

# Norfolk Insider

City of Norfolk, NE

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## **“Norfolk Police Cleared of Wrongdoing”**

A district court judge recently dismissed a case in which Norfolk police officers were accused of violating the Fourth Amendment Rights of an individual.

U.S. District Judge Joseph Bataillon rendered his decision Thursday after reviewing testimony from a lawsuit that had been filed in January 2013 by Lori Colvey of Norfolk.

Colvey filed the claim saying that officers had violated her civil rights to privacy and had committed negligence under state law.

According to the background of the case outlined in the Memorandum and Order issued from Judge Bataillon, Colvey had been placed in protective emergency custody in 2011 following an incident in which officers were called to her neighbor's home, where she was refusing to leave and was accusing the neighbors of kidnapping her son. As she continued to act erratically, the officers took her to the hospital in protective emergency custody which is done in cases where there is a concern for a person's safety as well as the safety of others.

A routine health check at the hospital included a psychiatric panel of tests. Colvey alleged that the officers at this time violated her rights to privacy and accused them of helping hospital staff remove her clothing and of restraining her during catheterization.

In Judge Bataillon's discussion of the incident outlined within the Memorandum and Order, he stated that hospital policy provides that officers are to remain with emergency protective patients through the initial evaluation as they are considered a prisoner patient by the hospital. When such patient is brought to the hospital, staff must conduct an initial evaluation including any lab studies requested by the physician which may include a urinalysis, urine toxicology and a blood alcohol content test. Colvey had refused to provide a urine sample resulting in the need for a catheterization.

In the Memorandum he wrote, “It is clear the officers followed the statute for protective custody, the police department rules, and the hospital rules.”

“In this case the officers clearly believed plaintiff was a danger to herself and others. They acted in a reasonable way to assure the safety of all.”

Court documents state that Colvey had previously been placed in emergency protective custody in California and had a history of methamphetamine addiction. She was in possession of methamphetamine when the officers placed her in protective custody.

“Our officers routinely face difficult situations when responding to calls and are diligent in following proper procedure. This judgment confirms the professionalism of our officers in handling these situations,” said Bill Mizner, City of Norfolk Police Chief.