

John D. Peacock

Subject: FW: Recording Conversations

From: Donald L. Adams
Sent: Monday, October 03, 2011 2:20 PM
To: 'Teresa Abraham'
Subject: RE: Recording Conversations

Ms Abraham,

Nothing would have required Capt Pecot to make a written record of his verbal conversation with Mr. Gallander and as I understand it he did not.

You particular request and my response has not yet been posted to our website but should be shortly.

Donald L. Adams
Undersheriff
Okaloosa County Sheriff's Office



From: Teresa Abraham [mailto:publisher@destindir.com]
Sent: Monday, October 03, 2011 12:52 PM
To: Donald L. Adams
Cc: Publisher@destindir.com
Subject: Re: Recording Conversations

Undersheriff Adams,

Let me try again please. I understand Mr. Gallander made a verbal request to Capt. Pecot (over the phone), which generated the written request he received in return. Would Capt. Pecot have made a record of what exactly the request was?

I visited the link you provided, thank you. However, I don't see where the information you provided me with is located. Maybe I am a bit dense this morning. I tried a search using the search word recording and received no results.

Can you explain a little more how I would find this?

Thanks again for your patience and your help.

Teresa Abraham

-----Original Message-----

From: "Donald L. Adams" <dladams@sheriff-okaloosa.org>
Sent 10/3/2011 11:43:23 AM
To: "Teresa Abraham" <publisher@destindir.com>
Subject: RE: Recording Conversations

Ms Abraham,

Not sure I understand the question about verbal conversations, but if you are asking whether or not we must make written records of verbal requests for information I'd say it depends. If you ask verbally and we respond verbally I'd say there is no need to make a record. However, if you asked verbally and we responded in writing I believe we would choose to make a written record but I'm not sure there is any legal requirement to do so.

Here is a link to the portion of our website where we publish our public information requests: <http://www.sheriff-okaloosa.org/news-room/public-information-request/>

If you've never visited our website please do there is lots of useful information regarding crimes, wanted persons and many of our services and programs: <http://www.sheriff-okaloosa.org/>

Regards,

Donald L. Adams
Undersheriff
Okaloosa County Sheriff's Office

From: Teresa Abraham [mailto:publisher@destindir.com]
Sent: Thursday, September 29, 2011 5:13 PM
To: Donald L. Adams
Cc: Publisher@destindir.com
Subject: Re: Recording Conversations

Dear Undersheriff Adams.

Per your request, I am confirming in writing the request for the below information between Ken Gallander, City of Destin and Capt Pecot. Thank you for responding so quickly.

Would you mind e-mailing me instructions on how to search the sheriff's site for public information? Also, can you tell me if verbal conversations need be logged in at all?

Again, thank you so much for responding so quickly and being so helpful.

Teresa Abraham

From: Donald L . Adams
Sent: Thursday, September 29, 2011 4:55 PM
To: 'publisher@destindri.com'
Subject: FW: Recording Conversations

Ms Abraham,

Per our conversation here is the communication between Capt Pecot and Mr. Gallander that you inquired about. As I mentioned on the phone this is a very complex area of the law that seems to hinge on whether or not there is a reasonable expectation of privacy with regards to the conversations in question. I have responded to your verbal request for this communication. However, I would appreciate it if you'd follow up with a written request via email so

we'll have a written record of the request. As we discussed we post all public records requests and our responses on our Sheriff's Office website as part of our commitment to transparency.

Regards!

Don

Donald L. Adams
Undersheriff
Okaloosa County Sheriff's Office

From: Ted Pecot
Sent: Monday, September 26, 2011 1:09 PM
To: 'Ken Gallander'
Subject: Recording Conversations

Ken, I'm not sure if this helps any. However, I still believe if she is disrupting business and is asked to leave and refuses, we can remove her from the building.

Florida Recording Law

Note: This page covers information specific to Florida. For general information concerning the use of recording devices see the [Recording Phone Calls, Conversations, Meetings and Hearings](#) section of this guide.

Florida Wiretapping Law

Florida's wiretapping law is a "[two-party consent](#)" law. Florida makes it a crime to intercept or record a "wire, oral, or electronic communication" in Florida, **unless all parties to the communication consent**. See [Fla. Stat. ch. 934.03](#). Florida law makes an exception for in-person communications when the parties do not have a reasonable expectation of privacy in the conversation, such as when they are engaged in conversation in a public place where they might reasonably be overheard. If you are operating in Florida, you may record these kinds of in-person conversations without breaking the law. However, you should always get the consent of all parties before recording any telephone conversation and any in-person that common sense tells you is private.

In addition to subjecting you to criminal prosecution, violating the Florida wiretapping law can expose you to a [civil](#) lawsuit for [damages](#) by an injured party.

Consult The Reporters Committee for Freedom of the Press's [Can We Tape?: Florida](#) for more information on Florida wiretapping law.

Florida Law on Recording Court Hearings and Public Meetings

Court Hearings

Florida state courts generally allow the use of recording devices in the courtroom, both at the trial and appellate level. The presiding judge may prohibit recording devices from the courtroom only upon a showing that the presence of such devices will adversely affect the fairness or integrity of the proceedings.

Federal courts in Florida generally prohibit the use of recording devices and cameras in the courtroom, both at the trial and the appellate level.

For information on your right of access to court proceedings, please consult the [Access to Government Information](#) section of the guide.

Public Meetings

If you attend a public meeting (i.e., a meeting of a governmental body required to be open to the public by law) in Florida, generally you are permitted to use sound or video recording devices, so long as your recording does not disrupt the meeting.

For information on your right of access to public meetings, please consult the [Access to Government Information](#) section of this guide and The Reporters Committee for Freedom of the Press's [Open Government Guide: Florida](#).

The Mission of the Okaloosa County Sheriff's Office: "Ensuring fair and equal administration of the law, safeguarding civil liberties and preserving public safety; Doing so with professionalism and unity of purpose, while being good stewards of the public's trust".