

# Of House and Home: The meanings of housing for women engaged in criminalised street-based sex work

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## Abstract

Despite emerging as a core concern for street-based sex workers participating in prostitution diversion programmes (PDPs), housing has received limited empirical attention. In this article, we explore the meanings of housing in the context of court-affiliated PDPs in the US cities of Baltimore and Philadelphia based on interviews and focus groups with 31 PDP participants and 32 criminal legal system professionals. Three themes emerged: (a) housing precarity and crisis mode, (b) housing as a foundation, and (c) housing as an idea(l). PDPs prioritise therapeutic interventions targeting individual behaviours and attitudes over meeting basic needs, often placing programme participants in substandard housing and removing them from existing networks of support. Such prioritisation, which often conflicts with participants' expressed preferences, does not always leave them better off in the short or long term. PDPs' neglect of the quality, type, and meaning of housing reveals and reinforces a fundamental disregard for people in street-based sex trade as multifaceted, agentic human beings. We conclude that programmes must prioritise home as a 'comfort zone' that must be afforded to all people.

**Keywords:** housing, street-based sex work, mandated treatment, diversion programmes

Suggested citation: C S Shdaimah, N D Franke, T D Becker, and C S Leon, 'Of House and Home: The meanings of housing for women engaged in criminalised street-based sex work', *Anti-Trafficking Review*, issue 20, 2023, pp. 54-74, <https://doi.org/10.14197/atr.201223204>

Housing trajectories play a crucial role in the lives of those who are impacted by the United States (US) criminal legal system. People who were formerly incarcerated are ten times more likely than their never-incarcerated counterparts to experience homelessness, with rates of homelessness particularly high among women and

people of colour.<sup>1</sup> Housing precarity and loss have many detrimental effects that can easily cascade into other areas of life, creating a mutually reinforcing cycle of loss.<sup>2</sup> For example, loss of housing can lead to transportation disruption that makes it hard to sustain employment; in turn, this loss of employment can make it difficult to regain or sustain housing.

In the US, this very experience of housing precarity and loss can lead to criminal legal system involvement. In many jurisdictions, people who are unhoused face heightened exposure to surveillance and may also engage in illegal activities as a matter of survival.<sup>3</sup> Once involved in the criminal legal system, these individuals are often further marginalised by cumulative punishments and prohibitions that limit opportunities for legal employment, housing, and democratic participation.<sup>4</sup> Therefore, housing is often viewed as a keystone of stability in that it is a crucial factor impacting people's ability to survive and thrive. Indeed, housing-first programmes have been touted as successful along with a variety of measures in the area of mental health and substance use disorder treatment and as alternatives to incarceration in terms of reduced police contact, reduced incarceration, remaining housed, and recidivism rates.<sup>5</sup>

Among these criminalised activities is sex work. Street-based sex work in the US is criminalised in every state, although a handful of localities have implemented partial decriminalisation measures, such as Baltimore City's mayoral decree<sup>6</sup> and Philadelphia's moratorium on prosecution of sellers.<sup>7</sup> Criminalisation has many

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<sup>1</sup> L Couloute, 'Nowhere to Go: Homelessness among formerly incarcerated people', Prison Policy Initiative, August 2018, <https://www.prisonpolicy.org/reports/housing.html>.

<sup>2</sup> M Desmond, *Evicted: Poverty and profit in the American city*, Crown, New York, 2016.

<sup>3</sup> R J Miller, *Halfway Home: Race, punishment, and the afterlife of mass incarceration*, Little, Brown and Company, New York, 2021.

<sup>4</sup> M Gottschalk, *Caught: The prison state and the lockdown of American politics*, Princeton University Press, Princeton, 2014.

<sup>5</sup> M K Cunningham *et al.*, 'Breaking the Homelessness-Jail Cycle With Housing First: Results from the Denver Supportive Housing Social Impact Bond Initiative', Urban Institute, 15 July 2021, <https://www.urban.org/research/publication/breaking-homelessness-jail-cycle-housing-first-results-denver-supportive-housing-social-impact-bond-initiative>.

<sup>6</sup> P Schwartzman, 'In Crime-Battered Baltimore, a Halt to Some Drug and Prostitution Prosecutions Is Causing Fresh Anxiety', *The Washington Post*, 10 April 2021. In Baltimore City, these changes are being reversed by the State's Attorney Ivan Bates, who began his term in January 2023, see: P Gessler, 'Baltimore City State's Ivan Bates to try man charged for murdering cellmate', *CBS News*, 20 January 2023.

<sup>7</sup> A Steele and J Terruso, 'Kensington Symbolizes the Promise and Peril of Philly DA Larry Krasner's Policies as He Seeks Relection', *The Philadelphia Inquirer*, 15 May 2021.

negative consequences, including limiting sex workers' access to legal employment, public benefits, and crucial networks of social and material support as well as loss of custody of their children.<sup>8</sup> It is not surprising, therefore, that women engaging in street-based sex work, who are the primary targets of prostitution arrests and incarceration, often report unstable housing or homelessness.<sup>9</sup> Sex work may also constitute the basis for eviction or for exclusion from public housing.<sup>10</sup> The stigma attached to sex work, compounded by lack of financial resources or supportive networks, makes it difficult to obtain housing; sex workers who are housed in shelters or temporary transitional housing are often subject to poor-quality living conditions that leave them vulnerable to violence and exploitation.<sup>11</sup>

Prostitution diversion programmes (PDPs) have been promoted over the past two decades as a rehabilitative alternative to criminal justice consequences of criminalisation. Grounded in a philosophy of what Musto calls 'carceral protectionism',<sup>12</sup> PDPs largely remain embedded within criminal legal systems that rely on the threat of criminal legal consequences to mandate services.<sup>13</sup> This is made possible, in large part, due to the hegemony of trafficking lenses that are applied to policy and programming related to sex work. These lenses construct sex workers primarily as victims of coercive circumstances who simultaneously and

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<sup>8</sup> Amnesty International, *Amnesty International Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*, 26 May 2016, <https://www.amnesty.org/en/documents/pol30/4062/2016/en>.

<sup>9</sup> C C McNaughton and T Sanders, 'Housing and Transitional Phases out of "Disordered" Lives: The case of leaving homelessness and street sex work', *Housing Studies*, vol. 22, issue 6, 2007, pp. 885–900, <https://doi.org/10.1080/02673030701608043>; N Riddle, 'Sex Workers Struggle to Find Housing in DC. A bill to decriminalize their job can help', *Greater Greater Washington*, 17 July 2019; J Thukral and M Ditmore, 'Revolving Door: Analysis of street-based prostitution in New York City', Sex Workers Project at The Urban Justice Center, 23 June 2003, pp. 61–62, <https://sexworkersproject.org/downloads/RevolvingDoor.pdf>.

<sup>10</sup> C Breakstone, "'I Don't Really Sleep": Street-based sex work, public housing rights, and harm reduction', *CUNY Law Review*, vol. 18, issue 2, 2015, pp. 337–373, <https://academicworks.cuny.edu/clr/vol18/iss2/6>.

<sup>11</sup> L Lazarus *et al.*, 'Risky Health Environments: Women sex workers' struggles to find safe, secure and non-exploitative housing in Canada's poorest postal code', *Social Science & Medicine*, vol. 73, issue 11, 2011, pp. 1600–1607, <https://doi.org/10.1016/j.socscimed.2011.09.015>.

<sup>12</sup> J Musto, *Control and Protect: Collaboration, carceral protection, and domestic sex trafficking in the United States*, California University Press, Berkeley, 2016.

<sup>13</sup> T T Cai *et al.*, *Diversion from Justice: A rights-based analysis of local "prostitution diversion programs" and their impacts on people in the sex sector in the United States*, Yale Law School and School of Public Health in cooperation with the Sex Workers Project of the Urban Justice Center, September 2018, [https://nswp.org/sites/default/files/diversion\\_from\\_justice\\_gbjp\\_-\\_2018.pdf](https://nswp.org/sites/default/files/diversion_from_justice_gbjp_-_2018.pdf).

paradoxically can be (dis)incentivised to transcend these coercive circumstances to stop engaging in sex work.<sup>14</sup> This approach is so pervasive and unreflective that a number of PDPs call themselves human trafficking courts, in spite of the fact that participants enter these programmes as individuals who have been arrested for sex work.<sup>15</sup> Using human trafficking as a justification for criminalising sex work in order to provide assistance may be unhelpful at best and risks psychological harm (such as re-traumatisation) and compounding financial and social stigma and marginalisation.<sup>16</sup>

Concerns have been raised that PDPs replicate the same negative consequences created by more traditional forms of sex work criminalisation, including stigma, and social and financial precarity that negatively impact housing.<sup>17</sup> Housing is a core concern among street-based sex workers who participate in the court-affiliated PDPs that we have studied in the US cities of Philadelphia and Baltimore.<sup>18</sup> On the 2021 Housing Precarity Risk Indicator, the Philadelphia and Baltimore metro areas are ranked 8th and 20th, respectively, out of the country's 53 metropolitan areas of over 1 million people. Philadelphia's Office of Homeless Services,<sup>19</sup> which responds to over 15,000 people per year, set reducing the experience of homelessness among individuals who are exiting institutional settings, such as prison, as one of the success indicators of their five-year strategic plan. Similarly, Baltimore is engaged in efforts to reduce homelessness heightened

<sup>14</sup> C S Leon and C S Shdaimah, "We'll Take the Tough Ones": Expertise in problem-solving justice', *New Criminal Law Review*, vol. 22, issue 4, 2019, pp. 542–584, <https://doi.org/10.1525/nclr.2019.22.4.542>.

<sup>15</sup> K Miner-Romanoff, 'CATCH Court: Changing actions to change habits—A preliminary evaluation study', *Journal of Human Trafficking*, vol. 3, issue 2, 2017, pp. 136–162, <https://doi.org/10.1080/23322705.2016.1194039>.

<sup>16</sup> C S Shdaimah, C S Leon, and S A Wiechelt, *The Compassionate Court? Support, surveillance, and survival in two court-affiliated prostitution diversion programs*, Temple University Press, forthcoming.

<sup>17</sup> A Gruber, A J Cohen, and K Mogulescu, 'Penal Welfare and the New Human Trafficking Intervention Courts', *Florida Law Review*, vol. 68, issue 5, 2016, pp. 1333–1402; A Ray and E Caterine, *Criminal, Victim, or Worker: The effect of human trafficking intervention courts on adults charged with prostitution-related offenses*, Red Umbrella Project, 2014, <https://www.nswp.org/sites/nswp.org/files/RedUP-NYHTIC-FINALweb.pdf>.

<sup>18</sup> N Gesser and C S Shdaimah, "I'm Doing Everything Right All Over Again": How women manage exiting street prostitution over time', *Journal of Qualitative Criminal Justice & Criminology*, vol. 10, issue 4, 2021, <https://doi.org/10.21428/88de04a1.e639c1ce>.

<sup>19</sup> E Hersh et al., *Roadmap to Homes: Philadelphia's five-year strategic plan for the homeless assistance system*, Philadelphia Office of Homeless Services, 2018, <http://philadelphiaofficeofhomelesservices.org/wp-content/uploads/2018/11/ohs-2018-road-map-strategic-plan.pdf>.

by the COVID-19 pandemic in a partnership with the US Department of Housing and Urban Development.<sup>20</sup>

Extant literature focuses on shelter as the key feature or ‘need’ for those who exchange sex for survival. However, far less attention is paid to the multiple functions of housing while under the supervision of the criminal legal system in the US, where sex work remains illegal. This article explores the meanings of housing in the context of PDPs. We draw on data from interviews and focus groups with PDP participants who entered these programmes after arrest for street-based sex work (‘participants’) and criminal legal system professionals in two court-affiliated PDPs for street-based sex workers charged with the criminalised offence of selling sex. The PDPs and professionals who work therein focus on shelter, whether in the context of other treatment requirements (e.g., recovery from substance use disorders) or independently. As in other diversion programmes, these hyper-regulated programmes are also a means for surveillance and social control.<sup>21</sup> Thus, even if PDPs help participants secure and maintain housing, doing so comes with high costs and potential risks.

## Method

This article explores the experiences of participants and criminal legal system professionals in two court-affiliated PDPs, Philadelphia’s Project Dawn Court (Dawn Court) and Baltimore’s Specialized Prostitution Diversion Program (SPD).

### *Study Site*

These PDPs were among the earliest programmes specifically targeting people arrested for criminalised sex work with a goal of addressing what they viewed as root causes to prevent future engagement. SPD and Dawn Court offered a useful comparison due to differences, respectively, in eligibility criteria (people of any gender vs. cisgender women only), programme duration (90 days vs. minimum 1 year), legal backdrop (maximum penalty for sex work of 1 year of incarceration and/or USD 500 fine vs. 5-year incarceration and/or up to USD 10,000 fine), point of intervention (pre-plea with no loss of legal rights vs. *nolo contendere* plea,<sup>22</sup> and outcome (null processing with easy expungement vs. dismissal of plea

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<sup>20</sup> J French, ‘Mayor Scott Joins HUD’s House America Initiative to Address Homelessness in Baltimore’, Baltimore City Mayor’s Office of Homeless Services, 18 May 2022.

<sup>21</sup> M Quirouette, K Hannah-Moffat, and P Maurutto, ‘“A Precarious Place”: Housing and clients of specialized courts’, *The British Journal of Criminology*, vol. 56, issue 2, 2016, pp. 370–388, <https://doi.org/10.1093/bjc/azv050>.

<sup>22</sup> *Nolo contendere* means that the defendant does not contest the facts of the allegation; it is essentially a guilty plea.

with a possibility to request expungement a year later if arrest-free). Both were created using principles of problem-solving justice, specifically referral to services drawn from the community, mechanisms of heightened accountability for both participants and service providers, and the use of a carrot-and-stick approach to entice individual behavioural change (in this case, sex work desistance) among defendants.<sup>23</sup>

In line with problem-solving principles and resource limitations, PDPs rarely provide services beyond case management, but rather refer PDP participants to existing programmes. Respondents' financial precarity means that they are reliant on publicly funded programmes most of which are of variable quality. Programmes are also limited by capacity or exclusion criteria, and there is a dearth of services for women, trans people, people with families, and people pursuing medication-assisted drug treatment. Many programmes also have strict rules such as curfews, required meetings, prohibition on tobacco use or contact with people outside the institution. Most SPD and Dawn Court participants begin their trajectories in drug treatment programmes. Many of these are inpatient and, therefore, may provide housing. From there, they will often move into transitional housing, while looking for more permanent housing and 'stepping down' from intensive mental health or drug treatment. During this step down, participants live with family or friends, while continuing to seek housing. Securing housing is a programme mandate for SPD and Dawn Court. Staff often try to assist.

### *Data Collection*

Data were collected in two waves, both approved by the University of Maryland, Baltimore Institutional Review Board. The first wave<sup>24</sup> was an ethnographic study conducted from 2011 to 2014 in Dawn Court and SPD. The second wave was a follow-up study conducted primarily with Dawn Court respondents from 2020 to 2021. For this article, we draw on data related to housing, broadly defined, from both waves of data collection. The article draws upon 137 interviews with 64 people.

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<sup>23</sup> D Mueller *et al.*, *Treatment Courts and Court-Affiliated Diversion Projects for Prostitution in the United States*, Chicago Coalition for the Homeless, 2012, <https://www.issueclub.org/resources/14135/14135.pdf>; C S Shdaimah, 'Prostitution Diversion Programs', in F P Bernat and K Frailing (eds.), *The Encyclopedia of Women and Crime*, John Wiley & Sons, Hoboken, 2020, pp. 1–5, <https://doi.org/10.1002/9781118929803.ewac0423>; R V Wolf, *Principles of Problem-Solving Justice*, Bureau of Justice Administration and the Center for Court Innovation, 2007.

<sup>24</sup> A detailed description of the first wave and some of the data collected can be found in C S Shdaimah 'Problem-solving Courts, Street Level Bureaucrats, and Clients as Policy Agents in a Prostitution Diversion Program', *Qualitative Data Repository*, 2020, <https://doi.org/10.5064/F6C8VUHP>.

The first wave included interviews, focus groups, observations, and document review collected by the first author and a PhD-level research assistant.<sup>25</sup> Respondents were recruited through direct outreach to all members of the PDP professional staff via email or during in-person meetings, as well as to any participants present during site visits. We also recruited during observations, as is common in ethnographic research, wherein researchers are embedded in study sites and engage in informal conversation with those present. Respondents were also referred via word of mouth. Respondents from this wave ( $N=48$ ) included a total of 29 programme participants (PDC:  $n=18$ , SPD:  $n=11$ ), interviewed between 1 and 7 times over the course of their participation in their respective diversion programmes and up to 1 year after completion. The sample also comprised 19 criminal legal system professionals, including judges, probation officers, public defenders, prosecutors, therapists, programme coordinators, and other paraprofessionals, each of whom was interviewed one time.

The second wave ( $N=27$ ) included three former programme participants (one of whom was in the first wave) and 24 professionals (10 of whom were in the first wave). Respondents for the second wave were recruited through snowball sampling and outreach to respondents whose contact information was publicly available.

Interviews in both waves, lasting approximately 60–90 minutes, were recorded and transcribed verbatim. We used semi-structured interview and focus group guides, which asked study respondents to reflect on their engagement with the courts (as staff or participants), their trajectories as they moved through the programme (participants), whether participants and staff believed that the programme was helping participants to meet the stated goal of exiting prostitution, and how they felt that the programme—including the requirement to eschew sex work—impacted participants' lives in general. To protect confidentiality, we refer to all respondents (participants and staff) using the pseudonyms they provided. To enhance trustworthiness, we used prolonged engagement in the study site and with respondents, triangulation of data sources and data collection methods, analysis conducted by a multi-person research team, peer debriefing, member checking of our emerging analysis with the same or other respondents, and memoing.<sup>26</sup>

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<sup>25</sup> *Ibid.*

<sup>26</sup> D K Padgett, *Qualitative Methods in Social Work Research*, 3rd edition, SAGE Publications, Los Angeles, 2017, pp. 209–230.

*Data Analysis*

This article relies exclusively on interview and focus group data, which are both the largest data sources and the ones that contain the most explicit references to housing. Although we do not quote from observations, these provided the research team with important overall context for the PDPs. We analysed interviews using the NVivo (Release 1.0) qualitative data analysis software. We used a thematic analysis<sup>27</sup> that began with reviewing the transcripts, followed by initial coding, developing a coding scheme, reviewing preliminary themes, and finalising the analysis to connect across themes and develop an overall picture of how our respondents understood the meaning of housing. More specifically, data from the first wave were open-coded by the first author and MSW-level research assistants; data from the second wave were open-coded by all authors. In both cases, we used sensitising concepts drawn from the literature (e.g., ‘housing’) and emergent concepts (e.g., ‘living arrangements’).<sup>28</sup> For both waves, members of the respective research teams met to review the initial codes and develop, through consensus, an agreed-upon coding scheme that was then applied to all interviews, each of which was read by at least two members of the research team. We revised the coding scheme through amendment or creation of new codes, as needed. For this article, we conducted a focused analysis of any data initially assigned with a code related to housing, shelter, or the idea of home. Given the differences in Philadelphia’s Dawn Court and Baltimore’s SPD, we actively looked for programme-related differences, but we did not find any. Therefore, we report our findings from both PDPs together.

*Sample*

The current sample of 64 comprised 31 PDP participants and 33 PDP professional stakeholders. Participants ranged in age from 26 to 53 years. Fourteen identified their race or ethnicity as White, Caucasian, or European American; twelve as Black or African American; two as multi-racial; and one as Hispanic. Two did not report demographic information. Most participants described experiences of extreme poverty, and all of them had experienced drug addiction during or immediately prior to their participation in their respective programmes. Our programme participant sample comprised only cisgender women, the only population that the Dawn Court accepts. Although SPD does not exclude on basis of gender,

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<sup>27</sup> L S Nowell *et al.*, ‘Thematic Analysis: Striving to meet the trustworthiness criteria’, *International Journal of Qualitative Methods*, vol. 16, issue 1, 2017, pp. 1–13, <https://doi.org/10.1177/1609406917733847>.

<sup>28</sup> G A Bowen, ‘Grounded Theory and Sensitizing Concepts’, *International Journal of Qualitative Methods*, vol. 5, issue 3, 2006, pp. 12–23, <https://doi.org/10.1177/160940690600500304>.



close to 90 per cent of its participants were cisgender women (with the remainder nearly all identifying as transgender women).<sup>29</sup>

All but four professional stakeholders were women, and their work experience and tenure with the programmes varied widely. We did not systemically elicit race and ethnicity or age for the professional stakeholders.

## Findings

Our findings coalesced around three main themes: (a) housing precarity among sex workers in the PDPs within an environment characterised by a dearth of housing options and interventions, (b) housing as a factor intertwined with all other personal and programmatic goals and requirements, and (c) housing as an idea(l) to which PDPs and participants aspire.

### *‘There’s Always Plenty of Beds at the Freakin’ Jail’: Housing precarity and crisis mode*

George, a forensic assessor who worked with SPD participants, shared a truism widespread among our respondents: ‘The hardest resource to find...[is] housing for women, period’. There was nearly unanimous agreement that housing is a pressing need for people involved in PDPs at virtually all stages of these programmes. One therapist, Diane, noted that ‘almost nobody has a place to go back to’. Many women in treatment programmes, including PDP participants, experienced what therapist Caroline described as ‘episodes of homelessness’. Like other women who have been incarcerated, PDP participants experienced what Smoyer and colleagues<sup>30</sup> referred to as ‘ping-pong housing’, which was often temporary and meant relying on friends or family. The overwhelming majority of Dawn Court participants entered the programme while incarcerated; indeed, one Dawn Court selling point is that it allowed for earlier release. Many went to inpatient drug treatment. These temporary solutions were only available for participants who met programme requirements and maintained eligibility and had insurance coverage for services.

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<sup>29</sup> M Bailey-Kloch *et al.*, ‘Finding the Right Fit: Disparities between cisgender and transgender women arrested for prostitution in Baltimore’, *Journal of Forensic Social Work*, vol. 5, issue 1–3, 2015, pp. 82–97, <https://doi.org/10.1080/1936928X.2015.1115797>; T Lyons *et al.*, ‘The Impacts of Intersecting Stigmas on Health and Housing Experiences of Queer Women Sex Workers in Vancouver, Canada’, *Journal of Homosexuality*, vol. 68, issue 6, 2021, pp. 957–972, <https://doi.org/10.1080/00918369.2019.1694337>.

<sup>30</sup> A B Smoyer *et al.*, ‘Ping-Pong Housing: Women’s post-incarceration trajectories’, *Affilia*, vol. 36, issue 3, 2021, pp. 336–356, <https://doi.org/10.1177/0886109920954416>.

Amy, a Dawn Court participant, pointed out the stark reality that housing is often available only through transactional encounters: ‘You don’t stay anywhere for free, not even for a night’. Long-term solutions are harder to come by and require patience. SPD participant Brown Sugar most explicitly described sex work as a rational and ethical choice to maintain housing for herself and her family.

*I tell anybody, ‘I’d go to jail for my kids’. I’m not going to let my kids be hungry, be homeless, none of that. I’m not doing it. [I’m not] walking around with signs [asking for help] in the street, with my kids, as cold as it is. No, I’m not doing it. If that’s wrong, well, then, it is what it is. ... [E]verything I did ... was for this house. It is what it is. And I accept the fact of what I’ve done. And I’m pleased with my actions.*

Brown Sugar appreciated the SPD primarily because it allowed her to avoid the consequences that flowed from the criminalisation of her choice: ‘I’m pleased that this programme gave me another chance to be with my kids and not behind no bars’.

As is the case for many people living in poverty, PDP participants might experience long wait times, even if they are eligible for subsidised housing. SPD participant Jenn noted that ‘I’m still in and out of housing. ... I’ve been on the housing list [for] 8 years. I’m still on the waiting list’. Understanding this reality, SPD social worker Brigit criticised policies that would deprive women of the ability to maintain housing and meet other basic needs through sex work:

*Homelessness is not where these folks are. ... They usually have a place to stay, or multiple places to stay. ... [M]any of them stay [with family], and they are also contributing [to their households]. So, I don’t want to get rid of the johns until we have an alternative for the gals and guys.*

Many PDP professionals, as well as some participants, described jail as a viable housing option, in juxtaposition to the difficulty of obtaining and maintaining housing, at least in Dawn Court. As public defender Jan put it, ‘there’s always plenty of beds at the freakin’ jail!’. Counterintuitively, jail was also considered by many professional stakeholders and some participants as a shelter, reflecting a carceral protectionism that constructed jail as a holding place to remove participants from their social contexts. Parole officer Catherine noted that ‘nobody wants to go to jail [but] sometimes that can save your life.’ Dawn Court therapist Dolores echoed this belief: ‘They were saving their lives, literally. ... They would take them back to jail because they knew they were going to die out there.’ This sentiment also rang true for Dawn Court participant Lex: ‘They put me in jail I can’t even remember how many times, but it was just saving my life every time they put me in jail.’

Parole supervisor John shared that two participants who were sentenced to state prison ‘wrote us three-page letters about how [Judge Kahan] changed their lives by doing this, and then both of them [overdosed] when they got out of state prison and died’. Though John was explaining incarceration as protecting PDP participants, this raises questions about how long incarceration can keep a person safe. If jail or prison simply defers death through incapacitation and removal from social contexts, it may not be effective in meeting participants’ needs upon their release. Indeed, multiple stakeholders identified an overreliance on incarceration, regardless of its perceived utility absent other options. Dawn Court participant Vitality/Tranquility rejected incarceration as an intervention, explaining, ‘I’m not this horrific, horrendous person that needs to be locked behind bars’. Jail is not a benign shelter. Motivating programme adherence through threat of incarceration compounds trauma and other harm and marginalisation. SPD participant Candy said, ‘every day, I’m afraid I’m going to jail’.

Despite acknowledged harm, jail was sometimes used as a last resort for housing when noncarceral options were often unavailable. Marta, a paralegal with the public defender’s office, shared that when a Dawn Court defendant relapsed in a “‘help me” kind of experience’, they sent her to jail, lacking suitable alternatives. Frustrated and at a loss, Marta asked, ‘what do you do?’.

Conversely, noncarceral housing options were usually treatment-attached or transitional. Dawn Court participant Toni described such housing options as ‘putting a Band-Aid on the situation, temporarily’. Public defender Grace elaborated, ‘we [would] love everyone to have an apartment, but that’s not always an option. Usually, it’s transitional, but it is more stable than what they had before’. Thus, such transitional housing provided an important stopgap housing solution for participants.

These ‘Band-Aid’ solutions were not without their own challenges. Dawn Court Coordinator Maya noted that there are ‘recovery houses in Philadelphia but finding ones in areas that are supportive for [participants], finding areas which they can financially afford, and then also [their] transition into more stable housing past the recovery housing is a huge obstacle’. The location of recovery and transitional houses is a major concern. Therapist Belle explained:

*A lot of the recovery houses are in the communities that a lot of these people also used in. Or they’re selling pills outside of the methadone clinics, so if you’re trying to get yourself better and improve but you’re constantly being faced with all of this, like all these barriers around you, it makes it hard to really get that motivation. ... People get the fuck-its, because it’s like, ‘why am I bothering getting clean and doing all this stuff if I still have all these other things that are just not working out in my life?’.*

Likewise, Casey questioned the wisdom of exposing participants to seemingly incessant invitations to use drugs or sell sex, both of which would place them out of programme compliance and subject them to punishment.

*I'm right there where I used to do my dirt. Which, I think, is totally [problematic] that they want us to go to a recovery house that's right there. 'Cause some women aren't that strong. They're right there, they're going to want to make money, you know what I mean? And I can even say for myself it was a little hard. Here I am, I see these tricks that I know, and they're like, 'yeah, you wanna?'. They want a date, and I'm broke. Like, I wouldn't—I haven't done it. But who's to say on a bad day, when I don't have any cigarettes and money, when the phone bill needs to be paid? ... You know, shit like that happens.*

Casey was not alone in questioning participant success in such programmes. These fears were further heightened as most transitional housing programmes included high levels of surveillance, reporting breaches to the probation office and court. Some breaches went far beyond PDP requirements or did not even involve illegal activity. Public defender Jan described an instance in which a residential programme reported 'the worst violation' to the local drug court, resulting in the participant's ejection from the residential programme. When the judge pressed the residential programme representative, 'it turn[ed] out ... [that] he went to the McDonald's across the street, and he had a cheeseburger. [The transitional programme] was a vegetarian place!'

While many recovery houses are strict with residents, many also fail to meet residents' basic needs. Dawn Court participant Ariella described her recovery house as providing 'no support [and] no stability'. Dawn Court participants are required to live in recovery houses both for services and for purposes of 'drug testing and oversight', according to public defender Kacey. Kacey also noted that, 'recovery houses are a great place to get drugs and to have conflict with other people and to not have your own room'. Many recovery houses are not the drug-free environments that residents might be seeking, and many are also characterised by poor or stressful living environments. Dawn Court participant Jerri was stuck at a bug-infested housing facility, unable to move because the facility had control of monies that she would need in order to do so:

*I can't even go anywhere. [My current] place is gonna put your deposit in your savings bank until you move and you're in somewhere else. So, I can't move without that. ... And I can't get that 'til I go out and move somewhere. ... What the hell do I do? And, so, we'll probably have to go to a shelter or something. ... [My child is] getting bit again by bugs when we go to bed. ... She's got bites all over.*

Jeri was able to keep her child with her, but other participants experienced family separation via their involvement in the programmes. A number of respondents complained that recovery houses kept them away from their partners, including Casey, who could not find a recovery house where she could live with her husband, even though their relationship had been improving and their separation ‘was a little hard for me and him’.

PDP participants need safe spaces to live, and that may require temporary housing solutions. The current options for most respondents are neither sufficient nor stable. Most solutions are temporary, and PDP participants often move out of transitional housing without adequate support, which Dawn Court participant Lex described as ‘turning [participants] out to the wolves’.

*‘Give Everyone an Apartment’: Housing as a foundation*

Respondents perceived quality housing as a foundation on which to succeed in achieving both their own goals, as well as those of the programmes. Judge Kahan explained that multiple hurdles converged to render appropriate housing elusive for PDP participants: ‘[Women charged with prostitution are] oftentimes homeless, they’re largely drug addicted, they’ve largely burned the bridges with so many people along the way.’ These individual hurdles exacerbated systemic obstacles including limited affordable housing stock or appropriate treatment placements.

Generally, programme staff described housing as tied to participation in some form of treatment, usually related to substance abuse disorders. Adherence to treatment requirements, which also included engagement with multiple therapeutic interventions, often came at the expense of sustainable housing solutions. Although professional stakeholders and participants viewed PDPs as a source of housing assistance, many questioned their efficacy, especially for people with fewer resources outside of the court. Sexual trauma therapist Diane pointed to the difficulty of succeeding in Dawn Court without housing: ‘Diversion court comes in and supposedly works very hard to break the cycle, but the cycle isn’t really broken if you don’t have anywhere to live.’ Securing housing was just one of many pressures participants faced as they joined the programme and then exited transitional or residential programmes. Caroline observed: ‘There’s so many competing challenges [and participants are asked to] open up the trauma when they don’t even have their basic needs met [...] it just seemed ... counter-therapeutic’. Several professional staff, including public defender Lily, advocated for a housing-first approach: ‘Give everyone an apartment. Just start from that basic place’. Similarly, Adam, who worked in the District Attorney’s office, noted that the challenges facing individuals engaged in street-based sex work were ‘not a big mystery’, so monitoring ‘somebody’s progress for a year is a pretty significant waste of resources when we would be much better off on the front end, trying to say, “hey, let’s get you connected to stable housing”’.

However, beginning with a provision of housing—even temporary—contrasted with programme priorities, especially in Dawn Court, which saw trauma and substance use disorder as the main problems and first targets for intervention.<sup>31</sup> Existing resources and fiscal incentives promoted treatment slots over housing. Many stakeholders described that they expected participants to enter some form of transitional housing (usually a recovery or halfway house) even when other options, such as living with family, were present. As public defender Kacey described,

*[The way the programme requirements] were set up really made it impossible for people to succeed and get off probation. ... There would be this push to force people who had housing to still go to a recovery house. ... So, yeah, the rigid adherence to those rules didn't help people succeed.*

Even after release from transitional housing, PDP participants navigated a challenging housing landscape. Respondents described these challenges in terms of relationships with the people with whom participants wanted to live. Whereas many participants did not have friends or family to take them in, those who did also met resistance from the programme overseeing their parole related to how these individuals—especially men—could influence participants' ongoing recovery. As public defender Alice recounted,

*One woman was about to transition out of her recovery home and, 'well, who is she gonna live with?' 'Oh, she doesn't have anywhere to live.' 'Where's she gonna live? Where's she gonna live? Can we find her housing?' 'We don't have housing. We got nothing'. ... 'She said she's going to live with an old friend.' 'Man or woman?' 'Man.' 'Oh, no.' 'Oh, God.' 'Well, are we going to let her?' 'I guess we'll let her. I mean, that's not going to be good. ... It's probably an old john, you know?' 'OK'. And, then, next week: 'Ugh, we got to go pick her up [for violating programme requirements]. She tested positive [for drugs].' And I'm like, 'well, wait a second. Since we allowed her to go live there and we knew this was gonna happen, now we're going to punish her?'*

Programme staff expressed concern over participants returning to families that might lead to reengagement in sex work or drug use. These staff usually described such concerns in terms of fears that family, friends, or neighbourhoods will either trigger bad feelings or tempt respondents: what is referred to in treatment speak as 'people, places, and things'. Other programme staff suspected that PDP participants lied about housing support. This was troubling to therapist Diane, who explained, 'people work very hard to cover this up. [Participants say,] "this is my boyfriend", "this is my children's father", "this is the home". ... But the person is really their owner'. Professional stakeholders and participants often hold different understandings of interpersonal relationships, which may be

<sup>31</sup> Leon and Shdaimah, 2019.

both beneficial and exploitative, and may evolve over time. Constrained options, including poverty, may also lead women to see engaging in sex work for themselves and for the benefit of others as a rational and legitimate—if illegal—option.<sup>32</sup> For these reasons, PDP participants may feel compelled to hide relationships that might raise PDP professionals' suspicions, for example living with older men or relationships with anyone from participants' treatment programmes.<sup>33</sup>

The rigidity of PDP requirements, despite their inability to provide quality housing for most, denies participants permission to live where they can flourish. This leads some participants to rely on creativity and deception. One participant (intentionally unnamed)—who remains grateful for the diversion programme in which she participated—defied programme stipulations by living outside the programme's permissible geographic borders to pursue employment, while telling programme stakeholders otherwise. When incarcerated after a relapse, she was allowed to serve out her sentence in a local jail and return to live with her family rather than being sent to state prison (as she believed would be her punishment). This respondent was convinced that professional stakeholders permitted her to do this because they recognised the PDP's inability to help her and that she was better off left to her own devices with the help of her family.

*I wasn't like everybody else. I needed space because there were some things I could do that [PDP] was holding me back from doing. The [PDP] knew they were holding me the fuck back and, instead of sending me upstate, they let me max out in jail and let me go with my family. ... I had the job skills. I had the knowledge. They were holding me back from doing what I needed to do for me. And if they would just get the fuck out of my way, I could do it. And I did.*

Many respondents wanted to help PDP participants secure more dependable means to sustain housing upon exit from transitional housing, such as education and job training. Respondents often described sustainable housing and related factors as an impetus for future success, emphasising a nurturing and supportive environment. Offering insights from a participant's perspective, Toni said,

*If you really want to get people to stay sober and stay off Avenue, give them things more than just offering them an SSI [Social Security Insurance] check and meds. 'Cause there's people out there ... that want more than just an SSI check—that want a life.*

<sup>32</sup> C S Shdaimah and C S Leon, “‘First and Foremost They’re Survivors’”: Selective manipulation, resilience, and assertion among prostitute women’, *Feminist Criminology*, vol. 10, issue 4, 2015, pp. 326–347, <https://doi.org/10.1177/1557085114553832>.

<sup>33</sup> Shdaimah, Leon, and Wiechelt.

Elaborating on specific programme components that would help move participants toward what they saw as successful futures, respondents noted a need for increased educational opportunities, professional training, and legal assistance. Belle, who worked at a mandated trauma treatment programme, agreed with Dawn Court defendant Toni's assessment and offered Homeboy Industries<sup>34</sup> as an example of horizontal integration between treatment, employment, and avoiding recidivism, pointing out:

*If you have someone that you know they're getting clean, they're doing all this treatment, and they're still homeless or without a job because no one will hire them because of their criminal record, what is the point of them also getting clean if they're just gonna be back to square one?*

*It's a Home': Housing as an idea(l)*

Incarceration and transitional programmes are on one end of the spectrum of housing solutions, both of which include extensive surveillance. At the opposite end of that spectrum is what Judge Kahan described as a 'comfort zone'. The comfort zone is a place where people can feel safe and whole, where a house is a home. One Dawn Court focus group participant described a residential programme that seemed close to that ideal:

*They're beautiful people. The house that I live in is gorgeous. It's beautiful. It's comfortable. I feel like I'm home. It's not like any other transitional or a recovery house; it's a home. And that's the way the nuns [who run it] make it feel for us. We all sit down at dinnertime, and sit and eat dinner together. It's just amazing. I can't say enough about my life right now. My life is moving forward.*

Participants felt valued and developed social relationships with staff and other residents, making it feel like a home. Respondents described their ideal of home in terms of location, family relationships, and a place to care for others.

Many respondents described the geographic location of home as central, viewing some regions as a means of escape and others as risking entrapment. For many participants and stakeholders in Philadelphia, a change of location meant escaping the neighbourhood where almost all Dawn Court participants were arrested, sold sex, and bought and used drugs. Although this neighbourhood was home to many, it gained infamy as a busy drug corridor. That neighbourhood was described by professional stakeholders and participants alike as a place to escape from—and in juxtaposition with—any idea of home or normalcy.

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<sup>34</sup> Homeboy Industries is a one-stop programme that provides holistic services, including re-entry programmes, to anyone who is involved in the criminal legal system or with gangs in Los Angeles, California. See <https://homeboyindustries.org>.



One SPD respondent, Pink, planned her exit: ‘And when I get the Social Security, I am getting a place for me to live. It’s not going to be in the city. ... Where I’m going, I don’t know nobody, and nobody knows me’. For many people exiting a PDP, the escape plan revolved around people at distant locations, or the possibility of anonymity. Adam shared what he considered to be a better strategy used by a non-profit agency that he worked with in the neighbourhood:

*[People in sex work] found themselves effectively marooned [in the neighbourhood] but [if] they had a cousin in Texas [who] said, ‘hey, we’ll open our doors to this person’. And we just put them on a bus to Texas, and that was the solution. And that was a much more elegant way to help somebody than to say, ‘we’re going to tether you to this place that you already feel stuck in’.*

In contrast to the common criminal legal system practice of moving someone in order to pass the problem along (‘bus therapy’),<sup>35</sup> Adam conveyed the desire to help clients reach their ideal homes. For others, the ideal was returning to their family homes—irrespective of geography. In addition to stability, returning to family was sometimes also part of a larger process of reconciliation. Pink described this change: ‘I’m back in my family’s homes again. I’m not sleeping under a bridge or walking into the grocery store, taking a couple of [items] and eating them’.

For others, living with family members was sometimes a complicated mix of assistance and risk of harm because of family dynamics. Dawn Court participant Ava explained that moving into her sister’s suburban home provided her needed geographical distance from the site of her drug use and sex work, but she also described living near family as ‘a trigger’ due to a history of tension and unhealthy family dynamics, which were a common factor in many participants’ lives.

Participants described the ideal of home as a place where they could care for others. Dawn Court participant Amy described her living situation at the time:

*My daughter is with me every day from the time she gets home from school ‘til the time she wakes up for school the next day. She sleeps at my grandmom’s house with me. It’s only a one-bedroom, so there’s an air mattress in the living room [that] me and my daughter sleep on. She’s laughing more [now] that I’m home. ... My sister just had emergency brain surgery. ... It was the first real tragedy since I’ve been home. [I] didn’t know where in [the family] dynamics I stood. It turned out that I’m the one who slept at the hospital for 4 days with her, and I was strong for my parents because they were not able to be.*

<sup>35</sup> J Page, *The Toughest Beat: Politics, punishment, and the prison officers union in California*, Oxford University Press, Oxford, 2011.

Despite those complicated familial dynamics, Amy found her place caring for her daughter and being a pillar of support when her sister needed her. Ava also described complex familial relationships, especially with her mother, who is now her neighbour. When Ava's mother 'broke both wrists ... [Ava] became her caretaker. So, that was difficult!'

For participants with children, a stable home meant having a place to parent and provide for children. SPD participant Jen explained that her 'goal is just to be a good mother and to raise my child and bring my child home from the hospital. Bring him to a home where me and his father are'. Likewise, CeeJay, an SPD participant who was pregnant at the time of one interview, described her position: 'This will be the first baby after 8 years that I will be taking care of. That's a huge gap. ... I'm petrified. ... The rent will be low-income, but it will be my own home. Yeah!' Beyond a roof and four walls, caring for loved ones sometimes required other material goods along with housing and emotional support. SPD respondent Myesha explained:

*For me and my son, so I don't need more than like a two-bedroom. ... I'm going to do what I got to do to get my son happy. I'm going to get him a laptop and a flat TV and all that stuff. I've got three kids. ... Of course, they want phones and laptops, my other two kids. So, I'm going to try to do what I can do for them. I want them to buy clothes, but they grow so fast! ... I'm looking forward to being down there when [my daughter] starts dating because it's almost time.*

Judge Kahan saw housing as a universal need: 'Housing transcends people who have issues with drugs and alcohol and people who have issues with prostitution and mental health.'

## Discussion

Respondents clearly viewed housing as much more than 'three hots and a cot', or than a bedbug-infested place to sleep at night. The physical location of the home matters, as do the people who fill the home and the look and feel of those relationships. Housing as home supersedes the mere survival conferred by four interconnected walls to describe a feeling. Home may offer ontological security necessary to build full, complex lives for PDP participants, as it does for everyone, including those entangled in criminal legal systems.<sup>36</sup>

<sup>36</sup> A Rosenberg *et al.*, "'I Don't Know What Home Feels Like Anymore': Residential spaces and the absence of ontological security for people returning from incarceration', *Social Science & Medicine*, vol. 272, 2021, <https://doi.org/10.1016/j.socscimed.2021.113734>; Miller.

For people in poverty who are in recovery from long-term substance use disorders, which was the case for nearly all our respondents, housing challenges may be particularly acute. The insufficiency of safe and appropriate recovery housing in Philadelphia, for example, has been well-documented.<sup>37</sup> Our data corroborate these findings and show how that reality is experienced. The requirement to engage first with therapy, with little consideration of housing needs, is indicative of how programme leadership ignores the expertise and experience of certain professional stakeholders<sup>38</sup> and programme participants, instead opting for a one-size-fits-all approach. At worst, it forces PDP participants to separate from supportive networks, live in facilities and neighbourhoods that may impede compliance with programme stipulations, and ignore other intersecting needs and aspirations. Even PDP professionals who recognise the centrality of housing as a survival need or as crucial for stability and belonging may disregard housing as an intractable problem that they cannot solve. Regardless of whether the failure to address housing is due to a lack of resources or a lack of care, our data emphasise the importance of housing as home.

Despite asking study participants explicitly about intersectional concerns, it remains unclear what additional or different barriers to safe, sustainable housing may be faced by different populations engaged in criminalised street-based sex work. For example, it is well documented that Black and transgender sex workers face more stigma within criminal legal and housing systems,<sup>39</sup> experience more surveillance,<sup>40</sup> and bear a disproportionate share of systemic harms.<sup>41</sup> While arrests and incarceration in Baltimore and Philadelphia are racially disproportionate, arrests for street-based sex work and the dockets of PDPs in these locales are less so. Despite explicitly querying our respondents in this regard during the second wave of data collection, most were at a loss to explain. Nevertheless, a number concurred that this was their anecdotal experience and likely is, to some extent, a reflection of how and where sex work is policed. The literature provides some

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<sup>37</sup> R P Fairbanks, *How it Works: Recovering citizens in post-welfare Philadelphia*, University of Chicago Press, Chicago, 2009.

<sup>38</sup> N D Franke and C S Shdaimah, “‘I Have Different Goals Than You, We Can’t Be a Team’”: Navigating the tensions of a courtroom workgroup in a prostitution diversion program’, *Ethics and Social Welfare*, vol. 16, issue 2, 2022, pp. 193–205, <https://doi.org/10.1080/17496535.2022.2069544>.

<sup>39</sup> D Yarbrough, ‘The Carceral Production of Transgender Poverty: How racialized gender policing deprives transgender women of housing and safety’, *Punishment & Society*, vol. 25, issue 1, 2023, pp. 141–161, <https://doi.org/10.1177/14624745211017818>.

<sup>40</sup> A J Ritchie, *Invisible No More: Police violence against Black women and women of color*, Beacon Press, Boston, 2017.

<sup>41</sup> P Saunders and J Kirby, ‘Move Along: Community-based research into the policing of sex work in Washington, DC’, *Social Justice*, vol. 37, issue 1, 2010, pp. 107–127.

sense that this may reflect, at least in part, larger patterns of policing, police/community relations, and gentrification trends that should be explored in future studies. These efforts may be brought to fruition through policing data, such as the origin of calls for (police) services, and Geographic Information System (GIS) mapping of neighbourhood economic trends, building permits, and decriminalisation patterns, as well as other variables that may indicate shifts in sex work activities, housing trends, and policing. Future studies would also benefit from exploring intersecting vulnerabilities and protective factors among those engaged in street-based sex work as they relate to housing.

## Conclusion

PDPs prioritise therapeutic interventions, targeting individual behaviours and attitudes, over meeting participants' basic human needs, often placing them in substandard housing and removing them from existing networks of support. Our data show that such prioritisation, which often conflicts with participants' expressed preferences, does not always leave them better off in the short or long term. PDPs' neglect of the quality, type, and meaning of housing reveals and reinforces a fundamental disregard for people in street-based sex trade as multifaceted, agentic human beings. To provide sustainable long-term and successful pathways for participants, programmes must recognise the importance of housing as a key stabilising factor needed for success in all other areas, as well as meeting participants' sense of home as a 'comfort zone' that must be afforded to all people. This may be accomplished through housing first models that see housing as a human right and harm reduction practice and, therefore, provide permanent shelter with tailored support to participants as a first line of service.<sup>42</sup> Such programmes also minimise eligibility criteria and programme requirements, such as abstinence or engagement with therapy, that may serve as barriers to housing. The inability of programme participants to surmount structural hurdles even with the resources of PDPs calls for a re-thinking of sanctioning practices. PDP participants should not be punished for non-compliance that arises from low-quality programming and a dearth of adequate housing opportunities. Perhaps most importantly, the difficulties that PDP participants and staff face in meeting housing challenges are emblematic of the problem of criminalising sex work in the first place, as it is one of the few viable financial resources available to PDP participants.

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<sup>42</sup> L MacKinnon and M E Socias, 'Housing First: A housing model rooted in harm reduction with potential to transform health care access for highly marginalized Canadians', *Canadian Family Physician*, vol. 67, issue 7, 2021, pp. 481–483, <https://doi.org/10.46747/cfp.6707481>.

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