



# OUR FAIR CITY

*A Comprehensive Blueprint for Gender and Sexual Justice in New York City*

June 2014



## **Acknowledgments**

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This report and companion documents will be made available at <http://web.law.columbia.edu/gender-sexuality/our-fair-city>

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# Introduction

The election of a new mayor for the City of New York, particularly one who promises to govern in accordance with progressive values, provides an opportunity for a thorough assessment of all manner of City policies and practices that frustrate or undermine a renewed commitment on behalf of City government to fairness, equity, and full enfranchisement of all New Yorkers in keeping with the new administration's progressive values.

Columbia Law School's Center for Gender & Sexuality Law offers this report to aid the de Blasio administration in evaluating the steps it can and should take to eliminate all forms of gender and sexual discrimination, and to assure gender and sexual justice in City policy and programs. After consultation with numerous groups advocating for gender and sexual justice across New York City, the Center for Gender & Sexuality Law at Columbia Law School has synthesized in this report a set of key recommendations to the de Blasio administration, all designed to eliminate a wide range of disadvantages, invisibility, violence, marginalization, and discrimination that residents of New York suffer on account of gender and/or sexuality.

The recommendations contained in this Briefing book are organized into the following subject areas: Criminal Justice, Domestic Partnership, Education, Elders, Housing, Immigration, Labor, People Living with HIV/AIDS (PLWHA), Sexual and Intimate-Partner Violence, and Social Services.

Notably, most of the recommendations contained in this report address the rights and dignity of low-income and otherwise multiply disadvantaged New Yorkers. This is the case, in part, because the matters which municipal government has the greatest impact are those affecting the most vulnerable members of our society, and, in part, because compound forms of disenfranchisement and discrimination on the basis of sexual orientation, sexual and gender identity render the populations highlighted in this report particularly socially, legally and economically vulnerable.

Many of the recommendations we include in this report are revenue neutral, such as retaining the current functional definition of "family member" contained in HPD regulations governing the Mitchell-Lama housing programs, and issuing an Executive Order that prohibits NYPD officers from confiscating or citing mere possession of condoms or presence of condoms on a premise as evidence of intent to engage in a prostitution-related offense. Others require collaboration between municipal agencies in order to assure that current local laws are complied with, such as sexual assault and harassment training of law enforcement officials by trainers at the New York City Human Rights Commission. Some of the recommendations would require the allocation of modest funds, such as increasing the number of regulated shelter beds for LGBTQ homeless youth and young adults ages 16 to 24 by at least 200 over the next five years. Whatever the cost, all of these recommendations, if adopted by the de Blasio administration, would result in a healthier, safer, and more just City in which all of its residents are treated with dignity, respect, and compassion.

The Center for Gender & Sexuality Law and the advocacy partners with whom we have worked to produce this report regard the recommendations contained herein as just the first step in an ongoing working relationship with the de Blasio administration. While the issues highlighted in this report are by no means exhaustive, we do expect the new administration to be committed to a comprehensive gender and sexual justice-enhancing agenda. By highlighting some of the most pressing issues to be addressed in the early term, we hope this project will stimulate a systemic awareness to gender and sexual justice in all corners of City government by this administration.

As follow-up to *Our Fair City*, the Center for Gender & Sexuality Law will, in collaboration with our advocacy and direct-service partners, issue a report one year into the de Blasio administration assessing progress made on the issues raised in this report. We look forward to working closely with appropriate agency heads and staff to gain the greatest movement in transforming New York City into a model for securing gender and sexual justice.

The recommendations contained in this report reflect a collaborative effort led by the Center for Gender & Sexuality Law with a wide range of advocacy and direct-service organizations working on issues of gender and sexual justice in New York City. These groups include Audre Lorde Project, Barrier Free Living, Black Women's Blueprint, CONNECT, Crime Victims Treatment Center at St. Luke's-Roosevelt Hospital, FIERCE, Girls for Gender Equity, HIV Law Project, Hollaback!, Immigration Defense Project, New Destiny Housing Corp, New York City Alliance Against Sexual Assault, New York City Gay and Lesbian Anti-Violence Project, National Organization of Women - New York City, New York Civil Liberties Union, NYC Anti-Trafficking Network, SAFE, Safe Horizon, Sex Workers' Project, Staten Island Legal Services, Street Wise and Safe, Sylvia Rivera Law Project, the Worker Institute at Cornell University, Wyckoff Heights Medical Center – Violence Intervention and Treatment Program, and the Violence Intervention Program. Of course, not every organization with whom we have consulted has endorsed every one of the recommendations contained herein. The online version of this report includes an appendix containing the materials submitted by each of the organizations providing input to this project.

Over the last 150 years Columbia Law School has established a reputation as the preeminent "public law" school in the United States. Through our faculty's scholarship, our teaching, and our commitment to training lawyers to serve the public interest, we take seriously the role of the law in shaping and framing public values. The Center for Gender & Sexuality Law and the Sexuality and Gender Law Clinic have established Columbia Law School as the leading law school in the country for the study of gender and sexuality law and policy.

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# Table of Contents

## **A. Criminal Justice**

1. Prohibit NYPD Practice of Using Condoms as Evidence for Prostitution-Related Offenses.....	3
2. Implement the <i>Floyd v. City of New York</i> Ruling.....	3
3. Address Sexual Harassment of Members of the Public by NYPD Officers.....	3
4. Cease Enforcement of PL 240.37(2), Loitering for the Purposes of Engaging in Prostitution.....	3
5. Enforce the Community Safety Act Bills.....	4
6. Expand Community-Based Alternatives to Incarceration and Policing.....	4
7. Implement an LGBTQ-Specific Directive with a Specific LGBTQ Housing Area Option in NYC Jails.....	4
8. Address LGBTQ Youth Interaction with the Criminal Justice System.....	4
9. Increase Criminal Justice Agencies' Sensitivity to Sexual and Intimate-Partner Violence.....	5
10. Address Violence Against LGBTQ and HIV-Affected People.....	6

## **B. Domestic Partnership**

.....	6
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## **C. Education**

1. Address Sexual Harassment in Public Schools.....	7
2. End Bullying by Implementing the Dignity for All Students Act (DASA).....	8
3. Implement Comprehensive Sexual Education.....	8
4. Support Transgender and Gender Non-Conforming Students.....	8

## **D. Elders**

1. Support LGBTQ Elder Access to Culturally Sensitive Services.....	9
2. Protect LGBTQ Elders from Elder Abuse.....	9
3. Ensure LGBTQ Elders' Access to Nutritious Meals.....	9

## **E. Housing**

1. Reaffirm the Functional Definition of "Family Member" Contained in Various HPD Regulations and Programs.....	10
2. Expand Housing for LGBTQ Youth.....	10
3. Expand Housing for LGBTQ Elders.....	11
4. Expand Housing for People Living With HIV/AIDS.....	11
5. Expanding Housing for Survivors of Intimate Partner Violence.....	11

## **F. Immigration**

1. End Collaboration with Immigration and Customs Enforcement (ICE) on Deportation and Detention.....	12
2. Encourage Prosecutors to Consider Immigration Consequences During Plea Negotiations.....	12
3. Ensure that Public defenders and Appointed Counsel have Resources to Advise Their Clients about the Immigration Consequences of Criminal Penalties.....	12
4. Ensure Legal Representation for All New Yorkers Detained by ICE and Placed in Deportation Proceedings.....	13

## **G. Labor**

1. Address Gender Wage and Employment Discrimination.....	14
2. Address LGBTQ Youth Unemployment.....	14
3. Create Programs to Develop Financial Independence for Survivors of Sexual and Intimate-Partner Violence.....	14
4. Support Training and Employment for LGBTQ Elder Workers.....	14
5. Facilitate Access to Services for Trafficking Survivors.....	15
6. Develop City Policies on Labor Trafficking.....	15

## **H. People Living with HIV/AIDS (PLWHA)**

1. Increase Access to HASA Benefits.....	16
2. Reform HASA Policies to Ensure Access to Affordable Housing.....	16
3. Provide Resources to Support Services for Elders Living with or At Risk for HIV/AIDS.....	16
4. Address HIV Stigma.....	16
5. Increase Funding for Essential Supportive Services for PLWHA.....	17

## **I. Sexual and Intimate-Partner Violence**

1. Provide Executive Branch Funding for Sexual and Intimate-Partner Violence Programs.....	18
2. Create a High Level City-Wide Position on Violence and Poverty.....	18
3. Gather Data on Sexual and Intimate-Partner Violence.....	18
4. Increase Access to Services for LGBTQ Survivors of Violence.....	19
5. Create Sexual Violence Public Campaign.....	19

## **J. Social Services**

1. Address HRA Discriminatory Practices.....	20
2. Facilitate Gender Changes on Public Identification Documents.....	20

<b>L. Appendix (TOC, Appendix I - IV)</b> .....	21
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# A. Criminal Justice

## 1. Prohibit NYPD Practice of Using Condoms as Evidence for Prostitution-Related Offenses

Despite widespread public efforts to promote safe sex practices, New York is home to a policy that compromises the health of New Yorkers and punishes them. NYPD officers have routinely confiscated and counted condoms as evidence of criminal wrongdoing in prostitution-related cases, and prosecutors have routinely cited seized condoms as evidence of a prostitution-related offense in criminal court complaints.<sup>1</sup> While we applaud the NYPD's recent policy announcement that it will no longer use condoms as evidence under the Prostitution, Prostitution in a School Zone, and Loitering for the Purposes of Prostitution statutes, this change does not go far enough. Police can still confiscate condoms as evidence in promoting and trafficking cases. This may create an incentive for traffickers to withhold condoms from trafficked people.<sup>2</sup> It may also discourage businesses and other establishments from participating in the New York City Department of Health's NYC-condom distribution program, which distributes 40 million condoms annually.<sup>3</sup> Possession of condoms is not a crime, nor should it be treated as evidence of a crime. The current policy runs afoul of both established public health measures and rights secured under the Fourth Amendment to the U.S. Constitution.

### We recommend:

- Issue a statement supporting further revisions of the NYPD Patrol Guide to prohibit the confiscation of condoms as evidence of all prostitution-related offenses.
- Direct the police commissioner to issue departmental directives and any necessary guidance on implementation.
- Support the recently introduced City Council resolution calling for the passage of state legislation prohibiting the use of condoms as evidence in *all* prostitution-related offenses across New York State.

## 2. Implement the *Floyd v. City of New York* Ruling

Many LGBTQ people of color have been routinely stopped and frisked during the Bloomberg administration. The recent decision in *Floyd v. City of New York* provides an opportunity to end such discriminatory policing practices. We applaud the Mayor's Office for withdrawing the City's legal challenge to *Floyd* and are encouraged to see its continued efforts towards ending discriminatory policing.

### We recommend:

- Work with the federal monitor and other parties to revise policies, training, monitoring, supervision, and discipline systems related to stop-and-frisk practices.
- Engage in good faith in a process of developing and implementing further reforms in collaboration with communities directly impacted by discriminatory policing.
- Support the creation of a formalized and sustained role for impacted communities in the implementation, monitoring, and evaluation of the joint remedies.

## 3. Address Sexual Misconduct of Members of the Public by NYPD Officers

7. The NYPD does not have an official policy prohibiting police officers from engaging in sexual misconduct toward civilians, nor is there even adequate training on this issue at the police academy. Sexual misconduct includes extorting sexual favors for leniency, rape of suspects in police facilities, and sexually assaulting civilians when they request police assistance.

Sexual misconduct towards women and LGBTQ New Yorkers of color is an all too frequent, yet often invisible, characteristic of the NYPD's discriminatory stop-and-frisk practices, and takes place with alarming frequency in other contexts. In fact, in many circumstances the actions taken by NYPD officers as part of the aggressive stop-and-frisk program amount to no less than legalized sexual assault.

### We recommend:

- Issue an executive order explicitly prohibiting sexual harassment and assault of members of the public by NYPD officers and instituting a program of training, monitoring, and discipline with respect to sexual misconduct by law enforcement officers consistent with the Executive Guidance issued by the International Association of Chiefs of Police.
- Direct the police commissioner to issue departmental directives and any necessary guidance on implementation of the executive order on sexual harassment by NYPD officers.
- Strongly urge the new NYPD inspector general to add this issue to his agenda.

## 4. Cease Enforcement of PL 240.37(2), Loitering for the Purposes of Engaging in Prostitution

Over time, various criminal loitering laws have been found to violate the Constitution insofar as they criminalize otherwise constitutional behavior and are both arbitrary and discriminatory.<sup>4</sup> New York City, nevertheless, continues to enforce a similarly unconstitutional criminal statute PL 240.37(2), *Loitering for the Purposes of Engaging in Prostitution*. Similar loitering laws in other jurisdictions have been found to be unconstitutional as overbroad and vague.<sup>5</sup> The evidence upon which those arrests typically rely include engaging in conversation with passersby, wearing short skirts, standing in an area where there wasn't a bus stop, taxi stand, or open stores.<sup>6</sup> The vagueness and overbreadth of these laws, as well as the discretion they afford arresting officers, creates a troubling record of arrests that are unconstitutional and discriminatory. In 2013, just 12% of those arrested for loitering with an intent to engage in prostitution were white, while 61% were Black and 25% were Latino.<sup>7</sup> These figures are strikingly similar to the data demonstrating the racial bias inherent in the stop-and-frisk policy.

### We recommend:

- Issue an executive order that prohibits NYPD officers from making arrests under PL 240.37(2).

- Direct the police commissioner to issue departmental directives and any necessary guidance on implementation of the executive order with respect to PL 240.37(2) arrests.
- Take appropriate steps to vacate previous arrests and convictions under PL 240.37(2).

## 5. Enforce the Community Safety Act Bills

The End Discriminatory Profiling Act made history by creating an enforceable ban against profiling and discriminatory policing based on sexual orientation and gender identity in addition to race, religion, age, ability, HIV status, immigration status, and housing status. Effective implementation of this landmark legislation, along with the NYPD Oversight Act, is critical to promoting the safety of LGBTQ people and people of color who experience profiling and discriminatory policing on multiple fronts, including sexual orientation and gender identity. We commend the Mayor's Office for withdrawing the legal challenge to the End Discriminatory Profiling Act and look forward to the implementation and enforcement of this historic legislation.

### We recommend:

- Implement and enforce Discriminatory Profiling Act and NYPD Oversight Act.

## 6. Expand Community-Based Alternatives to Incarceration and Policing

In addition to the already damaging effects of incarceration, incarcerated LGBTQ people are often targets of discrimination and abuse. After release, a criminal record often leads to devastating collateral effects that make the already difficult tasks of securing housing, employment, and healthcare nearly insurmountable. Furthermore, services for high-risk populations such as sex workers and undocumented survivors of domestic violence are tethered to arrests and participation in the criminal justice system, disincentivizing people from accessing the services they need. Programs like the Audre Lorde Project's "Safe Neighborhood Campaign," which works with small businesses, religious institutions, and organizations to build safety within Central Brooklyn neighborhoods without the use of policing, is one of many community-based models that the City should support and learn from.<sup>8</sup>

### We recommend:

- More citywide resources for building safe community spaces that utilize creative, non-policing, community-led strategies.
- Expand community courts to continue to divert individuals away from incarceration.
- Encourage access to services without arrests by creating alternatives to a criminal justice track for sex workers and survivors of human trafficking.
- Encourage law enforcement agencies to sign U & T non-immigrant visa certifications (special non-immigrant visas for undocu-

mented survivors of domestic violence and survivors of trafficking) without extra cooperation requirements beyond what is required by law. Policies should be transparent and clear for those seeking a certification.

## 7. Implement an LGBTQ-Specific Directive with a Specific LGBTQ Housing Area Option in New York City Jails

A housing option for LGBTQ individuals in the custody of the New York City Department of Correction (DOC) has consistently been a top demand of incarcerated transgender community members in NYC. Following ongoing reports of violence against LGBTQ individuals in DOC custody, advocates and DOC officials met over the course of several years to develop new policies to meet the needs of LGBTQ, particularly transgender and gender non-confirming people, in custody. With the adoption of the final Prison Rape Elimination Act (PREA) regulations in May 2012, advocates and officials began to finalize a proposed directive to meet the needs of LGBTQ people in custody. During these meetings, advocates were promised a housing option for LGBTQ individuals, similar to what used to be called "gay housing," that was designed to both comply with PREA and meet the demands of the community to end the widespread practice of relying on segregation to keep LGBTQ individuals safe in custody. This housing option was intended to be an optional, potentially safe space available upon request by inmates. Almost two years ago, the DOC team assured advocates that the proposal policy was "on the Commissioner's Desk." Despite repeated efforts by advocates to continue the collective work of the agency and community representatives, there have been no updates about the adoption and/or implementation of this policy. On June 2nd, 2014, the policy was sent again to Commissioner Ponte with a request to reengage in the process of building a set of policies that could truly meet the needs of LGBTQ people in custody.

### We recommend:

- Instruct the Department of Corrections to renew its meetings with transgender advocates and clients.
- Adopt and implement the proposed LGBTQ directive.

## 8. Address LGBTQ Youth Interaction with the Criminal Justice System

Many LGBTQ youth of color face daily profiling based on their race, gender, class, immigration status, and/or sexual orientation. LGBTQ youth of color who are homeless are particularly vulnerable. In searching for means of safety and survival they face increased risk of being targeted and interacting with police. The enforcement of quality of life laws – loitering, public urination, excessive noise, etc. – target those most directly in need of services and safety.<sup>9</sup>

### We recommend:

- Set up a task force to create new procedures to assess LGBTQ

youth when arrested and address the underlying needs that contributed to their arrest.

- Ensure that the cases of LGBTQ youth who are arrested are reviewed to determine the mental health status of the arrested youth, and that mental health status is considered in determining sentencing and placement.
- Work with service providers and community organizations to determine effective community-based alternatives to detention.
- Where community-based alternatives are not an option, ensure that LGBTQ prisoners have a safe space in jail that does not isolate them for 23 hours a day.

## 9. Increase Criminal Justice Agencies' Sensitivity to Sexual and Intimate-Partner Violence

In the experience of many advocates and survivors of intimate-partner violence, NYPD officers responding to sexual violence can be insensitive to survivors. NYPD officers may not always take survivors' complaints seriously, and sometimes neglect to investigate claims or even file domestic incident reports. Survivors with limited English proficiency (LEP) are particularly at risk, as they may be denied access to life-saving services due to language barriers. In 2013, Legal Aid filed a lawsuit, *Padilla Torres v. City of New York*, challenging the NYPD's widespread practice of denying interpreters to LEP individuals who need them, despite written policy requiring interpreter services.<sup>10</sup>

### We recommend:

- Designate high-level personnel in the NYPD to oversee crimes involving sexual assault and intimate-partner violence to ensure high-quality investigations and sensitivity to survivors.
- Increase cultural competency of all NYPD officers, including the Domestic Violence Police Officers and the Special Victims Unit, for survivors who face additional barriers because of race, ethnicity, immigration status, language barriers, disability status, sexual orientation and/or gender identity.
- Encourage law enforcement agencies to sign certifications for special non-immigrant visas (U and T visas) for undocumented survivors of domestic violence without requiring that the applicants testify or otherwise cooperate in criminal investigations or prosecutions. Demands for applicant cooperation undermine the visa programs' purpose of protecting survivors.
- Adequately staff the Special Victims Unit so it can handle the increased caseload of misdemeanor and felony cases and investigate sexual assault cases adequately.
- Clarify the policy for, and improve police response to, sexual assault cases in hospital emergency rooms.
- Continue the LGBT Advisory Committee to the Police Commissioner and consider issue-specific advisory committees such as a Sexual Violence Advisory Committee and/or an Intimate-Partner Violence Advisory Committee.
- Enhance evidence collection in domestic violence cases.
- Address reoccurring domestic violence where an arrest is not made.

## 10. Address Violence Against LGBTQ and HIV-Affected People

LGBTQ violence is, among other things, a pressing public health issue. 2013 data shows a very violent year for LGBTQ people, with some of the highest numbers of hate violence homicides<sup>11</sup> and the highest number of intimate-partner violence homicides recorded.<sup>12</sup> People of color and transgender people were disproportionately murdered and faced higher incidents of police violence. Furthermore, reports of physical hate violence increased by 21%.

LGBTQ and HIV-affected people face hate violence every day in the streets of New York City. The New York City Gay and Lesbian Anti-Violence Project receives almost 500 reports of bias-related violence each year in New York City. Transgender and gender non-conforming people and people of color are most impacted by homicide: 89% of all anti-LGBTQ homicide victims in 2013 were people of color and 67% were transgender women of color.<sup>13</sup>

### We recommend:

- Publicly denounce, alongside city agency commissioners, anti-LGBTQ and anti-HIV hate crimes in mainstream media, generally in the work of the City and immediately in response to individual incidents, to make clear the City will not tolerate this violence.
- Fund public awareness campaigns - focused on allies and bystanders - that raise awareness about the issues of hate violence, intimate-partner violence and sexual violence faced by LGBTQ and HIV-affected communities and provide resources throughout New York City to deal with the trauma of violence and its aftermath, including economic instability.

<sup>1</sup> See Appendix III: charge sheets.

<sup>2</sup> *Statement of City Council Members on the Introduction of a Resolution Calling for Comprehensive State Legislation to Ban Use of Condoms as Evidence of All Prostitution-Related Offenses.* [http://www.accesscondoms.org/wp-content/uploads/2014/03/May-29-Introduction-Press-Release\\_FINAL.pdf](http://www.accesscondoms.org/wp-content/uploads/2014/03/May-29-Introduction-Press-Release_FINAL.pdf).

<sup>3</sup> *Ibid.*

<sup>4</sup> *Papachristou v. City of Jacksonville*, 405 U.S. 156, 170-71 (1972) (holding unconstitutional a vagrancy ordinance that encouraged arbitrary and discriminatory enforcement).

<sup>5</sup> See e.g. *Coleman v. City of Richmond*, 364 S.E.2d 239 (Va.App., 1988); *Silvar v. Eighth Judicial Dist. Court ex rel. County of Clark*, 129 P.3d 682 (Nev., 2006).

<sup>6</sup> See Appendix III: charge sheets.

<sup>7</sup> Sanctuary for Families, Sumall.org, *A Disparity in Legal Outcomes for Individuals Arrested for Prostitution and Patronization.* <https://spotfire.cloud.tibco.com/public/ViewAnalysis.aspx?file=/users/dmosenkis/Public/Trafficking&rwaid=da5dfa6ac5306343561b5-12004127bfdc5>.

<sup>8</sup> <http://alp.org/safe-neighborhood-campaign>.

<sup>9</sup> <http://www.fierceny.org/index.php?s=94>.

<sup>10</sup> Erica Pearson, *NYPD Didn't Provide Translators.* <http://nydailynews.com/new-york/nypd-failed-spanish-speaking-vics-domestic-violence-calls-suit-article-1.1295531>.

<sup>11</sup> National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender, Queer and HIV-Affected Hate Violence in the United States in 2013.* [http://www.avp.org/storage/documents/2013\\_ncavp\\_hvreport\\_final.pdf](http://www.avp.org/storage/documents/2013_ncavp_hvreport_final.pdf).

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

# B.Domestic Partnership

In 1989, Mayor Koch signed the first executive order granting recognition of employment rights to City employees in both same- and different-sex domestic partnerships.<sup>14</sup> In 1993 Mayor Dinkins issued an executive order setting up a registry for same- and different-sex domestic partners.<sup>15</sup> Then, in 1998, Mayor Giuliani signed legislation establishing a domestic partner registration system and expanding the range of rights and forms of recognition that would be extended to domestic partners on terms equivalent to those enjoyed by legal spouses.<sup>16</sup>

The City's domestic partner registration system remains in place today,<sup>17</sup> and its ongoing importance is not affected by the reform of New York State law in 2011 extending marriage rights to same-sex couples, or the Supreme Court's finding in *United States v. Windsor* in 2013 that the U.S. Constitution does not permit the federal government to deny rights to legally married same-sex persons that it affords to legally married different-sex persons.

The domestic partnership law creates a registry regime parallel to civil marriage and independent of a civil marriage license. The City's marriage and domestic partnership regimes serve a continuing and important purpose for both traditional and non-traditional families.

## We recommend:

- Reinforce the importance of New York City's domestic partnership law and resist any nascent efforts to repeal this law.
- Undertake a comprehensive assessment of City policies and

practices to assure that the City recognizes New Yorkers who are in Domestic Partnerships in the full range of benefits and programs that are afforded to New Yorkers who are legally married.

- Withdraw the New York City Housing Preservation and Development's October 4, 2013 proposed rule change that would substitute "spouse" for the broad definition of "family member" currently contained in the rule governing rights of succession to residential properties subject to the Mitchell-Lama program (a program that provides affordable rental and cooperative housing to moderate- and middle-income New Yorkers). Then, issue a statement expressing the administration's support for the existing functional definition of "family member" that recognizes the diversity of families in New York City.

<sup>14</sup> David W. Dunlap, *Koch Grants Paid Leave To Unmarried Couples*. <http://www.nytimes.com/1989/08/08/nyregion/koch-grants-paid-leave-to-unmarried-couples.html>.

<sup>15</sup> Alan Finder, *Orders By Dinkins To Broaden Rights Of 'Domestic Partners.'* <http://www.nytimes.com/1993/01/08/nyregion/rights-of-domestic-partners-broadened-by-dinkins-order.html?src=pm>.

<sup>16</sup> Press Release, Mayor's Press Office, *Mayor Giuliani Signs Landmark Domestic Partnership Legislation*. <http://www.nyc.gov/html/om/html/98b/pr319-98.html>. Office of the City Clerk, Marriage Bureau. [http://www.cityclerk.nyc.gov/html/marriage/domestic\\_partnership\\_reg.shtml](http://www.cityclerk.nyc.gov/html/marriage/domestic_partnership_reg.shtml).

<sup>17</sup> Office of the City Clerk, Marriage Bureau. [http://www.cityclerk.nyc.gov/html/marriage/domestic\\_partnership\\_reg.shtml](http://www.cityclerk.nyc.gov/html/marriage/domestic_partnership_reg.shtml).





While public schools are meant to be supportive institutions of education, many students experience treatment from staff and fellow students that impedes their ability to learn. Faced with discrimination in schools, LGBTQ youth nationally have much higher school dropout rates than their peers, contributing to homelessness, unemployment, and health issues.<sup>18</sup> Additionally, sexual harassment in NYC public schools is widespread and can result in feelings of depression, inability to focus, and violation that make it difficult for students to focus in class. Sexual harassment and bullying happen to *all* students, regardless of sexual orientation or gender expression. The Mayor's Office has a responsibility to protect and ensure a supportive learning environment for all NYC students.

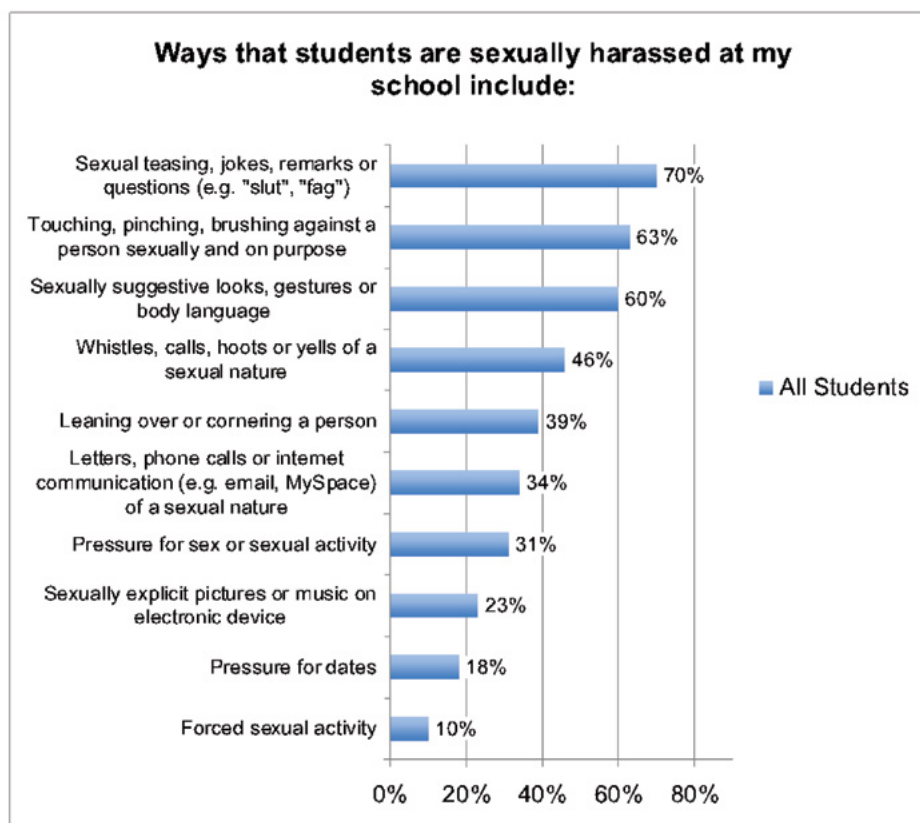
## 1. Address Sexual Harassment in Public Schools

Sexual harassment in New York City public schools is widespread and normalized. A 2008 study of 1,189 students (grades 6-12) from over 90 public schools and community-based organizations found that 67 % of students reported being sexually harassed and 70.5% of NYC public school students observed sexual teasing in their school.<sup>19</sup> Students who had been sexually harassed reported feelings of depression, fear, insecurity, and violation.

Despite the prevalence of sexual harassment, schools are often ill-equipped to handle such incidents. NYC has only one Title IX administrator for more than 1 million students in over 1,700 public schools despite strongly worded federal law prohibiting sex discrimination (including sex and gender-based harassment) in public education.<sup>20</sup> When asked if schools should provide more help for victims of sexual harassment, 89% of females and 76% of males said yes.<sup>21</sup> Schools should adopt clear, supportive, and transparent sexual harassment policies that are inclusive of a wide range of identities, including male students and LGBTQ students.

### We recommend:

- Provide workshops for students that cover what sexual harassment is and what their rights are if they are being harassed.
- Incorporate discussions about sexual harassment within the classroom setting.
- Provide education for school employees on how to recognize and respond to sexual harassment.
- Mandate that schools create a sexual harassment policy so there are clear guidelines on how to both prevent and deal with sexual harassment. The policy should include interventions by counseling staff and separate counseling for the perpetrator and victim of an infraction, if necessary.
- Ensure that sexual harassment policies are inclusive of a wide range of identities.



- Ensure that there is a Title IX coordinator at every public school whose information is listed on the school website. Through Title IX, there is existing federal law that ensures students have the right not to be sexually harassed at school. However, there is only one Title IX coordinator in the entire city.
- Update NYC Public School Discipline Code Levels 1 - 4 to encourage school employees to address sexually harassing behaviors. Currently, Level 4 is the only place in the code that school employees are instructed to address sexually harassing behaviors.<sup>22</sup>

## 2. End Bullying by Implementing the Dignity for All Students Act (DASA)

New York City students are protected from bullying and harassment in schools by both Local Law 42 - a seven-year-old anti-bullying law - and the Dignity for All Students Act - a state-level law that took effect on July 1st, 2012. Neither of these laws has been adequately implemented in the New York City school system. The City must take concrete steps to ensure that DASA is implemented and functional at the student level.

### We recommend:

- Require that school policies that address complaints of bullying and harassment focus on effective interventions and positive discipline alternatives over punishment and zero tolerance.
- Hire an anti-bullying coordinator and additional staff members trained to respond to complaints of bullying and harassment at each NYC school.
- Fund intensive training for all NYC school personnel, including teachers, administrators, and support staff on LGBTQ issues and DASA.
- Require that all NYC schools provide clear explanations to students about how to file complaints and the complaint process.
- Focus on preventative measures including LGBTQ-positive curricula and meaningful training on internet safety and responsibility.
- Utilize data analysis tools to report on bias-based incidents in a transparent manner.

## 3. Implement Comprehensive Sexual Education

Comprehensive sex education must be an integral part of a well-rounded school curriculum and a young person's well-being. Honest, age appropriate sexual health education is essential to young people taking responsibility for their health and well-being. According to the Centers for Disease Control and Prevention, almost half of all new STD infections are among youth aged 15 to 24.<sup>23</sup> Sexual education empowers youth to make medically informed sexual decisions that can help prevent STD infections and unwanted pregnancies. Sexual education is also an important opportunity to teach students about sexual and intimate partner violence in a safe learning environment.

### We recommend:

- Create and adopt a set of universal standards for sexuality and sexual health instruction in NYC schools.
- Include curricula on dating violence, sexual assault, and harassment.
- Codify initiative to require one semester of sex education in both middle and high school.
- Commit additional resources to support and expand comprehensive, age-appropriate, medically accurate sex education.

## 4. Support Transgender and Gender Non-Conforming Students

Despite the legal protections in place with the Dignity for All Students Act, transgender and gender non-conforming students face particular challenges in the school environment in relation to their gender presentation and identity.

### We recommend:

- In partnership with experts in the field, develop and articulate a set of best practices for NYC schools to support transgender and gender non-conforming students, including using students' preferred names and gender pronouns, providing access to bathrooms and locker rooms that are consistent with a student's gender identity, ensuring equal access to sport teams and gym classes, and responding to gender-based bullying and harassment.
- Support additional training for all staff members on youth development, cultural sensitivity specific to gender identity and expression, and the privacy rights of LGBTQ youth.
- Provide resources to students about the rights of transgender and gender non-conforming students.

<sup>18</sup> GLSEN, *2011 National Climate Survey*. <http://www.glsen.org/sites/default/files/2011%20National%20School%20Climate%20Survey%20Full%20Report.pdf>.

<sup>19</sup> Girls for Gender Equity, *Participatory Action Research*. <http://www.ggenyc.org/programs/community-organizing/participatory-action-research/>.

<sup>20</sup> News 4 New York, *NYC Schools Fail Students Sex Complaints Regulations*. <http://www.nbcnewyork.com/investigations/I-TEAM-NYC-Schools-Fail-Student-Sex-Complaints-Regulations-169309146.html?akmobile=o&nms=y>

<sup>21</sup> See 18.

<sup>22</sup> For detailed guidelines, see Appendix I – Girls for Gender Equity memo.

<sup>23</sup> Center for Disease Control and Prevention, *STDs in Adolescents and Young Adults*. <http://www.cdc.gov/std/stats12/adol.htm>.

LGBTQ elders are an often overlooked demographic within the LGBTQ community, yet they have significant and specific needs that must be addressed. LGBTQ elders often face discrimination and stigma from their cultural communities, employers, and aging-service care providers.<sup>24</sup> They also tend to have smaller support networks and safety nets, and have higher rates of social isolation compared with non-LGBTQ elder peers.<sup>25</sup> The Mayor's Office has a responsibility to support policy and budget initiatives that ensure a higher quality of life for all elders, particularly those with high-needs.

## 1. Support LGBTQ Elder Access to Culturally Sensitive Services

Many LGBTQ elders reside in community and long-term care settings that are not welcoming to them on the basis of their LGBTQ identities. Few eldercare service providers have undergone LGBTQ cultural competence training, few conduct outreach to the LGBTQ community, and few are prepared to address acts of discrimination aimed at LGBTQ elders. Fearful of mistreatment from peers and service providers, many LGBTQ elders avoid accessing the services they need. Though the NYC-funded SAGE Center provides a dedicated senior center space for LGBTQ elders, full on-site services are only available at its lower Manhattan location.

### We recommend:

- Provide sufficient NYC funding to support LGBTQ-friendly senior center space and services in all five boroughs.
- Provide funding for cultural competency training to service providers so that there is “no wrong door” for LGBTQ older adults who access services in NYC.
- Require that all citywide agencies that support services for seniors - e.g., Department for the Aging (DFTA), Department of Health and Mental Hygiene (DOHMH), Human Resources Administration (HRA), Adult Protective Services (APS) - include LGBTQ cultural competence trainings as a standard component of their array of services.

## 2. Protect LGBTQ Elders from Elder Abuse

LGBTQ older people, who are highly isolated in many instances, are at greater risk for elder abuse (including financial abuse), yet are less likely to report this abuse for fear of backlash and discrimination.<sup>26</sup> Because LGBTQ older people are less likely to have children and more likely to be single, their support networks are thinner and they have fewer advocates available when incidents of elder abuse occur.

### We recommend:

- Provide funding for support services for specific populations at heightened risk for elder abuse (e.g. LGBTQ older adults).

- Provide funding to train service providers and city agencies on identifying and working with LGBTQ older adults at risk for elder abuse.
- Ensure that APS and all relevant city agencies prioritize LGBTQ older adults in their efforts to prevent and address elder abuse.

## 3. Ensure LGBTQ Elders' Access to Nutritious Meals

Adequate nutrition is a major concern for low-income older adults. Senior centers are an important part of the solution since their services are used disproportionately by poor seniors. The latest data from the CEO Poverty Measure estimated that in 2012 over 21% of New York City's elders were living in poverty.<sup>27</sup> It is estimated that LGBTQ older adults face even higher levels of poverty, along with accompanying challenges with hunger and nutrition.<sup>28</sup>

### We recommend:

- Increase funding to support nutritious meals for LGBTQ older adults in all five boroughs.
- Mandate flexibility in NYC-funded senior meal programs to accommodate innovations in senior nutritional programming (e.g. off-site dining options).

<sup>24</sup> SAGE, *LGBT Older Adults and Exclusion from Aging Programs and Services*. <http://www.sageusa.org/resources/publications.cfm?ID=35>.

<sup>25</sup> SAGE, *The Diverse Elders Coalition and LGBT Aging: Connecting Communities, Issues, and Resources in a Historic Moment*. <http://www.sageusa.org/resources/publications.cfm?ID=120>.

<sup>26</sup> SAGE, *Elder Abuse*. <http://www.sageusa.org/issues/abuse.cfm>.

<sup>27</sup> NYC Center for Economic Opportunity, *CEO Poverty Measure, 2005-2012*. [http://www.nyc.gov/html/ceo/downloads/pdf/ceo\\_poverty\\_measure\\_2005\\_2012.pdf](http://www.nyc.gov/html/ceo/downloads/pdf/ceo_poverty_measure_2005_2012.pdf).

<sup>28</sup> Center for American Progress, *Protecting Our LGBT Issues*. <http://www.americanprogress.org/issues/lgbt/report/2010/09/28/8+11/protecting-our-lgbt-elders/>.



# E. Housing

The scarcity of affordable housing in NYC profoundly affects the most marginalized populations who need secure housing the most. The Mayor's Office has the responsibility to not only provide shelter, but to ensure that all New Yorkers have access to safe, affordable, long-term housing.

## 1. Reaffirm the Functional Definition of "Family Member" Contained in Various HPD Regulations and Programs

HPD's current definition of "family member" recognizes the range of family forms to be found in a city as culturally diverse as New York. It embraces a conception of "family member" that turns on the nature and quality of the relationship and the emotional and economic interdependency of the parties, not a formulaic or facile resort to a narrow legal status.<sup>29</sup> On October 4, 2013, Ruth-Anne Visnaukas, Commissioner of the New York City Department of Housing Preservation and Development (HPD), announced a proposed rule change that would, among other things, substitute "spouse" for the broad definition of family member currently contained in the rules governing rights of succession to residential properties subject to the City's Mitchell-Lama program. The proposed amendment narrowing the definition of "family member" is not justified by any change in law or policy related to persons otherwise eligible for succession rights to Mitchell-Lama properties, nor has the broad diversity of family forms present in New York City changed in such a way as to justify the regression to such a narrow interpretation of family.

### We recommend:

- Withdraw the October 4, 2013, proposed rule change and issue a statement expressing the administration's support for the existing functional definition of "family member" contained in the current regulations and law.<sup>30</sup>

## 2. Expand Housing for LGBTQ Youth

Many LGBTQ youth have chosen to leave their homes of origin for safety reasons or because they experience transphobic or homophobic discrimination and violence. It is estimated that at least 40% of NYC's homeless youth are LGBTQ, and an uncounted number "couch surf" or are marginally-housed. The lack of domestic or familial stability in many LGBTQ young people's lives cite to high rates of unemployment and underemployment, school drop-outs, substance abuse, and other issues.<sup>31</sup> Many homeless LGBTQ youth are forced to resort to sex work to survive, which studies have shown to be the strongest predictor of HIV risk in LGBTQ homeless youth.<sup>32</sup> There are currently only 253 beds dedicated for LGBTQ youth in the shelter system. The most recent census taken by the New York City Council in 2008 estimated that there are at least 3800 youth on the streets nightly.<sup>33</sup> We applaud the Mayor for beginning to remedy this injustice by including funding for 24 ad-

ditional LGBTQ youth-dedicated shelter beds in the final executive budget for FY2015.

### We recommend:

- Increase the number of regulated shelter beds for LGBTQ homeless youth and young adults ages 16 to 24 by at least 200 over the next five years.
- Support the "Campaign for Youth Shelter," which calls on city and state budgets to dedicate adequate funding to runaway and homeless youth.
- Conduct additional outreach and develop drop-in center services to reach LGBTQ homeless youth who are less connected to services.
- Conduct accurate counts of homeless youth annually through the Department of Homeless Services. Undercounting homeless youth leads directly to the shortage of resources for them. DHS should work with service providers to determine appropriate strategies to conduct the count safely and effectively.
- Implement recommendations and best practices from the Mayor's Commission on Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Runaway and Homeless Youth. The City should be transparent about its processes, barriers and ideas around implementation and addressing obstacles.

## 3. Expand Housing for LGBTQ Elders

Due to higher levels of housing discrimination, financial insecurity and a general lack of affordable housing, many LGBTQ elders find that they cannot afford to continue living in the communities they have resided for many years. Others face discrimination or unwelcoming environments in elder housing and long-term care settings.<sup>34</sup> In recent years, LGBTQ aging advocates have begun addressing these housing challenges through a variety of approaches, including developing LGBT-specific elder housing; working with local housing providers to increase their cultural competency with regard to LGBTQ older adults rights; informing LGBTQ elders about their fair housing rights; developing innovative programs such as "homesharing;" and connecting LGBTQ elders to LGBT-friendly services, including housing supports, in their distinctive geographic communities.

### We recommend:

- Fund LGBTQ cultural competency training for housing providers throughout NYC.
- Fund the creation of affordable and affirming housing for LGBTQ older adults.
- Increase funding and access to LGBT-friendly support services in residential settings and NORCs (naturally occurring retirement communities).

#### 4. Expand Housing for People Living With HIV/AIDS

HIV and homelessness are intimately connected, and housing status is among the strongest predictors of health status for PLWHA. HIV prevalence among the homeless population is nearly nine times that of the general population. Homeless or marginally housed individuals are more likely to delay treatment, less likely to have regular access to care, less likely to receive optimal drug therapy, and less likely to adhere to their medication than are stably housed individuals – all of which increase the individual's viral load and decrease health outcomes.<sup>35</sup> Also, persons with declining housing status are more likely to exchange sex for money or other needed goods, whereas persons with improving housing status reduce their risk behaviors.<sup>36</sup> Said differently, housing works: In a six-month longitudinal study of adherence to HAART (Highly Active Antiretroviral Treatment) regimens in New York City, residents in long-term housing were 16 times more likely to report strong adherence to their treatment regimens than were unstably housed participants.<sup>37</sup>

##### We recommend:

- Scale up housing for all people living with HIV/AIDS and the recently incarcerated, who are at high risk for HIV.
- Scale up “low threshold,” “housing first” housing, which eliminates many of the onerous admissions requirements typical of public housing.

#### 5. Expand Housing for Survivors of Intimate-Partner Violence

Intimate-partner violence is a primary cause of homelessness in New York City. At least 1/3 of families using the family shelter system are survivors of domestic violence. Studies of the prevalence of sexual assault among homeless women found 43% reported sexual abuse in childhood as opposed to 20% of women in the general population.<sup>37</sup> In addition, women who are homeless report a rate of recent sexual assault that is about 10 times that of non-homeless women. Secure housing is vital to the long-term safety and independence of survivors. It also prevents sexual assault. Yet, options for permanent housing are extremely limited. 80% of domestic violence shelter residents who left the emergency shelter system in 2011 were unable to secure permanent housing or transfer to a transitional shelter, leaving them with no safe place to go.<sup>39</sup> Sadly, the lack of housing too often forces low-income survivors to reunite with their abusers.

##### We recommend:

- Create a rent subsidy program to provide permanent housing for low-income survivors of sexual assault, including trafficking, and intimate partner violence survivors.
- Extend existing HPD Section 8 and homelessness resources to

- survivors of sexual assault and intimate partner violence.
- Streamline and expedite the application process for NYCHA's domestic violence priority for public housing.
- Fund services that help low-income victims secure and maintain jobs so that they can achieve financial independence and afford housing on their own.
- Designate a City agency to fund domestic violence and sexual assault supportive services in permanent housing so that building developers can take advantage of capital funding to build more supportive housing for survivors.
- Ensure that domestic violence shelters are LGBTQ-inclusive to increase access to emergency shelter for LGBTQ survivors of intimate partner violence.

<sup>29</sup> See e.g. New York, N.Y., R.C.N.Y. tit. 28, ch. 3, § 30-2 (p)(2)(ii)(B).

<sup>30</sup> See Testimony of Professor Katherine Franke in Opposition to the Proposed Mitchell-Lama Rule Change, <http://web.lawcolumbia.edu/sites/default/files/microsites/gender-sexuality/HPD%20Mitchell-Lama%20Testimony.pdf>.

<sup>31</sup> United States Interagency Council on Homelessness, *LGBTQ Youth Homelessness in Focus*. [http://usich.gov/issue/lgbt\\_youth/lgbtq\\_youth\\_homelessness\\_in\\_focus](http://usich.gov/issue/lgbt_youth/lgbtq_youth_homelessness_in_focus).

<sup>32</sup> National Alliance to End Homelessness, *Incidence and Vulnerability of LGBTQ Homeless Youth*. <http://homeless.samhsa.gov/resource/incidence-and-vulnerability-of-lgbtq-homeless-youth-46579.aspx>.

<sup>33</sup> Empire State Coalition of Youth and Family Services, *A Count of Homeless Youth in New York City*. [http://www.citylimits.org/images\\_pdfs/pdfs/HomelessYouth.pdf](http://www.citylimits.org/images_pdfs/pdfs/HomelessYouth.pdf).

<sup>34</sup> SAGE, *The Need for LGBT-Inclusive Housing*. <http://www.lgbtagencycenter.org/resources/resource.cfm?r=399>.

<sup>35</sup> Zach Bergson, *Gaps in Housing Program Leave Tough Choices for People with HIV*. <http://www.thirteen.org/metrofocus/2011/08/gaps-in-housing-program-leave-tough-choices-for-people-with-hiv/>.

<sup>36</sup> Ibid.

<sup>37</sup> Chad A. Leaver et al., *The Effects of Housing Status on Health-Related Outcomes in People Living with HIV: A Systematic Review of the Literature*. *AIDS and Behavior* 11: Supplement 2 (2007): S96.

<sup>38</sup> Lisa A. Goodman et al., *No Safe Place: Sexual Assault in the Lives of Homeless Women*. [http://www.vawnet.org/applied-research-papers/print-document.php?doc\\_id=558](http://www.vawnet.org/applied-research-papers/print-document.php?doc_id=558).

<sup>39</sup> Ibid.

<sup>40</sup> New Destiny Housing Corporation, *Out in the Cold: Housing Cuts Leave Domestic Violence Survivors with No Place to Go*. <http://www.newdestinyhousing.org/userfiles/file/FULL%20REPORT%20-%20Out%20in%20the%20Cold%20-%20New%20Destiny%20Housing%20-%20October%202012.pdf>.

# F. Immigration

## 1. End Collaboration with Immigration and Customs Enforcement (ICE) on Deportation and Detention

In the past ten years, the U.S. has massively expanded its deportation apparatus, achieving record-breaking numbers of deportations. The Obama administration has identified the “criminal alien” as the primary target and New York City as a key area of ICE activity. The government has increasingly used the criminal justice system—most notably the police and jails—to funnel people into an unjust mass detention and deportation system.

The weight of police/ICE collaboration falls hard on vulnerable immigrant populations. Programs like Secure Communities reinforce the fear and mistrust that community members have of the police. Undocumented survivors of domestic violence are discouraged from turning to law enforcement to seek assistance out of fears that they will be funneled into the detention and deportation system. Additionally, immigrants caught up in the criminal legal system face enormous pressure to accept pleas, which may have immigration consequences. For example, LGBTQ people, particularly transgender people, often suffer gender-related abuse in jail. The threat of this abuse creates additional pressure to take a plea in order to avoid incarceration, even though such pleas may put them at risk for detention and deportation.

Furthermore, the presence of ICE in the criminal legal system has significant fiscal impacts on the City, as the number of people and their length of stay in the City’s jails has grown significantly due to ICE interference in the system. Immigrants who have ICE detainers may choose to stay in jail to fight their cases, as paying bail will likely cause them to be turned over to ICE custody, often far from their families.

### We recommend:

- End cooperation with all ICE detainer requests, including those with prior civil deportation orders, pending criminal charges, and prior convictions. We also recommend that the City not honor ICE requests for New Yorkers on “gang” and “terrorist” databases, given the well-documented problems with these databases—including over-inclusion, inaccuracy, and lack of mechanisms to challenge one’s inclusion in these databases.<sup>40</sup>
- Refuse to allow ICE to conduct civil immigration interviews at police precincts or at Rikers Island.
- Revoke the City’s support for ICE’s “Criminal Alien Program” operations at Rikers Island, including removing ICE’s trailer office from Rikers Island.
- Refuse, at minimum, to collaborate with ICE without reimbursement.
- Prevent participation in any further collaborations between local law enforcement and immigration authorities.

## 2. Encourage Prosecutors to Consider Immigration Consequences during Plea Negotiations

Immigration consequences such as deportation, or lifetime bars to getting a green card, impose heavy, disproportionate penalties on noncitizen defendants in the criminal justice system.

For example, these consequences can have severe ramifications for women and LGBTQ defendants. Women facing deportation may be the primary caretaker for United States citizen children.<sup>41</sup> Separating the child from a parent can have devastating consequences for the child left behind,<sup>42</sup> as well as for the parent faced with the decision whether to leave his or her child in the United States, or to take the child along to a country where mother and child may experience serious poverty, violence, and lack of educational opportunities, among other negative impacts.

LGBTQ defendants may have left their country of origin to escape extreme transphobic or homophobic discrimination or violence. Forced removal to that country may put them once again at risk for such discrimination or violence.

Precisely because such dire immigration consequences often play a more important role in the criminal case than the criminal justice sanctions, the United States Supreme Court has stated that “informed consideration” of immigration consequences benefits the prosecution as well as the immigrant defendant.<sup>43</sup>

### We recommend:

- Encourage District Attorneys to adopt policies reminding its prosecutors that the Supreme Court encourages the consideration of immigration consequences in the resolution of criminal cases, particularly since families can be torn apart when children born in the United States lose their parents through deportation. District Attorneys should be required to attempt, wherever possible and appropriate, to agree to immigration neutral pleas and sentences.

## 3. Ensure That Public Defenders and Appointed Counsel Have Resources to Advise Their Clients about the Immigration Consequences of Criminal Dispositions

Countless New York families lose loved ones to deportation, often as a result of a past conviction for which they have already completed their criminal sentence. The convictions range from the smallest to the most serious offenses and include offenses that the prosecutor and judge felt merited no time in jail. In many cases, the person had pled guilty to a crime without understanding that it would have led to deportation. Then, days or years after the criminal case was over, they found themselves in immigration detention and facing deportation – often mandatory, with the conviction closing off all avenues to fight to remain here with their families.

In 2010, the U.S. Supreme Court recognized that it was a criminal defense attorneys’ constitutional obligation to provide affirmative, competent advice to their clients on the immigration

consequences of their criminal cases. That same year, the New York City Office of the Criminal Justice Coordinator (CJC) offered a base level of funding to every institutional defender office to hire in-house immigration counsel to more fully integrate immigration advisals and mitigation strategies in their work. This funding is critical to ensure that defenders meet their ethical duty and that the City meets its constitutional obligations.

#### We recommend:

- Continue to fund immigration experts at the institutional defender offices to ensure that immigrants facing criminal charges in New York are advised of immigration consequences and have a defense that works to mitigate these consequences when possible.
- Ensure that counsel appointed under the “18-b” program have access to timely and accurate immigration advice for their clients.
- Fund the appellate defender offices to represent immigrants appealing their convictions and seeking post-conviction relief in cases where they pled guilty without being informed of immigration consequences by their attorneys, as required by Padilla.

#### 4. Ensure Legal Representation for all New Yorkers Detained by ICE and Placed in Deportation Proceedings

New Yorkers in immigration proceedings face government-trained attorneys often without the representation of a lawyer, often with a language barrier, and no or limited financial resources - all while behind bars and separated from their loved ones. Data shows that only 3% of those who are detained and unrepresented prevail in their proceedings.<sup>44</sup> But lawyers make a huge difference - the success rate jumps to 18% for those who are detained and represented.<sup>45</sup>

Recently, the New York City Council allocated \$500,000 during this fiscal year to fund the nation’s first immigration representation pilot – the New York Immigration Family Unity Project (NYIFUP). The pilot will serve 190 out of the approximately 900 detained New Yorkers who will have their removal proceedings at the New York City Immigration Court this year.

Beyond the family unity toll, a recent study demonstrated that the economic costs that New York City and State bear as a result of deportations are substantial. Once fully implemented statewide, the NYIFUP will result in almost \$6 million of annual economic offsets to the city, state and to New York employers.<sup>46</sup>

#### We recommend:

- Fully implement the NYIFUP at an annual cost of \$5.3 million to provide deportation defense to all New Yorkers who face removal in area immigration courts, including those who have hearings at the New York City Immigration Court, as well as those New Yorkers whose hearing are venued in nearby New Jersey immigration courts (Elizabeth and Newark).<sup>47</sup>



Photo credit: Sabelo Narasimhan

<sup>40</sup> Hawkins, Myers, et al. “The New Blacklists: The Threat to Civil Liberties Posed by Gang Databases.” *Crime Control and Social Justice: The Delicate Balance*. Westport, CT: , 2003. K. Babe Howell, *Gang Databases: Labeled for Life. The Champion*, July and August 2011. Associated Press, *Anti-Terror Program Tracks Innocents, ACLU Says*. <http://losangeles.cbslocal.com/2013/09/19/anti-terror-program-tracks-innocents-aclu-says>.

<sup>41</sup> Between 1997 and 2007, the United States deported the legal permanent resident (“LPR”) parent of approximately 103,000 children, of which at least 85 percent (or 88,000) were United States citizens. See J. Baum, R. Jones & C. Barry, *In the Child’s Best Interest?: The Consequences of Losing a Lawful Immigrant Parent to Deportation*, Int’l Human Rights Law Clinic, University of California, Berkeley, School of Law et al., 4-5 (2010). [http://www.law.berkeley.edu/files/Human\\_Rights\\_report.pdf](http://www.law.berkeley.edu/files/Human_Rights_report.pdf).

<sup>42</sup> Baum, et al., *In the Child’s Best Interest?* 4-5 (2010) Manuel Pedroza, R. Maria Castañeda, R. Santos & M. Scott, *Facing Our Future: Children in the Aftermath of Immigration Enforcement*, Urban Institute, viii (2010), [http://www.urban.org/UploadedPDF/412020\\_FacingOurFuture\\_final.pdf](http://www.urban.org/UploadedPDF/412020_FacingOurFuture_final.pdf).

<sup>43</sup> *Padilla v. Kentucky*, 559 U.S. 356, 373 (2010).

<sup>44</sup> New York Immigrant Representation Study, *Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings*, 33 *Cardozo L.Rev.* 357, 384 (Dec. 2011).

<sup>45</sup> *Ibid.*

<sup>46</sup> Center for Popular Democracy, *The New York Immigrant Family Unity Project: Good for Families, Good for Employers, and Good for All New Yorkers*. [http://populardemocracy.org/sites/default/files/immigrant\\_family\\_unity\\_project\\_print\\_layout.pdf](http://populardemocracy.org/sites/default/files/immigrant_family_unity_project_print_layout.pdf).

<sup>47</sup> *Ibid.* The NYIFUP will cost \$5.3 million to implement in NYC; it will cost \$7.4 million statewide.

# G. Labor

New York City's unemployment rate as of February 2014 is around 7.9%, higher than both the state and national average.<sup>48</sup> While the economic downturn continues to affect unemployed New Yorkers in their job search, it has disproportionately affected marginalized communities, often the communities who need a stable income the most. The Mayor's Office has a responsibility to ensure that job creation and training programs provide all New Yorkers with the opportunity to work for a living wage.

## 1. Address Gender Wage and Employment Discrimination

According to the latest CEO Poverty report, women in New York City are more likely to live in poverty than men. The poverty rate in 2012 for women was 22.3%, compared with 20.5% for men.<sup>49</sup> Furthermore, the poverty rate for single-mother headed households was 35.9%.<sup>50</sup> It is estimated that New York City women are paid 85 cents for every dollar paid to men; the yearly wage gap between full-time working men and women amounts to over \$8000.<sup>51</sup> With women heading over 1 million households in the city,<sup>52</sup> combating wage discrimination and strengthening the economic power of women is critical to supporting New York families.

### We recommend:

- Settle the School Safety Agents of Teamsters Local 237's equal pay lawsuit, which would bring the wages of 5000 School Safety Agents, predominantly female, in line with those with other peace officers, who are predominantly male. Currently, School Safety Agents are paid on average \$7000 less than other peace officers.<sup>53</sup>
- Proactively evaluate and address existing gender wage gaps among city employees.
- Expand opportunities for minority- and women-owned business enterprises. The city's current M/WBE program has consistently failed to meet goals for women-owned business participation in city contracts.<sup>54</sup>
- Fully fund and staff the Human Rights Commission to ensure enforcement of workplace legal protections like the Pregnant Workers Fairness Act, particularly for all vendors awarded city contracts.

## 2. Address LGBTQ Youth Unemployment

While youth currently have the highest unemployment rate among all age groups in the City - 19% for young people ages 16 to 21 - the job development programs are inadequately funded to deal with this crisis.<sup>55</sup> In 2013 there were approximately 30,000 slots available in City youth job development programs with a staggering 131,000 applications.<sup>56</sup> In addition, the program was shortened from seven weeks to six. In NYC, where the youth employment is nearly 20%, LGBTQ youth face even steeper obstacles to finding work since they are vulnerable to discrimination on the basis of sexual orientation and gender identity. Nationally, 21% of LGBTQ respondents in a PEW study reported being discriminated against in hiring, pay, or promotions.<sup>57</sup>

Employment discrimination against transgender workers in New York State results in costs of \$1.5 to \$7 million in Medicaid and housing expenditures each year.<sup>58</sup>

### We recommend:

- Increase the number of slots available for youth in job development programs.
- Ensure that all slots have adopted non-discrimination policies to protect LGBTQ youth.
- Advertise employment opportunities available to youth by creating a dedicated website that consolidates the job programs, employment services and training opportunities that the City and State provide, developing an advertising campaign including online, TV, subway and bus ads, and targeting outreach to at risk youth by working collaboratively with outreach centers, shelters, and transitional living shelters.
- Support the capacity of worksite assignments in various job development programs to be able to adequately support LGBTQ youth whom they employ to avoid workplace discrimination.

## 3. Create Programs to Develop Financial Independence for Survivors of Sexual and Intimate-Partner Violence

Violence can impoverish people through increased medical bills and missed work days necessary to cope with the trauma of a violent incident. For IPV survivors, economic abuse and dependence on the abusive partner create significant, often insurmountable, barriers to leaving an abusive relationship. A sustainable income, at a living wage, is critical to help survivors of violence escape and live safely.

### We recommend:

- Create and provide funding to programs that assist sexual and intimate-partner violence survivors with economic sustainability, including public benefits, employment training and development, long term counseling, job readiness, and job training.
- Provide specific focus on underserved populations, including immigrants, non-English speakers, people with disabilities, and LGBTQ survivors.

## 4. Support Training and Employment for LGBTQ Elder Workers

Finding and retaining a fulfilling job can be difficult for many people, but it is especially challenging for LGBTQ people as they enter their later years. Age discrimination in the workplace is a growing problem, even though it is illegal. For LGBTQ older people, the danger of age discrimination is exacerbated since they must often deal with the added barriers of LGBT-bias and discrimination.<sup>59</sup> Given that LGBTQ older adults are at heightened risk for poverty and have lower levels of retirement savings than older people in general, the ability to secure employment during the later working years is critically important.



### **We recommend:**

- Provide NYC funding for Workforce Development skills-building programs that focus on LGBTQ older adults.
- Fund outreach to employers to encourage them to employ LGBTQ older workers.
- Expand opportunities for older adults to engage in employment by increasing access to Title V programs.

## **5. Facilitate Access to Services for Trafficking Survivors**

Trafficked people may be coerced or forced to work for little or no pay in a variety of conditions – as sex workers, domestic workers, restaurant workers, etc. As a practical matter, in many circumstances there is little difference between the working conditions of trafficked people and those who are trapped in low-wage work. Indeed, many people who escape from working conditions that meet the legal definition of “trafficked” find themselves “freed” to work in low-wage work that could hardly be considered “free”. Given the practical similarities between “trafficked” work and “low-wage” work for many residents of New York City we strongly urge the administration to resist the current trend of describing trafficked labor as a modern form of human slavery. It does two counterproductive things: erases the fact that trafficked persons are performing work, albeit on account of force, fraud or coercion, and erases the similarities in working conditions that many trafficked people share with persons doing low-wage labor. For these reasons we urge the administration to shift its frame of analysis of the problem of human trafficking from a problem of crime and criminal justice to one of labor and workers’ rights.

Survivors of human trafficking need substantial services and resources. The City should deemphasize incarceration and deportation in favor of providing supportive services and resources. Services should empower survivors with the resources they need.

### **We recommend:**

- Devote resources for case management, shelter, and legal services to organizations with a demonstrated track record serving survivors of trafficking with a range of experiences.
- Systematically shift the City’s approach to human trafficking from a model of “modern slavery” best addressed through the criminal law to one that recognizes the problem of trafficking as necessarily tied to coercive labor migration, low-wage work, and the under-regulation of vulnerable populations in the City more generally.
- Convene a task force of advocates and thought-leaders on human trafficking that can assist the City in formulating innovative approaches to human trafficking that look beyond the current trend of tying it to human slavery.
- Encourage law enforcement agencies to sign U & T non-immigrant visa certifications for undocumented survivors of trafficking without requiring that the applicants testify or otherwise cooperate in criminal investigations or prosecutions. These demands for applicant cooperation undermine the visa programs’ purpose of protecting survivors. Policies should be transparent and clear for

those seeking a certification.

- Services for trafficked youth should be in the least restrictive setting to allow for case management, social support, and legal services. Access to job development and meaningful economic opportunities should be presented in a setting that encourages decision-making.
- All services for trafficking survivors should be non-discriminatory and open to all ages and genders.
- The Human Trafficking Intervention Courts should be open to survivors of all forms of human trafficking and all programs should be evaluated or meet a minimum standard.
- Root solutions in enhancing quality of and access to services and community-based outreach and education rather than focusing on enhanced criminal penalties.

## **6. Develop City Policies on Labor Trafficking**

Trafficking into most sectors of wage labor is grossly underreported and under-recognized. Trafficked individuals may come into contact with city agencies without their trafficked status becoming known. Furthermore, labor trafficking also may be found in sourcing through supply chains. Establishing City policies will help provide a more unified front against trafficking.

### **We recommend:**

- Train City agencies to develop training and policies on labor trafficking.
- Develop City policy on not engaging with businesses that do not examine their supply chains for slave labor and human trafficking.

<sup>48</sup> New York State Department of Labor. <http://labor.ny.gov/stats/pressreleases/pr-laus.shtm>.

<sup>49</sup> NYC Center for Economic Opportunity, *The CEO Poverty Measure, 2005 - 2012*.

[http://www.nyc.gov/html/ceo/downloads/pdf/ceo\\_poverty\\_measure\\_2005\\_2012.pdf](http://www.nyc.gov/html/ceo/downloads/pdf/ceo_poverty_measure_2005_2012.pdf).

<sup>50</sup> The New York Women’s Foundation, *Economic Security and Well-Being Index For Women in New York City*. <http://www.nywf.org/wp-content/uploads/2013/04/New-York-Womens-Foundation-Report.pdf>.

<sup>51</sup> National Partnership for Women and Families, *New York City Women and the Wage Gap*. [http://go.nationalpartnership.org/site/DocServer/Wage\\_Gap\\_NewYorkCity.pdf](http://go.nationalpartnership.org/site/DocServer/Wage_Gap_NewYorkCity.pdf).

<sup>52</sup> Ibid.

<sup>53</sup> Beth Fertig, *School Safety Agents Claim Pay Discrimination*. <http://www.wnyc.org/story/301884-school-safety-agents-claim-pay-discrimination/>.

<sup>54</sup> Adam Wisniewski, *Push to Diversify City Contracting Falls Short of Goals*. <http://www.citylimits.org/news/articles/5012/push-to-diversify-city-contracting-falls-short-of-goals#.U2kQ7KWMWDW>

[http://www.cdp-ny.org/report/The\\_Struggle\\_Report.pdf](http://www.cdp-ny.org/report/The_Struggle_Report.pdf).

<sup>56</sup> Ibid.

<sup>57</sup> Pew Research Center, *A Survey of LGBT Americans*. <http://www.pewsocialtrends.org/2013/06/13/a-survey-of-lgbt-americans/8/#top-issues>

<sup>58</sup> *The High Cost of Anti-Transgender Discrimination*. <http://thetaskforceblog.org/2013/05/20/the-high-cost-of-anti-transgender-discrimination/>

<sup>59</sup> SAGE, *Economic Security*. <https://www.sageusa.org/issues/economic.cfm>

# H. People Living with HIV/AIDS (PLWHA)

Since the disease's first outbreak in the 1980s, New York City has remained at the center of the HIV/AIDS epidemic. New York City leads the nation in new cases of HIV/AIDS.<sup>60</sup> According to the latest surveillance data from 2013, over 116,000 New Yorkers are living with HIV/AIDS,<sup>61</sup> roughly 10% of all of the HIV/AIDS cases nationally.<sup>62</sup> We applaud the Mayor's Office for recently securing a 30% rent cap for HASA clients in the newest state budget. The Mayor's Office has the responsibility to support initiatives like the rent cap that prevent new infections and ensure that PLWHA receive the resources they need to support positive treatment outcomes and healthy, full lives.

## 1. Increase Access to HASA Benefits

The HIV/AIDS Services Administration (HASA) provides essential benefits and services to people living with HIV/AIDS in New York City. Today, only people with an AIDS diagnosis (defined as individuals with a T-cell count of 200 or lower, or two opportunistic infections) are eligible for those benefits.<sup>63</sup> That distinction has prompted some poor people to allow themselves to become sick just to qualify for benefits.<sup>64</sup> The HASA for All Act, introduced in 2008 by Councilwoman Anabel Palma, would extend HASA benefits to *all* poor New Yorkers living with HIV. Advocates estimate that the HASA for all Act would help at least 7,000 people receive full HASA assistance, including critical housing assistance.

### We recommend:

- Provide support for passage of the HASA for All Act.

## 2. Reform HASA Policies to Ensure Access to Affordable Housing

One of the most critical services HASA provides is assistance in securing affordable housing. Yet two recent policies, adopted as cost-saving measures, have made this process even more difficult. Providing access to stable, affordable housing is critical in ensuring the well-being of people living with HIV/AIDS, as well as saving millions in future emergency housing and medical care costs.

In March 2011, HASA instituted a new policy to pay only 50% of brokers' fees on behalf of clients securing new housing. The vast majority of brokers are unwilling to accept this reduced fee, and have either stopped working with HASA clients, or have informally asked HASA clients to pay the other half themselves.<sup>65</sup> Without brokers to provide that critical level of reassurance to new landlords, the stigma that so many HASA clients face in their housing search goes unmanaged.

Furthermore, recent HRA policy now requires HASA to pay landlords their security deposit in the form of a voucher, rather than a check. In order for landlords to collect on this voucher, they must submit extensive paperwork: documentation of damages, estimates for repair work, and receipts for work done. The prospect

of such an onerous process is daunting, and disincentivizes landlords from accepting HASA clients.

### We recommend:

- Reverse recent HASA policy that pays only 50% of broker fees.
- Reform HASA policy to pay landlords their security deposits via check and not voucher.

## 3. Provide Resources to Support Services for Elders Living with or At Risk for HIV/AIDS

The number of older adults living with HIV/AIDS in NYC is growing rapidly. The latest data from 2013 found that nearly 77% of PLWHA in New York City were 40 and older; 47.5% were 50 and older.<sup>66</sup> This is due in part to advances in science and treatment of HIV. It is also due to the continued spread of HIV - the latest CDC report found that newly infected older adults accounted for 16% of all new HIV diagnoses annually.<sup>67</sup> Unfortunately, because many mistakenly assume older adults are sexually inactive, and because LGBTQ older adults often fear discrimination and therefore delay or avoid seeking services and care, many LGBTQ older adults aren't tested or diagnosed. As a result, when LGBTQ older adults are finally tested, it is more often a dual diagnosis of HIV and AIDS.

### We recommend:

- Increase funding for direct service provision to older adults living with HIV and/or AIDS.
- Provide funding for training to NYC providers on HIV and aging.

## 4. Address HIV Stigma

Although some of the fear and scapegoating that were rampant in the early years of the epidemic have abated, PLWHA are still subject to stigmatizing behavior and attitudes. People living with HIV may be ostracized by their families, lose their homes, or be subject to intimate-partner violence, even murder. Furthermore, social rejection, disapproval, discrimination, and even the perception that stigma exists make an HIV-positive individual less likely to seek treatment, attend medical appointments, or adhere to a drug regimen. PLWHA who are highly concerned with stigma are three times less likely to adhere to their drug regimens.<sup>68</sup> Stigma can also impede testing efforts. People who fear negative fallout from a positive HIV test often forego testing.

People living with HIV/AIDS also often encounter stigma at the doctor's office. Healthcare professionals can be insensitive to concerns about stigma and may not follow appropriate procedures for maintaining patient confidentiality or may lack such procedures altogether. Healthcare providers' own fear of infection may also result in diminished care and services. At its most extreme, discrimination by healthcare providers results in denial of treatment or access to health facilities. High levels of experienced stigma correlate with

low access to care, negative mental health outcomes, and suboptimal adherence to drug therapies.

**We recommend:**

- Develop social marketing campaigns to address HIV stigma through the Commission on Human Rights and the Department of Health and Mental Hygiene.
- Provide funding for HIV stigma training for health care workers in city hospitals and clinics.

**5. Increase Funding for Essential Supportive Services for PLWHA**

People living with HIV/AIDS deserve the right to access an array of supportive services to ensure their health and well-being. These services are also potentially cost saving and beneficial to the public health, helping to prevent future transmissions and emergency care.

**We recommend:**

- Develop food and nutrition programs for PLWHA, including in-home food delivery services and nutrition counseling. Nutrition services have been shown to slow disease progression, reduce complications associated with HIV treatment, and increase treatment adherence.
- Enhance mental health services for PLWHA, who are disproportionately likely to suffer from mental health conditions. Mental health interventions have the demonstrated potential to increase treatment adherence and to help reduce risk-taking behaviors, thereby slowing transmission of HIV.
- Provide funding for legal services for PLWHA. Legal services are necessary to assist PLWHA in guaranteeing and maintaining access to health care services, primarily by addressing legal issues that would otherwise compete with these priorities – housing, immigration, enforcement of legal rights, and ben-

efits.

- Ensure that youth in foster care receive essential HIV prevention programming. Foster care youth are particularly vulnerable to contracting HIV. Efforts to improve prevention programming must be given by trained staff and with sensitivity to the range of sexual orientations and gender identities of young people in the foster care system.
- Provide funding for services that address the connection between HIV and intimate-partner violence (IPV). Regardless of gender, half of HIV-positive patients who seek treatment have been affected by intimate-partner violence or childhood sexual abuse. HHC should incorporate IPV screening into all health care and social work encounters with PLWHA and trans and gender non-conforming individuals, who are additionally at high risk. Staff must be trained to provide necessary referrals, resources, counseling, or strategies for safety planning.

<sup>60</sup> Centers for Disease Control and Prevention, *HIV Surveillance Report*. [http://www.cdc.gov/hiv/pdf/HSSR\\_MSA\\_2013-PDF04.pdf](http://www.cdc.gov/hiv/pdf/HSSR_MSA_2013-PDF04.pdf).

<sup>61</sup> NYC Department of Health and Mental Hygiene, *HIV Surveillance Mid-Year Report, 2013*. <http://www.nyc.gov/html/doh/downloads/pdf/dires/1st-half-2013-surveillance-statistics-tables.pdf>.

<sup>62</sup> See 57.

<sup>63</sup> Community HIV/AIDS Mobilization Project, *New York City's HASA For All Campaign*. <http://www.thebody.com/content/art47447.html>.

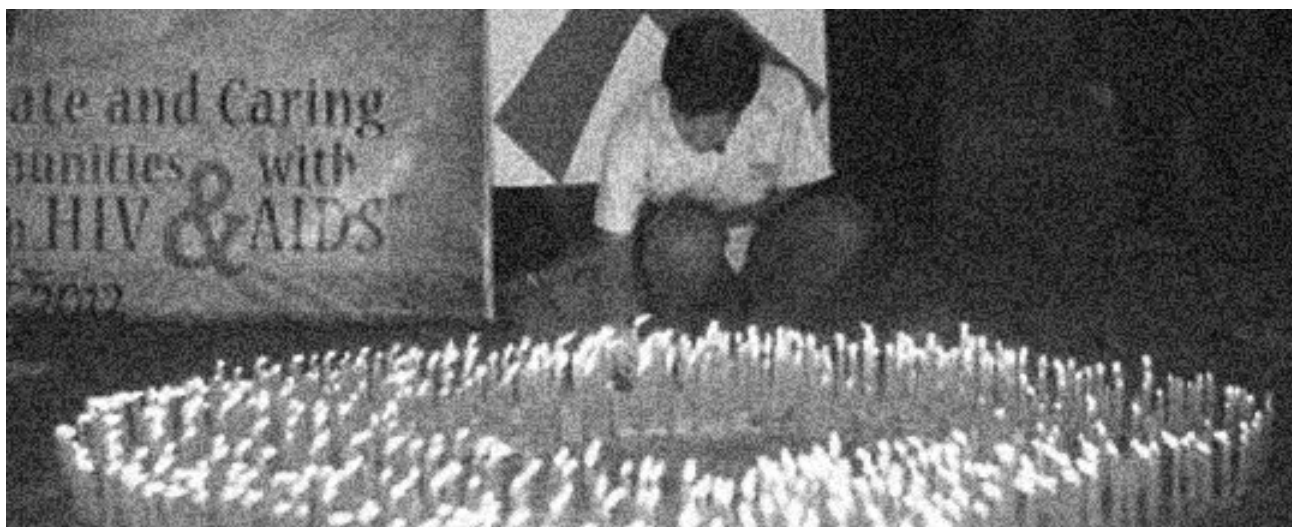
<sup>64</sup> Maral Sharifi, *The Men Who Want AIDS - and How It Improved Their Lives*. <http://www.out.com/news-opinion/2013/08/02/men-who-want-aids-bronx-new-york>.

<sup>65</sup> Housing Works. *NYC Brokers Refuse to Work with AIDS Housing Groups*. <http://www.housingworks.org/advocate/detail/nyc-brokers-refuse-to-work-with-aids-housing-groups/>.

<sup>66</sup> See 58.

<sup>67</sup> Centers for Disease Control and Prevention, *HIV Surveillance Report*. <http://www.cdc.gov/hiv/topics/surveillance/resources/reports>.

<sup>68</sup> Rintamaki LS. Davis TC. Skripkauska S. Bennett CL. Wolf MS. *Social stigma concerns and HIV medication adherence*. *AIDS Patient Care STDs*. (2006)



# I. Sexual and Intimate-Partner Violence

A recent scientific nation-wide survey by the Centers for Disease Control found that 1 in 4 women and 1 in 7 men have experienced intimate partner violence and 1 in 5 women and 1 in 71 men have been raped at some time in their lives.<sup>69</sup> The CDC also found that lesbian, gay, and bisexual people experience intimate partner and sexual violence at the same rates as non-LGBTQ people.<sup>70</sup> People of color, including African American, multiracial, and Native American women experience higher rates of both sexual assault and intimate-partner violence than white women.<sup>71</sup> Both forms of violence are vastly underreported crimes, and no doubt the numbers are significantly higher. Yet, despite the high rate of rape and intimate-partner violence, services to respond to and prevent this violence are grossly inadequate. Culturally competent services for marginalized communities - especially communities of color, immigrants, non-English speaking people, people with disabilities and lesbian, gay, bisexual and transgender people - are even more limited.

The Mayor's Office has the responsibility to raise awareness of intimate and sexual violence, and to expand and ensure culturally competent services for all survivors.

## 1. Provide Executive Branch Funding for Sexual and Intimate-Partner Violence Programs

Social and legal services for intimate partner violence survivors are essential to their ability to escape violence and begin the healing process. In particular, research shows that legal services are strongly correlated with a reduction in intimate partner violence and enable survivors to escape abusive relationships.<sup>72</sup> Existing resources are inadequate to meet the needs of survivors of sexual and domestic violence. Discretionary allocations from the City Council (\$2.825M in the Domestic Violence Empowerment DoVE and \$200K for the Sexual Assault Initiative) are uncertain from year to year, making it difficult to plan and sustain programs. Without this funding, survivors of abuse, particularly low-income survivors and those from marginalized communities, have few options for vital preventive, social and legal services.

### We recommend:

- Provide consistent and increased Executive Branch funding to support survivors of sexual and domestic violence.

## 2. Create a High Level Citywide Position on Violence and Poverty

There is a strong correlation between poverty and violence: intimate partner violence is a primary cause of homelessness and women who are homeless report a far higher recent sexual assault than non-homeless women.<sup>73</sup> There is an immediate need to create a position that can holistically address the violence of sexual and intimate partner violence, as well as trafficking, and the poverty

that these crimes so often cause. These crimes are also in some part caused by poverty, lack of viable options for income and homelessness. This position should focus on the intersection of poverty and violence so as to lower the rate of child sexual assault, violence against women and intimate partner violence, including in the LGBTQ community.

### We recommend:

- Create a high-level citywide position on violence and poverty that has the power to convene all city agencies, including the DOH, NYPD, NYCHA, HPD, HRA, ACS, CHR, DHS, and OCDV to provide a coordinated response to problems faced by survivors and to address gaps in policy and practices.
- Create multi-disciplinary group for each county to trouble shoot on individual cases to allow city-wide position to address broader, systemic issues.
- Use this position to utilize proven tools to reveal policies and practices that place survivors of intimate partner violence and sexual assault at risk, such as fatality reviews and safety audits.

## 3. Gather Data on Sexual and Intimate-Partner Violence

New York City should routinely gather data in order to properly allocate funding and resources for survivors of sexual and intimate partner violence and track progress on anti-violence initiatives. Surveys that are conducted by city agencies should not only collect information on sexual and intimate partner violence and harassment but the demographics that characterize them.

### We recommend:

- All New York City surveys, reports and data about sexual and intimate partner violence, and all agencies funding or overseeing work on sexual and intimate partner violence in which demographic information is collected, should include questions about race, ethnicity, sexual orientation, age and gender identity.
- The New York City Department of Health and Mental Hygiene conducts a Community Health survey each year with 10,000 respondents from all five boroughs.<sup>74</sup> This survey should include questions about sexual violence and intimate partner violence as well as demographic information about race, ethnicity, sexual orientation, age and gender identity. This survey should also collect information on the prevalence and impact of sexual harassment in the workplace, schools, and public space so that this information can be used to baseline progress.
- Enhance and improve automated data collection systems and data communication systems that link police, prosecutors, courts and victims service agencies. Specific examples include the Domestic Incident Report database, Order of Protection Registry, and Child Abuse Registry.
- Support community needs assessments that seek to

identify members of underserved populations and victim needs currently not met through existing community-based programs including cultural specific programs that serve underserved populations; e.g. LGBTQ anti-violence organizations.

- Collect and publish information about the number of homeless domestic violence survivors, trafficking and sexual assault survivors using HRA and DHS shelters annually.

#### 4. Increase Access to Services for LGBTQ Survivors of Violence

According to the United States Centers for Disease Control and Prevention (CDC), lesbian, gay and bisexual people experience intimate partner violence at about the same or slightly higher rate than non-LGBTQ people.<sup>75</sup> In the National Coalition of Anti-Violence Programs (NCAVP) 2012 report on intimate partner violence, transgender and gender non-conforming (TGNC) people, people of color and LGBTQ youth/young adults were the most impacted by intimate partner violence and rates of intimate partner violence were highest for LGBTQ people of color.<sup>76</sup> However, services remain largely inaccessible to LGBTQ survivors of violence. A 2010 study with the National Center for Victims of Crime and NCAVP found that 94% of mainstream service providers did not have LGBTQ-specific services.<sup>77</sup> In 2012, fewer than 5% of survivors reporting intimate partner violence sought domestic violence shelters or orders of protection and fewer than 20% reported this violence to the police.<sup>78</sup> These findings clearly demonstrate the need for a comprehensive and culturally competent response to the needs of LGBTQ survivors of intimate partner violence.

##### We recommend:

- Fund public awareness campaigns, focused on allies and bystanders, that raise awareness about violence faced by LGBTQ and HIV-affected communities highlighting resources throughout New York City to deal with the trauma of the violence and the aftermath.
- Fund the development of technology that allows LGBTQ and HIV-affected people to report the violence that they experience and find culturally specific and competent services and support in response to that violence.
- Require all city-funded domestic violence shelters to create and enforce non-discrimination protections that explicitly include sexual orientation and gender identity, similar to the 2013 reauthorization of the Violence Against Women Act and as required by Local Law 3, as a condition of receipt of grant funds.
- Ensure that LGBTQ survivors are included in all prevention assessments, including homicide and lethality assessments, as well as coordinated community response models such as Family Justice Centers.
- Require and fund regular and consistent LGBTQ-specific train-

ing of all city agencies, such as the NYPD Sex Crime Unit, for all staff, including Commissioners, on the issues of working with LGBTQ and HIV-affected communities in a culturally competent way and in the unique dynamics of violence as it impacts these communities.

- Provide all non-profits funded by the city with free access to Language Line to allow critical crisis intervention, economic empowerment and safety support services to be accessed by all New Yorkers to increase access to services.

#### 5. Create Sexual Violence Public Campaign

It has been many years since the last NYC Sexual Assault campaign. It is one of the most unreported crimes and increasing awareness will increase reporting of this violence. The goal would be to raise awareness and encourage survivors to reach out for assistance.

##### We recommend:

- Create a subway and bus campaign through the New York City Department of Health that addresses diverse communities in NYC with messaging that recognizes and responds to the needs of these communities.
- Work with advocates to tailor messages to specific communities for effective outreach.

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<sup>69</sup> Center for Disease Control and Prevention, *National Intimate Partner and Sexual Violence Survey 2010 Summary Report*. [http://www.cdc.gov/violenceprevention/pdf/nisvs\\_report2010-a.pdf](http://www.cdc.gov/violenceprevention/pdf/nisvs_report2010-a.pdf)

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

<sup>72</sup> A. Reckdenwald, K.K. Parker, *Understanding Gender-Specific Intimate Partner Homicide: A Theoretical and Domestic Service-Oriented Approach*. (2010)

<sup>73</sup> American Civil Liberties Union, *Domestic Violence and Homelessness*. <https://www.aclu.org/sites/default/files/pdfs/dvhomelessness032106.pdf>.

<sup>74</sup> NYC Department of Health and Mental Hygiene, *Data and Statistics*. <http://www.nyc.gov/html/doh/html/data/survey.shtml>.

<sup>75</sup> Centers for Disease Control and Prevention, *National Center for Injury Prevention and Control, The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation*. [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_SOFindings.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_SOFindings.pdf). This survey did not include transgender or gender non-conforming people and no national federal study does.

<sup>76</sup> National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender and Queer Intimate Partner Violence in the United States in 2012*. [http://www.avp.org/storage/documents/ncavp\\_2012\\_ipvreport.final.pdf](http://www.avp.org/storage/documents/ncavp_2012_ipvreport.final.pdf).

<sup>78</sup> National Coalition of Anti-Violence Programs and the National Center for Victims of Crime, *Why It Matters*. [http://www.avp.org/storage/documents/Reports/Why-ItMatters\\_LGBTQreport.pdf](http://www.avp.org/storage/documents/Reports/Why-ItMatters_LGBTQreport.pdf).

<sup>78</sup> See 76.

# J. Social Services

## 1. Address HRA Discriminatory Practices

In 2010, the Audre Lorde Project, Housing Works, and the Sylvia Rivera Law Project led the Welfare Justice Campaign resulting in Human Resources Administration creating new policy that would ensure that HRA provided quality care without regard to a person's gender, race or sexual identity. Despite this, community organizations are hearing about more and more cases of HRA discriminatory practices, especially against trans women of color.<sup>78</sup>

### We recommend:

- Issue a statement emphasizing the importance of the non-discrimination policy and insisting on its enforcement.
- Evaluate HRA's non-discrimination policy to be sure that trans and gender non-conforming clients of the HRA are receiving non-discriminatory services.
- Develop new and better training of relevant actors at HRA to assure compliance with the agency's non-discrimination policy.
- Require appropriate managers for each HRA unit to report bi-annually on compliance with non-discrimination policies.

## 2. Facilitate Gender Changes on Public Identification Documents

The ability to change one's sex designation on identity documents is an important issue for many transgender people. Transgender persons face serious obstacles in accessing these necessary identity documents without a birth certificate that accurately reflects their current gender. Incorrect gender identification may lead to bias, harassment, or discrimination, and makes it more difficult for government officials or agencies to accurately identify transgender people.

The New York State Department of Health, Vital Records Division has a policy providing for the change of sex designation on birth certificates upon the receipt of a completed application; a letter from the surgeon specifying date, place, and type of sex reassignment surgery performed; an operative report from the sex reassignment surgery; and additional medical documentation.

New York City has a vital records division separate from the State. New York City's current policy, which resulted from a 1965 report and was adopted in 1971, provides that a new birth certificate will be filed when the name of the person has been changed pursuant to court order and proof satisfactory to the New York City Department of Health and Mental Hygiene has been submitted that such person has undergone "convertive" surgery.

There are no practical medical or legal reasons for why gender change should be linked with sex reassignment surgery. A 2009 study estimated that fewer than 20% of transgender women and fewer than 5% of transgender men have undergone genital surgery, due to its severe limitations and associated medical risks.<sup>79</sup> Relaxed

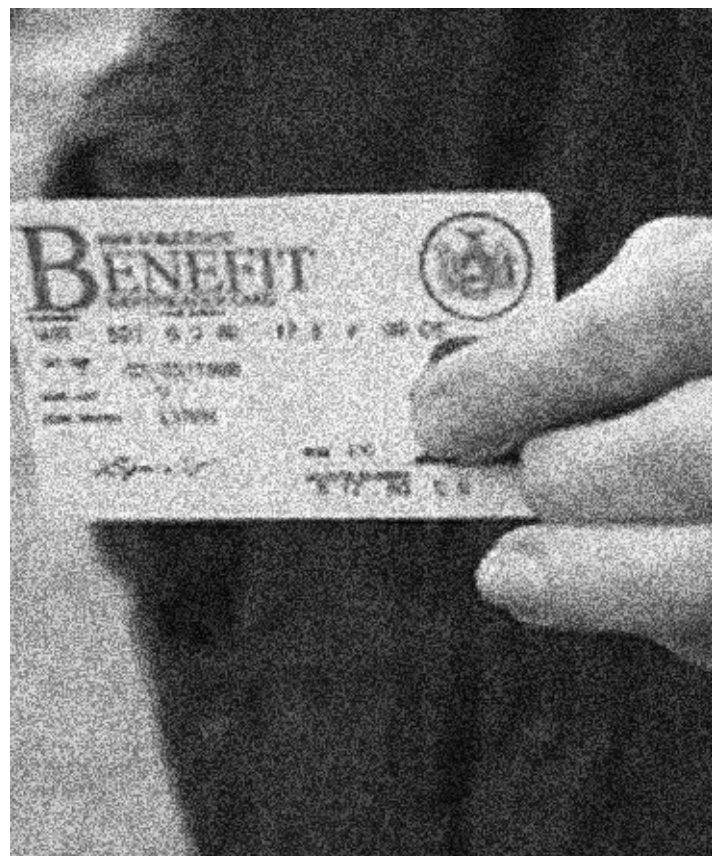
gender change laws are unlikely to encourage identity fraud. Even without the sex reassignment surgery requirement, gender change will still require a number of procedural steps that make the potential for identity fraud unrealistic.

### We recommend:

- Mandate that the HRA commissioner to implement a policy for gender change on New York State benefits cards that does not require genital surgery.
- Compel DOHMH to update its gender marker change policy for transgender people who are born in New York City. The new policy should be consistent with Medicare, Social Security Administration, United States Citizenship and Immigration Services, and State Department policies, which only require certification from a physician confirming that the individual has undergone appropriate clinical treatment for gender transition.
- Ensure that the updated gender change policy applies to the municipal ID card proposed by City Council.

<sup>78</sup> Josie Bartlett, *Queens Transgender Woman Files Lawsuit Against City*. [http://www.qchron.com/editions/western/queens-transgender-woman-files-lawsuit-against-city/article\\_89cb4320-7ecd-5a32-9657-5a52d005b306.html](http://www.qchron.com/editions/western/queens-transgender-woman-files-lawsuit-against-city/article_89cb4320-7ecd-5a32-9657-5a52d005b306.html).

<sup>79</sup> *National Transgender Discrimination Survey Report on Health and Health Care*. [http://transequality.org/PDFs/NTDSReportonHealth\\_final.pdf](http://transequality.org/PDFs/NTDSReportonHealth_final.pdf).



# Appendix — Table of Contents

## **Appendix I. Full Memos of Recommendations Made by Participating Organizations**

• Audre Lorde Project .....	22
• Coalition of Anti-Violence Advocates on Domestic Violence and Sexual Assault .....	23
• FIERCE .....	32
• Girls for Gender Equity .....	36
• HIV Law Project .....	42
• Immigrant Defense Project.....	48
• National Organization for Women - New York City .....	52
• New York City Anti-Trafficking Network .....	57
• New York City Gay and Lesbian Anti-Violence Project.....	59
• New York Civil Liberties Union.....	62
• Services and Advocacy for LGBT Elders.....	65
• Streetwise and Safe .....	70
• Sylvia Rivera Law Project.....	73
<b>Appendix II. Contact Information for Participating Organizations.....</b>	<b>76</b>
<b>Appendix III. Criminal Complaints Utilizing Condoms as Evidence.....</b>	<b>77</b>
<b>Appendix IV. Annotated Bibliography for Further Reading.....</b>	<b>87</b>

# Appendix I — Full Memos *cont'd*



## **The Audre Lorde Project, Inc.**

147 West 24<sup>th</sup> Street, 3<sup>rd</sup> Floor, New York, NY 10011

Tel: 212-463-0342 \* Fax: 212.463.0344\* Website: [www.alp.org](http://www.alp.org)

“Without Community there can be no liberation...” Audre Lorde

On behalf of the Audre Lorde Project, we seek to transform conditions and sustain the political and cultural strategies of Lesbian Gay Bisexual Two Spirit Trans & Gender Non Conforming (LGBTSTGNC) People of Color communities in New York City. In the name of Caribbean Lesbian NY Poet Laureate, Audre Lorde; the Audre Lorde Project, is an intergenerational organizing center serving New York City, bringing action, voice and visibility to the extreme marginalization facing our communities based on our race, class, gender identity, physical ability, immigrant status, and sexual orientation.

### **Our Conditions:**

- Much of our community lives in poverty yet cannot access support from shelters due to discrimination and harassment, nor are able to seek well paying and safe jobs.
- We face higher rates of violence with increased policing through Stop & Frisk and communal violence targeting us, as we are at least 1.82 times more likely to experience physical violence than white LGBT. We are also experiencing an exponential increase of violence targeting, Trans women of African and Latina descent specifically.
- Increasingly we experience a disproportionately higher rate of wide range health conditions, including HIV/AIDS, Hepatitis and Cancer. Yet often services are still not culturally competent or gender affirming for low-income communities especially so our communities do not seek services for their own safety.

The Audre Lorde Project has a 16 year old history of organizing in NY City and leading LGBTSTGNC community led strategies for our collective safety, well being and survival yet we are still fighting for New York City to transform these conditions to live quality lives. These times of transition call for even more critical strategies to include:

- 1) More citywide supported survivor support and strategies for building safe community spaces. Our six year old, ‘Safe Neighborhood Campaign’, seeks to work with small businesses, religious institutions and organizations to build safety within Central Brooklyn neighborhoods and we would like to see more active participation in the city leveraging resources towards our campaign efforts for all of our collective safety. As well as to resource community led efforts and strategies that seek to transform violence in our communities by supporting more creative, non-policing, community led strategies.
- 2) The implementation of the Community Safety Act and the removal of any citywide policy or legislation using ‘condoms as evidence’ that continues to condone discriminatory policing; including homophobic/transphobic and racial profiling of our communities.
- 3) The Audre Lorde Project, with partners such as the Housing Works, and the Sylvia Rivera Law Project, led the Welfare Justice Campaign towards a win within the Human Resources Administration to create a policy that would ensure HRA quality care no matter your gender, race or sexual identify. Yet we are hearing more and more of increased cases of HRA discriminatory practices, especially against Trans Women of Color. We need this administration to reinstate and ensure this policy or enforce institutional accountability if it is not met.
- 4) Citywide support to eliminate the Medicaid regulation barring coverage of gender affirming healthcare.

In closing, we are a part of this city’s communities and need to be seen, heard and resources for our strategies and vision towards building collective well being and safety for all. We look forward to building clear, and transformative changes with this new administration.

Cara

Cara Page  
Executive Director  
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**Recommendations of the NEW YORK CITY GAY AND LESBIAN ANTI-VIOLENCE PROJECT (AVP) for LBGTQ AND HIV-AFFECTED HEALTH AND SAFETY  
FALL 2013**

**Introduction**

The New York City Gay and Lesbian Anti-Violence Project (AVP) has more than 30 years experience working with lesbian, gay, bisexual, transgender, queer (LGBTQ) and HIV-affected survivors of hate violence, sexual violence, intimate partner violence and institutional violence.

LGBTQ and HIV-affected people face **disproportionate rates of violence**, very **limited access to culturally competent services** to address that violence and **institutionalized homophobia, biphobia and transphobia** when engaging with New York City systems and institutions meant to serve survivors of violence.

To address these issues, AVP recommends **enacting the following policy changes to meet the health and safety** of LGBTQ and HIV-affected survivors.

**Reduce Anti-LGBTQ Hate Violence**

LGBTQ violence is a public health issues. 2012 data shows a very violent year for LGBTQ people with some of the highest numbers of hate violence homicides<sup>1</sup> and the highest number of intimate partner violence homicides recorded<sup>2</sup>. People of color and transgender people were disproportionately murdered and faced higher incidents of police violence. 2013 is on course for exceeding those numbers.

LGBTQ and HIV-affected people face hate violence every day in the streets on New York City. AVP gets almost 500 reports of this violence each year in New York City. That's an average of 1.3 reports of violence each day. We see 25-30 anti-LGBT homicides a year nationally and transgender and gender non-conforming people and people of color are most impacted by homicide: 73.1% of all anti-LGBTQ homicide victims in 2012 were people of color and 53.8% were transgender people. In 2013, we saw a disturbing increase in violence against LGBTQ and HIV-affected people. From May to September we saw 19 high profile incidents of violence (that is, those that make the newspaper and engender a tremendous amount of public information and need for support), including the homicides of Mark Carson and Islan Nettles. LGBTQ New Yorkers look to the Mayor and City Council for strong leadership in denouncing this violence and working to reduce and end it so that New York City is safe for all its residents.

To address this violence, we recommend:

- Publically denounce, alongside City Agency Commissioners, anti-LGBTQ and anti-HIV hate crimes in mainstream media, generally in the work of the City and immediately in response to individual incidents, to make clear the City will not tolerate this violence.

<sup>1</sup> National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender and Queer Hate Violence in the United States in 2012* (published June 4, 2013), available at [http://www.avp.org/storage/documents/ncavp\\_2012\\_ivrreport\\_final.pdf](http://www.avp.org/storage/documents/ncavp_2012_ivrreport_final.pdf).

<sup>2</sup> and National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender and Queer Intimate Partner Violence in the United States in 2012* (published October 1, 2013), available at [http://www.avp.org/storage/documents/ncavp\\_2012\\_ivrreport\\_final.pdf](http://www.avp.org/storage/documents/ncavp_2012_ivrreport_final.pdf).

# Appendix I — Full Memos *cont'd*

- Fund public awareness campaigns, focused on allies and bystanders, that raise awareness about the issues of hate violence, intimate partner violence and sexual violence faced by LGBTQ and HIV-affected communities and with resources throughout New York City to deal with the trauma of the violence and the aftermath, including economic instability.

## Increase access to services for LGBTQ survivors of violence

According to the United States Centers for Disease Control and Prevention (CDC), lesbian, gay and bisexual people experience intimate partner violence at about the same or slightly higher rate than non-LGB people.<sup>3</sup> In the National Coalition of Anti-Violence Programs (NCAVP) 2012 report on intimate partner violence, transgender and gender non-conforming (TGNC) people, people of color and LGBTQ youth/young adults were the most impacted by intimate partner violence and rates of intimate partner violence were highest for LGBTQ people of color.<sup>4</sup> However, services remain largely inaccessible to LGBTQ survivors of violence. A 2010 study with the National Center for Victims of Crime and NCAVP found that 94% of mainstream service providers did not have LGBTQ-specific services. In 2012, fewer than 5% of survivors reporting intimate partner violence sought domestic violence shelters or orders of protection and fewer than 20% reported this violence to the police.<sup>5</sup> These findings clearly demonstrate the need for a comprehensive and culturally competent response to the needs of LGBTQ survivors of intimate partner violence.

- Fund public awareness campaigns, focused on allies and bystanders, that raise awareness about violence faced by LGBTQ and HIV-affected communities highlighting resources throughout New York City to deal with the trauma of the violence and the aftermath.
- Fund the development of technology that allows LGBTQ and HIV-affected people to report the violence that they experience and find culturally specific and competent services and support in response to that violence.
- Require all city-funded domestic violence shelters to create and enforce non-discrimination protections that explicitly include sexual orientation and gender identity, similar to the 2013 reauthorization of the Violence Against Women Act and as required by Local Law 3, as a condition of receipt of grant funds.
- Direct the Mayor's Office to Combat Domestic Violence to ensure that LGBTQ survivors are included in all prevention assessments, including homicide and lethality assessments, as well as coordinated community response models such as Family Justice Centers.
- Require and fund regular and consistent LGBTQ-specific training of all city agencies, such as the NYPD Sex Crime Unit and others, for all staff, including Commissioners, on the issues of working with LGBTQ and HIV-affected communities in a culturally competent way and in the unique dynamics of violence as it impacts these communities.
- Provide all non-profits funded by the city with free access to Language Line to allow critical crisis intervention, economic empowerment and safety support services to be accessed by all New Yorkers to increase access to services.

<sup>3</sup> Centers for Diseases Control and Prevention, National Center for Injury Prevention and Control, *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation* (Jan. 2013). Avail. at [http://www.cdc.gov/ViolencePrevention/pdf/NISVS\\_SOfindings.pdf](http://www.cdc.gov/ViolencePrevention/pdf/NISVS_SOfindings.pdf) (Last retr. 1/26/13.) This survey did not include transgender or gender non-conforming people and no national federal study does.

<sup>4</sup> National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender and Queer Intimate Partner Violence in the United States in 2012* (published October 1, 2013), available at [http://www.avp.org/storage/documents/ncavp\\_2012\\_ipvreport.final.pdf](http://www.avp.org/storage/documents/ncavp_2012_ipvreport.final.pdf).

<sup>5</sup> National Coalition of Anti-Violence Programs, *Lesbian, Gay, Bisexual, Transgender and Queer Intimate Partner Violence in the United States in 2012* (published October 1, 2013), available at [http://www.avp.org/storage/documents/ncavp\\_2012\\_ipvreport.final.pdf](http://www.avp.org/storage/documents/ncavp_2012_ipvreport.final.pdf).

### Increase data about LGBTQ people and violence

Research and literature on heterosexual domestic violence began in earnest in the 1970's and 1980's with the emergence of the battered women's movement. Until the late 1980's, there was virtually no research on domestic/intimate partner violence within the context of LGBTQ communities, and even now the majority of research on domestic/intimate partner violence has been conducted in a heteronormative context. Members of LGBTQ communities who are survivors of violence within intimate relationships are often either missing from this research entirely or they may be there, but invisible—bisexual and lesbian women assumed to be straight, only those identified as non-transgender female being studied, or subjects of the research being offered only binary options for gender identity (i.e. male or female) which do not accurately demonstrate the gender identity and expression of some survivors.

There is a still small but growing body of research being conducted across the country to assess the prevalence of domestic/intimate partner violence within LGBTQ communities and to explore the experiences of LGBTQ identified survivors. Without further research, however, we will not have the information necessary to understand the prevalence or impact of violence on LGBTQ communities or to create effective prevention measures.

- All New York City surveys, reports and data about sexual and intimate partner violence, and all agencies funding or overseeing work on sexual and intimate partner violence in which demographic information is collected, should include questions about race, ethnicity, sexual orientation and gender identity.
- The New York City Department of Health conducts a Community Health survey each year with 10,000 respondents from all five boroughs. This survey should include questions about sexual violence and intimate partner violence as well as demographic information about race, ethnicity, sexual orientation and gender identity. This survey should also collect information on the prevalence and impact of sexual harassment in the workplace, schools, and public space so that this information can be used to baseline progress.
- Enhance and improve automated data collection systems and data communication systems that link police, prosecutors, courts and victims service agencies. Specific examples include the Domestic Incident Report database, Order of Protection Registry, and Child Abuse Registry.
- Support community needs assessments that seek to identify members of underserved populations and victim needs currently not met through existing community based programs including culturally specific programs that serve underserved populations; e.g. LGBTQ anti-violence organizations.

### End police profiling and violence of LGBTQ communities

When LGBTQ survivors do seek help, they are often met with institutional violence and re-victimizing homophobia, biphobia and transphobia. The 2012 NCAVP hate violence report also documents a number of troubling findings related to the interaction of LGBTQ survivors of violence with police. Of survivors reporting violence to the police, 48% reported incidents of police misconduct, a considerable increase from 2011 (32%). Of those survivors who interacted with the police, 26.8% reported that the police attitudes were hostile, an 18% increase from 2011. Transgender people were 3.32 times as likely to experience police violence, transgender people of color were 2.46 times as likely to experience physical violence by the police,

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- Enhance and improve automated data collection systems and data communication systems that link police, prosecutors, courts and victims service agencies. Specific examples include the Domestic Incident Report database, Order of Protection Registry, and Child Abuse Registry.
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transgender women, in particular, were 2.90 times as likely to experience police violence, and they were also 2.71 times as likely to experience physical violence by the police.

Additionally, reports of police violence and misconduct mirrored the larger trend of the disproportionate targeting of people of color and transgender people by the police. In New York City, nearly 40% of survivors reported police misconduct and reports of hostile police attitudes doubled in 2012. TGNC people and people of color tell us stories every day about being profiled by police and subjected to harassment, misarrest, and even violence, based on their perceived gender identity, sexual orientation, and immigration status. Many LGBTQ people who are stopped and frisked are then arrested for carrying condoms, where the NYPD and District Attorneys' Offices use those condoms as "evidence" of prostitution or trafficking-related criminal offenses. TGNC people, people of color, TGNC people of color and LGBTQ youth report high rates of profiling, resulting in stops, frisks, discovery of condoms and arrests based on the condoms as "evidence" of prostitution. Not only is this practice discriminatory, it has a devastating chilling effect on the carrying and use of condoms by LGBTQ people, including LGBTQ youth.

- Withdraw the legal challenge to the End the Discriminatory Profiling Act (Local Law 71 of 2013) and ensure effective implementation of ban on profiling and discriminatory policing and NYPD Oversight Act (Local Law 70 of 2013).
- Withdraw objections to Floyd v. City of New York and refrain from further litigation, allowing U.S. District Judge Shira Scheindlin's opinion to stand and work with the federal monitor to revise stop and frisk practices.
- Issue an Executive Order and promote policies that prohibit the use of condoms as evidence in prostitution or trafficking-related criminal court proceedings, including directing the new Police Commissioner to issue policies and directives necessary to stop police officers from collecting condoms as evidence.
- Continue to support the LGBT Advisory Committee to the NYPD Police Commissioner and consider other Advisory Committees to other Commissioners as necessary, such as the Mayor's Office to Combat Domestic Violence Commissioner. This will give LGBTQ communities a voice in the agencies that respond to their need while also providing expert and culturally competent resources for Commissioners.
- The NYPD Police Commissioner should issue an Executive Order/Patrol Guide provision (or amend the existing 208-44 and 208-45) to prohibit confiscating condoms as "evidence" of prostitution or trafficking-related offenses.
- End the application of the federal Secure Communities Program in New York City, including legislation that refuses to honor ICE holds, which inhibit LGBTQ immigrants' engagement with first responders and law enforcement when they experience violence.

#### Reduce poverty and homelessness in LGBTQ communities

LGBTQ people are disproportionately poor. The Bloomberg Administration issued a report in April 2013, indicating that the recession left nearly half of New Yorkers poor or near poor, living below 150% of the poverty level.<sup>6</sup> LGBTQ people<sup>7</sup> and people of color, particularly those who identify as Black and Latin@, have higher unemployment and poverty rates,<sup>8</sup> and within LGBTQ communities, rates vary due to intersecting oppressions. For example, Black lesbians suffer the

<sup>6</sup> Roberts, Sam. (2013) "City Report Shows More Were Near Poverty in 2011," *The New York Times* April 24, 2013.

<sup>7</sup> Albelda, R, Badgett, M.V.L., Schneebaum, A., and Gates, G. *Poverty in the Lesbian, Gay, and Bisexual Community* (2009). Retr on 3/2/13: <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albelda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf>.

<sup>8</sup> US Department of Labor, Bureau of Labor Statistics data, retrieved on 3/2/13 from: <http://www.bls.gov/cps/cpsrace2009.pdf>

economic consequences at the intersection of racism and homophobia;<sup>9</sup> TGNC people experience bias, violence, and employment discrimination, and have twice the national rates of poverty; and TGNC people of color, especially those who identify as Black and Latin@, face the intersecting oppressions of transphobia and racism, experiencing poverty at four times the national average.<sup>10</sup> Local LGBTQ poverty and unemployment rates are significantly higher, particular for people of color who live outside Manhattan. Violence can further impoverish people with increased medical bills and missed work days necessary to cope with the trauma of a violent incident. For intimate partner violence survivors, economic abuse and dependence on the abusive partner creates significant, often insurmountable barriers to leaving an abusive relationship.<sup>11</sup> Intimate partner violence is also a leading cause of homelessness, and survivors are included as "special needs populations," along with LGBTQ runaway and homeless youth, who may have experienced rejection from their families, and/or dating violence.<sup>12</sup> For LGBTQ survivors disproportionately impacted by poverty, unemployment, and employment discrimination, economic dependence on abusive partners is devastating.

At the same time, the New York City housing market is the most expensive in the nation<sup>13</sup>. Housing stability is essential to stability for survivors of hate and intimate partner violence, yet LGBTQ people, particularly TGNC<sup>14</sup> people and LGBTQ youth<sup>15</sup>, experience homelessness and related physical and sexual violence<sup>16</sup> at disproportionate rates. Additionally, LGBTQ people experience high rates of bullying, harassment, discrimination, and violence in and around their home, including from roommates, neighbors, supers, and landlords.<sup>17</sup>

Increased violence, lack of access to services, institutional discrimination and violence, poverty, homelessness and more are a public health crisis in LGBTQ communities, particularly for TGNC people, people of color and especially for TGNC people of color.

- Provide funding for NYC non-profit infrastructure costs that support programs to encourage and assure NYC non-profits have sufficient foundation and stability to provide services that assist individuals with economic security.
- Prioritize housing and shelter, both homeless and domestic violence shelter, for LGBTQ and HIV-affected survivors, especially transgender men and women, and gay, bisexual and queer men. To do this, ensure that all service providers are trained on LGBTQ cultural competency and inclusive in their shelters.
- Prioritize economic sustainability, including public entitlements and employment training and development, for LGBTQ and HIV-affected survivors.

<sup>9</sup> Ramsey, F., Hill, M., and Kellam, C. *Black Lesbians Matter: An examination of the unique experiences, perspectives, and priorities of the Black Lesbian community* (2009). Retrieved on 3/2/13 from: <http://zunainstitute.org/2010/research/blm/blacklesbiansmatter.pdf>

<sup>10</sup> Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Kelsling. (2011) *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Retrieved on 3/2/13 at [http://www.thetaskforce.org/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf)

<sup>11</sup> Raphael, J. (1997). *Trapped by Poverty, Trapped by Abuse: New Evidence Documenting the Relationship Between Domestic Violence and Welfare*. Retrieved on 6/16/13 at

<http://humanservices.uscdavis.edu/resource/spinoadfiles/r%20Trapped%20by%20Poverty,%20Trapped%20by%20Abuse.pdf>.

<sup>12</sup> The 2010 Consolidated Plan is the City of New York's annual application to the United States Department of Housing and Urban Development (HUD) for the four Office of Community Planning and Development entitlement programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA), which was retrieved at [http://www.nyc.gov/html/dcp/pdf/pub/complan10\\_vol1.pdf](http://www.nyc.gov/html/dcp/pdf/pub/complan10_vol1.pdf) on 6/17/13.

<sup>13</sup> Huffington Post (2013). "New York City Rent Now Averages Over \$3,000 A Month" retrieved on 7/10/13 at [http://www.huffingtonpost.com/2013/07/09/new-york-city-rent\\_n\\_3568278.html?utm\\_hp\\_ref=email\\_share](http://www.huffingtonpost.com/2013/07/09/new-york-city-rent_n_3568278.html?utm_hp_ref=email_share)

<sup>14</sup> Grant, Jaime M., et al. *Ibid.*

<sup>15</sup> Durso, L.E., & Gates, G.J. (2012). *Serving Our Youth: Findings from a National Survey of Service Providers Working with Lesbian, Gay, Bisexual, and Transgender Youth who are Homeless or At Risk of Becoming Homeless*. Los Angeles: The Williams Institute with True Colors Fund and The Palette Fund.

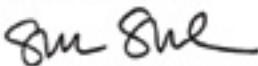
<sup>16</sup> Cochran, B. et al. (2002) "Challenges Faced by Homeless Sexual Minorities: Comparison of Gay, Lesbian, Bisexual, and Transgender Homeless Adolescents with their Heterosexual Counterparts." *In American Journal of Public Health | May 2002, Vol 92, No. 5.*

<sup>17</sup> Grant, J., et al. *Ibid.* and NCAVP *Ibid.*

- End the application of the federal Secure Communities Program in New York City, including legislation that refuses to honor ICE holds, which inhibit LGBTQ immigrants' engagement with first responders and law enforcement when they experience violence.

We look forward to working with Mayor-Elect de Blasio and his team, the City Council and City agency Commissioners to make this goal a reality for all New Yorkers. If there is any way that AVP can be of assistance, please do not hesitate to contact me at [ssapel@avp.org](mailto:ssapel@avp.org) or 212.714.1184. Together, we can end this violence.

Very truly yours,



Sharon Stapel  
Executive Director

#### About AVP

AVP is a critical source of support to LGBTQ and HIV-affected people in New York City. Our 24 hour, free, confidential and bilingual (English/Spanish) hotline gets nearly 3,500 hotline calls a year, which is a call every 2.5 hours, 365 days a year.

AVP's mission is to empower LGBTQ, and HIV-affected communities and allies to end all forms of violence through organizing and education, and support survivors through counseling and advocacy. AVP is the largest LGBTQ-specific anti-violence project in the country and leads local, state and national policy initiatives. AVP provides free and confidential assistance to thousands of individual LGBTQ and HIV-affected survivors, meeting the needs that arise from the stressors and trauma of experiencing violence through our 24-hour hotline, crisis intervention, counseling, advocacy and safety planning. We have nine community-based locations in all five boroughs so that survivors of violence can see us in the same boroughs and neighborhoods where they work, live and hang out. We also have a newly launched legal program with an attorney who provides free representation to AVP clients. AVP is New York City's only culturally specific LGBTQ anti-violence organization and there are no other comparable services in the area to address LGBTQ-specific intimate partner violence and sexual violence. AVP does not charge for our services and is often the first and last resort for survivors of violence who have no other options or cannot afford private treatment to address the trauma they experience.

At the same time, AVP provide policy advocacy through the city, state and country and reaches more than 40,000 people in New York City with safety and resource information. We sit on the NYPD Police Commissioner's LGBT Advisory Committee, where we helped to create the first transgender and gender non-conforming patrol guidelines, the New York City Family Court LGBT Advisory Committee, where we have trained judges statewide to work with LGBTQ litigants, and works closely with local policy makers on issues such as the use of condoms as "evidence" and the impact of "stop and frisk" on LGBTQ people. Statewide, we run the New York state LGBTQ Intimate Partner Violence Network where we helped to pass an LGBTQ-inclusive order of protection law and have worked with domestic violence shelters throughout the state to make them LGBTQ-inclusive. The Network also provides training and technical assistance to organizations throughout the state to replicate the policy work we do in New York City throughout the state.

Nationally, AVP is the Department of Justice's Office (DOJ) on Violence Against Women's National LGBTQ Training and Technical Assistance Center for intimate partner and sexual violence, training mainstream national and local organizations on replicable models of best practice to provide culturally competent services to LGBTQ survivors, is DOJ's Office for Victims of Crime's (OVC) Subject Matter Expert on LGBTQ violence, training national and state institutions to create LGBTQ-inclusive policy, and has been funded by DOJ OVC to create a demonstration initiative to create data-driven, replicable models of effective training and technical assistance for working with LGBTQ survivors of violence. AVP works closely with the Williams Institute, the National Gay and Lesbian Task Force, the National Center for Transgender Equality, the Center for American Progress and the Human Rights Committee on national violence policy. In 2011, AVP was named a White House Champion of Change for our work on intimate partner violence within LGBTQ communities, received the National Crime Victims' Service Award in 2012 and in 2013 President Obama recognized AVP and its executive director for our work in the passage of an LGBTQ-inclusive Violence Against Women Act which includes the nation's first LGBTQ specific non-discrimination protections. Locally, AVP has been recognized for our work by the Lawyers Committee Against Domestic Violence, the Urban Justice Center, the Stonewall Independent Democrats and the Stonewall Community Foundation. The AVP Board of Directors has been awarded Board excellence awards twice for outstanding governance and non-profit best practices. GuideStar has recognized AVP as an organization committed to transparency in our fiscal operations, and has given AVP five stars (its highest rating) for our work.

FIERCE works with LGBTQ youth of color between 13-24. Our organizing work and leadership development programs support youth to gain skills, build communities, and organize to change the conditions they are facing.

Many of the youth in our membership are homeless or home-free (have chosen to leave their homes of origin for safety reasons or because they experience transphobic or homophobic discrimination and violence). It is estimated that at least 40% of New York City's homeless youth are LGBTQ, and an uncounted number "couch surf" or are marginally-housed. The lack of domestic or familial stability in many LGBTQ young people's lives contributes to high rates of unemployment and underemployment. In addition, LGBTQ youth of color in New York City are often bullied and ostracized within their homes, schools, and communities for a desire to be true to who they are. This contributes to high levels of school drop-outs, homelessness, and other issues. As a result FIERCE's membership includes members who are low-income or contending with economic challenges, who often enter into street economies for survival increasing their chances at coming into contact with the criminal justice system and law enforcement.

In addition to homelessness, identity-based bullying, and a lack of services, LGBTQ youth who are low-income and of color, also contend with acute social isolation, harassment, violence, and poverty. FIERCE members often report experiencing a second level of trauma on the streets, in shelters, group homes, and by law enforcement agencies and the juvenile justice system. Testimony to the challenges that LGBTQ youth face are the studies that show that LGBTQ youth are anywhere from eight to fourteen times more likely to commit suicide than their heterosexual peers. Furthermore LGBTQ people, in particular youth are invisibilized. This leads to a lack of culturally appropriate services and solutions that really address the underlying problems that lead to their circumstances in the first place.

## **Three Key issues**

### **1) LGBTQ youth homelessness**

- LGBTQ youth face significantly greater incidents of physical and sexual assault than heterosexual youth.
- LGBTQ youth experience greater incidents of substance abuse and mental health disorders.
- As many homeless LGBTQ youth are forced to resort to prostitution to survive, recent studies have indicated that approximately 20% of NYC's homeless LGBTQ youth become infected with HIV.
- Depressive disorders disproportionately impact LGBTQ youth, with 63% of LGBTQ youth having considered or attempted suicide compared with 29% of heterosexual youth who indicated the same.
- There are only 253 beds for LGBTQ youth when we know that there are at least 3800 youth out on the streets nightly. Many of the shelters each year are at the mercy of city politics and budgets fights and are in constant struggle to maintain the funding needed to require to maintain the beds and services that already exist.

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## Recommendations for LGBTQ youth homelessness

- **Make change to New York State regulations to allow providers of runaway and homeless youth programs to serve young adults ages 21 to 24 years**
  - **Broaden access to runaway and homeless youth services for lgbtq youth.**
    - The city's continuum of services for homeless youth, administered by DYCD, funds only 253 age-appropriate shelter and transitional beds. There are an estimated 3,800 homeless youth in NYC. We need an increase in beds. The *2010 Mayor's Commission on Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Runaway and Homeless Youth* stated we must: Seek ways to expand the number of regulated shelter beds for LGBTQ homeless youth and young adults ages 16 to 24 by at least 200 over the next five years. We are calling on support for the "Campaign for Youth Shelter" which calls on city and state budgets to dedicate adequate funding to Runaway and Homeless Youth.
    - In addition Incorporate additional outreach and drop-in center services to reach LGBTQ homeless youth who are less connected to services
  - **DHS Takes responsibility for ensuring accurate counts occur**
    - Undercounting homeless youth leads directly to the shortage of resources for them, which perpetuates a vicious cycle of homeless youths' invisibility to support systems. DHS must take responsibility for counting homeless youth and not relegate its responsibility to non-profits or other city agencies who are not resourced to conduct the effort and have no control over the final tally. DHS is the city entity in charge of the count each year and the agency resourced for it. It's their responsibility.
    - DHS should work with service providers and those who work with this population to determine appropriate strategies to conduct the count safely and effectively
  - **Accountability of the city to implement various recommendations and best practices**
    - There have been countless studies, reports and recommendations on how to address LGBTQ youth homelessness. The city has taken action on only a few. It's the responsibility of the city to look into the recommendations and to be transparent on their processes, barriers and ideas around implementation and addressing obstacles.
- 2) Issue: LGBTQ youth unemployment:**
- While youth currently have the highest unemployment rate among all age groups in the city- 19% for young people ages 16 to 21- the job development programs are inadequately funded to deal with this crisis.
  - In 2009, the city enrolled 52,255 youth in the program, the most in a decade, according to the city's DYCD. In 2013 there were approx. 30,000 slots available were available with as staggering 131,000 applications, in addition the program was shortened from 7 weeks to 6.
  - There are no current job training programs that are specifically geared towards LGBTQ youth.
  - NY state only protects against discrimination based on sexual orientation, and not for gender identity based on gender identity

- The unemployment rate for 18 to 24 year old African Americans is 25.4%.
- Almost double the rates of unemployment for whites in the same age group, 13.1%. Young Hispanic workers have an unemployment rate that is 25% higher than white workers.
- The trainings that are offered do **offer youth a good chance at employment, they are not reaching enough people:** 52% of youth who used job development programs to search for a job were successful in finding a job, however less than 50% of survey respondents had heard of these employment programs.

## **Recommendations:**

- 1. Increase the number of slots available** for youth in job development programs. Ensure that all slots have adopted similar state employment non discrimination policies to protect LGBTQ youth. To make this fiscally possible, the NYC Mayor and City Council should shift budget priorities to increase funding for youth job programs and advocate for more funds from State, Federal and private sources.
- 2. The City and State should advertise the employment opportunities that are available to youth. This can be done by:**
  - a. Creating a website that consolidates job programs, employment services and training opportunities that the City and State provide.
  - b. Developing a joint advertising campaign between the City and State for this website. This would include online, TV, subway and bus ads.
  - c. Target outreach to at risk youth, including LGBTQ youth by working collaboratively with outreach centers, shelters, transitional living shelters, etc.
- 3. Support the capacity of worksite assignments** in various job development programs to be able to adequately support LGBTQ youth whom they employ to avoid work place discrimination

## **3) Issue: LGBTQ youth criminalization**

- LGBTQ youth, adults, especially LGBTQ people of color and youth of color, Transgender and GNC people have been targets of discriminatory police profiling and practices. Many youth FIERCE has worked with have reported being targeted and harassed by police.
- A clear indicator that this is still the frequent experience are the statistics of stop and frisk. In 2012, the 6<sup>th</sup> Precinct, which covers the West Village, aggressively increased stop-and-frisks by 23% - the largest percent increase in the whole of New York City. The **latest statistics from NYCLU** also show that 83.5% of the stops in 6<sup>th</sup> Precinct were conducted on Black and Latino folks, yet these racial groups make up only 8% of residents in the area. Invisible in these statistics are our experiences as LGBTQ people of color who face daily profiling based on our race, gender, class, immigration status, and sexual orientations.
- LGBTQ youth of color who are homeless are even more vulnerable. In searching for means of safety and survival they face increased risk of being targeted and interacting with police. The enforcement of quality of life laws such as: No Loitering, no public urination, excessive noise, etc, target those most directly in need of services and safety such as homeless individuals and LGBTQ youth who seek safety on the streets.

## **Recommendations LGBTQ youth criminalization**

### **1. Enforce the Community Safety Act bills:**

- End Discriminatory Profiling Act - Protecting New Yorkers against discriminatory profiling by the NYPD ([Intro. 1080](#)) – which will expand the ban of profiling to include gender identity and sexual orientation.
- 2. NYPD Oversight Act - Establishing independent oversight of the NYPD – Intro 1079

### **2. Set up a task force to create new procedures to assess LGBTQ youth when arrested to support them in decreasing their interactions with the criminal justice system an ensuring their needs that caused the interaction in the first place is addressed.**

- Ensure that LGBTQ youth who are arrested cases are reviewed to determine the mental health status of the arrested youth to be used to determine sentencing and placement
- Work with service providers and community based organizations to determine effective community-based alternatives to detention.
- Where community based alternatives are not an option, ensure that LGBT prisoners have a safe space in the jail that does not isolate them for 23 hours a day

### **Sources:**

- FUREE – Fureeous Youth Program and The Urban Justice Center: Community development Project - *The Struggle Report: Findings & Recommendations by NYC Youth for New York Job Development Programs*
- Communities United for Police Reform – website
- Commission on Runaway and Homeless Youth – Report
- Empire State Coalition
- Ali Forney Center

## Girls for Gender Equity – de Blasio Recommendations

### Sexual Harassment in Public Schools

Sexual harassment in New York City public schools is widespread and normalized. In 2008, Girls for Gender Equity conducted student led research<sup>1</sup> of 1,189 students (grades 6-12) from over 90 public schools and CBO's located in Brooklyn, Manhattan, Queens, and the Bronx. The researchers asked their peers: **What is The Impact of Sexual Harassment on Students in New York City Schools?**

The research results revealed:

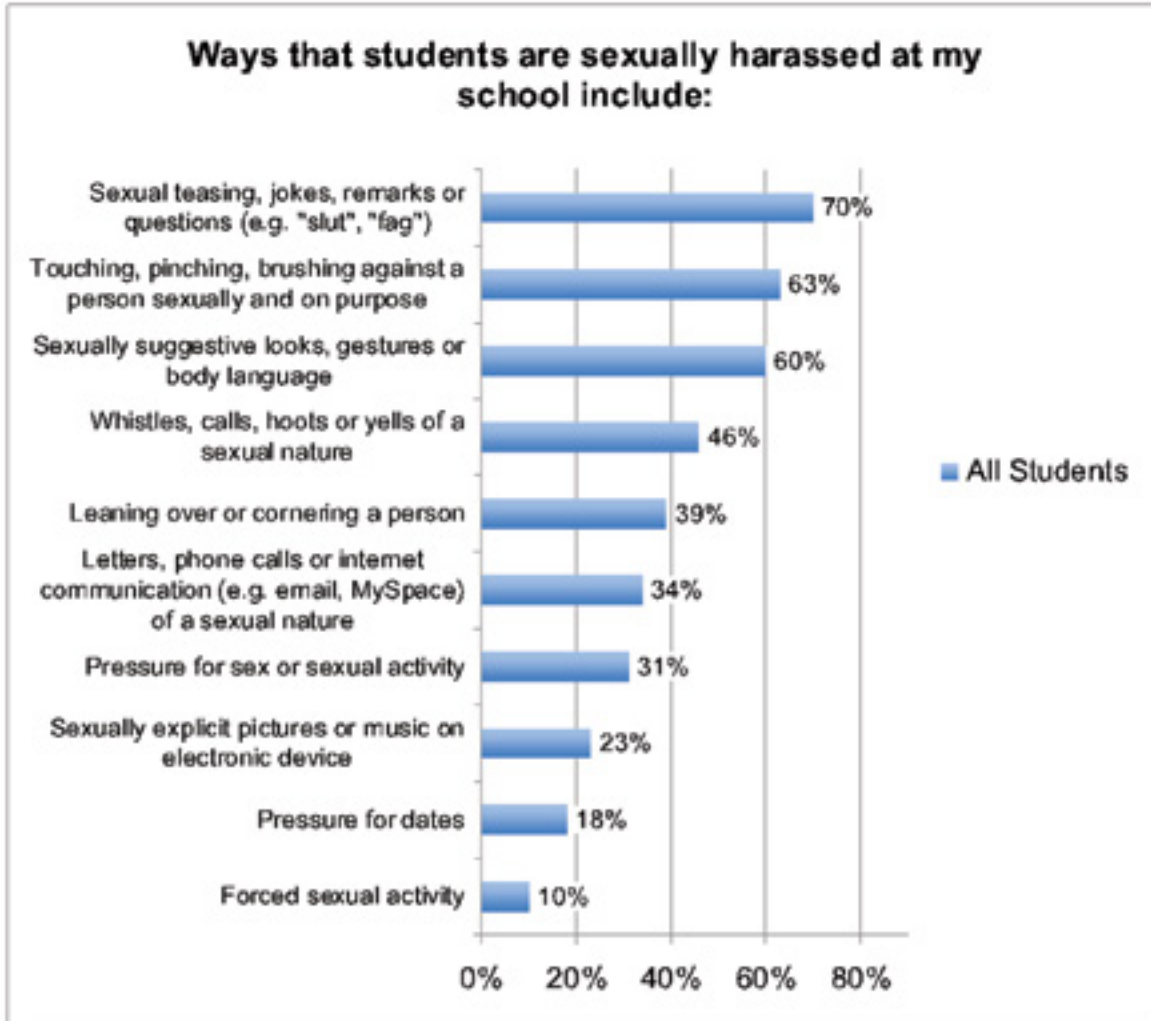
- 70.5% of NYC public school students observe sexual teasing in their school
- 67 % of students reported being sexually harassed
- 31.2% observe pressure for sex or sexual activity
- Students who had experienced sexual harassment said that it impacted their ability to focus in school due to depression, fear/insecurity and feeling violated:  
*"I couldn't concentrate and kept crying for no reason." "My grades dropped and I was always depressed." "I was scared to come to school."*
- Sexual harassment *is* normalized; educators and students alike are unaware of their rights or how to apply them

Furthermore, when students were given the opportunity to indicate whether or not certain types of sexual harassment behaviors occurred at school, every single behavior was noted as occurring (Table 1). The data indicated that sexual harassment is occurring regularly and when students were asked if schools should provide more help for victims of sexual harassment a whopping 89% females and 76% males said yes.

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<sup>1</sup> Girls for Gender Equity (GGE), Joanne Smith, Meghan Huppuch & Mandy Van Deven. *Hey, Shorty! A Guide to Combating Sexual Harassment and Violence in Schools and on the Streets*. New York: Feminist Press, 2011.

**Table 1.**



In addition, these results also mirror a 2011 national survey conducted by The American Association of University Women (AAUW)<sup>2</sup>, where 48 percent of those surveyed reported experiencing sexual harassment in school and the majority of those students (87 percent) said that it had a negative effect on them.

To ensure that all students have an opportunity to do well in school, the next administration must take concert steps towards addressing sexual harassment.

<sup>2</sup> Catherine Hill, Ph.D., and Holly Kearl, M.A. *Crossing the Line: Sexual Harassment at School*. Washington, DC: American Association of University Women, 2011. Available at <http://www.aauw.org/learn/research/upload/CrossingTheLine.pdf>

## **1. Education for Students about Sexual Harassment**

Despite students' assertions that sexual harassment occurs often, students do not report sexual harassment when it occurs nor do they consider sexual harassment to be a problem in their school. When Girls for Gender Equity asked students to further indicate if they have ever reported sexual harassment, regardless of whether it happened to them directly, almost all of the youth (97 percent) said that they did not. When students were further prompted to elaborate on why they did not report harassment, the most common response was that sexual harassment was simply just a part of what it meant to be at school. In addition, the study conducted by AAUW found that the majority of students who engaged in sexual harassment thought that they were just being funny. Therefore, it is important that students are educated about what sexual harassment is, when joking crosses the line and what their rights are if they are experiencing sexual harassment.

We recommend:

- Providing workshops for students that cover what sexual harassment is and what their rights are if they are being harassed.
- Incorporating discussions about sexual harassment within the class room setting.

## **2. Responsive School Authorities**

In addition to the lack of reporting by students, many school employees do not respond when sexual harassment is reported. When Girls for Gender Equity asked students who did report sexual harassment to elaborate on what happened the majority of students (52 percent) said that they did not know because there was no follow up. In addition, 22 percent of those who reported sexual harassment said that they were further victimized and were made to feel that they were to blame for the harassment. In fact, Girls for Gender Equity discovered that only 1.5 percent of the participants (or 18 out of 1,189) felt that school authorities dealt with the harasser appropriately.

We recommend:

- Providing education for school employees on how to recognize and respond to sexual harassment.
- Schools should create a sexual harassment policy so there is support and clear guidelines on how to both prevent and deal with sexual harassment. The policy should include interventions by counseling staff with separate counseling for the perpetrator and victim of an infraction, if necessary.

## **3. Title IX Coordinator and Reporting**

Through Title IX, there is existing federal law that ensures students have the right not to be sexually harassed at school. A main component to this legislation is a Title IX coordinator at each school who can receive and act on reports of sexual harassment. However, many New York City public schools do not have a coordinator in place. The AAUW study found that 39 percent of students surveyed said that it would be useful to have a coordinator in place to address sexual harassment. In addition, AAUW found that a majority of the participants (57 percent), wanted the option to anonymously report sexual harassment; thus, having a Title IX coordinator in place could provide that option.

We recommend:

- The DOE works to ensure that there is a Title IX coordinator at every public school.
- The Title IX coordinator should be listed with contact information on the school website
- The DOE provides training and support to the person serving as the Title IX coordinator.
- Reports made to the Title IX coordinator about sexual harassment have the option of being anonymous.

#### **4. Creating an Holistic Approach to Sexual Harassment**

Sexual harassment in schools is normalized, can happen to anyone and can happen anywhere. Of the students surveyed, Girls for Gender Equity found that participants believed female students (81 percent), male students (71 percent) and LGBTQ students (64 percent) to be the targets of sexual harassment and that the harassment took place throughout school grounds.

We recommend:

- Schools adopt sexual harassment policies that are inclusive of a spectrum of identities.

#### **5. Updating the New York City Public School Discipline Code to Better Address Sexual Harassment**

Currently, Level 4 is the only place in the Discipline Code that school employees are instructed to address verbally and physically sexually harassing behaviors. However, there are many types of sexual harassment that may be appropriately classified as behavior that is “Disorderly” or “Disruptive” to other students rather than “Dangerous” or “Violent”. Therefore, it is necessary to address the whole range of these behaviors to make it clear to all students that respectful behavior is the only option in New York City public schools.

We recommend:

- Additional language in existing Level 1, 2, 3 and 4 infractions in order to encourage school employees to step in, speak up and stop sexually harassing behaviors they may have previously ignored. Below are suggested modifications:

## **Grade 6-12: Level 1**

### **Infractions- Uncooperative/Noncompliant Behavior**

- B07 Behaving in a manner which disrupts the educational process (e.g., making excessive noise in a classroom, library or hallway; disturbing and/or making unwanted comments to a classmate in a classroom, library, or hallway)
- B08 Engaging in verbally rude or disrespectful behavior to school employees or fellow students
- B09 Wearing clothing, headgear (e.g., caps or hats), or other items that are unsafe or disruptive to the educational process (e.g., clothing with lewd or violent language, symbols, or images)

### **Range of Possible Disciplinary Responses**

- A. \*Intervention by school staff observing behavior or hearing of alleged behavior (e.g. teacher reminding student of expectations/school rules and providing choice to student to stop insubordinate behavior or be subject to the disciplinary responses listed below)

\*School staff have the right to address and appropriately remedy insubordinate behaviors affecting other students, without waiting for a complaint for the victim(s), as the victim(s) may be embarrassed or may not realize that they have rights that are being violated.

### **Range of Possible Guidance Interventions to Be Used in Addition to Disciplinary Responses, as Appropriate**

- Intervention by counseling staff (with separate counseling for the perpetrator and victim of an infraction, if necessary)

## **Grade 6-12: Level 2**

### **Infractions – Disorderly Behavior**



- B15 Using profane, obscene, vulgar, overtly sexualized or lewd language, gestures, or behavior (e.g., cursing in the classroom setting, making unwanted sexualized or body related comments to a classmate)
- B\_\_ Unwanted and unwelcome sexually suggestive non-verbal behaviors (i.e. nonverbal sexual harassment) absent violent or threatening content, including but not limited to looks, stares directed at another's body, facial expressions (e.g., winking, licking lips), and/or distributing or displaying sexual pictures or drawings to one or more persons
- B\_\_ Verbal sexual harassment (unwanted and unwelcome sexually suggestive verbal behaviors) absent a violent or threatening connotation, including but not limited to comments, jokes, stories, song lyrics

#### **Range of Possible Disciplinary Responses**

- A. \*Intervention by school staff observing behavior or hearing of alleged behavior (e.g. teacher reminding student of expectations/school rules and providing choice to student to stop insubordinate behavior or be subject to the disciplinary responses listed below)

\*School staff have the right to address and appropriately remedy insubordinate behaviors affecting other students, without waiting for a complaint for the victim(s), as the victim(s) may be embarrassed or may not realize that they have rights that are being violated.

#### **Range of Possible Guidance Interventions to Be Used in Addition to Disciplinary Responses, as Appropriate**

- Intervention by counseling staff (with separate counseling for the perpetrator and victim of an infraction, if necessary)
- Referral to counseling services for youth relationship abuse or sexual violence (with separate counseling for the perpetrator and victim of an infraction, if necessary)
- Referral to counseling services for bias-based bullying, intimidation, or harassment (with separate counseling for the perpetrator and victim of an infraction, if necessary)

### **Grade 6-12: Level 3**

#### **Infractions – Disruptive Behavior**

- B23 Using slurs,\* whether directed towards an individual or group, based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, disability or economic status.

\*A slur is defined as any disparaging and/or negative remark

- B32 Posting or distributing libelous\* material or literature (including posting such material on the Internet) (e.g., posting or distributing materials detailing false rumors about a school employee's or student's sexual history, behavior, or orientation); repeatedly slandering a teacher or classmate (e.g., spreading false rumors about a teacher or student's sexual history, behavior, or orientation)

\*Libel is defined as false statement expressed in a fixed medium (e.g. in writing, pictures, signs, or in an electronic broadcast), that is: (1) defamatory either on its face or indirectly, (2) about someone who is identifiable to one or more persons, and (3) distributed to someone other than the offended party; i.e. published. Slander is defined as a false statement about another person expressed in transitory form, such as speech, gestures, or sign language, which can harm their reputation and/or cast them in a negative light

- B33 Engaging in mutually consensual sexual conduct on school premises or at school-related functions (for nonconsensual sexual conduct, e.g., rape and sexual assault, use B56)

B\_ Unwanted and unwelcome sexually suggestive verbal behaviors (i.e. verbal sexual harassment) with violent or threatening content as defined by the recipient(s) of the behavior, including but not limited to innuendos, rumors, propositions, sexually suggestive of explicit internet and/or cell phone communication

B\_ Unwanted and unwelcome sexually harassing behaviors, including but not limited to pulling or removing one's clothing to reveal one's own body; touching, pinching, or grabbing one's own breasts, butt or genitals in front of others; sexual gestures or motions

## **Range of Possible Disciplinary Responses**

- B. \*Intervention by school staff observing behavior or hearing of alleged behavior (e.g. teacher reminding student of expectations/school rules and providing choice to student to stop insubordinate behavior or be subject to the disciplinary responses listed below)

\*School staff have the right to address and appropriately remedy insubordinate behaviors affecting other students, without waiting for a complaint for the victim(s), as the victim(s) may be embarrassed or may not realize that they have rights that are being violated.

## **Range of Possible Guidance Interventions to Be Used in Addition to Disciplinary Responses, as Appropriate**

- Intervention by counseling staff (with separate counseling for the perpetrator and victim of an infraction, if necessary)
- Referral to counseling services for youth relationship abuse or sexual violence (with separate counseling for the perpetrator and victim of an infraction, if necessary)
- Referral to counseling services for bias-based bullying, intimidation, or harassment (with separate counseling for the perpetrator and victim of an infraction, if necessary)

**Grade 6-12: Level 4**

**Infractions – Aggressive or Injurious/Harmful Behavior**

- B35 Posting, distributing, displaying, or sharing literature or material containing a threat of violence, injury, harm or nonconsensual sexual conduct, or depicting violent actions or nonconsensual sexual conduct against or obscene, vulgar or lewd pictures of students or staff, including posting such material on the Internet
- B\_\_ Unwanted and unwelcomed sexually harassing behaviors with violent or threatening content, as defined by the recipient(s) of the behavior, including but not limited to pulling or removing another’s clothing to reveal their body; touching, pinching, slapping or grabbing someone else’s breasts, butt, or genitals; demands for sexual activity; physical intimidation (e.g., standing too close to someone, blocking someone’s way, following someone, pinning someone so they can’t leave)

## HIV Law Project Policy Recommendations for Mayor DeBlasio

- **Housing**

- *Scale up housing for all people living with HIV/AIDS (PLWHA) and recently incarcerated, who are at high risk for HIV.*
- *Scale up “low threshold”, “housing first” housing, which eliminates many of the onerous admissions requirements typical of public housing.*

HIV and homelessness are intimately connected, and housing status is among the strongest predictors of health status for PLWHA. HIV prevalence among the homeless population is nearly nine times that of the general population.<sup>1</sup> Over 500,000 households in the United States with HIV/AIDS will require housing assistance at some point in their lives.<sup>2</sup> Homeless or marginally housed individuals are more likely to delay treatment, less likely to have regular access to care, less likely to receive optimal drug therapy, and less likely to adhere to their medication than are stably housed individuals—all of which increase the individual’s viral load and decrease health outcomes.<sup>3</sup> Also, persons with declining housing status are three times as likely to exchange sex for money or other needed goods, whereas persons with improving housing status reduce their risk behaviors by half.<sup>4</sup> Said differently, housing works: In a six-month longitudinal study of adherence to HAART (Highly Active Antiretroviral Treatment) regimens in New York City, residents in long-term housing were sixteen times more likely to report strong adherence to their treatment regimens than were unstably housed participants.<sup>5</sup>

- **Education**

- *Continue to support and expand comprehensive, age-appropriate, medically accurate sex education by committing additional resources to sex ed programming, and by codifying Mayor Bloomberg’s initiative to require one semester of sex ed in both middle and high school.*

According to the Centers for Disease Control and Prevention, in 2005, 47% of high school students had had sex at some time. Further, that same year 34% of high school students who were then sexually active had not used a condom the last time they had had sex. Accordingly, youth suffer intolerable sexual health outcomes. According to the CDC, almost half of all new STD infections are among youth aged 15 to 24. Further, approximately 13% of the persons diagnosed with HIV in 2004 were youth, between the ages of 13 and 24. Additionally, in 2000, 13% of all pregnancies were among adolescents aged 15-19 (approximately 831,000 teen pregnancies).<sup>6</sup>

- **Law Enforcement**

- *Put an end to the police practice of using condoms as evidence in prostitution convictions.*

There is mounting evidence that the practice of police seizure of condoms as evidence of prostitution-related offenses, and introduction of condoms as evidence of prostitution-related offenses in criminal proceedings undermines New York’s important efforts to fight HIV and AIDS.<sup>7</sup> New York City’s police officers routinely confiscate and enter condoms as evidence in prostitution-related cases, and prosecutors routinely cite seized condoms as evidence of a prostitution-related offense in criminal court complaints. The fear generated by this practice leads some people in the sex trade to carry fewer condoms, and

<sup>1</sup> National Coalition for the Homeless, “HIV/AIDS and Homelessness,” (July 2009), <http://www.nationalhomeless.org/factsheets/HIV.pdf>.

<sup>2</sup> Virginia Shubert and Nancy Bernstine, “Moving from Fact to Policy: Housing is HIV Prevention and Health Care.” *AIDS and Behavior* 11: Supplement 2 (2007): S175, [http://www.aidschicago.org/pdf/2008/housing\\_plan\\_MovingfromFact.pdf](http://www.aidschicago.org/pdf/2008/housing_plan_MovingfromFact.pdf).

<sup>3</sup> Richard J. Wolitski, “HIV, Homelessness, and Public Health: Critical Issues and a Call for Increased Action,” *AIDS and Behavior* 11: Supplement 2 (2007): S168.

<sup>4</sup> Angela Aidala et al., “Housing Status and HIV Risk Behaviors: Implications for Prevention and Policy.” *AIDS and Behavior* 9.3 (2005): 259.

<sup>5</sup> Chad A. Leaver et al., “The Effects of Housing Status on Health-Related Outcomes in People Living with HIV: A Systematic Review of the Literature.” *AIDS and Behavior* 11: Supplement 2 (2007): S96.

<sup>6</sup> <http://www.cdc.gov/HealthyYouth/sexualbehaviors/>

<sup>7</sup> Human Rights Watch, *Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities*. New York: Human Rights Watch, July 2012, available at <http://www.hrw.org/reports/2012/07/19/sex-workers-risk-0>

sometimes to engage in sex work without the protection of condoms. In the age of HIV, discouraging the use of condoms, particularly among high-risk and vulnerable groups, can have disastrous public health consequences. A 2011 study in New York City among people who exchange sex for money or other goods found that 14 percent of the men and 10 percent of the women were HIV-positive,<sup>8</sup> as compared to a 1.4 percent HIV prevalence in New York City generally and a 0.6 percent prevalence in the United States overall.<sup>9</sup> We must ensure that this vulnerable community is not deterred from using condoms.

- ***Expand community courts to continue to divert individuals away from incarceration***

Approximately 150,000 Americans living with HIV/AIDS are released annually from a correctional facility. Studies show that as many as half of HIV-positive inmates leave prison or jail with no home to return to and no income to meet basic subsistence needs. A criminal record complicates the already challenging search for employment, as well as eligibility for housing and safety net programs. Stable, appropriate housing is consistently found to be the greatest unmet need of persons with HIV/AIDS reentering the community from prison and jail, and a history of incarceration has been found to double the risk of subsequent homelessness among low-income persons living with HIV/AIDS.<sup>10</sup> Accordingly, the City should further invest in community court programs that divert individuals from incarceration, and the instability that follows.

- **HASA**

- ***Reverse recent HASA policy that pays only 50% of brokers' fees.***

As of March 2011, HASA pays only 50% of brokers' fees on behalf of clients securing new housing. The vast majority of brokers are unwilling to accept this reduced fee, and have either stopped working with HASA clients, or have informally asked HASA clients to pay the other half themselves. This shift has made it nearly impossible for HASA clients and their advocates to secure new apartments and has forced many PLWHA to spend long periods of time living in single room occupancies (S.R.O.s), which are both unhealthy and unduly expensive. Further, it has forced many HASA clients to take undue and unhealthy risks to secure money to pay a broker. Brokers play an essential role in placing HASA clients in housing. Cutting their fee by 50% has meant that very few of those brokers who once worked with HASA clients will do so now. But HASA and its clients rely on brokers not just to show apartments, but also to serve as an intermediary between client and landlord, especially with landlords inexperienced in renting to HASA clients. Without brokers to provide that critical level of reassurance to new landlords, the stigma and discrimination so many HASA clients face in their housing search goes unmanaged.

- ***Landlords should be paid their security deposit via check, not voucher.***

And landlords now have further reason to be wary of renting to HASA clients. Recent HRA policy now requires HASA to pay landlords their security deposit in the form of a voucher, rather than a check. In order for landlords to collect on this voucher, they must submit extensive paperwork: documentation of damages, estimates for repair work, and receipts for work done. The prospect of such an onerous process is daunting, and disincentivizes landlords from accepting HASA clients. While the city's attempt to control the loss of unreturned security deposits is understandable, the process that has been established is too burdensome on landlords, and must be revised to ensure that landlords will continue to work with HASA.

Though these new policies were adopted as cost-saving measures, an honest assessment of the new reality shows that in fact they have had an unintended, and costly, impact. The lack of brokers willing to accept just half of their fee, and the disinterest of landlords in accepting the security voucher has left our clients seeking permanent housing with very few options. As a result, many HASA clients are stuck in emergency housing. This is both inefficient and unhealthy. The city pays approximately \$55.00 per night for

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<sup>8</sup> Samuel M. Jenness et al., "Patterns of Exchange Sex and HIV Infection in High-Risk Heterosexual Men and Women," *Journal of Urban Health*, vol. 88, no. 2 (2011), pp. 329-341.

<sup>9</sup> New York City Department of Health and Mental Hygiene, New York City HIV/AIDS Surveillance Slide Sets, March 2012, [http://www.nyc.gov/html/doh/html/dires/epi\\_surveillance.shtml](http://www.nyc.gov/html/doh/html/dires/epi_surveillance.shtml) (accessed December 3, 2012).

<sup>10</sup> Ginny Schubert for the National Minority AIDS Council and Housing Works, *Mass Incarceration, Housing Instability, and HIV/AIDS: Research Findings and Policy Recommendations*, February 2013, available at <http://www.housingworks.org/advocate/detail/on-natl-black-hiv-aids-awareness-day-report-on-incarceration-illuminates-ba/>

emergency housing at an SRO. That amounts to \$1,650.00 per month. By comparison, HASA will pay up to \$940 per month for a one bedroom apartment. The math just does not add up.

- ***HASA for All***

The HASA for All Act, introduced in 2008 by City Council member Annabel Palma, would extend HIV/AIDS Services Administration (HASA) benefits, including enhanced rental assistance and other lifesaving services, to *all* poor New Yorkers living with HIV.

Today, only people with an AIDS diagnosis (defined as individuals with a T-cell count of 200 or lower or two opportunistic infections) are eligible for those benefits. That distinction has prompted some poor people to allow themselves to become sick just to qualify for benefits. Additionally, advocates estimate that the HASA for All Act would help at least 7,000 people receive full HASA assistance, including critical housing assistance.

- ***30% Rent Cap***

While most people who live in public and/or supportive housing have their rental payments capped at 30% of their income, New York City residents with HIV/AIDS who live in subsidized housing are excluded from the 30% rent cap. The New York State Office of Temporary and Disability Assistance instead mandated several years ago that HASA clients who receive shelter assistance and have other forms of income, such as SSI, SSDI, veteran's benefits or work, pay all but \$344 a month toward their rent, which works out to less than \$12 per day, is all that HASA clients have to spend each month on nutritious food, transportation, utilities, toiletries, clothing, laundry and other basic necessities.<sup>11</sup> While a bill to rectify this injustice was passed by both houses of the state legislature in 2010, it was vetoed by then-Governor Patterson, after Mayor Bloomberg pushed for a veto.

- **Address Stigma**

- ***Social marketing campaign to address HIV stigma***

Although some of the fear and scapegoating that were rampant in the early years of the epidemic have abated, PLWHA are still subject to stigmatizing behavior and attitudes. This maltreatment can occur in the context of work (23% of people report discomfort with an HIV-positive colleague), school (35% of parents express discomfort with HIV-positive teachers), home life (42% of people would not be comfortable with an HIV-positive roommate), and commercial interactions (51% of people distrust a meal prepared by an HIV-positive person).<sup>12</sup> This discomfort leads to concrete actions that deny PLWHA access enjoyed by others. HIV-positive young people have been, even quite recently, denied admission to school, excluded from school activities, or expelled.<sup>13</sup> People living with HIV may be ostracized by their families, lose their homes, or subjected to intimate partner violence, even murder.<sup>14</sup>

The consequences of HIV stigma extend beyond the isolation from family, peers, and the wider community that PLWHA experience.<sup>15</sup> Social rejection, disapproval, discrimination, and even the perception that stigma exists make an HIV-positive individual less likely to seek treatment, attend medical appointments, or adhere to a drug regimen.<sup>16,17</sup> PLWHA who are highly concerned with stigma are three times less likely

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<sup>11</sup> Senator Thomas Duane, *Senate Passes Legislation to Cap Rent Share At 30% of Income for Poor New Yorkers with HIV/AIDS*, April 27, 2010, available at <http://www.nysenate.gov/press-release/senate-passes-legislation-cap-rent-share-30-income-poor-new-yorkers-hivaids>

<sup>12</sup> Kaiser Family Foundation, *2009 Survey of Americans on HIV/AIDS: Summary of Findings on the Domestic Epidemic*, April 2009, <http://www.kff.org/kaiserpolls/upload/7889.pdf>.

<sup>13</sup> Richard Parker, Peter Aggleton, et al, *HIV/AIDS-related Stigma and Discrimination: A Conceptual Framework and an Agenda for Action* (2002), 6, [http://pdf.usaid.gov/pdf\\_docs/Pnacq832.pdf](http://pdf.usaid.gov/pdf_docs/Pnacq832.pdf). See also: Eric Johnson, *HIV Positive Boy Denied Admission Sues Hershey School*, Reuters, <http://www.reuters.com/article/2011/12/02/us-hershey-hiv-school-idUSTR7B100Z20111202>.

<sup>14</sup> Kaiser Family Foundation, *2009 Survey of Americans on HIV/AIDS: Summary of Findings on the Domestic Epidemic*, April 2009, <http://www.kff.org/kaiserpolls/upload/7889.pdf>.

<sup>15</sup> AVERT, *HIV and AIDS Discrimination and Stigma*, May 2010, <http://www.avert.org/hiv-aids-stigma.htm>.

<sup>16</sup> *Id.*

to adhere to their drug regimens.<sup>18</sup> Stigma can also impede testing efforts.<sup>19</sup> People who fear negative fall-out from a positive HIV test often forego testing.<sup>20</sup> An alarming 16% of adults believe people would think less of them if they got tested for HIV.<sup>21</sup> Public education campaigns are essential to disrupting the ignorance and the stigma that continues to threaten our efforts to end AIDS.

- ***HIV stigma training for health care workers in city hospitals and clinics***

Ironically, people living with HIV/AIDS often encounter stigma at the doctor's office.<sup>22</sup> Healthcare professionals can be insensitive to concerns about stigma and may not follow appropriate procedures for maintaining patient confidentiality or may lack such procedures altogether. Healthcare providers' own fear of infection may also result in diminished care and services.<sup>23</sup> At its most extreme, discrimination by healthcare providers results in denial of treatment or access to health facilities.<sup>24</sup> High levels of experienced stigma correlate with low access to care, negative mental health outcomes, and suboptimal adherence to drug therapies.<sup>25</sup> By way of redress, health care professionals in Health and Hospitals Corporation facilities must receive training about HIV stigma in order to heighten awareness, and institutions must ensure that staff are aware of adherent to patient privacy policies and procedures.

- **Increase Funding for Essential Supportive Services**

- ***Food and nutrition programs***

The specific progression of HIV/AIDS makes nutrition a salient concern for PLWHAs, their caregivers, and social service providers. By slowing disease progression and reducing complications associated with HIV treatment, nutrition services have the potential to be a cost-saving measure. In fact, while in-home food delivery services average approximately \$1,500 per person, per year<sup>26</sup>, the average hospital stay for a PLWHA in 2007 was over 13 days, at an average cost of over \$2,000 a day in 2006.<sup>27,28</sup> Further, food programs and nutritional counseling can greatly improve physiological health outcomes and treatment compliance. In fact, one study in Atlanta found that food insufficiency was a better predictor of non-adherence to HIV treatment than years of education, employment status, income, housing, depression, social support, and non-alcohol substance use.<sup>29</sup> Consequently, food services have the potential to reduce significantly the need for expensive medical services, and to retain people in care.

- ***Mental health services***

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<sup>17</sup> Mary Ann Liebert Inc., *Social Stigma Concern and HIV Medical Adherence, AIDS Patient Care and STDs*, 2005, [http://www.hawaii.edu/hivandaids/Social\\_Stigma\\_Concerns\\_and\\_HIV\\_Medication\\_Adherence.pdf](http://www.hawaii.edu/hivandaids/Social_Stigma_Concerns_and_HIV_Medication_Adherence.pdf).

<sup>18</sup> *Id.*

[http://www.hawaii.edu/hivandaids/Social\\_Stigma\\_Concerns\\_and\\_HIV\\_Medication\\_Adherence.pdf](http://www.hawaii.edu/hivandaids/Social_Stigma_Concerns_and_HIV_Medication_Adherence.pdf).

<sup>19</sup> AVERT, *HIV and AIDS Discrimination and Stigma*, May 2010.

<sup>20</sup> U.S. Department of Health and Human Services Health Resources and Services Administration, *Stigma and Access to Care: Stigma and HIV/AIDS: A Review of the Literature*, May 2003, [http://hab.hrsa.gov/publications/stigma/stigma\\_and\\_access\\_to\\_care.htm](http://hab.hrsa.gov/publications/stigma/stigma_and_access_to_care.htm).

<sup>21</sup> Kaiser Family Foundation, *2009 Survey of Americans on HIV/AIDS: Summary of Findings on the Domestic Epidemic*, April 2009, <http://www.kff.org/kaiserpolls/upload/7889.pdf>.

<sup>22</sup> U.S. Department of Health and Human Services Health Resources and Services Administration, *Stigma and Access to Care: Stigma and HIV/AIDS: A Review of the Literature*, May 2003, [http://hab.hrsa.gov/publications/stigma/stigma\\_and\\_access\\_to\\_care.htm](http://hab.hrsa.gov/publications/stigma/stigma_and_access_to_care.htm).

<sup>23</sup> AVERT, *HIV and AIDS Discrimination and Stigma*, May 2010.

<sup>24</sup> *Id.*

<sup>25</sup> Jennifer N. Sayles, MD, MPH, *The Association of Stigma with Self-Reported Access to Medical Care and Antiretroviral Therapy Adherence in People Living with HIV/AIDS*, <http://www.springerlink.com/content/71h5331844161x75/fulltext.pdf>

<sup>26</sup> Food Security for Seniors and Persons with Disabilities Project, "A Look at Household Food Security for Seniors and Persons with Disabilities in Seattle's Low-income Housing," February 2008, 17, <http://www.solid-ground.org/AboutUs/Publications/Documents/FoodSecurityForSeniors-PersonsW-Disabilities.pdf>.

<sup>27</sup> Baligh R. Yehia et al., "Inpatient Health Services Utilization among HIV-Infected Adult Patients in Care 2002-2007," *Journal of Acquired Immune Deficiency Syndromes* 53.3 (2010):397-404, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2831106/pdf/nihms153873.pdf>.

<sup>28</sup> Kelly A. Gebo, et al., "Contemporary Costs of HIV Healthcare in the HAART Era," *AIDS* 24.17 (2010): 2708.

<sup>29</sup> Seth C. Kalichman et al., "Health and Treatment Implications of Food Insufficiency Among People Living with HIV/AIDS, Atlanta, Georgia," *Journal of Urban Health* 87.4 (2010), [http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2900577/pdf/11524\\_2010\\_Article\\_9446.pdf](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2900577/pdf/11524_2010_Article_9446.pdf).

PLWHA with mental health conditions experience elevated rates of HIV-related morbidity and mortality.<sup>30</sup> This may be due in part to the fact that mental illness reduces an individual's ability to mount an effective immune response against the virus,<sup>31</sup> increases the likelihood of engaging in risk behaviors as a way to mitigate stress, and negatively affects motivation to alter risk behaviors or make other positive steps to increase quality of life.<sup>32,33</sup> Further, the particularly strong correlation between HIV and domestic violence<sup>34</sup> amplifies the need for and benefits of mental health care for HIV-positive women. Mental health interventions have been shown to be effective in this context. In a 2004 study of women with a history of sexual violence, those who participated in an intervention examining their sexual histories and linking these experiences to their current decision-making were 150% more likely to reduce risky sexual behaviors (such as unprotected sex) than women who did not receive the intervention.<sup>35</sup>

Mental health interventions have the demonstrated potential to increase treatment adherence and to help reduce risk-taking behaviors, thereby slowing transmission of HIV. In a study published in 2007, HIV-positive participants in a mental health treatment program achieved decreases in the use of drugs and alcohol, as well as improvements in mental health.<sup>36</sup> Individuals in the study also demonstrated improved capacity to manage their disease progression, including increased usage of both antiretroviral and appropriate psychiatric medications.<sup>37</sup> One study found that, overall, clinics that employed a mental health professional had fewer missed appointments, and other research found that substance abuse services had a similar effect.<sup>38</sup>

#### ○ *Legal services (including legal services for housing and immigration)*

Provision of legal services has been shown to have distinctly positive effects, including improved individual health, on the lives of people with HIV/AIDS. A 2002 study reviewed the need for, availability of, and impact of legal services for PLWHA and determined that “[Legal] services improve access to health care, housing, and support services through education, empowerment, and enforcement of legal rights.”<sup>39</sup> It found that these services were especially effective in guaranteeing access to and the maintenance of health care services<sup>40</sup> primarily by addressing issues that would otherwise compete with these priorities.<sup>41</sup> A 2007 survey by LegalHealth in New York City assessed the impact of legal services on individuals with cancer. Of the respondents, 83% said legal assistance helped reduce their stress, and 51% reported that it had a positive effect on their financial situation.<sup>42</sup>

The need for access to legal services is arguably even more urgent for people living with HIV, given the strong association between poverty and HIV status, the historical stigma associated with the disease,<sup>43</sup> the heightened risk of discrimination in employment, housing, and other contexts, and the negative health

<sup>30</sup> Stephanie Bouis et al., “An Integrated, Multidimensional Treatment Model for Individuals Living with HIV, Mental Illness, and Substance Abuse,” *Health and Social Work* 32.4 (2007): 268, <http://www.dhs.wisconsin.gov/aids-hiv/PDFdocuments/CMResManual0309/Section%203-%20Mental%20Health/Mental%20Health,%20Substance%20Abuse%20and%20HIV%20Treatment%20Model%20article.pdf>.

<sup>31</sup> Dalmida, “Spirituality, Mental Health, Physical Health,” 187.

<sup>32</sup> Heidi E. Hutton et al., “Depression and HIV Risk Behaviors among Patients in a Sexually Transmitted Disease Clinic,” *American Journal of Psychiatry* 161 (2004): 912-14, <http://ajp.psychiatryonline.org/data/Journals/AJP/3760/912.pdf>.

<sup>33</sup> *Ibid.*

<sup>34</sup> U.S. Dept. of Health and Human Services, HRSA CARE Action, “Intimate Partner Violence,” (September 2009): 1, <http://hab.hrsa.gov/newspublications/careactionnewsletter/sept2009.pdf>.

<sup>35</sup> Wyatt, “The Efficacy of an Integrated Risk Reduction Intervention,” 459-60.

<sup>36</sup> Bouis, “An Integrated, Multidimensional Treatment Model,” 268.

<sup>37</sup> *Ibid.*, 277.

<sup>38</sup> Elizabeth Horstmann et al., “Retaining HIV-Infected Patients in Care: Where Are We? Where Do We Go from Here?,” *Clinical Infectious Diseases* 50 (2010): 755, <http://cid.oxfordjournals.org/content/50/5/752.full.pdf>.

<sup>39</sup> John-Manuel Androite & R. Bradley Sears, *Ensuring Access to Health Care for People with HIV/AIDS: The Role of Legal Services (A Ryan White CARE Act Policy Study)* (April 2000): 6.

<sup>40</sup> *Ibid.*, 12.

<sup>41</sup> *Ibid.*, 11.

<sup>42</sup> David I. Schulman et al., “Public Health Legal Services: A New Vision,” *Georgetown Journal on Poverty Law and Policy*, 15(2008): 729, <http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1219&context=lsfp>.

<sup>43</sup> Ronda B. Goldfein and Sarah R. Schalman-Bergen, “From the Streets of Philadelphia: The AIDS Law Project of Pennsylvania’s How-To Primer on Mitigating Health Disparities,” *Temple Law Review* 82 (2010): 1208-13.



outcomes associated with stress and anxiety for PLWHA.<sup>44</sup> Studies show that individuals perceiving higher levels of cumulative negative life burden and stress-inducing circumstances have viral loads twice as high as those with lower levels of negative life burden, controlling for adherence to HAART.<sup>45</sup> Furthermore, higher levels of stress are associated with faster disease progression.<sup>46</sup> The resolution of legal cases, including housing, immigration, and benefits matters, is essential, therefore, in diminishing stressors and ensuring stability.

- ***Services for foster care and runaway youth***

The City must ensure that youth in foster care receive essential HIV prevention programming. These services must be given by trained staff and with sensitivity to the range of sexual orientations and gender identities of young people in the foster care system. Efforts to improve prevention programming also must work to tackle the institutionalization of sexism, homophobia and heterocentrism in that system.<sup>47</sup>

Homeless youth, many of whom have aged out of foster care, are at high risk for HIV infection. While it is estimated that the rate of HIV among homeless youth is 5 percent, one study reported a rate as high as 17 percent among street youth in San Francisco. This alarmingly high rate is likely attributable, at least in part, to the prevalence of survival sex, reported as high as 43 percent in one study of street youth in Los Angeles.<sup>48</sup> Accordingly, it is imperative that the City boost its investment in programs that offer prevention services, housing, and other supports to this vulnerable population.

- **HIV and Intimate Partner Violence**

- ***Fund services that address the connection between HIV and intimate partner violence.***

Regardless of gender, half of HIV-positive patients who seek treatment have been affected by intimate partner violence (IPV) or childhood sexual abuse.<sup>49</sup> But despite the co-incidence of IPV and HIV, fewer than 10 percent of HIV providers routinely screen for IPV.<sup>50</sup> Because past or current IPV increases transmission risks and negatively affects health outcomes,<sup>51</sup> improved awareness of IPV can facilitate HIV prevention and risk reduction, as well as improve health outcomes for PLWHA.<sup>52</sup>

Accordingly, HHC should incorporate IPV screening into all healthcare and social work encounters with PLWHA, and transgendered individuals, who are additionally at high risk, and ensure that staffed are trained to provide necessary referrals, resources, counseling, or strategies for safety planning. Further, the City must continue to invest in legal and social services for survivors of intimate partner violence. Finally, the City must increase the supply of temporary and permanent housing for survivors of IPV, and ensure that housing is available for survivors regardless of their family status, sexual orientation, gender, or HIV/AIDS diagnosis.

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<sup>44</sup> Adam W. Carrico et al., "Psychoneuroimmunology and HIV," in *Comprehensive Textbook of AIDS Psychiatry*, ed. Mary Ann Cohen and Jack M. Gorman (New York: Oxford University Press, 2008), 28.

<sup>45</sup> *Ibid.*

<sup>46</sup> *Ibid.*

<sup>47</sup> The Center for HIV Law and Policy, *Sexual Health Advocacy for Youth in Foster Care and Detention Facilities, Legal and Policy Outline*, available at <http://www.hivlawandpolicy.org/resources/sexual-health-advocacy-youth-foster-care-and-detention-facilities-legal-and-policy-outline>

<sup>48</sup> U.S. Department of Health and Human Services, Health Resources and Services Administration, *Understanding the Healthcare Needs of Homeless Youth*, available at: <http://bphc.hrsa.gov/policiesregulations/policies/pa200110.html>

<sup>49</sup> U.S. Dept. of Health and Human Services, HRSA CARE Action, *Intimate Partner Violence*, (September 2009): 1, <http://hab.hrsa.gov/newspublications/careactionnewsletter/sept2009.pdf>.

<sup>50</sup> U.S. Dept. of Health and Human Services, *Intimate Partner Violence*, 1.

<sup>51</sup> Karen A. McDonnell, et. al., "Abuse, HIV Status and Health-Related Quality of Life among a Sample of HIV Positive and HIV Negative Low Income Women," *Quality of Life Research* 14.4 (May 2005): 945-957.

<sup>52</sup> U.S. Dept. of Health and Human Services, HRSA CARE Action, *Intimate Partner Violence*, (September 2009), <http://hab.hrsa.gov/newspublications/careactionnewsletter/sept2009.pdf>.

## De Blasio briefing by Immigrant Defense Project

The Immigrant Defense Project (IDP) is a non-profit organization based in New York City that works to protect and promote the legal, constitutional, and human rights of immigrants with criminal arrests and convictions. IDP seeks to minimize the harsh and disproportionate immigration consequences of contact with the criminal justice system by working to transform unjust deportation laws and policies and educating and advising immigrants, their criminal defense attorneys, and other advocates. IDP operates a free, national criminal-immigration hotline that serves over 2000 people a year—including people facing deportation and their attorneys. For more information on the following recommendations, please contact the Immigrant Defense Project (IDP) at [info@immigrantdefenseproject.org](mailto:info@immigrantdefenseproject.org).

### 1. End New York City's collaboration with unfair Immigration and Customs Enforcement (ICE) mass detention and deportation machine.

In the past ten years, the U.S. has massively expanded its deportation apparatus, achieving record-breaking numbers of deportations. The Obama administration has identified the "criminal alien" as the primary target and New York City as a key area of ICE activity. The government has increasingly used the criminal justice system—most notably the police and jails—to funnel people into an unjust mass detention and deportation system. This collaboration has expanded rapidly, with very little scrutiny, despite the well-documented problems with the criminal legal system, including the discriminatory policies and policing practices that fuel it.

One devastating example of this flawed collaboration is ICE's "Secure Communities" (S-Comm) program, where police send an arrestee's fingerprints to immigration at booking to allow for the rapid identification of potential deportees. When ICE identifies someone they may want to deport, they issue a detainer. A detainer (or "hold") is ICE's request that the police or jails hold that person for up to 48 hours after they would otherwise be released so ICE can assume custody. The detainer request undermines the due process rights of immigrants as it encourages a two-tiered system of criminal justice in which noncitizens are routinely denied bail, jailed for longer periods, and disqualified from alternative release programs.

The weight of police/ICE collaboration falls hard on vulnerable immigrant populations. Programs like S-Comm reinforce the fear and mistrust that community members have of the police. As a result, immigrant community members are often reluctant to report possible criminal activity to law enforcement. For example, IDP works closely with advocates for survivors of domestic violence who are finding it increasingly challenging to suggest involving law enforcement because of the heightened risk of deportation for survivors, their abuses and other family members ICE's presence in the criminal legal system increases the likelihood that survivors of violence, despite their eligibility, will be funneled into the detention and deportation system and therefore would be disconnected from the social service providers and attorneys who would work with them to access hard-won protections—such as U-visa status for crime victims or diversionary courts. Furthermore, the complex dynamics of abuse scenarios are difficult for law enforcement to sort out, often leading to a survivor's arrest and prosecution and requiring tremendous advocacy to avoid deportation. People caught up in the criminal legal system face enormous pressure to accept pleas, which may have immigration consequences. LGBTQ people, especially those who are transgender, often suffer gender-related abuse in jail, which creates additional pressure to take a plea to avoid ongoing incarceration. Thus, for all these reasons, ICE's presence in local law enforcement rather than protecting public safety, places individuals at an increased risk for violence thereby undermining decades of advocacy to end violence in our communities.

We appreciate Mayor Bill de Blasio's call for a safe, open city for immigrants and the end of the City's collaboration with the abusive federal immigration detainers process. Our recommendations reflect and build upon some of the recommendations made by Mayor de Blasio.

We recommend that NYC prioritize public safety and protect the due process rights of all New Yorkers by refusing to participate in ICE's detention and deportation, ending all City collaboration with ICE. The City must expand its policies of not honoring detainers to protect more New Yorkers. Other counties and cities across the U.S. have refused to collaborate with ICE along these lines:

- Ending cooperation with all ICE detainer requests, including those with prior civil deportation orders, pending criminal charges, and prior convictions. We also recommend that the City not honor ICE requests for New Yorkers on "gang" and "terrorist" databases, given the well-documented problems with these databases—including over-inclusion, inaccuracy, and lack of mechanisms to challenge one's inclusion in these databases.<sup>1</sup>
- Refusing to allow ICE to conduct civil immigration interviews at police precincts or at Rikers Island.
- Revoking the City's support for ICE's "Criminal Alien Program" operations at Rikers Island, including removing ICE's trailer office from Rikers Island.
- Refusing, at minimum, to collaborate with ICE without reimbursement. The presence of ICE in the criminal legal system has significant fiscal impacts, as the number of people and their length of stay in the City's jails has grown significantly due to ICE interference in the system. Immigrants who have ICE detainers may choose to stay in jail to fight their cases, as paying bail will likely cause them to be turned over to ICE custody, often far from their families.

Given the problems that arise for New Yorkers from discriminatory policing, including that immigrants now face an increased risk of detention and deportation when encountering police, we further recommend that the City take immediate steps to end discriminatory policing practices as advocated by Communities United for Police Reform, including ending the legal challenges to the End Discriminatory Profiling Act, implementing the judicial remedies in *Floyd v. City of New York*, and ending the illegal surveillance of Muslim communities.

## **2. Ensure that public defenders and appointed counsel have resources to advise their immigrant clients about immigration consequences**

Countless New York families lose loved ones to deportation, often as a result of a past conviction for which they have already completed their criminal sentence. These deported New Yorkers have been spouses, sons, daughters, parents, friends, employers, and clergy. They have been lawful permanent residents (greencard holders), undocumented immigrants (many with citizen spouses who want to sponsor them), people who came to New York as children, Dreamers, small business owners, and American veterans. The convictions range from the smallest to the most serious offenses and include offenses that the prosecutor and judge felt merited no time in jail. In many cases, the person had pled guilty to a crime without understanding that it would have led to deportation. Then, days or years after the criminal case was over, they found themselves in immigration detention and facing deportation – often mandatory, with the conviction closing off all avenues to fight to remain here with their families.

In 2010, the U.S. Supreme Court noted in *Padilla v. Kentucky* the unfairness of such a process and recognized a criminal defense attorneys' obligation under the Sixth Amendment to the U.S. Constitution to provide affirmative, competent advice to their clients of the immigration consequences of their criminal cases. For the second time in ten years, the Court stated that "preserving the client's right to remain in the United States may be more important to the client than any potential jail sentence." Therefore, the Court said, "accurate legal advice for noncitizens accused of crimes has never been more important." This same year, the New York City Office of the Criminal Justice Coordinator (CJC) offered a base level of funding to every institutional defender office to hire in-house immigration counsel to more fully integrate immigration advisals and

<sup>1</sup> "The New Blacklists: The Threat to Civil Liberties Posed by Gang Databases." *Crime Control and Social Justice: The Delicate Balance*. Westport, CT: , 2003. *The African American Experience*. Greenwood Publishing Group; K. Babe Howell, "Gang Databases: Labeled for Life," *The Champion*, July and August 2011; Associated Press, "Anti-Terror Program Tracks Innocents, ACLU Says," September 19, 2013 available at: <http://losangeles.cbslocal.com/2013/09/19/anti-terror-program-tracks-innocents-aclu-says/>

mitigation strategies into their work. This has elevated New York City as a national model in implementing *Padilla*. This funding is critical to ensure that defenders meet their ethical duty, that the City meet its Constitutional obligation under *Padilla*, and that New Yorkers have a fighting chance to keep their families together and communities strong.

## **We recommend:**

- Continuing to fund immigration experts at the institutional defender offices to ensure that immigrants facing criminal charges in New York are advised of immigration consequences and have a defense that works to mitigate these consequences when possible.
- Ensuring that counsel appointed under the “18-b” program have access to timely and accurate immigration advice for their clients.
- Funding the appellate defender offices to represent immigrants seeking post-conviction relief in cases where they pled guilty without being informed of immigration consequences by their attorneys, as required by *Padilla*. Despite the gains made in New York City toward full compliance with *Padilla*, some people fall through the cracks and plead guilty without getting important immigration advice. Even when such convictions are constitutionally defective, and where vacating the guilty plea would be appropriate, most people are not able to assert their rights in court without counsel – and do not have resources to hire private counsel. Better access to post-conviction representation will reduce the deportations from unlawful convictions.

### **3. Encourage prosecutors to consider immigration consequences during plea negotiations**

Immigration consequences such as deportation, or lifetime bars to getting a green card, impose heavy, disproportionate penalties on noncitizen defendants in the criminal justice system.

For example, these consequences can have severe ramifications for women and LGBTQ defendants. Women facing deportation may be the primary caretaker for United States citizen children.<sup>2</sup> Separating the child from her mother can have devastating consequences for the child left behind,<sup>3</sup> as well as for the mother faced with the decision whether to leave her child in the United States, or to take her along to a country where mother and child may experience serious poverty, violence, and lack of educational opportunities, among other negative impacts.

LGBTQ defendants may have left their country of origin to escape extreme transphobic or homophobic discrimination or violence. Forced removal to that country may put them once again at risk for such discrimination or violence.

Precisely because such dire immigration consequences often play a more important role in the criminal case than the criminal justice sanctions, the United States Supreme Court has stated that “informed consideration” of immigration consequences benefits the prosecution as well as the immigrant defendant.<sup>4</sup>

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<sup>2</sup> Between 1997 and 2007, the United States deported the legal permanent resident (“LPR”) parent of approximately 103,000 children, of which at least 85 percent (or 88,000) were United States citizens. See J. Baum, R. Jones & C. Barry, *In the Child’s Best Interest?: The Consequences of Losing a Lawful Immigrant Parent to Deportation*, Int’l Human Rights Law Clinic, University of California, Berkeley, School of Law et al., 4-5 (2010), available at [http://www.law.berkeley.edu/files/Human\\_Rights\\_report.pdf](http://www.law.berkeley.edu/files/Human_Rights_report.pdf).

<sup>3</sup> See Baum, et al., *In the Child’s Best Interest?* 4-5 (2010) (“By removing a lawful permanent resident parent of a U.S. citizen child, the government . . . creates immense secondary social and economic effects.”); J. Hagan, B. Castro & N. Rodriguez, *The Effects of U.S. Deportation Policies on Immigrant Families and Communities: Cross-Border Perspectives*, 88 N.C. L. Rev. 1799, 1820 (2010) (“The physical removal of parents can have long-lasting traumatic effects on children and spouses left behind in the United States.”). In one recent study examining “the consequences of parental arrest, detention, and deportation on 190 children in 85 families in six locations across the country,” researchers reported that immigrant parental separation “pose[d] serious risks to children’s immediate safety, economic security, well-being, and longer-term development.” A. Chaudry, R. Capps, J. Manuel Pedroza, R. Maria Castañeda, R. Santos & M. Scott, *Facing Our Future: Children in the Aftermath of Immigration Enforcement*, Urban Institute, viii (2010), [http://www.urban.org/UploadedPDF/412020\\_FacingOurFuture\\_final.pdf](http://www.urban.org/UploadedPDF/412020_FacingOurFuture_final.pdf). “[A]bout two thirds of [the] children [in the study] experienced changes in eating and sleeping habits”; “[m]ore than half of [the] children . . . cried more often and were more afraid, and more than a third were more anxious, withdrawn, clingy, angry, or aggressive.” *Id.* at ix.

<sup>4</sup> See *Padilla v. Kentucky*, 559 U.S. 356, 373 (2010).

Prosecutors in other jurisdictions, including Alameda and Santa Clara Counties in California, have accomplished this by encouraging their attorneys to factor immigration consequences into the resolution decision and issuing formal guidelines to assist them in doing so.<sup>5</sup> Informed consideration of immigration consequences assists prosecutors in using their discretion to pursue justice, ensure community safety, and maintain the integrity of the prosecution profession.<sup>6</sup>

We recommend:

- Encouraging District Attorneys to adopt policies reminding its prosecutors that the Supreme Court encourages the consideration of immigration consequences in the resolution of criminal cases and requiring them to attempt, wherever possible and appropriate, to agree to immigration neutral pleas and sentences.

#### **4. Ensure legal representation for all New Yorkers detained by ICE and placed in deportation proceedings**

IDP supports the work of the New York Immigrant Family Unity Project (NYIFUP) to create the **nation's first system of universal immigration representation** to ensure that no New York family will be torn apart simply because they cannot afford counsel.

This local campaign was initiated by the Center for Popular Democracy (CPD), Northern Manhattan Coalition for Immigrant Rights (NMCIR), Make the Road New York and the Vera Institute for Justice with the support of the Kathryn O. Greenberg Immigration Justice Clinic at Cardozo Law School.

Each year, approximately **1700 residents of New York City** are detained and confront **possible deportation with no legal counsel**. These residents face government-trained attorneys often without the representation of a lawyer, often with a language barrier, and no or limited financial resources—all while behind bars and separated from their loved ones. Data shows that only 3% of those who are detained and unrepresented prevail in their proceedings.<sup>7</sup> But lawyers make a huge difference—the success rate jumps to 18% for those who are detained and represented.<sup>8</sup> Beyond the family unity toll, a recent study demonstrated that the economic costs that New York City and State bear as a result of deportations are substantial. Once fully implemented statewide, the **NYIFUP will result in almost \$6 million dollars of annual economic offsets** to the city, state and to New York employers.<sup>9</sup>

Recently, the New York City Council allocated \$500,000 during this fiscal year to fund the nation's first immigration representation pilot. The pilot will serve 190 out of the approximately 900 detained New Yorkers who will have their removal proceedings at the New York City Immigration Court this year.

We recommend the full implementation of NYIFUP. At an annual cost of \$5.3 million,<sup>10</sup> implementation at this scale would provide deportation defense to all New Yorkers who face removal in area immigration courts, including those who have hearings at the New York City Immigration Court and the New Yorkers whose hearings are venued in nearby New Jersey immigration courts (Elizabeth and Newark).

<sup>5</sup> See, e.g., *Immigration Consequences, Charging Decisions, Dispositions and Sentencing in Light of Padilla v. Kentucky* ([www.ilrc.org/files/documents/unit\\_7b\\_3\\_sample\\_da\\_padilla\\_policy\\_final.pdf](http://www.ilrc.org/files/documents/unit_7b_3_sample_da_padilla_policy_final.pdf)); *Memo re: Collateral Consequences*, District Attorney of Santa Clara County, California ([www.ilrc.org/files/documents/unit\\_7b\\_4\\_santa\\_clara\\_da\\_policy.pdf](http://www.ilrc.org/files/documents/unit_7b_4_santa_clara_da_policy.pdf)).

<sup>6</sup> See Heidi Altman, *Prosecuting Post-Padilla: State Interests and the Pursuit of Justice for Noncitizen Defendants*, 101 *Geo.L.J.* 1 (Nov. 2012).

<sup>7</sup> See New York Immigrant Representation Study, *Accessing Justice: The Availability and Adequacy of Counsel in Immigration Proceedings*, 33 *Cardozo L.Rev.* 357, 384 (Dec. 2011).

<sup>8</sup> See *id.*

<sup>9</sup> "The New York Immigrant Family Unity Project: Good for Families, Good for Employers, and Good for All New Yorkers," October 2013

<sup>10</sup> *Ibid.*



## Advancing the Women and Girls of New York City *Priority Action Items for the Next Mayor*

### Women's Issues Are Issues for All New Yorkers

The issues that impact women are urgent. Yet, they are often sidelined rather than fully integrated into public policy as they should be. In New York City, 40% of single mothers and their children live in poverty;<sup>1</sup> the poverty rate for women age 65 and over is one in five, almost double the national rate;<sup>2</sup> the number of rapes has increased by 57% since 2009,<sup>3</sup> and full-time working women in the metropolitan area face a 15% wage gap.<sup>4</sup>

Lifting women out of poverty, ending gender discrimination, closing the wage gap, and ensuring women's health and physical safety, together, have a cumulative impact on both the state of our families and the economy. Dismantling the barriers that exist for women is at the crux of reducing our city's growing economic divide, a central promise of the incoming administration and one that has a clear mandate from New York voters.

NOW-NYC aims to promote reproductive rights, secure women's economic empowerment, and end discrimination and violence against women. NOW-NYC is excited to be welcoming a mayor-elect whose vision so strongly overlaps with that of our organization and our members, and we look forward to working in partnership to proactively address women's inequality in our city. NOW-NYC calls on the mayor-elect to:

#### 1. Make Women's Issues Central to the Mayor's Agenda

- Women's issues cannot be relegated as a niche issue but must become a fully integrated component of all issues. Women's equality must be a lens through which all city policies are developed, implemented, and enforced. The city must make a visible commitment to understanding and addressing how its policies impact women and marshal its resources to advance equality.

#### 2. Advocate for Women's Economic Security

- Ensuring equal pay for New York City-area women would translate to an \$8,000 increase in the annual earnings of full-time working women, supporting families and lifting many out of poverty.<sup>5</sup> Closing the income gap between men and women is imperative, considering that women are either the primary or sole source of income in 40% of all U.S. households with children.<sup>6</sup> We can close the pay gap in New York City by: (A) increasing the minimum wage for tipped workers; (B) outlawing wage secrecy policies that keep pay differentials hidden; (C) addressing pay discrimination for city workers;
  - (A) Women constitute nearly two-thirds of all tipped workers and 71% of restaurant servers who experience poverty at three times the rate of the general workforce.<sup>7</sup> The food and drink industry employs more than a quarter of a million workers in New York City.<sup>8</sup> Although New York State instituted a minimum wage increase, tipped workers were excluded.<sup>9</sup>
  - (B) A majority of private sector workers in the U.S. are prohibited or discouraged from sharing salary information. Transparency without fear of retaliation is the only sure way women will be able to know whether they are earning their fair share.<sup>10</sup>
  - (C) The mayor-elect has pledged to settle the current lawsuit against the city brought by female school safety agents who are earning \$7,000 less than their male counterparts, impacting 5,000

workers.<sup>11</sup> The mayor-elect should also proactively evaluate and address any existing wage gaps among city employees.

- Ensuring affordable child care is one of the most significant ways to expand job opportunities for women. The mayor-elect should act to protect and expand child care options, by: (A) proactively increasing the number of eligible families utilizing subsidized day care (only 27% are currently being served)<sup>12</sup>, and (B) making a commitment to re-allocate any new slots created by fulfilling the pledge to institute universal pre-kindergarten to eligible infants and toddlers.
- Create job opportunities for women, particularly in high paying and/or non-traditional occupations like construction by: (A) expanding opportunities for minority- and women-owned business enterprises (M/WBEs); and (B) ensuring 100% enforcement of New York City's Human Rights Law, particularly for all vendors awarded city contracts.
  - (A) New York City passed laws to expand opportunities for M/WBEs in both 2005 and 2013; however, data demonstrate that the program continues to fall short of established targets.<sup>13</sup> Growing the program will be a vital component of expanding job opportunities for women and building strong local economies across the diverse communities of all five boroughs.
  - (B) New York City proudly has one of the strongest Human Rights Laws in the country, which it recently expanded to include protections for pregnant workers.<sup>14</sup> However, our laws can only be as strong as their on-the-ground enforcement. The Human Rights Commission must be fully funded and staffed to effectively enforce the law. Furthermore, the city should ensure that all of its contractors explicitly meet the standards set forth in the law.
- Expand affordable housing. Thirty-one percent of renting New Yorkers spend more than half of their income on rent and utilities.<sup>15</sup> A recent *New York Times* article paints a stark portrait of the working poor: 28% of families in homeless shelters include a working adult and are mostly women.<sup>16</sup> This is why the mayor-elect's plan to increase affordable housing units by implementing stricter requirements on developers to create low and middle-income housing is critical.

### 3. Ensure Equity in Education

- Title IX prohibits sex discrimination in education, which includes sexual harassment and sexual violence<sup>17</sup>, as well as pregnancy discrimination.<sup>18</sup> Preliminary investigations and anecdotal evidence collected by parents and advocates indicate that there is a lack of awareness among students and administrators of current Title IX protections and reporting channels.<sup>19</sup> The mayor-elect should act to: (A) Ensure that the next NYC Schools Chancellor implements 100% compliance and enforcement of Title IX in all NYC public schools; (B) Immediately fill the vacancy in the Office of Equal Opportunity & Diversity Management's Executive Director position; and (C) Explicitly state in federally required training and nondiscrimination notices that protections include freedom from sexual harassment, sexual violence, and pregnancy discrimination.

#### 4. Engage the NYPD

- Crimes against women are still at epidemic levels in New York City. The number of reported rapes has surged by 57% since 2009, from roughly 760 to 1200,<sup>20</sup> the NYPD receives an estimated 600 domestic violence calls every day,<sup>21</sup> and the city is recognized by the Department of Justice as both a major point of entry and destination for victims of sex trafficking.
- The negative impact of aggressive stop and frisk policing on police-community relations has been a hallmark of this mayoral race. In the past few years, police-community relations also suffered on the heels of several high-profile rape cases involving NYPD officers which drew widespread attention and tested the public's trust, particularly that of women. With the appointment of Bill Bratton as the incoming police commissioner—a leader widely recognized for his expertise on community policing—we hope that this trust will be restored.
- We call on the mayor-elect and incoming police commissioner to institute a proactive, department-wide plan of action to address violence against women that includes: (A) Promoting a culture of integrity and respect for women and girls (B) Making it a system-wide priority to reduce the violent crime of rape; and (C) Prioritizing the investigation and prevention of human trafficking.

#### 5. Budget for Women's Equality

- Budget priorities should reflect a tangible commitment to women's equality. Year after year, subsidized child care and after school programs are put on the chopping block. The lack of stability for these programs translates to a lack of stability for New York families, putting the well-being of the city's children as well as the jobs of both parents and day care workers at risk.<sup>22</sup> Furthermore, other priorities, including services for sexual assault survivors<sup>23</sup> and funding for safety net programs that support low-income women and single mothers<sup>24</sup> face shrinking support. The mayor-elect should follow-through on his promise to end the "budget dance," with a long-term commitment to invest in families and communities.

#### 6. Protect Reproductive Healthcare

- New York City has one of the highest maternal mortality rates in the country, and the rate of maternal mortality for African-American women in New York City is seven times higher than the rate for white women.<sup>25</sup> This means that in one of the richest cities in the world, more African-American women die of childbirth per 100,000 births than the women of Iran, Iraq, Vietnam, Egypt, or Saudi Arabia—all countries that struggle with fair and equitable treatment of women.<sup>26</sup> The fact that women are dying from giving birth in a city with some of the best hospitals in the country can be viewed as nothing less than an alarm bell.<sup>27</sup> The mayor-elect should consider the findings and recommendations of the New York Academy of Medicine<sup>28</sup> and work with local stakeholders, including community healthcare organizations, advocates, and the NYC Department of Health and Mental Hygiene to close this gap.
- We fully support the mayor-elect's promise to safeguard women's comprehensive reproductive health by: (A) ensuring access to abortion clinics and improving coordination with the NYPD; (B) enforcing consumer protections and transparency for crisis pregnancy centers; and (C) continuing abortion training for medical residents.



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November 2013

**New York Anti-Trafficking Network (NYATN) has been providing direct services to almost 1,000 survivors of human trafficking for more than eleven years. NYATN was the first network in New York to promote the rights of survivors of human trafficking.** We bring together the voices of those with first-hand experience of the injustices of human trafficking and those who work consistently to meet the needs of trafficked persons, and who advocate for a more rights-based, responsive, and prevention-oriented policy towards trafficked persons.

NYATN consists of a diverse group of service providers and advocates in New York, dedicated to ending human trafficking and coordinating resources for trafficked persons. Our membership includes over 90 organizations and individuals advocating on behalf of survivors of trafficking and other forms of violence. Since 2002, we provided direct services to survivors of human trafficking, and have fostered policy, legislation, education, and advocacy on a wide range of issues relating to trafficking in persons.

We establish dialogue on service and prevention options in a range of cases and enable cross-communication regarding each agency's work with trafficked persons. We provide direct services to trafficked persons; technical assistance to attorneys, case managers, and other service providers who work with trafficked persons; train law enforcement and non-governmental organizations on issues relating to trafficking in persons; outreach in communities to provide resources and information on trafficking in persons; and engage in policy advocacy on these issues.

NYATN played a key role in the passage of the New York Anti-Trafficking Law as well as all of the reauthorizations of the federal Trafficking Victims Protection Act. We continually advocate for legislation that promotes prevention and protects the rights of trafficked persons at the state and federal levels.

We congratulate Mayor-elect de Blasio and look forward to working with him and his team in this new administration on prevention trafficking in persons and supporting the human rights of survivors of trafficking and other forms of abuse here in New York City.

**NYATN** supports the following principles and supports deeper government engagement in the following areas:

1. Qualified and appropriate services for survivors of human trafficking are crucial. Devote resources for case management, shelter, and legal services to organizations with a demonstrated track record serving survivors of trafficking with a range of experiences.
2. Encourage law enforcement agencies to sign U & T non-immigrant visa certifications without extra requirements beyond what is required. Policies should be transparent and clear for those seeking a certification.
3. Encourage access to services without arrests by creating alternatives to a criminal justice track.

# Appendix I — Full Memos *cont'd*

4. Services for trafficked youth should be in the least restrictive setting to allow for case management, social support, and legal services. Access to job development and meaningful economic opportunities should be presented in a setting that encourages decision-making.
5. All services for trafficking survivors should be non-discriminatory and open to all ages and genders.
6. The Human Trafficking Intervention Courts should be open to survivors of all forms of human trafficking and all programs should be evaluated or meet a minimum standard.
7. Trafficking into most forms of labor is grossly underreported and under-recognized. We encourage the city to train agencies to develop training and policies on labor trafficking.
8. Labor trafficking can also be found in sourcing through supply chains. We encourage the City to have a policy on not engaging with businesses that do not examine their supply chains for slave labor and human trafficking.
9. The Administration should support legislation requiring companies to disclose any measures taken to identify and address instances of human trafficking, slavery, and child labor in their supply chains in their annual report to the Securities and Exchange Commission (SEC).
10. In our years of working directly with survivors and crafting law and policy that both prevents trafficking in persons and better serves the rights and needs of survivors, NYATN has found that solutions rooted in enhancing quality of and access to services, as well as community-based outreach and education, are more effective than those focused largely on enhanced criminal penalties. While criminal penalties and prosecution play a crucial role in addressing human trafficking, it is prevention, education, and services that make the difference in prevention and the lives of trafficked persons.

For more information about NYATN, see <http://nyatn.wordpress.com/>. Please contact Juhu Thukral at 917/791.0682 or Ivy Suriyopas at 212/966.5932 or [jsuriyopas@aaldef.org](mailto:jsuriyopas@aaldef.org) with any questions.

## **Recommendations from New York City's Anti-Violence Advocates to Mayor-Elect de Blasio's Transition Team regarding Intimate Partner and Sexual Violence**

A recent scientific nation-wide survey by the Centers for Disease Control found that 1 in 4 women and 1 in 7 men have experienced intimate partner violence and 1 in 5 women and 1 in 71 men have been raped at some time in their lives. The CDC also found that lesbian, gay and bisexual people experience intimate partner and sexual violence at the same rates as non-LGB people. People of color, including African American, multiracial and Native American women experience higher rates of both sexual assault and intimate partner violence than white women. Both forms of violence are vastly underreported crimes, and no doubt the numbers are significantly higher. Yet, despite the high rate of rape and intimate partner violence, services to respond to and prevent this violence are grossly inadequate. Culturally competent services for marginalized communities, especially communities of color, immigrants, non-English speaking people, people with disabilities and lesbian, gay, bisexual and transgender people, are even more limited.

There is a great need to raise awareness of intimate partner and sexual violence, to increase services for survivors and to create culturally competent responses for survivors marginalized because of their race, ethnicity, immigration status, disability status, sexual orientation and/or gender identity. To that end, we recommend:

### **1. Executive Branch Funding For Sexual and Intimate Partner Violence Programs**

There must be a steady source of City funding for intimate partner violence and sexual assault programs to respond to the needs of survivors as discussed below. Existing resources are inadequate to meet the needs of survivors of sexual and domestic violence. Furthermore, discretionary allocations from the City Council (\$2.874M in the Domestic Violence Empowerment DoVE and \$200K for the Sexual Assault Initiative) are uncertain from year to year making it difficult to plan and sustain programs. Instead, adequate funding should be included in the Executive budget to enhance services and ensure their stability. Without this funding, survivors of abuse, particularly low-income survivors and those from marginalized communities, have few options for vital preventive, social and legal services. The Rape Crisis Centers have experienced decreasing funding from the state and federal government, yet, state-wide their caseload has increased by 65% since 2011. This has forced Rape Crisis Centers to implement waiting lists and to limit long-term services. Social and legal services for intimate partner violence survivors are essential to their ability to escape violence and begin the healing process. In particular, research shows that legal services are strongly correlated with a reduction in intimate partner violence and enable survivors to escape abusive relationships. Access to safe, affordable housing and the ability to earn sustainable income are also crucial elements to ensure ongoing safety (see Sections 3 & 4).

### **2. High Level City-Wide Position on Violence and Poverty**

There is an immediate need to create a position that can holistically address the violence of Intimate Partner and Sexual Violence as well as Trafficking on the one hand, and the poverty that these crimes so often cause. These crimes are also in some part caused by poverty, lack of viable options for income and homelessness. This position should have the power to both coordinate and rally resources for victims of violence as well as work to prevent the conditions that give rise to them. Twenty five per cent of women and girls are living in poverty among the 4 million females in NYC and in 2011 63% of children were born into poverty in NYC. There is a strong correlation between poverty and violence: intimate partner violence is a primary cause of homelessness and women who are homeless report a far higher recent sexual assault than non-homeless women. This position should focus on the intersection of poverty and violence so as to lower the rate of child sexual assault, violence against women and intimate partner violence, including in the LGBTQ community.

This position must have the power to convene all city agencies, including the DOH, NYPD, NYCHA, HPD, HRA, ACS, and DHS to provide a coordinated response to problems faced by survivors and to address gaps in policy and practice. For example, the office could address housing barriers by working with HPD and NYCHA to help low-income survivors secure permanent housing, work to prevent homelessness of survivors of violence and address issues faced by immigrant victims of violence. Survivors who are limited English proficient (LEP) often have extreme difficulty accessing services from city agencies. Under the auspices of this position, each county could have its own multi-disciplinary group to trouble shoot on individual cases while the city-wide position addresses the broader systemic issues. The person in this position should use proven tools to reveal policies and practices that place survivors of intimate partner violence and sexual assault at risk, such as fatality reviews and safety audits.

### **3. Housing**

As noted above, intimate partner violence is a primary cause of homelessness in New York City; at least 1/3 of families using the family shelter system are survivors of domestic violence. Studies of the prevalence of sexual assault among homeless women found 43% reported sexual abuse in childhood as opposed to 20% of women in the general population. In addition, women who are homeless report a rate of recent sexual assault that is about 10 times that of non-homeless women. Secure housing is vital to the long-term safety and independence of survivors. It also prevents sexual assault. Yet, options for permanent housing are extremely limited. 80% of domestic violence shelter residents who left the emergency shelter system in 2011 were unable to secure permanent housing or transfer to a transitional shelter, leaving them with no safe place to go. Sadly, the lack of housing too often forces low-income survivors to reunite with their abusers.

We urge the Mayor-elect to create a rent subsidy program to provide permanent housing for low-income sexual assault, including trafficking, and intimate partner violence survivors. The cost to house a family in shelter (approximately \$36,000) for a year far exceeds the cost of affordable rental housing (\$12,000 per year). We recommend expanding and improving on HPD and NYCHA housing resources to accommodate intimate partner violence and sexual assault victims as well as creating programs to develop more housing and provide supportive services with the goal of helping survivors afford housing. Specific recommendations include:

- Extend existing HPD Section 8 and homelessness resources to survivors of sexual assault and intimate partner violence.
- Streamline and expedite the application process for NYCHA's domestic violence priority for public housing.
- Fund services that help low-income victims secure and maintain jobs so that they can achieve financial independence and afford housing on their own.
- Designate a City agency to fund domestic violence and sexual assault supportive services in permanent housing so that building developers can take advantage of capital funding to build more supportive housing for survivors.

In addition, domestic violence shelters must be LGBTQ-inclusive to increase access to emergency shelter for LGBTQ survivors of intimate partner violence.

#### 4. Sustainable Income

Violence can impoverish people through increased medical bills and missed work days necessary to cope with the trauma of a violent incident. For intimate partner violence survivors, economic abuse and dependence on the abusive partner create significant, often insurmountable, barriers to leaving an abusive relationship. A sustainable income, at a living wage, is critical to help survivors of violence escape and live safely. We recommend that the administration create, fund and improve access to programs that assist sexual and intimate partner violence survivors with economic sustainability, including public benefits and employment training and development, long term counseling, and job readiness and job training, with a specific focus on immigrants, non-English speakers, people with disabilities and LGBTQ survivors of violence.

#### 5. Sexual and Intimate Partner Violence and Criminal Justice Agencies

**NYPD:** In our experience, officers responding to sexual violence can be insensitive to survivors, not always taking their complaints seriously, investigating their allegations or even filing domestic incident reports. LEP survivors are particularly at risk as they may be denied access to life-saving services due to language barriers. This is well documented in *Padilla Torres v. City of New York*, brought by six survivors, some of whom were not only denied services but also humiliated and arrested. The NYPD must designate high level personnel to oversee crimes involving sexual assault and intimate partner violence in order to ensure high quality investigations and sensitivity to survivors. It must also increase the cultural competency of all of its officers, including the Domestic Violence Police Officers and the Special Victim Unit, for survivors who face additional barriers because of race, ethnicity, immigration status, language barriers, disability status, sexual orientation and/or gender identity.

We also recommend:

- Adequately staff the Special Victims Unit so they can handle their increased caseload of misdemeanor and felony cases and investigate sexual assault cases adequately;
- Clarify the policy for and improve police response to sexual assault cases in hospital emergency rooms;
- Continue the LGBT Advisory Committee to the Police Commissioner and consider issues-specific advisory committees such as a Sexual Violence Advisory Committee and/or an Intimate Partner Violence Advisory Committee;
- Enhance Evidence Collection in domestic violence cases;
- Address reoccurring domestic violence where an arrest is not made;

- Improve and increase training of law enforcement to, among other things, prevent dual arrest of survivors of intimate partner violence where there is a primary aggressor;
- Increase cooperation with District Attorney's Office on both domestic violence and sexual assault.

Criminal Justice Coordinator's Office. The Criminal Justice Coordinator's office must increase support for the prosecution of sexual assault and intimate partner violence cases. With the creation of specialized court rooms for sexual assault and trafficking, pilot programs that experiment with new techniques for prosecution will be crucial to the success of these courts.

#### 6. **Sexual and Intimate Partner Violence and Schools**

The Department of Education must teach curricula on dating violence, sexual assault and harassment in health classes at all city middle and high schools that is inclusive of LGBTQ students and consulting with the below organizations when developing curriculum. Ensure that the Dignity for all Students Act is implemented in a comprehensive manner and enforced, allowing all students to learn in a non-violent environment.

#### 7. **Sexual and Intimate Partner Violence Data Gathering**

All New York City surveys, reports and data about sexual and intimate partner violence, and all agencies funding or overseeing work on sexual and intimate partner violence in which demographic information is collected, should include questions about race, ethnicity, sexual orientation and gender identity.

The New York City Department of Health conducts a Community Health survey each year with 10,000 respondents from all five boroughs. This survey should include questions about sexual violence and intimate partner violence as well as demographic information about race, ethnicity, sexual orientation and gender identity. This survey should also collect information on the prevalence and impact of sexual harassment in the workplace, schools, and public space so that this information can be used to baseline progress.

Collect and publish information about the number of homeless domestic violence survivors, trafficking and sexual assault survivors using HRA and DHS shelters annually.

#### 8. **Sexual Violence Public Campaign**

It has been many years since the last NYC Sexual Assault campaign. It is one of the most unreported crimes and increasing awareness will increase reporting of this violence. We propose a subway and bus campaign which addresses diverse communities in NYC with messaging that recognizes and responds to the needs of these communities. Advocates would like to work with New York City Department of Health to develop a campaign that has a unified look but tailors its message to multiple communities in New York City. The goal would be to raise awareness and encourage survivors to reach out for assistance.

We look forward to working with you to further explore and implement these recommendations. We are also working with other organizations that address issues of sexual and domestic violence and look forward to bringing our collective expertise to these and future recommendations. To schedule a meeting with the below groups, please contact Mary Haviland, Executive Director, New York City Alliance Against Sexual Assault, at (212)229-0345 ext 301.

#### **Submitted by a consortium the following organizations:**

Farah Tanis, Black Women's Blueprint  
 Susan Xenarios, Crime Victims Treatment Center at St. Luke's-Roosevelt Hospital  
 Emily May, Hollaback  
 Carol Cordon, New Destiny Housing Corp.  
 Mary Haviland, New York Alliance to End Sexual Assault  
 Sharon Stapel, New York City Gay and Lesbian Anti-Violence Project  
 Nancy Goldhill, Staten Island Legal Services  
 Cecilia Gaston, Violence Intervention Program  
 Karina Cruz-Rodriguez, Wyckoff Heights Medical Center - Violence Intervention and Treatment Program



## **Policy Recommendations of the New York Civil Liberties Union (NYCLU) for Columbia Law School Center for Gender & Sexuality Law Mayoral Briefing Book**

The New York Civil Liberties Union (“NYCLU”) is one of the nation’s foremost defenders of civil liberties and civil rights. Our mission is to defend and promote the fundamental principles and values embodied in the Bill of Rights, the U.S. Constitution, and the New York Constitution through a multi-layered program of litigation, lobbying, organizing, and public education. The NYCLU is involved in work that together support gender equity, including access to education, reproductive justice, and rights of transgender and gender non-conforming individuals. The NYCLU hopes that the mayor will take action on the following items to advance gender equity, although it is far from a comprehensive list of issues that the mayor must address in this field.

### **Implementation of the Dignity for All Students Act (the “Dignity Act”)**

The mayor of New York City should take an active role in monitoring the effects and enforcement of the local and state Dignity Act, which require that students are protected from bias-based harassment that creates a hostile learning experience. The Dignity Act requires intensive training of adults who work in schools, designation of an anti-bullying coordinator and additional staff members trained to respond to complaints of bullying and harassment, and clear explanations to students about the complaint process. When addressing complaints of bullying or harassment, schools should focus on effective interventions over punishment, and move from zero tolerance policies toward positive discipline alternatives. New York City should focus on preventing bullying by using culturally relevant curricula (including LGBTQ-positive curriculum), providing meaningful training on internet safety and responsibility, and encouraging access to LGBTQ-positive resources (including through the internet). Additionally, with the sophisticated data analysis tools at its disposal, the New York City Department of Education should aim to become a model district for reporting and transparency regarding bias-based incidents.



## **Supporting Transgender and Gender Non-Conforming Students in NYC Schools**

With the passage of the Dignity Act, New York students are better protected than ever from discrimination and harassment based on gender identity and expression. Despite these legal protections, school administrators and staff are often untrained and uninformed about the rights of transgender and gender nonconforming youth. In order to fully support all New York City students, schools need increased guidance about the responsibility of New York City schools under local, state, and federal laws to use students' preferred names and gender pronouns, to provide access to bathrooms and locker rooms that are consistent with a student's gender identity, to ensure equal access to sport teams and gym classes, to respond to gender-based bullying and harassment, and to integrate LGBTQ positive programs into all New York City curricula. Increased training is needed for all staff members on youth development, cultural sensitivity specific to gender identity and expression, and the privacy rights of LGBTQ youth. This training should be required for all adults working in schools, including teachers, administrators, and support staff such as the New York City Police Department's School Safety Officers.

## **Comprehensive Sex Education**

Comprehensive sex education is a critical component of a successful health education program and of a student's overall educational achievement and success in life. New York's young people need and deserve access to comprehensive, medically accurate, age-appropriate sex education that is respectful and inclusive of all students. The mayor should review New York City's sex education mandate for effectiveness and LGBTQ inclusiveness, audit schools for compliance, and make the mandate permanent.

## **Prohibiting the Use of Condoms as Evidence of Prostitution-Related Offenses**

Despite widespread efforts to promote safe sex practices, New York is home to a policy that compromises the health of New Yorkers and punishes them for carrying condoms. Under New York State law, the possession of condoms can be used as evidence of prostitution-related offenses. This policy consequently discourages New Yorkers, especially those who are routinely stopped by the police – LGBT persons, persons of color, and young persons – from carrying and ultimately using condoms. As a public health matter, this policy has an especially harmful impact on New York City where more than 110,000 persons live with HIV, and the rate of AIDs cases is three times the national average. The use of condoms is critical

to reducing the rate of HIV/AIDs, other sexually-transmitted infections, and unwanted pregnancies. To protect the health of New Yorkers, New York City's Department of Health and Mental Hygiene distributes 40 million condoms each year through its NYC Condom Campaign. State law, however, undermines this public health initiative by discouraging the very condoms that are distributed by the City. New York City needs a sound public health policy that encourages and supports the ability of New Yorkers to protect their health. The NYCLU urges the mayor to issue an executive order prohibiting the use of condoms as evidence of prostitution-related offenses by the New York City Police Department.

### **City Support for State Legislation**

The NYCLU also urges the mayor to support passage of important state-level legislation that would protect and advance gender equity, including the Gender Expression Non-Discrimination Act, Women's Equality Act, Family Leave Insurance, legislation supporting comprehensive sex education, and legislation to prohibit condoms from being used as evidence of prostitution-related offenses.

## LGBT older adults and New York City: 2013 Platform for Policy Change

SAGE (Services & Advocacy for GLBT Elders)



Lesbian, gay, bisexual and transgender (LGBT) older people are a growing and vibrant part of New York City and have made significant contributions to this city in politics, culture and the economy. Many of today's LGBT older adults helped pave the way for the achievements we see today—from wins in marriage equality to efforts that protect against discrimination, and more.

Yet despite their profound contributions, LGBT older people deal with significant disparities in areas such as health and economic security (as two examples), and regularly face discrimination, stigma and other barriers in aging and long-term care settings, the workplace, and in their daily lives. Many LGBT elders have lived lifetimes of discrimination, which has compromised their social and economic safety nets. SAGE's experience confirms what's described in the available research: LGBT older people have thinner support networks; face high rates of social isolation (since they are much more likely to be childless and single), poverty and economic hardship; suffer from poor physical and mental health, employment and housing insecurity; and too often experience inappropriate treatment by aging and long-term care staff, medical providers, and even their own families and friends.

New York City leaders have a responsibility to address these disturbing trends and support public policies and budget practices that contribute to a better quality of life for LGBT older people. SAGE offers seven policy areas where elected officials can make significant improvements in the lives of LGBT older people throughout New York City. We look forward to working with government and policy leaders to help ensure that LGBT elders can age with broad community support, financially secure and in good health.

### **1. Guarantee sufficient funding for a 5-borough senior center for LGBT older adults.**

**The problem:** Many LGBT older adults reside in community and long-term care settings that are not welcoming to their LGBT identities – and many report encountering hostility and discrimination. Few service providers are trained in LGBT cultural competence, few conduct outreach to the LGBT community, and few are prepared to address acts of discrimination aimed at LGBT elders. Fearful of mistreatment from peers and service providers, many LGBT elders all across New York City avoid accessing the services that they need. This is true in all 5 boroughs in New York City. The NYC-funded SAGE Center is a much-needed response since it provides a senior center space specifically designed for

LGBT older adults. But current SAGE Center funding allows for full on-site services only in lower Manhattan.

**What SAGE offers LGBT elders in New York City:** With NYC support, SAGE provides meals and an array of group programs for LGBT older adults at The SAGE Center in Chelsea. We also offer case management services. We offer more limited services at our satellite sites in Harlem and in Brooklyn.

**Two recommendations:**

1. Provide sufficient NYC funding to support LGBT-friendly senior center space and services in all five boroughs.
2. Provide funding to offer cultural competency training to service providers so that there is “no wrong door” for LGBT older adults who access services in NYC.

**2. Support training for all city-funded aging service providers to ensure that they are welcoming to LGBT older adults.**

**The problem:** Research and experience show LGBT older adults are less likely than their heterosexual peers to access aging services, and to engage with providers, senior centers, meal programs and other senior programs because they fear marginalization and/or discrimination based on their sexual orientation or gender identity. The effects of a lifetime of stigma and discrimination have placed many LGBT older adults at a greater risk for physical and mental distress, social isolation, depression and anxiety, poverty, chronic illness, delayed care-seeking, poor nutrition and premature mortality. Few service providers have undergone LGBT cultural competence training even though it creates more inclusive environments for all elders.

**What SAGE is doing:** To support aging providers in understanding the unique needs of LGBT older adults, SAGE’s National Resource Center on LGBT Aging has created a comprehensive LGBT cultural competence training program. In addition, SAGE has worked with the NYC Department for the Aging (DFTA) to offer LGBT competence training to newly hired case managers in the DFTA system.

**Two Recommendations:**

1. Fund LGBT cultural competency training for all aging service providers in New York City.
2. Require that all citywide agencies who support services for seniors e.g. Department for the Aging (DFTA), Department of Health and Mental Hygiene (DOHMH), Human Resources Administration (HRA), Adult Protective Services (APS) include LGBT cultural competence trainings as a standard component of their in-service array.

**3. Provide NYC support for affordable housing for LGBT older adults.**

**The problem:** Many LGBT older adults struggle to find secure and affordable housing—a reality that places them at a significant disadvantage at a vulnerable point in their lives. Due to higher levels of housing discrimination, financial insecurity and a general lack of affordable housing, many LGBT elders find that they cannot afford to continue living in the communities they have resided for many years. Others face discrimination or unwelcoming environments in elder housing and long-term care settings. In recent years, LGBT aging advocates have begun addressing these housing challenges through a variety of approaches, including developing LGBT-specific elder housing; working with local housing providers to increase their cultural competency with regard to LGBT older adults rights; informing LGBT elders about

their fair housing rights; developing innovative programs such as "homesharing"; and connecting LGBT elders to LGBT-friendly services, including housing supports, in their distinct geographic communities.

**What SAGE offers LGBT elders in New York City:** SAGE offers assistance with accessing low and affordable housing, advocates with LGBT older adults who are at risk of losing their housing, and works with local attorneys and community-based organizations to provide legal support on tenant advocacy. We partner with local organizations and developers who are seeking to address the affordable housing needs of LGBT older adults. And we make cultural competency training available to housing providers.

**Three recommendations:**

1. Fund LGBT cultural competency training for housing providers throughout New York City.
2. Fund the creation of affordable and affirming housing for LGBT older adults
3. Increase funding and access to LGBT-friendly support services in residential settings and NORC's (naturally occurring retirement communities).

**4. Provide appropriate funding and other resources to support services for older people living with or at risk for HIV; fund and support HIV and aging training programs for service providers.**

**The problem:** The number of older adults living with HIV/ AIDS in New York City is growing rapidly; 42% of positive New Yorkers are over fifty. This is due in part to advances in science and HIV. It is also due to the continued spread of HIV -- newly infected older adults account for 16% of all new HIV diagnoses annually. The AIDS epidemic has disproportionately affected gay men, transgender people, people of color, and poor and low-income people. Unfortunately, because many mistakenly assume older adults are sexually inactive, and because LGBT older adults often fear discrimination and therefore delay or avoid seeking services and care, many LGBT older adults aren't tested or diagnosed. As a result, when LGBT older adults are finally tested, it's more often a dual diagnosis of HIV and AIDS.

**What SAGE is doing:** SAGE promotes routine testing for HIV among its constituents and helps them to speak openly with their doctors about their health needs and behaviors. SAGE disseminates HIV and Aging resources in person and through our online channels. SAGE also facilitates Support Groups for LGBT older adults living with HIV, as well as Health and Wellness initiatives and case management specifically for HIV+ constituents across all of SAGE's sites.

**Two recommendations:**

1. Increase funding for direct service provision to older adults living with HIV and/or AIDS;
2. Provide funding for training to New York City providers on HIV and Aging.

**5. Effectively protect LGBT older adults from all forms of elder abuse by harnessing existing New York City programs and policies.**

**The problem:** LGBT older people, who are highly isolated in many instances, are at greater risk for elder abuse (including financial abuse), yet are less likely to report this abuse for fear of backlash and discrimination. Because LGBT older people are less likely to have children and more likely to be single, their support networks are thinner and they have fewer advocates available when incidents of elder abuse occur.

**What SAGE is doing:** SAGE provides case management and financial literacy programs to help prevent fiscal exploitation and elder abuse targeted at LGBT older adults. In addition, SAGE works with LGBT victims of elder abuse and provides individualized services to support and protect them. Within the

limits of our resources, SAGE provides training to service providers on identifying and treating LGBT older adults at-risk for elder abuse or exploitation.

**Three recommendations:**

1. **Provide funding for support services for specific populations at heightened risk for elder abuse (e.g. LGBT older adults)**
2. **Provide funding to train service providers and city agencies (e.g. APS) on identifying and working with LGBT older adults at risk for elder abuse.**
3. **Ensure that APS and all relevant city agencies prioritize LGBT older adults in their efforts to prevent and address elder abuse.**

**6. New York City policies and programs must support training and employment for LGBT older adult workers.**

**The problem:** Finding and retaining a fulfilling job can be difficult for many people, but it's especially challenging for LGBT people as they enter their later years. Age discrimination in the workplace is a growing problem, even though it is illegal. For lesbian, gay, bisexual and/or transgender (LGBT) older people, the danger of age discrimination is exacerbated since they must often deal with the added barriers of LGBT-bias and discrimination. Given that LGBT older adults are at heightened risk for poverty and have lower levels of retirement savings than older people in general, the ability to secure employment during the later working years is critically important.

**What SAGE is doing:** Through SAGEWorks, SAGE provides skills training to a limited number of LGBT workers age 40+ so that they can reach their maximum potential and remain productive, vital and contributing members of the work force. The number of program participants is limited due to limited funding. For those who participate, SAGEWorks offers a variety of workshops and seminars on job seeking, interviewing tips, computer skills and more. Participants also meet with trained coaches who review resumes and work experience and provide planning and support for job searches.

**Three Recommendations:**

1. Provide New York City funding for Workforce Development skills-building programs that focus on LGBT older adults;
2. Fund outreach to employers to encourage them to employ LGBT older workers.
3. Expand opportunities for older adults to engage in employment by increasing access to Title V programs.

**7. Ensure that LGBT older New Yorkers in all 5 boroughs have access to at least 1 nutritious meal a day.**

**The problem:** Adequate nutrition is a major concern for low income older adults. Senior centers are an important part of the solution since their services are used disproportionately by poor seniors. The New York City Department for the Aging (DFTA) estimates that more than 32% of older adults in NYC are living in poverty—with the poverty rate among senior center participants being even higher. SAGE's experience and the available research indicates that LGBT older adults face even higher levels of poverty, along with accompanying challenges with hunger and nutrition. The SAGE Center offers a nutritious meal program for LGBT older adults, but the program operates only in lower Manhattan and is only able to serve 130 seniors a day.

**What SAGE is doing:** The SAGE Center Healthy Food Program provides early dinners, nutritional assessments, educational seminars, greenmarket initiatives and, soon, a food pantry that will provide dry and canned goods for SAGE constituents to take home. But due to funding limitations this program is available only in lower Manhattan.

**Two recommendations:**

1. **Increase funding to support nutritious meals for LGBT older adults in all five boroughs.**
2. **Mandate flexibility in NYC-funded senior meal programs to accommodate innovations in senior nutritional programming (e.g. off-site dining options)**

**SAGE (Services and Advocacy for GLBT Elders)** is the country's largest and oldest organization dedicated to improving the lives of lesbian, gay, bisexual and transgender (LGBT) older adults. Founded in 1978 and headquartered in New York City, SAGE offers supportive services and consumer resources to LGBT older adults and their caregivers, advocates for public policy changes that address the needs of LGBT older people, and provides training for aging providers and LGBT organizations through its National Resource Center on LGBT Aging.

**The SAGE Center** is a full-time center for lesbian, gay, bisexual and transgender (LGBT) older people age 60+ in New York City—the first center of its kind in the country. Founded in 2012 as part of New York City's Innovative Senior Center initiative, The SAGE Center provides an array of unique services and programs related to arts and culture, fitness, food and nutrition, health and wellness, and lifelong education for LGBT elders.

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## **RECOMMENDATIONS TO INCOMING NEW YORK CITY MAYOR BILL DEBLASIO**

- 1. Withdraw legal challenge to the End the Discriminatory Profiling Act (Local Law 71 of 2013) and ensure effective implementation of ban on profiling and discriminatory policing and NYPD Oversight Act (Local Law 70 of 2013).**

We urge incoming Mayor DeBlasio to immediately withdraw upon taking office the pending legal challenge to the historic End Discriminatory Profiling Act, which made history by creating an enforceable ban against profiling and discriminatory policing based on sexual orientation and gender identity in addition to race, religion, age, ability, HIV status, immigration status, and housing status. Effective implementation of this landmark legislation, along with the NYPD Oversight Act (Local Law 70 of 2013), is critical to promoting the safety LGBTQ youth of color who experience profiling and discriminatory policing on multiple fronts, including sexual orientation and gender identity.

- 2. Withdraw the appeal in *Floyd v. City of New York* and actively engage in effective implementation of the remedies ordered by Judge Scheindlin & meaningful engagement with communities directly affected to identify additional reforms to address profiling and discriminatory policing practices.**

We urge incoming Mayor DeBlasio to withdraw the City's appeal of the rulings in *Floyd v. City of New York* and *Ligon v. City of New York*, and to work with the federal monitor and the other parties to revise policies, training, monitoring, supervision and discipline systems related to stop and frisk practices. We urge the City to actively engage in good faith in a process of developing and implementing further reforms in collaboration with communities directly impacted by discriminatory policing, and to actively support creation of a formalized and sustained role for impacted communities in the implementation, monitoring and evaluation of the joint remedies.

- 3. Issue an Executive Order and promote administrative policies prohibiting the confiscation or citation of possession of condoms or presence of condoms on premises as evidence of intent to engage in prostitution-related offenses.**

Currently New York City police officers all too frequently confiscate and destroy condoms found during frisks and searches, or confiscate and cite condoms as arrest evidence of intent to engage in prostitution-related offenses. This widespread practice creates a strong disincentive to carrying condoms for fear of police harassment or that they will be used to justify arrest and criminal charges, particularly among women and LGBTQ people of color who are routinely profiled as being engaged in prostitution-related offenses. In order to protect the public health and reproductive rights of all New Yorkers and promote the goals of New York City's long standing condom distribution program, we urge incoming Mayor DeBlasio to issue an **executive**



**order within 100 days of taking office** that prohibits NYPD officers from confiscating or citing mere possession of condoms or presence of condoms on a premise as evidence of intent to engage in a prostitution-related offense.<sup>1</sup> Additionally, we urge the new Mayor to direct the new Police Commissioner to issue departmental directives and any necessary guidance on implementation of the Executive Order prohibiting confiscation or citation of condoms as evidence of intent to engage in prostitution-related offenses.

#### **4. Issue an Executive Order and promote administrative policies requiring independent and objective proof of consent to search**

Currently, too many New Yorkers are unaware that they are not required to consent to a search where no other constitutional basis for the search exists. Additionally, even where individuals are aware of and wish to exercise their right to not consent to a search, they all too often feel unable to do so in the face of officers' orders to empty their pockets or open up their purse during a stop or other law enforcement action. All too often, searches ostensibly conducted pursuant to an individual's "consent" lead to arrests of LGBTQ youth of color based on possession of small amounts of marijuana or condoms found during such searches. In order to ensure that all NYPD searches are constitutionally sound, we urge incoming Mayor DeBlasio to issue an **executive order within 100 days of taking office** that requires NYPD officers to inform New Yorkers of their right to not consent to a search where no other lawful basis for the search exists, and to obtain independent and objective proof of consent prior to conducting any search where no other lawful basis for the search exists.<sup>2</sup> Additionally, we urge the new Mayor to direct the new Police Commissioner to issue departmental directives and any necessary guidance on implementation of the Executive Order with respect to consent searches.

#### **5. Issue Executive Orders and promote administrative policies and guidance on sexual harassment of members of the public by NYPD officers.**

There is currently no NYPD policy, training or program explicitly prohibiting or addressing sexual harassment or assault of members of the public by NYPD officers. Sexual harassment of women and LGBTQ New Yorkers of color is an all too frequent, yet often invisible, characteristic of the NYPD's discriminatory stop and frisk practices, and takes place with alarming frequency in other contexts. We urge incoming Mayor Bill DeBlasio to issue an **Executive Order within 100 days of taking office** explicitly prohibiting sexual harassment and assault of members of the public by NYPD officers and instituting a program of training, monitoring and discipline with respect to sexual misconduct by law enforcement officers consistent with the Executive Guidance issued by the International Association of Chiefs of Police.<sup>3</sup> Moreover, we urge the new Mayor to

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<sup>1</sup> The President's Advisory Council on HIV/AIDS (PACHA) recently issued a recommendation that criminal laws be revised to eliminate the use of possession of condoms as the basis for a criminal prosecution or sentence enhancement. See <http://www.nocondomsasevidence.org/wp-content/uploads/2013/04/PACHA-Report-includes-a-proposition-to-eliminate-condom-consent-decrees-negotiated-with-the-New-Orleans-Police-Department-and-the-Puerto-Rico-Police-Department-indicating-that-such-policies-are-nationally-recognized-as-a-best-practice-for-local-police-departments>.

<sup>3</sup> See International Association of Chiefs of Police, *Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide* (2011), available at:

direct the new Police Commissioner to issue departmental directives and any necessary guidance on implementation of the Executive Order on sexual harassment by NYPD officers.

## **6. Issue Executive Orders and promote administrative policies and guidance requiring police identification**

For many New Yorkers—particularly those whose communities are most aggressively policed—encounters with police are characterized by the failure of officers to identify themselves as law enforcement officials. Research suggests that in the absence of anonymity officers are less likely to engage in brutal and discourteous behavior. We urge incoming Mayor DeBlasio to **issue an executive order in his first 100 days in office** requiring NYPD officers to identify themselves, explain the reasons for law enforcement action, and provide information about how to file a complaint or commend officers for professional and courteous behavior. Moreover, we urge the new Mayor to direct the new Police Commissioner to issue departmental directives and any necessary guidance on implementation of the Executive Order on officer identification.

## **7. Ensure sufficient funding for safe and appropriate emergency, temporary, and transitional shelters, and long term affordable housing for LGBTQ homeless youth.**

One in four LGBTQ youth are kicked out or pushed out of their homes at some point, and it has been estimated that 30-50% of homeless youth identify as LGBTQ. We urge incoming Mayor DeBlasio to make a clear and consistent commitment to ensuring adequate funding to ensure access to safe and appropriate shelter and short and long term housing options for homeless youth, and particularly for LGBTQ youth, and to fully implementing the recommendations of the NYC Commission on LGBTQ runaway and homeless youth.

*Streetwise & Safe (SAS) is a New York City-based organization focused on policing and criminalization of LGBTQ youth of color. Currently, SAS serves on the Steering Committee of Communities United for Police Reform, a city-wide campaign challenging the NYPD's use of "stop and frisk" and other discriminatory, unlawful and abusive policing practices, and on the Executive Committee of a statewide coalition of public health advocates, anti-trafficking groups, civil rights organizations, and LGBTQ groups working to end police and prosecutors' citation of possession of condoms as evidence of intent to engage in prostitution-related offenses. SAS also played a leadership role in developing, negotiating, and implementing widespread changes to the NYPD's Patrol Guide to protect the rights of transgender New Yorkers issued in June 2012. We conduct "know your rights" trainings reaching hundreds of LGBTQ youth across the city each year, and works to create opportunities for LGBTQ youth of color to claim a seat at policy discussion tables as full participants, speak out on their own behalf, act collectively to protect and advance their rights, and demand choices that allow them to maximize their safety, self-sufficiency, and self-determination. SAS also partners with organizations across the country to challenge laws and policies contributing to criminalization of LGBTQ youth.*

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<http://www.theiacp.org/Portals/0/pdfs/AddressingSexualOffensesandMisconductbyLawEnforcementExecutiveGuide.pdf>

## Sylvia Rivera Law Project – De Blasio Briefing

The following recommendations are put forth by the Sylvia Rivera Law Project. The Sylvia Rivera Law Project (SRLP) works to guarantee that all people are able to self determine gender identity and expression regardless of income or race and without facing harassment, discrimination or violence. As a community based 501c(3) not for profit organization, SRLP provides free legal services and organizing opportunities to transgender, gender non-conforming and intersex individuals who are low-income and/or people of color. Through our legal services program, we work with hundreds of transgender immigrants each year who are caught at the intersections of our criminal and immigration enforcement systems. Many of our clients have experienced violence in their home countries as well as violence here in New York City, often at the hands of law enforcement.

### **1. Repeal the Secure Communities Program and/or create policy that further limits the enforcement of immigration detainees in New York City.**

Federal, State and City legislation that support the devolution immigration enforcement such as Secure Communities (S-Comm) and the Criminal Alien Program (CAP) are devastating low income transgender immigrant communities. As much research and policy suggests, the NYPD disproportionately targets low income communities of color, lesbian, gay, bisexual and transgender communities and perceived immigrant communities<sup>1</sup>. Low income transgender immigrants are among the most heavily policed for ‘quality of life crimes’ in New York City. Although the city counsel’s 2012-2013 initiatives somewhat limit the impact of S-Comm and CAP on the many immigrant communities of New York City, this legislation limits relief to individuals with no misdemeanor convictions in the past 10 years. This legislation does not benefit individuals who are profiled and targeted because of their transgender and gender non-conforming status and who are then forced to take unfavorable pleas to charges like solicitation or other prostitution-related offenses. . As a result, our communities face disproportionate levels of deportation under programs like Secure Communities. We ask instead that you follow the lead of jurisdictions such as Chicago in rejecting Secure Communities and refusing to honor ANY immigration detainees. A policy that separates police powers from immigration enforcement will the disproportionate impact of enforcement programs on transgender people and make the city safer for all immigrants.

### **2. Mandate the New York City Human Resource Administration to implement a policy for gender change on New York State Benefits Cards that does not require genital surgery, in order to better align with the Social Security Administration, U.S. Department of State, prevailing medical consensus and to increase safety from discrimination.**

Many low income people rely on their NYS benefits Card, issued by the Human Resource Administration, as their sole form of identification. As such it is imperative that this identification card accurately reflect the gender of transgender welfare consumers.

Most forms of ID, including the New York State ID, Social Security Card, United States Passport, and all immigration documents – allow for a transgender person to update their gender with a simple doctor’s letter. HRA’s current policy requires either an amended birth certificate or proof of genital reassignment surgery. Less than 25% of transgender people – less than 5% of transgender men – have had this kind of procedure<sup>2</sup>. Furthermore, such treatments are not covered by Medicaid, the primary health provider for most people on public benefits, and changing birth certificates can be cumbersome or impossible.

As a result, most people cannot obtain a Benefits card that accurately reflects their gender. When a person shows an ID that does not match their gender, it may “out” them as transgender, and subject them to a high risk of discrimination, harassment and violence. Despite years of advocacy from a broad coalition of service providers and activists about this discriminatory impact, HRA continues to insist it cannot change its policy.

We urge you to end a decade of plain discriminatory bias. New York City’s HRA must amend its outdated policy for transgender New Yorkers to be safe from transphobic discrimination.

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<sup>1</sup> Need citation for this.

<sup>2</sup> Cite NCTE statistic on this

### **3. Challenge the New York State Department of Health to repeal its discriminatory regulation that excludes transition related healthcare from Medicaid Coverage. In the alternative, create a method for providing this coverage in New York City.**

In 1998 the New York State Department of Health passed a regulation excluding from Medicaid coverage any care “for the purposes of gender transition”<sup>3</sup>, despite receiving only positive information about the necessity for providing the care<sup>4</sup>. As the public record shows, this denial was not based on medical information.

As the National Center For Transgender Equality and the National Gay and Lesbian Task Force [found](#): transgender people live in poverty at 4 times the national average<sup>5</sup>. Medicaid is meant to ensure that low-income people have the care they need to survive, and no one should be denied that just because of who they are. Yet transgender people on Medicaid are forced to go without critical, life-changing treatments<sup>6</sup>, or find ways to pay for them out of pocket, even though these same treatments are available to non-transgender people. In fact, most if not all of the care that is denied to transgender people is available to non-transgender people.

Today, organizations such as the American Medical Association, American Psychiatric Association, and American Psychological Association consider this to be essential, necessary care. Furthermore, denial of such care may be considered illegal under New York City law. For example, the Administration of Children’s Services (ACS) adopted a policy in 2010 that provides for transgender healthcare, even though it is not covered by Medicaid, under the principle that denial of such necessary care would be discriminatory<sup>7</sup>.

We urge the de Blasio administration to take a stand on this issue. Tell the Governor and Commission of Health Nirav Shah that New York City will not discriminate on the basis of gender identity when it comes to life-saving health care.

In the alternative, we urge you to follow in the examples of Portland, Oregon and San Francisco, California, and adopt a city-based means for covering what Medicaid will not. The truth is that covering this healthcare for transgender people is affordable. In 2011 the city of Portland determined that the cost increase was only .08% of its healthcare insurance budget. Furthermore, the city and county of San Francisco have provided comprehensive coverage for years with research showing no discernible cost difference. As [Basic Rights Oregon Points](#) out: No jurisdiction, employer or insurance company which covers trans health care has found the cost to be prohibitive.

### **4. Push the NYC Department of Corrections to implement its promised transgender specific housing option inside New York City jails so that transgender people in custody can be safer from rape, assault and harassment.**

Transgender-specific housing has consistently been one of the top demands of our incarcerated community members. Following the adoption of the Prison Rape Elimination Act (PREA) guidelines, the NYC department of corrections instituted a PREA compliance team to meet with LGBT advocates with regards to NYC DOC’s efforts to improve the treatment of and conditions for the LGBTI population at Rikers Island.

SRLP began participating in these discussions during the fall of 2012 with Erik Berliner and Maggie Peck from the Department of Corrections. During these meetings SRLP, its clients and other advocates were promised a transgender specific pod as a means to comply with PREA’s safety from sexual assault requirements. The transgender housing unit was intended to be an optional, potentially safer space available upon request by inmates. Approximately one year ago the DOC team promised that the proposed policy was “on the Commissioner’s desk.” However, we have yet to hear any updates about its adoption and /or implementation.

We urge you to push the Department of Corrections to renew its meetings with SRLP and other advocates, and adopt and implement the proposed policy so that transgender people in NYC jails have more options for personal safety.

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<sup>3</sup> Cite regulation

<sup>4</sup> Cite record of public comments submitted

<sup>5</sup> Cite instead of hyperlink

<sup>6</sup> Cite infographic, SRLP memo

<sup>7</sup> ACS Medicaid Non-Reimbursables Policy

**5. Compel the New York City of Mental Health and Hygiene to update its gender marker change policy for transgender people who are born in New York City.**

New York City's Department of Health and Human Services continues to follow a medically outdated policy with regards to changing ones gender on their birth certificate. The Department onerously requires that a person submits documents that show:

"...you have had convertive surgery. In order for the DOHMH to determine that a person has had convertive surgery DOHMH looks for information such as 1) when the surgery was performed; 2) who performed the surgery; 3) the medically specific details of the trans-surgeries and reconstructive surgeries performed (for example, penectomy, orchietomy, vaginoplasty, hysterectomy and/or phalloplasty) ; 4) and signed statement or report from the surgeon who performed the surgery that the surgery was actually performed and successfully completed."<sup>8</sup>

The DOHMH also requires an original operative report as well as a post surgery evaluation.

This policy is not consistent with current medical standards or other progressive jurisdictions. Many transgender people do not want or need surgery. Many who do want and need surgery can not afford to get it. As stated above, New York State Medicaid specifically excludes transition related health care, including the required surgeries. As a result, most low-income transgender people are not able to update their birth certificates under the current policy.

In recent years several jurisdictions have updated their gender change policies for birth certificates to mirror those put forward by the Department of State, USCIS and the SSA – requiring simply a letter from a medical professional. This policy reflects the privacy and autonomy of individuals to make decisions between themselves and their Dr's. The States include Washington, Washington DC, Oregon ? (can you add the rest of this ?) Should we say NY State is considering this – or leave it out ?

It is imperative the New York City adopts a non discriminatory gender change policy for transgender New Yorkers.

**6. Repeal Stop and Frisk legislation in New York City and honor the requirements set forward in the Floyd decision to limit the profiling of low income transgender people of color by the NYPD.**

The decision in *Floyd* and the Judge's Remedial Order are essential for low income transgender people and transgender people of color. Many of SRLP's clients have been arrested and/or given a summons following unconstitutional stops and frisks. The remedies the judge ordered, specifically with respect to training, discipline, and supervision of officers will help my clients avoid needless entanglements with the criminal justice system. Low income transgender people are frequently stopped for engaging in prostitution simply of their gender expression and perceived race and not because they were engaged or about to engage in committing any crime. Many low income transgender people are also frisked following a stop, and these frisks often result in unjustified arrests. For example, when police officers find condoms on SRLP's clients, the police officers use the condoms to justify their arrests for prostitution even when they are not, and were not, engaged in such acts. Further, needles and hormones prescribed by doctors for hormone therapy are used to justify arrests for drug possession. Police officers frequently do not believe low income transgender people when they try to explain that their possession of these objects is legal.

Stop and frisk practices must be eradicated in their entirety in New York City so that no one is subject to disproportionate profiling and policing.

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<sup>8</sup> Cite to policy memo – that exists, right?

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# Appendix III – Complaints

*Special*  
**Criminal Court of the City of New York**  
Part APAR County of Kings

THE PEOPLE OF THE STATE OF NEW YORK

State of New York  
County of Kings

V.

THOMAS

Defendant

Police Officer John Dennis, shield number 15919, says that on or about [REDACTED] 2011 at approximately [REDACTED] at [REDACTED], County of Kings, State of New York, the defendant committed the offense of:

PL 240.37(2) LOITERING FOR THE PURPOSE OF ENGAGING IN A PROSTITUTION OFFENSE

In that the defendant did:  
REMAIN OR WANDER ABOUT IN A PUBLIC PLACE AND REPEATEDLY BECKON TO, OR REPEATEDLY STOP, OR REPEATEDLY ATTEMPT TO STOP, OR REPEATEDLY ATTEMPT TO ENGAGE PASSERS-BY IN CONVERSATION, OR REPEATEDLY STOP OR ATTEMPT TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERE WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PROSTITUTION, OR OF PATRONIZING A PROSTITUTE AS THOSE TERMS ARE DEFINED IN ARTICLE TWO HUNDRED THIRTY OF THE PENAL LAW

The source of deponent's information and the ground for deponent's belief are as follows:

The deponent is informed by the sworn statement of Police Officer Thomas V. Hill, shield number 15783 that, at the above time and place, the informant observed the defendant remain in or wander about a public place for a period of thirty minutes, during which defendant repeatedly beckoned to passers-by and stopped one passers-by, engaging in conversation with said passers-by, stop only male passers-by and defendant did not beckon to or converse with female passers-by who passed by during the same period, thus stopping only passers-by of one gender, dressed in provocative or revealing clothing, specifically Long black wig, tight short jean shorts, light red shirt.

The deponent is informed by the sworn statement of informant that the above location is not a bus stop, nor an open commercial establishment, nor a house of worship or other place where people ordinarily congregate; the above area is a commercial location; informant is aware that the New York City Police Department has made numerous arrest for violations of Penal Law 240.37, 230.00 and/or 230.03 at the above location; informant is aware that the location is frequented by people engaging in promoting prostitution, patronizing a prostitute or loitering for the purpose of prostitution; informant is aware that defendant has previously been arrested for violating Penal Law 240.37, 230.00 and/or 230.03; informant recovered from defendant's person currency in the following denominations: \$1.25, Sexual paraphernalia, namely: One condom.

The deponent is informed by the sworn statement of informant that, based on the foregoing, and based on informant's training and experience as a police officer, informant believes that defendant was loitering for the purpose of prostitution and not engaging in other activity, such as panhandling or squeegeeing.

False statement made in this document are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law.

[REDACTED] 2011

*[Signature]*

2011KNO [REDACTED]



File [REDACTED] : [REDACTED]

[REDACTED] Area: [REDACTED] 11 [REDACTED]

# Appendix III — Complaints *cont'd*

SUPPORTING DEPOSITION — LOITERING FOR PROSTITUTION (PL 240.17) — Page 1 of 1

CRIMINAL COURT OF THE CITY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK

against

E. Thomas  
(Defendant)

Arrest No. 16

I, P.O. Hill, State No. 15783, am a Police Officer for the New York City Police Department. On 11 (date), at 111 (time) at 111 (location), County of Kings, I observed the defendant

1. DEFENDANT'S BEHAVIOR (check all that apply)

- remain or wander about in a public place for a period of (fill in number) 30 minutes, during which defendant repeatedly beckoned to passers-by and stopped (fill in number) 1 passers-by, engaging in conversation with those passers-by.
- stop only (circle one) female passers-by and defendant did not beckon to or converse with (circle one) other female passers-by who passed by during the same period, thus stopping only passers-by of one gender.
- standing in the middle of the road while beckoning to motorist(s).
- sly, in substance, to one or more of the passers-by (fill in substance of proposition) \_\_\_\_\_
- dressed in provocative or revealing clothing, specifically (describe clothing) long black skirt worn short, tight red shirt.
- standing with other individuals whom I am aware have previously been arrested for prostitution-related activities.

Falsely statements made herein are punishable as a class A Misdemeanor pursuant to section 210.45 of the penal law.

11 Date P.O. Hill Signature of Police Officer



**SUPPORTING DEPOSITION - LOITERING FOR PROSTITUTION (PL 240.37.0) - Page 2 of 2**

DEFENDANT Winters ARREST NO. 100-111111  
(Last name, first name)

**2. ADDITIONAL INDICATIONS OF PROSTITUTION:**

Additionally,

- the above location is not a bus stop, bus or open commercial establishment, nor a house of worship or other place where people ordinarily congregate,
- the above area is:
  - a commercial location,  an industrial location,
  - there was sexual-type debris, namely:
    - condom wrappers  used condoms
    - other (describe debris) \_\_\_\_\_

located at or near the above location,

- I am aware that the New York City Police Department has made numerous arrests for violations of Penal Law sections 240.37, 240.00 and/or 230.03 at the above location,
- I am aware that the location is frequented by people engaging in promoting prostitution, patronizing a prostitute and/or loitering for the purpose of prostitution,
- I am aware that defendant has previously been:
  - arrested for  convicted of  arrested for and convicted of
 violating Penal Law Sections 240.37, 230.00 and/or 230.03,
- I recovered, from defendant's person:
  - currency in the following denomination: (fill in denomination) \$1.25
  - sexual paraphernalia, namely: (describe paraphernalia) Condoms
  - (fill in number) 1 condoms.

**3. STATEMENTS BY THE DEFENDANT** (if applicable, this constitutes notice pursuant to 210.50(1)(3) of the CPL)

On 1/11/11 (date), at 100-111111 (time) at 100-111111 (location), the defendant stated the following in my presence: (fill in substance of statement) 4 MY OR YOU SLEEPING ME?

False statements made herein are punishable as a class A Misdemeanor pursuant to section 210.45 of the penal law.  
Date 1/11/11 Signature of Police Officer [Signature]

# Appendix III — Complaints *cont'd*

Form 2011 902/25

**SUPPORTING DEPOSITION - LOITERING FOR PROSTITUTION (PL 240.27.2) - Page 2 of 3**

DEFENDANT: Thomas ARREST NO. [REDACTED]  
(LAST NAME, FIRST NAME)

**4. BASIS OF CONCLUSION THAT DEFENDANT WAS LOITERING FOR THE PURPOSE OF PROSTITUTION:**

2. (check all that apply)

- have had professional training as a police officer in the detection of individuals loitering for the purpose of prostitution,
- have previously made arrests for loitering for the purpose of prostitution,

Based upon the foregoing, in my opinion, the defendant in this case was loitering for the purpose of prostitution, and not engaging in other activity, such as panhandling or squatting.

**5. RESISTING ARREST: (if applicable)**

The defendant intentionally attempted to prevent me from arresting him/her by: (check all that apply)

- fleeing defendant's area
- giving a limp
- holding defendant's arms against defendant's body
- punching at me
- kicking at me
- struggling with me
- refusing to be handcuffed
- other (describe): \_\_\_\_\_

**6. PROPERTY: (if applicable)**

I recovered (describe property): 1 Black K Rock + keys, 1 Sanyo cell phone, Black address book, Black ID holder, 2 keys, 1 comb  
from (describe location from which property recovered): road  
and vouchered it under number(s) [REDACTED]

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

[REDACTED] / PO [REDACTED]  
Date Signature of Police Officer

Reviewed by: [REDACTED]  
Signature

Print name of reviewing officer: [REDACTED]

Rev. 12/11/02

Criminal Court of the City of New York

Part APAR County of Kings

THE PEOPLE OF THE STATE OF NEW YORK

2011KNO [redacted] State of New York  
County of Kings

v.

[redacted] Defendant



Police Officer Donald Seto, shield number 68057, says that on or about [redacted] 2011 at approximately 3:59 AM at 60 [redacted] County of Kings, State of New York, the defendant committed the offense of:

PL 240.37(2) LOITERING FOR THE PURPOSE OF ENGAGING IN A PROSTITUTION OFFENSE *prostitution*

in that the defendant did REMAIN OR WANDER ABOUT IN A PUBLIC PLACE AND REPEATEDLY BECKON TO, OR REPEATEDLY STOP, OR REPEATEDLY ATTEMPT TO STOP, OR REPEATEDLY ATTEMPT TO ENGAGE PASSERS-BY IN CONVERSATION, OR REPEATEDLY STOP OR ATTEMPT TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERE WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PROSTITUTION, OR OF PATRONIZING A PROSTITUTE, AS THOSE TERMS ARE DEFINED IN ARTICLE TWO HUNDRED THIRTY OF THE PENAL LAW.

The source of deponent's information and the ground for deponent's belief are as follows:

The deponent is informed by the sworn statement of Police Officer (Andrew J. Dede) shield number 28659 that, at the above time and place, the informant observed the defendant remain in or wander about a public place for a period of twenty minutes, during which defendant repeatedly beckoned to passers-by and stopped two passers-by, engaging in conversation with said passers-by, stop only male passers-by and defendant did not beckon to or converse with female passers-by who passed by during the same period, thus stopping only passers-by of one gender, dressed in provocative or revealing clothing, specifically see through stocking, blue sleeveless dress.

The deponent is informed by the sworn statement of informant that the above location is not a bus stop, nor an open commercial establishment, nor a house of worship or other place where people ordinarily congregate, the above area is an industrial location, informant is aware that the New York City Police Department has made numerous arrest for violations of Penal Law 240.37, 230.00 and/or 230.03 at the above location, informant is aware that the location is frequented by people engaging in promoting prostitution, patronizing a prostitute or loitering for the purpose of prostitution, informant is aware that defendant has previously been arrested for violating Penal Law 240.37, 230.00 and/or 230.03, informant recovered from defendant's person condoms in quantity of nineteen.

The deponent is informed by the sworn statement of informant that defendant admitted to informant that defendant was engaged in prostitution-related activity, in that defendant stated, in substance, to informant: 'I'm not doing anything'.

The deponent is informed by the sworn statement of informant that, based on the foregoing, and based on informant's training and experience as a police officer, informant believes that defendant was loitering for the purpose of prostitution and not engaging in other activity, such as panhandling or scavenging.

False statement made in this document are punishable as a class a misdemeanor pursuant to section 210.45 of the Penal Law.

[redacted] 2011

*PO Seto*

[redacted]

[redacted]

PEOPLE OF THE STATE OF NEW YORK  
CRIMINAL COURT OF THE CITY OF NEW YORK  
SUBMITTING DEPOSITION - LOITERING FOR PROSTITUTION OR PATRONIZING A PROSTITUTE - PL 240.37

[redacted]

# Appendix III — Complaints *cont'd*

Form 2211 10/23/02

**SUPPORTING DEPOSITION - LOITERING FOR PROSTITUTION (PL 240.37.0) - Part 1 of 2**

DEFENDANT Dominic ARREST NO. \_\_\_\_\_  
(Last name, first name)

**2. ADDITIONAL INDICATIONS OF PROSTITUTION:**

Additionally,

the above location is not a bus stop, nor an open commercial establishment, nor a house of worship or other place where people ordinarily congregate,

the above area is:

a commercial location,  an industrial location,

there was sexual type debris, namely:

condom wrappers  used condoms

other (describe debris) \_\_\_\_\_

scattered at or near the above location.

I am aware that the New York City Police Department has made numerous arrests for violations of Penal Law Sections 240.37, 240.00 and/or 230.03 at the above location.

I am aware that the location is frequented by people engaging in promoting prostitution, patronizing a prostitute and/or loitering for the purpose of prostitution.

I am aware that defendant has previously been:

arrested for  convicted of  arrested for and convicted of

violating Penal Law Sections 240.37, 240.00 and/or 230.03.

I recovered, from defendant's person:

currency in the following denominations: (fill in denominations) \_\_\_\_\_

sexual paraphernalia, namely: (describe paraphernalia) condoms

(fill in number) 19 condoms.

**3. STATEMENTS BY THE DEFENDANT:** (if applicable, this constitutes notice pursuant to §10.50(1)(a) of the CPL)

On 11/11/02 (date), at 111th St (street), in Manhattan (borough) the defendant stated the following in my presence: (fill in substance of statement) "I'm not doing anything"

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

Date 11/11/02 Signature of Police Officer [Signature]

Rev. 12/11/02

SUPPORTING DEPOSITION - LOITERING FOR PROSTITUTION (PL 24637.0) - Page 2 of 3

DEFENDANT Demioff ARREST NO. \_\_\_\_\_  
(LAST NAME, FIRST NAME)

4. BASIS OF CONCLUSION THAT DEFENDANT WAS LOITERING FOR THE PURPOSE OF PROSTITUTION:

(check all that apply)

- have had professional training as a police officer in the detection of individuals loitering for the purpose of prostitution,
- have previously made arrests for loitering for the purpose of prostitution.

Based upon the foregoing, in my opinion, the defendant in this case was loitering for the purpose of prostitution, and not engaging in other activity, such as prehandling or off-gassing.

5. RESISTING ARREST (if applicable)

- The defendant intentionally attempted to prevent me from arresting him/her by: (check all that apply)
  - falling defendant's arms
  - going limp
  - holding defendant's arms against defendant's body
  - punching at me
  - kicking at me
  - struggling with me
  - refusing to be handcuffed
  - other (describe) \_\_\_\_\_

6. PROPERTY: (if applicable)

I recovered (describe property) 19 Sealed condoms  
 from (describe location from which property recovered) pocketbook  
 and secured it under number(s) \_\_\_\_\_

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

\_\_\_\_\_  
 Date Signature of Police Officer

\_\_\_\_\_  
 Signature

Print name of reviewing officer Sgt Semas  
 Rev. 12/11/02

# Appendix III – Complaints *cont'd*

SUPPORTING DEPOSITION - LOITERING FOR PROSTITUTION (PL 240 37) - Part 1 of 3

CRIMINAL COURT OF THE CITY OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK

against

Hilda  
(Defendant)

Arrest No. \_\_\_\_\_

Criminal Court of the City of New York

Part APAR County of Kings

2011KNO

THE PEOPLE OF THE STATE OF NEW YORK

V.

HILDA

Defendant



Police Officer Ryan Hayes, shield number 21873, says that on or about \_\_\_\_\_, 2011 at approximately 3:13 PM at \_\_\_\_\_, County of Kings, State of New York, the defendant committed the offense of:

PL 240 37(2) LOITERING FOR THE PURPOSE OF ENGAGING IN A PROSTITUTION OFFENSE

in that the defendant did:

REMAIN OR WANDER ABOUT IN A PUBLIC PLACE AND REPEATEDLY BECKON TO, OR REPEATEDLY STOP, OR REPEATEDLY ATTEMPT TO STOP, OR REPEATEDLY ATTEMPT TO ENGAGE PASSERS-BY, IN CONVERSATION, OR REPEATEDLY STOP OR ATTEMPT TO STOP MOTOR VEHICLES, OR REPEATEDLY INTERFERE WITH THE FREE PASSAGE OF OTHER PERSONS, FOR THE PURPOSE OF PROSTITUTION, OR OF PATRONIZING A PROSTITUTE AS THOSE TERMS ARE DEFINED IN ARTICLE TWO HUNDRED THIRTY OF THE PENAL LAW.

The source of deponent's information and the ground for deponent's belief are as follows:

The deponent is informed by the sworn statement of Police Officer [Diego E. Dotrek, shield number 12213] that, at the above time and place, the informant observed the defendant remain in or wander about a public place for a period of thirty minutes, during which defendant repeatedly beckoned to passers-by and stopped two passers-by, engaging in conversation with said passers-by, stop only male passers-by and defendant did not beckon to or converse with female passers-by who passed by during the same period, thus stopping only passers-by of one gender, standing with other individuals whom informant is aware have previously been arrested for prostitution-related activities.

The deponent is informed by the sworn statement of informant that the above location is not a bus stop, nor an open commercial establishment, nor a house of worship or other place where people primarily congregate; the above area is an industrial location, informant is aware that the New York City Police Department has made numerous arrest for violations of Penal Law 240 37, 230 00 and/or 230 03 at the above location; informant is aware that the location is frequented by people engaging in promoting prostitution, patronizing a prostitute or loitering for the purpose of prostitution, informant is aware that defendant has previously been arrested for violating Penal Law 240 37, 230 00 and/or 230 03, informant recovered from defendant's person condoms in quantity of seventeen.

The deponent is informed by the sworn statement of informant that, based on the foregoing, and based on informant's training and experience as a police officer, informant believes that defendant was loitering for the purpose of prostitution and not engaging in other activity, such as panhandling or squeegeeing.

False statement made in the document are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law

\_\_\_\_\_ 2011

RD Hayes

Form \_\_\_\_\_

Arrest No. \_\_\_\_\_

SUPPORTING DEPOSITION - LOITERING FOR PROSTITUTION (PL 240.17) - Page 1 of 1

DEFENDANT [REDACTED] Hilde ARREST NO. 400  
(Last name, first name)

2. ADDITIONAL INDICATIONS OF PROSTITUTION:

Additionally,

- the above location is not a bus stop, nor an open commercial establishment, nor a house of worship or other place where people ordinarily congregate,
- the above area is:
  - a commercial location
  - an industrial location,
- there was sexual-type debris, namely:
  - condom wrappers
  - used condoms
  - other (describe debris) \_\_\_\_\_

scattered at or near the above location,

- I am aware that the New York City Police Department has made numerous arrests for violations of Penal Law Sections 240.17, 230.00 and/or 230.03 at the above location,
- I am aware that the location is frequented by people engaging in promoting prostitution, patronizing a prostitute and/or loitering for the purpose of prostitution,
- I am aware that defendant has previously been:
  - arrested for
  - convicted of
  - arrested for and convicted of
 violating Penal Law Sections 240.17, 230.00 and/or 230.03.
- I recovered, from defendant's person:
  - currency in the following denominations: (fill in denomination) \_\_\_\_\_
  - sexual paraphernalia, namely: (describe paraphernalia) Four liquid Personal Lubricant
  - (fill in number) (17) condoms.

3. STATEMENTS BY THE DEFENDANT: (if applicable, this constitutes notice pursuant to 700.30(1)(a) of the CPL)

On \_\_\_\_\_ (date), at \_\_\_\_\_ (time) at \_\_\_\_\_ (location), the defendant stated the following in my presence: (fill in substance of statement) \_\_\_\_\_  
N/A

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

[REDACTED] / 11 PO [Signature]  
Date Signatures of Police Officer

# Appendix III — Complaints *cont'd*

SUPPORTING DEPOSITION - LOITERING FOR PROSTITUTION (PL 448.32.2) - Page 2 of 2

DEFENDANT                     Hilda                     ARREST NO.                       
(LAST NAME, FIRST NAME)

4. BASIS OF CONCLUSION THAT DEFENDANT WAS LOITERING FOR THE PURPOSE OF PROSTITUTION:

(check all that apply)

- have had professional training as a police officer in the detection of individuals loitering for the purpose of prostitution,
- have previously made arrests for loitering for the purpose of prostitution.

Based upon the foregoing, in my opinion, the defendant in this case was loitering for the purpose of prostitution, and not engaging in other activity, such as panhandling or squeegeeing.

5. RESISTING ARREST: (if applicable)

The defendant intentionally attempted to prevent me from arresting him/her by: (check all that apply)

- pulling defendant's arms
- going limp
- holding defendant's arms against defendant's body
- punching at me
- kicking at me
- struggling with me
- refusing to be handcuffed
- other (describe) \_\_\_\_\_

*N A*

6. PROPERTY: (if applicable)

I recovered (describe property) (12) Condoms and (4) Liquid Personal Lubricants  
from (describe location from which property recovered) Def's Area  
and vouchered it under number(s) Koucher #

False statements made herein are punishable as a class A misdemeanor pursuant to section 210.45 of the penal law.

                     Date      PO DTD Signature of Police Officer

Reviewed by:                      Signature

Print name of reviewing officer:                     

Rev. 1.2/11/02



# Appendix IV — Annotated Bibliography

## **All Our Children: Strategies to Prevent Homelessness, Strengthen Services and Build Support for LGBTQ Youth (2010)**

NYC Commission on Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Runaway and Homeless Youth

[http://www.nyc.gov/html/om/pdf/2010/pr267\\_10\\_report.pdf](http://www.nyc.gov/html/om/pdf/2010/pr267_10_report.pdf)

The NYC Commission on LGBTQ Runaway and Homeless Youth was convened in 2009 by Mayor Bloomberg; this was their final report to the Mayor in 2010. The report provides 10 policy recommendations with detailed strategies for implementation, as well as comprehensive contact information for organizations and service providers that work with LGBTQ youth. Emphasis is placed upon addressing the root causes of homelessness and running away – family rejection, lack of access to services, and unemployment. While some of the recommendations were instated (raising the age of eligibility for services from 21 to 24), many of the report's key recommendations – including increasing the number of shelter beds available for LGBTQ youth, have yet to be implemented.

## **A Count of Homeless Youth in New York City (2008)**

Empire State Coalition of Youth and Family Services

[http://www.citylimits.org/images\\_pdfs/pdfs/HomelessYouth.pdf](http://www.citylimits.org/images_pdfs/pdfs/HomelessYouth.pdf)

Pilot study conducted to more accurately estimate the size of the homeless youth population in New York City, commissioned by the New York City Council. While the survey estimated that there were roughly 3800 homeless youth on the streets nightly, the authors indicate that this number is likely an undercount given the study's funding limitations. Disproportionately represented in the homeless youth population are youth of color, LGBT youth, youth with some history of foster care, and youth who have been through the juvenile justice and/or criminal justice systems. This is the most recent and comprehensive count of homeless youth in NYC.

## **Discrimination at the Workplace, From Application to Termination: A Report on the Employment Experiences of Transgender and Gender Non-Conforming People (2013)**

Make the Road-NY

[http://www.maketheroad.org/pix\\_reports/Discrimination\\_at\\_the\\_Workplace\\_from\\_Application\\_to\\_Termination\\_Full\\_Report\\_Oct2013.pdf](http://www.maketheroad.org/pix_reports/Discrimination_at_the_Workplace_from_Application_to_Termination_Full_Report_Oct2013.pdf)

Report on workplace discrimination against transgender and gender non-conforming people with research based on matched-pair testing and community surveys in Jackson Heights, Queens. 40% of transgender and gender non-conforming and 27.3% of LGBTQ survey respondents reported workplace discrimination. Provides recommendations at the federal, state, and city level.

## **Hey, Shorty! A Guide to Combating Sexual Harassment and Violence in Schools and on the Streets. (2011)**

Girls for Gender Equity (GGE), Joanne Smith, Meghan Huppuch & Mandy Van Deven

Based upon research findings conducted by Girls for Gender Equity (GGE) in New York City public schools in 2008 on sexual harassment, which found sexual harassment to be pervasive and underreported. Provides action plans and strategies for students, educators, and policymakers on how to effectively address sexual harassment in schools.

## **Improving the Lives of LGBT Older Adults (2010)**

Services and Advocacy for GLBT Elders (SAGE)

<http://www.sageusa.org/resources/publications.cfm?ID=21>

Focuses on LGBT people ages 65 and up and their unique needs as a population. Provides detailed background and sociological context for challenges facing LGBT elders, which are divided into three categories: financial security, good health and healthcare, and social support and community engagement. Provides recommendations at the federal, state and city level. SAGE also has a variety of additional publications on their website (<http://www.sageusa.org/resources/publications.cfm>), including the most recent Health Equity and LGBT Elders of Color.

## **Insecure Communities, Devastated Families: New Data on Immigrant Detention and Deportation Practices in New York City (2012)**

Immigrant Defense Project, New York University School of Law Immigrant Rights Clinic, Families for Freedom

<http://immigrantdefenseproject.org/wp-content/uploads/2012/07/NYC-FOIA-Report-2012-FINAL.pdf>

Report on the effects of Immigration and Customs Enforcement (ICE) operations in New York City on immigrant communities.

Columbia Law School, Center for Gender & Sexuality Law, Mayoral Briefing Book

Analyzes previously never-before-seen ICE demographic data on detainees obtained through the Freedom of Information Act (FOIA). Since 2008, ICE has detained well over 7,000 New Yorkers, of which 91% were deported. Almost 77% of these apprehensions were through encounters with the criminal justice system. Over half of the detainees were transferred to centers outside of the New York area.

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### **More Than a Home: How Affordable Housing for New Yorkers Living with HIV/AIDS Will Prevent Homelessness, Improve Health and Reduce Costs (2013)**

VOCAL-NY, Community Development Project at the Urban Justice Center

<http://www.vocal-ny.org/wp-content/uploads/2013/05/More-Than-Home-4.pdf>

Focuses on how HASA's high-rent burden affects New Yorkers living with HIV/AIDS. Provides research from focus groups and surveys that were designed, collected and analyzed by low-income people living with HIV/AIDS. Current HASA policy requires clients receiving housing assistance to contribute all but \$376 of their income towards rent, leaving them with a little over \$3 per day for all other necessities. Stable, affordable housing for PLWHA is a public health necessity that helps PLWHA adhere to their treatment regimen and develop healthy habits. Provides recommendations at the city and state level.

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### **The National School Climate Survey (2013)**

Gay, Lesbian & Straight Education Network (GLSEN)

<http://www.glsen.org/sites/default/files/2011%20National%20School%20Climate%20Survey%20Full%20Report.pdf>

Comprehensive national survey of treatment of LGBT youth in schools analyzing data from 2011. Measures instances of negative treatment of LGBT, effects of such treatment, and reporting of such treatment, as well as access to positive supports like anti-bullying/harassment policies and LGBT-affirming curriculum.

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### **National Intimate Partner and Sexual Violence Survey (2013)**

Centers for Disease Control and Prevention (CDC)

<http://www.cdc.gov/violenceprevention/nisvs/>

Comprehensive national survey of the prevalence of intimate partner violence, sexual violence, and stalking among men and women. Data can be broken down by state, gender, sexual orientation, and race.

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### **New York City Community Health Survey (CHS)**

<http://www.nyc.gov/html/doh/html/data/survey.shtml>

Annual telephone survey conducted by the NYC Department of Health and Mental Hygiene (DOHMH). While this survey tracks chronic diseases and behavioral risk factors across the five boroughs, we recommend that it be expanded to include questions on sexual violence, intimate partner violence, and demographic information about race, ethnicity, sexual orientation, age and gender identity. This survey could also collect information on the prevalence and impact of sexual harassment in the workplace, schools and public space.

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### **The New York Immigration Family Unity Project: Good for Families, Good for Employers, and Good for All New Yorkers (2013)**

The Center for Popular Democracy, The Kathryn O. Greenberg Immigration Justice Clinic at Cardozo School of Law, The Northern Manhattan Coalition for Immigrant Rights, and Make the Road NY

[http://populardemocracy.org/sites/default/files/immgrant\\_family\\_unity\\_project\\_print\\_layout.pdf](http://populardemocracy.org/sites/default/files/immgrant_family_unity_project_print_layout.pdf)

Cost-benefit analysis of New York Immigration Family Unity Project (NYIFUP) in its full implementation. The NYIFUP is currently only operating as a pilot program with funding of \$500,000; full implementation in New York City would cost \$5.3 million but is estimated to result in nearly \$6 million in annual economic offsets. (The \$7.4 million figure in the study refers to full implementation statewide.)

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### **Public Health Crisis: The Impact of Using Condoms as Evidence of Prostitution in New York City (2012)**

The PROS Network, Sex Workers Project (SWP)

<http://sexworkersproject.org/downloads/2012/20120417-public-health-crisis-summary.pdf>

Study of the public health effect of using condoms as evidence of prostitution on sex workers in New York City. Utilizing survey questions and interviews, researchers found

that condom confiscation was used to harass people in the sex trade and others profiled as sex workers based on sexual orientation, race, ethnicity and economic background. The study also found that the confiscation of condoms did nothing to deter sex work, and contributed to more instances of unsafe sex. Makes recommendations and provides statistical data.

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### **The Struggle Report: Findings & Recommendations by NYC Youth for New York Job Development Programs (2013)**

FUREEous Youth, Community Development Project of the Urban Justice Center

[http://www.cdp-ny.org/report/The\\_Struggle\\_Report.pdf](http://www.cdp-ny.org/report/The_Struggle_Report.pdf)

Examines three city and state youth development programs – Summer Youth Employment Program (SYEP), Career and Technical Education (CTE) programs and NY Youth Works Program (NYYW). Youth were involved in collecting and analyzing the data for this report, which includes interviews with youth and statistical information on funding and participation in these programs. The report finds that the three programs are underfunded, underutilized, and under-advertised, and makes recommendations at the city and state level.

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### **Sex Work and Human Rights Media Toolkit**

Sex Workers Project (SWP)

<http://sexworkersproject.org/media-toolkit/downloads/SexWork-AndHumanRightsMediaToolkit.pdf>

Information on the definitions of sex work and human trafficking, as well as recommendations and best practices for working with sex workers in an empowering, respectful manner. Also provides contact information for sex worker advocates.

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### **Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities (2012)**

Human Rights Watch

<http://www.hrw.org/node/108771/section/1>

Evaluates the usage of condoms as evidence for prostitution in four US cities, including New York, as a human rights violation. Police harassment of sex workers and transgender and gender non-conforming people discourages condom usage among two of

the populations most at risk for contracting HIV/AIDS. Provides statistics on prostitution-related arrests in NYC, interviews with transgender women and sex workers, and offers recommendations on amending the practice.

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### **Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights, Queens (2012)**

Make the Road-NY

[http://www.maketheroad.org/pix\\_reports/MRNY\\_Transgressive\\_Policing\\_Full\\_Report\\_10.23.12B.pdf](http://www.maketheroad.org/pix_reports/MRNY_Transgressive_Policing_Full_Report_10.23.12B.pdf)

Survey of over 300 residents of Jackson Heights, Queens about their personal experience with police treatment in the neighborhood. LGBTQ residents not only reported being stopped and frisked at a higher rate than straight residents, but also reported higher levels of physical and sexual assault from police officers. Provides recommendations at the city-level and for the local Jackson Heights community.

# MOVE ALONG

## WARNING

**THIS AREA HAS BEEN  
DECLARED A PROSTITUTION  
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**Prostitution Free Zone**

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# Policing Sex Work in Washington D.C.

Move Along: Policing Sex Work in Washington, D.C.  
A report by the Alliance for a Safe & Diverse DC, Washington, D.C.

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Cover design and report layout by PJ Starr. The cover features a photograph of a sign announcing a prostitution free zone on M Street, NW in September 2006.

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# **Move Along**

**Policing Sex Work in Washington, D.C.**

**2008**

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# Table of Contents

<b>Executive Summary</b> .....	<b>1</b>
<b>Introduction</b> .....	<b>4</b>
<b>Context of Research in Washington, D.C.</b> .....	<b>6</b>
Prostitution, Commercial Sex Laws and Other Regulations.....	6
Development, Displacement and Gentrification.....	13
Violence and Safety.....	17
Health and HIV.....	19
Grassroots Community Response.....	20
<b>Methodology</b> .....	<b>24</b>
Training Community Members in Community Based Research.....	24
Developing and Piloting Data Collection Tools.....	26
Data Collection.....	27
Individual and Collective Analysis.....	28
<b>Results</b> .....	<b>30</b>
Summary of Respondents' Demographic Information.....	30
Police Initiated Interactions.....	32
Reaching out to the Police for Assistance.....	39
Perceptions of Law Enforcement in D.C. ....	42
Other Neighborhood Problems for Respondents.....	45
Opinions About Current Law Enforcement Approach.....	47
<b>Discussion</b> .....	<b>49</b>
Overall Impression of Policing in D.C. ....	49
Discussion of Key Themes.....	50
Limitations of the Research, Future Research Directions.....	58
<b>Recommendations</b> .....	<b>61</b>



## Figures and Charts

Figure 1: Map of prostitution arrests from Washington Post 24 September 2007	6
Figure 2: Sign at 12 <sup>th</sup> Street, NW announcing a prostitution free zone	9
Figure 3: Sign on K Street, NW preventing late night right hand turns	10
Figure 4: Change in number of affordable vs high value homes in DC 2000-2004	13
Figure 5: Change in DC Median Rent 2000-2004	14
Figure 6: Construction on Half Street, SE	15
Figure 7: Construction on K Street, NW	16
Figure 8: Presenting preliminary results at community forum	29
Figure 9: Race/Ethnicity, number of individuals in each group	30
Figure 10: Sexual orientation, number of individuals in each group	30
Figure 11: Types of sex work indicated	31
Figure 12: How often did police approach respondents	32
Figure 13: Overall experience during police initiated interactions (ID check, arrest, etc)	33
Figure 14: Experiences of interactions initiated by police filtered by age	35
Figure 15: Experiences of interactions initiated by police filtered by sexual orientation	35
Figure 16: Result of being asked to move along	36
Figure 17: Reason for arrest	37
Figure 18: Experience in lock up	38
Figure 19: Experience in lock up, by gender	38
Figure 20: Instances requiring help reported to police	39
Figure 21: Satisfaction with police response	39
Figure 22: Percentage of respondents fearing police	43
Figure 23: Types of fears indicated by respondents	43
Figure 24: Percentage of respondents harassed	45
Figure 25: Percent of respondents not harassed by others in the neighborhood	46
Figure 26: Opinions about the current approach	47
Figure 27: Campaign literature distributed by Phil Mendelson in September 2006	59

## Charts in Appendix I

Figure 28: Age of individuals in sample	66
Figure 29: Gender of individuals in sample	66
Figure 30: Numbers of Respondents with Experience of Sex Work or Sexual Exchange	66
Figure 31: Experiences of interactions initiated by the police, filtered by gender	67
Figure 32: Experiences of interactions initiated by the police, filtered by gender	67
Figure 33: Percentage of respondents arrested by gender	68
Figure 34: Percentage of respondents arrested, by race/ethnicity	68
Figure 35: Percentage of respondents arrested, by age	68
Figure 36: Experience in lock up, by race/ethnicity	69
Figure 37: Experience in lock up, by race/ethnicity	69
Figure 38: Satisfaction with police response by gender	70
Figure 39: Satisfaction with police response by race/ethnicity	70
Figure 40: Satisfaction with police response by sex work identification	70
Figure 41: Satisfaction with police response by drug use	70
Figure 42: Satisfaction with police response by homelessness	70
Figure 43: Percentages of respondents with different types of fears of police	71
Figure 44: Other people said to be harassing respondents	71

## **Appendices**

Appendix I	Additional charts and graphs displaying results
Appendix II	Laws regarding prostitution in D.C. Code
Appendix III	D.C. Prostitution Free Zones
Appendix IV	CBR training agenda
Appendix V	CBR survey instrument
Appendix VI	Observation data collection instrument
Appendix VII	Qualitative interview schedule (community members)
Appendix VIII	Qualitative interview schedules (public officials)

## Executive Summary

**“And then he said, ‘Well, you shouldn’t be prostituting anyway.’ ... So it was not about what happened to me; it was about what I’m doing wrong.”** *A Latina transgender woman reporting a police officer’s response to her request for protection from a stalker*

**“The police should not arrest sex workers because sex work is work.”** *Latina survey respondent*

In 2006 several new pieces of anti-prostitution legislation passed into law in the District of Columbia. These laws augmented an already stringent system of policing and “zero tolerance” for most forms of commercial sex in the city. The most high profile measure allows the Chief of Police to declare “prostitution free zones” (PFZs) in which officers have wide-sweeping power to move along or arrest people who police believe to be congregating for the purpose of prostitution. The PFZ concept was framed as an innovative tool to assist law enforcement in its efforts to rid the District of prostitution. In fact, the law simply legitimized previously existing arbitrary and discriminatory police actions directed at people believed to be engaging in sex work. The D.C. Council passed additional measures to further criminalize sex work, including legislation that provided the police and D.C. regulatory authority with new power to counter indoor sex work, impound vehicles used for prostitution and prohibit the act of having sex for money (previously the law had criminalized only solicitation of sex for money). This legislation resulted in police raids and arrests for acts such as, “giving a massage without a license.”

*Move Along: Policing Sex Work in Washington, D.C.* shows some of the direct impacts of the enforcement of D.C.’s commercial sex policies (both new and long standing) on people involved, or perceived to be involved, in the sex trade. This report is based on community-based research in 2007 and 2008 that included surveys of 111 people from communities targeted for anti-prostitution policing. This data was supplemented with qualitative interviews, ethnographic observation and feedback from a community forum that was held at the end of the data collection process.

**Interactions initiated by police were six times more likely to be negative than positive.**

Almost all people surveyed had been approached by the police, and the majority reported negative experiences during those interactions and after being arrested. The survey data illustrated that interactions as mundane as ID checks were characterized by humiliation, abuse and extortion. “[The officer] called me a whore, prostitute and trick,” wrote one survey respondent explaining how the police had treated her during an ID check on Potomac Avenue in September 2007. We found that on many occasions police officers accused community members of being sex workers to humiliate them or to deny them fair treatment. Survey respondents reported that police had confiscated condoms and other safe sex supplies; assaulted, strip searched, and verbally abused them; subjected them to false arrest because the officers profiled the person as a prostitute; and discrimination based on immigration status. Almost one in five people approached by the police indicated that officers asked them

**This report documents an alarming level of police abuse and mistreatment of sex workers and others profiled as such, with serious consequences for community members’ safety, health and rights.**

**An overwhelming majority of transgender people, Latinos, and young adults said that they were treated worse than others during arrest and lock up.**

for sex and most indicated that this had been a negative or humiliating experience. Several respondents indicated that police had demanded sex in exchange for not arresting them or as a condition of receiving fair treatment. A woman who identified as having been a street sex worker commented, “[I was] made to perform sexual favors to avoid being charged with prostitution.” While negative interactions with police affected all the communities surveyed, our research reveals a dramatic pattern of targeting by the police of transgender people, Latinos and young adults.

**78% of all people surveyed said that when police approach them they fear violence, harassment, arrest, humiliation and other concerns.**

Almost all survey respondents indicated having fears and negative perceptions of the police. Transgender people and Latinos more frequently expressed fears of the police than other groups of survey participants. Given these fears and the actual problems police interactions pose for these communities, it is not surprising that some survey respondents did not contact the police when they needed them. Those not reporting cited fears of being mistreated because of their sex worker status, gender, or other identity. However, despite the pattern of negative experiences with police, the vast majority of interviewees did in fact contact the police when they needed their assistance. Unfortunately, respondents overall reported no better than a 50% chance of actually receiving help and being satisfied with police response. Latinos, transgender people and sex workers reported even higher rates of dissatisfaction with police response than the overall data set. Survey respondents reported that the Metropolitan Police Department (MPD) discriminated against them because of their perceived sex worker status, immigrant status, sexual orientation, or gender identity, and as a result they were neglected, ignored, harassed, or abused instead of helped. In many instances, people identifying as sex workers bear disproportionate mistreatment by police, including when they call on the police for help. “They think you are the person doing the crime,” wrote an African American male sex worker about his experience seeking assistance from the police. Based on survey responses it appears that some members of MPD are simply unable to perceive sex workers, or those they profile as such, as potential victims of crime. Impunity reigns, and community members feel that complaints against officers bear little or no effective results.

**Almost 80% of people surveyed did go to the police for help when needed but in many instances officers refused to assist them or made the situation worse.**

Anti-prostitution policies in D.C. pose serious threats to health and safety of community members identified or otherwise targeted as sex workers. Two policies stand out in particular: first, “move along” policies geared at cleansing certain neighborhoods of sex workers; and second, the use of condoms and safe sex as evidence to arrest or prosecute someone for prosecution and the related practice of confiscating and destroying condoms and other safe sex materials. Our research reveals that being told to move along by police is a common experience for people presumed to be engaging in commercial sex, and that it is not limited to areas covered by prostitution free zones. Most people reported moving into areas or neighborhoods where they feel less safe, potentially making themselves vulnerable to violence, robbery and even more police abuse. The “move along” policy also makes it more difficult for those conducting outreach work, who are sometimes themselves targets of unlawful police

**Confiscation and destruction of safe sex supplies by police has obvious public health implications in a city with one of the highest HIV/AIDS rates in the country.**

treatment, to provide information and related services to sex workers. Furthermore, shrouding a population in suspicion ultimately suppresses their ability to take actions to keep themselves safe, including by garnering police assistance when they need it.

A large number of respondents faced some form of mistreatment by the community at large. Both trans and Latino people were disproportionately represented amongst those who are “given a hard time,” by residents, business owners, people in cars and on the street. This indicates that the populations we surveyed are particularly vulnerable to mistreatment. Unfortunately, police perceptions of, and actions towards, these communities mirror the discriminatory attitudes of some members of the general public.

The survey respondents and interviewees demonstrate a strong desire for significant changes to enforcement and policies. The majority said that the police do not keep sex workers safe, that arresting sex workers is not the best way to help them, that there are not enough social services for people in need, that the city should change the way it approaches sex work, and that sex work should not be illegal. Our recommendations reflect this desire for sweeping change and a hope for a D.C. that is truly safe for all its residents.

***Key Recommendations:***

- ❖ Conduct a city-wide review of laws, policies and practices regarding policing and regulation of consensual adult sex to ensure that they guarantee protection of the rights to association, health, and freedom from violence for all people living in D.C., regardless of race/ethnicity, occupation/source of income, place of residence, national origin, gender, age, sexual orientation and gender expression. Outcomes of the review could include amending or repealing laws such as the Prostitution Free Zone Act. Lawmakers should also consider a moratorium on prostitution-related arrests during this review.
- ❖ Conduct a city-wide consultation, including sex workers, service providers, and others particularly vulnerable to the abuses described in this report, about the efficacy and safety of current anti-prostitution and related policies regulating spaces where sex work may occur.
- ❖ Ensure that community members—including sex workers, service providers, and others particularly vulnerable to the abuses detailed in this report—play a key role in working to develop effective responses to those abuses.
- ❖ Increase resources for services that support marginalized communities including sex workers and others trading sexual services for their livelihood.
- ❖ End the practice of profiling people as prostitutes based on personal appearance, gender identity, categorization as a “known prostitute” or similar factors. People should not be arrested for who they are instead of what they are doing. Similarly, MPD should stop the use of prostitution free zones because they undermine human rights and civil rights.
- ❖ Hold police officers accountable for their actions. Police who extort money and sex from community members, subject them to degrading treatment, fail to answer service calls or refuse to register complaints must be subject to appropriate disciplinary procedures for misusing their power and position.

## Introduction

In recent years new measures were passed in Washington D.C. to strengthen the city's law enforcement approach to prostitution. Community members who were concerned about the harmful impact of these laws formed the Alliance for a Safe and Diverse DC in 2005 to educate about the real needs of marginalized people in the city. Alliance membership includes service providers, advocates, and immigrant, transgender and sex worker representatives. Alliance members promoted alternatives to harsh law enforcement but felt stymied by lack of formal evidence to support their experiential knowledge of the negative effects of the District's approach to commercial sex. In order to address this, the Alliance decided to pursue a community-based research project about policing of prostitution in the District of Columbia. Different Avenues, a non-profit organization in D.C. that creates programs and provides services that integrate health promotion with rights-based perspectives for people engaging in sexual exchanges, coordinated the research effort on behalf of the Alliance. This work is an extension of long-standing efforts to make visible the conditions of sex work for people in Washington D.C., and to advance justice for communities affected by policing.

We had two goals for conducting this research project into the effects of law enforcement and related social control practices on sex workers and "people profiled as prostitutes" in the District of Columbia. Firstly, the material contained in this report should enable organizations and networks concerned about social justice to educate policy-makers and the public about the needs of marginalized people, advocate for what is working in current policy and to educate about what is harmful. Secondly, this project is committed to including people most affected by anti-prostitution and related policies in the creation of this knowledge and including trained representatives from affected communities into policy discussions and community debate.

The Community Research Team that conducted the research and wrote this report included representatives from a diverse array of communities affected by policing in the city. Team members had expertise with the issues from both personal experience and work in the community on topics of sex work, HIV, drug use, Lesbian/Gay/Bisexual/Transgender (LGBT) and immigrant communities, racism, homelessness and community organizing. It was the expertise of these team members that gave us access to key communities and individuals for surveying and interviews, and informed the progress of the research and the completion of this report. The report is the final product of a year's worth of hard work by our committed group of community members.

We begin with the Background Chapter, placing our work within the larger context of what is happening in the District. This information will help the reader understand the facts of policies relating to commercial sex in D.C. The chapter also describes key processes and events in relation to other important issues that affect sex workers and others in the District, including housing and economics, violence and health. The chapter ends with an overview of grassroots responses to some of these topics. We then briefly describe the process by which we did our research in the Methodology Chapter. Our third chapter, Results, covers the findings of our research in data, numbers and compelling stories from individuals about their experiences. For ease of reading, some of the data tables and charts from this chapter have been placed in Appendix I, where interested readers will find more detailed information. After reviewing the data, the Discussion Chapter clarifies our

findings, noting themes, key issues and questions that the research results compel us to ask. The final chapter consists of recommendations for how to address the abuses and problems described in this report. These recommendations are directed to various parts of the D.C. government (the Mayor and D.C. Council, the Metropolitan Police Department, prosecutors, judges), funders, and other sex worker groups and allies in the community.

Whether you are in D.C. or another part of the country or the world, we hope that the report you hold in your hands will help you to pursue justice. We hope it will be an inspiration for similar projects to support communities to conduct their own research as a basis for action for social justice. We hope our report will be used by activists and advocates to work for policy change and to change social attitudes on these issues. We never intended for this to be just a collection of papers and writing accumulating dust, but that it should be added to the collection of tools available to push for lasting and meaningful change in this world.

In solidarity,

Community Research Team of the Alliance for a Safe & Diverse DC

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*April, 2008*

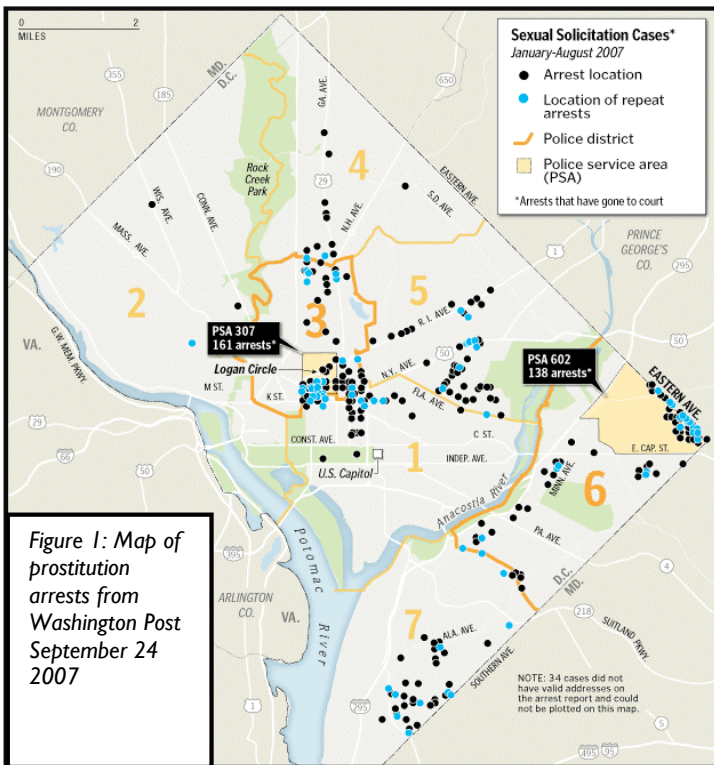
## Context of Research in Washington, D.C.

It is important to understand that the implementation of anti-prostitution policies in the District of Columbia occurs in a broader context. The District has undergone significant urban development that has caused rapid displacement of low-income people and people of color, and sectors of the city that have housed centers of alternative culture have also fundamentally changed. In this section we provide an overview of many of these changes, describe how they interact with law enforcement activities, and discuss community resistance.

### Prostitution, Commercial Sex Laws and Other Regulations

The laws against prostitution in the District of Columbia are found in Title 22, Chapter 27 of the D.C. Code and prohibit engaging in or soliciting prostitution,<sup>1</sup> pandering, inducing or compelling a person to engage in prostitution,<sup>2</sup> receiving money or other valuable things for arranging prostitution,<sup>3</sup> operating a house of prostitution<sup>4</sup> and more.<sup>5</sup> The D.C.

Metropolitan Police Department (MPD) made over 750 arrests for prostitution, solicitation and related charges from January through August 2007 [Figure 1].<sup>6</sup> From the beginning of 2006 to November 5, 2007, the MPD made a total of 3,220 “prostitution related arrests.”<sup>7</sup> Many arrests were concentrated in areas of the city such as downtown, the border of D.C. and Maryland at the city’s eastern corner, and neighborhoods in Northeast and Southeast quadrants of the District. Convictions for solicitation and prostitution in the District can include fines of up to \$1000 and up to 6 months in jail. Enforcing prostitution-related codes in D.C. costs a significant sum. The MPD’s budget for fiscal year 2007 included \$1,510,363 for its prostitution unit.<sup>8</sup>



<sup>1</sup> D.C. Code § 22-2701.

<sup>2</sup> D.C. Code § 22-2705.

<sup>3</sup> D.C. Code § 22-2707.

<sup>4</sup> D.C. Code § 22-2712.

<sup>5</sup> See Appendix II for a full list of laws regarding prostitution in D.C. Code.

<sup>6</sup> *Prostitutes Venture into Residential Communities*, Washington Post, 24 September 2007.

<sup>7</sup> FOIA Correspondence with Brian Bray, Inspector, Narcotics and Special Investigations Division, MPD. 5 November 2007. This number includes all arrests made under subchapters of D.C. Code § 22-27.

<sup>8</sup> District of Columbia, Office of the Chief Financial Officer, “Government of the District of Columbia FY 2007 Budget and Financial Plan.” 5 June 2006.

[http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/2007/dc\\_Budget-Volume\\_2d.pdf&open=1332101](http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/2007/dc_Budget-Volume_2d.pdf&open=1332101) (Accessed 6 March 2008).



## **History of laws in the District**

Some of the first laws governing commercial sex in the District were passed in 1910 (“in relation to pandering, define and prohibit the same and provide for the punishment thereof”) and 1914 (“enjoin and abate houses of lewdness, assignation and prostitution”).<sup>9</sup> These statutes were concerned with “coercion” and “living off the earnings” of another person’s prostitution.<sup>10</sup> Solicitation for prostitution was not criminalized in the District until 1935 by the Act for the Suppression of Prostitution in the District of Columbia.<sup>11</sup>

Many of the District’s laws governing sexual performances, specifically nude dancing, also date to this period.<sup>12</sup> Most regulations regarding nude dancing (which can occur “only upon a stage at least 18 inches above the immediate floor level and removed at least 3 feet from the nearest customer”) are defined within the city’s regulations on alcohol.<sup>13</sup> In 1993 the District government enacted a ban on the issuance of any new nude dancing venue licenses, further restricting the ability of those venues already in operation to move their location.<sup>14</sup>

Implementation of laws and regulation pertaining to prostitution and sexual performance in any city or state rarely goes “by the book.” In order to understand how anti-prostitution approaches operate it is important to look beyond the laws themselves and examine how enforcement plays out on the streets and in the courts. In addition to the many laws regarding prostitution, the police often charge people with unrelated violations, whether civil infractions or criminal charges.<sup>15</sup> Anti-prostitution activities in D.C. have been characterized by corruption and inconsistency.<sup>16</sup> Life histories collected from people who have been targeted by the police as prostitutes document examples of excessive use of police power dating back to the 1980s and 1990s.<sup>17</sup> Some of these events received media attention. For example in 1989 police rounded up women working along K St NW near McPherson Square, put them into a van, drove them to the Virginia side of the Memorial

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<sup>9</sup> D.C. Code § 22-2705 and § 22-2713.

<sup>10</sup> At the turn of the century, prostitution laws were being passed across the country, in part in reaction to concerns about “white slavery.” These laws were also inspired by concerns about sexually transmitted diseases among soldiers at the start of World War I. Rose, Al. (1979) *Storyville, New Orleans: Being an Authentic, Illustrated Account of the Notorious Red-Light District*. (Tuscaloosa: University of Alabama Press). Some historians have also suggested that these new laws were passed in response to widespread corruption of police and politicians that had typified earlier government approaches to prostitution. Gilfoyle, Timothy J. (1992). *City of Eros: New York City, Prostitution, and the Commercialization of Sex 1790-1920*. (New York: WW Norton).

<sup>11</sup> D.C. Code § 22-2701. D.C. Code defines prostitution as “a sexual act or contact with another person in return for giving or receiving a fee.”

<sup>12</sup> Nude dancing is defined as “entertainment by a person whose genitals, pubic region, or buttocks are less than completely and opaquely covered and, in the case of a female, whose breasts are less than completely and opaquely covered below a point immediately above the top of the areola.” D.C. Code § 25-101 (34).

<sup>13</sup> These laws date to the D.C. Alcohol Beverage Control Act of 1934—passed after Prohibition ended and at the same time as other laws further criminalizing prostitution-related activities.

<sup>14</sup> Sections of D.C. Code § 25-374 restrict the relocation of nude dancing establishments to certain zones of town, where they must maintain certain distances from other nude dancing establishments, residential areas, and venues like schools and churches.

<sup>15</sup> These charges include jay-walking, disorderly conduct and trespassing. See, for example, “D.C. Neighborhoods Battle Prostitution.” *ABC-7 News*. By WJLA Newsteam. ABC. WJLA, Washington. 18 October 2007. <http://www.wjla.com/news/stories/1007/465096.html> (Accessed 28 February 2008).

<sup>16</sup> Statement of The Woodhull Freedom Foundation by Dr. Melinda Chateauvert, member of the Board of Directors, before D.C. Council, Committee on Consumer and Regulatory Affairs hearing on the Prostitution-related Nuisance Abatement Amendment Act of 2005, 8 June 2005.

<sup>17</sup> Dr. Penelope Saunders interview with community member, (name on file at Different Avenues), Washington D.C., 19 October 2005.

Bridge and told them not to come back to the District.<sup>18</sup> Enforcement of prostitution law in the District is cyclical. In the 1980s and 1990s periodic “busts” that resulted in increased arrests and media coverage<sup>19</sup> and new proposals for laws to solve the problem “for good”<sup>20</sup> were interspersed with longer periods of status quo. Most community members active in street based sex work in past decades recall law enforcement negatively, but some remember periods of relatively good relationships with individual police officers prior to the 1990s. Positive recollections include officers taking violence against sex workers seriously and police treating community members fairly during stops or arrests.<sup>21</sup>

### **Recent law reform**

In 2005 three separate but related laws were introduced to the D.C. Council. It had been seven years since the last anti-prostitution bill became law.<sup>22</sup> The Prostitution Nuisance Abatement Amendment Act, proposed by then-Mayor Anthony Williams in January 2005, sought to target indoor sex work that was said to be occurring under the guise of massage in venues such as massage parlors and spas. In April 2005, Williams’ multi-faceted Omnibus Public Safety Act created the concept of “prostitution free zones” (PFZs) and criminalized the act of having sex for money (in addition to the already criminalized solicitation of sex for money).<sup>23</sup> Council member Jack Evans (D-Ward 2), reacting to an earlier court ruling overturning a law that had mandated the seizure of vehicles “used to facilitate prostitution,”<sup>24</sup> introduced the Anti-Prostitution Vehicle Impoundment Amendment Act to provide for the temporary impounding of such vehicles. This proposal eventually became part of the Omnibus Public Safety Emergency Amendment Act<sup>25</sup> that was passed in late summer 2006. The provisions were set within a larger bill touted by the mayor as a response to the city’s “crime emergency,” but Chair of the Public Safety and Judiciary Committee (responsible for the legislation) Phil Mendelson (D-At Large) later told research team members that safety was not a reason for passing the anti-prostitution laws.<sup>26</sup> “We didn’t look at data to increase people’s safety,” said Council

**“Prostitution is an issue which societies have always made illegal and yet it doesn’t go away. And from a very broad perspective it would probably make sense to take a different approach and regulate it instead of prohibit it, but politically that is not viable. What we do is drive it underground and deal with it as it pops up.”**

—D.C. Council member  
Phil Mendelson, Chair of Public  
Safety and Judiciary Committee,  
Community Research Team  
interview 18 October 2007

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<sup>18</sup> *Prostitution Zone March Becomes Thorn for D.C.; Va. Politicians, Union Decry Action by Police*, Washington Post, 27 July 1989. The sergeant who gave the order for this incident was given an award a few months later by the Logan Circle Community Association for “creative and resourceful police work.”

<sup>19</sup> *D.C. Prostitution Crackdown Brings 183 Arrests in Two Week*, Washington Post, 24 April 1987.

<sup>20</sup> *D.C. Poised to Run Out Prostitutes; Police Get Boost From New Law*, The Washington Post, 8 July 1998.

<sup>21</sup> Dr. Penelope Saunders interviews with community members (names on file at Different Avenues), Washington, D.C., 19 October 2005 and 25 October 2005.

<sup>22</sup> *D.C. Poised to Run Out Prostitutes; Police Get Boost From New Law*, The Washington Post, 8 July 1998.

<sup>23</sup> As it was introduced, Titles 20 and 21 of the Omnibus Public Safety Act of 2005 were the Anti-prostitution Amendment Act and the Prostitution Free Zone Act. The bill originally had 22 sections, or titles, covering a myriad of issues, prompting the D.C. Public Defender Service and American Civil Liberties Union of the National Capital Area among others to criticize the bill for trying to pack too many diverse changes into one bill. Hearing before the D.C. Council, Committee on the Judiciary, 30 June 2005.

<sup>24</sup> *One 1995 Toyota Pick-up Truck (Braulio Esparza, Claimant) v. District of Columbia*, (D.C. Court of Appeals. 1998). This decision invalidated the Safe Streets Forfeiture Amendment Act of 1992.

<sup>25</sup> D.C. Act 16-445.

<sup>26</sup> The Community Research Team tried to interview Council members David Catania (I-At Large) and Jim Graham (D-Ward 1) and former Council member Kathy Patterson but our requests were denied.

member Mendelson. “We were looking at giving the police more tools to combat street prostitution.”<sup>27</sup>

The prostitution free zone concept introduced in the Act was not invented in D.C., but modeled after similar laws in other areas.<sup>28</sup> Prostitution free zones reverse traditional zoning logic that confines adult business within a specific zone. Instead, the zones exclude “prostitutes” while drawing “a boundary between the life spaces [of] privileged, propertied residents and the visibly sexual/sexualized body of the prostitute.”<sup>29</sup> Lawmakers in D.C. took this concept to a new level by empowering police to arrest a person for staying within a zone if officers believed that person to be there for the purpose of prostitution.<sup>30</sup> The law gives the Chief of Police the power to declare a prostitution free zone in “areas where the health or safety of residents is endangered by prostitution or prostitution-related offenses.”<sup>31</sup> The zone can be up to 1,000 square feet and can last for 240 hours (ten days)—multiple zones can be declared simultaneously and back-to-back.<sup>32</sup> Zones must be clearly marked, such as with police tape or paper signs [See Figure 2]. Officers enforcing the zone can tell any group of two or more people believed to be congregating for the “purpose of prostitution”<sup>33</sup> that they must leave the zone and not return for the duration of the zone. If they return they can be arrested and if convicted face up to \$300 in fines and/or up to 180 days in jail.



Figure 2: Sign at 12<sup>th</sup> St, NW announcing a prostitution free zone. Photo taken September 9 2006 by PJ Starr.

<sup>27</sup> Community Research Team interview with Council member Phil Mendelson, October 18, 2007.

<sup>28</sup> Portland Oregon, Richmond Virginia, and Honolulu Hawaii are among the jurisdictions that implemented prostitution free zones before D.C. lawmakers considered the idea. At least one jurisdiction (Salinas, California) considered the idea at the prompting of some business associations, but did not enact the legislation. Salinas City Council/Redevelopment Agency Meeting Minutes, Salinas, California, 1 May 2007. <http://www.cityofsalinas.net/CCouncil/CCMinutes/CCmin/May0107.html> (Accessed 28 February 2008).

<sup>29</sup> Sanchez, Lisa, *Enclosure Acts and Exclusionary Practices: Neighborhood Associations, Community Policing, and Expulsion of the Sexual Outlaw*, Gorlberg, David Theo, Lisa C. Bower, Michael C. Musheno. (2001). *Between Law and Culture: Relocating Legal Studies*. Page 125.

<sup>30</sup> In other jurisdictions (including Richmond and Portland) only those previously arrested for and/or convicted of prostitution charges were excluded from the zones.

<sup>31</sup> D.C. MPD, (Press Release) “MPDC Begins Enforcement of New ‘Prostitution Free Zone’ Law,” 31 August 2006.

<sup>32</sup> Criteria for establishing a zone include “disproportionately high number of arrests or calls for police service related prostitution or prostitution-related offenses in the proposed zone within the preceding six-month period.” “Prostitution Free Zone,” <http://mpdc.dc.gov/mpdc/cwp/view,a,1238,q,560843.asp>, D.C. MPD, 27 March 2008.

<sup>33</sup> Criteria police are allowed to consider in determining the reason that a person is congregating in a zone include: behavior of the person (like “attempting to engage passers-by in conversation for the purpose of prostitution” or “stopping or attempting to stop motor vehicles for the purpose of prostitution”), “information from a reliable source indicating that a person being observed routinely engages in or is currently engaging in prostitution,” or “knowledge by an officer that the person is a known participant in prostitution or prostitution-related offenses.” “Prostitution Free Zone,” <http://mpdc.dc.gov/mpdc/cwp/view,a,1238,q,560843.asp>, D.C. MPD, 27 March 2008.

The prostitution free zone concept was framed by D.C. legislators and law enforcement as a completely new approach, but many of the practices proposed in the law were, in fact, pre-existing. The Omnibus Public Safety Emergency Amendment Act simply legitimized long standing police activities such as blocking off whole sections of streets downtown at night or arresting all transgender women in certain areas on suspicion of their engagement in prostitution.<sup>34</sup> MPD officers have often used police tape or other barriers to block off blocks of streets to impede prostitution. In these cordoned areas police have used minor offenses such as jaywalking or “Failure to Obey” (FTO) as a justification to harass, detain and arrest people they perceived to be sex workers. Access to areas of town thought to be hot-spots for prostitution has been restricted in other ways. A direct antecedent to the prostitution free zones was the practice of police and prosecutors seeking and judges granting “stay away orders” that prohibited those found guilty on prostitution charges from going to certain areas of the city.<sup>35</sup> Street signs were erected in the late 1990s prohibiting right turns between 9pm and 5am at certain intersections in an effort to keep customers from circling blocks where sex workers gathered [see figure 3]. These wide-ranging anti-prostitution activities were justified by theories about policing and public space such as “broken windows theory,” “zero tolerance” and “quality of life” policing.<sup>36</sup> People on the street perceived other more cynical motivations. During our interviewing community members opined that intensive policing, getting “tough on crime” and prostitution, can serve a political purpose as well: “It seems that every time the election time comes, they’ll be doing like a clean sweep to show that the Republicans or the Democrats have been doing this or the Mayor has been doing this in this city. You know, every time it’s time for election[s], they want to show that they’re doing the work so they make the arrests so they can get the votes.”<sup>37</sup>



Figure 3: Sign on K Street, NW preventing late night right hand turns. Photo taken February 23 2008 by PJ Starr.

<sup>34</sup> Presentation by GiGi Thomas at Amnesty International’s OUTfront D.C. Community Forum on “Stonewalled: Police Abuse and Misconduct Against LGBT People in the US” report, Human Rights Campaign building, 1640 Rhode Island Ave NW Washington D.C., 23 February 2006.

<sup>35</sup> Statement of Different Avenues by Dr. Penelope Saunders, Executive Director, before D.C. Council, Committee on the Judiciary Hearing on the Omnibus Public Safety Act of 2005, 31 May 2005. A number of participants at our February 21, 2008 Community Forum also discussed their experiences with “stay away orders.” “They are unfair,” said one participant, who asked, “Do they have stay away orders in other states or cities?” Participants also mentioned “unofficial stay away orders” wherein police tell a person that she or he is not allowed in a certain area although there is no accompanying court order. This practice is not unique to D.C., where it is legislated in D.C. Code § 22-2703. Sanchez, Lisa, *Enclosure Acts and Exclusionary Practices: Neighborhood Associations, Community Policing, and Expulsion of the Sexual Outlaw*, Goldberg, David Theo, Lisa C. Bower, Michael C. Musheno. (2001). *Between Law and Culture: Relocating Legal Studies*.

<sup>36</sup> Beckett, Katherine and Steve Herbert, *Dealing with disorder: Social control in the post-industrial city*, Theoretical Criminology, 2008.

<sup>37</sup> Community Research Team Interview with community member (name withheld by request), Washington, D.C., 21 September 2007. This interviewee was an African-American transgender woman, in her 30s, and a sex worker.

Some supporters of the Prostitution-related Nuisance Abatement Amendment Act, the legislation targeting indoor sex work, mirrored legislative trends in other parts of the country by framing new anti-prostitution policies as initiatives to prevent human trafficking. Patricia Riley of the US Attorney's Office, for example, suggested that the proposed legislation would address human trafficking because "prostitutes themselves may be victims of traffickers in human beings."<sup>38</sup> This intimation that the Prostitution-related Nuisance Abatement Amendment Act might serve to protect the human rights of sex workers had no factual basis. The Bill did not contain any provisions to assist trafficked persons into sex work or any other form of labor. Mayor Williams stressed that the bill would be an "additional tool to take action against place-based prostitution"<sup>39</sup> and Riley also argued that the bill should become law because it would both help stop criminal prostitutes who "adversely affect the neighborhoods where they exist."<sup>40</sup>

The bill became law in January 2006 as the Nuisance Abatement Reform Amendment Act that amended the Drug-Related Nuisance Abatement Act of 1998 to include "prostitution-related nuisances."<sup>41</sup> This gives law enforcement greater ability to utilize the District's civil housing codes to exert pressure on building owners to evict tenants connected with "drug or prostitution-related nuisances," or otherwise take steps to change the situation. The court may order an injunction against the owner (demanding that he or she take action) and the property may face fines or further court actions if nothing changes. A "cease and desist" order can be used to force the property owner to take action prior to the hearing if there is reason to believe that "violation has caused or may cause immediate and irreparable harm to the public."<sup>42</sup> The government may also apply for an "administrative search warrant" to enter properties violating the terms of the Act. Additionally, the law amended city health licensing codes to make "engaging in or attempting to engage in a health occupation without a license... a *per se* imminent danger to the health or safety of the residents of the District," except in cases where a license is not required.<sup>43</sup>

### **Implementation of new laws**

The new laws have been used to intensify anti-prostitution measures in the District. Since the passage of the Nuisance Abatement Reform Amendment Act in 2006 the MPD has carried out at least 25 raids on brothels and other establishments, often in conjunction with officials from the Department of Consumer and Regulatory Affairs (DCRA), charging individuals with "giving a massage without a license."<sup>44</sup> In 2006 Police Chief Charles Ramsey declared several prostitution free zones shortly after the Omnibus Public Safety

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<sup>38</sup> Statement of the United States Attorney's Office by Patricia Riley, Special Counsel to the United States Attorney before the D.C. Council, Committee on Consumer and Regulatory Affairs Hearing on the Prostitution-Related Nuisance Abatement Act of 2005. June 8, 2005.

<sup>39</sup> Letter from Mayor Anthony Williams to Chairman Linda Cropp, 28 January 2005. This letter was regarding the introduction of the Prostitution-related Nuisance Abatement Amendment Act of 2005.

<sup>40</sup> Statement of the United States Attorney's Office by Patricia Riley, Special Counsel to the United States Attorney before the D.C. Council, Committee on Consumer and Regulatory Affairs Hearing on the Prostitution-Related Nuisance Abatement Act of 2005. June 8, 2005.

<sup>41</sup> D.C. Code § 42-3101.

<sup>42</sup> D.C. Code § 47-2844.01.

<sup>43</sup> Establishments offering therapeutic massage are subject to D.C. Code § 47-2811, and must be licensed through the Department of Consumer and Regulatory Affairs. This section of the code requires that "[o]wners or managers of massage establishments and Turkish, Russian, or medicated baths" pay \$300 each year for a license approved by the Chief of Police. The establishment must also prove that all employees are licensed massage therapists with the D.C. Department of Health Board of Massage Therapy. The code makes it "unlawful for any female to give or administer massage treatment or any bath to any person of the male sex, or for any person of the male sex to give or administer massage treatment or any bath to any person of the female sex."

<sup>44</sup> *Police Close Massage Parlor*, Washington Post, 28 December 2007.

Emergency Amendment Act became law.<sup>45</sup> Outreach workers with local service agencies reported that many transgender women were arrested in one of the zones in the Northeast quadrant of the city on the weekend of September 23<sup>rd</sup> and that two trans women were shot and critically wounded in the evening of September 25<sup>th</sup> during the zone period.<sup>46</sup> The MPD was unable to provide our team with specific numbers of people arrested within any of the PFZs called during this period in 2006.<sup>47</sup>

In January 2007 Adrian Fenty was sworn in as mayor, replacing Anthony Williams, and a new police chief, Cathy Lanier, took charge of the MPD. Chief Lanier has authorized very few PFZs. The MPD was unable to provide any information about the number of zones in 2007<sup>48</sup> and it appears that Chief Lanier may have declared only one PFZ since she took office.<sup>49</sup> However, Chief Lanier launched her own new initiative called “All Hands on Deck.” In the first weekend (“Phase 1”) of that initiative (June 8 to 10, 2007) the police department heralded its success “heading off” a predicted warm weather induced spike in violent crime by doubling arrests for the weekend.<sup>50</sup> The police did not declare a PFZ during the All Hands on Deck weekend but they used PFZ style tactics to arrest more people (153) on prostitution charges than for any other crime.<sup>51</sup> Only a small number of arrests during the All Hands on Deck weekend were actually related to violent crime – 11 arrests were made on assault charges.<sup>52</sup> Community members complained of being profiled and harassed, as well as arrested, on that weekend.<sup>53</sup>

Various media sources attributed the impetus for the new laws to advocacy by people in neighborhoods “in transition” – that is, locations experiencing gentrification and development, such as the Logan Circle area of the Shaw neighborhood.<sup>54</sup> Logan Circle residents testified at hearings on the Nuisance and Omnibus bills, and the Logan Circle Advisory Neighborhood Commission wrote a letter to Council member Mendelson urging him to approve the Impoundment bill.<sup>55</sup> As described further in the coming sections,

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<sup>45</sup> The law was first passed in June 2006 as an emergency measure effective for 90 days. This is not uncommon in the District where all Acts must be reviewed by Congress before they become law. Emergency laws are not subject to the review. The Omnibus Public Safety Amendment Act became a permanent law in April 2007. The first prostitution free zone was bounded by 13<sup>th</sup> and 14<sup>th</sup> streets from I to L streets, Northwest, from September 1-10, 2006. Additional prostitution free zones (PFZ) were established on September 8-17 and September 22-October 1, in the areas of 10<sup>th</sup> and M St NW and Rhode Island Ave and Eastern Ave NE, respectively. Also from September 23 to October 2, 2006, MPD established a PFZ along the D.C.-Maryland border in the Northeast quadrant, bounded by 59<sup>th</sup> St, Foote St, 60<sup>th</sup> St, and Eastern Avenue. Maps of the zones are in Appendix III.

<sup>46</sup> Presentation by Dr. Penelope Saunders “Surveillance of Prostitution in the District of Columbia” at American University’s Interrogating Diversity Conference, American University, Washington D.C., 23 March 2007.

<sup>47</sup> FOIA Correspondence with Brian Bray, Inspector, Narcotics and Special Investigations Division, MPD. 5 November 2007.

<sup>48</sup> Ibid.

<sup>49</sup> Community members reported hearing of a PFZ declared by Chief Lanier in early 2007, but the only evidence of a PFZ during Lanier’s tenure comes from February 8-17 2008 – in the area between 10<sup>th</sup>, 12<sup>th</sup>, P and M streets NW. <http://mpdc.dc.gov/mpdc/cwp/view,a,1238,q,564336.asp> (Accessed 28 February 2008).

<sup>50</sup> D. C. Metropolitan Police Department (Press Release), “MPD Announces Successful All Hands on Deck Initiative,” 11 June 2007, <http://newsroom.dc.gov/show.aspx/agency/mpdc/section/2/release/11275/year/2007/month/6> (Accessed April 14 2008).

<sup>51</sup> Ibid.

<sup>52</sup> *Police OT Credited with Crime Dip*, Washington Post, 12 June 2007. Prostitution arrests did not figure as frequently in later All Hands on Deck initiatives.

<sup>53</sup> HIPS outreach notes, 9 June 2007.

<sup>54</sup> Susan Ruether, *Prostitution in Logan Circle: Are New Penalties the Answer?* D.C. North, February 2006.

<sup>55</sup> Letter from ANC 2F to Council member Phil Mendelson, 4 January 2006, <http://www.anc2f.org/CCPS-06-01.pdf> (Accessed February 28 2008). Then-chairman of the ANC, Cary Silverman, testified in favor of the Nuisance bill.

gentrification and new development play a key role in many changes in D.C., including evolving prostitution laws and enforcement.

### Development, Displacement and Gentrification

As any resident of the city can attest, D.C.'s landscape has changed significantly in recent years. Urban development and renewal of the city began in 1990s and the gentrification craze reached a peak in 2005 and 2006 prior to the downturn in the housing market and the credit crisis.<sup>56</sup> Cranes have crowded

the skylines of many neighborhoods, and a stroll through an area not recently visited can be a shock to an observer as whole city blocks have been completely transformed. Many of these changes have been welcomed by D.C. residents, but the down side has been the displacement of low and moderate income residents from many neighborhoods. This process accelerated and intensified during former Mayor Anthony Williams' terms in office from 1998 to 2006 [See Figure 4]. During his tenure Williams promoted plans to bring 100,000 new residents to Washington, D.C.<sup>57</sup> In order to achieve his goal of increasing the city's tax base, the new residents he planned to attract had to be high income individuals and families.

One major ramification of this plan was that lower-income residents would be pushed out of the city as higher-income residents came in.<sup>58</sup>

The Mayor's office and the D.C. Council paved the way for wealthy developers to benefit from a series of land grabs and sweetheart deals that led ultimately to a net loss of low-cost housing and a glut of luxury condominiums throughout the city.<sup>59</sup> D.C. lost 2,500 rent-controlled apartments in the last four years when the DCRA approved their conversion to

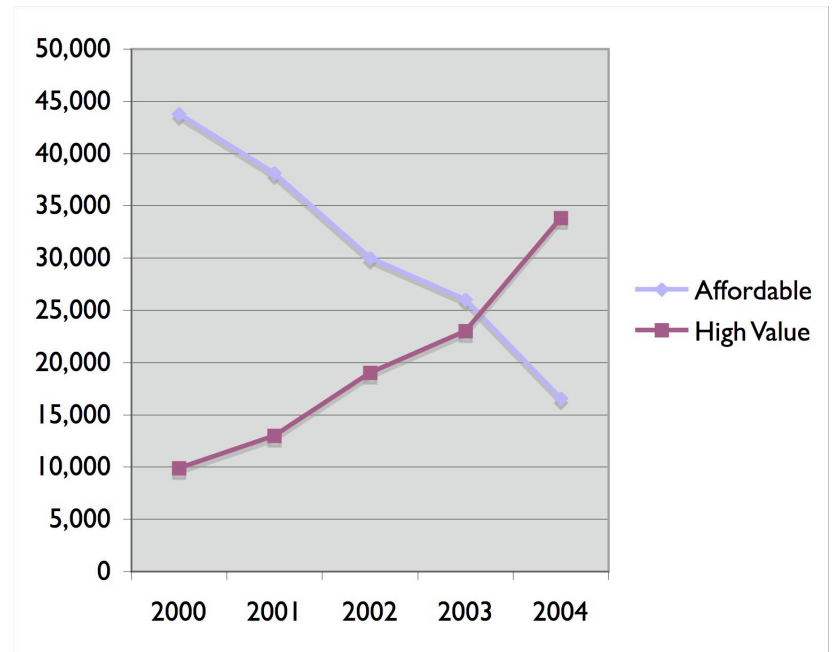


Figure 4: Change in Number of Affordable versus High Value Homes in D.C. 2000-2004 (Affordable less than \$150,000 High Value greater than \$500,000). Source D.C. Fiscal Police Institute.

<sup>56</sup> Modan, Gabriella Gahlia. (29 December 2006). *Turf Wars: Discourse, Diversity and the Politics of Place*. (USA: Blackwell).

<sup>57</sup> *Williams Aims To Be Mayor of A Bigger D.C. Attracting Residents Is Goal As 2nd Term Begins Today*. Washington Post, 2 January 2003.

<sup>58</sup> Rodgers, Angie. *New Census Data Show D.C.'s Affordable Housing Crisis is Worsening*, Washington, D.C.: D.C. Fiscal Policy Institute, 13 September 2005, <http://www.dcfpi.org/9-13-05hou.pdf> (Accessed 28 February 2008).

<sup>59</sup> For example, in 2000, District officials released a list of 27 "Hot Properties," purportedly all buildings with the most significant housing violations in the city. The tenants of these buildings were disproportionately low income and people of color. DCRA officials pushed to close these properties, which would pave the way for their redevelopment as high-income housing in neighborhoods with rising property values. In one instance, at 1512 Park Rd. NW, the city gave tenants "a few minutes" notice to vacate the building, and then provided no relocation assistance to the newly homeless former occupants. *Sherman Avenue Tenants' Association v. District of Columbia*, C.A. No. 00-0862 (U.S. District Court, D.C., April 2006), <http://bulk.resource.org/courts.gov/c/F3/444/444.F3d.673.04-7196.04-7185.04-7174.04-7127.04-7126.html> (lines 2-5) (Accessed 28 February 2008).

luxury housing.<sup>60</sup> In the same period, landlords seeking to avoid fees for turning rental housing into condominiums emptied over 200 D.C. apartment buildings, displacing the tenants and redeveloping the buildings as high-cost housing. Many of these landlords harassed the tenants, refused to make repairs and sent illegal eviction notices to force them out.

The District faces an escalating affordable housing crisis and it is increasingly difficult for low-income people to find safe and affordable housing within the city.<sup>61</sup> Housing costs rose dramatically in the 2000s as property values increased.<sup>62</sup>

In 1998 the National Low Income Housing Coalition (NLIHC) reported that the monthly cost of a two-bedroom apartment at Fair Market Rent in D.C. was \$863, well out of reach of minimum wage earners only able to afford monthly rent of no more than \$320.<sup>63</sup> By 2006 the average cost of a two-bedroom apartment at Fair Market Rent in the District had climbed to \$1,286.<sup>64</sup> A minimum wage earner would have to work 141 hours a week in order to afford this housing.<sup>65</sup> This means that many households pay a far greater percentage of their income in rent, and are at high-risk for homelessness and displacement.<sup>66</sup> One community member we interviewed spoke to us about the challenge of finding affordable housing in the District. “[In order] to live in the city, in Washington, D.C., you need money,” she said. “\$1100 rent—even though I have a job, if I want to live

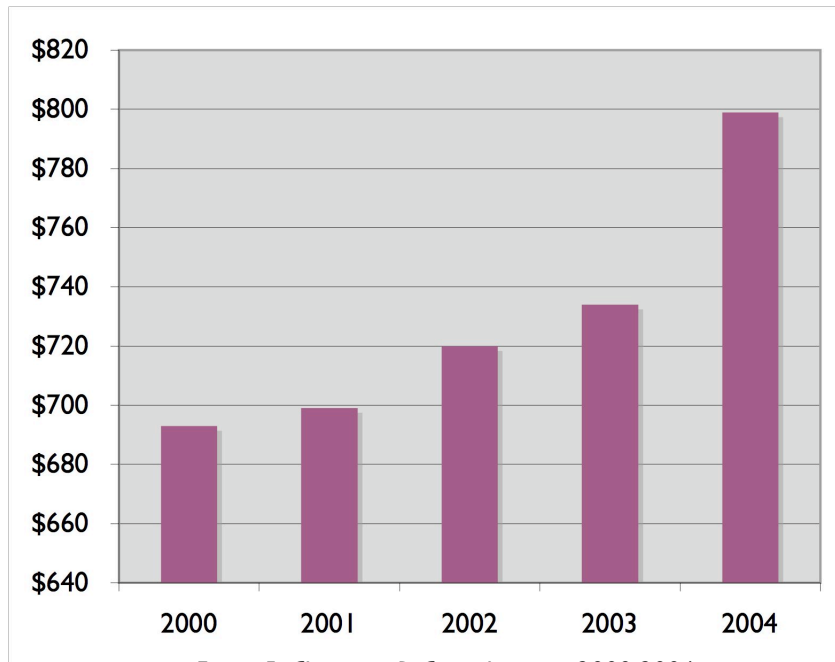


Figure 5: Change in D.C. median rent 2000-2004.  
Source D.C. Fiscal Policy Institute.

<sup>60</sup> *The Profit in Decay- Landlords Who Empty Buildings of Tenants Reap Extra Benefit Under Law*, The Washington Post, 9 March 2008, <http://www.washingtonpost.com/wp-dyn/content/article/2008/03/08/AR2008030802735.html?hpid=topnews> (Accessed 9 March 2008).

<sup>61</sup> Rodgers, Angie. *New Census Data Show D.C.'s Affordable Housing Crisis is Worsening*, Washington, D.C.: D.C. Fiscal Policy Institute, 13 September 2005, <http://www.D.C.fpi.org/9-13-05hus.pdf> (Accessed 28 February 2008).

<sup>62</sup> Comprehensive Housing Strategy Bill of 2002, <http://dccouncil.dc.gov/images/00001/20020510094756.pdf> (Accessed 28 February 2008).

<sup>63</sup> “Out of Reach 1998”, National Low Income Housing Coalition, 1998. <http://www.nlihc.org/cgi-bin/oor2000.pl?getstate=on&state=D.C.> (Accessed 28 February 2008).

<sup>64</sup> “Out of Reach 2006”, National Low Income Housing Coalition, 2006, <http://www.nlihc.org/oor/oor2006/?CFID=27255880&CFTOKEN=94958820> (Accessed 28 February 2008).

<sup>65</sup> According to National Low Income Housing Coalition housing is affordable when it comprises no more than 30% of a household’s income. “Out of Reach 2006”, National Low Income Housing Coalition, 2006, <http://www.nlihc.org/oor/oor2006/data.cfm?getstate=on&state=D.C.> (Accessed 28 February 2008).

<sup>66</sup> Comprehensive Housing Strategy Bill of 2002, <http://D.C.council.D.C.gov/images/00001/20020510094756.pdf> (Accessed 28 February 2008).



the way everyone else lives, if I want to live in Northwest, guess what? Yes I gotta work, but I gotta do some extra things to survive...”<sup>67</sup>

The forces of urban development and gentrification have altered other aspects of D.C. life. Development of both residential and commercial properties, including the building of the Washington Nationals’ baseball stadium in near Southeast, has resulted in the displacement of legally operating exotic dance venues, LGBT clubs, and public spaces where District residents of marginalized communities gathered. Displacement of alternative and queer venues and pressure on certain groups of people in public space had occurred for many decades in D.C., and this displacement, like the loss of low income housing, accelerated during the Williams administration. Concentrations of gay and lesbian

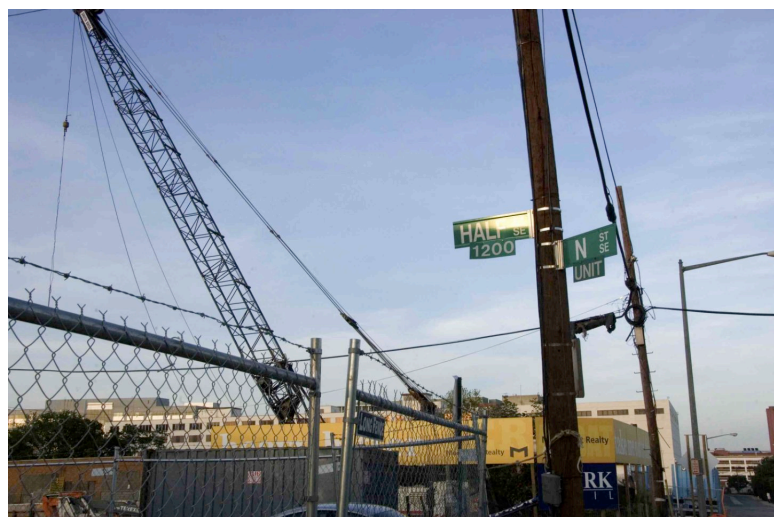


Figure 6: Construction on Half Street, SE. The new stadium wiped out bars, clubs and a center of queer culture in SE of D.C.. Photo taken May 2007 by PJ Starr.

bars and clubs have been forced to shift from one “neglected” part of town to another.<sup>68</sup> Similarly the parts of town frequented by sex workers and street-based communities have varied with changes in the city. Gentrification has exerted pressure on public gay male cruising culture in certain parks, women (transgender or not) soliciting sex on 14<sup>th</sup> St NW, and homeless people in areas across downtown.

Informal sex work and sexual exchange occurs in many neighborhoods where it is employed as a survival tool or supplement to low-income individuals’ earnings.

Well-known “strolls” for more structured sex work have been established in specific parts of the city, usually closer to downtown. In the 1980s and 1990s women and transgender women worked along 14<sup>th</sup> St NW from Clifton St in Columbia Heights to K St downtown.<sup>69</sup> Increased policing led to non-trans women establishing a “stroll” in an area of downtown with a nocturnal landscape of empty office buildings and bustling night clubs. Transgender women were pushed into relatively barren and secluded areas on the edges of downtown. In these areas formal and informal sex workers intermingled more than along the non-transgender female stroll. The “trans stroll” was not strictly a site of informal commerce, but was an important social gathering place for transgender women. Male street sex workers work in discreet areas of downtown as well as other parts of the city. Some residential areas in the center of the District also were known as places for sex work, which spurred the actions of neighborhood associations seeking stronger anti-prostitution laws. In the past, transgender strolls also existed along 9<sup>th</sup> St NW, and male sex workers worked around bars in more upscale areas and at Half and O Sts SE. These were also significant

<sup>67</sup> Community Research Team interview with community member (name withheld by request), 11 November 2007. This interviewee was a Latina trans woman and a sex worker.

<sup>68</sup> Darby Hickey and Gabriel Pacyniak. *Trading a Queer Home for Home Plate*, Hill Rag, February 2006.

<sup>69</sup> Dr. Penelope Saunders interview with community members (names withheld by request), Washington D.C., 19 October 2005.

public spaces for social gathering for LGBT communities. Half and O Sts SE was an especially important location for black gay youth wishing to meet and socialize.

New construction of condominiums and office buildings, as noted earlier, has been pervasive across D.C. for much of the past decade. New projects were initiated near several of the historically significant strolls. Vacant lots near the transgender stroll became construction zones, and new residents moving into the area requested more police enforcement of prostitution laws. Residents also complained about a nearby adult video store that was said to contribute to prostitution in the area.<sup>70</sup> Increased policing in 2005 and 2006 pushed transgender sex workers farther east into still abandoned areas, and transgender women also moved to work along the edge of the city on the border of D.C. and Maryland. These areas were less well lit and less well known to health and outreach agencies working with these communities. The traditional stroll had its own history of violence and anti-transgender crime, but the new areas were significantly more dangerous. Outreach teams and community members reported increased numbers of shootings, stabbings, rape, robbery and other violence against transgender women near the border with Maryland.<sup>71</sup>



Figure 7: Construction on K Street, NW.  
Photo taken September 17 2006 by PJ Starr.

The landscape of D.C.'s indoor sex work—legal or illegal—is different than the street scene. Trickhouses or tourist homes, where rooms can be rented by the hour and are frequented by various types of people including sex workers, are located throughout the city. Other indoor venues where exchange of sexual services may be provided operate in a variety of legal circumstances. Such venues may be highly clandestine in nature and move frequently, yet remain within certain geographic areas. For example, brothels where Latina

women work are highly mobile but may not stray far from the areas of D.C. with a significant Latino population. These venues may have been affected by gentrification, although perhaps less publicly than massage parlors, the subject of ire among many newly created (and more established) neighborhood associations. Members of civic associations representing relatively affluent groups in Logan Circle, Adams Morgan, and parts of downtown were among witnesses testifying in favor of the Prostitution-related Nuisance Bill in 2006.<sup>72</sup> Sexually oriented massage, as well as actual sex acts for a fee, may be offered in these venues, but this is not always the case.<sup>73</sup> Many of these venues have been located in

<sup>70</sup> *Zoning Board Told to Close Video Store*, Washington Post, 27 September 2007.

<sup>71</sup> HIPS outreach notes, 17 May 2007. For example, "African-American adult trans woman told us that she feels like the police don't respond to emergencies [in the new area] like they do at [the former stroll area]."

<sup>72</sup> Advisory Neighborhood Commissioners Josh Gibson (from Adams Morgan) and Cary Silverman (from Logan Circle) testified at the 8 June 2005 hearing of the Committee on Consumer and Regulatory Affairs in support of the Prostitution-related Nuisance Abatement Amendment Act.

<sup>73</sup> Different Avenues outreach notes, December 2005. One massage parlor owner (who said that no form of sex occurred on her premises) noted to outreach workers that nearby venues were undercutting her business by

the downtown area but recent police and immigration enforcement has targeted some establishments causing closures and relocations.<sup>74</sup>

Legal venue-based sex work in D.C. includes exotic dance within licensed clubs. Since 1993 the city has had a moratorium on issuing new nude dancing licenses.<sup>75</sup> In addition, D.C. zoning laws strictly dictate where exotic dance clubs, as well as other sexually oriented businesses, may be located. Over the past four years several exotic dance clubs have been closed, primarily to make way for the new baseball stadium at Half and O Sts SE. Most of these clubs were patronized by black customers and employed black dancers. Several featured and catered to gay men, or hosted lesbian nights. Black-oriented clubs are scattered across residential neighborhoods (like Georgia Ave NW and Alabama Ave SE) and industrial areas of D.C. (like New York Ave NE and the Navy Yard in SE). White-oriented clubs have been concentrated in the downtown area for years and do not seem to be facing any pressure to close. An exotic dancer involved in this research project noted that, “Royal Palace, Archibald’s, Good Guys, JP’s, Camelot are all safe. Nexus, Club 55, The Wet, the Edge, Heat, Secrets are all closed and not to reopen.”<sup>76</sup> The zoning laws and neighborhood outcry mean that clubs needing to close for any reason find it extremely difficult to reopen in another part of town. Efforts to relocate some of the clubs to the only apparent area with compatible zoning in Ward 5 have been met with heavy resistance.<sup>77</sup> In addition to the legal, licensed exotic dance clubs, clandestine exotic dance venues, (and “lap dance” clubs), where sex for a fee can sometimes also be had, exist around the city.<sup>78</sup>

## **Violence and Safety**

Sex workers, and others who exchange sex for things they need, face high levels of harassment and violence. A survey of women and trans women receiving services at a D.C. organization that works primarily with street sex workers, revealed that 90% of 149 respondents had experienced violence.<sup>79</sup> Only one of these women stated that she would go to the police if she were hurt, and almost half said that they had been treated badly when they had sought help from somewhere (not just from police). During Different Avenues’ focus groups and in-depth interviews with African-American women working in exotic dance venues in 2005 and 2006, women consistently stated violence and safety as their number one concerns—85% in one set of interviews.<sup>80</sup> Concerns about violence included “leaving the club, being robbed or raped, men who want to hurt women,” as one woman said, or as another stated:

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offering sexual services. In D.C. Code § 22-3001 a sex act is defined as “(A) The penetration, however slight, of the anus or vulva of another by a penis; (B) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or (C) The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. (D) The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.” Sexual contact is defined as “touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.”

<sup>74</sup> 31 *Arrested in Reputed Korean Sex-Slave Trafficking Along East Coast*, Washington Post, 17 August 2006.

<sup>75</sup> D.C. Code § 25-375.

<sup>76</sup> Community Based Research Training, Different Avenues, Washington, D.C., 30 April 2007.

<sup>77</sup> Elizabeth McGowan. *Out of Left Field*, D.C. North, June 2006.

<sup>78</sup> Different Avenues outreach notes, 2 July 2007.

<sup>79</sup> *HIPS Survey on Violence*, HIPS, Washington D.C., 2006. The survey asked 149 women (transgender and not) “Have you ever experienced any type of violence (such as: rape, kidnapping or attempted kidnapping, assault, robbery, etc.) (Yes \_\_\_ No \_\_\_) If yes, what kind of violence?” HIPS (Helping Individual Prostitutes Survive) is a non-profit organization whose mission is to assist female, male, and transgender individuals engaging in sex work in Washington, D.C. in leading healthy lives. More information at [www.hips.org](http://www.hips.org).

<sup>80</sup> *Rainbow Pride Baby*, Different Avenues, Washington, D.C., 2006.

A lot of dancers get trapped [at private parties] and people don't like to talk about it, or hear about it. If we were kidnapped or killed no one would care as opposed to someone in the suburbs. It would only be through word of mouth that you'd hear about it. That's the way society is, it's nothing to change—they want to close down strip clubs, any little thing.<sup>81</sup>

The attitude that people (particularly women, transgender or not) trading sexual services for money are “disposable” lies at the root of much violence against sex workers. It results in numerous murders of sex workers each year.<sup>82</sup> Helping Individual Prostitutes Survive (HIPS) and Different Avenues outreach notes regularly record instances of sex workers sharing stories of police indifference to violence against their communities. “M--- reported that men came over and beat them with bats. The cops told them that they wouldn't help them until someone died,” wrote HIPS outreach volunteers on July 6, 2007.<sup>83</sup> Violence against transgender women in general (sex worker or not) is a serious problem in D.C., and has also been met with indifference by police.<sup>84</sup> An interaction reported to HIPS in March 2007 helps illustrate this point. A young African-American transgender woman explained that “she had a knife pulled on her in the middle of the street and the police did nothing... she just wanted us to know that the police were not responsive or supportive.”<sup>85</sup> The Gay and Lesbian Liaison Unit (GLLU)<sup>86</sup> has helped to change the dynamic between police and some members of transgender communities who may be sex workers, but police indifference and poor response are still the norm. Increased penalties and the new laws appear to have made the situation worse. On September 25 during a declared prostitution free zone along Eastern Ave NE, two transgender women were shot and critically wounded within the boundaries of the zone. Prostitution free zones in D.C. have been characterized by a high level of police activity including as many as eight police cars observed by Different Avenues and HIPS staff on different occasions in September 2006.<sup>87</sup> The police were heavily concentrated in the area in order to enforce prostitution laws and yet did not prevent violence against the two transgender women.

Unfortunately police indifference is not the worst issue for sex workers facing violence. The D.C. police themselves may also commit violence against sex workers and others perceived to be trading sex. In 1998, for example, Detective John Mehalic III was convicted of 10 felonies, including kidnapping, sexual assault, extortion and stalking of sex workers.<sup>88</sup> Social service providers in D.C. have gathered anecdotal evidence of this problem and have documented cases of police perpetrated violence via outreach notes and logs. For example, HIPS outreach team recorded the following information from a young transgender woman in late June 2007. The young woman recounted that a police officer told her, “to leave, and

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<sup>81</sup> Different Avenues interview with community member, Washington D.C., 29 August 2005.

<sup>82</sup> *Vigil Marks Prostitution's Grim Toll 22 Slain Streetwalkers Are Remembered at D.C. Candlelight Service*, Washington Post, 31 May 1997.

<sup>83</sup> HIPS Outreach Notes, 6 July 2007.

<sup>84</sup> Moser, Bob, *Disposable People*, Intelligence Report, issue 113 Winter 2003.

<sup>85</sup> HIPS Outreach Notes, 30 March 2007.

<sup>86</sup> “Since its inception in June 2000, the GLLU has dedicated itself to serving the Gay, Lesbian, Bisexual, and Transgender (GLBT) communities in the Washington Metropolitan area and the Metropolitan Police Department (MPD).” Gay and Lesbian Liaison Unit, <http://www.gllu.org/about/index.htm> (Accessed 14 April 2008).

<sup>87</sup> Dr. Penelope Saunders of the Community Based Research team noted in her observer's notes the presence of multiple police cars during the implementation of a PFZ on 11<sup>th</sup> St NW between M and N Streets NW, 16 September, 2006.

<sup>88</sup> *D.C. Jury Sides With Prostitutes In Trial; Officer Convicted Of 10 Felonies*, Washington Post, 20 November 1998.

then [the police officer] started yelling and screaming. He told the [young woman], 'If this was one year ago I'd slam your head against that wall and rip out your hair.'"<sup>89</sup> In a 2005 interview with a transgender sex worker, Different Avenues' staff was told the police had threatened to "take [her] in an alleyway and beat [her] down."<sup>90</sup> Other women have reported being raped or sexually assaulted by police, or being told that if they do not provide sexual favors they would be arrested.<sup>91</sup>

## Health and HIV

Discrimination, stigma and criminalization are barriers to health initiatives. This is of particular concern in Washington D.C. where the HIV epidemic is the worst in the country and rates of STDs are high as well. The history of the fight against HIV / AIDS in D.C. has been marred by an inconsistent and weak response from the Department of Health. The District's HIV / AIDS office lacked consistent oversight for significant stretches of time. In the period from 2003 to 2007 the HIV / AIDS Administration within the Department of Health had seven different leaders. The leadership in the late 1990s and early 2000s was plagued by allegations of corruption and waste.<sup>92</sup> The District did not collect HIV statistics for several years until 2006 when the epidemiology bureau was reorganized and able to reliably gather data. In 2007 this epidemiological data was released, revealing that 12,428 people in D.C. were known to be living with HIV / AIDS, equivalent to an AIDS case rate of 128.4 per 100,000, compared to 14 per 100,000 for the US as a whole. The AIDS epidemic in D.C. disproportionately affects African-Americans and is being spread by all modes of transmission including men who have sex with men (33.2%), heterosexual contact (29.5%) and intravenous drug use (20.8%).<sup>93</sup>

The D.C. Appleseed Center, in a series of reports, documented and rated the lackluster response of the District government to HIV / AIDS issues. The first report, released in 2005, gave the District failing grades in almost all categories rated.<sup>94</sup> The report documented the failings of the government response to the problems faced by the incarcerated and drug users.<sup>95</sup> Funding for HIV services in general in D.C. has been haphazard and opportunities specifically for sex worker projects have been even fewer and farther between. Dr. Shannon Hader, the current Senior Deputy Director for the HIV / AIDS Administration,

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<sup>89</sup> HIPS Outreach notes, 6 June 2007.

<sup>90</sup> Dr. Penelope Saunders interview with community member, Washington D.C., 19 October 2005.

<sup>91</sup> Dr. Penelope Saunders interview with community member, Washington D.C., 21 October 2005.

<sup>92</sup> *Leadership Shakeup Expected at HAA*, Washington Blade, 2 July 2004. <http://www.washblade.com/2004/7-2/news/localnews/leadership.cfm> (Accessed 28 February 2008). The Department of Health as a whole also went through multiple leadership changes in those years, amid similar criticism of mismanagement, retaliation at whistleblowers, waste and corruption. In 2003 senior officials in the Department were linked to the Washington Teachers Union embezzlement scandal.

<sup>93</sup> D.C. Department of Health, *District of Columbia Epidemiology Annual Report 2007*, November 2007.

<sup>94</sup> The report concluded that the "true extent of the HIV / AIDS epidemic in the District is unknown; HIV / AIDS services in the District are not coordinated to the degree necessary to be effective; funding for HIV / AIDS prevention and care in the District is not being distributed in a timely manner or being used as effectively and efficiently as possible; and the District does not effectively target services where they could make a significant difference – among students, drug users, and prisoners." D.C. Appleseed and Hartson and Hogan. *HIV/AIDS in the Nation's Capital*, Washington D.C., August 2005. Page 6.

<sup>95</sup> The report mentions sex workers only once noting that, "Commercial sex work, the exchange of sex for basic life necessities, and the exchange of sex for drugs also have been linked to HIV infection. Estimates of the number of individuals involved in these activities in the District are unavailable." D.C. Appleseed and Hartson and Hogan. *HIV/AIDS in the Nation's Capital*, Washington D.C., August 2005. Page 20. A study of similar issues in nearby Baltimore illuminates the connections between health and HIV, drug use, homelessness, commercial sex and criminalization. Mclean, Rachel, Jaqueline Robarge and Susan Sherman. *The WINDOW Study: Release from Jail; Moment of Crisis or Window of Opportunity for Female Detainees in Baltimore City?* November 2005, Baltimore MD.

acknowledged this problem, and commented, “one thing that I think has probably not been maximized yet is ... how we can best serve commercial sex workers.”<sup>96</sup> In 2005 and 2006 only two HIV prevention programs received funding for working with sex workers, and by 2007 only one program received funding.

Current prostitution laws and other sexual control policies in D.C. directly affect HIV prevention efforts in multiple ways. A Different Avenues outreach worker observed in August 2003, “Female sex workers are very hard to find in public. Heavy policing of their presence, and subsequent arrest and removal from the streets makes outreach to them difficult.”<sup>97</sup> In June 2007, during outreach, two HIPS outreach workers “brought bags [of condoms] to the doormen [of a club] because they were not allowed inside. This is the standard procedure. On their way back to the van, jump-out cops stopped them and demanded ID.”<sup>98</sup> Dr. Hader confirmed what community members and outreach workers observed noting that, “policies that only drive behavior underground make it very difficult to access folks that need services.”<sup>99</sup>

Problems faced by needle exchange programs in Washington D.C. also illustrate how criminalization can undermine health initiatives. The federal government barred the District from funding needle exchange programs from 1991 until late 2007.<sup>100</sup> Misperceptions about needle exchange combined with neighborhood efforts to “rid” themselves of “drug-related crime” harmed the operations of privately funded needle exchanges in the District. For example, Council member Jim Graham (D-Ward 1) supported efforts that stopped needle exchange activities provided by PreventionWorks! in the area around Morton St and Georgia Ave NW.<sup>101</sup> Controversy over needle exchange may become a flash point in neighborhoods across the District now that new funding has been released to support exchange programs throughout the city. Dr. Hader noted in our interview with her that it is the responsibility of D.C. government to start community conversations about these issues in a way that promotes health and dispels fears, “fears that are common but [that] haven’t been borne out when programs have actually been rolled out.”<sup>102</sup>

### **Grassroots Community Response**

In the face of these many challenges, D.C. communities have organized to pressure for change both in policy terms and in addressing people’s immediate needs. HIV / AIDS services were some of the first programs that empowered sex workers and other communities with constituents who trade sex for money. In 1997 sex workers and allies gathered to protest the lack of attention to violence against sex workers and memorialize the dead.<sup>103</sup> During the 1990s transgender communities also began organizing, forming a

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<sup>96</sup> Different Avenues interview with Dr. Shannon Hader, HIV / AIDS Administration Offices, Washington, D.C., 15 November 2007.

<sup>97</sup> Different Avenues Outreach Notes, August 2003.

<sup>98</sup> HIPS Outreach Notes, 7 June 2007.

<sup>99</sup> Different Avenues interview with Dr. Shannon Hader, HIV / AIDS Administration Offices, Washington, D.C., 15 November 2007.

<sup>100</sup> *City to Spend \$650,000 on Needle Exchange Programs*, Washington Post, 3 January 2008.

<sup>101</sup> This information was described during the research team training (30 April 2007) by team member Zee Turner, a peer educator with PreventionWorks! at the time of the incident. Further details were provided during a phone conversation on 16 April 2008 Paola Barahona, Executive Director of PreventionWorks! at the time of the incident.

<sup>102</sup> Different Avenues interview with Dr. Shannon Hader, HIV / AIDS Administration Offices, Washington, D.C., November 15, 2007.

<sup>103</sup> *Vigil Marks Prostitution’s Grim Toll 22 Slain Streetwalkers Are Remembered at D.C. Candlelight Service*, Washington Post, 31 May 1997.

political group, Transgenders Against Discrimination and Defamation (TADD), in the aftermath of Tyra Hunter's death.<sup>104</sup> Communities of low-income people, women of color, and lesbian, gay and bisexual people also have long histories of organizing for change in the District.<sup>105</sup>

In the early 2000s, sex worker rights activism increased in D.C. mirroring trends across the country.<sup>106</sup> In 2005, Different Avenues, HIPS and other organizations began collaborating to hold annual events for International Day to End Violence Against Sex Workers. Multiple community and service organizations reliably documented the needs of some sex worker communities. HIPS, for example, has carried out a survey since 2003 into violence experienced by female and trans sex workers. La Clinica del Pueblo has researched the experiences of and attitudes about sexual exchange in D.C. area Latino communities. This new interest in organizing for sex worker rights coincided with an increase in activism by transgender women of color in the city, many of whom had sex work experience. Several key events helped to propel these new efforts into full-fledged organizing mode. These occurrences included the murder of several transgender women in the summers of 2002 and 2003,<sup>107</sup> a general increase in violence against transgender women especially those doing sex work, and the introduction in 2005 of new anti-prostitution policies.

Informal gatherings of transgender communities at community forums, funerals and other events following the violence in 2003 eventually coalesced into the D.C. Trans Coalition. The coalition began working to include a new anti-discrimination clause regarding "gender identity and expression" in the city's human rights code. Meanwhile some of the same activists formed the Alliance for a Safe and Diverse DC to push back against new anti-prostitution laws and protest other proposals to limit the rights of people, especially youth and the homeless, in public space. Community support groups, community forums, and social service providers began to include discussions of rights and policy in their agendas.<sup>108</sup> In 2005 as a result of grassroots activism, the D.C. Human Rights Act was amended to include gender identity and expression.<sup>109</sup> This amendment outlawed discrimination against transgender and gender non-conforming people.

This amendment to the Human Rights Act was welcomed in the community, yet it seemed at odds with the other legislation embraced by the D.C. Council – the new prostitution free zones law and other anti-prostitution laws. Representatives of transgender communities reported harassment and discrimination by the police because transgender women continued to be profiled by the authorities as prostitutes, despite the new principles of non-

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<sup>104</sup> Tyra Hunter was a young African-American transgender woman critically injured in a car crash, who died as a result of negligence by Fire & Emergency Services personnel who refused to treat her when they discovered that she was transgender. Xavier, Jessica. *Factsheet for Anti-Transgender Violence in the District of Columbia*, April 2007.

<sup>105</sup> Examples include the D.C. Coalition of Black Lesbian, Gay, Bisexual and Transgender Men and Women, one of the oldest African-American LGBT groups in the country; ENLACE, a Latina and Latino LGBT group active in D.C. in the 1980s; Washington Inner City Self Help, Empower DC and Manna CDC/ONE DC, groups working on affordable housing and other low-income concerns; and Sisterspace and Books, a long-running community center and book store focused on women of the black Diaspora.

<sup>106</sup> For example, sex workers in California formed a new organization, the Sex Workers Outreach Project USA (SWOP USA) in October 2003. New chapters of this organization began to appear across the US soon after. In 2005, a national umbrella group for sex worker organizations called the Desiree Alliance was established.

<sup>107</sup> *Targeting Transgenders*, Newsweek, 8 September 2003.

<sup>108</sup> Groups of transgender activists and allies met periodically after the murders of Bella Evangelista and Emonie Spaulding in August 2003, and support groups at agencies like La Clinica del Pueblo and Transgender Health Empowerment/Us Helping Us included rights discussions more explicitly.

<sup>109</sup> D.C. Law 16-58, amending D.C. Code § 2-1401.01.

discrimination in the Human Rights Act. On the other hand, transgender activists made gains with new regulations following the Human Rights Act amendment. Activists exhorted the Department of Motor Vehicles to simplify the process of changing the gender marker on District government issued IDs. In 2007 the MPD issued a new General Order outlining how police officers must conduct interactions with transgender people in D.C., based on the demands put forward by the community and the D.C. Trans Coalition.

Even though the Council adopted new legislation against prostitution, members of the Alliance for a Safe and Diverse DC felt that our work to raise concerns about the new laws was effective in a broader sense. The Alliance had been successful in obtaining positive media coverage of sex worker issues,<sup>110</sup> building stronger ties among community groups, and bringing new leaders into advocacy circles. We also brought the issues into public discussions at community forums and government hearings. For example at a public meeting about Amnesty International's report on police misconduct towards LGBT communities,<sup>111</sup> the proposed prostitution free zones became a topic of discussion. Council member David Catania (I-At Large) said he did not support the prostitution free zone proposals. We felt empowered at the committee mark-up session on the Omnibus Public Safety Act, when Council member Kathy Patterson (D-Ward 3) offered amendments to strip the prostitution-related provisions from the bill, but we were deeply disappointed when Council member Catania opposed Patterson's amendments and supported the prostitution provisions, encouraging his colleagues to do the same.<sup>112</sup> Nonetheless it was an important experience for community members in the Alliance to witness that series of events and to grapple with how to hold elected officials accountable.

Groups also were working to overturn the ban of use of District funds for needle exchange programs, and to increase policies to support affordable housing and low income communities in D.C.. For example, throughout his tenure, former Mayor Anthony Williams was regularly dogged by protestors advocating a change in D.C. homeless policies that were closing shelters and moving them out of the center of the city. As recently as 2005 protestors used the tactic of occupying homeless shelters to protest their closures, similar to efforts by homeless activists in the 1980s. Homeless activists also organized their own community research project exposing the extent of discrimination against the homeless even amongst service providers meant to support them.<sup>113</sup> Public financing for the Washington Nationals baseball stadium and the planned destruction of the gay club district at Half and O also led to public outcry and concerted organizing campaigns. Youth organizing has historically had a strong presence in the city. Groups like Justice for D.C. Youth worked to close the Oak Hill detention center and reform the Department of Youth

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<sup>110</sup> *Trans Activists Question D.C. Prostitution Bill*, Washington Blade, 31 March 2006. Alliance members were also featured on the nightly news of several local TV stations after the 30 June 2005 hearing on the Omnibus Public Safety Act. A 8 May 2006 mayoral forum sponsored by LGBT groups and held at the Human Rights Campaign building included a question for the candidates about their stance on the prostitution free zone legislation and possible human rights violations that could result from it.

<sup>111</sup> *Good Cop, Bad Cop*, Metroweekly, 2 March 2006.

<sup>112</sup> Community Research Team member Dr. Penelope Saunders observation notes from D.C. Council Judiciary Committee mark-up of Omnibus Public Safety Act, 28 April 2006. Chairman Phil Mendelson and committee members David Catania, Kathy Patterson and Kwame Brown participated in this session; committee member Sharon Ambrose was absent. The final bill was passed by a 12-1 vote in June 2006. Current Mayor Adrian Fenty (then a council member representing Ward 4) cast the sole vote against the bill.

<sup>113</sup> In 2006 a group of homeless men and allies created the Committee to Save Franklin Shelter in an effort to stop city plans to turn their large overnight shelter at 13<sup>th</sup> and K St NW into a boutique hotel. The effort was successful and the group turned into a new homeless advocacy group, Until We're Home, for and by homeless individuals.



Rehabilitation Services.<sup>114</sup> Youth Education Alliance and Youth Action Research Group organize high schools students to push for change in schools, youth employment, media portrayals of youth and more. Facilitating Leadership in Youth, based in the Barry Farms neighborhood, is set to release a new report on youth perceptions of and interactions with police in spring of 2008.

It is within this context of communities organizing for change that we pursued this research project, with the goal that it will be a tool for further change.

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<sup>114</sup> Justice for DC Youth and other groups working on juvenile justice issues in D.C. supported implementation of the recommendations of the Blue Ribbon Commission on Youth Safety and Juvenile Justice and Youth Safety (appointed by then-Mayor Anthony Williams in 2000), most of which were incorporated into the D.C. Council's Blue Ribbon Juvenile Justice and Youth Rehabilitation Act of 2004. Consequently in 2005 Vincent Schiraldi was appointed director of the Department of Youth Rehabilitation Services (DYRS), where he has pioneered a change in policy to positive youth development. For more information see What is Positive Youth Development, National Conference of State Legislatures, <http://www.ncsl.org/programs/cyf/positiveyouth.htm> (Accessed 12 April 2008).

## Methodology

This project involved organizations and advocates from numerous sectors in the District of Columbia. The direct precursor to this project was an effort by members of the Alliance for a Safe and Diverse DC to “monitor the zones” in 2006, to find out how communities and service providers were experiencing the implementation of the prostitution free zones. We formed a working group, the “Community Research Roundtable,” to collect information by documenting individuals’ stories and keeping track of how events unfolded. In early 2007, Different Avenues received funding from the Sociological Initiatives Foundation to research the effects of the laws. Additional funding to Different Avenues from the Third Wave Foundation, Brother Help Thyself, Community Foundation of the National Capital Region, and Tides Foundation Reproductive Justice Fund helped to complete this work.

We chose to employ the community based research (CBR) approach for our exploration of the effects of policing in D.C., because the approach enables “a partnership of students, faculty, and community members who collaboratively engage in research with the purpose of solving a pressing community problem or effecting social change.”<sup>115</sup> Unlike some traditional academic research, CBR is a collective project inherently centered on the needs and perspectives of community members. CBR does not value any one particular source of knowledge, such as academic articles or government statistics, over the wisdom of those with lived experience. This was particularly important for the Alliance because we planned to develop new information from the perspectives of those most affected by policing and anti-prostitution policy. CBR also promotes ongoing thinking about the findings and how the knowledge is distributed and deployed. At its core, the research goal of CBR is “social action and social change for the purpose of achieving social justice.”<sup>116</sup> In this instance, the CBR project was designed to examine the treatment of Alliance constituents by the D.C. Metropolitan Police Department (MPD) as part of larger explorations of freedom and justice.

### Training Community Members in CBR

The proposed project emphasized community development via training in CBR and inclusion of a wide range of community members who are affected by anti-prostitution policing in D.C. in the collection of data, data analysis and report writing. We recruited participants for training and interviewing by tapping into networks of people known to key agencies in the Alliance for a Safe and Diverse DC.<sup>117</sup> Our goal was to train 10 community members and representatives of grassroots organizations in community based research methodologies and to recruit up to eight community researchers from the group of trained participants.<sup>118</sup> Communities represented in the initial CBR training included African-American, Latino, multiracial, and white; current and former street workers, online/magazine ad sex workers, exotic dancers, massage workers, and escorts; people living with HIV; drug users; immigrants; transgender, male and female individuals; and people in their 20s, 30s, 40s and 50s.

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<sup>115</sup> Strand, Kerry, Sam Marullo, Nick Cutforth, Randy Stoecker, and Patrick Donohue. (2003 June). *Community Based Research and Higher Education: Principles and Practices*. (United States: Wiley Publishers). Page 3.

<sup>116</sup> Ibid. Page 8.

<sup>117</sup> Organizations who sent representatives to participate in our CBR training included Different Avenues, HIPS, PreventionWorks!, La Clínica del Pueblo and Our Place DC.

<sup>118</sup> Funds were available to provide stipends to community members should they wish to be remunerated for their work. Some participants chose to volunteer as researchers and others received a stipend.

The research team recruitment and training agenda were developed by Dr. Penelope Saunders of the Best Practices Policy Project,<sup>119</sup> Darby Hickey and Erika Smith co-directors of Different Avenues, and American University professor Dr. Salvador Vidal-Ortiz. The training was held at Different Avenues over two days on April 30 and May 1, 2007 between the hours of 1 pm and 7 pm.<sup>120</sup>

The training in CBR techniques included some mainstream pedagogical elements. Formally trained researchers Dr. Salvador Vidal-Ortiz and Dr. Penelope Saunders presented materials and participants practiced their new skills via preplanned exercises.<sup>121</sup> Participants were trained in the collection of reliable data about the communities of people affected by policing, data analysis, report writing and the protection of one's own rights during research. Other skills included analysis of any existing data produced by organizations working with communities and other materials available from the MPD, the court and other government officials.

The training also incorporated elements of peer education: everyone who participated was encouraged to be both a trainer and a trainee. Participants trained each other, and the aforementioned training developers, on issues relevant to the community to be surveyed. Participants lead discussions about transgender issues, language and immigration, race and racism, drug use cultures in D.C., the law and interaction with the police, male sex worker issues, and street smarts.<sup>122</sup> Brainstorming sessions were held throughout the two days of training so participants could develop research directions via a group process. During brainstorming sessions participants recalled valuable information that formed the basis for this report, such as other community based research projects, or other less formal research initiatives, conducted in D.C. in the past. This activity allowed us to utilize community knowledge as a building block in the development of the research agenda. Finally, participants were involved in determining the types of data gathering tools to be used in the community based research. We presented a variety of surveys from other research projects and reviewed different ways of gathering information such as interviewing and observation. Participants were able to suggest what kind of approach might work in different environments and allow CBR researchers and those people being surveyed to feel safe.<sup>123</sup> The training was conducted in English with peer-lead simultaneous translation to

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<sup>119</sup> The Best Practices Policy Project is a non-profit organization dedicated to building excellence amongst organizations and advocates working with sex workers in the United States. More information can be found at [www.bestpracticespolicy.org](http://www.bestpracticespolicy.org).

<sup>120</sup> The training agenda can be found in Appendix IV.

<sup>121</sup> Attendants were trained on a variety of qualitative methods (for example, interviews, ethnography and observation, and managing video/audio technology), some of which were adapted from a training model called the Rapid Assessment, Response, and Evaluation (RARE). RARE was part of an aggressive effort from the Health and Human Services and Office of Minority Health to reduce HIV among communities of color in the U.S. and Puerto Rico. The RARE training is based on an African training model called Rapid Assessment and Response. The RARE project was initially pilot tested in the U.S. in 1999, and has further developed to cover HIV Care and Treatment services. Prof. Vidal-Ortiz was a trainer and consultant for the Office of HIV/AIDS Policy during 2003-04. He adapted portions of the RARE training to the research question, issues, and populations relevant to this community based research project. For more information of RARE's history and philosophy see <http://www.esi-dc.com/RARE/overview.htm> (Accessed 28 February 2008).

<sup>122</sup> Darby Hickey worked with participants before the training to assign topic areas in which particular participants felt they had expertise. This allowed discussion leaders to prepare their thoughts and bring along extra materials that illustrated their points.

<sup>123</sup> None of the environments in which we planned to do research were particularly violent or unsafe. Regular outreach by peer educators and service providers has occurred across D.C. without incident for many years. However, the communities we intended to survey are justifiably nervous about intrusion and could react badly to, for example, an unknown observer taking notes or photographing the environment.

Spanish. Participants spoke freely in the language they felt most comfortable using, and the team was sufficiently bilingual to accommodate such translation.

### **Success of the training**

Ten participants attended the training as planned. On both days everyone was on time and almost all stayed until the end of each day. Participants from a wide range of community groups linked to the communities in which the research would take place attended and felt very comfortable in the training environment. Evaluation of the training found that participants showed a clear improvement in their knowledge of community-based research techniques, in their understanding of and attitudes towards other communities (such as drug users), and in their own knowledge of their rights. Participants reported enjoying the topics, feeling part of a team, and feeling included. The feeling of being 'included' was expressed, significantly, by a Spanish-speaking participant. The evaluator observed English-speaking participants expressing great enthusiasm about having the chance to be involved in training that was bilingual. Participants provided concrete suggestions to improve trainings in the future.<sup>124</sup> Seven participants in the CBR training joined the community research team and had ongoing input into the design of data collection tools, data collection, analysis and report writing.

### **Developing and Piloting Data Collection Tools**

The community research team elected to collect information by a short survey augmented by follow up qualitative interviewing to gather detail about subjects of interest that emerged from the short survey. Team members also planned to observe policing patterns and goings on in areas of D.C. targeted for policing, and to interview public officials, the police, and representatives of non-profit organizations to find out more about policing in D.C..

A short survey was developed to systematically document the experiences of a large sample of community members with police. Members of the community research team modified an already existing survey that had been developed the year before by members of the transgender community. The team brainstormed additional survey questions that we hoped would allow us to gather information about people's experiences with law enforcement, perceptions of the police and laws, and thoughts about what needs to be changed. We then piloted our survey tool to ensure that it would gather the information that we needed. In July 2007 we surveyed four people with the English language version of our survey tool. We found it to be very effective in most areas, and identified other parts of the survey draft that needed to be adjusted or refined. We translated the survey into Spanish and piloted it again with five Spanish speakers. After making revisions, we were ready to begin administering the survey to community members.<sup>125</sup>

Several other data collection tools were created, including: a sheet for recording observations;<sup>126</sup> a qualitative interview schedule for longer interviews with community members; and interview schedules for use with public officials. The observation sheets were to be used when surveying, doing outreach or observation visits to sites where

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<sup>124</sup> Some participants expressed the opinion that the timing should change, as many began to get tired during the second half of the program, a possible change of date and a change to include stories of people being interviewed.

<sup>125</sup> The survey instrument can be found in Appendix V.

<sup>126</sup> Dr. Salvador Vidal-Ortiz created the tool for collecting observations.

policing occurs (such as a prostitution free zone).<sup>127</sup> The qualitative interview schedule for use with community members was created by the Community Research Team.<sup>128</sup> The team also brainstormed questions for specific public officials, police officers and non-profit representatives we hoped to approach for interviews.<sup>129</sup>

## **Data Collection**

We planned to collect most of our data in the summer and early fall of 2007 because survey respondents would be most easily found in outdoor locations while the weather was warm. Additionally, much anti-prostitution law enforcement in D.C. occurs during summer months. Our decision to collect data at this time facilitated observation of any prostitution free zones or street sweeps. In late July,<sup>130</sup> community research team members paired up to go out to various areas in D.C. including locations frequented by sex workers and areas where police practices affected both sex workers and people profiled as prostitutes. Research team members compiled observational notes during surveying, noting the environment, any policing or other activity. People who filled out a survey were offered a \$10 incentive. After completion the surveys were brought back to Different Avenues where they were kept on file.<sup>131</sup> Surveying and observation occurred in street locations throughout the District. Surveyors also went to drop in centers, shelters and to venues (such as dance clubs) across the city. Community researchers were able to enter a wide variety of community sectors and venues because they are “peers,” that is that they came from those communities and knew the locations well. Researchers also partnered with staff at organizations that already had a high level of trust in these areas based on many years of work. The survey was well received and we were able to obtain more responses than we had hoped. We had originally planned to have 50 community members fill out surveys. However, after an initial review of this quantity, we realized that we needed more in order to analyze by gender, ethnicity and other variables. By the end of the surveying period in mid-October more than 110 surveys had been completed.

The team employed several additional means of collecting relevant data. Throughout 2007 team members and volunteers gathered background information relevant to the report including other reports, newspaper articles, photos and graphics. The team filed a Freedom of Information Act petition in October to obtain “the number of prostitution and solicitation-related convictions (under subchapters of D.C. Code § 22-27) from 2006 to 2007... the number of arrests and convictions under the Prostitution Free Zone law (D.C. Code § 22-2731) and the locations of these zones since the law was put into effect.”<sup>132</sup> During the survey data analysis phase, team members who were not occupied with this work secured follow up qualitative interviews with community members.<sup>133</sup> These interviews provided deeper qualitative information about topics emerging from the survey

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<sup>127</sup> See Appendix VI.

<sup>128</sup> See Appendix VII.

<sup>129</sup> See Appendix VIII.

<sup>130</sup> Surveying continued until mid-October with the majority of the surveying being done in July and August.

<sup>131</sup> Surveys were anonymous (respondents were instructed to not include their name or identifying information on the survey) but nonetheless surveys were kept in a locked file cabinet with restricted access to ensure confidentiality and anonymity. The nature of information on the survey, and the fact that respondents could indicate contact info for a follow-up interview, warranted these measures.

<sup>132</sup> Letter from Dr. Salvador Vidal Ortiz to Ronald B. Harris, Deputy General Counsel of the D.C. Metropolitan Police Department. 3 October 2007.

<sup>133</sup> We interviewed five community members to get more qualitative data to supplement the survey data gathered. Each person was offered a \$20 incentive for interviews that lasted between approximately 20 to 40 minutes.

data. We also sought interviews with D.C. government officials. We were eventually able to interview a member of the D.C. Council, two members of the D.C. Metropolitan Police Department, and the new director of the HIV/AIDS Administration. We obtained important information about the creation and implementation of laws, conflicts between different kinds of policies and approaches pursued by the D.C. government, and the perspectives of people in control of the institutions that affect our constituents' lives. Thus, while the survey was the main data collection tool, these other sources offered much more clarity to the issues researched.

### **Individual and Collective Analysis**

In late September 2007, we began preparations for analysis of the surveys. Two community members who had attended the CBR training volunteered with one of the formally trained researchers involved in the project to set up a database and to create coding systems.<sup>134</sup> The next step was to code the surveys and enter them into a computer program where they could be filtered, counted, and analyzed.<sup>135</sup> We then "cleaned" the data to be sure all entered into the database were correct corresponding to their original hard copy and that no duplicates were in the database. This brought our final valid survey tally to 111.

Research team members then analyzed the data using the questions we set out to answer at the beginning of our process. These questions flowed from our overall goal of understanding the effects of the current approach to commercial sex in the District of Columbia on a sample of people in the areas prioritized by the Metropolitan Police Department for law enforcement activities.

- What are the actual experiences of people who frequent areas where law enforcement attempts to stop prostitution and/or enforce related codes? Are people treated well? Harassed? Are condoms confiscated? Are people moved on from prostitution free zones? What happens during arrest and incarceration?
- What happens when members of these communities encounter a situation where law enforcement should be playing a protective or assisting role?
- How do these communities perceive law enforcement?
- Are there other factors/people that may cause problems or help people in targeted communities?
- What are the opinions of community members surveyed about the enforcement approach?

The qualitative interviews were transcribed by team members and volunteers. Research team members analyzed and coded them for emergent themes, which we incorporated into the results section with the survey data. Interviews with public officials were also transcribed and quotes compiled to include throughout this report.

Our final steps were to write each section of this report. We began by collectively developing an outline for our report and setting timelines for completion of each section.

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<sup>134</sup> This was a first time experience for the two community members. Dr. Penelope Saunders and two community members read over approaches to data analysis and collectively created the database together.

<sup>135</sup> Nicoletta Stephanz, a consultant, provided technical assistance to the team regarding the filtering and management of data.

Our first priorities were to complete the background and results sections. We assigned team members to write different parts of each section and we then reviewed each other's writing offering edits, revisions, and additional information.

As part of our commitment to collaborative work in completing the report, we held a community forum to discuss our initial findings in February 2008. We spread the word about the session through our peer networks and during outreach activities. This was a very successful event, held at the offices of HIPS,<sup>136</sup> that provided additional insights, information and recommendations to include in the report. Team members presented the initial findings of the research to the attendees, recording responses, observations and opinions of community members participating in the forum. Those present generated thoughtful discussions about the meaning of the findings, their thoughts on possible recommendations, and personal stories that gave further depth of understanding to the survey data. Next, the research team members had to systematically read through the data we had gathered and write our conclusions and recommendations, building off of discussions in the community forum.

Our final weeks before publication of the report were dedicated to making revisions and edits, inserting graphics and charts, asking individuals with relevant knowledge and experience to read over our report and to give feedback, and planning an event for the release of the report. Although it made for more work, creating the report in this collaborative way was in line with our values and goals of completing a project with leadership at all levels and all times by people most affected by these issues, and in the end we feel that the value of our approach shows clearly in these pages.



*Figure 8: Presenting preliminary results at Community Forum and brainstorming recommendations. Photo taken February 21 2008 by PJ Starr.*

## Results

In this section we present the results of our survey and qualitative interviewing. Some charts and graphs have been placed in Appendix I to facilitate the legibility of this section.

### Summary of Respondents' Demographic Information

Survey respondents were roughly evenly divided amongst differing gender identifications—32.4% of the sample identified as female, 31.5% as male, and 27% of respondents indicated a “trans” identity.<sup>137</sup> Ten respondents, or 9% of the sample, did not indicate gender identification. The majority of survey respondents were African-American (56%) or Latino (31.5%), with other groups represented in very small numbers. 15 respondents, or 13.5% of the sample, did not indicate race/ethnicity. Respondents were fairly evenly distributed across the age ranges except for the under 18 category which only two respondents indicated.

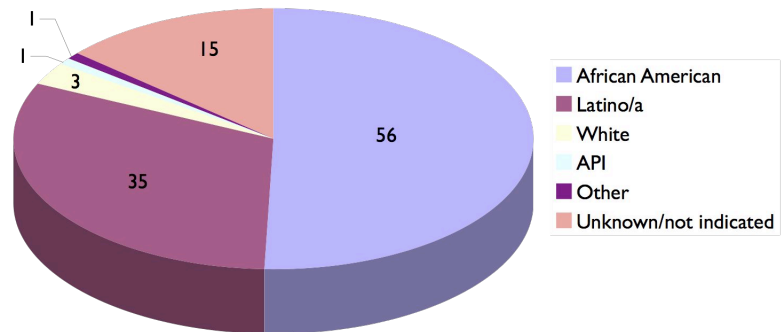


Figure 9: Race/Ethnicity, number of individuals in each group

Sexual orientation was a more difficult characteristic to measure, based on the responses that we received. A large number of respondents, 35.1% of the sample, did not indicate sexual orientation.<sup>138</sup> Of those who did respond to this question, 28.8% indicated that they were gay or lesbian. 21.6% identified as heterosexual. 10.8% identified as bisexual. A small number of other identities and responses were also recorded.

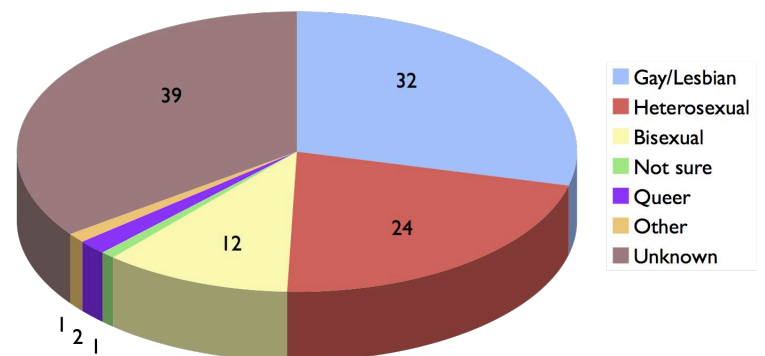


Figure 10: Sexual Orientation, number of individuals in each group

<sup>137</sup> In Washington D.C. many people from trans communities identify themselves as “transgender” as a catch all term for transsexual, transgender, and other gender non-conforming identities. Respondents were able to indicate “transgender,” “trans woman,” or “trans man” on the survey. 21 respondents identified as trans women. Three respondents identified as trans men, and six as transgender. While we used the term “trans man” to indicate a person identifying as male who may have previously been identified as female, it is our belief that the three respondents who marked this category did not interpret this term the same way. Although we cannot be sure, we believe these three individuals were identified as male at birth and identify at time of the survey as both transgender and male. This is a good example of the limits of current language to capture the diversity of sexual and gender experience and identity, particularly from diverse and marginalized communities. From this point on we will use the term “trans” to refer this group of people who responded to the surveys and interviews, unless speaking about an individual in which case we will attempt to describe individuals as they described themselves in surveys or interviews.

<sup>138</sup> 17 trans people, more than half of all trans people interviewed, did not indicate their sexual orientation. This is significantly higher than other gender categories. Only six females and nine males did not identify a sexual orientation. It is possible that people who indicated being trans, considered this both a sexual orientation and gender identity. This issue may be further complicated by the realities of the people we were surveying. Many people with sex worker experience might view their sexuality with more complexity because of these experiences and therefore would not be as easily captured in such a simplistic set of options.



### Sex work and other life experiences

Almost half of people surveyed (48.6%) had some form of sex work or exchange experience.<sup>139</sup> This includes the 44.1% of survey respondents who checked at least one box indicating that they were a sex worker, internet worker, street worker, dancer, or working in a venue, as well as five participants who did not check any box in the “sex work” section but noted somewhere on the survey that they had exchanged sex for something they needed.<sup>140</sup>

This included notes written in any section about exchanging sex for drugs. Some respondents checked multiple options indicating, for example, that they worked on the street and online, or that they danced, worked the streets and online. The most commonly listed form of sex work was street based sex work, but the majority of “sex worker” respondents indicated working somewhere else including online, exotic dance, or other venues.

Some survey respondents provided more information by writing additional comments about their experiences in sex work and/or in exchanging sex for something they needed. Some were positive about their involvement in sex work and their lives in general. “Will work for money. Sexual or otherwise... I've had an exciting life,” wrote a woman who identified herself as both a dancer and a sex worker. “I enjoy my life,” noted a street working trans woman. Several

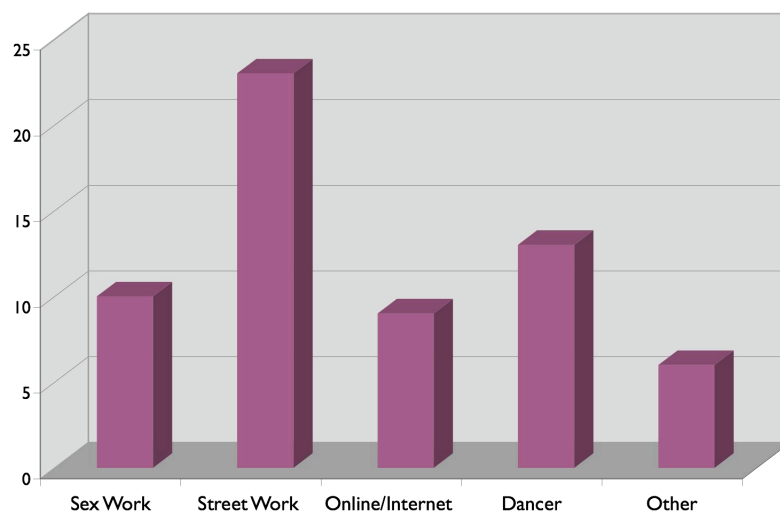
participants indicated a relationship between engaging in sex work and drug use or homelessness. One respondent wrote, “Just moved in with friend stopped using, now on lease, less sex work now at home.” Another wrote that, “I work ‘4’ drugs.” Similarly someone commented, “... when I [prostitute] I get it for drugs.” More than a quarter of respondents (28.8%) indicated that they considered themselves “drug users,” and 22.5 % of participants indicated homelessness.

The survey did not prompt for details of drug use or homelessness specifically. We received a limited amount of additional information about respondents drug use through additional comments written on the survey. Six people wrote more about the status of their

**“What I do is not just a choice, it’s a matter of survival. I have to live somehow. Is it right? I don’t know but it is what it is.”**

*–African-American woman identifying as a street worker and a dancer*

Figure 11: Types of sex work indicated



<sup>139</sup> Respondents were able to indicate their self-identified experiences in sex work and if they considered themselves drug users or homeless. They were also provided space to indicate “anything else about [their] life experience that [they thought] relevant.” We knew from the pilot process and our experience in the community in D.C. that not all people who engage in commercial sex use the term “sex work” to describe themselves. Even though we had to keep the survey form short for ease of use, we included several options for people to select when filling out the form. Respondents could check boxes indicating that they were a “sex worker,” “dancer” or “street worker.” Boxes could be checked to indicate other places they might work such as the “Internet” and “other venue.”

<sup>140</sup> Three of these people indicated trading sex for drugs and two indicated having charges for prostitution and exchanging sex for drugs.

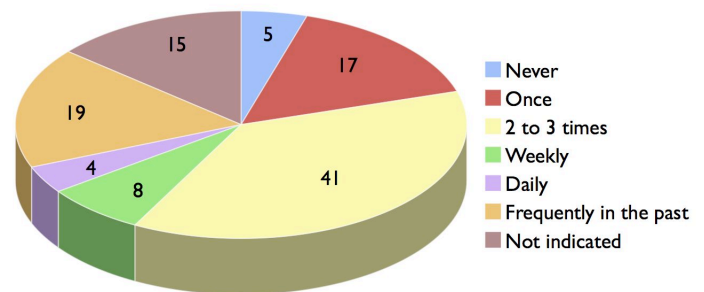
drug use (i.e. whether or not they were still using drugs or were in treatment). Even though we obtained this additional information, we did not get a full picture of people’s drug use experience. We do not know what kinds of drugs people were using, the frequency of drug use, or whether or not people view their drug use as recreational, as a problem, or otherwise.

Similarly we did not receive much more information about what “being homeless” meant for people who indicated this. One person wrote: “Homeless needs to speak out more on [their] situation” and another wrote: “I am a very good person and I need help b/c I am homeless.”

### Police Initiated Interactions

Respondents were asked to indicate how often police approached them. Most respondents (41 people or 37.6% of the sample) indicated that they had been approached “2 to 3 times.” 19 respondents or 17.4% of the sample indicated that they had been approached “frequently in the past.” 17 respondents said that the police had approached them one time.

Figure 12: How often did police approach respondents



People surveyed could detail interactions initiated by the police in several different ways. The first section of the two-page survey asked respondents if they had ever been stopped or approached by the police. Various options ranging from an ID check to arrest, were available for respondents to check off. Respondents were also able to provide detailed information about experiences and indicate if they had had a positive (“good”) or negative (“bad”) experience. Respondents were asked in a later question if the police had told them that they were in a “prostitution free zone” or if the police had asked them to “move along” because they were believed to be prostitutes. Finally, participants could indicate whether or not they had been arrested, the reason for arrest, and describe their experiences during lock up. Two surveys were removed from the analysis in this section because respondents reported interactions exclusively with police outside of the District of Columbia.<sup>141</sup>

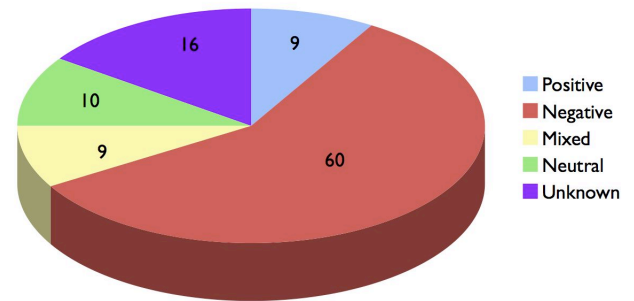
Reviewing the experiences of 109 respondents we found that:

- 104 respondents or 95.4% reported interactions initiated by the police in the District of Columbia
- Five respondents or 4.6% reported never having being stopped by the police for any reason (that is that they had no experiences indicated under questions 1, 3 and 5)

<sup>141</sup> One respondent appeared to only have interacted with the police in Canada, while the other had encounters in Maryland and Virginia only.

Of the 104 respondents reporting interactions initiated by the police in D.C., 60 or 57.7% reported having primarily negative experiences. Nine or 8.7% reported primarily positive experiences. Nine people reported mixed experiences (both positive and negative experiences). 10 people (9.6%) reported that their experiences had been neutral or routine (neither good nor bad). 16 people (15.4%) did not provide enough information to assess their experience as positive, negative or neutral.

Figure 13: Overall Experience During Police Initiated Interactions (ID check, arrest, etc)



**Negative experiences included:**

- Being insulted, humiliated or verbally abused by officers including during relatively low level interactions such as asking for identification.** 40 respondents (38.5% of all people reporting police initiated interactions) indicated that this had occurred to them. An example is provided by a white female, who identified as a street and online sex worker and a drug user. She commented that when the police stopped her on K St, NW, they asked her for identification and then, *“The police made fun of me and talked shit.”*
- Experiencing discrimination or being humiliated by officers because of presumed engagement in sex work.** For example, in September of 2007, one respondent was stopped and asked for identification on Potomac Avenue and was then arrested for “prostitution.” The respondent noted that during the checking of ID, *“He [police officer] called me a whore, prostitute and trick.”*
- Being falsely arrested because officers “profiled the person as a prostitute.”** For example, a Latina trans woman under 30 years old, reported a negative experience because in her opinion she was falsely arrested on the street in December 2005. *“It was a bad experience firstly because they didn’t want to listen to me and then accused me with out proof.”*<sup>142</sup> Regarding the arrest she noted that *“they said it was prostitution”* adding that the police had no evidence of this. She also reported that the police had taken her condoms.
- Confiscation or destruction of condoms and other safe sex supplies by officers during interactions.** Nine respondents indicated that this had occurred to them. This represents 8.6% of all people reporting police initiated interactions.
- Experiencing discrimination because of immigration status and/or perceived or actual inability to speak English.** The survey data contained multiple instances of this reported by Spanish speaking respondents. In some cases respondents reported being denied due process during arrest. For example, a Latina trans woman indicating experience with street sex work, homelessness and drug use reported being arrested in Adams Morgan in 2006. She did not understand what she was being arrested for and was humiliated by the officers: *“[the police] took me to many*

**“The police should stop humiliating us when we’re leaving the dance club.”**

-Latina trans woman

<sup>142</sup> This comment was translated from the following comment in Spanish: *“Una mala experiencia porque primero no me quiso oír y solo me acuso sin pruebas.”*

*places in the patrol car... and I did not understand the charge... they laughed and spoke in English, occasionally they said a few words in Spanish.*"<sup>143</sup>

- **Being asked to provide sexual favors or services to police officers.** 18 respondents, 17.3% of people who had been approached by the police, reported this occurrence. Two respondents wrote that police has asked them many times for sex. 13 respondents indicated that this was a negative experience. For example, a young Latino trans man identifying as a sex worker and gay, reported being asked for sexual favors when stopped and asked for identification by the police on 14<sup>th</sup> Street NW, in early June 2007. *"The police were disrespectful because of discrimination. They asked for sexual favors."*<sup>144</sup> A white female indicating experience as a street sex worker in the NE of D.C. and also identifying as a drug user, wrote that, *"I have been approached numerous times by uniformed and plain clothes officers. I was also made to perform sexual favors to avoid being charged for prostitution."* Four respondents did not indicate whether this situation had been either good or bad and one respondent indicated that the interaction she had had with the officer was a good experience, but did not explain specifically why. She indicated that as well as asking for sex, the officer had offered to help her.
- **Being assaulted or attacked by police officers.** 10 respondents reported being attacked by police officers; this is 9.1% of all people reporting interactions with the police.
- **Being strip searched by police officers.** For example, an African American gay man, indicating experience as street sex worker, drug use and homelessness, reported that an *"officer strip searched me on the sidewalk"* during an arrest for drug use November 2006 on 5<sup>th</sup> and E, NW. Three respondents indicated that this had occurred.

#### **Positive experiences included:**

- **Receiving useful information from the police.** One respondent, a gay identified Latino and street based sex worker, recounted that, *"It was the first time I had walked that way to get home and they [the police] showed me how to find my way."*<sup>145</sup>
- **Receiving social services or support from the police.** For example, an African American male in his 40s, indicating homelessness and experience of drug use, noted that, *"I had an officer help me with clothing when I was robbed."*
- **Experiencing arrest as a "turning point" in life.** One respondent, a trans woman indicating experience as a street sex worker and drug user, indicated that being arrested for attempted robbery was in part a positive experience. *"I can also say it was a somewhat good experience,"* she wrote, *"because I needed time to get myself together because out here was running wild."*

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<sup>143</sup> This comment was translated from the following comment in Spanish: "Me llevaron a todos partes en la patrulla... y no entendia que penala... se reian y hablaban en Ingels y de repente algunas palabras en Espanol."

<sup>144</sup> This comment was translated from the following comment in Spanish: "Las policias fueran irrespetuosos porque son discriminacion. Discriminacion. Piden favores sexuales."

<sup>145</sup> This comment was translated from the following comment in Spanish: "Era primera vez que andaba por alli y no sabia como llegar a casa y ellos me indicaron como llegar."

**Police initiated interactions and respondents' real or perceived Identities**

We found a number of patterns in how people experienced these interactions differently based on their real or perceived identities. The most significant factor that we found by considering demographic factors in relation to respondents overall experience when approached by police was related to age. Young adults (18 to 24 years old) were more likely to report negative interactions initiated by police than other age categories. 75% of all 18 to 24 year olds had primarily negative experiences and none reported positive experiences.

Analysis by gender and race/ethnicity did not provide any significant trends when we examined overall experiences of being approached by the police and/or arrested.

Nonetheless, slight differences were found (see Figures 31 and 32, Appendix I). Men were

slightly more likely to report negative experiences than women or trans people; Latinos/Spanish speakers were somewhat more likely than any other groups to report having had negative experiences. People identifying as heterosexual were more likely to have had more negative interactions when approached by the police than people identifying as gay/lesbian. 71.4% of heterosexuals reported negative experiences

compared to 62.1% of gays/lesbians. Gay men and lesbians were also more likely to report positive experiences during police initiated interaction than heterosexuals. A large number of people, 39 individuals or almost 36% of the sample, did not indicate sexual orientation when filling out the survey so observations in this area may not be significant.

Finally, we analyzed if engagement in sex work and sexual exchange, drug use or homelessness was linked to negative or positive overall experiences in regards to police initiated interactions. In each case we found no significant patterns according to overall rating of experiences of interactions initiated by the authorities.

Figure 14: Experiences of interactions initiated by police filtered by age

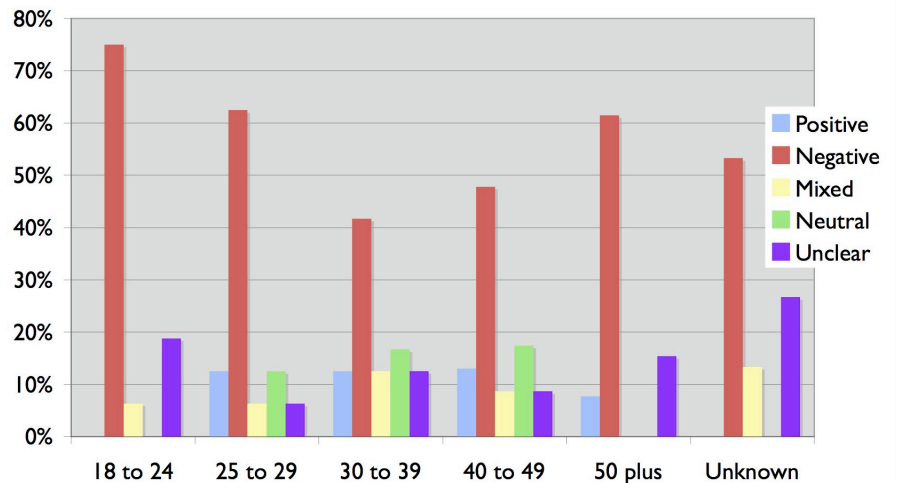
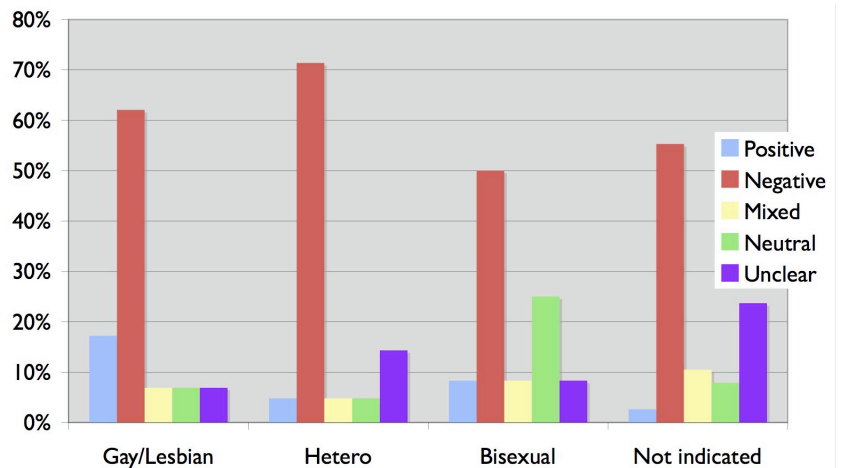


Figure 15: Experiences of interactions initiated by police filtered by sexual orientation



**Experiences of prostitution free zones and police “move alongs”**

As noted in earlier sections, the implementation of the prostitution free zone policy in the summer of 2006 was a continuation of police practices regarding prostitution in the District of Columbia. In order to find out more about this, we asked, “Have the police told you that you were in a prostitution free zone?” and “Have the police asked you to move along because they thought you were a prostitute?”

Respondents could indicate whether or not they had had these kinds of interactions with the police and then what they, the respondents, did when confronted with this situation. Options included to: “go somewhere else but feel less safe”; “go somewhere else but feel more safe”; “get arrested”; “went home”; or “stayed there because you felt you were doing nothing illegal.”

- 32 survey respondents indicated that the police had told them that they were in a “prostitution free zone”
- 54 survey respondents indicated that the police had told them to “move along” because the police had profiled them as prostitutes
- 24 survey respondents indicated that the police had told them that they were in a “prostitution free zone” and that the police had told them to “move along” because the police had profiled them as prostitutes

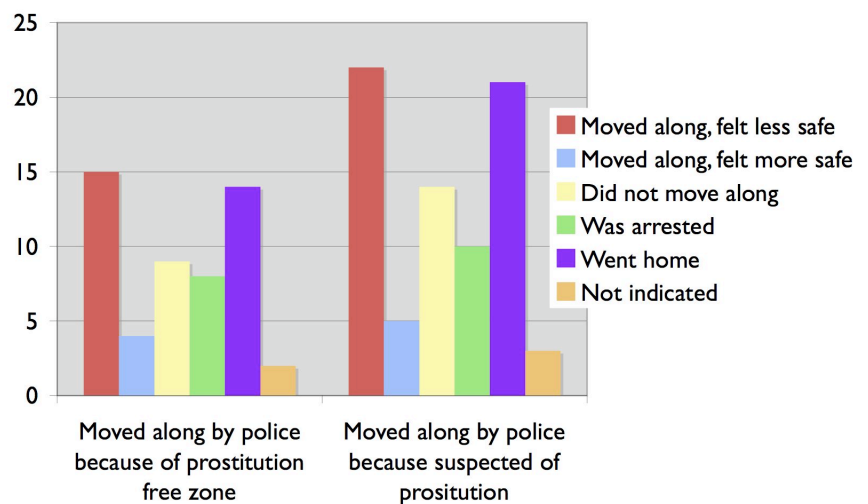
12 survey respondents indicated that they took several actions when told by the police that they were in a prostitution free zone and 20 indicated only one action (such as “went home” or “got arrested”). 15 respondents (46.9% of all people reporting hearing that they were in a prostitution free zone) said that they had moved along to another place but felt less safe. Only four (12.5%) said that they moved and felt safer. Nine people surveyed said that they refused to move believing that they were doing nothing illegal and three of these respondents were arrested. A total of eight people reported being arrested after being told that they were in a prostitution free zone.

11 survey respondents indicated that they took several actions when they police told them to “move along” because the police had profiled them as prostitutes and 43 indicated only one action (such as “went home” or “got arrested”). 22 respondents, 40.7% of people who had been asked to move

**“These streets [don’t] belong to the police. They belong to all of us because we pay our tax dollars so we should be able to walk freely. We should be able to do whatever we want to as long as we’re not jeopardizing our lives or someone else’s life”**

—Interview with African-American trans woman, 21 September 2007.

Figure 16: Result of being asked to move along



along by the police, said that they had moved along to another place but felt less safe. Only five (9.3%) said that they moved and felt more safe. 14 people surveyed said that they refused to move believing that they were doing nothing illegal and four of these respondents were arrested. A total of 10 people reported being arrested after being told that they were told to move along.

### **Experience of arrest and lock up**

***“They didn’t give me my rights, they didn’t give me my things, they didn’t give me an interpreter and they put me in a freezing cold cell.”*** —Young Latina trans woman

Almost two thirds of the people we surveyed (70 out of 109 people) experienced arrest in the District of Columbia. Two respondents reported arrests that did not occur in the District and so were removed from the sample for this section. Most of these individuals indicated why they were arrested, but 27 respondents did not report the reason for their arrest.

Among those who did give a reason, the majority of them (19) were arrested for something related to prostitution. Of this group, six people reported being arrested simply for “prostitution”; nine people reported being arrested specifically for “solicitation”; one person reported being arrested for solicitation and for “failure to appear in court;” two people reported being arrested for street related prostitution and one person was arrested for online

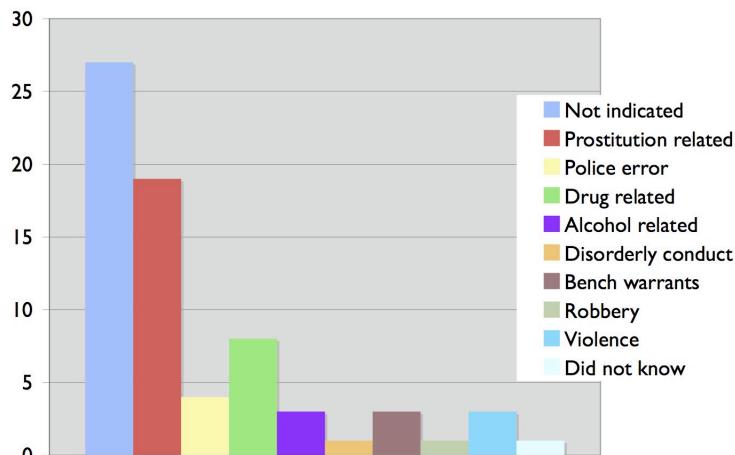


Figure 17: Reason for arrest

prostitution. After prostitution, the next most common reason for being arrested was related to drugs (such as drug possession or distribution). Four people said they were arrested as a result of police error and one person indicated not understanding why he had been arrested. Other reasons shared by respondents for being arrested included alcohol related issues, disorderly conduct, bench warrants or “failure to appear in court,” robbery or something related to assault or violence.

Males were more likely to experience arrest than females or trans people (see Figure 33, Appendix I). African Americans were more likely to be arrested than other groups. People identifying as bisexual (10 out of 12 people), were more likely to be arrested, though once again the sample of sexual orientation has a large number of people not identifying. People over 30 were more likely to have been arrested than young people (see Table 34, Appendix I). People identifying as homeless or as drug users were more likely to experience arrest. No difference was found in regards to participants’ identification as sex workers.

**“It went from “okay, I’m going to jail and spending 50 trying to get out,” to “oh, you want to get out, it’s 75,” to “oh, you want to get out, it’s a hundred dollars.” ... then it started getting more intense. Like, now, on your record, if you have a whole lot of pussy cases, they turn it into a felony and you’re going to get time-time.”**

—African-American woman, former street worker

Survey respondents could indicate how they were treated in lock up. 37 or 52.9% of those who had been arrested indicated that they had received the same treatment as every one else.<sup>146</sup> 28 or 40% of those who had been arrested indicated that they had received worse treatment than others. A small number of people said that they were treated better than others.

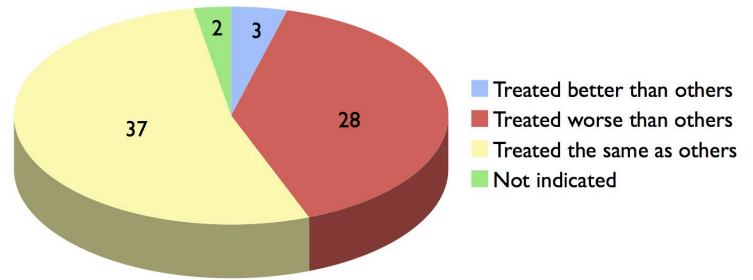
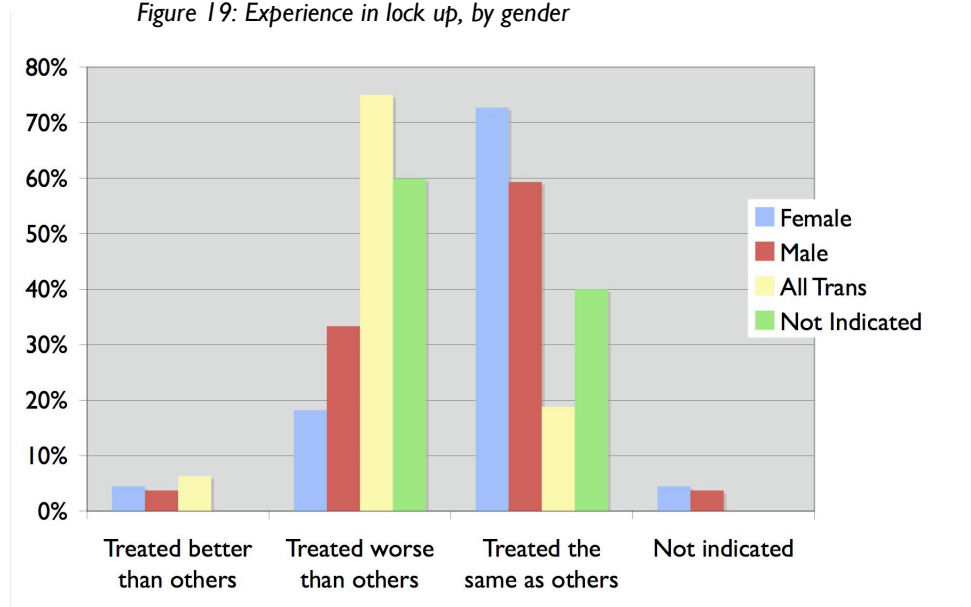


Figure 18: Experience in lock up

Members of specific communities face worse treatment and human rights violations while locked up. Specifically, trans people, young people and Latinos were much more likely to say that they had received worse treatment in lock up. 75% of trans people who had been arrested said that they were treated worse than others (in comparison to a third of men and 18.2% of women). 82.4% of Latinos who had been arrested said they were treated worse than others, in comparison with 25.6% of African Americans (see table 36, Appendix I). 87.5% of young adults (18 to 24 years old) who had been arrested said that they had been treated worse than others (see table 37, Appendix I).

Figure 19: Experience in lock up, by gender



<sup>146</sup> Many respondents indicated being treated the same as others in lock-up but this does not mean they were treated well. D.C. Jail has been plagued by lawsuits, including accusations of serious human rights abuses and overcrowding. *Class-action status granted to lawsuit against D.C. Jail* Washington Times, 30 March 2007. If being treated the “same as others” could mean being treated quite badly, it begs the question of how awful being treated “worse than others” might be.



## Reaching Out to the Police for Assistance

**“I feel less safe with the police than without them.”** —Community Research Team  
Interview with community member (name withheld by request), 29 January 2008

Respondents were asked: “Have you ever had a situation when you needed help from the police?” Respondents could detail what types of situations they needed help in, and give information about location and date. They were then asked whether or not they called on the police in those situations. If they didn’t, there was space where they could explain why not. If they did, they could indicate whether or not they were satisfied with police response by choosing either “Yes, they helped,” or “No they did not help.” They could also mark whether or not they were treated well, and they could write further details.

Respondents reported 78 occasions in which they needed help from police. In 42 of these cases survey respondents provided enough information to ascertain that the incident occurred in the District of Columbia.<sup>147</sup> Figure 20 shows that in the majority of these instances, respondents report that they *did* call the police when they needed them. However, people surveyed only had a 50% chance of feeling satisfied with police response as opposed to feeling that the police either ignored the situation, or made it worse for them. This number differs greatly from the statistics for the general D.C. population. According to the MPD, the “Percent of victims of crime reporting that they were “very satisfied” or “somewhat satisfied” with the initial police services they received when they were victims of crime” was 72.8% in 2004, the last year for which data is available.<sup>148</sup> The MPD target for satisfaction was 78%.

Figure 20: Instances requiring help reported to

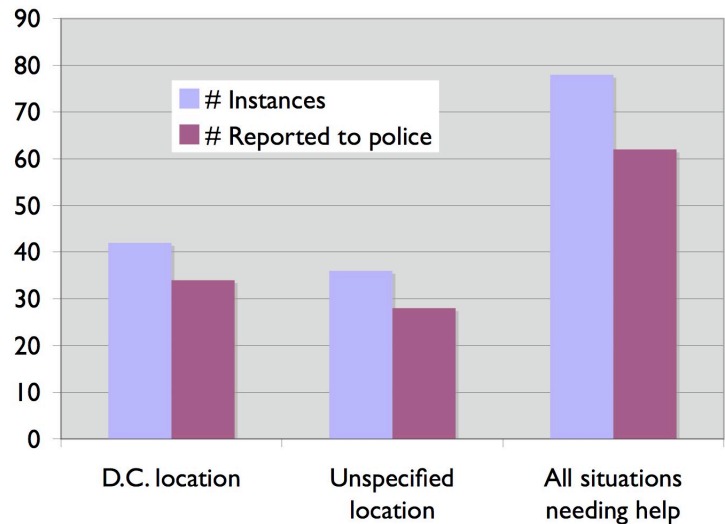
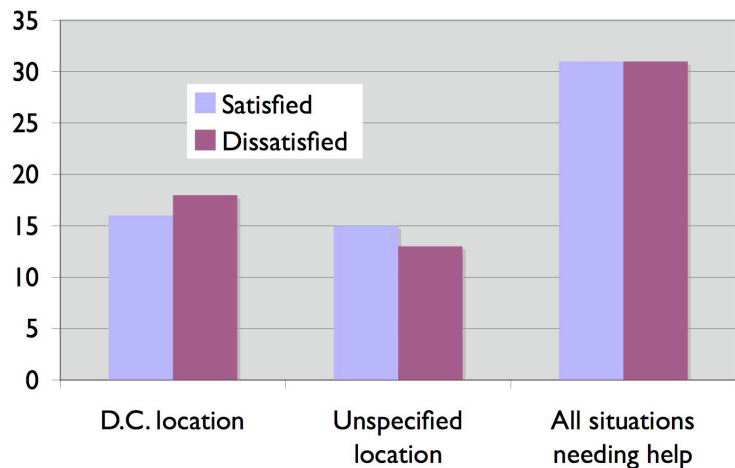


Figure 21: Satisfaction with police response



<sup>147</sup> While there are 111 survey respondents, six respondents reported needing help in jurisdictions outside the city. This section refers only to the experiences of the remaining 105. 34 respondents did not mark the location where they needed help, or indicated that the incident happened where they lived or worked, but didn’t indicate where they lived or worked. These respondents may or may not have needed help specifically from MPD.

<sup>148</sup> District of Columbia, Office of the Chief Financial Officer, “Government of the District of Columbia FY 2007 Budget and Financial Plan,” 5 June 2006.

Information gathered from qualitative interviews helps to explain why people in the communities surveyed are dissatisfied with police response. One community member interviewed recounting her experience going to the police for help with a robbery said, “I called the police for help, and the only thing they kept asking me was, ‘was I out doing sex work?’ instead of trying to see if everything was all right, or try to go after the suspect. They just kept saying, ‘Well, so what were you doing out here? Were you doing sex work? Just tell us the truth.’ And I’m like, ‘It doesn’t matter what I was doing out here. Just note that a crime has been committed and I reported it, so why are you worried about what I was doing?’”<sup>149</sup>

In 13 incidents respondents reported *not* calling the police when they needed them.<sup>150</sup> The reasons people gave for not calling the police are instructive. Some respondents feared being targeted for arrest either because of immigration status, or for suspected prostitution. A Spanish-speaking respondent wrote, “I was robbed by a client... if I had reported it, I could have gone to jail.”<sup>151</sup>

**“The [police] refused to help me when I got robbed on my birthday at 3am.”**

—Woman in her 40s,  
dancer and street worker,  
homeless drug user

When the data is broken down by ethnicity, reported sex work status, and reported drug use, there are some significant disparities (see figures 39, 40 and 41, Appendix I). Latinas and Latinos were far more likely to report dissatisfaction with police response: 66.7% versus 40% for African-Americans, and 20% for “not indicated” ethnicity / race. Trans people were also more likely to report dissatisfaction (about 60% for all trans, and 75% for people specifically identified as transgender, versus 50% for those identifying as female or male), as were those who listed themselves as drug users (61.5% versus 46.9% for those not indicating drug use), and those who reported being sex workers or having traded sex for something (73.7% versus 35% for people not indicating sex work experience). Of respondents who reported being homeless, a slight majority reported being satisfied with police response when they needed help. However, the numbers involved are too small to represent a trend.

### **Why Were Some Participants Dissatisfied with Police Response?**

Reasons for dissatisfaction with police response resulted from neglect and discrimination by police, and / or different forms of abuse by officers. Some respondents indicated a general lack of response on the part of police as a reason for being dissatisfied with MPD’s approach when they needed help. An African-American woman in her 40s who reports being homeless wrote, “...when you call them they do not come sometimes.” A Latino transgender person who indicated being a sex worker and using drugs wrote, “The police couldn’t do anything after I called about domestic violence.”<sup>152</sup> A Latina woman in the 18-

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[http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/2007/dc\\_Budget-Volume\\_2d.pdf&open=133210](http://cfo.dc.gov/cfo/frames.asp?doc=/cfo/lib/cfo/budget/2007/dc_Budget-Volume_2d.pdf&open=133210) (Accessed 6 March 2008).

<sup>149</sup> Community Research Team Interview with community member (name withheld by request), 29 January 2008.

<sup>150</sup> Respondents gave sufficient information to ascertain that seven of these incidents were in the District and 6 of the locations were not detailed enough to know. There were a number of respondents for whom it is unknown if they contacted the police.

<sup>151</sup> This comment was translated from the following comment in Spanish: “Me robaron un cliente... si voy a denunciar, en la carcel.”

<sup>152</sup> This comment was translated from the following comment in Spanish: “La policia no podia hacer nada despues de llama por la violencia domestica.”

24 year-old bracket who reports being a lesbian wrote, “[the police] never arrive when it’s something to do with our rights.”<sup>153</sup>

Information collected from qualitative interviews illustrated that police were less willing to recognize the full range of forms of violence. A young Latina trans woman who reported street harassment to a police officer had the following experience. “I explained to the police officer that I was a transsexual and for that reason, that man threatened me and by the end he [the police officer] said, ‘he only said something to you, nothing happened.’ And I was upset with [the officer] and I said, ‘So he [the street harasser] has to do something [physical] to me and then I can call you?’ [Then the police officer said], ‘Can you just give me your number? Maybe I can do something for *you*.’ ... I was really upset... [because] by the end, he wants to hook up with me...”<sup>154</sup> In this case not only were her fears ignored but the officer used the opportunity to inappropriately turn the situation from her concerns for safety to his desire for sex.

**“The police are never there when you need them the most. Especially if you are a transgender girl or gay [or] LGBT.”**

—Latina trans woman in the 18-24 year-old range, who indicated satisfaction with the police response when she needed help

Many indicated that police were unhelpful because they discriminated against respondents; either because of their gender identity, sexuality, sex worker status, homelessness, ethnicity, or immigration status. An African-American male in his 40s, a sex worker, and homeless, wrote about why he did not find the police helpful when he needs them, “Because they think you are the person doing the crime.” A Latina trans woman in the 25-29 year-old bracket, who reported trading sex wrote, “When police saw that I am a transsexual girl, they paid no attention to the case but it was sexual harassment.”<sup>155</sup> A Latina trans woman in her 30s who reports being a sex worker who works online, wrote, “I am already singled out by many police officers (specially Latino).” A number of respondents indicated discrimination and insensitivity on the part of police towards immigrants who needed translation. A Latino who did not identify gender in the 25-29 year-old bracket reports: “My friend had experienced a crime against him. We went to the police and they took our testimony. [The police said,] ‘it doesn't make sense to report it.’ I had to tell them I don't speak enough English 3 times.”<sup>156</sup>

**“Hopefully in the year of '08, we [will] have a better year as far as the police working with sex workers that we would be able to come together, ... to collaborate and work together so we can make the streets safer for the sex workers, because that's the primary purpose, not to tell someone what they should or shouldn't do.”**

—African-American trans woman

<sup>153</sup> This comment was translated from the following comment in Spanish: “Nunca llegan cuando se trata de nuestros derechos.”

<sup>154</sup> Community Research Team interview with community member (name withheld by request), 3 December 2007.

<sup>155</sup> This comment was translated from the following comment in Spanish: “Porque al verme que era una chica transexual no me pusieron atencion del caso pero si tuve acoso sexual.”

<sup>156</sup> This comment was translated from the following comment in Spanish: Un amigo necesitaba ayuda... quisimos reportar un delito los agents dicen necesitan testigos o prueba... ‘It doesn't make sense to report it.’ I had to tell them I don't speak enough English 3 times.”

### **Why Were Some Participants Satisfied with Police Response?**

Some respondents had positive things to say about the police response. An African-American woman in her 40s wrote: "Police helped me get a stay away order from the person who assaulted me." An African-American male in his 30s wrote that he received help when he "was having a seizure." One African-American female said during a qualitative interview that in the past the police seemed to be more responsive. "[W]e'd [sex

**"Then the police, they [had] them. They had already stopped them. So I went over there and I was like 'Some mother-fucker just shot me, look at this shit man. This is a brand-new dress. My folks gonna be mad.' And the little boy was like 'Man, fuck her, she ain't nothing but a ho' anyway.' And [the police officer said] 'Fuck yeah, she ain't nothing but a ho', but you're the one going to jail'."**

*—African-American woman describing a time police were helpful when someone shot her with a paintball gun*

workers] built a good rapport with them [the police] like that. And like if we get a bad date or something, we'll tell the police and they'll look out for us. We had some good ones out there."

Several participants who indicated satisfaction with police response also wrote in comments that would indicate negative perceptions of the police. For example an African-American trans woman in the 18-24 year-old bracket, who reported working on the street as a sex worker, indicated that police did help when she called on them. However she has a negative perception of police, "Because they are not mature." Another African-American trans woman who identified as a street worker, reported satisfaction with police response but wrote, "A lot of times I try not to bother the police here because I know what I am doing is wrong." An African-American woman in her 30s who indicated doing sex work on the street and who also identified as a dancer and a drug user, indicated satisfaction with police response, writing: "I needed help with my oldest daughter." However, her overall perception was that, "The police need better training with customer relations." An African-American woman in her 40s indicated that the police helped her, but had some

overall negative feelings about police, "Because the police take you through unnecessary situations."

## Perceptions of Law Enforcement in D.C.

We asked people to indicate whether or not they felt afraid when they were approached by the police. The majority of survey respondents reported having fears and negative perceptions of the police. Almost four out of five respondents indicated at least one of a number of fears relating to immigration, violence, harassment, arrest, humiliation, generalized fear, and others. Almost half of the responses indicated multiple fears such as a combination of harassment, arrest and humiliation. “They see a black person, or a person that they feel is from a low budget community walking down the street, they say, ‘Let me see your ID’,” said one African-American woman about her perceptions of

**“I don’t fear police in general unless they start talking about immigration.”**

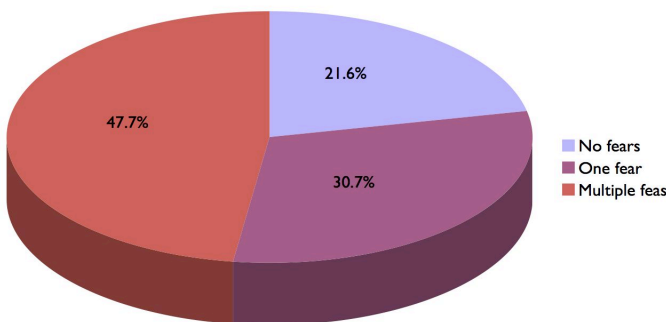
–Latina trans woman

profiling by the police.<sup>157</sup>

Approximately 22% of respondents did not indicate any fears.

The most common fears indicated by survey respondents were humiliation (42.3% of all respondents), arrest (41.4% of all), harassment (36% of all) and violence (26.5%). Almost equal numbers of people (just under 20%) indicated immigration fears or “I don’t know why but I fear the

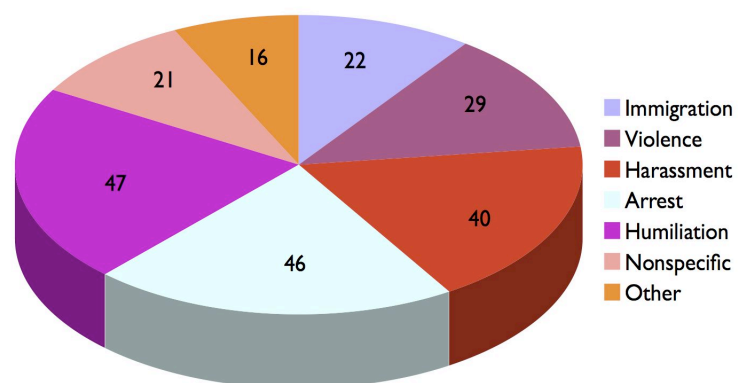
Figure 22: Percentage of respondents fearing police



police.” 14.4% of all respondents indicated that they had “other fears” about the police and some wrote on their surveys what they feared. Several wrote fears related to police actions in their country of origin such as “that they are like back home, that they kill people” or “they killed my whole family.”<sup>158</sup> Other comments alluded to general impunity of police as a fear, “they do what they like,”<sup>159</sup> and discrimination. Approximately a third of all respondents indicated fears of the police that did not include arrest – this was illustrated by a comment of one community member during our forum presenting initial findings: “We don’t mind to be arrested but why do they have to humiliate us, harass us.”

Trans respondents were the most likely of all genders to have fears of the police (86.7%) while male and female respondents were less likely (68.6% and 70.6% respectively). Females and males were also more likely to report “no fears,” while only 10% of trans respondents

Figure 23: Types of fears indicated by respondents



<sup>157</sup> Community Research Team Interview with community member (name withheld by request), 29 January 2008.

<sup>158</sup> This comment was translated from the following comments in Spanish from two different respondents: “Que son como alla. Que matan a la gente” and “Mataron a todo mi familia alla.”

<sup>159</sup> This comment was translated from the following comments in Spanish: “Ellos hacen lo que quieren.”

indicated “no fears.” Trans respondents reported fears at higher rates than others, sometimes much higher. For example 33.3% of trans respondents feared violence (versus 26.5% overall), 46.7% feared humiliation, and 36.7% feared immigration.

Not a single Latino respondent indicated no fears of police (Figure X, Appendix I). Latinos were more likely to have all fears across categories: 60% feared immigration and arrest; 57% feared humiliation; and 51% feared violence. Of the 56 African-American respondents, most indicated some fears (58.9%) with humiliation (35.7%), arrest (30.4%), and harassment (30.4%) being the top fears. Other race samples were too small to offer meaningful analysis.

Respondents under the age of 24 had very high levels of fear of the police – 94.8% of the age group reported fears. Those over 30 years old generally reported similar, or fewer, fears than the overall sample. Respondents under 30 had higher percentages of fears across almost all categories including 34.6% fearing violence (18-29 year-olds) 43.8% fearing harassment, and 50% fearing humiliation.

Fears indicated by respondents who identified experience with sexual exchange or sex work experience were similar to the overall sample. Those who did not indicate sex work experience also expressed fears similar to the overall sample. Analyzing respondents’ fears as they correlated to location of work revealed little difference, with the exception that street-based workers were more likely to mention fears of the police than those working online, as dancers, or reporting multiple forms of work. Respondents who did not indicate a specific area of sex work were more likely to mention fears than not. These individuals more frequently mentioned fears of harassment, arrest, humiliation and non-specific fears.

Drug users were also more likely to report fears of the police (84.4%) including humiliation (50%), and non-specific fears (25%). People not indicating drug use reported fears and humiliation at lower rates than the overall sample. While homeless respondents were more likely to report fears (72%) than those who weren’t homeless (66.3%), they both reported fears at lower rates than the overall sample (78.3%). Each fear category had similar frequency as the general sample among drug-users and those who indicated being homeless, with the exception of immigration fears (much lower for drug users or homeless). A smaller percentage of homeless respondents reported fears of arrest (32%).

### **Comparing fears of police with overall experience with police**

To better understand how and why respondents fear the police we cross-examined their responses about fears with their responses about their interactions with the police. Those who had no fears were roughly as likely to have had positive, negative, or neutral experiences with the police. However, those with fears were much more likely to have had negative experiences. For example, the experiences with the police of those with fears of harassment or violence were about four times as likely to have been negative as positive. It also is clear that people had fears despite concrete positive experiences with the police.

### **Comments by respondents about fears they have of the police:**

**“Fear of losing my freedom, of being strip-searched.”**

**“[Fear] that they’ll discriminate against me.”**

**“[Fear] because I always hated the police.”**

**“[I fear] everything about the police.”**

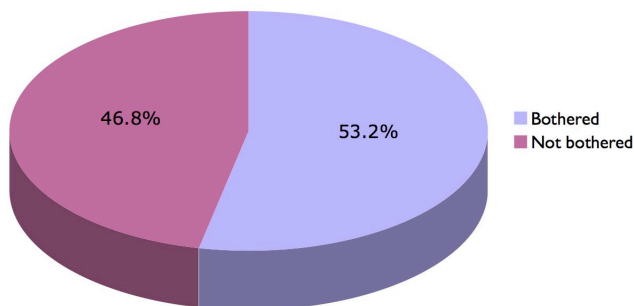
**“[Fear] that the [male officers] will touch me.”**

## Other Neighborhood Problems for Respondents

The focus of our research was on community members' experiences with police, but we wanted to also capture other factors that were affecting the people we surveyed. Historically groups that are mistreated by police also experience discrimination and abuse at the hands of others in the broader community. We attempted to capture this relationship—between behavior of the police and behavior of non-police actors—by including a question on the survey that asked, “Has anyone else given you a hard time in the neighborhood?” Participants could indicate being harassed by residents, business owners, people in cars, or “someone else.” Participants could also indicate that they had not been abused by anyone else. There was also space for respondents to elaborate or write comments on these experiences.

More than half of survey respondents (59) indicated having had a negative experience, either with “business owners,” “people in cars,” “residents” or “someone else.” 52 respondents indicated that they had never been harassed by anyone else in the neighborhood, or left this section blank. While the total number was almost equally split between those who had (53%) and had not (47%) been harassed by anyone, trans identified

Figure 24: Percentage of respondents harassed



individuals were more likely than their non-trans counterparts to be harassed. Latinos were much more likely to have been bothered than not, and more likely to be harassed or abused than African Americans. Both trans and Latino identified people were disproportionately represented amongst those who were “given a hard time.” Younger respondents also seemed to be more likely to be harassed (Figure 25).

Respondents were much more likely to be harassed by residents (Figure 44, Appendix

I). Of those who marked that they were “given a hard time” by someone besides police, 69% said they were bothered by residents—this represents 37% of all survey respondents. This is significant in how it may relate to those survey respondents' experiences with police. If they are singled out as “a problem” in the neighborhood by residents and business owners, police may also label them as criminals rather than as a person in need of support. “The carryout threatened to call the police on me,” said one respondent, a woman in her 40s, illustrating this point.

Trans and Latino respondents were more likely to indicate that they had been harassed by “people in cars.” Latinos and Latinas were more likely to indicate being harassed by “someone else.” Perhaps the visible difference of being trans or Latino in D.C. helps to explain these variations. One Latina trans respondent articulated this experience well: “They always

**“Same old same old: get off the street you ho’, slutty bitch, usual stuff from idiots.”**

—African American woman, in her 30s

**“I have problems with my family because of I what I do, my work, and who I am. They ran me out of my job because of what I do and who I am.”**

—Latino gay male

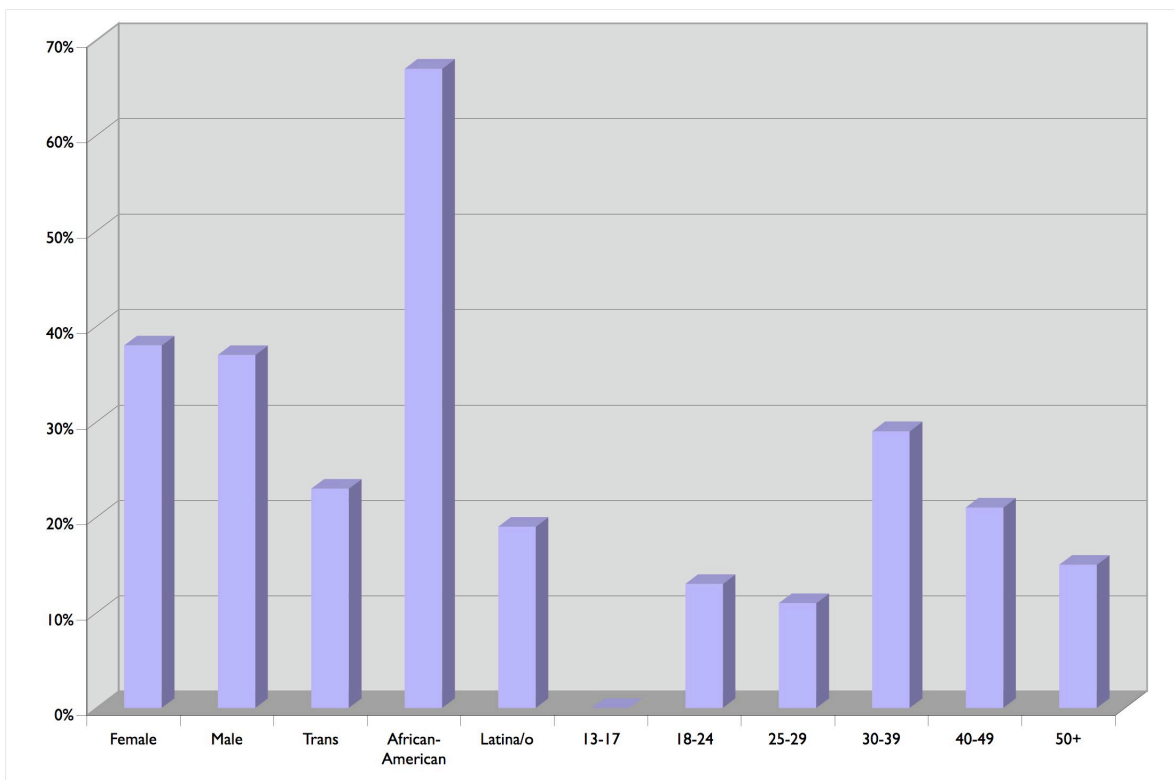
called me faggot or if I looked cunt/passing they always out me to others.” 27 respondents gave more information about other people who were causing them problems or wrote in additional comments below the question. For those who indicated “someone else” in this section, there was a variation on interpretation of this question as several respondents wrote “my family” or “my friends” or other people known to the respondent as those who bothered them.

**“People passing in cars or men in the street [say] they want to make love to me, and when I ignore them they yell at me.”**

—Young Latina trans woman

There were no significant patterns or discrepancies when looking at the individuals who were “given a hard time” versus those who weren’t based on their experiences of sex work, homelessness, or drug use.

Figure 25: Percent of respondents not harassed by others in the neighborhood





## Opinions of People Surveyed About Current Law Enforcement Approach

Participants could provide opinions about law enforcement by writing comments on the survey and by responding to a question asking if respondents agreed, disagreed or had “no opinion” about the following statements.

- Right now in D.C., police help and protect sex workers
- D.C. government should change how it deals with sex work
- Sex work should be illegal
- Arresting sex workers is the best way to help them
- There are not enough social services for people in need
- If I wanted to complain about an officer, it would be effective

In response to the statement “Right now in D.C., police help and protect sex workers,” the largest percentage of survey respondents (42.3%) disagreed. One respondent wrote that the police help and protect sex workers “only if they are pimping them.” Another commented that, “Police should be more helpful, and try to be professionals.”

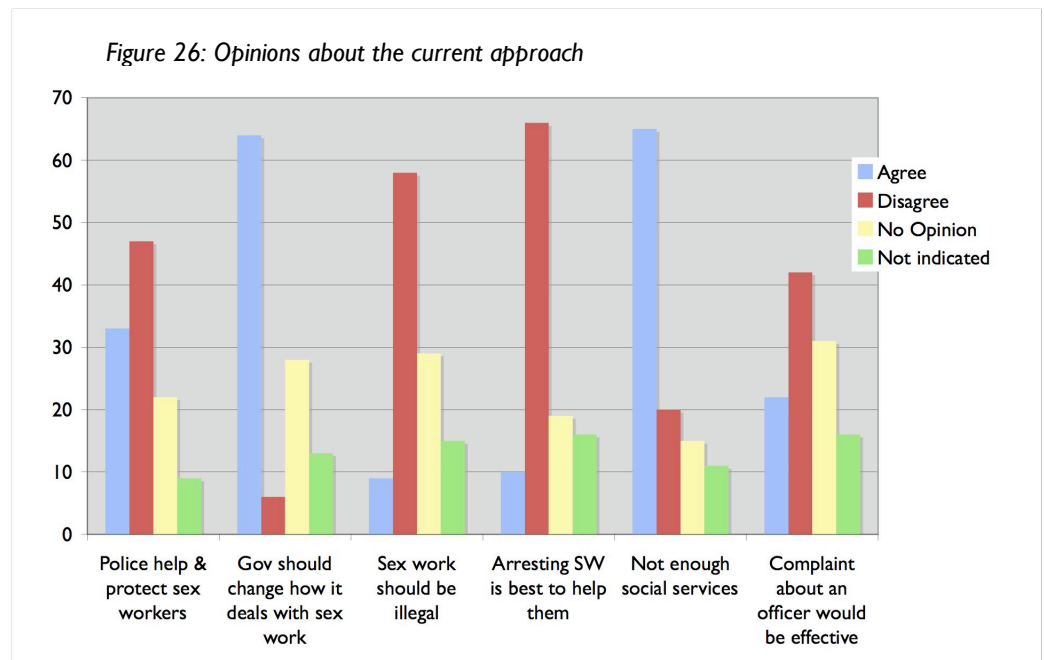
Another respondent indicated similarly that, “[The police] need to be there for us.”

Almost a third (29.7%) felt that the police do help and protect sex workers. One respondent wrote, “I was given another chance.”

The majority of respondents (57.7%) agreed with the statement “D.C.

government should change how it deals with sex work.” This indicates a desire for change from communities affected by law enforcement and anti-prostitution policies. More information about the kind of change needed is indicated by the response to the statement “Sex work should be illegal.” 58 people, more than half of the sample (52.3%), disagreed.

Did people completing the survey agree with the statement “Arresting sex workers is the best way to help them”? The answer to this was clear: 66 people (59.5% of the sample) disagreed. A couple of respondents wrote similar comments saying, “No, the police should not arrest sex workers because sex work is work.”



58.6% of people surveyed agreed with the statement “There are not enough social services for people in need.” One respondent wrote an additional comment noting that “I think there should be more programs to help prostitutes gain employment and education needed.” 20 people disagreed with this statement, indicating that they thought enough services exist. One person provided additional information that is useful for service providers. She noted that enough services exist but that the problem is that “People are not aware of them [the services]. “

How did people respond to the statement “If I wanted to complain about an officer, it would be effective”? 42 people (37.8% of the sample) disagreed with the statement. Respondents did not provide any direct comments on this statement in the space provided for comment. However, additional information provided by many of these 42 individuals in response to other questions is instructive and helps to round out a picture of disenfranchisement and disillusionment with the police and power structures. One Latina participant wrote that, “I feel that the entire system oppresses us.”<sup>160</sup> Additionally she noted that, “whenever I call, they [the police] ask for a lot of paperwork and documents. I don't go to the police, I don't believe in them.”<sup>161</sup> “A lot of people don't go forward with complaints against the police, because they don't think it will happen,” said another community member, while another noted that a case of “your word against the police” seems like a losing proposition for most of his peers.<sup>162</sup> 22 people felt that if they were to file a complaint about an officer it would be effective. One respondent from this group wrote in the comments section, “I have not had any problems with the police. I respect them and I feel protected by them. I don't do commercial sex work in the street, only on the internet.”<sup>163</sup>

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<sup>160</sup> This comment was translated from the Spanish: “Siento que todo el sistema nos desprecia.”

<sup>161</sup> This comment was translated from the Spanish: “Siempre que llamo, piden mucho tramite y papeles. No voy a la policia, no creo en ellos.”

<sup>162</sup> Community Forum, HIPS offices, Washington D.C., 21 February 2008.

<sup>163</sup> This comment was translated from the Spanish: “Nunca he tenido problemas can la policia. La respeto y me siento protegida por ellos, no hago comercio sexual en la calle, solo por el internet.”

## Discussion

In the following section we provide an overall look at trends and key issues emerging from our surveys and interviews. Our recommendations for actions to address the problems outlined here can be found in the final section of the report.

### Overall impression of policing in D.C.

Sex workers, and others profiled as such, have overwhelmingly negative interactions with the police in the District. Almost every person we surveyed or interviewed had experienced interactions with MPD, and police initiated interactions were 6 times more likely to be negative than positive. Interactions initiated by police, even mundane ID checks, were characterized by humiliation, abuse, arrest, and extortion. Furthermore, accounts from people interviewed and other sources note a trend for the worse in police behavior towards sex workers—in other words these negative practices are increasingly common.

**“The system is built to penalize and criminalize you.”**

—Community member, Community Forum February 21, 2008

As outlined earlier, police misconduct towards people presumed to be trading sexual services for money does not occur in a vacuum, but within a context of increasingly harsh legal approaches. Intimidation, false arrest, abuse and humiliation also seem to be the preferred tools of the police when interacting with many different communities in D.C. including youth<sup>164</sup> and people of color.<sup>165</sup> Arbitrary and discriminatory MPD practices have been legitimized by the D.C. Council, reinforcing perceptions by community members that the police are unaccountable and act with impunity when it comes to policing commercial sex. Not only are police-initiated interactions much more likely to be negative, people surveyed and interviewed indicated that police officers refused to help them in times of need and sometimes made the situation worse. For example, a young Latina trans woman reported when she asked the police for help because of being sexually assaulted, “They attacked me instead of helping me.”

The status quo consists of discrimination and rights violations, and rather than taking steps to address it, politicians in the city seem more interested in a “tough on prostitution” stance for political gain. The D.C. community as a whole needs to take responsibility for these issues and confront the flagrant injustices being perpetuated by the police department and city government in the name of running prostitutes out of the city.

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<sup>164</sup> Facilitating Leadership in Youth report due to be released in 2008. See [www.flyouth.org](http://www.flyouth.org).

<sup>165</sup> D.C. Office of Police Complaints. “Addressing Biased Policing in Washington, D.C.: Next Steps,” 17 May 2007.

## Discussion of key themes

### **Discrimination against sex workers and people profiled as prostitutes**

One concern that advocates had about the creation of the prostitution free zone policy in Washington D.C. was that it would bolster unfair police targeting of certain communities because people are presumed to be prostitutes, and therefore are presumed to be committing a crime no matter what they are doing. Representatives of the police department explained to the Committee on the Judiciary when the prostitution free zone legislation was under consideration that officers needed to have greater leeway to move people along or arrest them even when they were not observed to be soliciting or breaking any other element of the criminal code.<sup>166</sup> Our research reveals that being

**“How you dress shouldn’t be cause for arrest.”**

*Community member,  
Community Forum  
February 21, 2008*

**“There’s no chance to get away [during a D.C. street sweep] unless you’re standing near your car or you’re running to get in your car.”**

*—African American woman, former sex worker, interviewed November 9, 2007*

told to move along is a common experience for people presumed to be engaging in commercial sex, and that it is not limited to areas covered by prostitution free zones. Our survey did not gather detailed information on these experiences, but being told that one “does not belong” in an area raises serious concerns about human rights violations concerning rights of association and assembly. Furthermore those told to leave an area usually went into areas that were “less safe,” showing that these policing tactics are decreasing public safety for some communities. Our data also illustrates the extent to which community members are subject to law enforcement activities in D.C.’s bid to stamp out prostitution.

We gathered information about many specific cases where respondents spoke about being treated unfairly because the police assumed they were prostitutes. For example, a Latina trans woman we surveyed reported that she was falsely arrested in December 2005. The police “said it was prostitution” and confiscated condoms that she had with her. “It was a bad experience firstly because they didn’t want to listen to me and then accused me without proof,” she concluded.<sup>167</sup> Police profiling of people they assume to be prostitutes can lead to rights violations on a mass scale during campaigns to rid areas of prostitution. Police implementing street sweeps, whether they are under the rubric of prostitution free zones, All Hands on Deck<sup>168</sup> or more informal operations, are supposed to warn people in the area to leave before moving in to arrest

**“I feel that the entire system oppresses us. The whole country and the whole world is a prostitution free zone.”**

*—Latina street sex worker surveyed August 17, 2007*

<sup>166</sup> Statement by Police Chief Charles Ramsey, before the D.C. Council, Committee on the Judiciary, Hearing on Omnibus Public Safety Act of 2005, 31 May 2005. Discussion between committee Chairman Phil Mendelson, and then-Police Chief Ramsey included a back and forth about how sex workers are getting “too smart,” and speculation that the police would have to see people on a doorstep having sex and throwing money in the air to make an arrest. In a press release then-Police Chief Charles Ramsey said, “Our city has made great progress over the last several years in reducing prostitution – in particular, the presence of brazen street walkers in many of our communities. But we know we must do even more to combat this very serious problem. The new Prostitution Free Zone law will give our officers one more tool for moving prostitutes and their johns off the corner and out of our neighborhoods.” D.C. Metropolitan Police Department (Press Release) “MPDC Begins Enforcement of New ‘Prostitution Free Zone’ Law,” 31 August 2006.

<sup>167</sup> This comment was translated from the Spanish: “Que dijeron que era prostitucion. Una mala experiencia porque primero no me quiso oir y solo me acuso sin pruebas.”

<sup>168</sup> A 2007 initiative of Police Chief Cathy Lanier that purported to head off the “summer crime wave.”

them for failing to obey a police directive. Discussion of this problem in follow up qualitative interviews revealed street sweeps are so stringent that the police sometimes “don’t even give you a chance” to move along.<sup>169</sup> Service providers and community members have gathered anecdotal information that many who are arrested for prostitution-related charges are advised by counsel or judges to simply accept the charge rather than fight it, even if the person arrested believes that he or she was doing nothing wrong. We did not survey about this issue, but it would be a good topic for further research.

We gathered information that illustrates that some police accuse community members of being sex workers to humiliate them. “He [police officer] called me a whore, prostitute and trick,” wrote one survey respondent explaining how the police had humiliated her during an ID check on Potomac Avenue in September 2007. The use of the “whore” stigma by the police is part of a generalized negative attitude in the community towards sex workers.

**“What I’ve learned is that the police department, this one in particular, they are really two-faced, because on one hand they are saying, ‘Let’s reach out to LGBT. Let’s bring them to the table. Let’s engage them in the process.’ But when they find out who we are, there are certain things they don’t want to hear. They don’t want to hear that some of us are engaged in sex work... It’s okay to tell [the liaison unit] that someone just tried to rob me at Safeway, but I can’t tell you that a client took my money, or that some other police officer just did something to me. I’m not supposed to talk about that.”**

—*Latina trans woman, gay-identified*

don't want to call the law because they do not help or [they] pass judgment based on appearance so therefore they may not help out the way they should.” Even with these worries, our results show that the majority of people who have needed help from the police do attempt to seek assistance from the MPD. Unfortunately, many community members who did go to the police to seek help were asked repeatedly if they had been doing sex work at the time of the incident.

This is a very negative picture of how police in D.C. view sex workers and how their actions feed into stigma and discrimination. Our research, however, reveals some situations in which D.C. police officers were genuinely concerned about violence and other crimes committed against sex workers. We also received feedback from service providers that

Respondents indicated being insulted by people on the street. “I was called names just because residents ‘assumed’ I was a prostitute. At this time I wasn’t,” wrote a white female with experience working on the street in the Northeast quadrant of the city. Sex workers also experienced physical assaults from passersby. One woman recounted this incident: “Some little guys were riding around shooting us with paintball guns and then one of the little boys hit me [with a paintball]... They hurt... I thought I’d been shot.”<sup>170</sup>

It is not a surprise to find that some people who expect discrimination from police may not turn to them for help when it is needed. “I was being followed by a couple of men and I couldn't stop the cops because they would think I'm a hooker,” wrote a young African-American trans woman. A Latina woman wrote on her survey that, “Sometimes you

<sup>169</sup> Community Research Team Interview with community member (name withheld by request), Washington, D.C., 9 November 2007.

<sup>170</sup> Community Research Team Interview with community member (name withheld by request), Washington, D.C., 9 November 2007.

officers were open to be educated about resources available for sex workers. One police officer interviewed expressed her perspective that if sex workers are “a victim of a crime, they’re still a victim. They still have the same rights to have justice served on whoever violated them.”<sup>171</sup> These positive indications show that even though the overall situation is negative for sex workers, it may be possible to reach common ground with officers and leadership in the MPD to introduce measures to protect sex workers and to end the practice of police profiling people as prostitutes.

### **The experience of Spanish speakers and Latinos**

The history of poor relations between Latino communities in D.C. and the police dates to the 1980s. The Mt Pleasant riots of 1992 are perhaps the worst example of this.<sup>172</sup> The MPD has made an effort to move beyond this history of tension by creating a Latino Liaison Unit, yet much work needs to be done in this area. Our research indicated that Latinos

**“[The police] insulted me severely and were not sensitive to the fact that I don’t speak English.”**

—*Latina woman in the 40-49 year-old bracket*

experienced the police more negatively than African-Americans and other groups surveyed.<sup>173</sup> This was not entirely clear when looking at overall experiences of survey respondents when approached by law enforcement and while in lock up. Latinos and Spanish speakers were only somewhat more likely than any other groups to report having had negative experiences. However, examination of more specific circumstances reveals the extent of the problem. Latinos were far more likely to report

dissatisfaction with police response when they called on them for assistance. Latinos who had been arrested were twice as likely as the overall sample to be treated worse than others in lock up.<sup>174</sup> The fact that Latinos we interviewed experienced such negative interactions with the police leads to pervasive distrust of the police. All Latino respondents indicated fearing the police and were more likely than others in our sample to indicate a multitude of fears. Yet, Latinos in our sample were also very likely to need help. They were much more likely to have been given a hard time by others in the community than other groups and expressed a wide range of service provision needs.

**“I fear the police a lot. In El Salvador they're terrible.”**

—*Latino, gay man and street sex worker*

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<sup>171</sup> Community Research Team interview with Sgt Tania Bell of the MPD Gay and Lesbian Liaison Unit, Washington, D.C., 9 November 2007.

<sup>172</sup> *In Washington's Backyard: Roots of a Rebellion*. Prod. Farzin Illich and Martha Sipple. DVD. 1997. The two days of rioting in May 1991 in the Mt. Pleasant neighborhood of D.C. were sparked by the shooting of a Latino man by a MPD officer, and illustrated friction between the city’s immigrant Latino population and the police force and government.

<sup>173</sup> This is not to say that African-Americans are treated well by police in the District. The Office of Police Complaints has noted that African-Americans represented close to 80% of those filing complaints against the police in 2007, but are only 55% of the total D.C. population (D.C. Office of Police Complaints “Annual Report Fiscal Year 2007,” 24 January 2008). We received survey data from people identifying as African-American, Latinos, Asian Pacific Islanders and whites, but we only received sufficient data from African-Americans and Latinos to make a comparison.

Additional factors contribute to the tension between these respondents (Latinos who may be profiled by the police as prostitutes) and the police. An issue that emerged frequently was lack of adequate translation services and discrimination towards Latinos because they either were not, or were perceived as not, able to speak English. Respondents reported being arrested and not understanding the charge because of lack of translation. Improving access to interpreters would be a step forward but it would not be a sufficient solution given the distrust, discrimination and other problems that were reported. Some Latinos also have to contend with fears about their immigration status and with attitudes carried over from their countries of origin about extra-judicial killing by the police. More than half of Latinos feared violence perpetrated by the police. The District of Columbia's Latino Liaison Unit strives, according to the government's website to "help meet the public safety needs of the Latino community and to increase the trust and communication that exists between Latino community and MPDC."<sup>175</sup> Ideally the Latino Liaison Unit should be a place where people from the community sectors we interviewed could seek support about interacting with the police. This was an issue we explored in follow up qualitative interviews with Latinas. Discrimination against members of Latino LGBT<sup>176</sup> communities because of sexual orientation and perceived engagement in sex work was perpetrated by Latino police officers, and complaints and outreach to the Latino Liaison Unit on these issues were reported to be ineffective.

**"The police insulted me instead of helping me. They called me 'Faggot'."**

—Latino male sex worker

### **Police officers asked respondents for sex**

Almost one in five people approached by the police indicated that officers had asked them for sex<sup>177</sup> and most reported that this was a negative experience. Some of these respondents explained that they had been "made to perform sexual favors to avoid being charged with prostitution,"<sup>178</sup> or that the police had asked for sex and humiliated them. These experiences represent extremely serious abuses of power by police officers, compounding the impression that police are not interested in the public safety of people who they perceive to be engaging in commercial sex and act with impunity. It may be very difficult for community members to report these negative situations because they fear retaliation from police officers and expect that the complaint would be fruitless.<sup>179</sup>

<sup>175</sup> "La Unidad Enlace para La Comunidad Latina", <http://mpdc.dc.gov/mpdc/cwp/view,a,1232,q,558344.asp> D.C. Metropolitan Police Department (Accessed 28 February 2008).

<sup>176</sup> This finding also parallels research by Amnesty International's research on police abuse and misconduct towards LGBT communities. "Activists in Washington, D.C. told [Amnesty International] that LGBT immigrants 'have a generally negative experience with the police here', and noted that it is not clear whether their experiences are coloured [*sic*] by language differences, their undocumented status, their sexual orientation, their gender identity or expression or permutations of these factors working together." *Stonewalled – Still Demanding Respect*. Amnesty International, London, 2006.

<sup>177</sup> This is a similar percentage to that found in research by the Sex Workers Project at the Urban Justice Center in New York City. Their report on street-based prostitution (*Revolving Door*, 2003) found 17% had sexual interactions with the police, while their research into indoor prostitution (*Behind Closed Doors*, 2005) revealed 16% of respondents had these experiences. See [www.sexworkersproject.org](http://www.sexworkersproject.org).

<sup>178</sup> White female, in her 40s, indicating experience as a street sex worker in Northeast D.C. and also identifying as a drug user, surveyed 27 September 2007.

<sup>179</sup> The Office of Police Complaints, an independent quasi-government entity, is charged with investigating complaints against MPD and referring allegations of criminal conduct to the US Attorney's Office. According to the Office's fiscal year 2007 report, "Even though the agency refers approximately 15% of its complaints each year to the United States Attorney's Office, fiscal year 2007 was the first year where OPC closed a complaint as a result of a criminal conviction related to the allegations contained in the complaint. This happened twice during

There are several important elements that still require research about these kinds of interactions. For example, we do not know specifically if the officers asking community members for sex were on or off duty. We do not know how many police officers are offering to pay for sex or if most interactions are a form of extortion as some respondents in our sample indicated. We do not know if police actually follow through on their “bargain” and let community members go free if they give them sex. We explored some of these issues in follow up qualitative interviews and received some additional information. For example, one community member was clear that police officers are often her paying clients: “We had made an arrangement that he was going to come to my house ... he paid me, what we had agreed. ... when he was leaving, he called me and he said to look out of the window... he was sitting in a police car, and I’m like ‘okay,’ you know. I just didn’t pay it any mind, you know. I was like, ‘Okay. Bye.’ No big deal.”<sup>180</sup> The fact that he was a police officer was not negative for her at first because he paid fairly. It became a problem later when he attempted to use his role as a police officer to intimidate her.

**“I had one cop who was like, ‘Well, if you do this sexual favor for me, then I won’t take you to jail.’ And I was like, ‘... Take me to jail, ‘cause I am not for free.’”**

—African American woman, former sex worker, interviewed November 9, 2007

Overall our research indicates that police are asking people who they presume to be sex workers for sex (with the offer of avoiding arrest) and that police officers (like others in D.C.) are the paying clients of sex workers.

### **Harassment and profiling of transgender and gender non-conforming people**

In line with findings of other research in D.C. and other jurisdictions,<sup>181</sup> we found that negative police interactions were much more common for transgender people. Police treatment of transgender individuals has been the impetus for community-led campaigns in the city, and in October 2007 (after most of our data collection was complete) Police Chief Cathy Lanier issued landmark regulations regarding how MPD officers are to interact with members of transgender communities in the District. Police harassment of transgender people, particularly transgender women, has been unrelenting in recent history. “Walking while transgender” is a phrase coined by community members to describe the almost constant profiling of transgender women (particularly African-American and Latina) as prostitutes.<sup>182</sup> This problem is so pervasive in the District that the Police Chief’s General Order *Handling Interactions with Transgender Individuals* had to include the statement: “Members shall not solely construe gender expression or presentation as reasonable suspicion or *prima facie* evidence that an individual is or has engaged in prostitution or any other crime.”<sup>183</sup>

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the year regarding two different complaints.” One of these complaints was a case of sexual assault in 2005 by a police officer against a woman who spoke only Spanish. The officer was sentenced to three years in prison. D.C. Office of Police Complaints “Annual Report Fiscal Year 2007,” 24 January 2008.

<sup>180</sup> Community Research Team interview with community member (name withheld by request), Washington, D.C., 11 November 2007.

<sup>181</sup> *Stonewalled – Still Demanding Respect*. Amnesty International, London, 2006.

<sup>182</sup> For example see: Daley, Chris, Elly Kugler and Jo Hirschmann. *Walking While Transgender, Law Enforcement Harassment of San Francisco’s Transgender/Transsexual Community*. The Ella Jo Baker Center for Human Rights/TransAction, San Francisco, 2000.

<sup>183</sup> Metropolitan Police Department, “General Order 501 02 Handling Interactions with Transgender Individuals,” October 2007, Section IV (D).

<http://newsroom.dc.gov/show.aspx?agency=mpdc&section=4&release=12001&year=2007&file=file.aspx%2frelease%2f12001%2fGO-501.02.pdf> (Accessed 28 February 2008).



In addition to documenting police profiling of transgender women as sex workers, trans individuals surveyed and interviewed also described the often degrading and humiliating treatment they receive from the police in many different contexts. “They stop me just because I’m a transsexual black woman driving my Hummer,” wrote one survey

**No trans murder seems to be taken seriously.**

—*Comment from Community Forum, February 21, 2008*

respondent, who noted she was also humiliated. Police discriminated against transgender people not only when initiating the interaction but also when individuals needed help from the police. A Latino trans-identified individual, who reported needing help from police after being robbed, said “the police paid more attention to the other person, ignoring me because I am transgender.” Trans respondents were more likely than their male and female counterparts to express dissatisfaction with police responses to their requests for assistance, and also much more likely to identify as being treated worse in lock-up.<sup>184</sup> These experiences of the trans community help to explain the finding that trans respondents were more likely to express fears of the police than the overall sample.

Trans respondents also were more likely to indicate being bothered by others “in the neighborhood,” a situation made worse by police actions that include humiliating trans women in the street when they are arrested. One participant at our community forum shared that “the identity of a person is not respected—victimization starts with arrest and when you are paraded in front of everyone. Everyone has to know you are a transgender being arrested.” Participants at the forum also noted that police don’t treat violence against transgender people with urgency, recalling the cases of Stephanie Thomas and Ukea Davis, two young black trans women shot and killed in Northeast D.C. in 2002<sup>185</sup> “[Their murders were] swept under the rug because they were young, transgender and black,” said one participant. Another participant likened the situation to how police and others respond when a sex worker or someone presumed to be a sex worker is killed or hurt—“they was out there trickin’,” so they were “asking for it”.<sup>186</sup> And while some members of the trans community surveyed and interviewed for this research said that the Gay and Lesbian Liaison Unit has helped to improve the situation, others said they feel the unit has not been fully effective, particularly for those members of LGBT communities who also are involved in street economies or sexual exchange. “It’s like window dressing,” said one community member, adding that change must be “real, not sugar-coated.”<sup>187</sup> Community members also expressed a desire to see community organizing that would result in groups of people going to the police with their complaints, and getting witnesses to help with complaints against police.<sup>188</sup>

**“One of the things that I would do, is I would try to see more resources, more funding being given to the sex worker community, for shelter, understanding [by the police], not treating them like trash, taking any reports that you’re getting from sex workers seriously. [Police] don’t take it as a crime, [because] they’re sex workers.”**

*African-American Trans woman, former sex worker, interviewed  
21 September 2007*

<sup>184</sup> This parallels findings by other researchers, such as a report about conditions for transgender and intersex people in New York state prisons: *It’s a War in Here*. Sylvia Rivera Law Project, New York, 2007.

<sup>185</sup> Moser, Bob, “Disposable People” in *Intelligence Report*, issue 113 Winter 2003.

<sup>186</sup> Community Forum, HIPS offices, Washington D.C., 21 February 2008.

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*

### **Looking to the police for assistance, and finding police lacking**

Community organizers report being told that by the MPD that they would investigate crimes committed against trans people, the homeless, sex workers and others if people needing assistance would step forward.<sup>189</sup> Our study shows that the majority of people in our sample who need help from the police, do in fact contact the police. The problem is that the police response is not satisfactory and does not lead to the solving of crimes committed against community members. Police indifference further contributes to damaging beliefs that violence against sex workers and other marginalized communities is unimportant because they “were asking for it” or “shouldn’t have been doing that in the first place.” The most serious cases documented in our research go far beyond police indifference and include many situations in which the police made a bad situation even worse. Respondents shared information about police abusing or insulting people who turned to them for help, arresting them, or asking respondents for sex rather than investigating the crimes committed against them.

People in our survey sample overall had no better than a 50% chance of being satisfied with the police response to their requests for help. Some groups (Latinos, trans, sex workers, drug-users) had much higher rates of dissatisfaction. The bar for satisfaction was set quite low because respondents indicated feeling positive about police responses that many D.C. residents might take for granted such as police responding without discrimination and taking crime reports seriously.

While police seem to harass both sex workers and people profiled as such, those who indicated sex work experience were at much greater risk of being mistreated when needing help from police—75% were not satisfied with police response. This may relate to troubling practices of classifying individuals as “known prostitutes” —a practice, formal or informal, noted by community members<sup>190</sup> and reinforced by laws such as the prostitution free zone legislation.<sup>191</sup>

### **Effects of current policy on HIV prevention and other health initiatives**

In many jurisdictions in the United States, sex workers and people perceived to be sex workers report that condoms and safe sex materials are taken from them during arrest or are destroyed by the police.<sup>192</sup> Even though many community representatives feel that this is a problem, it has been notoriously difficult to formally document the issue. Survey

**“What I want is my case prosecuted. I love the envelope, and the note I received from the [Gay and Lesbian Liaison] Unit, but being sympathetic doesn’t cut it when being victimized.”**

—Comment from  
Community Forum,  
February 21, 2008

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<sup>189</sup> Ibid.

<sup>190</sup> Ibid. One participant said “wherever you are they harass you, it’s like they have photos of people who have been arrested for prostitution and will stop them any time, like when they are shopping.”

<sup>191</sup> One criteria upon which police can exclude an individual from a prostitution free zone is if they are a “Known participant in prostitution or prostitution-related offenses’ ... a person who has been convicted in any court in any jurisdiction of any violation involving prostitution or prostitution-related offenses.” D.C. Code § 22-2731.

<sup>192</sup> 25 July 2007, Las Vegas TV Channel 3 NBC news reported police “boxes containing nearly 1200 condoms, evidence seized using a search warrant,” as part of an investigation into a hotel where they suspected illegal prostitution was occurring. <http://www.kvbc.com/Global/story.asp?s=3302352> (Accessed 20 March 2008). In 1994 the San Francisco Board of Supervisors passed legislation “urging District Attorney and Police Commission to cease confiscating condoms and using them as evidence for prostitution related crimes.” San Francisco Prostitution Task Force Final Report 1996. <http://www.bayswan.org/lawindex.html> (Accessed 28 February 2008).

respondents made it clear that this practice is happening in the District. “They took my purse and emptied everything including condoms into the street,” said one research team member during the initial training session for the research project.<sup>193</sup> This information augments frequent reports to service providers like HIPS, Different Avenues and Transgender Health Empowerment, that when the police stop people they suspect to be sex workers, they search for condoms, and take them or throw them on the ground.

The presence or distribution of condoms is, for some police, an indication of the “promotion of prostitution” or of acceptance of sex work within certain communities. This attitude affects agencies that do outreach to sex workers and related communities. The following situation describes both the problem and shows the direct linkage between anti-prostitution policies and problems for service providers:

**“I was passing out condoms down at 3<sup>rd</sup> St NW and the police harassed us. I was working for [a local service provider] and explained to [the police], but they said we were prostituting and told us to leave.”**

—Community forum,  
21 February 2008

I was out there [in the NE] two or three weeks ago, doing a survey [in my truck] with a young lady ... next thing you know there were like eight or nine police cars just surrounding my truck... [the police] jumped out at me and said ‘what are you doing out here?’ I said that I was from [a local service agency]... I said that I was [a staff member] ... They said ‘well, we’ve been getting a lot of reports from people who live in this residence that people have been out here having sex work and making a lot of noise.’ I said, ‘well, I’m not making any noise at all... here’s one of my business cards and as a matter of fact I do a lot of work with [the Gay and Lesbian Liaison Unit]. I called out different names because ... so many new officers are coming on every three months, they’re doing a rotation that’s coming on the prostitution force ... and they don’t know about the organizations that are out there and have the right to be out there passing out condoms, and doing harm reduction and HIV testing.’<sup>194</sup>

Police confiscation or destruction of condoms and safe sex materials and the some times tense relationship the MPD has with service providers are barriers to successful HIV prevention.

### **Treatment of youth and young adults**

Youth and young adults (who are profiled as prostitutes by police) are another group disproportionately represented among those with negative interactions with police (almost 75% of 18-24 year olds), those treated worse in jail (almost 90% of 18-24 year olds), and those with fears of the police (almost 95% of those under 24 years old). This dovetails with the experiences of young people in general in D.C., particularly African-American youth.<sup>195</sup> While our research encountered only two people who identified as younger than 18 years old, community anecdotes and documents from the District’s Department of Youth

<sup>193</sup> Community Researcher Training, Different Avenues, Washington D.C., 30 April 2007.

<sup>194</sup> Community Research Team Interview with community member (name withheld by request), Washington, D.C., 21 September 2007.

<sup>195</sup> Facilitating Leadership in Youth study on interactions of youth with MPD, to be released 2008. See [www.flyyouth.org](http://www.flyyouth.org).

Rehabilitation Services (DYRS) indicate that the MPD continues to arrest juveniles for prostitution and DYRS continues to detain them.<sup>196</sup>

Criminalization of youth in the District seems to be a common reaction whenever there is a perceived increase in crime, regardless of whether or not the crimes are connected to youth. A section of the Omnibus Public Safety Emergency Act of 2006 set more stringent curfew laws for D.C. youth under the age of 16 and framed it as a way of “protecting” young people from violence. Youth and young adults may also be perceived as not having a “legitimate” reason to be in public space, another criteria used by police when enforcing prostitution free zones and related controls.

### ***Desire for change and to be involved***

Participants in our research consistently articulated an understanding of the social context surrounding their interactions with police and a desire to see that context changed. Clear majorities of survey respondents indicated that the D.C. government should change its approach to sex work, that arresting sex workers is not helpful and that sex work should not be illegal. Mainstream media coverage of prostitution focuses on sensational scandals and belittles sex workers abilities to speak out about issues of concern to them. Our research reveals that sex workers in D.C. have well-formed opinions about the laws and policing of prostitution in the District and are keen to express their views on law reform.

Participants in our research also indicated the need for help, both from the police and community-based groups. People were more likely than not to say that the police do not help sex workers, and almost two thirds of respondents cited a need for more social services in the city. Shifting from a law enforcement approach to an emphasis on providing comprehensive services for people in need is in line with what community members want and advocates suggest. These changes cannot happen without the direct involvement of those most affected by the approach the D.C. government takes to these issues. The political mileage that government officials can gain by increasing, or saying they will increase, criminalization of prostitution is also not lost on those who participated in our research project (see Figure 47). “Every now and then they’d get this thing where they’d want to clean the street up. It’s like always the time around Mayoral election time,” said one participant. “They want to get on their Ps and Qs and they want to clean the street up, so they’ll do that. They’ll give us FTOs [Failure to Obey]... and then they’ll start putting more and more girls in jail.”<sup>197</sup>

**“Regardless of how many complaints you make, the police are still going to do the same thing, because they feel that they have the badge and they have the authority to do what they want... There has to be enough people to come together to stop this, what’s going on with the police.”**

—African-American female sex worker, interviewed 28 January 2008

For many of those responding to surveys and interviews, sex work and sexual exchange is simply a reality in D.C., and current efforts to “stamp it out” cause tremendous amounts of

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<sup>196</sup> Five out of 62 girls detained by DYRS in September of 2006 were detained on prostitution charges, (D.C. Department of Youth Rehabilitation Services, “Committed Girls in DYRS,” September 2006) while almost half of LGBT identified “males” (this number likely includes trans female-identified youth) surveyed in 2006 project had been booked on solicitation charges (*Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth Under D.C. Superior Court Supervision*. Dr Michael Barnes and Miho Outhouse, Washington D.C., 22 June 2006).

<sup>197</sup> Community Research Team Interview with community member (name withheld by request), Washington D.C., 9 November 2007.

harm to individuals, families and communities. The emphasis on law enforcement also creates situations where police can abuse their power, as noted earlier, and make it more difficult for community members to report such abuses; almost twice as many people surveyed said they felt a complaint against an officer “would not be effective” as those who said they felt it would. “Promote harm reduction,” said one community member, adding that perhaps D.C. needs a “declaration of sex workers’ rights that [government] agencies and organizations can sign onto” to indicate their support for human rights of all people.<sup>198</sup>

### Limitations of the Research, Future Research Directions

Our original methodology had included the implementation of a short survey with up to 50 people and approximately 20 longer qualitative interviews to obtain detailed information about key concerns emerging from the short survey. This plan was updated after we began to implement the survey. After preliminary analysis we realized that we would need a larger sample in order to understand the experience of policing based on gender, ethnicity and other factors. The larger data set of 111 interviews was much more time consuming to analyze and we did not have sufficient additional resources to carry out the planned number of qualitative interviews.

As a result, in some of the sections above, we recommend future research on some emerging issues in order to fully understand some of the more sensitive issues like sexual relationships between police officers and community members, the effect of anti-prostitution policing on young people and experiences of drug users.

The short survey itself provided particularly limited information in some areas. The community based research team decided that the survey could be no longer than two pages so it could be printed on one sheet of paper. This facilitated its use by team members who implemented the survey during outreach on the street and in venues and it was relatively quick and easy for respondents to fill out. However, it also meant that many issues were not explored in depth. For example, we did not get a full picture of the experience of drug users. Respondents could check a box to indicate that they considered themselves “drug users” and space was provided if respondents wished to tell us anything more about this experience. As noted in the results chapter, we did not receive much additional information from respondents about their drug use. It is, therefore, impossible to know if respondents considered themselves to be “recreational users” or if their drug use was a problem, or the kind of drugs used. We strongly encourage further research into the question of police interaction with drug users in D.C. to guide policy.

Our research was very specifically focused on the experiences people have with law enforcement. It was not our intention to detail the experience people have with different



Figure 27: Campaign literature distributed by Phil Mendelson in September 2006.

<sup>198</sup> Community Forum, HIPS Offices, Washington D.C., 21 February 2008.

kinds of sex work per se, or even to document the experience of homelessness and drug use in the city. However, future research might pursue more detailed examinations of sex workers' experiences in different locales. Our research illustrates the interconnectedness of work sectors in the city for some people. For example, many respondents who indicated that they had engaged in sex work of some kind indicated multiple work sites and experiences (for example, having danced, worked on the streets, and worked online). On the other hand, our experience as service providers also tells us that the situation for dancers in D.C. exposes them to law enforcement in ways that are very different than street workers, and that clandestine erotic massage work is also policed by different entities (i.e. by federal law enforcement agencies). Additional research about the experiences of these different sectors could amplify our understanding of needs and advocacy questions.<sup>199</sup>

While this research project has come to an end, it is hopefully only the beginning in other ways, because it has accomplished what all research should: creating both answers and more research questions. In addition to the many different topics future research should delve deeper into, we also feel that more research methods are crucial. A survey tool has inherent limitations in its ability to gather data, and we believe that the use of other techniques, including a greater number of qualitative interviews or focus groups, would result in a greater understanding of the issues outlined in this report. We look forward to working with and supporting others to pursue the recommendations of this report as well as continuing to improve, deepen and broaden our understanding of these extremely important topics.

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<sup>199</sup> Qualitative research has been carried out by La Clinica del Pueblo into the experience of Latinas and Latinos in sex work in the D.C. area and when released, this material will provide valuable additional information to augment this report. HIPS research into violence continues to provide important information as well. In New York City the Sex Workers Project at the Urban Justice Center did separate studies on street-based workers and indoor workers. Different Avenues has produced a report about health needs of dancers in D.C., (*Rainbow Pride Baby* 2006).

## RECOMMENDATIONS

Our research shows the damage that the law enforcement approach to commercial sex is doing to individuals and communities in D.C., damage that occurs within a context of an over-reliance on imprisonment and policing within our society in general. Important social issues like poverty, violence, drug use, and homelessness cannot be solved by increased criminalization. Different Avenues and the Alliance for a Safe and Diverse DC believe in the need for a structural shift away from this criminalization approach, in order to refocus our societal energies on rights-based strategies that include providing people with services to meet their needs and supporting communities to become organized to defend and advocate for their rights. However, we also recognize the need for immediate relief from the abuse and discrimination that community members we surveyed and interviewed (like many others in this city) experience at the hands of D.C. law enforcement. These recommendations address the details of immediate changes that should happen to stop some of the most egregious practices of abuse and discrimination.

*To the Mayor and D.C. Council*

- ❖ Conduct a city-wide review of laws, policies and practices regarding policing and regulation of consensual adult sex to ensure that they guarantee protection of the rights to association, health, and freedom from violence for all people living in D.C., regardless of race/ethnicity, occupation/source of income, place of residence, national origin, gender, age, sexual orientation and gender expression. Outcomes of the review could include amending or repealing laws such as the Prostitution Free Zone Act. Lawmakers should also consider a moratorium on prostitution-related arrests during this review.
- ❖ Conduct a city-wide consultation, including sex workers, service providers, and others particularly vulnerable to the abuses described in this report, about the efficacy and safety of current anti-prostitution laws and related policies regulating spaces where sex work may occur. This initiative could be framed as a "task force" working over a period of 18 months to 2 years to create an action plan to be implemented by the D.C. Council.
- ❖ Ensure that community members—including sex workers, service providers, and others particularly vulnerable to the abuses detailed in this report—play a key role in working to develop effective responses to those abuses.
- ❖ Increase resources for services that support marginalized communities including sex workers and others trading sexual services for their livelihood.
- ❖ Improve translation services for those who have limited English skills. The Mayor and Council should consider repealing or amending section 201 of the Omnibus Public Safety Act of 2006 that gave MPD greater discretion in deciding when an additional qualified interpreter needs to be present in an interaction between MPD officers and a person with limited English skills.
- ❖ Strengthen the Office of Police Complaints (OPC) and mandate cooperation by MPD with OPC investigations into officers' conduct and implementation of punitive measures as warranted.

- ❖ Support implementation of the positive youth development model at Department of Youth Rehabilitation Services. Promoting the positive development and safety of young people, rather than criminalizing them, is an example of shifting away from a policing-based approach in addressing issues of public safety.
- ❖ Instruct MPD and the D.C. Department of Corrections to adopt recommendations of the DC Trans Coalition in regards to the treatment of transgender individuals, including housing transgender people who are arrested or incarcerated on a case-by-case basis according to the individual's self-identity and where that person feels safest.
- ❖ Stop using prostitution as a political issue and in electoral campaigns. The Mayor and Council have a responsibility to engage in rational discussions about policy so that the rights, health and safety of sex workers and others affected by anti-prostitution policies in the District of Columbia can be protected.

*To the Metropolitan Police Department of the District of Columbia*

- ❖ End the practice of profiling people as prostitutes based on personal appearance, gender identity, categorization as a "known prostitute" or similar factors. People should not be arrested for who they are instead of what they are doing. Similarly, MPD should stop the use of prostitution free zones because they undermine human rights and civil rights.
- ❖ Change MPD policies to improve provision of translation services for people with limited English skills. Stop discrimination against those arrested and held by police in the District who may speak limited or no English.
- ❖ Institute new projects modeled on best practices from other locales, such as a sex workers' liaison hotline that community members could call to report crime and expect appropriate responses, or other measures developed in consultation with affected community members, building on good will of those individuals who indicated they are willing to work with police.
- ❖ Provide police officers working on the frontlines with communities in need with the training and resources to disseminate accurate information about available health and social services and provide officers with condoms to distribute. This will advance public safety by building trust and public health by connecting people to resources.
- ❖ Brief officers on the presence of service providers doing outreach and educate officers about the need for safe sex materials to be available to all residents of the District of Columbia in order to prevent the transmission of HIV.
- ❖ Establish a policy that condoms and safe sex materials are not to be destroyed, confiscated, or used as evidence to detain, arrest or prosecute suspected sex workers, with clear consequences for any officer who fails to obey this policy.
- ❖ Implement rigorous training of law enforcement officials on legal and human rights standards with respect to discrimination, HIV / AIDS, gender, ethnicity / race,



language and other categories protected by the D.C. Human Rights Act. Police also need training in issues relating to the experience of people involved in sex work, homelessness, and other realities not covered by the Human Rights Act.

- ❖ Investigate and discipline officers for violating the D.C. Human Rights Act and relevant MPD directives such as General Order 501 02 *Handling Interactions with Transgender Individuals*.
- ❖ Make it clear that all individuals affected by violence and other crimes must be treated equally and with respect, and not disregarded or abused because of evidence or assumptions of their past involvement in illegal activity.
- ❖ Hold police officers accountable for their actions. Officers who extort money and sex from community members, subject them to degrading treatment, fail to answer service calls or refuse to register complaints must be subject to appropriate disciplinary procedures for misusing their power and position.

*To the US Attorneys Office, D.C. Attorney General and D.C. Superior Court Judges*

- ❖ Prosecutors should not use or support the use of condoms or other safe sex supplies as evidence to prosecute, detain or arrest individuals in prostitution cases.
- ❖ Seal or expunge the records of people charged with prostitution-related offenses so that they can seek employment and services without fear of exposing problems they experienced in the past. This measure facilitates ending the practice of police profiling of “known prostitutes.”
- ❖ Stop pressuring individuals being tried on prostitution charges into pleading guilty and give those who feel they were falsely arrested appropriate resources to make their case so that the judges may decide the merits of the case.
- ❖ Prosecutors need training and monitoring to ensure that they are conforming to the law and not disregarding victims of crime who have (or are presumed to have) exchanged sex for money.
- ❖ Inform all prosecutors and judges that all individuals affected by violence and other crimes are to be treated equally and with respect, and not disregarded or abused because of evidence or assumptions of their past involvement in illegal activity.
- ❖ US Attorney’s Office must thoroughly investigate allegations of criminal conduct by police officers, including seeking convictions where appropriate.

*To the Office of Police Complaints*

- ❖ Build on recent changes at the Office of Police Complaints and MPD to increase accountability of police, reduce impunity, and enable highly marginalized communities in D.C. to report police misconduct with a reasonable expectation of remedy.

*To Funders:*

- ❖ Provide sufficient support for programs protecting the health and rights of sex workers and other communities including the promotion of comprehensive HIV / AIDS prevention programs, anti-violence projects, and advocacy initiatives.
- ❖ Support the development of community organizing and leadership development projects by groups working for the rights of sex workers and other marginalized groups.
- ❖ Support additional research into the experiences of the various communities targeted by police for enforcement of commercial sex laws to accurately guide service provision and advocacy for change.

*To Sex Worker Groups and Allies in the Human Rights Community*

- ❖ Work to hold police accountable in various ways including documenting police abuses and bringing them to the attention of advocates, the media and the Office of Police Complaints,.
- ❖ Explore concepts of restorative justice and other alternatives to the police for responding to violence and other crimes, building off current practices like bad-date lists and self-defense classes
- ❖ Ongoing community monitoring of the abuses detailed in this report, accompanied by training for community members on how to report on abuses and how to file complaints against officers.
- ❖ Create a broad based anti-discrimination campaign focusing on issues of commercial sex. Support efforts to receive clarification that the D.C. Human Rights Act prohibits discrimination against sex workers and people believed to be sex workers.

## **APPENDICES**

# Appendix I Additional charts and graphs displaying results

Charts relating to demographics

Figure 28: Age of individuals in sample

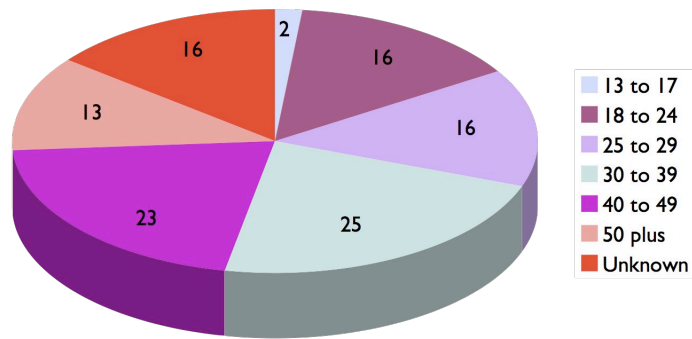


Figure 29: Gender of individuals in sample

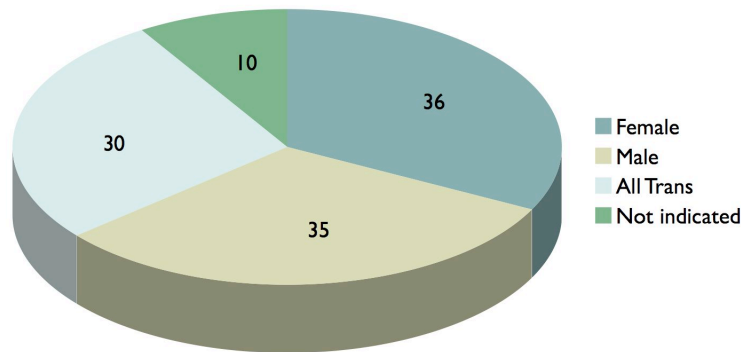
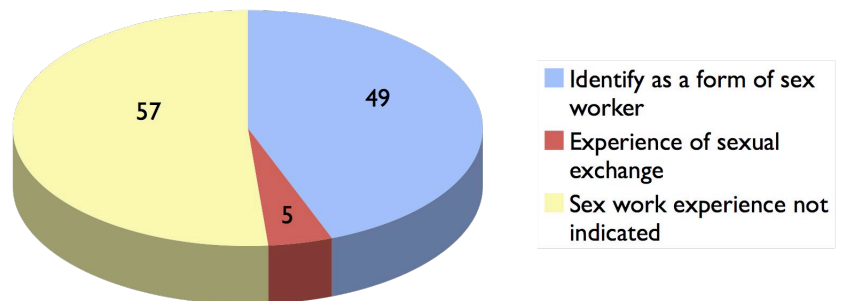


Figure 30: Numbers of Respondents with Experience of Sex Work **or Sexual Exchange**



Charts relating to overall experience when approached by police or arrested

Figure 31: Experiences of interactions initiated by the police, filtered by gender

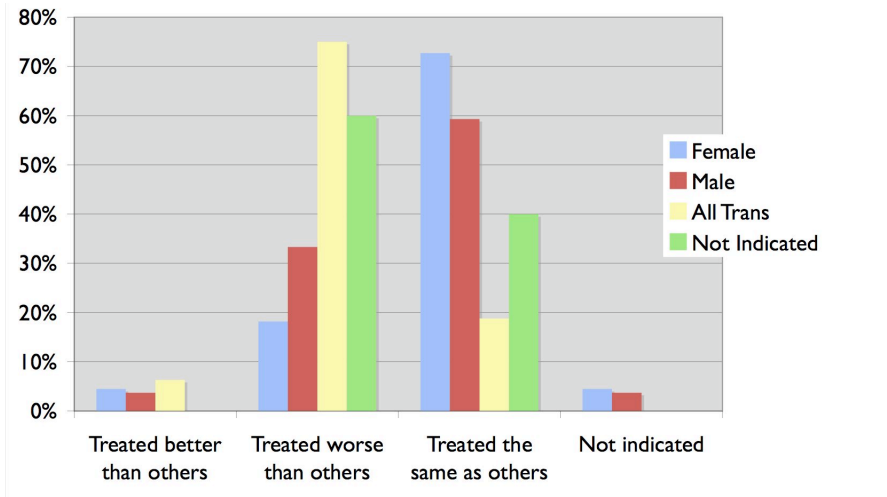
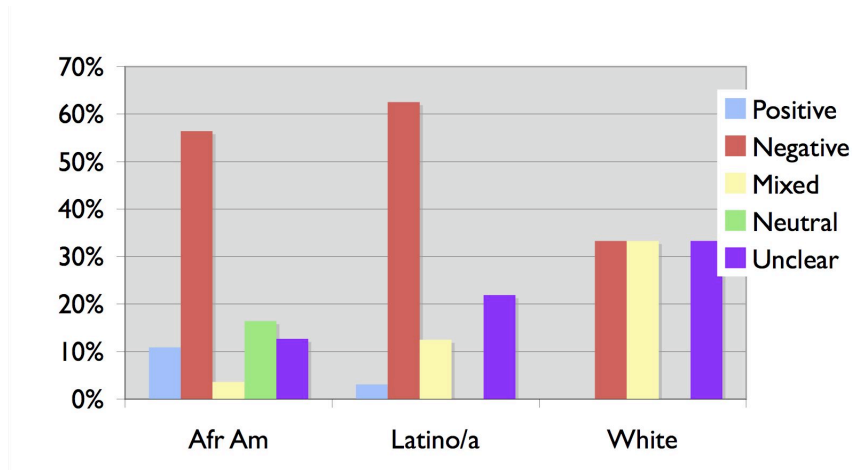


Figure 32: Experiences of interactions initiated by the police, filtered by race/ethnicity



Charts relating to arrest and incarceration

Figure 33: Percentage of respondents arrested, by gender

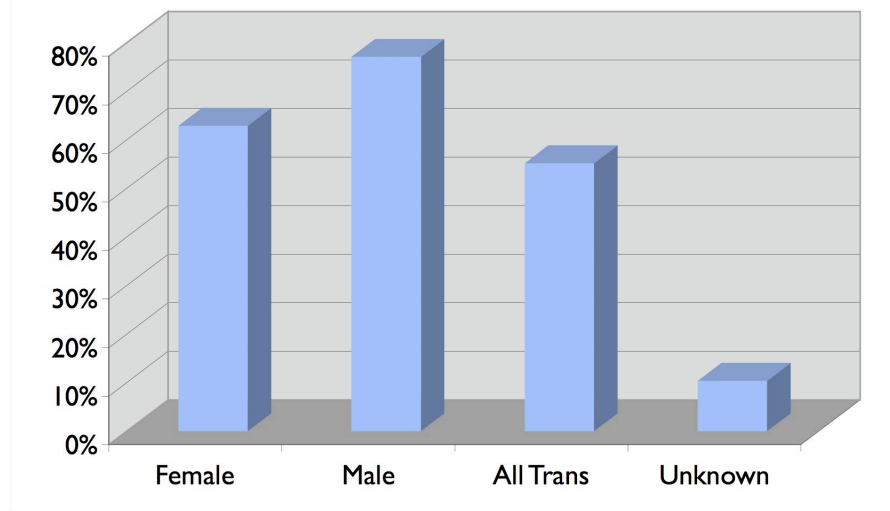


Figure 34: Percentage of respondents arrested, by race/ethnicity

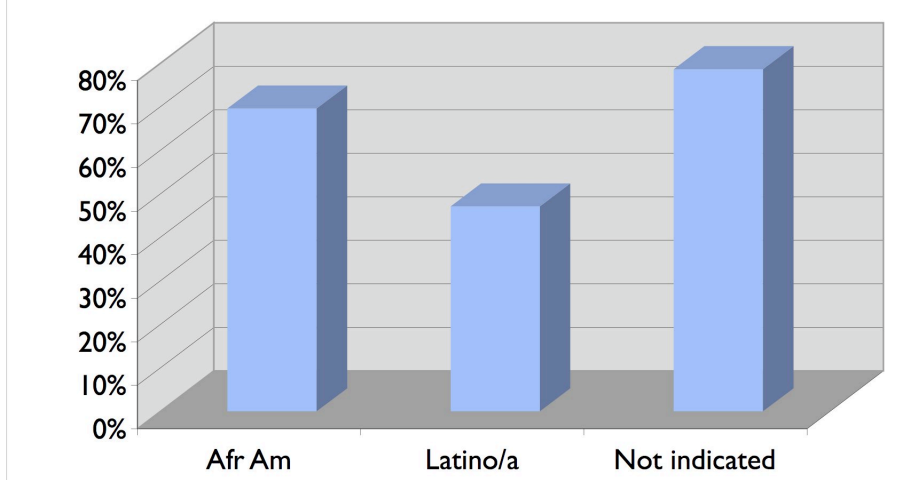
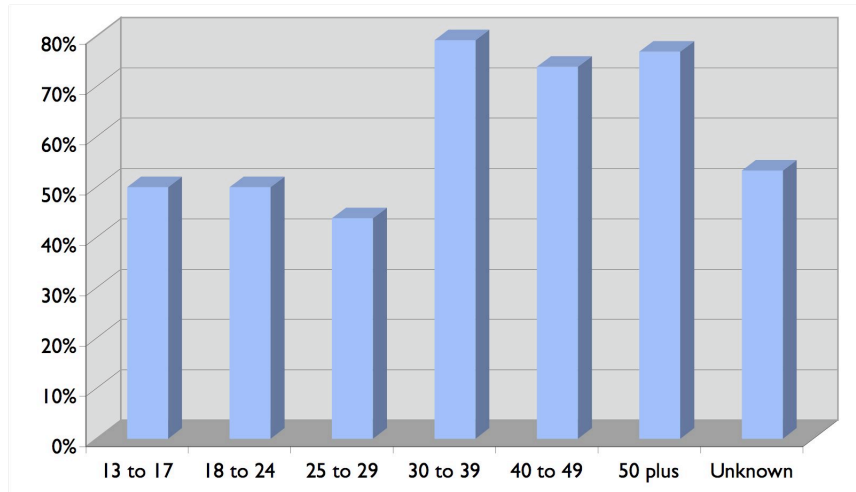
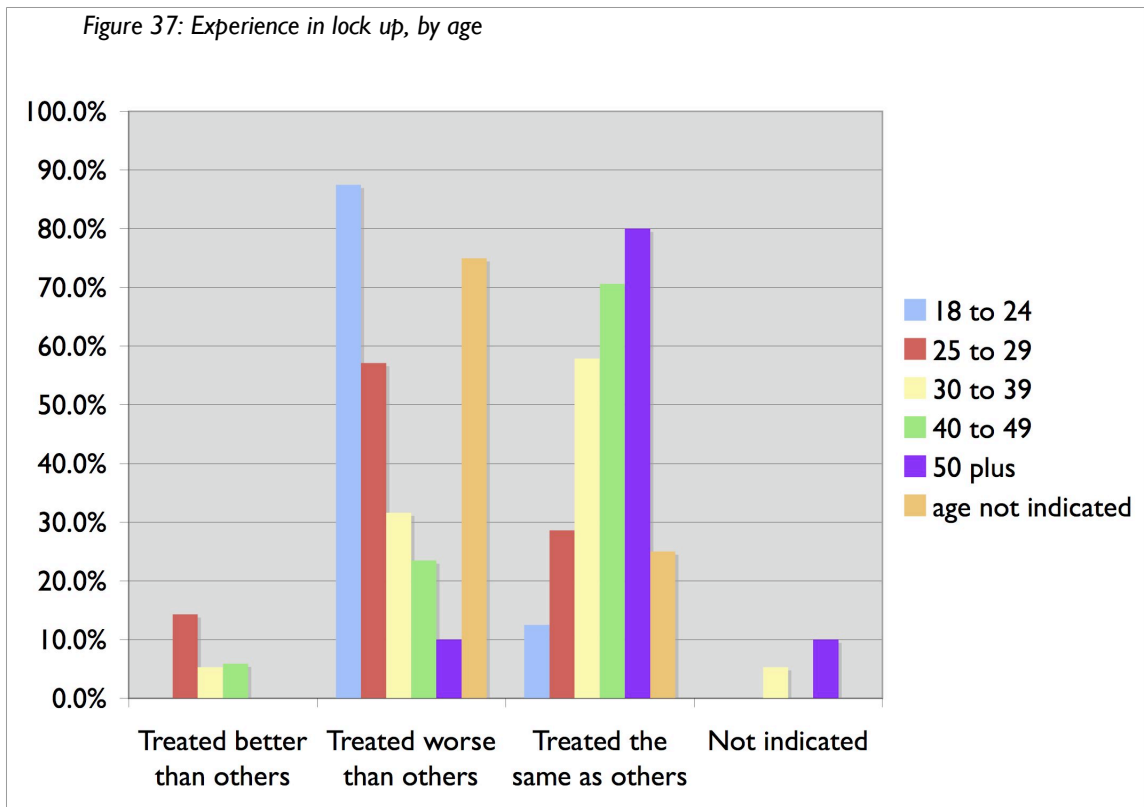
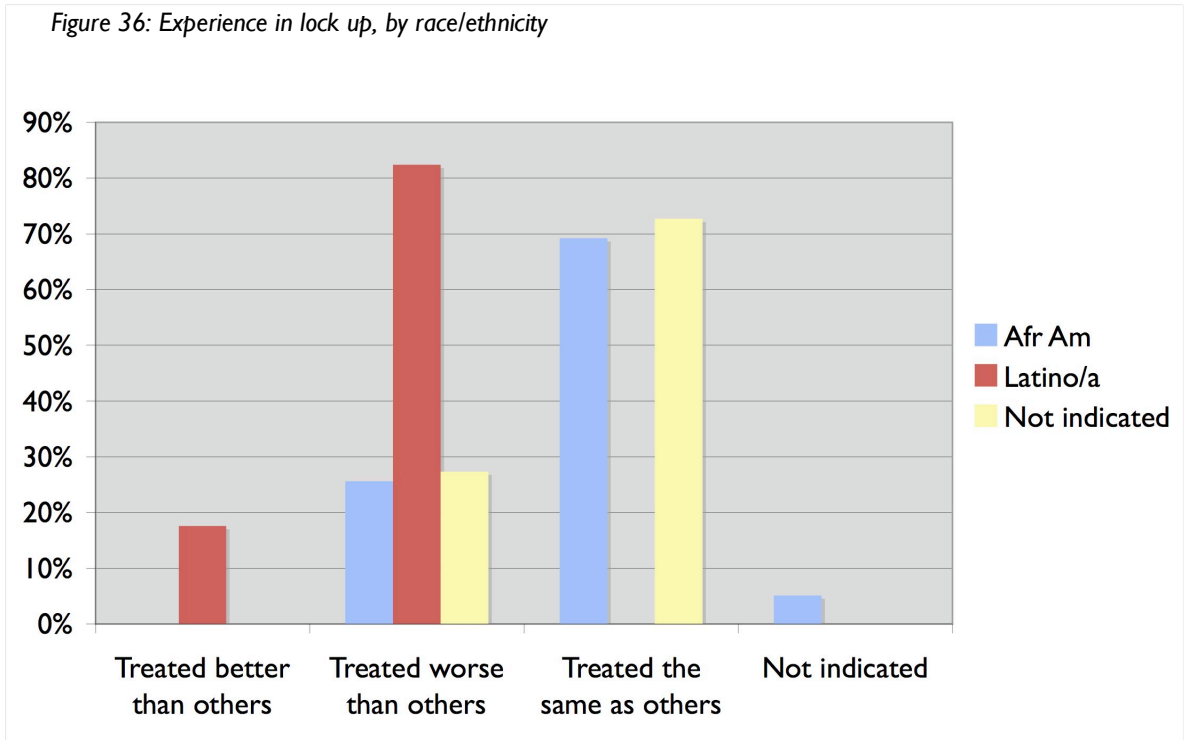


Figure 35: Percentage of respondents arrested, by age



Charts relating to experience in lock up



Charts relating to police response

Figure 38: Satisfaction with police response by gender

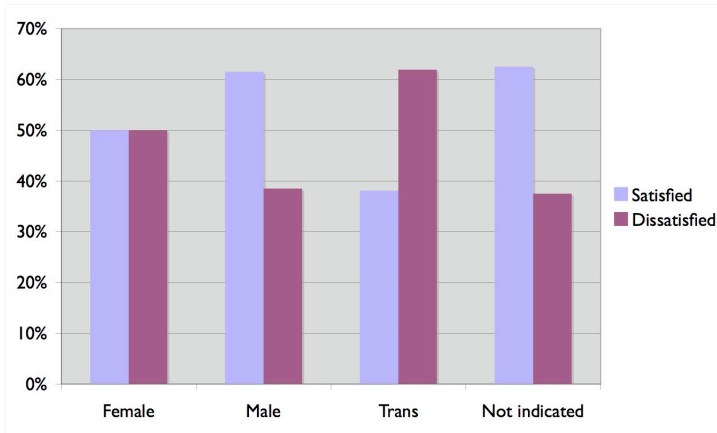


Figure 39: Satisfaction with police response by race/ethnicity

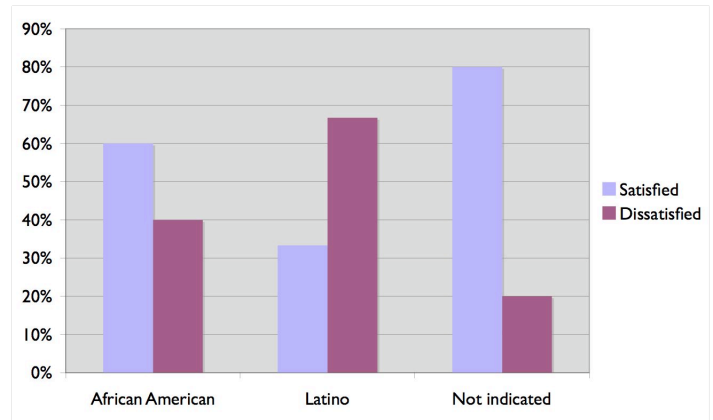


Figure 40: Satisfaction with police response by sex work

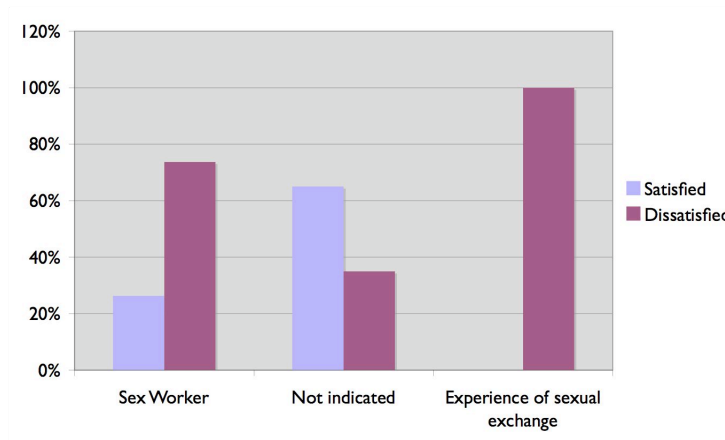


Figure 41: Satisfaction with police response, by drug use

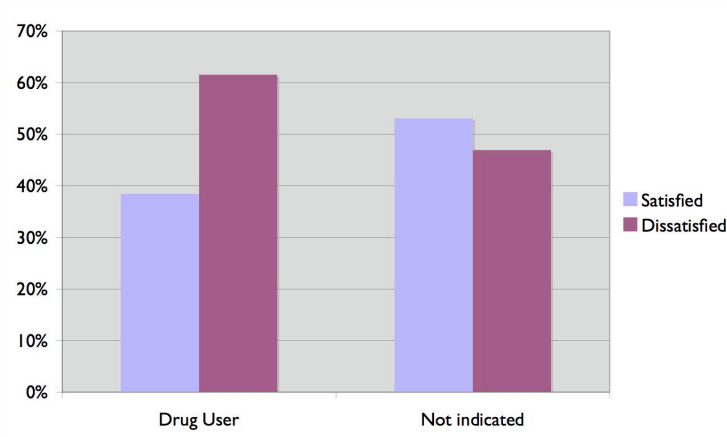
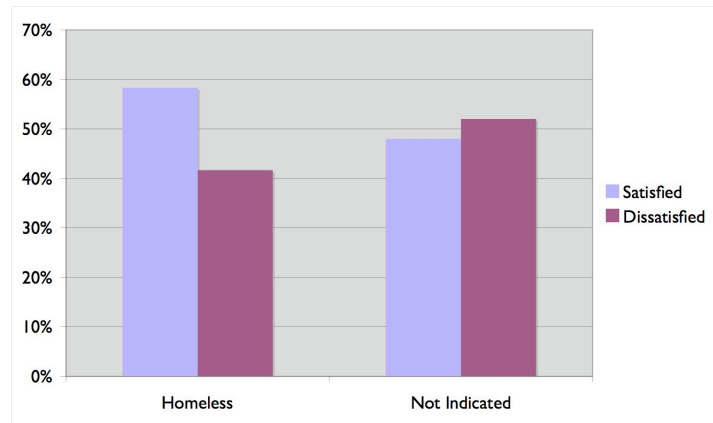


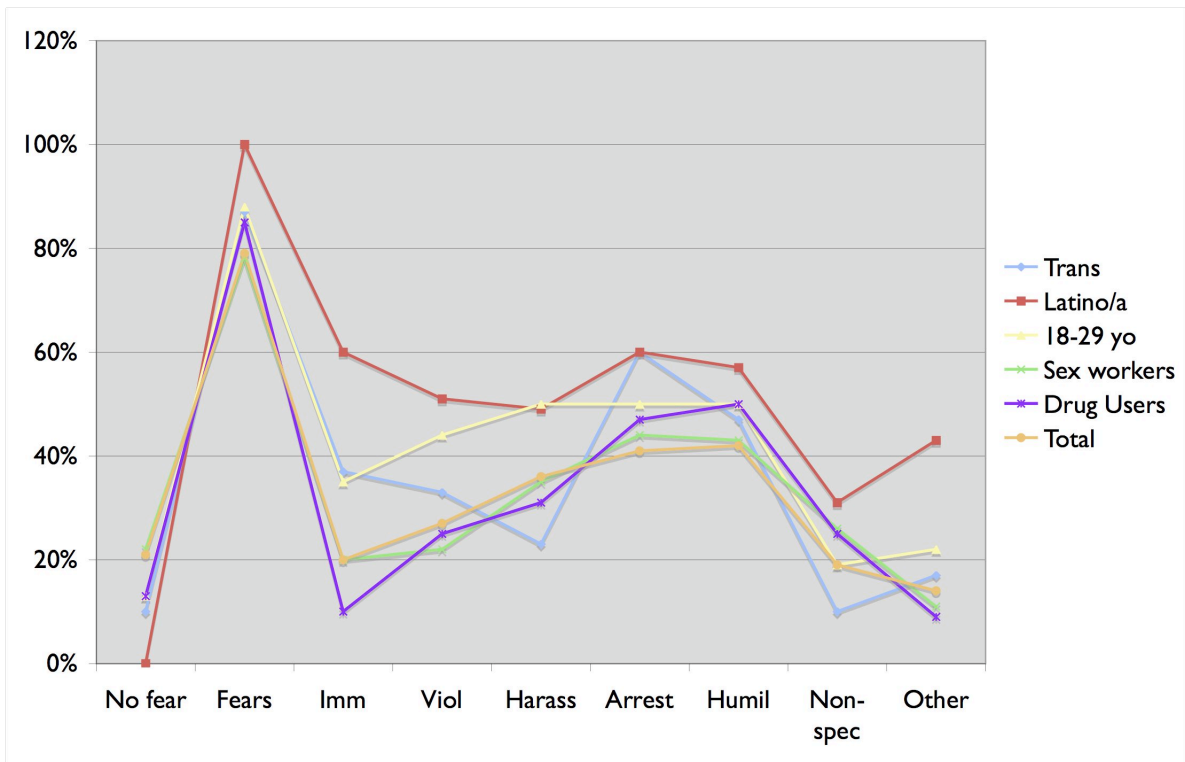
Figure 42: Satisfaction with police response by homelessness





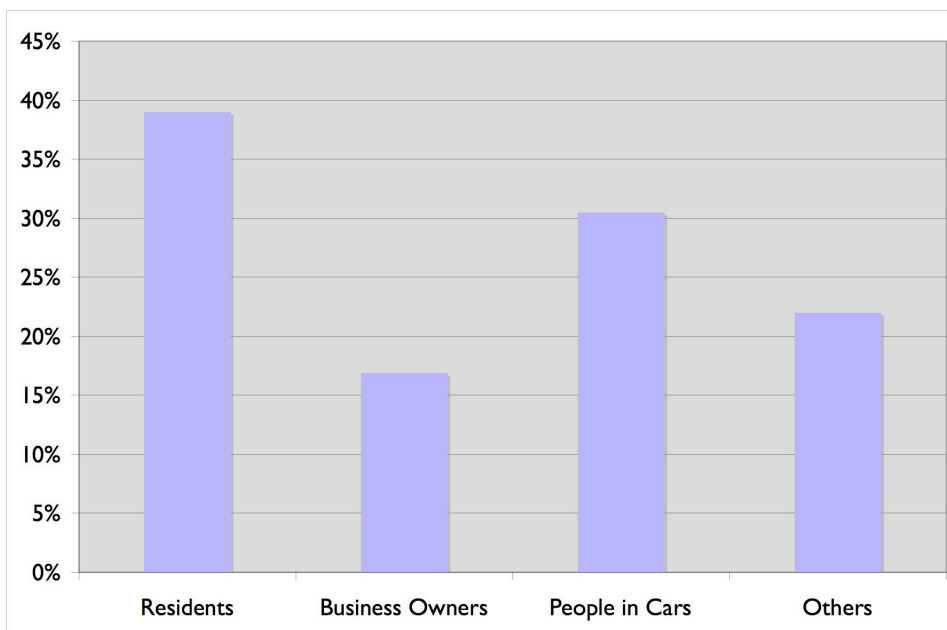
Charts relating fears of police

Figure 43: Percentages of respondents with different types of fears of police



Charts relating to other problems in the neighborhood

Figure 43: Other people said to be harassing respondents



## **Appendix II                      Laws regarding prostitution in D.C. Code**

*The following is taken from Dr. Melinda Chateauvert's Testimony before D.C. Council, Committee on Consumer and Regulatory Affairs Committee, 8 June 2005. A number of additional laws were passed after 1981, but were not included in her testimony and therefore are not included here.*

### History of Washington DC Laws Restricting Prostitution

1878: Gaming and Bawdy Houses: permits entry into any establishment suspected of being a bawdy house upon the sworn statement of a police officer or two citizens.<sup>200</sup>

1901: Abducting or enticing a child under 16 years of age for the purpose of prostitution.<sup>201</sup>

1906: Public Identification of Owner: Buildings may be required to publicly display sign listed the owner, "to protect the health and welfare."<sup>202</sup>

1910: Operating House of prostitution.<sup>203</sup>

1910: Pandering, inducing or compelling an individual to engage in prostitution.<sup>204</sup>

1910: Compelling an individual to live life of prostitution against his or her will.<sup>205</sup>

1910: Procuring; receiving money or other valuable thing for arranging assignation.<sup>206</sup>

1910: Causing spouse to live in prostitution.<sup>207</sup>

1910: Detaining an individual in disorderly house for debt there contracted.<sup>208</sup>

1910: Procuring for house of prostitution.<sup>209</sup>

1910: Procuring for third person.<sup>210</sup>

1912: Keeping bawdy or disorderly house.<sup>211</sup>

1914: Premises occupied for lewdness, assignation, or prostitution declared nuisance.<sup>212</sup>

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<sup>200</sup> D.C. Codes §5-115.06, 11 June 1878.

<sup>201</sup> D.C. Code §22-2704, 3 March 1901.

<sup>202</sup> D.C. Code §42-313.13, 14 April 1906. The so-called "Iowa Law" was passed in order to identify owners of real property used for purposes of prostitution.

<sup>203</sup> D.C. Code §22-2712, 25 June 1910.

<sup>204</sup> D.C. Code §22-2705, 25 June 1910.

<sup>205</sup> D.C. Code §22-2706, 25 June 1910.

<sup>206</sup> D.C. Code §22-2702, 25 June 1910.

<sup>207</sup> D.C. Code §22-2708, 25 June 1910.

<sup>208</sup> D.C. Code §22-2709, 25 June 1910.

<sup>209</sup> D.C. Code §22-2710, 25 June 1910.

<sup>210</sup> D.C. Code §22-2711, 25 June 1910.

<sup>211</sup> D.C. Code §22-2722, 16 July 1912. Conviction for keeping of a disorderly house for reason unrelated to exploitation of sex, subject to fines and imprisonment, but not abatement. (*United States v. Wade*)

<sup>212</sup> D.C. Code §22-2713, 7 Feb 1914. The "Drug House Abatement Act of 1998," (June 19, 1998) enacted on the basis of this law.

1914: Abatement of nuisance under 22-2713, by temporary injunction.<sup>213</sup>

1914: Nuisance – Trial; dismissal of complaints, prosecution, costs.<sup>214</sup>

1914: Violation of Injunction granted under 22-2714.<sup>215</sup>

1914: Order of Abatement; sale of property; entry of closed premises punishable as contempt.<sup>216</sup>

1914: Bond for Abatement, requiring one year of abatement of nuisance.<sup>217</sup>

1914: Tax for maintaining such nuisance, imposing additional \$300 tax in perpetual lien against the property for possession of nuisance property.<sup>218</sup>

1914: Disposition of proceeds of sale used to pay costs of the action and abatement.<sup>219</sup>

1934: Revocation or suspension of alcoholic beverage license when licensee allows its employees or agents engage in prostitution, or engage in sexual acts or sexual contact.<sup>220</sup>

1935: Inviting for the purpose of prostitution: unlawful to invite, entice, persuade or address... any person or persons...“for the purpose of prostitution or any other immoral or lewd purpose.”<sup>221</sup>

1935: Property subject to seizure and forfeiture.<sup>222</sup>

1941: Inmate or frequenter of house of ill fame. (Repealed)<sup>223</sup>

1980: Peddling drugs prohibited; amended by the “Control of Prostitution and Sale of Controlled Substances in Public Places Criminal Control Act of 1981” prohibiting persons from repeatedly beckoning, stopping or engaging passers-by or interfering with the free passage of other persons.<sup>224</sup>

1981: Prostitution, Pandering: Unlawful to engage in prostitution in “public places.”<sup>225</sup>

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<sup>213</sup> D.C. Code §22-2714, 7 Feb 1914, also the basis of the Drug House Abatement Act of 1988.

<sup>214</sup> D.C. Code §22-2715, 7 Feb 1914.

<sup>215</sup> D.C. Code §22-216, 7 Feb 1914.

<sup>216</sup> D.C. Code §22-2717, 7 Feb 1914. Applies to houses used for purpose of lewdness, assignation, or prostitution (United States v. Wade, 152 F3d 969 [1998]). It is not “necessary to prove that a house is openly uproarious, offensive, or otherwise vexing to the community in order to establish its status as a nuisance per se”, Raleigh v. United States App. D.C. 251 A.d 510 (1976).

<sup>217</sup> D.C. Code §22-2719. 7 Feb 1914.

<sup>218</sup> D.C. Code §22-2720. 7 Feb 1914.

<sup>219</sup> D.C. Code §22-2718. 7 Feb 1914.

<sup>220</sup> D.C. Code §22-823. 24 Jan 1934.

<sup>221</sup> D.C. Code §22-2701. 15 August 1935. ( Also bars admission of evidence of prior acts of prostitution, “given its predictably disproportionate impact,” Graves v. United States App. D.C. 515 A. 2d 1136 (1986)

<sup>222</sup> D.C. Code §22-2723, 15 Aug 1935. the “ Safe Streets Forfeiture Amendment Act of 1992” ( May 7, 1993) amended the act to permit seizure of conveyances and monies used in prostitution transactions.

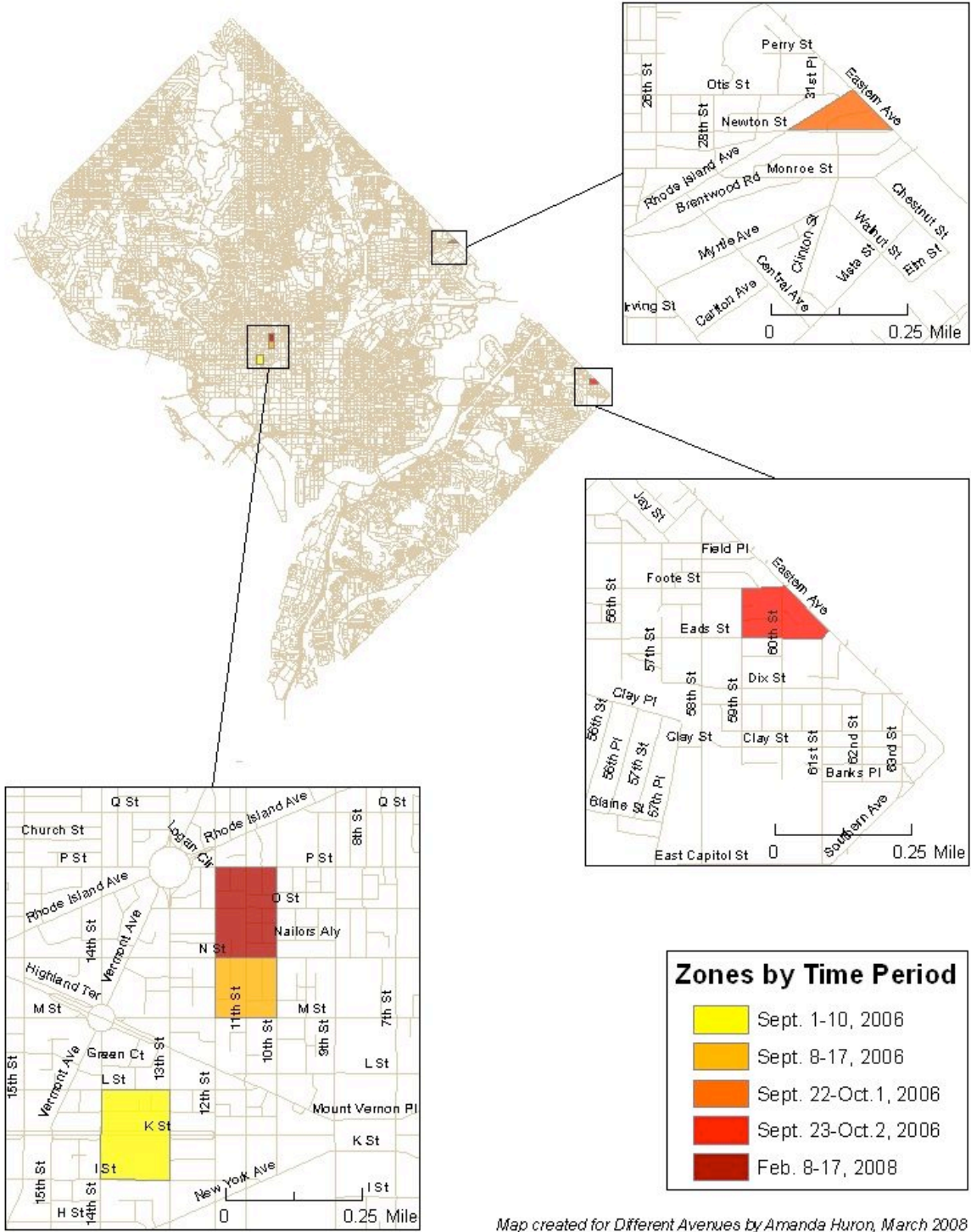
<sup>223</sup> D.C. Code § 22-2702. 17 December 1941.

<sup>224</sup> D.C. Code § 47-2885.17, 16 Sept. 1980; and 19, Oct. 1981.

<sup>225</sup> D.C. Code § 22-2701.1, 10 December 1981.

# Appendix III

## District of Columbia Prostitution Free Zones



## Appendix IV

## CBR training agenda

### MONDAY, APRIL 30

- 1:00 Introductions, general sense of the training and the project & objectives
- 1:30 Pre-test
- 1:45: Ground rules (general)
- 2:00 Mindset:
  - Trans Issues
  - Language and Immigration
  - Race & Racism
- 2:45 Break
- 3:00 Brainstorm what info exists, who can tell us about it
- 3:15 Ethics and boundaries in conducting (any kind of) research
- 3:45 Interviews and Key Informants
- 4:15 Role-play
- 4:45 Break/Dinner
- 5:00 Observation
- 5:30 Discussion of observation
- 6:00 Your rights when in public space – Justice & Solidarity Law Collective
- 6:30 Example of Community Research – Gigi from HIPS

### TUESDAY, MAY 1<sup>ST</sup>

- 1:00 Recap of yesterday's aspects
- 1:15 Mindset:
  - Male sex worker issues
  - Drug use
  - Indoor/Outdoor
- 1:45 Data collection in stressful conditions
- 2:15 Video/Audio technology
- 2:45 Taking notes and documenting visits to sites
- 3:15 Break
- 3:30 Interviews and Key Informants, 2<sup>nd</sup> role-play
- 4:00 Survey sample 1: discussion
- 4:30 Street Smarts
- 4:45 Making sense of data collected/when one's notes become "data"
- 5:15 Break /Dinner
- 5:30 What are next steps? What is the impact of this project?
- 6:00 Example of Community Research – Youth Action Research Group (YARG)
- 6:30 Evaluation



This survey is from a group of organizations investigating how DC commercial sex policies affect people. We're collecting information about experiences that you may have had with the police. You'll be compensated \$10 for your time. The survey is completely voluntary and you can stop at any time without giving up the money. If you have any questions call 202.829.2103

**1. Have you ever been stopped or approached by the police?  YES  NO**

If yes, how often:  1 time       2-3 times       weekly since \_\_\_\_       daily since \_\_\_\_  
 not lately, but frequently in the past

**Can you say more about what happened? Check as many as apply**

- |   |           |            |
|---|-----------|------------|
| <input type="checkbox"/> the police wanted to see my identification | When_____ | Where_____ |
| <input type="checkbox"/> I was arrested                             | When_____ | Where_____ |
| <input type="checkbox"/> I was treated well                         | When_____ | Where_____ |
| <input type="checkbox"/> I was treated badly or unfairly            | When_____ | Where_____ |
| <input type="checkbox"/> an officer humiliated me                   | When_____ | Where_____ |
| <input type="checkbox"/> an officer offered me help                 | When_____ | Where_____ |
| <input type="checkbox"/> an officer asked for a sexual favor        | When_____ | Where_____ |
| <input type="checkbox"/> an officer took my condoms                 | When_____ | Where_____ |
| <input type="checkbox"/> an officer hit me                          | When_____ | Where_____ |

Why was it a bad or good experience(s)? More details are helpful.

**2. Have you ever had a situation when you needed help from the police?  YES  NO**

**Can you say more about what happened? Include the date if you can remember & location**

- |   |           |            |
|---|-----------|------------|
| <input type="checkbox"/> I was robbed and wanted to report it               | When_____ | Where_____ |
| <input type="checkbox"/> I was raped/sexually assaulted                     | When_____ | Where_____ |
| <input type="checkbox"/> I was attacked/hurt                                | When_____ | Where_____ |
| <input type="checkbox"/> I saw a problem in the neighborhood/street         | When_____ | Where_____ |
| <input type="checkbox"/> A friend of mine needed help                       | When_____ | Where_____ |
| <input type="checkbox"/> Another situation that I tell you about here _____ |           |            |

**Did the police help?  YES, they helped       NO, they did not help       I didn't go to the police**  
**What happened? Check apply       I was treated well       I was treated badly or unfairly**

Please list some reasons for your bad or good experience or why you didn't contact the police:

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---

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3. **Have police said that you are in a “prostitution free zone”?**  YES  NO

If yes did you:

- Go somewhere else, but feel LESS safe
- Go somewhere else, but feel MORE safe
- Stayed there because you felt you were doing nothing illegal
- Get arrested
- Go home

4. **What fears do you have when the police approach you? Check all that apply.**

- I have no fears about the police
- I fear violence
- I fear problems with immigration
- I fear harassment
- I fear arrest
- I fear humiliation
- I fear something else that I tell you about here: \_\_\_\_\_

5. **If you have been arrested, how were you treated while in lock-up?**

- I was treated BETTER than everyone
- I was treated the SAME as everyone
- I was treated WORSE than everyone

6. **Has anyone else given you a hard time in the neighborhood? Check all that apply**

- Business owners
- Residents
- People in cars
- Someone else \_\_\_\_\_

Can you tell us more about what happened?

7. **Please circle if you agree or disagree with each statement below:**

Suspected sex workers are protected by the police:	Agree	No Opinion	Disagree
DC government should change how it deals with sex work:	Agree	No Opinion	Disagree
Sex work should be illegal:	Agree	No Opinion	Disagree
Arresting sex workers is the best way to help them:	Agree	No Opinion	Disagree
There are not enough social services for people on the street:	Agree	No Opinion	Disagree
If I make a complaint against an officer, it’s taken seriously:	Agree	No Opinion	Disagree

8. **Is there anything else you would like to say?**

9. **If you would like to tell us more about who you are check all that apply. I am:**

- female
- male
- transgender
- or \_\_\_\_\_ [pls write in]
- African American
- Latino
- white
- or \_\_\_\_\_ [pls write in]
- 13 to 17
- 18 to 24
- 25 to 29
- 30 to 39
- 40-49
- 50 plus
- gay or lesbian
- straight
- bisexual
- not sure
- \_\_\_\_\_ [pls write in]
- sex worker
- drug user
- homeless
- \_\_\_\_\_ [pls write in]



Fecha:  
 Hora:  
 Lugar:  
 Notas:

Esta encuesta se esta realizando por parte de un grupo de organizaciones que estamos investigando como algunas leyes locales sobre El Trabajo Comercial del Sexo afectan a nuestra comunidad en el Distrito de Columbia. Estamos recogiendo información acerca de experiencias que vos/usted pueda haber tenido con la policía. Le daremos un estímulo económico de 10 dólares por su tiempo, es completamente voluntario y puedes dejar de contestar en cualquier momento sin dejar de recibir el dinero. Si tienes alguna pregunta llama al 202.829.2103 pregunta por Darby.

**8. ¿Has sido detenida/o por la policía alguna vez?  Sí  No**

Si es así, qué tan seguido:  1 vez  2-3 veces  cada semana desde \_\_\_\_\_  
 a diario desde \_\_\_\_\_  no ultimamente, pero con frecuencia en el pasado

**Puedes hablar de lo que pasó? Marca las que creas convenientes con detalles abajo**

- la policía me pidió mi identificación Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- fuí arrestada/o por \_\_\_\_\_ Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- fuí humillada/o por un oficial Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- fuí ayudada/o por un oficial Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- un oficial me pidió favores sexuales Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- un oficial me quitó mis condones Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- fuí golpeada/o por un oficial Cuando \_\_\_\_\_ Dónde \_\_\_\_\_

¿Fue una mala ó buena experiencia? Más detalles ayudarían grandemente.

**9. ¿Has tenido una situación donde has necesitado ayuda de la policía?  SI  NO**

**¿Podrías hablar más sobre lo que sucedió? Incluye la fecha si la recuerdas, y también el lugar**

- Fuí robada/o y quise reportarlo Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- Fuí violada/o ó abusada/o sexualmente Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- Fuí atacada/o ó herida/o Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- Ví un problema en el vecindario/calle Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- Un amigo ó amiga necesitaba ayuda Cuando \_\_\_\_\_ Dónde \_\_\_\_\_
- Alguna otra situación que describo aquí: \_\_\_\_\_

**¿Te ofreció ayuda la policía por una de las situaciones anteriores ?  SI, me ayudaron**

NO, no me ayudaron  No fuí a la policía [escriba porque abajo]

**¿Qué sucedió?  Me trataron bien  Me trataron mal ó injustamente**

Por favor escriba las razones por tu buena o mala experiencia ó las razones por las cuales no contactaste a la policía:

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10. ¿Te advirtió por la policía que estabas en una “Zona Libre de Prostitución”?  SI  NO  
 ¿Te ordenó la policía a “mudarte fuera de aquí” por creer que eres un/a prostituta/o?  SI  NO

Si fue así ¿qué hiciste?

- Fuí a otra parte, pero me sentí MENOS segura/o  Fuí arrestada/o  
 Fuí a otra parte, pero me sentí MAS segura/o  Me fuí a casa  
 Me quedé allí porque creí que no estaba haciendo nada ilegal

11. ¿Temes cuando la policía se te aproxima? Marque todos que aplican:

- No le temo a la policía  Le temo a la violencia  Le temo que me arresten  
 Le temo problemas de inmigración  Le temo a la humillación  Le temo al abuso  
 No sé porque, pero le temo mucho a la policía  Le temo a algo más: \_\_\_\_\_

12. Si fuiste arrestada/o, ¿como te trataron cuando estuviste encerrada/o?

- Me trataron MEJOR que a los demás  Me trataron igual que a los demás  
 Me trataron PEOR que a los demás  Nunca me han arrestado

Si fuiste arrestada/o, ¿puedes decirnos por que? \_\_\_\_\_

13. ¿Te han maltratado en el vecindario? Quién? Marque todos las que aplican:

- Dueños de negocios  Residentes  
 Gente en los carros  Alguien más \_\_\_\_\_

¿Nos puedes decir más de lo que pasó?

14. Por favor marque su opinión de las siguientes: Acuerdo No Opinión Desacuerdo

Ahora en DC, la policía ayudan y protegen a personas quienes hacen el trabajo sexual.			
El gobierno del DC debería cambiar la manera de tratar el trabajo sexual.			
El trabajo sexual debería ser ilegal.			
Arrestar a las/los trabajadoras/es sexuales es la mejor manera de ayudarles.			
No hay suficientes servicios sociales para la gente quienes les necesitan.			
Si quisiera hacer una denuncia a un oficial, seria eficaz.			

15. ¿Hay algo más que quisieras agregar?

16. Si quisieras decirnos mas de tus experiencias en una entrevista mas larga, por favor nota aqui la manera mejor para ponernos en contacto: \_\_\_\_\_

10. Si nos quisieras decir mas acerca de tu persona marca las que sean necesarias. Yo soy:

- mujer  hombre  mujer transgénera  hombre transgénera  transgénera/o  ó \_\_\_\_\_  
 [escriba]

- Afro-Americana/o  Latina/o  Blanca/o  Asiatica/o  ó \_\_\_\_\_  
 [escriba]

- 13 a los 17  18 a los 24  25 a los 29  30 a los 39  40-49  50 ó mas

- gay ó lesbiana  heterosexual  bisexual  no estoy segura/o  \_\_\_\_\_ [escriba]

- trabajador/a del sexo --donde trabajas?--  en la calle  internet  bailo en un club  otro lugar

- consumidor de drogas  persona sin hogar  \_\_\_\_\_ [escriba]

Por favor escriba cualquier otra cosa de tu vida que crees importante: \_\_\_\_\_

## Appendix VI

## Observation data collection instrument

April 30 <sup>th</sup> -May 1 <sup>st</sup> , 2007	Different Avenues/SIF/Woodhull Freedom Foundation	by: Salvador Vidal-Orriz
<b>FIELDNOTES: DOCUMENTING OBSERVATIONS OF A GIVEN SITE</b>		
<i>(código)</i> ID/Code Number:	<i>(fecha)</i> Date:	
<i>(lugar)</i> Site of Observation:	<i>(inicio)</i> Starting Observation Time:	
<i>(clima)</i> Weather:	<i>(fin)</i> Ending Observation Time:	
<i>(quien)</i> Observer:		
<b>Special Observations, Relevant Issues:</b> <i>(observaciones que denotan atención, aspectos importantes o relevantes al proyecto)</i>		

[Fieldnotes] *(Notas de Campo)*

[Final Commentary on Observations, Interactions, Setting, etc.] *(Comentarios finales sobre las observaciones, interacciones, el espacio, la organización del espacio, etcétera.)*

## **Appendix VII**

## **Qualitative interview (community)**

**INTRODUCTION TO THE INTERVIEW:** “We are part of a group of organizations collecting information about how DC’s commercial sex policies affect people. You’ll be compensated \$20 for your time. The survey is completely voluntary and you can stop at anytime without giving up any money. We will take notes & record what you tell us but you do not have to give us your name. Do you agree to go ahead with the interview? Is it okay to make a recording for our records?”

*If the person says “yes” to the interview then continue. The person can also ask not be recorded.*

- 1. We’re meeting with you so you can tell us more about what happened to you and to hear more about your experiences. In your survey you said:**

**Can you tell us more in detail about what happened or about this event?**

*Additional questions you can ask: \* “why do you think these things happen?”*

*\* “In what neighborhoods does this harassment happen?”*

*\* “Please tell me more if you can. Details are very important to help us document what is going on in our community”*

*Don’t forget if someone says a word that you don’t understand, or uses slang that you think needs to be explained then ask the person to give details.*

- 2. Thanks for sharing all that information. We are very interested in things people do to try and improve situations like you have told us about. What have you done to try and stop things like that happening? Examples would be “filing a complaint” or “rallying with your community for change.” If you tried to do something to change the situation, what happened?**

*You can ask additional questions: “do the authorities support efforts like this?”*

*“do the authorities want to stop efforts to make change?”*

*You can also ask “why did you decide not to do anything?”*

- 3. Looking at the big picture, what would you do for sex workers if you were the head of the DC government or in control of DC police? If you could, what changes would you make about DC government policy on sex workers?**

*Please note if the person does not use the word “sex worker” you can say “prostitute,” “people who have sex for the things they need,” “street workers” or any other term that you think would help the person feel comfortable.*

- 4. Is there anything else that you would like to say about the police, safety and the situation for the community in DC?**

- 5. Is there anything that you would like to ask us?**

**THANKS FOR YOUR TIME!**

**Interview Questions for HAA Director Dr Shannon Hader**

1. Now that you are head of the HIV/AIDS Administration, what changes are you looking to make? What current programs and policies do you want to continue? What will be the timeline on these activities?
  
2. What do you see as the relationship between criminal policy and HIV/public health policy?
  
3. How do you think DC's current policies on commercial sex affect HIV prevention, AIDS treatment and care, and public health policy more generally?
  
4. What research are you planning to support in order to better understand how HIV/AIDS is affecting marginalized communities like people who trade sex for money, trans communities, drug-users, etc?
  
5. What is the relationship between the Health Department and the Police Department? Do you see yourself or others taking a role in resolving issues like for example, that the needle exchange program is not allowed in the Morton-Park area in NW where there is a high rate of ID drug use? If the city is funding needle exchange as an intervention, is it acceptable to you that that program is not able to access some areas where it is most needed?
  
6. What is the relationship between violence related to sexuality and gender, including against sex workers, and the spread of HIV? Is violence against sex workers, transgender people, homeless people, and others, including perpetrated by police, a public health concern?

## **Interview Questions for DC Council Member Phil Mendelson**

**Why did you vote in favor of enacting “Prostitution Free Zones” in DC last year?**

**What data did you use to determine that this legislation would be effective in increasing the safety of all DC residents? Is there data that you used to determine that this legislation would not result in increased discrimination and undue police harassment towards vulnerable populations?**

**How do you measure the success of this legislation? Are there reports about its effects that we can see?**

**We’ve heard anecdotally that people suspected of sex work experienced undue police harassment and violations of their rights during the All Hands on Deck initiatives, and that there have been people arrested in Prostitution Free Zones who were not actually engaged in sex work. Are you aware of this? If so, do you have ideas or initiatives to address these problems?**

**Two transgender women were shot near one of the first-enacted “Prostitution Free Zones” in DC. In your opinion, are enough city resources being directed towards protecting vulnerable populations, such as the transgender community, in DC?**

**Are there specific changes to DC policy you would like to see enacted with regard to safety of DC residents?**

## Questions for Sgt Tania Bell & Sgt Brett Parson

Can you tell us the key tools that the police and GLLU have used to keep all members of the community safe and healthy in DC?

Do the “Prostitution Free Zones” help you in your work to protect the safety and well-being of DC residents? How?

Have the “All Hands on Deck” events been useful for keeping the whole community safe, including sex workers? How?

We’ve heard anecdotally that people thought to be sex workers experienced undue police harassment and violations of their rights on the All Hands on Deck nights, and that people were arrested in Prostitution Free Zones who were not actually engaged in sex work. Are you aware of this? If so, what has MPD done to address these problems?

If the response is “They should file a complaint!”, We ask:

1. How does one file a complaint?
2. Has anyone filed a complaint? How many?
3. What happens when they do?

What measures or indicators do you use to gauge the success of the Prostitution Free Zones, All Hands on Deck, or your work generally, in terms of protecting all members of the DC community? Can we have a copy of these documents? Are there data or reports we can see?

What type of training do DC police receive with regard their approach to people engaged in the sex trade, people without homes, and people using illicit substances?

Are there initiatives and tasks you would/will do either differently in your new position? Are there things you’d like to do more of? Are there particular changes in DC policing policies and practices that you would like to see? How do you intend to make these changes come to fruition?