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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

RILEY HINDS, both individually and on behalf of a class of others similarly situated, Plaintiffs, v. **MULTNOMAH COUNTY, BERNIE GIUSTO,** both individually and in his official capacity as Sheriff, Defendants.	Civil Case No: CV 07-1677-PK DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT Fed. R. Civ. P. 56

Pursuant to Fed. R. Civ. P. 56, defendants Multnomah County and Sheriff Bernie Giusto move this court for summary judgment against plaintiffs' complaint.

Plaintiffs Riley Hinds, Sandra Silvia, Alan Hakimoglu, Thomas McCallum, Amy Munson, and Michael McMullin allege that in 2006 they each were processed into the Multnomah County Detention Center ("MCDC"), and as part of the process, they were subjected to a strip search. (Amended Complaint, ¶¶ 2b, 30-63). Plaintiffs contend that the strip searches

were unconstitutional because they were performed pursuant to a "written and/or *de facto* policy" of performing strip searches on all inmates admitted to MCDC. (Amended Complaint, ¶¶ 22, 25, 27, 28, 29). As a result, plaintiffs seek compensatory and punitive damages, in addition to declaratory and injunctive relief.

Defendants Multnomah County and Sheriff Bernie Giusto now move pursuant to Fed. R. Civ. P. 56 for summary judgment against plaintiffs' claims in their entirety. Summary judgment should be granted because contrary to plaintiffs' assertions, Multnomah County does not have either a written or a *de facto* policy of performing strip searches on all individuals who enter MCDC. In the absence of such a blanket policy, plaintiffs' claims must fail as a matter of law. Consequently, defendants are entitled to summary judgment.

A. Standard of Review

Summary judgment "shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56 (c). "[T]he mere existence of some alleged factual dispute between the parties will not defeat an otherwise properly supported motion for summary judgment." *Anderson v. Liberty Lobby, Inc*, 477 U.S. 242, 248 (1986).

At summary judgment, the court's function is not to make credibility determinations or to weigh conflicting evidence. *T.W. Elec. Service, Inc v. Pacific Elec. Contractors, Ass'n,* 809 F.2d 626, 630 (9th Cir. 1987). The court must view the facts in a light most favorable to the nonmoving party. *Id.* However, if the moving party "meets its initial burden of showing 'the absence of material fact,' the burden then moves to the opposing party, who must present

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significant and probative evidence tending to support its claim or defense." *Intel Corp. v. Hartford Acc. & Indem. Co.,* 952 F.2d 1551, 1558 (9th Cir. 1991) *(quoting Richards v. Neilson Freight Lines*, 810 F.2d 898, 902 (9th Cir. 1987). If the non-moving party fails to make this showing, the moving party is entitled to a judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986).

I. Plaintiffs' Complaint

Plaintiffs bring this action pursuant to 42 U.S.C. § 1983.[1] Plaintiffs claim that Multnomah County and Sheriff Giusto[2] have "instituted a written and/or *de facto* policy, custom or practice of strip searching all individuals who enter the custody of the Multnomah County Jail . . . and are placed into jail clothing, regardless of the nature of their charged crime and without the presence of reasonable suspicion to believe that the individual was concealing a weapon or contraband." (Amended Complaint, ¶ 23). Plaintiffs bring their claims under the Fourth Amendment of the United States Constitution. (*Id.* at ¶ 22). Plaintiffs caption their Complaint as a class action claim brought pursuant to Fed. R. Civ. P. 23. However, no class has been certified.

As set forth below, plaintiffs either misconstrue or grossly mischaracterize the Multnomah County Sheriff's Office's policy relative to strip searches at MCDC. Multnomah

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[1] 42 U.S.C. § 1983 states, in relevant part:

"Every person who, under color of any statute, or dinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisd iction thereof to the de privation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . . . "

[2] Defendant Bernie Giusto no longer is Sheriff of Multnomah County. The current Sheriff is Bob Skipper. Pursuant to Fed. R. Civ. P 235(d), the public officer's successor is "automat ically substituted as a party."

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County does not have a blanket and/or *de facto* strip search policy. Consequently, the County's strip search policy survives plaintiffs' constitutional challenge.

A. Multnomah County Sheriff's Office's Strip Search Policy

Multnomah County, through the Multnomah County Sheriff's Office ("MCSO"), operates the following detention facilities: the Multnomah County Detention Center (MCDC), located in downtown Portland; Inverness Jail (IJ), located in Northeast Portland; and the Multnomah County Courthouse Jail (MCHJ), located on the 7th floor of the County Courthouse. The County also owns the Wapato Jail in North Portland, which currently is not operational. (Declaration of Ron Bishop, ¶ 3). During 2007, the Multnomah County Sheriff's Office processed approximately 40,000 inmates through the County's detention facilities. (Declaration of Ron Bishop, ¶ 4). All bookings and releases take place at MCDC, which is the County's maximum security, short-term incarceration facility. *Id.* All individuals booked at MCDC are subjected to a pat-down search at the booking counter. *Id.*

The Sheriff's Office has established written policies concerning strip searches and cavity searches of inmates at the County's custodial facilities. (Declaration of Ron Bishop, ¶ 5; Declaration of Andrew Brosh, ¶ 4; Exhibits 101, 102, and 103). The objective of the strip search policy is to detect and intercept the introduction of contraband into the jail facility. (Declaration of Ron Bishop, ¶ 5; Declaration of Andrew Brosh, ¶ 5). Such contraband usually includes weapons, narcotics, tobacco, and cigarettes. *Id.* Preventing the introduction of contraband is necessary to maintain institutional order and security, and to protect jail personnel and the inmate population. *Id.*

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The introduction of weapons, drugs and other contraband into MCDC presents a serious threat to the orderly operation of the facility and the safety of inmates and jail personnel. (Declaration of Andrew Brosh, ¶ 6). Often, it is just the mere presence of the contraband within the facility, not its actual use, that causes a disruption and presents a serious risk to the security of the facility. *Id.* Contraband is sought after, bartered for, and its mere presence can lead to violence among the jail population. *Id.*

Not all inmates booked and processed into MCDC are subjected to a strip search. (Declaration of Ron Bishop, ¶ 5; Declaration of Andrew Brosh, ¶ 14). Consequently, despite the effective implementation of the MCSO's strip search policy, contraband continues to make its way into the facility. *Id.* The ability to perform strip searches on those inmates that meet the reasonable suspicions standards set forth in the MCSO policy is imperative to detect and eliminate the transport of drugs, weapons and contraband into the jail environment and to maintain the safety and security of the jail facility, its staff, and the general inmate population. *Id.*

The Sheriff's Office has implemented a series of policies and procedures for the booking, intake, and searching of arrestees and inmates at each of the County's custodial facilities, including MCDC. *Id.* Included within those policies is a detailed procedure for performing strip searches and body cavity searches on inmates. (Exhibits 101 and 102). Those policies and procedures were in existence in 2006, when plaintiffs were processed into MCDC. *Id*.

The County's strip search policy is set forth in sections CD 07.109.10 *et seq*. and DC 12.100.040 *et seq*. of the Multnomah County Sheriff's Office Corrections Division Operations

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Manual.[3] (Exhibits 101 and 102). The purpose of the Sheriff's search policy is to "prevent the introduction or possession of contraband into a Facility, to ensure the safety and security of staff, inmates, the public and the Facility." (CD07.109.020; Ex 101). Under the policy, a strip search is defined as "[t]he visual inspection of a nude person to detect contraband or medical conditions. It includes a visual exam of all body cavities, including genitals and anus. The person is not touched in any manner during the search unless it is a forced search." (CD 07.109.040; Exhibit 101).

The policy also distinguishes between an arrestee and an inmate. An inmate is defined as a person "who has been lodged in the jail for arraignment, trial or transfer. A person arriving on a transport for lodging in the jail. A person serving a sentence while in custody of the Sheriff." (CD 07.109.040; Exhibit 102, p 2). An "arrestee," by contrast, is defined a "person who has just entered a Multnomah County Sheriff's Office Corrections Facility for booking. The person has reasonable pretrial release options still available." *Id.*

The sheriff's policy applicable to strip searches was amended on May 28, 2003 by adoption of Special Order 03-25. (Exhibit 102). Pursuant to that amended policy, inmates are subject to strip searches in a number of particular situations.

> "CD07.109.053 Inmate/Arrestee Strip-Searches shall be conducted in a professional manner, so as not to harass the inmate, under the following conditions:
>
> 1. During the initial booking process if there is reasonable suspicion the arrestee or inmate is or may be carrying or concealing contraband;
>
> 2. When there is a determination of reasonable suspicion between the booking process and the dress-in process based on the criteria outlined in DC12.100.111;

[3] The MCSO's strip search policy has been revised through adoption of Special Orders 03-08, 03-25, and 04-08. Those special orders are included in Ex 102.

Multnomah County Attorneys
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3. During the dress-in process if there is reasonable suspicion the arrestee or inmate is or may be carrying or concealing contraband, using drugs, is concealing a medical problem that may need treatment, or has been taken into custody for a probation or parole violation;

4. When entering the facility from a transport from another correctional or detention facility;

5. When entering the facility from an outside appointment and/or overnight hospital stay;

6. When returning to the facility from a pass;

7. When reporting to serve a sentence;

8. When being held in-transit for another law enforcement or correctional agency;

9. When returning from temporary custody with an outside agency;

10. After a contact visit;

11. Before returning to a housing area when assigned as an inmate worker;

12. At random if the inmate is performing inmate worker responsibilities;

13. Upon entering Disciplinary Segregation, unless the inmate has been strip-searched before the move and has not been out of the sight of the Escorting Deputies."

(Exhibit 102, pp 4-5).

A strip search may also be performed based on the corrections officer's reasonable suspicion. (Declaration of Ron Bishop). Pursuant to policy, a strip search may take place during the "initial booking process if there is reasonable suspicion the arrestee or inmate is or may be carrying or concealing contraband," or when there is a "determination of reasonable suspicion between the booking process and the dress-in process based on the criteria outlined in DC 12.100.111." (CD07.109.053(1), (2); Exhibit 102, p 4). The strip search policy was further amended on May 29, 2003, by adoption of Special Order 03-08, which is attached as Ex 101, and provides:

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"Deputies may assume reasonable suspicion based on the following criteria to include information provided by the Classification Unit and or the Deputies['] observations of arrestee.

1. Current arrest for drug offense(s), violent felony/misdemeanor offense(s), or use of weapons felony charge;

2. History of drug offenses, violent offenses or use of weapons felony crime arrests;

3. History of escape;

4. History of arrests of either charges that indicate a significant probability that the arrestee would possess or traffic in contraband;

5. The odor of alcohol, drugs, or chemicals;

6. When the criminal history cannot be established because the arrestee refuses to reveal their identity."

(DC12.100.111; Exhibit 101, p 4).[4]

Over the course of the years in which the policies have been implemented, the Sheriff's Office has observed that the visual strip searches are effective both in detecting contraband and weapons, and in deterring inmates from bringing contraband and weapons into the jail. (Declaration of Ron Bishop, ¶ 11; Declaration of Andrew Brosh, ¶ 15). The strip search is successful because it reveals items that are not identified with the standard pat-down search. (Declaration of Andrew Brosh, ¶ 15). The ability to perform strip searches on those detainees who meet the reasonable suspicions standards set forth in the MCSO policies is imperative to maintaining the safety and security of the jail facility, its staff, and the general inmate population. (Declaration of Ron Bishop, ¶ 12; Declaration of Andrew Brosh, ¶ 14). Despite these policies, however, contraband continues to make its way into the secure jail facility. (Declaration of

[4] The strip search policy was further amended on March 22, 2004 by Special Order 04-08. That amendment concerned the manner in which the searches were performed.

Multnomah County Attorneys
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Andrew Brosh, ¶ 14). Overall, the MCSO strip search policy successfully fulfills the safety and security objections for the jail facility, either through active detection and interception, or as a deterrent, with the least amount of inconvenience or affront to the inmate. (Declaration of Andrew Brosh, ¶ 16).

B. Multnomah County's strip search policies are constitutional.

The Fourth Amendment of the United States Constitution provides that the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." This right has been applied to prisoners; however, the "reasonableness of a particular search is determined by reference to the prison context." *Michenfelder v. Sumner*, 860 F.2d 328, 332 (9th Cir. 1988).

In *Bell v. Wolfish*, 441 US 520, 561, 60 LEd2d 447, 99 SCt 1861 (1979), the Supreme Court considered for the first time the constitutionality of a jail's strip search policy under the Fourth Amendment. Specifically, the court considered whether a jail's blanket policy of performing strip searches after a pretrial detainee had a contact visits was constitutional.

The court initially noted that "a detention facility is a unique place fraught with serious security dangers" where the "[s]muggling of money, drugs, weapons, and other contraband is all too common an occurrence." *Bell,* 441 U.S. at 559. Accordingly, the Court extended "wide-ranging" deference to the decision making of jail officials, especially on matters concerning "the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security." *Id.* at 547, 559.

In upholding the jail's policy as constitutional, the Court cautioned that the "test for reasonableness under the Fourth Amendment is not capable of precise definition or mechanical

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application." *Bell*, at 559. The Court established a test that requires "a balancing of the need for the particular search against the invasion of personal rights that the search entails. Courts must consider the scope of the particular intrusion, the manner in which it is conducted, the justification for initiating it, and the place in which it is conducted." *Id.* at 558. [5]

The Ninth Circuit has since applied the balancing test set forth in *Bell v. Wolfish* to a number of cases. In *Giles v. Ackerman*, 746 F.2d 614 (9th Cir. 1984), *cert denied*, 471 U.S. 1053 (1985), the court considered the constitutionality of a county jail's policy of strip searching persons booked into the county jail on minor traffic offenses. In assessing the county's strip search policy, the court balanced "the security needs of local jail facilities against the private interests of arrestees charged with minor offenses." *Giles*, 746 F.2d at 617.

The court, in concluding that the blanket strip search policy was unconstitutional, stated, "we hold that arrestees charged with minor offenses may be subject to a strip search only if jail officials possess a reasonable suspicion that the individual arrestee is carrying or concealing contraband." *Id*. The court did provide guidance, however, in identifying factors sufficient to establish reasonable suspicion. "Reasonable suspicion may be based on such factors as the nature of the offense, the arrestee's appearance and conduct, and the prior arrest record." *Id*. at 618.

Later, in *Kennedy v. Los Angeles Police Dept*., 901 F.2d 702, 713 (9th Cir. 1990),[6] the court considered the Los Angeles Police Department's blanket policy requiring all those arrested on suspicion of having committed a felony to be subject to a strip search. The plaintiff in

[5] Conversely, in *Turner v. Safley*, 482 US 78, 89 (1987), the Supreme Court employed a different test, holding that "when a prison regulation impinges on inmates' constitutional rights, the regulation is valid if it is reasonably related to legitimate penological interest."

[6] *Reversed on other grounds by Act Up!/Portland v. Bagley*, 971 F.2d 298 (9th Cir 1992).

Multnomah County Attorneys
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Kennedy was arrested on a grand theft felony charge for withholding her roommate's personal property items as collateral for unpaid rent.

The court held that the department's blanket policy of strip searching all felony arrestees violated the Fourth Amendment. Significantly, the court found that the non-violent nature of the felony charge did not constitute reasonable suspicion for the search. Moreover, the Department's strip search policies under review were particularly intrusive.[7] The court continued by noting that the strip search of a felony arrestee for contraband or weapons may still be justified based on a "reasonable suspicion" standard.[8] *Id*. at 715.

The inmate's status within the custodial facility may also determine the precise parameters of the search. The courts have "consistently recognized a distinction between detainees awaiting bail and those entering the jail population when evaluating the necessity of a strip search under constitutional standards." *See Cottrell v. Kaysville City, Utah*, 994 F.2d 730, 735 (10th Cir. 1993); *Fuller v. MG Jewelry*, 950 F.2d 1437, 1448 (9th Cir. 1991); *Logan v. Shealy*, 660 F.2d 1007, 1013 (4th Cir. 1981). For example, courts have upheld blanket strip search policies in prison settings. *See Michefelder v. Sumner*, 860 F.2d 328 (9th Cir. 1988)(holding that frequent routine strip searches in maximum security unit were constitutional); *Rickman v. Avaniti*, 854 F.2d 327 (9th Cir. 1988)(holding that prison's blanket policy strip search with visual body cavity inspection was constitutional); *Thompson v. Souza*, 111 F.3d 694 (9th Cir. 1997)(holding that unannounced visual body cavity strip search based on drug disciplinary

[7] The Department's policy was essentially a perfunctory body-cavity search of all felony arrestees. *Kennedy*, 901 F.2d at 711.
[8] Interestingly, the court in *Kennedy* cited to *Turner v. Safley*, 482 US 78, 89 (1987), and implicitly endorsed the *Turner* court's holding that the strip search policy must be "reasonably related to the penal institution's interest in maintaining security." *Kennedy,* at 713.

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history was constitutional). Accordingly, the status of the individual subjected to the search is yet another aspect of the reasonable suspicion analysis.

The reasonableness of the strip search is further based on the manner and place in which it is conducted, and the justifications for initiating it. *Bell*, 441 US at 559. The courts have held that the scope of a strip search is "frightening and humiliating" despite "all due courtesy." *Way*, 445 F.3d at 1160, *quoting Giles v. Ackerman*, 746 F.2d 614, 617 (9th Cir. 1984). The Multnomah County Sheriff's Office is cognizant of the intrusive nature of the strip search. To accommodate those concerns, the County's policy directs that all strip searches take place in a private area at MCDC, in a separate stalled area.[9] In the present case, plaintiffs take no issue with the manner in which the strip searches were performed.

Under *Bell*, the final inquiry is whether the intrusion was justified. The reasonableness of a particular search is determined by legitimate government interests such as "maintaining jail security, and effective management of [the] detention facility." *Jones v. Blanas*, 393 F.3d 918, 933 (9th Cir. 2004). In the present case, plaintiffs claim that they were each charged with misdemeanor or minor crimes, and that those charges do not support the level of reasonable suspicion required to perform the strip search. The gravamen of plaintiffs' claim, however, is that the County has "a written and/or *de facto* policy, custom or practice of strip searching all individuals who enter the custody of the Multnomah County Jail . . . regardless of the nature of the charged crime." (Amended Complaint, ¶ 23). Plaintiffs' blanket-policy claim obviates the need to evaluate each claim on a case-by case basis. Accordingly, the particularized facts unique

[9] The portion of the policy pertaining to the manner the search is performed was amended in March 22, 2004 by Special Order 04-08. (Ex 102).

Multnomah County Attorneys
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to each plaintiff and the County's resultant justification for conducting the strip search are not at issue.

Plaintiffs were not subjected to a strip search based on a blanket written or *de facto* policy. To the contrary, the County's strip search policy is tailored to undertake strip searches only in those situations when the deputies are presented with facts or circumstances – either historical or present – in which the arrestee or inmate presents with risk factors that may result in the introduction of weapons or contraband in the secure jail facility. Those facts, considered collectively or standing alone, constitute the individualized level of reasonable suspicion to justify the strip search of the particular individual.

A search based on an individualized suspicion will pass constitutional muster if it is based on an objectively reasonable belief that the particular inmate is carrying or concealing contraband or weapons. *Fuller v. M.G. Jewelry*, 950 F.2d 1437, 1447 (9th Cir. 1991). Reasonable suspicion may be based on a number of factors, such as the nature of the offense, the arrestee's appearance and conduct, *and any prior arrest or criminal records*. *Giles v. Ackerman*, 746 F.2d at 615 (emphasis added).

The County's strip search policy includes the factors that amount to reasonable suspicion. The enumerated bases to justify a strip search are factors that are incorporated in the County's strip search policies. These factors further a legitimate security interest, and weigh heavily in favor of protecting the jail facility, its inmates, and staff from the perils associated with the introduction of contraband and weapons. "Reasonableness under the Fourth Amendment must afford police the right to strip search arrestees whose offenses posed the very threat of violence by weapons or contraband drugs that they must curtail in prison." *Watt v. City of Richardson*

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Police Dept, 849F.2d 195, 198 (5th Cir. 1988). The County's policy is reasonable. Moreover, consistent with the Supreme Court's direction in *Bell*, deference should be given to law enforcement authorities when construing the strip search policies. *See also Block v. Rutherford*, 468 US 576, 584 (1984)(prison officials are to be afforded wide-ranging deference in adoption and exercise of policies to preserve internal order).

The Ninth Circuit's ruling in *Way v. County of Ventura*, 445 F.3d 1157 (9th Cir. 2006), does not alter the analysis or the outcome of the present case. In *Way*, the Ninth Circuit held that the strip search of a pre-trial detainee on a misdemeanor drug charge of visible intoxication was unconstitutional. The search was performed pursuant to the County's blanket policy of performing searches of all persons arrested on fresh misdemeanor drug charges.

Way is distinguishable and does not control the disposition of the present case. First, the strip search in *Way* was performed during the booking process on an arrestee facing a misdemeanor charge of visible intoxication. The court found that there existed no facts to support reasonable suspicion. Moreover, the arrestee was not processed and admitted into the general jail population. Rather, she was booked and then released. *See also Giles v. Ackerman*, 746 F.2d 614, 615 (9th Cir. 1984)(suspicionless search during booking of individual arrested on minor traffic offenses violated Fourth Amendment). Lastly, the court concluded that the policy failed to be linked in any way to legitimate security concerns. *Way*, 45 F.3d at 1161.

Recently, the Ninth Circuit ruled that a blanket policy of performing strip searches of all inmates classified into the general jail population was unconstitutional. *Bull v. City and County of San Francisco*, 2008 U.S. App LEXIS 18026 (August 22, 2008). The court's holding in *Bull,* however, does not alter the analysis or the outcome of the present case. Specifically, the policy

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at issue in *Bull* was described by the court as a "blanket policy of strip searching all individuals who were classified for housing in the general jail population, regardless of the crime for which they were charged." *Id*. at 4. The court's decision in *Bull* is perhaps the Ninth Circuit's most far-reaching ruling pertaining to strip searches. As in most strip search cases, however, its holding is based on "case-specific circumstances." *Id*. at 17.

In the present case, as discussed above, no such blanket policy of performing strip searches exists. Strip searches are performed based on individualized and case-specific factors set forth in the MCSO's policies. Moreover, the MCSO's policies are designed to ensure the safe and orderly operation of the facility and protect inmates and jail staff from the disruptions that occur by the introduction into the jail of contraband or weapons. The Ninth Circuit has "acknowledged the difficult security problems present in some local jail facilities," and in deference has recognized that the court is "not free to substitute our views on proper jail administration for that of the jails' actual administrators." *Giles*, 746 F.2d at 617 (*citing Block v. Rutherford*, 468 U.S. 576 (1984). The MCSO's policy of performing strip searches based on the exacting criteria enumerated by the courts does not violate the Fourth Amendment.

Because Multnomah County does not have a written or *de facto* blanket strip search policy, plaintiffs cannot meet their burden necessary to survive summary judgment. Accordingly, defendants are entitled to a judgment as a matter of law. Consequently, the court does not need to consider the issue of qualified immunity or any claims brought pursuant to *Monell v. Dep't of Social Services*, 436 US 658, 98 SCt 2018, 56 LEd 2d 611 (1978). *Aguilera v. Baca*, 510 F.3d 1161, 1167 (9th Cir. 2007).

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The MCSO policy speaks for itself. No genuine issue of material fact is in dispute. Accordingly, defendants Multnomah County and Sheriff Giusto are entitled to a judgment as a matter of law.

CONCLUSION

For the foregoing reasons, defendants Multnomah County and Sheriff Giusto respectfully request that this Court grant Summary Judgment in defendants' favor, and that plaintiffs' complaint be dismissed with prejudice.

DATED this 3rd day of September, 2008.

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CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2008, I served the foregoing **DEFENDANTS' MEMORANDUM IN SUPPORT OF SUMMARY JUDGMENT** on:

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by the following method or methods as indicated:

(X) by **Electronic Court Filing** (LR 100).

s/ Nora McConnell

_____ _____

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