

sexWORKERS PROJECT

Know Your Rights!

The Sex Workers Project at the Urban Justice Center supports sex workers and survivors of trafficking. This pamphlet offers info for sex workers, and tools to help you assert your rights. **This pamphlet is *not* a substitute for talking to a lawyer. If you are arrested or have questions about your rights, contact us at 646.602.5617 or SWP@urbanjustice.org.**

Laws Against Sex Work

Prostitution, under New York law, is *engaging in, agreeing to, or offering* sexual conduct for money or something of value. In New York, “sexual conduct” includes vaginal, anal, or oral sex, hand-jobs or fingering. Other acts are in a “grey area” – the court could decide it is prostitution if there is touching and it is “oriented toward sexual gratification.” Police sometimes falsely arrest fetish workers, dancers, and others even if they are not doing prostitution.

To arrest someone for “Loitering for the Purpose of Engaging in a Prostitution Offense” police must see a person in a public place (streets, lots, cars), *repeatedly* stopping or trying to stop passersby or drivers with the intent of offering sex for a fee.

Clients of sex workers can be charged with “Patronizing a Prostitute.” “Promoting Prostitution” means that a person gets money from someone else’s prostitution, or helps someone else do prostitution- by getting them clients, providing a place to work, or managing ads. This is a more serious crime than Prostitution, and can be a felony.

Never be afraid to ask for help!

If you are under 18, or if someone made you do sex work through force, fear, drugs, threats, or to pay a debt, you may be a victim of a crime. Be sure to tell your lawyer if you are under 18, or if you have been forced into working *at any age*. Your lawyer may get the court to drop the charges, and may be able to help you with old charges. If you are afraid of someone or need help, please contact us at **646.602.5617 or SWP@urbanjustice.org**.

This document is intended solely to protect and promote the rights of its recipients.

Possession of this document does not in any way indicate participation in illicit activities.

www.SexWorkersProject.org.

123 William Street 16th Floor New York, NY, 10038

Information accurate as of July 2012

What happens after arrest?

If you are arrested, you will be brought to a police station, fingerprinted, and maybe held overnight. Then you will be brought to the court holding cell, where you will briefly meet with a lawyer and wait for your turn before the judge. This is called an “arraignment.” Ask for a translator if you need one.

If it is your first time being arrested – the District Attorney may drop the charges, offer you an Adjournment in Contemplation of Dismissal (ACD), or offer a plea to a lower offense (usually Disorderly Conduct). An ACD means that the case will be dropped if you don’t get arrested again for a set amount of time (usually 6 months).

If it is not your first time, the District Attorney may want you to plead guilty to Prostitution or Loitering for the Purposes of Engaging in a Prostitution Offense, or may still offer a plea to a lower offense. You have a right to plead not guilty. Ask your lawyer about the risks and benefits of this.

If you plead guilty, you will be given a sentence: either a fine, jail or a “conditional discharge” – meaning you are released but you have to do community service or attend a program. Prostitution is a B misdemeanor – you can be sentenced to up to 3 months of jail. Loitering for the Purposes of Engaging in a Prostitution Offense is a violation the first time – you can be sentenced to up to 15 days of jail. After that it is a B misdemeanor. Most courts in NYC give conditional discharges, but sometimes people are still given jail.

Know Your Rights

No matter your age, gender, immigration status, or whether you are committing a crime, US law says you certain rights that can’t be violated.

- You have the right to be free of illegal searches and arrests.
- You have the right to remain silent and not answer questions from the police.
- You have the right to have a lawyer.

There are ways to stand up for those rights! Sadly, police may not always respect your rights. **Always do what feels safest if you are afraid of violence by police.**

If a cop approaches you on the street you don’t have to answer questions. Say:

Am I free to go?

If they say yes, then go! If they say no, then ask:

Am I being detained?

If they say no, then leave!

If they say yes, you can ask why. Don’t argue, but try to remember their badge number, what they look like, and anything they say and do.

This document is intended solely to protect and promote the rights of its recipients.

Possession of this document does not in any way indicate participation in illicit activities.

www.SexWorkersProject.org.

123 William Street 16th Floor New York, NY, 10038

Information accurate as of July 2012

If you are detained, an officer can question you, ask for ID, or pat you down outside of your clothes to check for weapons. They *can't* go into your pockets or bags without asking permission, or search you to try to identify your sex.

You have a right to be free from unreasonable searches! If a cop tries to search you, say out loud:

I do not consent to this search.

This does not give them an excuse to arrest you. They might arrest you anyway. If they do arrest you they can search you without asking permission.

Never resist or fight back if you are being arrested, say:

I am not resisting, officer.

You can also be arrested by an undercover cop. It is hard to tell when someone is an undercover cop, because they are not in uniform, and they can drink, do drugs, touch, be touched, lie, and pretend not to be a police officer. If an undercover cop does something you think might be against their rules, remember and tell your lawyer.

If you are arrested, they may not say "You are under arrest," or read you your rights. Say:

I am going to remain silent, and I want to speak to a lawyer.

Do not say or sign anything without your lawyer there! Police are trained to lie in order to get info, and they can put snitches in the cell with you. Anything you say to anyone except your lawyer, doctor or therapist can be used against you, even if you are innocent.

If you need medical help ASK FOR IT, even if they say it will take longer to get out.

Police sometimes take condoms away from sex workers. Police are not allowed to arrest you **only** because you have condoms. It is **not** a crime to carry condoms!

Don't let the police scare you - carry condoms if you need them to stay safe!

Immigrant's Rights

If you're a non-citizen, you need to follow some extra advice to protect yourself and stay in the U.S.

In NYC, if you get arrested for any reason, the police may send your fingerprints to Immigration. If Immigration thinks you are deportable, it may ask the jail to issue a "detainer" on you, to send you to Immigration after your case is over.

If you are asked about your status by police or anyone in the jail, say "I would like to remain silent." **Don't** give false documents or claim you are a citizen.

Do tell your lawyer about your status, but no one else. **Do not** sign anything without your lawyer there!

If bail is set on your case in court, ask your attorney if an immigration detainer has been issued already, if there is no detainer, try to have someone there to pay right away before you are sent to Rikers, so that Immigration does not have a chance to put a detainer on you.

This document is intended solely to protect and promote the rights of its recipients.

Possession of this document does not in any way indicate participation in illicit activities.

www.SexWorkersProject.org.

123 William Street 16th Floor New York, NY, 10038

Information accurate as of July 2012

If you can't pay bail right away, call SWP at 646.602.5617. It may not be safe to pay bail later.

Make an arrest plan

If you think you could be arrested, make a plan just in case.

1. Think of everything that would need to be taken care of if you were arrested and in jail for a few days.
 - Children need to be cared for
 - Pets need to be fed
 - Your job or school needs to be called and give an excuse
 - Your lawyer needs to be called
 - You need someone to show up to court to pay bail and help you get home when you are released.
2. Think of a friend for each of these tasks. Think of one responsible friend who can call the others to tell them you need help. Give this friend a copy of your ID with your legal name and birthdate.
3. Call your friends and let them know your arrest plan. Give them keys to your apartment if they need them.
4. If you have a few arrests on your record, try to save some money in case bail is set – give a friend access to this money.
5. Tell your most responsible friend every time you go to work. Give them as much info as possible, in case something goes wrong. Memorize their phone number.
6. If you are arrested while with someone you know, ask them to call your most responsible friend.
7. Usually you can make a phone call after arrest.
8. You can also call SWP at 646-602-5617, and we may be able to put you in touch with people who can help.

*This document is intended solely to protect and promote the rights of its recipients.
Possession of this document does not in any way indicate participation in illicit activities.*

www.SexWorkersProject.org.

123 William Street 16th Floor New York, NY, 10038
Information accurate as of July 2012