

## \$5 Million Jury Award in Strip-Search Case

### Class-Action Suit Over a 10-Month Policy May Cost the City More

By BENJAMIN WEISER

A Federal jury has ordered New York City to pay \$5 million to a woman who was strip-searched by jail guards, a verdict that could have broad financial ramifications for the city as it faces a class-action lawsuit filed on behalf of 63,000 people who say they were illegally strip-searched.

It was the first decision against the city for its policy of strip-searching all people arrested and arraigned on minor charges in Manhattan and Queens over a period of about 10 months in 1996 and 1997.

The City Department of Correction said at the time that it adopted the policy "for security purposes," even though a Federal appeals court had ruled in 1986 that the Fourth Amendment precluded strip-searches of people charged with misdemeanors or other minor offenses unless there was a reasonable suspicion that weapons or contraband was being concealed.

The verdict, which the city will appeal, was returned on Thursday in Federal District Court in Manhattan. It granted a smaller compensatory

award of \$19,600 to cover the woman's pain and suffering as well as her medical expenses, in addition to its award of \$5 million in punitive damages, city officials said yesterday.

The verdict, along with a recent settlement in which the city agreed to pay \$25,000 each to four Fordham University students who were strip-searched by the police, suggests that the city may be facing a staggering bill in as it attempts to resolve yet another case: the class-action lawsuit filed on behalf of about 63,000 people who claim they were illegally strip-searched during the time that the policy was in force.

While the city has not conceded any liability, it acknowledged in court papers that the strip-searches were conducted by jail guards who had never been told of any legal requirements of reasonable suspicion of hidden objects.

A senior city official said last night that the Giuliani administration was negotiating with lawyers for the class-action suit in hopes of resolving the matter before trial.

The class action, said Michael D. Hess, the Corporation Counsel for the

city, "is a very serious case, and we're attempting to address the issues in a way that is fair to the class as well as to the city."

"The money can't come from the sky," he added. "It would come from the taxpayers. There are multiple concerns that our office has to address."

Richard D. Emery and Matthew D. Brinckerhoff, the lawyers handling the class-action lawsuit, said that even if the punitive damages award is overturned, the compensatory verdict would be a useful gauge of what a jury might award in their case.

"We believe that the city is going to be constructive in their approach to settling this case," Mr. Emery said, citing what he called "the extreme nature of the jury's reaction, which demonstrates the city's exposure for its cavalier attitude" in adopting the strip-search policy.

The city had argued that the policy was necessary because crowded conditions in the cells where people are held while awaiting arraignment heightened security concerns.

In an affidavit filed last year, the chief of the Department of Correction, Edward Reilly, said, "I believe these searches were necessary to detect and remove dangerous contraband from the pre-arraignment inmates and area, and to insure, as far as practicable, a reasonable level of safety" to inmates and others.

At last week's trial of the suit brought on behalf of Debra Ciralo, Judge Robert P. Patterson said the 1986 appeals court ruling left the city without a defense and told the jury to ignore the question of whether the city was liable and to decide only the size of the damage award.

"I think the judge recognized that there was a clear constitutional standard that applied to strip-searches of people charged with misdemeanors," said Stephen H. Weiner, who represented Ms. Ciralo.

Ms. Ciralo, a Greenwich Village resident who works as an city interpreter for the deaf, was arrested in January 1997 after a domestic dispute.

"I felt so shamed," said Ms. Ciralo, 43. "I felt as if I was taken to the lowest human emotion that anyone could possibly experience."

The jury found that the city had "acted in wanton disregard of or wanton indifference" to Ms. Ciralo's rights, the transcript shows.