

**IN THE CIRCUIT COURT OF COLE COUNTY, MISSOURI**

STATE OF MISSOURI EX REL:

**MISSOURI STATE CONFERENCE OF THE  
NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE**

and

**NIMROD T. CHAPEL, JR.**

Relators,

Case No. \_\_\_\_\_

**HON. ANDREW BAILEY**  
Attorney General of Missouri

**TRACEY LEHMEN**  
Custodian of Records  
Missouri Attorney General's Office

and

**PAULA BARRETT**  
Custodian of Records  
The Curators of the University of Missouri

Respondents.

**PETITION FOR WRIT OF MANDAMUS, DECLARATORY JUDGMENT,  
INJUNCTION AND JUDICIAL ENFORCEMENT OF PUBLIC RECORDS LAW**

COME NOW Relators, the Missouri State Conference of the National Association for the Advancement of Colored People and Nimrod T. Chapel, Jr., by and through undersigned counsel, who petition this Court for a Writ of Mandamus, declaratory judgment, and judicial enforcement of Missouri's public records law.

## PARTIES, JURISDICTION AND VENUE

1. The Missouri State Conference of the National Association for the Advancement of Colored People (Missouri NAACP) is the statewide Missouri membership organization, associated and affiliated with the National Association for the Advancement of Colored People (“NAACP”), who share a mission to: (i) to ensure the political, education, and economic equality of rights of all persons; (ii) to achieve equality of rights and eliminate minority prejudice among the citizens of the United States; (iii) to remove all barriers of minority discrimination through democratic processes; (iv) to seek the enactment of federal, state, and local laws securing civil rights; to inform the public of the adverse effects of minority discrimination and to seek its elimination; (v) to educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof; and (vii) to take any other lawful action utilizing the tools available to a 501(c)(4) organization in furtherance of these objectives.

2. The Missouri NAACP has thousands of members across the state, divided into more than twenty local units.

3. The mission of the Missouri NAACP, aligned with the NAACP, is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination. Its objectives include seeking enactment and enforcement of laws securing civil rights as well as educating people as to their rights.

4. Nimrod T. Chapel, Jr, is a natural person, a resident and citizen of Cole County, Missouri, and these United States, a member in good standing of the NAACP

and the president of the Missouri State Conference of the National Association for the Advancement of Colored People.

5. The Honorable Andrew Bailey is a natural person, the duly elected and currently serving Attorney General of Missouri, sued in his official capacity as a constitutional officer of the State of Missouri, whose official office is in Cole County.

6. Tracey Lehmen is a natural person, sued in her official capacity as the Custodian of Records of the Office of the Attorney General, whose official office is in Cole County.

7. The Office of the Attorney General, as organized pursuant to § 27.020 RSMo., is a “public governmental body” as defined in and subject to the public records laws of the State of Missouri, Ch. 610 RSMo.

8. Paula Barrett is a natural person, sued in her official capacity as the Custodian of Records of The Curators of the University of Missouri, an agency of the state of Missouri, whose official office is in Boone County.

9. The Curators of the University of Missouri, established pursuant to § 172.020 RSMo., is a “public governmental body” as defined in and subject to the public records laws of the State of Missouri, Ch. 610 RSMo.

10. This Honorable Circuit Court, pursuant to Article V § 14 of the Missouri Constitution, has original jurisdiction over all cases and matters, and may issue and determine original remedial writs,

11. Venue of this action exists in Cole County pursuant to § 508.010 RSMo., as Mr. Chapel is a resident of Cole County, and respondents the Honorable Attorney

General and Ms. Lehmen may be found there, while venue over Ms. Barrett is proper as the other respondents may be found in Cole County.

### FACTS RELEVANT TO ALL COUNTS

12. The Honorable Attorney General, pursuant to § 590.650 RSMo., is charged with and responsible to analyze the annual reports of law enforcement agencies required by that section and submit a report of the findings to the governor, the general assembly and each law enforcement agency no later than June first of each year.

13. The report of the Honorable Attorney General is required to include at least the following information for each agency:

(a) The total number of vehicles stopped by peace officers during the previous calendar year;

(b) The number and percentage of stopped motor vehicles that were driven by members of each particular minority group;

(c) A comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises; and

(d) A compilation of the information reported by law enforcement agencies pursuant to subsection 2 of that section.

14. The Honorable Attorney General, and his predecessors, prior to the report for calendar year 2023, have included a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage

of the state's population that each minority group comprises, as required by § 590.650.4(2)(c) RSMo.

15. In his report for 2023, the Honorable Attorney General announced:

[B]eginning this year, the VSR no longer calculates the “Disparity Index” for each agency or overall for the state. This is because the Disparity Index is both redundant and problematic as a summary measure for understanding differences in traffic stops across population groups (see appendix).

16. The appendix referred to in the foregoing paragraph is attached as Exhibit 1 and incorporated herein by reference.

17. On November 13, 2024, in an effort to understand the reason or the Honorable Attorney General’s decision to no longer publish the disparity index, the Relators directed and caused their attorney to request of him:

If disparity indexes were calculated during the preparation of the Attorney General's 2023 Minority Profiling Report, please provide them to me. If disparity indexes were NOT calculated for the Attorney General's 2023 Minority Profiling Report, please provide me with any document discussing the calculation of the 2023 disparity index 1) within the Attorney General's Office, 2) any correspondence between the Attorney General's Office and the statistician or other professionals who helped the Attorney General's Office compile the information in the 2023 report including, without limitation, Dr. Brittany Street, Assistant Professor of Economics at the University of Missouri at Columbia, and Dr. Jeffrey Milyo, Professor and Chair of the Department of Economics.

(emphasis in original)

18. That same day Ms. Lehmen acknowledged receipt of the request, and informed Relators that the earliest that she would be able to produce responsive records was January 10, 2025.

19. The report for 2023 states that, “The summary of statewide vehicle stops data has been provided by a team of researchers in the Economic and Policy Analysis Center at the University of Missouri in Columbia. The team is led by Dr. Brittany Street, Assistant Professor of Economics; other team members include Dr. Jeffrey Milyo, Professor and Chair of the Department of Economics, and Dr. Tabitha Chikhladze, Assistant Teaching Professor.”

20. On December 3, 2024, in hopes that the University of Missouri might be better able to answer their questions, Relators directed their attorney and caused their attorney to request of it:

Correspondence between the Missouri Attorney General's Office (ago.mo.gov) and Dr. Brittany Street, Assistant Professor of Economics, or Dr. Jeffrey Milyo, Professor and Chair of the Department of Economics, at the University of Missouri at Columbia.

This request is not intended to be onerous. Please contact the requestor if an excessive number of documents are potentially responsive so that narrowing of the scope of the request can be considered. The focus of this requests is the decision of the Attorney General not to report the Disparity Index in his 2023 report.

This request is made on behalf of the Missouri Chapter of the National Association of Colored People and its president, Ms. Nimrod Chapel, Esq. Waiver of fees is requested as the information requested will be used for public education regarding the minority profiling report.

21. On December 4, 2024, Ms. Barrett acknowledged receipt of the request, informed Relators that the search for relevant documents returned 441 items, and that a fee of \$199.10 was required for the search, research and retrieval of the documents responsive to the request. Ms. Barrett, “anticipate[d] the earliest we will be able to provide these documents to you is one week from receipt of your payment.”

22. The \$199.10 was paid as directed by check dispatched from Jefferson City on December 9, 2024.

23. On January 16, 2025, having had no further response from Ms. Barrett, Relator's counsel wrote to her on January 16, 2025, requesting a status report on the Relators' request.

24. That same day Ms. Barrett replied, "Due to the closure of the University for the holiday break and our current workload, we are still in the process of reviewing the emails. Our search produced thousands of pages of emails and we continue to work on our response. We hope to have them to you soon."

25. Shortly after that, Relator's counsel received correspondence from the University's Assistant Custodian of Records, Betsy Cochran, informing Relator's counsel, "I am currently tasked with reviewing these emails. The thousands of pages include attachments to the 441 items returned from the search inquiry."

26. On February 18, 2025, having heard nothing further from the University, Relators; counsel requested to know when he could anticipate the requested documents.

27. There was no response to the February 18, 2025, correspondence.

28. Having had no further response from Ms. Lehmen, Relator's counsel wrote to her on February 23, 2025, requesting a status report on the Relator's request.

29. On February 25, 2025, Ms. Lehmen responded, promising an update by the end of the day,

30. On February 26, 2025, Ms. Lehmen informed counsel, “The Constituent Services Division notified me they will be done reviewing the documents for release by early next week.”

31. On March 17, 2025, Ms. Cochran of the University wrote Relators’ counsel:

I want to assure you that your requested documents are currently under review by our General Counsel’s office. As we initially communicated, we estimated a turnaround time of no sooner than one week. However, that estimate was significantly underestimated due to the volume of materials requiring review. The emails you requested generated thousands of pages of attachments, all of which must be reviewed alongside the emails themselves.

I regret the initial underestimate of the timeline. I’ll continue to remind GC’s office that this remains a priority. I understand the urgency on your end and appreciate your patience as we work through the review process.

32. On May 16, 2025, Ms. Barrett of the University transmitted 44,300 pages of documents to Relator’s counsel.

33. In her cover letter of May 16, 2025, Ms. Barrett of the University advised Relator’s counsel, “Please be advised that many of the records identified in response to your search criteria have been withheld. These records are closed pursuant to § 610.021(1), § 610.021(14), §610.021(22) RSMo, and the Attorney Work Product doctrine.

34. Upon information and belief, and other than in this matter, the University of Missouri:

- a. is not involved in legal actions, causes of action or litigation involving the requested documents;

- b. there are no other laws that require or permit the closure of the records in question;
- c. the requested records do not request identification of the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body;
- d. further, § 610.021(22) affirmatively states, “This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records[;]” and
- e. Because there are no legal actions, causes of action or litigation involving the requested documents, the Attorney Work Product Doctrine does not have any applicability.

35. As of the date of the filing of this Petition, there has been no further correspondence regarding the requested records from the Attorney General’s Office.

36. As of the date of the filing of this Petition, the Attorney General’s Office has provided no documents responsive to Relator’s request.

## **COUNT I – PETITION FOR WRIT OF MANDAMUS**

37. Relators incorporate the foregoing ¶¶ 1-36 of this Petition by reference.

Facts

38. The Honorable Attorney General has an absolute, statutory and ministerial duty, pursuant to § 590.650.4(2)(c) RSMo., to include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises, in his annual report.

39. The Honorable Attorney General failed and refused to include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises, in his annual report for the year 2023.

40. The Honorable Attorney General’s declaration in his 2023 report that, “the Disparity Index is both redundant and problematic as a summary measure for understanding differences in traffic stops across population groups,” is neither lawful nor an excuse for failing to comply with the requirements of § 590.650.4(2)(c) RSMo.

Relief Sought

41. Relators respectfully request that this Honorable Court issue a preliminary Writ of Mandamus ordering the Honorable Attorney General determine and publish a disparity index for the year 2023 as required by law.

42. Relators further respectfully request that the Court issue a permanent Writ of Mandamus ordering the Honorable Attorney General determine and publish a disparity index for the year 2023 as required by law.

43. Relators further request such other and further relief as is just and necessary in the premises.

#### STATEMENT OF THE REASONS WHY THE WRIT SHOULD ISSUE

44. Relators have a clear, unequivocal and specific right to have the Honorable Attorney General include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises, in his annual report for the year 2023 as required by § 590.650.4(2)(c) RSMo.

45. The Respondent Honorable Attorney General has the present, imperative, and unconditional duty to include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises, in his annual report for the year 2023 as required by § 590.650.4(2)(c) RSMo.

46. The Relator has no other adequate remedy at law.

47. Relators incorporate by reference their concurrently filed suggestions in support of this petition for a writ of mandamus.

48. Pursuant to Rule 94.05, this Honorable Court should issue in the name of the state and upon the relation of the Relators its preliminary order in mandamus, and

ordering the respondent to file an answer within the time fixed by the order; direct its clerk to forthwith deliver a copy of the preliminary order, together with a copy of the petition, for service to the sheriff or other person specially appointed to serve it in Rule 54.

## COUNT II – DECLARATORY JUDGMENT

49. Relators incorporate the foregoing ¶¶ 1-48 of this Petition by reference.

50. The Honorable Attorney General has an absolute, statutory and ministerial duty, pursuant to § 590.650.4(2)(c) RSMo., to include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises, in his annual report.

51. The Honorable Attorney General failed and refused to include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises, in his annual report for the year 2023.

52. The Honorable Attorney General’s declaration in his 2023 report that, “the Disparity Index is both redundant and problematic as a summary measure for understanding differences in traffic stops across population groups,” is neither lawful nor an excuse for failing to comply with the requirements of § 590.650.4(2)(c) RSMo.

WHEREFORE, Relators prays for declaratory judgment as follows:

- A. declaratory judgment determining that Honorable Attorney General has a statutory obligation to determine and publish the disparity index as described and required by § 590.650.4(2)(c) RSMo.;
- B. award Relator's attorneys' fees and expenses incurred in bringing this action and enforcing the Honorable Attorney General's legal obligation the disparity index as described and required by § 590.650.4(2)(c) RSMo.;
- C. for the costs of this action; and
- D. for such other and further relief as the Court deems just and appropriate.

### COUNT III – INJUNCTION

53. Relators incorporate the foregoing 1-52 of this Petition by reference.
54. Relators seek neither a temporary restraining order nor a preliminary injunction in this action, but only a permanent injunction after hearing commanding the Honorable Attorney General to comply with his statutory obligation to determine and publish the disparity index as described and required by § 590.650.4(2)(c) RSMo.
55. The Honorable Attorney General has an absolute, statutory and ministerial duty, pursuant to § 590.650.4(2)(c) RSMo., to include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each minority group and the percentage of the state's population that each minority group comprises, in his annual reports.

56. The Honorable Attorney General failure and refusal to include a “disparity index,” that is a comparison of the percentage of stopped motor vehicles driven by each

minority group and the percentage of the state's population that each minority group comprises, in his annual report for any year succeeding his 2023 report is contrary to and in violation of the law.

57. The Honorable Attorney General's declaration in his 2023 report that, "the Disparity Index is both redundant and problematic as a summary measure for understanding differences in traffic stops across population groups," demonstrates the need for a permanent injunction to compel him to comply with the requirements of § 590.650.4(2)(c) RSMo.

WHEREFORE, Relators pray for permanent injunction as follows:

- A. Commanding and ordering that the Honorable Attorney General determine and publish the disparity index as described and required by § 590.650.4(2)(c) RSMo. in all of his future annual reports;
- B. award Relator's attorneys' fees and expenses incurred in bringing this action and enforcing the Honorable Attorney General's legal obligation the disparity index as described and required by § 590.650.4(2)(c) RSMo.;
- C. for the costs of this action; and
- D. for such other and further relief as the Court deems just and appropriate.

#### COUNT IV – JUDICIAL ENFORCEMENT OF PUBLIC RECORDS LAW – ATTORNEY GENERAL'S OFFICE

58. Relators incorporate the foregoing ¶¶ 1-36 of this Petition by reference.

59. The Office of the Attorney General is a public governmental body subject to the provisions of Chapter 610, RSMo.

60. The records requested are open public records subject to disclosure under the provisions of Chapter 610, RSMo.

61. The Office of the Attorney General has failed to act by the end of the third business day following the date the request was received, or as soon as possible, as required by Chapter 610, RSMo.

62. The Office of the Attorney General has violated the provisions of Chapter 610, RSMo.

63. The Office of the Attorney General is aware of the probable consequences of violations of the provisions of Chapter 610, RSMo.

64. Even after repeated follow-ups, The Office of the Attorney General has failed to provide access to the requested open public records.

65. The Office of the Attorney General's continued failure to act upon the Relators' request is a purposeful or, in the alternate, knowing violation of the provisions of Chapter 610, RSMo.

66. The Office of the Attorney General has knowingly and purposefully violated the provisions of Chapter 610, RSMo.

WHEREFORE, Relators pray that this Court enter judgment in their favor and against the Office of the Attorney General, and:

- a. Enter an injunction requiring the Office of the Attorney General to provide Relators with copies of the records requested;

- b. Find the Office of the Attorney General purposely, or in the alternate, knowingly, violated public records law;
- c. Impose a civil penalty against the Office of the Attorney General pursuant to public records law;
- d. Award Relators' attorney fees and costs of litigation as authorized by the public records; and
- e. Grant to Relators such other and further relief as is just and proper.

#### **COUNT V – JUDICIAL ENFORCEMENT OF PUBLIC RECORDS LAW – CURATORS OF THE UNIVERSITY OF MISSOURI**

- 67. Relators incorporate the foregoing ¶¶ 1-36 of this Petition by reference.
- 68. The Curators of the University of Missouri is a public governmental body subject to the provisions of Chapter 610, RSMo.
- 69. The records requested are open public records subject to disclosure under the provisions of Chapter 610, RSMo.
- 70. The Curators of the University of Missouri has failed to act by the end of the third business day following the date the request was received, or as soon as possible, as required by Chapter 610, RSMo.
- 71. The Curators of the University of Missouri have violated the provisions of Chapter 610, RSMo.
- 72. The Curators of the University of Missouri is aware of the probable consequences of violations of the provisions of Chapter 610, RSMo.

73. Even after repeated follow-ups, The Curators of the University of Missouri has failed to provide access to requested open public records.

74. The Curators of the University of Missouri's continued failure to act upon the Relators' request is a purposeful or, in the alternate, knowing violation of the provisions of Chapter 610, RSMo.

75. The Curators of the University of Missouri has knowingly and purposefully violated the provisions of Chapter 610, RSMo.

WHEREFORE, Relators pray that this Court enter judgment in their favor and against The Curators of the University of Missouri, and:

- a. Enter an injunction requiring The Curators of the University of Missouri to provide Relators with copies of the records requested;
- b. Find The Curators of the University of Missouri purposely, or in the alternate, knowingly, violated public records law;
- c. Impose a civil penalty against The Curators of the University of Missouri pursuant to public records law;
- d. Award Relators' attorney fees and costs of litigation as authorized by public records law; and
- e. Grant to Relators such other and further relief as is just and proper.

Respectfully submitted,

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