



Orange County Corrections Department Redaction of Public Records



This document was prepared to assist in the redaction of Arrest Affidavits, Booking Photos and other public records at Orange County Corrections Department Adult Booking Facility and Inmate Records Management Office.

<p>1. Booking Photos</p> <p>In general, all booking photos are public record</p> <p>Exemption cite: Fraternal Order of Police Consolidated Lodge 5-20 v. Morris Communications Corporation, d/b/a the Florida Times Union, (Fla. 4th Cir. Ct. December 21, 2001)</p>	<p>All booking photos are public record except:</p> <ol style="list-style-type: none"> 1. Photos of Terrorism Detainees under Justice Department Order. 2. Law Enforcement, Correctional and Probation Officers and others named in FS 119.07 (6) (i) 1 (see item #3 this document) are <u>not released only if</u> they put in writing that they wish to have their booking photos exempted under the statute. The officer must make the request on his or her own initiative in writing on either plain paper or via an inmate request form (not on an "OP-23 Consent to Media Interview/Photograph" form). We do not do anything to make the officer aware of this option and must remain neutral in this regard. Note: there is no ruling related to this in our Judicial Circuit, however, in agreement with other local law enforcement agencies, we are following the Fourth Judicial Circuit ruling in the case of <i>Fraternal Order of the Police Consolidated Lodge 5-20 v. Morris Communications Corporation, d/b/a The Florida Times Union</i>. This ruling allows the officer to invoke the statute in regards to the release of his/her booking photo.
	<p style="text-align: center;">Redaction of Arrest Affidavits</p> <p>"Redact" means to conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.</p>
<p>2. Social Security Numbers</p> <p>Exemption Cite: (Section 119.0721, F.S.)</p>	<p>All must be redacted. (Section 119.0721, F.S.)</p>
<p>3. Current and Former Law Enforcement, Correctional Officers and others named in</p> <p>Exemption Cite: (Section 119.07(6)(i)1., F.S.)</p> <p>Address and other information are redacted. THE NAME OF THE OFFICER IS PUBLIC RECORD.</p>	<p>Section 119.07(6)(i) 1., F.S., contains a specific exemption for certain information relating to past and present law enforcement officers and their families, by excluding from public inspection:</p> <p>The home addresses, telephone numbers, social security numbers and photographs of active or former law enforcement personnel (except booking photos and photographs for which the officer knowing sat for publication (see item #1)), including correctional and correctional probation officers, ... and the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel... The same exemptions also apply to <u>current or former:</u></p> <ul style="list-style-type: none"> • personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, • personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; • firefighters certified in compliance with s. 633.35; • code enforcement officers, • justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; <p style="text-align: right;">(CONTINUED ON PAGE 2)</p>

	<ul style="list-style-type: none"> • human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; • United States attorneys and assistant United States attorneys;
<p>4. Photograph, name, or address of a person who is alleged to be the victim of an offense described in this chapter, chapter 800, s. <u>827.03</u>, s. <u>827.04</u>, or s. <u>827.071</u> of Victims of Sexual Battery, Sexual Crimes, Lewd or Lascivious offense (Exemption Cite: <u>119.07(6)(f)1</u>; F.S.)</p>	<p>Name, address and any reference that might identify the victim including relationships that would enable someone to identify the victim. (Race, age, etc NOT REDACTED except in unusual situations where it would identify the victim)</p> <ul style="list-style-type: none"> • ...including the photograph, name, address, or other fact or information which reveals the identity of the victim of the crime of sexual battery as defined in chapter 794; the identity of the victim of a lewd or lascivious offense committed upon or in the presence of a person less than 16 years of age, as defined in chapter 800; or the identity of the victim of the crime of child abuse as defined by chapter 827 and any.... criminal intelligence information or criminal investigative information or other criminal record, including those portions of court records and court proceedings, which may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chapter 794, chapter 800, or chapter 827
<p>5. Domestic Violence Victims</p> <p>Exemption Cite: <u>119.07(6)(f)</u>, F.S. & <u>119.07(6)(s)</u>, F.S.,</p>	<p>Names of victims of domestic violence are public record, however, there are exceptions:</p> <ul style="list-style-type: none"> • If the report of domestic violence involves a sexual battery, child abuse, or lewd, lascivious or indecent assault upon or in the presence of a child, the identity of the victim must be excised from the report. Such victim identifying including information (including name) is confidential pursuant to s. 119.07(6)(f), F.S. In addition, if required by juvenile confidentiality laws, the identity of a juvenile who is alleged to have committed a criminal act must not be included in the report. • 119.07(6)(s), F.S., provides that a domestic violence victim may file a written request, accompanied by official verification that a crime has occurred, to have his or her home or employment address, home or employment telephone number, or personal assets exempt from disclosure. (Name of the victim is not redacted in this case). Such information shall cease to be exempt 5 years after the receipt of the written request. NOTE: The practice in Orange County by many law enforcement agencies is to offer the victim the chance fill out a form that activates this exemption. Since we have no way of knowing this has occurred, we will proceed as if it the written request by the victim exists.
<p>6. Juveniles</p>	<p>Until October 1, 1994, law enforcement agencies generally could release only the name and address of juveniles 16 and older who had been charged with or convicted of certain crimes. In 1994, the juvenile confidentiality laws were modified to eliminate the age restriction and provide enhanced disclosure. Section 985.04(5), F.S., now provides: Notwithstanding any other provisions of this part, the name, photograph, address, and crime or arrest report of a child (is public record) if:</p> <ol style="list-style-type: none"> (a) taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony; (b) found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors; (c) transferred to the adult system pursuant to s. 985.227, indicted pursuant to s. 985.225, or waived pursuant to s. 985.226; (CONTINUED ON PAGE 3)

	<p>Taken into custody by a law enforcement officer for a violation of law subject to the provisions of s. 985.227(2)(b) or (d); or (e) transferred to the adult system but sentenced to the juvenile system pursuant to s. 985.233 The above shall not be considered confidential and exempt from [disclosure] solely because of the child's age.</p>
7. Victims	Victim Information, other than exempted above , is generally considered public record and must not be redacted
8. Criminal intelligence or criminal investigative information (Exemption Cite FS 119.072)	<p>"Criminal investigative information" means information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance. Example: Co-defendants who are not yet in custody.</p>
9. Security system information (Exemption Cite: FS 119.071)	A security system plan or portion thereof that is held by an agency is confidential and exempt from disclosure requirements. The term "security system plan" includes records relating to the physical security of the facility or revealing security systems; threat assessments conducted by an agency or private entity; threat response plans; emergency evacuation plans; sheltering arrangements; or security manuals. In addition, those portions of any meeting which would reveal a security system plan or portion thereof are exempt from the provisions of the Sunshine Law.

This document is specific to the Orange County Corrections Department, Orlando, FL and may not be completely applicable to other Florida jurisdictions.

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Reference Sources:

Florida Statutes and Public Records, A Guide for Law Enforcement Agencies, 2005 Edition, Office of Attorney General Charlie Crist.

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