

NMDPS - STRIP SEARCH

In 2012, the United States Supreme Court held jailers do not need reasonable suspicion to strip search people arrested for minor offenses. States, however, may give more (not less) rights to citizens. In New Mexico, to do a strip search of someone, reasonable suspicion is required. Some examples follow:

On a traffic stop in Albuquerque, Defendant appeared to be “fumbling around” with an object. Getting out of his vehicle, his pants were unzipped, his belt unbuckled. During a search incident to arrest, officer pulled Defendant’s pants and underpants outward six to eight inches. Among other things, he saw a plastic baggie. Because the officer had reasonable suspicion, the Supreme Court of New Mexico upheld the search. State v. Williams (2011).

At Dexter High School (near Roswell), a girl lost her ring. Her classmates had to submit to strip searches. Supreme Court of New Mexico upheld verdict of approximately \$150,000 for two of the students. Kennedy v. Dexter Consolidated Schools (2000).

Lawsuits against jails in New Mexico doing strip searches without reasonable suspicion:
2005- Santa Fe – \$8 million dollars.
2006 – Dona Ana (Las Cruces) to pay \$5M in Suit.
2009 - Hidalgo (Lordsburg) to Settle Suit for \$1 Million.
2009 - Valencia Co. (Los Lunas, Belen) Strip-Search Settled for \$3.3 Million
2010 - \$2.99M Deal Brokered in Strip Search Lawsuit (Guadalupe County – Santa Rosa, others).

Law enforcement officers should use reasonable suspicion for strip searches.
--- ADA Elliott, Law Enforcement Academy



Ok, on the count of three...

one... two... three... three..... three!!!!.....