

# REDUCING CRIMINALIZATION TO IMPROVE COMMUNITY SAFETY & HEALTH AMENDMENT ACT

## CRIMINALIZATION OF SEX WORK IS INEFFECTIVE AND HARMFUL

The District, like most cities and states, has long had criminal penalties for consensual sexual exchange. Although widely used, such an approach has never worked – instead, it only serves to harm those most vulnerable while fostering violence and exploitation. It is time for the District to take a different approach.

Street-based sex workers who are engaged in survival sex work often bear the brunt of criminalization. Research shows that over 80% of street-based sex workers experience violence in the course of their work,<sup>i</sup> and in the District, one in five sex workers has been approached by police asking them for sex.<sup>ii</sup> These individuals are often experiencing homelessness and are just trying to meet their basic needs (shelter, food, showers). Criminalization of sex work has a greater negative impact on groups already facing discrimination, including communities of color, gay and trans people, people with disabilities, immigrants, and people with criminal convictions.

As Police Chief Peter Newsham has said, “We can’t arrest our way out of prostitution.”<sup>iii</sup> Our response to poverty and lack of traditional employment must be based in supportive services and housing. The District will not solve anything by criminalizing people for doing what they need to survive.

## REMOVING CRIMINAL PENALTIES WILL HELP IMPROVE PUBLIC HEALTH AND SAFETY

Removing criminal penalties for engaging in sexual exchange reduces public violence and protects sex workers. People in the sex trade are safest when their work is not criminalized, because they are able to screen clients, to negotiate safer sex practices, and to report incidents of client and police violence. Criminalization of sex work only leads to a cycle of violence, poverty, and incarceration.

- **Reduces Vulnerability to Exploitation:** After criminal penalties were removed in New Zealand, sex workers were more likely to report instances of violence.<sup>iv</sup>
- **Promotes Public Health:** Addressing sexual exchange as a public health matter improves connection to services, increases the ability to negotiate safer sex practices, and reduces the transmission of infectious diseases (HIV, STIs).<sup>v</sup>
- **Decreases Human Trafficking:** Most sex workers are not coerced or trafficked. However, sex workers are in the best position to identify who is being coerced or trafficked rather than engaging in sexual exchange by choice or circumstance.
- **Enhances Human Rights and Agency:** After removing criminal penalties, 61.9 % of New Zealand street-based sex workers reported they were more able to refuse a client since decriminalization.<sup>vi</sup>

## THIS BILL TAKES A COMMON SENSE APPROACH TO REMOVING CRIMINAL PENALTIES

The Reducing Criminalization to Improve Community Safety and Health Amendment Act (B22-0516) is a common sense measure to improve public health and safety by removing criminal penalties for sexual exchange within the District, based on a successful model implemented in New Zealand.

- This bill would remove of criminal penalties for consensual sexual exchange among adults.
- Repealing these unfair laws would not affect prohibitions on coercive practices, human trafficking, or the current state of the law regarding minors.
- This bill also establishes a task force with DC government agencies and community groups to monitor and evaluate the impact of removing criminal penalties.

More than 16 violence prevention organizations, civil rights organizations, victims’ services organizations, and others have come together to form the Sex Worker Advocates Coalition (SWAC) and to support this bill. Please join us - together we can work to make the District a safer place for everyone.

*For more information about the Reducing Criminalization to Improve Community Safety and Health Amendment Act or SWAC, contact Tristan Sullivan-Wilson, Women’s Law & Public Policy Fellow at HIPS at [tristan@hips.org](mailto:tristan@hips.org).*

<sup>i</sup> Revolving Door: An Analysis of Street-Based Prostitution in New York City, report (New York City: Sex Workers Project at the Urban Justice Center, 2003), <http://sexworkersproject.org/downloads/RevolvingDoor.pdf>.

<sup>ii</sup> Move Along: Policing Sex Work in Washington, D.C., Different Avenues, 2008, <https://dctranscoalition.files.wordpress.com/2010/05/movealongreport.pdf>.

<sup>iii</sup> MPD Chief Peter Newsham, 2012 City Council hearing on Prostitution Free Zones.

<sup>iv</sup> Gillian Abel et al, The Impact of the Prostitution Reform Act On Health and Safety Practices of Sex Workers (Nov 2017), <https://www.otago.ac.nz/christchurch/otago018607.pdf>.

<sup>v</sup> Beyrer, C., et al, An action agenda for HIV and sex workers. The Lancet, 385(9964), 287-301 (2015); World Health Organization, Consolidated Guidelines on HIV Prevention, Diagnosis, Treatment and Care for Key Populations, 86 (2016), <http://apps.who.int/iris/bitstream/handle/10665/246200/9789241511124-eng.pdf?sequence=1>.

<sup>vi</sup> Gillian Abel et al, The Impact of the Prostitution Reform Act On Health and Safety Practices of Sex Workers (Nov 2017), <https://www.otago.ac.nz/christchurch/otago018607.pdf>.