



TARGETING SEX BUYERS, NOT SEX SELLERS: ARRESTING DEMAND FOR PROSTITUTION

LAPD officers arrest a john

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By Lisa Ko

The following article is presented in conjunction with the broadcast television premiere of A Path Appears on PBS's Independent Lens (airs Monday, January 26, February 2 & 9; check local listings for the date and time in your area).

With the exception of some counties in Nevada, prostitution is illegal throughout the United States. But for every john or pimp arrested, multiple girls and women — some of whom were forced into the trade while still underage — are often arrested as well. Police harassment and incarceration can subject these women to further injustice, violence, and abuse.

In Massachusetts, police were found to arrest women for prostitution-related offenses far more frequently than they arrest men. The laws themselves are discriminatory: a woman can be arrested for prostitution by standing on a street corner with intention to sell, but johns can only be arrested if they're caught discussing payments in exchange for sex.

Elsewhere, law enforcement agencies are pursuing a different approach.

The Dallas Police Department views girls in prostitution as sexual assault victims, not criminals. Instead of detention, they're offered treatment, and seventy-five percent of those who receive it don't go back. Officers and social workers build trust gradually with the girls, who are then more likely to testify against their pimps. As a result, the number of pimps convicted in the city has risen.

Advocates such as Carol Leigh, director of the Bay Area Sex Workers Advocacy Network, say that prostitution laws that criminalize selling sex can increase exploitation — a woman may be unwilling to report abuse to the police if she's also at risk for arrest. Criminalization, as well as the conflation of sex trafficking and voluntary sex work, thwarts women from receiving vital health services and HIV/AIDS prevention.



Some law enforcement agencies now view sex workers as victims, not criminals

But “victim-centered approaches” like the Dallas program can be a hard sell on a federal level. A \$55 million proposal to launch similar programs across the country was almost approved by Congress in 2007, only to succumb to budget disputes.

Adjusting the Target from Prostitutes to Johns

Survivors of sex work and trafficking are pressuring state and local legislators to shift the focus from arresting prostitutes to arresting the people purchasing sex. On the federal level, current laws have narrow definitions of trafficking — force and coercion must be proven, which can be difficult.

New York's 2008 Safe Harbour Act grants sexually exploited youth access to court protection and social services. In New York City, new measures are punishing pimps and johns under sex trafficking charges, expanding the definition to include intimidation and threats of violence. Pimps can face up to 25 years in prison, rather than 15 under previous charges for promoting prostitution, and johns face up to one year in jail, rather than 90 days. Between 2007 and 2012, 150 arrests resulted in 13 sex trafficking convictions. Similar measures are underway in Minnesota and Washington.

According to interviews conducted by the Chicago Alliance Against Sexual Exploitation with men who have purchased sex, increased jail time and public exposure would deter them from soliciting prostitutes. Last summer, 28 law enforcement agencies in 14 states led a

National Day of Johns Arrests, a sting operation that resulted in the arrests of 496 johns and 14 pimps. Cook County Sheriff Tom Dart, whose Chicago office helped direct the operation, has said that there would be no prostitution without demand.

In the clip below from episode one of the *Independent Lens* 3-part series *A Path Appears* [premiering on PBS Monday, January 26th — check local listings] watch Sheriff Dart's officers coordinate a sting operation that ensnares one john after another ahead of Super Bowl Sunday.

It's too early to tell if last summer's arrests have resulted in a decrease in trafficking and prostitution, but Taina Bien-Aimé, executive director of the Coalition Against Trafficking in Women, says that the movement to target pimps and johns rather than those working in prostitution is an important shift, albeit slow going.

"The conversation is starting, but we're far away from meaningful and concrete results," Bien-Aimé says. "And we can't just say, 'we won't arrest you, but you have no other alternatives.' People need housing, medical care, and psychological services. Governments need to invest in meaningful exit strategies for those who want to leave the sex trade."

The Swedish Model

An alternative legal framework to prostitution that's been gaining traction on a global level is the Swedish, or Nordic model, named for the 1999 Swedish law that criminalizes the buying, but not selling, of commercial sex. Similar legislation has been adopted in Iceland and Norway, and most recently in Canada.

On paper, the Swedish model appears to be a success. While prostitution hasn't been eliminated in Sweden, it hasn't increased, either. Between 1999 and 2007, more than 1,600 men were reported for buying sex in Sweden, resulting in over 500 convictions and fines (the number has risen since then, reaching a high of 1,251 in 2010).

Swedish police claim that the number of prostitutes working on the streets dropped from 2,500 in 1998 to 1,000 in 2013. However, critics say these numbers reflect only those who are selling sex outdoors — not taking into account that the Internet has transformed the sex market by attracting new johns and sex workers — and that the law has driven sex trafficking, as well as voluntary sex work, further underground. Prostitutes have cited a "fear of increased violence," and "actual violence," and have been forced to work in more clandestine locations that may expose them to greater danger.

The government's 2010 Skarhed Report admits that it does not have enough reliable knowledge to draw conclusions about the overall effectiveness of the law on sex trafficking in Sweden. However, neighboring countries, including Norway, have seen a drastic increase.

Legalize and Decriminalize

Opponents of the Swedish model say that while selling sex there is no longer illegal, the law still serves to stigmatize those who are working in prostitution, as evidenced by the 2013

murder of Eva Marree Smith Kullander. Accused of “romanticizing prostitution,” she lost custody of her children to her former partner, who killed her.

Countries like New Zealand and the Netherlands have taken another approach: decriminalizing sex work entirely. Some advocates say legalization is the key to reducing violence against women, especially if done in concert with efforts to prevent organized crime and improve health and social services. A government study conducted in New Zealand in 2008, five years after decriminalization, found that sex work and sex trafficking had not increased.

Detractors argue that legalization leads to an increase in exploitation, with serious and life-threatening consequences to already vulnerable populations. They point to cases describing “prison-like conditions” in legal brothels in Nevada, and the high percentage of undocumented women working as prostitutes in Amsterdam, as examples.

Beyond the Current Frameworks

John schools, survivor-led treatment programs for men who’ve been arrested for purchasing sex, prioritize rehabilitation over more punitive measures. A Brooklyn program with more than 2,000 attendees has only 9 cases of recidivism, and a National Institute of Justice-commissioned study revealed that rates of recidivism in San Francisco fell from 8 to 5 percent following the implementation of a treatment program.



A John under arrest by the Cook County Sheriff Office attends “John School”

Prevention efforts may need to start earlier. The “average age of entry into prostitution is 12 to 14,” and the research conducted by the Chicago Alliance Against Sexual Exploitation recommends that young men be educated about the impact of prostitution and trafficking before they are old enough to purchase sex — the average age of men when they first purchase sex, as polled in the study, was 21.

CATW’s Bien-Aimé, who believes the growing movement of sex trade survivors is the key to accelerating social change, calls for a more nuanced view of prostitution in the US. “We have to look at the social, cultural, and economic push and pull factors that lead marginalized populations into prostitution,” she says. “Is this population one that we should further criminalize?”

What do you think is the most effective approach for helping those who are trafficked? Join the conversation below.

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oceolo • 4 years ago

This is ridiculous!!! They are treating this like a numbers game. The heart of the matter is morality just like all other crimes. If you instill moral values in society than you will have less crime

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gary smith → oceolo • 4 years ago

Once again, the morality argument. And as always my response will be whose version of morality? Whether I want to participate in purchasing sex or selling sex, I sure don't want someone else fostering what they believe to be "morality" on me.

1 ^ v • Reply • Share



pjwhite → gary smith • 3 years ago

It's immoral to rape women - prostitution is rape by economic coercion.

^ v • Reply • Share



TechZilla → pjwhite • 3 years ago

Almost all waged work is economic coercion. Your entire system is immoral, and you know what? I think you prefer to pick and choose your outrages based on economic interests. Keep your self-righteous liberal hypocrisy to your self.

1 ^ v • Reply • Share



Lauri • 4 years ago

imagine legalization in the US? How fast would all the corporations be involved in it and importing girls from over seas? How ugly would it get? I don't think we can ever legalize it here.

5 ^ v • Reply • Share



Zekov → Lauri • 4 years ago

It doesn't have to be ugly. If there were a department set up to specifically check licenses, do inspections and make sure the brothels are following regulations then it would be a safe environment for everyone.

^ v • Reply • Share



pjwhite → Zekov • 3 years ago

I'm sure our corporatocracy would treat prostituted women and girls with the utmost respect -especially since they are primarily poor women and girls of color.

^ v • Reply • Share



TechZilla → pjwhite • 3 years ago

Your right it would be disturbing, because capitalism turns workers into commodities. The selectiveness of your outrage is what p----s me off, especially when the same arguments are just so wrong for drug prohibition. point being, yea it's not pretty, but it's better legal than underground. It's also downright immoral to impose a crime for buying/selling sex, and it wastes tax money