

NOTICE OF DISMISSAL WITHOUT PREJUDICE OF CLASS ACTION AGAINST THE CITY AND COUNTY OF SAN FRANCISCO, THE SAN FRANCISCO SHERIFF'S DEPARTMENT, SAN FRANCISCO COUNTY SHERIFF MICHAEL HENNESSEY, IN HIS INDIVIDUAL AND OFFICIAL CAPACITY, AND SAN FRANCISCO COUNTY SHERIFF'S DEPUTIES DOES 1 THROUGH 150.

PLEASE READ THIS COURT-ORDERED CLASS-ACTION NOTICE  
This is *Not* A Lawsuit Against You. You Are Not Being Sued

*Were you strip searched at any San Francisco County Jail on or after April 22, 2002 and on or before January 23, 2004, following your arrest on any charge not involving weapons, controlled substances, or a charge of violence, and not involving a violation of parole or a violation of probation (where consent to search is a condition of such probation), and/or subjected to a subsequent strip search(es) before arraignment after the initial strip search, and/or subjected to a strip search(es) prior to your placement in a 'safety cell.'?*

*If any of these things happened to you and you did not already timely choose to be excluded from the class action (opt out) by giving notice of your decision in accordance with directions provided in a prior class notice, specifically, by mailing a letter which had to have been postmarked on or before January 16, 2005 requesting exclusion from the class, then you were previously included as a plaintiff in a class action to recover damages.*

*The class action that you were a part of is now being dismissed in its entirety without prejudice. The statute of limitations on your claims, if any, based on your strip search as described above that was tolled—or put on hold—during the pendency of this lawsuit will start running again and may bar any claims you may wish to pursue unless you bring your own individual lawsuit in a timely manner. If you wish to pursue any of those claims, you should consult an attorney.*

**WHAT IS THIS CASE ABOUT?** Eight plaintiffs brought an action in Federal Court against the City and County of San Francisco, the San Francisco Sheriff's Department, San Francisco County Sheriff Michael Hennessey and others and alleged that Sheriff's Deputies, pursuant to policies, customs and practices of the Sheriff's Department and the Sheriff illegally strip searched individuals arrested on charges not involving weapons, controlled substances, or a charge of violence, and not involving a violation of parole or a violation of probation (where consent to search is a condition of such probation), even when those Deputies lacked the individualized suspicion that such arrestees were carrying contraband that would be discovered during a strip search. Plaintiffs also alleged that some arrestees were subjected to additional strip searches prior to arraignment even though no individualized suspicion existed that such arrestees were carrying contraband. Plaintiffs also alleged that all arrestees placed in "safety cells" were strip searched also without individualized suspicion that they possessed contraband. Plaintiffs alleged that these searches violated the rights of the individual plaintiffs and class members protected by the United States Constitution and by California law. Defendants deny that the strip searches violated the constitutional or statutory rights of the plaintiffs or members of the class. After a hearing on June 10, 2004, the Federal District Court issued an order certifying this case as a class action. On February 9, 2010, the United States Court of Appeals for the Ninth Circuit ruled that San Francisco's policy of strip searching arrestees at the point in time that they were classified for housing in the general jail population was constitutional. *Bull v. San Francisco*, 595 F.3d 964 (2009). Thus class members whose only claim was that they were stripped searched once before being introduced into the general jail population do not have any viable claims against San Francisco. The District Court entered a partial summary judgment in San Francisco's favor on those claims on September 8, 2010.

*Who is in the Class That Is Being Dismissed Without Prejudice?* Plaintiffs filed this action on behalf of themselves and all other similarly situated individuals. The Court has certified a class consisting of all persons who were arrested after April 22, 2002 and on or before January 23, 2004 on *any* charge *not* involving weapons, controlled substances, or a charge of violence, and *not* involving a violation of parole or a violation of probation (where consent to search is a condition of such probation) *and* who were subjected to a blanket visual body cavity search by defendants before arraignment at a San Francisco County jail facility without any individualized reasonable suspicion that they were concealing contraband. The certified class also includes 1) all arrestees who were subjected to subsequent blanket strip search(es) before arraignment after the initial strip search, without any reasonable individualized suspicion that they had subsequently acquired and hidden contraband in their persons, and 2) all persons who, prior to arraignment, were subjected to a blanket visual body cavity search(es) incident to placement in a “safety cell” in any of the San Francisco County Jails.

*Am I in the Class?* You are a member of the class if you were subject to a visual body cavity search without any individualized reasonable suspicion that you were concealing contraband while in the custody of the San Francisco County Jail after April 22, 2002 and on or before January 23, 2004 following your arrest on any charge *not* involving weapons, controlled substances, or violence, and *not* involving a violation of parole or a violation of probation (where consent to search is a condition of such probation), *and/or* you were subjected to subsequent visual body cavity search(es) before arraignment after the initial strip search, or subjected to a visual body cavity search prior or incident to placement in a “safety cell.”

*What is the Legal Effect of the Dismissal of the Class Without Prejudice:*

If you are in the class and you do nothing, then you will no longer be able to pursue a legal claim for any strip search that occurred at any San Francisco County Jail on or after April 22, 2002 and on or before January 23, 2004. If you wish, however, you have the right to hire your own attorney and pursue your claim. Please note that the statute of limitations that was tolled—or put on hold—during the pendency of this class action lawsuit will start running again and may bar any claims you may wish to pursue unless you timely commence your own individual lawsuit.