

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE
FOR THE TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

JOSE MARCUS PERRUSQUIA,

Petitioner,

v.

TENNESSEE DEPARTMENT OF
SAFETY AND HOMELAND
SECURITY,

Respondent.

No.

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

Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. § 10-7-501, *et seq.* (“TPRA”), Petitioner Jose Marcus Perrusquia hereby petitions this Court for access to specific public records maintained by the Tennessee Department of Safety and Homeland Security’s Tennessee Highway Patrol (“THP”) division, for judicial review of THP’s denial of access to the specified public records, and for attorneys’ fees and costs. In support of this Petition, Mr. Perrusquia states as follows:

PARTIES

1. Petitioner is a journalist, a resident of Shelby County, Tennessee, and a Tennessee citizen. For more than twenty-nine years, Mr. Perrusquia was a reporter and editor for *The Commercial Appeal*.

2. Respondent the Tennessee Department of Safety and Homeland Security is a department of the State of Tennessee (the “Department of Safety”). THP is a statewide law enforcement agency and a division of the Department of

Safety. Service of process upon Respondent will be made by delivering a copy of the summons and this Petition to the Tennessee Attorney General (or any assistant attorney general) pursuant to Tenn. R. Civ. P. 4.04(6).

JURISDICTION

3. This Court has subject matter jurisdiction over this petition and venue is proper in this Court under Tenn. Code Ann. § 10-7-505(b).

FACTUAL BACKGROUND

4. A fundamental purpose of the TPRA is oversight of our government.

5. Pursuant to the TPRA, Mr. Perrusquia seeks THP's vehicle pursuit policy (the "Policy").

6. Specifically, on February 4, 2026, Mr. Perrusquia submitted a TPRA request (the "Request") addressed to the Public Records Request Coordinator, Tennessee Department of Safety and Homeland Security requesting "[a] copy of the Tennessee Highway Patrol's current policy regarding vehicle pursuit" and "[a] copy of the most recent annual or monthly (or whatever time frame this is kept in) report regarding statistical data on the number of vehicle pursuits engaged in by [THP]." Perrusquia Decl. ¶ 7, (attached as Exhibit A), Attach. 3.

7. Mr. Perrusquia's recent reporting has examined high-speed chases in Tennessee, their origins and outcomes, and their consequences. *See* Perrusquia Decl. ¶ 5, Attach. 1 & 2.

8. Upon information and belief, the Policy governs the circumstances under which THP officers can and should pursue fleeing motorists and the logistics of those pursuits.

9. On February 27, 2026, counsel for the Department of Safety supplied the requested data but denied the portion of the Request that sought the Policy “because the requested document is confidential. The reason for this denial is that the document is confidential under Tenn. Code Ann. § 10-7-504(i).” Perrusquia Decl. ¶ 8, Attach. 4.

10. Section 10-7-504(i)(1) allows a public body to withhold “[i]nformation that would allow a person to obtain unauthorized access to confidential information or to government property,” including:

- (A) Plans, security codes, passwords, combinations, or computer programs used to protect electronic information and government property;
- (B) Information that would identify those areas of structural or operational vulnerability that would permit unlawful disruption to, or interference with, the services provided by a governmental entity; and
- (C) Information that could be used to disrupt, interfere with, or gain unauthorized access to electronic information or government property.

Tenn. Code Ann. § 10-7-504(i)(1)

11. Tenn. Code Ann. § 10-7-504(i) protects access to electronic and communications systems, not department policy documents.

12. On March 27, 2026, counsel for Mr. Perrusquia sent a letter to the Department of Safety’s counsel explaining that Tenn. Code Ann. § 10-7-504(i) is inapplicable and requesting once again that the responsive records be disclosed to Mr. Perrusquia as promptly as possible. McAdoo Decl. ¶ 5, Attach. 1.

13. On March 30, 2026, counsel for the Department of Safety affirmed their prior denial. McAdoo Decl. ¶ 6, Attach. 2.

CLAIM FOR RELIEF

14. Petitioner incorporates the allegations in paragraphs 1 through 13.

15. Mr. Perrusquia is a citizen of Tennessee under the TPRA.

16. Pursuant to the TPRA, Mr. Perrusquia requested the Policy from the Department of Safety, which is the custodian of the Policy.

17. The Policy is a “public record” within the meaning of Tenn. Code Ann. § 10-7-503(a)(1)

18. THP denied Mr. Perrusquia’s public records Request for the Policy.

19. No exemption applies to bar disclosure of the Policy by THP, including Tenn. Code Ann. § 10-07-504(i).

20. Mr. Perrusquia is therefore entitled to receive the Policy he requested under the TPRA.

21. Tenn. Code Ann. § 10-7-505(g) provides that the Court may award “all reasonable costs involved in obtaining the record, including reasonable attorneys’ fees” if the government “knew that such record was public and willfully refused to disclose it.”

22. Respondent knew that the records sought by Petitioner were public and not exempt and willfully refused to disclose them to Petitioner.

23. Therefore, Respondent should be required to produce the Policy to Petitioner, and Petitioner should be awarded reasonable costs, including reasonable attorneys' fees and costs in this case.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

24. Immediately issue an order, pursuant to Tenn. Code Ann. § 10-7-505(b), requiring the Department of Safety to appear before this Court and show cause, if it has any, why this petition should not be granted;

25. Grant Petitioner a declaratory judgment that the records sought are public records under the TPRA for which no exemption applies, and that the Department of Safety's failure to grant Petitioner access to these public records constitutes a violation of the TPRA, which was knowing and willful;

26. Order the Department of Safety to immediately provide Petitioner with copies of the Policy;

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

28. Grant Petitioners discretionary costs under Tenn. R. Civ. P. 54;

29. Grant Petitioners such other equitable relief as may be necessary to secure the purposes and intentions of the TPRA; and

30. Grant Petitioners all further relief to which he may be entitled.

Dated: August 20, 2026

Respectfully submitted,

/s/ Paul R. McAdoo

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