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EXAMINER PHOTOS BY PENNI GLADSTONE

# Strip search for gender check

Prostitute files claim, saying privacy was invaded when cops made her prove womanhood

By Leslie Goldberg  
OF THE EXAMINER STAFF

Her face is feminine, but her large hands and long, lanky body were enough to confuse a San Francisco vice officer who classified prostitute Victoria Schneider as an "M" — for male — on a police report, causing sheriff's deputies to allegedly attempt to place her in a holding cell for male prisoners.

The deputies responded to Schneider's protests that she was a woman by strip-searching her, she contends.

As a result, Schneider has filed a claim against The City charging invasion of privacy, severe emotional distress and violation of civil rights over the arrest last June 13. No dollar amount for damages has

been specified.

During her arrest, Schneider said, she was ordered to remove her clothes and was searched by a female deputy from the San Francisco Sheriff's Department. Afterward, she heard deputies joking about her, she added. She eventually was placed among female prisoners.

"I was embarrassed and disgusted with the criminal justice system," Schneider said in an interview at the office of her attorney, Karen Snell. "Women on the streets have rights. We're doing a crime, but the police are doing a crime too. It's going to cost The City a lot of money if they let this continue."

Schneider, 45, denied that she is transsexual or has had a sex-change operation. "I'm a woman," the 5-foot-11 prostitute declared.

Her attorney, Snell, said she found the question "irrelevant," noting: "As far as I'm concerned, if somebody says they're a woman, they're a woman."

Both Lt. Joe Dutto, who heads the Police Department's vice squad, and Eileen Hirst, a spokes-

woman for the Sheriff's Department, declined comment on the case.

Strip searches of misdemeanor defendants are permissible only when drugs or weapons possession is suspected, said Donald Van Blaricom, a former police chief and police expert based in Bellevue, Wash. "There's no justification for it, unless there's reasonable suspicion of contraband," he said.

John Crew, director of the American Civil Liberties Union's Police Practices Project, concurred: "It's a violation of California state law to use a strip search to verify gender."

Schneider, who has been arrested many times for prostitution in the Tenderloin, asserted that she has been strip-searched repeatedly, although her record indicates that she is a woman. On numerous occasions, she said, sheriff's deputies also have placed her in a special cell for transgender persons despite her protests. She was not placed in the transgender cell last June.

In 1993, Schneider filed a similar complaint against The City charging that sheriff's deputies had



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— Victoria Schneider

violated her civil rights when they strip-searched her. She said that that complaint was dismissed because of insufficient evidence.