Tuesday, March 12, 2019

Chairman Coley, members of the Senate Government Oversight and Reform 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, Community Corrections Committee and Ohio

Jail Advisory Board I wanted to take a moment to talk about Senate Bill 49. The

purpose of Senate Bill 49 is to further enhance a jail’s ability, through a

legitimate governmental interest, to strip search arrestees 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 arrestees 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 to ensure 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 not

involving physical contact by 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 take place in our jails. Some cases have resulted in death.

Current Ohio law restricts Sheriffs, Jail Administrators and Jail Staff the ability to

strip search arrestees being integrated in to 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 that is 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 body cavity

search arrestees 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

licensed physicians, registered nurse, or licensed practical nurse licensed to

practice in the State of Ohio that are of the same gender as the person being

searched.

Sheriffs, Jail Administrators and Jail Staff are simply asking the legislature to

update 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.