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March 20, 2015

The Honorable Christopher L. Smith  
The Florida Senate  
202 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Re: CS/CS/SB 248 Public Records/Audio or Video Recording Made by a Law Enforcement Officer

Dear Senator Smith:

We are writing to express our serious concerns regarding CS/CS/SB 248 as amended this week in the Senate Governmental Oversight Committee, and the unwarranted breadth of the proposed exemption for body camera video recordings.

Body cameras are being adopted by state law enforcement agencies for two primary reasons: to provide more public transparency and oversight of law enforcement officers, and to protect such officers when wrongly or unjustly accused of abuse or excessive use of force. The Daytona Beach Police Department started using body cameras in 2012, and Police Chief Mike Chitwood was quoted by *The Daytona Beach News-Journal* as saying "the video cameras will protect everyone: the city from baseless lawsuits, the officers from false accusation and the public from police misconduct." [Sep. 16, 2014] In each instance, it is imperative that the public has access to the body camera video recordings.

We have a long history of law enforcement's use of video cameras in Florida – first dash cams and now body cams – and to date there have been no reports by either law enforcement or the public that these cameras have been abused, or that people who were recorded were harmed or wronged. In short, this bill attempts to fix a problem that doesn't exist.

We strongly recommend that the Legislature, rather than create overly restrictive and unwarranted public record exemptions for body camera video recordings, adopt standards for the creation of policies relating to the use of body cameras similar to those now in place in those agencies currently using such technology. These policies speak to when officers can turn the cameras

on and off, and the triggers for either to occur; what recorded explanation an officer is required to give; and how long a body camera recording must be retained (we seriously question whether the 90 days provided for in your bill is sufficient).

We expressed our objections to the overly broad exemptions for body camera video recordings in our letter of March 9, Senator Smith. Some of those objections – recordings taken of children under the age of 14, for example – have been removed from the most recent version of the bill but others still remain: the blanket exemption for all videos taken within a private residence, in the hallways or outside a medical facility, or at the scene of a medical emergency, which is not defined. The CS/CS/SB 248 does not address our concerns previously stated and we reiterate our earlier objections.

Additionally, the bill in its current form imposes disclosure obstacles on police forces like the Daytona Beach Police Department that are currently using these cameras – and releasing the video recordings pursuant to public record requests. The proposed exemption creates unwarranted restrictions on the public's right of access and flies in the face of the stated reasons law enforcement agencies have given for purchasing the cameras. We strongly oppose the bill in its current form, and urge it be amended to simply require the adoption of reasonable policies by Florida's law enforcement agencies on the use of body cameras.

Thank you for your attention to our concerns, Senator Smith. Please don't hesitate to contact us should you have any questions or if we can be of assistance.

Sincerely,



Barbara A. Petersen

CC: The Honorable Andy Gardiner, President, Florida Senate  
The Honorable Greg Evers, Chair, Committee on Criminal Justice, Florida Senate  
Jon Kaney, General Counsel, First Amendment Foundation