

## The Collateral Consequences of Arrest on Sex Workers

Criminalization makes sex work dangerous. When an individual participates in consensual adult sex work, they are targeted by the law, and subsequently face the harsh reality of being marked as a criminal for the rest of their life.

The consequences of arrest may seem obvious, but what happens after the fines are paid, the time is served, and the probation ends?

This is where collateral consequences come in.

Collateral consequences are legal, economic, and social restrictions indirectly imposed on individuals with criminal records. These consequences are “collateral” in the sense that they aren’t part of the judgment or sentence in a criminal case.

The criminalization of consensual adult sex work ruins lives.

Here are a few examples of some of the most common collateral consequences faced by sex workers daily.

### Employment Issues

Many employers have barriers in place to block the hiring of people with criminal convictions, making it difficult for them to find jobs after they’ve been released from their sentence. Without the ability to work, criminalized individuals find it difficult to reintegrate into society both for financial and social reasons. It hinders their opportunity to make a living and attain self-sufficiency.

A 2009 study found that applicants with a criminal record are 50% less likely to receive a callback or job offer than applicants without a criminal record.<sup>1</sup> Those who have been arrested for sex work face additional barriers while seeking new employment due to the social stigma attached to their previous work.<sup>2</sup>

Criminalization punishes everyone involved in sex work, including those who are seeking a way out. Burdened with criminal records, many former sex workers who wish to exit the sex industry find themselves unable to do so and must return to sex work to make ends meet. Decriminalizing consensual adult sex work is the only way to ensure that sex workers don’t get caught in this cycle.

### Housing Eligibility

Due to the lack of employment opportunities for formerly incarcerated individuals, many find themselves returning to low-income communities. The National Low Income Housing Coalition estimates that only 35 affordable rental units exist for every 100 “extremely-low income” households.<sup>3</sup>

In addition, federal laws prohibit certain criminalized individuals from living in public or subsidized housing, and private housing providers often implement policies that restrict individuals with arrests or criminal convictions.<sup>4</sup> In New York state, for example, prostitution-related criminal offenses exclude sex workers from housing.<sup>5</sup>

These circumstances push many sex workers, current and former, directly into homelessness.

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<sup>1</sup>Devah Pager, Bruce Western, Naomi Sugie, “[Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records](#),” *Ann Am Acad Pol Soc Sci.*, 2009.

<sup>2</sup>Laura LeMoon, “[I’m a Sex Worker and I Can’t Get a Mainstream Job Because of My Past](#),” *Huffpost*, May 20, 2021.

<sup>3</sup>Elayne Weiss, “[Housing Access for People with Criminal Records](#),” National Low Income Housing Coalition, 2017.

<sup>4</sup>U.S. Commission on Civil Rights, “[Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities](#),” 2019.

<sup>5</sup>Chelsea Breakstone, “[I Don’t Really Sleep’: Street-Based Sex Work, Public Housing Rights, and Harm Reduction](#),” *City University of New York Law Review*, Volume 18, Issue 2, 2015.



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## Public Benefits

As previously established, sex workers reentering society after incarceration often lack the support they need to be self-sufficient. Facing barriers in finding employment and housing means they may need temporary assistance until they can secure a job to meet their basic financial needs. They may require access to resources such as SNAP, TANF, rehabilitation, mental health counseling, disability assistance, and more.

However, many current laws prohibit states from providing public assistance to certain criminalized individuals.<sup>6</sup>

## Voting Rights

Here in the United States, we value our right to participate in a democratic society. Yet, many states restrict the voting rights of people with criminal records through a practice known as felony disenfranchisement.

In October 2020, it was estimated that 5.1 million citizens were denied the right to vote due to their criminal status. That's 1 in 44 citizens.<sup>7</sup>

[This map shows up-to-date data concerning felony disenfranchisement state-by-state.](#)

## Disruption of Family Dynamics

The collateral effects of incarceration aren't limited to criminalized individuals themselves. A 2016 survey by the Bureau of Justice Statistics showed that 47% of individuals incarcerated in state and 57% of individuals incarcerated in federal systems are parents of minor children.<sup>8</sup> This means that thousands of American children face the collateral consequences of criminalization daily. This includes their parents' lack of access to stable income, education, job training, and housing. Incarceration also places significant strain on the health of parent/child relationships, often leaving young children traumatized and unstable.<sup>9</sup>

Many sex workers are parents, and like the rest of us, they rely on their work to provide for their children. However, due to the criminalization of sex work, many find themselves in danger of losing their children. The current stigma makes it more likely for sex workers to be discriminated against in family court battles, where they lose custody of their children for engaging in sex work.<sup>10</sup>

Sex workers make loving, dedicated parents<sup>11</sup>, and criminalizing their profession puts their children at risk.

## Immigration Issues

Non-citizens of the United States, documented or not, face their own unique consequences when it comes to criminalization. In addition to everything listed above, immigrants face the threat of deportation upon arrest.<sup>12</sup> Immigrant workers in the United States face discrimination and hiring barriers due to their status as non-citizens<sup>13</sup>, leading many to turn to sex work in order to make ends meet.

These are the consequences faced daily by sex workers nationwide due to the criminalization of consensual adult sex work.

The only way to rectify this issue is through the full decriminalization of sex work.

<sup>6</sup>Congressional Research Service, "[Drug Testing and Crime-Related Restrictions in TANF, SNAP, and Housing Assistance](#)," 2016.

<sup>7</sup>Christina Maxouris, "[More than 5 million people with felony convictions can't vote in this year's election, advocacy group found](#)," CNN, 2020.

<sup>8</sup>Lauren E. Glaze and Laura M. Maruschak, U.S. Bureau of Justice Statistics, "[Parents in Prison and Their Minor Children](#)," 2021.

<sup>9</sup>Center for American Progress, "[Removing Barriers to Opportunity for Parents With Criminal Records and Their Children: A Two-Generation Approach](#)," National Inventory of Collateral Consequences of Conviction, 2015.

<sup>10</sup>Julie DeWolf, "[Sex workers and the best interests of their children: Identifying issues faced by sex workers involved in custody and access legal proceedings](#)," September 2020.

<sup>11</sup>Emme Witt, "[I'm a Parent Who's Also a Sex Worker](#)," Medium, November 16, 2019.

<sup>12</sup>U.S. Commission on Civil Rights, "[Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities](#)," 2019.

<sup>13</sup>The Immigration Reform and Control Act of 1986 (IRCA) criminalizes U.S. employers who hire undocumented immigrants. The law requires banks, employers, and landlords to discriminate against undocumented people, withholding basic needs.