



# The criminalization of the sex trades in Queens

## Trends in police arrests between 2006-2021

This factsheet provides an overview of trends in the criminalization of the sex trades in the borough of Queens, New York City (Lenapehoking) over 16 years. These results challenge much of the rhetoric from law enforcement, sex work prohibition groups, and other supporters of criminalization of the sex trades; namely, that arrests and police surveillance of sex workers are necessary to identify cases of sex trafficking and exploitation. On the contrary, the data highlights that the vast majority of arrests punish adults involved in consensual sex work, and disproportionately harm BIPOC (Black, Indigenous, and people of color) youth.

### Glossary

**Sex work:** Sex work is the exchange of sexual services for money or goods, including housing, food, drugs, or basic necessities. It may involve working independently, with others, or for a third party. Some forms of sex work, such as the exchange of sexual conduct, are criminalized through prostitution law; others, such as erotic dancing (i.e., ‘stripping’) or the portrayal of sexual activity through visual material (i.e., ‘pornography’), are regulated but not prohibited by criminal law.

**Sex trades:** We use the term ‘sex trades’ to refer to the labor sector that involves the exchange of sexual services. Work in the sex trades occurs in many different forms and settings, including street-based or web-based settings, escort services, massage businesses, and video camera work (or “camming”), among others. As in any other labor sector, workers participate in the sex trades for a variety of reasons along the spectrum of choice, circumstance, and coercion.

**Prostitution-related charges:** Prostitution laws place criminal penalties on individuals who sell or buy sexual conduct, including those who assist, support, or are supported by sex workers. We use the term “prostitution” solely in reference to the legal wording of prostitution-related offenses. In all other contexts, we use the preferred term “sex worker”. Prostitution-related charges can be broadly grouped under 3 categories: prostitution; patronizing; promoting or permitting.

- **Prostitution:** Prostitution is defined in the New York State criminal law statute as engaging or agreeing to engage in sexual conduct with another person in exchange for a fee. Sex workers (or those profiled as sex workers) are typically the targets of prostitution arrests.
- **Patronizing:** Patronizing a person for prostitution is defined in the New York State criminal law statute as paying or agreeing to pay another person in exchange for sexual conduct. Clients of sex workers (or those profiled as clients of sex workers) are typically the targets of patronizing arrests.
- **Promoting or permitting:** Promoting or permitting prostitution is defined in the New York State criminal law statute as facilitating prostitution (e.g., providing premises, procuring clients, etc.), or profiting from the proceeds of prostitution. Third parties (e.g., drivers, security, web designers, agents, etc.) or those profiled as third parties are typically the targets of promoting or permitting arrests. This may include sex workers who work together.

**Loitering for the purpose of prostitution:** Loitering for the purpose of prostitution is defined in various states and municipalities across the U.S. as wandering, remaining, or spending time in a public space with the intention of committing a prostitution offense or promoting prostitution. In February 2021, New York State repealed this statute.

**Trafficking:** Trafficking is defined in United States federal and state law, as well as international law, and refers to the recruitment, receipt, or harboring of an individual through force, fraud, or coercion for the purposes of exploitation in any labor sector, including but not primarily the sex sector. The U.S. Trafficking Victims Protection Act of 2000 (TVPA) and the N.Y. Penal Law Section §230.34-a both define trafficking to include inducement of or profit from a commercial sex act by a minor, regardless of whether there is evidence of force, fraud, or coercion.

## I. Types of charges & trends over time

1. Between 2006-2021, most arrests related to the sex trades were for loitering for the purpose of prostitution and prostitution-related charges - the police made very few arrests on sex trafficking charges.

Between January 2006 and December 2021, there were 1,084 arrests on loitering for the purpose of prostitution charges (repealed in Feb. 2021), 15,190 arrests on prostitution-related charges, but only 57 arrests on sex trafficking charges.

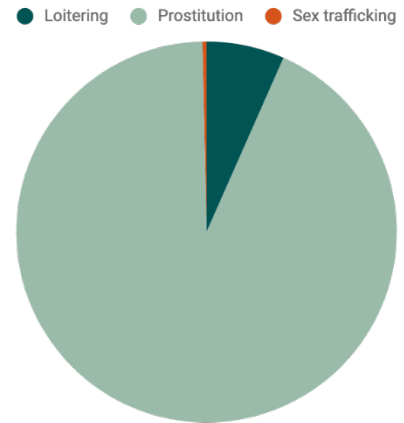
93% of arrests are on prostitution-related charges

6.6% of arrests are on loitering for the purpose of prostitution charges

0.3% of arrests are on sex trafficking charges

Police and other actors frequently claim that the criminalization of sex work is necessary because it allows police to investigate and arrest sex traffickers. Arrest data, however, shows that almost all arrests concern consensual sex work.

Arrests between January 2006-December 2021



2. Most prostitution-related arrests target sex workers and their clients.

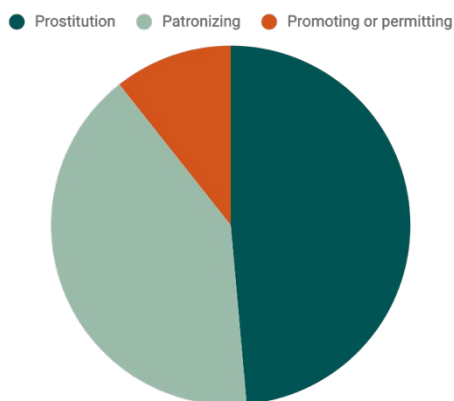
Out of 15,190 arrests on prostitution-related charges between January 2006 and December 2021, 7,381 arrests were for prostitution charges, 6,190 were for patronizing charges, and 1,619 were for promoting or permitting charges.

48.6% of prostitution-related arrests were for prostitution charges

40.8% of prostitution-related arrests were for patronizing charges

10.7% of prostitution-related arrests were for promoting or permitting charges

Prostitution-related arrests between January 2006-December 2021



While all arrests (of sex workers, clients, and third parties) harm sex workers by exposing them to the carceral system and perpetrating stigma against sex work, sex workers are the most directly impacted by prostitution-related arrests. Additionally, policing targeted at clients has been shown to increase sex workers' vulnerability to violence and arrest, force them to work in more isolated conditions, and decrease their negotiating power over payment, location, and condom use.

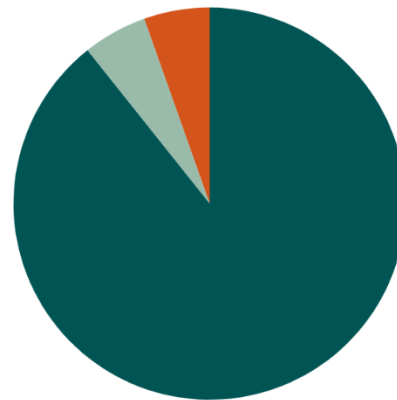
It must be noted that sex workers are sometimes criminalized with promoting or permitting charges for working together or using safety strategies (e.g., holding money for another sex worker while they are with a client).

3. Most arrests on prostitution-related charges were Class A and B misdemeanors.

Out of 15,190 arrests on prostitution-related charges between January 2006 and December 2021, 13,563 arrests were for Class B misdemeanors (prostitution and permitting prostitution) and 804 were Class A misdemeanors (patronizing in the third degree and promoting in the fourth degree), i.e., nonviolent crimes. Only 823 arrests were felonies.

**Prostitution-related arrests between January 2006-December 2021**

● Class B misdemeanors ● Class A misdemeanors ● Felonies



**89.3%** of prostitution-related arrests are for Class B misdemeanors

**5.3%** of prostitution-related arrests are for Class A misdemeanors

**4.4%** prostitution-related arrests are for felonies

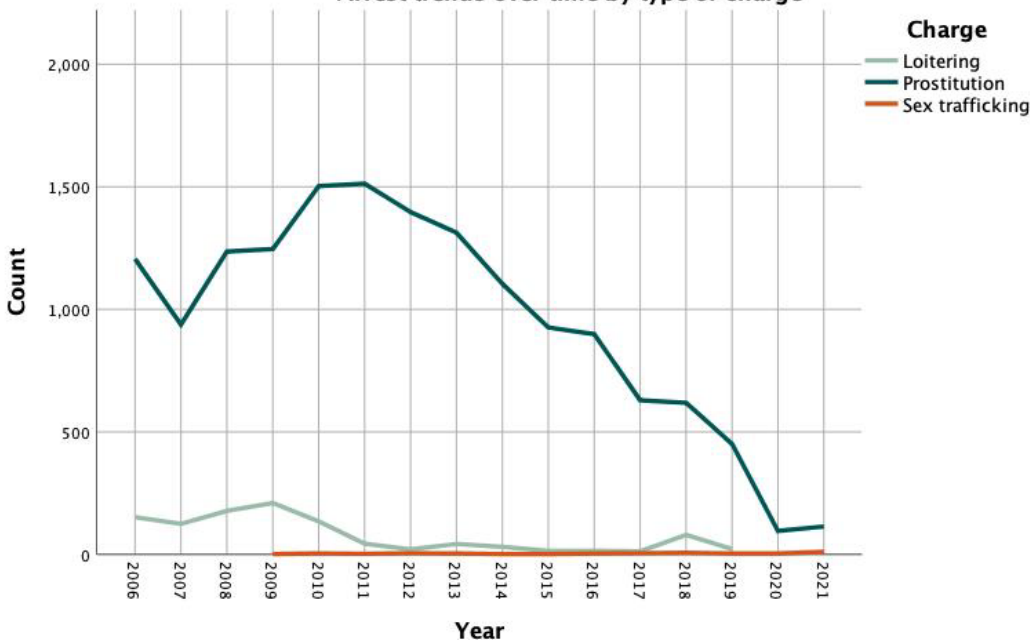
A prostitution-related charge is elevated to the level of felony in cases involving patronizing of minors; promoting prostitution by managing a business or facilitating travel; promoting prostitution of a minor; or promoting prostitution by force. Almost all arrests were misdemeanors, meaning they targeted consensual sex work between adults. It must be noted that some felonies (promoting prostitution by managing a business or facilitating travel) also concern consensual sex work.

prostitution by managing a business or facilitating travel) also concern consensual sex work.

4. Loitering and prostitution-related arrests have been on the decline.

Arrests on prostitution-related charges have been on decline since 2011. Arrests on loitering charges went through phases of decline and increase, and stopped in 2019, possibly following the settlement of a class action lawsuit backed by the Legal Aid Society in April 2019.

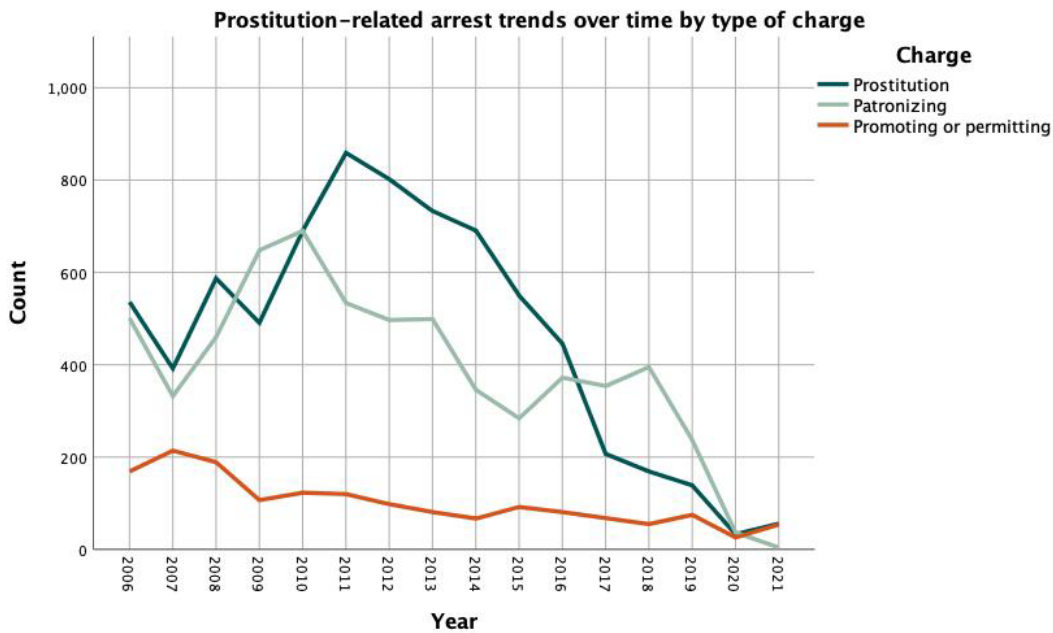
**Arrest trends over time by type of charge**



On February 2, 2021, the New York legislature officially repealed the loitering for the purposes of prostitution statute, commonly referred to as the “Walking While Trans Ban” due to its widespread use by police to profile, harass, and arrest trans women, particularly trans women of color.

The New York State’s Human Trafficking Intervention Courts (HTIC) were launched on September 25, 2013. **HTIC did not lead to a noticeable increase in arrests on sex trafficking charges.**

5. Despite rhetoric, the New York Police Department did not stop arresting sex workers.



On February 1, 2017, the New York Police Department (NYPD) announced a shift in its approach to sex work and sex trafficking, pledging to focus on arresting ‘traffickers, johns, and pimps’ rather than sex workers and victims of trafficking.

Despite a decline in arrests on prostitution charges in 2017 compared to the previous year, however, prostitution arrests did not stop and appear to be on the rise again in 2021.

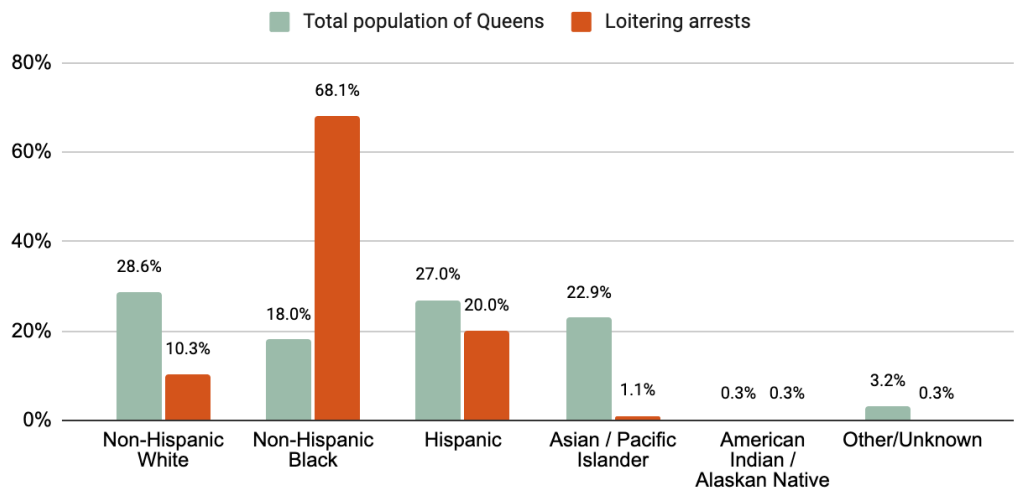
## II. Demographics

- Arrests for loitering for the purpose of prostitution disproportionately affected Black youth.

Although the loitering for the purpose of prostitution statute was repealed in 2021, it caused thousands of people, predominantly Black youth, to be subjected to the often-lifelong consequences of arrest and a criminal record.

18-24 year-olds are 9.6% of Queens residents, but 49.2% of those arrested for loitering for the purpose of prostitution.

**Race in loitering for the purpose of prostitution arrests between January 2006-December 2021**



Non-Hispanic Black individuals are 18% of Queens residents, but 68.1% of those arrested for loitering for the purpose of prostitution.

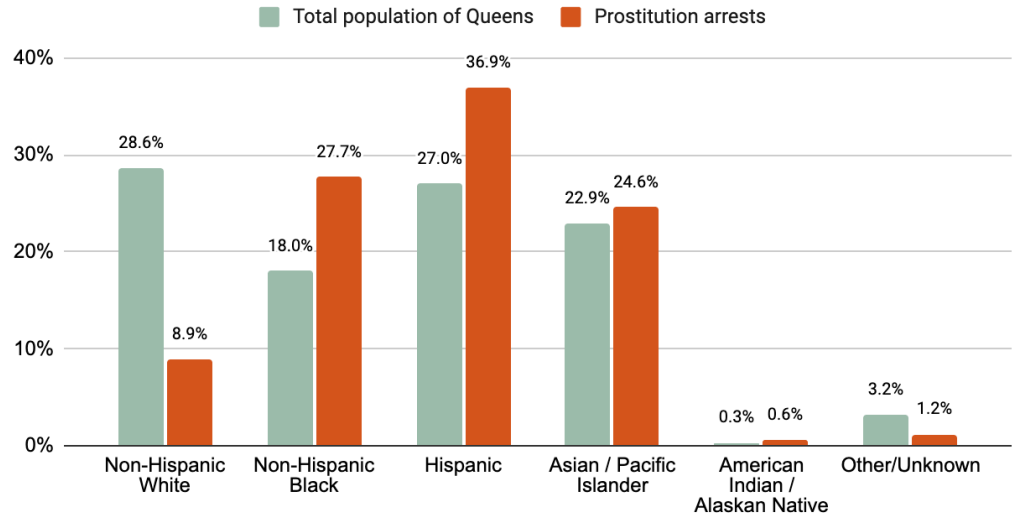
- Arrests for prostitution-related charges disproportionately affect Black and Hispanic youth.

18-24 year-olds are 9.6% of Queens residents, but 26% of those arrested on prostitution-related charges.

Non-Hispanic Black individuals are 18% of Queens residents, but 27.7% of those arrested on prostitution-related charges.

Hispanic individuals are 27.1% of Queens residents, but 36.9% of those arrested on prostitution-related charges.

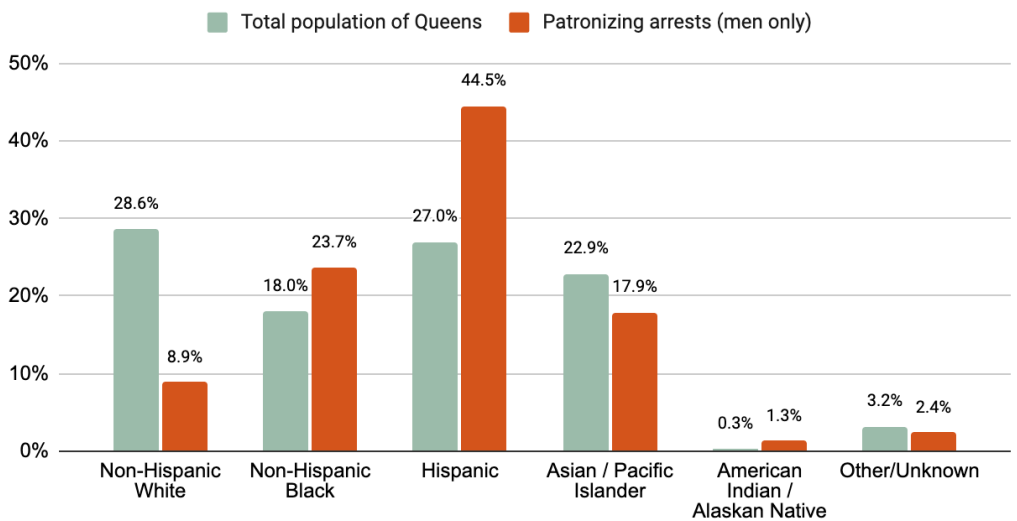
**Race in prostitution arrests between January 2006-December 2021**



8. Arrests for patronizing charges disproportionately target Black, Hispanic, and Indigenous men.

Critics of the so-called ‘End Demand’ model, which supposedly criminalizes clients and third parties but not sex workers, have pointed out that not only does this approach still expose sex workers to various harms, but also the criminalization of clients is implemented unevenly, with men of color being disproportionately targeted due to over-policing of neighborhoods where residents are predominantly people of color; racism and white supremacy in police practices; and stereotypes that cast men of color as sexual predators.

**Race in patronizing arrests between January 2006-December 2021**



Arrest data confirms that Black, Hispanic, and Indigenous men are disproportionately targeted for arrests on patronizing charges.

Indigenous individuals are 0.3% of Queens residents, but Indigenous men are 1.3% of those arrested for patronizing.

Hispanic individuals are 27% of Queens residents, but Hispanic men are 44.5% of those arrested for patronizing.

Non-Hispanic Black individuals are 18% of Queens residents, but Non-Hispanic Black men are 23.7% of those arrested for patronizing.

9. Arrest data erases the experiences of trans people.

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The NYPD arrest database uses an inaccurate binary classification of the “sex” of arrestees (male/female). Gender and trans/cis identities are not tracked in arrest data. Consequently, currently available data fails to allow for identification of bias against trans individuals in arrest practices.

The loitering for the purpose of prostitution statute was commonly referred to as the “Walking While Trans” ban, reflecting the common knowledge among workers, advocates, and legislators that the law disproportionately targeted trans women. Despite overwhelming anecdotal evidence that arrests for loitering and prostitution-related charges disproportionately target trans individuals - particularly trans women - misgendering in arrest data and lack of consideration for trans identities erase the experiences of trans people.

## Data sources

NYPD arrests in Queens between January 2006-December 2021: NYC OpenData (2022). *NYPD Arrests Data (Historic)*. <https://data.cityofnewyork.us/Public-Safety/NYPD-Arrests-Data-Historic-/8h9b-rp9u>

Demographics of Queens: U.S. Census Bureau (2010). *DP05ACS Demographic and Housing Estimates and S0101 Age and Sex*, 2010 American Community Survey 5-year estimates.

**A note on the data:** arrest records employ demographic categories that do not capture the richness and nuances of people’s identities. The NYPD arrest data used for this factsheet classifies individuals as “Hispanic White” or “Hispanic Black”, even though [only a minority of Latinx individuals identify as white or Black](#). For this reason, we aggregated the “Hispanic White” and “Hispanic Black” categories to be able to meaningfully compare arrest numbers with the demographics of Queens residents. We acknowledge that this is an unsatisfying solution that does not reflect the dynamics of criminalization of Latinx individuals, which are [deeply affected by skin tone and perceived race](#). Similarly, arrest data as well as U.S. Census Bureau demographic data classify people as “male” or “female,” invisibilizing gender non-conforming people and flattening the experiences of transgender and cisgender individuals. While we use this data for advocacy, we recognize its limitations.

## Further readings

**Sex work & criminalization: basic concepts and definitions:** “Smart Sex Worker’s Guide to Decriminalisation”, *Global Network of Sex Work Projects*. November 2020. <https://www.nswp.org/resource/nswp-smart-guides/smart-sex-workers-guide-decriminalisation>

**On the criminalization of men of color as clients of sex workers:** “NYPD Cops Cash In on Sex Trade Arrests With Little Evidence, While Black and Brown New Yorkers Pay the Price”, *ProPublica*. December 2020. <https://www.propublica.org/article/nypd-cops-cash-in-on-sex-trade-arrests-with-little-evidence-while-black-and-brown-new-yorkers-pay-the-price>

**On the criminalization of sex workers working together:** LeeAnn Adkins with an afterword by Kate Mogulescu and K.B. White, “Labels, Supervision & Surveillance: Motherhood & Sex Offender Status,” *The Scholar & Feminist Online*. 2019. <https://sfonline.barnard.edu/labels-supervision-surveillance-motherhood-sex-offender-status/>

**On the profiling of trans women as sex workers:** Trudy Ring, “What the Repeal of New York’s ‘Walking While Trans’ Law Means”, *Advocate*. February 2021. <https://www.advocate.com/transgender/2021/2/03/what-repeal-new-yorks-walking-while-trans-law-means>

**On the shifting criminalization of sex workers in New York State:** “By The Numbers: New York’s Treatment Of Sex Workers And Trafficking Survivors,” *Decriminalize Sex Work*. <https://decriminalizensex.work/advocacy/by-the-numbers-new-yorks-treatment-of-sex-workers-and-trafficking-survivors/>