

1 [Supporting California State Senate Bill No. 233 (Wiener) - Immunity From Arrest]

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3 **Resolution supporting California State Senate Bill No. 233, authored by Senator Scott**
4 **Wiener and co-authored by Assembly Members Bill Quirk and Laura Friedman,**
5 **establishing protections for sex workers when reporting a crime and preventing**
6 **condoms from being used as probable cause to arrest those suspected of sex work.**
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8 WHEREAS, The passage of the Stop Enabling Sex Traffickers Act and Allow States
9 and Victims to Fight Online Sex Trafficking Act (SESTA-FOSTA) led to the closure of websites
10 and online platforms that were once used by people engaging in sex work to screen clients,
11 share knowledge, and report bad behavior, putting them at greater risk of violence, sex
12 trafficking, and other forms of abuse; and

13 WHEREAS, Sex workers have a well-founded fear of arrest or harassment by police
14 officers and this fear prevents them from reporting crimes; and

15 WHEREAS, Those most impacted by violence against sex workers are predominantly
16 women, and women of color, transgender women, the poor, and immigrants are even more
17 disproportionately impacted by this violence; and

18 WHEREAS, Using the number of condoms a person is carrying as probable cause to
19 arrest those suspected of sex work is bad public health policy as it discourages sex workers
20 from practicing safer sex and contributes to the spread of HIV and other sexually transmitted
21 infections; and

22 WHEREAS, Using the number of condoms a person is carrying as probable cause to
23 arrest those suspected of sex work is also bad public safety policy as it discourages those
24 carrying multiple condoms from reporting crimes or otherwise cooperating with law
25 enforcement and puts them at risk for wrongful arrest; and

1 WHEREAS, The Human Rights Commission (HRC) and the Department on the Status
2 of Women (DOSW) alongside community groups like St. James Infirmary worked to change
3 policies regarding sex workers resulting in a first-of-its-kind department-wide bulletin being
4 issued by the San Francisco Police Department (SFPD) in 2017 stating not only that sex
5 workers reporting serious crimes would not face arrest, but that any officer misconduct against
6 sex workers, including retaliation, coercion or coercive intimate acts, is subject to disciplinary
7 and/or criminal action; and

8 WHEREAS, California State Senator Scott Wiener introduced a Senate Bill No. 233
9 (SB233) protecting sex-workers reporting a crime from arrest, harassment, or coercion; and

10 WHEREAS, SB233 also prevents the number of condoms an individual carries as
11 being used as evidence of prostitution and probable cause for arrest; now, therefore, be it

12 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
13 gives its full endorsement of SB233; and, be it

14 FURTHER RESOLVED, The San Francisco Board of Supervisors hereby directs the
15 Clerk of the Board to send a copy of the Resolution to the State Legislature.

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