



Roll Call Training Bulletin

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Katherine Lester, Chief of Police
Volume 26-2

Loitering for Solicitation of Prostitution UPDATE

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Starting January 1, 2026, Assembly Bill 379 (AB 379) reinstates the crime of loitering for the solicitation of prostitution. The new penal code section reads:

Penal Code (PC) 653.25(a): It is unlawful for any person to loiter in any public place with the intent to purchase commercial sex. This intent is evidenced by acting in a manner and under circumstances that openly demonstrate the purpose of inducing, enticing, or soliciting prostitution, or procuring another to commit prostitution such as circling an area in a motor vehicle and repeatedly beckoning to, contacting, or attempting to contact or stop pedestrians or other motorists, making unauthorized stops along known prostitution tracks, or engaging in other conduct indicative of soliciting to procure another to engage in commercial sex.

Definitions

- 1) **Date:** The encounter between a sex worker and a sex buyer for commercial sex.
- 2) **Prostitution Stroll:** A street or area known for prostitution activity.
- 3) **Sex Buyer:** A person who pays for sexual acts.
- 4) **Sex Worker:** A person who engages in sexual acts with another person in exchange for money or items of value.

Demand And Purpose of Enforcement

The sex trafficking industry is driven by the demand to purchase sex. AB379 now helps law enforcement to address this demand by providing a mechanism for taking enforcement action against sex buyers who are loitering on the prostitution stroll to solicit sex from sex workers. Consistent enforcement of this statute will decrease the prostitution activity in the City.

Note: This section applies ONLY to sex buyers. Loitering for prostitution by sex workers is NOT enforceable under this statute.

Observations And Report Documentation

The following sections outline the key factors to consider when articulating violations of Penal Code 653.25(a) and documenting your observations in a report. Clear, detailed articulation strengthens probable cause and supports successful prosecution.

- 1) Identify and Describe the Prostitution Stroll:
 - a) Example Description: "*Stockton Boulevard is a recognized and extensively documented prostitution stroll within Sacramento County. The segment between Fruitridge Road and Florin Road has long been an active corridor where sex workers loiter, and sex buyers routinely drive through the area to solicit commercial sex.*"
- 2) Describe the Behavior of the Sex Worker on the Prostitution Stroll (be specific):



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- a) Example Observation: *"I observed a female wearing red, see-through lingerie that exposed her breasts and buttocks, along with high-heeled shoes. She was standing in the middle of the street at Stockton Boulevard/48th Avenue, attempting to make eye contact with passing drivers and waving at multiple vehicles. Based on my training and experience, this is typical behavior of sex workers attempting to gain the attention of sex buyers."*
- b) Additional Points
 - i) Avoid vague descriptions such as "scantily clad." Clearly describe the specific clothing the sex worker is wearing.
 - ii) Document when the clothing is inconsistent for the weather conditions (e.g., lingerie or short shorts when it is 45 degrees outside).
- 3) Describe the Behavior of the Sex Buyer (be specific)
 - a) Example Observation: *"I observed a white Honda Accord (license plate #) driven by a solo male occupant (later identified as ...) pull next to the female described above at Stockton Boulevard/48th Avenue. The female approached the driver's window and engaged in a brief conversation. Based on my training and experience, conversations of this nature typically involve negotiation of the sex act and price. Before this interaction, I observed the vehicle driving slowly up and down Stockton Boulevard several times, particularly through areas where sex workers were present. This behavior is consistent with sex buyers loitering to solicit commercial sex."*
- 4) Describe the Action After the Contact (be specific)
 - a) If the sex worker gets into the vehicle, follow the vehicle to observe where it goes. "Dates" commonly occur in secluded areas such as down a dark street, behind a business, or other locations where the sex acts are not easily observed. Stopping in such a location helps strengthen probable cause by demonstrating there is no legitimate reason for the stop other than to engage in a commercial sex act.
 - b) When the Sex Buyer Leaves Without Picking Up the Sex Worker
 - i) Before taking enforcement action, consider the totality of the behavior observed.
 - (1) Articulating Loitering Without Pick-Up
 - (a) If you observed the sex buyer circling the area, repeatedly stopping, beckoning to, or attempting to contact multiple sex workers, even if no one entered the vehicle, you may still have probable cause for loitering to solicit prostitution.
 - (2) Example Scenario: You observe a driver circle the stroll and stop to talk with a sex worker. No agreement occurs, and the driver leaves. A short time later, you observe the same driver circle back and contact a different sex worker. These repeated attempts to engage with multiple sex workers, combined with the circling behavior, provide articulable facts supporting a PC § 653.25(a) violation based on the totality of the circumstances.
 - 5) Separate All Parties and Attempt to Get Statements from Them
 - a) Ask about the details of the interaction. Expect dishonesty and compare statements to identify inconsistencies.
 - b) Clarify Enforcement Intent with the Sex Worker
 - i) Inform the sex worker that you have no intention of taking enforcement action against them for prostitution. Officers are encouraged to exercise enforcement discretion when encountering sex



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workers, applying a victim-centered approach that recognizes individuals engaged in commercial sex as potential victims of exploitation rather than offenders.

- ii) ii) Consistent with AB 379 and legislative intent, enforcement efforts prioritize buyers under Penal Code 653.25 to reduce demand and promote victim cooperation in building stronger cases. Your purpose is to gather information about the conduct of the sex buyer.
- iii) Offer Services: Ask if the sex worker needs assistance leaving their situation and offer advocate resources if desired (see RCTB #73, SRFJC).
 - **24-hr Human Trafficking Hotline for the Family Justice Center is, 1-844-664-7233.**
- c) Direct the Sex Worker to Leave the Stroll
 - i) Advise them they need to leave the area. If contacted again with a sex buyer that night, they may be subject to enforcement under PC § 647(b) (Prostitution).
- 6) Take Enforcement Actions
 - a) Issue Citation: Issue a citation to the sex buyer for PC § 653.25(a)
 - b) Tow Vehicle: Tow the vehicle when legally applicable.
 - c) Search for Evidence: The automobile exception allows warrantless search of a vehicle if you have probable cause that evidence of a crime is inside (see RCTB #82, Vehicle Searches). If you can articulate probable cause for a violation of PC § 653.25(a), you may be able to search for evidence of the crime (e.g., condoms, genital wipes, cash, sex toys, etc.).
 - d) Arrest on Additional Charges: Arrest the suspect for any outstanding warrants or other fresh charges discovered during the investigation.
- 7) Documentation and Evidence Collection
 - a) Photograph and/or seize items such as unused condoms, cash, or other evidence of the offense from the sex buyer only.
 - b) Do **NOT** seize condoms from sex workers due to harm-reduction principles.
 - c) Complete an arrest report with a clear, detailed narrative documenting all observations, behaviors, statements, and enforcement actions.

The bill makes it a misdemeanor for any person to loiter in any public place with the intent to purchase commercial sex, as specified. The bill would make any person who violates this section subject to an additional fine of \$1,000 that would be deposited into a newly established Survivor Support Fund.

If you have any questions, please contact the on-call Human Trafficking Sergeant through the SPD Communications Center.