

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 04-20516-CIV-Jordan/Brown

JUDITH HANEY, LIAT MAYER, JAMIE LOUGHNER, DARCY SMITH, and AMANDA WELLS, individually and on behalf of a Class of all others similarly situated,

Plaintiffs,

v.

MIAMI-DADE COUNTY; CHARLES J. MCRAE, individually and in his official capacity as Acting Director of the MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT, CAPTAIN B. FULLER, Individually and in her official capacity as the Facility Supervisor of the Women's Detention Center, ACTING CAPTAIN M. ALADRO, individually and in his official capacity as Facility Supervisor of the Pre-Trial Detention Center; and MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT OFFICERS JANE DOES 1 THROUGH 150;

Defendants.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Pursuant to agreement of the parties to file this Second Amended Complaint, Plaintiffs, individually, and as representatives of a class of persons similarly situated, sue Defendants and allege:

INTRODUCTION

1. Females, non-felony arrestees in Miami-Dade County are routinely subjected to dehumanizing invasive strip and visual body cavity searches upon arrival at the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Women's Detention Center, prior to First Appearance, despite such blanket strip searches violating state and federal law.

2. The blanket strip searches are particularly reprehensible as they appear, upon information and belief, to be reserved only for females.

3. Unless enjoined and restricted, upon information and belief, Defendants will maintain their policy and practice of illegally subjecting pre-first appearance, non-felony, female arrestees charged with non-violent, non-drug and non-weapons related offenses to illegal strip and visual body cavity searches.

JURISDICTION

4. This action is brought pursuant to 42 U.S.C. § 1983 and § 1988, and the Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. § 1331 and § 1343(a)(3) and (4) and the aforementioned statutory and constitutional provisions.

PARTIES

5. Plaintiffs, including JUDITH HANEY, LIAT MAYER, JAMIE LOUGHNER, DARCY SMITH, AMANDA WELLS, and all those similarly situated, are, and at all material times herein, were arrested and subjected to strip and visual body cavity searches at the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Women's Detention Center.

6. Defendant MIAMI-DADE COUNTY is, and at all material times referred to herein, was, a political division of the state of Florida, that maintained or permitted an official policy or

custom or practice causing or permitting the occurrence of the types of wrongs complained of herein, which wrongs damaged Plaintiffs as herein alleged.

7. Defendant MIAMI-DADE COUNTY, through the Miami-Dade County Corrections and Rehabilitation Department, manages and operates the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Women's Detention Center, where the wrongs complained of herein occurred.

8. Defendant CHARLES J. MCRAJ is, and at all material times referred to herein, was the Acting Director of the Miami-Dade County Corrections and Rehabilitation Department, responsible for administering the jail facilities in which the wrongs complained of herein occurred, and for making, overseeing, and implementing the policies, practices, and customs challenged herein relating to the operation of the County's jail facilities. He is sued in his individual and official capacities.

9. Defendant ACTING CAPTAIN M. ALADRO is the Facility Supervisor at the Miami-Dade County Pre-Trial Detention Center, responsible for making, overseeing, and implementing the policies, practices and customs challenged herein relating to the operation of the Pre-Trial Detention Center. He is sued in his individual and official capacities.

10. Defendant CAPTAIN M. FULLER is the Facility Supervisor at the Miami-Dade County Women's Detention Center, responsible for making, overseeing, and implementing the policies, practices and customs challenged herein relating to the operation of the Pre-Trial Detention Center. She is sued in her individual and official capacities.

11. Defendants MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT OFFICERS JANE DOES 1 through DOE 150, sued herein by their fictitious

names, are all Correctional Officers who, as part of their duties at the Pretrial Detention Center, subjected Plaintiffs to pre-first appearance strip and visual body cavity searches without first having, and recording in writing, a particularized reasonable suspicion that the searches would be productive of contraband or weapons. They are sued in their individual capacity.

12. At all material times mentioned herein, each of the Defendants was acting under the color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of the state of Florida, the COUNTY OF MIAMI-DADE, and/or the Miami-Dade County Corrections and Rehabilitation Department.

CLASS CLAIMS

13. The named Plaintiffs bring this suit as a class action, pursuant to the provisions of Rule 23(b)(2) & (3) of the Federal Rules of Civil Procedure for injunctive and declaratory relief, and for monetary damages, on behalf of a class of all persons similarly situated.

14. The class of Plaintiffs consists of all women arrested on non-felony charges who, within the applicable four year statute of limitations, and continuing to this date, were subjected by Defendants to pre-first appearance strip and/or visual body cavity searches at the Miami-Dade County Pre-Trial Detention Center, the Miami-Dade County Women's Detention Center, or any other jail facility operated by Defendant Miami-Dade County, without Defendants having, and recording in writing, a particularized reasonable suspicion that the searches would be productive of contraband or weapons.

15. The Plaintiff class consists of an unknown but large number of individuals, numbering in the thousands, so that joinder of all members is impracticable.

16. Plaintiffs are informed and believe, and thereupon allege, that Defendants have the

ability to identify all such similarly situated Plaintiffs, specifically those who, while in Defendants' custody at any time during the applicable statute of limitations, were subjected to strip and/or visual body cavity searches prior to first appearance without Defendants first having, and recording, a particularized reasonable suspicion that the searches would be productive of contraband or weapons.

17. There are questions of fact common to the class including, but not limited to: (1) where Defendants routinely subject all females arrested to strip and/or visual body cavity searches prior to first appearance if they intend such persons to be housed at the Women's Detention Center and the Pretrial Detention Center; (2) whether only females – not males – are subjected to the strip and/or visual body cavity search; (3) whether persons are subjected to strip and/or visual body cavity searches prior to first appearance without their being any particularized reasonable suspicion, based on specific or articulable facts, to believe any particular arrestee has concealed drugs, weapons, and/or contraband in bodily cavities which could be detected by means of a strip and/or visual body cavity search; and (4) whether the strip and/or visual body cavity searches are conducted in an area of privacy so that the searches cannot be observed by persons not participating in the searches, or whether the strip and/or visual body cavity searches are conducted in areas where they may be observed by persons not participating in the searches.

18. There are questions of law common to the class, including, but not limited to: (1) whether Defendants may perform strip and/or visual body cavity searches on persons prior to their first appearance without particularized reasonable suspicion, based on specific or articulable facts, to believe any particular arrestee has concealed drugs, weapons and/or contraband, which would likely be discovered by a visual body cavity search; (2) whether Defendants may perform strip

and/or visual body cavity searches on females when they do not subject males to similar searches; (3) whether strip and/or visual body cavity searches may be conducted in areas where the search can be observed by people not participating in the search without violating Plaintiff's federal constitutional rights; and (4) whether or not Defendants' strip and visual body cavity search policy and procedure is in accordance with the federal constitution.

19. The claims of the representative Plaintiffs are typical of the class. Plaintiffs were searched, prior to first appearance, without reasonable suspicion that a strip or visual body cavity search would produce drugs, weapons or contraband (and without the facts supporting any such suspicion being articulated in a supervisor approved document). Representative Plaintiffs have the same interests and suffered the same type of injuries as all of the other class members. Plaintiffs' claims arose because of Defendants' policy, practice, and custom of subjecting arrestees to strip and visual body cavity searches before first appearance without having, and recording in writing, a reasonable suspicion that the search would be productive of contraband or weapons. Plaintiffs' claims are based upon the same legal theories as the claims of the class members. Each class member suffered actual damages as a result of being subjected to a visual body cavity search. The actual damages suffered by representative Plaintiffs are similar in type and amount to the actual damages suffered by each class member.

20. The representative Plaintiffs will fairly and adequately protect the class interest. Plaintiffs' interests are consistent with and not antagonistic to the interests of the class. They have a strong personal interest in the outcome of this action and have no conflicts of interest with members of the Plaintiff class. The named Plaintiffs were all subjected to strip and visual body cavity searches without legal justification. As long as the policies, practices and customs of the

Defendants continue to permit dehumanizing invasive strip and visual body cavity searches, the named Plaintiffs, and the class they represent, are and will remain at high risk of being subjected to searches in clear violation of established constitutional rights.

21. The named Plaintiffs are represented by experienced counsel who specialize in civil rights litigation.

22. The prosecutions of separate actions by individual members of the class would create a risk that inconsistent or varying adjudications with respect to individual members of the class would establish incompatible standards of conduct for the parties opposing the class.

23. The prosecutions of separate actions by individual members of the class would create a risk of inconsistent adjudications with respect to individual members of the class which would, as a practical matter, substantially impair or impede the ability of the other members of the class to protect their interests.

24. The Defendants have acted on grounds generally applicable to the class, thereby making appropriate the final injunctive or declaratory relief with respect to the class as a whole.

25. A class action is superior to all other available methods for the fair and equitable adjudication of the controversy between the parties. Plaintiffs are informed and believe, and thereupon allege, that the interests of members of the class in individually controlling the prosecution of a separate action is low in that most class members would be unable individually to prosecute any action at all. Plaintiffs are informed and believe, and thereupon allege, that most members of the class will not be able to find counsel to represent them. Plaintiffs are informed and believe, and thereupon allege, that it is desirable to concentrate all litigation in one forum because all of the claims arise in the same location. It will promote judicial efficiency to resolve

the common questions of law and fact in one form, rather than in multiple courts.

26. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated are subjected are violations of clearly established constitutional rights that are over before they can be challenged in court because all Plaintiffs are released prior to or at first appearance (normally within the first 48 hours of incarceration).

27. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated are subjected are violations of clearly established constitutional rights for which no challenge is possible prior to the violation occurring because the time period between arrest and search is so short and because no Plaintiff has the opportunity between arrest and search to retain counsel or seek judicial review.

28. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated are subjected are violations of clearly established constitutional rights which occur as the result on the established and on-going policy, practice and custom of the Defendants and for which monetary damages after-the-fact is not suitable long-term relief.

29. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated are subjected have continued since the date this lawsuit was originally filed, on March 5, 2004, and in all likelihood will continue, absent class certification and injunctive relief as requested in this Complaint.

30. Absent class injunctive relief, there is no reason to believe that Defendants' violation of clearly established constitutional rights will not continue and that Plaintiff class members, as the class is defined in this complaint, will most certainly be subjected to a constitutionally infirm strip and visual body cavity search.

31. Because of the time and setting in which the Defendants violate clearly established constitutional rights, injunctive relief on behalf of the class is appropriate because the illegal policy, practice and custom of the Defendants is capable of repetition but evading judicial review if declaratory and injunctive relief is not provided.

FACTS

A. JUDITH HANEY

32. Plaintiff, JUDITH HANEY is, and at all times material hereto was, a resident of the city of Oakland, California.

33. On or about November 21, 2003, Plaintiff JUDITH HANEY was sitting on the sidewalk across from the Miami-Dade County Pre-Trial Detention Center (hereinafter referred to as the “Detention Center”), along with three other women and three men, when they were arrested allegedly for “failing to disburse” and taken across the street to the Detention Center to be booked. Plaintiff HANEY and the other women arrested were separated from the males and, one at a time, taken to a separate area where each woman was made fully to disrobe, placing each of her items of clothing on a table, then to bend over, exposing her anus and vaginal area for inspection by Defendants and then made to squat and to “hop like a bunny” three times before being permitted to put her own clothes back on.

34. When Plaintiff HANEY was naked, Defendant JANE DOE 1 noticed a naval piercing and ordered Plaintiff HANEY to remove it. When Plaintiff HANEY was unable to remove the navel ring, JANE DOE 1 obtained a wire cutter and clipped it off. During the entire time Plaintiff HANEY was standing naked in an area with the door open and with people passing by who could freely observe her.

35. Over the next several hours, Plaintiff HANEY and others were transported in paddy wagons to various locations finally arriving at the Turner-Gilford-Knight Miami Detention Center (hereinafter referred to as “TGK”) where she was again processed and held in various holding tanks until she was released after approximately 35 hours.

36. On or about February 5, 2004, all charges against Plaintiff HANEY and others arrested with her were dismissed.

37. Plaintiff HANEY is a 50 year old management employee of Genetech Corporation. She was humiliated and embarrassed by being subjected to the aforementioned visual body cavity search and by being required to stand, naked, for any passerby to observe. She suffered mental and emotional distress as a direct and proximate result of Defendants’ actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

B. LIAT MAYER

38. Plaintiff LIAT MAYER is, and at all times material hereto, was a resident of Brooklyn, New York.

39. On or about November 21, 2003, Plaintiff MAYER was seated on the sidewalk across from Miami-Dade County Pre-Trial Detention Center with three other women, including JUDITH HANEY, and three men, when they were arrested allegedly for “failing to disburse” and taken across the street to the Detention Center to be booked.

40. Plaintiff MAYER and the other women with whom she was arrested were separated from the males and, one at a time, taken to a separate area where each women was made fully to disrobe, placing each of her items of clothing on the table, then to bend over, exposing her anus and vaginal area for inspection by Defendants and then made to squat and to “hop like a bunny”

three times before being permitted to put her own clothes back on.

41. While Plaintiff MAYER was naked, Defendant JANE DOE 2, left the door to the area where the search was being conducted open so that Plaintiff MAYER could be and was observed naked as people passed by and freely observed her.

42. Over the next several hours, Plaintiff MAYER and others were transported in paddy wagons to various locations around Miami and finally delivered to TGK where she was again processed and held in various holding tanks until being released approximately 35 hours later.

43. On or about February 5, 2004, all charges against Plaintiff MAYER were dismissed.

44. Plaintiff MAYER is a student who was humiliated, embarrassed and suffered mental and emotional distress as a result of being subjected to the aforementioned visual body cavity search and by being required to stand, naked, for any passerby to observe. She suffered these and other damages as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

C. JAMIE LOUGHNER

45. Plaintiff JAMIE LOUGHNER is thirty-nine (39) years of age, and at all times material hereto was, a resident of Arlington, Virginia.

46. On or about November 20, 2003, Plaintiff LOUGHNER was arrested and later charged with two misdemeanors, resisting arrest without violence and failure to obey a lawful order. Plaintiff LOUGHNER was then taken to TGK where she was given a pat down search.

47. Two days later, on Saturday, November 22, 2003, Plaintiff LOUGHNER was transported from TGK to the Miami-Dade County Women's Detention Center, along with seven (7) other women.

48. Upon arrival at the Women's Detention Center, Plaintiff LOUGHNER was placed in one of the cubicles found near the entrance area. Plaintiff LOUGHNER was told to fully disrobe and placed her clothes on a seat. She was then told while fully nude to bend over, exposing her anus and vaginal area for inspection by Defendant JANE DOE 3 and then told to squat, cough and then to bend over and spread her buttocks and vagina (hereinafter "privates") for a visual inspection. She was then told to cough again while bent over with her privates pointed at Defendant JANE DOE 4, and to "open up [privates] wider" and to "shake it."

49. This strip and body cavity search procedure occurred with two guards present, Defendant JANE DOE 3 who gave Plaintiff LOUGHNER instructions and inspected her privates, and Defendant JANE DOE 4 who witnessed the strip search procedure. Plaintiff LOUGHNER was then allowed to put her own clothes back on.

50. Plaintiff LOUGHNER could see one of the other women detainees in the cubicle opposite her during the entire strip search procedure.

51. Plaintiff LOUGHNER was released from Jail November 25, 2003. Her criminal charges were later dropped and have not been refiled.

52. The strip search and body cavity exam Plaintiff LOUGHNER experienced was humiliating and embarrassing, and left her mortified.

53. Plaintiff LOUGHNER has suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

D. DARCY SMITH

54. Plaintiff DARCY SMITH is twenty-nine (29), and at all times material hereto, was a

resident of Aventura, Florida.

55. On or about March 17, 2004, at approximately 12:30 a.m., Plaintiff SMITH was arrested by the City of Aventura Police for misdemeanor battery after allegedly getting into an altercation with her roommate.

56. Plaintiff SMITH was taken from her home by the City of Aventura Police Department to a holding cell at the City of Aventura Police Department. About 3 a.m. on or about March 17, 2004 she was transported to the Miami-Dade County Pre-Trial Detention Center where she was booked and finger-printed. At around 1:00 p.m. on or about March 17, 2004, she was taken to the Miami-Dade County Women's Detention Center and taken to a holding cell. Shortly thereafter Plaintiff SMITH was instructed to remove her bra and flip-flops. She was then taken to a separate area where she was made to fully disrobe, placing each of her items of clothing on the table, then instructed to bend over, exposing her anus and vaginal area for inspection by Defendant JANE DOE 5 and then made to squat, cough, and before being permitted to put her own clothes back on. She was then given a jumpsuit and sheets.

57. While Plaintiff SMITH was naked, Defendant JANE DOE 5, left open the door to the area where the search was being conducted so that Plaintiff SMITH could be seen and observed naked if anyone passed by.

58. At approximately 5:30 a.m., March 18, 2004, Plaintiff SMITH and others were transported in paddy wagons to the Miami-Dade County's Pretrial Detention Center for first appearance at around 2:00 p.m. She was released from the Pretrial Detention Center at approximately 7:00 p.m., on March 18, 2004.

59. Plaintiff SMITH is a hair stylist who was humiliated, embarrassed and suffered mental

and emotional distress as a result of being subjected to the aforementioned visual body cavity search and by being required to stand naked for any passerby to observe. She suffered these and other damages as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

D. AMANDA WELLS

60. Plaintiff AMANDA WELLS is forty-two (42) years of age, and at all times material hereto was, a resident of Miami Beach, Florida.

61. On Friday, April 23, 2004, Plaintiff WELLS was arrested around 5 p.m. for an outstanding bench warrant for failure to appear on an earlier misdemeanor charge of resisting arrest without violence. Plaintiff WELLS was then taken to TGK where she was pat searched and held on a bus for 4 to 5 hours. She was then transported at around 10 p.m. to the Miami-Dade County Pre-Trial Detention Center along with three (3) other women and about ten (10) men to wait for first appearance.

62. Plaintiff WELLS and the other women transported with her were separated from the males and, one at a time, taken to a separate area where each woman was made fully to disrobe, placing each of her items of clothing on a table, then to bend over, exposing her anus and vaginal area for inspection by Defendants and then made to squat and to "hop like a bunny" three times before being permitted to put her clothes back on. There was never any privacy and anyone walking by could view her in the nude as the strip search procedure was performed.

63. This strip and body cavity search procedure at the Detention Center occurred with Defendant JANE DOE 6 present who gave Plaintiff WELLS instructions and inspected her privates. Plaintiff WELLS was then allowed to put her own clothes back on.

64. Plaintiff WELLS could see one of the other women detainees in the cubicle opposite her during the entire strip search procedure.

65. Plaintiff WELLS was released from Detention Center at 10 a.m. on Saturday, April 24, 2004.

66. The strip search and body cavity exam Plaintiff WELLS experienced was humiliating and embarrassing, and left her mortified.

67. Plaintiff WELLS has suffered mental and emotional distress as a direct and proximate result of Defendants' actions in depriving her of rights secured to her by the Fourth and Fourteenth Amendments to the United States Constitution.

COUNT ONE

(Violation of Fourth and Fourteenth Amendments to the U.S. Constitution on Behalf of Plaintiffs and All Persons Similarly Situated)

68. Plaintiffs repeat and reallege paragraphs one (1) through sixty-seven (67) as though fully set forth herein.

69. The strip and visual body cavity searches to which Plaintiffs and all those similarly situated were subjected were performed pursuant to policies, practices, and customs of named Defendants and the individual correctional officers sued herein by the fictitious names JANE DOEs 1 through 150.

70. The searches complained of herein were performed without regard to the nature of the alleged offenses for which Plaintiffs had been arrested, without regard to whether or not Plaintiffs were eligible for release at First Appearance, and without regard to whether or not Plaintiffs were eligible for and/or were released on their own recognizance.

71. The searches complained of herein were performed without Defendants having a reasonable belief that the Plaintiffs so searched possessed weapons or contraband or that there existed facts supporting a particularized reasonable suspicion that the searches would produce contraband.

72. Plaintiffs are informed and believe, and thereupon allege, that Defendants routinely follow a policy, practice, and custom of requiring pre-first appearance female detainees, including those processed at the Miami-Dade County Pre-Trial Detention Center and the Miami-Dade County Women's Detention Center, to strip naked and to submit to visual body cavity searches without having, and recording in writing, a particularized reasonable suspicion that the searches will be productive of contraband or weapons.

73. In searching the Plaintiffs as alleged, Defendant DOEs acted in accordance with the policy, practice and customs of Defendants MIAMI-DADE COUNTY, MCRA Y, ALADRO and FULLER.

74. Strip and body cavity searches, as alleged in this Complaint, are done as a matter of routine, and are authorized, permitted and encouraged, in accordance with the established policies, practices and customs of Defendant MIAMI-DADE COUNTY.

75. Defendants MCRA Y, ALADRO and FULLER authorize, permit, facilitate, encourage, and acquiesce in the behavior of their subordinates, who routinely conduct strip and visual body cavity searches of females, as alleged in this Complaint.

76. Individual named Defendants herein are personally responsible for the promulgation and continuation of the strip search policy, practice, and custom pursuant to which Plaintiffs herein and all those similarly situated, were subjected to the searches complained of herein.

77. Defendants' policies, practices, and customs regarding the strip and visual body cavity searches complained of herein violated Plaintiffs' rights under the Fourth Amendment of the U.S. Constitution to be free from unreasonable searches and seizures, and violated said Plaintiffs' rights to due process and privacy under the Fourteenth Amendment, and directly and proximately damaged Plaintiffs as herein alleged, entitling Plaintiffs to recover damages for said constitutional violation pursuant to 42 U.S.C. § 1983.

78. As a result of being subjected to the strip and visual body cavity searches complained of herein, each of the Plaintiffs suffered physical, mental and emotional distress, invasion of privacy, and the violation of due process of law and federal constitutional rights, and is entitled to recover damages according to proof.

COUNT TWO

(Violation of Fourteenth Amendment to the U.S. Constitution, 42 U.S.C. § 1983, on Behalf of Plaintiffs and All Persons Similarly Situated)

79. Plaintiff repeats and realleges paragraphs one (1) through seventy-eight (78) as though fully set forth herein.

80. Plaintiffs are informed and believe and on that basis allege that Defendants, pursuant to policy and procedure, discriminate against women by selecting female pretrial arrestees for strip and visual body cavity searches but do not subject males arrested for similar crimes to these humiliating and invasive unconstitutional strip searches.

81. By selecting females for strip and visual body cavity searches only, Defendants discriminate against Plaintiffs on the basis of their sex and deny to them the equal protection of the laws guaranteed to them by the Fourteenth Amendment to the United States Constitution.

82. Defendants' policies, practices, and customs regarding subjecting female pretrial arrestees to strip and visual body cavity searches while not requiring male pretrial arrestees to undergo the same or similar procedure violates Plaintiffs' Fourteenth Amendment right to the equal protection of the laws and directly and proximately damaged Plaintiffs as herein alleged, entitling Plaintiffs to recover damages for said constitutional violations pursuant to 42 U.S.C. § 1983, in addition to other damages.

PRAYER FOR RELIEF

A. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and permanently, Defendants' policies, practices, and customs of subjecting female, non-felony, pre-first appearance detainees to strip and visual body cavity searches without having and recording in writing a reasonable suspicion that such searches would be productive of contraband or weapons;

B. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and permanently, the policy of selectively subjecting female, non-felony, pre-first appearance detainees to strip and visual body cavity searches while not so subjecting male pre-first appearance detainees to such searches;

C. Certification of this action as a class action, designation of Plaintiffs as class representatives and counsel as class counsel;

D. For compensatory, general, and special damages for each representative and for each member of the class of Plaintiffs, as against all Defendants;

E. Exemplary damages as against all of the individual Defendants in an amount sufficient to deter and to make an example of those Defendants;

F. Attorneys' fees and costs under 42 U.S.C. § 1988; and

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

JURY TRIAL DEMANDED

Plaintiffs demand trial by jury as to all issues triable as a right before a jury.

Respectfully submitted,

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