



Judge OKs inmate suit over routine strip searches

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PHILADELPHIA—Prisons cannot routinely strip search drunk drivers and other non-drug, non-violent arrestees without reason to think they are hiding contraband, a federal judge ruled in a potential class-action suit.

The ruling in Pennsylvania follows those in nine other federal circuits, although the 11th U.S. Circuit recently disagreed in a case involving a prison in Fulton County, Ga.

Senior U.S. District Judge Jan E. DuBois, though, rejected that court's reasoning and said in a 49-page opinion that plaintiffs strip searched at the Delaware County Prison can proceed with their suit against the Geo Group.

The Boca Raton, Fla.-based company, which operates dozens of prisons around the country, ran the nearly 1,900-bed Delaware County Prison until ending the contract last year.

Courts have typically noted the humiliation inherent in visual or bodily searches and rely on a 1979 U.S. Supreme Court case to balance the Fourth Amendment protection from search and seizure against a prison's need to maintain order.

Lead plaintiff Penny Allison was searched on each of 15 weekends she spent at the prison for a second drunken-driving offense, according to the suit, while plaintiff Zoran Hocesvar was arrested and searched for missing a court date in a domestic dispute.

"Conducting strip searches on persons who are not arrested for offenses associated with contraband, have never been arrested on any such charges, and who are not carrying any contraband at the time of the arrest bears 'no ... discernible relationship to security needs,'" DuBois wrote, citing an earlier federal case.

More than a decade ago, a group of women protesting a pigeon shoot were arrested and strip-searched in the Schuylkill County jail. The led U.S. District Judge Franklin Van Antwerpen to write in 1993: "The feelings of humiliation and degradation associated with being forced to expose one's nude body to strangers for visual inspection is beyond dispute."

Civil rights lawyer David Rudovsky, who represents the plaintiffs, and lawyer Carolyn Short, representing the Geo Group, did not immediately return messages Tuesday.

In the 1979 "Bell" case, the Supreme Court upheld blanket strip searches following contact visits but said that inmates nonetheless maintain some Fourth Amendment rights.

Numerous class-action suits have followed, including a case in Camden, N.J., that was settled in 2007 for \$7.5 million.

The Geo Group, previously known as Wackenhut Corrections Corp., relied in part on the Fulton County ruling in asking DuBois to dismiss the case. The judge issued his ruling March 25.

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The Geo Group: <http://www.thegeogroupinc.com>

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