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Fourth Circuit Court of Appeals
(Note: You may access the court's opinion by clicking on the case name)

Trial Court Did Not Err in Granting Summary Judgment in Plaintiffs' 18 U.S.C. § 1983 Lawsuit Against Local Government Officials Based on Qualified Immunity Involving Strip Searches of Plaintiffs at Local Detention Facility

West v. Murphy, ___ F.3d ___, 2014 WL 5906589 (4th Cir. Nov. 14, 2014). This case involved several plaintiffs who brought a 42 U.S.C. § 1983 lawsuit involving strip searches at the Baltimore Central Booking and Intake Center. The searches were conducted after arrest but before the arrestees were brought before a judicial official, which could take up to 24 hours. The court affirmed the district court's ruling granting summary judgment to the defendants (wardens) based on qualified immunity. The evidence showed that the strip searches were conducted in a dedicated search room and there were significant security justifications for the searches: the smuggling of drugs, weapons, and other contraband into the facility, and arrestees such as the plaintiffs mingled with dozens of other arrestees for up to 24 hours. The court rejected the plaintiffs' argument that through the period from 2002 through 2008 (when the searches of the plaintiffs took place) it was clearly established that the strip searches were unconstitutional. The court distinguished *Logan v. Shealy*, 660 F.2d 1007 (4th Cir. 1981), *Amaechi v. West*, 237 F.3d 356 (4th Cir. 2001), and *Abshire v. Walls*, 830 F.2d 1277 (4th Cir. 1987).

(1) Strip Search of Plaintiff Cantley at Jail Was Constitutional
(2) Governmental Officials Were Entitled to Qualified Immunity in Plaintiff Teter's § 1983 Lawsuit for Strip Search at Jail
(3) Governmental Officials Were Entitled to Qualified Immunity in Plaintiffs Cantley and Teter's § 1983 Lawsuits for Their Delousing at Jail

Cantley v. West Virginia Regional Jail, ___ F.3d ___, 2014 WL 5906579 (4th Cir. Nov. 14, 2014). Two plaintiffs on behalf of themselves and a class of others sued the West Virginia regional jail authority under 42 U.S.C. § 1983 for alleged unconstitutional visual strip searches and delousing of their bodies at various jails. The trial court granted summary judgment to the defendant jail officials in all the cases. (1) The court ruled, relying on *Florence v. Board of Chosen Freeholders of County of Burlington*, 132 S. Ct. 1510 (2012), that the visual strip search of plaintiff Cantley at a jail did not violate the Fourth Amendment. He was arrested for a violation of a domestic violence protection order, arraigned before a magistrate, and committed to jail. He became extremely violent. After he had calmed down, he was visually strip searched (no touching of his body). Also, a spray bottle was used to apply a delousing solution to his body. (2) Plaintiff Teter was arrested in 2010 for obstructing an officer and littering. He did not appear before a magistrate before he was brought to a jail. There he was visually strip searched (no touching) and deloused by a single officer. He was placed in a holding cell with another arrestee and later in a larger holding cell with other arrestees. The next morning he appeared before a magistrate via a videoconference. The court rejected the plaintiff's argument that *Logan v. Shealy*, 660 F.2d 1007 (4th Cir. 1981), clearly established that based on the facts of this case it was unconstitutional to conduct a visual strip search of an arrestee in a private room, who was to be held until the next morning in a holding cell with possibly a dozen or more other arrestees. The court ruled that the defendants were entitled to qualified immunity. (3) Concerning the delousing of both Cantley and Teter, the court upheld

the grant of summary judgment because it was not clearly established that the delousing policy was unconstitutional. The court's reasoning was different from the district court, which had granted summary judgment on the ground that the delousing of the plaintiffs was constitutional.