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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 —o0o—

10 ANGELIC SANCHEZ, on behalf of herself and
11 all those similarly situated;

12 Plaintiffs,

13 v.

14 PLACER COUNTY, PLACER COUNTY
15 SHERIFF EDWARD N. BONNER, in His
Individual and Official Capacities, PLACER
16 COUNTY SHERIFF'S DEPARTMENT,
PLACER COUNTY SHERIFF'S DEPUTIES
17 DOES 1 THROUGH 50, AND ROES 1
THROUGH 20, INCLUSIVE,

18 Defendants.

CASE NO:

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

19
20 PLAINTIFF ALLEGES:

21 **INTRODUCTION**

22 This is an action for declaratory and injunctive relief, damages, and punitive damages against
23 PLACER COUNTY, the PLACER COUNTY SHERIFF'S DEPARTMENT, PLACER COUNTY
24 SHERIFF EDWARD N. BONNER, Individually and in His Official Capacity, PLACER COUNTY
25 SHERIFF'S DEPUTIES sued under their fictitious names as DOES 1 THROUGH 50, and ROES 1
26 THROUGH 20, for violations of plaintiff's constitutional rights resulting from application of PLACER

1 COUNTY’S and the SHERIFF’S policies, practices, and customs concerning the use of strip searches
2 and visual body cavity searches in Placer County Jails. Plaintiff seeks an order declaring illegal
3 defendants’ policy of subjecting detainees in their custody to strip and visual body cavity searches
4 before they are arraigned and without having any reasonable suspicion that the searches will be
5 productive of contraband.

6 Defendants’ strip search and visual body cavity search policies, practices, and customs violate
7 those rights of plaintiff, and all those she represents, that are secured by the Fourth and Fourteenth
8 Amendments to the United States Constitution and entitle plaintiff, and all those similarly situated, to
9 recover damages under the Federal Civil Rights Act (42 U.S.C. § 1983).

10 JURISDICTION

11 1. This action is brought pursuant to 42 USC §§ 1983 and 1988, and the Fourth and
12 Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 USC §§
13 1331 and 1341(3) and (4) and the aforementioned statutory and constitutional provisions.

14 PARTIES

15 2. Plaintiff ANGELIC SANCHEZ, and all those similarly situated, are, and at all material
16 times herein, were citizens of the United States and residents of the state of California who were
17 arrested within the period beginning two (2) years before the filing of this Complaint, and continuing
18 to this date, and who were subjected to strip and/or visual body cavity searches at a Placer County Jail
19 (hereinafter referred to as the “Placer County Jail”), prior to being arraigned and/or without the
20 defendants first having, and recording in writing, a reasonable suspicion that the searches would be
21 productive of contraband or weapons.

22 3. Defendant PLACER COUNTY SHERIFF EDWARD N. BONNER is, and at all
23 material times referred to herein, was the duly elected Sheriff of PLACER COUNTY, responsible for
24 administering the Jail facilities and for making, overseeing, and implementing the policies, practices,
25 and customs challenged herein relating to the operation of the Placer County Jail. He is sued in his
26 individual and official capacities.

1 4. Defendants PLACER COUNTY SHERIFF'S DEPUTIES sued herein by their fictitious
2 names (DOES 1 through 50) are all deputies who, as part of their duties at the Placer County Jail,
3 subjected plaintiff, and all those she represents, to pre-arraignment strip and/or visual body cavity
4 searches without having, and recording in writing, a reasonable suspicion that the searches would be
5 productive of contraband or weapons.

6 5. At all material times mentioned herein, each of the defendants was acting under the
7 color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of
8 the state of California, PLACER COUNTY and/or the PLACER COUNTY SHERIFF'S
9 DEPARTMENT.

10 6. Defendants whose names are not now known and who are sued by the fictitious names
11 of ROES 1 through 20, are all agents and/or employees of one or another of the other named
12 defendants who ordered, condoned, authorized, covered up, or were otherwise associated with the
13 implementation of the illegal policy and practices relating to strip searches complained of herein.

14 7. Defendant PLACER COUNTY is, and at all material times referred to herein, was a
15 division of the state of California, that maintained or permitted an official policy or custom or practice
16 causing or permitting the occurrence of the types of wrongs complained of herein, which wrongs
17 damaged plaintiff, and all those similarly situated, as herein alleged. Plaintiff's allegations against the
18 COUNTY are based on acts and omissions of the SHERIFF and his DEPUTIES and on acts and
19 omissions of persons who are COUNTY employees, and on the COUNTY's breach of its duty to
20 protect plaintiff, and all those she represents, from the wrongful conduct of said persons and
21 employees.

22 8. Defendants PLACER COUNTY SHERIFF'S DEPARTMENT and PLACER
23 COUNTY SHERIFF EDWARD N. BONNER, in his Individual and Official Capacity, also
24 maintained or permitted an official policy or custom of causing or permitting the occurrence of the
25 types of wrongs complained of herein, which wrongs damaged plaintiff, and all those similarly
26 situated, as herein alleged.

1 9. Class action plaintiffs are those similarly situated who, during the period beginning two
2 (2) years before the filing of this Complaint, and continuing to this date, were subjected by defendants
3 to pre-arraignment strip and/or visual body cavity searches without defendants having, and recording
4 in writing, a reasonable suspicion that the searches would be productive of contraband or weapons.

5 **FACTS**

6 10. In or about January 2004, plaintiff ANGELIC SANCHEZ (hereinafter referred to as
7 “plaintiff”) was arrested for a minor crime not involving violence, drugs or weapons. Plaintiff was
8 taken first to the Roseville City Jail and the next day transported to Placer County Jail in Auburn,
9 California, where, prior to her arraignment, she was coerced, forced, and compelled to strip naked by
10 Asian Female Deputy DOE 1, to bend over and repeatedly to spread the lips of her vagina so that the
11 Deputy DOE 1 could inspect her vaginal canal. She was repeatedly told to “spread your lips further,
12 wider”; then DOE 1 made gagging sounds which alerted plaintiff to the presence of males standing at
13 the open door watching the plaintiff display her genitalia to male officers, DOES 2 through 5.

14 11. Plaintiff is informed and believes, and thereupon alleges, that she, like all those she
15 represents, was videotaped during the complained of search, and that the videotaping of those
16 subjected to the complained of searches is a component of the defendants’ strip/visual body cavity
17 search policy, custom, and practice.

18 12. Prior to being strip searched and being humiliated as described in the preceding
19 paragraph, plaintiff witnessed and was traumatized by the physical strip search of another Caucasian
20 woman in custody who was strip searched in her presence in part because the officers DOES 6 through
21 8, as discussed in her presence, desired to determine if the woman’s “boobs were real or not.” That
22 woman who was forcibly strip searched in plaintiff’s clear view, had her head slammed against the
23 wall and sustained a cut to her face which plaintiff had an opportunity to inspect in the holding cell in
24 which she was placed with the forcible strip search victim.

25 13. Plaintiff is informed and believes, and therefore alleges, that defendants routinely
26 follow their policy, practice, and custom of subjecting pre-arraignment detainees, including plaintiff,

1 and all those she represents, to strip and visual body cavity searches without first having, and recording
2 in writing, a reasonable suspicion that the search will be productive of contraband or weapons.

3 Plaintiff is further informed and believes, and therefore alleges, that defendants routinely follow their
4 policy, practice, and custom of videotaping the complained of searches.

5 14. Plaintiff is informed and believes, and thereon alleges, that defendants have the ability
6 to identify all such similarly situated plaintiffs, specifically those who, while in defendants' custody, at
7 the Placer County Jail within two (2) years prior to the filing of this Complaint, were subjected to strip
8 searches and/or visual body cavity searches prior to arraignment without defendants having first, and
9 recording, a reasonable suspicion that the searches would be productive of contraband or weapons.

10 15. Defendant PLACER COUNTY SHERIFF EDWARD N. BONNER is personally
11 responsible for the promulgation and continuation of the strip search policy, practice, and custom
12 pursuant to which plaintiff, and those she represents, were subjected.

13 16. As a result of being subjected to the strip searches complained of herein, plaintiff, and
14 each of the persons similarly situated, suffered physical, mental, and emotional distress, invasion of
15 privacy, and violation of due process of law and state and federal statutory and constitutional rights,
16 and is entitled to recover damages according to proof but, at a minimum, \$1,000 as specified in
17 California Penal Code § 4030(p) and \$4,000 as specified in California Civil Code § 52 and § 52.1(b).

18 **CLASS CLAIMS**

19 17. The strip and visual body cavity searches to which plaintiff, and all those similarly
20 situated, were subjected were performed pursuant to policies, practices, and customs of defendants
21 PLACER COUNTY SHERIFF EDWARD N. BONNER, PLACER COUNTY SHERIFF'S
22 DEPARTMENT, PLACER COUNTY, the individual SHERIFF'S DEPUTIES sued herein by the
23 fictitious names DOES 1 through 50, and the individuals whose names are not now known and who
24 are sued by the fictitious names of ROES 1 through 20. The searches complained of herein were
25 performed without regard to the nature of the alleged offense for which plaintiff, and all those similarly
26 situated, had been arrested, without regard to whether or not plaintiff, or those she represents, was

1 eligible for cite and release under Penal Code § 853.6, without regard to whether or not plaintiff, and
2 each of those similarly situated, was eligible for and/or was released on his or her own recognizance.
3 Furthermore, the searches complained of herein were performed without defendants having a
4 reasonable belief that the plaintiff, or any of those similarly situated, so searched possessed weapons or
5 contraband, and those facts being articulated and recorded in a supervisor-approved document. And
6 the searches complained of herein were performed without defendants taking reasonable precautions to
7 make certain that plaintiff, and each of those similarly situated, was not observed by others not
8 involved in the search and/or of the opposite sex. Additionally, plaintiff is informed and believes, and
9 thereon alleges, that a component of the searches complained of herein was defendants' videotaping of
10 the plaintiff, and each of those similarly situated.

11 18. Plaintiff brings this action on her own behalf and on behalf of all persons similarly
12 situated pursuant to Rule 23, Federal Rules of Civil Procedure.

13 19. The class is defined to include all persons who, in the period from and including two (2)
14 years prior to the filing of this Complaint, and continuing until this matter is adjudicated and the
15 practices complained of herein cease, were arrested and subjected to a pre-arraignment strip and/or
16 visual body cavity search at the Placer County Jail without defendants first having, and recording in
17 writing, a reasonable suspicion that the search would be productive of contraband or weapons.

18 20. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the members of the
19 class are so numerous that joinder of all members is impractical. Plaintiff does not know the exact
20 number of class members. Plaintiff is informed and believes, and thereupon alleges, that there are
21 more than 10 persons per day who are arrested by defendants and/or in the custody of defendants and
22 are subjected to the searches complained of herein as a result of defendants' policy, practice, and
23 custom relating to said searches.

24 21. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiff is informed
25 and believes, and thereupon alleges, that there are many questions of fact common to the class
26 including, but not limited to: (1) whether defendants routinely subject all persons arrested to visual

1 body cavity searches prior to arraignment if they intend such persons to be housed in the Placer County
2 Jail; (2) whether persons are subjected to strip and/or visual body cavity searches prior to arraignment
3 without there being any reasonable suspicion, based on specific or articulable facts, to believe any
4 particular arrestee has concealed drugs, weapons, and/or contraband in bodily cavities which could be
5 detected by means of a strip and/or visual body cavity search; (3) whether the strip and/or visual body
6 cavity searches are conducted in an area of privacy so that the searches cannot be observed by persons
7 not participating in the searches; (4) whether the strip and/or visual body cavity searches are
8 videotaped and whether and under what circumstances said videotapes are subsequently viewed; and,
9 (5) whether the strip and/or visual body cavity searches are reasonably related to defendants’
10 penological interest to maintain the security of the jail and whether or not there are less intrusive
11 methods for protecting any such interest.

12 22. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiff is informed
13 and believes, and thereupon alleges, that there are many questions of law common to the class
14 including, but are not limited to: (1) whether defendants may perform strip and/or visual body cavity
15 searches on persons prior to their arraignment without reasonable suspicion, based on specific or
16 articulable facts, to believe any particular prearraignment detainee has concealed drugs, weapons
17 and/or contraband which would likely be discovered by a strip and/or visual body cavity search; (2)
18 whether defendants may perform strip and/or visual body cavity searches on persons without first
19 reasonably relating the use of the subject search to defendants’ penological interest to maintain the
20 security of the jail and determining if there is a less intrusive method to protect that interest; (3)
21 whether strip and/or visual body cavity searches may be conducted in areas where the search can be
22 observed by people not participating in the search without violating plaintiffs’ State and Federal
23 constitutional rights and plaintiffs’ State statutory rights; (4) whether or not defendants’ strip search
24 policy and procedure is in accordance with the State and/or Federal Constitution; and (5) whether or
25 not defendants’ policy and procedure of videotaping those subjected to the complained of searches
26 violates plaintiffs’ State and/or Federal Constitutional rights to privacy.

1 23. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the claims of the
2 representative plaintiff is typical of the class. Plaintiff was searched, prior to arraignment, without
3 reasonable suspicion that a strip or visual body cavity search would produce drugs, weapons or
4 contraband (and without the facts supporting any such suspicion being articulated in a supervisor-
5 approved writing). Representative plaintiff has the same interests and suffered the same type of
6 injuries as all of the class members. Plaintiff's claims arose because of defendants' policy, practice,
7 and custom of subjecting arrestees to strip and/or visual body cavity searches before arraignment
8 without having, and recording in writing, a reasonable suspicion that the search would be productive of
9 contraband or weapons. Each class member suffered actual damages as a result of being subjected to a
10 strip and/or visual body cavity search. The actual damages suffered by the representative plaintiff is
11 similar in type and amount to the actual damages suffered by each class member.

12 24. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the representative
13 plaintiff will fairly and adequately protect the class interests. Plaintiff's interests are consistent with
14 and not antagonistic to the interests of the class.

15 25. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(A), prosecutions of
16 separate actions by individual members of the class would create a risk that inconsistent or varying
17 adjudications with respect to individual members of the class would establish incompatible standards
18 of conduct for the parties opposing the complaint.

19 26. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(B), prosecutions of
20 separate actions by individual members of the class would create a risk of inconsistent adjudications
21 with respect to individual members of the class which would, as a practical matter, substantially impair
22 or impede the interests of the other members of the class to protect their interests.

23 27. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(2), plaintiff is
24 informed and believes, and thereupon alleges, that defendants have acted on grounds generally
25 applicable to the class, thereby making appropriate the final injunctive or declaratory relief with
26 respect to the class as a whole.

1 28. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), this class action is
2 superior to other available methods for the fair and equitable adjudication of the controversy between
3 the parties. Plaintiff is informed and believes, and thereupon alleges, that the interests of members of
4 the class in individually controlling the prosecution of a separate action is low, in that most class
5 members would be unable individually to prosecute any action at all. Plaintiff also is informed and
6 believes, and thereupon alleges, that the amounts at stake for individuals are so small that separate
7 suits would be impracticable. Plaintiff is informed and believes, and thereupon alleges, that most
8 members of the class will not be able to find counsel to represent them. Plaintiff is informed and
9 believes, and thereupon alleges, that it is desirable to concentrate all litigation in one forum because all
10 of the claims arise in the same location; i.e., the Placer County Jail. It will promote judicial efficiency
11 to resolve the common questions of law and fact in one forum, rather than in multiple courts.

12 29. Plaintiff does not know the identities of all of the class members. Plaintiff is informed
13 and believes, and thereupon alleges, that the identities of the class members may be ascertained from
14 records maintained by PLACER COUNTY and defendant PLACER COUNTY SHERIFF EDWARD
15 N. BONNER and defendant PLACER COUNTY SHERIFF'S DEPARTMENT. Plaintiff is informed
16 and believes, and thereupon alleges, that defendants' records reflect the identities, including addresses
17 and telephone numbers, of the persons who have been held in custody in the Placer County Jails.
18 Plaintiff is informed and believes, and thereupon alleges, that records of, and maintained by defendants
19 reflect who was subject to a strip and/or visual body cavity search, when the search occurred, where
20 the search occurred, whether any reasonable suspicion for the search existed and was recorded in a
21 supervisor-approved writing, whether the search was videotaped, when persons searched were
22 arraigned, and the charges on which such persons were arrested. Plaintiff is informed and believes,
23 and thereupon alleges, that all of the foregoing information is contained in defendants' computer
24 system and that the information necessary to identify the class members, by last known addresses, and
25 the dates and reasons for their arrests and/or release from custody, is readily available from said
26 computer system.

1 plaintiff, and all class members, to recover damages for said constitutional violations pursuant to 42
2 U.S.C. § 1983.

3 WHEREFORE, plaintiff prays for relief, for herself and for all persons similarly situated, as
4 hereunder appears.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, plaintiff, on behalf of herself and all those similarly situated, seeks judgment
7 as follows:

8 1. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and
9 permanently, defendants' policies, practices, and customs of subjecting pre-arraignment detainees to
10 strip and visual body cavity searches without having a reasonable suspicion that such searches would
11 be productive of contraband or weapons;

12 2. Certification as a class action of plaintiff's complaints concerning defendants' policies,
13 practice, and customs of subjecting pre-arraignment detainees to strip and visual body cavity searches
14 without having a reasonable suspicion that such searches would be productive of contraband or
15 weapons;

16 3. For compensatory, general, and special damages for each representative and for each
17 member of the class of plaintiffs, as against all defendants;

18 4. Exemplary damages as against each of the individual defendants in an amount sufficient
19 to deter and to make an example of those defendants;

20 5. Attorneys' fees and costs under 42 U.S.C. § 1988, and

21 6. The cost of this suit and such other relief as the court finds just and proper.

22 DATED: November 3, 2005

Respectfully submitted,

23 LAW OFFICE OF MARK E. MERIN

24 /s/ - "Mark E. Merin"

25 BY: _____

26 Mark E. Merin
Attorney for Plaintiffs

DEMAND FOR JURY TRIAL

A JURY TRIAL IS HEREBY DEMANDED.

DATED: November 3, 2005

Respectfully submitted,

LAW OFFICE OF MARK E. MERIN

/s/ - "Mark E. Merin"

BY: _____

Mark E. Merin
Attorney for Plaintiffs

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