

# POLICING SEX WORK

As is the case with many women's experiences of law enforcement violence, police violence against sex workers is not perceived by mainstream organizations as either police brutality or violence against women, when it is clearly a manifestation of both.

## ⇒ WHO IS A SEX WORKER?

The concept of "sex work" emerged in the 1970s through the prostitutes' rights movement in the United States and Western Europe (although sex worker's movements are not exclusive to the United States or Western Europe). The term emerged as a counterpoint to traditionally derogatory names, to emphasize the legitimacy of sex work as a form of labor and the rights of sex workers as working people.<sup>2</sup> "Sex worker" is a term used to refer to people who work in all aspects of the sex trades, indoor or street-based, legal and criminalized, and can include people who trade sex for money as well as safety, drugs, hormones, survival needs like food shelter or clothing, immigration status, or documentation. Although this gendered labor sector is being redefined all over the world, the majority of sex workers are women.<sup>3</sup> Sex workers are mothers, daughters/sons, teachers, organizers, people — who experience high levels of violence due to the stigma, isolation, and invisibility associated with their work.

Since prostitution/sex work is criminalized and highly stigmatized in many countries, individual sex workers and organizations are exposed to high levels of harassment and violence by law enforcement agents and benefit from little protection from violence within their communities. Speaking out against the violence and finding or organizing support for sex workers can be dangerous. As a result, any participation in sex work — be it part-time, full-time, or even temporary — entails a life on the margins. This is particularly true for sex workers of color and transgender and gender non-conforming sex workers, who live and work at the intersections of multiple forms of structural oppression based on gender, race, and class.<sup>4</sup>

## ⇒ VIOLENCE AGAINST SEX WORKERS

Sex workers experience high levels of violence, regardless of the type of sex work they engage in. Sex workers are exposed to verbal abuse, physical assaults, sexual violence, and murder at the hands of law enforcement agents, customers, managers, fellow employees, family, friends, domestic partners, and neighborhood residents. Existing laws that criminalize sex work often prevent workers from reporting violence, enable law enforcement agents to not take violence against sex workers seriously when it is reported, and facilitate police violence against sex workers.<sup>5</sup>

African American sex workers on Chicago's West Side reported twelve to fifteen incidents of physical abuse by police officers in January and February 2004 alone. Typically, officers would pick women up, drive them several blocks away, beat them up, pull out their hair, threaten them with arrest, confiscate their shoes, and leaving them stranded, saying "We'll get you tomorrow."

**"When sex workers are being exploited they face the additional burden of having nowhere to go for help, sometimes even within their own communities."**

*- Ruby Corado, Latinos in Action<sup>1</sup>*



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## ⇒ SEX WORK AS VIOLENCE AGAINST WOMEN?

Despite the fact that sex workers experience high levels of violence, sex workers' rights have generally not been supported by mainstream women's movements. Historically, because women's bodies and sexualities have been a location of women's oppression, many feminists have framed sex work itself a form of violence against women, and demonized women who engage in sex work as participants in their own oppression and that of all women. In response, sex workers' rights groups urge a distinction between coerced and consensual sex work. For instance, many sex workers who attended the 1995 UN Conference on Women in Beijing lobbied to ensure that every mention of prostitution as a form of violence against women be prefaced by the word "forced." Although many acknowledge that the voluntary/forced dichotomy is insufficient to reflect the complexity of sex workers' experiences, it was all they could do to change the discourse at the conference and beyond. Unfortunately, sex work continues to be framed as inherently oppressive by many mainstream groups, effectively hampering sex workers' efforts to secure their human rights.<sup>7</sup>

**“ The prostitute body is a terrain on which feminists contest sexuality, desire, and the writing of the fe♂ male body”**

- Shannon Bell<sup>6</sup>

## ⇒ WHAT DOES POLICE BRUTALITY AGAINST SEX WORKERS LOOK LIKE?

### PROFILING

Generally speaking, prostitution laws criminalize anyone who “engages or agrees or offers to engage in sexual conduct with another person in return for a fee.”<sup>8</sup> These laws are generally enforced through undercover operations, in which police officers pose as clients and then arrest sex workers.<sup>9</sup>

However, these "vice" policing practices are only part of policing sex work. More frequently, officers use vaguely worded “quality of life” regulations prohibiting, among many other things, “loitering” and “loitering with intent to solicit,” as well as “obstructing vehicular traffic,” “public lewdness,” “public nuisance,” and “disorderly conduct,” to harass, detain, and arrest individuals they believe to be involved in sex work, and particularly street-based sex work. These laws are also used in “sweeps” and “operations” — such as “Operation Impact” and “Operation Spotlight” in New York City, enforcement of “prostitution free zones” in D.C., and similar programs in Los Angeles, Chicago, and San Francisco — explicitly aimed at getting street-based sex workers, as well as homeless people and youth of color, off the streets and out of public view.<sup>10</sup>



Art by Cristy C. Road, croadcore.org

Women of color, and particularly transgender women of color, are often perceived by police through racialized and gendered stereotypes framing us as highly sexualized and sexually available. Law enforcement officers' internalization and perpetuation of these stereotypes, combined with the high degree of discretion afforded by vague “quality of life” regulations, results in police profiling women of color, and particularly transgender women of color, as sex workers, and selective targeting of women of color for harassment, detention, and arrest.<sup>11</sup> For instance, trans women of color across the country report frequent arrests for “loitering with intent to solicit” while engaging in such lawful and routine activities as hailing a cab, walking their dog, going to get groceries or cigarettes, walking home from work, eating out, or talking to friends.<sup>12</sup> Such disproportionate enforcement is compounded by law enforcement focus on street-based sex work, where a greater proportion of sex workers are women of color.<sup>13</sup>



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## SEXUAL HARASSMENT, SEXUAL ASSAULT, AND RAPE

Sex workers, as well as those perceived to be engaged in sex work based on gender or sexual non-conformity, are raped and sexually harassed and abused by law enforcement officers with alarming frequency across the country.

A 2002 study found that 30% of exotic dancers and 24% of street-based sex workers who had been raped identified a police officer as the rapist. Approximately 20% of other acts of sexual violence reported by study participants were committed by the police.<sup>14</sup>

According to two studies by the Sex Workers' Project of the Urban Justice Center in New York City, up to 17% of sex workers interviewed reported sexual harassment and abuse, including rape, by police.<sup>15</sup>

One in five actual or perceived sex workers surveyed by Different Avenues in Washington, D.C. who had been approached by police indicated that officers asked them for sex. Most indicated that this had been a negative or humiliating experience.<sup>16</sup>

Extortion of sexual acts in exchange for avoiding arrest or further violence, public strip searches, physical violence, as well as overtly sexist, homophobic, racist and transphobic verbal abuse of sex workers by police officers are an all too common experiences for indoor and street-based sex workers.<sup>17</sup>

**“I had one cop who was like, ‘Well, if you do this sexual favor for me, then I won’t take you to jail.’ And I was like ‘...Take me to jail, ‘cause I am not for free.’”**

*- African American former sex worker.<sup>18</sup>*

According to Amnesty International: “One Native transgender woman involved in the sex trade told Amnesty researchers “every night I’m taken into an alley and given the choice between having sex or going to jail.” Her experience was representative of that of many sex workers we spoke with. An advocate for LGBT youth in Chicago told Amnesty that the vast majority of young people she works with have been asked to perform sexual acts on police officers, sometimes on duty and other times not, who suspect they are involved in sex work.”

## FAILURE TO RESPOND TO VIOLENCE AGAINST SEX WORKERS

Law enforcement officers’ perceptions of sex workers also lead to inappropriate and abusive treatment by officers in the context of responses to sexual or domestic violence. Domestic violence and sexual assault against sex workers are routinely perceived by police as a “trick gone bad,” something that survivors somehow brought on themselves through their “sexually deviant” conduct. For instance, in many cases women who are, or are perceived to be, sex workers are arrested for assault or domestic violence, while their abusers are not. Overall, sex worker advocates describe police attitudes towards survivors of domestic violence who are, or are perceived to be, sex workers as “who cares, they’re expendable” or “what did you expect? You’re a ho!”<sup>20</sup>

**“And then he said, ‘Well, you shouldn’t be prostituting anyway.’ ...So it was not about what happened to me; it was about what I’m doing wrong.”**

*- Latina transgender woman reporting a police officer’s response to her request for protection from a stalker.<sup>19</sup>*



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“[a sex worker] reported that men came over and beat them with bats. The cops told them that they wouldn’t help them until someone died.”

- *Move Along: Policing Sex Work in Washington, D.C., Different Avenues*

In the case of two Eugene, Oregon police officers recently convicted of sexual assaulting, abusing or raping at least 15 women over a six year period, early complaints, which should have alerted the department to their conduct, were dismissed by both the officers involved and their supervisors as the “grumbings of prostitutes and junkies.”<sup>21</sup>

## ⇒ ENDNOTES

<sup>1</sup> Spread Magazine, vol. 3 (3):48.

<sup>2</sup> Kamala Kempadoo, "Globalizing Sex Workers' Rights," in *Global Sex Workers: Rights, Resistance and Redefinition* 2-4, Kamala Kempadoo and Jo Doezema, eds., Routledge (1998). Although sex work and sex worker are commonly used terms, the terms “prostitute” and “whore” have also been reclaimed and valorized by some sex workers.

<sup>3</sup> Kamala Kempadoo, "Globalizing Sex Workers' Rights," in *Global Sex Workers: Rights, Resistance and Redefinition* 2-4, Kamala Kempadoo and Jo Doezema, eds., Routledge (1998). Although sex work and sex worker are commonly used terms, the terms “prostitute” and “whore” have also been reclaimed and valorized by some sex workers.

<sup>4</sup> Kamala Kempadoo, "Globalizing Sex Workers' Rights," in *Global Sex Workers: Rights, Resistance and Redefinition* 2-4, Kamala Kempadoo and Jo Doezema, eds., Routledge (1998).

<sup>5</sup> See, e.g., *Move Along: Policing Sex Work in Washington, D.C.*, Different Avenues, 2008; Sex Workers Project, *Behind Closed Doors* (New York City: 2005); Sex Workers Project, *Revolving Door: An Analysis of Street-Based Prostitution in New York City*, (New York City: 2003); *The San Francisco Task Force on Prostitution: Final Report*, BAYSWAN, March 1996.

<sup>6</sup> S. Bell, *Reading, writing and rewriting the prostitute body* 73, Indiana University Press (1994).

<sup>7</sup> Jo Doezema, *Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy*, *Global Sex Workers: Rights, Resistance and Redefinition* 34, Kamala Kempadoo and Jo Doezema, eds. Routledge (1998).

<sup>8</sup> P. Alexander, *Bathhouses & Brothels: Symbolic Sites in Discourse and Practice*, in *Policing Sex, Dangerous Bedfellows*, eds., South End Press (1996).

<sup>9</sup> P. Alexander, *Bathhouses & Brothels: Symbolic Sites in Discourse and Practice*, in *Policing Sex, Dangerous Bedfellows*, eds., South End Press (1996).

<sup>10</sup> *Move Along: Policing Sex Work in Washington, D.C.* 8-9, Different Avenues, 2008; Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 34-37, AMR 51/122/2005 (2005)

<sup>11</sup> Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 34, AMR 51/122/2005 (2005)

<sup>12</sup> Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 13-18, AMR 51/122/2005 (2005)

<sup>13</sup> *The San Francisco Task Force on Prostitution: Final Report*, BAYSWAN, March 1996.

<sup>14</sup> Raphael Jody and Deborah L. Shapiro, “Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago,” *Chicago Coalition for the Homeless*, 2002 <http://impactresearch.org/documents/sisterspeakout.pdf>

<sup>15</sup> Sex Workers Project, *Behind Closed Doors* (New York City: 2005); Sex Workers Project, *Revolving Door: An Analysis of Street-Based Prostitution in New York City*, (New York City: 2003).

<sup>16</sup> *Move Along: Policing Sex Work in Washington, D.C.*, Different Avenues, 2008.

<sup>17</sup> *Move Along: Policing Sex Work in Washington, D.C.*, Different Avenues, 2008; Amnesty International, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual and Transgender People in the U.S.* 39, AMR 51/122/2005 (2005)

<sup>18</sup> *Move Along: Policing Sex Work in Washington, D.C.* 54, Different Avenues, 2008.

<sup>19</sup> *Move Along: Policing Sex Work in Washington, D.C.*, Different Avenues, 2008.

<sup>20</sup> See, e.g., *Move Along: Policing Sex Work in Washington, D.C.*, Different Avenues, 2008.

<sup>21</sup> *Eugene, Oregon Settles Two Suits With Women Abused by Cops*, Associated Press, August 12, 2005; C. Stephens, *Magana Verdict*, KVAL 13 News, June 30, 2004; *Trial Begins For Perverted Eugene Cop Roger Magana: Media is Shut Out*, Portland Independent Media Center, June 4, 2004, <http://www.publish.portland.indymedia.org/en/2004/06/290053.shtml> (last visited August 25, 2005); C. Stephens, *Victim Speaks Out About Perverted Eugene Cop*, KVAL 13 News, March 13, 2004; C. Stephens, *Magana Records Revealed*, KVAL 13 News, March 4, 2004; *Four More Women Accuse Eugene Officer of Abuse*, KATU 2 News, December 11, 2003.

