



April 5, 2021

Committee on Public Safety  
California State Senate  
State Capitol, Room 2031  
Sacramento, CA 95814

Re: Support for SB 357 (Wiener) – Safer Streets for All Act

To the Senate Committee on Public Safety:

The Center for LGBTQ Economic Advancement & Research (CLEAR) writes to express our support for SB 357 (Wiener), a bill to repeal California Penal Code § 653.22—a law that criminalizes loitering with the intent to engage in prostitution and will allow people convicted under that law to seal their records.

CLEAR is a nonprofit that produces information, education, and advocacy to promote the economic wellbeing of lesbian, gay, bisexual, transgender, and queer (LGBTQ) households, organizations, and communities. Our work addresses health and economic gaps in wellbeing for LGBTQ people and promotes building more fair and equal access to wealth, information, policy, and goods and services for LGBTQ communities in the economy.

Section 653.22’s broad and subjective language allows police to arbitrarily enforce the section’s prohibition on loitering for the intent of prostitution by arresting a person for otherwise legal activities like walking, dressing, or standing in public. Arbitrary and biased enforcement of the anti-loitering law against transgender people, Black and Brown people, and women leads to overcriminalization of these groups—particularly those who belong to more than one of these groups. In Compton, CA, Black adults made up 72.3% of those charged under § 653.22 despite being only 30.9% of the population.<sup>1</sup> Cisgender and transgender women made up 100% of those arrests.<sup>2</sup> In Los Angeles, Black adults made up more than half (56.1%) of the § 653.22 charges between 2017-2019, despite making up less than one-tenth (8.9%) of the city’s population—67.% of those charged were women.<sup>3</sup>

Criminal records created by § 653.22 exacerbate gaps in housing and employment for already vulnerable communities by further restricting their ability to obtain shelter and work. Transgender and Black adults disproportionately suffer from housing insecurity and underemployment. The National Alliance to End Homelessness reported in 2020, the number of transgender adults experiencing homelessness in the U.S. has increased 88% since 2016,<sup>4</sup> and that 63% percent of homeless transgender adults were completely unsheltered, as compared to 49% of cisgender peers.<sup>5</sup> The Human Rights Campaign reported in 2020 that

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<sup>1</sup> See Demeri J Derek, *Policing of People in the Sex Trades in Compton: Analysis of Section 653.22 Clients*, L. OFF. LOS ANGELES CTY. PUB. DEF., 2019.

<sup>2</sup> *Id.*

<sup>3</sup> See Maggie Gaffney et al., *Tracing Criminalization: Policing and Prosecution in LA, 2017-2019*, UCLA L. SCH. (2019)

<sup>4</sup> NAT’L ALL. TO END HOMELESSNESS, *Transgender Homeless Adults & Unsheltered Homelessness: What the Data Tells Us 1* (July 2020) <https://endhomelessness.org/wp-content/uploads/2020/07/Trans-Homelessness-Brief-July-2020.pdf>

<sup>5</sup> *Id.*



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the unemployment rate is 3x higher for transgender adults than for the general population and 4x higher for Black transgender people.<sup>6</sup>

We must stop the overcriminalization of vulnerable Californians because of bias and stigma based on their race, gender, gender identity, or livelihood. Doing so only exacerbates health and economic inequality for these groups. All Californians deserve to walk and stand in public without fear of arrest.

For these reasons, we urge you to support SB 357 and remove obstacles to health and economic wellbeing for transgender people, Black and Brown communities, and women in California.

For any questions regarding this letter, please contact Spencer Watson, Executive Director for CLEAR, at [spencer@lgbtq-economics.org](mailto:spencer@lgbtq-economics.org) or (415)-278-7358.

Sincerely,



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<sup>6</sup> HUMAN RIGHTS CAMPAIGN, *Dismantling a Culture of Violence*, 12 (December 2020) <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/Dismantling-a-Culture-of-Violence-010721.pdf>