

# **SAFER SEX IN THE CITY**

The Experience and  
Management of Street  
Prostitution

Edited by  
**David Canter,**  
**Maria Ioannou and**  
**Donna Youngs**

**PSYCHOLOGY, CRIME AND LAW**  
Series Editor: David Canter

# SAFER SEX IN THE CITY

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*Edited by*

DAVID CANTER

*University of Liverpool, UK*

MARIA IOANNOU

*University of Huddersfield, UK*

DONNA YOUNGS

*University of Huddersfield, UK*

**ASHGATE**

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## Notes on Contributors

**Sietske Altink** graduated in philosophy and has published on trafficking in women and prostitution. Together with Ine Vanwesenbeeck and Martine Groen she has researched working conditions of sex workers, an assignment of the Dutch Ministry of Public Health and Well-Being. She has published articles in both the popular media and in academic journals. She worked as a counsellor for the Foundation against Traffic in Women and as a researcher for the Mr. A. de Graaf Stichting. Since 1996 she has been coordinator and policy adviser of the Rode Draad [Red Thread], the Netherlands.

**Devon Brewer** is the director of Interdisciplinary Scientific Research in Seattle ([www.interscientific.net](http://www.interscientific.net)) and an affiliate assistant professor at the University of Washington. He conducts research on diverse topics in the social and health sciences, such as research methods and design, statistics, memory, social networks, infectious disease, drug abuse, and crime and violence.

**Professor David Canter** is the director of the International Research Centre for Investigative Psychology, being the founder of Investigative Psychology. Over 40 years he has carried out many studies in applied psychology. He has published more than 40 books and over 300 papers in learned professional journals, lectured around the world on various aspects on criminal behaviour and police investigations, as well as other professional psychology topics. He has contributed to over 200 police and court cases.

**Judith Connell** currently works as a freelance research consultant. She has recently completed a study with the Terrence Higgins Trust on behalf of NHS Ayrshire and Arran to determine the service needs of men and women involved in prostitution. Her previous jobs include working as a researcher at the Scottish Health Council, the Institute of Law and Ethics in Medicine, Glasgow University, the Medical Research Council Social and Public Health Sciences Unit, the Health and Community Care Research Unit (HACCRU), Liverpool University and the Newcastle Centre for Family Studies (NCFS), University of Newcastle Upon Tyne. Her research interests include issues around prostitution, sexual health and well-being, illicit drug use, clinical ethico-legal issues and patient focus public involvement in the NHS.

**Jonathan A. Dudek** is Senior Vice President, Forensic and Behavioral Science Services and Deputy Director, Investigations at ExecutiveAction, LLC in Washington, DC. He is a licensed psychologist in Maine and New Hampshire and maintains a private consulting practice in forensic and police psychology. In addition to conducting prostitute homicide research and supporting related investigations, his interests include assessing sexual and non-sexual violence and providing forensic psychology services to police agencies and businesses.

**Lynsey Gozna** is a Lecturer in Forensic Psychology at the University of Surrey. Her main research area is police interviewing of major crime suspects with consideration of suspect strategies, deception and offender behaviour. This includes an understanding of the personality characteristics of the suspect and the implications for effective police interviewing.

**Professor Marianne Hester** has the Chair in Gender, Violence and International Policy and is Co-Director of the Violence Against Women Research Group at the University of Bristol, and is also NSPCC Professor of Child Sexual Exploitation. She has led major studies into many aspects of violence, abuse and gender relations, including work on domestic violence, prostitution, child contact and criminal justice processes. Her work has influenced policy and practice in the UK and elsewhere.

**Abigail Holden** completed her MSc in Forensic Psychology at the University of Surrey and during this time worked at the Metropolitan Police Homicide Prevention Unit conducting research focusing on prostitute homicide. Since completing her MSc, Abigail has worked at HMP Norwich and the Norfolk Youth Offending Team.

**Professor Phil Hubbard** is a human geographer with a particular interest in the relationships of sexuality and space as well as wider questions of social exclusion. His work has explored questions of how street prostitution is contested by local communities, and how this shapes the regulation of sex work in the UK. He has recently written on the off-street scene in a series of papers exploring the licensing and regulation of 'adult entertainment' His books include *Sex and the City: The Geographies of Prostitution in the Urban West* (Ashgate, 1999) as well as the recent co-edited volumes *Key Texts in Human Geography* (Sage, 2008) and *The Companion to the City* (Sage, 2008).

**Dr Maria Ioannou** (BA, MSc, PhD, CPsychol), is a Chartered Forensic Psychologist and a Senior Lecturer at the International Research Centre for Investigative Psychology, University of Huddersfield. She has been involved in the assessment of intervention programmes for reducing/preventing crime for a range of different forms of criminality and groups of offenders and in consultancy work with a range of police forces and other agencies. Her work has been presented nationally and internationally.

**John Lowman** is a Professor of Criminology at Simon Fraser University. Over the past thirty years he has conducted numerous studies of prostitution and prostitution law and its enforcement in Canada, focusing on Vancouver. This research has convinced him that prohibition of prostitution causes more harm than it prevents.

**Arthur M. Nezu** PhD, ABPP, a clinical psychologist, is Professor of Psychology, Medicine and Community Health and Prevention at Drexel University in Philadelphia, USA, as well as Special Professor of Forensic Mental Health in the Department of Psychiatry of the University of Nottingham in the UK.

**Christine Maguth Nezu** PhD, ABPP, is a Professor of Psychology, and Associate Professor of Medicine at Drexel University in Philadelphia, USA, as well as Special Professor of Forensic Mental Health in the Department of Psychiatry of the University of Nottingham in the UK. She is a board-certified psychologist who maintains a private practice in Philadelphia.

**Laura Richards** is currently the (consultant) Violence Adviser to Association of Chief Police Officers (ACPO). Laura left the Metropolitan Police Service, New Scotland Yard in August 2007 having worked primarily in homicide prevention.

**Dr C. Gabrielle Salfati** is Associate Professor of Psychology at John Jay College of Criminal Justice. Her main areas of expertise are homicide and sexual offences, in particular with reference to offender profiling, classifications of violent crime, linking serial crime, and cross-cultural comparisons. She is currently working on a number of interrelated projects dealing with various facets of violent crime and deviance. In particular, this work is now being developed within an international framework through collaboration with major research centres and law enforcement agencies internationally. She trains law enforcement on crime scene investigation and profiling, and has presented and published widely both nationally and internationally on her work, and is the elected Vice-President of the US-based Homicide Research Working Group.

**Jane Scoular** is a Reader in Law at the University of Strathclyde and has published widely on issues of prostitution and legal regulation. She has recently completed a large study (funded by the Joseph Rowntree Foundation) into UK street sex work and the community and an ESRC funded study on European approaches to regulation with Hubbard and Matthews. She is a member of the Scottish Parliament's Expert Panel on Prostitution is currently completing a monograph entitled *The Subject of Prostitution* (Routledge-Cavendish, forthcoming).

**Helen Selby** is currently based at Merseyside Police as the Research and Analysis Manager and studying part-time for a PhD with the Applied Criminology Centre at the University of Huddersfield. Prior to working for Merseyside Police, Helen worked for the Environmental Criminology Research Unit (ECRU) at the University of Liverpool, where she focused on the measurement of 'fear of crime' in collaboration with the Home Office. Helen has a Masters degree in Investigative Psychology (from the University of Liverpool) and a BA (Hons) in Psychology and Criminology. Helen has specialised in research around the prioritisation of sex offenders and violence committed against prostitutes. She regularly presents her work externally and has presented to forums including the European Society of Criminology Conference (ESC) and the Annual Performance Management for Police Conference.

**Marieke van Doorninck** MA, is an historian and currently working as the Advisor Public Affairs for La Strada International in Amsterdam, the Netherlands. The International La Strada Association is a network of nine independent human rights NGOs in Eastern Europe working in the field of preventing trafficking in human beings. Since 2006 Marieke is elected councillor for the Green party in the council of Amsterdam. From 1995 to 2004 Marieke has worked as policy consultant and spokesperson for the Mr A. de Graaf Foundation, the Dutch Institute for prostitution issues.

**Hendrik Wagenaar** is associate professor of Public Policy at the Department of Public Administration at Leiden University. He is also Research Director of the Centre for Governance Studies – Urban, at the The Hague Campus of Leiden University. He publishes in the areas of democratic governance, citizen participation in neighborhoods, prostitution policy, administrative practice, and interpretive policy analysis. His recent publications include: *Deliberative Policy Analysis. Understanding Governance in the Network Society* (Cambridge University Press, 2003) (with Maarten Hajer), and 'Governance, Complexity and Democratic Participation: How citizens and public officials harness the complexities of neighbourhood decline' (*American Review of Public Administration*, 2007) He is currently working on a book on Interpretation in Policy Analysis.

**Ronald Weitzer** is Professor of Sociology at George Washington University in Washington, DC. He has written extensively on sex work, and is editor of *Sex for Sale: Prostitution, Pornography, and the Sex Industry* (Routledge, 2000). Recent articles have examined the politics of sex trafficking in the United States and the legalization of prostitution in Western Australia. He has also conducted substantial research on relations between the police and ethnic minorities in several nations, including his recent co-authored book, *Race and Policing in America: Conflict and Reform* (Cambridge University Press, 2006).

**Marjan Wijers** trained as a social scientist and jurist in international human rights law and has been working in the field of human rights and human trafficking for the past 20 years. Currently, she works as independent researcher and consultant. She previously worked at the Dutch Foundation against Trafficking in Women, the Verwey-Jonker Institute, research into social issues, and the Clara Wichmann Institute, Dutch expert centre for women and law. From 2003–2007 she was President of the European Experts Group on Trafficking in Human Beings, established by the European Commission. (m.wijers@hetnet.nl)

**Dr Donna Youngs** is a Reader and the Associate Director of the International Research Centre for Investigative Psychology at the University of Huddersfield. She has fourteen years research experience in the field of Investigative Psychology and directed a series of research projects looking at a variety of crimes and criminals. These studies explore a range of Investigative topics from the Geographical Profiling of Burglary, to Street Robbery, Youth Crime and Antisocial behaviour, Fraudulent Crime Reporting, Insurance Fraud and the Social Networks of Prolific Offenders and Prostitution.

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# Series Preface

Over recent years many aspects of law enforcement and related legal and judicial processes have been influenced by psychological theories and research. In turn concerns that derive from investigation, prosecution and defence of criminals are influencing the topics and methodologies of psychology and neighbouring social sciences. Everything, for example, from the detection of deception to the treatment of sex offenders, by way of offender profiling and prison management, has become part of the domain of a growing army of academic and other professional psychologists.

This is generating a growing discipline that crosses many boundaries and international frontiers. What was once the poor relation of applied psychology, populated by people whose pursuits were regarded as weak and arcane, is now becoming a major area of interest for many students and practitioners from high school through to postgraduate study and beyond.

The interest spreads far beyond the limits of conventional psychology to disciplines such as Criminology, Socio-legal Studies and the Sociology of Crime as well as many aspects of the law itself including a growing number of courses for police officers, and those associated with the police such as crime analysts or forensic scientists.

There is therefore a need for wide-ranging publications that deal with all aspects of these interdisciplinary pursuits. Such publications must be cross-national and interdisciplinary if they are to reflect the many strands of this burgeoning field of teaching, research and professional practice. The *Psychology, Crime and Law* series has been established to meet this need for up to date accounts of the work within this area, presented in a way that will be accessible to the many different disciplines involved.

In editing this series I am alert to the fact that this is a lively new domain in which very little has been determined with any certainty. The books therefore capture the debates inherent in any intellectually animated pursuit. They reveal areas of agreement as well as approaches and topics on which experts currently differ. Throughout the series the many gaps in our knowledge and present-day understanding are revealed.

The series is thus of interest to anyone who wishes to gain an up-to-date understanding of the interplays between psychology, crime and the law.

Professor David Canter



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# Foreword

The cliché of prostitution being the oldest profession ignores the many forms it can take. The image of the glamorous call-girl who enjoys a rich life style and takes pleasure in her sexual encounters, or the salubrious brothel where the clientele dance the tango, so favoured by fiction writers, are a far cry from the degradation and fear that is typical of street sex workers. Yet cities throughout the world have always provided a context for these individuals.

The presence of these women and men in the darker corners of great metropolises has usually been a source of fierce debate. They are either grudgingly tolerated or attempts have been made (always unsuccessfully) to ban them. However, most of these discussions, whether in parliament, in the correspondence columns of local newspapers or over drinks in a local pub, are typically misinformed about the lives of the people who earn their living in this way. It is often not appreciated just how dangerous their existence is on the streets and how vulnerable they are to attack. It is only when a number of young women are murdered in a spate of killings that public attention is drawn to what is a daily hazard for street prostitutes.

Some of the more callous comments work from the assumption that the people who carry out the sex trade either bring their life style on themselves or for some other reason are not worthy of further consideration. But even at the most selfish level it has to be kept in mind that attacks on prostitutes may often be a breeding ground for attacks on other men and women. Beyond this perspective there is the recognition that no civilised society should tolerate any of its citizens being unprotected victims of assault.

Over recent years the emergence of much more overt acceptance of all forms of sexual activity has made it possible to examine the vulnerabilities of sex workers who ply their trade on the streets of our cities. This has led to an increase in research and policy discussions focused on the sex industry, particularly on issues concerning the safety of sex workers and the recognition that street prostitutes are particularly vulnerable to disease, and assaults. The ways the sex workers themselves attempt to reduce their vulnerabilities has been part of these explorations as well as the consequences of various forms of management of this trade.

There have been a variety of strategies tried out in many countries, none of which has ever been entirely effective. However, the time is right to review this work and to determine the options for managing it and finding ways of getting the women and men out of this trade in their bodies. Such a review needs to start with the experience of the sex workers themselves. There are psychological processes at the heart of the challenges prostitution raise. By understanding these it is possible to consider the

approaches taken in different places to dealing with the problems raised by these processes.

This book is a step towards that. It makes clear that there is no one solution to street prostitution but a multi-disciplinary, multi-agency approach can do much to alleviate the malady that has blighted cities for centuries.

We are grateful to the Safer Merseyside Partnership who funded the initial conference out of which this volume evolved.

Professor David Canter

# Chapter 1

## Sex and Violence: The Experience and Management of Street Prostitution

David Canter, Maria Ioannou and Donna Youngs

During November and December 2006 the naked bodies of five murdered women were discovered at different locations in Ipswich (Suffolk, UK). Suffolk police linked the murders and launched a murder investigation with the code name Operation Sumac. A forklift truck driver, Steve Wright, then aged 48, was arrested and charged with the murders of all five women. He pleaded not guilty to the charges although he admitted having sex with all five victims. On February 2008, he was found guilty and was sentenced to life imprisonment with a recommendation that life should mean life and he should never be released from prison.

Gemma Adams, Anneli Alderton, Paula Clenell, Tania Nicol and Annette Nicholls, the five victims, were all sex workers on the streets of Ipswich near where Wright lived. The murders received a large amount of media attention, both nationally and internationally. The press often compared the murders to those committed by the Yorkshire Ripper, Peter Sutcliffe, who murdered 13 women and attacked seven others (mostly prostitutes) between 1975 and 1981. But most importantly the murders focused attention and sparked debates in the media over the laws surrounding prostitution, the violent world of street prostitution, the vulnerability of prostitutes, protection of prostitutes and how to improve their safety and control the sex trade.

The current book brings together a selection of specially invited papers focusing on these important issues on how to enable prostitution to occur more safely. The violence and crime that surround street prostitution is highlighted as an endemic problem raising questions about whether it can be reduced by effective management. The focus is specifically on street workers, who are at a greater risk of harm than other subgroups of sex workers.

As is often mentioned, throughout history the performance of sexual acts in exchange for money, housing, or other goods or services, has been a part of the human condition across all times and locations. Societies in different cultures have dealt with it in diverse ways. But in the past decade there has been a substantial increase in attention focused on the sex industry and especially on issues concerning safety because of the acceptance that sex workers are also citizens of our countries and that they should not be ignored because there are some in society who deplore their trade. This increased acceptance that sex workers should not be open to attack has combined with the awareness that they are a particularly vulnerable group who

are often subject to violent assaults. Realising that such violence is unacceptable in a civilised society and is often the breeding ground for assaults against those not in the sex industry, this volume provides a basis for understanding and considering the options available for managing this violence. Following the recent brutal murders of prostitutes the risks of the trade have never been more widely understood, and with the rapid changes in policy towards prostitution in Britain and other countries it is a necessary and timely book. The book is divided into two main sections. Section I explores the experiences of street prostitutes with an emphasis on violence and crime especially homicide. Section II explores the management of street prostitution.

A great deal of research on prostitution has focused on the examination of the negative consequences prostitution has for the social fabric of society as well as on its repercussions for the health and well-being of the community, such as the role that prostitution plays in the transmission of HIV and other sexually transmitted infections (STIs). The tendency has been to look at the health risks prostitutes pose to others rather than the risks that prostitutes face themselves as a consequence of the work they do. The experiences of prostitutes until very recently have been missing from studies of violence and homicide.

Many of the risks that street sex workers face have escaped attention because prostitution is an illegitimate vocation and the needs of prostitutes in many cases go unrecognised or even considered not important. Societal attitudes concerning prostitutes are often that they are open to rape, do not suffer physical attack, deserve the violence inflicted upon them, violence is part of the job of a sex worker, prostitutes deserve to be sexually abused, or no harm is done when prostitutes are hurt or killed. Because prostitution is illegal in many countries and viewed by many as morally wrong, prostitutes are forced underground and hidden from view, being thought of by many people as dirty and deviant, giving the impression that because they are involved in prostitution their lives are somehow not as important as those of other women.

There have been many documented cases where prosecutors do not prosecute cases involving prostitute victims and in many cases dismiss sexual assault complaints. Moreover, very few street workers report their victimisation to the authorities. Many prostitutes think that they won't be believed if they report violent attacks, have little confidence in the police, believing that their cases will be of lower priority to other crimes, or that it will be dismissed as just an occupational hazard, or that reporting an attack may lead to reprisals from the attacker.

The laws relating to prostitution also make it difficult for sex workers to report violent crime and abuse. Prostitution in the UK is not illegal but activities associated with it such as soliciting and brothel keeping are. Police crackdowns are encouraged especially through the use of ASBOs. Fining women for soliciting means that they have to sell their bodies even more to pay the fines, and the criminalisation of soliciting and loitering leads to a perception among street sex workers that they have no recourse to justice, resulting in a reluctance to report violent clients. Women who have outstanding fines are unlikely to report violent attacks to the police if they fear

being arrested. Similarly, women that are illegal immigrants run the risk of being deported if they go to the police. Breach of an ASBO is a criminal offence which can mean large fines or even prison.

All these issues make street sex workers 'easy' victims. Clients know they are unlikely to be reported for violent offences, and even when women do report offences, their credibility as witnesses is questioned because they are prostitutes. Moreover, while an area might temporarily be cleared of prostitution through the use of ASBOs, the women concerned are likely to move to isolated and rundown areas where they are placed at even greater risk of violent attack and even murder. Prostitutes usually work in the more at-risk areas of a town. Their high visibility and ready availability and the fact that they perform their business in secluded areas, makes the prostitute highly vulnerable and an easy target of attack. The actual service for which the prostitute is being paid will usually be between the prostitute alone and the client, regardless of whether or not she or he works on her own or with others, and it takes place in dark, deserted locations, alleyways, backstreets, or a vehicle belonging to the client.

Violence against prostitutes, especially those working the streets, is common, frequent, severe and brutal and it takes many forms; verbal, sexual or physical. Interviews with street prostitutes reveal that rape and violence against is not an uncommon part of their experience. The majority of women involved in street prostitution have been victims of sexual and physical assault, robbery (the street prostitute is an easy target for robbery, as she usually carries her evening's wages on her in cash), and kidnapping perpetrated by customers. There is a growing body of international literature highlighting the prevalence of client violence in street prostitution. Studies report that more than 80 per cent of street prostitutes have been physically threatened with a weapon and report physical attacks (being slapped, punched or kicked) by pimps and customers which had resulted in serious injury (gunshot wounds, knife wounds, injuries from attempted escapes).

Chapter 2 explores the relationship between control strategies employed by street prostitutes and levels and varieties of client violence. The limited research that has been carried out does highlight the ways in which the women seek to manage their dealings with clients so as to minimise the likelihood of experiencing violence. They have been found to employ a range of measures to ensure they are in control of the encounter. However it is not clear how these measures relate to the actual levels of violence the prostitutes experience. Selby and Canter employ a Multidimensional scaling technique, Smallest Space Analysis (SSA), to explore the relationship between the control measures the women adopt and the levels of violence they experienced. Whether any of the measures are associated with a reduced experience of violence is also explored and the analysis reveals different levels and varieties of client violence in the prostitute–client interaction as well as that illegal drug use and choosing a certain location play an important role in the risk of experiencing violence.

Murder is violence in its most extreme and prostitutes because of their vulnerability, and the fact that they are a readily available victim group, are very often victims of homicide and disproportionately represented among female murder victims. Women involved in prostitution are 60 to 100 times more likely to be murdered than non prostitutes and they are targeted most often by offenders with extensive previous convictions for violence and by serial offenders. The choice of victims by serial killers seems to be determined by vulnerability and opportunity. Killers prefer the group of people offering easy access, transience, and a tendency to disappear without causing much alarm or concern. Vulnerability is most acute in the case of prostitutes, which explains their extremely high rate of victimisation by serial killers (e.g. Arthur Shawcross between 1988 and 1990 killed 11 prostitutes in the New York area; William Lester, the Riverside Prostitute Killer, was convicted of 12 prostitute murders in California). In many cases, when a prostitute disappears the search for her body can be delayed weeks or months leaving the police with a corpse difficult to identify. The Green River killer, Gary Ridgway, murdered about 50 prostitutes between 1982 and 1984, leaving the police with little more than the skeletal remains of his victims.

It is very difficult to estimate the exact number of prostitute victims of homicide and there are no publicly available statistics on murders of prostitutes in the United Kingdom. There have been estimates that during the last ten years around 60 to 90 prostitutes have been murdered in England and Wales. Over a third of these murders are unresolved. A police operation (known as 'Operation Enigma') set up in 1996 and run by police at Scotland Yard in London was tasked with investigating links between 207 unsolved murders of sex workers and other vulnerable women since 1986. The number of prostitutes murdered may be grossly underestimated since only those homicides that police are sure occurred during a sexual transaction are classified as prostitute murder and homicides of prostitutes are particularly difficult to investigate and, as such, many cases remain unsolved.

Reasons for the difficulty in solving prostitute homicide cases include lack of public interest because of a low opinion of the victim, lack of credible witnesses, and unwillingness by other prostitutes and clients to talk to the police. Despite this prevalence, there is very little literature on homicides of prostitutes, the investigation of prostitute murder and any knowledge regarding the particular victim group that could possibly help investigators. It is therefore very important to examine factors in these homicides that can be used to help identify and solve them, such as the actions the offender engages in at the crime scene or offender characteristics that can be linked to these specific types of murders. Examination of distinct dissimilarities of prostitute homicide from other types of homicide can assist in identifying and recognising particular risk factors for violence and assist in investigating a prostitute homicide more effectively.

Holden, Gozna and Richards in Chapter 3 discuss how further understanding of the relationship between victim and offender in cases of prostitute homicide can be gained by consideration of the crime scene actions displayed. Victim-offender

relationship, violence and the role of victim are examined by comparing non prostitute domestic homicides to prostitute homicides. Analysis reveals that there are overlaps between these two types of homicide where there was a prior relationship between victim and offender. The importance for police investigations is discussed.

Chapter 4 overviews the literature on street prostitute homicides and compares it to sexual and non-sexual female victim homicide. Violence against prostitutes is usually perpetrated by offenders who usually have convictions for assaulting other women as well. This suggests that violence against prostitutes may be considered as part of a continuum of violence against women more generally, and not just against prostitutes specifically. The nature of prostitute homicide and the characteristics of the offender responsible for these crimes are explored in Chapter 4. Salfati shows that the level of violence and types of crime scene behaviours are similar to that of non-sexual homicides and the characteristics of the offenders are more like those of sexual homicide offenders. Dudek et al. in Chapter 5 consider single and serial killers of prostitute women by analysing solved female prostitute homicides committed by lone male perpetrators in the U.S. between 1982 and the first half of 2000 from the U.S. Federal Bureau of Investigation's (FBI) NCAVC. They compare demographics and criminal histories of single and serial killers of prostitutes at the time of their first known prostitute homicides.

While incidents of murder and serious physical and sexual assaults on female prostitutes have highlighted the risks and dangers for prostitutes and have resulted in greater social awareness of the issue of safety for female sex workers little is known about the personal safety of men involved in sex work. Section I closes with Chapter 6 that looks into the personal safety of male sex workers. This is a very important study as most studies in the past have focused on female victims and the personal safety of mainly female sex workers has attracted increased public attention. Connell examines the issue of personal safety in male sex work examining the locations where sex work takes place in conjunction with the safety precautions taken and the type of sex work men are involved. She shows that the majority of men have been victims of verbal, physical and sexual attacks and that male prostitutes are exposed and vulnerable to violence from a variety of individuals, from sex work clients and the organisers of prostitution, to other sex workers and the general public.

Section II explores the management of prostitution in a number of different countries. Although the concept of state regulation of prostitution dates back to ancient Greece and Rome, there is a renewed interest in this idea in Europe. There has been considerable recent debate about prostitution in Europe that reflects concerns about health, employment and human rights. In contemporary history, prohibition, legalisation and decriminalisation are the three main legal frameworks dealing with the sex trade phenomenon.

- Prohibition means that all prostitution is illegal. A modified form, abolition, allows the sale of sex but bans all related activities such as soliciting, brothel-keeping and procurement.



- Legalisation of prostitution is put forward as a solution in many countries, so that women can work legally and more safely in brothels, massage parlours etc. However, in those countries where prostitution has been legalised, street prostitution has continued to flourish. There has also been an increase in off-street prostitution, particularly involving trafficked women. Legalisation means state regulation, typically through licensing or registration and compulsory health checks, with outlets or workers who are not granted permits still subject to criminal penalties.
- Decriminalisation, as opposed to legalisation, means the abolition of all laws which criminalise prostitutes without institutionalising and legitimising prostitution. This would enable women, for example, to work together from premises where they themselves could control who they saw and when and under what conditions they worked. Decriminalisation aims to normalise prostitution, removing the social exclusion which makes prostitutes vulnerable to exploitation, but sex work then becomes subject to regulation by civil employment law.

The regulation of prostitution is rapidly changing, with a significant shift in the balance between prohibition, legalisation and decriminalisation. Elements of prohibition, legalisation and decriminalisation are variously adopted in response to specific interests and political situations.

While prostitution is illegal in a number of countries it is legal but regulated in many others.

- In Austria prostitution is legal but restricted by several regulations. Prostitutes must be registered and go through a regular medical examination to avoid sexually transmitted diseases. Procuring is illegal.
- Prostitution in Bosnia and Herzegovina is not criminalised but treated as violation of public order.
- The buying and selling of sex has not been criminal in Denmark since 1 July 1999, except regarding children under 18 years of age. Prostitutes can register themselves as independent workers. Procuring is illegal.
- In Finland prostitution is legal except in public places. Local municipalities can prohibit street prostitution in local laws. Buying sex is not illegal except concerning children less than 18 years of age.
- In Belgium procuring is illegal but prostitution is not as long as it does not disturb the public order.
- Active prostitution is criminal in France. The law has been strengthened but only concerning selling sex. Prostitution is generally tolerated as long as it does not disturb the public order and shall therefore be restricted to certain areas.
- Prostitution is legal in Germany but all Bundesländer except for Berlin have regulated certain areas where prostitution may not be exercised such as close to schools and child care centres.

- Prostitution in Greece is legal and highly regulated; brothels must have state license and are not allowed on a closer distance than 200 metres from public buildings. Prostitutes must undergo regular health checks and pay social security.
- In Hungary prostitution is legal and regulated; prostitutes pay taxes and keep legal documents.
- In Luxemburg prostitution is not illegal but procuring and the keeping of brothels is. It is not criminal to sell sex only procuring and facilitating prostitution is.
- In the Netherlands prostitution is considered a profession like any other. Prostitutes have the right to benefits and pay income tax.
- Procuring and prostitution are not illegal in Spain but the keeping of brothels is in some regions, such as Catalonia.
- In Ireland procuring, selling sexual services, keeping brothels are all illegal.
- Prostitution in the UK is not illegal, but activities surrounding it, such as living off the earnings of prostitution, soliciting, advertise prostitution or run a brothel are. Three key pieces of legislation inform the policing of street prostitution in the United Kingdom: the Street Offences Act 1959 which criminalises loitering or soliciting in a street or public place for the purposes of prostitution; the Sexual Offences Act 1985 which makes kerb-crawling an offence (kerb-crawling has been an arrestable offence since the Criminal Justice and Police Act 2001); and the introduction of Anti-Social Behaviour Orders (ASBOs) in the Crime and Disorder Act 1998.

The murders of the Ipswich prostitutes highlighted their vulnerability and the lack of action taken by the government; whether to be more punitive in the hope of reducing the numbers of prostitutes on the streets, to move towards legalised brothels and other measures to improve the safety of the women, or to prosecute the men who use prostitutes making it an offence to pay for sex, thus targeting the clients rather than the women themselves, were all extensively discussed. The last is a policy that has been pursued in Sweden and street prostitution is now virtually nonexistent. Liberal responses concentrate on how sex work could be made safer, while conservatives demanded that it be suppressed or stamped out.

In Ipswich, the murders had such an impact that a small working group of representatives from the Prostitution Steering Group have developed the Ipswich Crime and Disorder Reduction Partnership Street Prostitution Strategy 2007. They devised a strategic plan to tackle the issue of street prostitution across the county. Its overall strategic aim is to remove street prostitution from Ipswich. This is to be achieved by identifying the problem, developing routes out, tackling demand, prevention and community intelligence. This will be accomplished within the current legislative framework.

Examining the history of prostitution law, and its implementation, we can see that not much has changed in the UK's prostitution control strategy. With an estimated

80,000 people selling sex in Britain (experts claim that the true number of sex workers could easily be two or three times the government estimate as the sex industry tends to be clandestine), the Government set out its strategy for reducing the number of prostitutes. In July 2004, the Home Office published *Paying the Price*, a consultation paper on commercial sex in the UK which provided information and opinions on a wide variety of problems associated with on- and off-street prostitution, designed to trigger a 'serious debate' about legalised brothels and red-light zones managed by local councils. It proposed among other options, managed zones patrolled by police, where sex workers could safely take their clients and a register of licensed prostitutes.

The paper was prepared under the auspices of the then Home Secretary David Blunkett, who wanted to liberalise the law, envisioning a possible system of toleration zones for key cities, similar to those in mainland Europe, as a way to deal with street prostitution. This would involve the earmarking of special zones, agreed by the police and local authorities may be one solution. In Tolerance zones, as is the case in the Netherlands, street prostitution is managed in designated non-residential areas and they are promoted as a means of protecting prostitutes while at the same time removing the problems experienced by local people.

Experts say that such areas would mean that sex workers, such as the five women killed around Ipswich, would be at less risk of attack. Other experts believe that Tolerance zones in rundown areas or isolated industrial zones can themselves become dangerous ghettos unless they have proper security, facilities and support for the women concerned. In cities where prostitutes are permitted to ply their trade in well-lit streets that may be monitored, instances of violence have fallen, but this is difficult to measure since there is no baseline for violence against street sex workers.

Tolerance zones have been the subject of debate in the United Kingdom Parliament over the last decade, as a means of regulating and containing the activities of street sex workers in order to reduce nuisance and increase safety. These reports and papers were circulated amongst Members of Parliament, the police, concerned citizens' groups, individual experts and voluntary organisations, and the Home Office collected over 800 responses. For a long period the Home Office, Parliament, police, experts etc debated over whether or not the UK should tolerate or eradicate prostitution. Suggestions on managed tolerance zones, registering prostitutes and licensing/legalised brothels were never implemented. Tolerance zones were ruled out.

The new government policy rejects any attempt to licence or quarantine prostitution in specific areas. Instead, it advocates an increased effort to reduce street prostitution by calling for stricter enforcement of the kerb-crawling laws which were first put in place in the 1980s. This reactive policing approach often involves 'crackdowns' whereby there is an increased police presence and multiple arrests are made of sex workers and their clients for soliciting, loitering and kerb-crawling offences. The most positive change in the new Home Office approach was the decision to allow prostitutes to live and work together in shared premises in groups of two or three. The media referred to this as a 'legalisation' of 'mini-brothels'.

In Chapter 7 Wijers and van Doorninck, argue that the poor position of sex workers all over the world is caused by the exclusion of sex workers from civil and human rights, often as a result of the illegal status of the sex industry. They critically examine the current legal approaches towards sex work and offer an alternative, based on the recognition of sex work as work and the protection of sex workers rights. Furthermore, they discuss the case of the Netherlands, where the sex industry was decriminalised in 2000.

A number of multi-agency pilot projects were put in place in order to develop interventions aimed at tackling street prostitution. The aim of the projects was to reduce the number of young people and women involved in street prostitution, to reduce crime and disorder associated with street-based prostitution and to find out which interventions helped women to exit prostitution. In order to develop evidence of effectiveness and add to the Government's 'what works' agenda all of the 11 projects were evaluated independently and a meta-evaluative overview produced from the findings (Hester and Westmarland 2004).

In Chapter 8 Hester draws on the meta-evaluative overview for tackling street prostitution produced by Hester and Westmarland (2004), discussing the main issues and key findings, from individuals' entry into prostitution to the enabling of their exit from it. Findings from the project evaluations suggest the need for a shift away from policing of women involved in prostitution and towards supporting women and young people to exit the trade.

In Chapter 9, Hubbard and Scoular, review recent policy debates in England and Wales and Scotland with a view to drawing out the fundamental contradiction at the heart of ongoing policy shifts. They argue that policies introduced with the intent of increasing prostitute safety and decreasing exploitation may actually be making women workers less safe. Recent legal reform has accelerated the process of removing prostitutes from the streets; policies that don't criminalise or push prostitution out of sight.

Wagenaar and Altink in Chapter 10 review the Dutch Toppelzones, which are areas, usually at the geographic margins of the city, removed from residential areas, which local governments designate as spaces where streetwalking is allowed, the purpose being to enhance the safety of streetwalkers and safeguard the security of citizens. Their chapter focuses on the conditions that enable and constrain public policy towards streetwalking and on the symbolic aspects of street prostitution, especially the aspect of space as being not only geographic but social, symbolic and above all contested.

Violence and the outlaw status of street prostitution in Canada are examined in Chapter 11 by Lowman. Lowman constructs a profile of homicides of sex workers in British Columbia from 1964 to 1998. In particular, it examines how the 'discourse of disposal' – i.e. media descriptions of the on-going attempts of politicians, police and residents' groups to 'get rid' of street prostitution from residential areas contributed to a sharp increase in homicides of street prostitutes after 1980. This updates information provided in Lowman and Fraser's (1996) study of violence against

prostitutes in British Columbia, one of four such studies funded by the Department of Justice Canada in 1994. It concludes that the main obstacles to creating safer working conditions for prostitutes are the prohibition and stigmatisation of prostitutes.

Scholarly examination of public policies regarding prostitution in the United States has been quite limited over the past three decades. The book closes with Chapter 12 where Weitzer examines a set of problems in the predominant American approach to prostitution control (criminalisation) and then evaluates three policy alternatives.

This book shows that street level prostitution is a challenge that will not go away. It challenges the life styles and experiences of those who sell sex on the streets and it challenges the demands of those who find the trade abhorrent. But all the indications throughout this book are that driving this trade into the dark corners of our cities only forces it to fester out of control producing other problems of violent crime that all too readily spill over into other areas of city life. To create cities in which sex can be sold safely is not easy as the many different approaches in different countries bears witness. This book maps out the range of possibilities and their implications in the hope that a rational debate can be made on this demanding topic.

# SECTION I

## The Experience of Street Prostitution

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## Chapter 2

# The Relationship between Control Strategies Employed by Street Prostitutes and Levels and Varieties of Client Violence

Helen Selby and David Canter

Despite growing research evidence, debates about violence against women rarely include the experience of prostitutes. Yet research demonstrates that street workers experience high levels of violence in the course of their work. The limited research that has been carried out does however highlight the ways in which the women seek to manage their dealings with clients so as to minimise the likelihood of experiencing violence. Studies report that securing control of the encounter is viewed by the prostitutes as a critical factor in their work (e.g. McKeganey and Barnard 1996). The women have been found to employ a range of measures to ensure they are in control of the encounter. However it is not clear how these measures relate to the actual levels of violence the prostitutes experience. The Multidimensional scaling technique, Smallest Space Analysis (SSA), was employed in this study to explore the relationship between the control measures the women adopt and the levels of violence they experience. Chi square analysis was also employed to further evaluate whether any of the measures are associated with a reduced experience of violence. The findings suggest that the women who do not use illegal drugs have the least risk of experiencing violence, followed by those who will never go to certain locations due to safety concerns, and those who will only provide services to clients in a location they have chosen themselves. The analysis also reveals different levels and varieties of client violence in the prostitute-client interaction.

A number of reports on prostitution show that high levels of client violence are an integral part of selling sexual services (e.g. Barnard 1993). Research demonstrates that prostitutes who work on the streets are at much greater risk of violence than indoor workers (Campbell and Kinnell 2001). Church et al. (2001) reported that the fact that prostitutes worked on the streets outweighed all other factors they examined, such as drug use, age or the length of time the women had been involved in prostitution when predicting levels of violence the women experienced. One recent study reported that violence was such a frequent occurrence within the street prostitution scene that it was almost commonplace, with women expecting it to happen at some point, and considering themselves lucky if they had so far managed to avoid it (McKeganey and Barnard 1996). The



violence experienced ranges from verbal abuse and threats, to physical assaults, robbery, rape and kidnap. Yet levels of violence against sex workers are rarely measured systematically and there are no publicly available statistics of murders of sex workers in the UK, despite the fact that prostitute murders are certainly not infrequent.

## **Hostile Attitudes**

Recent research has highlighted how a combination of hostile public attitudes, together with social policy and law enforcement, are likely to exacerbate street prostitutes' risk of experiencing violence from clients. Researchers have drawn attention to the legal responses and socially constructed stigma, which has shaped prejudicial attitudes towards sex workers (e.g. Campbell and Kinnell 2001). In the first study in the UK to look at levels of violence street prostitutes experience, McKeganey and Barnard (1996) argue that hostile attitudes are widespread in society, and are reflected in the fact that hardly any of the violence to which prostitutes are subjected is reported to the police. Studies report that the women do not expect the police to treat the violence with the same seriousness as violence directed at other members of society (e.g. McKeganey and Barnard 1996; Campbell and Kinnell 2001). Further, the women concerned are aware that if the case did reach court their credibility would immediately be questioned due to the fact that she they are working as a prostitutes. Prostitutes have traditionally been viewed by the police as offenders, and can be arrested for soliciting and loitering. Therefore, Barnard (1993) argues, prostitutes are widely seen as second-class citizens, regarded as both immoral and illegal.

With prostitution provoking strong reactions from many people in society, McKeganey and Barnard (1996) suggests that women who work on the streets are seen as the easiest targets for some peoples' loathing or aggression, as they are the most visible representatives of the trade. Campbell and Kinnell (2001) accord with the view that hostile attitudes to prostitution are likely to be associated with increasing levels of violence. In their research examining prejudicial attitudes towards sex workers, they argue that such attitudes effectively demonise prostitutes, which may serve to justify, or give permission to the men who vent their aggression on them.

However, to further understand the victimisation of prostitutes by clients, the two parties often divergent views on the sexual encounter need to be considered. Recent research suggests that at the heart of the prostitute-client encounter are complex issues of power and control. (e.g. McKeganey and Barnard 1996).

## **The Issue of Control in the Client-Prostitute Interaction**

Studies consistently report a strong occupational culture amongst street prostitutes, which stresses the importance of securing control in the commercial sex encounters (e.g. Barnard 1993, O'Neil 1996). Great importance is placed on being in control and taking an assertive stance to deliberately establish the compliance of the client. A number of studies have reported that street prostitutes view securing control over the encounter as a critical issue, not only in terms of ensuring proper payment, but also for limiting the potential for violence to occur (e.g. Barnard 1993; Silbert 1981; Perkins and Bennett 1985). McKeganey and Barnard (1996) reported that the women in their study viewed control to be absolutely essential, believing that it would reduce the likelihood of physical violence by creating a more submissive role for the client. The researchers explain how the women in their study adopted an assertive stance from the beginning of the encounter, aiming to take and retain control of the situation. McKeganey and Barnard (1996) report that, as vendors of a desired service, the women considered themselves to be in a position to dictate the terms and conditions of the encounter. Such attitudes have been reported in other studies of prostitutes, both in the UK and abroad. Hoigard and Finstad (1992) for example, in their extensive interviews with street prostitutes in Scandinavia, describe how the women view the client as dependent on them, giving the women control over the terms of the transaction.

Research suggests that many women adopt various strategies aimed at managing the sexual encounter (e.g. McKeganey and Barnard 1996). The measures endorsed to take and retain control of the encounter range from the selection of clients prior to the encounter, to determining the conditions during the encounter, such as the services on offer and the location where such services will take place. Some prostitutes have also been reported to take measures in case they do encounter violence, such as carrying a weapon, personal alarm or mobile phone, and the noting down of clients car registration numbers.

It is difficult to determine the degree of control such strategies actually allow the women over their encounters with clients. Some of the strategies are likely to be more successful than others, and there are also likely to be differences between the prostitutes concerning how successful they are at implementing them (McKeganey and Barnard 1996). Research suggests that women who are new to prostitution, and women heavily under the influence of drugs or alcohol are much less likely to take or retain control (e.g. Church et al. 2001, Campbell and Kinnell 2001). Additionally the environment street prostitutes are working in will have a bearing on the process of negotiating with the client, and in the exercise of control. For example, the choice of location in which to do business with a client will obviously be constrained by the area where they are working and the surrounding neighbourhood. Nevertheless, the difficulties the women are likely to experience in taking control of the encounter do not appear to deter them from being highly attuned to issues of power and control in their relationships with clients (McKeganey and Barnard 1996).

It remains unclear however, whether this emphasises on taking and staying in control of the encounter goes any way to reduce the likelihood of client violence. Research has not examined the relationship between the strategies the women take to be in control, and the levels of violence they experience. It is possible that the emphasis the women place on controlling the sexual encounter may actually increase the risk of violence, at least with some men, rather than minimising it. McKeganey and Barnard (1996) report that amongst many men there is a clear expectation that they should be in control of the encounter. Some men, the researchers report, hold the view that as they have the money to pay for the sexual services, they therefore have the power over the prostitute. McKeganey and Barnard report also that many of the men interviewed consider prostitutes to be 'women who will do anything'. This is at odds with the women's view that they were in control of their encounters with clients, and in charge of the services they will, and will not engage in. The coming together of two parties with divergent views and expectations concerning power and control in the sexual encounter is likely to create the potential for violence.

Much of the violence experienced by prostitutes has been found to be associated with disagreements concerning the services on offer, the duration of those services, or payment (McKeganey and Barnard 1996). However, it is also possible that some men may use violence primarily to assert their control in the situation, even when a disagreement has not occurred. Barnard (1993) points out that in their overt attempts to be in control, prostitutes are directly contradicting normative expectations of the sexually submissive female role. Research suggests that clients' feelings of powerless towards the women can merge with a desire to see them humiliated or hurt (Hoigard and Finstad 1992). Feminist writers have long argued that although the male role contains many conflicting features, the defining feature is men's dominance over women. From such a perspective it is argued that when men's power over women is in jeopardy, they use force in the form of violence and sexual violence to assert power. (Kelly 1996). Therefore to some men, the flouting of social norms of appropriate female behaviour may alone, be sufficient justification for the vilification and victimisation of prostitutes (Gaber 2002).

Just as men's reasons for interacting with prostitutes are wide-ranging (Hoigard and Finstad 1992), it is likely that there are various reasons for the high levels of violence street prostitutes experience. However, it certainly seems that issues of power and control are central to the prostitute-client interaction, creating the potential for violence. Analysis of how the women's attempts to control the encounter relate to the levels of violence they experience, is one way of further understanding the victimisation of street prostitutes.

Analysis of the relationship between the ways in which the prostitutes attempt to control the encounter, and the levels and types of violence they experience, will allow evaluation of how the emphasis placed on control by the women relates to the levels of violence they experience. The relationship between both the measures taken prior to the encounter, those taken during, and the precautionary or resistance strategies they employ, need to be examined in relation to violence levels, in order to

assess whether they do actually go any way in minimising the violence experienced by the women. Consideration of other possible ‘triggers’ to the violence may also facilitate a more comprehensive understanding of violence in the prostitute-client interaction.

## **Sample**

A sample of 107 street prostitutes, working in various towns and cities in the UK during a 12-month period throughout 2000–2001, were surveyed by Ferguson (2001). The questionnaire, designed by Ferguson (2001), covered a wide range of issues with sections focusing on the women’s lifestyles, their work and clients, the environment in which they contact clients and provide services, their experience of violence, the measures they take to protect themselves, and their interactions with and views concerning the Police.

## **Data Collection**

Students on the MSc course in Investigative Psychology at the University of Liverpool coded the questionnaire responses collected by Ferguson (2001). A database of 362 variables was then created. To investigate how street prostitutes’ attempts to control the sexual encounter, relate to the levels and types of violence they experience, a working database of 27 variables was employed in this study. The majority of the variables concerning the control and resistance measures the women adopted were selected from a section dealing specifically with strategies the women employ regularly to attempt to protect themselves. Additionally, two variables were selected from more general questions concerning the prostitute-client interaction, and one variable concerning whether the women were regular drug users. The variables concerning the different types of attacks and possible triggers for these were taken from a section dealing with the women’s experience of violent clients. A complete list of the 10 control and resistance variables, 16 attack variables, 9 possible ‘triggers’ to the attacks is provided in the appendix. Each of the variables employed in the study were coded in a dichotomous format as either absent or missing (o), or present (1). The use of dichotomous coding has previously been found to increase reliability in data where there is uncertainty than non-recording of a piece of information means that it definitely did not occur (Canter and Heritage 1990).

## **Method**

The frequencies of the control and resistance strategies the prostitutes employed were examined to determine which measures were most commonly used among

the sample. Similarly, the frequencies of the types of violence the prostitutes had experienced were observed to establish which types of attack were typically experienced.

To examine the relationship between the control and resistance measures taken, and the violence experienced, the multidimensional scaling technique Smallest Space Analysis was employed (SSA) (Guttman 1954; Lingoes 1973) on an association matrix of Jaccard's coefficient. This measure of association does not take into account the joint non-occurrences of variables, and was therefore selected as the most appropriate measure of association for dichotomous data.

The SSA is a visual representation of the association matrix from which it was derived. Each variable is represented as a point in two dimensional space, such that the closer any two points are to one another, the more likely it is that the behaviours they represent co-occur across cases (Fritzon and Ridgway 2001).

The degree of fit between the association matrix and final output is represented as the coefficient of alienation. The SSA configuration shown in Figure 2.1 has a coefficient of alienation of 20 in 26 iterations, indicating an adequate fit for this data.

An examination of the associations among variables represented on the diagram, allows identification of regions of the space containing variables that indicate different levels and types of violence, and how they are situated in relation to the various control and resistance measures.

To further determine whether any of the control or resistance measures the prostitutes employed were significantly associated with their experience of different levels and types of violence, chi-square analysis was employed. Significant associations imply that specific or combined control or resistance strategies are associated with either an increased or decreased experience of particular types or levels of violence. Rather than imply a causal relationship among the behaviours, significant associations suggest an interaction effect between the control or resistance behaviour employed, and the violent client behaviour.

In order to further explore the levels and themes of violence apparent in the SSA, and their relationship to control and resistance strategies, the possible 'triggers' to the attacks reported by the prostitutes were considered. Chi square analysis was employed to determine whether any of the triggers were significantly associated with various levels of violence.

## **Results**

### *Control Measures*

It is clear from examination of the frequencies of the control strategies the prostitutes employed, that the refusal of suspected 'dodgy' clients and the sharing of information about such clients, were the most commonly used measures. Frequencies were also high for the number of women who refuse to go to certain locations to provide

**Table 2.1** Frequencies with which control and resistance measures were taken

	Variable <sup>a</sup>	Frequency (n = 107)	Percentage (n = 107)
Control measures taken before the encounter	Refuse suspected 'dodgy' client	92	86
	Share information about 'dodgy' clients	81	76
	Does not work when drunk	36	34
	Does not take illegal drugs on daily basis	23	21
Control measures taken during the encounter	Refuse to go to certain locations	76	71
	Will only do business in location of own choice	55	52
	Never fully undresses	40	37
	Will only do business where people could hear if screamed	29	28
Resistance Measures	Carry mobile or alarm	48	45
	Carry weapon	26	25
	Noting down of vehicle registration numbers	19	18

<sup>a</sup>See appendix for a complete description of variables.

services, and for those who will only provide services in a location of their own choice. Over one third of the sample refuse to fully undress for clients. However, less frequent were the number of women who do not use illegal drugs on a daily basis, and the number who never work when drunk or using marijuana.

### *Resistance Strategies*

Of strategies employed by the women aimed at protecting themselves if violence does occur, carrying a mobile telephone or personal alarm, were the most commonly used. A quarter of the women carried a weapon, and less than a fifth of the women relied on other prostitutes to note down vehicle registration numbers.

### *Experience of Violence*

The most commonly experienced type of violence by the prostitutes was being slapped, kicked or punched. Also of high frequency were being threatened with death, being strangled/hands around throat, and being locked in a client's vehicle. Over one third of the sample had been badly beaten, with the same proportion having been raped. Frequencies were slightly lower for the proportion of the sample who

**Table 2.2**      **Frequencies of types of violence experienced**

Variable <sup>a</sup>	Frequency (n = 107)	Percentage (n = 107)
Slapped, kicked or punched	57	53
Threatened to be killed	40	37
Strangled/hands around throat	39	36
Locked in vehicle	37	35
Raped	34	32
Beaten 'badly'	31	39
Taken to an isolated location	30	28
Taken to a location against will	23	21
Threaten with knife	22	21
Kidnapped	17	16
Unable to exit vehicle due to parking	13	12
Knocked unconscious	8	7
Threatened with gun	8	7
Raped anally	7	6
Tied up	5	5
Stabbed	5	5

<sup>a</sup> See appendix for a complete description of variables.

had been taken to an isolated location by a client. Less frequently women had been taken to a location against their will, and a similar proportion had been threatened with a knife. Less than one fifth of the sample reported having been kidnapped. The more extreme types of violence; being knocked unconscious, anally raped, or threatened with a gun, were much less frequently experienced within the sample. The most infrequent types of violence experienced were being tied up, or being stabbed.

### *The Relationship between the Control and Resistance Measures and the Types of Violence Experienced*

There is a clear region on the SSA plot where the various control and resistance measures taken by the prostitutes, are situated (all shown as black circles on the plot). All of the measures are situated on the opposite side of the plot to the more extreme violence the women had experienced, and some distance away from the less severe violence variables. This would suggest that the resistance and control strategies employed by the women, may go some way in reducing their likelihood of experiencing violence.

As indicated in Figure 2.1, it is possible to draw contours on the SSA that represent general frequency patterns. This pattern ranges from high frequency

behaviours in the centre of the plot to lower frequency behaviours that radiate out towards the edges. The high frequency behaviours at the centre of the plot are the control measures; refuse 'dodgy' clients, share information on 'dodgy' clients, and refusal to provide services to clients in certain places. This tight clustering at the centre of the plot shows that the women who employ one of these measures are also likely to employ the other two. These control strategies, are then, central to the women's attempts to secure a degree of control in their interactions with clients. Radiating out from the centre, in various directions are the less common strategies the women employ, and on the left of the plot, the various types of violence they have experienced. The concentric circles indicate the modulating interlinked facets of violence and control; whereby the client takes back control over the prostitute in various ways, with increasing extremity towards the edges of the plot. As noted however, violence behaviours only occur on half (the left) of the plot, indicating that the other side of the plot, may represent non-violent interactions, where the client does not take control of the prostitute in these ways. Conceptually then the SSA represents the scope of possible prostitute-client interactions, including non-violent encounters where the client appears to be content with the women's assertiveness, and their attempts to control the encounter.

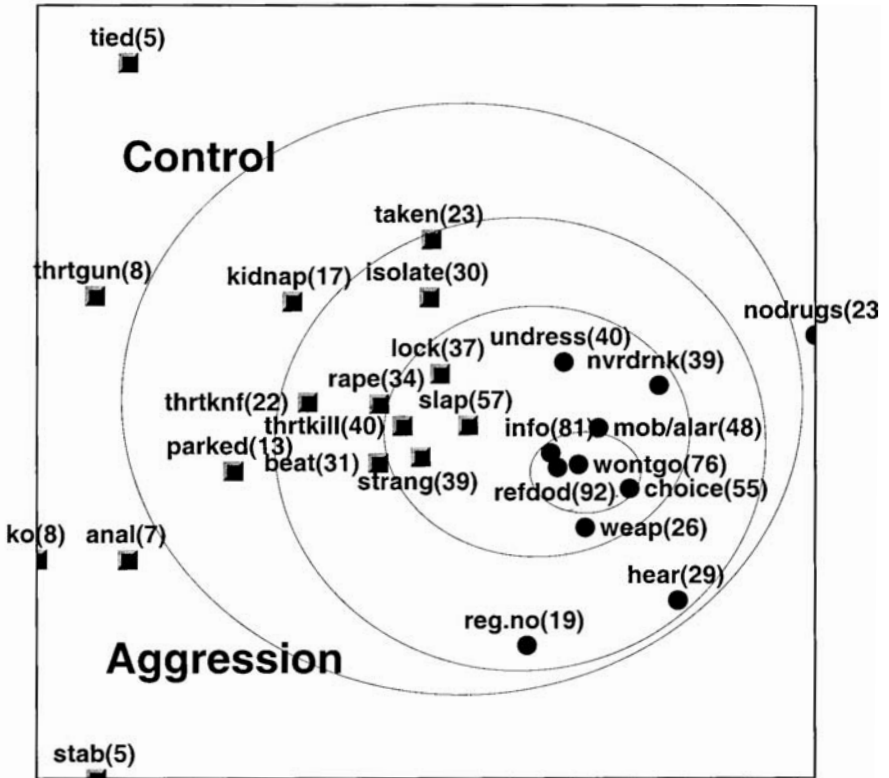
### *Levels of Violence and Control*

The concentric circles indicated on the SSA plot, encompass varying degrees, or levels of violence and control experienced by the women. The first contour encompasses the frequently experienced attacks; slapped, kicked or punched, threatened with death, strangled/hands around throat, and locked in client's vehicle. In relation to the other types of violence experienced, this can be viewed as the least severe level of violence. This level of violence can then be seen as typical of violence within the prostitute-client interaction. The next contour encompasses more extreme types of violence and control; rape, badly beaten, taken to an isolated location, taken somewhere against will, and threatened with a knife. Following this, are behaviours with frequencies below 20; Kidnapped, and the parking of a vehicle so the prostitute could not get out, with the very low frequency types of violence situated at the edge of the plot representing the most extreme level of violence and control experienced by the women.

### *Varieties (Themes) of Violence and Control*

As well as differences in levels (or degrees) of client violence and control, the layout of the variables on the SSA, is also suggestive of qualitative differences, or themes in the actions. Although violence and control are taken to be synonymous in this study, with violence used as a form of control, examination of the lower frequency variables, does suggest different modes of offender-victim interaction. As indicated on the plot the lower region contains variables which predominantly reflect





**Figure 2.1 Smallest Space Analysis of control and resistance measures, and types of violence experienced**

*Note:* Figures in brackets are frequencies. See appendix for full explanation of variables.

an overtly aggressive interaction; beaten badly, strangled/hands around throat, anal rape, knocked unconscious and stab. Whereas, the variables in the upper region of the plot demonstrate the clients control over the prostitute, with actions relating to the demobilisation of the prostitute, suggesting possible preparation on the part of the offender.

### **The Relationship between the Levels and Themes of Client Control and Violence, and the Control and Resistance Measures Employed**

Chi square analysis revealed the control and resistance measures that were significantly associated with a reduced risk of experiencing particular levels or themes of violence. For the purpose of this analysis, the violence and control

**Table 2.3** Possible triggers to violent incidents

Variable	Frequency (n 107)	Percentage (n 107)
No warning/trigger	38	26
Prostitute refused a particular service	33	31
Argument over payment	32	30
Client refused to wear condom	29	27
Client recently robbed by another sex worker	25	23
Client sexually excited by violence	25	33
Client unable to get an erection	24	22
Agreed time limit up before client ejaculated	21	20
Client complained about prostitute's performance	11	10

variables encompassed in each of the frequency contours were combined (Figure 2.1). This allowed examination of the association between control and resistance measures and different levels (or degrees) of violence experienced, (rather than simply for each individual variable). To examine the association between the control and resistance measures employed, and the different styles (or themes) of attack, the variables reflecting a predominantly control theme (upper region – Figure 2.1) were combined, as well the variables reflecting an overtly aggressive styles of interaction (lower region).

As indicated by its position the SSA plot (Figure 2.1), the control measure – does not use illegal drugs on a daily basis – was found to be associated with reduced risk of much of the violence. This measure was significantly associated with a reduced risk of experiencing the first level of violence (slapped, kicked or punched, threatened to be killed, strangled/hands around throat, and locked in client's vehicle)  $\chi^2 = 4.00$ ,  $p = .04$ . The measure was also associated with reduced experience of attacks with an overtly aggressive style (beaten badly, parked, anal, knock unconscious, anal rape, and stab).  $\chi^2 = 6.00$ ,  $p = .01$ . None of the other control or resistance measures were associated with reduced experience of either the low level violence and control, or the overtly aggressive offence style.

However, a number of measures were significantly associated with a lesser experience of the attacks with a predominantly control style (threatened to be killed, rape, taken to an isolated location, taken against will, threatened with a knife, kidnap, threatened with gun, and tied up). The measures relating to the location where services are provided were related to this; Will only provide services in location of own choice  $\chi^2 = 5.83$ ,  $p = .01$ , and Will not go to certain locations,  $\chi^2 = 3.92$ ,  $p = .02$ . In fact these measures were associated with a reduced experience of all levels of violence, with the exception of the first level (encompassed in first frequency

contour on Figure 2.1) and, as noted above, the overtly aggressive offence style (lower region on Figure 2.1).

Measures were then combined into the strategies the prostitutes use before the encounter takes place (i.e. prior to the prostitute agreeing to provide a client with services), the strategies employed during the encounter (such as decisions concerning location, or services), and the resistance measures adopted (employed as safeguards if violence does occur). Variable combinations are shown in Table 2.1.

The only measures found to be effective when combined in this way, were the measures the women employed during the encounter. This combination of measures were associated with a lesser experience of all levels of violence with the exception of the low level violence typical of violence in the client-prostitute interaction (encompassed in the first frequency contour), and attacks of an overtly aggressive nature.  $P < .01$ . This finding is unsurprising having examined the effectiveness of each measure separately, as this group of behaviours are predominantly concerning choice of location, which as noted above, were found to be associated with a reduced risk of particular levels violence. However, the variable – Never gets fully undressed for clients – was also included in this category. It is important to note, that this measure, when examined independently of the other strategies employed during the encounter was not however, associated with a reduced risk of violence. In fact, the measure was associated with a significantly higher experience of violence with an overtly aggressive theme (lower region on Figure 2.1)  $X^2 = 6.71$ ,  $p = .01$ .

### **Possible ‘Triggers’ to the Violence**

In order to gain a more comprehensive understanding of violence in the prostitute-client interaction consideration of the possible ‘triggers’ to the violence is necessary. As noted earlier, the women were asked to report if any ‘triggers’ occurred prior to an experience of client violence. ‘Triggers’ the women were asked to report are listed below with the frequencies with which they were reported.

Examination of the frequencies shows that the majority of violence actually occurred in the absence of an obvious ‘trigger’. Following this, disagreements concerning payment, the services on offer, and the use of a condom were the most commonly reported triggers to violent incidents. Chi-square analysis revealed that all of the triggers were significantly associated with all levels of violence and control ( $p < .05$ ). All of the triggers were also significantly associated with both themes of violence ( $p < .05$ ) with two exceptions. Arguments concerning payment were associated with the overtly aggressive offence style, but not with the control themed offences, and the trigger – Client sexuality excited by violence – was associated with the control theme but not the overtly aggressive style.

## **Discussion**

Issues of power and control are likely to operate in numerous, and complex ways during the prostitute-client interaction. Examination of how the strategies prostitutes employ to control the encounter, relate to the violence they experience, is one way of beginning to explore these issues. More specifically, examination of the relationship between the women's attempts to secure a degree of control over the sexual encounter, and their experience of client violence, allows evaluation of whether such attempts are likely to reduce their experience of violence. This in turn, allows consideration of why the strategies employed appear to discourage, or indeed encourage client violence.

The results in this study have indicated that the majority of strategies the women employ are not associated with a reduced incidence of client violence. However, the minority of women who did not use illegal drugs on a daily basis (predominantly heroin and 'crack' cocaine) had experienced significantly less client violence. This was the only 'control strategy' that appeared to reduce the risk of the high frequency violence typical of a violent interaction. It may be then, that such violence is so commonly experienced by the women who are drug users because the men have less respect for them, and generally more hostile attitudes towards women of this demeanour. It is also likely that this high frequency violence is used by violent clients to assert their control in the encounter, even in the absence of an argument. Many women have reported that using drugs increased their confidence with clients, making them more assertive. (e.g. McKeganey and Barnard 1996). It is therefore possible that violent clients consider it necessary to assert control over the women with this enhanced confidence.

Interestingly, the women who were not drug users had also experienced significantly less violence of an overtly aggressive nature. The violence in this region is characteristically gratuitous, and may be linked to the clients' hostile attitude towards prostitutes, and in particular to prostitutes who are also drug addicts. There is a clear parallel between the actions categorised as overtly aggressive here and previous studies of sexual assault and rape, which identified an overtly aggressive offence style. (Canter and Heritage 1990; Canter 1994; Canter et al. 2001). Canter (1994) describes the assigned role of the victim in this offending style, as one where the victim must carry the load of the offender's desires, serving as a vehicle for him to use. Canter et al. (2001) use the term hostility to describe the behaviours in the aggressive theme in their study, suggesting that it relates to the offender's negative evaluations or attitudes of resentment mistrust or hate. It is possible therefore, that prostitutes who are regular drug users may be evaluated more negatively by such offenders, and consequently more prone to experiencing violence of this overtly aggressive nature.

The violence categorised as reflecting a predominantly 'control' theme also has strong parallels to the previous research on sexual assault and rape. Canter et al. (2001) categorise behaviours such as the binding of a victim, threatening harm, including

threatening the victim with a weapon, as actions relating to the demobilisation of the victim, reflecting possible preparation on the part of the offender. Clearly, these behaviours are extremely similar to the behaviours in the 'control' region in this study. However, rape itself was included in the control theme here. Much of the literature concerning sexual violence holds that rape takes away the control women expect to have over their bodies, and over their lives (London Rape Crisis Centre). Literature suggests that rape is a part of a much larger pattern of the relationship between the sexes, with some men asserting their power as men in this way when they perceive women to be taking an assertive, or controlling stance (Gavey et al. 2001, Bridges-Whaley 2001).

Hoigard and Finstad (1992) also observed that along with more impulsive explosions of rage, there was a pattern of violence which appeared to involve more planning, connected to confinement, or imprisonment of the women. Hoigard and Finstad argue that this confinement results in the women no longer having any power over the client, instead she is under his subjugation, and he alone has unlimited power. This is further supported by literature on offender motivations (e.g. Douglas et al. 1992) which suggests that behaviours characteristic of this offence style are expressions of a 'power' motivation. It was interesting to note therefore, that this style of violence was associated with the women's reports that the client appeared excited by violence, and the overtly aggressive theme was not. This further suggests that this style of violence is more about preparation and personal enjoyment for the offender, and quite different from an uncontrolled violent outburst, characteristic of the overtly aggressive style.

The finding that a number of the control strategies were associated with reduced experience of violence of this nature is then particularly significant in terms of advising prostitutes on the measures that may reduce their risk of experiencing violence. The women who will not go to particular locations, and those who will only provide services to a client in a location of their own choice, experienced significantly less of this style of violence.

It seems then, that if the women employ these strategies, they do indeed, reduce their risk of being taken to an isolated location, and suffering the related violence. (The vast majority of the women in this study viewed going 'far away', or to the clients' home as the most potentially dangerous locations for experiencing client violence). However, the fact that some of the women who did employ these strategies had still experienced this style of violence, demonstrates that the strategies do not guarantee protection from this style of attack. Having entered a client's vehicle, it may subsequently be of no bearing if the woman refuses to go to certain locations, or will only provide services in a location of her own choice, as the client ultimately has the women in his control. It may be likely that a more determined, and prepared client, intent on taking the woman somewhere against her will, will not be deterred by her assertiveness concerning the location of her choice.

It is perhaps not surprising that none of the other control measures taken before the encounter, or the resistance measures adopted, were associated with a reduced

experience of violence, as there are likely to be problems associated with their employment. For example, the decisions the women make as to whether a potential client is likely to be 'dodgy' (violent), are likely to be problematic, fundamentally because their judgements are based only on intuition or instinct. Furthermore, not only do the women have only minimal clues (such as how the potential client speaks or looks) on which to base their decisions, but they are also constrained by the short length of time available to them to make such judgements. The sharing of information of suspected violent clients, will then, also only be based on hasty judgements and minimal clues.

As noted by Ferguson (2001), the resistance measures employed such as carrying a mobile telephone or alarm, carrying a weapon, or noting down vehicle registration numbers, are only ever likely to be partially successful. The measures are likely to be problematic from a practical, and in the case of carrying a weapon, legal standpoint. None of these measures appeared to be sufficient in deterring violent clients in this study.

## **Conclusions**

The high incidence of violence experienced by prostitutes may suggest that men are commonly using violence, or the threat of violence, to assert or take back control of the encounter. The findings in this study, that the majority of attacks, came without warning, suggests that the men may be attempting to assert their power and control, even though disagreement had not occurred. Research on violence against women points to male role socialisation, which incorporates the notion that women are subordinate, and that men should have the power to both punish and discipline them (Barnard 1993). As mentioned earlier, prostitutes may violate fundamental expectations as to how women are supposed to act. If the men who are violent towards prostitutes do have such attitudes, it may help to explain why prostitutes experience violence so regularly.

Furthermore, it is likely that some men use prostitutes primarily to be violent towards them, possibly to vent aggression or loathing. Such men may be likely to use more extreme violence and controlling behaviours, such as tying the women up, and may also be violent in other areas of their lives.

Detailed research, focusing upon men who use the services of prostitutes, may be required to explore these issues further. Interviews with men who are convicted of violence towards prostitutes may provide further insight into how issues of power and control operate in the interaction. Clearly, there are numerous ways that the women may assert their control during the encounters that were not included in this study, some of which are likely to be subtle, and therefore very difficult to measure. Interviews with prostitutes, focusing on how they interact with clients may also allow a more detailed analysis of the ways in which they seek to take and retain control in the sexual encounter.

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## Appendix I

### *Label on Figure 2.1 –Description of variable*

refdod	Prostitute refuses punters she thinks might be ‘dodgy’
info	Prostitute shares information on ‘dodgy’ punters
wont go	There are places prostitute would never agree to do business in for safety reasons
choice	Prostitute will only do business in a place she chooses
mob/alarm	Prostitute carries a mobile telephone or personal alarm
undress	Prostitute will never undress fully for a punter
nvr drink	Prostitute never works when drunk or stoned
hear	Prostitute will only do business where people can hear
weap	Prostitute carries a weapon
nodrugs	Prostitute does not use illegal drugs on a daily basis
reg.no	Prostitute relies on other girls to take car numbers
slap	Prostitute has been slapped, kicked or punched by a client
thrt kill	Prostitute has been threatened to be killed by a client
strang	Prostitute has been strangled/client put hands around her throat
lock	Prostitute has been locked in the car by client
rape	Prostitute has been raped by client
beat	Prostitute has been beaten up badly by a client
isolate	Prostitute has been taken to an isolated place by a client
taken	Prostitute has been taken somewhere against her will by a client
thrt knf	Prostitute has been threatened with a knife by a client
kidnap	Prostitute has been kidnapped by a client
parked	Prostitute has been unable to get out of car because of where car was parked by client
thrt gun	Prostitute has been threatened with a gun by client
ko	Prostitute has been knocked unconscious by a client
anal	Prostitute has been anally raped by a client
tied	Prostitute has been tied up or handcuffed by a client
stab	Prostitute has been stabbed by a client
na	Attack happened with no warning or reason at all for the attack
na	Attack happened after prostitute refused services he wanted
na	Attack happened after an argument about money
na	Attack happened after client refused to wear condom
na	Client recently robbed by another sex worker
na	Client sexually excited by violence
na	Client unable to get an erection
na	Attack happened because agreed time limit was up before the man ‘come’
na	Attack happened after client complained about prostitute’s performance



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## Chapter 3

# Prostitute Homicide: The Influence of Prior Relationship on Perpetrator Behaviour

Abigail Holden, Lynsey Gozna and Laura Richards

The following chapter discusses how further understanding of the relationship between victim and offender in cases of prostitute homicide can be gained by consideration of the crime scene actions displayed. The relationship between the victim and perpetrator is examined in order to identify the nature of the interpersonal behaviour that occurs during the commission of the offence. Issues such as the victim-offender relationship, violence toward prostitutes and the role of the victim are considered. Forty-seven homicide cases, that involved prostitute homicide where the relationship between offender-victim was either known or unknown as well as non prostitute domestic homicides, all involving female victims, were analysed using a multi-dimensional scaling (MDS) technique, Smallest Space Analysis (SSA). Results showed that there are some overlaps between cases of domestic homicide and those of prostitute homicide where there was a prior domestic relationship between the victim and offender. Implications for police investigations are discussed.

### **Introduction**

Women who sell sex form a group of individuals who are particularly vulnerable to victimisation due to the nature of their work. This includes being victims of robbery, violent and sexual offences, some of which result in homicide. Whilst working indoors can enable better scrutiny of clients and the implementation of safety measures to increase the protection of prostitutes, women who work outdoors face additional challenges relating to the assessment of risk prior to agreeing the terms of their sexual transaction. Establishing the difference between a legitimate client, a hostile client and an individual who poses as a client can be challenging. In addition, during the course of the interaction, prostitutes can experience increased vulnerability from the client and therefore decisions of potential risk are complex. It is crucial though to consider other individuals who perpetrate offences against prostitutes; such women are also victims of domestic violence from their pimp, former clients or other ‘partners’. Furthermore, the nature of street prostitution increases the targeting by unknown individuals who exploit the accessibility of the

environment and accompanying access to this vulnerable group to commit a range of violent and/or sexual assaults.

An estimated 80,000 people are involved in prostitution in the UK, with 45 per cent reporting sexual abuse and up to 95 per cent of those involved in street prostitution are considered to use heroin or crack (Home Office 2004). This presents a picture of a potentially chaotic and challenging lifestyle for those who are working on the street who through circumstance require an income to sustain their drug dependency. Whilst the recorded homicide of prostitutes in the UK has been a relatively rare offence in terms of volume, there are a high proportion of these offences that remain unsolved. Other homicides could be hidden within 'missing persons'. Prostitutes can become 'missing persons' for a variety of reasons, most concerning being the result of victimisation. Unfortunately, the lifestyles of prostitutes, particularly those who work in more vulnerable settings on the street create circumstances that benefit potential offenders. In certain locations, the competitive nature of the work on the street means that women are not be mutually supportive to each other and unpredictable working routines can further decrease the ability to identify vulnerability.

The prevalence of sexual and violent assaults toward prostitutes is additionally not fully recognised due to the lack of reporting of these offences to the police, which is exacerbated by the illegal nature of the work. In a study focusing solely on client violence against prostitutes, Barnard, Hart and Church (2002) reported that two-thirds of their sample had experienced client violence whereas only around a third had reported this to the police. The reticence to report victimisation to the police means that the true picture of crime toward these women is not available. The likelihood of the alarm being raised when a woman goes missing can be further impeded by any lethargy in response and, at times, the reduced credibility of whoever reports leading to a less legitimate case to investigate.

Despite the victimisation of prostitutes, there has been relatively little research focusing on the types of offences committed against them and how this can be understood through consideration of the victim-offender relationship. Having an understanding about the nature of this relationship and the association with offending may aid the identification of suspects earlier in their offending careers. The case of Anthony Hardy in London in 2002 who was investigated but not charged with a series of rapes of prostitutes due to a lack of evidence, and then later convicted of the murder of three women who worked as prostitutes illustrates how an individual can target vulnerable victims successfully. This chapter presents research that profiled the relationship between the victim and perpetrator in offences of prostitute homicide in the UK in order to identify the nature of the interpersonal behaviour that occurs during the commission of the offence. The literature regarding victim and offender relationships, violence toward prostitutes and the role of the victim in offences and the accompanying aggression exhibited by offenders is considered in order to understand the issues that are pertinent to the homicide of prostitutes. We will discuss the way in which further understanding of the relationship between victim and offender can be gained by consideration of the crime scene actions displayed.

Hickey (1996) acknowledged that 'to a great extent the offender's behaviour is directly related to the type of victim selected' (p. 107) and in the case of prostitute homicide, focus on this interaction has the potential to assist the investigation of unsolved cases.

### **Known/Prior Relationships**

Although violent males most commonly target other males (Stanko and Hobdell 1993), women are at greater risk of becoming the victim of a male perpetrator than a female perpetrator. When the gender of victims is considered, women experiencing a violent attack face an increased likelihood of a sexual element in an assault and of knowing their assailant, whether an intimate partner, family member or an acquaintance of some other form (Richards 2003). In the case of prostitutes, this relationship may take the form of a client, pimp or partner who is unrelated to the prostitution.

An important factor to establish when prostitutes are murdered is the presence or not of a prior relationship between the victim and the perpetrator. As previously stated, the lifestyle of prostitutes, incorporating a drug culture which is further immersed in a criminal culture heightens the general likelihood of victimisation. Furthermore, the transitory nature of some prostitute clients means that they might never be traced or the relative discretion that some women use in their work might mean that the victim is the only person to know their attacker. It is also important to note though that domestic violence can be a considerable issue for women who sell sex and this can impact on their further victimisation. One less understood relationship relates to clients who commence an intimate relationship with a prostitute regardless of any current circumstances, e.g. the presence of a boyfriend or pimp. Clients who develop such relationships can perceive themselves to have greater physical/emotional/financial involvement to that which is acknowledged by the prostitute. Establishing and differentiating the nature of the relationship between the victim and perpetrator from the behaviours displayed during the offence which are left at the crime scene is therefore important for the investigation of the crime.

When considering the presence of a previous intimate relationship between a victim and perpetrator, the relevance of the prostitution to the targeting of the victim has to be noted. Sexual jealousy is one factor incorporated in the motivations of domestically violent offenders and therefore cannot be dismissed. One of the main risk indicators of domestic homicide is prior victimisation within a relationship (Smith, Moracco and Butts 1998) and this has led to the identification of wider factors that can point to a higher risk of serious harm and homicide within a current or ex intimate relationship (Richards 2004). The high risk factors that have been identified include Separation (child contact), Pregnancy (new birth), Escalation of violence toward the victim, Community issues and isolation, Stalking and Sexual assault (SPECCS+; Richards 2003). Further research has now identified the + factors

which also denote high risk and incorporate consideration of Child Abuse, Use of weapons/credible threats to kill, Strangulation, Suicide-homicide, Controlling and jealous behaviour, Abuse of pets/animals, Abuse of alcohol/drugs, Mental health, and Victim's perception of risk (SPECCS+; CUSSCAAM-V; Richards 2008). This model has been re-named the Domestic Abuse, Stalking, Harassment and Honour based Violence Risk Model (DASH). The police definition of domestic homicide includes both current and former partners (Association of Chief Police Officers, nd, cited in Richards 2004) although in the case of prostitutes, this should include clients who have engaged in intimate relationships with the victim. The ways in which offences occur are likely to be influenced by the nature of the relationship between the prostitute and the perpetrator. Maas, Prakash, Hollender and Regan (1984) maintain that a personal relationship between a victim and perpetrator is illustrated through heightened brutality within the offence and greater severity of the injury to the victim. Furthermore, the injuries sustained by the victim tend to far exceed what is required to complete the offence and, in particular, injuries inflicted to the head and face have been consistently associated with a more personal attack. Furthermore, Last and Fritzon (2005) found that multiple stab wounds were the best predictor of victim-offender relationship when they compared intrafamilial, acquaintance and stranger homicides highlighting that expressive offence behaviours were particularly associated with a known relationship between the two parties. Salfati and Canter (1999) assert that the targeting of the victim's face indicates a personal meaning for the perpetrator due to the face being seen as the core representation of a person. This is especially important when ascertaining the extent of any prior interaction the victim has had with the perpetrator. The nature of stranger attacks is discussed in more detail later in the chapter.

### **Unknown Relationships**

When there is no obvious link or prior relationship between the victim and perpetrator, homicides are considered to be pre-meditated, calculated and controlled (Dodge 1991) and the victim more easily perceived as an object and hence dehumanised (Hickey 1996). Therefore the prevalence of more spontaneous offences appears to be less likely to occur. There is evidence to suggest that individuals who commit violent crimes against strangers are rarely emotionally aroused (Williamson, Hare and Wong 1987) and that forms of social interaction are the result of another precipitated event such as a sexual assault (James and Carcach 1997). The function of the victim in such offences when there is no known relationship between the two parties is important to understand. This incorporates consideration of the behaviours shown by offenders of stranger rape and sexual assault in addition to fatalities.

Canter (1994) refined a previous model developed by Canter and Heritage (1990) which initially presented five ways in which offenders interacted with victims of stranger rape. The resulting model identifies a three-way model of interaction:

Victim as Object; Victim as Vehicle; and Victim as Person. The 'Victim as Object' is illustrated by the offender's view of the victim as an object whose existence is irrelevant and who should play no meaningful role in the offence. The victim-perpetrator interaction is characterised by an overarching lack of feeling toward the victim. Therefore the victim's role can be seen as enabler for the perpetrator to act out an internal impulse or they are eliminated as a potential threat to personal achievements or desires (Canter 1994). In the 'Victim as Vehicle' interaction, the victim is merely a vehicle for the fulfilment of the offender's needs. The victim is forced to play an active role to assist the offender in achieving their objective (Fritzon and Garbutt 2001) which includes desires which might not be achievable or available in other aspects of their life. The victim is chosen because they have characteristics that are meaningful or significant to the offender. Therefore in order for the offender to meet their needs, the victim is required to interact in a specific way which can involve sexual acts, wearing specific clothing, or specified verbal interactions. In the 'Victim as Person' interaction, there is a known relationship between the victim and perpetrator which can vary in the level of interaction, e.g. an intimate relationship through to a mere acquaintance. It is possible that the victim will not be mindful of their prior interaction with the perpetrator which could be fleeting, such as working at the checkout of a supermarket. The perpetrator will interact with the victim as a reactive individual with thoughts and feelings. The victim can fulfil a significant role to the perpetrator either in reality or fantasy and an act of violence can also be the result of some form of conflict or perceived insult to the status of the offender. The interactions presented in this model allow a focused approach to understanding the interactive behaviour at a crime scene, particularly in homicide, and have been reliably associated with perpetrator characteristics (Salfati and Canter 1999).

In addition to the interaction between the victim and offender, the role of aggression is an important consideration in homicide. Feshbach (1964) introduced the hostile (expressive) and instrumental aggression dichotomy as a method of understanding violent behaviour. This theory has been implemented in homicide research in order to explain violent or sexual assaults (Salfati and Canter 1999) in a sample of stranger homicides. Salfati and Canter focused on Expressive-Impulsive actions, and considered Instrumental aggression to form Opportunistic and Cognitive actions. Expressive reactive aggression conforms to Berkowitz's (1983) claim that '... a good deal of aggression is performed in the heat of strong emotions' (p. 179). Therefore the expressive aggression that is displayed by individuals tends to be described as impulsive, uncontrolled, and frenzied and utilised with minimal thought (Cornell, Warren, Hawk, Stafford, Oram and Pine 1996). Accordingly, expressive offenders are increasingly likely to have felt provoked by their victim and to act in a state of anger (Cornell et al. 1996) and will continue to apportion blame externally once the offence has been committed. However, it is also acknowledged that expressions of aggression are not mutually exclusive and within the commission of an offence, individuals might fall more dominantly into the Instrumental Opportunistic aggression but alter their behaviour depending on interactions with

and responses from the victim. Furthermore, the function of aggression is likely to vary across offences (Cornell et al. 1996) especially with offenders who display significant violent behaviour and show criminal versatility. Instrumental aggression is considered to be more goal-directed and drawn from a desire to obtain objects or status belonging to another, such as property and territory (Salfati and Canter 1999). However, instrumental style offences have also been viewed as part of a psychopathic continuum (Melow 1988) and to incorporate considered actions toward the victim rather than more spontaneous responses to an event. Therefore the nature of the aggression displayed toward the victim could potentially assist in the identification of the nature of the relationship between the victim and perpetrator.

The offence actions that are identified from the crime scenes can be linked to the aggression exhibited toward the victim; frenzied attacks are considered to be expressive in nature and indicative of multiple wounds toward one part of the victims' body (Green 1981). In addition, a body that is recovered at the same location as the homicide is likely to represent an expressive crime scene due to the spontaneous nature of the attack (Salfati and Canter 1999). Instrumental offences in contrast involve an increasing amount of planning and organisation and hence are more controlled (Salfati 2000).

Canter (1999) purports that behaviours consistent with an instrumental offence show a situation where the victim is present to satisfy sexual or material needs and the death tends to be a by-product. It can therefore be regarded as an intentional act of aggression which has a clear functional purpose (Cornell et al. 1996) and can be likened to acts of robbery or burglary where the goal is ultimately financial. Santtila, Häkkänen, Canter and Elfgren (2003) observed this distinction in a sample of Finnish homicides. The instrumentally aggressive behaviours exhibited during the offence were divided into two categories: behaviour directed at gaining sexual access (i.e. tying the victim up); or for co-opting resources, such as the opportunity to satisfy material needs. Hence there is a need to further acknowledge the distinctions within instrumentally focused offending.

### **Victimisation of Prostitutes**

Prostitutes routinely face the threat and reality of violence and sexual violence (Church, Henderson, Barnard and Hart 2001). It could be argued that it is inevitable for prostitutes to experience violence because they exist in an underworld of criminality. The previous experience of abuse as children can further predispose them to multiple victimisations (Home Office 2004) due to the dysfunction that exists in their experience of key relationships. Prostitutes are reluctant to report attacks to the police because they believe violence to be a 'hazard of the job' (Kinnell 2001). Whilst prostitutes do implement safety precautions in their work which include assessing prospective clients prior to the sexual transaction, these cannot always be accurate. The assessment can involve intuition including 'hairs on the back of the

neck', the initial exhibited behaviour and physical description of the client (Barnard 1993; French 1993) and subsequently avoidance of sexual acts which could increase the likelihood of assault (Barnard 1993; Miller and Schwartz 1995; Sanders 2005). In addition, third parties are also employed to add a further level of safety to the transaction, whether boyfriends, other prostitutes and friends, or owners/managers of indoor establishments (Sanders 2005), as well as 'Ugly Mugs' which is an information network where prostitutes can share information to keep themselves safe from potentially violent clients.

Benson (1989) describes the range of people who might attack prostitutes which includes 'predatory men', often pimps, 'people on the streets' including vigilantes and those involved with property crime and clients. It is clear that some prostitutes have violent personal relationships (e.g. pimps) and Faugier and Sargeant (1997, in Dudek 2002) reported that in a survey of 179 former prostitutes, 50 per cent had been frequently raped and a smaller proportion regularly beaten severely by their pimp. However, it is argued that clients appear to commit the majority of offences against the prostitutes. Kinnell (2001) reported that of those in the fifty-one cases of prostitute murder where a conviction was secured, 62 per cent of the murderers were clients, 17 per cent were partners, 3 per cent were classified 'other' and 3 per cent were classified 'unknown'. However, it is important to define the term 'client' in terms of familiarity with a prostitute and whether it is a first interaction where the perpetrator should be considered a stranger. This distinction can be crucial in determining the offence behaviours and the relevance of the relationship between the victim and perpetrator.

Church et al. (2001) demonstrated that prostitute risk of violence was strongly linked to the environment in which they worked. They reported that 81 per cent of 115 street workers had experienced some degree of violence from the clients in contrast to 48 per cent of 145 indoor workers. Violent behaviour was recorded as robbery, assault (knifed, strangled, beaten, pushed from cars), threatened with weapon, kidnap and rape/sexual assault. Illustrating a trend across the UK, a piece of research focusing on the victimisation of prostitutes in Nottingham (Benson 1998) found 60 per cent of prostitutes reported being raped and in the Kings Cross area, 54 per cent of street workers reported assaults (May, Harocopos and Turnbull 2001).

The relative danger of street work is also evident from the working methods of those prostitutes murdered in the UK. Of the 65 prostitutes murdered up to 2001, 75 per cent were street workers (Kinnell 2002). The Ugly Mug list goes some way to identify those individuals who have a history of violence towards prostitutes. An acknowledged limitation of the list is that the responsibility is left to prostitutes to protect themselves and identify customers who might engage in sexual or violent assaultive behaviours. However, whilst street prostitution remains illegal, the ability to provide increased levels of protection remains relatively low.

One contributing factor in the increased vulnerability of street prostitutes is the lack of control and independent nature of the work when compared with indoor counterparts. The need to successfully conduct a sexual transaction means that



street prostitutes will often conduct their business in secluded areas which are not scrutinised by CCTV. On meeting a prospective client, the potential risk of assault can be heightened once a vehicle is used. Whilst choosing areas where there is a lack of police presence can aid the discretion and avoidance of arrest of prostitutes, it increases vulnerability and isolation thus decreasing the level of control prostitute has. The complexity of cases involving prostitutes should not be underestimated. In one case that came to police attention, a prostitute reported an assault that had occurred following an argument over payment (Gozna 2007). The victim was subjected to severe physical and sexual assaults whilst locked in the client's car. The suspect was Polish and worked nights as a delivery driver and was a regular client of prostitutes across the UK. In this case it was difficult to distinguish whether the assault had been intentional and a situation orchestrated to rationalise the behaviour or if the offence was reactive to the issue of payment. This case further highlights the potential targeting prostitutes across police forces which can impede the serial nature of offences being recognised.

An additional vulnerability that has been illustrated is the involvement of drug taking in prostitution. Yacoubian, Urbach, Larsen, Johnson and Peters (2000) found in their investigation of female arrestees that 73 per cent of prostitutes tested positive for cocaine as opposed to 38 per cent of non-prostitutes. The Home Office (2004) focused on the links between organised crime, drugs, public nuisance and the sex industry. In terms of drug use and prostitution, the review suggested that the shared environment of problem drug use and sex work might link together to becoming 'mutually reinforcing', thus making exiting either activity doubly hard. Adler (1975, in Cussick, Martin and May 2003) suggests that the use of drugs and the existence of sex work are able to co-occur in an environment that supports and reinforces illegal activity rather than an influence of one activity on the other. However, the presence and use of drugs in this environment has the ability to increase the vulnerability of prostitutes as illustrated by Dudek (2002) in research focusing on single and serial victim prostitute homicides. It was shown that prostitute '... victims appeared strikingly similar in terms of their lifestyles and use of illicit drugs, namely, crack cocaine, although the serial victims evidenced a more chronic pattern of crack cocaine abuse, intoxication, and concomitant risk behaviours and appeared more vulnerable' (p. 389). It was further identified that whilst single and serial offenders appeared to share similar offence, substance use and lifestyle histories, they differed in their backgrounds of sexual aggression and deviant sexual interests in addition to sexual fantasies exhibited during the offence and at the crime scene (Dudek 2002). These findings show that when prostitute victims are selected, there is the potential to identify an offender who is targeting multiple victims. In the case of the research by Dudek, serial offenders appeared to exhibit higher levels of planning in the offence and through a 'more deviant, manipulative interpersonal style, facilitated their meeting potential prostitute victims and bypassing any safety screening by "sweet talking" them, say, with promises of crack cocaine in exchange for sexual services' (p. 390). Such research highlights the need to understand how the victim-offender

relationship and intention of the offender is crucial in aiding the investigation of these at times complex and high profile cases.

### **Investigating Victim-Offender Relationship**

In order to investigate whether it is possible to infer the relationship between the perpetrator and the victim from the actions displayed at the crime scene, we analysed prostitute homicides where there were known and unknown relationships and also considered non-prostitute domestic homicides. The domestic homicide cases were incorporated into the analysis to establish whether there were parallels across cases depending on the relationship that existed at the time of the homicide. The sample consisted of 47 homicide cases, investigated by the Metropolitan Police Service, involving female victims. 23 were prostitute homicides (13 stranger and 10 known perpetrators) and 24 domestic homicides (non-prostitute victims). In order to ascertain the relationship between victim and perpetrator, only solved cases could be analysed. This reduced the sample somewhat but also highlighted the number of unsolved cases that exist. The factors analysed related to antecedent behaviour, offence behaviour, and post-mortem behaviour.

A multi-dimensional scaling (MDS) technique, Smallest Space Analysis (SSA) (see Lingoes and Guttman 1973), which tests the relationship each variable has to every other variable across cases, was conducted on the data.<sup>1</sup> The cases of domestic homicide were initially analysed separately from the cases of prostitute homicide (relationship known and unknown) prior to a further analysis that combined all cases. The purpose of the analysis was to investigate the role of the victim (person, object and vehicle) (Canter 1994) and the function of aggression (expressive/instrumental) within these offences (Fesbach 1964; Salfati and Canter 1999).

### **Domestic Violence Homicides: Role of Victim and Function of Aggression**

The analysis of the domestic homicides (non-prostitutes) highlighted two overarching roles for the victim: victim as person and victim as object. The *victim as person* interaction was characterised by a 'frenzied' attack toward the victim where she was subjected to repetitive injuries, mainly stabbing to the chest and face/head area. The offences occurred in the property of the victim (bedroom) and both parties had consumed alcohol. Following the offence, the perpetrator informed the police and confessed to the offence. These behaviours provide support for Maas et al.'s (1984) assumption that the greater the knowledge of the victim, the higher the level of brutality. These cases included insults made by the victim toward the perpetrator regarding his sexual prowess and poor fathering. The interaction *victim as person*

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1 For a fuller explanation of the SSA used in this research, please contact the authors.

highlighted a predominantly Expressive (impulsive) offence which was illustrated by perpetrator expression of remorse and guilt following the homicide. As evidenced in the literature, an expressive crime appears to involve a loss of control or internal desire to express anger or frustration. The repetitive injuries, predominantly stabbings, can be regarded as exceeding that necessary to cause death, supporting Green (1981) view that 'overkill' is a feature of expressive homicide where there is extensive trauma (stomach, face/head and chest). Furthermore, the offence behaviours support the assumption made by Salfati and Canter (1999) that injuries to the face and head are largely indicative of a direct attack on the individual's identity. In our analysis, seventy per cent of the domestic homicides involved injuries to the face/head area.

The role of the *victim as object* was associated with the elimination and disposal of the victim, with no recognition for human life, supporting research by Fritzon and Garbutt (2001) in their study of Swedish homicides. The offences were largely characterised by manual strangulation resulting in asphyxiation with additional injuries to the victims' arms and stomach. The disposal of the body also occurred in a different location to the death of the victim and was hidden. In addition, perpetrator suicide was a factor in a sub-section of the cases. Manual strangulation requires a more controlled approach to the murder and can be less instantaneous in terms of a fatality when compared with multiple stabbing, highlighting a potentially different perpetrator mindset. Other actions such as hiding the body or moving location support this view, in that the offence appears to be characterised by a lack of feeling toward the victim, with the perpetrator acting in a controlled and detached way. The act of suicide could be in response to a realisation of the severity of the offence and the consequence of the perpetrators actions. Certainly the stakes involved in such offences when there is a known relationship to the victim increases the likelihood of detection and conviction, hence suicide can occur following domestic homicides. The experience of emotion and actions of the perpetrator appear to be directed externally (domestic homicide) and internally (suicide). In 37 per cent of the domestic homicides we analysed the victim was killed by manual strangulation. The movement of the body and concealment support Green's (1981) assertion of a more instrumentally planned offence, whereas offences where the body is not moved post mortem can indicate a higher degree of expressive acts. However it is not possible to conclude this fully due to the range of considerations that occur in the commission of an offence. In our sample, three cases involved a different body deposition site from the actual murder scene and perpetrator suicide occurred in four cases. Overall, the role of the victim as a person, coupled with an expressive crime scene was more frequently identified in this group of homicides. The analysis of the domestic homicides did not identify cases where the role of the victim was that of vehicle. This further supports the research literature which would hypothesise that the use of the victim as a vehicle would occur when the relationship between the two parties is tenuous.

## Role of the Victim in Prostitute Homicide

The sample of prostitute homicides included cases where there was a previous relationship between the two parties, acquaintance interaction, and unknown relationships (stranger). In the *victim as person* interaction there were similar offence features to those of the domestic homicide cases. The attack was 'frenzied' and the victim injuries indicated a loss of control. Victim death occurred predominantly as a result of repetitive stabbing and the case files included evidence of an argument preceding the offence. The most likely location of the assault was the living room of the property and there were high instances of admissions to the police following the offence. These offences were characterised by a previous or current relationship between the victim and perpetrator and a history of volatility, including domestic violence.

Within the *victim as object* interaction there were parallels to the cases of domestic homicide (non-prostitutes). The data indicated the likelihood that some perpetrators were engaging in pseudo-intimate relationships with the victim, which has resulted in their initial contact with them as a client. These cases were characterised by assaults involving manual strangulation, however, in some cases there were additional injuries to the victim's throat. There was evidence of sexual intercourse having occurred between the victim and perpetrator prior to death and the presence of perpetrator alcohol and drugs and victim drugs. These cases occurred in the bedroom and the victims clothing had been removed prior to the offence. The manner in which the victim was killed and the location of the offence indicates an element of reactive behaviour and the cases highlighted the increased likelihood of a previous relationship between the victim and perpetrator (i.e. a regular client or pimp) as opposed to a stranger. The *victim as vehicle* interaction illustrated a premeditated and considered attack and the offences included a higher proportion of sadistic and instrumental behaviours. These offences indicated that the victim was selected for a reason, which could be because she was a woman, a prostitute, vulnerable or available. In choosing victims, these cases highlighted that the personal characteristics of the victim were less relevant than who or what she represented to the perpetrator. The cases involved a long lasting attack suggesting this enabled the offender to manipulate the victim into performing the role they required. In some cases the victim was mutilated and the body was disposed of in a different site to the murder and concealed. It is possible that these offences are more indicative of a planned sexual homicide and the victim was merely fulfilling the role of a compliant and accessible victim. These cases were characterised by no prior relationship between the offender and victim. It is not possible to ascertain the reason for the victim selection in all cases without speaking to the offender themselves, and in such cases, the importance of post conviction interviews cannot be underestimated. In one case, the victim sustained similar injuries to a prior victim in another offence and in another case the perpetrator targeted prostitutes in isolation of other victim groups. This indicates that the selection of prostitutes as victims may be symbolic to

the perpetrator (requiring specific understanding), or alternatively arise as a result of victim availability, accessibility and vulnerability.

The function of aggression across these offences appears to be distinguished by three overarching themes: (i) expressive (impulsive); (ii) instrumental (spontaneous) and (iii) instrumental (cognitive) crime actions which further support the work of Salfati and Canter (1999). The cases of prostitute homicide are characterised more frequently by instrumental offence actions when compared with the domestic homicide offences. Expressive actions included a preceding argument with the victim, excessive victim injuries and perpetrator admission following the homicide. Repetitive stabbing was indicative of a loss of control and reactive behaviour. The instrumental (spontaneous) offence actions indicated the presence of offender drugs and alcohol and victim alcohol, a preceding sexual interaction where victim clothing is removed, and injuries consistent with manual strangulation. The instrumental (cognitive) offence actions identified a premeditated and long lasting attack on the victim. The body was mutilated and transported to a different site and covered. The planning of the offences was illustrated through actions such as taking rope and/or a weapon to the offence enabling the offender to obtain control over the victim.

## **Case Considerations**

It is apparent that there are a variety of actions occurring across offences of prostitute homicide and there is evidence to suggest that these can be linked to the relationship between the victim and offender. When analysing such cases, it is crucial to consider the context of the data in addition to the dichotomous nature of offence behaviours. Contained within the case files there is a wealth of information that enables a much greater psychological understanding of the events that occurred and the impact this had on the interaction between the victim and perpetrator. Perhaps, unsurprisingly, the majority of the cases we analysed related to solved prostitute homicides, the victim appeared to know the perpetrator to some extent. However, a focus on the case files highlights a number of prior interactions between the two parties. Perpetrators consisted of clients of the victim: some who perceived the existence of an exclusive relationship with the prostitute despite her involvement with other men outside of her work; others wanted to exert some control over the victims work as a prostitute; or attempt to rescue them from prostitution. In other cases, an intimate relationship resulted in the victim being pimped by her partner or the perpetrator was a partner who had no involvement in the sex industry but consequently objected to the victims continued work. In cases where the relationship between victim and offender was tenuous, it is apparent that some victims were targeted within a series of offences and the perpetrator targeted only victims working as prostitutes or women in general which included prostitutes. The prior offences where prostitutes were victimised included a range of sexual and violent assaults in addition to other homicides. The series of offences did not appear to always escalate culminating with homicide, illustrating the context of the offence and

the range of outcomes. In some cases, victims escaped from a situation would have resulted in a guaranteed fatality, and in other instances the outcome of the offence did not appear to indicate the true intent of the perpetrator. Hence, the vulnerability and accessibility of the prostitute victims appeared to increase the likelihood of targeting as much as the perception of the work. Furthermore, when consideration is given to cases where paraphilia was a consideration in the offence, such as sadistic acts, post mortem sexual activity or mutilation, prostitutes are ultimately acting as a vehicle for the perpetrator. This has implications for understanding and preventing the targeting of victims and the solvability of such cases. However, as previously mentioned, the opportunity to interview offenders in post-conviction settings can yield a wealth of information and psychological insights which will ultimately assist in the investigation of future offences and in the interviewing of suspects.

## **Discussion**

Our research has identified that there are some overlaps between cases of domestic homicide and those of prostitute homicide where there was a prior domestic relationship between the victim and offender. However, there does also appear to be a huge emphasis on the work of the prostitute being a trigger for the offences whereas within domestic relationships where the victim is not involved in sex work, the triggers for arguments are related to wider issues within the relationship. In addition, the homicides of prostitutes tend to involve a high proportion of involvement from clients, either previous or those who perceive they have some control over or relationship with the victim. It is the perpetrator's perception here that is crucial in the identification of the motivation for the offence. The belief that the offender has some form of ownership over the victim and can control them is apparent in these cases. Therefore when the control remains with the victim throughout the relationship or sexual interaction, this appears to trigger offences that are a reaction to this sense of disempowerment or sexual impropriety.

When focusing on the function that aggression plays in these offences, it is apparent that domestic related homicides, whether involving a prostitute or non-prostitute victim appear to be expressive in nature. Whilst it is important to acknowledge that there are obvious overlaps across the domestic offences, there remains a sexual aspect to the relationship between the victim and offender through the work of the prostitute. This highlights the risk for women who become involved in relationships with clients/pimps but who are also subjected to domestic violence. There are problems with the acceptance of the sexual work of the victim which becomes an additional trigger for an offence. The offences which were more instrumental in nature can be more usefully compared with stranger sexual homicides in general rather than indicative of domestic offences. This also incorporates paraphilias and suggests that such offenders are likely to be versatile in their victim selection.

## **Homicide Prevention and Solvability**

The application of traditional crime prevention strategies to homicide is challenging in itself, but not impossible. Research suggests that it is unlikely that there will be one single strategy that will have an impact on all types of homicide. This is due to its highly diverse nature in terms of low volume, characteristics, causes and dynamics. Homicide may well be a rare event, but the patterns and characteristics of homicide offences are to a large extent typical of violent crime in general. Homicide can be understood as a continuum and manifestation of serious violence, with similar underlying causes and influenced by similar situational factors.

Compounding this is the lack of research in the UK that distinguishes different forms of homicide and violence in ways that could facilitate targeted prevention strategies. However, the Homicide Prevention Unit in the Metropolitan Police Service has published several articles on their ongoing work looking at different types of murders and what strategies may well be successful in reducing murder (Baker and Richards 2005; Richards 2003; 2006; Young, Richards and McCusker 2006). This is in terms of research and analysis into specific categories of homicide over a period of time, as well as ‘near-misses’ and lower level offences. Ultimately this allows for:

- Identification of how people pose a risk, people who are at risk and risky places to be targeted for preventative intervention;
- Using the evidence base to inform common risk identification, assessment and management models for law enforcement, including the front line and specialist practitioners;
- Identification of ways to reduce the likelihood of an assault ending lethally, the intention being to reduce the degree of violence or its impact on the victim;
- The sharing of learning with others to establish and build trust and confidence to enhance multi-agency violence prevention and reduction strategies.

Over recent years, much attention has been paid to domestic violence reduction strategies (Brookman and Maguire 2003; Campbell 1986; 1992; 1995; Richards 2003). However, much less attention has been paid to the safety of prostitutes. The nature of prostitute homicide means that there will always be a proportion of offences that remain unrecognised, due to the coding of homicides in the UK, those that have been placed on the Missing Persons register (which can be an indication that something is amiss – sometimes the first indication of murder) and those victims that have not been reported missing but who may well be missing and/or even murdered. Egger (2002; 2003) terms this ‘the less dead’ – those who are marginalised and preyed on by serial murderers – for the very reason that no-one will notice that they are missing. Quinet (2007) further emphasises the problem with identifying and quantifying the problem of those individuals who are missing and unreported. This

population of individuals is thought to account for between 182 and 1,832 additional serial murder victims in the United States annually.

It is of enormous benefit to begin to understand how the interaction between the victim and offender in terms of their relationship can indicate the type of offence behaviours and potentially inform police investigations. The opportunity to apply this understanding to unsolved cases is encouraging, even if it is just to isolate the likely relationship to the victim rather than identify individuals. However, given that prostitution remains an illegal activity, the vulnerability of women who work in this area to victimisation will continue to be higher than that of women in the general population. Whilst government interventions and related research (Hester and Westmarland 2004; Home Office 2004; 2006) emphasise a need to prevent prostitution altogether, through interventions with individuals who are vulnerable to being drawn into this work, and through drug interventions with current prostitutes, this is a huge and perhaps unachievable objective. This is not least because many women working in prostitution will report that they choose to work in prostitution. Whilst there are continued measures implemented by a range of organisations that maintain and distribute the Ugly Mugs list in addition to information on personal safety for prostitutes. The victimisation of prostitutes is multifaceted and in relation to sexual and violent attacks, requires understanding of domestic relationships, and the role of the client and strangers. In regard to domestic violence and homicide, the development of the three staged SPECSS+ Risk Identification, Assessment and Management Model (Richards 2003; 2008) has enabled further awareness and understanding of this offence at different levels within the police and with partner agencies, and also in establishing the likelihood of repeat victimisation. The model was based on extensive research examining the antecedents to homicide, serious violence and allegations of domestic violence, as well as survivor and police officer focus groups, extensive consultation, piloting and evaluation. Two clear themes have been identified from analysing the accounts of victims, the behaviour of the offender and the murder event itself. The first of these is the victim's vulnerability in terms of what they have experienced at the hands of the offender. The second is the offender's behaviour and levels of dangerousness. The lessons have been incorporated into the SPECSS+ Model (2008), which acts as a guide in terms of questions to be asked and challenges previous held assumptions held about domestic violence. This has resulted in a significant reduction in domestic murders, serious violence (including rapes) and repeat victimisation in London in the last year, as well as increased in detections, arrest and convictions.

A proportion of prostitutes are murdered by a domestic partner or someone who believes they are in some sort of a relationship, which appears to be about control. This is why it is essential for them to report the ongoing violence in order that there are opportunities for intervention and prevention, particularly if stalking, harassment and/or serious violence is involved. Building trust and confidence in this area is crucial along with trying to 'manage' street work in a multi-agency and non-threatening way.



Equally, there is scope for more innovative use of legislative tools on the part of the police (Brookman and Maguire 2003). For example, Sexual Offender Orders (SOOs), which are currently under utilised against offenders with a history of violence against prostitutes. These orders only go some way however to curtail offender's risky behaviour and may lend themselves to a reduction approach. The analysis of the offences, lethal and otherwise, along with the relationship is crucial in understanding the characteristics of prostitute murder in order to develop homicide reduction strategies, as well as informing further understanding of the relationship between victim and offender can be gained by consideration of the crime scene actions displayed. It is unacceptable for violence and murder of prostitutes to be seen as a 'hazard of the job' and a concerted multi-agency preventative approach is required.

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## Chapter 4

# Street Prostitute Homicide: An Overview of the Literature and a Comparison to Sexual and Non-Sexual Female Victim Homicide

C. Gabrielle Salfati

Research shows that violence against street sex workers is more frequent than against those who work indoors and there is a suggestion that prostitutes are the group most at risk for homicide with clients being the most likely offenders. These offenders usually have convictions for assaulting other women as well which suggests that violence against prostitutes may be considered as part of a continuum of violence against women more generally, and not just against prostitutes specifically. This chapter discusses the nature of prostitute homicide and the characteristics of the offender responsible for these crimes. Salfati et al.'s (2008) study showed that in fourteen out of the nineteen offenders who had previous violent convictions, six of them involved a pre-conviction for at least one murder. Although, when comparing prostitute homicides to other homicide sub-groups, results show that the level of violence and types of crime scene behaviours is similar to that of non-sexual homicides, the characteristics of the offenders are more like those of sexual homicide offenders. Thus prostitute homicides may be better understood as a violent crime like general homicides, but committed by a more instrumental sub-group of offenders.

### Prevalence of Violence

'It is unlikely that any occupation or lifestyle exposes a woman to the threat of assault and gratuitous violence as constantly and completely as prostitution' (Fairstein 1993, p. 171, as cited in Miller and Schwartz 1995, p. 1).

The literature in the UK on violence against prostitutes<sup>1</sup> show us that prostitutes who solicit on the streets are more frequent (Kinnell 2001) and more at risk than those who work indoors (Benson 1998; Kinnell 1993; 2002; cited in Brooks-Gordon

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<sup>1</sup> Please note that the current study does not look at violence within the sex industry overall, at sex workers as a general group, nor violence against male sex workers, but focuses specifically on female street prostitutes. For a discussion on issues of terminology and focus, please see Brewer, Potterat, Muth, and Roberts (2006).

2006). Of these incidents, 82 per cent of involved violence, and 37 per cent sexual assaults (Kinnell 2002). Farley, Baral, Kireman, and Sezgin (1998) in a larger survey spanning prostitution in five countries (South Africa, Thailand, Turkey, USA and Zambia) found that 73 per cent had experienced a physical assault, and 62 per cent had experienced a rape. Farley and Barkan (1998) in a US study of 130 female prostitutes in San Francisco and reported that 83 per cent had been threatened with a weapon, 82 per cent had experienced a physical assault, and 68 per cent had experienced a rape. Many other studies report similar figures (Benson and Matthews 1995; Hoigard and Finstad 1992; Miller 1997; Miller and Schwartz 1995; Silbert and Pines 1982).

When violence is experienced, prostitutes list that the most common reasons for a client to become violent are disagreements over the time and quality of the services given to them, they try and get their money back, or the clients have been drinking (O'Neill and Barberet 2000). Dodd, 2002 quoted the UK Channel 4 television documentary (Ferguson 2002) which found that 52 per cent had experienced attacks for no apparent reason, but where a trigger was seen, it was often related to; sex workers refusing the types of sexual services clients wanted (44 per cent), disputes over money and clients refusing to pay (42 per cent), the sex worker ending transaction before ejaculation (29 per cent), and sexual dysfunction or delay by client (32 per cent), the last of which could often be related to alcohol use, which in itself is a correlate of violence. In addition, Kinnell (2006) adds insistence of condom use by street workers as another trigger for violence. Brewer, Dudek, Potterat, Muth, Roberts, and Woodhouse (2006) in a study specifically looking at clients who killed prostitutes, quote arguments over the sex for money/drugs exchange, responses to the victim's (attempted) robbery of the client, verbal insults from the victim, demands or requests by the victim, the client's misogyny. The client's hatred of prostitutes, the client's sadism, the client's psychopathology (e.g. sexual deviance, psychopathy, and psychosis), as well as other motives, a combination of motives, or more commonly, no apparent precipitating factor.

Benson and Matthews (1995) in their study also showed that a large proportion (73 per cent) of victims had often been abused more than once. Similar figures (75 per cent) were found by Miller and Schwartz (1995). In addition, many studies show that the largest proportion of the violence experienced by street prostitutes are by clients. Farley and Barkan (1998) report a rate that 65 per cent of violent incidents were reported to have been by a client. Church, Henderson, Barnard, and Hart (2001) in a survey of three cities found that 81 per cent of street prostitutes reported violence by clients at some point in their career, and 50 per cent reported client violence within the past six months. In Canada, Lowman (2000) quotes that clients were responsible for 62–64 per cent of prostitute homicides.

But it is not just clients who are at risk, but also other people directly related to the work of the prostitute such as pimps (63 per cent, Miller 1997; 66 per cent, Silbert and Pines 1982), and their general vulnerability raising from working on the streets. Silbert and Pines (1982) reported that as many as 72 per cent of the

rapes were unrelated to the prostitute's work, but when the women were identified as prostitutes, the rapes tended to be even more brutal and resulted in more injuries. Miller and Schwartz (1995) showed that 6.6 per cent of their sample had been raped in other contexts on the streets. Other studies report a variety of additional crimes being committed against the street workers such as money stolen by clients after sexual transaction (56.3 per cent, Miller and Schwartz 1995), and kidnapping and being held captive (37.5 per cent, Miller and Schwartz 1995; 38 per cent, Miller 1997).

## **Prevalence of Homicide**

At the more extreme end of the violence spectrum, it has been suggested that prostitutes are the group most at risk for homicide. In Canada prostitutes are 60 to 120 times more likely to be murdered than non-prostitute females, homicide has been reported to be the leading cause of death amongst prostitutes (Lowman and Fraser 1995). Potterat, Brewer, Muth, Rothberg, Woodhouse, Muth, Stites, and Brody (2004), when comparing prostitutes to women of similar demographic characteristics, estimate that sex workers in the US are 18 times more likely to be murdered. Overall, Brewer et al. (2006) state that 2.7 per cent of female homicide victims in the US between 1998–2000 were prostitutes. They also show that in their study of 1,969 prostitutes from 1967–1999, for whom dates of first prostitution was known in 1,633 cases, 100 died. Of these, 21 were murdered, nine of whom were within three years of their first prostitution act. A further eight were killed after the three year period, whilst actively working as prostitutes. They therefore concluded that in their study, the majority of the women murdered, did so as a direct consequence of prostitution. In the UK, Ward, Day and Weber (1999) estimated that the mortality rate among 402 women attending a GU service for sex workers in London (1985–1994) was 12 times the normal rate for women in this age group.

Adding to this issue, most murders of prostitutes are notoriously difficult to investigate, and many remain unsolved. Of the 886 cases of all homicides reported for the period April 2001 to March 2002, 10 per cent were unsolved (UK Home Office 2002), and of the 53 prostitutes that had been murdered in the UK since 1990, 69 per cent of the cases were still without a conviction by the time Kinnell wrote her paper in 2001. Reasons for the difficulty in solving these particular cases have been suggested to include lack of public interest because of a low opinion of the victim, lack of credible witnesses and an unwillingness by both prostitutes and clients to talk to the police (Boynton 2001).

This shows that prostitutes experience not only violence on a day to day basis, but are also more likely to be killed than any other group. The rest of the chapter will go on to explore why this may be, and outline some more detailed figures on the nature and prevalence of prostitute homicides.



As Salfati, Darnell, and Ferguson (2008) stress, it is important to find factors of these homicides that can be used to help to identify prostitute homicides and to solve them, notably in relation to the actions the offender engage in at the crime scene, and the characteristics of the offenders. If it is found that murders of prostitutes are distinct from other types of murder in general this may assist in both the recognition of particular risk factors for violence, and the investigation of a prostitute homicide, particularly in terms of identifying sub-types of offenders who may be linked to these specific types of murders.

Defining what constitutes violence against prostitutes, and what we should focus on when studying this type of violence, is however difficult, notably regarding whether we should focus on all violence against prostitutes, or whether we should look at only the violence that is committed against them *because* they are prostitutes. As Brooks-Gordon (2006) states, it is often difficult to decide if a crime against a sex worker relates directly to her occupation. As many authors (e.g. Benson 1998; Kinnell 2006; Pearce and Roach 1997 cited in Brooks-Gordon 2006) show, street workers are also at risk from violence in general due to their lifestyle, and because they are vulnerable, not specifically because they are prostitutes. Brooks-Gordon (2006) also highlight that categorising the *type* of violence that prostitutes encounter can be problematic, such as the example of where a client takes back the money they have paid after sex. Since consent for sex was given on the basis of payment, some women view this as rape, others as robbery. As Salfati et al. (2008) stress it is therefore important to identify the psychological reason behind any of these differences, notably in terms of whether it is this ease of availability and increased opportunity that makes prostitutes more prone to attack than non-prostitute women, or whether it is because of the *type* of woman that they are. In other words, are prostitutes attacked ‘just because they are there’ or are they targeted specifically because they are prostitutes.

### **Understanding the Violence Against Prostitutes Within a Societal Context**

Before we look at specific studies that have looked at this specific issue, it is important to first look at our understanding of prostitute violence from a larger societal perspective as this will largely guide individual behaviour. A number of authors have put forwards broader theories about why prostitutes have been targeted as a group within society, by exploring specific attitudes against prostitutes within society, as well as understanding the violence against these women within the context of violence against women in general.

McKeganey and Barnard (1996) in their work consider the link between violence and sex in the context of prostitution, and highlight certain parallels between the position of the female prostitute and that of women generally in our society. They quote Scully (1990) who noted the way in which men’s justifications for rape are rooted in ideas of the role that society assigns women, and directs ‘appropriate’ ways that women should

act, which excludes overt sexuality. Women who violate this expectation or role, they highlight, are then seen as acceptable and justifiable rape victims. Miller and Schwartz (1995) also argue that violence against prostitutes is an extreme form of violence against women in general. Themes that emerged from their interview with 16 street prostitutes show an enormous amount of rape and violence against these women and that people often see prostitutes as unrapeable, that no harm is done when a prostitute is raped, that prostitutes deserve to be raped, and that all prostitutes are the same. They go on to explain how these themes of attitudes against prostitutes relates to societal rape myths and how sexual violence in the context of street prostitution illuminates the functions and meanings of violence against women generally in American society. In this way it explains how prostitutes are seen not necessarily as people or individuals that the offender is directly angry with, but rather a category of woman that is objectified. As Scully puts it very well – ‘a man’s intent may not be to punish the woman he is raping but to use her because she represents a category to him’ (Scully 1990, p. 138, cited in Miller and Schwartz 1995).

Miller and Schwartz (1995) in their work discuss powerful ideologies that define women (and prostitutes) as sexual property. There is a fundamental belief that prostitutes are seen as public property when they give consent to any sexual act through prostitution (Rubin 1984), indeed many of the women in their study, reported that they felt that the client had purchased their body to use as they pleased. A striking example is when they go on to detail that it was not uncommon for prostitutes to be picked up, then clients refusing to pay them, then would rape them, and then afterwards turn around and pay the prostitute. By so doing, they essentially abuse the woman as a mere object, and then justify their act of rape by then paying the prostitute, and by so doing essentially reframing their act as not a rape.

Kinnell (2006) mentions an important related theoretical issue when she questions why some men who approach a sex worker display violence as soon as they are asked to pay, which they suggest begs the question whether this person has ever been a client previously, since by definition a client is someone who pays for sex. She proposes that this may show an unwillingness of certain men to pay for sex, which she suggest may be explained by men resisting the role as client, or it may go back to other writings that talk about street workers being attacked due to common societal attitudes of sex workers as women who deserve punishment, or are worthless objects.

Miller and Jayasundara (2001) summarise the work on how society’s attitudes and rape myths contributes and promotes violence against prostitutes into prevailing attitudes. First is the belief that prostitutes cannot be raped: ‘The fact that prostitutes are available for sexual negotiation [is interpreted to] mean that they are available for sexual harassment and rape’ (Hatty 1989, p. 236, cited in Miller and Jayasundara 2001); Second, the belief that no harm was done: ‘Through a confusion of sex with violence, rape is defined simply as a bad business transaction’ (Miller and Jayasundara 2001, p. 468); Third, the belief that ‘Prostitutes deserve violence against them because of their violation of normative expectations of appropriate femininity’ (Miller and Jayasundara

2001, p. 468). They also show that this objectification of the female prostitute may not always be based on the individual prostitute herself, but be part of a transferred anger from another situation with a prostitute that has been generalised to all prostitutes as a group, when they quote Miller and Schwartz's (1995) study which noted that women reported being held responsible for the actions of other prostitutes, i.e. where a client becomes angry with one, but often take it out on another.

This pervasive bias against prostitutes goes beyond just victimizing them as victims of violence, but extends to how these cases are being investigated, and ultimately being cleared and consequently treated within the legal system, all of which goes to feed the original attitude against prostitutes. Miller and Jayasundara (2001) discuss in their book how the extent of women's legal protection from sexual violence is shaped by the extent to which they adhere to the standards of this normative femininity. As they state, in the US, this means being white, middle class, and chaste. They go on to suggest that because sex workers fall at the far end of this continuum, some scholars (e.g. Miller and Schwartz 1995) have suggested that rape of prostitutes go unpunished, and that due to this bias, prostitutes do not report crimes when they do happen against them (Fairstein 1993). This pervasive attitude towards women in general and prostitutes specifically, they go on to state, may be a leading reason why violence against prostitutes go uninvestigated and unsolved. They site the specific example of the Southside Slayer, a serial killer in South Central Los Angeles who targeted mainly African American women working as prostitutes, and where the police didn't bring this series to the attention of the public until 10 women had been killed, and specifically not until white women had been targeted. Moreover, early in the investigation, they quote officers calling these cases 'cheap homicides' (Miller and Jayasundara 2001, p. 469), and give the example of one officer stating that 'the slayer is doing a better job at cleaning up the streets than we are' (Predscod 1990, cited in Miller and Jayasundara 2001, p. 469).

Unfortunately, when areas are so-called – cleaned up, the knock-on effect has been suggested to be that prostitutes are displaced to other areas, which they are ultimately unfamiliar with, and for which they do not have the local information on which clients to avoid due to their known previous displays of violence, and the negative results is that they are therefore further put at risk of attack (Kinnell 2006).

## **The Risky Location**

By the very nature of their work, prostitutes, especially those who work on the street, are susceptible to attack. Regardless of whether or not the prostitute works on her own or with others, the actual service for which the prostitute is being paid for will usually be between the prostitute alone and the client (Salfati et al. 2008). The service will often take place in a dark, deserted location, and usually in a vehicle, outdoors, in alleyways, industrial units, parks, car or lorry parks, derelict buildings or country areas outside town, or even the client's home (Kinnell 2006). Negotiating for services

will often take place through a car window or actually in the car itself. The violence mostly occurs after the street worker and the client have left soliciting area (Kinnell 2006). Being in an isolated spot therefore, with a client who, more often than not, is a stranger (McKeganey and Barnard 1996) is a potentially dangerous situation for the prostitute, and, occasionally, for the client himself. In these situations the street prostitute is also seen as an 'easy target' for robbery as she will carry her evenings 'wages' on her in cash (Salfati et al. 2008).

### **The Violent Client**

As outlined by Salfati et al. (2008), obtaining an accurate answer to the question of what type of individual buys sex from a prostitute is difficult as frequenting prostitutes is often done in secret and may be associated with feelings of guilt and shame (Sharpe 1998). According to authors who have looked into this (e.g. James 1976; Kapur 1978; McKeganey and Barnard 1996, McLeod 1982; Matthews 1993; Lever and Dolnick 2000) the majority of clients are typically middle-aged, middle-class and married, and likely to be in their mid-thirties (McKeganey and Barnard 1996; Benson and Matthews 1995; Sharpe 1998). Indeed, 47.5 per cent of prostitutes regard older men as safer to work with (Sharpe 1998) stating that they will not do business with a client if they look under 30. Salfati et al. (2008) however, show that violence is actually more likely to be committed by younger clients. With regards to the occupational profile of the clients, three-quarters or more are in full time employment (Benson and Matthews 1995; Matthews 1986; McKeganey and Barnard 1996; Sharpe 1998).

Most prostitutes would prefer to service clients whom they know, or at least have done business with before. However, Sharpe (1998) shows that the majority of clients are not known to the prostitute when they approach them for business. In Ferguson's (2002) survey, 45.8 per cent of prostitutes claimed that most of their clients were complete strangers, whereas 5.6 per cent claimed that all of their clients were strangers.

Salfati et al. (2008) summarises that considering therefore that the average number of clients per day per prostitute ranges from 3 to 7 (Ferguson 2002; May et al. 1999; McLeod 1982; McKeganey and Barnard 1996; Sharpe 1998), and that an average 'shift' is around 6 hours (Ferguson 2002; May et al. 1999) the prostitute is probably having at least 2 to 3 sexual encounters with a complete stranger every 2 to 3 hours of their working day. This has a direct effect on level of risk. As O'Neill and Barberet (2000) states, attacks on street prostitutes are more frequent when the client is a stranger than when he is known to the prostitute. They found that most violence against the prostitute was unpredictable and happened suddenly. Violence was also more common when the prostitute was either under the influence of drugs or alcohol.

This violence is however also committed by others on the streets, including not only clients but also pimps, drug dealers, users, and the police and others on the street (Bracey 1983; Maher 1997; Miller 1995). Brooks-Gordon (2006), in a review of the literature, specifically states that this pattern of violence is not culture bound. Indeed, similar findings have been reported in the UK, Scotland, Canada, and Norway (Cunnington 1984; McKeganey and Barnard 1996; Lowman and Fraser 1995; Hoigard and Finstad), and South Africa, Thailand, Turkey, USA, and Zambia (Farley, Baral, Kiremire and Seizgin 1998).

However, as Kinnell (2004, as quoted in Brooks-Gordon 2006) argues, much less attention has been paid to questions originally explored by Benson (1998) of who commits the violence, what form it takes, and why some sex workers appear more targeted than others.

Kinnell (1993, cited in Brooks-Gordon 2006) stated that the high proportion of attacks ascribed to clients has led to assumptions that a high proportion of clients are violent. However as Brooks-Gordon (2006) shows, most clients are non-violent, and the majority of violence is committed by a small proportion of offenders. Based on her study, she therefore concluded that information about attackers suggest that many are serial offenders. Kinnell (2006) in a study of 84 homicides against street workers also shows the vulnerability of sex workers to serial killers, as do Miller and Jayasundara (2001; D. Linger, personal communication, 27 October 1999, cited by Miller and Jayasundara 2001). Brewer et al. (2006) provide an estimate when they suggest that serial murder account for 35 per cent of prostitute homicides, and that all serial offenders were clients. In the nine different samples they surveyed, they also showed that lone perpetrators accounted for most prostitute homicides.

In an analysis of the criminal records of 77 clients stopped by the police for curb-crawling, Brooks-Gordon (2006) found that 63 had a previous criminal record. Of the 44 cases that were traceable, the age range was 23–66 years, with a mean of 40 years. The mean distance travelled to where they were stopped was 15 miles (however there was no information in the study regarding where these offenders had travelled from). In looking at not the quantity, but the range of offences, the type most frequent across the sample was a previous conviction for violence (21 per cent), followed by theft, handling and shoplifting (20 per cent). Seven percent had previous convictions for sex offences. Interestingly, Brooks-Gordon followed up these men, and found that 11 of them were re-convicted within 23 months after their arrest for kerb crawling. Of these 11 men, six of them were convicted of a violent offence against the person, and one was convicted for a sexual offence. She therefore tentatively concludes that, with keeping in mind the small numbers, the research suggests a link between curb-crawling and more serious crimes committed by only a small number of these men, who are likely to be repeat offenders. Low rates (8 per cent) of previous convictions for violent and sexual offences were also found amongst men apprehended for kerb crawling in Southampton in the UK (Shell, Campbell and Caren 2001, cited in Brooks-Gordon 2006).

## **Prostitute Homicide**

As has been shown, the literature stresses that prostitutes are at a high risk group for homicide, and clients are the most likely offender.

Of the solved homicide cases of prostitutes studied by Kinnell (2001), where the relationship between the offender and victim was known, 69 per cent were committed by clients. Kinnell (2006) quoted that judicial charges were brought against 63 per cent of prostitute deaths, 55 per cent of which were by clients. Similar results were found in Canada (Lowman 2000), and in the US, in a study on mortality causes and rates and in prostitutes, Potterat et al. (2004) found that homicide was the leading cause of death of 100 prostitute deaths from 1967–1999, and that of the 21 who were killed, 9 were murdered while actively soliciting.

However, in order to be able to use this information more effectively to understand what clients are the more likely to commit violence, or kill, a prostitute, it is important to understand this subgroup against clients in general, as well as the male population in general, and men who kill women. In a recent NIJ report (Roberts, Muth and Potterat 2007; Brewer, Muth, Roberts, and Potterat 2006) looking further at the characteristics of prostitute offenders in the US, amongst other issues, looked at the prevalence of clients overall in order to provide a baseline against which we may start to compare the characteristics of clients with the general male population, as well as compare characteristics between violent and no-violent clients. The data included prostitution arrest data from approximately 30 local US jurisdictions, and all 50 states. Analysis was based on men arrested for patronizing a prostitute in several metropolitan communities, and was compared to the General Social Surveys (GSS), a regular national probability sample household survey. Results from these studies estimated that about 2–3 per cent of local male residents in large metropolitan areas in the US patronized local street prostitutes during an observation period of 2–5 years. These figures they report are almost twice as large as those based on self-reports in the GSS. They then compared the clients arrested with men in the general population (as reflected by various social census data), and included a number of characteristics not focussed on in previous studies. Young men were over-represented amongst clients, they were more likely to be Hispanic (hypothesised to be due to the unavailability of non-commercial sexual partners), and to a lesser degree Black, had substantially less education, were less likely to be married, resided closer to their arrest locations, and drove modestly newer vehicles. In a sub-study just focussing on Colorado Springs, they also found that the characteristics of clients of street prostitutes were similar to clients of off-street settings.

In a sub-study identified from an extensive national search of media sources, Brewer, Dudek, Potterat, Muth, Roberts, and Woodhouse (2006) and Brewer, Muth, Dudek, Roberts and Potterat (2006) also compared clients who assaulted, raped and/or killed prostitute women, with clients arrested for patronizing prostitutes in the same jurisdictions and time periods, on observable characteristics easily assessed by police during an investigation. Results showed that violent clients usually picked

up their victims in the same areas where police arrested clients for patronizing. Violent clients were however similar in age and distance between their residences and victim encounter/arrest locations. Violent clients were less likely to be White, drive cars (as opposed to other motorized vehicles), and have a precious criminal history of miscellaneous other (non-violent, non-property, non-sex, non-patronizing) offences. Men with a criminal history of violent and/or rape offences comprised a pool that included 40 per cent of prostitute killers (47 per cent of serial prostitute killers). In addition, meaningful proportions of clients arrested for patronizing in two jurisdictions had less money in their possession than the price they had agreed to pay for sex or carried weapons at the time of arrest, suggesting a potential for violence in client's interactions with prostitutes.

Kinnell (2006), in a study of 84 sex worker homicides, of which 83 were female, and for those where age was known, 61 per cent were under 25 years, and the mean age was 24 years, with a range between 14–46 years. This she concludes is similar to that from many other studies of street workers in the UK, but is likely to be not only a reflection of the victim group, but also a reflection of the fact that street workers tend to be younger than off-street workers. Of the cases where it was known, 59 per cent were street workers, of whom 65 per cent were last seen alive whilst working. At least 63 per cent of the deaths of the sex workers were directly related to the isolation of their work. Potterat et al. (2004) in their study, quoted a mean age of death at 34 years.

In a study of 73 homicides of sex workers by Kinnell (2004, cited in Brooks-Gordon 2006), showed that 71 per cent were street workers. Of the 46 cases where a suspect was known, 52 per cent approached their victim as a client. 42 per cent had previous or subsequent convictions for violence, including rape, and homicide both against sex workers, and non sex workers, and against both men and women. Of the (22 out of 35) cases where an offender was identified in Kinnell's (2006) study, 49 per cent had previous convictions for homicide or other violent offences. The majority (19 out of 22) of these offenders with previous criminal convictions for violence were clients. Through additional case studies, she further showed that those who kill sex workers do not only target that group, but often targeted non-sex workers, which raises an additional important issue of the consistency in victim target, and reasons for the violence by these men. It also raises the importance of understanding the difference between those men who target only prostitutes and those who target other women (and men). Although this study has not yet been done on serial sexual assaults, or on serial homicide, a recent study by Salfati et al. (2008) compared men who killed prostitutes with men who committed sexual homicides against non-prostitute women, and men who killed women but did not sexually assault them.

## Prostitute Homicide in the Context of Sexual and Non-Sexual Homicide of Non-Prostitutes

As shown by Kinnell (2001) and Farley and Barkan (1998), the majority of violence inflicted on prostitutes is carried out by a client. Assuming that the majority of prostitute homicides are committed by clients, who are most probably previously unknown to the victim, raises interesting questions about the interaction between the victim and offender. In light of the literature of societal values of female sexuality and the objectification of prostitutes, as Salfati et al. (2008) discuss, because the encounter is fundamentally a business one, the client may see the prostitute as an object. This would suggest that the act of prostitute homicide would be fundamentally instrumental in nature. This assumption is reinforced further by the evidence suggesting that most prostitute homicides are committed by strangers, with stranger-murders also being associated with instrumental behaviours (Salfati and Canter 1999). Also, the evidence previously outlined, suggests that most incidences of violence against prostitutes are initiated by the client over disputes about money, performance or services received. This, according to the literature is fundamentally an instrumental motivation.<sup>2</sup>

However, as Salfati et al. (2008) go on to say, because of the possibly high aroused state that some clients are in during the offence, (both in sexual and anxiety terms) responses to insults and disagreements may involve lack of rational calculation and reasoning; which is mainly the basis for an expressive act. It is most probably this aroused state that leads to this traditionally expressive behaviour but it could be argued that in this case it is *precisely* the aroused state that makes this sort of emotional behaviour instrumental. The effect of the emotional outburst isn't necessarily directed at the prostitute as a person, but is directed at the situation, the prostitute is merely part of the situation and not important as a person to the offender as such. It is this lack of personal, emotional intimacy between the client and prostitute that would make this sort of sudden emotional reaction more instrumental than expressive. Indeed, Block, Devitt, Donoghue, Dames, and Block (2001) suggest that instrumental crimes can have an expressive component to them, as an example where the offender goes with the aim to obtain money through burglary, but end up in an argument, which leads to the homicide. This could also be likened to what the police often term a 'burglary gone wrong'. In this sense it becomes important to understand the link between the violence exhibited and both the expressive and instrumental aspects. More importantly, is to understand this is different between different types of homicides, and understand how the actions during prostitute homicides compare to these homicides.

Although we know some of the precipitating circumstances to prostitute violence and homicide, and some details regarding the perpetrator, we don't know much about what the assaults consist of, nor how this compares to other types of aggressions

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<sup>2</sup> For details on the nature of expressive and instrumental aggression, see Fesbach (1964) and for how this is exhibited specifically in homicide, see Salfati (2000).



against women. One of the biggest questions remains whether violence against prostitutes is one of opportunity and availability, or because they are prostitutes, i.e. whether violence against prostitutes is sexual or theft motivated, or whether they represent specific targets to the offender. To understand violence, and especially homicide, against prostitutes, it is therefore important to understand these crimes in the context of violence and sexual violence, and particularly homicide, against women in general. Indeed, there may be an assumption that the murder of a prostitute is a sexually motivated offence but this may not be the case. As in the case of rape it may not be simply just a matter of sex, but rather an exertion of power. Salfati et al. (2008) specifically aimed to look at this issue in an attempt to further understand the nature of the sexual and non-sexual violence in prostitution homicides by comparing them to sexual and non-sexual homicides of non-prostitute women. In particular, their study focussed on the issue of whether prostitute homicides can be conceptualised as persons against whom the offender vents their anger, victims who are available and vulnerable, or victims who provide an outlet for the offender to obtain sex or theft, i.e. they compared the difference between the idea that it may be the ease of availability and increased opportunity that makes prostitutes more prone to attack, or the idea that it may be *type* of female victim that they are.

It is sometimes difficult to distinguish between sexually and non-sexually motivated homicide. One homicide may have an overtly sexual element to it, whereas another may show no such evidence but may still be motivated by sexual drives. In some cases it may even be that sexual behaviours are observed but that the crime was not sexually motivated. In some cases it is the offender's control of the victim, and in turn their pain and humiliation which becomes linked to the offender's sexual arousal. Another difficulty may arise when a sexual assault, a rape for example, culminates in the victim's death purely because the offender wants to eliminate a potential witness and not because the offender gains any sexual arousal from the killing itself (Schlesinger 2007).

In the recent behavioural literature, general murders which include a sexual element to them have been shown to be linked with other instrumental types of behaviours (Salfati 2000). If therefore, it is hypothesised that prostitute murders will be fundamentally instrumental then they would therefore appear to have more in common with sexual murders than non-sexual murders.

Salfati et al. (2008) in their study, looked at 122 homicide UK cases of homicide against women. Of these, 46 were defined as prostitute homicide cases (taken from Ferguson 2002). Of the selected 46 cases 25 had been solved, i.e. an offender had been convicted for the offence. Of the 25 solved cases, all were male, and in all but one case, the offence had been carried out by a lone offender. The ages of the victims in this group ranged from 17–46 years, with an average age of 24 years. A further 17 sexual non-prostitute homicide cases (selected from Salfati 2000) were used. Cases were selected to match the prostitution group, and ranged from 16–47 years, with a mean of 26 years. Another 59 cases of non-sexual non-prostitute cases (selected

from Salfati 2000) were added with a matched victim age range from 16–50 years, with a mean age of 32 years.

It was hypothesised that the prostitute victims would have higher incidences of those factors that make them more vulnerable to attack. These factors included drug or substance abuse, lack of experience and being homeless or living rough. Results showed that in 74 per cent<sup>3</sup> cases the victim had a fixed address which included property owned by the victim, rented by the victim or property that the victim shared with family, a partner or friends. Of these, 31 per cent took the clients home to do business. In 71 per cent of the 7 cases where the victim took their clients back home the attack took place at the victim's property. In 94 per cent the victims were engaged in some kind of substance abuse, including drugs, alcohol and solvents. Twenty-two percent of the victims had worked for less than 12 months in the area in which they were killed. Twenty-six percent of the victims were working for a pimp, or were forced to work by a partner for their partner's financial benefit.

The study also compared the prostitute offenders' background to those offenders convicted of sexual and non-sexual homicides to see if there were any significant differences between them. In terms of the mean offender age, offenders of prostitute homicides were 37 years, compared to 35 years non-sexual homicide, and 27 years for sexual homicide. Significantly more prostitute homicide offenders (74 per cent) had pre-convictions for violent offences compared to both non-sexual (32 per cent) and sexual (18 per cent) homicide offenders, again showing the greatest difference between the prostitute homicide offenders and the offenders of sexual homicide of non-prostitutes. However, of the three groups, prostitute homicide offenders were the least likely to have previous non-violent offences (20 per cent), compared to sexual offenders (41 per cent), and non-sexual homicide offenders (81 per cent). In terms of the question of whether the offenders of prostitute homicides bring with them a previous criminal experience in the realm of sex crimes, it is of note that prostitute homicide offenders in Salfati et al.'s (2008) study also had significantly more pre-convictions for sexual offences compared to non-sexual and although not to a significant difference, also more than sexual homicide offenders. Of further interest is the fact that with soliciting being classified as a sexual offence (Home Office 2000), the data showed that 41 per cent of the prostitute homicide offenders held such convictions, compared to 18 per cent of sexual and 9 per cent of non-sexual homicide offenders. Significantly more prostitute homicide offenders (69 per cent) had also spent time in prison than both non-sexual (27 per cent) and sexual homicide offenders (29 per cent). Other results by Salfati et al. regarding the characteristics of the offenders showed that 44 per cent of the prostitute homicide offenders were unemployed at the time of their offence compared to 42 per cent of non-sexual homicide cases and 29 per cent of sexual homicide cases.

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3 All numbers quoted from the original Salfati et al. (2008) study were based on calculations from the number of cases that had the information available, and for ease have been modified for the current chapter from the numbers quoted in the original study by rounding percentages up/down to nearest whole number.

In addition, 25 per cent of the prostitute homicide offenders were married at the time of their offence compared to 75 per cent of non-sexual homicide offenders and 59 per cent of sexual homicide offenders.

As much of the general literature on homicide stresses the importance of offender-victim relationship to understand homicide, Salfati et al. (2008) also compared this aspect between the three groups, and interestingly found that the 3 different sub-groups of homicide each had their most likely offender coming from a different category of victim/offender relationship. The prostitute homicide offender was most likely to be a stranger to the victim (54 per cent), whereas this was less likely in sexual homicide offenders (23 per cent), and even less likely in non-sexual homicide offences (7 per cent). Indeed, when the homicide is of a non-sexual nature (76 per cent) the offender is likely to be in, or has been in, a relationship with the victim, compared to 25 per cent of prostitute homicides and 17 per cent of sexual homicide cases. However, when the homicide was of a sexual nature the offender was most likely to be an acquaintance of the victim. This was the case in 59 per cent of all sexual homicides compared to 17 per cent of the prostitute homicides and 14 per cent of non-sexual homicides.

In order to test whether prostitute-homicide crime scenes are in some way physically different from other female victim homicides, Salfati et al. analysed key crime scene variables pertaining to the key group of variables highlighted in the literature to pertain to risk factors and homicide.

Location has been shown to be closely related to the risk factors of prostitute homicides. Variables that occurred more in the prostitute murders as compared to the other two groups, included the location variables of transporting the victim away from the original crime scene after death, leaving the body of the victim outside, and hiding the body of the victim. Conversely, those variables that occurred less in the prostitution murders included leaving the victim at the same scene where they were killed, or at the victim's premises, or committing the crime in daylight. Thus, overall, Salfati et al. concluded that prostitution homicides were more likely to include variables linked to covering up the crime and delay the investigation. This difference was however stronger when compared to non-sexual homicides than when compared to sexual homicides, which is interesting considering that prostitute homicides were found to be generally more different from sexual homicides when looking at the characteristics of the offenders.

In terms of sexual or theft related activity, 42 per cent of prostitute victims were found completely naked, compared 18 per cent of sexual and 8 per cent non-sexual homicide victims. In terms of the actual sexual activity, 14 per cent of prostitute cases and in 6 per cent of the sexual cases an object was used to sexually penetrate the victim. In 52 per cent of prostitute homicide victims, property was stolen from the victim suggesting a link between robbery and the crime. This was higher than for both sexual (35 per cent) and non-sexual homicides (10 per cent).

In all 3 types of cases the two most frequent wounding actions were those of a manual nature and multiple wounding. Both prostitute and non-sexual victims

were more likely to have multiple injuries. Whilst multiple wounding was the most common type of wounding *between* both groups, *within* group figures suggest that prostitutes were more likely to be injured in this way than were non-sexual victims. Considering that multiple wounding is highly associated with expressiveness and impulsivity and has been linked with both known victims, and an emotional element, this finding is important in understanding the nature of the violence in prostitution homicides, and adds evidence to prostitute victims possibly being either vehicles through whom offenders vent their general aggression or aggression related to other prostitutes other than the victim herself, or a target in of themselves. In either case, As Salfati et al. (2008) suggest, these first wave of results suggests that the level and type of violence may important to understand these cases.

Overall Salfati et al.'s (2008) study, in comparing prostitute homicides to other homicide sub-groups, shows that although the level of violence and types of crime scene behaviours is similar to that of non-sexual homicides, the characteristics of the offenders are more like those of sexual homicide offenders. In this way, prostitute homicides may be started to be understood as a violent crime like general homicides. However, they may be committed by a more instrumental sub-group of offenders as the general literature on prostitution violence has also shown.

In accord with the general literature on violence against prostitutes, Salfati et al.'s study also shows that in a large proportion (14 out of 19) of offenders who had previous violent convictions, 6 involved a pre-conviction for at least one murder. With figures as high as these they suggest that it is likely that a prostitute will come into contact with clients with violent pre-convictions on a relatively regular basis. Indeed, in one prostitute homicide case in their study, the victim had had sex with a client who had previous convictions for attempted murder and serious sexual assaults on women, in the same night as she was killed by another client who also had previous convictions for attempted murder.

The evidence thus suggests that men who assault prostitutes have convictions for assaulting other women as well, which in turn backs up some of the general literature highlighted at the start of this chapter, which suggests that violence against prostitutes may be considered as part of a continuum of violence against women more generally, and not just against prostitutes specifically. This now needs to be further investigated and analysed to test the assumption that offenders are consistent in their behaviours at one level and across situations and is the first step in being able to make inferences about the nature of prostitute homicides, and the specific characteristics of the offenders responsible for these crimes.

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## Chapter 5

# Comparison of Single and Serial Killers of Prostitute Women

Jonathan A. Dudek, Devon D. Brewer, Christine Maguth Nezu  
and Arthur M. Nezu

The following chapter compares male clients of prostitute women who killed multiple prostitutes with those who killed one prostitute. Two samples were analysed; the first involved 123 solved female prostitute homicides committed by lone male perpetrators in the US between 1982 and the first half of 2000 from the US Federal Bureau of Investigation's (FBI) NCAVC and the second involved client perpetrators of solved prostitute homicides, assaults, and rapes in a national search of US media sources. Demographics and criminal histories of single and serial killers of prostitutes at the time of their first known prostitute homicides were examined. Overall, demographic and criminal history variables did not distinguish single from serial killers, however, serial perpetrators were slightly more likely to have a sex offense history.

### **Introduction**

Prostitute women have the highest homicide victimization rate of any population of women studied (Potterat et al. 2004). In recent decades, prostitute women have accounted for approximately 3 percent of all female homicide victims in the United States by conservative estimates (Brewer, Dudek et al. 2006). Clients of prostitute women constitute the vast bulk of prostitute killers, and serial killers may represent 35 percent or more of prostitute killers (Brewer, Dudek et al. 2006). Prostitute homicides are among the most difficult to investigate and solve for a variety of reasons (e.g., no witnesses, lack of access to the death scene when only the body dump site is known, and victims who are not immediately recognized as missing given their itinerant lifestyles) (Decker et al. 2002; Dudek 2001; Lowman and Fraser 1996). Consequently, improved investigative strategies for these crimes are desperately needed, particularly for serial prostitute homicide.

Serial homicide often attracts intense media and popular interest and typically is regarded as anomalous offending behavior committed by persons who differ from other killers. Scientific investigation of serial homicide has lagged behind popular fascination with the topic, and most prior research on serial homicide has been based on anecdotes and case studies (Fox and Levin 1998). Fox and Levin (1998)



emphasized the importance of comparing serial killers with nonoffenders to identify distinguishing characteristics. Comparisons between serial killers and killers with only one victim would allow even more refined conclusions about whether and how serial killers are unique from other killers. Such research would also have investigative value as it might indicate the types of persons police should focus on as potential suspects in serial homicide investigations (Dudek 2001).

DeLisi and Scherer (DeLisi and Scherer 2006) reported the first such study, comparing multiple and single homicide offenders in the United States. The large majority of multiple homicide offenders they examined were spree killers (i.e., had victims at multiple locations within a very short period of time). In their sample, multiple homicide offenders were less likely to be Hispanic than single homicide offenders, but the two sets of killers were similar in terms of age, race, and sex. Single and multiple homicide offenders also did not differ meaningfully in terms of whether they had a criminal history, the age at first criminal arrest, or the total number of prior criminal arrests. Single homicide offenders had more prior arrests on narcotics and weapons charges and fewer prior arrests on rape charges on average than multiple homicide offenders, although it is not clear whether the two groups of killers differed in terms of any prior history (rather than number of arrests) of particular offense types.

The comparison between multiple and single killers can be sharpened further by controlling for the type of victim and the context in which the killers attacked their victims. This kind of comparison eliminates the potential confounding due to multiple and single offenders killing different types of victims in different settings. In this chapter, we compare male clients of prostitute women who killed multiple prostitutes with those who killed one prostitute.

## **Method**

We analyzed data from two samples of client perpetrators of prostitute homicide.

### **National Center for the Analysis of Violent Crime (NCAVC) sample**

The first author collected and coded data on 123 cleared female prostitute homicides committed by lone male perpetrators in the US between 1982 and the first half of 2000 from the U.S Federal Bureau of Investigation's (FBI) NCAVC (Dudek 2001). An initial list of cases cleared (closed) by arrest, warrant for arrest, or exceptional means (e.g., death of suspected perpetrator) was generated by querying the NCAVC's proprietary computerized database. Cases had been submitted to the NCAVC by local, state, and federal agencies requesting investigative support. Next, the first author sought the closed homicide case files from the federal, state, and local agencies that had referred the cases to the NCAVC. Additional cases were

obtained from intact, closed NCAVC case files as well as from command-level law enforcement personnel who were attending the FBI's National Academy. In addition to the case file materials, the FBI's Criminal Justice Information Service, responsible for managing the National Crime Information Center, furnished comprehensive, national criminal histories for most perpetrators.

For these analyses, we included 73 perpetrators who were known to be clients of their prostitute victims (the 2 other perpetrators in the sample were pimps). Forty-seven perpetrators had only one known prostitute homicide victim and 26 perpetrators had multiple (serial) prostitute homicide victims. The homicides committed by these killers occurred in 22 states (California, Colorado, Connecticut, District of Columbia, Delaware, Florida, Hawaii, Illinois, Massachusetts, Michigan, North Carolina, Nebraska, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Wisconsin).

## **Media Sample**

The second author identified client perpetrators of cleared (solved) prostitute homicides, assaults, and rapes in a national search of US media sources (Brewer, Dudek et al. 2006). In 2004–2005, he searched several US national newspaper databases, archives of selected metropolitan newspapers, the World Wide Web, and the academic and “true crime” literature for relevant incidents. He supplemented this search with media reports of attacks on prostitutes that colleagues informed him about or he discovered incidentally, as well as incidents that were documented in prostitution arrest records analyzed for other purposes (Brewer, Potterat et al. 2006; Brewer, Roberts et al. 2008). When information on key aspects of a perpetrator, victim, and/or incident was lacking, the second author performed specific searches using the same media sources and online databases such as the Social Security Death Index. Altogether, more than 14,700 articles and documents were examined while conducting the search. Furthermore, the second author augmented information on perpetrators and their attacks in selected jurisdictions (Connecticut; Kansas City, Missouri; Minneapolis, Minnesota; Texas; Virginia; and Washington state) by requesting incident reports from the local law enforcement agencies that had investigated these cases and searching online inmate databases provided by state correctional agencies. For our analyses, we included only lone perpetrators in these and several other jurisdictions (Arizona, Florida, New Mexico, and New York) who were known clients or whom we inferred to be clients (i.e., the available facts from the investigation were consistent with such a designation and included no contrary indications).

Thirty of the perpetrators included in our analyses had only one known prostitute homicide victim and 31 had multiple (serial) prostitute homicide victims. The homicides occurred between 1977 and 2004. In our analyses of this sample, we excluded 7 perpetrators who also appeared in the NCAVC sample.

## **Procedure and Variables**

We compared single and serial killers of prostitutes in terms of their demographics and criminal histories at the time of their first known prostitute homicides. We examined only those characteristics for which information would be equally available for single and serial killers. (Homicide case files often include more information on serial killers' backgrounds and motivations because serial homicide investigations tend to be more exhaustive by nature.) The demographic characteristics included marital status (married vs. unmarried; NCAVC only), homelessness (yes/no; NCAVC only), employment (employed vs. unemployed; NCAVC only), extreme over- or underweight (whether body mass index (BMI) > 35 or < 20; media only), race (whether black, whether white), and age (in years). We also compared single and serial killers with respect to the year in which their homicides occurred.

We measured criminal history dichotomously according to whether a perpetrator had previously committed one or more offenses in particular, mutually exclusive categories. These criminal history variables for the NCAVC sample were: violent non-sexual offenses (excluding domestic violence), sex offenses (including rape), domestic violence, patronizing a prostitute, property offenses, alcohol-related offenses, drug possession, and drug distribution. In the media sample, the criminal history variables were: violent non-sexual offenses (including domestic violence), sex offenses (including rape), patronizing a prostitute, property offenses, and all other miscellaneous offenses. The criminal histories for the NCAVC sample are based on arrests nationwide. The criminal histories for the media sample are based on offenses recorded in the criminal history repositories of the states where perpetrators committed their homicides. The state criminal histories included all recorded arrests for prostitute killers in Arizona, Florida, New Mexico, New York, Texas, and Virginia, but included only convictions for killers in Connecticut, Minnesota, and Washington state. We also assessed the time elapsed between the date of a killer's first prostitute homicide and arrest for any prostitute homicide.

## **Results**

Table 5.1 summarizes the demographics and criminal histories for single and serial prostitute killers in the NCAVC sample. The last column shows the Pearson (point biserial) correlations between the single/serial classification and each of these characteristics. The Pearson correlation ranges between -1 and 1 and indicates the magnitude of association. Positive correlations mean that a particular characteristic was more common among serial killers than single killers (or that serial killers tended to have higher values in the case of ratio scale variables like age).

In the NCAVC sample, single and serial prostitute killers exhibited few differences in demographics and criminal history. Overall, most prostitute killers were employed, but relatively few were married or homeless. Killers typically were in their early 30s,

**Table 5.1** Comparison of single and serial prostitute killers, NCAVC sample

Variable	Single	Serial	r
Demographics			
Married	19%	10%	-.13
Homeless	15%	26%	.13
Legally employed	70%	73%	.03
Black	45%	54%	.09
White	47%	35%	-.12
Age – mean/median	33/31	32/30	-.05
Year – mean/median	1992/3	1991/1	-.08
Criminal history			
Non-sexual violent	64%	65%	.02
Sex	50%	61%	.10
Domestic violence	18%	30%	.14
Patronizing	14%	13%	-.01
Property	66%	65%	-.01
Alcohol	21%	0%	-.29*
Drug possession	30%	26%	-.04
Drug distribution	11%	4%	-.12

*n* single = 31–47, *n* serial = 20–26

\**p* < .05

and approximately half were black. Histories of non-sexual violent offenses, sex offenses, and property crimes were common for both single and serial killers; other types of offenses were comparatively infrequent in killers' prior criminal records. Twenty-one percent of single killers, but none of the serial killers, had a record of alcohol-related offenses.

Table 5.2 shows the comparisons between single and serial killers for the media sample. In general, there were few differences between the groups in demographics and criminal history. Compared to killers in the NCAVC sample, killers in the media sample were more likely to be white and tended to be a few years older on average. Very few killers were underweight or extremely overweight. Histories of all types of crime were somewhat less common in the media sample, although histories of non-sexual violent crimes and property offenses were the most frequent, as in the NCAVC sample. Serial killers were more likely to have a history of sex offenses (28 percent) than single killers (4 percent).

We combined the results from the two samples by computing the weighted (by sample size) mean correlations (Rosenthal 1991) for those variables which were comparable across samples (Table 5.3). This meta-analysis shows negligible

**Table 5.2 Comparison of single and serial prostitute killers, media sample**

Variable	Single	Serial	r
Demographics			
Black	35%	30%	-.05
White	55%	67%	.12
Age – mean/median	35/34	32/32	-.16
Extreme BMI (<20/>35)	7%	0%	-.18
Year – mean/median	1995/5	1992/3	-.22
Criminal history			
Non-sexual violent	36%	41%	.06
Sex	4%	28%	.33*
Patronizing	4%	0%	-.14
Property	39%	35%	-.05
Miscellaneous	14%	21%	.08

Note: n single = 27–30, n serial = 21–31

\* $p < .05$

differences between single and serial killers on all characteristics examined, except for serial killers' modestly greater likelihood of having a sex offense history.

In the media sample, single killers were arrested more quickly ( $n = 22$ , mean time between prostitute homicide and arrest = 450 days, median = 101 days) than serial killers ( $n = 21$ , mean time between first prostitute homicide and arrest = 1,010 days, median = 371 days). The Pearson (point biserial) correlation between time to arrest and single/serial killer classification was .21 ( $p = .18$ ), and the ordinal gamma correlation (relating ranked time to arrest with the single/serial classification; Agresti and Finlay 1986; Goodman and Kruskal 1954) was .38 ( $p < .05$ ).

## Discussion

Overall, demographic and criminal history variables did not distinguish single from serial killers in two samples of client perpetrators of prostitute homicide. However, serial perpetrators were modestly more likely to have a sex offense history, which suggests that sexual motivations may be somewhat more prominent for serial killers of prostitute women. Our results mostly parallel DeLisi and Scherer's (DeLisi and Scherer 2006) observations of few differences between single and serial killers, and our research design eliminates the potential confounding of single and serial perpetrators killing different types of victims in different types of contexts.

Single perpetrators were arrested much more quickly than serial perpetrators. This difference may indicate serial killers' greater effectiveness at avoiding capture

**Table 5.3** Meta-analytic summary of comparisons of single and serial prostitute killers

Variable	Weighted mean r
Demographics	
Black	.03
White	-.01
Age	-.10
Year	-.14
Criminal history	
Non-sexual violent history <sup>1</sup>	.05
Sex offense history	.21*
Patronizing history	-.07
Property offense history	-.03

<sup>1</sup>Includes domestic violence. The correlation for the NCAVC sample alone, after including domestic violence offenses, is .04 (66 percent of single perpetrators and 70 percent of serial perpetrators had a violent criminal history)

\* $p < .05$

or single killers' bad luck (or police investigators' good luck). Single killers of prostitute women may include many men who would have become serial perpetrators had they not been caught. Twenty percent of the single killers in the media sample were known to have attacked other prostitute victims non-fatally. Client perpetrators also have diverse motivations for killing prostitutes (Brewer, Dudek et al. 2006), and many single killers, if not arrested, may eventually encounter triggers (e.g., disputes over the sex for money/drugs exchange, ridicule from/robbery by a prostitute, etc.) or have personality characteristics (e.g., psychopathy, sexual deviance, etc.) that predispose them to kill again.

Our research has several limitations. In both samples, we may have misclassified single killers. Some single killers may have been suspects in unsolved prostitute homicides, had victims who had not yet been discovered (or police had not yet linked other victims to the perpetrators), or had homicide victims who were not prostitutes. Such misclassification could possibly obscure differences between single and serial killers. In addition, criminal history data for perpetrators in the media sample pertained only to the state in which they committed their homicides. Nonetheless, the results for the media sample were consistent with those for the NCAVC sample, which involved comprehensive national criminal history data. Finally, the representativeness of the samples of client killers of prostitute women is unknown.

In conclusion, single and serial prostitute killers were generally similar on the variables we examined. However, the modest association we observed between sex offense criminal history and serial prostitute homicide warrants further investigation.

Comparisons between single and serial killers in other contexts and on other dimensions (e.g., homicide motivations, crime scene behaviors and locations, and sexually deviant interests and behaviors (cf. Dudek 2001)) may provide further insights to the underlying nature of serial killers.

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# Chapter 6

## The Personal Safety of Male Prostitutes

Judith Connell

I've been raped twice, I've been battered, I've been used. I've done the business then didn't get the money ... it's not fun ...

The personal safety of female prostitutes has, in recent years, attracted increased public attention. Through the media, reports of the murders and serious physical and sexual assaults on female prostitutes have highlighted the risks and dangers for women involved in prostitution. While these incidents have resulted in greater social awareness of the issue of safety for female prostitutes, there is, to date, still little known about the personal safety of men involved in prostitution. This chapter will examine the issue of personal safety in male prostitution and explore if safety is an issue and concern to men, as well as women, involved in prostitution. To address the issue of safety in male prostitution, the locations where prostitution takes place are explored in conjunction with the safety precautions taken and the type of prostitution men are involved in. Data on male prostitutes personal safety were collected as part of a larger study undertaken in Edinburgh and Glasgow. Results showed that the majority of men have been victims of verbal, physical and sexual attacks and that male prostitutes are exposed and vulnerable to violence from a variety of individuals, from their clients and the organisers of prostitution, to other prostitutes and the general public.

### **Background**

Risk in prostitution has frequently been explored in terms of the spread and transmission of sexually transmitted infections (STIs) and, in-particular, the risk and exposure to HIV (Allman 1999; Barnard et al. 1993; Bloor 1990; Carr and Green 1992; Davies and Feldman 1999; Davies and Simpson 1990; Day 1990; Day and Ward 1993; Estanbanes et al. 1993; Hickson et al. 1994; McKeganey et al. 1990; Markos et al. 1994; Minichiello et al. 1999; Morgan-Thomas et al. (1989); Morse et al. 1991; Onorato et al. 1992; Simon et al. 1994). Linked to this is the research conducted into the use of illicit drugs by individuals involved in prostitution (Asteemborski and Vlahov 1994; Bloor et al. 1990; Inciardi and Surray 1997; Waldorf and Murphy 1990; McKeganey and Barnard 1992; McKeganey et al. 1991; Faugier et al. 1992; Harcourt and Philpot 1990; Van Den Hoek et al. 1989; Ward et al. 1993). While in the past decade there has been increased interest in the incidence of violence experienced by prostitutes, current research in this area tends to focus heavily on female prostitutes and does not address, in detail, the experiences and impact of

violence on men involved in prostitution (Barnard 1993; Carrington and Betts 2001; Cler-Cunningham and Christenson 2001; Davis 1971; James 1978; Kinnel 2001; McKeganey and Barnard 1996; Phoenix 2000).

Recent studies conducted with female prostitutes in England and Scotland report that women involved in prostitution are vulnerable to physical violence, verbal attacks and sexual assault, and indicate that women who are involved in prostitution indoors, as well as outdoors, are vulnerable to harm (Church et al. 2001; Hart and Barnard 2003). In terms of addressing who perpetrates acts of violence many studies, to date, have focused primarily on the clients of prostitutes (Church et al. 2001; Lowman and Fraser 1996; Pyett et al. 1999; Vanwesenbeeck 1997; Whittaker and Hart 1996; Ward et al. 1999) with only a minority of research in the UK addressing other perpetrators of harm to prostitutes (Benson 1999; Day 2001). While many studies address the incidence of attacks on prostitutes, few also report on the strategies employed and identified by prostitutes to reduce their risk of exposure to harm (Church et al. 2001, Hart and Barnard 2003).

To address the issue of safety in male prostitution, the locations where prostitution takes place are explored in this chapter in conjunction with the safety precautions taken and the type of prostitution men are involved in. Building on research such as that of Benson (1999) and Day (2001), incidents which take place not only between male prostitutes and their clients, but other individuals are also explored in conjunction with the reporting of incidents to the police.

Data on male prostitutes' personal safety were collected as part of a larger study undertaken in Edinburgh and Glasgow which looked at the practicalities of male prostitution, the social context in which male prostitution takes place, attempts to leave prostitution, access to services and the health consequences, both physical and mental, of participation in prostitution. Contact was made with 27 male prostitutes. The men ranged in age from 17 to 48 years of age and had been involved in prostitution for an average of 5 years. The average age when prostitution began was 15, with the youngest being 13 and the eldest 27 years old when they first became involved in prostitution. All contacts were white and identified as gay, bisexual, or heterosexual. The male prostitutes taking part in this study had primarily male clients.

The experiences of men in three areas of prostitution, as identified by Minichiello et al. (1998), are explored in this chapter. These are *escorts*, who operate through an agency, where a clients' first contact is with a gatekeeper who then connects them with the prostitute. Although not mentioned by Minichiello et al., I have also included, for similar reasons, men who operate from brothels within this category (described in the Netherlands by Zuilhof, 1999), who like male agency escorts have an intermediary (the brothel owner/manager). *Independent workers*, referred to in this study as *independent escorts*, in contrast to agency escorts, have direct contact with their clients, through personal advertisements, their own telephone contact numbers and internet addresses. Finally, there are *street workers*, who again have direct contact with their clients but do so on the streets, in parks, toilets, graveyards or other public areas. In the UK *street workers* (street prostitutes) are also called *rent*

*boys* (*renting* being the activity of selling sex in public environments), and these terms will be used interchangeably throughout this chapter.

## **Methods and Analysis**

To meet the aims and objectives of the study a number of research methods were employed. Research data were collected through: the observation of male prostitution sites; semi-structured in-depth interviews; self-completion questionnaires and discussions with male prostitutes. Confidentiality and anonymity were emphasised to all potential research respondents. Attempts to recruit male prostitutes were made through: shadowing outreach workers, press advertisements, posters placed in cafes, saunas and other public buildings, snowballing respondents and the internet. Interviews tapes were transcribed and research data were analysed using grounded theory (Glaser and Barney 1994, Glaser and Strauss 1967) to determine emerging and recurrent themes.

## **Personal Safety and Incidents in Prostitution**

The majority of male prostitutes in the study had been the victims of repeated sexual, physical and verbal attacks. The minority who had not, attributed this solely to luck:

Researcher: Have you been slashed or stabbed?

MP: No and that's really good. I've been very lucky, I know I've been very lucky.

Incidents were perpetrated by a range of individuals from clients and organisers of prostitution, to other prostitutes and the general public.

## **Incidents and Prostitution Clients**

It was not uncommon for male prostitutes to fall victim to their clients. Those men who rented, were based in brothels, or who had initially become involved in prostitution as young teenagers through paedophiles, were particularly susceptible to assault. Incidents perpetrated by clients included rape, sexual assault, physical assault and threats of physical violence:

Once your head is forced down on the pillow you don't have a lot of time to think how to save yourself, a lot of the time they (clients) don't even lubricate, just fierce and arrogant they just bang in ... you would classify it as rape.

Some guys just like to beat you up.

I've been threatened that if I refused to do what I was told then I would get a kicking (beaten up).

A number of men reported being gang raped. Common scenarios which led to gang rape included: meeting a client in a cruising area who then drove them to a flat where a number of other men were waiting and being asked to meet a client at a specific location by an escort agency or brothel manager only to realise on arrival that the client was not alone:

I've been in situations where there has been multiple sex when I was told there would be one or two (men) and I was stuck there and I couldn't walk out the door, (I) had to take it as it comes. There have been times when it has been pretty serious sex involved and a lot of S and M and torture and it has been quite graphic and when I refused to do it I have been threatened 'you will get done in (killed) you know'.

In a number of cases men attributed their clients' use of drugs and alcohol during sex acts to increased incidents of physical violence:

A lot of the clients are smoking hash, taking poppers ... sometimes they just take too much drugs at the one time and they just get a bit physical and start slapping you and biting you or something ... they make a swing at (try to punch) you or whatever and pick up furniture and you just get out that door quick.

Unfortunately incidents of rape, sexual, physical and verbal attacks perpetrated by clients were not isolated one off occurrences:

I've been raped twice, I've been battered, I've been used. I've done the business then didn't get the money ... it's not fun ...

Researcher: Have you ever been forced to have anal sex against your will by a client?

MP: Yes ... maybe a dozen times.

## **Incidents and the Organisers of Prostitution**

While male prostitutes were attacked by their clients, other perpetrators of, and accessories to, physical harm were those men who organised prostitution and their associates. When discussing the organisers of prostitution in the context of safety, those men who were, or had been, involved in organised prostitution, referred to

incidents of verbal threats, physical violence and sexual exploitation. A frequent comment made by men who, when younger, had been involved with paedophiles and pimps, and those who had present contact with brothel owners, was the extreme pressure placed on them not to divulge personal details about themselves to other workers, and to discuss their involvement in prostitution:

It was like an unspoken rule (when working for a pimp), you don't ask where they (other prostitutes) come from, you don't ask what their age is, you don't ask if it's their real name, you don't ask why they are doing it and you don't tell anyone else about what you're doing.

You got a warning not to talk about it (the brothel) to anybody, else something would happen to me.

Such verbal intimidation created a strong sense of fear and apprehension that threats might become a reality:

MP: ... you don't say a word, there is a pretty dangerous fall back if you start opening your mouth about things ... when there are kids involved, you open your mouth and you are in danger, serious danger.

Researcher: What type of danger?

MP: In that situation they would threaten to kill you, under-age kids, heavy drugs, anything like that, it's serious and if they thought you were going to open your mouth they would threaten you, give you a verbal threat to keep quiet.

Sexually exploited, these men described how they and other prostitutes often had no choice about whom, or how many clients they saw, where they met their clients, or what sexual services they offered.

You would be told to turn up at a desolate flat in xxxx. You didn't know what to expect, half the buildings (had) corrugated iron over the windows and there was this one wee flat on the top floor and you'd walk in and there would be about four or five people (clients) smoking and taking drugs.

Sometimes there is maybe three or four guys in their forties or fifties and it would be me and them together. I would basically service four or five guys and there have been times when I have turned up and there has been ten (men) involved as well.

As a result, a number of men had, particularly when they were younger, been placed in situations by organisers of prostitution where rape and serious physical, sexual and verbal assault had occurred:

When you are wee bit older it's not too bad because you have got your own choice if you turn up in somebody's flat and if there is more than one person you can try and just walk away. When you are at a young age you are vulnerable to anything, there is nobody to help you and you have got to stick to situations.

It's a different world ... what goes on when people go back to other people's flats, the abuse a lot of them (young boys) go through, near death a lot of them, the drugs involved, the drink and under age sex ...

To the organisers of prostitution these men were ultimately seen, not as a person, but as a business commodity:

He's (boss) never really bothered with safety (of prostitutes), as if he has never really cared, he was just there to get the business and get the clients.

While in such instances the organisers of prostitution were not the direct perpetrators of harm, this was not the case on other occasions. Incidents of sexual assault perpetrated by organisers of prostitution were recounted by a number of men who were agency escorts and men who were prostitutes in brothels. Men referred to being initially 'couch tested' and then repeatedly made to partake in sexual acts with those men who ran such establishments:

He (agency owner) just likes touching you and I don't like him touching me. He's not just running an escort agency he's taking advantage of the people who work for him. His excuse for it was if you want to work in the sex industry then you have to get used to sex.

### **Incidents and Other Prostitutes**

Few incidents between prostitutes were recorded, those which were had taken place between street prostitutes. Men who were solely escorts stated that they had little or no contact with other prostitutes and hence felt that their safety was not affected by other prostitutes. Incidents which took place between men involved in street prostitution included acts of physical violence resulting from one man charging less ('undercutting') for his services than another and physical assaults and verbal arguments resulting from general disagreements between friends and boyfriends who also rented.

### **Incidents and the General Public**

The perpetrators of violent acts and verbal assault were not confined to those directly linked to, or involved in, prostitution, male prostitutes also referred to such incidents

being carried out by members of the general public. Verbal abuse was experienced by both men who escorted and men who were involved in street prostitution. For men who escorted verbal abuse by members of the general public was generally not face to face, with threats and comments being made over the telephone:

I was told over the phone that I was going to be decapitated.

In contrast, men involved in street prostitution frequently experienced verbal threats and abuse directly, often from groups of young men walking or driving through cruising areas:

You get abuse, it's just boy racers and passers by ... like 'poofie rent boys!' and all that shit.

As well as verbal abuse, a number of these men had been physically assaulted by members of the general public. In some instances men involved in street prostitution described how they had been assaulted by men who posed as clients:

There's been four occasions (of physical assault), one time I got battered back at a what I thought was a client's house and I got back there and there were other guys there, it was kind of like a gay bashing.

For men who rented and met their clients on the streets, being kerb crawled was another common experience and concern:

You get folk that go up and down (the road) in their car and will follow you, just keep following you ... you get guys that follow you all night in the car and once you leave that (cruising) area they'll still be following you, it's pretty scary.

For one man being kerb crawled had escalated into being stalked, with threats of extreme violence and death:

The car followed me there (from cruising area to home), then I started getting phone calls, I was told I was getting my eyes gouged out, I was getting knives put through my door, it was a plastic knife, but it was wrapped up with a piece of paper and an elastic band telling me I was getting my throat slit, I was getting killed ...

## **Reporting of Incidents to the Police**

While the majority of men involved in prostitution had been the victims of repeated sexual, physical and verbal attacks, no respondents, at time of contact, had reported



these incidents to the police. Non-reporting was generally attributed to a number of factors both related and unrelated to their involvement in prostitution.

For some men past experiences with the police, unrelated to prostitution, had created feelings of distrust:

I don't trust the police, I don't like the police, I don't like them at all ... when I was younger there was one incident at the (family) house and they (the police) were just completely off. I mean my mums face had been completely smashed open and they (the police) had the attitude that he (mother's partner) had done the right thing that he had hit a woman ...

Disregard and disdain for the police were also attributed to alleged incidents of police harassment. A view reiterated by a number men involved in prostitution in Glasgow was that they had been repeatedly stopped and sometimes lifted by the police, for no justifiable reason:

I've been stopped and they've (the police) just pure harassed me.

I met xxxx (rent boy) tonight. I mentioned that I had seen him with two officers the previous afternoon. He informed me that this was a common occurrence and that the police would often stop him, question him as to why he was in a cruising area, and, on many occasions, ask him to empty his pockets. He informed me that he had been previously lifted by the police for a having a condom in his pocket. (Field Note)

Police harassment was frequently mentioned in conjunction with the issue of homophobia. For some men involved in prostitution who identified as gay, non-reporting of incidents was linked to their sexuality. These men felt that due to the fact that they were gay, the incident, if reported, would be treated differently, with their sexuality and not the attack taking precedence in subsequent police actions and reactions:

There is a very negative attitude from the police about gay people especially in the sex industry, they never seem to take a liking for it so I have always avoided going to the police especially if you are doing business (prostitution) and something happens.

The fact that incidents took place as a direct result of participation in prostitution also led some men to believe that, if reported to the police, such incidents would be treated with little interest or concern:

There's no point (in reporting), there's just no point, they (police) wouldn't care about what happened to me ...

Linked to this view was the belief, by some male prostitutes, that the police would view any incident which occurred during prostitution as being their own fault. These men subsequently saw the police as adopting a victim blaming approach:

The police just wouldn't listen, they'd just say 'oh well it's your own stupid fault!

For those men who had first become involved in prostitution in their early teens, and were therefore engaged in underage sex, fear of the police, at that time, was also a major factor in non-reporting:

You were just terrified if you saw the police walk past you, you would run a mile, like you are underage and you are trawling for business, you think 'they are going to arrest me and take me home to my parents', you get beat up (by clients) and just accept it, just never go near the police.

A concern reiterated during discussions on the reporting of incidents, was that if a change in the policing of male prostitution, particularly in Glasgow, did not occur, male prostitution would increasingly become more covert, placing prostitutes in greater personal danger. Indeed, a number of men already believed that male prostitution had now become more hidden:

There are plenty of escorts and rent boys working, the majority is underground ... nowadays I think it (prostitution) is more and more dangerous and more underground ...

## **Safety Information, Safety Precautions Taken and Type of Prostitution**

### *Safety Information and Advice*

Given their experiences in prostitution, the majority of men acknowledged that participation in prostitution was a risk taking practice:

It's very dangerous ... wouldn't advise anybody to do it.

Despite the dangers involved in prostitution the majority of men stated that they had received little, or no, formal information and advice on personal safety in prostitution:

I never got anything, it would be good. Is there any information to get?

Information on safety? No, nothing.

What information men, particularly those involved in prostitution in Edinburgh, did receive was minimal but greatly appreciated and came from outreach workers:

They (outreach workers) are always telling us to watch ourselves.

The guy that got raped last week, they (outreach workers) told me about it ... they (outreach workers) will tell you to look out for yourself.

While professional information and advice on safety in prostitution was extremely limited, many men referred to the need for its availability both at point of entry into prostitution and throughout their duration of involvement in prostitution. However, in the present absence of any extensive formal information and advice on safety, knowing how to help protect oneself from harm was something frequently learnt as a direct result of adverse personal experiences in prostitution:

I know how to handle myself now and I know how to get out of situations now ... You have to be assertive in this job. That's something you have to learn the hard way.

### *Safety Precautions in Prostitution*

A number of safety precautions had been adopted by male prostitutes. A safety measure taken by all male prostitutes was the use of intuition, which men frequently referred to as '*gut instinct*':

If I didn't feel safe with someone I wouldn't go with them, I always go by gut instincts.

How, when and where intuition was employed was often dependent on the type of prostitution a man was involved in. For men who rented on the streets of Edinburgh and Glasgow, instinctive safety measures were frequently adopted as a result of their initial face to face contact with a potential client:

You just know when you see them (client) if something isn't right, can't explain why, just a feeling you get.

If you ever get a wary feeling when you're going with somebody then it's not right and I've had that a couple of times. A couple of times I've said 'stop (the car to the client)' and got out of the car, every time I've got that feeling.

For independent escorts feelings of unease and apprehension were generally ascertained when a client initially contacted them by telephone. In such situations independent

escorts described how they would often ask potential clients a number of probing questions in order to decide if the individual posed any potential threat to their safety:

I kind of suss them (potential client) out a wee bit on the phone, ask them about themselves ... it's a skill you acquire over the years. I will turn it (the conversation) around. They (potential client) will say 'describe yourself' and that sort of thing, I will turn it around and say 'well tell me about you, what do you look like?, what is it you want us to do?, were you wanting to explore something you haven't done before?'... I get them talking so I get a feel of what they're like ... you rely on your instincts a lot.

Like intuition, seeing regular clients was seen by many men, regardless of the type of prostitution that they were involved in, as a measure to reduce the incidence of violence during prostitution:

I feel safer with my regulars because I've known them for a while.

I definitely feel safer with my regulars cause I know them, I don't even check in anymore, I don't need to phone cause I know I am safe. You know it's pretty safe if you've seen them (clients) before.

Gut instinct and seeing regular clients were not the sole safety precautions men took, a combination of intuition, seeing regular clients, and precautions taken according to prostitution environment were frequently employed.

Common safety precautions taken by male prostitutes in cruising areas included; hiding objects to be used as weapons, carrying a spray such as deodorant canister to be used in the event of an attack and, on very rare occasions, carrying a knife;

You're always watching your back, sometimes I'd go in (the graveyard) and plant a bottle and that here and there ... just in case.

Now when I go out I always carry a (deodorant) spray and after shave and I'd just spray them (attacker).

I used to carry a wee blade (knife).

During the observation of the environments where male prostitution took place, it became clear that some male prostitutes not only used material objects as safety devices, but also viewed other individuals; outreach workers and a number of other male prostitutes, as offering a degree of protection from potential harm:

It's good that they're (outreach workers) out there, I feel safer.

We'll sometimes say to each other (other male prostitutes) if there's someone dodgy about.

It used to be if you fuck with one of us (rent boys) you fuck with us all.

While a number of respondents felt that some male prostitutes offered a degree of protection from harm, other male prostitutes were seen as a possible threat to their safety. Avoiding specific individuals whom they regarded as violent and troublesome was therefore another safety precaution employed by men who rented:

There is a few (other rent boys) I don't feel comfortable with because they are really dodgy looking guys ... just make me feel uncomfortable.

There's one guy (male prostitute) who I don't go near, he's violent and mugs punters.

A common scenario for men who rented was to leave the cruising area where they met their client, in their client's car. On these occasions men described how they would often try and ensure that the passenger car door was left unlocked:

If I go in a car (with a client) I make sure it's unlocked so I can get out if I think he's (the client) going to turn nasty.

As with outdoor locations for prostitution, a number of safety precautions were also employed by men, primarily independent and agency escorts, in indoor settings. Men described a number of basic security checks they would make when initially arriving at a client's home, these included: checking that the front door was left unlocked; checking that the windows and door in the room where sex was to take place were unlocked. A number of men also emphasised the importance of being aware of the layout of their client's home and who else may be present in the house in case a quick exit was required:

If it's in someone's home I'm a bit more cautious about where I'm going, whether there's somebody else in the house I don't know about, I'd look around to see how the place has been set out.

An additional safety measure used by male prostitutes when in a client's home was to telephone a partner or friend to inform them of their arrival at, and departure from, a client's home.

I'm very cautious. When I first go and meet someone, for example, just to make the signal very clear to them, if it's somebody I don't know, or if I've met them once before but I'm not totally sure about them, I will, as soon as I arrive, I will tell them that I've got to check in. And I will phone my partner and I will tell them if I'm

OK, I've left the address (with my partner) so they know where I am and I've got a couple of code phrases. I also say to them (partner – on the phone) I will check in at the usual time again, without saying when that (time) is. They (the client) know I have to check in again, so I've got control again.

Phoning a friend or partner was also a strategy adopted by some independent escorts to confirm their safe arrival at, and departure from, a hotel with a client. Attracting public attention in a hotel setting was also a safety method employed:

In a place like a hotel it's not in their (the clients) interest (to be aggressive) because I wouldn't have any qualms about making a great big commotion, that reflects more on them than me.

An equal degree of caution was adopted by some independent escorts when seeing clients in their own home. These included having another individual, a housemate or partner, at home when a client was present and having objects which could be used as weapons hidden throughout their home:

Even when people (clients) come to mine (home) it's always a threat ... anytime I have people there I would have my flatmate in the next room so I always feel more secure.

I feel safer in my own home as I am in control there and I know where all the hidden weapons are for safety sake.

## **Personal Safety, Type of Prostitution and Location for Prostitution**

Male prostitutes described how they considered some places less safe than others. Three locations were repeatedly referred to by men as being least safe for prostitution: a client's home, a client's car and male cruising areas.

Men frequently viewed being in a client's home and being driven by a client, to what was often a remote and secluded location, as the two settings in which their safety was compromised most. The former setting was frequented by both men who rented and escorted, while the latter was used solely by men involved in street prostitution:

There has always been a lot of physical abuse in renting and even in escorting, not so much in your own home, but going out to other people's houses. There has always been the chance of getting physically beat up and it does happen.

I'm scared something might happen to me especially when I go away (in a client's car). It's at night, and you go away with somebody really private, like away out (of the city), and it's just a wee place that's really dark.

Feelings of unease and apprehension were expressed by men who rented in cruising areas. Many men who rented, and therefore frequented cruising areas, expressed feelings of unease and apprehension when in these locations:

Most people are scared (on the streets) I feel nervous when I go out (to rent).

You have to watch your back all the time, some people (male prostitutes) will try and take advantage of you.

Such feelings were generally attributed to incidents of attacks on cruising men and the poor lighting and visibility in some cruising areas:

People have been slashed and beaten badly there (cruising area) ... it frightens me.

Around xxxx (cruising area) there's a lot of gay bashings, remember that tourist nearly got scalped one time a couple of years ago?.

I was up in xxxx (cruising area) and that's really scary because it's like really dark, you don't know what's going on in there (graveyard) cause there's that many places people could come from ... those crypts there's loads of them.

While men involved in street prostitution partly attributed concerns for their safety to the locations in which they met their clients, a number of independent escorts also believed that men who rented on the streets placed themselves in greater danger than independent and agency escorts:

I don't go up to the cruising areas and say 'yeah, I'll do whatever' because I am very conscious that you are very exposed. You get men that are homophobic, who have some sort of grievance and they might knife you for example, or you might go back to their place, or you're in their car. They've got control, they could pull out a knife on you and that sort of thing.

The rent boys do have a much harder time and a more dangerous time, they are out on the streets, out in the open. Whereas most (independent) escorts advertise in the comfort of their own home and nobody knows where they live, it is very discreet.

Independent escorts frequently saw their form of prostitution as being safer than renting, something which they attributed not only to where they met and had sex with their clients, but also to the type of clients whom they saw:

I think the sort of clients I tend to see are generally a bit different from what a lot of rent boys see ... I provide a very professional service rather than just sex ... I trust and feel safe with most of my clients ... they (clients) are very different to the clients the rent boys see.

One independent escort stated how he would never, unlike those men who rented, consider picking up a client in a cruising area:

I'm not an escort that will go up to a cruising area for gay men and offer myself very cheaply. I tend to go for the higher end of the market where it's people that have got money to pay, good money ... people who are more decent, more trustworthy ... choose my clients very carefully ... there are some shady characters that hang about cruising areas.

Two indoor locations, a male prostitute's home and hotels, were viewed by many men as more safe locations. The former setting was used predominantly by independent escorts, while the latter was used by both independent and agency escorts.

Having a client come to their own home gave some men an enhanced feeling of power and control due to the familiarity of their surroundings:

I would normally speak to a client (on the phone) and offer for them to come back to my place ... it works out better for me to go back to mine, I'm secure and I know where I am.

Most of my clients come to mine. I did a few hotel calls a couple of months ago. I would restrict my out calls because there's too much danger involved in doing out calls. Even at my age (30 years of age) and experience I am a bit hesitant unless I know the person.

A hotel was seen as a safer location for prostitution as other members of the general public were easily accessible, some men therefore felt that a client was also more likely to 'behave'.

### **Compromising Personal Safety**

While many men believed that the type of prostitution they were involved in, who their clients were, and where they met and had sex with them, influenced their personal safety, a number of male prostitutes also felt that they had further compromised their own safety through their excessive use of drugs, gas, glue and alcohol:

I'm sometimes out of my face on drugs so I won't remember (what clients he's had) ... I do remember getting into cars and stuff like that, but see, sometimes



I've been in punters (clients) cars and they've said I've been there before and I've thought I've never seen you before ... that scares me ... I'm probably in more danger when I'm on drugs.

However, while some men believed that they had compromised their personal safety through taking drugs, alcohol and substances, they also felt that without their use and consumption they would be unable to prostitute themselves:

I used to drink a lot (before going out to rent!), say a bottle of vodka ... I had to, to deal with it (involvement in prostitution) ... if you're in a proper state of mind it can be absolutely terrible, you just kinda have to be NOT sober.

### **Mental and Physical Health and Experiences in Prostitution**

Alcohol, drug and substance misuse and poor mental health were attributed by a number of men to their experiences in prostitution:

I take my glue out with me ... just to keep me going, like when I go out doing punters I always take it out.

I suppose it's (taking drugs) is a way of coping because I don't like what I do.

I still have a lot of memories and a lot of flashbacks and bad dreams about things in the past. It (involvement in prostitution) definitely affects you mentally.

I'm not the person I was, it (prostitution) messed me up (mentally).

A number of men described how they had repeatedly self harmed and attempted to kill themselves as a result of events in prostitution:

I thought of suicide at 24. I saw a shrink and that's all I'm going to say about that.

I tried to slit my wrists ... it was because of the rapes (committed by clients). I was thinking about everything that had happened in my life, it all got too much.

MP: I used to do that (self harm) a lot

Researcher: Why do you do that?

MP: To deal with the anger, I don't know how to deal with pain, the pain of everything ...

## Summary

Personal safety is an important issue and concern to men involved in prostitution, with the majority of men having been the victims of verbal, physical and sexual attacks. Those men who had not been attacked attributed this wholly to luck.

It is clear that male prostitutes are exposed and vulnerable to violence from a variety of individuals, from their clients and the organisers of prostitution, to other male prostitutes and the general public. While prostitution was generally regarded as a risk taking practice, renting and participation in organised prostitution, in particular in brothels and involvement with paedophiles, were viewed as the more dangerous areas of prostitution. This was variously attributed to – the location for prostitution; client numbers; client type; and the organisers of prostitution themselves.

Acknowledging the potential dangers involved in prostitution, a number of precautionary measures had been adopted by the majority of men. While almost all respondents referred to seeing regular clients and using their intuition, safety precautions, other than regulars and ‘*gut instinct*’, varied among men according to the environment in which they were involved in prostitution and the type of prostitution they were involved in. While the majority of men appeared aware and concerned for their personal safety during prostitution, this was often as a direct result of their adverse personal experiences in prostitution and not as a result of safety information and advice received. While professional safety information and advice was extremely limited, many men referred to a need for its availability both at point of entry into prostitution and throughout their duration of involvement in prostitution.

A major concern in terms of male prostitutes’ safety is their drug, substance and alcohol use. A number of men who used alcohol, drugs and substances during prostitution reported being unable to recall the clients they had been with. This is clearly an area of significant vulnerability for the male prostitute, however a number of men stated that without the ‘numbing’ effects of drugs, substances or alcohol they were unable to prostitute themselves. Indeed, alcoholism, drug and substance misuse, in conjunction with poor mental well being, which in some cases had led to repeated incidents of self harm and attempts to take one’s life, were often attributed to, and exacerbated by, experiences in prostitution. Another concern is the use of drugs and consumption of alcohol by clients of male prostitutes. In some cases a client’s use of drugs and alcohol had led, or contributed to, incidents of physical violence and verbal aggression against a male prostitute.

In terms of prostitutes reporting incidents to the police, there was a general negative attitude and distrust towards the police, as a result, no incidents that had occurred during prostitution had been reported to the police. Many respondents stressed the need for a change in the policing of street prostitution and expressed their concern that if positive changes did not occur, male prostitution would increasingly become more covert, which, in turn, would increase the dangers involved for men

involved in prostitution and would damage outreach workers efforts to bring health and safety services to male prostitutes.

To conclude, the personal safety of male prostitutes is an area which continues to be under researched and one which requires further in depth study in order to obtain a fuller picture and understanding of the risks involved in prostitution, the measures taken by men to reduce the incidence of verbal and physical violence and the impact of experiences in prostitution on men's mental and physical health.

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SECTION II  
The Management of Street  
Prostitution

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## Chapter 7

# They Get What They Deserve: Labour Rights for Sex Workers

Marjan Wijers and Marieke van Doorninck

Sex workers from all over the world have to deal with bad working conditions, stigmatisation, discrimination and marginalisation. Women, men and transgenders working in the sex industry are often subjected to abuse, violence and exploitation. It is a common belief this is due to the nature of this work. The abuses sex workers face are believed to be inextricably bound up with sex work itself. This chapter argues that the poor position of sex workers all over the world is caused by the exclusion of sex workers from civil and human rights, often as a result of the illegal status of the sex industry. The first part of the chapter critically examines the current legal approaches towards sex work and offers an alternative, based on the recognition of sex work as work and the protection of sex workers rights. The second part, as an example, discusses the case of the Netherlands, where the sex industry was decriminalised in 2000.

### **The Current Legal Approaches**

Most of the existing legal approaches to prostitution are based on the moral rejection of prostitution and are designed rather to protect society from either prostitution itself or the negative side effects, than to protect prostitutes from abuse or violence. All regimes have their own impact on the working and living conditions of men and women in the sex industry. Three main legislative models can be discerned. Traditionally they are classified as the ‘prohibitionist’, ‘reglementation’ and ‘abolitionist’ model. We follow that distinction, though it should be kept in mind that reality is much more blurred and that actual regimes may combine elements of different models.

#### *The Prohibitionist Model*

The most repressive legal regime is the absolute prohibition of prostitution. Prostitution is seen as deviant or criminal behaviour, for which sex workers need to be punished or forcibly re-educated. All activities related to prostitution are prohibited and all parties involved are criminalised, including the sex worker her or



himself. Although this type of legislation purports to eliminate prostitution there is no evidence that countries where prostitution is outlawed have been even remotely successful in achieving this aim. Rather than to eliminate prostitution, the illegality of prostitution as such renders sex workers fully dependent on third parties. Since they have no legal protection at all – because they themselves are liable to arrest and prosecution – they find themselves in the complete power of brothel owners, pimps and middlemen on the one hand, and police officers and court officials who are willing to turn a blind eye in exchange for money or free sexual services, on the other. This makes prostitution a very lucrative source of income for all involved parties, with the exception of the sex workers themselves.

### *Reglementation Model*

In the reglementation approach, prostitution is considered to be an inevitable or even necessary evil. The existence of prostitution is more or less accepted, but at the same time considered a threat to public health and order. To protect society against the dangers of this ‘necessary’ evil, prostitution is controlled through reglementation and various state sanctioned measures in the interest of public order, public health, public morals or public decency. Although their work is not illegal, sex workers are not given legal rights as workers, neither does the state take responsibility for their working conditions.

Regulation generally takes place through different forms of mandatory registration and other methods of state control. These include mandatory medical checks to protect ‘public health’, prohibitions on working outside certain areas or places, prohibitions regarding soliciting, and regulations on nationality and residence status, often with corresponding penalties for women who fail to comply with those regulations, such as fines or imprisonment. Apart from its general stigmatising and marginalising effects, especially mandatory registration tends to create a distinction between ‘legal’ and ‘illegal’ forms of prostitution. Many sex workers do not want to register because they fear the stigmatising effects. Others cannot register because of their illegal status, like most migrant workers. In both cases they end up in an illegal circuit with all the negative consequences this entails.

### *The Abolitionist Model*

The laws of the majority of countries are based on what could be called the abolitionist model. Within the abolitionist view sex workers are not seen as deviants or criminals, but as victims. Prostitution is seen as ‘incompatible with human dignity’ or – in more contemporary feminist language – as sexual exploitation of women and a violation of women’s human rights. The underlying idea is that no woman in her good mind could ever freely choose to work in prostitution. Prostitution exists because brothel-keepers, pimps and traffickers lure women into prostitution to profit from her earnings. Therefore the abolition of prostitution and the protection of women against

this evil can best be achieved by penalising anyone recruiting for, profiting from or organising prostitution and sometimes also those who buy sexual services. The sex worker herself is a victim and thus should not be penalised, but rescued.

All activities of 'third parties' such as recruitment for prostitution, managing a brothel, renting of premises for prostitution, procurement and living off the earnings of prostitution are illegal.

This places sex workers in a profoundly ambivalent legal position. Although not forbidden, it is well-nigh impossible to work as a sex worker, since any type of work requires some form of organisation, such as renting a working place, bringing in customers and co-operation with colleagues. The law itself deprives sex workers of crucial means of assuring an income, for example facilities to recruit clients, to advertise, to hire accommodation, or to conclude labour contracts. Even the improvement of working conditions (such as good sanitary equipment or the supplying of condoms) may be considered in law as 'promoting' prostitution. Though meant to protect prostitutes, the impact of such anti-prostitution legislation on sex workers invariably is a combination of isolation, stigmatisation, marginalisation and social exclusion. The prohibition of any legal organisation of prostitution encourages its association with (organised) crime, while at the same time making it difficult for sex workers themselves to organise. Prohibitions on living off the earnings of prostitution reinforce the social isolation of prostitutes by making it difficult or impossible for them to live and share an income with other persons, including their partners, family or children, as these may be charged with pimping or living off the earnings of prostitution.

However, although most EU member states formally prohibit any 'exploitation of prostitution', in practice most countries have more or less extensively regulated prostitution, thus combining abolitionist legislation with a regulatory practice. Some countries also have provisions, either under criminal or administrative law, referring to the *status* of being a sex worker ('a common prostitute'), which touches on the prohibitionist model.

### **What's Wrong with the Current Legal Systems?**

None of the described legal approaches, whether they criminalise, regulate or victimise sex workers, have shown interest in the rights or the working and living conditions of sex workers. Although designed to either eliminate or control the sex industry, in practice, rather than eliminating prostitution, they have driven it underground where it flourishes in an illegal and informal but tolerated subculture. As a result sex workers find themselves in an extremely vulnerable position, in which they can be abused, violated or exploited with impunity. Moreover, next to the abuses within the industry itself, sex workers often face state abuses, such as police extortion and arbitrary detention. Many of the abuses sex workers suffer are similar in nature to those experienced by others working in low status, unprotected

or semi-protected jobs in the informal sector. A fundamental difference, however, is the stigma attached to prostitution, which excludes them from society and impedes them in publicly asserting their rights.

### *Labour Approach*

All legal approaches are based on the assumption of the moral reprehensibility of prostitution. Prostitutes are either seen as a dangerous species, for which they need to be controlled, or an endangered species – victims – for which they need to be rescued. In both cases they are not considered to be bearers of rights, nor as legitimate partners in the debate. In order to develop a legal system that ensures the protection of sex workers' rights, these assumptions need to be challenged. Where societies have defined prostitution as a crime, a deviancy, a necessary evil or sexual abuse, sex workers throughout the world define it as work, an economical activity, labour or a profession.

If we are willing to define sex work as work, a whole new range of instruments to combat violence and abuse in the sex industry opens up. By treating sex work as labour, the same instruments that have been developed to repress abusive and exploitative conditions in other industries can be used to curtail the malpractices in the sex industry: labour laws and labour emancipation. Whereas over the last hundred years labour law has increasingly provided other workers with protection against abuse and exploitative working conditions, sex workers have been excluded from this process. This has left sex workers without legal protection and workers rights and has kept brothel-keepers in a position of power.

Labour emancipation is the most effective instrument to change the power-balance between sex workers and brothel-keepers. If labour law were applicable in the sex industry, sex workers could legally conclude civil and labour contracts, they could sue abusive employers and clients, they could insure themselves against the consequences of unemployment or illness and they would be entitled to state benefits and pensions. All these measures are common to regular professions.

### **Necessary Legal Changes**

In order to ensure sex workers equal protection of their human, civil and labour rights as other citizens and workers enjoy, we need to challenge the very principle of regulating the sex industry under criminal law. Sex workers should be entitled to the free choice of work, the right to safe working conditions, the right to be protected from violence and abuse, the right to organise, or indeed any of the commonly accepted labour and human rights. This is not possible as long as states do not define prostitution as work, but simply as unlawful or criminal activity. Therefore all national legislation which, in intent or in practice, results in placing sex workers outside the protection of the law should be repealed.

The first step in this process is to make the distinction between sex work as a consensual activity between adults – which should be outside the criminal law – and acts of violence and abuse or the involvement of minors – which should be inside the criminal law.

What legal steps follow from this? In the majority of European countries sex work itself is not illegal but all related activities, such as soliciting, loitering, advertising or renting an apartment, are. As argued, this puts sex workers in the ambiguous situation, in which they are technically allowed to sell sexual services, but in practise not able to perform their work legally, because all activities connected to it are illegal, and thus expose them to criminal (or administrative) prosecution. Solving this ambiguity by decriminalising sex workers' activities to actually practising their work is the first legal step to take.

Along with prohibitions relating to the working activities of sex workers themselves, the criminal codes of almost all states contain prohibitions on the involvement of third parties. These can take various forms: from the prohibition on brothel keeping, procuring or pimping to living of the earnings of prostitution or letting out an apartment for prostitution, usually without regard for conditions of force or consent. Repealing these prohibitions would allow sex workers to legally rent a working place, to have somebody else run an errand to get condoms, to protect their safety by working together without the one being charged for pimping the other (as in France when two sex workers hire an apartment together) and to have a family and raise kids, without their husband or adult children being prosecuted for living of the earnings of prostitution. It would also allow to legally run a brothel or other forms of sex businesses. To be totally clear: we are discussing here the organisation of prostitution on a consensual basis between adults. Coercion, violence, abuse, sexual harassment and rape should be as punishable in prostitution as it is in any other business or labour relationship.

A connected step would be the recognition of sex work as work, with all the rights and obligations attached to it. That is: regulating labour conditions and labour relations in the sex industry under the same laws that apply to other industries. In some jurisdictions, like the Netherlands, removing the prohibition on brothel keeping, and thus actually decriminalising the sex industry, automatically brings sex work and sex businesses under the scope of labour law, including labour rights for sex workers. In other jurisdictions this might not automatically be the case. The recognition of sex work as labour creates the conditions to enhance sex workers self determination, minimises the need for pimps, and enables sex workers to perform their work in the way they choose.

What we try to make clear is that when discussing decriminalisation, it is important to be precise about what exactly one wants to decriminalise, that is to remove from the criminal law. The prostitute herself, sex work related activities (like soliciting), the third parties who are involved in organising sex work (like the owner of a brothel), the persons profiting from the income of prostitution (the brothel keeper, the 'pimp', the partner or children from the sex worker), or

the client? As an equivalent to decriminalisation often the term 'legalisation' is used. This is confusing. In many cases this only means increased state control of prostitutes through registration, mandatory medical controls, the designation of 'tolerance zones' or the establishment of state regulated brothels, while at the same time sex work keeps being regulated under criminal law and sex workers are not entitled to workers' rights. We will therefore use the word decriminalisation instead of legalisation, though evidently the result of decriminalisation is that acts which were previously criminalised, meaning illegal, will become legal.

Of course, it can be argued that some kind of regulation of sex work and the sex industry is needed, in line with the regulation of other occupations, but this should be done under labour, administrative or civil law and not under criminal law. Moreover, it is important to stress that regulation should not mean the regulation of sex *workers* (f.i. through mandatory medical testing or registration) but the regulation of sex *work*, that is working conditions and relations.

If labour laws are seen as the best means to improve working conditions and protect workers against labour abuses and abuse of power by employers – which is the driving force behind the development of labour law since the industrial revolution – the industry has to be legal. Although for many among us the idea of completely independent sex workers who have no formal or informal connections with third parties is the ideal structure for sex work, this is not reality. Most sex workers work for agencies, brothel owners or rent their working places from landlords. As long as those parties and working places are illegal, labour laws cannot be implemented.

This makes the discussion on decriminalisation of the sex industry much more complicated than the discussion on the recognition of sex work as labour.

States will have difficulties with decriminalising an industry that is morally rejected and that for centuries has operated in an illegal and, to some extent, criminal subculture. But also large groups of sex workers have their doubts. Decriminalisation of the industry will inevitably lead to regulation of the industry, with all the state control this entails. Undocumented sex workers will not be allowed to work in the legal brothels, nor will they be able to legally rent workplaces. States or local authorities can put maximum quota on the number of prostitution businesses, or restrict businesses to certain areas. Although the advantages of a legal industry are evident, the disadvantages are numerous and not thoroughly examined.

### **Case Example of the Netherlands**

The development of such a labour approach can be observed within the new legal framework in the Netherlands. The ban on brothels, which existed during most of the 20th century, was lifted in 2000. This allowed regulating the sex industry under administrative and labour law and the treatment of sex work as labour.

In the last decades of the 20th century, the Dutch sex industry had already developed from an underground small scale business into an openly manifested and

tolerated but still illegal industry. Although officially prohibited, since the late 1970s brothel and window owners were not prosecuted as long as no (evident) violence, abuse or minors were involved and public order was not disrupted. Political pragmatism made it possible to see the sex industry not so much as a moral issue but as a social phenomenon. In practice this meant that as long as prostitution did not disrupt ordinary life in a residential area, brothels, shop windows or sex clubs were allowed to exist openly. It is important to note that this practice of tolerance was official policy, and not just an individual policeman or civil servant turning a blind eye.

This pragmatical approach towards prostitution, though, is less exclusively Dutch than is often presented. All around the world prostitution businesses are passively or actively tolerated. All major cities have a red light area and in most Western countries governments support health prevention projects for prostitutes. What makes the Dutch different from most other countries is the political will and the public support to formalise this policy of tolerance.

## **Public Debate**

The system of tolerance with regard to brothels and private houses worked satisfactory for a long time. It constituted a flexible answer to the question of how to contain an undesirable but ineradicable social phenomenon. As long as the sex clubs or window brothels were not causing too much trouble, the city councils could ignore them. The club owners could practically do as they pleased, as long as public order was respected. As their (illegal) business officially did not exist, compliance with the rules that apply to other entrepreneurs was not necessary, nor did labour law restrict their power over the workers.

When in the 1980s the sex industry grew bigger, local administrators began to realise that their towns accommodated a substantial economic sector on which they had very little influence. The structure of prostitution had become so complex that its regulation badly needed more precise instruments, but existing laws had very little to offer in this respect. This dilemma for local policymakers marked the start of the public debate on the decriminalisation of prostitution, along with the second feminist wave, which put women's right to self-determination and sexual violence on the agenda and started to question long cherished stereotypes of decent women and those who were not, of innocent women and guilty ones.

As a result of the sexual revolution in the 1960s and 1970s, the moral attitude towards prostitution had changed, as well as the attitude towards the state as the keeper of its citizens' morals. Prostitution was still not considered proper behaviour, but it was no longer seen as sexual abuse per se (or deviant behaviour). Prostitutes were not necessarily victims. The idea of self-determination could also apply to prostitution and the right of women to have control over their own body could also give them the right to sell sex. A prostitutes' union was founded that campaigned for

the recognition of prostitution as a job and for protection through labour laws. At the same time, the feminists and activists-prostitutes drew attention to the exploitation of migrant prostitutes who often were working under slave-like conditions and called for harsher penalties for trafficking in human beings.

This debate was the cradle for the Dutch approach towards prostitution; a sharp division between voluntary prostitution and involuntary prostitution, between consent and coercion. If a man or woman considers prostitution an option to earn a living, he or she should be able to work under proper conditions and should have the same right as any worker has. If a man or woman is forced into prostitution or faces violence, abuse or deceit in the course of the work, the law should protect him or her.

In order to indeed give prostitutes the same rights as others workers the ban on brothels had to be lifted. In order to protect victims of trafficking the penalties had to increase and social measures had to be taken. And for, in particular, the big cities the ban on brothels had to be removed in order to enable them to regulate a growing industry without running the risk of being accused for involvement with criminal activities. So, three interests coincided.

### **Criminal Code and Social Measures**

In 1993 a bill combining these three elements was brought to parliament, be it that the proposal on lifting the ban on brothels was half-hearted. The ban would be removed from the national criminal code, but on city level councils would get the authority to reinstall the ban. This construction was designed to accommodate both the big cities, which needed better instruments to regulate the sex businesses, and the smaller and more conservative towns that did not want to officially allow brothels within their town borders. The combination failed, but the trafficking part was adopted. Instead of the undefined prohibition on 'trafficking', from then on the criminal code specifically prohibited bringing or keeping somebody in prostitution by means of violence, deceit or abuse of authority (to be punished with a maximum penalty of 6 years imprisonment). Already in the years before several measures were taken to facilitate the prosecution of traffickers and to protect victims. In 1988 a special ruling was inserted in the immigration law holding that in the presence of the 'slightest indication of a woman being victim of trafficking' she should be allowed a reflection time of maximum three months to consider pressing charges. When she decides to do so, she is allowed to stay in the Netherlands until the criminal proceedings are completed. During the reflection period she is entitled to safe shelter, legal advice, and social security benefits. When she presses charges, a residence permit is granted for the duration of the investigation, the prosecution and the trial, including an appeal.

## **Decriminalisation and Legalisation**

Four years after the combined attempt failed, a new draft to decriminalise brothels was presented by the Minister of Justice. This bill was accepted, by Parliament in February and by the Senate in October 1999. Since October 2000 the Dutch Penal Code no longer treats organising the prostitution of an adult female or male person as a crime, provided it is done with the consent of the prostitute. This means that it is legal to operate a brothel or to organise the prostitution of others, when it takes place on a consensual basis and involves adult persons (i.e. persons above 18). At the same time the prohibition on the use of force, deceit or abuse of authority in relation to prostitution was sharpened. The criminal law (now art. 273f CC) prohibits:

- *Any* involvement, recruitment or exploitation of minors (< 18 year) in the sex industry, independent of conditions of coercion, deceit or abuse of authority.
- *Any* use of coercion (threat with) violence, deceit or abuse of authority in relation to adult persons, both with regard to conditions of recruitment and conditions of work; and/or profiting from the prostitution of another person under the aforementioned conditions.

According to the Parliamentary papers, the abolition of the ban on brothels served six major aims:

1. To control and regulate the organisation of consensual prostitution.
2. To improve the prosecution of involuntary exploitation.
3. The protection of minors.
4. The protection of the position of prostitutes.
5. To combat the criminal activities related to prostitution.
6. To combat the presence of illegal aliens in prostitution.

In fact the amendment only removed (part of) the old article on prostitution from the penal code, There was no new national prostitution law. Prostitution policies are the responsibility of the local authorities. Cities are free to choose their own way of dealing with prostitution businesses, although a complete prohibition is not possible. In the majority of municipalities the sex industry is regulated by an (administrative) system of licences. Brothels are subjected to a licensing system by city bylaws and have to meet certain standards concerning city planning, hygiene, fire safety and management. Several municipal services are responsible for checking the conditions of the licence under which sex businesses are allowed to operate. One category of these conditions deals with city planning, for instance no brothels near schools or churches, another with the conditions of the building, such as safety and sanitary conditions, and the third with the type of management: no forced drinking, no unsafe sex, no minors and no undocumented workers. If an owner has a criminal record a license is refused. If an owner violates the requirements, the brothel can eventually be



closed under city ordinance, which offers much easier and more effective sanctions than the criminal law.

The major difference between the traditional regulation of prostitution and the Dutch situation is that the former is focused on the regulation of sex workers while the latter is focused on the regulation of the businesses, while according workers' rights to the workers. In the Netherlands individual sex workers do not have to register and do not have to submit to mandatory health checks. Sex workers are entitled to the same rights as others workers have and the state takes responsibility for their working conditions. On the other hand, sex workers also have the same responsibilities that other workers have, like paying taxes.

## **First Results**

The overall goal of the new legislation is the normalisation of the prostitution sector in the Netherlands. Prostitution should become a more or less integrated, accepted part of Dutch society. However, normalisation and integration are not something that can be achieved by simply changing the law. It's a process. But it is a process that needs a government and local councils that are willing to provide guidance and stimulation. Not only to control and regulate, but also to support the labour emancipation of sex workers and to actually improve their position. Moreover, it requires translating labour and other applicable laws (for example tax law) to the particular situation of the sex industry.

In the first six years after the change of law the national government and the local governments have much concentrated on the implementation of the licensing system, the tools to control and regulate the sex industry. This has worked rather well. On the whole the regulation of the industry has been successful. Most brothel owners have, although sometimes reluctantly, adjusted themselves and their businesses to the new regulations and most local governments have set up a fairly good working control system. The entrepreneurs who were not willing or able to comply with the rules have either sold their businesses or their licence has been taken. In general, the legalisation has led to a decrease in the number of sex businesses in the Netherlands.

Especially in those cities where, preceding the lifting of the ban on brothels, civil servants have invested in setting up good working relations with the local sex industry entrepreneurs, this process has developed relatively easy, compared to those towns where the sex industry kept being approached with distrust.

But the government has been much more reluctant to explore the opportunities to offer the sex industry and sex workers their legal place in society. So far the new possibilities that decriminalisation has offered are mainly used to develop new instruments for control and regulation of the sex industry, rather than to take positive measures aimed at sex workers to improve their position, to develop and introduce labour standards in the sex industry, to regulate labour relations, to support the labour emancipation of prostitutes and to lift existing discriminatory practices of

both public and private institutions (such as the denial of access to social benefits and refusal by insurance companies and banks to accept sex workers as clients).

### **Position of Sex Workers**

The new local regulations on prostitutions businesses have improved the physical working conditions of sex workers. Working places now conform to the standards required in other industries. On the aspect of labour rights, however, much work still has to be done. Unlike in the sex industry, most other industrial workers are in a position to claim their rights and labour issues as a matter of employer–employee negotiations, often in the form of collective bargaining and collective (labour) agreements. Large and influential labour unions defend the rights of their members, and a large part of both employers and employees are organised. The difference is that most industries have a history of more than a century of labour emancipation, while the emancipation of prostitutes has only just started. In most cases working conditions are still poor and the power relations between employers and employees are far from equal. As long as the position of prostitutes vis-à-vis brothel owners as well as society is not strong enough to stand up for their rights, it ought to be the government's responsibility to create the opportunities and conditions for prostitutes to work on their emancipation.

One of the important tasks for the government and governmental institutions is to inform sex workers about their rights and obligations in the new situation. As long as sex workers are not aware of their rights, they cannot claim them. On the other hand, sex workers have also been reluctant to openly do so, as they fear stigmatisation once they give up their anonymity. For the majority of sex workers the benefits of working legally, including paying taxes but also being protected by labour laws, are still not clear or appealing. Some progress has been made, for example the tax department, together with sex workers organisations, is developing information materials for sex workers, not only about paying taxes but also on working relationships and labour protection. However, on the whole, little effort has been made to inform sex workers.

Another obstacle to the labour emancipation of prostitutes is the fact that, at the lifting of the ban on brothels, most municipalities maximised the number of licenses. In practice this has meant that licenses have predominantly been given to existing brothel keepers, thus blocking any possibilities for innovation in the legal sector, in particular the establishment of small brothels run by women themselves. In general, due to the introduction of the licensing system and increased control, the possibilities for women to work independently at home or in small women-owned brothels in apartments have decreased.

Moreover, little effort has been made to involve sex workers in the development of (local) policies and to redress the (historically) unequal working relations in the sector. In the implementation of the licensing system, little attention has been paid

to the interests of the women concerned, for example in protecting their privacy and maintaining their anonymity in relation to brothel keepers. Another problem is the lack of clarity about working relations, notably under what conditions one can speak of independent, self employed workers vis-à-vis an employment relation. In the latter case it is unclear what duties and rights are attached to the employment relation in light of the specific characteristics of the work and in particular the right to physical and sexual integrity. As a result of this, a substantial number of women prefer to work in the unregulated sector as they feel that the regulated sector does not meet their needs and interests.

In addition, even if in theory prostitutes have more rights, in practice there are still multiple barriers to actually claim those rights, both vis-à-vis their employers or brothel operators and vis-à-vis the state. Although, for example, prostitutes are officially entitled to social security if they get fired or become unemployed (assuming that there is an employment relationship), over the last years only a few prostitutes claimed and obtained unemployment benefit. The difficulties prostitutes face in claiming their rights are partly due to the unequal power relationship between the owners or operators of clubs/brothels and prostitutes, but also to the stigma on prostitution and the fact that many prostitutes, given a history of being policed rather than protected or supported by the state, are not used to think in terms of rights. All these factors act as barriers for women to organise and defend their rights.

### **Migrant Sex Workers**

The position of migrant sex workers is even more difficult. For many years the presence of migrant sex workers was more or less tolerated in the Netherlands. Some of them had reasonable control over their working situation, others were victims of trafficking and forced to work under conditions resembling slavery. In some cases they were forced into prostitution, in other cases they made their own decision to migrate to Western Europe to work in the sex industry hoping to provide a better future for themselves and their families. In both cases, however, their illegal status made them more vulnerable for exploitation and abuse, especially in a sector that was already illegal in itself. The legalisation of the sex industry and the recognition of prostitution as labour provided a chance to improve also their situation and better their protection against exploitation and abuse. As stated before, in an industry where labour standards apply and that is transparent and open, violent and abusive conditions can more easily be identified.

However, despite the fact that it has been estimated that at the time of the lifting of the ban more than half of the prostitutes working in the Netherlands came from non-EU countries, the government decided to maintain the prohibition in the Migrant Workers Act on the issuing of working permits for work in the sex industry. This effectively makes legal labour migration for the sex industry impossible and excludes migrant prostitutes from the protection their Dutch

colleagues enjoy. This prohibition of course did not stop women and man who are determined to migrate from coming to the West. But because the legal industry is closed for them, they have to work in the illegal and unregulated sex sector, with all consequences entailed.

As noted in the 2002 evaluation of the lifting of the ban on brothels, one of the effects of the legal change is a growing division in the sex industry between, on the one hand, a legal and regulated sector in which the position of (Dutch) prostitutes is slowly improving, and, on the other hand, an illegal, unregulated and unprotected sector, where in particular, minor, illegal and trafficked prostitutes work. Due to the impossibility of obtaining a legal working permit, migrant prostitutes are per definition relegated to the illegal and unprotected sector. According to the 2002 evaluation report, the latter is characterised by ‘a lack of supervision and poor accessibility for social and health workers, as a result of which these prostitutes are extra vulnerable to exploitation and their position has worsened rather than improved. They run a greater risk of being confronted with coercive situations, whether or not accompanied by abuse and threats’. Other research confirms that the exclusion of migrant prostitutes from obtaining a legal working permit makes them more vulnerable to exploitation and other forms of violence than if they could legally perform their work.

This does not mean the ban on brothels should be reinstated. Rather, it suggests that the principles and aims underlying the abolition of the ban – *in casu* the improvement of the position of prostitutes and the treatment of prostitution as work – should also be applied to the position of non-EU migrant prostitutes. In this context, the question could be posed whether the exclusion of migrant prostitutes from the legal sex sector is in conformity with Art. 6 of the Women’s Treaty, which obliges states to take all appropriate measures to suppress trafficking in women. Moreover, it could be questioned whether it is in conformity with Art. 11 of the Women’s Treaty (equal treatment in employment) to exclude prostitutes from the possibility to get a work permit, given the fact that predominantly women work in this sector. Recognition of the special character of prostitution as work should not be used to exclude migrant prostitutes from the protection national prostitutes enjoy. Rather, ways should be found to adapt existing laws to this specific situation, in the same way as has been done and is still done for other specific professional groups. Lifting of the prohibition on the issue of working permits would contribute to reducing both the number of undocumented migrant prostitutes and their vulnerability to violence, abuse and exploitation by brothel keepers and clients. It would make it possible to check the situation of migrant sex workers beforehand (to make sure they are not forced into prostitution or working for a pimp) and to monitor their working conditions. This would leave the people running the unregulated and sometimes criminal businesses empty handed.

## The Way Forward

Up till now the focus of the national and local governments has been predominantly on the implementation of a system of controlling and regulating the sex industry. Now that this is accomplished, the government should also take its responsibility in supporting the empowerment and labour emancipation of prostitutes. This means concrete and practical measures to overcome existing barriers that prevent prostitutes from standing up for their rights, to protect their privacy in relation to brothel owners, to clarify labour relations in the sex sector, to increase possibilities for sex workers to work independently or in small women-owned brothels, to effectively develop programs for prostitutes who want to change profession and to combat discrimination against prostitutes. Not only because it is the right thing to do, but also because on the long run, the success of the decriminalisation depends on the actual improvement of the position of sex workers. When they feel that the legal industry has much to offer to them in terms of working conditions and labour protection, they will choose to work there instead of in the unregulated circuit. A good functioning legal industry is the best tool against the development of a criminal illegal circuit. Also from this perspective, it is imperative that migrant sex workers are included.

The decriminalisation of an industry that for so long has been illegal is not a just matter of changing the penal code, it is a process. The emancipation of sex workers, who have been excluded from civil and labour rights for centuries has just started. Lifting the ban on brothels is just the first step of a long and probably difficult road that lies ahead of us. But we firmly believe that it is the right way. No matter the obstacles, once people are given rights, they will eventually claim them.

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## Chapter 8

# From Entry to Exit – Tackling Street Prostitution

Marianne Hester

During the early 2000s the English Home Office funded 11 multi-agency pilot projects for up to two years to develop interventions aimed at tackling street prostitution. The aim of the projects was to reduce the number of young people and women involved in street prostitution, to reduce crime and disorder associated with street-based prostitution and to find out which interventions helped women to exit prostitution. In order to develop evidence of effectiveness and add to the Government's 'what works' agenda all of the 11 projects were evaluated independently and a meta-evaluative overview produced from the findings (Hester and Westmarland 2004). This chapter draws on the meta-evaluative overview of the tackling street prostitution initiative produced by Hester and Westmarland (2004), discussing main issues and key findings, from individuals' entry into prostitution to the enabling of their exit from it. Findings from the project evaluations suggest the need for a shift away from policing of women involved in prostitution and towards supporting women and young people to exit.

### **Introduction – The Government's 'Tackling Street Prostitution' Initiative**

The 11 multi-agency pilot projects funded by the Home Office to develop interventions aimed at tackling street prostitution were located within the Office Crime Reduction Programme (CRP). The CRP was part of the government's crime reduction agenda in the wake of the Crime and Disorder Act (1998). The Act, building on the Morgan report (1990) recommendations that crime control and community safety should be devolved to local authorities, emphasised the tackling of crime and disorder at a local level and involving local multi-agency partnerships (Matthews and Pitts 2001). In addition, the 'tackling street prostitution' initiative drew on the increasing understanding that while street prostitution may create problems related to policing and enforcement it is also necessary to consider welfare needs of those concerned – evident where arresting women involved in prostitution for soliciting without at the same time providing support merely created a 'revolving door' with the women going back on the streets to pay their fines (McKeganey and Barnard 1996). Earlier studies had also identified that kerb crawlers and men living off the earnings of those



involved in prostitution were often ignored in approaches to prostitution (Matthews 1993; May et al. 2000), and some of the projects focused on this aspect.

Where children and young people are concerned, involvement in prostitution has shifted in recent years to being seen as a form of child abuse. This is reflected in the *Sexual Offences Act 2003*, which for the first time makes it a specific criminal offence to buy sexual services from a child. There has also been guidance on use of inter-agency approaches that incorporate recognition of the problem of child prostitution; protecting and supporting children; providing exit strategies for those involved; and effectively prosecuting those who coerce and/or abuse children (DoH/HO/ DfEE 2000; and see Cusick 2002). Some of the projects developed prevention and/or support approaches within this framework, using a welfare approach in relation to young people.

Overall the 11 CRP pilot projects incorporated a varied mix of prevention/diversion, enforcement and welfare/support approaches aimed at adults and young people. The findings from the meta-evaluative overview (Hester and Westmarland 2004) were used to inform government policy on prostitution, in particular *Paying the Price* (2004) and *A Coordinated Prostitution Strategy* (2006).

### *Evaluation*

For the purposes of evaluation the 11 projects were split into three groups based on the main interventions being implemented, although there was also some overlap as the projects tended to use a mix of interventions. The three sets of projects were:

1. *Protecting young people* – three projects in Bristol, Sheffield and Rotherham.<sup>1</sup>
2. *Policing and enforcement* – three projects in Bournemouth, Merseyside and Nottingham.<sup>2</sup>
3. *Support and exiting* – five projects in Hackney, Hull, Kirklees, Manchester and Stoke on Trent.<sup>3</sup>

The evaluations used a mixture of quantitative and qualitative methods and ‘realistic’ and action oriented evaluation approaches (Pawson and Tilley 1997; Clarke 1999). The key aim was to identify ‘what worked’ via an assessment of project design, implementation, delivery, impact and cost. As found by evaluators of other CRP

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1 Margaret Melrose at the University of Luton led this evaluation, carried out between April 2001 and July 2003.

2 Gillian Hunter, then at South Bank University, led this evaluation with Clarissa Penfold and Leela Barham, carried out between May 2001 and April 2002.

3 Marianne Hester, then at Sunderland University led the evaluation, with Nicole Westmarland, Lynne Harne, Val Balding and Cat Euler, carried out between October 2001 and July 2003.

projects (Kodz and Pease 2003) there were limitations on the extent to which it was possible to measure the impact of interventions and/or projects. For instance the evaluation periods started and ended shortly after the projects' funding period. Also, exiting from prostitution is not a linear process and may take a considerable length of time, and the evaluation period (one to two years) may not have been long enough to take this into account.

In the meta-evaluative overview (Hester and Westmarland 2004) the data from the 11 CRP projects was combined using detailed site reports and some of the raw data. Comparisons between different interventions in the projects were carried out where possible. They were contextualised in relation to the specified aims of each project area and measurement of whether and how far they had achieved these aims, definitions and other site specific issues.

Using CRP project monitoring data it was possible in the meta-evaluative overview to compile individual profiles for 333 of the women involved in prostitution who were in contact with the five 'support/exiting' projects (Hackney, Hull, Kirklees, Manchester and Stoke on Trent). In addition, project staff from the five 'exiting/support' projects compiled 23 case studies via interviews with women who were in the process of or had attempted to exit from prostitution and case files. From data supplied by the police to the CRP evaluation team for the 'support/exiting' projects profiles of 127 of the men who were picked up by the police for soliciting women involved in prostitution, were also compiled (Hester and Westmarland: Appendix 1).

In what follows some of the main findings from the meta-evaluative overview are discussed regarding: entry into prostitution, comparison of key project interventions, and the development of a model of 'needs and support'.<sup>4</sup>

## **The Women and Young People Involved in Prostitution**

There were strong indications from the CRP project profiles and case studies that the women in touch with the projects had become particularly vulnerable to involvement in prostitution through abusive and other critical life experiences during childhood that had resulted in undermining of their self-esteem and sense of worth.

The women, for whom such data was available, had mostly entered prostitution at a young age. Echoing Melrose et al. (1999) and Pearce and Roach's (1997) findings, just over three quarters of the women (76 per cent, 93/122) had first become involved in prostitution at the age of 21 or under. While the proportion who had been in care in this sample was lower than that found in earlier studies,<sup>5</sup> over a third had none the less experienced some form of local authority care as a child (37 per cent, 46/124)

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4 The meta-evaluative overview also produced findings on cost effectiveness, but these are not discussed here. See Hester and Westmarland (2004), chapters 1, 2, 4 and 5.

5 71 per cent of young women at risk in Pearce et al. 2003; 78 per cent in retrospective study by Cusick et al. 2004.

and two-thirds had left their parental or care home when they were aged 16 years old or under (68 per cent, 61/90). Nearly one in ten had spent time in a Young Offenders Institution (9 per cent, 11/125).

Abuse as children, particularly sexual abuse, was a common experience. More than a third had experienced some form of abuse as a child (39 per cent, 29/74), and a quarter had been sexually abused (24 per cent, 17/70).

The 23 case studies further reiterated the importance of abusive childhood and teen experiences for many of the women who became involved in prostitution. The women described being bullied by family and peers; sexually abused by fathers, mother's partners, brothers, neighbours; and in one instance being raped by the doctor in attendance after the young woman concerned had been in an accident. Some had also lived in circumstances of domestic violence, where their mothers were being abused. Crucially, these abusive experiences fed into and further developed feelings of worthlessness and lack of self-esteem. This was a key element in many of these women's vulnerability to becoming involved in prostitution.

'Avril' was not happy as a child. She felt she was overweight and was bullied at school. A neighbour sexually abused her when she was about 7 years of age, and her dad was physically abusive towards her ... As a teenager 'Avril' slept with lots of different men so it would make her feel wanted. (case study – 'Avril')

Other difficult life events, especially the death of a parent might also be key.

In the case studies many of the women talked about the particular difficulties they had faced at school – because they were in care, because they and their mother had moved area many times to get away from a violent partner or due to other problems, bullying, or because they were using drugs and alcohol:

... 'Rita' had been drinking alcohol from the age of 8 and she was an alcoholic by the age of 12. This was largely down to the fact that she felt very lonely and was also lacking in confidence. (case study – 'Rita')

'Rita's' experience of feeling lonely, or feeling different, was one echoed by many of the women, and this also linked into their feeling of worthlessness and lack of self-esteem.

### **Becoming Involved in Prostitution**

Two main models tend to be used to understand the methods through which young people become involved in prostitution (see Cusick 2002). On the one hand, young people are said to 'drift' into prostitution as a result of peer group networks (Jesson 1991; Jesson 1993; Crosby and Barrett 1999; Melrose et al. 1999). According to this approach young people's involvement in prostitution is seen in terms of structural

factors such as poverty in conjunction with personal experience and local conditions. In this model, young people are coerced into prostitution not by an abusive adult but by the circumstances of their lives. The ‘bottom line’ in prostitution is an economic need combined with emotional vulnerability (O’Neill 1997; O’Connell-Davidson 1998; Melrose et al. 1999; Phoenix 2001).

On the other hand, young people are said to be ‘groomed’ and ‘pimped’ into prostitution by older, abusive, adults (Barnardos 1998). This approach derives from a discourse regarding victimisation and abuse, where older men prey on emotionally needy and vulnerable young people (predominantly female). The young woman appears unaware of the fact that she is being ‘groomed’ as she believes herself to be ‘in love’ with the adult concerned and he with her (Barnardos 1998).

Our findings from the CRP projects would suggest that *both* these approaches in different ways reflect the actual experiences and circumstances of the young people and women who become involved in prostitution (Hester and Westmarland 2004). For many of the women and young people involved, economic and other structural factors were indeed crucial in their decisions regarding involvement in prostitution, for instance money for drugs, ‘nice things’ or necessities. Peer groups were often essential to them ‘drifting in’ to the context where prostitution was a possibility. However, grooming and pimping were also actualities for some of those involved, whether they were aware of this or not. Thus ‘drift’ may at times obscure grooming processes, and in circumstances where young people do ‘drift’ into prostitution some may also become ‘ensnared’ via pimps or partners acting as pimps.

As increasingly identified elsewhere (Cusick 2002; Melrose et al. 1999) in the CRP projects it was most frequently a friend who first introduced them to prostitution. This could be a female friend (36 per cent, 55/154) or a male friend (33 per cent, 50/154). Thus having girlfriends or knowing women who were already involved in prostitution was an obvious route of entry for some of the young women:

While in one care home ‘Jasmine’ got friendly with an older girl who always had plenty of money. ‘Jasmine’ presumed that this girl was shoplifting and asked to join her .... The older girl told her she was a prostitute ... and ‘Jasmine’ began to ‘cover’ for her in exchange for being ‘treated’ with money .... At 15, ‘Jasmine’ was working the streets two or three times a week. (case study – ‘Jasmine’)

For ‘Janice’, who was being supported by one of the young people’s projects, entry was also via a female friend. In this instance her friend, Karen, was initially supporting both of them in their drug use and encouraged ‘Janice’ to pull her weight.

While it was not clear from the CRP project case studies to what extent women who were already involved in prostitution were being pimped, and encouraged to involve other women in prostitution, some of the women and young people were actively and directly groomed by men living off prostitution:

While working in a pub she got to know a man who ran a massage parlour. He was always telling her about the fantastic money ‘his girls’ earned and asked her if she’d like to apply for a job. She was 21 at the time and had no knowledge of anyone else involved in prostitution. As she was always in debt she decided to try it .... Once involved, she became used to the money and found it difficult to get out. (case study – ‘Gina’)

Interviews with women in contact with the projects also provided evidence of pimping and on-going coercion by boyfriends:

The boyfriend put me on the streets and got me on drugs. He beat me up and now the project is helping me get away from him – most people think you go on the streets through choice but he put me there – now I’m ready to get out – I am going to give evidence against him in court for beating me up and they are helping me with that – the project worker is going to go to court with me – they’ve also helped me get a hostel place. (interview with woman involved in prostitution)

The case studies also indicated that for all the women access to money was what Melrose et al. (1999) have called a ‘pull’ factor: because they had gotten into debt, being forced by a violent boyfriend to pay for the drug habits of him and/or herself, or wanting money for ‘nice things’ were all given as primary reasons for becoming involved in prostitution. Those who had become involved in their teens were even more likely to give as a reason that they wanted money for ‘nice things’ (Hester and Westmarland 2004: Chapter 3).

### **Contrasting the Women Involved in Prostitution and the Men who Use them**

The individual profiles for the women involved in prostitution who were in contact with the ‘support/exiting’ projects (Hackney, Hull, Kirklees, Manchester and Stoke on Trent) indicated that the women had a median age of 25 years (ranging between 16 and 55), that two-thirds had no qualifications, a third had a history of offending related to prostitution, that nearly all (93 per cent) took drugs, one in five were homeless with only 2 per cent home occupiers, and that most had experienced different forms of violence and abuse while on the streets from punters and ‘boyfriend/pimps’. Three-quarters of the women were single, with one in five co-habiting with their ‘boyfriend’ or ‘pimp’, and only a small minority were married (3 per cent). Echoing the local populations in the project areas the vast majority of the women were white (89 per cent). (Hester and Westmarland 2004: Appendix One).

Assuming that the 127 men who were picked up by the police for soliciting women involved in prostitution represented a cross-section of the men using women in the areas concerned, the profiles of these men were in stark contrast to the women they used as prostitutes. The men tended to be older than the women they solicited

with a median age of 35 (and ranging between 17 and 80 years old). Two-thirds of the men were in full-time employment, and the next largest group of men were students (12 per cent). While over half of the men were white European (58 per cent, 56/96), they were more likely than the women they solicited to be from a minority ethnic group. Nearly half of the men were married (47 per cent, 15/32), compared with a quarter of the women. Nearly half were owner-occupiers (44 per cent, 14/32), compared to a tiny proportion of the women (Hester and Westmarland 2004: Appendix One).

For nearly three-quarters of the men, soliciting was their first recorded offence (73 per cent, 91/125). Even so, a quarter had previous convictions (27 per cent, 34/125), ranging from offences such as breach of the peace but also to serious sexual offences such as intercourse with a girl under 16 and indecent assault of a female. (Hester and Westmarland 2004: Appendix One).

The next sections discuss some of the key interventions carried out by the 11 CRP projects. Firstly the more ‘traditional’ policing and enforcement interventions will be looked at, followed by early intervention and support for young people, and finally support and exiting approaches with women.

## **Policing and Enforcement**

Previously enforcement by the police has involved crackdowns on soliciting and kerb-crawling, and has included kerb crawler re-education programmes, traffic management schemes and use of CCTV (Matthews 1992 and 1993; McKeganey and Barnard 1996; Hubbard 1998; Research Centre on Violence Abuse and Gender Relations 2000). The rationale has been that arrests and increased visibility of the police will deter those involved in prostitution and kerb crawling (soliciting from cars and on foot) from entering the area concerned; CCTV may aid the collection of evidence for prosecution and in relation to safety of those involved in prostitution; traffic management will make it more difficult for kerb crawlers and others wanting to access prostitutes to travel around the area; and kerb crawler re-education programmes will further deter those arrested from continuing their behaviour.

The CRP projects in Bournemouth, Nottingham, Hull, Stoke on Trent and Merseyside built on these approaches, incorporating enforcement, community liaison and kerb crawler re-education as part of their interventions:

- In Bournemouth the main interventions were increased policing and warning letters to kerb crawlers, police liaison with the community and support to the women involved in prostitution.
- In Nottingham the CRP interventions were increased policing (mostly covert operations), with use of CCTV, media campaign and traffic management.
- In Stoke on Trent CRP interventions included support for the women involved in prostitution to exit, community mediation and (non-CRP) enforcement in

relation to kerb crawlers.

- In Merseyside the project was moving away from use of traditional enforcement to encouraging women involved in prostitution to work in specific non-residential areas via partnership between the police, support projects, women themselves and the local communities and involved the employment of a Community Mediation Officer. There was also an ‘Ugly Mugs’ intervention to deal with violence against the women.
- While some of the projects were carrying out enforcement operations against kerb crawlers, Hull combined this with attempts to address the behaviour of kerb crawlers through the provision of kerb crawler re-education programmes, training for magistrates and clerks of the court, the use of estate wardens and CCTV. There was also support for the community through a police prostitution liaison officer and support for the women through a drop-in service.

The evaluation findings echoed much of the previous literature (Hubbard 1998; May et al. 1999). Increased policing in the areas concerned tended to reduce street prostitution, but only so long as the crackdowns were going on. Thus on its own, this approach brought only temporary respite, and would be very resource intensive if sustained over longer periods of time. Also, the use of ‘traditional’ enforcement involving crackdowns without support for women involved in prostitution or community liaison did not work in the sense of reducing disorder or nuisance for the local community. Some geographical displacement tended to result, but this tended to be temporary. Limited use of ASBOs (Anti-Social Behaviour orders) appeared to deter some women from involvement in street prostitution, but others reported they would not be deterred and the outcome for the community in the longer term was not clear (due to very small sample sizes). In addition, drug use appeared especially important in whether or not geographical displacement of the women involved in prostitution occurred and whether temporal and/or functional displacement occurred instead.

A more positive outcome was achieved where a community-based non-police Community Worker/Officer worked with both the local residents and the women involved in prostitution to agree on and reduce activity in more sensitive areas. Establishing direct links between the police and community groups and agencies as well as the women involved in prostitution was very important. The way in which local residents and businesses were consulted about tackling the problems associated with street prostitution appeared to affect their perception of the impact of the CRP interventions. The level of co-operation between the police and local agencies working directly with those involved in prostitution affected outcomes. An approach adopted by two of the projects (Stoke on Trent and Merseyside) involved the development of closer links between residents and women involved in prostitution (‘community mediation’). Where this occurred, and resulted in residents and women involved in prostitution being made aware of and responding to each others’ concerns, the level of nuisance experienced by the community was most likely to be reduced (see also Matthews 1993; Oppler 1997).

Crackdowns on kerb crawlers tended to reduce activity temporarily, if at all, and some temporal as well as functional displacement of the women involved in prostitution was reported to have resulted. At the same time, it should be noted that kerb crawler programmes appeared to have a positive effect on those attending, as did the arrest itself, although further evidence of their operation and longer term outcomes are needed to assess this more fully. Crackdowns on kerb crawlers if combined with re-education programmes and support for the women to exit prostitution may prove to be a useful combination of interventions. However, residents were less likely to notice a reduction in kerb crawlers than reduction in the number of women involved in street prostitution, perhaps because kerb crawlers could travel to other areas more easily than the women could. As with women involved in prostitution, better community liaison and especially ‘mediation’ with the community was more likely to lead to residents perceiving a reduction in kerb crawling and other positive changes. This may be because mediation allows a more individual approach to problem solving as opposed to large scale changes that the community may not necessarily want (e.g. a proposed road closure scheme in Nottingham).

### **Interventions with Young People – Early Intervention, Diversion and Support**

Previous studies have identified that ‘ideal type’ projects for young people involved in or at risk of involvement in prostitution would provide street based, young person centred services (Melrose et al. 1999, Melrose and Barrett 2001). They would offer opportunities for counselling to explore the young person’s victimisation and offer long-term support. Services would also provide educational and training facilities, careers guidance, help with housing and welfare benefits and help with childcare where appropriate. Young people should also be provided with help in relation to drug misuse issues, detoxification and needle exchange facilities where they are needed. Moreover, multi-agency approaches are essential if the very complex problems these young people confront are to be tackled effectively (Browne and Falshaw 1998, Melrose and Brodie 1999). The projects supported by the Crime Reduction Programme drew on and further developed all of these aspects and provided an opportunity to extend practice and to facilitate joined up working in this field. Provision of services for young people involved in or at risk of involvement in prostitution has tended to come primarily from the voluntary sector. The CRP initiative added further services and also included the statutory sector.

The CRP projects relating to young people were based in Sheffield, Nottingham, Kirklees and Bristol. The projects in Sheffield and Nottingham had prevention as a main aim and interventions to identify early risk.

- The Sheffield ACPC Sexual Exploitation Project was largely statutory based, involving the police, youth service and social services. The project tended to work with a young age group for whom drug abuse had not yet become



a major problem and the project was set up so that young people could be referred *before* they had become involved in street prostitution.

- The Nottingham project appointed a youth worker to focus on identifying and preventing young men becoming involved in prostitution. The youth worker was based within the statutory sector, at the Youth Offending Team (YOT), and provided one-to-one support to boys and young men, raised awareness of the risk of sexual exploitation of boys and young men among YOT workers and social work staff, collated relevant information on boys or adults perpetrators from YOT case managers and other relevant agencies (e.g. Anti-Vice Unit, social services) passing this on to the agencies concerned.
- The Kirklees project set up a Young Girls Diversionary Group for girls at risk of sexual exploitation and a group for children (both girls and boys) of women involved in prostitution. Multi-agency links were established with other agencies, including Barnardos, Social Services (also residential care homes) and the Youth Offending Team to identify girls at risk of sexual exploitation as well as those who sought to exploit them, with the Police Prostitution Liaison Officer facilitating the process.
- The Bristol Pandora project did direct work with young people, both male and female up to the age of 21, to enable exit and prevent involvement. This included referrals to housing advice and services, sexual health services and drug treatment services. Outreach was used to make initial contacts, to provide advice and information about the service, the name of a worker they could contact in one of the partnership organisations. Especially innovative was the provision of sexual health services on the premises.

All the projects emphasised the need for multi-agency working, including shared protocols regarding information sharing and the implementation of multi-agency plans and strategies – often involving an imaginative range of agencies as well as parents.

The findings from the Sheffield, Nottingham and Kirklees CRP projects suggest that young people can be successfully diverted from behaviour and involvement in prostitution through early intervention. Targeted interventions with dedicated workers (e.g. the Nottingham Youth Worker) to identify young people at risk are important, as is working within a multi-agency context, including the police, social services, young offending teams and specialist projects as did the Kirklees project. The Nottingham project found that both parents and members of the community were important in identifying and monitoring children/young people at risk. It is also important that agencies working with children and young people are able to identify those at risk and be fully aware of information sharing and referral procedures (as in the training given to managers and practitioners in Sheffield and Kirklees).

The projects in Bristol and Sheffield also appeared to have had a positive effect, and that young people had changed their behaviour as a result of engagement with the projects. They had had the opportunity to assess their situations and make

improvements that would provide beneficial outcomes in the long term. The findings from Bristol and Sheffield also indicated a contrast between the young people's experiences of generic social services (generally criticised by the young people) and specialist project workers (who received most praise), and demonstrated the need for dedicated workers. Individually tailored one-to-one support for the young people appeared particularly important. Such work with young men in Bristol indicated that early intervention is more likely to result in young people being diverted from risk and involvement in prostitution. However, generic workers should also be trained in assessing risk of sexual exploitation and commercial sexual exploitation so that specialised early intervention can take place. Outreach was found to be important in building trust and to funnel young people into support with regard to housing, debt management, and drug addiction. Workers needed to be able to encourage and to enable young people to make and agree their own solutions, and particular training for workers in dealing with young people who may have drug addiction problems was also found to be important.

Despite the gathering of detailed intelligence and identification of known sex offenders spending time with young adults, none of the adults abusing young people within the project areas were proceeded against. This raises questions about the willingness and ability of the police and the CPS to pursue such cases. Multi-agency working with the CPS was rare or invisible across all eleven of the CRP projects, and the police and project workers may not have been clear about the nature and type of evidence that is needed to prosecute. Also, young people were unwilling to give evidence in court possibly because they were frightened of facing their abuser in court.

## **Supporting Women**

Previous literature in the UK concerning support to women involved in street prostitution has tended to focus on specific problem areas such as drug use by the women and the violence they experience (e.g. May et al. 1999; Green et al. 2000; Church et al. 2001; Barnard and Hart 2000). Where the CRP projects were concerned, nearly all the women in contact with the 'support/exiting' and 'enforcement' projects (at least 93 per cent) were using non-prescribed drugs, especially heroin and increasingly also crack cocaine. Three quarters had also experienced physical violence, mostly from their male clients or a boyfriend or pimp or partner. Over half of the women had been forced to have sex or been indecently assaulted and over two thirds had experienced verbal abuse. In the 23 case studies women spoke of how violence from boyfriends/pimps tended to keep them in prostitution (that is, acted as a barrier to exiting) while violence from kerb crawlers was more likely to serve as 'crisis points' leading them to pursue exiting (Hester and Westmarland 2004: Chapter 4, Appendix One). Consequently projects generally tended to include drug interventions and some of the projects were specifically attempting to address

violence against the women involved in street prostitution, via schemes such as 'Dodgy Punters', 'Ugly Mugs' and other interventions.

Only a few studies have documented the development of support services for women involved in prostitution (e.g Ward and Day 1997; Vella et al. n.d.). Across the CRP projects a range of interventions and types of support were implemented, related to sexual health, drug use, violence against women, housing and other needs. The work included outreach, one-to-one support, drop-in, information gathering and sharing, and referrals to other agencies. The CRP evaluations have taken the evidence further by also examining these practice approaches to provide support services for women involved in street prostitution. As with previous research (see Ward and Day 1997), outreach emerged as an important way of identifying and 'getting to know' the women, gaining their trust and informing them about other interventions offered by the projects. Without outreach the contacts for more in-depth work would have been difficult or even impossible to make. Drop-in was important for enabling women to access drugs treatment, health related services, counselling, education and training, and a variety of other support needed to allow the women to move towards exiting. One-to-one support enabled the projects to target the support to fit individual need.

The CRP projects in Bournemouth, Merseyside, Hull, Hackney, Manchester, Kirklees and Stoke-on-Trent to varying degrees included support interventions:

- Bournemouth included drug support, using outreach to identify and encourage women to access drug treatment, and using a Third Caution to provide the incentive to enter treatment.
- Merseyside focused on safety, with an 'Ugly Mugs' scheme, which aimed to identify violent clients and thus reduce violence against women involved in prostitution.
- Hull Way Out had a drop-in service, with one-to-one work with women as well as outreach. A 'Dodgy Punters' scheme had also been developed to identify violent male clients.
- The Hackney Maze Marigold project took a holistic approach, with outreach and drop-in to provide individual support and advice on sexual health, drug addiction, housing and domestic violence. The project also had specialist domestic violence support for women abused by boyfriends/pimps living off their earnings.
- Manchester real Choices provided an outreach service to help women realise their choices alongside ongoing support, which included information, advice and referrals on sexual health, benefits, debt, housing, training, education, and safety issues.
- Kirklees SWEET provided a wide range of support to enable women to exit from prostitution.
- Stoke-on-Trent provided one-to-one support with the aim of stabilising the women involved in prostitution, and was unique in offering a structured holistic care plan centred on exiting from prostitution.

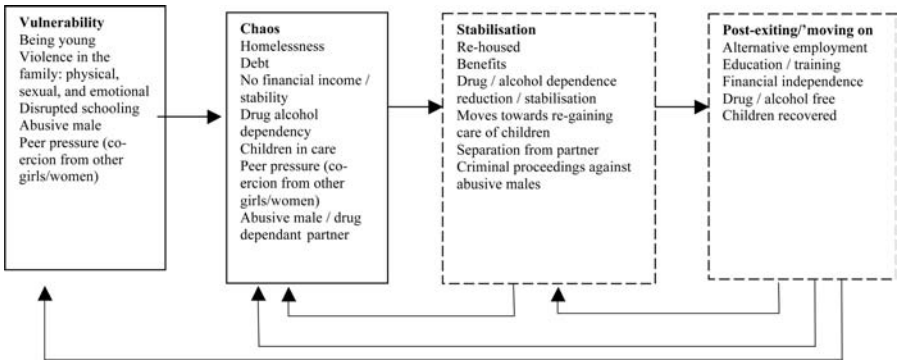
It was important for projects to adapt their interventions according to the particular and needs of the women (Kirklees, Stoke on Trent, Hull). Women may not access mainstream services and offering specialised and targeted support to meet the needs of the women was therefore key (Manchester, Kirklees). Women's basic needs had to be addressed (e.g. drugs, housing, violence, debt and health) before women were stable enough to enter education or training courses (Hull, Kirklees). Outreach appeared to be key to making initial contact with the women, gaining their trust and informing them about other services that the project could offer (Kirklees, Stoke on Trent, Manchester and Hackney). In order for women to exit and sustain their exit a wide range of support services were needed which viewed the woman as a whole individual rather than focusing solely on their involvement in prostitution (Stoke on Trent). A fast-track drugs programme, which was not limited by places was particularly important, and for some women it helped that it was situated out of the area (Manchester, Bournemouth). Supporting women who are experiencing domestic violence proved useful, and accessing alternative housing was a particularly important aspect (Hackney). Interventions aimed at identifying violent male clients, such as 'Ugly Mugs' and 'Dodgy Punters' were generally successful in increasing reporting of violent clients to projects and in some instances to the police (Merseyside, Hull).

### **Exiting Prostitution – A Model of Needs and Support**

The findings from the meta-evaluative overview of the CRP projects indicate that a 'welfare' approach is likely to be more effective than enforcement in enabling women and young people to exit from prostitution. Drawing on the elements found to be most effective, it has been possible to develop a general *model of needs and support* indicating the multi-agency responses and services needed to effectively support adults and young people involved in prostitution to move toward and beyond exit from prostitution (Hester and Westmarland 2004: Chapter 6).

The findings from the CRP project evaluations indicate that many of the aspects that lead to women and young people entering prostitution also act as potential barriers to exiting. Social circumstances such as difficulties obtaining state benefits, inadequate housing and drug addiction are often the most prominent barriers that prevent women or young people from exiting. Women or young people may be deterred from exiting if service provision does not meet their specific needs at the time they seek help. Women's partners may live off their earnings (acting as pimps), and can play a key role in maintaining women's involvement in prostitution. Women may remain in or return to prostitution in order to pay fines imposed by the courts, and having a criminal record may affect future employment prospects.

The findings from the CRP projects echo Månsson and Hedlin's (1999) approach in showing that moving towards exiting and actually exiting from prostitution is a long and complex process. It is not a linear process, and it requires the appropriate



**Figure 8.1 Model of needs and support**

Source: Hester, M. and Westmarland, N. (2004) *Tackling street prostitution: Towards a holistic approach*. Home Office Research Study 279: 131.

range of multi-agency support to be available at the right time. The model of needs and support developed from the meta-evaluative overview suggest that prostitution involves a number of phases: from entry into prostitution, to involvement in prostitution and exiting. Directly associated with these are vulnerability, chaos and the potential for stabilisation, and 'moving on' (Hester and Westmarland 2004: Chapter 6). Figure 8.1 indicates this process and the different stages. It shows the possible points of movement from one stage to another, as well as the possibility that the individuals concerned will move backwards as well as forwards. In relation to 'vulnerability' and 'chaos' the risk factors associated with entering and being involved in prostitution are shown. With regard to 'stabilisation' and 'exiting/moving on' the support needed to achieve these are shown.

The move from 'chaos' to 'stabilisation' is an especially important shift, and often brought about by a particular crisis experienced by the women or young people (what Månsson and Hedlin 1999, call 'traumatic turning points'), such as near-death overdosing, losing children into local authority care, and/or extreme violence. However, violence from boyfriends/pimps tend to keep women in prostitution while violence from the men using them is more likely to serve as 'crisis points' leading them to pursue exiting. Pregnancy, recovery of children from local authority care or stabilisation of a drug dependency may all provide a catalyst to move between stages, and in particular from chaos towards stabilisation and exiting.

Using this model it is possible to identify stages experienced by women and young people at risk of involvement, or involved in prostitution. Women and young people may find themselves returning to each stage on more than one occasion depending on life circumstances. It is important to be aware of this non-linear pattern when planning and implementing interventions. Involvement in prostitution is often a result of circumstances and situations generated by outside influences (as identified in the model, including drug dependency, debt and violence). As circumstances and

situations change, due to agency and project intervention, more choices become available to the women and young people concerned, and they are more able to move between stages and ultimately into the ‘moving on’ stage.

The process of exiting necessitates multi-agency support, building on individuals’ coping and resilience strategies. In this sense parallels can be drawn with domestic violence (Hester et al. 2007). Women’s and young peoples’ lives must be stabilised during the early stages of an exiting strategy (e.g. stabilising drug use, finding suitable housing, having other means of income, leaving domestic violence) before the later stages of exiting can be realised (e.g. finding alternative employment, enrolling for college courses, regaining care of their children).

Operationalising the ‘needs and support’ model, it can be seen how a different combination of interventions need to be available at different times for the individuals concerned. Individuals in the *vulnerability* phase need early intervention and preventative work, likely to be with young people in particular, to try to prevent entry into prostitution. At the *chaos* stage basic needs are key, with outreach important to enable project workers to make and retain contact with the women and young people. For *stabilisation* to occur the women and young people involved in prostitution require a range of interventions to be available for them to access in periods of crisis. It was found that the ‘*moving on*’ stage requires the continued offer of support to ensure that ‘crisis factors’ such as debt, violence and harassment from (ex) partners, and housing problems do not re-occur. Frequently, individuals will enter the exiting process and move through different stages of exiting – sometimes moving backwards at times before moving towards a total exit. Future one-to-one work is likely to be necessary once the woman or young person has exited prostitution. They may need professional counselling at this stage as they struggle to deal with their past experiences.

## Conclusion

It has increasingly been recognised that policing of women involved in prostitution needs to be accompanied by a welfare approach so that women do not merely go back to the streets to pay their fines. At the same time there has been a greater emphasis on policing of those who solicit prostitutes. The shift towards a welfare approach has been even more pronounced with regard to children and young people, who are acknowledged as being the victims in commercial sexual exploitation, with punishment focused on the exploiters rather than the exploited. The approaches of the CRP projects discussed in this chapter overview reflect this trend, although the findings from the project evaluations also suggest the need for a further shift away from policing of women involved in prostitution and towards supporting women and young people to exit.

With regard to support, the model of needs and support indicates that support should be holistic and complex, with a wide range of services, provided in particular

ways, and for provisions to span from prevention through to exit. This should be central to any approach to tackling street prostitution. The findings from the CRP projects also indicate that the use of community-based mediation is potentially more effective than policing in reducing the nuisance and disorder to local communities resulting from street prostitution. Policing tends to result in unpredictable displacement, and may result in temporal and functional rather than geographical displacement. Community mediation was found to have the potential to displace prostitution to areas considered by the community to result in less nuisance. The project that appeared to be most successful (Stoke-on-Trent – with the highest level of exits, and the only positive outcomes perceived by the local community regarding numbers of women on the street) incorporated both community mediation and a holistic approach to supporting women involved in prostitution to exit.

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## Chapter 9

# Making the Vulnerable more Vulnerable? The Contradictions of British Street Prostitution Policy

Phil Hubbard and Jane Scoular

Over the last decade there has been considerable political debate in Britain concerning the efficacy of prostitution law. Sex work – at least in its visible and more traditional forms – is disappearing from Britain’s streets. The following chapter reviews recent policy debates in England and Wales and Scotland with a view to drawing out the fundamental contradiction at the heart of ongoing policy shifts; policies introduced with the intent of increasing sex worker safety and decreasing exploitation may actually be making women workers less safe. This chapter suggests that recent legal reform has exacerbated and accelerated the process of removing prostitutes from the streets and the implications of doing this and concludes by arguing for policies that don’t criminalise or push street prostitution out of sight, but allow it to occur as safely as possible.

### **Introduction**

Over the last decade there has been considerable – and, some would allege, overdue – political debate in Britain concerning the efficacy of prostitution law. Pivotal in such debates have been two major consultation exercises (Home Office 2004; Scottish Executive 2005) that considered the reform of prostitution laws that had remained largely unchanged since the 1950s. The impetus for such reform included, inter alia, concerns relating to the negative impacts of sex work on physical and mental health (Sanders 2004); the complex interaction of street drug and sex markets (May et al. 2000); the decreased tolerance of street sex work in gentrifying communities (Pitcher et al. 2006); a heightened anxiety about the participation of children and minors in the sex industry (Phoenix and Oerton 2005) and a perception that existing vice laws were being implemented in an *ad hoc* fashion – if at all – with many police forces seemingly unwilling to enforce statutory vice laws (as evidenced in official statistics for soliciting, with arrest, prosecution and conviction rates in England and Wales having dropped from around 10,000 in 1990 to less than 3,000 by 2002). Though less overtly acknowledged, in the background lurked another significant anxiety: that the

non-British workers employed in commercial sex include a significant population of trafficked women (see Hubbard et al. 2008).

Setting out alternatives to the maintenance of the status quo, both consultation exercises concluded that reform would be advantageous, with recommendations made for the reform of existing laws, particularly in relation to street prostitution and kerb crawling. Subsequent to the completion of these policy reviews, and their tentative recommendation of Zero Tolerance approaches for street working, five street sex workers were murdered in Ipswich (2006). These shocking murders raised serious questions about the whether sex work has any place on Britain's streets, with the media devoting considerable attention to questions of where sex can – or should – be sold. The idea that off-street work is inherently safer and more civilised than street work has hence been explicit in recent policy and media debates, despite the mixed evidence concerning the working conditions and safety within the indoor scene (Sanders and Campbell 2007).

The events surrounding Ipswich therefore appear to have stiffened governmental resolve in relation to prostitution policy, with notions of liberalisation largely disappearing from the official policy discourse and overwhelmed by rhetoric which makes a more emotive appeal to 'saving' street workers from exploitation as a means of legitimising what are effectively more punitive prostitution policies. In this chapter we review recent policy debates in England and Wales and Scotland (the two having different legal systems) with a view to drawing out the fundamental contradiction at the heart of ongoing policy shifts: namely, that policies introduced with the intent of increasing sex worker safety and decreasing exploitation may actually be making women workers less safe. In so doing, we draw on the arguments of those sex worker advocates who have suggested that forms of regulation focusing on the repression of street work are unlikely to make prostitution safer or less exploitative (e.g. Goodyear and Cusick 2007) as well as the conclusions from our own studies of sex working (see Pitcher et al. 2006; Scoular and O'Neill 2007; Hubbard et al. 2008). Considering the geographical imprints of prostitution law, we also wish to emphasise the likely spatial outcomes of ongoing policy reforms, arguing that any crackdown on street prostitution Britain will simply result in a *spatial shifting* of sex work, with more and more prostitution occurring in off-street spaces that are beyond the gaze of the state and law – and where exploitation by managers, pimps, and clients may be rife.

## The Policy Context

The history of prostitution law in Britain has been documented from a number of standpoints, with the wealth of material meaning a detailed overview is impossible here. Suffice to say there has been considerable attention devoted to the transition from the regulation of prostitution by the church (through the bawd courts) to a secular control focusing on questions of vagrancy and indecency defined and controlled by the secular state (Self 2003). Two key episodes of legislative reform

figure prominently in this historiography. One concerns the state's attempts to classify and discipline the prostitute through penitentiaries, lock hospitals and magdalenes from the eighteenth century onwards (Walkowitz 1980; Bartley 2000). In the nineteenth century, for example, the Scottish 'movement' sought to 'rescue' women by providing voluntary places in lock hospitals and asylums (Mahood 1989), while the English Contagious Diseases Acts of the 1860s allowed for the arrest and compulsory medical inspection of any woman presumed to be a 'common prostitute'. Critics (most notably, Josephine Butler) noted the double standard that existed here, with clients free to spread sexual infection while women were incarcerated; the subsequent Criminal Law Amendment Act (1885) thus switched attention to issues of protection, introducing new powers to penalise exploitation of the under-16s as well as banning brothel-keeping, following the lead of the General Police and Improvement (Scotland) Act 1862 that had given the police powers to enter properties where prostitution was thought to occur. Irrespective, incarceration was seen as the means by which women could be shown the error of their ways and be transformed into morally-upstanding citizens.

The second period that exercises considerable fascination for historians of sex work is that surrounding the proceedings and report of the Wolfenden Committee on Prostitution and Homosexual Offences (1954–1957). Given the recommendations of the 1928 Street Offences Committee on changing the solicitation laws had not been acted upon, and media furore over the sheer number of street prostitutes to be found on the streets of London, reform was seen as somewhat overdue. As Self (2003) details, the Home Office was keen to stifle any call for legalisation, encouraging Wolfenden to consider increased fines, imprisonment for repeated offences and dropping any reference to annoyance in soliciting laws. Recognising this might lead to displacement to off-street working and the growth of a 'call girl' system, members of the Committee discussed the possibility of regulated brothels. In the event, the Wolfenden report recommended punitive measures designed to prosecute street offences (again following the example of the Criminal Justice (Scotland) Act of 1949, which had introduced a system of fines for street soliciting). These new powers were justified primarily in terms of public nuisance, with the statement that 'there must remain a sphere of private morality and immorality which is, in brief and crude terms, not the law's businesses' apparently underlining the liberal credentials of the committee (Wolfenden Committee 1957, para 60). In this manner, Wolfenden reiterated the view espoused by the 1928 Street Offences Committee that prostitution legislation should not seek to enforce any particular pattern of behaviour:

If it were the law's intention to punish prostitution *per se*, on the grounds that it is immoral conduct, then it would be right that it should provide for the punishment of all the men (clients) as well as women (prostitutes). But that is not the function of the law. It should confine itself to those activities which offend against public order and decency or expose the ordinary citizen to what is offensive and injurious, and the fact is that prostitutes do parade themselves more habitually and openly

than their prospective clients, and do by their continual presence affront the sense of decency of the ordinary citizen (Wolfenden Report 1957, 14).

This distinction between prostitution as a public offence and prostitution as a private *consensual* transaction was important in subsequent legal debates which demonstrated the law's recognition of sexual self-determination while conversely strengthening the legislation that could be enacted against women publicly selling sex.

The legislation introduced in England and Wales in the 1950s (1956 Sexual Offences Act and 1959 Street Offences Act) thus had the twin aims of preventing 'the serious nuisance to the public caused when prostitutes ply their trade in the street' while simultaneously penalising the 'pimps, brothel keepers and others who seek to encourage, control and exploit the prostitution of others' (Wolfenden Committee 1957, 17). In practice, this created a paradoxical situation where, although prostitution was not illegal, it was difficult and sometimes impossible for prostitutes to work without breaking these laws. The elimination of reference to annoyance in the 1959 Street Offences Act clauses referring to solicitation meant that all women working on the street would be subject to cautioning and arrest irrespective of complaints from local residents or businesses. Once charged in court as a 'common prostitute' though, the new legislation stipulated that prostitute women need not be cautioned again, and, under section one of the 1959 Street Offences Act, could be charged with loitering or soliciting in a street or a public place for the purpose of prostitution.

Given the police were empowered by the 1959 Act to penalise each and every instance of street soliciting, the predicted move from street work to 'call' and 'escort' work followed, and numbers arrested for street solicitation dropped accordingly. But street work did not entirely vanish, with the failure of the law to penalise kerb-crawlers and male importuners meaning that clients continued to take to the streets in search of prostitutes. Predominantly, street prostitution relocated from the commercial core to inner city areas where it became part of the 'local scene', largely tolerated by the police in the interests of containing perceived public nuisances. In this sense, the enforcement of the 1959 Act created *de facto* 'red light areas' in most British provincial cities, and while this allowed police to exercise a level of control over the street scene, in time it created new localised nuisances in the form of increased volumes of kerb-crawling traffic (Benson and Matthews 1995).

In the wake of complaints about neighbourhood blight caused by excessive traffic and late night noise, and noting a rise in street prostitution in the late 1970s recession, the Criminal Law Revision Committee report *Prostitution on the Street* (1984) recommended several modifications to the 1959 Act and the introduction of a new offence when a man solicited a woman in a manner 'likely to cause her fear'. The 1985 Sexual Offences Bill accordingly adapted these recommendations, and made it an offence for a man to solicit 'a woman for the purposes of prostitution from a motor vehicle in a public place' or 'in a street or public place in such manner as to be likely to cause annoyance to the woman solicited or any other persons in the neighbourhood'; a modification in the House of Lords added the requirement

that the behaviour needed to be persistent (in the absence of a cautioning system). However, the criteria for prosecution normally require proof that the kerb-crawlers acted persistently or in a manner likely to cause annoyance to the solicited woman or to other persons in the neighbourhood.

Kerb-crawling legislation has subsequently been the source of much controversy, and while it was designed to bring equality in terms of how women soliciting men and men soliciting women are treated, the number of men found guilty of kerb-crawling has been miniscule in comparison to arrests and cautions for soliciting. Indeed, studies of law enforcement suggest police are most concerned with responding to pressure from residents and local politicians who wish to reduce the 'nuisance' experienced by people living in areas of street prostitution, fuelling periodic and widely-publicised 'crackdowns' on kerb-crawlers, but little routine enforcement. In fact, the idea that commercial sex is inevitable and cannot be prevented (or *eliminated*) through the application and enforcement of established legislation appears to have been a key factor shaping police practices and attitudes towards prostitution. The police regularly conceded it was difficult to ensure that those charged with soliciting will not return immediately to the same activity in the same area (given that many can only pay off their fines by returning to work), while kerb-crawling legislation has been frequently adjudged as a poor deterrent for those looking to buy sex (with powers to disqualify drivers difficult to enforce) (Brooks-Gordon 2006).

Given the seeming intractability of street working, co-operation between police and local authorities often resulted in the informal designation of zones for street working designed to reduce the potential for public nuisance. While attempts to establish these often floundered in the glare of adverse publicity (as was the case in Sheffield City Council's attempt to designate a zone in 1992) or residential opposition (as in Cardiff in the late 1980s), unofficial 'Toleration Zones' were established in Edinburgh (from 1986 onwards) and later in Bolton, Plymouth, Aberdeen, Northampton and Preston. Yet the Home Office remained reticent to sanction such Toleration Zones, identifying street prostitution as a form of anti-sociality that could – and should – be 'designed out' through environmental modifications. Such measures included the use of closed circuit television cameras in areas of street soliciting, traffic management schemes designed to close off the 'scenic routes' often taken by kerb-crawlers, and lighting schemes designed to 'reclaim' the streets from sex workers. By explicitly supporting such preventative measures, Home Office thus responded to criticism of existing vice laws by advocating the increased use of multi-agency solutions:

Police success has come when they have worked with local authorities to design out prostitution through street lighting and traffic management designed to make the area as unattractive as possible to prostitutes and their clients (MacLean cited in Hansard 1994, column 289).

This type of solution, embracing the logic of Zero Tolerance policing, implied that environmental responses might be sufficient to tackle a complex social problem. Specifically, rather than trying to address the causes of prostitution, provide alternative jobs for women wishing to leave the industry, or increase pay and conditions within the industry, this behavioural discourse implied that street prostitution could be eliminated through measures reducing the *opportunity* for selling sex on the streets – an assumption that holds little weight if one considers the histories and geographies of prostitution (see Hubbard 1999).

## **Reforming Prostitution Law in England and Wales**

Published in July 2004, the Home Office consultation document, *Paying the Price*, provided sex worker advocates some room for optimism that ideas that sex work could be ‘designed out of existence’ might be balanced with some consideration of the needs of sex working women. Taking its lead from the major cross-party Parliamentary Group on Prostitution (1993–1996), chaired by MP Diane Abbott, *Paying the Price* stressed that the legislation relating to street prostitution was not working well, not least because of its fragmented and incoherent approach, and noted the problems that inconsistent law enforcement was causing for prostitutes and affected communities alike. Drawing selectively on police and academic research (and apparently rejecting the various recommendations of the Vagrancy and Street Offences Committee, 1974–76, and the Criminal Law Revision Committees of 1984 and 1986), *Paying the Price* spelt out some of the pros and cons of alternatives to the status quo – including the introduction of managed zones, the full or selective decriminalisation of sex work or the legalisation of prostitution through state licensing.

Significantly, many of the responses to *Paying the Price* by key stakeholders indicated the major differences of opinion existing as to how the law might be best reformed. From some quarters, there was support for formally-designated and regulated zones: at the time of the consultation, Liverpool City Council was actively seeking to establish a managed zone (see Bellis et al. 2007), and argued that there needed to be a legal basis for the creation of such zones. The Association of Chief Police Officers’ response to *Paying the Price*, on the other hand, directly opposed such moves:

ACPO is unconvinced that ‘Zones of Toleration’ and the licensing of brothels is the way forward, as they continue to permit the abuse and exploitation of women. However, we will listen carefully to the arguments and contribute positively to the debate. Meanwhile we will continue to promote a policing policy that attacks those who abuse and exploit, and work with partners to support those who have been victimised by prostitution (ACPO 2004, 12).

Some sex worker advocacy groups – such as the UK Network of Sex Work Projects – were critical that the report stopped well short of advocating outright decriminalisation. Others were critical of the focus on the notions of harm and the assumption that prostitution is always and inevitably coercive. Sanders (2005), for instance, argues that in his introduction to the document, the Home Secretary David Blunkett stressed ‘prevention is of prime importance’, ignoring the benefits that accrue to sex workers under certain circumstances (such as freedom, time and money). The use of the term ‘prostitute’ in preference to sex worker was also taken as evidence that sex work was not being conceived as part of the service economy, but as part of a criminalised ‘underworld’.

Despite flagging up possible liberalisation of certain prostitution laws, *Paying the Price* was thus read by Sanders as embodying New Labour’s preoccupation with enforcement and nuisance. Kantola and Squires (2004) analysis of dominant UK discourses in policy documents concurs, suggesting that discourses of nuisance and immorality continued to outweigh those which prostitution was conceptualised as ‘sex work’. What is also evident is that the document placed much more emphasis on the role of clients and kerb-crawlers, affirming Brooks-Gordon and Gelsthorpe’s (2003) view that ‘the punter and the pimp [are] aligned as coercive and abusive characters from whom the public should be protected’. Campbell and Sanders (2007) concur, and note that ‘men who buy sex are only present as exploiters and transmitters of disease who are to be tackled through criminalization and “rehabilitation”’. Significantly, *Paying the Price* says nothing about men who sell sex to men.

Published in 2006, *A Coordinated Prostitution Strategy and a Summary of responses to Paying the Price* considered responses to *Paying the Price*, making a number of key recommendations. First and foremost, the strategy outlined the need for more opportunities for women to leave prostitution, underlining the idea that prostitution is an exploitative industry that no woman would freely choose to work in. Launching the strategy, Home Office Minister Fiona MacTaggart reported that ‘Prostitution blights communities and the lives of those who participate ... We will not eradicate prostitution overnight, but we must not condone this exploitative industry. I want to see a tough approach to kerb-crawling, combined with much better work to prevent children being drawn into prostitution and giving those involved a route out’. Particular emphasis was hence placed on the undesirability of street prostitution, with the strategy stressing the possibilities for *disrupting* the street sex market through a combination of punitive policing of clients (i.e. reducing demand), Anti Social Behaviour Orders for problematic workers, the provision of exit routes for those working on the streets and prevention work with vulnerable young people (i.e. reducing supply). Advocating vigorous prosecution of kerb-crawlers, the strategy suggested that court diversion schemes should be in place for first-time offenders, despite the mixed evidence for the success of John’s schools and rehabilitation programmes (Campbell and Storr 2001). The Strategy also proposed creating a new penalty for the offence of loitering or soliciting for prostitution,



encouraging the courts to direct women into compulsory programmes of drug or alcohol rehabilitation.

The Strategy's insistence that street prostitution 'is not an activity that we can tolerate in our towns and cities' hence curtailed any discussion of selective decriminalised or managed zones. Speaking specifically about 'managed zones' for prostitution, Fiona MacTaggart stated 'I cannot accept that we should turn a blind eye to a problem that causes misery for people living in or near red-light areas. There is no evidence that decriminalisation or licensing prostitution would achieve our objectives of reducing exploitation, improving the safety of those involved, and making local communities safer'. As such, the government's message was clear: street prostitution is exploitative, antisocial and has no place in British cities. Rather than liberalising sex work legislation, the ground was being prepared for a further shift towards prohibitionism.

### **Reforming Scottish Prostitution Policy**

Overall, statutory regulation of prostitution in Scotland has been described as less strict than that in England and Wales, in the sense that there have been no Scottish laws banning kerb-crawling per se and less harsh penalties for under-age prostitution. In some cases, local authorities (and police) claim this has left them unable to deal adequately with the nuisances caused by inconsiderate and persistent street prostitution. Yet the laws that were on the statute book also created difficulties in situations where local authorities were seeking to address the health risks associated with prostitution and minimise the violence to which women involved in street prostitution (in particular) may be exposed. Indeed, attempts to do this by establishing managed zones with on-site health support, adequate lighting and CCTV surveillance (as in Aberdeen and Edinburgh) were viewed in some quarters as simply encouraging an illegal activity. In some instances, local residents and businesses became aggrieved that the police were not applying the law in a strict and consistent manner, and while some support managed zones in principle, few support the creation of managed zones in their neighbourhood (Pitcher et al. 2006). Pressure for legal reform came from other directions too, with some feminist campaigners and academics highlighting the double standards implicit in Section 46 of the Civic Government (Scotland) Act, which criminalised the female seller and not the male purchaser, concretising the perception prostitution is a female problem (Scottish Executive 2004).

In response to calls for legal reform, and with particular reference to the demise of the Edinburgh managed zone, a Member's Bill – the Prostitution Tolerance Zones (Scotland) Bill (SP Bill 67) – was introduced by MSP Margo MacDonald MSP in 2002. This Bill sought to give local authorities power to designate areas within their boundaries as prostitution Tolerance Zones – within which loitering, soliciting or importuning by prostitutes would no longer be an offence under Section 46 of

the Civic Government (Scotland) Act 1982. Before designating a Toleration Zone, the Bill suggested the local authority would be required to carry out consultation with local interests in accordance with the provisions of the Bill, publicising their draft designation and code of conduct in at least one local newspaper. It was also suggested a designation would need to be renewed every three years. Section Five of the Bill suggested rights of appeal against a designation similar to those which exist under the Town and Country Planning (Scotland) Act 1997. In all other respects the bill proposed leaving prostitution laws as they stood.

According to the Local Government and Transport Committee first stage report on the Bill (2003), this bill recognised that ‘while street prostitution is not desirable, it is endemic in a number of areas of the major cities of Scotland, and thus presents a number of challenges to local authorities and the police and other public services.’ The objective of the Bill was defined as enabling the police, health boards and local authorities to ensure that prostitution is practised in as orderly, secure and tolerable a manner as is possible; to minimise the opportunities for criminal behaviour; and to promote public health:

The Bill aims to manage the practice of prostitution in a way that allows local authorities and health authorities in particular to target services to try to minimise the worst effects of prostitution in respect of ill health ... One of the reasons for introducing the Bill is to allow attempts to be made to manage services for prostitutes. We are not introducing the Bill because we want to encourage the practice of prostitution. The Bill will enable us to meet the need for those services (Margo McDonald 2003, LG col 3880).

Given informal tolerance zones had existed in Scotland previously, it might have been expected that this private members bill would have received assent. Some of those who submitted expert testimony to the Local Government Committee were highly supportive; for example, Neil McKeganey, Professor of Drug Misuse Research at Glasgow University argued ‘whilst I can understand the objections of local residents to the siting of a tolerance zone there really does not seem to me to be a single credible argument against such provision’ (Explanatory Notes 2002, paragraphs 29). The bill also drew considerable succour from the example of the Edinburgh, which was adjudged overwhelmingly successful in terms of minimising the impact of HIV and reducing violence on the street (incidents fell to as few as 11 attacks in one year, whereas other cities in the UK were experiencing this number each week) (SCOT-PEP 2003). The experience of Aberdeen was also significant: Brenda Flaherty of Aberdeen City Council reported there had been less of a problem of violence against prostitutes since a zone had been in operation [LG col 3790], while Assistant Chief Constable Shearer of Grampian Police stated that the unofficial zone in Aberdeen had ‘certainly resulted in a reduction in prostitution in the rest of the city’ [LG col 3717].

However, the consultation exercise revealed some concerns among stakeholders about the efficiency of Toleration Zones as a means of managing prostitution. The

most vehement criticism came from The Women's Support Project (Glasgow), Greater Easterhouse Women's Aid (Glasgow) and the Rape Crisis Centre (Glasgow), who allied with Glasgow City Council's view that:

The establishment of tolerance zones away from the general public may seem like a short term pragmatic approach to those who have not experience of working on these issues or attractive to those who seek to normalise and regulate prostitution as part of a modern sex industry ... [but] The Bill does not address the practical, financial and legal consequences of establishing them. The Council therefore rejects the proposal that local authorities should have the power to establish and manage tolerance zones within their locales and would not support the introduction of any such legislation (Glasgow City Council evidence to Local Government Committee on Prostitution Tolerance Zones (Scotland) Bill, November 2003).

Additionally, Glasgow City noted in their submission that the Bill would be to shift responsibility for 'policing' red light districts from the police to the local authority, concluding and this would be a negative move. In the light of such criticisms, the Local Committee and Transport Committee did not support the bill, suggesting 'the evidence received on the impact of prostitution tolerance zones on crime levels was inconclusive'; 'that the existence of a tolerance zone could adversely affect crime levels in the area'; 'women who are not prostitutes would be vulnerable if they entered a prostitution tolerance zone' and noting 'the establishment of toleration zones could lead to 'significant expenditure for ... the police' (Local Government Committee Stage One report on Prostitution Tolerance Zones (Scotland) Bill 2003).

A revised version of the bill was placed before the Committee in September 2003, but the bill was ultimately withdrawn by Margo McDonald on the assumption that the Scottish Executive's Expert Group on Prostitution, announced in Autumn 2003, would provide an alternate framework for impending reform, and be able to explore more full-reaching approaches such as the legalisation of sex work. The Expert Group consisted of a body of legal and health professionals, academics, police and local authority officials, chaired by former Strathclyde Assistant Chief Constable Sandra Hood, and charged with reviewing 'the legal, policing, health and social justice issues surrounding prostitution in Scotland and to consider options for the future' (Scottish Executive 2004). Alongside the aforementioned criticisms of the existing legislation, the Expert Group sought to address more general concerns that penalties in the form of fines and custodial sentences have no rehabilitative function and serve to undermine the efforts of assistance and protection services. The Group also sought to explore the extent to which policy addressed the needs and concerns of communities affected by prostitution – an issue persistently raised by residents affected by the closure of the Edinburgh toleration zone and the displacement of prostitute women from Coburg Street towards Leith Links.

In light of the recognised problems with extant legislation, the Expert Group presented a report on street prostitution in Scotland: *'Being Outside: Constructing A*

*Response To Street Prostitution*' (Scottish Executive 2004). Exploring possibilities of decriminalisation, legalisation and management through the creation of toleration zones, the report identified several options for modifying existing soliciting legislation, including repeal of existing legislation section 46 of the 1982 Act in favour of common law provisions such as use of breach of peace legislation for any public nuisance caused by soliciting or kerb-crawling or, as an alternative, a new offence being created of buying or selling sex in ways that cause demonstrable fear, alarm or offence.

*Being Outside* was published shortly after the Home Office's *Paying the Price* consultation document, and replicated its over-reliance on strategies encouraging women to leave prostitution (Scoular and O'Neill 2007). More positively, perhaps, *Being Outside* recommended a clearly defined local operational process of policing street prostitution, within a national strategic framework. It also recommended a certain minimal level of services across the country. Following the group's report, deputy justice minister Hugh Henry pledged (on 1 November 2004) to end the anomaly of only prostitutes being criminalised for their activities, hinting at a strong governmental support for a new law focusing on the nuisance or harm caused by the seller or purchaser of street prostitution, with specific legislation targeting kerb-crawling.

Following a public period of consultation, the Scottish Executive published *Street prostitution: the Scottish Executive's response to the expert group* (2005) stating its support for legislative reform and promising to issue new guidance to local authorities on their powers and detailing how they, together with police, health and social work staff should deal with street prostitution, including offering support for the women involved. Draft guidance, spelling out the role local authorities could play a role in 'the reduction and ultimate elimination of street prostitution', was subsequently prepared by *Routes Out* for the Scottish Executive.

In September 2006, the Scottish Executive introduced the Prostitution (Public Places) (Scotland) Bill focused on the 'alarm, offence or nuisance' arising from street prostitution-related activities, whether caused by seller or purchaser. Broadly in keeping with the Expert Group's recommendation, the Explanation Memorandum stated that the new law would allow the police to focus on the genuine nuisance caused to communities by prostitution, allowing the police to focus on the nuisances caused by kerb-crawling as well as soliciting when occurring in public places. The legislation stated that the objective test for 'alarm, offence or nuisance' was whether a 'reasonable person' would consider the behaviour to be offensive or alarming (Smith 2006). Significantly, the Bill suggested that people in private cars could not be considered as loitering, and that it was the act of soliciting a worker, not driving around an area per se, that would cause alarm. While the expert group appointed by the Executive recommended a complaint should be required before any prosecution, the Bill proposed leaving such judgments to the discretion of police officers.

Taking oral evidence from the police, sex worker projects (SCOT PEP, Routes Out), politicians and academic experts, the Local Government and Transport

Committee considered the Bill in October 2006, raising a number of concerns. Written evidence was also taken from a range of organisations, identifying some significant concerns about the new legislation. For example, the UK Network of Sex Work Projects suggested that ‘the name of the Bill is problematic, stigmatising and could act as a barrier to exiting for women who have been involved in street sex work ... to be charged with an offence under the proposed Bill will leave someone with a “prostitution” offence on their record’.

In committee deliberations, however, considerably more attention was given to the idea that loitering in a car in a red light district would not be prohibited, with evidence needed that a worked was approached by a client (or vice versa) for an offence to occur. In both written and oral evidence to the committee, Assistant Chief Constable John Neilson identified instances where the new law would fail to reduce nuisance:

Two thirds of the transactions that take place in Glasgow occur in motor vehicles. If a person who is in a motor vehicle cannot be loitering, what will happen to two thirds of transactions? Nobody will be charged and nobody will be rehabilitated. The tool will be ineffective, because a person who is in a motor vehicle cannot be loitering, although a person can loiter on a bus ... My opinion is that the bill gives us no powers and will frustrate the powers that we have (John Neilson, Minutes of Local Government and Transport Committee, 31 October 2006, col 4195).

On this basis, the Committee pressed the Deputy Minister for Finance and Public Service Reform to amend the Bill (*Edinburgh Evening News* ‘Radical changes to vice bill considered’ 19 December 2006) and to ‘expand the scope of the loitering offence’ to include those loitering in private cars. The Committee did ‘not accept that it would be impossible to find a form of words’ to do this. The Committee’s report hence identified ‘a number of major problems with the Prostitution (Public Places) (Scotland) Bill’ which ‘could call into question whether the Bill will actually address the problems faced by communities affected by prostitution, and whether it can, and will, be enforced (Local Government and Transport Committee report, published 7 January 2007).

The outcome was a substantially amended Bill that removed any reference to alarm, offence or nuisance from the soliciting offence, attempting to find a form of wording that might criminalise loitering in a car for the purposes of prostitution. The Bill [as amended at Stage 2] states ‘a person (‘A’) who, for the purpose of obtaining the services of a person engaged in prostitution, solicits in a relevant place commits an offence.’ Section 1(9) of the Bill provides that a ‘relevant place’ is: (a) a ‘public place’ as defined in section 133 of the 1982 Act; (b) a place to which the public are permitted to have access (whether on payment or otherwise); or ... (c) a place which is visible from a place covered by (a) or (b). The Explanatory Notes (para 16) published along with the Bill state that the inclusion of (b) means that the legislation would apply in ‘sports venues, rail and bus stations, theme parks et cetera’. This

amendment makes it an offence to solicit to obtain the services of a prostitute without any evidence of this causing offence, and irrespective of whether loitering in a private car or on foot. This effectively enables the prosecution of someone who is loitering in such a manner or in such circumstances it may be ‘reasonably be inferred that the individual was doing so for the purposes of soliciting someone engaged in prostitution’.

On February 28, 2007, MSPs approved the new law by 103 to 4, giving Scottish police similar powers to those of police in England and Wales for prosecuting kerb-crawlers, with fines of up to £1000 possible. Referring to the Act, Deputy Finance Minister George Lyon stated ‘It will send an unequivocal message to those who purchase sex on our streets that their behaviour will no longer be tolerated. We believe that it will act as a deterrent to those who seek to do so’ (cited in ‘Kerb-crawler bill passed by MSPs’ BBC News, 29 February 2007). However, the Act received criticism in some quarters, with Independent Lothians MSP Margo Macdonald suggesting it was ‘an absolute travesty of what the Expert Group sought to do’:

As was shown a few months ago when five women were murdered in Ipswich, the general community, while they may not like the idea or the behaviour associated with prostitution, accepts that street prostitutes are owed a duty of care by all of society (cited in Swanson 2007).

McDonald suggested ‘balanced, well-researched, well-proven arguments’ had been thrown out (*Edinburgh Evening News* ‘MSPs ignored the advice on prostitution’, 9 January 2003); likewise, commenting on the Act, Marina Barnard (2006) stated that it appeared ‘less about improving the lot of prostitutes, which was an explicit focus of the Expert Group, than efforts to control it through the mechanism of public nuisance’. As in England and Wales, the government raised the possibility of liberalisation only to retreat from this position to advocate more punitive policies.

### **From Protection to Prohibition?**

The twists and turns in governmental policy as it relates to street prostitution are, as this chapter has suggested, difficult to follow and, at times, riddled with contradiction. Yet what is clear is that policy-makers, bowing to all number of public and not-so-public pressures, have ultimately rejected the recommendations of most sex work organisation and advocates by dismissing notions of decriminalisation and legalisation – no matter how partial – in favour of a blanket condemnation of street prostitution as dangerous, exploitative and anti-social. In this sense, a process of reform that begun noting the need to offer protection to street sex workers – and has been given impetus by the Ipswich murders – has ultimately introduced policies which make street sex workers’ lives more rather than less problematic. Indeed, evidence from Sweden, where prohibitionism was introduced in 2000, suggests that

the increasing criminalisation of purchasing sex on the street and higher penalties for kerb-crawling means that those women who remain on the street will have fewer clients, be less discriminating and have less time to negotiate sex. Ultimately, this may mean that street workers are forced to relocate indoors, working in premises where they appear hard to reach for support services, largely unsurveyed by the police and law, and often vulnerable to sexual exploitation, violence or intimidation (on Sweden, see Kulick 2003; Hubbard et al. 2008).

From many standpoints, however, policy-makers' decision to crackdown on prostitutes' clients is perfectly understandable given the idea that prostitution represents unacceptable gendered exploitation has become such an insistent media discourse. In this sense, it is not surprising that the media's frequent conflation of prostitution, trafficking and child sexual abuse is mirrored in policy debates. Related to this is the increasing demonisation of those men who purchase sex on the streets – something now rarely seen as harmless or normal, but as a marker of deviance and perversion:

In an age of gender politics and political correctness, the cheeky married man who wants a cheap thrill from oral sex on the street is an easy target. He can legitimately be constructed as a threat to all innocent women and a hazard to creating 'safe' communities. Yet the stereotype does not hold up to much assessment ... Most men apprehended for kerb-crawling offences do not have criminal records, are in full-time employment and are upstanding members of the community and of families. Although in some markets sex workers experience violence, most commercial sex interactions happen without incident, condom use is high and sex workers complain more about intense policing and a lack of monitoring than about the clientele (Sanders 2007, 18).

As Sanders' work makes clear, those who buy sex do so for many different reasons and are drawn from all walks of life. Condemning such men for buying sex makes little sense in a context where both men and women's right to purchase sexual services electronically is largely unquestioned; where 'adult entertainment' is increasingly in the mainstream and where the fundamental rights of people to enjoy a sex life are central to notions of sexual citizenship (Phoenix and Oerton 2005).

In its attempt to deliver 'safer communities by reducing both the demand for and supply of street prostitution', British government has hence developed policy which 'consolidates moral authoritarianism' by criminalising and responsabilising the women and men involved, and which fails to recognise that the buying and selling of sex will always occur (Phoenix and Oerton 2005, 76). Both North and South of the border, the state has kicked the idea of toleration zones into touch, introducing more punitive kerb-crawling and soliciting legislation that discourages both clients and workers (Pitcher et al. 2006). This means that prostitution is increasingly invisible in its traditional street forms, with clients using contact magazines to locate sex workers off-street, or frequenting the few remaining sites where sex workers furtively solicit

for business (principally in areas where there remains a strong connection between prostitution and local drug markets). Writing nearly a decade after his initial audit of sex work in London, Matthews (2005) notes a dramatic decline in street prostitution in areas such as Soho, Streatham, Finsbury Park, Paddington and Kings Cross. At the same time, he suggests, 'nearly every High Street in London now has a brothel, while telephone boxes and local papers are full of advertisements advertising sexual services in one form or another' (Matthews 2005, 7). Indicatively, the off-street trade has not only grown in size and scope, but has become more apparent across London into the suburbs and Home Counties. As a consequence, (male) pimps and managers may actually be profiting from the crackdown on street work, with street workers increasingly seeking employment for escort agencies rather than risking working independently. A related phenomenon is the movement of street workers into upmarket 'lap-dancing' bars which are seemingly acceptable to local authorities as a legitimate part of the night-time economy (Hubbard et al. 2008).

Another important trend here is for sex to be bought and sold online via the Internet, which is currently subject to little regulation. Though it is tempting to conclude Internet work may be safer and more lucrative than street prostitution, a crucial point that needs to be made about Internet-based sex work is that it makes women visible, but grants men anonymity: it has effectively fully privatised men's viewing and access to pornography, sex shows, prostitution, and voyeurism. This increased privacy and anonymity gives men more protection from social stigmatisation and law enforcement activities (such as crackdowns on kerb-crawling), and thus may facilitate the sexual exploitation of women. Consequently, the gradual disappearance of prostitution from the streets does not necessarily indicate the battle against exploitation is being won, merely that more prostitution is occurring beyond the gaze of the state and law. Indeed, the murder of two prostitutes in a massage parlour in Shrewsbury (UK) in 2006 challenges assumptions that off-street work is safer than street work, with critical voices alleging the law remains complicit in creating spaces where male violence and even murder can be carried out with impunity (Kinnell 2006). For some commentators, the key debate is accordingly not about criminalising particular spaces of sex work or legalising others: it is about moving prostitution out of the criminal justice system all together and focusing on the public health and social care we can provide to break the cycle of violence (Goodyear and Cusick 2007).

## **Conclusion**

Slowly but surely, sex work – at least in its visible and more traditional forms – is disappearing from Britain's streets. Various explanations can be posited for this, not least the rise of Internet and mobile telephony which allow consumers to buy virtual sex, safely and legally, from their own home. In this chapter, however, we have suggested that recent legal reform has exacerbated and accelerated this process,



resulting in the gradual erasure of street sex working as a visible and significant form of sex work on Britain's streets. The positive aspects of this decline should not be underplayed, as there have been some real gains for those residents who felt their life has been blighted by street sex working (Pitcher et al. 2006). But we should also be wary of the consequences for the women (and men) employed in the sex industry, with the wholesale displacement of sex work from street to off-street locations needing to be considered in terms of its implications for the safety and well-being of workers and clients alike. Just because sex is being sold off-street rather than on street does not mean that policy-makers can rest easy that they have solved the problems of gendered exploitation that they feel beset this form of work. Sex workers can still be financially exploited, injured or killed when working off-street – particularly when premises are not surveyed or acknowledged by the authorities. The government's reluctance to offer any positive system for regulating indoor sex work while continually focusing on eradicating (and hence displacing) street sex work, potentially exacerbates this situation. Far from being neutral with regards to off-street working, this apparently laissez-faire approach has delineated a private sphere of non-intervention, creating an unregulated market in which private forms of commercial sex are, by omission, sanctioned and as such have very much proliferated since the time of Wolfenden. We hence conclude by arguing for policies that recognise that sex will always be bought and sold, and which do not seek to criminalise it or simply push it out of sight, but allow it to occur as safely, as orderly and as fairly as possible.

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# Chapter 10

## To Toe the Line: Streetwalking as Contested Space

Hendrik Wagenaar and Sietske Altink

In the Netherlands, prostitution, the exchange of sexual services for money, has been legal since the early 20th century but street prostitution always sits uneasily in the public imagination. The following chapter reviews the Dutch *Tippelzones*, which are areas, usually at the geographic margins of the city, removed from residential areas, which local governments designate as spaces where streetwalking is allowed the purpose being to enhance the safety of streetwalkers and safeguard the security of citizens. The chapter focuses on the conditions that enable and constrain public policy towards streetwalking and on the symbolic or meaning aspects of street prostitution especially the aspect of space as being not only geographic but social, symbolic and above all contested.

### **Negotiating Policy Ambivalence: The Rise and Fall of the Dutch *Tippelzones***

It is probably an apocryphal story but it is too good, and too emblematic for a particular Dutch approach to street prostitution, to ignore it. In the mid-1980s, in the city of Rotterdam, a police officer had finally had enough of the constant bickering with streetwalkers over their right to ply their trade in a thoroughfare near a residential area. In utter frustration he took a piece of chalk and literally drew the line. “From now on, you can solicit clients only on this part of the street. You’d better toe the line.” In one stroke, an on the spot, provisional solution for the problem of streetwalking was created. Later it became institutionalized in the so-called designated streetwalking zones or safe areas. A Dutch policy innovation was born: the *Tippelzone*.

In the Netherlands, prostitution, the exchange of sexual services for money, has been legal since the early 20th century. The exploitation of prostitution, however, either through pimping or by operating sex facilities, was illegal. In practice sex clubs and window facilities were subject to a regime of regulated tolerance, an informal agreement between the district attorney, the police and the prostitution sector not to prosecute as long as the latter operated within the limits of public order (Brants 1998). The legal rationale of regulated tolerance is that either the social activity thus tolerated is so ubiquitous as to defy enforcement, or the penal code

is considered the wrong instrument for repressing the activity as enforcement and prosecution are seen as more harmful than the misdemeanour. Within the various modes of prostitution, streetwalking always occupied a highly ambivalent position. In most cities in the Netherlands streetwalking is a misdemeanour. Alternately it was tolerated, with an appeal to the legality of prostitution and the freedom of women to sell sex, and repressed when the number of street walkers in a particular part of the city exceeded a particular critical value or the public raised its voice. We will return to this observation later, since we think it is significant with regard to the general attitude and public policies towards street prostitution. *Tippelzones* were the way out of the ambivalence between repression and toleration.

*Tippelzones* are areas, usually at the geographic margins of the city, removed from residential areas, which local governments unilaterally designate as spaces where streetwalking is allowed. They include low threshold services for the women and, as streetwalking was simultaneously outlawed in the rest of the city, were also a means of preventing public nuisance in city life. They form a typical example of a pragmatic moral policy that benefited all parties involved.<sup>1</sup> In a demarcated space a morally ambivalent but ubiquitous activity is officially tolerated with the purpose of enhancing the safety of streetwalkers and safeguarding the security of citizens. In the meantime *tippelzones* served a public health function by providing medical services and condoms on the spot. In particular they offered a safe environment to drug dependent women for whom street prostitution was the preferred way to finance their habit. The success of the *tippelzones* was such that it attracted the attention of policy makers from other European cities, who in some cases, such as the city of Cologne, emulated the Dutch innovation. Yet after having been operational for some twenty years in most of the major cities in Holland, the last two years saw a sharp reversal of the appreciation of this policy instrument by public officials and the general public. In Rotterdam, The Hague and Amsterdam the *tippelzones* have been dismantled with astonishing speed. What has happened?

The official story as it comes forward in policy reports is that the situation in *tippelzones* got out of control. This was caused by a number of, largely unforeseen, external events. Around 2000, two developments coincided. In October 2000 Dutch parliament legalized the operation of sex facilities. The new law had a long and chequered history, but its general purpose was to transform prostitution into a regular business sector. With this the authorities hoped to improve the working conditions of prostitutes, and to separate “good” prostitution by autonomous women who entered the business voluntarily, from the exploitation of vulnerable women by unscrupulous middlemen. However, the now legalized sex industry was only accessible to Dutch women or foreign women who were already naturalized; within Dutch labour regulation, prostitution was the only employment category for which it

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1 With moral policy we mean all those policies that concern issues that touch on life style and that are morally contested. Examples are euthanasia, abortion, birth control for adolescents, alcohol consumption, and drug use.

was impossible to obtain a working permit as a foreign resident. At around the same time, reflecting the drive towards enlargement of the EU and thus unrelated to the legal and institutional transformation of the Dutch sex industry, visa requirements for Central and Eastern European countries were considerably relaxed. These two developments interacted in a fateful way. Migrant women who came to work in the Dutch sex industry were banned from the now legal prostitution sector. A lot of women from outside the European Union were disenfranchised from the legal sex industry as they could not get a working permit. Many of these women proved to have come by channels of human trafficking. And almost all of them ended up in those sectors of the industry, such as low end escort services and *tippelzones* where immigration and tax officials didn't care to monitor.

The effect on *tippelzones* was immediate and dramatic. Almost overnight *Tippelzones* became overcrowded. For example the *tippelzone* in The Hague experienced an increase from around thirty to over a hundred women on an average evening. (Wagenaar, unpublished research notes). According to service providers in the zone, the influx consisted mostly of young Eastern European women who were delivered in vans after the closing hours of the sex clubs and picked up again when the *tippelzone* closed. As they were younger and took better care of themselves than the regular population of addicted women, they took clientele away from the latter. Many of these women were hard to reach for service workers, but on the basis of scattered evidence, it was suspected that many of these women were forced to hand over the proceeds of their work to their middlemen. The result was that many of them, desperate to make money lowered their prices and took unjustified risks in selecting clients, particularly towards closing hours.

A third, and very important, factor in the demise of the *tippelzone* was media attention. The legalization of the prostitution industry generated intense media coverage in the Netherlands. Driven by the need for high viewer ratings and sales, the media were constantly in search of titillating stories and images.<sup>2</sup> The mass media confronted the general public with lurid images of men soliciting sex services from scantily clad women, drunken behaviour, addicted derelict women and the odd flamboyant transgender. Sex workers, police officers and service providers talked on screen about violent and extreme behaviour among clients. Those programs drove home a particular negative image of *tippelzones* with the general public and local officials and politicians. In addition, a moral panic over minors engulfed the general public. The fall-out of the Dutroux Affair in Belgium put the problem of

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2 An example by way of illustration. In the Fall of 1992, Wagenaar was interviewed by one of the major news shows on Dutch public television for an item on the progress of the legalization effort. Instead of interviewing him in his office, he was asked if he was willing to be interviewed against the backdrop of a *tippelzone*. In the end his measured assessment of the implementation of the brothel legalisation was not used. The item that was finally broadcast, was both sensationalist and alarmist, full of suggestive, lurid images of alleged abuses in the legalized prostitution sector.



sexual vulnerability of minors high on the agenda, and moved public opinion to regard street walkers (and by implication prostitutes in general) as victims, and male clients as perpetrators.<sup>3</sup> A highly publicized case of a young woman with Down's Syndrome who was found working on one of the *tippelzones* reinforced the image that the situation on *tippelzones* was out of control. Officials and politicians began to frame their role in regulating street walking through *tippelzones* as contributing to the sexual exploitation of a vulnerable population, and wondered aloud if this policy instrument was still morally acceptable. Within less than a year, the *tippelzone* was no longer seen a solution but as a problem.

The preceding is a good example of the unintended consequences of a well-intended policy. Consequently, one way to appreciate the developments of the last two years is that by closing down the *tippelzones* local governments behaved as rational actors in the face of a failing policy. But there is more to it. At the heart of the *tippelzone* policy there is a big anomaly. As many commentators have argued, by creating *tippelzones* local governments acknowledged their responsibility for the well-being of addicted streetwalkers and for the public order. In the words of Marieke van Doorninck, a well known Dutch expert on street prostitution: "But if local governments assumed responsibility, why were they not more active in monitoring the situation and enforcing the law at *tippelzones*?"

Monitoring *tippelzones* was not a priority in most cities.<sup>4</sup> The minimum of police presence that could be discerned on *tippelzones* mostly dealt with public order while neglecting the obvious signals of trafficking. At best police banned women without legal papers from the *tippelzone* and at the same time left the traffickers alone. On top of that local governments cut the budgets of the social services at the zones. This raises the question of why local governments initiated the policy without following it through.

The answer we will pursue in the remainder of this chapter will focus not on policy outcomes – important as they are obviously – but on the conditions that enable and constrain public policy towards streetwalking. Street prostitution presents itself, to policy makers and to the public at large, not only as a recognizable, self-evident object that is made up of certain actors, behaviours, and images, but also, and perhaps above all, as a coherent set of meanings and significations. For

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3 A highly publicized case of an Amsterdam alderman and nationally recognized politician, who was spotted soliciting unprotected sex from a young woman on a *tippelzone*, contributed to this image in the public mind.

4 The policing policy of one of the cities in which Wagenaar researched *tippelzones* is typical in this respect. One police officer was assigned to monitor the *tippelzone*. He was a seasoned, dedicated officer who had gained the trust of the women who worked there. At the time of my visits, he told me that police management had reassigned him and that the *tippelzone* was now effectively without any police supervision. He nevertheless continued to go there once or twice a week. The only thing he could do was to check the papers of the women and ask non-local women to leave.

example, it is at the signification aspect that the media coverage with its emphasis on a limited set of symbolically charged images appeals; not the rational dimension of policy arguments and policy outcomes. Three things are important about these meaning ensembles that constitute the object of public policy. First, many of the elements of meaning are tacit; they operate below the surface. This implicitness of the meaning structure is partly because of the “forbidden” sexuality that is implied in street prostitution, partly because of the way that policy meaning operates: through metaphors, stories, images, material objects. (Yanow 2000) Policies – all policies – are not only instrumental means to attain an agreed upon end, but also public objects that express ideals, preferences, values, feelings, and identities. (Stone 1997) Second, these meaning ensembles both constrain and enable certain policy options. They make certain policy solutions possible, even natural (for example, the tradition of community and tolerance that characterizes Dutch moral policy brings street prostitutes into focus as citizens and victims who therefore deserve public protection and support) while ruling other options out (for example, to harass, arrest or neglect street prostitutes). The expressive, symbolic dimension of public policy shapes both its implementation and outcomes (Yanow 2000) Third, the meaning of the object of public policy is usually contested. Or, more precisely, it is the outcome of a power struggle between contesting parties. Clearly, the parties involved bring unequal resources to this struggle, so the party that prevails has managed best to present a particular issue as credible, plausible, true, or morally right (Torring 2005).

In the remainder of this paper we will focus on the symbolic or meaning aspects of street prostitution. In particular we will focus on the aspect of *space*. By its nature, street prostitution is intimately tied up with the street pattern of cities. Differently put, street prostitutes occupy a particular space in the urban environment. That space is not only geographic, but, as we will argue, also social, symbolic, and above all, *contested*. We will argue that the conceptual and material space that street prostitutes occupy in urban areas contains all the symbolic conflicts, dilemmas, expectations and value positions that surround street prostitution. Differently put, to understand street prostitution as contested space, is to understand why it presents itself to public authorities as utterly policy resistant.

## Streetwalking as Contested Space

Why the focus on space in relation to streetwalking? Why not focus, for example, on the risks intrinsic to streetwalking or the well-being of the sex workers? Our argument is twofold. First, the manifest appearance of street prostitution as a social problem initially is as a struggle over urban space; over the issue if streetwalkers have the right to occupy the particular area in the city which they have selected as their work environment. Second, in terms of policy meaning, space as a social concept epitomizes the moral, spatial, material, symbolic and gender aspects of

street prostitution. (Low and Lawrence-Zúñiga 2003). Let us present our argument in a nutshell:

1. Streetwalking cannot be seen apart from city life. It is hard to find a major city anywhere in the world without some form of legal or illegal streetwalking. This is both a contemporary and a historical reality.
2. Streetwalking creates its own demarcated space within the larger urban environment. This demarcation is informal but is recognized by all residents of the city.
3. These demarcated spaces are usually highly contested.
4. The contested nature of streetwalking is both internal and external. Internal because of the transient quality of the sexworker population, external because of the morally ambivalent quality of street prostitution.
5. The contested nature of streetwalking areas makes them intrinsically unstable, either in a spatial, symbolic or moral-political sense.
6. This makes street prostitution highly policy resistant.

This is not the place for an historical overview of street prostitution. The relevant literature – even the Bible – suggests that it is something of all times and all places. Since the rise of large urban areas street prostitution is an inseparable aspect of city life (Bullough and Bullough 1964, Walkowitz 1992). At this point we only want to emphasize that, strange as it may sound in the light of the discussions about the abusive and risky nature of street prostitution, sex workers have good and compelling reasons to choose for the street as their work site of choice. Women interviewed in an empirical study of streetwalkers and clients in the city of Rotterdam lists the following reasons: you can decide your own working hours; streetwalking doesn't require financial investment in renting a working space; no percentage of earnings have to be turned over to the owners of sex facilities, and in the case of the Netherlands, to the taxes. (Van Gelder and Roekel 1989, 83–84) Besides there are no thresholds such as job interviews, a dress code, or a licence to enter the trade. These are also the reasons that street prostitution is attractive to drug-dependent sex workers. Drug addicted streetwalkers also mention that street prostitution a relatively safe and stable source of income compared to the criminal lifestyle of their male counterparts. (Berg and Blom 1987, 134) The upshot is that street prostitution is a low-threshold form of prostitution for women who need money urgently and who have little or no perspective in the regular job market.

The economics and logistics of street prostitution require a form of spatial concentration. Empirical research reveals that there are compelling reasons why street prostitutes concentrate in one area. They have to be recognizable for clients, they must offer clients a choice, and working in an environment with other street prostitutes increases safety (women can keep an eye on each other; streetwalkers can exchange information about dangerous clients). Pockets of street prostitution also attract necessary services such as vendors in drugs or condoms, and, despite the

economic competition, women enjoy each others company (Van Gelder en Roekel 1989, 81; Jansen 2003; Berg en Blom 1987).<sup>5</sup>

The internal dynamics of concentration have the effect that areas where street prostitution occurs stand out as well-recognised and “naturally” demarcated spaces in the larger urban area. Generally they loom large in the urban imagination. Competent city dwellers can tell you exactly where these spaces are; even if they have never set foot there themselves. Streetwalking areas are not just geographically demarcated on the urban map but they also occupy symbolic space in the urban imagination as areas of vice. They are dubbed Combat Zone, Tenderloin or Meat District or in Dutch, *de Baan* (The Strip). An important aspect of these spaces is their function as a public spectacle. Loafers, spectators and tourists are attracted by the lurid and titillating aspects of streetwalking areas, although they have no intention to use the services offered by the sex workers. By walking around in these areas they vicariously participate in the forbidden pleasures of city life. Voyeurism is the necessary flip side of moral indignation in the moral economy of the city.

Street walking spaces generally figure prominently in the moral geography of a city. Their symbolic size is many times larger than their geographic and material size. This has several reasons which we will discuss later in this paper but one important reason in contemporary society is the central role of the mass media in the construction of streetwalking areas as symbolic spaces. The performative aspects of street walking (women parading through the street in sexually provocative clothes, bargaining with clients in cars about the prices of sexual services, the night life, and the curious and to the viewers irresistible mix of glamorous and emaciated drug addicted women) prove to be irresistible to the mass media. Through the broadcasting of these images over and over again the street walking zones become a huge, public symbolic space.<sup>6</sup> Through media attention streetwalking areas turn into a moral spectacle to a gullible uninitiated audience which is simultaneously repelled and attracted. To

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5 Paula Bezemer, director of the Foundation for Services to Prostitutes (SHOP) in The Hague comments on the camaraderie found among street prostitutes: “The tippelzones are not just a crucible of misery. Sometimes we have a lot of fun in the Living Room (the name for the low threshold service she runs at the *tippelzone*). The women put make up on each other. They tell each other juicy stories about clients. About some trick that a client asked for. Or that they made a lot of money with a particular john.” (Vakblad over Gezondheid en Maatschappij, 30).

6 To list an example, the Rode Draad is often asked by television makers to participate in a program. These formats are sold to us as “we have a beautiful concept that will create emotionally moving television.” Or we are asked to provide a specific kind of sexworker. This outside construction of an image of vice and depravity by the media is in itself nothing new. McDonogh (2003) describes how the night live of bars, cabarets, prostitutes and transvestites in the Barrio Chino area in Barcelona, has for over a century been immortalized in countless novels, reportages, pamphlets, and policy reports, erecting an unshakeable image of a world of vice and danger that, depending upon the perspective of the observer, was either seductively attractive or morally repugnant.

the general audience, which includes policy makers, the symbolic space replaces the material space and becomes an autonomous reality. Street prostitution crowds out other forms of prostitution in the public mind and becomes the equivalent of prostitution *per se*; literally larger than life.<sup>7</sup>

Thus there is an inherent paradox in streetwalking areas. On the one hand sex workers and clients prefer relatively shielded areas where sexual services can be exchanged for money in relative anonymity. On the other hand social forces seize on the performative aspect of street prostitution and its locale to draw it into the limelight. You can't stay aloof; streetwalking areas leave the observer no choice but to be engaged positively or negatively. Street prostitution is one of these subjects that compel people, even those who have no experience or no exposure whatsoever, to have an opinion. Differently put, the areas within cities that emerge as streetwalking areas are contested spaces.

Street prostitution is not the only morally ambivalent activity that is indelibly connected with urban living. Other examples are striptease, gambling, drug use, or homosexual cruising. They are part of the fabric of city life, many argue that they are representative of the greater freedoms that city life offers in relation to rural living, yet they make the average citizen uncomfortable. A key element in the fragile equilibrium that allows for the presence of these morally ambivalent activities is that they are marginal, both in scale as in impact. For the inhabitants of large cities, the presence of morally doubtful activities, and the sites where these are practiced, becomes part of a texture of urban practices, of what it takes to live in a large city. They are tolerated as long as they are not too visible; a fragile balance of awareness and denial. The implication is that when for whatever reason one of these activities moves closer to the centre of urban culture, its position in urban life becomes more tenuous. For example a few drug addicts shooting up in a back alley belong to city folklore, but dozens of addicts populating the main entrance of the Central Station is seen as a public problem that requires policy intervention. Street prostitution by its very nature is in a difficult if not impossible position. The same forces that lead to concentration of sex workers on the street also push streetwalking zones outside its own confines into visibility, particularly so, as we saw before, in the contemporary media landscape where space is no longer confined to geographic space, but inevitably is pushed into symbolic space.

What is it about street prostitution that makes it a contested space? Low and Lawrence-Zúñiga define contested spaces as “geographic locations where conflicts in the form of opposition, confrontation, subversion, and/or resistance engage actors whose social positions are defined by differential control of resources and access to power.” (2003, 18) Cities are rife with spaces that are sites of struggle over “basic meanings of social life” (McDonogh 2003) For example, what is a derelict warehouse for one, represents a low rent breeding ground for young artists for the other. Or,

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7 For example in the Netherlands streetwalkers only constitute 5 to 10 percent of the population of prostitutes.

what is a valued people's park for the residents of an inner city neighbourhood represents prime real estate for the developer. What makes street prostitution difficult from the perspective of urban policy, is that in its spatial manifestation it evokes largely unexamined but deep-seated uneasiness about some central, unresolved, if not irresolvable, tensions in the larger moral order. Moreover, the specialisation of immorality is a prime method of separating the virtuous from the depraved, the hard working, tax paying citizen from the marginal elements in the city. In addition, the internal dynamics of street prostitution itself makes it a highly unstable social "object", its constantly shifting dynamics manifesting itself largely in a spatial way. Thus street prostitution sites are one of the focal points in urban life where important processes of social selection occur that sustain the larger moral order. This, the sites where street prostitution occurs represent the multiple, layered symbolizations of the economic, sexual, moral, gender and power divisions in the cultural life of a city.

Thus, we differentiate between internal conflicts in the streetwalking zones and the moral position of streetwalking in the larger social environment. The Dutch *tippelzones* are an example of the constant shifts in the internal dynamics of streetwalking areas. We speak about internal conflicts because over the last two decades we saw large changes in the subculture of street prostitution with regard to drug use, the relationship between users and non-users, market prices, gender relations and the ethnic background of the streetwalkers. Since the 1970s drug addiction has become a prominent feature of street prostitution. This made streetwalking spaces especially sensitive to changes in drug markets and user habits. For example, during the 1980s the hue and cry was over heroin addiction, soon to be disenfranchised in favour of poly-use in which heroin only figured as a sedative. In some of the *tippelzones* crack loomed as the ultimate threat. Changes in the supply of drugs influence mutual interactions between streetwalkers and interactions between streetwalkers and other actors such as clients and service providers in unexpected and hard to predict ways. For example one of the streetwalkers in Rotterdam *tippelzone* says "*Keileweg* is a hell hole, I also hear it from the other girls. Since crack appeared on the scene it all has become rougher and tougher" (Jansen 2003, 132).

Similarly streetwalking is an arena of conflict between competing groups of streetwalkers. Trends in immigration and acceptance of gender ambiguity resulted in rapid shifts in the composition of the population of streetwalkers. For example in the early 1990s transvestites constituted a male presence in the overall female gendered space of the streetwalking zone. This seriously upset the gender balance in the zones. Female streetwalkers now not only had to negotiate the sexual asymmetry between themselves and the male clients but similar asymmetries among themselves. Transvestites were generally seen as more dominant in appropriating services and they also attracted a new type of bisexual client. The effect was that traditional clients became more suspicious in their negotiations with the "women" on the zone. In the wake of the Dutch transvestites, migrant transgenders followed, introducing yet another conflict in the crowded streetwalking space. Then, as we saw, in the early years of this century, large numbers of young, Eastern European non-addicted

women entered the zone. The supply of women increased sharply, which made the zones more crowded and had a devastating effect on market prices.

The combined effects of the introduction of crack and the influx of immigrant women made the zones more visible as a social problem. The streetwalking areas became a prism through which general issues of trafficking and exploitation of young and vulnerable women became magnified in the public eye. Public officials felt that they could no longer neglect the *tippelzones* as a policy issue. *Tippelzones* were suddenly depicted as areas of abuse, and street prostitution as a morally unacceptable activity that had to be eradicated. Policy makers felt themselves in a morally awkward position. Simply taking responsibility for *tippelzones* they felt they were accessories to the abuse and exploitation of vulnerable women. Withdrawing from any official involvement with the *tippelzone* by closing it down came to be seen as the only viable option.

However, it would be wrong to think that the vulnerable policy position of street walking zones is only the result of the impact of societal changes, as many analysts argue. The practical implication of this position is that adequate counter measures would have saved the regulatory approach to streetwalking areas. (Doorninck 2004) We are less sanguine however about the prospects of a successful regulation of street walking areas. This has to do with the moral preconditions of public policy towards street prostitution. Streetwalking zones are above all spaces where deep-seated but submerged conflicts between divergent moral positions with regard to sexuality and gender forcefully clash.

First streetwalking zones harbour an inevitable conflict between different gendered spaces. To make this point clear we will contrast street prostitution with window prostitution. In window prostitution to obtain sexual services the male client has to enter the personal space of the sex worker. An obvious difference with street prostitution is that most rooms have security devices installed that will bring security people onto the scene in case of trouble. But, important as this is for the (feeling of) security and well-being of sex workers, security devices are used rarely. Control proceeds along different, more subtle ways. In accepting the terms of agreement, the male enters a space that is devoid of any attributes that allow him to exert his routine sexual dominance. The room and its attributes make the woman feel confident in her position and her professional identity as a sex worker. The sex worker prescribes the routines (such as washing up before sexual contact), which are connected by the attributes in the room (the prominent position of a wash basin). The work space constitutes her personal sphere in which she is in control. She controls entrance and exit. The room defines the spatial and symbolic boundaries of the gendered sphere of the window prostitute. This is expressed in the relatively high status that window prostitutes occupy in the informal hierarchy among sex workers. Women who work in windows are seen as self-reliant and professional.<sup>8</sup>

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8 The distinctive position of window prostitutes, simultaneously sheltered and empowered, was evocatively put into words by Metje Blaak, ex-sexworker, and now author,

Street prostitution stands in stark contrast to this. Street prostitutes work in a large public space. Only by parading in a deliberately sexually provocative way can they tenuously appropriate this space as space for female sex work. However the street zone is still weakly defined as a female space. In fact, for street prostitutes to provide services they have to enter the typical male space of the client's car. Not only is the male client fully in control within his car, the car itself is also a general symbol of the male sphere. In the case of street prostitution, the woman enters the male sphere to provide sexual services, in many cases literally going down on her knees. Both in a practical and symbolic sense, the car as the site of sexual encounter reflects and sustains larger power differentials in male-female sexual relations.

This is not the full story. Street prostitution is a deeply morally ambivalent phenomenon. We should never forget that the prostitute is the prototype of the stigmatized woman (Pheterson 1996). Prostitutes violate deep seated norms and values that uphold the social order where it pertains to male and female sexual roles. Female prostitution is strongly associated with indecency and lack of restraint, traits which are central in the definition of female sexual behaviour. But where prostitutes working in clubs or as escorts display this rule breaking behaviour away from the public gaze<sup>9</sup>, street prostitutes are in no such position. As Pheterson observes: "Street prostitutes depend upon whorespeech, appearance, and attitude as advertisement. They are 'public' women who show too much, say too much, know too much and do too much. Too much of anything is unchaste for women" (Pheterson 1996, 84). Thus it is inherent in street prostitution that they represent an open exhibitionistic defiance of deeply rooted rules and norms regulating female sexual behaviour. Being aware of their precarious moral position in the urban space it has been observed over and over again that street prostitutes, in an apparent inversion of the moral order, defiantly act out their position as unchaste, lascivious women. This probably explains why street prostitutes are considered a victim on an individual level, while as a group they are considered a threat for society.

Within the larger urban setting streetwalking zones thus are manifestations of larger social conflicts and power relations. Their publicness and visibility make it impossible to cover up the moral ambivalences that surround this aspect of urban life. Street prostitution will always sit uneasily in the public imagination. For this reason streetwalking zones are highly unstable sites, perennially challenged by the larger public, the media and public officials. At best they are temporarily tolerated but periods of toleration inevitably alternate with repression.

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filmmaker, and activist. Commenting on the effort it took her to get out of the business, she said: "it was hard. I am now in the wide, wide world. I'm no longer a princess in my workspace". The Dutch is much more terse and evocative: "Ik ben geen prinses meer in mijn peeskamer". (Metje Blaak, personal communication).

<sup>9</sup> Window prostitution is an ambiguous case here. While women are provocatively "undressed" they are largely immobile and untouchable behind the glass barrier. However, in practice the limits of indecency are constantly negotiated with the police.



There is a certain tragedy in street prostitution. While it is an intrinsic element of city life, it constantly collides with the embedding moral and ideological order. And because of the moral contestation that is inherent in street prostitution, it is one of these wicked problems or policy paradoxes that resist any easy and stable solution (Rittel and Webber 1973; Stone 1997).<sup>10</sup> The moment public officials take responsibility for regulating streetwalking, they inadvertently take position in the implicit symbolic conflicts that are concentrated in the streetwalking zones. This explains to our mind the recurrent argument for closing the Dutch *tippelzones*, namely that local governments should not be implicated in abuse and exploitation of vulnerable women. With regard to street prostitution local governments face a devil's dilemma.<sup>11</sup> They cannot ignore streetwalking zones and they cannot regulate them either.

Is there any solution at all to the conundrum of street prostitution? Are there any measures that acknowledge the inevitability of street prostitution in urban life yet protect the rights and safety of streetwalkers? Given the preceding analyses the position of street prostitutes would be considerably strengthened, we believe, if the sexual encounter would take place in a more gender-neutral setting. In addition a solution should contribute to destigmatization by decreasing the moral distance between street prostitutes and "normal women". One way to bring this about would be to situate street prostitution in regular entertainment areas. Generally the entertainment areas are sites where men and women meet for sexual contacts, and where the distinction between paid and unpaid sex is fuzzy anyway. Locating street prostitution in the locales of city night live would also make it safer. A second necessary element of a solution would be to create so called Love Hotels (after the Japanese example) where people can rent low priced rooms for both paid and unpaid sex. This gives the street prostitute the option of receiving the client in a power-neutral space, particularly if hotel rooms, similar to the work spaces of window prostitutes, can be provided with alarms. This is in itself not a new solution. In some countries such as Thailand, it is common for prostitutes to work from bars, often in some kind of financial agreement with bar owners, in the vicinity of low rent hotels. What is new in our proposal is that we attempt to create a synchrony between the empowerment of sex workers and the enforcement capacities of the state.

The obvious risk of situating sex work in bars and short-stay hotels is that shady entrepreneurs will control these venues to exploit the women who work their trade there. Currently the local municipal administration of Amsterdam faces the same dilemma in the Red Light district after an administrative investigation revealed that some of the largest owners of window facilities probably have ties to organized

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10 For example, in Rotterdam, ironically, the argument to introduce the *tippelzone*, combating public nuisance caused by street prostitution, is now put forward to close it down again.

11 This term was used by the mayor of Amsterdam while defending the closure of the *tippelzone* in the city council.

crime. It is a disconcerting truth of prostitution policy that female prostitution seems to attract male procurers bent on financially exploiting sex workers. The challenge of both prostitution activists and local governments is thus to come up with “pimp-resistant” solutions to the organization of sex work. In other words is it possible to provide spaces in the larger environment of urban living where sex workers can attract and receive clients that are hygienic, physically attractive, that guarantee their safety, and in which they do not have to fear financial or other forms of exploitation? Clearly, there are no easy answers here. One option that the Dutch sex workers group The Rode Draad is exploring at the moment is a loosely organized public-private partnership. The private part of this partnership consists of the creation of management collectives. Based on the practical wisdom that local governments don’t want to be – and, for reasons of inappropriately mixing roles, probably shouldn’t be – implicated in managing sex facilities, and that private entrepreneurs end up exploiting sex workers (Altink and Bokelman 2006), we proposed to create managing collectives for sex facilities. The managing collective consist of (ex-) sex workers, representatives of sex workers, residents who live near the sex facility, and, if necessary, management and financial professionals. The collective leases space from the local government (In Amsterdam the local government is one of the largest owners of real estate.) for affordable prices and organizes and manages the sex facility.

The state’s role in regulating street prostitution would, according to this proposal, be restricted to three relatively unproblematic administrative activities: enforcing anti-pimping laws to secure the economic independence of the sex workers, licensing and monitoring the bars and hotels to allow safe and fair working conditions for the prostitutes who work there, and organizing low threshold services to the sex workers. Other state agencies, such as the Internal Revenue Service, Labour Inspectorate, and Municipal health Services, can regulate and monitor respectively the income position of the sex workers, the work environment, and public and individual health. In this way street prostitution (and other forms of prostitution as well) would be integrated in the regular entertainment space of a city, safely accessible for those who prefer to make use of its services.

Have such loosely coupled public-private partnerships any chance of succeeding in this area? We point out one example where the combined efforts of private entrepreneurship and state enforcement transformed an urban blight into a flourishing city landscape. During the 1970s the *Zeedijk*, one of the oldest streets in the historic centre of Amsterdam offered a grim spectacle of drug addicts and dealers, street crime, decaying businesses, and abandoned buildings. In the public imagination the *Zeedijk* was a no-go area. At the end of the 1970s local government began to enforce the law, arresting drug dealers and petty criminals, and discouraging drug addicts to loiter. It also stimulated small businesses to settle on the *Zeedijk*. Now the drug trade has left and a pleasant, lively street full of nice restaurants, shops and cafés has emerged. However, although we believe that public-private collaboration might make difference, we do not think it will solve the imperviousness of (street-) prostitution

towards policy intervention. Prostitution, in particular street prostitution remains a morally ambiguous activity which turns every location in which it is practised into a contested space. For this reason policies aimed at regulating prostitution will inevitably generate unintended consequences. The unintended consequence of this solution is that, driven by the need for the concentration of supply, these bars and the areas where they are located, will become the new symbolic space in the urban moral geography where conflicts over morality, sexuality and gender are acted out for a larger public.

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# Chapter 11

## Violence and the Outlaw Status of (Street) Prostitution in Canada

John Lowman<sup>1</sup>

This chapter examines homicides of sex workers in British Columbia from 1964 to 1998. It examines how the “discourse of disposal” – i.e. media descriptions of the ongoing attempts of politicians, police and residents’ groups to “get rid” of street prostitution from residential areas – may have contributed to a sharp increase in homicides of street prostitutes after 1980. It concludes that the main obstacles to creating safer working conditions for prostitutes are the prohibition of prostitution and stigmatization of prostitutes.

The 1996 Canadian Centre for Justice Statistics report on *Homicide in Canada* noted that, “Some occupations involve more personal risk to personal safety than others” (Fedorowycz 1996). Two police officers were victims of homicide in 1995, compared with one in 1994, two in 1993 and one in 1992, and: “For the eleventh consecutive year, no federal or provincial correctional worker was a victim of homicide in the line of duty.” The report then singles out two other categories of “high risk” work: taxi driving and prostitution. From 1992 through 1995, eighteen taxi drivers were homicide victims during the course of their work, as compared to thirty-nine prostitutes (nine in 1995, sixteen in 1994, nine in 1993 and five in 1992). An earlier Canadian Center for Justice Statistics publication reported that 22 prostitutes were homicide victims during the course of their work in 1991 and 1992 (Wolff and Geissel 1993), thereby bringing the total to fifty-six from 1991 to 1995.

Fedorowycz’ figure differs from another Canadian Centre for Justice Statistics publication on prostitution. Duchesne (1997) reports that from 1993–1995 there were 41 homicides. The difference occurs because Duchesne includes all homicides of prostitutes whereas Fedorowycz includes only the homicides that occurred while the victim was working (see Table 11.1; Fedorowycz’ reference to “prostitutes killed while applying their trade” excludes “drug-related” homicides and “others,” such as “lover’s quarrels”).

The most recent *Homicide in Canada* (Fedorowycz 1998) reports that in 1996 ten more prostitutes were victims of homicide while applying their trade, and 6 in

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**Table 11.1 Homicides of prostitutes in Canada**

	1992	1993	1994	1995	1996	1997	1998
<b>British Columbia</b>							
Killed by clients	1	4	5	5	1		3
Killed by pimps							
Drug-related		1					
Other					1		
Unknown						1	
Subtotal	1	5	5	5	2	1	3
<b>Alberta</b>							
Killed by clients		2			2	2	
Killed by pimps	2						
Drug-related	1			1			
Other		1		1	1		
Unknown							
<b>Saskatchewan</b>							
Killed by clients	1		2	1			
Killed by pimps							
Drug-related							
Other				1			1
Unknown							
<b>Manitoba</b>							
Killed by clients					1		2
Killed by pimps							
Drug-related							
Other					1	1	
Unknown			1				
<b>Ontario</b>							
Killed by clients		2	4	2	3	2	1
Killed by pimps							
Drug-related		1				2	
Other	1					1	
Unknown							
<b>Quebec</b>							
Killed by clients	1		3		3		
Killed by pimps							

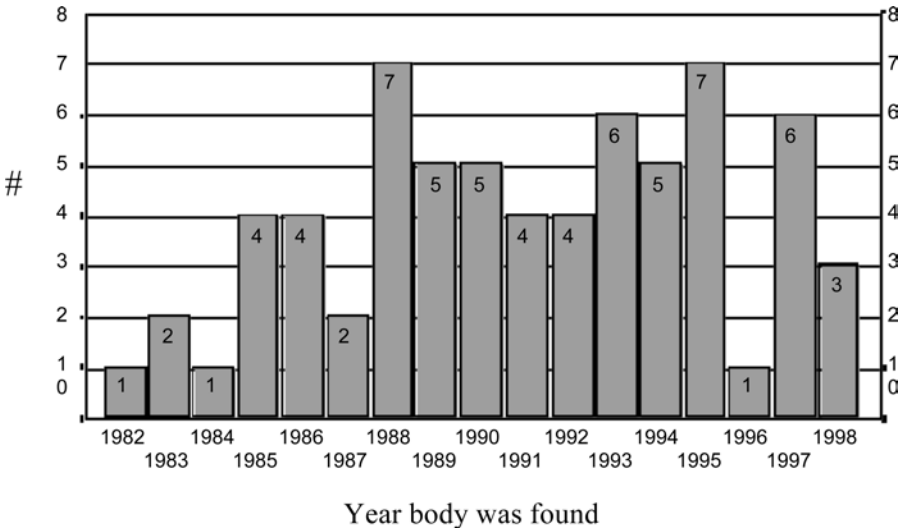
Drug-related		1					
Other					1	1	1
Unknown							
<b>Atlantic Provinces</b>							
Killed by clients			1				1
Killed by pimps		1					
Drug-related							1
Other	1					1	2
Unknown				1			
<b>Total (including BC)</b>	8	13	16	12	14	11	12

1997. Fedorowycz notes that, “the number of prostitutes reported killed most likely under-represents the actual figure: only those incidents where the police are certain that the victim was killed in the course of engaging in prostitution related activities are counted” (1996, p. 10). If we count all the situations listed in Table 11.1, 86 prostitutes were victims of homicide in Canada from 1992 through 1998. During this same period, prostitutes killed 16 clients, one pimp and nine other people.

When Fedorowycz prepared the three *Juristat Service Bulletins* on homicide (1994; 1996; 1998) he had no way of estimating how much the Homicide Survey under-estimates the number of prostitute victims. Also, because statistics on the occupation of homicide victims were not available prior to 1991, the year the Homicide Survey was revised to include this information, he could not describe longer-term trends in the homicide rate of prostitutes. The following discussion throws some light on these issues by constructing a profile of homicides of sex workers<sup>2</sup> in British Columbia from 1964 to 1998. The analysis reveals the relationships among media, law, political hypocrisy and violence against street prostitutes. In particular, the paper examines how the “discourse of disposal” – i.e. media descriptions of the on-going attempts of politicians, police and residents’ groups to “get rid” of street prostitution from residential areas (see e.g. Gayle 1999) – contributed to a sharp increase in homicides of street prostitutes after 1980. The presentation updates information provided by Lowman and Fraser’s (1996) study of violence against prostitutes in British Columbia, one of four such studies funded by the Department of Justice Canada in 1994 (also see Brannigan 1996; Fleischman 1996; La boîte à qu’on-se-voir 1996).<sup>3</sup>

2 In this category we include “exotic dancers” and escorts; the data include the murders of five dancers and two escorts.

3 For information on violence against prostitutes in Australia see Hatty (1989), in England and the US see the International Collective of Prostitutes (1999) and in the US,



**Figure 11.1** Number of homicides of sex workers in BC reported in the *Vancouver Sun* and *The Province*, 1964–1998

Note: There were no homicides reported from 1964 through 1981.

### Homicides of Sex Workers in British Columbia: Long Term Trends

Figure 11.1 shows the number of sex workers homicide victims from 1964 through 1998 reported in Vancouver's two daily newspapers, the *Vancouver Sun* and *The Province*. These statistics include 43 prostitutes, five "exotic dancers" and two escort service workers. When we first constructed this homicide profile in 1994, we also examined the RCMP's Macros database<sup>4</sup> and information from the Vancouver Police Department to see if we could identify homicides not mentioned in the *Sun* and *Province*.<sup>5</sup> We identified seven additional homicides: one each in the years 1975, 1978, 1979, 1980 and 1981 and two in 1982.

When all four sources of information are integrated, we find that the first homicide in the period 1964 to 1998 was in 1975 (in fact, no homicides were reported in the 1940 to 1963 period in the newspapers either). From 1975 to 1979 there were three homicides, from 1980 through 1984 there were eight, from 1985 through 1989 there were twenty-two and from 1990 to 1994 there were twenty-four. This prolife reveals 32 homicides of sex workers 931 prostitutes and one exotic dancer) in British

see Miller (1993) and Miller and Schwartz (1995). For other research on violence against prostitutes in Vancouver see Currie, et. al. (1995).

4 This was the forerunner of "VICLAS," the Violent Crime Linkage Analysis System.

5 The murders for the period 1994–1998 are taken from the newspapers only.

Columbia from 1992 through 1998 as compared to 22 reported in the Homicide Survey (Table 11.1).

Street prostitutes were the large majority of victims in the more than sixty homicides reported in the *Sun* and *Province* from 1982 through 1998. While several of the homicides of street-involved women were drug-related<sup>6</sup> it appears that the vast majority related to the victim's involvement in sex work.

The British Columbia study conducted for Justice Canada (Lowman and Fraser 1996) included a description of 50 homicides reported in the *Sun* and *Province* from January 1982 through December 1994, which is reviewed below.

Forty-eight of the victims were female, and two were transgenders. The ages of the 50 victims ranged from 15 to 41 years, with an average of 25.7. There were four youths (one was 15 and three were 17 years old). As journalists during this period generally used the term "prostitute" to refer to women who meet their clients on the street, and given that a person is usually identified as a "prostitute" because they have a criminal record for communicating (Criminal Code s.213), it is highly likely that the remaining 17 victims (other than the five dancers and two escorts) also worked the street. We do not know if the five dancers were involved in prostitution (some dancers are), or if their homicides were directly related to their work. One of the escorts died of an overdose administered by a man who was eventually convicted of manslaughter. The other was murdered by a would-be serial killer, but the second woman he attacked survived and identified him. Although there was an attempt to have him declared unfit to stand trial, he was eventually given a life sentence. In 1991 he committed suicide while serving his sentence.

In 35 of the 50 homicide cases we were able to obtain information about the cause of the victim's death. Thirty-one of the women were strangled, beaten, or stabbed. In seven of the 14 stabbing cases (all prostitutes), police used the term "overkill" to characterise the attack.<sup>7</sup> In other words, the force used was far greater than necessary to bring about the victim's death (several victims were stabbed 30 to 40 times; one was stabbed 99 times). Three victims were mutilated and dismembered. In many of these cases, one is left with the impression of an offender in an uncontrollable rage that is difficult to comprehend.

As of December 1, 1994 convictions were obtained in 17 of the 50 cases,<sup>8</sup> a clearance rate of 34 percent. In the 26 cases involving persons identified as street prostitutes, there were seven convictions, a clearance rate of 27 percent. By contrast,

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6 A VPD report written in 1992 suggests that at least three of the Vancouver murders from 1984 through 1992 were related to the drug trade, not to prostitution as such. This may also be the case with some of the murders outside the lower mainland of BC.

7 Also, in 10 of the 29 prostitute murder cases recorded in the RCMP Macros database, the term "overkill" was used.

8 Six for first degree murder, four for second-degree murder, and one for manslaughter. In the remaining six cases the category of conviction was not mentioned.



from 1986 through 1997 the Canadian clearance rate for murder fluctuated between 77 percent and 85 percent (Fedorowycz 1994; 1998).

### *Victimization Rates in Different Prostitution Strolls*

The bodies of 18 of the 50 victims were found in Vancouver and another 16 were found in surrounding municipalities in the lower mainland. Six were found in Victoria and four more in other Vancouver Island locations. The remaining four were found in mainland British Columbia.

As street prostitution strolls did not develop in any of the municipalities surrounding Vancouver until the early 1990s, and initially only in Surrey, it appears likely that most, if not all of the street prostitution victims found in the lower mainland worked in Vancouver.

From 1982 to 1994 there were seventeen different strolls in Vancouver, with four or five at any one time. From 1982 through 1995 we conducted head counts in the various strolls to monitor levels of street activity and record displacement of street prostitution in response to various law enforcement initiatives. From 1984 through 1994, the most populous stroll was “high track,” a six block commercial area on Richards and Seymour Streets in Downtown Vancouver.

On a single traverse of the streets and lanes in the recognized Vancouver stroll areas on any given night we counted from 50 to 100 persons working the street. From 1985 to 1993, high track accounted for 46 percent of the street prostitute head count. In 26 of the 50 homicide cases we examined, the stroll where the victim met the assailant was identified. None of them worked the Richard-Seymour stroll.

Throughout this same period there was a stroll in Vancouver’s Downtown Eastside/Strathcona (referred to hereafter as the Downtown Eastside). From 1985 to 1988 the Downtown Eastside stroll accounted for about 14 percent of the total head count on any given night. From 1989–1993 the proportion increased to 28 percent as a series of police task forces moved prostitution out of residential Mount Pleasant. The corresponding head count proportions in Mount Pleasant for these same two periods decreased from 26 percent to 11 percent.

While Mount Pleasant and the Downtown Eastside accounted for about 40 percent of the nightly prostitute population from 1985 through 1993, nearly all the homicide victims during this period came from these two areas. When we examined the 89 assaults of prostitutes reported in the *Vancouver Sun* and *Province* for the period 1985–1993, we found much the same pattern (Lowman and Fraser 1996, pp. 21–29). And when we examined the Vancouver Police Department files on “assault prostitute” for the period 1992–1993, we found the same pattern again. Of the 61 assaults recorded, information about the location of the offence was available for 35 cases. Of these 63 percent came from the Downtown Eastside, 34 percent from other areas, and only 3 percent from the Richards-Seymour area.

*Accounting for Different Victimization Rates*

The Richards-Seymour stroll and the Downtown Eastside are two very different social worlds. Vancouver's Downtown Eastside, a neighborhood of 16,000 residents, has one of the lowest average household incomes in Canada and one of the highest HIV and hepatitis infection rates in the Western world. The neighborhood also has the highest number of bar seats per capita in Vancouver, with 28 percent of the city's total, and nearly 80 percent of the city's single room occupancy units. Through a process of urban triage, the Downtown Eastside has long been a residuum for the homeless, the mentally ill, and the drug addicted. From 1994 through 1998, there was an average of at least one illicit-drug overdose death per day.

From the 1950s up to the mid-1980s there was a well-established stroll adjacent to Vancouver's Chinatown in the Downtown Eastside. This has always been known as a "hypes" stroll, i.e. most of the women working the area are intravenous drug users. In 1992 police identified a total of 480 people (44 of them youths) working as prostitutes in this area. In 1986, the stroll moved east from its traditional location into a gentrified residential neighborhood. This relocation occasioned the first organized resistance to the street prostitution trade in the Downtown Eastside. In 1988, through a process of negotiation with the women, the stroll was relocated in a commercial area north of Hastings Street.<sup>9</sup> After the move, the women were spread out over a five-block area, standing in poorly lit back alleys, and usually working alone. Women on the Downtown Eastside often have boyfriends with whom they share money and drugs, but they are not "pimped"<sup>10</sup> in the traditional sense. Prices for sexual services on the Downtown Eastside are the lowest in the street hierarchy, and range from \$80 down to \$20, or even less, depending on the service, the woman and her need for drugs.

The Richards-Seymour stroll is located in a commercial area close to Vancouver's central business district and was, until recently, the main African-American "pimps" stroll. Contrary to media stereotypes, these particular "mac" pimps and "players"<sup>11</sup> do not allow the women working for them to use drugs intravenously. For one thing, pimps would rather spend the money on themselves. Also they regard women with needle marks as "spoiled goods" because they cannot command the prices typical of "high track" which generally range from \$100 to \$200, depending on the service and time spent with the woman. There are aspects of pimp subculture that may make the women they control less vulnerable to victimization. The pimp "street-proofs" his women by schooling them in certain values and attitudes. The women often work

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9 For a description, see Lowman 1989, pp. 174–77.

10 The term "pimp" does not appear anywhere in the criminal code. Technically, anyone who lives on the avails of prostitution is a "pimp." However, the term is usually reserved for men who manage street prostitutes, particularly African-American men.

11 These terms are taken from the argot of a long-established African-American pimp subculture (cf. Hodgson 1997) but may not be in contemporary use in some parts of Canada.

together and record car license plate numbers for each other. Because the stroll area is fairly small, when a client picks up a woman, it is usually in full view of other women, and many of the dates occur in local hotels rather than cars.

Of course, violence still plays an important role in this subculture. Pimps sometimes brutalize the women working for them, and if a woman has an earnings quota to meet, she may take chances with clients rather than risk a beating by her man. When she does have a bad date, a pimp might blame her for her own misfortune. Attitudes like these probably make women working the Richards-Seymour stroll less likely to report their bad dates to police than independent women.

Because of their addiction, women on the Downtown Eastside are generally not as discriminating about clients as their counterparts in the Richards-Seymour stroll.

### *Off-Street Prostitution*

Women who work for escort services sometimes complain that the owners are more interested in profit than they are in the escorts' safety. Nevertheless, women who work as escorts do not turn up in the ranks of homicide victims at the same rate as street-involved women. The structure of the escort trade is such that the clients often have to identify themselves in the course of conducting business, because they contact the escort agency from a hotel at which they are staying, and may use a credit card to pay for the date. Leaving evidence of their identity makes their committing offences against escorts much less likely. Similarly, our on-going research indicates that women who work in body-rubs and massage parlours do not encounter anything like the same kind of victimization from clients as street prostitutes, primarily because a manager is almost always present.

### *The Social Reaction to the Downtown Eastside Murders*

In 1991 local activists and relatives started a Valentine's day vigil in memory of the murdered women on the Downtown Eastside. Very few of these homicides have been solved. The Vancouver Police Department (VPD) has consistently maintained that its homicide squad vigorously investigates all homicides of sex workers. Police attribute the low homicide clearance rate to the difficulty of identifying suspects when they are strangers to the victims.<sup>12</sup> However, local activists insist the homicides of sex workers are not treated the same way as other killings because the victims are "throwaway people" (Skelton 1999; also see Gordon 1996).

In September 1998, complaints that police and politicians were ignoring the victimization of street-involved women took a new turn. By this time, sixteen women, most of whom were aboriginal, had disappeared from the Downtown Eastside since 1995. Because they were involved in prostitution, fears that a serial

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12 Only 13 percent of Canadian murders are committed by persons not known to the victim (Fedorowycz 1998).

killer accounted for their disappearance rapidly gained currency. In September 1998 the VPD announced it was setting up a team to review forty Vancouver missing women cases dating back to 1971 (Kines 1998).

Over the next eight months the story gained momentum in the Vancouver press as more disappearances came to light. Claims that the local authorities treated inner city and suburban crime differently gained credibility when a \$100,000 reward was posted for information relating to a string of 31 suburban home invasions. Then another \$100,000 reward was offered for the identity of the “garage robber,” an armed man who ambushed a series of residents as they drove into their remote-controlled garages after returning home from work. In the spring of 1999, family members and local prostitute rights advocates began pressing for a similar reward for information leading to the capture of the person or persons they believe to be responsible for the disappearances of the Downtown Eastside women.

Initially VPD spokespersons responded that they thought it unlikely that a serial killer was at work because no suspect or vehicle description was associated with more than any one of the cases (Skelton 1999). Also, they asserted that many street-involved women do not have close family ties, and may deliberately go “missing” for any number of reasons, including their desire to evade police. Vancouver’s Mayor Owen was more blunt. He said that because there was no evidence of a serial killer being involved, the municipal authorities were not prepared to fund a “location service” for prostitutes (Stall 1999).

Opponents countered that if the reward were to be offered for information leading to the conviction of a killer, it could be claimed only if there *is* a killer. Then, as journalists dug for information on the missing women, it became clear that many of them did have close family ties and well-established social networks, and had suddenly disappeared nonetheless. One of the women left money in a local bank. Others failed to pick up welfare cheques. These are not the actions of poverty-stricken women.

In April 1999, the Mayor relented and recommended to the Police Board that it support the posting of a reward (Stall 1999).

By the summer of 1999, the tally of missing women reached 22: three in 1995, two in 1996, three in 1997, ten in 1998, and by July 1999, four more (Kines 1999). On July 31, 1999, the story made international headlines when Fox Television’s *America’s Most Wanted* ran an eight-minute segment requesting information about the 22 missing women, and eight others who had disappeared prior to 1995. Although the show produced “no solid leads,” it did produce twenty tips “worthy of following up” (Sieberg 1999). As of February 2000, information has come to light about three of the women mentioned in the show: one died of hepatitis in an Alberta hospital, one of an overdose, and one was found alive. None of the 22 women disappearing between 1995 and 1999 have been located.

*Serial Killer or Killers?*

In some respects it is extraordinary that police so quickly dismissed fears that a serial killer is responsible for the disappearances, for it seems likely that several serial killers were responsible for some of the 60 homicides that occurred in British Columbia over the past fifteen years. In the early 1980s there was speculation that the Green River killer, who is thought to have killed 49 prostitutes in Washington, also killed women in Vancouver. Of the fifty homicides reported in the newspapers between 1982 and 1994, there was speculation that several of the cases were linked. Several men convicted of a single murder during that period are suspects in other cases.

Most recently, forensic evidence has linked four 1995 homicides to a suspect now in custody having been declared a “dangerous offender.” He was imprisoned for seventeen years in 1982 for assaulting a prostitute, and was released on mandatory supervision in 1994. He was imprisoned again in 1996.

In April 1999, the chilling details of another man’s plans to kidnap and kill Downtown Eastside prostitutes were revealed when a psychiatrist petitioned the Supreme Court of Canada for permission to testify against the defendant, Michael Leopold, who he examined at the behest of Leopold’s lawyer<sup>13</sup> (*Smith v. Jones* (1999) 169 D.L.R. (4th) 385 (S.C.C)). Leopold had plead guilty to assaulting a prostitute, but revealed to the psychiatrist that he had intended to kill her, and that the escapade was actually a trial run for a planned sequence of murders. Leopold had turned the basement of his home into a dungeon where he planned to take the women, torture, sexually assault and then kill them. He planned to make the identification of his victims more difficult by “blowing their faces off,” and then dumping them in the bush in the mountains near Hope, a small town 90 miles East of Vancouver. Leopold was released on bail from September 1996 to December 1997, during which time five women went missing. Needless to say, Leopold was moved into the category “of interest” by police investigating prostitute disappearances and murders.

It is easy to imagine a scenario where a man like Leopold accounts for many of the missing women, but has not come to the attention of police because, like several well-known serial killers, he disposes of his victims in a single location. However, when we reflect back on the 60 or so murders in British Columbia over the past fifteen years, it is obvious that we are not dealing with one or even several serial killers. Each of the seventeen convictions in the fifty murders of sex workers reported in Vancouver newspapers between 1982 and 1994 involved different offenders (sixteen men and two women).<sup>14</sup>

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13 Because the defendant’s lawyer instigated the examination, it was protected by lawyer-client privilege. The Supreme Court invoked the public safety exception and allowed the psychiatrist to reveal the contents of his conversation with the accused to the Crown. The Crown is now instituting proceedings to have Leopold declared a dangerous offender.

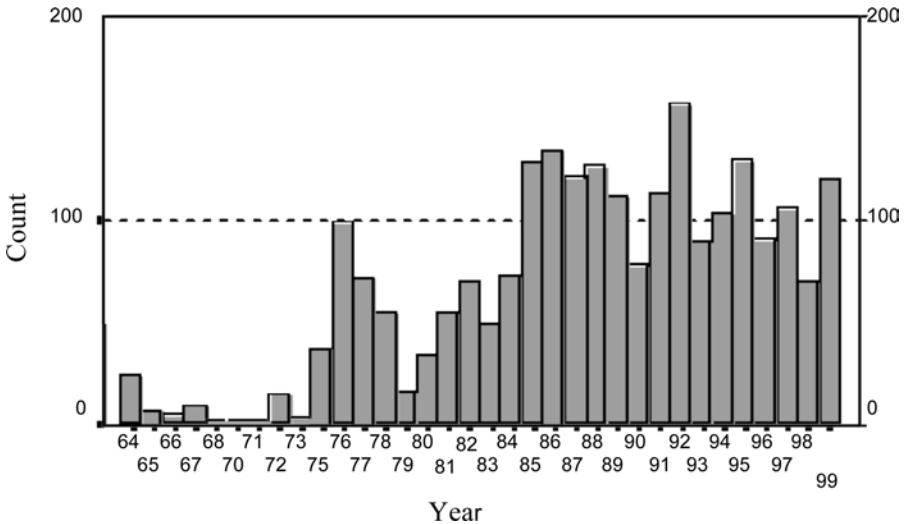
14 In the seventeenth case, two women were convicted for the murder of a woman who had witnessed two men kill another woman at a party the previous year.

Rather than dealing with a single “aberrant” serial killer, or even several of them, we are thus dealing with a systematic pattern of violence against prostitutes perpetrated by many men, some of whom are serial killers. These murders are merely the extreme end of a continuum of violence. The question is why did the murders start to increase dramatically in the mid-1980s? I suggest the answer can be found, at least in part, in public discourse on prostitution. To get a sense of the discursive framework in which the social relations of prostitution unfold let us examine local news coverage of prostitution.

### **Discourse on Prostitution and Violence Against Prostitutes**

The news data are drawn from an on-going study of 100 years of prostitution reporting in the *Globe and Mail* and two Vancouver daily newspapers, the *Province* and the *Vancouver Sun*. The analysis presented here is restricted to the *Sun*. From 1983 to 1998, the articles accumulated in a clippings file as we read the papers each day. The articles prior to 1983 are drawn from a page-by-page search of past editions of the *Sun* stored on microfiche. Any article mentioning prostitution was included. From 1964 to 1973 there was an average of only seven *Sun* articles per year mentioning prostitution (Figure 11.2). The number increased substantially in 1975, when there were 37 articles, and again in 1976, where there were 98. The flurry of interest in 1976 related mostly to the closing of Vancouver’s renowned Penthouse Cabaret after police charged the owners and several employees with procuring and living on the avails of prostitution (Lowman 1986). The closure of this and other off-street venues played a decisive role in the spread of street prostitution that became the focus of considerable media attention in the early 1980s. A similar process occurred in Toronto in 1977 following the crackdown on Yonge Street body rubs (Brock 1998).

In the two years following the closure of the Penthouse, the number of articles mentioning prostitution declined. From November 1978 to July 1979 there was a strike, and in 1979 only 15 articles mentioning prostitution appeared in the *Sun*. From 1980 to 1984 the average number of prostitution articles each year was 56. From 1985 (the year of the enactment of the communicating law) until 1990, the annual average more than doubled to 124. The annual average from 1990 to 1993 (108) was similar. However, this average is inflated by the effect of the 156 articles appearing in 1992, the largest number in any year during the 36-year period under scrutiny. We can see from these totals that there has been more talk about prostitution since 1985, the year in which the communicating law was enacted, than there was in any of the twenty years preceding it.



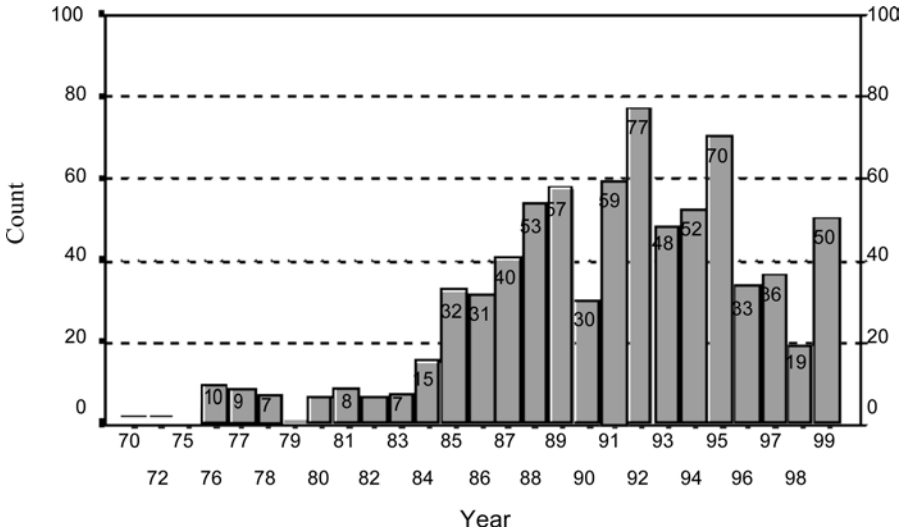
**Figure 11.2** Number of articles mentioning prostitution, *Vancouver Sun* 1964–1999

Figure 11.3 shows the number of articles from 1964 to 1993 mentioning violence<sup>15</sup> against prostitutes.<sup>16</sup> The first article mentioning violence appeared in 1975. From 1975 through 1983 an average of seven articles per year mentioned violence. In 1984 fifteen articles mentioned violence. Then there were thirty-two in 1985, thirty-one in 1986 and forty-one in 1987. From 1988 to 1993, the annual average number of articles mentioning violence rose to 55.

Figure 11.4 shows the number of articles mentioning violence against prostitutes as a proportion of the overall number of articles mentioning prostitution. Here we see a similar trend, but expressed this way we can see more clearly how the overall proportion of articles mentioning violence also increased. From 1964 to 1975, violence against prostitutes was not mentioned at all. From 1975–1983, 14.7 percent of the articles mentioned violence. From 1984 to 1987, the proportion rose to 29 percent and from 1989 to 1993 it increased again, to the point where half the articles mentioned violence against prostitutes. Far from representing a “paper crime wave,” these news stories are incident driven and represent the reverse of the situation

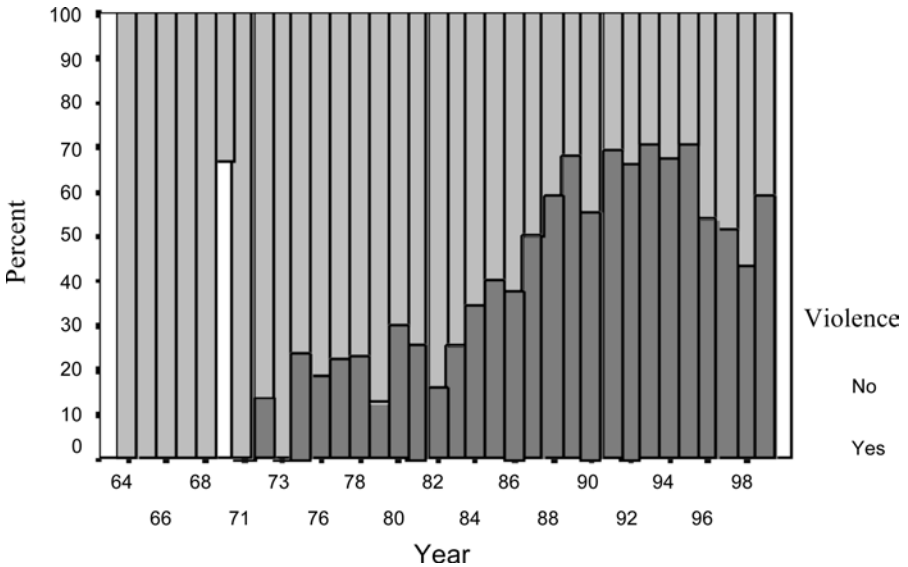
15 “Violence” includes: first and second degree murder (s.231), manslaughter (s.232), attempted murder (s.239), uttering threats (s.264.1), assault (s.265), assault with a weapon or causing bodily harm (s.267), aggravated assault (s.268), sexual assault (s.271), sexual assault with a weapon or causing bodily harm (s.272), aggravated sexual assault (s.273), forcible confinement (s.279), robbery (s.343), and extortion (s.346).

16 These figures also include about fifteen articles that mention the murders of five exotic dancers; the remainder refer to “prostitution.”



**Figure 11.3** Number of articles mentioning violence against prostitutes, *Vancouver Sun* 1964–1999\*

*Note:* From 1964–1969 no articles mentioned violence.



**Figure 11.4** Percent of articles mentioning violence, *Vancouver Sun* 1964–1999



usually discussed in the criminological literature: a “real” crime wave – and in this case, one without an accompanying moral panic.

The primary reason for the increased attention paid to violence against sex workers is the growing number of assaults and homicides in British Columbia from 1982 on, and especially from 1988 to 1994 when 38 homicides were reported in the newspapers. It appears that the increased homicide rate since 1964 is a reflection of an increase in the actual number of murders of women involved in prostitution rather than a change brought about solely by news reporting – although the increase may reflect both influences.

*“Getting Rid” of Prostitutes: State and Vigilante Solutions to Land Use Conflicts*

Analysis of the ebb and flow of news themes reveals that from 1981 to about 1985 most of the talk was about the nuisance attributed to street prostitution. In 1981 the Concerned Residents of the West End (CROWE) was the first Vancouver organization formed in the post-war period specifically for the purpose of ridding a neighborhood of street prostitution. In 1984 the “Shame the Johns” group began to picket prostitutes. After prostitution was displaced out of Vancouver’s West End in the summer of 1984 by a nuisance injunction (Lowman 1989), lobby groups have emerged in four other neighborhoods (Mount Pleasant, Strathcona, Kensington-Cedar Cottage, Grandview-Woodlands) to combat prostitution displaced from other areas. Most of these organizations have simply wanted to see prostitution removed from their neighborhood without seeming to care where it might go.

From 1981 through 1985 municipal politicians, police organizations and neighborhood interest groups all pressed for a new law so that police could sweep prostitution from the streets. Prohibition was the order of the day. In 1985 the Special Committee on Pornography and Prostitution recommended a different approach: if one of the goals of social policy is to remove prostitution from the street, then as long as it remains legal, we need to identify a place for it to go. The legislature rejected this plea for holistic reform of prostitution law and on December 20, 1985, enacted the communicating law instead.

Within a year, neighborhood groups were already protesting that the new law had failed because, they said, sentences were “too lenient.” Various police authorities and neighborhood lobby groups called for stronger penalties. Neighborhood activists referred to street-connected women and anyone associated with them as “scumbags” and “sleazeballs.” In one instance, one of the most vocal activists wrote an open letter to movie star Clint Eastwood “on behalf of the community of Mount Pleasant which has been invaded by street prostitutes and other criminals.” The letter exhorted Eastwood, then Mayor of Carmel, California, to run for Mayor in Vancouver. “Talent such as yours” the letter continued, “is in great demand. Due to conditions here

in Mount Pleasant, your election would be certain. Thank you for considering this offer.” The letter concluded, “PS Bring your gun.”<sup>17</sup>

Sometimes these exclusionary tactics extended to vigilante action on the street. In July 1993 photocopies of a hand-written poster were stapled to telegraph poles in the Downtown Eastside.

The poster read:

Warning: Street Prostitutes

From: 700, 800, 900 Block East Pender, Hastings and Cordova Residents  
Move out or face the consequences by July 15/93 and thereafter

The main result of the numerous campaigns to “rid” various Vancouver neighborhoods of street prostitution is to displace it. As one VPD report put it, this is an “enforcement action which merely moves the problem to another location for another day. This action may be appropriate for the short term, but all too often that is the only action that is taken and so nothing changes” (VPD report 1993).

There is growing acknowledgment that criminal law and police initiatives can only play a small part in the much broader issues that are raised by street prostitution and other “problem” populations. As another VPD report suggests:

The root causes of prostitution and drug abuse are obviously beyond the ability of one city or neighborhood to resolve. However, what appears to be occurring in the DES [Downtown Eastside] and Strathcona is that the number of people with problems has reached the critical mass where the mainstream residents are unable to support, guide, or have a positive effect on their less able neighbours. Examples of the numbers are: over 500 seriously mentally ill people (survey by the Heatley Street Clinic); 480 prostitutes (VPD survey); between 350 and 500 latino refugees (DEYAS survey); and the uncounted numbers of alcoholics and dysfunctional people living in poverty ...

The responses necessary to reasonably address these types of social issues require a major coordinated initiative involving the three levels of government. Decisions made in isolation tend to have unintended results: ghettos of ex-mental patients and refugees for example. Law enforcement actions can have only a limited amount of success under these circumstances” (Police Administrative Report to City Council on prostitution and drug abuse on the Downtown Eastside and Strathcona, 18 February 1992, pp. 6–7).

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17 S.A. Agg “Run here Clint – and make our day.” Letter published in the *Vancouver Sun*, 25 April 1986.

*The Discourse of Disposal*

It appears that the discourse on prostitution of the early 1980s dominated by demands to “get rid” of prostitutes created a social milieu in which violence against prostitutes could flourish. The same exclusionary discourse continues to be broadcast today amidst stories of the disappearing women (see e.g. Gayle 1999). The association of this *discourse of disposal* to violence against prostitutes is clear enough. After 1985, the year in which the communicating law was enacted, there was a large increase in British Columbia of homicides of women known to prostitute.

Similarly the number of reported cases involving customer assaults of prostitutes began to increase in 1985 (Lowman and Fraser 1996). Between 1976 and 1984 there were eleven cases reported in the *Vancouver Sun*, an average of just over one per year. From 1985 to 1993 the average rose to seven per year. Obviously these are very small numbers, and only include a small proportion of the total number of incidents, but the trend is the same.

This discourse of disposal has formed an important part of the ideological context in which male violence against women is played out. A woman working the street is particularly vulnerable to predatory misogynist violence, and all the more so in a milieu in which she runs the risk of criminal prosecution. This same risk makes women who work the street much more susceptible to violence when a conflict with a client occurs. In a situation where he may use violence because he knows she is unlikely to report him to the police, and with the nuisance rhetoric, among other things, at hand to justify doing so, conflicts may quickly elevate to the point of physical resolution. Alienated from the protective service potential of the police, the prostitute is also an obvious mark for robbery. In lieu of the development of viable alternatives to street prostitution, especially at the lower priced end of the trade, these conditions appear to have perpetuated and amplified violence against women involved in prostitution.

**A Continuum of Violence**

It should go without saying that the homicides described here are just the extreme end of a continuum of violence against prostitutes. Many street prostitutes experience numerous “bad dates” involving assaults, sexual assaults and robberies (Lowman and Fraser 1996). By all accounts, the women on the Downtown Eastside are the most victimized.

In very general terms, the violence against street prostitutes perpetrated by clients or men posing as clients can be classified into two main types: *situational* and *predatory*.

*Situational violence* occurs when a dispute arises during the course of a transaction and the client resorts to violence to resolve it. The dispute might take the form of a disagreement about services performed, price paid, an alleged rip-off,

and so forth. It is “situational” in the sense that is not premeditated. Sexual assaults, assaults, and robberies may all arise from such disputes. While these offences are not premeditated, they are not entirely situational either. Such incidents are predisposed by the perpetrator’s attitude to women and sexuality.

*Predatory violence* is premeditated. It may be financially motivated – a planned robbery – and it may be misogynist, sexual and serial. The offender is not a client as such, because he sets out with a different agenda. He knows what he is going to do before he does it, and he knows where to find victims: the unregulated and mostly unmonitored prostitution strolls of a city like Vancouver. The choice of a *prostitute* as a target is, at least partly, a matter of opportunity: because street prostitutes will get into a car with a stranger, they are targets.

We term predatory sexual violence against prostitutes “misogynist” because, as one 31 year veteran of the VPD put it, the maliciousness and viciousness of some of the sexual assaults and murders is “beyond belief.” He described the behaviour of many of the men who assault prostitutes as “very physical ... very intimate ... and designed to hurt.”

Both situational and predatory violence can lead to death. An example of situational violence is given by a Victoria taxi driver (“M.”) who was sentenced to a life term for the second-degree murder of a prostitute (“P”):

Court was told M. fantasized about a pure, eternal heterosexual romance. He idealized women but despised them when he felt rejected.

On Dec. 8, 1993 he picked up P. and paid her \$50 for sex. When P. tried to leave before M. had finished the sex act, he exploded into anger, and the pent-up hatred he had of women poured out.

He stabbed his victim 32 times and then slit her throat. (Canadian Press 1994)

In another recent case, “D.” was convicted of three counts of sexual assault with a weapon (two involving prostitutes), three counts of confinement and one of robbery. The accused “pointed a gun at one victim when he ordered her to get into his vehicle. He then pressed the gun against her head as he forced her to perform an oral sex act.” In the other assaults D. “pressed a sharp knife against the victim’s head as he forced her to perform ... sex acts” (Still 1994). In passing a sentence of fourteen years, the Judge described the premeditated assaults as “extremely serious” in nature, with each victim “subjected to prolonged terror” (Ogilvie 1994).

As to the extent to which violence against prostitutes is a matter of violence against women in general rather than “prostitutes” in particular, too much of an analytic separation should be resisted. Several of the men convicted of sexually assaulting prostitutes in British Columbia have convictions for assaulting or murdering other women too. For example, a man convicted in 1989 of killing a female jogger in Saanich was charged in 1986 with two different assaults on prostitutes for which he

was out on bail awaiting trial at the time he committed the murder. He was convicted of both assaults, and was serving a lengthy sentence at the time police realized he was responsible for the murder. Seen in this light, although the victim was a prostitute, from this man's point of view, any woman would have done. In 1995, a woman working in a Surrey tanning salon was abducted, sexually assaulted and murdered. Fernand Auger, the man who is thought to have murdered her (he committed suicide) had a record for assaulting prostitutes (Bell and Munro 1995).

In light of these cases, violence against prostitutes ought to be understood as part of a continuum of violence against women more generally. Nevertheless, it is likely that some men are more easily able to rationalize violence against a "prostitute" because of her moral-political marginalization than against other women. The de facto criminal prohibition of prostitution plays a major part in this marginalization.

The current Canadian Criminal Code effectively outlaws prostitution – technically, prostitution is legal, but it is almost impossible to prostitute on an ongoing basis without breaking the law. This system of quasi-criminalization makes this marginalization more complete in several ways:

1) It contributes to legal structures that tend to make the prostitute responsible for her own victimization, and thus reinforces the line of argument that says that, if a person chooses to prostitute, they deserve what they get – they are "offenders" not "victims."

2) It makes prostitution part of an illicit market. As such, it is left to primitive market forces and creates an environment in which brutal forms of manager-exploitation can take root.

3) It encourages the convergence of prostitution with other illicit markets, particularly the drug trade. Once the price of a habit-forming mind-altering substance is driven up by criminal prohibition, a drug like heroin can be as demanding a "pimp" as any man.

4) It alienates persons who prostitute from the protective service potential of the police. Why would prostitutes turn to the police for help when the police are responsible for enforcing laws against prostitutes? For a prostitute to report an assault or robbery might entail admitting that she was committing an offence (communicating), or violating a bail or probation area restriction. Criminal law sanctions institutionalize an adversarial relationship between prostitutes and police. This antagonism finds its roots in the contradictory structure of criminal law and the refusal of legislators to identify the circumstances in which the legal act of prostitution can take place.

### *Violence, Commercial Sex and the Politics of Deception*

The main conclusion of the analysis presented here is that the prohibition and stigmatization of prostitution are the main obstacles to creating safer working conditions for prostitutes. At present we have a system of quasi-criminalization of prostitution. The sale of sex is left to a combination of market forces, selective enforcement of the criminal code prostitution statutes, and a crude system of

municipal regulation of escort services, body rubs and massage parlours. One of the main features of this schizoid system of regulation is that it denies what it is really all about. For example, although many police departments tell women who apply for escort service licenses that they are getting involved in prostitution, they refuse to issue a license if the applicant has a communicating conviction. Because of this systematic political deception, women at the lower priced end of the street trade, especially intravenous drug users, are left with few or no viable off-street alternatives. Neither the women nor many of their clients have the resources needed to control private spaces to conduct their business.

The system of quasi-criminalization helps to perpetuate violence against prostitutes. This sometimes happens in a relatively direct way. For example, when hotel owners are prosecuted for bawdy-house offences, prostitutes are more likely to service their clients in cars, thus making them more vulnerable to assault, robbery and murder.

Police efforts to displace the street trade out of residential streets into poorly lit industrial areas have a similar effect. Street prostitutes may be exposed to violence in a less direct though probably more important sense: criminal law sanctions encourage an adversarial relationship between prostitutes and police. Why would a prostitute turn to a potential adversary for help? This is not to say that police are never helpful or that prostitutes never turn to police for help – some do, which is why a growing number of men are being convicted for assaulting prostitutes and given fairly lengthy prison terms as a result. Nevertheless, the statistics on violence against street prostitutes suggest that it is probably the most dangerous form of work in Canada.

There appears to be little political will to prevent male violence against prostitutes by creating safer conditions for their work. The reluctance is rooted in the idea that any attempt to “help” prostitutes would be tantamount to condoning prostitution. This is odd, given that prostitution is already legal in Canada. As things stand, prevention of violence is conceptualized mainly in terms of eradicating prostitution. This reasoning, together with various kinds of moral disapproval of prostitution and the sentiment that prostitutes bring upon themselves the violence they experience, form powerful impediments to developing safer conditions for sex workers. It is time for politicians to admit the obvious and engage in a dialogue with prostitutes about how to meet their clients and where to conduct their business. Without this dialogue and a wholesale rationalization of Canadian prostitution law, many more women will die.

Of course, much more importantly, resources must be devoted to helping women leave prostitution if they want to, and preventing youths from making “choices” they later regret. And most importantly of all, politicians and the rest of us must address the fundamental issues that lead to pernicious forms of prostitution in the first place, including the effects of several hundred years of colonialism on First Nations peoples, the feminization of poverty, addiction, sexual exploitation of children and youth, and certain kinds of male sexual expression.

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# Chapter 12

## Prostitution Control in America: Rethinking Public Policy

Ronald Weitzer

Scholarly examination of public policies regarding prostitution in the United States has been quite limited over the past three decades.<sup>1</sup> This article examines a set of problems in the predominant American approach to prostitution control (criminalization) and then evaluates three policy alternatives.

### **Problems With Current Policy**

Prostitution control in America involves the commitment of substantial criminal justice resources – with little impact on the sex trade or on collateral problems such as victimization of prostitutes and effects on host communities.

#### *Criminal Justice System Costs*

There are approximately 90,000 annual arrests in the United States for violations of prostitution laws (these figures are for prostitutes and pimps, not customers arrested for solicitation for which no figures are available). The fiscal costs of criminal justice processing of prostitution cases are substantial, although precise figures are hard to come by. A study of the country's sixteen largest cities found that they spent a total of \$120 million in 1985 enforcing prostitution laws (Pearl 1987). National-level data are unavailable on the costs of prostitution control, but extrapolating from the above figure on just a few cities, there is no question that the total expenditure is considerable.

What are the benefits of these expenditures? A San Francisco Crime Committee (1971: 20) concluded in 1971 that spending on prostitution control “buys essentially nothing of a positive nature,” and Atlanta's (1986) Task Force on Prostitution concluded that this spending was a “waste” that burdened the courts and lowered police morale. Moreover, law enforcement has little effect on the amount of

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1 The only exception is recent research on policies regarding sex trafficking, which analyzes policy changes under the Bush administration as a consequence of lobbying by anti-prostitution organizations. See, for instance, MacDonald (2004) and Weitzer (2007).

prostitution, offers little protection to prostitutes at risk, and gives little relief to communities besieged by street prostitution. At best, the problem is *contained* within a particular area where prostitutes are occasionally subjected to the revolving door of arrest, fines, brief jail time, and release or *displaced* into another locale, begetting the same revolving-door dynamic. Containment is the norm throughout the United States; displacement requires sustained police intervention, which is rare. Instead, law enforcement typically consists of periodic arrests and occasional crackdowns. Containment may be acceptable to residents of neighborhoods free of street prostitution, but is aggravating to many residents of prostitution zones.

### *Victimization*

Street prostitutes are at considerable risk of violence, exploitation, and other types of victimization. However, all victimization studies rely on convenience samples (workers who contacted service agencies or were interviewed in jail or on the streets), not random samples, which skews the results toward that part of the population experiencing the most victimization. This means that the high victimization rates reported in the literature are probably lower for street prostitutes as a whole. Having said that, all evidence indicates that street prostitutes are indeed vulnerable to abuse and that prevailing methods of prostitution control in most cities offer little protection against such victimization.

Workers involved in indoor prostitution (escorts, call girls, and workers in massage parlors and brothels) are less vulnerable to victimization. They report much less experience of assault, robbery, rape, and other types of abuse – both in terms of whether they have ever been victimized and, if so, how frequently (Vanwesenbeeck 2001; Weitzer 2005a; 2005b). Still, in a society where prostitution is illegal, indoor workers who are victimized are generally reluctant to report such abuse to the police due to fear of harassment or inaction on the part of the authorities. This means that a policy of criminalization can itself be considered a “cost” to the workers, insofar as it undermines their safety and welfare.

### *Community Impact*

It is street prostitution – not the more clandestine, indoor varieties of sex work – that generates the lion’s share of citizen complaints about prostitution in America. A wide variety of sources (e.g., Clark 1993; Persons 1996) and my extensive search of newspaper articles in Lexis/Nexis (Weitzer 2000) identified a set of common claims made by residents of neighborhoods with street prostitution.

Unlike the anti-prostitution reformers of the 19th and early 20th centuries, who made much of the immorality and sinfulness of prostitution as well as the exploitation of “fallen” women (Hobson 1987; Pivar 1973), neighborhood groups in contemporary America are driven less by moral indignation than by *overt street*

*behavior* on the part of prostitutes, pimps, and customers. Stress is placed on the *tangible environmental effects* of sexual commerce on the street.

The degree to which prostitutes, pimps, and customers cause commotion in public places varies across time and place. Still, the public visibility of the enterprise increases the likelihood that it will have some adverse effect on the surrounding community. Similarities across cities in the manifestation of street prostitution produce similar complaints among residents. Standard complaints center on conduct such as streetwalkers' brazen flagging down of customers' cars, arguing and fighting with people on the street, visible drug use, performing sex acts in public, and littering with used condoms and syringes (both unsightly trash and a public health hazard). Children are frequently mentioned in the litany of grievances: they witness transactions and sex acts being consummated; they sometimes discover discarded condoms and syringes; and they are occasionally approached by prostitutes or customers.

Customers are scorned in these communities as much as the prostitutes (Persons 1996). Not only do they contribute to traffic congestion in their ritual cruising of prostitution strolls, they also harass and proposition women whom they mistake for prostitutes. Many communities have targeted the customers (by recording their license plate numbers, videotaping, etc.) more than the prostitutes, because the johns are seen as more vulnerable to public identification and shaming.

Residents define street prostitution not as a mere nuisance or "victimless crime" but instead as eroding the quality of life and contributing to neighborhood decay and street disorder. As a coalition of twenty-eight neighborhood and business groups in San Francisco declared, street prostitution "poses a very serious threat to the integrity of San Francisco's business and residential communities" (Coalition 1996).

No data exist on the magnitude of the problems due to street prostitution in American cities (aside from arrest rates and residents' claims that the problem is serious), but the literature on this topic indicates that street prostitution can present a real problem for host communities.

## **Alternative Policies**

Soliciting for purposes of prostitution, pimping, and other prostitution-related activities are crimes throughout the United States, and this criminalization approach is seldom questioned. Rarely have policy makers shown a willingness to rethink the status quo and experiment with novel approaches. Unlike some other nations (Britain, Canada, etc.), in America no national-level commission has investigated prevailing prostitution policies, with the result that the wisdom of criminalization remains unquestioned. Alternative policies are evaluated below.

*Decriminalization*

Total decriminalization would remove all criminal penalties and result in a *laissez-faire* approach in which prostitution would be left unregulated. Prostitutes' rights groups, like COYOTE (Call Off Your Old Tired Ethics) and SWOP (Sex Workers Outreach Project) 1, favor full decriminalization of adult prostitution because they define it as a legitimate occupation and because decriminalization is the only policy that recognizes prostitutes' "right" to use their bodies as they wish. Regulations are opposed because they would allow government interference with this right and because they would only perpetuate the stigmatization of prostitutes (e.g., if restricted to brothels or red light districts).

There is virtually no public support for decriminalization. A 1983 survey found that only 7 percent of the public thought "there should be no laws against prostitution" (Merit 1983). Policy makers are almost universally opposed to decriminalization, making this a non-starter in any serious discussion of policy alternatives (Parnas 1981). Moreover, the logic behind decriminalization is shaky. Freed of regulation, prostitutes arguably would enjoy advantages unavailable to purveyors of other commercial services (Skolnick and Dombrink 1978: 201; Decker 1979: 463). A major Canadian commission held that prostitution should enjoy no special immunity from the law: "it is difficult to see how some degree of regulation could be avoided" in light of "the special risks inherent in the activity of prostitution" (Special Committee 1985: 518). Taken to its extreme, decriminalization would permit prostitutes and their customers to engage in sexual exchanges without restriction, except for extant prohibitions on public nudity and sex.

Although decriminalization is roundly dismissed by the American public and policy makers, its advocates sometimes manage to get it onto the public agenda. A recent example illustrates the fate of a decriminalization proposal, in a city known for its tolerance. A Task Force on Prostitution was formed by San Francisco's Board of Supervisors in 1994 to explore alternatives to existing methods of prostitution control. Members included representatives of community and business groups, the National Lawyer's Guild, National Organization for Women, prostitutes' rights groups, the police department, and the local prosecutor's office. From the beginning, the prostitutes' advocates and their sympathizers set the agenda and dominated the proceedings, which led to chronic infighting. Supervisor Terence Hallinan was the driving force behind the panel but unsatisfied with the result: "I didn't ride herd on this task force. ... Instead of coming up with good, practical solutions, they spent months fighting about decriminalization and legalization" (*San Francisco Examiner*, December 6, 1995). After a majority of the members voted to recommend a policy of decriminalization in January 1995, the six community and business representatives resigned. One of the latter told me that the departure of community members shredded the legitimacy of the panel and troubled the remaining members: "They were upset as hell because the task force lost credibility without the citizens' groups participating." While the comment is not made from a disinterested position, the

task force report itself expresses regret that consensus was not achieved on its main recommendation.

The panel's endorsement of decriminalization reflected the interests of prostitutes' advocates and their allies and doomed the report's prospect for serious consideration in official circles. The city's Board of Supervisors promptly shelved the report. It is possible, however, that a less radical recommendation would have been received more favorably by city officials; Supervisor Hallinan and even some community leaders had floated the possibility of legalization (zoning into red light areas) when the task force was first proposed.

### *Legalization*

Legalization means *regulation* of some kind: licensing of premises, registration of workers, creation of tolerance zones or red light districts, state-regulated brothels, mandatory medical exams, special business taxes, etc. Implicit in the idea of legalization is the principle of harm reduction: that is, that regulation is necessary to reduce some of the problems associated with prostitution. The American public is divided on the issue, with support for legalization ranging from a quarter to half the population in most polls (Gallup 1991, 1996; Harris 1978, 1990; Merit 1983; Weitzer 2000). This support has not, however, translated into popular pressure for legal change anywhere in the country, in part because most citizens see it as far removed from their personal interests and because policy makers are largely silent on the issue (Weitzer 1991).

Some advocates of legalization cite with approval Nevada's legal brothels. Confined to small-scale operations in rural areas of the state (and prohibited in Las Vegas and Reno due to opposition from the gambling industry), this model has little impact on illegal prostitution in Las Vegas and Reno. Prostitution flourishes in these two cities despite the existence of legal brothels in adjacent counties. What is needed is some kind of specifically urban solution to an essentially urban problem.

Since Nevada legalized brothels in 1971, no other state has seriously considered legalization. Legislators fear being branded as "condoning" prostitution, and see no political advantages in any kind of liberalization. The exceptions seem to prove the rule of futility. For example, bills to permit licensing of prostitutes and brothels were introduced in the California State Assembly in the 1970s, to no avail (Jennings 1976; Parnas 1981). In 1992 New York City Councilor Julia Harrison offered a resolution for licensing prostitutes, restricting legal brothels to certain parts of the city, and requiring HIV tests of the workers. The purpose was "to eliminate the pestilence of street activity in residential neighborhoods," as the resolution declared. Harrison told me that she got the "highest praise from the community" in her district, Flushing, but the proposal met with stiff opposition in the city council.

A major determinant of the success of legalization is the willingness of prostitutes to comply with the regulations. Those who have pimps may not be allowed to work in most regulated systems, particularly if it means a dilution of the pimps' control

over their employees. Where legalization includes stipulations as to who can and cannot engage in the sex trade, certain types of individuals will be excluded from the legal regime, forcing them to operate illicitly. Where underage or diseased or migrant prostitutes are ineligible, they would have no recourse but to work in the shadows of the regulated system. Moreover, every conceivable form of legalization would be rejected by at least some eligible prostitutes, who would see no benefits in abiding by the new restrictions and would resent the infringement on their freedom. It is precisely on these grounds that prostitutes' rights groups denounce licensing, mandatory health checks, and legal brothel systems. A possible exception would be zoning street prostitution into a suitable locale: away from residential areas but in places that are safe and unthreatening for prostitutes and customers alike. Many streetwalkers would be satisfied with this kind of arrangement, but others would not. Red light districts in industrial zones have been proposed, but most streetwalkers would reject confinement to these areas because they typically lack places of refuge and sustenance, such as restaurants, coffee shops, bars, parks, and cheap hotels – all of which facilitate street prostitution (Cohen 1980). Even if an acceptable locale could be found, there is no guarantee that street prostitution would be confined to that area; market saturation in the designated zone would push some workers into less competitive locales. Moreover, while zoning presumably would remove street prostitution from residential areas, it would not necessarily remedy other problems associated with street work, such as violence and drug abuse.

Would a system of legal prostitution attract an influx of prostitutes into the host city? If limited to one or a few cities in the United States, the answer would be affirmative. Were it more widespread, each locale would hold less attraction to outside workers.

More fundamentally, would legalization, in any of its forms, institutionalize and officially condone prostitution and make it more difficult for workers to leave the business? Government officials, feminists, and prostitutes' rights advocates alike object to legalization on precisely these grounds. Whether legalization would indeed make it more difficult for workers to leave prostitution than is the case under criminalization would depend in part on whether the workers were officially labeled as prostitutes – via registration, licensing, special commercial taxes, a registry for mandatory health checks – or whether their identities would remain unknown to the authorities, as might be the case if legalization took the form of zoning.

A final consideration is the willingness and capacity of municipal authorities to actively regulate the sex trade and compel compliance with the rules. American officials are almost universally unprepared to assume this responsibility. Why would any American city assume the added burden of planning, launching, and managing a system of legal prostitution when the benefits are doubtful and when the logistical, resource, and moral costs would be envisioned as unacceptably high? Whatever the possible merits (health, safety, etc.) of any particular model of legalization, it is therefore imperative to consider its feasibility in the United States. Advocates face almost impossible odds trying to win support from legislators and the wider population. Proposals for legalization, while occasionally floated, will remain non-

starters in this country for the foreseeable future. A third policy alternative may have broader appeal.

## A Two-Track Model

Policy makers often fail to draw the crucial distinction between street and off-street prostitution, partly because both types are criminalized by law throughout the United States. But since prostitution manifests itself in fundamentally different ways on the street and in indoor venues, it is only sensible to treat the two differently. One model would (1) *target resources exclusively toward the control of street prostitution* and simultaneously (2) *relax controls on indoor prostitution* such as escort agencies, massage parlors, call girls, and brothels. A few blue-ribbon panels have recommended changes either consistent with or close to this two-track model. A San Francisco commission noted that whereas street prostitution has significant adverse consequences for public order and public health, the situation is quite the opposite for indoor prostitution – a situation warranting a dual approach (San Francisco Committee 1971). An Atlanta task force went a step further in recommending that law enforcement be directed against street prostitution rather than off-street prostitution and that city officials provide more assistance to neighborhoods affected by prostitution, in the form of greater liaison between neighborhood associations and the authorities and redevelopment of communities to discourage street prostitution and other crime (Atlanta Task Force 1986). And a landmark Canadian commission argued that abating street prostitution would require legislation allowing prostitutes to work somewhere else. It recommended (1) allowing unobtrusive street solicitation (2) punishment of obnoxious behavior by streetwalkers (offensive language, disturbing the peace, disrupting traffic), and (3) permitting one or two prostitutes to work out of their residence (Special Committee 1985). (The third proposal was endorsed by a recent Canadian task force [Working Group 1998: 71]). Indoor work by one or two prostitutes was seen as preferable to work on the streets or in brothels since it gives the workers maximum autonomy and shields them against exploitation by pimps and other managers. The commission also recommended giving provincial authorities the option of legalizing small, non-residential brothels, subject to appropriate controls.

In all three cases, government officials rejected the recommendations – without explanation in San Francisco and Atlanta, and in Canada on the grounds that it would condone prostitution. Some Australian states, however, have recently implemented the two-track approach, i.e., decriminalizing brothels and increasing enforcement against street prostitution (Sullivan 1997).

### *Track One: Indoor Prostitution*

Some cities already have an informal policy of de facto decriminalization of indoor prostitution – essentially ignoring call girls, escort agencies, and massage parlors



unless a complaint is made, which is seldom.<sup>2</sup> Police in other cities, however, devote substantial time and resources to this side of the sex trade, where it accounts for as much as half the prostitution arrests or consumes up to half the vice budgets. One study of sixteen cities found that indoor prostitution accounted for between a quarter and a third of all prostitution arrests in Baltimore, Memphis, and Milwaukee, and half the arrests in Cleveland.<sup>3</sup> Some cities (like Houston and Philadelphia) have shifted their emphasis from the street to indoor prostitution, ostensibly to go after the “big fish.”<sup>4</sup> Some other police departments devote an entire branch to combating outcall and escort services, e.g., the Pandering Unit in Detroit and the Ad Vice Unit in Los Angeles.

Efforts against indoor prostitution typically involve elaborate, time-consuming undercover operations to entrap the women. Such stings require considerable planning, and large-scale operations can last a year or two, becoming rather costly affairs. There have been some federal actions as well. In 1990, for example, federal agents launched raids on more than forty upscale escort agencies in twenty-three cities. The sting was the culmination of a two-year undercover investigation, costing \$2.5 million (*San Francisco Chronicle*, April 6, 1990).

An officer attached to the Ad Vice unit in Los Angeles justified his work with rather twisted logic: “We’re trying to keep it from becoming rampant on our streets” (A&E 1997). In fact, crackdowns on indoor prostitution can have the opposite result – increasing the number of streetwalkers – thus unintentionally exacerbating the most obtrusive side of the prostitution trade. Closures of massage parlors and other indoor venues have had precisely this effect in some cities (Cohen 1980: 81; Larsen 1992; Lowman 1992; Pearl 1985), and a New Orleans vice officer noted that, “Whenever we focus on indoor investigations, the street scene gets insane.”<sup>5</sup>

The success of a policy of non-enforcement regarding indoor prostitution would require that it be implemented without fanfare. A public announcement that a city had decided to take a “hands off” approach to this variety of sex work might serve as a magnet drawing legions of indoor workers and clients into the locale. But in cities where it is not already standard practice, an unwritten policy of non-enforcement might be a sensible innovation. It would free up resources for the more pressing problems on the street, and might have the effect of pushing some streetwalkers indoors, as one commission reasoned: “Keeping prostitutes off the streets may be aided by tolerating them off the streets” (San Francisco Committee 1971: 44).

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2 My discussion of indoor prostitution is restricted to workers who entered the trade voluntarily, and does not pertain to those who have been coerced or deceived into selling sex. Law enforcement directed at the protection of such victims is obviously laudable.

3 Data collected by Julie Pearl, on file with *Hastings Law Journal*.

4 Interviews with vice officers in these cities, conducted by Julie Pearl; transcripts on file with *Hastings Law Journal*.

5 Vice sergeant interviewed by Julie Pearl, May 1985; transcript on file at *Hastings Law Journal*.

Such an effect is far from certain, however. As a general rule, there is little mobility between the different ranks of prostitution (Benson and Matthews 1995; Heyl 1979), and each type has unique attractions to the workers. Advantages of street work include greater flexibility in working conditions than the more restrictive indoor work, rapid turnover of customers and lower time-commitment per trick, and the freedom and excitement of street hustling. Regarding the latter, "Many prostitutes say they prefer the constant action on the street. ... They enjoy the game aspect of the transaction and the intensity of life as a streetwalker, in contrast to work in a massage parlor or house" (James 1973: 148). Some clients also prefer streetwalkers: advantages include easy access, anonymity, low cost, choice of women, and the thrill of cruising for sex on the streets – though other clients are attracted to indoor venues because they are safer and more discreet (Campbell 1998). Moreover, indoor work may not be an option for those streetwalkers who lack the social skills and physical attractiveness that may be required by such establishments or their clients. Indoor and outdoor prostitution serve rather different markets (Reynolds 1986). Having said that, greater police intervention on the street has at least some potential to induce some streetwalkers indoors, perhaps into massage parlors.

Compared to street prostitution, there is relatively little public opposition to indoor prostitution, provided it remains inconspicuous. Escort agencies and call girls are typically ignored by community groups, and even massage parlors and brothels arouse less concern than streetwalking – again, provided the indoor establishments remain discreet. In San Francisco, a leader of the neighborhood group Save Our Streets told me that most residents of his community would not be bothered by indoor prostitution: "My gut feeling is that, yes, that would be OK. No one has voiced concern over massage parlors" in the area. And a Washington, DC, neighborhood activist remarked that "people wouldn't be too upset if prostitution went indoors." Community groups sometimes do mobilize against indoor prostitution, however, largely because of moral opposition to the sex trade, but this occurs much less often than efforts to combat street prostitution. And it appears that the general population is less concerned about this side of the trade. Although national data are lacking with regard to the public's attitudes toward indoor sex work, a 1988 survey of residents of Toledo, Ohio (a largely conservative, working-class city) found that 28 percent supported legal "government-controlled brothels" and 19 percent supported decriminalization of "private call-girl prostitution" (McCaghy and Cernkovich 1991). The level of support is probably higher in at least some other cities. National opinion polls have not asked about specific types of prostitution; instead, they ask vague questions about "legalization" or legal "regulation." Findings of a national Canadian survey may approximate American patterns: while only 11 percent of the population found street prostitution acceptable, a higher number accepted designated red light districts (28 percent), brothels (38 percent), escort and call girl services (43 percent), and prostitution on private premises (45 percent) (Peat Marwick 1984). Clearly, *the visibility of prostitution shapes its public acceptability.*

Is there a class bias in the two-track approach? Does it favor the higher class, indoor sector and unfairly target the lower-echelon streetwalkers? Inherent in any two-track approach are disparate effects on actors associated with each track, and with respect to prostitution there are legitimate grounds for differential treatment: (1) certain other types of commercial enterprise are prohibited on the streets, and there is no compelling reason why street prostitution should be permitted and (2) “this kind of policy may not be considered too inequitable if the costs inflicted on society by the street prostitutes are greater ... than from those working in hotels” and other indoor venues (Reynolds 1986: 194). The legal principle on which this proposal rests is that the criminal law should not interfere with the conduct of consenting adults, provided that this conduct does not harm the legally protected interests of others. Whereas street prostitution often involves violence against prostitutes, ancillary crime, disorderly behavior in public, and other adverse effects on host neighborhoods, indoor prostitution is in accord with the harm-reduction principle (Caughy 1974; Comment 1977). As the San Francisco Committee on Crime (1971: 38) flatly concluded, “continued criminalization of private, non-visible prostitution cannot be warranted by fear of associated crime, drug abuse, venereal disease, or protection of minors.” The Canadian commission (1985: 515) agreed: “The concern with the law is not what takes place in private, but the public manifestation of prostitution.” Similarly, harms to prostitutes themselves are pronounced for street workers but much less so for workers in brothels and massage parlors and call girls and escorts (Bryan 1966; Exner et al. 1977; Farley and Davis 1978; Reynolds 1986). As a recent Canadian task force noted, “the two objectives of harm reduction and violence prevention could most likely occur if prostitution was conducted indoors” (Working Group 1998: 35). The policy implication is clear: “reassign police priorities to those types of prostitution that inflict the greatest costs” (Reynolds 1986: 192), namely, street prostitution.

### *Track Two: Restructuring Street Prostitution Control*

One advantage of the two-track model is that resources previously devoted to the control of indoor prostitution can be transferred to where they are most needed: the street-level sex trade. Under this model, a policy of more frequent arrests of streetwalkers and johns would replace the current norm of sporadic, half-hearted enforcement. This is just the first step, however. What happens after arrest is equally important.

Most prostitution arrests in the United States require that offenders be caught in the act of solicitation, a labor-intensive form of control that limits enforcement efforts. In this legal context it would be naive to think that the “oldest profession” can be wholly eradicated from any major American city. The costs to the prostitute (fines, jail time) could be enhanced, but not dramatically for a misdemeanor offense. Moreover, stiffer penalties have the unfortunate side-effect of forcing prostitutes back onto the streets to recoup their losses, essentially becoming an added cost

of doing business. Other, very different approaches are worth considering. A San Diego Task Force (1993), a British parliamentary committee (Benson and Matthews 1996), and the Association of Chief Police Officers in Britain (Bennetto 1996) have called for community service sanctions for prostitutes, and New York City has recently experimented with this penalty. If the policy of fining prostitutes simply encourages reoffending to recover losses, community service may open up avenues for a different line of work for at least some of the individuals who truly aspire to reintegration into conventional society. Community service sanctions are superior to fines or incarceration for this population, and any policy of intensified arrests should be coupled with a shift toward community service sanctions.

A third reform in the control of street-level prostitution is the need for a more comprehensive program of meaningful job training and other needed services for those who want to leave prostitution but eschew low-paying, dead-end jobs. It is not known what percentage of street prostitutes want to leave prostitution, but for those who do, resources are scarce (and even scarcer for sex workers who do not want to leave the industry, but need services). Services to women in the sex industry are woefully inadequate (Weiner 1996; Seattle Women's Commission 1995). For example, in Seattle,

Existing services are not prepared to deal with the unique issues of sex industry women [e.g., stigma, sexual trauma, emotional problems]. ... Nor do women have the backup resources of family and education needed to reorganize their lives (Boyer, Chapman, and Marshall 1993: 20).

Getting prostitutes off the streets requires positive incentives and assistance in the form of housing, job training, counseling, and drug treatment, but the dominant approach is overwhelmingly coercive rather than rehabilitative. Past experience abundantly shows the failure of narrowly punitive intervention. Without meaningful alternatives to prostitution there is little opportunity for a career change.

What about the customers? Traditionally, the act of patronizing a prostitute was not a crime in the United States. This was largely due to the tremendous status disparity between male clients and "women of ill repute." Prostitutes were outcasts whereas patrons were seen as valuable members of society, even if they occasionally dabbled in deviant sexual liaisons. As Abraham Flexner wrote in 1920, the customer "discharges important social and business relations, is a father or brother responsible for the maintenance of others, has commercial or industrial duties to meet. He cannot be imprisoned without damaging society" (quoted in Little 1995: 38–39). This justification for gender discrimination persists in some quarters today. The renowned Model Penal Code reflects this double standard: The code stipulates that prostitution should be treated as a misdemeanor, while patronizing a prostitute should be punished as a mere violation – an infraction punishable by a fine rather than incarceration. The disparity was defended even as late as 1980, in the official commentary on the code:

Authorization of severe penalties [jail time] for such misconduct [patronizing] is wholly unrealistic. Prosecutors, judges, and juries would be prone to nullify severe penalties in light of the common perception of extramarital intercourse as a widespread practice ... This level of condemnation [a violation and fine] would seem far more in keeping with popular understanding than would more severe sanctions. Furthermore, the lenient treatment of customers reflects the orientation of the offense toward the merchandizers of sexual activity (American Law Institute 1980: 468).

The prevalence of extramarital sex, a “popular understanding” favoring the clients, and the notion that the law should target sellers, not buyers, of vice are all invoked to justify lenient treatment of clients. Most state penal codes now treat patronizing as a misdemeanor, not a mere violation as the Model Penal Code recommended.

Since the 1960s, the act of patronizing or soliciting a prostitute has been criminalized by all states, though many state laws continue to punish patronizing less severely than prostitution (Posner and Silbaugh 1996: 156). And in most cities, enforcement against customers is either sporadic or lacking altogether. Although the double standard has eroded to some extent, it is still only in the exceptional jurisdiction where prostitutes and their patrons are treated equally. Elsewhere, gender bias persists in both arrest rates and penalties (Bernat 1985; Lowman 1990). Nationally, of the approximately 90,000 prostitution arrests every year, roughly one-third are males (Bureau of Justice Statistics, annual), which breaks down to about 20 percent male prostitutes and 10 percent male customers. In light of the fact that customers greatly outnumber prostitutes, the gender disparity in arrests appears even more disproportional. Gender bias is also evident in sanctions. In Seattle from 1991 to 1993, for example, 2,508 prostitutes were arrested for solicitation while only 500 customers were arrested for patronizing (Seattle Women’s Commission 1995). And in 1993, 69 percent of the prostitutes charged with solicitation were convicted whereas only 9 percent of the customers were convicted, largely because they were offered pre-trial diversion. Indeed, in most cities first-time arrested customers are routinely offered diversion rather than prosecution. And those customers who are prosecuted and convicted are less likely than prostitutes to receive fines or jail time (Lowman 1990). In Vancouver between 1991 and 1995, for example, only 0.5 percent of convicted customers were jailed and 9 percent fined; the remainder received absolute or conditional discharges. Convicted prostitutes were treated more harshly: 29 percent were jailed and 32 percent were given suspended sentences (Atchison et al. 1998).

An argument can be made for paying more attention to the demand side of prostitution. First, sheer numbers might justify greater control of the customers (especially those who contribute to the street prostitution problem). Customers are far more numerous than prostitutes. The National Opinion Research Center’s *General Social Survey* question on patronizing a prostitute is revealing. The question was asked seven times between 1991 and 2002, and during this period 15 to 18

percent of American men reported that they had paid for sex at some time in their lives. A question on something as stigmatized as one's personal involvement in prostitution is likely to yield underreporting, so the figures are undoubtedly higher. In any case, it is clear that a significant proportion of the male population has had such encounters.

Second, demand-side prostitution controls can pay much higher dividends than supply-side controls. Prostitutes are dependent on this work for their livelihood and not easily deterred by sanctions. Customers, who have a greater stake in conventional society, are more fearful of arrest and punishment and more vulnerable than prostitutes to public shaming and stigmatization (Persons 1996). A British study found that arrested customers were unconcerned about fines but very worried about damage to their reputations if their activities were made public (Matthews 1993: 14–15). A corollary is that customers are much less likely to recidivate after their first arrest. For example, in Washington, D.C., only 7 percent of the 563 males (mostly customers, some male prostitutes) arrested for prostitution offenses from 1990 to 1992 had previously been arrested for such an offense, whereas this was true of 47 percent of the 847 females arrested for prostitution offenses.<sup>6</sup> Similar findings were reported in Vancouver, Canada: 2 percent of the arrested customers and 49 percent of the arrested prostitutes were recidivists (Lowman 1990).

The large number of patrons and their greater susceptibility to deterrence are arguably good grounds for intensifying enforcement against them, or especially targeting those who contribute to the street prostitution problem. Indeed, such customers may be uniquely qualified for deterrence:

It is exactly in such situations, when the perpetrator is enmeshed in society and where the act is not central and integrated in his way of life, that punishment and deterrence have a positive effect. ... With a unilateral criminalization of the customers, we believe that a portion of the prostitution market will disappear (Finstad and Hoigard 1993: 222).

And there appears to be substantial public support for targeting customers in some fashion, including public shaming. A 1995 national poll found that half of the public believed the media should disseminate the names and pictures of men convicted of soliciting prostitutes (*Newsweek* 1995). Residents of neighborhoods with street prostitution are especially likely to favor such controls (Weitzer 2000). As a member of one civic association noted, “These guys are the weak link in this chain. He’s the one with the most to lose; that’s why he’s got to be kept out” (Gray 1991: 25).

Though most cities continue to target their enforcement efforts against prostitutes rather than their customers, a few cities have begun to redirect control efforts toward the customers. One particularly innovative program is the “johns’ school” – a program designed to educate and rehabilitate arrested customers. Since 1995, when

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6 Figures provided by the U.S. Attorney’s Office, Washington, DC.

San Francisco launched its First Offenders Prostitution Program for customers, forty other American cities have created similar programs, as have some Canadian and British cities. San Francisco's school is a joint effort by the district attorney's office, the police department, the public health department, community leaders, and former prostitutes. The men avoid an arrest record and court appearance by paying a \$500 fee, attending the school, and not reoffending for one year after the arrest. Every aspect of the all-day course is designed to shame, educate, and deter the men from future contact with prostitutes. The lectures are designed for maximum shock value: the men are frequently asked how they would feel if their mothers, wives, or daughters were "prostituted," and why they were "using" and "violating" prostitutes by patronizing them. The audience is also exposed to a graphic slide show on sexually transmitted diseases, horror stories about the wretched lives of prostitutes and their oppression by pimps, and information about the adverse impact of street prostitution on neighborhoods.

Unlike other shaming sanctions – such as printing customers' names or photos in local newspapers or on cable TV shows – where humiliation or "stigmatizing shaming" (Braithwaite 1989) of the offender is a goal, shaming in the john schools occurs in the context of a day of reeducation about the various harms of prostitution. This is closer to "reintegrative shaming" linking punishment to rehabilitation (Braithwaite 1989), though this ends once the class concludes. A measure of rehabilitation is recidivism: of the nearly 5,700 graduates of San Francisco's school from 1995 to 2008, very few were subsequently rearrested for solicitation. Other john school programs also report low recidivism rates.

Low recidivism among the graduates of the john schools does not necessarily mean that the program is also having a larger deterrent effect on the never-arrested population of prospective clients. Moreover, it is difficult to tell whether non-recidivism is due to the school experience per se or to the arrest. Official statistics show low recidivism among previously arrested customers generally (including those who had not attended a johns school), suggesting that the arrest is the decisive deterrent.

Customers are also the focus of another innovative program. Inspired by drug forfeiture laws, a growing number of cities have passed ordinances empowering police to confiscate customers' cars when caught in the act of soliciting sexual favors on the street. After a car is seized a civil hearing is held to determine if there are grounds for forfeiture. Forfeited cars are sold at auction or retained as city property.

The laws vary substantially. Some are lenient with first-time offenders; others treat first-timers and repeat offenders the same. Most cities eventually return the car if the arrested driver is not the owner – if the car belongs to the driver's wife, employer, or a rental company. But some cities confiscate vehicles even if the owner was uninvolved in the crime. In St. Paul, Minnesota, for instance, an auto dealer's car taken on a test drive was used to solicit a prostitute and promptly seized by the police. In some cities a person may be acquitted of the criminal offense of soliciting

a prostitute but lose his car in the civil case (where the standard of proof is lower), while in other cities the policy is to return the car if the criminal case fails.

In general, this practice appears to deter re-offending (*Newsday*, May 12, 1993). But the forfeiture policy raises some obvious problems. Loss of a car penalizes not only the perpetrator but other family members who depend on it, and the punishment may not fit the crime. Permanent loss of a car worth perhaps thousands of dollars seems disproportionately harsh for a misdemeanor offense, and arguably violates the U.S. Constitution's Eighth Amendment prohibition on excessive fines. Moreover, there is a wide disparity in the value of the cars seized, from the worthless to the expensive. Such unequal punishment may violate the equal protection clause of the Fourteenth Amendment to the Constitution.

The car seizure policy and the john schools show that some cities (albeit a minority) have begun to target customers. Recent national and state legislation in the U.S. goes further, in providing fresh funds for arrest and processing of customers. The 2005 reauthorization of the Trafficking Victims Protection Act, for example, authorized \$25 million per year for increased prosecution of persons who "purchase commercial sex acts" and for other programs to combat customer demand for prostitution (Weitzer 2007).

## Conclusion

Several nations have recently decriminalized and legalized prostitution, including the Netherlands (in 2000), New Zealand (in 2003), and Western Australia (in 2008) (see Weitzer 2009). Although the city of San Francisco came close to voting to decriminalize prostitution in 2008 (42 percent voted in favor), blanket decriminalization is not on the agenda elsewhere in the United States, and it therefore appears that an alternative – the two-track policy – is best suited to the current situation in this country. The two-track policy is geared toward efficient use of criminal justice resources and fidelity to the harm-reduction principle. This means redirecting enforcement resources from indoor to street prostitution and providing meaningful support services and assistance for persons who want to leave prostitution. The authorities would discontinue arresting and prosecuting those involved in indoor sex work, including brothels, massage parlors, escort agencies, and independent outcall work by self-employed providers, unless there is a complaint about a particular establishment from a member of the public or evidence coming to the attention of the police that coercive practices were taking place, as occurs in some instances of sex trafficking (see Weitzer 2007). In the absence of a public complaint or evidence of wrongdoing, the police would cease to conduct undercover stings against indoor providers and managers.

Street prostitution, on the other hand, would receive greater attention from the authorities. Again, the policy would not be simply punitive but would instead be coupled with a support system to help workers leave the streets and reduce the



harms that they have experienced. Some British cities have experimented with this strategy, under a formal “multi-agency partnership” approach to street prostitution. And the policy was recently adopted in New York State with regard to minors caught soliciting on the street, under the Safe Harbor for Exploited Children Act of 2008. Under the law, persons under age 18 arrested for prostitution are now channeled into services and programs (including safe houses, counseling, job training, drug treatment, health care) instead of being charged with a crime and prosecuted. Arrest remains the first step, which seems necessary in order to remove individuals from the street and compel compliance, but those arrested are not stigmatized by prosecution in court and formal punishment. This policy could be extended to adult street prostitutes, although it is clear that a major commitment of rehabilitative resources would be required for the policy to achieve a significant measure of success. The resources now devoted to control of the indoor market could be redirected toward a comprehensive set of services and programs for street prostitutes.

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