

# CLAIM FORM

## MIAMI-DADE STRIP SEARCH LAW SUIT CLASS ACTION CLAIM FORM (HANEY, ET AL. V. MIAMI-DADE COUNTY, ET AL.) UNITED STATES DISTRICT COURT, SO. DIST. OF FLORIDA MIAMI DIVISION, CASE NO. 04-20516-CIV-JORDAN/BROWN

**FILL OUT THIS FORM IF:**

(1) YOU ARE A FEMALE AND WERE ARRESTED ON A CHARGE RELATING TO PROSTITUTION BETWEEN MARCH 5, 2000, AND FEBRUARY 8, 2005, AND WERE STRIP SEARCHED AT THE MIAMI-DADE PRE-TRIAL DETENTION CENTER WITHOUT PROBABLE CAUSE PRIOR TO A FIRST APPEARANCE;

*AND/OR*

(2) YOU ARE A FEMALE AND WERE ARRESTED ON A MISDEMEANOR (OR INFRACTION OR ORDINANCE VIOLATION) NOT INVOLVING VIOLENCE, DRUGS, OR WEAPONS AND WERE STRIP SEARCHED AT THE MIAMI-DADE PRE-TRIAL DETENTION CENTER OR THE MIAMI-DADE WOMEN'S DETENTION CENTER WITHOUT PROBABLE CAUSE, PRIOR TO A FIRST APPEARANCE BETWEEN MARCH 5, 2000, AND AUGUST 11, 2004, (ALL MEMBERS OF THIS CLASS WHO QUALIFY WILL RECEIVE A **MINIMUM OF \$1,000**) UNLESS REDUCED BY 50% FOR HAVING PREVIOUSLY SERVED TIME IN STATE PRISON;

*OR*

(3) YOU WERE ARRESTED ON A FELONY OR A CHARGE INVOLVING VIOLENCE, DRUGS OR WEAPONS, AND WERE STRIP SEARCHED, BEFORE YOUR FIRST APPEARANCE, AT A MIAMI-DADE DETENTION CENTER BETWEEN MARCH 5, 2000, TO FEBRUARY 28, 2005, (ALL MEMBERS OF THIS CLASS WHO QUALIFY WILL BE ENTITLED TO RECEIVE A PAYMENT OF \$10.00).

You must complete and submit this claim form no later than September 1, 2005, to qualify for payment from settlement of this class action strip search case against Miami-Dade County and others. If you do not return a completed claim form by the due date you will receive **no money** from the settlement.

### CLASS ACTION CLAIM FORM

\_\_\_\_\_ (Bar Code)

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip Code \_\_\_\_\_  
 Phone #: \_\_\_\_\_  
 FL. Driver's License No. \_\_\_\_\_

Social Security Number: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_

Claim No. \_\_\_\_\_  
 Please enter your correct name, and address here if it does not appear to the left.  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

----- \* ----- \* ----- \* ----- \* ----- \* ----- \* -----

Were you arrested and strip searched prior to first appearance at a Miami-Dade Detention Center at any time between March 5, 2000, and February 28, 2005?

Yes    No  
   

If you answered "yes" to the above, or you are unsure of the date, please continue to answer the questions below.

Note: Not all persons strip searched at a Miami-Dade Detention Center during the class period (March 5, 2000 to February 28, 2005) will be entitled to payment. If you were charged with a crime involving drugs, weapons or violence, you will be entitled only to a payment of \$10.00 for each pre-first appearance strip search following an arrest during the class period. Eligibility will be based solely on records maintained by the Miami-Dade County Department of Corrections and Rehabilitations.

Use the return envelope (or any other envelope) and mail the completed claim form to: Class Claim Administrator: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

Answer each of the following questions by placing a check in the "yes" or "no" box at the end of the question. The amount of money you receive under this claims process will be based solely on the answers to questions you provide. **CAUTION – THESE ANSWERS ARE GIVEN UNDER PENALTY OF PERJURY.**

**Questions**

- |  | Yes                      | No                       |
|--|--------------------------|--------------------------|
| 1. Did you have a significant physical disability (such as scarring, amputation, malformation or disfigurement) or a mental disability (such as a medically diagnosed psychiatric condition) at the time of any pre-first appearance strip search? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Were you menstruating during the strip search?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Were you more than two months pregnant during the strip search? If so, did you carry your child to term? Yes ___ or No ___. If Yes, state name _____ and date of birth _____.   | <input type="checkbox"/> | <input type="checkbox"/> |

**CRIMINAL FRAUD WILL RESULT IN DENIAL OF YOUR CLAIM.**

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF FLORIDA THAT THE ABOVE IS TRUE AND CORRECT.

DATED: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

The information given here is private and will remain confidential, subject to the provisions of Florida's Public Records Act, which may require the disclosure of information provided. If you have any questions about this lawsuit, write to the Claims Administrator at Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308, or visit the website at www.\_\_\_\_\_.

**THIS CLAIM FORM MUST BE SIGNED AND RETURNED WITH A POSTMARK NO LATER THAN SEPTEMBER 1, 2005.**

**If you would like your settlement check mailed to an address other than that on the first page of the Claim Form, provide it here: (Address if different) to which settlement check should be mailed:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**EXHIBIT 4**

**STIPULATION OF SETTLEMENT**

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION STRIP SEARCH CASE**

**If you were arrested and booked at a Miami-Dade County Pre-Trial Detention Center and strip-searched before your first appearance between March 5, 2000 and February 28, 2005, you may be entitled to monetary compensation under a class action settlement.**

There is presently pending a lawsuit filed as a class action in the United States District Court, Southern District of Florida, Miami Division. The parties have proposed a Settlement which, if it receives final approval, will provide that certain persons subject to pre-first appearance strip searches at the Miami-Dade Pre-Trial Detention Centers will receive money. Records of the Miami-Dade County Corrections and Rehabilitations Department show that you may have been subjected to a strip search after an arrest and before your first appearance. To receive monetary compensation in this pending settlement, **you must fill out and mail a claim form.**

**If You Wish to Claim Monetary Compensation,  
Obtain, Fill out and Mail the Claim Form as Soon as Possible but No Later than September 1, 2005.**

For more information, please read this notice.

**PLEASE READ THIS ENTIRE NOTICE CAREFULLY.  
YOU MAY BE ENTITLED TO RECEIVE A PAYMENT.**

There is now pending in the United States District Court, Southern District of Florida, Miami Division, an action filed as a class action on behalf of persons allegedly illegally strip searched by Miami-Dade County employees between March 5, 2000, and February 28, 2005. A Stipulation of Settlement, approved preliminarily by the Court, defines the class and sub-classes included in this settlement as follows:

- a. All females arrested on municipal ordinance, infraction or misdemeanor charges not involving violence, drugs or weapons who were transported to the Women's Detention Center and strip searched prior to their first appearance, except persons strip searched at the Women's Detention Center on "probable cause" reported in writing on an incident form; and
- b. All females arrested on charges relating to prostitution from March 5, 2000, until February 8, 2005, when the practice of strip searching all persons charged with prostitution was officially terminated; and
- c. All persons arrested a felony or on charges relating to violence, drugs or weapons who were strip searched, prior to their first appearances, without a written authorization for the strip search having been first obtained from a supervising officer from March 5, 2000, until February 28, 2005, the date when the policy of strip searching detainees prior to obtaining a written authorization was terminated.

You have received this Notice either because Miami-Dade County records indicate that you may be in the class or you contacted the Claims Administrator. Whether or not you qualify as a class member will be based solely upon the Miami-Dade County records. If these records do not contain your name and show you to be within the definition of the class, you will not qualify.

This Notice is to inform you that a settlement has been proposed in this action and that, as a potential class member, your rights may be affected by the settlement. This Notice also summarizes the terms and effect of the proposed settlement, what you can do to participate in it, how you may obtain money under the settlement and what you must do if you choose to exclude yourself from the class.

**SUMMARY OF THE PROPOSED TERMS**

A Settlement Agreement ("Settlement") was entered into after intensive negotiations between the parties, conducted with the assistance of a third party mediator. The Parties are requesting that the Court approve the Settlement.

**A. Parties to the Settlement.**

The parties to the Settlement are the Plaintiffs named in Haney, et al v. Miami-Dade County, et al., United States District Court, Southern District of Florida, Miami Division, Case No. 04-20516-Civ Jordan/Brown filed on behalf of themselves and the Settlement Class, and various defendants including the Miami-Dade County and Miami-Dade Corrections and Rehabilitations Department. Counsel for the class are Mark E. Merin, The Law Office of Mark E. Merin, 2001 P Street, Sacramento, CA 95814; Andrew C. Schwartz, Casper, Meadows & Schwartz, 2121 N California Boulevard, Suite 1020, Walnut Creek, CA 94596; and Randall C. Berg, Jr., Florida Justice Institute, Inc., 2870 Wachovia Financial Center, 200 South Biscayne Blvd., Miami, FL 33131-2310.

**B. Defendants Do Not Admit Any Liability**

Plaintiffs allege that the acts and/or omissions which are the subject of the claims covered by this action (strip searches) violated various state and federal laws. Defendants deny all allegations of wrongdoing and deny any liability to plaintiffs or to any other class members. The parties have agreed that, in order to avoid long and costly litigation, this controversy should be settled pursuant to the terms of the settlement as described in this Notice, subject to the approval of the Court.

**C. Monetary Terms of Settlement**

1. Payment of Claims

Defendants shall pay a maximum of \$4,550,000.00 under the terms of the settlement which will referred to as the Class Fund.

In addition to funds reserved for the payment of Class Claims, Class Counsel will receive, subject to approval of the Court, a fee of \$1,000,000.00 as attorney's fees and up to \$100,000.00 for reimbursement of itemized costs and expenses. Up to \$300,000.00 will be available for the costs of claim administration.

2. Payment to Representative Plaintiffs

Under the terms of the settlement, representative plaintiffs and those who had entered into retainer agreements with the class counsel will receive a total of \$300,000.00 to be allocated among them.

3. Payment to Class Members Who File Claims

Money for the class will be paid out based on a distribution formula, subject to payments being proportionately reduced if the total value of verified claims exceeds \$4,550,000.00. Pursuant to that distribution formula all women arrested on municipal ordinance, infraction or misdemeanor charges not involving violence, drugs or weapons, who were transported to the Women's Detention Center and strip searched there prior to their first appearance will receive a minimum of \$1,000.00 (One Thousand Dollars) (subject to possible reduction) and increments of \$500.00 based on answers to questions on a claim form to be submitted under penalty of perjury. For each qualifying strip search following a fresh arrest during the claims period, each such claimant will receive an additional \$1,000.00.

All women arrested on charges relating to prostitution during the period from March 5, 2000, to February 8, 2005, will receive a minimum of \$1,000.00 (subject to reduction) for each strip search prior to first appearance during the claims period and additional increments based on answers to claim form questions to be submitted under penalty of perjury.

All persons arrested on charges relating to violence, drugs, or weapons who were strip searched, prior to their first appearance, without a written authorization for the strip search having been first obtained from a supervising officer during the period from March 5, 2000, to February 28, 2005, will be entitled to receive a payment of \$10.00, if they timely submit a claim form. Read the rest of this Notice to find out how to get a claim form.

**D. Strip Search Policy**

Defendants will not strip search persons prior to first appearance, unless prior written authorization for the strip search has been obtained from a supervising officer. Defendants will not strip search, prior to first appearances, persons charged with offenses relating to prostitution or those arrested on infractions or ordinance violations or misdemeanors not involving violence, drugs, or weapons, without reasonable suspicion that a strip search would be productive of contraband or weapons.

**E. Your Options as a Class Member**

1. Be Bound by, and Participate in the Settlement.

To qualify for a payment, you must send in a completed Claim Form to the Claims Administrator. If you receive a notice by First Class Mail, a Claim Form will be included in the notice package. You can also get a Claim Form by: (1) calling this toll free number: [800-Number]; (2) visiting the website, [web site]; or (3) writing the Claims Administrator at: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

You have until September 1, 2005, to submit a claim or to opt -out of the settlement.

Mail your completed Claim Form to: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

Remember, if you do not submit a Claim Form, you cannot get a payment. If you submit a claim form, you will be bound by the settlement and receive money (if you are a class member). If you do not submit a claim form but do not exclude yourself from the class (as explained in the next paragraph), you will be bound by the terms of the Settlement and dismissal entered in this case, but you will not receive any money.

By participating in this Settlement you will be waiving all your rights to all claims up to and including February 28, 2005, related to strip searches at the Miami-Dade Pre-Trial Detention Centers, even those of which you are not presently aware.

2. Exclude Yourself From the Class

You do not have to take part in the Settlement or be a member of the class. This is called “excluding” yourself. If you exclude yourself, you can not get a payment and you can not object to the Settlement. Any Court orders will not apply to you. To exclude yourself, you must sign a request for exclusion letter that states that you want to be excluded from Haney, et al. v. Miami-Dade County, et. al., United States District Court, Southern District of Florida, Miami Division, Case No. 04-20516-CIV Jordan/Brown. Your exclusion letter must be mailed and postmarked before September 1, 2005, to: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308.**

If you do not follow these instructions properly, you will lose your right to exclude yourself. If you exclude yourself, you cannot get any money from the Settlement of this case and you cannot tell the Court you do not like the Settlement (which is called “objecting”). If you exclude yourself, you are no longer part of the class or the Settlement. But you can sue or be part of a different lawsuit about the claims in this case.

**E. Fairness Hearing and Process for Objections.**

A fairness hearing will be held on September 22, 2005, at 9:00 a.m., at the United States District Court, Southern District of Florida, Miami Division, 301 N. Miami Avenue, Courtroom 8, Miami, Florida. If you are a class member and do not exclude yourself, you can tell the Court you do not like the Settlement or some part of it at this hearing. This is called objecting to the Settlement. For example, you can say you do not think the Settlement is fair or adequate. The Court will consider your views.

To object, you must send a letter to the court that contains all of the following:

1. The name and title of the lawsuit, Haney, et al. v. Miami-Dade County, et al., United States District Court, Southern District of Florida, Miami Division, Case No. 04-20516 CIV Jordan/Brown;
2. A statement of each objection you have and the facts that support the objections;
3. A description of any law or case supporting the objections;
4. A statement on whether or not you or your lawyer will ask to appear at the Fairness Hearing to talk about your objections, and, if so, how long you will need to present your objections; and
5. Copies of any documents you or your lawyer will present at the Fairness Hearing.

At the hearing on the proposed settlement, the Court may schedule further hearings without further notice to the class. The matters considered at such future hearings may include, but shall not be limited to, further consideration of the fairness and adequacy of the proposed settlement, the determination of the settlement of individual claims filed by class members, consideration of the request for attorneys’ fees and reimbursement of costs and expenses to class counsel, and the form and entry of the final judgment of dismissal in the event the proposed settlement is approved by the court.

Individually, or through counsel, any class member has the right to object to the proposed Settlement as a whole, to the amount of attorneys’ fees and costs of Class Counsel, or to any portion of either. ANY SUCH OBJECTIONS MUST BE FILED IN WRITING ON OR BEFORE **SEPTEMBER 1, 2005**, IN THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA, MIAMI DIVISION, 301 N. MIAMI AVENUE, COURTROOM 8, MIAMI, FLORIDA, ATTENTION: CLERK, RE: HANEY, ET AL. V. MIAMI-DADE COUNTY, ET AL., CASE NO. 04-20516-CIV JORDAN/BROWN. If you wish to appear and present your objections at the fairness hearing, you must also submit a Notice of Intention to Appear that identifies the case, contains your name and address, and explains the reason the appearance is desired. The Notice of Intention to Appear and any objections must be filed with the Court on or before **September 1, 2005**. You may be represented by your own attorney. If you are to be represented by an attorney at the hearing, his or her name, address and telephone number must be included in the Notice of Intention to Appear as well.

A copy of the Statement of Objection and/or Notice of Intention to Appear must also be mailed to: Florida Justice Institute, Inc., 2870 Wachovia Financial Center, 200 South Biscayne Blvd., Miami, FL 33131-2310 and Dade County Attorney's Office, Metro Dade Center, 111 NW 1<sup>st</sup> St, Suite 2810, Miami, FL 33128-1993 ATTN: Jeffrey P. Ehrlich.

**F. How to Obtain Further Information**

For additional information regarding the Settlement and Claim Form, or a copy of the Settlement Agreement, Claim Form or Class Counsel's Application for Attorney's Fees, you or your counsel should contact: **Haney, et al. Strip Search Class Action, c/o Claims Administrator, Settlement Services, Inc., 2032-D Thomasville Road, Tallahassee, Florida 32308**. You may also check the Class Administrator's website at [web address] or call [800 Number]. You may also obtain detailed information about the case by examining the Court file located in the office of the Clerk of the United States District Court, Southern District of Florida, Miami Division, 301 N. Miami Avenue, Courtroom 8, Miami, Florida.

**G. Court Approval.**

Although the Court has reviewed the proposed Settlement, no decision has been, or will be, reached by the Court, until the Fairness Hearing. This Notice does not indicate that the Court has approved the Settlement.

**PROSTITUTION CHARGE LIST**

<b>Statute</b>	<b>Description</b>	<b>Type</b>
16-16	PROSTITUTION/MUNICIPAL ORDINANCE	L
21-36(A)	SOLICITATION OF BUSINESS/SIDEWALK/COUNTY ORDINANCE	C
21-42	OBSCENE MATERIAL/PERFORMANCE VIOLATION/COUNTY ORD	C
21-81(A)	LEWD AND LASCIVIOUS BEHAVIOR/COUNTY ORDINANCE	C
21-81(A)	PROSTITUTION/COUNTY ORDINANCE	C
30-12	OBSTRUCT STREET BY SOLICITING/COUNTY ORDINANCE	C
30-12	OBSTRUCT STREET BY SOLICITING/MUNICIPAL ORDINANCE	L
316.2045(2)	OBSTRUCTING TRAFFIC/SOLICI W/O PERMIT/PEDESTRIAN	M
384.24	SEXUALLY TRANSMISSIBLE DISEASES/UNLAWFUL ACTS	M
384.24(2)	HIV INFECTED/SEX W/ANOTHER/UNINFORMED/ATTEMPT	M
46-10	PROSTITUTION ORDINANCE/MIAMI ORDINANCE	L
480.01(2)(C)	MESSAGE PARLOR/IMPROPER FACILITIES	M
480.02(1)(A)	MESSAGE/PRACTICE WITHOUT CERTIFICATION	M
480.047	MESSAGE/PRACTICE WITHOUT A LICENSE	M
480.047	MESSAGE/PRACTICE WITHOUT A LICENSE	M
796.01	HOUSE OF ILL FAME/KEEP	M
796.06	PROSTITUTION/RENT SPACE TO BE USED FOR	M
796.06	PROSTITUTION/RENT SPACE TO BE USED FOR	M
796.06	PROSTITUTION/RENT SPACE TO BE USED FOR	M
796.07(2)(A)	PROSTITUTION/MAINTAIN A HOUSE OF	M
796.07(2)(B)	PROSTITUTION/OFFER TO SECURE ANOTHER FOR	M
796.07(2)(C)	PROSTITUTION/RECEIVE ANOTHER FOR	M
796.07(2)(D)	PROSTITUTION/DIRECT ANOTHER TO PLACE OF	M
796.07(2)(E)	PROSTITUTION/COMMIT, ENGAGE IN	M
796.07(2)(E)	PROSTITUTION/COMMIT, ENGAGE IN/SECOND CONVICTION	M
796.07(2)(E)	PROSTITUTION/SECOND VIOLATION	M
796.07(2)(F)	PROSTITUTION/PROCURE/SOLICIT/INTICE	M
796.07(2)(F)	PROSTITUTION/SOLICIT ANOTHER TO COMMIT	M
796.07(2)(G)	PROSTITUTION/ENTERING, REMAINING IN A PLACE OF	M
796.07(2)(H)	PROSTITUTION/AID OR ABET	M
796.07(2)(I)	PROSTITUTION/PURCHASE SERVICES	M
796.07(3)(A)	PROSTITUTION/COMMIT, ENGAGE IN	M
796.07(3)(B)	PROSTITUTION/SOLICIT ANOTHER TO COMMIT	M
796.07(3)(C)	PROSTITUTION/ENTERING, REMAINING IN A PLACE OF	M
796.07(3)(D)	PROSTITUTION/AID OR ABET	M
796.07(3)(E)	PROSTITUTION/PURCHASE SERVICES	M
796.07(4)(C)	PROSTITUTION/3RD OR SUBSEQUENT VIOLATION	F
796.08	PROSTITUTION/SEXUALLY TRANSMISSIBLE DISEASE	M
798.02	LEWD AND LASCIVIOUS BEHAVIOR	M
800.02	UNNATURAL AND LASCIVIOUS ACT	M
800.03	INDECENT EXPOSURE	M