

Ladies and Gentlemen of North Dakota's 67th Legislative Assembly,

The presumption of innocence has long been held as a standard of practice both internationally and in the United States. The concept of a person being innocent until proven guilty beyond a reasonable doubt is absolutely paramount to ensure a fair trial for a person in our criminal justice system.

Technology has not been kind to this custom. We live in a time where we have access to a world of information at our fingertips in fractions of a second. News headlines are now almost always presented with an image and in cases that include an arrest, a booking photo is almost always used. Sometimes the booking photo is used from previous incidents that aren't even related to the current news article or charge. This news technology is fueled by hosts getting end users to click an image, or a link to their page. These clicks can result in the initial report or story being shared countless times through any myriad of methods to countless people, and are often accompanied with opinions that are based on very few facts. It can lead to a digital rumor mill and that is devastating for the accused's right to a fair trial.

Having your image circulated without your consent along with a negative headline before you've stood trial to establish guilt or innocence can cause a host of other issues for the accused. Most people don't take the time to research the end result of the initial charges and our criminal justice system often drops charges, strikes plea agreements or dismisses cases. But these updates don't seem to get the same sort of "front page" attention that the initial story does. This can lead to a guilty without trial association and can prove to be incredibly harmful for a person's social, emotional and mental wellbeing, and could negatively affect a person's ability to secure housing, employment and how they are viewed in their own community.

In 2013 I was charged with a felony. I was fortunate enough to not be arrested and have a booking photo taken. I'm convinced that not having a booking photo was the only reason my story didn't make the news. The way rumors circulated regarding my circumstances without the aid of a digital story was incredibly harmful to me and my mental health. Months prior I had left my career in law enforcement and was still having trouble finding work. I can only imagine how my troubles would have been compounded if my picture had been circulated around the news and social media with an attention grabbing headline. The charges against me were eventually dropped and I'm not a convicted felon but I can only imagine the irreversible damage that initial story could have been to my life story.

I fully support HB 1296. I agree with Adam Martin of the F5 project when he says there is a difference between a wanted poster and a news story with a booking image. One of these things is a public safety concern and the other is unwanted interruption of a person's civil liberties and due process.

Respectfully,

Skyler Dutton

