



February 28th, 2023

Dear Senate Judiciary,

I am a Rhode Island voter and representative from COYOTE RI writing to you today in strong opposition of [Senate Bill 0396](#) "Relating to Criminal Procedure -- Electronic Information and Data Privacy Act". This bill has many issues and will violate the privacy of Rhode Islanders, undermining public safety in the process.

Section 12-34-3: "Electronic information or data privacy-Warrant required for disclosure" gives law enforcement permission to violate the privacy rights of Rhode Islanders if they think something has happened or about to happen. Although this is framed as necessary to public safety and helpful in curbing human trafficking, **repeated research has shown that legislation like this is used to target misdemeanor prostitution under the guise of sex trafficking.**

A new research study report by The Erotic Service Providers Legal Education and Research Project (ESPLERP) demonstrates how laws like this are used to target sex workers and violate the privacy of citizens widely, while still neglecting to identify sex trafficking cases. ESPLERP's report is based on the responses to public records requests sent to 55 district attorneys, 6 probation departments, 25 sheriff's departments, and 41 police departments in California. 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 responses. ESPLERP's findings are clear: **the safety of workers and citizens is compromised when law enforcement are granted exceptions to surveillance regulations.** These exceptions are used more often for minor, nonviolent infractions, and the most marginalized communities face increased risks and lower safety when law enforcement can protect their violating behavior. You can read the [full report here \(https://ca4privacy.org\)](https://ca4privacy.org).

COYOTE RI also recently published a research report entitled "Prostitution and Prostitution Related Charges in Rhode Island 2000 - Present". The full report can be accessed [here \(https://tinyurl.com/39yud2ur\)](https://tinyurl.com/39yud2ur). This report similarly illustrates how sex workers have been targeted by Rhode Island law enforcement and their interpretations of recent legislation, and how these laws are applied unevenly across marginalized communities. The report's main findings are:

- After the re-criminalization of indoor prostitution, and again over the last six years, there has been a sharp increase in arrests of Asian spa workers. In 2021, Asian spa workers made up 13 of Rhode Island's 16 total prostitution related arrests. Police target Asian spa workers for re-arrest, sometimes arresting them within a couple weeks of their previous arrest.
- The state financially benefits from the repeated fines levied in these arrests and police and prosecutors were awarded \$650,000 in prostitution earnings in one spa case.
- Since 2000 there have been 11 federal sex trafficking cases with minor as victims in Rhode Island.
- Since 2016 there have been 5 state sex trafficking cases with minor victims in Rhode Island's commercial sex industry, and 2 additional cases with minor victims who were not involved in the commercial sex industry.
- Asian women, trafficking survivors, and drug users were overrepresented in cases involving law enforcement sexual contact.
- Of the 2,189 misdemeanor cases we were provided, 288 people had more than one arrest, 29 people had 10 or more arrests, and at least 123 had between 3 and 9 charges. Two women had 25 prostitution charges.

These research projects demonstrate our concerns for our own safety and for wider public safety in light of S0396. Law enforcement have used these allowances in other states to target misdemeanor prostitution crimes while more serious, violent crimes continue to be neglected. Given Rhode Island law enforcement's current targeting of sex workers and racial minorities, this trend is likely to continue here if law enforcement's capacity for surveillance is expanded with little to no accountability. This bill will increase law enforcement's capacity to target marginalized communities and nonviolent offenders without resulting in decreased sex trafficking or the identification of more trafficking victims.

For the reasons above, we ask you to please vote NO on [S 0396](#).

Thank you for your consideration,

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