

## Lawyer deserves kudos for blowing whistle on ‘pat searches’

By: admin March 12, 2015

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A Boston lawyer recently blew the whistle on the practice of subjecting female attorneys visiting clients at MCI Norfolk to invasive and humiliating “pat searches” by correctional officers.

In a letter to Daniel Bennett of the Department of Public Safety and Security that was submitted to Lawyers Weekly for publication, Patricia DeJuneas described what occurred when her underwire bra set off the prison’s metal detector.

Although DeJuneas consented to a wand search, she was told that she would need to undergo a pat-down because of the “unexplained metal object” on her person.

What ensued more closely resembled a strip search, as DeJuneas was told to “lift my top to the level of my breasts, pull my bra away from my breasts, and ‘shake it.’”

In the wake of DeJuneas’ letter, a number of other female defense attorneys have come forward with similar stories.

The Department of Correction has responded by announcing that it will issue new standard operating procedures for searching prison visitors. Under the policy, outlined in a March 6 letter to DeJuneas from Deputy Commissioner Thomas Dickhaut, if a visitor is flagged by a metal detector but the location of the problem is consistent with an underwire bra, and a corrections officer determines after consulting with the visitor that there is no reason to believe there is another cause, no further search is required.

If the officer believes that the possibility of contraband still exists, a pat search may be requested. However, such a search may not require the visitor to “shake it,” as DeJuneas was instructed to do.

While the changes may be a step in the right direction, they’re hardly a comprehensive solution. The letter doesn’t explain how the new policy will be communicated to correctional officers or what training will be provided. Further, it’s highly subjective, allowing pat searches whenever an officer is “not satisfied” that an underwire bra is the cause of the problem.

No one questions that correctional facilities have legitimate security demands. But it’s nearly inconceivable that defense attorneys would put their legal careers in jeopardy to smuggle in weapons in their lingerie, and the risk is simply not enough to justify such degrading treatment.

By forcing advocates to choose between submitting to a humiliating search or forgoing a visit with their client, the practice at MCI Norfolk had a clear chilling effect on inmates’ constitutional right to consult with their attorneys. DeJuneas did a service to the criminal bar by exposing the practice.

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Issue: MARCH 16 2015 ISSUE

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