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10 —o0o—

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 **C 04 4437**

14  
15 ROSALETY BARNETT, and all others similarly  
situated,

16 Plaintiffs,

17 vs.

18 COUNTY OF CONTRA COSTA, CONTRA  
19 COSTA COUNTY SHERIFF'S DEPARTMENT,  
CONTRA COSTA COUNTY SHERIFF  
20 WARREN E. RUPF, Individually and in His  
Official Capacity, CONTRA COSTA COUNTY  
21 SHERIFF'S DEPUTIES DOES 1 THROUGH  
100, and ROES 1 THROUGH 20, INCLUSIVE,

22 Defendants.

CASE NO:

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

23  
24 ///

25 ///

26 ///

ORIGINAL  
FILED  
04 OCT 20 10 10 AM  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TEH

1 PLAINTIFF ALLEGES:  
2

3 **INTRODUCTION**

4 This is an action for declaratory and injunctive relief, damages, and punitive damages against  
5 the COUNTY OF CONTRA COSTA, CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT,  
6 CONTRA COSTA COUNTY SHERIFF WARREN E. RUPF, Individually and in His Official  
7 Capacity, CONTRA COSTA COUNTY SHERIFF'S DEPUTIES sued under their fictitious names as  
8 DOES 1 THROUGH 100, and ROES 1 THROUGH 20, for violations of plaintiff's constitutional  
9 rights resulting from application of CONTRA COSTA County's and the Sheriff's policies, practices,  
10 and customs concerning the use of strip searches and visual body cavity searches in CONTRA COSTA  
11 County Jails. Plaintiff seeks an order declaring illegal defendants' policy of subjecting detainees in  
12 their custody to strip and visual body cavity searches before they are arraigned and without having any  
13 reasonable suspicion that the searches will be productive of contraband.

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

18 Additionally, plaintiff includes, on behalf of herself and on behalf of all those she represents,  
19 supplemental claims under California state law against defendants: 1) for violation of California Penal  
20 Code § 4030 which prohibits pre-arraignment strip searches of most misdemeanants and provides for  
21 minimum damages of \$1,000 for each illegal search; and 2) for violation of the Banc Civil Rights Act  
22 (California Civil Code § 52 and § 52.1(b)) pursuant to which plaintiff and each similarly situated  
23 person denied a statutory, state, federal, or constitutional right is entitled to recover a minimum of  
24 \$4,000 for each violation.

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26 ///

1 **JURISDICTION**

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

5 1. Under 28 USC § 1367(a) the Court has supplemental jurisdiction over the state claims  
6 alleged herein.

7 2. The amount in controversy exceeds \$10,000, excluding interest and costs.

8 **PARTIES**

9 3. Plaintiff ROSALETY BARNETT, and all those similarly situated, are, and at all  
10 material times herein, were citizens of the United States and residents of the state of California who  
11 were arrested within the period beginning two (2) years before the filing of this Complaint, and  
12 continuing to this date, and who were subjected to strip and/or visual body cavity searches at a  
13 CONTRA COSTA County Jail (hereinafter referred to as the "CONTRA COSTA County Jail"), prior  
14 to being arraigned and/or without the defendants first having, and recording in writing, a reasonable  
15 suspicion that the searches would be productive of contraband or weapons.

16 4. Defendants coerced, forced, and compelled plaintiff ROSALETY BARNETT to give a  
17 urine sample without legal justification for requiring same. Moreover, defendants coerced, forced, and  
18 compelled plaintiff ROSALETY BARNETT to give a urine sample in an area of the CONTRA  
19 COSTA County Jail that was not sufficiently private so as to prevent persons not participating in the  
20 collection of the sample from observing the collection. Furthermore, defendants required plaintiff to  
21 provide the urine sample while being directly observed by defendants' male and female officers.

22 5. Defendant CONTRA COSTA COUNTY SHERIFF WARREN E. RUPF is, and at all  
23 material times referred to herein, was the duly elected Sheriff of the COUNTY OF CONTRA COSTA,  
24 responsible for administering the Jail facilities and for making, overseeing, and implementing the  
25 policies, practices, and customs challenged herein relating to the operation of the CONTRA COSTA  
26 County Jail. He is sued in his individual and official capacities.

1 6. Defendants CONTRA COSTA COUNTY SHERIFF DEPUTIES sued herein by their  
2 fictitious names (Does 1 through 100) are all deputies who, as part of their duties at the CONTRA  
3 COSTA County Jail, subjected plaintiff, and all those she represents, to pre-arraignment strip and/or  
4 visual body cavity searches without having, and recording in writing, a reasonable suspicion that the  
5 searches would be productive of contraband or weapons. Furthermore, Defendants CONTRA  
6 COSTA COUNTY SHERIFF DEPUTIES sued herein by their fictitious names (Does 1 through 5) are  
7 all deputies who, as part of their duties at the CONTRA COSTA County Jail, coerced, forced, and  
8 compelled plaintiff ROSALETY BARNETT to give a urine sample in a non-private setting and  
9 without proper justification.

10 7. At all material times mentioned herein, each of the defendants was acting under the  
11 color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of  
12 the state of California, the COUNTY OF CONTRA COSTA and/or the CONTRA COSTA COUNTY  
13 SHERIFF'S DEPARTMENT.

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

18 9. Defendant COUNTY OF CONTRA COSTA is, and at all material times referred to  
19 herein, was a division of the state of California, that maintained or permitted an official policy or  
20 custom or practice causing or permitting the occurrence of the types of wrongs complained of herein,  
21 which wrongs damaged plaintiff, and all those similarly situated, as herein alleged. Plaintiff's  
22 allegations against the COUNTY are based on acts and omissions of the SHERIFF and his DEPUTIES  
23 and on acts and omissions of persons who are COUNTY employees, and on the COUNTY's breach of  
24 its duty to protect plaintiff, and all those she represents, from the wrongful conduct of said persons and  
25 employees.  
26

1 10. Defendants CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT and CONTRA  
2 COSTA COUNTY SHERIFF WARREN E. RUPF, in his Individual and Official Capacity, also  
3 maintained or permitted an official policy or custom of causing or permitting the occurrence of the  
4 types of wrongs complained of herein, which wrongs damaged plaintiff, and all those similarly  
5 situated, as herein alleged.

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

### 10 FACTS

11 12. On or about March 1, 2004, plaintiff ROSALETY BARNETT (hereinafter referred to  
12 as "plaintiff") was falsely arrested for allegedly resisting arrest. Plaintiff was taken to the CONTRA  
13 COSTA County Jail in Martinez, California, where she was coerced, forced, and compelled to produce  
14 a urine sample while being directly observed by male deputies (DOES 1 and 5).

15 13. Plaintiff, like all those she represents, was also forced to disrobe completely in front of  
16 a deputy who directed plaintiff to bend over, squat, and cough and to spread her buttocks and labia so  
17 that her vaginal and anal cavities could be visual inspected.

18 14. Within six (6) months of the aforesaid visual body cavity search, plaintiff filed a group  
19 Government Tort Claim for herself and for all persons similarly situated (a copy of said claim is  
20 attached hereto as Exhibit "A", and incorporated herein to the extent relevant by this reference).  
21 Plaintiff's group claim was denied on or about September 14, 2004, allowing the filing of this class  
22 action complaint on state statute and constitutional violations as well as for her individual claim  
23 relating to the unjustified urine collection.

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

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

9 17. Defendant CONTRA COSTA COUNTY SHERIFF WARREN E. RUPF is personally  
10 responsible for the promulgation and continuation of the strip search policy, practice, and custom  
11 pursuant to which plaintiff, and those she represents, were subjected.

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

17 19. As a result of being unjustifiably coerced, forced, and compelled to provide a urine  
18 sample and to do so while being directly observed by male deputies of the CONTRA COSTA County  
19 Jail as complained of herein, plaintiff suffered physical, mental, and emotional distress and violation of  
20 due process of law and state and federal statutory and constitutional rights, and is entitled to recover  
21 damages according to proof, but a minimum of \$4,000 as specified in California Civil Code § 52 and §  
22 52.1(b).

### 23 CLASS CLAIMS

24 20. The strip and visual body cavity searches to which plaintiff, and all those similarly  
25 situated, were subjected were performed pursuant to policies, practices, and customs of defendants  
26 CONTRA COSTA COUNTY SHERIFF WARREN E. RUPF, CONTRA COSTA COUNTY

1 SHERIFF'S DEPARTMENT, COUNTY OF CONTRA COSTA, the individual SHERIFF'S  
2 DEPUTIES sued herein by the fictitious names 1 through 100, and the individuals whose names are  
3 not now known and who are sued by the fictitious names of ROES 1 through 20. The searches  
4 complained of herein were performed without regard to the nature of the alleged offense for which  
5 plaintiff, and all those similarly situated, had been arrested, without regard to whether or not plaintiff,  
6 or those she represents, was eligible for cite and release under Penal Code § 853.6, without regard to  
7 whether or not plaintiff, and each of those similarly situated, was eligible for and/or was released on  
8 his or her own recognizance. Furthermore, the searches complained of herein were performed without  
9 defendants having a reasonable belief that the plaintiff, or any of those similarly situated, so searched  
10 possessed weapons or contraband, and those facts being articulated and recorded in a supervisor-  
11 approved document.

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

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

20 23. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the members of the  
21 class are so numerous that joinder of all members is impractical. Plaintiff does not know the exact  
22 number of class members. Plaintiff is informed and believes, and thereupon alleges, that there are  
23 more than 10 persons per day who are arrested by defendants and/or in the custody of defendants and  
24 subjected to the searches complained of herein as a result of defendants' policy, practice, and custom  
25 relating to said searches.  
26

1 24. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiff is informed  
2 and believes, and thereupon alleges, that there are many questions of fact common to the class  
3 including, but not limited to: (1) whether defendants routinely subject all persons arrested to visual  
4 body cavity searches prior to arraignment if they intend such persons to be housed in the CONTRA  
5 COSTA County Jail; (2) whether persons are subjected to visual body cavity searches prior to  
6 arraignment without there being any reasonable suspicion, based on specific or articulable facts, to  
7 believe any particular arrestee has concealed drugs, weapons, and/or contraband in bodily cavities  
8 which could be detected by means of a visual body cavity search; (3) whether the visual body cavity  
9 searches are conducted in an area of privacy so that the searches cannot be observed by persons not  
10 participating in the searches; and, (4) whether the visual body cavity searches are reasonably related to  
11 defendants' penological interest to maintain the security of the jail and whether or not there are less  
12 intrusive methods for protecting any such interest.

13 25. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiff is informed  
14 and believes, and thereupon alleges, that there are many questions of law common to the class  
15 including, but are not limited to: (1) whether defendants may perform visual body cavity searches on  
16 persons prior to their arraignment without reasonable suspicion, based on specific or articulable facts,  
17 to believe any particular prearraignment detainee has concealed drugs, weapons and/or contraband  
18 which would likely be discovered by a visual body cavity search; (2) whether defendants may perform  
19 visual body cavity searches on persons without first reasonably relating the use of the visual body  
20 cavity search to defendants' penological interest to maintain the security of the jail and determining if  
21 there is a less intrusive method to protect that interest; (3) whether visual body cavity searches may be  
22 conducted in areas where the search can be observed by people not participating in the search without  
23 violating plaintiffs' State and Federal constitutional rights and plaintiffs' State statutory rights; (4)  
24 whether or not defendants' strip search policy and procedure is in accordance with the State and/or  
25 Federal Constitution; (5) whether or not plaintiffs' claims under Penal Code § 4030 are barred by the  
26 provisions of Government Code § 844.6; and, (6) whether or not defendants have an immunity defense



1 to plaintiffs' claims under Civil Code §§ 52 and 52.1, and whether or not those claims are actionable  
2 in a class action.

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

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

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

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

25 30. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(2), plaintiff is  
26 informed and believes, and thereupon alleges, that defendants have acted on grounds generally

1 applicable to the class, thereby making appropriate the final injunctive or declaratory relief with  
2 respect to the class as a whole.

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

15 32. Plaintiff does not know the identities of all of the class members. Plaintiff is informed  
16 and believes, and thereupon alleges, that the identities of the class members may be ascertained from  
17 records maintained by the COUNTY OF CONTRA COSTA and defendant SHERIFF WARREN E.  
18 RUPF and defendant CONTRA COSTA COUNTY SHERIFF'S DEPARTMENT. Plaintiff is  
19 informed and believes, and thereupon alleges, that defendants' records reflect the identities, including  
20 addresses and telephone numbers, of the persons who have been held in custody in the CONTRA  
21 COSTA County Jails. Plaintiff is informed and believes, and thereupon alleges, that records of, and  
22 maintained by defendants reflect who was subject to a strip and/or visual body cavity search, when the  
23 search occurred, where the search occurred, whether any reasonable suspicion for the search existed  
24 and was recorded in a supervisor-approved writing, when persons searched were arraigned, and the  
25 charges on which such persons were arrested. Plaintiff is informed and believes, and thereupon  
26 alleges, that all of the foregoing information is contained in defendants' computer system and that the

1 information necessary to identify the class members, by last known addresses, and the dates and  
2 reasons for their arrests and/or release from custody, is readily available from said computer system.

3 33. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), class members  
4 must be furnished with the best notice practicable under the circumstances, including individual notice  
5 to all members who can be identified through reasonable effort. Plaintiff is informed and believes, and  
6 thereupon alleges, that defendants' computer records contain a last known address for class members.  
7 Plaintiff contemplates that individual notice will be given to class members at such last known address  
8 by first class mail. Plaintiff contemplates that the notice will inform class members of the following:

- 9 i. The pendency of the class action and the issues common to the class;  
10 ii. The nature of the action;  
11 iii. Their right to "opt out" of the action within a given time, in which event they  
12 will not be bound by a decision rendered in the class action;  
13 iv. Their right, if they do not "opt out," to be represented by their own counsel and  
14 to enter an appearance in the case; otherwise they will be represented by the  
15 named class plaintiff(s) and the named class plaintiff(s)'s counsel; and  
16 v. Their right, if they do not "opt out," to share in any recovery in favor of the  
17 class, and conversely to be bound by any judgment on the common issues  
18 adverse to the class.

19 **COUNT ONE**

20 (Violation of Fourth and Fourteenth Amendments to the U.S. Constitution  
21 on behalf of Plaintiff and all persons similarly situated)

22 34. Defendants' policies, practices, and customs regarding the strip and visual body cavity  
23 searches complained of herein violated plaintiff's, and all those similarly situated's, rights under the  
24 Fourth Amendment to be free from unreasonable searches and seizures, violated plaintiff's, and all  
25 those similarly situated's, rights to due process and privacy under the Fourteenth Amendment, and  
26 directly and proximately damaged plaintiff, and all those similarly situated, as herein alleged, entitling

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 **COUNT TWO**

6 (California State Unruh Civil Rights Act, Civil Code §§ 52 and 52.1,  
on behalf of Plaintiffs and all persons similarly situated)

7 35. Defendants' policies, practices, and customs regarding the strip and visual body cavity  
8 searches complained of herein violated the rights of plaintiff, and all those similarly situated, to  
9 privacy as secured by Article I, Section 1 of the California Constitution and directly and proximately  
10 damaged plaintiff, and each of those similarly situated, as herein alleged, entitling said plaintiff, and  
11 each of those she represents, to recover a minimum of \$4,000 each pursuant to California Civil Code §  
12 52.1 and § 52, in addition to other damages.

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

15 **COUNT THREE**

16 (Violation of California Penal Code § 4030,  
California State Unruh Civil Rights Act, Civil Code §§ 52 and 52.1,  
on behalf of Plaintiffs and all persons similarly situated)

17 36. Defendants' policies, practices, and customs regarding the strip and visual body cavity  
18 searches complained of herein violated rights secured to plaintiff, and all those similarly situated,  
19 under California Penal Code § 4030 and directly and proximately damaged plaintiff, and each of those  
20 similarly situated, as herein alleged, entitling plaintiff, and each of those similarly situated, to recover a  
21 minimum of \$1,000 each pursuant to California Penal Code § 4030(p), and to further minimum  
22 damages of \$4,000 each pursuant to California Civil Code § 52.1 and § 52, in addition to other  
23 damages.

24 WHEREFORE, plaintiff prays for relief, for herself and for all persons similarly situated, as  
25 hereunder appears.  
26

1 **COUNT FOUR**

2 (California State Bane Act, Civil Code §§ 52 and 52.1,  
3 on behalf of herself only)

4 37. By unjustifiably coercing, forcing, and compelling plaintiff to provide a urine sample  
5 while being observed by male deputies defendants, and each of them, violated plaintiff's right to  
6 privacy as secured by the California Sate Constitution, Article I, Section 1, and directly and  
7 proximately damaged plaintiff as herein alleged, entitling said plaintiff to recover a minimum of  
8 \$4,000 pursuant to California Civil Code § 52.1 and § 52, in addition to other damages.

9 WHEREFORE, plaintiff prays for relief for herself as hereunder appears.

10 **COUNT FIVE**

11 (Invasion of Privacy, on behalf of herself only)

12 38. By unjustifiably coercing, forcing, and compelling plaintiff to provide a urine sample  
13 while being observed by male deputies defendants, and each of them, violated plaintiff's right to  
14 privacy as secured by the California Sate Constitution, Article I, Section 1, and directly and  
15 proximately damaged plaintiff by causing her emotional distress, humiliation, and embarrassment.

16 WHEREFORE, plaintiff prays for relief for herself as hereunder appears.

17 **PRAYER FOR RELIEF**

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

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

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

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

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

5 5. In addition to compensatory and statutory damages as allowed by law, at least \$4,000  
6 for each plaintiff pursuant to California Civil Code § 52.1 and § 52, for each violation thereof;

7 6. In addition to compensatory and statutory damages as allowed by law, at least \$1,000  
8 for each plaintiff pursuant to California Penal Code § 4030;

9 7. Attorneys' fees and costs under 42 U.S.C. § 1988, California Civil Code § 52(b)(3),  
10 California Civil Code § 52.1(h), California Code of Civil Procedure § 1021.5 and California Penal  
11 Code ; and § 4030(p); and

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

13 DATED: October 12, 2004

Respectfully submitted,

14 LAW OFFICE OF MARK E. MERIN and  
15 CASPER, MEADOWS & SCHWARTZ

16  
17 BY: 

18 Mark E. Merin  
Attorney for Plaintiffs

19 A JURY TRIAL IS DEMANDED.

20 Respectfully submitted,

21 LAW OFFICE OF MARK E. MERIN and  
22 CASPER, MEADOWS & SCHWARTZ

23 BY: 

24 Mark E. Merin  
Attorney for Plaintiffs

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