



March 5, 2024

Assembly Committee on Public Safety  
California State Assembly  
1020 N Street, Room 111  
Sacramento, CA 95814

**Re: AB 2646 – Oppose**

To the Assembly Committee on Public Safety:

The Woodhull Freedom Foundation writes to you today in opposition to AB 2646 (Ta), which would reinstate the misdemeanor of loitering with intent to commit prostitution (previously Penal Code section 653.22). As a national human rights organization, we urge you to honor the most fundamental human rights of those in your communities. There is no carve out for specific behaviors when we are honoring human rights, rights that are everyone's simply by virtue of their being human.

While we share the goals of improving community safety and ending human trafficking, this bill will accomplish neither of those goals. Instead, reinstating the misdemeanor of loitering with intent to commit prostitution will harm survivors of trafficking by adding further trauma to their experience and leaving them with criminal records that hinder their ability to develop safe and independent survival systems. Further, AB 2646 will allow law enforcement to engage in discriminatory policing that targets women of color, immigrants, and members of the transgender community.

In 2011, we traveled to Geneva for the first Universal Periodic Review of Human Rights in the United States. For the first time ever, the U.S. Federal Government officially condemned violence and discrimination against sex workers! Working with our allies, we called on the US to accept Recommendation 86, which called on the US to look into the special vulnerability of sex workers to violence and human rights abuses. We were successful, and in the report released to the United Nations, the U.S. states, "We agree that no one should face violence or discrimination in access to public services based on sexual orientation or their status as a person in prostitution, as recommendation [#86] suggests". AB 2646 would make the lives of sex workers and human trafficking survivors more dangerous and is a direct contradiction to the human rights of California's citizens.

Evidence shows that Penal Code section 653.22 was not effective in helping survivors of human trafficking before it was repealed. Data from the San Diego Police Department shows that Penal Code section 653.22 was not used to address human trafficking. In fact, it was barely used at all. In 2021, the San Diego Police Department only arrested eight people for violating Penal Code section 653.22. Between 2019 and 2021, they arrested 24 people for violating that law<sup>1</sup>. Oakland Police Department's police stop data for 2022 gave little indication that stops for section 653.22 resulted in support for trafficking survivors, given the vast majority of stops led to arrests<sup>2</sup>.

Instead, Penal Code section 653.22 harmed survivors of trafficking by criminalizing them and making them vulnerable to the long-term adverse effects of arrest and incarceration, including barriers to seeking employment, housing, or immigration relief. Trafficking survivors are better able to receive support and escape abusive and harmful situations without an arrest record. The Federal Bureau of Justice Assistance, which funds anti-trafficking task forces, prohibits the

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<sup>1</sup> [RIPA Stop Data from San Diego Police Department](#) Accessed on 10/21/2022

<sup>2</sup> [RIPA Stop Data from Oakland Police Department](#) Accessed on 10/21/2022



use of their funds for arresting purchasers of commercial sex in most cases or arresting sex workers as a means of identifying victims of trafficking.<sup>3</sup> AB 2034 would permit the arrest of both sex workers and purchasers as a means of “helping” human trafficking survivors. In reality, the bill would only add to their suffering and build a wall between citizens and law enforcement.

Penal Code section 653.22 was particularly harmful to women of color and members of the transgender community. The broad, subjective nature of section 653.22 created opportunities for law enforcement to engage in discriminatory policing and rely on bias rather than evidence to criminalize otherwise legal activities like walking, dressing, or standing in public. Black adults accounted for 56.1% of the section 653.22 charges in Los Angeles between 2017-2019, despite only making up 8.9% of the city’s population.<sup>4</sup> Additionally, nearly one in three “loitering with intent” charges in Los Angeles County were rejected due to lack of sufficient evidence.<sup>5</sup> In Compton, black women accounted for 72% of those charged with loitering with intent despite only being 30.9% of the population.<sup>6</sup> The legal bullying of women of color by police results in distrust and an unwillingness to call on the police for protection from violence or other forms of victimization.

There are effective, non-criminal ways to identify and assist survivors that do not carry the long-term adverse effects of criminalization. An arrest does not improve the lives of those most marginalized community members. Woodhull Freedom Foundation respectfully opposes AB 2646, and we encourage you to protect the human rights of Californians by opposing it.

Sincerely,

A handwritten signature in black ink that reads "Ricci Joy Levy".

Ricci Joy Levy  
President & CEO  
Woodhull Freedom Foundation

cc: Assemblymember Ta

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<sup>3</sup> [Notice Clarifies Law Enforcement Use of Victim Assistance Funding](#), Freedom Network USA, Accessed on 2/28/2024

<sup>4</sup> Derek J. Demeri, [“Policing of People in the Sex Trades in Compton: Analysis of Section 653.22 Clients.”](#) *Law Offices of Los Angeles County Public Defender* (2019).

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.