



END HUMAN TRAFFICKING.
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Dear House Judiciary Committee,

Thank you for considering this critical issue today. We are writing to express our strong support of House Bill 6637, which establishes criteria for the criminal offense of custodial sexual assault by a peace officer. As attorneys and advocates for trafficking survivors and sex workers, we have repeatedly seen and heard stories of vulnerable people being sexually abused at the hands of law enforcement without repercussions or redress.

Sex workers and those who are arrested for prostitution are especially vulnerable to sexual abuse when in police custody. Common views about sex work, paired with the power imbalance between law enforcement and citizens, has allowed for peace officers to abuse their power countless times. Sex workers are especially vulnerable. Historically, law enforcement has viewed sex workers as “less than”; at one time, it was common to refer to cases involving sex workers using the acronym “NHI” – “No Humans Involved”.

To say there is a power imbalance between law enforcement and those in their custody would be a severe understatement - people who are in custody have no agency, have tremendous fear about what is to come, and are at the complete and total mercy of those who have taken them into custody. There cannot possibly be a consensual sexual encounter between someone in custody and the person in charge of their freedom. Furthermore, when you think of who may be in custody, there is a disproportionate chance that person will be part of a marginalized or more vulnerable group (one need only look at statistics see that people of color, specifically Black and Brown people, are significantly more likely to be arrested). When it comes to sex work, Black and Brown women, especially transgender women, are the most likely to be arrested - and also the most vulnerable to exploitation, abuse, and stigma. These factors are easily exploited by law enforcement.

By passing HB 6637, Rhode Island would join states across the country that have made similar policy changes to close loopholes in sexual assault laws. In recent years, many states have passed legislation specifically criminalizing sexual assault perpetrated by peace officers due to the inherently nonconsensual nature of the relationship between law enforcement and detainees. Rhode Island must join New Hampshire, Vermont, Louisiana, Florida, California, and so many other states in ensuring peace officers are held accountable for sexual assault the same way as other citizens – especially considering their heightened power and responsibility.

Thank you again for your time and consideration on this matter.

Regards,

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