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From the Los Angeles Times

## San Bernardino County settles strip search lawsuit

Officials deny wrongdoing, but agree to a \$25.5 million settlement. Thousands of ex-inmates could benefit.

By Joe Mozingo and Maeve Reston  
Los Angeles Times Staff Writers

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San Bernardino County officials have agreed to pay \$25.5 million to settle a class-action lawsuit that said jailers conducted illegal strip searches, sometimes in front of inmates and deputies of the opposite sex.

As many as 160,000 inmates may have been subjected to the searches over three years, attorneys for the plaintiffs said, and each could get several hundred dollars, depending on how many apply for the award. The settlement is one of the largest in the nation to resolve the issue balancing jail security concerns and inmates' privacy rights.

Between May 2003 and December 2006, sheriff's deputies strip-searched many inmates they processed into the two central jails, even if there was no reason to suspect them of smuggling contraband, the plaintiffs' attorneys said at a news conference in Los Angeles.

Inmates were forced to bend over and spread their buttocks so deputies could see their body cavities, and some had their genitals inspected, according to the lawsuit. "These are pretty humiliating things for people who were arrested for all sorts of things, including very minor offenses," said attorney Barry Litt.

San Bernardino County spokesman David Wert said the county denies wrongdoing and disputes the allegations in the suit.

County Supervisor Brad Mitzelfelt said San Bernardino County agreed to settle the suit to avoid the risks of litigation and noted that insurance would pay for most of the settlement. The department changed its policy last year after the lawsuit was filed so that the only people being strip-searched are those suspected of carrying contraband, Wert said.

Sheriff's spokeswoman Jodi Miller said the searches were done for jail security. "Strip searches were never conducted with the thought of embarrassment to anyone; it was all to ensure the safety of all persons," she said.

The agreement requires the county to contact current and former inmates who may have been subject to searches. The agreement is expected to become final after a court hearing in February.

The suit was filed on behalf of six women and one man who were searched at the West Valley Detention Center or the Central Detention Center. They were accused of crimes including violation of a restraining order and failure to appear in court in a drunk driving case.

It alleged that the searches violated their constitutional right to due process, freedom from unreasonable search and seizure, and the ban on cruel and unusual punishment. It also alleges that the group strip searches violated state privacy laws.

The settlement names five groups of inmates who were searched illegally: those transferred between county jails before they were arraigned, federal inmates searched upon arriving at a county jail, inmates who had been in custody of another law enforcement agency, inmates who were ordered released and brought back to jail for processing, and inmates searched in groups.

Litt said that in December, a federal judge ruled that jail officials had violated the rights of inmates who were being strip-searched before their arraignments as well as those the courts had ordered released.

The judge found the procedure was an unreasonable search, Litt said.

Plaintiff Betty Welch said she was forced to strip three times with others at the West Valley Detention Center in July 2005, in view of male inmates and sheriff's deputies not involved in the search. Some could watch through a large window in the hallway. She had been arrested for failure to appear on a drunk driving charge.

"That's a violation," she said.

The first time she was searched was when Adelanto police brought her to the detention center.

Welch appeared in court on July 25. Before she was taken to court, she was strip-searched, and after the judge ordered her released, she was taken

back to West Valley and searched a third time.

Welch, 52, said inmates were forced to squat for at least a minute. She has steel rods and plates in her legs from a car accident and was in pain. She said another woman was eight months pregnant and was having trouble breathing.

Elroy Hardy said he was searched in a hallway of the West Valley Detention Center in Rancho Cucamonga with more than 40 other inmates.

Hardy, who was in custody in March 2005 for allegedly violating a restraining order, said the inmates were forced to stand naked, shoulder to shoulder and bend over with their backs to the guards while they were searched.

Hardy said female deputies and jail trustees were watching or walking through the area as they escorted other inmates or delivered bedding.

San Bernardino County Sheriff Gary Penrod, who was named in the lawsuit, was not available for comment.

The other four county supervisors did not return calls for comment.

[joe.mozingo@latimes.com](mailto:joe.mozingo@latimes.com)

[maeve.reston@latimes.com](mailto:maeve.reston@latimes.com)

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