

ENFORCEMENT OF LAWS RELATED TO PROSTITUTION AND SEX WORKERS

Prostitution is unlawful under the California Penal Code and the San Francisco Police Code.

In 1994, San Francisco's Board of Supervisors established a Task Force on Prostitution (the "Task Force") to explore options for revising prostitution laws, social services and the City's law enforcement practices. The Task Force included representatives from the Mayor's Office, neighborhood groups, law enforcement agencies, public health agencies, social service agencies, various other City departments, women's rights advocates and immigrant and prostitute rights groups. In 1996, the Task Force released a report recommending that, "City departments stop enforcing and prosecuting prostitution crimes. . . . [and] that the departments instead focus on the quality of life infractions about which neighborhoods complain and redirect funds from prosecution, public defense, court time, legal system overhead and incarceration towards services and alternatives for needy constituencies."

To date, the City has implemented some of the Task Force's recommendations. In 2003, the City adopted an ordinance transferring the licensing and regulation of massage parlors and practitioners from the Police Department to the Department of Public Health ("DPH"). In 2006, DPH adopted another recommendation by establishing an anonymous telephone message line for sex workers to share concerns about their working conditions.

In 1995, the First Offender Prostitution Program was established by the non-profit organization Standing Against Global Exploitation (SAGE, Inc.) in cooperation with the San Francisco District Attorney's office. In 1998, the City adopted an ordinance allowing the District Attorney to collect an administrative fee from individuals arrested for violating prostitution laws. The City uses these fees to fund services under the First Offender Prostitution Program.

This measure would require the Police Department and the District Attorney to practice consistent and rigorous enforcement of laws against coercion, extortion, battery, rape and other violent crimes, regardless of the victim's status as a sex worker, and to practice full disclosure in investigating and prosecuting charges of such offences against sex workers, exotic dancers or erotic service providers.

The measure would prohibit the Police Department from allocating City resources to investigate and prosecute prostitution and from applying for or receiving federal and state funds that involve racial profiling to target alleged trafficked victims. Instead, the Police Department would be required to redirect such funds toward implementing the Task Force's recommendations.

This measure would also prohibit the City from funding or otherwise supporting the First Offender Prostitution Program, including the assessment and collection of fees to support the program.

The measure states that it would be effective January 1, 2007.

The measure would allow the Board of Supervisors to amend its terms by a two-thirds vote upon making findings that the amendment is in furtherance of reducing the criminalization and violence against sex workers.

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DEPARTMENT OF ELECTIONS

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