



Police turn routine traffic stops into cavity searches

By: Liz Goodwin - November 14, 2013

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Timothy Young had just turned into a petrol station in the small US town of Lorsburg, New Mexico, and was about to fill up his pickup truck when several police cars pulled up behind him.

The officers from the Hidalgo County Sheriff's Office accused him of failing to use his indicator, and asked him whether he was using or carrying drugs.

According to a complaint filed in the federal court in New Mexico, what happened next in the October 2012 incident was nothing short of a six-hour nightmare.

Young, 31, was forced to strip from the waist down in a public carpark and then submit his body to an X-ray and anal penetration at a nearby hospital, all under the supervision of peace officers searching for contraband.

The invasive search that Young alleges he was subjected to is not an isolated incident, his lawyers say, and is part of a larger pattern of cops, eager to make drug busts, crossing the line in order to try to uncover drugs and money at all costs.

"They're really pushing the envelope on these types of searches of people," said Joe Kennedy, an Albuquerque lawyer who is representing Young.

Complaints about police conducting public full-body cavity and strip searches, sometimes without warrants, have popped up in Texas, Wisconsin and Kansas in recent months, alarming civil rights attorneys and advocates.

In Young's case, the officers searched his truck with a drug dog, which alerted them that it had detected drugs in the driver's seat. The police couldn't find any drugs in the truck, so they ordered Young to drop his pants and underwear in the public parking lot to search him. Then, at 2am, they got a warrant for a body search at the local hospital, where Young was digitally penetrated and X-rayed, according to the complaint.

He was discharged at 4:30am, after cops failed to find contraband in his truck or hidden in his body. Later, Gila Medical Centre sent him a bill for \$600.

Just a few months after Young's encounter, some of the same officers stopped another man, David Eckert, in a Wal-Mart parking lot for failing to yield at a stop sign. The officers searched his car with a

drug dog that alerted them to the smell of drugs. But they couldn't find any contraband on Eckert or in his vehicle, so they obtained a warrant for a search of his body.

Over the course of 12 hours last January, Eckert was forced to receive an X-ray, CT scan, digital rectal exam, three enemas and a colonoscopy under anesthesia, according to his complaint filed in federal court this week. Eckert says the officers laughed at him at times while he was undergoing the procedures at Gila Regional Medical Centre, the same hospital where Young was taken.

Like Young, Eckert was also billed for the procedures — this time for \$6,000.

"That's unbelievable to me," Kennedy, Eckert's lawyer, told Yahoo News. Eckert had a previous conviction for methamphetamine possession; Young had no criminal record whatsoever, the lawyer added.

A US border officer and drug-sniffing German Shepherd inspect a vehicle entering the United States at the US-Mexico border crossing at Nogales, Arizona. Photo: Getty.

Young and Eckert are suing the officers and the county for violating their constitutional rights, including the right to be free from unreasonable search and seizures under the Fourth Amendment. They argue in a complaint filed in a federal court that Young was "raped under the colour of law" and that the officers' conduct "shocks the conscience."

The Hidalgo County Sheriff's Office declined to comment on the cases, referring Yahoo News to the county's attorney who did not return a request for comment.

"It's something we're quite concerned and often quite horrified at," said Ezekial Edwards of the American Civil Liberties Union. "It's hard to imagine when it would ever be appropriate, absent some personal threat of safety to the officer, for a court to allow these kinds of intrusions like anal cavity searches."

Edwards linked the searches to the war on drugs and the nation's record-breaking high incarceration rate, which he says leads some police into a mentality of trying to lock people up even when it means bending the rules.

Policies of "stop and frisk" in large metro areas like New York City have gained in popularity in recent years, meaning police are searching and stopping more people than ever before. The opportunities for abuse, then, are higher.

"You see an increase not to just stops and frisks but the lengths to which law enforcement will go to uncover evidence of drugs," Edwards said.

A US Border Patrol agent looks along a section of the fence at the US-Mexico border. Photo: Getty.

In the Eckert and Young cases, police did obtain a warrant to search their bodies, though Kennedy maintains the warrant would, at most, allow them to do a "squat and cough" type anal cavity search, not an X-ray, digital search or colonoscopy.

Laws on strip and body cavity searches vary state by state, but typically a judge must sign off on a warrant for a cavity search to take place. Medical professionals, not police, generally perform them, and they're usually confined to prison settings, legal experts say. Guards can request a warrant for a cavity search if they have probable cause to believe a prisoner is smuggling contraband into the jail, for example.

But these laws haven't stopped flagrant abuses.

Last July in Texas, Angel and Ashley Dobbs were stopped by a state trooper while on a road trip to Oklahoma, allegedly for littering. The cops then thought they smelled marijuana in the car, and subjected both women to a genital search on the side of the road. The trooper, who's since lost her job, did not even change the latex glove she was wearing in between searching the genitals of the women, the women allege. The Dobbs, an aunt and niece, settled the case for \$185,000.

"It's embarrassing, it's humiliating," said Scott Palmer, the Dobbs' attorney. "I was proud of them, they didn't use pseudonyms, but now their names are forever known as victims of this very intimate, nasty search and it happened on video and it's all over the world."

The shame associated with the searches may prevent more victims from coming forward, Palmer said.

Six weeks earlier, two other Texas women say they were genitally probed by state troopers near Houston after they were pulled over for speeding and told there was a marijuana smell in their car. Texas' Department of Public Safety says troopers are prohibited from these types of searches and that there is no policy encouraging them.

Meanwhile, the city of Milwaukee is still defending itself against lawsuits from people who accuse eight officers of illegally searching their genitals and rectum to find drugs and other contraband, going back as far as 2009. At least four officers have lost their jobs in the case, and civil cases are pending. One of the alleged victims was only 15 when he says he was illegally anally probed by an officer.

Tim Lynch, who runs the Project on Criminal Justice for the libertarian Cato Institute, said people who feel they are being searched illegally by officers should be clear that they are not consenting.

"When you're in the situation all you can do is make it absolutely crystal clear that you're not consenting to these types of invasive procedures," he said.