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Policing roulette

Sex workers' perception of encounters with police officers in the indoor and outdoor sector in England

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Abstract

The regulation of sex work continues to be a divisive topic in England and internationally. Policies governing the policing of the sex industry in England are continually revised and debated, but are seldom grounded in empirical evidence of sex workers' experiences. Based on 49 qualitative interviews with sex workers in England, this paper finds that indoor sex workers had far more positive experiences with the police than outdoor sex workers. Despite this difference, both indoor and outdoor sex workers perceive their interactions with the police through the lens of their stigmatised status as sex workers and do not expect respectful treatment by the police. This paper presents compelling evidence that an enforcement-led approach to policing creates insuperable barriers to the success of protective policing.

Keywords: Sex work, policing, stigma, legal marginalisation

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Introduction

The regulation of sex work¹ continues to be a divisive topic with policies governing the policing of the sex industry being continually revised in England. Most recently, the introduction of the so-called Nordic Model of client criminalisation was considered by a parliamentary inquiry. (Home Affairs Committee 2016) Policy guidelines on sex work are seldom grounded in empirical evidence of sex workers' experiences with and attitudes towards the police. (Brooks-Gordon 2006) While the selling of sex itself is legal in England and Wales, sex work remains quasi-criminalised by virtue of most associated activities being illegal.² Living and working on the margins of legality, sex workers are likely to internalise their position in society as immoral, deviant and criminalised subjects. (Krüsi et al. 2016) This is particularly evident in sex workers' perceptions of their interactions with the police. The interactions between sex workers and police officers and sex workers' perception of these interactions are not only influenced by the laws the police enforce, but also by gender dynamics, stigmatisation, eroticisation and social class. (Krüsi et al. 2016) Sex workers are

¹ This article refers to the selling of sex as sex work, and to people who are selling sex as sex workers, in order to acknowledge that their way of earning a livelihood is work and to avoid terminology which sex workers may perceive as stigmatising. The terminology sex work and sex workers is exclusively used to refer to adults who engage in this work free from coercion.

² The relevant legislation includes: Sexual Offences Act 1956, Criminal Justice and Police Act 2001, Sexual Offences Act 2003, Policing and Crime Act 2009.

both disproportionately subjected to the disciplining functions of law and “experience relatively high levels of victimization including assault, rape, drugging, verbal abuse, theft, abduction, kidnapping, blackmail, harassment, and persecution” (Prior et al. 2013: 574). Hence, the quality of the police-sex worker relationship can have a substantial impact on sex workers’ safety and well-being.

This study strengthens the body of empirical evidence demonstrating that the criminalisation of sex workers significantly worsens the relationship of sex workers and the police. Policing sex work in a criminalised legal environment creates opportunities for the abuse of power by police officers. (Flick 2016, Boittin 2013, Kotiswaran 2011, Rhodes 2008, Williamson et al. 2007) Several studies have shed light on the negative impact of police discretion³ (Dewey and St. Germain 2014, Frances and Gray 2007, Williamson et al. 2007) and police corruption and bribery (Tenni et al. 2015, Boittin 2013, Kotiswaran 2011) on criminalised sex industries. Other studies focused on the impact of enforcement-oriented policing on sex workers’ working practices, and as a result, their safety. (Sanders 2004, Krüsi et al. 2014, Saunders and Kirby 2010). Studies on the impact of the ‘Nordic Model’ of client criminalisation in Sweden provided evidence that any form of criminalisation, even indirect, worsens the

³ In this article, police discretion is understood as “the use of individual judgment by officers in making decisions as to which of several behavioural responses is appropriate in specific situations” (Cox 1996: 46).

relationship of sex workers and the police, making sex workers less likely to report crimes. (Levy and Jakobsson 2014)

The vast majority of existing literature on sex workers' interactions with the police focused on street-based sex workers. Street-based sex workers are the most marginalised sex workers with a greater prevalence of health problems and exposure to violence and exploitation. (Armstrong 2014, Van Doorninck and Campbell 2006, Krüsi et al. 2014, Mellor and Lovell 2012, Phoenix 1999, Salfati, James, and Ferguson 2008, Sanders 2001) In England and Wales, street-based sex workers operate in a highly criminalised and stigmatised environment. (Hubbard 2004, Phoenix 2006, Sagar 2007, 2009, Carline and Scoular 2015) In addition, street-based sex workers are often marginalised in myriad ways, due to substance abuse, poverty, homelessness, and criminal records for sex work or drug related offences and petty crime. Consequently, it has been found that street-based sex workers are likely to fear the police and perceive their interactions with police officers more negatively than other sex workers. (Saunders and Kirby 2010)

This study contributes to the literature on sex work by providing unique access to the experiences of less-researched indoor sex workers. To understand the complexities surrounding the relationship of sex workers and the police, it is imperative to study the experiences of sex workers from different sectors and backgrounds, not only those who are

most marginalised. Previous studies demonstrated that many independent indoor sex workers work in the sex industry voluntarily⁴, free from the pressures of extreme poverty, drug use or exploitative third parties. (Sanders 2009b, Pitcher and Wijers 2014) In addition, independent indoor workers who work alone, are not in breach of the law. By including the narratives of both indoor and street-based sex workers, this study provides novel insights into the policing of sex work by addressing the police's role as law enforcer *and* provider of protection. Thereby, this study identifies obstacles and opportunities for victim-centred protective and preventative policing of the sex industry, prioritising sex workers' safety, agency and access to justice.

Stigma consciousness shapes sex workers' interactions with the law

This study extends the literature on legal subjectivity and stigma consciousness by exploring how sex workers perceive and understand their experiences with the police. For many sex workers in England and Wales, interactions with the police are their main point of contact with the law. Legal consciousness studies have long engaged with the question of how marginalised groups comprehend and interact with the law and its representatives. (For

⁴ The term voluntary is used to express that many sex workers choose to work in the sex industry due to preference, financial necessity, or other considerations rather than coercion from third parties.

example, see Abrego 2011, Cowan 2004, Harding 2011, Levine & Mellema 2001, Sarat 1990) Sex workers' consciousness of their own stigmatisation shapes their attitudes towards the police and the assessment of their interactions. A recent study by Krüsi et al. has shed light on the stigmatisation of street-based sex workers in Canada (Krüsi et al. 2016). Krüsi et al. argued that stigmatisation of sex work is 'rooted in women transgressing the norms of acceptable femininity, including immoral sexual behaviour' (Krüsi et al. 2016, 2). Drawing on authors such as Scambler, Bruckert and Hannem (Scambler 2007; Scambler and Paoli 2008; Bruckert and Hannem 2013), Krüsi et al. explained that class, ethnicity and gender influence how sex workers experience stigma. Additionally, studies have documented that substance-using sex workers are particularly affected by stigmatisation and discrimination. (Benoit, McCarthy, and Jansson 2015, Sallmann 2010)

To explore sex workers' interactions with the police, the article loosely draws on a characterisation of different encounters between sex workers and police officers Williamson et al. developed (Williamson et al. 2007). Williamson et al. presented the following six categories to classify the interactions of sex workers and the police: 'Nice Cops', 'Nonresponsive Officers', 'Police Officers as Protectors', 'Police Officers as Perpetrators', 'Cops as Paying Customers' and 'Fringe Benefit Cops'. Instead of adopting this exact typology, this paper uses three broader and simpler categories of sex workers' interactions

with the police (positive, negative or nonresponsive) in order to focus on why sex workers comprehend their encounters in each way. This analysis not only enriches the legal consciousness literature by providing an understanding of sex workers' disposition towards the law, but in doing so, it also identifies different factors which shape sex workers' relationship with the police. Thereby, this research provides an evidence-base for policy-recommendations, including the decriminalisation of sex work.

This study finds that despite sector-specific differences, indoor and outdoor sex workers interpreted their experiences through the lens of their stigmatised status as sex workers and did not expect respectful treatment by the police. Street-based participants generally perceived their interactions with the police more negatively than indoor sex workers. (cf. Krüsi et al 2016, Dewey and St. German 2014). Surprisingly, even participants who had positive experiences expressed a certain degree of astonishment when the police treated them in a respectful way and acted upon their report, *despite* them working as sex workers. When participants had negative experiences or did not receive the help they had hoped for, they usually explained the police's behaviour towards them by referring to their status as sex workers and in some instances drug users. Street-based sex workers' accounts of their interactions with the police indicate that many participants have internalised discriminatory norms concerning their own credibility and worthiness of respect and protection. While the

outcome of an interaction with the police was somewhat decisive for participants' assessment thereof, it was not the only factor. Participants seemed to differentiate between the restrictive legislative framework and law in action, and judged their interactions with police officers based on how respected and valued as human beings they felt. (cf. Shdaimah and Wiechelt 2012) Sex workers' consciousness of stigmatisation creates barriers to reporting crimes only legal reform and increased awareness and sensitivity among police officers can ameliorate.

Regulation and policing of sex work in England and Wales

England and Wales can be considered a neo-abolitionist model of regulating sex work. This means that the laws aim to prevent sex work from taking place by making it exceedingly difficult for sex workers to work legally. Sex workers can be charged with a myriad of offences. Causing, inciting and controlling prostitution for gain, brothel-keeping, persistent soliciting or loitering for the purpose of prostitution⁵, and placing of adverts relating to prostitution in telephone boxes and newspapers are illegal.⁶ The current definition of what

⁵ According to the Policing and Crime Act 2009, conduct is persistent if it takes place on two or more occasions in any period of three months.

⁶ The relevant legislation includes: Sexual Offences Act 1956, Criminal Justice and Police Act 2001, Sexual Offences Act 2003, Policing and Crime Act 2009.

constitutes a brothel is narrow. When more than one sex worker works from a premise, it is considered a brothel.⁷

While selling sex indoors and by oneself is not illegal in England and Wales, street-based sex work is highly criminalised. Street-based sex workers are controlled not only by the criminal law, but also by orders intended to target anti-social behaviour and public nuisance. (Sagar 2007, Sagar 2009, Sagar and Croxall 2012) The Anti-social Behaviour, Crime and Policing Act 2014 established a series of new civil orders. A variety of these orders, including ‘Police Dispersal’, ‘Community Protection Notice’ and ‘Criminal Behaviour Orders’, are regularly used against sex workers in some of the boroughs of London. (Interviews with police officers, 2016) Breaching these orders can lead to fines, arrests and even imprisonment.⁸ The offence of persistent soliciting and loitering in combination with the usage of anti-social behaviour orders against sex workers spatially regulates the sex industry to ensure that sex workers are banned from public space and rendered invisible.

In order to implement a coherent approach to policing, the National Police Chiefs Council launched the ‘National Policing Sex Work Guidance’ in 2016. The guideline shifts the focus from an enforcement-oriented to a protective approach to the policing of sex work. The

⁷ *Stevens v Christy* [1987] Cr. App. R. 249, DC.

⁸ Anti-social Behaviour, Crime and Policing Act 2014

guideline recognises the tension between protection and enforcement and firmly states that ‘[p]olice responses must not increase [...] vulnerability by forcing sex workers into more isolated and dangerous locations, where they are more at risk of violent attack’ (National Policing Sex Work Guidance 2016, 6). Furthermore, the document provides specific guidance on how to best interact with migrant sex workers, male and transgender sex workers, victims of crime including those who are victims of physical and sexual assault, problematic drug and alcohol users as well as victims of coercion and trafficking. This study presents ample evidence that the sensitivity with which police officers engage with sex workers matters greatly for sex workers’ experiences of these interactions.

Methodology: A qualitative study

This research seeks to capture the voices of sex workers and their narratives of how they experienced interactions with the police. To this end, a qualitative study was conducted. In total, 49 participants were interviewed in England between September 2015 and March 2016.⁹ Participants were recruited through online forums and blogs, sex workers’ organisations, grass-roots initiatives and the NHS Sexual Health Clinic ‘Open Doors’. In

⁹ The King’s College London Ethics Committee and the National Health Services (NHS) Ethics Committee granted approval for this study.

addition to sex workers who responded to research advertisements, several participants were also interviewed on outreach visits to ensure that not only sex workers with strong views on the laws and the police took part in the study.

The semi-structured interviews focussed on the participants' experiences in the sex industry, their knowledge of the legal framework, their views on the current laws and their implementation, their experiences with the police, and their attitudes towards the police and other public authorities. The interviews lasted between 15 and 120 minutes, with an average length of 45 minutes. In addition, 50 hours of observation on outreach with the NHS service Open Doors and Spires Streetlink were conducted in the London boroughs of Newham, Hackney, Tower Hamlets and Brixton. The interviews and observations were analysed using qualitative content analysis. The empirical material was coded using the software MAXQDA.

In total, four men, one transgender person, and 44 women were interviewed. The majority of participants (n=32) were British and 17 interviewees were migrants from Europe, Australia, the US, Latin America, and Asia. 27 participants were current or former indoor workers, and 17 participants spent most of their time as sex workers working on the street. Many participants have worked in various different sectors. Indoor workers often started to work in a brothel, sauna or agency and have since begun to work independently. The majority of

indoor working participants (n=22) worked independently and only occasionally worked with a colleague or third parties such as a brothel or an agency manager. A few street-based sex workers started working indoors and then moved outdoors after they became substance-users. All street-based sex workers were interviewed in London, in the boroughs of Newham, Hackney and Tower Hamlets. All of the street-based participants were current or former substance-users, crack cocaine and heroin being the most commonly used drugs. The remaining five participants regularly moved between different sectors. Eight participants have exited the sex industry.

Sex workers' perception of encounters with the police

The majority of sex workers in this sample (n=33) came into contact with the police directly through their experience of sex work. This includes all instances in which the police enforce the laws relating to sex work, as well as in which sex workers seek help from the police. The vast majority of participants expressed an ambivalent opinion of the police. Therefore, it would be misleading to count their often very varied statements about the police as either predominately positive or negative. In many cases, participants had some positive and some negative experiences with police officers and answered questions relating to the police by stating that 'it really depends'. In some cases, participants began by expressing their generally

exceedingly negative attitude towards the police, but have subsequently proceeded to talk about positive experiences. Similarly, several participants first pointed out that the police are usually 'alright' and then continued to describe their experiences of maltreatment. This indicates that some sex workers seem to have normalised negative encounters with the police. The data clearly demonstrates that experiences with the police are highly variable and depend largely on the discretion of individual police officers and the specific context of the interaction.

Despite these ambiguities, the interviews revealed that indoor sex workers have a far more positive view of the police than outdoor sex workers. Of the 17 participants who clearly stated that they would not seek the police's help if they were the victim of a crime, the majority (n=11) were street-based sex workers. In contrast, 11 out of 15 of the interviewed sex workers who clearly indicated that they feel like they could contact the police for help without any reservations were indoor workers. Only four outdoor workers mentioned that they feel like they would approach the police for help. All of those were based in Tower Hamlets, where a special 'vice' policing unit operated until 2015. The remaining participants expressed an ambiguous position on whether they would report a crime to the police. Many indicated that it would depend on the specific crime and that they would only seek the police's help in an exceptionally serious situation, for instance, if it was life-threatening, or a case of serious

violence, rape or sexual assault. Some of these participants also specified that they would only reach out to the police if they were supported by a social worker or someone else they know and trust. These findings clearly indicate that sex workers' trust for the police varies by sector of the sex industry.

Participants hesitant to contact the police expressed their fear that outcomes of interactions with the police are unpredictable and likely to be negative. This sense of legal alienation (Hertogh 2014) is intensified by the intersection of participants' status as sex workers, migrants, and/or drug users. Participants clarified that they are unwilling to seek the police's help due to concerns about being charged with a crime relating to sex work or drug use as a consequence of reporting an incident. As many of the street-based and a few indoor participants expressed a very limited understanding of the laws, many did not understand that sex work itself is not actually illegal. Justin, a legally working independent escort, explained his fears:

'I will not call the police, because I'm too scared to call the police because first of all, I take drugs, second thing is, I'm a sex worker, so I'm doing illegal things, I believe, and then third of all, it's too much hassle.' (Justin, South Asian, indoors, London)

Several street-based sex workers were concerned about outstanding arrest warrants for missing drug intervention or court appointments. All seven migrant sex worker interviewees who were not from the European Union expressed their fear of the possibility of deportation.

Many participants also feared that the police would not believe them, not take their report seriously, or not take any action to help them. Several participants indicated that they would be concerned that the police would generally believe the client rather than the sex worker:

‘The punters can turn it around on you and say I’ve tried to rob them. If you’ve got a middle-aged business man and a prostitute, who are they going to believe? A prostitute on drugs?’

(Grace, white/British, outdoors, London)

Several participants also pointed out that they believe that the police would not be willing to help them. When Brooklyn was attacked and seriously injured, she did not report this incident as she thought that ‘they weren’t going to have any sympathy for [her]’ (Brooklyn, white/British, outdoors and indoors, London). Some participants indicated that they believe that the police would not take sexual offences committed against sex workers seriously. Other concerns mentioned include general mistrust of the police, previous negative experiences, and the unwillingness to compromise their anonymity.

Good cops: 'I was begging for the police to take me off the streets'

While participants often expressed ambiguous, varied or neutral attitudes towards the police, ten interviewees described their experiences with the police as particularly positive. The police officers were viewed as helpful, friendly and concerned about the sex worker's safety. Several interviewees who had positive experiences with the police, explicitly pointed out that the police treated them with respect, *despite* their status as a sex worker. Emily, an independent escort, explained that she would not hesitate to call the police again, as she complies with the laws and has previously had a positive experience:

'I think I would [be able to call them] because of the fact that I work independently. I have actually phoned the police on one occasion. The police were very good in dealing with me. They were very understanding and weren't judgemental about my work. They weren't patronising at all and they took my complaint quite seriously.' (Emily, South Asian/British, indoor, London)

Ava, also an independent escort, expressed a high level of awareness of sex workers' stigmatisation when she indicated that the police treated her in the same way as she would expect them to treat others:

'He [a client] started to show up at the flat unannounced. I rung the police and they were really fantastic actually. I would have no problem at all ringing them. They were really non-

judgemental and treated me like a normal person I suppose.’ (Ava, white/British, indoor, London)

Participants viewed the actions of the police particularly positively if they felt the police prioritised their safety. Several participants mentioned that the police would log the victim’s number in their system after an incident and frequently follow up with the victim to ensure their safety. Some street-based sex workers remarked that the police would give them advice on how to stay safe, offer to drive them home, and refer them to support services. Five sex workers revealed that the police explicitly informed them that they would refrain from enforcing the law in order to protect their safety. Ava praised the work of the police for focusing on her safety:

‘He [the police officer] was like, ‘right you should really work with somebody else’ and I said but ‘I can’t, it is illegal’ and he said ‘well there is nobody at the police station who would ever mind, you know, we want you women to be safe, we turn a blind eye to that sort of thing’. I mean I know it varies from police station, to county, to city, to individual people, but they were really positive and very much about keeping me safe.’ (Ava, white/British, indoor, London)

Furthermore, several participants indicated that when the police visited their working premises, they prioritised the well-being of the sex workers over enforcing the law. Some

participants stated that the police would regularly visit their working premises to investigate whether or not any of the sex workers working there were being exploited or coerced. During these visits, the police emphasised that the only objective of their visits was to ensure the safety and well-being of the sex workers, even if the flats would legally be classified as illegal brothels. Natalie, who worked in a flat with other Latin American women, remarked:

'I have been checked five times here in London. They ask how it is working, how I pay the house, who answers the phone - but they have always been very nice. They look for pimps and ask: 'Are you ok? Do you work for yourself? You don't have no one who takes your money? We are just looking for that'.' (Natalia, Latin American, indoors, London)

Frequently, the workers were asked to demonstrate to the police officers that they are indeed not being exploited and are working independently. To prove their independence, sex workers would often show their online profiles to the police officers. In some cases, the participants were asked to sign a form stating that they have not been trafficked and were not being exploited.

When police officers expressed a better understanding of the sex industry, sex workers' experiences were generally more positive. Five sex workers made particularly positive experiences with the special rape and serious sexual assault policing unit in London called Sapphire. They highlighted that the police officers were immensely helpful and supported

them through the entire process; from the initial report, to the conviction of the perpetrators. Four street-based sex workers mentioned that the so-called 'vice-squad' in Tower Hamlets was more sympathetic towards sex workers and treated them substantially better than the regular police. Aria, a street-based sex worker from Tower Hamlets, explained that the 'vice squad' largely 'leaves [her] alone'. 'Like if they know you are not a trouble-maker, they won't harass you. The man who does the vice, he is quite good. He understands also.' (Aria, Irish Traveller, outdoors, London)

The outcome of a particular interaction is not the only factor contributing to how sex workers perceive their involvement with the police; the extent to which participants felt like the police treated them with respect is also key. The majority of street-based sex workers interviewed have been cautioned, charged with loitering and soliciting and arrested by the police. However, this confrontation with the police as enforcers of the law, did not automatically result in participants forming a negative attitude of the police. Avery declared that the police always treated her well when they took her into custody:

'A lot of times I found prison a sanctuary for me. A lot of times I was like begging for police to take me off the street. [...] I was totally exhausted, I was starving, I was dirty. The police were actually alright with me. They will take you and get you a nice warm track suit, something to eat, a cup of tea. At least you got a blanket and a little mattress to lie down

with, you know what I mean? It's warmer than out there.' (Avery, white/British, outdoors, London)

Lilian, who was regularly charged with loitering, emphasised the respectful and caring treatment she received by the police:

'They are alright with us. They treat us like human being and we treat them like human beings. They always ask us you 'are you alright girls?'. I have never had any problems with them. They don't treat me like trash or anything, they still talk to us like human beings, you know, that's nice.' (Lilian, white/British, outdoors, London)

As will be further elaborated in the subsequent section on negative encounters, Avery and Lilian's experiences suggest that in spite of the outcome, the particular manner in which the police related to them can meaningfully impact on sex workers' assessment of the interaction.

Bad cops: 'It's not safe because of the police'

Sex workers who had negative experiences with the police referred to arbitrary policing practices, police officers' derogatory and humiliating attitude, lack of sympathy, and sexualised harassment and abuse. The majority of outdoor sex workers interviewed described fluctuations in the intensity of policing of street-based sex work over time. Several participants referred to police officers' use of discretion when policing the street-based

sector. Arianna, like many other street-based sex workers in London, attested that her interactions with the police felt arbitrary and unpredictable to her:

'I mean sometimes they are alright and then other times they are not. You know, they go for a long time where they don't nick you when you're out there. They'll see you and they'll say 'You alright?' and you say 'Yeah' and they will go along. Then other times they say 'Right, we are giving you a warning. Next one you get nicked or whatever' you know.' (Arianna, white/British, outdoors, London)

Participants also pointed out that they felt the police targeted them because they were sex workers. The police stopped several participants when they were not actually soliciting, but were walking home, to a shop, or with a client. Ellie mentioned that she was arrested even though she was not working on that day and was just walking to a shop. She recalled that she was walking down a street 'minding [her] own business', when the police arrested her 'because they have seen [her] work here before'. Ellie suggested that she got arrested 'because sex work is illegal' and 'because they know you are a working girl'. "You are walking down the road and they are on ya. They pull you up for anything now". She stated: *'I mean even if you don't take drugs you are just a sex worker, so they just pull the two things together and then go like 'Empty your pockets!' Anything to arrest you really isn't it?'* (Ellie, white/British, outdoors, London)

Most of the participants who had similar experiences did not indicate that they viewed the police's actions as unjust. Rather, street-based sex workers seem to have internalised the idea that their mere presence in public space is illegal, rather than any particular actions like soliciting or loitering.

Nine sex workers (all but one street-based sex worker) described the police as treating them in a disrespectful, derogatory, moralistic and judgemental way, making them feel like 'second class citizens' (Mia, white/British, outdoors, London). Several participants suggested that their status as sex workers and/or drug-users made police officers 'look down' on them. For instance, Amelia's negative view of the police originated from many experiences of derogatory and humiliating treatment. While working from a hotel room with a friend, the police told them they had to leave the premises. When they asked if they could exit the hotel on their own, the police officers denied their request and insisted on escorting them out of the building: 'They wouldn't let us walk behind or in front of them. I think that was partly to humiliate us even more. It was so embarrassing.' (Amelia, black/British, indoors, London)

In a particularly intense phase of enforcement-oriented policing of the sex industry in London initiated prior to the Olympics in 2012, 'clean-up' campaigns displaced sex workers from the Olympic boroughs of London. (Doward 2011, *The Observer*). Despite working completely legally on her own, Amelia was told by police officers who came to 'check' her flat that she

needed to leave the area as ‘we don’t need people like you giving the Olympic boroughs a bad name’. Amelia’s experience provides an example of the ‘moral cleansing’ enforcement-oriented policing practices in the UK are trying to achieve. (Hubbard 2004; Hubbard, Matthews, and Scoular 2008) Police raids and ‘rescue’ campaigns are often inspired by connotations of sex work and trafficking and the fear that sporting events will lead to an increase in human trafficking. (Mitchell 2016) However, no clear evidence was found that the supply of sexual services increased considerably as a result of the 2012 London Olympics. (Hartley 2014)

Even when the overall outcome of a police interaction was positive, some participants expressed frustration with the police’s attitudes towards sex work. Researchers in the UK (Sanders 2009a; Scoular and O’Neill 2007; Carline and Scoular 2015) identified the ‘forced welfarism’ with which the police are trying to make sex workers refrain from engaging in what is viewed as ‘immoral’ sexual behaviour. Three participants explicitly highlighted that the police interacted with them in a ‘patronising’ manner, telling them that they should not be working as sex workers:

‘She said ‘I shouldn’t be doing this anyway. I should find another job.’ Maybe I was happy enough doing this? Maybe this is what I want to do? I’ve never put down her job.’ (Amelia, indoor, black/British, London)

Sophie, an outdoor sex worker, remembered being referred to in an infantilising manner. She explained that the police would tell her to ‘be a good girl and just go home’ (Sophie, white/British, outdoor, London). Sydney, an independent escort from London, decided to press charges against an abusive client, who – as she later discovered – was a police officer. During the trial, she interacted with various police officers and mentioned that many of them told her she did not ‘look like a typical prostitute’ (Sydney, white, indoors, London). Sydney’s interpretation of these encounters with police officers demonstrates her high level of stigma consciousness. In her view, the police officers meant that she did not look like a ‘typical victim’ and must therefore be a ‘slut’, which she perceived as ‘sexist, whorephobic and offensive’.

Furthermore, participants reported that the police did not show sufficient understanding and sympathy for them after physical and sexual assaults. In contrast to the praise expressed for the specialised sexual assault unit Sapphire, several participants criticised the officers from ordinary response units who would usually be a victim’s first point of contact. Charlotte sought the police’s help after she was raped and described that the police made her feel like it was ‘silly’ of her to report the rape as she was a sex worker. She remembered ‘feeling judged already’ (Charlotte, white/British, outdoors, London). After Abigail was brutally assaulted in a park in London, she was treated with a victim-blaming attitude:

'It's like they spoke to you like you had asked to be attacked. Like you deserved to be attacked. It was because I had no clothes on because I had been attacked, so I had to run through the park naked. I was showing myself and I shouldn't be showing myself, but I wasn't really thinking about that, you know?' (Abigail, white/British, outdoors, London)

Riley, another outdoor sex worker, echoed Abigail's impression of the police not showing sympathy and sensitivity. She explained that 'because of what you do' they looked down on her and treated her in a highly disrespectful way. Abigail added that the police asked her detailed questions, like:

'Why did he attack you? What form of sex did you have? Why were you having sex? They said basically you are a prostitute and that's as far as it goes. That's why no one goes to them. Well, I don't.' (Riley, white/British, outdoors, London)

The participants' experiences resonate with research findings indicating that street-workers believe that sex workers are viewed as 'unrapeable', 'deserve to be raped' and that 'no harm is done' if they do get raped. (Whatley 1996, Grubb and Turner 2012)

The interview material also revealed instances of abuse of power, including sexualised humiliation and even sexual abuse in police interactions with sex workers. Aubrey, a street-based sex worker from Hackney in London, recalled that male police officers made sexual remarks insinuating that she should provide them with sexual services. An outreach worker

described an incident in which a sex worker was providing a sexual service for a client in his car. When a police officer pulled up, he called her a ‘crack whore’ and made her stand outside in the cold, completely naked, and would not allow her to get dressed despite it being the middle of winter. During one of the many raids Amelia was exposed to, eight male police officers came to her apartment to search it. As she was wearing a revealing dress, she asked if she could put more clothing on. Even though she suggested that a police officer could supervise her, her request to get dressed was still denied. Furthermore, two sex workers mentioned instances of sexual abuse by a police officer. Hailey, a street-based sex worker, pointed out that police officers have purchased sexual services from her: ‘I’ve had a few pay me. I’ve had police come, and they’re still in their uniform. That is why I could never trust them’. She explained that one police officer extorted sex from her: ‘I’ve had one who threatened to take me in for prostitution if he didn’t get what he wanted’ (Hailey, white/British, outdoors, London).

Non-responsive cops: ‘They just sent me away’

One of the main reasons for which participants declared that they would not report crimes to the police, is the belief that the police would not respond to their reports. In some cases, this belief is based on previous experience: Six participants, the majority of them outdoor sex

workers, described approaching the police regarding crimes committed against them, but not receiving adequate support.

Rachel, an indoor escort from the North of England, remembered an incident in which the police did not take threats against her seriously:

'I was terrified because someone rang me up on my work mobile and said 'We know that you have been burgled and if you don't see us and give us services for free, I guarantee that they will come back'. I was frightened, but I was not going to let somebody do that, so I told the police and they said 'Oh it is somebody messing around'. But they came back and smashed the window trying to get in.' (Rachel, white/British, indoors, North of England, female)

Rachel suggested that the police officers were exceedingly dismissive of her because they knew that she worked as an escort and was an alcoholic at the time.

Several street-based sex workers perceived the police as actively unwilling to help them and investigate the sexual offences they reported. Hailey, an outdoor sex worker in London, suggested that the police are not helpful at all when interacting with 'working girls'. She deemed that this is because police officers believe that sex workers deserve to be raped. When Hailey tried to report her rape, she was told to seek help from a victim support agency instead. She asked the police officers if they were not going to take a statement from her, which they refused to do. Echoing this perspective, Abigail described the police as 'not helpful at all':

'They made me feel like I brought it upon myself, that I deserved it. They didn't really make any effort whatsoever to find him or do anything. It's just their attitude and body language. It's just like they had no time for me and weren't interested. When I filled out the report, it was just like a hardship for them to do.' (Abigail, white/British, outdoors, London)

Abigail's account of her attempt to report a crime clearly indicates her general sense of legal alienation and legal powerlessness (Hertogh 2014), expressed in her feeling of not being able to count on the law and the police for protection. However, Abigail, like the majority of participants, was not resigned to the legal powerlessness (Hertogh 2014) she experienced: 'They need to do something about it, like legalise it, so we don't have to go through that.' (Abigail, white/British, outdoors, London)

The findings clearly indicate that sex workers understood the unwillingness of the police to offer support and protection as a direct consequence of their work as sex workers. Far more sex workers than those who have directly encountered the 'non-responsive' police officer, expressed the belief that the police would not extend the same protections to a sex worker as they would to another woman. One third of participants, including legally working indoor sex workers, stated they would definitely not approach the police regardless of the crime committed against them. Hence, the relationship of sex workers and police officers in England needs to be improved as a matter of urgency. Barriers preventing sex workers from

trusting the police identified in this study include the criminalisation of sex work, internalised stigma of sex workers, and attitudes of police officers towards sex workers. The full decriminalisation of sex work would significantly contribute to breaking down these obstacles.

Conclusion

This paper finds that sex workers' internalisation of stigma substantially impacts on their perception of their interactions with the police. While this study's participants were a highly diverse group of individuals from various backgrounds, they all shared a high degree of consciousness of their own stigmatisation as sex workers. Indoor as well as outdoor sex workers frequently referenced to their status as sex workers when evaluating interactions with the police. Participants' consciousness of stigmatisation was a dominant theme in the accounts of experiences with the 'good', 'bad' and 'nonresponsive' police officer. When an interaction with a police officer was positive, many participants expressed an element of surprise that the police officers would treat them with respect and offer their support, *despite* them being sex workers. When the experience was negative, or the participant did not receive sufficient or any support from the police, this was largely attributed to sex work stigma.

Low socio-economic status and working on the street intensified participants' feelings of being viewed as unworthy of police protection. However, this paper finds that while the intersections of poverty, homelessness and drug-use were indeed exacerbating sex work stigmatisation, indoor sex workers were also thoroughly aware of how their status as sex workers affects their interactions with police officers. Stigmatisation of street-based sex workers and its role in shaping encounters with the police is well documented (Krüsi et al. 2016; Armstrong 2016; Dewey and St. Germain 2014; Williamson et al. 2007). This research finds that even independent escorts' relationships with the police were affected by the internalisation of stigma, legal marginalisation and feelings of reduced worthiness of protection. This is a remarkable finding, considering that independent indoor sex workers operate within the law in England and Wales.

Participants who experienced highly variable and seemingly arbitrary encounters with the police expressed feelings of legal alienation and legal powerlessness (Hertogh 2014). While some participants reported remarkably positive encounters with the police, others experienced disrespectful, patronising, judgemental, arbitrary and even abusive treatment. For many participants, interacting with the police felt like playing roulette, and depending on luck, one encountered the 'good', the 'bad' or the 'non-responsive' cop. While differences between individual police officers' responses to sex workers were clearly identified in this

study, the problem however is more structural in nature. Individual police officers should not be required to implement oppressive laws against sex workers and as a consequence, should not be in a position in which they can abuse their power.

Sex workers' views of the police were fundamentally shaped by police officers' demonstrations of respect, acceptance of sex work and recognition of sex workers as worthy of protection. For the participants of this study, not only the outcome of an interaction with the police mattered, but also the police officers' attitudes towards the participant. Some sex workers expressed negative views of police officers, despite the positive outcome of their interaction. Others referred to the police as 'treating them well' and 'like a human being' even while they were being arrested. Furthermore, this research found that police officers from specialised units interacted with participants in a more sensitive way than regular police officers. A detailed understanding of the industry, the formation of personal relationships, or an increased awareness of how to appropriately interact with victims of sexual offences enabled police officers from specialised units to treat sex workers with respect. Police officers likely to come into contact with sex workers should receive specialised awareness and sensitivity training, as suggested by the National Policing Sex Work Guidance (2016). Non-profit organisations like the National Ugly Mugs Scheme in the UK play an imperative role in breaking down barriers between sex workers and the police. The organisation provides

trainings for police forces, enables sex workers to report crimes anonymously, and supports victims of crimes who choose to make a statement to the police.

This empirical study clearly demonstrates that an enforcement-led approach to policing creates insuperable barriers to the success of protective policing. Sex workers find themselves in a web between police protection and oppression only the decriminalisation of sex work can untangle. Street-based sex work is criminalised by laws against soliciting, loitering and anti-social behaviour, which may force sex workers to work under dangerous conditions, including in poorly lit and isolated areas. Indoor sex workers are forced to either work alone, risk legal repercussions if they choose to work with other workers, or share their income with a third party who is willing to accept the legal liabilities associated with the crimes of ‘keeping a brothel’ and ‘controlling prostitution’. While street-based sex workers and indoor workers working from shared working premises expressed their fears of the police, the majority of legally operating indoor sex workers conveyed considerably more positive attitudes towards the police. This finding is in line with Armstrong’s research, who showed that the decriminalisation of sex work in New Zealand led to a substantial improvement in the relationship between street-based sex workers and the police. Sex workers feel less stigmatised and believe that the police demonstrates ‘genuine care for their safety’ (Armstrong 2016, 8).

Unless sex working under various conditions is fully decriminalised, a large proportion of sex workers will not be able to work legally. Therefore, they will not be able to build a relationship of trust with the police. The implementation of suggestions put forward in a recently published report by the Home Affairs Committee of the House of Commons, namely to decriminalise soliciting and allow sex workers to work together, could fundamentally improve the relationship of sex workers and the police in England and Wales. (Home Affairs Committee 2016) Long-overdue reform of the legal framework of sex work in England and Wales would contribute to changing the attitudes of sex workers and police officers alike.

References

- Abrego LJ (2011) Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims-Making for First- and 1.5-Generation Immigrants: Legal Consciousness of Undocumented Latinos. *Law & Society Review* 45(2), 337--70
- Armstrong L (2014) Diverse Risks, Diverse Perpetrators: Perceptions of Risk and Experiences of Violence amongst Street-Based Sex Workers in New Zealand. *International Journal for Crime, Justice and Social Democracy* 3(3): 40--54.
- (2016) From Law Enforcement to Protection? Interactions between Sex Workers and Police in a Decriminalized Street-Based Sex Industry. *British Journal of Criminology* February, azw019.
- Benoit C, McCarthy B and Jansson M (2015) Stigma, Sex Work, and Substance Use: A Comparative Analysis. *Sociology of Health & Illness*, 37(3): 437--51.
- Boittin, ML (2013) New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China: Abuse and the Legal Consciousness of Sex Workers in China. *Law & Society Review* 47(2): 245--78.
- Brooks-Gordon, B (2006) *The Price of Sex: Prostitution, Policy and Society*. Cullompton: Willan Publishing.
- Bruckert C and Hannem S (2013) Rethinking the Prostitution Debates: Transcending Structural Stigma in Systemic Responses to Sex Work. *Canadian Journal of Law and Society / Revue Canadienne Droit et Société* 28(1): 43--63.
- Carline A and Scoular J (2015) Saving Fallen Women Now? Critical Perspectives on Engagement and Support Orders and Their Policy of Forced Welfarism. *Social Policy and Society* 14(1): 103--12.
- Cowan, D (2004) Legal Consciousness: Some Observations. *Modern Law Review* 67(6), 928--58.
- Cox SM (1996) *Police: Practices, Perspectives, Problems*. Boston: Allyn and Bacon.
- Dewey S and St. Germain T (2014) 'It Depends on the Cop:' Street-Based Sex Workers' Perspectives on Police Patrol Officers. *Sexuality Research and Social Policy* 11(3): 256--70.
- Doward J (2012) London 2012 Olympics: Crackdown on brothels 'puts sex workers at risk', *The Observer*. Available at www.theguardian.com/uk/2011/apr/10/brothel-crackdown-london-olympics-risk (last accessed 10/01 2017).
- Fick N (2016). Sex workers speak out: Policing and the Sex Industry. *South African Crime Quarterly* 15: 13--18.

- Frances R and Gray A (2007) Unsatisfactory, Discriminatory, Unjust and Inviting Corruption. *Australian Feminist Studies* 22(53): 307 - 324.
- Grubb A, Turner E (2012) Attribution of Blame in Rape Cases: A Review of the Impact of Rape Myth Acceptance Gender Role Conformity and Substance Use on Victim Blaming. *Aggression and Violent Behavior* 17(5): 443--452.
- Harding, R (2011) *Regulating Sexuality. Legal Consciousness in Lesbian and Gay Lives*. Oxon: Routledge.
- Hertogh M (2014) No Justice, No Peace! Conceptualizing Legal Alienation in the Aftermath of the Trayvon Martin Case. In: Nobles R & Schiff D (eds) *Law, Society and Community: Socio-Legal Essays in Honour of Roger Cotterrell*. Farnham/Burlington: Ashgate.
- Home Affairs Select Committee (2016) *Prostitution*. London: House of Commons.
- Hubbard P (2004) Cleansing the Metropolis: Sex Work and the Politics of Zero Tolerance. *Urban Studies* 41(9): 1687--1702.
- (2008) Regulating Sex Work in the EU: Prostitute Women and the New Spaces of Exclusion. *Gender, Place & Culture: A Journal of Feminist Geography* 15(2): 137--152.
- Kantola J and Squires J (2004) Discourses Surrounding Prostitution Policies in the UK. *The European Journal of Women's Studies* 11(1): 77--101.
- Kotiswaran, P (2011) *Dangerous Sex, Invisible Labor: Sex Work and the Law in India*. Princeton University Press.
- Krüsi A, Kerr T, Taylor C, Rhodes T and Shannon K (2016) 'They Won't Change It Back in Their Heads That We're Trash': The Intersection of Sex Work-Related Stigma and Evolving Policing Strategies. *Sociology of Health & Illness* April.
- Krüsi A, Pacey K, Bird L, Taylor C, Chettiar J, Allan S, Bennett D, Montaner JS, Kerr T and Shannon K (2014) Criminalisation of Clients: Reproducing Vulnerabilities for Violence and Poor Health among Street-Based Sex Workers in Canada—a Qualitative Study. *BMJ Open* 4(6): 1--10.
- Levine, K and Mellema V (2001) Strategizing the Street: How Law Matters in the Lives of Women in the Street-Level Drug Economy." *Law and Social Inquiry* 26(1), 169 -- 207.
- Levy J, and Jakobsson P (2014) Sweden's Abolitionist Discourse and Law: Effects on the Dynamics of Swedish Sex Work and on the Lives of Sweden's Sex Workers, *Criminology and Criminal Justice* 14(5): 593--607.

- Mellor R and Lovell A (2012) The Lived Experience of UK Street-Based Sex Workers and the Health Consequences: An Exploratory Study. *Health Promotion International* 27(3): 311--22.
- Miller J and Schwartz MD (1995) Rape Myths and Violence against Street Prostitutes. *Deviant Behavior* 16(1): 1--23.
- Mitchell G (2016) Evangelical Ecstasy Meets Feminist Fury Sex Trafficking, Moral Panics, and Homonationalism during Global Sporting Events. *GLQ: A Journal of Lesbian and Gay Studies* 22(3): 325---57.
- National Police Chiefs' Council (2016) National Policing Sex Work Guidance in 2016.
- Phoenix J (1999). *Making Sense of Prostitution*. Macmillan Press.
- (2006) Regulating Prostitution: Controlling Women's Lives. In Heidensohn F (ed) *Gender and Justice: New Concepts and Approaches*. Cullompton: Willan Publishing.
- Pitcher J and Wijers M (2014) The Impact of Different Regulatory Models on the Labour Conditions, Safety and Welfare of Indoor-Based Sex Workers. *Criminology & Criminal Justice* 14(5): 549-564.
- Jason P, Hubbard P, and Birch P (2013) Sex Worker Victimization, Modes of Working, and Location in New South Wales, Australia: A Geography of Victimization. *Journal of Sex Research* 50 (6): 574--86.
- Rhodes T, Simic M, Baros S, Platt L and Zikic B (2008) Police Violence and Sexual Risk among Female and Transvestite Sex Workers in Serbia: Qualitative Study. *BMJ* 337 (jul30-2): a811--a811.
- Sagar T (2007) Tackling on-Street Sex Work: Anti-Social Behaviour Orders, Sex Workers and Inclusive Inter-Agency Initiatives. *Criminology & Criminal Justice* 7(2): 153--168.
- (2009) Anti-Social Powers and the Regulation of Street Sex Work. *Social Policy and Society* 9(1): 101--109.
- Sagar T and Croxall J (2012) New Localism: Implications for the Governance of Street Sex Work in England and Wales. *Social Policy and Society* 11(4): 483--494.
- Salfati CG, James AR and Ferguson L (2008) Prostitute Homicides: A Descriptive Study. *Journal of Interpersonal Violence* 23(4): 50--43.
- Sallmann J (2010) Living with Stigma: Women's Experiences of Prostitution and Substance Use. *Affilia* 25(2): 14--59.
- Sanders T (2005) Blinded by Morality? Prostitution Policy in the UK. *Capital & Class* 29(2): 9--15.

- (2001) Female Street Sex Workers, Sexual Violence, and Protection Strategies. *Journal of Sexual Aggression* 7(1) 5--18.
- (2004) The Risks of Street Prostitution: Punters, Police and Protesters. *Urban Studie* 41(9): 1703--17.
- (2009a) Controlling the 'anti sexual' City: Sexual Citizenship and the Disciplining of Female Street Sex Workers. *Criminology & Criminal Justice* 9(4): 507--525.
- (2009b) UK Sex Work Policy: Eyes Wide Shut to Voluntary and Indoor Sex Work', In: Phoenix J (ed) *Sex for Sale: Prostitution Policy Reform in the UK*. Bristol: The Policy Press.
- Sarat, A (1990) 'The Law Is All Over': Power, Resistance and the Legal Consciousness of the Welfare Poor. *Yale Journal of Law and the Humanities* 2(2), 343--379.
- Saunders P and Kirby J (2010) Move Along: Community-Based Research into the Policing of Sex Work in Washington, D.C. *Social Justice* 37(1)119: 107--27.
- Scambler G (2007) Sex Work Stigma: Opportunist Migrants in London. *Sociology*, 41(6): 1079--96.
- Scambler G, and Paoli F (2008) Health Work, Female Sex Workers and HIV/AIDS: Global and Local Dimensions of Stigma and Deviance as Barriers to Effective Interventions *Social Science & Medicine*, 66(8): 1848--62.
- Scoular J and O'Neill M (2007) Regulating Prostitution: Social Inclusion, Responsabilization and the Politics of Prostitution Reform. *British Journal of Criminology* 47(5): 764--778.
- Shdaimah CS and Wiechelt SA (2012) Converging on Empathy: Perspectives on Baltimore City's Specialized Prostitution Diversion Program. *Women & Criminal Justice* 22(2): 156--73.
- Tenni B, Carpenter J and Thomson N (2015) Arresting HIV: Fostering Partnerships between Sex Workers and Police to Reduce HIV Risk and Promote Professionalization within Policing Institutions: A Realist Review. *PLOS ONE* 10(10): e0134900.
- Van Doorninck M and Campbell R (2006) Zoning' Street Sex Work: The Way Forward. In: Campbell R and O'Neill M (eds) *Sex Work Now*. Cullompton: William Publishing.
- Whatley MA (1996) Victim Characteristics Influencing Attributions of Responsibility to Rape Victims: A Meta-Analysis. *Aggression and Violent Behavior* 1(2): 81--95.
- Williamson C, Baker L, Jenkins M, and Cluse-Tolar T (2007) Police-Prostitute Interactions: Sometimes Discretion, Sometimes Misconduct. *Journal of Progressive Human Services* 18(2): 15--37.

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