

**The proposed ordinance will endanger the lives of sex workers.**

The workplace homicide rate of sex workers is a stunning 51 times higher than the second most dangerous occupation (liquor store clerks).<sup>1</sup> Within the hierarchy of sex work, those working the streets face the highest risk of harm.<sup>2</sup> When jurisdictions increase the arrests or punishments of sex workers, the risk of harm increases significantly.<sup>3</sup>

Sex workers often feel unable to ask for help, even after being robbed, raped, or beaten. This is not surprising – one in five sex workers have had police officers demand sex acts in exchange for not arresting them.<sup>4</sup>

The proposed ordinance is designed to simply push street level prostitution from one part of the city to another, with a new “Area of Prostitution” designated every year.<sup>5</sup> Accordingly, this ordinance compromises efforts to help sex workers leave the streets.<sup>6</sup> HIV/AIDS prevention outreach programs are also compromised.

**The proposed ordinance will increase street level prostitution.**

A study funded by the U.S. Department of Justice found that when enforcement efforts force street level sex workers to move to new areas, this may actually *increase* street prostitution, by creating new opportunities for sex workers and potential clients to meet.<sup>7</sup> Additionally, banishing sex workers into a different part of the city will force some to lower their prices, increasing the amount of work to earn the same amount of money.<sup>8</sup>

An additional financial burden comes with probation fines that will attach to the probated portion of the extended 180-day sentence. People engaged in street level sex work generally do not have other options for paying these fines, and will resort to increasing their sex work in order to pay these fees.<sup>9</sup>

**The proposed ordinance undermines Georgia’s new anti-trafficking initiatives.**

Georgia recently passed a new anti-trafficking law. The success of this law depends on the willingness of trafficking victims – many of whom are engaged in street level prostitution in Atlanta – to come forward and cooperate with law enforcement.<sup>10</sup> By making sex workers more distrustful of police, the proposed ordinance undermines the effectiveness of Georgia’s new anti-trafficking efforts.

**The proposed ordinance takes discretion away from judges.**

The proposed ordinance strips judges of discretion and *mandates* the banishment of all individuals who are convicted of prostitution. The mandatory banishment requirement makes it impossible for judges to act as judges; that is, to be responsive to the particularized circumstances of the cases before them.<sup>11</sup>

By making the banishment mandatory, this ordinance is designed to fail. Blanket stay-away orders are ineffective when the police do not have a specific physical description of the offender.<sup>12</sup> According to the APD, there were over 1400 arrests in 2012 for solicitation.<sup>13</sup> Of these, only 300 were of johns, and a staggering 1100 were of sex workers. No police officer is capable of scanning 1100 photos of individuals to determine whether a particular person has been banished.

A project of Social Justice Leadership



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**February 2013**

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<sup>1</sup> Nicholas D. Kristof, *Do as He Said*, NYTIMES (March 13, 2008), citing American Journal of Epidemiology mortality data that show women engaged in prostitution “face the most dangerous occupational environment in the United States.” The average age of death of the prostitutes in the study was 34. *Id.*

<sup>2</sup> Dalla, R., Y. Zia, and H. Kennedy, *You Just Give Them What They Want and Pray They Don’t Kill You’: Street-Level Sex Workers’ Reports of Victimization, Personal Resources, and Coping Strategies*. 9 VIOLENCE AGAINST WOMEN 1367 (2003).

<sup>3</sup> *Id.*; See also, Penfold, C., G. Hunter, R. Campbell, and L. Barham, *Tackling Client Violence in Female Street Prostitution: Inter-agency Working Between Outreach Agencies and the Police*, 14 POLICING & SOCIETY 365 (2004).

<sup>4</sup> See Alliance for a Safe & Diverse DC, *Move Along: Policing Sex Work in Washington, D.C.* at 53 (2008) (reporting one in five people approached by the police indicated that officers had asked them for sex); The Sex Workers Project at the Urban Justice Center, *Revolving Door* (2003) (finding 17% of sex workers had sexual interactions with the police).

<sup>5</sup> See text of proposed ordinance.

<sup>6</sup> Hester, M., and N. Westmarland. Home Office Research, Development, and Statistics Directorate, *Tackling Street Prostitution: Toward a Holistic Approach* (2004); S. Moser, *Anti-prostitution Zones: Justifications for Abolition*, 91 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 1101 (2001).

<sup>7</sup> Michael S. Scott and Kelly Dedel, U.S. Dept. of Justice COPS, STREET PROSTITUTION at 21 (2d Ed. 2006).

<sup>8</sup> *Id.* at 23.

<sup>9</sup> Rochelle L. Dalla, EXPOSING THE PRETTY WOMAN MYTH: A QUALITATIVE INVESTIGATION OF STREET-LEVEL PROSTITUTED WOMEN (2006).

<sup>10</sup> O.C.G.A. 16-5-46 (Trafficking of persons for labor or sexual servitude) and 19-7-5(b)(4) (Definition sexual exploitation).

<sup>11</sup> H.L.A. Hart, THE CONCEPT OF LAW (1994).

<sup>12</sup> Scott and Dedel at 25.

<sup>13</sup> Testimony of APD Sgt. Scott Kreher, Work Session of Public Safety & Legal Administration Committee (Feb. 11, 2013).