

news

# Street Sweeping

## Bloomberg Plan Sends Prostitutes Cycling From City Jails to Local Corners

by Jennifer Block

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You don't want to see Denise\* on your block. Nobody does. She's a homeless crack addict. And a hooker. Her erratic gait looks something like the concentrated strut of a runway model, but with end-stage Parkinson's. On the street, it's known as the "crack dance." Denise arches her spine way back, which accentuates the pipe sticking out of her bra. She's jerking around, shifting from one hip to the other, her eyes lolling back while she tries to ask you for a quarter to make a phone call. She looks like she might pass out at any moment. She's way too out of it, even, to take a sandwich



illustration: Kana Philip

from Nightworks, a nearly three-year-old outreach initiative of FROST'D (From Our Streets With Dignity), which has been providing health care, condoms, and clean needles to street prostitutes since 1986.

What Denise does want to do, however, is talk—about the police. "So many times they come up to us," she says, waving her hand, a gesture that throws her off balance. "And then we get arrested. And I think that's so, so, so . . ." She trails off, stumbling in a wide ellipse. Her shoe comes loose, and she leans on Nightworks' van—also the group's exam room—for leverage as she works to get it back on. Daniel Nalepka, a physician's assistant and director of the program, offers some help by steadying Denise's shoe with his own. It's painful to watch, but after a long minute she does it. "Well . . . thanks for listening," she sputters. "I've got more than drugs on the brain, you know."

Stacey, a new outreach worker, nods as Denise weaves back down the sidewalk. "She's up, and she's been up for a long, long time," says Stacey. "You actually don't stop to sleep when you're like that. You just pass out." Stacey, who doesn't want to give her last name, was homeless, using crack and turning tricks in Hunts Point from 1994 to 1999. "A lot of cops were dating us up there. A lot," she says, of the Bronx scene. "Some were nice—they'd come by and tell us, 'Hey, there's gonna be a sweep tonight. Get everyone off the street.' And sometimes the same ones who were your dates would come back and arrest you."

Stacey was finally talked into a drug treatment program by a female public defender, but according to a new report by the Sex Workers Project at the Urban Justice Center, she's one of the few who break from the cycle of arrest-imprison-repeat, called the "revolving door" by advocates. That's also the title of the report, which makes a case for the futility of

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repeated arrest and incarceration, and documents the sexualized and often abusive police treatment of street prostitutes, the majority of whom are homeless and drug-dependent, the report found.

Though the study stops short of asking for legalization, "Revolving Door" clearly seeks to reform the criminal-justice response to prostitution. "The people who are on the street are really at the edges of society," says Juhu Thukral, director of the Sex Workers Project and a co-author of the study. "They need housing, they need substance abuse treatment, they need help with case management, they need counseling, and they need it in an intensive and coordinated way."

What they don't need, according to advocates, is Operation Spotlight and Operation Clean Sweep, Bloomberg initiatives begun in January and July 2002, respectively, to carry forward the Giuliani torch of "zero tolerance" for repeat misdemeanants. Spotlight puts pressure on cops to make more arrests and on judges to give harsher sentences, and Clean Sweep encourages ticketing for "quality of life" violations. According to the report, the initiatives work in tandem to "sweep up" prostitutes. If the cops don't catch an outright solicitation, they'll write up a summons for loitering or obstructing traffic to anyone they recognize as a prostitute, which will almost always lead to an arrest: The homeless and drug-addicted rarely pay tickets or show up for desk appearances, and thus rack up warrants. "From beginning to end," Bloomberg told *The New York Times* in May 2002, "from the police officer who arrests a persistent offender, to the prosecutor who asks for bail, to the judge who imposes a sentence, to the probation officer who monitors his or her release, everyone is going to be focusing on the career misdemeanor offenders."

By the measure of people behind bars, the initiatives have been a success. In his January "State of the City" address, Bloomberg said Spotlight was having a "dramatic impact" on identifying and prosecuting those who commit misdemeanors over and over, including prostitutes. "The result: More repeat misdemeanants like drug offenders, shoplifters, and prostitutes have been detained on bail before trial, and the number of chronic offenders serving jail time has increased by nearly 50 percent. The message: If you do the crime, you'll do the time!"

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Vicki, who takes a bag of condoms from Nightworks, just did some time—60 days. She's seen a number of cops already on this particular evening and says she's got two fresh summonses, one for disorderly conduct and another for obstructing traffic. "Why should I go to court for a pink slip, pay \$250 that I can't pay because you won't let me make a living?" she says. "I am a homeless female. Why you pickin' on me? I'm just trying to make myself a living. I'm not here to hurt nobody. We ain't hurting nobody." Ask her to recall how many times she's been arrested and she rolls her eyes. She says when she crosses the street the cops tell her, "You know you're not supposed to be in my neighborhood." This seems unfair to her. "I said, 'I can't go to my bakery to get some doughnuts?' In all my life I've never had this much trouble."

Elsie, who also takes some condoms, is older than the other girls—her youngest child is 24. Unlike most of the others, she's got an apartment and a phone, so her "dates" call her and they meet somewhere. "I know

they're watching me, trying to catch me," she says of the cops. She's done two 90-day stints at Rikers. Once, she says, she was in the subway buying a MetroCard and felt a tap on her shoulder. It was a cop, telling her to come up to the street; the officer wanted to ask her something. Next thing she knew she had a summons for loitering. "I don't understand why they're over here wasting their time while someone's raping a little girl or getting robbed down the street," she says. "Crime is what's happening over there while they're over here watching the girls get dates."

"Revolving Door" contains interviews with just 30 sex workers, but Thukral says the similarity of experiences across neighborhoods in the Bronx, Brooklyn, and Manhattan—experiences much like Vicki's and Elsie's—speaks to a phenomenon that's citywide, one that's challenging to document but that advocates have witnessed and heard about for years. Seventy percent of those interviewed said the cops approached them on a daily or near-daily basis, no matter what they were doing. At best, they qualified this as harassment—being told to get off the street, or given a summons on their way to the deli, or subjected to insults, often of a sexual or misogynist nature, but sometimes just unbelievably cruel, like "You're not dead yet?" Many recalled having their bags searched, and one told of being made to unwrap all her condoms and drop them down the sewer, "all the time, 10 times a month," she told researchers.

"These women are in a situation in which they can't conduct their everyday lives, like going to the store, like visiting a friend," says Melissa Ditmore, a co-author of the report. "This kind of behavior is not law enforcement. It is harassment."

About half of those interviewed reported criminal misconduct by police officers, including sexual harassment, physical assault, demanding sex in exchange for not being arrested, paying for oral sex with cigarettes, and, in one instance, rape. Many said they wouldn't turn to law enforcement if they were victims of an assault—and 80 percent said they had been assaulted on the job. Some reported being blamed or ignored when they'd gone to police. "The police protect who they want to protect," says Vicki.

The report unexpectedly found police harassment of community outreach workers as well. This aspect "came up so frequently in discussion with cooperative organizations," says the report, that researchers decided to expand the study.

Hermon Getachew, a program coordinator at FIERCE!, which organizes the mostly queer homeless youth who congregate near the Christopher Street piers in the West Village, says police have tried to stop project workers from handing out pamphlets. "They've said, 'You can't do that here,' and then they follow folks around." She says harm-reduction groups have been pushed out of the area altogether.

Nightworks met with similar resistance in Bushwick, Brooklyn. For more than a year, they set up shop on a grim but active block in Precinct 90, practically on top of a waste treatment facility. "They told us we had to get out," says Nalepka. "They'd drive by and tell us we didn't belong there." When one of the outreach workers was threatened with arrest, Nightworks decided to move. On the new block, in the next precinct, the cops are tolerant.

Even if police let outreach workers do their jobs, say advocates, the false arrests and aggressive sweeps force the sex workers to constantly mix up their routine, working in different places to avoid confrontations. The skipping around makes them harder to find. "Street-based sex workers rely on their intuition for their safety," says Sophia Zamudio-Haas, a caseworker at Nightworks. If cops are around, sex workers are more likely to make rash decisions, like going in cars they normally wouldn't. "I think there's a direct connection between increased police presence, increased threat of arrest, and the risk of violence for sex workers," she says. "Women are getting pushed into the most isolated and most abandoned parts of the city to escape that eye."

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The NYPD's public affairs bureau refused to comment on the "Revolving Door" report or the claims of police misconduct, stating only, "Prostitution is illegal in New York, and as long as it is, the New York City Police Department will enforce the law."

New York City Criminal Justice Coordinator John Feinblatt, an architect of Spotlight, also refused to comment on specific claims of police harassment and downplayed Spotlight's role in targeting prostitutes, estimating their representation among project arrests at a mere 8 percent. According to him, arrests for prostitution are actually down 16 percent over the past four years, and just 30 percent of those arrested for prostitution go to jail. Drug offenders and shoplifters, he says, are the top two Spotlight targets. "We're talking about people who are making a career out of committing crime, and that's where we should be focusing our criminal justice resources. It's those people who we should be punishing," he told the *Voice*.

But David Kapner, supervising attorney for Manhattan arraignments at the Legal Aid Society, says the report's claims of police harassment and false arrests are consistent with what he hears from clients. "Police don't wait around at Macy's for certain shoplifters to come. When Macy's calls, they come. The same thing with drugs. They don't always go out and look for them." With prostitutes, however, it's easy to make arrests and up the numbers. "If there are a bunch of prostitutes hanging around on a street corner, back up the paddy wagon and throw them in. Pick them up and worry about the facts later," he says. "It's not some big conspiracy, it's just that they figure no one cares, and they're right. No one cares. Nobody's going to call them on it."

If arrests are down for prostitutes, advocates haven't noticed. Nalepka says that when he heads to Brooklyn, "if all goes true to form, we'll see people who've just gotten out of prison, and we probably won't see the same people we saw the last week—because now they're in prison."

Getachew says arrests have intensified in the West Village over the past year, especially among the transgendered. Many of the queer kids are doing sex work, "survival sex," she calls it, but she's seen them get busted while eating noodles. "A lot of the arrests around sex work have gender politics behind them," she says, "because we live in a transphobic, homophobic community." Charlotte, a transgender woman interviewed for "Revolving Door," told researchers, "I got arrested for prostitution long before I knew what prostitution was."

The city does not break down arrest statistics by race, sexual orientation, or gender identity, but the Robert F. Wagner Graduate School of Public Service at New York University found that black and Hispanic women made up 85 percent of all women arrested in New York City in 2001, and for the first time surpassed the number of white men arrested. "I don't think it's by chance that it's poor women of color who are being denied access to certain entitlements and resources," says Sophia Zamudio-Haas. "Poor women of color are being targeted as sexual criminals."

Feinblatt defends the city's policies. "Ask any resident of any neighborhood that's a prostitution location about whether they think it's good to try to sleep at night and be woken up by prostitutes at four in the morning, or take their kids to school in the morning and walk over condoms, and I think you'll hear that prostitution is not a victimless crime. . . . Neighborhoods are actually hurt by prostitution." The court system, he says, is a "gateway to help for those who want it."

Advocates disagree. Only half of those interviewed for "Revolving Door" had been offered any "mandated services" like drug treatment, and only one had been offered anything in-depth or long-term—and only then in exchange for a guilty plea. "People come out of jail addicted to shit they weren't addicted to before, legal and illegal," says Getachew. "Prison is not a gateway. It's a place that's there to numb people mentally, physically, emotionally, and spiritually." Jail time even nixes eligibility for Section 8 housing subsidies, one of the best ways to get off the street, according to advocates.

Says Thukral: "The city's initiatives don't create a long-term solution. They don't even create a short-term solution. It gets headlines, makes people think that the city is actually doing something by making these arrests. . . . You can get people off the street, but the question is where do they go?"

"Revolving Door" examines prostitution as work rather than crime—a morally unsettling but nonviolent response to poverty and addiction—and asks the city to revamp its criminal-justice priorities accordingly. In the meantime, it argues, treat sex workers more like human beings than like trash (trash apparently so vile it requires pickup every day). If the city genuinely wants to move people off the street, the report's authors say, we should support community-based organizations instead of pumping funds toward law enforcement, which is doing more harm than good, and, if nothing else, is a shameful waste of resources. Prison alone costs taxpayers \$175 per day, \$64,000 per year, per person, for a crime that earns its perpetrators as little as \$20.

"This is the underclass," says Nalepka. "They keep spending their lives in prison. That's how we as a society are choosing to house them and deal with them. We're saying consciously or not consciously that we want to spend our money on prisons."

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\*Names of sex workers have been changed.

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