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Senator John Eklund – Sponsor Testimony  
Senate Bill 138  
Senate Judiciary Committee  
October 3, 2017

Good Morning Chairman Bacon, Vice-Chair Dolan, Ranking Member Thomas, and members of the committee. Thank you for the opportunity to give sponsor testimony on Senate Bill 138 and to encourage your support on this legislation. SB 138 regulates body cavity and strip searches in Ohio's jails.

In 2012, the United States Supreme Court in, *Florence v. Board of Chosen Freeholders of the County of Burlington*, held that officials may strip-search individuals who have been arrested for any crime before admitting the individuals to jail, even if there is no reason to suspect that the individual is carrying contraband.

The court held that jail administrators may require all arrestees, who are committed to the general population of a jail, to undergo visual strip searches not involving physical contact by corrections officers. To perform the searches, officers may direct the arrestees to disrobe, shower, and submit to a visual inspection. As part of the inspection, the arrestees may be required to manipulate their bodies.

In Justice Kennedy's majority opinion, he wrote that correctional officials have a legitimate interest, indeed a responsibility, to ensure that jails are not made less secure by reason of what new detainee may carry in on their bodies. Facility personnel, other inmates and the new detainee may be in danger if these threats are introduced in to the jail population.<sup>1</sup>

Further, the Florence decision held that jails do not violate federal constitutional privacy rights by routinely strip-searching anyone that is placed in general population, even those arrested on minor offenses.

Current Ohio law places the same limits on the use of strip searches as apply to cavity searches, notwithstanding that strip searches are much less intrusive than cavity searches. SB 138 establishes separate rules and restrictions for conducting strip searches. The bill would also permit jail administrators to direct arrestees to disrobe, shower, and submit to a visual inspection that could include requiring the arrestee to manipulate their bodies in a manner that would assist in the detection of various types of contraband.

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<sup>1</sup> 566 U.S. \_\_\_ (2012) Supreme Court of the United States, No. 10-945

Avoiding the introduction of contraband and more specifically dangerous drugs like heroine is a critical problem in Ohio Jails. Clarifying through this legislation in what is a “strip search” will help jails find contraband, thus preventing overdoses and deaths.

Thank you for the opportunity to provide testimony on Senate Bill 138, and I will be glad to answer any questions you may have.