Tuesday, March 12, 2019

Chairman Coley, members of the Senate Government Oversight and Reform Committee.

I am Lieutenant Ryan Kidwell, Jail Administrator for Sheriff Michael Heldman, Hancock County. Thank

you for the opportunity to provide testimony on Ohio’s strip search law. Serving as a Jail Administrator

of one of Ohio’s full service jails and in Corrections for the past twenty eight years, I wanted to take a

moment to talk about Senate Bill 49. Senate Bill 49 will provide jails the ability, though a legitimate

interest, to strip search arrestees who have been provided the opportunity to post bail or bond but

have been unable to do so and therefore need to be housed in the general population of the jail. Strip

searching arrestees who are being housed in the general population of the jail allows Jail Administrators

and Corrections Officers to preserve the safety and security of the facility, inmates, staff and visitors

while ensuring that contraband is not being concealed or 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

being admitted to the jail, even if there is no reason to suspect that the individual is carrying

contraband.

The court held that Jail Administrators, such as myself, are permitted to require all arrestees who are

committed to the general population of the jail to undergo visual strip searches by Corrections Officers

that do not involve physical contact by directing the arrestees to disrobe, shower, and submit to a visual

inspection of the arrestees genitalia, buttocks, breasts or undergarments. As part of the inspection,

corrections officers are also permitted to require arrestees to manipulate their genitalia, buttocks,

breast or undergarments in order to assure that contraband is not present in maintaining safety and

security of the facility.

Jail Administrators and Corrections Officers, through the oath we take, have a duty and responsibility

to ensure that jails are safe, secure and are not threatened by the introduction of contraband.

The arrestee we serve today is not the same arrestees we served a decade ago. Today’s arrestee

requires great attention. Corrections Officers are faced with inmates who have higher rates of

severe and persistent mental illness and higher rates substance use, substance use disorder, substance

withdrawal and addiction. Corrections officers are however not licensed mental health professionals or

substance use specialists. The power of today’s substance use is greater than we have ever seen. The

desperation that overrules the mind of those who are using substance is well beyond a defined

description. Arrestees are concealing contraband on their bodies at greater rates as a means to

integrate illegal substances into the general population of the jail to feed their substance use disorder

and addictions. These substances however are putting corrections staff and those incarcerated at great

risk. With the introduction of Fentanyl and Carfentanil, the risk is increased to an immeasurable

amount. Why should Corrections officers have to carry the burden and fear of the unknown to serve

their communities ? Shouldn’t they be provided an assurance that they will return home safely at the

end of their shift ? Did we ever believe there would be a day that Corrections Officer would have to

have access, knowledge and training of how to use a medication known as Naloxone to reverse an

opioid overdose in the general population of the jail ? SB 49 will provide Corrections Officers the

assurance and ability to strip search those who need to be strip searched in protecting themselves and

the general population of the jail.

Current Ohio law restricts Jail Administrators and Corrections Officers 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 arrestees who are being integrated into the general population, including those arrested

on minor traffic offenses.

It is important for the legislature to understand that Jail Administrators and Corrections Officers 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 an arrestee that is proceeded

by the removal or rearrangement of some or all of the arrestees clothing that directly covers the

arrestees body. Strip searching is the visual inspection of the surface of the person’s body which

would only be done after the arrestee has 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.

Jail Administrators and Corrections Officers are not asking to routinely body cavity search arrestees

being integrated into the general population. We fully understand that these types or searches differ

greatly from strip searches and are much more intrusive. Body cavity searches of arrestees have

historically been non-existent in Ohio’s jails due to the intrusiveness of searching an anal or vaginal

cavity. Body cavity searches require a court ordered search warrant and the body cavity search has to be

conducted by a licensed physician, registered nurse or licensed practical nurse, licensed to practice in

the State of Ohio. However, Jail Administrators and Corrections Officers are asking for the ability to

conduct a least intrusive search that only includes the visual inspection of the surface of the person’s

body as conducted in a strip search.

As a representative of Jail Administrators and thousands of Corrections Officers all over Ohio you have

my assurance of support for SB 49 as it is written. The time is now to update Ohio’s 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. This Supreme Court

decision had already paved the way in assuring that jails do not violate constitutional rights to privacy by

routinely strip searching arrestees being placed in the general population, including those arrested on

minor offenses.

Please support Ohio’s Jail Administrators and Corrections Officers in making a change, ending the

more restrictive standard currently found in ORC 2933.32 which is more than the United States Supreme

Court requires. Currently ORC 2933.32 impedes Jail Administrators and Corrections Officers ability to

maintain the safety and security of our jails, inmates and staff, in controlling contraband from being

integrated into our general populations.

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 for today’s opportunity to speak with you.