

**IN THE SUPERIOR COURT OF CLARKE COUNTY**

**STATE OF GEORGIA**

JUDICIAL WATCH, INC., )  
 )  
 Plaintiff, )  
 )  
 v. ) CIVIL ACTION FILE NO. \_\_\_\_\_  
 )  
 JEFF CLARK, in his official capacity )  
 As Chief of Police of the University of )  
 Georgia Police Department, )  
 )  
 Defendant. )  
 \_\_\_\_\_ )

**COMPLAINT**

Plaintiff Judicial Watch, Inc. brings this action against Defendant Jeff Clark to compel compliance with the Georgia Open Records Act, § 50-18-70 *et seq.* As grounds therefor, Plaintiff alleges as follows:

**JURISDICTION**

1. This Court has jurisdiction over the person and subject matter of this action pursuant to O.C.G.A. § 50-18-73(a).

**VENUE**

2. Venue is proper in this Court pursuant to O.C.G.A. § 9-10-30 because Defendant's principal offices are located at 286 Oconee Street, Suite 100; Athens, GA 30602, in Clarke County.

**PARTIES**

3. Plaintiff Judicial Watch, Inc. is a not-for-profit, educational organization incorporated under the laws of the District of Columbia and headquartered at 425 Third Street SW, Suite 800, Washington, DC 20024. Plaintiff seeks to promote transparency, accountability, and integrity in

government and fidelity to the rule of law. As part of its mission, Judicial Watch regularly requests records under federal and state “open records” laws, analyzes the responses and any records it receives, and disseminates its findings and the records to the public to inform them about their government.

4. Defendant Jeff Clark (“Clark”) is the Chief of Police of the University of Georgia Police Department. He has possession, custody, and control of records to which Plaintiff seeks access.

### **STATEMENT OF FACTS**

5. Plaintiff submitted two public records requests to Clark’s office under the Open Records Act, O.C.G.A. § 50-18-70, *et seq.*

6. On March 1, 2024, Plaintiff sought from Clark’s office access to the following records:

The audio recording of the 911 call reportedly made by Laken Riley while she was allegedly being assaulted by Jose Antonio Ibarra on February 22, 2024.

7. The request was submitted via email by an in-house investigator for Plaintiff Judicial Watch.

8. Clark’s department acknowledged receipt of the request and, on March 4, 2024, denied the request on the grounds that the records requested were exempt from disclosure pursuant to O.C.G.A. § 50-18-72(a)(4), (“records of law enforcement in pending investigation or prosecution”).

9. On March 14, 2024, submitted a second request to Clark’s office. Specifically, it sought access to the following records:

- The initial arrest report of Jose Antonio Ibarra for the February 22, 2024 homicide of Laken Riley.
- The initial incident report relating to the death of Laken Riley.
- All Computer Aided Dispatch (CAD) reports involving the death of Laken Riley.

10. Clark’s office acknowledged receipt of the second request and, on March 15, 2024, again denied the request on the grounds that the records requested were exempt from disclosure pursuant to O.C.G.A. § 50-18-72(a)(4), (“records of law enforcement in pending investigation or prosecution”).

11. The fact that the University of Georgia has chosen to operate its own 911 system, and that the University has assigned that 911 system operationally to its own police department, does not make the records of that 911 system “records of law enforcement.”

12. Records of the University’s 911 system instead fall, if at all, under O.C.G.A. § 50-18-72(a)(26) (the “Applicable Exemption”).

13. Under the Applicable Exemption, 911 records are public records that can be released to the public as long as redactions are made of any names, addresses, or telephone numbers of the person placing the call to the public safety answering point.

14. Additionally, the exemption to Georgia Open Records Act relied on by Defendant, specifically excludes “initial police arrest reports” and “initial incident reports.” O.C.G.A. § 50-18-72(a)(4)

15. Accordingly, O.C.G.A. § 50-18-72(a)(4) does not apply and Clark failed to produce records that he was required to produce under the Open Records Act.

### **COUNT I**

(Violation of the Georgia Open Records Act – O.C.G.A. § 50-18-70, *et seq.*)

- a. Plaintiff realleges the preceding paragraphs as if fully stated herein.
- b. Defendant is in violation of the Open Records Act. Defendant was required to make the requested records available to Plaintiff within three (3) business days of receipt of the request. O.C.G.A. § 50-18-71(b)(1)(a).

16. Plaintiff is being irreparably harmed by Defendants' violation of the Open Records Act, and Plaintiff will continue to be irreparably harmed unless Defendants are compelled to comply with the law.

17. Plaintiff also has a clear legal right to the records requested, and Defendants have a duty to provide them.

18. Defendants are not substantially justified in failing to produce the requested records.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that the Court: (1) declare Defendant in violation of the Open Records Act; (2) order Defendant to search for all records responsive to Plaintiff's request without further delay; (3) enjoin Defendant from continuing to withhold all non-exempt public records responsive to the request; (4) grant Plaintiff an award of attorney's fees and other costs reasonably incurred in this action pursuant to O.C.G.A. § 50-18-73(b); (5) issue a writ of mandamus, ordering Defendant to provide the requested records; and (6) grant Plaintiff any other relief as the Court deems just and proper.

Dated: March \_\_\_\_, 2024

Respectfully submitted,

/s/ John R. Monroe  
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