

# **White Paper**

  

## **Controlling Prostitution: A Multi-Modality Approach**

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### **Abstract**

This White Paper, produced by the Memphis Shelby Crime Commission, is the culmination of a research effort focusing on the crime and public quality-of-life problems that seem to pivot about the prevalence of prostitution related activity. Literature reviews, original survey materials, and personal interviews are cited as providing the basis for the observations offered in this study. A general overview of the "multi-modality approach" is provided, including responses to possible objections to prostitution control efforts and justifications for a shift in the application of resources to this problem. Finally, recommendations concerning prostitution enforcement and abatement strategies, specific to Memphis and Shelby County, are presented. These recommendations focus on fostering strategic partnerships between the local criminal justice establishment, public and private service organizations, and the community. This White Paper attempts to direct prostitution control efforts at every angle of the phenomenon, from the social and physical environments that seem to foster this type of behavior, through law enforcement and prosecution strategies, statutory reform possibilities, and to corrections alternatives that may serve to reduce the recidivism rates of prostitutes and patrons.

## Executive Summary

This White Paper, produced by the Memphis Shelby Crime Commission, is the culmination of a research effort focusing on the crime and public quality-of-life problems that seem to pivot about the prevalence of prostitution related activity. An attempt is made, through the introduction and recommendation of a "multi-modality approach," to address every major aspect of this problem and direct efforts from every side of the issue in such a way as to create a holistic approach that may realize long-term success in controlling prostitution activity in Memphis and Shelby County. Often, prostitution control efforts, both locally and across the nation, are incomplete in that they fail to address all aspects of this problem, from the physical and social environments that seem to foster prostitution-related behavior through post-conviction practices that address the needs of the individuals involved. It is the judgment of the Commission that these efforts can ultimately fail due directly to this lack of a holistic approach.

Extensive literature reviews, original survey materials, and personal interviews are cited as providing the basis for the observations offered in this study. An overview of prostitution as a problem of social control is presented, detailing the specification, scope, and significance of the problem, as well as the human costs that are often overlooked when attempts are made to control it. The original survey materials are also presented as evidence to support the suggested approach. A general overview of the "multi-modality approach" is provided, including responses to possible objections to prostitution control efforts and justifications for a shift in the application of resources to this problem.

There are, generally, two methods by which prostitution-related behavior may be controlled. The first concerns enforcement strategies. The Commission's first five recommendations are presented for consideration in this regard. They are as follows:

1. Departments committed to the control of prostitution must make such control a consistent focus of their vice, street crime, and/or organized crime units.
2. The personnel assigned to prostitution control should be permitted and encouraged to coordinate their efforts with officers charged with assigning and directing the efforts of patrol officers.
3. The efforts of officers assigned to prostitution control should be guided by the best available crime mapping and tracking technologies.
4. A substantial effort should be made by departments and officers charged with the task of prostitution control to expand the scope of control efforts to target clients and facilitators, as well as prostitutes.
5. Personnel charged with directing prostitution control efforts, in conjunction with the District Attorney General's office, should normalize procedures for tracking and vigorously prosecuting prostitutes and clients known to be HIV positive.

These recommendations focus on the need for the augmentation of existing partnerships and, in some cases, the development of others. The importance of a consistent law enforcement focus on this problem, coupled with inter- and intra-agency coordination and the use of the latest crime mapping technology, is emphasized. It is recommended that

traditional inadequacies, such as focusing on prostitutes to the exclusion of patrons, be addressed. Finally, a focus of enforcement efforts against prostitutes and patrons who are known to be HIV positive is recommended, citing the substantial public health risk that these individuals pose as justification for such focus.

The second general area that should be considered in the development of successful prostitution control strategies concerns abatement efforts. When coupled with effective enforcement strategies, the abatement of prostitution-related behavior promises to provide the greatest opportunity for long-term, cost-effective success. As with new enforcement efforts, the development of prostitution abatement strategies will require the reallocation of resources; however, the long-term results of effective abatement should more than pay for the initial costs, and further financial savings may be realized through the long-term decrease in the need for specialized law enforcement and prosecution efforts. While these observations should make fiscal sense, they do not begin to address the savings in human costs that cannot be measured in financial terms. The next eight recommendations fall under the heading of prostitution abatement strategies. They are as follows:

6. Prostitution control efforts should include mechanisms to identify and address criminogenic features of problem areas.
7. In addition to efforts aimed at the physical "ecology" of prostitution "hot spots,"
8. departments and personnel charged with directing prostitution control efforts should work with the District Attorney General's office and judges to encourage the incorporation of location specific restrictions as a condition of probation.
9. Efforts aimed at positively impacting the "ecology" of prostitution "hot spots" should
10. target owners of properties, commercial or private, that are frequent sites of prostitution activity by invoking public nuisance abatement codes.
11. The prosecution of prostitution offenses should be shifted from the traditional criminal courts to the drug court context, with the exception of those cases involving HIV positive defendants whose criminal act knowingly exposes others to infection and those involving defendants accused of promoting the prostitution of others.
12. A stringent campaign aimed at statutory reform should be considered in order that the efficacy of prostitution control efforts may be maximized.
13. When possible and advisable, prostitution offenses should be disposed of through
14. diversionary and/or plea mechanisms aimed at specific and verifiable rehabilitative strategies. Prostitute-specific diversionary mechanisms that should be employed include making probation or plea arrangements conditional on participation in drug and alcohol counseling, employment counseling, or risk education, and, for repeat offenders, mandatory residence in a program offering intensive counseling and rehabilitation efforts.
15. A client-specific diversionary mechanism that should be considered is an educational program (a "John School") offered as a condition of probation to first-time offenders.

16. The effectiveness of enforcement and abatement efforts directed at prostitution control should be assessed on a regular basis, with such assessment helping to refine existing strategies and guiding the development of new ones.

These recommendations address the need to identify and consider the physical and social settings that seem to foster prostitution-related activities. They further recognize the potential benefits that may be realized through the handling of most offenders in the context of the community court. Rehabilitation possibilities for those engaged in prostitution are explored, as are methods by which the recidivism of patrons may be addressed while simultaneously funding such rehabilitation efforts. The need for and possible benefits of state-level statutory reform are also considered. Finally, it is recommended that any such efforts be evaluated regularly so that they may evolve as needed to maximize efficiency and efficacy.

While the development and funding of a "multi-modality" approach to prostitution control in Shelby County will certainly require a daunting commitment, long-term success hinges on a complete reformation. The importance of identifying and addressing all major aspects of this multi-faceted problem cannot be overemphasized. Changes in law enforcement efforts, prosecutorial strategies, and/or judicial behavior will ultimately prove impractical if resources are not devoted to post-conviction practices dealing with these changes, and vice versa. Further, partnerships must be fostered between the local criminal justice establishment and the community to maximize success.

These recommendations focus on the development of just such strategic partnerships between local criminal justice agencies, public and private service organizations, and the community. This White Paper attempts to direct prostitution control efforts at every angle of the phenomenon, from the social and physical environments that seem to foster this type of behavior, through law enforcement and prosecution strategies, statutory reform possibilities, and to corrections alternatives that may serve to reduce the recidivism rates of prostitutes and patrons.

### **Author Note**

This study was originally commissioned in late 1999 by the Memphis Shelby Crime Commission board. It was ultimately presented to the Commission in 2002 by the original principal researcher, Dr. Phillip Maloney, at which time it became the foundation for the White Paper in its current form. It was during the course of the last several months that this research effort was made more timely and current. Several sources, acknowledged below, were personally interviewed and generously contributed to this effort. Also, more timely studies, some not yet in print, were also evaluated and included, all in an effort to make this report as practically useful and current as possible.

Of course social science, and particularly criminology and criminal justice, research efforts are continuously yielding new information; however the Commission is confident

that the information presented in this White Paper is timely and complete. Specifically, some areas addressed by this paper that have been the focus of recent research include prostitute rehabilitation strategies, client-specific diversionary mechanisms, the feasibility of utilizing Shelby County's existing community court to dispose of offenders' cases, and the recent joint efforts of the Shelby County District Attorney General's office and the Memphis Police Department to enhance enforcement and deal with some of the problem properties through nuisance abatement statutes.

The Commission would like to acknowledge the time and expertise of several agencies and individuals that have contributed to this effort. Among them are a host of individuals from the Shelby County District Attorney General's office who provided legal guidance and insight into current prostitution control efforts. Shelby County Assistant District Attorneys General Mike Boyle, Amy Weirich, Jennifer Nichols, and Valerie Smith were very helpful in this regard, as were the Memphis Police Department's Vice and Narcotics Unit's Inspector R.W. Sojourner and Major D.A. Betts. Shelby County Assistant Public Defender W. Mark Ward also provided legal insight. Honorable Judge Tim Dwyer and Drug Court Coordinator Tonya Price should also be acknowledged for their time and interest.

Section Chief Kent Richardson of the Texas Attorney General's Office - Special Crimes Division and Lieutenant S. Domingues of the San Antonio Police Department provided insight and information as to current efforts in the State of Texas. Assistant U.S. Attorney Kelly Higashi of Washington, D.C., San Francisco District Attorney Public Information Officer Mark MacNamara, and Reverend Becca Stevens of Nashville's Magdalene House provided information concerning "John Schools" and rehabilitation options.

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## **Foreword**

This study, *Controlling Prostitution: A Multi-Modality Approach*, is the eighth in a series of White Papers on issues related to public safety. While the primary method of research for the Memphis Shelby Crime Commission (hereafter, the Commission) is best practice investigations, not all topics lend themselves to this format. The purpose of the White Paper is to cover special issues, policies, and concerns not specifically addressed by the Commission's best practice studies.

A White Paper is usually defined as a statement of proposed government policy on a particular subject. In government departments, White Papers are drafted by civil servants, but the final decision concerning their content is at the discretion of the agency head, consistent with stated administration policies. A common procedure after the publication of a White Paper is for the governmental organization to initiate legislation or policy construction embodying the positions proposed. As an aid to this task, a White Paper serves as a form of public scrutiny of the proposed policies. It is often the case that governmental agencies accept comments from interested bodies, as well as the general public, on the content of White Papers. Such comments have varying degrees of influence upon the legislation that follows.

While the Commission is an independent, non-governmental, nonprofit organization, the purpose of its White Papers closely mirrors that of governmental agencies. The content of these White Papers may serve as statements of position by the Board of Directors of the Commission. However, the primary goal is to formulate an assessment of an issue for public comment and review.

In articulating the positions and recommendations presented in this White Paper, the Commission is not rendering advice as to the legality of practical implementation. The recipient of this document is therefore advised to seek professional legal advice when considering these recommendations for implementation, and this document should not be viewed as legal opinion.

## **I. Introduction and Methodology**

For the purposes of its comparative analyses, the Commission has selected a standard list of review cities: the Memphis 2005 peer cities,<sup>1</sup> the nine cities with populations above 500,000 that reduced crime the most during the 1990's,<sup>2</sup> and two additional cities in Tennessee, Knoxville and Chattanooga. On the basis of a review of the literature on prostitution control, the cities of West Palm Beach, FL, St. Petersburg, FL, and St. Paul, MN were added to the sample. In telephone interviews conducted during June of 2000 and March of 2001 and in follow-up interviews conducted during January and February of 2002, supervisory personnel in the police departments of these cities characterized and informally evaluated their departments' policies and procedures for prostitution control. A sample interview form is presented in Appendix A. The characterizations of department practices are summarized in Appendix B. While of little quantitative significance, the informal evaluations of the interviewed personnel and their reflections on their experience offer nontrivial support for recommendations made below.

As a review of the findings in Appendix B in Section III below reveals, there is significant variation in the organizational structures and strategies chosen by departments to control prostitution. This may be explained by the fact that there has been little empirical work done on the effectiveness of specific prostitution control strategies. This is in no way reflective of a lack of concern or regard for the problem of prostitution control amongst researchers, but rather of the fact that the existing research on the

effectiveness of crime control strategies in general is, "no more than a drop in an ocean of unanswered questions" (Sherman 1992: 160). More recently, while acknowledging the need for a great deal more research on the issue, researchers have more confidently identified a number of effective and ineffective strategies for crime control (Bennett 1998, Sherman, et al. 1997). While the lack of specific empirical research requires the present study to rely on qualitative elements, including the informal evaluations of personnel and their reflections on their experience, as well as discussions in the literature of specific strategies,<sup>3</sup> the best of current research demonstrating the effectiveness of general strategic approaches adds weight to the conclusions offered.

## **II. Prostitution as a Problem of Social Control: An Overview**

In many respects, controlling prostitution is a daunting task. As James Richardson makes clear, vice control, including control of prostitution, has posed significant problems for police forces from the very beginning (Richardson 1974).<sup>4</sup> Key to understanding the problem prostitution poses to those who seek to control it is the recognition that prostitution, like drug dealing, is a consensual crime, one in which all individuals involved in the crime willfully participate in its commission (Hunt 1990: 160). This is not to say that prostitutes' choice of profession is not coerced. It must be noted that convincing arguments have been documented that highlight the coercion involved in most prostitutes' lives and even limit the applicability of the term "choice" in many cases; however, the fact remains that the consensual nature of prostitution, and lack of complaining victims, have a number of implications for the attempt to control it. Among other things, the consensual nature of prostitution makes it difficult to accurately estimate the number of people involved in prostitution and the number, context, and type of acts committed. It complicates attempts to identify and explain the motivations and antecedent conditions of the individuals involved in prostitution. It helps explain shifting public and law enforcement perceptions of the crime and of the appropriateness of the means used to control it. Finally, it imposes specific limits to the effectiveness of various control mechanisms. In what follows, aspects of prostitution as a problem of social control are examined.

### **A. Prostitution: Specification, Scope, and Significance**

Though as defined for the purposes of the present study, prostitution refers to any act of commercial sex, in reality prostitution as an object of social control is frequently specified in a number of ways. To begin with, in both perception and enforcement, prostitutes are typically assumed to be women, and, even more consistently, the customer is assumed to be a man.<sup>5</sup> Indeed, the vast majority of individuals arrested for soliciting prostitutes are males, and a significant majority of individuals arrested for prostitution are females.<sup>6</sup> However, in regard to the latter category especially, these facts and perceptions may belie a significant population of male prostitutes (David and Earls 1989: 6). To a large extent, however, the activities of this population remain out of the public eye.<sup>7</sup> The most visible and most commonly controlled form of prostitution has been and remains

heterosexual, with a female provider and a male client. The specification of prostitution in perception and enforcement by sex has important implications for control efforts. The growing body of research on the specific pathways women take to criminality and on the experience of women in the criminal justice system are of particular relevance in identifying and assessing prostitution control efforts.<sup>8</sup>

In addition to specification by sex, the perception and enforcement of prostitution is also specified by form. Though prostitution consists of a variety of forms, the form of prostitution most likely to be subject to social control is street prostitution.<sup>9</sup> Once again, this is in part due to the visibility of street prostitution. Brothel prostitution and prostitution connected to the adult entertainment industry are by their natures less frequently observed, and are thus less likely to become the objects of social pressure. However, in part, the focus on street prostitution is explained by the correlation between this particular form of prostitution and a wide range of other criminal activities. Studies of women engaged in street prostitution consistently find a complex relationship between such prostitution, illegal drug use and sales, and other forms of criminality (Chaiken and Chaiken 1990, Datesman 1981, Goldstein, et al. 1992, Graham and Wish 1994). This correlation between street prostitution and diverse forms of criminality quite naturally increases the attention paid to it by community members and law enforcement personnel. On the other hand, this attention may distract communities and law enforcement agencies from more organized and less tractable forms of prostitution. It may also unintentionally skew enforcement along race and class lines.<sup>10</sup>

An obvious implication of the consensual nature of prostitution, one that is exacerbated by the specification of prostitution by sex and form, is the difficulty of assessing the scope and frequency of the activity. The frequent lack of a complainant, combined with the "invisibility" of brothel and other non-street forms of prostitution, make estimates based on arrest figures unreliable indicators of the numbers of people engaged in the activity and the frequency of their engagement. The *Uniform Crime Reports* for 2001 estimates that there were 80,854 arrests for "Prostitution and Commercialized Vice" (PCV) during that year ("Crime in the United States: 2001 (Uniform Crime Reports)" 2002: 233).<sup>11</sup> Dana Hunt (1990) raises significant questions about the adequacy of such numbers as a measure of the actual number of acts of prostitution, pointing in particular to the high ratio of commissions to arrests. Referring to a study of drug users conducted by James Inciardi (Inciardi 1986), Hunt summarizes its startling results:

In [the] sample of 573 narcotic users in Miami, there were 16,045 prostitution offenses reported [by the users] resulting in only 89 arrests. Among [the] sample of 429 nonnarcotic drug users (of alcohol, sedatives, marijuana, and cocaine), 24,966 were reported resulting in only 49 arrests (Hunt 1990: 193).

Even if we optimistically assume that, in stark contrast to the figures reported by Inciardi's samples, the number of arrests for prostitution reflect 10% of the acts actually committed,<sup>12</sup> the total number of acts of prostitution in this country in one year would be equal to approximately half the total number of arrests for all offenses in that year. This alone imposes a significant practical burden on law enforcement agencies and the

criminal justice system as a whole, as they are already dealing with limited resources and personnel. These figures make it possible to assess the economic significance of prostitution. Assuming a cost of between \$30 and \$50 dollars per commission,<sup>13</sup> approximately 900,000 acts of prostitution per year would generate between 30 and 45 million dollars annually.<sup>14</sup> The income generating possibilities explain the continued involvement of organized criminal groups in prostitution (Richard 1999, Jacobs and Panarella 1998).

## **B. The Working Conditions of Prostitutes**

A strong presumptive case for the social control of prostitution emerges through a consideration of the conditions from and under which prostitutes ply their trade. Such a consideration must proceed carefully. Researchers testing public attitudes toward prostitutes have found significant discrepancies between those attitudes and prostitutes' own perceptions of their circumstances and conditions (Alexander 1987, Chesney-Lind 1997, Perkins 1991). Despite this possibility of discrepancy, research offers significant insight into the motivations of individuals who work as prostitutes, the conditions under which they work, and the risks that they face as sex workers.

A number of possible predisposing factors explaining women's participation in prostitution have been identified. James (1978) and Silbert and Pines (1982) identify early negative sexual experiences, particularly childhood sexual abuse, as possible predisposing factors. Drug use is also strongly correlated with the choice to prostitute oneself (Chaiken and Chaiken 1990, Chesney-Lind 1997, Datesman 1981, Goldstein, et al. 1992, Hunt 1990, Porter and Bonilla 1999). However, this research strongly suggests that drug use is not a causal factor in the choice to work as a prostitute. Many prostitutes, as well as female criminals in general, commit crimes prior to becoming addicted to drugs. For many women, prostitution serves as a means of generating income to support themselves and any dependents they are responsible for, not just of obtaining drugs. In general, the research agrees that while drug use does not cause prostitution, individuals who use drugs are more inclined than non-users to engage in a range of criminal activity (Inciardi 1986). Indeed, studies have consistently shown that economic motives and the related perceptions of being unable to find adequately paying work are the most common motives articulated by prostitutes to explain their choice to work in the industry (Harris, et al. 1999a, James 1978, Perkins 1991, Silbert and Pines 1982, David and Earls 1989, Carmen and Moody 1985). These studies support the contention that, "Financial gain, rather than social, sexual, or other motivations, is the overriding rationale for getting into prostitution" (Rosenbaum 1982: 132-3). The picture painted by these findings is a bleak one. Though many prostitutes report enjoying the economic freedom afforded them by prostitution (Ibid.), the economic constraints which make freedom purchased at the price paid by prostitutes (detailed below) enjoyable, as well as the constraints felt or imposed by a history of sexual abuse and the side effects of the commonly attendant drug abuse, raises significant questions about the freedom of choice realized by most prostitutes. In other words, it may be argued that prostitution is a lifestyle choice; however, in many cases, it seems as though it is a coerced one.

A sense of the price paid by prostitutes, especially those who work on the streets,<sup>15</sup> emerges through a consideration of the conditions under which they work. Due to the greater risks of interruption in areas with significant pedestrian traffic or commercial concerns, much street prostitution takes place in isolated, non-residential areas with easy automobile access (Carmen and Moody 1985, Perkins 1991). In such areas, prostitutes are at significant risk of being targets of physical violence, with robbery, rape, and murder being common forms of outrage perpetrated on prostitutes. For example, (Farley and Barkan 1998) refer to an earlier study of a sample of 130 street prostitutes that found that more than 60% had been raped while working as prostitutes. Such findings are consistent across studies, strongly suggesting the importance of addressing the environmental conditions conducive to street prostitution (Weiner 1996).<sup>16</sup>

In addition to the risks posed by their working environment, the nature of the prostitutes' work exposes them to a number of health risks related to sexually transmitted diseases. Given the frequency with which prostitutes engage in sexual acts, these risks are not only posed to the prostitute, but to the community at large. Accurately assessing these risks, however, is more complicated than it would appear at first glance. Studies about rates of HIV infection among active prostitutes suggest that the activity itself may not explain the increased rate of such infection in this population. Instead, HIV infection amongst prostitutes is strongly correlated to intravenous drug use, consistent with patterns of infection in the population as a whole (Modan, et al. 1992, Ward, et al. 1993, Porter and Bonilla 1999).<sup>17</sup> In large part this is explained by the high prevalence of condom use during commercial sex. Indeed, there is some reason to believe that prostitutes may be at higher risk of infection from their non-commercial partners, whom prostitutes are significantly less likely to require to use condoms, than their clients (Mezzone 1993).<sup>18</sup> The persistence of these surprising results as the HIV crisis has developed is suggested by recent studies of rates of HIV infection amongst arrestees in Los Angeles County that find rates of infection holding steady at 6% for both males and females (Carpenter, et al. 1999). These results, which have been characterized as "The Prostitute Paradox," should in no way be taken to imply that the personal or public health risks of prostitution are trivial. In addition to HIV, prostitutes are at significant risk for infection and transmission of a range of other serious sexually transmitted diseases, though there is a significant correlation with drug use here, as well (Mcquillan, et al. 1999, Rofes, et al. 1990). Together with the questions concerning the motivations animating participation of prostitutes in sex work and the dangers posed to prostitutes by their working conditions, these health risks provide ample justification for the social control of prostitution.

### **III. Comparative Analysis of the Department Survey**

In telephone interviews conducted during June of 2000 and March of 2001 with supervisory personnel in the departments chosen as the Memphis Shelby Crime Commission review cities, and in follow-up interviews conducted during January and February of 2002, the policies and procedures of these departments aimed at prostitution control were characterized and informally evaluated. In every instance, the personnel interviewed acknowledged the presence in their municipality of prostitution by both

males and females, taking a variety of forms. Significantly, a number of the officers testified to no specific knowledge of organized male or brothel prostitution, though they asserted that "it happened." The personnel interviewed typically agreed that prostitution was a significant social problem, though in many cases discussion of the associated criminal behavior, the risks posed to prostitutes and their clients, and threats to public health prompted the agreement. With a few exceptions,<sup>19</sup> the personnel interviewed indicated that agencies or commands within their departments regularly targeted prostitution. However, even those departments with specific vice/street crime commands or task forces typically do not maintain a consistent focus on prostitution. More typical is a rotating pattern of enforcement, with prostitution taking its place between drug enforcement and control efforts directed at other forms of vice/street crime. Given the prominence of drug enforcement efforts resulting from the national "War on Drugs," it should not be surprising that the majority of the officers surveyed reported that prostitution control efforts were a lower priority for their department or division than drug enforcement.

By far the most common approach to prostitution control taken by the departments in the survey was the enforcement of state and local codes outlawing prostitution and related behaviors. These findings are consistent with the continued dominance of the "Professional Model" of policing, the functional emphasis of which is the control of crime through law enforcement (Kelling and Moore 1999: 9). Characterized strategically, this emphasis is dominated by the use of "...patrol (both random and directed), rapid response to calls for service, and retrospective investigation of crimes" (Moore 1992: 108). In the departments surveyed, the use of patrols and response to complaints were frequently supplemented by undercover sting operations, targeted at prostitutes and somewhat less frequently at clients. These sting operations were directed both at street activity and at prostitution related to adult entertainment businesses, particularly massage parlors and escort services.<sup>20</sup> In the latter case, facilitators were targeted for arrest when possible.

Though on the surface, the characteristic efforts of the departments surveyed appear to range over a significant variety of prostitution activity and participants, in reality the vast majority of the departments surveyed focus their efforts on the control of street prostitution and more particularly on the arrest of street prostitutes. In addition to the increased visibility of street prostitution and prostitutes, a number of practical difficulties were offered by interviewed personnel to justify this focus. Primary amongst these were limitations in funding and personnel. According to officers surveyed, street stings, especially in problem areas, are usually more cost effective, netting more arrests per operation, than stings targeting businesses. In commands or task forces competing for limited funds from department budgets, such cost effectiveness is an important consideration. Considerations of cost also explain the infrequency with which facilitators are targeted for arrest. Building a case against the owner of a massage parlor or escort service is frequently a much more time consuming and involved process than running an operation targeting prostitutes or clients. The smaller number of female officers available for undercover operations, and the perception of greater physical risk to officers posing as prostitutes, were frequently invoked to explain the predominance of prostitute arrests,

though on occasion officers admitted the possibility that some personnel participating in these operations may be more willing to warn and release clients than prostitutes. Though, with the exception of this last possibility, these justifications appear legitimate, they have the effect of limiting the range of prostitution control efforts.

This limitation in the range of prostitution control efforts is commonly mirrored by limitations in the coordination of these efforts with the efforts of other commands within the department, other law enforcement agencies operating in the area, other professionals in the criminal justice system, and social service agencies. Common to those departments pursuing a primarily reactive approach to prostitution control is the isolation of these efforts from other departmental enforcement efforts as well as from opportunities for interagency cooperation, when available. Though there has recently been significant cooperation between local law enforcement agencies and the District Attorney General's office in Shelby County, Tennessee, most of the personnel from the other departments, when interviewed, attested to little cooperation with their local District Attorney's office beyond that necessary to arrange for court appearances and testimony. Even more uncommon was coordination with, or even knowledge of, public or private social agencies offering services to individuals engaged in prostitution. Characteristic of this lack of coordination was the report of the officer interviewed from another major municipal police agency in Tennessee. Though the officer had supervisory responsibility over officers in the Crime Suppression Unit and was regularly tasked with operating stings targeting both prostitutes and clients, he was unaware of the existence of a diversionary program aimed at clients (John School). Additionally, while the officer attested to vague knowledge of the existence of a high profile prostitute rehabilitation program operating in his jurisdiction, he could recall no instance in which he or the officers whom he supervised had any contact with the program.

In marked contrast to the primarily reactive, enforcement dominated approach to prostitution control characteristic of the majority of departments surveyed, the departments with the most innovative and presumptively most effective control efforts were united in their implementation of both reactive and proactive control efforts that combined enforcement and abatement modalities. More specifically, these departments are characterized both by the range of their efforts and their willingness to coordinate those efforts with other stakeholders in the effort to control prostitution. Of particular note were the programs implemented by the departments in Indianapolis, St. Paul, St. Petersburg, San Antonio, San Diego, and West Palm Beach. Each of these departments had personnel assigned to prostitution control on a full time basis, was committed as a matter of policy and exhibited significant organizational flexibility, and had strong and committed leadership. This last feature is of particular importance. Repeatedly in conversations with personnel from these and other departments, the presence or absence of such leadership was credited with the success or lack thereof of prostitution control strategies. The importance of flexibility in the organization was also commonly attested. In particular, personnel noted that flexibility is required to allow personnel engaged in control efforts to call on the resources and insight of a variety of commands within a department and to effectively address the contextual diversity of prostitution activity. In addition to these institutional qualities, the departments of note engaged in a wide variety

of innovative enforcement and abatement approaches to prostitution control. These approaches included flexibility in the use of patrol, integration of mapping and tracking technologies in control efforts, innovation in the application of traditional techniques like stings, and the identification, commonly in conjunction with their local District Attorney's office, of novel uses of existing legal codes in various abatement efforts. This last feature highlights another important commonality between these notable programs: their willingness to build coalitions with other agencies and organizations sharing their concern for the extent and implications of prostitution in their municipalities. Indeed, an important conclusion drawn from the analysis of these notable programs is that effective control of prostitution requires a broad based coalition of political decision makers, law enforcement agencies, social service agencies, community leaders, and neighborhood organizations. Political and community leaders and public agencies must be willing to expend public and organizational resources to facilitate control efforts. This willingness must be matched by the affected communities, both in support of the expenditures in question as well as in support of the various strategic initiatives enacted by public agencies. Given that, "...in a neighborhood where there is little or no community pressure against street prostitution, street solicitation cannot be stopped no matter how much the police attempt to control it" (Milman 1980: 31), producing and sustaining such community support is essential. When combined with tested enforcement and abatement strategies, this support allows for a prostitution control effort with the best chance to succeed.

#### **IV. A Multi-Modality Approach to Prostitution Control**

As the analysis of the department surveys suggests, a multi-modality approach to prostitution control, when combined with public and private support, offers the best chance to accomplish the legitimate social end of controlling prostitution. Discussions with interviewed personnel and a review of the relevant literature suggested a number of distinctions that are helpful in articulating the features of this type of approach. A fundamental distinction is made between enforcement strategies and abatement strategies. Enforcement strategies are those that focus department and municipality control efforts on enforcing existing laws forbidding prostitution and related activities. Abatement strategies, on the other hand, are those that focus control efforts on preventing or interrupting the commission of the offenses by reducing or removing the precipitating conditions necessary for their commission. A related distinction is drawn between reactive and proactive control efforts.<sup>21</sup> While by definition enforcement strategies, predicated as they are on the commission of an offense, are reactive, abatement strategies can be either reactive or proactive in nature. A third distinction highlights the specific nature of the offender's relationship to the offense. Thus, while many of the strategies discussed below can be applied with equal success to prostitutes, clients or facilitators, abatement strategies frequently require specification by type of offender.

##### **A. Possible Objections to Prostitution Control Efforts**

Though the case for the energetic implementation of prostitution control efforts may seem obviously justified, there are important practical objections to the expenditure of the political, social, and material resources necessary to implement such efforts.<sup>22</sup> Before turning to an examination of proposed enforcement and abatement strategies, these objections must be considered.

A common objection to an increased focus on prostitution control points to the perceptions of the relative lack of seriousness of prostitution as an offense relative to other forms of criminality. How can expansion of prostitution control efforts be justified in the face of public indifference to prostitution? Research on public perceptions of crime consistently find that the public has only limited interest in the enforcement of laws against non-violent, consensual crimes like prostitution and drug use and a high degree of skepticism about the effectiveness of such enforcement (Roberts and Stalans 1998). Even high profile campaigns, such as the War on Drugs, are viewed with significant cynicism by the public (Ibid., 33). This general perception is consistent with the attitudes of a number of the officers surveyed, who ranked prostitution below a wide range of other forms of criminality in terms of seriousness of offense. This general perception helps explain the secondary status afforded prostitution control efforts by these officers. Despite the common perception of prostitution's relative lack of seriousness among the public and even among some law enforcement personnel, it would be incautious to conclude that such a perception should guide policy formation. When reminded of the harms commonly flowing from prostitution, officers initially skeptical of prostitution control efforts typically revised their assessments. This is consistent with the general recognition that perception is directly correlated with the possession of relevant information. Even on the assumption that policy formation should be a direct reflection of public sentiment, it seems fair to assume that a greater exposure to accurate information about the extent and implications of prostitution would strengthen public support for prostitution control efforts.<sup>23</sup> Personnel interviewed in the police department of St. Petersburg, FL credit a sustained public information campaign with the rise in awareness about the extent and seriousness of the prostitution problem in the city and the development of the support necessary for their successful prostitution control efforts (Getz 1996).

Another objection, one that frequently relies on claims about the perception of the relative seriousness of prostitution as an offense, highlights the costs of controlling prostitution. These costs are not trivial; they include expenditures for personnel to arrest and adjudicate prostitution offenders, the financial and opportunity costs lost to the control of other forms of criminality as a result of these expenditures, the funds necessary to support the recommended diversionary and social service mechanisms, and the political, social and financial capital required to educate the public about the problem and generate the required public and community support. For departments and municipalities working with limited public funds, securing the required resources can be difficult. Even if prostitution control is a legitimate public end, this objection asserts, limited public funds should be directed at more urgent needs. Despite the appropriateness of concerns over the costs of prostitution control efforts, however, they do not amount to a telling objection to these efforts. Rather, they place a premium on maximizing the effectiveness

of the control strategies implemented. Obviously, a substantial prostitution control effort will require funding above that typically directed at the problem. Departments and municipalities will of necessity need to seek additional traditional and non-traditional funding sources for these efforts, including public grants as well as public-private partnerships.<sup>24</sup>

A particularly weighty objection to typical attempts to control prostitution arises in the context of research into the effectiveness of crime control strategies. As the analysis of the department survey revealed, many departments confine their prostitution control efforts to those strategies traditionally associated with the "Professional Model" of policing. Unfortunately, these strategies are given mixed reviews by current crime control effectiveness research (Moore 1992: 128ff.).<sup>25</sup> Sherman's exhaustive survey of crime control strategies (Sherman, et al. 1997) finds little evidence for the effectiveness of rapid 911 responses, random patrolling, or primarily reactive patterns of law enforcement. The currently popular trend toward community policing fares little better. When inadequately or poorly implemented, this approach replicates the weaknesses of the "Professional Model" (Bennett 1998: 391). To the extent that prostitution control efforts are dominated by these sorts of approaches, a healthy skepticism of their effectiveness seems appropriate. Happily, research on crime control strategies attests to the effectiveness of other relatively common types of enforcement and abatement efforts. Directed patrols, proactive enforcement arrests, targeting of known criminogenic locations, and related "problem-oriented" policing strategies have shown substantial evidence of crime prevention (Sherman 1992, Moore 1992). While as noted above, little of this research has explicitly considered the issues surrounding prostitution control, the general effectiveness of currently available and utilized control mechanisms justifies their implementation in prostitution specific forms. Indeed, not only is their use justified in the case of prostitution, their implementation in this context may have the significant benefit of encouraging department or agency wide implementation.

Another significant objection to targeting prostitution for control is the possibility that such efforts may merely displace the criminal activity to an area not being actively targeted. This displacement can take a number of forms. Offenders can change locations. They can change the times of offending and they can switch the type of crime they commit (Barr and Pease 1990: 279). Clearly, if enforcement or abatement strategies result in significant displacement of criminal activity, their effectiveness as prostitution control strategies would be significantly limited.<sup>26</sup> While there have been few studies of displacement effects relative to prostitution control, there is some evidence that such displacement can occur, with unfortunate consequences. An example of this sort of displacement is revealed by the shift from prostitution to drug dealing under increased law enforcement pressure (Harris, et al. 1999a: 22). Another study suggests that displacement can occur under pressure of police targeting of a notorious prostitution market (Mcnamara 1994). On the other hand, a frequently cited study found that an increased police presence and changes to traffic patterns significantly curtailed the number and frequency of prostitutes working the streets in the area, but did not displace them to adjacent neighborhoods (Matthews 1992). A review of studies on crime displacement (Hesseling 1995) found significant variation in the level of displacement

detected across studies and methodologies, ultimately agreeing with others (Barr and Pease 1990, Eck 1993) who have argued that even when displacement occurs it does not overwhelm other gains from blocking crime opportunities. Given that displacement does not appear to be inevitable, and that in at least some instances it can be benign (Barr and Pease 1990: 284ff.), concerns over possible displacement do not pose any substantial burden for advocates of a range of prostitution control efforts. Of course, evidence of malign displacement resulting from specific control strategies should be taken seriously in any review of the effectiveness of these efforts.

On the assumption then that the control of prostitution is a legitimate social end, and that the substantial contravening arguments have been sufficiently answered, The Commission recommends the adoption of a multi-modality approach to prostitution control that includes both the specific enforcement and abatement strategies recommended below. It is the considered judgment of the Commission, bolstered by the historical ineffectiveness of traditional, enforcement centered approaches, that a commitment to prostitution control that fails to pursue both enforcement and abatement strategies has little chance of success, and a significant likelihood of exacerbating the very social problems that it seeks to reduce. What follows is a discussion of the specific enforcement and abatement strategies recommended by the Commission.

## **B. Enforcement Strategies for Prostitution Control**

As noted above, a number of specific enforcement strategies have been found to have demonstrable crime control effects. In the most active and successful department efforts to control prostitution discussed above, a variety of different combinations of these strategies have been implemented. Revealed in this discussion is the importance of organizational flexibility and strong leadership for these enforcement efforts.

### **Recommendations**

1. Departments committed to the control of prostitution must make such control a consistent focus of their vice, street crime, and/or organized crime units.

Action Agency: Memphis Police Department

Characteristic of the primarily reactive approaches of most of the departments surveyed was a rotating focus on vice or consensual crimes. In contrast, the most active and successful of the departments surveyed had supervisory and line personnel assigned to prostitution enforcement efforts on a full time basis. The obvious benefit of such full time assignment is the production of the knowledge of the specifics of the problem faced by the local municipality and insight into the strategies effective in addressing these specifics.<sup>27</sup>

2. The personnel assigned to prostitution control should be permitted and encouraged to coordinate their efforts with officers charged with assigning and directing the efforts of patrol officers.

Action Agency: Memphis Police Department

Directed, as opposed to random, patrolling has consistently been shown to have crime reducing effects. This is as true for "soft crimes" like prostitution as it is for more serious crimes (Sherman 1992: 200). An important element of such direct patrols is the ability of patrol officers to establish a constant and significant presence in an area, interacting with people in the community and interrupting many, especially casual, forms of criminal activity. Combined with specific "offender-oriented" patrol and community policing strategies (e.g., field interrogations, anti-loitering sweeps, and door-to-door visits), directed patrol offers significant crime control benefits (Ibid., 197ff.). Admittedly, the expense of this approach does not permit its application on a municipality wide basis, but when applied to specific, identified areas and/or groups of offenders, it should be cost-effective.

3. The efforts of officers assigned to prostitution control should be guided by the best available crime mapping and tracking technologies.

Action Agency: Memphis Police Department, University of Memphis Center for Community Criminology and Research

With the introduction of computerized crime analysis, a far greater precision in the identification of crime patterns has become possible. Crime control efforts in general, and prostitution control efforts in particular, should use this precision to focus their limited resources on the times and places with the highest risks of criminal behavior. This claim is supported by research into the localization of crime in "hot spots" and "hot times" (Sherman, et al. 1989), and into the effectiveness of "place-oriented strategies" for the control of "soft crimes" like prostitution (Sherman 1992: 199ff.).

It should be noted that, as was mentioned above, relatively few prostitution related offenses come to the attention of law enforcement personnel when compared to the actual number of occurrences. This is important because crime mapping based solely on the locations and times of arrests would probably only include a tiny percentage of actual occurrences and not necessarily indicate prostitution activity hotspots, but rather prostitution arrest hotspots. These characteristics of the prostitution problem would seem to limit the applicability of mapping technology to this situation; however, there are methods by which mapping technology could be effectively adapted to play a role in prostitution control efforts, and these methods should be evaluated and explored. Local law enforcement agencies are currently engaged in just such evaluation and exploration, and these efforts should continue.

4. A substantial effort should be made by departments and officers charged with the task of prostitution control to expand the scope of control efforts to target clients and facilitators, as well as prostitutes.

Action Agencies: Memphis Police Department, Shelby County District Attorney General's Office

A significant source of skepticism regarding the adequacy of prostitution control efforts is the historical focus of those efforts on women as prostitutes to the exclusion of other participants in the activity (Alexander 1987, Chesney-Lind 1997, James 1978, Perkins 1991, Pheterson 1996). Those more interested in the commercial significance of prostitution criticize this historical focus for its failure to address considerations of demand and forces shaping and directing supply. This sort of skeptic typically argues that as long as there are people who desire the services of prostitutes and entrepreneurs willing to organize efforts to meet that demand, prostitution will continue to be endemic (Reynolds 1986). Of course, no particular skeptical motivation is required to accept the conclusion that the consensual nature of prostitution makes it unlikely that control strategies focused on only one side of the triangle that frequently characterizes prostitution activity will be effective. Unavoidable practical limits to the enforcement of laws targeting clients and facilitators like those discussed above can constrain the most well-intentioned efforts of departments and personnel to target clients and facilitators using enforcement techniques. Specific abatement strategies discussed below will help control for these limits. However, innovative implementation of traditional enforcement strategies targeting clients or facilitators should also be developed.<sup>28</sup>

5. Personnel charged with directing prostitution control efforts, in conjunction with the District Attorney General's office, should normalize procedures for identifying, tracking, and vigorously prosecuting prostitutes and clients known to be HIV positive.

Action Agencies: Memphis Police Department, Shelby County District Attorney General's Office, Memphis and Shelby County Health Department

Despite the substantial disagreement in the literature regarding the risks posed by prostitution for the spread of HIV, the public health implications of prostitution activity by HIV positive individuals cannot be ignored. Identifying and tracking HIV positive individuals is of crucial importance. In Memphis and Shelby County, individuals convicted of prostitution are routinely tested for HIV infection; however, the results of these tests are not routinely routed to the personnel charged with prostitution control or those charged with disposition of the cases brought against arrested individuals. Clients arrested are not routinely tested. Specific measures to address these failings are strongly recommended. The latter failure may require specific statutory reform.<sup>29</sup> In Tennessee, as in many states, an individual infected with HIV who knowingly engages in prostitution can be charged with a felony. It is recommended that the District Attorney General's office routinely pursue felony convictions for such offenders and that this policy be included in any public information campaigns aimed at discouraging participation in prostitution.

### **C. Abatement Strategies for Prostitution Control**

Consistent with the findings of criminological research into the effectiveness of crime control strategies, the best efforts of the departments surveyed placed a strong emphasis on a proactive, problem-solving approach to prostitution control. The notion that physical places and contexts may be criminogenic and that crime can be prevented by altering the physical conditions of those places and addressing those problem contexts is one that is seriously considered within the principles of problem solving policing (Clarke 1983). Reactive abatement strategies focus on these situational aspects of criminality. Such approaches are a natural supplement to the enforcement strategies recommended above, and can have significant impact on their success. This success is not guaranteed however, and reactive abatement strategies should be employed only when there is legitimate expectation of their success. An example of a popular reactive abatement strategy that has not demonstrated the success necessary for inclusion in these recommendations is the use of shaming techniques like "John T.V." While shaming techniques have received considerable attention and support in popular media and culture, this support has a limited empirical basis, relying for the most part on intuitions about shame's motivating capacities.<sup>30</sup> In the case of prostitution, about which, as was noted above, there is a low perception of seriousness, it is not unreasonable to expect that shaming techniques would have little impact on most offenders. Granting that the use of techniques like "John T.V." may provide some deterrent effect, especially for the infrequent or spontaneous consumer, the risk that the employment of such techniques may divert resources and attention from enforcement and abatement strategies with a greater likelihood of success outweighs the limited benefits that, absent specific evidence, can reasonably be expected.<sup>31</sup>

Proactive abatement strategies, on the other hand, focus on the conditions and circumstances that motivate, or fail to deter, participation in criminal activities. Though in the past there has been insufficient evidence of the crime reducing effectiveness of rehabilitation efforts, recent research provides strong indication of such effectiveness. In a meta-analysis of studies examining the effectiveness of a variety of treatment programs, the authors find clear positive evidence of treatment effectiveness (Andrews, et al. 1990). The authors conclude that the important question facing treatment programs is not whether they work but how to target programs to individuals to maximize effectiveness. In this context, it is important to recognize that any successful abatement strategy for prostitution control must incorporate gender specific measures. Given the predominance of women amongst those arrested for prostitution, attention paid to the unique circumstances and needs of women in the criminal justice system offers the best chance of success to the recommended abatement strategies (McDiarmid, et al. 1999). As with reactive abatement strategies, only those approaches with reasonable expectations of success should be implemented. It is for this reason that the Commission recommends further study of the use of a client-specific educational diversion program, rather than its immediate implementation.

## **Recommendations**

### 6. Prostitution control efforts should include mechanisms to identify and address criminogenic features of problem areas.

Action Agencies: Memphis Housing Authority, Memphis Housing and Community Development, Memphis Police Department, Memphis and Shelby County Code Enforcement, Shelby County District Attorney General's Office,

The situational perspective favored by problem-solving policing has strong empirical support. A series of recent studies have confirmed that criminal activity is concentrated in those areas particularly suited to it (Clarke 1995). One landmark study uses crime data from Minneapolis and Philadelphia to argue that crime is "...six times more predictable by the address of the occurrence than by the identity of offender" (Sherman 1995). While there is a high degree of variability between features of specific locations that contribute to their criminogenic "ecology," a consideration of the features that might encourage specific forms of criminality can have substantial effects on crime control efforts.<sup>32</sup> An example of this specific to prostitution activity is found in the case of a London neighborhood that used road closures and rerouting coupled with increased police enforcement. In the Finsbury Park area, police had steadily increased their presence and enforcement efforts in the neighborhood for two years with little perceptible effect. However, with the changes in the traffic patterns, "Soliciting and curb-crawling virtually disappeared and the area was transformed from a noisy and hazardous 'red-light' district into a relatively tranquil residential area." (Matthews 1992: 94). Reported crime declined 50 percent for the 12-month period after the street closures compared to the previous 12 months (Ibid.). Clearly, the specific criminogenic features to be addressed will shift relative to the form of prostitution activity targeted. However, including mechanisms identifying and addressing the relevant features has clear positive implications for prostitution control.

### 7. In addition to efforts aimed at the physical "ecology" of prostitution "hot spots," departments and personnel charged with directing prostitution control efforts should work with the District Attorney General's office and judges to encourage the incorporation of location specific restrictions as a condition of probation.

Action Agencies: Shelby County District Attorney General's Office, Shelby County General Sessions/Criminal Court Judges

Despite the greater degree of predictability evidenced by criminogenic locations, prostitution control efforts should not ignore mechanisms to interrupt the activities of individuals who have demonstrated a commitment to continued involvement in prostitution. Personnel interviewed from departments in Indianapolis, San Diego, St. Petersburg, and West Palm Beach attested to the effectiveness of using plea bargains and conditions of probation to restrict prostitutes' access to the areas in which they are

typically arrested. Such restrictions have the benefit of interrupting the transactions between prostitutes and clients by making it more difficult for clients to locate prostitutes. Given the ready availability of location information available to potential clients on the internet, this sort of interruption can be an important resource for departments targeting problem locations. Though none of the departments surveyed that incorporated this control strategy reported directing it towards clients, such use promises similar, though more limited, benefits.

Clearly, the employment of this technique requires the active participation of prosecutors and judges. The ability to offer data demonstrating the scope and frequency of prostitution activity in specific areas made possible by the employment of tracking and mapping technology should reduce possible resistance to it; however, it should be noted that resistance to these types of probationary conditions may come in the form of legitimate legal appeals questioning the constitutionality of such measures. Although preliminary research found no legal challenges to these types of probationary conditions, research should be conducted by the District Attorney General's office in an effort to ensure that the implementation of this recommendation is done fairly, ethically and in such a way as to avoid the realization of future problems, should defendants choose to appeal.

8. Efforts aimed at positively impacting the "ecology" of prostitution "hot spots" should target owners of properties, commercial or private, that are frequent sites of prostitution activity by invoking public nuisance abatement codes.

Action Agencies: Memphis City Court Prosecutor, Memphis Police Department, Memphis and Shelby County Code Enforcement, Shelby County District Attorney General's Office

As was noted in the discussion of enforcement strategies, pursuit of individuals who play a facilitating role in prostitution activity is an expensive and time-consuming process. For this reason alone, many departments surveyed only infrequently pursued the prosecution of facilitators. A notable exception to this is the department in San Antonio, TX,<sup>33</sup> which uses tracking and mapping technology both to build cases against facilitators and to pressure owners who might be otherwise unaware or willing to ignore the persistent presence of prostitution activity on their premises to take steps to reduce this activity. This latter approach can be particularly effective in addressing prostitution "hot spots." Prompted by the identification of a problem property by patrol officers or analysis of crime mapping results, officers will videotape criminal activity occurring at the location before setting up a meeting with the owner(s). At the meeting, department personnel, ideally supported by the presence of a representative from the District Attorney's office, confront the owner with evidence of the activity occurring on their property and explain to them the legal implications of refusing to address its occurrence. The department then monitors the results, reporting that these efforts have substantial prostitution reduction effects.

Employing this strategy requires the existence of the appropriate codes. In Tennessee, the relevant section of the *Tennessee Code Annotated* is Title 29: Remedies And Special Proceedings, Chapter 3: Abatement Of Nuisances. Given that, under the specification of nuisance, the code explicitly refers to prostitution, this section of the code seems well suited to application along the lines suggested by the San Antonio example. Such application promises substantial positive results.<sup>34</sup> To begin with, the penalties for failing to correct the nuisance, as specified by the code, are significant, "All furnishings, fixtures, equipment, moneys and stock, used in or in connection with the maintaining or conducting of a nuisance, are subject to seizure, immediately upon detection by any law enforcement officer and are subject to forfeiture to the state by order of a court having jurisdiction upon application by any of the officers or persons authorized..." (*TCA* § 29-3-101). As such, the threat of prosecution should provide substantial incentive to owners of problem properties. Furthermore, the jurisdiction for nuisance offenses is broadly conferred, including, "...the chancery, circuit, and criminal courts and any court designated as an environmental court..." (*TCA* § 29-3-102), thus allowing maximum prosecutorial flexibility. Given the lower evidentiary standards of chancery and environmental courts, the pursuit of these cases in those jurisdictions is obviously preferable. Finally, under *TCA* § 29-3-108, "Proceedings under § 29-3-101...shall be triable at the first term after due notice or service of process, and shall, in the chancery and circuit courts, be given precedence over all other causes," resulting in the efficient disposition of these matters.

Municipal ordinances and the City's Alcohol Commission should also provide another "lever" to "pull" in tackling problem properties, particularly adult entertainment nightclubs and motels. Though the shift to state-level criminal prosecutions and civil nuisance abatement efforts renders this point somewhat moot, research and anecdotal evidence indicates that municipal codes, specifically with reference to the maintenance of licenses to serve alcoholic beverages or even do business within the City, should be bolstered in such a way as to provide real penalties for violators and grant law enforcement officers and prosecutors another, more effective tool to use in combating these locations if and when they prove to be problematic. Also, local ordinances could be drafted that require the "entertainers" in adult establishments to be licensed and the clubs to verify the validity of the licenses before allowing them to work, with penalties for failure to comply provided for the individuals and the businesses. Licensing requirements should be designed in such a way as to exclude known prostitutes, and provide another penalty for engaging or allowing others to engage in prostitution while working in this industry.

9. The prosecution of prostitution offenses should be shifted from the traditional criminal courts to the drug court context, with the exception of those cases involving HIV positive defendants whose criminal act knowingly exposes others to infection and those involving defendants accused of promoting the prostitution of others.

Action Agencies:      Action Agencies: Shelby County District Attorney General's Office,  
Shelby County Drug Court

Two "Best Practice" studies undertaken by the Commission have underscored the benefits of the types of approaches used by community and drug courts to control specific forms of criminality ("Best Practice Number Four: Community Courts: An Alternative for Involving Citizens and Community in the Justice Process", "Best Practice Number Nine: Processing Non-Violent Drug Offenders through Treatment-Oriented Drug Courts"). Consistent with the problem-oriented approach motivating the abatement strategies here recommended, the Shelby County Drug Court's mode of operation has the specific advantages of addressing persistent concerns over the handling of a range of offenses like the concerns raised about the handling of prostitution offenses characterized above, and having demonstrable positive effects in limiting recidivism and more effectively steering defendants to appropriate rehabilitation programs (Ibid., see also (Sviridoff, et al. 1997)). Both the similarity in type and pattern of offense between prostitution and non-violent drug crimes, and the well established success of drug courts in

...engaging and retaining felony offenders in programmatic and treatment services...serv[ing] their appropriate target populations, providing offenders with more comprehensive and closer supervision than other forms of community supervision...[Reducing] Drug use and criminal behavior...while offenders are participating in drug court...[and] after program participation, especially for graduates...generat[ing] cost savings from reduced jail space, reduced criminality and lower criminal justice costs...[and] successful[ly]...bridging the gap between court and treatment systems and spurring greater cooperation among the various agencies and personnel both inside and outside the criminal justice system ("Best Practice Number Nine: Processing Non-Violent Drug Offenders through Treatment-Oriented Drug Courts": 1999),

strongly suggest that the adjudication of prostitution offenses in a community/drug court context is an appropriate and beneficial prostitution abatement strategy.<sup>35</sup>

The exceptions to this claim are the cases of HIV positive defendants who knowingly have exposed others to infection and those accused of promoting the prostitution of others.<sup>36</sup> As was argued above, the substantial community health risk related to such activity by HIV positive individuals requires the vigorous prosecution and incapacitation of offenders. It is also reasonable to assume that those individuals seeking to promote the prostitution of others probably present an entirely different profile than the prostitutes themselves, or their customers, thereby requiring an entirely different criminal justice response. Both of these types of defendants should merit the more serious consideration of the judiciary, not only due to their classifications as felonious offenders, but also because their actions often exhibit a wanton disregard for others, indicating a potentially more serious risk to the community.

10. A stringent campaign aimed at statutory reform should be considered in order that the efficacy of prostitution control efforts may be maximized.

Action Agencies: State of Tennessee Legislature, Memphis City Council

"Sexual activity," as the term relates to prostitution, is not adequately defined by *Tennessee Code Annotated* (see § 39-13-512 and -513). Recent case law places the "sexual activity" requisite for a prostitution offense somewhere in the middle of a vague scale that ranges from "ultimate sex acts" at its most explicit, to sucking an individual's finger at its least.<sup>37</sup> Prostitution control efforts tend to be amply complex and problematic for the criminal justice system without the added confusion that this type of ambiguity presents.<sup>38</sup> Clearly, the vast array of activities that could be construed as "sexual" make a concrete definition very difficult and prosecutors should be granted some leeway in order that they may adapt to evolving problem behaviors; however, the legislature should be encouraged to provide better guidance as to what behaviors constitute clearly prosecutable criminal offenses, instead of exhibiting an apparent reliance on the judiciary to define criminal behavior.

It should be noted that, with regard to a more specific statutory definition of "sexual activity," there is some degree of conflict between the needs of prosecutors and the needs of law enforcement. As previously noted (see footnote 38), limited financial and personnel resources often dictate law enforcement efforts, so these finite resources are dedicated to those efforts that will definitely pass judicial muster. This need for "bright-line" guidance conflicts however, to some degree, with the need of prosecutors for flexibility regarding their courtroom arguments. In other words, a specific definition would provide the guidance that criminal justice officials seek, but excessive specificity would limit its applicability to only those activities described therein, thus limiting the ability of prosecutors and the law to evolve with criminal behavior.<sup>39</sup>

Another subject of any effort at statutory reform should address the HIV testing of defendants convicted of purchasing or attempting to purchase the services of prostitutes. *Tennessee Code Annotated* provides for, and in fact requires, the testing of individuals convicted of prostitution (*T.C.A.* § 39-13-521) in order that their HIV status may be determined; however, there is no allowance for the testing of convicted patrons. It stands to reason that the community health risks posed by active, HIV positive prostitutes, presumably upon which the current legislation is based, would serve equally as a justification for the testing of those individuals seeking to patronize prostitution. The current statute governing HIV testing includes provisions for the release of test results to the appropriate agencies and individuals, and it would seem that simply amending the appropriate paragraph (*T.C.A.* § 39-13-521(e)(1)) to be applicable to those convicted of "Patronizing prostitution" (*T.C.A.* § 39-13-514) would serve to remedy this inadequacy.

Currently, it does not seem that Tennessee statutes specifically address the solicitation, nor the promotion, of acts of prostitution from minor children. Presumably, adults that successfully solicit prostitution from minors could be prosecuted for "Rape of a child" or "Statutory rape" (*T.C.A.* 39-13-522 or -506); however, the specific age requirements found in these statutes would seem to exclude from protection those minor prostitutes who have reached the age of 13 and those whom are solicited by individuals less than four years their senior. Also, while "Promoting prostitution" (*T.C.A.* § 39-13-515) is classified



effective in reducing the criminal behavior of at least some offenders. It is also important that rehabilitation programs be implemented in a way that is appropriate for the participating offenders, that utilize therapeutic techniques that are known to work, and that require offenders to spend a length of time in the program appropriate to the changes desired (Andrews, et al. 1990). Although it is outside the purview of this paper to explore measures that may assess the risk of an individual offender for recidivism, assuming that valid and reliable measures assessing this risk become/are available, it would follow that the most intensive programs should be reserved for those offenders at the highest risk.

Of the range of treatment modalities available, the significant correlation between drug use and prostitution, the frequency with which economic motives are offered as a rationale for working as a prostitute, and the evidence of substantial variation in the recognition of the risks of prostitution amongst prostitutes, when taken together, suggest that rehabilitation programs targeting these features have the best chance of success. The growing body of research indicating that treatment for substance-involved offenders can effectively reduce substance use and criminal recidivism clearly justifies the inclusion of drug and alcohol treatment in such a program (Gerstein, et al. 1990, Covington, et al. 1999, Weiner 1996).<sup>42</sup> Research into the specific needs of women in the criminal justice system emphasizes the importance and benefits of including employment skills training and risk education in rehabilitation programs directed at women offenders (Richman, et al. 1999, Harris, et al. 1999b). For repeat offenders, or for those with a history of unsuccessful participation in rehabilitation programs, offering these services as part of a residential treatment program with a lengthy mandated stay would increase the likelihood of success. Requiring participation in either residential or out-care rehabilitation programs may require addressing other needs, including family services, assistance with housing, or "residential detoxification" (Weiner 1996: 103).

While funding and developing the type of rehabilitation facility that is needed is certainly a daunting task, the success of this multi-modality approach to prostitution control hinges on a complete reformation. It is widely recognized that there are three major branches of the criminal justice system: the police, courts, and corrections. The importance of addressing all three of these branches, when making any change in one, cannot be overemphasized. Changes in law enforcement efforts, prosecutorial strategies, and judicial behavior will ultimately prove impractical if resources are not devoted to post-conviction practices dealing with these changes. A simple example of the effects of imbalanced reform may be seen when considering the results of heightened enforcement. As arrests increase, the prosecutors' and the courts' case loads will necessarily increase, as will the jail population. If the needs of these branches are not addressed, the success of the enforcement efforts will surely be minimized.

12. A client-specific diversionary mechanism that should be considered is an educational program (a "John School") offered as a condition of probation to first-time offenders.

Action Agencies: Shelby County District Attorney General's Office, Shelby County Drug Court

An increasingly popular diversionary mechanism directed at clients is the "John School." These programs exhibit a variety of forms, depending upon the context in which they are offered.<sup>43</sup> Frequently including the participation of law enforcement personnel, former prostitutes and clients, and health care professionals, the common thread linking "John Schools" is the attempt to provide clients with educational disincentives to the continued participation in prostitution. Typically open only to first-time offenders, or offenders without any serious offenses on their record, this type of program is unique in offering a proactive abatement approach directed at clients. For this reason alone, it is frequently implemented. However, despite the popularity of such programs with municipalities and agencies that sponsor them, empirical support for claims of the effectiveness of these programs is limited (Sawyer, et al. 1998: 125). The uniqueness of the approach taken by this type of program and the strength of the anecdotal support offered by personnel in the departments surveyed<sup>44</sup> that participate in such programs warrant inclusion of client-specific diversionary mechanisms among recommended abatement strategies for consideration and further review.<sup>45</sup>

13. The effectiveness of enforcement and abatement efforts directed at prostitution control should be assessed on a regular basis, with such assessment helping to refine existing strategies and guiding the development of new ones.

Action Agencies: Memphis Police Department, Memphis Shelby Crime Commission, Shelby County District Attorney General's Office, Shelby County Drug Court, University of Memphis Center for Community Criminology and Research

Given the expense of engaging in enforcement and abatement efforts aimed at prostitution control, it is important that departments and personnel attempt assessments of the effectiveness of implemented strategies on a regular basis. This assessment can proceed on an informal basis with the assistance of the technologies discussed above, and with the tracking of offenders diverted into rehabilitation programs, though more systematic review should occur on a regular basis. These assessments not only ensure the initial and continuing effectiveness of specific strategies, they also provide an important resource for refining ongoing strategies and shaping new ones.

It should be noted that, while this recommendation does highlight the initial and short-term maintenance costs of a multi-modality approach to prostitution control through an attempt to address the identification and, thereby, reduction of wasteful spending on ineffective strategies, it is the judgment of the Commission that those jurisdictions implementing these recommendations will enjoy long-term savings, whether these savings are measured in dollars or social capital. For example, the potential long-term reduction in the recidivism rates of offenders should decrease the need for costly, concentrated criminal justice efforts to control this problem, thus freeing finite resources for other applications. Also, a reduction in prostitution activity, and the attending, more serious criminal behaviors in which prostitutes and their clients commonly engage, should serve to increase the quality of life enjoyed by those living or legitimately

working in the area, and may potentially spearhead the revitalization of struggling communities.

## V. Conclusion and Recommendations

It is the considered judgment of the Crime Commission that the adoption of a multi-modality approach to prostitution control offers the best chance of accomplishing this legitimate public end. By addressing the limitations of traditional approaches to such control in a manner consistent with the best criminological research, a multi-modality approach has the significant additional benefit of encouraging department or agency wide adoption of the most effective crime control strategies.

Review of practices from the departments and personnel included in the survey, as well as the relevant literature, has led to the conclusion that a successful multi-modality approach to prostitution control will include the previously described thirteen recommendations. Though, obviously, enforcement and abatement efforts of the sort recommended cannot hope to insulate a community or its citizens from all of the harms associated with prostitution and related activities, a commitment to the principles here articulated promises to substantially limit these harms.

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## Notes

1. The seven peer cities, or Metropolitan Statistical Areas, are Atlanta, Birmingham, Charlotte, Dallas, Indianapolis, Louisville and Nashville.
2. Austin, Boston, El Paso, Houston, Los Angeles, New York, San Antonio, San Diego and San Francisco have all experienced reductions in crime of 10% or greater during the 1990's.
3. These discussions, which typically rely heavily on individual perceptions or limited quantitative analysis, are subject to constraints similar to those operating on the present study.
4. While prostitution has been a persistent problem facing urban and rural communities in the United States from the colonial period, prostitution per se was not an offense recognized by statute until 1917. As early as 1699, colonial Massachusetts had a statute against "Nightwalking," females walking the streets after dark for 'immoral purposes.' Only after 1917 however, could a prostitute be prosecuted for prostitution .
5. The complicated relationship between perceptions of prostitutes and their customers and patterns of enforcement has been analyzed by a number of authors (cf., for example, , , ). In general these analyses suggest that community perceptions of prostitution significantly determine the attitudes of police officers and agencies toward the enforcement of anti-prostitution laws, as well as the scope and the focus such enforcement takes. This is in agreement with the findings of the survey analyzed below, which reveal a consistently reactive approach by law enforcement agencies to controlling prostitution.
6. Review of the Federal Bureau of Investigation's *Uniform Crime Reports* reveals that over the last 25 years the percentage of arrests of males for Prostitution and Commercialized Vice (PCV) as a percentage of total arrests has risen steadily . Throughout the 1990's, approximately 40% of people arrested for this category of offense have been males. The *UCR* does not distinguish between prostitutes, clients, or facilitators making it impossible to specify in what capacity the males arrested under this category are participating. However, survey findings as well as the preponderance of opinion in the literature suggest that this increase in arrests of males as a percentage of total arrests largely stems from increased enforcement of laws against procuring and/or profiting from prostitution rather than from an increase in arrests of male prostitutes.
7. The exception is high profile crackdowns of notorious markets for male prostitutes. See .
8. For summaries of the results of and direction taken by research into the unique status of women offenders see . For specific discussions of women in prostitution see the following: .
9. "The most visible group of prostitutes—streetwalkers—which makes up only an estimated 10-20 percent of all prostitutes, accounts for an estimated 85 to 90 percent of all prostitution arrests" . See also, , , and .
10. The *UCR* does not collect socio-economic data on offenders, though given the low prestige of street prostitution (there is general consensus among researchers that street prostitutes occupy the lowest rung of the hierarchy of prostitutes) it is natural to assume that street prostitutes will frequently come from the lower socio-economic classes. Data is collected on the race of offenders. In 2001, 40.3% of individuals arrested for PCV were black, while only 28.1% of all people arrested were black . It should be noted that the NIBRS, in which Tennessee agencies now participate, will be collecting socio-economic data on offenders, such as age, sex, and race (Personal Communication with Officer P. Twele, Memphis Police Department, December 12, 2002). As more agencies shift to this new reporting mechanism, this type of data should become more widely available.
11. The *UCR* makes such estimates due to inconsistencies among the reporting mechanisms of certain municipalities. The number of reported arrests for PCV during 2001 was 58,638 (Ibid., 235).
12. Such an assumption would be optimistic indeed, given that at least in some cases more than one participant in a particular act of prostitution is arrested at the same time, thus increasing the ratio of commissions to arrests.

13. This cost is likely to be an accurate characterization of the average charged by street prostitutes, a fee notable for its stability since the 1970's . Prostitutes working in other contexts can command higher prices, though frequently they have to pay a significant portion of their fee to a facilitator.
14. Estimates of the income generated by prostitution vary widely. suggests a figure of \$20 billion a year on the basis of estimates of the number of prostitutes working in the United States and the assumption of an annual income of \$40,000. While it is certainly not unreasonable to assume that many prostitutes do take in that much or more per year, the uncertainty of estimates of numbers of prostitutes and the likelihood that many individuals work only occasionally as prostitutes make estimates of this sort unreliable.
15. Dr. Melissa Farley of Prostitute Research and Education (personal communication, November 20, 2002) states that current, ongoing research seems to indicate that, while assumptions concerning the physical danger faced by street prostitutes are accurate, other forms of prostitution are not significantly less dangerous. In some cases, brothel prostitution is being evaluated as more physically dangerous for the prostitutes than that occurring at street level.
16. This issue is addressed in the recommendations below.
17. Other significant correlations include: homelessness, predominance of fellatio in service offerings, pregnancy, and number of years working as a prostitute .
18. This possibility raises an important issue concerning the impact of increased control efforts on prostitution markets. If such efforts are successful in interrupting significant numbers of exchanges, desperation may make prostitutes more vulnerable to those clients demanding unprotected sex. The result may very well be a dramatic rise in infection rates amongst both prostitutes and clients. It is important to address this possibility in estimations of the effectiveness of control efforts. Related concerns arising in the context of the possibility of crime displacement are discussed below.
19. The departments in Austin, TX and San Francisco, CA have both abandoned organized enforcement of anti-prostitution laws. In both cases, a combination of political pressure, scandals, and perceived ineffectiveness of control efforts was offered as an explanation. In San Francisco, abandonment of organized enforcement efforts has not meant abandonment of control efforts. Instead, the focus in San Francisco has shifted to abatement strategies. Particularly prominent amongst these efforts is San Francisco's diversion program for prostitution clients, a so-called "John School."
20. Though many of the officers interviewed expressed the opinion that prostitution was endemic in the strip club industry, it was frequently suggested that targeting that industry is difficult due to the significant financial resources of the club owners and their efforts to insulate themselves from culpability regarding criminal activity on their property.
21. On this distinction and the importance that it has for discussions of the significance and effectiveness of police efforts to control crime see .
22. There can be significant moral objections to these efforts as well. Though it might be thought unfair to merely disregard such objections, the present study is operating on the assumption that the current social and political climate is strongly supportive of the continued prohibition of prostitution. On this assumption, the preeminent question animating the discussion of prostitution control concerns how to pursue this end with maximum effectiveness.
23. Such an assumption is at the basis of one of the strategies recommended below, the diversion of arrested clients into an educational program ("John School") as a condition of probation.
24. The recent advertising efforts funded by local business concerns in the Brooks Road area is an example of the latter effort. Leaving aside considerations of effectiveness (as yet undetermined), locating funding in affected communities is an important precedent for future control efforts.
25. This fact no doubt helps to explain some of the cynicism amongst law enforcement personnel and the general public concerning the aim and effectiveness of prostitution control efforts.
26. While their control effects may be limited, their effects on affected communities may not be. Even control strategies with significant displacing tendencies may be attractive to departments seeking to placate vocal communities or groups.

27. Currently, the Memphis Police Department's Vice and Narcotics Unit has officers assigned to prostitution enforcement on a full-time basis. Unfortunately, this number is limited and undercover officers, once recognizable as such, have a more difficult job to do. Recently, a regular rotation of personnel through temporary loans from other areas of the department was approved (Personal Communications with MPD Inspector R. W. Sojourner and Major D. A. Betts, October 10, 23, and December 5, 2002). The success that this regular supply of fresh faces has produced is impressive, and this supplementation should continue.
28. Though presenting only anecdotal evidence of the success that nontraditional, client-specific enforcement may yield, the example offered by the St. Paul, MN vice unit's "Bordello" operation demonstrates the benefits of adapting traditional mechanisms to specific markets or contexts .
29. Please see Recommendation 10.
30. For examples of this intuitional argumentation see . For a more robust empirical approach, but one that still relies on assumptions about the force and persistence of shame in motivational structures see .
31. While the use of punitive shaming techniques like "John T.V." have not shown any particular effectiveness, more sophisticated shaming strategies like those commonly employed in restorative approaches to criminal justice that emphasize an offender's sense and willingness to claim responsibility for his or her actions are more promising . This promise supports the recommendation offered below that the prosecution of misdemeanor prostitution offenses be located at the community court level.
32. An example of a constant that appears to transcend this variability is neighborhood blight. See .
33. San Antonio is but one Texas municipality successfully responding to problem properties in this manner. Jurisdictions across Texas are encouraged to contact the State Office of the Attorney General for instruction and support in their efforts. The *Nuisance Abatement Manual*, produced by the Texas Attorney General's Civil Enforcement Section, Special Crimes Division, currently in its twelfth edition, is available upon request to interested agencies. This manual offers detailed, step-by-step instruction as to how law enforcement agencies must conduct their problem properties investigations in such a way as to maximize success. Given that statutes vary from state to state, and thereby useful only as a model in other jurisdictions, the Texas Attorney General's *Nuisance Abatement Manual* offers an excellent example of the type of practical guidance that produces success in local agencies' efforts to combat problem properties. For more on the availability of similar guidance in Shelby County, Tennessee, please see footnote 34.
34. Personal communication with Shelby County prosecutors and local law enforcement officials revealed that, although the past success of prostitution-related nuisance abatement efforts was less than ideal, the District Attorney General's office of Shelby County, Tennessee, is currently engaged in another such effort that promises much greater efficacy. It should also be noted that the Shelby County District Attorney General's office has augmented its partnership with local law enforcement in such a way as to provide the same type of useful guidance locally as enjoyed by jurisdictions across the State of Texas (see previous footnote).
35. According to Honorable Judge Tim Dwyer's office (personal communication with Tonya Price, Shelby County Drug Court Coordinator, October 31, 2002), his court currently has jurisdiction over nonviolent offenders whose crime, whatever the specific charge, is the direct result of drug dependency. Given the strong correlation between drug abuse and prostitution offenses, and the court's interest in providing treatment, it would seem as though this venue would be best for the adjudication of most prostitution offenders in Shelby County. Please also see Recommendations 11 and 12.
36. For applicable Tennessee statutes regarding these offenses, both felonies, as well as an explanation of "promoting the prostitution of others," please see *Tennessee Code Annotated* § 39-13-512 and – 516.
37. *State ex rel. Gibbons v. Jackson*, 16 S.W.3d 797 (Tenn. Ct. App. 1999), seemed to narrow this scale slightly by indicating that commercial "lap" dancing, when it included specified touching between the dancer and customer, constituted prostitution under the current statute. For further information on the least explicit end of this scale, please see *State v. Boyd*, 925 S.W.2d 237 (Tenn. Crim. App. 1995).

38. Anecdotal evidence gathered from local law enforcement officers supports the contention that this ambiguity hinders their prostitution control efforts. Due to personnel and budgetary constraints, enforcement efforts are focused only on those behaviors that are clearly illegal, as time and financial resources must not be wasted on the arrest of individuals that may later be cleared of wrongdoing by the courts due to vague statutory requirements. A more specific definition of "sexual activity" would allow the broadening of enforcement efforts and the state-level prosecution of individuals who were otherwise faced with only minor city ordinance violations.
39. Personal communications with local prosecutors and law enforcement officials provided the basis for the identification of this apparent conflict. Strategic partnerships may offer the simplest solution. Perhaps a more specific, yet relatively broad, definition of "sexual activity" should be codified, with prosecutors providing regular guidance to law enforcement officials as problem behaviors and evidentiary needs evolve.
40. As evidence of the need for these greater protections, the Annual Reports from the Juvenile Court of Memphis and Shelby County, Tennessee, indicate that at least 39 children have been referred for prostitution arrests from 1999-2001. Furthermore, the trend over those years would seem to indicate that the number of children being arrested for prostitution related offenses is increasing.
41. Currently, "Patronizing prostitution" is classified as a Class B misdemeanor, unless the crime is committed within a certain distance of a school, an aggravating circumstance upgrading this offense to a Class A misdemeanor (*T.C.A.* § 39-13-514). "Promoting prostitution" is currently a Class E felony (*T.C.A.* § 39-13-515). The implementation of these recommendations could reclassify the solicitation of prostitution from a minor as a Class E felony, while promoting the prostitution of a minor could be classified, at the discretion of the legislature, as a Class D or C felony.
42. Please also see footnotes under Recommendations 9 and 12 for more on local interest in the implementation of these types of strategies.
43. Honorable Judge Tim Dwyer's office has expressed interest in developing an "in-house," residential rehabilitation program for prostitutes (personal communication with Tonya Price, Shelby County Drug Court Coordinator, October 31, 2002), with financing cited as the major obstacle to development. Perhaps a solution to funding issues may be realized through an examination of Nashville's "Magdalene House," which is largely funded by the tuitions collected from clients for "John School" attendance, thereby making the "John School" and rehabilitation facilities self-supporting (personal communication with Rev. Becca Stevens, October 31, 2002). For more on local interest to develop judicial and rehabilitation options, please also see footnotes under Recommendations 9 and 11.
44. In addition, others have recently offered more anecdotal evidence with regard to these types of programs. Kelly Higashi, Assistant U.S. Attorney, Misdemeanor Trials Section, in speaking of Washington, D.C.'s "John School," stated that, while the program has only been in place for less than two years, the recidivism rate for participating clients is zero (personal communication, October 15, 2002).
45. Anecdotal evidence also suggests that the possible displacement of the clients, not just the prostitutes, merits consideration. Consistently, individuals involved with the administration of "John School" programs relayed that they believed part of the apparent success of these programs is due to the clients frequenting brothels or escort services in lieu of risking another arrest on the street. Perhaps the inclusion of information concerning the risks of these other, less visible types of prostitution should be considered as an addition to the "John School" curriculum.

## Appendices

For review of the appendices, please contact Phillip J. Maloney at Christian Brothers University in Memphis, Tennessee.