

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

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

JUDITH HANEY, et al.,

Plaintiffs,

v.

MIAMI-DADE COUNTY, et al.,

Defendants.

**STIPULATION OF SETTLEMENT**

Plaintiffs JUDITH HANEY, LIAT MAYER, JAMIE LOUGHNER, DARCY SMITH, and AMANDA WELLS, individually and on behalf of the settlement class defined herein, and Defendants MIAMI-DADE COUNTY, CHARLES J. MCRAE, MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATIONS DEPARTMENT, CAPTAIN B. FULLER, ACTING CAPTAIN M. ALADRO (hereinafter referred to as "Parties"), by and through their respective counsel, hereby submit the following Stipulation of Settlement.

**I.**

**RECITALS**

On March 5, 2004, original named Plaintiffs JUDITH HANEY, LIAT MAYER and JAMIE LOUGHNER, on behalf of themselves and all persons similarly situated, filed a complaint in the above-captioned matter in which they challenged, pursuant to 42 U.S.C. Section 1983, certain practices of Defendants including the strip search of certain detainees, prior to first appearance, and

sought damages and declaratory and injunctive relief. The complaint was subsequently amended to add named representative Plaintiffs DARCY SMITH and AMANDA WELLS.

The parties entered into extensive discovery which included exchange of documents, preparation of and responses to request for production of documents, interrogatories, and depositions.

On August 11, 2004, Defendants issued a memorandum designed to conform strip search practices to pre-existing policies and initiated a process to examine and evaluate all of its strip search policies. Copies of revised policies relating to the strip search of pre-first appearance detainees are attached hereto as **Exhibit "1"**.

On July 12, 2004, Judge Jordan issued an order scheduling a mediation conference to be held beginning February 7, 2005, with retired Circuit Court Judge Gerald T. Wetherington. The parties attended the mediation and, following two (2) days of meetings, agreed to this Stipulation of Settlement which, subject to the approval of the Court, settles this action in the manner and upon the terms set forth below and fully resolves the dispute.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, as follows:

## **II.**

### **DEFINITIONS**

1. "Administrator" means Settlement Services, Inc., to be appointed by the Court to review and determine the validity and amount of claims submitted by Settlement Class Members ("SCMs"), according to the procedures set forth herein.

2. The “Bar Date” is the date established by the Court by which any SCM who wishes to receive payment pursuant to the Stipulation of Settlement must file his/her Claim Form(s), objections to this Stipulation of Settlement, or request to be excluded from the class (opt-out).

3. “Charge List” means the list of charges attached hereto as **Exhibit “2”**.

4. The “Claim Form” is the form required to be used to make a claim for payment under this settlement. A copy of the proposed Claim Form is attached as **Exhibit “3”**.

5. “Class Counsel” means, collectively, The Law Office of Mark E. Merin, Mark E. Merin, attorney; Casper, Meadows & Schwartz, Andrew C. Schwartz, attorney; and the Florida Justice Institute, Inc., Randall C. Berg, Jr., attorney.

6. The “Class Notice” means the notice in a form substantially similar to that attached hereto as **Exhibit “4”** (Notice by Mail); such other summary notice(s) to be published in newspapers serving Miami-Dade, Broward and Monroe counties, and posted in all Miami-Dade Correctional facilities; and radio and television messages to be transmitted over stations serving Miami-Dade, Broward and Monroe counties.

7. The “Class Period” is March 5, 2000, through February 28, 2005, except that the offensive practices giving rise to liability to sub-groups within the class may have terminated during the Class Period.

8. The “Database” is the information to be provided in hard copy and/or electronic form by the Defendant Miami-Dade County to the Administrator and Class Counsel which includes, to the extent practicable, the name, last known addresses, date of birth, Social Security Number, date(s) of arrest and charge(s) of all SCMs arrested during the Class Period; dates of arrests prior to the Class Period (if any); date(s) of booking(s), housing(s) and first appearance(s) of each member of

the class booked at any facility operated by the Miami-Dade County Corrections and Rehabilitations Department.

9. The “Effective Date” means the date upon which a judgment entered by the Court approving the Stipulation of Settlement becomes final. The judgment will be deemed final only upon expiration of the time to appeal or, if a Notice of Appeal is filed, upon exhaustion of all appeals and petitions for writ of certiorari.

10. “Non-VDW Misdemeanor Offense” means a misdemeanor, infraction, or ordinance arrest charge not listed on the Charge List.

11. “VDW Misdemeanor Offense” means any misdemeanor arrest charge which does appear on the Charge List.

12. An “Opt-Out” is any potential Settlement Class Member who files a timely request for exclusion as specified in **Paragraph 44**.

13. “Released Persons” means the Defendants and their predecessors, successors, and/or assigns, together with past, present, and future officials, employees, representatives, attorneys and/or agents of the COUNTY OF MIAMI-DADE.

14. The “Settlement Class” means all of those persons who are members of any of the following defined sub-classes who, during the Class Period identified in **Paragraph 7** above, were arrested and strip searched prior to making a first appearance at the Miami-Dade Pre-Trial Detention Center:

- a. All females arrested on municipal ordinance, infraction or misdemeanor charges not involving violence, drugs or weapons who were transported to the Women’s Detention Center and who were strip searched prior to their

first appearance, excluding females strip searched on “probable cause” reported in writing on an incident form; and

- b. All females arrested on charges relating to prostitution included on the list of prostitution charges attached hereto as **Exhibit “5”**, who were strip searched prior to first appearance from March 5, 2000, until February 8, 2005, when the practice of strip searching all females charged with prostitution was officially terminated; and
- c. All persons arrested on felony charges or charges relating to violence, drugs or weapons who were strip searched, prior to their first appearances, without a written authorization for the strip search having been first obtained from a supervising officer from March 5, 2000, until February 28, 2005, the date when the policy of strip searching detainees prior to obtaining a written authorization was terminated.

15. A “Settlement Class Member” (“SCM”) means any member of the Settlement Class including representatives, successors and assigns, who does not file a valid and timely Request for Exclusion as provided in **Paragraph 44** of this Stipulation of Settlement.

16. “Special Master” shall mean the MAGISTRATE JUDGE Stephen Brown of the United States District Court, Southern District of Florida, Miami Division, appointed by the Court to preside over this Stipulation of Settlement. The Special Master shall have power to make decisions in all matters pertaining to administration and enforcement of the Stipulation of Settlement, subject to review by the Court upon request of any party.

17. This Stipulation of Settlement is for settlement purposes only, and neither the fact of, nor any provision contained in this Stipulation of Settlement or its exhibits, nor any action taken hereunder shall constitute, be construed as, or be admissible in evidence as any admission of the validity of any claim or any fact alleged by Plaintiffs or SCMs in this action or in any other pending action or of any wrongdoing, fault, violation of law, or liability of any kind on the part of Defendants or admission by Defendants of any claim or allegation made in this action or in any other action, nor as an admission by any of the Plaintiffs, SCMs or Class Counsel of the validity of any fact or defense asserted against them in this action or in any other action. Defendants deny all allegations of wrongdoing and deny any liability to Plaintiffs or to any other class members. The parties have agreed that, in order to avoid long and costly litigation, this controversy should be settled pursuant to the terms of this settlement, subject to the approval of the Court.

### III.

#### TERMS AND EFFECT OF STIPULATION OF SETTLEMENT

18. The parties agree solely for the purposes of this settlement and implementation that the within action shall proceed as a class action, with the Settlement Class as defined in **Paragraph 14**, and that attorneys for the Class are Class Counsel defined in **Paragraph 5**; but if such settlement fails to be approved or otherwise fails of consumption, then this Stipulation of Settlement is hereby withdrawn.

19. SCMs who comply with the requirements set forth in this Stipulation of Settlement will be paid specified sums determined by the procedures set forth herein in full satisfaction of all claims.

20. The Stipulation of Settlement, as of the Effective Date, resolves in full all claims against the Released Persons by all of the SCMs, including the named Plaintiffs JUDITH HANEY, LIAT MAYER, JAMIE LOUGHNER, DARCY SMITH, and AMANDA WELLS involving violation of their Fourth Amendment rights, their Fourteenth Amendment rights, or of any other federal, state or local law, regulation, duty, or obligation which are based upon or could be based upon or arise from the facts alleged in Case No. 04-20516-CIV-Jordan/Brown filed in the United States District Court, Southern District of Florida, Miami Division. When the Stipulation of Settlement is final, as of the Effective Date, all SCMs, including the named Plaintiffs, hereby release all such claims.

21. The Parties agree that the Court, by preliminarily approving the Stipulation of Settlement, will be certifying the class as defined in **Paragraph 14**, as the Settlement Class, subject to final approval of the Settlement at the fairness hearing and that the Court shall retain exclusive and continuing jurisdiction of the action, Parties, SCMs, Special Master and the Administrator to interpret and enforce the terms, conditions and obligations under this agreement.

22. As of the Effective Date of this Stipulation of Settlement, the SCMs, including the named Plaintiffs, hereby waive any and all rights to pursue, initiate, prosecute, or commence any action or proceeding before any court, administrative agency or other tribunal, or to file any complaint with regard to acts of commission or omission by the Released Persons respecting such SCMs with respect to any strip search by Defendants prior to their first appearance which occurred during the Class Period.

23. This Stipulation of Settlement contains all the terms and conditions agreed upon by the Parties hereto regarding the subject matter of the instant proceeding, and no oral agreement

entered into at any time nor any written agreement entered into prior to the execution of this Stipulation shall be deemed to exist, or to bind the Parties hereto, or to vary the terms and conditions contained herein, except as expressly provided herein.

24. Each SCM shall be deemed to have submitted to the jurisdiction of the Court.

25. No Opt-Out shall share in any monetary benefits provided by this Stipulation of Settlement.

26. This agreement is subject to and conditioned upon the final approval of this Stipulation of Settlement and the issuance of the final order and judgment of dismissal by the United States District Court, Southern District of Florida, Miami Division, providing the below specified relief, which relief shall be pursuant to the terms and conditions of this Stipulation of Settlement and the Parties' performance of their continuing rights and obligations hereunder. The order and judgment will be deemed final only upon expiration of the time to appeal, or if a Notice of Appeal is filed, upon exhaustion of all appeals and petitions for writs of certiorari. Such final order and judgment shall:

- a. Dismiss with prejudice all complaints in the action as to the Released Persons;
- b. Order that all SCMs are enjoined from asserting against any Released Person, any and all claims which the SCMs had, has, or may have in the future arising out of the facts alleged in the Complaint;
- c. Release each Released Person from the claims which any SCMs has, had, or may have in the future, against such Released Person arising out of the facts alleged in the Complaint;



- d. Determine that this Stipulation of Settlement is entered into in good faith, is reasonable, fair and adequate, and in the best interest of the Class; and
- e. Reserve the Court's continuing and exclusive jurisdiction over the Parties to this Stipulation of Settlement, including Defendants and all SCMs, to administer, supervise, construe and enforce the Stipulation of Settlement in accordance with the terms for the mutual benefit of all the Parties.

27. Plaintiffs will take all necessary and appropriate steps to obtain preliminary approval of the Stipulation of Settlement, final approval of the Settlement, and dismissal of the action with prejudice. If the Court finally approves this Stipulation of Settlement, and if there is an appeal from such decision, the Defendants will not oppose Plaintiffs' efforts to defend the Stipulation of Settlement.

#### IV.

#### **RESOLUTION AND PAYMENT OF CLAIMS FOR DAMAGES**

28. The settlement amount which shall be used to pay all claims of SCMs, administrative costs and attorney fees shall not be more than \$6,250,000.00 (Six Million, Two Hundred Fifty Thousand Dollars). The total settlement amount will be distributed as follows: (1) up to \$4,550,000.00 (Four Million, Five Hundred Fifty Thousand Dollars) will be allocated to pay verified claims; (2) \$1,000,000.00 (One Million Dollars) will be allocated to attorneys' fees; (3) up to \$100,000.00 (One Hundred Thousand Dollars) will be allocated to pay itemized costs and expenses incurred by Class Counsel in the prosecution of this case; (4) \$300,000.00 (Three Hundred Thousand Dollars) will be allocated for payment of representative Plaintiffs' claims; and (5) up to \$300,000.00 (Three Hundred Thousand Dollars) will be allocated to cover the costs of claims administration to

provide notice to the class and to process and to administer the settlement of class members' claims. Within 30 days of preliminary approval by the United States District Court of the terms of this Stipulation of Settlement, Defendants will certify that they have sufficient funds available to them or on deposit to satisfy fully the terms of this Stipulation of Settlement. If the total amount of all verified claims exceeds the amount of \$4,550,000.00 (Four Million, Five Hundred Fifty Thousand Dollars), the amount payable to SCMs for each claim shall be reduced proportionately so that the entire amount, but no more than \$4,550,000.00 (Four Million, Five Hundred Fifty Thousand Dollars) is paid out to SCMs.

29. The payment of \$300,000.00 (Three Hundred Thousand Dollars) for the representative Plaintiffs shall be paid by check made out to the client trust account of the Law Office of Mark E. Merin. The Law Office of Mark E. Merin will acknowledge receipt of such payment and deliver to Defendants' counsel a list showing how the \$300,000.00 (Three Hundred Thousand Dollars) is allocated among representative Plaintiffs who may include additional persons who have executed retainer agreements with Class Counsel but who were not formally added as named Plaintiffs, and, if any of such funds are not distributed by the Bar Date, such funds shall be returned to Defendants and added to the amount available for payment of SCMs' claims. The \$300,000.00 (Three Hundred Thousand Dollars) check shall be delivered within 10 days of the Effective Date.

30. The parties agree to make an application to the Court to appoint the Administrator as officer of the Court for the purpose of implementing the terms of this Stipulation of Settlement. The Administrator shall be subject to judicial immunity to the fullest extent permitted by law.

V.

**PROCEDURES FOR RECEIVING  
PAYMENT UNDER THIS SETTLEMENT AGREEMENT**

31. All female SCMs who were strip searched following arrests on charges relating to prostitution prior to their first appearance and all female SCMs who were strip searched at the Women's Correctional Center prior to their first appearance after having been arrested on charges not involving violence, drugs or weapons, shall be entitled to receive a payment of a minimum of \$1,000.00 (One Thousand Dollars) in full satisfaction of their claims, except as provided in **Paragraph 38** of this Stipulation of Settlement.

32. All SCMs other than those identified in **Paragraph 31** above, who were strip searched without the person performing the strip search having first received a written authorization to perform the search signed by a supervising officer on duty shall, upon filing of a completed and executed Claim Form, be entitled to receive the sum of \$10.00 (Ten Dollars) in full satisfaction of all claims.

33. The Administrator shall determine whether or not a person who has submitted a Claim Form is an SCM and shall reject claims by persons who are not SCMs.

34. All SCMs will receive payments specified herein for each incident in which they were strip searched, following a qualifying arrest within the Class Period prior to their first appearances.

35. Any SCM who fails to submit a Claim Form completed in accordance with the instructions contained therein by the Bar Date or any other Court mandated extension, shall be forever barred from receiving any payment pursuant to the Stipulation of Settlement. Such SCM

shall in all other respects be bound by all of the terms of the Stipulation of Settlement, and the judgment entered herein, including but not limited to the release of all Released Persons of all claims resolved herein.

36. The Administrator will determine the dollar amount of each payment to an eligible SCM based upon the Administrator's review of the SCMs' responses to questions on the Claim Form, subject to reduction as set forth in **Paragraph 38**.

37. All female SCMs who qualify for payment, other than for reason of the absence of a prior written authorization for a strip search, shall be entitled to payment as set forth below, in addition to the basic \$1,000.00 (Thousand Dollar) payment for each qualifying strip search following a fresh arrest during the Class Period:

- a. A female SCM who was under 21 or over 60 at the time of a qualifying strip search shall receive an additional \$500.00 (Five Hundred Dollars);
- b. A female SCM who was menstruating during the time she was strip searched shall receive an additional \$500.00 (Five Hundred Dollars);
- c. An SCM who was more than two months pregnant at the time she was subjected to a strip search shall receive an additional \$500.00 (Five Hundred Dollars);
- d. A female SCM who had a significant physical or mental disability (such as unsightly scarring, amputation or malformation or a medically diagnosed psychiatric condition) at the time she was strip searched shall receive an additional \$500.00 (Five Hundred Dollars); and

- e. A female SCM who was arrested and strip searched for the first time in her life during the Class Period shall receive an additional \$500.00 (Five Hundred Dollars).

## VI.

### REDUCTION OF AWARDS

38. The amounts payable to a female SCM, other than one solely entitled to payment hereunder because of the absence of prior written authorization for a strip search, shall be subject to the following reduction:

- a. In the event that an SCM, prior to being strip searched during the Class Period, had served a term in a state prison, the award will be reduced by Fifty Percent (50%) and the fact of prior incarceration in a state prison shall be reported to the SCM when the payments are distributed and the SCM given 15 days within which to challenge the determination of prior imprisonment with written evidence filed under penalty of perjury.
- b. Counsel for the respective parties will review the evidence submitted within 15 days of its receipt and determine whether the reduction will be reversed or upheld. If the parties cannot agree, evidence offered by the SCM will be submitted to the Special Master within 10 days for final decision which shall be rendered by the Special Master within 10 days of receipt of relevant evidence.
- c. The Claims Administrator will make an initial determination if an SCM who has timely submitted a valid claim had previously been incarcerated

in a state prison by obtaining from Defendants access to a Database against which the names of SCMs returning valid verified Claim Forms may be electronically compared. If such Database is not provided within thirty (30) days of submission by the Claims Administrator of the list of qualified SCMs, no reductions will be made.

39. There shall not be any 50% reduction for a prior incarceration in a state prison for those persons strip searched without the prior written authorization of a supervising officer on duty.

## VII.

### GENERAL CLAIM PROCEDURES

40. To receive payment, an SCM shall be required to submit to the Claims Administrator an executed Claim Form signed under penalty of perjury with questions completed in accordance with the instructions provided. All Claim Forms must be submitted by the Bar Date unless such period is extended by order of the Court.

41. The Claim Form shall be submitted by first class mail and shall be deemed submitted upon the date of the postmark thereon.

42. SCMs who submit claims and whose names appear on the Database will be paid by mail at the address specified on the Claim Form.

43. The representative Plaintiffs shall be deemed fully compensated by the distribution for them to Class Counsel of \$300,000.00 (Three Hundred Thousand Dollars) and shall not be permitted or required to submit Claim Forms. In the event that there is a proportional reduction of claims because claims valued at more than \$4,550,000.00 (Four

Million Five Hundred Fifty Thousand Dollars) were submitted, the \$300,000.00 (Three Hundred Thousand Dollars) allocated for the named representatives will not be reduced.

### **VIII.**

#### **EXCLUSION FROM THE SETTLEMENT CLASS**

44. Any potential SCM who wishes to be excluded from the Settlement Class must file a request to be excluded from the class with the Clerk of the Court, on or before the Bar Date or as the Court may otherwise direct. Named Plaintiffs and others identified to Defendants' counsel who executed retainer agreements and will receive a portion of the funds allocated for the representative Plaintiffs will not request exclusion pursuant to this paragraph.

45. Any potential SCM who does not timely file a Request for Exclusion shall conclusively be deemed to have become an SCM and to be bound by this Stipulation of Settlement and all subsequent proceedings, orders, and judgments herein.

46. Any SCM who does not elect to be excluded from the Settlement Class may, but need not, enter an appearance through his or her own attorney. SCMs who do not enter an appearance will be represented by Class Counsel.

### **IX.**

#### **OBJECTING TO THE PROPOSED SETTLEMENT**

47. Any SCM who does not elect to be excluded from the Settlement Class may, but need not, submit comments or objections to the proposed settlement. The Court will enter an appropriate order setting forth the procedure for SCMs to submit comments or objections to the proposed settlement.

**X.**

**ATTORNEYS FEES**

48. Class Counsel shall receive a total award of \$1,000,000.00 (One Million Dollars) for attorney fees and up to an additional \$100,000.00 (One Hundred Thousand Dollars) for itemized costs and expenses incident to prosecution of this action including any fees and costs incurred in seeking final approval of this Stipulation of Settlement and the defense thereof in any court or jurisdiction. Payment will be made within thirty (30) of the Effective Date by check delivered to Class Counsel, c/o Florida Justice Institute, 2870 Wachovia Financial Center, 200 South Biscayne Blvd., Miami, FL 33131-2310 , made payable jointly to the Florida Justice Institute, Law Office of Mark E. Merin and Casper, Meadows & Schwartz. This award is subject to the approval of the Court.

**XI.**

**NOTICE**

49. Notice to SCMs defined in **Paragraphs 14(a) and 14(b)** shall be by first class mail, postage prepaid, to all individuals whose addresses are on record in the Inmate Profile System (IPS) or in the Criminal Justice Information System (CJIS) maintained by Defendants or to such other, better addresses identified by the Administrator. Both Parties and the Administrator will exercise their best efforts to update and to verify addresses, including but not limited to addresses of SCMs who are incarcerated. This paragraph shall not limit further appropriate efforts to provide notice. Notice to SCMs defined in **Paragraph 14(c)** shall be by notice specified in **Paragraph 50**.



50. The Administrator shall cause to be published in English, Spanish and Creole languages, in \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ newspapers once a week in each of two consecutive weeks notices in a form and manner agreed to by the Parties describing this settlement, the claims procedure and the procedure to object and/or to Opt-Out of the settlement. Notices in a form to be agreed to by the parties shall also be posted in all Miami-Dade Correctional facilities. If the Parties cannot agree, the Court will determine the content of the published notice.

51. Announcements summarizing the proposed settlement in English, Spanish and Creole will be made on the following radio stations at least three times during a week, during two successive weeks: (Stations) \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.

## **XII.**

### **ADMINISTRATIVE COSTS**

52. All reasonable costs incurred in the administration of this Stipulation of Settlement including, but not limited to, the fees of the Administrator, costs of disseminating notice to class members, by mail, publication, or other means agreed to by the Parties, costs of receiving and evaluating claims, including the cost of distribution of the monetary payments to the class members, fees, if any, of the Special Master, and any additional ancillary administration fees will be paid up to the total amount of \$300,000.00 (Three Hundred Thousand Dollars) allocated for these expenses.

53. Following preliminary Court approval of the Stipulation of Settlement, the Administrator shall submit *bi-weekly* invoices to Class Counsel for services rendered and for expense reimbursement. All invoices will indicate the dates upon which services were

performed, the titles of the employees performing the services, the number of hours of worked by each title on each date, the hourly rate for each such title, and the total fee for the services performed. The hourly rates shall be in accordance with the agreement between the Parties and the Claims Administrator.

Dated: April 13, 2005

Dated: April 13, 2005

Respectfully submitted,

Respectfully submitted,

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**EXHIBIT 1**

**STIPULATION OF SETTLEMENT**

**MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT**

VOLUME NO. 11

D.S.O.P. NO. 11-022

	<b>SUBJECT: FRISK AND STRIP SEARCH PROCEDURES</b>	
	<b>EFFECTIVE DATE: March 16, 2005</b>	
	<b>SUPERSEDES: JANUARY 24, 2000</b>	
	<b>RELATED ACA STANDARDS: ALDF-2A-20, 4ALDF-2A-24, 4-ALDF-2C-01, 4-ALDF-2C-03 thru 05; and 2-CO-4A-01</b>	
	<b>RELATED REFERENCES: F.S.S. 901.21; 901.211; 951.22; Florida Model Jail Standards 4.02; 4.04.</b>	

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**I. POLICY**

It is the policy of the Miami-Dade Corrections and Rehabilitation Department (MDCR) to have procedures and practices governing searches of persons to detect and deter the introduction, fabrication, possession, and conveyance of contraband entering into any MDCR detention facility. Staff and inmates are advised of the prohibitions against contraband. Searches will be performed on an ongoing basis, in accordance with section 901.211 of the Florida Statutes, for security reasons, control of contraband, and staff and inmate safety.

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The inspection by sight, touch, and electronic scanning device of an individual's clothed body, outer clothing, and possessions, to include footwear, pockets, hats, hair, wigs, mouth, nose, and ears.

**B. FIRST APPEARANCE**

The inmate's appearance before a judge within 24 hours of arrest.

**C. STRIP SEARCH**

Having an arrested person remove or arrange some or all of his or her clothing so as to permit a visual and/or manual inspection of the genitals; buttocks; anus; breast, in the case of a female; or undergarments of such person.

**D. BODY CAVITY SEARCH**

A visual, manual, and/or instrument inspection of an inmate's orifices conducted only by trained medical personnel.

**E. PROBABLE CAUSE**

Known facts and circumstances that would lead a reasonable person to believe a strip search is justified.

**F. REASONABLE SUSPICION**

Known facts and circumstances, and rational inferences from those known facts and circumstances, that would lead a reasonable person to suspect a strip search is justified.

**MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT**

VOLUME NO. 11

D.S.O.P. NO. 11-022

**III. GENDER CONSIDERATIONS****A. FRISK SEARCH**

1. Female inmates shall be frisk searched by female officers except in emergency situations.
2. Male inmates may be frisk searched by either male or female officers. However, if a male officer is available for the frisk search of a male inmate, he will conduct the frisk search.

**B. STRIP SEARCH**

1. It is mandatory that staff of the same gender as the inmate performs the strip search.
2. In an emergency, an officer of the opposite gender may be present during a strip search. The shift supervisor/commander will be notified and will make an addendum to the MDCR Incident Report detailing the specifics of the situation.

**IV. PROCEDURES****A. PERSONAL PROTECTIVE EQUIPMENT**

Each officer conducting a strip or frisk search will wear double gloves. All gloves, after each usage, will be disposed of in a biohazard bag (red) or receptacle. For additional information, see Departmental Standard Operating Procedure (DSOP) #6-014, "Communicable Disease - Exposure Control Plan."

**B. WHEN TO CONDUCT A FRISK SEARCH**

All arrested persons will be frisk searched prior to entry into the secured areas of a facility when being admitted into the jail system. Other circumstances that warrant a frisk search of an inmate include, but are not limited to, the following:

1. Inmates entering or exiting their assigned housing areas;
2. Prior to and after recreation; law library; religious, educational and work programs; clinic visits or any activity within the confines of the facility;

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3. After a cell or housing unit search;
4. During a shakedown;
5. When being transported;
6. At any other time the officer believes such a search is warranted.

**C. SPECIFIC STEPS FOR CONDUCTING A FRISK SEARCH**

1. Instruct the inmate to remove all items from his/her pockets and turn the pockets inside out. Have the inmate remove shoes, socks/stockings, hat, jacket, coat, belt, and sweater. If the inmate is wearing hair curlers, a wig, removable hairpiece, or other removable ornaments in the hair, have the inmate remove these items.
2. Instruct the inmate to run his/her fingers through the hair. The officer should then run his/her fingers through the inmate's hair, looking for any hidden contraband.
3. Instruct the inmate to stand still with his/her feet apart and arms extended forward. Have the inmate lean forward against an object, (i.e., a wall, desk, etc.), so that the arms support the body weight. The arms and feet should be far enough apart from the wall and spread in a manner that puts the inmate slightly off balance. This is to lessen the possibility of a physical move or an attempt by the inmate to assault the frisking officer.
4. Search the individual from the back.
5. The officer will carefully feel the collar of the shirt/blouse/sweater, etc., with the fingers, checking for any item that may be concealed there. During the search, officers should use universal precautions and be cognizant that inmates routinely conceal syringes on their person.
6. Using the hand, the officer will carefully feel down the shirt front and shirt back, checking the pockets, and stopping at the belt line. For females, the officer will pull the bra away from the body and shake the bra in order to dislodge any items that may be hidden. The officer will check under the inmate's breasts with their fingers. At no time will the palm of the hand cup the breast. For any pockets that cannot be turned out, the officer will isolate the items in the pockets and remove the item by holding the pocket open and

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pulling the pocket lining upward until the items can be seen and removed. During any search, officers should avoid placing their hands into any area, which cannot be visually inspected.

7. The officer will run the hands over the shoulders, arms, and under the armpits. Then, the officer with the cup of the hands will feel down each arm to the cuff of the shirt.
8. Using the fingers, the officer will check inside of the waistband.
9. The officer will run the hands over the buttocks and the lower abdominal area.
10. Using the web of the hand, the officer will run the hands around each thigh until the web of the hands meet between the inner thigh and the groin area. Using the back of the hand, the officer will search from the lower abdomen over the buttocks checking for contraband that may be concealed. The officer, keeping their head above their shoulders will run the hands down the inmate's pant leg to the foot of each leg.
11. The officer will have the inmate stand erect and face him/her at a distance of more than an arm's length. The inmate's mouth, nose, ears, hands, feet and between the fingers and toes will be checked. If the inmate has any removable dental work, (i.e., denture, partial denture), have the inmate remove these items for inspection and keep the item in his/her hand.
12. Search all remaining property (i.e., socks, shoes, jacket) the inmate has in his/her possession. All unauthorized items will be placed in the inmate's property for storage. All cigarettes and other contraband will be disposed of according to established procedures.
13. If an inmate has a removable splint, cast, prosthesis, artificial eye, or if an inmate is protected under the Americans with Disabilities Act (ADA) guidelines, the following steps will be taken:
  - a. Removable splints – have the inmate remove the splint, check the area and the splint, and return splint to the inmate. (This shall be conducted in the presence of a Corrections Health Services [CHS] medical staff member);



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- b. Cast - use a hand-held metal detector to scan the cast area. A tongue depressor may be used to check a short distance down the cast if necessary;

If more than one finger can be placed between the cast and the skin of the inmate, the inmate will be taken to the clinic. If an item is detected in the cast while conducting the frisk search, the inmate will be taken to the clinic immediately after the frisk search is completed. Medical staff will determine if the inmate should be sent for an x-ray of the cast and/or removal of the item.

- c. Prosthesis - have the inmate remove the prosthesis, check the prosthesis for contraband and return it to the inmate;
- d. Artificial eye - if the inmate has an artificial eye, the inmate will be escorted to the clinic where only medical staff will remove the eye;
- e. Upon completion of the frisk search, direct/escort the inmate to an area where he/she cannot commingle with other inmates who have not been frisk searched.

**D. CONTRABAND**

If during the frisk/strip search process contraband is discovered, it will be processed in accordance with D SOP 18-005, "Inmate Personal Property Control and Inventory," or if during the intake process, in accordance with DSOP 18-006 "Intake Procedures."

**E. WHEN TO CONDUCT A STRIP SEARCH**

Inmates charged with weapon violations, violent crimes, or possession of controlled substances will be strip searched during the intake process.

Inmates must be strip searched one at a time. All strip searches must be conducted out of the view of persons not conducting the strip search, out of the view of other inmates, and in an area designated for this purpose to provide maximum privacy for the inmate. Prior to the strip search, the area will be checked for contraband.

Upon intake, if the officer believes a felony inmate based on reasonable suspicion, or a misdemeanor inmate based on probable cause, is concealing a weapon,

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controlled substance, or contraband, and a frisk search is not sufficient to discover the weapon, controlled substance, or contraband, then the inmate shall be strip searched. This may be based on the officer's familiarity with the inmate's history, conversations with the arresting officer or inmate, or a review of the arrest affidavit. The decision to strip search an inmate shall be made without regard to the inmate's gender. Inmates will not be strip searched randomly or as harassment.

Inmates may also be strip searched under the following conditions:

1. Housed in general population, and there is reasonable belief that the inmate may be in possession of an item of contraband;
2. When a judge at first appearance has found that the person arrested cannot be released either on recognizance or bond and, therefore, must be incarcerated, a strip search shall be performed prior to assignment of the inmate to any housing unit/cell at any departmental facility;
3. Newly transported from other non-departmental correctional facilities as part of the intake procedures prior to being assigned to any general population unit/cell at any departmental facility;
4. Returning from an unescorted furlough will be strip searched before returning to general inmate population;
5. After the completion of a contact visit;
6. Each trusty returning to a facility from a work detail or assignment;
7. When reasonable suspicion exists that the inmate is suicidal in accordance with DSOP 12-005, "Recognizing and Supervising Mentally Ill Inmates," Section V.B.2.

**F. DOCUMENTATION FOR CONDUCTING A STRIP SEARCH**

1. Written authorization must be obtained from the on-duty rear lobby supervisor or other designated on-duty supervisor prior to strip searching an inmate, except when the health and safety of the inmate or others, or the security of the facility, is in immediate jeopardy.

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2. The rear lobby supervisor or the designated supervisor will record all strip searches conducted on the Intake Strip Search Tracking Authorization Form and the inmate's jail card.
3. The booking desk supervisor or designee will ensure all jail cards are stamped with the strip search authorization stamp prior to the jail card being given to the rear lobby/intake officer for completion during the booking process.
4. The officer conducting the strip search and the authorizing supervisor will complete the strip search authorization section on the inmate's jail card. In the event the authorizing supervisor and or/officer conducting the strip search is not available to complete the strip search authorization section of the jail card, the on-duty supervisor or designated supervisor will record the information from the Intake Strip Search Tracking Authorization Form and complete the area noted for the Recording Supervisor.
5. If the inmate is not strip searched, the rear lobby /intake officer completing the booking process of the inmate shall note this in the strip search authorization section on the inmate's jail card.
6. In the event a strip search is conducted prior to obtaining the on-duty supervisor's written authorization, the officer conducting the search shall generate an MDCR incident report and the reason for proceeding without a supervisor's authorization shall be noted.

**G. SPECIFIC STEPS FOR STRIP SEARCHING MALE INMATES**

1. There will be no physical contact with the inmate during any strip search, except to check the hair, when necessary. The inmate must not be allowed to eat, drink, or move from place to place during the strip search process;
2. The inmate will be instructed to bend over and vigorously run his fingers through his hair, which should dislodge any matter that may be hidden there. When the officer is satisfied that there is no danger, the officer may examine the inmate's hair;
3. While standing more than an arm's length from the officer, the officer will instruct the inmate to remove all clothing including socks, shoes, etc;

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4. The inmate will then be instructed to turn around and face the officer. He will then be instructed to place his hands in such a manner that the hands and between the fingers can be inspected;
5. The inmate will be instructed to open his mouth, raise his tongue, and tilt his head back so that his nostrils can be checked. He will be instructed to turn his head from side to side affording the officer the ability to check the inmate's ears for the purpose of detecting contraband. The officer should also conduct a visual assessment at this time to check for blood (flowing or dried) or fluids coming from the inmate's ears. The entire front surface of the inmate will be visually checked;
6. The inmate will be instructed to lift his genitals in such a way that the officer can visually check this area;
7. The officer will instruct the inmate to remove any body piercing objects (nose, tongue, navel, eye, etc.). In the event an inmate is unable to remove a body-piercing object, he will be examined by the CHS medical staff. In some instances, the CHS staff may determine that a body piercing is bonded and may not be removed;
8. The inmate will be instructed to turn around, and the entire back surface of the inmate will be visually checked;
9. The inmate will be instructed to bend forward at the waist as far as he can without falling over. He will then be told to reach behind himself with both hands and separate his buttocks for the purpose of exposing any items he may have placed there with the intent to conceal;
10. After returning to a standing position and while still facing away from the officer, the inmate will be instructed to lift each foot independently to display the soles of his feet. He will be instructed to spread his toes so that a visual check can be conducted;
11. All clothing will be inspected by feeling every item. All pockets will be checked. All shoes, shoe linings, heels, soles, etc., will be checked for contraband;
12. The inmate will be allowed to put his clothing back on and will be escorted out of the strip search area to an area where he cannot come in contact with other inmates who have not been strip searched;

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13. The officer will check the area for any contraband, which might have been disposed of by the inmate.

**H. SPECIFIC STEPS FOR STRIP SEARCHING FEMALE INMATES**

1. There will be no physical contact with the inmate during any strip search, except to check the hair, when necessary. The inmate must not be allowed to eat, drink, or move from place to place during the strip search process;
2. The inmate will be instructed to bend over and vigorously run her fingers through her hair, which should dislodge any matter that may be hidden in the hair. When the officer is satisfied that there is no danger, the officer may examine the inmate's hair;
3. While standing more than an arm's length from the officer, the inmate will be instructed to remove all clothing including socks, shoes, etc.;
4. The inmate will be instructed to turn around and face the officer. She will be instructed to place her hands in such a manner that the hands and between the fingers can be inspected;
5. The inmate will be instructed to open her mouth, raise her tongue, and tilt her head back so that her nostrils can be checked. She will then be instructed to turn her head from side to side affording the officer the ability to check the inmate's ears for the purpose of detecting contraband. The officer should also conduct a visual assessment at this time to check for blood (flowing or dried) or fluids coming from the inmate's ears. The entire front surface of the inmate will be visually checked;
6. The inmate will be instructed to lift her breasts so that the area under her breasts is exposed;
7. The officer will instruct the inmate to remove any body piercing objects (nose, tongue, navel, eye, etc.). In the event an inmate is unable to remove a body-piercing object, she will be examined by the CHS medical staff. In some instances, the CHS staff may determine that a body piercing is bonded and may not be removed;
8. The inmate will be instructed to turn around and the entire back surface of the inmate will be visually checked;

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9. The inmate will be instructed to squat with the feet apart, then bounce and cough several times to dislodge any hidden contraband. When returning to the standing position, the inmate will be asked to bend forward at the waist as far as she can without falling over. The inmate must reach behind herself with both hands and separate her buttocks for the purpose of exposing any items that she may have placed there with the intent to conceal;
10. While standing and still facing away from the officer, the inmate will be instructed to lift each foot independently to display the soles of her feet. The inmate will be instructed to spread her toes so that a visual check can be conducted;
11. The inmate will be instructed to turn around and face the officer. She will be instructed to place her hands in such a manner that the hands and between the fingers can be inspected;
12. All clothing will be inspected by feeling every item. All pockets will be checked. All footwear, footwear lining, heels, soles, seams, and waistbands, etc., will be thoroughly checked for contraband;
13. The inmate will be instructed to put her clothing back on and will be escorted out of the strip search area to an area where she cannot come in contact with other inmates who have not been strip searched;
14. The officer will check the area for contraband, which might have been disposed of by the inmate.

**I. BODY CAVITY SEARCH**

The facility supervisor or designee must authorize a body cavity search. All body cavity searches must be done in private and only licensed medical staff shall conduct a body cavity search. The inmate will be kept isolated until the CHS medical staff completes the body cavity search. A body cavity search shall only be made for probable cause, (i.e. when the officer conducting the strip search sees or suspects that the inmate may be concealing an object in a body cavity). The officer will request a body cavity search if it is determined that the inmate is concealing an object and refuses to remove it. An incident report will be generated and approved by the shift supervisor/ commander.

**MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT****VOLUME NO. 11****D.S.O.P. NO. 11-022****J. VISITOR'S SEARCH**

All visitors who enter the security perimeter of any Department facility may be subject to a frisk/strip search. For specific procedures see DSOP 11-031 "Searching and Detaining Non-Inmates".

**V. CROSS REFERENCES**

Departmental Standard Operating Procedure #11-019, "Contraband Detection Procedures."

Departmental Standard Operating Procedure #12-005, "Recognizing and Supervising Mentally Ill Inmates."

Departmental Standard Operating Procedures #11-031, "Searching and Detaining Non-Inmates."

Departmental Standard Operating Procedure, #18-005 "Intake Personal Property Control and Inventory."

Departmental Standard Operating Procedures #18-006, "Intake Procedures."

Procedural Directive: #D05-012 reference, DSOP #11-022, "Frisk and Strip Search Procedures."

**VI. REVOCAION**

None.

**MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT**

<b>VOLUME NO. 11</b>	<b>D.S.O.P. NO. 11-022</b>
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Approved by:

Reviewed by:

Charles J. McRay, Director

Assistant County Attorney

**FORMS/SUPPORTING DOCUMENTATION**

Miami-Dade Corrections and Rehabilitation Department Incident Report  
Intake Strip Search Tracking Authorization Form



**EXHIBIT 3**

**STIPULATION OF SETTLEMENT**

# CLAIM FORM

## MIAMI-DADE STRIP SEARCH LAW SUIT CLASS ACTION CLAIM FORM (HANEY, ET AL. V. MIAMI-DADE COUNTY, ET AL.) UNITED STATES DISTRICT COURT, SO. DIST. OF FLORIDA MIAMI DIVISION, CASE NO. 04-20516-CIV-JORDAN/BROWN

### FILL OUT THIS FORM IF:

(1) YOU ARE A FEMALE AND WERE ARRESTED ON A CHARGE RELATING TO PROSTITUTION BETWEEN MARCH 5, 2000, AND FEBRUARY 8, 2005, AND WERE STRIP SEARCHED AT THE MIAMI-DADE PRE-TRIAL DETENTION CENTER WITHOUT PROBABLE CAUSE PRIOR TO A FIRST APPEARANCE;

AND/OR

(2) YOU ARE A FEMALE AND WERE ARRESTED ON A MISDEMEANOR (OR INFRACTION OR ORDINANCE VIOLATION) NOT INVOLVING VIOLENCE, DRUGS, OR WEAPONS AND WERE STRIP SEARCHED AT THE MIAMI-DADE PRE-TRIAL DETENTION CENTER OR THE MIAMI-DADE WOMEN'S DETENTION CENTER WITHOUT PROBABLE CAUSE, PRIOR TO A FIRST APPEARANCE BETWEEN MARCH 5, 2000, AND AUGUST 11, 2004, (ALL MEMBERS OF THIS CLASS WHO QUALIFY WILL RECEIVE A **MINIMUM OF \$1,000**) UNLESS REDUCED BY 50% FOR HAVING PREVIOUSLY SERVED TIME IN STATE PRISON;

OR

(3) YOU WERE ARRESTED ON A FELONY OR A CHARGE INVOLVING VIOLENCE, DRUGS OR WEAPONS, AND WERE STRIP SEARCHED, BEFORE YOUR FIRST APPEARANCE, AT A MIAMI-DADE DETENTION CENTER BETWEEN MARCH 5, 2000, TO FEBRUARY 28, 2005, (ALL MEMBERS OF THIS CLASS WHO QUALIFY WILL BE ENTITLED TO RECEIVE A PAYMENT OF \$10.00).

You must complete and submit this claim form no later than September 1, 2005, to qualify for payment from settlement of this class action strip search case against Miami-Dade County and others. If you do not return a completed claim form by the due date you will receive **no money** from the settlement.

### CLASS ACTION CLAIM FORM

\_\_\_\_\_ (Bar Code)

Name  
Address  
City, State, Zip Code  
Phone #:  
FL. Driver's License No.

Social Security Number:  
Date of Birth:

Claim No. \_\_\_\_\_

Please enter your correct name, and address here if it does not appear to the left.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

----- \* ----- \* ----- \* ----- \* ----- \* ----- \* -----

Were you arrested and strip searched prior to first appearance at a Miami-Dade Detention Center at any time between March 5, 2000, and February 28, 2005?

Yes No

If you answered "yes" to the above, or you are unsure of the date, please continue to answer the questions below.

Note: Not all persons strip searched at a Miami-Dade Detention Center during the class period (March 5, 2000 to February 28, 2005) will be entitled to payment. If you were charged with a crime involving drugs, weapons or violence, you will be entitled only to a payment of \$10.00 for each pre-first appearance strip search following an arrest during the class period. Eligibility will be based solely on records maintained by the Miami-Dade County Department of Corrections and Rehabilitations.

Use the return envelope (or any other envelope) and mail the completed claim form to: Class Claim Administrator: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

Answer each of the following questions by placing a check in the "yes" or "no" box at the end of the question. The amount of money you receive under this claims process will be based solely on the answers to questions you provide. **CAUTION – THESE ANSWERS ARE GIVEN UNDER PENALTY OF PERJURY.**

**Questions**

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 1. Did you have a significant physical disability (such as scarring, amputation, malformation or disfigurement) or a mental disability (such as a medically diagnosed psychiatric condition) at the time of any pre-first appearance strip search? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Were you menstruating during the strip search?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Were you more than two months pregnant during the strip search? If so, did you carry your child to term? Yes ___ or No ___. If Yes, state name _____ and date of birth _____.   | <input type="checkbox"/> | <input type="checkbox"/> |

**CRIMINAL FRAUD WILL RESULT IN DENIAL OF YOUR CLAIM.**

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF FLORIDA THAT THE ABOVE IS TRUE AND CORRECT.

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

The information given here is private and will remain confidential, subject to the provisions of Florida's Public Records Act, which may require the disclosure of information provided. If you have any questions about this lawsuit, write to the Claims Administrator at Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308, or visit the website at www.\_\_\_\_\_.

**THIS CLAIM FORM MUST BE SIGNED AND RETURNED WITH A POSTMARK NO LATER THAN SEPTEMBER 1, 2005.**

**If you would like your settlement check mailed to an address other than that on the first page of the Claim Form, provide it here: (Address if different) to which settlement check should be mailed:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT 4**

**STIPULATION OF SETTLEMENT**

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION STRIP SEARCH CASE**

**If you were arrested and booked at a Miami-Dade County Pre-Trial Detention Center and strip-searched before your first appearance between March 5, 2000 and February 28, 2005, you may be entitled to monetary compensation under a class action settlement.**

There is presently pending a lawsuit filed as a class action in the United States District Court, Southern District of Florida, Miami Division. The parties have proposed a Settlement which, if it receives final approval, will provide that certain persons subject to pre-first appearance strip searches at the Miami-Dade Pre-Trial Detention Centers will receive money. Records of the Miami-Dade County Corrections and Rehabilitations Department show that you may have been subjected to a strip search after an arrest and before your first appearance. To receive monetary compensation in this pending settlement, **you must fill out and mail a claim form.**

**If You Wish to Claim Monetary Compensation,  
Obtain, Fill out and Mail the Claim Form as Soon as Possible but No Later than September 1, 2005.**

For more information, please read this notice.

**PLEASE READ THIS ENTIRE NOTICE CAREFULLY.  
YOU MAY BE ENTITLED TO RECEIVE A PAYMENT.**

There is now pending in the United States District Court, Southern District of Florida, Miami Division, an action filed as a class action on behalf of persons allegedly illegally strip searched by Miami-Dade County employees between March 5, 2000, and February 28, 2005. A Stipulation of Settlement, approved preliminarily by the Court, defines the class and sub-classes included in this settlement as follows:

- a. All females arrested on municipal ordinance, infraction or misdemeanor charges not involving violence, drugs or weapons who were transported to the Women's Detention Center and strip searched prior to their first appearance, except persons strip searched at the Women's Detention Center on "probable cause" reported in writing on an incident form; and
- b. All females arrested on charges relating to prostitution from March 5, 2000, until February 8, 2005, when the practice of strip searching all persons charged with prostitution was officially terminated; and
- c. All persons arrested a felony or on charges relating to violence, drugs or weapons who were strip searched, prior to their first appearances, without a written authorization for the strip search having been first obtained from a supervising officer from March 5, 2000, until February 28, 2005, the date when the policy of strip searching detainees prior to obtaining a written authorization was terminated.

You have received this Notice either because Miami-Dade County records indicate that you may be in the class or you contacted the Claims Administrator. Whether or not you qualify as a class member will be based solely upon the Miami-Dade County records. If these records do not contain your name and show you to be within the definition of the class, you will not qualify.

This Notice is to inform you that a settlement has been proposed in this action and that, as a potential class member, your rights may be affected by the settlement. This Notice also summarizes the terms and effect of the proposed settlement, what you can do to participate in it, how you may obtain money under the settlement and what you must do if you choose to exclude yourself from the class.

**SUMMARY OF THE PROPOSED TERMS**

A Settlement Agreement ("Settlement") was entered into after intensive negotiations between the parties, conducted with the assistance of a third party mediator. The Parties are requesting that the Court approve the Settlement.

**A. Parties to the Settlement.**

The parties to the Settlement are the Plaintiffs named in Haney, et al v. Miami-Dade County, et al., United States District Court, Southern District of Florida, Miami Division, Case No. 04-20516-Civ Jordan/Brown filed on behalf of themselves and the Settlement Class, and various defendants including the Miami-Dade County and Miami-Dade Corrections and Rehabilitations Department. Counsel for the class are Mark E. Merin, The Law Office of Mark E. Merin, 2001 P Street, Sacramento, CA 95814; Andrew C. Schwartz, Casper, Meadows & Schwartz, 2121 N California Boulevard, Suite 1020, Walnut Creek, CA 94596; and Randall C. Berg, Jr., Florida Justice Institute, Inc., 2870 Wachovia Financial Center, 200 South Biscayne Blvd., Miami, FL 33131-2310.

**B. Defendants Do Not Admit Any Liability**

Plaintiffs allege that the acts and/or omissions which are the subject of the claims covered by this action (strip searches) violated various state and federal laws. Defendants deny all allegations of wrongdoing and deny any liability to plaintiffs or to any other class members. The parties have agreed that, in order to avoid long and costly litigation, this controversy should be settled pursuant to the terms of the settlement as described in this Notice, subject to the approval of the Court.

**C. Monetary Terms of Settlement**

1. Payment of Claims

Defendants shall pay a maximum of \$4,550,000.00 under the terms of the settlement which will referred to as the Class Fund.

In addition to funds reserved for the payment of Class Claims, Class Counsel will receive, subject to approval of the Court, a fee of \$1,000,000.00 as attorney's fees and up to \$100,000.00 for reimbursement of itemized costs and expenses. Up to \$300,000.00 will be available for the costs of claim administration.

2. Payment to Representative Plaintiffs

Under the terms of the settlement, representative plaintiffs and those who had entered into retainer agreements with the class counsel will receive a total of \$300,000.00 to be allocated among them.

3. Payment to Class Members Who File Claims

Money for the class will be paid out based on a distribution formula, subject to payments being proportionately reduced if the total value of verified claims exceeds \$4,550,000.00. Pursuant to that distribution formula all women arrested on municipal ordinance, infraction or misdemeanor charges not involving violence, drugs or weapons, who were transported to the Women's Detention Center and strip searched there prior to their first appearance will receive a minimum of \$1,000.00 (One Thousand Dollars) (subject to possible reduction) and increments of \$500.00 based on answers to questions on a claim form to be submitted under penalty of perjury. For each qualifying strip search following a fresh arrest during the claims period, each such claimant will receive an additional \$1,000.00.

All women arrested on charges relating to prostitution during the period from March 5, 2000, to February 8, 2005, will receive a minimum of \$1,000.00 (subject to reduction) for each strip search prior to first appearance during the claims period and additional increments based on answers to claim form questions to be submitted under penalty of perjury.

All persons arrested on charges relating to violence, drugs, or weapons who were strip searched, prior to their first appearance, without a written authorization for the strip search having been first obtained from a supervising officer during the period from March 5, 2000, to February 28, 2005, will be entitled to receive a payment of \$10.00, if they timely submit a claim form. Read the rest of this Notice to find out how to get a claim form.

**D. Strip Search Policy**

Defendants will not strip search persons prior to first appearance, unless prior written authorization for the strip search has been obtained from a supervising officer. Defendants will not strip search, prior to first appearances, persons charged with offenses relating to prostitution or those arrested on infractions or ordinance violations or misdemeanors not involving violence, drugs, or weapons, without reasonable suspicion that a strip search would be productive of contraband or weapons.

**E. Your Options as a Class Member**

1. Be Bound by, and Participate in the Settlement.

To qualify for a payment, you must send in a completed Claim Form to the Claims Administrator. If you receive a notice by First Class Mail, a Claim Form will be included in the notice package. You can also get a Claim Form by: (1) calling this toll free number: [800-Number]; (2) visiting the website, [web site]; or (3) writing the Claims Administrator at: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

You have until September 1, 2005, to submit a claim or to opt -out of the settlement.

Mail your completed Claim Form to: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

Remember, if you do not submit a Claim Form, you cannot get a payment. If you submit a claim form, you will be bound by the settlement and receive money (if you are a class member). If you do not submit a claim form but do not exclude yourself from the class (as explained in the next paragraph), you will be bound by the terms of the Settlement and dismissal entered in this case, but you will not receive any money.

By participating in this Settlement you will be waiving all your rights to all claims up to and including February 28, 2005, related to strip searches at the Miami-Dade Pre-Trial Detention Centers, even those of which you are not presently aware.

2. Exclude Yourself From the Class

You do not have to take part in the Settlement or be a member of the class. This is called “excluding” yourself. If you exclude yourself, you can not get a payment and you can not object to the Settlement. Any Court orders will not apply to you. To exclude yourself, you must sign a request for exclusion letter that states that you want to be excluded from Haney, et al. v. Miami-Dade County, et. al., United States District Court, Southern District of Florida, Miami Division, Case No. 04-20516-CIV Jordan/Brown. Your exclusion letter must be mailed and postmarked before September 1, 2005, to: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

If you do not follow these instructions properly, you will lose your right to exclude yourself. If you exclude yourself, you cannot get any money from the Settlement of this case and you cannot tell the Court you do not like the Settlement (which is called “objecting”). If you exclude yourself, you are no longer part of the class or the Settlement. But you can sue or be part of a different lawsuit about the claims in this case.

**E. Fairness Hearing and Process for Objections.**

A fairness hearing will be held on September 22, 2005, at 9:00 a.m., at the United States District Court, Southern District of Florida, Miami Division, 301 N. Miami Avenue, Courtroom 8, Miami, Florida. If you are a class member and do not exclude yourself, you can tell the Court you do not like the Settlement or some part of it at this hearing. This is called objecting to the Settlement. For example, you can say you do not think the Settlement is fair or adequate. The Court will consider your views.

To object, you must send a letter to the court that contains all of the following:

1. The name and title of the lawsuit, Haney, et al. v. Miami-Dade County, et al., United States District Court, Southern District of Florida, Miami Division, Case No. 04-20516 CIV Jordan/Brown;
2. A statement of each objection you have and the facts that support the objections;
3. A description of any law or case supporting the objections;
4. A statement on whether or not you or your lawyer will ask to appear at the Fairness Hearing to talk about your objections, and, if so, how long you will need to present your objections; and
5. Copies of any documents you or your lawyer will present at the Fairness Hearing.

At the hearing on the proposed settlement, the Court may schedule further hearings without further notice to the class. The matters considered at such future hearings may include, but shall not be limited to, further consideration of the fairness and adequacy of the proposed settlement, the determination of the settlement of individual claims filed by class members, consideration of the request for attorneys’ fees and reimbursement of costs and expenses to class counsel, and the form and entry of the final judgment of dismissal in the event the proposed settlement is approved by the court.

Individually, or through counsel, any class member has the right to object to the proposed Settlement as a whole, to the amount of attorneys’ fees and costs of Class Counsel, or to any portion of either. ANY SUCH OBJECTIONS MUST BE FILED IN WRITING ON OR BEFORE **SEPTEMBER 1, 2005**, IN THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION, 301 N. MIAMI AVENUE, COURTROOM 8, MIAMI, FLORIDA, ATTENTION: CLERK, RE: HANEY, ET AL. V. MIAMI-DADE COUNTY, ET AL., CASE NO. 04-20516-CIV JORDAN/BROWN. If you wish to appear and present your objections at the fairness hearing, you must also submit a Notice of Intention to Appear that identifies the case, contains your name and address, and explains the reason the appearance is desired. The Notice of Intention to Appear and any objections must be filed with the Court on or before **September 1, 2005**. You may be represented by your own attorney. If you are to be represented by an attorney at the hearing, his or her name, address and telephone number must be included in the Notice of Intention to Appear as well.

A copy of the Statement of Objection and/or Notice of Intention to Appear must also be mailed to: Florida Justice Institute, Inc., 2870 Wachovia Financial Center, 200 South Biscayne Blvd., Miami, FL 33131-2310 and Dade County Attorney's Office, Metro Dade Center, 111 NW 1<sup>st</sup> St, Suite 2810, Miami, FL 33128-1993 ATTN: Jeffrey P. Ehrlich.

**F. How to Obtain Further Information**

For additional information regarding the Settlement and Claim Form, or a copy of the Settlement Agreement, Claim Form or Class Counsel's Application for Attorney's Fees, you or your counsel should contact: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308**. You may also check the Class Administrator's website at [web address] or call [800 Number]. You may also obtain detailed information about the case by examining the Court file located in the office of the Clerk of the United States District Court, Southern District of Florida, Miami Division, 301 N. Miami Avenue, Courtroom 8, Miami, Florida.

**G. Court Approval.**

Although the Court has reviewed the proposed Settlement, no decision has been, or will be, reached by the Court, until the Fairness Hearing. This Notice does not indicate that the Court has approved the Settlement.



**PROSTITUTION CHARGE LIST**

<b>Statute</b>	<b>Description</b>	<b>Type</b>
16-16	PROSTITUTION/MUNICIPAL ORDINANCE	L
21-36(A)	SOLICITATION OF BUSINESS/SIDEWALK/COUNTY ORDINANCE	C
21-42	OBSCENE MATERIAL/PERFORMANCE VIOLATION/COUNTY ORD	C
21-81(A)	LEWD AND LASCIVIOUS BEHAVIOR/COUNTY ORDINANCE	C
21-81(A)	PROSTITUTION/COUNTY ORDINANCE	C
30-12	OBSTRUCT STREET BY SOLICITING/COUNTY ORDINANCE	C
30-12	OBSTRUCT STREET BY SOLICITING/MUNICIPAL ORDINANCE	L
316.2045(2)	OBSTRUCTING TRAFFIC/SOLICI W/O PERMIT/PEDESTRIAN	M
384.24	SEXUALLY TRANSMISSIBLE DISEASES/UNLAWFUL ACTS	M
384.24(2)	HIV INFECTED/SEX W/ANOTHER/UNINFORMED/ATTEMPT	M
46-10	PROSTITUTION ORDINANCE/MIAMI ORDINANCE	L
480.01(2)(C)	MASSAGE PARLOR/IMPROPER FACILITIES	M
480.02(1)(A)	MASSAGE/PRACTICE WITHOUT CERTIFICATION	M
480.047	MASSAGE/PRACTICE WITHOUT A LICENSE	M
480.047	MASSAGE/PRACTICE WITHOUT A LICENSE	M
796.01	HOUSE OF ILL FAME/KEEP	M
796.06	PROSTITUTION/RENT SPACE TO BE USED FOR	M
796.06	PROSTITUTION/RENT SPACE TO BE USED FOR	M
796.06	PROSTITUTION/RENT SPACE TO BE USED FOR	M
796.07(2)(A)	PROSTITUTION/MAINTAIN A HOUSE OF	M
796.07(2)(B)	PROSTITUTION/OFFER TO SECURE ANOTHER FOR	M
796.07(2)(C)	PROSTITUTION/RECEIVE ANOTHER FOR	M
796.07(2)(D)	PROSTITUTION/DIRECT ANOTHER TO PLACE OF	M
796.07(2)(E)	PROSTITUTION/COMMIT, ENGAGE IN	M
796.07(2)(E)	PROSTITUTION/COMMIT, ENGAGE IN/SECOND CONVICTION	M
796.07(2)(E)	PROSTITUTION/SECOND VIOLATION	M
796.07(2)(F)	PROSTITUTION/PROCURE/SOLICIT/INTICE	M
796.07(2)(F)	PROSTITUTION/SOLICIT ANOTHER TO COMMIT	M
796.07(2)(G)	PROSTITUTION/ENTERING, REMAINING IN A PLACE OF	M
796.07(2)(H)	PROSTITUTION/AID OR ABET	M
796.07(2)(I)	PROSTITUTION/PURCHASE SERVICES	M
796.07(3)(A)	PROSTITUTION/COMMIT, ENGAGE IN	M
796.07(3)(B)	PROSTITUTION/SOLICIT ANOTHER TO COMMIT	M
796.07(3)(C)	PROSTITUTION/ENTERING, REMAINING IN A PLACE OF	M
796.07(3)(D)	PROSTITUTION/AID OR ABET	M
796.07(3)(E)	PROSTITUTION/PURCHASE SERVICES	M
796.07(4)(C)	PROSTITUTION/3RD OR SUBSEQUENT VIOLATION	F
796.08	PROSTITUTION/SEXUALLY TRANSMISSIBLE DISEASE	M
798.02	LEWD AND LASCIVIOUS BEHAVIOR	M
800.02	UNNATURAL AND LASCIVIOUS ACT	M
800.03	INDECENT EXPOSURE	M