



**Proponent testimony submitted to the
Ohio House Government Accountability & Oversight Committee
House Bill 451
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Chair Blessing III, Vice Chair Reineke, Ranking Minority Member Clyde, and Members of the House Government Accountability and Oversight Committee, thank you for the opportunity to provide testimony in support of House Bill 451. As Ohio's statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services for survivors and empowers communities to prevent sexual violence.

As you know, House Bill 451 seeks to place a critically important restriction on Ohio's existing Public Records Law that would protect sex crime survivors from further violation. The current Public Records Law permits any person to request any **non-exempt** public record for any reason, and for no cost. Strikingly, the current law contains **no exemption** for depictions of sex crime victims. This means that any person can access photographs, videos, and other images of victims captured during or in the immediate aftermath of a sex crime.

For many survivors, sex crime victimization results in long-term impacts on their physical, emotional, and financial wellbeing.¹ Ultimately, the victimization does not end with the physical criminal act. Instead, survivors often interpret medical examinations, police interviews, questioning at trial, and other events spurred by the sex crime as further intrusions.² Many steps in the criminal and civil justice processes leave survivors feeling like they lack control – a constant theme starting with a victimization they did not consent to, and followed by a string of events they have little to no control over.

Imagine, if you will, how much of an intrusion it would be for a survivor to find that after the criminal trial concluded, a member of the public accessed photographs or video taken at the

¹ The National Center for Victims of Crime, *The Trauma of Victimization*, available at <http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/trauma-of-victimization>.

² See generally, Kimberly A. Lonsway & Joanne Archambault, *Victim Impact: How Victims are Affected by Sexual Assault and How Law Enforcement Can Respond*, End Violence Against Women International (July 2012), available at <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=656>

crime scene. Imagine further that the survivor was injured, unconscious, in a state of involuntary undress, or otherwise compromised in the depictions accessed. Imagine the feeling of horror, helplessness, and fear associated with knowing that a member of the public obtained these images without the survivor's consent, can look at them each day, and share them at will. Imagine the total loss of control one must feel knowing that a crime they never deserved to suffer has now opened the door to an infinite amount of degradation and revictimization. Imagine further that a member of the public not only procures the images legally, but posts them on the internet. The possibility for future victimization in that circumstance is never ending.

This valid survivor concern also extends to news source access. Currently, the media could obtain these images, and even though journalists generally do not reveal the identity of victims in any type of broadcast or publication, even a blurred image could be traumatizing to the survivors who see it on TV or in print. And, non-blurred portions of photos could be identifiable to someone who sees them (such as room décor or an outdoor landmark), which could lead to the victim or crime scene location being identified and shared publicly. This bill helps protect survivors from intrusions and potential dangers unintentionally caused by the press. At the end of the day, newsworthy stories should be shared – but the value of public information need not be enhanced by images of victims at their most vulnerable.

House Bill 451 does not contemplate criminal penalties for sharing images of crime victims. It does something much better. House Bill 451 puts a barrier between depictions of victims and those who seek them. Specifically, the bill's preventative approach creates an exemption to the definition of public records for (1) depictions of victims if the release would be offensive and objectionable to the reasonable person's expectation of privacy; or (2) the depiction captures the victim of a sexually oriented offense at the time of the offense. Thus, if passed, this bill would preclude severe intrusions into victim safety and privacy, addressing the problem before the possibility that images will be forever present on the worldwide web.

Though OAESV generally supports this legislation, it does so with one important caveat. As drafted, this legislation does not provide an avenue for victims to access images of the crimes against them, should they choose to do so. OAESV recommends a minor amendment to House Bill 451 to that effect. Specifically, this amendment would allow victims to access images needed for a variety of reasons, including challenging the sufficiency of an investigation. OAESV feels that with this minor change, House Bill 451 will create a powerful tool for victim safety, security, and healing, without sacrificing a victim's own access to information.

Thank you for the opportunity to testify today. I am available to answer any questions today and by email at bperkins@oesv.org.