Author’s response to reviews

Title: An ethnographic exploration of factors that drive policing of street-based female sex workers in a U.S. setting - identifying opportunities for intervention.

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Author’s response to reviews:

14th April 2020

Dear Editorial Office,

We appreciate the opportunity to address the points made by the two reviewers to our manuscript entitled, “Achieving improved health and human rights for street-based sex workers - an ethnographic exploration of factors that drive policing of cisgender female sex workers in a U.S. setting.” Below we set out our responses that aim to fully address the points made by the editor and the reviewers.

We look forward to a final decision on the manuscript.

With thanks,
Editor Comments (included in major revision)

1. Please rename INTRODUCTION to Background  
   Addressed

2. Please provide a 'Conclusions' section heading for the relevant section of your manuscript  
   Addressed

3. In your 'Consent to participate' section, please clarify if the consent obtained is written or verbal  
   Addressed: We have changed the language on line 185 from ‘oral’ to ‘verbal’, in addition at line 204 we have added that key informants also provided verbal consent.

4. In your 'Authors' Contributions' section, please clarify the contribution of author Derek Loeffler  
   Addressed

5. Please state at the end of the 'Authors' Contributions' section that 'All authors read and approved the final manuscript'  
   Addressed

6. Please rename your 'Availability of data' section to 'Availability of Data and Materials'  
   Addressed

Editor Comments (included in minor revisions 1 and 2)

1. Form of consent to participate  
   In the Ethical approval and consent to participate statement of the Declarations, please confirm whether informed consent was obtained from all participants and clearly state this in your manuscript. Please specify whether the consent was written or verbal. If verbal, please state the reason and whether the ethics committee approved this procedure.  
   Addressed

2. Authors’ contributions  
   We note that the contributions of author SS are missing from the Authors’ contributions statement of the Declarations. The individual contributions of ALL authors to the manuscript should be specified in this section. Guidance and criteria for authorship can be found in the online journal submission guidelines.
Addressed

3. Funding In this section of the Declarations, please also clarify whether the U.S. National Institute on Drug Abuse also had a role in the design of the study, the collection, analysis, and interpretation of data, or in writing the manuscript.
Addressed

Reviewer reports

Mikael Jansson (Reviewer 1):

Dear Authors, this is important work and the best study of the behavior and approach of police to sex workers that I am aware of. I found the method and analysis appropriate and clearly described. The conclusion logically follows from the data. I only have a very small number of suggestions that may add a little to the importance of this paper.

Author response: We thank reviewer 1 for their enthusiastic response to this manuscript and appreciate the suggestions, which we have addressed in full.

1. I think that it should be made clear quite early in the manuscript whether or not the data refers only, or primarily, to sex workers who meet their clients in public settings. This appears to be the case but it may be that police also refer to sex workers who advertise on the internet or find clients in other settings. Studies that include a heterogeneous sample of sex workers have quite different findings viz the prevalence of any, and particularly negative, interactions with police. Data such as those presented in this paper echo the views of sex workers in studies that sample primarily from substance using street engaged sex workers (Benoit, C., Smith, M., Jansson, M., Magnus, S., Ouellet, N., Atchison, C., … Shaver, F. (2016). Lack of confidence in police creates a "blue" ceiling for sex workers’ safety. Canadian Public Policy, 42, 456-468. doi:10.3138/cpp.2016-00)

Author response: We do use the term ‘street-based’ in the abstract and then again early into the manuscript’s introduction but we have now added clarifying language to the end of the introduction to leave the reader in no doubt that our data focuses on street-based sex workers, including defining this term. At line 107 the aims now refer specifically to street-based FSW and line 113 now reads:

Street-based’ sex workers refer to those who almost exclusively solicit clients on the street or in public places (e.g., parks), and are the focus of this study. Although street-based FSW represent a small section of those working in the broader sex industry, they are also the most visible and therefore vulnerable to policing tactics and abuse (Krusi et al. 2014) as well as most urgently in need of improved police protection from violence (Sanders and Cambell 2007).
We also appreciate the reference, which we have also incorporated.

2. There is a quote on page 13 in my copy "The women look very rough..." It would be good to assure the reader that this is the police officer speaking. The quotation sound to me as if it may spoken by the resident. I assume that this is not the case because data from residents should not be included with the data from the police, nor is it likely to be ethically permissible to include data from the resident.

Author response: Looking back at the data it is ambiguous from the original field note if the resident or the officer was responsible for this description. In light of this ambiguity, we have replaced the quote with another police officer description that speaks to the same point. Line 267 now reads:

The officer explained that he received a lot of community complaints from the wealthier ‘white’ residents, both sex worker related and non-sex worker related, “They might as well call you a neighborhood watch.” (Patrol Officer, Male, Black, 32)


Author response: We agree, and have tried to incorporate this point into the discussion in two places where it seemed relevant, line 475 now reads:

This would require a shift away from what Blankenship et al. characterized as the ‘diffusion of criminalization’ (Blankenship and Koester, 2002) whereby FSW and people who use drugs have their identities defined and limited to that of a criminal, as opposed to potentially vulnerable women. Although during observations police interactions with FSW often appeared friendly and good-natured, they are underscored by unequal power dynamics, and continuously shaped by the broader structural forces of criminalization of sex work and drug use.

And line 509 now reads:

Similarly, Blankenship et al. in their qualitative study exploring injection drug using FSW experiences with police in Colorado, USA found that women’s “…identity is reduced by both law enforcement and the public health system to a single act that is illegal…That many individuals have families is forgotten.” (Blankenship and Koester, 2002) Here observations suggested that the relentless exhaustion and sense of futility embodied in police attitudes and practices are amplified by a structural environment of poverty, criminalization of sex work and substance use, that reinforces officers’ stigmatizing attitudes.
4. The data suggest to me that the police officers that interact with female sex workers have different attitudes than the police leadership. If I am correct, I would appreciate if you would try to explain why that is the case.

Author response: In reading back through the manuscript with this comment in mind, we are not sure that there is such a difference in attitudes, perhaps rather the police officers on patrol are more frank than command were, particularly in the setting of a more formal key informant interview. Fundamentally, both patrol and command generally agree you couldn’t arrest your way out of the problem of sex work, but ultimately there presently isn’t a better solution and no incentives or support for doing things differently. Addressing the needs of sex workers requires bigger structural solutions and inter-agency collaboration, as well as decriminalization, which both groups spoke to.

5. You describe that the interaction between police and female sex workers is unpredictable for many reasons; sweeps, personal attitudes etc. This is particularly the case in a criminalized context. It may be appropriate to mention in your conclusion that unpredictability inhibits trust in police and increases the vulnerability of marginalized groups such as substance using poor substance using female sex workers who meet their clients in public settings.

Author response: This is a very good point and certainly worth mentioning. We have now incorporated this point at line 591, which reads:

The unpredictability and discretion of policing practices towards FSW has the potential to significantly erode trust, finding ways to introduce some uniformity into FSWs’ interactions with police is key. One achievable policy reform that could promote trust and instigate a shift at the institutional level in the cultural landscape of policing sex work would be the introduction of a female sex worker liaison officer to facilitate follow up around FSW experiences of violence.

6. The overlap between sex work, substance use, poverty and victimization in these data should be explicitly mentioned and devoted a little bit of further attention. The preponderance of evidence presented show that these police officers stigmatize the sex workers that they encounter. Hard as it may be, it would be great if you could further convince me that the attitudes of police is not primarily caused by substance use, poverty and victimization. Maybe also list this as one of the limitations of these data? To illustrate what I mean I note that the prevalence of substance use is not as widespread in heterogeneous samples of sex workers for example: Benoit, C., B. McCarthy, and M. Jansson. 2015b. "Stigma, Sex Work, and Substance Use: A Comparative Analysis." Sociology of Health & Illness 37(3):437-51. http://dx.doi.org/10.1111/1467-9566.12201.

Author response: We have looked at the suggested article by McCarthy et al. with interest, the article does a good job of highlighting the complex relationship between sex work and stigmatization and its impact on elevated drug use, which in turn adds a further layer of
stigmatization. We have further emphasized the overlapping roles of sex worker identity alongside substance use and poverty in framing police attitudes. Line 342 now reads:

Officers’ attitudes towards FSW as less deserving of police assistance and protection emerged as closely linked to broader stigmatizing attitudes to FSW in this context, shaped by both their identity as sex workers and drug users.

Additionally, line 503 now reads:

In this study, both male and female officers’ language (e.g., ‘pregnant prostitute junky’) reflected intersecting stigmatizing normative attitudes toward FSWs’ sex work and injection drug use as spoiled identities and manifested in police officers’ attitudes of FSW as undeserving victims.

We have also added to the discussion the importance of acknowledging the complexities of intersecting stigmatized identities in this FSW population and the need for these complexities to be addressed in intervention development. Line 526 now reads:

Additionally, further unpacking and addressing the complexity of the prevalent gendered and stigmatizing assumptions of police officers towards FSW in this setting is needed. Police sensitivity trainings conducted elsewhere (Erausquin et al. 2015), including peer education of officers in collaboration with sex worker organizations (Tenni et al. 2015) could be explored in this context. In particular, such collaborations need to address the complex overlap between stigmatization of sex work, illicit drug use, poverty and the situational ‘othering’ of FSW, for whom normal social entitlements do not apply (Vanwesenbeek 2001).

7. I do not quite understand the stated limitation related to race. Please show how race may bias the data collected from police.

Author response: The limitation is just saying that we only really encountered white FSW, so we are not in a position with this data to say anything about the policing of black FSW, we have tried to clarify the wording to make this clearer. Line 561 now reads:

A further limitation of the data relates to the lack of focus on race as a socio-structural category that may have had a bearing on our understanding police-sex worker interactions. FSW that were observed and encountered during ride-alongs tended to be white. It is beyond the scope of this paper to unpack the reasons for encountering a predominantly white street-based FSW population in the context of city where economically deprived neighborhoods are disproportionately black.

Note that the few comments above are really just small additions that may improve the impact of your article which is already likely to be very high.
Jennifer Toller Erausquin (Reviewer 2): Manuscript IHHR-D-19-00042 addresses an important and relevant topic for BMC International Health and Human Rights, that of understanding factors that shape the policing of female sex workers in a US city.

General comments

On the whole, this was a well-written manuscript, with appropriate data collection and analysis methods given the research questions. The authors did a particularly good job in the discussion, situating the results in relation to other studies of policing and within the specific context of Baltimore. At a few points, I was left wondering if there was complete consensus or perhaps variation in attitudes, attributions, or practices described. The authors should consider where they can add counter-examples or alternative perspectives, as a way of sharing the range of responses within the data. It can sometimes be helpful to indicate whether a code or theme came up for "some" or "most" participants.

Author response: We thank reviewer 2 for this feedback. We have reread the manuscript with the overarching comment around the level of consensus amongst officers’ attitudes, attributes and practices in mind as well as an eye to identify opportunities for counter examples. In doing so we felt that this was only possible in a few places and the opportunity to highlight the range within our observations has already been taken. Specifically, at line 301 we drew attention to the specific departure between the approach of rookies versus old timer officers with respect to practices around the policing of low level drug crimes. In addition, at line 361 we counter the more general finding that police were not proactive around prioritizing FSW’s experiences of violence with a description of a ‘smaller number’ of officers who do try to more proactively help women. Other than that, even revisiting the data, we found our other findings to reflect the majority and so instead have, as suggested, peppered the manuscript results with language that is more indicative of how strong a theme was in relation to the officers and observations see line 257, 262, 297, 326, 342 and 399.

The specific critiques that follow are areas where the authors could clarify, explain, or delve deeper in ways that would be helpful both to the reader's understanding and the field (public health inquiry into the lives and needs of FSW).

Specific comments:

1.1Title: Although the goal of the larger research project may be "achieving improved health and human rights," the data collection and analysis described in this paper doesn't directly lead to (nor definitively determine action steps toward) the achievement of improved health of FSW in this setting. There may be an argument around the human rights piece, but I would recommend a title that is more closely related to this study's specific purpose and/or findings.

Author’s response: The current title for the manuscript is: “Achieving improved health and human rights for street-based sex workers - an ethnographic exploration of factors that drive policing of female sex workers in a U.S. setting.” We agree with reviewer 2 that the paper
doesn’t determine definitive action steps towards improved health and rights for sex workers, although in identifying drivers for police practices we hoped to better signpost structural intervention approaches that could ultimately achieve these goals. We however, agree that the title could provide a more upfront emphasis on the aims of the paper. The proposed revised title is therefore:

An ethnographic exploration of factors that drive policing of street-based female sex workers in a U.S. setting - identifying opportunities for intervention.

1.2 Abstract: Methods: last sentence: "exploring the more explicitly spatial exercise of police discretion" (emphasis mine) is difficult to understand here. Within the text where you have more room to explain the concept becomes clearer, but in the abstract you may consider language more appropriate to a broad audience.

Author response: We agree and have revised the abstract to read:

Analysis was data- and theory-driven, drawing on the concepts of police culture and complementary criminological and sociological literature that aided exploration of the influence of the ecological and structural environment on policing practices.

1.3 p.1, lines 2-3: I urge you to define stigmatization and indicate why it is important for the health and wellbeing of marginalized communities. Stigma is important because it creates real or perceived social distance, separating people from resources and decision-making ability that non-stigmatized others have access to. Stigma affects health and human rights.

Author response: We agree there is a need to define stigma in the context of the health and wellbeing of marginalized populations line 2-3 now reads:

Goffman (1963) wrote that stigma removes a persons’ ‘social acceptance’ leaving them with a spoiled identity’. Stigmatization includes forms of labelling, stereotyping and discrimination (Link and Phelan, 2001) that lead to both individual and social exclusion, which has in turn been linked to a range of negative physical and mental health outcomes for vulnerable populations, including sex workers (Benoit et al. 2015; Burke et al. 2015).

1.4 p. 1, lines 9-10: "...healthcare and other forms of social support…” Please consider whether healthcare is a form of social support or whether it is instead directly a human right.

Author response: Although healthcare is one of a group of ‘social rights’ we consider access to healthcare a distinct right vis a vis other social rights (e.g., the right to adequate housing). We have tried to make the language around this clearer. Line 12 now reads:

These works have included an examination of how policing drives socio-economic exclusion and ‘system avoidance’ whereby marginalized groups fail to access healthcare and other forms of social support that make up fundamental social rights (Stuart et al. 2015).
1.5 p. 2-3, lines 37-43: make clear when you shift specifically to a focus on injection drug use rather than substance use generally. Are injection drugs the main substances used by the street-based sex workers in your study?

Author response: We have looked back through the manuscript and have kept to the more general terminology of ‘drug use’ in the introduction, which is appropriate to the references, we identified one place where there was a need to clarify, line 46 now reads:

Studies have shown the adverse impacts of drug-related enforcement practices on HIV, including a positive association between syringe confiscation and HIV infection among injection drug users (Strathdee et al. 2011; Flath et al. 2017).

Yes, many of the women that we observed on police ride outs are injection drug users, as well as using other substances, we had already made this clear at line 146 of the’ Context and research setting.’ However, in addition we have been through the results and discussion and amended the language in a few places to specify injection drug use, as we do feel that the stigmatizing attitudes around drug use were heavily tied injection drug use, this is specifically evident in the language offices use to talk about the women. For these specific word changes see lines: 308, 361, 560, 484, 517.

1.6 P. 3 line 50 explain what you mean for the context of the failed war on drugs (would be very helpful for non-US readers)

Author response: We agree and have amended line 58 to read:

However, in the broader context of the failed ‘war on drugs’ (UNODC 2016) (a campaign in the United States since the 1970s to combat illegal drug use by large increases in enforcement, penalties, and incarceration for drug offenders), the U.S. is now mainstreaming public health-oriented harm reduction interventions aimed at illicit drug use (Flath et al. 2017; Cusick 2006; Jardine et al. 2012; Beyrer 2012) which has implications for many FSW who also use drugs.

1.7 P. 4-5 the long paragraph that starts on line 71 and finishes at line 96 wanders at points. What is the connection to police domestic violence work? (Can you give an example of something that counts as "real policing" and something that does not? How does a "masculine ethos" play out?)

Author response: Although domestic violence policing is a different area, it involves the policing of vulnerable women and there are parallels to the policing of FSW. The connection we found is that police didn’t really view policing sex work as ‘real policing,’ we illustrate in our results that both enforcement of sex work related penalties or conversely helping FSW were both low priorities. An example of ‘real policing’ in the literature on domestic violence policing is a preferential focus on ‘violent crime’ (which is not dissimilar to the focus of the police department in this study.) The masculine ethos plays out in the dismissive attitude of officers towards domestic violence as deserving of police time vis a vis something like pursuing violent crime. We have tried to amend the sentence to make this clearer, without further lengthening an already long paragraph. Line 94 now reads:
In the field of domestic violence policing, elements of traditional police culture and a masculine ethos that frames ‘real policing’ as the policing of violent crime or large drug seizures, has been shown to influence officers’ exercise of discretion and dismissive attitudes to domestic violence work (Myhill & Johnson 2016).

1.8 p. 5, line 96: I would not refer to a 15-year old publication as "more recent work." It's practically as old as the 1997 citation. I would also not refer to the findings of Chan 2004 as example of "contemporary" efforts. The field of policing—particularly in urban areas in the US—has had a lot of push and pull in the past 5 years.

Author response: Noted and amended at line 111 to read:

Work by Chan (2004) exemplifies further efforts to understand the impact of the broader ‘policing environment’ in shaping officers’ working culture.

1.9 Line 192: In general you did a nice job describing the methodology. It would have been helpful around line 192 (or perhaps in the discussion section, in limitations) to comment on what perspectives you likely captured and what perspectives you may have missed with the purposive and opportunistic sampling.

Author response: We agree this is important and have added to the limitations section where this is already touched upon line 591 now reads:

The purposive and opportunistic nature of our observational sampling meant that there may have been the opportunity for districts to pick ‘by the book’ officers for field observers to ride-along with, meaning we missed the perspectives of more frank officers.

1.10 p. 11, line 200: data were (plural verb needed)

Author response: Corrected now line 242.

1.11 p. 12: given the NIMBY-ism described in the quote on p. 13, it may be helpful to comment on the fact that most police officers in this study did not live within Baltimore City.

Author response: It is true that most police officers do not live in Baltimore City. I am not sure if this point is relevant to raise in the context of the results at pg.13. But thinking the point through it might be relevant to make the point in the discussion where we raise the idea that police should play a role in curbing NIMBY-ism attitudes at the community level. The fact that police don’t themselves live in these communities and have no buy-in themselves is a barrier to them being able to convince communities to take a different approach. With this idea in mind we have revised line 483 to read:

Additionally, in the Baltimore context, thought needs to be given to incentivizing police officers to live within the city (at present the majority do not) as a way of gaining community consent and legitimacy.
1.12 p. 16 line 105: you refer to "gendered attitudes" of officers without specifically explaining what you mean, and then the representative quotation is from a female officer. There are many layers of potential motivations and meanings here (certainly female officers can take a masculine or paternalistic approach) and it is worth exploring in more detail. Could you provide other examples of "moralistic and gendered attitudes" from male officers? Was the female officer's perspective an anomaly? Further, you cite that same officer in lines 315-317; is this second quote in some way also gendered [reflecting a toughness or presumed impartiality, as if all persons who transgress the law are the same—which might be particularly important for a female officer to state]?

Author response: In the context of describing the attitudes of the officers surrounding the quote of the female officer at line 351, the language has been revised to more accurately reflect what we saw with this and many other officers (whether they were male or female), which was a complex mix of paternalism, moralism and gendered attitudes. We have also included an additional quote of a male officer to clearly illustrate these attitudes were not anomalous. Line 347 now reads:

Instead, observations highlighted that where help is given it is often ad hoc and predominantly reflects a complexity of moralistic, gendered and paternalistic attitudes by individual officers, with no guiding organizational norms around public health policing:

“Sometimes I do run into women who are genuinely selling their pussy to make ends meet – feed their kids, pay rent, etc., and when that happens I try to connect them with some services.” (Patrol Officer, Female, Black, 35)

“I try to help them, I really want to help them. I’ll give them my cell and tell them to call me on a specific date, if they call me on that date then I know they are serious and will do what I can to get them help.” I ask the officer how many have called on the date, “One,” he replies. (Patrol Officer, Male, White, 37)

It is the case that we do use another quote by the same female officer to capture the common perception of police officers that violence was an inevitable part of the street existence for FSW, we do feel this was gendered, and as pointed out, raises some interesting discussion points around the role of patriarchy and gender in policing, which we have now integrated into the discussion. Line 523 now reads:

In addition, it is likely that officer’s tendency to rank FSWs’ experience of sexual violence as a low policing priority, compared to other violent crime, is also rooted in larger gendered patterning of police culture, including victim blaming and patriarchal attitudes towards women Radford and Satnko 1991; Santos 2005). Consistent with broader criminology literature (Rabe-Hemp, 2008) female officers observed in this study appeared to project a hegemonic masculine police culture. This was reflected in the way most female officers, as well as male, dismissed FSW as deserving victims in cases of client rape and the gendered language they used to describe women during ride outs. Additional research is needed amongst FSW populations to unpack the complexity and layering of the relationship of female officers to FSW as victims of crime. This should include understanding the silencing of some forms of violence against FSW based not
only on gender but on race, social class and other stigmatized identities such as sex work and illicit drug use (Santos, 2005).

Line 656: One achievable policy reform that could promote trust and instigate a shift at the institutional level in the cultural landscape of policing sex work would be the introduction of a female sex worker liaison officer to facilitate follow up around FSW experiences of violence. However, police training for such a female police officer leadership role is crucial and would need to be rooted in an inclusive feminist perspective that moves away from the victim blaming of FSW.

1.13 p. 19-20 lines 377-382: how common was the perspective that decriminalizing is an important first step? How many commanding officers mentioned this? Did any street officers, or vice?

Author response: It was very common and mentioned by almost all commanding officers and a large number of street officers (line 434 already makes this clear with respect to patrol officers). It was not mentioned by Vice, unsurprisingly, although VICE command saw prostitution arrests as much lower priority than trafficking work. We have made the findings clearer re command and Vice.

Line 441 reads: The same sentiment was reflected by almost all senior police leadership, at the time of the study. Although Vice officers did not specifically mention decriminalization, Vice command indicated that the units resources and core work had shifted to investigation of human sex trafficking.

1.14 p. 25, line 483: here you refer to "gendered and stigmatizing assumptions of police officers" and I am not certain you have specifically described any theme or used a quote to show that that was true—it was implied but I do not think it was made explicit. Clarify if you mean "gendered" because the sex workers are women, or because most of the police officers and police as an institution exhibit hegemonic masculine norms and ideals. What exactly were the potentially stigmatizing assumptions uncovered in this study?

Author: These gendered and stigmatizing attitudes were reflected in officer’s language and their attitudes to women’s experience of violence. This is now addressed within the response to reviewer 2 comment 1.12 (see above) and addressed at line 545:

Studies have highlighted the dehumanization of vulnerable populations by the police, often connected to the spaces they occupy (Stuart 2016; Goffman 2015; Manning 2014). In this study, both male and female officers’ language e.g., ‘pregnant prostitute junky’ reflected intersecting stigmatizing normative attitudes toward FSWs’ sex work and injection drug use as spoiled identities and manifested in police officers attitudes of FSW as undeserving victims.

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