

# A Quick & Dirty Sex Worker Safety Toolkit

## In This Guide You'll Find:

- I. Screening for Safety
- II. Creating a Safety Plan in Case of Arrest
- III. How the Sex Trade is Criminalized
- IV. Know Your Rights in Police Encounters
- V. What to Expect from your Lawyer

# Screening for Safety

*Below is introductory information for screening for people you meet online before being in private spaces. The more information we have about a person and shared expectations, the more likely you'll have a good experience. Dating online and meeting new people in a secluded space is never going to be 100% safe of violence - interpersonal and/or state, including when exchanging resources for intimacy. Everyone chooses the methods of screening that are right for them.*

***But always - ALWAYS - trust your gut.***

*Each place might also have its own culture around screening, so certain methods might be easier than others. That kind of knowledge comes from community and building relationships with other people who do what you do.*

## Screening Potential Dates Met Online:

### **Get as much information as you can about the person including:**

- A. Full Name: Google them, try and find their facebook, LinkedIn, social media account - the more of a footprint they have online, the more likely it's a real person.
  - B. Phone Number
  - C. Place of employment
  - D. Online Profile
- Check all this information against any bad date lists which are maintained in your area.

***Are they who they say they are? Try to best connect the person talking to you with the information they gave you. We can all say we're John Smith, and probably find a facebook account with that number, but we can't call from John Smith's phone number, email from his work address, or message from his Facebook page. When possible, get information on your potential date and make sure they're the person they say they are ahead of time. If you find a confirmable number, arrange a call to that number ahead of time.***

***Example: If they work at X and have a profile online, call the main line and ask to be connected to their office number. Don't out anyone either - use a neutral name and reason for your call, and if you ask for an email from their work account, use a non-advertised, neutral email address.***

### **Referrals from others in your community**

- A. Ask for references of previous dates your potential connection has had. Follow up with those people to ask whatever information helps you to feel safe. Ask for

more than one, if possible - people pop in and out all the time and someone probably won't get back to you.

1. Do they have an online profile up, too? Double check to make sure they're who you think they are!
- B. This is also easier the more community is built! When we know people it's often easier and faster to follow up on that information.

## Screening when Working in a Public Space

- I. Work with a buddy or other peers. Community means safety, and you'll have someone to look out for you, someone there in case something goes wrong, and advice that is specific to the place you're operating in.
  - A. Remember the license plate, make/model as well as possible, and let someone else know what that is.
- II. If you have a local bad date list, read it before heading out! Even if you don't remember everything, something might make you double check before you head out with someone.
- III. [Tricks of the Trade](#) is still a great guide on working safer in public spaces.

### ***Just a few of the Safety Tips from Tricks of the Trade:***

- Run against traffic, not with it
- The smaller the stroll, the more you have to guard your reputation. In a small town with a small pool of customers, you can't afford to get caught stealing, faking, going with someone for less-than-price or without condoms.
- The further from the stroll you get with a customer, the harder it becomes to turn him down.
- If he gives you a bad feeling on the stroll (your territory) It will get worse once you're in the car (his territory).
- Stand where you can be seen and where you have good, glare-free vision of the stroll and approaching cars.
- Stash keys and other important personal items where they will be accessible and safe - keeping them in your pockets or purse makes them available to customers who want to rob you

### **APPROACHING THE CAR**

- Approach the driver's window keeping enough distance to avoid being grabbed, assaulted with spit or spray paint or pleasing "window shoppers"
- Study the customer, the car and the door lock system.
- Arrange price, service and location while you're outside the car.
- Circle the car completely before entering to ensure the number of passengers and to take the license plate number or pretend to.
- Wave goodbye to work partner (or pretend to) and shout expected return time.

## Meeting In Person for the First Time

- I. You can ask to meet in a public space or talk on the phone before going to a more private location. You can also assess the person for comfort or intoxication in person when you can't over email.
- II. Ask for ID.
- III. A **safe call** is where you phone a friend who knows where you are to tell them you're there, and what time you'll call them back. Work out ahead of time what to do if you do not call at the specified time.
- IV. If they are coming to a place you arrange:
  - A. Make sure you don't have any sensitive information in plain sight. Think about the mail on your kitchen counter or a name on your buzzer.
  - B. Make sure you know the space well enough to know what to do if something goes wrong. Can you get out if you need to, and would there be someone around who would offer help in the way that feels safest?
- V. If you are going to their place:
  - A. Be aware of what you bring with you. **Carry only as much cash as you are willing to lose.** If you are arrested, the cash on you may be vouchered as evidence - but it's easy enough for an officer to pocket. You can make a complaint, but you'll likely never see that money again. If you are carrying drugs or something that could be considered a weapon, you may be opening yourself up to other charges.
  - B. Knowing your surroundings promotes safety. If you're in a hotel, make sure the door is not chained, and remember how to get to the elevator if you have to run. Look around when you get to the house or the parking lot to see if things feel off.

***Always trust your gut.***

# Safety Planning In Case of Arrest

The following worksheet is to help create a safety plan in case you are arrested. Fill it out with whatever additional information is necessary and keep it with a safe person in your life. The worksheet is two pages back-to-back for easy printing.

1. **Have an arrest support person (ASP) and memoize their phone number. Memorize your Arrest Support Person's (ASP) phone number.** If you are detained, anticipate that you will only be allowed one phone call. Your ASP should be someone who will be a connection between you and the outside world. *Make sure they agree to this responsibility before you list them!* They will have to contact care providers for your children/pets, reach out to designated contacts, and may even have to assist you in getting financial support for your attorney.
2. **Memorize your lawyer's phone number.** If you don't have a lawyer retained or in mind, find the legal services organization in your area and write them on the sheet for your ASP. Places to call may include the local Legal Aid Society, a local service provider, or the American Bar Association in your state.
3. **List an emergency care provider for each person you care for/pet and their contact info (if different from ASP) and create a daily schedule regarding their needs.** Your ASP will contact each care provider and they will carry out your instructions regarding things like school, extra-curricular activities, and medical needs. Also go over what to tell those in your care in case of arrest. If you have children, keep this schedule updated each semester to reflect changes. Make sure the ASP and emergency care provider have this information in advance.
4. Have a plan for **what you will tell various people in your life** if you are arrested.
5. **Put aside money to live off of in case an arrest prohibits you from working for a while.** It would also be a good idea to have money set aside for a lawyer, but in case that is not an option, have the names and numbers of attorneys you can reach out to.
6. Keep **seven (7) days worth of your medications on you at all times** in correctly labeled prescription bottles. If you have **potentially life threatening allergies/medical conditions** keep documentation or wear a medic alert bracelet
7. **Decide if you want community/court support and what that looks like for you.**
8. **When doing outcalls, try to only carry as much money as you are willing to lose.** While cops are supposed to voucher anything they confiscate, they can easily pocket cash and you'll never see that money again.

Date Filled out:

# Emergency Planning Worksheet: In Case of Arrest

- Keep this and all other material/information in a safe place
- Make sure one of your emergency contact people has a copy of any necessary keys.

Attorney: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## ***Please call the following individuals upon arrest:***

Name \_\_\_\_\_ Relation \_\_\_\_\_ Number \_\_\_\_\_

What to tell them:

Name \_\_\_\_\_ Relation \_\_\_\_\_ Number \_\_\_\_\_

What to tell them:

## ***This is who you SHOULD NOT CALL:***

Name \_\_\_\_\_ Relation \_\_\_\_\_

Reason \_\_\_\_\_

Name \_\_\_\_\_ Relation \_\_\_\_\_

Reason \_\_\_\_\_

Who to call for money:

Name \_\_\_\_\_ Relation \_\_\_\_\_ Number \_\_\_\_\_

Name \_\_\_\_\_ Relation \_\_\_\_\_ Number \_\_\_\_\_

**Legal name:**

**Birthdate:**

**Sex marker on ID:**

**Gender Identity:**

**Allergies:**

**Dietary restrictions:**

**Passwords to know (computer/phone/email):**

**Medications (Name/Dose/Frequency):**

Date Filled out:

**Caregiving Obligations: (Include Children, dependents, pets, plants)**

Name	Sun	Mon	Tues	Weds	Thurs	Fri	Sat

**Monthly Bills:**

Name	Minimum Payment	Date Due	How to Pay

**Do you want Court Support? What does that look like?**

**What you will want to do first upon release:**

**Additional Instructions:**

Date Filled out:

# Criminalization of the Sex Trade

In every state, the exchange of sexual services for money is criminalized. While every state (and even some cities) are different, below are examples of different types of laws. Please check your state laws to be certain, as different states may cover different things (like BDSM), written in a way where some of the below laws are combined, and have different penalties.

To find the laws in your state, you can google the charge and your state, and just make sure you go to a .gov site to read the actual statute.

## **Solicitation (Example: California, 647 (b))**

An individual who solicits, or who agrees to engage in, or who engages in, any act of prostitution with the intent to receive compensation, money, or anything of value from another person. An individual agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation by another person to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in an act of prostitution.

- Any verbal or written agreement to exchange sexual services for money or resources. This can apply to both sex workers and clients.

## **Loitering for the Purposes of Prostitution (Example: New York, 240.37 (2))**

Any person who remains or wanders about in a public place and repeatedly beckons to, or repeatedly stops, or repeatedly attempts to stop, or repeatedly attempts to engage passers-by in conversation, or repeatedly stops or attempts to stop motor vehicles, or repeatedly interferes with the free passage of other persons, for the purpose of prostitution as that term is defined in article two hundred thirty of this part, shall be guilty of a violation and is guilty of a class B misdemeanor if such person has previously been convicted of a violation of this section or of section 230.00 of this part.

- This profiling-based crime may include a variety of things cited as “evidence” including manner of dress, or being in an area “known for prostitution.” It is being challenged in New York State.

## **Prostitution (Example: Illinois, 11-14(a))**

Any person who knowingly performs, offers or agrees to perform any act of sexual penetration as defined in Section 11-0.1 of this Code for anything of value, or any touching or fondling of the sex organs of one person by another person, for anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution.

## **Promoting/Pandering/Pimping (Example: Illinois, 11-14.3, Promoting)**

(a) Any person who knowingly performs any of the following acts commits promoting prostitution advances prostitution as defined in Section 11-0.1;

(b) profits from prostitution by:

- (A) compelling a person to become a prostitute;
- (B) arranging or offering to arrange a situation in which a person may practice prostitution; or
- (C) any means other than those described in subparagraph (A) or (B), including from a person who patronizes a prostitute.

- Often, the harm reduction tools that we use which involve another person, such as giving referrals, sharing information, having someone drive you to an appointment, tossing someone cash to put up your ad, having someone in your apartment in a different room for safety fall under these laws.
- In some states, these laws have been applied to sex workers for “promoting” themselves.

**Maintaining a Bawdy House (Example, Virginia: 18.2-347. Keeping, residing in, or frequenting a bawdy place; "bawdy place" defined; penalty.)**

It is unlawful for any person to keep any bawdy place, or to reside in or at or visit for immoral purposes any such bawdy place. Each day such bawdy place is kept, resided in, or visited shall constitute a separate offense. In a prosecution under this section, the general reputation of the bawdy place may be proved. A violation of this section is a Class 1 misdemeanor.

# ***Know Your Rights for Police Encounters***

This information and intellectual labor is copied from the [ACLU](#) and [Communities United for Police Reform](#). Please view their guides for more information. Both guides are written for traditional police stops. If you are caught in a sting operation where law enforcement has set up a date, they may already have probable cause for an arrest.

## **I've been stopped by the police in public**

- At this point, you can politely ask, “am I free to go?” in a calm, assertive tone. If the officer does not answer, continue to ask, “am I free to go?” or “are we free to go?”
  - If the officer says, “yes,” calmly walk away.
- If the officer says, “no,” then you are being “stopped” or “detained.”
- Police are not legally required to speak with you in your native language.
- Police are supposed to treat everyone with courtesy, professionalism and respect and should never make discriminatory or disparaging comments or remarks.

## **Your rights**

- **You have the right to remain silent.** For example, you do not have to answer any questions about where you are going, where you are traveling from, what you are doing, or where you live. **If you wish to exercise your right to remain silent, say so out loud.** (In some states, you may be required to provide your name if asked to identify yourself, and an officer may arrest you for refusing to do so.)
- You do not have to consent to a search of yourself or your belongings, but police may pat down your clothing if they suspect a weapon. Note that refusing consent may not stop the officer from carrying out the search against your will, but making a timely objection before or during the search can help preserve your rights in any later legal proceeding.
- If you are arrested by police, you have the right to a government-appointed lawyer if you cannot afford one.
- You do not have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country.

*If you are being detained, police can hold you for a “reasonable” amount of time - which is just as broad as it sounds, and often can only be challenged later in court.*

## **How to reduce risk to yourself**

- **Remember:** Police officers can be unpredictable and can quickly escalate a situation, particularly if they feel unsafe, disrespected, or that they don't have control of the situation. Therefore, it's best to remain calm, cool and collected. If you make sudden

movements, act in a way that is perceived as angry or aggressive, run or physically resist, you might get beaten or even shot.

- Stay calm. Don't run, resist, or obstruct the officers. Do not lie or give false documents. Keep your hands where the police can see them.

## **I've been arrested by the police**

- The police may arrest you if they have "probable cause" (hard evidence) that you committed a crime. You can give your name and address. Other than this, **you have the right to remain silent! use it! say out loud, "I'm going to remain silent. I want a lawyer."**
- Don't talk about anything that has to do with your arrest to anyone without having a lawyer present. Don't even talk to police officers or district attorneys, even if they say they are trying to help you. Remember, police are trained to trick you into making a confession.
- Do not sign anything without a lawyer present! You may be waiving your rights or confessing to a crime.
- You will be handcuffed, searched, photographed & fingerprinted for most offenses. Once at the precinct, you should be searched by an officer of the same gender or of the gender you request. If this does not happen, you can remind the police that they are required to explain why in their command log.
- If you have children with you, you can ask the police to call a family member or friend before they take you away.
- You have the right to make a local phone call. The police cannot listen if you call a lawyer. They can and often will listen to a call made to anyone else.

## **When Can Police Search My Phone?**

(From the [Electronic Frontier Foundation](#))

**If you consent to a search, the police don't need a warrant.**

The most frequent way police are able to search is by asking you for permission. If you say "yes" and consent to the search, then police don't need a warrant. You can limit the scope of that consent and even revoke or take it back after the officers begin searching, but by then it may be too late.<sup>1</sup> That's why it's better not consent to a search--police may drop the matter. If not, then they will generally need to get a search warrant to search.

**Even if you're arrested, police can only search your phone under limited circumstances.**

After a person has been arrested, the police generally may search the items on her person and in her pockets, as well as anything within her immediate control, automatically and without a warrant. But the Supreme Court has ruled that police cannot search the data on a cell phone under this warrant exception.<sup>8</sup> Police can, however, search the physical aspects of the phone

(like removing the phone from its case or removing the battery) and in situations where they actually believe evidence on the phone is likely to be immediately destroyed, police can search the cell phone without a warrant. (From the Electronic Frontier Foundation.)

## When your rights have been violated

- Write down everything you remember, including officers' badge and patrol car numbers, which agency the officers were from, and any other details. Get contact information for witnesses.
- File a written complaint with the agency's internal affairs division or civilian complaint board. In most cases, you can file a complaint anonymously if you wish.

## If the Police Ask You Questions After You Have Been Arrested (Interrogation)

- Ask for a lawyer. Once you do, all questions should stop. Whether or not the police read you your "Miranda" rights, you have the right to remain silent.
- If you are arrested, **state clearly, "I'm going to remain silent. I'd like to speak to a lawyer."** Even if the police don't read you your "Miranda" rights, what you say may be used against you.
- Any time you are questioned while in police custody, you should say out loud, "I'm going to remain silent! I want a lawyer!"
- Even if you make a mistake and start talking to the police, it's not too late to use your rights. Once you do, the police must stop interrogating you.

## Sexual Harassment

- Sexual harassment or assault by police officers is never ok! If you feel that you are being spoken to or touched inappropriately, you can ask for a supervisor to be called to the scene.
- You don't have to give an officer your phone number.
- If an officer says they will let you go if you do something for them, think twice. They may arrest you anyway. Report sexual harassment and abuse by police!

## If You are LGBTQ

- The police are not allowed to make transphobic or homophobic remarks or discriminate against you based on gender identity or sexual orientation.
- You have the right to be referred to by names, honorifics and pronouns that reflect your gender identity (even if it doesn't match the information on your ID.) It may be a good idea to carry a copy of your legal name change documents if you have them along with your ID.

- It is illegal for police to frisk or search you to determine your gender. If this happens to you, be sure to report it! Check the information at the end of this pamphlet about what you can do if your rights are violated by police.
- If you are in police custody, you should be searched by an officer of the gender you request. You should also be held in sex segregated police facilities according to your gender identity, even if it differs from the sex you were assigned at birth, unless there is a concern for your safety.
- If you are concerned for your safety, you should ask to be treated as a “special category prisoner” and held in a cell by yourself. The police cannot handcuff you to rails, bars or chairs for unreasonable periods of time because you asked to be treated as a “special category prisoner.”

## If You are a Non-Citizen

- **You do not have to answer questions about your immigration status or where you or anyone in your family was born.** If you are asked, assert your right to remain silent and ask to speak with a lawyer. Make sure to tell your lawyer if you have concerns about your immigration status. Talk to your lawyer before talking with the police or Immigration and Customs Enforcement (ICE) agents.
- If you are an immigrant who is 18 or older and have been issued valid U.S. immigration documents (such as an unexpired permanent resident card, also known as a “green card”), then you are legally required to carry those documents with you at all times. Failure to carry valid immigration documents is a misdemeanor crime under federal law.
- With the activation of Secure Communities, when you are fingerprinted the police send your information to ICE, regardless of whether or not you are convicted of a crime. Therefore, if you are not a citizen, just getting picked up and charged with a crime may lead ICE to ask the NYPD to hold you while they investigate whether or not you are deportable.
- Convictions of even minor crimes or violations (prostitution-related crimes), may have serious immigration consequences. Never accept a plea bargain without consulting an criminal immigration expert first.
- If you are arrested and held in jail, you have the right not to speak to immigration (ICE) agents. Tell them you want to speak to your lawyer first. You should handle this like any other situation where you are stopped or detained (see previous sections).
- If your workplace is raided, you have the right to remain silent & ask for your lawyer. Stay calm, don’t answer questions & ask if you may leave. Treat the situation as any other in which you are stopped or detained (see previous sections).
- You have the right to call your consulate if you are arrested. Police must let your consulate visit or speak with you.

## What to Expect from your Attorney

1. Everyone has the right to an attorney, but when someone tells you to ask for one is specific to where you are. Ask for a public defender and make it clear that you cannot afford an attorney. Depending on where you live, you may automatically be assigned one, but in some places you have to ask. The sooner you ask, the sooner you begin that process.
2. Your lawyer should tell you who they are, give you contact information and take yours.
3. They should ask you about your immigration status. Prostitution charges can lead to detention, or impact your ability to adjust your status. Especially if you are going to take a plea, make sure the charge you plead to is one which will not impact your status.
4. They should explain to you that everything is confidential, explain what you are charged with, and explain ALL of your options. You almost always have more than one. If you are going to plead guilty to something, they should discuss \*all\* of the implications – to benefits, housing, immigration, any other job you have, among other things.
5. If you have a violation (your attorney not should ask you for a date or try and have sex with you...) you can make a complaint to the state's Bar Association. You can also ask your Judge to be assigned a new attorney for a reason such as inappropriate conduct or a breakdown in communication, but they may deny the request and you may not be able to get an attorney from the same office.