

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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LAVERNE HICKS, and :  
MICHAEL VELEZ :  
both individually and on behalf of a Class of :  
others similarly situated, :  
Plaintiffs, : Civil Action  
v. :  
COUNTY OF CAMDEN, CAMDEN COUNTY :  
CORRECTIONAL FACILITY, ERIC :  
TAYLOR, both individually and in his official : **CLASS ACTION**  
Camden County Warden of the : **COMPLAINT**  
Correctional Facility, JAMES SIMON, both :  
individually and in his official :  
capacity as Deputy Warden of the Camden County : **JURY TRIAL**  
Correctional Facility, ANTHONY : **DEMANDED**  
PIZARRO, both individually and in his official :  
capacity as Deputy Warden of the Camden :  
County Correctional Facility, FRANK LOBERTO, :  
both individually and in his official :  
capacity as a Deputy Warden of the Camden :  
County Correctional Facility, CAMDEN :  
COUNTY SHERIFF’S DEPARTMENT, :  
MICHAEL MCLAUGHLIN, both individually :  
And in his official capacity as Sheriff of the :  
County of Camden, JOSEPH WOLF, both :  
individually and in his official capacity as a :  
Deputy Sheriff of the County of Camden, :  
JOSEPH DOUGHERTY, both individually :  
and in his official capacity as a Deputy Sheriff of :  
the County of Camden, ARTHUR MICKLES, both :  
individually and in his official capacity as a Deputy :  
Sheriff of the County of Camden, THE CITY :  
OF CAMDEN, CAMDEN CITY POLICE :  
DEPARTMENT, EDWIN FIGUEROA, both :  
individually and in his official capacity as :  
Chief of Police of the Camden City :  
Police Department, EDWARD HARGIS, :  
individually and in his official capacity as :

Deputy Chief of Police of the Camden City :  
Police Department, :  
 :  
 :  
 Defendants. :  
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Plaintiffs, for their Complaint herein, allege the following on information and belief except as to the allegations concerning themselves which they assert upon personal knowledge.

**NATURE OF ACTION**

1. Plaintiffs, Laverne Hicks and Michael Velez, bring this is a class action on behalf of themselves, and on behalf of, as more particularly defined in paragraph 25 below, a class of all persons who were stripped searched at the Camden County Correctional Facility after being charged with petty crimes and traffic violations and also on behalf of a subclass of people who paid bail to Defendant Camden City Police Department, yet were unlawfully detained (and also then strip-searched) subsequent to the payment of bail, all in violation of their rights against unreasonable searches under the Fourth Amendment of the United States Constitution and also, for the subclass, their rights against unlawful imprisonment.

2. Plaintiffs seek monetary damages for themselves and each member of the proposed class and subclass who has suffered from the wrongful actions of the Defendants described herein; a declaration that the Defendants' policies are unconstitutional; and, an injunction precluding the Defendants from continuing to violate the rights of those placed in their custody or detention.

**PARTIES**

3. Plaintiff, Laverne Hicks (“Hicks”) is, and at all times relevant hereto has been, a resident of the State of Texas. On or about February 11, 2005, Hicks was arrested by the Defendant Camden City Police Department and placed in the Defendant Camden County Correctional Facility on charges of failing to make payment on an outstanding traffic violation.

4. Plaintiff Michael Velez (“Velez”) is, and at all times relevant hereto has been, a resident of the State of New Jersey, Camden County. Velez was arrested on or about March 4, 2004 and transported to the Defendant Camden County Correctional Facility for failing to make payment on outstanding fines.

5. Defendant County of Camden (the “County”) is a county government organized and existing under the laws of New Jersey. At all times relevant hereto, the County, acting through its Sheriff’s Department and Correctional Facility, was responsible for the policies, practices, supervision, implementation and conduct of all matters pertaining to the Camden County Correctional Facility and was responsible for the appointment, training, supervision and conduct of all Sheriff’s Department and Camden County Correctional Facility’s personnel, including those working in the Camden County Correctional Facility. In addition, at all relevant times, the County was responsible for enforcing the rules of the Camden County Correctional Facility and for ensuring that Sheriff’s Department and Camden County Correctional Facility’s employees obey the Constitution and the laws of the United States and New Jersey.

6. Defendant Camden County Correctional Facility (the “Correctional Facility”) is a political subdivision created through the County of Camden, State of New Jersey. At

all times relevant hereto, the Correctional Facility, together with the County, was responsible for the appointment, training, supervision and conduct of all Correctional Facility personnel working in the Correctional Facility. In addition, at all times relevant hereto, Defendant Correctional Facility, together with the County of Camden, was responsible for enforcing the rules of the Correctional Facility and for ensuring that Correctional Facility personnel employed in the Correctional Facility obeyed the Constitution and the laws of the United States and of the State of New Jersey.

7. The Camden County Sheriff's Department (the "Sheriff's Department") is a County of Camden political subdivision, organized and existing under the laws of New Jersey. At all times relevant hereto, the Sheriff's Department, together with the County of Camden, was responsible for the policies, practices, supervision, implementation and conduct of all matters pertaining to the Sheriff's Department, and was responsible for the appointment, training, supervision and conduct of all Sheriff's Department personnel and that they obey the Constitution and the laws of the United States and of the State of New Jersey.

8. Defendant City of Camden ("Camden") is a municipal government organized and existing under the laws of the State of New Jersey. At all times relevant hereto, Camden was responsible for the policies, practices, supervision, implementation and conduct of all matters pertaining to the Camden City Police Department and was responsible for the appointment, training, supervision and conduct of all Camden City Police Department employees. In addition, at all relevant times, Camden was responsible for enforcing the rules of the Camden City Police Department, and for ensuring that

Camden City Police Department personnel obeyed the Constitution and the laws of the United States and the State of New Jersey.

9. Defendant Camden City Police Department (the “Police Department”) is a political subdivision created through the City of Camden, State of New Jersey, organized and existing under the laws of New Jersey. At all times relevant hereto, the Police Department was responsible for the policies, practices, supervision, implementation and conduct of all matters pertaining to the Police Department, and was responsible for the appointment, training, supervision and conduct of all Police Department personnel and that they obey the Constitution and the laws of the United States and of the State of New Jersey.

10. Defendant Eric Taylor (“Warden Taylor”) is the Warden of the Correctional Facility and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Correctional Facility exercises custodial or other control. Warden Taylor is made a Defendant in this action in both his individual and official capacities.

11. Defendant James Simon (“Deputy Warden Simon”) is a Deputy Warden of the Correctional Facility and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Correctional Facility exercises custodial or other control. Deputy Warden Simon is made a Defendant in this action in both his individual and official capacities.

12. Defendant Anthony Pizarro (“Deputy Warden Pizarro”) is a Deputy Warden of the Correctional Facility, and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Correctional Facility exercises custodial or

other control. Deputy Warden Pizarro is made a Defendant in this action in both his individual and official capacities.

13. Defendant Frank Loberto (“Deputy Warden Loberto”) is a duly appointed Deputy Warden of the Correctional Facility and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Correctional Facility exercises custodial or other control. Deputy Warden Loberto is made a Defendant in this action in both his individual and official capacities.

14. Defendant Michael McLaughlin (“Sheriff McLaughlin”) is the Sheriff of Camden County and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Sheriff’s Department exercises custodial or other control. Sheriff McLaughlin is made a Defendant in this action in both his individual and official capacities.

15. Defendant Joseph Wolf (“Deputy Sheriff Wolf”) is a Deputy Sheriff of Camden County and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Sheriff’s Department exercises custodial or other control. Deputy Sheriff Wolf is made a Defendant in this action in both his individual and official capacities.

16. Defendant Joseph Dougherty (“Deputy Sheriff Dougherty”) is a Deputy Sheriff of Camden County and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Sheriff’s Department exercises custodial or other control. Sheriff Dougherty is made a Defendant in this action in both his individual and official capacities.

17. Defendant Arthur Mickles (“Deputy Sheriff Mickles”) is a Deputy Sheriff of Camden County and, as such, is a policy maker with respect to the treatment of pretrial and other detainees over which the Sheriff’s Department exercises custodial or other control. Deputy Sheriff Mickles is made a Defendant in this action in both his individual and official capacities.

18. Defendant Edwin Figueroa (“Chief Figueroa”) is the Chief of Police of the Camden City Police Department and, as such, is a policy maker with respect to the treatment of pre-trial and other detainees over which the Police Department exercises custodial or other control. Chief Figueroa is made a Defendant in this action in both his individual and official capacities.

19. Defendant Edward Hargis (“Deputy Chief Hargis”) is the Deputy Chief of Police of the Camden City Police Department and, as such, is a policy maker with respect to the treatment of pre-trial and other detainees over which the Police Department exercises custodial or other control. Deputy Chief Hargis is made a Defendant in this action in both his individual and official capacities.

20. Collectively, Camden County, the Correctional Facility, the Sheriff’s Department, Camden and the Police Department, will be referred to as the “County Defendants”.

21. Collectively, Warden Taylor, Deputy Warden Simon, Deputy Warden Pizarro, Deputy Warden Loberto, Sheriff McLaughlin, Deputy Sheriff Wolf, Deputy Sheriff Dougherty, Deputy Sheriff Mickles, Chief Figueroa and Deputy Chief Hargis, will be referred to as the “Policy Making Defendants”.

**JURISDICTION**

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

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

**CLASS ACTION ALLEGATIONS**

24. Plaintiffs bring this action pursuant to Rules 23(b)(1), 23(b)(2) and 23(b)(3) of the Federal Rules of Civil Procedure on behalf of themselves and a class of similarly situated individuals who were arrested for misdemeanors or other petty crimes or minor violations and who were unlawfully detained and stripped searched upon their entry into the Correctional Facility.

25. The Class that Plaintiffs seek to represent is defined of :

All persons who have been or will be placed into custody of the Camden County Correctional Facility after being charged and arrested within the County of Camden for misdemeanors, violations, traffic infractions, failing to make payment on outstanding traffic violations, failing to make payment on outstanding fines or other minor crimes or violations and were or will be strip searched upon their transfer and entry into the Camden County Correctional Facility; and also on behalf of a Subclass (the "Wrongfully Detained Subclass") of all persons who in addition to being in the Class who paid bail or will pay bail, yet were, or would be, unlawfully detained subsequent to the payment of such bail.



The Class period commences on or about April 8, 2002 and extends to the date on which the County Defendants are enjoined from, or otherwise cease, enforcing their unconstitutional policy, practice and custom of conducting strip searches absent reasonable suspicion, and unlawfully detaining citizens after making bail. Specifically excluded from the Class are Defendants and any and all of their respective affiliates, legal representatives, heirs, successors, employees or assignees.

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

27. The members of the Class and the Wrongfully Detained Subclass are both so numerous as to render joinder impracticable. There are and have been hundreds of people strip searched under the circumstances described herein and there also hundreds of people who have arrested for misdemeanors, violations, traffic infractions, failing to make payment on outstanding traffic violations, failing to make payment on outstanding fines or other minor crimes and who are denied the opportunity to make bail or who are wrongfully detained after making bail and who have been transferred and placed into the custody of the Correctional Facility.

28. Joinder of all these individuals is impracticable because of the large number of Class members and the fact that Class members are likely dispersed over a large geographical area, with some members, including Plaintiff Hicks, residing outside of Camden County and this Judicial District. Furthermore, many members of the Class are low-income persons, may not speak English, may not know of their rights and likely would have great difficulty in pursuing their rights individually.

29. Common questions of law and fact exist as to all members of the Class and Wrongfully Detained Subclass, and predominate over any questions that affect only individual members of the Class and Wrongfully Detained Subclass. The predominant common questions of law and fact include, without limitation, 1) the common and predominate question of whether the Defendants' written and/or *de facto* policies of strip searching individuals who were charged with misdemeanors or traffic violations when transferred to and placed into the custody of the Correctional Facility and/or, 2) those who satisfied detainers by paying bail, yet were imprisoned long after the petty bail was satisfied and placed into the custody of the Correctional Facility, violate the Fourth and Fourteenth Amendments to the United States Constitution, and whether such a written and/or *de facto* policy existed during the Class period.

30. Plaintiffs' claims are typical of the claims of the members of the Class and Wrongfully Detained Subclass. Both named Plaintiffs are members of the Class and Plaintiff Hicks is a member of the Wrongfully Detained Subclass. Plaintiffs and all members of the Class and Wrongfully Detained Subclass have sustained damages arising out of Defendants' course of conduct. The harms suffered by the Plaintiffs are typical of the harms suffered by the Class and Wrongfully Detained Subclass members.

31. The representative Plaintiffs have the requisite personal interest in the outcome of this action and will fairly and adequately protect the interests of the Class and Wrongfully Detained Subclass. Plaintiffs have no interests that are adverse to the interests of the members of the Class and Wrongfully Detained Subclass.

32. A class action is superior to other available methods for the fair and efficient adjudication of this controversy, since joinder of all of the individual members of the

Class is impracticable given the large number of Class members and the fact that they are dispersed over a large geographical area. Furthermore, the expense and burden of individual litigation would make it difficult or impossible for individual members of the Class to redress the wrongs done to them. The cost to the federal court system of adjudicating thousands of individual cases would be enormous. Individualized litigation would also magnify the delay and expense to all parties and the court system. By contrast, the conduct of this action as a class action in this District presents far fewer management difficulties, conserves the resources of the parties and the court system, and protects the rights of each member of the Class and Wrongfully Detained Subclass.

33. Plaintiffs have retained counsel who have substantial experience and success in the prosecution of class action and civil rights litigation. The named Plaintiffs are being represented by William Riback; Seth Lesser and Fran Rudich of the Locks Law Firm, PLLC; Elmer Robert Keach, III; and Jonathan Cuneo and Charles LaDuca of Cuneo, Waldman and Gilbert, LLP.

34. Mr. Keach is an experienced civil rights and class action attorney who has litigated a wide variety of civil rights actions and has litigated class action lawsuits in state and federal courts in five states. Mr. Keach has successfully litigated strip search cases against the Troy City Police Department and the Schenectady City School District, and was lead counsel in the Rensselaer County Jail strip search class action that recently settled in the United States District Court for the Northern District of New York.

35. Seth Lesser and Fran Rudich of the Locks Law Firm with offices in Cherry Hill and New York City, are both experienced civil rights and class action attorneys,. Mr. Lesser is one of this country's premier class action attorneys having successfully

litigated civil rights, consumer protection and products liability class actions against Fortune 500 companies in courts across the country, including both New Jersey state and federal courts. Ms. Rudich has litigated scores of individual and class action civil rights cases against a number of Defendants in over ten jurisdictions throughout the United States.

36. William Riback is an experienced civil rights and class action attorney who has successfully litigated class actions in both state and federal courts in a number of jurisdictions across the country.

37. Jonathan Cuneo and Charles LaDuca of Cuneo Waldman & Gilbert, LLP, have extensive experience in state and federal trial and appellate courts, before law enforcement authorities and in proceedings before the United States Congress. Cuneo and LaDuca have successfully prosecuted complex class actions, including cases involving securities fraud, antitrust violations, consumer protection and products liability in state and federal courts throughout the United States. In addition to this experience, Cuneo and LaDuca are co-counsel in a strip-search class action, with Mr. Keach, that was recently certified in the United States District Court for the Northern District of New York against the County of Schenectady and other related Defendants.

38. In short, Plaintiffs' counsel have the resources, expertise and experience to successfully prosecute this action against the Defendants. Counsel for Plaintiffs know of no conflicts among members of the Class, or between counsel and members of the Class and Wrongful Detainer Subclass.

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

the Defendants have maintained their illegal strip search and false imprisonment regimen for at least the past several years.

40. This action, in part, seeks declaratory and injunctive relief. As such, the Plaintiffs' seek class certification under Fed. R. Civ. P. 23(b)(2), in that all Class members were subject to the same policy requiring the illegal strip searches of individuals charged with misdemeanor or minor crimes and/or who were wrongfully detained after making bail and transported to and placed into the custody of the Correctional Facility. In short, the Municipal Defendants and the Policy Making Defendants acted on grounds generally applicable to all Class members.

41. In addition to, and in the alternative, Plaintiffs seek certification under Rule 23(b)(3) or seek partial certification under Fed. R. Civ. P. 23(c)(4).

### **FACTS**

#### **Facts Applicable to the Class and Wrongful Detainer Subclass Generally**

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

43. The Camden County, the Sheriff's Department, the Correctional Facility and the Policy Making Defendants have, nonetheless, instituted a written and/or *de facto* policy, custom or practice of strip searching all individuals who enter the custody of the Correctional Facility regardless of the nature of their charged crime and without the

presence of reasonable suspicion to believe that the individual was concealing a weapon or contraband.

44. Further, Camden County, the Sheriff's Department, the Correctional Facility and the Policy Making Defendants have also instituted a written and/or *de facto* policy, custom or practice of conducting visual body cavity searches (visual inspection of the vaginal and rectal cavities) on all individuals who enter the custody of the Correctional Facility, regardless of the individual characteristics or the nature of their charged crime. For purposes of this Complaint, strip and visual cavity searches are collectively referred to as "strip searches."

45. Camden County, the Sheriff's Department, the Correctional Facility and the Policy Making Defendants know or should know, that they may not institute, enforce or permit enforcement of a policy or practice of conducting strip searches without particularized, reasonable suspicion

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

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

48. Camden County, the Sheriff's Department, the Correctional Facility and Policy Making Defendants have promulgated, implemented, enforced, and/or failed to rectify a written and/or *de facto* policy, practice or custom of strip searching **all**

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

49. Pursuant to this written and/or *de facto* policy, each member of the Class, including each named Plaintiff was the victim of a routine strip search upon their entry into the Correction Facility. These searches were conducted without inquiry into or establishment of reasonable suspicion, and in fact were not supported by reasonable suspicion. Strip searches are conducted for individuals arrested for, among other innocuous offenses such as, traffic violations, outstanding traffic fines and other minor fines.

50. As a direct and proximate result of the unlawful strip search conducted pursuant to this written and/or *de facto* policy, the victims of the unlawful strip searches – each member of the Class, including every named Plaintiff – has suffered or will suffer psychological pain, humiliation, suffering and mental anguish.

51. In addition, the Fourth Amendment of the United States Constitution prohibits state officials, such as the Policy Making Defendants in this action and the employees they supervise, from detaining individuals after making bail without probable cause and without an arrest warrant.

52. The County Defendants and the Policy Making Defendants have, nonetheless, instituted a written and/or *de facto* policy, custom or practice of detaining individuals after making bail without probable cause and without an arrest warrant.

53. The County Defendants and the Policy Making Defendants know, or should know, that they may not institute, enforce or permit enforcement of a policy or practice of detaining individuals after making bail without probable cause and without an arrest warrant.

54. The Defendants' written and/or *de facto* policy, practice and custom detaining individuals after making bail without probable cause and without an arrest warrant has been promulgated, effectuated and/or enforced in bad faith and contrary to clearly established law.

55. As a direct and proximate result of the unlawful strip search conducted pursuant to this written and/or *de facto* policy, the victims of the unlawful strip searches – each member of the Wrongfully Detained Subclass, including Plaintiff Hicks – has suffered or will suffer psychological pain, humiliation, suffering and mental anguish.

**Facts Applicable to the Named Plaintiffs**

*Laverne Hicks*

56. Mr. Hicks' experience is representative of both the Class and the Wrongfully Detained Subclass. On or about February 11, 2005, at approximately 5:00 p.m. Mr. Hicks was driving in the City of Camden when he was stopped by the New Jersey State Police for failing to wear a safety belt. After performing a background check, Mr. Hicks was arrested for failing to make a payment for an outstanding traffic violation. Shortly



after arrest, Mr. Hicks was transported to the Camden City Police Department where he was handcuffed to a bench pursuant to proper arrest procedures and held on \$168.00 bail.

57. After being in the custody for approximately one hour, at or about 6:00 p.m., Mr. Hicks made bail of \$168.00. Notwithstanding payment of bail, and having no other detainers outstanding, the Camden City Police Department refused to release Mr. Hicks and instead, transferred custody of him to the Camden County Sheriff's Department.

58. After obtaining custody of Mr. Hicks, and after he posted bail, the Police Department and the Sheriff's Department imprisoned Mr. Hicks, and the Sheriff's Department transported him to the Correctional Facility and transferred custody to the Correctional Facility notwithstanding the fact that there were no detainers or arrest warrants outstanding for Mr. Hicks.

59. The Correctional Facility accepted custody of Mr. Hicks at approximately 7:00 p.m. Shortly thereafter, Mr. Hicks was ordered to remove all of his clothing and was strip searched. After enduring this humiliating strip search, Mr. Hicks was then imprisoned in a holding cell with approximately 20 other detainees and was fingerprinted and photographed as though he was legally detained.

60. On this particular occasion, there was no reasonable suspicion to believe that Mr. Hicks was concealing a weapon or other contraband. Indeed, no inquiry was made of Mr. Hicks that could have given rise to the requisite reasonable suspicion.

61. As a direct and proximate result of the unlawful strip search and false imprisonment conducted pursuant to the Municipal Defendants' policies, practices and customs, Mr. Hicks has suffered and continues to suffer psychological pain, humiliation, suffering and mental anguish.

*Michael Velez*

62. Mr. Velez' experience is representative of the Class as well. On or about March 4, 2004, Mr. Velez was driving in the City of Camden at which time he was pulled over by the New Jersey State Police for a minor driving infraction. At that time it was determined that there was a warrant for Plaintiff's arrest for failing remit a payment under a previously established municipal payment schedule. Plaintiff was transported to the New Jersey State Police barracks where his bail was set at \$210.00.

63. Within two hours of his arrest, Mr. Velez was transferred to the custody of the Camden County Sheriff's Department who transported Plaintiff to the Correctional Facility.

64. In the meantime, a friend of Mr. Velez' who was in the vehicle with him alerted Plaintiff's family and friends of the arrest. Throughout the day on March 4, 2004, they attempted to contact the Correctional Facility to make bail payment. The Correctional Facility, however, lacks any policies and procedures which would permit the immediate payment of bail and release of persons detained on misdemeanor and other minor offenses.

65. While in the custody of the Correctional Facility, Mr. Velez was ordered to remove his clothing and was strip searched. After enduring this humiliating strip search, Mr. Velez was detained in the Correctional Facility from approximately 10:00 a.m. until 8 p.m. on March 4, 2004, despite the fact that his family and friends were continuously attempting to post the required bail payment during this entire time.

66. On this particular occasion, there was no reasonable suspicion to believe that Mr. Velez was concealing a weapon or other contraband. Indeed, no inquiry was made of Mr. Velez that could have given rise to the requisite reasonable suspicion.

67. As a direct and proximate result of the unlawful strip search conducted pursuant to the Municipal Defendants' (except Defendant Police Department) and the Policy Making Defendants' policy, practice and custom, Mr. Velez has suffered and continues to suffer psychological pain, humiliation, suffering and mental anguish.

### **CAUSES OF ACTION**

#### **AS AND FOR A FIRST CAUSE OF ACTION AGAINST ALL DEFENDANTS EXCEPT POLICE DEPARTMENT**

##### **Violation of Constitutional Rights Under Color of State Law**

##### **(Unreasonable Search and Failure to Implement Municipal Policies To Avoid Constitutional Deprivations Under Color of State Law)**

68. Plaintiffs incorporate by reference and reallege each and every allegation stated in paragraphs 1 through 67.

69. The Fourth Amendment of the United States Constitution protects citizens from unreasonable searches by law enforcement officers, and prohibits officers from conducting strip searches of individuals arrested for misdemeanors or violations absent some particularized suspicion that the individual in question has either contraband or weapons.

70. The actions of all Defendants except the Police Department, as detailed above, violated Plaintiffs' and the Class' rights under the United States Constitution. Simply put, it was not objectively reasonable for Correctional Facility personnel to strip search

Plaintiffs and the members of the Class based on their arrests for misdemeanor/violation charges. It was also not objectively reasonable for the Policy Making Defendants to order/direct Correctional Facility personnel to conduct such searches or to have a police or practice permitting such searches.

71. These strip searches were conducted pursuant to the policy, custom or practice of Camden County, the Sheriff's Department, the Correctional Facility and the City of Camden. As such, these Defendants are directly liable for the damages of the Class.

72. Upon information and belief, Camden County, the Sheriff's Department and the Correctional Facility are responsible for establishing the policies and procedures to be utilized in the operation of the Correctional Facility and are responsible for the implementation of the strip search policy questioned in this lawsuit. As such, Camden County, the Sheriff's Department, and the Correctional Facility are each individually responsible for the damages of the named Plaintiffs and members of the Class.

73. Camden County, the Sheriff's Department, and the Correctional Facility knew that the above-described strip search policy was illegal, and acted willfully, knowingly, and with specific intent to deprive Plaintiffs and members of the Class of their Constitutional rights.

74. This conduct on the part of all Defendants (except Defendant Police Department) represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of state law.

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

**AS AND FOR A SECOND CAUSE OF ACTION  
FOR LAVERNE HICKS AND THE WRONGFULLY DETAINED SUBCLASS AGAINST  
ALL DEFENDANTS**

**Violation of Constitutional Rights Under Color of State Law**

**(False Imprisonment and Failure to Implement Municipal Policies To Avoid  
Constitutional Deprivations Under Color of State Law)**

76. Plaintiff, Laverne Hicks, incorporates by reference and realleges each and every allegation stated in paragraphs 1 through 67.

77. The Fourth Amendment of the Constitution of the United States protects citizens from unreasonable detentions by law enforcement officers, and prohibits officers from detaining and imprisoning individuals without probable cause and without an arrest warrant.

78. The actions of Defendants, as detailed above, violated Plaintiff Laverne Hicks' and the members of the Wrongfully Detained Subclass' rights under the United States Constitution by transporting Mr. Hicks and the members of the Wrongfully Detained Subclass to, and detaining them at, the Correctional Facility after they had posted bail and without probable cause and without an arrest warrant. These actions constituted a seizure within the meaning of the Fourth Amendment and deprived Mr. Hicks and the Wrongfully Detained Subclass of their liberty. The seizure and deprivation of Mr. Hicks' and the Wrongfully Detained Subclass' liberty was unreasonable and without due process of the law, in violation of the Fourth and Fourteenth Amendments of the United States Constitution.

79. The violation of Mr. Hicks' and the Wrongfully Detained Subclass' Fourth and Fourteenth Amendment rights, as described above, was conducted pursuant to a

policy, custom or practice of Camden County, the Sheriff's Department, the Correctional Facility, the City of Camden and the Camden City Police Department. As such, these Municipal Defendants are liable for the damages incurred by Mr. Hicks and the Wrongfully Detained Subclass for false imprisonment.

80. The Policy Making Defendants are responsible for establishing the policies and procedures to be utilized and implemented in the operation of the policy regarding the wrongful detentions questioned in this action. As such, these Policy Making Defendants are each individually responsible for the damages of Mr. Hicks and the Wrongfully Detained Subclass.

81. The Policy Making Defendants knew that the wrongful detention policy was illegal, and acted willfully, knowingly, and with specific intent to deprive Mr. Hicks and members of the Wrongfully Detained Subclass of their Constitutional rights.

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

**83.** As a direct and proximate result of the unconstitutional acts described above, Mr. Hicks and the Wrongful Detainer Subclass have been irreparably injured.

**AS AND FOR A THIRD CAUSE OF ACTION  
FOR BOTH PLAINTIFFS AND THE CLASS AND  
WRONGFUL DETAINER SUBCLASS AGAINST ALL DEFENDANTS**

**Demand for Declaratory Judgment**

84. Plaintiffs incorporate by reference and reallege each and every allegation stated in paragraphs 1 through 83.

85. The policy, custom and practice of the Defendants is unconstitutional, in that these entities and individuals are directing/conducting the strip searches of all individuals placed into the Correctional Facility without particularized suspicion that the individuals in question have either contraband or weapons.

86. In addition, the policy, custom and practice of the Defendants are unconstitutional, in that these entities and individuals are directing/condoning the detention and imprisonment of individuals without probable cause and arrest warrants.

87. Plaintiffs and members of the Class and Wrongful Detainer Subclass request that this Court issue a declaratory judgment, and that it declare the strip search and false imprisonment policies of the Defendants to be unconstitutional.

**AS AND FOR A FOURTH CAUSE OF ACTION  
FOR BOTH PLAINTIFFS AND THE CLASS AND  
WRONGFUL DETAINER SUBCLASS AGAINST ALL DEFENDANTS**

**Demand for Preliminary and Permanent Injunction**

88. Plaintiffs incorporate by reference and reallege each and every allegation stated in paragraphs 1 through 87.

89. The policy, custom and practice of the Defendants are unconstitutional, in that these entities and individuals are directing/conducting the strip searches of all individuals placed into the Correctional Facility without particularized suspicion that the individuals in question have either contraband or weapons and are allowing/condoning the imprisonment and detention of individuals without probable cause or arrest warrants.

90. This policy is currently in place at the Correctional Facility, with new and/or prospective members of the Class and Wrongfully Detained Subclass subjected to the harms that have already been inflicted upon the named Plaintiffs.

91. The continuing pattern of strip searching and falsely imprisoning individuals charged with minor crimes or violations will cause irreparable harm to the new and/or prospective members of the Class and Wrongful Detainer Subclass and an adequate remedy for which does not exist at law.

92. Plaintiffs demand that the Defendants immediately desist from strip searching individuals placed into the custody of the Correctional Facility absent any particularized suspicion that the individuals in question have either contraband or weapons, and seek both a preliminary and permanent injunction from this Court ordering as much.

93. Plaintiffs further demand that the Defendants immediately desist detaining and imprisoning individuals absent probable cause and arrest warrants and seek both a preliminary and permanent injunction from this Court ordering as much.

#### **DEMAND FOR PUNITIVE DAMAGES**

89. The actions of the Defendants detailed herein are outrageous, in that they continue to propagate an illegal strip search policy even though they know for a fact that their actions are unconstitutional.

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

#### **DEMAND FOR TRIAL BY JURY**

91. The Plaintiffs hereby demand a trial by jury.



**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Laverne Hicks and Michael Velez, on behalf of themselves and on behalf of a Class and a Wrongful Detainer Subclass of others similarly situated, request that this Honorable Court grant them the following relief:

- A. An order certifying this action as a class action pursuant to Fed. R. Civ. P. 23 with Mr. Hicks and Mr. Velez as Class representatives.
- B. A judgment against all Defendants, jointly and severally on Plaintiffs' First Cause of Action detailed herein, awarding Compensatory Damages to each named Plaintiff and each member of the proposed Class in an amount to be determined by a Jury and/or the Court on both an individual and a class wide basis.
- C. A judgment against all Defendants, jointly and severally on Mr. Hicks' Second Cause of Action detailed herein, awarding Compensatory Damages to each Mr. Hicks and each member of the proposed Wrongfully Detained Subclass in an amount to be determined by a Jury and/or the Court on both an individual and a class wide basis.
- D. A judgment against Policy Making Defendants on Plaintiffs' First and Second Causes of Action for punitive damages in an amount to be determined at trial .
- E. A declaratory judgment against Camden County, the Sheriff's Department and the Correctional Facility declaring their policy, practice and custom of strip and visual cavity searching all detainees entering the Correctional

Facility, regardless of the crime charged or suspicion of contraband, to be unconstitutional and improper.

F. A declaratory judgment against all Defendants declaring their policy, practice and custom of falsely imprisoning individuals without probable cause and a search warrant to be unconstitutional and improper.

G. A preliminary and permanent injunction enjoining Defendants Camden County, the Sheriff's Department, the Correctional Facility and the City of Camden from continuing to strip and visual cavity search individuals charged with misdemeanors or minor crimes and violations absent particularized, reasonable suspicion that the arrestee subjected to the search is concealing weapons or other contraband.

H. A preliminary and permanent injunction enjoining all Defendants from continuing to falsely imprison individuals absent reasonable cause and an arrest warrant.

I. A monetary award for attorney's fees and the costs of this action, pursuant to 42 U.S.C. § 1988 and Fed. R. Civ. P. 23.

Respectfully submitted by:

Dated: April 8, 2005  
Camden, New Jersey

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