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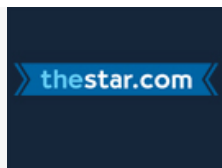
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# Underwire bra supports drunk driving defence

Article

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Betsy Powell and Jim Wilkes Staff Reporters

An underwire bra is at the centre of an impaired driving case after police asked a suspect to remove her lingerie over concerns it could be used as a "weapon."

Sang Eun Lee, of Richmond Hill, is asking an Ontario judge to dismiss an impaired driving charge against her after a York Regional Police constable ordered her to remove her bra.

Defence lawyer Leora Shemesh is arguing that Lee's rights against an unreasonable search or seizure were violated under Section 8 of Canada's Charter of Rights and Freedoms after she was arrested early Jan. 30, 2010.

Const. Jennifer Martin testified in Newmarket court Thursday that after she arrested Lee, 38, for suspected impairment, she conducted a pat-down search at the Richmond Hill police station



Sang Eun Lee, shown leaving the Newmarket Courthouse

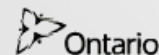
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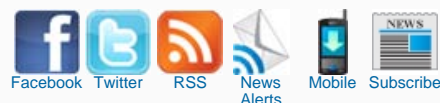
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and "could tell she was wearing an underwire bra."

Thursday, was asked to remove her bra after being arrested for drunk driving as police deemed the wiring could be used as a weapon.

LUCAS OLENIUK/TORONTO STAR

Martin, who was an acting sergeant that night, said that within her platoon there is an unwritten policy of asking women in custody to remove their bras if they have underwire support. She said she asked Lee to remove it — which Lee did after removing her coat and sweater, exposing her breasts. Martin then turned it over to her supervisor. The bra was returned to Lee before she was released.

In earlier testimony, Martin's supervisor said it was standard practice to have female officers require all accused women to remove underwire bras.

Martin testified she has heard of examples of "accused persons trying to kill themselves with their bras." The wire can also be removed and used to damage police holding cells and is a risk to officer safety, she said.

Other items, such as belts, are seized for similar reasons, she said. The pat-down search is conducted to search for evidence and ensure people in custody aren't hiding drugs, weapons or alcohol, she added.

Shemesh challenged Martin to "find one occurrence involving someone attempting to hang themselves with an underwire bra."

"I don't know specifically," Martin replied. "I know people have tried to hang themselves with their clothes."

The cells are fully monitored and videotaped, she said. Martin also testified that she would ask a woman to remove a bra — even a cotton garment — if she thought the straps were long enough to be used as a noose.

Ontario Court Justice Anne-Marie Hourigan asked Martin why she specifically directed Lee to remove the garment. Martin said it was a combination of Lee's emotional state — she was distraught during the booking procedure — and her allegedly impaired state.

Other Greater Toronto police services have no established policy for bras, but some say they'll seize anything — including women's undergarments — if an officer believes a prisoner might harm themselves.

In all cases, searches of female prisoners are done by female officers, they explained. "Officers are supposed to search for, among other things, anything that has the potential to be used as a weapon," said Sgt. Zahir Shah of Peel Regional Police.

"When a search is done, if an officer comes across something that, in his or her judgment, could be used as a weapon, it's seized." Shah said that could include an underwire bra, although Peel's policy doesn't specifically mention bras.

Dave Selby of Durham Regional Police Service said if police seize clothing from prisoners, they provide quilted smocks or coveralls to keep them warm.

"We do remove anything that we believe could be used to harm themselves," Selby said. "That includes belts, drawstrings, a brassiere, shoelaces — anything they could use to harm themselves, we take that away."

Conrad Black's wife Barbara Amiel ran afoul of regulations banning underwire bras at Florida's Federal Correctional Complex in Coleman, where the disgraced media baron served time for fraud and obstructing justice.

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England's *Independent* newspaper reported in 2008 that Amiel had to retreat to a parking lot to remove wires from her bra.

They quoted her as saying that after "twenty minutes of beaver-like gnawing, wires removed, I pass inspection."

The Newmarket case adjourned until June 1.

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