out an exception for those arrested for minor offenses.[349] Correctional officials had asserted significant penological interests to justify routine strip searches of new arrivals: detecting and preventing the introduction into the inmate population of infections, infestations, and contraband of all sorts; and identifying gang members. Having cited serious concerns and having applied their professional expertise, the officials had, in the Court's opinion, acted reasonably and not clearly overreacted. But despite taking a deferential approach and recounting the grave dangers correctional officers face, the Florence Court did not hold that individuals being processed for detention have no privacy rights at all. In separate concurrences, moreover, two members of the five-Justice majority held out the prospect of exceptions and refinements in future rulings on blanket strip search policies for new detainees.[350]

A legitimate interest in having safe and accurate booking procedures to identify persons being taken into custody was prominently cited by the Court in *Maryland v. King* to sustain taking DNA samples from those charged with serious crimes.[351] In the Court's opinion, tapping the "unmatched potential of DNA identification" facilitates knowing with certainty who the arrestee is, his criminal history and the danger he poses to others, his flight risk, and so on.[352] By comparison, the Court characterized an arrestee's expectation of privacy as diminished and the intrusion posed by a cheek swab as minimal.[353]

Searches of prison cells by prison administrators are not limited even by a reasonableness standard, the Court's having held that "the Fourth Amendment proscription against unreasonable searches

---

[349] 566 U.S. ___, No. 10–945, slip op. (2012). The Court upheld similarly invasive strip searches of all inmates following contact visits in Bell v. Wolfish. 441 U.S. 520, 558–60 (1979).

[350] 566 U.S. ___, No. 10–945, slip op. (2012) (Roberts, C.J., concurring); 566 U.S. ___, No. 10–945, slip op. (2012) (Alito, J., concurring). In the opinion of the dissenters, a strip search of the kind conducted in Florence is unconstitutional if given to an arriving detainee arrested for a minor offense not involving violence or drugs, absent a reasonable suspicion to believe that the new arrival possesses contraband. 566 U.S. ___, No. 10–945, slip op. (2012) (Breyer, J., dissenting).

[351] 569 U.S. ___, No. 12–207, slip op. (2013).

[352] 569 U.S. ___, No. 12–207, slip op. at 10–18, 23.

[353] 569 U.S. ___, No. 12–207, slip op. at 23–26. The four-Justice dissent insisted that the primary purpose of the DNA testing was investigative, not administrative, and that the testing could not be upheld as a search incident to arrest because it was not aimed at detection of contraband or weapons or of evidence relevant to the crime of arrest. 569 U.S. ___, No. 12–207, slip op. (Scalia, J., dissenting). Rather, the dissent regarded the testing as a general effort, without individualized suspicion, to see if the arrestee is connected to any unsolved crimes.