

The Decrim Report

A Policy Guide to Decriminalizing
Sex Work. Published by Sex Workers
Outreach Project Minneapolis.

Summer 2023



The Decrim Report

Introduction.....	1	Section 03: Loitering	35
Section 01: Why Decriminalization?.....	5	Repealing the Loitering Ordinance ..	37
Bodily Autonomy.....	7	Impacted Community Statements ...	41
Racial Justice	9	Conclusion	43
Labor Rights.....	13	Who We Are	49
Public Health.....	15	Bibliography	51
Community Safety	17		
Public Joy.....	21		
LGBTQ+ Rights.....	23		
Section 02: Current Context	25		
Safe Harbor For All	27		
The Blueprint	29		
Criminalization Visual	31		

Introduction

Decriminalization of sex work is the removal of all criminal codes that make it illegal for consenting adults to engage in commercial sex. This is a policy guide written by a collective of people with lived experiences in the sex trade in Minneapolis, Minnesota towards the broad decriminalization of sex work.

Sex work is ubiquitous; it is practiced all over the world and is considered the world's oldest profession. Sex workers are mostly women and the work itself is feminized labor. Queer, gender non-conforming people, and gay men also do sex work. We are diverse in identity, religion, and political ideology, but the global community consensus is that decriminalization is the best policy towards equitable and humane conditions.

New Zealand and parts of Australia are the only places that have achieved full decriminalization. As the global community has begun to accept the failures, pitfalls, and unintended consequences of criminalization, there

have been a patchwork of approaches that governments have taken towards safer sex work.

Unfortunately, current American policy is regressive and has increased our criminalization, further marginalizing our work. Our policy is hostile. While intended to fight trafficking, FOSTA (Fight Online Sex Trafficking Act) has resulted in some of the most unsafe working conditions that current American sex workers have experienced in our lifetimes, and we question its constitutionality.

On March 21, 2018, FOSTA-SESTA passed the Senate (97-2). President

Trump signed it into law on April 11th. This bill was sold as “anti-human trafficking” legislation. However, what this actually did was give online platforms the power and incentive to censor their users for fear of “facilitating” sex work. This pushed workers off reliable and trusted platforms and into less safe working environments. Violent sexist and racist street policing intended to ‘clean up the streets’ forced sex workers to go online. With this legislation, that policing is now online - effectively squeezing workers from both sides.⁰¹

The loss of our online platforms has resulted in: more in-person and outdoor work, less screening and security measures, and an increase in third party power. As the US escalates our criminalization, violence against us also escalates. Violence against sex workers is so pervasive that it has been reduced to a sick punchline. It is normalized that sex workers are targets of serial killers, that our bodies and lived realities are normative bait for violence.

Currently, every year, the FBI partners with law enforcement agencies to engage in ‘Operation Cross Country’, a national sting that targets sex workers. The task force has no burden to prove they are doing anything to stop trafficking and have rebranded their efforts as survivor recovery in response to criticism. They arrest workers, mostly women, and few (if any) traffickers. These raids start



with arrest and can end in service, incarceration, or deportation. As in the tragic case of Yang Song, continued police harassment and raids resulted in death.⁰²

Minnesota has the opportunity to be one of the leading states to present a more compassionate and results driven model for safety for sex workers. This state has already made intentional steps towards decriminalization. Survivors of trafficking in the sex trade advocated for policies that decriminalized youth who are sexually exploited. Their work continues to expand the category of protection, scope of services, and the age of eligibility for these programs known as Safe Harbor. Since Minnesota implemented Safe Harbor in 2011, we have seen a reduction in state violence and overall decrease in prostitution and loitering arrests in Minneapolis and the state.

⁰¹ Blunt and Wolf, “Erased: The Impact of FOSTA-SESTA and The Removal of Backpage,” 5.

⁰² DSW, “Remembering Yang Sang: Wife, Daughter, New Yorker, and Victim of Criminalization”.

Minneapolis has moved towards decriminalization as a logical and compassionate response to changing conditions. In 2015, Minneapolis Police Department discontinued undercover stings in massage parlors because the sexual assault and misconduct by the officers involved resulted in expensive lawsuits for the city.⁰³ In 2019 Minneapolis created a pro-worker city ordinance for strippers to access labor rights and protections. We need to codify this positive trend into clear policy that addresses the gap in needs of services and protection of sex workers.

The World Health Organization, the Global Alliance Against the Traffic in Women, United Nations, Human Rights Watch, the ALCU, and Amnesty International all recommend the full decriminalization of adult consensual sex work based on studies that prove ending criminalization reduces violence and exploitation in the sex trade while improving health and safety.

Decriminalization is necessary to address human trafficking worldwide. A report from the Global Alliance Against Traffick in Women found no evidence of trafficking in the New Zealand sex trade after their Prostitution Reform Act decriminalized sex work in 2003.⁰⁴ They also saw less street-based sex work and increased worker discretion and reported safety procedures. Workers who want to leave the industry now have an easier exit.

We are anti-trafficking. The shared value we hold with survivors is that we want to end systemic violence against people in the sex trades. We want to end trafficking and are on the frontlines of doing what we can to disrupt exploitation in our industry. Championing the protections that survivors have secured, we are honored to move forward in a supportive role in the Safe Harbor for All campaign that decriminalizes the selling of sex for people of all ages.

The current conflation of sex work and trafficking in law is allowing too much room for interpretation that results in surveillance, arrest, deportation, and harassment of survivors and sex workers. Through the Blueprint for Addressing Human Trafficking and Exploitation in Minneapolis⁰⁵ and the Missing and Murdered Indigenous Women Task Force Report to the Minnesota Legislature⁰⁶ we have clear mandates from survivors and advocates on how to best serve survivors. This report is laying out the particular needs of sex workers.

Sex workers deserve workplace protections and to live without stigmatization and criminalization. Safe Harbor has reduced arrests, but it has not been effective in preventing criminal institutionalization of all survivors. We deserve policy that protects people who have been trafficked, prevents trafficking, and is accountable to ending human trafficking in the sex trade and all other industries.

Decriminalization is many things: a legal recognition of our bodily autonomy, a racial justice issue, access to labor standards and protections, access to healthcare, an expansion of LGBTQ rights, and necessary for sex workers to experience public joy. This report provides a visual map of the current laws, task forces, and policies that currently criminalize sex work and need revision and removal.

Laws like ‘loitering with intent to commit prostitution’ cause us to be arrested for being who we are and living under poverty and precarity, not acts of law breaking. Being a “known prostitute” or affiliating with “other prostitutes” is a reason police are able to stop people for loitering. Workers are vulnerable to arrest and harassment at all times including going to the grocery store, waiting for the bus, or talking to people.

We had the pleasure of speaking with local street economy workers who were kind enough to share their experiences being arrested for loitering. We honor their need for anonymity, but share their knowledge and preserve their voice by numbering participant interviews. The participants offered insight into why we have reached a crisis of racial and class injustice in Minneapolis that needs immediate remedy.

We have documented a comprehensive list of our demands to untie the knot of our criminalization to end this

report. Our first priority demand is that the City of Minneapolis repeal the loitering ordinance.

Decriminalization is in alignment with The City of Minneapolis Department of Public Safety’s Violence Prevention planning. Including sex workers in the development of anti-violence strategies will create strong community-centered policy, affirm harm reduction practices, and embrace trauma informed practices that will certainly create a safer and more joyful Minneapolis.

Much of our list of demands comes directly from the Decrim NY Report. We made Minnesota specific adaptations where necessary. We appreciate the diligent and detailed work of our beloved community members in New York for creating this incredible resource and envisioning a fully decriminalized future for sex workers.

We are sex workers. We demand the full decriminalization of our work.

⁰³ Chanen and Norfleet, “Minneapolis police discontinue prostitution stings at massage parlors”.

⁰⁴ Armstrong, “New Zealand Prostitutes Collective (NZPC) Report”.

⁰⁵ Shrestha, “Blueprint for Addressing Human Trafficking and Exploitation in Minneapolis”.

⁰⁶ MartinRogers and Pendleton, “Missing and Murdered Indigenous Women Task Force: A report to the Minnesota Legislature”.

Section 01: Why Decriminalization?

In this section, we lay out our argument for the full decriminalization of sex work based on broad themes that emerged in our research, and that aligned with our values as a collective:

- * Bodily Autonomy
- * Racial Justice
- * Labor Rights
- * Public Health
- * Community Safety
- * Public Joy
- * LGBTQ+ Rights



Why Decriminalization?



Bodily Autonomy

Decriminalization of sex work is on the continuum of liberating adult sexual choices. Similarly to the way sodomy is no longer a crime, consenting adults should not be punished for their sexual choices, monetized or not.

Bodily autonomy is an umbrella term that holds the sovereignty of every person. It honors the inherent agency we have over our physical bodies and the space that we exist within. Bodily autonomy is a practice and considers how barriers towards accessing healthcare and economic security affects how people make choices within their communities. This includes decisions around safety, healthcare, labor, housing, and financial independence.

At the time of writing this report (2023), attacks against reproductive freedom and trans rights are making headway across the United States. We know that enshrining and protecting the rights and freedoms of sex workers is interwoven with these other life-saving fights for bodily autonomy.

The criminalization of sex work kills people.

Law enforcement officers are able to sexually assault sex workers during raids, stings, and on the streets because they hold the deadly threat of state incarceration in their hands.

Client violence is a problem reinforced by lack of victim protection compounded by social stigma. Sex workers are targeted by serial killers and violent perpetrators because they know sex workers are not institutionally protected from violence; sex workers are less likely to report violence due to fear of arrest and lack of affirmative care.

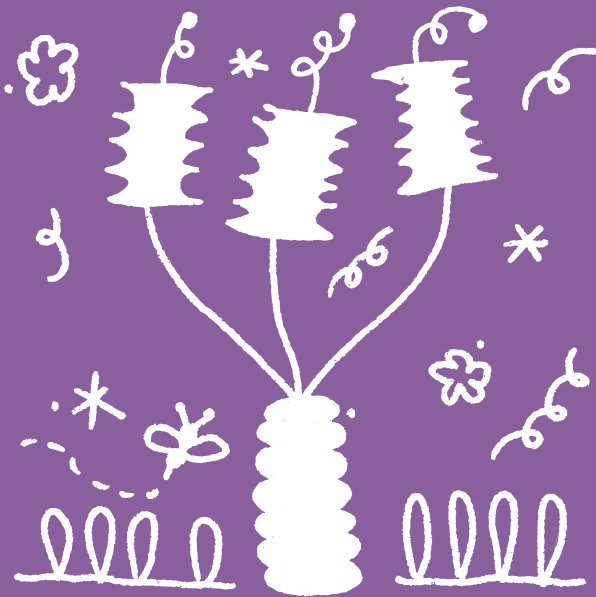
Increases in violence are directly correlated to the further marginalization of the market itself. Stigma kills us by negating our humanity, which justifies indifference to the violence against us and the creation of needless barriers to housing, healthcare, community support, and everything that we need to live.

Sex workers have protected one another's sovereignty and physical safety through measures that public health research is only now catching up with and advocating towards.

We value and protect bodily autonomy as a key tenet of our framing of decriminalization. Just as the state should not be the arbiter of violence, detainment, and incarceration against those whom it deems unlawful, the state cannot discriminate against us, jail us, condemn us, or foreclose opportunities for us because of how we use our bodies.



Why Decriminalization?



Racial Justice

The criminalization of sex work is explicitly a racial justice issue in the way that its roots are embedded in curtailing the physical freedoms of women, people of color, and immigrants since the 1800s. The decriminalization of sex work is a clear and needed step toward racial justice.

In the United States, laws against sex workers are based in racism, and they have xenophobic origins beginning with the Page Act of 1875 and the Mann Act of 1910 (known as the White Slave Traffic Act). Both were federal laws that, respectively, banned the immigration of East Asian women and the transportation of women across state lines for 'debaucherous' purposes.

The mid-1800s saw the rise of the sex industry in Minneapolis as a necessary economic force within civic life and city development. Just like sawmilling, flourmilling, and warehousing, sex work gained a foothold at the riverfront and enriched the municipal treasury through a system of regular fines for workers, Madams, and bordellos. Sex work was confined to certain geographic areas along the river and provided important revenue for the emerging City of Minneapolis.

Within white supremacy, the abundant xenophobia of the Page Act reached a logical extension in the Mann Act by isolating white women as a group of victims who are at risk of being corrupted, stolen, and sold by the foreign other. The assumed threat against white women, then regarded legally as property of white men, justified the state's power, oppression, and violence against foreign and racialized subjects. Racism and xenophobia were key pieces of kindling in the purity campaigns, eventually criminalizing the industry that brought the city economic prominence.



During the early 1900s, calls in Minneapolis to make sex work illegal gained wider traction due to the national fervor over white slavery.⁰⁷ Newspapers regularly ran articles about the "national white slave war" and reformers spouted belief in a "well-organized white slave trade" that no one could find proof of in the state.⁰⁸

While brothels and bordellos were operable in Minneapolis, Black women were denied the same economic opportunities as white women and faced harsher penalization. Ida Dorsey, one of two prominent Black brothel owners in Minneapolis, was indicted and imprisoned for 90 days during a time when other white brothel owners merely faced fines.

⁰⁷ Petersen, "Minneapolis Madams: The Lost History of Prostitution on the Riverfront".

⁰⁸ Ibid

Sex work has been (and continues to be) a type of labor that is accessible to people excluded from traditional markets due to discrimination, ability, or other forms of access. In the early 1900s, labor markets discriminated against women with low wages, unsafe working conditions, and time-consuming labor. Women were able to stabilize their economic place in society and make ends meet through sex work. Black women experienced intersectional marginalization and were often kept out of ownership and work in brothels and bordellos. They were confined to street work where they were not only physically vulnerable, but also faced high rates of surveillance and police violence.⁰⁹

The surveillance and violent policing of Black street sex workers in the early 1900s can be directly traced to contemporary laws criminalizing poverty, Black and brown bodies, and migrant or undocumented labor through proximity to sex work. These laws include, but are not limited to: 'loitering', panhandling, and any charge with the addition of "with intent" - most often drugs or prostitution.

100% of the arrests made by MPD from 2018-2020 for loitering with intent to commit prostitution were identified as Black.

In 2015, Minneapolis repealed the "loitering and spitting" law when it was proven as an explicit racial justice issue. The ACLU of Minnesota found that Black

people were 8.7 times and Indigenous people were 8.6 times more likely to be arrested for "loitering and spitting" than white people. These low level offenses criminalize people in informal economies who also experience economic precarity or unstable housing.

Black and Indigenous communities are over policed and violently separated by the carceral system, including its iteration of family monitoring. "About 15% of Indigenous children and 11% of Black children can expect to enter foster care before their 18th birthday."¹⁰ While monitoring cases of missing and murdered indigenous relatives the Sovereign Bodies Institute observed that 70% had been living in foster care at the time they went missing.

The MN Task Force on MMIW Report names colonialism, racism, and the sexual objectification of Indigenous women and girls as root causes of this particular injustice and names trafficking and prostitution along with domestic violence, child welfare system involvement and incarceration as risk factors. The report insists on addressing these root causes and strengthening tribal sovereignty towards articulating a comprehensive plan to seek justice for and prevent future violence against Indigenous women, youth and two spirit relatives. With the shared value of reducing violence and unwilling participation in the sex trade, decriminalization can support the demands of the MMIW taskforce if we are intentional and connected in our liberatory work.

Racism and anti-sex work legislation are intertwined historically, both nationally and within Minnesota. Removing a wide category of labor practices from the purview of the police ensures less interactions between law enforcement and Black folks, Indigenous folks, people of color, and immigrants. Decriminalizing sex work is a huge step in making public spaces safer for communities impacted by daily and structural racial violence.

- 09 Fair, "Surveilling Social Difference: Black Women's "Alley Work" in Industrializing Minneapolis".
- 10 Roberts, "Torn Apart How the Child Welfare System Destroys Black Families and How Abolition Can Build a Safer World".



Why Decriminalization?



Labor Rights

Full decriminalization of sex work is the safest and most ethical measure to reach the widest number of participants in the sex trade, including those who are most vulnerable.

A wide range of occupations and practices fall under the title of sex work, including but not limited to: stripping, escort services, massage and spa labor, professional BDSM (Bondage/Domination/Submission/Masochism) work, phone or internet-based sex services, and pornography. Currently, these occupations fall within a spectrum of legality and criminalization, each having unique lived realities, needs, and risks associated with the work.

With full decriminalization, sex workers will be able to participate in the labor market as complete and autonomous workers.

If sex work was seen as legitimate work, sex workers could:

Organize workplaces and join with co-workers in guilds, unions, or collectives; advocate for legal changes that affect their work; conduct needs assessments within the different fields of labor; more easily access health insurance, retirement plans, hazard pay, and PTO at our place of employment; turn down work that was unsafe; ensure working conditions are safe; advocate for safety without fear of retaliation or legal ramifications; freely share safety information with other workers; choose to leave the sex trade altogether with far less barriers; own businesses.

As intersectionality increases in priority in Minneapolis labor organizing, the types of workers who can access protections also expands. Sex work-

ers and other independent contractors are finding creative ways to build tools around worker power in communication with unions about strategies to uplift industry standards.

Minneapolis' Adult Entertainment Ordinance is such a tool for strippers to be able to access the most basic labor rights. In 2019, the city attorney's office commented that there is no reason why wage theft protection, OSHA standards, and other regulations shouldn't apply to independent contractors. These standards are intended to protect all workers. But marginalized workers have the burden of creating legal mechanisms to access rights.

The inclusion of sex workers in local labor organizing has nourished a paradigm shift. Framing the organizing as a labor rights issue means that workers in stripping can fight towards work conditions instead of identity politics. Defining sex work is something we do; not something we are.

The City of Minneapolis and State of Minnesota have the opportunity to model how sex work, a currently unprotected trade, could be integrated into wider labor through a humane, people-centered approach. Sex work needs to remain an accessible form of labor, but one with the protections and rights.

Why Decriminalization?



Public Health

Research overwhelmingly shows that decriminalizing sex work leads to lower rates of STI transmission, including HIV, and lower rates of sexual violence.

Organizations that support the decriminalization of sex work to tackle the HIV/AIDS epidemic include: the Joint United Nations Programme on HIV/AIDS (UNAIDS), the World Health Organization (WHO), Amnesty International, Human Rights Watch, United Nations Population Fund (UNFPA), and the medical journal *The Lancet*. They all support ensuring sex workers' access to health services, specifically through decriminalization.

In 2018, a UCLA study of the 2003-2009 decriminalization of indoor sex work in Rhode Island led to the incidence of female gonorrhea declining by 40% and reported rape offenses declining by 30%. With regard to the reduction in sexual violence, researchers attribute it to the improvement in bargaining power of sex workers to report incidences of assault against them and to demand safer work environments without legal ramifications.¹¹

The legalization model often leads to unfavorable outcomes. It does not account for the fact that social stigma is a significant factor in the health outcomes of sex workers. In 1969, Senegal legalized sex work, leading to a hyper-regulation of the Senegalese sex industry. One criteria for legal workers was to submit to mandatory HIV testing and maintain documentation that "proved" they were free of STIs. Hyper-regulation perpetuated stigma against sex workers, forcing many into a hidden population of workers operating outside of discriminatory practices in order to maintain privacy, safety, and bodily sovereignty.¹²

Further, a 2020 paper in *Health Policy and Planning*, a health policy and systems research journal, surmised that self-reported condom use among high-risk sex worker populations in Senegal were systematically over-reported, citing social desirability bias due to stigma as a root cause.¹³ Sex workers still faced high levels of stigma despite being legally registered - survey information about condoms through healthcare institutions was likely misrepresented because highly regulated sex workers do not exist in an environment where they can be autonomous and feel safe.

As stated by the Durbar Mahila Samanwaya Committee in their sex worker Manifesto:

"People who are interested in our welfare, and many are genuinely concerned, often can not think beyond rehabilitating us or abolishing prostitution altogether. However, we know that in reality it is perhaps impossible to 'rehabilitate' a sex worker because the society never allows us to erase our identity as prostitutes. Is rehabilitation feasible or even desirable?"¹⁴

11 Gunderson, "The Effect of Decriminalizing Prostitution on Public Health and Safety".

12 Mgbako, "To Live Freely in This World: Sex Worker Activism in Africa".

13 Lépine, "HIV Infection Risk and Condom Use Among Sex Workers in Senegal: Evidence From the List Experiment Method".

14 First National Conference of Sex Workers in India, "Sex Workers' Manifesto".

Why Decriminalization?



Community Safety

Decriminalization is the most appropriate model for positive public safety outcomes. Under criminalization, sex work is made more dangerous because sex workers are unable to report violence that they face due to threat of incarceration.

Because sex workers are forced into the shadows of public life, they are targeted by perpetrators of abuse and violence. In this section, we articulate the main sources of violence for sex workers: the state, law enforcement, clients, and social violence/stigma.

“Prostitute” is an institutionalized and sociological term that implies a category of person that carries with it the historical stigma that perceives the sex worker as a scapegoat, marker of social ills, or victim to be saved. “Sex worker” was coined in 1978 by Scarlet Harlot Carol Leigh and is an agential term that asserts an individual’s relationship to a form of labor. The language itself conjures the popular declaration across sex workers campaigns, “Rights, Not Rescue!”

The claim that sex workers need to be rescued has only led to increased surveillance, policing, and violence against us and anyone with proximity to us. Stated plainly: any interaction between sex workers and police officers leads to violence - whether physical, social, legal, or economic.

Throughout its existence, the Minneapolis Police Department has been violent. The department has a long history of collecting exorbitant fines against sex workers since its early days of emergence. More recent history shows the harassment and beating of sex workers, especially Black and Brown sex workers and those working on the streets.¹⁵ As recently as

2015, MPD was found unlawful by its own investigations of police stings on massage parlors due to officers on raids engaging in sexual activity with massage parlor workers.¹⁶ They essentially used their power and privilege to sexually violate these workers. Any city or statewide plan to address the safety of sex workers must remove intervention from law enforcement on the basis of harm reduction.

Nationally, law enforcement uses anti-prostitution laws to harass and exploit not just sex workers, but poor, unhoused, drug using, queer, and trans people - specifically Black, brown, and Indigenous, immigrants, undocumented, and the multitude of people living in the intersection of these realities.

Full decriminalization of sex work supports harm reduction in its broadest sense. Currently, under criminalization, sex workers are not able to share safety information with each other and are putting themselves at risk when they do.

¹⁵ MPD 150, “Enough is Enough: A 150 Performance Review of the Minneapolis Police Department”.

¹⁶ Costantini, “Minneapolis Drops Undercover Massage Prostitution Stings”.



Data For Progress reports: Decriminalization is crucial to addressing the overdose crisis - studies show that participation in the sex trade is as high as 56% among women using opioids.¹⁷

All trafficking is violent and not all violence against sex workers is trafficking. Conflating the violence our community experiences has not protected us from violent people who target Sex Workers.

We believe that full decriminalization of sex work is the only model that appropriately honors the diversity of experience of people within the sex trade. It respects the autonomy of workers and survivors to name their own experiences and organize based on their needs.

Decriminalization will save lives.

¹⁷ Luo, "Decriminalizing Survival: Policy Platform and Polling on the Decriminalization of Sex Work".



“Our skills and availability is a valuable resource. We are potentially powerful, but the laws and morality of our civilization curb that power by punishing those who wield it.”

- Carol Leigh, *Unrepentant Whore: The Collected Works of Scarlot Harlot*

Scarlot Harlot

Why Decriminalization?



Public Joy

Public joy describes a communal experience of access to meaningful affect, specifically to affect that is free from criminalization. Decriminalization implements a destigmatized society identity status for sex workers to be proud of the work they do.



It upholds their respect, agency, and autonomy - all things that impact public joy. Historically, marginalized communities have laid claim to public joy by fighting for their rights beyond criminalization.

The essence of public joy and its relationship to increased power of affect and power of action is best described through the words of thought leaders in the sex workers movement — all whom have used their voices to support decriminalization of sex work as a means towards harnessing the power required to not only just survive, but thrive as a sex worker.

In *Miss Major Speaks: Conversations with a Black Trans Revolutionary*, Miss Major discusses the role of laws and power:

*“The laws were written to serve a small group of people at the top of society’s ladder, whose power comes from controlling the people on the lower rungs.”*¹⁸

Melissa Gira Grant speaks about power and criminalization of sex workers in *Playing the Whore*:¹⁹

*“To the degree that sex workers can find safer spaces to come out in other movements, those connections can be fostered into something powerful. And to the degree that stigma and criminalization makes that more frightening, sex workers will be more occupied fighting for survival alone than in finding solidarity... This is what’s absent in even well-meaning “support” for sex workers: a willingness to direct that support at those people who have the power to change anything about the conditions of sex workers’ lives.”*¹⁹

¹⁸ Griffin-Gracy and Meronek, “Miss Major Speaks: Conversations with a Black Trans Revolutionary”.

¹⁹ Grant, “Playing the Whore: The Work of Sex Work”.

Why Decriminalization?



LGBTQ+ Rights

The Gay Liberation Front, a gay liberation group formed after the Stonewall Uprising, was co-founded by Marsha P. Johnson, a Black trans woman who participated in sex work as a means to support herself and other LGBTQ+ youth.²⁰

For a variety of reasons, LGBTQ+ people are more likely than cisgender/heterosexual people to participate in the sex trade. These reasons stem from societal and familial homophobia and transphobia and include, but are not limited to: homelessness and unstable housing, poverty and economic precarity, and widespread discrimination. The act of decriminalization, as seen previously with the LGBTQ+ community and envisioned for the future of sex workers, not only creates a pathway to public joy as a means to increase power, but also supports the philosophy of Marsha P. Johnson herself, “No pride for some of us without liberation for all of us.”²¹

In 1973, COYOTE (Call Off Your Old Tired Ethics) was the first official sex worker organization founded in the US that organized towards decriminalization through building bail funds, fighting against legislation that forced medical treatment on sex workers, and addressing the social stigma that sex workers faced.²² COYOTE was co-founded by Margo St. James, a sex worker who advocated for sex workers’ access to public joy through community organizing efforts like the Annual Hooker’s Balls. She tirelessly fought for safer sex practices representation in pornographic films during the 1980s.²³ James understood the clear connection between the AIDS epidemic as a public health issue targeting both the LGBTQ+ community and sex workers alike, modeling a

pathway for future decriminalization efforts to center the intertwined histories of these two communities.

Our model towards decriminalization of sex work looks towards our elders from the LGBTQ+ liberation movement, including Marsha P. Johnson and Margo St. James. The freedoms and wider social acceptance we’ve witnessed in recent decades is only possible through their fighting.

20 NY Historical Society, “Life Story: Marsha P. Johnson”.

21 Marsha P. Johnson Institute.

22 “Records of COYOTE, 1962–1989”.

23 Ibid.



Section 02: Current Context

This section overlooks two strategic initiatives for addressing trafficking within Minneapolis, Minnesota as of June 2023. We included these initiatives, Safe Harbor For All and The Blueprint, because sex workers are impacted by the unintended consequences of anti-trafficking Legislation.



Current Context



Safe Harbor For All

Safe Harbor for All is a strategic plan created by the Minnesota Dept. of Health, community partners, and impacted populations to address sex trafficking and exploitation in our state.²⁴

It is a proposed expansion of Minnesota's 2011 Safe Harbor law and makes recommendations for no longer criminalizing adults who are survivors of sexual exploitation and trafficking. This vision allows adults survivors in the context of commercial sex exchange to seek resources and services without fear of legal repercussions. The drafting process for the SHFA plan included a committee coordinated by the MN Dept. of Health that centered stakeholders from communities affected by the 2011 Safe

Harbor law. A small team from SWOP-Mpls was active on the SHFA committee, ensuring that sex workers' voices were prioritized in this next stage of statewide public policy development.

The emphasis of increased penalization for buyers in anti-trafficking measures supports the prioritized well-being of survivors. That same action is misapplied in policy models towards sex work, upholding a one-sided criminalization known as Partial Decrim or the Nordic/End Demand model.

²⁴ Minnesota Department of Health, Safe Harbor for All: Statewide Sex Trafficking Victim/Survivors Strategic Plan".



Current Context



The Blueprint

Minneapolis was selected as one of three cities to be funded to create comprehensive solutions to trafficking, and a 'Blueprint' for addressing human trafficking and exploitation was created.

The Blueprint names the wage theft, freelance worker protection, and adult entertainment ordinances as policy improvements “ that strengthen anti trafficking efforts by reducing labor exploitation and expanding the oversight of potentially exploitative industries.” and goes on to call for improvements in “existing City policies and practices that continue to create barriers for survivors of commercial sexual exploitation who had/have contact with criminal justice systems and how dismantling these systematic barriers will offer new pathways to victims/survivors to reach their full potential, eliminate racial disparities, and thereby improve the environment and promote social well-being for all living in Minneapolis. This is the vision of Minneapolis actualized in the truest sense.”²⁵

²⁵ Shrestha, “A Framework for Action: Addressing Human Trafficking and Exploitation in Minneapolis”.



Current Context



Criminalization Visual

Sex workers face a targeted and totalizing array of legislation, policing, and surveillance tactics. These tactics are so immersed in our current political structure that they appear natural.

These tactics can manifest in the following ways, specific to the governing body:

* Federal United States

- FOSTA & SESTA
- Operation Cross Country
- Law Enforcement Checks

* State Minnesota

- Prostitution
- Loitering w/ Intent
- Condom Bias

* County Hennepin

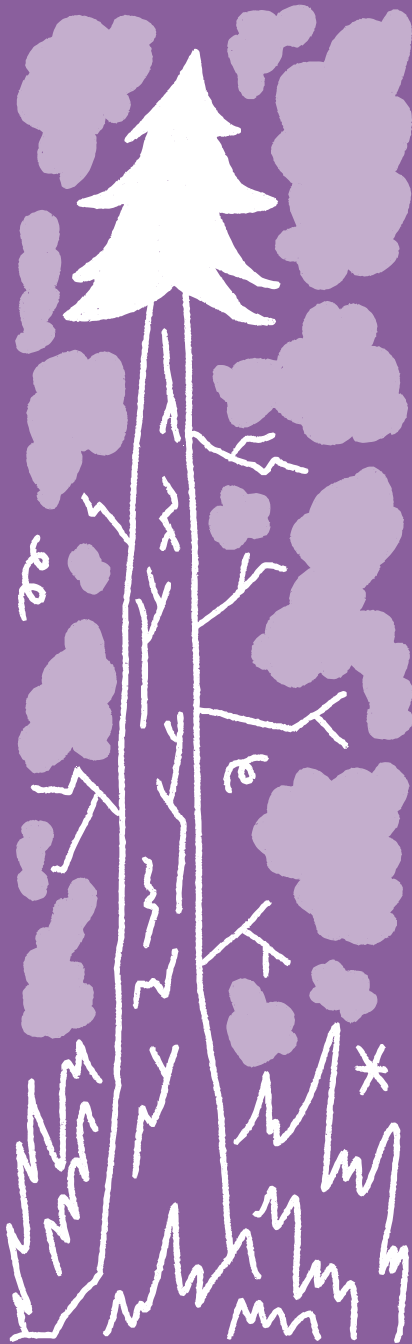
- Raids
- Stings
- Investigations

* City Minneapolis

- Loitering w/ Intent
- Disorderly House & Conduct
- Law Enforcement
- Business Licenses

On the next page, we parse apart these forms of criminalization and structural violence to illustrate the level of negative impact that each governing body has on our movement.

Federal



State



County



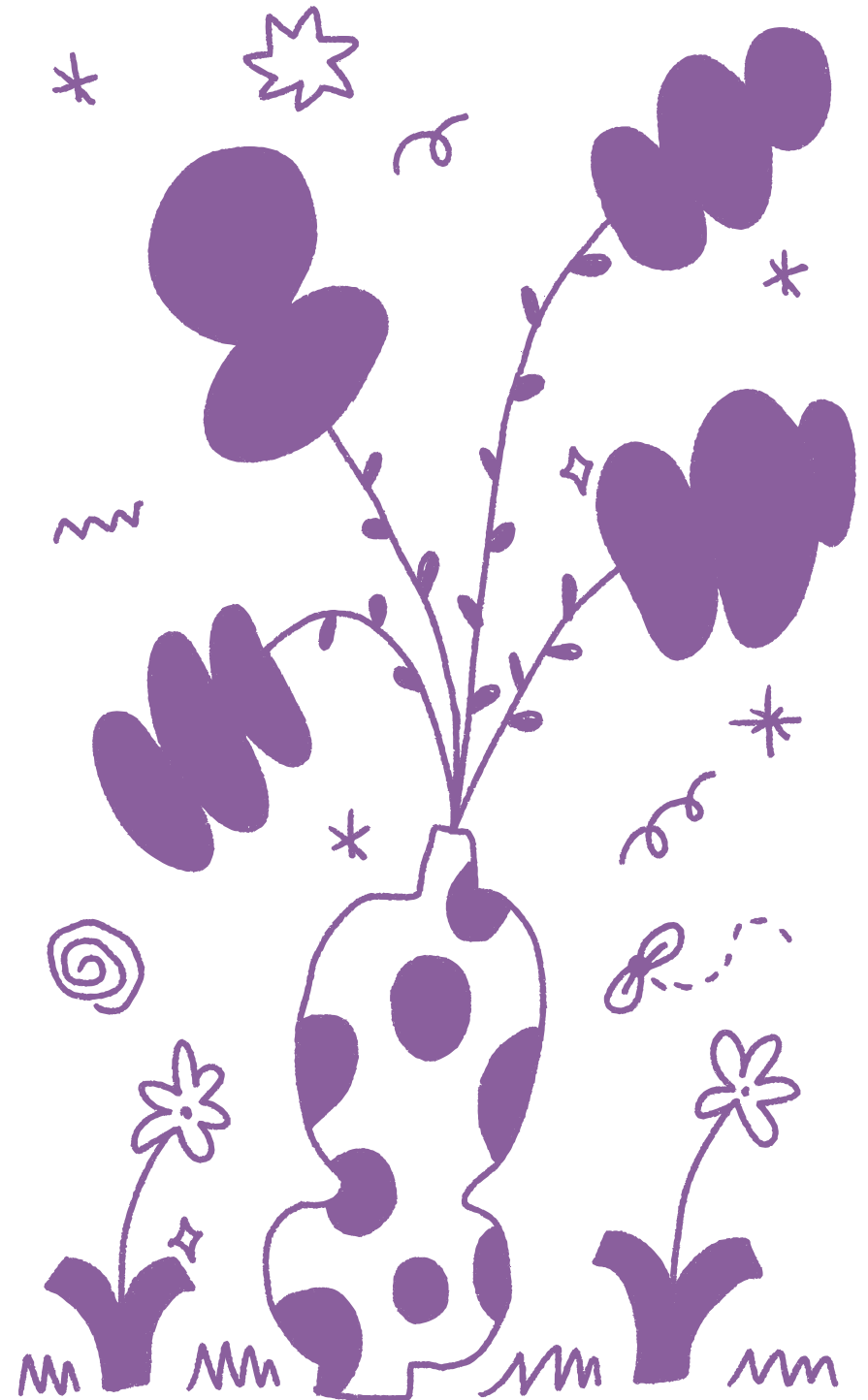
City



We're still here!

Section 03: Loitering

The section is an overview of the loitering ordinance in Minneapolis, Minnesota. We are campaigning to repeal the loitering ordinance before the Minneapolis city council in the fall of 2023.



Loitering

Repealing the Loitering Ordinance

Loitering, as it is currently coded in the City of Minneapolis Code of Ordinances, refers to a person inhabiting public space or a place open to the public “with intent to solicit for the purposes of prostitution, illegal narcotic sale, distribution, purchase or possession, or any other act prohibited by law.” This document describes how the origins, history, and practice of this ordinance is based in racial bias, classism, and the policing of sexuality and gender. The loitering ordinance and related low level offenses increase the disenfranchisement of our most marginalized community members. They are vestiges of the Jim Crow era legal codification of white supremacy.

In 2015, the City of Minneapolis repealed the “lurking and spitting” ordinance on the clear grounds that this ordinance was used to target Black and Indigenous people, charging these communities at much higher rates than white individuals. Further, as stated in the Star Tribune by Professor Nancy A. Heitzig and community consultant William W. Smith IV, low level offenses and “livability” crimes were meant to “circumscribe the lives of African Americans” and were central

features of the Jim Crow era, emerging “when Slave Codes became Black Codes.”²⁶ The Black Codes refer to laws that criminalized Black peoples’ rights to move freely, buy and lease land, conduct businesses, own property, and accumulate wealth – laws such as vagrancy, loitering, “keeping a disorderly house,” and disorderly conduct. Enforcing these low level offenses allowed police officers to harass Black people based on their biased suspicion and keep Black people in poverty, debt peonage, and incarceration. The racial disparities seen clearly in the past and present enforcement of these laws is their intended outcome.

Using data obtained from MPD from 2004 and 2012, the Minnesota ACLU verified that, compared to a white person, a Black person is 8.86 times more likely to be arrested for disorderly conduct, 7.54 times more likely to be arrested for vagrancy, and 16.39 times more likely to be arrested for curfew/loitering.

Using MPD data from 2018 to 2021, our research found that every individual arrested for “loitering with intent to commit prostitution” in Minneapolis

was identified as Black. Between 2018 to 2021, Black people accounted for 41% of the 385.5 charges made by MPD, despite making up only 18% of the city’s population. Further, over half (55.5%) of all loitering arrests are made by Metro Transit Police and 8.3% are made by park police – this means that almost 64% of all loitering arrests are made in public places (parks, bus stops and shelters, light rail stations); where people are meant to be able to gather safely and exist in public space as they are without harassment.

In our deep canvassing with heavily policed communities, participants reported that they were brutalized by MPD when arrested for loitering. A participant was arrested for loitering at the Lake Street Midtown Train Station platform and tackled to the ground by police officers. He was taken to jail and denied medical attention for his head trauma. He suffers from a traumatic brain injury and retains a five-inch long scar from the incident that bisects his forehead. The participant was waiting for the train. This is one of many stories that describe the real violence that heavily policed communities face due to the enforcement of loitering and other low level “livability” offenses.

Loitering is not an effective law and has vague applications with far better alternatives. Victims/survivors of domestic violence and their advocates have occasionally utilized the loitering ordinance in the event that



Orders for Protection are not being enforced. This is not a sound application of the ordinance when trespassing and stalking charges are far more effective in conjunction with domestic violence or assault charges. In 2022, only one person with a domestic assault charge was additionally charged with loitering; at the trial, the loitering charge was dropped and only more serious offenses were suitable to charge. From a safety standpoint, loitering is not an effective tool for prosecutors in domestic violence and assault cases. Trespassing on private property and unsafe public lands, such as construction sites, will continue to be illegal and offer a defined legal structure for victims/survivors of domestic violence.

²⁶ Heitzeg and Smith, “Low-Level Crime, ‘Livability’ and Racial Profiling”.

Loitering laws that specifically target the “intent” of engaging in prostitution have a rich history of discriminatory application on the basis of race, gender, and class. Transgender women, specifically Black and brown trans women, are targeted, profiled, and criminalized by law enforcement as Sex Workers simply for existing in public space. In 2019, the New Jersey Task Force on Transgender Equality reported that one-third of Black trans women who engaged with the police stated that law enforcement assumed that they were engaging in prostitution.²⁷ In New York, the loitering with intent to engage in prostitution law gave police carte blanche to harass trans women of color to such an extent that it was known as the “Walking While Trans” Law. It was repealed by Governor Cuomo in 2021 as a measure to end what had essentially become “stop and frisk” for trans women of color, many of whom were additionally disenfranchised due to poverty and unstable housing/houselessness.²⁸

The Coalition to Abolish Slavery and Trafficking (CAST) reported to the ACLU that California’s anti-loitering legislation harms victims/survivors of trafficking.²⁹ The threat of criminalization and legal repercussions are tools used by traffickers to scare victims/survivors and prevent them from seeking resources and help. Victims/survivors of trafficking are ensnared within the vague framing of the loitering with intent law and their arrests create insurmountable barriers to

safe housing, immigration support, and employment.

The loitering ordinance is an archaic and ineffective piece of legislation. As it exists now, it upholds racist and classist bias in policing and is ineffective in addressing the needs of survivors of domestic violence and trafficking.

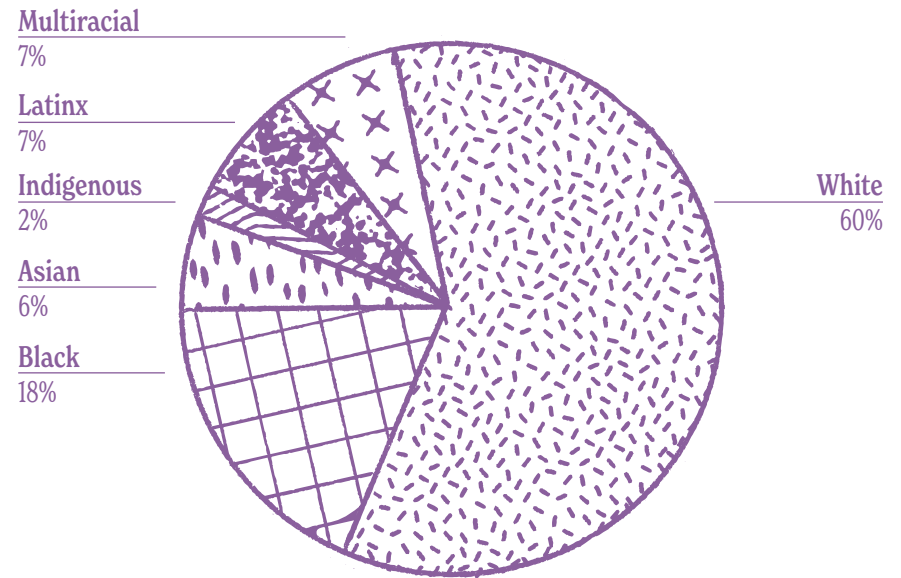
Black people accounted for 41% of the Loitering with intent of Prostitution charges in Minneapolis between 2018-2020 despite only making up 18% of the city’s population.

27 Demeri, “Transgender People Are Being Profiled as Sex Workers: AG’s Directive Fails to Address the Issue”.

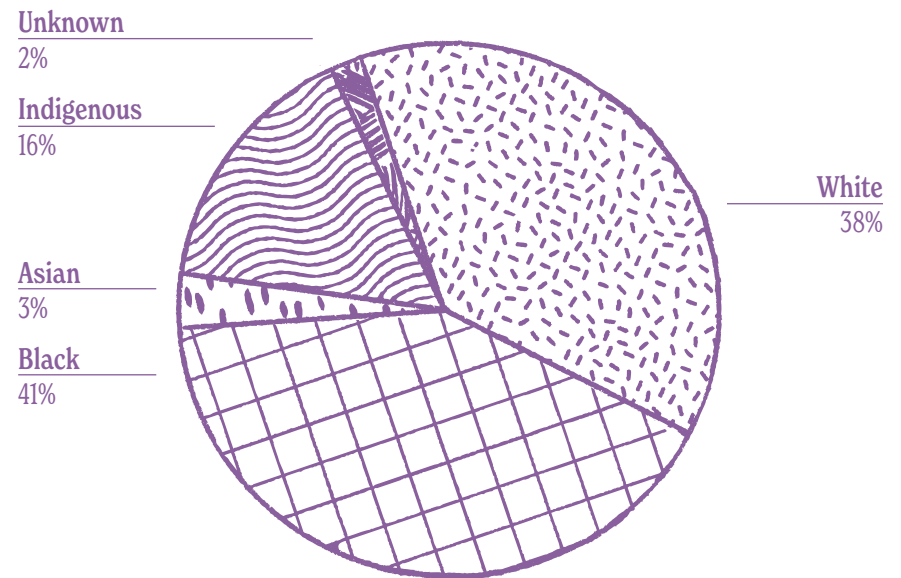
28 Diaz, “New York Repeals ‘Walking While Trans’ Law”.

29 LaChapelle, “CA’s Loitering Law is Actively Harmful to Trafficking”.

Percentage of Minneapolis Population by Race



Minneapolis Arrests for Loitering With Intent of Prostitution by Race 2016-2020



Loitering

Impacted Community Statements

We surveyed 20 people in the street economy in Minneapolis about their experiences being arrested for loitering in Minneapolis in the Summer of 2022.

The survey participants gave their permission to share their stories and experiences anonymously. We are grateful for their participation in this community research that supports the decriminalization of sex work in Minnesota.

75% of Participants surveyed reported believing their loitering arrest was racially motivated.



“No doubt it was racially motivated, no doubt at all.” - Participant #13

“This cop came up to me and said that I was loitering, which is like what they say when they wanna start something. I just felt like I was being targeted, especially me being a prostitute. And the officers are making jokes like ‘suck my dick’ you know...They called me prostitute, whore, nothing, no good...They shouldn’t call women whores cause they don’t know what we go through in these streets. We’re just out here trying to survive. They should be trying to help us.” - Participant #6

“The police harass us, they get us for loitering when they know a lot of us out here are homeless and have nowhere to go. There are more shelter spaces for men and families so there are more single women out in the streets and they harass us for loitering or prostitution they say, even if we’re not really doing that they get us anyway. They mess with a lot of the females out here, more than the men. It’s hard out here for the women in Minneapolis, MN but we make it. We’re strong and we try to look out for each other.” - Participant #18

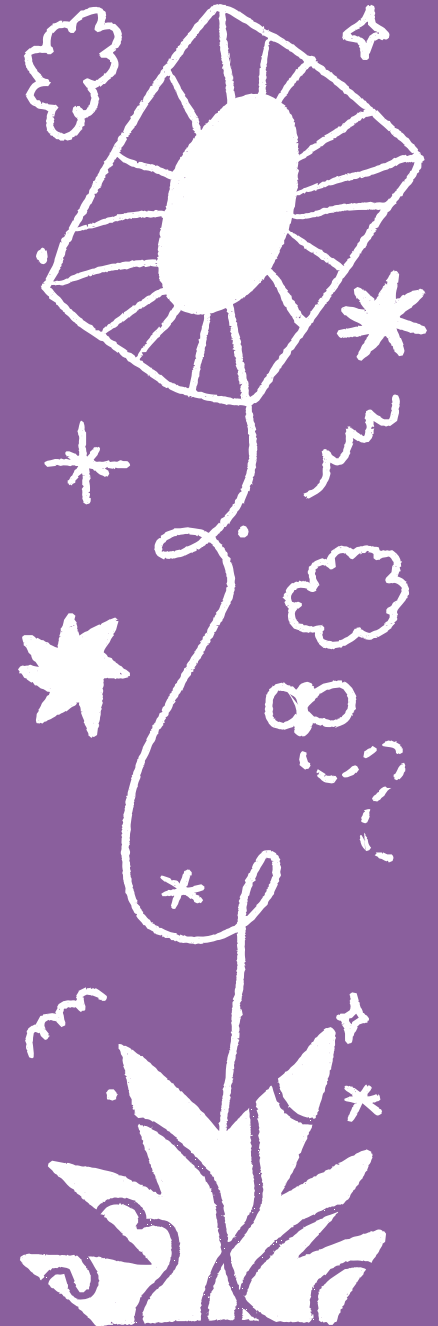
“Yes I have experienced harassment from a police officer. I even had one make me suck his dick to keep me from going to jail. I did it to keep from going to jail. It kinda broke my spirit but you know I put it in God’s hands. He told me today was my lucky day, and then he pissed on face” - Participant #16

Three participants estimate being arrested for Loitering over 100 times. One participant elaborated by saying that he lived in Gary, Indiana and Chicago, Illinois previously and had never been harassed or incarcerated for loitering until moving here in 1991.

“They get you for all type of Loiterings, like if you walk up and they don’t like you. They stack them up and pressure you to plead guilty to one of them...I got arrested one time, like 3x in one day...Just for walking. I didn’t have a place to stay. The police will take you to jail, he doesn’t have to have a reason or anything. He’ll just take you to jail.” - Participant #1

“It was racially motivated every time, yes all 100 times. Police have been profiling black people, people like myself for literally nothing, just walking down the street.” - Participant #2

13 participants surveyed were victims of police brutality. One participant was slammed to the ground by Metro Transit police at a light rail station. He now has a TBI and a large scar bisecting his head. He is permanently injured because he was Black while waiting for the train.



56% of Loitering with Intent charges were made by MetroTransit PD in 2022.

Conclusion

This report is the culmination of years of research, outreach, deep canvassing, and advocacy towards legislative reform in Minnesota by local community members in affiliation with DecrimMN.

These are our empirically based recommendations and reasonings towards full decriminalization of sex work; the most humane and just way for the state to protect its most vulnerable populations.

We know that criminalization has not eradicated the sex industry or the harms and violence that workers experience. Decriminalization reduces the harms of police violence, incarceration, deportation, and criminality our community faces. It increases access to healthcare, labor protections, financial security, and bodily sovereignty.

Minneapolis and Minnesota can take lead in the global restructuring of securing policy that does not punish sex workers in their liberation.

We are calling on organizations, community members, and elected representatives to urgently support the full decriminalization of sex work as the best policy to reduce violence in the sex trade.



We Demand

City-Level Legislative Reform

At the city level, municipal codes are used to impinge on the freedoms and quality of life of people in the sex trade. These codes increase interactions between law enforcement and people living in poverty and precarity, especially for additionally marginalized populations.

1. Repeal existing statutes that penalize commercial sex exchange between consenting adults, including loitering for the purposes of prostitution, prostitution, and ownership or leasing of any business or space within which consenting adults participate in commercial exchange, including:
 - Repeal archaic ordinance 219.400 that declares prostitution as a “prolific source of venereal disease”
 - Repeal loitering with intent of prostitution ordinance: 385.50 sec. a, b, and c
 - Repeal the Disorderly House ordinance 385.170
 - Review ordinance 264.30 sec. a to remove prostitution
2. Fund co-enforcement program under Civil Departments that solicits and investigate tips on labor exploitation in the sex industry in partnership with Sex Workers Outreach Project.
3. Introduce provisions that allow trafficking survivors the opportunity to apply for criminal record relief for all charges they received as a result of being trafficked.
4. Amend labor and public health protections to include Sex Workers.
5. Resource sex worker community safety networks for the benefit of public health and worker safety.
6. Defund and dismantle vice policing units.
7. Stop prosecution of sex workers and survivors of trafficking.
8. Decline to prosecute misdemeanor and non-violent cases that result from stop-and-frisks when prostitution is the probable cause.

We Demand

County-Level Legislative Reform

At the county level, policing and the courts are used to curtail the safety of sex workers. Raids, stings, and investigations are upheld under the auspices of protecting sex workers, but in fact lead to sex workers being arrested and facing additional forms of violence.

1. End sting operations and police raids on businesses related to the sex trade
2. Expand the No Wrong Door model to protect sex workers of all ages who report sexual or physical assault to be medically treated as survivors, not criminals
3. Move investigations of law enforcement for patterns of sexual violence, extortion, and harassment of people in the sex trades to independent departments such as the State Attorney General’s office or a Department of Investigation. Provide transparent results of investigation along with action steps for accountability, including the removal of officers involved in misconduct. Officers who sexually harass and abuse sex workers and survivors must be included on Brady Lists.
4. Return money from civil asset forfeiture to anyone with prostitution-related offenses when possible, and to sex worker-led organizations when not possible.
5. Create vacatur and expungement systems that allow people with prostitution-related criminal charges to receive criminal record relief, including removal from sex offender registries when their charges are related to sex trade between consenting adults and/or they were a minor at the time they were charged.

We Demand

State-Level Legislative Reform

At the state level, the courts system is used to marginalize sex workers through prostitution charges. These charges impact the ability of sex workers to: work safely, leave the sex trade, find safe employment and housing, and move freely and safely.

1. Pass a Comprehensive Decriminalization Bill that overrides law 609.324 (prostitution), 609.3243 (loitering with intent of prostitution).
2. Expand Safe Harbor to include Safe Harbor for All strategic plan (keep statutes that penalize the facilitation of sex trade with force, fraud, coercion, violence, intimidation, or exploitation).
3. Fund services for people in the sex trades; services are non-coercive and not tied to the criminal legal system. Access to services is not dependent on exiting (especially low-barrier housing, immigration and legal support, healthcare, and harm reduction services).
4. Fund public education campaigns that destigmatize people in the sex trades.
5. Prohibit employment and housing discrimination based on criminal records.

We adapted these demands from the Decrim NY report because our beloved NY community addressed all our same policy concerns.³⁰

³⁰ Luo, "Decriminalizing Survival: Policy Platform and Polling on the Decriminalization of Sex Work".

We Demand

Federal-Level Legislative Reform

At the federal level, a concerted effort is taking place to disrupt the safety of sex workers. FOSTA-SESTA (Fight Online Sex Trafficking Act-Stop Enabling Sex Trafficking Act) impedes the freedom of expression on the internet and allows state and federal law enforcement the discretion to police and criminalize sexual speech. The consequences of this act has left sex workers without safe avenues to work online, pushing sex workers into increasingly unsafe and hostile conditions. Other modes of criminalization, through Operation Cross Country and Homeland Security, apply violent carceral practices towards the most marginalized members of our community. At the federal level, all forms of sex work are conflated with trafficking and this conflation gives law enforcement carte blanche to harass, arrest, and impede the freedoms of sex workers without safe recourse.

Who We Are

And How to Support the Decriminalization Campaign

We are the Sex Workers Outreach Project, a Minneapolis-based chapter of the largest national organization for Sex Workers rights and liberation. We advocate for people in the sex trade.

This document was written and researched by a collective that includes: Andi Snow, d Fox, aegor ray, and k bear.

To contact this collective for campaign information email info@decrimn.org. We are on all social media platforms as @swopmpls.

We are working to decriminalize sex work in the city of Minneapolis, and our plan is to build a movement to decriminalize sex work in the state of Minnesota. We recommend that full decriminalization of sex work is a crucial step in addressing the economic precarity, racial injustice, and gender violence that our most vulnerable community members face. We know that criminalization has not eradicated the sex industry or the harms and violence that workers experience. Decriminalization reduces the harms of police violence, incarceration, deportation, and criminality our community

faces. It increases access to healthcare, labor protections, financial security, and bodily sovereignty.

Minneapolis and Minnesota can collaborate with restructuring policy global to support sex workers in our fight for liberation, without impingement and punishment. The movement for the decriminalization of sex work has existed since the origins of criminalization, and we are grateful to be a part of the stewardship of this movement. We look towards and honor the decades of hard-working people in this movement across the United States, and across the world, who are leading the way for the rights, justice, and dignity of sex workers.

We are calling on organizations, community members, and elected representatives to urgently support the full decriminalization of sex work as the best policy to reduce violence in the sex trade.

If you are looking for opportunities to join the repeal of the loitering ordinance, follow us for engagement sessions leading up to the Fall of 2023.



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Tweet from Marsha P. Johnson Institute, 2020. <https://twitter.com/mpjinstitute/status/1268913262151729157>



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