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BROWARD COUNTY

What did deputies do during Parkland shooting? Officials fight to keep footage secret

BY NICHOLAS NEHAMAS
nnehamas@miamiherald.com

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The public should not see security camera footage that may shed light on what law enforcement officers did during the deadly Parkland school shooting, attorneys for the Broward County School Board and Broward State Attorney's Office argued in state court Tuesday.

Releasing the footage could jeopardize the "integrity" of the video surveillance system at Marjory Stoneman Douglas High School, putting students at risk, a school board attorney told a three-judge panel at the Fourth District Court of Appeal in West Palm Beach. A lawyer representing the

Broward state attorney said the footage constituted "criminal investigative information" that should not be disclosed under Florida's broad public records law.

Some Broward Sheriff's Office deputies are said to have taken cover during the Feb. 14 attack by former student Nikolas Cruz that killed 17 people. The exterior camera footage — sought by nearly a dozen media outlets, including the Miami Herald — may show what actions deputies took during and shortly after a six-minute shooting spree that left students and staff bleeding to death from grievous wounds.

"The footage is the only objective evidence of what occurred and when," said Barbara Petersen, president of the First Amendment Foundation, which joined the media in suing for the footage. "The whole purpose of our open government laws is oversight and accountability. Access to the video footage allows us to hold those accountable who may not have done their jobs."

The media organizations sued the school board and BSO to compel the release of surveillance footage. A lower court judge ruled in the media's favor in April, saying that releasing the tapes served the public's interest. That prompted an appeal from the school board and from the state attorney, which had intervened in the case seeking to keep the video from becoming public.

In contrast, Veda Coleman-Wright, a spokeswoman for BSO, said Tuesday that the agency has "no objection" to the video being released. BSO was a defendant in the original case but did not appeal the ruling.

The footage requested by the news media outlets comes from a small number of exterior cameras at Stoneman Douglas. The media did not request interior footage showing Cruz killing students and staff. Members of the state Marjory Stoneman Douglas High School Public Safety

Commission Parkland, set up to improve the security of Florida's schools, have also seen the exterior footage.

In court Tuesday, attorneys for the government repeated the arguments that failed to sway the lower court judge, Jeffrey Levenson, who watched the tapes privately in his chambers.

Eugene Pettis, an attorney for the school board, said a future attacker could watch the exterior footage and figure out where its blind spots were.

"It could put the school's safety in jeopardy," Pettis said.

Joel Silvershein, an assistant state attorney, said the footage was gathered as potential evidence in the case against Cruz and therefore should not be released. The 19-year-old Cruz was arrested shortly after the attack and is awaiting trial.



Parkland shooting suspect Nikolas Cruz is arrested on Feb. 14, 2018.

Josh Cohen

But Dana McElroy, an attorney representing the media, said the public's right to know how law enforcement responded — and to potentially prevent future tragedies — outweighed those concerns. She also pointed out that Broward Superintendent Robert Runcie said earlier this spring that the school district planned to "upgrade" cameras and surveillance by June 2018, meaning a new system should be in place that would render potential vulnerabilities in the old system irrelevant. And she said the release of the footage should not, as one judge suggested, wait until Cruz is tried, which could take years.

"News delayed is news denied," McElroy told the court.

It's not clear when the appellate court will rule, although a decision could happen as soon as this week. CNN and the Sun Sentinel are among the other news organizations involved in the suit.

Levenson, the lower court judge, had previously ordered the release of security footage showing the school's former resource officer, BSO Deputy Scot Peterson, taking cover during the shooting. (Peterson was later lambasted by Broward Sheriff Scott Israel and resigned.) The school board and state attorney did not appeal that ruling.

Gov. Rick Scott ordered the Florida Department of Law Enforcement to investigate the law enforcement response to the shooting in February after potential missteps became public. Many state Republican politicians, including the leading candidates for governor in the GOP primary, have called for the ouster of Israel, a Democrat.

BSO and Coral Springs Police Department, the two law enforcement agencies that responded to the shooting in the greatest numbers, have traded jabs about who bears responsibility for a chaotic response that saw communications break down and active shooter protocols seemingly not followed.

BSO deputies took cover instead of rushing to the freshman building where Cruz killed 17 students and staff, according to Coral Springs Police Department officers who arrived on campus minutes after the shooting began at 2:21 p.m.

At least three BSO deputies arrived in time to hear gunfire but couldn't locate its source, those deputies wrote in official reports. Peterson was already on campus when the shooting began but also said he could not discover where the shooting was happening and took cover.

One Coral Springs officer said he saw a BSO deputy sheltering behind a tree even though the deputy said he believed the shooter was on the building's third floor, according to an incident report filed after the massacre. Another officer said he saw BSO deputies "taking positions" behind their cars when the shooter was still at large and students inside the building were begging 911 operators for help.

By the time first responders entered the freshman building 11 minutes after the shooting began, Cruz had blended in with other students and fled.

Miami Herald staff writer Colleen Wright contributed to this report.