



PREPARED FOR
THE WOMEN'S FOUNDATION OF COLORADO

BY:

Meagan Morris, B.A.

Brittney Dahl, B.A.

Lindsey Breslin, M.S.S.W.

K. Berger, B.A.

Amanda Finger, M.A.

AnnJanette Alejano-Steele, Ph.D.

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LABORATORY TO COMBAT
HUMAN TRAFFICKING

FEBRUARY 2012

The Laboratory to Combat Human Trafficking prepared this report via the support of the Women's Foundation of Colorado. Opinions expressed in this document are those of the authors and do not necessarily reflect the views of the Women's Foundation of Colorado.

About the Women's Foundation of Colorado (WFCO)

WFCO's goal is that every woman in Colorado is economically self-sufficient, and every girl in Colorado is on the path to economic self-sufficiency. Their mission to get there is to build resources and lead change so that the women and girls of Colorado are full and equal participants in society.

About the Laboratory to Combat Human Trafficking (LCHT)

LCHT is a Colorado-based nonprofit organization dedicated to combating human trafficking at a local and global level. Our mission is to combat human trafficking through community-based research, training and education, leadership development and intentional collaboration.

Publisher: Laboratory to Combat Human Trafficking
3455 Ringsby Court #106
Denver, CO 80216
United States of America
Tel: 303.295.0451

E-mail: research@combathumantrafficking.org
Internet: <http://www.combathumantrafficking.org>

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• ACKNOWLEDGEMENTS

Funding was generously provided by the Women's Foundation of Colorado, which supported the pilot research described in this report. The following contributors generously and patiently provided significant input on the criminal justice system responses to prostitution and human trafficking:

Lizbeth Schoon, Administrative Assistant, Vice and Drug Control Bureau, Denver Police Department

Tracie L. Keesee, Ph.D., UASI coordinator, Denver Police Department (formerly) Division Chief, Research, Training and Technology Division, Denver Police Department, Consortium for Police Leadership in Equity Co-Founder

Hans Levens, Sergeant, District 6, Denver Police Department

Chris Wyckoff, Director, Data Analysis Unit, Denver Police Department

Kathy Friedman and Donna Allen Patterson, Records Bureau, Denver Police Department

Dan O'Bannon, Detective, Vice and Drug Control Bureau, Denver Police Department

Michael Ryan, Agent, FBI Drug Enforcement Administration

Janet Drake, Senior Assistant Attorney General, State of Colorado

We are grateful for critical support from colleagues, interns and volunteers who were involved in research design and data collection:

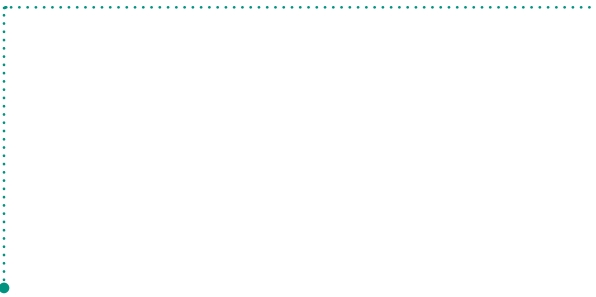
Chrislyn Randell, Ph.D., Professor, Psychology, Metropolitan State College of Denver

Carollann Braum, J.D., Danielle Alfaro, Kimberly Hunt, Alyssa Zucker, and Sarah Williams, Research Interns, Summer 2011 Laboratory to Combat Human Trafficking Leadership Development Program

Ena Vu, Data Entry Volunteer, Laboratory to Combat Human Trafficking

Additional student stipend support was provided by Metropolitan State College of Denver Dean of Letters Arts and Sciences Mini-Grant Program awarded to AnnJanette Alejano-Steele, Ph.D., Institute for Women's Studies and Services, Metropolitan State College of Denver.

The views expressed in this report are those of the authors, and do not necessarily reflect those who funded or took part in the research.



...TO UNDERSTAND
THE COMPLEXITIES OF THE
CRIMINAL JUSTICE SYSTEM FOR
PEOPLE ARRESTED FOR
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VICTIMS AND SURVIVORS
OF SEX TRAFFICKING CAN FALL.

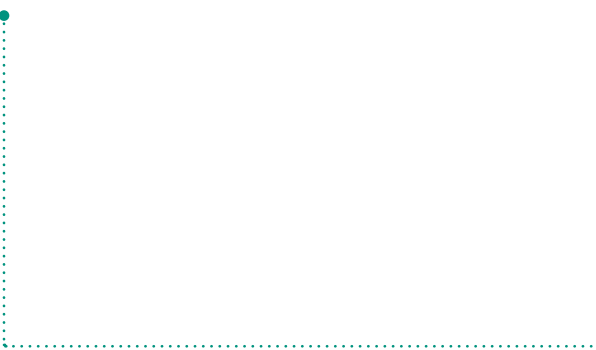


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EXECUTIVE SUMMARY

One national trend in anti-human trafficking efforts has been to focus on demand as a driver of human trafficking.

*The intent of this exploratory study was to move beyond assumptions that surround the crime of prostitution, its actors and law enforcement response in the City and County of Denver. We gathered **data** to understand attitudes, perceptions and actions regarding prostitution enforcement broadly by using surveys and interviews with various law enforcement actors. We also examined arrest and court data, which provided a comprehensive picture of prostitution enforcement and how these systems are poised to handle sex trafficking violations. This exploratory study is the first of its kind due to the nature of multiple methodologies, and is designed to provide baseline context for future research needed to bridge issues that connect prostitution with sex trafficking.*

The main findings of this study demonstrate severe inequalities in the systems involved in prostitution enforcement. Data showed gender disparities in arrests and sentencing outcomes for prostitution-related offenses, assumptions of johns as "everyday guys" and prostitutes as criminals or victims, and how exclusive focus on demand reduction might result in missing victims of trafficking. However, it is clear that there are some law enforcement Officers deeply committed to combating human trafficking in Denver.

In summary, these exploratory findings help provide direction for future research needed to bridge issues that conflate prostitution with sex trafficking. As an organization that recognizes the importance of community context surrounding vulnerabilities, the present study helps provide baseline context that surrounds prostitution arrests that will help inform actions to support victims and survivors of

human trafficking. When it comes down to the question of "Who Pays?," clearly it is the vulnerable; those susceptible to harm, resulting from the interconnectedness between available resources to individuals and communities, and the challenges they encounter (Mechanic & Tanner, 2007). As the inquiries into the crimes of sex trafficking and sexual exploitation evolve, so too must our conversations around our communities' responses to prostitution.

BACKGROUND

Over the past decade, numerous contributors have played significant roles in developing nascent responses to the human rights abuse and transnational crime of human trafficking.

However, few research studies have been sufficiently comprehensive to accurately assess trafficking in a given community. Although the crime has been legally defined in U.S. federal law since 2000 (see Appendix A for human trafficking definitions), there are few data to link specific anti-trafficking approaches to outcomes. Thus, states and municipalities have variably sought local solutions to a problem that is notoriously difficult to characterize.

Unfortunately, it is rather common for city and state departments to intermingle data relating to trafficking, prostitution, and other crimes. As a centrally located, mid-size city within the continental United States, Denver represents a reductionist model to study human trafficking at a municipal level. In the City and County of Denver, sex trafficking and prostitution cases are investigated by the Vice and Drug Control Bureau (henceforth, "Vice Bureau") within the Denver Police Department, often in conjunction with federal investigators. Since 2005, Denver has supported an active anti-human

trafficking movement, spurred by federal funding awarded to organizations in the city to assist victims, increase victim/survivor identification, train law enforcement, and investigate cases. Nevertheless, despite nearly seven years of laying a foundation of coordinated anti-trafficking responses, only one sex trafficking case has been prosecuted under Colorado law; numerous other cases have been prosecuted under various state and federal statutes.

This capricious approach to prosecuting trafficking cases can be extrapolated to other communities, and obfuscates estimates of the prevalence of trafficking crimes in the United States. Yet, frequently-cited estimates suggest that there are 14,500 to 17,000 foreign nationals trafficked into the U.S. annually (Department of State, 2006) and 100,000 to 300,000 child victims or those at risk of exploitation and trafficking per year (Allen, 2010; Estes and Weiner, 2001). The methods used to arrive at these data are unclear and may be unreliable. Furthermore, sampling issues, selection bias, limitations in accessing victims and survivors, and potential psychological risks to victims, among other ethical issues, present formidable challenges to studying this population.

One national trend in anti-trafficking efforts has been to focus on demand as a driver of human trafficking. For reasons mentioned above, few studies have been able to correlate demand for commercial sexual services with the demand for sex trafficking. Our motivation for this study is to examine the enforcement of current prostitution laws in Colorado to better understand the links between people who purchase sex and human trafficking. Our project statement frames our intent, guided by three research questions:

Due to the instances of human trafficking that occur within the realm of prostitution and the subsequent push to focus on law enforcement's efforts on the role of consumer demand as a means to combat human trafficking, it is important to explore law enforcement attitudes surrounding demand for sex. In turn, it is equally important to understand how these attitudes affect their response to prostitution.

What is the profile of persons arrested for buying sex in the City and County of Denver?

What happens to individuals charged with a prostitution-related offense in the City and County of Denver?

What are the motivations for law enforcement to arrest people who pay for sex?

In order to address these three key questions, we gathered data to understand attitudes, perceptions and actions toward prostitution arrests broadly by using surveys and interviews with different system actors. We also examined arrest and court data, which provided a comprehensive picture of prostitution arrests and how these systems are poised to handle sex trafficking violations. This exploratory study is the first of its kind using mixed methods, and is designed to provide baseline context for future research needed to bridge issues that connect prostitution with sex trafficking.




DEFINING HUMAN TRAFFICKING & PROSTITUTION

Prior to 2000, practices we now understand as human trafficking included forced prostitution, forced migration, or were categorized as other crimes.

*Wide-spread consensus was not reached until the year 2000, which was a pivotal legislative year both internationally and within the United States, with the creation of the **United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children**, signed in Palermo, Italy and the **Trafficking Victims Protection Act** in the United States. Human trafficking is defined in the **Federal Trafficking Victims Protection Act of 2000** as:*

- a) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or*
- b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.*



In the U.S., trafficking can take the forms of pimping, domestic servitude, migrant farm worker abuses in fields, and exploitation of shepherders, among many other forms. Instances of this extreme form of exploitation have occurred on Colorado farms, restaurants, and in private residences. The scope of the problem, both at the national and state levels, drastically varies. One challenge of quantifying this current human rights issue is that data collection is still in the early stages of development within the anti-trafficking movement. There continues to be a lack of consistency between researchers who have historically disagreed on how trafficking should be defined and studied. In Colorado, law enforcement estimated in 2010 that they had investigated 100-150 sex trafficking cases in the Metro Area over the course of a few years (Senate Bill 10-140, 2010). Estimates do not currently exist for other forms of trafficking that have occurred in the state.

In contrast, **prostitution** is only one component of the commercial sex industry and is defined as any instance where an individual offers, or agrees to perform any sexual act in exchange for money or thing of value with a person not his or her spouse (See Appendix A). Prostitution may occur within different *environments* such as street-based prostitution, internet/escort, brothel-based, control by pimps, or sex tourism. Prostitution is often a subject of discussions grounded in feminism, liberalism, and an analysis of systems of oppression that lead to the existence of sex markets. However, for the purpose of this project, our analysis stays true to the definition of prostitution as it is defined in Colorado state law. Moreover, while the State of Colorado has defined prostitution in its criminal code, many municipalities in the state have their own nuanced definitions. In fact, communities across the country define and police prostitution in many different ways. Despite the criminalization of prostitution in Colorado, Denver alone boasts \$60 million in annual profits from the commercial sex industry (Ryan, 2007).

Human trafficking and prostitution are often conflated, in part because many of the same systems that respond to prostitution also respond to sex trafficking. For a further discussion about the intertwining of prostitution with human trafficking, as well as the controversy of *choice* within prostitution, see the Literature Review below.

Lastly, for the purposes of respecting terminology currently used by a majority of law enforcement, "prostitute" and "john" are incorporated throughout this report. While these terms are often utilized in demeaning and pejorative contexts, our intent as researchers is to remain consistent with language adopted by law enforcement as gathered in participant interviews and surveys. We choose not to provoke a political or ideological debate about the commercial sex industry in this report, nor do we espouse everyday usage of these terms.

LITERATURE REVIEW

Existing research on human trafficking has addressed varying topics at the international and national levels, but research is severely limited at the community level in examining local responses to trafficking.

As the United States moves into its second decade of upholding the Trafficking Victims Protection Act of 2000, it remains to be clear how states and municipalities implement a comprehensive approach to prevent trafficking, protect victims and survivors, prosecute traffickers, and partner to combat trafficking (U.S. State Department, 2011). Several authors have discussed potential ways to reduce human trafficking (the “supply”) via shifting an enforcement focus to the demand for commercial sex (Farley et al., 2011; Shively et al., 2010), although few studies demonstrate a clear demand for people who have been trafficked for sex. By drawing from commercial sex industry and criminal justice studies, as well as the emerging body of literature on human trafficking, we begin to be able to understand methods in which human trafficking cases may be handled within the same system that addresses prostitution arrests.

literature review

CAUTIONS OF CONFLATION BETWEEN SEX TRAFFICKING AND PROSTITUTION

DEMAND, COMMERCIAL SEX AND SEX TRAFFICKING

Consumer Demand.

Demand for Commercial Sex.

Demand and Sex Trafficking.

Demand Reduction Strategies.

PROFILE OF A JOHN

TRAJECTORY OF ARRESTEES OF PROSTITUTION-RELATED CHARGES

Police Discretion.

CAUTIONS OF CONFLATION BETWEEN SEX TRAFFICKING AND PROSTITUTION

A complex and highly political discourse exists around prostitution, sex work, exploitation, and sex trafficking, let alone the emotional and intellectual responses triggered around sexuality. When “human trafficking” gained visibility in the late 1990s as an international platform to suppress transnational crime (as opposed to upholding human rights as the primary platform), certain subjects were unavoidably contentious (Foerster, 2009). One such example is the long-standing debate over one’s choice to participate in the commercial sex industry and the corresponding measures that governments adopt to regulate this industry.

In the United States, contested policy approaches often boil down to two stances along a broad spectrum in which the commercial sex industry is governed: “regulation” versus criminalization (“abolition”) of prostitution. Historically, and predictably for the near future, prostitution is defined as a crime throughout most of the U.S; however, Nevada is one exception where prostitution has been decriminalized, not legalized (Nevada Revised Statute 345). Both scholars and practitioners within the anti-trafficking movement have entered this divisive debate, often with a focus on policies and practices that would best prevent and protect people from being trafficked. O’Connell Davidson (2006) noted that in the absence of clearly articulated and agreed upon definitions of concepts such as *exploitation*, there is strong disagreement about when, if ever, prostitution is sex trafficking. The following is a brief summary of these ongoing disagreements.

Regulationist scholars have argued that sex work is a choice for many worldwide and may be an empowering occupation that validates a person’s decision to use his/her body for sustainable, or survival, ends (Brennan, 2002; Butcher, 2003). Further, while sex work involves a range of experiences, people, principally women, should not be criminalized by the government for meeting one’s basic needs and often those of their families, but instead to be supported (Kempadoo & Doezema, 1998). Sex trafficking would therefore be a result of someone who was deceived or whose rights were violated, not the type of labor performed (sex work), but rather the conditions under which the work is conducted (Foerster, 2009).

In contrast, Abolitionist scholars have condemned “sex work,” or prostitution, as

an act of violence against women involving sexual exploitation and psychological trauma and with the position that people do not freely choose to participate in the sex industry (Barry, 1979; Farley et al., 2003; Raymond, 2004). During the George W. Bush Administration (in office between 2001 and 2009), funding was predominantly distributed to non-governmental organizations (NGOs) that promoted the abolitionist viewpoint and excluded anti-trafficking NGOs that advocated prostitution as a legitimate employment choice from receiving funding (Ditmore, 2003; Foerster, 2009). The significance of these policies is two-fold:

- 1) the anti-trafficking movement was in its infancy following the passage of the Trafficking Victims Protection Act in 2000, thus paving the way in which responses to trafficking came to be defined; and
- 2) sex trafficking and prostitution became intertwined and frequently conflated, thereby potentially generating unintended consequences for vulnerable populations.

This literature review does not delve fully into the robust debate about choice within the sex industry, but there is a vital need to explore the ways in which anti-trafficking policies shape governmental responses to prostitution. In order to better understand the challenges of investigating and prosecuting sex trafficking cases, it is ideal to review the complexities of prostitution arrests.

DEMAND, COMMERCIAL SEX AND SEX TRAFFICKING

Consumer Demand.

Simply stated, consumer demand for anything (such as: sex, coffee, computers, tomatoes, sweaters, or cars,) guides and determines supply decisions. Thus demand factors, such as the amount of expendable income in the buying population, the price of the good or service being offered, the preferences of the individual, the availability of substitutes etc. will have an impact on supply-side decisions. Additionally, the decision to buy or sell sex involves factors that fall well outside basic economic assumptions of supply, demand, and rational choices made for maximizing return. Markets rarely, if ever, exist outside of the social constructs in which they emerge (O'Connell Davidson, 2006). People frequently make choices that are not based on their role as economic actors engaged in a marketplace to maximize their returns; they are often unpredictable, irrational, and are influenced by media, peer groups, religion, etc. (Sen, 2006; Simon, 1947).

Demand for commercial sex.

O'Connell Davidson (2006) made the argument that, "demand for commercial sex is, like all forms of consumer demand, very much socially, culturally and historically determined matter. It is also intimately related to questions about supply availability, and affordability" (p 4). There is no monolithic or definitive statement to encapsulate who a prostitute is or who a victim of trafficking is, and therefore it is not surprising that the decision to pay for a sexual encounter is derived from a variety of reasons, none of which are easy to distill into a phenotype of a buyer of commercial sex. Instead, individuals who decide to engage in the purchase of commercial sex are making that decision from a range of experiences, some of which are culturally determined. Others reasons may have more to do with that individual's own life history, sexuality, and the moment in time the individual inhabits when he/she decides to purchase sex from another person. Hence, it is important to note what existing and emerging literature tell us about the characteristics of sex buyers, and more specifically how sex buyers are considered in the trafficking process.

Demand and Sex Trafficking.

In economic terms, it is assumed that human trafficking functions like a market place where there is a supply (vulnerable populations) and a demand (employers, consumers, and third-party participants) (United Nations on Drugs and Crime, 2008):¹

Currently, there is a developing movement in the fight against human trafficking to focus upon the demand side of the equation. In a traditional economic framework, demand is considered to be the particular amount of a good or commodity desired at a given price (United Nations Office on Drugs and Crime, 2008). "Demand-side" economics refers to policies aimed at stimulating growth by increasing demand. Common policy initiatives utilized in demand-side economics are focused on increasing the amount of money available to the consumer. Theoretically, such actions will increase individual expendable incomes and increase consumer spending, a fundamental driver of economic growth (Keynes, 1936; O'Connor & Faillie, 2000). However, in the context of illegal markets, such as human trafficking or illegal drugs, a demand-side approach commonly entails the pursuit of ends opposite to those of traditional demand-side approaches (United Nations General Assembly, 1998). For example, one might attempt to decrease consumer demand for illegal drugs by increasing punishments and enforcement activity targeting users, thereby decreasing the overall incentive to sell illegal substances due to the shrinking market.

Targeting demand as a means to combat human trafficking is based on the premise that market place disruption would dis-incentivize traffickers from

participating in the marketplace and thus decrease instances of human trafficking (Hughes, 2005). The demand-side of human trafficking is widely understood to include actors such as pimps, traffickers, employers, consumers, clients and even States (Hughes, 2005; UNODC, 2008; Wheaton, Schauer & Galli, 2010), most efforts focus on the buyers of commercial sex.

The literature on demand reveals disagreements as to what level of demand is most pertinent to focus on as a means to combat human trafficking. For example, Wheaton, Schauer and Galli (2010) argue that the "market for trafficked people involves labour supply decisions by vulnerable populations (possibly migrants), labour demand decisions by employer, and the intermediary decisions by human traffickers" (p 117). These authors do not consider users of slave-produced products or services as being the driving factor in creating a demand for exploitable labor.

Differing conceptions of demand lead to different recommendations and policy interventions. The United Nations Office on Drugs and Crime (2008) considered demand to be one of many root causes of human trafficking. For others, demand involves exploitable labor be it in the form of sex or labor (Wheaton et al., 2010); or the demand to purchase commercial sex (Hughes, 2004; Hughes, 2005; Willoughby, 2008; Shively et al., 2010). In situations where there are disparate understandings of what demand means, it is difficult to discuss demand reduction policy initiatives as encapsulating similar means to achieve the same end. Therefore, even within the anti-trafficking movement there is disagreement about what demand is, how pervasive the role of demand is in perpetuating the crime of human trafficking, and lastly what steps ought to be taken to address this issue. Clearly, greater understanding of demand factors coupled with sophisticated approaches are required if we are to successfully "tackle human trafficking" (UK Home Office & Scottish Executive, 2007). The UK report continues to differentiate between demand for exploitable labor and demand for commercial sex and makes recommendations accordingly (UK Home Office & Scottish Executive, 2007). This distinction reflects a lack of common understanding of what demand is, and perpetuates the compartmentalizing of labor trafficking and sex trafficking for the purposes of creating policy.

For the purpose of this study, we will focus upon the premise that consumer demand for commercial sex creates the demand for sex trafficking; this position has been noted by an array of scholars, feminists and anti-trafficking advocates (Hughes, 2004; Hughes, 2005; Shively et al., 2010; Willoughby, 2008). This premise asserts that if there were no consumer demand for commercial sex, most commonly noted as prostitution, there would be no reason for pimps or traffickers to exploit individuals through the use of force, fraud or coercion. Moreover, if there were no johns, there would be no need for prostitution to exist. Proponents of this argument are most often

aligned with the idea that a majority of, if not all, individuals involved in prostitution are victims of trafficking or exploitation.

However, the argument that all sex trafficking is driven by a consumer demand for sex can be tricky. For example, unless one first accepts that *all* individuals involved in the sale of commercial sex are forced, coerced or fraudulently made to engage in the act of prostitution, and are thus victims of trafficking, there is no clear indicator that all buyers of commercial sex are demonstrating a preference for sex with individuals who are forced, coerced or fraudulently made to engage in the act of prostitution (Anderson & O'Connell Davidson, 2003). Since one cannot easily make the argument that buyers of sex are able to easily differentiate between a victim and a willing participant, and that based on this differentiation buyers have demonstrated a measurable demand for victims of trafficking, it is difficult to make the claim that it is an individual's willingness to pay for sex that creates sex trafficking. As O'Connell Davidson asserted, "There is no reason to assume that 'trafficking' actually meets a specific demand *for a trafficked person's labour/services*" (Anderson & O'Connell Davidson, 2003, p 9).

In an environment where there are deeply rooted philosophical disagreements as to whether or not an individual could or would ever willingly engage in the sale of commercial sex, it is a difficult argument to make that an individual's desire for buying sex is the

primary driver for pimps and traffickers to exploit other individuals. Theoretically a buyer of commercial sex could just as easily create demand for individuals who are selling sex willingly, and incentivize the marketplace to respond to this demand (O'Connell Davidson, 2006).

Three components are necessary for a sex market to exist, and for trafficking to occur within that sex market. The first component is a population vulnerable to trafficking; second, there have to be viable traffickers; individuals who are willing to engage in this crime. The last component is a marketplace, whether it is for sex or something else. Thus demand for sex is a necessary condition for the existence of sex trafficking, but it is far from being a sufficient condition to explain the existence of sex trafficking (Lutz & Lotspeich, 2009). Lutz & Lotspeich (2009) argued that a policy intervention at any one of the components has the potential to reduce sex trafficking. Proponents of demand reduction strategies often caution that demand not be prioritized over victim identification or prosecution of traffickers, but to coexist in a larger anti-trafficking context (Shively et al., 2010). Advocates for the demand reduction approach argue that targeting the demand for sex is a key to ending the exploitation of individuals involved in the sale of commercial sex. Moreover, there needs to be a normative shift societally, wherein individuals no longer believe it is okay to buy sex (Hughes, 2005; Lederer, 2011).

Demand Reduction Strategies.

In order to accomplish the end of eliminating the demand for commercial sex, research has focused on what types of actions can be taken within the criminal justice system. Studies focus on initiatives that may deter the behavior of buying sex from either repeating itself, or ever occurring in the first place (Brewer, et al., 2006; Farley et al, 2011; Gillings & Willoughby, 2010; O'Connell Davidson, 2003; Shively, 2010). Demand reduction strategies by in large constitute measures undertaken through law enforcement activities meant to identify and arrest johns, and subsequently initiate different punishment options meant to deter individuals from engaging in the activity of buying sex. The critical role that the criminal justice system plays in enacting the policy recommendations embodied in a demand reduction study speaks to why we have chosen to explore not only the idea of demand reduction, but also the current attitudes and practices of Denver's criminal justice system as it relates to prostitution enforcement activity.

Demand reduction strategies and tactics identified in a study conducted by Abt. Associates Inc. (Shively et al., 2010) include operations such as: reverse stings targeting johns (including street level, web-based and brothel based operations), naming and shaming campaigns, the seizing or forfeiture of automobiles, suspending driver's licenses, geographic restraining orders, community impact

panels, diversion programs or "John Schools" and community service (Shively et al., 2010). Proponents of such strategies argue that these efforts reduce recidivism and could amount to a decrease, or hopeful abolition of sex markets all together.

Recommendations for implementing and expanding upon the aforementioned strategies and tactics are addressed in Chicago's *Intersystem Assessment on Prostitution in Chicago* (Sweet, 2006) The report recommended engaging in community discussions to identify the preferred charges for purchasers of commercial sex; to increase resources in order to allow for more Vice Bureau operations; to ensure customers are charged with the maximum penalties available; and to ensure that re-offenders will suffer escalating penalties (Sweet, 2006). It is important to note that all of these recommendations and illustrations of ways to target consumer demand for prostitution exist in the criminal justice framework and are almost wholly dependent upon a john being caught. Among the many critiques, opponents articulate the argument that the focus on demand should be placed more squarely on pimps and traffickers (parties also identified as constituting the demand for trafficking). Moreover, they argue that the current approach narrowly focuses on women and girls and ignores the experience of men and transgendered individuals involved in prostitution. They also caution that partial suppression of a

sex market by law enforcement may actually create an environment supportive of traffickers (Cassella, Martinetti, & Sastrawidjaja, 2007; Lutz & Lotspeich, 2009). Although it is clear to see the role of victims and traffickers within this framework, less is understood about the role of the john.

PROFILE OF A JOHN

Numerous scholars have conducted research on the profile of johns, with wide-ranging topics including: buying patterns and preferences; the average age of a first experience; general attitudes towards women, prostitutes and prostitution; the criminality of johns; and johns as violent threats (Anderson & O'Connell Davidson, 2003; Brewer et al., 2007; Chicago Coalition for the Homeless, 2004; Farley et al., 2011; Monto, 2000; Monto & McRee, 2005; O'Connell Davidson, 2003). Currently, emerging literature has focused upon the degree of knowledge that johns have, or are complicit in the trafficking process (Farley, Bindel & Golding, 2009; Farley et al., 2011; O'Connell Davidson, 2003; Smith, Vardaman & Snow, 2009).

Several scholars have researched the profile and motivations of johns in order to better understand demand factors and to create effective responses to deter this behavior (Durchslag & Goswami, 2008; O'Connell Davidson, 2003). Monto and McRee's (2005) study comparing sex buyers with a national population represents one of the largest samples of men surveyed for being arrested for buying commercial sex. The breadth of information on the attitudes and behaviors of sex buyers has helped to expose the stereotypes or commonly held beliefs about why men buy sex. In their work they explored two ideas, The Everyman perspective and the Peculiar man Perspective.

The "Everyman" perspective, which holds that men who buy sex are no different from other men, is one that is repeated in much of the literature on sex buyers. This notion is further exemplified in the idea that there is a cultural discourse that expects men to seek heterosexual sex from women (Plumridge, Chetwynd, Reed, & Gifford, 1997). Several studies note that a majority of men have purchased or attempted to purchase sex appear to reaffirm the idea that buying sex is a natural part of male sexuality. For example, a study conducted by Benjamin and Masters (1964) estimated the amount of men who have purchased commercial sex in the United States to be as high as 80% (Farley, et al, 2011). Another study of men in London found that 65% of respondents agreed with the idea that most men go to prostitutes every now and then (Farley, Bindel, & Golding, 2009). If nearly all of

the male population of the United States is considered a potential (even probable) buyer of sex, the "Everyman" perspective can contribute not only to the degree to which communities feel the need to respond, but may also inform how punishments will be created. If buying sex is considered "normal," and perhaps even a necessary part of male sexuality, policing and punishing the purchasing of sex may not be a priority.

In contrast to the "Everyman" perspective is the "Peculiar man" perspective, which describes men who buy sex as characterized by social deficiencies (Monto & McRee, 2005). They are typified as having a variety of inadequacies or deficiencies that are both physical and social (Monto & McRee, 2005). "Peculiar men" are described as individuals who are prone to violence against women, sexually deviant, sexual predators, or are more prone to criminality (Blevins & Holt, 2009; Farley et al., 2011; Smith et al., 2009). From this perspective, "Peculiar men" are quite opposite of the "Everyman;" they display behaviors outside the norm of male sexual behavior, and purchasing sex is rarely separated from violence toward women. Interestingly, Monto reported the percentage of men who patronize a prostitute being closer to 16% of the general population in the United States (Monto & McRee, 2005). It is important to note, however, that surveys conducted with potential

buyers of sex are suspect given that men often underreport the frequency with which they buy sex (Brewer et al., 2007). Therefore, a clear understanding of sex buyers is limited, as some study samples consist of men who have been arrested, and other samples depend on self-reporting. Nonetheless, the “Everyman” perspective casts sex buyers as being individuals displaying *normal* male behavior while the “Peculiar man” perspective emphasizes abnormality.

Dichotomous stereotypes of sex buyers pose challenges for those who hope to curb sex trafficking through demand reduction strategies. As a result, researchers continue to call for more knowledge on the demographics of sex buyers only to find that there is no common profile of men who buy sex (Chicago Coalition for the Homeless, 2004; Durschlag & Goswami, 2008). There are no age, race, profession, or socioeconomic signifiers that predominantly represent the population of individuals who choose to buy sex. The demographics of sex buyers who are arrested most often mimic the demographics of the community where they live (Monto & McRee, 2005).

The age range of buyers have been reported in some studies as being as young as 9 and as old as 84 (Durschlag & Goswami, 2008; Monto, 2000; Monto & McRee, 2005; Wilcox & Christmann, 2009). Moreover, the number of times an individual chooses to buy sex varies greatly; with some individuals buying sex once in their lifetime while others may buy sex once a week (Monto & McRee, 2005; Plumridge, et al., 1997). A majority of sex buyers are identified as heterosexual (Macleod, Farley, Anderson, & Golding, 2008), but this may have more to do with the nature of prostitution research which tends to focus on men who purchase sex from women in prostitution. Lastly, marital status is seen as being both a deterrent from purchasing sex, and a shared characteristic of individuals who typically pay for sex (Holtby, personal communication, January 4, 2012; Monto & McRee, 2005; Kennedy, Klein, Gorzalka, & Yuille, 2007; Wilcox et al., & Christman 2009;). Clearly, this body of research reveals the lack of a typical profile that may pose difficulties for demand reduction initiatives. If the demographics vary, it stands to reason that there may also be variations in motivations to purchase commercial sex.

Some of these motivations that drive men pay for sex include: seeking pleasure, pursuing new sexual experiences, gaining experience with a variety of partners, fulfilling social expectations of male sexuality, anonymity, lack of commitment, or seeking emotional experiences (Farley et al., 2009; Monto & McRee, 2005; O’Connell Davidson, 2003; Plumridge et al., 1997). Along with these listed reasons for purchasing sex, johns are also described as being more sexually liberal, deviant, or as struggling with sex addictions or compulsions as the driver for purchasing sex

(Durschlag & Goswami, 2008; Farley et al., 2011; Monto & McRee, 2005). One goal for identifying key characteristics of individuals who buy commercial sex is to guide policy makers, criminal justice system actors, and activists to develop effective responses to identify and deter buyers of commercial sex from engaging in this behavior. Clearly, the population is disparate with few bounds.

Another way researchers have sought to understand purchasing behavior is to ask how an individual first engaged in buying sex. Monto & McRee (2005) reported that many of men’s first experiences occurred after having been approached or solicited by an individual in prostitution. If a majority of first-time buyers are not actively seeking sex, but are responding to an offer to buy sex, the argument that men create demand for prostitution becomes problematic. Another study indicated that 55% of men were alone when first purchasing sex, 41% were with a friend and 3% were with a family member often under the premise that their experiences were “rites of passage” or derived from social pressure (Farley et al., 2011). Anderson and O’Connell Davidson (2003) found that many men reported having their first experience with a prostitute as having been arranged by a friend, noting that “the initial decision to buy sex appears to have been as much a public and social matter as a private and personal affair”

(p 17). With public and social pressures placed upon male sexuality, what occurs when social narratives involving sexuality also include violence? Are johns violent threats to individuals in prostitution?

There are disagreements in the literature over the degree to which johns are considered a violent threat, particularly while they are engaging in illegal commercial sex. Women involved in prostitution have reported experiencing high levels of violence (Sanders, 2004) and have also experienced high rates of homicide as compared to other populations (Brewer et al., 2007). Estimates by Brewer et al., (2007) indicate that up to 3% of women murdered in the United States are classified as prostitutes, and another study indicated that this estimate may be low given that deaths of individuals in prostitution may not be investigated or are not properly recorded (Dudek, 2001). A survey of women involved in prostitution in 2002 identified the majority of violence perpetrators to be clients or johns, followed in succession by intimate partners, pimps, police officers, and lastly neighbors (Raphael & Shapiro, 2002).

Monto & McRee (2005, 2009) found violent behavior to represent a minority of the population engaged in purchasing commercial sex, and that a majority of men surveyed did not agree with statements consistent with violent sexuality. General attitudes about prostitution and women in prostitution have been assessed to attempt to predict if these attitudes are associated with violence (Anderson & O'Connell Davidson, 2003; Monto & Julka, 2009). For example, Monto & Julka (2009) found that men who expressed a commodified view of women expressed other attitudes representing a violent threat against women. In contrast, Farley et al. (2011) found johns to represent a consistent violent threat to women. This predilection toward violence was measured in attitudes about violence against women, acceptance of myths surrounding prostitution, and affirming statements that represented what is termed "hostile masculinity" (Farley et al., 2009; Farley et al., 2011; O'Connell Davidson, 2006). Moreover, the assertion that johns are violent is often inherent in the idea that the purchase of sex from a woman is an act of violence in and of itself (Farley et al., 2011; O'Connell Davidson, 2006).

Outside a clear definition of what violence (whether physical and/or psychological) means, it is difficult to separate philosophical viewpoints about prostitution from the question of whether johns pose a threat to individuals in prostitution. The degree to which johns are considered a violent threat to individuals involved in prostitution may affect attitudes about how many resources ought to be focused on targeting and punishing individuals who buy illegal commercial sex.

In the context of human trafficking, the degree to which johns are violent is secondary to the role johns play in creating a marketplace for exploitation. As many advocates in the anti-trafficking movement have taken a stance that reducing the "demand" for prostitution will ultimately reduce instances of sex trafficking, research has questioned whether johns have knowledge of trafficking situations, what their role is in the trafficking process, and how it may relate to their decision to buy sex.

For example, Plumridge et al. (1997) found that a majority of men: reported a desire to be with a partner who is responsive; did not demonstrate a preference for sex with forced or coerced individuals; and wanted to believe that a woman was enjoying the experience (Plumridge et al., 1997). Moreover, a firm belief amongst johns that prostitution is a woman's choice has been reported (Shively et al., 2008). If the aforementioned claims are accepted as true, it would indicate that not all johns have knowledge of trafficking situations nor do they have a preference for an experience with individuals who have been trafficked.

Another study that included men from nine countries indicated a variety of attitudes toward sex trafficking. An overwhelming number of respondents indicated an awareness of women being trafficked into prostitution (Anderson & O'Connell Davidson,

2003). However, while some respondents found the prospect of buying sex from a victim of trafficking as yielding benefits, others were repulsed by the idea of buying sex from an exploited individual (Anderson & O'Connell Davidson, 2003). Men who did not have an aversion to purchasing sex from unfree individuals expressed attitudes that women involved in prostitution were "objects or commodities" (Anderson & O'Connell Davidson, 2003, p 24). Whereas, men who were averse to buying sex from an unfree individual noted issues of immorality as well as feeling "turned-off" by the prospect of purchasing sex from a victim of trafficking (Anderson & O'Connell Davidson, 2003, p 25). Other researchers have confirmed the idea that johns had knowledge of traffickers and/or that they are buying sex from a trafficked person (Farley, Bindel, & Golding, 2009; Farley et al., 2011; O'Connell Davidson, 2003). One of Farley's studies found 48% of respondents to believe most women to be controlled by pimps, and a second study reported 41% of men to have knowingly purchased sex from a woman who was controlled by a pimp (2009; 2011).

Knowledge of pimping or trafficking does not necessarily equate to particular attitudes toward pimping or trafficking. Men have acknowledged a range of emotions, from indifferent, turned on, or horrified by the notion that a woman could be forcibly made to engage in a sex act for money (Chicago Coalition for the Homeless, 2004; O'Connell Davidson, 2003). In these studies, men's attitudes about their prostitution experiences included "moral objections" to someone being forced, and preferences for experiences where they imagine the prostitute to be enjoying the experience. Regardless of which attitudes were expressed, most participants were less likely to want to pay for sex with an "unfree" individual than would someone who enjoys the idea of vulnerability, and control (Anderson & O'Connell Davidson, 2003). Knowledge of trafficking can result in different reactions amongst johns. Findings showed that when asked what a client should do if they came into contact with a victim of trafficking, a range of answers included: help her escape, report the case to the police, or give her a bigger tip (Anderson & O'Connell Davidson, 2003). Some believe that buying sex from a trafficked individual may actually help, whether it was to pay off a debt, provide income, or contribute to that individual's eventual freedom (Anderson & O'Connell Davidson, 2003; Smith et. al., 2009).

While the boundaries separating willing and unwilling participants in prostitution can be murky, and having knowledge of trafficking can result in myriad reactions by individuals buying sex, it is also true that individuals under the age of 18 in the United States cannot legally consent to engaging in a commercial sex act (see Appendix B for municipal and state statutes). The presence of minors involved in

the illegal commercial sex industry is a fundamental motivation driving the call to pay more attention to prostitution activity in the United States (Hughes, 2005; Smith et al., 2009).

Estimates of the number of minors involved in prostitution in the United States range from 100,000 to three million (Allen, 2010; Estes & Weiner, 2001; Muslim, Labriola, & Rempel, 2008). The extreme range in estimates alone demonstrates the greater need to understand the population of minors involved in prostitution in the United States.

If "*demand*" is considered to be a driver of sex trafficking, it is important to explore whether or not the **marketplace** for prostitution has demonstrated a preference for individuals who are not legally able to consent. It follows that this particular demand would incentivize criminals if "youthful" is understood to mean "minors." Several opponents of criminalized prostitution see the illegal status of sex work as producing vulnerabilities wherein young people become more susceptible to exploitation (Third Wave Foundation, 2010). Men may actively and intentionally seek sex with minors; others may prefer youthfulness within legal bounds (Anderson & O'Connell Davidson, 2003; Smith et al., 2009). Perhaps the most problematic component of this issue is that it may not be an "either/or" scenario, but instead a "this and that" scenario.

Regardless of intentions, men have engaged in sex with children, whether knowingly or unknowingly. Law enforcement has tended to accept the idea that men accidentally end up with a minor, and the criminal justice system reacts accordingly (Smith et al., 2009). It is argued that because men *stumble* upon sexual encounters with minors, when really they are wanting sex with someone who is young but legal, law enforcement do not see johns as being the root of the problem when it comes to domestic minor sex trafficking in the United States (Smith et al., 2009).

In summary, this section reviewed: the demographic characteristics of men who seek to buy sex, the preferences or shared attitudes of this population, the degree to which this population represents a violent threat to women, what sex buyers know about sex trafficking of adults, and how actively they seek out sex with minors. The picture that emerges from the literature is that there is no single characteristic that unifies the group. There are no clear markers for the identities of johns. Further, there are disagreements as to whether or not johns are creating a demand for exploitation specifically or if they are creating a demand for commercial sex. Lastly, the literature indicates that the desire to buy sex is derived, not only from one individual's behaviors and sexual desires, but also from a greater social context of what is "ok" to buy and sell and a cultural understanding of male sexuality. The diversity of populations, behaviors, and attitudes of the buying population makes a "one size fits all" solution for targeting the "demand" for sex or the "demand" for victims nearly impossible.

However, what also remains true is that in a majority of communities in the United States, prostitution is illegal. Because it is illegal, both buyers and sellers of sex should at the very least be viewed as equal participants and processed through the system accordingly. Moreover, while it is not possible to assume every individual involved in prostitution is a victim of trafficking or a child, it is important to acknowledge the fact that many individuals involved in prostitution are in trafficking situations; many have experienced horrific acts of violence; and many are not adults. Since prostitution is illegal, both johns and prostitutes are considered to be equal participants in the act. At the same time, there is growing evidence that individuals involved in the sale of sex are found to be victims of trafficking.

Exploring the characteristics of sex buyers is important because responses to the behavior of buying illegal commercial sex have been crafted based on assumptions of who these individuals are, what they know, and why they do what they do. For example, John Schools or diversion programs were crafted specifically for offenders charged with buying or attempting to buy commercial sex. The assumption is if men learn about the dangers of prostitution (i.e., transmission of sexually-transmitted infections), those same men will be deterred from engaging in the behavior again.

An analysis of the current response to prostitution within in the criminal justice system is essential.

The inherent assumptions in this model are

1) men don't know that buying sex can have negative impact on their lives and

2) men don't know that women in prostitution have presumably had difficult lives.

Once a man is given this information, it is anticipated that he will no longer buy sex. Yet, the literature indicates that a majority of men have knowledge of pimping, trafficking, and exploitation (Farley, Bindel, & Golding, 2009; Farley et al., 2011; O'Connell Davidson, 2003). Thus, it seems improbable that re-sharing this information would change the behavior. An analysis of men arrested and men sent to John School demonstrate low recidivism rates for both groups (Brewer et al., 2006; Gillings & Willoughby, 2010; Monto, 2005). In addition, it has been found that arrest decreases the probability of re-arrest by 70% (Brewer et al., 2006). Hence the behavior change, measured by the behavior of not being caught again, may be more accurately attributed to being identified and processed through the system and not due to any specific programmatic designs. Other punishments used to specifically target johns such as fines alone, or naming and shaming campaigns have also been found to not be overwhelmingly effective (Gillings & Willoughby, 2010). Survey respondents indicated that the most effective deterrent to buying sex would be placement on the sex offender registry (Farley et al., 2008; Farley et al., 2011).

It is also possible that the more experienced and connected johns avoid arrest altogether. Some studies indicate that johns have formed a sub-culture, and a language. They speak to one another, and are enabled by the anonymity provided by the Internet (Blevins & Holt, 2009). In some communities where the availability of female officers is scarce, the decoy herself may alert a re-offender and deter him from engaging in the exchange. More experienced and connected johns may avoid detection by law enforcement, causing the sample of those arrested, and subsequently studied to be composed of the least experienced, least connected, and perhaps individuals who have only attempted to buy sex (Monto & McRee, 2005). Johns are often characterized as being naive or inexperienced, and the issue of "who" is caught gives rise to questions as to whether the characterizations are based on a biased sample of men.

“CLEARLY, THIS BODY OF RESEARCH REVEALS THE LACK OF A TYPICAL PROFILE OF A JOHN.”

TRAJECTORY OF ARRESTEES OF PROSTITUTION-RELATED CHARGES

In order to understand the trajectory of arrestees of prostitution-related charges, reviewing systemic structures and protocols that guide these arrests is in order. What does the arrest process look like for women in prostitution processed through the criminal justice system? Of previous studies focusing upon prostitution, some of the more recent comprehensive resources focused upon Chicago.

An assessment conducted by the Chicago Coalition for the Homeless in 2001 surveyed women in Cook County jail, revealing an 89% increase detention rates for women over a ten-year period. Of the 235 women surveyed in the study, 34% reported having been involved in prostitution (Goswami, 2002). Later in 2006, the City of Chicago undertook an Intersystem Assessment focusing upon Chicago's response to the city's sex trade industry. Within the three year period of the Intersystem Assessment work group's focus, 1,034 women received felony arrests and convictions for non-violent prostitution-related offenses compared to 47 men arrested and convicted for the same types of offenses. In addition, the increase in felony convictions for women arrested for non-violent prostitution-related offenses was significantly greater than that for men arrested and convicted for the same types of offenses (Sweet, 2006).

In another instance, a recent court case argued by the Center for Constitutional Rights and the Law Clinic at Loyola University exposed a 200 year-old law that was still used to classify prostitutes as sex offenders for engaging in certain types of sex acts. A policy brief on the law notes that of all individuals placed on the Sex Offender Registry in 2010, 292 were women and transgendered individuals arrested for agreeing to perform particular sex acts in exchange for money or a thing of value. This offender group by in large represented the majority of sex offenders added to the registry in 2010. Moreover, 97% of women made to register as sex offenders were made to do so for acts they engaged in or offered to engage in, in exchange for money (No Justice, 2011).

These studies collectively illustrate that women have been criminalized for their involvement in prostitution to a degree that men have not. As communities

begin to grapple with the crime of sex-trafficking and the reframing of prostitutes as potential victims, sensitivity to victim needs are necessary to create effective laws. Currently in Colorado, there is no differentiation between buyers and sellers of sex. The lack of differentiation between actors in our laws results in policy initiatives criminalizing behaviors (i.e., soliciting or prostitution) with little regard as to who is actually being charged. Moreover, these laws are often framed under the guise of "plight" of the prostitute, but are then used to criminalize and punish the same individuals they are purportedly meant to protect. A holistic, systemic approach must include one where the criminalizing of individuals for selling sex is at the very least equal to that for individuals who buy sex.

Police Discretion.

Although the old adage states that "Justice is blind," this claim is far from the truth when it comes to perceptions and discretion on the part of law enforcement.

To further provide context to prostitution-related arrests, it is helpful to understand the factors that influence decision-making on the part of Officers within the criminal justice system. System challenges start with the expectation that police are required and expected to enforce all criminal statutes and city ordinances

at all times against all offenders (Schmallegger, 2011). Police are then required, because of a variety of factors, to decide overtly how much of an effort is to be made to enforce specific laws (Goldstein, 1963). Theories of social cognition provide conceptual frameworks to understand how officers assess and describe perpetrators and crimes. For example, perception is involved in making judgments, and differential punishments are closely linked to law enforcement perceptions and diagnoses of the offender and the crime committed (Bridges & Steen, 1998). Specifically, these perceptual processes can impact officer discretion.

Discretion refers to the exercise of choice by law enforcement officers in the decision to investigate or apprehend, the disposition of suspects, the carrying out of official duties, and the application of sanctions (Cohen, 1987). In the case of many officers, quick decisions are made and often in the absence of any close supervision. The challenge is that "selective enforcement of the law allows police to redefine justice in terms of their own priorities, which might not correspond to the priorities of the wider community. When arrest decisions become based on personal judgments, a real potential exists for arbitrary and discriminatory enforcement of the law" (Wortley, 2003, p 539).

Research indicates that stereotypic perceptions of prostitution, result in a general level of apathy within the law enforcement community (Dudek, 2001). These stereotypes often reflect larger societal biases (race, gender, class, sexual orientation) that may be present in the criminal justice system (Rossenbaum & Tokaji, 2000). The literature has also pointed to the characterization of the criminal justice system as one that maintains a paramilitary structure and upholds masculine ideologies (O'Dell, 2007). Deciding upon when to act, and in what manner varies between individuals, therefore, it is important to understand attitudes about prostitutes and johns as they will necessarily affect the discretionary decisions allowed to all actors within the criminal justice system.

Perceptions and stereotypes about perpetrators can be drawn from parallel literature on domestic violence, noting that it has taken considerable time for society to comprehend the dynamics of domestic violence as a real crime and serious social problem (Johnson, 2004; Toon and Hart, 2005). Researchers have documented the complexities of avoiding arrests where domestic violence has been concerned, due to society's devaluation of women and police frustrated in handling these calls because of lack of training or lack of clear agency policy (Friday, Metzgar, and Walters, 1991). The same logic may be applied to perceptions of prostitution and the role of the individuals committing the crime.

This literature review has examined the various complexities involved in examine prostitution enforcement, the potential associations between prostitution and human trafficking, buyers of commercial sex, and the responses related to these topics by the criminal justice system. The critical role that the criminal justice system plays in enacting the policy recommendations embodied in a demand reduction study speaks to why we have chosen to explore not only the idea of demand reduction, but also the current attitudes and practices of Denver's criminal justice system as they relate to prostitution enforcement activity.

- 1) What is the profile of persons arrested for buying sex in the City and County of Denver?
- 2) What happens to individuals charged with a prostitution-related offense in the City and County of Denver?
- 3) What are the motivations for law enforcement to arrest people who pay for sex?

RESEARCH METHODS

Research Overview: This research study was an exploratory, descriptive study of prostitution-related offenses in the City and County of Denver.

THE STUDY EMPLOYED MIXED METHODS USING BOTH QUANTITATIVE & QUALITATIVE RESEARCH METHODS. THIS STUDY INCLUDED THE USE OF TWO SURVEYS.

- 1) Administered to law enforcement;*
- 2) Administered to city attorneys.*

Archival research was also completed using two data sets from the Denver Police Department (DPD) and two data sets of City and County of Denver Court records of prostitution-related cases. The qualitative methods included eight semi-structured individual interviews and one focus group discussion. The data from these various sources were combined to explore and describe prostitution-related offences in the City and County of Denver.

methodology

RESEARCH OVERVIEW

PARTICIPANTS

TABLE ONE

Provides a summary of the number and gender of the participants in the study according to each data set.

DATA COLLECTION

SAMPLING DESIGN

SURVEY INSTRUMENT & SEMI-STRUCTURED INTERVIEWS

TABLE TWO

The topic areas, target audience, and purpose are presented in Table 2.

DATA ANALYSIS PLAN

Participants

Table one provides a summary of the number and sex of the participants in the study according to each data set. A further explanation of each sample below also includes: age, race and ethnicity.

The sample of City court cases from 2009-2010 consisted of 735 cases, in which sex was obtained for 699 cases through matching case reports with the DPD police records. Adult males represented 49.4% of the cases. The adult male ranged between 21-91 years old, with a mean age of 41.4 (SD=12.7) years old, a median age of 39 years old, and a mode of 36 years old. Among the adult males, 43.0% were Caucasian, 16.2% were African American, 38.6% were Latino and 2.2% were another race/ethnicity. Adult females made up 50.6% of the cases, with an age range between 20-66 years old, a mean age of 36.3 (SD=10.2) years old, a median age of 37 years old, and a mode of 22 years old. Among these women, 53.3% were Caucasian, 32.7% were African American, 12.5% were Latina, and 1.6% were another race/ethnicity.

As can be seen in Table 1, the sample of State Court Cases from 2009-2010 included 121 cases, with sex listed for 105 of those cases. Adult males made up 23% of the cases, and these adult males ranged in age from 23-63, with a mean age of 40.2 (SD=12.6) years old, and a median and mode of 39 years old. Adult females made up 77% of these cases with an age range of 20-60 years old, with a mean age range of 31.5 (SD=9.9) years old, a median age of 28 years old, and a mode of 22 years old. Race and ethnicity were not included in these records.

The sample of Denver Police arrests from 2006-2010 included 2072 cases, and sex was reported for 2070 of these cases. Adult males made up 38.9% of the arrests, with an age range of 19-84 years old, a mean age of 42.6 (SD=12.7) years old, a median of 40 years old, and a mode of 36 years old. Among these adult males, 45.8% were Caucasian, 29.6% were African American, 18.5% Latino and 6.1% other. Adult females made up 61.1% of the arrests, with an age range of 16-64 years old, a mean age of 34.17 (SD=10.2) years old, a median of 34 years old, and a mode of 24 years old. Among the adult women, 43.3% were Caucasian, 14.5% were African American, 38.6% were Latina, and 3.6% other.

PARTICIPANTS

TABLE ONE

Sample of study
participants by data
source and gender

Table 1 provides a summary of the numbers and gender of the participants in the study according to each data set.

DATA SOURCE	N	MALE	FEMALE
Denver Police Department Arrest Records	2070	38.9%	61.1%
City Court Records	699	49.4%	50.6%
State Court Records	105	22.8%	77.2%
Patrol Officers	38	71%	29%
Vice Narcotics Unit	10	100%	0.0%
Individual Interviews	8	62.5%	37.5%
Focus Group	4	100%	0.0%

The sample of law enforcement officers who took the survey consisted of 10 Vice Narcotic Officers and 38 patrol officers. The sample consisted of 82.4% male police officers and 17.6% female police officers. Of the officers, 49% were between 31-40 years old, 37.3% were between 41-50 years old, and 13.7% were between 20-30 years old. Caucasian law enforcement officers represented 74% of the sample, 7% of the sample were African American, 4% Asian and 15% other. In addition, 27% of the sample defined their ethnicity as Latino. The law enforcement officers who took the survey have been in their current position for an average of nine years (SD =5.8) with a mode of five years.

Individual interviews took place with four commanding officers in the Denver Police Department, one Administrative Assistant in the Vice Bureau, one Prosecutor, and two City Council members. The work experience of these participants ranged from a few months to eight years in their current positions. Of these individuals interviewed, five were male and three were female. The focus group consisted of four male patrol officers, who had been on the force between five and nine years. Age, race and ethnicity were not collected for the participants in individual interviews or focus group participants.

Data Collection

The law enforcement and city attorney surveys were disbursed and collected through the online survey tool, Zoomerang. The survey link for law enforcement was sent through e-mail to 700 patrol officers by the Division Chief of the Research, Training and Technology Department of the DPD.

The Detectives from the Vice Bureau received the Zoomerang link directly via e-mail sent through the Zoomerang website by the Research Assistant on the study. The survey to the city attorneys was also sent through Zoomerang. City attorneys were identified from Denver's City and County Website based on their job title and the types of cases they prosecuted. The survey was sent to 12 city attorneys, and only one survey was completed. Numerous attempts were made with the City Attorney's Office through face-to-face meetings, e-mails and telephone conversations to discuss participation in our study to no avail. Therefore, we did not have sufficient survey data from city attorneys to include in this study.

Two research assistants collated data from archival data sets. First, DPD provided LCHT access to five years (2006-2011) of prostitution-related arrests of buyers of commercial sex and sellers of commercial sex. This secondary data included variables related to the primary charge, date of birth, and the various sentences that each person received. LCHT also received data on complaints made by individual citizens or businesses regarding prostitution-related activity received by DPD from 2009 and 2010. The complaints were broken down into individual variables based on the primary complaint, associated complaints, and the type of individual the complaint involved. The lead Research Assistant obtained City and State court data through placing a request with Denver City and County Court for all records of cases from 2009 and 2010 related to the state statutes and municipal codes specific to misdemeanor prostitution offenses (Appendix A). The list of case numbers was searched through the Denver County Court Record Search Website to gather the following information: date of birth, gender, date of arrest, violations, and sentences and outcomes. A Research Assistant also looked up the DPD arrests and matched them to the City Court cases to find the race/ethnicity for each case, individually.

Individual interviews were conducted with eight key stakeholders described below. The interviews were conducted in the offices of the respective participants. All of the interviews were audio recorded with the individual participant's consent and were transcribed verbatim for qualitative data analysis.

A focus group discussion was held at one of the District Denver Police Departments. The focus group was scheduled for 12 patrol officers in which only four male patrol officers attended. Two facilitators from LCHT conducted the focus group with two observers. Participants gave their consent to have the focus group audio recorded and the focus group was transcribed verbatim for qualitative data analysis.

Sampling Design

The sampling design for the both the quantitative and qualitative methods was a convenience sample. The sample was based on key stakeholders involved in prostitution-related offenses who agreed to participate in the study.

The Division Chief of Research, Training and Technology for DPD sent the survey link to approximately 700 Patrol Officers in the City and County of Denver, and we used the data of the 48 respondents (a response rate of 7%). The low response rate can be attributed to the lack of control over the format and frequency in which the e-mails to participate in the survey were sent to Patrol Officers, since they were sent out by the DPD and not LCHT. We also received feedback that Patrol Officers may be reluctant to complete surveys due to prior experience with research being used to negatively critique their work.

The Division Chief of Research, Training and Technology for DPD asked each District Chief to designate two patrol officers from each of the six DPD districts (not including District 7, which is the airport) who had experience with prostitution-related arrests to participate in a focus group. Of the 12 patrol officers chosen to participate, four patrol officers attended the focus group.

A list of key stakeholders was compiled from law enforcement, city council representatives and prosecutors from the City Attorney's and District Attorney's Offices. Of the 16 people on the list, eight individuals agreed to participate in individual interviews.

Survey Instrument & Semi-structured Interviews

The survey instrument and the semi-structured interview questions for both individual interviews and the focus group were developed based on an in-depth literature review of other studies examining human trafficking, prostitution, demand reduction, and profiles of buyers of commercial sex (Clawson, Dutch, Lopez, & Tiapula, 2008; Farrell, McDevitt, & Fahy, 2008; Newton, Mulcahy, & Martin, 2008).

The survey instrument contained 69 questions total, with 63 closed-ended and six open-ended questions. The survey was split into sections to address various topics. Five questions included demographics and the number of years in the participant's current position. Another section included six questions to address the type of training participants had received in the past on identifying sex trafficking, the source of that training, and from the participant's point-of-view, types of training needs. The second section included nine questions to explore the frequency of making arrests of various persons involved in prostitution-related offenses, specific questions about arresting johns, and venues where officers have encountered johns.

Two questions examined certain types of complaints that initiated investigations on prostitution-related offenses and how priorities are set within the department. An additional question explored the participants' opinions on the level of impact types of sentences had on deterring buyers of commercial sex. Finally, 40 questions addressed attitudes and profiles of both buyers of and sellers of commercial sex. The open-ended questions were intended to gather more information that was limited by closed-ended questions. The open-ended questions asked about the participant's department's definition of prostitution, their department's definition of sex trafficking, who

in their department is the most knowledgeable about sex trafficking, indicators to investigate a potential "john", under what circumstances an officer would forgo an arrest and give a citation to a "john," and three areas where one would most likely find prostitution activities in Denver County. More information about the reliability of the study is available upon request.

The individual interviews and focus group questions inquired about: procedures and processes, general level of knowledge of trafficking and prostitution, resource availability and allocation (staff, time, money), attitudes and perceptions about

johns, and community pressure in regard to prostitution in general. These questions sought to identify whether or not any of these major areas could inhibit or motivate a prostitution enforcement response and whether there were systemic processes that could contribute to disparities. Lastly, the purpose was to gain insights into how anti-trafficking responses affected (if at all) prostitution enforcement and if targeting johns was a part of this response. The topic areas, target audience, and purpose are presented in Table 2.



TABLE
TWO

Individual interview
& focus group topics.

The question topic areas, target audience, and purpose are presented in Table 2.

QUESTION TOPIC	TARGET AUDIENCE	PURPOSE
Procedures and protocols for investigating and arresting buyers of sex	Law enforcement	Gain information about process and procedure
Procedures and protocols for conducting vice stings	Law enforcement	Gain information about process and procedure
Profiles and trends of buyers of commercial sex	Law enforcement	Gain information about profiles and trends
Departmental resources for investigating prostitution related offences, trends in prostitution over time in Denver	Law enforcement	Gain information about resources
Definitions of prostitution and sex trafficking	Law enforcement & prosecutors	Assess knowledge of difference of those concepts
Relationships with other city officials	Law enforcement, prosecutors & city council members	Gain knowledge about relationships
Challenges in prosecuting buyers of commercial sex	Law enforcement & prosecutors	Constraints in the legal system
Trends of minors involved in commercial sex in Denver	Law enforcement	Gain information on trends
Intake process of cases	Prosecutors	Gain understanding on process
Departmental resources that impact prosecutorial decisions	Prosecutors	Gain information on resources
Challenges prosecutors face prosecuting buyers of commercial sex	Prosecutors	Gain information on challenges
Explain the differentiation in sentencing of buyers and sellers of commercial sex	Prosecutors	Gain information on sentencing
Priorities of State and Local government and whether affect prostitution decisions	Prosecutors	Gain information
Existence of complaints regarding prostitution	City Council members	Gain information existence & prevalence of complaints
Knowledge of sex trafficking	City Council members	Assess level of knowledge
City council involvement in law enforcement priorities	City Council members	Gain knowledge about setting priorities



Data Analysis Plan

The secondary data from DPD, City and State court data, and the law enforcement survey data were uploaded from Excel spreadsheets into the statistical analysis package, SPSS Version 19. Descriptive statistics were run for each variable to provide an overview of the results through frequency tables and charts. T-tests were used to assess statistically significant differences in the secondary data between age and gender of people arrested. Chi-square tests were run to explore the associations between gender and types of sentences received.

One research assistants coded the verbatim transcriptions individually before coming together to discuss their findings. The first step in coding involved searching for key words such as “prostitution,” “john,” “sex worker,” “arrests,” “descriptions,” “challenges,” and “resources.” The next step was to take these individual words and phrases and create parent codes and place them into categories. The categories included: training, descriptions and attitudes of buyers and sellers of commercial sex, and procedures and protocols and sentencing. Various themes emerged from the parent codes and once they were finalized through this process, they were placed under the appropriate research foci.

RESULTS & FINDINGS

The findings presented in this section reflect information collected through surveys, focus groups, individual interviews and secondary data.

THESE FINDINGS ARE ORGANIZED BY OUR ORIGINAL RESEARCH QUESTIONS AND ARE BASED ON THE DATA THAT EMERGED FROM THE STUDY:

- 1) Law enforcement assumptions about who buys and who sells sex;*
- 2) Protocols and punishments involved in prostitution-related offenses; and*
- 3) Law enforcement motivations to engage in prostitution enforcement.*

results & findings

ASKING HARD QUESTIONS

LAW ENFORCEMENT ASSUMPTIONS ABOUT WHO BUYS AND WHO SELLS SEX

Human trafficking and the perceived role of johns in the crime.

SEEKING SOLUTIONS

PROTOCOLS AND PUNISHMENTS INVOLVED IN PROSTITUTION-RELATED OFFENSES

Assumption 1. *Law enforcement disproportionately targets prostitutes.*

Assumption 2. *Court outcomes look different compared to arrest data.*

Punishments specifically targeting johns.

UNDERSTANDING POINTS OF VIEW

LAW ENFORCEMENT MOTIVATIONS TO ENGAGE IN PROSTITUTION ENFORCEMENT

Personal attitudes about law enforcement as an occupation.

Levels of knowledge: Training as a motivation or deterrent for action.

Department protocols.

Resource availability.

Public perception and pressures.

Asking Hard Questions

LAW ENFORCEMENT ASSUMPTIONS ABOUT WHO BUYS AND WHO SELLS SEX

A considerable amount of discussion exists within the anti-trafficking community regarding the role of johns contributing to the existence of sex trafficking. Hence, we first sought to capture information on the general profile of individuals arrested for purchasing commercial sex by asking questions about how members of the law enforcement community viewed johns within the context of prostitution-related crimes. Second, we wanted to ascertain to what degree, if any, law enforcement viewed johns as being part of human trafficking crimes.

As we began to interact with various law enforcement actors in this study, it became apparent that when participants spoke of johns, they did so by identifying characteristics johns possessed *relative to* prostitutes. Repeatedly, johns were described as law-abiding individuals, who simply want to have sex. Johns were described as average men who lived “normal” lives, whereas prostitutes were described as drug-addicted repeat offenders, prone to criminality.

In response to the question “What is the profile of a john in Denver?” participants focused less on who johns were as criminals, and more on who they were as people, and who they were relative to pimps and prostitutes. This presents the notion that individuals buying or selling sex can elicit stereotypic representations of who johns or prostitutes are in our society; these stereotypic representations could impact outcomes in the criminal justice system at large. As an example, johns might receive different punishments (versus prostitutes) because johns may be stereotyped as less criminal.

Johns were described to be anyone, from the average man on the street to potential serial killers. Although several interview and focus group respondents described johns as “sick,” “disgusting,” and “just looking for a quick fix,” the general consensus was that johns could be anyone and everyone.



Any day we do an operation I am never surprised by the people that we get. Unfortunately, from cops and lawyers to ministers to the postman to teachers to the disabled, we get everything. So I have no profile for them. (Setting - Officer)²

The only characteristic, when it comes to the buyers, it's 99% men, what we deal with. (Setting - Officer)

(Johns) come in every shape and size. (Setting - Officer)

There is a large portion of the buying population that are older white males. And every single girl I talk to, almost all of them describe them, as old white guys. (Setting - Officer)

A majority of those guys are Hispanic males, probably from early 20's to early mid 30's. (Setting - Officer)



These various descriptions were further substantiated by survey data. In the survey, patrol officers did not “agree” that Johns came from one specific racial group. Twenty-eight percent of patrol officers believed that a majority of johns were Caucasian, 10.4% of patrol officers agreed that a majority of johns were Latino, and only 4.2% of patrol officers agreed that a majority of johns were African American; 98.3% agreed or strongly agreed that Johns came from many different backgrounds. The data from the Denver County Court (as matched with Denver Police Arrest Records) records also reflected that Johns came from various racial and ethnic groups. From these data, 43% of Johns were Caucasian, 16.2% African American and 38.6 % were Latino. However, in the city of Denver, Caucasians made up 68.39% of the population, Latinos made up 31.8% of the population and African Americans 10.2% (U.S. Census, 2010). Therefore, both African Americans and Latinos are over-represented in these city court cases relative to their population in Denver.

The Denver Police Department arrest records also reflected the same disproportionate representation of African Americans and Latinos compared to their population in Denver. Caucasian males represented 43.35% of the prostitution related arrests, Latino males represented 38.6% and African American males represented 14.5%.

Despite the general perception that johns could be “anyone,” a john was typically described as being an individual with “a wife, two kids, white picket fence and two dogs in the yard.” (Interviewee - Officer). The idea that johns were married with established lives contributed to a widely held view that johns have **more** to lose than individuals engaged in the sale of sex. Upon arrest, johns were often described as being scared or naive when approached by law enforcement.

I would say that probably 60% of them, they are married and do not want us to tell their wives. (Focus Group Participant - Patrol)

(He pleaded,) “Please don’t tell my family. Is this gonna be on TV.?” He is quick to say, “I have never done this before. I made a mistake. I am lonely. (Focus Group Participant - Patrol)

FIGURE ONE

Racial disparities of men in City court cases compared to population in Denver

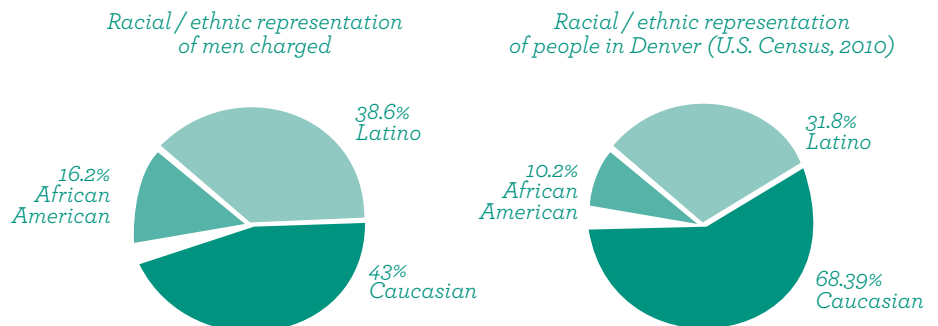


TABLE
THREE

Attitudes of Police Officers regarding johns

A majority of law enforcement Officers surveyed agree that there were many men seeking commercial sex in Denver; johns were criminals; johns should be punished; johns should go to jail; and johns will re-offend. A majority of survey participants also disagreed that engaging in prostitution was a right of passage for men. The attitudes about johns by survey participants are represented in Table 3.

ATTITUDE	N	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
There are many men seeking commercial sex in the City & County of Denver	47	2.1	6.4	12.8	48.9	29.8
Johns are always men	46	8.7	43.5	13.0	28.3	6.5
Johns are criminals	48	2.1	4.2	22.9	50.0	20.8
Johns are a threat to public safety	48	2.1	8.3	31.3	45.8	12.5
Johns are violent	48	4.2	18.8	62.5	12.5	2.1
Johns deserve to be punished	48	2.1	2.1	10.4	62.5	22.9
Johns have knowledge of sex trafficking	48	2.1	16.7	31.3	47.9	2.1
Johns make good witnesses	48	2.1	27.1	56.3	12.5	2.1
A majority of Johns are Hispanic	48	20.8	39.6	29.2	10.4	0
Johns should go to jail	48	2.1	0.0	20.8	60.4	16.7
Johns are sex offenders	48	6.3	20.8	39.6	27.1	6.3
A majority of Johns are African-American	48	22.9	45.8	27.1	4.2	0.0
A majority of Johns are Caucasian	48	18.8	20.8	39.6	20.8	0.0
Johns are regular guys	48	2.1	22.9	37.5	33.3	4.2
Johns come from many backgrounds	48	0.0	2.1	4.2	54.2	39.6
Johns will re-offend	48	0.0	4.2	16.7	60.4	18.8
Engaging in prostitution is a right of passage for men	47	48.9	38.3	6.4	4.3	2.1

This mixed framing of attitudes toward johns was not similarly applied to descriptions of prostitutes. The narrative that repeatedly presented itself was that women became prostitutes because there was something wrong with them (i.e., drug addicted criminals) or they were victims recruited into a life in which they would rather not take part (i.e., victims needing help).

Younger girls go for the money, once they are older it's more for the drugs. (Focus Group Participant - Patrol)

Nobody wakes up one morning and says, "I want to be a prostitute today." There are other circumstances in their life, whether that be addiction or abuse or what have you that causes them to get there, but those conditions in one's life often leads to other criminal history. (Interview - City Official)

In addition to contrasting descriptions of johns and prostitutes, there were also clear differences in perceptions of johns' and prostitutes' motivation(s) to participate in the commercial sex industry.

Males are like "I am going to find something tonight right now. ... I am gonna hit McDonalds get a blowjob and go back to work. (Focus Group Participant - Patrol)

The driving force for johns is the sexual act. (Focus Group Participant - Patrol)

(Prostitutes) are doing it because they are drug addicted. (Interviewee - Officer)

The problem with a lot of people who work on prostitution is they are focusing too much on the sex act. The problem is most prostitutes are drug addicted. (Interviewee - Officer)

TABLE FOUR
Attitudes of Police Officers regarding prostitutes

In certain areas, survey participants felt similarly about prostitutes and johns. They strongly agreed or agreed with the following statements: prostitutes deserve to be punished, 50%; prostitutes should go to jail, 75.5%; and were neutral or disagreed that: prostitutes are sex offenders, 63%; prostitutes are regular women, 78.7%. Therefore, survey participants felt both prostitutes and johns should go to jail and that neither are regular men or women. Survey participants' attitudes about prostitutes by survey respondents are represented in Table 4.

ATTITUDE	N	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
Prostitutes deserve to be punished	47	2.1	4.3	11.4	40.0	10.0
Prostitutes have knowledge of sex trafficking	47	4.3	8.5	21.3	42.6	23.4
Prostitutes make good witnesses	47	10.6	17.0	57.4	8.5	6.4
Prostitutes should go to jail	47	2.1	2.1	21.3	59.6	14.9
Prostitutes are sex offenders	47	4.3	30.4	32.6	21.7	10.9
Prostitutes are regular women	47	8.5	38.3	31.9	19.1	2.1

Despite the persistent perception of prostitutes as being drug addicted, the secondary data analysis of city and state court data did not support this idea; neither through drug related violations nor sentencing related to substance abuse. From 2009 – 2010 city court data, only 5.9% of women were charged with drug paraphernalia and only 1.4% of women were charged with drug paraphernalia and possession. In addition, only 13% of women received sentences for the Chrysalis program, a court-ordered program for women charged with prostitution and drug charges. The state court data painted a similar picture with only 1.2% of women charged with possession of a controlled substance and only 4.8% of women receiving sentences that involved some form of substance


abuse treatment or monitored sobriety and random urinalysis.

In summary, the description of johns as employed married men with regular lives who just want to have sex appeared to frame them as being less criminal than prostitutes. Although it is not out of the realm of possibility that individuals engaged in the sale of sex may be drug addicted, prostitutes are not the sole criminals in acts of prostitution. Both the purchase and sale of sex are illegal, and yet the assumptions of what brings an individual to engage in prostitution appear to change attitudes about who should be punished and in what manner. Johns occupy the ambiguous space of relative “innocence” in perceptions of prostitution (as they’re often not


considered violent pimps, nor are they drug addicted prostitutes). Therefore, it appears that law enforcement view johns and prostitutes as having different motivations for engaging in the crime of prostitution-related offenses, with prostitutes having more criminality attached to prostitution.

It is very important to note that despite the distinctions made between johns and prostitutes in this study, we interacted with many Police Officers (in individual interviews and in focus groups) who genuinely expressed empathy for women involved in prostitution, and who dedicate their work to helping connect them to services and opportunities. This topic will be further addressed in section three of this Results and Findings section.

“JOHNS OCCUPY THE AMBIGUOUS SPACE OF RELATIVE ‘INNOCENCE’ IN [PERCEPTIONS] OF PROSTITUTION.”



IN SUMMARY,
THE DESCRIPTION
OF JOHNS AS
EMPLOYED MARRIED
MEN WITH
REGULAR LIVES
WHO JUST WANT TO
HAVE SEX
- WHICH VERY WELL
MAY BE TRUE -
APPEARED TO
FRAME THEM AS
BEING LESS
CRIMINAL THAN
PROSTITUTES.



Human trafficking and the perceived role of johns in the crime.

It may be helpful to first present participants' general assumptions and attitudes about human trafficking before exploring how johns may be involved in the crime of human trafficking. Participants in the study indicated an understanding of human trafficking that was articulated through their references to examples of sex trafficking. To be fair, this assumption may have been made in part due to the study's focus on prostitution arrests.

Within the anti-trafficking field, there have been ongoing debates on how much or how little johns contribute to incidences of human trafficking. We asked law enforcement questions about their attitudes about human trafficking, as attitudes about human trafficking can affect to what degree johns are considered part of the crime. Definitions clearly varied.

Sexual Trafficking is the recruitment, transportation (within national or across international borders), transfer, harboring, or receipt of persons for the purposes of commercial sexual exploitation. Sexual trafficking is accomplished by means of fraud, deception, threat of or use of force, abuse of a position of vulnerability, and other forms of coercion. (Survey participant)

The control or movement of people for exploitation in the sex trade. (Survey participant)

The movement of a person from one location or one pimp to another for the purposes of prostitution. (Survey participant)

We asked questions about whether or not johns were a threat to public safety, were intentionally seeking sex with minors, and whether or not johns

were seen to have knowledge of pimps or traffickers.

Participants viewed johns differently compared to much of the literature devoted to emphasizing "demand side" policies as an anti-trafficking response. Within our sample of law enforcement Officers, human trafficking was most often described as minors being involved in prostitution. Focus group and interview respondents stated that minors found to be involved in prostitution were always assumed to be under the control of a pimp, trafficker, or someone facilitating the act.

Anyone under the age of 18 will be interviewed, and it is presumed that it is a sex trafficking situation. And that is just based on experience. (Interviewee - Officer)

Now the big issue is when you get into 20, 21, 22, are you doing it voluntarily even if you're not—I mean at some point you are making decisions for yourself... I mean if we have someone that is 27 years old doesn't mean they can't be trafficked. (Interviewee - Officer)

However, in these instances, law enforcement Officers reported the need for other identification tools in addition to age. For many, the age of the prostitute served as an indicator of

human trafficking, and may be a key factor when considering the attitudes about the complicity of the john in the trafficking process. When other non-law enforcement participants were asked about their knowledge of human trafficking, they gave answers indicating the idea that trafficking is not a problem for the Colorado community, and law enforcement Officers pointed out some public misconceptions about human trafficking.

When I think of the word trafficking the word that leaps into my head is Thailand. (Interviewee - City Official)

By sex trafficking what do you mean? (Interviewee - City Official)

There are many people in the public—when you say "human trafficking," you think of cargo containers of people being shipped from overseas . . . People don't really relate to it as the domestic human trafficking of prostitution. (Focus Group Participant - Patrol)

These varying attitudes about whether or not sex trafficking is something that exists in Denver or even in the domestic context, could contribute to attitudes about whether finding and punishing johns should be a priority within the Denver community.

Johns as a threat to public safety.

When respondents were asked whether or not johns were considered a threat to public safety, we received a range of answers, including making distinctions between “everyday” johns and serial killers. Johns were viewed as threats to public safety mostly in the context that some johns could be serial killers.

The “Everyday john” is just doing it for his feelings. Five minutes and they are back in business doing their thing. On the other hand, the violent crime tends to attract the same type of people. Your serial killers are generally going after your prostitutes. Very violent domestic violence, things of that nature. (Interviewee - Officer)

Serial killers over the past 50 years have preyed solely on prostitutes . . . I think it’s a definite threat to public safety. (Focus Group Participant - Patrol)

According to survey respondents, 68.3% agreed that johns were a threat to public safety; however, the survey did not include questions distinguishing what “threat” meant.

In individual interviews and in the focus group, many participants articulated that threats reflected a potential for violence. Law enforcement Officers often referred to johns as being a threat to public safety based on the degree to which

they were considered to be a potential violent threat. Some participants described johns as being potentially violent but not necessarily so.

My knowledge is hearsay that I get from the girls. Like almost every single one of them has a story about like going in and the door to the room gets shut and all of a sudden everything seems to be fine and they get beat or whatever. (Interviewee - Officer)

When survey participants were asked if johns were violent, 14.6% agreed that johns were violent and a majority of participants, 62.5%, responded with “neutral.” Notably, viewing johns as not necessarily violent could impact whether a john is arrested or not.

Other responses reflected factors outside of the act of buying sex itself. For example, in our focus group and interviews, participants indicated that the threats to public safety reflected the general effects prostitution can have on a city.

The threat to public safety comes from the ripple effect of just the criminality . . . The actual intercourse with a prostitute maybe that is not a threat to society, but when you have pimps walking around, and human trafficking, you have violence associated with it . . . (Focus Group Participant - Patrol)

. . . along with those ripple effects, in that kind of broken window theory, I think that if you went down Colfax to get a hooker you don’t have to go that much further to get a dealer pushing crack either. (Focus Group Participant - Patrol)

The inevitable question is, if it were legalized would that criminality still exist? (Focus Group Participant - Patrol)

The prostitute is part of the public too, and if her health and welfare is as worth just as much as the next person. (Focus Group Participant - Patrol)



A lot of the cases I have investigated and filed have been a girl who had been recruited into this life. Who had no wanting to do this in the first place. And then you have to deal with their families who have been torn apart by this, whose little girl, who was 19 years old going to college in Westminster is now working in a motel of Colfax. What just happened? She is beaten and raped and forced to use drugs, and that is public safety right there.
 (Focus Group Participant - Patrol)



Participants also shared their perceptions of negative consequences prostitution has on the health and economic vitality of a community. Many respondents indicated the spread of disease as a concern for the city at large.

Beyond the concern of some amplified transmission of diseases due to acts of prostitution, respondents indicated that prostitution activity has a negative impact on cities and communities at large:

The property owners up and down Colfax that are trying to revitalize an area and you have this sex trade basically going on. Used condoms. Used syringes. That constant activity; it destroys the economic vitality of a community. No one is going to invest in a business there.
 (Interviewee - City Official)

It's a health issue for the whole city.
 (Interviewee - Officer)

A lot of complaints come from businesses.

There is the transmission of diseases.
 (Interviewee - Officer)

Hey they are right outside my door. I can't get customers in. They are afraid to go out if they are in . . . It's hurting my business. It's bad for the city. It looks bad. Is this what we want Denver to be known for? We get a lot of pressure.
 (Interviewee - Officer)



In summary, none of the participants shared specific examples of johns posing threats to public safety. However, they shared how prostitution activity itself was considered a threat to public safety, and in some occasions can include the actions of johns. Participants could see that there were negative outcomes, but were not certain as to where to lay blame.

Johns who seek minors.

The predominant view held by law enforcement participants in individual interviews and in focus groups was that sex trafficking was defined as the trafficking of minors for the purpose of prostitution. Similarly, there have been many discussions within the anti-human trafficking movement prioritizing community responses based on the presence of minors engaged in commercial sex. Because of these two key views, we felt it important to ascertain to what degree law enforcement felt that men were actively or intentionally seeking sex with individuals under the age of 18. Respondents overwhelmingly held the view that the majority of johns were *not* actively or intentionally seeking sex with minors.

They prefer young but not illegal.
(Interviewee - Officer)

I think maybe a smaller group within the group that targets that, sure, but I don't think that is the overriding situation.

(Interviewee - Officer)

You know, I would not say most johns are necessarily seeking minors, they are looking for someone – I mean when you go through the internet listings and looking at pictures to pick from, [they] are more likely looking for someone who is young. They probably would prefer someone who is not illegal.

(Interviewee - Officer)

I would not say most are actively seeking minors. It would be a minority that [are] looking for minors. 18 or 19 is more appealing than 30, even 25, 26.

(Interviewee - Officer)

Repeatedly, interviewees and focus group participants spoke at length about the presence of minors involved in prostitution in Denver, and at the

same time were unanimous in the predication that the johns were encountering these minors out of a desire for youth, as opposed to a desire to engage in a sex act with a minor. One participant described the arrest of a john who was found with a minor. Even in this instance, he felt the john believed her to be of-age.

I don't think he honestly know she was a minor, because I didn't either. She told me that she was 19, which is still a teenager, but a legal adult by law. It took a little Police work for me to figure out who she really was and that she was indeed a juvenile.

(Focus Group Participant - Patrol)

Survey data supported this point by revealing that only 17% of survey respondents felt that men were actively seeking minors in Denver. It also should be noted that it is common for girls and young women to lie about their age because their pimps have told them to lie and have often provided the girls with fake IDs.

The girls are often scared of violent consequences if the pimps find out they have spoken with the Police.

It is important to note that in Colorado, a john cannot plead ignorance if they are found engaging, or attempting to engage, in commercial sex with a minor. In these cases, individuals can be charged with a range of violations including: Patronizing a Prostituted Child (C.R.S. 18-7-406), Soliciting for Child Prostitution (C.R.S. 18-7-402), and Sex Assault on a Child (C.R.S. 18-3-405). (See Appendix B.) Officers indicated that while they may not have felt that johns were intentionally seeking sex with minors, they had worked cases where the johns were charged, only to have these charges dropped. (Our analysis did not include individuals charged with engaging in sex with minors, and therefore, we are unable to report how often johns were charged under these statutes. In a later section, we note that johns may be offered deals in the interest of pursuing "bigger" cases.)

Johns and their knowledge of pimps or traffickers.

Our last line of questioning for law enforcement involved determining how often johns were shown to have knowledge of pimps and/or traffickers. Participants shared their perception of johns' levels of knowledge as it related to trafficking. Answers indicated the perception that if johns had knowledge, they choose to ignore it.

They are probably willfully oblivious. They simply have an agreement for this act for x amount of money and that's really all that matters to them.
(Interviewee - Officer)

I think that some of them probably know, because based on the age of the girl, or their condition, I bet they have it in the back of their mind. I am sure they don't care.
(Interviewee - Officer)

They don't understand that when they call someone up on an online site and that person is "the pimp."
(Interviewee - Officer)

Similar to attitudes surrounding johns' intentions to seek sex with minors, this study showed an attitude that johns

were perhaps "willfully oblivious" when it came to the idea that they may be engaged in a commercial sex act with an unwilling participant. Officers were also asked if the arrest of a john had ever aided in the prosecution of a pimp or trafficker.

Yes. But that's usually because we are already investigating a case like that. We had a 17-year-old girl and just the night before she came to us. She was at a different hotel and we went to that hotel and that guy, of course we arrested him for solicitation of a child prostitute, a felony, it was more than anything to get him to collaborate. It was his arrest that helped the case.
(Interviewee - Officer)

They wouldn't necessarily know the pimp, but they would know the actions of the girl. Which leads back to the pimp and helps us prove the actions and stuff.
(Interviewee - Officer)

In this instance an arrest of a john, but not the prosecution of a john, led to the prosecution of a pimp or trafficker. In alignment with these perceptions, 52% of survey respondents agreed that johns had knowledge of sex trafficking, but only 13% agreed that johns made good witnesses.

Seeking Solutions

PROTOCOLS & PUNISHMENTS INVOLVED IN PROSTITUTION-RELATED OFFENSES

In order to gain a comprehensive picture of prostitution-related arrests and the people impacted by these arrests, we reviewed law enforcement protocols, arrest records and court records. We additionally reviewed punishments targeted specifically to johns. These findings provided important insights to support and refute assumptions made about prostitution-related offenses.

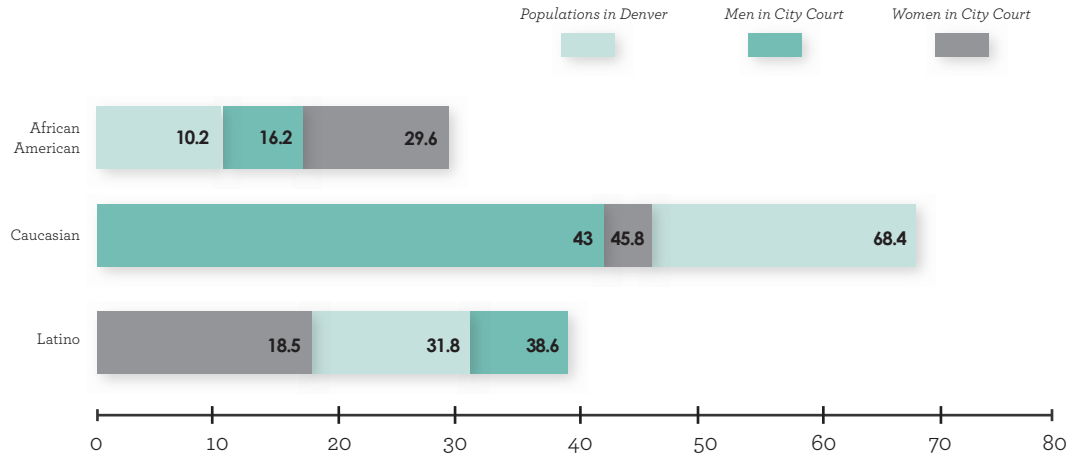
ASSUMPTION 1. *Law enforcement disproportionately targets prostitutes.*

The analysis of Denver Police Department Vice arrest records from 2006-2011 provided us with a picture of who was arrested for prostitution-related offenses. During these five years, 2,072 people were arrested. In terms of who was targeted (prostitutes or johns), the data showed that 61% of people arrested for prostitution-related offenses were women. (The age range of these women has been reported in the methods section.) The majority (45.8%) of females were Caucasian; 29.6% were African American; and 18.5% were Latina. In this instance, African American females are overrepresented compared to the general population of African American's in this sample, however Latina females are underrepresented. (US Census, 2010)

“INDIVIDUALS ARE OFTEN CHARGED WITH MULTIPLE
PROSTITUTION-RELATED VIOLATIONS.”

FIGURE TWO

Racial disparities of women in Denver arrests compared to population in Denver



Adult males represented 39% of the total population arrested for prostitution-related offenses. (The age range of these men has been reported in the methods section and the racial disparities were discussed earlier in this section.) The percentage of women charged with *prostitution* as the primary charge was 82%, while 92.5% of men were charged with *solicitation* as the primary charge. Further investigation indicated that this discrepancy could be attributed to the limitations of the Denver

Police Department database in which only one charge can be selected. Data from the Denver City Court differs for 2009-2010, where females represented 51% and males represented 49% of people who appeared in Denver City Court for prostitution violations. Men and women were often charged with multiple prostitution-related violations. Women were more likely than men to be charged with *furthering*, $X^2(1, N=699)=4.33, p<.05$, and *possession of drug paraphernalia*, $X^2(1, N=699)=18.25, p<.01$.

TABLE FIVE

Violations by gender in Denver city court

VIOLATION	MALE (n=345) %	FEMALE (n=354) %
Any Act of Prostitution	80	79.9
Soliciting for Prostitution	85.5	76.3
Furthering	15.4	21.5
Drug Paraphernalia	0.3	5.9

*People received other charges, but were so few in number that they are not reported.

As demonstrated by the data, women were more likely to be charged with *furthering* (Denver Municipal Statute 38-158(6)) and *drug paraphernalia* (C.R.S. 18-18-428 (1)) but there is no statistically significant difference between adult males and adult females in terms of either being charged with any act of prostitution or *soliciting for prostitution*.

The cases filed at the Denver County Court showed a disparity between the number of male adults and female adults appearing in court. In the 87 court filings for 2009-2010 with gender listed, women made up 83% of the cases, with an age range of 20-60 years, with a mean age of 31.4 years (SD=10.1) and a mode of 22 years of age. Men represented 17% of the cases, ranging in age from 24-61 years old, with a mean age of 39.8 (SD=11.7) and a mode of 27 years of age.

TABLE SIX

Violations by gender in County Court

The violations that men and women were charged with in County Court were different than in City Court and are represented in Table 6.

VIOLATION	MALE (n=15) % (n)	FEMALE (n=72) % (n)
Keeping a Place of Prostitution	40.0 (6)	9.7 (7)
Pandering	60.0 (9)	5.6 (4)
Prostitution	6.7 (1)	73.4 (53)
Solicitation	26.6 (4)	69.4 (50)

***People received other charges, but were so few in number that they are not reported.**

Cases that were heard at the County Court were more likely to involve women charged with prostitution (C.R.S. 18-7-201) and solicitation (C.R.S. 18-7-202) and were more likely to involve men who were charged with pandering (C.R.S. 18-7-203(1)(b)) and keeping a place of prostitution (C.R.S. 18-7-204). (See Appendix B for municipal and state statutes.)

The total number of individuals charged with misdemeanor prostitution-related offenses charged under Colorado's Revised Statutes is relatively small in comparison to all of the individuals charged under Denver's municipal statutes. The cases filed at Denver County Court represent 9% of the total cases filed (Municipally) for the violations included in this study between 2009 and 2010. Given this small percentage, County Court filings may not appear to be

of consequence. However, given the recent emphasis on increasing penalties and fines for misdemeanor offenses utilizing Colorado's state statutes, it is important to analyze how and when misdemeanor charges are filed with Denver County Court. Interview respondents indicated various scenarios when an Officer might forgo utilizing the municipal statutes and opt for the state statutes instead.

It was almost like a tradition. You would do the State charges for the escort operations, and we realized if you filed through the City Attorney’s Office, because they are used to doing it, the penalties would be more consistent. Whether it was tougher or whether it was more lenient, it is more consistent.
 (Interviewee - Officer)

For the most part, we do it under the City now, but there are some here and there where we will need to do something with asset seizure, the it will go State.
 (Interviewee - Officer)

I think that it may be the operating policy of the Vice Unit that the street prostitutes and those sort of street things they will send the johns and the women who get scooped up in that to the City Attorney’s Office. When they do more elaborate stings using hotel rooms, the Internet, and the Westword pages . . . or whatever . . . those normally are for the District Attorney’s Office.
 (Interviewee - City Official)

We have a good relationship with the City and the State. We would probably sit down in meetings with them and say, “What cases do you want us to send to you, which types of cases do you want us to send to you?”
 (Interviewee - Officer)

Generally the multiple charges, if anything is leading to a more of a bigger—more in depth in terms of investigation—we will use the State charges.
 (Interviewee - Officer)

What became clear from this line of questioning was that there are various mitigating factors that would cause an individual to be charged with misdemeanor prostitution offenses under Colorado criminal statutes. Those factors include: whether the cases involved: asset forfeiture, multiple charges, escort violations, or cases involving more in-depth operations that were not identified in concrete terms.

ASSUMPTION 2. Parity of arrests will equal parity in sentencing

While Denver City Court cases showed a similar number of men and women charged with violations, when sentences for men and women were analyzed, we found several statistically significant differences in sentencing for men versus women. Women were more likely than men to receive area restrictions, $X^2(1, N= 699) = 83.10, p<.01,$ and jail time imposed, $X^2(1, N= 699) = 81.68, p<.01.$ Men were more likely to receive community service, $X^2(1, N= 699) = 23.64, p<.01,$ and fines $X^2(1, N= 699) = 208.52, p<.01.$ There was no statistically significant difference between the men and women who received jail time and those who had it suspended.

TABLE SEVEN
 Sentences by gender in Denver city court cases 2009-2010.

These sentences are noted in Table 7.

SENTENCE	MALE (n=345) % (n)	FEMALE (n=354) % (n)
Area Restriction	0.0 (0)	21.5 (76)
Community Service	9.9 (34)	1.4 (5)
Fines/Cost	73.7 (252)	18.6 (66)
Jail Imposed	35.9 (124)	70.1 (248)
Jail Time Suspended (of those who received jail time)	80.6% (100)	75.0% (186)

In addition to receiving area restrictions and jail time, women also were sentenced to enter court-ordered treatment programs, namely Chrysalis and Empowerment, which are programs tailored specifically for women. Among these women, 36% were sent to Empowerment and 13% to Chrysalis.

While these programs may be seen as a form of diversion, women must plead guilty or no contest to the municipal charge and attend the full program as a condition of probation. In contrast, diversion programs most frequently offered to johns involve a pre-trial offer, wherein they do not need to formerly enter a plea of guilty or no contest. Further, this diversion option is not a condition of probation, and the defendant in these cases typically receives a deferred judgment. The City and County of Denver’s Diversion program, most often offered to johns, is further explained below.

In an individual interview with a prosecutor, he stated that the difference in sentencing between men and women was due to women having prior arrests for prostitution-related offenses, whereas men did not have prior arrests for the same offenses. Information obtained from DPD data on prior arrested demonstrated that 72.6% of men charged at the Denver City Court had one or more prior arrests during the past seven years. Men had a mean number of 2.12 (SD=4.6) prior arrests with a median of one prior. For women, 78.2% had one or more prior arrests. Women had a mean number of 8.1 (SD=11.6) priors, with a median of 3 priors. There is a statistically significant difference in the average number of prior arrests between men and women. Women were more likely to have a higher average number of prior arrests than men, $t(445) = -8.92, p < .01$

In contrast, the sentencing in County Court did not reveal any statistically significant differences between men and women, though a majority of people appearing in County Court are women.

TABLE
EIGHT
Denver county court
sentences

The frequency of types of sentences is represented in Table 8.

SENTENCE	MALE (n=23) % (n)	FEMALE (n=82) % (n)
Bond forfeiture	0.0 (0)	3.7 (3)
Community service	13.0% (3)	6.1 (5)
Electronic monitoring	8.7% (2)	1.2 (1)
Fines/costs	43.5% (10)	65.9 (54)
Jail time imposed	13.0% (3)	12.2% (10)
Jail time imposed/jail time suspended	13.0% (3)	14.6% (12)
Misc. Sentence	4.3% (1)	4.9% (4)
Remanded to jail	0.0	2.4% (2)
Sheriff special instruction	0.0	1.2% (1)
Supervised probation	21.7% (5)	28.0% (23)
Supervised probation education, employment requirement	0.0	1.2% (1)
Supervised probation monitored sobriety/substance abuse prgrm	0.0	1.2% (1)
Supervised probation monitored urinalysis	0.0	1.2% (1)
Supervised probation monitored urinalysis, substance abuse program, Breathalyzer, alcohol treatment	0.0	1.2% (1)
Time served	17.4% (4)	15.9% (13)
Treatment	0.0	1.2% (1)
Unsupervised probation	0.0	2.4% (2)
Warrant	8.7% (2)	2.4% (2)

Denver, I think, has always had a pretty robust demand-reduction list of things we do.
(Interviewee - Officer)

We do things to target johns like john TV. Another thing that is fairly effective and certainly significant, is the Nuisance and Abatement Program, we seize the cars . . . Although not designed to be punitive, that certainly might be the impact upon the guy that gets pulled over.
(Interviewee - City Official)

Punishments specifically targeting johns.

When considering court outcomes and punishments for prostitution-related offenses, it is important to note measures that have been employed to target johns, or what are commonly referred to as *demand-reduction initiatives*. This list of actions include: the Nuisance Abatement Program, Denver's naming and shaming campaign, the Health Order In Process; reverse stings; the Diversion Program; and Colorado Senate Bill 11-085.

We can take the cars away from johns if they are using them to go and pick up a prostitute, we can target the pimps when it comes to real property or if they're transporting the prostitutes to and from; or we can target the prostitutes themselves if they don't use a pimp or are using real property to conduct their business.

(Interviewee - Officer)



THE NUISANCE ABATEMENT PROGRAM.

If an individual is using one's property (e.g., a car) and is arrested for an offense classified as a public nuisance while using said property, the City can temporarily seize that property under the Nuisance and Abatement Ordinance (see Appendix D for the basics of Public Nuisance Abatement). Having their property temporarily seized under the Nuisance Abatement Ordinance can punish Johns, prostitutes and individuals facilitating or arranging acts of prostitution. While the range of offenses covered under this statute is broad, in the context of prostitution, it is most often referred to as being a measure used specifically to deter johns.

According to individuals in the Denver City Attorney's Office, 148 cars were seized in 2009 and 109 cars were seized in 2010 in cases where the predicate charge was a prostitution-related offense (Fordyce, personal communication, January 11, 2012). This amounts to 36.77% of individuals charged with prostitution-related offenses at the Denver City Court who also had their automobiles seized during 2009 and 2010. Representatives working on Nuisance Abatement proceedings stated that the cost of settlements for owners to regain their automobiles ranged from \$1,100 to \$1,700, though there were some cases where fines reached up to \$2,800. Because these cases were tried in civil proceedings, they are not reflected in the criminal records for prostitution-related offenses.

As noted earlier, neither a majority of Denver's municipal ordinances, nor the State of Colorado's criminal statutes regarding prostitution offenses clearly differentiate between individuals engaged in buying or selling illegal commercial sex. Therefore, while this report can state that in civil proceedings in 2009 and 2010, a total of 257 cars were seized from individuals charged with prostitution-related offenses, it cannot be automatically assumed that 257 johns temporarily lost their cars in 2009 and 2010. All that can be safely reported is that 257 individuals were charged with some type of prostitution-related offense and subsequently had their cars temporarily seized by the City of Denver. Thus, while vehicle seizures are often touted as being a specific demand-reduction effort, the original law, in its intent and application, appears to be more broadly utilized.

NAMING & SHAMING PROGRAM

Another program aimed specifically at discouraging men from purchasing illegal commercial sex falls under what is commonly referred to as a “naming and shaming” campaign. The City of Denver currently publishes photos of men who are convicted of prostitution-related offenses. The program is termed “Johns TV,” but due to budget constraints, it is now an internet-based program. The website states that all individuals pictured have been convicted under Denver Municipal Code Section 38-158, where information “is updated monthly by The Denver Police Department with the assistance of the Denver County Courts as a way to create undesirable attention that may help deter individuals from engaging in illegal activities of this kind in the community.” Information on the website includes a photo and the full name of the convicted individual.

HEALTH ORDER INS

Health Order Ins are issued by Vice and Drug Control Bureau Officers (Vice Bureau) after an individual has been arrested on suspicions of prostitution-related offenses (in addition to other violations) as stipulated in Denver’s Municipal Code Section 24-131(c)(1). The Vice Bureau maintains a list of individuals who have been required to submit to a Health Order as well as another list of individuals who have failed to do so. At the point of arrest, whether the suspect is arrested or issued a citation, the individual is required to be tested for specific sexually transmitted infections (STI/STDs). Any Denver Police Officer can arrest an individual who fails to fulfill the requirements of a Health Order In as stipulated in Denver’s Municipal Code, Section (24-132(d)). Although the Health Order In has been categorized as being a demand-reduction strategy, in truth, it is applied to all individuals who are arrested on prostitution-related offenses.

REVERSE STINGS

Reverse stings are operations conducted by law enforcement involving female decoys for the specific purpose of targeting and arresting johns. Reverse stings can occur in an indoor or outdoor setting. According to information gleaned from both informational interviews and the focus group, arrests made during reverse sting operations are among the highest percentage of total arrests of johns. For example, when asked if there were a substantial amount of men seeking sex in Denver one respondent stated:

It’s really how many stings they (DPD) can afford to do. Some years they have done fewer because of staffing issues. Some years they will do them more frequently. If the complaints to City Council are like “Get the prostitution out of here,” They will do more stings and the arrests will spike.

(Interviewee - City Official)

“IT’S REALLY HOW MANY STINGS THEY (DPD) CAN AFFORD TO DO.”



DIVERSION PROGRAMS (JOHN SCHOOLS)

For a number of years, the City and County of Denver offered a diversion program for first time offenders arrested on prostitution-related charges. While the program could have been offered to both men and women arrested for first-time prostitution-related offenses, it appears that the majority of participants were men. Between 1997 and 2011 Michael Holtby, LCSW, saw 535 individuals who were sentenced to diversion, seeing on average, 38 individuals per year. Of the 535 individuals who received services from Mr. Holtby, approximately 12 were women. In addition to Mr. Holtby, JoAnna Hudson offered group sessions addressing choices and life strategies.

Diversion programs are considered to be the clearest example of a demand-reduction approach with over 650 cities in the United States engaging in john stings. (Shively et al., 2010).

In order to qualify for diversion, an individual would have to have no prior offenses in the past seven years, provide an admission of guilt during pre-arraignment, agree to the terms of diversion in exchange for a case dismissal, and be willing and able to pay for the cost of the program. The program consisted of four key areas: individual assessments to identify the underlying cause(s) of the behavior, a life strategies class conducted in a group setting (provided by another individual), performing community service (the number of hours required varied based on whether or not an individual was caught in a sting or soliciting a known prostitute), and writing an essay on what the individual learned throughout the process.

The sessions with Mr. Holtby consisted of 12 questionnaires administered to the individuals, two to four 60-minute individual interviews, viewing a video of a woman in prostitution speaking about her experience with johns, and an assessment. If that assessment identified ongoing needs, Mr. Holtby would refer his clients to any number of ongoing treatment options including: weekly sex addiction groups, couples and individual psychotherapy, Sex Addicts Anonymous (SAA), The Meadows Recovery Center, Alcoholics Anonymous (AA), and Bureau Anonymous (NA).³

Individuals working within the Denver County Court system have argued that the alternative resolution program was not meant to be designed exclusively for johns. Instead, johns were simply more likely to qualify for the programs based on the parameters determining eligibility.

While prostitutes – although the same plea disposition was available typically – well for a couple of reasons – one not many of them was it their first offense, they didn’t fit the primaries for the diversion program ... [prostitutes] are generally not the people who say, “Okay I take responsibility, I know this is wrong and this right.” They aren’t one and done.

(Interviewee -City Official)

Hence, it is argued that prostitutes were not deliberately excluded from alternative resolution because of their role in the offense, but instead due to their inability to meet the requirements of the program. This program appears to be one that cannot be said, by matter of policy, to be one specifically aimed at deterring johns from engaging in the purchase of illegal commercial sex. Whether women were intentionally excluded or excluded due to the parameters of the program remains unknown. Due to budget constraints faced by the City and County of Denver, this program has been cut.



SENATE BILL 11-085.

Colorado Senate Bill 11-085 was originally introduced into the state legislature in January 2011. The Bill was quickly touted as the first statewide initiative to target johns by establishing a diversion program, or “John School.” The bill drew media attention across the country for its efforts to target johns with harsh penalties. The bill states the General Assembly contention that, “Human trafficking is often intertwined with prostitution, as many victims are recruited, harbored, transported, obtained and exploited for the purposes of performing sex acts.”⁴ The testimonies provided at the bill hearings offered a strong defense from proponents who favored a more robust and intentional response to the ongoing demand for illegal commercial sex. Several of these testimonies included stories from survivors and family members who had lost loved ones

to prostitution. However, the bill itself does not appear to be one limited to the prosecution and subsequent diversion of johns. The name alone is not “John School,” but instead “Prostitution Offender Program” allowing for Municipal or County Courts to:

create and administer “A program for certain persons who are charged with soliciting for prostitution as described in section 18-7-202, C.R.S., or Patronizing a prostitute, as described in section 18-7-205, C.R.S, or any corresponding municipal code or ordinance.”⁵

The bill also stipulates that the charge of Solicitation (as defined in C.R.S. 18-7-202) is a Class 3 Misdemeanor with fines not to exceed \$5,000 and Patronizing a prostitute (as defined in C.R.S. 18-7-205) as a Class 1 Misdemeanor with fines not to exceed \$5,000.⁶

Our analysis of 2009 and 2010 court filings from Denver County Court

(where the Colorado Revised Statutes were utilized and therefore where the amended higher fines would have been applied), reveals a large gender disparity when looking at who is actually prosecuted under the Colorado Revised Statutes. During the two-year period between 2009 and 2010, 83% of defendants charged at the County level were women; 17% were men. Moreover, of the defendants charged, women were given fines at a higher rate (though not statistically significant) than men, with 75% of women being fined, in comparison to 60% of men. Of all women charged via state statutes, 73% were charged with prostitution and 69.4% were also charged concurrently with solicitation. In contrast, 26.6% of men were charged with solicitation. Based on this analysis, it stands to reason that the increase in fines as stipulated in the bill will actually affect more women than men. Currently, the bill does not appear to be directed at the demand side of prostitution.

Law enforcement attitudes about current punishments.

Law enforcement survey participants were asked their opinions on what types of punishments had the greatest impact in deterring johns. Survey respondents felt that the punishments that had an impact, included arrest with jail time, 61.8%; car impoundment, 96.2%; high fines, 85.7%; and public shaming, 77.5%. About half of survey respondents felt that diversion programs, 51.0%; and community service, 50%; had the least impact in deterring johns.

No, I would arrest the john per our protocol and the sentencing factor really has no effect on how I would do my job.
(Survey participant)

Street Officers do not have the chance to see results of alternative sentencing to see if it's being carried out or working.
(Survey participant)

Alternative sentencing programs seem to fail. Repeat offenders are very, very common and current punishment and treatment programs seem to lack the incentive needed to correct behavior.
(Survey participant)

Education will not help, since there is no real punishment for criminal behavior. Confinement with cable TV and three hot meals with a place to sleep is not punishment . . . its "time out."
(Survey participant)

TABLE
NINE

Law enforcement opinions on punishments that have most impact for deterring johns

Responses are further elaborated in Table 9.

OPINIONS	N	VERY IMPACTFUL	SOMEWHAT IMPACTFUL	NOT VERY IMPACTFUL	NOT IMPACTFUL AT ALL	UNSURE
Arrest without jail time	49	14.3	46.9	20.4	14.3	4.1
Arrest with jail time	49	61.2	28.6	4.1	2.0	4.1
High fines	49	49.0	36.7	4.1	6.1	4.1
Car impoundment	49	77.6	18.4	2.0	0	2.0
Public Shaming	49	46.9	30.6	12.2	2.0	8.2
Geographic restraining orders	48	27.1	37.5	25.0	6.3	4.2
Public awareness	48	20.8	39.6	22.9	10.4	6.3
Diverson Programs	49	12.2	28.6	36.7	14.3	8.2
Community Service	48	12.5	31.3	31.3	18.8	6.3

Interview and focus group participants from the law enforcement community shared similar attitudes that jail or shaming were the most effective forms of punishments, and some participants indicated that prostitutes should be offered lower sentences.

Understanding Points-of-View

LAW ENFORCEMENT MOTIVATIONS TO ENGAGE IN PROSTITUTION ENFORCEMENT

At this point, these data have laid out assumptions and realities regarding the perception of johns, prostitutes and the enforcement system. Together these perceptions may profoundly affect motivations to undertake prostitution enforcement. In other words, assumptions made about who is involved in prostitution may have an affect on who is punished and in what manner. For example, some participants described the disparity in punishments for johns and prostitutes as being caused by the more “criminal nature” of prostitutes. Moreover, if johns appear to be more naive and readily admit their intent to engage in commercial sex, this may have an impact on who is arrested when law enforcement encounter both a john and a prostitute. Through an analysis of our data, it seems as though arrest motivations often depend on various factors: personal attitudes about law enforcement as an occupation; level of knowledge; departmental protocols; resource availability; and public perception or pressure.

Personal Attitudes about Law Enforcement as an Occupation.

Personal attitudes about one's job and how one views his/her professional role, one's desire to engage in work that produces meaningful impact, and the amount of difficulty one encounters, all appear to have an impact on what an Officer is motivated to do.

VIEW OF PROFESSIONAL ROLE: STOPPING CRIME AND SUPPORTING VICTIMS.

We observed a marked difference in attitudes about prostitution enforcement based on Officers' perceptions of what their roles were within the justice system. Two general themes emerged: one of the role of the Officer to stop crime "in the moment," and the other focusing on victim identification as a primary motivator for prostitution enforcement. The two attitudes were generally delineated by whether the participants were Detectives or Patrol Officers; the latter were more aligned with the notion that their role was stopping crime in the moment.

My goal as a street cop is to stop that crime from happening that night, so either prostitutes are being victimized or the john is being victimized... My goal is to stop crime the crime that night while I am working.

(Focus Group Participant - Patrol)

Patrol Officers discussed their work as being different from plain-clothes Vice Officers, where their rank restricted them from seeing the "big picture." Patrol Officers described difficulties encountered when they discovered prostitution activity, feeling time constrained, and feeling pressured to readily respond to all other dispatches as well.

Police Officers who participated in focus groups and individual interviews largely agreed that johns deserved to be punished in the moment. However, they also stated that johns should not be punished if a bigger case can be made (primarily against pimps, traffickers or criminal organizations). Another rationale was that while johns broke the law, they did so only once any given day, while prostitutes broke the law multiple times in one day.

Therefore, it was better to punish the individuals who engaged in continued criminal activity. Others expressed the idea that while finding and punishing johns was important, it was not nearly as important as focusing Police efforts toward identifying and helping minors involved in commercial sex.

Officers repeatedly spoke about how the priority should be focused less upon identifying and arresting johns and more on identifying victims (including juveniles, victims of human trafficking, or exploitation). In some cases, Officers are additionally deterred from prosecuting johns as a means to assisting victims. Simply, the motivation to find and prosecute johns is often weighed against the motivation to identify and protect victims.

We could do a reverse sting and say, "Hey we [have] a young girl here. Here's our picture. Come visit us." But we would never get any victims saved . . . Sometimes we are more successful than others, but to me, anytime we identify someone and get them out of that situation, I think it is good.

(Interviewee - Officer)

Our victim maintenance is a big part of this. We don't want the girl to come back to this. So even if it's "damn the case," we don't want this girl to come back to this.

(Interviewee - Officer)

I think the prostitutes should be getting diversion because, do you want somebody out of the lifestyle? . . . For the johns some kind of more punitive action. Because just listening to some lecture for four hours about sexually transmitted diseases is not going to deter anybody."

(Interviewee — Officer)

This victim-centered attitude is not commonly found in prostitution-related policing, and for the Vice Bureau, these initial approaches reflect shift in thinking and protocol within policing, one that is critical to identification of sex trafficking cases.

While we found these attitudes to be more consistently expressed from non-Patrol Officers, an understanding of victimization remains murky amongst Patrol Officers. One Officer expressed disbelief that someone could be made to do something against their will, while another argued that johns are actually likely to become victims of crime. He described instances where johns are being car jacked, or robbed on a regular basis and considered johns to also be potential victims of crime. Officers who received training or had direct experience working in cases involving victims were more likely to remark that there may be a victim involved in the act of prostitution.

So it was an epiphany. I was like holy crap this really does have an effect on people's lives.

(Focus Group Participant - Patrol)

More likely than not, a juvenile will be working for somebody. Somebody will more than likely be working her on the street or as an escort.

(Focus Group Participant - Patrol)

How many times are you going to torture this kid and make them go through it? We want to prove a point and we want to go after the johns too, but at the same time what is the best thing for the victim in that situation.

(Focus Group Participant - Patrol)

These different notions of enforcing the law in the moment, or setting out to find and save victims, speaks to how individuals view their purpose as members of the law enforcement community. It is important to note that while the two notions are distinctly different, neither necessarily leads to motivations to arrest more johns; in some cases, perceptions may actually deter actions.

ENGAGING IN WORK THAT HAS MEANINGFUL IMPACT.

Another identified motivation was that of Police Officers who wanted to create a meaningful impact as part of their work, whether it involved building stronger cases relative to johns arrests or articulating the challenges and difficulties of Patrol work in making prostitution-related arrests. Many Patrol Officers shared their motivation for bringing back information to the department that would produce significant cases, and in many instances, prostitution arrests yielded less tangible (and less significant) results.

There is nothing to show for it either. With these drug or gun arrests, you have that on the table. When you make a prostitution arrest, well it's a tick mark on your sheet, there's nothing there.

(Focus Group Participant - Patrol)

It's just a big mess, a mess of paperwork and time and, there is not a lot to show for it ..."

(Focus Group Participant - Patrol)

A clear priority in law enforcement is to build cases; focus group responses showed that “bigger” cases are preferred, and there were varied responses in terms of who or what constituted a “more relevant” arrest. There was clear difference in experience and opinion in this regard between Officers who did have experience with the Vice Bureau and those Officers that had not. This may be attributed in part to the fact that Patrol Officers articulated that they rarely engage in investigations involving individuals other than prostitutes or johns. Nonetheless, several Patrol Officers expressed the idea that the prostitute was often the focus of “bigger” cases, or that cases focused more so on prostitutes (instead of johns) were often diverted to the Vice Bureau.

The source of the crime is the prostitute . . . She is the drug dealer in that situation. She is the bigger fish.

(Focus Group Participant - Patrol)

My motivation was originally, “Yeah this is a crime, get the arrest whatever.” But now being assigned to Vice [Bureau], it has evolved into a larger picture.

(Focus Group Participant - Patrol)

Officers assigned to prostitution enforcement uniformly described bigger cases as those involving pimps, traffickers or criminal organizations. All agreed that they would forgo focusing on prostitutes or johns in order to work towards the more substantial arrest.

I don’t have as much gas about that; I want to get the pimps. Because the pimps are using drugs, they are beating them, they are coercing them.

(Interviewee - Officer)

Officers also shared examples of johns being used as witnesses in order to make cases against criminal entities, which enabled the focus to stay on those “running the show,” and less on the culpability of the john or the prostitute.

They make good witnesses because we force them to make good witnesses or they catch a case themselves.

(Interviewee - Officer)

The arguments between the focuses of the bigger case as being on prostitutes as opposed to pimps/traffickers remain, and no Officers argued that their best efforts were fit for arresting johns. It was not stated that johns were unimportant; but more so that they were *less* important.



The man is an important part of it, but it's not the only part. I mean there will always be a demand for sex. Can you imagine having no demand for sex?
(Interviewee - Officer)

Anywhere you go if you have someone offering sex you are gonna have a number of people, mostly men, that are willing to buy.
(Interviewee - Officer)

Unfortunately, if we stop [prostitution enforcement] for a couple of days, it's back.
(Interviewee - Officer)

We push them down the street . . . We might shut down a block and clean up some motel like that, but they are gonna find somewhere else."
(Focus Group Participant - Patrol)

We take away their cars, they get divorces; they are still out there . . . They get their picture on the TV, I mean we are trying to humiliate them and they're still there.
(Focus Group Participant - Patrol)

We have even raised fines [and nothing changes].
(Focus Group Participant - Patrol)

The key to stopping any criminal activity would be the assurance that punishment would occur. When there is just a smattering, you go, "Okay I have been with 75 prostitutes and been caught once." . . The probability of being caught is low
(Focus Group Participant - Patrol)

If you kick some ass you may get 23 you know, out of the 1,000 that posted that day, there is a lack of assurity (sic) of consequences.
(Focus Group Participant - Patrol)

Both Vice Bureau and Patrol Officers shared the concern that their efforts had little impact on curbing prostitution activity, which is compounded by three broader beliefs: the demand for sex will never go away; enforcement activity may be ineffectual; and enforcement efforts may not yield any punishments. Nearly all interview and focus group participants expressed the belief that demand for sex will never go away. Several were resigned to the fact that it would be an impossibility to deter men from wanting to have (and therefore seeking) sex.

Officers also indicated that they felt their efforts had little effect on curbing demand for prostitution, some noting that enforcement activity in one area would simply cause the market to relocate.

Officers also expressed how the punishments doled out by the City and County of Denver rarely deterred johns' behaviors. Patrol Officers illustrated a situation wherein the probability of being caught buying sex was so low, that no matter how harsh possible punishments were, johns were usually undeterred.

The work of the Patrol Officer is difficult compared to the work of the Vice Bureau Officers.

Patrol Officers readily described johns as being repeat offenders, due in large part to the fact that they had difficulties establishing probable cause to make an arrest compared to Officers engaged in sting operations. Hence, Patrol Officers may come into contact with the same individuals but are unable to arrest them. In general, Patrol Officers felt that making prostitution arrests was more difficult given their high visibility. This was attributed to factors such as: the impact of driving a marked vehicle, and being in uniform. The visibility of Patrol Officers may have an affect on their ability to make an arrest, and it also may change the way suspects interact with Officers. Patrol Officers described situations in which suspects felt more comfortable lying to them, perhaps because the uniforms do not garnish as much respect as plainly clothed Vice Bureau Officers.

When you are driving big white [a Patrol car], it's gonna take about five seconds to pull over, and they are gonna come up with a story.

(Focus Group Participant - Patrol)

I am in uniform. Everyone is going to watch what they are saying to me.

(Focus Group Participant - Patrol)

I think they do give up more to plain clothes, than they would to uniforms 'cause they go, "Ya know this guy is legit. He's a Detective, you know? He's gonna figure it out." Whereas, in uniform, it's just another uniform guy. "I am gonna tell them whatever I want and I will walk away."

(Focus Group Participant - Patrol)

LEVELS OF KNOWLEDGE: TRAINING AS A MOTIVATION OR DETERRENT FOR ACTION

During each interview and focus group, questions relating to the participants' levels of knowledge of both prostitution and human trafficking were posed. Participants were asked to discuss their roles as they related to prostitution enforcement, the level of involvement they had in Denver's response to prostitution, and whether they had been trained on standard operating procedures on how to respond to both prostitution and human trafficking.

It appeared that the more training (and therefore greater knowledge base an individual expressed), the more motivated an Officer may be to engage in prostitution enforcement activity. Conversely, it appeared that individuals who lacked training on prostitution arrests or human trafficking expressed feelings of apprehension or disinterest when it came to prostitution enforcement.

Individuals who received prostitution arrest training described the trainings to have often occurred within the greater context of human trafficking, or as part of an on-the-job experience. Trainings took place both formally and informally.

Formal trainings were delivered by entities such as the Federal Bureau of Investigation (FBI), the Center for Missing and Exploited Children (NCMEC), and local and national conferences. Each training curriculum included issues such as: the Commercial Sexual Exploitation of Children (CSEC) and human trafficking. Furthermore, some individuals received training on techniques to refine their approach to prostitution enforcement including victimology and child forensic interviewing. Officers who received a sizeable amount of training also appeared to have supportive commanding Officers.

I really have emphasized, "You need to do this training. You need to stay current. You need to be a major actor in this all around".

(Interviewee - Officer)

Several Officers, whether working on Patrol or in other capacities, reported receiving formal training by the Vice Bureau. The program trains six individuals over six months. While every Vice Bureau Officer routinely receives training regarding human trafficking, only 12 Officers per year from the Denver Police Department are afforded this opportunity; one that was perceived adding value to Officer skill sets.

I probably have a deeper base of knowledge because of my background doing it—I [was] involved when I was up at Vice.
(Interviewee - Officer)

Vice Bureau training also appeared to have a great affect on Officers' perceptions of the depth, scope, and/or nature of prostitution. The Officers who had received training from the Vice Bureau made mention of issues like: the existence of pimps, prostitutes being recruited into "the life," and human trafficking, more often than those who had not received formal training. After being assigned to the Vice Bureau for a period of time, one Officer noted:

[Prostitution includes] the larger picture with the prostitute and who she is working for and them going after that individual and then looking at the prostitute as somewhat of a victim . . . That bigger picture of human trafficking.
(Focus Group Participant - Patrol)

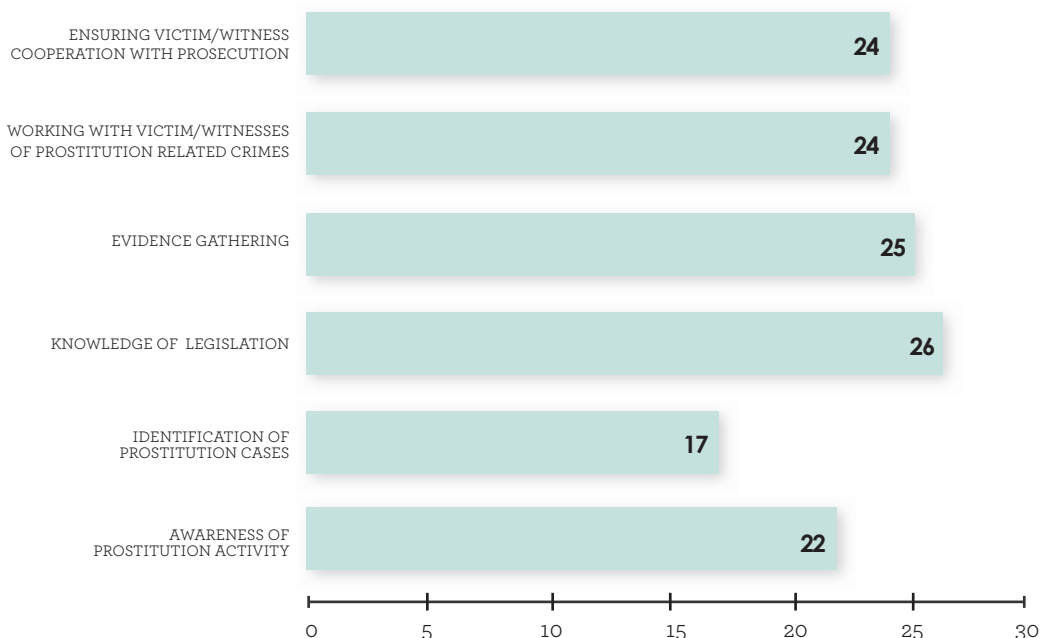
Briefer trainings described by participants included a one-day class offered by the Denver Police Department, led by a member of the Vice Bureau. Roll-call briefings have also been utilized to provide information on discovery and identification of human trafficking crimes.

[Briefings cover] a couple of key points to look for, and when you find them, call "XX;" you don't need to know anymore than that.
(Focus Group Participant - Patrol)

Of the 48 law enforcement Officers who completed the survey, 27% received some form of in-service training on human trafficking. Participants who received training stated that a majority of the training came from in-service training and through reading publications. Other forms of training occurred via: role call briefings, regional conferences, new recruitment training and online web-based trainings. Vice Detectives mentioned that they received specific training as part of their jobs. Of those Officers that received training, 87% agreed or strongly agreed that training in human trafficking assisted them in responding to prostitution-related calls. Officers who received training also felt that more training was needed in the following areas to aid with a successful prosecution.

**FIGURE
THREE**
Training needs.

In which of the following areas, if any, do you feel law enforcement officers in your state need training in order to aid successful prosecution (check all that apply.)



Informal trainings took the form of on-the-job training where seasoned Officers laid the groundwork for new Officers. This type of training could be more prone to inconsistencies due to the influence of a superior Officer's personal ideas of what is the *right* thing to do. In some cases, informal trainings included teaching new Officers routine protocols, framed as “the way things have always been done.” For example, the decisions of who to arrest, or where to file charges appear to be decisions implemented due to learning how things have “always been done:”

Before I got here it was always the john got the ticket and the prostitute went to jail . . . [It] was . . . not formal, just what was done. (Interviewee - Officer)

This process did not necessarily adhere to any specific written protocol, or the result of a formal police training, but instead appeared to be the product of passing down the “traditional” way of doing things. While there was a lot of discussion in individual interviews and focus groups on what type of formal and informal trainings participants had received, there was also a substantial amount of dialogue, primarily from Patrol Officers, about the lack of prostitution enforcement training that lead to uncertainty.

Although it cannot be clearly summarized that lack of training leads to inaction, Officers indicated that gaps in training could affect the way they go about their job.

I didn't receive any training in the Police Academy or through my field training or any other outside training within the department on how to go about those arrests.
(Focus Group Participant - Patrol)

They tell you in the academy, "Okay if you got a robbery call, here's what you do—A, B, C, D, E. Have a guy do this, have a guy do that." They never say anything about how to take care of prostitution.
(Focus Group Participant - Patrol)

Speaking of Denver particularly, it's a little unfortunate because a lot of younger Patrolmen don't get involved in these arrests because they are somewhat afraid. They don't know what the proper procedure is or they are gonna do it wrong, or mess it up, or whatever.
(Focus Group Participant - Patrol)

It's just something our Officers have to be trained and understand. Honestly, most of our Officers are too intimidated when it comes to prostitution. They won't try it. They will see them jump in cars and stuff like that and they will go question them, pull them over, and clear them. And they don't write anybody tickets. They just let them go.
(Interviewee - Officer)

Department protocols.

Beyond the issue of visibility, Patrol Officers shared challenges that occurred with meeting department protocols for prostitution arrests. 72% of law enforcement Officers who completed the survey and stated that they had training on proper protocol to respond to prostitution-related offenses. 87% of these law enforcement Officers had experience with arresting prostitutes and johns, but had less experience in arresting pimps and traffickers as displayed in Figure 4.

In contrast to these statistics, Patrol Officers in the focus group noted difficulties they faced in meeting evidentiary requirements for making cases against johns and prostitutes. Officers described the arrest process, including arrestee identification, and they described situations that ideally included cooperating witnesses. Patrol Officers most often came into contact with street-level prostitution involving two individuals who were *about* to engage, or *were* engaged, in a sex act. Upon discovery, the Officer separated the two parties and attempted to get one of

the two to confess, which is further supported by the survey data in which 46% of Officers arrested multiple parties and 54% *rarely or never arrested* multiple parties in prostitution-related offenses (see Figure 5).

It was repeatedly noted that individuals who confess often receive lesser sentences. Among survey respondents, 54% stated that they *did not often or never had* multiple arrests for prostitution-related offenses.

FIGURE FOUR
Frequency of prostitution-related arrests.

With what frequency have you arrested the following persons in prostitution-related offenses?

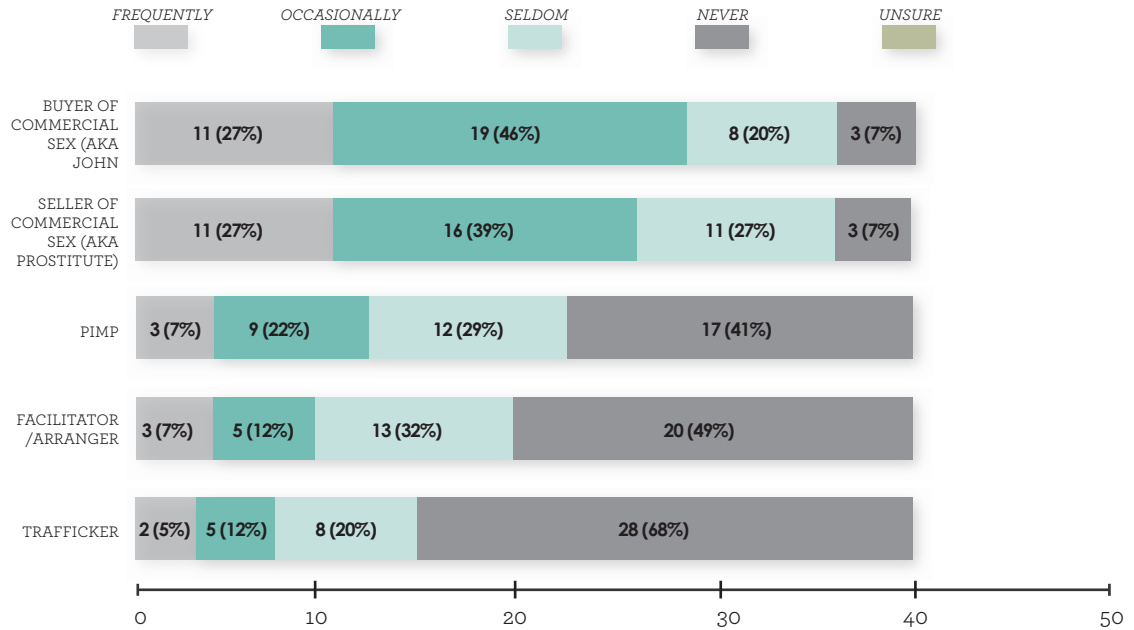
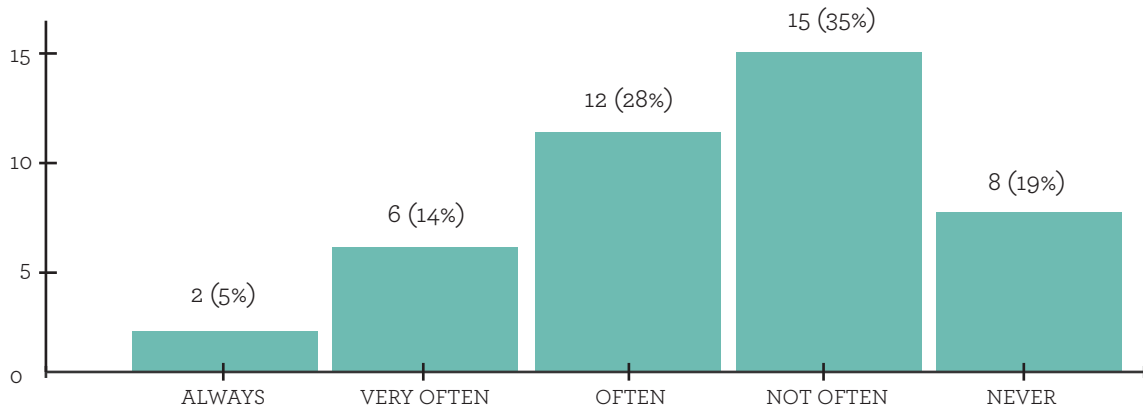


FIGURE FIVE
Frequency of multiple arrests prostitution-related offenses.

How often do you charge multiple parties for prostitution-related offenses?



Participants provided additional insight—

It's like any crime. Separate them and try to get a statement, and try to get them to confess.
(Focus Group Participant - Patrol)

I don't care if it's her or him; whoever is going to be straight with me, that's the one who gets the ticket and the other one goes to jail.
(Interviewee - Officer)

The Officers expressed feeling that they found themselves in compromised positions before engaging with suspects. They felt exposed, less respected, and inhibited by the fact that there was a perceptible gap of time between the decision to pull over and the moment they engaged suspects. All Patrol Officers confirmed the difficulty of making street-level arrests, especially if the offender was “streetwise.”

The street-level is so much harder to prove than if we were just doing a sting . . . The prostitute tells the guy what to say, “That we're friends and don't admit anything.”
(Focus Group Participant - Patrol)

You have to prove something based on someone else's word.
(Interviewee - Officer)

If you can't flip one on the other, it's consensual sex; that's generally what the Patrol guy sees. Even though they know it it's a prostitution deal, neither side will admit to it.
(Interviewee - Officer)

During attempts to obtain a confession from one of the two parties, Patrol Officers often had better luck arresting johns. As noted earlier, because johns are characterized as scared, naive, or having a lot to lose, Officers felt johns were easier to flip:

Sometimes what you can do is get the john to say, “Okay, I was paying for sex, please don't tell my wife, give me a ticket and I will go away.”
(Interviewee - Officer)

It's their first time, and they are scared . . . Some guys are honest and say, “Yeah, that's what I was doing.”
(Focus Group Participant - Patrol)

Some Officers also provided examples of prostitute confessions that led to john's arrests. This process is important in order to identify motivating factors that may influence Officers as they arrest men who pay for sex. The process itself could clearly inhibit an Officer's ability to arrest johns. Given the difficulty in conducting these operations, they may be deterred from attempting to do them at all. It is difficult to measure how many instances in which neither party was arrested or cited with a ticket because a confession was not obtained. Moreover, if johns do indeed submit more confessions, this process may contribute to the disparity in arrests between the two parties, as noted above in DPD arrest data, where 61% were women and 39% were men arrested for prostitution-related offenses.

In the instances where Patrol Officers obtained confessions from one of the two parties, they described situations where punishments were unlikely. This was largely attributed to the absence of audio recordings for arrests made outside of the context of sting operations. More than one Officer shared that it was very difficult to establish probable cause without an audiotape. Their perception was that without audio taped evidence, prosecutors may not take cases coming from Patrol Officers:

The courts have put that level of evidentiary requirement on it . . . They say hey we want an audiotape.
 (Focus Group Participant - Patrol)

My testimony should be enough, but they need the recordings; they need everything.
 (Focus Group Participant - Patrol)

Participants who were Patrol Officers had rarely, if ever, been asked to testify on a prostitution offense. Those who had been asked to appear shared occasions where their cases had been thrown out, with or without audio recordings.

It's a city ticket. It goes to an attorney. You arrest them. You never hear back.
 (Focus Group Participant - Patrol)

Once, they didn't want the prostitution charge, they kicked it out. It was a federal case, and they just wanted the gun.
 (Focus Group Participant - Patrol)

I think on their end they are not as likely to push forward with it, they have a stack of cases, they can try one out of eight of them, what one out of eight do you try?
 (Interviewee - Officer)



If Police Officers are motivated by their ability to have an impact, and that impact is articulated in the way they are empowered to arrest people and see them punished, it may be that the current system lacks a supportive climate where Patrol Officers feel motivated to arrest johns.

Resource Availability.

Decisions surrounding policing efforts, or criminal sentencing are like many decisions made in communities. The availability of resources, including the availability of funds, staff, and time necessarily tempers any responses from the criminal justice system or government entity. The City of Denver, for example, regularly faces budget shortfalls of an annual average of \$30 million. In past years, budget constraints have forced city workers to take pay cuts, work more furlough days, and most recently have resulted in a recommendation that Denver residents pay for trash pick up.⁷

Resource generation and allocation made by governments, whether they are allocated at the Federal or local level, are always made within a political construct. As previously noted, the issue of increasing Denver's response to prostitution is one that appears to draw limited public support. Denver, like many cities across the country, is grappling with difficult community decisions, and these decisions will impact the resources made available to the law enforcement community. Participants discussed obstacles faced when considering increasing enforcement activity, increasing punishments for johns, or offering alternative resolutions.

For Police Officers, resource constraints were described most frequently as having to do with issues of time, manpower, and the availability of finances. In particular, several viewed the amount of time necessary to establish probable cause in a prostitution arrest as difficult, given their multiple duties.

Time is a huge issue. Just working on the street—in dealing with the street prostitution that you are seeing—you still have the responsibility to the radio. You have to answer all that calls that are now stacking up in your area. That's a huge issue for cops, the time. They have to really get in depth into this stuff.

(Interviewee - Patrol)

Feelings of time pressure co-exist with the pressures associated with lack of manpower. Officers alluded to the

idea that if there was an increase in manpower, individual Officers would feel less time constrained, and would perhaps commit to more prostitution enforcement. Another issue mentioned in regards to manpower (ironically) is the lack of "woman"-power. The lack of female Officers within the Denver Police Department is an obstacle to conducting john stings that might also contribute to an imbalance in enforcement efforts.

We kind of acknowledge that throughout the country it's a lot easier to do one end of prostitution as opposed to the other. Meaning, most Vice [Bureau] Detectives tend to be male.

(Interviewee - Officer)

I have to contact individual Sergeants and individual districts, for individual female Officers that just work Patrol. We are just so short staffed, and it's hard to cut these girls loose. So you will have a pool of 12 women that can work as decoys, but it will dwindle down usually you get one or two.

(Interviewee - Officer)

The lack of female Officers has been compounded by the limited staff in general, making a reverse sting all the more difficult to conduct.

The amount of time required for prostitution enforcement, along with limited staffing, perhaps sends an organizational message about the priority of prostitution arrests, often at the risk of missing potential victims.

I mean it wasn't a question of finding enough prostitutes or johns, there weren't enough hours in the day. You could have worked 24/7 and still not talk to every single one. (Interviewee - Patrol)

We have probably missed some victims because we have had to stop operations at 1 a.m. (Interviewee - Officer)

Not surprisingly, there is an urgent call for more resources within the Denver Police Department to support prostitution enforcement. This shortage of resources is notable, especially during a time when there is growing political pressure for communities to increase or alter their response to prostitution enforcement.

If people knew how few resources can be directed at [prostitution enforcement] because of all the other demands, I think they would be surprised. (Interviewee - Officer)

If you could have a team that just focused on prostitution, you would have more john stings. (Interviewee - Officer)

It's kind of like anything. We are always asking for more people. Just like robberies is, or burglaries is, or whoever. Everybody wants more bodies. (Interviewee - Officer)

There were similar discussions about the importance of resource considerations from City Officials, from the perspective of the larger community. City Officials discussed the difficulties of funding alternative resolution programs such as: a diversion program; the desire to engage in a more proactive response to crime; in addition to making mention of the fiscal impact involved with increasing jail time for offenders, in this instance, johns. In these examples, resource constraints have contributed both to the elimination of programs as well as how the availability of resources can be prohibitive to altering or growing a response to crime.

City Officials described how the notion of increasing punishments for buyers of commercial sex may not be an appropriate use of resources given the perceived

criminality of the act of buying sex. Much of the research dedicated to increasing demand side efforts is devoted to studying what types of punishments would deter individuals from buying sex. Consistent with existing literature, our surveys, interviews, and focus groups indicated an attitude that something like a John School alone would not deter a potential buyer of sex from engaging in that activity for a first or a thousandth time. Arrest with jail time is seen as being one punishment that would deter a john from offending for a first time or from reoffending.

I am a traditional cop, and so I think, personally jail is the most effective thing. (Interviewee - Officer)

When it comes to decision-making, the idea that jail time is the most effective deterrent for keeping individuals from buying sex is balanced against the cost of jail time itself.

I think the discussion is going to be, if there was a concentrated effort to impose more jail time, or create more punitive measures, what are those sorts of impacts on the system? . . . Sending a john to jail. Maybe its not the best use of resources for the jail. We should be sending more violent offenders to jail. (Interviewee - City Official)

If there is a hope to punish johns with more jail time, the idea that jail is a place for violent offenders may prove to be an obstacle.

I don't know if you consider prostitution a quality of life crime, but it's above pissing in an alley . . . What I recall is wanting stricter penalties, it wasn't a great way to go. There wasn't a lot of willingness to do it—the court times, expenses in jail time, and the [other] expenses—there wasn't an appetite. (Interviewee - City Official)

When asked if the City would be interested in looking at changing the way buyers and sellers of commercial sex are punished, one participant replied, *“I don't even know what the punishments are. I don't see it at the top or our priorities.”* (Interviewee - City Official)

It is difficult to separate public (or political) will as it relates to prostitution enforcement from resource allocation towards these arrests. Public pressure to prioritize prostitution arrests in the community is part of the process that prioritizes funding and resources for local police departments. It appears that increasing punishments for crimes that are considered "low-level" is seen as being a misuse of resources.

Finally, City Officials identified a desire different in many ways from members of the Police Force. While members of the Denver Police Department spoke at length about the effects of increased policing activity, City Officials spoke about the idea of engaging in proactive responses to prevent crimes (such as prostitution) from occurring. However, it is important to note that when discussing proactive responses or increasing funding for services, City Officials advocated being proactive in preventing individuals from becoming involved in the sale of illegal commercial sex or helping those individuals leave the life. While these efforts were seen as being desirable, they were also described as being unrealistic given the amount of resources required to undertake such efforts.

It's a huge financial concern.

(Interviewee - City Official)

There are a lot of things that I would like to be able to do if staffing allowed, especially at this level. I think it is important that we are actively involved in the community rather than just reacting to crime . . . I would be interested in doing stuff, but I don't have the resources right now.

(Interviewee - City Official)

Public perception and pressures.

A refrain amongst all individuals in the study stated that the city's response to crime was prioritized by what the community called for; in other words, responses were complaint-driven.

The Police Department is serving customers, and the customer wants someone to take reports, ya know? . . . The domestic violence, the street crime . . . I don't think anyone is crying out for like, "Hey we need more guys to stop prostitution." They say, "We want someone to our house faster to answer when we call."

(Focus Group Participant - Patrol)

Respondents indicated that the priorities for law enforcement's response are often influenced by the nature and amount of community complaints, as well as general public perception of what is or is not worthy of attention.

The Vice Bureau described having an organized and intentional system for responding to all of the crime enforcement for which they are responsible (which includes: prostitution, liquor enforcement, gambling, and drug activity). Vice Bureau Officers reported making conscious efforts to work as many john stings as prostitution stings. Despite efforts toward parity in enforcement, they also recognized that the reality was that they were closer to a “60/40” split. One explanation given to explain disparity in arrests is the effect community complaints have on a policing response:

We are intentional about doing the enforcement. Except for the fact, if we get calls from City Council. If we get calls from Commanders from—especially districts 6, 2, and 3—that they’re having more prostitution-related crimes in a specific neighborhood, that’s complaining about a specific hooker, or situation, we will intentionally spend more time there. (Interviewee - Officer)

There was a lot of prostitution coming in and out, so we devoted three or four shifts a week for about a month just at these two hotels. (Interviewee - Officer)

We try to get people to understand that we are addressing their complaints. (Interviewee - Officer)

This is a good illustration of how enforcement activity exists within a

framework, but that framework can be changed or altered based on public pressure. Grievances received by the Vice Bureau were described as being citizen complaints or community complaints

They are mostly individuals. There have been complaints from a couple of businesses on Colfax, complaining and it is normally drug-related with prostitution. When it is street prostitution, it is always normally drugs and prostitution. (Interviewee - Staff)

A lot of complaints come from businesses, “Hey they are right outside my door. I can’t get customers in. They are afraid to go out if they are in.” (Interviewee - Officer)

It is possible the discrepancy between the two perceptions spoke to their rank and role, where the more important or more pressing issues found their way up the chain of command more quickly. For example, complaints from the Mayor’s Office or a member of City Council may initiate a more prompt response than complaints coming from individual community members. While the Vice Bureau received complaints regarding prostitution-related activity, the amount of total complaints received regarding prostitution was said to be small. Nonetheless, it appeared that complaints had an impact on policing responses.

Members of the Denver City Council reported that the complaints they received regarding prostitution originated from areas along what is known as the Colfax Corridor. Complaints came from organized groups, such as business associations, but a greater number of complaints came from individuals. Often, policing responses depended upon the magnitude of complaints being made.

If I just hear one complaint, it’s one thing. We usually investigate those, but if I’m hearing those complaints from a lot of people, that really puts the urgency up. (Interviewee - City Official)

When asked what steps they took after receiving complaints from constituents, City Council Members stated their first responses were to notify the Police or to follow up with the Police and City Attorney. Thus, it appeared that pressure brought to bear on members of City Council from their constituents could ultimately put pressure on law enforcement.

Once in a while we will get hit by something where they say “City Council so-and-so in this district has said they are getting a lot of complaints of prostitution.” And they have power, and so all of a sudden . . . there will be a mandate; you’re going out there every day . . . But I don’t mind—they heard it from their constituents. We will go clean it up and then move on. (Interviewee - Officer)

Members of City Government shared instances in which they felt pressure from their constituents and in turn, they worked with law enforcement to initiate a response. However, similar to law enforcement, City Council Members noted the small number of times they received prostitution-related calls. When asked if prostitution enforcement was a high priority in their district, Council Members unanimously responded, "No."

The public perception of what is or is not a priority dictates how resources are allocated and how dollars are spent. Furthermore, the process of allocating resources will necessarily influence how much and what type of enforcement activity is undertaken. Respondents, in various professional capacities, described situations with a range of public perceptions of prostitution.

There is still a perception that prostitution is a victimless crime. It's "Put the women in jail" and "They are not a woman, it's a dirty whore" . . . those pejorative terms. The johns . . . they are just boys . . . There is an attitude that they are being victimized by what comes natural.

(Interviewee - Officer)

Johns are less culpable than the prostitute. That's always been the public perception.

(Interviewee - Officer)

[Prostitution] is not glamorous news . . . [Prostitution is something] people don't care [about] or they don't understand the issue.

(Interviewee - Officer)

Many respondents shared the idea that the issue of prostitution was not present in the majority of people's lives or neighborhoods, and because of this, there was little pressure on city government or law enforcement to engage in a more robust response to prostitution activity. One City Official described a setting where public attitudes about low-level crimes were dismissed:

A lot of crimes we dismiss at the municipal level. That's the attitude, because ya know, in isolation, one little crime, one single act of prostitution out there . . . no harm no foul . . . It's the accumulation of the little grains of sand that create the sand dune . . . One tiny little blow job for \$25, that's not going to change the world, but that's not what we are talking about. We are talking about a very large problem that has a significant impact on the community.

(Interviewee - City Official)

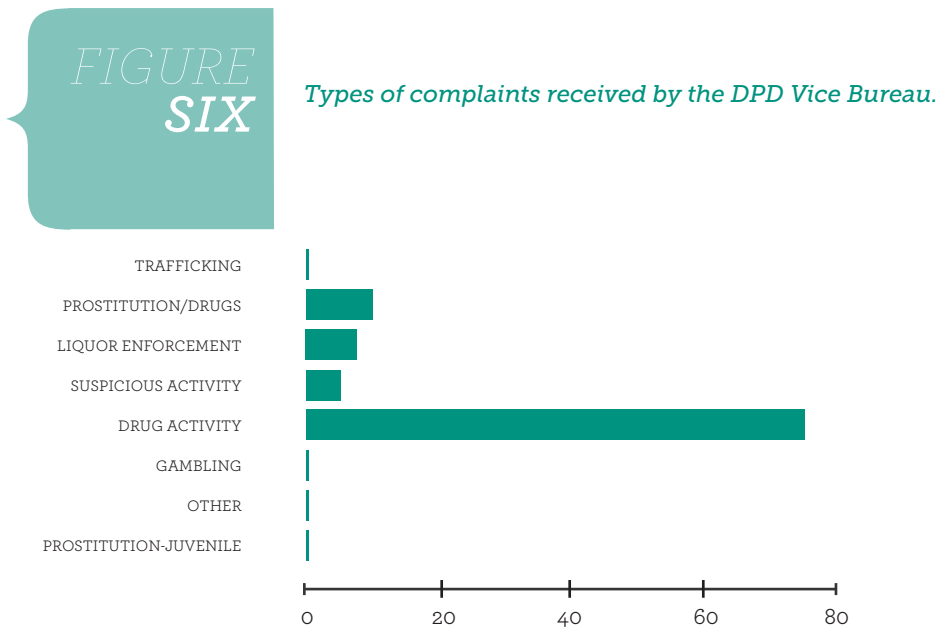
In this case, there appeared to be both an absence of public will directed towards prostitution enforcement, and public attitudes contributed to that absence of will. Even amongst members of the law enforcement community, single acts of prostitution were viewed as low priority crimes.

I am not one of these people who is all about the moral outrage."

(Interviewee - Officer)

This quote illustrates the point that prostitution alone was not necessarily a Police priority; only when prostitution violations were considered in the aggregate, did they become a community problem. Public attitudes about prostitution, along with the attitudes of those individuals working within the system, affect the motivations of prosecutors, judges or members of City Government.

Denver Police reported having a response process that was largely complaint-driven. Out of 5640 complaints received by Vice Bureau between November 2005 and October 2011, 76% were related to drug activity and only 11.1% were related to prostitution and drugs as demonstrated in Figure 6.



This analysis, as well as examples given by interview and focus group participants, indicated that the percentage of prostitution-related complaints were low relative to other types of complaints (such as drugs and as indicated by individual interviews, robberies). During 2009-2010, members of City Government did not feel that prostitution was an issue that resonated with the majority of their constituents. It appears that the low level of complaints, and low level of community buy-in, affects the policing response to prostitution activity.

In summary, this section of the study set out to identify potential motivations for law enforcement to arrest more buyers of commercial sex, and to identify whether there was support within the system to create more punitive requirements for buyers of commercial sex. In this exploration, more deterrents were identified relative to motivations. For example, motivations for law enforcement to engage in prostitution enforcement activity were identified, but this rarely was described as a motivation to target johns specifically. Moreover, participants often agreed

that johns deserved to be punished or jailed, but when these decisions were discussed in a larger context involving factors such as resource allocation or breadth of crimes to be handled, johns were often considered one of the lower priorities. Considering the disparate factors that contribute to a community's criminal justice response, it is difficult to identify one single factor that could motivate law enforcement to arrest more buyers of commercial sex. This difficulty appears to be due to both practical and philosophical issues surrounding prostitution activity.

DISCUSSION

The main findings of this study demonstrated gender disparities in arrests and sentencing in prostitution-related offenses.

Women were much more likely than men to be arrested and sentenced to harsher punishments. This Discussion section will further elucidate these specific gender disparities and the possible explanations.



discussion

**GENDER DISPARITIES IN ARRESTS
AND COURT SENTENCING**

**ASSUMPTIONS ABOUT JOHNS
AND PROSTITUTES**

**EMBRACING A VICTIM-CENTERED
APPROACH**

STRUCTURAL CONSTRAINTS

STUDY LIMITATIONS

GENDER DISPARITIES IN ARRESTS AND COURT SENTENCING

Our data revealed that 60% of women were arrested compared to 40% of men, although Denver City Court records revealed an almost equal amount of men and women appearing in court. Despite the parity of gender in court appearances represented in our sample, women were much more likely to receive area restrictions and jail time than men, who were more likely to receive fines and community service. One possible explanation for the discrepancy, provided by a City Official, argued that women receive harsher sentences due to the higher instances of prior arrests and convictions. Our analysis indicated that a large percentage of both men and women (over 70%) in the Denver police records had prior arrests. However, women had an average four times more priors than men. Given that over 70% of men and women had prior criminal history at the time of sentencing further investigation is required to determine the role of priors in sentencing outcomes.

Discrepancies were also revealed between men and women who were offered diversion programs for prostitution-related offenses. The City and County of Denver offered an alternative resolution program for first-time offenders. The program, closed in late 2011 due to budget constraints, was technically available to both men and women who were charged with either solicitation or public indecency. Throughout 15 years of the program, 535 people participated, and approximately 12 were women (Holtby, 2011). Participation in the program was voluntary and allowed individuals to exit the program without a criminal conviction. The program consisted of a total of four sessions, and once a participant completed the program, their case was dismissed. Participants in this program were required to admit guilt but not required to enter a plea of guilty. In stark contrast, women who were sentenced to the 12-month Chrysalis Program or the Empowerment Program (also technically considered diversion) were required to plead guilty to the prostitution-related violation. Women had to complete all twelve months of the program as a condition of their probation. Even if a woman successfully completed one of these programs, her criminal record remained. This differential sentencing, whether for diversion or other types of sentences, is consistent with the literature in which women are more criminalized for their behavior than men (Goswami, 2002; No Justice, 2011; Sweet, 2006). It is unclear why female first-time offenders are offered remedies entailing far more severe consequences than those remedies offered to first-time male offenders.

The total number of individuals charged with misdemeanor prostitution-

related offenses filed under Colorado's Revised Statutes (Appendix A) is relatively small in comparison to all of the individuals charged under Denver's municipal ordinances. However, the majority of cases involved women. Cases filed utilizing the State Statutes appear to be derived from stings conducted by the Vice Bureau on escort operations or "indoor prostitution." It is possible that Escort or indoor prostitution cases are more likely to end up in County Court, partially because the City and County of Denver does not have municipal ordinances regarding escort operations. It is argued that a majority of arrests that occur at the "street level," whether from stings or Patrol Officer arrests, end up in City Court. In addition, some study participants cited mitigating factors to justify cases sent to County Court but these mitigating factors were not clearly defined. One argument for how these misdemeanor offenses were filed in different venues was that penalties would be more consistent in City Court because the City Court officials are used to handling these cases. Penalties are consistent among the cases handled by City Court, but these consistencies may be determined by gender.

While a majority of the results found gender disparities, one unexpected result from our findings was that both data from the Denver City Court and the Denver Police Department Vice and Drug Enforcement Bureau's

arrest records indicated racial disparities. While a majority of men who were arrested on prostitution-related offenses were Caucasian, both African American and Latino men were over-represented in arrests in relation to the African American and Latino populations living in the City and County of Denver. Similar to the data that showed an over-representation among African American men, African American women were also over-represented relative to the proportion of African Americans living in the City and County of Denver. A variety of factors could contribute to these racial disparities in prostitution-related offenses for both women and men but this requires further exploration, which was beyond the scope of this current study.

ASSUMPTIONS ABOUT JOHNS AND PROSTITUTES

Psychologist and philosopher William James said, "Attention creates no idea, an idea must already be there before we can attend to it" (James, 1950). The idea of what something is creates how we react to it. Accordingly, gender disparities in arrests and court outcomes could be in part attributed to the assumptions about what society believes johns and prostitutes to be. This is demonstrated in the extent to which we believe an individual requires a criminal justice intervention to deter one's behavior. The literature demonstrates that general cultural norms can recreate themselves within the criminal justice system (Dudek, 2002; Rossenbaum, & Tokaji, 2000; Wortley, 2003). Thus, the perception of *who* one is (i.e., a "prostitute") may affect how the system judges him or her. Further, Wortley (2003) argued that the role of discretion in policing is both selective and individualized, and therefore the attitudes of law enforcement regarding the various participants in the prostitution act require an analysis.

The predominate assumption that emerged in this study is the idea that men who buy illegal commercial sex in the City and County of Denver are perceived to be very different than women who sell sex. Johns were viewed by many law enforcement Officers as men who are most likely married, have more to lose in terms of the impact their arrest could have on their families, and are perceived as being less criminal in comparison to prostitutes. Johns were also viewed as engaging in prostitution as a result of their sexual needs, and once those needs were met, men were described as just going about their normal day. The viewpoints expressed by study participants reinforce the idea that what motivates men to purchase a sex act is an expression of normal male sexuality (Farley et al., 2009; Plumridge et al., 1997). Attitudes communicating a sense of normalcy and

justifying the behavior of purchasing a sex act are consistent with the archetype of johns as an *Everyman* (Monto & McRee, 2005). Men have described their first experience with prostitution as representing a kind of *rite of passage*, as being arranged by a friend, and as occurring after having been solicited (Farley et al., 2009; Farley et al., 2011; Monto & McRee, 2005; Plumridge et al., 1997). Whether men who engage in prostitution in the City and County of Denver are first-time offenders, married, "regular" men with families, or men who frequent prostitutes on a regular basis, is unknown as this study did not directly interview men who buy commercial sex. However, the perceptions that men are engaging in prostitution for the reasons listed above could be a factor as to whether or not men are arrested.

The study also sought to capture perceptions about johns' level of criminality through questions regarding public safety, seeking sex with minors, knowledge of prostitutes involved in human trafficking, and whether the johns were violent. While survey participants agreed with the statement "johns are criminals" and affirmed a belief that they deserved to be punished, focus group and interview participants described situations wherein johns were viewed to be less criminal than other individuals involved in prostitution activity. Moreover, we asked about

the level of criminality of johns through questions about the threat to public safety posed by johns, johns' desires to purchase sex from minors, and the level of knowledge johns had of human trafficking; all answers rendered the john less criminal. While it may appear that Officers have contradictory feelings about johns, it is important to note that many of these questions were presented as stand alone questions, where the terms "punished" and "criminal" were not defined. Therefore, it is impossible to determine how "criminal" or to what degree survey participants believed johns ought to be "punished." In addition, when given the opportunity to expand on their attitudes surrounding the criminality of johns, Police Officers qualified this affirmation in many ways. For example, johns are technically criminal but they are not as bad as pimps or traffickers or they are a threat to public safety in as much prostitution is a threat to public safety. Lastly, discrepancies may exist because survey participants were conscientious of their answers on surveys. For example, they may have answered in accordance with the fact that prostitution is a crime and the person involved in such a crime deserves to be punished under the law.

Throughout our interactions with various law enforcement personnel in this study, it became apparent that when participants spoke of johns, they did so by identifying characteristics johns possessed *relative to* prostitutes. As mentioned above, johns were described as average men who lived "normal" lives, whereas prostitutes were described as drug-addicted repeat offenders, prone to criminality. The assumptions and perceptions regarding prostitutes fell into two categories: 1) prostitutes are drug-addicted criminals, or 2) prostitutes are victims who did not choose to enter "the life," and are thus in need of assistance.

The use of drugs among women involved in prostitution has been documented by the literature. Young, Boyd and Hubble (2000) found that a sample of African American women involved in prostitution used a greater amount of drugs as a coping mechanism for the intra and interpersonal problems they experienced through prostitution. Kramer (2003) found that women involved in prostitution used drugs as a survival strategy to cope with violence they experienced and as a mental escape strategy from the everyday reality of being involved in prostitution.

Among the study participants that described prostitutes as drug-addicted criminals, drug addiction was suggested as the primary factor motivating an individual to engage in prostitution. Participants acknowledged a "chicken or the egg" kind of scenario where either the drug addiction caused one to engage in prostitution, or one's involvement in prostitution created a drug addiction; regardless, participants persistently noted that women who were not coerced by a third party into prostitution were assumed to be drug-addicted.

The analysis of prostitution-related charges in the Denver City and County courts did not reflect this perception of the drug-addicted prostitute. Concurrent drug-related and prostitution charges were not found to represent a majority of the prostitution cases included in this study. However, our study included an assessment of misdemeanor prostitution-related charges both at the municipal and state levels. It is possible that felony drug cases also involved misdemeanor prostitution offenses, and when the felony case was filed, the misdemeanor charge was dropped. In these instances, our query would not have captured these cases. In the absence of a better mechanism for tracking prostitution-related offenses, it is impossible to verify the claim that a majority of women who are charged with prostitution-related offenses are also engaged in drug use based on the information made available.

However, it is important to note the possibility that the discrepancy between perceptions of law enforcement Officers captured in qualitative interviews and survey data are derived from the lived experiences of law enforcement Officers who have spent many years arresting and speaking with individuals involved in prostitution. Police Officers may have first-hand knowledge that many of the women are high at time of arrest though they are not in any possession of drugs or drug paraphernalia.

Some of the assumptions articulated

in this study imply that women who are involved in prostitution do so because there is something wrong with them. That *something wrong* was most often articulated in the narrative that women are drug-addicted, but participants also implied that the idea that selling one's body for sex falls outside what is considered *normal*. This perception that women who sell sex are not *normal* has also been confirmed by research (Anderson & O'Connell Davidson, 2003; Farley et al., 2009).

In contrast, the study also revealed a group of law enforcement Officers who viewed women involved in prostitution with a great deal of empathy, and described them as victims in need of assistance. However, "victim" was most frequently defined as a minor. Young women involved in prostitution were described as being controlled, coerced, and in danger. This viewpoint contrasts greatly with the general attitude that prostitutes are drug-addicted. Instead, this group of law enforcement Officers suggested that victims need assistance because they have been caught in a life they did not choose. Officers cited potential push factors such as a history of abuse or neglect in victims' childhoods or the recruitment by a pimp, thus trapping a victim in "the life." Of note is that the Officers who shared the perception that prostitutes are victims were most often those who had directly participated in a case involving a young woman in a trafficking or pimping situation. Thus these attitudes may also come from participants' lived experiences. However, the limited scope of defining "victim" as a minor could result in a failure to recognize other individuals involved in potential human trafficking cases.

Similar to attitudes about johns, a majority of survey respondents agreed that prostitutes were criminals and deserved to be punished. Again, these questions were stand alone questions and therefore we cannot determine if participants would agree that prostitutes are more or less criminal than johns, or to what degree they deserve to be punished. Interview and focus group participants did not express the idea that women involved in prostitution deserved to be punished more than johns, instead participants were more likely to express the idea that women needed the criminal justice system in order to access help. Again, survey participants could be viewing prostitutes solely through the lens of the criminal code in which any act of prostitution is a crime and deserves to be punished by law. Therefore the survey responses alone gave a limited picture of law enforcement's attitudes toward women involved in prostitution.

EMBRACING A VICTIM-CENTERED APPROACH

The differing perceptions of prostitutes that were revealed in our study may have been influenced by Officers' participation in trainings on victim-centered approaches and leadership by high-ranking officers.

In 2005, the U.S. Bureau of Justice Assistance instituted trainings for law enforcement on victim-centered approaches to human trafficking, whereby a victim of trafficking would not be treated as a criminal, but rather as someone who had been severely traumatized and therefore in need of assistance. These trainings outlined components of a victim-centered approach to be: Required collaboration between law enforcement and service providers; the victim providing primary evidence; to "do right" by the victim and by the case; it is generally the right thing to do and required by the TVPA; weigh your options for the victim and consider timing and complexity of rescuing the victim; once rescued, ensure the victim is out of harm's way and in a safe place (Bureau of Justice Assistance training, 2005). In contrast, many direct service providers adopted a trauma-informed approach to assist victims. Trauma-informed care is an approach to engaging people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in their lives and perhaps in their history (Substance Abuse and Mental Health Services Administration, 2011). For example, the delivery of services would include mental health, substance use, housing, vocational or employment support, domestic violence and victim assistance, and peer support. This comprehensive approach is a paradigm shift from one that asks, "What's wrong with you?" to one that asks, "What has happened to you?"

(Substance Abuse and Mental Health Services Administration, 2011).

The victim-centered approach among law enforcement is its own paradigm shift (Ryan, 2007). Adoption of this approach by ranking Officers in the Vice Bureau created a culture of Officers who demonstrate a concern about identifying victims, which was noted among law enforcement Officers who had trained with the Vice Bureau. Importantly, our research revealed a contrast between Officers who received training or mentoring in a victim-centered approach and those who were not trained with this approach. These results warrant further discussion on the impact of victim-centered approaches and whether more training could assist Patrol Officers and other City Officials in responding to prostitution and human trafficking. At this time, we do not have enough evidence to support total adoption of a victim-centered approach among law enforcement. Further research should include an examination as to whether this approach 1) leads to more arrests and stings of women as a way of identifying victims and taking them “out of the life,” one that could be disproportionate to the pursuit of johns; and, 2) is adopted throughout the larger criminal justice system, where prostitutes may still be viewed as criminals in need of punishment rather than as victims needing assistance.

STRUCTURAL CONSTRAINTS

While gender disparities in arrests may be due in part to the assumptions about prostitutes and johns mentioned above, other factors such as structural constraints within law enforcement must also be considered when assessing outcomes. Patrol Officers expressed that they had not been trained properly on how to respond to prostitution activity, nor had many of the participants received training regarding sex trafficking. More specialized Officers confirmed the idea that the deficit of training could result in inaction by Patrol Officers due to fear of making a mistake and possible retribution. Lack of knowledge and training, coupled with the other obstacles faced by Patrol Officers included: high visibility, feeling pressured to respond to a large amount of crime in a short period of time, and having a sense that the evidentiary requirements set by the courts may contribute to the disparity in arrests between men and women. For example, the difficulty of establishing probable cause to make an arrest in a prostitution-related offense outside of proactive operations was reiterated by study participants as well as the literature (Sweet, 2006).

Moreover, resource availability was identified as being prohibitive to a robust response to prostitution activity. Officers identified funding, an inability to work overtime, and staff constraints as contributing to prostitution enforcement efforts. Most notably was the issue of the lack of female Officers causing obstacles to planning proactive operations targeting johns, and creating an environment where female decoys may be easily recognizable by offenders previously arrested. Lastly, the role of the community in setting police priorities cannot be ignored. Our analysis

found that City Officials did not receive complaints about prostitution activity frequently. When prostitution complaints were received, the complaints were not related to improving the city's treatment of women involved in prostitution or related to targeting johns. Moreover, complaints made to the Denver Police Department were infrequent, and again rarely involved complaints about johns.

Overall, our research findings illuminate the many possible reasons as to how men and women are viewed in the criminal justice system. These results highlight the fact that women have been criminalized for their involvement in prostitution to a degree that men have not. As communities begin to grapple with the crime of sex trafficking and the reframing of prostitutes as potential victims, sensitivity to victim needs are necessary to create effective laws. Currently in Colorado, there is no differentiation between buyers and sellers of sex. The lack of differentiation between people involved in prostitution-related offenses within our laws results in policy initiatives criminalizing behaviors (i.e., soliciting or prostitution) with little regard as to who is actually being charged. Moreover, these laws are often framed under the guise of “plight” of the prostitute, but are then used to criminalize and punish the same individuals they are purportedly meant to protect. A holistic, systemic approach must include one where the criminalizing of individuals for selling sex is at the very least equal to that for individuals who buy sex.

STUDY LIMITATIONS

As an exploratory study, the research reported here provides baseline information about the context of prostitution arrests. The hope was to provide foundational information from which to create future hypotheses and goals for future studies focusing upon the investigation of sex trafficking cases within the criminal justice system.

The study's main strength rests upon the mix of quantitative and qualitative methodologies, including archival police data from multiple institutions, interviews, a focus group, and surveys. Another strength of the design was the inclusion of multi-level roles within the criminal justice system, from Patrol Officers to City Council members who could provide a range of perspectives of the system and how prostitution arrests have been processed.

The study's main limitations involved time challenges, beginning with the timeline of the project that start to finish, spanned only six months. Because of the study's need for institutional (human subjects) review board approval through Metropolitan State College of Denver and the multi-level approvals of the Denver Police Department and City and County of Denver District Attorneys Offices, the timing of data collection collided with holidays. Time challenges were further exacerbated by a change in leadership within the City and County of Denver, both within City Government and the Denver Police Department. After a very lengthy national search, Chief Robert White was sworn in on December 12, 2012. During this institutional transition, data collection was a challenge with the change in report structures and shifting of personnel. Communications regarding our survey had to be facilitated by the police department, making follow-up efforts difficult to ascertain. Because we were unable to conduct data collection within our original proposed timeframe, there was a low survey participation rate and fewer opportunities to collect qualitative data through focus groups and individual interviews.

Due to the low survey participation rate, the results are not generalizable to all Patrol Officers within the Denver Police Department to the degree that we would prefer. Having received one completed survey from prosecutors, we were unable to gather a significant amount of data from this critical perspective, as we wanted to better understand why disparities in sentencing might be occurring. As we proceeded to collect information from the various parts of the criminal justice system, we came to realize the importance of judiciary discretion and how that may impact court outcomes. A solid understanding of the discretionary role of both prosecutors and judges in the sentencing process for prostitution arrests is an important aspect for future research. While we were able to identify disparities in sentencing, it is possible they are occurring for reasons we were unable to elucidate in this study.

Although our study included five separate sets of data provided by different

institutions, the data that were provided did not always include the same variables (age, sex, race), posing challenges for merging datasets. Because of these challenges, we were required to conduct separate analyses for each data set, which made it difficult to report comprehensive experiences for all individuals from arrest to prosecution.


Finally, Denver is a major metropolitan city. Given the city's location in proximity to other communities, we learned that criminal enforcement activity in one community affects criminal activity in another. Replicating this prostitution arrest study in other cities adjacent to the Denver area in future studies would help to demonstrate how prostitution activity moves from one community to another. As importantly, replicating this study in a variety of community types (such as suburban and rural) would glean better insights as to the challenges of prostitution arrests more broadly.

With this range of limitations in mind, future studies building off of this foundational information are needed to develop appropriate interventions aimed at addressing system challenges, arrest disparities and implications for understanding sex trafficking investigations and prosecutions.



CONCLUSION

Due to the instances of human trafficking that occur within the realm of prostitution and the subsequent push to focus on law enforcement's efforts on the role of consumer demand as a means to combat human trafficking, it is important to explore law enforcement attitudes and their response to prostitution.



*As this study delved into the challenges of prostitution arrests, our focus has remained on implications for investigations and prosecutions of sex trafficking cases. What was gleaned from these prostitution data that create action plans for future sex trafficking investigations? And with the national trend in anti-human trafficking efforts to focus on **demand** as a driver of human trafficking, what are law enforcement's motivations to shift from their victim-centered approach to a demand-centered approach? To understand the complexities of the criminal justice system for people arrested for prostitution-related crimes is to understand the **gaps** through which victims and survivors of sex trafficking can fall.*

The attention paid to prostitution enforcement is derived from deeply held ideas about prostitution. Prostitution enforcement has become a vehicle for combating sex trafficking at national, state, and municipal levels. However, it is possible that within this initiative, one that may be derived from the best intentions, there are unintended consequences for various populations. The primary findings of this study demonstrate gender disparities in arrests and sentencing in prostitution-related offenses. Women in

prostitution were disproportionately criminalized compared to men who buy sex, and severe inequities in the system emerged. What are the nuances of these discrepancies?

Assumptions about johns and prostitutes have been corroborated with data collected from this study. Dichotomies emerged from the data: johns are everyday men and prostitutes are drug-addicted criminals or victims in need of assistance. Law enforcement officers with victim-centered lenses work within a law enforcement system that places prostitution arrests on low priority. The system itself is additionally strapped for resources and ongoing training to help make distinctions between prostitution arrests and sex trafficking discoveries.

Resource constraints, combined with department priorities that focus on operations targeting johns, could result in a failure to identify victims and survivors of trafficking. Secondly, while the victim-centered approach initiated by the Denver Police Department represents a positive change informed by empathy and compassion, the idea of a *victim* is still narrowly defined. What law enforcement sees is what they look for and act upon (Bridges & Steen, 1998; Eberhardt, Goff, Purdie & Davies, 2004; Goldstein, 1963; Schmalleger, 2011). If a victim is defined as a young girl, then women, men and boys may be overlooked, resulting in a failure to identify other victims and survivors of trafficking.

The present study helps to illuminate how the criminal justice system itself can create and exacerbate the vulnerabilities that can lead to trafficking and exploitation. These vulnerabilities are reflected in the greater numbers of women who are sex trafficked combined with the endemic practice of criminalizing women for their participation in prostitution. We observed an incremental shift in attitudes

toward women in prostitution by some law enforcement, and this indicates early stages of a normative shift. It is a promising step within a larger systemic change to understand the complex intersections between prostitution and vulnerability.

While we recognize the positive shift toward victim-centered approaches by the Vice Bureau, it operates with paternalistic approaches in which these women in prostitution need to be “rescued from themselves” (O’Dell, 2007). These data confirm that “victim centered” approaches hold different meanings to different sectors (Bureau of Justice Assistance, 2005; SAMHSA, 2012). This orientation does not wholly reflect empowerment or strengths-based approaches, and although the Empowerment and Chrysalis programs have these components, they are still tied to probation that is part of a larger patriarchal criminal justice system. As evidenced by the data from 2009-2010, the percentages of women who

received these options were low. We additionally recognize that the gender of the participants of this study remains a factor in how officers abide by departmental and legislatively-set policies (Gover et al., 2011).

Recognizing the patriarchal systems in place, how do we work *within* the system to serve human trafficking survivors? By networking services that bring together both law enforcement and non-governmental agencies. With the current state of available resources, efforts to support law enforcement's beginning strides are a start to a series of steps to establish ways in which systems work with the community and best serve survivors. Backed by the data that illustrate the complexities of prostitution arrests, it is clear that a comprehensive and true community response is needed, from community members to judges. Training on empowerment and strengths-based approaches on the part of the criminal justice system can dovetail with and enhance the trauma-informed care model of NGOs. Without training on sensitivities on the differences between prostitution and sex trafficking, efforts may create unintended consequences.

For example, unintended consequences may occur as a result of concentrated efforts to focus on johns, and the system risks missing people who are trafficked. Additionally, if only minors are targeted, then the system will miss or mis-categorize victims of trafficking. Although the intentions are good, the victim-centered approach within law enforcement disproportionately targets women and creates vulnerability to trafficking because of their criminal records. Police protocols also make it difficult for individual officers to use discretion effectively to support unwilling participants in the sex industry. It is clear that in order to obtain services, prostitutes (who are inherently breaking the law) have to be seen as victims. Our findings additionally call for progressive approaches with anti-trafficking

legislation. Given the recent passage of Colorado Senate Bill 11-085, the so-called "John School" bill, demand-reduction efforts are well on their way without consideration of these unintended consequences.

In summary, these exploratory findings help provide direction for future research needed to bridge issues that conflate prostitution with sex trafficking. As an organization that recognizes the importance of community context surrounding vulnerabilities, the present study helps provide baseline context that surrounds prostitution arrests that will help inform actions to support victims and survivors of human trafficking. When it comes down to the question of "Who Pays?," clearly it is the vulnerable; those susceptible to harm, resulting from the interconnectedness between available resources to individuals and communities, and the challenges they encounter (Mechanic & Tanner, 2007). As the inquiries into the crime of sex trafficking and sexual exploitation evolve, so too must our conversations around our communities' responses to prostitution.

RECOMMENDATIONS

Through an examination of law enforcement efforts targeting prostitution enforcement (viewed through the lens of efforts combating sex trafficking whether that is pursued by victim/survivor identification or a robust demand reduction strategy), we identified a series of areas that can be expanded upon.

Our recommendations focus on four broad areas that represent a synthesis of our main findings including: training needs, community involvement, policy recommendations, and further research. All of these recommendations are made in the spirit of improving our community's ability to meet the needs of individuals who are most vulnerable.

training needs

Encourage Denver Police Department to institutionalize training regarding human trafficking and prostitution as part of ongoing professional development for all officers and command staff.

Encourage local prosecutors and judges to engage in ongoing trainings pertaining to human trafficking, as well as current legislation at both the State and Federal level.

Promote efforts within the City and County of Denver to include City Officials and employees in trainings on human trafficking and its relationship to prostitution within our community.

Identify and train service providers and community agencies that might interact with those involved in prostitution on human trafficking.

community involvement

Encourage prosecutors and judges to participate in local and State task forces on human trafficking.

Re-engage key stakeholders and community members (working within and outside formal systems) in structured roundtable discussions centered on the intersections between prostitution and human trafficking.

Conduct community outreach to raise awareness about the risks of human trafficking and marginalized populations.

Encourage community leaders to create forums that include marginalized communities to help shape policies surrounding a response to prostitution and human trafficking in Denver.

policy considerations

Identify legislative remedies (at the State and local level) necessary to better distinguish between buyers and sellers of commercial sex if the Denver community intends to pursue a demand reduction strategy through the mechanism of prostitution enforcement.

Encourage State policy makers to take into account the local nature of prostitution enforcement when developing State policies.

Consider increasing resource-allocations to support policies that require increased enforcement activity.

Encourage policy making that involves vertical integration between all systems involved in prostitution enforcement in order to work toward a response that is based on shared goals and values.

future research

Further examine the possible reasons for gender disparities in sentencing in the City and County of Denver.

Further examine the reasons for the racial disparities found in Denver City and County arrests and City Court cases (and potential implications).

Replicate this study in the Denver Metropolitan Area to better understand prostitution enforcement efforts in the greater metropolitan area.

Explore the implications for men and women who are criminalized for prostitution offenses.

Begin to research the involvement of men and boys involved in prostitution in the City and County of Denver.

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APPENDIX A

Human Trafficking Definitions

UNITED NATIONS DEFINITION

"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs." (The Protocol to Prevent Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000)

UNITED STATES FEDERAL DEFINITION

The United States government considers trafficking in persons to include all of the criminal conduct involved in forced labor and sex trafficking, essentially the conduct involved in reducing or holding someone in compelled service. Under the Trafficking Victims Protection Act as amended (TVPA) and consistent with the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), individuals may be trafficking victims regardless of whether they once consented, participated in a crime as a direct result of being trafficked, were transported into the exploitative situation, or were simply born into a state of servitude. Despite a term that seems to connote movement, at the heart of the phenomenon of trafficking in persons are the many forms of enslavement, not the activities involved in international transportation. (U.S. Department of State, 2008)

The TVPA defines “severe forms of trafficking” as:

- sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or
- the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

A victim need not be physically transported from one location to another in order for the crime to fall within these definitions. (U.S. Department of State, 2008)

COLORADO STATE DEFINITION

a) A form of modern-day slavery; Involves the exploitation of persons for commercial sex or forced labor;

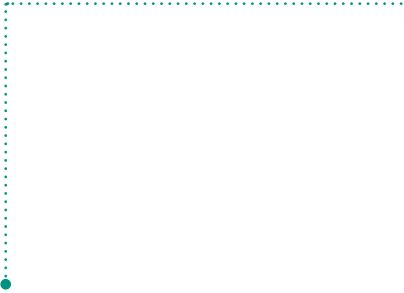

Victims may be illegal immigrants, legal immigrants, or U.S. citizens (homeless, substance-addicted persons, or teenage runaways;

Often involves crossing an international border but does not require moving a victim;

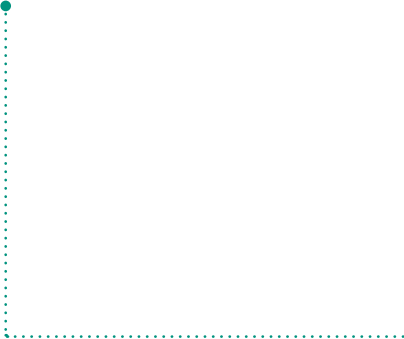
Traffickers use force, fraud, or coercion to control their victims;

Can be prosecuted on a variety of grounds.

(Colorado Department of Public Safety Division of Criminal Justice, 2005)



LAW ENFORCEMENT
OFFICERS WITH
VICTIM-CENTERED LENSES
WORK WITHIN A LAW
ENFORCEMENT SYSTEM
THAT PLACES
PROSTITUTION ARRESTS
ON LOW PRIORITY.



APPENDIX B

Colorado Municipal and State Statutes

(Michie's Legal Resources, 2011; Municode Library, 2011)

PROSTITUTION CODES & PENALTIES

CODE & TITLE	DESCRIPTION
<p>Colorado Revised Statute 18-7-201 Prostitution Prohibited</p>	<p><i>Any person who performs or offers or agrees to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse with any person not his spouse in exchange for money or other thing of value commits prostitution.</i></p>
<p>1. Colorado Revised Statute 18-7-202 Soliciting for Prostitution 2. Denver Municipal Statute 38-158-(1-3) Soliciting for Prostitution</p>	<p>(1) <i>A person commits soliciting for prostitution if he:</i></p> <ul style="list-style-type: none"> (a) Solicits another for the purpose of prostitution; or (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution; or (c) Directs another to a place knowing such direction is for the purpose of prostitution.
<p>1. Colorado Revised Statute 18-7-203 Pandering 2. Denver Municipal Statute 38-158-4 Pandering</p>	<p>(1) <i>Any person who does any of the following for money or other thing of value commits pandering:</i></p> <ul style="list-style-type: none"> (a) Inducing a person by menacing or criminal intimidation to commit prostitution; or (b) Knowingly arranging or offering to arrange a situation in which a person may practice prostitution.
<p>1. Colorado Revised Statute 18-7-204 Keeping a Place of Prostitution 2. Denver Municipal Statute 38-158-5 Keeping a Place of Prostitution</p>	<p>(1) <i>Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits keeping a place of prostitution if he:</i></p> <ul style="list-style-type: none"> (a) Knowingly grants or permits the use of such place for the purpose of prostitution; or (b) Permits the continued use of such place for the purpose of prostitution after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.

COLORADO MUNICIPAL AND STATE STATUTES

WHO CAN BE ARRESTED OR CHARGED?	AVAILABLE PENALTIES - STATE	AVAILABLE PENALTIES - MUNICIPAL
John/Prostitute/ Facilitator	Prostitution is a Class 3 Misdemeanor	None.
John/Prostitute/ Facilitator	Soliciting for Prostitution is a Class 3 Misdemeanor	<i>Persons convicted of violating and persons pleading guilty or nolo contendere to violation of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars (\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five (5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No part of the minimum fine may be suspended, however, the court may order a person convicted of violating subsection (A) to perform useful public service, and credit the dollar amount earned through such public service toward payment of the minimum fine owed. The person shall be paid at the standard hourly rate for such public service as established by the rules and regulations of the court. Useful public service shall be considered work which is beneficial to the public and which involves a minimum of public cost.</i>
Pimp/Facilitator	Pandering under paragraph (a) of subsection (1) of this section is a class 5 felony. Pandering under paragraph (b) of subsection (1) of this section is a Class 3 Misdemeanor.	<i>Persons convicted of violating and persons pleading guilty or nolo contendere to violation of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars (\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five (5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No part of the minimum fine may be suspended, however, the court may order a person convicted of violating subsection (A) to perform useful public service, and credit the dollar amount earned through such public service toward payment of the minimum fine owed. The person shall be paid at the standard hourly rate for such public service as established by the rules and regulations of the court. Useful public service shall be considered work which is beneficial to the public and which involves a minimum of public cost.</i>
Pimp/Facilitator	Keeping a Place of Child Prostitution is a Class 2 Misdemeanor	<i>Persons convicted of violating and persons pleading guilty or nolo contendere to violation of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars (\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five (5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No part of the minimum fine may be suspended, however, the court may order a person convicted of violating subsection (A) to perform useful public service, and credit the dollar amount earned through such public service toward payment of the minimum fine owed. The person shall be paid at the standard hourly rate for such public service as established by the rules and regulations of the court. Useful public service shall be considered work which is beneficial to the public and which involves a minimum of public cost.</i>

CODE & TITLE	DESCRIPTION
<p>1. Colorado Revised Statute 18-7-205 Patronizing a Prostitute</p> <p>2. Denver Municipal Statute 38-158-8 Patronizing a Prostitute</p>	<p>(1) <i>Any person who performs any of the following with a person not his/her spouse commits patronizing a prostitute:</i></p> <p>(a) Engages in an act of sexual intercourse or of deviate sexual conduct with a prostitute; or</p> <p>(b) Enters or remains in a place of prostitution with intent to engage in an act of sexual intercourse or deviate sexual conduct.</p>
<p>Colorado Revised Statute 18-7-206 Pimping</p>	<p><i>Any person who knowingly lives on or is supported or maintained in whole or in part by money or other thing of value earned, received, procured, or realized by any other person through prostitution commits pimping.</i></p>
<p>Colorado Revised Statute 18-7-207 Prostitute Making Display</p>	<p><i>Any person who by word, gesture, or action endeavors to further the practice of prostitution in any public place or within public view commits.</i></p>
<p>Colorado Revised Statute 18-7-208 Promoting Sexual Immorality</p>	<p>(1) <i>Any person who, for pecuniary gain, furnishes or makes available to another person any facility, knowing that the same is to be used for or in aid of sexual intercourse between persons who are not husband and wife, or for or in aid of deviate sexual intercourse, or who advertises in any manner that he furnishes or is willing to furnish or make available any such facility for such purposes, commits promoting sexual immorality.</i></p> <p>(2) <i>“Facility”, as used in this section, means any place or thing which provides seclusion, privacy, opportunity, protection, comfort, or assistance to or for a person or persons engaging or intending to engage in sexual intercourse or deviate sexual intercourse.</i></p>
<p>Denver Municipal Statute 38-158-6 Furthering</p>	<p><i>By word, gesture or action, to endeavor to further the practice of prostitution in any place.</i></p>

COLORADO MUNICIPAL AND STATE STATUTES

WHO CAN BE ARRESTED OR CHARGED?	AVAILABLE PENALTIES - STATE	AVAILABLE PENALTIES - MUNICIPAL
John	<i>Patronizing a prostitute is a Class 1 Petty Offense; except that patronizing a prostitute is a class 1 misdemeanor if the violation is committed subsequent to two prior convictions of a violation of this section, of a violation of a comparable offense in any other state, or of a violation of a comparable municipal offense.</i>	<i>Persons convicted of violating and persons pleading guilty or nolo contendere to violation of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars (\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five (5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No part of the minimum fine may be suspended, however, the court may order a person convicted of violating subsection (A) to perform useful public service, and credit the dollar amount earned through such public service toward payment of the minimum fine owed. The person shall be paid at the standard hourly rate for such public service as established by the rules and regulations of the court. Useful public service shall be considered work which is beneficial to the public and which involves a minimum of public cost.</i>
Pimp/Arranger	<i>Pimping is a Class 3 Felony</i>	None.
Prostitute	<i>Prostitute Making Display is a Class 1 Petty Offense</i>	None.
John/Prostitute/ Facilitator/Pimp	<i>Promoting Sexual Immorality is a Class 2 Misdemeanor</i>	None.
John/Prostitute/ Facilitator/Pimp	None.	<i>Persons convicted of violating and persons pleading guilty or nolo contendere to violation of subsection (A) shall, in addition to any sentence of jail time, pay a fine of five hundred dollars (\$500.00) for the first offense; seven hundred fifty dollars (\$750.00) for the second offense within five (5) years; and nine hundred ninety-nine dollars (\$999.00) for the third and subsequent offenses. No part of the minimum fine may be suspended, however, the court may order a person convicted of violating subsection (A) to perform useful public service, and credit the dollar amount earned through such public service toward payment of the minimum fine owed. The person shall be paid at the standard hourly rate for such public service as established by the rules and regulations of the court. Useful public service shall be considered work which is beneficial to the public and which involves a minimum of public cost.</i>

CODE & TITLE	DESCRIPTION
<p>1. Colorado Revised Statute Public Indecency 18-7-301</p> <p>2. Denver Municipal Statute Public Indecency 38-157</p>	<p>(a) <i>It shall be unlawful for any person to perform an act of public indecency.</i></p> <p>(b) <i>Any person commits public indecency who performs any of the following in a public place or where the conduct may reasonably be expected to be viewed by members of the public:</i></p> <ol style="list-style-type: none"> (1) An act of sexual intercourse; (2) An act of deviate sexual intercourse; (3) Insertion of one (1) or more fingers or other object into the anus or vagina; (4) Masturbation; (5) Caressing or fondling of the genitals of another person; (6) Patently offensive representations or imitations of sexual intercourse, masturbation or excretory functions accompanied by exhibition of the genitals; (7) Lewd fondling or caressing of the body of another person.
<p>1. Colorado Revised Statute Indecent Exposure 18-7-302</p> <p>2. Denver Municipal Statute Indecent Exposure 38-157.1</p>	<p>(a) <i>It shall be unlawful for a person to commit an act of indecent exposure.</i></p> <p>(b) <i>A person commits an act of indecent exposure if they knowingly expose their genitals or buttocks to the view of any person under circumstances which are likely to cause a reasonable person affront or alarm.</i></p>
<p>Colorado Revised Statute Prostitution with Knowledge of Being Infected with Aquired Immune Deficiency Syndrome 18-7-201.7</p>	<ol style="list-style-type: none"> (1) <i>Any person who performs or offers or agrees to perform any act of sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse, as such terms are defined in section 18-7-201</i> (2) <i>with any person not his spouse, in exchange for money or any other thing of value, and if such person has been tested for acquired immune deficiency syndrome pursuant to section 18-7-201.5 or 18-7-205.5 or otherwise, and the results of such test indicate the presence of the human immunodeficiency virus (HIV) which causes acquired immune deficiency syndrome, such person commits prostitution with knowledge of being infected with aquired immune deficiency syndrome.</i>

COLORADO MUNICIPAL AND STATE STATUTES

WHO CAN BE ARRESTED OR CHARGED?	AVAILABLE PENALTIES - STATE	AVAILABLE PENALTIES - MUNICIPAL
Anyone	<p><i>(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), public indecency is a Class 1 Petty Offense</i></p> <p><i>(b) Public indecency as described in paragraph (e) of subsection (1) of this section is a Class 1 Misdemeanor if the violation is committed subsequent to a conviction for a violation of paragraph (e) of subsection (1) of this section or for a violation of a comparable offense in any other state or in the United States, or for a violation of a comparable municipal ordinance.</i></p>	
Anyone	<p><i>Indecent exposure is a Class 6 Felony if the violation is committed subsequent to two prior convictions of a violation of this section or of a violation of a comparable offense in any other state or in the United States, or of a violation of a comparable municipal ordinance.</i></p>	
John/Prostitute	<p><i>(2) Prostitution with knowledge of being infected with acquired immune deficiency syndrome is a Class 5 Felony.</i></p>	

CHILD PROSTITUTION CODES & PENALTIES

CODE & TITLE	DESCRIPTION
Colorado Revised Statute 18-7-402 Soliciting for a Child Prostitution	(1) <i>A person commits soliciting for child prostitution if he:</i> (a) Solicits another for the purpose of prostitution of a child or by a child; (b) Arranges or offers to arrange a meeting of persons for the purpose of prostitution of a child or by a child; or (c) Directs another to a place knowing such direction is for the purpose of prostitution of a child or by a child.
Colorado Revised Statute 18-7-403 Pandering of a Child	(1) <i>Any person who does any of the following for money or other thing of value commits pandering of a child:</i> (a) Inducing a child by menacing or criminal intimidation to commit prostitution; or (b) Knowingly arranging or offering to arrange a situation in which a child may practice prostitution
Colorado Revised Statute 18-7-403.5 Procurement of a Child	<i>Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available, to another person a child for the purpose of prostitution of the child commits procurement of a child</i>
Colorado Revised Statute 18-7-404 Keeping a Place of Child Prostitution	(1) <i>Any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who performs any one or more of the following commits keeping a place of child prostitution if he:</i> (a) Knowingly grants or permits the use of such place for the purpose of prostitution of a child or by a child; or (b) Permits the continued use of such place for the purpose of prostitution of a child or by a child after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of such prostitution.
Colorado Revised Statute 18-7-405 Pimping of a Child	<i>Any person who knowingly lives on or is supported or maintained in whole or in part by money or other thing of value earned, received, procured, or realized by a child through prostitution commits pimping of a child</i>
Colorado Revised Statute 18-7-405.5 Inducement of Child Prostitution	(1) <i>Any person who by word or action, other than conduct specified in section 18-7-403 (1)(a), induces a child to engage in an act which is prostitution by a child, as defined in section 18-7-401 (6), commits inducement of child prostitution.</i>
Colorado Revised Statute 18-7-406 Patronizing a Prostituted Child	(1) <i>Any person who performs any of the following with a child not his spouse commits patronizing a prostituted child:</i> (a) Engages in an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7); or (b) Enters or remains in a place of prostitution with intent to engage in an act which is prostitution of a child or by a child, as defined in section 18-7-401 (6) or (7).

COLORADO MUNICIPAL AND STATE STATUTES

WHO CAN BE ARRESTED OR CHARGED?	AVAILABLE PENALTIES - STATE	AVAILABLE PENALTIES - MUNICIPAL
John/Pimp/Minor	<i>Soliciting for a Child Prostitution is a Class 3 Felony</i>	
Pimp/Facilitator	<i>Pandering under paragraph (a) of subsection (1) of this section is a Class 2 Felony. Pandering under paragraph (b) of subsection (1) of this section is a Class 3 Felony.</i>	
Pimp	<i>Procurement of a Child is a Class 3 Felony</i>	
Pimp/Facilitator	<i>Keeping a Place of Child Prostitution is a Class 3 Felony</i>	
Pimp	<i>Pimping of a Child is a Class 3 Felony</i>	
Pimp	<i>Inducement of Child Prostitution is a Class 3 Felony</i>	
John	<i>Patronizing a Prostituted Child is a Class 3 Felony</i>	

APPENDIX C

Glossary of Sentencing

Alcohol treatment- Programs provide a structured environment where offenders live, find employment, attend treatment, and reconnect with family and community. The offenders are allowed to leave the facility to participate in employment and treatment. Program staff provide supervision by conducting regular head counts in the facilities, verifying offenders' whereabouts when they leave the facilities, and performing periodic drug and alcohol tests. (<http://www.denvergov.org/Programs/tabid/424170/Default.aspx>)

Area Restriction- An individual who is charged with a prostitution-related offense may be prohibited to be in a specific area after arrest. Persons who are subjects of area restrictions will be entered into the CCIC system by the Denver County Court. The Denver County Court Warrants Division will maintain these records and provide status verification of all area restriction files. (<http://www.denvergov.org/Portals/326/documents/304.pdf>)

Bond forfeiture- A bail bond is often the only means by which a defendant is released before his or her trial date. Bond is a sum of money that must be deposited with the court before a defendant will be released. That sum guarantees the defendant's presence at later court dates. If the defendant fails to honor the conditions of the bail bond, it will be forfeited. (<http://www.kurtzpeckham.com/TrafficLaw-DUI.html>) Any bond may be forfeited, by order of the court, upon the party's failure to appear or to comply with the conditions of the bond. (<http://forms.lp.findlaw.com/form/courtforms/state/co/co000206.pdf>)

Chrysalis- The Chrysalis Project provides comprehensive services that include intensive outpatient substance abuse, cognitive-behavioral, mental health/trauma services to women arrested for prostitution in Denver. The City Attorney's Office, Denver County Courts and The Empowerment Program have formed a public/private partnership and developed a strategy that addresses prostitution from treatment, law enforcement and public safety with an approach that looks at the multiple needs and issues of women involved in prostitution.

- *Women arrested for prostitution may be offered a suspended sentence in lieu of incarceration.*
- *All women accepted into the program are released to the Chrysalis Project and are supervised through weekly court appearances and treatment progress.*
- *This process is modeled by the Drug Court concept.*
- *The Chrysalis Project is a twelve (12) month program.*
- *There are no fees for services. (<http://empowermentprogram.org>)*

Community service- Judges can sentence defendants to perform unpaid community work called "community service" to repay a debt to society for having committed the offense. The defendant may be required to perform community service in addition to receiving some other form of punishment, such as probation, a fine or restitution. (<http://www.hmichaelsteinberg.com/sentencingalternatives.htm>)

Costs- Money that is due to a court after initial sentences have been imposed for the costs of prosecution, the amount of the cost of care, and any fine imposed. Fines and costs are due within 24 hours of sentencing.

Deferred judgment- A defendant pleads guilty and forever gives up his right to a trial. He must pay court costs and perhaps fulfill obligations such as useful public service, attend classes. He must also commit no other offenses over a set period of time. If the defendant completes these obligations, he is entitled to withdraw his plea and the case will be dismissed, avoiding a conviction. (<http://www.denvergov.org/CountyCourt/GeneralInformationandAnnouncements/GeneralInformationandAnnouncements3/tabid/383426/Default.aspx>)

Diversion- An opportunity to the defendant to avoid having to go to trial or plead guilty, usually in juvenile matters. If the defendant meets the requirements of diversion such as attending classes, staying out of trouble, defendant is entitled to have the case dismissed. A defendant neither admits nor denies that he is guilty by accepting diversion. If the defendant fails to complete diversion he still has the right to have a trial. (<http://www.denvergov.org/CountyCourt/GeneralInformationandAnnouncements/GeneralInformationandAnnouncements3/tabid/383426/Default.aspx>)

Education / employment required- Individuals will be given the opportunity to enroll in school and/ or an employment program while serving out their sentence.

Electronic monitoring- The objective of the Electronic Monitoring Program is "To promote public safety by utilizing various technologies and supervision strategies to effectively monitor and supervise offenders." The Electronic Monitoring Program is a diverse, dynamic and dedicated agency providing safety to the community while reducing jail population and providing a significant cost-savings for the City and County of Denver. This has been accomplished through an offender pay program, which uses technologies as tools to assist probation officers in supervision of offenders and defendants ordered to electronic monitoring.

The Program is a division of Community Corrections under the City and County of Denver's Manager of Safety and its authority comes from the Denver Revised Municipal Code as authorized by City Council. (<http://www.denvergov.org/Default.aspx?alias=www.denvergov.org/ElectronicMonitoring>)

Empowerment Program - The Mission of the Empowerment Program is to provide education, employment assistance, health, housing referrals and support services to women who are in disadvantaged positions due to incarceration, poverty, homelessness, HIV/AIDS infection or involvement in the criminal justice system. The goal of the Empowerment Program is to decrease rates of recidivism by providing care management, support services, basic skills education, housing and resource coordination that can offer viable alternatives to habits and choices that may lead to criminal behaviors. (<http://empowermentprogram.org/>)

Fines- Fines are a common punishment for a variety of crimes, especially less serious offenses committed by first-time offenders. In more serious offenses or where the defendant has a criminal record, many judges combine a fine with other punishments, such as incarceration, community service and probation. (<http://www.hmichaelsteinberg.com/sentencingalternatives.htm>)

FTA Warrant- (Fail to Appear Warrant) Any time an individual has a duty, or has made an agreement, to appear

in court, they can be penalized for failure to appear. (<http://www.denvergov.org/CountyCourt/GeneralInformationandAnnouncements/GeneralInformationandAnnouncements3/tabid/383426/Default.aspx>)

Jail imposed- Time served after being arrested and sentenced for a prostitution-related offense.

Jail remanded- A criminal suspect who has been charged with or is likely to be charged with criminal offense may be held on remand in prison if he or she is denied or unable to meet conditions of bail, or is unable or unwilling to post bail.

Jail suspended- Jail credits can be given that reduces the time the individual must spend in jail after sentencing, or jail time may be suspended altogether depending on the plea or initial sentencing.

Mental Health Counseling- Mental health counseling, which is a dynamic, holistic, strengths-based and psycho educational discipline.

Miscellaneous sentence- "Alternative sentencing" means anything other than incarceration. And it is true that many "alternative" sentences are simply variations of probation — perhaps with the addition of fine and community service. But alternative sentencing can also include fairly innovative punishments. (<http://www.hmichaelsteinberg.com/sentencingalternatives.htm>)

Monitored breathalyzers- Breathalyzer readings from law enforcement administered breathalyzer tests are used in bringing criminal charges against those suspected of being intoxicated when they are sentenced to supervised probation. For example, Ignition Interlock: A device that prevents a driver from starting a vehicle without first breathing into a primitive breath analyzing device and getting a negative reading. In Colorado, repeat alcohol offenders are required to have the Ignition Interlock when they reinstate driving privileges. CRS § 42-2-132.5. Reinstated

licenses are restricted to the use of vehicles equipped with an Ignition Interlock device for at least the period of one year. Drivers with two alcohol driving offenses in five years, three in a lifetime, or with Habitual Traffic Offender status and at least one alcohol driving offense after 7/1/00 will be allowed to reinstate only with a restricted license that limits their driving to vehicles with an Ignition Interlock device. The interlock driver bears all costs of the Ignition Interlock device. (<http://www.kurtzpeckham.com/TrafficLaw-DUI.html>)

Monitored random urinalysis- Provides effective, innovative, and affordable offender supervision and cognitive-based treatment and rehabilitation solutions to individuals sentenced with supervised probation... It often tests for the following: cocaine, opiates, marijuana, methamphetamine, benzodiazepine, barbiturates, propoxyphene, oxycodone and methadone. ()

Monitored sobriety- Monitoring sobriety allows for the probation officer or bail commissioner a report about whether the offender is not using alcohol or drug substances of choice, required by supervised probation and demonstrates to the judge that you are serious about preventing a future offense. (<http://www.kurtzpeckham.com/TrafficLaw-DUI.html>)

OR

Continuous Alcohol Monitoring- Continuous alcohol monitoring has evolved into an effective technology for offenders/defendants with alcohol related crimes. It is used for defendants on post conviction cases that involve driving while intoxicated and driving under revocation and/or suspension. It is also used in many pre-trial cases involving alcohol in domestic violence cases and habitual traffic offenses. As well, the continuous alcohol monitoring unit is used with referrals sent by Denver County Court Probation and Denver District Court Probation. (<http://www.denvergov.org/electronicmonitoring/MonitoringTechnologiesUses/AlcoholMonitoring/tabid/433673/Default.aspx>)

Supervised probation- A type of sentence in which the defendant is placed under the court's supervision for a

period of time. During this period the defendant has requirements to fulfill such as attending classes, doing useful public service work, paying restitution, keeping drug and alcohol free, avoiding any new offenses, etc. A probation officer usually supervises probation. Ordinarily probation is an alternative to a jail sentence, although sometimes there may be a brief jail sentence followed by probation. (<http://www.denvergov.org/CountyCourt/GeneralInformationandAnnouncements/GeneralInformationandAnnouncements3/tabid/383426/Default.aspx>)

Substance abuse program- Program designed through sentencing to provide individuals going through the criminal justice system help with drug and alcohol addiction through various services.

Time served- When an individual has made all sentencing requirements (i.e., jail time, fines / costs, community service).

Treatment- Administration or application of remedies to an offender to provide them with care that can prevent them from re-entering the criminal justice system.

Unsupervised probation- Unsupervised probation does not involve direct supervision by an officer or probation department. The probationer is expected to complete any conditions of the order without the involvement of an officer, perhaps within a specified period rather than that of the sentence itself.

Warrant- When the police stop an individual for any reason, the police and the court do a record check to determine whether the defendant has outstanding warrants. If the court finds warrants, the police jail the individual and bring him or her to the earliest possible court hearing to answer the charge.

