



**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.

Last month, a member of my team provided testimony in support of House Bill 451. I am here today to reiterate our support of this important legislation. As you are aware, Ohio's current Public Records Law allows any person to request any non-exempt public record for any reason, with no cost, and **no exemption for depictions of sex crime victims**. This means that once a person is subjected against their will to an act of sexual violence, that person loses the ability to control access to photographs, videos, and other images depicting them during or in the immediate aftermath of that terrible act. Though the Ohio Public Records Law generally provides for transparency critical to a functioning free society, this loophole infringes on the rights and privacy interest of any person who happens to end up the victim of a sex crime.

Sex crime victims frequently report a long-term impact that, due to the lack of public awareness of trauma and the dynamics of sexual violence, they did not expect. Ultimately, an act that takes just a few minutes can have drastic consequences for survivors' emotional, physical, and financial wellbeing.<sup>1</sup> It is important to remember that sex crime survivors are members of our society that **did not choose** to get involved in the criminal justice system. Despite that, they find themselves responsible for attending appointments, interviews, depositions, hearings, and trials designed to determine whether a crime occurred and, if so, who committed that crime. Though survivors took no action to commence this process, they carry a huge burden – without their participation, a successful prosecution is unlikely.

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<sup>1</sup> 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>.

Survivors often report that participation in the criminal justice process is intrusive and delays healing. Imagine, then, how intrusive and unreasonably offensive it must be for a survivor to find out that after these processes conclude, a member of the public accessed photographs or video taken at the crime scene. These depictions often show survivors in their most vulnerable state, in a moment of absolute horror of which they had no control – a moment they do not want to remember and do not want others to observe or associate with them. However, under the current law, any member of the public can access these images 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. The possibility for future victimization in that circumstance is never ending.

Survivor privacy concerns also relate to media access. Though members of the news media rarely reveal the identity of survivors, they do use photographic imagery in reporting. This can be harmful for survivors, who feel that any image of their victimization, no matter how blurred, is a very public intrusion into a private and very painful circumstance. Ultimately, 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 puts a critical 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.

OAESV believes that House Bill 451 prevents further harm to survivors of sex crimes and restores their autonomy, without infringing on the transparency necessary for a functioning free society.

Thank you for the opportunity to testify today. I am available to answer any questions today and by email at [ccrary@oaesv.org](mailto:ccrary@oaesv.org).