

The problem is not police training, police diversity, or police methods. The problem is the dramatic and unprecedented expansion and intensity of policing in the last forty years, a fundamental shift in the role of police in society. The problem is policing itself.

Alex S. Vitale

The End of Policing

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The Failures of Policing Sex Work

What does it mean to criminalize sex work?

When we allow police to regulate our sexual lives, we inflict tremendous harm on some of the most vulnerable people in our society. Young people, poor women, and transgendered persons who rely on the sex industry to survive and even thrive are forced by police into the shadows, leaving them vulnerable to abuse, exploitation, and diminished health outcomes.

Residents and business owners often couch their concerns about sex work in terms of offenses to the moral order. They are concerned about exposing children to overt sex acts and the detritus of condoms and drug paraphernalia that often accompany the sex trade. Secondary problems include the harassment of women mistaken for sex workers, the propositioning of uninterested men by sex workers, and the disorder and even violence that can sometimes result from interactions between clients, prostitutes, and pimps. All have the potential to undermine quality of life and reduce property values, which means that complaints from property owners tend to drive policing. At a broader level, city officials express concerns about the spread of sexually transmitted disease and the nexus of drugs and organized crime in the sex industry, as well as the presence of juveniles and the abuses they and adult participants may experience from pimps and clients.

Recently, a raft of nongovernmental organizations (NGOs) have worked hard to raise awareness about the role of coercion and international trafficking in the supply of sex workers, especially juveniles. Many of these groups, as well as some religious, political, and community leaders, object to prostitution in primarily moral terms. Others contend that no one would choose prostitution of their own accord and equate sex

work with coercion. These groups tend to take an abolitionist approach, arguing that all sex work should be banned, with punitive state enforcement action at the center of any such efforts. Many liberal feminists have embraced a prohibitionist stance out of concern for the wellbeing of women whom they believe end up in sex work because of childhood sexual abuse, while other feminists point to the ways this stance reproduces patriarchal attitudes and power relations.

There is also a strong tendency among police to view prostitution in highly moral terms. This can lead to minimizing the humanity of sex workers, because of their seemingly intractable involvement in behaviors police find personally offensive, or minimizing their agency in a kind of rescue mentality, in which police identify sex workers as victims in need of saving. When neither of these approaches improves the situation, a kind of anomic disinterest often emerges, in which prostitution is just another on-the-job problem to be managed with the least possible investment of emotional energy or regard for the outcome. Arrests are made, loiterers dispersed, and radio jobs handled. Does any of this make communities safer or improve the lives of sex workers? Overwhelmingly, the answer is no. Criminalizing sex work is notoriously ineffective and hurts sex workers and society at large. The prohibitionist approach assumes that strict enforcement of the law, whether it is directed at the provider or the client, will deter prostitution. The evidence, however, shows that even the most intensive policing efforts fail to produce this effect.

Up until the 1910s, overt red-light districts were quite common in American cities. While police often extorted bribes and at times sexually exploited sex workers, prostitution was effectively decriminalized within these zones and sometimes more broadly. Two factors combined to largely end that practice. The first was military authorities' desire to restrict prostitution during World War I, since in past wars, sexually transmitted disease had played a major role in undermining troop readiness. The second was the Progressive Era emphasis on restoring morality to the cities, which had been "polluted" by the massive influx of eastern and southern European immigrants. This took the form of a "white slave" narrative, in which prostitutes were described as unwitting victims of coercive and manipulative foreign men. Their goal was to "save" these women through prohibitionist policies similar to those against the "scourge" of alcohol.

Early enforcement actions included raiding brothels and intensive enforcement against streetwalking. Despite the helplessness implied by the “white slave” narrative, prostitutes were generally treated as criminal offenders and subjected to jail terms, constant police harassment, or worse. The police and government officials were successful in suppressing red-light districts, but prostitution activity went on unabated in more covert forms in bars, escort services, massage parlors and saunas, underground brothels, outcall services, VIP rooms in strip clubs, and many forms of streetwalking, with varying levels of visibility and risk.

Today, police employ a variety of tactics to manage sex work. Vice teams focus on both visible and covert prostitution. Those arrested for vice crimes are often pressured to provide information about brothels and other hidden sex work locations. Undercover officers investigate these locations as prospective clients, in some cases engaging in sexual acts in the process. This is followed by raids in which sex workers, managers, and in some cases clients are arrested and prosecuted. Vice officers also conduct street operations in which they pretend to be customers. Once a price and sex act are agreed upon, arrests are made in cars or hotel rooms, or on street corners. In some cases, those loitering in “known prostitution zones” are merely rounded up; the presence of condoms, “sexually suggestive clothing,” transgender appearance, or a past arrest record are deemed sufficient evidence for arrest and prosecution.

In strip clubs, police enforce a variety of vague laws against obscenity that rely on sometimes arbitrary interpretations of “community standards”: measuring the distance between patrons and dancers or inspecting the size and position of articles of clothing. In New York State, for example, women can dance topless but must be at least eighteen inches off the ground and five feet away from clients, and cannot receive tips unless covered. Undercover officers conduct regular inspections. Back rooms and VIP lounges present a special challenge, as officers must often pretend to be clients offering money for special services to uncover violations.¹

Patrol officers are sometimes assigned to manage ongoing street-level prostitution activity in their assigned areas. They tend to rely on loitering and disorderly conduct laws to arrest or disperse suspected sex workers. Officers responding to a specific complaint will often be satisfied by a sex worker’s promise to leave the area for the rest of their shift. Some make

drug arrests, ticket cars for double-parking, or intimidate clients with threats of public exposure.

More extreme forms of enforcement, often undertaken in conjunction with city attorneys and local DAs, involve publicly outing clients or using civil forfeiture and commercial nuisance laws to shutter businesses and sue landlords for allowing sex work to occur on their premises. In some cases, DAs target repeat offenders with enhanced sentences, including felony charges. Seattle's "banishment" laws require that those arrested on prostitution charges, or in some cases just suspected of prostitution, remain out of specific areas for extended periods of time or face enhanced criminal penalties.² NGOs have also pressured local officials to target advertising venues, such as the pages of free weekly newspapers and online listings such as Craigslist, in an effort to control less visible forms of sex work. In 2015 the US Attorney's office in New York raided the offices of Rentboy.com, a website where mostly male sex workers advertised their services. All the employees were arrested and the business shuttered, despite the absence of a single complaint from anyone using the site. The result was to drive these sex workers into more financially and physically precarious positions.³

The Rentboy case is especially important because of the vulnerabilities faced by lesbian, gay, transgendered, and other gender-nonconforming or unconventional sex workers. These sex workers are often at risk from clients, police, and predators and are more likely to operate at the margins of the sex trade. Transgender sex workers are routinely harassed by the police and face violent hate crimes. Too often, police assume that anyone openly transgender or gender-nonconforming must be engaged in sex work. In New York City, police routinely target transgender people for harassment and arrest based strictly on their appearance.⁴ They are also much more likely to be the victims of violence. While sex workers in general are targeted for crime, these workers also suffer abuse from homophobes and others who object to their gender identity.

Despite decades of police enforcement, commercial sexual services remain easily available, from the \$5,000-a-night escorts hired by Wall Street executives and elected officials to those who turn \$20 tricks in inner-city alleyways. Even when individual sex workers move out of the profession as a result of police action, others replace them, and there is

never a shortage of clients. At best, police can claim that their efforts limit the extent and visibility of the sex industry. It is true that concerted intensive police enforcement can sometimes drive streetwalkers from a specific location, but they move to more remote outdoor locations or indoor ones. This may provide some benefits for residents but does nothing to reduce the overall prevalence of commercial sex or improve the lives of sex workers themselves. Commercial sex has proven largely impervious to punitive policing.

Collateral Consequences

It's not just that criminalization is ineffective. It also hurts sex workers, the public, and the criminal justice system, contributing to the victimization of sex workers, the spread of disease, and the corruption of the police and justice system.

Policing has aimed not to eradicate prostitution but to drive it underground. This process leaves these workers without a means to complain when they are raped, beaten, or otherwise victimized, strengthens the hands of pimps and traffickers, and contributes to unsafe sex practices. When sex workers are forced to labor in a hidden, illegal economy, they have little recourse to the law to protect their rights and safety. Even when they are technically able to ask for police protection from violence, it is rarely forthcoming. Because of their social position and a history of disregard and abuse at the hands of police, these workers rarely see police intervention as being in their best interest. Sex workers have an interest in maintaining the anonymity of their clients; criminal prosecution and public embarrassment are bad for business. There are rarely credit-card receipts, photocopies of IDs, or surveillance footage that might be used to identify and prosecute offenders. Even when there is some evidence, victims are generally loath to open themselves up to additional police scrutiny for fear that they or their establishment might be raided.

In addition, sex workers have no ability to access basic workplace protections. They cannot complain about fire hazards or file complaints about stolen wages. They can't sue for theft of services or contractual breaches. The only tool they have is to withhold their labor, but even this

may be constrained by coercive labor practices ranging from psychological manipulation to enslavement.

Criminalization also strengthens the hand of pimps, organized criminals, and traffickers. Because there are limited legal ways of entering most sex work and because of the criminal status of most of this work which can produce huge financial rewards, third parties play an important role in recruiting and coercing participants. Also, there is a value in being able to provide protection, secure hidden work sites, and organize cooperation from the police. These services are best provided by those already involved in illegal activity. All of this makes it difficult for workers to self-organize to participate independently in the sex economy. Property rentals, security services, and advertising must all be handled covertly, often through fictitious companies or other fronts. Even streetwalkers must contend with informally organized strolls, in which more regular and organized participants either drive off newcomers or force them into their own organizations. In some cases, pimps force sex workers into their “protection” as a way of guaranteeing their ability to ply their trade. Other pimps work in true partnership with sex workers, providing support and protection for a share of the earnings.

Exploitative pimps are motivated to coerce participation in sex work by the money, and because they know that workers have little legal recourse. Police often view these sex workers as offenders rather than victims and fail to take their requests for help seriously. Also, those who are pressured, coerced, or even voluntarily enter this work often come from very disadvantaged circumstances and may have mental health and substance abuse problems or have been the victims of childhood sexual abuse. All of this contributes to social isolation and vulnerability that makes them easier to control. Simplistic “rescue” efforts fail to deal with the depth of isolation and hardship facing these people. Sex workers who are offered counseling and drug treatment but not jobs and housing will often return to sex work, even in an abusive form, because they are not given a sustainable way out. Exploiters capitalize on this dynamic to keep them isolated and dependent.

International sex traffickers can also be empowered by poorly-thought-out prohibitionist police actions, which often involve deporting or incarcerating foreign women involved in sex work, a practice often driven by US policies.⁵ In Thailand, for example, the US has pressured police to

reduce sex trafficking—which is generally equated with the involvement of foreigners in sex work, regardless of whether they are voluntary or coerced. Women from Laos, Cambodia, China, and Myanmar are routinely swept up in police raids and forcibly repatriated. In addition, border crossings have been fortified to make entry more difficult. This means that voluntary migrants are more likely to turn to organized criminal networks for transportation, leaving them vulnerable to exploitation and coercion. It also gives these organized criminal groups more exclusive control of the flow of workers, which creates a powerful incentive to maintain a strong supply—through coercive means if necessary. This is especially true if the workforce is constantly being depleted through police action.

A similar dynamic is at work in parts of Europe and the United States. Voluntary migrant sex workers turn to smugglers and traffickers to gain access to these markets, leaving them vulnerable to high financial costs, fraud, abuse, indentured servitude, and in some cases even enslavement. This is also true of other service industries. Mexican and Central American “coyotes” frequently prey on female migrants, demanding sex and money as a condition of transport, sometimes forcing women into sex work to pay off debts or directly forcing them into prostitution.⁶ Eastern European organized crime groups offer women access to American, European, and Asian sex work at very high costs that become a form of indentured servitude, as women must pay off the debts through sex work.⁷ In some cases women are told they are being smuggled to perform domestic work, only to be forced into sex work.

The illegality of both sex work and drugs creates profit incentives for organized crime to link the two. Sex workers are sometimes given drugs or pressured to become drug dependent as a way of managing them. Others become enticed or coerced into sex work to maintain their drug habits. Clients are also often offered drugs as part of their sexual experience. Offering these two services in tandem is wildly profitable for organized crime, since the avenues of distribution and the provision of security from police and competitors often overlap.

Marginalization also contributes to unsafe sex practices. One of the most troubling is that police often regard possession of condoms as evidence of prostitution. Since streetwalkers often work in cars, parks, or other informal locations, the only way to ensure safe sex practices is to carry condoms. They must then weigh the long-term risks of disease

against the short-term risks of arrest and prosecution. Clients will sometimes pay more for sex without condoms, and pimps can drive women to earn more in this way or risk abuse. Finally, while a few cities, such as San Francisco, have public health clinics for sex workers⁸, many workers have difficulty accessing appropriate care because they lack health insurance and fear being stigmatized or criminalized. Finally, the police themselves have been implicated in demanding unprotected sex as a condition of avoiding arrest.⁹

Police Corruption

Police corruption plays a major role in the abuse and marginalization of sex workers and undermines public confidence in the police. Vice crimes such as gambling, prostitution, and substance abuse lend themselves to police corruption for a number of reasons. Police can enact harsh penalties, and those engaged in illegal activity usually have the resources to buy them off. Furthermore, enforcement is largely discretionary, so there is tremendous temptation for police to look the other way in return for bribes or actively pursue bribes as a form of “rent seeking,” in which they use their position to maximize extorted earnings.

In many parts of the world, police corruption in relationship to prostitution is endemic, with most sex workers conducting financial and even sexual relationships with police.¹⁰ It is considered an unavoidable cost of doing business for workers and part of the expected base salary for police, along with bribes to avoid traffic tickets and free meals and goods from local businesses. While these practices were the norm in American policing through the 1960s, their practice is no longer systematic. Increases in pay, greater public oversight, and corruption scandals such as the Knapp Commission helped to mostly end such practices at the systemic level. However, lower-level corruption remains widespread. Police are regularly arrested or fired for providing protection for brothels or making financial or sexual demands on individual sex workers, and it is not uncommon for sex workers to field financial and sexual demands from officers as a regular part of their work life.

In just the last few years, American police have been implicated in running and providing protection for brothels, ¹¹ demanding sex from

prostitutes to avoid arrest,¹² hiring underage prostitutes,¹³ acting as pimps,¹⁴ stealing from and assaulting sex workers,¹⁵ and demanding bribes from prostitutes and their clients.¹⁶ There is no way to know the full extent of these practices, but the problem is widespread and ongoing. A 2005 survey of sex workers found that 14 percent had had sexual experiences with police and 16 percent had experienced police violence, while only 16 percent reported having had a good experience going to the police for help.¹⁷ Another study found that a third of the violence young sex workers experienced came at the hands of police.¹⁸

Reforms

Most reform initiatives that attempt to reduce the negative impact of policing on sex workers focus on shifting the burden of enforcement onto buyers and third-party purveyors. Others divert sex workers into court-mandated or social-services-driven treatment and rehabilitation regimes in an attempt to keep them out of jail and offer them pathways to economic self-sufficiency. These efforts include specialized courts, “john schools,” new laws targeting clients, and other attempts to either deter clients or reform sex workers and their clients.

This can be seen most clearly in new legal regimes that decriminalize selling sexual services but criminalize buying or organized provision. The pioneer of this approach is Sweden, which in 1999 voted to decriminalize sex work but increased penalties for the trafficking and coercion of sex workers and the purchase of sexual services. This change was motivated by mostly liberal female legislators taking an abolitionist approach to prostitution on feminist grounds. They argued that all sex work is degrading to women (even though not all sex workers are women) and that all women involved in sex work have been coerced in some way—even if just out of economic desperation. Framing sex workers as victims made criminalizing them unjust, so instead they placed the burden on those who coerce women into the trade and those who demand their services.

This “Nordic model” also provides sex workers with access to social services, government benefits, and pensions. Since the law was enacted, there has been evidence of a decline in the overall number of prostitutes and an increase in the price of services. Interestingly, no one has actually

been incarcerated for soliciting sex. The rise in prices suggests a drop in the supply of sex workers rather than a decrease in demand. The rhetoric of victimhood has also served to further stigmatize and socially isolate sex workers. Many sex workers report that they are voluntary participants and that criminalizing clients further isolates them. Because their clients are at risk of arrest, they must still work covertly. They still report feeling hunted by the police and driven into the margins of society. In addition, some sex workers have lost custody of their children; others have been evicted by landlords concerned about being prosecuted for facilitating sex work. This means that women must often work alone, as opposed to their having an organized setting in which security and working conditions could be more easily controlled and improved. In the Netherlands and Nevada, where organized prostitution is permitted, workers are better able to organize to improve safety and working conditions.

In the United States, prostitution remains illegal except in rural Nevada, but there have been less-punitive approaches. In 1995 the City of San Francisco developed the First Offender Prostitution Program, in which clients could pay court costs and attend a “john school” to avoid prosecution. This is intended to educate clients about the harms that their practices produce for themselves, their families, communities, and sex workers through graphic lectures about the effects of sexually transmitted diseases and the coercion and exploitation experienced by some sex workers.¹⁹ The hope is that once they know the true costs, clients will choose not to participate in this illicit economy.

In practice, these “schools” have a very punitive quality. Defendants are forced to attend or face criminal charges. The stern lectures have a moralizing bent. They also assume that men are unaware of the potential harms produced by their behavior. In fact, many men are well aware of the negative consequences of their actions, though they often suppress that awareness to suit their desires.

Like the Nordic model, this approach does little to improve the life options or working conditions of sex workers or address the underlying motivation for buying sexual services, which requires a much deeper conversation about the role of sex in society.

Several court-based diversion programs focus on pressuring and enticing sex workers to leave the trade. Their ability to participate in the court process is usually at the discretion of the local District Attorney, who

can choose to prosecute instead. The court makes a needs assessment and orders participation in one or more therapeutic or rehabilitative programs, such as drug treatment or job training. In theory, these programs should offer a full range of services tailored to the specific needs of individual sex workers with the goal of providing them true pathways out of sex work, if this is what they want. Since sex workers who end up in the court system have complex needs and often traumatic histories, any rehabilitative effort should be long-term and anticipate setbacks and temporary program failures. Little of this is done in practice. Most programs have a very limited range of services including shelter referrals (not permanent housing), job training (not jobs), and outpatient mental health and drug treatment. They usually take an abolitionist approach that views women as victims to be rescued.

As a result, sex workers are rarely involved in the development of these programs. Christian rescue groups often receive contracts to provide many of the services and in some cases have been instrumental in establishing the courts and work with law enforcement to plan and execute raids. While some of the services can be very helpful, forced participation in religious counseling blurs the line between church and state and does little to improve the lives of sex workers. Fortunately, in some cases, groups with a history of sex worker membership or involvement—such as New York’s Sex Worker Project—are involved in providing some small portion of the court-mandated services.

In 2013 New York created the first Human Trafficking Intervention Courts, designed to treat sex workers as victims rather than criminals. Molly Crabapple profiled the utter futility and abuse of this system for *Vice* in 2015, showing that police practices remain essentially unchanged, with the vast bulk of enforcement targeting women in the street trade and often dragging in other poor women of color who were just in the wrong place at the wrong time.²⁰ The courts themselves offer only minimal services. In many cases the penalties from these courts were actually higher than for a regular court, as women were forced to go through days of counseling and community service rather than just paying a small fine and getting on with their lives. The issue of trafficking is almost totally absent: the workers are never asked if they were trafficked and the entire focus is on controlling their lives through moral suasion and forced counseling.

Since these programs are only available after an arrest, the police still have tremendous discretion in determining who is a sex worker and whether they should be put into the criminal justice system. This leaves open the possibility of strong bias toward arresting those in the street trade and sex workers of color. In Brooklyn, which has a Human Trafficking Intervention Court, 94 percent of those arrested for street prostitution are African American. In addition, these courts maintain all the temptations of corruption, in which police officers can extort sex or money from sex workers in exchange for avoiding arrest and placement in the court.

Recidivism rates for participants in these programs are slightly better than for those jailed and fined. However, most participants do go back to sex work, even those involved in abusive relationships with pimps. More importantly, these courts seem to have little impact on the total population of sex workers. Since demand is maintained and economic and social vulnerabilities remain unaddressed, there is a never-ending supply of new workers. In some cases they help those who are aging out of prostitution or are ready to leave abusive situations, but they seem much less effective in diverting those with high earning potential. Sex workers who are not being coerced often see the programs as demeaning, misguided, and largely irrelevant.

With the rise in awareness about human trafficking has come an explosion in efforts to “rescue” women and girls in sex work by governments and NGOs. These “abolitionists” operate on the assumption that all sex workers are there involuntarily. This approach is driven by religious conservatives embracing a moral framework of sexual indiscretion followed by moral redemption, and by conservative feminists, who look to the state to advance the interests of women through punitive means (“carceral feminism,” as coined by Elizabeth Bernstein²¹) or market-based rehabilitation programs while overlooking larger systems of economic and cultural domination. Proponents define sex workers as women who are victims in need of saving and in some cases support full criminalization of female sex workers.

This framework may be best known in the United States in relation to conservative religious efforts to “save” prostitutes through on-the-job interventions, often captured on video. Films like *The Abolitionists* portray moral crusaders working with local police to identify victims and perpetrators. Many, like Operation Underground Railroad, focus on

rescuing child sex workers and victims of coercion and international forced trafficking. They pose as clients and then try to talk sex workers into leaving the trade by joining their programs, which typically offer emergency housing and some social support services along with a heavy dose of religious mentoring.

Internationally, these groups often work with local authorities to do large brothel raids, in which foreign workers are deported to their home countries and local workers are forced into social services and training programs. Sometimes these “rescued” women are willing participants in sex work and fight to escape. Others are forced into sweatshop-like conditions, primarily in extremely low-paid garment work. In Thailand, women are held for a year in rehabilitation camps, where they are required to learn sewing and other trades in hopes that they will accept low-wage work instead of much higher-paying sex work. The sex workers’ rights group Empower Chiang Mai has documented numerous incidents in which “rescued” sex workers were abused by police, held in detention, and deported.²² Needless to say, many of those “saved” return to sex work.

Under the George W. Bush administration, these groups found a welcome reception. In 2002, Congress passed the Global AIDS Act, which barred the use of federal funds to promote, support, or advocate the legalization of prostitution. Governments that wanted funds for AIDS prevention were barred from even exploring the possible benefits of legalized prostitution regimes in reducing HIV transmission rates; nonprofits were required to take a public stance against prostitution and trafficking in any form—which generally included noncoercive migration of sex workers. This made it very difficult for groups to build trusting relationships with sex workers or openly help them organize for mutual aid and political power. In addition, it has often played into local anti-immigrant sentiments, in which visible sex work is blamed on an influx of immigrant sex workers. As a result, enforcement often targets migrant workers without regard for their reasons for doing such work, the means of their arrival, the conditions of their work, or the dangers of illegally crossing borders.

Domestically, the Trafficking Victims Protection Act of 2003 conflated all prostitution with forced trafficking, despite the objections of sex-worker organizations. The act was intended to punish traffickers rather than sex workers themselves. The FBI and local law enforcement were

pressured to set up anti-trafficking initiatives using new federal money. Unfortunately, enforcement modalities appear largely unchanged. FBI raids typically result in arrests of a small number of traffickers and large numbers of sex workers. The act also created special visas for trafficking victims willing to aid law enforcement in prosecuting their traffickers; the vast majority of these go unused.

The law also pushed local and state governments to create anti-trafficking laws that conflate prostitution with trafficking in important but inaccurate ways. Alaska's 2012 law equates trafficking with advertising or working collectively. As a result, individuals who have advertised on Craigslist have been arrested, as have massage parlor and brothel owners—even in the absence of any evidence of coercion, much less forced international migration. These laws intensify the criminalization of sex workers and make sex work less secure. In the end, those arrested are generally subjected to the same pointless revolving-door justice.

Alternatives

Both traditional and reformist approaches to policing sex work have failed to alter the basic landscape of commercial sex. The basic level of supply and demand has remained largely unaltered by crackdowns, street sweeps, diversion programs, and rescue operations. It's time to completely rethink the use of punitive mechanisms for managing the social and individual harms associated with sex work. There is no one strategy for doing this, but many countries and localities are experimenting with new approaches. Some combine a harm-reduction approach with efforts to legalize or decriminalize prostitution. Police are largely taken out of the process; their role is reduced to dealing with truly coercive situations and other serious criminal behavior. None of these approaches is without problems, and they may not be transferable to every location. Instead, they are guideposts on the road to developing local solutions in conjunction with communities and sex workers themselves.

The goal of any new approach to sex work should be to take the coercion out of the process while understanding that, whether you personally find it distasteful or not, sex work will continue. Therefore, we should endeavor to improve the lives of sex workers and offer them

voluntary pathways out of a job that can be difficult, demeaning, and even dangerous. While those who fit the idealized image of the college student paying her way through school with sex work before going on to a successful “legitimate” career are a small sliver of the market, many choose this work over low-paid employment in sweatshops, diners, hotels, and kitchens. All of these workplaces can also be demeaning, dangerous, and even sexually exploitative—just ask domestic workers in Singapore, *maquiladora* workers in Mexico, or hotel maids in Manhattan. In upstate New York, Susan Dewey found that almost all the sex workers she interviewed had previous employment and that most cycled between sex work and low-paid service work. Most preferred sex work because of the potential for financial windfalls, whereas service work was “exploitative, exclusionary, and without hope of social mobility or financial stability.”²³

Brazil has largely decriminalized sex work. Adult sex work is legal, though operating a brothel is not. In practice, organized brothels exist fairly openly in many cities, including the central business districts of Rio de Janeiro and São Paulo. Different establishments offer services to different classes of clients. The street trade is somewhat minimal because there are so many indoor work environments; it is often specialized—such as catering to elderly clients around Praça da República—and is largely ignored by police. Sex workers catering to women and gay men are also more or less open and rarely subject to police action. There is also a strong aversion to pimps among police and in the general culture, and they are involved in only a small and marginal part of the market. This market is remarkably unregulated. There are no licensing or health check requirements, and widespread competition has helped to undermine abusive practices, though the low end of the business is still fraught with unpleasant and dangerous working conditions. Sex workers can go to the police for help when dealing with abusive customers or pimps. Brazil’s deregulated approach is no panacea; there are underage prostitutes working in many areas, especially as part of the sex tourism sector in resort areas, and safe sex practices are not always ubiquitous. There is also constant pressure to criminalize parts of the industry on behalf of real estate interests, moral entrepreneurs, and local officials concerned about their international image in connection to events like the World Cup and Olympics.

Organized prostitution in brothels has been legal in rural Nevada since 1974. Workers (all female) are part of the formal economy, paying taxes and participating in Social Security. They are treated as independent contractors. They are required to pay the house a percentage and have regular health checks. The house provides clean workspaces, security, and administrative support. Numerous studies show a high degree of worker satisfaction, low levels of violence, and long work histories. There have been no allegations of forced or underage prostitution. Most workers report having previously worked in other kinds of employment, but find sex work more remunerative. Despite the consistently positive findings of researchers, the urban areas of Nevada have resisted legalization, and politicians and moral entrepreneurs frequently challenge the law. In 2014, Senate majority leader Harry Reid accused state legislators of cowardice for failing to criminalize sex work as part of a “modernization” effort to attract businesses to the state, prompting some brothel owners to point out that widespread illegal and coerced prostitution hasn’t been an impediment to business in the rest of the country.²⁴

Sex work is formally decriminalized in parts of Germany, Belgium, and the Netherlands. Red-light districts operate openly in cities and are highly regulated.²⁵ Women have full rights as workers and police enforcement is largely limited to underage and coerced sex workers, including international trafficking, and there is very little evidence of these; usually when they do arise it is in underground establishments. Sex businesses are generally zoned into specific areas; even some public strolls are allowed. Violence is largely unheard of in the regulated areas, and police respond to calls for assistance. While organized crime has been somewhat displaced by open competition, the limited number of venues and a significant underground trade allow it to remain a substantial and problematic part of the industry.

New Zealand has fully decriminalized prostitution in public and in organized settings, subject to local regulation. Government health and safety workers regularly inspect work premises; sex workers participate in national social benefit schemes and are protected by employment and labor laws. A similar system exists in parts of Australia as well. Violence and trafficking are largely nonexistent, as are underage and coerced sex work. The low cost of licensing and cooperative local governments mean that the underground trade is minimal. In some cities brothels can

advertise. Organized crime seems to be largely absent; sex workers are mostly local women who report a high degree of satisfaction with their work lives. Public support, which was divided when the law was changed in 2003, has increased in recent years, prompting conservative governments to leave the system in place despite calls from moral reformers. In 2008, the New Zealand Prostitution Law Review Committee found that sex workers reported feeling safer, better able to negotiate safe sex practices, and more willing to report abuses to the police. They also found no evidence of increases in the number of minors involved in the sex trade.²⁶

From Mexico to New Zealand to rural Nevada, allowing and regulating sex work reduces harm to sex workers, their clients, and communities, with very little role for the police. Legalized sex work has dramatically reduced the role of organized crime and police corruption and in many cases allows for greatly improved working conditions in which sanitation, safety, and safe sex practices are widespread and reinforced through government oversight. Civilian health workers rather than police are the primary agents of regulation, encouraging greater cooperation and compliance. This approach also undermines the view of sex workers as helpless victims in need of saving, which is degrading, stigmatizing, and simply inaccurate.

Do these approaches encourage sexual commerce by giving it the patina of legitimacy? Perhaps. But if the central social concerns of coercion and disease are being managed more effectively than under prohibition, isn't that a success? We should embrace these approaches as a starting point for policies that directly address social harms rather than moral panics. While commercial sex work will always have harm attached to it, so do legal sweatshops. In fact, the subordinate position of women in our economy and culture is the real harm left unaddressed by prohibition. Despite the lofty goals of abolitionists, as long as they are denied equal economic and political rights and equal pay for equal work, women will be forced into marginal forms of employment. As long as women and LGBTQ people are poor, socially isolated, and lack social and political power; as long as runaway and "throw away" kids have no place to turn but the streets, they will be at risk of trafficking and coercion. Neither the police nor the "rescuers" seem keen to address these social and economic realities.

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