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Representative Jutila, Senator Musto, Ranking Members Hwang and McLachlan, and distinguished members of the Government Administration and Elections Committee, thank you for considering my testimony on **SB 381: AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE TASK FORCE ON VICTIM PRIVACY AND THE PUBLIC'S RIGHT TO KNOW.**

As you are aware, I served as one of the co-chairs of the Task Force on Victim's Privacy and the Public's Right to Know. It was an honor to serve on the Task Force, and I am grateful to my co-chair, Don Decesare, and all of the other Task Force members who volunteered their time.

I would like to thank Speaker Sharkey and the members of the Black and Puerto Rican Caucus for entrusting me with such an important responsibility. I would also like to extend my appreciation to the other legislative leaders and the Governor for ensuring that representatives of minority communities and urban districts were so well represented on the Task Force. We must keep in mind that the adoption, rejection or modification of its recommendations will have a wide range of consequences for our urban and minority communities.

Before I go on, I understand that the committee is in possession of proposed substitute language. I believe this language more accurately reflects the recommendations of the Task Force. The Task Force recommended notifying victims and families of a request for records and permitting them to object, however it did not recommend requiring them to object to disclosure in order for the records to be protected. Such a requirement would place a difficult burden on families and be problematic to administer. People frequently change their address and, as a result, it may be hard for a public agency to locate victims or surviving family members. Also, because of the grief a victim or their family would be suffering, it would probably be difficult for them to quickly make a decision about whether to object. In some instances, they may simply not have the time or resources to do so. For these reasons, I believe the proposed substitute language better represents the recommendations of the Task Force.

With this exception, the Task Force report speaks for itself. I trust each of you to judge the merits of the report. I believe I can be most helpful by briefly discussing some general principles and observations that guided me throughout the proceedings.

During the course of the Task Force debate, I often found myself in a difficult position. On the one hand, constituents of urban districts such as the one I represent are more likely than others to be victims of violent crime. On the other hand, my constituents are also more likely than others to be victims of mistreatment at the hands of police and prosecutors. It is very important that our open-government laws continue to provide for accountability of law enforcement officials.

The privacy concerns the Task Force addressed are real. I encourage you to review the testimony of the Newtown families who spoke with us. The families live in genuine fear that photos of their dead children and loved ones will fall into the wrong hands and be used to hurt them. Many of the families and survivors have already been subject to harassment and intimidation by a number of cruel lowlifes. I know that testifying about this topic is difficult for them, and I thank them for their courage.

The Freedom of Information Act is now more than thirty years old and we must recognize how the world has changed since the Act was first adopted. In the Internet age, disturbing records that constitute an invasion of victims' privacy can become instantly and permanently available around the globe. There are many websites operated by sick individuals obsessed with shocking and violent images. I will not advertise these websites by naming them in public testimony, but all you need to do is conduct a quick google search to see what I am talking about. We would be foolish not to adapt our laws to a changing world.

In conclusion, as a legislature we must find a way to protect the privacy and dignity of victims of violent crime, while preserving the tools necessary for holding government accountable. This is not an impossible task, and I am confident a balance can be struck. I believe that the Task Force recommendations strike an appropriate balance between these interests by permitting public inspection of all law enforcement records, but limiting public distribution.

Thank you for raising this bill, and your commitment to finding a sensible solution to this complicated issue.

Sincerely,

Angel Arce
State Representative – 4th District