

MOVE ALONG

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Policing Sex Work in Washington D.C.

Move Along: Policing Sex Work in Washington, D.C.
A report by the Alliance for a Safe & Diverse DC, Washington, D.C.

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Cover design and report layout by PJ Starr. The cover features a photograph of a sign announcing a prostitution free zone on M Street, NW in September 2006.

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Move Along

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2008

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Executive Summary

“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 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 people approached by the police indicated that officers asked them

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.

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 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 prosecution 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

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.

treatment, to provide information and related services to sex workers. Furthermore, shrouding a population in suspicion ultimately suppresses their ability to take actions to keep themselves safe, including by 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.

Introduction

In recent years new measures were passed in Washington D.C. to strengthen the city's law enforcement approach to prostitution. Community members who were concerned about the harmful impact of these laws formed the Alliance for a Safe and Diverse DC in 2005 to educate about the real needs of marginalized people in the city. Alliance membership includes service providers, advocates, and immigrant, transgender and sex worker representatives. Alliance members promoted alternatives to harsh law enforcement but felt stymied by lack of formal evidence to support their experiential knowledge of the negative effects of the District's approach to commercial sex. In order to address this, the Alliance decided to pursue a community-based research project about policing of prostitution in the District of Columbia. Different Avenues, a non-profit organization in D.C. that creates programs and provides services that integrate health promotion with rights-based perspectives for people engaging in sexual exchanges, coordinated the research effort on behalf of the Alliance. This work is an extension of long-standing efforts to make visible the conditions of sex work for people in Washington D.C., and to advance justice for communities affected by policing.

We had two goals for conducting this research project into the effects of law enforcement and related social control practices on sex workers and "people profiled as prostitutes" in the District of Columbia. Firstly, the material contained in this report should enable organizations and networks concerned about social justice to educate policy-makers and the public about the needs of marginalized people, advocate for what is working in current policy and to educate about what is harmful. Secondly, this project is committed to including people most affected by anti-prostitution and related policies in the creation of this knowledge and including trained representatives from affected communities into policy discussions and community debate.

The Community Research Team that conducted the research and wrote this report included representatives from a diverse array of communities affected by policing in the city. Team members had expertise with the issues from both personal experience and work in the community on topics of sex work, HIV, drug use, Lesbian/Gay/Bisexual/Transgender (LGBT) and immigrant communities, racism, homelessness and community organizing. It was the expertise of these team members that gave us access to key communities and individuals for surveying and interviews, and informed the progress of the research and the completion of this report. The report is the final product of a year's worth of hard work by our committed group of community members.

We begin with the Background Chapter, placing our work within the larger context of what is happening in the District. This information will help the reader understand the facts of policies relating to commercial sex in D.C. The chapter also describes key processes and events in relation to other important issues that affect sex workers and others in the District, including housing and economics, violence and health. The chapter ends with an overview of grassroots responses to some of these topics. We then briefly describe the process by which we did our research in the Methodology Chapter. Our third chapter, Results, covers the findings of our research in data, numbers and compelling stories from individuals about their experiences. For ease of reading, some of the data tables and charts from this chapter have been placed in Appendix I, where interested readers will find more detailed information. After reviewing the data, the Discussion Chapter clarifies our

findings, noting themes, key issues and questions that the research results compel us to ask. The final chapter consists of recommendations for how to address the abuses and problems described in this report. These recommendations are directed to various parts of the D.C. government (the Mayor and D.C. Council, the Metropolitan Police Department, prosecutors, judges), funders, and other sex worker groups and allies in the community.

Whether you are in D.C. or another part of the country or the world, we hope that the report you hold in your hands will help you to pursue justice. We hope it will be an inspiration for similar projects to support communities to conduct their own research as a basis for action for social justice. We hope our report will be used by activists and advocates to work for policy change and to change social attitudes on these issues. We never intended for this to be just a collection of papers and writing accumulating dust, but that it should be added to the collection of tools available to push for lasting and meaningful change in this world.

In solidarity,

Community Research Team of the Alliance for a Safe & Diverse DC

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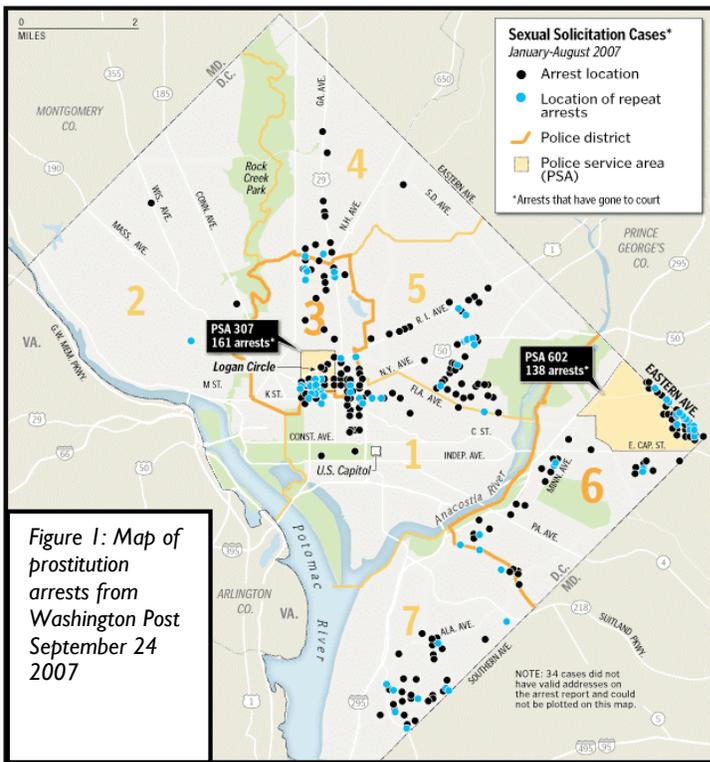
Context of Research in Washington, D.C.

It is important to understand that the implementation of anti-prostitution policies in the District of Columbia occurs in a broader context. The District has undergone significant urban development that has caused rapid displacement of low-income people and people of color, and sectors of the city that have housed centers of alternative culture have also fundamentally changed. In this section we provide an overview of many of these changes, describe how they interact with law enforcement activities, and discuss community resistance.

Prostitution, Commercial Sex Laws and Other Regulations

The laws against prostitution in the District of Columbia are found in Title 22, Chapter 27 of the D.C. Code and prohibit engaging in or soliciting prostitution,¹ pandering, inducing or compelling a person to engage in prostitution,² receiving money or other valuable things for arranging prostitution,³ operating a house of prostitution⁴ and more.⁵ The D.C.

Metropolitan Police Department (MPD) made over 750 arrests for prostitution, solicitation and related charges from January through August 2007 [Figure 1].⁶ From the beginning of 2006 to November 5, 2007, the MPD made a total of 3,220 “prostitution related arrests.”⁷ Many arrests were concentrated in areas of the city such as downtown, the border of D.C. and Maryland at the city’s eastern corner, and neighborhoods in Northeast and Southeast quadrants of the District. Convictions for solicitation and prostitution in the District can include fines of up to \$1000 and up to 6 months in jail. Enforcing prostitution-related codes in D.C. costs a significant sum. The MPD’s budget for fiscal year 2007 included \$1,510,363 for its prostitution unit.⁸



¹ D.C. Code § 22-2701.

² D.C. Code § 22-2705.

³ D.C. Code § 22-2707.

⁴ D.C. Code § 22-2712.

⁵ See Appendix II for a full list of laws regarding prostitution in D.C. Code.

⁶ *Prostitutes Venture into Residential Communities*, Washington Post, 24 September 2007.

⁷ FOIA Correspondence with Brian Bray, Inspector, Narcotics and Special Investigations Division, MPD. 5 November 2007. This number includes all arrests made under subchapters of D.C. Code § 22-27.

⁸ District of Columbia, Office of the Chief Financial Officer, “Government of the District of Columbia FY 2007 Budget and Financial Plan.” 5 June 2006.

http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/2007/dc_Budget-Volume_2d.pdf&open=1332101 (Accessed 6 March 2008).

History of laws in the District

Some of the first laws governing commercial sex in the District were passed in 1910 (“in relation to pandering, define and prohibit the same and provide for the punishment thereof”) and 1914 (“enjoin and abate houses of lewdness, assignation and prostitution”).⁹ These statutes were concerned with “coercion” and “living off the earnings” of another person’s prostitution.¹⁰ Solicitation for prostitution was not criminalized in the District until 1935 by the Act for the Suppression of Prostitution in the District of Columbia.¹¹

Many of the District’s laws governing sexual performances, specifically nude dancing, also date to this period.¹² Most regulations regarding nude dancing (which can occur “only upon a stage at least 18 inches above the immediate floor level and removed at least 3 feet from the nearest customer”) are defined within the city’s regulations on alcohol.¹³ In 1993 the District government enacted a ban on the issuance of any new nude dancing venue licenses, further restricting the ability of those venues already in operation to move their location.¹⁴

Implementation of laws and regulation pertaining to prostitution and sexual performance in any city or state rarely goes “by the book.” In order to understand how anti-prostitution approaches operate it is important to look beyond the laws themselves and examine how enforcement plays out on the streets and in the courts. In addition to the many laws regarding prostitution, the police often charge people with unrelated violations, whether civil infractions or criminal charges.¹⁵ Anti-prostitution activities in D.C. have been characterized by corruption and inconsistency.¹⁶ Life histories collected from people who have been targeted by the police as prostitutes document examples of excessive use of police power dating back to the 1980s and 1990s.¹⁷ Some of these events received media attention. For example in 1989 police rounded up women working along K St NW near McPherson Square, put them into a van, drove them to the Virginia side of the Memorial

⁹ D.C. Code § 22-2705 and § 22-2713.

¹⁰ At the turn of the century, prostitution laws were being passed across the country, in part in reaction to concerns about “white slavery.” These laws were also inspired by concerns about sexually transmitted diseases among soldiers at the start of World War I. Rose, Al. (1979) *Storyville, New Orleans: Being an Authentic, Illustrated Account of the Notorious Red-Light District*. (Tuscaloosa: University of Alabama Press). Some historians have also suggested that these new laws were passed in response to widespread corruption of police and politicians that had typified earlier government approaches to prostitution. Gilfoyle, Timothy J. (1992). *City of Eros: New York City, Prostitution, and the Commercialization of Sex 1790-1920*. (New York: WW Norton).

¹¹ D.C. Code § 22-2701. D.C. Code defines prostitution as “a sexual act or contact with another person in return for giving or receiving a fee.”

¹² Nude dancing is defined as “entertainment by a person whose genitals, pubic region, or buttocks are less than completely and opaquely covered and, in the case of a female, whose breasts are less than completely and opaquely covered below a point immediately above the top of the areola.” D.C. Code § 25-101 (34).

¹³ These laws date to the D.C. Alcohol Beverage Control Act of 1934—passed after Prohibition ended and at the same time as other laws further criminalizing prostitution-related activities.

¹⁴ Sections of D.C. Code § 25-374 restrict the relocation of nude dancing establishments to certain zones of town, where they must maintain certain distances from other nude dancing establishments, residential areas, and venues like schools and churches.

¹⁵ These charges include jay-walking, disorderly conduct and trespassing. See, for example, “D.C. Neighborhoods Battle Prostitution.” *ABC-7 News*. By WJLA Newsteam. ABC. WJLA, Washington. 18 October 2007. <http://www.wjla.com/news/stories/1007/465096.html> (Accessed 28 February 2008).

¹⁶ Statement of The Woodhull Freedom Foundation by Dr. Melinda Chateauvert, member of the Board of Directors, before D.C. Council, Committee on Consumer and Regulatory Affairs hearing on the Prostitution-related Nuisance Abatement Amendment Act of 2005, 8 June 2005.

¹⁷ Dr. Penelope Saunders interview with community member, (name on file at Different Avenues), Washington D.C., 19 October 2005.

Bridge and told them not to come back to the District.¹⁸ Enforcement of prostitution law in the District is cyclical. In the 1980s and 1990s periodic “busts” that resulted in increased arrests and media coverage¹⁹ and new proposals for laws to solve the problem “for good”²⁰ were interspersed with longer periods of status quo. Most community members active in street based sex work in past decades recall law enforcement negatively, but some remember periods of relatively good relationships with individual police officers prior to the 1990s. Positive recollections include officers taking violence against sex workers seriously and police treating community members fairly during stops or arrests.²¹

Recent law reform

In 2005 three separate but related laws were introduced to the D.C. Council. It had been seven years since the last anti-prostitution bill became law.²² The Prostitution Nuisance Abatement Amendment Act, proposed by then-Mayor Anthony Williams in January 2005, sought to target indoor sex work that was said to be occurring under the guise of massage in venues such as massage parlors and spas. In April 2005, Williams’ multi-faceted Omnibus Public Safety Act created the concept of “prostitution free zones” (PFZs) and criminalized the act of having sex for money (in addition to the already criminalized solicitation of sex for money).²³ Council member Jack Evans (D-Ward 2), reacting to an earlier court ruling overturning a law that had mandated the seizure of vehicles “used to facilitate prostitution,”²⁴ introduced the Anti-Prostitution Vehicle Impoundment Amendment Act to provide for the temporary impounding of such vehicles. This proposal eventually became part of the Omnibus Public Safety Emergency Amendment Act²⁵ that was passed in late summer 2006. The provisions were set within a larger bill touted by the mayor as a response to the city’s “crime emergency,” but Chair of the Public Safety and Judiciary Committee (responsible for the legislation) Phil Mendelson (D-At Large) later told research team members that safety was not a reason for passing the anti-prostitution laws.²⁶ “We didn’t look at data to increase people’s safety,” said Council

“Prostitution is an issue which societies have always made illegal and yet it doesn’t go away. And from a very broad perspective it would probably make sense to take a different approach and regulate it instead of prohibit it, but politically that is not viable. What we do is drive it underground and deal with it as it pops up.”

—D.C. Council member
Phil Mendelson, Chair of Public
Safety and Judiciary Committee,
Community Research Team
interview 18 October 2007

¹⁸ *Prostitution Zone March Becomes Thorn for D.C.; Va. Politicians, Union Decry Action by Police*, Washington Post, 27 July 1989. The sergeant who gave the order for this incident was given an award a few months later by the Logan Circle Community Association for “creative and resourceful police work.”

¹⁹ *D.C. Prostitution Crackdown Brings 183 Arrests in Two Week*, Washington Post, 24 April 1987.

²⁰ *D.C. Poised to Run Out Prostitutes; Police Get Boost From New Law*, The Washington Post, 8 July 1998.

²¹ Dr. Penelope Saunders interviews with community members (names on file at Different Avenues), Washington, D.C., 19 October 2005 and 25 October 2005.

²² *D.C. Poised to Run Out Prostitutes; Police Get Boost From New Law*, The Washington Post, 8 July 1998.

²³ As it was introduced, Titles 20 and 21 of the Omnibus Public Safety Act of 2005 were the Anti-prostitution Amendment Act and the Prostitution Free Zone Act. The bill originally had 22 sections, or titles, covering a myriad of issues, prompting the D.C. Public Defender Service and American Civil Liberties Union of the National Capital Area among others to criticize the bill for trying to pack too many diverse changes into one bill. Hearing before the D.C. Council, Committee on the Judiciary, 30 June 2005.

²⁴ *One 1995 Toyota Pick-up Truck (Braulio Esparza, Claimant) v. District of Columbia*, (D.C. Court of Appeals. 1998). This decision invalidated the Safe Streets Forfeiture Amendment Act of 1992.

²⁵ D.C. Act 16-445.

²⁶ The Community Research Team tried to interview Council members David Catania (I-At Large) and Jim Graham (D-Ward 1) and former Council member Kathy Patterson but our requests were denied.

member Mendelson. “We were looking at giving the police more tools to combat street prostitution.”²⁷

The prostitution free zone concept introduced in the Act was not invented in D.C., but modeled after similar laws in other areas.²⁸ Prostitution free zones reverse traditional zoning logic that confines adult business within a specific zone. Instead, the zones exclude “prostitutes” while drawing “a boundary between the life spaces [of] privileged, propertied residents and the visibly sexual/sexualized body of the prostitute.”²⁹ Lawmakers in D.C. took this concept to a new level by empowering police to arrest a person for staying within a zone if officers believed that person to be there for the purpose of prostitution.³⁰ The law gives the Chief of Police the power to declare a prostitution free zone in “areas where the health or safety of residents is endangered by prostitution or prostitution-related offenses.”³¹ The zone can be up to 1,000 square feet and can last for 240 hours (ten days)—multiple zones can be declared simultaneously and back-to-back.³² Zones must be clearly marked, such as with police tape or paper signs [See Figure 2]. Officers enforcing the zone can tell any group of two or more people believed to be congregating for the “purpose of prostitution”³³ that they must leave the zone and not return for the duration of the zone. If they return they can be arrested and if convicted face up to \$300 in fines and/or up to 180 days in jail.



Figure 2: Sign at 12th St, NW announcing a prostitution free zone. Photo taken September 9 2006 by PJ Starr.

²⁷ Community Research Team interview with Council member Phil Mendelson, October 18, 2007.

²⁸ Portland Oregon, Richmond Virginia, and Honolulu Hawaii are among the jurisdictions that implemented prostitution free zones before D.C. lawmakers considered the idea. At least one jurisdiction (Salinas, California) considered the idea at the prompting of some business associations, but did not enact the legislation. Salinas City Council/Redevelopment Agency Meeting Minutes, Salinas, California, 1 May 2007.

<http://www.cityofsalinas.net/CCouncil/CCMinutes/CCmin/May0107.html> (Accessed 28 February 2008).

²⁹ Sanchez, Lisa, *Enclosure Acts and Exclusionary Practices: Neighborhood Associations, Community Policing, and Expulsion of the Sexual Outlaw*, Gorlberg, David Theo, Lisa C. Bower, Michael C. Musheno. (2001). *Between Law and Culture: Relocating Legal Studies*. Page 125.

³⁰ In other jurisdictions (including Richmond and Portland) only those previously arrested for and/or convicted of prostitution charges were excluded from the zones.

³¹ D.C. MPD, (Press Release) “MPDC Begins Enforcement of New ‘Prostitution Free Zone’ Law,” 31 August 2006.

³² Criteria for establishing a zone include “disproportionately high number of arrests or calls for police service related prostitution or prostitution-related offenses in the proposed zone within the preceding six-month period.” “Prostitution Free Zone,” <http://mpdc.dc.gov/mpdc/cwp/view,a,1238,q,560843.asp>, D.C. MPD, 27 March 2008.

³³ Criteria police are allowed to consider in determining the reason that a person is congregating in a zone include: behavior of the person (like “attempting to engage passers-by in conversation for the purpose of prostitution” or “stopping or attempting to stop motor vehicles for the purpose of prostitution”), “information from a reliable source indicating that a person being observed routinely engages in or is currently engaging in prostitution,” or “knowledge by an officer that the person is a known participant in prostitution or prostitution-related offenses.” “Prostitution Free Zone,” <http://mpdc.dc.gov/mpdc/cwp/view,a,1238,q,560843.asp>, D.C. MPD, 27 March 2008.

The prostitution free zone concept was framed by D.C. legislators and law enforcement as a completely new approach, but many of the practices proposed in the law were, in fact, pre-existing. The Omnibus Public Safety Emergency Amendment Act simply legitimized long standing police activities such as blocking off whole sections of streets downtown at night or arresting all transgender women in certain areas on suspicion of their engagement in prostitution.³⁴ MPD officers have often used police tape or other barriers to block off blocks of streets to impede prostitution. In these cordoned areas police have used minor offenses such as jaywalking or “Failure to Obey” (FTO) as a justification to harass, detain and arrest people they perceived to be sex workers. Access to areas of town thought to be hot-spots for prostitution has been restricted in other ways. A direct antecedent to the prostitution free zones was the practice of police and prosecutors seeking and judges granting “stay away orders” that prohibited those found guilty on prostitution charges from going to certain areas of the city.³⁵ Street signs were erected in the late 1990s prohibiting right turns between 9pm and 5am at certain intersections in an effort to keep customers from circling blocks where sex workers gathered [see figure 3]. These wide-ranging anti-prostitution activities were justified by theories about policing and public space such as “broken windows theory,” “zero tolerance” and “quality of life” policing.³⁶ People on the street perceived other more cynical motivations. During our interviewing community members opined that intensive policing, getting “tough on crime” and prostitution, can serve a political purpose as well: “It seems that every time the election time comes, they’ll be doing like a clean sweep to show that the Republicans or the Democrats have been doing this or the Mayor has been doing this in this city. You know, every time it’s time for election[s], they want to show that they’re doing the work so they make the arrests so they can get the votes.”³⁷



Figure 3: Sign on K Street, NW preventing late night right hand turns. Photo taken February 23 2008 by PJ Starr.

³⁴ Presentation by GiGi Thomas at Amnesty International’s OUTfront D.C. Community Forum on “Stonewalled: Police Abuse and Misconduct Against LGBT People in the US” report, Human Rights Campaign building, 1640 Rhode Island Ave NW Washington D.C., 23 February 2006.

³⁵ Statement of Different Avenues by Dr. Penelope Saunders, Executive Director, before D.C. Council, Committee on the Judiciary Hearing on the Omnibus Public Safety Act of 2005, 31 May 2005. A number of participants at our February 21, 2008 Community Forum also discussed their experiences with “stay away orders.” “They are unfair,” said one participant, who asked, “Do they have stay away orders in other states or cities?” Participants also mentioned “unofficial stay away orders” wherein police tell a person that she or he is not allowed in a certain area although there is no accompanying court order. This practice is not unique to D.C., where it is legislated in D.C. Code § 22-2703. Sanchez, Lisa, *Enclosure Acts and Exclusionary Practices: Neighborhood Associations, Community Policing, and Expulsion of the Sexual Outlaw*, Goldberg, David Theo, Lisa C. Bower, Michael C. Musheno. (2001). *Between Law and Culture: Relocating Legal Studies*.

³⁶ Beckett, Katherine and Steve Herbert, *Dealing with disorder: Social control in the post-industrial city*, Theoretical Criminology, 2008.

³⁷ Community Research Team Interview with community member (name withheld by request), Washington, D.C., 21 September 2007. This interviewee was an African-American transgender woman, in her 30s, and a sex worker.

Some supporters of the Prostitution-related Nuisance Abatement Amendment Act, the legislation targeting indoor sex work, mirrored legislative trends in other parts of the country by framing new anti-prostitution policies as initiatives to prevent human trafficking. Patricia Riley of the US Attorney's Office, for example, suggested that the proposed legislation would address human trafficking because "prostitutes themselves may be victims of traffickers in human beings."³⁸ This intimation that the Prostitution-related Nuisance Abatement Amendment Act might serve to protect the human rights of sex workers had no factual basis. The Bill did not contain any provisions to assist trafficked persons into sex work or any other form of labor. Mayor Williams stressed that the bill would be an "additional tool to take action against place-based prostitution"³⁹ and Riley also argued that the bill should become law because it would both help stop criminal prostitutes who "adversely affect the neighborhoods where they exist."⁴⁰

The bill became law in January 2006 as the Nuisance Abatement Reform Amendment Act that amended the Drug-Related Nuisance Abatement Act of 1998 to include "prostitution-related nuisances."⁴¹ This gives law enforcement greater ability to utilize the District's civil housing codes to exert pressure on building owners to evict tenants connected with "drug or prostitution-related nuisances," or otherwise take steps to change the situation. The court may order an injunction against the owner (demanding that he or she take action) and the property may face fines or further court actions if nothing changes. A "cease and desist" order can be used to force the property owner to take action prior to the hearing if there is reason to believe that "violation has caused or may cause immediate and irreparable harm to the public."⁴² The government may also apply for an "administrative search warrant" to enter properties violating the terms of the Act. Additionally, the law amended city health licensing codes to make "engaging in or attempting to engage in a health occupation without a license... a *per se* imminent danger to the health or safety of the residents of the District," except in cases where a license is not required.⁴³

Implementation of new laws

The new laws have been used to intensify anti-prostitution measures in the District. Since the passage of the Nuisance Abatement Reform Amendment Act in 2006 the MPD has carried out at least 25 raids on brothels and other establishments, often in conjunction with officials from the Department of Consumer and Regulatory Affairs (DCRA), charging individuals with "giving a massage without a license."⁴⁴ In 2006 Police Chief Charles Ramsey declared several prostitution free zones shortly after the Omnibus Public Safety

³⁸ Statement of the United States Attorney's Office by Patricia Riley, Special Counsel to the United States Attorney before the D.C. Council, Committee on Consumer and Regulatory Affairs Hearing on the Prostitution-Related Nuisance Abatement Act of 2005. June 8, 2005.

³⁹ Letter from Mayor Anthony Williams to Chairman Linda Cropp, 28 January 2005. This letter was regarding the introduction of the Prostitution-related Nuisance Abatement Amendment Act of 2005.

⁴⁰ Statement of the United States Attorney's Office by Patricia Riley, Special Counsel to the United States Attorney before the D.C. Council, Committee on Consumer and Regulatory Affairs Hearing on the Prostitution-Related Nuisance Abatement Act of 2005. June 8, 2005.

⁴¹ D.C. Code § 42-3101.

⁴² D.C. Code § 47-2844.01.

⁴³ Establishments offering therapeutic massage are subject to D.C. Code § 47-2811, and must be licensed through the Department of Consumer and Regulatory Affairs. This section of the code requires that "[o]wners or managers of massage establishments and Turkish, Russian, or medicated baths" pay \$300 each year for a license approved by the Chief of Police. The establishment must also prove that all employees are licensed massage therapists with the D.C. Department of Health Board of Massage Therapy. The code makes it "unlawful for any female to give or administer massage treatment or any bath to any person of the male sex, or for any person of the male sex to give or administer massage treatment or any bath to any person of the female sex."

⁴⁴ *Police Close Massage Parlor*, Washington Post, 28 December 2007.

Emergency Amendment Act became law.⁴⁵ Outreach workers with local service agencies reported that many transgender women were arrested in one of the zones in the Northeast quadrant of the city on the weekend of September 23rd and that two trans women were shot and critically wounded in the evening of September 25th during the zone period.⁴⁶ The MPD was unable to provide our team with specific numbers of people arrested within any of the PFZs called during this period in 2006.⁴⁷

In January 2007 Adrian Fenty was sworn in as mayor, replacing Anthony Williams, and a new police chief, Cathy Lanier, took charge of the MPD. Chief Lanier has authorized very few PFZs. The MPD was unable to provide any information about the number of zones in 2007⁴⁸ and it appears that Chief Lanier may have declared only one PFZ since she took office.⁴⁹ However, Chief Lanier launched her own new initiative called “All Hands on Deck.” In the first weekend (“Phase 1”) of that initiative (June 8 to 10, 2007) the police department heralded its success “heading off” a predicted warm weather induced spike in violent crime by doubling arrests for the weekend.⁵⁰ The police did not declare a PFZ during the All Hands on Deck weekend but they used PFZ style tactics to arrest more people (153) on prostitution charges than for any other crime.⁵¹ Only a small number of arrests during the All Hands on Deck weekend were actually related to violent crime – 11 arrests were made on assault charges.⁵² Community members complained of being profiled and harassed, as well as arrested, on that weekend.⁵³

Various media sources attributed the impetus for the new laws to advocacy by people in neighborhoods “in transition” – that is, locations experiencing gentrification and development, such as the Logan Circle area of the Shaw neighborhood.⁵⁴ Logan Circle residents testified at hearings on the Nuisance and Omnibus bills, and the Logan Circle Advisory Neighborhood Commission wrote a letter to Council member Mendelson urging him to approve the Impoundment bill.⁵⁵ As described further in the coming sections,

⁴⁵ The law was first passed in June 2006 as an emergency measure effective for 90 days. This is not uncommon in the District where all Acts must be reviewed by Congress before they become law. Emergency laws are not subject to the review. The Omnibus Public Safety Amendment Act became a permanent law in April 2007. The first prostitution free zone was bounded by 13th and 14th streets from I to L streets, Northwest, from September 1-10, 2006. Additional prostitution free zones (PFZ) were established on September 8-17 and September 22-October 1, in the areas of 10th and M St NW and Rhode Island Ave and Eastern Ave NE, respectively. Also from September 23 to October 2, 2006, MPD established a PFZ along the D.C.-Maryland border in the Northeast quadrant, bounded by 59th St, Foote St, 60th St, and Eastern Avenue. Maps of the zones are in Appendix III.

⁴⁶ Presentation by Dr. Penelope Saunders “Surveillance of Prostitution in the District of Columbia” at American University’s Interrogating Diversity Conference, American University, Washington D.C., 23 March 2007.

⁴⁷ FOIA Correspondence with Brian Bray, Inspector, Narcotics and Special Investigations Division, MPD. 5 November 2007.

⁴⁸ Ibid.

⁴⁹ Community members reported hearing of a PFZ declared by Chief Lanier in early 2007, but the only evidence of a PFZ during Lanier’s tenure comes from February 8-17 2008 – in the area between 10th, 12th, P and M streets NW. <http://mpdc.dc.gov/mpdc/cwp/view,a,1238,q,564336.asp> (Accessed 28 February 2008).

⁵⁰ D. C. Metropolitan Police Department (Press Release), “MPD Announces Successful All Hands on Deck Initiative,” 11 June 2007, <http://newsroom.dc.gov/show.aspx/agency/mpdc/section/2/release/11275/year/2007/month/6> (Accessed April 14 2008).

⁵¹ Ibid.

⁵² *Police OT Credited with Crime Dip*, Washington Post, 12 June 2007. Prostitution arrests did not figure as frequently in later All Hands on Deck initiatives.

⁵³ HIPS outreach notes, 9 June 2007.

⁵⁴ Susan Ruether, *Prostitution in Logan Circle: Are New Penalties the Answer?* D.C. North, February 2006.

⁵⁵ Letter from ANC 2F to Council member Phil Mendelson, 4 January 2006, <http://www.anc2f.org/CCPS-06-01.pdf> (Accessed February 28 2008). Then-chairman of the ANC, Cary Silverman, testified in favor of the Nuisance bill.

gentrification and new development play a key role in many changes in D.C., including evolving prostitution laws and enforcement.

Development, Displacement and Gentrification

As any resident of the city can attest, D.C.'s landscape has changed significantly in recent years. Urban development and renewal of the city began in 1990s and the gentrification craze reached a peak in 2005 and 2006 prior to the downturn in the housing market and the credit crisis.⁵⁶ Cranes have crowded

the skylines of many neighborhoods, and a stroll through an area not recently visited can be a shock to an observer as whole city blocks have been completely transformed. Many of these changes have been welcomed by D.C. residents, but the down side has been the displacement of low and moderate income residents from many neighborhoods. This process accelerated and intensified during former Mayor Anthony Williams' terms in office from 1998 to 2006 [See Figure 4]. During his tenure Williams promoted plans to bring 100,000 new residents to Washington, D.C.⁵⁷ In order to achieve his goal of increasing the city's tax base, the new residents he planned to attract had to be high income individuals and families.

One major ramification of this plan was that lower-income residents would be pushed out of the city as higher-income residents came in.⁵⁸

The Mayor's office and the D.C. Council paved the way for wealthy developers to benefit from a series of land grabs and sweetheart deals that led ultimately to a net loss of low-cost housing and a glut of luxury condominiums throughout the city.⁵⁹ D.C. lost 2,500 rent-controlled apartments in the last four years when the DCRA approved their conversion to

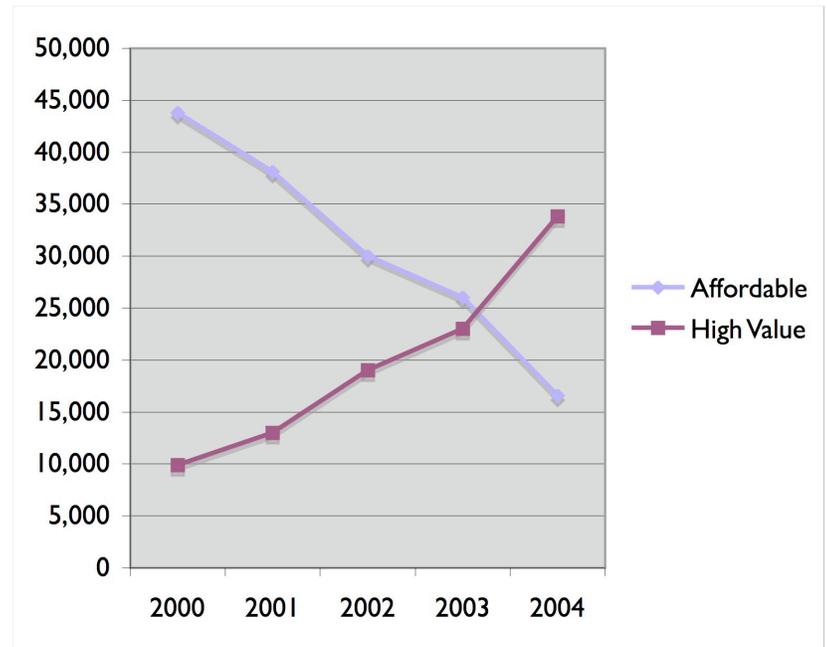


Figure 4: Change in Number of Affordable versus High Value Homes in D.C. 2000-2004 (Affordable less than \$150,000 High Value greater than \$500,000). Source D.C. Fiscal Police Institute.

⁵⁶ Modan, Gabriella Gahlia. (29 December 2006). *Turf Wars: Discourse, Diversity and the Politics of Place*. (USA: Blackwell).

⁵⁷ *Williams Aims To Be Mayor of A Bigger D.C. Attracting Residents Is Goal As 2nd Term Begins Today*. Washington Post, 2 January 2003.

⁵⁸ Rodgers, Angie. *New Census Data Show D.C.'s Affordable Housing Crisis is Worsening*, Washington, D.C.: D.C. Fiscal Policy Institute, 13 September 2005, <http://www.dcfpi.org/9-13-05hou.pdf> (Accessed 28 February 2008).

⁵⁹ For example, in 2000, District officials released a list of 27 "Hot Properties," purportedly all buildings with the most significant housing violations in the city. The tenants of these buildings were disproportionately low income and people of color. DCRA officials pushed to close these properties, which would pave the way for their redevelopment as high-income housing in neighborhoods with rising property values. In one instance, at 1512 Park Rd. NW, the city gave tenants "a few minutes" notice to vacate the building, and then provided no relocation assistance to the newly homeless former occupants. *Sherman Avenue Tenants' Association v. District of Columbia*, C.A. No. 00-0862 (U.S. District Court, D.C., April 2006), <http://bulk.resource.org/courts.gov/c/F3/444/444.F3d.673.04-7196.04-7185.04-7174.04-7127.04-7126.html> (lines 2-5) (Accessed 28 February 2008).

luxury housing.⁶⁰ In the same period, landlords seeking to avoid fees for turning rental housing into condominiums emptied over 200 D.C. apartment buildings, displacing the tenants and redeveloping the buildings as high-cost housing. Many of these landlords harassed the tenants, refused to make repairs and sent illegal eviction notices to force them out.

The District faces an escalating affordable housing crisis and it is increasingly difficult for low-income people to find safe and affordable housing within the city.⁶¹ Housing costs rose dramatically in the 2000s as property values increased.⁶²

In 1998 the National Low Income Housing Coalition (NLIHC) reported that the monthly cost of a two-bedroom apartment at Fair Market Rent in D.C. was \$863, well out of reach of minimum wage earners only able to afford monthly rent of no more than \$320.⁶³ By 2006 the average cost of a two-bedroom apartment at Fair Market Rent in the District had climbed to \$1,286.⁶⁴ A minimum wage earner would have to work 141 hours a week in order to afford this housing.⁶⁵ This means that many households pay a far greater percentage of their income in rent, and are at high-risk for homelessness and displacement.⁶⁶ One community member we interviewed spoke to us about the challenge of finding affordable housing in the District. “[In order] to live in the city, in Washington, D.C., you need money,” she said. “\$1100 rent—even though I have a job, if I want to live

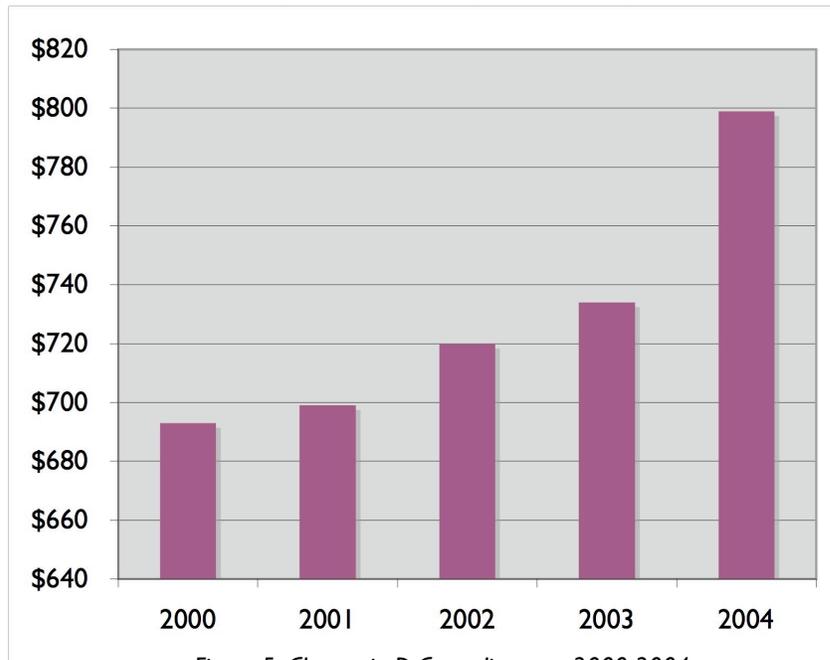


Figure 5: Change in D.C. median rent 2000-2004.
Source D.C. Fiscal Policy Institute.

⁶⁰ *The Profit in Decay- Landlords Who Empty Buildings of Tenants Reap Extra Benefit Under Law*, The Washington Post, 9 March 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/08/AR2008030802735.html?hpid=topnews> (Accessed 9 March 2008).

⁶¹ Rodgers, Angie. *New Census Data Show D.C.'s Affordable Housing Crisis is Worsening*, Washington, D.C.: D.C. Fiscal Policy Institute, 13 September 2005, <http://www.D.C.fpi.org/9-13-05hou.pdf> (Accessed 28 February 2008).

⁶² Comprehensive Housing Strategy Bill of 2002, <http://dccouncil.dc.gov/images/00001/20020510094756.pdf> (Accessed 28 February 2008).

⁶³ “Out of Reach 1998”, National Low Income Housing Coalition, 1998. <http://www.nlihc.org/cgi-bin/oor2000.pl?getstate=on&state=D.C.> (Accessed 28 February 2008).

⁶⁴ “Out of Reach 2006”, National Low Income Housing Coalition, 2006, <http://www.nlihc.org/oor/oor2006/?CFID=27255880&CFTOKEN=94958820> (Accessed 28 February 2008).

⁶⁵ According to National Low Income Housing Coalition housing is affordable when it comprises no more than 30% of a household’s income. “Out of Reach 2006”, National Low Income Housing Coalition, 2006, <http://www.nlihc.org/oor/oor2006/data.cfm?getstate=on&state=D.C.> (Accessed 28 February 2008).

⁶⁶ Comprehensive Housing Strategy Bill of 2002, <http://D.C.council.D.C.gov/images/00001/20020510094756.pdf> (Accessed 28 February 2008).

the way everyone else lives, if I want to live in Northwest, guess what? Yes I gotta work, but I gotta do some extra things to survive...”⁶⁷

The forces of urban development and gentrification have altered other aspects of D.C. life. Development of both residential and commercial properties, including the building of the Washington Nationals’ baseball stadium in near Southeast, has resulted in the displacement of legally operating exotic dance venues, LGBT clubs, and public spaces where District residents of marginalized communities gathered. Displacement of alternative and queer venues and pressure on certain groups of people in public space had occurred for many decades in D.C., and this displacement, like the loss of low income housing, accelerated during the Williams administration. Concentrations of gay and lesbian

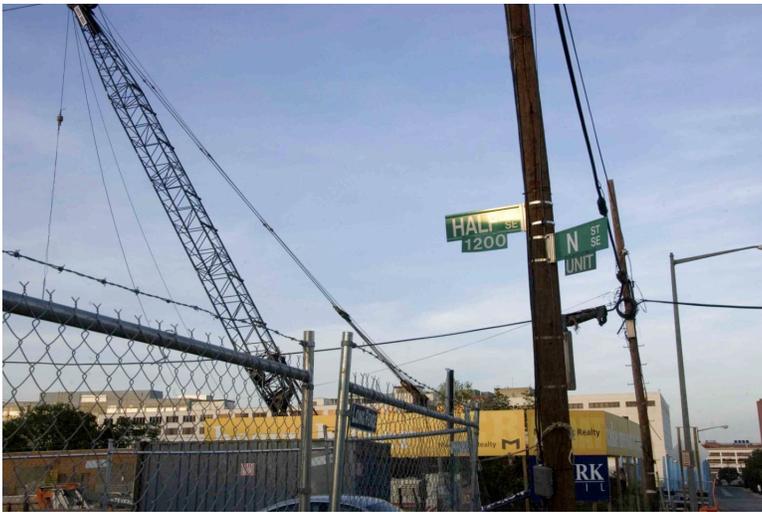


Figure 6: Construction on Half Street, SE. The new stadium wiped out bars, clubs and a center of queer culture in SE of D.C.. Photo taken May 2007 by PJ Starr.

bars and clubs have been forced to shift from one “neglected” part of town to another.⁶⁸ Similarly the parts of town frequented by sex workers and street-based communities have varied with changes in the city. Gentrification has exerted pressure on public gay male cruising culture in certain parks, women (transgender or not) soliciting sex on 14th St NW, and homeless people in areas across downtown.

Informal sex work and sexual exchange occurs in many neighborhoods where it is employed as a survival tool or supplement to low-income individuals’ earnings.

Well-known “strolls” for more structured sex work have been established in specific parts of the city, usually closer to downtown. In the 1980s and 1990s women and transgender women worked along 14th St NW from Clifton St in Columbia Heights to K St downtown.⁶⁹ Increased policing led to non-trans women establishing a “stroll” in an area of downtown with a nocturnal landscape of empty office buildings and bustling night clubs. Transgender women were pushed into relatively barren and secluded areas on the edges of downtown. In these areas formal and informal sex workers intermingled more than along the non-transgender female stroll. The “trans stroll” was not strictly a site of informal commerce, but was an important social gathering place for transgender women. Male street sex workers work in discreet areas of downtown as well as other parts of the city. Some residential areas in the center of the District also were known as places for sex work, which spurred the actions of neighborhood associations seeking stronger anti-prostitution laws. In the past, transgender strolls also existed along 9th St NW, and male sex workers worked around bars in more upscale areas and at Half and O Sts SE. These were also significant

⁶⁷ Community Research Team interview with community member (name withheld by request), 11 November 2007. This interviewee was a Latina trans woman and a sex worker.

⁶⁸ Darby Hickey and Gabriel Pacyniak. *Trading a Queer Home for Home Plate*, Hill Rag, February 2006.

⁶⁹ Dr. Penelope Saunders interview with community members (names withheld by request), Washington D.C., 19 October 2005.

public spaces for social gathering for LGBT communities. Half and O Sts SE was an especially important location for black gay youth wishing to meet and socialize.

New construction of condominiums and office buildings, as noted earlier, has been pervasive across D.C. for much of the past decade. New projects were initiated near several of the historically significant strolls. Vacant lots near the transgender stroll became construction zones, and new residents moving into the area requested more police enforcement of prostitution laws. Residents also complained about a nearby adult video store that was said to contribute to prostitution in the area.⁷⁰ Increased policing in 2005 and 2006 pushed transgender sex workers farther east into still abandoned areas, and transgender women also moved to work along the edge of the city on the border of D.C. and Maryland. These areas were less well lit and less well known to health and outreach agencies working with these communities. The traditional stroll had its own history of violence and anti-transgender crime, but the new areas were significantly more dangerous. Outreach teams and community members reported increased numbers of shootings, stabbings, rape, robbery and other violence against transgender women near the border with Maryland.⁷¹



Figure 7: Construction on K Street, NW.
Photo taken September 17 2006 by PJ Starr.

The landscape of D.C.'s indoor sex work—legal or illegal—is different than the street scene. Trickhouses or tourist homes, where rooms can be rented by the hour and are frequented by various types of people including sex workers, are located throughout the city. Other indoor venues where exchange of sexual services may be provided operate in a variety of legal circumstances. Such venues may be highly clandestine in nature and move frequently, yet remain within certain geographic areas. For example, brothels where Latina

women work are highly mobile but may not stray far from the areas of D.C. with a significant Latino population. These venues may have been affected by gentrification, although perhaps less publicly than massage parlors, the subject of ire among many newly created (and more established) neighborhood associations. Members of civic associations representing relatively affluent groups in Logan Circle, Adams Morgan, and parts of downtown were among witnesses testifying in favor of the Prostitution-related Nuisance Bill in 2006.⁷² Sexually oriented massage, as well as actual sex acts for a fee, may be offered in these venues, but this is not always the case.⁷³ Many of these venues have been located in

⁷⁰ *Zoning Board Told to Close Video Store*, Washington Post, 27 September 2007.

⁷¹ HIPS outreach notes, 17 May 2007. For example, “African-American adult trans woman told us that she feels like the police don’t respond to emergencies [in the new area] like they do at [the former stroll area].”

⁷² Advisory Neighborhood Commissioners Josh Gibson (from Adams Morgan) and Cary Silverman (from Logan Circle) testified at the 8 June 2005 hearing of the Committee on Consumer and Regulatory Affairs in support of the Prostitution-related Nuisance Abatement Amendment Act.

⁷³ Different Avenues outreach notes, December 2005. One massage parlor owner (who said that no form of sex occurred on her premises) noted to outreach workers that nearby venues were undercutting her business by

the downtown area but recent police and immigration enforcement has targeted some establishments causing closures and relocations.⁷⁴

Legal venue-based sex work in D.C. includes exotic dance within licensed clubs. Since 1993 the city has had a moratorium on issuing new nude dancing licenses.⁷⁵ In addition, D.C. zoning laws strictly dictate where exotic dance clubs, as well as other sexually oriented businesses, may be located. Over the past four years several exotic dance clubs have been closed, primarily to make way for the new baseball stadium at Half and O Sts SE. Most of these clubs were patronized by black customers and employed black dancers. Several featured and catered to gay men, or hosted lesbian nights. Black-oriented clubs are scattered across residential neighborhoods (like Georgia Ave NW and Alabama Ave SE) and industrial areas of D.C. (like New York Ave NE and the Navy Yard in SE). White-oriented clubs have been concentrated in the downtown area for years and do not seem to be facing any pressure to close. An exotic dancer involved in this research project noted that, “Royal Palace, Archibald’s, Good Guys, JP’s, Camelot are all safe. Nexus, Club 55, The Wet, the Edge, Heat, Secrets are all closed and not to reopen.”⁷⁶ The zoning laws and neighborhood outcry mean that clubs needing to close for any reason find it extremely difficult to reopen in another part of town. Efforts to relocate some of the clubs to the only apparent area with compatible zoning in Ward 5 have been met with heavy resistance.⁷⁷ In addition to the legal, licensed exotic dance clubs, clandestine exotic dance venues, (and “lap dance” clubs), where sex for a fee can sometimes also be had, exist around the city.⁷⁸

Violence and Safety

Sex workers, and others who exchange sex for things they need, face high levels of harassment and violence. A survey of women and trans women receiving services at a D.C. organization that works primarily with street sex workers, revealed that 90% of 149 respondents had experienced violence.⁷⁹ Only one of these women stated that she would go to the police if she were hurt, and almost half said that they had been treated badly when they had sought help from somewhere (not just from police). During Different Avenues’ focus groups and in-depth interviews with African-American women working in exotic dance venues in 2005 and 2006, women consistently stated violence and safety as their number one concerns—85% in one set of interviews.⁸⁰ Concerns about violence included “leaving the club, being robbed or raped, men who want to hurt women,” as one woman said, or as another stated:

offering sexual services. In D.C. Code § 22-3001 a sex act is defined as “(A) The penetration, however slight, of the anus or vulva of another by a penis; (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or (C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. (D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.” Sexual contact is defined as “touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

⁷⁴ 31 *Arrested in Reputed Korean Sex-Slave Trafficking Along East Coast*, Washington Post, 17 August 2006.

⁷⁵ D.C. Code § 25-375.

⁷⁶ Community Based Research Training, Different Avenues, Washington, D.C., 30 April 2007.

⁷⁷ Elizabeth McGowan. *Out of Left Field*, D.C. North, June 2006.

⁷⁸ Different Avenues outreach notes, 2 July 2007.

⁷⁹ *HIPS Survey on Violence*, HIPS, Washington D.C., 2006. The survey asked 149 women (transgender and not) “Have you ever experienced any type of violence (such as: rape, kidnapping or attempted kidnapping, assault, robbery, etc.) (Yes ___ No ___) If yes, what kind of violence?” HIPS (Helping Individual Prostitutes Survive) is a non-profit organization whose mission is to assist female, male, and transgender individuals engaging in sex work in Washington, D.C. in leading healthy lives. More information at www.hips.org.

⁸⁰ *Rainbow Pride Baby*, Different Avenues, Washington, D.C., 2006.

A lot of dancers get trapped [at private parties] and people don't like to talk about it, or hear about it. If we were kidnapped or killed no one would care as opposed to someone in the suburbs. It would only be through word of mouth that you'd hear about it. That's the way society is, it's nothing to change—they want to close down strip clubs, any little thing.⁸¹

The attitude that people (particularly women, transgender or not) trading sexual services for money are “disposable” lies at the root of much violence against sex workers. It results in numerous murders of sex workers each year.⁸² Helping Individual Prostitutes Survive (HIPS) and Different Avenues outreach notes regularly record instances of sex workers sharing stories of police indifference to violence against their communities. “M--- reported that men came over and beat them with bats. The cops told them that they wouldn’t help them until someone died,” wrote HIPS outreach volunteers on July 6, 2007.⁸³ Violence against transgender women in general (sex worker or not) is a serious problem in D.C., and has also been met with indifference by police.⁸⁴ An interaction reported to HIPS in March 2007 helps illustrate this point. A young African-American transgender woman explained that “she had a knife pulled on her in the middle of the street and the police did nothing... she just wanted us to know that the police were not responsive or supportive.”⁸⁵ The Gay and Lesbian Liaison Unit (GLLU)⁸⁶ has helped to change the dynamic between police and some members of transgender communities who may be sex workers, but police indifference and poor response are still the norm. Increased penalties and the new laws appear to have made the situation worse. On September 25 during a declared prostitution free zone along Eastern Ave NE, two transgender women were shot and critically wounded within the boundaries of the zone. Prostitution free zones in D.C. have been characterized by a high level of police activity including as many as eight police cars observed by Different Avenues and HIPS staff on different occasions in September 2006.⁸⁷ The police were heavily concentrated in the area in order to enforce prostitution laws and yet did not prevent violence against the two transgender women.

Unfortunately police indifference is not the worst issue for sex workers facing violence. The D.C. police themselves may also commit violence against sex workers and others perceived to be trading sex. In 1998, for example, Detective John Mehalic III was convicted of 10 felonies, including kidnapping, sexual assault, extortion and stalking of sex workers.⁸⁸ Social service providers in D.C. have gathered anecdotal evidence of this problem and have documented cases of police perpetrated violence via outreach notes and logs. For example, HIPS outreach team recorded the following information from a young transgender woman in late June 2007. The young woman recounted that a police officer told her, “to leave, and

⁸¹ Different Avenues interview with community member, Washington D.C., 29 August 2005.

⁸² *Vigil Marks Prostitution's Grim Toll 22 Slain Streetwalkers Are Remembered at D.C. Candlelight Service*, Washington Post, 31 May 1997.

⁸³ HIPS Outreach Notes, 6 July 2007.

⁸⁴ Moser, Bob, *Disposable People*, Intelligence Report, issue 113 Winter 2003.

⁸⁵ HIPS Outreach Notes, 30 March 2007.

⁸⁶ “Since its inception in June 2000, the GLLU has dedicated itself to serving the Gay, Lesbian, Bisexual, and Transgender (GLBT) communities in the Washington Metropolitan area and the Metropolitan Police Department (MPD).” Gay and Lesbian Liaison Unit, <http://www.gllu.org/about/index.htm> (Accessed 14 April 2008).

⁸⁷ Dr. Penelope Saunders of the Community Based Research team noted in her observer’s notes the presence of multiple police cars during the implementation of a PFZ on 11th St NW between M and N Streets NW, 16 September, 2006.

⁸⁸ *D.C. Jury Sides With Prostitutes In Trial; Officer Convicted Of 10 Felonies*, Washington Post, 20 November 1998.

then [the police officer] started yelling and screaming. He told the [young woman], 'If this was one year ago I'd slam your head against that wall and rip out your hair.'"⁸⁹ In a 2005 interview with a transgender sex worker, Different Avenues' staff was told the police had threatened to "take [her] in an alleyway and beat [her] down."⁹⁰ Other women have reported being raped or sexually assaulted by police, or being told that if they do not provide sexual favors they would be arrested.⁹¹

Health and HIV

Discrimination, stigma and criminalization are barriers to health initiatives. This is of particular concern in Washington D.C. where the HIV epidemic is the worst in the country and rates of STDs are high as well. The history of the fight against HIV / AIDS in D.C. has been marred by an inconsistent and weak response from the Department of Health. The District's HIV / AIDS office lacked consistent oversight for significant stretches of time. In the period from 2003 to 2007 the HIV / AIDS Administration within the Department of Health had seven different leaders. The leadership in the late 1990s and early 2000s was plagued by allegations of corruption and waste.⁹² The District did not collect HIV statistics for several years until 2006 when the epidemiology bureau was reorganized and able to reliably gather data. In 2007 this epidemiological data was released, revealing that 12,428 people in D.C. were known to be living with HIV / AIDS, equivalent to an AIDS case rate of 128.4 per 100,000, compared to 14 per 100,000 for the US as a whole. The AIDS epidemic in D.C. disproportionately affects African-Americans and is being spread by all modes of transmission including men who have sex with men (33.2%), heterosexual contact (29.5%) and intravenous drug use (20.8%).⁹³

The D.C. Appleseed Center, in a series of reports, documented and rated the lackluster response of the District government to HIV / AIDS issues. The first report, released in 2005, gave the District failing grades in almost all categories rated.⁹⁴ The report documented the failings of the government response to the problems faced by the incarcerated and drug users.⁹⁵ Funding for HIV services in general in D.C. has been haphazard and opportunities specifically for sex worker projects have been even fewer and farther between. Dr. Shannon Hader, the current Senior Deputy Director for the HIV / AIDS Administration,

⁸⁹ HIPS Outreach notes, 6 June 2007.

⁹⁰ Dr. Penelope Saunders interview with community member, Washington D.C., 19 October 2005.

⁹¹ Dr. Penelope Saunders interview with community member, Washington D.C., 21 October 2005.

⁹² *Leadership Shakeup Expected at HAA*, Washington Blade, 2 July 2004. <http://www.washblade.com/2004/7-2/news/localnews/leadership.cfm> (Accessed 28 February 2008). The Department of Health as a whole also went through multiple leadership changes in those years, amid similar criticism of mismanagement, retaliation at whistleblowers, waste and corruption. In 2003 senior officials in the Department were linked to the Washington Teachers Union embezzlement scandal.

⁹³ D.C. Department of Health, *District of Columbia Epidemiology Annual Report 2007*, November 2007.

⁹⁴ The report concluded that the "true extent of the HIV / AIDS epidemic in the District is unknown; HIV / AIDS services in the District are not coordinated to the degree necessary to be effective; funding for HIV / AIDS prevention and care in the District is not being distributed in a timely manner or being used as effectively and efficiently as possible; and the District does not effectively target services where they could make a significant difference – among students, drug users, and prisoners." D.C. Appleseed and Hartson and Hogan. *HIV/AIDS in the Nation's Capital*, Washington D.C., August 2005. Page 6.

⁹⁵ The report mentions sex workers only once noting that, "Commercial sex work, the exchange of sex for basic life necessities, and the exchange of sex for drugs also have been linked to HIV infection. Estimates of the number of individuals involved in these activities in the District are unavailable." D.C. Appleseed and Hartson and Hogan. *HIV/AIDS in the Nation's Capital*, Washington D.C., August 2005. Page 20. A study of similar issues in nearby Baltimore illuminates the connections between health and HIV, drug use, homelessness, commercial sex and criminalization. Mclean, Rachel, Jaqueline Robarge and Susan Sherman. *The WINDOW Study: Release from Jail; Moment of Crisis or Window of Opportunity for Female Detainees in Baltimore City?* November 2005, Baltimore MD.

acknowledged this problem, and commented, “one thing that I think has probably not been maximized yet is ... how we can best serve commercial sex workers.”⁹⁶ In 2005 and 2006 only two HIV prevention programs received funding for working with sex workers, and by 2007 only one program received funding.

Current prostitution laws and other sexual control policies in D.C. directly affect HIV prevention efforts in multiple ways. A Different Avenues outreach worker observed in August 2003, “Female sex workers are very hard to find in public. Heavy policing of their presence, and subsequent arrest and removal from the streets makes outreach to them difficult.”⁹⁷ In June 2007, during outreach, two HIPS outreach workers “brought bags [of condoms] to the doormen [of a club] because they were not allowed inside. This is the standard procedure. On their way back to the van, jump-out cops stopped them and demanded ID.”⁹⁸ Dr. Hader confirmed what community members and outreach workers observed noting that, “policies that only drive behavior underground make it very difficult to access folks that need services.”⁹⁹

Problems faced by needle exchange programs in Washington D.C. also illustrate how criminalization can undermine health initiatives. The federal government barred the District from funding needle exchange programs from 1991 until late 2007.¹⁰⁰ Misperceptions about needle exchange combined with neighborhood efforts to “rid” themselves of “drug-related crime” harmed the operations of privately funded needle exchanges in the District. For example, Council member Jim Graham (D-Ward 1) supported efforts that stopped needle exchange activities provided by PreventionWorks! in the area around Morton St and Georgia Ave NW.¹⁰¹ Controversy over needle exchange may become a flash point in neighborhoods across the District now that new funding has been released to support exchange programs throughout the city. Dr. Hader noted in our interview with her that it is the responsibility of D.C. government to start community conversations about these issues in a way that promotes health and dispels fears, “fears that are common but [that] haven’t been borne out when programs have actually been rolled out.”¹⁰²

Grassroots Community Response

In the face of these many challenges, D.C. communities have organized to pressure for change both in policy terms and in addressing people’s immediate needs. HIV / AIDS services were some of the first programs that empowered sex workers and other communities with constituents who trade sex for money. In 1997 sex workers and allies gathered to protest the lack of attention to violence against sex workers and memorialize the dead.¹⁰³ During the 1990s transgender communities also began organizing, forming a

⁹⁶ Different Avenues interview with Dr. Shannon Hader, HIV / AIDS Administration Offices, Washington, D.C., 15 November 2007.

⁹⁷ Different Avenues Outreach Notes, August 2003.

⁹⁸ HIPS Outreach Notes, 7 June 2007.

⁹⁹ Different Avenues interview with Dr. Shannon Hader, HIV / AIDS Administration Offices, Washington, D.C., 15 November 2007.

¹⁰⁰ *City to Spend \$650,000 on Needle Exchange Programs*, Washington Post, 3 January 2008.

¹⁰¹ This information was described during the research team training (30 April 2007) by team member Zee Turner, a peer educator with PreventionWorks! at the time of the incident. Further details were provided during a phone conversation on 16 April 2008 Paola Barahona, Executive Director of PreventionWorks! at the time of the incident.

¹⁰² Different Avenues interview with Dr. Shannon Hader, HIV / AIDS Administration Offices, Washington, D.C., November 15, 2007.

¹⁰³ *Vigil Marks Prostitution’s Grim Toll 22 Slain Streetwalkers Are Remembered at D.C. Candlelight Service*, Washington Post, 31 May 1997.

political group, Transgenders Against Discrimination and Defamation (TADD), in the aftermath of Tyra Hunter's death.¹⁰⁴ Communities of low-income people, women of color, and lesbian, gay and bisexual people also have long histories of organizing for change in the District.¹⁰⁵

In the early 2000s, sex worker rights activism increased in D.C. mirroring trends across the country.¹⁰⁶ In 2005, Different Avenues, HIPS and other organizations began collaborating to hold annual events for International Day to End Violence Against Sex Workers. Multiple community and service organizations reliably documented the needs of some sex worker communities. HIPS, for example, has carried out a survey since 2003 into violence experienced by female and trans sex workers. La Clinica del Pueblo has researched the experiences of and attitudes about sexual exchange in D.C. area Latino communities. This new interest in organizing for sex worker rights coincided with an increase in activism by transgender women of color in the city, many of whom had sex work experience. Several key events helped to propel these new efforts into full-fledged organizing mode. These occurrences included the murder of several transgender women in the summers of 2002 and 2003,¹⁰⁷ a general increase in violence against transgender women especially those doing sex work, and the introduction in 2005 of new anti-prostitution policies.

Informal gatherings of transgender communities at community forums, funerals and other events following the violence in 2003 eventually coalesced into the D.C. Trans Coalition. The coalition began working to include a new anti-discrimination clause regarding "gender identity and expression" in the city's human rights code. Meanwhile some of the same activists formed the Alliance for a Safe and Diverse DC to push back against new anti-prostitution laws and protest other proposals to limit the rights of people, especially youth and the homeless, in public space. Community support groups, community forums, and social service providers began to include discussions of rights and policy in their agendas.¹⁰⁸ In 2005 as a result of grassroots activism, the D.C. Human Rights Act was amended to include gender identity and expression.¹⁰⁹ This amendment outlawed discrimination against transgender and gender non-conforming people.

This amendment to the Human Rights Act was welcomed in the community, yet it seemed at odds with the other legislation embraced by the D.C. Council – the new prostitution free zones law and other anti-prostitution laws. Representatives of transgender communities reported harassment and discrimination by the police because transgender women continued to be profiled by the authorities as prostitutes, despite the new principles of non-

¹⁰⁴ Tyra Hunter was a young African-American transgender woman critically injured in a car crash, who died as a result of negligence by Fire & Emergency Services personnel who refused to treat her when they discovered that she was transgender. Xavier, Jessica. *Factsheet for Anti-Transgender Violence in the District of Columbia*, April 2007.

¹⁰⁵ Examples include the D.C. Coalition of Black Lesbian, Gay, Bisexual and Transgender Men and Women, one of the oldest African-American LGBT groups in the country; ENLACE, a Latina and Latino LGBT group active in D.C. in the 1980s; Washington Inner City Self Help, Empower DC and Manna CDC/ONE DC, groups working on affordable housing and other low-income concerns; and Sisterspace and Books, a long-running community center and book store focused on women of the black Diaspora.

¹⁰⁶ For example, sex workers in California formed a new organization, the Sex Workers Outreach Project USA (SWOP USA) in October 2003. New chapters of this organization began to appear across the US soon after. In 2005, a national umbrella group for sex worker organizations called the Desiree Alliance was established.

¹⁰⁷ *Targeting Transgenders*, Newsweek, 8 September 2003.

¹⁰⁸ Groups of transgender activists and allies met periodically after the murders of Bella Evangelista and Emonie Spaulding in August 2003, and support groups at agencies like La Clinica del Pueblo and Transgender Health Empowerment/Us Helping Us included rights discussions more explicitly.

¹⁰⁹ D.C. Law 16-58, amending D.C. Code § 2-1401.01.

discrimination in the Human Rights Act. On the other hand, transgender activists made gains with new regulations following the Human Rights Act amendment. Activists exhorted the Department of Motor Vehicles to simplify the process of changing the gender marker on District government issued IDs. In 2007 the MPD issued a new General Order outlining how police officers must conduct interactions with transgender people in D.C., based on the demands put forward by the community and the D.C. Trans Coalition.

Even though the Council adopted new legislation against prostitution, members of the Alliance for a Safe and Diverse DC felt that our work to raise concerns about the new laws was effective in a broader sense. The Alliance had been successful in obtaining positive media coverage of sex worker issues,¹¹⁰ building stronger ties among community groups, and bringing new leaders into advocacy circles. We also brought the issues into public discussions at community forums and government hearings. For example at a public meeting about Amnesty International's report on police misconduct towards LGBT communities,¹¹¹ the proposed prostitution free zones became a topic of discussion. Council member David Catania (I-At Large) said he did not support the prostitution free zone proposals. We felt empowered at the committee mark-up session on the Omnibus Public Safety Act, when Council member Kathy Patterson (D-Ward 3) offered amendments to strip the prostitution-related provisions from the bill, but we were deeply disappointed when Council member Catania opposed Patterson's amendments and supported the prostitution provisions, encouraging his colleagues to do the same.¹¹² Nonetheless it was an important experience for community members in the Alliance to witness that series of events and to grapple with how to hold elected officials accountable.

Groups also were working to overturn the ban of use of District funds for needle exchange programs, and to increase policies to support affordable housing and low income communities in D.C.. For example, throughout his tenure, former Mayor Anthony Williams was regularly dogged by protestors advocating a change in D.C. homeless policies that were closing shelters and moving them out of the center of the city. As recently as 2005 protestors used the tactic of occupying homeless shelters to protest their closures, similar to efforts by homeless activists in the 1980s. Homeless activists also organized their own community research project exposing the extent of discrimination against the homeless even amongst service providers meant to support them.¹¹³ Public financing for the Washington Nationals baseball stadium and the planned destruction of the gay club district at Half and O also led to public outcry and concerted organizing campaigns. Youth organizing has historically had a strong presence in the city. Groups like Justice for D.C. Youth worked to close the Oak Hill detention center and reform the Department of Youth

¹¹⁰ *Trans Activists Question D.C. Prostitution Bill*, Washington Blade, 31 March 2006. Alliance members were also featured on the nightly news of several local TV stations after the 30 June 2005 hearing on the Omnibus Public Safety Act. A 8 May 2006 mayoral forum sponsored by LGBT groups and held at the Human Rights Campaign building included a question for the candidates about their stance on the prostitution free zone legislation and possible human rights violations that could result from it.

¹¹¹ *Good Cop, Bad Cop*, Metroweekly, 2 March 2006.

¹¹² Community Research Team member Dr. Penelope Saunders observation notes from D.C. Council Judiciary Committee mark-up of Omnibus Public Safety Act, 28 April 2006. Chairman Phil Mendelson and committee members David Catania, Kathy Patterson and Kwame Brown participated in this session; committee member Sharon Ambrose was absent. The final bill was passed by a 12-1 vote in June 2006. Current Mayor Adrian Fenty (then a council member representing Ward 4) cast the sole vote against the bill.

¹¹³ In 2006 a group of homeless men and allies created the Committee to Save Franklin Shelter in an effort to stop city plans to turn their large overnight shelter at 13th and K St NW into a boutique hotel. The effort was successful and the group turned into a new homeless advocacy group, Until We're Home, for and by homeless individuals.

Rehabilitation Services.¹¹⁴ Youth Education Alliance and Youth Action Research Group organize high schools students to push for change in schools, youth employment, media portrayals of youth and more. Facilitating Leadership in Youth, based in the Barry Farms neighborhood, is set to release a new report on youth perceptions of and interactions with police in spring of 2008.

It is within this context of communities organizing for change that we pursued this research project, with the goal that it will be a tool for further change.

¹¹⁴ Justice for DC Youth and other groups working on juvenile justice issues in D.C. supported implementation of the recommendations of the Blue Ribbon Commission on Youth Safety and Juvenile Justice and Youth Safety (appointed by then-Mayor Anthony Williams in 2000), most of which were incorporated into the D.C. Council's Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004. Consequently in 2005 Vincent Schiraldi was appointed director of the Department of Youth Rehabilitation Services (DYRS), where he has pioneered a change in policy to positive youth development. For more information see What is Positive Youth Development, National Conference of State Legislatures, <http://www.ncsl.org/programs/cyf/positiveyouth.htm> (Accessed 12 April 2008).

Methodology

This project involved organizations and advocates from numerous sectors in the District of Columbia. The direct precursor to this project was an effort by members of the Alliance for a Safe and Diverse DC to “monitor the zones” in 2006, to find out how communities and service providers were experiencing the implementation of the prostitution free zones. We formed a working group, the “Community Research Roundtable,” to collect information by documenting individuals’ stories and keeping track of how events unfolded. In early 2007, Different Avenues received funding from the Sociological Initiatives Foundation to research the effects of the laws. Additional funding to Different Avenues from the Third Wave Foundation, Brother Help Thyself, Community Foundation of the National Capital Region, and Tides Foundation Reproductive Justice Fund helped to complete this work.

We chose to employ the community based research (CBR) approach for our exploration of the effects of policing in D.C., because the approach enables “a partnership of students, faculty, and community members who collaboratively engage in research with the purpose of solving a pressing community problem or effecting social change.”¹¹⁵ Unlike some traditional academic research, CBR is a collective project inherently centered on the needs and perspectives of community members. CBR does not value any one particular source of knowledge, such as academic articles or government statistics, over the wisdom of those with lived experience. This was particularly important for the Alliance because we planned to develop new information from the perspectives of those most affected by policing and anti-prostitution policy. CBR also promotes ongoing thinking about the findings and how the knowledge is distributed and deployed. At its core, the research goal of CBR is “social action and social change for the purpose of achieving social justice.”¹¹⁶ In this instance, the CBR project was designed to examine the treatment of Alliance constituents by the D.C. Metropolitan Police Department (MPD) as part of larger explorations of freedom and justice.

Training Community Members in CBR

The proposed project emphasized community development via training in CBR and inclusion of a wide range of community members who are affected by anti-prostitution policing in D.C. in the collection of data, data analysis and report writing. We recruited participants for training and interviewing by tapping into networks of people known to key agencies in the Alliance for a Safe and Diverse DC.¹¹⁷ Our goal was to train 10 community members and representatives of grassroots organizations in community based research methodologies and to recruit up to eight community researchers from the group of trained participants.¹¹⁸ Communities represented in the initial CBR training included African-American, Latino, multiracial, and white; current and former street workers, online/magazine ad sex workers, exotic dancers, massage workers, and escorts; people living with HIV; drug users; immigrants; transgender, male and female individuals; and people in their 20s, 30s, 40s and 50s.

¹¹⁵ Strand, Kerry, Sam Marullo, Nick Cutforth, Randy Stoecker, and Patrick Donohue. (2003 June). *Community Based Research and Higher Education: Principles and Practices*. (United States: Wiley Publishers). Page 3.

¹¹⁶ *Ibid.* Page 8.

¹¹⁷ Organizations who sent representatives to participate in our CBR training included Different Avenues, HIPS, PreventionWorks!, La Clínica del Pueblo and Our Place DC.

¹¹⁸ Funds were available to provide stipends to community members should they wish to be remunerated for their work. Some participants chose to volunteer as researchers and others received a stipend.

The research team recruitment and training agenda were developed by Dr. Penelope Saunders of the Best Practices Policy Project,¹¹⁹ Darby Hickey and Erika Smith co-directors of Different Avenues, and American University professor Dr. Salvador Vidal-Ortiz. The training was held at Different Avenues over two days on April 30 and May 1, 2007 between the hours of 1 pm and 7 pm.¹²⁰

The training in CBR techniques included some mainstream pedagogical elements. Formally trained researchers Dr. Salvador Vidal-Ortiz and Dr. Penelope Saunders presented materials and participants practiced their new skills via preplanned exercises.¹²¹ Participants were trained in the collection of reliable data about the communities of people affected by policing, data analysis, report writing and the protection of one's own rights during research. Other skills included analysis of any existing data produced by organizations working with communities and other materials available from the MPD, the court and other government officials.

The training also incorporated elements of peer education: everyone who participated was encouraged to be both a trainer and a trainee. Participants trained each other, and the aforementioned training developers, on issues relevant to the community to be surveyed. Participants lead discussions about transgender issues, language and immigration, race and racism, drug use cultures in D.C., the law and interaction with the police, male sex worker issues, and street smarts.¹²² Brainstorming sessions were held throughout the two days of training so participants could develop research directions via a group process. During brainstorming sessions participants recalled valuable information that formed the basis for this report, such as other community based research projects, or other less formal research initiatives, conducted in D.C. in the past. This activity allowed us to utilize community knowledge as a building block in the development of the research agenda. Finally, participants were involved in determining the types of data gathering tools to be used in the community based research. We presented a variety of surveys from other research projects and reviewed different ways of gathering information such as interviewing and observation. Participants were able to suggest what kind of approach might work in different environments and allow CBR researchers and those people being surveyed to feel safe.¹²³ The training was conducted in English with peer-lead simultaneous translation to

¹¹⁹ The Best Practices Policy Project is a non-profit organization dedicated to building excellence amongst organizations and advocates working with sex workers in the United States. More information can be found at www.bestpracticespolicy.org.

¹²⁰ The training agenda can be found in Appendix IV.

¹²¹ Attendants were trained on a variety of qualitative methods (for example, interviews, ethnography and observation, and managing video/audio technology), some of which were adapted from a training model called the Rapid Assessment, Response, and Evaluation (RARE). RARE was part of an aggressive effort from the Health and Human Services and Office of Minority Health to reduce HIV among communities of color in the U.S. and Puerto Rico. The RARE training is based on an African training model called Rapid Assessment and Response. The RARE project was initially pilot tested in the U.S. in 1999, and has further developed to cover HIV Care and Treatment services. Prof. Vidal-Ortiz was a trainer and consultant for the Office of HIV/AIDS Policy during 2003-04. He adapted portions of the RARE training to the research question, issues, and populations relevant to this community based research project. For more information of RARE's history and philosophy see <http://www.esi-dc.com/RARE/overview.htm> (Accessed 28 February 2008).

¹²² Darby Hickey worked with participants before the training to assign topic areas in which particular participants felt they had expertise. This allowed discussion leaders to prepare their thoughts and bring along extra materials that illustrated their points.

¹²³ None of the environments in which we planned to do research were particularly violent or unsafe. Regular outreach by peer educators and service providers has occurred across D.C. without incident for many years. However, the communities we intended to survey are justifiably nervous about intrusion and could react badly to, for example, an unknown observer taking notes or photographing the environment.

Spanish. Participants spoke freely in the language they felt most comfortable using, and the team was sufficiently bilingual to accommodate such translation.

Success of the training

Ten participants attended the training as planned. On both days everyone was on time and almost all stayed until the end of each day. Participants from a wide range of community groups linked to the communities in which the research would take place attended and felt very comfortable in the training environment. Evaluation of the training found that participants showed a clear improvement in their knowledge of community-based research techniques, in their understanding of and attitudes towards other communities (such as drug users), and in their own knowledge of their rights. Participants reported enjoying the topics, feeling part of a team, and feeling included. The feeling of being 'included' was expressed, significantly, by a Spanish-speaking participant. The evaluator observed English-speaking participants expressing great enthusiasm about having the chance to be involved in training that was bilingual. Participants provided concrete suggestions to improve trainings in the future.¹²⁴ Seven participants in the CBR training joined the community research team and had ongoing input into the design of data collection tools, data collection, analysis and report writing.

Developing and Piloting Data Collection Tools

The community research team elected to collect information by a short survey augmented by follow up qualitative interviewing to gather detail about subjects of interest that emerged from the short survey. Team members also planned to observe policing patterns and goings on in areas of D.C. targeted for policing, and to interview public officials, the police, and representatives of non-profit organizations to find out more about policing in D.C..

A short survey was developed to systematically document the experiences of a large sample of community members with police. Members of the community research team modified an already existing survey that had been developed the year before by members of the transgender community. The team brainstormed additional survey questions that we hoped would allow us to gather information about people's experiences with law enforcement, perceptions of the police and laws, and thoughts about what needs to be changed. We then piloted our survey tool to ensure that it would gather the information that we needed. In July 2007 we surveyed four people with the English language version of our survey tool. We found it to be very effective in most areas, and identified other parts of the survey draft that needed to be adjusted or refined. We translated the survey into Spanish and piloted it again with five Spanish speakers. After making revisions, we were ready to begin administering the survey to community members.¹²⁵

Several other data collection tools were created, including: a sheet for recording observations;¹²⁶ a qualitative interview schedule for longer interviews with community members; and interview schedules for use with public officials. The observation sheets were to be used when surveying, doing outreach or observation visits to sites where

¹²⁴ Some participants expressed the opinion that the timing should change, as many began to get tired during the second half of the program, a possible change of date and a change to include stories of people being interviewed.

¹²⁵ The survey instrument can be found in Appendix V.

¹²⁶ Dr. Salvador Vidal-Ortiz created the tool for collecting observations.

policing occurs (such as a prostitution free zone).¹²⁷ The qualitative interview schedule for use with community members was created by the Community Research Team.¹²⁸ The team also brainstormed questions for specific public officials, police officers and non-profit representatives we hoped to approach for interviews.¹²⁹

Data Collection

We planned to collect most of our data in the summer and early fall of 2007 because survey respondents would be most easily found in outdoor locations while the weather was warm. Additionally, much anti-prostitution law enforcement in D.C. occurs during summer months. Our decision to collect data at this time facilitated observation of any prostitution free zones or street sweeps. In late July,¹³⁰ community research team members paired up to go out to various areas in D.C. including locations frequented by sex workers and areas where police practices affected both sex workers and people profiled as prostitutes. Research team members compiled observational notes during surveying, noting the environment, any policing or other activity. People who filled out a survey were offered a \$10 incentive. After completion the surveys were brought back to Different Avenues where they were kept on file.¹³¹ Surveying and observation occurred in street locations throughout the District. Surveyors also went to drop in centers, shelters and to venues (such as dance clubs) across the city. Community researchers were able to enter a wide variety of community sectors and venues because they are “peers,” that is that they came from those communities and knew the locations well. Researchers also partnered with staff at organizations that already had a high level of trust in these areas based on many years of work. The survey was well received and we were able to obtain more responses than we had hoped. We had originally planned to have 50 community members fill out surveys. However, after an initial review of this quantity, we realized that we needed more in order to analyze by gender, ethnicity and other variables. By the end of the surveying period in mid-October more than 110 surveys had been completed.

The team employed several additional means of collecting relevant data. Throughout 2007 team members and volunteers gathered background information relevant to the report including other reports, newspaper articles, photos and graphics. The team filed a Freedom of Information Act petition in October to obtain “the number of prostitution and solicitation-related convictions (under subchapters of D.C. Code § 22-27) from 2006 to 2007... the number of arrests and convictions under the Prostitution Free Zone law (D.C. Code § 22-2731) and the locations of these zones since the law was put into effect.”¹³² During the survey data analysis phase, team members who were not occupied with this work secured follow up qualitative interviews with community members.¹³³ These interviews provided deeper qualitative information about topics emerging from the survey

¹²⁷ See Appendix VI.

¹²⁸ See Appendix VII.

¹²⁹ See Appendix VIII.

¹³⁰ Surveying continued until mid-October with the majority of the surveying being done in July and August.

¹³¹ Surveys were anonymous (respondents were instructed to not include their name or identifying information on the survey) but nonetheless surveys were kept in a locked file cabinet with restricted access to ensure confidentiality and anonymity. The nature of information on the survey, and the fact that respondents could indicate contact info for a follow-up interview, warranted these measures.

¹³² Letter from Dr. Salvador Vidal Ortiz to Ronald B. Harris, Deputy General Counsel of the D.C. Metropolitan Police Department. 3 October 2007.

¹³³ We interviewed five community members to get more qualitative data to supplement the survey data gathered. Each person was offered a \$20 incentive for interviews that lasted between approximately 20 to 40 minutes.

data. We also sought interviews with D.C. government officials. We were eventually able to interview a member of the D.C. Council, two members of the D.C. Metropolitan Police Department, and the new director of the HIV/AIDS Administration. We obtained important information about the creation and implementation of laws, conflicts between different kinds of policies and approaches pursued by the D.C. government, and the perspectives of people in control of the institutions that affect our constituents' lives. Thus, while the survey was the main data collection tool, these other sources offered much more clarity to the issues researched.

Individual and Collective Analysis

In late September 2007, we began preparations for analysis of the surveys. Two community members who had attended the CBR training volunteered with one of the formally trained researchers involved in the project to set up a database and to create coding systems.¹³⁴ The next step was to code the surveys and enter them into a computer program where they could be filtered, counted, and analyzed.¹³⁵ We then "cleaned" the data to be sure all entered into the database were correct corresponding to their original hard copy and that no duplicates were in the database. This brought our final valid survey tally to 111.

Research team members then analyzed the data using the questions we set out to answer at the beginning of our process. These questions flowed from our overall goal of understanding the effects of the current approach to commercial sex in the District of Columbia on a sample of people in the areas prioritized by the Metropolitan Police Department for law enforcement activities.

- What are the actual experiences of people who frequent areas where law enforcement attempts to stop prostitution and/or enforce related codes? Are people treated well? Harassed? Are condoms confiscated? Are people moved on from prostitution free zones? What happens during arrest and incarceration?
- What happens when members of these communities encounter a situation where law enforcement should be playing a protective or assisting role?
- How do these communities perceive law enforcement?
- Are there other factors/people that may cause problems or help people in targeted communities?
- What are the opinions of community members surveyed about the enforcement approach?

The qualitative interviews were transcribed by team members and volunteers. Research team members analyzed and coded them for emergent themes, which we incorporated into the results section with the survey data. Interviews with public officials were also transcribed and quotes compiled to include throughout this report.

Our final steps were to write each section of this report. We began by collectively developing an outline for our report and setting timelines for completion of each section.

¹³⁴ This was a first time experience for the two community members. Dr. Penelope Saunders and two community members read over approaches to data analysis and collectively created the database together.

¹³⁵ Nicoletta Stephanz, a consultant, provided technical assistance to the team regarding the filtering and management of data.

Our first priorities were to complete the background and results sections. We assigned team members to write different parts of each section and we then reviewed each other's writing offering edits, revisions, and additional information.

As part of our commitment to collaborative work in completing the report, we held a community forum to discuss our initial findings in February 2008. We spread the word about the session through our peer networks and during outreach activities. This was a very successful event, held at the offices of HIPS,¹³⁶ that provided additional insights, information and recommendations to include in the report. Team members presented the initial findings of the research to the attendees, recording responses, observations and opinions of community members participating in the forum. Those present generated thoughtful discussions about the meaning of the findings, their thoughts on possible recommendations, and personal stories that gave further depth of understanding to the survey data. Next, the research team members had to systematically read through the data we had gathered and write our conclusions and recommendations, building off of discussions in the community forum.

Our final weeks before publication of the report were dedicated to making revisions and edits, inserting graphics and charts, asking individuals with relevant knowledge and experience to read over our report and to give feedback, and planning an event for the release of the report. Although it made for more work, creating the report in this collaborative way was in line with our values and goals of completing a project with leadership at all levels and all times by people most affected by these issues, and in the end we feel that the value of our approach shows clearly in these pages.



Figure 8: Presenting preliminary results at Community Forum and brainstorming recommendations. Photo taken February 21 2008 by PJ Starr.

Results

In this section we present the results of our survey and qualitative interviewing. Some charts and graphs have been placed in Appendix I to facilitate the legibility of this section.

Summary of Respondents' Demographic Information

Survey respondents were roughly evenly divided amongst differing gender identifications—32.4% of the sample identified as female, 31.5% as male, and 27% of respondents indicated a “trans” identity.¹³⁷ Ten respondents, or 9% of the sample, did not indicate gender identification. The majority of survey respondents were African-American (56%) or Latino (31.5%), with other groups represented in very small numbers. 15 respondents, or 13.5% of the sample, did not indicate race/ethnicity. Respondents were fairly evenly distributed across the age ranges except for the under 18 category which only two respondents indicated.

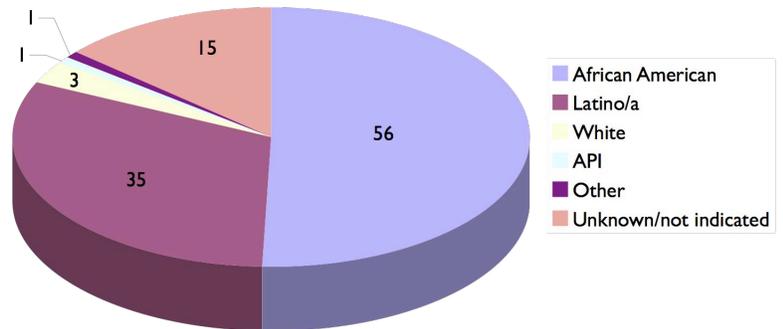


Figure 9: Race/Ethnicity, number of individuals in each group

Sexual orientation was a more difficult characteristic to measure, based on the responses that we received. A large number of respondents, 35.1% of the sample, did not indicate sexual orientation.¹³⁸ Of those who did respond to this question, 28.8% indicated that they were gay or lesbian. 21.6% identified as heterosexual. 10.8% identified as bisexual. A small number of other identities and responses were also recorded.

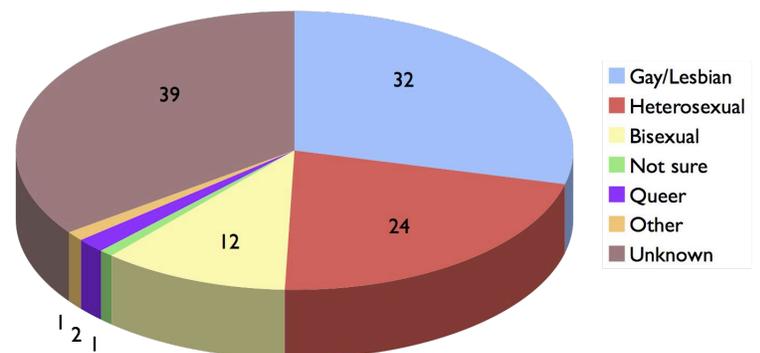


Figure 10: Sexual Orientation, number of individuals in each group

¹³⁷ In Washington D.C. many people from trans communities identify themselves as “transgender” as a catch all term for transsexual, transgender, and other gender non-conforming identities. Respondents were able to indicate “transgender,” “trans woman,” or “trans man” on the survey. 21 respondents identified as trans women. Three respondents identified as trans men, and six as transgender. While we used the term “trans man” to indicate a person identifying as male who may have previously been identified as female, it is our belief that the three respondents who marked this category did not interpret this term the same way. Although we cannot be sure, we believe these three individuals were identified as male at birth and identify at time of the survey as both transgender and male. This is a good example of the limits of current language to capture the diversity of sexual and gender experience and identity, particularly from diverse and marginalized communities. From this point on we will use the term “trans” to refer this group of people who responded to the surveys and interviews, unless speaking about an individual in which case we will attempt to describe individuals as they described themselves in surveys or interviews.

¹³⁸ 17 trans people, more than half of all trans people interviewed, did not indicate their sexual orientation. This is significantly higher than other gender categories. Only six females and nine males did not identify a sexual orientation. It is possible that people who indicated being trans, considered this both a sexual orientation and gender identity. This issue may be further complicated by the realities of the people we were surveying. Many people with sex worker experience might view their sexuality with more complexity because of these experiences and therefore would not be as easily captured in such a simplistic set of options.

Sex work and other life experiences

Almost half of people surveyed (48.6%) had some form of sex work or exchange experience.¹³⁹ This includes the 44.1% of survey respondents who checked at least one box indicating that they were a sex worker, internet worker, street worker, dancer, or working in a venue, as well as five participants who did not check any box in the “sex work” section but noted somewhere on the survey that they had exchanged sex for something they needed.¹⁴⁰

This included notes written in any section about exchanging sex for drugs. Some respondents checked multiple options indicating, for example, that they worked on the street and online, or that they danced, worked the streets and online. The most commonly listed form of sex work was street based sex work, but the majority of “sex worker” respondents indicated working somewhere else including online, exotic dance, or other venues.

Some survey respondents provided more information by writing additional comments about their experiences in sex work and/or in exchanging sex for something they needed. Some were positive about their involvement in sex work and their lives in general. “Will work for money. Sexual or otherwise... I've had an exciting life,” wrote a woman who identified herself as both a dancer and a sex worker. “I enjoy my life,” noted a street working trans woman. Several

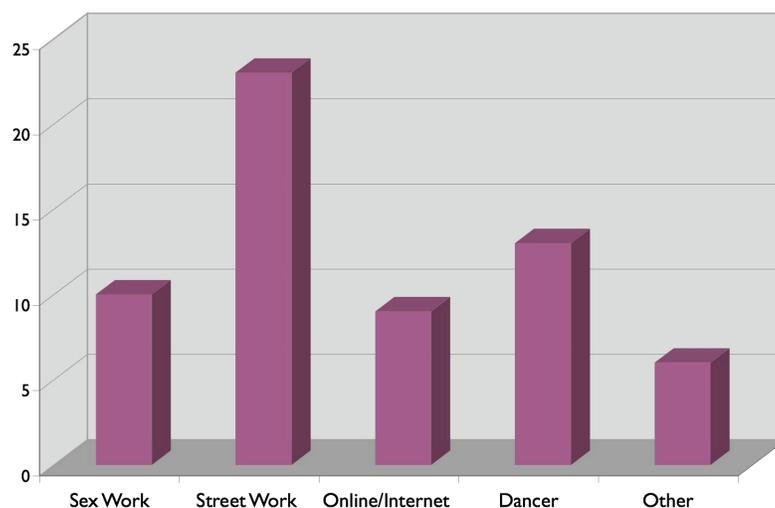
participants indicated a relationship between engaging in sex work and drug use or homelessness. One respondent wrote, “Just moved in with friend stopped using, now on lease, less sex work now at home.” Another wrote that, “I work ‘4’ drugs.” Similarly someone commented, “... when I [prostitute] I get it for drugs.” More than a quarter of respondents (28.8%) indicated that they considered themselves “drug users,” and 22.5 % of participants indicated homelessness.

The survey did not prompt for details of drug use or homelessness specifically. We received a limited amount of additional information about respondents drug use through additional comments written on the survey. Six people wrote more about the status of their

“What I do is not just a choice, it’s a matter of survival. I have to live somehow. Is it right? I don’t know but it is what it is.”

–African-American woman identifying as a street worker and a dancer

Figure 11: Types of sex work indicated



¹³⁹ Respondents were able to indicate their self-identified experiences in sex work and if they considered themselves drug users or homeless. They were also provided space to indicate “anything else about [their] life experience that [they thought] relevant.” We knew from the pilot process and our experience in the community in D.C. that not all people who engage in commercial sex use the term “sex work” to describe themselves. Even though we had to keep the survey form short for ease of use, we included several options for people to select when filling out the form. Respondents could check boxes indicating that they were a “sex worker,” “dancer” or “street worker.” Boxes could be checked to indicate other places they might work such as the “Internet” and “other venue.”

¹⁴⁰ Three of these people indicated trading sex for drugs and two indicated having charges for prostitution and exchanging sex for drugs.

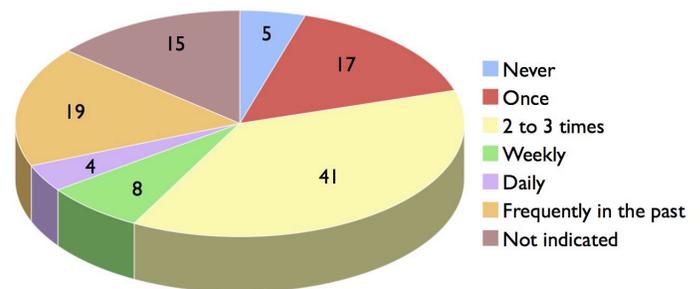
drug use (i.e. whether or not they were still using drugs or were in treatment). Even though we obtained this additional information, we did not get a full picture of people’s drug use experience. We do not know what kinds of drugs people were using, the frequency of drug use, or whether or not people view their drug use as recreational, as a problem, or otherwise.

Similarly we did not receive much more information about what “being homeless” meant for people who indicated this. One person wrote: “Homeless needs to speak out more on [their] situation” and another wrote: “I am a very good person and I need help b/c I am homeless.”

Police Initiated Interactions

Respondents were asked to indicate how often police approached them. Most respondents (41 people or 37.6% of the sample) indicated that they had been approached “2 to 3 times.” 19 respondents or 17.4% of the sample indicated that they had been approached “frequently in the past.” 17 respondents said that the police had approached them one time.

Figure 12: How often did police approach respondents



People surveyed could detail interactions initiated by the police in several different ways. The first section of the two-page survey asked respondents if they had ever been stopped or approached by the police. Various options ranging from an ID check to arrest, were available for respondents to check off. Respondents were also able to provide detailed information about experiences and indicate if they had had a positive (“good”) or negative (“bad”) experience. Respondents were asked in a later question if the police had told them that they were in a “prostitution free zone” or if the police had asked them to “move along” because they were believed to be prostitutes. Finally, participants could indicate whether or not they had been arrested, the reason for arrest, and describe their experiences during lock up. Two surveys were removed from the analysis in this section because respondents reported interactions exclusively with police outside of the District of Columbia.¹⁴¹

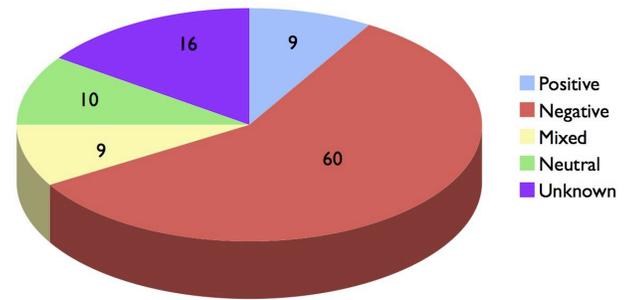
Reviewing the experiences of 109 respondents we found that:

- 104 respondents or 95.4% reported interactions initiated by the police in the District of Columbia
- Five respondents or 4.6% reported never having being stopped by the police for any reason (that is that they had no experiences indicated under questions 1, 3 and 5)

¹⁴¹ One respondent appeared to only have interacted with the police in Canada, while the other had encounters in Maryland and Virginia only.

Of the 104 respondents reporting interactions initiated by the police in D.C., 60 or 57.7% reported having primarily negative experiences. Nine or 8.7% reported primarily positive experiences. Nine people reported mixed experiences (both positive and negative experiences). 10 people (9.6%) reported that their experiences had been neutral or routine (neither good nor bad). 16 people (15.4%) did not provide enough information to assess their experience as positive, negative or neutral.

Figure 13: Overall Experience During Police Initiated Interactions (ID check, arrest, etc)



Negative experiences included:

- Being insulted, humiliated or verbally abused by officers including during relatively low level interactions such as asking for identification.** 40 respondents (38.5% of all people reporting police initiated interactions) indicated that this had occurred to them. An example is provided by a white female, who identified as a street and online sex worker and a drug user. She commented that when the police stopped her on K St, NW, they asked her for identification and then, *“The police made fun of me and talked shit.”*
- Experiencing discrimination or being humiliated by officers because of presumed engagement in sex work.** For example, in September of 2007, one respondent was stopped and asked for identification on Potomac Avenue and was then arrested for “prostitution.” The respondent noted that during the checking of ID, *“He [police officer] called me a whore, prostitute and trick.”*
- Being falsely arrested because officers “profiled the person as a prostitute.”** For example, a Latina trans woman under 30 years old, reported a negative experience because in her opinion she was falsely arrested on the street in December 2005. *“It was a bad experience firstly because they didn’t want to listen to me and then accused me with out proof.”*¹⁴² Regarding the arrest she noted that *“they said it was prostitution”* adding that the police had no evidence of this. She also reported that the police had taken her condoms.
- Confiscation or destruction of condoms and other safe sex supplies by officers during interactions.** Nine respondents indicated that this had occurred to them. This represents 8.6% of all people reporting police initiated interactions.
- Experiencing discrimination because of immigration status and/or perceived or actual inability to speak English.** The survey data contained multiple instances of this reported by Spanish speaking respondents. In some cases respondents reported being denied due process during arrest. For example, a Latina trans woman indicating experience with street sex work, homelessness and drug use reported being arrested in Adams Morgan in 2006. She did not understand what she was being arrested for and was humiliated by the officers: *“[the police] took me to many*

“The police should stop humiliating us when we’re leaving the dance club.”

-Latina trans woman

¹⁴² This comment was translated from the following comment in Spanish: *“Una mala experiencia porque primero no me quiso oír y solo me acuso sin pruebas.”*

places in the patrol car... and I did not understand the charge... they laughed and spoke in English, occasionally they said a few words in Spanish."¹⁴³

- **Being asked to provide sexual favors or services to police officers.** 18 respondents, 17.3% of people who had been approached by the police, reported this occurrence. Two respondents wrote that police has asked them many times for sex. 13 respondents indicated that this was a negative experience. For example, a young Latino trans man identifying as a sex worker and gay, reported being asked for sexual favors when stopped and asked for identification by the police on 14th Street NW, in early June 2007. *"The police were disrespectful because of discrimination. They asked for sexual favors."*¹⁴⁴ A white female indicating experience as a street sex worker in the NE of D.C. and also identifying as a drug user, wrote that, *"I have been approached numerous times by uniformed and plain clothes officers. I was also made to perform sexual favors to avoid being charged for prostitution."* Four respondents did not indicate whether this situation had been either good or bad and one respondent indicated that the interaction she had had with the officer was a good experience, but did not explain specifically why. She indicated that as well as asking for sex, the officer had offered to help her.
- **Being assaulted or attacked by police officers.** 10 respondents reported being attacked by police officers; this is 9.1% of all people reporting interactions with the police.
- **Being strip searched by police officers.** For example, an African American gay man, indicating experience as street sex worker, drug use and homelessness, reported that an *"officer strip searched me on the sidewalk"* during an arrest for drug use November 2006 on 5th and E, NW. Three respondents indicated that this had occurred.

Positive experiences included:

- **Receiving useful information from the police.** One respondent, a gay identified Latino and street based sex worker, recounted that, *"It was the first time I had walked that way to get home and they [the police] showed me how to find my way."*¹⁴⁵
- **Receiving social services or support from the police.** For example, an African American male in his 40s, indicating homelessness and experience of drug use, noted that, *"I had an officer help me with clothing when I was robbed."*
- **Experiencing arrest as a "turning point" in life.** One respondent, a trans woman indicating experience as a street sex worker and drug user, indicated that being arrested for attempted robbery was in part a positive experience. *"I can also say it was a somewhat good experience,"* she wrote, *"because I needed time to get myself together because out here was running wild."*

¹⁴³ This comment was translated from the following comment in Spanish: "Me llevaran a todos partes en la patrulla... y no entendia que penala... se reian y hablaban en Ingels y de repente algunas palabras en Espanol."

¹⁴⁴ This comment was translated from the following comment in Spanish: "Las policias fueran irrespetuosos porque son discriminacion. Discriminacion. Piden favores sexuales."

¹⁴⁵ This comment was translated from the following comment in Spanish: "Era primera vez que andaba por alli y no sabia como llegar a casa y ellos me indicaron como llegar."

Police initiated interactions and respondents' real or perceived Identities

We found a number of patterns in how people experienced these interactions differently based on their real or perceived identities. The most significant factor that we found by considering demographic factors in relation to respondents overall experience when approached by police was related to age. Young adults (18 to 24 years old) were more likely to report negative interactions initiated by police than other age categories. 75% of all 18 to 24 year olds had primarily negative experiences and none reported positive experiences.

Analysis by gender and race/ethnicity did not provide any significant trends when we examined overall experiences of being approached by the police and/or arrested.

Nonetheless, slight differences were found (see Figures 31 and 32, Appendix I). Men were slightly more likely to report negative experiences than women or trans people; Latinos/Spanish speakers were somewhat more likely than any other groups to report having had negative experiences. People identifying as heterosexual were more likely to have had more negative interactions when approached by the police than people identifying as gay/lesbian. 71.4% of heterosexuals reported negative experiences compared to 62.1% of gays/lesbians. Gay men and lesbians were also more likely to report positive experiences during police initiated interaction than heterosexuals. A large number of people, 39 individuals or almost 36% of the sample, did not indicate sexual orientation when filling out the survey so observations in this area may not be significant.

Finally, we analyzed if engagement in sex work and sexual exchange, drug use or homelessness was linked to negative or positive overall experiences in regards to police initiated interactions. In each case we found no significant patterns according to overall rating of experiences of interactions initiated by the authorities.

Figure 14: Experiences of interactions initiated by police filtered by age

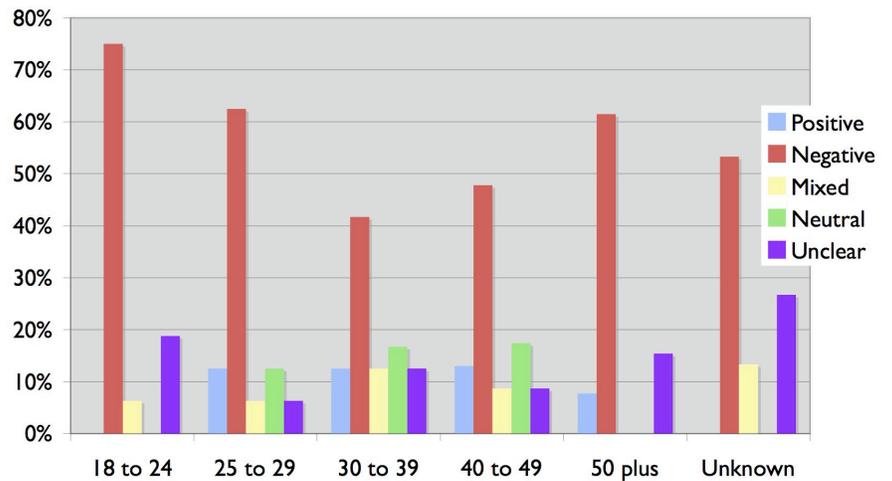
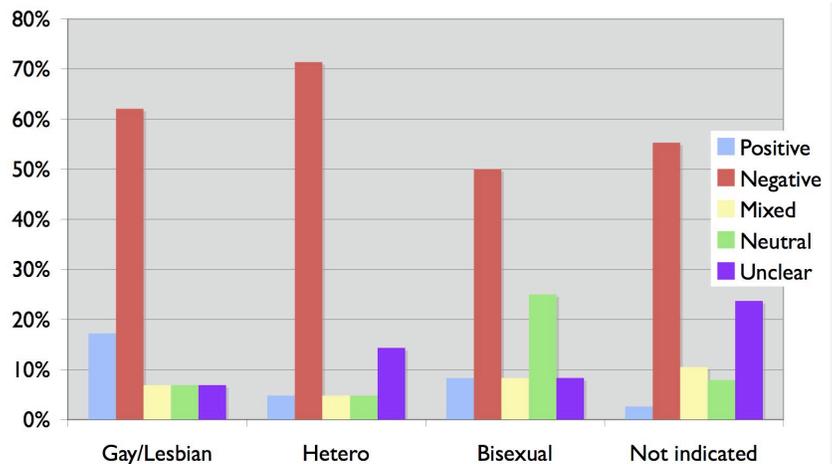


Figure 15: Experiences of interactions initiated by police filtered by sexual orientation



Experiences of prostitution free zones and police “move alongs”

As noted in earlier sections, the implementation of the prostitution free zone policy in the summer of 2006 was a continuation of police practices regarding prostitution in the District of Columbia. In order to find out more about this, we asked, “Have the police told you that you were in a prostitution free zone?” and “Have the police asked you to move along because they thought you were a prostitute?”

Respondents could indicate whether or not they had had these kinds of interactions with the police and then what they, the respondents, did when confronted with this situation. Options included to: “go somewhere else but feel less safe”; “go somewhere else but feel more safe”; “get arrested”; “went home”; or “stayed there because you felt you were doing nothing illegal.”

- 32 survey respondents indicated that the police had told them that they were in a “prostitution free zone”
- 54 survey respondents indicated that the police had told them to “move along” because the police had profiled them as prostitutes
- 24 survey respondents indicated that the police had told them that they were in a “prostitution free zone” and that the police had told them to “move along” because the police had profiled them as prostitutes

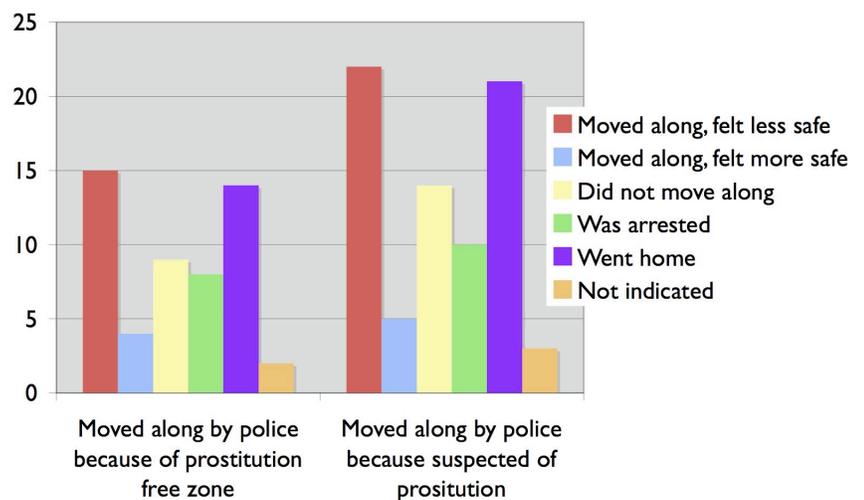
12 survey respondents indicated that they took several actions when told by the police that they were in a prostitution free zone and 20 indicated only one action (such as “went home” or “got arrested”). 15 respondents (46.9% of all people reporting hearing that they were in a prostitution free zone) said that they had moved along to another place but felt less safe. Only four (12.5%) said that they moved and felt safer. Nine people surveyed said that they refused to move believing that they were doing nothing illegal and three of these respondents were arrested. A total of eight people reported being arrested after being told that they were in a prostitution free zone.

11 survey respondents indicated that they took several actions when they police told them to “move along” because the police had profiled them as prostitutes and 43 indicated only one action (such as “went home” or “got arrested”). 22 respondents, 40.7% of people who had been asked to move

“These streets [don’t] belong to the police. They belong to all of us because we pay our tax dollars so we should be able to walk freely. We should be able to do whatever we want to as long as we’re not jeopardizing our lives or someone else’s life”

—Interview with African-American trans woman, 21 September 2007.

Figure 16: Result of being asked to move along



along by the police, said that they had moved along to another place but felt less safe. Only five (9.3%) said that they moved and felt more safe. 14 people surveyed said that they refused to move believing that they were doing nothing illegal and four of these respondents were arrested. A total of 10 people reported being arrested after being told that they were told to move along.

Experience of arrest and lock up

“They didn’t give me my rights, they didn’t give me my things, they didn’t give me an interpreter and they put me in a freezing cold cell.” —Young Latina trans woman

Almost two thirds of the people we surveyed (70 out of 109 people) experienced arrest in the District of Columbia. Two respondents reported arrests that did not occur in the District and so were removed from the sample for this section. Most of these individuals indicated why they were arrested, but 27 respondents did not report the reason for their arrest.

Among those who did give a reason, the majority of them (19) were arrested for something related to prostitution. Of this group, six people reported being arrested simply for “prostitution”; nine people reported being arrested specifically for “solicitation”; one person reported being arrested for solicitation and for “failure to appear in court;” two people reported being arrested for street related prostitution and one person was arrested for online

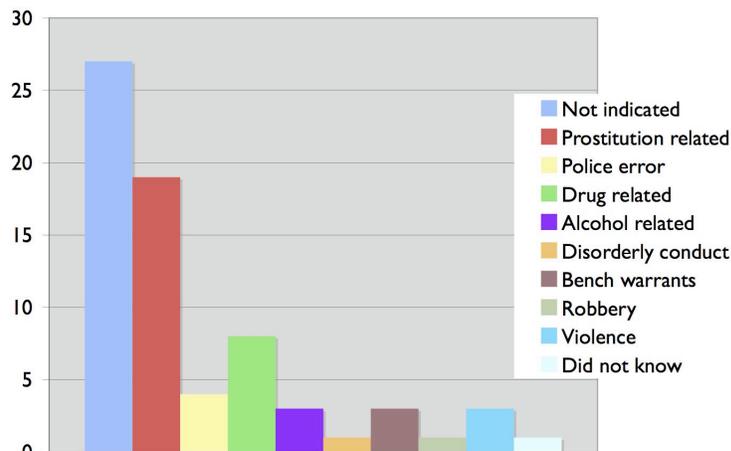


Figure 17: Reason for arrest

prostitution. After prostitution, the next most common reason for being arrested was related to drugs (such as drug possession or distribution). Four people said they were arrested as a result of police error and one person indicated not understanding why he had been arrested. Other reasons shared by respondents for being arrested included alcohol related issues, disorderly conduct, bench warrants or “failure to appear in court,” robbery or something related to assault or violence.

Males were more likely to experience arrest than females or trans people (see Figure 33, Appendix I). African Americans were more likely to be arrested than other groups. People identifying as bisexual (10 out of 12 people), were more likely to be arrested, though once again the sample of sexual orientation has a large number of people not identifying. People over 30 were more likely to have been arrested than young people (see Table 34, Appendix I). People identifying as homeless or as drug users were more likely to experience arrest. No difference was found in regards to participants’ identification as sex workers.

“It went from “okay, I’m going to jail and spending 50 trying to get out,” to “oh, you want to get out, it’s 75,” to “oh, you want to get out, it’s a hundred dollars.” ... then it started getting more intense. Like, now, on your record, if you have a whole lot of pussy cases, they turn it into a felony and you’re going to get time-time.”

—African-American woman, former street worker

Survey respondents could indicate how they were treated in lock up. 37 or 52.9% of those who had been arrested indicated that they had received the same treatment as every one else.¹⁴⁶ 28 or 40% of those who had been arrested indicated that they had received worse treatment than others. A small number of people said that they were treated better than others.

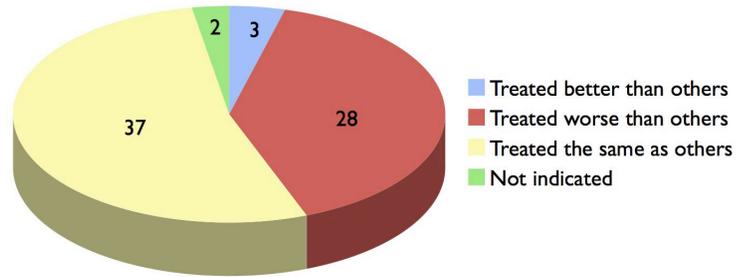


Figure 18: Experience in lock up

Members of specific communities face worse treatment and human rights violations while locked up. Specifically, trans people, young people and Latinos were much more likely to say that they had received worse treatment in lock up. 75% of trans people who had been arrested said that they were treated worse than others (in comparison to a third of men and 18.2% of women). 82.4% of Latinos who had been arrested said they were treated worse than others, in comparison with 25.6% of African Americans (see table 36, Appendix I). 87.5% of young adults (18 to 24 years old) who had been arrested said that they had been treated worse than others (see table 37, Appendix I).

Figure 19: Experience in lock up, by gender



¹⁴⁶ Many respondents indicated being treated the same as others in lock-up but this does not mean they were treated well. D.C. Jail has been plagued by lawsuits, including accusations of serious human rights abuses and overcrowding. *Class-action status granted to lawsuit against D.C. Jail* Washington Times, 30 March 2007. If being treated the “same as others” could mean being treated quite badly, it begs the question of how awful being treated “worse than others” might be.

Reaching Out to the Police for Assistance

“I feel less safe with the police than without them.” —Community Research Team
Interview with community member (name withheld by request), 29 January 2008

Respondents were asked: “Have you ever had a situation when you needed help from the police?” Respondents could detail what types of situations they needed help in, and give information about location and date. They were then asked whether or not they called on the police in those situations. If they didn’t, there was space where they could explain why not. If they did, they could indicate whether or not they were satisfied with police response by choosing either “Yes, they helped,” or “No they did not help.” They could also mark whether or not they were treated well, and they could write further details.

Respondents reported 78 occasions in which they needed help from police. In 42 of these cases survey respondents provided enough information to ascertain that the incident occurred in the District of Columbia.¹⁴⁷ Figure 20 shows that in the majority of these instances, respondents report that they *did* call the police when they needed them. However, people surveyed only had a 50% chance of feeling satisfied with police response as opposed to feeling that the police either ignored the situation, or made it worse for them. This number differs greatly from the statistics for the general D.C. population. According to the MPD, the “Percent of victims of crime reporting that they were “very satisfied” or “somewhat satisfied” with the initial police services they received when they were victims of crime” was 72.8% in 2004, the last year for which data is available.¹⁴⁸ The MPD target for satisfaction was 78%.

Figure 20: Instances requiring help reported to

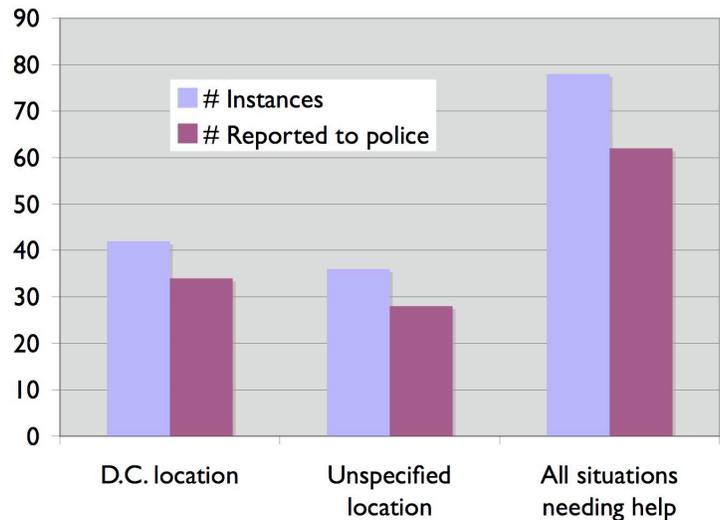
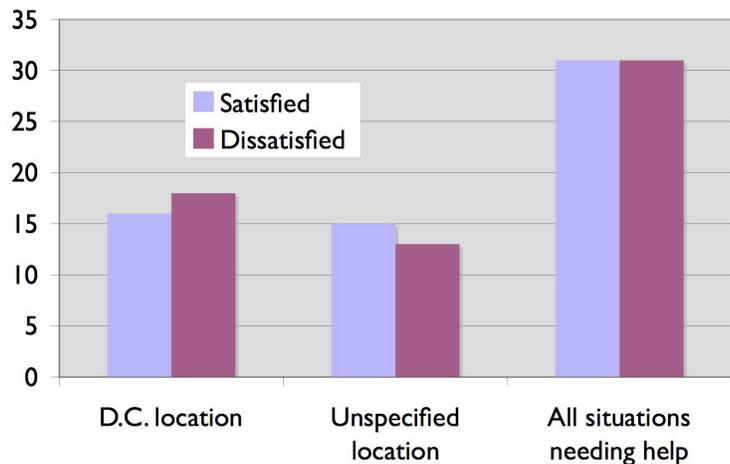


Figure 21: Satisfaction with police response



¹⁴⁷ While there are 111 survey respondents, six respondents reported needing help in jurisdictions outside the city. This section refers only to the experiences of the remaining 105. 34 respondents did not mark the location where they needed help, or indicated that the incident happened where they lived or worked, but didn’t indicate where they lived or worked. These respondents may or may not have needed help specifically from MPD.

¹⁴⁸ District of Columbia, Office of the Chief Financial Officer, “Government of the District of Columbia FY 2007 Budget and Financial Plan,” 5 June 2006.

Information gathered from qualitative interviews helps to explain why people in the communities surveyed are dissatisfied with police response. One community member interviewed recounting her experience going to the police for help with a robbery said, “I called the police for help, and the only thing they kept asking me was, ‘was I out doing sex work?’ instead of trying to see if everything was all right, or try to go after the suspect. They just kept saying, ‘Well, so what were you doing out here? Were you doing sex work? Just tell us the truth.’ And I’m like, ‘It doesn’t matter what I was doing out here. Just note that a crime has been committed and I reported it, so why are you worried about what I was doing?’”¹⁴⁹

In 13 incidents respondents reported *not* calling the police when they needed them.¹⁵⁰ The reasons people gave for not calling the police are instructive. Some respondents feared being targeted for arrest either because of immigration status, or for suspected prostitution. A Spanish-speaking respondent wrote, “I was robbed by a client... if I had reported it, I could have gone to jail.”¹⁵¹

“The [police] refused to help me when I got robbed on my birthday at 3am.”

—Woman in her 40s,
dancer and street worker,
homeless drug user

When the data is broken down by ethnicity, reported sex work status, and reported drug use, there are some significant disparities (see figures 39, 40 and 41, Appendix I). Latinas and Latinos were far more likely to report dissatisfaction with police response: 66.7% versus 40% for African-Americans, and 20% for “not indicated” ethnicity / race. Trans people were also more likely to report dissatisfaction (about 60% for all trans, and 75% for people specifically identified as transgender, versus 50% for those identifying as female or male), as were those who listed themselves as drug users (61.5% versus 46.9% for those not indicating drug use), and those who reported being sex workers or having traded sex for something (73.7% versus 35% for people not indicating sex work experience). Of respondents who reported being homeless, a slight majority reported being satisfied with police response when they needed help. However, the numbers involved are too small to represent a trend.

Why Were Some Participants Dissatisfied with Police Response?

Reasons for dissatisfaction with police response resulted from neglect and discrimination by police, and / or different forms of abuse by officers. Some respondents indicated a general lack of response on the part of police as a reason for being dissatisfied with MPD’s approach when they needed help. An African-American woman in her 40s who reports being homeless wrote, “...when you call them they do not come sometimes.” A Latino transgender person who indicated being a sex worker and using drugs wrote, “The police couldn’t do anything after I called about domestic violence.”¹⁵² A Latina woman in the 18-

http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/2007/dc_Budget-Volume_2d.pdf&open=133210 (Accessed 6 March 2008).

¹⁴⁹ Community Research Team Interview with community member (name withheld by request), 29 January 2008.

¹⁵⁰ Respondents gave sufficient information to ascertain that seven of these incidents were in the District and 6 of the locations were not detailed enough to know. There were a number of respondents for whom it is unknown if they contacted the police.

¹⁵¹ This comment was translated from the following comment in Spanish: “Me robaron un cliente... si voy a denunciar, en la carcel.”

¹⁵² This comment was translated from the following comment in Spanish: “La policia no podia hacer nada despues de llama por la violencia domestica.”

24 year-old bracket who reports being a lesbian wrote, “[the police] never arrive when it’s something to do with our rights.”¹⁵³

Information collected from qualitative interviews illustrated that police were less willing to recognize the full range of forms of violence. A young Latina trans woman who reported street harassment to a police officer had the following experience. “I explained to the police officer that I was a transsexual and for that reason, that man threatened me and by the end he [the police officer] said, ‘he only said something to you, nothing happened.’ And I was upset with [the officer] and I said, ‘So he [the street harasser] has to do something [physical] to me and then I can call you?’ [Then the police officer said], ‘Can you just give me your number? Maybe I can do something for *you*.’ ... I was really upset... [because] by the end, he wants to hook up with me...”¹⁵⁴ In this case not only were her fears ignored but the officer used the opportunity to inappropriately turn the situation from her concerns for safety to his desire for sex.

“The police are never there when you need them the most. Especially if you are a transgender girl or gay [or] LGBT.”

—Latina trans woman in the 18-24 year-old range, who indicated satisfaction with the police response when she needed help

Many indicated that police were unhelpful because they discriminated against respondents; either because of their gender identity, sexuality, sex worker status, homelessness, ethnicity, or immigration status. An African-American male in his 40s, a sex worker, and homeless, wrote about why he did not find the police helpful when he needs them, “Because they think you are the person doing the crime.” A Latina trans woman in the 25-29 year-old bracket, who reported trading sex wrote, “When police saw that I am a transsexual girl, they paid no attention to the case but it was sexual harassment.”¹⁵⁵ A Latina trans woman in her 30s who reports being a sex worker who works online, wrote, “I am already singled out by many police officers (specially Latino).” A number of respondents indicated discrimination and insensitivity on the part of police towards immigrants who needed translation. A Latino who did not identify gender in the 25-29 year-old bracket reports: “My friend had experienced a crime against him. We went to the police and they took our testimony. [The police said,] ‘it doesn't make sense to report it.’ I had to tell them I don't speak enough English 3 times.”¹⁵⁶

“Hopefully in the year of '08, we [will] have a better year as far as the police working with sex workers that we would be able to come together, ... to collaborate and work together so we can make the streets safer for the sex workers, because that's the primary purpose, not to tell someone what they should or shouldn't do.”

—African-American trans woman

¹⁵³ This comment was translated from the following comment in Spanish: “Nunca llegan cuando se trata de nuestros derechos.”

¹⁵⁴ Community Research Team interview with community member (name withheld by request), 3 December 2007.

¹⁵⁵ This comment was translated from the following comment in Spanish: “Porque al verme que era una chica transexual no me pusieron atencion del caso pero si tuve acoso sexual.”

¹⁵⁶ This comment was translated from the following comment in Spanish: Un amigo necesitaba ayuda... quisimos reportar un delito los agents dicen necesitan testigos o prueba... ‘It doesn't make sense to report it.’ I had to tell them I don't speak enough English 3 times.”

Why Were Some Participants Satisfied with Police Response?

Some respondents had positive things to say about the police response. An African-American woman in her 40s wrote: "Police helped me get a stay away order from the person who assaulted me." An African-American male in his 30s wrote that he received help when he "was having a seizure." One African-American female said during a qualitative interview that in the past the police seemed to be more responsive. "[W]e'd [sex

"Then the police, they [had] them. They had already stopped them. So I went over there and I was like 'Some mother-fucker just shot me, look at this shit man. This is a brand-new dress. My folks gonna be mad.' And the little boy was like 'Man, fuck her, she ain't nothing but a ho' anyway.' And [the police officer said] 'Fuck yeah, she ain't nothing but a ho', but you're the one going to jail'."

—African-American woman describing a time police were helpful when someone shot her with a paintball gun

workers] built a good rapport with them [the police] like that. And like if we get a bad date or something, we'll tell the police and they'll look out for us. We had some good ones out there."

Several participants who indicated satisfaction with police response also wrote in comments that would indicate negative perceptions of the police. For example an African-American trans woman in the 18-24 year-old bracket, who reported working on the street as a sex worker, indicated that police did help when she called on them. However she has a negative perception of police, "Because they are not mature." Another African-American trans woman who identified as a street worker, reported satisfaction with police response but wrote, "A lot of times I try not to bother the police here because I know what I am doing is wrong." An African-American woman in her 30s who indicated doing sex work on the street and who also identified as a dancer and a drug user, indicated satisfaction with police response, writing: "I needed help with my oldest daughter." However, her overall perception was that, "The police need better training with customer relations." An African-American woman in her 40s indicated that the police helped her, but had some

overall negative feelings about police, "Because the police take you through unnecessary situations."

Perceptions of Law Enforcement in D.C.

We asked people to indicate whether or not they felt afraid when they were approached by the police. The majority of survey respondents reported having fears and negative perceptions of the police. Almost four out of five respondents indicated at least one of a number of fears relating to immigration, violence, harassment, arrest, humiliation, generalized fear, and others. Almost half of the responses indicated multiple fears such as a combination of harassment, arrest and humiliation. “They see a black person, or a person that they feel is from a low budget community walking down the street, they say, ‘Let me see your ID’,” said one African-American woman about her perceptions of

“I don’t fear police in general unless they start talking about immigration.”

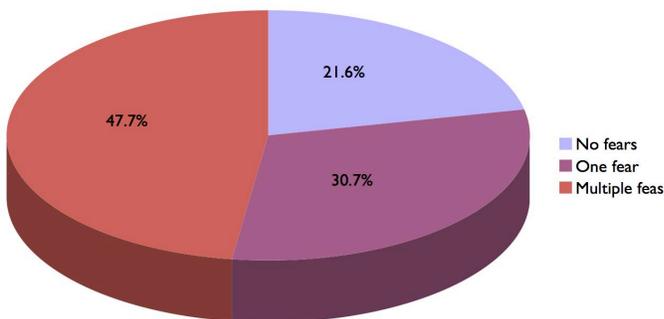
–Latina trans woman

profiling by the police.¹⁵⁷

Approximately 22% of respondents did not indicate any fears.

The most common fears indicated by survey respondents were humiliation (42.3% of all respondents), arrest (41.4% of all), harassment (36% of all) and violence (26.5%). Almost equal numbers of people (just under 20%) indicated immigration fears or “I don’t know why but I fear the

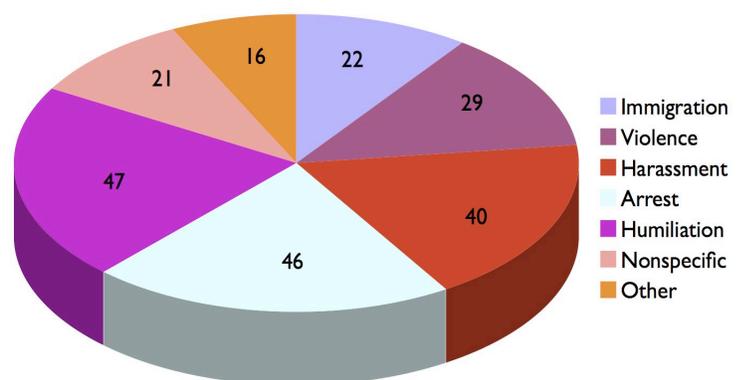
Figure 22: Percentage of respondents fearing police



police.” 14.4% of all respondents indicated that they had “other fears” about the police and some wrote on their surveys what they feared. Several wrote fears related to police actions in their country of origin such as “that they are like back home, that they kill people” or “they killed my whole family.”¹⁵⁸ Other comments alluded to general impunity of police as a fear, “they do what they like,”¹⁵⁹ and discrimination. Approximately a third of all respondents indicated fears of the police that did not include arrest – this was illustrated by a comment of one community member during our forum presenting initial findings: “We don’t mind to be arrested but why do they have to humiliate us, harass us.”

Trans respondents were the most likely of all genders to have fears of the police (86.7%) while male and female respondents were less likely (68.6% and 70.6% respectively). Females and males were also more likely to report “no fears,” while only 10% of trans respondents

Figure 23: Types of fears indicated by respondents



¹⁵⁷ Community Research Team Interview with community member (name withheld by request), 29 January 2008.

¹⁵⁸ This comment was translated from the following comments in Spanish from two different respondents: “Que son como alla. Que matan a la gente” and “Mataron a todo mi familia alla.”

¹⁵⁹ This comment was translated from the following comments in Spanish: “Ellos hacen lo que quieren.”

indicated “no fears.” Trans respondents reported fears at higher rates than others, sometimes much higher. For example 33.3% of trans respondents feared violence (versus 26.5% overall), 46.7% feared humiliation, and 36.7% feared immigration.

Not a single Latino respondent indicated no fears of police (Figure X, Appendix I). Latinos were more likely to have all fears across categories: 60% feared immigration and arrest; 57% feared humiliation; and 51% feared violence. Of the 56 African-American respondents, most indicated some fears (58.9%) with humiliation (35.7%), arrest (30.4%), and harassment (30.4%) being the top fears. Other race samples were too small to offer meaningful analysis.

Respondents under the age of 24 had very high levels of fear of the police – 94.8% of the age group reported fears. Those over 30 years old generally reported similar, or fewer, fears than the overall sample. Respondents under 30 had higher percentages of fears across almost all categories including 34.6% fearing violence (18-29 year-olds) 43.8% fearing harassment, and 50% fearing humiliation.

Fears indicated by respondents who identified experience with sexual exchange or sex work experience were similar to the overall sample. Those who did not indicate sex work experience also expressed fears similar to the overall sample. Analyzing respondents’ fears as they correlated to location of work revealed little difference, with the exception that street-based workers were more likely to mention fears of the police than those working online, as dancers, or reporting multiple forms of work. Respondents who did not indicate a specific area of sex work were more likely to mention fears than not. These individuals more frequently mentioned fears of harassment, arrest, humiliation and non-specific fears.

Drug users were also more likely to report fears of the police (84.4%) including humiliation (50%), and non-specific fears (25%). People not indicating drug use reported fears and humiliation at lower rates than the overall sample. While homeless respondents were more likely to report fears (72%) than those who weren’t homeless (66.3%), they both reported fears at lower rates than the overall sample (78.3%). Each fear category had similar frequency as the general sample among drug-users and those who indicated being homeless, with the exception of immigration fears (much lower for drug users or homeless). A smaller percentage of homeless respondents reported fears of arrest (32%).

Comparing fears of police with overall experience with police

To better understand how and why respondents fear the police we cross-examined their responses about fears with their responses about their interactions with the police. Those who had no fears were roughly as likely to have had positive, negative, or neutral experiences with the police. However, those with fears were much more likely to have had negative experiences. For example, the experiences with the police of those with fears of harassment or violence were about four times as likely to have been negative as positive. It also is clear that people had fears despite concrete positive experiences with the police.

Comments by respondents about fears they have of the police:

“Fear of losing my freedom, of being strip-searched.”

“[Fear] that they’ll discriminate against me.”

“[Fear] because I always hated the police.”

“[I fear] everything about the police.”

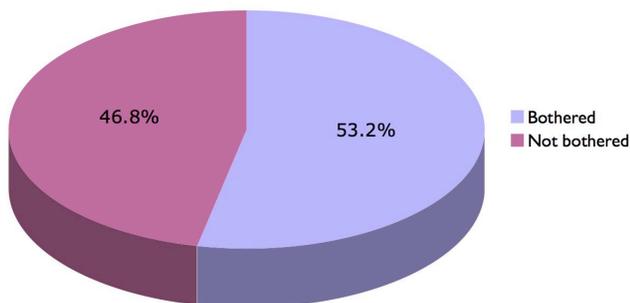
“[Fear] that the [male officers] will touch me.”

Other Neighborhood Problems for Respondents

The focus of our research was on community members' experiences with police, but we wanted to also capture other factors that were affecting the people we surveyed. Historically groups that are mistreated by police also experience discrimination and abuse at the hands of others in the broader community. We attempted to capture this relationship—between behavior of the police and behavior of non-police actors—by including a question on the survey that asked, “Has anyone else given you a hard time in the neighborhood?” Participants could indicate being harassed by residents, business owners, people in cars, or “someone else.” Participants could also indicate that they had not been abused by anyone else. There was also space for respondents to elaborate or write comments on these experiences.

More than half of survey respondents (59) indicated having had a negative experience, either with “business owners,” “people in cars,” “residents” or “someone else.” 52 respondents indicated that they had never been harassed by anyone else in the neighborhood, or left this section blank. While the total number was almost equally split between those who had (53%) and had not (47%) been harassed by anyone, trans identified

Figure 24: Percentage of respondents harassed



individuals were more likely than their non-trans counterparts to be harassed. Latinos were much more likely to have been bothered than not, and more likely to be harassed or abused than African Americans. Both trans and Latino identified people were disproportionately represented amongst those who were “given a hard time.” Younger respondents also seemed to be more likely to be harassed (Figure 25).

Respondents were much more likely to be harassed by residents (Figure 44, Appendix

I). Of those who marked that they were “given a hard time” by someone besides police, 69% said they were bothered by residents—this represents 37% of all survey respondents. This is significant in how it may relate to those survey respondents' experiences with police. If they are singled out as “a problem” in the neighborhood by residents and business owners, police may also label them as criminals rather than as a person in need of support. “The carryout threatened to call the police on me,” said one respondent, a woman in her 40s, illustrating this point.

Trans and Latino respondents were more likely to indicate that they had been harassed by “people in cars.” Latinos and Latinas were more likely to indicate being harassed by “someone else.” Perhaps the visible difference of being trans or Latino in D.C. helps to explain these variations. One Latina trans respondent articulated this experience well: “They always

“Same old same old: get off the street you ho’, slutty bitch, usual stuff from idiots.”

—African American woman, in her 30s

“I have problems with my family because of I what I do, my work, and who I am. They ran me out of my job because of what I do and who I am.”

—Latino gay male

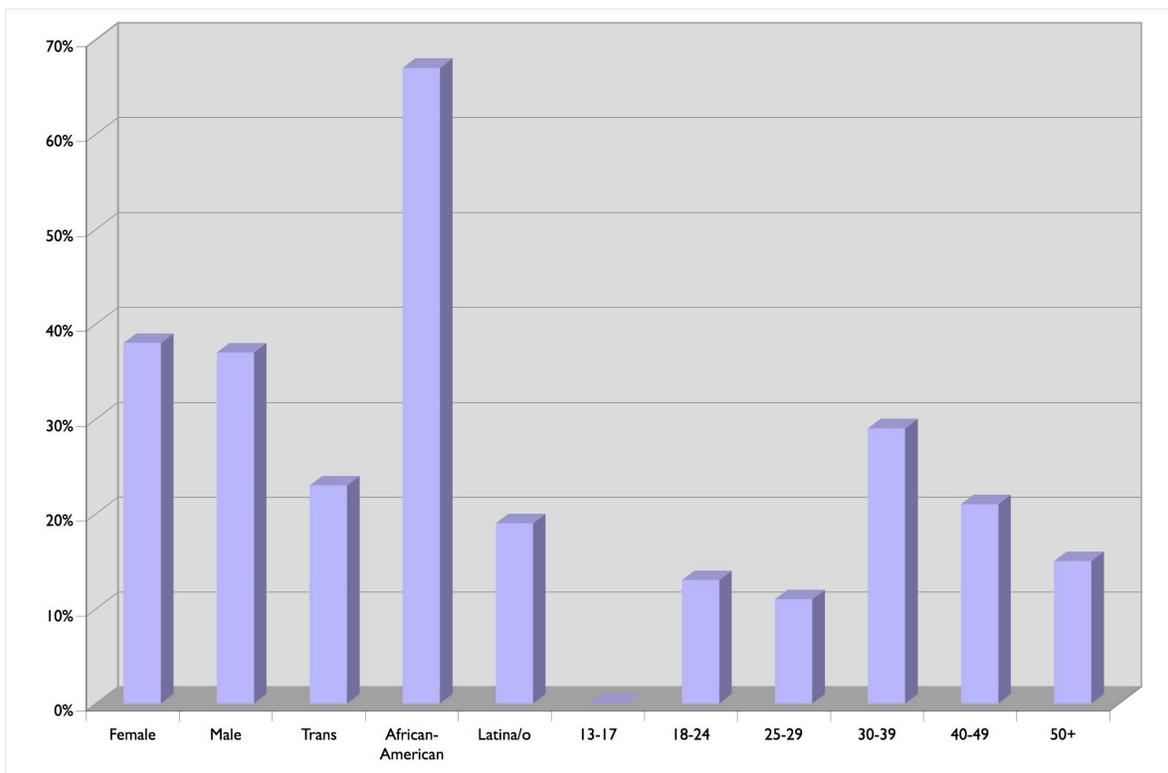
called me faggot or if I looked cunt/passing they always out me to others.” 27 respondents gave more information about other people who were causing them problems or wrote in additional comments below the question. For those who indicated “someone else” in this section, there was a variation on interpretation of this question as several respondents wrote “my family” or “my friends” or other people known to the respondent as those who bothered them.

“People passing in cars or men in the street [say] they want to make love to me, and when I ignore them they yell at me.”

—Young Latina trans woman

There were no significant patterns or discrepancies when looking at the individuals who were “given a hard time” versus those who weren’t based on their experiences of sex work, homelessness, or drug use.

Figure 25: Percent of respondents not harassed by others in the neighborhood



Opinions of People Surveyed About Current Law Enforcement Approach

Participants could provide opinions about law enforcement by writing comments on the survey and by responding to a question asking if respondents agreed, disagreed or had “no opinion” about the following statements.

- Right now in D.C., police help and protect sex workers
- D.C. government should change how it deals with sex work
- Sex work should be illegal
- Arresting sex workers is the best way to help them
- There are not enough social services for people in need
- If I wanted to complain about an officer, it would be effective

In response to the statement “Right now in D.C., police help and protect sex workers,” the largest percentage of survey respondents (42.3%) disagreed. One respondent wrote that the police help and protect sex workers “only if they are pimping them.” Another commented that, “Police should be more helpful, and try to be professionals.”

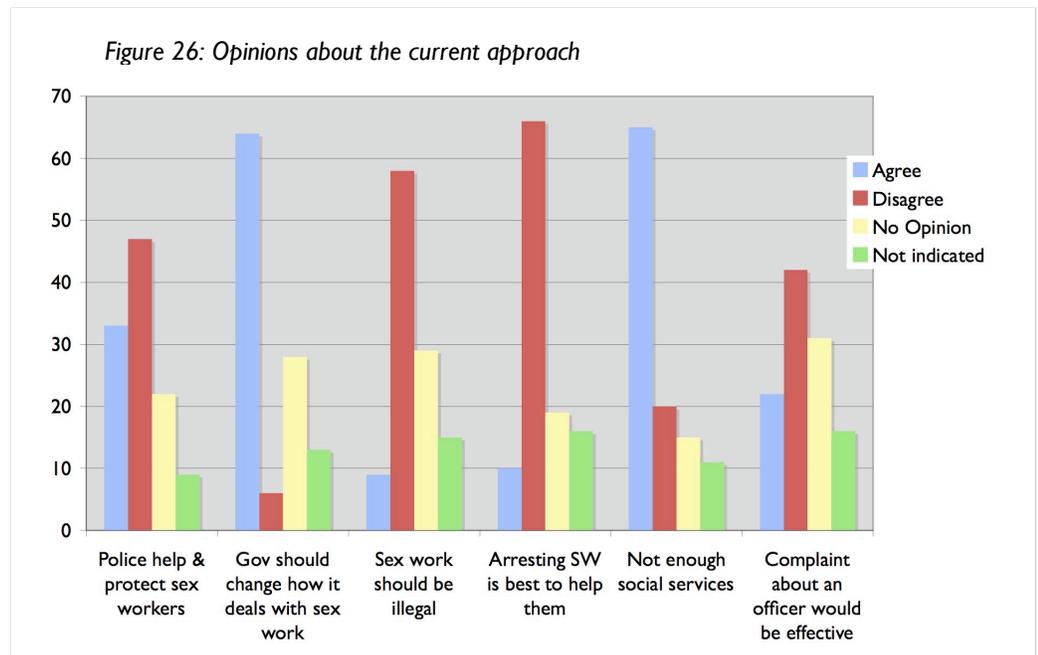
Another respondent indicated similarly that, “[The police] need to be there for us.”

Almost a third (29.7%) felt that the police do help and protect sex workers. One respondent wrote, “I was given another chance.”

The majority of respondents (57.7%) agreed with the statement “D.C.

government should change how it deals with sex work.” This indicates a desire for change from communities affected by law enforcement and anti-prostitution policies. More information about the kind of change needed is indicated by the response to the statement “Sex work should be illegal.” 58 people, more than half of the sample (52.3%), disagreed.

Did people completing the survey agree with the statement “Arresting sex workers is the best way to help them”? The answer to this was clear: 66 people (59.5% of the sample) disagreed. A couple of respondents wrote similar comments saying, “No, the police should not arrest sex workers because sex work is work.”



58.6% of people surveyed agreed with the statement “There are not enough social services for people in need.” One respondent wrote an additional comment noting that “I think there should be more programs to help prostitutes gain employment and education needed.” 20 people disagreed with this statement, indicating that they thought enough services exist. One person provided additional information that is useful for service providers. She noted that enough services exist but that the problem is that “People are not aware of them [the services]. “

How did people respond to the statement “If I wanted to complain about an officer, it would be effective”? 42 people (37.8% of the sample) disagreed with the statement. Respondents did not provide any direct comments on this statement in the space provided for comment. However, additional information provided by many of these 42 individuals in response to other questions is instructive and helps to round out a picture of disenfranchisement and disillusionment with the police and power structures. One Latina participant wrote that, “I feel that the entire system oppresses us.”¹⁶⁰ Additionally she noted that, “whenever I call, they [the police] ask for a lot of paperwork and documents. I don't go to the police, I don't believe in them.”¹⁶¹ “A lot of people don't go forward with complaints against the police, because they don't think it will happen,” said another community member, while another noted that a case of “your word against the police” seems like a losing proposition for most of his peers.¹⁶² 22 people felt that if they were to file a complaint about an officer it would be effective. One respondent from this group wrote in the comments section, “I have not had any problems with the police. I respect them and I feel protected by them. I don't do commercial sex work in the street, only on the internet.”¹⁶³

¹⁶⁰ This comment was translated from the Spanish: “Siento que todo el sistema nos desprecia.”

¹⁶¹ This comment was translated from the Spanish: “Siempre que llamo, piden mucho tramite y papeles. No voy a la policia, no creo en ellos.”

¹⁶² Community Forum, HIPS offices, Washington D.C., 21 February 2008.

¹⁶³ This comment was translated from the Spanish: “Nunca he tenido problemas can la policia. La respeto y me siento protegida por ellos, no hago comercio sexual en la calle, solo por el internet.”

Discussion

In the following section we provide an overall look at trends and key issues emerging from our surveys and interviews. Our recommendations for actions to address the problems outlined here can be found in the final section of the report.

Overall impression of policing in D.C.

Sex workers, and others profiled as such, have overwhelmingly negative interactions with the police in the District. Almost every person we surveyed or interviewed had experienced interactions with MPD, and police initiated interactions were 6 times more likely to be negative than positive. Interactions initiated by police, even mundane ID checks, were characterized by humiliation, abuse, arrest, and extortion. Furthermore, accounts from people interviewed and other sources note a trend for the worse in police behavior towards sex workers—in other words these negative practices are increasingly common.

“The system is built to penalize and criminalize you.”

—Community member, Community Forum February 21, 2008

As outlined earlier, police misconduct towards people presumed to be trading sexual services for money does not occur in a vacuum, but within a context of increasingly harsh legal approaches. Intimidation, false arrest, abuse and humiliation also seem to be the preferred tools of the police when interacting with many different communities in D.C. including youth¹⁶⁴ and people of color.¹⁶⁵ Arbitrary and discriminatory MPD practices have been legitimized by the D.C. Council, reinforcing perceptions by community members that the police are unaccountable and act with impunity when it comes to policing commercial sex. Not only are police-initiated interactions much more likely to be negative, people surveyed and interviewed indicated that police officers refused to help them in times of need and sometimes made the situation worse. For example, a young Latina trans woman reported when she asked the police for help because of being sexually assaulted, “They attacked me instead of helping me.”

The status quo consists of discrimination and rights violations, and rather than taking steps to address it, politicians in the city seem more interested in a “tough on prostitution” stance for political gain. The D.C. community as a whole needs to take responsibility for these issues and confront the flagrant injustices being perpetuated by the police department and city government in the name of running prostitutes out of the city.

¹⁶⁴ Facilitating Leadership in Youth report due to be released in 2008. See www.flyouth.org.

¹⁶⁵ D.C. Office of Police Complaints. “Addressing Biased Policing in Washington, D.C.: Next Steps,” 17 May 2007.

Discussion of key themes

Discrimination against sex workers and people profiled as prostitutes

One concern that advocates had about the creation of the prostitution free zone policy in Washington D.C. was that it would bolster unfair police targeting of certain communities because people are presumed to be prostitutes, and therefore are presumed to be committing a crime no matter what they are doing. Representatives of the police department explained to the Committee on the Judiciary when the prostitution free zone legislation was under consideration that officers needed to have greater leeway to move people along or arrest them even when they were not observed to be soliciting or breaking any other element of the criminal code.¹⁶⁶ Our research reveals that being

“How you dress shouldn’t be cause for arrest.”

*Community member,
Community Forum
February 21, 2008*

“There’s no chance to get away [during a D.C. street sweep] unless you’re standing near your car or you’re running to get in your car.”

—African American woman, former sex worker, interviewed November 9, 2007

told to move along 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. Our survey did not gather detailed information on these experiences, but being told that one “does not belong” in an area raises serious concerns about human rights violations concerning rights of association and assembly. Furthermore those told to leave an area usually went into areas that were “less safe,” showing that these policing tactics are decreasing public safety for some communities. Our data also illustrates the extent to which community members are subject to law enforcement activities in D.C.’s bid to stamp out prostitution.

We gathered information about many specific cases where respondents spoke about being treated unfairly because the police assumed they were prostitutes. For example, a Latina trans woman we surveyed reported that she was falsely arrested in December 2005. The police “said it was prostitution” and confiscated condoms that she had with her. “It was a bad experience firstly because they didn’t want to listen to me and then accused me without proof,” she concluded.¹⁶⁷ Police profiling of people they assume to be prostitutes can lead to rights violations on a mass scale during campaigns to rid areas of prostitution. Police implementing street sweeps, whether they are under the rubric of prostitution free zones, All Hands on Deck¹⁶⁸ or more informal operations, are supposed to warn people in the area to leave before moving in to arrest

“I feel that the entire system oppresses us. The whole country and the whole world is a prostitution free zone.”

—Latina street sex worker surveyed August 17, 2007

¹⁶⁶ Statement by Police Chief Charles Ramsey, before the D.C. Council, Committee on the Judiciary, Hearing on Omnibus Public Safety Act of 2005, 31 May 2005. Discussion between committee Chairman Phil Mendelson, and then-Police Chief Ramsey included a back and forth about how sex workers are getting “too smart,” and speculation that the police would have to see people on a doorstep having sex and throwing money in the air to make an arrest. In a press release then-Police Chief Charles Ramsey said, “Our city has made great progress over the last several years in reducing prostitution – in particular, the presence of brazen street walkers in many of our communities. But we know we must do even more to combat this very serious problem. The new Prostitution Free Zone law will give our officers one more tool for moving prostitutes and their johns off the corner and out of our neighborhoods.” D.C. Metropolitan Police Department (Press Release) “MPDC Begins Enforcement of New ‘Prostitution Free Zone’ Law,” 31 August 2006.

¹⁶⁷ This comment was translated from the Spanish: “Que dijeron que era prostitucion. Una mala experiencia porque primero no me quiso oir y solo me acuso sin pruebas.”

¹⁶⁸ A 2007 initiative of Police Chief Cathy Lanier that purported to head off the “summer crime wave.”

them for failing to obey a police directive. Discussion of this problem in follow up qualitative interviews revealed street sweeps are so stringent that the police sometimes “don’t even give you a chance” to move along.¹⁶⁹ Service providers and community members have gathered anecdotal information that many who are arrested for prostitution-related charges are advised by counsel or judges to simply accept the charge rather than fight it, even if the person arrested believes that he or she was doing nothing wrong. We did not survey about this issue, but it would be a good topic for further research.

We gathered information that illustrates that some police accuse community members of being sex workers to humiliate them. “He [police officer] called me a whore, prostitute and trick,” wrote one survey respondent explaining how the police had humiliated her during an ID check on Potomac Avenue in September 2007. The use of the “whore” stigma by the police is part of a generalized negative attitude in the community towards sex workers.

“What I’ve learned is that the police department, this one in particular, they are really two-faced, because on one hand they are saying, ‘Let’s reach out to LGBT. Let’s bring them to the table. Let’s engage them in the process.’ But when they find out who we are, there are certain things they don’t want to hear. They don’t want to hear that some of us are engaged in sex work... It’s okay to tell [the liaison unit] that someone just tried to rob me at Safeway, but I can’t tell you that a client took my money, or that some other police officer just did something to me. I’m not supposed to talk about that.”

—*Latina trans woman, gay-identified*

don't want to call the law because they do not help or [they] pass judgment based on appearance so therefore they may not help out the way they should.” Even with these worries, our results show that the majority of people who have needed help from the police do attempt to seek assistance from the MPD. Unfortunately, many community members who did go to the police to seek help were asked repeatedly if they had been doing sex work at the time of the incident.

This is a very negative picture of how police in D.C. view sex workers and how their actions feed into stigma and discrimination. Our research, however, reveals some situations in which D.C. police officers were genuinely concerned about violence and other crimes committed against sex workers. We also received feedback from service providers that

Respondents indicated being insulted by people on the street. “I was called names just because residents ‘assumed’ I was a prostitute. At this time I wasn’t,” wrote a white female with experience working on the street in the Northeast quadrant of the city. Sex workers also experienced physical assaults from passersby. One woman recounted this incident: “Some little guys were riding around shooting us with paintball guns and then one of the little boys hit me [with a paintball]... They hurt... I thought I’d been shot.”¹⁷⁰

It is not a surprise to find that some people who expect discrimination from police may not turn to them for help when it is needed. “I was being followed by a couple of men and I couldn't stop the cops because they would think I'm a hooker,” wrote a young African-American trans woman. A Latina woman wrote on her survey that, “Sometimes you

¹⁶⁹ Community Research Team Interview with community member (name withheld by request), Washington, D.C., 9 November 2007.

¹⁷⁰ Community Research Team Interview with community member (name withheld by request), Washington, D.C., 9 November 2007.

officers were open to be educated about resources available for sex workers. One police officer interviewed expressed her perspective that if sex workers are “a victim of a crime, they’re still a victim. They still have the same rights to have justice served on whoever violated them.”¹⁷¹ These positive indications show that even though the overall situation is negative for sex workers, it may be possible to reach common ground with officers and leadership in the MPD to introduce measures to protect sex workers and to end the practice of police profiling people as prostitutes.

The experience of Spanish speakers and Latinos

The history of poor relations between Latino communities in D.C. and the police dates to the 1980s. The Mt Pleasant riots of 1992 are perhaps the worst example of this.¹⁷² The MPD has made an effort to move beyond this history of tension by creating a Latino Liaison Unit, yet much work needs to be done in this area. Our research indicated that Latinos

“[The police] insulted me severely and were not sensitive to the fact that I don’t speak English.”

—*Latina woman in the 40-49 year-old bracket*

experienced the police more negatively than African-Americans and other groups surveyed.¹⁷³ This was not entirely clear when looking at overall experiences of survey respondents when approached by law enforcement and while in lock up. Latinos and Spanish speakers were only somewhat more likely than any other groups to report having had negative experiences. However, examination of more specific circumstances reveals the extent of the problem. Latinos were far more likely to report

dissatisfaction with police response when they called on them for assistance. Latinos who had been arrested were twice as likely as the overall sample to be treated worse than others in lock up.¹⁷⁴ The fact that Latinos we interviewed experienced such negative interactions with the police leads to pervasive distrust of the police. All Latino respondents indicated fearing the police and were more likely than others in our sample to indicate a multitude of fears. Yet, Latinos in our sample were also very likely to need help. They were much more likely to have been given a hard time by others in the community than other groups and expressed a wide range of service provision needs.

“I fear the police a lot. In El Salvador they're terrible.”

—*Latino, gay man and street sex worker*

¹⁷¹ Community Research Team interview with Sgt Tania Bell of the MPD Gay and Lesbian Liaison Unit, Washington, D.C., 9 November 2007.

¹⁷² *In Washington's Backyard: Roots of a Rebellion*. Prod. Farzin Illich and Martha Sipple. DVD. 1997. The two days of rioting in May 1991 in the Mt. Pleasant neighborhood of D.C. were sparked by the shooting of a Latino man by a MPD officer, and illustrated friction between the city’s immigrant Latino population and the police force and government.

¹⁷³ This is not to say that African-Americans are treated well by police in the District. The Office of Police Complaints has noted that African-Americans represented close to 80% of those filing complaints against the police in 2007, but are only 55% of the total D.C. population (D.C. Office of Police Complaints “Annual Report Fiscal Year 2007,” 24 January 2008). We received survey data from people identifying as African-American, Latinos, Asian Pacific Islanders and whites, but we only received sufficient data from African-Americans and Latinos to make a comparison.

Additional factors contribute to the tension between these respondents (Latinos who may be profiled by the police as prostitutes) and the police. An issue that emerged frequently was lack of adequate translation services and discrimination towards Latinos because they either were not, or were perceived as not, able to speak English. Respondents reported being arrested and not understanding the charge because of lack of translation. Improving access to interpreters would be a step forward but it would not be a sufficient solution given the distrust, discrimination and other problems that were reported. Some Latinos also have to contend with fears about their immigration status and with attitudes carried over from their countries of origin about extra-judicial killing by the police. More than half of Latinos feared violence perpetrated by the police. The District of Columbia's Latino Liaison Unit strives, according to the government's website to "help meet the public safety needs of the Latino community and to increase the trust and communication that exists between Latino community and MPDC."¹⁷⁵ Ideally the Latino Liaison Unit should be a place where people from the community sectors we interviewed could seek support about interacting with the police. This was an issue we explored in follow up qualitative interviews with Latinas. Discrimination against members of Latino LGBT¹⁷⁶ communities because of sexual orientation and perceived engagement in sex work was perpetrated by Latino police officers, and complaints and outreach to the Latino Liaison Unit on these issues were reported to be ineffective.

"The police insulted me instead of helping me. They called me 'Faggot'."

—Latino male sex worker

Police officers asked respondents for sex

Almost one in five people approached by the police indicated that officers had asked them for sex¹⁷⁷ and most reported that this was a negative experience. Some of these respondents explained that they had been "made to perform sexual favors to avoid being charged with prostitution,"¹⁷⁸ or that the police had asked for sex and humiliated them. These experiences represent extremely serious abuses of power by police officers, compounding the impression that police are not interested in the public safety of people who they perceive to be engaging in commercial sex and act with impunity. It may be very difficult for community members to report these negative situations because they fear retaliation from police officers and expect that the complaint would be fruitless.¹⁷⁹

¹⁷⁵ "La Unidad Enlace para La Comunidad Latina", <http://mpdc.dc.gov/mpdc/cwp/view,a,1232,q,558344.asp> D.C. Metropolitan Police Department (Accessed 28 February 2008).

¹⁷⁶ This finding also parallels research by Amnesty International's research on police abuse and misconduct towards LGBT communities. "Activists in Washington, D.C. told [Amnesty International] that LGBT immigrants 'have a generally negative experience with the police here', and noted that it is not clear whether their experiences are coloured [*sic*] by language differences, their undocumented status, their sexual orientation, their gender identity or expression or permutations of these factors working together." *Stonewalled – Still Demanding Respect*. Amnesty International, London, 2006.

¹⁷⁷ This is a similar percentage to that found in research by the Sex Workers Project at the Urban Justice Center in New York City. Their report on street-based prostitution (*Revolving Door*, 2003) found 17% had sexual interactions with the police, while their research into indoor prostitution (*Behind Closed Doors*, 2005) revealed 16% of respondents had these experiences. See www.sexworkersproject.org.

¹⁷⁸ White female, in her 40s, indicating experience as a street sex worker in Northeast D.C. and also identifying as a drug user, surveyed 27 September 2007.

¹⁷⁹ The Office of Police Complaints, an independent quasi-government entity, is charged with investigating complaints against MPD and referring allegations of criminal conduct to the US Attorney's Office. According to the Office's fiscal year 2007 report, "Even though the agency refers approximately 15% of its complaints each year to the United States Attorney's Office, fiscal year 2007 was the first year where OPC closed a complaint as a result of a criminal conviction related to the allegations contained in the complaint. This happened twice during

There are several important elements that still require research about these kinds of interactions. For example, we do not know specifically if the officers asking community members for sex were on or off duty. We do not know how many police officers are offering to pay for sex or if most interactions are a form of extortion as some respondents in our sample indicated. We do not know if police actually follow through on their “bargain” and let community members go free if they give them sex. We explored some of these issues in follow up qualitative interviews and received some additional information. For example, one community member was clear that police officers are often her paying clients: “We had made an arrangement that he was going to come to my house ... he paid me, what we had agreed. ... when he was leaving, he called me and he said to look out of the window... he was sitting in a police car, and I’m like ‘okay,’ you know. I just didn’t pay it any mind, you know. I was like, ‘Okay. Bye.’ No big deal.”¹⁸⁰ The fact that he was a police officer was not negative for her at first because he paid fairly. It became a problem later when he attempted to use his role as a police officer to intimidate her.

“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 woman, former sex worker, interviewed November 9, 2007

Overall our research indicates that police are asking people who they presume to be sex workers for sex (with the offer of avoiding arrest) and that police officers (like others in D.C.) are the paying clients of sex workers.

Harassment and profiling of transgender and gender non-conforming people

In line with findings of other research in D.C. and other jurisdictions,¹⁸¹ we found that negative police interactions were much more common for transgender people. Police treatment of transgender individuals has been the impetus for community-led campaigns in the city, and in October 2007 (after most of our data collection was complete) Police Chief Cathy Lanier issued landmark regulations regarding how MPD officers are to interact with members of transgender communities in the District. Police harassment of transgender people, particularly transgender women, has been unrelenting in recent history. “Walking while transgender” is a phrase coined by community members to describe the almost constant profiling of transgender women (particularly African-American and Latina) as prostitutes.¹⁸² This problem is so pervasive in the District that the Police Chief’s General Order *Handling Interactions with Transgender Individuals* had to include the statement: “Members shall not solely construe gender expression or presentation as reasonable suspicion or *prima facie* evidence that an individual is or has engaged in prostitution or any other crime.”¹⁸³

the year regarding two different complaints.” One of these complaints was a case of sexual assault in 2005 by a police officer against a woman who spoke only Spanish. The officer was sentenced to three years in prison. D.C. Office of Police Complaints “Annual Report Fiscal Year 2007,” 24 January 2008.

¹⁸⁰ Community Research Team interview with community member (name withheld by request), Washington, D.C., 11 November 2007.

¹⁸¹ *Stonewalled – Still Demanding Respect*. Amnesty International, London, 2006.

¹⁸² For example see: Daley, Chris, Elly Kugler and Jo Hirschmann. *Walking While Transgender, Law Enforcement Harassment of San Francisco’s Transgender/Transsexual Community*. The Ella Jo Baker Center for Human Rights/TransAction, San Francisco, 2000.

¹⁸³ Metropolitan Police Department, “General Order 501 02 Handling Interactions with Transgender Individuals,” October 2007, Section IV (D).

<http://newsroom.dc.gov/show.aspx?agency=mpdc§ion=4&release=12001&year=2007&file=file.aspx%2frelease%2f12001%2fGO-501.02.pdf> (Accessed 28 February 2008).

In addition to documenting police profiling of transgender women as sex workers, trans individuals surveyed and interviewed also described the often degrading and humiliating treatment they receive from the police in many different contexts. “They stop me just because I’m a transsexual black woman driving my Hummer,” wrote one survey

No trans murder seems to be taken seriously.

—*Comment from Community Forum, February 21, 2008*

respondent, who noted she was also humiliated. Police discriminated against transgender people not only when initiating the interaction but also when individuals needed help from the police. A Latino trans-identified individual, who reported needing help from police after being robbed, said “the police paid more attention to the other person, ignoring me because I am transgender.” Trans respondents were more likely than their male and female counterparts to express dissatisfaction with police responses to their requests for assistance, and also much more likely to identify as being treated worse in lock-up.¹⁸⁴ These experiences of the trans community help to explain the finding that trans respondents were more likely to express fears of the police than the overall sample.

Trans respondents also were more likely to indicate being bothered by others “in the neighborhood,” a situation made worse by police actions that include humiliating trans women in the street when they are arrested. One participant at our community forum shared that “the identity of a person is not respected—victimization starts with arrest and when you are paraded in front of everyone. Everyone has to know you are a transgender being arrested.” Participants at the forum also noted that police don’t treat violence against transgender people with urgency, recalling the cases of Stephanie Thomas and Ukea Davis, two young black trans women shot and killed in Northeast D.C. in 2002¹⁸⁵ “[Their murders were] swept under the rug because they were young, transgender and black,” said one participant. Another participant likened the situation to how police and others respond when a sex worker or someone presumed to be a sex worker is killed or hurt—“they was out there trickin’,” so they were “asking for it”.¹⁸⁶ And while some members of the trans community surveyed and interviewed for this research said that the Gay and Lesbian Liaison Unit has helped to improve the situation, others said they feel the unit has not been fully effective, particularly for those members of LGBT communities who also are involved in street economies or sexual exchange. “It’s like window dressing,” said one community member, adding that change must be “real, not sugar-coated.”¹⁸⁷ Community members also expressed a desire to see community organizing that would result in groups of people going to the police with their complaints, and getting witnesses to help with complaints against police.¹⁸⁸

“One of the things that I would do, is I would try to see more resources, more funding being given to the sex worker community, for shelter, understanding [by the police], not treating them like trash, taking any reports that you’re getting from sex workers seriously. [Police] don’t take it as a crime, [because] they’re sex workers.”

African-American Trans woman, former sex worker, interviewed 21 September 2007

¹⁸⁴ This parallels findings by other researchers, such as a report about conditions for transgender and intersex people in New York state prisons: *It’s a War in Here*. Sylvia Rivera Law Project, New York, 2007.

¹⁸⁵ Moser, Bob, “Disposable People” in *Intelligence Report*, issue 113 Winter 2003.

¹⁸⁶ Community Forum, HIPS offices, Washington D.C., 21 February 2008.

¹⁸⁷ *Ibid.*

¹⁸⁸ *Ibid.*

Looking to the police for assistance, and finding police lacking

Community organizers report being told that by the MPD that they would investigate crimes committed against trans people, the homeless, sex workers and others if people needing assistance would step forward.¹⁸⁹ Our study shows that the majority of people in our sample who need help from the police, do in fact contact the police. The problem is that the police response is not satisfactory and does not lead to the solving of crimes committed against community members. Police indifference further contributes to damaging beliefs that violence against sex workers and other marginalized communities is unimportant because they “were asking for it” or “shouldn’t have been doing that in the first place.” The most serious cases documented in our research go far beyond police indifference and include many situations in which the police made a bad situation even worse. Respondents shared information about police abusing or insulting people who turned to them for help, arresting them, or asking respondents for sex rather than investigating the crimes committed against them.

People in our survey sample overall had no better than a 50% chance of being satisfied with the police response to their requests for help. Some groups (Latinos, trans, sex workers, drug-users) had much higher rates of dissatisfaction. The bar for satisfaction was set quite low because respondents indicated feeling positive about police responses that many D.C. residents might take for granted such as police responding without discrimination and taking crime reports seriously.

While police seem to harass both sex workers and people profiled as such, those who indicated sex work experience were at much greater risk of being mistreated when needing help from police—75% were not satisfied with police response. This may relate to troubling practices of classifying individuals as “known prostitutes” —a practice, formal or informal, noted by community members¹⁹⁰ and reinforced by laws such as the prostitution free zone legislation.¹⁹¹

Effects of current policy on HIV prevention and other health initiatives

In many jurisdictions in the United States, sex workers and people perceived to be sex workers report that condoms and safe sex materials are taken from them during arrest or are destroyed by the police.¹⁹² Even though many community representatives feel that this is a problem, it has been notoriously difficult to formally document the issue. Survey

“What I want is my case prosecuted. I love the envelope, and the note I received from the [Gay and Lesbian Liaison] Unit, but being sympathetic doesn’t cut it when being victimized.”

—Comment from
Community Forum,
February 21, 2008

¹⁸⁹ Ibid.

¹⁹⁰ Ibid. One participant said “wherever you are they harass you, it’s like they have photos of people who have been arrested for prostitution and will stop them any time, like when they are shopping.”

¹⁹¹ One criteria upon which police can exclude an individual from a prostitution free zone is if they are a “Known participant in prostitution or prostitution-related offenses’ ... a person who has been convicted in any court in any jurisdiction of any violation involving prostitution or prostitution-related offenses.” D.C. Code § 22-2731.

¹⁹² 25 July 2007, Las Vegas TV Channel 3 NBC news reported police “boxes containing nearly 1200 condoms, evidence seized using a search warrant,” as part of an investigation into a hotel where they suspected illegal prostitution was occurring. <http://www.kvbc.com/Global/story.asp?s=3302352> (Accessed 20 March 2008). In 1994 the San Francisco Board of Supervisors passed legislation “urging District Attorney and Police Commission to cease confiscating condoms and using them as evidence for prostitution related crimes.” San Francisco Prostitution Task Force Final Report 1996. <http://www.bayswan.org/lawindex.html> (Accessed 28 February 2008).

respondents made it clear that this practice is happening in the District. “They took my purse and emptied everything including condoms into the street,” said one research team member during the initial training session for the research project.¹⁹³ This information augments frequent reports to service providers like HIPS, Different Avenues and Transgender Health Empowerment, that when the police stop people they suspect to be sex workers, they search for condoms, and take them or throw them on the ground.

The presence or distribution of condoms is, for some police, an indication of the “promotion of prostitution” or of acceptance of sex work within certain communities. This attitude affects agencies that do outreach to sex workers and related communities. The following situation describes both the problem and shows the direct linkage between anti-prostitution policies and problems for service providers:

“I was passing out condoms down at 3rd St NW and the police harassed us. I was working for [a local service provider] and explained to [the police], but they said we were prostituting and told us to leave.”

—Community forum,
21 February 2008

I was out there [in the NE] two or three weeks ago, doing a survey [in my truck] with a young lady ... next thing you know there were like eight or nine police cars just surrounding my truck... [the police] jumped out at me and said ‘what are you doing out here?’ I said that I was from [a local service agency]... I said that I was [a staff member] ... They said ‘well, we’ve been getting a lot of reports from people who live in this residence that people have been out here having sex work and making a lot of noise.’ I said, ‘well, I’m not making any noise at all... here’s one of my business cards and as a matter of fact I do a lot of work with [the Gay and Lesbian Liaison Unit]. I called out different names because ... so many new officers are coming on every three months, they’re doing a rotation that’s coming on the prostitution force ... and they don’t know about the organizations that are out there and have the right to be out there passing out condoms, and doing harm reduction and HIV testing.’¹⁹⁴

Police confiscation or destruction of condoms and safe sex materials and the some times tense relationship the MPD has with service providers are barriers to successful HIV prevention.

Treatment of youth and young adults

Youth and young adults (who are profiled as prostitutes by police) are another group disproportionately represented among those with negative interactions with police (almost 75% of 18-24 year olds), those treated worse in jail (almost 90% of 18-24 year olds), and those with fears of the police (almost 95% of those under 24 years old). This dovetails with the experiences of young people in general in D.C., particularly African-American youth.¹⁹⁵ While our research encountered only two people who identified as younger than 18 years old, community anecdotes and documents from the District’s Department of Youth

¹⁹³ Community Researcher Training, Different Avenues, Washington D.C., 30 April 2007.

¹⁹⁴ Community Research Team Interview with community member (name withheld by request), Washington, D.C., 21 September 2007.

¹⁹⁵ Facilitating Leadership in Youth study on interactions of youth with MPD, to be released 2008. See www.flyyouth.org.

Rehabilitation Services (DYRS) indicate that the MPD continues to arrest juveniles for prostitution and DYRS continues to detain them.¹⁹⁶

Criminalization of youth in the District seems to be a common reaction whenever there is a perceived increase in crime, regardless of whether or not the crimes are connected to youth. A section of the Omnibus Public Safety Emergency Act of 2006 set more stringent curfew laws for D.C. youth under the age of 16 and framed it as a way of “protecting” young people from violence. Youth and young adults may also be perceived as not having a “legitimate” reason to be in public space, another criteria used by police when enforcing prostitution free zones and related controls.

Desire for change and to be involved

Participants in our research consistently articulated an understanding of the social context surrounding their interactions with police and a desire to see that context changed. Clear majorities of survey respondents indicated that the D.C. government should change its approach to sex work, that arresting sex workers is not helpful and that sex work should not be illegal. Mainstream media coverage of prostitution focuses on sensational scandals and belittles sex workers abilities to speak out about issues of concern to them. Our research reveals that sex workers in D.C. have well-formed opinions about the laws and policing of prostitution in the District and are keen to express their views on law reform.

Participants in our research also indicated the need for help, both from the police and community-based groups. People were more likely than not to say that the police do not help sex workers, and almost two thirds of respondents cited a need for more social services in the city. Shifting from a law enforcement approach to an emphasis on providing comprehensive services for people in need is in line with what community members want and advocates suggest. These changes cannot happen without the direct involvement of those most affected by the approach the D.C. government takes to these issues. The political mileage that government officials can gain by increasing, or saying they will increase, criminalization of prostitution is also not lost on those who participated in our research project (see Figure 47). “Every now and then they’d get this thing where they’d want to clean the street up. It’s like always the time around Mayoral election time,” said one participant. “They want to get on their Ps and Qs and they want to clean the street up, so they’ll do that. They’ll give us FTOs [Failure to Obey]... and then they’ll start putting more and more girls in jail.”¹⁹⁷

“Regardless of how many complaints you make, the police are still going to do the same thing, because they feel that they have the badge and they have the authority to do what they want... There has to be enough people to come together to stop this, what’s going on with the police.”

—African-American female sex worker, interviewed 28 January 2008

For many of those responding to surveys and interviews, sex work and sexual exchange is simply a reality in D.C., and current efforts to “stamp it out” cause tremendous amounts of

¹⁹⁶ Five out of 62 girls detained by DYRS in September of 2006 were detained on prostitution charges, (D.C. Department of Youth Rehabilitation Services, “Committed Girls in DYRS,” September 2006) while almost half of LGBT identified “males” (this number likely includes trans female-identified youth) surveyed in 2006 project had been booked on solicitation charges (*Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth Under D.C. Superior Court Supervision*. Dr Michael Barnes and Miho Outhouse, Washington D.C., 22 June 2006).

¹⁹⁷ Community Research Team Interview with community member (name withheld by request), Washington D.C., 9 November 2007.

harm to individuals, families and communities. The emphasis on law enforcement also creates situations where police can abuse their power, as noted earlier, and make it more difficult for community members to report such abuses; almost twice as many people surveyed said they felt a complaint against an officer “would not be effective” as those who said they felt it would. “Promote harm reduction,” said one community member, adding that perhaps D.C. needs a “declaration of sex workers’ rights that [government] agencies and organizations can sign onto” to indicate their support for human rights of all people.¹⁹⁸

Limitations of the Research, Future Research Directions

Our original methodology had included the implementation of a short survey with up to 50 people and approximately 20 longer qualitative interviews to obtain detailed information about key concerns emerging from the short survey. This plan was updated after we began to implement the survey. After preliminary analysis we realized that we would need a larger sample in order to understand the experience of policing based on gender, ethnicity and other factors. The larger data set of 111 interviews was much more time consuming to analyze and we did not have sufficient additional resources to carry out the planned number of qualitative interviews.

As a result, in some of the sections above, we recommend future research on some emerging issues in order to fully understand some of the more sensitive issues like sexual relationships between police officers and community members, the effect of anti-prostitution policing on young people and experiences of drug users.

The short survey itself provided particularly limited information in some areas. The community based research team decided that the survey could be no longer than two pages so it could be printed on one sheet of paper. This facilitated its use by team members who implemented the survey during outreach on the street and in venues and it was relatively quick and easy for respondents to fill out. However, it also meant that many issues were not explored in depth. For example, we did not get a full picture of the experience of drug users. Respondents could check a box to indicate that they considered themselves “drug users” and space was provided if respondents wished to tell us anything more about this experience. As noted in the results chapter, we did not receive much additional information from respondents about their drug use. It is, therefore, impossible to know if respondents considered themselves to be “recreational users” or if their drug use was a problem, or the kind of drugs used. We strongly encourage further research into the question of police interaction with drug users in D.C. to guide policy.

Our research was very specifically focused on the experiences people have with law enforcement. It was not our intention to detail the experience people have with different



Figure 27: Campaign literature distributed by Phil Mendelson in September 2006.

¹⁹⁸ Community Forum, HIPS Offices, Washington D.C., 21 February 2008.

kinds of sex work per se, or even to document the experience of homelessness and drug use in the city. However, future research might pursue more detailed examinations of sex workers' experiences in different locales. Our research illustrates the interconnectedness of work sectors in the city for some people. For example, many respondents who indicated that they had engaged in sex work of some kind indicated multiple work sites and experiences (for example, having danced, worked on the streets, and worked online). On the other hand, our experience as service providers also tells us that the situation for dancers in D.C. exposes them to law enforcement in ways that are very different than street workers, and that clandestine erotic massage work is also policed by different entities (i.e. by federal law enforcement agencies). Additional research about the experiences of these different sectors could amplify our understanding of needs and advocacy questions.¹⁹⁹

While this research project has come to an end, it is hopefully only the beginning in other ways, because it has accomplished what all research should: creating both answers and more research questions. In addition to the many different topics future research should delve deeper into, we also feel that more research methods are crucial. A survey tool has inherent limitations in its ability to gather data, and we believe that the use of other techniques, including a greater number of qualitative interviews or focus groups, would result in a greater understanding of the issues outlined in this report. We look forward to working with and supporting others to pursue the recommendations of this report as well as continuing to improve, deepen and broaden our understanding of these extremely important topics.

¹⁹⁹ Qualitative research has been carried out by La Clinica del Pueblo into the experience of Latinas and Latinos in sex work in the D.C. area and when released, this material will provide valuable additional information to augment this report. HIPS research into violence continues to provide important information as well. In New York City the Sex Workers Project at the Urban Justice Center did separate studies on street-based workers and indoor workers. Different Avenues has produced a report about health needs of dancers in D.C., (*Rainbow Pride Baby* 2006).

RECOMMENDATIONS

Our research shows the damage that the law enforcement approach to commercial sex is doing to individuals and communities in D.C., damage that occurs within a context of an over-reliance on imprisonment and policing within our society in general. Important social issues like poverty, violence, drug use, and homelessness cannot be solved by increased criminalization. Different Avenues and the Alliance for a Safe and Diverse DC believe in the need for a structural shift away from this criminalization approach, in order to refocus our societal energies on rights-based strategies that include providing people with services to meet their needs and supporting communities to become organized to defend and advocate for their rights. However, we also recognize the need for immediate relief from the abuse and discrimination that community members we surveyed and interviewed (like many others in this city) experience at the hands of D.C. law enforcement. These recommendations address the details of immediate changes that should happen to stop some of the most egregious practices of abuse and discrimination.

To the Mayor and D.C. Council

- ❖ 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 laws and related policies regulating spaces where sex work may occur. This initiative could be framed as a "task force" working over a period of 18 months to 2 years to create an action plan to be implemented by the D.C. Council.
- ❖ 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.
- ❖ Improve translation services for those who have limited English skills. The Mayor and Council should consider repealing or amending section 201 of the Omnibus Public Safety Act of 2006 that gave MPD greater discretion in deciding when an additional qualified interpreter needs to be present in an interaction between MPD officers and a person with limited English skills.
- ❖ Strengthen the Office of Police Complaints (OPC) and mandate cooperation by MPD with OPC investigations into officers' conduct and implementation of punitive measures as warranted.

- ❖ Support implementation of the positive youth development model at Department of Youth Rehabilitation Services. Promoting the positive development and safety of young people, rather than criminalizing them, is an example of shifting away from a policing-based approach in addressing issues of public safety.
- ❖ Instruct MPD and the D.C. Department of Corrections to adopt recommendations of the DC Trans Coalition in regards to the treatment of transgender individuals, including housing transgender people who are arrested or incarcerated on a case-by-case basis according to the individual's self-identity and where that person feels safest.
- ❖ Stop using prostitution as a political issue and in electoral campaigns. The Mayor and Council have a responsibility to engage in rational discussions about policy so that the rights, health and safety of sex workers and others affected by anti-prostitution policies in the District of Columbia can be protected.

To the Metropolitan Police Department of the District of Columbia

- ❖ 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.
- ❖ Change MPD policies to improve provision of translation services for people with limited English skills. Stop discrimination against those arrested and held by police in the District who may speak limited or no English.
- ❖ Institute new projects modeled on best practices from other locales, such as a sex workers' liaison hotline that community members could call to report crime and expect appropriate responses, or other measures developed in consultation with affected community members, building on good will of those individuals who indicated they are willing to work with police.
- ❖ Provide police officers working on the frontlines with communities in need with the training and resources to disseminate accurate information about available health and social services and provide officers with condoms to distribute. This will advance public safety by building trust and public health by connecting people to resources.
- ❖ Brief officers on the presence of service providers doing outreach and educate officers about the need for safe sex materials to be available to all residents of the District of Columbia in order to prevent the transmission of HIV.
- ❖ Establish a policy that condoms and safe sex materials are not to be destroyed, confiscated, or used as evidence to detain, arrest or prosecute suspected sex workers, with clear consequences for any officer who fails to obey this policy.
- ❖ Implement rigorous training of law enforcement officials on legal and human rights standards with respect to discrimination, HIV / AIDS, gender, ethnicity / race,

language and other categories protected by the D.C. Human Rights Act. Police also need training in issues relating to the experience of people involved in sex work, homelessness, and other realities not covered by the Human Rights Act.

- ❖ Investigate and discipline officers for violating the D.C. Human Rights Act and relevant MPD directives such as General Order 501 02 *Handling Interactions with Transgender Individuals*.
- ❖ Make it clear that all individuals affected by violence and other crimes must be treated equally and with respect, and not disregarded or abused because of evidence or assumptions of their past involvement in illegal activity.
- ❖ Hold police officers accountable for their actions. Officers 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.

To the US Attorneys Office, D.C. Attorney General and D.C. Superior Court Judges

- ❖ Prosecutors should not use or support the use of condoms or other safe sex supplies as evidence to prosecute, detain or arrest individuals in prostitution cases.
- ❖ Seal or expunge the records of people charged with prostitution-related offenses so that they can seek employment and services without fear of exposing problems they experienced in the past. This measure facilitates ending the practice of police profiling of “known prostitutes.”
- ❖ Stop pressuring individuals being tried on prostitution charges into pleading guilty and give those who feel they were falsely arrested appropriate resources to make their case so that the judges may decide the merits of the case.
- ❖ Prosecutors need training and monitoring to ensure that they are conforming to the law and not disregarding victims of crime who have (or are presumed to have) exchanged sex for money.
- ❖ Inform all prosecutors and judges that all individuals affected by violence and other crimes are to be treated equally and with respect, and not disregarded or abused because of evidence or assumptions of their past involvement in illegal activity.
- ❖ US Attorney’s Office must thoroughly investigate allegations of criminal conduct by police officers, including seeking convictions where appropriate.

To the Office of Police Complaints

- ❖ Build on recent changes at the Office of Police Complaints and MPD to increase accountability of police, reduce impunity, and enable highly marginalized communities in D.C. to report police misconduct with a reasonable expectation of remedy.

To Funders:

- ❖ Provide sufficient support for programs protecting the health and rights of sex workers and other communities including the promotion of comprehensive HIV / AIDS prevention programs, anti-violence projects, and advocacy initiatives.
- ❖ Support the development of community organizing and leadership development projects by groups working for the rights of sex workers and other marginalized groups.
- ❖ Support additional research into the experiences of the various communities targeted by police for enforcement of commercial sex laws to accurately guide service provision and advocacy for change.

To Sex Worker Groups and Allies in the Human Rights Community

- ❖ Work to hold police accountable in various ways including documenting police abuses and bringing them to the attention of advocates, the media and the Office of Police Complaints,.
- ❖ Explore concepts of restorative justice and other alternatives to the police for responding to violence and other crimes, building off current practices like bad-date lists and self-defense classes
- ❖ Ongoing community monitoring of the abuses detailed in this report, accompanied by training for community members on how to report on abuses and how to file complaints against officers.
- ❖ Create a broad based anti-discrimination campaign focusing on issues of commercial sex. Support efforts to receive clarification that the D.C. Human Rights Act prohibits discrimination against sex workers and people believed to be sex workers.

APPENDICES

Appendix I Additional charts and graphs displaying results

Charts relating to demographics

Figure 28: Age of individuals in sample

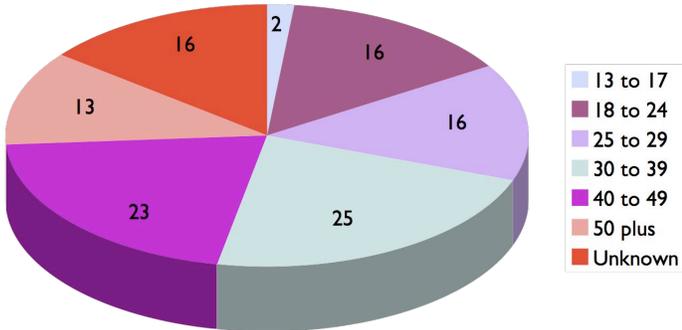


Figure 29: Gender of individuals in sample

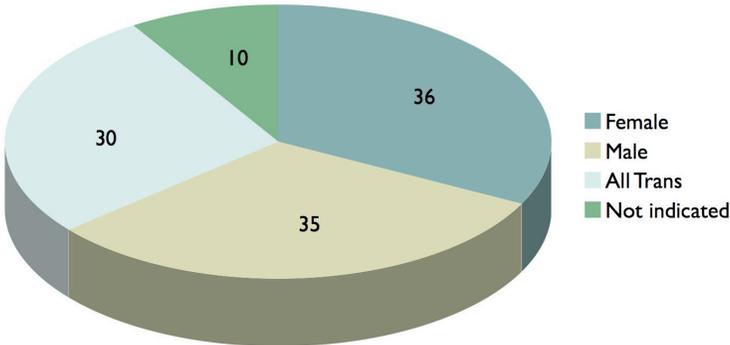
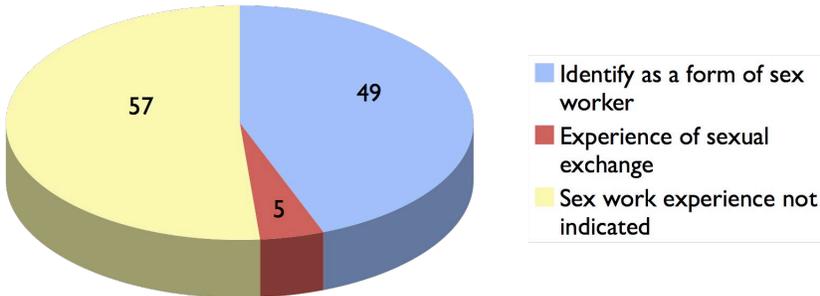


Figure 30: Numbers of Respondents with Experience of Sex Work **or Sexual Exchange**



Charts relating to overall experience when approached by police or arrested

Figure 31: Experiences of interactions initiated by the police, filtered by gender

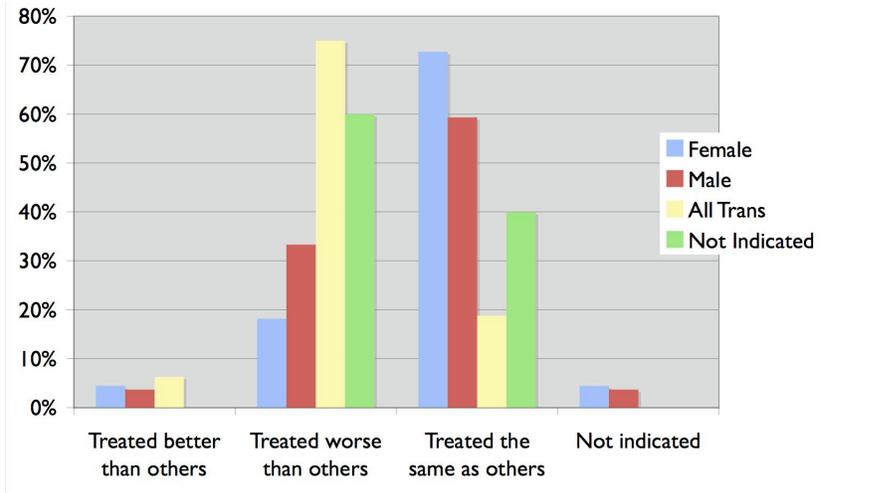
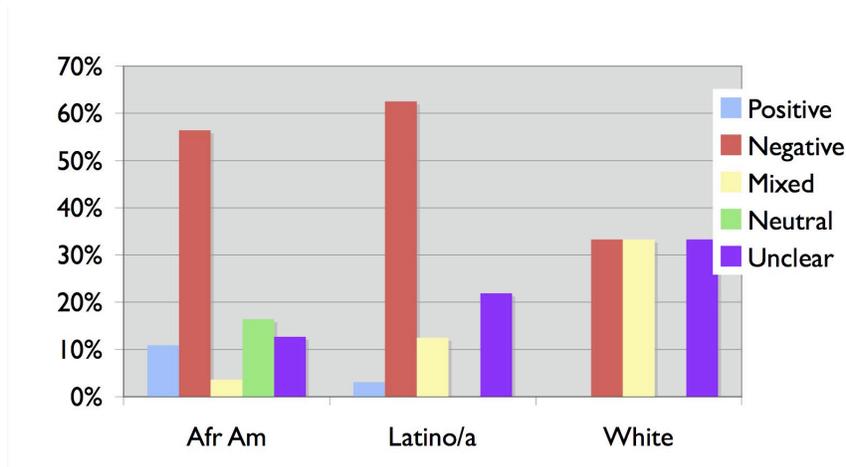


Figure 32: Experiences of interactions initiated by the police, filtered by race/ethnicity



Charts relating to arrest and incarceration

Figure 33: Percentage of respondents arrested, by gender

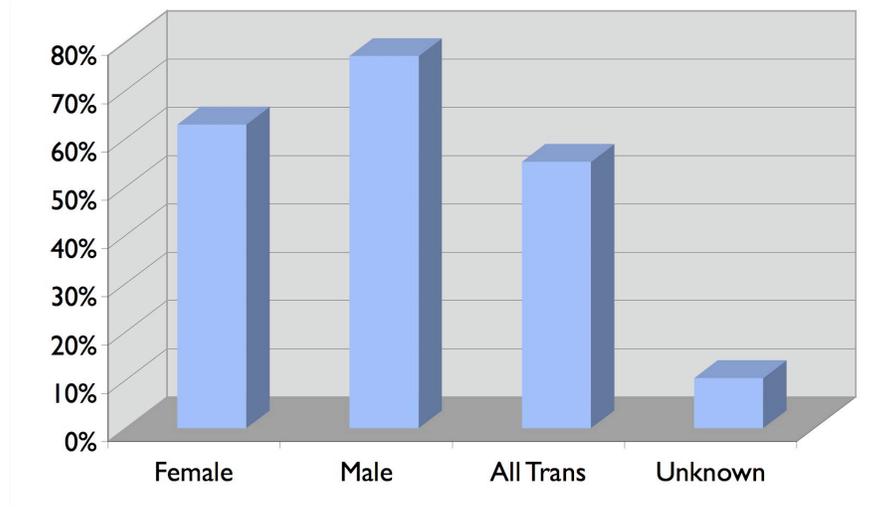


Figure 34: Percentage of respondents arrested, by race/ethnicity

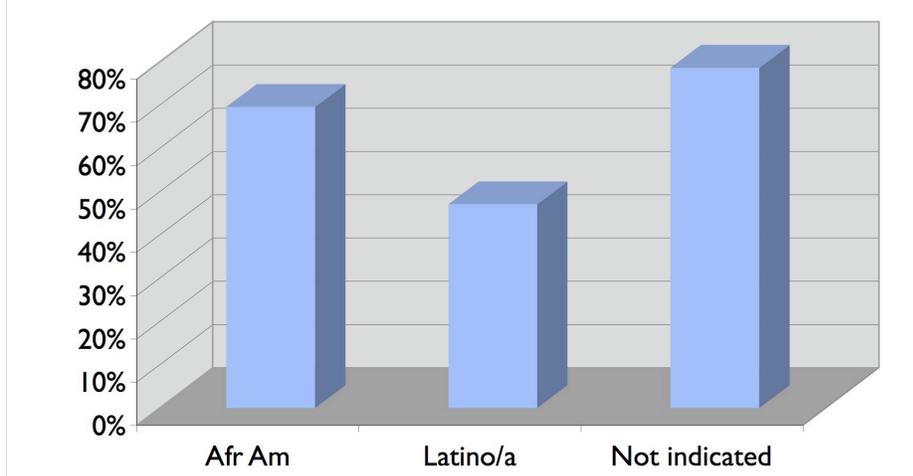
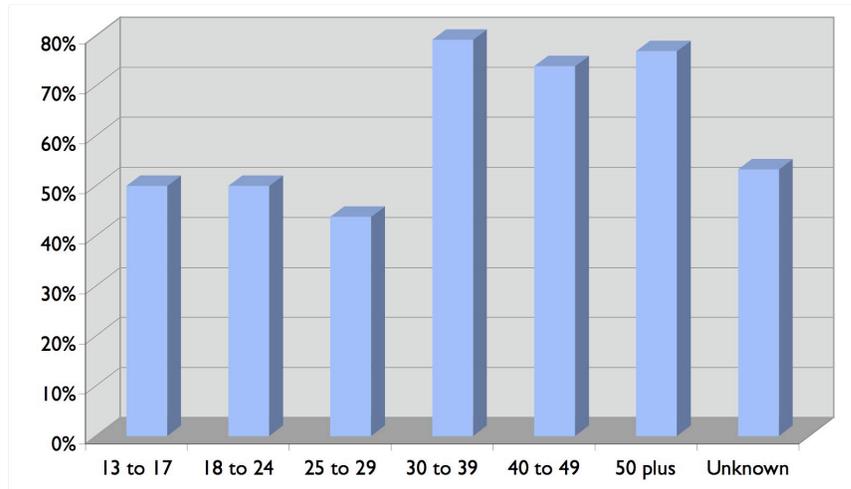
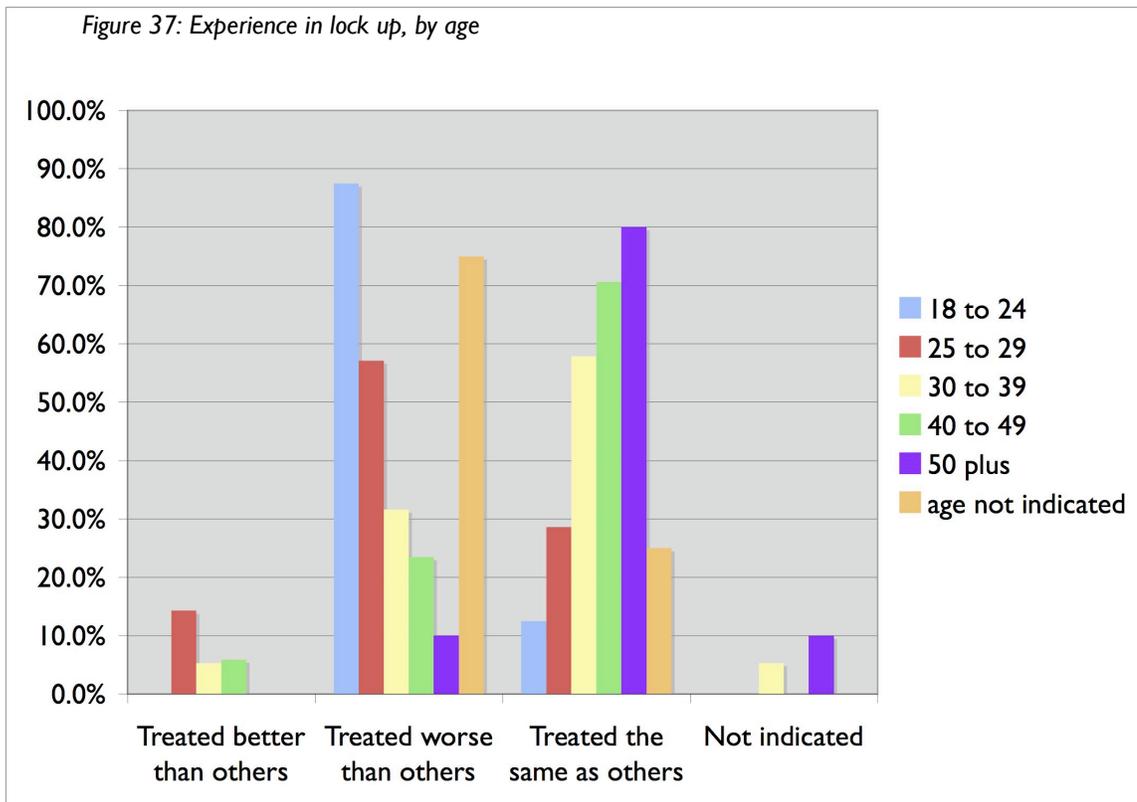
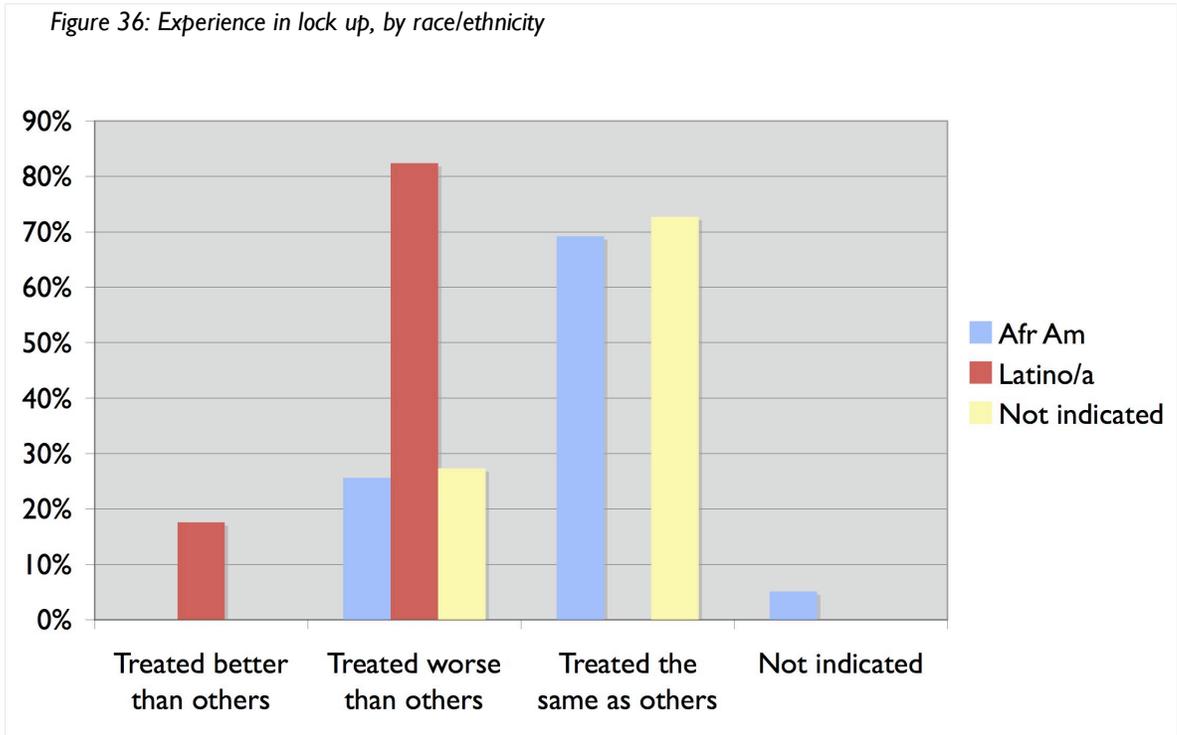


Figure 35: Percentage of respondents arrested, by age



Charts relating to experience in lock up



Charts relating to police response

Figure 38: Satisfaction with police response by gender

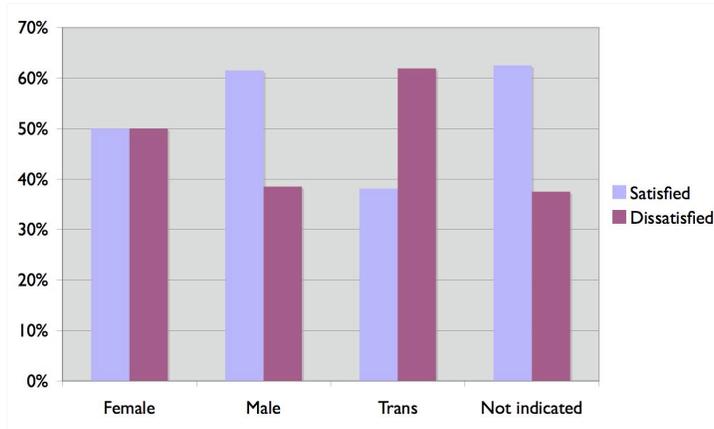


Figure 39: Satisfaction with police response by race/ethnicity

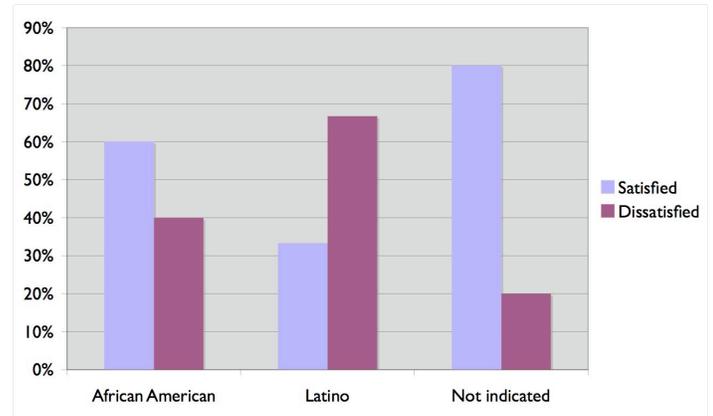


Figure 40: Satisfaction with police response by sex work

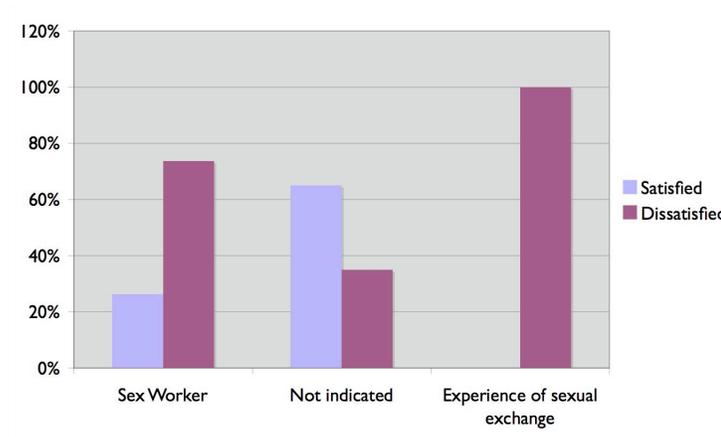


Figure 41: Satisfaction with police response, by drug use

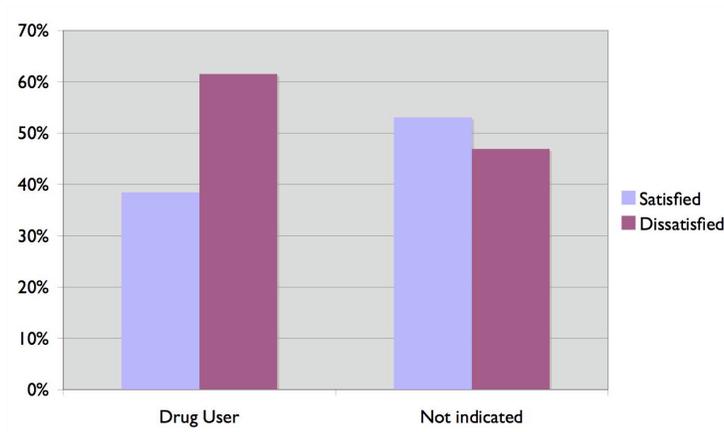
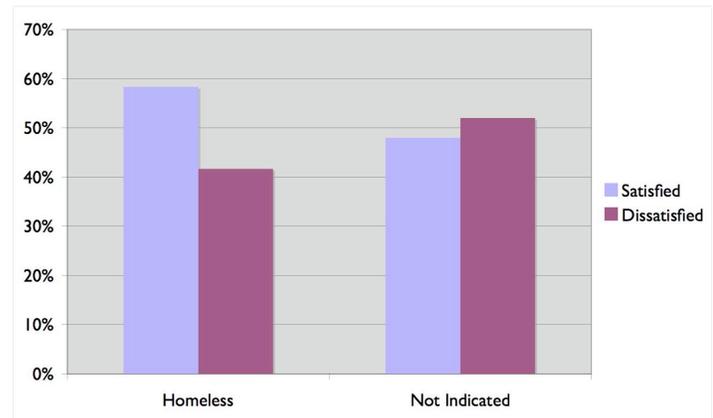
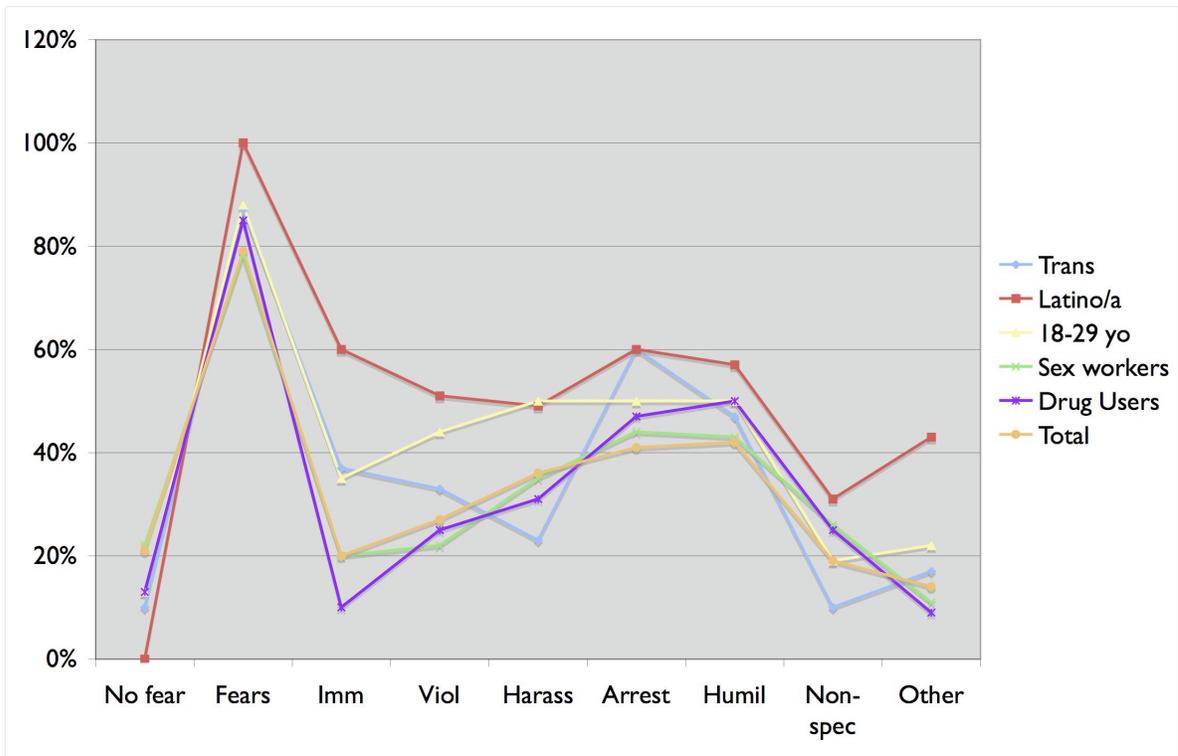


Figure 42: Satisfaction with police response by homelessness



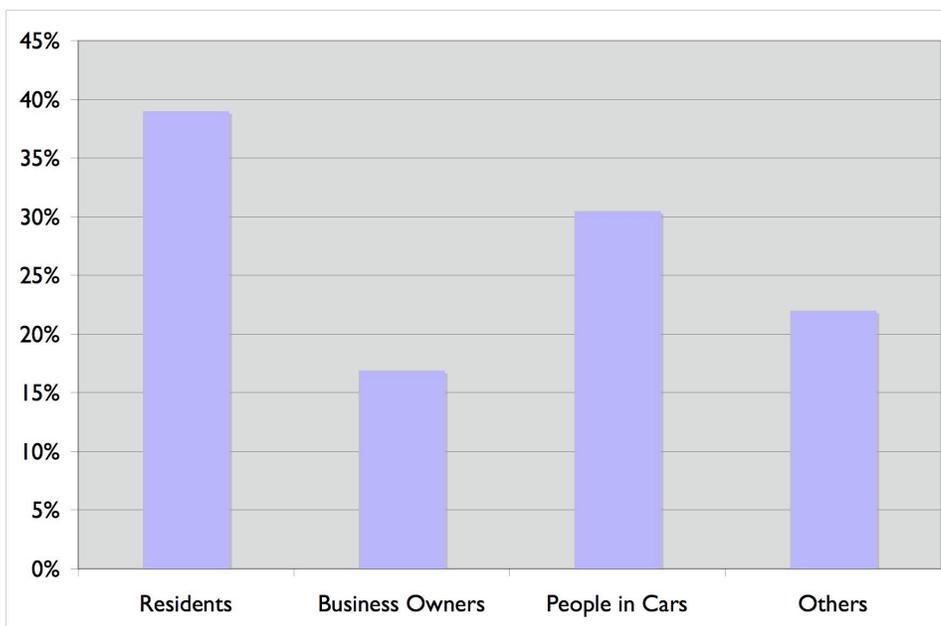
Charts relating fears of police

Figure 43: Percentages of respondents with different types of fears of police



Charts relating to other problems in the neighborhood

Figure 43: Other people said to be harassing respondents



Appendix II Laws regarding prostitution in D.C. Code

The following is taken from Dr. Melinda Chateauvert's Testimony before D.C. Council, Committee on Consumer and Regulatory Affairs Committee, 8 June 2005. A number of additional laws were passed after 1981, but were not included in her testimony and therefore are not included here.

History of Washington DC Laws Restricting Prostitution

1878: Gaming and Bawdy Houses: permits entry into any establishment suspected of being a bawdy house upon the sworn statement of a police officer or two citizens.²⁰⁰

1901: Abducting or enticing a child under 16 years of age for the purpose of prostitution.²⁰¹

1906: Public Identification of Owner: Buildings may be required to publicly display sign listed the owner, "to protect the health and welfare."²⁰²

1910: Operating House of prostitution.²⁰³

1910: Pandering, inducing or compelling an individual to engage in prostitution.²⁰⁴

1910: Compelling an individual to live life of prostitution against his or her will.²⁰⁵

1910: Procuring; receiving money or other valuable thing for arranging assignation.²⁰⁶

1910: Causing spouse to live in prostitution.²⁰⁷

1910: Detaining an individual in disorderly house for debt there contracted.²⁰⁸

1910: Procuring for house of prostitution.²⁰⁹

1910: Procuring for third person.²¹⁰

1912: Keeping bawdy or disorderly house.²¹¹

1914: Premises occupied for lewdness, assignation, or prostitution declared nuisance.²¹²

²⁰⁰ D.C. Codes §5-115.06, 11 June 1878.

²⁰¹ D.C. Code §22-2704, 3 March 1901.

²⁰² D.C. Code §42-313.13, 14 April 1906. The so-called "Iowa Law" was passed in order to identify owners of real property used for purposes of prostitution.

²⁰³ D.C. Code §22-2712, 25 June 1910.

²⁰⁴ D.C. Code §22-2705, 25 June 1910.

²⁰⁵ D.C. Code §22-2706, 25 June 1910.

²⁰⁶ D.C. Code §22-2702, 25 June 1910.

²⁰⁷ D.C. Code §22-2708, 25 June 1910.

²⁰⁸ D.C. Code §22-2709, 25 June 1910.

²⁰⁹ D.C. Code §22-2710, 25 June 1910.

²¹⁰ D.C. Code §22-2711, 25 June 1910.

²¹¹ D.C. Code §22-2722, 16 July 1912. Conviction for keeping of a disorderly house for reason unrelated to exploitation of sex, subject to fines and imprisonment, but not abatement. (*United States v. Wade*)

²¹² D.C. Code §22-2713, 7 Feb 1914. The "Drug House Abatement Act of 1998," (June 19, 1998) enacted on the basis of this law.

1914: Abatement of nuisance under 22-2713, by temporary injunction.²¹³

1914: Nuisance – Trial; dismissal of complaints, prosecution, costs.²¹⁴

1914: Violation of Injunction granted under 22-2714.²¹⁵

1914: Order of Abatement; sale of property; entry of closed premises punishable as contempt.²¹⁶

1914: Bond for Abatement, requiring one year of abatement of nuisance.²¹⁷

1914: Tax for maintaining such nuisance, imposing additional \$300 tax in perpetual lien against the property for possession of nuisance property.²¹⁸

1914: Disposition of proceeds of sale used to pay costs of the action and abatement.²¹⁹

1934: Revocation or suspension of alcoholic beverage license when licensee allows its employees or agents engage in prostitution, or engage in sexual acts or sexual contact.²²⁰

1935: Inviting for the purpose of prostitution: unlawful to invite, entice, persuade or address... any person or persons...“for the purpose of prostitution or any other immoral or lewd purpose.”²²¹

1935: Property subject to seizure and forfeiture.²²²

1941: Inmate or frequenter of house of ill fame. (Repealed)²²³

1980: Peddling drugs prohibited; amended by the “Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981” prohibiting persons from repeatedly beckoning, stopping or engaging passers-by or interfering with the free passage of other persons.²²⁴

1981: Prostitution, Pandering: Unlawful to engage in prostitution in “public places.”²²⁵

²¹³ D.C. Code §22-2714, 7 Feb 1914, also the basis of the Drug House Abatement Act of 1988.

²¹⁴ D.C. Code §22-2715, 7 Feb 1914.

²¹⁵ D.C. Code §22-216, 7 Feb 1914.

²¹⁶ D.C. Code §22-2717, 7 Feb 1914. Applies to houses used for purpose of lewdness, assignation, or prostitution (United States v. Wade, 152 F3d 969 [1998]). It is not “necessary to prove that a house is openly uproarious, offensive, or otherwise vexing to the community in order to establish its status as a nuisance per se”, Raleigh v. United States App. D.C. 251 A.d 510 (1976).

²¹⁷ D.C. Code §22-2719. 7 Feb 1914.

²¹⁸ D.C. Code §22-2720. 7 Feb 1914.

²¹⁹ D.C. Code §22-2718. 7 Feb 1914.

²²⁰ D.C. Code §22-823. 24 Jan 1934.

²²¹ D.C. Code §22-2701. 15 August 1935. (Also bars admission of evidence of prior acts of prostitution, “given its predictably disproportionate impact,” Graves v. United States App. D.C. 515 A. 2d 1136 (1986)

²²² D.C. Code §22-2723, 15 Aug 1935. the “ Safe Streets Forfeiture Amendment Act of 1992” (May 7, 1993) amended the act to permit seizure of conveyances and monies used in prostitution transactions.

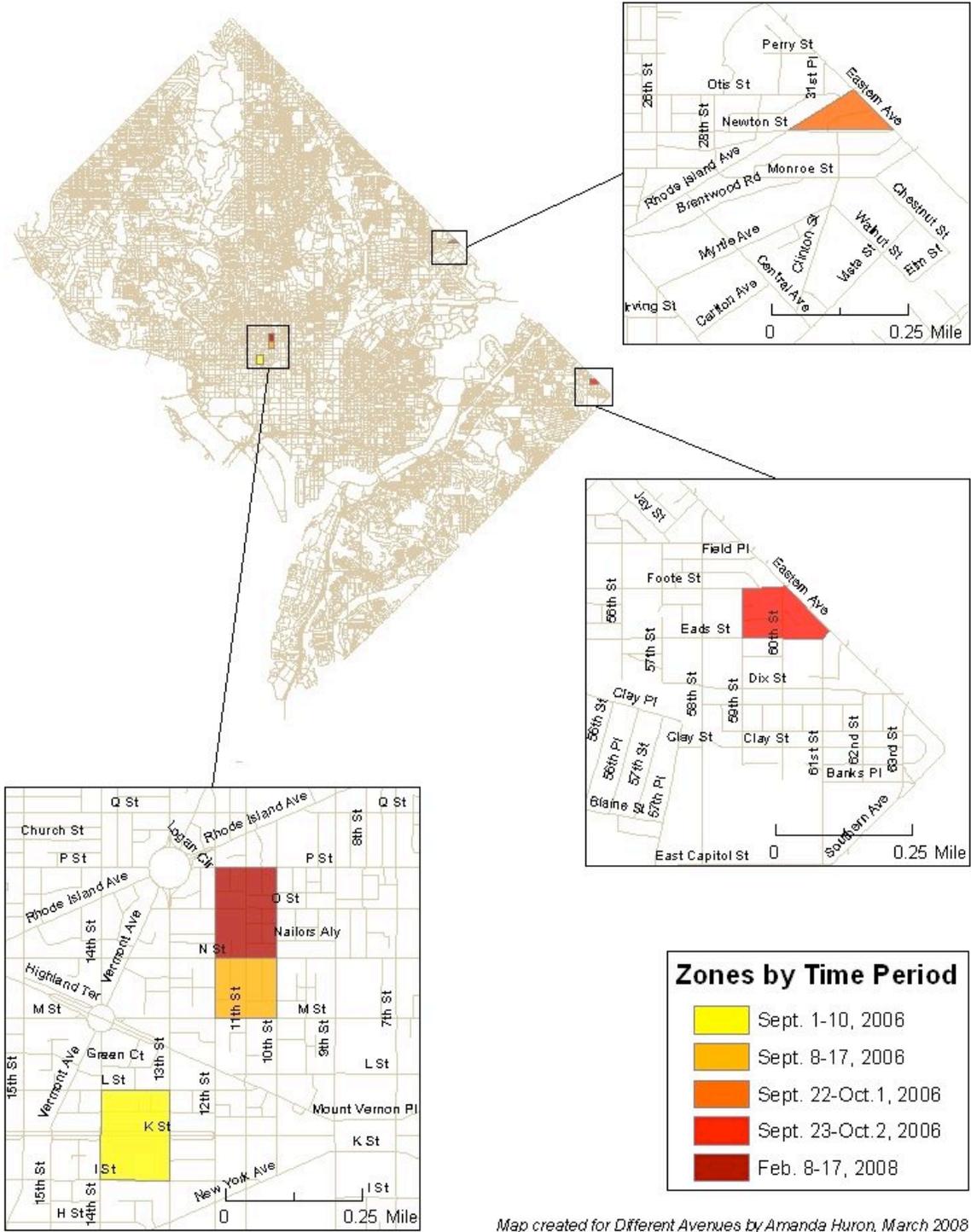
²²³ D.C. Code § 22-2702. 17 December 1941.

²²⁴ D.C. Code § 47-2885.17, 16 Sept. 1980; and 19, Oct. 1981.

²²⁵ D.C. Code § 22-2701.1, 10 December 1981.

Appendix III

District of Columbia Prostitution Free Zones



Appendix IV

CBR training agenda

MONDAY, APRIL 30

- 1:00 Introductions, general sense of the training and the project & objectives
- 1:30 Pre-test
- 1:45: Ground rules (general)
- 2:00 Mindset:
 - Trans Issues
 - Language and Immigration
 - Race & Racism
- 2:45 Break
- 3:00 Brainstorm what info exists, who can tell us about it
- 3:15 Ethics and boundaries in conducting (any kind of) research
- 3:45 Interviews and Key Informants
- 4:15 Role-play
- 4:45 Break/Dinner
- 5:00 Observation
- 5:30 Discussion of observation
- 6:00 Your rights when in public space – Justice & Solidarity Law Collective
- 6:30 Example of Community Research – Gigi from HIPS

TUESDAY, MAY 1ST

- 1:00 Recap of yesterday's aspects
- 1:15 Mindset:
 - Male sex worker issues
 - Drug use
 - Indoor/Outdoor
- 1:45 Data collection in stressful conditions
- 2:15 Video/Audio technology
- 2:45 Taking notes and documenting visits to sites
- 3:15 Break
- 3:30 Interviews and Key Informants, 2nd role-play
- 4:00 Survey sample 1: discussion
- 4:30 Street Smarts
- 4:45 Making sense of data collected/when one's notes become "data"
- 5:15 Break /Dinner
- 5:30 What are next steps? What is the impact of this project?
- 6:00 Example of Community Research – Youth Action Research Group (YARG)
- 6:30 Evaluation

This survey is from a group of organizations investigating how DC commercial sex policies affect people. We're collecting information about experiences that you may have had with the police. You'll be compensated \$10 for your time. The survey is completely voluntary and you can stop at any time without giving up the money. If you have any questions call 202.829.2103

1. Have you ever been stopped or approached by the police? YES NO

If yes, how often: 1 time 2-3 times weekly since ____ daily since ____
 not lately, but frequently in the past

Can you say more about what happened? Check as many as apply

- the police wanted to see my identification When_____ Where_____
- I was arrested When_____ Where_____
- I was treated well When_____ Where_____
- I was treated badly or unfairly When_____ Where_____
- an officer humiliated me When_____ Where_____
- an officer offered me help When_____ Where_____
- an officer asked for a sexual favor When_____ Where_____
- an officer took my condoms When_____ Where_____
- an officer hit me When_____ Where_____

Why was it a bad or good experience(s)? More details are helpful.

2. Have you ever had a situation when you needed help from the police? YES NO

Can you say more about what happened? Include the date if you can remember & location

- I was robbed and wanted to report it When_____ Where_____
- I was raped/sexually assaulted When_____ Where_____
- I was attacked/hurt When_____ Where_____
- I saw a problem in the neighborhood/street When_____ Where_____
- A friend of mine needed help When_____ Where_____
- Another situation that I tell you about here _____

Did the police help? YES, they helped NO, they did not help I didn't go to the police
What happened? Check apply I was treated well I was treated badly or unfairly
Please list some reasons for your bad or good experience or why you didn't contact the police:

3. **Have police said that you are in a “prostitution free zone”?** YES NO

If yes did you:

- Go somewhere else, but feel LESS safe
- Go somewhere else, but feel MORE safe
- Stayed there because you felt you were doing nothing illegal
- Get arrested
- Go home

4. **What fears do you have when the police approach you? Check all that apply.**

- I have no fears about the police
- I fear problems with immigration
- I fear arrest
- I fear something else that I tell you about here: _____
- I fear violence
- I fear harassment
- I fear humiliation

5. **If you have been arrested, how were you treated while in lock-up?**

- I was treated BETTER than everyone
- I was treated WORSE than everyone
- I was treated the SAME as everyone

6. **Has anyone else given you a hard time in the neighborhood? Check all that apply**

- Business owners
- People in cars
- Residents
- Someone else _____

Can you tell us more about what happened?

7. **Please circle if you agree or disagree with each statement below:**

Suspected sex workers are protected by the police:	Agree	No Opinion	Disagree
DC government should change how it deals with sex work:	Agree	No Opinion	Disagree
Sex work should be illegal:	Agree	No Opinion	Disagree
Arresting sex workers is the best way to help them:	Agree	No Opinion	Disagree
There are not enough social services for people on the street:	Agree	No Opinion	Disagree
If I make a complaint against an officer, it’s taken seriously:	Agree	No Opinion	Disagree

8. **Is there anything else you would like to say?**

9. **If you would like to tell us more about who you are check all that apply. I am:**

- female
- male
- transgender
- or _____ [pls write in]
- African American
- Latino
- white
- or _____ [pls write in]
- 13 to 17
- 18 to 24
- 25 to 29
- 30 to 39
- 40-49
- 50 plus
- gay or lesbian
- straight
- bisexual
- not sure
- _____ [pls write in]
- sex worker
- drug user
- homeless
- _____ [pls write in]

Fecha:
 Hora:
 Lugar:
 Notas:

Esta encuesta se esta realizando por parte de un grupo de organizaciones que estamos investigando como algunas leyes locales sobre El Trabajo Comercial del Sexo afectan a nuestra comunidad en el Distrito de Columbia. Estamos recogiendo información acerca de experiencias que vos/usted pueda haber tenido con la policía. Le daremos un estímulo económico de 10 dólares por su tiempo, es completamente voluntario y puedes dejar de contestar en cualquier momento sin dejar de recibir el dinero. Si tienes alguna pregunta llama al 202.829.2103 pregunta por Darby.

8. ¿Has sido detenida/o por la policía alguna vez? Sí No

Si es así, qué tan seguido: 1 vez 2-3 veces cada semana desde _____
 a diario desde _____ no ultimamente, pero con frecuencia en el pasado

Puedes hablar de lo que pasó? Marca las que creas convenientes con detalles abajo

- la policía me pidió mi identificación Cuando _____ Dónde _____
- fuí arrestada/o por _____ Cuando _____ Dónde _____
- fuí humillada/o por un oficial Cuando _____ Dónde _____
- fuí ayudada/o por un oficial Cuando _____ Dónde _____
- un oficial me pidió favores sexuales Cuando _____ Dónde _____
- un oficial me quitó mis condones Cuando _____ Dónde _____
- fuí golpeada/o por un oficial Cuando _____ Dónde _____

¿Fue una mala ó buena experiencia? Más detalles ayudarían grandemente.

9. ¿Has tenido una situación donde has necesitado ayuda de la policía? SI NO

¿Podrías hablar más sobre lo que sucedió? Incluye la fecha si la recuerdas, y también el lugar

- Fuí robada/o y quise reportarlo Cuando _____ Dónde _____
- Fuí violada/o ó abusada/o sexualmente Cuando _____ Dónde _____
- Fuí atacada/o ó herida/o Cuando _____ Dónde _____
- Ví un problema en el vecindario/calle Cuando _____ Dónde _____
- Un amigo ó amiga necesitaba ayuda Cuando _____ Dónde _____
- Alguna otra situación que describo aquí: _____

¿Te ofreció ayuda la policía por una de las situaciones anteriores ? SI, me ayudaron

NO, no me ayudaron No fuí a la policía [escriba porque abajo]

¿Qué sucedió? Me trataron bien Me trataron mal ó injustamente

Por favor escriba las razones por tu buena o mala experiencia ó las razones por las cuales no contactaste a la policía:

10. ¿Te advirtió por la policía que estabas en una “Zona Libre de Prostitución”? SI NO
 ¿Te ordenó la policía a “mudarte fuera de aquí” por creer que eres un/a prostituta/o? SI NO

Si fue así ¿qué hiciste?

- Fuí a otra parte, pero me sentí MENOS segura/o Fuí arrestada/o
 Fuí a otra parte, pero me sentí MAS segura/o Me fuí a casa
 Me quedé allí porque creí que no estaba haciendo nada ilegal

11. ¿Temes cuando la policía se te aproxima? Marque todos que aplican:

- No le temo a la policía Le temo a la violencia Le temo que me arresten
 Le temo problemas de inmigración Le temo a la humillación Le temo al abuso
 No sé porque, pero le temo mucho a la policía Le temo a algo más: _____

12. Si fuiste arrestada/o, ¿como te trataron cuando estuviste encerrada/o?

- Me trataron MEJOR que a los demás Me trataron igual que a los demás
 Me trataron PEOR que a los demás Nunca me han arrestado

Si fuiste arrestada/o, ¿puedes decirnos por que? _____

13. ¿Te han maltratado en el vecindario? Quién? Marque todos las que aplican:

- Dueños de negocios Residentes
 Gente en los carros Alguien más _____

¿Nos puedes decir más de lo que pasó?

14. Por favor marque su opinión de las siguientes: Acuerdo No Opinión Desacuerdo

Ahora en DC, la policía ayudan y protegen a personas quienes hacen el trabajo sexual.			
El gobierno del DC debería cambiar la manera de tratar el trabajo sexual.			
El trabajo sexual debería ser ilegal.			
Arrestar a las/los trabajadoras/es sexuales es la mejor manera de ayudarles.			
No hay suficientes servicios sociales para la gente quienes les necesitan.			
Si quisiera hacer una denuncia a un oficial, seria eficaz.			

15. ¿Hay algo más que quisieras agregar?

16. Si quisieras decirnos mas de tus experiencias en una entrevista mas larga, por favor nota aqui la manera mejor para ponernos en contacto: _____

10. Si nos quisieras decir mas acerca de tu persona marca las que sean necesarias. Yo soy:

- mujer hombre mujer transgénera hombre transgénera transgénera/o ó _____
 [escriba]

- Afro-Americana/o Latina/o Blanca/o Asiatica/o ó _____
 [escriba]

- 13 a los 17 18 a los 24 25 a los 29 30 a los 39 40-49 50 ó mas

- gay ó lesbiana heterosexual bisexual no estoy segura/o _____ [escriba]

- trabajador/a del sexo --donde trabajas?-- en la calle internet bailo en un club otro lugar

- consumidor de drogas persona sin hogar _____ [escriba]

Por favor escriba cualquier otra cosa de tu vida que crees importante: _____

Appendix VI

Observation data collection instrument

April 30 th -May 1 st , 2007	Different Avenues/SIF/Woodhull Freedom Foundation	by: Salvador Vidal-Orriz
FIELDNOTES: DOCUMENTING OBSERVATIONS OF A GIVEN SITE		
<i>(código)</i> ID/Code Number:	<i>(fecha)</i> Date:	
<i>(lugar)</i> Site of Observation:	<i>(inicio)</i> Starting Observation Time:	
<i>(clima)</i> Weather:	<i>(fin)</i> Ending Observation Time:	
<i>(quien)</i> Observer:		
Special Observations, Relevant Issues: <i>(observaciones que denotan atención, aspectos importantes o relevantes al proyecto)</i>		

[Fieldnotes] *(Notas de Campo)*

[Final Commentary on Observations, Interactions, Setting, etc.] *(Comentarios finales sobre las observaciones, interacciones, el espacio, la organización del espacio, etcétera.)*

Appendix VII

Qualitative interview (community)

INTRODUCTION TO THE INTERVIEW: “We are part of a group of organizations collecting information about how DC’s commercial sex policies affect people. You’ll be compensated \$20 for your time. The survey is completely voluntary and you can stop at anytime without giving up any money. We will take notes & record what you tell us but you do not have to give us your name. Do you agree to go ahead with the interview? Is it okay to make a recording for our records?”

If the person says “yes” to the interview then continue. The person can also ask not be recorded.

- 1. We’re meeting with you so you can tell us more about what happened to you and to hear more about your experiences. In your survey you said:**

Can you tell us more in detail about what happened or about this event?

*Additional questions you can ask: * “why do you think these things happen?”*

** “In what neighborhoods does this harassment happen?”*

** “Please tell me more if you can. Details are very important to help us document what is going on in our community”*

Don’t forget if someone says a word that you don’t understand, or uses slang that you think needs to be explained then ask the person to give details.

- 2. Thanks for sharing all that information. We are very interested in things people do to try and improve situations like you have told us about. What have you done to try and stop things like that happening? Examples would be “filing a complaint” or “rallying with your community for change.” If you tried to do something to change the situation, what happened?**

You can ask additional questions: “do the authorities support efforts like this?”

“do the authorities want to stop efforts to make change?”

You can also ask “why did you decide not to do anything?”

- 3. Looking at the big picture, what would you do for sex workers if you were the head of the DC government or in control of DC police? If you could, what changes would you make about DC government policy on sex workers?**

Please note if the person does not use the word “sex worker” you can say “prostitute,” “people who have sex for the things they need,” “street workers” or any other term that you think would help the person feel comfortable.

- 4. Is there anything else that you would like to say about the police, safety and the situation for the community in DC?**

- 5. Is there anything that you would like to ask us?**

THANKS FOR YOUR TIME!

Interview Questions for HAA Director Dr Shannon Hader

1. Now that you are head of the HIV/AIDS Administration, what changes are you looking to make? What current programs and policies do you want to continue? What will be the timeline on these activities?

2. What do you see as the relationship between criminal policy and HIV/public health policy?

3. How do you think DC's current policies on commercial sex affect HIV prevention, AIDS treatment and care, and public health policy more generally?

4. What research are you planning to support in order to better understand how HIV/AIDS is affecting marginalized communities like people who trade sex for money, trans communities, drug-users, etc?

5. What is the relationship between the Health Department and the Police Department? Do you see yourself or others taking a role in resolving issues like for example, that the needle exchange program is not allowed in the Morton-Park area in NW where there is a high rate of ID drug use? If the city is funding needle exchange as an intervention, is it acceptable to you that that program is not able to access some areas where it is most needed?

6. What is the relationship between violence related to sexuality and gender, including against sex workers, and the spread of HIV? Is violence against sex workers, transgender people, homeless people, and others, including perpetrated by police, a public health concern?

Interview Questions for DC Council Member Phil Mendelson

Why did you vote in favor of enacting “Prostitution Free Zones” in DC last year?

What data did you use to determine that this legislation would be effective in increasing the safety of all DC residents? Is there data that you used to determine that this legislation would not result in increased discrimination and undue police harassment towards vulnerable populations?

How do you measure the success of this legislation? Are there reports about its effects that we can see?

We’ve heard anecdotally that people suspected of sex work experienced undue police harassment and violations of their rights during the All Hands on Deck initiatives, and that there have been people arrested in Prostitution Free Zones who were not actually engaged in sex work. Are you aware of this? If so, do you have ideas or initiatives to address these problems?

Two transgender women were shot near one of the first-enacted “Prostitution Free Zones” in DC. In your opinion, are enough city resources being directed towards protecting vulnerable populations, such as the transgender community, in DC?

Are there specific changes to DC policy you would like to see enacted with regard to safety of DC residents?

Questions for Sgt Tania Bell & Sgt Brett Parson

Can you tell us the key tools that the police and GLLU have used to keep all members of the community safe and healthy in DC?

Do the “Prostitution Free Zones” help you in your work to protect the safety and well-being of DC residents? How?

Have the “All Hands on Deck” events been useful for keeping the whole community safe, including sex workers? How?

We’ve heard anecdotally that people thought to be sex workers experienced undue police harassment and violations of their rights on the All Hands on Deck nights, and that people were arrested in Prostitution Free Zones who were not actually engaged in sex work. Are you aware of this? If so, what has MPD done to address these problems?

If the response is “They should file a complaint!”, We ask:

1. How does one file a complaint?
2. Has anyone filed a complaint? How many?
3. What happens when they do?

What measures or indicators do you use to gauge the success of the Prostitution Free Zones, All Hands on Deck, or your work generally, in terms of protecting all members of the DC community? Can we have a copy of these documents? Are there data or reports we can see?

What type of training do DC police receive with regard their approach to people engaged in the sex trade, people without homes, and people using illicit substances?

Are there initiatives and tasks you would/will do either differently in your new position? Are there things you’d like to do more of? Are there particular changes in DC policing policies and practices that you would like to see? How do you intend to make these changes come to fruition?