

11-2012

From Prostitute to Professional

Everette Ford

Southern Illinois University Carbondale, everettef@siu.edu

Follow this and additional works at: http://opensiuc.lib.siu.edu/gs_rp

Recommended Citation

Ford, Everette, "From Prostitute to Professional" (2012). *Research Papers*. Paper 311.
http://opensiuc.lib.siu.edu/gs_rp/311

This Article is brought to you for free and open access by the Graduate School at OpenSIUC. It has been accepted for inclusion in Research Papers by an authorized administrator of OpenSIUC. For more information, please contact opensiuc@lib.siu.edu.

FROM PROSTITUTE TO PROFESSIONAL

by
Everette Ford
B.S., Illinois State University, 2011

A Research Paper
Submitted in Partial Fulfillment of the Requirements for the
Master of Arts.

Department of Criminology and Criminal Justice
in the Graduate School
Southern Illinois University Carbondale
December 2012

RESEARCH PAPER APPROVAL

FROM PROSTITUTE TO PROFESSIONAL

By

Everette Ford

A Research Paper Submitted in Partial

Fulfillment of the Requirements

for the Degree of

Master of Arts.

in the field of Criminology and Criminal Justice

Approved by:

Dr. Danielle A. Soto, Chair

Dr. George Burruss

Dr. Joseph Schafer

Graduate School
Southern Illinois University Carbondale
November 1, 2012

TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
CHAPTER 1 – Introduction.....	1
CHAPTER 2 – Health Concerns.....	4
CHAPTER 3 – Safety Concerns.....	11
CHAPTER 4 – Sex Traffic vs. Prostitution.....	18
CHAPTER 5 – Opposing Viewpoints.....	24
CHAPTER 6 – Policy Implications.....	28
CHAPTER 7 – Conclusions.....	38
REFERENCES.....	41
VITA.....	45

CHAPTER 1

INTRODUCTION

Steve Martin once said that “I believe that sex is one of the most beautiful, natural, wholesome things that money can buy.” While Steve Martin may not be an authority on the matter, his joke is relevant to the thoroughly discussed topic of prostitution. Prostitution occurs all around world and involves the sale and purchase of sex by willing adults. Traditionally prostitution occurs out in the street by the sex worker (most of whom are women) approaching the "John" (the customer or purchaser of sexual services, usually male) or the sex worker being approached by the John. Prostitution can also occur as a result of sex trafficking which involves individuals who are mostly woman, being transported to the United States legally or illegally from other countries and are then forced and or coerced into becoming sex workers. For the purposes of this paper, the latter situation will be referred to only as sex trafficking, in order to distinguish it from the topic at hand, the willing, consensual exchange of sexual services for money, i.e. prostitution. The purpose of this paper is to argue in favor of policy reformations that would decriminalize prostitution in the United States, and explore the advantages that this would have.

This will be done in part by comparing the US to other countries, particularly other developed Western nations which have either relaxed enforcement of prostitution laws or have no legal prohibitions at all. Instead of focusing primarily on how decriminalizing prostitution would be beneficial to sex workers, this paper will attempt to demonstrate that decriminalizing prostitution will also be beneficial to society as well. For example, Brents and Hausbeck (2005) reported in their study that decriminalizing prostitution would not only decrease violence against sex workers but would also benefit society as a whole by decreasing community disorder which comes in the form of harms that result due to visibility of prostitution on the street, such as the

encouragement of criminal behavior and being harmful to minors. This paper will propose that the decriminalization of prostitution specifically involves the removal of prostitution from the street and placing it in legalized brothels that have regulations that must be followed by the managers and sex workers in order to remain in business.

To explain how the decriminalization of prostitution would be beneficial to society there will be a discussion of three relevant topics, along with a policy implication suggestion that will address the issue of community disorder. The first topic is the health concerns associated with prostitution. This section of the paper will argue that the decriminalization of prostitution will help reduce the spread of sexually transmitted infections (STI's) by discussing the regulations that are placed on legalized brothels. The second topic that will be discussed is the safety concerns associated with prostitution. This section will focus on the decrease in victimization of sex workers by emphasizing the safety and protection that would be provided within a legalized brothel. The third topic that will be discussed is the issue of human sex trafficking and its connection to prostitution. This section will focus on the key difference between the two illegal acts, which is the willingness and consent of the sex workers to engage in these acts. It will also attempt to demonstrate that the decriminalization of prostitution will allow law enforcement to focus their attention and resources on the more serious crime of sex trafficking.

In addition to these three main topics the final section will summarize and discuss the arguments against the decriminalization of prostitution. This section will contain arguments made by some feminist researchers and advocates who suggest that the decriminalization of prostitution will be more harmful to sex workers than helpful, and will encourage the objectification of women in general (Farley, 2004). Finally, there will be a discussion of my own thoughts regarding the necessary societal changes that would need to be made in United States in order for prostitution to become decriminalized. This section will highlight the changes

made by societies that have either relaxed enforcement of prostitution laws or no legal prohibitions at all in order to help further define the societal changes that the U.S. would need to make in order to successfully change current policies and allow prostitution to become decriminalized.

CHAPTER 2

HEALTH CONCERNS

Existing Literature

There are various health concerns to take into consideration when discussing prostitution. This is due to individuals not taking the necessary precautions in order to protect themselves from contracting or spreading STI's. Given that prostitution is illegal, and thus occurs unmonitored for the most part, there is no way of knowing exactly how many men are using the services of the sex workers or the rates of sexually transmitted infections that occur as a result of the interactions between the sex workers and the customers. While there are various types of STI's that can be contracted and spread because of prostitution, research conducted by scholars has focused on Human Immunodeficiency Virus (HIV) which is currently considered the most dangerous STI that an individual can contract. While HIV may be the most dangerous, it is not the most commonly contracted STI. According to data from the CDC spanning from 1996 to 2010, there were more cases of people contracting STI's other than HIV, such as Chlamydia, Gonorrhea and Syphilis.

By decriminalizing prostitution and placing it in legalized brothels there should be a reduction in the contraction and spreading of STI's by sex workers. The legalized brothels would have regulations and rules in place that the customers must follow in order to purchase services from the establishment. One of the rules would require that all of the customers use a condom. By requiring customers to always wear condoms, the brothels lower the health risk associated with purchasing sex. In addition, the legalized brothels can reduce health risks even more by requiring sex workers to be screened for STI's on a regular basis by a doctor.

Decker et al. (2008) conducted a study that examined men's sex purchasing behavior along with their self-reports of being diagnosed with having HIV or STI symptoms. The

purpose of their study was to determine if the behavior of these men was contributing to the spread of HIV throughout the population. This study contained self-reports from 1515 US men and out of these men 174 (8.7%) admitted to exchanging some type of goods for sexual services from a sex worker. Their results showed that 369 (4.1%) men reported that they had been diagnosed with having HIV or another STI and 134 (11.3%) men reported that they currently had symptoms of an STI. The men who reported to having these infections indicated in the survey they did not wear a condom during their interactions with the sex worker. The study reported that 156 (9.7%) of the men in the sample were unwilling to use condoms during sex, but it does not report how many of these men were also diagnosed with HIV or another STI. The findings of this study suggests that men's sexual behavior, especially their using or failing to use condoms, along with being carriers of STI's make them a critical component in the spreading of STI's to not only women sex workers, but to women that were not sex workers as well.

Bobashev et al. (2009) conducted a study of the selling and purchasing of sex by men and women in four counties (two urban, two rural) in North Carolina. this study went beyond female worker & male client; both sellers and purchasers of sex were male and female. This study consisted of a self-report survey of 1,720 drug users and their sex partners; the make-up of the respondents was 677 females and 1,043 males. Some of the areas covered in the study by Bobashev and his colleagues included the respondents', sexual behavior and sexual health history. The respondents who reported sex partners of the same sex totaled 3.3% for women and 9.3% for men. The majority of the respondents in their study reported to only having sex with partners of the opposite gender within the past 6 months.

An interesting finding from this study was the low percentage of respondents who reported to engaging in unprotected sex (i.e. sex without male condom usage). When asked about their sexual behavior with their last 3 partners, 13% of the women and 16.8% of the men

reported having had unprotected sex. The percentage was even lower when the respondents were asked about their behavior with 6 or more partners within the last 6 months. When asked this question the percentage of women dropped to 5.2% and for the men it dropped to 9.1%. These results indicate no significant differences in sexual behavior between men and women in terms of their decision to practice safe sex. Bobashev and his colleagues also had similar findings in regards to the sexual health history of the men and women respondents. When asked about their HIV status, 15.2% of the women reported to being HIV positive and 19% of the men reported to being positive as well. In addition to HIV the researchers also asked respondents if they currently had any other STI's, and this resulted in 25.2% of the women reporting yes to this question along with 21.2% of the men. The findings of this study reported 43% of women purchased &/or sold sex; 62% of men. However there was no specific statistical data that indicated what percentage of these individuals engaged in unprotected sex or what percentage had either HIV or another STI. An additional limitation to this study was the lack of information it provided on the percentage of the men and women who sought medical care for the STI's that they contracted as a result of selling and purchasing sex.

International Comparisons

The risk of contracting or spreading STI's is a problem that is shared by other countries around the world. The following section will discuss the issue of STI's among sex workers in other developed Western nations that have either relaxed or no prostitution prohibitions at all. There will be a focus on both sex workers who work primarily on the street and those who work off the street in locations such as brothels or massage parlors. Research examining how sex workers try to decrease or eliminate their risk of contracting STI's will be discussed. More specifically, most of this research focuses on the sex worker's insistence that their customers use condoms and other forms of contraception, the likelihood of their being examined by a

physician, and their likelihood to receive treatment for any STI's that they may have contracted.

While there aren't specific statistics provided that show the percentage of the effectiveness of the sex workers insistence that their customers wear condoms, in a study conducted in Vancouver, British Columbia (where prostitution is illegal in any form), O'Doherty (2011) reports that 33% of the sex workers in her study experienced situations in which the customer refused to wear a condom after they insisted that they do so. The only information provided on the response of the sex worker in this situation was that she would refuse to provide service to the customer. In terms of the health care sought out and received by the sex workers, the responsibility of paying for these services falls on the brothel owners who risk losing their license if they do not ensure that their workers are following the health regulations placed on them by the government. If it were up to the sex workers to pay for their own treatment in brothels it would be unlikely that they would engage in off-street sex worker over street sex work due to the financial obligations that they would become responsible for by deciding to work in an off-street form of sex work.

Pyett et al. (1996) conducted a study that examined the risk of HIV and other STI infection among sex workers working in legalized brothels located in Australia. The authors gathered their information from 271 female sex workers through the use of a questionnaire which covered topics such as their condom use with clients as well as with non-paying sexual partners (i.e. romantic partners), drug use, history of STI's, and the way that they deal with clients whom they suspect of having an STI. The findings of their study reported that 80% of the sex workers wore a condom when they engaged in a sexual act with a client. However, 16% of these same women also reported that they don't use condoms when having sex with their romantic partners. While the study doesn't report the reason why 20% of the women chose to engage in sex without the use of condoms, it does point out that the legalization of prostitution has increased the

likelihood of a sex worker carrying and using condoms because they no longer had to fear being arrested for suspicion of committing prostitution due to their possession of condoms (Pyett et al., 1996).

Taking this under consideration, it might be possible that the 20% who reported to not using a condom did so because they have not changed their behavior in this regard even though prostitution has been legalized in the area that they are working in. Besides not using STI protection during paid sexual encounters, the behavior that put these women at the most risk of contracting an STI was drug use. This study also found that 27% of the women surveyed reported that they injected themselves with drugs and would share their needles with others. Pyett et al. concluded their study by stating that these women are at a low risk of contracting STI's when it comes to their sexual behavior due to their willingness to use condoms with their paying customers, but they are also at a high risk of contracting STI's through their drug use behavior.

Jeal and Salisbury conducted two studies that focused on the health needs of sex workers. In their first study, Jeal and Salisbury (2004) administered a questionnaire to 71 female sex workers in Bristol, England; where prostitution itself isn't illegal, but certain laws exist which discourage sex work. For example, brothels cannot be legally operated, and soliciting sex in public places is also illegal. The sex workers in this study worked exclusively on the streets. The authors aimed to examine the health and social circumstances of the sex workers and compare them to the general population. They stated that it was important to look at all the areas of the sex workers lives in order to determine if any other aspects of their lives had relevance to their health or their attitudes towards seeking health care. Thus, they looked at various aspects of the sex workers life including childhood abuse, homelessness, work practices and sexual health. The results of their study generated some interesting findings. Of the 71 women who were a part

of the study, 44 (62%) of the women reported to experiencing abuse in various forms (physical, sexual, emotional) and less than 50% of these women received any care or treatment for this abuse. A majority of these women (66%) also reported that they were either currently homeless or in danger of becoming homeless. The results of the section that focused on the work practices of the sex workers also provided some surprising findings.

Regarding their sexual behaviors specifically, all of the women reported that they used condoms with their customers, and 63 (89%) said that this was the only form of contraception that they used. Almost all of the women reported being offered more money by their customers for sex without condoms, but 51 (72%) of the women said that they would never engage in sex with customers without the use of condoms. However, when asked about their sexual activity in the last week, more than half of the women reported that they had unprotected sex within that last week with men that were both customers and romantic partners (non customers). This statistic becomes especially noteworthy when you take into account the number of customers that these women encounter per week, which in this study was reported to be 22 customers per week.

Jeal and Salisbury's (2004) findings on the sexual health of the sex workers reveal that less than half of the women (46%) had been screened for an STI in the past year, 20% of the women reported that they have never been screened for an STI, but 61% had been treated for an STI at some point in their life. The authors concluded by saying that the social factors that the sex workers experienced such as child abuse and homelessness contributed to their high level of risk taking behavior which in this case took the form of engaging in unprotected sex work for more money, despite the dangers associated with doing so.

In their second study, Jeal and Salisbury (2007) compare the health needs of the street sex workers in their first study to the health needs of sex workers that work off the street in massage

parlors. Similar to their first study, this study was conducted in the United Kingdom and contained 71 sex workers from massage parlors who were interviewed using the same questionnaire format. The findings of this study indicated a clear difference between the street sex workers and the off street sex workers in almost every aspect. Nearly 50% of the massage parlor workers reported that they use additional contraception besides condoms compared to only 11% of the street workers who reported the same behavior. These women also averaged fewer customers per week at 14 (compared to the street workers 22) and were more likely to be registered with a physician. Factoring in this average of customer per week plus the massage parlors sex worker's increased likelihood of seeing a physician decreases her risk of contracting or spreading an STI and also decreases her need to receive treatment for one as well. The conclusions drawn by the authors was that given that these are two different types of sex workers who engage in different risk taking behavior, there will be a difference in the health needs of each type of worker. Based off the findings of this study, the street workers have more of a need for health services than the massage parlor sex workers.

The findings of these studies have indicated an increased risk for the contraction and spreading of STI's for American sex workers due to their reduced likelihood of requiring their customers to use condoms. Sex workers who are working in the brothels have higher reported condom usage requirement for their customers, and so have a reduced risk of contracting and spreading STI's. Taking this information under consideration, the government would be best served to implement a policy that would increase the likelihood of the sex worker to require their customer to use a condom. This could be best achieved by placing prostitution in legalized brothels. The health regulations placed on legalized brothels could require that the brothels make customers wear condoms if they want to use the services of their establishment.

CHAPTER 3

SAFETY CONCERNS

Existing Literature

In addition to health concerns that arise with any discussion of prostitution there are also obvious safety concerns to consider as well. Sex workers are at a higher risk of being victimized due to the dangers that are associated with their line of work (Brents & Hausbeck, 2005). As a result of this, one of the main arguments behind the creation of legalized brothels is that it would be better able to provide safety and protection for sex workers. Because only one state in the US currently allows legalized brothels, there are few studies that have examined these claims of safety and protection advocated by brothel managers. However, the studies that have been conducted have provided some interesting findings.

I believe that by decriminalizing prostitution and placing it in legalized brothels will decrease the victimization experienced by sex workers due to the increased that is not available to sex workers who work in the street. The brothel work environment is safer than the street as a result of safety mechanisms such as security guards who will be able to prevent the victimization of the sex workers. These safety mechanisms are discussed in more detail below.

Brents and Hausbeck (2005) examined violence in legalized brothels in Nevada by conducting interviews with sex workers, managers, and policy makers. The authors chose to focus on the sex workers perceptions of safety and risk, along with the ways in which the brothel managers tried to decrease the risk of victimization that a sex worker might face. During their study they discussed three types of violence: interpersonal violence against sex workers, violence against community order, and sexually transmitted diseases as violence. They found that the brothel managers made a point of emphasizing how the brothels were safe against physical violence in their justification of the legalization of prostitution.

The managers explained that their implementation of safety mechanisms provided safety for not only the sex workers, but for the brothel itself and the customers as well. There were various safety mechanisms used by the brothels, including following health regulations, placing call buttons and audio monitors in the rooms, and controlling customer behavior by limiting the amount of alcohol they can drink when they are on the premises and by having the ability to contact law enforcement for rowdy behavior (Brents & Hausbeck, 2005).

The sex workers perception of safety varied among individuals. The overall findings of the authors suggest that the legalized brothels provide safer place to work for the sex workers than an illegal brothel or street prostitution would, due to health regulations that decrease the contracting and spreading of STI's and their option to contact law enforcement if necessary (Brents & Hausbeck, 2005).

Another study that examined the victimization of sex workers was conducted by Romero-Daza et al. (2003). In their study they examined the relationship between prostitution, drug use, violence and HIV risk of 35 street level sex workers in Hartford, Connecticut. They gathered their information with the use of qualitative interviews with the women. The results of their study found that all 35 women reported the use of drugs that ranged from "softer" drugs such as marijuana to "harder" drugs such as cocaine and heroin. A statistic that is not surprising due to sex workers willingness to offer sexual services in exchange for drugs in addition to money or other various material things. Romero-Daza and her colleagues also found that violence was a reoccurring thing in the lives of the women that they interviewed.

Romero-Daza et al. (2003) reported that over 90% of the women in their study had experienced violence from their customers. The women reported that the violence they experienced came in different forms. Sixty percent of the women interviewed reported that they were raped by their customer while they were out working the streets. The scholars noted that

the women had low frequency when reporting their rapes to the police because they said it would be “useless” due to the stigma associated with their job. In addition to experiencing sexual violence, the sex workers also experienced physical violence as well. Roughly 25% of the women reported that they were almost killed by their customers. Some of the women interviewed reported that they had friends who were actually killed while they were out selling sex. These statistics highlight the serious dangers that are associated with engaging in sex work at the street level. Based off the information gathered in the study, Romero-Daza and her colleagues conclude by asserting that working on the street puts sex workers at an increased risk of experiencing violence

International Comparisons

The risk of victimization is a serious problem associated with the sex trade, and the women who engage in this trade on the street are at a high risk of being victimized due to the lack of safety there is in street work. This section will discuss studies that examined the prevalence of victimization in off-street prostitution to determine if these non-street working environments provide enough safety for the sex worker that it decreases her risk of victimization.

O’Doherty (2011) conducted a study to determine if the victimization that is experienced by street sex workers is also experienced by those working in other environments. This particular piece studies off-street sex workers in Vancouver, British Columbia where prostitution is illegal in both on and off-street forms, but sex workers choose to engage in off street forms due to the safety it provides. The study consisted of 39 sex workers who were given victimization surveys that focused on their experiences working in an off-street form of sex work such as massage parlors, escort services or their own home. The findings of their study indicated that the women felt the safest when they worked in the massage parlor and felt the least safe working in the escort agency. This was due to the increased safety that comes with working in

an indoor sex trade establishment. The escorts had felt less safe because they were alone with a client and no one else around to provide help if they needed it.

O'Doherty (2011) also reports that 33% of the women had been threatened with violence, while 16% were threatened with a weapon. Being threatened with a weapon was most commonly experienced by escorts with their clients. While the threats of violence that the massage parlor workers experienced came from coworkers as opposed to clients. Twenty-four percent of the women reported being physically assaulted and 18% of the women reported being sexually assaulted. Despite the high percentage of physical assault experienced by off-street workers, it is still relatively low compared to the physical assault experienced by escorts who reported experiencing twice the amount of physical assault. Twenty-one percent of the women reported to being kidnapped (held against their will). O' Doherty's findings also indicated that only 18% of the women indicated that they reported their victimization. They reported that they did not feel that their victimization was serious enough or they felt that they would not be believed due to their line of work. It is also important to note that the percentage of sexual assault experienced is somewhat high at 18%, but O'Doherty reports that this was the least common form of violence experienced by the sex workers, both on and off-street. The author goes on to state that 74% of the women reported using safety strategies that included: screening clients, using intuition and planning ahead. These strategies are not perfect and don't completely eliminate the risk of victimization, but it could prevent some instances of victimization that a sex worker could encounter and that is better than not having any type of safety strategy at all.

O'Doherty concludes the study by saying that victimization does occur in off street sex work, but that it is possible for a woman to engage in sex work and not experience violence depending on the work history of the sex worker. This study contained women who worked in both on and off-street prostitution and women who have worked in off-street prostitution only.

Due to the lower rates of victimization among off-street sex workers, O'Doherty reports that for those working exclusively off-street, it would be possible for them not to have experienced victimization from clients at all.

Sanders and Campbell published an article in 2007 based off field work conducted by Campbell in the UK during 2000-2002. This study consisted of surveying 90 sex workers about their involvement in the sex industry. The second study conducted from 2000-2001 was based off a secondary data set which was comprised of ethnographic research done by Sanders (2005) in licensed massage parlors and illegal brothels that included interviewing 55 individuals that consisted of indoor and outdoor sex workers, along with the managers and other staff members of the establishment. Sanders and Campbell combined both of these studies for the purposes of generalization with indoor sex work in the UK. The goal of these pieces was to determine the different risks that the sex workers encounter and how they handled these risks. After analyzing the data gathered from both studies, Sanders and Campbell break the article down into three different points. The first point looks at the types of violence and problems that a sex worker encounters, the second point discusses the protection strategies implemented, and the final section argues for a change in the perception society has of sex workers in order to help decrease their risk of experiencing violence.

One of the instances of violence that sex workers experienced came as a result of attempted robberies (Sanders & Campbell, 2007). The authors noted that the massage parlors and brothels were target for robberies due to the offenders believing that there were large amounts of money located there and only women around to protect it. In one of the interviews a sex worker reported that the men who were attempting to rob their establishment couldn't find the money and threatened to stab her with his knife if she didn't tell him where it was. In addition to violence from robberies the sex workers reported attempts of sexual assault in the

form of customers trying to perform sexual acts on them that were not mutually agreed upon during the negotiation process, and customers attempting to remove their condoms while having sex with them.

Sanders and Campbell report that the women who work in indoor establishments have access to safety mechanisms that are not available to the street workers. One of the mechanisms was referred to as managing the environment. This basically meant the sex worker had a sense of control inside the parlor because there were security guards and security cameras on the property which help keep the sex workers safe. An extension of this mechanism is one the authors call collective control, which meant the sex workers felt safe because they knew there would other sex workers and staff workers around to help handle any customers that may be currently at the establishment.

In their final section Sanders and Campbell argue that there needs to be a change in the cultural attitude towards the women who are involved in the sex industry. They say that the current attitude towards the sex workers encourages violence against them because they are seen as being low status people in society. They conclude by saying that if policy makes sex work out to be something bad it reinforces negative attitudes about the sex workers. As mentioned before, these negative attitudes could lead to experiences of violence for the sex worker because they are not given the same level of respect as other members of society. Having a lower status than everyone else makes the sex workers attractive targets for victimization by an offender.

The findings of this section suggest that there is an increased risk of victimization for sex workers that work out on the street. The sex workers who work in off-street forms of prostitution have a decreased risk of victimization due to safety provided by their work environment. An explanation for why sex workers receive more safety in off-street forms of prostitution such as brothels would be Routine Activities Theory (RAT) (Cohen & Felson, 1979)

RAT suggests that crime occurs as a result in the convergence of space and time by three key elements: motivated offender, suitable targets and absence of capable guardianship. In the situation of prostitution, the sex workers are suitable targets who are constantly interacting with motivated offenders and are at risk of victimization due to their being an absence of capable guardianship which would take the form of other individuals in the area to provide safety from victimization. The Absence of capable guardianship issue would be addressed in brothels due to their ability to provide safety for the sex workers that come in the form of staff members whose responsibility involves providing the sex workers protection from dangerous customers.

This protection provided by the brothels needs to be taken under consideration during the policy creation by the US government. Because sex workers who work in brothels have decreased risk of victimization, the government's policy would need to include a requirement that prostitution must be held in brothels in order to decrease the likelihood of the sex workers being victimized by their customers.

CHAPTER 4

SEX TRAFFICKING VS. PROSTITUTION

Existing Literature

Human sex trafficking is a serious crime that can be linked to the sex trade. However, a key difference between sex trafficking and prostitution, at least in the sense it's being used here, is the willingness of the sex worker to engage in the sexual acts. Women involved in sex trafficking, in contrast, are being forced or coerced into the sex work by the sex trafficker (Macy & Johns, 2011). These trafficked women usually come from disadvantaged countries that are struggling with poverty and crime; they are often promised a better life in the United States and end up being forced into the sex trade once they arrive in the country (Macy & Johns, 2011).

This following argues that decriminalizing prostitution and placing it in legalized brothels will make it easier to identify victims of sex trafficking. Brothels would have to follow regulations such as providing proper documentation of the sex workers eligibility to work in the US. This would make any women who were illegally trafficked into the country more visible because she would be less likely to have proper documentation of legal residency. In addition to this, the police would be able to redirect the focus of their resources from prostitution to sex trafficking and allow for proper training and preparation for any encounters with sex trafficking victims. The increased training would make it easier for the police officers to distinguish women who are willing agents in sex work and those who are victims of sex trafficking due to having an increased knowledge of the characteristics of a sex trafficked victim.

Wilson et al (2006) conducted an exploratory study of local law enforcement's response to people that are trafficked into the US. Wilson and colleagues gathered their information with surveys which they administered to 163 police departments, and received responses from 79 of

them which they were able to use for their study. The survey measured four specific components referring to human trafficking: attitudes, training, policy and cases investigated/arrest made.

They report that nearly half (46%) of the departments believed that human trafficking was a problem in the US. However, 61% of the departments also said that it was not a local law enforcement problem and 72% said that it should be handled by federal law enforcement. This is significant, since the authors also reported that local law enforcement are more likely to encounter human trafficking than federal law enforcement since most sex work cases in general are handled by local law enforcement. Perhaps the most important finding to note is that 92% of the departments reported that they had not received any specialized training in any issues related to human trafficking. This in particular leads to the conclusion that local law enforcement is currently not prepared/ trained enough to have a positive response to the crime of human trafficking. Wilson and colleagues argue that this lack of training will make it difficult for the officers to identify women who are victims of trafficking. In addition to this they also argue that the local departments' perception of human trafficking being a federal problem prevents the local departments from developing policies that would address the crime of human trafficking. Development of policies related to trafficking is essential for local law enforcement since they will be the ones who make first contact with the victim.

International Comparisons

Helfferrich et al (2011) examined the willingness of female victims of sex trafficking in Germany to make a statement to the police to report their sexual exploitation. This study focused on three key factors - offender strategies, police action, and the victim herself – and how these factors played a role in the victim's willingness to report her victimization to the police. The study consisted of 53 women from third world countries who were victims of sex trafficking. These women were interviewed about what influences them in their willingness to

report their victimization to the police. Their findings suggested that when an offender used violence, threats of violence, or threats of deportation, victims would be less likely to contact the police. They also found that the nature of previous interactions with police officers played a role in the willingness to report as well. These women often crossed paths with police officers during routine checks of their documentation to ensure their legal status as a resident. These encounters with the police did not always end in a positive manner. In some instances the woman would be taken into custody and eventually deported. This is obviously related to an additional risk factor, which is the legal status of the victim herself. Due to the fact that these women are often not legal residents, or do not have access to their documentation, they are fearful of deportation and therefore do not trust the police. This fear and distrust decreases the victim's willingness to report their exploitation. To increase the willingness of the victim to testify the police would have to gain the trust of the victims by countering the strategies implemented by the offender. They could do this by offering the victim incentives for reporting such as protection and a permit to stay in the country legally. The authors conclude by arguing that the police need to change the way that they interact with the women in order to increase their willingness to report. Given that similar human trafficking situations such as these occur all over the world, it is reasonable to believe that similar practices could be done by other countries who also share the same issues, such as the US.

An additional study that looked at the issue of human trafficking in Amsterdam, the largest city in the Netherlands, was performed by Verhoeven and Gestel (2011). This study is unique in that it focuses on the different strategies used by police officers in an area that has both a large amount of human trafficking and prostitution due to the latter of the two being legalized in that area. Verhoeven and Gestel (2011) examined the human trafficking and criminal investigation strategies of four cases within four different large scale police departments in

Amsterdam which is known for its Red Light District. The Red Light District refers to an area that contains window prostitution in which sex workers can stand and solicit customers from the windows. Given the Red Light Districts large amount of customers it is a prime location for human traffickers to force their victims to solicit sex.

Verhoeven and Gestel discuss four different types of investigations used by the police departments on four different cases that these police departments had previously worked on. Those four investigations were referred to as the Starling, which focused on the statements made by the victims, the Pigeon, which focused on the public problems such as physical or verbal altercations that were caused, the Raven, which focused on the criminal organization that were doing the trafficking, and lastly, the Titmouse which focused on the specific elements of human trafficking. The authors note that the names of these strategies are not the actual names of the strategies, because they needed to ensure that the cases remained anonymous. It also important to note that the authors refer to the officers who conducted the investigations as the investigation team; there is no reference to the names of the four police departments used in their study. In addition to this they also make reference to community police officers. To my understanding, that these particular officers were not a part of the main four departments and instead were officers from smaller departments in the community.

Verhoeven and Getsel (2011) then talk about the advantages and disadvantages of the four strategies. They say that an advantage of the Starling strategy is that it enlists the help of community police officers to take reports and witness statements from the victim. The disadvantaged they noted was that often the reports end up being a waste of time due to the victims taking back statements that they previously made or deciding not to report at all. This made it difficult for officers to build up a case that would eventually lead the arrest of the trafficker. In their discussion of the Pigeon strategy they identify an advantage of driving away

human traffickers with the use of revoking permits of individuals involved in fights or any other public disturbances. The authors stated that the investigation team performed these actions without consulting the community police, and identified this as a possible disadvantage. This is a disadvantage because the community police officers can provide information that the investigation team isn't aware of.

The final two strategies discussed by Verhoeven and Getsel have a stronger focus on the crime of human trafficking itself. The Raven strategy focuses on targeting the organization that is behind the human trafficking. The authors indicate that this is an effective way to get rid of any human trafficking that is going on because this strategy just focuses on an entire group of people who they believe are traffickers as opposed to just single individuals. However, Verhoeven and Getsel also say that this strategy of focusing only on the traffickers is risky because it doesn't involve any contact with the victims; who could provide information that would strengthen their investigation. The last strategy discussed by the authors was the Titmouse strategy which focused on the elements related to human trafficking. This strategy involved the investigation team finding a person that they suspected of being a trafficker and then building a case against him; they did this by using surveillance techniques. The authors reported that the advantage of this technique was that it was very organized and utilized observation of not just the individual who they suspected to be a sex trafficker, but they also observed their interaction with sex workers to determine if they were victimizing these women in the forms commonly associated with sex trafficking (i.e. use of force, controlling work hours etc.). The authors went on to say that this particular strategy as low risk compared to the other strategies. Verhoeven and Getsel conclude by stating that it is difficult to compare these strategies and choose one to be the best because all of the strategies have their advantages and disadvantages.

This section highlights the key difference between sex workers and victim of sex trafficking which is their willingness to engage in sex work. The studies discussed demonstrate how there is a need for law enforcement to focus their resources on the victims and crime of sex trafficking. By decriminalizing prostitution, law enforcement would be able to free up resources and provide adequate training that would focus on preparing law enforcement officers for their encounters with victims of sex trafficking and sex traffickers. The placement of prostitution in brothels will allow for easier identification of sex trafficked victims through the use of focusing on the elements associated with sex trafficking, such as the abuse and interaction between “managers” and workers.

CHAPTER 5

OPPOSING VIEWPOINTS

Feminist Arguments

Some feminist theorists, scholars, and advocates for women's rights oppose the decriminalization of prostitution due to the effect that it would have on all women, not just the ones who engage in sex work. An argument put forth by some feminists is that decriminalizing prostitution would be demeaning to women (Farley, 2005). In other words it would encourage the objectification of all women by men. It would make it seem as if there is nothing wrong with the behavior that the men are engaging in. Men wouldn't stop treating women in this way because they're not being penalized for their behavior. The absence of consequences for their behavior only strengthens their belief that they are not doing anything wrong. Decriminalizing prostitution would give the impression that it is acceptable for men to view and treat women as if they are objects for sexual consumption, and not human beings; this would in turn also strengthen the stigma that is already associated with being a sex worker (Jeffreys, 2010).

This stigma sex workers encounter is understandably a significant source of concern. Women who engage in sex work are often regarded as low status members of society and are treated as such. Sex workers are not seen as fully-equal humans and have to deal with the stigma that comes with their chosen line of work (Carpenter, 1994). There are so many aspects of the sex worker's life that are affected in a negative way as a result of the stigma that they face. One of the consequences of the stigma is the sex worker's willingness to seek medical care. Given the obvious health risk associated with sex work, there is a constant need of either screening for or receiving treatment for STI's, as well as unintended pregnancies. Sex workers are less likely to go to a physician to receive these services because they don't want to be judged for the line of work that they do (Carpenter, 1994).

This stigma also affects the sex workers likelihood to seek out the services of the police when they are victimized. Sex workers are reluctant to report their victimization to the police due to the fear of being arrested for engaging in criminal behavior, but also because they are fearful of not being treated the same way as a non sex worker would be treated (Carpenter, 1994). When the sex workers victimization is not taken seriously it gives the impression that the victimization should be expected by the sex worker given the type of work that she does. Meaning that the sex worker should not be surprised that she was victimized and that she should accept it as a hazard of the job. This idea of the sex worker accepting that being victimized is a part of the job downplays the dangers associated with sex work.

Some feminist scholars also argue that decriminalizing prostitution would downplay the harmful aspects associated with this trade, and make it appear that it is no different than any other unpleasant job (Farley, 2004). Farley (2004) speaks of this idea of normalcy which puts sex workers in the same category as everyone else when it comes to employees at a job site. This concept views the risks and possible victimization that a sex worker experiences while on the job to be regular negative drawbacks of the job. For example, a sex worker being sexually assaulted by a customer would be comparable to a factory worker getting injured on the job.

While this is a legitimate argument, steps could be taken to ensure that those victimizing sex workers would be punished. Rational Choice Theory, developed by Cesar Beccaria (1794), operates with notion that individuals will be deterred from committing crimes if there is certainty that they will receive a punishment. The punishment needs to be carried out swiftly in order to show the negative consequence for the behavior that the offender engaged in. Meaning that the punishment should be immediate so that the offender knows that this negative consequence is the result for doing whatever it is they were doing. Lastly, the punishment needs to be severe

enough or the criminal will engage in this deviant behavior again in the future. The severity of the punishment needs to be appropriate based off the severity of the crime that was committed.

In addition to physical harm, there is also the possibility of emotional harm due to the continued mistreatment that the sex workers receive as a result of the strengthened stigma. This is often overlooked by advocates for the decriminalization of prostitution, who only focus on the physical harm that a sex worker may face. These advocates don't consider the emotional/mental harms as a result of sex work such as PTSD and depression (Farley, 2004; Pyett et al., 1996). There are various ways in which these cope with their distress and depression. Some women rely on alcohol or other legal or illegal substances as means of dealing with the various negative experiences they encounter as a sex worker (Pyett et al., 1996). Sometimes drug-addicted women would exchange sexual services for drugs, creating a cycle of victimization and "self-treatment" with drugs. Drug use itself can also lead to higher risks of contracting infections through the sharing of needles between sex workers and their customers.

Removing prostitution from the street and placing it in regulated legalized brothels could put the sex worker in situations that could lead to victimization due the regulations that they have to follow. For example, sex workers are often offered more money for sexual contact without the use of a condom, but a common regulation that is required of sex workers in legalized brothels is that they use condoms with all of their customers in an attempt to help reduce the risk of contracting and spreading STI's. This inability to comply with the request of their customer could potentially put the sex worker at risk of experiencing violence if the customer is not happy with the sex workers refusal to engage in sex without a condom (O' Doherty, 2011). Another example involves the regulations placed on the brothel itself, but still can be harmful to the sex worker. Brothels are usually required to be zoned in locations that are away from mainstream society and more on the outskirts of a town. This puts the brothel further away from police

protection and increases the amount of time that it will take the police to get there if they are needed. This puts the sex workers and staff members in danger if there was a situation that required police involvement. The arguments raised by opponents of the decriminalization of prostitution are valid and important issues that require discussion. Their arguments will be addressed further in the discussion section of this paper.

CHAPTER 6

POLICY IMPLICATIONS

This section will provide a summary of the discussion of the three main arguments that advocate for the decriminalization of prostitution, which would involve the removal of prostitution from the street and place it in legalized brothels; along with the opposing arguments for the decriminalization of prostitution. In addition to this there will also be suggestions for policy implications, and ways in which the US could implement laws that would decriminalize prostitution. In addition, there will be a discussion of the necessary societal changes that US would need to make in order for the decriminalization of prostitution to be possible within this nation.

Decriminalizing prostitution and requiring it to be only allowed within legalized brothels would be beneficial in four specific ways. The first way would be decreasing the risk of victimization of sex workers. The sex workers are most at risk when they are out on the streets than if they were indoors (Weitzer, 2012). They are usually alone which makes them vulnerable to be abused physically or sexually. The creation of more legalized brothels throughout the US would centralize the locations in which sexual services would be provided instead of allowing it to occur in various parts of a town in areas that may be secluded and offer no protection for sex workers. The odds of a sex worker being abused are reduced if there are more people around such as security guards, managers, and other sex workers who would be able to hear if the woman was being abused. These individuals along with the ability to contact law enforcement would serve as a deterrent for customers who may have otherwise victimized sex workers. This deterrent effect is expected, based on the propositions of Rational Choice Theory (RCT) (Beccaria, 1764) which suggests that individuals will be less likely to commit crime if there is a certainty that they will get caught and receive a punishment that is both swift and severe. The

certainty of getting caught after victimizing a sex worker would be increased if the interaction occurred in an off-street form of prostitution such as a brothel as opposed to an on-street form of prostitution. The swiftness of the punishment would increase due to the brothel's ability to contact law enforcement. Lastly there is severity which refers to the punishment itself. The more severe the punishment the less likely they commit the crime. Other criminological theories also point to the deterrent effects that locating sex work within legalized, regulated brothels can have on potential offenders. RAT posits that the presence of capable guardians will deter offenders from committing crimes. The second way that legalized brothels would be beneficial would be by helping to remove some of the street level prostitution. Granted there may still be some forms of street level/ black market prostitution available to those who do not want to use the services provided by the brothels. This will in part be due to the economics involved with prostitution. Street level prostitution will more than likely be cheaper than brothel prostitution. It would also be cheaper for the "employer/-pimp" to not open a brothel because opening a brothel would require additional money to cover the costs of obtaining a license, renting the building and providing health care for the sex workers. For situations such as these there needs to be swift and severe punishment for the customers; and this punishment should take the form of jail time. The sex worker should instead receive some form of rehabilitation. If there is not a severe enough consequence of engaging in the purchasing of sex outside of legalized brothels, there would be no deterrence for customers purchasing sex from street workers, and thus no reduction in the "demand" for a black market. However, hopefully the creation of these brothels will decrease the alternative forms of prostitution that occurs in places that pose as legitimate businesses such as massage parlors or strip clubs.

Third, the decriminalization of prostitution could also help reduce the stigma experienced by sex workers if society begins to view them individuals who are not low status or inferior to

everyone else. Individuals who experience stigma are not regarded in a high manner by people in society, which in turn may discourage them from going to the police to report their victimization. Those opposing the decriminalization of prostitution often argue that the biggest harm that sex workers face is the stigma placed on them by the other members of the society (Farley, 2004). In this case, the normalization of the profession would serve to reduce the shame and stigma placed on sex workers. Once their work is legitimate, they will hopefully also be seen as legitimate. Additional ways in which stigma can be reduced are addressed below.

Lastly, decriminalizing prostitution and placing it in legalized brothels could reduce the risk of contracting and spreading of STI's. Legalized brothels could be required to comply with health regulations such as the sex workers being required to ensure that their customers always use a condom. Sex workers should also be required to get screened for STI's by a physician on a regular basis. The implementation of these regulations helps keep both the sex worker and client safe in regards to contracting and spreading STI's. Due to the average number of men that a sex worker encounters, there is an increased risk for the sex worker to either contract an STI from a customer or spread an STI to a customer.

In comparing prostitution to sex trafficking, the latter of the two is more serious. The women who are sex trafficked for the purposes of providing sexual services are unwilling participants in this behavior. While prostitution may be considered a victimless crime, the women who are sex trafficked are by definition victims of physical, mental and emotional abuse at the hands of their attackers (Hepburn & Simon, 2010) However it is also important to note that the women who willingly engage in prostitution can also be victims themselves (O' Doherty, 2011). Sex workers who willingly engage in sex workers can also be victims due to the abuse that they may experience at the hands of their "pimp". Sex workers that work in prostitution willingly and sex workers who are trafficked are often grouped together by police due to them

both providing the same services. This is a result of the police departments not providing adequate training for the officer in terms of distinguishing women who are victims of trafficking from women who are willing participants in the sex trade. This grouping makes it difficult for police to focus more of their resources and man power on the more serious crime of sex trafficking. As a result of this, the women are being seen as criminals as oppose to victims which can cause the unintended consequence of the trafficking victim not trusting law enforcement. This lack of trust decreases the victims' likelihood of reporting their victimization for fear of being treated as a criminal instead of a victim (Helfferich et al., 2011). As a result of this the person responsible for the victimization remains invisible to the police and doesn't receive any charges for their crime.

The decriminalization of prostitution and regulating it into legalized brothels would allow the police to focus their attention on human sex trafficking. As stated earlier, the police officers would be able to receive training that would allow increase their ability to identify victims of sex trafficking. They would also be able to use investigations techniques such as the ones used in the by Verhoeven and Getesel's (2011) study in order to identify sex trafficked victims in locations that have legalized prostitution. The police exert a lot of energy and man power in cracking down on prostitution. These efforts often take the form of organizing sting operations in which a male officer poses as a customer looking to purchase sex. A common theme among these sting operations is that the police are targeting sex workers. There are few studies that focus on the police targeting the customers of the sex workers, but the results of the studies provided findings that suggested that targeting the customers helped serve as a deterrent for future customers (Dodge et al., 2005). One of these studies includes an evaluation of a diversion program referred to as John School (Wortley et al. 2002). This study looked at the effectiveness of this program which was designed to give offenders the opportunity to get the charges dropped for engaging in

the purchase of sex. The aim of the program was to educate the offenders on why their behavior was wrong. The authors stated that the John School was similar to a Scared Straight Program. It involved the police officers performing presentations about the consequences that the individuals would experience if they continued to use prostitution services. These presentations also cover topics such as prostitution not being a victimless crime and the victims of prostitution. These current topics covered in the John School would have to be slightly changed if prostitution were to become decriminalized. For example, instead of trying to show the offender that purchasing sexual services is “wrong,” they would have to show the offenders why it would be more beneficial for them to purchase sexual favors in legal forms. This could be done by highlighting their reduced risk of contracting STI's by purchasing sex from sex workers in legalized brothels as opposed to sex workers on the street. Emphasis on sex trafficking and victimization of street sex-worker could remain.

A similar practice should be taken when it comes to sex trafficking. The police should focus their attention on the individuals who trafficked these women into the country and then force them to engage in sex work. Too often the police see these women as criminals or "willing volunteers" due to the association of prostitution with sex trafficking (Halter, 2010). By decriminalizing prostitution the police would no longer have to focus so much of their resources on reducing prostitution, which would then allow them to see the differences between the women who voluntarily engage in prostitution and the women who are trafficked and be able to target the individuals who are trafficking these women for the purposes of sex work. The legalized brothels that are created as a result of decriminalization would have to follow regulations similar to other licensed business in the US. This would include having records of the employees' documentation that shows their eligibility to work in the US. The police would also be able identify victims of sex trafficking easier if they changed the approach in which they handle

encounters with sex workers on the street. The officers would need to not assume that the sex workers they encounter on the street are engaging in that behavior of their own free will. If the initial reaction of the officer is to treat the woman as a potential victim instead of a criminal, the woman that they encounter will have an increased likelihood of reporting her victimization if she is in fact a victim of sex trafficking.

The opposing arguments that were against the decriminalization of prostitution were led by some feminist scholars and other individuals who would be considered advocates for women's rights. The main viewpoint of their argument was that the decriminalization of prostitution would do more harm to the sex workers than good (Jeffreys, 2010). It would encourage men to treat these women as if they were not of higher standards and give society the impression that is ok to think of these women as lower members of society. This stigma causes the sex workers to be reluctant when it comes to receiving necessary services from health professionals and law enforcement (Ditmore, 2006). The feminist arguments challenge the claims of decreased victimization as a result of the creation of legalized brothels. Sex workers are still at risk despite the safety mechanisms that have been put in place by brothel managers. It has been suggested that the regulations meant to provide protection for the sex workers have the opposite affect and puts the women at risk to be victimized by her customer.

These arguments against the decriminalization of prostitution are valid, but the scholars who are in support of the decriminalization of prostitution provide adequate responses to these arguments. One of the main points of the opposition's argument is their claim that the decriminalization of prostitution would increase the stigma that the sex workers experiences. This stigma would affect the likelihood of the sex worker seeking health care and police services. However, the effects of decriminalizing prostitution would address these issues that are associated with stigma. The health regulations placed on brothels which would require the sex

worker to get screened regularly by a doctor would make it a common practice for the sex worker to visit the doctor's office. This could reduce the shame a sex worker may feel when they visit the doctor office for the purposes of an STI screening because it would be an expectation that she be there for the screening due to her line of work.

Some feminists state the fact that the sex workers are reluctant to report their victimization to the police due to their fear of either not being believed or taken seriously and that the decriminalization of prostitution would only make these two things occur more. This issue would also be addressed as a result of the decriminalization of prostitution. Legalized brothels have the option of contacting the police for assistance if any situation that required law enforcement were to occur. This ability to contact law enforcement creates opportunities for the sex workers to have positive interactions with police officers. These encounters would be positive because in these situations the sex worker would be treated as a victim and not as a criminal or someone who deserved whatever happened to her. These positive encounters increase the trust that a sex worker has for police which could make them more likely to report when they are victimized due to reduced fears of not being believed or taken seriously.

In order to decriminalize prostitution in the United States there needs to be several changes in belief and policy made by society. Prostitution and other various types of sex work are still viewed negatively by majority of society. An acceptance or at least a tolerance of sex work by society will be an important step in the decriminalization process. Accepting prostitution will get rid of the stigma that is associated with it. Farley (2004) stated that stigma is one of the most harmful aspects associated with prostitution. Taking stigma into account, a policy should be adopted by the US that creates legalized brothels that are located in the main areas of a city. This of course would most likely increase the cost for services, but the reduced possibility of contracting an STI would be worth the extra money, both on an individual level, as

well as from a public health standpoint. The current policy on legalized brothels in Nevada requires that the brothels be located in certain zones of the state. These zones are located away from the mainstream society and are secluded in nature. Passing legislation that allows for the creation of legalized brothels but restrict it to areas that are away from the public view sends mixed signals of acceptance (Crowell, 2010). By restricting the location of the brothels to the outskirts of towns sends the message that sex work needs to be separated from the rest of society which would only highlight the stigma that is associated with sex work.

It could be argued the placement of brothels in the main areas of a city could be harmful to individuals such as minors due to it being visible in areas where they can see the operation of the brothel. In addition to this it could also be harmful because it could advertise the participation in risky behavior. The government could address these arguments by ensuring that the brothels are not located within a certain distance of schools, playgrounds, and other areas where majority of the occupants are minors. A practice that is also used with the placement of liquor stores, which could also be seen as harmful to minors. The government could address the latter argument by requiring that advertisements not promote risky behavior. This could be done by creating advertisements that promote use of the brothel's service, but use that is conducted in a responsible manner. This would resemble the "drink responsibly" advertisements associated with alcohol. These responses could address this particular argument while keeping the brothels located in the main area of the city in an attempt to help reduce the stigma associated with sex work.

Overcoming the stigma that is associated with prostitution is a feat easier said than done. This is often based on religious/moral objections; such as prostitution being sinful and harmful to society. This moral crusade against prostitution is often led by religious individuals. The religious individuals argue that decriminalizing prostitution would be immoral due to it

encouraging sex outside of marriage. This categorizes prostitution as being deviant behavior because it goes against the current norms of society and anyone who engages in this behavior is considered to be deviant.

This moral crusade against prostitution is similar to that of the moral crusade against gambling or alcohol. Alcohol was considered deviant due to the way that it caused people to behave. As a result of this, individuals in the church believed the consumption of alcohol to be a sin and pushed for legislation that would prohibit alcohol. They were successful in their endeavor, but the legislation was eventually changed and alcohol was deemed legal. The change in the legislation came as a result of a movement that changed the perception that people had about alcohol and “alcoholics” no longer viewing them as sinners, but as people who needed help. While alcohol and gambling may no longer be considered a sin by a majority of society, there are still many religious people who believe them to be sinful. However, despite this belief held by a large number of people, alcohol and gambling still remain legal. The key element in the change in legislation was the change in the public’s perceptions. This change in public perception will also be necessary in order to pass legislation that would decriminalize prostitution. Decriminalizing prostitution would lead to sex workers having more protection when they worked. This increased protection should not be an issue for moral crusaders who could be persuaded by the argument that sex workers need to be helped and protected instead of punished, as they are currently.

This issue of morality was encountered by Australia when the government attempted to pass a bill that would legalize prostitution (Weitzer 2009). Similar to arguments made in the US, the main individuals who were advocating against legalization were feminist leaders and other advocates for women’s rights. One of their arguments against the passing of the Bill was their comparison of the government to pimps. They considered the government immoral for

attempting to sanction the exploitation of women, because they believed that this would open the door to other crimes that are normally associated with prostitution, such as sex trafficking. The government was eventually able to pass the Bill on the grounds that the legalization would lead to a reduction in harm for the sex workers. These same arguments are the driving force behind the movement for the decriminalization of prostitution in the US. Since the US Government is experiencing problems and objections that are similar to the ones that Australian Government encountered but was able to overcome, it is reasonable to believe that the US would be able to do the same thing as well.

CHAPTER 7

CONCLUSIONS

On the surface level decriminalizing prostitution may not seem like the best idea for society. There are certainly some valid arguments against this idea. However, this paper addresses these arguments and makes the claim that the decriminalization of prostitution would be beneficial to society as a whole. These benefits included a reduction in STI's, victimization, and focus of police resources on sex trafficking. To accomplish these things the paper proposed that creation of legalized brothels would be a key element to the successful accomplishment of the proposed claims. By discussing the difference in the amount of harm that a sex worker faces while working on the street as opposed to working in an off-street alternative, this paper highlighted the increased safety from victimization, and decreased likelihood of contracting STI's by working in the off-street environment. This suggests the need for a policy that would decriminalize prostitution, but only make it legal in licensed brothels. This would also help identify the women who are victims of sex trafficking due to regulations on licensed brothels to have legitimate documentation of their sex workers eligibility to work in the US.

To help strengthen the argument for the decriminalization of prostitution two theories were discussed that provided concepts that highlighted the benefits of decriminalizing prostitution. The theories discussed were Routine Activities Theory (RAT) and Rational Choice Theory (RCT). RAT states that for crime to occur there needs to be a convergence in time and space of a motivated offender, suitable target, and lack of a capable guardian. Applying RAT to the decriminalization of prostitution shows that placing prostitution in legalized brothels can reduce victimization of sex workers due to the presence of capable guardians in the form of security, managers and other sex workers, as well as security cameras, panic buttons, intercom systems, etc. which would decrease the likelihood of a customer victimizing the sex worker.

The decreased likelihood of a customer victimizing a sex worker can be attributed to their increased likelihood that they would get caught if they did attempt to victimize the sex worker. This certainty of getting caught is related to the second theory discussed in this paper, RCT. RCT states that individuals will be deterred from committing crime if there is a certainty that they will get caught and receive a punishment that is both swift and severe. The certainty of getting caught after victimizing a sex worker would be increased if the interaction occurred in an off-street form of prostitution such as a brothel as opposed to an on-street form of prostitution. The swiftness in which they can be punished for their crime is increased by the brothel's ability to contact law enforcement due to their establishment being legalized. Lastly, the punishment for purchasing prostitution will be more severe and focus on penalizing the customer and providing help for the sex worker.

In closing, there will most likely be many unknown factors that will arise if prostitution were decriminalized. There is no way to anticipate all of the issues that may occur as a result of the passing of this legislation. For example there's the possibility that the passing of this legislation could cause an increase in the number of women who decide to engage in sex work due to a combination of financial trouble and the lack of prerequisites for becoming a sex worker. There is also the possibility of increased drug use in the area, and lastly there is the possibility of increased crime rates in the area (Crowell, 2010). However, it could very well be that these associations are due to the current state of affairs, in which sex work is entirely illegal and so it's not surprising that the black market sexual services might overlap with the black market for illegal drugs. Similar situations were seen when alcohol was prohibited and individuals had to obtain their alcohol through black market means. This could be lessened with the decriminalization of sex work. With that being said, the decriminalization of prostitution in all of the US would not completely solve all the problems associated with prostitution because

no law passed is 100% effective, but the potential benefits that it could provide, in terms of increasing protections for sex workers as well as benefitting public health, is worth the effort of attempting to pass the law.

REFERENCES

- Beccaria, C. (1764). On crimes and punishment. (2nd ed., pp. 277-286). Prospect Heights, IL: Waveland Press.
- Brents, B. G., & Hausbeck, K. (2005). Violence and legalized brothel prostitution in Nevada. *Journal of Interpersonal Violence*, 20(3), 270-295.
- Bobashev, G., Zule, W., Osilla, K., Kline, T., & Wechsberg, W. (2009). Transactional sex among men and women in the south at high risk for HIV and other STIs. *Journal of Urban Health*, 8(6), 32-47.
- Carpenter, B. (1994). The dilemma of prostitution for feminists. *Social Alternatives*, 12(4), 25-28.
- Cohen, L. E., & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44(4), 588-608.
- Crowell, G. (2010). Not in my backyard "legalizing" prostitution in dallas from 1910 -1913. *Legacies*, 22(2), 16-32.
- Day, S. (2010). The re-emergence of 'trafficking': sex work between slavery and freedom. *Journal of The Royal Anthropological Institute*, 16(4), 816-834.
- Decker, M. R., Raj, A., Gupta, J., & Silverman, J. G. (2008). Sex purchasing and associations with hiv/sexually transmitted infections among a clinic-based sample of us men. *JAIDS: Journal Of Acquired Immune Deficiency Syndromes*, 48(3), 355-359.
- Ditmore, M. H. (2006). Encyclopedia of prostitution and sex work. (Vol. 1 and 2). Westport, Connecticut: Greenwood Publishing Group.
- Dodge, M., Starr-Gimeno, D., & Wiiiiams, T. (2005). Puttin' on the sting: Women police officers' perspectives on reverse prostitution assignments. *International Journal Of Police Science & Management*, 7(2), 71-85.

- Donovan, B., & Barnes-Brus, T. (2011). Narratives of sexual consent and coercion: Forced prostitution trials in progressive-era New York City. *Law & Social Inquiry*, 36(3), 597-619.
- Farley, M. (2004). "Bad for the body, bad for the heart": Prostitution harms women even if legalized or decriminalized. *Violence Against Women*, 10(10), 1087-1125.
- Farley, M. (2005). Prostitution harms women even if indoors. *Violence Against Women*, 11(7), 950-964.
- Halter, S. (2010). Factors that influence police conceptualizations of girls involved in prostitution in six U.S. cities: Child sexual exploitation victims or delinquents?. *Child Maltreatment*, 15(2), 152-160.
- Helfferrich, C., Kavemann, B., & Rabe, H. (2011). Determinants of the willingness to make a statement of victims of human trafficking for the purpose of sexual exploitation in the triangle offender-police-victim. *Trends In Organized Crime*, 14(2/3), 125-147.
- Hepburn, S., & Simon, R. (2010). Hidden in plain sight: human trafficking in the United States. *Gender Issues*, 27(1/2), 1-26.
- Hoyle, C., Bosworth, M., & Dempsey, M. (2011). Labeling the victims of sex trafficking: exploring the borderland between rhetoric and reality. *Social & Legal Studies*, 20(3), 313-329.
- Jeal, N. N., & Salisbury, C. C. (2004). A health needs assessment of street-based prostitutes: A cross sectional survey. *Journal of Public Health*, 26(2), 147-151.
- Jeal, N. N., & Salisbury, C. C. (2007). Health needs and service use of parlour-based prostitutes compared with street-based prostitutes: a cross-sectional survey. *BJOG: An International Journal Of Obstetrics & Gynaecology*, 114(7), 875-881.

- Jeffreys, S. (2010). The sex industry and business practice: An obstacle to women's equality. *Women's Studies International Forum*, 33, 274-282.
- Macy, R. J., & Johns, N. (2011). Aftercare services for international sex trafficking survivors: informing U.S. service and program development in an emerging practice area. *Trauma, Violence & Abuse*, 12(2), 97-98.
- O'Doherty, T. (2011). Victimization in off-street sex industry work. *Violence Against Women*, 17(7), 944-963.
- Pyett, P. M., Haste, B. R., & Snow, J. J. (1996). Risk practices for HIV infection and other STDs amongst female prostitutes working in legalized brothels. *AIDS Care*, 8(1), 85-94.
- Romero-Daza, N., Weeks, M., & Singer, M. (2003). "Nobody gives a damn if i live or die": Violence, drugs, and street-level prostitution in inner-city Hartford, Connecticut. *Medical Anthropology*, 22(3), 233-259.
- Sanders, T., & Campbell, R. (2007). Designing out vulnerability, building in respect: violence, safety and sex work policy. *British Journal Of Sociology*, 58(1), 1-19.
- Verhoeven, M., & Gestel, B. (2011). Human trafficking and criminal investigation strategies in the Amsterdam Red Light District. *Trends In Organized Crime*, 14(2/3), 148-164.
- Weitzer, R. (2009). Legalizing prostitution morality politics in western Australia. *British Journal Of Criminology*, 49(1), 88-105.
- Weitzer, R. (2012). *Legalizing prostitution: From illicit vice to lawful business*. New York: NYU Press.
- Wilson, D. G., Walsh, W. F., & Kleuber, S. (2006). Trafficking in human beings: Training and services among US law enforcement agencies. *Police Practice & Research*, 7(2), 149-160.

Wortley, S., Fischer, B., & Webster, C. (2002). Vice lessons: A survey of prostitution offenders enrolled in the Toronto John School Diversion Program. *Canadian Journal Of Criminology*, 44(4), 369-402.

VITA

Graduate School
Southern Illinois University

Everette S. Ford

Evrizzle@gmail.com (permanent email address after graduation)

Illinois State University
Bachelor of Science, Criminal Justice, May 2011

Research Paper Title:
From Prostitute to Professional

Major Professor: Dr. Danielle A. Soto