

# The Criminalization of Sex Work: Women and Girls of Color

In the United States, communities of color, and especially black women and girls are disproportionately impacted by criminalization of the sex trade. Because of systemic racism, poverty and continued marginalization, women of color often rely on informal economies – such as sex work – to get by. Criminalizing survival means higher rates of violence, STI and HIV transmission, and exploitation; and with profiling and policing in communities of color, the consequences of an arrest record can last a lifetime.

***Women of color are more impacted by systemic poverty, leading to a higher reliance on informal economies***

Racism, structural barriers to employment and generational poverty all disproportionately impact women of color. For African-American women, the poverty rate remains at 28.6%, as opposed to only 10.8% for white women. (1) These experiences of racism are no less true when accessing basic social services, such as housing and healthcare. When people are excluded from the traditional workforce, sex work can be an essential means of survival.

Sex work is the provision of sexual services for money or goods. Sex workers are women, men and transgendered people who receive money or goods in exchange for sexual services, and who consciously define those activities as income generating even if they do not consider sex work as their occupation.

(World Health Organization)

For People of transgender experience, who experience discrimination at multiple levels, participation in the sex trade was reported at 11% overall, but broken down by race, those numbers changed radically.

All People of Color  
(387)

24.4%

White only  
(307)

6.3%

39.9%

Black and Black Multiracial  
(155)

Survey Results, Meaningful Work:  
Transgender Experiences in the Sex  
Trade, National Center for  
Transgender Equality

***Women of color, especially black women, are also more likely to be policed and criminalized for sex work-related crimes.***

- For all prostitution-related offenses reported to the FBI in 2016, 33% of arrestees were black. (2)
- In the United States, Black youth account for approximately 62 percent of minors arrested for prostitution offenses even though Blacks only make up 13.2 percent of the U.S. population. (3)
- In California, **black women made up 42% of all prostitution-related arrests** in 2015, while being roughly 2.8% of the state's population. (4)
- One Atlanta survey found **that 80% of the trans women of color reported having been approached** or stopped by the APD within the last year, and of these, nearly half (**46%**) **said that police assumed they were sex workers**. Many felt they had been profiled based on their gender identity. (5)
- In New York, according to the State Division of Criminal Justice Services, 85 percent of those arrested for loitering for prostitution between 2012 and 2015 were black or Latina. (6)
- The effects of a prostitution arrest on a person's record can last a lifetime. Consequences can include fines and fees, loss of custody, loss of another job, loss of housing, loss of access to federal school grants, public outing as a sex worker, public shaming, community exclusion, forced HIV testing, and in some states, sex offender registry.

*“You have to keep in the back of your mind that, ‘OK, what is the day?’ Because if it is that type of day, like on Friday nights or Saturday mornings, they are doing prostitution sweeps... The only thing that you can do to avoid it is just not go outside.”*

- Tiffany Grissom, who had been arrested multiple times for loitering for the purposes of prostitution in New York City

*“I was just going to jail and there were no questions asked... It needs to change. It is a targeting thing that has to stop, and if nobody says nothing, it is not going to be dealt with.”*

- Sarah Marchando, who has been arrested seven times for loitering for the purposes of prostitution

1. Center for American Progress, The State of African American Women in the United States, 2013
2. FBI Universal Crime Report, 2016
3. Jasmine Phillips, Black Girls and a Victim Trope, UCLA Law Review 1645
4. Crime in California, 2015
5. The Most Dangerous Thing out here is the Police, SNaP Co 2015
6. Melissa Gira Grant, The NYPD Arrests Women for Who They Are and Where They Go — Now They're Fighting Back, The Village Voice, 22 Nov 2016