

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ERIC JONES

P.O. Box 71
Harpers Ferry, WV 25425

and

DANA T. WEST

4212 St. Vincents Drive
Baltimore, Maryland 21215

Individually, and on behalf of all
others similarly situated

Plaintiffs

v.

SUSAN MURPHY

Warden, Baltimore Central Booking
and Intake Center
300 East Madison Street
Baltimore, Maryland 21202
*Individually and in her Official
Capacity*

and

WILLIAM JEDNORSKI

Former Warden, Baltimore Central
Booking and Intake Center
L.K.A. 300 East Madison Street
Baltimore, Maryland 21202
*Individually and in his Official
Capacity*

CITY OF BALTIMORE

100 North Holliday Street
Baltimore, Maryland 2120
*Serve: Martin O'Malley, Mayor
100 North Holliday Street
Baltimore, MD 21202*

and

BALTIMORE CITY POLICE

Case No.:

DEPARTMENT

601 East Fayette Street
Baltimore, MD 21202

*Serve: Leonard Hamm,
Police Commissioner*

Defendants

CLASS ACTION

**COMPLAINT FOR MONEY DAMAGES AND INJUNCTIVE RELIEF
AND PRELIMINARY INJUNCTION, WITH JURY DEMAND**

Introduction

1. Plaintiffs Eric Jones and Dana West bring this class action lawsuit on behalf of themselves and all other male arrestees who (1) were subjected to strip searches while being held in the Baltimore Central Booking and Intake Center (“Baltimore Booking Center”), waiting for presentment before a commissioner or other judicial officer on (a) misdemeanors not involving a weapon or drugs, or (b) non-violent, non-drug related felony charge(s); or (2) were subjected to strip, visual body cavity and/or squat searches not conducted in private; or (3) were subjected to blanket strip, visual body cavity and/or squat searches while being held in the Baltimore Booking Center, waiting for presentment before a judge or other judicial officer of the City of Baltimore regardless of the charges against them because similarly situated women were not subjected to such searches.
2. Plaintiff Eric Jones also brings this class action on behalf of himself and all other persons who were arrested in the City of Baltimore but were not brought before a commissioner or other judicial officer within 48 hours of their

arrest.

Classes

3. Plaintiffs move the Court to declare four separate classes, as described below. As used herein, “presentment” refers to the initial proceeding before the Court referred to in Maryland Rule 4-212(f). The time period for all classes is from three years prior to the filing of this Complaint through final judgment in this case.

4. Plaintiffs Dana West and Eric Jones and the class of persons they seek to represent (the “Suspicionless Arrestee Strip Search Class”) are arrestees arrested on (a) misdemeanors not involving a weapon or drugs, or (b) non-violent, non-drug related felony charge(s) who were subjected to strip searches without any individualized finding of reasonable suspicion that they were concealing drugs, weapons or other contraband, by employees of the Baltimore Booking Center, while they were held in the Baltimore Booking Center waiting for presentment before a commissioner or other judicial officer.

5. The “Suspicionless Arrestee Strip Search Class Members” are not (prior to presentment) commingled with persons who have been ordered detained, at the Baltimore City Detention Center (either because they could not post a bond or are held without bond).

6. The Suspicionless Arrestee Strip Search Class Members base their claims on the Fourth Amendment of the United States Constitution, which prohibits

subjecting persons arrested on crimes not involving weapons or drugs to strip searches without an individualized finding of reasonable suspicion or probable cause that the person was concealing drugs, weapons or other contraband.

7. Plaintiffs Dana West and Eric Jones also seek to represent a class of arrestees (the “Non-Private Strip Search Class”) who were subjected to strip, visual body cavity and/or squat searches by employees of the Baltimore Booking Center in the presence of other arrested persons while they were held in the Baltimore Booking Center waiting for presentment before a commissioner or other judicial officer.

8. The Non-Private Strip Search Class Members base their claims on the Fourth Amendment of the United States Constitution, which prohibits subjecting persons to strip searches in a non-private setting. The Non-Private Strip Search Class includes all persons who were strip-searched regardless of the offense on which they were arrested because it is the manner of the search, rather than the lack of reasonable suspicion, that makes the search unreasonable under the Fourth Amendment.

9. Plaintiffs Dana West and Eric Jones additionally seek to represent a class (the “Equal Protection Strip Search Class”) of persons who are male arrestees arrested on all types of charges, including drug and violent offenses, who were subjected to strip, visual body cavity and/or squat searches, by employees of the Baltimore Booking Center, while they were held in the Baltimore Booking Center waiting for presentment before a commissioner or

other judicial officer. Defendants subject male arrestees to such searches, but do not subject similarly situated female arrestees, including women charged with drug and violent offenses, to the searches.

10. The Equal Protection Strip Search Class Members base their claims on the equal protection component of the due process clause of the Fourteenth Amendment of the United States Constitution, which prohibits treating similarly situated men and women differently based on their gender. The Equal Protection Strip Search Class includes all men who were strip-searched, regardless of the offense on which they were arrested, because it is the application of the search to men but not women, rather than the lack of reasonable suspicion, that makes the search unreasonable under the Fourteenth Amendment.

11. Plaintiff Eric Jones also seeks to represent a class (the “Untimely Presentment Class”) of persons who were arrested in the City of Baltimore and held at the Baltimore Booking Center for more than 48 hours after their arrest without presentment.

12. The Untimely Presentment Class Members base their claims on the Fourth Amendment of the United States Constitution, which requires a prompt presentment such as the one afforded by Maryland Rule 4-212(f), and creates a presumption of unreasonability and unconstitutionality if the pre-presentment detention exceeds 48 hours.

13. This action is brought, individually and on behalf of the Classes, against

Susan Murphy in her individual capacity, and William Jednorski in his individual capacity, and against the Government of the City of Baltimore and the Baltimore City Police Department, pursuant to Section 1983 of the Civil Rights Act of 1871, 42 U.S.C. § 1983, for damage and enforcement of their Fourth and Fourteenth Amendment Rights.

14. This action is brought by the Plaintiffs, individually and on behalf of the Classes, against Susan Murphy and William Jednorski in their official capacities as Wardens of the Baltimore Booking Center, pursuant to Section 1983 of the Civil Rights Act of 1871, 42 U.S.C. § 1983, and against the Government of the City of Baltimore and the Baltimore City Police Department, for prospective injunctive relief to enforce their Fourth and Fourteenth Amendment Rights.

Jurisdiction And Venue

15. This Court has federal question jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a)(3) because plaintiffs' claims are based on Section 1983 and the Constitution.

16. Venue is appropriate in this District. The claim for relief arose from events and occurrences in this judicial district.

Parties-Plaintiffs

17. Plaintiff Dana T. West was arrested by an officer of the Baltimore City Police Department on January 13, 2005 on a charge of leaving the scene of an

accident.

18. The Baltimore City Police Department, through its officer, placed Plaintiff Dana T. West into the custody of the Baltimore Booking Center on January 13, 2005.

19. Plaintiff Dana T. West was strip searched in the Baltimore Booking Center before presentment.

20. Plaintiff Dana T. West is a male.

21. Plaintiff Dana T. West was strip searched in the presence of other arrestees.

22. Plaintiff Dana T. West was released directly from the Baltimore Booking Center after posting a bond.

23. Plaintiff Dana T. West remains subject to conditions of release that can be revoked at the time this complaint is filed.

24. Plaintiff Dana T. West has standing to seek future injunctive relief because he is reasonably likely to be re-admitted to the Baltimore Booking Center.

25. Plaintiff Eric Jones was arrested on January 10, 2005, on charges of 2nd Degree Assault and False Imprisonment.

26. The Baltimore City Police Department, through its officer, placed Plaintiff Eric Jones into the custody of the Baltimore Booking Center on January 10, 2005.

27. Plaintiff Eric Jones was strip searched in the Baltimore Booking Center

before presentment.

28. Plaintiff Eric Jones is a male.

29. Plaintiff Eric Jones was strip searched in the presence of other arrestees.

30. Plaintiff Eric Jones was held for more than 48 hours before his presentment.

31. Plaintiff Eric Jones was released directly from the Baltimore Booking Center after posting a bond.

32. Plaintiff Jones has standing to seek future injunctive relief because he is reasonably likely to be re-admitted to the Baltimore Booking Center.

Parties-Defendants

33. Defendant Susan Murphy has been acting warden of the Baltimore Booking Center since March 2004 and official warden since July 2004. Defendant Susan Murphy was an assistant warden at the Baltimore Booking Center for several years before being appointed Warden. She is sued in her official and individual capacities. The section 1983 claim against her in her official capacity is for prospective injunctive relief only.

34. Defendant William Jednorski was warden of the Baltimore Booking Center from May 12, 2002 until March 2004. He is sued in his official and individual capacities. The section 1983 claim against him in his official

capacity is for prospective injunctive relief only.

35. Because there were Defendants Susan Murphy and Defendant William Jednorski were both Wardens responsible for the operation of the Baltimore Booking Center at different times, certain allegations are made herein with reference to the “the Warden.” Such allegations refer to each Defendants Susan Murphy and Defendant William Jednorski for the time period during which he or she was Warden.

36. At all times described herein, Defendants Susan Murphy and Defendant William Jednorski were acting under color of state law.

37. At all times described herein, Defendants Susan Murphy and Defendant William Jednorski were acting within the scope of his and her employment.

38. Defendant City of Baltimore is a municipal corporation with power to sue or be sued in any court.

39. The Baltimore City Police Department is a local government entity under Section 1983. The Baltimore City Police Department is subject to the control of the City of Baltimore for the functions described herein.

FACTUAL ALLEGATIONS

The Baltimore Booking Center

40. The Baltimore Central Booking and Central Intake Center opened in 1995 as the central location for booking and processing arrestees in Baltimore

City.

41. The Baltimore Booking Center is an agency of the Division of Pretrial Detention and Services, which in turn is a division of the Maryland Department of Public Safety and Correctional Services.

42. The Division of Pretrial Detention and Services has jurisdiction over three agencies which handle the booking, processing, custody and control of Baltimore City arrestees:

- a. The Baltimore Central Booking and Intake Center;
- b. The Baltimore City Detention Center; and
- c. The Pretrial Release Service Program.

43. Nearly 100,000 arrestees are processed yearly in this internationally recognized center.

44. The Baltimore Booking Center is not a detention center where persons are held pending trial or in a post conviction stage.

45. The Baltimore City Detention Center is the pretrial detention facility for persons arrested in the City of Baltimore and detained while awaiting trial.

46. The Baltimore City Detention Center is in a separate building from the Baltimore Booking Center.

47. In the City of Baltimore, persons arrested by the Baltimore City Police Department are taken by the police to the Baltimore Booking Center for

booking and processing.

48. The Baltimore Booking Center contains a central booking unit, a medical unit, a classification unit, records unit, court commissioner's offices, video bail facilities, and a computerized Arrest Booking System.

49. The Arrest Booking System provides fingerprint based identification of offenders utilizing Live Scan fingerprint technology, coupled with the State of Maryland's Automated Fingerprint Identification System.

50. The Live Scan system employs technology that enables a positive identification of persons, that is, an identification based on the unique, biometric characteristic of fingerprints.

51. Many persons taken to the Baltimore Booking Center are arrestees who are brought in on very minor charges that could have been processed through citations (a citation is an order by a police officer to appear in court on a specified date without an arrest).

52. Police officials have identified the use of citations as one way to reduce the number of minor offenders who end up at the Baltimore Booking Center.

53. About 30 percent of the people whom city police arrest, and commit to the Baltimore Booking Center, not including those picked up on warrants, never even face charges, such as where prosecutors determine that there is not enough evidence to support a charge, or that the alleged wrongdoing, such as loitering, was abated by the arrest, and "decline" the case, that is, decline to

prosecute the case.

54. Persons arrested in warrantless arrests are held at the Baltimore Booking Center following arrest until their presentment before a commissioner for a probable cause determination, bail determination, appointment of counsel and other reasons.

55. Persons who are ordered detained before trial, or who are ordered held pending posting of bond, are held in the Baltimore Booking Center before being “committed” to the “Towers,” that is, the Baltimore City Detention Center.

56. Persons ordered released at presentment are segregated from the “committed” persons in separate holding areas pending release.

57. Persons ordered committed at presentment are held separately from both persons awaiting presentment, and persons ordered released at presentment.

58. In 2000, the Baltimore Booking Center processed 66,541 male arrestees and 15,854 female arrestees. Of the 82,395 people processed, 38,123 were released on their own recognizance. Upon information and belief, these numbers and percentages have approximately continued to the present time.

59. The Baltimore Booking Center has no effective inmate management system for booking and processing arrestees.

60. The Baltimore Booking Center does not maintain and update its computerized booking and inmate management systems and has allowed its booking and processing and inmate management systems to collapse.

61. Both wardens, in their time, have maintained a policy and practice of maintaining a presentment policy that simply delays all presentments until the system, in its sweet time, and with the resources it chooses, is ready to make presentments.

62. The fact that the Baltimore Booking Center has no effective booking or inmate management system has been documented by a series of reports and newspaper articles, as well as by court cases dating back many years.

63. The overcrowding, overdetentions, and premature releases are a longstanding, pervasive and continuing problem known to defendants.

The Warden's Responsibilities For Inmates
At The Baltimore Booking Center

95. The Warden's duties include training, supervising, and disciplining Baltimore Booking Center staff.

96. The Warden's duties also include formulating, implementing, and executing policies concerning the operation of the Baltimore Booking Center facilities.

97. These duties include promulgating and implementing policies controlling the strip searches of inmates, and promulgating and implementing policies ensuring the prompt presentment and release of inmates following their initial appearances.

98. The Warden has day-to-day training, supervisory, and disciplinary

authority for all operations of the Baltimore Booking Center.

99. The Warden is also responsible for ensuring that each employee of the Baltimore Booking Center discharges his or her duties in accordance with the law and court orders.

The Baltimore Booking Center Practice Of Strip Searching Arrestees

100. As used herein, “strip search” includes the removal, pulling down, or rearrangement of clothing for the visual inspection of an arrested person’s genital and/or anal areas, which may also include requiring the person to squat and cough, in the presence of guards and other inmates.

101. The Baltimore Booking Center has and has had informal practices of strip searching men in situations where similarly-situated women are not strip searched; of strip searching men arrested for crimes not commonly associated with the possession of weapons or drugs; and of strip searching persons in the presence of other arrested persons.

102. Staff at the Baltimore Booking Center subject virtually all men to strip searches before presentment without individualized reasonable suspicion based on appearance of arrestee, type of charge or other criteria.

103. Staff at the Baltimore Booking Center subject virtually **no** women to strip searches before presentment.

104. The Baltimore Booking Center **does not** have a written policy in place that permits strip searches before presentment without individualized

reasonable suspicion or reasonable suspicion based on type of charge or other criteria.

105. The Baltimore Booking Center **does not** have a written policy in place that authorizes the current practice of strip searching virtually all men while strip searching virtually no women.

106. As a result of these informal practices, virtually every male arrestee processed at the Baltimore Booking Center, after being arrested and awaiting presentment on charges involving drugs, weapons, or violence, is strip searched without an individual determination of reasonable suspicion to justify the search, and regardless of the crime with which the person is charged.

107. As a result of these informal practices, a substantial percentage of male arrestees male arrestee committed to the Baltimore Booking Center, after being arrested and awaiting presentment on charges not involving drugs, weapons, or violence, are subjected to a strip search conducted without an individual determination of reasonable suspicion to justify the search, and regardless of the crime with which the person is charged.

108. As a result of these informal practices, a majority of persons strip searched at the Baltimore Booking Center after being arrested and awaiting presentment are strip searched in the presence of other persons.

109. The Baltimore Booking Center does not keep any logs or other records of any individual strip searches performed during the booking process.

110. Warden Susan Murphy has had actual or constructive knowledge of the aforementioned practices since at least 2001.

111. During his tenure, Warden William Jednorski had actual or constructive knowledge of the aforementioned practices.

112. The City of Baltimore, and the Baltimore City Police Department, through their agents, have had actual or constructive knowledge of the aforementioned practices since at least 2001. Nonetheless, the City of Baltimore and the Baltimore City Police Department knowingly and as part of its policy, practice, and custom places its arrestees into the custody of the Baltimore Booking Center.

**The Baltimore Booking Center Practice Of Detaining Arrestees Booked
Into The Baltimore Booking Center**

113. The Baltimore Booking Center, despite having presentments conducted on-site, has an informal practice of not timely presenting arrested persons.

114. As a result of these informal practices, a substantial percentage of persons arrested and processed at the Booking Center are detained for more than 48 hours after their arrests without a presentment.

115. The Baltimore Booking Center keeps computerized logs showing the times of arrest, arrival at the Baltimore Booking Center, presentment, and release, among other events.

116. Warden Susan Murphy has had actual or constructive knowledge of the

aforementioned practices since at least 2001.

117. During his tenure, Warden William Jednorski had actual or constructive knowledge of the aforementioned practices since at least 2001.

118. The City of Baltimore, and the Baltimore City Police Department, through their agents, have had actual or constructive knowledge of the aforementioned practices since at least 2001. Nonetheless, the City of Baltimore and the Baltimore City Police Department knowingly and as part of their policy, practice, and custom places its arrestees into the custody of the Baltimore Booking Center

Strip Search Class Action Allegations

119. The Suspicionless Arrestee Strip Search Named Plaintiffs bring this action under Rules 23(a), 23(b) (2), and 23(b) (3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person who, in the three years preceding the filing of this action, up until the date this case is terminated, was or will be, (a) while being held in the Baltimore Booking Center; (b) for presentment on either (c)(i) a misdemeanor not involving a weapon or drugs, or (ii) a non-violent, non-drug related felony; and (d) strip searched without any individualized finding of reasonable suspicion or probable cause that he was concealing drugs, weapons or other contraband.

120. Certification of a class under Federal Rule of Civil Procedure 23(b)(2) is appropriate because the Defendants engage in a pattern and practice of

conduct that has uniformly affected all members of the class, and injunctive relief against Defendants will benefit each and every plaintiff and class member.

121. The class is entitled to injunctive relief of terminating the above described custom and practice of searches not based on individualized or particularized suspicion or probable cause.

122. Certification of a class under Federal Rule of Civil Procedure 23(b)(3) is also appropriate, in that common questions of law and fact predominate over any individual questions, and a class action is superior for the fair and efficient adjudication of this controversy as detailed below.

123. Regarding the Suspicionless Arrestee Strip Search Named Plaintiffs, and members of the class, there are no individual questions on the issue of liability, because every member of the Class is subjected to the strip search practice, and none of the defendants has kept or keeps records of the searches and therefore none of the defendants can show that any of the searches were conducted based on an individual determination of reasonable suspicion. Should records exist demonstrating that such an individualized suspicion was used in the strip search determination, such people would, by definition, not be members of the class.

124. Among the questions of law and fact common to the class are:

- a. whether the Defendant Wardens and Baltimore Booking

Center have and have had custom and practice of subjecting arrestees being held in the Baltimore Booking Center pending presentment to strip searches without an individualized determination that the person was in possession of drugs, weapons, or other contraband;

b. whether such custom and practice, if found to exist, violates the Fourth Amendment;

c. whether the defendants were deliberately indifferent to the rights of such arrestees;

d. whether plaintiffs and the members of the class have sustained damages and, if so, the proper measure of such damages;

e. whether plaintiffs and the members of the class and future members are entitled to equitable relief, and, if so, what is the nature of that relief; and

f. whether determination of damages suffered by a statistically representative sample of the class provides the basis for determination of all class members' damages except those who opt out.

125. The class is so numerous that joinder of all members is impracticable. The exact number of class members is unknown to plaintiffs at this time, but is likely to consist of at least many thousands of people.

126. The Baltimore Booking Center has within its records the names and addresses of all the current and past class members in its computerized

booking system.

127. The Suspicionless Arrestee Strip Search Named Plaintiffs' claims are typical of the claims of the other members of the class, because they and all other members of the class were injured by exactly the same means, that is, by the unlawful strip searches.

128. The Suspicionless Arrestee Strip Search Named Plaintiffs will fairly and adequately protect the interests of the members of the class and have retained counsel who are competent and experienced in complex federal civil rights class action litigation and/or complex federal prisoner rights litigation.

129. The Suspicionless Arrestee Strip Search Named Plaintiffs have no interests that are contrary to or in conflict with those of the class.

130. The Suspicionless Arrestee Strip Search Named Plaintiffs know of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a class action, and the class action is superior to any other available means to resolve the issues raised on behalf of the Suspicionless Arrestee Strip Search Class. The class action will be manageable, in part, because such an advanced computerized system exists from which to ascertain the members of the putative class. For example, the Baltimore Booking Center had stated that it has "the most advanced technological system in the world for processing arrestees." Class treatment will be superior because liability can be determined on a class wide basis, and damages can also be determined on a class wide basis through use of

statistical sampling.

Non-Private Strip Search Class Action Allegations

131. The Non-Private Strip Search Named Plaintiffs bring this action under Rules 23(a), 23(b) (2), and 23(b) (3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person who, in the three years preceding the filing of this action, up until the date this case is terminated, was or will be, (a) while being held in the Baltimore Booking Center; (b) for presentment; and (d) strip searched in the presence of other arrestees.

132. Certification of a class under Federal Rule of Civil Procedure 23(b)(2) is appropriate because the Defendants engage in a pattern and practice of conduct that has uniformly affected all members of the class, and injunctive relief against Defendants will benefit each and every plaintiff and class member.

133. The class is entitled to injunctive relief of terminating the above described custom and practice of searches not in private.

134. Certification of a class under Federal Rule of Civil Procedure 23(b)(3) is also appropriate, in that common questions of law and fact predominate over any individual questions, and a class action is superior for the fair and efficient adjudication of this controversy as detailed below.

135. Regarding the Non-Private Strip Search Named Plaintiffs, and members of the class, there are no individual questions on the issue of liability, because

every member of the Class is subjected to the non-private strip search.

136. Among the questions of law and fact common to the class are:

a. whether the Defendant Wardens and Baltimore Booking Center have and have had custom and practice of subjecting arrestees being held in the Baltimore Booking Center pending presentment to strip searches in the presence of other arrested persons;

b. whether such custom and practice, if found to exist, violates the Fourth Amendment;

c. whether the defendants were deliberately indifferent to the rights of such arrestees;

d. whether plaintiffs and the members of the class have sustained damages and, if so, the proper measure of such damages;

e. whether plaintiffs and the members of the class and future members are entitled to equitable relief, and, if so, what is the nature of that relief; and

f. whether determination of damages suffered by a statistically representative sample of the class provides the basis for determination of all class members' damages except those who opt out.

137. The class is so numerous that joinder of all members is impracticable.

The exact number of class members is unknown to plaintiffs at this time, but is

likely to consist of at least many thousands of people.

138. The Baltimore Booking Center has within its records the names and addresses of all the current and past class members in its computerized booking system.

139. The Non-Private Strip Search Named Plaintiffs' claims are typical of the claims of the other members of the class, because they and all other members of the class were injured by exactly the same means, that is, by the unlawful strip searches.

140. The Non-Private Strip Search Named Plaintiffs will fairly and adequately protect the interests of the members of the class and have retained counsel who are competent and experienced in complex federal civil rights class action litigation and/or complex federal prisoner rights litigation.

141. The Non-Private Strip Search Named Plaintiffs have no interests that are contrary to or in conflict with those of the class.

142. The Non-Private Strip Search Named Plaintiffs know of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a class action, and the class action is superior to any other available means to resolve the issues raised on behalf of the Non-Private Strip Search Class. The class action will be in part manageable because such an advanced computerized system exists from which to ascertain the members of the putative class. For example, the Baltimore Booking Center had stated that

it has “the most advanced technological system in the world for processing arrestees.” Class treatment will be superior because liability can be determined on a class wide basis, and damages can also be determined on a class wide basis through use of statistical sampling.

Equal Protection Strip Search Class Action Allegations

143. The Equal Protection Strip Search Named Plaintiffs bring this action under Rules 23(a), 23(b) (2), and 23(b) (3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person who, in the three years preceding the filing of this action, up until the date this case is terminated, is (a) a male; (b) who was or will be held in the Baltimore Booking Center; (b) for presentment; and (d) was strip searched.

144. Certification of a class under Federal Rule of Civil Procedure 23(b)(2) is appropriate because the Defendants engage in a pattern and practice of conduct that has uniformly affected all members of the class, and injunctive relief against Defendants will benefit each and every plaintiff and class member.

145. The class is entitled to injunctive relief of terminating the above described custom and practice of searches of males where similarly-situated females are not strip searched.

146. Certification of a class under Federal Rule of Civil Procedure 23(b)(3) is also appropriate, in that common questions of law and fact predominate over

any individual questions, and a class action is superior for the fair and efficient adjudication of this controversy as detailed below.

147. Regarding the Equal Protection Strip Search Named Plaintiffs, and members of the class, there are no individual questions on the issue of liability, because every member of the Class is subjected to the discriminatory strip search.

148. Among the questions of law and fact common to the class are:

a. whether the Defendant Wardens and Baltimore Booking Center have and have had custom and practice of subjecting male arrestees being held in the Baltimore Booking Center pending presentment to strip searches under circumstances where similarly-situated female arrestees are not strip searched;

b. whether such custom and practice, if found to exist, violates the Fourteenth Amendment;

c. whether the defendants were deliberately indifferent to the rights of such arrestees;

d. whether plaintiffs and the members of the class have sustained damages and, if so, the proper measure of such damages;

e. whether plaintiffs and the members of the class and future members are entitled to equitable relief, and, if so, what is the nature of that relief; and

f. whether determination of damages suffered by a statistically representative sample of the class provides the basis for determination of all class members' damages except those who opt out.

149. The class is so numerous that joinder of all members is impracticable. The exact number of class members is unknown to plaintiffs at this time, but is likely to consist of at least many thousands of people.

150. The Baltimore Booking Center has within its records the names and addresses of all the current and past class members in its computerized booking system.

151. The Equal Protection Strip Search Named Plaintiffs' claims are typical of the claims of the other members of the class, because they and all other members of the class were injured by exactly the same means, that is, by the unlawful strip searches.

152. The Equal Protection Strip Search Named Plaintiffs will fairly and adequately protect the interests of the members of the class and has retained counsel who are competent and experienced in complex federal civil rights class action litigation and/or complex federal prisoner rights litigation.

153. The Equal Protection Strip Search Named Plaintiffs have no interests that are contrary to or in conflict with those of the class.

154. The Equal Protection Strip Search Named Plaintiffs know of no difficulty that will be encountered in the management of this litigation that would

preclude its maintenance as a class action, and the class action is superior to any other available means to resolve the issues raised on behalf of the Equal Protection Strip Search Class. The class action will be in part manageable because such an advanced computerized system exists from which to ascertain the members of the putative class. For example, the Baltimore Booking Center had stated that it has “the most advanced technological system in the world for processing arrestees.” Class treatment will be superior because liability can be determined on a class wide basis, and damages can also be determined on a class wide basis through use of statistical sampling.

Untimely Presentment Class Action Allegations

155. The Untimely Presentment Named Plaintiff brings this action under Rules 23(a), 23(b) (2), and 23(b) (3) of the Federal Rules of Civil Procedure on behalf of a class consisting of each person who, in the three years preceding the filing of this action, up until the date this case is terminated, (a) was or will be arrested in the City of Baltimore; and (b) was or is detained without presentment before a commissioner or other judicial officer for more than 48 hours after arrest.

156. Certification of a class under Federal Rule of Civil Procedure 23(b)(2) is appropriate because the Defendants engage in a pattern and practice of conduct that has uniformly affected all members of the class, and injunctive relief against Defendants will benefit each and every plaintiff and class member.

157. The class is entitled to injunctive relief of terminating the above described custom and practice of not timely presenting arrestees before a commissioner or other judicial officer.

158. Certification of a class under Federal Rule of Civil Procedure 23(b)(3) is also appropriate, in that common questions of law and fact predominate over any individual questions, and a class action is superior for the fair and efficient adjudication of this controversy as detailed below.

159. Regarding the Untimely Presentment Named Plaintiff, and members of the class, there are no individual questions on the issue of liability, because every member of the Class is denied a timely presentment.

160. Among the questions of law and fact common to the class are:

a. whether the Defendant Wardens and Baltimore Booking Center have and have had custom and practice of detaining arrestees without a presentment for more than 48 hours after their arrest;

b. whether such custom and practice, if found to exist, violates the Fourth Amendment;

c. whether the defendants were deliberately indifferent to the rights of such arrestees;

d. whether plaintiffs and the members of the class have sustained damages and, if so, the proper measure of such damages;

e. whether plaintiffs and the members of the class and future members are entitled to equitable relief, and, if so, what is the nature of that relief; and

f. whether determination of damages suffered by a statistically representative sample of the class provides the basis for determination of all class members' damages except those who opt out.

161. The class is so numerous that joinder of all members is impracticable. The exact number of class members is unknown to plaintiffs at this time, but is likely to consist of at least many hundreds of people.

162. The Baltimore Booking Center has within its records the names and addresses of all the current and past class members in its computerized booking system.

163. The Untimely Presentment Named Plaintiff's claims are typical of the claims of the other members of the class, because he and all other members of the class were injured by exactly the same means, that is, by their post-arrest detention exceeding 48 hours prior to presentment.

164. The Untimely Presentment Named Plaintiff will fairly and adequately protect the interests of the members of the class and has retained counsel who are competent and experienced in complex federal civil rights class action litigation and/or complex federal prisoner rights litigation.

165. The Untimely Presentment Named Plaintiff has no interests that are

contrary to or in conflict with those of the class.

166. The Untimely Presentment Named Plaintiff knows of no difficulty that will be encountered in the management of this litigation that would preclude its maintenance as a class action, and the class action is superior to any other available means to resolve the issues raised on behalf of the Untimely Presentment Class. The class action will be in part manageable because such an advanced computerized system exists from which to ascertain the members of the putative class, and that contains the times of all relevant events for determining the length of detention beyond 48 hours. For example, the Baltimore Booking Center had stated that it has “the most advanced technological system in the world for processing arrestees.” Class treatment will be superior because liability can be determined on a class wide basis, and damages can also be determined on a class wide basis through use of statistical sampling.

SUBSTANTIVE ALLEGATIONS

COUNT 1

167. The Suspicionless Arrestee Strip Search Named Plaintiffs re-allege and incorporate by reference all allegations set forth above in this Complaint.

168. This Count is filed against Defendants Murphy and Jednorski in their individual capacities for all purposes, and their official capacities for purposes of prospective injunctive relief.

169. While being held for presentment in the Baltimore Booking Center on (a) misdemeanors not involving a weapon or drugs, or (b) non-violent, non-drug related felony charge(s), each of the Suspicionless Arrestee Strip Search Named Plaintiffs and every other class member were subjected to a strip search without an individual determination that the search would reveal weapons, drugs or other contraband.

170. Subjecting an arrestee arrested on a non-drug, non-weapon misdemeanor, or a non-drug, non-violent felony to a strip search without an individual determination that the search would reveal weapons, drugs or other contraband violates his or her Fourth Amendment Rights.

171. The Defendants had actual or constructive knowledge that the Suspicionless Arrestee Strip Search Named Plaintiffs and other class members were being or would be subject to the strip searches and acquiesced in the searches.

172. Defendants Murphy and Jednorski failed to supervise and train their staff in strip searches when the need for supervision and training was obvious, and remained inactive in the face of actual or constructive notice of the illegal searches.

173. Defendants' actions, and failure to act, as described above, directly and proximately and affirmatively were the moving force behind the violations of the Suspicionless Arrestee Strip Search Named Plaintiffs' and the class members' Fourth Amendment Rights.

174. Defendants Murphy and Jednorski engaged in and oversaw the customs and practices described above, which were the moving force behind the deprivations to the Suspicionless Arrestee Strip Search Named Plaintiffs' and other class members' Fourth Amendment Rights, and the Suspicionless Arrestee Strip Search Named Plaintiffs and the other class members' injuries resulting from the strip searches.

175. Defendants Murphy and Jednorski caused the unreasonable strip search of the Suspicionless Arrestee Strip Search Named Plaintiffs and all other class members by deliberate indifference to the risk of constitutional injury by maintaining and/or acquiescing in a practice and custom of strip searching arrestees as described above.

176. Defendants Murphy and Jednorski acted intentionally and unreasonably in violation of the Fourth Amendment rights of the Suspicionless Arrestee Strip Search Named Plaintiffs and all other class members

177. For all actions relating to this complaint, Defendants Murphy and Jednorski and other employees of the Baltimore Booking Center were acting within the scope of their employment, their acts were motivated by a desire to further the interests of the Baltimore Booking Center, the City of Baltimore, and the State of Maryland, and such employees were acting in furtherance of the business of the Baltimore Booking Center, the City of Baltimore, and the State of Maryland.

178. Defendants Murphy and Jednorski are therefore liable under 42 U.S.C. §

1983 for constitutional injuries to the Suspicionless Arrestee Strip Search Named Plaintiffs and all other class members caused by their conduct.

COUNT 2

179. The Non-Private Strip Search Named Plaintiffs re-allege and incorporate by reference all allegations set forth above in this Complaint.

180. This Count is filed against Defendants Murphy and Jednorski in their individual capacities for all purposes, and their official capacities for purposes of prospective injunctive relief.

181. While being held for presentment in the Baltimore Booking Center, each of the Non-Private Strip Search Named Plaintiffs and every other class member were subjected to a strip search in the presence of other arrested persons or in an otherwise non-private setting.

182. Subjecting an arrestee to a non-private strip search violates his or her Fourth Amendment Rights, regardless of the charge or suspicion.

183. The Defendants had actual or constructive knowledge that the Non-Private Strip Search Named Plaintiffs and other class members were being or would be subject to the strip search and acquiesced in the searches.

184. Defendants Murphy and Jednorski failed to supervise and train their staff in strip searches when the need for supervision and training was obvious, and remained inactive in the face of actual or constructive notice of the illegal searches.

185. Defendants' actions, and failure to act, as described above, directly and proximately and affirmatively were the moving force behind the violations of the Non-Private Strip Search Named Plaintiffs' and the class members' Fourth Amendment Rights.

186. Defendants Murphy and Jednorski engaged in and oversaw the customs and practices described above, which were the moving force behind the deprivations to the Non-Private Strip Search Named Plaintiffs' and other class members' Fourth Amendment Rights, and Non-Private Strip Search Named Plaintiffs and the other class members' injuries resulting from the strip searches.

187. Defendants Murphy and Jednorski caused the unreasonable strip searches of the Non-Private Strip Search Named Plaintiffs and all other class members by deliberate indifference to the risk of constitutional injury by maintaining and/or acquiescing in a practice and custom of strip searching arrestees as described above.

188. Defendants Murphy and Jednorski acted intentionally and unreasonably in violation of the Fourth Amendment rights of the Non-Private Strip Search Named Plaintiffs and all other class members

189. For all actions relating to this complaint, Defendants Murphy and Jednorski and other employees of the Baltimore Booking Center were acting within the scope of their employment, their acts were motivated by a desire to further the interests of the Baltimore Booking Center, the City of Baltimore,

and the State of Maryland, and such employees were acting in furtherance of the business of the Baltimore Booking Center, the City of Baltimore, and the State of Maryland.

190. Defendant Murphy and Jednorski are therefore liable under 42 U.S.C. § 1983 for constitutional injuries to the Non-Private Strip Search Named Plaintiffs and all other class members caused by their conduct.

COUNT 3

191. The Equal Protection Strip Search Named Plaintiffs re-alleges and incorporates by reference all allegations set forth above in this Complaint.

192. This Count is filed against Defendants Murphy and Jednorski in their individual capacities for all purposes, and their official capacities for purposes of prospective injunctive relief.

193. While being held for presentment in the Baltimore Booking Center, each of the Equal Protection Named Plaintiffs and every other class member were male, and were subjected to a strip search under a custom and policy that caused them to be strip searched but not similarly-situated women.

194. There is no legitimate governmental interest justifying the different treatment between men and women.

195. Subjecting an arrestee to a strip search on the basis of gender, regardless of the charge or suspicion, violates his or her Fourteenth Amendment Rights.

196. The Defendants had actual or constructive knowledge that the Equal Protection Named Plaintiffs and other class members were being or would be subjected to the strip searches and acquiesced in the searches.

197. Defendants Murphy and Jednorski failed to supervise and train their staff in strip searches when the need for supervision and training was obvious, and remained inactive in the face of actual or constructive notice of the illegal searches.

198. Defendants' actions, and failure to act, as described above, directly and proximately and affirmatively were the moving force behind the violations of the Equal Protection Strip Search Named Plaintiffs' and the class members' Fourteenth Amendment Rights.

199. Defendants Murphy and Jednorski engaged in and oversaw the customs and practices described above, which were the moving force behind the deprivations to the Equal Protection Strip Search Named Plaintiffs' and other class members' Fourteenth Amendment Rights, and Equal Protection Strip Search Named Plaintiffs and the other class members' injuries resulting from the strip searches.

200. Defendants Murphy and Jednorski caused the unreasonable strip searches of the Equal Protection Strip Search Named Plaintiffs and all other class members by deliberate indifference to the risk of constitutional injury by maintaining and/or acquiescing in a practice and custom of strip searching arrestees as described above.

201. Defendants Murphy and Jednorski acted intentionally and unreasonably in violation of the Fourteenth Amendment rights of the Equal Protection Strip Search Named Plaintiffs and all other class members

202. For all actions relating to this complaint, Defendants Murphy and Jednorski and other employees of the Baltimore Booking Center were acting within the scope of their employment, their acts were motivated by a desire to further the interests of the Baltimore Booking Center, the City of Baltimore, and the State of Maryland, and such employees were acting in furtherance of the business of the Baltimore Booking Center, the City of Baltimore, and the State of Maryland.

203. Defendant Murphy and Jednorski are therefore liable under 42 U.S.C. § 1983 for constitutional injuries to the Equal Protection Strip Search Named Plaintiffs and all other class members caused by their conduct.

COUNT 4

204. The Untimely Presentment Named Plaintiff re-alleges and incorporates by reference all allegations set forth above in this Complaint.

205. This Count is filed against Defendants Murphy and Jednorski in their individual capacities for all purposes, and their official capacities for purposes of prospective injunctive relief.

206. After their arrests, each of the Untimely Presentment Named Plaintiff and every other class member was held for more than 48 hours prior to

presentment.

207. Holding an arrestee for more than 48 hours prior to presentment violates his or her Fourth Amendment Rights.

208. The Defendants had actual or constructive knowledge that the Untimely Presentment Named Plaintiff and other class members were being or would be held for more than 48 hours prior to presentment and acquiesced in the detention without presentment.

209. Defendants Murphy and Jednorski failed to supervise and train their staff in the need for prompt presentments when the need for supervision training was obvious, and remained inactive in the face of actual or constructive notice of the illegal detentions without presentment.

210. Defendants' actions, and failure to act, as described above, directly and proximately and affirmatively were the moving force behind the violations of the Untimely Presentment Named Plaintiff's and the class members' Fourth Amendment Rights.

211. Defendants Murphy and Jednorski engaged in and oversaw the customs and practices described above, which were the moving force behind the deprivations to the Untimely Presentment Named Plaintiff's and other class members' Fourth Amendment Rights, and Untimely Presentment Named Plaintiff and the other class members' injuries resulting from the detention without presentment.

212. Defendants Murphy and Jednorski caused the detention without presentment of the Untimely Presentment Named Plaintiff and all other class members by deliberate indifference to the risk of constitutional injury by maintaining and/or acquiescing in a practice and custom of detaining them for more than 48 hours without presentment.

213. Defendants Murphy and Jednorski acted intentionally and unreasonably in violation of the Fourth Amendment rights of the Untimely Presentment Named Plaintiff and all other class members

214. For all actions relating to this complaint, Defendants Murphy and Jednorski and other employees of the Baltimore Booking Center were acting within the scope of their employment, their acts were motivated by a desire to further the interests of the Baltimore Booking Center, the City of Baltimore, and the State of Maryland, and such employees were acting in furtherance of the business of the Baltimore Booking Center, the City of Baltimore, and the State of Maryland.

215. Defendant Murphy and Jednorski are therefore liable under 42 U.S.C. § 1983 for constitutional injuries to the Untimely Presentment Named Plaintiff and all other class members caused by their conduct.

COUNT 5

216. The Suspicionless Arrestee Strip Search Named Plaintiffs re-allege and incorporate by reference all allegations set forth above in this Complaint.

217. This Count is filed against Defendants City of Baltimore and the Baltimore City Police Department for their policies, customs, and practices violating the constitutional rights of the Suspicionless Arrestee Strip Search Named Plaintiffs and other class members.

218. All actions by the City of Baltimore and the Baltimore City Police Department alleged herein are pursuant to the policies, customs, and practices of the Baltimore City Police Department and the City of Baltimore.

219. The City of Baltimore and the Baltimore City Police Department transport substantial numbers of arrested persons, including the Suspicionless Arrestee Strip Search Named Plaintiffs and all other class members, to the Baltimore Booking Center, and place them into the custody of the Baltimore Booking Center.

220. The City of Baltimore and the Baltimore City Police Department transport the Suspicionless Arrestee Strip Search Named Plaintiffs and all other class members to and place them in the custody of the Baltimore Booking Center, with the actual or constructive knowledge that the Suspicionless Arrestee Strip Search Named Plaintiffs and other class members will be subjected to the constitutional violations set forth in Count 1.

221. The City of Baltimore had control over the City's and the Baltimore City Police Department's policy of transporting arrested persons to and placing them in the custody of the Baltimore Booking Center.

222. The City of Baltimore and the Baltimore City Police Department knew

that Defendant Wardens were deliberately indifferent to the rights of the Suspicionless Arrestee Strip Search Named Plaintiffs and the other class members to be free from the constitutional violations set forth in Count 1.

223. Still, the City of Baltimore and the Baltimore City Police Department have continued during the relevant class period to place the Suspicionless Arrestee Strip Search Named Plaintiffs and the other class members into the custody of the Baltimore Booking Center.

224. The City of Baltimore's and the Baltimore City Police Department's deliberate indifference to the rights of the Suspicionless Arrestee Strip Search Named Plaintiffs and the other class members to be free from strip searches without an individualized finding of reasonable suspicion as part of the booking process was the moving force behind their injuries.

225. Defendants City of Baltimore and Baltimore City Police Department are therefore liable under the Fourth and the Fourteenth Amendments through 42 U.S.C. §1983 for constitutional injuries to the Suspicionless Arrestee Strip Search Named Plaintiffs and all other class members caused by their conduct described herein and are jointly and severally liable with all other defendants for injuries caused by their conduct described herein.

COUNT 6

226. The Non-Private Strip Search Named Plaintiffs re-allege and incorporate by reference all allegations set forth above in this Complaint.

227. This Count is filed against Defendants City of Baltimore and the Baltimore City Police Department for their policies, customs, and practices violating the constitutional rights of the Non-Private Strip Search Named Plaintiffs and other class members.

228. All actions by the City of Baltimore and the Baltimore City Police Department alleged herein are pursuant to the policies, customs, and practices of the Baltimore City Police Department and the City of Baltimore.

229. The City of Baltimore and the Baltimore City Police Department transport substantial numbers of arrested persons, including the Non-Private Strip Search Named Plaintiffs and all other class members, to the Baltimore Booking Center, and place them into the custody of the Baltimore Booking Center.

230. The City of Baltimore and the Baltimore City Police Department transport the Non-Private Strip Search Named Plaintiffs and all other class members to and place them in the custody of the Baltimore Booking Center, with the actual or constructive knowledge that the Non-Private Strip Search Named Plaintiffs and other class members will be subjected to the constitutional violations set forth in Count 2.

231. The City of Baltimore had control over the City's and the Baltimore City Police Department's policy of transporting arrested persons to and placing them in the custody of the Baltimore Booking Center.

232. The City of Baltimore and the Baltimore City Police Department knew that Defendant Wardens were deliberately indifferent to the rights of the Non-

Private Strip Search Named Plaintiffs and the other class members to be free from the constitutional violations set forth in Count 2.

233. Still, the City of Baltimore and the Baltimore City Police Department have continued during the relevant class period to place the Non-Private Strip Search Named Plaintiffs and the other class members into the custody of the Baltimore Booking Center.

234. The City of Baltimore's and the Baltimore City Police Department's deliberate indifference to the rights of the Non-Private Strip Search Named Plaintiffs and the other class members to be free from non-private strip searches was the moving force behind their injuries.

235. Defendants City of Baltimore and Baltimore City Police Department are therefore liable under the Fourth and the Fourteenth Amendments through 42 U.S.C. §1983 for constitutional injuries to the Non-Private Strip Search Named Plaintiffs and all other class members caused by their conduct described herein and are jointly and severally liable with all other defendants for injuries caused by their conduct described herein.

COUNT 7

236. The Equal Protection Strip Search Named Plaintiffs re-allege and incorporate by reference all allegations set forth above in this Complaint.

237. This Count is filed against Defendants City of Baltimore and the Baltimore City Police Department for their policies, customs, and practices

violating the constitutional rights of the Equal Protection Strip Search Named Plaintiffs and other class members.

238. All actions by the City of Baltimore and the Baltimore City Police Department alleged herein are pursuant to the policies, customs, and practices of the Baltimore City Police Department and the City of Baltimore.

239. The City of Baltimore and the Baltimore City Police Department transport substantial numbers of arrested persons, including the Equal Protection Strip Search Named Plaintiffs and all other class members, to the Baltimore Booking Center, and place them into the custody of the Baltimore Booking Center.

240. The City of Baltimore and the Baltimore City Police Department transport the Equal Protection Strip Search Named Plaintiffs and all other class members to and place them in the custody of the Baltimore Booking Center, with the actual or constructive knowledge that the Equal Protection Strip Search Named Plaintiffs and other class members will be subjected to the constitutional violations set forth in Count 3.

241. The City of Baltimore had control over the City's and the Baltimore City Police Department's policy of transporting arrested persons to and placing them in the custody of the Baltimore Booking Center.

242. The City of Baltimore and the Baltimore City Police Department knew that Defendant Wardens were deliberately indifferent to the rights of the Equal Protection Strip Search Named Plaintiffs and the other class members to be free from the constitutional violations set forth in Count 3.

243. Still, the City of Baltimore and the Baltimore City Police Department have continued during the relevant class period to place the Equal Protection Strip Search Named Plaintiffs and the other class members into the custody of the Baltimore Booking Center.

244. The City of Baltimore's and the Baltimore City Police Department's deliberate indifference to the rights of the Equal Protection Strip Search Named Plaintiffs and the other class members to be free from strip searches based on gender was the moving force behind their injuries.

245. Defendants City of Baltimore and Baltimore City Police Department are therefore liable under the Fourth and the Fourteenth Amendments through 42 U.S.C. §1983 for constitutional injuries to the Equal Protection Strip Search Named Plaintiffs and all other class members caused by their conduct described herein and are jointly and severally liable with all other defendants for injuries caused by their conduct described herein.

COUNT 8

246. The Untimely Presentment Named Plaintiff re-alleges and incorporates by reference all allegations set forth above in this Complaint.

247. This Count is filed against Defendants City of Baltimore and the Baltimore City Police Department for their policies, customs, and practices violating the constitutional rights of the Untimely Presentment Named Plaintiff and other class members.

248. All actions by the City of Baltimore and the Baltimore City Police Department alleged herein are pursuant to the policies, customs, and practices of the Baltimore City Police Department and the City of Baltimore.

249. The City of Baltimore and the Baltimore City Police Department transport substantial numbers of arrested persons, including the Untimely Presentment Named Plaintiff and all other class members, to the Baltimore Booking Center, and place them into the custody of the Baltimore Booking Center.

250. The City of Baltimore and the Baltimore City Police Department transport the Untimely Presentment Named Plaintiff and all other class members to and place them in the custody of the Baltimore Booking Center, with the actual or constructive knowledge that the Untimely Presentment Named Plaintiff and other class members will be subjected to the constitutional violations set forth in Count 4.

251. The City of Baltimore had control over the City's and the Baltimore City Police Department's policy of transporting arrested persons to and placing them in the custody of the Baltimore Booking Center.

252. The City of Baltimore and the Baltimore City Police Department knew that Defendant Wardens were deliberately indifferent to the rights of the Untimely Presentment Named Plaintiff and the other class members to be free from the constitutional violations set forth in Count 4.

253. Still, the City of Baltimore and the Baltimore City Police Department have continued during the relevant class period to place the Untimely

Presentment Named Plaintiff and the other class members into the custody of the Baltimore Booking Center.

254. The City of Baltimore's and the Baltimore City Police Department's deliberate indifference to the rights of the Untimely Presentment Named Plaintiff and the other class members to be free from detention without presentment within 48 hours was the moving force behind their injuries.

255. Defendants City of Baltimore and Baltimore City Police Department are therefore liable under the Fourth and the Fourteenth Amendments through 42 U.S.C. §1983 for constitutional injuries to the Untimely Presentment Named Plaintiff and all other class members caused by their conduct described herein and are jointly and severally liable with all other defendants for injuries caused by their conduct described herein.

IRREPARABLE INJURY AND INJUNCTIVE RELIEF

256. Defendants are unreasonably subjecting members of each respective Class to strip searches, and detaining them without prompt presentment, which irreparably harms them, and will continue to irreparably harm them, even if they are later able to recover compensatory damages, thus making declaratory and injunctive relief necessary .

257. The named plaintiffs have standing to assert injunctive relief because they are reasonably likely to be re-admitted to the Baltimore Booking Center and suffer the same harms again.

REQUEST FOR RELIEF

WHEREFORE, the Named Plaintiffs respectfully request that this Court grant the following relief:

- 1) grant a jury trial on all claims so triable;
- 2) declare that each cause of action may be maintained as a class action pursuant to Federal Rule of Civil Procedure 23(b)(2) and 23(b)(3) and certify the following classes with the Named Plaintiffs as the Class representatives:
 - a. Suspicionless Arrestee Strip Search Class: All persons arrested since May 12, 2002 on (a) misdemeanors not involving a weapon or drugs, or (b) non-violent, non-drug related felony charge(s) who were subjected to strip, visual body cavity and/or squat searches without any individualized finding of reasonable suspicion that they were concealing drugs, weapons or other contraband, by employees of the Baltimore Booking Center, while they were held in the Baltimore Booking Center waiting for presentment before a commissioner or other judicial officer.
 - b. Non-Private Strip Search Class: All persons who since May 12, 2002 were subjected to strip searches by employees of the Baltimore Booking Center in the presence of other arrested persons while they were held in the Baltimore Booking Center waiting for presentment before a commissioner or other judicial officer.

- c. Equal Protection Strip Search Class: All persons who are male arrestees arrested on all types of charges since May 12, 2002, including drug and violent offenses, who were subjected to strip, visual body cavity and/or squat searches, by employees of the Baltimore Booking Center, while they were held in the Baltimore Booking Center waiting for presentment before a commissioner or other judicial officer.
 - d. Untimely Presentment Class: All persons who have been arrested since May 12, 2002 and were detained at the Baltimore Booking Center for more than 48 hours without presentment.
- 3) declare that defendants' acts alleged above violate the Fourth and Fourteenth Amendments to the Constitution by illegally strip searching plaintiffs as alleged herein;
 - 4) declare that the defendants' acts alleged above violate the Fourth and Fourteenth Amendments to the Constitution by detaining arrested persons more than 48 hours without presentment;
 - 5) preliminarily and permanently enjoin defendants from pursuing the course of conduct complained of herein;
 - 6) award all plaintiffs compensatory and consequential damages in an amount to be determined and reduce the award to judgment;
 - 7) award plaintiffs attorneys' fees and costs incurred in bringing this action

under 42 U.S.C. § 1988 and any other applicable statute;

8) grant such other relief as this Court deems just and proper.

Respectfully submitted,

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Classes

JURY DEMAND

Plaintiffs demand a jury trial on all claims triable by a jury.

Sean R. Day
Counsel for Plaintiffs and the Proposed
Classes