

The Miami Herald

Posted on Tue, Jul. 26, 2011

Transparency? Not so much

The Miami Herald Editorial

HeraldEd@MiamiHerald.com

When 14-year-old Martin Lee Anderson died after a beating at a notorious Florida boot camp for wayward youth, the state's public records law allowed release of the tape showing what happened — all in the public interest. The public outcry was such that state-sanctioned boot camps were shut down.

What can Floridians learn about their taxpayer-financed programs aimed at helping troubled juveniles straighten up? The case of Eric Perez, who died at a West Palm Beach lockup for juveniles, warrants that transparency. Why did Eric die? Why wasn't a doctor or nurse alerted immediately when the painfully ill youth cried out for help?

For that matter, what can Florida taxpayers learn to improve the state's foster care and adoption programs after the death of Nubia Barahona? Right now Nubia's twin brother, Victor, and two other children adopted by Jorge and Carmen Barahona — the Miami-Dade couple accused of torturing Nubia until she died — are in dependency hearings so that a court can determine where they will live and with whom.

In both those cases Floridians have been left in the dark. Which raises the question: What is the government trying to hide? This isn't China or Cuba. So why the secrecy?

In June, Gov. Rick Scott signed into law a bill that exempts from Florida's public records law any photos or video or audio tapes depicting a death. Only a victim's immediate family can have access to the material. But even then public agencies like the Department of Juvenile Justice can delay releasing the tape of Eric's stay at a taxpayer-funded facility on grounds there's an ongoing "investigation."

Last week, Miami-Dade Circuit Judge Maria Sampedro-Iglesia decided to close to the public the dependency court hearings for the Barahona children. The judge ignored the public's quest for transparency and sided with the Guardian ad Litem program, which advocates for children in court. The problem is the ad Litem program was among the agencies facing scrutiny for Nubia's death because the child "advocates" didn't seem to see the warning signs of abuse despite numerous calls over the years to the abuse hotline raising concerns

about the Barahonas.

Both cases cry out for justice. The public's right to know can be balanced with privacy rights. Journalists protect minors' names in many cases, for instance. But when young people die in state-sanctioned care, there's no legitimate reason for the state to hide in the dark.

© 2011 Miami Herald Media Company. All Rights Reserved.
<http://www.miamiherald.com>