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## Strip-Search Suits Get Day in Court

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SAN FRANCISCO — After all the pretrial publicity and years of motion practice, the value of 44 strip-search suits against the Oakland Police Department may come down to the credibility of a part-time city pool cleaner.

Lawyers delivered opening statements Tuesday morning for the first group of plaintiffs to reach trial. Civil rights lawyers from Haddad & Sherwin and The Law Offices of John Burris agreed with the city to tackle a group of five individuals in a bench trial before U.S. District Judge Marilyn Hall Patel. The outcome of that proceeding will then create a settlement framework for the remaining cases.

Within the first group, the parties focused on two Oakland residents Tuesday: Spencer Lucas and Kirby Bradshaw, who say they were pulled over in their gold 1972 Cadillac at 8 a.m. at Martin Luther King Jr. Way and 32nd Street. And while plaintiff attorney Julia Sherwin cast the ensuing strip search as a humiliating violation, a lawyer representing the city flatly denied it happened, saying the police merely patted down the subjects.

"The evidence will show no such strip search occurred," said Oakland solo Todd Boley.

But Sherwin claimed a few people witnessed the event, including another passenger in the Cadillac. The plaintiffs' best hope, however, might be Clarence Green. A City of Oakland worker, Green says he was driving by on his way to the Temescal pool and saw Lucas and Bradshaw naked on the street with the police, according to Sherwin.

While Green once worked with the pair at a car wash, "they had not seen each other in over 10 years," Sherwin said. The city would have to say that its own "long-term, dedicated employee" is making up his story, she added.

Oakland police officer Ingo Mayer pulled over the men and asked if any were on parole, even though they had committed no motor vehicle infraction or parole violation, Sherwin said. Lucas had 30 days of parole left on a false ID case, and Bradshaw had an outstanding warrant. When the police found no contraband after searching the car, Sherwin says, they illegally forced the men to pull down their pants and boxer shorts and stand for several minutes.

They then drove Lucas to a West Oakland residence he had lived in years before and tried to execute a search, but were denied entry by the owner. They eventually found a boxed pellet gun in his then-estranged wife's home in Richmond and arrested Lucas on a parole violation. They delivered him to jail six hours after the traffic stop, Sherwin said.

"The defendants' testimony will admit, and the evidence will show, that being black in a Cadillac is not a crime," Sherwin said.

However, Boley said Lucas lied about his address, giving the police full license to search the parolee's residence. Mayer was working a unit specifically tasked with checking up on parolees, Boley said in an opening statement that lasted less than two minutes. Patel barely asked any questions.

Outside court, Sherwin's law partner (and husband) Michael Haddad said the trial should take about three weeks.

"As one of the city's counsel said: This verdict should splash cold water on somebody's face," Haddad said. Oakland City Attorney John Russo did not respond to a request for comment.