

Content warning: sexual assault, racism, transphobia

“State-Ordered Sexual Violence”: Strip and Body Cavity Searching in United States Prisons

In 2017, a woman was arrested for shoplifting in Wisconsin. After entering the jail, she underwent a warrantless strip search by a male doctor. No contraband was found, but the terror of the search permanently traumatized her. She testified, “I immediately started crying. I couldn’t stop. I cried myself to sleep. I cried all the way back to the jail. I cried the whole time I was getting dressed” (Kalmbacher). In 2005, a Black man was strip-searched twice in the span of seven days after a New Jersey State Trooper found a bench warrant for his arrest. It turned out that he had already paid the required fine. In 2002, an inmate at the Attica Correctional Facility in New York mustered the courage to refuse the search—and was jumped by a group of prison guards with batons (Arthur). In the end, he was bleeding, bruised, and humiliated. How much longer can we justify such horrific acts in the name of safety?

Today, prisons and jails across the United States are legally granted the right to strip-search any inmate or incoming inmate regardless of reasonable suspicion and the severity of their offense. The searches cause devastating psychological impacts to the people forced to undergo them, and they hardly ever detect contraband. Strip and body cavity searches should be banned in correctional facilities since they are unjustifiable violations of people’s privacy and bodily autonomy, they are used to assert power over marginalized bodies, and they can easily be replaced by far less invasive yet equally effective screening methods.

A strip search is a visual search for contraband that requires an individual to remove some or all of their clothes, while a body cavity search may also include the physical internal inspection of body cavities. In 1979, the Supreme Court of the United States ruled in *Bell v. Wolfish* that body cavity searches do not violate the Fourth Amendment, which forbids

unreasonable searches and seizures, and that the searches do not always require probable cause. *Bell v. Wolfish* set a precedent for the 2012 Supreme Court case *Florence v. Board of Chosen Freeholders*, which resulted in the authorization for prison officials to strip-search anybody who is admitted into a jail or prison, regardless of their offense and whether or not there is reasonable suspicion to do so. The judge who wrote the majority opinion acknowledged the repercussions of intrusive searches on an individual's privacy but also believed that the searches are required to buttress the security interests of prisons. He asserted that the searches help screen incoming inmates for contagious medical problems, marks or tattoos that indicate gang affiliation, and any illicit items a detainee might carry. He thereby argued that the ruling struck a reasonable balance between upholding inmates' Fourth Amendment rights and maintaining the safety of jails and prisons. However, existing research on the efficacy of invasive searches proves that they fail to achieve either goal.

Strip and body cavity searches rarely uncover contraband that couldn't be found through less intrusive methods. According to a study conducted by the New York Federal District Court, out of the 23,000 people who were strip-searched when being admitted into the Orange County correctional facility between 1999 and 2003, only five people were found to be hiding drugs (United States Supreme Court). Additionally, for body cavity searching, contraband was found in only 16 instances out of the 75,000 inmates who were searched over five years. In 13 of those instances, the contraband could have been detected from a simple pat-down (United States Supreme Court). The Federal Bureau of Prisons additionally reported that a prisoner would not be able to hide contraband in their private body parts for a long period of time (6), causing strip and body cavity searches to be an invasive and ultimately ineffective practice that only humiliates and degrades inmates.

Female prisoners are especially victimized by strip-searching, stemming from a common prison culture in which women are seen as objects for the sexual gratification of prison guards. From 2009 to 2011, 33% of all victims sexually assaulted by prison staff were incarcerated women, despite females making up only 7% of inmates in United States state and federal prisons (Beck et al.). In local jails, incarcerated women similarly make up 13% of the inmates, yet are 27% of all sexual assault victims (Beck et al.). The magnitude of this problem reached a point where a federal women's prison in Dublin, California was dubbed "the rape club" for its rampant sexual abuse by prison officials (Associated Press). In addition, female inmates are often forced to do sexual favors in order to obtain their basic needs. At the Women's Community Correctional Center in Hawaii, male correctional officers would give female prisoners food and cellphone access in exchange for sex, and were threatened with solitary confinement if they did not comply. Incarcerated women at the Edna Mahan Correctional Facility for Women in New Jersey similarly had to give sexual favors to prison guards in return for toilet paper rolls, sanitary pads, and other necessities. Due to a blatant disregard for the grievances of female inmates and the lack of checks and balances, male prison guards maintain this imbalance of power, leaving incarcerated women trapped in an institution where sexual violence is the norm.

Strip and body cavity searches are a perfectly legal way for prison guards to continue to abuse their power over female inmates. According to Human Rights Watch, many male prison officials have used pat frisks to touch women's body parts inappropriately (Thomas et al.), and pat frisks don't even require the removal of clothing. Considering that these simpler procedures are still abused by prison staff, the sexual violations from strip and body cavity searching are unfathomable. At the Western Massachusetts Regional Women's Correctional Center, male correctional officers videotaped the dehumanizing searches, a practice that was eliminated at the

facility only when a lawsuit was brought in 2015. The videotaping of strip searches also occurred in the 1990s at the New York State Albion Correctional Facility. An inmate at the prison said that the male guards would watch her being videotaped through a crack in the door, and when she came out, they would all be laughing (Law).

Invasive searches are even more distressing for female prisoners who have a history of sexual abuse prior to arrest, as the procedures retrigger past trauma. According to the Bureau of Justice Statistics, one in four female state prison inmates was sexually abused before the age of 18 (Harlow). Strip and body cavity searching often cause these women to relive their assault, experiencing feelings of “disgust, annoyance, trauma, and humiliation, similar to the experiences of victims of sexual abuse and rape,” sometimes for several years afterward (Ha 2725). Due to the psychological impact of invasive searches, inmates are disinclined to exercise the minimal freedoms they are granted in prison, similar to how the worlds of rape survivors often “shrink” after they are assaulted. Amnesty International found that some female inmates would not even go to the exercise yard since they were so afraid of the harrowing searches they would have to undergo before and afterward. Under the *Bell v. Wolfish* ruling that permitted body cavity searches after contact visits, inmates are also dissuaded from visiting their families and friends. These searches consequently cause prisoners to give up some of their only privileges and opportunities to interact with the outside world, severely impacting their mental health. In light of the paranoia and PTSD-like response that ensue from strip-searching, as well as the searches’ nonconsensual and sometimes aggressive nature if the inmate refuses, strip-searching was likened to “state-ordered sexual violence” in an amicus brief by the National Alliance to End Sexual Violence (Kalmbacher).

Black incarcerated women are another group that is highly vulnerable to these demeaning

practices since they make up the majority of female inmates and have a history of being sexually exploited through the system of slavery. During the 17th and 18th centuries, enslaved women faced the unique struggle of being treated as men when it was economically advantageous for slave owners to do so, but were seen as women when slave owners sexually assaulted them. The conditions faced by these women are almost rebirthed within correctional facilities, where women of color make up 64% of women in jails (Green). Inmates are economically exploited through prison labor and sexually exploited through strip and body cavity searching. This shared power dynamic between prisons and slavery is heightened by the fact that 61.8% of prison staff are white and 71.7% are male (Staff Statistics). The only difference is that in prisons, the lives of people of color are even more dispensable since there is a constant flow of profitable inmates. In the words of one Black woman who was given \$325 after being strip-searched in a training exercise for cadets, “The shame of those days stayed with me for years...that measly check is even greater proof that the system does not care about Black women” (Benford).

The brutality of this legal sexual assault extends to a different level for inmates with bodies considered “abnormal.” In particular, transgender and gender-nonconforming prisoners face extreme humiliation when searched. They are already often harassed by other inmates and guards from the second they enter the facility, but this tormenting reaches its peak when their genitals, which may differ from other prisoners’, are put on display for prison staff and sometimes other prisoners to see. For instance, a transgender man spoke on NBC news about how he was strip-searched in front of a large group of female inmates when he entered a women’s prison. After he completed a grievance form, an officer made obscene remarks about his body anatomy (Stahl). Many correctional officers use invasive searches to make a mockery out of the bodies of transgender prisoners and force them to adopt gender roles they don’t

identify with.

Despite the devastating consequences of strip and body cavity searches, they continue to be practiced in prisons because of their alleged contributions to prison security. However, there are effective and viable alternatives that can replace invasive searches. A non-lethal electric chair called the Body Orifice Screening System can be used to find metal in a prisoner's body. For non-metal objects, SecurPASS is a body scanning device that takes eight seconds to identify contraband in an inmate's body cavities (including objects that were swallowed, which is difficult for prison officials to detect through strip and body cavity searches) without showing inmates' genitalia to prison staff. The SecurPass system was implemented at the Salt Lake County Metro Jail in 2014, and it was on its way to replacing strip searches entirely (McCarthy). The Hamilton County jail in Ohio already replaced strip searches with the SecurPass body scanner, providing a far more thorough yet much less invasive search of prisoners' bodies (Howard). That said, there are potential issues with this device, including radiation and false positives, which are still being investigated. In the meantime, however, there are various legal and policy changes around strip and body cavity searches that should be implemented.

Ideally, these violent searches should be prohibited nationwide. Simultaneously, local jails and prisons should put in their own efforts to forbid or reduce the usage of invasive searches. For one, jails and prisons should enforce a more rigid reasonable suspicion standard for the application of strip and body cavity searches so that prison officials can't simply order a mass search whenever they deem it necessary. For example, inmates could be interviewed beforehand and checked for their past history of offenses as well as what they are currently being charged with before granting a search. Inmates should also be isolated for a few hours to see if the contraband comes out by itself. If no contraband emerges, the least invasive methods should be

tried first before doing a full body cavity search. Furthermore, before, during, and after strip and body cavity searches, trauma-informed professionals should be close by to provide prisoners with psychological support, and all prisoners, especially transgender inmates, should be allowed to choose the gender of the correctional officer who will search them. The searches should additionally never be done in front of other inmates, and there should be as few people in the room as possible when the search is being conducted, since human dignity, an inalienable human right, must be preserved while maintaining prison safety. Finally, to reduce the incidence of sexual violence, racism, and transphobia in prisons overall, professionals should routinely enter facilities to inspect the conditions and interview prisoners about their grievances, in order to quickly identify pernicious prison guards who need to be held accountable.

With the highest incarcerated population in the world, the United States strips more than two million prisoners and detainees of their Fourth Amendment rights every day, forcing them to undergo one of the most gruesome and anatomically violating procedures a person can endure. Brutalized every time they go to the exercise yard or simply see a family member, inmates, and especially those with marginalized identities, are left with indelible trauma that persists long after the event. It is absolutely unconstitutional and inhumane for our country to continue this horrifying practice of strip and body cavity searches when the empirical evidence has proven its inability to aid prison safety and the existence of clear and effective alternatives. Since human rights cannot end at the entrance of a prison, we must eliminate this legal, state-sponsored sexual assault.

Works Cited

Albert W. Florence v. Board of Chosen Freeholders of County of Burlington, et al., No. 10-945

(Apr. 2, 2012). <https://www.supremecourt.gov/opinions/11pdf/10-945.pdf>

Arthur, C. D. (2021, February 4). *I've Been Strip-Frisked Over 1,000 Times in Prison. I Consider It Sexual Assault*. The Marshall Project.

<https://www.themarshallproject.org/2021/02/04/i-ve-been-strip-frisked-over-1-000-times-in-prison-i-consider-it-sexual-assault>

Associated Press. (2022, February 6). 'Rape club': Women's prison in dublin fostered culture of sexual abuse, inmates say. *The Desert Sun*.

<https://www.desertsun.com/story/news/2022/02/06/federal-correctional-institute-dublin-womens-prison-oakland-fostered-culture-sexual-abuse-rape/6684117001/>

Beck, A., Rantala, R., & Rexroat, J. (2014, January). *Sexual victimization reported by adult correctional authorities, 2009–11*. Bureau of Justice Statistics.

<https://bjs.ojp.gov/content/pub/pdf/svraca0911.pdf>

Benford, W. (2021, May 6). *Cadets violently strip searched us as part of their training. for my pain, I got \$325*. The Marshall Project.

<https://www.themarshallproject.org/2021/05/06/cadets-violently-strip-searched-us-as-part-of-their-training-for-my-pain-i-got-a-measly-325>

Green, N. (2016, August 17). *Study: The growing, disproportionate number of women of color in U.S. jails*. NPR.

<https://www.npr.org/sections/codeswitch/2016/08/17/490364132/study-the-growing-disproportionate-number-of-women-of-color-in-u-s-jails>

Griffin B. BELL et al., Petitioners v. Louis WOLFISH et al., No. 77-1829 (May 14, 1979).

<https://www.law.cornell.edu/supremecourt/text/441/520>

Ha, D. (2011). Blanket policies for strip searching pretrial detainees: An interdisciplinary argument for reasonableness. *Fordham Law Review*, 79(6), 2721-2760.

<https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=4723&context=flr>

Harlow, C. W., Ph.D. (1999, April). *Prior abuse reported by inmates and probationers* (172879).

U.S. Department of Justice. <https://bjs.ojp.gov/content/pub/pdf/parip.pdf>

Howard, T. (2015, June 23). New jail scanners crack down on incoming contraband. *Fox 59*.

<https://fox59.com/news/new-jail-scanners-cracking-down-on-contraband-being-brought-in-from-the-outside/>

Kalmbacher, C. (2021, April 19). *Sotomayor was the only justice who questioned a jail's warrantless search of a woman's vagina and anus*. Law and Crime.

<https://lawandcrime.com/supreme-court/sotomayor-was-the-only-justice-who-questioned-a-jails-warrantless-search-of-a-womans-vagina-and-anus/>
<https://lawandcrime.com/supreme-court/sotomayor-was-the-only-justice-who-questioned-a-jails-warrantless-search-of-a-womans-vagina-and-anus/>

Law, V. (2014, May 23). *On the way to solitary, women in Massachusetts jail get strip searched and videotaped*. Prison Legal News.

<https://www.prisonlegalnews.org/news/2014/may/23/way-solitary-women-massachusetts-jail-get-strip-searched-and-videotaped/>

McCarthy, C. (2014, September 24). New jail scanning devices nearly replace strip searches. *KUTV*.

<https://kutv.com/news/local/new-jail-scanning-devices-nearly-replace-strip-searches>

Meyer, M. (1992, November 8). *Coercing sex behind bars*. Newsweek.

<https://www.newsweek.com/coercing-sex-behind-bars-196792>

Searches of housing units, inmates, and inmate work areas. (2015, June 4). Federal Bureau of Prisons. https://www.bop.gov/policy/progstat/5521_006.pdf

Staff Statistics. (2022). Federal Bureau of Prisons.

https://www.bop.gov/about/statistics/statistics_staff_gender.jsp

Stahl, A. (2021, December 3). Strip searches, trauma, isolation: Trans men describe life behind bars. *NBC News*.

<https://www.nbcnews.com/nbc-out/out-news/strip-searches-trauma-isolation-trans-men-describe-life-bars-rcna6490>

Thomas, D. Q., Lai, S., Mariner, J., & Ralph, R. (1996). *All too familiar: Sexual abuse of women in U.S. state prisons*. Human Rights Watch.

USA: The findings of a visit to Valley State Prison for Women, California. (1999, March 31).

Amnesty International. <https://www.amnesty.org/en/documents/amr51/053/1999/en/>