



TITLE: Proposed Metropolitan Police Department Budget Hearing
COMMITTEE: DC Council’s Committee on the Judiciary & Public Safety
FROM: Carole Bernard, Executive Director
HEARING DATE: June 10, 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 their involvement in commercial sex. Amara estimates that every year roughly 500 individuals seek services due to their victimization through sex trafficking in D.C.¹ The FBI identified D.C. as one of 14 cities in the U.S. with the highest incidence of commercial sexual exploitation of children.² The National Human Trafficking Resource Center (NHTRC) states that because of D.C.’s location near major highways and its proximity to Baltimore, D.C. is a “significant part of East Coast sex trafficking circuits.”³ Despite the population of D.C. being far lower than the average U.S. state, NHTRC notes that phone calls placed for help were made at a rate that was the 16th highest in the nation.

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

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

³ [https://www.civilandhumanrights.org/documents/UCSE_FINAL_VERSION_\(2_28_14\).pdf](https://www.civilandhumanrights.org/documents/UCSE_FINAL_VERSION_(2_28_14).pdf)



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.⁴ In 2019, the Human Trafficking Hotline received 75 cases and 179 contacts.⁵

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 to obtaining data for this population of D.C. 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.⁶ Trans, Black, and Latina women are the most affected. In D.C., the majority of trans women are Black or Latina, and trans women of color are more likely to engage in sex work.⁷ 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.⁸ Due to the racial and gendered implications 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.

⁴ 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

⁵ Ibid.

⁶ 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.decrimnow.org/why-decriminalize-sex-work>: "80% of street-based sex workers have experienced physical/sexual assault on the job."

⁷DC's Trans Coalition Need Assessment (Assessment)

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



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 and gender marker 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 would 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 D.C. 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 includes arrests for prostitution or solicitation; arrests for drug use; mental illness that may precede, begin through,⁹ or be exacerbated by involvement in commercial sex; struggles with housing and homelessness; and a variety of crimes related to survival.

Amara strongly supports the DC Police Reform Commission's recommendations¹⁰ for police

⁹ § 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).

¹⁰ “Decentering Police to Improve Public Safety: A Report of the DC Police Reform Commission” April 1, 2021: <https://img1.wsimg.com/blobby/go/dd0059be-3e43-42c6-a3df-ec87ac0ab3b3/DC%20Police%20Reform%20Commission%20-%20Full%20Report.pdf>



reform and echoes their sentiment that policing “focuses on the symptoms of crime, not its root causes.”¹¹ It is for this reason that Amara supports the decentering of police as the primary source of public safety and reallocating funds to resources and programs that address the causes of crime, including racialized poverty, widespread trauma, and community underinvestment. While achieving this will require budgetary considerations above and beyond those funds allocated to MPD, we would like to propose a few ways the MPD budget could be reallocated in ways that will specifically support Amara’s client population by reducing exploitation, criminalization, and revictimization in the District.

I. Training

First, MPD should allocate funding to support additional, mandatory, and continued training on recognizing and responding to human trafficking. The Proposed FY22 Budget includes an enhanced budget for MPD’s Professional Development Bureau, which will support training and employee development, including an expansion of the Police Cadet Program. Amara recommends that a portion of the funding be allocated to the training of MPD Cadets and other MPD employees that contribute to a reduction in sex trafficking. MPD should work in partnership with nongovernmental agencies and service providers who work with survivors of trafficking to set a trauma-informed and culturally humble curriculum. When first responders are in a better position to identify trafficking victims, the result is less victims being arrested and prosecuted. This ultimately leads to victims being connected to the continuum of care and services they require, and as such being less vulnerable to revictimization.

¹¹<https://img1.wsimg.com/blobby/go/dd0059be-3e43-42c6-a3df-ec87ac0ab3b3/DC%20Police%20Reform%20Commission%20-%20Full%20Report.pdf>



Moreover, this additional training will work to improve the fractured relationship between survivors and law enforcement. The DC Coalition Against Domestic Violence reports feedback from listening sessions on how its clients experience MPD, and the responses are reflective of Amara’s clients’ sentiments in contacting MPD. Many survivors indicate a general mistrust of law enforcement and most of that mistrust stems from direct engagement with law enforcement where the survivor felt a lack of empathy, dignity, and respect. The same is also true for our clients who are willingly participating in sex work. In a survey given to sex workers, “40% rated [police] interactions as very bad or bad.”¹² Ensuring that MPD is properly trained on how to engage with victims of crime and other members of marginalized communities while being sensitive to their trauma, intersecting identities, and circumstances will increase community trust with MPD and lead to greater cooperation in the prevention and response to crime in the District.

II. Pre-arrest Diversion

Second, MPD should reallocate funding to invest in pre-arrest diversion programs. In late 2016, Amara began investigating options for a diversion program in D.C. that would serve sex workers and survivors of trafficking. Amara conducted focus groups with survivors, contributed questions to focus groups with sex workers, and researched diversion programs across the country. Through this effort, Amara learned that pre-arrest diversion programs are both favored and effective. Since 2017, Amara has collaborated with other organizations to gather information, educate potential stakeholders, and advocate for pre-arrest diversion in D.C.

¹² Alexandra Lutnick & Deborah Cohan (2009) Criminalization, legalization or decriminalization of sex work: what female sex workers say in San Francisco, USA, *Reproductive Health Matters*, 17:34, 38-46, DOI: 10.1016/S0968-8080(09)34469-9



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 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 2018.¹³ 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. However, MPD is not currently tracking outcomes from this program, or they are not readily accessible to service providers or the community at-large. MPD must invest funds into reviewing the successfulness of the program in addressing vulnerable populations and criminal justice reform. By providing an evidence-based diversion program focused on providing individuals with needed services as an

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https://dhs.dc.gov/sites/default/files/dc/sites/dhs/page_content/attachments/DC%20Pre-Arrest%20Divers%20Pilot%20Program_Updated%20v3.pdf



alternative to criminal charges, these agencies can help to break the cycle of arrest, incarceration, release and re-arrest.

III. Police Free Schools

Lastly, MPD should eliminate the School Safety Division and reallocate those funds to invest in additional mental health and counseling services for students. Amara is committed to challenging the “school-to-prison pipeline,” a disturbing trend wherein children, particularly Black and Brown children, are funneled out of public schools and into the juvenile and criminal justice systems.¹⁴ Many of these children have learning disabilities or histories of poverty and/or trauma, and would benefit from additional educational and counseling services, but instead are punished and pushed out. This has an incredibly dangerous impact on a youth’s vulnerability to exploitation as juvenile justice involvement is a large predictor of sex trafficking.¹⁵

DC public schools have, on average, one security guard for every 165 students. However, they have only one social worker for every 254 students, one counselor for every 352 students, and one psychologist for every 529 students.¹⁶ The District should replace police, who, by design, are trained primarily in crime control, with professionals who are skilled and trained in helping young people navigate the opportunities and challenges of life in the classroom, schoolyard, and

¹⁴ Nationally, Black students are 2.6 times as likely to be suspended as white students. In 2000, they represented 17 percent of the student population but 34 percent of those suspended. “Defining and Redirecting a School-to-Prison Pipeline” Johanna Wald, Daniel F. Losen, 2004:

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.482.7613&rep=rep1&type=pdf>

¹⁵ Choi KR. Risk factors for domestic minor sex trafficking in the United States: a literature review. *J Forensic Nursing*. 2015 Apr-Jun;11(2):66-76. doi: 10.1097/JFN.0000000000000072. PMID: 25996431.

¹⁶ “Decentering Police to Improve Public Safety: A Report of the DC Police Reform Commission” April 1, 2021: <https://img1.wsimg.com/blobby/go/dd0059be-3e43-42c6-a3df-ec87ac0ab3b3/DC%20Police%20Reform%20Commission%20-%20Full%20Report.pdf>



beyond. We all must work together to do a better job of safeguarding our community's youth and providing the necessary resources to pave a path of success for their futures. Amara strongly encourages the reallocation of the School Safety Division funds to trauma-informed, culturally humble mental health professionals to support positive youth development and promote safe and healthy learning communities.

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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