

January 2016

# Hands Up: A Systematized Review Of Policing Sex Workers In The U.s.

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## Recommended Citation

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# Hands Up: A Systematized Review of Policing Sex Workers in the U.S.

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*This work is dedicated to the many people in my life who have set me on this path. First and foremost this work is dedicated to the wonderful staff of the Sex Workers Project, in particular to Kate D'Adamo, Sienna Baskin, Lynly Egyes and Jessica Peñaranda for the radical re-education they offered me working over the summer. This work is also dedicated to Hannah Mogul-Aldin for introducing me to critical public health work and hiring me to interpret interviews with sex workers on the rural coast of Ecuador. I am also eternally grateful to Kate Nyhan, a librarian at the Yale Medical School who proved invaluable in constructing a systematic review and to my professors John Pachankis and Ali Miller for their guidance in shaping this thesis. Finally, this work is dedicated to my family who continue to support me in everything I do.*

## Abstract

This work lays the foundation for a study of criminalization and its effects on the health of street-based sex workers in the U.S. seeking to: 1) conduct a systematized review of sources from across the country settling on seventeen that describe experiences of harassment, false arrests, theft, physical abuse, sexual assault, HIV criminalization, survival tactics, reporting practices, and positive relations with law enforcement and 2.) compare the U.S. literature to international research, reflecting on the ways that public health researchers remain complicit in sustaining these harmful institutions by failing to consider diversity, the criminalized context of sex work, the links between policing and health, and the importance of collaboration. Through a radical framework of health and human rights I propose centering the experiences of street-based sex workers in a moment when the U.S. is renegotiating its relationship with law enforcement.

## Introduction

For as long as sex work has been criminalized, people trading sex have been critical of law enforcement practices. In the 1970s COYOTE<sup>1</sup> would march with slogans declaring:

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<sup>1</sup> COYOTE (Call Off Your Old Tired Ethics) is a sex workers' rights organization founded in California in 1973 by Margo St. that challenge criminalization and police violence against sex workers.

"Hookers Unite, You Have Nothing to Lose But Cop Harassment" (Jenness, 1990). In 1970 COYOTE centered its activities around "protesting legal discrimination against prostitution, especially police harassment and entrapment" inspired by the ways that the LGBTQ community had mobilized successfully around the issue of police harassment (Jenness, 1990). In 1986 the City of Atlanta declared the criminalization of prostitution a "revolving-door of arrest and prosecution" only "hardening the individuals, burdening the court system... and adversely affecting police morale" (Atlanta, 1986). Conversations around law enforcement and street-based sex work have existed since before the founding of the U.S., but good peer reviewed public health literature around the experiences of this community is few and far in between the countless studies on HIV risk, drug abuse, and client/partner violence.

This critical work explore two things: 1) a systematized review of the policing practices that affect sex worker health and rights and 2) a reflection on the the ways that public health remains complicit in sustaining these harmful institutions by failing to engage critically this important work. These processes are intertwined - the first assesses existing literature laying the foundation for a broader critique of the way public health approaches sex work.

A systematized review of the relationship between street-based sex workers in the U.S. poses critical questions around the effects of criminalization on the physical and mental health of street-based sex workers. What is the relationship between law and street-based sex work? Does law tame or prevent violence against sex workers? Is it an alternative to the justice of the streets? Is it a means to improved health and social services? Or is it an extension of authoritarian force? Through a rigorous review of the public health, law, sociology, and grey literature I hope to understand the ways that police interact with street-based sex workers in the U.S. and assess their impact on the health and well-being people engaged in selling sex.

Moreover, this work provides the material for a different kind of concern: a meta-analysis, more akin to a discourse analysis. In this light, I argue that public health research in the US has been complicit in the harmful impacts of law enforcement on the health and rights of

sex workers. Through a theoretical examination of the 'structural stigma' I examine the ways that the last two decades of public health research has failed to examine the dehumanization of sex workers through harassment, false arrests, theft, physical abuse, and sexual assault. Through this framework we can 'watch violence work' as a mechanism to enforce power and maintain the stigmatized status of sex workers. While the dominant extant body of US-focused public health research has focused on behaviors - behaviors with abusive partners/clients, drug addiction, and sexual risk behaviors - this work often ignores the context of criminalization in which these behaviors occur. In failing to carry out this critical scholarship while local sex workers, human rights groups, and international researchers attend to these practices, public health research does a disservice to street-based sex workers. In an attempt to begin to address these concerns, I highlight existing literature around this relationship and point to next steps here in the U.S.

At a time when police violence has been brought to attention by black and brown youth demanding an end to police brutality, the experiences of women, trans, and gender non-conforming people of color have been overlooked by the media. As many of these individuals come into close contact with police harassment and violence under the enforcement of prostitution law, this work seeks to bring these voices to the forefront and join sex workers resistance with current movements around police violence.

## Laying a Framework: Structural Stigma

Structural stigma remains the framework holding this argument together. Prostitution law and its enforcement perpetuates the notion that people who trade sex are criminals and that their behavior is deserving of punishment. This legitimizes the use of police harassment, violence, and sexual assault in ways that wouldn't normally be acceptable among 'rights-bearing

citizens<sup>2</sup> perpetuating health disparities. It also allows public health researchers to study the behavior of sex workers without addressing the constraints in which they operate, leaving community health organizations and human rights groups to address police violence. Through a strong understanding of structural stigma we can begin to understand how these abusive practices are legitimized and overlooked.

When public health researchers working outside of the field of stigma discuss the phenomenon's effects they reference often reference Goffman's concept of 'spoiled identity' as an "attribute that is deeply discrediting" and reduces the bearer "from a whole and usual person to a tainted one." (Goffman, 2009) This definition fails to do justice to Goffman's conceptualization of stigma, placing responsibility on the stigmatized and removing the process of power which actively seeks to keep people 'down' (through the domination and exploitation of the stigmatized), 'in' (through the enforcement of norms), and 'away' (through the avoidance of disease) (Link & Phelan, 2001). This power is not only manifested through interpersonal interactions and discrimination, but enforced at the structural level through government policies against disadvantaged (Richman & Lattanner, 2014). Through mechanisms of the state, sex workers have not only been stigmatized, they have been sexually assaulted, beaten down, and economically exploited. Criminalization and police violence are the ugly manifestation of stigmatization that have serious outcomes on their health and wellbeing.

In studying structural forms of stigma, we need to move beyond the limitations of current thinking to "reframe our understandings of stigmatization and discrimination to conceptualize them as social processes that can only be understood in relation to broader notions of power and domination." (Gee, 2002) This means studying not only the problems of the oppressed, but the ways that they are produced by the oppressor. In this systematic review I will look at the

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<sup>2</sup> 'Rights-bearing citizens' is used here to signify middle-class, gender-conforming, white-presenting, and able-bodied citizens. People in the U.S. continue to be policed based on their socioeconomic status, race/ethnicity, gender presentation, disability, and documentation status regardless of whether or not they engage in street-based sex work.

policies that criminalize, marginalize, and enforce stigma among sex workers in the United States.

Historically the construction of sex workers as social outcasts and reproduction of this role in the public health literature subconsciously legitimizes their otherness, societal perceptions must stigmatize and dehumanize the "prostitute" as a "kind of trash, social blight, and/or threat to public safety and order" (Saunders & Kirby, 2010a). At its most essential form, stigma against street-based sex workers consists of what Gail Pheterson describes as the 'whore stigma':

*"[Whore Stigma includes] having sex with strangers; having sex with multiple partners; taking sexual initiative and control; asking a fee for sex; being committed to satisfying men's lusts and fantasies; being out alone on the streets at night dressed to incite or attract men's desires; being in the company of supposedly drunk or abusive men whom they can either handle or not handle women"*<sup>3</sup>

(Pheterson, 1993)

'Whore stigma' has real consequences promoting the daily harassment, violence, and police brutality that only serves to reify social hierarchies. In their work with street-based sex workers in Washington D.C. policy-writers Saunders and Kirby (2010) suggest that stigma is necessary: "note that patterns of police abuse are not random, they depend on social tensions cohering to social groups that are relentlessly targeted" (Saunders & Kirby, 2010a). This dehumanization is intricately linked to other social inequalities and behaviors including age, gender, class, race, migrant status, sexual orientation, drug use, and a past criminal history. Sex works are complex

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<sup>3</sup> Although Gail Pheterson's concept of 'Whore Stigma' is highly gendered it also applies to queer men, trans-folk, and gender nonconforming people who engage in transactional sex. While straight men do engage in sex work, their experience with 'whore stigma' is colored by understandings of gender and healthy sexuality.

human beings with public health issues that go beyond sexual health, substance abuse, and violence to nutrition, mental illness, chronic disease, occupational health and labor rights, housing, family planning, etc. Yet, underlying all of these factors is the experience of stigma, which is structurally enforced by criminalization and police violence.

It is important to recognize the ways that criminalization, structural stigma, and police violence are mutually enforcing systems. The criminalization of prostitution is a central source of stigma associating transactional sex with illegal activity. Structural stigma allows for a lack of accountability around the policing of stigmatized populations. This allows for law enforcement to take advantage of their position of power to secure resources and negotiate sex with street-based sex workers. In this way criminalization, structural stigma, and violence allow for police, as the enforcer of laws in their communities, to take advantage of sex workers with repercussions on their health and well-being.

## Population of Concern

In sex work scholarship, it is important to recognize the diversity within this community. Although most of the world's sex workers are women, sex workers can be male or gender non-conforming (Baral et al., 2015; Harcourt & Donovan, 2005; Poteat et al., 2015). Sex workers report intimate, stable, non-paying partnerships worldwide, and many are married engaging in transactional sex to support their intimate partners, children, and broader network of family and friends (Ulibarri et al., 2012). They may engage in sex work part-time or full-time and work in a variety of venues. There is impressive diversity in the sex work community coloring all types of activities (Weitzer, 2010) including legal forms of sex work such as erotic dance (Trautner & Collett, 2010), pornography (Royalle, 1993), and high-end escort work (Bernstein, 2007b) – this also includes legal sex work including licensed brothels (Symanski, 1974) and other regulated prostitution environments (Abel, Fitzgerald, Healy, & Taylor, 2010). This stigma against sex

workers cannot be reduced to illegality or a particular type of activity (McCarthy, Benoit, Jansson, & Kolar, 2012). All sex workers, regardless of their experience, have been deemed 'reproachable victims' experiencing the same heavy-handed stigma associated with prostitution (Jacobsen & Skilbrei, 2010). While this stigma is felt among all sex workers, it has serious repercussions on the lives of those most at risk for encounters with the police.

For the purposes of this research I will focus on the 15% of sex workers who engage in street-based sex work in the U.S. (McNeill, 2014). Street-based sex work entails soliciting clients in public environments. Street-based sex workers are the most studied, yet most marginalized in their communities. And while I recognize the historic neglect of public health research on other forms of sex work, a literature review of street-based sex work and law enforcement provides us with an opportunity to critically examine the practices of policing since they are more vulnerable than indoor sex workers (Church, Henderson, Barnard, & Hart, 2001). In this next section I explore the different laws and practices that criminalize sex workers.

## Changing Discourses of Victimhood: Youth and Trafficking

When we in public health address street-based sex workers, we have to take into consideration youth who trade sex on the street. There are growing concerns around transactional sex among homeless youth and the emergence of human trafficking enforcement that pose unique challenges to law enforcement as they make judgments on the victimhood or criminality people trading sex. This discourse is also concerning in that it derives youth agency and seeks criminal enforcement as the tool to address these concerns. Public health researchers cannot exclude youth or victims of trafficking in this exploration of street-based sex workers and their interaction with law enforcement as they too can be handled and treated as criminals despite the pervasive discourse of victimhood that has emerged in recent years.

Within the last twenty years there have been dramatic changes in the relationship between law enforcement and sex work. In 1996 the Declaration and Agenda for the First World Congress Against the Commercial Sexual Exploitation of Children argued that involving children in sex work should be viewed as a form of violence against the child. In 2000 the Victims of Trafficking and Violence Protection Act aimed to address human trafficking by increasing fines and sentences for people engaged in commercial sexual exploitation while decriminalizing prostitution for children under the age of 18 years. In 2003 the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act enhanced penalties for offenders. In 2008 New York passed the first Safe Harbor law to protect youth involved in prostitution - since then 17 additional states have enacted similar legislation. While these laws frame youth under 18 as victims, the ways that these policies are enacted on the ground is not always uniform. Law enforcement continues to frame youth engaged in sex work differently leading to interactions that often reflect the experience of adult street-based sex workers.

While juvenile youth engaged in sex work were once viewed as offenders by law enforcement, widespread attention to human trafficking and the passage of state and federal anti-trafficking legislation has led law enforcement to view them as victims with inherited trauma that authorizes state intervention (Musto, 2013). This shift in attitude has been accompanied by increased social service supported arrest and surveillance changing the role of law enforcement to identifying trafficked people and rendering trauma visible (Musto, 2013). Emerging from this phenomenon is a conversation with social scientists challenging the narrow conceptual framing of trafficking discourses and consequences of these policies (Andrijasevic, 2010; Bernstein, 2007a, 2007b, 2010; Cheng, 2011; Kempadoo & Doezema, 1998; Marcus et al., 2011; Oselin, 2012; Parreñas, 2011; Vance, 2011) In her essay "Militarized Humanitarianism Meets Carrera Feminism: The Politics of Sex, Rights, and Freedom in Contemporary Anti-trafficking Campaigns", Bernstein (2010) writes about "social justice as criminal justice" and the ways that anti-trafficking work has justified "punitive systems of control" resulting in "an unprecedented

police crackdown on people of color who are involved in the street-based sexual economy—including pimps, clients, and sex workers alike” (Bernstein, 2010). In this way, the specter of the traumatized white girl has been wielded by anti-trafficking groups across the US to justify police action against young sex workers of color. Prostitutes caught up in ordinary prostitution are now charged with facilitating and aiding prostitution (including facilitating or aiding prostitution, felony sex trafficking charges, and receiving money from prostitution (Burns, 2014). Urban police departments are using police sweeps in major cities to address human trafficking.

The discourse around human trafficking not only contributes to increased surveillance, but also has profound effects on the ways sex workers are treated by law enforcement. In a 2010 study of factors that influence the police conceptualization of young girls involved in sex work across six U.S. cities, researchers developed a model considering no prior arrest record, greater levels of cooperation, presence of identified exploiters, and the fact that they came to the attention through police report rather than initiating as signs of victimhood (Halter, 2010). This model predicted the youth’s culpability status 91% of the time and explained 67% of the variance through considering (Halter, 2010). In another 2010 assessment of 1,450 arrests and detentions, cases were classified into conventional child sexual abuse, third-party exploiters, and solo prostitution -- under these conditions 100% of juveniles arrested in cases of child sexual abuse, 66% in third-party exploiter cases, and 11% in solo cases were treated as victims by law enforcement (Mitchell, Finkelhor, & Wolak, 2010). Juveniles were more likely to be considered victims if they were female (96% vs. 77%), age 15 or younger (56% vs. 16%), had a history of running away from home (69% vs. 40%); were frightened (45% vs. 18%), were dirty or had body odor (40% vs. 9%), or presented illness (22% vs. 3%) (Mitchell et al., 2010). After adjusting for these factors cases that began through a report to police as opposed to police action, were 7.92 times more likely to be treated as victims (Mitchell et al., 2010). In this era of trafficking, the ways that youth are treated either as victims or criminals in prostitution cases dramatically shape their relationship with law enforcement.

## Key Laws: Street-Based Sex Workers

In criminalized and quasi-criminalized sex work environments, sex work is largely unregulated and highly policed with sex workers experiencing high rates of police violence, punishment, and victimization (Aitken, Moore, Higgs, Kelsall, & Kerger, 2002). Most states have codes criminalizing transactional sex including but not limited to engagement in prostitution, keeping or residing in house of prostitution, promotion of prostitution, supervision of prostitution, advertising prostitution, pimping and pandering, receiving the earnings of a prostitute, as well as idling and loitering for the purposes of prostitution. These laws are often enforced by city ordinances around prostitutions with vice squads committed to “sweeps” and “operations” — such as “Operation Impact” and “Operation Spotlight” in New York City as well as “Clean Streets” programs in Los Angeles, Chicago, and San Francisco — explicitly aimed at getting street-based sex workers, homeless people, and young people of color off the streets and out of public view (Saunders & Kirby, 2010a). The visible nature of street-based sex work and law enforcement practices places sex workers in frequent contact with law enforcement.

According to a NYC study of street-based sex workers encounters with law enforcement the average number of arrests was 2.5 - with 39% (n=87) reporting never having been arrested, and 21% (n=48) reporting only one arrest, and 8% (n=19) reporting ten or more arrests (Curtis, Terry, Dank, Dombrowski, & Khan, 2008). Among these arrests drug possession was the most common charge (18%, n=44), followed by prostitution (12%, n=29) and theft (11%, n=28), but people in the sex trade have been charged with other crimes including manslaughter, attempted murder, assault with a deadly weapon, assaulting a cop, weapon possession, drug trafficking across state lines, grand larceny, petty larceny, auto theft, identity fraud, violating order of protection, resisting arrest and promoting prostitution (Curtis et al., 2008). In a study of recidivism among 245 jailed women in Michigan, it was found that having a sex related charge

positively predicted rearrests ( $z=2.02$ ,  $p=.044$ ) (Caviness). From this data we can conclude that street-based sex workers do come in frequent contact with the police.

Vague policies like idling and loitering for the purpose of prostitution provide police full discretion, afforded by “quality of life” regulations, to profile and arrest people on the street who are suspected to be engaging in street-based sex work. (Poulos, 1995) Circumstances for arrest include status as a “known prostitute” or “repeatedly beckon[ing] to, stop[ping] or attempt[ing] to stop or engage[ing] passers-by in conversation” (Poulos, 1995). These arrests operate on dimensions of race, gender, and sexuality disproportionately putting some street-based sex workers in frequent contact with law enforcement. For this reason it is essential to include in this work, not only those who engaging in criminalized activity, but those confused for street-based sex workers based on their race/ethnicity, LGBTQ identity, gender presentation and socioeconomic status.

Even more concerning than these overbroad idling and loitering laws are the ways that law enforcement engages in neighborhood policing, travel restrictions, and prostitution free zones. Neighborhoods where street-based sex workers operate tend to be mapped as war zones where sex workers must direct most of their energy at “negotiating consent, resisting violence, and avoiding the surveillance of police and the local community” (Sanchez, 1997). In literature mapping the movement of street-based sex workers in Detroit, the moral geography of the city is policed by law enforcement practice enforcing the “geopolitical sink principle” wherein sex workers take the path of least resistance working in poorer communities of color with declining respectability (Draus, Roddy, & Asabigi, 2015). In the wake of gentrification local business and the public follow a strict “zero tolerance” or “broken windows” approach effectively criminalizing low income communities of color (Saunders & Kirby, 2010a) In D.C. police-enforced Prostitution Free Zones (PFZ) serves as a way to ‘cleanup’ wealthy neighborhoods, enforce the geographic lines of rapidly gentrifying neighborhoods, and keep out trans and gender nonconforming people of color (Edelman, 2011). Police raids often accompany the

construction of these zones. According to Williams (2011), law enforcement sweeps have little impact on the location of sex workers, forcing them to engage in avoidance tactics or temporarily move location (McQuiller Williams).

In many states law enforcement often charge sex workers for aggravated exposure to HIV/AIDS. In the US, at least 32 states and two territories have laws that criminalize transmission of, or exposure to, HIV. In 15 of them, the standard penalty is enhanced if the accused was arrested on a prostitution-related charge (Policy, 2013). These enhanced penalties can be applied in some states even if no sexual contact has occurred – simply on the basis of allegations that the defendant offered to have sex with another person. In many states, HIV testing is mandatory for people arrested on charges related to sex work (Policy, 2013). Sex workers arrested for prostitution-related charges and found to be HIV+ are at risk of being charged with ‘aggravated assault’ which includes extended jail-time and, in many states, placement on the sex offender registry (Policy, 2013).

## Literature Review: Sex Work and Law Enforcement

This systematized review on policing prostitution law in the U.S. and its effects on the health and human rights of street-based sex workers provides us with an overview -- not only of policing practices, but also of the existing literature. I aim to synthesize existing literature around state violence and structural stigma against street-based sex workers both in the U.S. and abroad to understand gaps in the literature and propose future research.

## Methodology

The laws affecting sex workers in the U.S. are broad including but not limited to prostitution, idling and loitering for the purpose of prostitution, the use of condoms as evidence, and placement of sex workers on the sex offender registry. They are enforced in different ways by police departments across the country. By focusing on policing practices I explore the prevalence of false arrests, theft, physical abuse, sexual assault at the hands of law enforcement. Drawing on the work of community surveys among people of color, trans-identified or gender non-conforming folk, and migrant sex workers I seek to understand how these laws work with existing frameworks of discriminatory policing to compound stigma. Finally, wherever possible, I hope to ground the literature in the voices and experiences of sex workers who have suffered criminalization or state violence.

## Systematized Review Methods

This paper follows the PRISMA Protocol for conducting systematized review (Moher, Liberati, Tetzlaff, & Altman, 2009). A checklist for the PRISMA Protocol was filled out and is attached as Appendix A. Since sources were compiled, reviewed, and screened by a single researcher this work cannot be considered a systematic review - instead this 'systematized review' seeks to present comprehensive search guidelines, a thoughtful quality assessment, and synthesis of research evidence given the aforementioned limitations (Grant & Booth, 2009).

## Inclusion and Exclusion Criteria

Eligible studies were limited by English language, date range (1980-current), age group (Youth 13-18, Young Adult 18-24, Adult 24-80, and Elderly 80+), and geographic location (USA). While the first three were conducted through additional limitations in the advanced search function (embedded in Ovid, PubMed, EbscoHost, and Web of Knowledge), geographic

location was limited through concept headings and/or textual strategies. Following the PICO model I was looking to conduct a systematized view on sex workers and law enforcement (P) researching the process of criminalization (I) as opposed to decriminalization (C) and the experience's effects on health and well-being (O) - in other words I am explaining law enforcement behavior as an etiological factor in the health outcomes associated with street-based sex work.

## Search Strategy

Following the recommendations of Moher (2009) this search proved an iterative process, refining search terms until the appropriate search strategy was established (Moher et al., 2009). Working with a librarian from the Yale Medical Library I constructed a Review Protocol outlining the research question, search parameters (that covered both public health, law, and the social sciences through Medline, PubMed, Embase, Criminal Justice Abstracts, Sociological Abstracts), key concepts (prostitution, law enforcement, and criminalization), synonyms (sex work, transactional sex, sex trafficking, trafficking victim/survivor, commercial sexual exploitation, sex trade, streetwalker, whore, hooker, escort, harlot; police, police officers, police force, law enforcement, cops; penalization, criminal justice), MeSH/Emtree headings, and an associated textual strategy. Separate data sources and search strategies were developed for distinct sources including published papers, grey literature, and theses. Further articles were added by exploring the cited references of relevant articles, following future citations, focusing on specific authors, and consulting with experts in the field. Our last date of search was 4/11/2016. This Review Protocol can be found attached as Appendix B and provides a more comprehensive analysis of my approach.

## Selecting Appropriate Sources

Over five databases 978 citations were downloaded leaving 782 unique citations after duplicates were removed. These citations were downloaded into an Endnote Library and assessed against inclusion and exclusion criteria developed from the iterative search process. Inclusion criteria includes any work that mentions the relationship between street-based sex workers and law enforcements whether that be through frequent contact, assistance in filing police reports, violence, sexual assault, and confiscation of safe sex and injection equipment. Exclusion criteria proved more extensive: citations that go outside of the filters set in our searches (outside time-range, age-range, geographic limitations, or limitations on street-based sex work); violence and risk (HIV risk/prevention/testing, drug abuse, sexual harassment, and physical violence) with either no mention of sex work or law enforcement; child sexual exploitation and trafficking (when there is no mention of interaction between victims and law enforcement), other trafficking concerns (immigration, labor trafficking, drug trafficking, gun trafficking, international marriage brokers); law enforcement issues unrelated to interactions with sex workers (greening communities, leadership/management, brutality against non-sex workers, discrimination in ranks, experiences of female cops conducting stings, police body cameras, trauma, and obituaries); other crimes (subway graffiti, forfeiture of property, probation, sex crimes/offenses, criminal exposure to HIV/AIDS, organized crimes and gangs, public shooters, and serial killers); experiences beyond encounters with police in the criminal justice system (john schools, prison issues, mental health courts, death penalty, and recidivism); health issues (medical, healthcare, needle-exchanges, psychological problems, bioethics); gender and sexuality independent of police encounters (sexual orientation, gender policing, cruising sites, and LGBTQ homeless youth, and gender discrimination); institutions of the state (school curriculum, youth in state care, workplace safety, retirement/seniors, disability law, affordable housing for the homeless, environmental protection); terminology issues pulling up searches

with SW slang (i.e. “courtroom whores”) and that included ‘work’ or ‘escort’ out of context; miscellaneous (validation of surveys, wholly unrelated commentary/news articles, related media discourse, and non-sex work industry news). Any uncertainties about the usefulness of the text based on title and abstract were addressed by deferring to inclusion in the review process. All of these with examples can be found in Appendix A: Systematized Review Search Plan following PRISMA guidelines. Through these search criteria the citation count was reduced from 782 to 104 to be further assessed for eligibility.

## Data Analysis

From there full-texts were downloaded and notes were taken on original research from the article, citations of other work, and personal notes. Articles were coded to produce a visual summary of the studies assessed - red for non-relevant research, yellow for tangentially related research or important theory, and green for original research documenting the relationship between law enforcement and people engaging in street-based transactional sex.

While some reports attempted to quantify their qualitative research, breaking-down the number and percentage of their sample expressing certain views or experiences, we were unable to conduct sophisticated sensitivity analyses, subgroup analyses, or meta-regressions as is the norm in most systematized reviews.

It proved difficult to assess risk of bias in individual sources, since they all came from different disciplines (i.e. public health, law, social sciences, policy) each with their own standard for assessing the quality of data. Through reviewing the methodologies of these studies, I sought to understand the assumptions they were making about street-based workers based on their sample size, demographic distribution, and recruitment methods. In the quantification and qualitative data we could not assess the validity and reliability of their research. There is no way

to effectively handle this data to combine studies or provide a meta analysis. In qualitative analysis interview questions were reviewed when provided to ensure that they were not leading or biasing the interviewee in any way. While this work was possible for many of the peer-reviewed public health articles, most of the community reports, law articles, and social science reports had a limited methodology making it difficult to assess the quality of their investigation. Risk of bias in these studies is included in Appendix D. These materials were kept in the systematized review because they provide us with an idea of the experiences of street-based sex workers when only a few peer-reviewed articles in public health even address the issue of policing sex work.

Risk of bias across studies was also a serious concern in conducting a systematized literature review. Publication bias was avoided by drawing from reports outside of the peer-reviewed literature including community reports on police violence against sex workers. Selective reporting was avoided by establishing an iterative but comprehensive list of inclusion/exclusion criteria, which guided the selection of final sources.

## Final Sources

Articles that were not original research were used as supplemental, but were not included in the final analysis. In the end there were seventeen studies that met the requirements conducting qualitative research around the enforcement of prostitution law. These studies were conducted across the country in Alaska, Baltimore, Chicago, Detroit, Hartford, Nashville, New York, San Francisco, and Washington D.C. Over nine of these studies focused on female sex workers, two focused exclusively on trans sex workers, and four of the studies were mixed (men, women, and trans sex workers). Among these sources 75% (n=12) employed qualitative research methods, 56% (n=9) attempted to quantify their qualitative research, and 31% (n=5) mixed quotations with quantified qualitative data. These works were drawn from broad disciplines including public health (M. R. Decker, Pearson, Illangasekare, Clark, & Sherman,

2013; Galletly & Lazzarini, 2013; Nemoto, Bodeker, & Iwamoto, 2011; Roche, Neaigus, & Miller, 2005; Sherman et al., 2015), law/criminal justice (McQuiller Williams, 2014; Raphael & Shapiro, 2004), Psychology (Sloss & Harper, 2010), anthropology (Draus et al., 2015; Edelman, 2011; Romero-Daza, Weeks, & Singer, 2003), and collaborative community advocacy (Burns, 2014; Juhu Thukral, 2003; Lutnick & Cohan, 2009; Saunders & Kirby, 2010a). While all of these sources conducted research with street-based sex workers, the NYC research done by the Sex Workers Project included the experience of others including special pornography, escort, sexual massages, and bondage/discipline performers (Lutnick & Cohan, 2009). These studies recruited participants through street-outreach, word of mouth, support groups, recovery homes, service providers, addiction treatment programs, and jails. There were two other sources using police data to analyze arrests for HIV criminalization laws including those arrested under prostitution law (Amira Hasenbush, 2015; Galletly & Lazzarini, 2013). Our appendices provide a fuller analysis of these critical works and their contributions to our understanding of the effects that prostitution policing has on health and human rights.

This systematized review was limited in scope only exploring five different databases without cross-referencing citations with another research team. There are also concerns that many of the community reports published by sex workers in the US may not be readily accessible - while I was able to identify reports from New York, Alaska, and the Bay Area, these sex worker led assessments are not representative of other cities across the country. Despite these limitations, this work provides a near comprehensive view of the policing prostitution law here in the US. There were no sources of funding for this systematic review.

# Policing Practices: Human Rights Violations and Sex Workers

## Response to Criminalization

This section goes over the findings of our systematized review comparing qualitative data and quantified qualitative data around the experience of street-based sex workers with law enforcement in the US. It also discusses some of the limitations these sources present and summarizes what public health scholars currently 'know' about the enforcement of prostitution law with street-based sex workers in the US.

## Verbal Degradation / Threats

At the forefront of structural stigma are the ways that law enforcement verbally engage with street-based sex workers to further stigmatize their condition. This harassment is pervasive. As one sex worker from New York City noted, harassment is "pretty much on a constant level, the undercovers, the ones who ... pretty much just stand out here on the sidewalk trying to arrest us, you know, follow ... being followed, even the ones that are in the cars, they're following us in their car, yell out things" (Juhu Thukral, 2003). In a 2010 study of the 'Legal Service Needs and Utilization of Women Who Trade Sex' researchers reported that 89% (n=81) of participants reported police harassment. In this cohort 44% (n=28) reported experiencing verbal degradation, cursing, insults, and racial slurs from the police (Sloss & Harper, 2010). As one sex worker in Alaska reports, "they always treat you like you're stupid, that you must have a pimp, you must be on drugs, that you need to get a job" (Burns, 2014). Another sex worker in Baltimore confides that, "they act like we're the lowest scum of the earth, they talk to me anyhow, like you're a piece of shit, like you're a dog, lower than a dog" (Sherman et al., 2015). This harassment is complicated perpetuating the idea that sex workers are scum of the earth or non-human.

Harassment can consist of insults, threats, and even psychological abuse. Over 20% (n=13) were yelled at by police to get off the streets, 19% (n=12) were regularly threatened with incarceration, sexual harm, or violence, and 14% (n=9) reported experiencing psychological abuse in order to intimidate and disempower them (Sloss & Harper, 2010). Threats of arrest and imprisonment are common between law enforcement and sex workers. A sex worker in Baltimore reported that law enforcement have told her “well, slut, you’re going to jail... we’re going to take your hooker ass to the jail” (Sherman et al., 2015). These threats of arrest can turn into verbal and physical threats of violence. When a sex worker in New York City attempted to call out an officer for disrespectful behavior he threatened to murder her and chased her when she ran away (Juhu Thukral, 2003). These threats could be considered psychological abuse and contribute to the feeling of danger pervasive in street-based sex work.

Most vulnerable are people of color and trans or gender non-conforming sex workers who report being harassed for their identities. As one African-American sex worker in Baltimore describes: “They harass you. Sometimes you don’t even be doing anything ... You could just be coming out the gas station and they harass you just walking by. You don’t even have to be in the drug area ... but they just assume that every woman that is walking is a hooker and because we’re black and we’re in their neighborhood’ (Sherman et al., 2015). The same applies to trans sex workers. In 2011 a study of street-based sex work in the Bay Area, around 35.4% of trans women with a history trading sex reported never experiencing harassment, 58.5% reported sometimes experiencing harassment, and 7.1% reported almost daily harassment by law enforcement by the police (Nemoto et al., 2011). Human Rights Watch reported on the experience of trans sex workers in New York, Los Angeles, and D.C. One trans sex worker recalls men calling her ‘faggot’ and putting on gloves to take her fingerprints like she disgusted them (Watch, 2012). Another sex worker reported the ways that law enforcement “took off my wig and stomped it on the ground, then handed it back to me when they put me in the car”

(Watch, 2012). These communities are harassed not only for their engagement in sex work, but also for their race/ethnicity and gender identity.

Overall these factors produce a stigmatizing environment for sex workers and leads to rights abuses at the hands of the police. As representatives of the state, police harassment can be considered violence of the state perpetuating the stigmatized status of sex workers.

## False Arrests: Criminalization of Non-Criminal Activity

Another area of concern that comes with frequent contact to law enforcement are issues of false criminalization. A sex worker recalls her experience being arrested off-duty:

*“I was standing in front of the hair shop ... to get my hair done, the police said, ‘come here, what are you doing outside?’ ‘I’m waiting to get my hair done,’ ‘no, you’re not’ he said, ‘you’re out here working.’ ... He said, ‘let me see your money.’ He made me show him my money. After I showed him my money, he counted and saw I had like a hundred something. He gave me a summons for soliciting, for disrupting traffic and that was messed up because I wasn’t even working that day, for real.... Every time they see somebody out there on an avenue, I could just be walking, not even doing nothing, they think I’m doing something, you know, they would say, ‘you need to stop hanging around here.’ ‘Don’t tell me where I can’t walk. I can walk where I want to walk in,’ you know, ‘if you see me approaching a car or something, lock me up then, but if I’m doing none, don’t bother me” (Juhu Thukral, 2003)*

The Sex Workers’ Project in New York City reported that 70% of sex workers (n=21) described nearly daily interactions with law enforcement limiting their ability to accomplish daily tasks including grocery shopping or riding the subway without harassment from law enforcement often resulting in ticketing or arrest (Juhu Thukral, 2003). A sex worker from New York City describes how she was “just standing on a corner, not even working, listening to my

Walkman. They pulled up on me and locked me up” (Juhu Thukral, 2003). According to the work of Sloss (2010) on street-based sex workers in the Midwest, over 25% (n=16) reported being arrested for no apparent reason (Sloss & Harper, 2010). These arbitrary arrests generally consisted of being picked up, driven around, taken to jail, or physically transported to another neighborhood without being charged for criminal activity (Sloss & Harper, 2010).

Sweeps are the most common ways for sex workers to be arrested arbitrarily. In New York City 73% (n=23) reported having charges leveled against them for crimes they did not commit most commonly related to sweeps (Juhu Thukral, 2003). According to the police they are just “one more body, one more body” (Juhu Thukral, 2003). Law enforcement get so desperate that in the Midwest around 3% (n=2) of sex workers reported police planting drugs on their person in an attempt to arrest them (Sloss & Harper, 2010). While sweeps are temporary, the enforcement of neighborhoods, strolls, and prostitution free zones place street-based sex workers at constant threat false arrest.

Neighborhoods and the geography of sex work policing must have a voice and are essential to understanding these false arrests. In New York City sex workers have been arrested because they are “a known prostitute in a known prostitution area” even when they are simply walking down the street (Juhu Thukral, 2003). These areas are reified in the declaration of Prostitution Free Zones like Washington D.C. which according to one sex worker afford an “excuse for cops to use heavy-handed tactics to mass arrest people that make the city look bad or ‘morally questionable’ in the eyes of rich white straight people who want to move here, so that the city can attract rich white straight people’s investments, businesses and profits” (Edelman, 2011). This has led to the arrest of people of color and trans sex workers existing in these zones. A sex worker in D.C. noted that she does see the trans community being more vulnerable to criminalization -- “If police see a trans woman dressed in sexy clothing, walking down the street, I think that they would target the trans woman first” (Edelman, 2011). In 2005 a trans Latina woman reported being falsely arrested on the street without proof (Saunders &

Kirby, 2010a). In 2014 Monica Jones, a black and trans student at ASU, was arrested for “walking while trans” on campus and suspected of engaging in street-based sex work (Strangio, 2014). These communities are particularly vulnerable to false arrest by the police. The vagueness, severity, and lack of clarity around false arrests have real consequences on the ways that neighborhoods are policed.

## Theft and the Use of Condoms as Evidence

Theft of personal property is also both illegal and damaging. In their work with street-based sex workers Sloss found that 11% (n=7) experienced theft of personal property (Sloss & Harper, 2010). In a 2015 survey of sex workers in Alaska, Tara Burns found that 9% had been robbed or beaten by officers (Burns, 2014). A sex worker from New York City describes how, “when the police question us, they say ‘if you don’t tell me, we can go through your pocketbook, because we know you’re dirty’” (Juhu Thukral, 2003). In this environment sex workers are at risk of having their money or private property stolen from law enforcement because they conduct street-based sex work.

Theft can include the use of condoms as evidence for prostitution. In some countries, up to one-third of sex workers do not carry an adequate supply of condoms due to “condoms as evidence” policies that allow police to seize a sex worker’s condom supply and use it as evidence of their intent to engage in sex work or the promotion of sex work (Watch, 2012). This practice existed in many U.S. cities including New York, Washington DC, San Francisco, and Los Angeles (Watch, 2012). A sex worker in New York witnessed law enforcement “open her condoms and drop them into the sewer, all the time, ten times a month” (Juhu Thukral, 2003). Another reported that, “if I took a lot of condoms, they would arrest me. If I took a few or only one, I would run out and not be able to protect myself. How many times have I had unprotected sex because I was afraid of carrying condoms? Many times” (Watch, 2012). While many of the

larger urban cities have since made their police departments denounce theft of condoms as evidence, this continues to be a practice across the US (Policy, 2013).

## Physical Abuse

Physical abuse by law enforcement is one of the more visible consequences of criminalization. In their report on Policing Sex work Incite-National discusses how police “violence against sex workers is not perceived by mainstream organizations as either police brutality or violence against women, when it is clearly a manifestation of both” (Incite-National, 2014). In the Midwest sex workers report physical abuse (n=14, 22%) where sex workers reported being slammed against a car and being kicked on the ground (Sloss & Harper, 2010). In New York City reported that 30% (n=9) reported being threatened with violence and 27% (n=8) of them disclosed actual violence (Juhu Thukral, 2003). Reflecting on the issue of police violence a sex worker hoped not to “get a creepy cop - you get that psycho cop ... sometimes they become very abusive with power ... I’ve seen cops get out of a car and beat a girl, and then get back in the car and leave” (Juhu Thukral, 2003). This violence serves not only to enforce criminal behavior, but also to injure street-based sex workers and prevent them from working. Among other street-based sex worker one of them in New York witnessed an officer grab her by the vagina -- “it was like he was squeezing like a handball or something, but really really hard, I said, ‘man, what does he want?’ To make sure she doesn’t come out and work, so he’s gonna injure her a little bit” (Juhu Thukral, 2003). Police violence seeks to enforce structural stigma and regulate the bodies of street-based sex workers.

Trans sex workers are particularly at risk for physical and sexual violence - as one trans sex worker in Alaska noted “It was in the middle of the day. I was walking by the police, I was walking to catch a bus. And because I was in the area that I was in and I had an acid wash mini skirt on and a little tank top, they wanted to see whether or not I was, I was trans. And they ripped my underwear off. One of them put his hand up my skirt and ripped my underwear off. He

slammed me down on the car, he injured me. Um, left me with some broken fingertips, broken toes, and fractured cheekbone. And they felt perfectly okay with this because there was no law to protect me..." (Burns, 2014). Another trans sex worker reported being pushed against a wall while law enforcement told them 'fuck you gay' (Watch, 2012). These reports suggest that transphobia among law enforcement officers may have profound effects on the state violence experienced by street-based sex workers.

## Sexual Harassment and Assault

As part of their job law enforcement is often expected to pose as clients and solicit sexual contact with sex workers as a way to prove transactional sex. As one sex worker from Alaska noted: "I myself have had them pose as customers and actually complete a sexual act with me and then try to arrest me however I didn't touch the money so they couldn't arrest me..." (Burns, 2014). The burden of proving transactional sex places sex workers in close contact with law enforcement leaving ample opportunity for sexual activity. Although "sexual sampling" (sexual contact between sex workers and law enforcement agents) has been deemed outrageous under the Burkland Standard, it is very difficult to hold the testimony of sex workers over that of law enforcement (Walters, 2011). These prostitution stings give law enforcement ample opportunity to engage in predatory sexual activities while doing their job.

It is common for street-based sex workers to experience sexual harassment at the hands of law enforcement. According to Human Rights Watch, one sex worker reported being publicly shamed for her sexuality: "I was wearing a jacket and blouse. And they opened my blouse and started taking pictures. He violated my privacy" (Watch, 2012). In New York City, sex workers reported similar behavior: "one officer felt her breasts, made her unbutton her shirt and leave her breasts out in view while he wrote a ticket. The officer let her button up her shirt after four or five cars had driven by" (Juhu Thukral, 2003). These situations would be

considered serious forms of sexual harassment, but because they are sex workers these cases often go unreported.

Sexual harassment is particularly common among queer people of color. In Washington D.C. an African- American gay man, with experience of street sex work and homelessness, reported that an "officer strip searched me on the sidewalk" during an arrest for drug use (Saunders & Kirby, 2010a). This harassment extends to trans sex workers. As one trans sex worker in New York reported, "they don't care about you, they take your purse, throw it on their car, your stuff they throw it on the floor, they pat frisk you, they ask if you have fake boobs, take them off right there, if you have a wig, take it off (Watch, 2012). These are sexual violations that assault the dignity of LGB and trans people.

While sexual harassment is common, sexual assault is even more insidious. In a 2013 study by Decker of street-based sex workers in Baltimore, MD, only two participants (5.7%) reported being pressured or forced to have sex with a police officer in the past month (M. R. Decker et al., 2013). The Sex Workers' Project of the Urban Justice Center in New York City, noted in their report that up to 17% of street-based sex workers reported sexual harassment and abuse, including rape, by police (Juhu Thukral, 2003). In Washington D.C. these numbers fell more around 20% (Saunders & Kirby, 2010a). Among street-based sex workers who had been raped, Rachel and Shapiro (2002) found that 24% identified a police officer as the rapist (Raphael & Shapiro, 2004). In a 2015 survey of sex workers in Alaska, Tara Burns found that 26% had been sexually assaulted by police (Burns, 2014). Those that experienced sexual assault (n=19, 30%) were hustled by the police with the promise of dropping criminal charges, sexually assaulted without negotiation, and arrested even after having sex (Sloss & Harper, 2010). Police not only sexually harass and abuse sex workers, they believe they have special privileges because of their position in society.

In their work "What makes you think you have special privileges because you are a police officer?", Sherman et al. (2015) explore the ways that law enforcement negotiates sex

with sex workers (Sherman et al., 2015). In their work they illuminate the ways that police officers believe they have special privileges exchanging sex for money. A sex worker from Baltimore perfectly encapsulates this experience: “He just don’t want the simple, he wants everything. And he goes so rough, and then demands you to tell him that you like it. Then he’ll take your phone number and write down your name and stuff just to see ... If you don’t tell him where you live, he’ll follow you until he finds out where you’re staying. And then he’ll be sitting there outside your house, like I’m the police, I can find out anything” (Sherman et al., 2015). Another story by a sex worker in Baltimore eventually gave this study its name: “He didn’t want to pay me again, and came to my house and he was like, come on. And that’s the time when he came around and he said, oh, I don’t have no money. I don’t get paid till Friday. So I’m like, “what makes you think you have special privileges because you’re a police officer?” (Sherman et al., 2015). These special privileges extend to the things law enforcement offers for sex. Sex workers are often propositioned for sex in exchange for information (i.e. “It’s hot tonight, it’s a sweep, you should get out of here, now what can you do for me?”), below regular price fees (“can I rub against you for \$10?”) or the simplest of items (i.e. “I gave you two cigarettes, you want anything else, you know what you can do for me.”) (Juhu Thukral, 2003). In many situations the threat of arrest was reported as sufficient enough to coerce many sex workers into engaging in unwanted sexual activity (M. R. Decker et al., 2013). Human Rights Watch interviewed sex workers on this experience: “He said ‘stop, I’m police’ and showed his badge. He said he wanted oral sex. I said ‘what do I do’? Looking at the badge, I didn’t want to get arrested” (Watch, 2012). By escaping arrest through sex, these women experience a loss of control and dignity outside of the usual terms of exchange with little power to negotiate condom usage (Sherman et al., 2015). In this work, “police harassment emerged as an insidious tool of social control, with little connection to women’s street work” (Sherman et al., 2015). As one sex worker from Baltimore recounted: “sometimes they’ll let you go if you do something for them... Mostly it’s just a blowjob because it’s really quick... There’s no money transacted but its

like damn....You're not getting no money, no tip, no nothing, but you're just staying free" (M. R. Decker et al., 2013). In these coercive situations, condom use remained at the discretion of the officer (M. R. Decker et al., 2013). Even when street-based sex workers agree to have sex with law enforcement under their conditions, they are often at risk of arrest. In San Francisco many sex workers faced arrest, regardless of how they were propositioned, either after refusing to have sex 5% (n=12) or after engaging in sex with the officer 8% (n=20) (Lutnick & Cohan, 2009). Based on these experiences, it is difficult if not impossible, for sex workers to negotiate power dynamics in sexual relationships with law enforcement.

While sex workers face constrained agency and oppressive practices within the sexual economy, it is important to understand that some sex workers do consider certain police officers as clients. In St. James' Infirmary study of sex work in San Francisco, 22% (n=54) reported police as a paying customer (Lutnick & Cohan, 2009). In an interview in Baltimore a White street-based sex worker reported that, "they [cops] paid me for my services, they were wearing full uniform in the back of the patrol car, but I wasn't made to [have sex], they exchange some money for a service. As another black sex worker in Baltimore noted, "they'll say, they're men, too, but they just have a job to do." These sex workers recognize the complexity inherent in this sexual economy and how the very people whose job it is to arrest them may also solicit sex as clients.

Sex Workers are at serious risk of sexual harassment and assault. The ways that police pose as clients or conduct prostitution stings makes street-based sex workers vulnerable in sexual situations. As law enforcement, police officers believe they have special privileges defying the sexual contract by paying below the standard fee, requesting sex for information on police raids, or conjuring the specter of arrest and forcing sex workers to have sex with them. Sexual assault of sex workers by law enforcement is the most researched aspect of this relationship and yet the most complicated as sex workers often consider working police officers to also be clients. While every case is unique, these power differences between law

enforcement and street-based sex workers make them particularly vulnerable to sexual harassment and assault at the hands of the state.

## HIV Criminalization

Those policed around prostitution law can also be brought in under suspicion of transmitting HIV/AIDS. According to a recent report from the Williams Institute (2015), from 1988-2014 over 800 people been arrested for criminal exposure of HIV, 95% of which involved sex workers - the law regarding sex workers does not require intent to transmit HIV or exposure to HIV (Amira Hasenbush, 2015). Another report of charges for criminal exposure to HIV and aggravated prostitution filed in Nashville from 2000-2010, reported that over 56% (n=14) of these arrests were charged after solicitation of an undercover police officer (Galletly & Lazzarini, 2013). In resisting arrest police feared possible transmission from scratches, spitting, or blood after admission of positive HIV status or knowledge from repeat offenses. Infection posed negligible risks to the officer yet they were charged with aggravated assault when they could have been better assisted by social services (Galletly & Lazzarini, 2013). While claims of infection are adjudicated in court, the fear of transmission is an important feature in the policing of sex work.

## Adapting to Criminalization and Police Practices

This next section moves into a discussion of sex workers and their responses to police violence. Due to the threat of arrest, theft, violence, and sexual harassment at the hands of law enforcement, sex workers report avoidance tactics around law enforcement including avoidance and identification of police officers.

Adapting to criminalization often means avoiding the police. Through arrest data from the Rochester Police Department (2003-2007), Geographic Information Systems (GIS)

mapping, census data, and semi structured interviews with key partners Williams (2011) assessed how sex workers employed tactics of resistance routing past other sex workers and security cameras to avoid law enforcement (Hubbard, 1999; Saunders & Kirby, 2010b). As one sex worker from Rodchester reports, "Where there is a lot of people and car traffic is where you pick. But the pit has to let you and tricks get in and out real fast. There has to be ways to book [escape] if you see cops. The more routes to get in and out the better. That's a traffic pit. You go where you know the tricks is. But the tricks ain't gonna go places where they feel like they can't book [run away]" (McQuiller Williams, 2014). These geographical tactics of avoidance help sex workers avoid law enforcement, but often put them in harm's way. Avoiding police has been associated with a greater risk for unprotected sex and violence at the hands of clients (Kate Shannon et al., 2009). In the logic of 'criminal activity' sex workers must choose between the threat of criminalization and other dangers associated with street economies.

Aside from geographical movement, sex workers have reported numerous other tactics to avoid police. A sex worker from New York City reported how she changed her hours to adapt to the schedules of law enforcement: "I go out really early, before their normally scheduled time to come out . . . usually they'll come out around 8:00 [at night], until 4 in the morning" (Juhu Thukral, 2003). In New York City a sex worker reported changing the way she approached sex work: "I change everything. I change the way I dress, I change the way I approach the clients ... in the last year, since the last arrest. I try to look like a pedestrian." Other tactics of avoidance include "doubling" and watching out for each other (Hubbard, 1999), dressing conservatively (Juhu Thukral, 2003), and limiting contact with potential customers (McQuiller Williams). In these ways sex workers avoid contact with the police and the threat of criminalization.

Tactics of survival are not just about avoiding police, they also include identifying police when they go undercover. This can be done by exchanging street smarts and urban myths as a way of reducing the risks of arrest, physical violence, and sexual assault (Roche et al., 2005). A sex worker from New York City recounted how she could tell a cop "by the way they walk, talk,

dress, and from her experience...she says it is very easy to spot a bulletproof vest under people's clothes. And the worst are the ones that try to dress like them [the drug users]—they are totally obvious" (Roche et al., 2005). Another sex worker from this study claimed her trick was asking "questions that only a heroin addict could know" (Roche et al., 2005). In this way sex workers can begin to identify undercover police officers and avoid arrest.

Not all sex workers report having to adapt. The only straight male sex worker in a report done by the Sex Workers' Project in New York City claimed to avoid criminalization by "doing what regular people do ... mind my business ... They [police] wouldn't expect me to be [a prostitute], so it's different for me ... I don't think of arrest ... I think of food, or whatever I need, walk different neighborhoods." As a male he recognized that he was "not really profiled"(Juhu Thukral, 2003). This is the experience of many privileged sex workers who do not have to worry as seriously about criminalization.

Despite these challenges many sex workers do get caught engaging in transactional sex. In the face of arrest, other sex workers spoke defiantly: "Cops are not gonna stop me from working the streets. I need to make money. . . . Even if I get arrested, I know I'll be back out in a day or two. The jails can't keep us locked up because there ain't no room in there for us" (McQuiller Williams, 2014). This defiance is a form of resistance that underscores the relationship between sex workers and cops.

## Reporting Crimes to Law Enforcement

For sex workers the most frequently reported barrier to accessing legal services was mistrust of the police and legal system due to their own criminal status and negative experiences with law enforcement (51.7%) (Sloss & Harper, 2010). This was followed by desires for privacy, concerns of being arrested for using substances, and fearing or protecting

others involved in criminal activity (Sloss & Harper, 2010). Sex workers do not report crimes because they have serious concerns that they will not be taken seriously by law enforcement (Miller & Schwartz, 1995; Nixon, Tutty, Downe, Gorkoff, & Ursel, 2002; Sanders, 2001). As confided by a sex worker in Alaska, "I couldn't call the police and be treated like a typical public person" (Burns, 2014). Among street-based sex workers in an Alaskan study, 74% of participants indicated that they had been victim or witness to a crime they had not reported - 39% believed law enforcement would do nothing and 30% believed they would be at risk of arrest if they tried to report (Burns, 2014). In other words, "the police are not here to help you" (Juhu Thukral, 2003).

In these situations LGBTQ folks and people of color report greater barriers reporting crimes. For one trans Latina woman, the police stopped paying attention to the case "when police saw that I am a transsexual girl" (Saunders & Kirby, 2010a). This is particularly true of immigrants who need translation and report discrimination or insensitivity .(Saunders & Kirby, 2010a). As one black woman noted, "my thing, how I was raised, you don't go to the police. You handle it yourself" (Sherman et al., 2015). Law enforcement has always struggled with LGBTQ folks and people of color, the stigma of sex work only compounds this experience.

These suspicions are founded in experience. In this Alaskan study, 52% of participants had tried to report being the victim of a crime while working, but only 44% of these reports were filed (Burns, 2014). When attempting to report a crime law enforcement officers arrested 6% and threatened 33% of sex workers filing claims (Burns, 2014). This is corroborated by sex workers in Hartford, CT who reported violence to the police, but were never brought to justice: "If it was any other girl not turning tricks, the guy would be in jail now, but because it was a whore nothing gets done" (Romero-Daza et al., 2003). Another sex worker from Alaska described how a guy in a truck raped a friend of hers and she knew who he was so she reported him to the police. The police response: "They ignored her. They didn't do anything at all. I don't

know the specific details but I know that she was really frustrated about it and she didn't feel safe at all" (Burns, 2014). Still another sex worker from New York reported how she was being pursued by a slasher that followed her to the precinct: "the police did nothing... they got him and let him go" (Juhu Thukral, 2003). These experiences have lead sex workers to avoid reporting crimes to the police.

Among law enforcement there is a tacit acceptance of violence committed against sex workers with difficulties in attempts to report violence or sexual assault (Juhu Thukral, 2003). These claims are regularly dismissed by law enforcement: "It's a trick of the trade", "Forget it, she works in the street", "you shouldn't have been out there in the first place" (Juhu Thukral, 2003). Even in domestic violence reports among sex workers there is a blatant disregard and even threats of criminalization: "the police don't look at us as victims when we're raped and when we're beaten and stuff like that. If we get into a physical altercation and we have to fight for our lives, we're most likely to be jailed because of it" (Sherman et al., 2015). In many situations sex workers who experience sexual trauma and file a report are exposed to trauma of reliving and having their cases questioned (Campbell, Ahrens, Sefl, & Clark, 2003). While a study of street-based sex workers living in inner-city Harlem reported high rates of rape while working on the streets, few of these cases were ever reported to law enforcement due to the beliefs that law enforcement would disregard their reports and reinforce the stigma and guilt associated with sexual assault (Romero-Daza et al., 2003). These experiences have led sex workers to avoid reporting cases of sexual violence to law enforcement.

In the case of homicides, there is a significant difference in response time between prostitute and non-prostitute homicides. In the U.S. Brewer found that the time to arrest for prostitute homicides was 1 year for 41% of all cases and longer than 5 years for 17% of cases (Brewer et al., 2006). Delays or failures to investigate have been attributed to a lack of information (i.e. no missing persons report), homelessness, and transience (Quinet, 2011). A more comprehensive analysis by Salfati et al. (2008) in the UK cites isolation in high crime

areas, complex forensic sampling, expressed motivations (hatred of prostitutes and sexually active women), and a lack of public interest in the welfare of sex workers, as factors contributing unresolved prostitute homicides - these issues are (Salfati, 2009) These all contribute to increased reluctance by law enforcement to follow up on crimes reported by street-based sex workers.

## Positive Relationships with Law Enforcement

While most sex workers will report difficulties interacting with law enforcement, there are some who appreciate their presence in certain situations. In one study by the Sex Workers Project over 23% (n=7) reported positive experiences with the police, particularly in collaborating with them during police investigations (Juhu Thukral, 2003). These collaborations come with a grain of salt. A sex worker from New York City reported that good interactions occur “only if you’ve got information for them” (Juhu Thukral, 2003). When talking about sex trafficking cases, one sex worker reflected on her experience collaborating with the police: “they didn't really want me they always wanted some-one bigger than me that they can get to give a felony charge to... would I pursue it? Yeah I would, just to see what would happen, honestly. To tell you the truth because I want to make the systems better” (Burns, 2014). These sex workers continue to report to the police because they believe that the potential of catching other criminals motivates law enforcement to investigate these reports and pursue justice.

Sex workers also appreciate law enforcement that can connect them with services for medical treatment and drug addiction. According to a study by the St. James Infirmary in San Francisco some sex workers appreciated interactions with the police as a safety net so they could be brought to jail and detox from substance abuse (Lutnick & Cohan, 2009). As one sex worker in San Francisco confessed: “Well, you know, after a while you start looking bad, you are in the same clothes two or three days, the police notice that, you notice that. You are off the

hook. There have been times where they have taken me to jail just for drinking in public, and just really saved my behind" (Lutnick & Cohan, 2009). The only excerpt I have from a trans sex worker is a 7/11 reported her arrest for attempted robbery reported it as a positive experience, a "turning point... because I needed time to get myself together because out here I was running wild" (Saunders & Kirby, 2010a). These sex workers appreciate punitive measures as a way of getting them off the street and providing them with services. While many sex workers hate the police, others appreciate their presence attempting to collaborate with them to report cases of assault.

## Learning from Policing Practices

From this systematized review we can begin to understand the breadth of human rights abuses experienced by street-based sex workers at the hands of law enforcement. These sources suggest that sex workers are often arrested or framed by law enforcement and that their interaction with police limits their ability to perform daily tasks of living. Street-based sex workers experience verbal harassment, threats of violence, and psychological abuse in order to intimidate and empower them. This can lead to physical violence being kicked or slammed against a police vehicle. Sexual harassment and assault are most commonly reported with reports of coercion either through the threat of arrest or force. In two of our resources police arrested sex workers under suspicion of HIV transmission (Galletly & Lazzarini, 2013; Watch, 2012). These policing practices forced many sex workers to adopt survival tactics that afforded them minimal contact with the police. Many sex workers confessed that they would not approach the police if they had witnessed or experienced a crime because of a history of dismissal and the threat of criminalization. Despite these rights abuses, a few sex workers reported positive relationships with law enforcement - this generally involved arresting a violent

partner or client or placing sex workers in prison for detox, a practice, which a handful of street-based sex workers appreciated.

From illuminating these policing practices through a systematic review of the existing literature we can begin to understand the regular human rights violations that sex workers experience every day and the ways they adapt to the current regime of criminalization. We can also begin to understand the ways the mistrust sex workers have when it comes to reporting crimes and the complicated ways in which sex workers appreciate law enforcement for assisting them in situations of domestic violence or forcing them to detox in prison. Held in conversation, these seventeen articles provide us with an emerging practice in public health scholarship to turn the gaze upwards from sex workers to the laws and policies that police them.

## Regimes of Complicity: Public Health Scholarship

When we speak of regimes of institutional knowledge we must be reflexive in the narratives that public health scholarship pursues and silences through investigative research. Historically, public health researchers have participated in the stigmatization of sex workers as vectors, reservoirs, and bridges in the transmission of STIs such as HIV (Radeloff). This discourse has justified a framework that limits the “rights of the few” for the “good of the many”, legitimizing coercive measures like mandatory testing, treatment, quarantine, and isolation (Anne Forbes, 2009). Through a public health discourse that neglects the voices of sex workers, essentializes populations, erases the unique context in which health behaviors, and focuses on HIV/AIDS, much of existing research has enforced stigma around sex work and promoted bad policy.

While the language has changed (due to push-back from sex workers, activists, and public health scholars from around the world) the way that many researchers engage with sex workers continues to be problematic. Inspired by the growing sex workers rights movement,

public health researchers have switched to terms like 'sex workers', 'male sex workers', and 'female sex workers' but abbreviate them out of convenience to SW, MSW, and FSW. This presents new problems wherein these sanitized acronyms are overused, essentializing the narrative and failing to humanize the complex lives of these marginalized people (Syvertsen, 2012). When research falls short of capturing diversity in sex work, ignores contextualizing behaviors in criminalized environments, and fails to draw links to the health effects of policing, it cannot represent the needs of street-based sex workers.

The work cited in our systematized review is exemplary work coming from public health, law, the social sciences, and community-based collaborations. Not all of the literature around sex work is exemplary. I examined 977 citations across databases on sex work and law enforcement the literature disproportionately reflects on sexual health (including HIV/AIDS), street violence (without explicit mentioning law enforcement), and drug addiction (without mentioning the how drug addiction compounds stigma and increases the risk of criminalization). In the literature, there is also an intense focus on child sexual exploitation and trafficking calling for healthcare professionals to identify victims and collaborate with law enforcement. While these focal points are important, there are issues like policing prostitution that play an important role in the lives of street-based sex workers and are traditionally overlooked by the public health literature.

In conducting this systematized review I found numerous articles on policing prostitution just North of the U.S. in Vancouver and South of the border in Tijuana, yet there seemed to be a gap in the literature when it came to the US. Reports from sex workers rights advocates both in the U.S. and abroad have begun to fill in these gaps. While my approach to outside literature is not as systematized or comprehensive, I seek to hold up it up against some of the less exemplary peer reviewed scholarship in the US as a way of signaling the world of work that is possible through a critical understanding of policing and sex work. In this I can begin to explore common pitfalls in the US criticizing work that: 1) ignores the acute needs of vulnerable

communities in street-based sex work; 2) fails to contextualize sex work in a criminalized environment; and 3) avoids the links between policing and health. While many of these problems are not unique to public health or the US, reports published by community organizations and international public health research has begun to engage with these difficult questions. Bringing it all together, I will study the ways that recent HIV/AIDS research has begun to address these pitfalls. Finally, I will address some of the larger structural limitations in the public health scholarship that have historically silenced critical research around sex work over the last decade, but are now opening up the field to more innovative research.

## Focusing on Vulnerable Communities

When conducting research with sex workers it is important to recognize that those that engaged in street-based sex work have different health outcomes and are policed differently based on their class, race/ethnicity, gender expression, and sexuality. Through a critical understanding of intersectionality I hope to explore the interdependent and mutually constitutive relationship between social identities and structural inequities (Bowleg, 2008; Collins, 2002; Shields, 2008). These identities are not additive, but synergistic posing unique challenges and opportunities (Collins, 2002; Purdie-Vaughns & Eibach, 2008). Critical public health research around street-based sex work brings in a thoughtful analysis of identity and structural inequality elucidating the ways that certain communities may be more at risk of structural stigma, criminalization, and negative health outcomes.

Sex work has traditionally been perceived as a female profession with profound consequences on the ways that police enforce prostitution law. According to reports using the National-Incident Based Reporting System (NIBRS) only 70.5% of men engaging in sex work were taken into custody compared to 86.2% of women engaging in the same activities (Vandiver & Krienert, 2007). In this same research, the author notes that men were more likely

to be arrested alone and released soon afterwards, while females were more likely to be arrested with another and taken into custody (Vandiver & Krienert, 2007). While male sex workers are often erased in the discourse, female sex workers are more at risk of criminalization and harm. In our final literature review, only three of the seventeen US studies recruited male sex workers (Burns, 2014; Juhu Thukral, 2003; Saunders & Kirby, 2010a) - none of them focus exclusively on their relationship with law enforcement. Critical work around the experience of male sex workers with law enforcement has been done in Mexico, Argentina, and the UK (Disogra, Mariño, & Minichiello, 2005; Liguori, Aggleton, & Aggleton, 1999; Whowell, 2010). This may be attributed to the assumption that male sex workers have fewer encounters with law enforcement or it could have been an issue in recruitment. Due to the frequent engagement of young trans people in sex work and vulnerability to police violence, there is a growing body of work in the U.S. on the experience of trans sex workers with law enforcement - in our systematized review two studies included trans sex workers in their analysis (Juhu Thukral, 2003; Saunders & Kirby, 2010a) and two more focused exclusively on the experience of trans sex workers (Edelman, 2011; Nemoto et al., 2011). This reflects the international shift to include the experience of gender non-conforming sex workers and their exposure to state violence in India, Sri Lanka, and Turkey (Atluri, 2012; Bayramoğlu, 2013; Nichols, 2010). While the US literature discusses the experience of police violence among a mixed-gender cohort, there is no work exploring the differences in the practices and arrest rates for different gendered communities under prostitution law. Around the world there are numerous quantitative (Collumbien & Qureshi, 2009) and qualitative (Zengin, 2009) studies that compare the experiences of male, female, and trans or gender non-conforming sex workers with law enforcement.

Race and ethnicity also play an important role in the way that prostitution is policed in the US. Among the general US population, police are more likely to stop blacks and Latinxs (Ridgeway, 2006) and use excessive force as compared to their interactions with Whites

(Walker, Spohn, & DeLone, 2011). Only Sanchez's (1997) article discusses the way that black sex workers are at increased risk of prostitution law enforcement due to the racial segregation of neighborhoods and decentralization of police departments into low-income local precincts where low-income communities of color have been relegated (Sanchez, 1997). This peer-reviewed literature can be supplemented by some of the excellent community and policy reports released on the enforcement specific laws in the US. BREAKOUT! (2014) in New Orleans reported that 54% of the respondents of color reported being profiled as sex workers, compared with 17% of White respondents - this suggests that laws around 'idling and loitering for the purposes of prostitution' are applied inconsistently among trans and gender nonconforming youth of color by race/ethnicity (BreakOUT!, 2014). The Williams Institute (2015) reports that black and Latinx people made up 67% of HIV criminalization charges and were significantly less likely to be released without a charge (Amira Hasenbush, 2015). Outside of the US race and ethnicity are perceived in different ways making it difficult to look at the international literature. More work needs to be done to understand the ways that race and ethnicity in the US affect the policing of sex work and how this, in turn, contributes to health disparities.

A lot of the international literature around the policing of gender and sexuality through prostitution law provides us with the foundation for future scholarship in the US. Local grassroots reports from sex work advocates can provide us with a more culturally relevant understanding of the way race and ethnicity are policed by prostitution law here in the US. Through this brief exploration on the literature around gender and sexuality, race and ethnicity, I can begin to highlight the ways that vulnerable communities are targeted by police and suggest future scholarship to understand their unique experiences in the system.

## Contextualizing the Behavior of Sex Workers

The failure to contextualize health disparities between street-based sex workers and others in the fundamental causes of poverty, homelessness, and criminalization perpetuates sex workers as a stigmatized class of people that engage in violent behaviors, drug addiction, and illegal activity. Public health funders continue to fund researcher-controlled or institution-dictated approaches that do not collaborate with sex workers and focus on individual behaviors rather than the structures that limit their agency.

The sources that made it through the systematized review process necessarily contextualized the behavior of street-based sex workers in a criminalized environment, interacting with law enforcement. Countless other studies did not make it through our systematic review, because they discussed the experience of sex workers without once mentioning the police or the fact that they were engaged in criminalized activities. In this section I draw upon two examples that did not make it through the full review process to discuss the challenges of decontextualization. Irrespective of whether the focus of research is criminalization, public health scholars must contextualize the behaviors of street-based sex workers in this environment or be at the risk of essentializing sex work and its outcomes to selling sex and/or supporting harmful policies.

In failing to contextualize research as a criminalized activity under law enforcement, researchers can attribute health outcomes to selling sex. In 'Prostitution, Violence, and Posttraumatic Stress Disorder' Melissa Farley (1998) focuses on the connection between sexual assault as adults and threats of abuse during sex work in the U.S. (Farley & Barkan, 1998). Nowhere in this well-cited paper is the criminalization of prostitution or the harms of policing mentioned despite the constant threat of violence from law enforcement and the underlying stress of constant surveillance. Instead, sex workers are described as a community with uniquely high rates of mental illness and low life expectancies. Without a critical examination of

the fundamental causes of poverty, homelessness, and criminalization, researchers can attribute post-traumatic stress disorder to sex work advocating for the abolition of prostitution and further stigmatization of sex workers.

Without contextualizing the behaviors of sex workers in a criminalized environment public health researchers can also support harmful policies. Despite the coercive approach and legal repercussions of a U.S. 'Health Hold' arresting sex workers for HIV/STI testing, Potterat et al (1999) wrote that the policy "caused little harm and accomplished much good" arguing that since sex workers (termed a "human form of resistant strain") agreed to medical check-ups they accepted the program and "viewed involuntary detention as an irritating inconvenience" (Potterat, Rothenberg, Muth, Woodhouse, & Muth, 1999). Without considering the repercussions of arrest on the health and human rights of sex workers, well intentioned public health researchers, practitioners, policy makers can support laws that increase the policing of sex work perpetuating stigma and violence.

When research falls short of contextualizing the actions of street-based sex workers in the larger social, economic, and legal context it fails sex workers by attributing harm to the act of transactional sex, promoting coercive measures, and perpetuating stigma.

## Failing to Research Health Effects of Policing

In 2002 the World Health Organization classified the use of excessive force by law enforcement as a form of violence, (Krug E, 2002). Since 2004 public health researchers in the U.S. have called for the formation of partnerships with communities and the police to explore the implications of police violence on population health and identify strategies to that reduce discriminatory arrests, harassment, theft, violence, sexual assault (Cooper, Moore, Gruskin, & Krieger, 2004). In the wake of #BlackLivesMatter and publicized incidences of police brutality, the APHA (2014) called for the "surveillance on the health consequences and prevention of

police violence, particularly exploring the disproportionate burden of morbidity and mortality among people of color and immigrant populations” (Association, 2014). Unfortunately the literature around policing and health is limited. All of the US-based studies that made it in our systematized review necessarily discussed the practice of policing sex work, but none of them discussed the health effects either quantitatively or qualitatively (with the exception of a few excerpts that described injuries from police violence). More work needs to be done to connect the practices of policing with their health effects.

The ways that criminalization affects access to health care is concerning. In the health literature, street-based sex workers in the U.S. are prone to injuries, emotional stress, and other infectious diseases (Alexander, 1998). Repeated stress among U.S. street-based sex workers includes: injuries to the wrist, arm, or shoulder attributed to hand jobs; jaw pain with repeated fellatio; knee pain from working in crouched positions; foot problems from walking the streets in uncomfortable shoes; and back problems related to poorly supported beds or massage tables (Alexander, 1998). Other sex workers have reported repeated bladder and kidney infections during their first year due to irritation and inadequate hygienic practices (Alexander, 1998). Many of these problems could be addressed by visiting a general health care provider. Public health researchers in the U.S. have acknowledged that street-based sex workers are less likely to access medical services due to structural (e.g., program target population, travel costs, office hours, and social stigma) and individual (e.g., drug use, mental stability, and fear) limitations - in none of these studies is fear of law enforcement ever mentioned (Surratt, Kiley, Inciardi, & Kurtz, 2005; Underhill et al., 2014; Varga & Surratt, 2014). In Vancouver, social mapping with ArcGIS software has demonstrated the ways that policing prostitution has prohibited sex workers from accessing health and harm reduction resources (K Shannon et al., 2008). Future research should disentangle how these injuries are connected to law enforcement practice or how avoidance of the police places sex workers in riskier environments where they experience physical harm.

While there is no existing literature connecting police behavior to the mental health and well-being of street-based sex workers, it is important for us to begin to untangle the effects of state violence from the stigmatization, drug-abuse, and poverty that have profound effects on the psychosocial. According to one of the few studies on the mental health of sex workers in the U.S., 50% report having at least one psychiatric disorder over the last 12 months (compared to 22% in U.S. adult women) with high rates of mood disorders (30%), anxiety (34%), and post-traumatic stress syndrome (13%) (Rössler et al., 2010). Another study of 889 street-based sex workers in the Midwestern of the U.S. reported that pregnant women with prostitution experiences were more likely to report that they received a mental health diagnosis such as posttraumatic stress disorder, bipolar mood disorder, major depression, or schizophrenia (Perdue et al., 2012). Literature around stop-and-frisk programs in the U.S. suggests that black and Latinx men under constant threat of harassment and arrest tend to report more symptoms of trauma and anxiety based on the number of stops reported, intrusiveness of encounters, and perceptions of police fairness (Geller, Fagan, Tyler, & Link, 2014). Public health scholars in the U.S. need to extend this research to the experience of street-based sex workers who are constantly interacting with law enforcement. While these mental health issues are personally experienced, they are driven by forces of structural stigma, the threat of violence, and other stresses associated with street-based sex work.

Criminalization has profound effects on the risk of violence and HIV infection among street-based sex workers. In the US, public health researchers have shown how the confiscation of needles by law enforcement increases risk of HIV infection (Cooper, Moore, Gruskin, & Krieger, 2005). While no public health study has yet to test the association between 'condoms as evidence' practices and HIV rates among street-based sex workers, more work needs to be done on these practices in the U.S. In Canada, public health researchers have explored the ways that policing sex work can lead sex workers to mistrust police, rush screening clients, and trade sex in outlying areas with increased risk of violence and forced unprotected

sex (Krüsi et al., 2014). These studies suggest that the policing of drug-use and sex work have profound effects on violence and HIV risk.

Finally researchers in the U.S. need to understand the effects of police force on sex workers. Among the seventeen articles that made it through our systematized review only three discussed the threat of physical abuse by law enforcement (Burns, 2014; Juhu Thukral, 2003; Sloss & Harper, 2010). This violence often falls disproportionately on people of color and/or trans or gender non-conforming sex workers. According to research from the Harvard Health Review, police officers kill black people at disproportionately higher rates than whites in the US (Krieger, Kiang, Chen, & Waterman, 2015). In the series of police shootings in 2015, two black trans sex workers Mya Hall and Brittany Flemming were respectively killed and injured by law enforcement (Romano, May 3, 2015). Public health researchers in the U.S. need to begin to work with law enforcement to collect data on injuries and deaths of sex workers at the hands of the police.

This section serves as an overview of the many health issues sex workers are facing, while opening the way for a more critical investigation of the occupational and mental health effects of criminalization. While it is difficult to tease apart the many factors that contribute to increased occupational and mental health problems, this work calls for future research that addresses the complicated experiences of street-based sex workers. In the US, the VERA Institute of Justice (2015) published 'First Do No Harm: Advancing Public Health in Policing Practices' recommending collaboration between law enforcement and public health practitioners to minimize arrests around harm reduction clinics, create overdose prevention programs, develop collaborative diversion programs with public health metrics and incentives (David Cloud, 2015). While these recommendations allow for the collection of better data on arrests and health outcomes, they also connect services to interactions with law enforcement - future work needs to untangle the health effects of these diversion programs on the health and well being of sex workers.

## HIV/AIDS: A Unique Case Study

One health issue that has begun to address the impacts of policing is HIV/AIDS.

HIV/AIDS research has recently shifted to a more environmental model that focuses on the health risks of structural stigma and violence. This framing is essential and can provide insight on the ways that other health outcomes can be impacted by the criminalization of street-based sex work. More research needs to be done relating other health risks including physical violence, sexual violence, and dangerous drug use drawing connections to the conditions created by state policies around sex work.

In 2014 the Lancet released a special series on HIV and sex workers investigating the complex issues faced by sex workers worldwide and eventually calling for the decriminalization of sex work in the global effort to end HIV/AIDS. These reports follow attempt to map out an ecological model of HIV that takes into consideration the laws and policing practices that criminalize sex work. Most pertinent to this work is the research done by Decker (2015) on HIV and human rights of sex workers facing abuses at the hands of the state. In countries that criminalize sex work anywhere from 4-75% of sex workers report arrests where the lawfulness is arbitrary or unclear (Chen et al., 2012; Deering et al., 2013; Esausquin, Reed, & Blankenship, 2011; Mayhew et al., 2009; Pando et al., 2013; Richter et al., 2014; Yi et al., 2012), with 21-29% experiencing police raids (Esausquin et al., 2011; Shahmanesh et al., 2009). Fear of these arrests has been associated with a greater risk for unprotected sex (Kate Shannon et al., 2009) and argued to be a barrier for HIV testing (Jie et al., 2012). In particular, arrests through raids has been associated with client perpetrated violence (Esausquin et al., 2011), unprotected sex (Esausquin et al., 2011; Zhang et al., 2013), STI/HIV symptoms and infection (Braunstein et al., 2011; Chen et al., 2012; Esausquin et al., 2011; Pando et al., 2013). Police extortion is also commonly reported among 12-100% of sex workers (Arnott, Crago, & Africa, 2009; Beletsky et al., 2013; Crago, 2009; Esausquin et al., 2011; Goldenberg et al., 2012; Mayhew et al., 2009;

Strathdee et al., 2011) undermining sex workers' ability to obtain protection from the police and prompting them to take on riskier clients or behaviors (Arnott et al., 2009) associated with inconsistent condom use and STI symptoms (Erausquin et al., 2011). During these arrests law enforcement have worked against harm reduction by confiscating condoms (Erausquin et al., 2011; Project, 2012) and syringes (Beletsky et al., 2013; Strathdee et al., 2011) using them as evidence for prostitution and drug-use. Among sex workers 7-89% report sexual violence at the hands of law enforcement (Beletsky et al., 2013; Crago, 2009; Michele R Decker et al., 2012; Erausquin et al., 2011; Goldenberg et al., 2012; Hawkes et al., 2009; Mayhew et al., 2009). This has been shown to be significantly associated with accepting more money for unprotected sex, inconsistent condom use, STI symptoms (Erausquin et al., 2011), and STI/HIV infection (Michele R Decker et al., 2012). While this comprehensive report describes how human rights abuses affect HIV risk among street-based sex workers, only two original research articles discussing policing practices around prostitution in the US are even mentioned (Nemoto et al., 2011; Watch, 2012). In the US, the health effects of policing sex work still lie at the margins of the cannon in public health, yet much of the groundwork has already been laid by amazing community organizations and advocacy groups.

In order to critically address HIV/AIDS public health researchers in the U.S. must address structural issues. The Lancet series on HIV and sex work criminalization has begun to lay the foundation connecting certain policies with health outcomes. According to the series there are serious policy steps that could be taken to reduce HIV incidence among sex workers globally including decriminalizing sex (33-46% reduction in incidence), safer work environments (21-45% reduction in incidence), antiretroviral therapy (9-34% reduction in incidence), and elimination of sexual violence (17-20% reduction in incidence) (Beyrer et al., 2015). There are no specific estimates for the U.S. These approaches are rights-based seeking to create a "transformed climate transformed social climate in which stigmatization and discrimination themselves will no longer be tolerated" (Aggleton & Parker, 2002) In the UNAIDS Guidance

Note for HIV and Sex Work (2008), the Secretary-General Ban Ki-Moon openly supports outlawing discrimination and calls on law enforcement to stop abusing sex workers (HIV/AIDS, 2008). These calls for action effectively utilize public health data to advocate for the human rights of sex workers.

The only problem I see with this research is that it frames criminalization as a problem of 'HIV/AIDS.' In framework, the reason for policy reform lies in decreasing the transmission of STIs, not necessarily in advocating for the sex worker as a whole person. Framing it as a problem contributing to HIV/AIDS is real, but it more importantly it serves as a pragmatic tool for policy reform as this argument allows public health researchers and advocates to work on more neutral territory with law enforcement and get funding around HIV/AIDS work. This work is important, but health researchers in the U.S. must move beyond these frameworks to critically look at the ways criminalization has led to human rights abuses and poor health outcomes beyond sexual health.

HIV/AIDS serves as an excellent example of the kind of public health research that can be done around policing practices and sex workers health. Through a deep understanding of the effects of criminalization, it is possible to fight the spread of HIV without colluding in state violence. As public health scholarship moves towards understanding of the risk environment, it must not lose sight of the occupational and mental consequences of police encounters drawing links between these experiences and long-term health.

## Funding and Emerging Opportunities

This section lays the groundwork for a more responsible approach in public health scholarship towards street-based sex workers. While public health as a scholarly discipline must be held accountable for its complicity, this type of research has also been forced to operate in a

system with limited resources and policies that actively avoid the issue of sex work. During the Bush administration (2001-2009) the President's Emergency Plan for AIDS Relief (PEPFAR) required those seeking funding to take an 'Anti-Prostitution Loyalty Oath' (APLO) refusing to provide funds that "may be used to provide assistance to any group or organization that does not have a policy explicitly opposing prostitution and sex trafficking" (Congress, July 10 2003). The US House of Representative went so far as to amend the NIH budget in 2003 and rescind funding from a study on undocumented sex workers in San Francisco (Congress, July 10 2003). These actions effectively prohibited funding from any applicant that supported the decriminalization of sex work, denying funding from sex workers rights groups and the researchers who collaborated with them (Michele R Decker, Beyrer, & Sherman, 2014). Around half of the 162 principal investigators whose NIH grants were scrutinized during this period self-censored red flags (such as AIDS, gay, sex worker, harm reduction, etc.) from their submissions, reframed their research interests to receive funding, and even changed jobs (Kempner, 2008). Since then the Obama administration has worked to change this political climate and with the support of the US Supreme Court struck down the APLO as a violation of free speech (Matthews, 2013-06-20). There is now considerable funding for public health research around sex work.

Despite this the US government continues to remain silent on the national needs of sex workers. The National HIV Behavioral Surveillance System (NHBS) fails to track HIV incidence and prevalence among sex workers, while the CDC includes them under the heading of "heterosexuals at risk of HIV infection" failing to identify the engagement of LGBTQ folks in sex work. According to some of the leading researchers in sex work, this "dearth of data [that] stymies our ability to develop a national HIV response for those in sex work, and perpetuates their invisibility and marginalization in US policy and interventions" (Michele R Decker et al., 2014). In her work on the future of HIV/AIDS policy, Anna Forbes writes how the U.S. must begin to acknowledge sex workers by following WHO and UNAIDS best practices collaborating

with sex worker-led organizations (Anna Forbes, 2015). In this way public health researchers can begin to engage with sex workers more humanely and begin collecting national data around health and human rights.

Public health research lies at a crossroads. Alongside sex worker communities, academics in public health in the US should commit itself to a critical analysis of the ways that criminalization and policing affect the health and wellbeing of sex workers. These steps would begin to address the radio silence around sex workers and allow for funded studies that begin to address sex workers health and human rights.

## Conclusion

While public health scholarship has shown that it can be coercive and complicit in the human rights abuses of the state, it can also be radical, redefining our understanding of health and human rights. In Jonathan Mann's 1994 vision of 'Health and Human Rights' he proposes a framework for exploring potential collaborations between the field of public health and the law that includes (1) evaluating the impact of health policies, (2) assessing rights violation and their effects on health, (3) and promoting a vision of health that is "inextricably linked to promotion and protection of human rights and dignity" (Mann, 1996). Following this framework, my research seeks to (1) evaluate the impacts of criminalization through the narrow lens of street-based sex workers' relationships with law enforcement (2) bring light to rights violations and the ways they are linked to health outcomes (3) and propose a vision of public health research that can sustain the health and human rights of sex workers in the U.S. Operating within the radical framework of health and human rights, this work needs to be deeply intersectional, contextual, linked to health, and collaborative.

This work must be intersectional in its exploration of the "interlocking systems of privilege and oppression at the macro, social-structural level" (Bowleg, 2012). While this is a call

for more research on street-based sex workers begs researchers in the U.S. to explore intersections of gender expression, sexuality, race/ethnicity, and socioeconomic status on the way that law enforcement interacts with street-based sex workers (Braveman & Gruskin, 2003). Through this framework of health and human rights I hope to encourage greater attention to the health and human rights of sex workers living in the U.S. and abroad.

This work must also be deeply contextual. In public health research, sex work is often cited as a risk factor without considering the context -- factors such as stigma, social support, and socioeconomic status which are 'fundamental causes' of illness and poor health outcomes (Phelan & Link, 2013). Through Link and Phelan's framework of stigma and social conditions this work seeks to move beyond sex work as a 'risk factor' by focusing on the enforcement of prostitution law and the resulting abuses that compromise health and human rights (Link & Phelan, 1995). In this way public health researchers can begin to be critical of the underlying factors that influence the health of street-based sex workers.

Although public health research is often presented as an objective scientific process, it is a highly political endeavor that should be used to explore the health of sex workers as they relate wider social, political, and economic contexts (Freedman, 1995). There needs to be greater linkages between the practice of policing and the health of criminalized populations. Following the 2002 call by the WHO and 2014 call by the APHA, we in public health need to understand the ways that policing contributes to the health and well-being of sex workers operating in criminalized environments.

Finally, this work must be done collaboratively seeking to foster community empowerment. Community empowerment is defined as a "community-based process via which sex workers lead and have the opportunity to gather, organize and mobilize around their priorities and needs, and identify solutions related to their health and well-being that promote and protect their dignity and rights as human beings and as workers" (Evans & Lambert, 2008). Empowerment must be considered social process, which does not focus on a specific disease,

but aims to challenge power structures that inhibit the health and well-being of a group altering the social, political, and material conditions of sex work (Evans & Lambert, 2008). While researchers seek to address behaviors and assess the effectiveness of interventions through health outcomes, sex workers see community empowerment as an end in itself, irrespective of the impact on health outcomes (Projects, 2012). Across the country community organizations and sex worker advocates are releasing reports around the policing of sex work and the human rights abuses that follow. In New York City the Sex Workers' Project has released numerous reports including "The Revolving Door: An analysis of street-based prostitution in New York City", "Behind Closed Doors: An analysis of indoor sex work in New York City", "Use of Raids to Fight Trafficking: An analysis of the use of law enforcement raids to fight trafficking in persons", and "Public Health Crisis: the impact of using condoms as evidence of prostitution in New York City" (Juhu Thukral, 2003). In Alaska, sex worker advocate Tara Burns has released a report entitled "People in Alaska's Sex Trade: Their Lived Experiences And Policy Recommendation" which details the human rights abuses and health effects of Alaska's new trafficking laws (Burns, 2014). In the San Francisco St. James Infirmary, researchers Deborah Cohan and Alexandra Lutnik have worked tirelessly to report the health needs and perspectives of criminalization among a diverse cohort of sex workers (Lutnick & Cohan, 2009). And across the U.S. SWOP chapters are publishing reports on the lived experiences of sex workers and their encounters with the police. All this is not to say that there aren't public health researchers in the U.S. studying the policing of sex work - the public health researchers highlighted in this systematized review have begun to lay the foundation for how to engage in this scholarship - rather, it is to advocate for future collaborations between public health researchers and sex workers on their lived experiences in the criminal justice system.

We are in a national moment where the U.S. is renegotiating its relationship with law enforcement. As public health researchers it is our responsibility to engage with sex workers collaboratively to look at the health effects of criminalization and policing in these communities.

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