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The Honorable Rick Scott
Office of the Governor
The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Re: CS/SB 248: Body Cameras/Recording of Law Enforcement Activities

Dear Governor Scott:

We are writing to request that you veto CS/SB 248, which creates a public record exemption for recordings by law enforcement cameras taken within a private residence, at a healthcare facility, and in a place where a person recorded has a reasonable expectation of privacy. It is our position that the bill imposes overbroad public record exemptions contrary to the public purpose for which law enforcement cameras are used.

Body cameras have been 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.

This bill 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 in CS/SB 248 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 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 simply doesn't exist.

Furthermore, there is a provision in the bill that allows access by a court order after a showing of good cause. In order to compel disclosure of a body camera video, a citizen will be required to obtain an attorney, which is cost-prohibitive for most Floridians, creating a practical barrier to the constitutional right of access. Additionally, in considering good cause, CS/SB 248 requires a court to consider eight specific factors – another insurmountable barrier. In direct contrast, a law enforcement agency is allowed to release the video when it is in their interest to do so.

We believe the best course of action is a law that requires local law enforcement agencies to adopt policies about the use of body cameras by their officers rather than create an overbroad and unnecessary public record exemption for the body camera videos.

The CS/SB 248 thwarts, rather than furthers, law enforcement accountability and public oversight. For these reasons, Governor Scott, we respectfully request that you veto CS/SB 248. Thank you for your attention to our concerns. If you have any questions or would like additional information about our position, please do not hesitate to contact us.

Sincerely,



Barbara A. Petersen

Cc: Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association