



**TITLE:** Performance Oversight Hearing for Metropolitan Police Department  
**COMMITTEE:** DC Council’s Committee on the Judiciary & Public Safety  
**FROM:** Carole Bernard, Executive Director  
**HEARING DATE:** March 19, 2021

The Amara Legal Center (“Amara”) is a nonprofit organization that provides free trauma-informed legal representation, access to support services, and advocacy for a more equitable legal system for individuals impacted by sex trafficking or involved in sex work in the DC-metro area. Our clients are sex workers and sex trafficking survivors. The majority of our D.C. clients are residents from wards 6, 7, and 8, and are U.S. citizens born and raised in the D.C. metro area. Since our founding in 2013, Amara has provided free legal services to almost 500 clients in the D.C. metropolitan area.

Due to its location on the I-95 corridor and proximity to casinos and sports stadiums, D.C. has an acute need for legal services for individuals harmed through involvement in commercial sex. Amara estimates that every year roughly 500 individuals seek services due to their victimization through sex trafficking in D.C.<sup>1</sup> The FBI identified D.C. as one of 14 cities in the U.S. with the highest incidence of commercial sexual exploitation of children.<sup>2</sup> The National Human Trafficking Resource Center (NHTRC) notes that because of D.C.’s location near major highways and Baltimore’s proximity, D.C. is a “significant part of East Coast sex trafficking

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<sup>1</sup> Figure comes from a survey Amara conducted with local anti-trafficking organizations in D.C. in 2013.

<sup>2</sup> Chris Swecker, “June 7, 2005 Testimony: Exploiting Americans on American Soil: Domestic Trafficking Exposed,” Federal Bureau of Investigation.



circuits.”<sup>3</sup> Despite the population of D.C. being far lower than the average U.S. state, NHTRC states that phone calls placed for help were made at a rate that was the 16th highest in the nation. The actual number of survivors in D.C. is likely much higher than statistics show, as the majority of survivors remain hidden from the public and do not seek legal or social services.<sup>4</sup> In 2019, the Human Trafficking Hotline received 75 cases and 179 contacts.<sup>5</sup>

In addition to providing legal services to victims of human trafficking, Amara is committed to providing legal services to those involved in commercial sex by choice or circumstance. The number of people who trade sex is difficult to estimate and more resources should be allocated to research and obtain data for this population of DC residents. People who trade sex are often victims of crime due to the vulnerability of working outside the boundaries of current laws. As a result, studies have shown that 80% of street-based sex workers have experienced an act of violence.<sup>6</sup> Trans, Black, and Latina women are the most affected. In DC, the majority of trans women are Black or Latina, and trans women of color are more likely to engage in sex work.<sup>7</sup> Of those surveyed in the DC’s Trans Coalition Need Assessment, more than half of trans women of color had engaged in sex work in comparison to 12% of their White counterparts.<sup>8</sup> Due to the

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<sup>3</sup> [https://www.civilandhumanrights.org/documents/UCSE\\_FINAL\\_VERSION\\_\(2\\_28\\_14\).pdf](https://www.civilandhumanrights.org/documents/UCSE_FINAL_VERSION_(2_28_14).pdf)

<sup>4</sup> See Heather Clawson, PhD, et. al., “Human Trafficking Into and Within the United States: A Review of the Literature,” Department of Health and Human Services.a

<sup>5</sup> Ibid.

<sup>6</sup> Raphael, J. and Shapiro, D. (2002, August). Sisters speak out: The lives and needs of prostituted women in Chicago. Center for Impact Research, 1-35 “80% of women in street prostitution had been threatened with a weapon at least once”// <https://www.decriminalize.org/why-decriminalize-sex-work>: “80% of street-based sex workers have experienced physical/sexual assault on the job.”

<sup>7</sup>DC’s Trans Coalition Need Assessment (Assessment)

<sup>8</sup> <https://dctranscoalition.files.wordpress.com/2015/11/dctc-access-denied-final.pdf>



racial and gendered implication of violence against sex workers, Amara seeks to provide services specifically targeting this population and continues to be the only legal service provider doing so.

The specific legal needs of this population are great. Amara provides legal advice, brief services, full representation, and referrals. Amara assists with civil legal issues: civil protection orders, divorce, child custody and support, and name changes. In addition to civil legal services, Amara also provides victim-witness advocacy services and representation in criminal record sealing cases. Without access to free legal help, our clients also have a difficult time seeking employment, housing, educational opportunities or reunification with their families. However, with a highly trained, trauma-informed, and dedicated Amara attorney; our clients have the ability to stop the civil and human rights abuses suffered, using the law as a tool to advocate for their rights.

There are many survivors of sex trafficking in DC and most survivors report being arrested during their exploitation. During their involvement in the criminal justice system, many survivors are not identified as victims and are then saddled with a criminal record that exacerbates their vulnerability to exploitation. Involvement in the criminal justice system impacts most of Amara's clients, regardless of the legal issues they are seeking to resolve. Involvement may come from being arrested for prostitution or solicitation; arrests for drug use;



mental illness that may precede, begin through,<sup>9</sup> or be exacerbated by involvement in commercial sex; struggles with housing and homelessness; and a variety of crimes related to survival.

In late 2016, Amara began investigating options for a diversion program in DC that would serve sex workers and survivors of trafficking. Amara conducted focus groups with survivors, contributed questions to focus groups with sex workers, and began conducting a survey of diversion programs across the country. Through this effort, Amara learned that pre-arrest diversion programs are both favored and effective. Since 2017, Amara has been collaborating with other organizations to gather information, educate potential stakeholders, and advocate for pre-arrest diversion in DC.

As implemented in other jurisdictions across the country, pre-arrest diversion approaches specific low-level criminalized activities with a public health response, instead of a typical criminal justice response. Rather than arresting individuals caught engaging in activities like prostitution, drug possession, or other low-level offenses, law enforcement connects these individuals to community service providers. By doing so, pre-arrest diversion programs address the underlying reasons an individual may be engaging in certain activities and at the same time, prevents them from incurring an arrest or conviction record that would leave them in a worse

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<sup>9</sup> § 22–2701. Engaging in prostitution or soliciting for prostitution (there is no distinction in the law made between a buyer and a seller of sex and individuals who are selling sex are also charged with solicitation).



situation and lead to collateral consequences. Moreover, properly implemented, these programs work to combat the over-criminalization of communities for issues that stem from racism, poverty, addiction, or untreated mental illness.

Amara commends the DC Metropolitan Police Department (“MPD”) for launching an adult pre-arrest diversion program with the Department of Behavioral Health (“DBH”) and the Department of Human Services (“DHS”) in 2018.<sup>10</sup> This pilot program provides individuals facing mental illness and/or substance use disorders who may otherwise be arrested with the opportunity to receive supportive services when they come into contact with MPD and the criminal justice system because of minor criminal offenses. By providing a diversion program focused on providing individuals with needed services as an alternative to criminal charges, these agencies can help to break the cycle of arrest, incarceration, release and re-arrest.

Despite the positive impact the DC pre-arrest diversion program can provide for Amara’s clients, it is equally important to ensure that MPD is aware of the concerns our clients and other survivors of domestic violence have in their interactions and experiences with MPD. The DC Coalition Against Domestic Violence reports feedback from its listening sessions on how its clients experience the MPD, and the responses are reflective of Amara’s clients’ sentiments in contacting MPD.

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<sup>10</sup> [https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page\\_content/attachments/DC%20Pre-Arrest%20Divers%20Pilot%20Program\\_Updated%20v3.pdf](https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page_content/attachments/DC%20Pre-Arrest%20Divers%20Pilot%20Program_Updated%20v3.pdf)



### **Survivors have an overall lack of trust**

- The majority of participants reported they do not trust police. Negative experiences when law enforcement was involved led to that mistrust.
- Did not feel safe
- Felt afraid when they saw or came in contact with law enforcement
- Felt unsafe and afraid due to immigration status
- Fear of deportation

### **Survivors felt a lack of dignity and respect from law enforcement**

- The majority of participants reported that they were mistreated and/or responded to in ways that were lacking dignity and respect.
- Lack of empathy
- There was no kindness towards survivor
- Felt as though there was a lack of empathy for survivors when reporting
- Desire to be heard and respected and treated with humanity and dignity
- Sex workers reporting to us that law enforcement ask for sexual favors in exchange for not charging them

### **Survivors wanted to be heard and believed by law enforcement**

- Survivors were not believed and oftentimes told they were lying, or the situation was not severe enough for action to be taken.
- Need to be believed, not antagonized or blamed for not calling/reported sooner



- Police told survivor they were lying
- Did not feel believed about the severity of the situation or taken seriously
- Mocked survivor and made sexist jokes

**Survivors described negative experiences when contacting law enforcement regarding domestic violence, sexual assault, or stalking**

- Called MPD in an effort to get the abuser to leave
- Told by the officer they couldn't make the abuser leave because it was also his residence
- Called police for abuse and officers believed the abuser
- MPD unable to distinguish between person using harm to control another person
- Unable to get necessary help due to language barriers and lack of interpretation services
- Arrested abuser in front of child

**Survivors want more community-based supports and alternatives to calling law enforcement**

- When asked about community response vs. police involvement, survivors want less immediate involvement of law enforcement
- Strengthen the police liaison program within the community
- Communities already have strong leaders within their own neighborhoods, they need resources to continue the work they're already doing
- Immigrant populations need access to information for supports and alternative to police in a variety of languages



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- Demonstrated fear of abuser using police to enforce deportation
- Equip communities with the resources to work within their own existing communities
- Have designated community support workers for the area as opposed to calling the police
  - Call police only when absolutely necessary
  - Work with police collaboratively to find balance
  - Prefer advocates or violence interrupters to be who shows up when calls are made
- Alternatives to 9-1-1
  - Invest in crisis intervention and mental health interventions
  - Officers need to live in the communities they're policing to understand in depth what communities are dealing with
  - Officers need to connect with community and religious leaders to build relationships
- Organizations who are already doing the work and offering the services should be easily accessible and adequately funded
- MPD have additional and mandatory trauma-informed and culturally humble training to adequately identify and respond to instances of domestic violence, sexual assault, and human trafficking.

We ask that the DC Council address the concerns expressed by our clients and other victims of domestic violence and sexual assault related to their experiences and interactions with law



enforcement. We also ask the DC Council to continue to support funding for pre-arrest diversion (especially efforts to meaningfully involve impacted communities and community organizations), housing and other services necessary to make pre-arrest diversion a success.

We look forward to continuing to work with Chairman Allen and his staff to support survivors of human trafficking and sex workers. We are available at any time to answer any questions the committee may have.

Sincerely,

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