

## Community

- [Noticias](#)
- [La Vida](#)
- [Church listings](#)

## Sections

- [Front page](#)
- [News](#)
- [Sports](#)
- [Business](#)
- [Opinion](#)
- [Obituaries](#)
- [Milestones](#)
- [Weather](#)
- [Classifieds](#)
- [TV listings](#)

## Assistance

- [Contact us](#)
- [About the VCNB](#)
- [Advertising](#)

Wednesday, March 18, 2009

# Class action lawsuit on strip searches at county jail is settled

**Clara Garcia News-Bulletin Staff Writer; [cgarcia@news-bulletin.com](mailto:cgarcia@news-bulletin.com)**

A federal district judge has filed an order approving a preliminary settlement agreement in a class action suit against the county regarding unlawful strip searches at the jail.

In April 2007, the law firms of Rothstein, Donatelli, Hughes, Dahlstrom, Schoenburg and Bienvenu in Santa Fe and Griego and Guggino and Associates in Los Lunas filed a class action suit against the county and Cornell Companies, a private corrections company that operated the jail for several years after the new facility was built. The federal civil lawsuit was filed on behalf of two clients who claim they were unlawfully strip-searched while at the county jail.

The suit claims that strip searches of all incoming pre-trial detainees were unconstitutional and conducted on people booked into the jail on minor charges or by mistake.

According to the order, which was filed late last month, once Judge Christina Jaramillo signs off on the final settlement agreement, the defendants, which include the county as well as Cornell Companies, will pay the plaintiffs \$3.3 million.

The county will pay \$2.145 million, while Cornell agreed to pay its share of the final settlement of \$1.155 million. The two plaintiffs in the case will each receive \$42,500.

The preliminary settlement also says that \$1.1 million will be allocated for attorneys' fees, gross receipt tax on plaintiffs' attorney's fees, and plaintiffs' litigation expenses and costs. The actual costs of claims administration, which includes notice to the class, processing and administering the settlement will be paid from the settlement claim. The balance of the settlement fund will be distributed among class members who timely file qualifying forms.

"We think there are probably about 630 people that are potentially members of the class," said Santa Fe attorney John Bienvenu. "They are defined as people arrested on charges not involving drugs, weapons or violence between April 3, 2004, and April 3, 2007."

Bienvenu said he expects that only a small fraction of that number will actually submit claims. He also said that he expects the claims administrator to receive enough claims that there will be more than \$2,000 per claimant that will be paid out to them. That number will vary depending on the number of claims received.

## Latest News Headlines

- [Miracle Network child meets the president](#)
  - [County tries to find funds for mosquito control](#)
  - [Buses may connect south part of county to Rail Runner](#)
  - [Appeal filed of recycling plant decision](#)
  - [Surgery still ahead for boy adopted in Siberia as parents try to help others](#)
  - [Loaded gun discovered in Heritage Park](#)
  - [Los Lunas approves bid award for paving eight high-priority streets](#)
  - [Peralta passes nuisance ordinance](#)
- 
- ## Latest Sports Headlines
- [Tigers headed to Class 4A for a 4-year block](#)
  - [Jaramillo is new BHS boys coach](#)
  - [Local gym has a strong showing in boxing event](#)
  - [Forget wins, I'll settle for relevance](#)
  - [Rodeo athletes gearing up for state finals](#)
  - [Track stars competing at Great Southwest meet](#)
  - [Runner with Belen ties to compete at Michigan](#)
  - ["Mike" Moore tourney](#)

"Class members will not actually be qualified prior to the final settlement hearing, that will take place afterwards," Bienvenu said. "The final deadline for people to submit claims is June 5, 2009. After that, and after the final approval, there will be a process in which the claims administrator will verify the validity of the claim by comparing the information to the jail's database."

Bienvenu said if a potential claimant is in the jail's database and it shows that they were arrested on those charges and can verify that they were strip searched, they could be qualified as an actual claimant. The court has approved Gilardi & Co. as the administrator.

The administrator of the settlement fund has been ordered to mail the notice of class action and a claim form to all members of the settlement class and has been instructed to publish the notice as well as ensure that announcements are made on the radio.

A hearing to approve the final settlement agreement has been scheduled for 9 a.m., on Monday, July 13, in the United States Federal Building in Albuquerque.

The Valencia County Adult Detention Center changed the facility's policy regarding strip searches in February 2007 after the lawsuit was filed. All staff members were alerted that a strip search will only be conducted on incoming inmates if there is "reasonable belief" that that person may be in possession of a weapon, narcotic, drug paraphernalia or any other contraband items.

[E-mail this story](#)  
[Printer-friendly version](#)

Copyright © 2009 The News-Bulletin. All rights reserved.

If you have a question or comment, visit our [feedback](#) page.

Interested in [promoting your business](#) on our site?

[trudges on despite economy](#)

Advertisement

