

# PUBLIC RECORDS LAW TRUMPS MARSY'S LAW

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A [case from Florida](#) illustrates the tension between a victim's rights law and the public's right to evaluate the performance of local police.

Like many states, Florida has adopted a version of "Marsy's Law." The law, which protects crime victims, provides among other things, that victims can block the release of records that might identify them.

That is all well and good, but what if the victim is a police officer and the crime occurs as part of the officer's duties? Typically records concerning police activity are subject to disclosure under public records laws.

Two Florida police officers were involved in separate use of force incidents. The first officer shot and killed a perpetrator who brandished a knife. The second officer shot a person who was pointing a gun at him. Both contended that they were victims of "assault" and therefore were entitled to invoke the protections of Marsy's Law, despite the dictates of Florida's Public Records Law.

In the court's view, the police weren't included in the scope of Marsy's Law. As it noted, in both cases, the perpetrators were dead. Given that Marsy's Law is intended to protect the victim from the perpetrator, that concern simply wasn't present here.

The court also noted that the public has a vital right to evaluate the conduct of police officers. The court recognized that providing Marsy's Law protection to police officers in cases like this would give "virtual anonymity" in almost every use of force case. That is just not what Marsy's Law was intended to do.