



ESPLER PROJECT INC.

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Californians For Privacy:

How the War on Sex Work Is Stripping Your Privacy Rights

EXECUTIVE SUMMARY

California law enforcement agencies are systematically and pervasively violating civil liberties and privacy rights.

The excessive use of force by law enforcement agencies is well documented by horrifying recordings and images of beatings and murders.

Law enforcement's excessive use of technology is deliberately made to be much harder to perceive.

The Erotic Service Provider Legal, Educational and Research Project (ESPLER) report, "Citizens for Privacy: How the War on Sex Work Is Stripping Your Privacy Rights", sheds light on the disturbing tactics deployed by County Sheriffs, District Attorneys, Probation & Police Departments to secure prostitution and loitering citations and /or arrests.

ESPLER's report is based on the responses to public records requests sent to 58 district attorneys, 37 probation departments, 58 sheriff's departments, and 52 police departments in California for the period between January 1, 2020, to February 28, 2022.

Despite lack of cooperation and transparency from law enforcement, (no agency provided all of the requested records as required by the CPRA), a disturbing and persistent pattern of privacy violations emerges from the partial responses.

- 1) The criminalization of prostitution creates an unprotected population, suspected sex workers and their potential clients, that law enforcement can test invasive surveillance techniques on.
- 2) Using the pretext of preventing human trafficking, California law enforcement agencies are utilizing invasive surveillance technologies like Automated License Plate Readers & Pole Cameras (which not only capture the vehicles and their occupants, but also file date, time, & location information without consent), Phone Ripping (the extraction and analysis of data pulled from an individual's cell phone), and CellHawk (software that analyzes vast amounts of data collected by cell phone towers).
- 3) Local law enforcement also cynically invokes the commercial sexual exploitation of children to justify mispending taxpayer resources on expensive and invasive surveillance technologies, creating fictitious social media profiles to entrap citizens.

- 4) Police Departments are collaborating with for-profit technology firms to access databases containing personal information without warrants.
- 5) Because the invasive surveillance techniques are not capturing actual traffickers or rescuing traffic victims (the vast majority of these cases were discovered through reports by the victim or their family), the law enforcement community has broadened the definition of trafficking to inflate their perceived efficacy and justify their budgets.
- 6) Instead of helping or saving trafficking survivors, victims are being coerced to “consent” to warrantless searches. Police Department training materials obtained through the California Public Records Act, list numerous instances of police officers manipulating and deceiving defendants into engaging in sex acts, along with the admonishment for police to appear to not be having “too much fun”.
- 7) Training materials also instruct police officers to search for and document condoms, a violation of state law that jeopardizes the health of sex workers and public health more broadly.
- 8) Every step of the process of enforcing prostitution laws disproportionately targets and egregiously harms minority and gender non-conforming communities. Training materials used by law enforcement agencies to secure prostitution and loitering citations and/or arrests rely on harmful racial stereotypes. Surveillance cameras indiscriminately record individuals and license plates in areas that often overlap with traditionally marginalized communities. Transgendered and gender-nonconforming people have been profiled, harassed, and arrested simply for existing in public spaces. The highly selective enforcement of prostitution laws illustrates the inherent bias of the system. For instance, in the City of Los Angeles (the LAPD is of the only departments that provided information on the race of those arrested for prostitution) 42% of those charged were African-American despite LA’s population being 9% Black.

ESPLER is committed to continuing to uncover information about the egregious methods used by law enforcement agencies and working with state legislators to protect the privacy rights of all Californians.

Technology companies are collaborating with law enforcement to profit as sex workers and their clients are stripped of basic privacy rights. Commercial surveillance must be banned, and police databases regulated.

We need to hold government accountable by prosecuting police officers who engage in sex acts with sex workers and/or steal sex workers’ images as part of the “investigative” process. A complete overhaul of prostitution and sex trafficking training for law enforcement is needed to ensure that policing practices are aligned with the Racial Justice Act.

Local law enforcement must be prevented from misusing human trafficking enforcement to violate civil liberties.

Since California law enforcement agencies only partially responded to ESPLER public records requests, the true extent of the use of intrusive tactics by Police Departments and District Attorney & Sheriff Offices is not fully known. There should be real consequences for those who do not comply with the California Public Records Act.

Finally, repealing the criminalization of prostitution would remove the pretext law enforcement uses to violate the public's privacy and would restore basic and fundamental human rights denied to sex workers. Prostitution should be removed from federal moral turpitude statutes and prostitution arrests should never be used to deport sex workers, sex trafficking survivors, or clients.