



Charlie Beck, Chief
Beatrice Girmala, Assistant Chief
Los Angeles Police Dept.
100 West 1st Street
Los Angeles, CA 90012

Eric Garcetti, Mayor
200 North Spring Street
Los Angeles, CA 90012

Mitch O'Farrell
Councilmember, 13th District
1722 Sunset Blvd.
Los Angeles, CA 90026

Mike Feuer
Los Angeles City Attorney
200 N. Main Street, Room 800
Los Angeles, CA 90012

October 21, 2016

Dear Honorable Eric Garcetti, Chief of Police Charlie Beck, Councilperson Mitch O'Farrell, Assistant Chief Beatrice Girmala, and City Attorney Mike Feuer;

We, the undersigned legal, transgender, and sex-worker rights groups, call on the City and the Los Angeles Police Department ("LAPD") to cease sweeps of all sex workers, including trans sex workers targeted by the LAPD. We understand that the LAPD scheduled a sweep of sex workers today, Friday, October 21, 2016 and asked that service providers with expertise in providing services to transgender people arrive at 4 a.m. to provide assistance to detainees.

We are concerned that in conducting sweeps of sex workers, police officers engage in unlawful profiling of transgender people and especially transgender people of color, and that criminal laws are being selectively and disproportionately enforced against transgender people. Indeed, the U.S. Department of Justice has found that some major police departments profile transgender women as sex workers based solely on their appearance which is unlawful and violates their right to be free of gender discrimination and First Amendment rights of freedom of expression.¹

¹ <https://www.aclusocal.org/decriminalize-sex-work/>

According to the National Transgender Discrimination Survey, “transgender people overall experience high levels of discrimination in every area of life, as well as high levels of poverty, unemployment, homelessness, negative interactions with police, incarceration, and violent victimization. As a result, many transgender people participate in the sex trade in order to earn income or as an alternative to relying on homeless shelters and food banks.”² The New York Times reports that, “roughly 15 percent of transgender Americans earn less than \$10,000 a year, a rate of extreme poverty that is almost four times higher than the national average, according to the National Center for Transgender Equality and the National Gay and Lesbian Task Force.”³ Transgender people are twice as likely to be unemployed as the general population and unsurprisingly about 16 percent of respondents to a 2011 survey said they resorted to illegal trades like sex work and drug dealing to survive.⁴ Ninety percent of respondents said that they faced harassment, mistreatment or discrimination while working, with black and Latina transgender women being the most vulnerable.⁵

According to Lambda Legal, “transgender people engage in sex work at a rate ten times that of cisgender women, and 13% of transgender people who experience family rejection have done sex work.”⁶ “Whether or not they participate in sex work, LGBT people are regularly profiled, harassed, and criminalized based on the presumption that they are sex workers, contributing to the high rates of incarceration and police brutality experienced by these communities.”⁷ The ACLU reports that, “Discriminatory enforcement of sex work-related laws also exposes transgender and cis-women sex workers to much higher rates of violence at the hands of the police.”⁸ “Transgender people are nearly four times more likely -- and transgender people of color six times more likely -- to experience physical and sexual violence from the police.”⁹

When the government criminalizes sex work, sex workers fear law enforcement, arrests and penalties and sex workers, especially undocumented sex workers, are deterred from seeking help from law enforcement when they are victims of crime. Fear of arrest and penalties also deters people frequently targeted by police (often poor, often people of color, often transgender women) from carrying and using condoms, a cheap and effective method of preventing HIV and other sexually transmitted infections--because carrying condoms may be used as evidence against a sex worker of their intent to commit a crime.¹⁰ Thus, criminalizing sex workers for carrying condoms hinders public health.

Arrest and prosecution for sex work can have devastating consequences for people who are homeless or on the verge of homelessness. Undocumented sex workers can also face

² http://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf

³ http://www.nytimes.com/2015/07/09/opinion/the-struggle-for-fairness-for-transgender-workers.html?_r=0

⁴ *Id.*

⁵ *Id.*

⁶ http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf, pg. 107,

http://www.lambdalegal.org/blog/20150820_decriminalize-sex-work

⁷ http://www.lambdalegal.org/blog/20150820_decriminalize-sex-work

⁸ <https://www.aclusocal.org/decriminalize-sex-work/>

⁹ *Id.*

¹⁰ http://www.lambdalegal.org/in-court/legal-docs/esplerp_ca_20161012_amicus

dire immigration consequences, including deportation, from coming into contact with law enforcement.

Fear of law enforcement which is the result of criminalization, can make sex workers vulnerable to the force and coercion that are conditions of trafficking. Human trafficking is not sex work, and the two should not be conflated. The difference is consent. We are extremely supportive of efforts to combat human trafficking. People who are coerced or forced into sex or domestic labor (the most common form of human trafficking) are not sex workers—they are trafficking victims.¹¹ In 2015, Amnesty International put forth a resolution to protect the human rights of sex workers by calling for decriminalization of sex work, while simultaneously holding states accountable in preventing and combatting sex trafficking, ensuring that sex workers are protected from exploitation, and enforcing laws against the sexual exploitation of children.¹²

Conducting sweeps of sex workers, including transgender sex workers, and offering services to them post-arrest does not mitigate the negative impact that arrests have on the lives of sex workers and transgender sex workers. We ask that you provide services and resources to transgender people, without arresting them. There are better ways to invest in the lives of transgender people. We call on the City to, instead of criminalizing transgender sex workers, to invest more resources to creating housing, services and jobs for transgender people, investing in a center for transgender people in the City, combatting employment discrimination against transgender people, and protecting transgender people from violence.

We look forward to your response.

Sincerely,

Bamby Salcedo
Trans Latina
Coalition

Jennicet Gutiérrez
Familia: Trans Queer
Liberation
Movement

Ameena Qazi
National Lawyers
Guild – Los Angeles
Chapter

Vanessa Carlisle &
Danny Cruz
Sex Workers Outreach
Project - Los Angeles

¹¹ http://www.lambdalegal.org/blog/20161012_constitution-should-protect-sex-work

¹² <http://www.amnestyusa.org/news/press-releases/policy-on-state-obligations-to-respect-protect-and-fulfil-the-human-rights-of-sex-workers-internatio>