

WHO ARE WE?

The Sex Workers Outreach Project - Los Angeles (SWOP LA), is part of a national social justice network dedicated to the fundamental human rights of sex workers.

We fight locally to decriminalize and destigmatize sex work, and to ensure the safety and autonomy of all people in the sex trade - including legal and criminalized workers.

This guide was developed based on on-the-ground experiences of local sex workers, in partnership with staff attorneys at the American Civil Liberties Union (ACLU) SoCal and Bet Tzedek legal services.



SEX WORKERS OUTREACH PROJECT LOS ANGELES

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STOP & SEARCH SURVIVAL GUIDE



Know your legal rights when being stopped or searched by law enforcement

BASIC RIGHTS

You have the right to remain silent and not answer any questions from the police.

- The 5th Amendment gives every person the right to remain silent—that is, to not answer questions asked by a police officer or government agent.

You have the right to an attorney.

- The 5th Amendment also gives you the right to talk to a lawyer before deciding whether to answer police questions.

You have the right to be free of illegal searches & arrests.

- The 4th Amendment restricts the government's power to enter and search a person's home or workplace.

You have the right to speak up for yourself!

- The 1st Amendment protects a person's right to speak freely and to advocate for social change.

GENERAL INTERACTIONS WITH POLICE

✓ Keep your hands in view.

✓ Don't make sudden movements.

✓ Never touch the officers or their equipment.

✓ Remain "respectful" and calm at all times for your safety!

TREATMENT AND PRONOUNS

LAPD guidelines state officers are expected to;

- Respect gender identity and gender expression.

- Address you by your preferred name.

- Use your correct gender pronouns.

- Never use language that is demeaning to your gender identity or expression.

"Walking while Trans"

- LAPD explicitly recognizes that being transgender or gender non-conforming DOES NOT constitute reasonable suspicion that you are engaged in sex work or any other crime.

- An officer is prohibited from stopping you solely based on your gender identity. Still, transgender people report frequently being stopped or profiled for being transgender.

New Protections for Sex Workers (SB 233)

- The police cannot confiscate your condoms and use them as probable cause to arrest you for creating a public nuisance, solicitation for prostitution, or loitering with the intent of prostitution

- SB 233 grants you immunity if you report a serious felony that you witnessed to someone else at or around the time you were engaged in sex work

Despite these LAPD guidelines, there is NO guarantee that officers will follow them!

UNDERCOVER POLICE OFFICERS

Sex workers are often arrested during sting operations involving undercover police officers posing as clients. Most liberal legal advocates consider this entrapment; however, many courts have found that these types of stings are legal. There is NO reliable way to identify undercover officers:

- Police officers are legally allowed to lie about being police officers.

- Police are often customers of sex workers off duty.

- Undercover officers are allowed to engage in criminal activity in the course of their job, including buying/selling and doing drugs, or buying sexual services or receiving massages.

STOPS AND SEARCHES ON THE STREET

The 4th Amendment governs the majority of what transpires between a police officer and someone on the street. An investigative stop of any individual must be justified by some objective manifestation of fact that the person stopped is, or is about to be, engaged in criminal activity.

If police stop you on the street

✓ **ASK IF YOU ARE FREE TO GO.** If the answer is yes, you may walk away. If the officer says you are not under arrest but are NOT free to go, you are being detained—although being detained isn't the same as being arrested, an arrest may follow.

✓ **Ask for an explanation of why you are being detained.** An officer is required to have an explanation for such detention, although they may not answer your question. If the arrest is later challenged, the officer will be required to provide the court with an explanation for the detention.

✓ **You DO NOT have to answer any questions.** In California, you don't even have to identify yourself.

✓ **Maintain a respectful and polite tone even if you are upset or feel mistreated.** Generally, staying calm can help keep you safe, especially if you are refusing to answer questions or to identify yourself.

✓ **Be aware of the possibility for predatory abuse from police. Use your own best judgement to STAY SAFE!**

FRISKS & PAT-DOWNS

In order to search a person, the police need reasonable suspicion that they are armed and dangerous. *This type of search is referred to as a "frisk" or a "pat down."*

- The purpose of a frisk is for the officer's safety—so a frisk can only be to search for weapons, NOT drugs.

- Even if police have no other grounds for suspicion, hostility or aggressive behavior may be enough for them to justify a search.

- An officer may pat down a person's clothing, including patting the area over the chest, buttocks, or genitals.

- Grabbing at or near genitalia simply to establish a person's "true sex" is inappropriate and unlawful.

Consenting to a search is NOT required!

- Consent may enable the police to conduct a much broader search than would otherwise be allowed by law.

- It is important that the person being stopped calmly asserts that they DO NOT consent to the search—this helps ensure that any evidence found will be inadmissible in court if the officer's search is later ruled to have been illegal.

✓ **Train yourself to say: "I DO NOT consent to a search."**

VEHICLE SEARCHES

The law allows greater authority to officers stopping people in cars and the stop of a motor vehicle is considered by law to create limited exceptions to the warrant requirement.

Officers can conduct a search of a vehicle without a warrant if:

a) They have reason to believe there is contraband inside or;
b) They believe someone in the vehicle is armed or poses a threat to officer safety.

- If police do not have probable cause to search the vehicle, they will often request consent for a search.

- An officer may NOT conduct a full search of a vehicle without probable cause merely because they are issuing a citation.

- If an officer wishes to search a vehicle to find the registration or identification documents, the officer may ONLY conduct a limited search of locations where they might be found.

- Officers may separate passengers from each other to question them, but you still retain to the right remain silent.

If police stop you while you are in a vehicle—

✓ Keep your hands where the officers can see them.

✓ If you are driving the vehicle, you are required to show your license and registration.

✓ If the officers begin to search the vehicle, calmly and clearly state that you do not consent to a search.

SEARCHES OF HOMES AND HOTEL ROOMS

For a search of an individual's home to be legal, the 4th Amendment requires an officer to have:

1) Probable cause to believe illegal activity is occurring AND;

2) A signed search warrant from a judge.

DO NOT CONSENT TO A SEARCH WITHOUT A WARRANT! If

consent to enter is given, any items "in plain view" may be seized as evidence of illegal activity.

If police say they have a search warrant—

✓ Ask them to give it to you.

✓ Read it to see that it is signed, has the correct address, and a reasonably recent date,

✓ If you point out a flaw in the warrant, the officers may ask you to let them in regardless—clearly and formally state that you do not consent to a search.

✓ If the officers insist on entering after you have refused to give consent, stand aside and allow them to enter while continuing to remind them that you do not consent.

✓ Do NOT physically resist the officers or you may possibly be charged with resisting arrest or assaulting an officer.

✓ Do NOT answer any questions during the search.

✓ Take notes during the search of: officer names and badge numbers, names/info of any witnesses, and everything you see them search or seize (to the best of your ability).

✓ Request inventory of items seized, but don't sign anything!