

## Gun owner says cops illegally detained him

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TAMPA -- A Polk County man says he was exercising his right to openly carry a gun while fishing at a Tampa park in June when police detained him.

George Freeman, a member of a group called Florida Carry, was participating in the organization's monthly event held around the state in which members strap on guns and go fishing, sometimes handing out leaflets to inform people of the law.

Although it's generally illegal to openly carry a gun in Florida, there are times when that is allowed, including when fishing, hunting, camping or on the way to or from one of those activities.

Freeman and Florida Carry are suing the city and the Tampa Police Department.

The suit says Freeman's constitutional rights were violated when police detained him at Ballast Point Park, 5300 Interbay Blvd., for more than an hour after police say alarmed park patrons reported seeing a man with a gun.

Although a city official apologized for the incident, Freeman is also seeking money and an injunction preventing police from running serial numbers of lawfully owned firearms without reasonable suspicion of a crime.

Freeman's lawsuit said Open Carry notified city officials of the planned monthly events in advance and was advised by an attorney for the police department that it wasn't necessary to inform the city because police were aware of the law.

On June 13, Freeman had one gun openly worn in a shoulder holster and was carrying another gun concealed on his belt, as he was allowed with his concealed weapons permit, according to a lawsuit initially filed in Hillsborough Circuit Court and moved by the city to federal court.

According to an investigation report, a witness told police that a few people left the park because they were afraid after seeing Freeman openly wearing his gun.

Freeman baited his hook and cast his line into the water from the pier when an officer approached him from behind, the suit states.

"Without warning, without identifying himself, and without any legal basis, one of the defendant officers suddenly grabbed and attempted to steal Freeman's openly carried firearm," the lawsuit says. "Only as Freeman began to react to the attempted theft of his firearm did he observe that the thief was a law enforcement officer."

Freeman cooperated with the officer and when asked if he had any other guns, told him about the concealed gun, which police also took, along with his cellphone, wallet and keys, the lawsuit states. The investigation report says police located the concealed gun while patting Freeman down.

When Freeman tried to tell the officers about the law, one police officer said, "I don't want to hear that s---," the lawsuit says.

Police took him to their patrol car and asked if he had any other guns. When Freeman told them he had a third gun in his car, they used his keys to remove it, the lawsuit says.

The lawsuit says the police illegally ran the serial numbers for the guns, asked Freeman why he was carrying two guns and repeatedly threatened him with arrest, telling him this wasn't the "Wild West."

After detaining Freeman for more than 70 minutes, police released him and returned his guns in envelopes with no ammunition, the lawsuit says. They issued him trespass warnings telling him not to come to Ballast Point Park for a year and not to go to other city parks and public property for 180 days. According to the investigation report, Freeman told officers he had recently joined an open carry group online and had gone to the park to meet someone from the group and fish. He said he had no intention to harm anyone "but just wanted to express his right to open carry a firearm while fishing."

He got his concealed carry permit late last year "and just started expressing his rights," the police report states.

Tampa police spokeswoman Andrea Davis said the trespass notice was rescinded the following day.

In a letter to Freeman dated June 19, attorney Kirby Rainsberger, legal advisor to the police department, apologized "for any inconvenience caused to you by this incident," and added, "Additional training is being provided to the officers to ensure similar incidents do not occur."

Although Davis said she couldn't comment on the pending lawsuit, she acknowledged that after the incident, she told the website guns.com that what happened was "an error on the officers' part."

Lawyer Eric Friday, who represents Florida Carry and Freeman, said the trespass notice was rescinded only after Florida Carry posted an item on the Internet asking for donations to fund the planned lawsuit against the city over the incident.

- **Caption:** BOX: A lawsuit by George Freeman and Florida Carry alleges his constitutional right were violated by Tampa police.

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