

# 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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### *ARREST & QUESTIONING SURVIVAL GUIDE*



Know your legal rights when being arrested or interrogated by law enforcement.

## SEARCHES DURING ARRESTS

Upon arrest, an officer may conduct a warrantless search of the arrestee and the area and objects nearby at the time of the arrest.

### **If police come to the door of your home or place of business with an arrest warrant:**

✓ Step outside and lock the door, as they will be able to search any room you enter.

### **If you are arrested in a car:**

- Police are allowed to search the inside of the car, containers, but NOT the trunk (trunk may be searched at impound)

✓ Always use **password-protection on all cellphones**, etc. to prevent potentially unconstitutional privacy invasion.

## TRANSPORTATION AFTER ARREST

In Los Angeles, after being arrested, the arrestee is often transported to a different location. Transport is a stage of the process during which **sex workers and transgender people are particularly vulnerable to police misconduct**.

The Los Angeles Police Department requires that

...if there is no transporting officer of the arrestee's sex;

- The officers should notify the radio operator of the location and odometer reading upon departure & arrival, & any delays.

**Remember that even when there are rules in place, the rules are not always followed by police.**

### **If you're arrested with friends—**

✓ Make an agreement that no one will make statements to the police until you all have been able to talk to lawyers and decide calmly what to do.

✓ Be aware of the paranoia that tends to set in after you have been separated from one another.

✓ Never have strategy discussion in the backseat of a police car because, even if the police are not in the car, **police are likely recording your conversation**.

## BOOKING

Booking is the process of being admitted into detention after being arrested, and can be complicated and stressful for sex workers, transgender people, and any LGBTQ person.

- The booking process is when a person's legal name is demanded, and birth sex on ID documents is recorded.

- **If there is a Gay/Transgender section of the facility**, consider asking to be housed in it. Depending on the facility, you may instead be placed in solitary for your own safety.

### **When you're in jail:**

✓ DON'T talk to your cellmates about what happened! You don't want them testifying at your trial or sentencing hearing.

✓ Don't even talk to your cellmates about mutual acquaintances—stick to safe topics like movies, music, TV etc.

## POLICE QUESTIONING

Questioning can occur on the street or in an interrogation in many different forms, from seemingly innocuous, simple questions to intense drilling.

### **Train yourself to say:**

**"I am going to remain silent. I want to see a lawyer."**

### **You have the right to an attorney.**

- Everyone has the right to talk to a lawyer before deciding whether to answer questions.

- If a person does agree to be interviewed, they have the right to have an attorney present.

- **Once you request a lawyer, the officer must stop the questioning.**

- If you do not have a lawyer, you can still request to speak to one before answering questions.

- The government **MUST** provide you with a free lawyer if you are charged with a crime.

### **You have the right to remain silent.**

- Some people might worry that insisting on remaining silent, requesting a lawyer, or refusing a search will make an officer more suspicious—however, this is not necessarily the case.

- People often believe that offering explanations will help resolve the problem, but it is impossible to know how statements made in front of an officer will be used, often causing more harm than good. The safest approach is for you to calmly repeat that you wish to remain silent and DON'T consent to any searches!

- Staying silent can demonstrate to officers that you know your rights, and might make officers more likely to follow procedural rules to avoid accusations of misconduct.

- Generally, law enforcement officials are supposed to tell people what rights they have (aka Miranda rights) before questioning them—however, you are strongly cautioned to remain silent and assume anything you say will be used against you in court.

- If you are questioned by police officers, explicitly invoke your 5th Amendment right to remain silent by stating, **"I am going to remain silent. I want to see a lawyer."**

**It's unlawful for police to beat you into confessing, BUT it's perfectly legal for them to sucker you into it!**

- Interrogations usually don't involve bright lights and rubber hoses—instead, the officers often sound sympathetic, or at least business-like.

- This can leave you very vulnerable to manipulation because, when you feel relieved the officer isn't being really scary, you tend to let your guard down.

✓ Fight the natural urge to try to talk yourself out of trouble.

✓ For these reasons you should train yourself to say,

**"I'm going to remain silent. I want to see a lawyer."**

## COMMON INTERROGATION TECHNIQUES AND TACTICS

You know **the police are really trying to manipulate you** when the interrogator offers the suspect two choices, such as: a believable one/unbelievable one; or an honorable excuse/ dishonorable excuse. Of course, both choices are still damaging admissions— it's just that one sounds better in the moment! —**BEWARE POLICE MANIPULATION TACTICS!**

### **1. Legal defenses—**

- "I understand what you're saying—he threatened you and essentially you were acting in self-defense."

- "Okay, we've got you for possession of Vicodin, but were you using to get high, or maybe just using for medical purposes?"

### **2. Moral justifications —**

- "What I'm wondering is: whether you needed that money so you could take care of your kids? Or did you do it just because you wanted drugs, or new clothes, or whatever?"

- "Well that's a perfectly normal reaction—when a man finds out that his wife is sleeping with another guy, he's going to want to go out and do something about it."

### **3. Accident or circumstances beyond your control—**

- "Now, I wasn't there so I don't know— but, I'm thinking that, when two people get into an argument, stuff can happen that nobody ever intended. I mean, you could've just been shoving each other and maybe he fell and hit his head by accident!"

- "It's one thing to be actually involved in selling sex, but it's another thing to just be in the house when some other girl is — but the way things look, you could be either one and the only way we're going to be able to figure it out is if you talk to us."

**4. Minimization/maximization—** *contrasting the worst-case scenario with the best possible outcome:*

- "You know, there's a lot of different ways this case could be charged: anywhere from human trafficker—that's 15 years in prison—all the way down to just a nuisance charge. We're just trying to understand what *really* happened before we decide!

- Often the police will even say, "Look, I'm not making any promises..." and then imply that confessing will result in a better outcome in court... —**THIS IS A LIE!**— The police are not authorized to offer leniency in exchange for your confession —only the prosecutor or judge can make a plea-bargain.

### **5. Good Cop / Bad Cop routine—** *despite the cliché, it works!*

- When you've just been arrested, you are extremely vulnerable and thinking of all the potential horrible outcomes.

- Additionally, if you've been in custody all day or night, you'll be tired & stressed. Psychologically, you're a sitting duck!

✓ Even though you know that the good cop is just trying to manipulate you, you can't help trusting the one person in this awful situation who seems to be on your side. **Train your mind to say, "I'm going to remain silent. I want a lawyer."**