

Bras set off jail metal detector, controversy | Some women find device instrument of humiliation

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Metal detectors at airports and in public buildings are a fact of life, and most people are willing to take off shoes, belts, hair clips or jewelry to get through the machines.

But, when two women had to remove brassieres with metal wire supports recently to get into the federal jail in downtown San Diego, a cry of outrage emerged from some in the legal profession -- particularly women.

Letters and telephone calls flew back and forth among jail officials, local lawyers and the federal court's Chief Judge Marilyn Huff.

Neither Huff nor jail authorities would comment on the outcome, other than to say the problem is solved. But some of the women who enter the institution regularly as part of their jobs say jail policies have always been sex-biased and they do not expect that to change.

"I'm upset, as a matter of principle, that a female attorney would be asked what kind of underwear she has on," said Kristen Churchill, a lawyer whose bra set off the jail security machine.

She was one of several women whose undergarments triggered the alarm on an advanced, new metal detector about two weeks ago.

Churchill said she argued with the guards and was allowed in after she pointed out that the new machine had lights which clearly indicated the part of the body where metal was suspected. The lights were centered at about bosom height.

She said the guard asked whether she was wearing a bra with an underwire and then, reluctantly, let her in.

Others were not as fortunate.

Two interpreters, who were trying to get into the jail with attorneys to interview non-English-speaking clients, were not allowed through until they took off their bras.

The women went into a ladies' room, said witnesses and friends who talked to them later. They removed the undergarments, and, in at least one case, the bra was held in a locker until it was claimed later.

Neither woman wanted to talk publicly about what happened. But both told friends that they were humiliated. One, her

husband said, had just had breast surgery and told the guards that without the bra she would be in severe discomfort.

The husband said he intends "to pursue this issue" with his congressman.

After what happened became known, complaints began to fly from female lawyers and from Mario Conte, head of the nonprofit law firm that handles most criminal cases for the indigent in federal court.

"I couldn't have something like this happening to one of my female lawyers," Conte said.

He said he was told that the problem would be solved. He said he suspects that the machine was recalibrated because, "as far as I know, it hasn't happened since that day."

Others said the problem had surfaced from time to time in the past, but they attributed the most recent episodes to a new machine that was calibrated too high.

Michael Crowley, a defense lawyer and civil rights attorney, said he was at the jail and observed some of what happened when the women's underwear set off the machine.

"When I first got there, they were already having a big brouhaha," he said.

One interpreter "was pleading with them to use the wand," a hand-held metal detector used to inspect a person who, for no apparent reason, is setting off the walk-through machine.

If the wand goes off at particular spot on the body, the guard can look for other indications that a weapon might be secreted at that spot. If nothing is visible, the person is allowed to proceed.

"When I got upstairs (to the cell area)," Crowley said, "I saw (the same woman) and she told me, 'They forced me to take off my bra.' She was very upset."

As he left the jail, he said, he saw a second interpreter, who told him that she also had been forced to remove her bra.

Harold Taylor, spokesman for the jail, said the problem is not that the underwire is considered a security problem or a potential weapon but that when the machine detects metal in the bra there is no way to "personally inspect" the clothing to see whether a weapon is in it.

But attorney Jeanne Knight said: "From the minute you enter that jail, you are on video camera. So I don't know how they think you could get an Uzi (assault weapon) out of your bra without them stopping you."

Taylor conceded that at least one woman was told that she could not go into the jail as long as she was setting off the machine, but he added: "At no time was any woman forced to remove any article of clothing or told she had to take anything off."

It is a distinction without a difference, said Beverly Barrett, a lawyer who said she had been turned away in the past because her bra set off the machine.

"If you need to go into the jail to do your job, and they won't let you go in as long as you're wearing your bra, then they're forcing you to take it off," Barrett contended.

Interpreters work for defense attorneys, translating conversations with clients. Without the interpreters, the lawyers and clients cannot communicate.

Most interpreters, many of whom are women, are independent contractors making around \$25 an hour. If they cannot

get into the jail they cannot work.

The metal detector is not the only obstacle women say they have faced in the past. A jail dress code states that no person wearing a dress which ends above the knee can enter the jail.

Interpreters and lawyers have been stopped at times for wearing dresses that are too short, said Knight. She said the dress code smacks of sex bias because the rules focus almost exclusively on clothing that would be worn only by women.

She and others also complained that guards enforce the codes capriciously and sometimes make up new rules as they go along.

In past weeks, several lawyers said, interpreters have been barred from the jail because they were wearing blouses that left their arms uncovered, a contingency not mentioned in the dress code.

"I've never seen a man barred because of clothing," added Knight.

She said the bra problem is particularly severe because it is so difficult to find one that does not have underwires.

"And, if you're a full-figured woman, it's very uncomfortable to wear a bra that doesn't have the extra support," she said.

If underwires were common in such clothing as, say, men's jockey shorts, contended attorney Churchill, "I don't think this would ever come up as an issue.

"I don't want to sound like I think it's an anti-female conspiracy, but I do feel that it's got to be upsetting, not only for lawyers and interpreters, but for family members trying to visit people in the jail, to be told you can't come in without taking off your bra."

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