

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

LAURIE TARDIFF,

Plaintiff

v.

Civil No. 02-251-P-C

KNOX COUNTY, DANIEL DAVEY, in his individual capacity and in his official capacity as Knox County Sheriff, and JANE DOE and JOHN DOE, in their individual capacities,

Defendants

Gene Carter, Senior District Judge

**ORDER APPROVING NOTICE TO CLASS**

After considering the positions of the parties, the Court **APPROVES** that notice be given to the class as proposed by Plaintiffs in their amended Proposed Notice to Class Members (Docket Item No. 129) filed on August 16, 2005, except the language of the notice be amended as described in the paragraphs below.

With respect to the document entitled “Your Legal Rights and Options in this Lawsuit,” and designated as Exh A to Mot4App, the Court **ORDERS** that it state as follows:

**2. What is this case about?**

The plaintiffs claim that the Knox County Jail's strip search process is an illegal strip-search of people in the class. A strip-search is a visual inspection of a person's naked body. Plaintiffs say that during the strip search, people being admitted to the Jail are routinely strip searched by officers during the intake

process. In some cases, the officers may have required people to expose their body cavities or to squat and cough to expel items hidden in the body. Plaintiffs are seeking money damages for every person who was strip searched and a new policy providing people with privacy while they change into a jail uniform.

#### **6. What is a "violent felony"?**

The term "violent felony" is a Class A, B or C crime involving the use, attempted use, or threatened use, of force, or a substantial risk that use of force may be used, to cause injury to another person or property. Examples of violent felonies include murder, manslaughter, rape, sexual assault, aggravated assault, kidnapping, burglary, robbery and arson.

#### **7. Are all strip-searches in jail illegal?**

There are times when correctional officers can legally strip-search a prisoner. This case does not claim that all strip-searches at the jail were illegal. Plaintiffs claim that the intake searches of people who were held before a first court appearance were illegal. This case does not concern strip searches for any inmate who is a convicted prisoner, or any inmate who has had the opportunity for contact with a person outside of the jail facility after having been admitted to the jail facility, or for any inmate who is returned to the jail from outside of the jail.

#### **14. What happens next?**

There could be a settlement or there could be a trial in the case. It is not known how long this will take. Counsel will need to contact you if there is a settlement or a trial. It is important that you send a written notice of any change of address to Knox County Class Action, \_\_\_\_\_ . Please do not write to the Court directly. You should also inform the Post Office of your forwarding address.

With respect to the document entitled "Notice of Class Action," and designated as Exh A to Mot4App, the Court **ORDERS** that the sixth bullet state as follows:

**Search:** You were required to go through a strip search process which took place before you were placed into a housing area or into a holding cell. A strip search process is one in which you were required to remove your clothes while a corrections officer inspected and viewed your naked body. In some cases, the officer may have required you to either squat, cough, and open your mouth or expose your body cavity while a corrections officer inspected and viewed your naked body.

With respect to the document entitled “Knox County Jail Strip-Search Lawsuit” and designated as ExhC2Mot4App, the Court **ORDERS** that it state as follows:

You may be a class member in a class action lawsuit which was certified by the Federal District Court of Maine on behalf of current and former detainees at the Knox County Jail if you meet ALL of the following conditions:

- (1) You were held at the Knox County Jail between November 19, 1996 and December 31, 2004; and
- (2) You were held in custody at the jail **before** a bail hearing or a first court appearance;
- (3) You were **not** arrested for crimes involving drugs or weapons, or a violent felony; and
- (4) You were strip-searched without an evaluation to determine if there was a reason to suspect possession of hidden contraband.

A strip search process is one in which you were required to remove all of your clothes while a corrections officer inspected and viewed your naked body. In some cases, the officer may have required you to either squat, cough, and open your mouth or expose your body cavity while a corrections officer inspected and viewed your naked body.

*You are **not** a class member if you were a convicted prisoner serving a sentence, **or** if you were strip-searched for cause, for example after an officer discovered drugs or contraband in your possession.*

If you believe you are a class member, write to:

Explain why you believe you are a class member. Include your full name, current address.

All other paragraphs in the proposed notices, not specifically discussed above, shall remain as stated in Plaintiffs’ amended Proposed Notice to Class Members (Docket Item No. 129) filed on August 16, 2005.

/s/ Gene Carter  
Gene Carter  
Senior United States District Judge

Dated this 2nd day of November, 2005.