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June 11, 2020

Open Letter Response to Florida Today Re: Gregory Edwards

On July 1, 2019, State Attorney Phil Archer announced the result of an exhaustive review into the use of force by Brevard County corrections deputies against Gregory Lloyd Edwards during his processing at the jail complex in December of 2018. Based on that review, the use of force was deemed justifiable under Chapter 776, Florida Statutes.

A redacted copy of the complete investigative file used by our office to reach that determination, was made available immediately and at no cost to every media outlet requesting it, including Florida Today newspaper. A redaction notice was provided indicating that the security video from within the Brevard County Jail had been exempted from public record by the Sheriff's Office, based on the provisions of FS.119.071(3), and 281.301 as security system information.

Florida Today, along with other media outlets, have repeatedly requested that our office release the jail security video, despite the potential security risk cited by the Brevard County Sheriff's Office. They argue that previously released records, along with publicly available video of a television program filmed in the jail months prior to this incident, should negate any concerns associated with revealing security measures in the video. In each instance we have declined the requests and directed them to the Brevard County Sheriff's Office citing the following reasons.

Our office maintains the position that **all security system video provided as part of any criminal investigation or review, is exempt from public record under the provisions of FS.119.071(3), 281.301.** The basis for that position is that security system recordings are created or received by law enforcement from a variety of public and private sources. They are then provided to our office for review and use as required.

It is our belief that we are not able to accurately assess these recordings for potentially sensitive or damaging security information, and therefore claim the exemption from public record in *every* instance. We firmly believe that the decision to release these recordings should fall to the owners, or original provider of the materials.

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In order to reverse our position and release the security recording, we would have to be convinced that there is no potential for exposing damaging or sensitive security system information by doing so. To the contrary, the Brevard County Sheriff's Office has determined that the security information within the recording should be exempt from public record.

As a result, releasing the video could potentially compromise the safety and security of both the staff of the Brevard County jail, and the inmates within that facility. Certainly, there are those who would seek to do harm to both groups, if given the opportunity to do so.

The Brevard County Sheriff's Office has clearly identified exemptions for the records and specifically the security video. Further, video previously recorded or released may or may not depict security information in place at the time the video in the Edwards inquiry was recorded. Again, the Brevard County Sheriff's Office is in the best if not the only position to make that determination.

Finally, and perhaps most importantly, we have informed Florida Today and other media outlets, that any person or organization can move to have the Court conduct a hearing and potentially order the release of the video as a public record. We find it disappointing that Florida Today has never published our complete reasoning for honoring the security exemption of the Brevard County Sheriff's Office or explained why they have not sought to obtain the video by petitioning the Court order its release.

Todd Brown
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