

First Amendment Foundation Announces Position Regarding
First DCA's Ruling in Marsy's Law Case

For Immediate Release: April 6, 2021

Contact: pmarsh@floridafaf.org

850-224-4555

TALLAHASSEE -- Today, the First Amendment Foundation announced its disappointment with the First District Court of Appeal's ruling in Florida Police Benevolent Association, Inc., et al. v. City of Tallahassee, Florida.

"Across the country, cities and states are increasing access to law enforcement records when officers use force or are accused of misconduct," said Pamela Marsh, Executive Director of the First Amendment Foundation. "For the first time in Minnesota, cameras are allowed in a courtroom to document the trial of Derek Chauvin, the officer accused in the death of George Floyd. Other states are mandating disclosure of records on police shootings, use of excessive force, and confirmed instances of lying."

"But Florida is moving in the opposite direction," she continued. "This ruling can only undermine the public's belief that law enforcement will ever be held accountable for serious misconduct."

The First District Court of Appeal opined that the decision does not prevent the public from holding law enforcement officers accountable for any misconduct, noting that internal affairs investigations and grand jury proceedings are still available. We respectfully disagree. Complaints against law enforcement and information obtained during an investigation into a law enforcement officer are exempt from disclosure under Florida public records law. Grand jury proceedings are also private and confidential.

Public records exemptions already exist to protect information of police officers and their family members. This ruling unnecessarily withholds information on sworn officers, public servants, when they use deadly force. If deadly force was necessary and properly used by law enforcement, then why hide the information forever behind Marsy's law?