

Civil Rights: Suspect's Body Searched In E.R., Hospital Settles.

The police stopped an individual on the street, patted him down, looked in his mouth and searched his backpack. Finding nothing, they took him to the station for a strip-search, then to a local hospital E.R.

At the hospital he expressly refused to consent to treatment. Nevertheless he was placed under sedation and his rectum was examined manually and with a camera scope. Then he was forced to vomit up the contents of his stomach. His blood and urine were taken for tox screens and x-rays and CT scans were obtained. No drugs or evidence that he was under the influence of drugs or alcohol was found.

Charges of resisting arrest were later dismissed by a local magistrate.

The police who brought the suspect to the E.R. encouraged the E.R. medical and nursing staff to perform invasive procedures, under the guise of medical treatment, effectively deputizing them as law enforcement officers searching for evidence of drugs and alcohol.

UNITED STATES DISTRICT COURT
NEW YORK
July 17, 2009

The hospital paid \$60,000 and the police department paid another \$65,000 to settle the individual's civil rights lawsuit filed in the US District Court for the Northern District of New York.

The individual reportedly showed no signs of a medical emergency which would have justified the E.R. staff going ahead against his expressed refusal of consent. The medical staff were basically using a non-existent medical rationale to conduct an illegal search to try to turn up evidence of drug possession or intoxication for the benefit of the police officers who wanted to arrest him. **Clement v. County of Albany**, 2009 WL 3863119 (N.D.N.Y., July 17, 2009).