

# woman sues city over strip search

by Cynthia Laird

**A** woman is suing the city and the San Francisco Sheriff's Department as a result of what she says was an unlawful strip search following a June 1996 arrest. Settlement talks between the two sides have been unsuccessful and the case is scheduled for an April 12 jury trial in United States District Court in San Francisco.

Plaintiff Victoria Schneider alleges she endured a "humiliating" strip search after she was initially booked into county jail as a male, following her arrest on a solicitation charge the night of June 13; minutes later the booking classification was changed to female. Throughout the incident, Schneider protested being listed as a male and said records would confirm her gender as female.

Schneider is suing the city for unspecified damages, and alleges she was strip searched in violation of federal and state law.

"I consider what they did as rape," Schneider told the *Bay Area Reporter* in an interview Monday, March 29. "They forced me to take my clothes off."

In court documents, Schneider said her requests that deputies check her gender on a computer database were ignored. Schneider, whose last gender reassignment surgeries were performed in 1992, had previously taken copies of her birth certificate and other documents to sheriff's department personnel following a 1993 incident in which she was placed in a male holding cell and then strip searched. The court records state that she went to legal administrators in the sheriff's department to learn what documentation she needed to provide to avoid a similar incident.

"When I went to file that, they said that this was going to eliminate any further hassles. I trusted them, it was the legal department," Schneider said.

Schneider, who's being represented by attorneys Nanci Clarence,



Jane Philomen Cleland

Plaintiff Victoria Schneider

Karen Snell, and Kate Stoia of the Clarence & Snell law firm, told the B.A.R. that she has endured intrusive questioning by deputy city attorneys and fears an attempt will be made in court to discredit her testimony because of who she is. The two sides have been far apart in settlement talks. Schneider said the city's strategy has been that no one remembered the incident, then they moved to arguing what they did was justified. Now, they're saying the incident didn't happen and Schneider is lying.

"They've asked questions such as whether I've been a female all my life and my transition issues," Schneider said.

Additionally, Schneider maintains the jail medic medically cleared her. During his deposition, longtime medic Mike Fowler testified that in June 1996 his evaluation of Schneider showed "no signs or symptoms of drug addiction." His report also describes Schneider as a female.

## Switching tactics

In court papers, the city's original defense strategy appeared to be to argue that the sheriff's department did have cause to strip search Schneider because its policy, in part, is to strip search people who are detained and who have a criminal history involving drugs, weapons, or violence. Schneider did have a 1995 drug case on her state record, although she successfully completed diversion and all

criminal charges were dismissed.

Schneider, however, stated that according to the computer print-out of her statewide record that was subpoenaed by her attorneys, no inquiry was made into the state system on the evening of her arrest and strip search. That discovery has resulted in the city switching tactics and now the city claims it never occurred and that Schneider is histrionic about gender issues.

Eileen Hirst, chief of staff to Sheriff Mike Hennessey, told the B.A.R. that the department's strip search policy is that arrestees can be subject to such a search if charged with a crime involving drugs, weapons, or violence; if detainees have a recent criminal history involving drugs or weapons; or where there's appropriate custodial reason to do so. She declined further comment on the case, as did Deputy City Attorney Monica Wiley, who's defending the city.

Schneider is no longer working as a prostitute and has a job doing HIV outreach through the University of California, San Francisco. She said that if successful her case would help other women who endure strip searches. "Women are the only ones stripped," she said. "Men are padded and they [officers] use wands." She also hopes that if successful, personnel in the sheriff's department will receive sensitivity training on transgender issues. ▼