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 **Bcc:**  
**Subject:** Re: Public Record request  
**Date:** Thu, 01 Dec 2011 10:33:06 -0500

Lt. Langdon:

Please accept this as a follow up to our below attached, mid October 2011 email, regarding our request for public records connected to the Goddell and Smith investigations.

Your office responded to our initial request, stating that these matters were still under "administrative review".

We renew our request for the records, that are now available in regards to the Goddell and Smith internal investigations. We make this request under the authority of Florida Statutes 119 and 112.533.

F.S. 112.533 states that law enforcement internal affairs investigations are exempt from public record release while they are active. However, the statute further defines that any investigation that has not come to an investigative conclusion within 45 days is presumed to be inactive.

It is has become clear to VolusiaExposed that these internal investigations have, or soon will be reaching this 45 day time limit.

In support of our position that these records are no longer exempt from public record release, we offer for your review the following Florida Attorney General Opinions (AGOs)

AGO 95-59 (ironically, the same AGO used by County Legal to justify the County's recent policy change regarding public record releases involving law enforcement internal investigations – see attached media article )

<http://www.news-journalonline.com/news/local/east-volusia/2011/11/02/volusia-adopts-cautious-approach-on-information-about-employee-investigations.html>

AGO 91-73, AGO 96-05, AGO 00-66

We also offer for your review, a copy of the 2011 Florida Attorney General Guide for Public Records in Law Enforcement Agencies. Please pay particular attention to pages 14-16, as indicated on the bottom on the pages of this document.

<http://www.volusiaexposed.com/vcdppia/prria/2011leguide2.pdf>

In further support of our position, we offer for your review, the following court decisions. We believe that these court decisions support our position that the Florida State Legislature incorporated this 45 day time limitation in order to safeguard the public's right to timely public records regarding these internal investigations.

City of Delray Beach v. Barfield, 579 So. 2D at 318

Avila v. Miami Dade County – Opinion 3D08-1380

Cooper vs. Dillion, 403 F. 3d 1208, 1218-1219 (11th Cir. 2005)

Therefore, absent your office's declaration that these matters are now attached to a criminal investigation(s) of these officers, we hold the strong belief that these internal investigative records, in the particular, the initial complaint, are now releasable as public records.

Please use the below email address as our point of contact regarding this PRR.

Thank You

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bcc: several