

Members of the Government Accountability and oversight Committee, thank you for allowing me to testify today in support of the House Bill 451, the Victim's Privacy and Protection Act.

My name is Patrick Erb. I am a Sergeant in the Investigations Section of the Hamilton Police Department. I have been in a Police Officer for over 22 years. I have been assigned to the investigation section as a detective for approximately 9 .5 years and as a Sergeant for approximately the last year and a half.

In September of last year, I had the opportunity to take an Ohio Public Records Law class that was put on by Columbus Attorney Mark R. Weaver. During the class, it became apparent to me that there was a lack of privacy protections for victims. Specifically, when an agency possesses photographic and video type evidence with the victim in comprising and/or sexual nature, there is not no exception in the Public Information Records Law that protects this comprising evidence from being with held after the case is concluded.

This revelation troubles me. Throughout my career, I am aware of several cases where the Hamilton Police Department has possessed such comprising evidence. It is unfortunate that the evidence even exist. Many times the victim is unaware that the recording or photographs are being made. Other times, they may have consented to the creation of the image or photograph, but they never intended it public consumption.

Currently, there are no guarantees to a victim that these images and/or videos can be protected from Public Records Request. Theoretically, a victim could get re-victimized repeatedly, through the Public Records Law. After a case is concluded, an individual could use the Public Records Law with hopes of forcing an agency to comply. Evidence that may have been illegal to create could now be legally laundered through the Public Information Law.

It is often difficult for victims of such crimes to come forward and report the crime. Victim's fear public embarrassment and they do not want to re-live their horrifying experiences. This loop hole in the Public Information Law will compound this fear exponentially. It allows for perpetrators and others to have unlimited access to this very private material. It could easily be posted on the internet and the images could be there forever. If a perpetrator can be successful in this manner, we will never get victims to report such crimes.

I do not believe, that any legislature would have ever intended for this loop hole to exist.

Respectfully, I ask that this bill be passed and this loop hole closed.

Thank You,
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