

The Intersystem Assessment on Prostitution in Chicago

October 2006

Executive Summary

Prepared by

Emily Muskovitz Sweet
Program Director, Mayor's Office on Domestic Violence

City of Chicago Mayor's Office on Domestic Violence
Leslie Landis, Director
333 South State Street, Suite #550
Chicago, IL 60604
(312) 747-9972
(312) 745-3399 – fax
www.cityofchicago.org/domesticviolence

Intersystem Assessment on Prostitution in Chicago

Executive Summary

In May 2003, the City of Chicago Mayor’s Office on Domestic Violence (MODV) and the Chicago Prostitution Alternative Roundtable (PART)¹ convened the first meeting of what would come to be known as the Intersystem Assessment (ISA) Work Group. Established to track and study Chicago’s current response to prostitution, the Work Group has been committed to:

- addressing the disparity in the city’s current response strategies;
- ensuring that response strategies are coordinated and informed by local research; and
- developing safe options for individuals interested in leaving prostitution.

The ISA Work Group includes representatives from various government and non-profit organizations and is informed by individuals who have been involved in the sex trade.²

Over the past three years, the Intersystem Assessment Work Group methodically examined how Chicago currently responds to the city’s sex trade industry in general and to street-level prostitution in particular. Information was gathered through focus groups with women, men, and transgender individuals who have been involved in Chicago’s sex trade, and through presentations from first responders³ on their current response policies and practices. This comprehensive and collaborative effort enabled the Intersystem Assessment Work Group to identify gaps in current response strategies and make strategic recommendations across three priority areas including: enhancing Chicago’s ability to cut into the demand side⁴ of the sex trade industry; expanding supportive

¹ The oversight of the Intersystem Assessment initiative during the first year was very much a joint endeavor between PART and the Mayor’s Office on Domestic Violence. Due to the changing demands of the work, the Mayor’s Office on Domestic Violence ultimately took the lead in organizing and implementing this project. PART and the Chicago Coalition for the Homeless, however, have remained active and key members of the Intersystem Assessment Work Group.

² For the purposes of this report, the language “individuals who are involved in the sex trade” is used to refer to individuals who exchange sex for money, drugs or other resources. This phrase does not refer to pimps/arrangers or sex traffickers.

³ “First responders” include government departments and social service providers including police officers, prosecutors, health care providers, correctional staff, and substance abuse treatment programs that come into contact with individuals involved in the sex trade.

⁴ The “demand side” refers to those responsible for perpetuating the sex trade industry including customers, pimps/arrangers, and sex traffickers.

services and increasing options for individuals involved in Chicago's sex trade industry; and enhancing awareness training and accountability among systems that are involved in responding to the sex trade industry.

This Executive Summary provides a brief overview of the Intersystem Assessment Key Findings and Recommendations. More detailed information can be found in the complete version of this report.

Key Findings

A. Current Legal System Response to the Sex Trade Industry

- There are multiple state statutes and city ordinances that criminalize prostitution-related activity.
- There is a disparity between the sentencing options under the state statutes for customers and for those involved in the sex trade industry.
- Customers and individuals involved in the sex trade can be charged under some of the same state and municipal statutes. Since there is no routine analysis of arrest or conviction data, it is therefore difficult to ascertain the total number of arrests and convictions of customers versus those of individuals involved in the sex trade.
- The Chicago Police Department has resources to respond to the sex trade industry.
- There is a gender disparity in the number of arrests, convictions, and sentencing outcomes for prostitution-related offenses in Chicago.
- Individuals involved in the sex trade industry have high rates of recidivism.
- Probable cause is required to make an arrest regardless of the type of offense.
- Individuals who violate a city ordinance are not always arrested.
- There is a formal process for handling state misdemeanor cases.

A.1. Legal System Response to Customers

- Customers *may* be charged with both prostitution-related state misdemeanor offenses and city ordinance violations simultaneously; however, it is not the current practice of the Chicago Police Department to charge customers with both offenses.
- A customer's vehicle can be impounded if used at the time of arrest.
- Customers are arrested in Chicago for prostitution-related offenses, but not in the same numbers as those involved in the sex trade.
- First responders identified challenges to arresting and prosecuting customers.
- Currently, there is no formal or standardized analysis of the numbers of customers arrested in Chicago.

- There is no formal or routine process in place for analyzing the issuance or collection of fines or fees from customers according to specific charge.
- As with all crimes committed in Chicago, fines and fees collected from customers arrested for prostitution-related offenses are deposited into the city's Corporate Revenue budget.
- The City of Chicago has a website that posts identifying information of customers arrested in Chicago.
- Customers are coming into Chicago from other cities and states.

A.2. Legal System Response to Individuals Involved in the Sex Trade

- Individuals involved in the sex trade industry are eligible for felony upgrades.
- Individuals involved in Chicago's sex trade industry are getting felony upgrades.
- Felony convictions limit options for individuals who are interested in leaving the sex trade industry.
- Individuals involved the sex trade can access assistance from a public defender during their legal proceedings.
- Some alternative sentencing options exist for individuals who receive a misdemeanor conviction.

A.3. Other Legal System Response Strategies

- Illinois has state laws on other prostitution-related crimes.
- Landlords can be held accountable if prostitution-related activity occurs in one of their properties.
- The federal *Trafficking Victims Protection Act* (2000) criminalizes human trafficking and offers assistance to victims.
- Historically, sex trafficking cases have been difficult to prosecute.
- Felony prostitution-related convictions cannot be expunged from a person's record.

B. Focus Group Findings

- Individuals in the sex trade are being arrested in Chicago.
- Individuals in the sex trade come into contact with numerous systems.
- Many focus group participants had at least one positive experience with one of the systems with which they came into contact during their involvement in the sex trade.
- Focus group participants reported being mistreated by the systems they came into contact with during their involvement in the sex trade.
- Focus group participants experienced violence and victimization during their involvement in the sex trade.
- Mistreatment or abuses by first responders and crimes committed against individuals in the sex trade rarely are reported or brought into the legal system.

- Many focus group participants began working in the sex trade industry as minors.
- The reasons a person becomes involved in the sex trade are multiple and complex.
- Individuals who are involved in the sex trade experience many negative consequences.
- Individuals in the sex trade face barriers when trying to access medical services.
- Medical personnel are important first responders.
- Individuals involved in the sex trade encounter many barriers when trying to exit prostitution.
- Substance abuse poses a significant barrier to leaving the sex trade industry.
- Individuals do leave the sex trade industry.
- Women who are involved in the sex trade are mothers.

C. Current Services, Service Needs, and Response Strategies

- Specialized services for individuals involved in Chicago's sex trade industry are extremely limited.
- There is a lack of funding to support specialized services for individuals in the sex trade.
- Housing was identified as a primary need of individuals involved in Chicago's sex trade industry, yet affordable housing options are limited.
- There are few specialized substance abuse treatment services for individuals involved in the sex trade.
- Individuals involved in the sex trade industry often lack consistent health care.
- Advocacy work is underway to address some of the barriers that felony convictions can have on a person's ability to access resources and safely exit the sex trade.
- Although Chicago has a toll-free Domestic Violence Help Line and a separate Rape Crisis Hotline, the city lacks a 24-hour, confidential, and toll-free crisis line targeted to individuals who are involved in the sex trade.
- Efforts have been made to conduct outreach to individuals who have come into contact with the criminal legal system as a result of their involvement in the sex trade.
- The Chicago Police Department is experimenting with a new strategy for responding to individuals who are in serious mental health crisis whereby they are diverted away from the criminal legal system.
- Chicago is stepping up efforts to respond to sex trafficking.
- The definition of human trafficking found in the federal legislation does not require that a person be trafficked internationally in order to be considered a victim of trafficking.
- Unique challenges arise when responding to the issue of sex trafficking.
- There are processes in place to file a complaint against a police or correctional officer.
- Community residents are interested in moving prostitution out of their neighborhoods.
- There are no educational opportunities or diversionary sentencing options available for customers in Chicago.

D. System Training and Accountability

- Few first responders, including government departments and non-profit social service agencies, receive specialized training on issues related to the sex trade.
- Efforts have been underway to train first responders in Chicago.
- It is unclear how Chicago police officers determine which prostitution-related statutes to charge individuals with in specific situations.

Recommendations

Categorized into three priority areas, these following recommendations respond directly to the key findings listed above.

Priority Area #1: Cutting into the Demand Side of Chicago's Sex Trade

Industry

Working towards the elimination of prostitution and sex trafficking requires response strategies and resources that focus on cutting into the demand side of the sex trade industry.

- ▶ **Prioritize the arrest and prosecution of customers, pimps/arrangers, and traffickers in Chicago.**
 - Engage in discussions regarding the preferred charging of customers in a way that considers parity, resources, and cultural attitudes regarding the sex trade industry.
 - Enhance efforts to arrest pimps and traffickers and charge them with the highest possible offense.
 - Increase personnel resources within the Chicago Police Department at both the district-level and within the Vice Control Section to allow for more decoy and undercover operations.
 - Address challenges related to establishing probable cause for customers by (1) reviewing Illinois legislative definitions of probable cause that are related to a customer's behavior to determine whether changes should/could be formally introduced to the legislature, and (2) establishing good case law through litigation before the Appellate or the Illinois Supreme Court.
 - Enhance efforts to ensure that customers, pimps/arrangers, and traffickers are convicted and sentenced with the maximum penalties associated with the prostitution-related offense.
 - Ensure that customers who re-offend receive escalating penalties.
- ▶ **Prioritize the charging and prosecution of customers and pimps who use violence against individuals who are involved in the sex trade, or who engage in sex with**

minors. Charges could include battery, sexual assault, statutory rape, and predatory sexual assault.

- Provide legal advocacy services to individuals who are involved in the sex trade.
- Encourage CAPS court advocates' efforts to place public pressure on the state's attorneys and judges to charge and convict pimps and customers for violent crimes and upgrade charges when appropriate.
- Provide training to law enforcement and criminal legal system personnel.

► **Explore how federal laws, including the federal *Trafficking Victims Protection Act (2000)*, could be used to prosecute locally operating traffickers and pimps/arrangers.**

- Explore using the federal *Trafficking Victims Protection Act* to prosecute pimps/arrangers who traffic individuals across state lines and within the city limits.
- Conduct training for local police officers on identifying victims of trafficking.
- Enhance collaboration between federal and local law enforcement personnel when prosecuting trafficking cases in Chicago.

► **Develop a formalized and routine method for tracking the arrest and recidivism rates of customers in Chicago.**

- Establish more formalized and routine tracking methods. Create a coding system to distinguish customers from individuals who are involved in the sex trade industry.
- Conduct research to review and track:
 - the current number of customers arrested for both state misdemeanors and city ordinance violations to determine how customers are being processed by the legal system;
 - how prosecutors typically move forward on cases when customers are charged with both a state misdemeanor and city ordinance violation to determine which penalties customers are currently subjected to; and
 - the common outcomes (e.g., conviction rates and final conviction charges) when customers are charged with both state misdemeanors and city ordinance violations to determine the typical consequences customers face.

► **Enhance the practice of collecting and tracking the fines and fees paid by customers in Chicago at branch court and administrative hearings.**

- Implement better methods of collecting and tracking the fines and fees associated with state misdemeanor convictions, city ordinance violations, and vehicle impoundments. Create a coding system under which fines are associated with specific charges or violations.

- Explore the feasibility of (1) increasing the fees associated with vehicle impoundment for customers on a second violation; and (2) implementing protocols whereby customers would receive increased penalties (such as suspension of their driver’s license) if they fail to pay the ordered fines.
- Explore the feasibility of allocating court-generated fees and fines collected from customers to support direct services in the city of Chicago.

► **Establish a practice by which police departments in other jurisdictions are notified when customers from their cities are arrested on prostitution-related offenses in Chicago.**

- Establish a method for notifying police departments in writing when customers from their jurisdictions have been arrested in Chicago for prostitution-related offenses.

► **Explore the option of developing a city website or cable television program that posts pictures of customers who have been convicted of prostitution-related offenses in Chicago.**

- Explore the possibility of displaying a customer’s picture and identifying information on a city website or cable television program at time of conviction.
- If established, the new website or television program should incorporate educational and awareness information, including service referrals for both customers and individuals involved in the sex trade; strategies that community residents can use to address the demand for prostitution in their neighborhood; and education on the typical life experiences of individuals who are involved in the sex trade.

► **Curb the demand side of the sex trade industry by creating a “Johns’ School” in Chicago.**

- Establish a Johns’ School program in Chicago.
- Develop standardized sentencing and tracking protocols that clarify:
 - under what circumstances and charges a customer would be referred to a Johns’ School program (e.g., as a diversion option, as a condition of supervision, upon conviction of a state misdemeanor charge or city ordinance violation);
 - what would happen to the customer’s conviction or charges once s/he completes the program;
 - what would happen if a customer re-offends after completing the program (e.g., would penalties escalate?);
 - how many times a customer could participate in the program;
 - what type of information is reported back to the court by the program provider;
 - what would happen if a customer is unable to pay the required fee; and

- how judges and prosecutors would be made aware of this service.
- Explore implementing a short-term evaluation of any newly developed Johns' School programs to determine the effectiveness of this intervention strategy.
- Establish quality assurances for services by creating standards for Johns' School programs.

► **Conduct targeted public outreach and education campaigns that focus on the demand side of the sex trade industry by informing potential customers, and pimps/arrangers of the penalties they face if caught soliciting in Chicago.**

- Develop educational campaigns that (1) inform potential customers and pimps/arrangers about the legal penalties and social consequences they face if caught committing a prostitution-related crime in Chicago and (2) educate potential customers about life experiences (e.g., exposure to violence, coercion) common among those who are involved in the sex trade.

► **Develop community-identified strategies for curbing the demand side of the sex trade industry in Chicago.**

- Host community forums that educate residents on strategies they can employ to address the demand side of the sex trade industry.
- Encourage community residents to petition for enhanced city services in areas known for street-level prostitution.
- Expand CAPS' court advocacy program to use volunteers to conduct court watching as a method for ensuring that customers get appropriately charged or fined.
- Hold hearings of vice officer arrests outside of Branch Court 43, so that CAPS volunteers from the district of the arrest may be present.
- Continue encouraging community residents to report problem buildings, businesses, or motels they suspect to be used for prostitution.

Priority Area #2: Enhancing Supportive Services and Increasing Options for Individuals Who are Involved in the Sex Trade Industry

In order to more effectively respond to the sex trade industry and create opportunities for individuals to leave safely, comprehensive services including housing, substance abuse treatment, mental and medical health services, and job-training programs need to be offered.

► Enhance services for individuals involved in Chicago’s sex trade industry by developing different service delivery and program models.

- Identify different funding opportunities to support the development of specialized service options in Chicago.
- Enhance Chicago’s core service capacity by increasing the availability of specialized services, including 24-hour crisis intervention, street outreach, residential treatment, housing, and drop-in services. Ensure that these service options are gender-specific and culturally appropriate and reflect the diversity of program operating philosophies.
- Co-locate services or institute referrals within homeless service programs, substance abuse treatment facilities, and sexual assault and domestic violence agencies to ensure that services are coordinated and individuals are able to receive specialized assistance regardless of how they enter into services.
- Develop specialized services for pregnant women, women with children, youth, men, and transgender individuals who are involved in Chicago’s sex trade industry.
- Develop specific counseling services that are trauma-informed to address issues of lifetime violence, loss, and grief.
- Create a pilot project to explore best practices in the delivery of substance abuse treatment to women, men, transgender individuals, and youth who are involved in the sex trade.
- Expand community aftercare and mentoring programs for individuals involved in the sex trade.
- Develop specialized residential treatment facilities for individuals who have been involved in the sex trade industry.

► Create specialized public health services at both the city and county level for individuals involved in the sex trade.

- Pilot a new hospital-based response protocol at a major hospital, which could ultimately be implemented throughout the city.
- Establish a pilot project at one or two Chicago Department of Public Health and Cook County Health clinics.

- ▶ **Create more housing options for individuals involved in the sex trade.**
 - Ensure that the city’s “Plan to End Homelessness” considers individuals who have been involved in the sex trade.
 - Ensure that individuals convicted of felonies as a result of their involvement in the sex trade are able to access public housing subsidies.
 - Provide education to both landlords and individuals with felony convictions regarding housing discrimination.

- ▶ **Create a local 24-hour, toll-free, and confidential crisis hotline providing specialized support and information to individuals involved in the sex trade.**
 - Create a crisis line that individuals who are involved in the sex trade can use to learn about their options, receive referrals to community-based services, and obtain information on their legal rights.
 - Develop intervention response protocols whereby police officers, health care workers, and other first responders provide individuals who are involved in the sex trade with referrals to the crisis line.
 - Consider whether this new crisis line should be incorporated into either the existing City of Chicago Domestic Violence Help Line or the Chicago Rape Crisis Hotline.

- ▶ **Develop a collaborative law enforcement/social service provider outreach response model focused on educating individuals involved in the sex trade about available options and services.**
 - Expand the services currently available within the Cook County Department of Corrections so that both women and men from the general population can voluntarily access onsite services related to their experience in the sex trade industry.
 - Provide outreach and education at the district police stations to individuals who have been arrested on prostitution-related offenses.

- ▶ **Develop different legal system response strategies for individuals who are involved in the sex trade.**
 - Expand available court-approved treatment options as part of conditional discharge and diversionary sentencing programs.
 - Create a standard referral directory of court-approved diversionary programs.
 - Expand voluntary sentencing options for supportive services in both misdemeanor and felony cases, and continue the practice of dismissing charges after successful completion of these programs.
 - Create a triage system where defendants would have the option to participate in services for a longer duration upon subsequent charges.
 - Enhance discharge planning and develop programs for reintegration back into the community.
 - Create a separate court call for prostitution-related cases.

- Enhance legal advocacy for and legal education of individuals in the sex trade.
- Explore the possibility of creating a pilot project similar to the collaborative mental health outreach response model described in the Key Findings section with the Chicago Police Department and one or more community partners.

► **Designate federal re-entry funding to provide supportive services to formerly incarcerated individuals who have been involved in the sex trade.**

- Ensure that re-entry funding is used to create specialized education and job-training programs for women who have been incarcerated as a result of their involvement in the sex trade.
- Allocate re-entry funding for the creation of transitional/supportive housing for individuals who have been involved in the sex trade.
- Include women who have been involved in the sex trade in the work currently underway around the issue of family reunification.

► **Enhance efforts to address the issue of sex trafficking in Chicago.**

- Enhance supportive services and legal options available to victims of trafficking.
- Create a formalized protocol that would require a standard referral to a social service provider in suspected trafficking cases.
- Explore how the definition of trafficking found in the federal and state legislation could be applied to U.S. citizens who are victims of domestic trafficking.

► **Provide practical community-based support and assistance to individuals involved in the sex trade.**

- Organize neighborhood residents and community leaders to identify and develop resources for those involved in the sex trade.
- Encourage community residents to distribute resource information on available service options to individuals in the sex trade.
- Use current CAPS volunteer court advocates to advocate for diversion options for individuals involved in the sex trade during misdemeanor and felony hearings.

► **Expand and develop new prevention initiatives.**

- Develop a multifaceted public awareness campaign that warns individuals of the potential risks associated with the sex trade industry.

- Develop education and awareness training for youth, which educates them about the realities of the sex trade industry.
 - Support larger efforts to stop child sexual abuse, sexual assault, and domestic violence.
- ▶ **Ensure that survivors of the sex trade industry inform the development and implementation of the recommendations found in this section.**

Priority Area #3: Enhancing Awareness Training and Accountability for Systems Involved in Responding to the Sex Trade Industry

The recommendations presented in this section reflect the current need to enhance first responders' ability to more effectively and appropriately respond to individuals who are involved in Chicago's sex trade industry.

- ▶ **Institutionalize the inclusion of awareness training to all first-responders and systems that frequently come in contact with individuals involved in Chicago's sex trade.**
- Develop a standard educational training curriculum.
 - Identify new opportunities for training within systems and incorporate information on the sex trade industry into already existing training protocols.
 - Integrate an educational component into professional certification requirements.
 - Implement on-going training that can be adapted to different training structures and models.
- ▶ **Enhance methods to promote system-level accountability when responding to individuals involved in the sex trade industry.**
- Hold systems accountable for the mistreatment of individuals involved in the sex trade.
 - Explore and address the barriers to using a system's current grievance filing procedures.
 - Provide education on the procedures for filing grievances within different systems.
- ▶ **Explore strategies for providing physical protection for individuals who file reports against their pimps, traffickers, or police or correctional officers.**

- Provide legal advocacy assistance for individuals involved in the sex trade who file grievances against their pimps/arrangers, traffickers, or police or correctional officers.
- Provide education on ways to file anonymous reports.
- Have advocates help follow-up with the police department or department of corrections when reports are made against officers.
- Explore the possibility of using the victim witness protection program or a similar program for individuals who help prosecute their pimps, traffickers, or police or correctional officers.
- Enforce penalties for retaliation.

► **Host trainings for the judiciary, and present the findings from the Intersystem Assessment report.**

- Present information from this Intersystem Assessment report to the judiciary.
- Conduct research to review the sentencing options and outcomes related to prostitution cases from both branch court and administrative adjudication.

► **Develop and implement training for law enforcement and other first-responders on identifying victims of international and domestic trafficking.**

- Collaborate with both the Chicago Police Department's and the Illinois Department of Human Service's efforts to develop and implement training for first responders.

Section 4: Conclusion and Next Steps

This report illustrates Chicago's current response to the sex trade industry, describes how current response strategies could be enhanced, and identifies where new response strategies are needed. The recommendations discussed above reflect the complexity of this issue and the tensions that arise in our response strategies when individuals are both victims and perpetrators of crime. Local and national research illustrates the far-reaching impact of the sex trade industry on individuals, families, and communities, and proves that this issue can no longer be ignored or dismissed as a victimless crime. Individuals who are involved in the sex trade are members of our communities and deserve access to options and resources that help increase their overall safety, well-being, and ability to exit the sex trade industry safely. Although the recommendations presented in this report are

extensive, the Intersystem Assessment Work Group believes that Chicago is well positioned to enhance its current response to the issue of prostitution.

Key findings and recommendations found in this report are relevant to a broad spectrum of government departments and community-based not-for-profit organizations, and the implementation of these recommendations will require a coordinated and strategic implementation plan. At a June 2005 press conference, Mayor Richard M. Daley charged the Intersystem Assessment Work Group with overseeing the implementation of these recommendations. Given this charge, the Mayor's Office on Domestic Violence will continue coordinating this initiative and supporting the efforts of the Intersystem Assessment Work Group as it strives to implement the recommendations in a thoughtful, strategic, and collaborative way.