



**BILL NO:** House Bill- 411/Senate Bill 43

**TITLE:** Criminal Law – Law Enforcement Officers – Prohibition on Sexual Activity

**COMMITTEE:** Judiciary/Judicial Proceedings

**HEARING DATE:** January 18, 2021/January 21, 2021

**POSITION:** SUPPORT

The Amara Legal Center writes to support House Bill- 411/Senate Bill 43 (HB411/SB43).

We are grateful that Delegates Williams, Bartlett, Crutchfield, Feldmark, and Lierman and Senators Elfreth and Hettleman introduced this important legislation to address the sexual misconduct of law enforcement officers with civilians. We believe that this bill will help hold law enforcement officers accountable for misusing their authority and engaging in non-consensual sexual activity with civilians who are involved in investigations. Thank you for giving us the opportunity to share our thoughts.

The Amara Legal Center (“Amara”) provides free legal services in Washington, D.C., Maryland, and Northern Virginia to anyone whose rights are violated while involved in commercial sex, most commonly our clients are sex trafficking survivors. Since 2013, Amara has served over 500 clients. Although many believe that sex trafficking only occurs overseas or among foreign nationals, the vast majority of Amara’s clients are U.S. citizens. Amara’s clients are both juveniles and adults born and raised in the D.C. metropolitan area. Amara provides brief legal advice, and partial and full representation for civil legal issues such as civil protection orders, divorce, child custody and support, and name changes. In addition to civil legal services, Amara also provides victim-witness advocacy for clients working with law enforcement, criminal/juvenile defense, and representation in criminal record sealing and expungement cases.



The Amara Legal Center commends the Maryland legislature for recognizing the unequal power dynamic between law enforcement and individuals in law enforcement custody. Maryland serves as a leader in both the DC Metropolitan area and the nation, as one of the only states where it is illegal for law enforcement to engage in sexual conduct with individuals in their custody. We urge legislators to continue this leadership by expanding the categories of individuals with whom law enforcement should not engage in sexual conduct. HB411/SB43 expands these categories to include victims, witnesses, and suspects in investigations as well as individuals seeking assistance or responding to law enforcement officers in the course of an officer's official duties.

The Amara Legal Center's client population is especially impacted by law enforcement misconduct due to pervasive biases and misconceptions about sex work and sex trafficking. Sex workers are often subject to verbal harassment, unwanted sexual advances, and requests for sexual favors by officers before, during, and after arrests. This pattern of misconduct likely stems from the historical stigma surrounding sex work and an ideology where sex workers are dehumanized and considered morally inferior. To combat this behavior, it is necessary to send a strong message to law enforcement that every individual involved in an investigation has dignity and deserves to be free from sexual violence and harassment. HB411/SB43 is a step forward in accomplishing this goal.

Similarly, sex trafficking survivors are particularly impacted by law enforcement misconduct due to officers' failure to identify individuals as survivors and officers' insistence on arresting survivors for prostitution-related charges. Trafficking survivors are often seriously impacted by trauma and power-control tactics used by traffickers. Officers' unwanted sexual advances and quid pro quo offers to bring lesser charges in exchange for sexual favors further



exacerbate survivors' trauma and make it nearly impossible for survivors to report trafficking and achieve safety. In particular, law enforcement's harassment and intimidation can result in survivors feeling that they must comply with an officer's demands for sex in order to avoid being arrested. When officers use the inherent authority of the badge to obtain sex, by threatening a survivor with arrest or by failing to properly identify/investigate trafficking, they contribute to a harmful imbalance of power. In addition to the emotional challenges survivors face in reporting a traumatic trafficking experience, law enforcement misconduct creates another challenge for survivors who worry that they will not be believed, will be arrested, or will be abused and harassed at the hands of police officers. In these cases, officers' abuse of power creates a culture of mistrust and prevents the successful investigation and prosecution of trafficking cases.

The Amara Legal Center would like to highlight that race is a critical factor in discussing police misconduct, especially in the context of sex workers and sex trafficking survivors. In addition to the well-documented incidents of police violence against people of color throughout our nation, our client population consists primarily of Black and Latinx cis and trans women, a historically marginalized and disenfranchised group. The Amara Legal Center believes in recognizing law enforcement's sexual misconduct towards Black and Latinx individuals as a form of systemic racism. As a step toward recognizing and rectifying this systemic racism, the Amara Legal Center urges support for HB411/SB43 to prohibit law enforcement from misusing their authority and engaging in sexual conduct with individuals involved in investigations.