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ACLU OF RI POSITION: OPPOSE

TESTIMONY ON 25-H 5878, RELATING TO PUBLIC RECORDS – ACCESS TO PUBLIC RECORDS April 22, 2025

This bill would exempt from disclosure any police records if releasing them could purportedly reveal the “identity of a suspect who may have been a victim of human trafficking” or someone who might qualify to use an affirmative defense after being charged with prostitution offenses. While we appreciate the intent behind this legislation, the ACLU of Rhode Island opposes it because it is, in part, unnecessary and otherwise creates a dangerous exception to the principle that arrest reports should be a matter of public record.

Outside the context of arrest reports filed against the alleged victims themselves, identities of human trafficking victims in any police records would easily fall within the exemptions already in place in APRA for the confidentiality of law enforcement records, making this additional exemption language unnecessary for that purpose. Instead, it appears that the purpose of this proposed amendment is to allow police to keep secret the arrest reports themselves of individuals who have been charged with prostitution offenses. In doing so, it creates a very troubling precedent, allowing police to jail people without any public record available to document the arrest. At a time when masked federal immigration agents are sweeping individuals off the streets and taking them to prison facilities hundreds of miles away, the notion of condoning any type of secret arrest report should be anathema in a free society, even if the well-intentioned goal is to protect privacy rights. Arrests should be a matter of public record, with no exceptions.

We have another very strong concern about the bill, as it highlights a broader problem with police enforcement of the prostitution laws in this context. Specifically, if police have reason to believe that a person arrested for sex work may be a victim of human trafficking – the circumstances addressed by this bill – why are they arresting the individual in the first place? However unintended, a bill like this can only encourage these sorts of troubling arrests – purportedly saving alleged victims of human trafficking by arresting them, detaining them and bringing them to trial. Keeping these arrests secret only exacerbates the misuse of the prostitution laws. And unless the state plans on starting to hold secret trials too, the confidentiality of these individuals will not be hidden for long. That they are being arrested at all is the real issue that needs addressing, but despite its good intentions, this bill would mask that serious problem.

For these reasons, the ACLU is constrained to oppose this legislation. Thank you for considering our views.