

FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
CHARLIE CRIST

Secretary
WALTER A. McNEIL

An Equal Opportunity Employer

2601 Blair Stone Road • Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

May 26, 2009

Jessica Dodson
Office of Open Government
The Executive Office of the Governor
PL04 The Capitol
Tallahassee, Fl 32399

Re: Edward Early, #559797, Public Records Request for Audio Recordings

Dear Ms. Dodson:

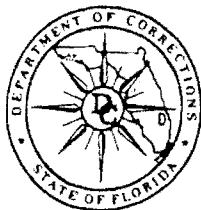
Per your request, please find enclosed copies of letters sent to attorney James Cook in response to his request for audio recordings related to DOC Inspector General Investigation # 08-20694. Please let me know if you need anything further.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Fowler", with a long, sweeping flourish extending to the right.

Philip A. Fowler
Assistant General Counsel
Florida Department of Corrections
Tel: (850) 488-2326
Fax: (850) 922-4355

Enclosures



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April 1, 2009

James V. Cook, Attorney at Law
Post Office Box 10021
Tallahassee, Florida 32302

Re: Edward Early, #559797, Public Records Request

Dear Mr. Cook:

I am in receipt of your March 29, 2009 letter relating to the above request. I have obtained a more accurate cost estimate for the transcription of the audio recordings relating to Inspector General Case Number 08-20694. As noted in my prior correspondence, the recordings of the witness statements must be transcribed for review and any necessary redaction by Department staff. The 103 minutes of audio equate to approximately 80 pages. At \$4.10 per page for transcription, a cost of \$328.00 is to be expected for transcription alone. An additional cost of \$33.32 would be imposed for the review and redaction of said documents. This amount is calculated by assuming 1 minute per page for review by an employee whose salary is \$25.06 per hour, as follows:

$$80 \text{ minutes} / 60 = 1.33 \text{ hours}$$

$$1.33 \text{ hours} \times 25.06 = \underline{\$ 33.32}$$

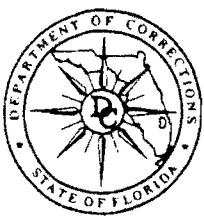
Therefore, the revised cost estimate for transcription and review is \$ 361.32. If you wish to proceed with obtaining redacted copies of the transcribed statements, please advise.

Thank you for your consideration of this matter.

Sincerely,

Philip A. Fowler
Assistant General Counsel

cc: Leslie Rodes



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January 28, 2009

James V. Cook, Attorney at Law
Post Office Box 10021
Tallahassee, Florida 32302

Also by hand delivery on this date to 314 W. Jefferson Street, Tallahassee, Florida.

Re: Edward Early, #559797, Public Records Request

Dear Mr. Cook:

We are in receipt of your January 18, 2009 letter regarding your prior record request relating to inmate Edward Early, DC# 559797. Previously, a copy of Investigation 08-20694 was provided to you by the Inspector General's Office with redactions made pursuant to chapter 119 and 945.10 of the Florida Statutes. You have now provided a DC4-711B health information release signed by inmate Early. In light of this fact, I reviewed the investigation and am attaching a second redacted copy that does not conceal inmate Early's protected health information. Please note that some redactions were made to this second copy; employee dates of birth have been redacted pursuant to s. 945.10 (1)(e), Fla. Stat. Employee medical information has been redacted pursuant to s. 119.071 (4)(b), Fla. Stat. No other statutory exemptions apply to the redactions made to the attached copy.

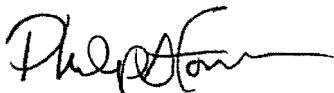
Also in your January 18 letter, you confirm your request for video and audio recordings that were referenced in the investigation report. With respect to the "hand-held and fixed security" video footage, the Department objects to the production of the video tapes on the grounds that the tapes disclose sensitive information related to the institution's physical security [a security system plan as defined in § 119.071(3)(a), Florida Statutes.] A security system plan for a state agency as defined in s. 119.071(3)(a), F.S., or a portion thereof, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. See § 119.071(3), Fla. Stat.; see also § 281.301, Fla. Stat. In addition, the video tapes contain information depicting the internal layout and structural elements of the correctional institution and information revealing surveillance techniques, procedures and personnel. Such information is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. See § 119.071(3)(b) and § 119.071(2)(d), Fla. Stat. Additionally, the video tapes may contain clear views of the faces of individual identifiable correctional officers and may contain information which if released would jeopardize a person's safety. See § 119.071(4)(d)1. and § 945.10(1)(e), Fla. Stat.

In light of the statutory exemptions listed above, the Department is unable to disclose the video tapes referenced in the investigation report and therefore, will not provide a cost estimate for copying the tapes.

With respect to the recordings of the witness statements, those recordings must be transcribed for review and any necessary redaction by Department staff. A transcription service is being consulted for an accurate estimate but, based on previous transcription estimates the Department has obtained for inmate telephone call recordings, a rough estimate for transcription of the recordings in this matter is \$563.34. (Approximately 103 minutes of footage works out to approximately 137.4 pages at \$4.10 per page.) If after receiving a redacted transcript, you would like a copy of the audio recording, an additional charge would be required for having the recording electronically redacted. As previously noted, a more accurate transcription estimate is currently being prepared and will be forwarded to your attention once complete.

Thank you for your consideration of this matter.

Sincerely,



Philip A. Fowler
Assistant General Counsel

Enclosures

cc: Inspector General's Office



CHARLIE CRIST
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

June 1, 2009

Mr. James V. Cook
Post Office Box 10021
Tallahassee, Florida 32302

Dear Mr. Cook:

This letter is in response to your letter to Mr. Philip Fowler on May 3, 2009, which you forwarded to the Governor's attention. In the letter mentioned above, you state: "You have severely redacted descriptions of use of force injuries suffered by inmates on the basis that it was protected health information under HIPPA. You have absolutely refused to provide copies of hand-held or fixed video recordings of uses of force on the basis that release would endanger the security operations of the prisons and expose the faces of prison staff (who otherwise appear regularly in FDOC news release photos)."

We defer to the Florida Department of Correction's Legal Counsel for interpretation of Chapter 119, Florida Statutes relating to security system plans. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "JoAnn Carrin".

JoAnn Carrin
Director, Office of Open Government

CC: Philip Fowler
Dottie Ridgway