

## About the Sex Workers Outreach Project

SWOP, at its most basic, is an anti-violence campaign. As a multi-state network of sex workers and advocates, we address locally and nationally the violence that sex workers experience because of their criminal status.

Operating in one of the most prominently violent societies today, sex workers in America experience this phenomenon pointedly in the context of their criminal status. Yet, sex workers are seldom afforded protection or recourse from violent acts committed against them because of the precarious, often graft-ridden relationship between sex work and law enforcement. Society tolerates violence against sex workers because of the stigma and myths that surround prostitution. Only until these falsehoods are corrected and sex workers are legitimized will we be able to effectively prevent and minimize the structural and occupational challenges of sex work.

SWOP works to educate policymakers and the public on the institutional harms committed against sex workers, and advocates for alternatives. SWOP promotes proven and effective social policy approaches to the sex industry. In order to reach its goals, SWOP adopts the principles and practices of nonviolent action in order to reduce violence and achieve dignity and rights for sex workers.

### SWOP-USA

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*Labor Donated*

## Legal Resource Guide

June 2007



### Inside:

- Lawyer Resource Directory
- Exotic Dancer Advocacy

*Summer Edition*

## What is Prostitution?

Prostitution is defined as exchanging a “lewd act” for money or something else of value. This does not mean that you actually had sexual intercourse. Lewd is described as physical contact between two people in which one person touches the genitals, buttocks or (female) breasts of the other person, for the purpose of sexual gratification. Spanking someone with a paddle is considered physical contact under the law, even if no body parts touch. If the act of spanking someone (for money or something else of value) is done for the purpose of sexual gratification, then an act of prostitution has been committed.

If you are charged with prostitution, the prosecutor would have to prove you were guilty in one of these three ways:

1. You were actually engaged in an act of prostitution; or
2. You decided to engage in prostitution, solicited (invited) someone to do it with you and engaged in an act in furtherance; or
3. Someone asked you to engage in prostitution, you agreed to do it with that person and you engaged in an act in furtherance.

## EXOTIC DANCER/STRIP CLUB LABOR ADVOCACY

Yes, it's TRUE! Stage Fees, mandatory tip outs, funny money tip outs, VIP fees, etc. are illegal! You are NOT an independent contractor! You have RIGHTS and precedents that have been set by other women who have fought for their minimum wage and stage fee re-compensation and WON. San Francisco Labor Commissioners Office in particular is very familiar with the labor rights of strippers in lap dance clubs there.

There are several resources available if you need help speaking out.

### **Workers Rights Clinic**

415-864-8208  
510-643-7954

### **David Michael Bigeleisen**

415-957-1717

Volunteer advocacy is available thru SWOP  
877-776-2004.

### **In New York:**

Urban Justice Center  
646-602-5617  
[www.urbanjusticecenter.org](http://www.urbanjusticecenter.org)

## General Practice Sex worker and GLBT-friendly

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\$100 consultation—only a fee if  
not hired, otherwise it counts  
towards total fee. Says he will  
offer a discount if clients are  
referred by SWOP

## Charged with Prostitution?

You do not have to talk to the police, FBI, INS or any other law enforcement agent or investigator. You cannot lawfully be arrested for refusing to identify yourself on the street, although this may make the police suspicious and police and other agents do not always follow the law. If you are driving a vehicle, you must show your license and registration. Otherwise you do not have to talk to anyone: on the street, at your home or office, if you've been arrested, or even if you're in jail. Only a judge has the authority to order you to answer questions.

There isn't a bad situation that can't be made worse by talking to the police! Whether or not you are under arrest, do not answer questions when interrogated by the police. Politely tell them, "I am going to remain silent. I want a lawyer." Many people invoke their Miranda Rights and then continue to talk. This is a very bad idea. Anything you say to a police officer can and often will be used against you or your friends.

Assert your rights. Better to say nothing than to give a false name. You have the right to remain silent under the Fifth Amendment (Miranda Rights). You have the right to an attorney.

### Entertainment/Sex Worker Specialty Practice

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"Never lost a sex worker case"  
15 year practitioner  
Free consultation

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2049 Century Park East #2670  
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**America's Criminal Defense Group**  
1030 North Curson #19  
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