



Protecting Your Right to Know Since 1985

BOARD OF TRUSTEES

CAROL JEAN LOCICERO, CHAIRWOMAN

Thomas & LoCicero

JIM BALTZELLE, VICE CHAIRMAN

Director Local Media, Southeast,

The Associated Press

FRANK DENTON, TREASURER

Retired Editor, *Florida Times-Union*

ANA-KLARA ANDERSON

Counsel, *NBC Sports – NBCUniversal Media*

FARHOOD BASIRI

Co-Founder, Bellwether Software Development

DICK BATCHELOR

Founder and President,

Dick Batchelor Management Group, Inc.

MIKE DEESON

Deeson Media

TRIMMEL GOMES

President, Gomes Media Strategies

GARY GREEN

Deputy News Editor and Digital Director,

Innovation News Center

THOMAS D. HALL

President, TLH Consulting Group LLC

AMY HOLLYFIELD

Senior Deputy Editor- News, *Tampa Bay Times*

CINDY McCURRY-ROSS

Executive Editor & VP of Content, *The News-Press*

SAMUEL J. MORLEY

General Counsel, Florida Press Association

MATT PARCELL

News Director, Cox Media Group Orlando

PATRICK RICE

Editor, *Daytona Beach News-Journal*

DEAN RIDINGS

President & CEO, Intersect Media Solutions

BOB SHAW

Retired Editor, *Orlando Sentinel*

CAITIE SWITALSKI

Reporter, *WLRN Public Media*

PETE WEITZEL

Director Emeritus

CHARLEY WILLIAMS

Past State Board,

League of Women Voters of Florida

Director, Business Development, GEC

DAVE WILSON

Senior Editor, *The Miami Herald*

February 27, 2019

The Honorable Scott Plakon
Chair, H. Oversight, Transparency & Public Management Subcommittee
Florida House of Representatives
402 South Monroe Street, Room 209 HOB
Tallahassee, FL 32399-1300

Re: HB 7017 Exemption/Victims of Mass Violence

Dear Representative Plakon:

We are writing to express our concerns regarding HB 7017, creating a public record exemption for photographs and video or audio recordings depicting the “killing of a victim of mass violence.” Of particular concern is the overly-broad definition of the phrase, “killing of a victim of mass violence,” defined as “all acts or events that cause or *otherwise relate to* the death of a person, . . . who is killed in an incident in which three or more people are killed . . .”

While sensitive to the issues at the root of the proposed exemption, it is our belief that the exemption could be used to hamper and frustrate the public’s constitutional right to oversee law enforcement and hold it accountable for its actions.

After the Pulse nightclub shooting, a consortium of media interests requested copies of the 911 tapes and dispatch audio recordings. When the requests were denied, the consortium filed suit, requesting court orders for the release of the requested recordings and showing good cause. A similar lawsuit was filed in response to the Parkland school shooting, as Florida media attempted to access to video recordings taken outside the school, as well as the 911 tapes and dispatch recordings. The First Amendment Foundation was a party in both lawsuits.

We faced significant resistance from various local government agencies in both cases, but ultimately the courts ordered the disclosure of most of the requested records which ultimately proved hugely significant in revealing flaws in law enforcement’s response to the shootings. 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, 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.

To the broader issue, our experience in both Pulse and Parkland illustrates precisely why a government agency cannot – and should not – be counted on to police itself, and why the role of the public and the media is so critical. By fighting for access to these critically important records – records that would be confidential and exempt if HB 7017 becomes law – and reporting the facts, the media was able to inform the public about two horrific incidents; those media reports showed both what was wrong and also what was right in law enforcement's response and in turn, the public was able to pressure a reconsideration of response protocols and hold law enforcement accountable for its actions.

I'm fully aware that HB 7017 allows access to the protected photos and recordings through court order upon a showing of good cause. These lawsuits are not only arduous, they are sometimes long and always costly, and plaintiffs incur the significant cost of insuring oversight and accountability.

In short, access to these records are absolutely critical to the public's understanding of what happened at Pulse and Parkland, and I would appreciate the opportunity to discuss our concerns with you or committee staff, Rep. Plakon, in the hopes we can fashion language that will address those concerns while protecting the families of those who lost loved ones as a result of mass violence.

Sincerely,



Barbara A. Petersen, President

Cc: The Honorable Blaise Ingoglia, Chair, House State Affairs Committee
