



The *State* of the *Hustle*

Sex Workers Speak Out in the Show-Me State

Photo by: Luke Austin

A Note of Gratitude

Ack- now- ledg- ments

This report has been a project of the American Civil Liberties Union (ACLU) of Missouri in conjunction with the Missouri HO (MO Ho) Justice Coalition, also known as the #DecrimTheHustle Ho-Op. The Coalition is composed of several key individuals across the state of Missouri and organizational coalition partners, including the Metro Trans Umbrella Group (MTUG), Dr. Laurie Punch and the T STL, and St. Louis' Sex Worker Outreach Project (SWOP).

The report team is indebted to the sex worker respondents and to the individuals who worked together on the data collection process. Our gratitude goes out to Fernande Galindo, lead researcher, Statewide ACLU-MO Trans Justice Organizer and Coalition Co-Founder Jay-Marie Hill, and part-time story collectors Charles Buchanan and Zen Berndt. We are also grateful for Sara Baker, Director of Policy at ACLU-MO, coalition leaders Indigo Hann and Julissa Gillig, ACLU Policy Interns/Fellows Kennedy Moore & Sam Martin, coalition contributors/members Miles Hoffman, Miyonnee Hickman, Skyler Whittaker, Kori Richardson, Molly Pearson, Olivia Haas, Shym Possible, Maxi Glamour, and all those that tirelessly spent their Wednesday afternoons and Monday evenings meeting in the intense summer of 2020, discussing and strategizing ways to make life better for sex workers in Missouri. They committed to the vision, helped spread the word and truly made this report possible.

Graphic design for this report was provided by Zach Kilgas. Cover photo by Luke Austin. Our cover features musician Miss Pvssy, who is not a sex worker herself, but was proud to represent her brothers and sisters. She believes sex workers deserve recognition and respect, because their work is normal.

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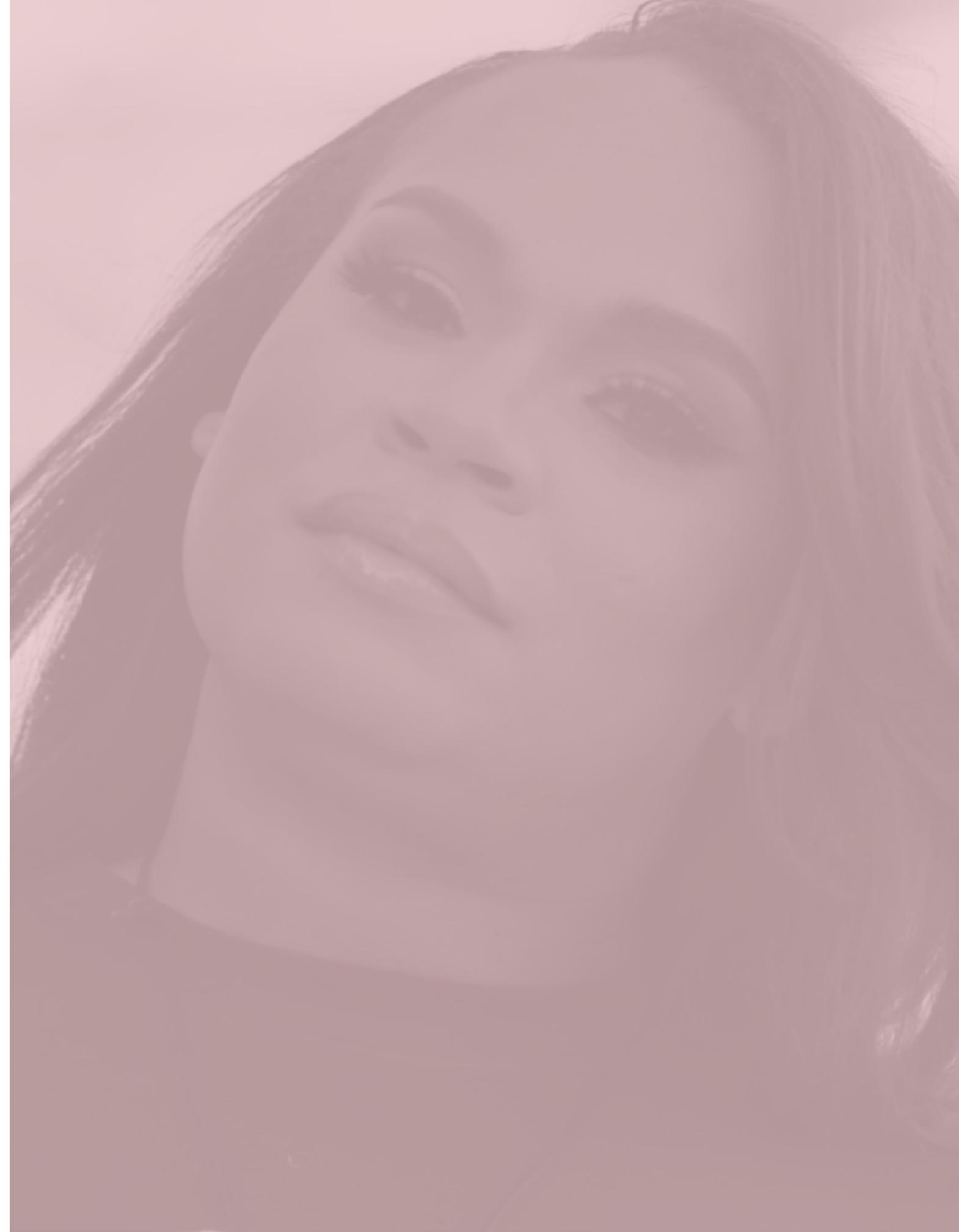
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Intro- duct- ion

Jay-Marie H - Artist, Organizer & Co-Leader of the MO Ho Justice Coalition

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Julissa G - Herbalist, Sex Worker & Co-Leader of the MO Ho Justice Coalition

State of the Hustle captures the experiences, motivations, hopes, and demands of sex workers across the state of Missouri. In the face of hostile living and working conditions—COVID-19, legislation like FOSTA-SESTA^A, HIV criminalization, and local penal codes criminalizing sex work—sex working Missourians are pushing back. This report details the state of sex work in Missouri from the perspective of sex workers and sets the stage for meaningful reform.

The stigma and the not-inevitable criminalization of sex work challenges autonomy, makes the work less safe, and fails to address societal concerns around exploitation. In our report, we attempt to summarize workers' assertions that criminalizing people for their bodies and the choices they make with them is harmful to their health and the health of society as a whole, and, in turn, punishes victims of trafficking and forces exploiters deeper underground. This report is part of national discourse challenging traditional frameworks, which have led to the over-incarceration, criminalization, and further marginalization of queer communities and, in particular, of Black and trans women of color.

This report is produced in collaboration with the MO Ho Justice Coalition, of which the American Civil Liberties Union of Missouri is a founding member. The MO Ho Justice Coalition and Ho-op continues a legacy of Black and trans-centered sex work organizing in Missouri by affirming that all sex work is work, that no labor should be coerced by social and economic disenfranchisement, and that no person's means of survival should be criminalized.

The people are ready for change: from Kansas City to St. Louis, sex workers, allies, queer/trans community leaders, social service providers, healthcare practitioners—and even the Kansas

City & St. Louis' prosecutors—are unified in their position that sex work is work and it is time for the criminalization to end.

In addition to an overview of the professional work approaches of over 150 Missouri sex workers, this report also provides a summary of the current legal status of prostitution in the state of Missouri and recommendations for future engagement with this historically contentious issue.

We would be remiss not to mention—this report was safely executed several months into the global COVID-19 pandemic and the ensuing economic downturn. Sex Workers and erotic laborers were explicitly left out of the federal stimulus packages, which only made this work that much more urgent.

Throughout this report we include direct quotes from workers' responses to our survey and anonymize their attribution using initials. We seek to balance sex workers speaking in their own words with local, regional and national policy best practice and we trust that readers will take away from this work a road map to destigmatizing sex work.

Together, we can truly build a safer and freer Missouri for sex workers.

1. See Article — (Alptraum, et al 2020).

2. See Article — (Okeowo, et al 2020).

A. See Glossary — SESTA/FOSTA: refers to the House bill known as FOSTA, the Fight Online Sex Trafficking Act, and the Senate Bill SESTA, the Stop Enabling Sex Traffickers Act that passed in 2018 and hurt vulnerable sex working communities while claiming to stop trafficking.



Missouri Context

Missouri today is a conservative stronghold with dwindling diverse populations in its largest cities and stark electoral realities that reinforce party consolidation and resist change. Due to the current consolidation of Republicans decision-making power and a lack of public education around sex work in the legislature, we are likely years away from passing statewide legislation that shifts the conditions of sex workers in any meaningful way.

The most recent national legislation passed—decried by sex workers and advocates alike—SESTA/FOSTA—was in fact introduced by conservative Missouri congresswoman Ann Wagner who is well known for her negative positions on rights from Trans people. Wagner asserts that she learned of sex trafficking while serving as U.S. ambassador to Luxembourg in Eastern Europe. When she returned to Missouri, she reportedly found “sex trafficking is hiding in plain sight, and as this horrific crime moved from the streets to the Internet, it’s become even more prolific.” Wagner was not alone among Missouri politicians, as Senator McCaskill Representatives Clay and Cleaver all supported SESTA/FOSTA.

The cities of St. Louis and Kansas City are progressive strongholds where we based our research and expect to most clearly implement our recommendations. Prosecutors have the power to stop prosecutions for prostitution and various other ancillary crimes often associated with sex work. At the time of this writing, the Circuit Attorney of St. Louis is Kimberly Gardner, a Black woman progressive prosecutor who has implemented police

accountability measures and faced backlash from the conservative state legislature who sought to strip her of her power. Kansas City lacks local control of its police department, thus enabling statewide intervention and scuddling local accountability. The current Jackson County prosecutor—Jean Peters Baker—has discretion over what to prosecute, but is frequently undermined by local law enforcement determined to protect its interests. Wesley Bell, the progressive prosecutor elected in a dramatic oust of a 29 year incumbent made sweeping changes when he came to office, ending cash bail requests for misdemeanors, stopping the prosecution of small quantities of marijuana, encouraging use of summons over warrants, and more, but has also disappointed many in his limited ability to hold police officers accountable.

We trust this report will help prosecutors across the state better understand this issue. Beyond that, we hope it will help them fully prepare their offices to destigmatize the inherently dignified labor of sex work and ultimately, to decline to prosecute sex work charges of any kind.

3. See — St. Louis Missouri Population Data

4. See Article — (Jackman et. al 2015).

5. See Article — (Palmer et. al 2020).

What is Sex Work?

“Sex work” denotes consensual adult participation in the commercial sex industry, including, but not limited to: porn, stripping, camming, selling in-person sex acts, erotic/tantric massage, escorting, and professional kink/BDSM services. Sex work includes folks who trade sexual services for housing, drugs, medical care, transportation or other valuable goods/services on an as-needed basis, but do not necessarily claim the title “sex worker” or erotic labor as their profession. In this report we will be using erotic labor and sex work interchangeably.

People of all a/genders, a/sexual orientations, socio-economic statuses, dis/abilities and neurotypes, ethnicities, a/spiritual traditions, body types, adult ages, documentation statuses, and educational backgrounds are represented within sex work. Many people elect to do sex work because it is a legitimate and lucrative form of labor they can and want to do. However, we know that certain folks--especially queer, trans, undocumented, disabled, drug-using, unhoused, economically disenfranchised, and Black/Brown/Indigenous folks--are more likely to turn to sex work because it is their best or only option to meet survival needs.

Sex work has historically been associated with the term “prostitution”, and the often illegal and negative cultural connotations of that term come with it. Sex workers affirm that trading sex for money is work and a job like any other. ‘Prostitution’ as a term has been used extensively in television and other mass media avenues to position people who do it as degenerates only worthy of distrust and doubt, rather than support, safety and

care. There are several types of people—with varying identities—that engage in sex work because of economic disenfranchisement. Others choose to do sex work due to their positions in the margins of society—be it by way of identity, ability, class status, citizenship status, gender identity or presentation, substance dependence, housing and job access, or even lack of family support. And others turn to sex work because of its convenience, lucrative nature, flexible schedule, or other appealing aspects of the work. Every sex worker’s story is different.

Sex work is often confused or conflated with sex trafficking. Sex work is the willing and consensual trade of sex for payment. A sex worker is paid for their time, expertise, and services in the same way any other worker is paid, agreeing to engage in and be paid for providing a specific service for as long as they stay in that line of work. Sex trafficking involves force or coercion for the purpose of sexual exploitation. It is not consensual. Any work to prevent sex trafficking must be very careful not to infringe on the rights, safety, and well-being of sex workers.

6. The Oxford English Dictionary record the earliest use of “prostitute” in the 1530s, and trace it’s meaning from the classical Latin *prōstitūt* (past participial stem of *prōstituere*), meaning to offer for sale – “to put to an unworthy use, to expose to public shame, dishonour.” ‘Prostitute’ generally refers to a woman and to a state of female sexual dishonour. (Of course, men have been selling sex as long as women have, but they have been referred to throughout history specifically as ‘male prostitutes.’)



Crimin- aliza- tion

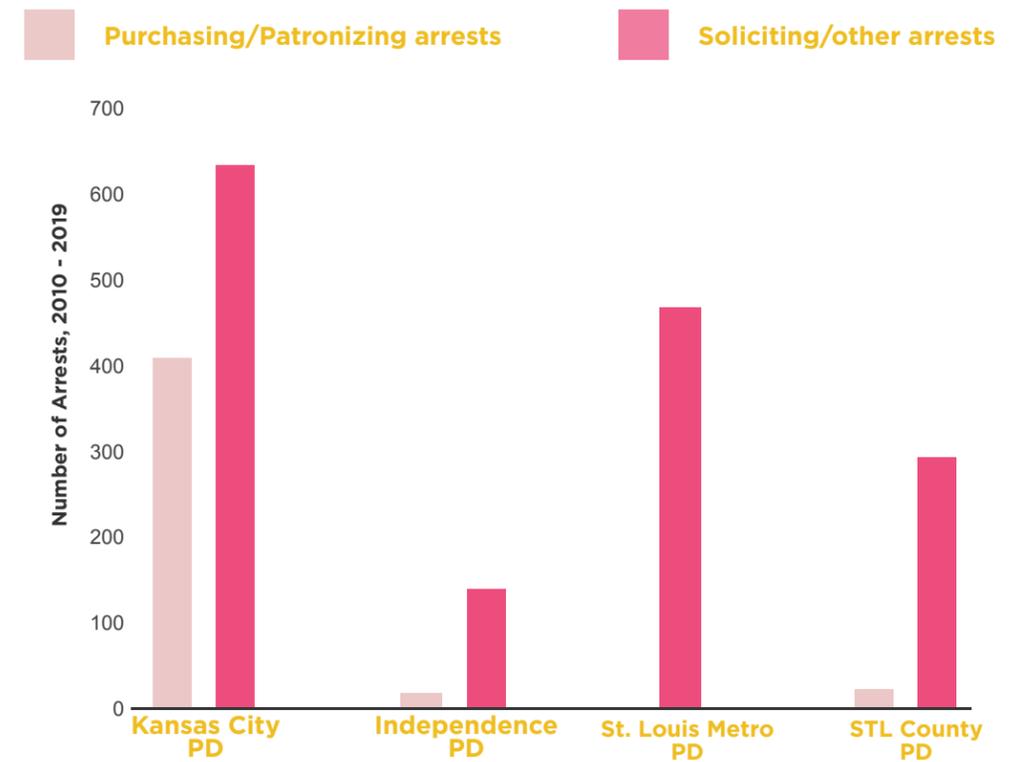
Criminalization can take nearly as many forms as sex work itself. Common charges against sex workers nationally include:

Trespassing	Solicitation	Solicitation with the intent
Disorderly conduct	Loitering with intent	Drug Possession
Criminal solicitation	Obstruction of Highway	Promoting prostitution
	Prostitution	

Appendix A

Region	Ordinances	Ranges of Fines & Fees
Jackson County (17 municipalities)	KCMO	Chapter 50 Article III Sections 50-100 15 days - 1 year in Jail \$50 - \$1,000
	Independence	12.06.001 - .005, .016-20 No fines or fees listed
	Lee's Summit	12.06.001 - .005, .016-20 \$150 or 30 days in Jail
St. Louis City	Chapter 15.30.010 - .120	\$100 to \$500 90 days in jail
St. Louis County (90 municipalities)	Chapter 15.30.010 - .120	\$1,000 or 1 year in Jail
Missouri State Law	Chapter 713.010 - .080	Class A Mideemeanor - Class B Felony 1 year - fifteen years in jail \$500 - \$2000

Partial Arrest Records — Four MO Police Departments



Prostitution-related charges may be either misdemeanors or felonies with a varying range of penalties. Generally, the act of prostitution is considered a misdemeanor and subject to penalties including jail for up to 6 months and up to a \$500 fine. However, should an act of prostitution be performed with the knowledge of a positive HIV status, the charge becomes a felony with penalties ranging from 5 to 15 years of jail time. (Missouri Revised Statutes Chapter 567). Under St. Louis County Municipal Code, most of the above charges are subject to penalties ranging from a fine up to \$1000, up to one year of imprisonment in the county jail, or a combination of both a fine and jail time.

Prostitution laws are often conflated with or framed as attempts to prevent human trafficking. Laws against human trafficking still apply when sex work is decriminalized. There is inconclusive data on whether the decriminalization of sex work directly impacts the effectiveness of sex trafficking laws. Sex workers themselves speak often about the ineffective nature of policing's current approach

to protecting those who are forced into sex work. Enforcing trafficking these laws are a low priority for police departments, and in most cases, police do nothing to enforce the laws at all. If these laws were taken seriously, then law-breakers would be serving time. Instead, law enforcement officers often use trafficking these laws as justification to harass and disrupt the lives of erotic professionals.

Sex workers are also affected by laws aimed at reducing access to online sex work platforms. While people who engage in online sex work do not face the physical, in-person harassment of law enforcement on the street, the SESTA-FOSTA laws passed in 2018 to enhance 'trafficking' surveillance prevent sex workers from using online platforms to increase the safety, efficiency, and profitability of their business. Many sex workers use online platforms to attract and vet clients, negotiate rates, share information about unsafe clients, and more. Online sex workers may experience criminalization by way of locked accounts online and/or personal money accounts surveilled and controlled.

7. See —ACLU Sex Work Brief

Sex Work & MO Law Enforcement

“Prostitution and solicitation for immoral purposes” is criminalized in Jackson and Saint Louis Counties and in the Missouri statutes. For the most part, federal law leaves regulation of prostitution up to the states, aside from a few federal statutes about interstate travel, immigration, and military bases.

In order to provide context for this survey about law enforcement data related to sex work, we sent requests for charge data, case records, arrest reports, and any relevant records regarding charges for “prostitution”, “loitering”, and “solicitation for immoral purposes” to 7 police departments. Only 4 departments returned any data. To secure the data, a total \$134 in fees were paid, which could be a prohibitive amount for what is a matter of public record.

The data we received from all departments was partial, redacted arrest data in largely intractable formats. Requests for clarifying information and arrest reports were denied, including refusals to furnish notes from arrest reports, provide gender markers, race, and other demographic info of arrestees. They also refused to provide the total number of individuals arrested for these

charges during the specified time frame whether or not cases were dismissed. Given the lack of comprehensive information provided, we were unable to cross reference arrests to court records.

Without furnishing demographic data, it is not possible for the public to know if there are patterns in race and gender in arrests. The lack of transparency helps to protect Missouri law enforcement from scrutiny and accountability.

Some facts can be gleaned from the data, however, including overall arrest rates for prostitution-related charges in Kansas City, Independence, and St. Louis (see chart on page 15).

The submitted data confirms what we already knew about patterns of criminalization: prosecution for prostitution continues to pull on law enforcement resources, and law enforcement disproportionately punish and target sex workers over sex work patrons for engaging in sex work. Rather than raising the roughly 4% of time law enforcement spends on preventing or solving violent crime, or working to lower the unsolved murder rates in these regions, law enforcement is spending disproportionate resources on interrupting and harassing working professionals.

9. See Missouri statutes chart.
10. See Article — (Asher et al. 2020)



Survey Method- ology

The goal of our survey was to collect data on sex workers that have performed and conducted erotic labor in Missouri, including data regarding their experiences with law enforcement and the carceral state. With creative input from sex workers, transgender individuals, and people of color in the MO Ho Justice Coalition¹¹, we expanded and arranged the survey to appeal to the most sex workers possible, across gender identity, age, Missouri location, and type of labor engaged.

We received a total of 188 responses, but only 157 of those responses were viable for analysis. We removed duplicate responses, incomplete responses, 1 test record, and those which indicated they performed erotic labor in geographic areas outside of Saint Louis and Jackson Counties. Through a partnership with Metro Trans Umbrella Group, a small incentive was available for the first 85 survey-takers. Sex workers who took the survey were asked if they wanted to be paid \$20, \$10 and for us to donate another \$10 to another worker, or not to be paid at all. About two-thirds of the survey-takers requested to be paid \$20. The survey was constructed with ten sections:

1. The first section provided context, offering information on the MO Ho Justice Coalition and a link to frequently asked questions about the survey. It also informed participants that the survey might take up to 30 minutes to complete and offered them the option to take the survey then or take the survey at a later time.
2. The second section began the survey with a statement of consent from survey participants.
3. The third section asked two questions about what, if any, positive thoughts survey-takers have about their livelihood.
4. The fourth section collected demographic information, including age, race/ethnicity, ability status,

housing status, education completed, whether or not they are raising children, and whether they consider themselves transgender, cisgender, or undecided.

5. The fifth section asked respondents to clarify their gender based on their choices in the previous sections.

6. In the sixth section, respondents were asked questions about which geographic area they worked in, how frequently they worked, and what type of work they did. They were also asked if their work changed due to COVID-19.

7. In section seven respondent's whose work changed due to COVID-19 were directed to communicate which services they offered in the past and/or pre-COVID.

8. The eighth section asked survey respondents about their adverse experiences in performing sex work, including their experience with healthcare and COVID-19, and if they had any experiences with law enforcement.

9. If survey-takers indicated they had some experiences with law enforcement, section nine contained clarifying questions about those experiences, and asked if respondents wanted to share additional information in another section.

10. Finally, in section ten respondents were asked for their consent for the researchers and Coalition members to contact them with follow-up information.

11. In late 2019, Trans Justice Campaign organizer Jay-Marie Hill and local St. Louis sex worker outreach project (SWOP) organizer, Indigo formed the #DecrimTheHustle Coalition. Through partnerships with the ACLU of Missouri and local agencies—including Sex Worker Outreach Project (SWOP-STL), Metro Trans Umbrella Group of STL, Stop the Bleed STL/"The T", and MO Network—the Coalition flourished. In July 2020, the Coalition rebranded themselves as the MO HO Justice Coalition and launched this project to interview sex workers and publish this report.

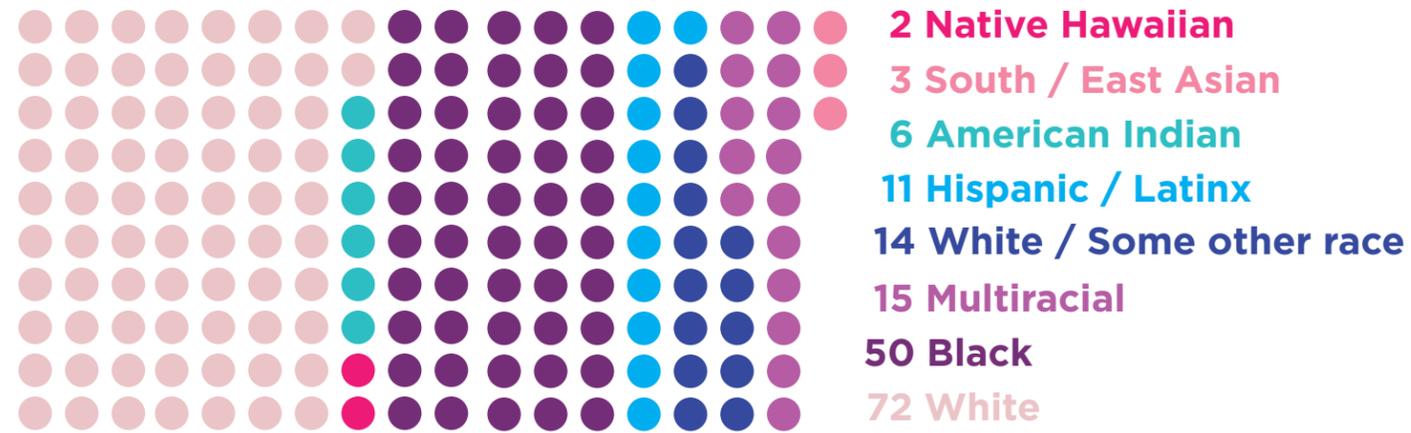
Key Findings



157

sex workers took our survey

Racial Makeup



Demographics

“Sex work is real work that has its challenges like any job and with those challenges workers needs support and resources that make their jobs safer.” —S

38%

were transgender.

77.7%

reported having completed some college, an undergraduate or a graduate degree.

47.8%

reported performing sex work full time.



Participants to the survey ranged in age from as young as 19 to as old as 56. Most survey-takers were in their 20s and 30s; the average age of the participants was 28.

Most sex workers reported having completed some college, finished their degree, or having a graduate degree; whereas 16.6% of survey-takers (n=26) reported a high school diploma as their highest education level, 77.7% of survey-takers (n=122) reported either having some college, a college degree, or a graduate/terminal degree.

While 42% of survey-takers (n=66) reported having a cognitive learning delay, mental illness, or personality disorder, 54.8% of respondents (n=86) reported not being disabled in any way. A slight majority of Missouri sex workers are not experiencing disability at this time.

The vast majority of sex workers reported experiencing relative housing security at this time. While 8.9% of survey-takers (n=14) report being homeless (which we defined here as being on-the-street, living in a car, staying

in a shelter, or couch surfing temporarily with friends), an overwhelming 90% of sex workers (n=142) reported some type of housing security, and 74% of our survey-takers report having housing in their own name (rent or own, n=116).

38% of our survey-takers indicated they are transgender (n=60).

The individuals who took our survey were asked to identify their race and/or ethnicity, and were allowed to select multiple options. Although the majority of our survey-takers selected only one race, 19 individuals self-reported a combination of races and ethnicities. It is also important to note that in the past “Hispanic/Latinx” has been defined as an ethnicity and not a race, but there has been a cultural shift in the U.S. toward Mexican-Americans self-identifying as a race, and this may have contributed to why 5 survey-takers selected this as their sole answer on our survey.

12. See Study — (Rössler W, et al 2010).

13. See — 2018 National Mental Health Statistics



We encourage our findings to be analyzed through three lenses:

1

Sex Work as Work

Sex workers in Missouri are professionals who are financially sustained by their work and choose it with full agency and options.

2

Health Outcomes

We found that sex workers experience adverse access to healthcare and lack of access to mental health care and depression/anxiety due to industry stigma.

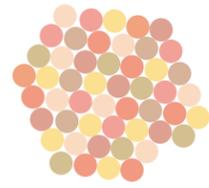
3

Outdated Laws

Findings reflected that police use outdated prostitution laws to harass sex workers, disrupt their personal and professional lives and create hardship.

We asked Missouri sex workers what challenges they face:

*each dot represents a response, colors do not convey distinct meaning



51
said social stigma or family disapproval



38
said sexual trauma



38
said belligerent or abusive customers



28
said they can't screen customers because online classifieds were shut down.



28
said limited / no access to quality healthcare



27
said Anti-Prostitution Laws



22
said doxing or "outing" of sex work to public/friends/family



14
said police presence or aggression

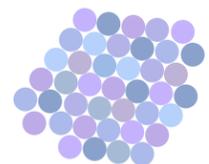


6
said administrative policies at businesses



4
said lack of child/ family care

We asked Missouri sex workers about coercion and survival:



41
said they'd done sex work to supplement their non-sex work job (civvie/vanilla job).



30
said they'd experienced physical harm, rape, or sexual assault during sex work.



26
said they've done sex work in exchange for food or a place to stay.



16
said they'd done sex work to protect a person or pet they love.



16
said they'd done sex work in exchange for substances they use/ have used.



13
said someone else encouraged or forced them to do sex work before they'd turned 18



10
said they lost a non-sex work job because their employer found out they did sex work.



5
said somebody else forced them to do sex work as an adult.



4
said they had not experienced any of these.

"I'm very privileged, so I make an effort to "take money" from my rich white men clients and pass it along to more marginalized groups, kinda like a Robin Ho. I also offer discounted rates for my clients on limited income due to disability. I'd like to create a scholarship program for them where my richer clients pay for their sessions."

Finding #1 Sex Work is Work

Sex workers in Missouri are professionals who are financially sustained by their work and choose it with full agency and options.

Our data shows us full-time sex work pays the bills well. Other numbers show most sex workers experience housing security, work full time, and just under a third are also raising children. Nearly half of the sex workers who responded to our survey report performing this work full-time (47.8%, n=75). In addition, nearly one-third of the sex workers who filled out our survey were supporting children with their income: a considerable percentage, 28% (n=44), reported raising one or more children.

About 38% of survey-takers (n=59) report changing their types of erotic labor. 12% of responses (n=19) directly cited the COVID-19 pandemic as the reason why they changed their type of services offered. No sex workers in our survey expressed that they were unable to control the services they offered.

Finding #2: Adverse Health Care

Sex workers experience adverse access to healthcare and lack of access to mental health care and depression/anxiety, in part due to industry stigma.

Sex workers do not receive equal treatment in healthcare relative to other professionals. Over half, 55.4% of survey-takers (n=87), claim to have had adverse healthcare experiences. These responses include reporting actual negative experiences in healthcare resulting from their disclosure of their work as a sex worker and those who experienced adversity in healthcare but attribute their treatment to disclosures about their gender identity, not profession.

Out of our sample size of 157 survey-takers, 59 individuals, or 38%, indicated they live with a mental illness such as depression and/or anxiety. A 2010 study of Full Service Sex Workers observed higher rates of mental illnesses than seen in the general public, such as PTSD (13%), anxiety (33.7 %) and major depression (24.4%). In comparison, national rates of Depression and Anxiety are 6.7% and 19.1%, respectively.

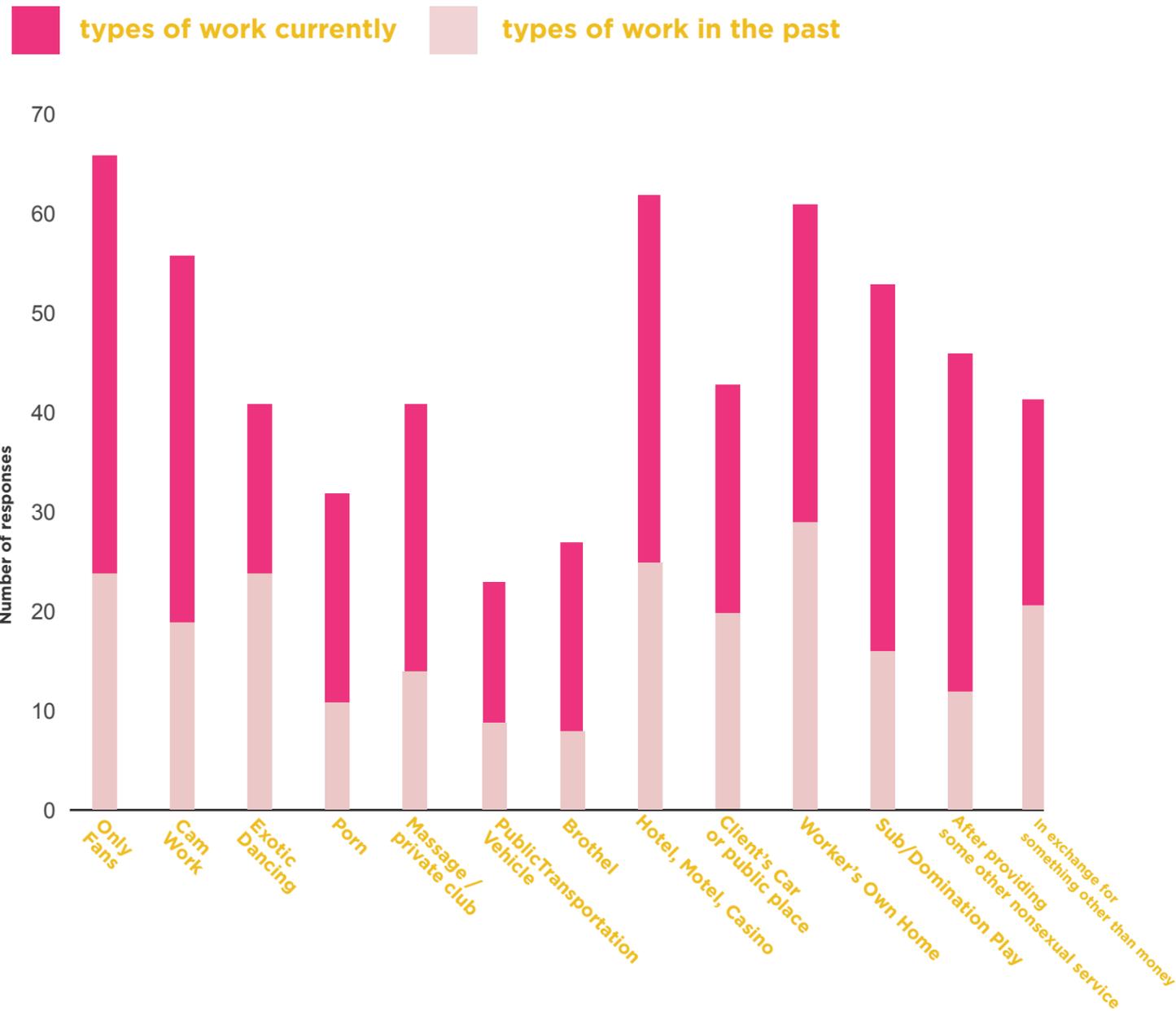
Finding #3: Law Enforcement Harassment

Police use outdated prostitution laws to harass sex workers, disrupt their personal and professional lives and create hardship.

Just under a third of survey-takers reported some interaction with law enforcement because of their job: 29% (n=46) reported one of the following: they had completed a sentence, received a charge, paid a fine, or they were threatened with charges or arrest. Seventeen percent (n=27) were arrested while doing sex work, and 8.9% of survey-takers (n=14) report being arrested 2 or more times.

Of respondents who reported interaction with law enforcement, over half (54%) (n=25) had never been arrested but reported enduring general police harassment, and over one-third (33%) (n=18) reported that police or other law enforcement coerced them to do something - whether a sexual favor or some other police-forced act - by threatening arrest. Of respondents who were arrested related to sex work, nearly half (48%) (n=13) were charged with a misdemeanor/felony (any charge), and nearly two-thirds (63%) (n=17) have paid fines because of a sex work conviction.

Types of Sex Work and Changes Over Time



“I can’t see my clients with disabilities now because they are more vulnerable to virus. I used to see 5 clients a week for in-person sessions. Since March, I’ve tried 7 masked in-person sessions with clients, and it was not ideal.”--KH

“I honestly just felt more comfortable with the online aspect of the work. The travel became too much for me and I found hindered flexibility in my schedule.” --GS

“Online SW is riskier in some ways. I became concerned about hackers / my identity being leaked, which could affect my future employability.” --ZH

We asked survey-takers to specify which types of work they do now versus which type of work they had ever done previously. The reasons for these differences varied, but COVID-19 was one of the driving factors, as our survey-takers stated in their comments. An example of the variance in responses is represented by the quotes above.

Rates of Online membership site use and camwork activity were high. Some of our survey takers expressed that they shifted from in person work to online work due to concerns about the pandemic.

The type of sex work most survey-takers selected

that they had performed in the past was “Sex acts/ work in a client’s home or residence” (36 people). This differs from the type most survey-takers selected that they perform currently – which is “Actively used an Onlyfans/Online Membership Platform site” (73 people). This reflects the impact of COVID-19 on some sex workers’ businesses and the services they offer, showing a clear shift away from in-person work for some workers. Finally, rates of working in hotels, motels, and casinos were up versus in the past, which may also reflect changes due to COVID-19.



In their own words

“

When individuals and institutions in positions of power wish to silence, push away, judge, and criminalize sex work... **it doesn't make sex work disappear, only harder and more dangerous to access.** All of the shaming and demonizing and denouncing won't banish sex work. As long as humankind exists, there will always be a need for human connection and pleasure.” —NB

“

I once got arrested while on the street and forced to sleep in a police cell for two days **without committing a crime.**” —JH

“

Public sex workers and sex work houses constantly experience threats from police. **I have experienced police on a local, federal and even customs officers deriving pleasure and amusement from harassing sex workers and using the threat of a charge to taunt and dehumanize them.** Sometimes the implied threat of a charge is just as (or even more) harmful than the actual charge. Sex workers that receive a charge also face even more of a threat if they need to continue working after already receiving a charge. These workers are significantly more monitored by police.” —JG

“

People need to acknowledge that sexual/erotic services are necessary and therapeutic for many workers and clients. Workers need protection from abusers.” —JX

“

Sex work is real work. The stigma around sex work and conflation of sex work with sex trafficking creates a lot of potential for people to be outcast and feel guilt and move into dangerous situations. The shame that society puts on it is unnecessary. You’re always reacting to other people’s views on it. Even if it’s not enjoyable, you still feel like an essential worker. Like **you are helping people who don’t have other outlets for that energy and those connections. Sometimes it really is like counseling, and that can feel rewarding afterwards. Other people project their shame onto you and you don’t feel seen with the current state of sex work.” —SC**

“

[Sex work] is not something to be looked down upon. People do it for different reasons. I do it by choice. I want people to respect sex workers. **This work wouldn’t exist if it wasn’t wanted.” —SLF**

“

Sex work is multifaceted. From entertainment, to education and individual care, sex workers provide more than just sexual services for their patrons and fans. Sex workers need visibility and impunity to shift cultural misunderstanding around their work (and to literally keep the world turning). **Sex workers are healers; their communities and stories are crucial. The injustices of white supremacy and heterosexual patriarchy are also reflected in sex work as a whole. Black, trans, and feminine bodies with explicit histories of sexual fetishization are often working in realms of sex work where they do not have control over the terms and conditions of their very livelihood. Workers need to be able to represent their own needs and interests.” —JG**

Rec- om- men- da- tions

1.

Honor Sex Work as Professional Labor

Destigmatize the labor of sex work so that it is not culturally taboo nor dangerously fetishized, and workers can speak freely and honestly about their experiences to their loved ones and the general public.

2.

Improve Health Outcomes through Policy & Legislation

by unapologetically advocating for, offering, and increasing sex worker-affirming physical and mental health care services throughout the state.

3.

End Law Enforcement Harassment

by demanding prosecutors decline to prosecute all sex work related charges, and transforming standards of policing through consistent education of law enforcement on the realities of sex work as work.

Recommendations

According to the National Center for Transgender Equality (NCTE) 2015 U.S. Transgender Survey, nearly one in five (19%) trans and non-binary people report engaging in sex work¹⁴ at some point in their lifetime for money, food, or a place to sleep. Many trans women/people and people living with HIV find themselves participating in sex work in Missouri, a state that has failed to pass nondiscrimination protections based on sexual orientation or gender identity for 22 years.

Criminalizing sex work targets cis, trans and gnc Missourians, while simultaneously exacerbating Missouri's HIV crisis due to laws that push those living with HIV into the shadows and away from lifesaving treatments¹⁵. This perilous situation can be improved, starting at the local level and building toward statewide change.

To improve the aforementioned situations, our recommendations mirror our findings. In line with the patterns of the comments and lived realities of sex workers in Missouri, we recommend the following steps are taken across the state.

1) Honor Sex Work as Professional Labor

We recommend Missourians destigmatize the labor of sex work so that it is not culturally taboo nor dangerously fetishized, and so that workers can speak freely and honestly about their experiences to their loved ones, their health providers, lawmakers, and the general public. We also recommend the full removal of criminal penalties of doing sex work, which contributes to stigma. Decriminalizing sex work at the state and municipal level will also help interrupt stigma so the professional industry and its workers are not forced to shoulder the burden of both criminalization and stigmatization.

2) Improve Health & Wellness Outcomes

Because workers experience adverse access to healthcare, lack of access to mental health care and depression/anxiety, we strongly recommend major Health Care Reform in the region. Through advocacy, the tide

can shift such that local and state health care agencies are required to train employees to remove stigmas associated with the selling and buying of sex. We also recommend the expungement, or removal of past convictions related to sex work from people's criminal records. This will help lift the burden of the far-reaching consequences on their quality of life as a result of being criminalized for non-criminal behavior. Finally, we recommend a renewal in the need to invest in community instead of policing. We urge that any resources currently being used to fund law enforcement of professional workers be redirected toward funding for housing, health care, and education, all of which help sex workers keep themselves, each other, and their communities safe.

Due to sex work being held as a crime, the possibility of health insurance through an employer is not viable. Most studies of sex workers focus on their acquisition transmission of diseases as opposed to their mental health. We recommend rewriting health care requirements and extensively funding mental health studies of sex workers to transform these patterns.

"Extant studies have offered important first steps but have tended to only focus on single conditions like PTSD, depression, or drug use. These prior works did not use diagnostic criteria, dealt exclusively with selected work settings like outdoor FSSWers, or were predominantly concerned with violence by customers towards FSSWers," (Rössler et al., 2010).¹²

"A 2001 study found that 59% of the 193 interviewed FSSWers reported they needed therapeutic or emotional support from others on the street and 57% said they needed professional counselling (Valera, 2001). . . FSSWers are therefore at a much greater risk for mental health conditions but often experience barriers to seeking treatment, such as lack of access to health insurance and general distrust of medical professionals due to stigma, work invalidation, and potential misogyny," (Noyes, 2013; Varga & Kalash KaFae Magenta Fire, 2018).¹²

3) End Law Enforcement Harassment & Raise Policing Standards

Finally, because our data shows that police use outdated prostitution laws to harass sex workers, disrupt their personal and professional lives and create hardship,

we strongly recommend two major actions be taken to interrupt this harmful pattern. First, we recommend that prosecutors use their discretionary powers to decline to prosecute charges related to sex work. By declining to prosecute the buying and selling of sex, prosecutors can reduce the harassment and violence that sex workers – especially trans sex workers—confront just for trying to survive. We also recommend the transformation and raising of community safety & policing standards. Police departments must deprioritize and ultimately cease all arrests related to sex work. We strongly recommend updating the tracking standards of any and all police interactions related to sex work, including differentiating them from sex trafficking charges in record-keeping. Finally, we urge the immediate disbanding of vice units, sex crimes units, or similar units that are hotbeds for racial, gender and class-based profiling and discrimination and do not achieve their stated goals of curbing or ending sex trafficking.

A Note on Legalization vs. Decriminalization

The range of decriminalization includes the Swedish (or Nordic) model, legalization, and full decriminalization. For national context, most city, county, state and federal laws and policing and prosecution practices fully criminalize all types of sex work. The exception is some counties in Nevada where prostitution is allowed within certain, regulated brothels.

Legalization refers to regulation of both the buying and selling of sex acts. Legalization still means that portions of sex work, as defined in law, are illegal. This legal ambiguity creates confusion that entraps sex workers in laws meant to deter sex trafficking.

The Swedish model, an example of legalization, is a method that purports to criminalize only "part of the transaction" but does not address sex workers underlying and biggest need—safety. It is nearly impossible to have someone selling, someone buying, and then to only criminalize part of the overall transaction. This model still

opens the door for stigma against sex workers, and often results in discrimination in social services, housing, and health care. It also doesn't address the fundamental problem of criminalization in the field, and only further drives sex workers underground, thereby distancing them further away from safety and services. What actually occurs is the person selling is triangulated by police *and* their client and they are still often charged with trafficking. Additionally, if they or a friend is working alongside her, they are then situated as "partner" in what police can simply cite as a trafficking case. This also means that anyone who lives with, works with, or provides services to sex workers (including drivers, landlords, friends, roommates, children, partners, and other sex workers) is vulnerable to criminalization.

Decriminalization removes the criminal codes entirely and ultimately, keeps sex workers safest.

14. See Report — (James, et al. 2016)

15. See statewide law in Appendix B. Engaging in sex [work] and Living with HIV in Missouri means one's charges can automatically be bumped up from a misdemeanor to a felony, regardless of condom use or partner notification.

16. In France, for example, the purchase of sexual services was criminalized in 2016 and two years later a study demonstrated that the impact on sex workers was severe, including major deterioration in living conditions and greater exposure to violence. See Article — (Open Society Foundation et al. 2020).

Con- clu- sion

“I’m not lazy, and I’m not trash. I am a person with dreams and goals. I am a person who loves and who is loved. For me, structural violence created the circumstances in which I am economically coerced into doing sex work in order to live; this does impact my ability to consent, and it is a problem that needs to be addressed. However, sex work itself is not inherently evil. While I do exercise a limited agency as a survival sex worker, I am also able to find empowerment within it.” —JS

Criminalizing professional sex workers is a lazy attempt at a solution to a societal and systems-wide problem. From disenfranchisement via heavily-gerrymandered districts, to broad economic disenfranchisement, to outright employment discrimination, limited educational opportunities, housing instability, inaccessible healthcare, and an overcriminalization of poverty, many Missourians face an uphill battle to realize their civil liberties. Jobs, often touted as the cure-all to economic hardship, are scarce and often pay too little, especially at the writing of this report during the COVID-19 pandemic.

Even when voters take these complex issues like pay, healthcare, and gerrymandering out of the hands of legislators and to a direct vote of the people, their voices are often undermined by the authority of the state legislature. The statewide non-discrimination guarantee is also paltry, particularly for queer, trans and gender non-conforming people - who are often lucky to have a job in the first place in this at-will state. Politically, Missourians options are finite and, despite decades of work and resistance, there are far too many in Missouri who find themselves left out and scrambling to survive.

People will always need a way to eat and Missouri creates an environment of push factors that make survival difficult. Indeed, population data shows many residents are leaving Missouri.

Sex work is the oldest profession and a place where, despite social stigma and criminalization, many Missourians have found and chosen to provide for their own survival.

As seen from COVID shifts, it is clear Missouri residents will continue to do sex work. Also worth noting - criminalization has not changed that reality. However, it is not inevitable that people must endure abusive clients in silence, fear law enforcement, engage distrustful and disrespectful social service agencies, or fear getting service at banks that require proof of their “illegal income. There is another way.

Instead of blaming, criminalizing, or otherwise villainizing those making a way it is time to recognize publicly that sex work is simply, real work. As evidenced by the survey data, prostitution and solicitation laws only serve to restrict and oppress a lucrative industry of experienced professionals providing services in a high demand market, and are not conclusively ending trafficking.

Missourians must be willing to look the solutions - provided here through these suggestions from local sex workers themselves - squarely in the face. This state must follow these recommendations and do its part to keep its residents within reach of safe, healthy options.

17. See Article — (Graham et al. 2017).

18. See Article — GOP senators vow to block Missouri Medicaid expansion

19. See Article— (Lieb et al. 2020).

Glossary

Prosecutor/Circuit Attorney: the chief prosecutor for a local government area, typically a county. The exact name and scope of the office varies by state. Alternative titles for the office include circuit attorney, commonwealth's attorney, solicitor, or county prosecutor.

Civilian (or civvie): sex worker term for sex industry outsiders (also used: vanilla)

Decriminalization: This refers to the elimination of laws prohibiting and criminal penalties for sex work and prostitution. Decriminalization differs from legalization, which would entail the regulation of prostitution with laws regarding where, when, and how prostitution could take place.

Disenfranchisement: the state of being deprived of a right or privilege, especially the right to vote.

Erotic Labor: any service intended to provoke a sexual response in the client; in this report, used interchangeably with sex work

Gender Non-Conforming (GNC): A term used to describe a person who does not conform to the gender binary but may not necessarily identify as transgender or trans.

Non-binary: Preferred umbrella term for all genders other than female/male or woman/man, used as an adjective (e.g. Jesse is a nonbinary person). Not all nonbinary people identify as trans and not all trans people identify as non-binary.

Nordic, or Swedish, Model: An approach to prostitution law that criminalizes the buyers, or clients, and “decriminalizes” the sex worker.

Only Fans: Launched in 2016, OnlyFans is a subscription-based social media platform where users can sell and/or purchase original content—typically of the sexual or exposed variety. When utilized as an adult site, users will post NSFW videos and photos to their accounts, which are protected by a paywall. To gain access to the content, an individual must pay a monthly subscription fee that ranges anywhere between \$4.99 and \$49.99.

Prostitution: One form of sex work which entails the practice or occupation of engaging in direct sexual activity with someone for payment. Prostitution is illegal in the United States, with the exception of several counties in Nevada.

SESTA/FOSTA: SESTA/FOSTA: refers to the House bill known as FOSTA, the Fight Online Sex Trafficking Act, and the Senate Bill SESTA, the Stop Enabling Sex Traffickers Act that passed in 2018 and hurt vulnerable sex working communities while claiming to stop trafficking.

Sex Work: Consensually exchanging sex, sexual activity, or sexual services for money or goods, either regularly or occasionally. The commercial sex trade exists in a variety of forms, including street-based sex work, pornography, and escort services, as well as erotic dancing, webcam work, and pornography. Those who make use of these services are referred to as the sex worker's clients or customers, or buyers of sex work services.

Stealth: To not be openly transgender in all or most social contexts. This is often done for safety and economic reasons.

Sexual Orientation: A term used to describe who a person is attracted to romantically, sexually, physically, etc.

Transgender: Often abbreviated as “trans,” transgender people are people with a gender identity that differs from the sex assigned to them at birth. Some transgender people undergo social transition (e.g., change their name, pronouns, clothing, hair), or medical treatment (e.g., hormones, surgical procedures) to bring their bodies into alignment with their identity and needs. Not all transgender people want to or can take those steps.

Appendix: A Look at State Law

Code	Definition	Penalty
567.020. Prostitution	1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.	2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a Class B felony. (The use of condoms is not a defense to this offense.)
567.030. Patronizing Prostitution	1. A person commits the offense of patronizing prostitution if he or she: <ol style="list-style-type: none"> (1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or (2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or (3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value. 	2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. (The use of condoms is not a defense to this offense.)
567.060. Promoting prostitution in the second degree	1. A person commits the offense of promoting prostitution in the second degree if he or she knowingly: <ol style="list-style-type: none"> (1) Promotes prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes 	Class D felony

State Law & Definitions

567.010. Missouri Law Chapter definitions. — As used in this chapter, the following terms mean:

Code	Definition	Penalty
567.070. Promoting prostitution in the third degree	<p>1. A person commits the offense of promoting prostitution in the third degree if he or she knowingly:</p> <ul style="list-style-type: none"> (1) Causes or aids a person to commit or engage in prostitution; (2) Procures or solicits patrons for prostitution; (3) Provides persons or premises for prostitution purposes; (4) Operates or assists in the operation of a house of prostitution or a prostitution business or enterprise; (5) Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of prostitution activity; or (6) Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution. 	Class E Felony

Felonies & Misdemeanors Key

There are five categories of felonies in Missouri, ranging from Class E felonies, the least serious felony classification, to Class A, the most serious crimes. There are four classes of misdemeanors, ranging from Class D to Class A. Each class has a different set of offenses and sentencing guidelines.

Class A Felony:

A term of years not less than ten years and not to exceed thirty years, or life imprisonment.

Class B Felony

A term of years not less than five years and not to exceed fifteen years.

Class C Felony

A term of years not less than three years and not to exceed ten years.

Class D Felony

A term of years not to exceed seven years.

Class E Felony

A term of years not to exceed four years.

Class A Misdemeanor:

Up to one year in jail; a fine not to exceed two thousand dollars.

Class B Misdemeanor:

Up to six months in jail; a fine not to exceed one thousand dollars.

Class C Misdemeanor

Up to fifteen days in jail; a fine not to exceed seven hundred dollars.

Class D Misdemeanor

a fine not to exceed five hundred dollars.

“Deviate sexual intercourse”

any sexual act involving the genitals of one person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;

“Persistent prostitution offender”

any violation of state law for prostitution, patronizing prostitution, or promoting prostitution

“Sexual conduct”

sexual intercourse, deviate sexual intercourse, or sexual contact;

“Sexual contact”

any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim;

“Sexual intercourse”

any penetration, however slight, of the female genitalia by the penis;

“Something of value”

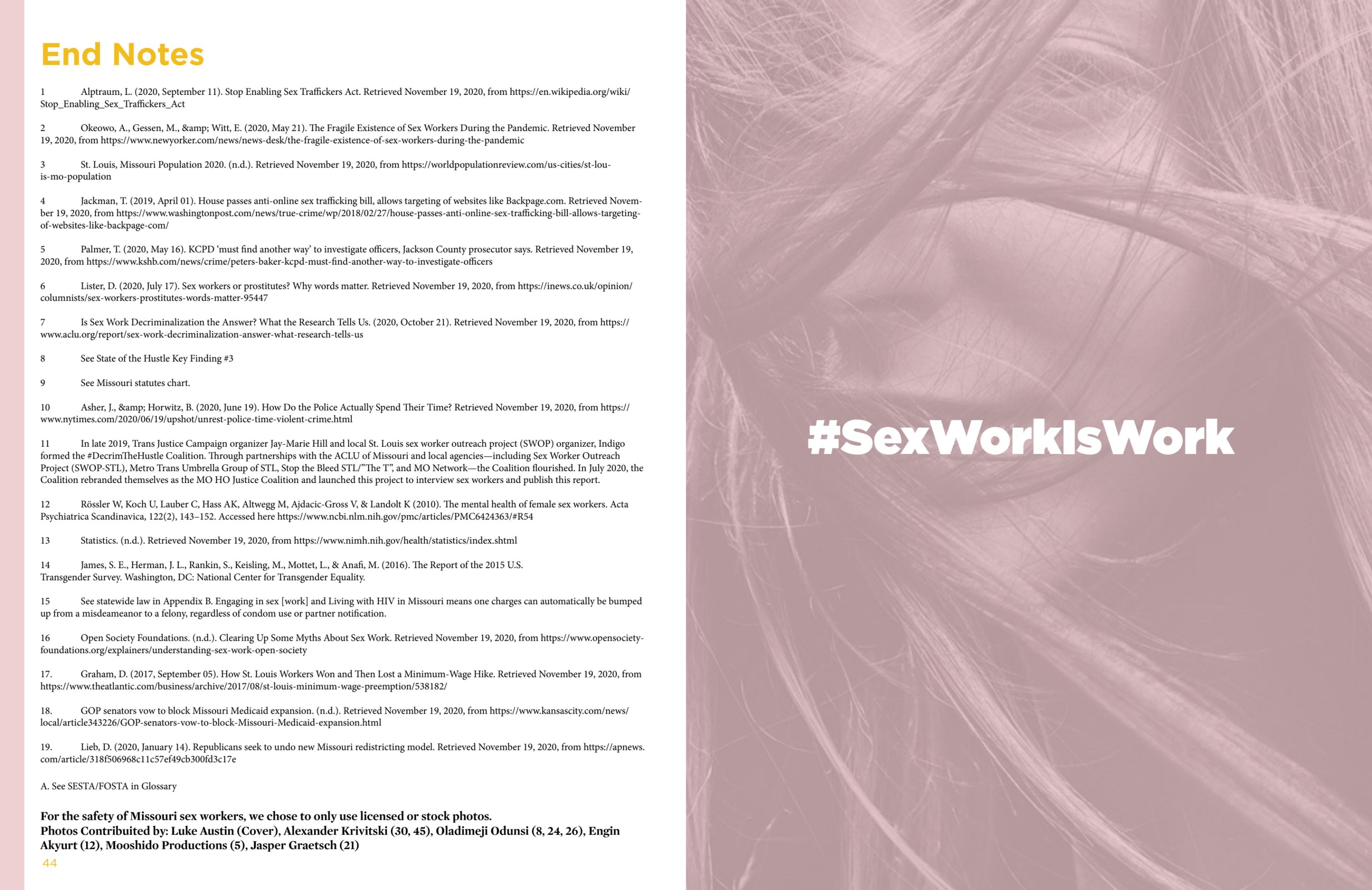
any violation of state law for prostitution, patronizing prostitution, or promoting prostitution

End Notes

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A. See SESTA/FOSTA in Glossary

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