Resolution supporting California State Senate Bill No. 233, authored by Senator Scott Wiener and co-authored by Assembly Members Bill Quirk and Laura Friedman, establishing protections for sex workers when reporting a crime and preventing condoms from being used as probable cause to arrest those suspected of sex work.

WHEREAS, The passage of the Stop Enabling Sex Traffickers Act and Allow States and Victims to Fight Online Sex Trafficking Act (SESTA-FOSTA) led to the closure of websites and online platforms that were once used by people engaging in sex work to screen clients, share knowledge, and report bad behavior, putting them at greater risk of violence, sex trafficking, and other forms of abuse; and

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

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

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

WHEREAS, Using the number of condoms a person is carrying as probable cause to arrest those suspected of sex work is also bad public safety policy as it discourages those carrying multiple condoms from reporting crimes or otherwise cooperating with law enforcement and puts them at risk for wrongful arrest; and
WHEREAS, The Human Rights Commission (HRC) and the Department on the Status of Women (DOSW) alongside community groups like St. James Infirmary worked to change policies regarding sex workers resulting in a first-of-its-kind department-wide bulletin being issued by the San Francisco Police Department (SFPD) in 2017 stating not only that sex workers reporting serious crimes would not face arrest, but that any officer misconduct against sex workers, including retaliation, coercion or coercive intimate acts, is subject to disciplinary and/or criminal action; and

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

WHEREAS, SB233 also prevents the number of condoms an individual carries as being used as evidence of prostitution and probable cause for arrest; now, therefore, be it RESOLVED, That the Board of Supervisors of the City and County of San Francisco gives its full endorsement of SB233; and, be it

FURTHER RESOLVED, The San Francisco Board of Supervisors hereby directs the Clerk of the Board to send a copy of the Resolution to the State Legislature.
Resolution supporting California State Senate Bill No. 233, authored by Senator Scott Wiener and co-authored by Assembly Members Bill Quirk and Laura Friedman, establishing protections for sex workers when reporting a crime and preventing condoms from being used as probable cause to arrest those suspected of sex work.

February 26, 2019 Board of Supervisors - ADOPTED
Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 2/26/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board