

Oakland faces lawsuit over police strip - searches

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OAKLAND — Seven residents sued the city of Oakland Wednesday, claiming police officers improperly strip-searched them on city streets, humiliated them and violated their civil rights.

The federal suit, which asks for \$5 million and an end to the practice, brings the number to 15 who said they were illegally stopped and forced to remove their clothes by Oakland officers.

Attorney John Burriss, who filed the suit jointly with attorney Michael Haddad, said

he expects many more people to come forward and called the officers' conduct outrageous.

"This practice causes great psychological harm," Burriss said. "It's a form of street justice, designed to intimidate and humiliate people."

Erica Harrold, a spokeswoman for City Attorney John Russo, said the city had not yet been formally served with a copy of the lawsuit and could not comment until after attorneys reviewed the complaint. However, Harrold said the allegations were "very serious."

The Oakland Police Department is the only force with a written policy that allows officers to publicly strip-search suspects, Haddad said, calling the practice clearly unconstitutional and especially troubling because all but one of the plaintiffs is African American.

"It is intended to humiliate people, and it is happening routinely," Haddad said. "And it is not always done to find drugs or weapons."

Strip searches occur when an officer orders a person to remove or adjust clothing to permit a visual inspection of undergarments, breasts, buttocks or genitalia, according to the policy.

The department's regulations allow strip searches in public only when an officer has a reasonable belief the person being arrested is concealing a weapon or evidence, such as illegal drugs, that may be destroyed unless immediately recovered.

The policy also requires the officer to be of the same sex as the person being searched, to have no more physical contact than absolutely necessary, and to properly document the search.

In bold, the policy emphasizes the search must be conducted out of public view.

"Reasonable efforts must be made to provide as much privacy as possible given the circumstances," according to the policy.

The seven strip searches detailed by the lawsuit, which names Chief Wayne Tucker and five officers, occurred from October or November 2005 to January 2007.

The lead plaintiff, Jeffrie Miller, was walking with his sister along Telegraph Avenue near MacArthur Boulevard when he was stopped by officers. Miller, who was on parole, was arrested on an outstanding warrant.

After being patted down for weapons, Miller was handcuffed and placed in the back of the police cruiser parked

in the lot of a nearby fast food restaurant.

After making a sarcastic remark to the officers, Miller was taken out of the cruiser, and the hood of his sweat shirt was yanked over his head and his arms pulled upward, making it difficult for him to breathe. Bent over the hood of the cruiser by the officers, Miller's pants and boxer shorts were pulled down to his ankles. Nothing illegal was found, according to the suit.

Miller served about half of a one-year sentence for violating his parole.

The other plaintiffs recount similar incidents, with at least one alleging that officers planted drugs to justify the strip search and several claiming that officers touched their buttocks and genitalia.

Several of the strip searches detailed in the lawsuit, all in East and West Oakland, were witnessed by passers-by, and in one case by the family of the person being arrested.

The department's search-and-seizure policy was revised in May 2004 after several complaints about public strip searches were made to the Citizens Police Review Board and the Internal Affairs Division.

The independent monitoring team keeping tabs on the progress of reforms prompted by the "Riders" police misconduct scandal praised the department for identifying the problem, but expressed concern the searches were being conducted in full view of passers-by and sometimes family members.

Burris said the revisions were clearly not sufficient to prevent the abuses detailed by the plaintiffs.

Burris and Haddad filed the first suits involving public strip searches about 18 months ago, and they expect all of the cases to be combined. Burris said he anticipated asking for class action status to cover all of the people illegally strip-searched by Oakland officers.

In a separate case, three juveniles this week filed a federal lawsuit against Alameda County, claiming they were illegally strip-searched while being held on minor charges at juvenile hall in San Leandro.

Earlier this month, hundreds of people lined up at the county hall of administration after the county board of supervisors approved a \$6.2 million settlement of a class action lawsuit alleging illegal strip searches at Santa Rita county jail in Dublin. That settlement must still be approved by a federal judge.