PROSTITUTION REGULATION: MONITORING STRATEGIES
AND THEIR IMPLICATIONS FOR SEX WORKERS

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ABSTRACT OF DISSERTATION

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Abstract

With the goal of determining the most appropriate and effective methods of monitoring prostitution, this paper explores current legislation and its effect on prostitutes, clients, and communities. After a brief discussion of proposed justifications for the criminalization of prostitution, and the implications of legislating morality, the lifestyles and difficulties faced by women working in the sex industry will be addressed. These topics will culminate in a discussion of the various law enforcement and non-law enforcement strategies that are used to monitor prostitution, and the effectiveness and moral implications of these methods. This analysis leads the author to conclude that prostitutes, clients, and communities would strongly benefit from the legalization or decriminalization of prostitution.
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Introduction

The reasons cited for the criminalization of prostitution are diverse and include safety (Willis & Levy, 2002), public health (Rio, 1991), and the best interests of the community (Matthews, 2005), and prostitution continues to be illegal in the vast majority of the United States. This paper will discuss the history of, and justifications for, criminalization; the experiences of individual who work in the sex industry; the way in which societies attempts to monitor prostitution; and options for either legalization or decriminalization.

In Chapter 1, the author will discuss the history of prostitution as an offense, and the ways in which individuals and groups have argued for its criminalization. While some have argued for the criminalization of prostitution based on societal popular opinion (Schecter, 2009), others may believe that criminalization of adult prostitution will help to reduce the prostitution of minors (Wills & Levy, 2002) and human trafficking. In this chapter, the public health and community-level implications of prostitution will also be considered.

After addressing the history of prostitution legislation, this paper will address, in Chapter 2, the experiences of individuals working in the sex industry. In addition to discussing reasons why individuals chose to enter the sex trade (Edlund & Korn, 2002), the author will compare the experiences of street-level vs. indoor prostitutes (Raphael & Shapiro, 2004). The physical dangers associated with prostitution (Weitzer, 2007), as well as the relationship between prostitution and drug use (Cobbina & Oselin, 2011), will also be discussed.

In the next two chapters, the author will discuss the numerous strategies that have been utilized in efforts to monitor prostitution. In Chapter 3, this paper will address prostitute-centered monitoring methods, including the use of undercover operations (Sagatun, 1988). These
undercover methods will be contrasted with other prostitute-centered methods, which include the multi-agency policing strategies of the United Kingdom (Matthews, 2005).

In Chapter 4, the various client-centered monitoring strategies will be discussed. In addition to undercover methods, particular attention will be given to John’s Schools, through which clients have the opportunity to clean their criminal record by attending an educational program (Lederer, 2010-2011). The effectiveness of these schools is addressed, with regards to increased knowledge and reduction in recidivism.

After discussing the numerous methods used to monitor prostitution offenses, the author will turn to, in Chapter 5, the benefits of legalizing or decriminalizing prostitution. Preventative programs (Home Office, 2004) will be discussed, as well as the benefits of restricting prostitution to a designated area of the city (Bellis et al., 2007). Based on the evidence presented in Chapters 1-5, the author concludes in Chapter 6 that women working as prostitutes, clients, and communities, would benefit from the legalizing or decriminalization of prostitution. Policy suggestions, such as preventative programs aimed at the youth population, providing women with increased occupational opportunities, designating prostitution to a particular area, and the implementation of John’s Schools, will be made.
Chapter 1: Legislating Morality and the Criminalization of Prostitution

Why have the vast majority of American societies, even well into the 21st century, elected to continue the practice of criminalizing prostitution which, like gambling and underage drinking, is a vice crime, and is typically not considered to be harmful to others? Schur (1965) argued that vice crimes are criminalized not because of any harm caused, but rather due to the degree that they deviate from the societal norms (p. 1). In this way, vice crime offenders are apprehended simply so that they can be labeled as “prostitutes” or “gamblers,” not so they or others can be protected (Schur, 1965, p. 4). Similarly, Hagan (2010) has argued that certain activities are criminalized due to political goals: “Crime policy-making [in the Reagan era] became an increasingly politicized process, with leaders often advocating and implementing definitions of crime and causal arguments to suit ideological preferences, placate fears, and serve electoral needs” (Hagan, 2010, p. 2). As Schur and Hagan demonstrate, reasons for criminalization may have very little to do with the crime itself, and much to do with the opinions and feelings of societal members and politicians.

Lord Patrick Devlin argued that some vice crimes are equitable to treason, and therefore should be forbidden due to the threat they pose to societal integrity (Bassham, 2012). Even at the turn of the 20th century, a New York committee continued to describe prostitution as a “social curse” of civilized society (The Committee of Fifteen, 1900). Others have argued for the criminalization of prostitution and other vice crimes based on the assumption that this is the preference of the majority of society’s members (Schecter, 2009). Because all of society’s members will not agree on such topics, the legislative abilities are given to the group which holds the majority of the power (Quinney, 2008). This group will create laws which criminalize
particular behaviors that they consider to be unfit for the society, leading to a situation in which what was once just consider immoral is now considered criminal.

Sharp (2003) argues that the way in which a community monitors vice issues is directly related to the community’s level of “decency,” or the degree to which the community sees issues such as pornography, prostitution, etc. as decent and socially acceptable. Typically, “decent” communities (i.e. communities that are more likely to criminalize vice crimes) experience high levels of church attendance and have high saliency of decency issues (Sharp, 2003, p. 271). Others have argued that the debate over prostitution can be attributed to the Western view that “sex is in itself morally problematic if not downright bad or sinful” (Primoratz, 1993, p. 161). In a society in which even a large minority holds such views, it is easy to see how proponents of criminalization could be heard quite loudly.

Interestingly, much early “prostitution” legislation focused on immigration, rather than prostitution itself. The Mann Act of 1910, although banning all acts of prostitution, was largely focused on “forced prostitution, harboring immigrant prostitutes, and the transportation across state lines” (ProCon, 2012, Historical Timeline). It was decided in Hokes v. United States (1911) that the regulation of prostitution was an issue that should be decided at the state, rather than the federal, level (ProCon, 2012, Historical Timeline). Regardless of this ruling, prostitution continues to be illegal in every U.S. State except for Nevada, where it is monitored at the county or city level (Procon, 2012, U.S. Federal and State Prostitution Laws).

Some anti-prostitution advocates have argued for criminalization of based on the effect that prostitution has on the communities that contain it:
Primarily, prostitution tends to heighten the level of harassment and intimidation on the street, particularly for the female population living in the area. Relatedly, this harassment is often compounded by other forms of nuisance and disturbance associated with the continuous stream of traffic throughout the day and night. (Matthews, 2005, p. 75)

In this vein, Packer (1968) argues that actions that have detrimental effects on a community should be criminalized to the degree that they are “socially threatening and [are] not condoned by any significant segment of the public” (Packer, 1968, p. 79). Some research has indicated that prostitution is, in fact, socially threatening. Mathieu’s (2011) research on prostitution in France indicated that residents in high prostitution areas are immediately effected by the solicitation, due to the fact that they must listen to conversations between prostitutes and clients, experience high vehicle congestion in their neighborhood, and sometimes even see the exchange of sexual services taking place. Male residents often experience direct solicitation, and sometimes threats, if they state that they are not interested in utilizing a prostitute’s services (Mathieu, 2011, p. 114). Based on this research, Packer and other scholars would likely support the criminalization of prostitution in areas of France where community problems have become apparent.

Still others believe prostitution should be criminalized because it is not a suitable form of “work,” and an individual should not be allowed to sell sexual services in the same sense that he or she would not be permitted to sell him or herself (Stieler, 2009, p. 455). Others, however, have argued that the kind of “loveless” sex experienced in prostitution is actually quite similar to the sex experienced in other kinds of (legal) relationships: “The basic element in what we actually call prostitution – the employment of sex for non-sexual ends within a competitive-authoritarian system – characterizes not simply prostitution itself but all of our institutions in
which sex is involved, notably courtship and wedlock” (Davis, 1937, p. 746). Why then, if the
sex found in prostitution is not unique to prostitution, does prostitution continue to be illegal?
Some have argued that prostitution, unlike other institutions involving sex, leads to the
degradation (Primoratz, 1993) and oppression of women. Weitzer (2012) refers to the
“Oppression Paradigm” which is highly aligned with radical feminism and argues that “sexual
commerce rests on structural inequalities between men and women and that male domination is
intrinsic to sexual commerce” (Weitzer, 2012, p. 1340).

Critics of prostitution in the public health sector have argued that prostitution serves to
increase the spread of sexually transmitted diseases (Rio, 1991). As early as 1864, Britain passed
the Contagious Diseases Act, which granted law enforcement agencies the power to arrest
prostitutes and have them tested for venereal diseases (ProCon, 2012, Historical Timeline).
Interestingly, women who were found to have a venereal disease were hospitalized until they
could be released back into society (ProCon, 2012, Historical Timeline). This model certainly
differs from the current model in the United States, in which women working in the sex industry
come to fear arrest, and do not have access to health care that was provided in Britain even in the
1860s.

Public health concerns regarding the spread of venereal disease seem particularly valid
when one considers the number of clients that prostitutes service on a nightly basis. Estimates of
these numbers vary, with some sources reporting 1 to 10, and others reporting 20 or more
(Raymond, 2004). Discrepancies in these numbers may be partially attributable to differences in
how “client” and the “services” are defined. Some sources have indicated that if any sexual
activity, including stripping, is considered a service, than some prostitutes provide services to
more than 50 men per night (Raymond, 2004, p. 1171). Prostitutes, even in the United States, state that they are expected to provide any and all and services that their clients request and are willing to pay for: “some [men] liked to be beaten up, some [men] liked to be urinated on, some [men] wanted us to dress in different clothes” (Raymond, 2004, p. 1171-1172). Prostitutes who need the money particularly badly may also be willing to have sex without a condom, as this particular service has a higher market value (Raymond, 2004). These statistics have important implications for the public health sector, as individuals having unprotected sex with many individuals per night will be much more likely to contract a venereal disease.

Finally, some proponents of criminalization may argue that criminalizing adult prostitution will help to reduce the prostitution of children. Willis and Levy (2002) estimate that there may be as many as 10 million children involved in prostitution each year, with approximately 10% of these individuals being forced to engage in sexual acts (p. 1417). In New York City, Curtis et al. (2008) report that there are almost 4,000 children who have experienced sexual exploitation (p. 2). Sadly, 95% of the children interviewed reported that they had entered the sex industry for money, and they were concerned about finding legal employment (Curtis et al., 2008, p. 4). Of the children who enter the sex industry, Willis and Levy (2002) estimate that 2 million of these children will contract an STD, 6.7 million will experience symptoms of Post-Traumatic Stress Disorder, and 5 million (approximately 50% of all children involved in the sex industry) will experience rape or physical assault (p. 1418). Some individuals may believe that a sweeping ban on all prostitution will help to ensure that children never find themselves in these extremely dangerous situations.
Chapter 2: Women in the Sex Industry

Women who find themselves working in the sex industry are diverse, as are the reasons they cite for entering the profession. Matthews (2005) recounts the 1984 research done by Dunn, in which Dunn interviewed 70 London prostitutes between the ages of 20 and 35. Many of these prostitutes (68%), who had worked in the industry for 2-3 years, reported that their entry into prostitution was attributable to earning potential; 54% reported enjoying the opportunity to meet different men (Matthews, 2005). Other popular answers included desiring the independence associated with prostitution (49%) and a lack of other employment opportunities (40%) (Matthews, 2005). Edlund and Korn (2002) examined the relationship between prostitution, marriage, and poverty, finding that some women may be drawn to prostitution because “it is well paid despite being low-skill, labor intensive, and one might add, female dominated” (Edlund & Korn, 2002, p. 182). In fact, the earning potential for some prostitutes can be as high as $1750 per day (Edlund & Korn, 2002). This can be particularly tempting to women in communities where the earning potential of men is quite low (Edlund & Korn, 2002). For these reasons, one can see why women with low-educational attainment and few occupational options may be drawn to participate in prostitution.

There are also important differences between women who find themselves in outdoor vs. indoor prostitution. Raphael & Shapiro (2004) state that outdoor prostitution involves, survival sex (trading sex for food, drugs, or housing), drug houses, truck stops, and hotels (to which the women brought customers solicited from the street). Indoor activities included escort services, exotic dancing, private dancing, own residence, brothels, peep shows, and massage parlors. (p. 131)
As might be expected, outdoor and indoor prostitutes tend to give quite different reasons for entering the profession. The decisions made by indoor prostitutes tend to be more “conscious,” in that they experienced lower rates of child abuse, are older when entering prostitution, and have a higher level of education (Weitzer, 2007), while outdoor prostitutes may be more likely to enter the profession in order to support a drug dependency (Weitzer, 2007; Dalla, 2006). Research regarding the links between prostitution and drug use was conducted by Dalla (2006), who interviewed 18 street-level prostitutes between 2001 and 2002, all of whom had participated in interviews occurring a few years earlier and had been recruited through social service agencies and a prison facility. Dalla (2006) found that 95% of participants stated that they had abused drugs, and 37% stated that they had entered prostitution specifically to support their habit. Perhaps because they feel as though they have more control over their decision to enter prostitution, indoor prostitutes report reduced feelings of degradation or victimization when compared to street-level prostitutes (Weitzer, 2007). In addition to these difficulties, prostitutes often live and work in areas afflicted by harassment, sexually transmitted diseases, and drug use (Home Office, 2004, p. 17).

Home Office (2004) comments on the specific experiences of individuals who enter prostitution during their youth, finding a particular link between drug use and entry into prostitution as an adolescent (Home Office, 2004). Alcohol abuse among adolescent prostitutes is also very high: “Every young women who took part in a recent research project on abuse through prostitution reported serious problems with binge drinking, and a number reported repeated hospitalization for alcohol related injuries (McKeganey & Bernard) (1996)” (Home Office, 2004, p. 30). In addition to experiencing drug and alcohol abuse, Home Office (2004)
states that other risk factors for becoming involved in prostitution include experiencing physical and sexual abuse, living in children’s homes, experiencing homelessness, and living in debt.

In similar work, Cobbina and Oselin (2011) also examined why young women chose to enter the sex trade, specifically looking at the relationships between gender, age, and entry into the sex trade in Los Angeles, Chicago, Minneapolis, and Hartford. The 40 women in this study were racially diverse, ranged in age from 20 to 60, and were recruited either through the criminal justice system or through non-profit organizations (Cobbina & Oselin, 2011, p. 314). For women who entered prostitution during adolescence, the authors found that individuals entered the sex trade for one of two reasons: (1) to reclaim their own sexuality or (2) because they viewed prostitution as normal (Cobbina & Oselin, 2011, p. 316). Curtis et al. (2008), in their report on child prostitution, state that several children in their sample indicated that they actually felt a kind of “peer pressure” to engage in prostitution (p. 5). In contrast, individuals who entered prostitution as adults often did so either: (1) to support a drug habit or (2) to survive (Cobbina & Oselin, 2011). Cobbina and Oselin (2011) believe these to be distinct categories, even though there was some degree of overlap between the group who entered prostitution during adolescence, and those who entered prostitution as adults.

Looking again specifically at individuals who entered prostitution during their youth, Cobbina and Oselin (2011) state that many of these women may have been attempting to regain control over their sexuality that they lost due to abuse suffered as children: “A common experience the women who had an early onset of prostitution…was enduring childhood victimization, including sexual molestation, rape, incest, and physical assault” (p. 319). At least one participant indicated that her entry into prostitution may have been partially attributed to her
mother “giving” her away to family friends when she was young. For others, the voluntary entrance into prostitution worked to counteract the lack of control that these young women felt towards their sexual abuse (Cobbina & Oselin, 2011, p. 319). While some adolescent girls entered prostitution in an effort to regain their sexuality, others chose to participate in prostitution due, in part, to the “normalcy” of prostitution within their communities. These girls became exposed to the lifestyle surrounding prostitution at a very young age, and some had even glamorized older women who worked in the sex industry. One of the study participants who entered prostitution during adolescence stated the following: “[A]fter my father died we were so poor and in that area that’s all you see are prostitutes and pimps…The girls are wearing nice clothes and making money, that’s what I wanted too, so that’s how it started for me” (Cobbina & Oselin, 2011, p. 321). Thus, it can be seen that young women may enter the sex industry not only to increase their earning potential, but also because they want to control their sexuality through prostitution, which has become a normalized phenomenon in their community.

In contrast to the majority of women who entered prostitution during adolescence, 65% of study participants who entered prostitution as adults attributed their entrance to drug addiction (Cobbina & Oselin, 2011). Interestingly, although many of these women had a moral aversion to prostitution during childhood, they found themselves filling these roles as adults when their drug addictions caused them to seek this method of income. The remaining 35% of participants who entered prostitution as adults indicated that the primary reason they did so was simply to survive (Cobbina & Oselin, 2011). Although these women state that they entered the profession because it was the only viable option to make money, some did state that they found it to be exciting work. Clearly, these motivations for entering prostitution are distinct from those found among younger girls.
Once they find themselves working in the sex trade, women face a number of dangers on a daily basis: “Many use addictive drugs, risk contracting and transmitting sexual diseases; are being assaulted, robbed, raped, or killed; and are socially isolated and disconnected from support services” (Weitzer, 2007, p. 1). Women who work as prostitutes also experience psychological consequences, including difficulty with self-image (O’Doherty, 2011). Interestingly, these difficulties may not stem directly from working as a prostitute, but rather from being a member of the marginalized group of “prostitutes” (O’Doherty, 2011). The social relationships of individuals who identify as prostitutes also tend to suffer, as “identifying as a sex worker is often met with coldness, judgment, and disapproval” (O’Doherty, 2011, p. 231).

Empirical research on the dangers surrounding prostitution was conducted by Farley and Barkan (1998), who facilitated street-level interviews with individuals in San Francisco who self-identified as prostitutes. They found that respondents had experienced numerous offenses, including physical assault (82%), being threatened with a weapon (83%), and rape (68%) (Farley & Barkan, 1998). In addition to the physical and sexual abuse that prostitutes face from clients, they also find themselves vulnerable to exploitation at the hands of the police, who have defended physical contact with prostitutes, stating that it is sometimes necessary to the integrity of the investigations. While some courts have upheld the right of police to engage in such actions (Walters, 2011), others have stated that, as solicitation of prostitution is itself a crime, sexual contact is not necessary (Stieler, 2009, p 3). Some police departments actually hire civilians to pose as decoy johns; one undercover civilian in a Pennsylvania case went so far as to “[pay] for and [engage] in sexual intercourse with multiple women who worked at the massage parlor” (Stieler, 2009, p. 1). Rio (1991) states that many prostitutes do not trust officers, and thus are unwilling to report abuse that they experience at the hands of clients (p. 212), putting them in
increased danger. As has been demonstrated here, prostitutes face dangers from numerous facets, including drug use, the environment in which they work, their clients, and the police.

Although the dangers above tend to be associated with street-level prostitution, Raphael and Shapiro (2004) examined the dangers that are specific to both outdoor and indoor prostitution. Using a snowball sampling procedure, the authors interviewed 222 prostitutes from the Chicago, IL area, asking them how often they had experienced different kinds of violence and who had perpetrated these assaults (Raphael & Shapiro, 2004, p. 129-130). The topics covered included physical violence, sexual violence, and harassment (Raphael & Shapiro, 2004).

Raphael & Shapiro (2004) found that, although women in all varieties of prostitution experience violence, the kind of violence tends to vary based on where the sexual act takes place. While women who participated in street-level prostitution were more likely to be slapped, punched, have their hair pulled, be kicked, have their clothes ripped, or be threatened with a weapon, indoor prostitutes were more likely to be pinched or have objects thrown at them (Raphael & Shapiro, 2004, p. 133). Interestingly, the perpetrators tended to be rather similar for both groups, with customers being the most prevalent offenders (Raphael & Shapiro, 2004, p. 135). Raphael and Shapiro’s (2004) findings indicate that serious consideration with regards to monitoring should be made regarding not only outdoor prostitution, but also indoor prostitution: “It seems likely that in all kinds of prostitution venues, there are assumptions and expectations about what the woman will tolerate, with unwanted behavior coerced through violence and threats of violence” (p. 138). Thankfully, some research has indicated that prostitutes have learned to take particular precautions in order to protect themselves from abuse at the hands of
their clients. O’Doherty (2011) found that prostitutes attempted to maintain a safe working environment by,

ensuring direct and open communication about the terms of the transaction, employing drivers or other security personnel, working in partnership with other sex workers or assistants, specifically choosing indoor venues, providing or obtaining training to manage health risks, and undertaking screening of potential clients prior to meeting. (p. 225)

These precautions are particularly important due to the fact that violence is most likely to occur when there is a disagreement regarding fees for services (O’Doherty, 2011).

Although outdoor and indoor prostitutes may experience variance in their unique situations, they have also been demonstrated to have vastly different experiences than individuals not engaged in prostitution. Darrow, Muth, Phillips-Plummer, Potterat, and Rothenberg (1998) compared a sample of prostitutes to non-prostitutes interviewed at an STD clinic. Working in the Colorado Springs area, the researchers asked respondents their age at each of the following “milestones:” “first penile penetration anywhere in their body…; first consensual sex; regular consensual sex; first noninjectable drug use exclusive of alcohol; regular noninjectible drug use exclusive of alcohol; first injectable drug use; first prostitution…; and regular prostitution” (p. 336). The authors found that illegal drug was much higher among prostitutes when compared to non-prostitutes (Darrow et al., 1998). Additionally, prostitutes were significantly more likely to have experienced their first penile penetration between the ages of 10 and 14, and non-prostitutes experienced consensual sex and drug use, on average, at a later age than prostitutes (Darrow et al, 1998). These results indicate that prostitutes, with regards to drug use and sexual experiences, have experiences that are significantly different from those of non-prostitutes.
While Darrow et al. (1998) took a broad approach to their study of drug use among prostitutes vs. non-prostitutes, Young, Boyd, and Hubbell (2000) aimed to specifically examine “whether prostitutes use drugs as a means of coping with intra- and interpersonal experiences commonly associated with their occupation” (Young et al., 2000, p. 789). The authors focused on African-American prostitutes, and gathered participants from women enrolled in a treatment program funded by the National Institute on Drug Abuse (Young et al., 2000, p. 791). The researchers conducted interviews with participants, asking them questions on subjects such as physical and psychological health, family and social life, and drug and alcohol use (Young et al., 2000, p. 791). Specific topics of investigation included the degree to which participants supported themselves financially through prostitution, the degree and reasons for their drug and alcohol use, and their experience with sexual abuse. Young et al. (2000) found that women engaged in prostitution were more severely addicted to crack cocaine and that “prostituting women were significantly more likely to use drugs because they felt that drugs increased their feelings of confidence…, and feelings of closeness to others…and decreased their feelings of guilt, and sexual distress” (p. 794-795). Thus, prostitutes, more so than non-prostitutes, seem to have taken drugs in order to assist them in social situations. Although more research in this area is needed, these results may have implications not only for drug use, but also for social functioning, among prostitutes.

Although research has indicated that women enter the sex trade for a variety of reasons, there seems to be less diversity in reasons cited for exiting prostitution, with many women attributing their exit to economic and familial variables (Dalla, 2006). For example, one woman stated that she felt the need to stop prostituting so that she could attempt to gain custody of her children. This particular participant in Dalla’s study also stated that her arrest and sentence were
a positive experience: “As much as I hate to say it...something good comes out of something bad. Prison did save my life. It really did. I was out there killin’ myself” (Dalla, 2006, p. 280). This participant, however, is unique in her mention of law enforcement in her decision to desist, as many participants were undeterred by arrest. Dalla’s (2006) findings with regards to the effectiveness of arrest of desistance have important policy implications, and will be discussed further below.

In the next two chapters, various options for monitoring prostitution, as well as the consequences of these strategies, are discussed.
Chapter 3: Options for Monitoring Prostitution: Prostitute-Centered Methods

Every year, law enforcement agencies spend exorbitant amount of money on efforts to monitor prostitution. Pearl (1987) found that, when her research was conducted almost 25 years ago, the 16 largest American cities were spending an average of $7.5 million per year enforcing prostitution crimes (p. 772). This amount is staggering when one considers that “only 28% of reported violent crimes result in arrest” (Pearl, 1987, p. 769). Approximately 40% of this money went directly to police work, which is largely attributable to the fact that “officers working in pairs spend an average of twenty-one hours per arrest” (Pearl, 1987, p. 773). The remaining funds allotted to prostitution crimes will go judicial costs (a total of $35 million for the 16 cities surveyed) and correctional costs (a total of $31 million for the 16 cities surveyed) (Pearl, 1987).

Law enforcement options for the monitoring of prostitution are diverse, and often include monitoring the activities of either prostitutes or their clients (Boles & Tatro, 1978). In this chapter, prostitute-centered monitoring options will be discussed, while client-centered options will be discussed in Chapter 4.

While some countries chose the prostitute-centered approach of offering more legitimate work options to women (Boles & Tatro, 1978), other societies utilize anti-loitering laws, which prohibit known prostitutes from remaining or wandering in public places. SOPA laws, an example of such anti-loitering laws, require that individuals who have been convicted of a prostitution offense “Stay Out of Prostitution Areas.” Beckett and Herbert (2010) argue that, although these laws aim to punish individuals who have been convicted of prostitution crimes, they are largely community based; they assume that there is an inherent connection between “ostensibly disreputable people” (Beckett & Herbert, 2010, p. 32) and crime, and thus aim to
“protect” community members by displacing known prostitutes. Problems associated with SOPA orders include that they often serve to prevent individuals from being in areas in which social services are highly concentrated, and they can cause an individual to be arrested simply for being in a particular area, even if she is not engaging in an act of prostitution (Beckett & Herbert, 2010). This leads to a phenomenon in which individuals cycle through the criminal justice system, without receiving any real form of punishment or treatment.

Another prostitute-centered approach to monitoring prostitution includes the use of police vice squads, which operate with the specific intention of apprehending prostitutes. Although many resources are attributed to vice squads and “hot-spot” policing, some research has indicated that these efforts are largely ineffective. In England, the result of such efforts has been little more than women being arrested and held for a few days, possibly paying a fine, and working again on the streets a few days later (Matthews, 2005, p. 76). Additionally, hot-spots tend to be targeted by vice squads for a short period of time, leading to only a brief reduction in crime; when the crack-down ceases, prostitution tends to return to its normal level (Matthews, 2005). A particular variety of vice squads, undercover operations, will be discussed in the next section.

**Undercover Police Operations**

Undercover prostitution investigation techniques involve officers posing as either prostitutes or clients in an effort to bring to light prostitution offenses. The practice of male officers posing as clients tends to be more widely practiced among police departments, as demonstrated by the fact that, in Oakland, CA, more females (1160) than males (57) are arrested for prostitution offenses (Sagatun, 1988). Although the Supreme Court ruled that such practices
were non-discriminatory due to the prevalence of male police officers, the gender issues surrounding undercover prostitution investigations will likely resolve themselves as more females continue to be hired onto police departments (Sagatun, 1988, p. 147). Unlike other varieties of undercover police work, which are preventative in nature, undercover prostitution efforts are facilitative, in that they involve an “attempt to encourage the commission of an offense, either through strengthening subjects or by weakening potential victims” (Joh, 2009, p. 164).

Such undercover operations tend to be rather popular among police departments, as documented by Hamilton and Smykla (1994). Hamilton and Smykla (1994) mailed surveys to the 100 largest police departments in the United States, asking about the departments’ use of undercover work, which they defined as “instances in which a sworn police officer, for organizationally sanctioned purposes, adopts an encompassing but fictitious civic identity and maintains it as a total identity” (Miller, 1987; Hamilton & Smykla, 1994, p. 143). Of the 89 police departments who returned the survey, 87 (97.8%) indicated that their officers participated in undercover initiatives, with the most common crimes targeted including drug-related offenses, vice crimes, stolen property crimes, and organized crime (Hamilton & Smykla, 1994, p. 143).

Prior to more recent literature detailing the experiences of undercover officers posing as prostitutes, which will be discussed below, earlier research focused on the psychological effects that undercover work had on officers participating in undercover drug operations. Girodo (1985), who interviewed 155 drug enforcement officers, found that officers’ participation in such investigations can lead to serious psychological problems, such as depression, anxiety, and
schizophrenia (p. 301). Still other officers reported inflated egos and “primate syndrome,” which refers to situations in which undercover officers who infiltrate “fringe” teams, such as motorcycle gangs, feel the need to participate in the violent acts of their fringe group counterparts (Girodo, 1985, p. 304). Of this primate syndrome, Girodo states, “…psychologically, these agents’ roles inadvertently turn into ‘unguided psychodrama’ where behavior enactments find their energy in passions which are normally ‘repressed’ and held in check…a taste of this emotional privilege can lead to an appetite for more” (1985, p. 305).

Undercover officers will begin to engage in role generalization, which “is typically manifested by a tendency to use the language and social style of the subcultural group that had been infiltrated” (Girodo, 1985, p. 304).

Moreover, participation in violent and illicit activities during the course of an undercover investigation can actually serve to increase violence among officers, with involvement in undercover investigations being directly linked to drug and alcohol abuse and disciplinary problems (Girodo, 1991, p. 368). Pogrebin and Poole (1993), who also examined officers’ involvement in criminal behavior, found that officers were highly aware of the temptations (“money, narcotics, alcohol…[and] women”) that can come with a criminal life-style. The proximity to the criminal lifestyle causes officers to identify even more strongly with their criminal counterparts, and to feel increasing sympathy for the effects that their investigation has on the lives of the criminal and his family.

Additionally, working undercover had important effects on an officer’s personal life. Some officers report having difficulty “turning off” their undercover identity, and others worry that their work may put those close to them in danger. When officers finally do exit undercover
work, they often experience difficulty working in other facets of police work (Pogrebin & Poole, 1993). One officer stated that, upon returning to patrolman duties, he

was bored and restless and resented what [he] was doing. [He] just didn’t feel good about [himself] and was mad at everybody. [He] didn’t feel anybody understood what [he] was going through because they hadn’t done the things [he] had. (p. 391)

Some officers feel that they are less valuable in their patrolman duties, and wish that they could return to the “front-lines” of policing.

Interestingly, the adverse effects experienced by undercover officers may not be immediately apparent. Love, Vinson, Tolsma, and Kaufmann (2008) compared the psychological, behavioral, and emotional functioning levels of current undercover officers, former undercover officers, and officers who had never worked undercover. While officers who were currently working undercover appeared to function at the highest level, “former [undercover] officers reported significantly higher frequencies of almost all the clinical symptoms than both current [undercover] officers and officers without [undercover] experience” (Love et al., 2009, p. 144). The clinical symptoms the authors are referring to include particularly high levels of marital stress, depression, fear, and feelings of abandonment (Love et al., 2009). These results indicate that there may, in fact, be a kind of “sleeper” effect associated with undercover work, with officers becoming most effected long after they have completed their last assignment. The findings of Girodo, Pogrebin and Poole, and Love et al. indicate that undercover investigations can have quite negative consequences on the officers who participate in them. We will now consider the consequences that these investigations have on the individuals whom they aim to investigate.
The effects of undercover prostitution investigations tend to be experienced disproportionately by African-American women due to the fact that undercover work is largely focused on street-level, rather than indoor, prostitution: “In contrast to the stereotype, streetwalkers are estimated to comprise only ten to twenty percent of all sex workers. However, streetwalkers comprise the vast majority of arrests for prostitution” (Stieler, 2009, p. 4). Because efforts to stop prostitution are often targeted specifically at the street-level, they will be discriminatory in nature.

Although they are prevalent among police departments, some experts have argued against undercover investigations because they are extremely difficult to control and, even when they are used according to strict departmental guidelines, they can lead to “unintended and perhaps undesirable consequences” (Wachtel, 1992, p. 137-138). The majority of these unintended consequences may be attributable to the fact that, during the course of these undercover investigations, police departments are largely responsible for policing themselves:

In the case of law enforcement, by careful selection, training, policy, and supervision the guards are expected to keep their own house in order. Day-to-day responsibility lies with self-control on the part of the individual agents and bureaucratically defined supervisory roles, internal affairs units and inspectors general. (Marx, 1992, p. 152)

When there is very little, if any, independent monitoring of the undercover investigations being conducted, it is easy to see how departmental and ethical guidelines will be violated.

The primary difference between covert policing and other policing practices is that the former involves the controversial component of deception. Due to this, Wachtel (1992) states that, one can reach the following conclusions regarding undercover investigations:
(1) It is impossible to employ covert practices…without causing at least some damage to fundamental liberty interests,

(2) Collecting evidence of secretive and consensual crime is a worthwhile task that merits some social costs, and

(3) Not all these costs are manageable, and those that are cannot be controlled by rank-ordering the seriousness of an offense and/or the wickedness of an offender without undermining the goals that undercover policing proposes to support. (Wachtel, 1992, p. 148-149)

Wachtel (1992) argues that, in order for undercover operations to be justified, it is important that law enforcement officials avoid creating situations which would tempt even individuals who are not predisposed to crime. Others have argued that undercover investigations involving such deception force individuals to violate their own 5th Amendment right not to testify against themselves (Wagner, 2006).

Although the problem of deception does exist within undercover policing, undercover investigations do hold certain advantages over other police tactics (Wachtel, 1992). For example,

Abolishing undercover work would make it impossible for the police to detect and investigate secretive and consensual crime (Reiss, 1971; Sherman, 1978; Wilson, 1978; Marx, 1988). Indeed, doing away with covert policing would de facto eliminate a lot of law, as the alternative to the ‘unpalatable’ practices of sneaking about may be to simply do nothing. (Wachtel, 1992, p. 144)
The benefits of undercover investigations is that they often allow officers to receive an admission of guilt at the scene of the crime, making the jobs of prosecutors and judges that much easier (Wachtel, 1992). Thus, although undercover investigations are controversial in nature, some experts have argued that certain kinds of police work would simply not be possible without them.

Likewise, Hay (2005) has argued that two primary purposes are served by sting operations: (1) they allow authorities to investigate criminal activity from the inside, and (2) they deter individuals from participating in criminal activities. Due to the fact that they involve direct officer involvement, they offer much faster reaction times than other varieties of investigation. However, as has been discussed above, undercover investigations come with tremendous responsibility: “undercover operations are extremely effective and where used judiciously, can be a valuable weapon in the law enforcement arsenal. They do, however, pose serious risks to values that all citizens cherish: privacy, civil liberties, property rights and reputations” (Wagner, 2006, p. 378).

Although undercover investigations come with certain benefits, one must consider the type of crime and criminals that are being monitored through undercover means. Wachtel states that “the more menace a suspect presents, or the more odious or vicious his or her criminal records, the more we might justify using exceptional means to affect an arrest” (1992, p. 147), implying that the use of undercover operations is not suitable for all crimes. What must be decided, then, is where prostitution falls on this spectrum, and whether it is “odious” enough to warrant undercover investigation.
Other Prostitute-Centered Methods

An alternative to the use of vice squads, but still a prostitute-centered approach, is the multi-agency policing initiatives that have been enacted in parts of the United Kingdom. In English communities where “hot-spot” policing and vice squads have proven ineffective, authorities have turned to efforts that include not only the local police force, but also community organizations: “It was decided that a combined offensive, involving more intensive forms of policing on one hand, should be combined with a traffic management scheme on the other” (Matthews, 2005, p. 77). Rather than simply policing areas known to be prostitution hot-beds, these progressive communities also attempt to control traffic, reducing “horn blowing and…drivers leaning out of car windows and calling to or shouting at women on the streets” (Matthews, 2005, p. 78). Such multi-faceted efforts to control prostitution, which began in 1985 and involve societal facets such as urban planning organizations, have been largely successful. Former red-light districts are now peaceful residential areas; there has been an increase in resident security, a reduction in traffic, a 50% reduction in serious crime reports, and increased rapport between the public and the police (Matthews, 2005). Additionally, the level of prostitution seems to have been genuinely lowered, rather than to have dissipated to nearby communities. Matthews (2005) concludes that there is “little doubt that the problems associated with prostitution…could have been effectively overcome only through a multi-agency initiative…It is also essential to have an organized residents associated able to initiate, coordinate, and monitor the various processes” (p. 81).

Some American cities have adopted specialized court systems, such as the Midtown Community Court in New York City, that attempt to monitor prostitution in a way that is
separated from the traditional Criminal Justice System (2005-2006). Such court systems encourage “problem-solving,” and assist women working as prostitutes in finding alternative lifestyle options. Midtown Community Court and similar courts are based on rationales dating back to the early 20th century, and aim to “change the revolving-door nature of misdemeanor criminal justice” (Quinn, 2005-2006, p. 701). Sentencing in Midtown Community Court differs from traditional court in that arrested sex workers are often required to being community service immediately; this community service is to occur during evening hours to discourage women from continuing to engage in prostitution (Quinn, 2005-2006).

Since Midtown Court has been established, the number of prostitution crimes in New York City has decreased significantly, although some of this decrease can be attributed to prostitutes dressing and behaving more discreetly in order to avoid detection (Quinn, 2005-2006). This increased discretion of prostitutes can actually be quite detrimental, as it requires them to “work in more dangerous areas, or resort to other illegal activities to replace lost income” (Quinn, 2005-2006, p. 709). There is also some evidence that, although prostitution arrests have decreased in New York City, they have increased in neighboring boroughs, indicating that Midtown Community Court did not serve to eliminate prostitution completely, but rather to displace it to nearby communities (Quinn, 2005-2006).

Similar results were demonstrated in Lyon, France where Mayor Gerard Collumb prohibited prostitutes from working in the northern part of the 2nd arrondissement (Mathieu, 2011). The result of this legislation was that prostitutes simply relocated to the southern region, which was sparsely inhabited with working-class residents. Before legislation prohibiting prostitution in the north, there had only been about 12 prostitutes who worked in this area
regularly. When the new legislation passed, however, approximately 250 prostitutes were working in the southern region of the 2nd arrondissement:

As the soliciting defense is defined by public visibility, prostitutes decided to buy vans, where they could wait for their clients and work without being seen. The problem is that if they were not visible anymore, the concentration of their vehicles was all the more difficult to ignore. (Mathieu, 2011, p. 116)

Thus, the movement of prostitution to more private quarters can mean increased risk for prostitutes.

The consideration of all prostitute-centered methods indicates that there is truly no simple solution to monitoring prostitution offenses. Suggestions and considerations on this matter will be made in the final sections of this paper, but client-centered methods are first considered in the next section.
Chapter 4: Options for Monitoring Prostitution: Client-Centered Methods

Some communities may elect to monitor prostitution through client-centered approaches, which target individuals who purchase sexual services, rather than those who sell them (Boles & Tatro, 1978). Although Boles and Tatro (1978) argue that such methods are largely ineffective and short lived due to community pressure to focus on prostitutes (p. 76), Lederer (2010-2011) states that legislation aimed at customers, i.e. the prostitution “demand” in an economical model, can be largely effective. Sweden, the first country to enact such legislation, was able to cut prostitution in half by punishing customers, and providing women with alternative career opportunities (Lederer, 2010-2011).

Targeting clients is based on an economical model of prostitution, which assumes that prostitution will decrease if there is a decrease in demand (i.e. customers) (Raymond, 2004). Raymond (2004) argues that one reason why demand remains high is because men use rationalizations regarding their prostitute use in order to reduce their guilt:

(1) Men purchasing sex is the inevitable result of natural male instincts...

(2) Prostitution protects ‘good’ women…

(3) Male customers of prostituted women are basically decent men looking for a bit of harmless fun. (p. 1161)

Raymond emphasizes that her point in reiterating these justifications is that prostitution is not inevitable; rather, men attempt to construct prostitution as inevitable in an effort to control their guilt.
Demand for prostitution is so high, in fact, that countries such as Thailand have as many as 75% of men purchasing the services of prostitutes (Raymond, 2004). Even in countries such as the United States, solicitation is still shockingly prevalent: “as early as 1948, it was estimated that one half of the adult male population was frequent prostitute-users, and that 69% of the same population had purchased women for sexual activities at least once (Brown, 2000)” (Raymond, 2004, p. 1166). The high prevalence of customers means that there is also a fair amount of diversity among individuals who are purchasing the services of prostitutions. Although one study found that African American prostitutes indicated that the majority of their clients were white, middle-aged men, other ethnicities were also identified as customers (Raymond, 2004, p. 1168). Raymond (2004) states that there is also a wide range of ages of customers, ranging from 15 to 90 years in one study (p.1168). Interestingly, the age of the customer tends to be associated with the kinds of services that are purchased, as younger individuals are often limited to purchasing the services of street prostitutes.

Not surprisingly, Raymond states that the vast majority of customers are more highly educated than the prostitutes whose services they are purchasing. One study found that clients’ occupations ranged “from working class, such as fast food employees, truckers, oil rig and pipeline workers, or warehouse workers, to professional men, some of whom were prominent community members, such as businessmen, lawyers, doctors, politicians, and dentists” (Raymond, 2004, p. 1169-1170). As other experts have noted, police officers are also among the clientele, and prostitutes sometimes provide services in order to have charges against them dropped (Raymond, 2004).
Undercover Police Operations

The prostitute-centered undercover approach involving male officers posing as potential clients has been adapted to be a client-centered approach through the use of female officers posing as prostitutes, making the targeted offenders the male customers. In fact, such practices are becoming increasingly widespread among American police departments as undercover operations involving male officers, posing as johns in order to solicit sexual favors from prostitutes, have been largely unsuccessful (Dodge, Starr-Gimeno, & Williams, 2004). Although they are not practiced in every department due to a lack of female officers, some sources have indicated that they are now the most popular client-centered monitoring strategy (Abt Associates).

Research on undercover officers posing as prostitutes has focused not only on the effectiveness of such efforts, but also the emotional and psychological effects of such roles on the officers who perform them. Although female officers are often not bothered by the required physical changes of their clothing, make-up, and hair, they have reported disturbance in the required change of the manner in which they conduct themselves (Baker, 2005). These behavioral changes are required of a successful investigation, however, in that if a law enforcement agency aims to stop or control a particular practice, it must “emulate…theatrical techniques by using either assumed identities or confidential informants to gather needed information” (Bell, 2002-2003, p. 151). Some female decoys have reported the need to engage in depersonalization: it was necessary for them to distance themselves from their current role as “prostitute” in order to ensure that they did not come to associate this role with their true identity.
Further research that has been conducted on the psychological effects of undercover work on female decoys has found that officers often report mixed feelings towards this variety of work. Dodge et al. (2004), whose research on Colorado officers is based on both field observations and interviews, found that the majority of officers “expressed their feelings as being disgusted with the role-playing persona and the clientele, while simultaneously experiencing excitement about the opportunity to work undercover” (Dodge et al., 2004, p. 76-77). Nolan (2001) found that female officers who had worked undercover as prostitutes saw the assignment as “degrading, humiliating, and exploitive” (p. 63), and felt an extreme amount of pressure from their male counterparts to participate in such investigations. If they refused to take undercover assignments, they were often viewed within the department as “poor sports who are not team players” (Nolan, 2001, p. 63). Further, Maguire and Nolan (2011), who utilized a snowball sample to interview 14 female officers, found that the majority of officers decided to participate in undercover investigations not because they would be enjoyable or rewarding, but rather because participation afforded opportunities for increased time off and overtime pay.

While female officers state dissatisfaction with the pressure they feel to participate in undercover operations, they are also concerned about how they will be viewed within the department if they do decide to pose as decoy sex workers. Maguire and Nolan (2011) conducted semi-structured interviews with female officers who had posed as prostitutes, asking them questions such as “How do you feel about or what do you think about prostitution in general/johns/posing as a prostitute,” “Can you describe experiences you have had while doing this work?”, and “How do you feel about or what do you think about the effectiveness of this work?” (Maguire & Nolan, 2011, p. 212). They found that many female officers who posed as decoys reported that male officers had, in jest, offered to pay them for sex (Maguire & Nolan,
2011, p. 220). Additionally, female officers report negative feelings towards the environments that they were required to work in, noting that their assignments were often littered with condoms and needles (Maguire & Nolan, 2011, p. 214). Feelings of dissatisfaction were particularly prevalent among women who were not currently participating in undercover work, but had done so in the past (Maguire & Nolan, 2011).

As the use of undercover female officers has been implemented, in part, due to the ineffectiveness of undercover male officers posing as johns, it is particularly important to consider the effect of undercover female officers posing as prostitutes. Maguire and Nolan (2011) found that approximately 92% of undercover female officers felt that the criminal justice system had been ineffective at reducing rates of prostitution, and some noted, specifically, that undercover work involving decoy prostitutes is ineffective (p. 215). Nolan (2001) states that the primary reason why such investigations, despite their ineffectiveness, continue is that they tend to solicit media attention. Although undercover female officers’ accomplishments are often left unacknowledged, male officers who pose as johns tend to be surrounded by fanfare (Nolan, 2001). Thus, coverage of the “success” of such investigations by the media serves to convince the public of the legitimacy of undercover investigations, even though, in the cases of both undercover male and female officers, they are largely ineffective.

Regardless of the level of effectiveness (or ineffectiveness) of undercover prostitution investigations involving female officers, numerous ethical questions must be considered. Some experts, such as Fulda (2011), have argued that such techniques, which attempt to facilitate criminal activity, serve to entrap individuals in that they are “calculated and deliberate attempts to bring out the worst in a fellow human being, to play to their weaknesses, and to pander their
blind spots” (2011, p. 395). Fulda is specifically referring to the very client-centered situations in which officers pose as underage boys or girls online in an attempt to apprehend would-be “pedophiles.” Of the 25 cases that she considered in 2001, Fulda states that the “overwhelming majority of those caught in sting operations undertaken out-of-the blue have not prior or current charges of wrongdoing attached to them” (Fulda, 2002, p. 81). Some researchers have argued that undercover Internet investigations raise even more challenging ethical questions than street-level investigations, as Internet stings do not involve a specific intended target. Rather, in the case of an Internet sting, “everyone is regarded as a potential criminal” (Shim, 2011, p. 22).

While Fulda (2011) and Shim (2011) discuss entrapment as it relates to undercover Internet operations, Sagatun (1998) explores the relationship between street-level prostitution and entrapment, which is defined as a situation in which,

a public law enforcement official or a person acting in cooperation with such an official who perpetuates entrapment if for the purpose of obtaining evidence of the commission of an offense he solicits, encourages or otherwise induces another person to engage in conduct constituting such offense when he is not then otherwise disposed to do so. (Hall et al., 1969; Sagatun, 1988, p. 140)

An individual convicted of a prostitution crime will have a strong case for entrapment if he or she can demonstrate that “(1) There was no pre-existing intent to break the law, and (2) The offer of gain was so extreme that it might have tempted virtually anyone to commit an offense” (Wachtel, 1992, p. 142). An individual convicted of a crime, particularly a customer, can argue that he perhaps would not have engaged in the illegal activity if undercover techniques had not been used. For this very reason, People v. Grant (1985) ruled that police departments can be
found guilty entrapment if they use particularly attractive decoys (Sagatun, 1988). Undercover investigations continue to be criticized due to the fact that they, by their very nature, require that officers “construct the influences that stimulate crime” (Sagatun, 1998, p. 141).

Although individuals convicted through undercover means may believe themselves to be victims of entrapment, officers working undercover actually have strict rules by which they must abide in order to build their case. “Officers must not appeal to friendship or sympathy, guarantee that the sexual act is not illegal or will go undetected, or offer exorbitant consideration” (Sagatun, 1988, p. 147). Such rules are actually quite relaxed compared to previous legislation, which prevented officers from using words sex as “sex” and “money” when talking to prostitutes, requiring that they speak almost entirely in innuendo (Sagatun, 1988).

**Other Client-Centered Methods**

After customers are apprehended, they may be given the opportunity to avoid tainting their criminal record by enrolling in a John School, which offers,

first-time offenders who have been arrested for soliciting an adult for prostitution an opportunity to go to school to learn the deleterious effects of their behavior...They hear from victims of trafficking, and are forced to examine their own motivations for buying sex. (Lederer, 2010-2011, p. 305-306)

In the Toronto John’s School, customers, many of whom are apprehended through police stings, attend a one-day session in which they learn about consequences they can face for soliciting prostitution (Wortley, Fischer, & Webster, 2002, p. 373). Wortley et al. (2002), who aimed to assess the effectiveness of such programs by conducting pre and post interviews with
participants, found that the John’s School program was helpful in encouraging men to take responsibility for their actions and educating participants on the laws concerning prostitution (Wortley et al., 2002). Interestingly, participants were more likely to see themselves and their community as victims after participating in the program, but were less likely to see the prostitutes as victims (Wortley et al., 2002). Wortley et al. (2002) also comment on whether the John’s School program is effective at making participants aware of the dangers of prostitution. They note, however, that the effectiveness of the program is difficult to measure in this sense because virtually all participants (96%) acknowledge the dangers of prostitution before beginning the program. However, the program is effective in making participants aware of particular dangers, such as being arrested and having a criminal record (Wortley et al., 2002).

A final component of the John’s School program involves making participants aware of the possibility that they may suffer from a sexual problem (Wortley et al., 2002). Program facilitators educate participants on the consequences that their participation in prostitution can have on their families, their communities, and themselves. Wortley et al. (2002) found that “Johns [were] much more likely to believe that they might have a sex problem after attending the John School” (p. 386); while only 11% of participants were willing to consider that they might have a sexual addiction before taking the class, 42% of participants were willing to admit the same at the completion of the course. However, “[one] cannot ignore the possibility that the program may also have the adverse effect of providing participants with a convenient justification or excuse for their prostitution-related sexual activity” (Wortley et al., 2002, p. 386).

Perhaps the most important measure of the effectiveness of John Schools is whether program participants believe that they will continue to utilize the sexual services of prostitutes in
the future. Wortly et al. (2002) note that measurement of actual recidivism is not possible due to the fact that individuals who participate in this program do not have a formal police record. Thus, the best alternative is to ask participants about their future intentions regarding prostitution. Interestingly, Wortley et al. (2002) found the program had practically no effect on participants’ intentions to participate in prostitution. This may be due, however, to the fact that before the course “the majority of the men… interviewed (approximately 90%) indicated that they either would not or probably would not use prostitutes again” (Wortley et al., 2002, p. 389). Other studies have also indicated success; particularly, a similar John School in San Francisco was found to significantly reduce recidivism rates (Gillings & Willoughby, 2010).

Some research has focused on what method of client-centered monitoring is most effective. Brewer et al. (2006) compared police-apprehended clients, many of whom were apprehended by a female decoy officer, and individuals who had been detected through “clinic-based HIV testing and a study of local prostitutes, drug injectors, and their close personal contacts, including sex partners” (Brewer et al., 2006, p. 2); 96% individuals in the latter category were either volunteers, or had sought treatment at a doctor’s advice (Brewer et al., 2006). The two groups were strikingly similar on a number of characteristics, including “demographics, locality of residence, and patronizing behavior” (Brewer et al., 2006, p. 3), making comparison of the two groups justified. Although men from both groups were quite unlikely to re-offend, individuals who were detected by the police were 70% less likely to be arrested again (Brewer et al., 2006, p. 3). This finding is particularly interesting given that the individuals who were detected though public health facets were volunteers, and common sense would indicate that if an individual willingly admits to utilizing the services of prostitutes and seeks treatment, he would be more willing to alter his behavior. However, Brewer et al. (2006)
imply that men who are detected by police are more likely to understand the possible risks (loss of reputation, relationship conflict, etc.) that could occur with re-arrest.

In the next section, the benefits of legalizing or decriminalizing prostitution will be discussed.
Chapter 5: What Are We Trying to Accomplish Through the Criminalization of Prostitution? The Benefits of Legalizing or Decriminalizing Prostitution

After considering the methods that are utilized to monitor prostitution, and the negative consequences or ineffectiveness of these methods, it becomes increasingly more difficult to ascertain why communities have felt the need to criminalize prostitution. As some individuals have argued that prostitution should be eliminated due to the dangers that it poses to prostitutes, themselves, it is necessary to consider whether these dangers can actually be better addressed through the legalization or decriminalization of prostitution. Rekart (2005) discusses the numerous health risks surrounding prostitution work, and the ways through which these risks can be reduced. Particularly, he discusses the prevalence of injection drug abuse among prostitutes, sexually transmitted infections, physical and sexual abuse, stigmatization, harassment by police, and exploitation. He states that through addressing these problems, rather than simply arresting prostitutes or johns, we can approach a society in which prostitutes feel empowered, have access to condoms or other protection, and are able to satisfy their medical needs (Rekart, 2005).

A primary concern with current United States prostitution legislation is that it tends to blame prostitutes for the situation in which they find themselves, rather than viewing prostitution as a societal issue to which some women fall victim. Some scholars have argued that it is time for such practices to change:

It is time for the law to recognize ‘who she is’ by no longer conflating her with her occupation. If sex is market inalienable, then surely dominion over that sexual activity should rest with the actor and not within governmental coffers of evidentiary material. (Stieler, 2009, p. 9).
Should the United States adopt such an approach to prostitution legislation, it would be following in the footsteps of numerous European counties. In France, for example, groups such as the Delegation for Women’s Rights for the Senate began to stress the idea that many prostitutes were, in fact, victims of their situation (Mathieu, 2011). The result of such efforts has been a reduction in the minimum sentence given to those who solicit (from 6 months to 2 months), and the introduction of human trafficking as an official crime (Mathieu, 2011). By aiming to prevent abuse experienced by prostitutes, rather than by punishing prostitutes, communities can move towards providing women with important social and medical assistance.

Prostitution, having the social implications that it does, cannot be addressed solely through the criminal justice system. Rather, Home Office (2004) argued that prostitution must be addressed through the following components:

(1) Prevention: alleviating the circumstances which make young people vulnerable to exploitation and coercion into prostitution;

(2) Protection and support: providing help and advice for those involved, and a pathway out; and

(3) Justice: bringing pimps, traffickers and exploiters to justice, and delivering justice to those affected, including families of young people coerced into prostitutions and the communities blighted by prostitution. (Home Office, 2004, p. 7)

Recognizing the link between drug use and adolescent prostitution, the programs discussed by Home Office (2004) work with young women to reduce drug and alcohol abuse through the involvement of law enforcement, community organizations, and the alcohol industry itself
The hope of such programs is that a reduction in adolescent drug and alcohol abuse will lead to a reduction in adolescent prostitution.

In order to prevent the prostitution of children, Willis and Levy (2002) have proposed that education may be key, as current legislation aimed at sex tourism and the trafficking of children are not frequently enforced (p. 1420). In addition to ensuring that such laws are enforced, they argue that the United States would benefit from providing opportunities similar to those provided by programs in Thailand, which involve “providing 9 years of basic education, vocational training as an alternative to school, recreational and social services for children, awareness-raising activities to change attitudes about child prostitution, and a surveillance system to prevent children from being coerced into prostitution” (Willis & Levy, 2002, p. 1420).

In communities that elect to regulate, rather than criminalize, prostitution, community and law enforcement officials may decide that the most effective strategy is to ban acts of prostitution in all areas of the city except for a designated area in which prostitution will be legal, but highly regulated. The problems surrounding prostitution in the UK led officials to adopt such a strategy, focusing on harm reduction, rather than crime control. Bellis et al. (2007) found that 96% of their sample indicated that they would be willing to work in a restricted zone, were one to be established. Further,

all sex workers responding to the question…indicated that they would register with a health clinic in a managed zone…[The]vast majority indicated that they would use general health, sexual health and drug services as well as other services to help them exist prostitution and enter alternative employment. (Bellis et al., 2007, p. 607)
Thus, the work of Bellis et al. (2007) indicates that the vast majority of sex workers would benefit greatly from the regulation of prostitution to a particular area, certainly much more so than they “benefit” from the criminalization of prostitution. Additionally, community residents would benefit from the designation of a specific prostitution area in that it would help to free up regular traffic routes and, since the prostitution area would be fairly small, it could be better monitored through improved lighting and increased security (Bellis et al., 2007, p. 607).

An additional benefit of the decriminalization or legalization of prostitution would be the income that could be gained through taxing brothels (Rio, 1991). Of course there would be some individuals who would chose to continue working illegally but Cho, Dreher, and Neumayer (2012) argue that decriminalization would lead the majority of individuals and businesses involved the sex trade to become “legitimate” establishments. An important consequence of this phenomenon is that it could actually help to reduce human trafficking:

sex businesses wishing to take advantage of the legality of prostitution (instead of remaining illegal) would want to recruit more national citizens or foreigners legally residing with a work permit in the country since employing trafficked foreign prostitutes…endangers their newly achieved legal status. (Cho et al., 2012, p. 3)

Cho et al. (2012), by examining data gathered from a large number of countries, actually disproved this hypothesis empirically, finding that “countries where prostitution is legal experienced a larger reported incidence of human trafficking inflows” (p. 3-4). However, there are other important benefits of decriminalization, such as improvement in the working conditions of prostitutes.
Another important benefit of the decriminalization or legalization of prostitution would be the opportunities provided to police to focus on other crimes, such as violent crimes and property crimes (Pearl, 1985, p. 781). As vice officers are often assigned to high-prostitution areas, they tend to be confined to particular areas of their city, indicating that other areas of the city are less regulated. Were prostitution to be decriminalized or legalized, law enforcement agencies would have the opportunity to patrol in more diverse areas, and in areas afflicted with violence and theft crimes.

In addition to addressing the way in which prostitution is addressed and monitored, some experts have argued for the importance of addressing how prostitution is portrayed in popular culture. Coy, Wakeling, and Garner (2011) discuss this portrayal, and how it differs from the experiences of actual prostitutes. Coy et al. (2011) explain that prostitution in popular culture contains a high level of “symbolic violence,” which is the “imposition of symbolism and meaning (i.e. culture) upon groups or classes in such a way that they are experienced as legitimate” (Jenkins, 1992; Coy et al., 2001, p. 442). Prostitution in popular media tends to be glamorized, is presented as a normal and inevitable phenomenon, and leads one to believe that prostitution can, in fact, be “fun” (Coy et al., 2011). An example of a TV show that Coy et al. (2011) believe to be guilty of such glamorization is the British show Respectable, “which featured women involved in prostitution to buy new shoes…pay student fees…and men who pay for sex as timid and seeking kindness” (p. 455). Perhaps it is due to the fact that prostitution is regarded so casually by the media that communities are often unable to see the disastrous consequences that unregulated prostitution can have for prostitutes, clients, and communities.
A similar problem with the portrayal of prostitution in popular media is the casual use of words such as “whore” and “ho” (Coy et al., 2011). Coy et al. (2011) argue that even seemingly innocent shows such as *Pimp my Bride* can foster negative connotations: “there are transparent links between the use of ‘pimping’ as a market device and the original message of the term, specifically with respect to notions of women as commodities to be made as desirable as possible for marketing purposes” (Coy et al., 2011, p. 446). In order to make progress with regards to prostitution enforcement or regulation, it is important that prostitution be considered, even in popular culture, a serious social issue.
Chapter 6: Conclusion and Policy Implications

Throughout this paper, the justifications for the criminalization of prostitution, the experiences of sex workers, the various methods used to monitor prostitution, and the consequences of legalization or decriminalization have been discussed. Based on the evidence presented in each of these chapters, it is concluded that prostitutes, clients, and communities would benefit from either the legalization or decriminalization of prostitution.

As was discussed in Chapter 1, one of the various justifications cited for the criminalization of prostitution involves preventing the spread of sexually transmitted diseases (Rio, 1991). Although this is a valid concern, Rekart (2005) demonstrated that public health concerns, as well as physical and sexual abuse, can be reduced through the legalization or decriminalization of prostitution. By confining prostitution to a particular area of the city, both health and social services can be more readily available to individuals working in the sex industry. Additionally, legalizing or decriminalization prostitution will allow law enforcement departments to focus on other important problems, such as violent and theft crimes (Pearl, 1985).

In Chapter 2, the characteristics of individuals working in the sex industry were discussed. Research has indicated that many women enter prostitution due to a lack of other employment opportunities (Matthews, 2005) or in order to support a drug habit (Weitzer, 2007). As was demonstrated by Home Office (2004), these issues can best be addressed through social services and the implementation of preventative programs. Should such services be successful, there will be a reduced number of individuals participating in the sex trade; thus, monitoring newly legalized prostitutes will be manageable.
The various methods of monitoring prostitution were discussed in Chapters 3 and 4. There are numerous negative consequences of these methods, such as the entrapment issues surrounding undercover investigations (Fulda, 2011), and the participation of undercover officers in sex with prostitutes (Stieler, 2009). One method of monitoring that was demonstrated to be effective, however, is the client-centered approach of John’s Schools (Wortley et al., 2002; Gillings & Willoughby, 2010). As such programs have been demonstrated to reduce recidivism and increase awareness of the issues surrounding prostitution, they should be implemented in societies that do not select a legalization or decriminalization policy. These programs are both fair to offenders, and prevent prostitutes, who are largely victims of their social circumstances, from being treated as criminals.

In addition to the above benefits of legalization or decriminalization, the work of Bellis et al. (2007), presented in Chapter 5, indicates that the majority of sex workers would be willing to work in a designated zone, and would benefit from doing so. Thus, the legalization or decriminalization of prostitution in any particular city should be confined to a particular area, as this will allow for better regulation.

Many of the justifications for the criminalization of prostitution, such as the idea that prostitution is a “social curse” (The Committee of Fifteen, 1990) are antiquated and outdated. As society progresses and popular opinion changes, activities that were once considered “immoral” will no longer be regarded so negatively. Empirical evidence, rather than popular opinion, indicates that prostitutes, clients, and communities can be better served through legalization and decriminalization, and societies would greatly benefit from the consideration of such evidence in the making of public policy.
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