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## FIRST AMENDMENT FOUNDATION

317 E. Park Avenue Tallahassee, FL 32301-1513

(800) 337-3518 or (850) 222-3518

[www.floridafaf.org](http://www.floridafaf.org)

### LEGISLATIVE ALERT

February 7, 2019

#### VICTIMS OF MASS VIOLENCE

Legislation has been filed that would create a public record exemption for all photos, audio and video recordings that depict the killing of a victim of mass violence, which is broadly defined as “all acts or events that cause or otherwise *relate to the death* of a person” who is killed in an act of mass violence. An act of “mass violence” is an incident in which three or more people are killed in an intentional act of violence. We at FAF are concerned, of course, about the implications of this legislation on our ability to oversee law enforcement and hold it accountable.

Here’s a link to the Senate bill <http://flsenate.gov/Session/Bill/2019/186/BillText/Filed/PDF> , which is sponsored by Sen. Tom Lee (R-Brandon).

**SB 186 is scheduled for consideration by the Senate Criminal Justice Committee on Monday, February 11, at 2:30 PM in room 37 SOB.**

As I’m sure you remember, we had to fight for access to records from the Pulse shooting and then later Parkland. In both cases, a consortium of media sought – and won – a court order releasing the requested records. Those records, obtained after arduous and costly law suits, were eye-opening.

In the case of Parkland, for example, we learned, specifically:

- That law enforcement deputies were slow to respond to the unfolding emergency.
- That law enforcement response violated currently accepted best practices in active shooter situations.
- That those in command failed to take charge and then gave flawed directions to their troops.
- That rescuers were blocked from entering the building as people inside lay dying.

Body camera footage also proved critical, yielding things such as a deputy taking multiple minutes to put on his bulletproof vest, then hiding behind his car. These are key details from a public policy perspective – many law enforcement agencies require officers to wear their vests in responding to an incident so valuable time isn’t lost at the scene, and current training tells police to rush immediately toward the sound of the gunfire in an active

shooter situation. The same body camera footage proved that some deputies had lied about their response in statements given after the fact.

Here's a great visual that underscores the importance of the public records relating to the Parkland shooting: <http://projects.sun-sentinel.com/2018/sfl-parkland-school-shooting-critical-moments/>

As noted in our letter to Senator Lee on SB 186, this information gleaned from public records that could well be exempt under the proposed exemption are critical in ensuring the public's right to hold law enforcement accountable for its actions.

**Clearly, the importance of access to information that allows us to reassure ourselves that those authorized to protect us and those we love cannot be overstated.**

If you have questions about SB 186, please contact Barbara Petersen at 800/337-3518 or [sunshine@floridafaf.org](mailto:sunshine@floridafaf.org).

PS: Many thanks to Dana Banker of the *Sun-Sentinel* for providing Parkland details and links.