

Jail visitor strip-searched; policy changed

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Sheriff's deputies at the Descanso Detention Facility are altering their screening procedures for visitors after a woman visiting her husband was strip-searched on Sept. 18.

Kelly Martinez was told that if she did not submit to the strip search, she would be arrested, taken to the Las Colinas women's jail and searched there.

More than 90 men and women have contacted The San Diego Union in the last six months to allege that they were beaten, stripped, chained or left naked in a jail cell by deputies. Martinez, however, is the first to contend she was strip-searched as a jail visitor.

Capt. Lewis Jones said he has told his deputies to let visitors suspected of carrying contraband leave if they do not want to submit to a strip search.

Jones said he reviewed the procedure after Martinez, 22, of Mira Mesa, was forced to submit to a strip search while visiting her husband, Johnny, a jail trusty.

Martinez was allowed into the jail for a "contact visit" with her husband. In a contact visit, visitor and inmate are allowed to physically touch one another.

Deputies had been tipped by an informant that she might be trying to smuggle drugs into the jail, he said.

No drugs were found, but she became "quite upset" after being strip-searched by two female deputies, Jones said. Jones said Martinez's mother also called the jail and "raised hell, and I had the feeling we were going to hear from them again, so I reviewed the procedure."

Jones said the search was legal because deputies had "probable cause" to suspect Martinez was carrying drugs.

"She signed the visitors form, which in effect, is permission to search if we want to," he said. "Normally, we do not (strip-search visitors.) It just is not good public relations."

Kelly Martinez, however, said the form she signed did not specifically state that she could be strip-searched. She also objected to the fact that she was not given the option of leaving rather than being searched.

"They just took me in this little room and told me to take my clothes off," Martinez said. "They told me if I did not take off my clothes they would arrest me and take me to Las Colinas and search me there."

Martinez said yesterday that she intends to hire a lawyer and "take this thing as far as it will go."

"That's the closest you can come to being raped," she said. "I don't care if he has changed the policy. That will not change what happened to me."

According to Jones, a "confidential, reliable informant" told deputies that Martinez would be carrying drugs into the jail on Sept. 18, when she visited her husband.

"We've had a lot of problems with narcotics coming in lately and we've developed informants," Jones said. "(One informant) told us this lady was going to bring in drugs. His information had proved reliable in the past and we had made arrests based on his information."

All prisoners who receive contact visits are strip-searched before being allowed back into the inmate population. Jones said that practice will continue.

According to Kelly Martinez, her husband is in jail because he had failed to report to his probation officer. His original offense was a robbery committed five years ago, she said. She said neither she nor her husband had a record of drug abuse.

Martinez's reference to the feeling of having been raped is a common one among women who believe they were unfairly strip-searched by deputies, according to Michael Crowley, an attorney who represents several men and women who say they were beaten, stripped, chained or left naked in jail cells after having been arrested.

One of Crowley's clients is Judy Hejduk, a Cardiff airline stewardess, who alleges she was stripped, chained, beaten and left naked in a jail cell at the Vista Detention Facility for more than eight hours. Hejduk contends her assailants were two female deputies.

She did not sue the county, but has taken her charges to the county grand jury and the FBI. Both are investigating alleged abuses and civil rights violations by deputies.

Kimberly Bryant, a computer saleswoman from La Costa; Colleen Mills, an unemployed dancer from San Diego; and Jennifer Ball, a saleswoman from Encinitas, all made the same comparison to rape.

Ball contends she was stripped and chained by deputies at Vista. She has filed a claim against the county. Mills also has filed a claim alleging she was strip-searched and beaten by three female deputies at Los Colinas.

Bryant has a lawsuit pending against the county over an incident at the Vista jail last year. She contends two female deputies stripped off her clothes, beat her and left her naked in a jail cell for an hour.

All the women were arrested on suspicion of drunken driving.

The women and their attorneys contend that stripping them was illegal, violated their constitutional right to privacy and violated state Penal Code 4030, which states that misdemeanor suspects cannot be strip-searched unless the offense for which they were arrested involved weapons, drugs or violence.

Sheriff John Duffy said last April in an interview with The San Diego Union that misdemeanor arrestees are often stripped of their clothes, but not searched. Duffy said the prisoners are stripped to protect them when they are very combative because they could harm themselves with their clothing.

Crowley said legal issues in the Martinez case would be different because she was suspected of carrying drugs.

Credit: Staff Writer

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Abstract (Document Summary)

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