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[Standpoint](#)

Rana Alexander, Esq., Exec. Dir.
612-343-9842
rana@standpointmn.org

[MN Coalition Against Sexual Assault](#)

Lindsay J. Brice, Esq., Law & Policy Dir.
651-802-1175
lbrice@mncasa.org

[MN Indian Women's Sexual Assault Coalition](#)

Nicole Matthews, Exec. Dir.
651-646-4800
nmatthews@miwsac.org

Minnesota, Wisconsin, and National Advocates Stand Against Government Sanctioned Sexual Violence

Non-consensual cavity searches: Amicus Brief Filing with the Supreme Court of the United States

Saint Paul, MN – Twelve organizations leading the fight against sexual violence filed a brief in support of a woman requesting that the Supreme Court of the United States review her case. After being detained for shoplifting, she was suspected of hiding drugs and subjected to a non-consensual body cavity search. Now, anti-sexual violence advocacy organizations call on the U.S. Supreme Court to grant review of her appeal and find that absent a warrant, probable cause, or exigent circumstances, non-consensual body cavity searches are a violation of a detainee's Fourth Amendment rights.

"A higher national standard can help protect people from this type of assault in Minnesota and across the nation," said Rana Alexander, executive director of Standpoint, Minnesota's premiere legal resource for domestic and sexual violence victims. "Our joint brief opposes these assaults under the guise of a search and believe the facts of this case show the continuing crisis of disproportionate attacks of this kind against Black, Indigenous, and people of color across our country."

This overt, physical act of sexual assault by the government forcibly overrode this woman's right to bodily autonomy. Further, this victim is Native American, whose community has experienced significant historical trauma in relation to sexual violence and government-sanctioned violence.

In response, anti-sexual violence advocacy organizations (in the form of an Amicus Curiae or Friend of the Court Brief*) call for a higher standard before a detainee can be subjected to a non-consensual body cavity search. Given the overrepresentation of Black, Indigenous, and people of color in jails and prisons, including Wisconsin, these state violations of bodily autonomy are disproportionately inflicted upon and cause harm to marginalized communities.

Said Nicole Matthews, Executive Director of the Minnesota Indian Women Sexual Assault Coalition, "Native women are the backbone of our communities, and the United States government has a federal trust responsibility to not only honor the sovereignty of our Nations but to honor the sovereignty of our life givers."

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*About the Amici Curiae: This is a group of 12 non-profit and educational organizations dedicated to the prevention of gender and sexual violence, the advancement of racial, gender, and reproductive justice, and support of and advocacy for Native American tribal members and communities. Katherine S. Barrett Wiik of Best & Flanagan LLP is counsel of record.

National Alliance to End Sexual Violence
Battered Women's Justice Project
Minnesota Coalition Against Sexual Assault
Minnesota Indian Women's Sexual Assault Coalition
Mending the Sacred Hoop
Gender Justice

National Indigenous Women's Resource Center, Inc.
Wisconsin Coalition Against Sexual Assault
Columbia Law School Sexuality and Gender Law Clinic
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