



21 February 2017

The Honorable Randolph Bracy  
The Florida Senate  
404 South Monroe Street, Room 213 SOB  
Tallahassee, FL 32399-100

Re: SB 968 Exemption/The Killing of Any Person

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Dear Senator Bracy:

We are writing to express our concerns regarding SB 968, substantially expanding the public record exemption in s. 406.135, F.S., for photographs, videos, or audio recordings depicting the killing of law enforcement officer while on active duty to include images and recordings of “a person.” We recognize that such recordings may be highly sensitive, Senator Bracy, but access to such information 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 involved.

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 still 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.

At the heart of our concern is the overly-inclusive definition of the phrase “killing of a person” which is 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. We also note that the companion bill, HB 661, has been withdrawn from consideration, and we respectfully suggest that HB 968 be withdrawn as well.

Sincerely,



Barbara A. Petersen, President

Cc: The Honorable Joe Negron, President, The Florida Senate  
Jon Kaney, General Counsel, First Amendment Foundation  
Sam Morley, General Counsel, Florida Press Association