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Men stripped by Oakland cops in public win lawsuit

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OAKLAND -- Two men were illegally strip-searched by Oakland police in public and will each receive at least \$100,000 in damages, a federal judge ruled Thursday.

Spencer Troy Lucas and Kirby Bradshaw had their pants pulled down on a busy West Oakland street in 2005 by officers who had stopped them for no lawful reason, U.S. District Judge Marilyn Hall Patel wrote in a ruling after a bench trial.

Both men testified "to their humiliation and feelings of degradation as a result of this public spectacle, as well as the subsequent recurrent memories of feeling terrorized," Patel wrote.

"The testimony of the feeling of 'submissiveness' also speaks to the sense of degradation," the judge said. "This feeling is particularly poignant when viewed in light of the history of young black men in this country."

Both Lucas and Bradshaw are African American.

Lucas was driving a gold Cadillac when he and Bradshaw were pulled over by Officer Ingo Mayer at 32nd Street and Martin Luther King Jr. Way in West Oakland at about 8 a.m. Dec. 15, 2005.

Mayer, who is white, testified that he had stopped the Cadillac for a traffic violation but could not provide a reason or documentation for having done so, Patel said.

Mayer handcuffed Lucas, undid his belt buckle - causing his pants to fall down to his ankles - asked if he had any drugs in his buttocks, pulled his boxer shorts halfway down and shook them against his genitals as a crowd gathered to watch, Patel wrote.

Officer D'Vour Thurston, who is African American, similarly searched Bradshaw at Mayer's direction, Bradshaw testified.

Both men estimated that their pants were down for five to seven minutes. Nothing illegal was found on either man, but Bradshaw was arrested on an outstanding warrant and Lucas had his parole revoked and served five months after police found a pellet gun at a Richmond home "with little basis for a nexus to Lucas," Patel wrote.



The men were stopped on a busy street, and "had Officer Mayer wanted to conduct a strip search of either Lucas or Bradshaw, he agreed he could have done so at the jail or at other private facilities available to him," Patel wrote.

The judge awarded \$105,000 in compensatory damages to Lucas and \$100,000 to Bradshaw and said she was willing to award punitive damages in amounts to be determined.

Patel also ruled that three other men who filed suit resulting from similar searches had not proved their case. The fate of 39 other men who have also sued the city is on hold because Patel is retiring, said attorneys John Burriss and Michael Haddad, who represent all the plaintiffs.

"I'm happy that the court has seen fit to declare that humiliation is not an appropriate form of policing," Burriss said.

City officials had no comment Thursday.

Speaking generally, police spokeswoman Sgt. Holly Joshi said department policy discourages public strip searches and that officers should take reasonable steps to "avoid circumstances that may publicly embarrass individuals" or invade their privacy.

Officers must also have probable cause to strip search someone in public that is separate from any grounds for an arrest, she said.

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