



04 December 2015

The Honorable Greg Evers, Chair
Senate Criminal Justice Committee
510 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: SPB 7022 OGSR/Recordings Depicting the Killing of a Person

Dear Senator Evers:

We are writing to express our concerns regarding SPB 7022, renewing an exemption for photographs, videos, or audio recordings depicting the killing of a person. We recognize that such recordings may be highly sensitive, but access by citizens and the media is vital to ensure oversight of governmental action and to ensure government officials and employees are held accountable for their actions.

The very important role of public access to these recordings is evidenced by the case of Martin Lee Anderson. In January of 2006, Mr. Anderson died at the Bay County Boot Camp, which was operated by the Bay County Sheriff's Office. The Medical Examiner ruled that the teen died of "complications from sickle cell trait" and that his death was "natural." A video of the incident, however, showed a group of government employees forcefully coercing the teen to continue exercising after he collapsed and using ammonia to revive him. When the videotape was released, public outcry prompted a second autopsy, which showed that Anderson's death was caused by suffocation due to the actions of the government employees. As a result, the Legislature closed boot camps and manslaughter charges were brought against the government employees.

Furthermore, traffic stops by law enforcement officers, which end up with the officer, driver, or other passengers being killed would be protected, making it more difficult to determine what actually happened. At a time when police and citizen confrontation is at the center of state and national dialogue, video and audio recordings have been crucial to developing a factual account of these interactions. It is of paramount importance that these recordings be accessible to the public and government alike.

BOARD OF TRUSTEES

DAVE WILSON, CHAIRMAN

Senior Editor, *The Miami Herald*

BOB SHAW, VICE CHAIRMAN

Retired Editor

**MIKE VASILINDA, SECRETARY
& TREASURER**

President, Capitol News Service

JON KANEY, GENERAL COUNSEL

Kaney & Olivari

JIM BALTZELLE

Director of Digital Media, Southeast,
The Associated Press

DICK BATCHELOR

Founder and President,

Dick Batchelor Management Group, Inc.

BRIAN CROWLEY

Principal, Immediacy Public Relations

MIKE DEESON

Senior Reporter, WTSP-TV

FRANK DENTON

Editor, *Florida Times-Union*

SKIP FOSTER

President & Publisher, Tallahassee Media Group

GARY GREEN

Deputy News Editor and Digital Director,
Innovation News Center

CAROL JEAN LOCICERO

Thomas & LoCicero

SAMUEL J. MORLEY

General Counsel, Florida Press Association

TIM NICKENS

Editor of Editorials, *Tampa Bay Times*

ROSEMARY O'HARA

Editorial Page Editor, *Sun Sentinel*

PATRICK RICE

Editor, *Daytona Beach News-Journal*

DEAN RIDINGS

President & CEO, Intersect Media Solutions

APRIL SALTER

President & Chief Operating Officer,
Salter Mitchell

PETE WEITZEL

Director Emeritus

CHARLEY WILLIAMS

Past State Board,

League of Women Voters of Florida

December 4, 2015

At the heart of our concern is the overly-inclusive definition of the phrase “killing of a person” which is statutorily defined as “all acts or events that cause or otherwise relate to” a person’s death, “including any related acts or events immediately preceding or subsequent to the acts or events that were the proximate cause of death.” This extremely broad definition encompasses all events leading to or immediately following a person’s death and its breadth precludes any opportunity for the public to gauge what happened or what might have been done to prevent a person’s death.

While the bill permits family members and certain governmental authorities to access these public records, it requires other persons to petition a court to obtain the right to view or copy the record upon a showing of good cause. This requirement presents a significant burden to citizens and the media who must pay court costs and legal fees in order to copy or even view the records, which greatly restricts public access and oversight of the actions of governmental employees.

It is our opinion that this exemption is unnecessarily broad and unduly compromises the public’s constitutional right of government oversight and accountability. As such, we respectfully request that, at the very least, the definition of “killing of a person” be significantly narrowed or, in the alternative, the exemption be allowed to sunset.

Sincerely,



Barbara A. Petersen, President

Cc: The Honorable Andy Gardiner, President, Florida Senate
Amanda Cannon, Staff Director, Senate Criminal Justice Committee
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association