

Prostitution in Arizona

The facts

In college when I was majoring in Correctional Administration, I was taught that prostitution was a victimless crime. Like many things I have been taught, it was wrong. There are approximately one million prostituted women in North America, and as many as 300,000 to 600,000 juveniles are involved in prostitution in the United States.

The average age of entry into prostitution in the United States is twelve. At twelve, a child can't drive a car, can't sign a contract, can't quit school – but somehow she can consensually decide to have sex with men for money. Fourteen is the average age of entry into prostitution for boys. Men usually do not have pimps and leave prostitution by twenty-five years of age. To add anguish to misery, seventy-five to ninety-five percent of all prostituted women were sexually abused as children – boot camp so to speak.

Up to ninety percent of prostituted women are under the control of a pimp. Many prostituted girls and women are high school dropouts, come from poor and abusive homes, move from place to place and are alcoholics or drug addicts. Ninety two percent of women engaged in prostitution say they want to leave prostitution but can't because they lack basic human services such as a home, job training, health care, counseling and treatment for drug or alcohol addiction. Studies have shown that they suffer trauma symptoms equal to or greater than people in war zones or victims of torture. More than seventy-five percent of them have attempted suicide.

Women in prostitution have reported to Dignity House that they are routinely subjected to repeated beatings from their pimp, and have often been coerced into pornography, topless dancing and/or prostitution in order to support him or his drug habit. Every woman who has been in the Dignity House jail program stated she has been raped, robbed, kicked and beaten with fists, knives, guns, coat hangers, baseball bats, and boards - either by a trick or her pimp. Each girl knew

someone who had been murdered while working in prostitution. Every year on average a prostituted woman is raped nineteen times, kidnapped ten times, and beaten repeatedly. Prostituted females have a mortality rate forty times higher than the national average. Why do we consider her the criminal? In Phoenix, these very same women are mandated to jail for fifteen days for their first prostitution offense, and can be sentenced up to six months for three or more offenses.

The perception that women make a lot of money through prostitution is false. Women who make a lot of money prostituting or being call girls for an 'exclusive clientele' are probably less than 9% of all prostituted women.

According to Dignity, the police in Phoenix are not trained to work with women used in prostitution. Just as with abused women, police assume women "must like it" to stay. Some police officers are abusers themselves, or at least side with the abusers. When a prostituted woman is treated like a criminal, she becomes further isolated.

Prostitution is the fuel for sex trafficking. On 14 June, the U.S. State Department released its 2010 report on human trafficking. They estimated that 12.3 million adults and children were trafficked in 2009, at a rate of 1.8 people per 1,000 worldwide. The Report found trafficking up by 59% over 2008. Demand for commercial sex is growing and fuelling the trafficking of women and girls from poor countries and regions into wealthier places.

There is another way. In 1999 Sweden decriminalized the sale of sex but made it a crime to buy sex. At the same time, the government launched a nationwide awareness campaign about the damage women suffer under commercial sex. As the country began arresting sex buyers, the number of people working as prostitutes, according to Swedish police estimates, dropped 40% between 1998 and 2003. Several other countries and some U.S. jurisdictions have followed the Swedish approach of cracking down on the purchasers of prostitution.

The Netherlands provides a negative contrast to Sweden. In 1988 it legalized prostitution, and Dutch police now estimate four illegal brothels exist for each one of the 142 licensed brothels. British police

also say the Netherlands has become a leading pedophile destination country in Europe. Germany and some states in Australia have also legalized prostitution only to have illegal prostitution flourish and sex trafficking increase many fold.

The Arizona Problem

When I was working for AzCADV from 2000-2003, I had eight calls from rural police departments asking me to communicate to Russian speaking women who were victims of sex trafficking. Eight does not sound like many, but considering all were from rural areas in a state with only three million people, imagine what the real numbers are.

For years, the news has made it clear that Arizona, especially Phoenix, has a large prostitution problem. In November 2003, a prostitution sting arrested 72 people, 45 prostituted women and 27 male customers. Among the customers were a local radio station's sales director, an airline pilot, and a state correctional officer. All the photos save one of the men customers were obscured. All the photos of the women were identifiable.

The women were arrested for running houses of prostitution, a felony. The men were arrested for soliciting sex, a misdemeanor. The only reason men were arrested in that particular raid was because Sheriff Arpaio had been criticized previously for only arresting women.

In August 2008, what was then called Arizona's largest prostitution ring was broken. A key player, who eventually pleaded guilty to lesser charges, was William Ferretti, a former hospital trust fund executive and cofounder of the company that produced "The Forensic Files". Allegedly the ring brought in \$250,000 a month. Also among those arrested in 2008 was Valley physician Ross Levatter who allegedly was not only a customer, but had some say in hiring and firing of the prostituted women. It is clear that prostitution is not a penny ante enterprise but represents mega bucks. Those calling the shots are not the women, and not streetwise thugs but so called "respectable" businessmen at the top.

Ferretti pled guilty to one count of attempted pandering, but he also wrote reviews of his sexual experiences with the prostituted women and posted them online. A rating service on the internet grades the prostituted women as higher or lower quality commodities. Could it be clearer that women are simply considered products in the marketplace for purchase and sale?

In May 2010, a series of massage parlor raids netted six women, all of whose names and photos were prominently posted on line. Only one man is shown. Why do we show the photos of the victim but not the perpetrator? Why do we arrest the abused person who is at the bottom of the rung? That does nothing to stop prostitution. But of course these are rhetorical questions since we know the answer is a confluence of the “ism’s” – sexism, classism and racism.

The Law

What are the laws in Arizona regarding prostitution and what do they mean? Could it be a problem that the legislature could fix? That is a bit rhetorical too given the quality and ideological beef our current legislature.

ARS Statute	Violation	Penalty
13-3201	Knowingly enticing someone to become a prostitute	Class 6 felony
13-3202	Knowingly procuring someone to be a prostitute	Class 6 felony
13-3203	Knowingly receives money for procuring or placing someone in a house of prostitution (pimp)	Class 5 felony
13-3204	Knowingly receives money from someone engaging in prostitution (pimp)	Class
13-3205	Causing spouse to become a prostitute by force, fraud, intimidation or threats	Class 5
13-3206	Taking child for prostitution- taking	Class 4 unless the
13-3206	Taking child for prostitution- taking away from a parent or guardian	Class 4 unless the child is under 15 and then a Class 2

13-3207	Detaining a person in a house of prostitution for debt	Class 5
13-3208	Keeping or residing in house of prostitution, employment in prostitution	Operator of house is Class 5 felony, being an employee is a class 1 misdemeanor
13-3209	Pandering – placing a person with someone or in a house for purposes of prostitution, compels, induces or encourages anyone to be prostitute.	Class 5
13-3210	Transporting – knowingly for the purposes of prostitution or concubinage or other immoral purposes	Class 5
13-3211	Relevant definitions: 5. "Prostitution" means engaging in or agreeing or offering to engage in sexual conduct under a fee arrangement with any person for money or any other valuable consideration.	Under this definition, purchasing could be a crime. The purchaser is engaging in sexual conduct under a fee arrangement.
13-3212	Child prostitution	If the person engages in prostitution with a minor who is 15, 16, 17, if the court sentences to probation, they can also sentence to 30 days in jail. It is a class 2 felony and if person is under 15, sentencing is
13-3212	Child prostitution	If the person engages in prostitution with a minor who is

13-3213	Defense – the “Get out of Jail Free” card.	If the accused did the offense with a child 15, 16 or 17, and at the time could not reasonably have known the age of the child, it’s a defense.
13-3214	Prostitution- B – cities and towns can make their own rules but they must be at least as stringent as the state law.	D. Class 1 misdemeanor but a first offense shall (mandatory) be sentenced to serve not less than 15 consecutive days in jail and is eligible for no probation or suspension. A second offense shall serve at least 30 days and is not eligible for any probation or suspension. A third offense is 60 days but they also shall (mandatory) complete an appropriate court ordered education or
13-3214	Prostitution- B – cities and towns can make their own rules but they must be at least as stringent as the state law.	D. Class 1 misdemeanor but a first offense shall (mandatory) be

The mechanisms exist to arrest the pimp (ARS 13-3203 and 3204), to close the places that house the assignations (ARS 13-3204), and to arrest the customer (john) (ARS 13-3210 and 3211). But they are not used.

According to 13-3212 and 3214 if a minor who is 15, a child who still cannot drive, sign a contract or quit school, is prostituted, she will get a tougher sentence (15 days) than the pimp (most likely probation), who is in most situations, an adult. The customer also gets a “get out of jail free” card in 13-3213. Why are we punishing the teenage victim of adult male sexual assault?

Even what help is offered the victim in 13-3214, doesn't come until after the third arrest. The prostituted women, the victims, have mandatory sentences while the perpetrators, pimps and customers, those who are using and abusing them, can get probation and have a “get out of jail free” card. Is this sound or humane public policy?

Are the cities any better? They are allowed to regulate some aspects of prostitution but penalties cannot be lesser than state law.

City of Phoenix Ordinances regarding Prostitution and Fornication.

Municipal Ordinance	Violation	Penalty
Sec. 23-52	A. Prostitution, soliciting an act of prostitution and related offenses: offers, agrees to, or commits an act of prostitution; solicits or hires; intends to solicit or commit (beckoning); aids or abets.	Misdemeanor – with the same penalty as the state law with maximum fine of \$2500. Except that the solicitor (i.e. customer) can get probation that is not available to the prostituted woman. If the offense is with a person under 18, the

		jail time goes up to 180 days with a 90 days suspension if person goes to treatment or an education program. The court can suspend the consecutive day requirement for the health of the prisoner.
23-52	B. 1. Prostitution is the act of performing sexual activity for hire by a male or female person.	
23-53	Prostitutes-solicitation – any prostitute or a person soliciting for one or a male person who is a resident or frequent visitor to a place of prostitution or who solicits other to visit or patronize a prostitute or place of prostitution.	Misdemeanor – seems duplicative of 23-52 except gives extra power to arrest a male person who is a resident or frequent visitor to a place of prostitution.
23-55	Impound of vehicles used for purposes of prostitution – any vehicle used to solicit or engage in prostitution is a nuisance and can be impounded for 30 days.	An extensive procedural regime follows.
23-58	Keeping of Disorderly houses if it habitually disturbs the neighbors.	
23-59	Inmates – an inmate of said place for the purpose of prostitution, fornication or adultery.	Misdemeanor
23-60	Loitering in a place of ill fame, a bawdy house, or place of prostitution	Misdemeanor

23-61	Owners of said place – it is illegal to own or rent apartments or places to be used for prostitution.	Misdemeanor
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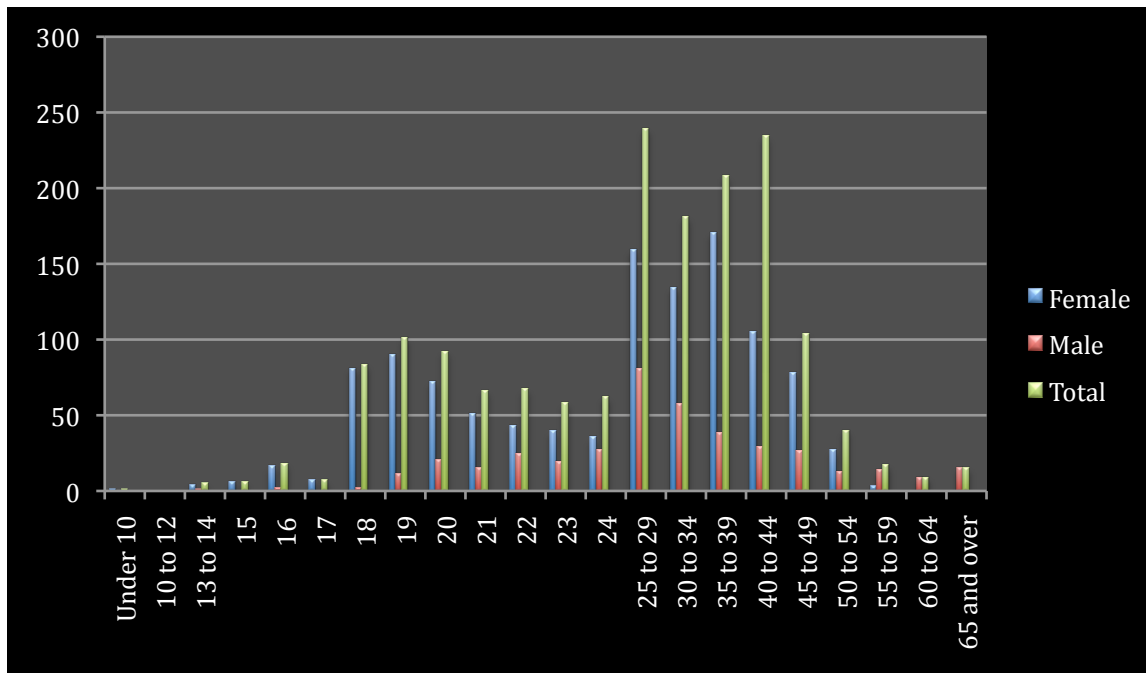
The plain language of Sec. 23-52 A regarding solicitation applies to the customer as much as the prostituted woman. But Sec. 23-52 B limits prostitution acts to the prostituted woman and excludes the customer. If we wish to discourage an act, e.g. bribery, we make it illegal to both offer the bribe and to take it. We make it a crime to sell liquor to minors and to buy it when you are a minor. We make it illegal to sell drugs and to buy and possess them. If we really wanted to stop prostitution, why don't we make it illegal to purchase prostitution?

It's demand that drives supply. If there were no money in it, there would be no prostitution rings. Businessmen would not be interested. If johns were arrested and cars confiscated as tools used in a crime (Sec. 23-55), if hotels were charged under Sec. 23-61, it would stop. Instead, we continue to victimize the person at the bottom of the totem pole who has already suffered extensive abuse.

The numbers

How big are the numbers in Arizona? The following information was taken from the Crime in Arizona annual reports by the Arizona Department of Public Safety.

Statewide arrests for Prostitution and Commercial Vice in 2005 by age and gender. Crime in Arizona 2005, Arizona Department of Public Safety



One female under 10 was arrested for prostitution and commercial vice. Five children, four females and one male, were arrested who were between the ages of 13 to 14 and six females who were 16. How are these arrests justified? Our criminal laws penalize perpetrators of sex with minors – not the minor. ARS 13-1405 defines sexual conduct with a minor as engaging in sexual intercourse or oral sexual contact with a person under 18. If the victim is under 15, it’s a class 2 felony, otherwise, it’s a class 6. Molestation of a child (ARS 13-1410) by sexual contact, except with the breast, of a child under 15, is a class 2 felony. Sexual abuse (ARS 13-1404) is sexual contact with a person 15 or more without consent or with any person under 15 if the contact is only with the breast. By this definition it is clear that children 15 and younger cannot give consent to have sex.

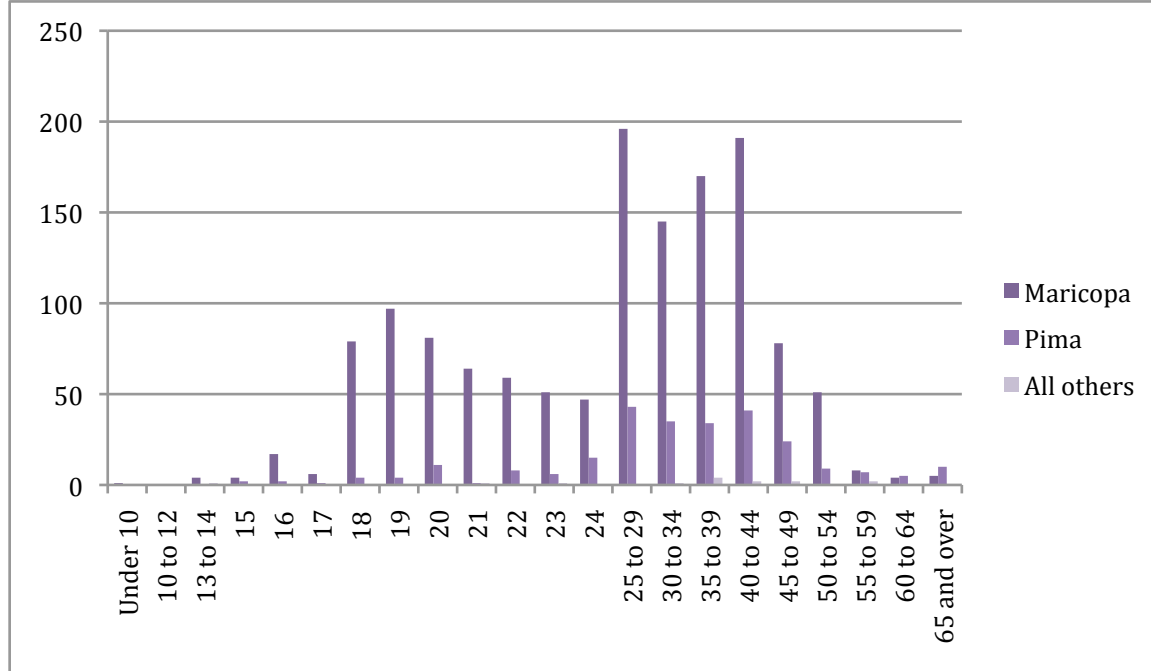
Sexual assault (ARS 13-1406) is without consent and if the victim is under 15, or the accused is at least 18 and the victim is 12 or more years

younger, they are sentenced under the harsher Dangerous Crimes with Children section. For the repeater, ARS 13-1417 defines continuous sexual abuse of a child as three acts or more over three months.

ARS 13-1407 makes it explicit in (B) that a child 15, 16 or 17 does not have the capacity to consent. It is also a defense in 13-1407 if the victim is 15, 16 or 17, the accused is under 19 and is no more than 24 months older than the victim and the conduct is consensual. There is no provision for allowing victims younger than 15 to consent and no provision allowing any victim under 18 to consent when the perpetrator is more than 19 (or in high school) and more than 24 months older than she. If they cannot give consent to have sex, how can they give consent to sell it? If they cannot give consent, how can you arrest them for it? It is by definition, nonconsensual – that makes it a crime. The last I knew, a person could not be arrested for being a victim of a crime. This is a serious public policy breach that must be rectified.

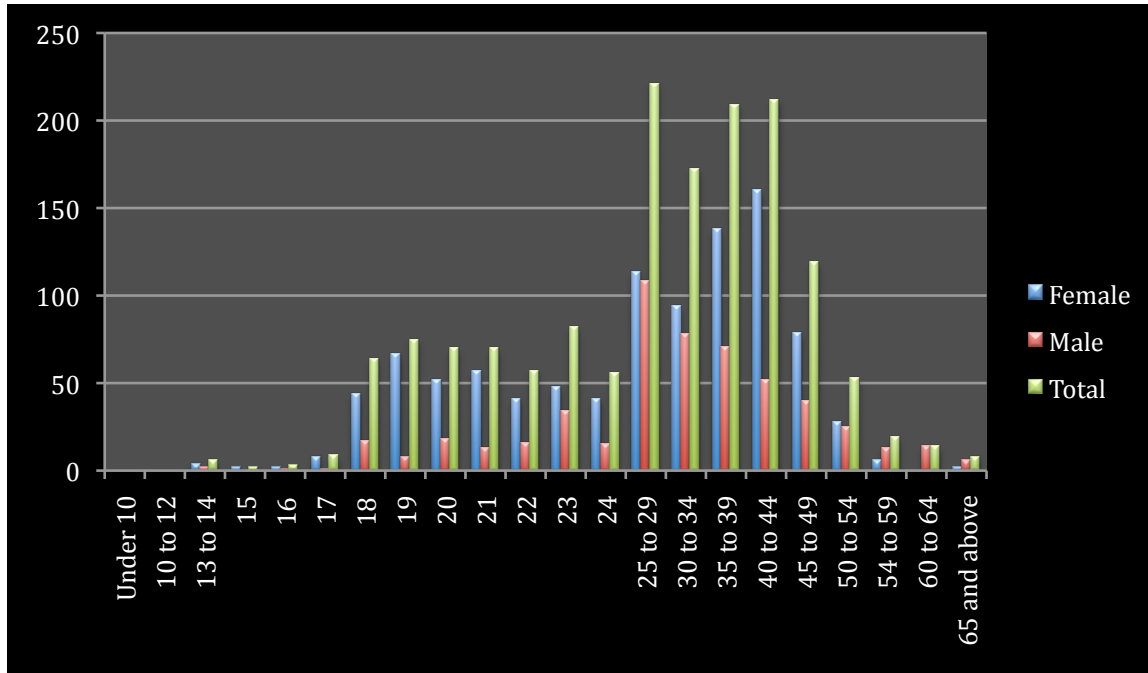
Between ages 22 to 24, males become more prominent, representing nearly one-half of those arrested but that then falls off dramatically until age 45 when they again become about half and then represent all of those arrested over 60. Additional research would also be necessary to know what specific crimes the males were charged with in comparison to the females, especially those over 60. That could also be instructive regarding the implementation of the policy.

Arrests for Prostitution and Commercial Vice in 2005 by age and county.



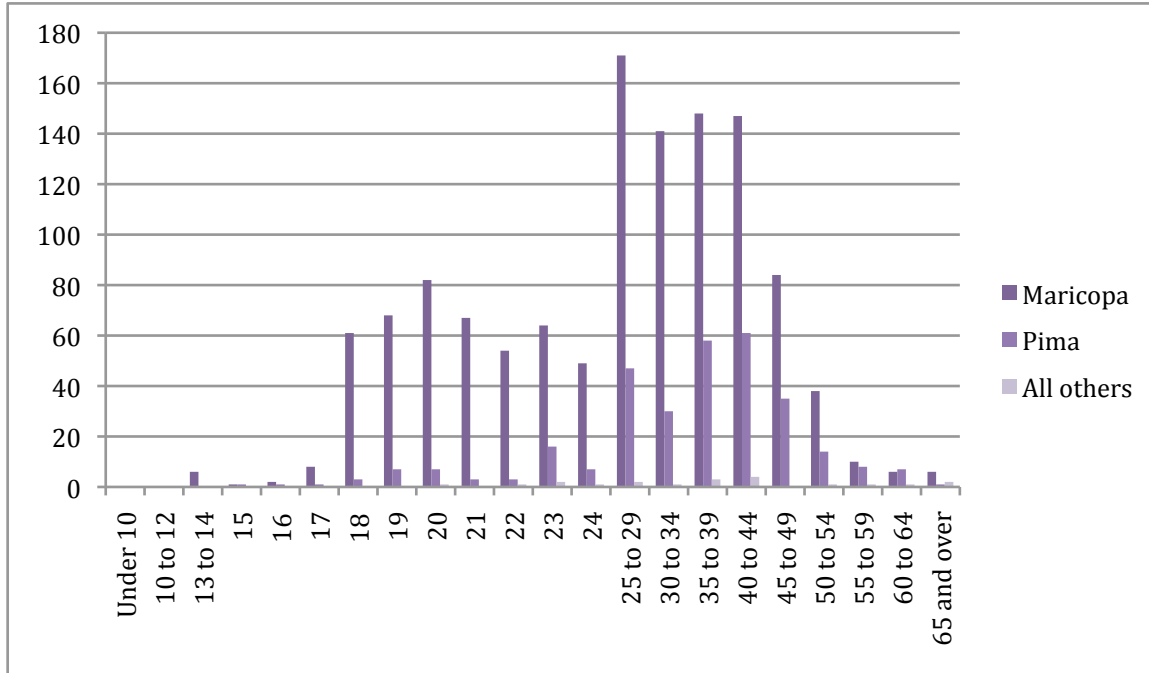
The majority of arrests take place in Maricopa and Pima Counties. Maricopa arrested one child under 10 and four between 13 and 14. The other counties are added together because the numbers are so small. Several counties had no arrests: Apache, Cochise, Coconino and Greenlee.

Statewide arrests for Prostitution and Commercial Vice in 2006 by age and gender. Crime in Arizona 2006, Arizona Department of Public Safety



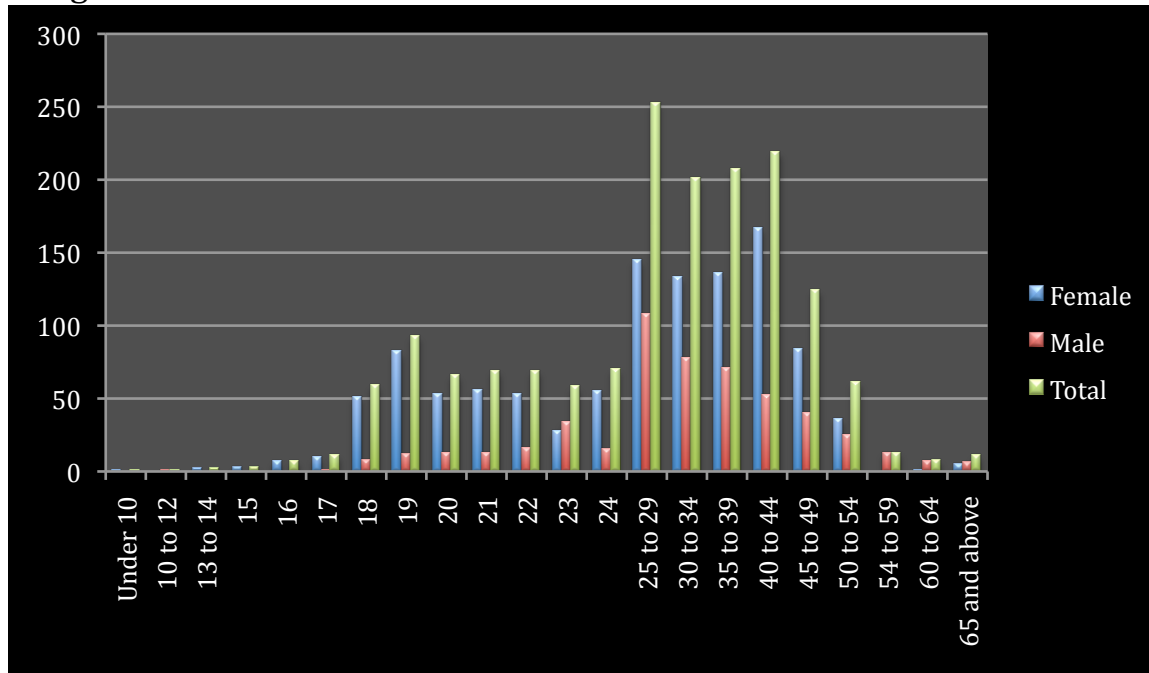
Again it is interesting to note that eight children were arrested below the age of 16; a male arrest spike appears at age 23 and from 25-29; arrests of males became approximately half the arrests from 45 to 54 years of age and after 54 are nearly all arrests.

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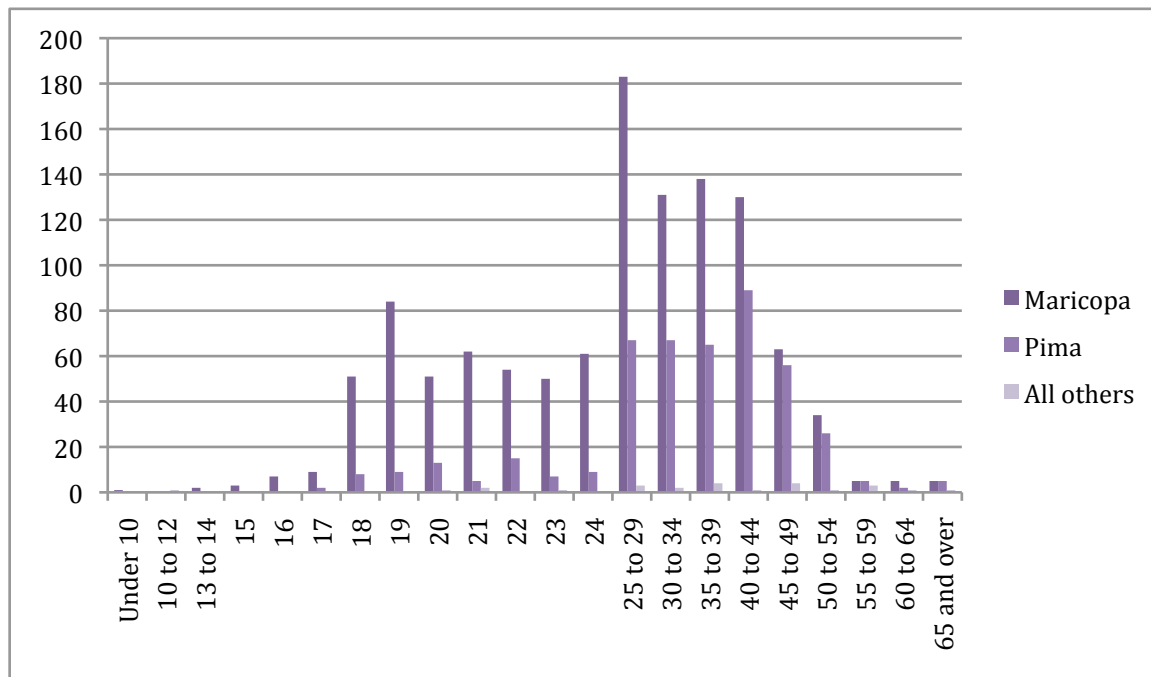
The counties that had no arrests were Apache, Cochise, Coconino, Gila, Graham, LaPaz, Pinal and Yuma.

Statewide Arrests for Prostitution and Commercial Vice in 2007 by age and gender.



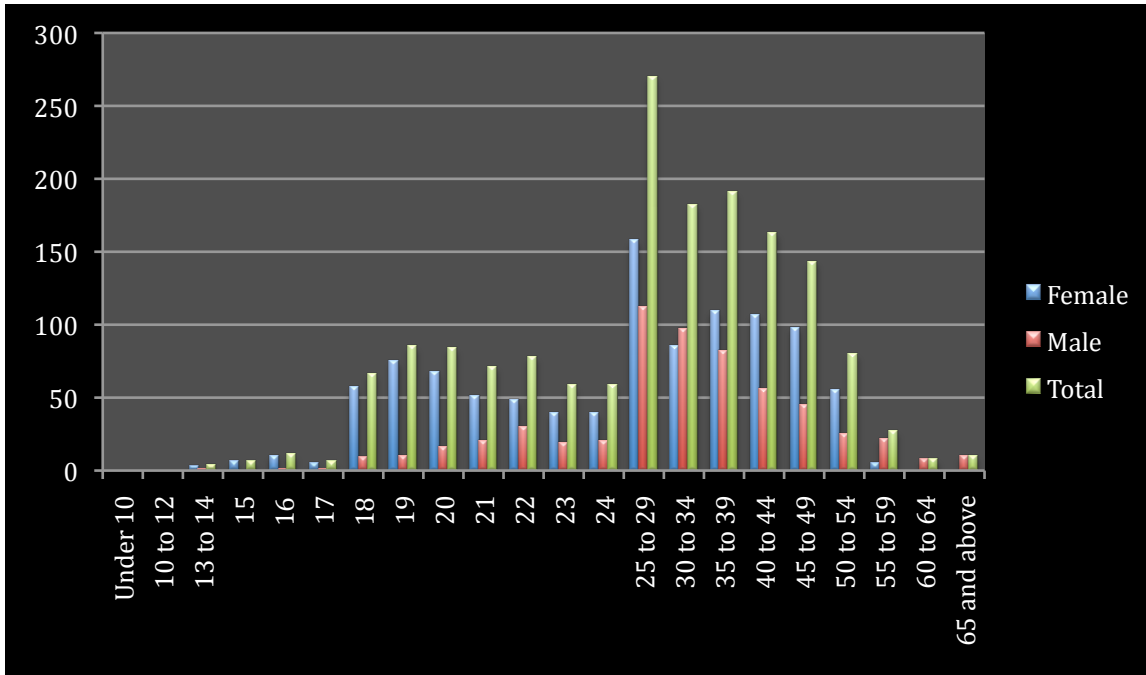
Again, one girl under 10 was arrested as was one boy from 10-12, two girls from 13-14 and three girls who were 15. In the 23-year-old range, more males were arrested than women and in the 25-29 range, males were nearly half the arrests. Males increased from a quarter to a half of arrests between the ages of 40 to 60 and comprised nearly all the arrests after 60.

Arrests for Prostitution and Commercial Vice in 2007 by age and county.



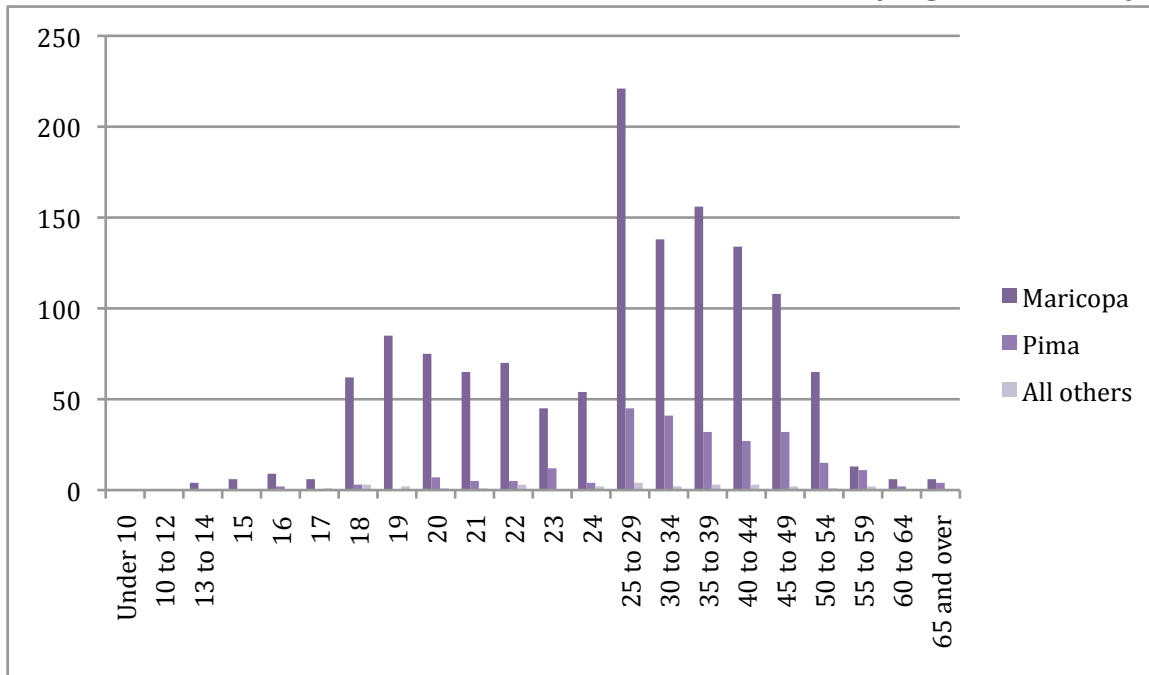
Counties with no arrests were Apache, Cochise, Coconino, Graham, Greenlee, LaPaz, and Pinal.

Statewide arrest for Prostitution and Commercial Vice in 2008 by age and gender.



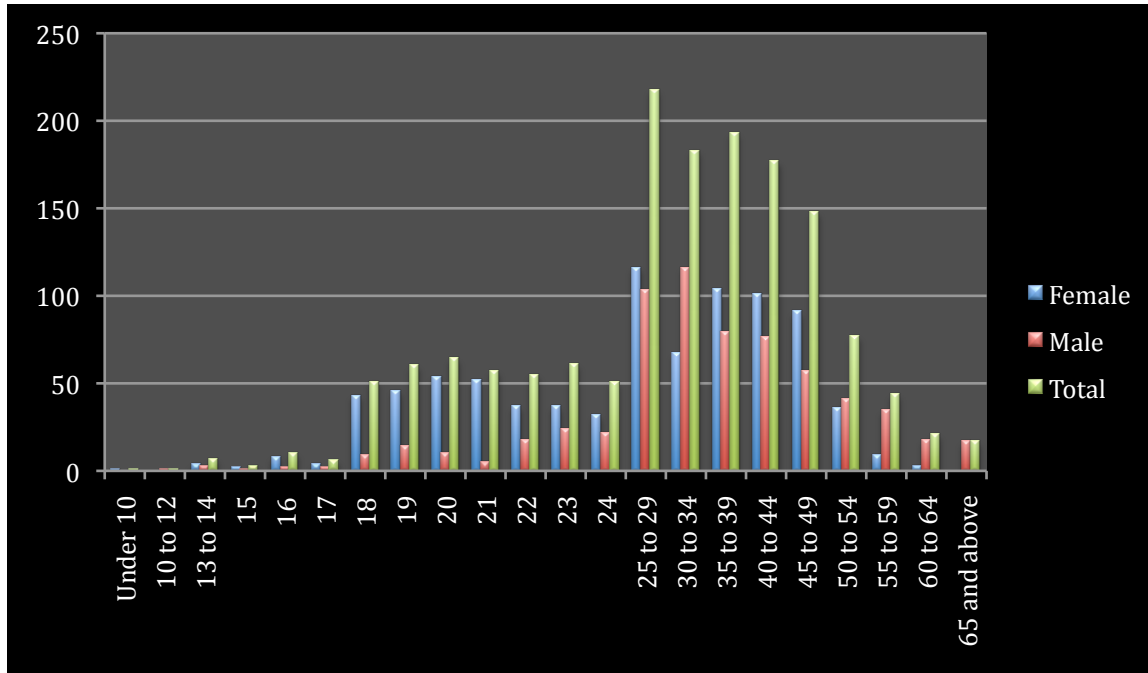
The pattern is virtually the same with four arrests of girls 13-14 and six of girls who were 15.

Arrests for Prostitution and Commercial Vice in 2008 by age and county.



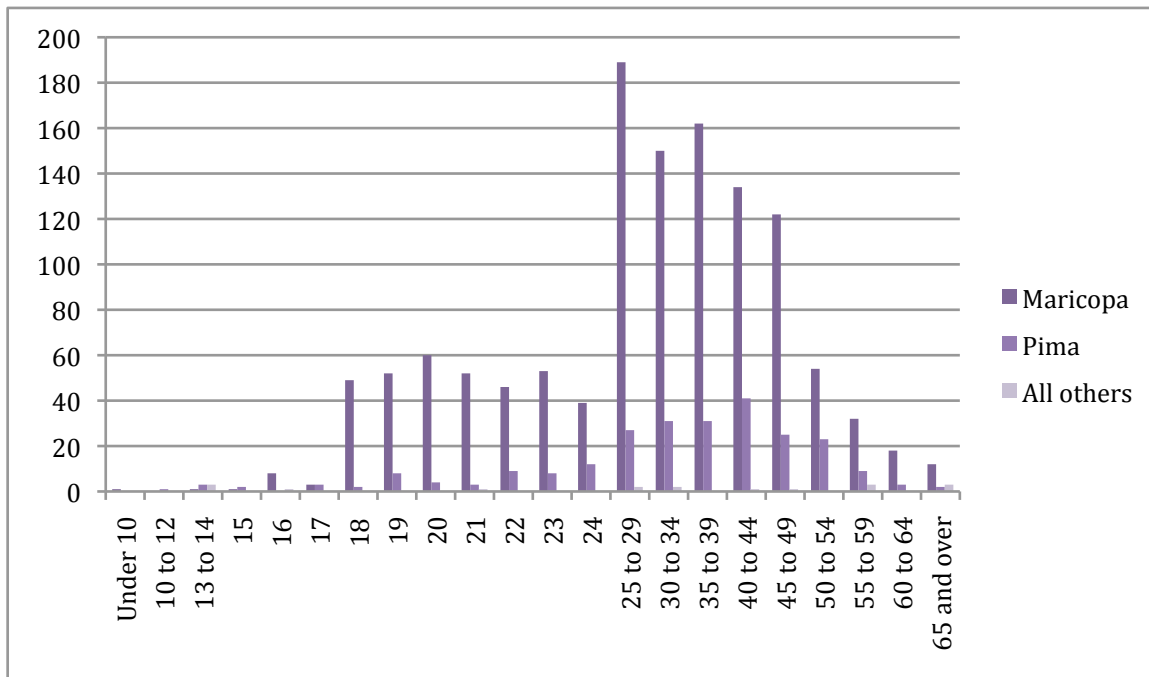
Counties that had no arrests were Apache, Coconino, Gila, Greenlee, and Navajo.

Statewide Arrests for Prostitution and Commercial Vice in 2009 by age and gender.



Repeating a bad practice, one girl under 10 was arrested and one boy from 10-12, four girls and three boys from 13-14 and two girls and one boy who were 15. For the first time, more males than females are arrested in the 30-34 age range.

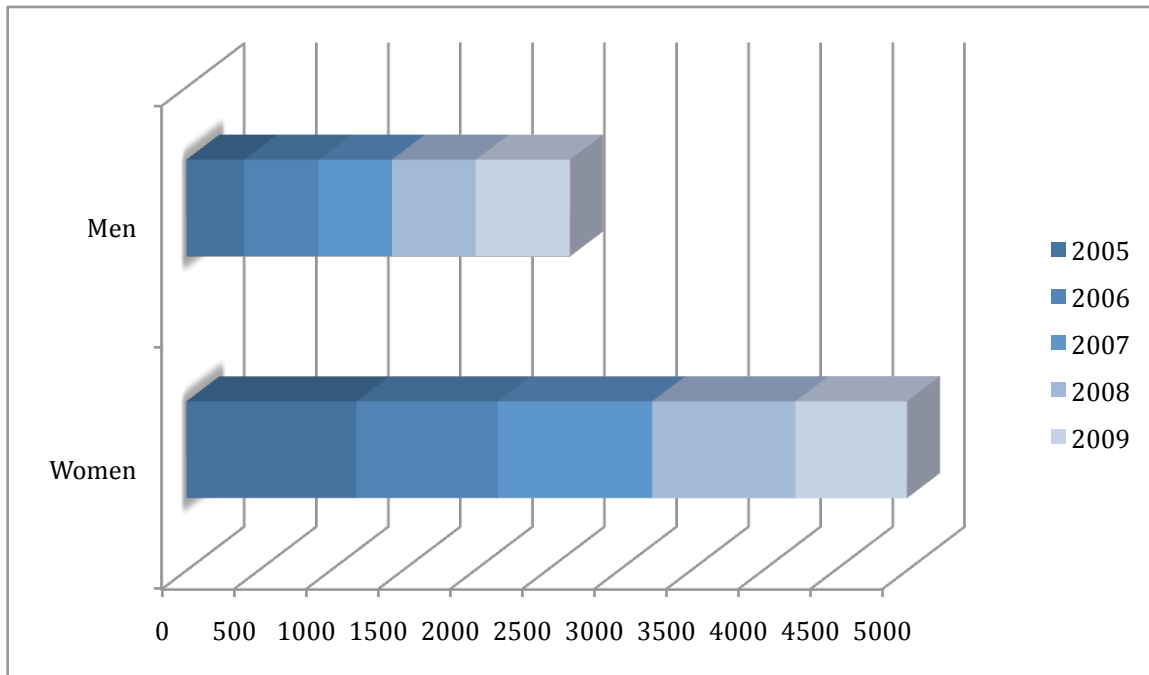
Arrests for Prostitution and Commercial Vice in 2009 by age and county.



Counties with no arrests are Apache, Cochise, Graham, Greenlee, LaPaz, Pinal, and Navajo.

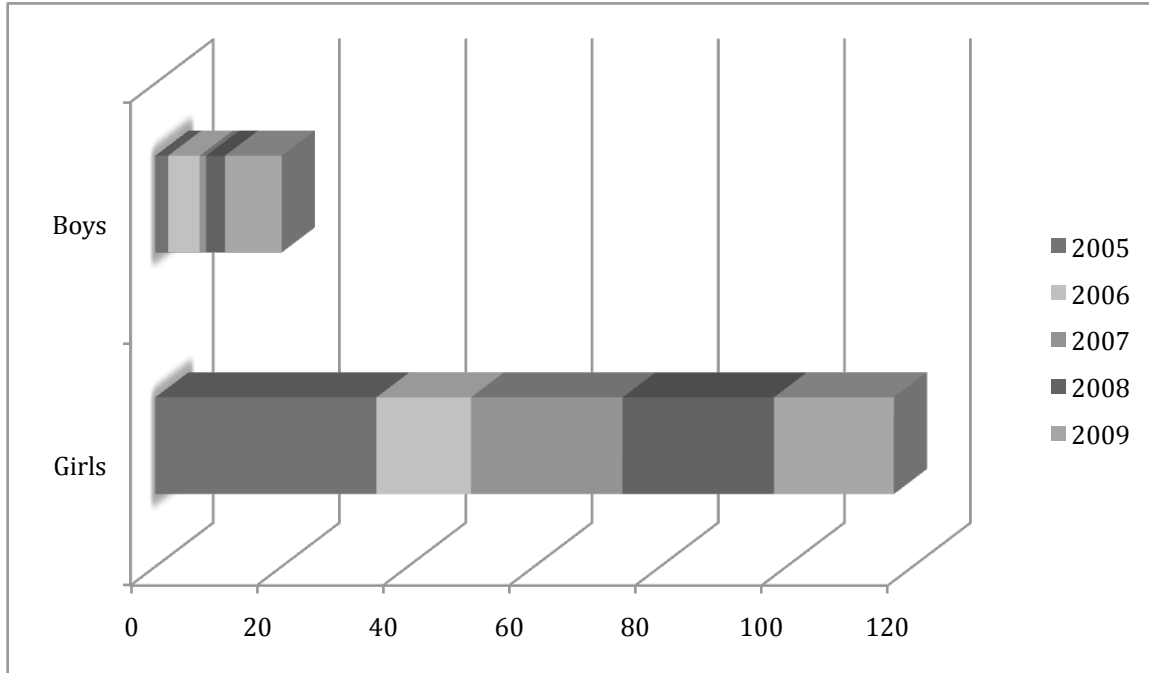
Apache and Cochise counties have reported no arrests for prostitution or commercial vice since 2005. However, all agencies do not report every year, and agencies do not always report complete or thorough data.

Prostitution arrests of adults by gender from 2005 through 2009.



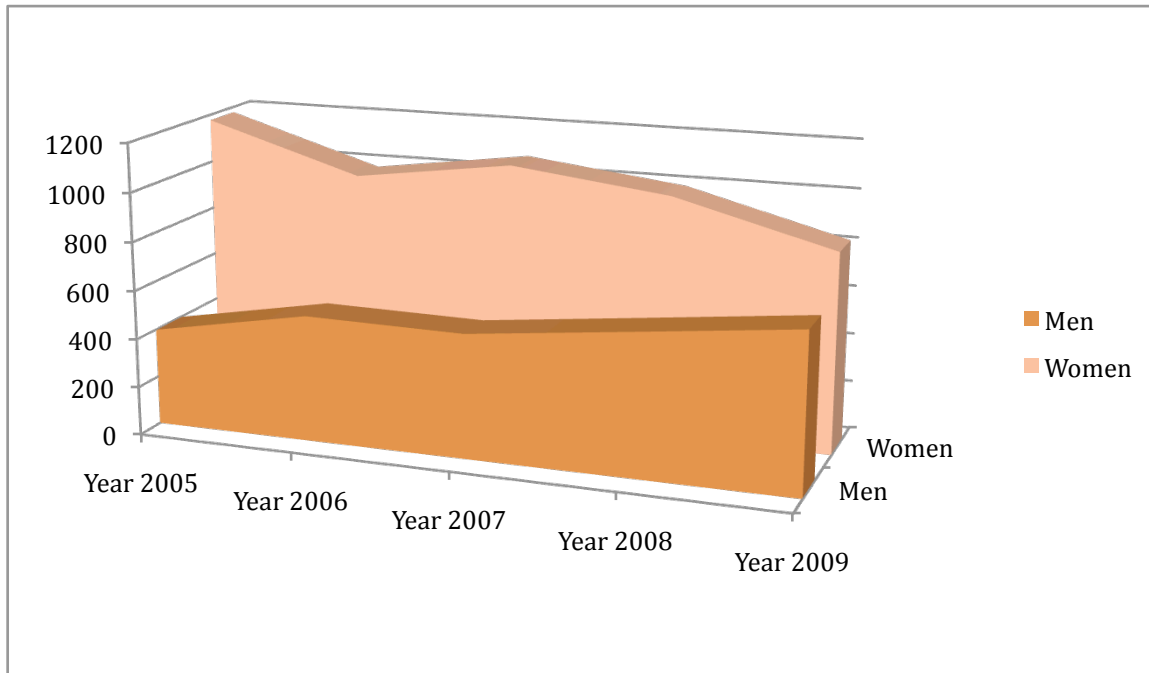
The number of men arrested in comparison to the number of women is increasing. In 2005, women were 75% of those arrested. By 2009, women were 56% of those arrested.

Prostitution arrests of children by gender from 2005 to 2009.



For children, 2009 had a spike where three times as many boys were arrested (9), but primarily it is girls who are arrested.

Trends in Prostitution Arrests, 2005- 2009, adult women and men.



While arrests of women are still more than of men, arrests of women are decreasing while arrests of men are increasing. Total arrests statewide from 2005 to 2009 have decreased by only 99 arrests.

Clearly the current approach is not working. Nothing has changed much in the last five years and no favorable trends are evident. The policy of arresting children for prostitution and commercial vice is clearly against the law. The continued policy of arresting the victim is nonsensical from a policy standpoint as it accomplishes nothing and wastes money that could be more usefully spent. Many of these prostituted women are victims of domestic sex trafficking. To treat them as criminals violates federal and international law. The Swedish model and the clear research findings from countries that have tried legalization show the path forward. Arrest the perpetrator – the pimp, the customer. Stop the flow of money made by the enslavement, torture and abuse of girls and women.

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