

Amending D.R.M.C. 24-131 to address racial disparities in prostitution arrests

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DDPHE



DENVER
PUBLIC HEALTH &
ENVIRONMENT

Denver's Nationally Accredited Public Health Department



Ordinance 24-131

- According to D.R.M.C. 24-131, anyone who is arrested for selling or purchasing sex must get tested for STI's in the interest of public health.
- The sex worker or john has 7 days from the time of their arrest to get tested.
- Testing can only take place at Denver Health's STI and Family Planning Clinic and costs \$65.
- If a person fails to comply their name is placed on the Health Order In (HOI) List and they can be arrested for failure to submit to a health order-in.

DENVER POLICE DEPARTMENT							HEALTH ORDER-IN	
LAST NAME:			FIRST NAME:			D.O.B		
AKA:		Res. Street Address:				Phone: ()		
City		County		State			Zip Code	
Race	Sex	Height	Weight	Eyes	Hair	Social Security Number		

YOU ARE HEREBY ORDERED TO APPEAR at the Denver Metro Health Clinic, 605 Bannock St., Denver, Colorado, **on/or before:**

_____ , _____ , _____
Day Date Year

The clinic hours are:

Monday, Tuesday, Thursday, and Friday 7:45 a.m. to 4:00 p.m.
Wednesday 7:45 a.m. to 3:00 p.m.

\$65.00 Fee

The clinic phone number is: **303-602-3540**

WARNING! If you fail to appear at the Clinic as ordered, you will be charged pursuant to Section 24-132(d) of the Denver Revised Municipal Code of the City and County of Denver, Colorado.

THIS ORDER-IN MUST ACCOMPANY YOU TO THE HEALTH CLINIC FOR VALIDATION.

I certify that on ____/____/____ a copy of this Health Order-In was served upon the Defendant.

Arresting Officer _____ Ser. No. _____ Undercover Officer _____ Ser. No. _____

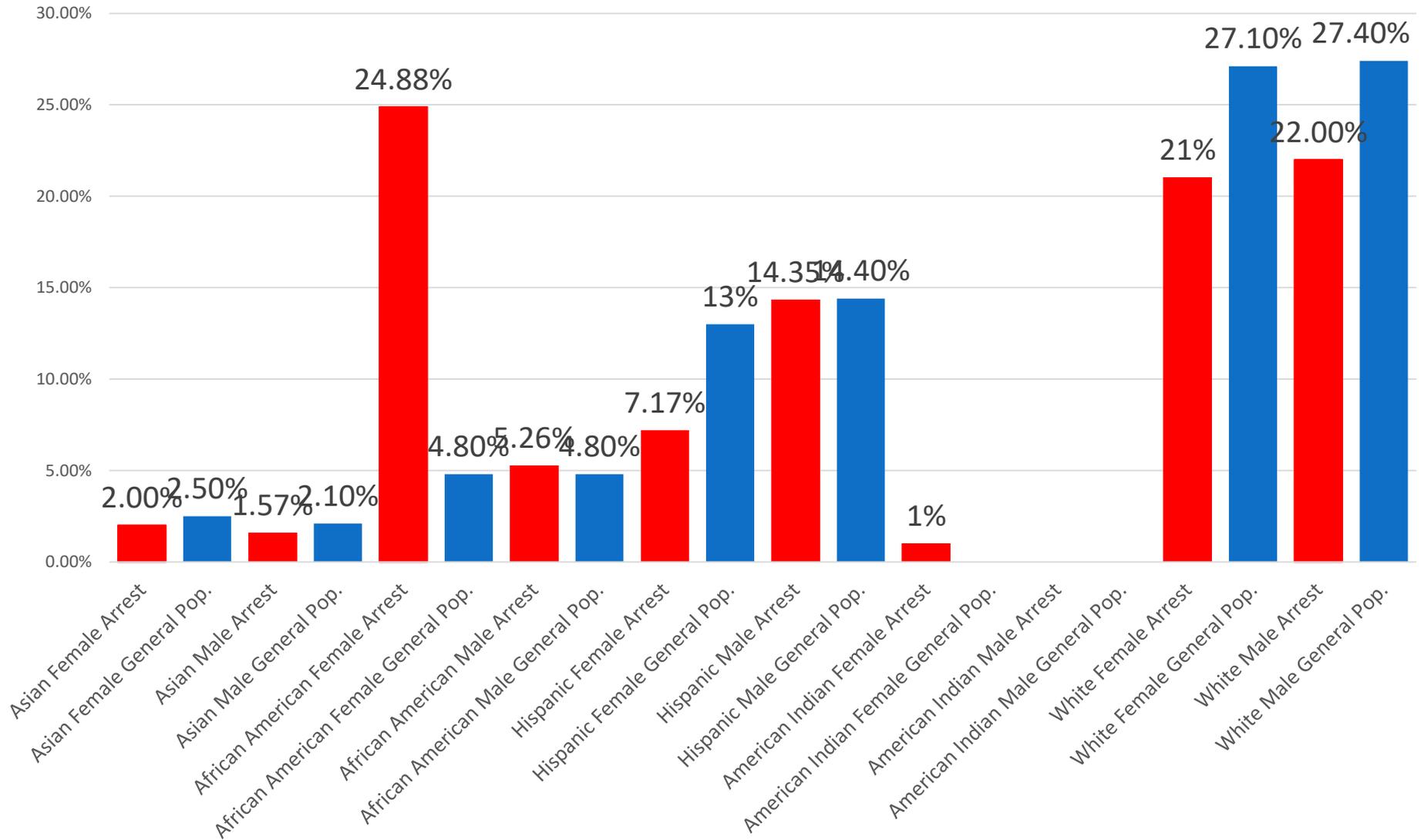
DPD 190 (Rev. 01/15) COPY 1: DPD COPY 2 – DPD COPY 3 – City Attorney COPY 4: Defendant

Problems related to D.R.M.C. 24-131

- Testing Rates:
 - The Vice Unit reports that approximately 1/3 of sex workers are getting tested (~40 in 2019).
 - This means in 2019 approximately 80 sex workers did not comply with the order.
- There are a multitude of barriers to completing the order:
 - Money,
 - Location,
 - Getting an appointment, and
 - No testing occurs in the jails.
- Disproportionately affects African American Women:
 - In 2019, 43% (52 out of 119 arrests) of the women arrested for sex work in Denver were African American.
- The text of the ordinance singles out sellers and buyers of sex as being likely to have an STI despite no evidence of high infection rates in the US sex worker or john populations.



2019 Prostitution Charges Compared to Denver's General Population by Race/Ethnicity and Sex



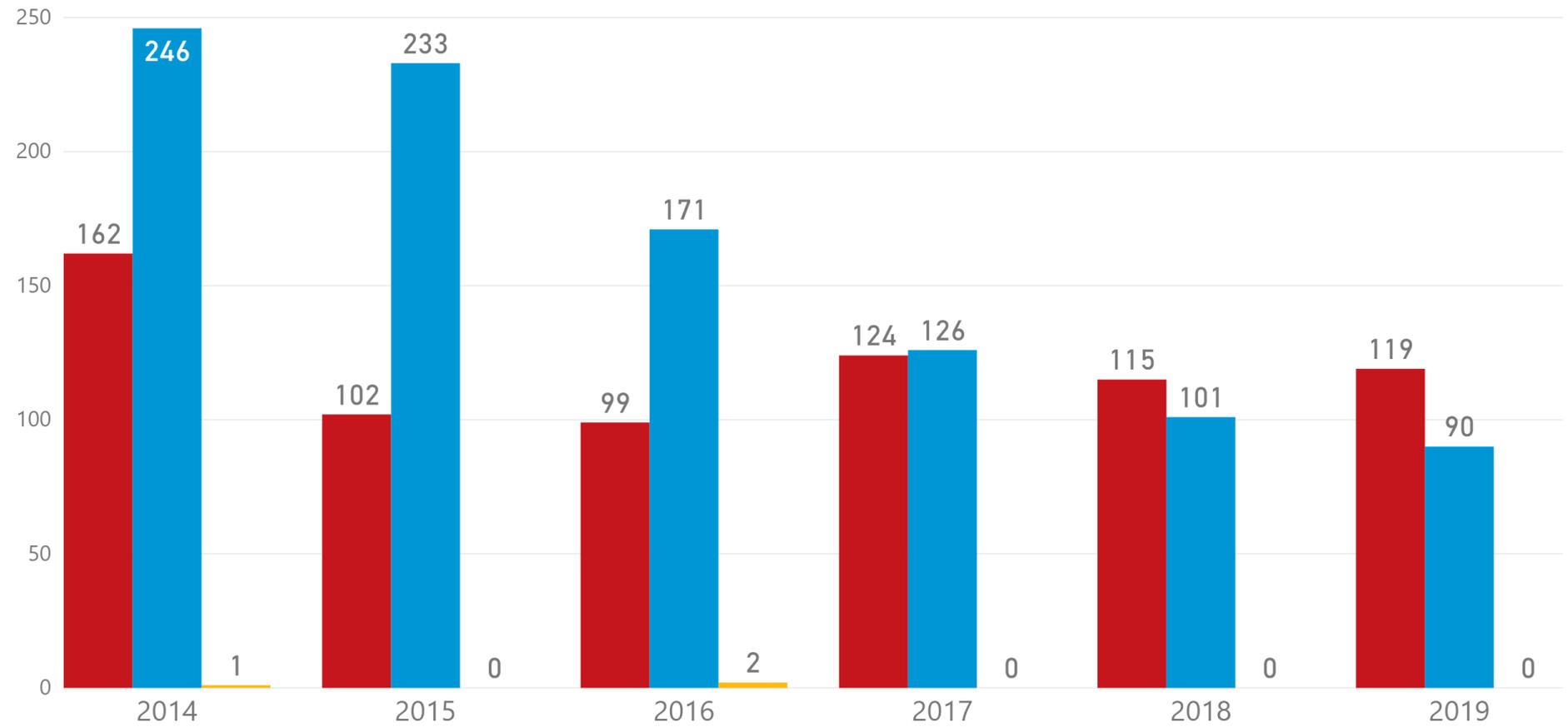
Other issues of equity to consider

Data collection:

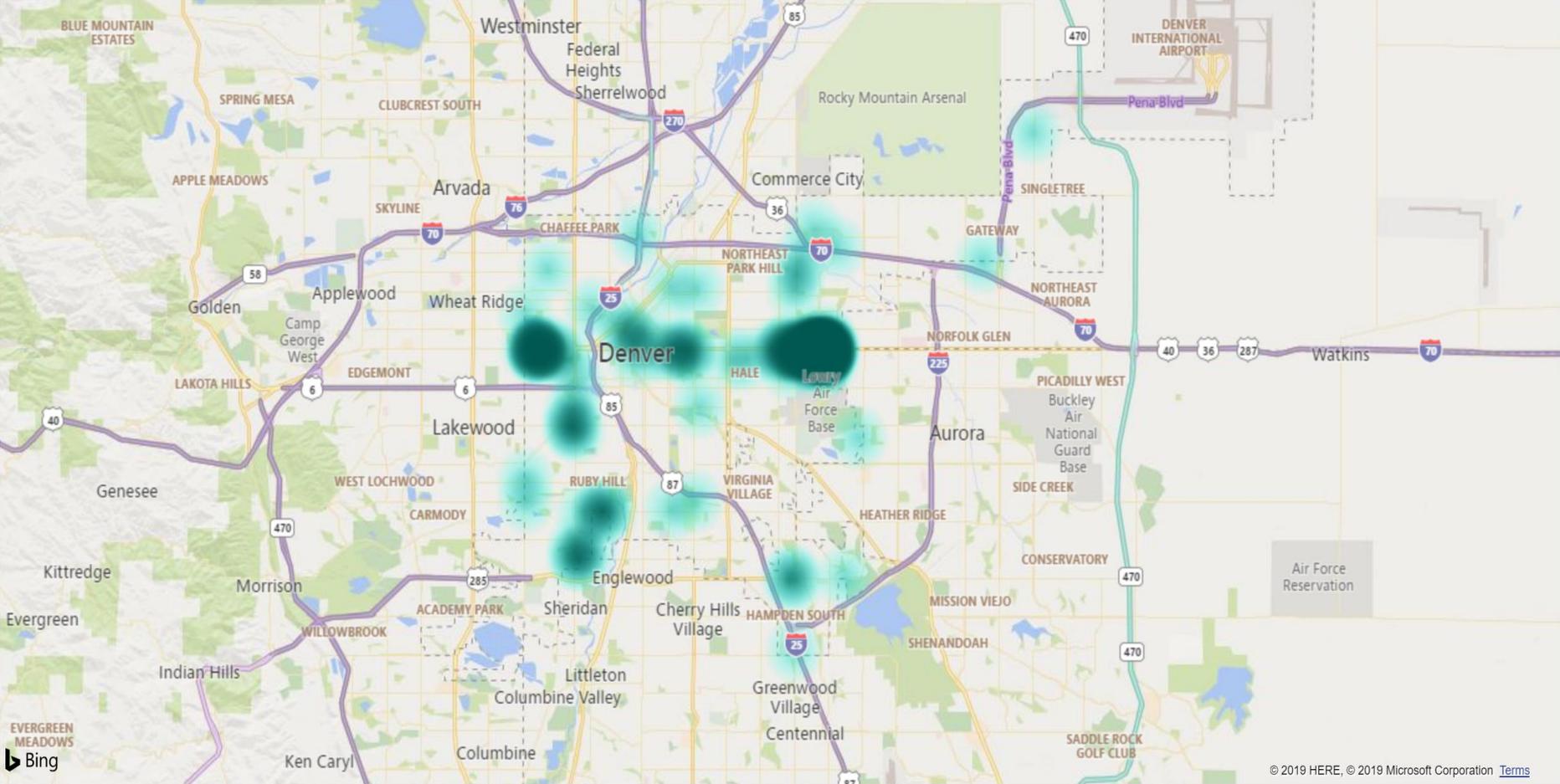
- Data is only available on arrests for men and women, this leaves us unable to ascertain the impact D.R.M.C 24-131 has on trans and nonbinary sex workers.
- The data does not discern buyers from sellers of sex, which again leaves us unable to ascertain the impacts on male sex workers.
- Bodily autonomy to decide what we do with our own bodies.

Sex

Arrests By Sex ● Female ● Male ● Unknown



Prostitution Arrest Heat Map



2016 2019



Solution

- In late 2019, a working group consisting of former sex workers, city agencies, and local nonprofits convened to evaluate D.R.M.C. 24-131.
- The group recommended the repeal of the mandate for sex workers to automatically get tested.
- To update the city ordinance, we recommend adoption of C.R.S. 25-4-412.
- Buyers of sex will continue to get tested in the interest of protecting their other sexual partners from STI's.
- Sex workers will no longer require testing.

What the new ordinance will include:

- The removal of the outdated requirement for sex workers to automatically get tested for STI's when they are arrested.
- The ability for anyone who is ordered to get tested to challenge the mandate.
- The addition of language that requires epidemiological evidence to mandate STI testing by DDPHE.
- Under the state law, DDPHE may file a petition in district court to enforce an order if someone refuses to get tested.
- DDPHE maintains the ability to mandate a person with an STI to stop an activity that threatens public health.
- DDPHE can delegate authority to the Executive Director of Public Safety to issue an order requiring STI testing.

Who has weighed in on the proposed change

- The Empowerment Program
- The Harm Reduction Action Center
- Colorado Criminal Justice Reform Coalition
- Servicios de la Raza
- The Center
- One Colorado
- Denver Health
- Sex Workers who have been arrested for failure to comply with D.R.M.C. 24-131
- Denver Police Department- Vice Unit
- The City Attorney's Office
- The Office of the Municipal Public Defender
- DDPHE's Ryan White Program

Current Research

- D.R.M.C. 24-131 assumes that anyone engaged in sex work is likely to have an STI:
 - Current research does not support this assumption.
 - STI rates amongst sex workers vary wildly by location and can even be lower than the general public.
- Research in various parts of the world has found that voluntary testing is more effective:
 - Sex workers often prefer to receive sexual health services in locations that specialize in working with this population due to poor treatment in typical health care settings.

How this will address racial disparities

- Sex workers are far more likely than others to be the victim of violent crime:
 - If they are under the impression they have a warrant out for their arrest then they are less likely to contact the first response services when they are in danger.
- Would remove the chance of Black women being arrested for failure to comply with a health order in.

Supporters

- Sex Workers
- Denver Police Department
- The City Attorney's Office
- The Office of the Municipal Public Defender
- DDPHE's Ryan White Program
- Denver Health
- Mayor's Office of Social Equity and Innovation
- The Empowerment Program
- The Harm Reduction Action Center
- Colorado Criminal Justice Reform Coalition
- Servicios de la Raza
- The Center
- One Colorado
- Denver's Women's Commission

Summary of bill number: 21-0697

- Amend D.R.M.C 24-131 to mirror C.R.S. 25-4-412 in order to:
 - Update a municipal code to modern best practices and research
 - Remove the mandate for sex workers to automatically get tested
 - Decrease disproportionate harm towards Black female sex workers
- Questions?