

# Fialho: Stop State-Sanctioned Sexual Assaults in Santa Ana

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By **Christina Fialho** February 2, 2016 at 10:36 AM

Gloria Hernandez came to the United States after suffering a brutal gang rape in her home country of Honduras. Now, Hernandez is in an immigration detention facility in Santa Ana, forced to relive her past sexual trauma in unlawful and routine strip searches at the Santa Ana City Jail.

Women who are civilly detained at the Santa Ana City Jail are strip searched after each in-person visit with an attorney, after each court hearing, and upon booking. These searches occur even when the officers have no specific reason to suspect concealment of contraband.

During these strip searches, no special provisions are made for the elderly or women with chronic physical pain. No special provisions are made for women who are on their menstrual periods. Sometimes they bleed directly onto the floor.

Hernandez twice attempted suicide because her trauma, exacerbated by these illegal searches, was too much to bear. Hernandez is one of 31 women in the custody of U.S. Immigration & Customs Enforcement (ICE) at the Santa Ana City Jail.

They are parties to a civil rights complaint against the City of Santa Ana and ICE, filed on their behalf by Community Initiatives for Visiting Immigrants in Confinement (CIVIC), a national organization that visits and monitors immigration detention facilities.

CIVIC along with a coalition of other organizations is calling for a federal investigation and an immediate end to this misguided policy and practice.

Women who try to challenge the strip searches are threatened with deportation or transfers to facilities farther away from their attorneys and support networks. After Nicole Albrecht, the lead complainant, resisted an unlawful strip search in late December, Santa Ana officers threatened to have ICE transfer her to Arizona.

Albrecht's immigration attorney, Josh Effron, asked jail administrators for documentation about the strip search in accordance with his rights under California law. Santa Ana refused to "release strip search documents without a court order."

Less than 72 hours later, Albrecht was transferred first to a holding cell in Arizona, then to the LaSalle Detention Facility in Louisiana and finally to the Chautauqua County Jail in New York. Less than 24 hours after CIVIC filed the complaint, ICE deported Albrecht with no warning to her attorney or her husband, a U.S. citizen.

Approximately half of the women included in this complaint have been forced to undergo strip searches by male officers.

One transgender woman was mocked by male officers when she was included in a mass strip search. When male officers were unable to find a piece of a broken plate in early January, they put an entire 64-person cellblock on lockdown for approximately three hours and performed a strip search on most of the women. There was no female officer present and the transgender women were not given the option to have a female officer perform the strip searches.

Santa Ana City Jail's strip search policy and practice directly violates ICE's Performance-Based National Detention Standards and the federal Prison Rape Elimination Act.

The policy and practice also violates California law, which prohibits strip searches without reasonable suspicion that the person is concealing weapons or contraband. The strip searches may also violate the Fourth Amendment to the U.S. Constitution, and may amount to cruel and unusual punishment under the Eighth Amendment.

Illegal strip searches, which do nothing to improve safety and much to encourage abuse, have cost taxpayers millions of dollars in lawsuits.

In 2003, Los Angeles County revised its strip search policy after settling a suit for \$2.7 million. San Bernardino County paid \$25.5 million in 2007 to settle a class-action lawsuit against jailers who conducted illegal strip searches, sometimes in front of inmates and deputies of the opposite sex.

The women CIVIC has interviewed explain that the strip searches are humiliating and degrading. They are forced to expose vulnerable parts of their bodies to people who exercise power over them in nearly every way imaginable.

Studies have shown that strip searches exacerbate mental illness and make reentry into society more difficult. Strip searches cause psychological damage, such as sleep disturbance, recurrent and intrusive recollections of the event, inability to concentrate, anxiety, depression, and development of phobic reactions. Some victims of strip searches have developed Post-Traumatic Stress Disorder and others, like Hernandez, have attempted suicide.

CIVIC hopes to see an end to immigration detention entirely. Meanwhile, we need to ensure that government officials do not continue to violate the law.

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