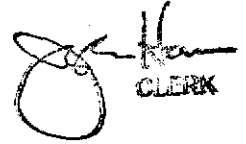


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

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JODIE SMOOK, by VICKY and
RANDY SMOOK, her parents,
individually and on behalf of all
other persons similarly situated,

Plaintiffs,

vs.

No. Civ - 00 - 4202

MINNEHAHA COUNTY, SOUTH DAKOTA;
JIM BANBURY, Individually and as Director
of Minnehaha County Juvenile Detention Center,
and JOHN and JANE DOE DETENTION
CENTER OFFICERS,

Jury Demanded

Defendants.

COMPLAINT

Plaintiff Jodie Smook, by her parents, Vicky and Randy Smook, and by counsel, complains of defendants Minnehaha County, South Dakota, James Banbury, individually and as Director of the Minnehaha County Juvenile Detention Center ("Juvenile Detention Center"), and individual John and Jane Doe Officers, as follows:

NATURE OF THE ACTION

1. This action is brought pursuant to the Civil Rights Act of 1866, 42 U.S.C. § 1983, ("Section 1983"), and the First, Fourth and Fourteenth Amendments to the United States Constitution, seeking to redress the defendants' unlawful policy and practice of strip searching minors without probable cause and questioning them regarding their religious beliefs and practices.

JURISDICTION AND VENUE

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343.

3. Venue is proper because all of the defendants reside or are located in the District of South Dakota, Southern Division and all of the conduct complained of occurred within this District.

PARTIES

4. Plaintiff Jodie Smook ("Smook") is a minor who resides with her parents, Vicky Smook and Randy Smook, in Luverne, Minnesota.

5. Defendant Minnehaha County is and, at all times relevant to this cause of action, was a political subdivision of the State of South Dakota that operates, manages, directs and controls the Minnehaha County Juvenile Detention Center.

6. Defendant James Banbury, at all times relevant to this cause of action, was Director of the Minnehaha County Juvenile Detention Center who, upon information and belief, had final authority to establish certain policies for the Detention Center including but not limited to policies concerning the strip searching and questioning of minors detained and/or arrested. Banbury is sued in his individual capacity for his unlawful acts under color of law.

7. John and Jane Doe Detention Center Officers are the officers, employees and agents of the other defendants who conducted the unlawful strip search in the Minnehaha County Juvenile Detention Center.

CLASS ALLEGATIONS

8. Smook brings this action in an individual capacity and as a representative of all others similarly situated minors who have been arrested for alleged violations of curfew laws or other minor offenses and detained at the Minnehaha County Detention Center and strip searched (Count I) and/or questioned about their religious beliefs or practices (Count II).

9. The classes are so numerous that joinder of all members is impracticable. The classes consists of all persons who have been injured in any way by the unconstitutional practices, acts and policies of the defendants and their agents. On information and belief there are over one hundred persons in each class.

10. Questions of fact and/or law exist which are common to all members of the putative classes. These questions include, but are not limited to:

- a. Whether the defendants' conduct was violative of the laws and protections of the United States of America and/or the State of South Dakota;
- b. Whether the defendants' conduct is the subject of injunctive relief; and
- c. What is the proper measure of damages and other remedies for the defendants' violations of law.

11. The plaintiff will fairly and adequately protect and represent the interest of the classes. Plaintiff seeks no relief antagonistic or adverse to the members of either class. Plaintiff's rights and damages suffered are typical of all members of each class. The defendants have acted or have refused to act on grounds applicable to each entire class. Plaintiff's counsel are able and experienced in the prosecution of class actions.

12. A class action is the only appropriate method for the adjudication of this controversy. Individual actions by individual members would create a risk of inconsistent results and would be unnecessary and duplicative of this litigation. Such individual actions would work a hardship on each and every member of each class and the court system.

STATEMENT OF CLAIMS

13. On August 8, 1999, Smook, who was 16-years-old at the time, and three other minor female friends were detained by Sioux Falls Police after having car trouble. It was after

11:00 p.m., which was the beginning of the curfew period for persons under the age of 18 in Sioux Falls.

14. The police officers handcuffed Smook and the other young women and transported them to the Minnehaha County Juvenile Detention Center.

15. At the Detention Center, Smook and the other girls were questioned about their religious beliefs and practices, and ordered to answer those questions as part of the detention process.

16. After being questioned, the plaintiff and each of her three friends were individually ordered into a bathroom and strip searched at the direction of the Juvenile Detention Center's personnel.

17. The defendants did not have any lawful basis to inquire about detainees' religious beliefs or practices or to strip search them and they acted pursuant to unconstitutional policies of the Minnehaha County Juvenile Detention Center in doing so.

18. Plaintiff and the other girls were ultimately released to their parents and issued citations for curfew violations.

19. On information and belief, Banbury, as Director of the Juvenile Detention Center, was aware of and/or directed the unconstitutional policies.

COUNT I

42 U.S.C. § 1983 - Fourth Amendment

20. Smook incorporates by reference the allegations of paragraphs 1 through 19.

21. The actions complained of in paragraphs 13 through 19 were done pursuant to an unlawful and unconstitutional policy or practice of conducting strip searches of minors brought to the Juvenile Detention Center without probable cause to believe they had weapons or contraband.

22. The actions complained of have caused Smook and the members of the plaintiff classes to be subjected to an unreasonable search and seizure, deprived of their liberty, embarrassed, humiliated, subjected to extreme emotional distress, and deprived of rights secured by the Fourth and Fourteenth Amendments to the Constitution of the United States.

COUNT II

42 U.S.C. § 1983 - First Amendment

23. Smook incorporates by reference the allegations of paragraphs 1 through 19.

24. The actions complained of in paragraphs 13 through 19 were done pursuant to an unlawful and unconstitutional policy or practice of questioning juvenile detainees about their religious beliefs and practices.

25. The actions complained of have caused Smook and the members of the plaintiff classes to be subjected to an invasion of privacy and intimidation in the exercise of the rights to freedom of religion and association under the First and Fourteenth Amendments of the Constitution of the United States.

WHEREFORE, Plaintiff Jodie Smook prays that this Court:

A. Enter judgment in favor of Smook and the plaintiff classes and against the defendants Minnehaha County, James Banbury, and John and Jane Does for violation of the Fourth, First and Fourteenth Amendments to the United States Constitution;

B. Declare that the actions of the defendants alleged in this complaint were unconstitutional;

C. Enter a preliminary and permanent injunction ordering defendants to refrain from strip searching juvenile detainees without probable cause to believe they have weapons or contraband;

D. Enter a preliminary and permanent injunction ordering defendants to refrain from questioning detainees about religious beliefs or practices;

E. Award Smook and the plaintiff classes appropriate compensatory and punitive damages, against the defendants jointly and severally;

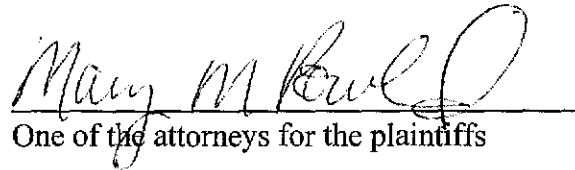
F. Award Smook and the plaintiff classes the costs and attorneys fees incurred in this action; and

G. Grant Smook and the plaintiff classes such additional relief as is just and proper.

* * *

Plaintiffs demand trial by jury on all issues for which a trial by jury is allowed.

Respectfully submitted,


One of the attorneys for the plaintiffs

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