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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

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10
11 LISA SUON, JEFFREY PAY, and ANDY
MEAN, on behalf of themselves and all those
12 similarly situated,

13 Plaintiffs,

14 vs.

15 COUNTY OF ALAMEDA; ALAMEDA
COUNTY PROBATION DEPARTMENT;
16 ALAMEDA COUNTY CHIEF PROBATION
OFFICER DONALD H. BLEVINS, in his
17 individual and official capacity; ALAMEDA
COUNTY ASSISTANT CHIEF PROBATION
18 OFFICER SHEILA L. FOSTER, in her individual
and official capacity; ALAMEDA COUNTY
19 ASSISTANT CHIEF PROBATION OFFICER
RICHARD A. MUENCH, in his individual and
20 official capacity; ALAMEDA COUNTY
DEPUTY CHIEF OF JUVENILE FACILITIES
21 WILLIAM E. FENTON, in his individual and
22 official capacity; and DOES 1 THROUGH 150,

23 Defendants.

CASE NO: C 07-01770 EMC

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

24 PLAINTIFFS ALLEGE:

25 **INTRODUCTION**

26 This is an action for declaratory and injunctive relief, damages, and punitive damages against
27 the COUNTY OF ALAMEDA, the ALAMEDA COUNTY PROBATION DEPARTMENT,
28 ALAMEDA COUNTY CHIEF PROBATION OFFICER DONALD H. BLEVINS, in his individual

1 and official capacity, SACRAMENTO COUNTY ASSISTANT CHIEF PROBATION OFFICER
2 SHEILA L. FOSTER, in her individual and official capacity; ALAMEDA COUNTY ASSISTANT
3 CHIEF PROBATION OFFICER RICHARD A. MUENCH, in his individual and official capacity;
4 ALAMEDA COUNTY DEPUTY CHIEF OF JUVENILE FACILITIES WILLIAM E. FENTON,
5 in his individual and official capacity; and DOES 1 THROUGH 150 (persons sued herein by their
6 fictitious names) for violations of plaintiffs' constitutional rights resulting from application of the
7 COUNTY OF ALAMEDA'S and the ALAMEDA COUNTY PROBATION DEPARTMENT's
8 policies, practices, and customs concerning the use of strip searches and visual body cavity searches
9 in the Alameda County Juvenile Hall and the manner in which such strip searches and visual body
10 cavity searches are performed. Plaintiffs seek an order declaring illegal defendants' policy of
11 subjecting juvenile detainees in their custody to strip and visual body cavity searches before such
12 detainees have appeared at a detention hearing and without having any reasonable suspicion that the
13 searches will be productive of contraband. Plaintiffs also seek an order declaring illegal defendants'
14 policy of subjecting juvenile detainees in their custody to strip and visual body cavity searches in
15 groups following family visits and other occasions when the juveniles return to their units.

16 Defendants' strip and visual body cavity search policies, practices, and customs violated and
17 violate the rights of plaintiffs, and each of those persons similarly situated, secured by the Fourth and
18 Fourteenth Amendments to the U.S. Constitution and entitle plaintiffs, and all of those similarly
19 situated, to recover damages under the Federal Civil Rights Act (42 U.S.C. § 1983).

20 JURISDICTION

21 1. This action is brought pursuant to 42 USC §§ 1983 and 1988, and the Fourth and
22 Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C.
23 §§ 1331 and 1341(3) and (4) and the aforementioned statutory and constitutional provisions.

24 2. The amount in controversy exceeds \$10,000, excluding interest and costs.

25 PARTIES

26 3. Plaintiff LISA SUON, like all those similarly situated, is, and at all material times
27 herein, was a citizen of the United States and a resident of the state of California who was arrested
28 while a juvenile and who was subjected to strip and/or visual body cavity searches at Alameda

1 County's Juvenile Hall, prior to appearing at a detention hearing and/or without the defendants first
2 having a reasonable suspicion that the search would be productive of contraband or weapons.
3 Plaintiff SUON, like all those similarly situated, was subjected to group strip searches where she
4 could see other juveniles being strip searched and, in turn, could be seen by them as she was strip
5 searched (group strip search) following return from family or other visits and following return to the
6 unit on other occasions before and after detention hearing.

7 4. Plaintiff JEFFREY PAY, like all those similarly situated, is, and at all material times
8 herein, was a citizen of the United States and a resident of the state of California who was arrested
9 while a juvenile and who was subjected to strip and/or visual body cavity searches, in groups, at the
10 Alameda County Juvenile Hall.

11 5. Plaintiff ANDY MEAN, like all those similarly situated, is, and at all material times
12 herein, was a citizen of the United States and a resident of the state of California who was arrested
13 while a juvenile and who was subjected to strip and/or visual body cavity searches, in groups, at
14 Alameda County Juvenile Hall.

15 6. Defendant ALAMEDA COUNTY CHIEF PROBATION OFFICER DONALD H.
16 BLEVINS, is, and at all material times referred to herein, was responsible for administering Alameda
17 County's juvenile detention facilities and for making, overseeing, and implementing the policies,
18 practices, and customs challenged herein relating to the operation of the Alameda County Juvenile
19 Hall. He is sued in his individual and official capacities.

20 7. Defendant ALAMEDA COUNTY ASSISTANT CHIEF PROBATION OFFICER
21 SHEILA L. FOSTER is, and at all material times referred to herein, was responsible for assisting in
22 the administration of Alameda County's juvenile detention facilities and for assisting in the making,
23 overseeing, and implementing the policies, practices, and customs challenged herein relating to the
24 operation of the Alameda County Juvenile Hall. She is sued in her individual and official capacities.

25 8. Defendant ALAMEDA COUNTY ASSISTANT CHIEF PROBATION OFFICER
26 RICHARD A. MUENCH is, and at all material times referred to herein, was responsible for assisting
27 in the administration of Alameda County's juvenile detention facilities and for assisting in the
28 making, overseeing, and implementing the policies, practices, and customs challenged herein relating

1 to the operation of the Alameda County Juvenile Hall. He is sued in his individual and official
2 capacities.

3 9. ALAMEDA COUNTY DEPUTY CHIEF OF JUVENILE FACILITIES WILLIAM
4 E. FENTON is, and at all material times referred to herein, was responsible for the day-to-day
5 operation and management of the Alameda County's Juvenile detention facility and for assisting in
6 the administration of Alameda County's juvenile detention facilities and for assisting in the making,
7 overseeing, and implementing the policies, practices, and customs challenged herein relating to the
8 operation of the Alameda County Juvenile Hall. He is sued in his individual and official capacities.

9 10. Plaintiffs are informed and believe, and thereon alleges that defendants sued herein
10 by their fictitious names (DOES 1 through 150) are County of Alameda Probation Officers and/or
11 other persons employed by the defendant COUNTY OF ALAMEDA who, as part of their duties at
12 the Alameda County Juvenile Hall, subjected plaintiffs, and all those similarly situated, to pre-
13 detention hearing strip and/or visual body cavity searches without first having a reasonable suspicion
14 that the searches would be productive of contraband or weapons; and subjected plaintiffs, and all
15 those similarly situated, to strip and/or visual body cavity searches in groups. Plaintiffs are not
16 currently aware of the true names and identities of those sued herein as DOES 1 through 150, but
17 will amend this Complaint to include such persons' real names once said names are made available
18 to them.

19 11. At all material times mentioned herein, each of the defendants was acting under the
20 color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages
21 of the state of California, COUNTY OF ALAMEDA, and/or the COUNTY OF ALAMEDA'S
22 PROBATION DEPARTMENT.

23 12. Defendant COUNTY OF ALAMEDA is, and at all material times referred to herein,
24 was, a division of the state of California, that maintained or permitted an official policy or custom
25 or practice causing or permitting the occurrence of the types of wrongs complained of herein, which
26 wrongs damaged plaintiffs, and all those similarly situated, as herein alleged. Plaintiffs' allegations
27 against the COUNTY OF ALAMEDA are based on acts and omissions of the CHIEF PROBATION
28 OFFICER, the ASSISTANT CHIEF PROBATION OFFICERS, and the DEPUTY CHIEF OF

1 JUVENILE FACILITIES, and their officers, and on acts and omissions of persons who are
2 employees of the COUNTY OF ALAMEDA, and on the COUNTY OF ALAMEDA's breach of its
3 duty to protect plaintiffs, and all those similarly situated, from the wrongful conduct of said persons
4 and employees.

5 13. Defendants COUNTY OF ALAMEDA PROBATION DEPARTMENT, ALAMEDA
6 COUNTY CHIEF PROBATION OFFICER DONALD H. BLEVINS, in his individual and official
7 capacity, ALAMEDA COUNTY ASSISTANT CHIEF PROBATION OFFICER SHEILA L.
8 FOSTER, in her individual and official capacity, and ALAMEDA COUNTY ASSISTANT CHIEF
9 PROBATION OFFICER RICHARD A. MUENCH, in his individual and official capacity also
10 maintained or permitted an official policy or custom or practice causing or permitting the occurrence
11 of the types of wrongs complained of herein, which wrongs damaged plaintiffs, and all those
12 similarly situated, as herein alleged.

13 14. Class action plaintiffs are those similarly situated juveniles who were subjected by
14 defendants to pre-detention hearing strip and/or visual body cavity searches without defendants
15 having a reasonable suspicion that the searches would be productive of contraband or weapons and
16 who have not yet reached adulthood or who have turned 18 within two (2) years of the filing of this
17 complaint. Class action plaintiffs are also those similarly situated juveniles who were subjected by
18 defendants to strip and/or visual body cavity searches, in groups, in places where they could view
19 the naked bodies of other juveniles being strip searched simultaneously and/or be viewed by other
20 juveniles being strip searched simultaneously, in groups who have not yet reached adulthood or who
21 have turned 18 within two (2) years of the filing of this Complaint.

22 **FACTS**

23 15. In or about the year 2003, plaintiff LISA SUON, then 14 years of age, was arrested
24 for a misdemeanor offense, transported to Alameda County Juvenile Hall on Fairmont Drive, San
25 Leandro, in the County of Alameda, California, and there, prior to a detention hearing, was subjected
26 to a visual body cavity search in violation of the Fourth and Fourteenth Amendments to the United
27 States Constitution.

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1 16. During Plaintiff SUON's confinement in the Alameda County Juvenile Hall,
2 whenever she returned to the unit following a visit, she was subjected to a strip and/or visual body
3 cavity search in groups of juveniles who could see each other as they were being strip searched and
4 plaintiff SUON did, in fact, view the naked bodies of other juvenile detainees as they were required
5 to expose their body cavities for visual inspection by defendants.

6 17. Plaintiff JEFFREY PAY (Date of Birth: December 30, 1987) was arrested in or about
7 2004, and again in 2005, for misdemeanor offenses, transported to the Alameda County Juvenile
8 Hall on Fairmont Drive, San Leandro, in the County of Alameda, California, and there, prior to a
9 detention hearing, was subjected to a visual body cavity search in violation of the Fourth and
10 Fourteenth Amendments to the United States Constitution. He was also repeatedly subjected to
11 group strip searches and/or visual body cavity searches whenever he returned to the unit in which
12 he was housed following a visit. During those group strip searches, he could and did visualize the
13 naked bodies of other juveniles being strip searched simultaneously and was, at the same time,
14 viewed by other juveniles as he was being strip searched and forced to lift his genitalia for inspection
15 and expose his rectum for visual inspection by defendants.

16 18. Plaintiff ANDY MEAN (Date of Birth: April 13, 1988) was arrested in or about 2004,
17 for a misdemeanor offense, transported to the Alameda County Juvenile Hall on Fairmont Drive, San
18 Leandro, in the County of Alameda, California, and there, prior to a detention hearing, was subjected
19 to a visual body cavity search in violation of the Fourth and Fourteenth Amendments to the United
20 States Constitution. Plaintiff MEAN was also subjected to repetitive group strip search and/or visual
21 body cavity searches during his confinement in Alameda County Juvenile Hall whenever he returned
22 to the unit following a visit. During these group strip and/or visual body cavity searches, plaintiff
23 MEAN could see other juveniles being strip searched simultaneously and exposing their genitalia
24 for inspection by defendants and, in turn, could be visualized by other juveniles as he exposed his
25 naked body for inspection by defendants.

26 19. Plaintiff SUON is informed and believes, and thereupon alleges, that defendants had
27 no reasonable suspicion that a strip or visual body cavity search of plaintiff would result in the
28 discovery of contraband or weapons.

1 20. Plaintiff PAY is informed and believes, and thereupon alleges, that defendants had
2 no reasonable suspicion that a strip or visual body cavity search of plaintiff would result in the
3 discovery of contraband or weapons.

4 21. Plaintiff MEAN is informed and believes, and thereupon alleges, that defendants had
5 no reasonable suspicion that a strip or visual body cavity search of plaintiff would result in the
6 discovery of contraband or weapons.

7 22. Plaintiffs are informed and believe that there was no legal justification for requiring
8 plaintiffs to submit to strip searches in groups where they could see and be seen by persons not
9 officially participating in the strip searches, i.e. other juvenile detainees.

10 23. Plaintiffs are informed and believe, and thereon allege, that defendants have the
11 ability to identify all such similarly situated plaintiffs, specifically those who are still juveniles or
12 who were juveniles within two (2) years of the filing of this Complaint and, who, while in
13 defendants' custody at the Alameda County Juvenile Hall, were subjected to strip searches and/or
14 visual body cavity searches prior to appearing at a detention hearing without defendants first having
15 a reasonable suspicion that the searches would be productive of contraband or weapons; and that
16 defendants have the ability to identify all such similarly situated plaintiffs, specifically those who
17 are still juveniles or who were juveniles within two (2) years of the filing of this Complaint, who,
18 while in defendants' custody at the Alameda County Juvenile Hall were subjected to strip searches
19 and/or visual body cavity searches in groups.

20 24. Defendants CHIEF PROBATION OFFICER DONALD H. BLEVINS, ASSISTANT
21 CHIEF PROBATION OFFICERS SHEILA L. FOSTER and RICHARD A. MUENCH, DEPUTY
22 CHIEF OF JUVENILE FACILITIES, WILLIAM E. FENTON, and Defendants DOES 1 through 10
23 are jointly and severally personally responsible for the promulgation and continuation of the strip
24 search policy, practice, and custom pursuant to which plaintiffs herein and the persons in the class
25 plaintiffs purport to represent were subjected to the strip searches and group strip searches
26 complained of herein.

27 25. As a result of being subjected to the searches complained of herein, plaintiffs, and all
28 those similarly situated, have suffered physical, mental, and emotional distress, invasion of privacy,

1 and violation of due process of law and federal statutory and constitutional rights, and are entitled
2 to recover damages according to proof, including exemplary damages.

3 **CLASS CLAIMS**

4 26. The strip and visual body cavity searches to which plaintiffs, and all those similarly
5 situated, were subjected were performed pursuant to policies, practices, and customs of defendants,
6 and each of them. The searches complained of herein were performed without regard to the nature
7 of the alleged offense for which the plaintiffs, and each of those similarly situated, had been arrested,
8 without regard to whether or not plaintiffs, and each of those similarly situated, were eligible for
9 release under Welfare & Institutions Code §§ 628 et seq. Furthermore, the searches complained of
10 herein were performed without defendants having a reasonable belief that plaintiffs, or those
11 similarly situated, so searched, possessed weapons or contraband, or that there existed facts
12 supporting a reasonable belief that the searches would produce contraband.

13 27. The group strip and/or visual body cavity searches to which plaintiffs, and all those
14 similarly situated, were subjected were performed pursuant to policies, practices, and customs of
15 defendants, and each of them. The group strip searches complained of herein were performed
16 without any necessity or justification and in total disregard of the “reasonable search” requirements
17 of the Fourth Amendment to the United States Constitution.

18 28. Plaintiffs bring this action on their own behalf and on behalf of all persons similarly
19 situated pursuant to Rule 23, Federal Rules of Civil Procedure.

20 29. The class is defined to include all persons who are currently juveniles or who reached
21 the age of majority within two (2) years of filing of this Complaint, and who were arrested and
22 subjected to pre-detention hearing strip and/or visual body cavity searches at the Alameda County
23 Juvenile Hall without defendants having a reasonable suspicion that the searches would be
24 productive of contraband or weapons. The class includes all persons for whom there was reasonable
25 suspicion to believe that they were concealing contraband or weapons but who were strip searched
26 in an unreasonable manner and place, that is in groups, where they could see other juveniles who
27 were strip searched simultaneously.

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1 30. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the members of the
2 class are so numerous that joinder of all members is impractical. Plaintiffs do not know the exact
3 number of class members. Plaintiffs are informed and believe, and thereupon allege, that there are
4 more than 20 persons per day who are arrested by defendants and/or in the custody of defendants and
5 subjected to the searches complained of herein as a result of defendants' policy, practice, and custom
6 relating to said searches. Plaintiffs are informed and believe, and thereupon allege, that there are
7 thousands of persons in the proposed class.

8 31. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiffs are
9 informed and believe, and thereupon allege, that there are many questions of fact common to the
10 class including, but not limited to: (1) whether defendants routinely subject all juveniles arrested to
11 visual body cavity searches prior to appearance at a detention hearing; (2) whether persons are
12 subjected to visual body cavity searches prior to detention hearings without there being any
13 reasonable suspicion, based on specific or articulable facts, to believe that any particular arrestee has
14 concealed drugs, weapons, and/or contraband in bodily cavities which could be detected by means
15 of a visual body cavity search; (3) whether the visual body cavity searches are conducted in areas of
16 privacy so that the searches cannot be observed by persons not participating in the searches, or
17 whether the visual body cavity searches are conducted in groups and/or in open areas where they may
18 be observed by persons not officially participating in the searches; and, (4) whether the visual body
19 cavity searches are reasonably related to defendants' penological interest to maintain the security of
20 the juvenile detention facility and whether or not there are less intrusive methods for protecting any
21 such interest.

22 32. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiffs are
23 informed and believe, and thereupon allege, that there are many questions of law common to the
24 class including, but are not limited to: (1) whether defendants may perform visual body cavity
25 searches on juveniles prior to their detention hearing without reasonable suspicion, based on specific
26 or articulable facts, to believe any particular detainee has concealed drugs, weapons and/or
27 contraband which would likely be discovered by a visual body cavity search; (2) whether defendants
28 may perform visual body cavity searches on juveniles without first reasonably relating the use of the

1 visual body cavity search to defendants' penological interest to maintain the security of the juvenile
2 detention facility and determining if there is a less intrusive method to protect that interest; (3)
3 whether visual body cavity searches may be conducted in areas where the search can be observed
4 by people not officially participating in the search without violating plaintiffs' Federal constitutional
5 and statutory rights; and, (4) whether or not defendants' strip search policy and procedure is in
6 accordance with the federal constitution.

7 33. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the claims of the
8 representative plaintiffs are typical of the class. Plaintiffs were subjected to strip and/or visual body
9 cavity searches, prior to their detention hearings, without reasonable suspicion that a strip or visual
10 body cavity search would produce drugs, weapons or contraband. Plaintiffs were subjected to strip
11 and visual body cavity searches in groups following return to their units after visits and could see
12 and be seen by other juveniles as they were subjected to strip searches. Representative plaintiffs
13 have the same interests and suffered the same type of injuries as all of the other class members.
14 Plaintiffs' claims arose because of defendants' policy, practice, and custom of subjecting arrestees
15 to strip and/or visual body cavity searches prior to detention hearings without having, and recording
16 in writing, a reasonable suspicion that the searches would be productive of contraband or weapons;
17 and of performing group strip searches following visits. Plaintiffs' claims are based upon the same
18 legal theories as the claims of all of the other class members. Each class member suffered actual
19 damages as a result of being subjected to a strip or visual body cavity search and to being subjected
20 to a strip or visual body cavity search in a group. The actual damages suffered by representative
21 plaintiffs are similar in type and amount to the actual damages suffered by each class member.

22 34. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the representative
23 plaintiffs will fairly and adequately protect the class interests. Plaintiffs' interests are consistent with
24 and not antagonistic to the interests of the class.

25 35. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(B), prosecutions
26 of separate actions by individual members of the class would create a risk of inconsistent
27 adjudications with respect to individual members of the class which would, as a practical matter,
28 substantially impair or impede the interests of the other members of the class to protect their interest.

1 36. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(2), plaintiffs are
2 informed and believe, and thereupon allege, that defendants have acted on grounds generally
3 applicable to the class, thereby making appropriate the final injunctive or declaratory relief with
4 respect to the class as a whole.

5 37. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), this class action
6 is superior to other available methods for the fair and equitable adjudication of the controversy
7 between the parties. Plaintiffs are informed and believe, and thereupon allege, that the interests of
8 members of the class in individually controlling the prosecution of a separate action is low, in that
9 most class members would be unable individually to prosecute any action at all. Plaintiffs are
10 informed and believe, and thereupon allege, that the amounts at stake for individuals are so small
11 that separate suits would be impracticable. Plaintiffs are informed and believe, and thereupon allege,
12 that most members of the class will not be able to find counsel to represent them. Plaintiffs are
13 informed and believe, and thereupon allege, that it is desirable to concentrate all litigation in one
14 forum because all of the claims arise in the same location; i.e., COUNTY OF ALAMEDA. It will
15 promote judicial efficiency to resolve the common questions of law and fact in one forum, rather
16 than in multiple courts.

17 38. Plaintiffs do not know the identities of all of the class members. Plaintiffs are
18 informed and believe, and thereupon allege, that the identities of the class members may be
19 ascertained from records maintained by defendants COUNTY OF ALAMEDA, ALAMEDA
20 COUNTY PROBATION DEPARTMENT, and defendants BLEVINS, FOSTER and MUENCH.
21 Plaintiffs are informed and believe, and thereupon allege, that defendants' records reflect the
22 identities, including addresses and telephone numbers, of the persons who have been held in custody
23 in the Alameda County Juvenile Hall. Plaintiffs are informed and believe, and thereupon allege, that
24 records maintained by defendants reflect who was subjected to a strip and/or visual body cavity
25 search, when the search occurred, where the search occurred, whether any reasonable suspicion for
26 the search existed, when persons searched appeared at detention hearings, and the charges on which
27 such persons were arrested. Plaintiffs are informed and believe, and thereupon allege, that all of the
28 foregoing information is contained in defendants' computer system and that the information

1 necessary to identify the class members, by last known addresses, and the dates and reasons for their
2 arrests and/or release from custody, is readily available from said computer system.

3 39. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), class members
4 must be furnished with the best notice practicable under the circumstances, including individual
5 notice to all members who can be identified through reasonable effort. Plaintiffs are informed and
6 believe, and thereupon allege, that defendants' computer records contain a last known address for
7 class members. Plaintiffs contemplate that individual notice will be given to class members at such
8 last known address by first class mail. Plaintiffs contemplate that the notice will inform class
9 members of the following:

- 10 i. The pendency of the class action and the issues common to the class;
- 11 ii. The nature of the action;
- 12 iii. Their right to "opt out" of the action within a given time, in which event they
13 will not be bound by a decision rendered in the class action;
- 14 iv. Their right, if they do not "opt out," to be represented by their own counsel
15 and to enter an appearance in the case; otherwise they will be represented by
16 the named class plaintiff(s) and their counsel; and
- 17 v. Their right, if they do not "opt out," to share in any recovery in favor of the
18 class, and conversely to be bound by any judgment on the common issues
19 adverse to the class.

20 **COUNT ONE**

21 (Violation of Fourth and Fourteenth Amendments to the U.S. Constitution on behalf of Plaintiffs
and all persons similarly situated and against all Defendants and each of them)

22 40. Plaintiffs incorporate herein the preceding paragraphs of this Complaint, to the extent
23 relevant, as if fully set forth.

24 41. Defendants' policies, practices, and customs regarding the strip and visual body cavity
25 searches complained of herein violated the rights of plaintiffs, and the rights of each of those
26 similarly situated, under the Fourth Amendment to be free from unreasonable searches and seizures,
27 violated the rights of plaintiffs, and the rights of each of those similarly situated, to due process and
28 privacy under the Fourteenth Amendment, and directly and proximately damaged plaintiffs, and each

1 of those similarly situated, as herein alleged, entitling plaintiffs, and all those similarly situated, to
2 recover damages for said constitutional violations pursuant to 42 U.S.C. § 1983.

3 WHEREFORE, plaintiffs, on behalf of themselves and on behalf of all those similarly
4 situated, pray for relief as hereunder appears.

5 **COUNT TWO**

6 (For Exemplary Damages on behalf of Plaintiffs and all persons similarly situated
7 and against all individually named defendants, and each of them)

8 42. Plaintiffs incorporate herein the preceding paragraphs of this Complaint, to the extent
9 relevant, as if fully set forth.

10 43. Plaintiffs and all those similarly situated were minors at the time defendants subjected
11 them to the humiliating, degrading, and unlawful strip searches complained of herein. Defendants
12 exploited on the young age of plaintiffs and all those similarly situated to coerce plaintiffs, and the
13 members of the class they represent, to comply with their unlawful demands. Defendants' conduct
14 was oppressive, malicious, and done in complete disregard of the rights of plaintiffs and all those
15 similarly situated; and, therefore plaintiffs, and all those similarly situated, are entitled to recover,
16 in addition to actual damages, damages to make an example of and to punish defendants, and each
17 of them.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, plaintiffs, on behalf of themselves and on behalf of all those similarly
20 situated, seek judgment as follows:

21 1. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and
22 permanently, defendants' policies, practices, and customs of subjecting pre-detention hearing
23 juvenile detainees to strip and visual body cavity searches without having a reasonable suspicion that
24 such searches would be productive of contraband or weapons.

25 2. For declaratory and injunctive relief declaring illegal and enjoining, preliminarily and
26 permanently, defendants' policies, practices, and customs of subjecting juvenile detainees to strip
27 and/or visual body cavity searches in groups and/or in places where they can be seen by other
28 persons not officially participating in the search.

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- 3. Certification of the action as a class action;
- 4. For compensatory, general, and special damages for each representative and for each member of the class of plaintiffs, as against all defendants;
- 5. Exemplary damages as against each of the individual defendants in an amount sufficient to deter and to make an example of those defendants;
- 6. Attorneys’ fees and costs under 42 U.S.C. § 1988; and,
- 7. The cost of this suit and such other relief as the court finds just and proper.

DATED: March 23, 2007

Respectfully submitted,

LAW OFFICE OF MARK E. MERIN

/s/ - “Mark E. Merin”
 BY: _____
 Mark E. Merin
 Attorneys for Plaintiffs

DEMAND FOR JURY TRIAL

A jury trial is hereby demanded.

DATED: March 23, 2007

Respectfully submitted,

LAW OFFICE OF MARK E. MERIN

/s/ - "Mark E. Merin"

BY: _____

Mark E. Merin
Attorneys for Plaintiffs

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