

February 15, 2024
Testimony of Melissa Broudo, JD/MPH
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Testimony In Support of H7165 & H7452

Thank you for hearing testimony on two critical bills that would greatly support the health and safety and well-being of people in the sex trade and survivors of human trafficking. I have been an advocate and attorney for sex workers and survivors for over 15 years and have had the honor of representing many individuals who would have benefited greatly from both pieces of legislation.

Both bills come directly out of the recommendations made by the Special Legislative Commission to Study Ensuring Racial Equity and Optimizing Health and Safety Laws Affecting Marginalized Individuals chaired by Representative Edith Ajello, who is also the sponsor of both of these bills. The purpose of that commission was to ensure that RI's laws are the most protective of sex workers and all marginalized people – and these two bills are critical concrete steps to achieve the goals established by the esteemed commission.

First, H7165 would grant immunity from prosecution for prostitution to victims and witnesses of crime. When I was a staff attorney at the Sex Workers Project in NYC back in 2010/2011, we began receiving calls from concerned sex workers after bodies were found out at Gilgo Beach in Long Island. We were also contacted by the Suffolk County police department and upon asking them to give our clients immunity from prosecution for prostitution if they came forward to report any tips or information that could help the case, they denied this request. They made it abundantly clear that their lives and safety were not of value – that they would rather be able to obtain low level arrests for prostitution than perhaps actually find the serial killer, who remained at large for over a decade. We now know that there were endless missteps made by Suffolk PD during that investigation, but ensuring immunity for victims or witnesses ensures that no sex worker will ever be forced to choose between their own safety or that of their community and being arrested for prostitution. Now, there may be myriad other reasons why people choose not to come forward or receive medical care – but we can certainly remove this key barrier to reporting – which will not only save lives, but also send a clear message to all people in the industry that their lives and safety matter.

Second, I also strongly support H7452, which would a) remove additional civil fines for those arrested for prostitution and b) repeal loitering for prostitution. Both changes would have minimal impact on RI's justice system, but would go a long way in ensuring that criminalization and all it entails is not misused to target those who are the most vulnerable. First, economic marginalization is a critical factor that leads people into the sex trade – additional civil penalties only further embed people in cycles of poverty. Second, while loitering for prostitution is rarely utilized in RI quite thankfully, the fact that the law remains on the books is a threat to sex workers and people who could be profiled as sex workers.

In NY while at Sex Workers Project, I represented dozens of trans latinx women who were profiled as sex workers by the NYPD and arrested under our now repealed loitering for the purpose of engaging in a prostitution offense law. Many of them were simply walking down the street to the corner store or to meet friends, but because they were transwomen of color, immigrants, in neighborhoods known for prostitution, and wearing certain clothing, they were arrested. Or perhaps they had engaged in sex work prior and were known to the police, and thus it was a low hanging fruit for police to arrest them again under the guise of loitering for prostitution. It was heartbreaking to watch this endless cycle of stigma and marginalization and criminalization occur. After Legal Aid Society sued the NYPD for discriminatory

use of this law, many of us fought for years for what was known as the “walking while trans” repeal, and finally in 2021 we succeeded. This morning was the funeral for Cecilia Gentili, the leading advocate on this law in NY and the mother for many in the fight for trans people and sex workers in NYC, so this feels especially meaningful to advocate for this cause in her honor today.

Thank you for your time. Please do not hesitate to reach out for further information.

Regards,

A handwritten signature in cursive script that reads "Melissa J. Broudo".

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