

Yes on K
Committee United for Safety and Protection

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FPPC # 1304971

- The First Offender Prostitution Program is a scheme operated by District Attorney. The police get paid time and a half to make prostitution arrests. *
- This results in trafficking offenders through the DA's diversion program where mandated fines are up to a \$1000 to attend a shame bases sex negative program.*
- The fees collected by the DA's office are split between the DA, the SFPD and the non profit that operates the FOPP.
- This is called profiting off the criminalization of prostitution.
- People who aren't US citizens can and have been deported for being arrested for prostitution.
- The FOPP is slate for an audit by the budget analyst as mandated by the Board of Supervisors.*
- The District Attorney's Office was found in violation of the Sunshine Ordinance Task Force for not turning over information about the FOPP in Oct. 2007.
- Item # 13 of the MOU is the source of hate speech that promotes negative stigma and discrimination against prostitutes and those involved in prostitution.

**MOU between SFPD and SFDA*

**Motion # 080234*

[*Evaluation of the First Offender Prostitution Program](#)

In a review conducted of the March 2008 [Evaluation of the First Offender Prostitution Program](#): found a major methodological flaw in the report in that it failed to provide a comparison of how recidivism among FOPP participants compare to those who were simply arrested (with no FOPP)? Only by making such a comparison would it be possible to prove whether FOPP is more or less effective.

The women who are arrested for working face much longer and more tedious processes of (but not exclusively) jail, time in court, and mandated social service programming in and out of custody.

Although the report notes that participation in the FOPP declined (p.iii, summary), and the study noted that this might be because clients are seeking sex workers' services elsewhere, the study fails to consider this fact more fully: indeed, FOPP might reduce recidivism, but this does not mean the same clients have stopped purchasing sexual services.

Moreover, an evaluation of the FOPP needs to consider more fully the value of using law enforcement resources to enforce laws criminalizing the activities of consenting adults: do the police are being paid to fill a classroom.

Furthermore, what is the value of the course, anyway, if there is no formal evaluation or follow up with them men (see p.iv)? Most indicative of this is the acknowledgment in the report (see p.v) that while the program might provide information, it does little to encourage behavior-change skills development, raising questions of whether this program is really simply a PR opportunity.

The author(s) shown below used Federal funds provided by the U.S.Department of Justice and prepared the following final report: Document Title: Final Report on the [Evaluation of the First Offender Prostitution Program](#):

Report Summary Author: Michael Shively, Ph.D.; Sarah Kuck Jalbert; Ryan Kling ; William Rhodes, Ph.D.; Peter Finn; Chris Flygare; Laura Tierney; Dana Hunt, Ph.D.; David Squires ; Christina Dyous ; Kristin Wheeler

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Samantha Majia

Additional review by sex worker and rights advocates notes that SAGE tries to present the image that they're just trying to encourage these "johns" to be sensitive toward sex workers and educate them about the horrors that sex workers experience in our lives. However based on the MOU and the Evaluation by the DOJ it is clear that there are ulterior motives and that they promote moral panics and create "sex worker phobia." The Appendices note the evaluation handouts given at the end of each John School class ask questions like: "Are you more or less likely to go to a prostitute in the future knowing you have a possibility of being... robbed by a prostitute... beat up by a prostitute... murdered by a prostitute... infected with HIV and other STDs... knowing that prostitutes are victimized by the men that have sex with them... prostitutes are often victims of rape... and assault... that prostitutes are often drug addicts... knowing businesses loses customers in prostitution area...".

Despite the Claims by SAGE's and the DA's and the SFPD's that arresting clients and sending them to "john's school's" where they tell them that they will get robbed, murdered, or catch STD's if they continue seeing sex workers does nothing to benefit sex workers or promote our health, safety, rights, and well-being of sex workers. This contradicts mission statements that claims to want to help sex workers.

Legal Review of the Diversion Programs and the FOPP

<http://www.sfls.edu/pubs.htm>

According to Mr. Geoffrey Brown was elected Public Defender of San Francisco, was the Commissioner of the California Public Utilities Commission and is currently Dean of JFK Law School:

Most individuals arrested or cited for prostitution readily sign up for the program.⁷⁹ The program spares the embarrassment of public exposure of a prostitution charge as well as the cost of legal counsel. However, most persons arrested or cited for prostitution do not have lawyers to advise them about their case.⁸⁰ As first-time offenders, they are also likely to be particularly anxious about the potential outcome of the case. The danger is that individuals with defensible cases will readily accept the alternative program when it is offered rather than contest the charge. When that happens, the quality of law enforcement suffers.

...police know that a case will never be contested in court, the incentive to adequately investigate the case before an arrest is made is tempered. For that reason, a prosecutor has to be especially vigilant in weeding out unsupportable cases and not refer suspects to the John School merely because there has been an arrest or citation. Without this prosecutorial

vigilance, police will be conferred enormous arbitrary power to harass or embarrass any individuals they want.

While a prosecutor's vigilance is an essential check against potential police abuse in a pre-arraignment alternative like the "John" program, it has certain limitations. For one thing, the prosecutor in most instances makes a charging decision on the basis of a police report. If the officer has exaggerated or lied about the circumstances of the case, the prosecutor has neither the time nor the resources to independently investigate the case.

Second, the prosecutor exercises complete discretion without virtually any public accountability. He or she screens cases and decides whether to refer them to a pre-arraignment alternative. The decision to discharge a case and not prosecute or send a letter offering enrollment in the John School occurs in the secrecy of the District Attorney's Office. It would be difficult for a member of the public to find out if unprovable cases are being sent to an alternative program.