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12
13 IN THE UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 RUSSELL MOYLE, a minor, by and
through his Guardian Ad Litem, his
17 custodial parent, RHONDA BOWERS and
on behalf of themselves and all those
18 similarly situated,

19 Plaintiffs,

20 vs.

21 CONTRA COSTA COUNTY; CONTRA
COSTA COUNTY PROBATION
22 DEPARTMENT; CONTRA COSTA
COUNTY CHIEF PROBATION OFFICER
23 LIONEL CHATMAN, in his individual and
official capacities; CONTRA COSTA
24 COUNTY CHIEF DEPUTY PROBATION
OFFICER FOR JUVENILE HALL, JIM
25 MATHERON, in his individual and official
capacities; and DOES 1 THROUGH 100,

26 Defendants.
27

Case No.

CLASS ACTION COMPLAINT

DEMAND FOR JURY TRIAL

28 \ \ \

1 PLAINTIFF COMES BEFORE THIS HONORABLE COURT AND ALLEGES:

2 INTRODUCTION

3 This is an action for declaratory and injunctive relief, damages, and punitive
4 damages against CONTRA COSTA COUNTY, CONTRA COSTA COUNTY
5 PROBATION DEPARTMENT, CONTRA COSTA COUNTY CHIEF PROBATION
6 OFFICER LIONEL CHATMAN in his individual and official capacity, CONTRA COSTA
7 COUNTY CHIEF DEPUTY PROBATION OFFICER FOR JUVENILE HALL, OFFICER
8 JIM MATHERON, in his individual and official capacity; and DOES 1 THROUGH 100
9 (persons sued herein by their fictitious names) for violations of plaintiffs' constitutional
10 rights resulting from application of CONTRA COSTA COUNTY's and CONTRA
11 COSTA COUNTY PROBATION DEPARTMENT's policies, practices, and customs
12 concerning the use of strip searches and visual body cavity searches in Juvenile Hall.
13 Plaintiff seeks an order declaring illegal defendants' policy of subjecting juvenile
14 detainees in their custody to strip and visual body cavity searches before such
15 detainees have appeared at a detention hearing and without having any reasonable
16 suspicion that the searches will be productive of contraband.

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

22 Additionally, plaintiff includes claims under California state law against
23 defendants for violation of the Unruh Civil Rights Act (California Civil Code § 52.1(b))
24 pursuant to which he is, and each of those persons similarly situated are, entitled to
25 recover a minimum of \$4,000 for each violation of rights secured to them by the
26 Constitution or laws of the state of California and the constitutional or laws of the
27 United States, and for violation of California Penal Code section 4030's prohibition of
28 pre-detention hearing strip-searches, pursuant to which plaintiff is, and each of those
persons similarly situated are entitled to recover minimum damages of \$1,000 and
attorneys' fees.

JURISDICTION

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

6 2. The court has supplemental jurisdiction over plaintiff's state claims under
7 28 U.S.C. § 1367(a).

8 3. The amount in controversy exceeds \$10,000, excluding interest and
9 costs.

10 4. A JURY TRIAL IS HEREBY DEMANDED.

PARTIES

11 5. Plaintiff RUSSELL MOYLE, like all those similarly situated, is, and at all
12 material times herein, was a citizen of the United States and a resident of the state of
13 California who was arrested while a juvenile and who was subjected to multiple strip
14 and/or visual body cavity searches at Contra Costa County's Juvenile Hall, prior to
15 appearing at a detention hearing and/or without the defendants first having a
16 reasonable suspicion that the search would be productive of contraband or weapons.

17 6. Defendant CONTRA COSTA COUNTY CHIEF PROBATION OFFICER
18 LIONEL CHATMAN is, and at all material times referred to herein, was responsible for
19 administering Contra Costa County's juvenile detention facilities and for making,
20 overseeing, and implementing the policies, practices, and customs challenged herein
21 relating to the operation of the Juvenile Hall. He is sued in his individual and official
22 capacities.

23 7. Defendant CONTRA COSTA COUNTY CHIEF DEPUTY PROBATION
24 OFFICER FOR JUVENILE HALL OFFICER JIM MATHERON is, and at all material
25 times referred to herein, was responsible for assisting in the administration of Contra
26 Costa County's juvenile detention facilities and for assisting in the making, overseeing,
27 and implementing the policies, practices, and customs challenged herein relating to
28 the operation of Juvenile Hall. He is sued in his individual and official capacities.

8. Plaintiff is informed and believes, and thereon alleges that defendants

1 sued herein by their fictitious names (DOES 1 through 100) are Contra Costa
2 Probation Officers and/or other persons employed by the defendant CONTRA COSTA
3 COUNTY who, as part of their duties at the Juvenile Hall subjected plaintiff, and all
4 those similarly situated, to pre-detention hearing strip and/or visual body cavity
5 searches without first having a reasonable suspicion that the searches would be
6 productive of contraband or weapons. Plaintiff is not currently aware of the true
7 names and identities of those sued herein as DOES 1 through 100, but will amend this
8 complaint to include such persons' real names once said names are made available to
9 them.

10 9. At all material times mentioned herein, each of the defendants was
11 acting under the color of law, to wit, under color of statutes, ordinances, regulations,
12 policies, customs and usages of the State of California, CONTRA COSTA COUNTY,
13 and/or the CONTRA COSTA COUNTY PROBATION DEPARTMENT.

14 10. Defendant CONTRA COSTA COUNTY is, and at all material times
15 referred to herein, was, a lawfully created governmental entity created pursuant to the
16 laws of the State of California, that maintained or permitted an official policy or custom
17 or practice causing or permitting the occurrence of the types of wrongs complained of
18 herein, which wrongs damaged plaintiff, and all those similarly situated, as herein
19 alleged. Plaintiff's allegations against the COUNTY are based on acts and omissions
20 of the CHIEF PROBATION OFFICER, the CHIEF DEPUTY PROBATION OFFICER
21 FOR JUVENILE HALL OFFICER, and their officers, and on acts and omissions of
22 persons who are COUNTY employees, and on the COUNTY's breach of its duty to
23 protect plaintiff, and all those similarly situated, from the wrongful conduct of said
24 persons and employees.

25 11. Defendants CONTRA COSTA COUNTY PROBATION DEPARTMENT,
26 CONTRA COSTA COUNTY CHIEF PROBATION OFFICER LIONEL CHATMAN,
27 acting in his individual and official capacities, and CONTRA COSTA COUNTY CHIEF
28 DEPUTY PROBATION OFFICER FOR JUVENILE HALL OFFICER JIM MATHERON,
acting in his individual and official capacities, also maintained or permitted an official
policy or custom or practice causing or permitting the occurrence of the types of

1 wrongs complained of herein, which wrongs damaged plaintiff, and all those similarly
2 situated, as herein alleged.

3 12. Class action plaintiffs are all those similarly situated juveniles who were
4 subjected by defendants to pre-detention hearing strip and/or visual body cavity
5 searches without defendants having a reasonable suspicion that the searches would
6 be productive of contraband or weapons and who have not yet reached adulthood or
7 who have turned 18 within two years of the filing of this complaint.

8 13. On December 30, 2004, plaintiff, on his own behalf, and on behalf of a
9 class of similarly situated individuals filed a Juvenile Class Government Claim
10 pursuant to California Government Code § 910 against CONTRA COSTA COUNTY;
11 CONTRA COSTA COUNTY PROBATION DEPARTMENT; CONTRA COSTA
12 COUNTY CHIEF PROBATION OFFICER LIONEL CHATMAN, and CONTRA COSTA
13 COUNTY CHIEF DEPUTY PROBATION OFFICER FOR JUVENILE HALL, JIM
14 MATHERON, and DOES 1 through 100. On February 8, 2005, the Contra Costa
15 Board of Supervisors denied the claim and on February 9, 2005, a Deputy County
16 Clerk mailed the Notice of Denial to Plaintiff's counsel.

17 FACTS

18 14. In or about August 26, 2004, plaintiff RUSSELL MOYLE, a minor, was
19 arrested and transported to Juvenile Hall in the County of Contra Costa, California,
20 and there, prior to a detention hearing, was subjected to visual body cavity searches in
21 violation of California Penal Code § 4030, the state constitution's guarantee of the right
22 of privacy, the Fourth and Fourteenth Amendments to the United States Constitution
23 and the Bane Act (Civil Code § 52.1).

24 15. Each and every time that claimant left his housing unit within Juvenile
25 Hall, upon his return, he was subjected to a visual body cavity search. These
26 searches occurred after claimant visited with his parents, his lawyer, and every other
27 time he left his housing unit. The strip searches were performed without particularized
28 reasonable suspicion that the searches would be productive of contraband or
weapons. Plaintiff is informed and believes, and thereon alleges, that defendants had
no reasonable suspicion that a strip or visual body cavity search of plaintiff would

1 result in the discovery of contraband or weapons.

2 16. Plaintiff is informed and believes, and thereon alleges, that defendants
3 routinely follow their policy, practice, and custom of subjecting pre-detention hearing
4 juvenile detainees, including plaintiff, to strip and visual body cavity searches,
5 individually and in groups, without having a reasonable suspicion that the searches will
6 be productive of contraband or weapons.

7 17. Plaintiff is informed and believes, and thereon alleges, that defendants
8 have the ability to identify all such similarly situated plaintiffs, specifically those who
9 are still juveniles or who were juveniles within two years of the filing of this complaint
10 and who, while in defendants' custody at Juvenile Hall were subjected to strip
11 searches and/or visual body cavity searches prior to appearing at a detention hearing
12 without defendants first having a reasonable suspicion that the searches would be
13 productive of contraband or weapons.

14 18. Defendants CHATMAN and MATHERON and defendants DOES 1
15 through 10 are jointly and severally personally responsible for the promulgation and
16 continuation of the strip search policy, practice, and custom pursuant to which plaintiff
17 herein and the persons in the class plaintiff purports to represent were subjected to the
18 searches complained of herein.

19 19. As a result of being subjected to the searches complained of herein,
20 plaintiff, and all those similarly situated, have suffered physical, mental, and emotional
21 distress, invasion of privacy, and violation of due process of law and federal and state
22 statutory and constitutional rights, and are entitled to recover damages according to
23 proof, including exemplary damages.

24 CLASS CLAIMS

25 20. The strip and visual body cavity searches to which plaintiff, and all those
26 similarly situated, were subjected were performed pursuant to policies, practices, and
27 customs of defendants, and each of them. The searches complained of herein were
28 performed without regard to the nature of the alleged offense for which plaintiff, and
each of those similarly situated, had been arrested, without regard to whether or not
plaintiff, and each of those similarly situated, was eligible for release under Welfare &

1 Institutions Code §§ 628 et seq. Furthermore, the searches complained of herein
2 were performed without defendants having a reasonable belief that plaintiff, or those
3 similarly situated, so searched possessed weapons or contraband, or that there
4 existed facts supporting a reasonable belief that the searches would produce
5 contraband.

6 21. Plaintiff brings this action on his own behalf and on behalf of all persons
7 similarly situated pursuant to Rule 23, Federal Rules of Civil Procedure.

8 22. The class is defined to include all persons who are currently juveniles or
9 who reached the age of majority within two years of filing of this complaint, and who
10 were arrested and subjected to a pre-detention hearing strip and/or visual body cavity
11 search at Juvenile Hall without defendants having a reasonable suspicion that the
12 searches would be productive of contraband or weapons.

13 23. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the
14 members of the class are so numerous that joinder of all members is impractical.
15 Plaintiff does not know the exact number of class members. Plaintiff is informed and
16 believes, and thereupon alleges, that there are more than 25 persons per day who are
17 arrested by defendants and/or in the custody of defendants and subjected to the
18 searches complained of herein as a result of defendants' policy, practice, and custom
19 relating to said searches. Plaintiff is informed and believes, and therefore alleges, that
20 there are thousands of persons in the proposed class.

21 24. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiff
22 is informed and believes, and thereupon alleges, that there are many questions of fact
23 common to the class including, but not limited to: (1) whether defendants routinely
24 subject all juveniles arrested to visual body cavity searches prior to appearance at a
25 detention hearing; (2) whether persons are subjected to visual body cavity searches
26 prior to detention hearings without there being any reasonable suspicion, based on
27 specific or articulable facts, to believes any particular arrestee has concealed drugs,
28 weapons, and/or contraband in bodily cavities which could be detected by means of a
visual body cavity search; (3) whether the visual body cavity searches are conducted
in an area of privacy so that the searches cannot be observed by persons not

1 participating in the searches, or whether the visual body cavity searches are
2 conducted in groups and/or in open areas where they may be observed by persons
3 not participating in the searches; and, (4) whether the visual body cavity searches are
4 reasonably related to defendants' penological interest to maintain the security of the
5 juvenile detention facility and whether or not there are less intrusive methods for
6 protecting any such interest.

7 25. In accordance with Federal Rules of Civil Procedure, Rule 23(a), plaintiff
8 is informed and believes, and thereupon alleges, that there are many questions of law
9 common to the class including, but are not limited to: (1) whether defendants may
10 perform visual body cavity searches on juveniles prior to their detention hearing
11 without reasonable suspicion, based on specific or articulable facts, to believes any
12 particular detainee has concealed drugs, weapons and/or contraband which would
13 likely be discovered by a visual body cavity search; (2) whether defendants may
14 perform visual body cavity searches on juveniles without first reasonably relating the
15 use of the visual body cavity search to defendants' penological interest to maintain the
16 security of the juvenile detention facility and determining if there is a less intrusive
17 method to protect that interest; (3) whether visual body cavity searches may be
18 conducted in areas where the search can be observed by people not participating in
19 the search without violating plaintiff's Federal and State constitutional rights; and, (4)
20 whether or not defendants' strip search policy and procedure is in accordance with the
21 laws of the State of California and the State and Federal Constitutions.

22 26. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the
23 claims of the representative plaintiff are typical of the class. Plaintiff was subjected to
24 a strip and visual body cavity search, prior to his detention hearing, without reasonable
25 suspicion that a strip or visual body cavity search would produce drugs, weapons or
26 contraband. Representative plaintiff has the same interests and suffered the same
27 type of injuries as all of the class members. Plaintiff's claims arose because of
28 defendants' policy, practice, and custom of subjecting arrestees to strip and/or visual
body cavity searches prior to detention hearings without having, and recording in
writing, a reasonable suspicion that the search would be productive of contraband or

1 weapons. Plaintiff's claims are based upon the same legal theories as the claims of
2 the class members. Each class member suffered actual damages as a result of being
3 subjected to a strip or visual body cavity search. The actual damages suffered by
4 representative plaintiff are similar in type and amount to the actual damages suffered
5 by each class member, in that each member of the class is entitled to minimum
6 damages of \$1,000 under Penal Code Section 4030(p) and \$4,000 under Civil Code
7 Section 52(a).

8 27. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the
9 representative plaintiff will fairly and adequately protect the class interests. Plaintiff's
10 interests are consistent with and not antagonistic to the interests of the class.

11 28. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(A),
12 prosecutions of separate actions by individual members of the class would create a
13 risk that inconsistent or varying adjudications with respect to individual members of the
14 class would establish incompatible standards of conduct for the parties opposing the
15 class.

16 29. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(B),
17 prosecutions of separate actions by individual members of the class would create a
18 risk of inconsistent adjudications with respect to individual members of the class which
19 would, as a practical matter, substantially impair or impede the interests of the other
20 members of the class to protect their interests.

21 30. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(2),
22 plaintiff is informed and believes, and thereupon alleges, that defendants have acted
23 on grounds generally applicable to the class, thereby making appropriate the final
24 injunctive or declaratory relief with respect to the class as a whole.

25 31. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), this
26 class action is superior to other available methods for the fair and equitable
27 adjudication of the controversy between the parties. Plaintiff is informed and believes,
28 and thereupon alleges, that the interests of members of the class in individually
controlling the prosecution of a separate action is low, in that most class members
would be unable individually to prosecute any action at all. Plaintiff is informed and

1 believes, and thereupon alleges, that the amounts at stake for individuals are so small
2 that separate suits would be impracticable. Plaintiff is informed and believes, and
3 thereupon alleges, that most members of the class will not be able to find counsel to
4 represent them. Plaintiff is informed and believes, and thereupon alleges, that it is
5 desirable to concentrate all litigation in one forum because all of the claims arise in the
6 same location; i.e., CONTRA COSTA COUNTY. It will promote judicial efficiency to
7 resolve the common questions of law and fact in one forum, rather than in multiple
8 courts.

9 32. Plaintiff does not know the identities of all of the class members. Plaintiff
10 is informed and believes, and thereupon alleges, that the identities of the class
11 members may be ascertained from records maintained by CONTRA COSTA
12 COUNTY, defendant CONTRA COSTA COUNTY PROBATION DEPARTMENT, and
13 defendants CHATMAN and MATHERON. Plaintiff is informed and believes, and
14 thereupon alleges, that defendants' records reflect the identities, including addresses
15 and telephone numbers, of the persons who have been held in custody in the Juvenile
16 Hall. Plaintiff is informed and believes, and thereupon alleges, that records maintained
17 by defendants reflect who was subjected to a strip and/or visual body cavity search,
18 when the search occurred, where the search occurred, whether any reasonable
19 suspicion for the search existed, when persons searched appeared at detention
20 hearings, and the charges on which such persons were arrested. Plaintiff is informed
21 and believes, and thereupon alleges, that all of the foregoing information is contained
22 in defendants' computer system and that the information necessary to identify the
23 class members, by last known addresses, and the dates and reasons for their arrests
24 and/or release from custody, is readily available from said computer system.

25 33. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), class
26 members must be furnished with the best notice practicable under the circumstances,
27 including individual notice to all members who can be identified through reasonable
28 effort. Plaintiff is informed and believes, and thereupon alleges, that defendants'
computer records contain a last known address for class members. Plaintiff
contemplate that individual notice will be given to class members at such last known

1 address by first class mail. Plaintiff contemplate that the notice will inform class
2 members of the following:

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

16 FIRST CLAIM FOR RELIEF

17 (Violation Of Fourth And Fourteenth Amendments To The U.S.
18 Constitution On Behalf Of Plaintiff And All Persons Similarly Situated And
19 Against All Defendants And Each Of Them)

20 34. Plaintiff hereby incorporate herein the preceding paragraphs of this
21 complaint, to the extent relevant, as if fully set forth.

22 35. Defendants’ policies, practices, and customs regarding the strip and
23 visual body cavity searches complained of herein violated the rights of plaintiff, and the
24 rights of each of those similarly situated, under the Fourth Amendment to be free from
25 unreasonable searches and seizures, violated the rights of plaintiff, and the rights of
26 each of those similarly situated, to due process and privacy under the Fourteenth
27 Amendment, and directly and proximately damaged plaintiff, and each of those
28 similarly situated, as herein alleges, entitling plaintiff, and all those similarly situated, to
recover damages for said constitutional violations pursuant to 42 U.S.C. § 1983.

1 WHEREFORE, plaintiff, on behalf of himself and on behalf of all those
2 similarly situated, prays for relief as hereunder appears.

3 SECOND CLAIM FOR RELIEF

4 (Violation Of The California State Unruh Civil Rights Act, Civil Code
5 Section 52.1 On Behalf Of Plaintiff And All Persons Similarly Situated
And Against All Defendants And Each Of Them)

6 36. Plaintiff hereby incorporates herein the preceding paragraphs of this
7 complaint, to the extent relevant, as if fully set forth.

8 37. By requiring plaintiff, and all those similarly situated, to submit to pre-
9 detention hearing visual body cavity searches without first having reasonable suspicion
10 that such searches would be productive of weapons or contraband, recording such
11 reasonable suspicion, and having such searches approved in writing by a supervisor
12 prior to conducting such searches; and/or by conducting visual body cavity searches in
13 groups and/or in areas where the searches were viewed by persons who were not
14 participating in the searches, defendants, and each of them, have coerced and
15 interfered with plaintiff's California Constitutional Right to Privacy (Article I, Section 1)
16 and Statutory Rights (Penal Code section 4030, which prohibits strip searches of
17 persons in groups and pre-detention hearing strip searches of juveniles charged with
18 minor offenses and misdemeanors, without reasonable suspicion, recorded in writing
and approved by a supervisor).

19 38. Plaintiff, and each of the persons plaintiff seeks to represent, was
20 harmed by defendants' coercion and interference with their aforementioned
21 constitutional and statutory rights.

22 39. By using coercion to interfere with plaintiff's aforementioned
23 constitutional and statutory rights, defendants, and each of them, have violated the
24 California Bane Act (Cal. Civil Code § 52.1).

25 40. Defendants' violations of the Bane Act makes them liable to each plaintiff
26 for damages up to a maximum of three times the amount of each plaintiff's actual
27 damages, but in no event less than four thousand dollars (\$4,000), together with any
28 attorney's fees and costs that may be determined by the court.

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WHEREFORE, plaintiff, on behalf of himself and on behalf of all those similarly situated, prays for relief as hereunder appears.

THIRD CLAIM FOR RELIEF

(Violation Of California Penal Code Section 4030 On Behalf Of Plaintiff And All Persons Similarly Situated And Against All Defendants And Each Of Them)

41. Plaintiff hereby incorporate herein the preceding paragraphs of this complaint, to the extent relevant, as if fully set forth.

42. Defendants' policies, practices, and customs regarding the strip and visual body cavity searches complained of herein violated California Penal Code Section 4030, and directly and proximately damaged plaintiff, and each of those similarly situated, as herein alleged, entitling plaintiff, and all those similarly situated, to recover damages for said constitutional violations pursuant to Penal Code § 4030(p) of no less than \$1,000.

WHEREFORE, plaintiff, on behalf of himself and on behalf of all those similarly situated, prays for relief as hereunder appears.

FOURTH CLAIM FOR RELIEF

(For Exemplary Damages On Behalf Of Plaintiff And All Persons Similarly Situated And Against All Individually Named Defendants, And Each Of Them)

43. Plaintiff hereby incorporates herein the preceding paragraphs of this complaint, to the extent relevant, as if fully set forth.

44. Plaintiff and all those similarly situated were minors at the time defendants subjected them to the humiliating, degrading, and unlawful strip searches complained of herein. Defendants exploited on the young age of plaintiff and all those similarly situated to coerce plaintiff, and the members of the class he represents, to comply with their unlawful demands. Defendants' conduct was oppressive, malicious, and done in complete disregard of the rights of plaintiff and all those similarly situated;

1 and, therefore plaintiff, and all those similarly situated, are entitled to recover, in
2 addition to actual damages, damages to make an example of and to punish
3 defendants, and each of them.

4 WHEREFORE, plaintiff, on behalf of himself and on behalf of all those
5 similarly situated, prays for relief as hereunder appears.

6 PRAYER FOR RELIEF

7 WHEREFORE, plaintiff, on behalf of himself and on behalf of all those
8 similarly situated, seeks judgment as follows:

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

14 2. Certification of the action as a class action;

15 3. For compensatory, general, and special damages for each
16 representative and for each member of the class of plaintiffs, as against all
17 defendants;

18 4. Exemplary damages as against each of the individual defendants
19 in an amount sufficient to deter and to make an example of those defendants;

20 5. Attorneys' fees and costs under 42 U.S.C. § 1988, California
21 Penal Code § 4030(p), and California Civil Code §§ 52 et seq.; and,

22 6. The cost of this suit and such other relief as the court finds just
23 and proper.

24 DATED: May 23, 2005

25 Respectfully submitted,

26 _____
27 Andrew C. Schwartz
28 CASPER, MEADOWS & SCHWARTZ
Attorneys for Plaintiff