



November 1, 2019

District of Columbia Council
John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, D.C. 20004

RE: SUPPORT BILL 23-0318, THE COMMUNITY SAFETY AND HEALTH AMENDMENTS ACT OF 2019

Dear Chairman and Members of the D.C. Council,

The National Partnership for Women & Families is pleased to support Bill 23-0318, the Community Safety and Health Amendment Act of 2019. This bill removes criminal penalties from the selling and buying of consensual sex and invests in the health, rights and safety of sex workers while decreasing sex trafficking.

The National Partnership is a nonprofit, nonpartisan organization located in Washington, D.C. The National Partnership is committed to ensuring that all people have access to a safe working environment that is free from discrimination, that individuals have autonomy over their bodies, and that all people are able to practice safe sex and access stigma-free, affordable health care. Though decriminalizing sex work is not a cure-all, we believe that Bill 23-0318 helps further these important values and we urge its passage.

We know that continued criminalization does not keep sex workers safe, including those who are experiencing exploitation or trafficking. A recent report showed that the Metropolitan Police Department Human Trafficking Unit has spent a great deal of time and resources harassing and abusing sex workers and people in the sex trade.¹ In 2016, 98 percent of the Unit's arrests were for prostitution – meaning only two percent were for trafficking.² We also know that policing and the criminalization of sex work is one of the ways Black women, girls, trans, and gender nonconforming people experience racial profiling, police violence and mass incarceration, since Black people are disproportionately targeted for arrest on prostitution charges.³

We know that racism, classism, sexism and transphobia make Black young people more vulnerable to trafficking. Arresting them does not serve the goal of reducing their vulnerability to exploitation, which is exacerbated due to the lack of investments in housing, mental health, food security, education, trauma-informed care and recreational activities in Black communities. In fact, survivors of sex trafficking themselves say that increased pathways to immigration, access to living wages, affordable housing, affordable health care and child care, support for people with disabilities and other social services are what would help them avoid exploitation in the first place. Rather than arresting Black

youth, we need to invest in resources and stability within Black communities, using community-driven solutions.

We also know that the criminalization of sex work disproportionately impacts transgender people of color, and that the majority of trans sex workers in DC are Black and Hispanic.⁴ Due in part to employment discrimination, trans people of color experience much higher rates of unemployment than the national average. In D.C., a 2015 study showed that 55 percent of Black trans adults are unemployed.⁵ Lack of access to jobs can mean that trans adults engage in sex work in order to survive. Criminalizing this path to survival further marginalizes an already marginalized community, and arrests and charges resulting from sex work make it even harder for trans people to find other types of work.

Additionally, decriminalizing sex work increases positive public health outcomes among sex workers, and decreases the risk of HIV and STIs.⁶ When sex work is criminalized, people who engage in sex work are less able to negotiate for safer sex, putting them at increased risk for HIV and STIs. This is in part because police profiling makes it more difficult for sex workers to carry condoms and other necessary safety tools, or to screen their clients effectively. When sex work is criminalized, sex workers are less likely to report violence against them for fear of arrest and prosecution, even though local sex worker advocacy group HIPS reports that 80 percent of street-based sex workers in DC have experienced physical or sexual assault on the job.⁷ Moreover, sex workers are more likely to experience violence from police officers when sex work is criminalized. Nearly nine in ten trans sex workers who interact with police experience harassment, humiliation, attacks, or sexual assault.⁸ In D.C., two trans sex workers reported that police officers in Prince George's County and D.C. were using the threat of arrest to coerce them into having sex with the officers.⁹ Decriminalization would reduce the likelihood of police violence against sex workers, and increase their ability to negotiate for safer sex, screen their clients, and report violence that does occur.

Sex workers deserve to have autonomy and agency over their bodies and livelihood without facing arrest and incarceration for their trade. Forcing people who do sex work to identify as a "victim" or else face incarceration is counterproductive and shames sex workers for if and how they engage in sexual activity. As testimony at the hearing on this bill clearly showed, sex work is not always coercive and is sometimes the only viable employment path for people who hold multiple marginalized identities.¹⁰ Some may also choose to engage in sex work as a way of supplementing existing income, or simply because they want to. Decriminalization is ultimately about respecting the autonomy of individuals in the District, and recognizing that the criminalization of sex work is racist and transphobic in its impact.

For these reasons, the National Partnership for Women & Families strongly supports Bill 23-0318. We urge the Committee of Judiciary and Public Safety to vote in favor of this Bill, and we urge the full Council to pass the bill. If you have any questions about our position, please contact Lauren Paulk, policy counsel for reproductive health at lpaulk@nationalpartnership.org, or by phone at (202) 986-2000.

Sincerely,
National Partnership for Women & Families

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- 1 Kaplan, J. (2019, October 17). Police Reports Raise Questions about MPD's Tactics During Undercover Prostitution Stings. *Washington City Paper*. Retrieved 31 October 2019, from <https://www.washingtoncitypaper.com/news/article/21092908/police-reports-raise-questions-about-mpds-tactics-during-undercover-prostitution-stings> (detailing arrest, harassment, and abuse by the Human Trafficking Unit); Robinson, Charleá S.L. (2018, February). *An Analysis of Human Trafficking in the District of Columbia* (p. 4). Retrieved 31 October 2019 from District of Columbia Statistical Analysis Center: https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/An%20Analysis%20of%20Human%20Trafficking%20in%20the%20District%20of%20Columbia%20%282016%29.pdf (statistics on the Human Trafficking Unit's arrests).
- 2 Robinson, Charleá S.L. (2018, February). *An Analysis of Human Trafficking in the District of Columbia* (p. 4). Retrieved 31 October 2019 from District of Columbia Statistical Analysis Center: https://cjcc.dc.gov/sites/default/files/dc/sites/cjcc/page_content/attachments/An%20Analysis%20of%20Human%20Trafficking%20in%20the%20District%20of%20Columbia%20%282016%29.pdf
- 3 Sankofa, Jasmine. *From Margin to Center: Sex Work Decriminalization is a Racial Justice Issue*. Amnesty International. Retrieved 31 October 2019, from <https://www.amnestyusa.org/from-margin-to-center-sex-work-decriminalization-is-a-racial-justice-issue/>
- 4 Edelman, E.A., Corado, R., Lumby, E.C., Gills, R.H., Elwell, J., Terry, J.A., & Emperador Dyer, J. *Access Denied: Washington, DC Trans Needs Assessment Report*. (p. 36). Retrieved 31 October 2019, from DC Trans Coalition Wordpress Site: <https://dctranscoalition.files.wordpress.com/2015/11/dctc-access-denied-final.pdf>
- 5 Ibid., p. 6.
- 6 Platt, L., Grenfell, P., Meiksin, R., Elmes, J., Sherman, S.G., Sanders, T., . . . Crago, A-L. (2019). Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLoS Medicine*, *15*(12), 1-2. Retrieved 31 October 2019, from <https://journals.plos.org/plosmedicine/article?id=10.1371%2Fjournal.pmed.1002680>
- 7 Spellman, Tamika. (2018, November 14). Op-Ed: Why decriminalizing sex work is central for gender equity, public health, and racial justice. *Medium*. Retrieved October 2019, from <https://medium.com/seventhy-dc/why-decriminalizing-sex-work-is-central-for-gender-equity-public-health-and-racial-justice-63549237e36b>
- 8 James, S.E., Herman, J.L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016). *The Report of the 2015 U.S. Transgender Survey*. (p. 163). Retrieved 31 October 2019, from National Center for Transgender Equality website: <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>
- 9 Marraco, Marina. (2018, November 20). Transgender prostitutes who accused cops in sex scandal meet with US prosecutors. *Fox 5 DC*. Retrieved 31 October 2019, from <https://www.fox5dc.com/news/transgender-prostitutes-who-accused-cops-in-sex-scandal-meet-with-us-prosecutors>
- 10 Spellman, Tamika. (2018, November 14). Op-Ed: Why decriminalizing sex work is central for gender equity, public health, and racial justice. *Medium*. Retrieved October 2019, from <https://medium.com/seventhy-dc/why-decriminalizing-sex-work-is-central-for-gender-equity-public-health-and-racial-justice-63549237e36b>