



Office of the Ohio Public Defender

Timothy Young, State Public Defender

Testimony in Opposition of SB138 Cavity-Strip Searches-Corrections Officers Sponsor Senator Eklund

Chairman Bacon, Vice Chair Dolan, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to testify on behalf of the Ohio Public Defender in opposition of Senate Bill 138.

The Ohio Public Defender opposes SB138 because it requires local detention facilities to strip search every person that goes through the booking process and every person that is “committed to the general population” of the facility. Let me repeat, the bill **requires** that those individuals be strip searched. First, this requirement under the bill is overly broad and will require too many individuals accused of nondrug related, nonviolent, low level offenses to be subject to this humiliating and invasive process. Second, the bill will disproportionately impact low-income and indigent Ohioans.

Individuals accused of committing minor offenses are frequently booked and released the same day. Under SB138, even these individuals will have to undergo a mandatory strip search as part of that booking process.¹ A father who takes his child fishing without a fishing license has committed a misdemeanor of the fourth degree. He will be stripped searched under this bill. An elderly woman who commits a zoning violation has committed a misdemeanor of the third degree in many municipalities. She will be stripped search under this bill. A young student driving outside of his privileges has committed a misdemeanor of the first degree in

¹ Lines 139- 144.

some cases. He will be stripped searched under this bill. An eighteen-year-old girl with a bench warrant for forgetting to pay a speeding ticket will be stripped searched under this bill. This mandatory provision under the bill requires law enforcement to ignore what is reasonable in each circumstances and strip search every person who is booked and/or enters the general population of the jail, even if the officer has no reason to believe the accused is in possession of weapons or narcotics.

The bill also requires individuals who enter the general population of a jail to be strip searched at least twice. Once during the booking process mandatory strip and once when they enter the general population.² Individuals who end up going through booking and are placed in the general population are many times those who cannot make bond. Individuals who cannot make bond are often low-income or indigent. Wealthy individuals pay their bond, receive their court date, and go about their day without having to enter the general population of a facility. That is why OPD is in opposition to this bill, because it is our clients and other Ohioans who are similarly situated financially who will shoulder the humiliation required under this bill.

At a prior hearing concerns were raised because the bill is silent as to the appropriate procedures for strip searches of transgender individuals. OPD shares these concerns. There is inherent embarrassment and degradation that comes from being arrested and stripped searched. However, that emotional impact will be profoundly more severe for transgender individuals if they are not able to choose the sex of the person conducting the search. Unless that issue is addressed in the bill, transgender individuals will be forced to strip naked and manipulate their body at the request of someone whose sex they do not identify. This will make an already awful experience even more scarring.

² Lines 139 – 150.



Thank you for the opportunity to speak today before your committee. I am happy to answer questions at this time.

