

Move Along: Policing Prostitution in Washington D.C.

Executive Summary

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“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.” A Latina transgender woman reporting a police officer’s response to her request for protection from a stalker

“The police should not arrest sex workers because sex work is work.” Latina survey respondent

In 2006 several new pieces of anti-prostitution legislation passed into law in the District of Columbia. These laws augmented an already stringent system of policing and “zero tolerance” for most forms of commercial sex in the city. The most high profile measure allows the Chief of Police to declare “prostitution free zones” (PFZs) in which officers have wide-sweeping power to move along or arrest people who police believe to be congregating for the purpose of prostitution. The PFZ concept was framed as an innovative tool to assist law enforcement in its efforts to rid the District of prostitution. In fact, the law simply legitimized previously existing arbitrary and discriminatory police actions directed at people believed to be engaging in sex work. The D.C. Council passed additional measures to further criminalize sex work, including legislation that provided the police and D.C. regulatory authority with new power to counter indoor sex work, impound vehicles used for prostitution and prohibit the act of having sex for money (previously the law had criminalized only solicitation of sex for money). This legislation resulted in police raids and arrests for acts such as, “giving a massage without a license.”

Move Along: Policing of Sex Work in Washington, D.C. shows some of the direct impacts of the enforcement of D.C.’s commercial sex policies (both new and long standing) on people involved, or perceived to be involved, in the sex trade. This report is based on community-based research in 2007 and 2008 that included surveys of 111 people from communities targeted for anti-prostitution policing. This data was supplemented with qualitative interviews, ethnographic observation and feedback from a community forum that was held at the end of the data collection process.

Interactions initiated by police were six times more likely to be negative than positive.

Almost all people surveyed had been approached by the police, and the majority reported negative experiences during those interactions and after being arrested. The survey data illustrated that interactions as mundane as ID checks were characterized by humiliation, abuse and extortion. “[The officer] called me a whore, prostitute and trick,” wrote one survey respondent explaining how the police had treated her during an ID check on Potomac Avenue in September 2007. We found that on many occasions police officers accused community members of being sex workers to humiliate them or to deny them fair treatment. Survey respondents reported that police had confiscated condoms and other safe sex supplies; assaulted, strip searched, and verbally abused them; subjected them to false arrest because the officers profiled the person as a prostitute; and discrimination based on immigration status. Almost one in five

This report documents an alarming level of police abuse and mistreatment of sex workers and others profiled as such, with serious consequences for community members’ safety, health and rights.

An overwhelming majority of transgender people, Latinos and young adults said that they were treated worse than others during arrest and lock up.

people approached by the police indicated that officers asked them for sex and most indicated that this had been a negative or humiliating experience. Several respondents indicated that police had demanded sex in exchange for not arresting them or as a condition of receiving fair treatment. A woman who identified as having been a street sex worker commented, “[I was] made to perform sexual favors to avoid being charged with prostitution.” While negative interactions with police affected all the communities surveyed, our research reveals a dramatic pattern of targeting by the police of transgender people, Latinos and young adults.

78% of all people surveyed said that when police approach them they fear violence, harassment, arrest, humiliation and other concerns.

Almost all survey respondents indicated having fears and negative perceptions of the police. Transgender people and Latinos more frequently expressed fears of the police than other groups of survey participants. Given these fears and the actual problems police interactions pose for these communities, it is not surprising that some survey respondents did not contact the police when they needed them. Those not reporting cited fears of being mistreated because of their sex worker status, gender, or other identity. However, despite the pattern of negative experiences with police, the vast majority of interviewees did in fact contact the police when they needed their assistance. Unfortunately, respondents overall reported no better than a 50% chance of actually receiving help and being satisfied with police response. Latinos, transgender people and sex workers reported even higher rates of dissatisfaction with police response than the overall data set. Survey respondents reported that the Metropolitan Police Department (MPD) discriminated against them because of their perceived sex worker status, immigrant status, sexual orientation, or gender identity, and as a result they were neglected, ignored, harassed, or abused instead of helped. In many instances, people identifying as sex workers bear disproportionate mistreatment by police, including when they call on the police for help. “They think you are the person doing the crime,” wrote an African-American male sex worker about his experience seeking assistance from the police. Based on survey responses it appears that some members of MPD are simply unable to perceive sex workers, or those they profile as such, as potential victims of crime. Impunity reigns, and community members feel that complaints against officers bear little or no effective results.

Almost 80% of people surveyed did go to the police for help when needed but in many instances officers refused to assist them or made the situation worse.

Anti-prostitution policies in D.C. pose serious threats to the health and safety of community members identified or otherwise targeted as sex workers. Two policies stand out in particular: first, “move along” policies geared at cleansing certain neighborhoods of sex workers; and second, the use of condoms and safe sex as evidence to arrest or prosecute someone for prostitution and the related practice of confiscating and destroying condoms and other safe sex materials. Our research reveals that being told to move along by police is a common experience for people presumed to be engaging in commercial sex, and that it is not limited to areas covered by prostitution free zones. Most people reported moving into areas or neighborhoods where they feel less safe, potentially making themselves vulnerable to violence, robbery and even more police abuse. The “move along” policy also makes it more difficult for those conducting outreach work, who are sometimes themselves targets of unlawful police treatment, to provide information and related services to sex workers. Furthermore,

Confiscation and destruction of safe sex supplies by police has obvious public health implications in a city with one of the highest HIV/AIDS rates in the country.

shrouding a population in suspicion ultimately suppresses their ability to take actions to keep themselves safe, including garnering police assistance when they need it.

A large number of respondents faced some form of mistreatment by the community at large. Both trans and Latino people were disproportionately represented amongst those who are “given a hard time,” by residents, business owners, people in cars and on the street. This indicates that the populations we surveyed are particularly vulnerable to mistreatment. Unfortunately, police perceptions of, and actions towards, these communities mirror the discriminatory attitudes of some members of the general public.

The survey respondents and interviewees demonstrate a strong desire for significant changes to enforcement and policies. The majority said that the police do not keep sex workers safe, that arresting sex workers is not the best way to help them, that there are not enough social services for people in need, that the city should change the way it approaches sex work, and that sex work should not be illegal. Our recommendations reflect this desire for sweeping change and a hope for a D.C. that is truly safe for all its residents.

Key Recommendations:

- ❖ Conduct a city-wide review of laws, policies and practices regarding policing and regulation of consensual adult sex to ensure that they guarantee protection of the rights to association, health, and freedom from violence for all people living in D.C., regardless of race/ethnicity, occupation/source of income, place of residence, national origin, gender, age, sexual orientation and gender expression. Outcomes of the review could include amending or repealing laws such as the Prostitution Free Zone Act. Lawmakers should also consider a moratorium on prostitution-related arrests during this review.
- ❖ Conduct a city-wide consultation, including sex workers, service providers, and others particularly vulnerable to the abuses described in this report, about the efficacy and safety of current anti-prostitution and related policies regulating spaces where sex work may occur.
- ❖ Ensure that community members—including sex workers, service providers, and others particularly vulnerable to the abuses detailed in this report—play a key role in working to develop effective responses to those abuses.
- ❖ Increase resources for services that support marginalized communities including sex workers and others trading sexual services for their livelihood.
- ❖ End the practice of profiling people as prostitutes based on personal appearance, gender identity, categorization as a “known prostitute” or similar factors. People should not be arrested for who they are instead of what they are doing. Similarly, MPD should stop the use of prostitution free zones because they undermine human rights and civil rights.
- ❖ Hold police officers accountable for their actions. Police who extort money and sex from community members, subject them to degrading treatment, fail to answer service calls or refuse to register complaints must be subject to appropriate disciplinary procedures for misusing their power and position.