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Laws That Target Customers Will Protect Prostitutes

Darla Mueller

In the following viewpoint Darla Mueller contends that johns are responsible for most of the violence against prostitutes. Despite this fact, Mueller maintains, many more prostitutes are arrested and convicted than are johns. The programs that most effectively curb the demand for prostitutes and help protect them from abuse are those that criminalize johns and decriminalize prostitutes, she asserts. Mueller writes for Homeward Bound, a publication of the Chicago Coalition for the Homeless.

As you read, consider the following questions:

1. According to Mueller, what is survival sex?
2. What role do johns play in recruiting youth and women in the sex trade, in the author's view?
3. In the author's opinion, why is it difficult to determine if john schools are effective?

Darla Mueller, "Curbing the Demand for Prostitution," *Homeward Bound*, Fall 2005. Reproduced by permission.

Runaway youth and homeless women often fall prey to a dangerous life of prostitution. A 2003 study conducted by CCH [Chicago Coalition for the Homeless] found that 50 percent of women involved in prostitution had experienced homelessness. Many women and youth have engaged in survival sex, which is the exchange of sex for money, food, shelter, and other basic needs. Others become homeless or struggle to avoid it when they exit the sex trade, often the only means of support they have known.

Even if we ensure that services, housing, and job opportunities are accessible and available to survivors of prostitution, the problems inherent in the sex trade will remain unsolved if the demand side is not addressed.

Fueling the Sex Trade

The customers of prostitution, otherwise known as “johns,” who fuel the sex trade are seldom the target of law enforcement crackdowns in Chicago. The evidence lies in the arrest statistics: In 2004, Chicago police arrested 3,204 prostitutes but only 950 johns.

Conviction rates are even less equitable. Between 2000 and 2002, 388 persons were convicted of felony prostitution in Cook County [Illinois]. In that time period, no felony convictions were handed down for solicitation. Though prostitution and solicitation are misdemeanor offenses, a person is eligible, upon the second misdemeanor conviction, for a felony upgrade requiring state prison time and/or supervision. In practice, customers rarely receive this upgrade or face prison or jail time. While both prostitution and solicitation have the same penalties under Illinois law, no parity exists in practice.

The violence and other predatory behaviors perpetrated by johns necessitate addressing a deeper issue. According to a 2002 study of women involved in prostitution in metropolitan Chicago, customers were the most frequently identified perpe-

trators of violence across all types of prostitution venues. Johns often play a significant role in recruiting and maintaining youth and women in the sex trade, particularly by luring runaways and exploiting survival needs such as shelter, food, or money.

This paper will describe efforts to deter customers of prostitution locally, in other parts of the country, and abroad. It will also explore what is known of the effectiveness of these various strategies.

Examining Local Strategies

In Chicago, upon arrest customers can be charged with either a City Ordinance or a State Misdemeanor charge. The city charge allows for the customer’s car to be impounded while the State Charge allows for a Class A or B misdemeanor conviction with possible jail or prison time, community service or agency referral. Upon conviction under the city charge, the offender pays an administrative fine between \$750–\$1,500 to retrieve his or her car. Although customers can be charged initially with a state and city violation, they can only be prosecuted for one of the two. In addition, as part of a new deterrence initiative introduced by Mayor [Richard M.] Daley in June 2005, upon arrest, a customer’s name, half address, and mug shot are placed online on the Chicago Police Department’s website for 30 days.

Educational programs, or “john schools,” are another deterrence strategy used in various cities such as Washington, D.C.; West Palm Beach, Florida; Pittsburgh; Buffalo; and Brooklyn, New York. Recently Chicago has developed a john school, offered by Genesis House. Persons charged with solicitation can opt to go to john school as a condition of probation. Tuition is charged, and fees collected for the eight-hour seminar go back to Genesis House, which provides services to women involved in prostitution.

Typically, john schools offer a day of education covering various topics:

- A review of prostitution laws
- Facts and statistics about prostitution and pimping
- Physical health risks and treatment
- Testimony from survivors or advocates about the victimization and hardship of a prostitute's life
- Consequences of john behavior to themselves, their families, and their communities
- Concepts about relationships and sex addiction

In addition to attending the school, offenders must not re-offend for a period of time to avoid a court trial and incarceration.

San Francisco's model program, the First Offender Prostitution Program (FOPP), has a multilayered approach. The City arrests johns, who then attend john school. The fees collected from the men who participate in the john school fund comprehensive intervention services for women and girls involved in prostitution. Participants in FOPP have completed surveys indicating evidence of change both in attitude toward prostitution and in future behavior.

Another john school, part of Toronto's Diversion Program, did pre- and postprogram surveys with 366 men who had attended. The surveys showed increased awareness of Canadian prostitution laws and the dangers associated with prostitution, as well as a decrease in likelihood to support the legalization of prostitution.

Although john schools report very low recidivism for the participants, recidivism rates are generally low for men arrested for solicitation, regardless of john school attendance. Thus, determining whether john schools are an effective intervention tool is difficult. Many customers are caught and arrested by female cops acting as decoys. Low recidivism rates

may suggest that johns become more cautious once they've been arrested or have attended john school, avoiding decoy cops and/or soliciting sex in less public areas or from organized "indoor" sex trade venues such as strip clubs.

Another strategy used to deter johns involves public shaming. As of June 2005, the Chicago Police Department hosts a website that displays photos and identifying information of arrested johns. Police in Akron, Ohio, launched a similar website in 2003. In Denver and Kansas City, johns' information is displayed on cable public access channels. Identifying information appears on billboards in Oakland, California, and Omaha, Nebraska. The effectiveness of public shaming tactics targeting johns is questionable, with many of these jurisdictions providing mixed results. CCH does not support the city's use of a "john website" as a deterrence strategy.

Looking at International Strategies

In other parts of the world (and in some counties in Nevada), elements of prostitution and solicitation are legal. For example, in the Netherlands and Germany, prostitution and solicitation are legal and the government regulates the industry and collects taxes from business operations such as brothels. A 2003 University of London study (sponsored by the Scottish government) examined the outcomes of prostitution policies in Australia, Ireland, the Netherlands, and Sweden, countries where prostitution has been legalized or regulated in different ways. In the first three countries, the results showed substantial increases in all facets of the sex industry, in the involvement of organized crime, in child prostitution, and especially in the number of foreign women and girls trafficked into the region. The results also indicated an increase in violence against women.

Sweden, however, went further to address the problem than simply legalizing it. Sweden passed a law in 1999 criminalizing the buyers of commercial sex acts and decriminaliz-

ing the sellers of sex acts. Prostitution was denounced as “an aspect of male violence against women and children,” and the government increased funding both toward services to help women exit the sex trade and toward public education. Police and prosecutors were trained intensively and pushed to enforce the law. Within five years, Sweden drastically reduced the number of both women in prostitution and johns. Stockholm saw reductions between 60 and 80 percent; other cities have almost completely rid themselves of street prostitution and are seeing massage parlors and brothels steadily disappear. In addition, Sweden has been able to almost completely cut out the trafficking of foreign women and girls into the country. In 2002, Sweden passed legislation increasing the government’s law enforcement capabilities targeting recruiters, transporters, and hosts involved in human trafficking

The CCH-led Prostitution Alternatives Roundtable (PART) has been working intensively over the past two years with the Mayor’s Office on Domestic Violence and various other entities to assess the way prostitution is dealt with in Chicago. A series of recommendations are being developed, several pertaining to deterring johns.

As part of a large-scale public awareness campaign and a means to deter johns, PART has partnered with Beyondmedia and Chicago Legal Advocacy for Incarcerated Mothers (CLAIM) to produce a film about the sex trade with a group of 13 survivors of prostitution.

Additionally, PART is working with Dr. Melissa Farley of Prostitution Research & Education to conduct groundbreaking research in Chicago with customers of the sex trade. The research will help us to understand their motivations and practices and will ultimately serve to inform our advocacy and identify better deterrence strategies.

Finally, PART supports putting more resources into enforcement of current anti-trafficking and anti-solicitation laws as a strategy to reduce demand and exploitation.