



**The New York City Council  
Committee on Civil Rights**

Hearing RE: Int. 0318-2014. A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination based on one's arrest record or criminal conviction.

**Testimony of Robin Richardson, Esq.  
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**Wednesday, December 3, 2014 at 10:00 a.m.**

City Hall, Committee Room, New York, NY 10007

Good morning, Council Member Mealy and members of the Committee on Civil Rights.

The Sex Workers Project at the Urban Justice Center very much appreciates the opportunity to speak in favor of The Fair Chance Act. My name is Robin Richardson and I am an attorney at the Sex Workers Project, the first and longest-running program in the nation dedicated to providing direct legal and social services to sex workers and survivors of human trafficking. With the funding of Equal Justice Works, I provide legal assistance to people with prostitution convictions who are seeking employment in the formal economy.

For my clients, prostitution is often a part of a transitional period of their lives. It is a means to support themselves and their families until they can get their feet under them, a way to escape from an abuser, or a safety net when they do not have others who they can turn to for help. Many of my clients are victims of human trafficking and prostitution is an activity in which they were forced to engage. Whether someone is engaging in prostitution due to choice, circumstance, or coercion, those who are the most likely to be criminalized for prostitution are often the most vulnerable. In addition, many of my clients, especially my transgender clients, are falsely profiled and arrested for prostitution just for walking down the street. Because of a culture of

plea agreements, they often plead guilty. When my clients, often with enormous effort, strength and grace, transition out of sex work, their permanent criminal record leaves them subject to stigma and illegal criminal history-based hiring discrimination. A person's history of having done sex work is almost never relevant to their ability to do a job, but the stigma attached to these arrests is such that many of my clients have been turned away from job once their criminal history comes to light. These barriers to employment actually force people back into prostitution when they cannot get a job in the formal economy.

Passing the Fair Chance Act would make it much easier to determine when an employer is discriminating against someone based upon their criminal history and, therefore, creates an important safeguard against illegal hiring discrimination. For this reason, it is incumbent on this committee to pass the Fair Chance Act.

I would like to finish with the story of one of my clients who I will call Stephanie:

“Stephanie” met a man in 2002. He offered her help at a time when she had no one and he gained her trust. Unfortunately, he turned out to be a violent human trafficker. For nearly two years of Stephanie's life, she was forced into prostitution in cities across the country. During that time, she suffered horrific abuse at the hands of her trafficker and by the criminal justice system where she was arrested, convicted, and incarcerated many times with no offer of help. Unfortunately, even after she escaped her trafficker, she was not able to escape the criminal history that he had forced on her. Although I was able to vacate her New York convictions using a new law for victims of human trafficking, her criminal record extends to states where no such laws exist and, as such, her criminal record continues to plague her.

Ten years after escaping her trafficker, she has furthered her education, obtained specialized job training, and done everything in her power to make herself competitive in today's job market. Despite her greatest efforts, she is still denied employment based upon her criminal history. This happened most recently in April of 2014. Today, she is still looking for work. Every time she applies for a job, she does so with the fear that disclosing her many convictions for prostitution will keep an employer from giving her application a second glance. Unfortunately, she has never been given the opportunity to display her credentials without being overshadowed by her criminal record. The Fair Chance Act would give her just that – a fair chance to show employers her skills and dedication before they see her criminal history.

Stephanie does not want special treatment. All she wants to do is get a job and support her family. My clients already face and overcome enormous obstacles every day. Being former sex workers and survivors of trafficking should not bar them from a fair chance to compete for employment.