

## Strip search suit

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but added that it's "premature for that to be considered."

Clarence said that as a taxpayer, she doesn't want the city to pay Lew's fine, adding that the city "would be ratifying his misconduct" if it pays the judgment for him. "Why should the taxpayers pay for that?"

### Anguished testimony

Last Thursday, Schneider took the witness stand and was emotional as she told the jury about the events of June 13, 1996, when she was arrested by San Francisco Police Officer Robert Porter on a solicitation charge. Schneider was then transported to the county jail where deputies were confused about her gender. Porter had initially written "M" for male on Schneider's field arrest card even though Schneider insisted she was female. The card was later changed with the "M" crossed out and "F" for female written in.

Schneider said her pleas to deputies at the jail to check a computer database that would confirm she's a female were ignored and that she was strip searched by a female deputy after Lew booked her into jail as a male. Schneider told the jury that the female deputy, who she could not identify other than to say the deputy was wearing the distinctive green uniform of the sheriff's department, took her into a room off the hallway and told her to strip.

"The deputy asked me for my wig," Schneider testified, adding that she was ordered to spread her legs, spread her buttocks, and spread her vagina. She was forced to remove her dental plates, which she had to place on a dirty table. After the strip search, Schneider was told to dress and given her dental plates back, but the deputy kept Schneider's wig.

On direct examination, Schneider was asked by Clarence why she wanted her wig back. "I felt embarrassed, my hair is not very attractive, and I didn't want to go back [to the holding area] without it."

Clarence displayed an enlarged photo taken of Schneider without her wig to the jury as she asked more questions, and Schneider became more emotional, finally breaking into tears. "The women

who were there [in the booking area] before, they saw me coming and started laughing. They saw I was different. I didn't have any hair. All the deputies were looking over at me, laughing because I looked different than I looked before. I didn't have my hair on. I was so scared. I was crying.

"I felt my rights were violated and I felt humiliated," Schneider testified.

The sheriff department's policy on strip searches, according to Eileen Hirst, chief of staff to Sheriff Mike Hennessey, is that they are performed on arrestees if they are charged with a crime involving drugs, weapons, or violence; if detainees have a recent criminal history involving drugs or weapons; or where there's an appropriate custodial reason to do so.

In court documents, longtime jail medic Mike Fowler testified that in June 1996, his evaluation of Schneider showed "no symptoms" of drug addiction.

In court documents and during the trial, Schneider, whose last gender reassignment surgeries were performed in 1992, said she 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. Schneider said she talked with Hirst to ask what she needed to do to avoid a similar incident. Following that conversation, Schneider took the documents to the Hall of Justice.

During the defense portion of the trial, a deposition from Hirst was read during which Hirst stated she had a "vague recollection" of receiving a phone call from Schneider, however, Hirst stated that she could not envision telling Schneider to take documents to the Hall of Justice. Asked if it was possible she received a call from Schneider, Hirst replied, "Anything is possible."

The jury also heard from Porter, the arresting officer, who admitted on cross examination that he repeatedly referred to Schneider as a male during his deposition, even after he was advised by his attorney to refer to her as a female.

Schneider is no longer working as a prostitute and has a job doing HIV outreach through the University of California, San Francisco. ▼