

# PROTECTED & SERVED ?

A community survey of LGBTQ+ people and people living with HIV

This fact sheet describes the findings of the 2022 *Protected and Served?* survey for participants who had exchanged sex or sexual performance for money or other things of value within the past five years. Sex work is rooted in the values of autonomy, choice, and consent. The sex work community encompasses people with a wide range of identities, including some who may not identify as a “sex worker.”

In addition to enforcing laws criminalizing sex work, law enforcement officers have harassed and discriminated against LGBTQ+ people, and specifically trans women of color, under the guise of enforcing loitering laws. Those laws—now commonly referred to as “Walking While Trans” laws—prohibit loitering for the purpose of engaging in sex work. But police have enforced them randomly and broadly, profiling people as sex workers based on their dress or presentation and location (e.g., the neighborhood they are in). The use of such laws to stop, harass, and arrest people engaging in everyday activities has had a devastating effect on the trans community. But today, advocates are building support not only to eliminate “Walking While Trans” laws but also to decriminalize sex work.

## Who Are the Participants Who Have Recent Experience of Sex Work?

Out of a total of 2,546 survey participants, 360 answered yes to the question, “In the past five years, have you ever exchanged sex or sexual performance for money or other things of value?” When we refer to participants in this fact sheet, we are referring to the subset of *Protected and Served?* survey participants who had engaged in sex work, unless otherwise specified.

The majority (58.4%) of these participants were people of color and about two-fifths (40.7%) identified as transgender, gender nonconforming or nonbinary (TGNCNB). Nearly one-quarter (24.3%) were both people of color and TGNCNB. Over one-sixth (15.1%) of participants who had engaged in sex work were experiencing homelessness at the time they took the survey, and nearly half (45.9%) had experienced homelessness in the past five years (but not at the

*Protected and Served?*  
2022 series:

**Executive Summary**

**Full Report**

**Glossary**

**Spotlight Report:**

**Detained  
Participants**

**Fact Sheet:  
TGNCNB  
Participants**

**Fact Sheet:  
Sex Work**

**Fact Sheet: HIV**

Available at  
[protectedandserved.org](https://protectedandserved.org)

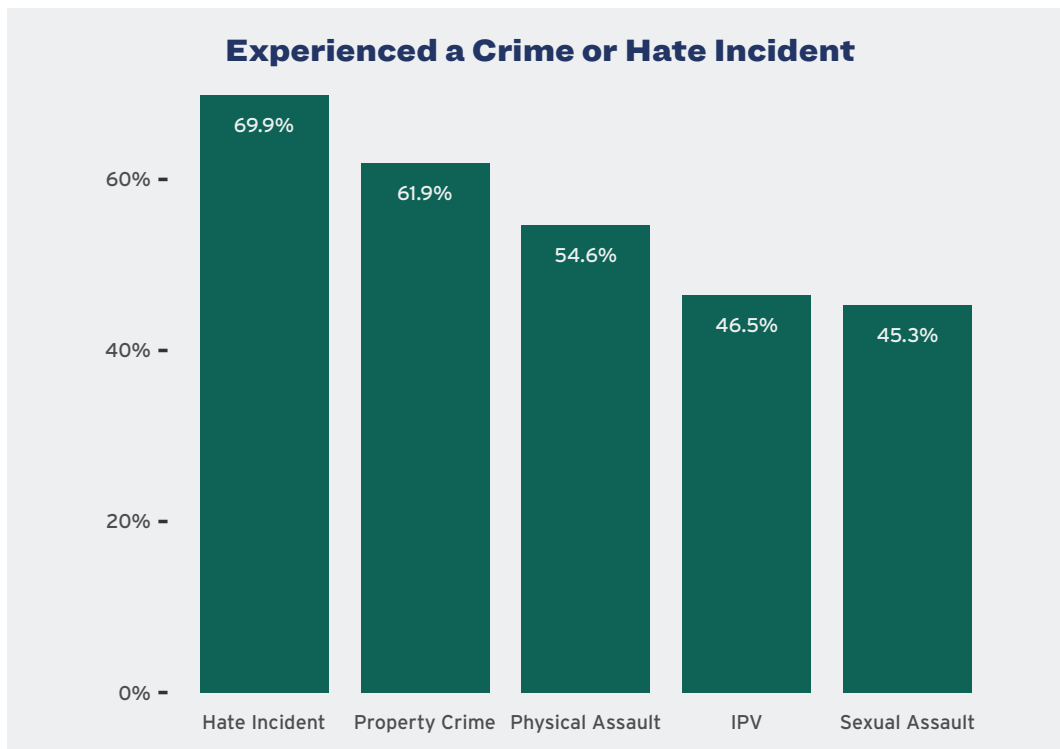
time of the survey). Nearly two in five (41.9%) identified as living with a disability, and one-quarter (25.2%) were not U.S. citizens. Over one-quarter (27.3%) of participants reported that they had been arrested before they were 18 years old. Additionally, about one in three (29.4%) participants had children under 18 years old living with them.

Two in five (40.1%) participants who had engaged in sex work had been detained in jail, prison, immigration detention, or juvenile detention in the past five years, compared to just 12.3% of *Protected and Served?* participants who had not engaged in sex work. This statistic does not include participants who were detained at the time of the survey because the shorter paper survey provided to detained participants did not ask about experiences with sex work.

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## Experiences of Crime and Hate Incidents

The *Protected & Served?* survey measured negative events that participants had experienced in the past five years, including property crime, physical assault, sexual assault, intimate partner violence (IPV), and/or hate incidents. A large percentage (89.4%) of participants had experienced one or more of these negative events. Nearly seven in ten (69.9%) participants had experienced a hate incident and over half (54.6%) had experienced a physical assault. Slightly fewer had experienced IPV (46.5%) or sexual assault (45.3%).

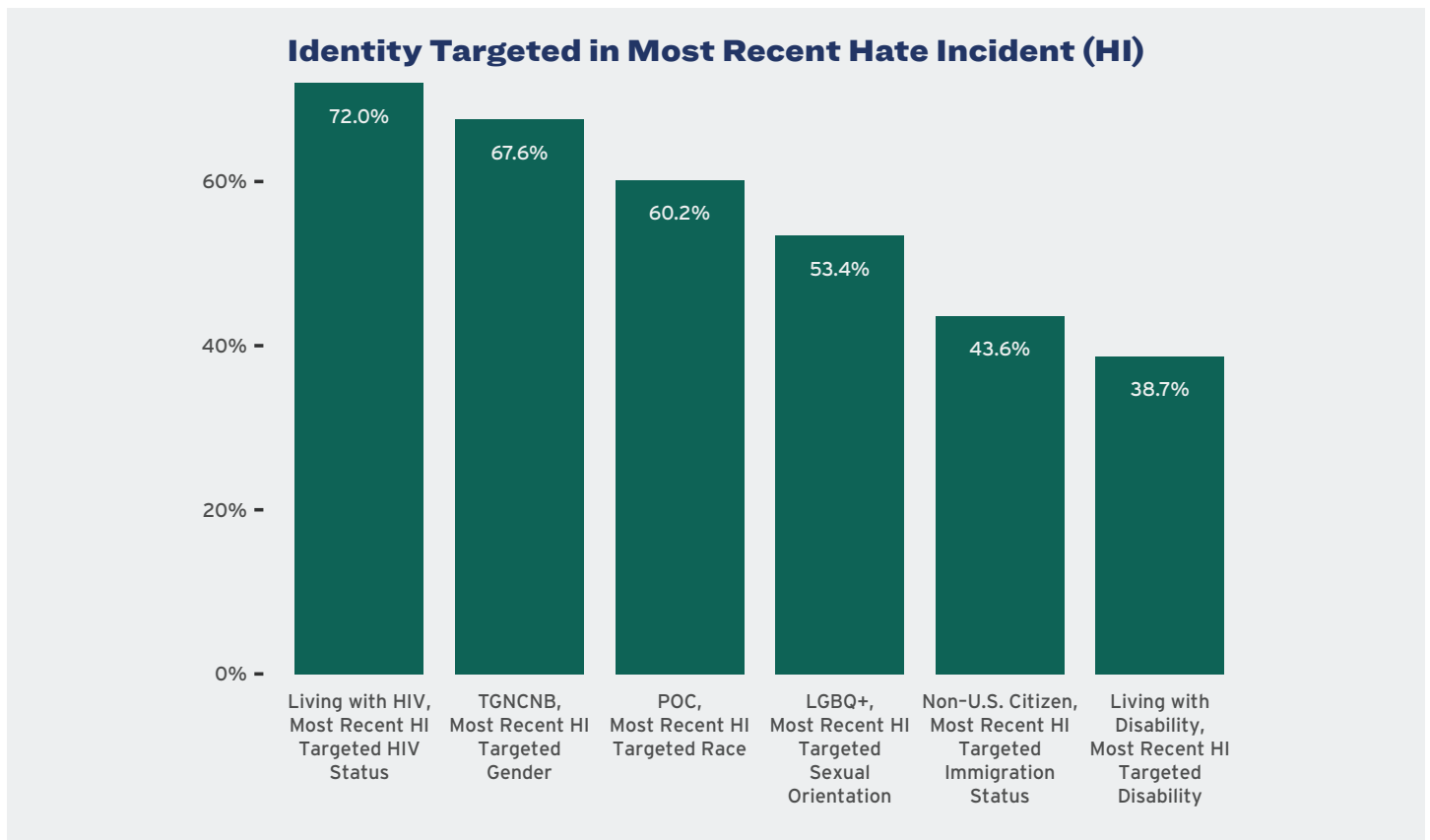


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The survey asked participants who had experienced a negative event whether they had reported the incident to law enforcement, a nonprofit or community-based organization (CBO), a friend or family member, or another person or organization. Of those who experienced a sexual assault, nearly one-quarter (22.8%) stated that they reported the assault to a nonprofit or a CBO, compared to 47.5% who reported to law enforcement. Of those who reported a sexual assault to law enforcement, the majority (63.5%) of participants said that the police were “mostly courteous” or “courteous”; however, 36.5% reported that the police were “hostile” or “mostly hostile.” Over one-third (36.9%) of those who reported a physical assault said the police were “hostile” or “mostly hostile” when they reported the incident. Of participants who experienced a physical assault, 29.0% reported the incident to a nonprofit or CBO.

Among those who engaged in sex work and experienced a hate incident, nearly one-fifth (19.1%) reported the incident to a nonprofit or CBO, compared to 39.4% who reported to law enforcement. When reporting the event to law enforcement, nearly half (47.1%) of participants stated that the police were “hostile” or “mostly hostile.”

The survey asked those who had experienced IPV in the past five years about a series of negative consequences that may have occurred after such incidents. Among participants who experienced IPV, around one in three (33.1%) lost access to a job or income, and about one in four (25.2%) lost access to housing. These negative consequences can contribute to re-victimization and harm our community members.



## Experiences of Police Behavior

Nearly three-quarters (72.3%) of participants had face-to-face contact with police in the past five years. Of participants who had face-to-face contact with police, a disproportionate number—nearly half (44.7%)—were TGNCNB. Over one-third (35.9%) stated that they thought at least one interaction occurred because the police perceived or assumed that they were a sex worker. Further, over two-fifths (43.7%) of participants were asked to provide proof of immigration status in their most recent face-to-face encounter with police, and over half (54.5%) were physically searched in their most recent interaction. Police asked Black participants for proof of immigration status much more frequently than they did participants of other races; they also physically searched Black participants at much higher rates. Two-thirds (66.7%) of Black participants were asked for proof of immigration status in their most recent encounter with police, and over three-quarters (76.5%) were physically searched.

The survey asked participants who had engaged in sex work a series of questions about their interactions with police specifically while working in this capacity. Nearly half (49.7%) of participants experienced some form of police misconduct while working in this capacity. Black, Indigenous, and multiracial participants were especially likely to experience misconduct: 68.5% of Black participants, 64.1% of Indigenous participants, and 62.5% of multiracial participants did, compared to 45.6% of Latinx participants and 39.2% of white participants.

The most common type of police misconduct was demanding money (25.9%), followed by demanding sex (17.6%). It was also common for police to take participants' phones to use for "sting" operations (looking for customers to arrest). About one in six (15.9%) participants experienced this.

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## Court Experiences

Over one-third (37.4%) of participants reported being involved in court proceedings in the past five years. Among those who had been in court, over a quarter (26.3%) of LGBQ+ participants reported that court employees had inappropriately revealed their sexual orientation in court. Court employees used the wrong name or pronoun for nearly half (44.7%) of TGNCNB participants who had been in court and inappropriately revealed the transgender status of 33.3% of trans participants. Similarly, 35.0% of those living with HIV had their HIV status inappropriately disclosed.

In addition to experiencing court employee misconduct, participants also reported receiving negative comments related to sexual orientation, gender identity or expression, or HIV status. Among those who had been in court, around two-fifths (41.9%) of participants living with HIV received negative

comments related to their HIV status, one-fifth (20.4%) of LGBTQ+ participants heard negative comments about their sexual orientation, and a similar percentage (20.0%) of TGNCNB participants received negative comments regarding their gender identity or expression. Overall, over one-third (35.6%) of participants who had been in court experienced some type of negative comment about their sexual orientation, gender identity or expression, or HIV status in court.

## RECOMMENDATIONS

**SUPPORT THE DECRIMINALIZATION OF SEX WORK AS AN LGBTQ+ ISSUE** Due to the disproportionate impact of sex work criminalization on LGBTQ+ communities and communities of color, sex workers, along with several LGBTQ+ rights/justice organizations, including Lambda Legal and Black and Pink National, support and advocate for the decriminalization of sex work. Lambda Legal supports the decriminalization of sex work by acknowledging that there is no constitutionally adequate basis to criminalize consensual sex solely because one adult pays another. Furthermore, abolitionist organizations like Black and Pink National encourage efforts to support and advocate for the LGBTQ+ sex work community without the involvement of police or the criminal legal system, primarily due to the disproportionate impact discussed in this report.

### **BAN PROFILING AND OTHER DISCRIMINATORY LAW ENFORCEMENT PRACTICES**

While a number of police departments and other law enforcement agencies have enacted policies that purport to address LGBTQ+ bias, there remains a great need for explicit and enforceable bans on profiling and discriminatory policing based on sexual orientation and gender identity. This includes practices that lead to increased interaction with police and incarceration, such as so-called “Quality of Life” or “Broken Windows” policies, as well as paraphernalia laws that use the possession of condoms or safe-use kits as evidence against sex workers. LGBTQ+ people disproportionately experience homelessness, engage in sex work, and live with disabilities, all of which are criminalized under these policies.

### **INVEST IN COMMUNITY-INFORMED ALTERNATIVES TO TRADITIONAL CRIMINAL LEGAL SYSTEM OPTIONS**

While some alternatives to the criminal legal system, such as transformative justice initiatives, take the needs of impacted communities into account, many other programs that position themselves as alternatives do not include the priorities of those most affected by that system. Including affected community members in the design, implementation, evaluation, and scaling of alternatives is crucial to creating a better set of solutions.



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