



**Blaine (Fin) V. Fogg**  
*President*

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April 29, 2019

Commissioner Cynthia Brann  
New York City Department of  
Correction

Heidi Grossman  
Deputy Commissioner  
Legal Matters/General Counsel  
New York City Department of  
Correction

RE: Unnecessary strip searches

Dear Commissioner Brann and Ms. Grossman:

We sent you an email on April 24, 2019 asking the Department of Correction (DOC) to *immediately* end the practice and policy of conducting strip searches of persons in your custody before visits and end the routine use of strip searches. We made these demands of DOC on April 23, 2019 at the Board of Correction's hearing on PREA after you left and we also called on the Board of Correction to promulgate standards to *immediately* end strip searches before visits and to end routine strip searches.

Unnecessary strip searches — and there is no question that strip searches before visits are unnecessary — even the NYS DOCCS does not perform strip searches *before* visits — create a degrading atmosphere where sexual harassment is rampant. *See* DOCCS Directive # 4910, Section IV.B.

Many of our clients frequently are sexually harassed during strip searches and tell us that strip searches are humiliating, embarrassing, and dehumanizing. Our clients report that Correction Officers (COs) often laugh and make sexual comments about their naked bodies, usually about the size of their breasts or genitals. All detainees are strip searched *before* each visit but they still have to go through a metal detector after being strip searched *before* each visit.

**These are a few examples to illustrate this problem:**

Detainee 1:

Was sexually abused as a small child, so he “re-lives” the abuse every time he is strip searched. He always obeys a COs’ orders to strip naked, squat (twice, facing the CO and facing the wall), lift his scrotum and penis, and cough. COs have beaten him when he complained about strip searched. COs, in the presence of other inmates and officers, have laughed at him after saying he has a small penis. He has limited his visits to only one family member to avoid being stripped searched as often.

Detainee 2:

Is a sexual abuse and domestic violence survivor. There is no privacy where the strip searches take place and other detainees, including a detainee who works in the room where strip searches are conducted, can see the women being searched and when they are naked. Detainee 2 obeys when ordered to take off all her clothes, squat (twice, facing the CO and facing the wall), spread her buttocks, and cough. Once, when she was menstruating, she was strip searched before her visit. The CO told her to take off her menstrual pad and, when she did so, blood spilled on the floor. The CO said: “You’d better clean that shit up. Go to the bathroom and get some paper towels.” Detainee 2 obeyed and got paper towels from the bathroom and knelt on the floor and cleaned the blood. After that incident she told her family and friends to stop visiting her. About four months later she did go on a visit because she was depressed.

Detainee 3:

Is a sexual abuse and domestic violence survivor. She reports that cameras in the strip search area are focused directly on the women when they are naked. COs sometimes order her during a strip search to leave on her blouse but pull up her bra and shake her breasts. Being strip searched before a visit affects her visits because she spends the first part of the visit feeling depressed, humiliated, and uncomfortable. There is a detainee who works in the strip search area who sees all the women naked.

Detainee 4 told us that, during strip searches, COs have made comments about the size of his penis, such as: “He’s got a big one” and “he’s got a wide one.”

Detainee 5 said that during a strip search, where other detainees were present, a CO pointed at Detainee 5’s penis, then said to another Correction Officer: “he’s not circumcised.” Both COs laughed.

Detainee 6 told us that he was in the strip search room by the visiting area when a CO, during a strip search of another detainee, ordered the other detainee to pull back the foreskin of his uncircumcised penis.

At the BOC hearing, Leandro Diaz, Deputy Commissioner of Operations and PREA Coordinator at Westchester County DOC, and Luis Molina, First Deputy Commissioner of Operations at Westchester County DOC, testified, in relevant part, about strip searches of persons in their custody before visits.

First Deputy Commissioner Luis Molina testified that their staff are trained to understand the impact of adverse childhood experiences and secondary trauma. Staff also are taught the importance of why custodial clients need to be encouraged to stay connected with their loved ones.

To foster positive visits, Westchester County DOC does not conduct strip searches of persons in their custody or their visitors before contact visits. This policy “assures a secure rehabilitative environment that maintains a person’s dignity.”

Our clients, many of whom are survivors of child or adult sexual abuse, domestic violence, or other violence and are re-traumatized by strip searches, often opt-out of visits or drastically limit the number of visits to avoid the humiliation and sexual degradation by staff.

Strip searches before visits serve *no* security interest and cause harm to our clients and damage their relationships with their families and friends. Family visits and community ties are important because they:

- help to reduce recidivism once people are released from DOC into the community;
- aid in keeping rule violations down and promoting good behavior while people are incarcerated (as evidenced by the fact that detainees with disciplinary issues often behave to get back contact visits); and,
- foster relationships with children and support parental attachment and bonding after release.

Very truly yours,

Marlen S. Bodden  
Staff Attorney  
Special Litigation Unit

cc.:

by email & regular mail

Martha W. King  
Executive Director  
Board of Correction