**Tuesday, October 17, 2017**

**Chairman Bacon, members of the Senate Judiciary Committee.**

I am Michael Heldman, Sheriff of Hancock County. Thank you for the opportunity to provide testimony on Ohio’s strip search law. Serving as Chair for the Buckeye State Sheriff’s Association’s Community Corrections Committee and the Ohio Jail Advisory Board, I wanted to take a moment to talk about Senate Bill 138. The purpose of Senate Bill 138 is to further enhance a jail’s ability, through a legitimate governmental interest, to strip search inmates who have been afforded the opportunity to secure their release and have been unable to do so and therefore need to be integrated into the general population of the jail. Strip searching inmates being integrated into the general population of the jail allows jails to preserve the safety and security of the facility, its inmates, staff and visitors by ensuring that contraband is not being carried on the bodies of those who become incarcerated, thus creating a security threat.

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, which do not involve physical contact by corrections officers. Corrections 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.

Sheriffs, Jail Administrators and Jail Staff, through the oath they take, have a duty and responsibility to ensure that jails remain secure, safe and are not threatened by the introduction of contraband. Today’s arrestees require greater attention, carry greater risk and conceal contraband on their bodies at greater rates, as a means to transport illegal substances in feeding their harmful substance use disorders or substance specific addictions. Overdoses from concealed illegal substances continue to rise in our jails. Some cases have resulted in death.

Current Ohio law restricts Sheriffs, Jail Administrators and Jail Staff the ability to strip search inmates being integrated into the general population. The Florence decision, as ruled in the United States Supreme Court, has already held that jails do not violate constitutional rights to privacy by routinely strip searching anyone who is being placed in the general population, including those arrested on minor offenses.

It is important for the legislature to understand that Sheriffs, Jail Administrators and Jail Staff only want to address the need for change in current strip search law.

In defining strip search we are talking about an inspection of the genitalia, buttocks, breast, or undergarments of a person, preceded by the removal or rearrangement of some or all of the person’s clothing that directly covers the person’s body. Strip searching is a visual inspection of the surface of the person’s body.

Sheriffs, Jail Administrators and Jail Staff are not looking to routinely perform body cavity searches on inmates being integrated in the general population. Body cavity searches differ greatly from strip searches and are much more intrusive. In defining body cavity searches, they require an inspection of the anal or vaginal cavity. Body cavity searches also require court ordered search warrants and are conducted by a licensed physician, registered nurse, or licensed practical nurse, licensed to practice in the State of Ohio, and that are of the same gender as the person being searched.

Sheriffs, Jail Administrators and Jail Staff are simply asking the legislature to update the Ohio strip search law under ORC 2933.32 so that it follows the decision already handed down by the United States Supreme Court, in Florence v. Board of Chosen Freeholders of the County of Burlington. The Florence decision ruled in the United States Supreme Court has already held that jails do not violate constitutional rights to privacy by routinely strip searching anyone being placed in the general population, including those arrested on minor offenses. Please support Ohio Sheriffs, Jail Administrators and Jail Staff in making a change and ending a more restrictive standard than the United Supreme Court requires, that ultimately impedes the safety and security of our jails, inmates and staff.

Mr. Chairman and members of the Senate Judiciary Committee I will try to answer any questions that you may have at this time. Thank You.