



Judge Strikes Down Florida's Police Privacy Law

Federal judge rules publishing addresses and phone numbers is not a crime

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A federal judge has struck down a Florida law as unconstitutional and word is spreading quickly among law enforcement officers today.

That law prohibited anyone from publishing an officer's home address and phone number, but a judge ruled that law violates a Tallahassee man's right to free speech.

Law enforcement officers promise to protect and serve and until now in Florida, the law made publishing their home addresses and phone numbers a crime. But a federal judge has just ruled the law unconstitutional and officers don't like it.

"Officers don't want to have, you know, that knock at the door at three o'clock in the morning from someone maybe that they gave a ticket to that's decided they want some retribution," said Matt Puckett with the Florida Police Benevolent Association.

A Tallahassee man filed suit, with the ACLU's help, after he posted comments about a Tallahassee Police officer on the web site ratemycop.com along with her home address, phone number, email address and the fact that she had 7 children.

Robert Brayshaw was arrested for it - twice - but never convicted and now a federal court judge has awarded him 25-thousand dollars in damages after declaring the law invalid.

Anne Swerlick was one of Brayshaw's attorneys.

"There may be words that get published that might be uncomfortable for public officials but that in and of itself is not grounds to prosecute somebody for a crime," said Anne Swerlick a local cooperating attorney with the ACLU.

U.S. District Judge Richard Smoak ruled merely publishing an officer's address and phone number, even with the intent to intimidate, is not a true threat as defined by the constitution.

The PBA, which represents more than 30-thousand law officers in the state says if this ruling stands, it will try to craft a new law to protect the privacy of those behind the badge.

A spokeswoman with the attorney general's office says attorneys there are reviewing the ruling and have not yet decided if they'll appeal.
