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241-800
Koster
advocates
surveillance
tape access

Videotape from outside
governor's office sought
in wake of delayed
report on E. coli levels.

By Chad Livengood
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Attorney General Chris Koster said the News-Leader should be able to review video surveillance tapes from Gov. Jay Nixon's office without compromising state Capitol security.

"It seems that there probably is some middle ground where the concerns of the Capitol Police and the importance of open government can be achieved," Koster told reporters after a news confer-



Koster

ence Thursday in Springfield.

Last Friday, the Missouri Capitol Police agency denied a News-Leader request to review archived videotapes from various dates in June of two cameras aimed at the public entrances of Nixon's second-floor Capitol office. In denying the newspaper's request, the agency cited a post-2001 anti-terrorism exemption in the state's open records law, commonly known as the Sunshine Law.

Also Thursday, Nixon's Department of Public Safety said it was reviewing the News-Leader's appeal of Capitol Police's denial and the agency's "long-standing policy" barring disclosure.

DPS sent the News-Leader an October 2008 letter Capitol Police Chief Todd Hurt sent lawmakers advising them that video surveillance tapes are not subject

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Koster/Attorney general envisions compromise

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to public disclosure. Current policies were developed under former Gov. Matt Blunt's tenure, documents show.

The tapes can be obtained through a subpoena, but there are restrictions in place to prevent the video from "becoming a publicly disclosed court record," Hurt said in the 2008 letter.

But lawmakers who helped craft the anti-terrorism law being used to prevent disclosure of the tapes say it was meant to prevent would-be terrorists from getting their hands on blueprints of power plants or emergency response plans used by law enforcement agencies.

In its response, the News-Leader said it does not seek to broadcast the video over broadcast airwaves or the Internet, but simply wants to see who attended meetings at the governor's office on certain days in June.

Koster, the state's chief enforcer of the Sunshine Law, indicated that the newspaper's request is reasonable.

"My hope would be that there could be some compromise between you and the administration," Koster told a News-Leader reporter. "It doesn't seem out of the realm of possibility that you personally could go and sit down and review the tapes inside the Capitol Police environment and achieve your goal without conflicting with their goal."

The News-Leader is seeking access to the video as part of its investigation into

what role — if any — Nixon's office played in the Department of Natural Resources withholding a report for four weeks in June showing dangerously high levels of E. coli in the Lake of the Ozarks.

E-mails obtained by the News-Leader through a separate Sunshine request indicate a top DNR official sought to take the E. coli report to a June 4 meeting in the governor's office — nearly three weeks before Nixon's office has acknowledged knowing about the high levels of bacteria in the lake.

Nixon's office denies any such meeting ever took place.

Meanwhile, legislative staffers investigating DNR's delayed disclosure for a state Senate committee requested Thursday that Capitol Police preserve the videotapes in response to a News-Leader story about the issue, said Sen. Brad Lager, a Republican who chairs the Commerce, Consumer Protection, Energy and the Environment Committee.

Shortly after news broke in mid-July that DNR had intentionally withheld the E. coli report for four weeks in June, Koster's office began investigating whether DNR broke the Sunshine Law by not releasing the report to Lake of the Ozarks water quality advocates and a local newspaper.

Koster, a Democrat, said he expects a report on his office's findings from that probe to be released early next week.