

**Policing of People in the Sex Trades in Compton:  
Analysis of Section 653.22 Clients**

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## I. Introduction

This report has been prepared to examine demographic information about our clients and policing patterns specific to those charged with Section 653.22, loitering for prostitution. Working with Sharonda Bradford, we asked all misdemeanor attorneys in the Compton Branch to turn in Section 653.22 case files for analysis. A total of 48 were turned in during the week of July 8, 2019.

Part II of this report will provide an analysis and give a breakdown of the findings from these case files. Part III will contain the standardized police report that most officers use when making an arrest. Part IV will explain overview recent legislation as it pertains to people involved in the sex trades. Part V will discuss policy considerations when advocating reform for those involved in the sex trades. Part VI will then provide some recommendations for the public defenders office moving forward, Part VII contains further reading on many of the topics discussed throughout this report, and Part VIII is a list of (some) sex worker-led organizations throughout the country.

For any questions about this report or sex worker rights broadly, please do not hesitate to contact Derek at [REDACTED].

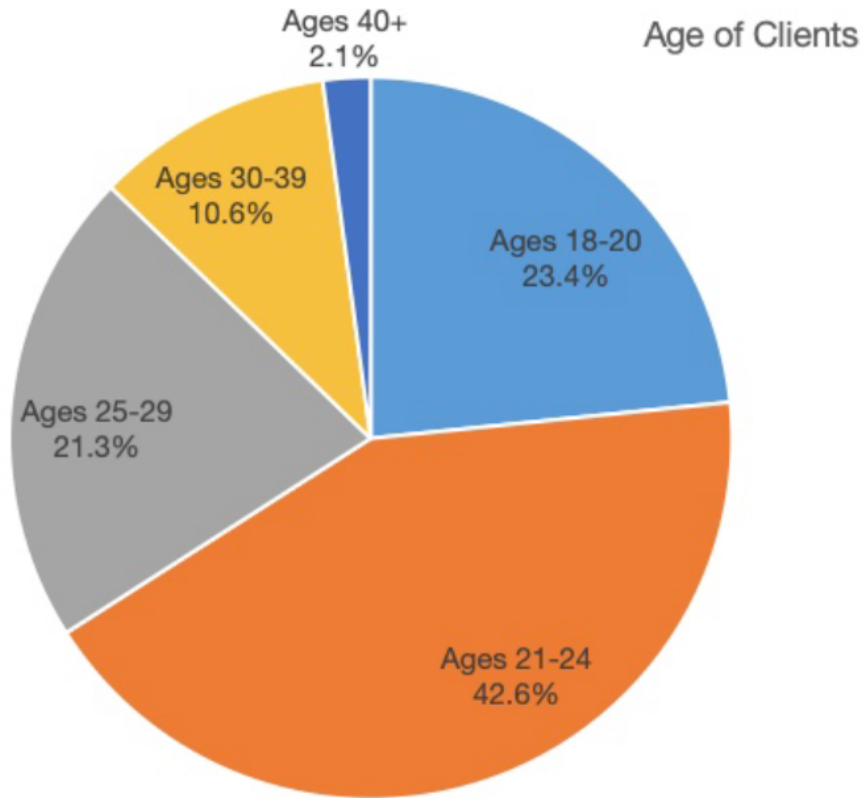
### *About the author:*

Derek J. Demeri is a 2019 Summer Law Clerk with the Law Offices of Los Angeles County Public Defender and a long-time advocate for the rights of sex workers. In 2013, Derek co-founded the New Jersey Red Umbrella Alliance, the state's only sex worker rights organization, focusing on both policy advocacy and community organizing among street-based sex workers in Atlantic City, NJ. In 2015, Derek traveled to Geneva, Switzerland and testified before the United Nations Human Rights Council during the Universal Period Review of the United States about human rights violations against sex workers. Derek served on the Board of Directors for the Sex Workers Outreach Project, USA and as the Chapter Coordinator for their 32+ chapter network at the time. He was also a lead researcher for Best Practices Policy Project in the creation of *Nothing About Us, Without Us*, the nation's first comprehensive report on the intersection of HIV and sex work. Most recently, Derek authored, and successfully lobbied for the adoption of, the National Lawyers Guild 2018 *Resolution to Condemn SESTA-FOSTA*. In the Fall of 2019, the Rutgers University Law Review will be publishing his Note *Who Needs Legislators? Discrimination Against Sex Workers is Sex Discrimination Under Title VII*.

## II. Analysis

All demographic information is based on police reports at time of arrest.

### A. Age of Clients

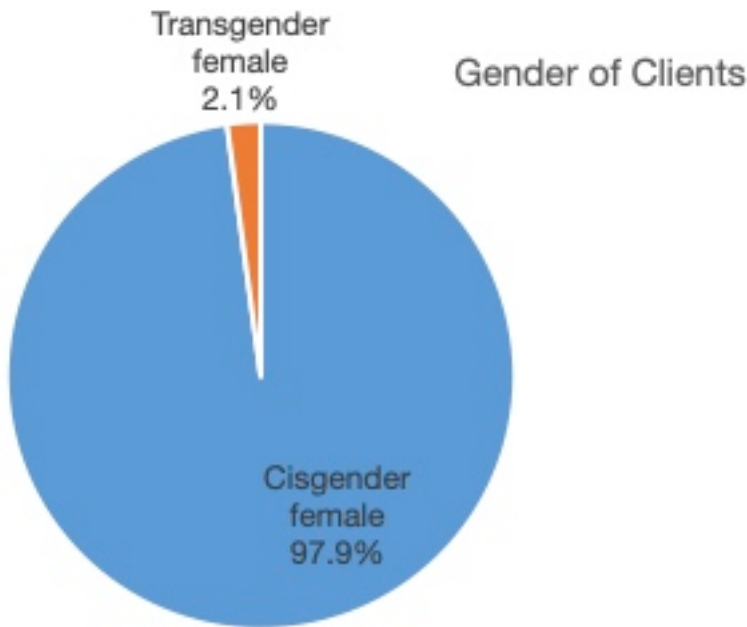


Ages 18-20	11	23.4%
Ages 21-24	20	42.6%
Ages 25-29	10	21.3%
Ages 30-39	5	10.6%
Ages 40+	1	2.1%

*Table 1*

*Figure 1*

## B. Gender of Clients



Cisgender female*	46	97.9%
Transgender female**	1	2.1%

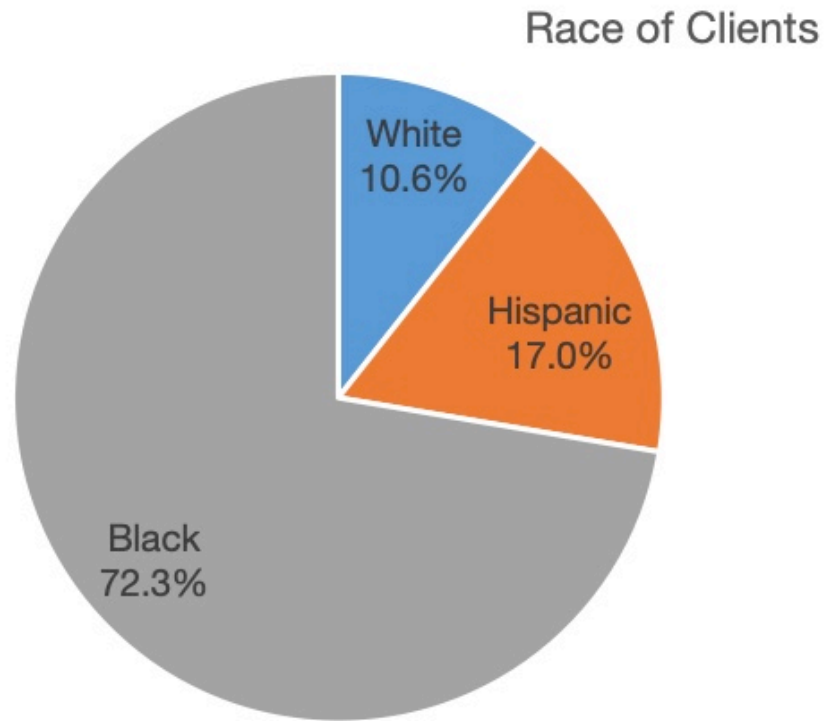
*Table 2*

*Figure 2*

\*The gender of our clients was assumed to be cisgender unless there was an indication that the client was transgender.

\*\*The only transgender client was reported in a psychological evaluation as transgender female, but all other court documents listed her sex as “M” and used her deadname (the birth name of someone who has changed it). However, it was unclear from the case file whether the client had formally done a name or gender change. Further analysis should be done to ensure that the Compton courts are complying with the Gender Recognition Act (SB 179), passed by the California legislature in 2017. The Transgender Law Center is one such potential partner to ensure this compliance.

**C. Race of Clients**



*Figure 3*

**Clients**

White	5	10.6%
Hispanic	8	17.0%
Black	34	72.3%

*Table 3.1*

**City of Compton\***

White (non-hispanic)	1.1%
Hispanic	66.8%
Black	30.9%

*Table 3.2*

\*Source: [census.gov](http://census.gov)

### D. Arrest Time Map

	Sunday	Monday	Tuesday	Wed.	Thurs.	Friday	Sat.
12:00 AM							
12:30 AM							
1:00 AM				X			
1:30 AM							
2:00 AM							
2:30 AM							
3:00 AM							
3:30 AM						X	
4:00 AM							
4:30 AM							
5:00 AM							
5:30 AM					X		
6:00 AM			X, X		X		
6:30 AM		X					
7:00 AM	X				X, X		
7:30 AM							
8:00 AM							
8:30 AM							
9:00 AM							
9:30 AM					X		
10:00 AM			X	X			
10:30 AM							
11:00 AM							
11:30 AM		X					

Table 4.1

	Sun.	Monday	Tuesday	Wed.	Thurs.	Friday	Sat.
12:00 PM				X			
12:30 PM							
1:00 PM			X				
1:30 PM							
2:00 PM		X		X			
2:30 PM				X, X	X		
3:00 PM							
3:30 PM				X			
4:00 PM		X	X, X				
4:30 PM				X			
5:00 PM				X			
5:30 PM							
6:00 PM		X, X			X		
6:30 PM							
7:00 PM			X, X		X, X, X		
7:30 PM	X						
8:00 PM	X		X, X		X		
8:30 PM							
9:00 PM						X	
9:30 PM					X	X	
10:00 PM			X, X				
10:30 PM	X						
11:00 PM					X		
11:30 PM							

*Table 4.2*



**E. Time of Year for Arrests**

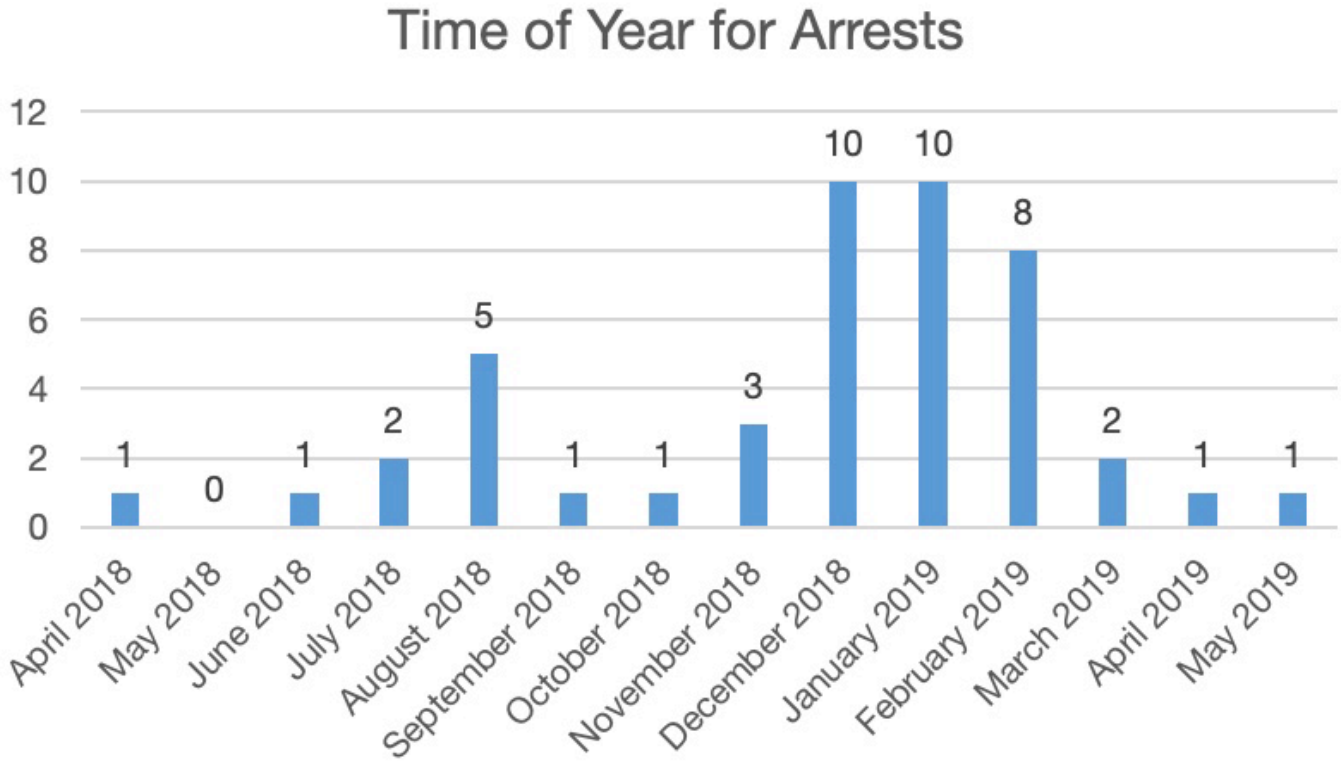


Figure 4

**F. Time of Week for Arrests**

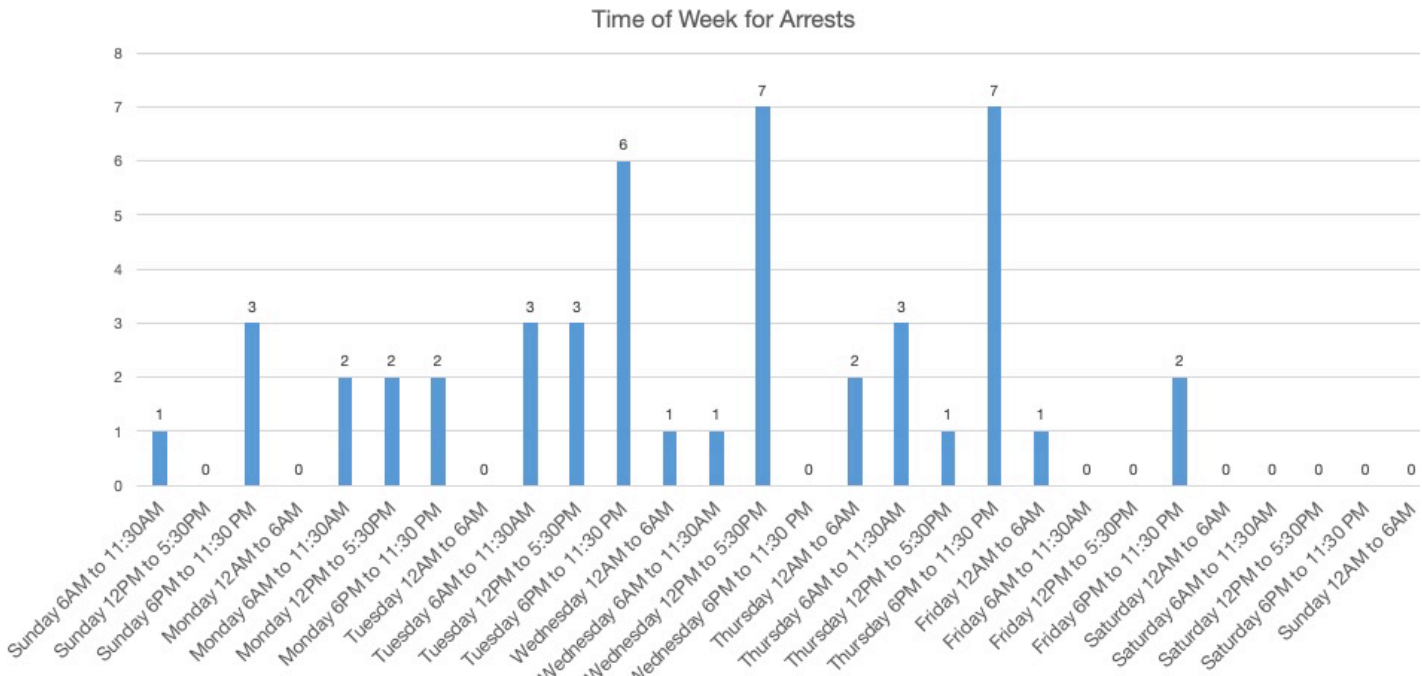
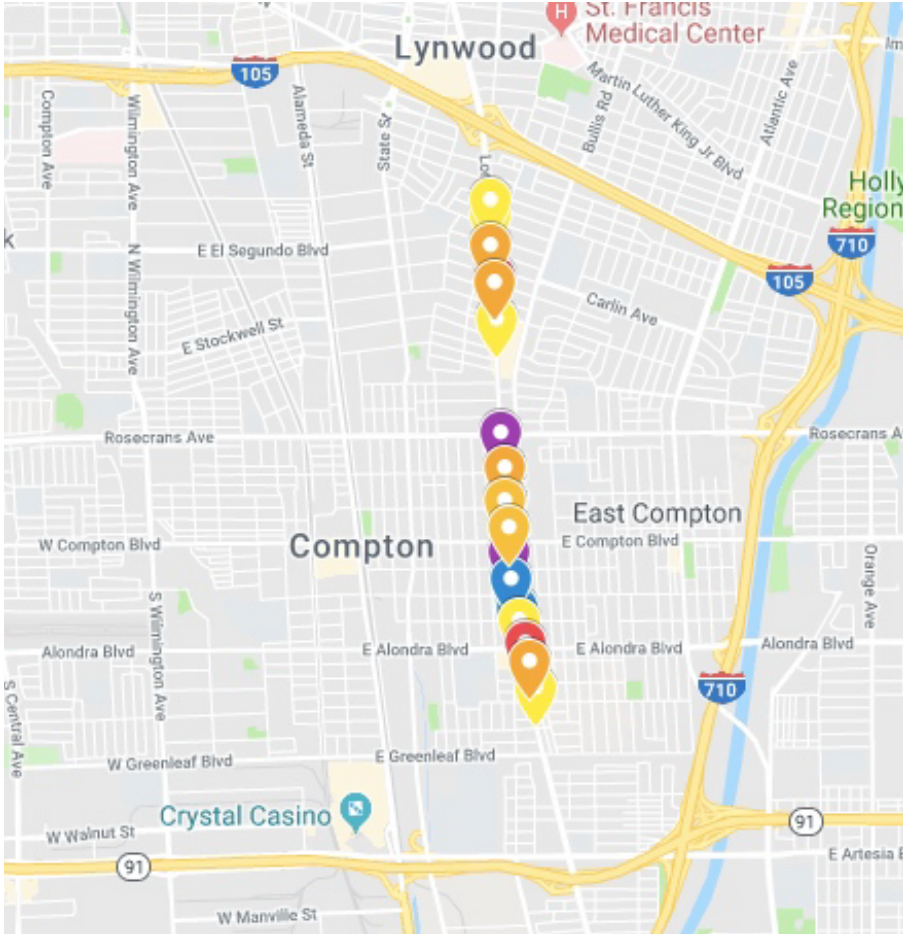


Figure 5

## G. Location of Arrests



Map Key	
1 Arrest	Yellow
2 Arrests	Orange
3 Arrests	Blue
4 Arrests	Purple
5+ Arrests	Red

Table 5

Figure 6\*

\*The map of arrests can be found by following this link:

<https://drive.google.com/open?id=1mWwQHQPXjPGpv1MKqAmY3iQQJd8Z-iRG&usp=sharing>

Location	# of Arrests
Long Beach Blvd & Orchard Street	5+
Long Beach Blvd & Marcelle Street	5+
Long Beach Blvd & Elm Street	4
Long Beach Blvd & Myrrh Street	4
Long Beach Blvd & Alondra Blvd	3
Long Beach Blvd & Cypress Street	3

Table 6

Long Beach Blvd & Palmer Street	2
Long Beach Blvd & Compton Blvd.	2
Long Beach Blvd & Laurel Street	2
Long Beach Blvd & Palm Ave.	2
Long Beach Blvd & Pauline Street	2
Long Beach Blvd & Stockton Street	2
Long Beach Blvd & Bennett Street	1
Long Beach Blvd & Burton Ave.	1
Long Beach Blvd & Elizabeth Street	1
Long Beach Blvd & Magnolia Ave.	1
Long Beach Blvd & Oaks Street	1

## H. Where are clients from?

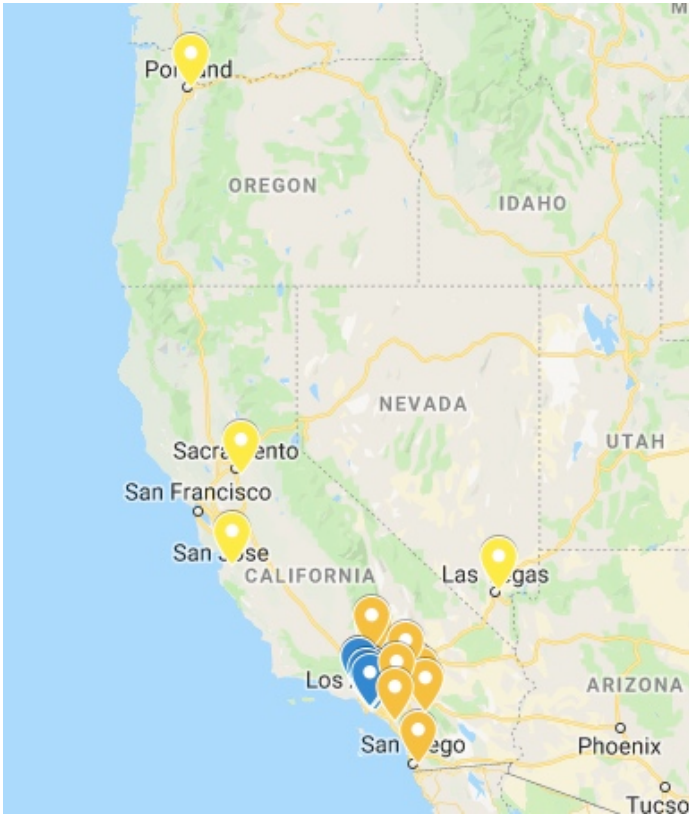


Figure 7.1\*

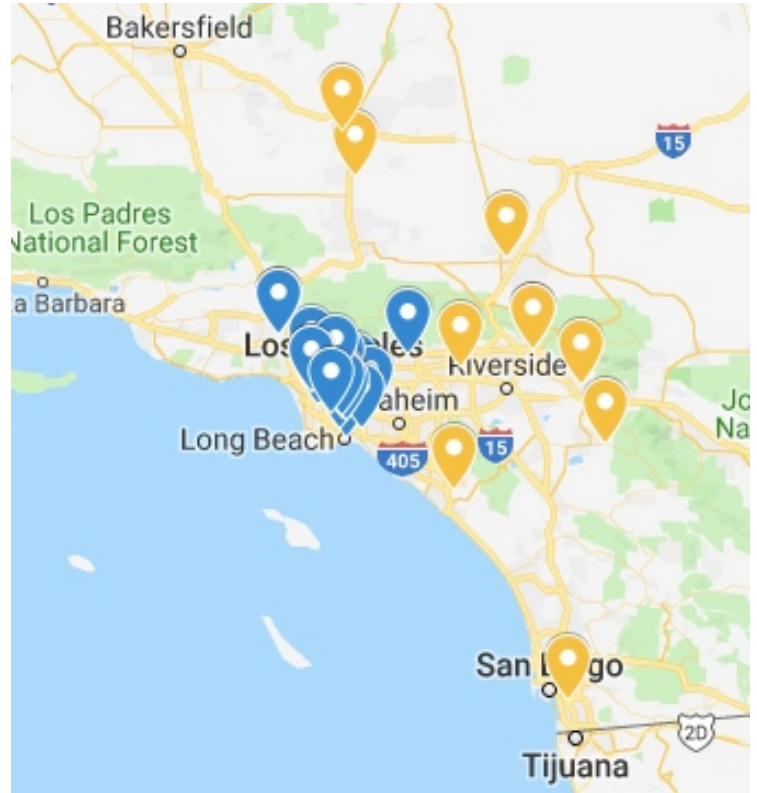


Figure 7.2\*

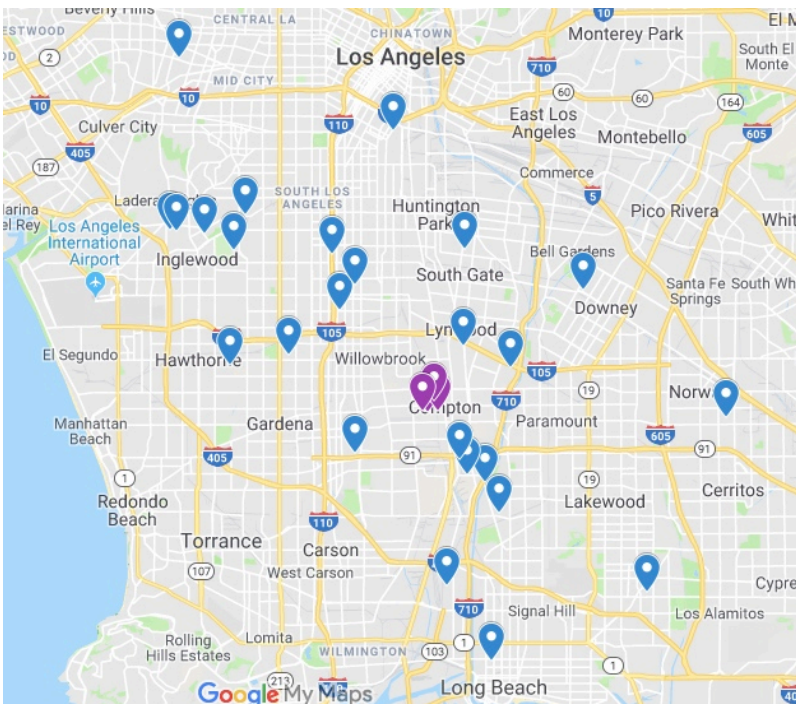


Figure 7.3\*

\*To prevent client's addresses from becoming public, this map has been deleted and only presently exists through these figures.

Out of State	Yellow	2
Northern California	Yellow	2
Southern California (outside LA county)	Orange	9
LA County (outside Compton)	Blue	29
Compton	Purple	4

Table 7

## I. Involved Officers

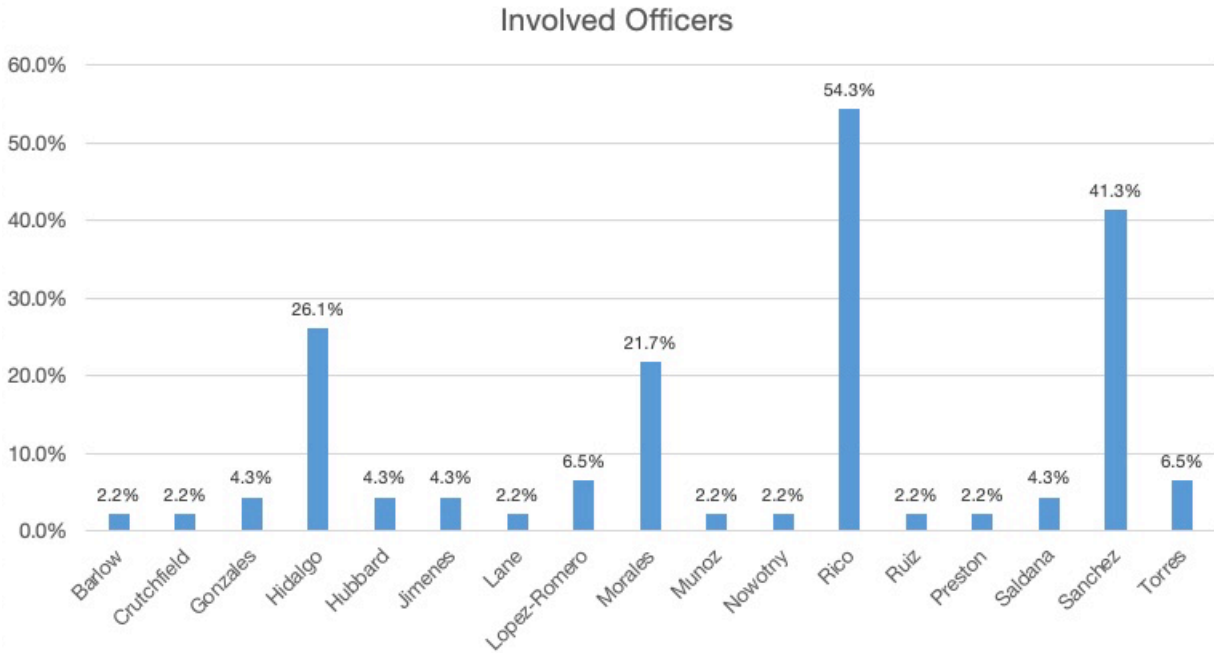


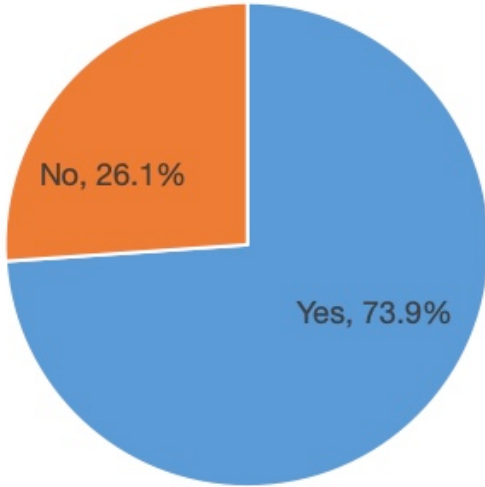
Figure 8

Barlow	1	2.2%	Rico	25	54.3%
Crutchfield	1	2.2%	Ruiz	1	2.2%
Gonzales	2	4.3%	Preston	1	2.2%
Hidalgo	12	26.1%	Saldana	2	4.3%
Hubbard	2	4.3%	Sanchez	19	41.3%
Jimenes	2	4.3%	Torres	3	6.5%
Lane	1	2.2%			
Lopez-Romero	3	6.5%			
Morales	10	21.7%			
Munoz	1	2.2%			
Nowotny	1	2.2%			

Table 8

**J. Did client have a prior history of sex work-related charges at time of arrest?**

Arrested with Prior Sex Work Arrest History?



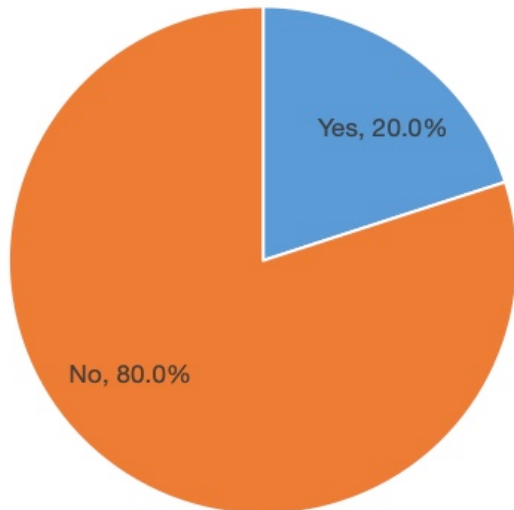
Yes	34	73.9%
No	12	26.1%

*Table 9*

*Figure 9*

**K. Was client arrested with other sex workers?**

Arrested with Other Sex Workers?



Yes	9	20.0%
No	36	80.0%

*Table 10*

*Figure 10*



### L. Mention of a possible exploitive third-party

Mention of possible “pimp” or trafficker

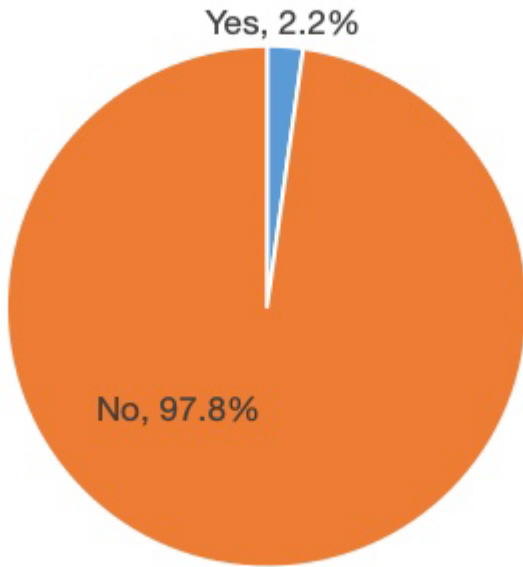


Figure 11

Yes	1	2.2%
No	44	97.8%

Table 11

### M. Description of clothing included the word “expose”

Clothing description used the word “expose”

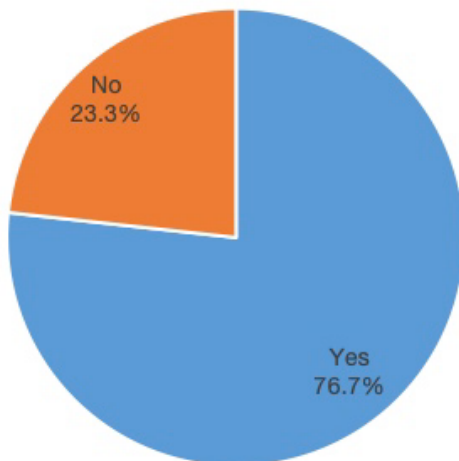


Figure 12

Yes	33	76.7%
No	10	23.3%

Table 12

## N. Description of clothing that was used to establish probable cause

"yellow/white short dress exposing her lower buttocks"	"pink tight dress exposing her lower buttocks and cleavage"	"black jacket & gray pants"
"white pants and a low cut, white tank top, which exposed her bra"	"scantily clad wearing a short tight dress partially exposing her buttocks"	"black dress, which exposed her buttocks"
"orange bathing suit, which exposed her buttocks"	"green tank top, which exposed cleavage and a black mini skirt"	"gray blouse and blue jeans"
"skin tight short black dress partially exposing her buttocks"	"orange strapless mini dress and thigh high black boots. She was exposing her cleavage and legs"	"one-piece pink lingerie outfit which exposed her buttocks"
"blue dress with a low cut top, which exposed her breasts"	"short colorful knitted dress and a leather jacket"	"black mini dress and a black jacket"
"yellow top without a bra, which exposed her breasts . . . Tight yellow/ white pants"	"blue g-string bikini with the front part of the bikini wide open, which exposed her breasts and buttocks"	"appearing to be bottomless"
"black crop top and tight black pants . . . Exposing her abdomen"	"brown tank top & burgundy shorts"	"grey short dress exposing her breasts and lower buttocks"
"yellow fishnet dress exposing her breast, vagina, and buttocks"	"black fishnet body suit, which was see through and it exposed here breasts"	"black open sweater top, exposing her bra and pants"
"see through black lace one piece, exposing her breasts and buttocks"	"white shorts, a white shirt and black house shoes"	"black jacket unzipped partially exposing her breasts . . . [and] short black shorts partially exposing her buttocks even though the morning weather was cool"
"gray jumpsuit, which exposed her buttocks"	"only . . . A burgundy bra, which exposed cleavage and her navel . . . Burgundy shorts and high boots"	"black floral dress without a bra, which exposed her breast"
"tight multi color dress"	"flora white mini dress, which exposed her buttocks"	"black sweater and black shorts exposing her lower buttocks"
"white transparent low cut leotard top and short blue shorts"	"low cut sweater exposing her breasts and dark pants"	"black sweater & tight gray pants"
"white tank top, which was transparent, exposing her breasts. She was also wearing a short pink skirt"	"tight short dress partially exposing her legs and buttocks area"	"tight black/brown dress exposing her cleavage"
"black/white jacket with a black bra and blue shorts . . . Exposing her cleavage, legs and partially exposing her buttocks"	"green bra and small black shorts"	"brown/black dress exposing her cleavage"
	"tight fitting, short, burgundy dress"	"tight black tube top and tight blue shorts . . . Exposing her cleavage, abdomen and legs"
		"brown mini dress and was exposing her cleavage and legs"

*Table 13*

## O. How probable cause was established

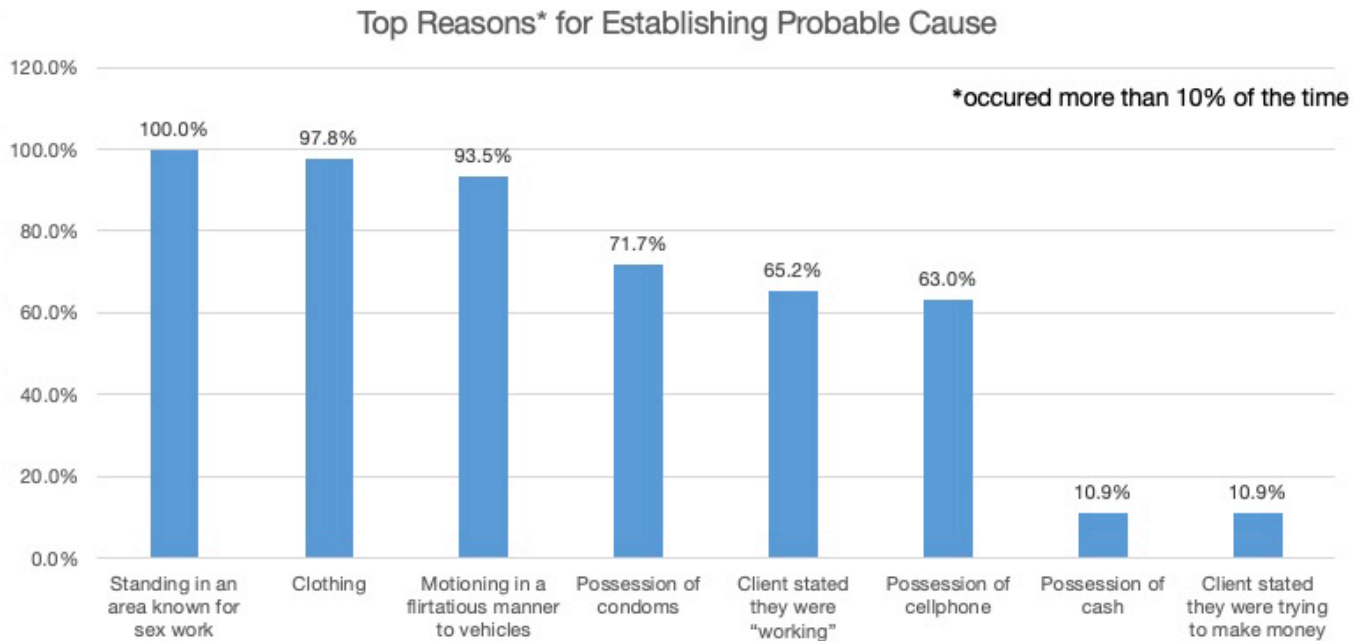


Figure 13

Standing in an area known for sex work	46	100.0%
Clothing	45	97.8%
Motioning in a flirtatious manner to vehicles	43	93.5%
Possession of condoms	33	71.7%
Client stated they were "working"	30	65.2%
Possession of cellphone	29	63.0%
Possession of cash	5	10.9%
Client stated they were trying to make money	5	10.9%
Reacted to presence of police	4	8.7%
Gave conflicting information about activities	3	6.5%

Possession of another citation for prostitution	1	2.2%
Client stated stopped by cops for working already	1	2.2%
Possession of lube	1	2.2%
Possession of hygiene products ("feminine cleaning products," "hand sanitizer")	1	2.2%
Time of day	1	2.2%
Police recognized from previous arrest	1	2.2%
Another sex worker stated the group was "working"	1	2.2%
Client stated they had been a sex worker for a certain amount of time	1	2.2%

Table 14



## **P. Other Notables**

- In 41.3% of cases (19), the client (allegedly) told the officers their rates after an arrest
- In one case, the arresting officers made client lift her shirt because she was pregnant and they took a picture of her stomach
- Police made a point in one police report to mention client did not have condoms because she "does not use them on dates while working"
- Police report from LA Regional Human Trafficking Task Force stated "Deputy Crutchfield recovered two condoms from the suspect's bra area" which means the deputy only found the condoms by placing their hands on the client's breasts

## **III. Standard Police Report**

*The following is the standard narrative that is used in police reports for 653.22 cases. There is some deviation depending on the author of the report. Reports from the Los Angeles Human Trafficking Task Force are less likely to follow a copy and paste type format such as below.*

On the indicated date and time, while conducting a patrol check/prostitution surveillance of Long Beach Blvd (in our marked black and white patrol vehicle in an area known for high prostitution/human trafficking activity, numbers citizen/businesses complaints and frequent arrests), we saw a female [usually Black as an identifier] (later identified as S/[client]) walking [direction] on Long Beach Blvd at [cross street]. This location is commonly known to be a place where commercial sex workers and commercial sex customers congregate in order to conduct business. We observed S/[client] for approximately [#] minutes prior to contacting her. In that time, we saw S/[client] walking in a flirtatious manner, making eye contact and waving at passing vehicles in an apparent attempt to gain the attention of sole male motorists(In a form of beckoning).

S/[client] was wearing [clothing description]. This style and choice of clothing is consistent with the style and attire common to street walking prostitutes that frequent Long Beach Blvd (see attached photograph).

It should be noted that we have had numerous contacts and arrest of prostitutes, we engaged them in direct conversation regarding their activities, mannerisms, and behaviors as street walking prostitutes.

We parked our patrol vehicle next to S/[client] and engaged in a consensual conversation with her. We asked her to place all her belongings on the hood of our patrol car, where she placed [usually condoms and cellphone]. S/[client] was free to leave at anytime. S/[client] stated, "[something about working or making money]." "Working" is a term commonly used by prostitutes that means to actively engage in sexual activity for money.

Based on our training and experience in the area of prostitution/Human Trafficking, the fact this area is well known for its prostitution/human trafficking activity, the suspects own

statement/admission, coupled with our observation of the suspect, we arrested S/[client] for the indicated charge.

We advised S/[client] of her Miranda Rights (per Sh-Ad 477) and she agreed to speak to us without an attorney present. S/[client] was in possession of a cellphone and [#] condoms. It should be noted, prostitutes use their cell phones as part of the crime. Prostitutes will use cell phone applications to advertise and give out their phone number on social media websites in order to generate new customers as well as keep in contact with returning customers.

Additionally, it should be noted “pimps” (commonly used street term for a person who facilitates a prostitute/street worker in the arrangement of sex acts with customers and collects money from prostitutes) give “prostitutes” a specific number of condoms in order to keep track of how many dates they have.

We transported and booked S/[client] at CRDF with the approval of Sergeant [person]. She was subsequently cited for the indicated charge under cite #[X].

We request that the court issue a “keep away” order to S/[client] for the area of Long Beach Blvd and [cross street] in the City of Compton.

## **IV. Applicable Law About People in the Sex Trades**

### **A. HIV Criminalization Reform Bill**

In 2017, California passed SB 239 to reform the criminalization of people living with HIV. The Williams Institute reported that, prior to repeal of the law, 95% of those charged under the HIV criminalization statute were people also charged under the solicitation for prostitution statute.

The law made three significant changes as it relates to sex workers. First, the felony of knowingly transmitting HIV was repealed. Instead, HIV is treated as a misdemeanor—the same as all other sexually transmitted diseases—and is only punishable by proving an intent to expose others. Secondly, the penalty enhancement for engaging in solicitation for prostitution while HIV+ was repealed. Third, the law repealed the statutory requirement that someone get “AIDS testing” and attend an “AIDS education program” if a defendant is convicted of solicitation.

Presently, judges and prosecutors are in many cases still requiring “AIDS testing” and attendance to an “AIDS education program” despite the repeal of these statutory provisions. Mandatory HIV testing is a widely-recognized human rights violation and is documented to lead to negative health outcomes (*see* #19 in Selected Resources).

## **B. Use of Condoms & Immunity from Arrest**

In 2019, California passed SB 233 to directly support the rights of sex workers. First, the law explicitly adds to the Evidence Code “[t]he possession of a condom is not admissible as evidence” in the prosecution of solicitation or loitering for prostitution. Secondly, if a person is a victim or witness to a “serious felony,” an assault, domestic violence, extortion, human trafficking, sexual battery, or stalking and has engaged in “an act of prostitution at or around the time they were the victim of or witness,” then they are not criminally liable for that act of prostitution. Third, if a person is a victim or witness to the same crimes listed previously, then they should not be *arrested* for violating the California Uniform Controlled Substances Act, solicitation, or loitering for prostitution if the would-be violation is related to the crime that person is reporting. Fourth, “[p]ossession of condoms in any amount shall not provide a basis for probable cause for arrest” for a violation of loitering or solicitation. The provisions of this law will take effect on January 1, 2020.

## **C. Vacatur Relief for Victims of Human Trafficking**

Victims of human trafficking are entitled under California law to vacatur relief for the arrest or conviction of nonviolent offenses. To request relief, the petitioner must establish four elements by clear and convincing evidence: (1) the petitioner was arrested for or convicted of a nonviolent offense, (2) the petitioner was a victim of human trafficking, (3) the offense was committed while a victim of human trafficking, and (4) the arrest or conviction was the direct result of being a victim of human trafficking. (Cal. Pen. Code § 236.14(a).)

The statute defines a victim of human trafficking as “the victim of a crime described in subdivisions (a), (b), and (c) of Section 236.1.” (Cal. Pen. Code § 236.14(t)(3).) Section 236.1(b) sets out that a person is a victim of human trafficking when “[a] person . . . deprives or violates the [victim’s] personal liberty . . . with the intent to effect or maintain a violation of [, among others,] Section . . . 266h [Pimping].” (Cal. Pen. Code § 236.1(b).) Deprivation of personal liberty includes “substantial and sustained restriction of another’s liberty accomplished through force, fear, fraud, deceit, coercion, violence, duress, menace, or threat of unlawful injury to the victim or to another person.” (Cal. Pen. Code § 236.1(h)(3).)

To grant the petition, the court must find: “(1) That the petitioner was a victim of human trafficking at the time the nonviolent crime was committed. (2) The commission of the crime was a direct result of being a victim of human trafficking. (3) The victim is engaged in a good faith effort to distance himself or herself from the human trafficking scheme. (4) It is in the best interest of the petitioner and in the interests of justice.” (Cal. Pen. Code § 236.14(g).) If the court denies the petition, the denial can be without prejudice and the court may state its reason for denial so that the petitioner can cure those deficiencies within a reasonable time period. (Cal. Pen. Code § 236.14(s).)

The petition should be made and heard “within a reasonable time after the person has ceased to be a victim of human trafficking, or within a reasonable time after the petitioner has sought services for being a victim of human trafficking” (Cal. Pen. Code § 236.14(l).)

When considering what is reasonable, factors under this section include: “concerns for the safety of the petitioner, family members of the petitioner, or other victims of human trafficking who may be jeopardized by the bringing of the application or for other reasons consistent with the purposes of this section.” (*Id.*) Upon filling of the petition and serving to the prosecutorial agency, the state has forty-five days from date of receipt to respond to the petition for relief. (Cal. Pen. Code § 236.14(c).)

If the petition is opposed or a court finds it necessary, the court can schedule a hearing on the following: “(1) [t]estimony by the petitioner, which may be required in support of the petition. (2) Evidence and supporting documentation in support of the petition. (3) Opposition evidence presented by any of the involved state or local prosecutorial agencies that obtained the conviction.” (Cal. Pen. Code § 236.14(f).) If the court finds a compelling reason that the petitioner cannot attend a hearing, then the petitioner may appear telephonically, via videoconference, or by other electronic means. (Cal. Pen. Code § 236.14(n).) Any record of the proceeding related to a petition under Section 236.14 that is publicly available should *not* disclose the petitioner’s full name. (Cal. Pen. Code § 236.14(q).)

## **V. Law Reform and Best Practices**

This Section attempts to give a broad overview of the laws around sex work and best practices when it comes to advocating change. This is in no way comprehensive, but should be seen as a starting point on how to start framing the issues.

### **A. The “Debate”**

The criminalization of sex work has become a hot topic in policy circles with most agreeing that policies need to change. However, there is strong division on how this should be done. The division can mostly be classified between a sex work decriminalization camp and a sex work abolition camp. Those in favor of decriminalization essentially seek to remove criminal and civil sanctions, as well as stigma, for those involved in the sex trades, while those in favor of abolition seek to end the existence of the sex trade altogether. Debates between the camps largely center around feminist discussions of bodily autonomy, choice, and consent. While many abolitionists believe all sex work is inherently exploitive, and therefore more likely to be human trafficking, those for decriminalization make a clear distinction between sex work and sex trafficking. The movement for decriminalization came about through leadership and consultation with people of lived experience in the sex trades while abolition is mostly pushed for by those without lived experience based on conceptions of morality. For a broader perspective on the movement for decriminalization, see #1 in Selected Resources.

From a harm reduction and human rights perspective, consensus has firmly formed in favor of the decriminalization of sex work. This position has been formally adopted by organizations such as: the Global Alliance Against Trafficking in Women, Amnesty International, the American Civil Liberties Union (ACLU), the National Lawyers Guild, the Movement for Black Lives, Human Rights Watch, Lambda Legal, the United Nations

Global Commission on HIV & the Law, the World Health Organization, UNAIDS, and many others.

## **B. Understanding Decriminalization**

The call for the decriminalization of sex work should not be compared to the early efforts to decriminalize marijuana. Unlike with those reforms, the decriminalization of sex work means removing all criminal *and* civil penalties associated with engaging with the sex trades. As a starting point, almost all at the public defenders would agree that the arrest and charging of clients for violating Section 653.22 should end. However, under the decriminalization model this would include decriminalizing sex workers, their clients, and third-party support. In California, this would mean removing the following penal code sections as it relates to sex work: 653.22 (loitering with intent to commit prostitution), 647(b) (solicitation), 266e (acquiring prostitute), 266h (pimping), 653.23 (supervision of prostitute), 266f (selling prostitute), 266i (pandering), 318 (prevailing to visit a place for prostitution), and 11225 (place of prostitution as nuisance). Additionally, Section 13201.5 of the Vehicle Code (suspension of license following prostitution conviction) should be repealed.

Evidence has shown that laws criminalizing sex work only contribute to human trafficking and violence, not stopping it. A recent study (*see #2* in Selected Resources) found that sex workers are three times more likely to experience violence when the sex trades are criminalized. Another study found that the erotic services's section of Craigslist reduced the national homicide rate of women by 17% (*see #3* in Selected Resources). Criminalization creates significant barriers to exiting the sex trade, makes sex workers more reliant on exploitive third-parties, and justifies irrational social hatred towards sex workers. In several instances, serial killers have cited sex workers lack of societal protection as reason to prey on their vulnerable status. Ultimately, the best way to combat human trafficking is not through increasing criminalization, but increasing social welfare nets, addressing issues of poverty, and reforming immigration.

Decriminalization also maximizes public health outcomes. In a ground breaking report, the Lancet discovered that decriminalizing sex work would reduce the spread of HIV by 33% to 46% over a decade (*see #5* in Selected Resources). When Rhode Island temporarily decriminalized indoor sex work, there was a *sharp* reduction in incidents of rape and gonorrhea (*see #6* in Selected Resources).

To be clear, the decriminalization movement does not seek to remove punishment for human trafficking, sexual assault, domestic violence, or labor exploitation. Nor does the movement seek to eliminate punishment for those facilitating minors in the sex trades. The key distinction between sex work and human trafficking is the element of deprivation of liberty over an extended period of time. Current California statutes on pimping, supervision of prostitute, selling prostitute, and pandering do not have any elements that require violence, deprivation of liberty, or even sexual assault. For example, a child living at home who knows their parent is a sex worker would be guilty of violating Section 226h on pimping. Since these statutes do not do anything to address actual situations of human

trafficking, they should be seen as unnecessary measures that criminalize people's involvement in the sex trades.

Debating whether or not someone has a choice to engage in sex work is a red-herring for the actual issues at stake when it comes to policies about the sex trades. Research on the benefits of decriminalization impacts everyone's involvement in the sex trades—from those who choose sex work as a career, to those who engage in sex work out of circumstances, to those whose labor is forced, and all those who fall somewhere in between. If the concern is about the exploitive conditions that lead people into sex work, then focus should remain on those issues: ending homelessness, food insecurity, and poverty, immigration reform, employment discrimination against disabled, transgender, and workers with criminal backgrounds in non-sex work employment, and other drivers that bring people into sex work and that keep them involved.

### **C. No Partial Decriminalization, Legalization or Further Criminalization**

Importantly, stopping (some of) the arrests of sex workers is insufficient to address any of the noted concerns. Only the full decriminalization of sex workers lives will *begin* to address these human rights violations.

The most common policy alternative, known as the “End Demand” or “Nordic Model,” decriminalizes the act of selling sex but continues criminalizing clients and third-parties and has been adopted by countries such as Canada, Norway, and France.

Criminalizing clients is known to increase violence against sex workers (*see #7* in Selected Resources). The goal of this approach is to drive down client participation in the sex trades under the theory that, if there is no “demand” then there will be no sex workers. The result is that sex workers are more likely to encounter violent and abusive clients who are not deterred by the law, to lower screening standards so as to earn a livable income, and to be in a weaker position to negotiate safe working conditions.

Similarly, criminalizing third-parties as human traffickers has serious consequences for the lives of sex workers (*see #9* in Selected Resources). Criminalizing managers of sex workers has led to more dangerous working conditions for workers and severely limits the ability for sex workers to challenge unfair or abusive working conditions. Housing becomes insecure for sex workers because landlords and property managers are less not likely to engage with the community. Sex workers themselves also end up being criminalized if they provide support and mutual aid to another sex worker. Ultimately, it is usually the safety networks that sex workers themselves use to stay safe that end up being criminalized.

Nor is legalization, another policy alternative, a viable option for sex workers. Legalization, distinguished from decriminalization, is the policy of allowing sex work in heavily regulated circumstances. Nevada and Amsterdam are some examples of this approach. The problem, however, is that legalization is just *de facto* criminalization for sex workers who are not

privileged enough to be able to satisfy the regulatory framework. The law in Nevada for example barred transgender women and cisgender men from working in the legalized brothel industry—not to mention racism and classism in the legalized industry that prevents sex workers of color and those that are poor from participating in the benefits of legalization. Maximizing human rights, civil rights, and public health all require decriminalization rather than legalization. For further reading on this important distinction see #10 in Selected Resources.

Finally, allies to sex workers should be aware of changing landscape of online-based sex work. In April 2018, the United States Congress passed what has become known as SESTA-FOSTA in a stated effort to prevent human trafficking. The law amended Section 230 of the Communications Act so that, for the first time in history, website hosts are civilly and criminal liable for third-party content. Website hosts are only liable for recklessly promoting prostitution and human trafficking, which as already detailed, severely conflates sex work with sex trafficking. The response by internet providers has been to effectively shut down access for sex workers. Countless websites that used to be available to sex workers, such as Backpage and Craigslist have closed down, often at the expense of sex workers safety practices. One result has been an increase in street-based sex work and more exploitive working conditions. Although conclusive studies are still being conducted, the understanding is that this has actually lead to an increase in human trafficking. *Woodbull Freedom Foundation v. United States* is currently making its way through the DC Circuit and challenging the constitutionality of this law on several grounds. For more information about the impacts of SESTA-FOSTA see #13 and # 14 in Selected Resources.

#### **D. Efforts at Decriminalization**

To date, only one country in the world has adopted a comprehensive sex work decriminalization model—New Zealand. While New Zealand still criminalizes migrant sex workers, in 2003 the country decriminalized all other aspects of sex work. The New Zealand Parliament established the Prostitution Law Review Committee and in 2008 released a comprehensive report about the effects of the law on sex workers over the five year span (see #11 in Selected Resources). Among some of the findings include an increase in sense of safety among sex workers and in employment conditions.

In the United States, the strongest campaigns towards the decriminalization of sex work are in New York state and Washington, D.C. The campaign in New York State is lead by “DecrimNY” whose website lists the different legislative bills and the goals that they are working on. The Washington, D.C. bill that was introduced by Councilperson Grosso is the closest model legislation that exists for sweeping reform on sex work decriminalization in the United States context (see #12 in Selected Resources). Many other states, such as California, have growing coalitions to start advocating for the introduction of similar legislation in their respective states. In Los Angeles, the Sex Workers Outreach Project-LA Chapter is the only organization by and for people involved in the sex trade.

## VI. Recommendations for Public Defenders Moving Forward

1. Because people's involvement in the sex trades ranges widely from forced participation to willing career choice (with most scenarios falling somewhere in between), the Public Defender's goal should always remain focused on minimizing criminal liability and only refer to services if that is something the client would like.
2. As experts in how the people of Compton are being charged with crimes, the Branch should institutionalize ways to advocate necessary change for the benefit of our clients.
3. The Branch should coordinate with sex worker-led organizations—or, as a principle, any community-led organizations directly impacted by policies—when seeking changes (*see*
4. The Branch should coordinate within the wider Los Angeles County Public Defender's Office on these issues.
5. The Los Angeles County Public Defenders Office should coordinate with other California public defender offices on these issues to create state-wide best practices.
6. Because of the relationship the Office has to the government of Los Angeles, members of the LA County Public Defender Union should consider how the Union can utilize its collective voice for the benefit sex workers and other clients.

## VII. Selected Resources

1. *Anything Other Than Decriminalization Leaves Sex Workers Behind*, TRUTHOUT (May 5, 2019), <https://truthout.org/articles/anything-other-than-decriminalization-leaves-sex-workers-behind/>
2. *Criminalisation of Sex Work Normalises Violence, Review Finds*, THE GUARDIAN (December 11, 2018), <https://www.theguardian.com/society/2018/dec/11/criminalisation-of-sex-work-normalises-violence-review-finds>
3. *Craigslist's Erotic Services Site Appears to have Reduced Female Homicide Rates by 17 Percent*, HUFFINGTON POST (October 13, 2017), [https://www.huffpost.com/entry/craigslist-erotic-services-site-appears-to-have-reduced\\_b\\_59df8778e4bocee7b9549e66](https://www.huffpost.com/entry/craigslist-erotic-services-site-appears-to-have-reduced_b_59df8778e4bocee7b9549e66)
4. *Amnesty International Policy on State Obligations to Respect, Protect and Fulfill the Human Rights of Sex Workers*, AMNESTY INTERNATIONAL (May 26, 2016), <https://www.amnesty.org/download/Documents/POL3040622016ENGLISH.PDF>
5. *The Lancet Says Decriminalizing Sex Work Could Significantly Reduce HIV Infections*, THE BODYPRO (July 22, 2014), <https://www.thebodypro.com/article/leading-medical-journal-says-decriminalizing-sex-w>
6. *When Rhode Island Accidentally Legalized Prostitution, Rape Decreased Sharply*, WASHINGTON POST (July 17, 2014), [https://www.washingtonpost.com/news/wonk/wp/2014/07/17/when-rhode-island-accidentally-legalized-prostitution-rape-and-stis-decreased-sharply/?utm\\_term=.51426b605019](https://www.washingtonpost.com/news/wonk/wp/2014/07/17/when-rhode-island-accidentally-legalized-prostitution-rape-and-stis-decreased-sharply/?utm_term=.51426b605019)



7. *Why Laws That Criminalize Buyers of Sex Only Make Sex Work More Dangerous*, HUFFINGTON POST (May 2, 2016), [https://www.huffpost.com/entry/why-laws-that-criminalize\\_b\\_9820562](https://www.huffpost.com/entry/why-laws-that-criminalize_b_9820562)
8. *Mexico City will Decriminalize Sex Work in Move Against Trafficking*, THE GUARDIAN (June 1, 2019), <https://www.theguardian.com/world/2019/jun/01/mexico-city-decriminalize-sex-trafficking>
9. *Criminalisation of Third Parties and its Impacts on Sex Workers' Human Rights*, GLOBAL NETWORK OF SEX WORKERS PROJECTS (May 23, 2016), <https://www.nswp.org/sites/nswp.org/files/Criminalisation%20of%20third%20parties%20statement%20C%20NSWP%20-%20May%202016.pdf>
10. *Sex Worker Explains the Difference Between Legalizing and Decriminalizing Prostitution*, BUSINESS INSIDER (June 10, 2015), <https://www.businessinsider.com/sex-worker-explains-the-difference-between-legalizing-and-decriminalizing-prostitution-2015-6>
11. *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003*, NEW ZEALAND PARLIAMENT (May 2008), <http://prostitutescollective.net/wp-content/uploads/2016/10/report-of-the-nz-prostitution-law-committee-2008.pdf>
12. *As Prostitution-Related Charges Double In D.C., Lawmakers Are Reintroducing a Sex Work Decriminalization Bill*, DCIST (June 3, 2019), <https://dcist.com/story/19/06/03/as-prostitution-related-charges-double-in-d-c-lawmakers-are-reintroducing-a-sex-work-decriminalization-bill/>
13. *Resolution Condemning SESTA-FOSTA*, NATIONAL LAWYERS GUILD (2018), <https://www.nlg.org/wp-content/uploads/2018/11/Resolution-Condemning-SESTA-FOSTA.pdf>
14. *Congress' Awful Anti-Sex-Trafficking Law has only Put Sex Workers in Danger and Wasted Taxpayer Money*, BUSINESS INSIDER (July 14, 2019) <https://www.businessinsider.com/fosta-sesta-anti-sex-trafficking-law-has-been-failure-opinion-2019-7>
15. *DOJ Report on Baltimore Police Shows Harms of Criminalization of Commercial Sex*, BEST PRACTICES POLICY PROJECT (August 11, 2016), <http://www.bestpracticespolicy.org/2016/08/11/doj-report-on-baltimore-police-shows-harms-of-criminalization-of-commercial-sex/>
16. *Meaningful Work: Transgender Experiences in the Sex Trade*, THE RED UMBRELLA PROJECT (December 2015), <http://www.bestpracticespolicy.org/wp-content/uploads/2015/12/Meaningful-Work-Full-Report.pdf>
17. *International Day to End Violence Against Sex Workers*, <http://www.december17.org>
18. *Policing Sex Work*, INCITE!, <https://incite-national.org/policing-sex-work/>
19. *Criminal Laws on Sex Work and HIV Transmission: Mapping the Laws, Considering the Consequences*, 93 DENVER L. REV. 355 (2016).

## **VIII. Selected Sex Worker-led Organizations**

- Sex Workers Outreach Project (national organization with chapters in Los Angeles and Sacramento, CA)
- St. James Infirmary (San Francisco, CA)
- Black Sex Workers Collective (national)
- Best Practices Police Project (national)
- Desiree Alliance (national)
- Butterfly: Asian and Migrant Sex Workers Network (North America based in Toronto, Canada)
- New Jersey Red Umbrella Alliance (New Jersey)
- Women with a Vision (New Orleans, LA)
- Casa Ruby (Washington, DC)
- Project SAFE (Philadelphia, PA)
- G.L.I.T.S.: Gays & Lesbians Living in a Transgender Society (New York City, NY)