

Decriminalize Sex Work for Better Policing

The criminalization of consensual adult sex work institutionalizes hostility between sex workers, their clients, and law enforcement. The decriminalization of consensual adult sex work is necessary to improve policing in the United States. Criminalizing consensual adult sex workers and their clients carries negative consequences which include:

- Preventing survivors of rape and human trafficking from reporting crimes committed against them.
- Encouraging police misconduct.
- Eroding trust between police departments and communities.
- Wasting police resources and taxpayer money enforcing victimless crimes.
- Demoralizing police departments.

The International Association of Chiefs of Police (IACP) has recognized that policing “create[s] opportunities for sexual misconduct” because officers “have power and authority over others” and “engage with vulnerable populations who lack power and are often perceived as less credible.”¹

Police Have Assaulted, Extorted, Trafficked, Raped, and Killed Sex Workers

The criminalization of prostitution is a basis from which unethical police engage in criminal behaviors, including corruption, robbery, sexual assault, and even murder of sex workers and their clients. Research has found that misconduct is rampant within police departments.²

- In 2014, Sergio Alvarez, a West Sacramento, California, police officer, raped several sex workers.³ He is serving a 205-year sentence in prison.
- In 2017, New York City police Detective Wayne Taylor coerced a 13-year-old runaway into prostitution, trafficking her. Prosecutors say about 20 men paid Taylor for sex with the victim. He had served in the department for 14 years.⁴
- In 2017, Song Yang leapt to her death to avoid arrest by New York City vice raiding the massage parlor where she worked.⁵ Months before her death, she had been sexually assaulted by an NYPD officer at gunpoint. When she reported it and identified her assailant, no effort by the police department was made to follow up. Instead, they began harassing Song Yang to become an informant,⁶ ultimately leading to her death.
- In 2018, Andrew Mitchell, an undercover Columbus, Ohio, police officer, shot and killed 23-year-old sex worker Donna Dalton (a.k.a. Donna Castleberry) while they were in an unmarked police car.⁷ He has been indicted on murder charges. He was also arrested by the FBI for kidnapping and raping other sex workers.⁸

¹International Association of Chiefs of Police, Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide at 4 (2011).

<https://www.theiacp.org/sites/default/files/all/a/AddressingSexualOffensesandMisconductbyLawEnforcementExecutiveGuide.pdf>.

²Edika G. Quispe-Torrealblanca and Neil Stewart, “Causal Peer Effects in Police Misconduct,” *Nature Human Behaviour* 3 (August 2019): 797–807, <https://www.nature.com/articles/s41562-019-0612-8.epdf>.

³Denny Walsh and Sam Stanton, “West Sacramento to Pay \$2.8 Million to Victims of Rapist Police Officer,” *Sacramento Bee*, October 22, 2015, <https://www.sacbee.com/news/local/crime/article41086659.html>.

⁴Mitchel Maddux, “Teen Sues ‘Pimp Cop’ & City,” *New York Post*, October 12, 2011, <https://nypost.com/2011/10/12/teen-sues-pimp-cop-city/>.

⁵Dan Barry and Jeffrey E. Singer, “The Case of Jane Doe Ponytail: An Epic Tragedy on a Small Block in Queens,” *The New York Times*, October 16, 2018, <https://www.nytimes.com/interactive/2018/10/11/nyregion/sex-workers-massage-parlor.html>.

⁶Melissa Gira Grant and Emma Whitford, “Family, Former Attorney of Queens Woman Who Fell to Her Death in Vice Sting Say She Was Sexually Assaulted, Pressured to Become an Informant,” *The Appeal*, December 15, 2017, <https://theappeal.org/family-former-attorney-of-queens-woman-who-fell-to-her-death-in-vice-sting-say-she-was-sexually-d67461a12f1/>.

⁷Andrew Welsh-Huggins, “Family Wants Answers After Woman Killed by Ohio Vice Officer,” *AP News*, October 30, 2018,

<https://apnews.com/67b1059bb34048608c2e6edb405c72b6>.

⁸Leah Carroll, “Ohio Officer Indicted On Murder Charges In The Shooting Death Of Donna Dalton,” *Refinery29*, April 5, 2019, <https://www.refinery29.com/en-us/2019/04/229070/andrew-mitchell-murder-indictment-donna-dalton-castleberry-ohio-vice>.

- Norma Jean Almodovar, a former Los Angeles Police Department police officer who tracks crimes committed by law enforcement, has documented hundreds of known cases of police who have assaulted, extorted, trafficked, raped, or murdered sex workers.⁹

Prostitution Laws and Policies Enable Police Corruption

Departments across the country often mark crimes committed against sex workers and other “undesirables” as “NHI” (“no humans involved”), which deprioritizes their cases even if a sex worker was a victim of brutal rape or murder.¹⁰

Because sex workers — including trafficked minors — are viewed as criminals, they become easy targets for abusive behavior at the hands of law enforcement. For example, in 2015, the Oakland, California, and neighboring police departments suffered a demoralizing and horrific scandal.¹¹ One Oakland police officer’s suicide note indicated he had been having sex with a trafficking victim, Jasmine Abuslin (a.k.a. Celeste Guap). As a minor she was raped by at least three different police officers. A reported 29 officers engaged in sex with her by the time she was 19 and news broke of the matter. The investigation led to criminal charges against seven officers, numerous others were fired, and three chiefs of police resigned.

Police Stings Violate Privacy of Innocent People and Are Ethically Problematic

Under the guise of stopping human trafficking, police go to great lengths to arrest sex workers. The most frequent targets of these raids are Asian-owned massage parlors. Police spy on the massage rooms and invade privacy by installing hidden cameras. Rarely do these stings uncover actual human trafficking.¹² Worse yet, while technically illegal in all 50 states,¹³ undercover cops have sexually assaulted sex workers and then arrested them — without facing consequences.¹⁴

Decriminalizing Sex Work Would Encourage Police To Protect and Serve Communities

Law enforcement resources and time are wasted going after consenting adults for private behavior. These enormous costs include paying for surveillance, arrests, processing, court staff, prosecutors, judges, and more. This wasting of resources is not only harmful to those they arrest, but also prevents police from addressing violent crimes such as human trafficking. If prostitution were decriminalized, law enforcement could focus on targeting trafficking and other violent crimes and resources could be redirected to provide survivors the support they need.

In 2003, New Zealand passed the Prostitution Reform Act. The PRA made New Zealand the first country to fully decriminalize sex work. Since then, relationships with police have changed for the better. Rather than being targeted and prosecuted, sex workers are now protected by law enforcement. Violent clients can be reported to the police, and violence has been reduced.¹⁵

⁹Norma Jean Almodovar, “Cops Rob Rape Extort Solicit Pimp Kill Sex Workers,” PoliceProstitutionandPolitics.com, last modified January 22, 2018, https://www.policeprostitutionandpolitics.com/cops_rape_extort_pimp_sex_workers.html.

¹⁰Diana Cabili, “‘NHI’ Condone Violence Against Prostitutes,” *Reflections* 9, no. 2 (Spring 2010): 158-179, <https://reflectionsjournal.net/wp-content/uploads/2019/09/V9.N2.Cabili.Diana.pdf>.

¹¹Laurel Wamsley, “Oakland To Pay 19-Year-Old Nearly \$1 Million In Police Scandal Settlement,” NPR, June 1, 2017, <https://www.npr.org/sections/thetwo-way/2017/06/01/531056653/oakland-to-pay-19-year-old-nearly-1-million-in-police-scandal-settlement>.

¹²Elizabeth Nolan Brown, “Sen. Josh Hawley Says He ‘Took on an Asian Trafficking Ring’ and ‘Freed a Dozen Women in Sex Slavery.’ That’s Not True,” *Reason*, July 14, 2020, <https://reason.com/2020/07/14/sen-josh-hawley-says-he-took-on-an-asian-trafficking-ring-and-freed-a-dozen-women-in-sex-slavery-thats-not-true/>.

¹³Sam Eifling, “Above the Law, Under the Sheets,” *New Republic*, January 28, 2015, <https://newrepublic.com/article/120879/can-police-legally-have-sex-prostitutes-only-michigan>.

¹⁴Andrea Torres, “Department Pays for Officer’s Sexual Massages to Arrest 4 Chinese Women for Prostitution,” WPLG Local 10, February 6, 2020, <https://www.local10.com/news/local/2020/02/07/officer-gets-sexual-massages-to-help-arrest-4-chinese-women-for-prostitution/>.

¹⁵“The New Zealand Model,” New Zealand Prostitutes’ Collective, accessed July 22, 2020, <https://www.nzpc.org.nz/The-New-Zealand-Model>.