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Bob Keach, a civil rights attorney from Amsterdam, has won several cases involving illegal strip searches by police officials. (Luanne M. Ferris / Times Union)

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Strip-search settlements cost jails millions

Montgomery County facility joins Schenectady, Rensselaer sites in making deals over alleged bias

By **MICHELE MORGAN BOLTON**, Staff writer

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ALBANY -- Bob Keach isn't Superman. But he might well seem that to thousands of inmates who say they were illegally strip-searched.

Keach, a 36-year-old attorney from Amsterdam, has made a career of confronting jail officials he says have violated inmates' rights through unconstitutional strip-searches.



Keach has won millions of dollars in settlements to be split among those who allegedly endured the humiliation of having to disrobe and be searched when their criminal charges didn't warrant it.

Rensselaer County agreed to pay \$2.7 million to former inmates in 2004; Schenectady County approved a \$2.5 million settlement in July. And this week, Montgomery County

agreed to pay \$2.5 million.

Other cases handled by Keach are pending in Schoharie, Clinton, Erie and Niagara counties. Four lawsuits have been filed in New Jersey and two in Pennsylvania.

Most of the costs are paid by the counties' insurers, with taxpayers funding a small percentage.

Despite at-times vitriolic opposition from targeted county officials, Keach defends his work.

"This area desperately needed a lawyer like me," he said. "Someone who is willing to look at the legality of the actions of government officials as compared to the political ramifications of addressing them."

Some jail officials say they never conducted blanket strip-searches and instead demanded "change outs" for incoming prisoners, requiring them to shower and change into jail clothing in front of correction officers. Some defended their decisions, saying any protective measure to save lives is appropriate.

With the exception of clear-cut strip-searchable crimes -- like murder and rape -- correction officers by law may only strip-search inmates accused of lesser crimes if the officers have a reasonable suspicion the defendants are harboring



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contraband.

That wasn't the case with Paul Marriott of Fort Plain, a named plaintiff in the suit who alleged he was ordered to submit to a strip-search while being booked into the Montgomery County jail in 2001.

He was charged with failing to properly feed five horses, a misdemeanor. His share of the settlement will be \$12,000.

Another named plaintiff, Barbara Davis of Amsterdam, said she was strip-searched after being arrested and charged with failing to appear at a Family Court hearing. On Wednesday, she said she was excited and relieved the settlement had been reached in the class-action lawsuit filed in 2003. It covered all inmates at the jail between April 29, 2000, and March 29, 2005.

Both Davis and Marriott said they were forced to strip naked and shower in front of a correction officer and then undergo a humiliating visual exam.

"It's over finally," said Davis, who will receive \$15,000 from the settlement. "I have the highest of praise for Bob because he just kept at it."

Montgomery County Sheriff Michael Amato couldn't be reached for comment.

A settlement conference in U.S. District Court in Albany next month will finalize the plan to compensate inmates from the Schenectady County Jail.

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"These cases are settling almost everywhere in New York state because they are cheaper to settle than litigate," Schenectady County Sheriff Harry Buffardi said Wednesday. "We didn't do anything wrong here. But I'm also a big boy, so let's settle it and move on."

Buffardi said it's

frustrating that officials are prevented from strip-searching inmates when they arrive at the jail but have the authority to do so whenever they deem necessary after the defendants have been admitted.

"It will take a tragic event to change this law," he said.

Keach and his co-counsels will share about \$650,000 from each case.

"I've had a calling for as long as I can remember to fight for people who don't have a voice against this system," Keach said. "I vowed to do it years ago. And I'm proud to do it now."

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