Recommendation for Effectively Reducing Prostitution

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Recommendation for Effectively Reducing Prostitution

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Abstract

Recommendation for Effectively Reducing Street Prostitution

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Statement of the Problem

The clichéd sentiment that “prostitution is the oldest profession” is both a scab and revealing attitude for communities and law enforcement professionals. On one hand, it is obvious that this crime has existed for a long time and is still prevalent today. However, the value of that statement comes from a realization that the majority of methods used to address street prostitution have failed and the community must be more innovative and collaborate to reduce the frequency of prostitution. When society addresses prostitution today, legal and social means are often used independently, a single component of the crime is examined, and frequently, solutions produce short-lived results.

A definitive limiting factor is using a single method to address street prostitution. There are multiple documented instances of jurisdictions attacking prostitution with a single scheme that produces short-term or limited success. For example, social groups and organizations step in to help prostitutes, but often lack the bite or significance of the legal system. Punishing a woman with jail time or fines will often return her to her previous circumstances more vulnerable than before the arrest. Offering street prostitutes job-training or counseling is a loving approach but lacks the provision or motivation needed for results. The only way society
can appropriately address this issue is with a concerted effort across social and legal fronts over an extended period of time.

**Methods of Approach**

The method of approach for this study is a review of secondary resources along with looking at empirical findings which will be analyzed in order to show current methods of addressing prostitution are largely inadequate. Internet and criminal justice textbooks that have a reputable backing will also be used for this research. This paper will look at Routine Activities Theory and Deterrence Theory to establish the rationale behind the crime and evaluate methods to reduce the frequency of prostitution. Furthermore, the paper will look at current programs and their effectiveness to provide recommendations for an ideal reduction program that engages a multi-faceted approach.

**Results of the Study**

Overall, the research indicates that effective methods for addressing prostitution include social, law enforcement, and legal cooperation that incentivize offenders while providing viable outlets for them. This paper highlights the more successful ways to design and implement a plan across different jurisdictions to reduce prostitution and recidivism amongst prostitutes, johns, and pimps. Effective solutions focus less on aggressive criminal prosecution and more on supportive and cooperative efforts. Political and law enforcement entities need to view prostitutes as victims as well as offenders and focus on how they arrived in this situation. Furthermore, the legal side of the equation needs to team with social and community groups to determine what it takes to remove them from this lifestyle.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TITLE PAGE</strong></td>
<td>i</td>
</tr>
<tr>
<td><strong>ABSTRACT</strong></td>
<td>ii</td>
</tr>
<tr>
<td><strong>TABLE OF CONTENTS</strong></td>
<td>iv</td>
</tr>
<tr>
<td><strong>SECTION</strong></td>
<td></td>
</tr>
<tr>
<td><strong>I. INTRODUCTION: DISCUSSION OF PROBLEM</strong></td>
<td>1</td>
</tr>
<tr>
<td>A. Statement of the Problem</td>
<td>1</td>
</tr>
<tr>
<td>B. Purpose of the Study</td>
<td>2</td>
</tr>
<tr>
<td>C. Methodology</td>
<td>2</td>
</tr>
<tr>
<td>D. Assumptions and Limitations</td>
<td>3</td>
</tr>
<tr>
<td><strong>II. LITERATURE REVIEW</strong></td>
<td>4</td>
</tr>
<tr>
<td>A. Definition of Prostitution</td>
<td>4</td>
</tr>
<tr>
<td>B. History of Prostitution</td>
<td>6</td>
</tr>
<tr>
<td>C. Prostitution Statistics</td>
<td>7</td>
</tr>
<tr>
<td>D. Understanding Prostitution Dynamics</td>
<td>8</td>
</tr>
<tr>
<td>E. Responses to Prostitution</td>
<td>11</td>
</tr>
<tr>
<td><strong>III. THEORETICAL FRAMEWORK</strong></td>
<td>20</td>
</tr>
<tr>
<td>A. Routine Activities Theory</td>
<td>20</td>
</tr>
<tr>
<td>a. Application of Theory</td>
<td>21</td>
</tr>
<tr>
<td>B. Deterrence Theory</td>
<td>22</td>
</tr>
</tbody>
</table>
IV. RECOMMENDATIONS AND CONCLUSIONS

A. Social Response 26

B. Legal Response 30
Recommendation for Effectively Reducing Street Prostitution

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SECTION I: INTRODUCTION

Statement of the Problem

There are widely different perspectives on prostitution. Some view prostitutes as being primarily responsible for the crime while some view John’s as responsible, and the prostitutes as victims. Others view prostitution as a private matter in which the state should not intervene. Community morals and beliefs regarding how the law should regulate morality will affect how any particular community addresses street prostitution. This paper does not adopt any particular moral perspective: It is intended to objectively discuss the effectiveness and consequences of various approaches to controlling prostitution.

As there are numerous perspectives regarding prostitution, there are numerous methods to reduce prostitution that vary greatly in their usefulness. Police departments, legal entities and social groups have all attempted various tactics to remove, reduce, or eliminate prostitution. Some have failed miserably, others have show mild degrees of success and a few have been quite efficient at reducing prostitution. This paper will examine these different approaches and provide an ideal response for application on a broad scale.
Purpose of the Study

The purpose of this research is to recommend which methods best reduce recidivism within street prostitution. This will include analysis of techniques with different focus areas as well as immediate and long-term success rates. This effort is significant because this is a world-wide problem that affects both the individuals involved, as well as the local community. Furthermore, the demand for prostitution brings about increased human trafficking which greatly increases the affected area of this trade. Many different strategies have been used with varying degrees of success and longevity—yet there are effective methods that can be applied to provide lasting positive results that reduce the incidence of prostitution.

The ultimate purpose then will be to compare and contrast methods used across communities to address prostitution, examine the positive and negative outcomes, and recommend a standard of best practices that could be replicated elsewhere. These recommendations will focus on programs with a multi-faceted approach that provide long-term solutions that reduce rates of street prostitution.

Methodology

The method of approach for this paper will be a review of data from secondary sources and a review of empirical literature related to position. Information will come from national crime statistics, accredited journals, published government studies, credible websites and other research. Also included will be information on rates of prostitution, methods of enforcement and regulation, recovery programs, and success rates of these programs. Ultimately this will result in a defined set of processes able to be implemented across the nation in order to reduce the incidence of street prostitution.
Providing further analysis, this paper will examine prostitution from the perspective of two different social theories: The Routine Activity Theory and the Deterrence Theory. This section of the paper will be used to compare actual behaviors used to address prostitution and their effect from the social perspective. Prostitution meets the framework of the Routine Activity Theory as it includes motivated offenders, suitable targets, and an absence of capable guardians. Methods that effectively remove one or more of these components will be highlighted and evaluated for their success. The Deterrence Theory will provide perspectives on the effects law enforcement has on prostitution and what methods are more successful in reducing rates of street prostitution.

Assumptions and Limitations

Despite the obvious connection between human-trafficking and prostitution, this guide will not address solutions for human-trafficking. Additionally, the sometimes popular idea of legalizing prostitution will not be addressed here as America is largely opposed to legal prostitution and the process towards legitimacy is a convoluted legal undertaking. There are many foreign nations that tax, monitor and embrace prostitution, but that alternative will not be considered in this research. These limitations are based on assumptions that human-trafficking is a complicated issue involving local, federal and international laws that are not mature enough to effectively combat this act.
SECTION II: LITERATURE REVIEW

The following literature review is divided into five sections. The first part looks at the definition, the second part the history of prostitution, the third part looks at prostitution statistics, and the fourth part looks at prostitution dynamics and the final section compares different responses to prostitution.

Definition of Prostitution

At the most basic level, prostitution is defined by the Oxford Dictionary as “a person, typically a woman, who engages in sexual behavior for payment.” Conant provided a general definition summarizing that prostitution “generally means the commission by a person of any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of value” (1996). That being said, the problem of prostitution is much more complicated.

By and large, the federal government leaves it up to the states to define and prosecute prostitution with little or no legal definition or penalties detailed by congress or federal law. Some state definitions of prostitution include Florida where prostitution is defined as “The giving or receiving of the body for sexual activity for hire but excludes sexual activity between spouses.” A more detailed explanation is provided within the Kansas law books: “Performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts: Sexual intercourse; sodomy, or; manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.”
Overall, the general idea of prostitution is illegal in 49 states with Nevada as the lone exception. Most states make it a crime to cause a person to commit or engage in prostitution, solicit prostitutes, provide persons or premises for prostitution, operate a house of prostitution, and to accept money or other things off value for any prostitution activity. However, the way these states govern prostitution varies widely as do the associated punishments. Some states like New York, California, and Illinois punish the act of prostitution while others (Arizona, Colorado, and Oklahoma) criminalize the acts of soliciting prostitution, arranging for prostitution, or operating a house of prostitution. So, when a politician or elected official claims that they will crack down on prostitution, they can mean very different things with very different targets depending on the local laws. The variety of these laws and the lack of uniformity or federal guidance is a testament to the fact that jurisdictions struggle to effectively stop prostitution.

Prostitution is listed among the crimes some refer to as victimless or consensual crimes, because no one present at the crime is unwilling, but research shows that may not be the true picture of prostitution. Farley argues that prostitution is hardly a victimless crime (2000). In her "Prostitution: Fact sheet on Human Rights Violations" Farley says that prostitution is sexual harassment, rape, battering, verbal abuse, domestic violence, a racist practice, a violation of human rights, childhood sexual abuse, a consequence of male domination of women and a means of maintaining male domination of women. In short, the victims of prostitution are mostly the prostitutes themselves. It just may be that they no longer have the ability left to "consent" to be a willing participant in their so-called victimless crime.
History of Prostitution

As late as the early 1900’s, prostitution was still legal in most of the United States. Rose notes that between 1910 and 1915 most states outlawed prostitution based largely on protests from the Woman’s Christian Temperance Union (1997). This was also facilitated by the passing of The Mann Act in 1910 (also known as the White-Slave Traffic Act) which outlawed transportation for “prostitution or debauchery, or for any other immoral purpose.” This law primarily targeted forced prostitution or harboring immigrant prostitutes and was the first federal-level step towards outlawing prostitution. The Supreme Court removed some of the strength of The Mann Act when they decided in *Hoke v. United States* (1911) that regulation of prostitution was strictly a state authority and not under federal purview. Throughout the next 50+ years different jurisdictions had very different approaches to prostitution. Some accepted prostitution as long as it was kept out of the public eye while others embraced the existing legislation and sternly enforced criminal charges against prostitutes. During WWII, Franklin Roosevelt pushed the May Act (1941) to force states to enforce strict regulation against prostitutes near military bases (Bailey & Farber, 1994). This effort did little to reduce overall prostitution and instead caused most brothels and prostitutes to take their activities to a different location (Bailey & Farber, 1994). In 1971 Nevada began to formally regulate prostitution and allowed rural counties the option of licensing brothels (Rocha, 1999). Additionally, numerous other attempts have been made by New York, California, Hawaii and others to legalize prostitution through ballot measures but all have been unsuccessful to this point (Bailey & Farber, 1994).
Prostitution Statistics

While prostitution is sometimes hard to quantify, there are some mechanisms for collecting this data. The National Task Force on Prostitution (2006) estimates that in 2006 there were one million active or previous adult prostitutes in the United States. However, in 2006, there were only 86,100 reported arrests across the country for prostitution (USDOJ, 2010). The average age for a girl to enter the profession is 12-14 years while boys enter between the ages of 11-13 years (Miko, 2006). Miko’s (2006) research also indicates almost seventy five percent of women participating in street prostitution were victims of incest, sexual abuse, or physical abuse during their childhood. From the broader perspective, in 2006 the death rate for prostitutes was 204 per 100,000 participants. That exceeds the 2005 rate for loggers or fisherman and makes prostitution the most dangerous “profession” in America (Niesse, 2007).

From their research in Illinois, Raphael and Shapiro (2006) found that 60% of female prostitutes were recruited by peers. Of women in the Illinois prison or jail system, almost 75% were first arrested for prostitution. When broken down, the average arrests for prostitution in the state of Illinois work out to 70% for female prostitutes, 20% for male prostitutes and 10% for customers (Raphael & Shapiro, 2002).

The average costs for a major city to arrest, charge and incarcerate a prostitute are about $2,000 per arrest with the average city spending $7.5 million on prostitution control every year (American Prosecutors Research Institute, 2004). These rates vary greatly from city to city with Memphis spending roughly $1 million while New York spent almost $23 million during the same time period (American Prosecutors Research Institute, 2004). Additionally,
drug use is common with street prostitutes—studies estimate 50% are addicted to at least one drug—while prostitutes who work off the street show single digit rates of addiction (Raphael and Shapiro 2006).

Understanding Prostitution Dynamics

Before addressing different tactics used to address prostitution it is important to consider the different dynamics involved in the crime. As this is a money-making crime one way it can be examined is from a business perspective with supply and demand participants. From the demand side of the equation there are three key components: 1) the men who buy commercial sex acts, 2) the locations that are destination for the crime, and 3) the culture that tolerates or promotes sexual exploitation (Benson & Matthews, 2000). The supply consists of two groups: 1) the females working as street prostitutes and 2) the exploiters who make up the sex industry (Benson & Matthews, 2000). Each of these groups contributes in some shape or form and ultimately need to be considered when forming a prostitution strategy.

On that note, it is important to address the relationship between prostitution and human trafficking. While trafficking will not be addressed in-depth in this paper, it is worth noting that the demand for prostitutes greatly exacerbates the scope of destruction associated with this crime. Women from local communities and far-off countries are forced into this profession against their will. This breaks up families and pulls more women into a drug and criminal cycle they are unprepared to handle. Advances in technology allow for suppliers and customers to meet with a few mouse clicks and moving women from one place in the world to another is becoming easier and more fluid. Prostitution is also seeing a shift toward online
hook-ups that limit the overt interaction police often use to catch these offenders (Abt Assoc., 2008).

Addressing the supply and demand or business-like nature of prostitution, it cannot be argued that this is a victimless crime or that the women lack any desire for a different life. Prostitutes are often the result of broken childhoods where girls were neglected, abused, raped, and generally mistreated. Maloney and Mobley note that prostitutes often lack self esteem and find that once they are in the rut of prostitution they lack the ability to leave prostitution (2002). Drugs are prevalent in the lifestyle as both a bond used by pimps to indenture the women and as a way for prostitutes to escape their horrible reality (Hunter & May, 2004). This only compounds the already difficult situation by deepening the ties between a pimp and prostitute and their quick money lifestyle. Additionally, a prostitute who is arrested for selling herself can easily accelerate legal penalties when she is in possession of drugs.

Stepping back to see the big picture there are a few key issues that need to be addressed. First would be that this long-standing and somewhat “acceptable” crime is not seen as the scourge it truly is to society (Melrose, 2003). Look no further than the DC Madam Deborah Palfrey who was a criminal justice graduate with a legal background who serviced the politicians governing our nation. If such high-level politicians find this crime acceptable how can a society every truly address the crime. Second would be the business relationship existing in prostitution that drives criminal activity. When there is so much money to be made, regardless of the legality, the crime will continue to occur. And finally, it is important to note that the women caught up in street prostitution are often a forgotten portion of our society.
At the individual level, street prostitutes are often forgotten as victims and viewed as scab on society who should be treated like common criminals. Sullivan (2001) points out that those who sell sex are often the victims of serious violence and exploitation. They are often vulnerable to abuse, coercion or control by others and in the case of pimps, abused by those who gain from their crimes. Some individuals are forced to sell sex against their will, and have little say in whom or how many people they have sex with (Sullivan, 2001). The communities in which prostitution takes place also suffer. Sex markets act as a magnet for anti-social behavior; they can make an area undesirable and unsafe.

Furthermore, prostitutes are not equally committed to prostitution: some are deeply committed for financial and lifestyle reasons; some are committed only due to drug dependency; and some are weakly committed, engaging in prostitution because it is the easiest way for them to make some money (Monto, 2004). Their inability to find adequately paying work elsewhere is the most common reason prostitutes give to explain their choice to work on the street (Maloney & Mobley, 2002). Many prostitutes try to leave the streets, fail to find acceptable lifestyle, and return to prostitution. Most return to prostitution because their limited education and lack of skills make finding employment very difficult. Without a means to support themselves and their children, they may think staying on the streets is less risky than leaving prostitution (McIntyre, 2002).

The typical street prostitute works six to eight hours a day, five to six days a week, and has three to five clients a night (May, Edmunds, & Hough, 1999). Street prostitutes’ lives are organized principally around prostitution itself, and around maneuvering through the legal system. It is a cycle of engaging in prostitution, getting arrested, going to jail, paying fines, and
returning to the street. Some street prostitutes are highly mobile, traveling from one city to
another, sometimes on a regular circuit, or when they think the risks are too high in one city or
the money is better in another. Although most sexual encounters do not involve violence, most
street prostitutes report having been criminally assaulted at least once by clients (Kurtz, Surratt,
Inciardi, & Kiley, 2004). A small percentage of clients are likely responsible for most of the
violence committed against prostitutes (Hotaling, 1999). Furthermore, the pattern of violence
in pimp-prostitute relationships is similar to that of domestic violence (Hotaling, 1999).
Prostitutes do not report most assaults to the police because they either fear retaliation from
pimps or believe the police will not take the matter seriously or possibly charge them for
soliciting (Penfold, Hunter, Campbell, & Barham, 2004). Both prostitutes and those who assault
them may believe prostitutes are not entitled to the criminal justice systems’ normal

Responses to Prostitution

Popular social and law enforcement efforts toward street prostitution produce a wide
variety of outcomes. There are programs implemented both nationally and internationally that
focus on very different methods and strategies. Some of the more prominent examples
include: arresting prostitutes, targeting geographical areas, prosecuting johns,
rehabilitation/recovery, drug testing, STD testing, and religious based efforts. Data seems to
indicate that neither one fares exceptionally well by itself. For example, Matthews (1997)
found numerous instances of police procedures that geographically displace prostitution but
don’t actually remedy the supply or demand—thus relegating the problem to a different
jurisdiction (p. 42). Data also shows that imprisoning perpetrators (johns, pimps and prostitutes) provides a temporary fix, but does little to address recidivism rates. Social programs address the issue from a different focal point but often have trouble keeping participants engaged in programs due to various reasons. These and other examples will be expanded on later on in the text.

Hester and Westmarland note that “generally the use of ‘traditional’ enforcement involving police crackdowns does not appear to reduce disorder or nuisance for the local community” (2004, p. vi). Some geographical displacement resulted, but this tended to be temporary and unpredictable. Police crackdowns on johns tend to reduce activity temporarily, if at all and some functional displacement of the women involved in prostitution was reported to have resulted (Hester & Westmarland, 2004). Additionally, drug use appeared especially important in whether or not geographical displacement of the women involved in prostitution occurred and whether functional displacement occurred instead (Lyden, 2011).

When a crime is profitable, simple, and hidden it can sometimes prove resistant to law enforcement efforts. Prostitution is different from most other crimes in that neither party feels the violation usually associated with acts like murder, theft, or assault. While the women are not in an ideal situation and probably want to leave the life, the easy profits of $400-$500 per day and fast lifestyle have a certain allure (Lyden, 2011). Likewise, “Johns” have an easy outlet for their sexual desires which provides a consistent demand for pimps and prostitutes. The deed itself is not complicated; it requires little more than two interested parties and the backseat of a car. Geographically, society likes to pretend that prostitution is relegated to slums, ghettos, and forgotten parts of cities. However, in reality prostitution is becoming more
prevalent with the advent and expansion of technology. Customers, pimps, prostitutes, recruits, schedules, and opportunities are becoming more fluid and greatly increase the opportunities to commit prostitution. Thus, the oldest profession has carved out a niche where resistance and removal are difficult to address.

Most community and police efforts usually focus on a single factor when trying to reduce prostitution. However, these efforts are futile as they rarely produce any long-term results. For example, arresting and locking up a prostitute provides a temporary reduction in supply that ends when the prostitute is released. Swamping an area with police and undercover officers can reduce street prostitution locally but usually relocates the activity to another neighborhood. Arresting Johns via stakeouts or stings reduces short-term demand and recidivism rates, but these programs have failed to show significant long-term impact (Cote, 2009). Other social or community based efforts attempt to reform prostitutes by teaching them skills, providing safe housing, and addressing their psychological issues have show some success but suffer from high recidivism rates. Within the last 20-30 years there has been an increase in cooperative efforts that join different components but results will show that overall success is limited (Maloney & Mobley, 2002). In fact, with the increasing fluidity of travel and communications these improvements might even be negated as prostitution becomes more sophisticated (Maloney & Mobley, 2002).

The main strategy police use to control street prostitution is enforcing laws prohibiting soliciting, patronizing, and loitering for the purposes of prostitution. Enforcement strategies are expensive; each arrest costs thousands of dollars to process. By themselves, they are ineffective at either controlling street prostitution or protecting prostitutes from harm.
(Matthews, 2005). Increased police enforcement temporarily reduces the number of prostitutes on the street, but they usually reappear in new areas. This may actually increase street prostitution in the long term by creating new opportunities for prostitutes and potential clients to meet. While the severity of the penalties against prostitutes does appear to affect the volume of prostitution, modest fines against prostitutes may actually force them to commit more prostitution to pay the fines (Home Office, 2004). Prostitutes who are prosecuted are usually convicted, but many of them fail to show up for court hearings (Home Office, 2004). Most prostitutes consider the costs of being arrested as a business expense and an inconvenience, and not as a significant deterrent (Home Office, 2004).

Enforcing laws prohibiting street prostitution usually requires undercover police officers to pose as clients to gather the necessary evidence. This can be difficult to accomplish as street-savvy prostitutes often ask questions that would force an offer to reveal their identity (Dodge, et al., 2005). Enforcing prostitution laws against clients typically requires the police to pose as prostitutes to get evidence. Some police agencies still do not have enough female officers to conduct effective solicitation enforcement campaigns, and these dangerous assignments are typically not popular among officers (Dodge, et al., 2005). Moreover, decoy arrests of clients are open to legal entrapment defenses if officers are not careful with their conversations and actions.

In addition to routinely enforcing prostitution laws, police often conduct intensive arrest campaigns against prostitutes, clients, or both. These campaigns significantly increase the risks of arrest, at least temporarily, bringing large numbers of prostitutes and clients into the formal justice system. When combined with media coverage, the campaigns are intended to deter
those arrested from reoffending, and to deter potential clients (Hester & Westmarland, 2004). However, these campaigns’ deterrent value wears off after time and street prostitution usually returns to previous levels. Of concern during these high volume arrest campaigns is the risk that police will arrest innocent people and bring about lawsuits and negative publicity (Campbell & Storr, 2001). Without some follow-up court intervention or measures to change the environment, intensive enforcement campaigns temporarily interrupt street prostitution and possibly move the criminal activity to other areas.

Further complicating the issue, intensive arrest campaigns may inadvertently increase the risk of harm to street prostitutes (Sanders, 2005). To avoid police detection and to compensate for the reduced number of men soliciting services, prostitutes may work longer hours in more isolated, unfamiliar, or unsafe areas. The clientele in these areas may be unfamiliar and in an effort to meet their quotas, the prostitutes may not take their usual safety precautions (Sanders, 2005). Additionally, with increased competition for fewer clients, some street prostitutes lower their prices, and thus must work in these conditions for longer periods to earn the same amount of money (Sanders, 2005).

Many courts order prostitutes and clients to stay out of specifically defined areas where street prostitution is prevalent, as a condition of either bail or probation (Sampson & Scott, 2000). This practice is commonly referred to as “mapping” offenders out of areas. Enforcing the orders requires that police have good physical descriptions of the offenders and know the specific parameters of the orders (American Prosecutors Research Institute, 2004). This practice may, however, displace prostitutes to more remote areas outside the prohibited zone,
areas which may prove more hazardous to the prostitutes. In addition, forbidding their entry into certain areas may sever ties to the only social support networks they may have (Hill, 2004).

Instead of traditional criminal justice sanctions, prostitutes and clients can be required to appear before community justice panels that focus on restoring the harms the community suffers. Community service sanctions, when properly monitored and enforced, have been shown to be more effective than jail time or fines alone (Weidner, 2001).

Enforcement strategies will not be successful without an array of social services to help prostitutes leave the streets. It is particularly important to break the connection between drug use and sex work. Hester and Westmarland (2004) note that moving toward and finally leaving the streets is a long and complex process, and services must be provided at the right time and in the proper sequence. For example, they suggest meeting the basic needs of child care, housing, public benefits, and drug treatment should come before intensive job training or employment programs. Services should be easy for women to access and should have flexible appointment times, reasonable wait times, extended hours of operation, and record-keeping practices that are sensitive to many prostitutes’ concerns for confidentiality. They should also be specifically designed to address the women’s needs in the context of their work as street prostitutes.

Key services include the following:

- Drug and alcohol treatment. Outreach on the street is essential to funneling prostitutes into needed services. Fast-tracking placement into residential treatment is also critical when women indicate their readiness for change (Hester & Westmarland, 2004).
- Mental health treatment.
• Housing. While housing is an obvious need for homeless prostitutes, many other
prostitutes live in environments that put them at continued risk for drug use and
violence. An array of housing options, including short-term shelters and long-term
stable housing, is needed (Hester & Westmarland, 2004).

• Peer support systems. Women wishing to leave prostitution need to develop new
identities and need skills to access, establish, and maintain networks of peers who are
not involved with prostitution (McIntyre, 2002).

• Child care. Many women involved with prostitution are also single parents. Childcare is
a critical issue to address for both treatment and employment objectives (Home Office,
2004).

• Job training and employment.

• Health care and confidential testing for HIV and other sexually transmitted diseases.

• Transportation.

• Legal aid.

Some communities offer a service-and-support network through either precharge or
postcharge diversion programs, and some even offer these programs on the street, with no
formal connection to the criminal justice system (Weidner, 2001). Although these programs do
not necessarily persuade many prostitutes to quit, they are essential for those motivated to do
so, and they can be effective in reducing some of the risks to street prostitutes, such as sexually
transmitted disease and assault (Weidner, 2001).

Some police agencies and local governments have publicized the names and
photographs of clients who are either arrested for and/or convicted of prostitution related
offenses. The names and photographs may appear on television, in newspapers, or on internet websites. Many media outlets, however, refuse to participate, deeming it un-newsworthy and not wanting to appear to be an agent of the government (Kennedy, Gorzalka & Yuille, 2004). Some local governments have purchased advertising space to publish the information (Kennedy, Gorzalka & Yuille, 2004). There should be safeguards so that innocent people are not unfairly implicated or accused in illegal activity. Further, once a client has faced publicity from an initial arrest, he has little to lose, and subsequent threats of publicity are unlikely to be effective (Monto, 2004).

Traffic flow and patterns influence potential clients’ perceptions about their chances of negotiating a transaction and their risks of getting caught. Traffic-related factors are especially significant where sex acts take place in vehicles. Many clients stop to solicit prostitutes while on their way somewhere else—commonly to or home from work. Responses that make it more difficult or risky for clients to negotiate a transaction will either discourage them from soliciting street prostitutes or encourage them to seek indoor prostitutes (Matthews, 1997). For example, throughways can be closed at one end, two-way streets can be converted to one-way streets, speed bumps can be installed, and right turns can be prohibited to prevent drivers from circling the block (Home Office, 2006). Under some circumstances, the traffic changes may lock the problem into an area rather than force it out. However, localities should also be careful that any traffic changes do not cause undue harm to residents and legitimate commerce in the area.

When examining responses to street prostitution, jurisdictions must consider the mechanism by which they are intended to work, the conditions under which they ought to work
best, and what methods best achieve the desired response. As noted above, many well-intended and intelligent methods fail to achieve their desired potential. It is critical to tailor responses to circumstances and means, and justify each response based on reliable analysis. In most cases, an effective strategy will involve implementing several different responses that will provide a wide-ranging effect. Law enforcement responses alone are seldom effective in reducing or solving the problem. Government representatives and police departments are quick to highlight limited funding as an excuse for these short-sighted or underperforming results but the responsibility does not rest solely with them. Social methods, which rarely carry enough incentive or influence to reduce the rate of prostitution alone, are critical to creating a thorough and effective approach. Thus, communities must consider reshaping their response from both the legal and social sides of the equation. Throwing money towards one method or simply implementing a new single sided strategy is not going to change overall outcomes. Law enforcement and social groups must align their interests, consider effective methods of working together and build a comprehensive approach towards reducing prostitution.
There are several sociological theories that can be used to determine why prostitution is so prevalent and longstanding. This paper will focus specifically on two sociological theories; routine activities theory and the deterrence theory. Both of these theories relate well to the crime and what factors lead to the popularity of prostitution. Each theory will be discussed and examined in its application to prostitution with regards to critical factors that enable the crime. Furthermore, these theories will be used to evaluate the research with regards to reducing prostitution and helping to stem the criminal cycle.

**Routine Activities Theory**

When examining prostitution from the viewpoint of the Routine Activity Theory it is easy to see why prostitution is such an easy crime to commit. At the most basic level, this theory contends that if an opportunity is present the crime will occur. The situation does not demand hardened criminals or an ingenious plot, but rather motivated actors, a viable opportunity, and lack of capable guardian (Barkan, 2001). Stemming from Marcus Felson and Lawrence Cohen’s Rational Choice theory, the Routine Activity Theory expands on the idea of costs versus benefits when faced with an opportunity to commit a crime (1979). Under the Routine Activity Theory if there is a motivated offender, a suitable target and a lack of a capable guardian the crime will likely occur. Unlike other theories, this theory notes that social circumstances like poverty, inequality, and unemployment do not play a large determining factor in the likelihood of a crime being committed.
For prostitution this is an easy comparison as the motivated offender and target are often one in the same. That is, both the john and prostitute view themselves as the offender and the other as the target to such a degree that this crime is much more business transaction that a criminal offense from their perspective. So, unlike theft, assault, rape, or other more traditional offender-victim crimes, prostitution allows both parties to feel as if they are on the winning end of the equation.

When considering the capable guardian concept, prostitution often occurs in neglected locations where police or community prevention programs are absent. The sections of towns where pimps and prostitutes reside and where johns frequent are the forgotten districts left to their own devices. Often these areas consist of housing projects, homeless communities, drug trafficking and generally high crime areas. But perhaps the most difficult item addressed by the routine activity theory is that not only do prostitutes lack a capable guardian—they are surrounded by actors intent on them committing a crime. Primarily would be the pimp who governs and guides their actions and becomes to a point the owner of these prostitutes. Frequently the pimp is the only family or organization a prostitute has. When a prostitute needs money, drugs or basic sustenance, she turns to the pimp. When she is arrested or abused by a john, she turns to the pimp. This relationship builds on itself to the point that the pimp is the primary “provider” for a prostitute and they feel indebted and connected to such a degree that the relationship becomes tangible and dependable. As much as the pimp views his prostitutes as possessions, they view themselves as belonging. In many cases this is the first time these prostitutes have felt a part of something.
Apart from the pimp, prostitutes are often engaged on a daily basis with other prostitutes. They prowl street corners, socialize, advise, and learn from other prostitutes. They often live with each other and in some circumstances help each other raise their children. This environment feeds their sense of belonging, their resistance to change, and further negates any capable guardian. From the big-picture perspective, prostitutes are surrounded by an environment that enables, encourages, and exacerbates their predicament. More often than not their entire support network is involved with criminal activity and actually acts as the opposite of a capable guardian.

**Deterrence Theory**

At the most basic level, the Deterrence Theory states that if individuals do not fear apprehension and/or punishment they will engage in criminal behavior (Barkan, 2001). Cesare Beccaria and Jeremy Bentham developed the theory during the 1700s to explain crime and methods to reduce criminal behavior. In application, there are two ways modern criminologists apply deterrence from the state’s perspective. First would be general deterrence where criminals are made example of and thus influence the future actions of others. While examples will be discussed, this is usually not a public flogging or hanging, but more publication and notification of penalties for criminal behavior and the punishment exacted in different situations. At the very basic level, a “No Parking, Tow-Away Zone” sign is a general deterrent. It prevents individuals from committing a crime by very visibly reminding them of the potential punishment for that crime. Second would be specific deterrence where an authority figure attempts to deter an individual from engaging in deviant behavior again. This theory does not
address motives or rationales but instead attempts to negatively reinforce behaviors to such a degree that the behavior will not be repeated (Moberly, 1968). California’s three strikes law would be an appropriate example here as it greatly increases third time offenders for crimes that don’t normally such severe repercussions.

With regards to the deterrence theory, prostitution has reached an interesting situation where normal deterrence methods often fail outright or provide very short term success. Additionally, for the prostitution trade this theory can be applied at multiple levels. First would be the prostitute and an examination of what kind of deterrents are presented to selling sex on the street. Second would be the john and what deterrents are displayed for those who attempt to buy sex. Last would be the types of deterrents shown toward pimps by society.

For a prostitute working a street corner there are often mixed signals sent by the police, politicians and community. Brewer et al. note that prostitutes bounce back and forth between being the target of police actions and pawns used to capture Johns (2000). Sometimes they are arrested for selling themselves and then a few weeks later they may be ignored when police are targeting Johns. Even when they are arrested it is often a small penalty that provides a short hiatus from their profession and can even compel prostitutes to work more to pay their fines. For example, McWilliams research showed that even in a large city like New York, the penalty for being found guilty of prostitution is up to three months in jail and/or $500 (2006). However, jail time is rarely part of a sentence as prostitutes don’t often warrant lockup when space is limited (McWilliams, 2006). When laws against prostitution, soliciting, or loitering are enforced, the results provide little long-term deterrent to criminals. Time served in jail is
usually only as long as it takes the prostitute to appear before a judge or magistrate and once fines are paid, the prostitute is usually back on the street.

For johns, deterrence theory can be much more effective when using the general portion of the principal. The primary method used in New York City is to publish photographs of convicted johns in newspapers or other publications (McWilliams, 2006). This public shaming is like punishments used during the middle ages where offenders were publically shamed to deter the general population, punish the offender, and embarrass them in front of their family and peers. However, this process is sometimes difficult to execute because media source don’t deem this type of information to be newsworthy and there are many legal restrictions that must be addressed before invading individual privacy in this way. Other methods used involve notifying employers or those in a position of authority over johns. This practice has both general and specific aspects to it and works best in scenarios where the john responds to informal social controls. However, when notifying employers, there is a risk that the offender may lose their job which might be a more severe punishment that what the crime deserves. The final method to be discussed involves a much more specific type of deterrent where guilty johns have their driving privileges revoked. Most johns curb-crawl to make contact with prostitutes which makes this punishment both appropriate and effective.

Targeting pimps with methods aimed to deter future behaviors is more difficult as they are rarely in a position to be caught in the act and have a social network that protects their criminal actions. Williamson and Cluse-Tolar contend that prostitutes are more often than not loyal to their pimps (2002). Pimps use violence and drug addiction to control and endear prostitutes to them and thus limit their criminal risk. Clients rarely use pimps to setup
prostitute interaction as most johns prefer to deal directly and solely with the prostitute. Additionally, when a prostitute is arrested and charged, it is usually the pimp who bails them out of jail or provides the funding to pay their legal fees and fines. One of the few methods that show some deterrent towards pimp activities reside with police jurisdictions where solid relationships are built with prostitutes. This is often established under the guise of targeting juvenile and violent clients but affords police the opportunity to track and monitor a pimp’s actions. Still, even when a case is built against a pimp, it is often time and funding intensive for the local police and provides little deterrent for other pimps or prostitutes.
Section IV – Analysis and Recommendations

To this point, the paper has highlighted the inadequacy of any one method towards battling prostitution. Programs need to be multi-faceted and comprehensive to reduce prostitution and lower recidivism rates. This section of the paper will look at several different aspects that should be implemented into a community-wide prostitution strategy.

The Social Response

There can be little doubt that the problems associated with prostitution can be overcome with single or even small scope strategies. A comprehensive resolution to the problems requires not only diverse police initiatives aimed simultaneously at prostitutes, johns, and pimps, but also requires societal changes. A societal alliance between health, rehabilitation, religious, job-training, and sheltering should be pursued and included with every law enforcement approach to reducing prostitution. Additionally, it is important to implement strategies under specified and planned sequence. Implementing a police surge towards a specific prostitution scheme will likely displace the crime unless the necessary support structure is in place and primed to guide the offenders away from prostitution. On the other hand, Matthews notes that starting a social program without law enforcement backing could push prostitution into “forms that might aggravate and intensify the problems” (2005, p.878).

When designing a program to reduce street prostitution, communities should consider attacking the problem systemically as opposed to merely treating its symptoms. The program needs to recognize the benefits of reducing the number of street prostitutes, by focusing the efforts of many, agencies, on the same problems, at the same time. Responsibility needs to be shared across community and government agencies in a concerted effort instead of individual
actors operating under their own schedule and motive. However, such a program would propose that police departments view prostitutes as victims and not criminals. Instead of arresting and punishing prostitutes, those legal powers need to be used to assist other community members help prostitutes gain a healthier lifestyle and meaningful existence. Still, police must recognize that their ability to solve a societal problem like prostitution is extremely limited. They need to embrace their community advocate position of protector as a catalyst toward rehabilitation instead of disciplinarian. Most communities have an abundance of agencies and special interest groups whose sole purpose is the treatment of societal ills. However the coordination of their efforts and their inability to perform in an outreach fashion has minimized their effectiveness. Police officers and the legal system can use their experience and authority to assist these agencies by directing prostitutes towards social support. Ideally this relationship would highlight candidates for rehabilitation with the added emphasis of jail time or fines if prostitutes fail to actively commit.

This process begins by gathering together various agencies within the community and focusing them on the goal of reducing the number of prostitutes working on the street. The role of each group is clearly defined and the order in which they will operate would need to be spelled out. Timelines and locations for immediate and long-term care would need to be established. For example, a project could begin with police mounting a standard vice undercover operation targeting street prostitutes. This paper discussed many different methods officers can use and in reality, any method that secures an arrest will work in a comprehensive community program. For the sake of argument, a police department could have undercover members posing as customers strike up a conversation to the extent of which
is sufficient to sustain a charge of soliciting prostitution. The prostitute is then taken into custody and properly identified by an advocate. The advocate could be part of a legal or social team but would require training in identifying needs and urgency of a prostitute on a case-by-case basis.

At this point, jurisdictions have a few different options of encouraging prostitutes to enter into a social program. The first options would allow law enforcement members to immediately turn the prostitute over to a support organization. Rather than charge the prostitute with a crime, the officer merely hands the prostitute over to the community group and removes the necessity of either himself or the prostitute from attending an expensive and time consuming trial. Those prostitutes who are unwilling to enter the program are of course charged. The second option would involve a special court system or “prostitution court.” This would proceed through the normal arrest and hearing procedures for a prostitute up until time in front of a judge. During the hearing, the prostitute would be represented by a social advocate in addition to legal representation and the judge would present the offender with an option to either be charged for their offenses or voluntarily commit to some form of rehabilitation.

The prostitute is then taken to a “safe house” and handed over to members of the rehabilitation program. The specific program or location would depend on various factors such as drug addiction, whether the offender has children, threats of violence, etc. The organization would supply the prostitute with support and advice and a safe haven for the short term. During this initial phase, the support organization would need to gain the trust of the prostitutes and discover the reasons for their lifestyle. These reasons can vary, and may include
drug or alcohol addictions, lack of finances or education, or the need to augment a meager income to support a young family. Additionally, counselors would need to highlight the needs of the prostitute to include things like mental health, peer support, child care, job training, transportation, and sexually transmitted diseases. Rarely, if ever, is prostitution the sustained choice of a person and it is paramount that these social groups find the key factors.

Once the needs of the individual have been determined, they are then handed over to the next community group or organization which can provide the necessary help. This may be a women’s shelter organization for those in need of a place to stay, or a health group if urgent medical attention is required. Detoxification facilities are often required at this stage but counseling and addiction assistance are equally important to show the prostitutes the value of these programs. In effect a diversion program designed around the individual’s needs is constructed and presented at a time when it is most needed. This places even more emphasis on accurate and purposeful planning by both legal and social groups prior to any operations being executed. With this example, it is obvious a program of this type must have buy in from the legal organizations in a community prior to implementation. Social groups are often eagerly waiting for victims to help but lack the emphasis to find and keep individuals. To reach this level of commitment from both sides, there are certain commitments that must be made between groups. The legal system must realize the savings of both time and funding that will occur if prostitutes are removed from their system and helped in such a way to reduce recidivism. Meanwhile, the social organizations must embrace the added emphasis their programs will receive while also having assurance they will be given the time and leeway to walk individuals through the long road to recovery.
An educational component should also be considered as there is little value in helping women leave the streets if something is not done to stem the flow of young people who might enter the prostitution. This is a point where law enforcement would reengage and possibly embody an approach similar to the D.A.R.E program. For example, a jurisdiction could produce a video or teaching aide to be used to reach out to local school districts. These officers could provide lectures to junior and senior high school classes as part of a health class or sexual education program. High risk groups such as juvenile inmates or drug offenders should also be targeted. The primary purpose of this educational tool would be to educate teenagers in the methods employed by pimps, the dangers of prostitution, and other local circumstances that might give rise to prostitution. The program should be hard hitting but not traumatic and could even incorporate prostitutes going through the rehabilitation program as real world examples of the dangers in prostitution.

The Legal Response

With this general outline, it is important to further clarify the legal roles in this scenario. This is not to say law enforcement can arrest prostitutes, turn them over to a social organization, educate a few high school classes and be done with this type of crime. Many prostitutes will inevitably fail the rehabilitation program and end up back on the streets. This is a key time for the police officers to respond supportively and help these prostitutes reengage with appropriate rehabilitation network. Furthermore, while their time and attention can be diminished with regards to prostitutes, it is a perfect opportunity to gather key information to target pimps and johns.
Previously in this paper the hurdles of arresting and charging pimps were discussed. The difficulty in obtaining evidence and securing witnesses is often an insurmountable hurdle for legal systems. However, if police and judicial systems are now seen as providers who enable prostitutes to leave the lifestyle they will have many more opportunities to gather information and secure the relationships needed to target pimps. Ex-prostitutes who lacked any other kind of lifestyle or income will now have those opportunities and will have less commitment to protecting their pimp. As noted above, recidivism is bound to occur but committed relationships between legal and social organizations would provide great headway in targeting and charging pimps. This would require proactive policing and a robust legal framework with severe penalties to disrupt sexual exploitation and to send a clear message that it will not be tolerated.

Apart from arresting pimps but with the same robust and severe penalties, law enforcement organizations should actively target johns. If the social approach above is enacted and is thus reducing the availability of prostitutes, officers could establish sting operations to apprehend johns soliciting prostitutes. Furthermore, in the same way prostitutes going through rehabilitation could be used to educate school-aged children, they could also be used to educate johns. Some communities have established one-day john schools where first time offenders are ordered to attend a class detailing the negative impacts of prostitution. Ex-prostitutes are an integral part of these classes along with counselors to detail the breadth and depth of prostitutions impact. Johns pay a fee (fine) to attend the class are and released relatively unscathed after attending the class. Those who solicit prostitutes a second time should be aggressively prosecuted through the court system to include having their driving
privileges revoked, facing monetary fines and mandatory jail time to emphasize the community’s commitment to reducing prostitution. Furthermore, this is a prime opportunity to expand the community buy-in by encouraging local news agencies and periodicals to publish information detailing offender’s names and addresses to inhibit future soliciting.

Overall, these activities are complicated and detailed. They would require a dynamic lead organization to encourage, find, and coordinate buy in from the needed parties. In addition, costs would likely be higher at the onset of this program than what a community would normally spend. Law enforcement, judicial, political, social, medical and religious groups would have to harmonize their needs and limitations. However, when compared to the long-tenured failures of past programs there is value in taking a step towards a more effective method. Each community would have to tailor their response to specific needs and restrictions they face but a comprehensive approach would make better use of available resources. Law enforcement could reduce their time and costs associated with arresting prostitutes and focus those energies on other parts of the equation. The justice system could reduce their case load and become more efficient at punishing deserving parties. Finally, social groups could make better use of their resources, combine with other groups to provide more thorough support, and enhance their ability to serve their objectives.
References


