

## E.R.: Medical Emergency Justifies Body Cavity Search, Urinary Catheterization.

The US District Court for the District of Arizona dismissed a civil rights lawsuit filed against the local police department and a local hospital where an individual was taken for medical evaluation following her arrest on an outstanding warrant.

After using the restroom by herself at the police station the subject announced that she wanted to kill herself and had just taken a large dose of Valium in the bathroom and had more Valium in her vagina. The officers took her to the nurse in the jail, who insisted she be taken to a hospital.

### **Existence of Medical Emergency Documented in Hospital Records**

A nurse who was on duty in the emergency room that night was able to reconstruct events from his own recollections and from the patient's chart.

The patient told the emergency room staff she was suicidal, had just taken a large dose of Valium and had more Valium pills concealed inside her vagina.

A note was penned in her chart expressly stating that, "removal of vaginal Valium considered emergent."

### **Examination Conducted In Medically-Reasonable Manner**

The patient was escorted to a private examination room and asked for a urine sample which she could or would not give. A physician did a pelvic exam and catheterized her for a urine sample without resistance from the patient.

A female police officer stood by during the exam. Having assaulted an officer while trying to run away from the police station earlier that evening, the patient was considered a security and flight risk.

The officer, however, just stood by and did not request that the medical staff search the patient for contraband as part of a criminal investigation or tell the medical staff how to do their job.

Hospital medical personnel documented their judgment that a medical emergency existed and carried through with a wholly appropriate response. **Rogers v. Phoenix Police Dept., 2008 WL 5156092 (D. Ariz., December 9, 2008).**

***Hospital staff were justified in believing a medical emergency existed.***

***The patient told the nurse at the county jail she had just taken Valium to try to kill herself and had forty more Valium pills concealed in her vagina.***

***The jail nurse had no choice but to have her transported to the hospital for medical clearance.***

***At the hospital the physician determined that to treat the suicidal patient, who did appear to be under the influence of drugs, it was medically necessary immediately to conduct a body-cavity search and to obtain a urine sample for toxicology.***

***The patient was taken to a private examination cubicle in the emergency department and her vagina was examined by a physician with a female police officer there to prevent an escape.***

***No drugs or other contraband was found.***

***The patient would not or could not give a urine sample, so one was obtained by catheterization.***

***The sample proved positive for Valium and methamphetamine.***

UNITED STATES DISTRICT COURT  
ARIZONA  
December 9, 2008