

Prostitute gets damages after S.F. cops' strip search

**\$755,000 award;
deputy who gave
order in 1996
fined \$5,000**

By David Kligman
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A prostitute who was strip searched by San Francisco sheriff's deputies to confirm her gender has been awarded \$755,000 in damages.

A seven-member U.S. District Court jury awarded Victoria Schneider \$750,000 for emotional pain and suffering on Friday for the strip search at the County Jail on June 13, 1996. The panel completed its verdict Monday by imposing \$5,000 in punitive damages against Deputy Fred Lew for ordering the search.

Schneider said the strip search was unnecessary because deputies at the same jail had searched her before, after a 1993 arrest, and determined she was a woman. She said she implored them to look up

their records but they refused in 1996.

After the verdict, Schneider told the jury that it was "life transforming" that they believed her.

"I find it personally outrageous that The City has taken the litigation strategy they have, which is to attack the victim," plaintiff's attorney Nanci Clarence said.

'Picked on the wrong woman'

"It's despicable what they've done," she added. "They've taken a vulnerable and weak person and put her through the litigation mill with the hopes that she would just tire out. They picked on the wrong woman."

Assistant City Attorney Monica Wiley, who represented the sheriff's department, did not return a phone message.

Schneider was brought to the jail after being arrested for investigation of prostitution, although she was never charged.

Initially booked as a male, she protested, saying she is a woman and she feared for her safety if placed into a cell with men. She also asked jailers to check the de-

partment's computer database, which listed her as female.

Plaintiff's attorneys claimed that jailers refused to look up their records on Schneider, who was also arrested on suspicion of prostitution in 1993.

According to court records, Schneider cried as a female deputy led her into a room, inspected her genitals and told her to bend over and cough. City employees and other detainees laughed and jeered her as she returned to the booking area, Schneider said.

Under Sheriff Michael Hennessey's orders, jailers are to house men and women separately.

Against department policy

Strip searching a suspect to determine gender is a violation of the person's constitutional rights and is against department policy, Hennessey has said.

According to a federal appeals court decision, a strip search may be performed only when an officer has a reasonable suspicion that someone arrested is concealing contraband, plaintiff's attorneys said.

Prostitution arrests are not the kind of offenses that should generate a strip search, Clarence said. If jailers suspected she was carrying drugs or weapons, then a female medic should have searched her, she said.

She said that she is confident the awards will withstand any appeals, and that Schneider hopes to use the money to start a job training program for homeless women.