

United States District Court for the Eastern District of Pennsylvania

NOTICE OF PROPOSED SETTLEMENT AND HEARING

IF YOU WERE ADMITTED INTO GEORGE W. HILL CORRECTIONAL FACILITY IN THORNTON, PENNSYLVANIA, GUADALUPE COUNTY CORRECTIONAL FACILITY IN SANTA ROSA, NEW MEXICO, FRIO COUNTY DETENTION CENTER IN PEARSALL, TEXAS, DICKENS COUNTY DETENTION CENTER IN DICKENS, TEXAS, TRI-COUNTY DETENTION CENTER IN ULLIN, ILLINOIS, AND NEWTON COUNTY CORRECTIONAL CENTER IN NEWTON, TEXAS (“JAILS”) AND YOU WERE STRIP SEARCHED UPON YOUR ADMISSION TO THE JAIL, YOU MAY BE ENTITLED TO A MONEY PAYMENT FROM A CLASS ACTION SETTLEMENT.

The United States District Court for the Eastern District of Pennsylvania authorized this notice. It is not from a lawyer. You are not being sued.

- This is a proposed Settlement of a class action lawsuit alleging that corrections officers employed at the George W. Hill Correctional Facility in Thornton, Pennsylvania, Guadalupe County Correctional Facility in Santa Rosa, New Mexico, Frio County Detention Center in Pearsall, Texas, Dickens County Detention Center in Dickens, Texas, Tri-County Detention Center in Ullin, Illinois, and Newton County Correctional Center in Newton, Texas (collectively, the “Jails”) engaged in the illegal strip searches of all individuals charged with only minor offenses upon their entry into the Jails. GEO denies that all individuals entering the Jail were strip searched.
- The applicable time period is from January 30, 2006 until January 30, 2008 for George W. Hill Correctional Facility in Thornton, Pennsylvania, Frio County Detention Center in Pearsall, Texas, Dickens County Detention Center in Dickens, Texas, Tri-County Detention Center in Ullin, Illinois, and Newton County Correctional Center in Newton, Texas, and from January 30, 2005 until January 30, 2008 for Guadalupe County Correctional Facility in Santa Rosa, New Mexico.
- After the Litigation was filed, Defendants changed their strip search policy.
- The proposed Settlement does not include individuals who were convicted at the time of their admission to the Jails and who were committed to serve a sentence for that conviction, or who were not strip searched when they entered the Jails.
- The proposed Settlement would entitle each Class Member to a share of a \$2.999 million Settlement Fund (after payment of administrative costs, an incentive award to the representative plaintiffs, and attorneys’ fees). The proposed Settlement would entitle each Settlement Class Member to a payment of up to \$400.00.
- Visit the Settlement Website at www.multistatestripsearchsettlement.com for additional details about the Settlement. You may also get additional information by calling 1-877-234-4512 or by writing to Allison v. The GEO Group Settlement, c/o Gilardi & Co. LLC, P.O. Box 8060, San Rafael CA 94912-8060.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

Submit a Claim Form	You must submit a Claim Form to receive payment under the Settlement. You must submit a Claim Form by September 14, 2010 to receive money.
Exclude Yourself	If you exclude yourself from the Settlement, you will not be bound by the Settlement or judgment and will not be entitled to a cash payment. You will be free to pursue your claims against the Defendant. This is the only option that allows you to bring or be part of any other lawsuit against the Defendant in this case about the same legal claims that are advanced in this case. You must exclude yourself from the Settlement by July 1, 2010.

Object	If you do not exclude yourself, you may write to the Court about why you do not like the Settlement or the request for legal fees and costs. You must send a written objection to the Court postmarked no later than July 1, 2010.
Go to a Hearing	You may ask to speak in Court about the fairness of the Settlement or the request for fees and costs.
Do Nothing	You get <u>no</u> payment. You give up your right to sue Defendants on these claims later.

- These rights and options - **and the deadlines to exercise them** - are explained in this notice.
- The Court in charge of this case still must decide whether to give final approval to the Settlement. Likewise, payments to class members will be distributed only if the Court grants final approval of the Settlement and after any appeals are resolved.

I. WHY DID I GET THIS NOTICE PACKAGE?

You or someone in your family may have been admitted to the Jails after being charged with misdemeanors, summary offenses, or other crimes that did not involve the possession or distribution of drugs, possession of weapons, or violent felonies, and who had no history of such charges, and were strip searched upon their admission into one or more of the Jails pursuant to Defendants' then-existing strip search policy, from January 30, 2006 to January 30, 2008 (or January 30, 2005 to January 30, 2008 for Guadalupe County Correctional Facility in Santa Rosa, New Mexico).

You were sent this notice because you have the right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. If the Court approves it, and after any possible objections and appeals are resolved, an administrator appointed by the Court will make the monetary payments that the Settlement allows. You will be informed of the progress of the Settlement. You should understand that the process of Court approval may take a good deal of time.

This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them and how to get them.

The Court in charge of this case is the United States District Court for the Eastern District of Pennsylvania, United States District Judge Jan E. DuBois presiding. The case is called *Allison et al. v. The GEO Group, Inc. et al.*, Case No. 08-CV-0467. The persons who sued are called the Plaintiffs, and the entity they sued called the Defendant. Defendant operated the Jails during all or part of the relevant time period.

II WHAT IS THIS LAWSUIT ABOUT?

Plaintiffs claim in this lawsuit that the Defendant illegally strip searched individuals upon their admission to the Jails who were charged with minor offenses, in violation of the unreasonable search provisions of the United States Constitution. Defendant denies that it did anything wrong, and contends that even if it did do anything wrong, Plaintiffs and the Class Members are not entitled to any money as a result of being strip searched.

III. WHY IS THIS A CLASS ACTION?

In a class action, one or more people, called the Class Representatives (in this case, P. Allison and Z. Hocevar), sue on behalf of all people who have similar claims. All of these people are a Class or Class Members. A class action resolves the issues for all Class Members, except for those who exclude themselves from the Class. United States District Judge Jan E. DuBois is in charge of this class action lawsuit.

IV. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to a Settlement. That way, they avoid the costs and risks of a trial, and the people affected will get compensation. The Class Representatives and their attorneys think the Settlement is best for everyone who is alleged to have been illegally strip searched.

V. HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

Only people who fit the following description are Settlement Class Members:

1. you entered the one of these Jails and you were strip searched (i) during the period of January 30, 2006 to January 30, 2008 for George W. Hill Correctional Facility in Thornton, Pennsylvania; Guadalupe County Correctional Facility in Santa Rosa, New Mexico; Frio County Detention Center in Pearsall, Texas; Dickens County Detention Center in Dickens, Texas; Tri-County Detention Center in Ullin, Illinois; or Newton County Correctional Center in Newton, Texas, or (ii) during the period of January 30, 2005 to January 30, 2008 for Guadalupe County Correctional Facility in Santa Rosa, New Mexico; **AND**
2. you were charged with a misdemeanor; summary offense; traffic infraction; civil commitment or other minor crime; or bench warrant or probation violation where the underlying charge was a misdemeanor, summary offense or other minor crime; **AND**
3. you were admitted with charges that did not include charges of violence, drugs charges, felonies, or weapons charges; **AND**
4. your past criminal history does not include charges of violence, drugs charges, felonies, or weapons charges; **AND**
5. you did not behave in a manner at intake that would give intake officers reasonable suspicion.

The Settlement does not cover individuals who do not fit the above description, does not cover individuals who entered the Jails after being convicted of (as compared to only being charged with) a crime and who were being admitted to serve a sentence for that crime, and does not cover individuals who entered the Jails but was not strip searched as part of the Jails' booking procedure. You are covered under this settlement even if you were later convicted of the charges for which you were admitted.

VI. DO I NEED TO PROVE THAT I WAS STRIP-SEARCHED, AND WHAT DOES THAT MEAN?

In filling out the Claim Form, you will affirm, under penalty of perjury, that you were strip searched during the admission process at one of the Jails. If your name is not contained in Jails' records, you may be asked to provide additional documentation before being allowed to receive a payment from the Settlement.

A strip search occurred if, during the admission process, you were ordered to take off some or all of your clothes by a Jail employee, with that employee watching you undress. Some members of the Class may also have been forced to bend at the waist or manipulate body parts to allow for a visual inspection. If you were searched in this manner when you were booked into the Jail and meet the other eligibility criteria, you are a member of the Class and entitled to make a claim. You will need to provide an affirmation on the Claim Form confirming that one of these strip searches was conducted on you when you entered a Jail.

VIII. HOW DO I KNOW WHETHER THE CRIME FOR WHICH I WAS CHARGED UPON ADMISSION TO THE JAILS QUALIFIES ME FOR INCLUSION IN THE CLASS?

You were placed in the custody of a Jail after being charged with misdemeanors; summary offenses; traffic infractions; civil commitments or other minor crimes; or bench warrants or probation violations where the underlying charge was a misdemeanor, summary offense or other minor crime and did not behave in a manner at intake that would give intake officers reasonable suspicion justifying a strip search. Everyone brought to the Jails pre-adjudication on such minor offenses and strip searched in the absence of reasonable suspicion upon admission during the Class Period is eligible under this Settlement Agreement.

For example, you are eligible under the Settlement Agreement if you were admitted to a Jail subject to a civil commitment. A civil commitment is an order from a non-criminal court, usually the Family Court, committing that individual to a Jail. Individuals admitted to Jail, on a civil commitment, for example, a commitment for failure to pay child support, are members of the Class (provided that you have no prior history of charges for crimes involving violence, drugs, felonies, or weapons).

Similarly, if you were arrested and brought to a Jail for traffic offenses or under traffic warrants, failing to pay fines and contempt, pre-adjudication, you are eligible under the Settlement Agreement. Consequently, if you failed to honor a payment order with a municipal court and were arrested, or failed to appear for a municipal court date and arrested, brought to a Jail and strip searched, you are eligible to receive a settlement payment (provided that you have no prior history of charges for crimes involving violence, drugs, felonies, or weapons).

If you were charged with a crime of violence, drugs charges, felonies, or weapons charges, had a previous arrest on such charges or if you were caught bringing contraband into the Jail, you are not eligible to participate in this Settlement.

IX. HOW CAN I FIND OUT WHAT MY CRIMINAL CHARGES WERE, AND HOW DO I KNOW IF THE CHARGE WAS A MISDEMEANOR OR OTHER VIOLATION?

There are several ways for potential class members to determine the nature of their criminal charges. First, you can review your charging documents, which should reflect your actual charges. If you do not have your charging document and remember the local court where you were prosecuted, the court clerk will be able to help you find these documents.

If you need additional help determining whether you are a class member, or of you have other questions, you can contact the Settlement Administrator at 1-877-234-4512.

You can still make a claim if you do not remember your criminal charges if you believe you are a member of the Class, but you may be asked for additional information.

X. I PLED GUILTY TO MY CHARGES AFTER I WAS ADMITTED. HOW DOES THIS AFFECT MY RIGHT TO PARTICIPATE IN THE SETTLEMENT?

If you were admitted to a Jail solely on non-felony or other minor charges, as defined above, you can participate in the Settlement regardless of how you resolved your criminal charges, including if you later pled guilty to those charges. This is provided that you were admitted to a Jail during the Class Period before being sentenced by a court. For most Class Members, this would mean that they were committed to a Jail after they were arraigned before a Judge. If you were sentenced before admission to a Jail (meaning you were committed after pleading guilty or being convicted at trial), you are not a Class Member.

XI. WHAT IF I WAS ADMITTED TO A JAIL ON MORE THAN ONE OCCASION DURING THE CLASS PERIOD? CAN I STILL PARTICIPATE IN THE SETTLEMENT?

Yes. Individuals who were admitted to a Jail on more than one occasion during the class period can be members of the class and can recover money. They can only recover one payment, however, meaning that you will not be provided with extra payments if you were admitted to a Jail and strip searched more than one time.

XII. I AM STILL NOT SURE IF I AM INCLUDED.

If you are still not sure if you are included, you can ask for help. You can call 1-877-234-4512 and the Settlement Administrator or Class Counsel at 1-610-642-8500, who may help answer your questions. For more information, you can also visit the website, www.multistatestripsearchsettlement.com, or you can just fill out the Claim Form and return it to the Settlement Administrator to see if you qualify.

THE SETTLEMENT BENEFITS: WHAT YOU GET

XIII. WHAT DOES THE SETTLEMENT PROVIDE?

Defendant has agreed to pay \$2,999,000.00 (Two Million Nine Hundred Ninety-Nine Thousand Dollars) to resolve this Litigation. The money will be used to: 1) compensate Class Members who have been illegally strip searched; 2) pay for notifying Class Members and administering the Settlement; 3) pay incentive awards of \$2,500.00 each to the named Plaintiffs P. Allison and Z. Hocevar; and 4) pay attorneys' fees and expenses. In addition, the Defendant has agreed to revise its allegedly unlawful strip search policy going forward, and has agreed to an injunction to ensure that detainees being admitted to the Jails are only strip searched where there is reasonable suspicion to justify the search.

A complete description of the Settlement is provided in the Settlement Agreement. You can get a copy of the Settlement Agreement by visiting www.multistatestripsearchsettlement.com or by calling 1-877-234-4512.

XIV. WHAT CAN I GET FROM THE SETTLEMENT?

Members of the Class can receive payments of up to \$400.00 each. The exact amount will depend on how many claims are received by the Claims Administrator during the claims period, and are subject to change based on the number of claims received. No amount is guaranteed. Defendant has agreed to revise its strip search policy going forward to ensure that reasonable suspicion is present for strip searches.

HOW YOU GET A PAYMENT - SUBMITTING A CLAIM FORM

XV. HOW CAN I GET A PAYMENT?

To qualify for a payment, you **MUST** send in a Claim Form. A Claim Form is enclosed with this Notice. You can also get a claim form on the Internet at www.multistatestripsearchsettlement.com. Read the instructions carefully, fill out the form, sign it, and mail it postmarked no later than **September 14, 2010**.

You may be asked for additional documents, and will be contacted in writing. You may want to send in your claim form by Certified Mail, Return Receipt Requested, to ensure that it is received by the Settlement Administrator.

XVI. WHEN WOULD I GET MY PAYMENT?

The Court will hold a hearing on **October 1, 2010** to decide whether to approve the Settlement. If Judge DuBois approves the Settlement, there may be appeals. It is always uncertain whether those appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

XVII. WHAT AM I GIVING UP TO GET A PAYMENT OR STAY IN THE CLASS?

Unless you exclude yourself, you are staying in the Class, and that means you can't sue, continue to sue, or be part of any other lawsuit against the Defendants, their employees, or associated elected officials about the legal issues in *this* case (*i.e.*, allegedly unconstitutional strip searches). It also means that all the Court's orders will apply to you and legally bind you. If you sign the Claim Form, you will agree to release all claims that you have relating to having been strip searched.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from this Settlement, but you want to keep the right to sue or continue to sue the Defendants on your own about the legal issues in this case, then you must take steps to preserve these rights. This is called excluding yourself – or is sometimes referred to as “opting out” of the Class.

XVIII. HOW DO I GET OUT OF THE SETTLEMENT?

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from *Allison, et al. v. The GEO Group, Inc. et al.*. Be sure to include your name, address, telephone number and your signature. You must mail your exclusion request so that it is postmarked no later than **July 1, 2010** to Allison v. The GEO Group Settlement, c/o Gilardi & Co. LLC, P.O. Box 8090, San Rafael CA 94912-8090. This is a different address than the Claim Form address.

You can't exclude yourself on the phone or by email. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) the Defendants in the future.

XIX. IF I DO NOT EXCLUDE MYSELF, CAN I SUE THE GEO GROUP FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue the Defendants for the claims that this Settlement involves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* class action to continue your own lawsuit. Remember, you must mail your exclusion request so that it is postmarked no later than **July 1, 2010** to Allison v. The GEO Group Settlement, c/o Gilardi & Co. LLC, P.O. Box 8090, San Rafael CA 94912-8090. This is a different address than the Claim Form address.

XX. IF I EXCLUDE MYSELF, CAN I GET MONEY FROM THE SETTLEMENT?

No. If you exclude yourself, do not send in a Claim Form to ask for money. But, you may sue, continue to sue, or be part of a different lawsuit against the Defendants.

THE LAWYERS AND INDIVIDUALS REPRESENTING YOU

XXI. DO I HAVE A LAWYER IN THIS CASE?

The Court approved Chimicles & Tikellis LLP to represent you and other Class Members. Together, these lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

XXII. HOW WILL THE LAWYERS AND THE CLASS REPRESENTATIVES BE PAID?

Class Counsel will ask the Court for attorneys’ fees and expenses as a percentage of the \$2,999,000.00 (Two Million Nine Hundred Ninety-Nine Thousand Dollars) settlement, and a payment of \$2,500.00 (Two Thousand Five Hundred Dollars) each for Class Representatives Penny Allison and Zoran Hocevar. The Settlement Agreement provides that up to 30% of the Settlement Fund will be paid to Class Counsel as an award of attorneys’ fees and costs. These amounts will be deducted from the Settlement Fund before payments are made to Class Members. The costs of administering the Settlement, which are estimated at \$100,000.00, will also be deducted from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

XXIII. HOW DO I TELL THE COURT THAT I DO NOT LIKE THE SETTLEMENT?

If you are a Class Member, you can object to the Settlement if you don’t like any part of it. You can give objections why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to *Allison et al. v. The GEO Group, Inc. et al.*, Case No. 08-CV-0467. Be sure to include your name, address, telephone number, your signature, and the reasons why you object to this Settlement and the case number. Mail the objection to these four different places postmarked no later than **July 1, 2010**.

<p>COURT U.S. District Court for the Eastern District of Pennsylvania Office of the Clerk of Court James A. Byrne Federal Courthouse 601 Market Street, Room 2609 Philadelphia, PA 19106-1797</p>	<p>CLASS ADMINISTRATOR Allison v. The GEO Group Settlement c/o Gilardi & Co. LLC P.O. Box 8090 San Rafael CA 94912-8090</p>
<p>CLASS COUNSEL CHIMICLES & TIKELLIS LLP One Haverford Center 361 W. Lancaster Ave Haverford, PA 19041 610.642.8500</p>	<p>DEFENSE COUNSEL Carolyn P. Short REED SMITH LLP 2500 One Liberty Place 1650 Market Street Philadelphia, PA 19103</p>

XXIV. WHAT IS THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING MYSELF?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be a part of the Class. If you exclude yourself, you have no basis to object because the settlement no longer affects you.