



# **The National Police Association Files 1st Amended Complaint in Response to 'Absurd' New Refusal to Release the Nashville Shooter 'Manifesto'**

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Indianapolis, May 5, 2023 – The National Police Association (NPA) announced today that it has filed an amended and supplemental complaint in conjunction with plaintiff Clata Renee Brewer, against the governments of Nashville and Davidson County for their new refusal to act on a request for records. The FOIA request asked for all writings by Audrey Hale, to include a manifesto, recovered by the Metropolitan Nashville Police Department (MNPd) relating to the March 27, 2023 mass shooting that occurred at The Covenant School, in Nashville, Tennessee

where Audrey Hale killed three children and three adults. The FOIA also requested all records, including emails, texts, and other communications to and from the MNPd mentioning or regarding the writings of Audrey Hale recovered by the MNPd.

The NPA believes releasing the complete materials will benefit law enforcement and the public. The writings of killers often offer critical insights into the factors that contribute to the development of criminal behavior and provide insight into how to avoid future tragedies.

Also, the communications between MNPd and outside interests who may have caused the MNPd to not comply with the FOIA statute will provide guidance going forward on how other departments can plan for and prevent similar interference.

Up until May 3, 2023 the reason given for not allowing disclosure of the requested public records is that Rule 16 of the Tennessee Rules of Criminal Procedure prohibits disclosure because this incident is an open case. This despite there being no evidence of a criminal case against the deceased shooter, the heroic Nashville police officers who responded to the shooting, or any other parties.

On May 3, 2023, in the week following the filing of this case, the Metro Police Department publicly stated: "Due to pending litigation filed this week, the Metropolitan Police Department has been advised by counsel to hold in abeyance the release of records related to the shooting at The Covenant School pending orders or direction of the court."

This statement constitutes an admission that its original Rule 16 basis for denial is invalid because there would be no reason to assert this excuse to deny access if the Rule 16 excuse was valid. This statement also sets forth a completely invalid

reason to deny access under the Public Records Act. This statement presents the ultimate "Catch-22" position that a records requester can sue to obtain records, but the very act of filing such a suit acts as an exception to the Public Records Act.

The filing of a Public Records Act lawsuit is not an exception to the Public Records Act that would allow a records custodian to deny access to the requested records.

According to Doug Pierce of The King & Ballow Law Offices, counsel for Plaintiff, *"We filed an amended and supplemental complaint, because after filing our initial complaint, Metro Nashville, Police stated it would not release the requested records simply because we had filed our complaint. This catch 22 argument is absurd, and most certainly is not a valid excuse for failing to produce the records."*

The amended and supplemental complaint advises the defendant cannot evade its obligation to follow the Public Records Act by seeking to shift its responsibility to the Court and seeks that the Court declare a custodian of public records may not deny a request under the Public Records Act for the reason that requester has filed suit to obtain the requested records.

The case is Case No. 23-0538-III CLATA RENEE BREWER v. METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE TWENTIETH JUDICIAL DISTRICT, AT NASHVILLE. The amended and supplemental complaint can be read here <https://nationalpolice.org/main/wp-content/uploads/2023/05/1st-Supplemental-and-Amended-Complaint.pdf>