



A VISION FOR BLACK LIVES: **POLICY DEMANDS FOR BLACK POWER, FREEDOM, & JUSTICE**

The Retroactive Decriminalization, Immediate Release, and Record Expungement of All Drug Related Offenses and Prostitution, and Reparations for the Devastating Impacts of the “War on Drugs” and the Criminalization of Prostitution, Including a Reinvestment of the Resulting Savings Into Restorative Justice, Health Services, Housing, Job Programs and Other Programs Based on the Needs Identified By Individuals and Communities Impacted by the Sex and Drug Trade

What is the problem?

- Drugs and prostitution laws have consistently served as vehicles for criminalizing Black people and communities, and have been used as tools of racial profiling, discriminatory enforcement, violence, extortion and abuse, and mass incarceration of Black people. They have also consistently been used to exclude and deny Black people access to housing, employment, education, family, and community, while simultaneously failing to address the needs of people struggling with addiction and survival.
- In the U.S. today millions of people are or have been in jails, prisons, on probation or parole for possession of drugs, many of them for possession of small quantities of drugs for personal or recreational use.
- The policing of prostitution has consistently been used to criminalize and deny protection from sexual and other forms of violence to Black women, cis and trans, and LGBTQ people, while simultaneously driving people in the sex trades further into poverty and closing off access to housing, employment, health care, reproductive rights, family and community. Criminalization of prostitution also facilitates police and community violence against people in the sex trades, and serves as a basis for exclusion and deportation from the U.S.

What does this solution do?

- Decriminalization would ensure that individuals who use, possess, or sell drugs or trade sex are not subject to arrest, detention or conviction.
- Decriminalization must be retroactive so that people currently serving time in jails and prisons can apply to be released, and people with convictions can have their records expunged so that they can be relieved of bars to access to housing, employment, health care, family, and community.



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- The savings from decriminalization must be invested into reparations to all people who have been adversely impacted by the drug war and enforcement of prostitution laws — for time spent in jails or prisons, for denial of housing, education and employment, for extortion of sex or money in exchange for leniency in drug or prostitution cases, for loss of parental rights and separation of children from parents in foster care and adoption. They must also ensure that people criminalized by the “war on drugs” are able to participate in legal drug markets where decriminalization has already taken place.
- Savings must also be used to meet the needs identified by individuals impacted by the drug and sex trades themselves, including housing, employment, health services, harm reduction services, addiction support and treatment, on a voluntary basis, without mandating or coercing participation in services.
- Decriminalization would ensure that drug and prostitution convictions no longer serve as an absolute bar to entry to the U.S. or as grounds for removal.

Federal Action:

- Pass legislation at the federal level decriminalizing possession and sale of all drugs, no matter the quantity.
- Repeal the Mann Act.
- Eliminate ban on entry and immigration for individuals who have engaged in prostitution.
- Repeal portions of Immigration Reform and Control Act (IRCA) deeming drug offenses “aggravated felonies” warranting exclusion and deportation.
- Develop comprehensive reparations package for people impacted by the drug and sex trades.

State Action:

- Pass legislation decriminalizing drug possession and sale.
- Pass legislation decriminalizing prostitution.

Local Action:

- Pass local ordinances decriminalizing drug possession and prostitution.
- Police and prosecutors should enact and enforce policies barring arrest or prosecution for drug possession.
- Cease civil enforcement of prostitution-related nuisance actions.

How does this solution address the specific needs of some of the most marginalized Black people?



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- Drug and prostitution law enforcement practices disproportionately impact low-income communities of color.
- Once saddled with a drug or prostitution conviction, individuals are denied access to public housing, education, and employment.
- Black women – cis and trans – gender nonconforming and queer people are disproportionately affected by criminalization of prostitution.
- Immigrants are disproportionately affected by the federal bar on entry of individuals who have engaged in prostitution, regardless of whether they have been arrested or convicted.

Model Legislation

- [Drug Decriminalization in Portugal: A Health Centered Approach](#)
- [New Zealand Prostitution Reform Act of 2003](#)

Resources:

- [Approaches to Decriminalizing Drug Use and Possession](#)
- [New Study Shows That Shows Portugal's Decriminalization of All Drugs Resulted in Reductions in Drug Use, Prison Overcrowding and Drug Related Deaths](#)
- [14 Years After Decriminalizing All Drugs, Here's What Portugal Looks Like](#)
- [10 Reasons to Decriminalize Sex Work](#)

Organizations Currently Working on Policy:

- Drug Policy Alliance
- Desiree Alliance

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