

Supervisors could amend this ordinance under certain circumstances without voter approval.

Be it ordained by the people of the City and County of San Francisco:

Section 1. Findings

The people of the City and County of San Francisco hereby find and declare:

The San Francisco Task Force on Prostitution was created by the Board of Supervisors in 1996.

According to 1996 statistics compiled by the San Francisco Task Force on Prostitution, the city allocated \$7.6 million annually to law enforcement officials to prosecute prostitution related cases. In 2007, the Budget Analyst's Office estimates that amount to be 11.4 million.

The police department has applied and received additional federal monies in the form of federal grants to racially profile prostitutes for investigation and/or arrest under the guise of rescuing trafficked victims.

The police department targets massage parlor workers and management in numerous sting operations, which result in the loss of economic independence for those workers.

The police department utilizes those same targeted businesses as a means of entertainment for its ranks, as demonstrated in the Bayview Station police videos, made public in December, 2005. This demonstrates a lack of respect for their human dignity, freedom of choice, and labor rights.

The San Francisco police department and the San Francisco District Attorneys office has completely ignored dancers in dance clubs who have made written and tape recorded statements on prostitution, sexual assault, rape, and extortion in the form of the 'pay everyday to work' program.

The San Francisco District Attorneys Office has demonstrated unequal prosecution of the laws regarding prostitution related activity, in that street-based, home-based, massage parlor and out call escort workers are prosecuted to the full extent of the law leading to either the issuance of citations or arrest, yet dance clubs workers and managers are not prosecuted within the full extent of the law when issued citations or arrested. This policy reflects the long standing "Cronyism" between dance club owner/operators and key decision makers.

Article XI of the California Constitution provides Charter created counties with "home rule" powers, allowing counties to enact laws that exclusively apply to residents within their borders, even when such a law conflicts with state law or when state law is silent. San Francisco adopted its most recent comprehensive Charter revision in 1996.

Section 2. Requiring the San Francisco Police Department and San Francisco County Office of the District Attorney to enforce existing laws regardless of the victim's sex worker status.

The San Francisco Police Department, the Office of the District Attorney, and associated law enforcement agencies shall be required to practice consistent and rigorous enforcement against

coercion, extortion, battery, rape and other violent crimes, regardless of the victim's status as a sex worker.

The San Francisco Police Department and the Office of the District Attorney shall be required to practice full disclosure in the investigation and prosecution of charges of rape, extortion, sexual assault, and battery against sex workers, exotic dancers or erotic service providers.

Section 3. Requiring the San Francisco Police Department to not use public resources for the purpose of depriving another group of workers their right to negotiate for fair wages and work conditions, regardless of their status as sex workers.

Law enforcement agencies shall not allocate any resources for the investigation and prosecution of prostitutes for prostitution.

San Francisco's law enforcement agencies shall not apply, nor receive federal and state monies that institute racial profiling as a means of targeting alleged trafficked victims under the guise of enforcing the abatement of prostitution laws. Those funds shall instead be reallocated toward the implementation of the recommendations of the San Francisco Board of Supervisors' 1996 San Francisco Task Force on Prostitution Report and Human Rights Commission, which address the issue, and recommend policies to reduce, institutional violence and discrimination against prostitutes.

Section 4. Prostitution Shall Be Decriminalized.

The San Francisco Police Department, San Francisco County Office of the District Attorney, the SAGE Project, Inc., nor any other agency of the City and County of San Francisco or their designates, shall not subject sex-workers to life long economic discrimination associated with having a criminal record. The City and County of San Francisco shall not support either economically or through legislation the "First Offenders" program or any similar intentioned program that forces sex workers into re-education programs. Furthermore, the City and County of San Francisco, its agencies, departments, representatives and their designates shall not profit from the criminalization of prostitution, or from anti-prostitution programs such as the "First Offender" program where costs are assessed and collected, then split by the participating agencies.

Section 5. Effective Date.

This ordinance shall become effective on January 1, 2009

Section 6. Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application. To this end, the provisions of this ordinance shall be deemed severable.

Section 7. Amendment.

By a two-thirds vote and upon making findings, the Board of Supervisors may amend this ordinance in the furtherance of reducing the criminalization and violence against sex-workers.

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, 2009.

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.