



REVOLVING DOOR

An Analysis of Street-Based Prostitution in New York City

The Urban Justice Center

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URBAN JUSTICE CENTER

Sex Workers Project

Executive Summary

"People need to understand, every hooker is not out there because they want to be, ... [there are] circumstances that keep people out there ... there are young kids out there . . . voices that need to be heard ... You can say, 'Get off my corner and move,' but you don't know if that person has any place to go to, you don't know if that person has just been beat up, or forced to be out there." - Charlotte

Introduction

Police and prostitutes¹ engage in a cat-and-mouse dynamic, in which the police seek to control the activities of prostitutes, and prostitutes respond by trying to avoid them. This report examines the impact of law enforcement approaches to street-based sex work in New York City and proposes a series of policy and practice recommendations for reform based on the researchers' analyses of the data collected.

This report also seeks to promote reasoned, fact-based, and informed debate regarding street-based prostitution in New York City. Public discussion of this issue usually occurs in flashy headlines that are meant to titillate rather than to explore the consequences of policy decisions in depth. This is a special effort to give voice to the problems faced by street-based sex workers, using their own words, since this is a voice that is almost always left out of policy debates. We propose recommendations based on programmatic possibilities that can create effective solutions for this population and the broader community.

The researchers focused on street-based prostitution primarily because these sex workers have the greatest contact with law enforcement and with the community at large, and thus receive the majority of police attention. Most are economically deprived and vulnerable. Current law enforcement approaches include arrest or giving a summons or desk-appearance ticket, often during the course of police sweeps (the practice of arresting all women or all people in a known prostitution area, temporarily removing prostitutes from the street.) However, this police strategy often results in women being falsely arrested or experiencing harassment. Moreover, as a result of these approaches, most prostitutes who have faced violence do not consider turning to the police for help. This problem is compounded by the fact that police do not always respond to the complaints of sex workers. In some instances, this has led to violence against prostitutes being ignored even when it is reported to police.

This report is entitled "Revolving Door" to reflect the phenomenon of frequent arrests that result in prostitutes repeatedly going in and out of the court system, spending nights at Rikers Island or in court pens at enormous expense, and coming back out only to face the same situation, with no lasting change or benefit to prostitutes or the surrounding community. This cycle is not merely ineffective, but it is tremendously expensive: people convicted of prostitution and prostitution-related offenses who are sentenced to jail serve their sentences in City jails at the cost of \$64,000 per year, \$175 per day.² To this must be added the costs of law enforcement and the operation of the criminal court system, plus the human cost - not measurable in monetary terms, but very great nonetheless - of criminalizing people who could instead be helped to become self-sufficient at far lower public expense. A change in official policy towards prostitutes including provision of long-term housing combined with provision of intensive and effective services are critical in order to end this cycle of arrests.

Key Findings

The sample consisted of 30 street-based prostitutes. Interview sites in Brooklyn, Manhattan, and the Bronx were chosen with cooperating organizations that directed researchers to currently active prostitution areas. Although the sample size was small, the researchers were consistently told very similar things from subjects with very different demographic profiles. This supports a conclusion that the information presented was indicative of the general situation of street-based sex workers. Additionally, service providers and advocates were able to corroborate some of the information we received and attest to the general reliability of the respondents.

Problems faced by respondents included homelessness, substance dependency, and extreme poverty and desperation at levels that are far worse than in the general population. These problems are significant factors underlying the continued presence of this population on the streets. The majority of respondents also reported police abuses and

¹Sex work is a term used to refer to all aspects of the legal and illegal sex industry. In this report, however, the term sex worker and prostitute are used interchangeably because all subjects for this report were prostitutes.

²Correctional Association (2002). Basic Prison & Jail Fact Sheet http://www.correctionalassociation.org/prison_facts.htm (May 15, 2003).

disregard for violence directed towards street-based sex workers.

Demographics

- Out of the 30 sex workers interviewed, 11 were Latino, 5 were white, 10 were African-American, 3 were Asian and of mixed heritage, and 1 person declined to answer the question.
- 28 respondents were women, 3 of whom were transgender women. 2 male sex workers were interviewed.
- All subjects reported they were 19 or over, and ranged in age from 19 to 53 years old. Respondents entered the sex industry at extremely diverse ages, ranging from 13 to 50.

Housing

- 26 respondents (87 percent) among the street-based sex workers had unstable housing situations. Only 4 reported having stable housing. While most reported having a place where they could go, few street-based sex workers had homes of their own. They reported staying in single-room occupancy hotels (SROs), hotels, shelters or sharing a room with friends or associates (in SROs and hotels.) Some paid to sleep in crack houses, some stayed with friends as much as they could, while a few said that they tried not to sleep because it was dangerous to sleep without a place to go. These respondents worried about robbery, rape and other violence.

Substance Dependency

- Researchers asked respondents to state the first thing that they paid for with money earned from prostitution, using this response as a barometer of substance dependency. 25 respondents (83 percent) were affected by substance dependency, and 5 subjects were occasional users or did not use drugs at all.

Alternative Sentencing/Mandated Services

- 15 subjects (50 percent) had never been offered any services as a result of an arrest. 15 subjects (50 percent) had been offered some type of services or alternative sentencing as a result of an arrest, such as doing community service or going to a class for a few hours. However, only 1 of the subjects was offered in-depth or long-term services. For 14 of the 15 subjects (93 percent) who had been offered a mandated service, the service offered was a two-hour health class covering information on sexually-transmitted diseases, including HIV. One problem with mandated services was that subjects would often not appear for services and then a warrant was issued for their arrest. Once arrested for having failed to show up for mandated services, the subjects then served a much lengthier jail time than they would have originally served.

Family Situations

- 9 respondents had no children. 21 did have children. The children of the 13 interviewees with minor children almost universally lived with other family members. Many subjects recognized that they would need to stop using drugs in order to regain custody of their children.

Police Interactions

Run-Ins and Harassment

Researchers asked how often respondents had “run-ins” with police, meaning interactions that were not initiated by the respondent. Responses were placed on a scale from 1 to 5, where 1 meant that the respondent had no non-initiated contacts with police, while 5 meant that the respondent had near-daily or daily non-initiated contacts with police.

- 21 street-based sex workers (70 percent) described near-daily police-initiated interactions with law enforcement, which were scored 5. Such interactions were not always related to criminal activity. Many of these respondents described being unable to accomplish non-criminal tasks like shopping for groceries and riding the subway without law-enforcement initiated interactions with police. These interactions included but were not limited to ticketing and arrest.

- Respondents interpreted high frequency of police-initiated interactions as harassment, especially where the respondent was engaging in no criminal activity at the time of such contact. Respondents experienced police harassment in different ways. For some, harassment was police-initiated contact including sexual situations, violence and threats of violence, whereas for others harassment was often reported as false arrests. Sexual situations included inappropriate touching, extortion of sex (sometimes in exchange for not making an arrest) and rape.

- In the Bronx, respondents reported that interactions were more common with off-duty officers and respondents reported far lower rates of arrest than in other areas. Respondents in the Bronx and in Bushwick, Brooklyn, described sexual and non-sexual harassment and reported that they were paid for some sexual interactions with police officers. Law enforcement crackdowns on prostitution are not uniform across New York City. In both sites in Brooklyn, respondents reported high numbers of arrests and ticketing related to prostitution and other activities, including nuisance charges such as traffic violations for pedestrians. On the other hand, respondents in the Bronx reported few prostitution-related arrests and few tickets, which tended to be given for offenses such as violating the open container law.

Police Violence and Sexual Harassment

- 9 respondents (30 percent) told researchers that they had been threatened with violence by police officers. 8 reported experiencing violence at the hands of police.

- 5 respondents (17 percent) described sexual harassment by police. 1 respondent reported being raped by a police officer. Another respondent described extreme incidents of sexual harassment. Sexual harassment included officers intimating that they would give arrested women cigarettes in exchange for sex. One woman reported stalking behavior by a police officer. Transgender women described similar issues with harassment, but also described specific differences relating to officers checking their genitals and making comments about their gender.

Arrests

- Many interactions with police led to arrests, for both prostitution-related offenses and others, including drug-related arrests. 28 respondents had been arrested in the twelve months prior to being interviewed. 2 others had more than 10 arrests, the most recent being in the 15 months prior to the interview. These two had changed their work habits in order to decrease their interactions with law enforcement officers. Numbers of arrests varied greatly, ranging from 1 to more than 50. A total of 9 respondents reported 10 or more arrests.

- Respondents' descriptions of arrest include experiences with violence, sexual situations of varying extremes, false arrest, and police sweeps

False Arrests

- 23 respondents (77 percent) reported having been subjected to false arrest at some point. A positive response to this question meant that the subject interpreted the charges leveled against them as not being an accurate description of what they were doing. This was commonly related to sweeps.

Attempts to Avoid Police Interaction

- Research subjects described practices they developed that they hoped would allow them to avoid police contact. These include changing or varying their locations, schedules and practices in attempts to decrease the possibility of interactions with law enforcement. They use these methods to avoid both arrest and harassment.

- Respondents reported using similar methods to avoid police, including frequently changing times and locations of their work, dressing conservatively, taking care to avoid engaging in obvious behavior while soliciting customers, and assessing whether a potential customer is an undercover police officer.

Good Police Interactions

- Not all prostitute-police interactions are arrest-oriented or negative. 7 subjects (23 percent) reported that they had positive experiences with police, most notably when they reported domestic violence situations.

- One respondent reported a good experience with the police following violence from a client. Experiences that

respondents viewed as positive included instances that other civilians would take for granted, such as police taking reports of violence and following up on these reports.

Violence From Customers

- Respondents most frequently cited violence and danger, including difficulties with the police, when asked what most makes sex work difficult. 24 out of 30 respondents (80 percent) experienced either violence or threats in the course of their work. 18 out of 30 respondents (60 percent) had experiences with male clients who became violent or tried to force them to do things they did not want to do. These problems include rape, assault and robbery.

Safety precautions

- All subjects employed safety precautions in their work. Respondents described a preference for obtaining as customers people previously known to them, relying on gut feelings and retreating from perceived danger in order to avoid violence, as well as self-defense tactics. Women in Bushwick and Coney Island, locations with a large amount of street commerce, described cooperating with other sex workers in order to enhance their own safety. Condom use was also mentioned as a safety precaution.

Reporting Violent Incidents To The Police

- Crimes against prostitutes usually go unpunished. There is a tacit acceptance of this form of violence, usually committed against women. The overwhelming majority of respondents did not go to the police after they experienced violent incidents. Street-based sex workers described enormous difficulties in their attempts to report prostitution-related violence to the police, many of them laughing and saying “no” or “of course not!” when researchers asked follow-up questions about customer violence with questions about whether they had gone to the police for help. Others who attempted to report violent crimes were told by the police that their complaints would not be accepted, that this is what they should expect, and that they deserve all that they get. When these women experienced further violence, they did not turn to the police.

- Prostitutes often encounter the popular belief that it is not possible for a prostitute to be raped. Sex workers have limits to what they are willing to do with clients, and all acts and money to be exchanged are negotiated beforehand. Rape is a violent encounter with painful consequences for prostitutes just as much as for anyone else. The tacit acceptance of such violence, represented by indifference to these crimes on the part of the police and society, only encourages such violence.

Working

Work Locations

- Subjects reported having sex in various venues including deserted areas and cars as well as hotels and apartments/ customers’ residences.

Working Indoors v. Outdoors

- 17 respondents reported that they would prefer to work indoors entirely. Explanations for their continued outdoor work included the lack of any private space in which to receive clients, the reluctance of indoor venues such as brothels or escort services to employ women with substance dependencies, difficulties in maintaining the fixed schedule of an indoor venue (particularly in the case of subjects with substance dependencies), and the difficulty of meeting or making contact with clients without being present on the street.

- A number of street-based sex workers described making arrangements with clients by telephone or setting up pre-arranged appointments in other ways. Although this was often complicated by factors such as the lack of a telephone, many subjects made the effort in order to avoid interactions with the police and with dangerous johns.

Other Street Personalities

- No respondents in this sample had “pimps” or were in stereotypical “pimping” situations, as elicited by researchers’

questions about sharing money from prostitution.

- 5 respondents described their interactions with men whom one respondent labeled “so-called pimps.” All five of these women were clear that they wanted no part of such a relationship. They were not approached again and were not intimidated by these encounters.

Work History

- All respondents were involved in commercial sex for financial reasons. The majority (22 of 30) of street-based sex workers named substance dependency as the reason they continued to work on the streets - they were able to support their drug habits in this way. People with substance dependency are frequently unable to meet the demands of regular employment. The street has no schedule constraints, unlike more structured environments such as brothels or legal work.

Entry to Prostitution and Difficulties Exiting

- Respondents gave numerous reasons for initially taking up prostitution. The most common answer among street-based sex workers was substance dependency. A lack of other employment opportunities was also a factor for sex workers who did not enter the sex industry in order to support drug use.
- Housing presents a specific difficulty for those who want to leave sex work. Homeless respondents and those with unstable or marginal housing, such as those living in SROs, described the difficulties of combating substance dependency when remaining amid people who also use drugs. Being offered drugs to share by neighbors presented nearly irresistible temptation, especially in a climate without peer support from non-drug users.
- Transgender women have additional reasons to remain in sex work and spoke of discrimination in trying to find other jobs.

Prior Employment

- 24 subjects had held more than one job in the past, while 6 had not. Respondents frequently cited unlivable wages in other work. Only 10 of these 24 respondents (42 percent) held jobs in the past which paid well enough for them to support themselves. Other occupations held by interviewees were usually low-paid, entry-level positions that did not provide enough money to live.
- Waitressing was the most common job previously held by respondents. A number of other food-service-related jobs were also cited, including bartending, working in fast-food restaurants or even managing a restaurant that was part of a large fast-food chain.
- Many of the low-paying jobs cited would not be deemed skilled labor, including working in a hotel; retail sales in department and clothing stores; odd jobs; security; secretarial and receptionist positions; nurse’s aide; school aide; and babysitting. Licensed or skilled labor that respondents reported did not provide them sufficient income for their needs included hair dressing and makeup; work in entertainment including singing, drag shows and dancing; positions in real estate; as a dental assistant; and as an emergency medical technician. Other respondents reported having worked in an amusement park and at a printing house.

Future Plans and Attaining Goals

- The number of respondents who wanted to do other work is high, but many of them continued to see clients for financial reasons. Some were unfamiliar with the process of looking for work, including resume preparation and accessing appropriate interview attire. Many people in the sex industry have gaps in their resumes. Having criminal convictions on their records can also be a deterrent in finding other employment. Subjects indicated that it would be an aid to their employment to find ways to describe the skills they have.

Legal and Other Needs

- Subjects expressed a need for a variety of legal services, addressing the following issues: criminal; child welfare; housing; domestic violence; and for transgender women, legal name-change and legal sex-change on identification cards. Subjects also reported that they needed housing and counseling/supportive services.

Key Conclusions

This research reveals that street-based sex workers in New York City experience problems of excessive police contact, violence at the hands of customers and sometimes from police themselves, and a lack of housing and intensive supportive services which can assist them in staying off the street. Without addressing these underlying problems it is not possible to find a long-term, viable, and humane solution to the problems that face street-based sex workers. Current policy and law enforcement efforts are not effective, as indicated by the cycle of arrests that prostitutes experience. Their only significant detectable effects are to temporarily remove people from the street and to generate headlines. Only targeted and substantial programs will accomplish the goals of making the streets safe for everyone.

Not everyone will agree that this population is a priority among those in greatest need, especially during the current citywide fiscal crisis. However, the City administration, police, and residents in some neighborhoods continue to make control of street-based sex workers a de facto priority by encouraging crackdowns on prostitution (either directly or through quality of life initiatives.) This approach to street-based prostitution creates a cycle of arrests and ticketing that consumes police, court, and other government resources, but fails to create any appropriate long-term solutions. Additionally, while such responses might temporarily address complaints of neighborhood residents, the immediate goal of getting sex workers off the streets must be balanced against the harm done by sweeps and the longer-term goal of assisting people who currently live on the margins of society to move towards self-sufficiency.

Street-based sex workers have limited job opportunities outside of sex work, and almost no access to employment that offers a living wage. The majority of subjects had held many different jobs in the past, and many of those respondents cited unlivable wages in this other work. Other occupations held by subjects were usually low-paid, entry-level positions that did not provide enough money to live. The choice of street-based sex work is an aspect of a broader issue of economic justice and the lack of real economic options for earning a living wage among people from economically-marginalized communities.

In order to address the problem of street-based prostitution, it is critical that the City explore policies which do not simply create a cycle of arrests. Promoting and expanding more humane policies can create an environment where street-based prostitutes are empowered to come forward when they experience violence, and where this marginalized population can have a sustained opportunity to move beyond an existence in which they are barely surviving.

Key Recommendations

The following recommendations are based on findings derived from this research, including the recommendations made by the subjects themselves, and by service providers and advocates. They address ways to achieve humane and realistic treatment of street-based sex workers in New York City, and to revamp “revolving door” justice. The recommendations initially address housing, then programs and services, and finally, a range of criminal justice practices. The researchers chose to present recommendations in this order because criminal justice policies and practices, as they relate to this population, may be shaped by the availability of services.

It is critical to create funding streams at the federal, state, and local government levels, and to re-direct money from incarceration in order to support the law enforcement and joint advocate/law enforcement initiatives that are recommended.

Public Discussion

- Based on these findings, which include the needs and concerns of women and men from the target population, this report recommends an informed and fact-based public discussion and further inquiry to erase the idea that prostitution is merely a criminal justice issue, and to find ways for police to be productive in ensuring the safety of sex workers.

Housing

- Create transitional shelters that are similar to domestic violence shelters, but which specifically serve street-based sex workers. Such specific shelters for prostitutes should be able to house residents for an extended period of time, with shelter staff assisting residents in finding and moving into permanent long-term housing.

- Create similar shelters which specifically serve transgender women.
- Explore a “housing first” model for street-based sex workers who receive SSI or cash assistance who can pay towards rent, and where such public assistance programs can act as representative payees for clients.
- It is critical to create federal, state, and local government funding streams and to redirect money from incarceration to support these housing programs, and service programs recommended below, for street-based sex workers.

Programs and Services

- Create and expand desperately-needed intensive case management and seamless services for street-based prostitutes. Necessary services include substance abuse treatment; mental health and counseling/support; job training; money management; and healthcare. It is critical to address all the issues in an integrated, intensive and long-term manner, combined with long-term and permanent housing.
- Services for street-based sex workers should be combined with street outreach programs, and the ability to offer an immediate place to stay.

Criminal Justice Policy

Police Interaction with Prostitutes

- Policy makers should carefully consider the extent to which they make prostitution a criminal justice priority, especially in a period of budgetary crisis. They should also consider the widespread police abuse of authority reflected in this research. Additionally, it is important to bear in mind that many in this population are barely surviving, and that intensive housing and service-based methods may be better suited for addressing street-based prostitution.
- Police must stop engaging in arrests or ticketing of street-based sex workers where no probable cause exists. These false arrests violate the human rights of all persons who are in the neighborhood, including those who are not engaging in illegal activity.
- Police should work with community-based organizations to utilize their contacts with prostitutes as an opportunity for needs assessment and referral to appropriate services.
- Arrest statistics are useful tools for government, community members, and advocates, as they inform all invested parties about significant problems and changes in street-related trends. Currently, arrest data that is disaggregated by age, race/ethnicity, gender and gender identity, and borough are not available. Furthermore, arrests are often reported as “prostitution-related offenses” and are not disaggregated by individual offense. NYPD should keep these records and make them available to the public, and report them to the New York State Division of Criminal Justice Services.

Mandated Services

- It is not clear that mandating services, at least in their present form, is a useful policy. This report does not recommend mandating services at this time. There exists a shortage of appropriate and intensive services, and even current court-ordered programs are having their funding cut. Furthermore, street-based sex workers who are not ready for treatment but who are mandated to services often fail to appear, therefore creating harsher criminal sanctions for themselves.

Violence Against Prostitutes

- Whatever one’s feelings about sex work, no one should be willing to condone incidents of violence such as those described in this report. In no other occupation does society regularly blame the victims of violence for acts committed against them. It is imperative that police officers should be properly trained and should adopt best practices for dealing with violence against prostitutes. Prostitutes must be made to feel that they can step forward and seek justice on behalf of themselves.
- Complaints by sex workers should be met with the same respect and regard that would be given to any other

crime victim, and complaints must be addressed and investigated without penalty to these victims of violence, even when they were subjected to violence or attempted violence while committing prostitution or other illegal acts. It is critical that police assure prostitutes that they will not be investigated or arrested for illegal behavior if they come forward to report a crime of violence.

- Special attention must be given to police who commit violence or other crimes against prostitutes. These acts include sexual assault or abuse, sexual harassment, theft, and extortion of sexual services in exchange for not being arrested. Police leadership must make it known that they take such exploitation seriously. Police and the courts must aggressively investigate and punish police officers who engage in sexual harassment or violence of any kind against sex workers.

Interference With Public Health Outreach Efforts

- Police must create and enforce best practices toward public health outreach projects that distribute condoms, food, and other tools of harm reduction. Interference such as threats of arrest, false arrests, and harassment of project staff must stop.