

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARRY DELANDRO and KAREN
MURPHY, individually and on behalf of a
Class of others similarly situated,

Plaintiffs,

v.

THE COUNTY OF ALLEGHENY,
RAMON C. RUSTIN, both
individually and in his official capacity
as Warden of the Allegheny County
Jail, EDWARD D. URBAN, both
individually and in his official capacity
as Deputy Warden of the Allegheny County
Jail, GREGORY E. GROGAN, both
individually and in his official capacity as
Deputy Warden of the Allegheny County
Jail, LANCE E. BOHN, both individually
and in his official capacity as Deputy
Warden of the Allegheny County Jail, and
WILLIAM L. EMERICK, both individually
and in his capacity as Assistant Deputy
Warden of the Allegheny County Jail

Defendants.

SECOND AMENDED
CLASS ACTION COMPLAINT

Civil No. 2:06-CV-927

JURY TRIAL DEMANDED

INTRODUCTION

This is a Class Action brought to redress the deprivation by Defendants of rights secured to the Plaintiffs and Proposed Class by the United States Constitution and the laws of the United States of America. The Allegheny County Bureau of Corrections has had a uniform practice and procedure of strip searching all individuals who enter the Allegheny County Jail and are placed

in jail clothing, regardless of the crime upon which they are charged. Upon information and belief, this uniform practice and procedure is, in part, derived from the written procedures of the Allegheny County Bureau of Corrections, and was promulgated by senior Bureau of Corrections officials; specifically, Defendants Ramon C. Rustin, Edward D. Urban, Gregory E. Grogan, Lance E. Bohn, and William L. Emerick.

It has been well established in this judicial circuit for many years that individuals charged with misdemeanors or summary violations cannot be strip-searched absent particularized suspicion that they possess weapons or contraband. In short, the uniform practice and procedure of Allegheny County and the Allegheny County Bureau of Corrections to force those charged with minor crimes to undergo the indignities of a strip search upon entry into the Allegheny County Jail is not only clearly illegal, but is insensitive and unnecessary.

Plaintiffs Harry Delandro, and Karen Murphy bring this action on behalf of themselves, and on behalf of a Class of thousands of others who were strip searched after being charged with petty crimes, to vindicate the clear and unnecessary violation of their civil rights and those of the Class Members they propose to represent. Plaintiffs were charged with non-felony offenses, and were subjected to strip searches in violation of their rights against unreasonable searches under the Fourth Amendment of the United States Constitution. Plaintiffs seek monetary damages for themselves and each Member of the Proposed Class, a declaration that the Bureau of Corrections' uniform practices and procedures are unconstitutional, and an injunction precluding Allegheny County and the Allegheny County Bureau of Corrections from continuing to violate

the rights of those placed into their custody. With this as a background, Plaintiffs Harry Delandro and Karen Murphy complain as follows:

JURISDICTION

1. This Court has jurisdiction over this action under the provisions of 28 U.S.C. §§ 1331, 1341 & 1343 because it is filed to obtain compensatory damages, punitive damages, and injunctive relief for the deprivation, under color of state law, of the rights of citizens of the United States secured by the Constitution and federal law pursuant to 42 U.S.C. §§ 1981 & 1983. This Court also has jurisdiction over this action under the provisions of 28 U.S.C. § 2201, as it is filed to obtain declaratory relief relative to the Constitutionality of the policies of a local government.

2. Venue is proper under 28 U.S.C. § 1391(e)(2) because the events giving rise to Plaintiffs' claims and those of Proposed Class Members occurred in this judicial district.

PARTIES

3. Plaintiff Harry Delandro ("Delandro") is an adult male individual who resides at 4517 Coleridge Street, Pittsburgh, Pennsylvania 15201. On or about April 19, 2006, Delandro was arrested and placed in the Allegheny County Jail on charges of failing to pay child support.

4. Plaintiff Karen Murphy ("Murphy") is an adult female individual who resides at 3225 Orleans Street, Pittsburgh, PA 15214. On or about August 25, 2005, Murphy was arrested

and placed in the Allegheny County Jail on misdemeanor charges of disorderly conduct and harassment.

5. Defendant County of Allegheny (the “County”) is a county government organized and existing under the laws of the Commonwealth of Pennsylvania. At all times relevant hereto, the County, acting through its Bureau of Corrections, was responsible for the policies, practices, supervision, implementation and conduct of all matters pertaining to the Allegheny County Jail, and was responsible for the appointment, training, supervision and conduct of all Bureau of Corrections personnel, including those working in the Allegheny County Jail. In addition, at all relevant times, the County was responsible for enforcing the rules of the Allegheny County Jail, and for ensuring that Bureau of Corrections personnel employed in the Jail obeyed the Constitution and laws of the United States and of the Commonwealth of Pennsylvania.

6. The Allegheny County Bureau of Corrections (the “Bureau of Corrections”) is an entity organized and existing under the laws of the Commonwealth of Pennsylvania, with a principal place of business at 950 Second Avenue, Pittsburgh, Pennsylvania 15219-3100. Although not a legal entity for the purposes of litigation, the Office is listed as a party for the purposes of identification. At all times relevant hereto, the Bureau of Corrections was responsible for operating, organizing, overseeing and administering the Allegheny County Jail (the “Jail”). At all times relevant hereto, Defendant Bureau of Corrections, together with the County of Allegheny, was responsible for the policies, practices, supervision, implementation and conduct of all matters pertaining to the Jail, and was responsible for the appointment, training, supervision and conduct of all Bureau of Corrections personnel, including those working in the

Jail. In addition, at all times relevant hereto, Defendant Bureau of Corrections, together with the County of Allegheny, was responsible for enforcing the rules of the Jail, and for ensuring that Bureau of Corrections personnel employed in the Jail obeyed the Constitution and laws of the United States and of the Commonwealth of Pennsylvania.

7. Defendant Ramon C. Rustin (“Warden Rustin”) is the duly appointed Warden of the Allegheny County Jail, and, as such, is a policy maker with respect to the treatment of pre-trial and other detainees over which the Jail exercises custodial or other control. Warden Rustin’s principal place of business is the Allegheny County Jail, 950 Second Avenue, Pittsburgh, Pennsylvania 15219. Warden Rustin is made a Defendant in this action in both his individual and official capacities.

8. Defendant Edward D. Urban (“Deputy Warden Urban”) is the duly appointed Deputy Warden of the Allegheny County Jail, and, as such, is a policy maker with respect to the treatment of pre-trial and other detainees over which the Jail exercises custodial or other control. Deputy Warden Urban’s principal place of business is the Allegheny County Jail, 950 Second Avenue, Pittsburgh, Pennsylvania 15219. Deputy Warden Urban is made a Defendant in this action in both his individual and official capacities.

9. Defendant Gregory E. Grogan (“Deputy Warden Grogan”) is the duly appointed Deputy Warden of the Allegheny County Jail, and, as such, is a policy maker with respect to the treatment of pre-trial and other detainees over which the Jail exercises custodial or other control. Deputy Warden Grogan’s principal place of business is the Allegheny County Jail, 950 Second

Avenue, Pittsburgh, Pennsylvania 15219. Deputy Warden Grogan is made a Defendant in this action in both his individual and official capacities.

10. Defendant Lance E. Bohn (“Deputy Warden Bohn”) is the duly appointed Deputy Warden of the Allegheny County Jail, and, as such, is a policy maker with respect to the treatment of pre-trial and other detainees over which the Jail exercises custodial or other control. Deputy Warden Bohn’s principal place of business is the Allegheny County Jail, 950 Second Avenue, Pittsburgh, Pennsylvania 15219. Deputy Warden Bohn is made a Defendant in this action in both his individual and official capacities.

11. Defendant William L. Emerick (“Assistant Deputy Warden Emerick”) is the duly appointed Assistant Deputy Warden of the Allegheny County Jail, and, as such, is a policy maker with respect to the treatment of pre-trial and other detainees over which the Jail exercises custodial or other control. Assistant Deputy Warden Emerick’s principal place of business is the Allegheny County Jail, 950 Second Avenue, Pittsburgh, Pennsylvania 15219. Assistant Deputy Warden Emerick is made a Defendant in this action in both his individual and official capacities.

12. Collectively, Warden Rustin, Deputy Warden Urban, Deputy Warden Grogan, Deputy Warden Bohn, and Assistant Deputy Warden Emerick will be referred to as the “Policy Making Defendants.”

CLASS ACTION ALLEGATIONS

13. Plaintiffs bring this action pursuant to Rules 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure on behalf of themselves and a Class of similarly situated individuals

who were charged with misdemeanors or minor crimes and were strip searched upon their entry into the Allegheny County Jail.

14. The Class that Plaintiffs seek to represent is defined as follows:

All persons who have been or will be placed into the custody of the Allegheny County Jail after being charged with misdemeanors, summary offenses, violations of probation or parole, traffic infractions, civil commitments or other minor crimes and were or will be strip searched upon their entry into the Allegheny County Jail pursuant to the policy, custom and practice of the Allegheny County Bureau of Corrections and the County of Allegheny. The Class Period commences on July 13, 2004, and extends to the date on which Defendants are enjoined from or otherwise cease enforcing their unconstitutional policy, practice or custom of conducting strip searches absent reasonable suspicion. Specifically excluded from the Class are Defendants and any and all of their respective affiliates, legal representatives, heirs, successors, employees or assignees.

15. This action has been brought and may properly be maintained as a Class Action under Federal law and satisfies the numerosity, commonality, typicality and adequacy requirements for maintaining a Class Action under Fed. R. Civ. P. 23(a).

16. The Members of the Class are so numerous as to render joinder impracticable. Upon information and belief, there are hundreds of people arrested for misdemeanors and violations who are placed into the custody of the Jail every month -- all of whom are Members of the Proposed Class. Upon information and belief, the size of the Proposed Class totals at least 5,000 individuals, some of whom have had their civil rights violated on multiple occasions.

17. Upon information and belief, joinder of all of these individuals is impracticable because of the large number of Proposed Class Members and the fact that Class Members are likely dispersed over a large geographical area, with some Members presently residing outside of Allegheny County and this Judicial District. Furthermore, upon information and belief, many

Members of the Class are low-income persons, may not speak English, and likely would have great difficulty in pursuing their rights individually.

18. Common questions of law and fact exist as to all Members of the Class, in that they all had their right to be free from unreasonable searches violated by Defendants' conducting strip searches absent particularized suspicion. All Members of the Class were charged with misdemeanors or violations when placed into the custody of the Jail, and all were illegally strip searched in violation of the established law in this judicial circuit.

19. Plaintiffs' claims are typical of the claims of the Members of the Class. Plaintiffs and all Members of the Class sustained damages arising out of Defendants course of conduct. The harms suffered by the Plaintiffs are typical of the harms suffered by the Class Members.

20. The Representative Plaintiffs have the requisite personal interest in the outcome of this action and will fairly and adequately protect the interests of the Class. Plaintiffs have no interests that are adverse to the interests of the Members of the Class.

21. Plaintiffs have retained counsel who have substantial experience and success in the prosecution of Class Action and civil rights litigation. In short, Plaintiffs' counsel has the resources, expertise and experience to successfully prosecute this action against Allegheny County, the Allegheny County Bureau of Corrections and the Policy Making Defendants. Counsel for the Plaintiffs know of no conflicts among Members of the Class or between counsel and Members of the Class.

22. This action, in part, seeks declaratory and injunctive relief. As such, the Plaintiffs seek Class Certification under Fed. R. Civ. P. 23(b)(2), in that all Class Members were subject to

the same policy requiring the illegal strip searches of individuals charged with misdemeanor or minor crimes and placed into the custody of the Jail. In short, the County of Allegheny, the Allegheny County Bureau of Corrections, the Policy Making Defendants and Jail Officers acted on grounds generally applicable to all Class Members.

23. In addition to certification under Rule 23(b)(2), and in the alternative, Plaintiffs seek certification under Rule 23(b)(3).

24. Common questions of law and fact exist as to all Members of the Class, and predominate over any questions that affect only individual Members of the Class. These common questions of law and fact include, without limitation, the common and predominate question of whether the Defendants' written and/or *de facto* policy of strip searching all individuals charged with misdemeanors or minor crimes and committed to the Jail is a violation of the Fourth and Fourteenth Amendments to the United States Constitution, and whether such a written and/or *de facto* policy existed during the Class Period.

25. A Class Action is superior to other available methods for the fair and efficient adjudication of this controversy, since joinder of all of the individual Members of the Class is impracticable given the large number of Class Members and the fact that they are dispersed over a large geographical area. Furthermore, the expense and burden of individual litigation would make it difficult or impossible for individual Members of the Class to redress the wrongs done to them. The cost to the federal court system of adjudicating thousands of individual cases would be enormous. Individualized litigation would also magnify the delay and expense to all parties and the court system. By contrast, the conduct of this action as a Class Action in this District presents

far fewer management difficulties, conserves the resources of the parties and the court system, and protects the rights of each Member of the Class.

26. Upon information and belief, there are no other actions pending to address the Defendants' flagrant violation of the civil rights of thousands of individuals.

27. In the alternative to certification under Fed. R. Civ. P. 23(b)(3), Plaintiffs also seek partial Certification under Fed. R. Civ. P. 23(c)(4).

FACTS

Facts Applicable to the Class Generally

28. The Fourth Amendment of the United States Constitution prohibits state officials, such as the Policy Making Defendants in this action and the Corrections Officers they supervise, from performing strip searches of arrestees who have been charged with misdemeanors or other minor crimes, unless the officer has reasonable suspicion to believe that the arrestee is concealing a weapon or contraband.

29. Upon information and belief, the County of Allegheny, the Allegheny County Bureau of Corrections, and the Policy Making Defendants have instituted a written and/or *de facto* policy, custom or practice of strip searching all individuals who enter the custody of the Allegheny County Correctional Facility and are placed into jail clothing, regardless of the nature of their charged crime and without the presence of reasonable suspicion to believe that the individual was concealing a weapon or contraband.

30. Upon information and belief, the County of Allegheny, the Allegheny County Bureau of Corrections and the Policy Making Defendants have instituted a written and/or *de facto* policy, custom or practice of conducting visual body cavity searches (visual inspection of the vaginal and rectal cavities) on all individuals who enter the custody of the Allegheny County Jail, regardless of the individual characteristics or the nature of their charged crime. For purposes of this Second Amended Complaint, strip and visual cavity searches are collectively referred to as (“strip searches”).

31. The County of Allegheny, the Allegheny County Bureau of Corrections, and the Policy Making Defendants know that they may not institute, enforce or permit enforcement of a policy or practice of conducting strip searches without particularized, reasonable suspicion. Upon information and belief, the Allegheny County Jail's written policy was based on the policy promulgated by the Allegheny County Bureau of Corrections.

32. The Defendants’ written and/or *de facto* policy, practice and custom mandating wholesale strip searches of all misdemeanor and violation arrestees has been promulgated, effectuated and/or enforced in bad faith and contrary to clearly established law.

33. Reasonable suspicion to conduct a strip search may only emanate from the particular circumstances antecedent to the search, such as the nature of the crime charged, the particular characteristics of the arrestees, and/or the circumstances of the arrest.

34. Upon information and belief, the County of Allegheny, the Allegheny County Bureau of Corrections, and Policy Making Defendants have promulgated, implemented, enforced, and/or failed to rectify a written and/or *de facto* policy, practice or custom of strip

searching all individuals placed into the custody of the Allegheny Jail and placed into jail clothing without any requirement of reasonable suspicion, or indeed suspicion of any sort. This written and/or *de facto* policy made the strip searching of pre-trial detainees routine; neither the nature of the offense charged, the characteristics of the arrestee, nor the circumstances of a particular arrest were relevant to the enforcement of the policy, practice and custom of routine strip searches.

35. Pursuant to this written and/or *de facto* policy, each Member of the Class, including the named Plaintiffs, was the victim of a routine strip search upon their entry into the Allegheny County Jail. These searches were conducted without inquiry into or establishment of reasonable suspicion, and in fact were not supported by reasonable suspicion. Strip searches are conducted for individuals arrested for, among other innocuous offenses, Driving While Intoxicated, Harassment, Trespassing and Failure to Pay Child Support.

36. As a direct and proximate result of the unlawful strip searches conducted pursuant to this written and/or *de facto* policy, the victims of the unlawful strip searches -- each Member of the Class, including the named Plaintiffs -- has suffered or will suffer psychological pain, humiliation, suffering and mental anguish.

Facts Applicable to the Named Plaintiffs

37. Plaintiff Harry Delandro is an adult male. On or about Wednesday, April 19, 2006, at approximately 9:00 p.m., he was arrested in his home on non-felony charges for failing to pay child support.

38. At the time of his arrest, Delandro was on crutches and wearing a foot immobilizer.

39. Delandro's arrest was void of any reasonable suspicion that he harbored any weapons or contraband.

40. Delandro was put in a holding cell for the night. The following morning and before having seen a judge, Delandro was provided with jail issue clothes and strip searched. Delandro was required to remove his underwear and lift his testicles in connection with this search.

41. The next day at approximately 5:00 a.m., Delandro was taken back to processing so that he could get dressed and then go to Court.

42. Delandro saw a hearing officer that afternoon, who ordered that he be released.

43. Thereafter, Delandro returned to the Jail, was put in another holding cell, strip searched yet again, and finally released at about 6:00 p.m. that evening.

44. In connection with the second strip search, Delandro was required to completely disrobe, lift up his testicles, bend over and cough, so that he could be visually inspected by a correctional officer.

45. Delandro was able to observe other individuals being strip searched while he was waiting for his turn to be searched.

46. As a direct and proximate result of the unlawful strip-search conducted pursuant to County and Bureau of Corrections' policy, practice and custom, Delandro has suffered, and continues to suffer, psychological pain, humiliation, suffering and mental anguish.

47. Plaintiff Karen Murphy is an adult female.

48. On or about August 25, 2005 Ms. Murphy was arrested after placing a call to 911 operators requesting that the police be sent to her elderly father's home to check on him.

49. At the time of the arrest Murphy was wearing only her underwear and a t-shirt.

50. After initial booking into the facility, Murphy was put in a holding cell where she remained for several hours.

51. She was, thereafter, strip searched during the course of a supervised shower.

52. Murphy was required to completely disrobe, lift her breasts, squat, and manipulate her genital areas so that she could be visually inspected by the female guard.

53. As a direct and proximate result of the unlawful strip-search conducted pursuant to County and Bureau of Corrections' policy, practice and custom, Murphy has suffered, and continues to suffer, psychological pain, humiliation, suffering and mental anguish.

CAUSES OF ACTION

AS AND FOR A FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS

Violation of Constitutional Rights Under Color of State Law -- Unreasonable Search and Failure to Implement Municipal Policies to Avoid Constitutional Deprivations Under Color of State Law --

54. Plaintiffs incorporate by reference and reallege each and every allegation stated in paragraphs 1 through 53.

55. The Fourth Amendment of the United States Constitution protects citizens from unreasonable searches by law enforcement officers, and prohibits officers from conducting strip

searches of individuals arrested for misdemeanors or other minor crimes absent some particularized suspicion that the individual in question has either contraband or weapons.

56. The actions of Defendants detailed above violated Plaintiffs' rights under the United States Constitution. Simply put, it was not objectively reasonable for Jail Officers to strip search Plaintiffs and Class Members based on their arrests for minor criminal charges. It was also not objectively reasonable for the Policy Making Defendants to order/direct Allegheny County Corrections Officers to conduct such searches.

57. These strip searches were conducted pursuant to the policy, custom or practice of the County of Allegheny and the Allegheny County Bureau of Corrections. As such, the County of Allegheny is directly liable for the damages of Plaintiffs and Members of the Class.

58. Upon information and belief, Sheriff DeFazio, Chief Deputy Mullen, Warden Rustin, and Deputy Warden Urban are responsible for establishing the policies and procedures to be utilized in the operation of the Jail, and are responsible for the implementation of the strip search policy questioned in this lawsuit. As such, Warden Rustin, Deputy Warden Urban, Deputy Warden Grogan, Deputy Warden Bohn, and Assistant Deputy Warden Emerick are each individually responsible for the damages of the Plaintiffs and Members of the Class.

59. Warden Rustin, Deputy Warden Urban, Deputy Warden Grogan, Deputy Warden Bohn, and Assistant Deputy Warden Emerick knew that the Jail's strip search policy was illegal, and acted willfully, knowingly, and with specific intent to deprive Plaintiffs and Members of the Class of their Constitutional rights.

60. This conduct on the part of all Defendants represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

61. As a direct and proximate result of the unconstitutional acts described above, Plaintiffs and the Members of the Class have been irreparably injured.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST ALL DEFENDANTS

-- Demand for Declaratory Judgment --

62. Plaintiffs incorporate by reference and reallege each and every allegation stated in paragraphs 1 through 61.

63. The policy, custom and practice of the Allegheny County Bureau of Corrections, the County of Allegheny and the Policy Making Defendants is clearly unconstitutional, in that these entities and individuals are directing/conducting the strip searches of all individuals placed into the Jail without any particularized suspicion that the individuals in question have either contraband or weapons.

64. Plaintiffs and Members of the Class request that this Court issue a declaratory judgment, and that it declare the strip search policy of the County of Allegheny and the Allegheny County Bureau of Corrections to be unconstitutional.

AS AND FOR A THIRD CAUSE OF ACTION AGAINST ALL DEFENDANTS

-- Demand for Preliminary and Permanent Injunction --

65. Plaintiffs incorporate by reference and reallege each and every allegation stated in paragraphs 1 through 64.

66. The policy, custom and practice of the Allegheny County Bureau of Corrections, the County of Allegheny and the Policy Making Defendants is clearly unconstitutional, in that these entities and individuals are directing/conducting the strip searches of all individuals placed into the Jail without any particularized suspicion that the individuals in question have either contraband or weapons.

67. Upon information and belief, this policy is currently in place at the Jail, with new and/or prospective Members of the Class being subjected to the harms that have already been inflicted upon the Plaintiffs.

68. The continuing pattern of strip searching individuals charged with minor crimes will cause irreparable harm to the new and/or prospective Members of the Class, an adequate remedy for which does not exist at law.

69. Plaintiffs demand that the County of Allegheny, the Allegheny County Bureau of Corrections, the Policy Making Defendants and Allegheny County Corrections Officers immediately desist from strip searching individuals placed into the custody of the Jail absent any particularized suspicion that the individuals in question have either contraband or weapons, and seeks both a preliminary and permanent injunction from this Court ordering as much.

DEMAND FOR PUNITIVE DAMAGES

70. The actions of the Individual Defendants detailed herein are outrageous, in that they continue to propagate an illegal strip search policy.

71. It is clear that the Policy Making Defendants, the County of Allegheny and the Allegheny County Bureau of Corrections have no respect for the civil rights of individual citizens or for the rule of law. Consequently, an award of punitive damages is necessary to punish the Policy Making Defendants, and to send a message to them that the requirements of the United States Constitution also apply to government officials in Allegheny County.

DEMAND FOR TRIAL BY JURY

72. The Plaintiffs hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Harry Delandro and Karen Murphy, on behalf of themselves and on behalf of a Class of others similarly situated, request that this Honorable Court grant them the following relief:

1. An order certifying this action as a Class Action pursuant to Fed. R. Civ. P. 23;
2. A judgment against all Defendants, jointly and severally on Plaintiffs' First Cause of Action detailed herein, awarding Compensatory Damages to Plaintiff and each Member of the Proposed Class in an amount to be determined by a Jury and/or the Court;
3. A judgment against Defendant Ramon C. Rustin on Plaintiffs' First Cause of Action for \$1,000,000.00 in punitive damages;

4. A judgment against Defendant Edward D. Urban on Plaintiffs' First Cause of Action for \$1,000,000.00 in punitive damages;
5. A judgment against Defendant Gregory E. Grogan on Plaintiffs' First Cause of Action for \$1,000,000.00 in punitive damages;
6. A judgment against Defendant Lance E. Bohn on Plaintiffs' First Cause of Action for \$1,000,000.00 in punitive damages;
7. A judgment against Defendant William L. Emerick on Plaintiffs' First Cause of Action for \$1,000,000.00 in punitive damages;
8. A declaratory judgment against all Defendants declaring the County of Allegheny and the Allegheny County Bureau of Corrections' policy, practice and custom of strip and visual cavity searching all detainees entering the Jail, regardless of the crime charged or suspicion of contraband, to be unconstitutional and improper;
9. A preliminary and permanent injunction enjoining Defendants from continuing to strip and visual cavity search individuals charged with misdemeanors or minor crimes absent particularized, reasonable suspicion that the arrestee subjected to the search is concealing weapons or other contraband; and,
10. A monetary award for attorney's fees and the costs of this action, pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 23.

Dated: November ___, 2007

Respectfully submitted by:

By: /s/ D. Aaron Rihn, Esquire

D. Aaron Rihn, Esquire

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