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## **Federal Judge Rules County Jail Strip Searches Constitutional**

On August 24, 2015, Judge Colin Bruce of the federal Central District of Illinois found that the Kankakee County Sheriff's policy and practice of strip searching all detainees before they enter the general population at the jail, regardless of the crime for which they have been arrested and regardless of whether the detainee was arrested on a warrant, was reasonable and constitutional. This is "a huge victory for the entire Sheriff's Department and the jail system," explained Sheriff Timothy Bukowski. The Sheriff stated that "this ruling is of vital importance in order to protect the safety of all inmates and the correctional staff who work in the jail." The decision is expected to have wide-ranging effects in jails across the state. It is the first ruling on this issue since the U.S. Supreme Court upheld jail strip searches on new inmates arrested on a warrant in *Florence v. Bd. of Chosen Freeholders* in 2012.

The suit, *Fonder v. Sheriff of Kankakee, et al.*, was filed on behalf of a class of over 5,000 detainees who were arrested without a warrant and were visually strip searched before a judicial determination of probable cause at the county jail, Jerome Combs Detention Center (JCDC). The detainees alleged that their rights under the Fourth Amendment were violated because the strip searches were conducted pursuant to a blanket policy rather than individualized suspicion. The Sheriff contended that the policy and practice of strip searching all incoming detainees is necessary to ensure the security of the facility, to protect other inmates and correctional staff, to prevent contraband from entering the facility, and to inhibit the transmission of contagious diseases. These concerns cumulate when new detainees mingle with current inmates in the general population housing units, where contraband such as weapons or drugs or disease can be passed from inmate to inmate.

The Sheriff argued that these security and health concerns are the same regardless of whether the new detainee is arrested on a warrant or before a judicial determination of probable cause.

Federal Judge Bruce agreed with the Sheriff, stating that "a policy and practice requiring *all* new inmates to be strip searched before they enter general population is reasonable under the Fourth Amendment."

The case, *Fonder v. Sheriff of Kankakee, et al.*, No. 2:12-cv-02115 was filed in the Central District of Illinois in 2012. For further information, please contact Undersheriff Michael Downey.

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