

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CRAIG R., a resident of the City of  
Newport, R.I., individually and on  
behalf of a class of persons similarly  
situated

v.

THE STATE OF RHODE ISLAND, GEORGE  
A. VOSE, JR., in his capacity as  
Director of RHODE ISLAND DEPARTMENT  
OF CORRECTIONS and John Doe and Jane  
Doe, being officers and agents of the  
Department of Corrections whose  
identities will become known in the  
course of pretrial discovery

and

C.A. No. 99-259ML

CRAIG R., individually

v.

TWO UNKNOWN RHODE ISLAND STATE  
TROOPERS whose names will become known  
in the course of pretrial discovery

AMENDED DECISION

On March 16, 2000, this Court issued a Memorandum and  
Decision ("March 16 Decision") in this action. That Memorandum  
and Decision enjoined the defendants from conducting certain  
strip and visual body cavity searches and declared two Department  
of Corrections policies relating to those searches to be  
unconstitutional. On March 22, 2000, the defendants moved  
pursuant to Fed. R. Civ. P. 60 for a clarification of that  
decision.

I. Discussion

*A. The Caption*

The defendants' first request for clarification concerns the case caption included in the Court's March 16 Decision. On January 5, 2000, the Court granted the plaintiff leave to file an amended complaint. The plaintiff filed his First Amended Complaint on January 28, 2000. That complaint substituted new defendants for the Jane and John Doe defendants included in the caption of the initial complaint.

The defendants have asked this Court to amend its March 16 Decision to reflect the caption as it appeared in the initial complaint. Defendants assert that they were never served with a copy of the First Amended Complaint; the Court's file supports that assertion. The Court therefore grants the defendants' motion to amend on this ground, and amends the March 16, 2000, decision to include the caption listed in this Amended Decision.

*B. The Substantive Clarification*

The defendants next ask for a clarification of the scope of the Court's declaration and the injunctive relief rewarded. Particularly, the defendants argue that the March 16 Decision, as written, nullifies DOC policies 15.5.05-2 and 9.14-1 in toto, thus prohibiting the use of other security procedures contained within those documents. The Court amends its March 16 Decision and declares unconstitutional the strip and visual body cavity

search provisions of policies 15.5.05-2 and 9.14-1 insofar as those policies are universally applied to pre-arraignment detainees without any prior determination that there is a reasonable suspicion that the individual may be carrying weapons or contraband.

Finally, the defendants have asked this Court to amend the March 16 Decision to narrow the scope of the injunctive relief granted. The defendants aver that, as written, the March 16 Decision enjoins all strip and visual body cavity searches at the Department of Corrections. To clarify this confusion as to the scope of the injunctive relief afforded in the March 16 Decision, the Court amends it to enjoin the Department of Corrections from conducting strip and visual body cavity searches of pre-arraignment detainees that are not founded upon a reasonable suspicion that the particular detainee is concealing weapons or contraband.<sup>1</sup>

## II. Conclusion

The Court hereby amends its March 16, 2000, Memorandum and Decision to be consistent with the text of this Amended Decision.

SO ORDERED.

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<sup>1</sup>The Court will not revisit the parameters of the reasonable suspicion calculus, as the March 16 Decision already addresses the issue.

Mary M. Lisi  
United States District Judge  
March , 2000