



June 2, 2021

To: Rep. Ed Gainey, District Attorney Stephen A. Zappala, Jr., and all candidates for Magisterial District Judge

The following letter is a list of considerations and demands written by members and affiliates of the Pittsburgh chapter of the Sex Workers Outreach Project (SWOP).

Sex Workers Outreach Project is a national social justice network dedicated to the fundamental human rights of people involved in the sex trade and their communities, focusing on ending violence and stigma through education and advocacy. Founded in 2018, SWOP Pittsburgh is a diverse group of local community members and constituents, loosely affiliated with the broader national network. We connect sex workers to social services, collaborate with local health institutions (Allies, Planned Parenthood, etc.), and most recently, organized a mutual aid fund to support sex workers impacted by the pandemic.

We urge the offices of the Mayor and District Attorney, and all magistral candidates running for office in November to consider the following while campaigning and when taking office:

Criminalizing sex work is a violation of personal autonomy and privacy.

Laws that criminalize voluntary and consensual sex, including the exchange of sex for money, are anathema to the constitutional promise of a right to privacy. No government should be in the business of dictating the conditions under which consenting adults have sex.

Criminalizing sex work leads to an increased risk of violence and harm for those engaged in the work itself.

By criminalizing sex work and driving sex workers underground, current laws add risk and stress to the work itself, which sex workers report is a driver of substance use and addiction. The fear of arrest leads to rushed negotiations over services and fees, putting sex workers at greater risk of violence at the hands of their clients. Clients know they can rob and assault sex workers, without consequences. As long as sex work is criminalized, sex workers risk arrest if they report abuse.

Decriminalization will reduce abuse, exploitation, and violence by police against sex workers.

Police often harass, extort, physically or verbally abuse, or even coerce sex or rape street-based sex workers¹². Police may threaten arrest to compel sex workers to perform sex acts or to generally perpetuate fear in the sex work community. Without the threat of arrest, sex workers can more easily come forward to seek justice against police who commit these crimes. Decriminalization is the most humane response to create safer working conditions and ensure that sex workers receive access to healthcare, housing, and other basic needs without discrimination. Full decriminalization of sex work is harm reduction³.

Criminalization disproportionately harms groups that are already vulnerable.

Black and brown sex workers, transgender sex workers and immigrant sex workers bear the brunt of police prosecution of these laws. If sex work were decriminalized, police would have one less tool to harass and marginalize members of the LGBTQ&T community. Sex workers, and especially trans women of color, would have more agency when it comes to their own bodies and livelihoods.

Criminalization of clients or sex buyers continues a pattern of interference and overreach by law enforcement that places sex workers in harm's way. This includes partial criminalization policies, such as the Nordic Model, End Demand, or Equality Model. We do not endorse or accept half measures that purport to support sex workers while simultaneously eroding their ability to conduct business and support themselves or their families.

Sex work is done by consenting adults.

Conflating human trafficking with sex work makes it more difficult to fight the very real crime of human trafficking. Under decriminalization, traffickers and patrons of victims of trafficking would remain subject to serious criminal penalties. In fact, decriminalizing sex work will make it easier for victims of trafficking to speak out against their abuser without fear of facing arrest themselves.

Diversion programs are not the solution.

Programs like PRIDE, whose stated goals are to “reduce prostitution and related offenses,” are not solutions to the criminalization of sex work. These programs still operate within the carceral system. These programs continue the surveillance and harassment of sex workers and their clients, continue to place sex workers in jail or on house-arrest, and involve sex workers with other harmful systems (such as institutionalized care or Child, Youth and Family Services) whose ostensible goals are protection or assistance, but who discriminate against and punish people experiencing poverty, people of color, and those engaged in the street economy.

¹ Ruland, Dylan Segelbaum and Sam. “‘At What Point Do They Stop?’ Tactics in Prostitution Stings Raise Questions in Pa.” *York Daily Record*, York Daily Record, 14 May 2019, www.ydr.com/story/news/watchdog/2019/05/06/investigation-undercover-prostitution-sting-cases-pennsylvania-police/3344293002/.

² “Abused Then Arrested: inside California's Crackdown on Sex Work.” *The Guardian*, Guardian News and Media, 28 Nov. 2018, www.theguardian.com/us-news/2018/nov/28/california-sex-workers-crackdown.

³ Jana S, Rojanapithayakorn W, Steen R. Harm reduction for sex workers. *Lancet*. 2006 Mar 11;367(9513):814. doi: 10.1016/S0140-6736(06)68331-1. PMID: 16530572.

In the past, SWOP Pittsburgh has supported law enforcement. However, the pattern of abuse and harm directed at sex workers has made it clear that there is no mutual understanding. As such, SWOP cannot, in good conscience, endorse any organization that harms sex workers with impunity.

To the leaders and officials of the City of Pittsburgh and Allegheny County, **our broad membership makes the following demands:**

- Immediately end enforcement of all laws related to prostitution (consensual adult sex work);
- The immediate resignation or removal of DA Stephen Zappala from the district attorney's office, for his unethical and punitive ban of plea deals from Attorney Milton Raiford or Raiford's clients;
- Refuse to prosecute all cases related to solicitation and prosecution should law enforcement refuse to cease arrests;
- Release all inmates who were charged with prostitution, unlicensed massage, assisting/promoting prostitution, and other charges related to sex work and expunge the records of those convicted of such crimes;
- Withdraw and drop all pending charges for sex work-related crimes, including recalling all pending warrants that have not yet been served/executed;
- Defund police efforts to track, surveil, and arrest sex workers, pledging these funds to non-carceral, non-coercive services such as housing, healthcare, education, and job training. Research has clearly shown that access to resources reduces vulnerability to trafficking and other forms of violence whereas prosecution that happens after the fact does no such thing⁴.

The city of Pittsburgh and Allegheny County have continually ignored and delayed actions to address the discrimination of [Black women](#), [transgender people](#), and [immigrants](#). Members from these communities are also disproportionately targeted, arrested, and incarcerated for prostitution charges, which systematically disadvantages them in accessing housing and employment. Even if they are not involved in sex work, transgender women of color are frequently harassed and profiled by police who assume that they are.

Acknowledging our harm-reduction demands will show a considerable effort towards creating a more equitable city.

Thank you for considering these policy recommendations and the needs of those harmed by the criminalization of sex work. As a community of informed voters, we look forward to following your work and engaging in further conversations about these issues.

⁴ Chen, Michelle. "Why Do Sex-Work Diversion Programs Fail?" *The Nation*, 25 Sept. 2015, www.thenation.com/article/archive/why-do-sex-work-diversion-programs-fail/.

Signed,
SWOP Pittsburgh
swop.pittsburgh@gmail.com
412-509-8526
www.swoppittsburgh.com

Endorsed by:
Jailbreak PGH
Let's Get Free
Abolitionist Law Center
Pittsburgh DSA
Rachael "Renzy" Neffshade
Megan Laychak