

## Wayne County settles federal lawsuit

*Inmate forced to undergo medical procedures*

By: Bennett Loudon • August 5, 2020 • 0

Wayne County officials have settled a federal lawsuit filed by a former Wayne County Jail inmate who was forced to undergo medical procedures for a body cavity search.

Syracuse Attorney Joshua M. Gillette, who represents the plaintiff, Chance Burke, and Rochester attorney, Patrick B. Naylor, who is representing the county in the case, both said the case is essentially settled, although final details must be worked out.

Gillette and Naylor would not disclose the amount to be paid to Burke by the county because the settlement includes a confidentiality agreement.

Despite the confidentiality clause, after the money is paid to Burke, the amount is expected to be made public — possibly in response to a request filed under New York state's Freedom of Information Law — because the payment will come from public funds.

Mediation certification for the case was filed in U.S. District Court in Rochester on July 23 by attorney and mediator Steven V. Modica.

“The case was settled yesterday and will be confirmed in a written settlement agreement that will be prepared and reviewed by counsel,” Modica wrote in the document.

On July 6, 2018, when Burke was an inmate at the jail, deputies accused him of having contraband in his cell, but nothing was found in a search, according to the complaint.

Burke was taken to the jail infirmary where they ordered Burke to pull down his pants and ordered a jail nurse to “perform a digital exam of plaintiff’s rectum,” according to the suit.

The nurse refused “citing a lack of good cause and concern for her employment,” according to the suit.

Burke was taken to Newark-Wayne Community Hospital in Newark, Wayne County, where he was forced to have an X-ray, which found no contraband. Next he was forced to undergo an anoscopy procedure, the suit claims.

“A microscope was placed into his anus and remained for approximately 60 seconds, causing severe pain, embarrassment, mental anguish, and post-traumatic stress disorder (PTSD). Again, nothing was found,” according to the complaint.

Because of the incident, Burke has needed counseling to deal with PTSD, distressful memories, flashbacks, vivid nightmares, panic attacks, insomnia, stress and other issues, according to the suit.

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