

Proponent Testimony
Sub. House Bill 68
Senate Judiciary Committee
November 28, 2018

Thank you Chair Bacon, Vice-Chair Dolan, ranking member Thomas and members of the Senate Judiciary Committee for the opportunity to testify in support of Substitute House Bill 68.

My name is Detective Cynthia Adkins and am currently employed with the City of Cleveland Division of Police where I am assigned to the Sex Crimes and Child Abuse Unit. During my career as a Police Officer and Detective, I have come across many heinous crimes. Many of those crimes have been solved where we have brought the guilty suspect to justice with the proper punishment.

Today I would like to discuss with you a recent case that I worked on in which I feel the Suspect will never face the appropriate punishment for the crimes that were committed. The initial report involved four juvenile male victims who were being sexually abused and video recorded by an adult female in 2014.

The Police Report was filed by one of the victim's mothers in July of 2014, after interviewing the juvenile victims a search warrant for the Suspect's electronic devices (such as cellphones, computers, cameras, etc.) was obtained. The forensic analysis of the devices was completed by The Ohio Internet Crimes Against Children in August 2014.

As a result of the search warrant, several photos were recovered of individuals, residing in a health care facility, in a partial state of nudity

(displaying their genitalia and/or breasts) from the Suspect's cellphone. During the course of the investigation, with all of the obtained information, we had reason to believe the suspect was attempting to transport these photos into an Ohio Correctional Institution where her boyfriend, a committed sex offender, is currently incarcerated.

We made contact with the Suspect's current employer. Only twelve of the fourteen individuals in the photos were positively identified by nurses at the health care facility. We learned that the individuals displayed in the photos were all patients at the health care facility and they were all under the care of the suspect while she was an employee there.

We received the medical diagnosis on the 12 individuals who were identified in the photos. We learned that these individuals were either recovering from a severe stroke or suffering from other conditions such as a developmental disability, dementia, or Alzheimer's. All of the individuals were diagnosed with conditions that rendered them unable to care for themselves and unable to communicate or verbalize what occurred, therefore we were unable to interview any of these individuals.

After an extensive investigation the entire case was brought forth to the Cuyahoga County Prosecutor's Office for prosecution. Unfortunately, the Cuyahoga County Prosecutor's Office informed us that the suspect would not face any Felony charges for these photos taken of the individuals in the health care facility. Based on the current State of Ohio Statute, it only protects children against certain types of pornography and does not protect the elderly or impaired individuals.

The twelve individuals, who were all victims of being exploited by an employee who was assigned to care for them, will never receive proper justice for this sexual exploitation. We then had to inform the family members that this Suspect will not be charged with a Felony crime for what she did to their loved ones, and let me tell you this was heart wrenching.

Chairman Bacon and members of the Senate Judiciary Committee, we are asking you to please take this case into consideration when making your decision on Substitute House Bill 68. It is vital that Ohio correct this loophole in our justice system to better ensure the safety of individuals who are mentally or physically impaired.

The individuals in this case are someone's mothers and fathers, grandmothers and grandfathers. They were placed by their family members, people like you and I, into this health care facility under the conditions that they would be properly cared for. Instead they were victimized and sexually exploited by someone who did not have any interest in their wellbeing.

No person, including ourselves, would ever want their family members victimized the way these individuals were. With your help by amending this law, in the future, any person who commits this disgusting crime against the elderly or impaired persons will face the proper punishment.

Chair Bacon, Vice-Chair Dolan, Ranking Member Thomas and members of the House Criminal Justice Committee, thank you for the opportunity to submit testimony on behalf of Substitute House Bill 68. I am happy to answer any questions you might have.

Sincerely,

Detective Cynthia Adkins
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