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Woman sues Olympia jail, 3 corrections officers

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OLYMPIA - A woman has sued the Olympia City Jail and three corrections officers there, alleging that she was illegally strip-searched at the jail and shot with a Taser when she refused to disrobe after her 2008 arrest on suspicion of misdemeanor trespassing.

The city admits in its answer to the suit that its investigation found that the officers violated the woman's civil rights and that the strip search was illegal.

The suit is set to go to trial in October in U.S. District Court in Tacoma. The city's attorney, Donald Law, declined to comment on the city's answer to the lawsuit.

According to the suit:

Cynthia Brown was taken to the jail Aug. 19, 2008, after she was arrested. The misdemeanor-trespassing charge later was dismissed.

While she was being taken from her cell to another room, a male corrections officer ordered her to remove her clothing. The city says she was ordered to disrobe "down to her underwear."

"This command was manifestly illegal under Washington law in that there was no warrant and no reasonable suspicion or probable cause to conduct the search," the lawsuit states. "In addition, the search was manifestly illegal in that it constituted an opposite-sex strip search, which is strictly prohibited under Washington law."

Brown asked that she be allowed to disrobe in front of a female officer. The defendants, identified in the suit as James Roberson Sr., James Roberson Jr. and Michael Renard, refused Brown's requests. Both Robersons still work at the jail. Renard, who was a corrections cadet at the time of the arrest, no longer works there.

The city admits Brown's request was refused but states that "she was to take off her clothes in front of only one officer."

Also according to the lawsuit:

One of the defendants then told someone else to get a Taser. One of the officers threatened to use it on Brown if she didn't remove her clothes; she continued to say she would undress only in front of a female officer.

One of the officers then fired the Taser, which struck her in the chest. She eventually removed her clothes.

Brown's attorney, Edwin Budge of Seattle, said he hopes the lawsuit ensures that no one else is subjected to such treatment.

"We think that it's very important that Ms. Brown's civil rights be honored and that a strong message be sent that this type of action is totally inappropriate and uncalled for," he said.

The city's answer to the lawsuit does not contradict Brown's version of events.

The city's response to the suit says that the officers were entitled to "qualified immunity," a legal doctrine that absolves defendants of liability in lawsuits when they are acting in their professional capacity as municipal employees.

Brown's suit is not the first claiming women at the jail have been subjected to illegal strip searches. In September 2009, three women who were arrested during protests at the Port of Olympia against the Iraq War in November 2007 filed a suit alleging they were told to undress to their underwear during searches at the city jail, exposing their breasts to men there.

That federal civil-rights lawsuit, filed by Bellingham attorney Larry Hildes, is pending. Hildes could not be reached for comment Friday.

The Fourth Amendment protects citizens from "unreasonable searches and seizures." State law holds that no one may be strip-searched without a warrant unless "there is a reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other thing concealed on the body of the person to be searched." Also, no one is allowed to observe a strip search unless it is necessary to ensure safety, or if the offender asks for a person to be there.

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