed to include “personal information,” which could be used to identify, and possibly target, participating law enforcement officers, should not be produced without restrictions.

Background and Overview

On August 19, 2025, Tennessee Immigrant & Refugee Rights Coalition (“TIRRC”) and Michael C. Holley (“Mr. Holley”)(collectively “Petitioners”) sued Tennessee Department of Safety and Homeland Security (“Department of Safety”) and Commissioner Jeff Long, in his capacity as Commissioner of the Tennessee Department of Safety and Homeland Security (“Commissioner Long”)(collectively “Respondents”), seeking public records under the Public Records Act. The Department of Safety is the agency housing the Tennessee Highway Patrol (“THP”). Petitioners assert that they “have requested access to public records” in the Department of Safety’s possession “in order to shed light on the THP’s dubious efforts to use its state powers to enforce federal civil immigration laws through stops, interrogations, and detentions of motorists on Tennessee roadways.” Pet., p 1. Petitioners assert that, “[a]lthough it produced some records, [the Department of Safety] has implausibly denied the existence of others, had redacted some groundlessly, and has delayed its production of video footage to the point of denial.” Pet., p 1.

On September 15, 2025, Respondents filed their Response to Petition for Access to Public Records (“Response”) and asserted, among other things, as follows:

Petitioners demand confidential information, which if released would endanger Tennessee Highway Patrol (“THP”) Officers and would reveal vulnerabilities in the operations of the THP. At all times, the Tennessee Department of Safety and Homeland Security and Commissioner Jeff Long (collectively the “Department”) has (sic) complied with the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501, *et seq.*, by working diligently to provide responsive records while redacting confidential information. This Court should protect THP troopers who

keep Tennesseans safe and deny Petitioners' petition for access to public records.

Resp., p. 1. Additionally, Respondents state:

Immigration enforcement is “highly politicized” and comes with “increased tensions” and “increased threats” to the troopers involved. Perry Aff., at ¶ 5 (Attached as Ex. 1). Law enforcement is already dangerous. While carrying out their duties, 13.5 percent of sworn police officers were assaulted in the line of duty in 2024 - a total of 85,730 assaulted officers nationwide. *Officers Killed and Assaulted in the Line of Duty, 2024 Special Report*, Federal Bureau of Investigation, <https://tinyurl.com/2sfe5zct> (last visited August 27, 2025). The release of identifying information of troopers, or officers across the country, involved in immigration enforcement has led to threats, vandalism, and harassment of the officers and their families. Perry Aff., at ¶ 6.

Petitioners sought records related to a joint operation between THP and United States Immigration and Customs Enforcement (“ICE”). Petition, at 2. The THP conducted traffic stops, and ICE enforced federal immigration law. Because of the very real and serious threats to troopers enforcing our immigration laws, the Department does not want their troopers to become targets of violence. Perry Aff., at ¶ 7. Additionally, the Department must protect the integrity and effectiveness of future operations by ensuring that bad actors cannot easily intervene in THP activities. *Id.* at ¶ 9-10. Accordingly, the Department decided not to release information identifying the troopers involved in the joint operation. *Id.* at ¶ 11.

Petitioners requested records related to hundreds of traffic stops, more than one hundred arrests, and the agreement and communications between THP and ICE. Petition, at 3. Petitioners submitted six requests for records to the Department on multiple dates. Goggin Aff., at ¶ 6 (Attached as Ex. 2). Just Petitioners' requests would require significant time and effort to locate, retrieve, and redact. *See Generally* Goggin Aff., at ¶ 1-17. But those are not the only public records requests that the Department received. *Id.* at ¶ 7. The Department receives approximately 200 individual requests for records per month. *Id.* at ¶ 3. And the Department processes all of those requests, in order of receipt, with same level of urgency and commitment to transparency. *Id.* at ¶ 16.

Petitioners filed this suit complaining that they had not received records quickly enough, disputing redactions that protect troopers, and insisting that non-existent records exist. Petition, at 1-20. They request expedited procedure. Motion for Expedited Process, at 1. This Court ordered the Department to file a brief and set a hearing for September 12, 2025. Order, at 1.

Resp., pp. 1-3.

On September 19, 2025, Petitioners filed Petitioners' Reply to Response to Their Petition for Access to Public Records ("Reply"):

Petitioners reply regarding their public-record request to show the Department of Safety's (Department) evidence is facially insufficient because it fails to explain, much less justify: (1) its continued and indefinite delay in producing video footage of a single night's traffic stops; (2) its claim that certain documents do not exist; and, (3) its redaction of unit numbers, badge numbers, vehicle numbers, officers' names, and other information from dispatch reports. As relief, Petitioners ask the Court to order the Department to follow its own first-in-first-out rule and to produce the video footage by October 13, 2025. Petitioners also ask the Court to require the Department to substantiate its claims about records not existing. Finally, they ask the Court to hold that the invoked exemptions do *not* justify the redactions the Department has been making. Due to the Department's willful resistance to its obligations under the Act, the Court should order payment of attorneys' fees.

Reply, p. 1. At the non-evidentiary show cause hearing held on September 22, 2025, the parties relied upon the affidavits and other cognizable written proof in the technical record.

Facts

1. On April 9, 2025, Commissioner Long asked the federal Department of Homeland Security, which houses U.S. Immigration and Customs Enforcement (ICE), to enter an agreement allowing THP troops to investigate and make arrests for suspended civil immigration violations.
2. On May 3, 2025, while Commissioner Long's above-referenced request was pending, the THP and ICE began engaging in a joint operation. In this operation, dubbed "Operation Flood the Zone," THP and ICE detained motorists and investigated them, with ICE making arrests for suspected civil immigration violations. In this operation, THP patrolled a few local streets in Nashville, Davidson County's Antioch/South neighborhood, arguably an

extension in emphasis from its central statutory mission to “[p]atrol the state highways.” Tenn. Code Ann. § 4-7-104.

3. These joint THP-ICE operations continued after May 3, 2025, winding down on or about May 13, 2025, the date the agreement with ICE was announced. During the operation, THP reported that it stopped 588 vehicles, producing 103 arrests of suspected immigrant violations.
4. On May 6, 2025; May 21, 2025; June 11, 2025; and June 16, 2025, Petitioners made requests to Respondents under the Public Records Act about the joint THP-ICE operation.
5. On July 11, 2025, Respondents gave partial responses to the May 6, 2025 and May 21, 2025 requests. At the time the Petition was filed on August 14, 2025, Petitioners allege that certain Computer Assisted Dispatch (“CAD”) reports and nothing else had been produced in response to the June 11, 2025 and June 16, 2025 requests. *See Pet.*, p. 7.
6. There were delays in making records available to Respondents. In the Affidavit of Casey Goggin, Senior Associate Counsel and the Public Records Request Coordinator (“PRRC”) for the Department of Safety, Ms. Goggin described the Department of Safety’s procedure for responding to public records requests, generally, and ways that the Department of Safety processed Petitioners’ several requests requiring substantial time and effort. She testified, via her affidavit, that requests were processed in the sequence received; detailed the process for review and redaction of electronically maintained records, including videos; and made certifications about records that did not exist.

7. It appears that the delays have been caused by the volume of the requests being processed by the Department of Safety, including Petitioners,' and that most of the outstanding records will be produced during the first half of November 2025.
8. The Court is not in a position to reject Respondents' assertions, primarily through Ms. Goggin, that certain records do not actually exist.
9. The remaining substantive disputes appear to be primarily focused on the redactions made, and being made, by Respondents.

Discussion and Rulings

The Tennessee Public Records Act (“Act”), Tenn. Code Ann. §§ 10-7-501, *et seq.*, requires public officials to provide access to public records. In Tennessee, public records are defined broadly to include records made or received by a governmental entity in an official capacity. The definition of “records” itself is exhaustive. The Act itself contains specific exceptions, as well as a broad, catch-all exception which provides that “[a]ll state, county, and municipal records shall . . . be open for personal inspection by any citizen of this state, . . . unless otherwise provided by state law.” Tenn. Code Ann. § 10-7-503(a)(2)(A). This catch-all exception is not limited to statutory non-disclosure provisions that are codified apart from the Act, but includes, for example, records that are not disclosable under Tennessee’s common law, administrative law or constitutional law. Despite the specific exceptions and the breadth of the catch-all exception, courts have consistently held that there is a presumption in favor of access to public records. *See Schneider v. City of Jackson*, 226 S.W.3d 332, 340 (Tenn. 2007).

The Act has two basic features. First, the Act has what might be called a status feature. If the requestor enjoys the status of being a “citizen” of Tennessee and he or she requests records that are public records not falling within any exception, then the Act

mandates that the requesting party be afforded access to those records. If the government entity claims, but cannot establish that an exception applies, then that entity must provide the requestor access to the requested records. Although questions related to expenses and redaction might arise in this context, access is generally mandatory without any inquiry into the requesting party's reasons for seeking the records in question.

Next, there is the "conduct" feature of the Act that addresses whether a requesting party can recover reasonable attorney's fees. The public custodian of the records will be liable for the requesting party's reasonable fees if the public custodian's conduct is adjudged to be "willful" in withholding access to documents later determined to be disclosable under the Act. Consequently, if the custodian did not withhold the documents willfully, then this would not excuse the custodian from the duty to produce those records. A mere mistake, not committed willfully, for example, would relieve the custodian from any potential liability for the requesting party's attorney's fees. Attorney's fees may be awarded under Tenn. Code Ann. § 10-7-505(g) if the governmental entity knows the requested records were public records and it willfully refused to allow the requestor access to them. Such an award of attorney's fees under Tenn. Code Ann. §10-7-505(g) is discretionary and must be predicated upon the trial court's determination of bad faith. *See Schneider*, 226 S.W.3d at 346.

Initially, Respondents wholly relied upon what Petitioners characterized as the "anti-hacking" exception of the Act set out in Tenn. Code Ann. § 10-7-504(i). Respondents relied on the Affidavit of Colonel Matt Perry ("Colonel Perry") for the proposition that gives Respondents access to requested records, might reveal potential "operational vulnerabilities" and, consequently, disclosure was properly restricted under Tenn. Code Ann. § 10-7-504(i). Respondents simply did not meet their burden of proof that they were entitled to withhold or redact documents under Tenn. Code Ann. § 10-7-

504(i). The Court is not convinced that the records requested by Petitioners fall under this exception or present a risk of disclosing potential operational vulnerabilities.

The Court concludes, however, that redactions of any personal identifying information related to THP officers that were not publicly disclosed during the joint operation or otherwise disclosed generally, should not be publicly disclosed. The fact that material is aggregated in a public records response, however, does not convert previously disclosed information, such as badge numbers, into excepted personal identifying information under Tenn. Code Ann. § 10-7-504(g). The details of this will need to be sorted out in an additional hearing. After this issue is determined, the Court will address any remaining disputes with respect to the scope of redactions designed to protect THP officers, which might require the Court to review a representative sample of unredacted documents *in camera* to make a final determination on this issue.

Petitioners made several public records requests seeking voluminous material Respondents had to review and then make production and redaction decisions. The Court concludes that Respondents appear to have followed their procedures and made a professional attempt to respond in a reasonable amount of time. Although some of Respondents' responses on the front end could have been quicker, the Court recognizes that it takes time and diligent work to process public records requests of this volume, scope, and complexity.

After these determinations are made, the Court will hear additional oral arguments on whether attorney's fees should be allowed, but only for the period of time when Respondents were relying solely on the exception provided in Tenn. Code Ann. § 10-7-504(i). The Court is not ruling that this was willful, but it would like to review additional briefing and argument on this issue in light of the Court's rulings in this Order.

The parties will arrange for a status conference with the Court by contracting Deputy Clerk and Master Sharifa Lewis-Allen at (615) 862-5713 so that the Court can set a schedule for the progression of this matter.

Conclusion

Based on the foregoing, the Court hereby GRANTS in part and DENIES in part the Petition filed by Tennessee Immigrant & Refugee Rights Coalition and Michael C. Holley, in the particulars described above. Given that this is not a final order, the Court will not assess court costs at this time.

IT IS SO ORDERED.

s/Russell T. Perkins

RUSSELL T. PERKINS, CHANCELLOR

cc: Michael C. Holley, Esq.
Spring Miller, Esq.
Julio Colby, Esq.
Zachary L. Baker, Esq.