

33744

AMOUNT \$ \_\_\_\_\_  
AMOUNT \$ 50.00  
PERSONS ISS. \_\_\_\_\_  
LOCAL PLANT AL \_\_\_\_\_  
TAXES ON PLANT \_\_\_\_\_  
JOB ORDER \_\_\_\_\_  
OIL OR GAS \_\_\_\_\_  
PROPERTY CLERK (initials)  
DATE 11/1/01

Civil Action No.

01-11580NG

## Introduction

1. This is an action for money damages for the violation of the plaintiff's constitutional rights brought pursuant to 42 U.S.C. § 1983, as well as Massachusetts civil rights statute MGL c.12 s.11(I). Plaintiff Adrienne Gilanian alleges that defendant correctional officers Jane Doe and Mary Poe, while acting under color of law, conducted an unconstitutional strip search of her person without probable cause or reasonable suspicion, in violation of her rights under the Fourth and Fourteenth Amendments to the U.S. Constitution and under Article XIV of the Massachusetts Bill of Rights.

# DOCKETED

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2. The Plaintiff also alleges that the City of Boston, Suffolk County and Richard J. Rouse, the Sheriff of Suffolk County, are each also liable for the actions of the above named corrections officers because the City, the County and the Sheriff have maintained customs and policies requiring corrections officers to conduct unconstitutional strip searches of all persons entering the corrections facilities, including detainees and persons held on default warrants for appearances in other courts, irregardless of the charges they are being held on or the nature of their default.

#### **Jurisdiction**

3. Jurisdiction is based upon 28 U.S.C. s.1331 to adjudicate claims arising from federal law and on 28 U.S.C. s. 1343 to redress the deprivation and recover damages for civil rights violations.

#### **Parties**

4. Plaintiff Adrienne Gilanian is a resident of Brookline and the Commonwealth of Massachusetts.

5. Defendant Mary Poe was at all times relevant to this complaint a duly appointed correctional officer employed by Suffolk County, acting under color of law, and is sued in her individual capacity.

6. Defendant Jane Doe was at all times relevant to this complaint a duly appointed correctional officer employed by Suffolk County, acting under color of law, and is sued in her individual capacity.

7. Defendant Richard J. Rouse was at all times relevant to this complaint the Sheriff of Suffolk County, acting under color of law, and is sued in his individual capacity.

8. Defendant Suffolk County is a duly designated county in the Commonwealth of Massachusetts under the laws of Massachusetts.

9. Defendant City of Boston is a duly organized municipal corporation in the Commonwealth of Massachusetts. The budget for Defendant Suffolk County is approved by the City of Boston.

#### **Facts**

10. On March 15, 2000 the Plaintiff Adrienne Gilanian was arraigned in Brookline District Court for an incident that had occurred 6 years prior, in July 1994.

11. At the end of the court session, instead of releasing the Plaintiff, the judge ordered that she be held in custody overnight because a default warrant for the Plaintiff had been issued from West Roxbury District Court, for failing to appear in that court on May 21 of 1992.

12. The charges she faced in West Roxbury District Court were placed on file at the request of all parties on March 11, 1992.

13. A summons was issued nevertheless, on April 22, 1992. There was no return of service indicated in the file. However a warrant was issued for the Plaintiff.

14. When the Plaintiff was taken to Nashua Street Jail to be held overnight to be transported to West Roxbury District court the following day, she was forced by Suffolk County Correction Officer Mary Poe to strip and bend over while CO Poe visually searched plaintiff's body and body cavities.

15. On the following day, prior to being transported to West Roxbury District Court, the Plaintiff was again forced to strip and visually searched by another Suffolk County Correction Officer: Jane Doe, in the presence of another prisoner.

16. When the Plaintiff appeared in West Roxbury District Court March 16, 2000, she was summarily released by the judge. The \$40 attorney fee she ordered remitted had been remitted on a related docket at a prior court appearance but was not noted as remitted on this docket.

17. As a result of the above illegal search Plaintiff suffered great humiliation, embarrassment and mental anguish.

**FIRST COUNT: Violation of 42 U.S.C. s.1983  
against defendant Suffolk County**

18. The Plaintiff restates and re-alleges the allegations contained in paragraphs 1 to 18 above and incorporates them herein.

19. The policies and customs of the Suffolk County Sheriff's Department at the time of the search of the Plaintiff did not distinguish between those individuals who had already been committed to the jail and individuals held on a default warrant to appear in court.

20. By the actions described in paragraphs 1 through 20 the defendant Suffolk County violated the plaintiff's clearly established right as guaranteed by the Fourth and Fourteenth Amendments to the U.S. Constitution to be free from unreasonable search and seizure.

**SECOND COUNT: Violation of 42 U.S.C. s.1983 by  
defendant City of Boston**

21. The Plaintiff restates and re-alleges the allegations contained in Paragraphs 1 to 21 above and incorporates them herein.

22. As county commissioners, the Mayor and City Councilors have a statutory obligation to inspect the jails in the County for defects in management. The City and the Council must also approve the jail's budget.

23. In that role the Mayor of Boston and the City Councilors are charged with the knowledge and/or willful indifference to Suffolk County's unconstitutional strip-search policy.

24. Through inaction to correct the constitutional defects presented by the illegal searches of women detainees or "safekeeps" conducted at the Suffolk County Jail, the City of Boston is also liable under 42 U.S.C. s. 1983 for the violation of the plaintiff's constitutional rights.

**THIRD COUNT:**                    **Violation of 42 U.S.C. s.1983 by**  
   **Sheriff Richard J. Rouse**

25. The Plaintiff restates and re-alleges paragraphs 1 to 25 above and incorporates them herein.

26. The defendant Richard J. Rouse is the Sheriff and policymaker for the Suffolk County Jail.

27. Richard J. Rouse in his capacity as Suffolk County Sheriff directs the policies and customs of the employees to conduct searches in violation of the United States Constitution.

28. By the actions described in paragraphs 1 through 28, Defendant Sheriff Richard J. Rouse violated the plaintiff's clearly established right as guaranteed by the Fourth and Fourteenth Amendments to the U.S. constitution to be free from unreasonable searches and seizure.

**FOURTH COUNT: Violation of 42 U.S.C. s.1983**  
**by Defendants Mary Poe and Jane Doe.**

29. The Plaintiff restates and re-alleges the allegations contained in Paragraphs 1 to 29 above and incorporates them herein

30. On March 15, 2000, and again on the following day: March 16, 2000, these two unnamed Suffolk County Sheriff's Department correction officers forced the defendant to strip naked and then performed a demeaning and embarrassing visual search of her body and body cavities.

31. By the actions described in paragraphs 1 through 31 the defendant Mary Poe and Jane Doe violated the plaintiff's clearly established right as guaranteed by the Fourth and Fourteenth Amendments to the U.S. Constitution to be free from unreasonable searches and seizure.

**COUNT FIVE: Violation of M.G.L. c.12 s.11(I)**  
**By all Defendants.**

32. The Plaintiff restates and re-alleges the allegations contained in Paragraphs 1 to 32 above and incorporates them herein

33. The policies and customs of the Suffolk County Sheriff's Department direct its employees to conduct searches in violation of the United States Constitution, as well as in violation of the Massachusetts Bill of Rights as contained in the State Constitution of Massachusetts.

34. The actions of the Defendants were committed by force, threat and intimidation.

35. By the actions described in paragraphs 1 through 31 the Defendants violated the plaintiff's clearly established rights as guaranteed by the Fourth and Fourteenth Amendments to the U.S. constitution and the Massachusetts Bill of Rights Article XIV.

**Wherefore,** the Plaintiff requests this Honorable Court award:

1. Compensatory damages against all Defendants;
2. Punitive damages against the individual defendants;
3. Costs, including reasonable attorneys fees;  
and
4. Such other relief as this Court may deem necessary and appropriate.

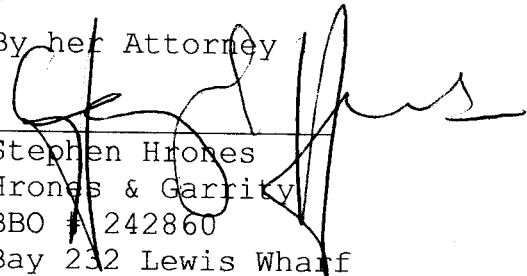


**A JURY TRIAL IS HEREBY DEMANDED**

September 12, 2001

Adrienne Gilanian

By her Attorney

  
Stephen Hrones  
Hrones & Garrity  
BBO # 242860  
Bay 232 Lewis Wharf  
Boston, Mass 02110  
617-227-4019

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