



## CSE INSTITUTE POLICY PAPER

### **Why Focusing on Demand for Commercial Sex is an Effective Means to Deter Commercial Sexual Exploitation**

Throughout Pennsylvania, we are witnessing a fundamental shift in the way the commercial sex industry is policed and prosecuted. In the past, police and prosecutors focused most of their time and resources targeting people who sell/are sold for sex (the “supply”) - while typically failing to go after the people who create the market demand for commercial sexual exploitation (the “demand”). Increasingly, however, police and prosecutors are recognizing that a far more effective way to address commercial sexual exploitation is to target the demand and thus deter the people who fuel sex trafficking and commercial sexual exploitation in the Commonwealth.

This CSE Institute Policy Paper focuses on the issue of targeting the market demand for commercial sex. It highlights various anti-demand initiatives already underway in Pennsylvania, explains the empirical research which demonstrates that anti-demand initiatives are an effective method for reducing commercial sexual exploitation, and identifies two new criminal offenses that can be used to target demand.

#### **I. Anti-Demand Initiatives in Pennsylvania**

Pennsylvania is already employing many anti-demand initiatives. According to DEMANDforum.net, a comprehensive website that tracks anti-demand initiatives in cities throughout the country and provides advice and strategies for initiative success, there are 12 major tactics to attack demand, 11 of which are employed in cities across Pennsylvania.<sup>1</sup> Pennsylvania’s strategies include the use of auto seizure, surveillance cameras, community service requirements, john school, letters, neighborhood action, public education, street-level and web-based reverse stings, shaming, and SOAP orders.<sup>2</sup> Each of these tactics is discussed in more detail below.

An auto-seizure is used to reduce the demand for commercial sex in the following way. Law enforcement confiscates the vehicle of the purchaser of sex, and requires the purchaser to pay a fine anywhere from \$250-\$2,000 in order to get the vehicle back.<sup>3</sup> If the

purchaser of sex does not pay the fine, the vehicle can be forfeited and sold at an auction.<sup>4</sup> In some jurisdictions, the vehicles are forfeited and sold at auction immediately without the option to get the vehicle back.<sup>5</sup> In Pennsylvania, auto-seizures are currently being used in Carlisle, Easton, Harrisburg, Middlesex Township, Philadelphia, Pittsburgh and York.<sup>6</sup>

Another tactic used to attack demand involves the use of surveillance cameras.<sup>7</sup> Strategic placement of surveillance cameras acts as a deterrent to potential purchasers of sex because the camera collects evidence against them.<sup>8</sup> Some jurisdictions even post the videos online.<sup>9</sup> In Pennsylvania, surveillance cameras are currently being used in Beaver Falls, Harrisburg, Reading, Scranton, and Stroudsburg.<sup>10</sup>

Some jurisdictions employ the community service method to address the demand problem.<sup>11</sup> Those arrested for purchasing sex are required to do community service, such as cleaning streets in an area that is saturated with prostitution, as a diversionary mechanism.<sup>12</sup> Community service duration times vary in jurisdictions anywhere from four to 50 hours.<sup>13</sup> In Pennsylvania, Philadelphia uses community service as a tactic to reduce demand.<sup>14</sup>

“John schools” are another tactic used to reduce the demand for commercial sex.<sup>15</sup> A “john school” is a diversionary, educational program, where those who have been arrested for purchasing sex learn about the harms of prostitution crimes and sex trafficking.<sup>16</sup> Generally, these programs result in expungement of criminal charges.<sup>17</sup> The duration of the john school programs vary in length, with some offering more intense counseling services than others.<sup>18</sup> In Pennsylvania, Philadelphia and Pittsburgh have john schools.<sup>19</sup>

The use of letters is another tactic used to attack demand.<sup>20</sup> Police agencies send “Dear John” letters to either the vehicle owners or the home address of the arrested purchaser of sex.<sup>21</sup> The letters discuss the health risks of sexually transmitted diseases and the devastating impact of commercial sexual exploitation and sex trafficking.<sup>22</sup> In Pennsylvania, Allentown, Norristown and Reading employ the letters tactic.<sup>23</sup>

Another tactic to address the demand for commercial sex is to have neighborhoods band together to work to end prostitution, whether through neighborhood watches and police reports, posting community blogs, or beginning neighborhood visible campaigns.<sup>24</sup> In Pennsylvania, neighborhood action is used to combat demand in Beaver Falls, Easton, Harrisburg, Norristown, and Scranton.<sup>25</sup>

Public education is also used to reduce the demand for purchasable sex.<sup>26</sup> This tactic involves agencies working to provide information to the general public with regard to the devastating reality of commercial sexual exploitation and sex trafficking.<sup>27</sup> These efforts

come in different forms depending on the jurisdiction, and might be specific to different populations.<sup>28</sup> In Pennsylvania, Reading uses the public education method.<sup>29</sup>

Reverse stings are another tactic used to combat demand.<sup>30</sup> In reverse stings, female police officers pose as women offering to sell sex.<sup>31</sup> When someone agrees to buy sex from her, the purchaser is arrested.<sup>32</sup> Reverse stings take place on the street-level, are web-based and in some jurisdictions even brothel-based.<sup>33</sup> Street-level stings generally occur in areas where men tend to gather, such as large sporting events or truck stops.<sup>34</sup> Web-based stings generally involve police officers posting fake online advertisements and agreeing to meet the potential purchaser of sex, usually at either a hotel or an apartment.<sup>35</sup> In Pennsylvania, reverse stings are one of the most common tactics. They are used in Aliquippa, Allentown, Arnold, Beaver Falls, Belle Vernon, Bensalem Township, Berks County, Bethlehem Township, Bethlehem, Bristol, Brookville, Carlisle, Chester, Clairton, Coatesville, Cumberland County, East Lampeter Township, Easton, Erie, Hanover Township, Harrisburg, King of Prussia, Lancaster, McKeesport, Middlesex Township, Montgomery Township, Moon Township, New Castle, Norristown, North Union Township, Palmer Township, Philadelphia, Pittsburgh, Reading, Scranton, Stroudsburg, Susquehanna Township, Swatara Township, Uniontown, Upper Merion Township, Washington, Wilkes-Barre, Worthington, and York.<sup>36</sup>

Public shaming is another useful method to reduce the demand for commercial sex.<sup>37</sup> This tactic usually involves publishing the identities of those arrested for purchasing sex, either in news outlets or even on billboards. The “Dear John” letters described above are also shameful because often purchasers’ of sex wives, partners, or neighbors will see these letters and know what they did. In Pennsylvania, the shaming tactic is the most commonly used tactic in fighting demand. It is used in Aliquippa, Allentown, Arnold, Beaver Falls, Belle Vernon, Berks County, Bethlehem Township, Bethlehem, Bristol, Brookville, Charleroi, Chester, Clairton, Coatesville, Dale, East Lampeter Township, Easton, Hanover Township, Harrisburg, King of Prussia, Lancaster, McKeesport, Montgomery Township, New Castle, Norristown, Philadelphia, Pittsburgh, Reading, Scranton, Stroudsburg, Susquehanna Township, Swatara Township, Uniontown, Upper Merion Township, Washington, Wilkes-Barre, Worthington, and York.<sup>38</sup>

SOAP (“Stay Out of Areas with Prostitution) orders are the final method used to combat demand in Pennsylvania.<sup>39</sup> SOAP orders work as a zoning-type restraining order to prohibit those who have bought sex in the past from entering an area known for prostitution activity.<sup>40</sup> In Pennsylvania, SOAP Orders are used in Beaver Falls and Wilkes-Barre.<sup>41</sup>

## II. Why Policing Demand is an Effective Way to Address Commercial Sexual Exploitation

The economic theory of market forces has consistently supported that *supply and distribution follow demand*.<sup>42</sup> Applying this concept to human trafficking means that as long as there is a demand for commercial sex, there will be traffickers who victimize.<sup>43</sup> If there was no demand for commercial sex, traffickers would be “out of business” and the crime of trafficking would have a significantly less attractive appeal.<sup>44</sup> Policing the demand, therefore, is the most effective model to address commercial sexual exploitation.<sup>45</sup>

Going after the supply is an ineffective model because of displacement.<sup>46</sup> It is easy for a trafficker to replace a victim with another victim.<sup>47</sup> There are low barriers to entry in the trafficking industry—all it takes for a trafficker to be in business is a victim.<sup>48</sup> Furthermore, attempting to address commercial sexual exploitation by only providing victim services is also ineffective.<sup>49</sup> As organizations are focusing their attention on helping one victim, another is being victimized.<sup>50</sup> The cycle continues because the demand is constantly available and traffickers are aware of this fact and capitalize on it.<sup>51</sup> Instead, a method must be adopted where there is intervention and prevention, rather than simply reaction.<sup>52</sup>

Seeking the arrest and prosecution of the distribution, the traffickers alone, is also an ineffective model.<sup>53</sup> The women being victimized often rarely identify their trafficker as a trafficker, but rather consider him a boyfriend or father figure and consequently will not be willingly to assist in his prosecution.<sup>54</sup> Trafficked women also often fear retaliation from traffickers against themselves or loved ones if they speak out.<sup>55</sup> Even when traffickers are successfully prosecuted and imprisoned, due to the dynamics of economic theory, more traffickers will step in and fill their place.<sup>56</sup>

Another reason to attack the demand to end prostitution is because it is a primary solution.<sup>57</sup> Attacking the demand works to *prevent* the problem of women being trafficked, rather than simply focusing on helping victims *after* they have been trafficked, like most current efforts.<sup>58</sup>

Finally, there is a growing amount of evidence that supports the proposition that attacking the demand is the most effective model in policing the crime of prostitution.<sup>59</sup> The research is somewhat incomplete in that many efforts to go after the demand are implemented as part of multi-faceted approaches that target the demand, supply, *and* distribution.<sup>60</sup> The research also does not account for outside influences on the demand for commercial sex in a given area.<sup>61</sup> However, the research discussed below demonstrates that attacking demand is a sustainable and powerful means for combatting commercial sexual exploitation.<sup>62</sup>

In San Francisco, California, the creation of a john school reduced the amount of repeat purchasers of sex by more than 40%.<sup>63</sup> In Jersey City, New Jersey, reverse stings, among other approaches, led to a 75% decrease in the amount of prostitution.<sup>64</sup> In Ipswich, England, a 40% to 80% reduction followed the creation of a john school and “kerb crawler” tactics to arrest those who purchased sex.<sup>65</sup> Sweden decriminalized the sale of sex in its entirety while criminalizing and policing the purchase of sex.<sup>66</sup> Following this change, there was a 50% to 70% reduction in the amount of prostitution.<sup>67</sup> The police in Saint Petersburg, Florida saw a 24% decrease in prostitution-related calls after focusing enforcement efforts on demand.<sup>68</sup> The tactics used included reverse stings and sending letters containing information about sexually transmitted diseases to the homes of purchasers.<sup>69</sup> In Raleigh, North Carolina, efforts to emphasize arresting and shaming purchasers of sex led to a 38% reduction in prostitution-related calls to police.<sup>70</sup> In Salt Lake City, Utah, the implementation of reverse stings decreased prostitution by 50%.<sup>71</sup> In Buffalo, New York, an emphasis on arresting purchasers of sex resulted in 60% fewer 911 calls.<sup>72</sup> Finally, in Wilkes-Barre, Pennsylvania, reverse stings and shaming tactics, including publishing identities of those who purchased sex, led to a 75% decrease in street-level prostitution.<sup>73</sup>

### **III. New Tools for Law Enforcement Targeting Demand**

#### **A. “Patronizing a Victim of Sexual Servitude” - 18 Pa.C.S. § 3013**

Pennsylvania’s new human trafficking statute has several provisions to provide law enforcement with tools for targeting demand—both Sections 3013(a) and 3013(b) of title 18 of the Pennsylvania Crimes Code.

Section (a) of 18 Pa.C.S. § 3013 sets the grading of the offense for patronizing a victim of sexual servitude at a second-degree felony.<sup>74</sup> This provision criminalizes the purchase of sex from a victim of sexual servitude.<sup>75</sup> Its broad language forbids the purchase of “any sex act or performance” and criminalizes those who “know” the person they are engaging in a sex act with is a victim of human trafficking.<sup>76</sup> This provision requires someone arrested for purchasing sex to be asked whether or not they knew the person was a victim of human trafficking.

Section (b) of 18 Pa.C.S. § 3013 allows law enforcement personnel to formally detain and question any individual arrested for a violation of section 5902(e), related to patronizing prostitutes.<sup>77</sup> The detainment period is used “to determine if the individual engaged in any sex act or performance with the alleged prostitute knowing that the individual is a victim of human trafficking.”<sup>78</sup> This provision, therefore, allows police to detain someone who

purchased sex until they can determine the person's awareness as to whether the woman they purchased sex from was a victim of human trafficking.

## **B. Prosecuting the Demand for the Offense of Trafficking**

In addition to prosecuting buyers of commercial sex for “Patronizing a Victim of Sexual Servitude,” it is also possible for police and prosecutors to target demand by charging them directly as traffickers under 18 Pa.C.S. §3011, “Trafficking in Individuals.” This offense, a felony of the second degree, is committed whenever a person “recruits, entices, solicits, harbors, transports, provides, **obtains** or maintains an individual if the person knows or recklessly disregards that the individual will be subject to involuntary servitude.”<sup>79</sup> The inclusion of the term “obtains” is the key to building a successful trafficking case against a buyer. As the 8<sup>th</sup> Circuit Court of Appeals recognized in the seminal case, *U.S. v. Jungers*, “The ordinary and natural meaning of “obtains” and the other terms [defining trafficking]...are broad enough to encompass the actions of both suppliers and purchasers of commercial sex acts.”<sup>80</sup> This ruling recognizes the simple fact that “trafficking” includes not only pimping or transporting victims, but also buying sex from victims. Indeed, the U.S. Congress recently endorsed this view in the Justice for Victims of Trafficking Act (JVTA), where it adopted the *Jungers* interpretation of trafficking and sought to “make absolutely clear for judges, juries, prosecutors, and law enforcement officials that criminals who purchase sexual acts from human trafficking victims may be arrested, prosecuted, and convicted as sex trafficking offenders.”<sup>81</sup>

## **IV. Conclusion**

As long as the market demand for commercial sex exists, commercial sexual exploitation will likely continue to flourish. As such, effectively addressing commercial sexual exploitation requires that we focus on reducing this market demand. As this policy paper has outlined, an impressive range of anti-demand initiatives have already been employed in various jurisdictions throughout Pennsylvania. With the recent enactment of two new criminal offenses that can be used to target demand (“Patronizing a Victim of Sexual Servitude” and “Trafficking in Individuals”), Pennsylvania now has more robust and effective means to address commercial sexual exploitation.

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<sup>1</sup> Abt Associates, *Home*, DEMADforum.net (July 29, 2015, 9:30 AM), <http://www.demandforum.net>.

<sup>2</sup> Abt Associates, *Browse Locations*, DEMADforum.net (July 29, 2015, 9:33 AM), [http://www.demandforum.net/list-view/?wpv\\_column\\_sort\\_id=post\\_title&wpv\\_column\\_sort\\_dir=asc&wpv\\_paged\\_preload\\_reach=1&wpv\\_view\\_count=2884-](http://www.demandforum.net/list-view/?wpv_column_sort_id=post_title&wpv_column_sort_dir=asc&wpv_paged_preload_reach=1&wpv_view_count=2884-)

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<sup>3</sup> Abt Associates, *Auto Seizure*, DEMADforum.net (July 29, 2015, 9:33 AM), <http://www.demandforum.net/auto-seizure/>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Abt Associates, *Browse Locations*, *supra* note 2.

<sup>7</sup> Abt Associates, *Cameras*, DEMADforum.net (July 29, 2015, 9:40 AM), <http://www.demandforum.net/cameras/>.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> Abt Associates, *Browse Locations*, *supra* note 2..

<sup>11</sup> Abt Associates, *Community Services*, DEMANDforum.net (July 29, 2015, 9:43 AM), <http://www.demandforum.net/community-service/>.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Abt Associates, *Browse Locations*, *supra* note 2..

<sup>15</sup> Abt Associates, *John School*, DEMADforum.net (July 30, 2015, 11:05 AM), <http://www.demandforum.net/john-school/>.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Abt Associates, *Browse Locations*, DEMADforum.net (July 29, 2015, 9:33 AM), Abt Associates, *Browse Locations*, *supra* note 2..

<sup>20</sup> Abt Associates, *Letters*, DEMADforum.net (July 30, 2015, 11:05 AM), <http://www.demandforum.net/letters/>

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> Abt Associates, *Browse Locations*, DEMADforum.net (July 29, 2015, 9:33 AM), Abt Associates, *Browse Locations*, *supra* note 2..

<sup>24</sup> Abt Associates, *Neighborhood Action*, DEMADforum.net (July 30, 2015, 11:06 AM), <http://www.demandforum.net/neighborhood-action/>

<sup>25</sup> Abt Associates, *Browse Locations*, DEMADforum.net (July 29, 2015, 9:33 AM), Abt Associates, *Browse Locations*, *supra* note 2..

<sup>26</sup> Abt Associates, *Public Education*, DEMADforum.net (July 30, 2015, 11:06 AM), <http://www.demandforum.net/public-education/>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> Abt Associates, *Browse Locations*, *supra* note.

<sup>30</sup> Abt Associates, *Reverse Stings*, DEMADforum.net (July 30, 2015, 11:08 AM), <http://www.demandforum.net/reverse-stings/>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Abt Associates, *Web Stings*, DEMADforum.net (July 30, 2015, 11:10 AM), <http://www.demandforum.net/web-stings/>.

<sup>35</sup> *Id.*

<sup>36</sup> Abt Associates, *Browse Locations*, *supra* note 2.

<sup>37</sup> Abt Associates, *Shaming*, DEMADforum.net (July 30, 2015, 11:10 AM), <http://www.demandforum.net/shaming/>.

<sup>38</sup> Abt Associates, *Browse Locations*, *supra* note 2..

<sup>39</sup> Abt Associates, *Soap Orders*, DEMADforum.net (July 30, 2015, 11:10 AM), <http://www.demandforum.net/soap-orders/>.

<sup>40</sup> *Id.*

<sup>41</sup> Abt Associates, *Browse Locations*, *supra* note 2.

<sup>42</sup> Michael Shively, Ph.D., Kristina Kliorys, Kristin Wheeler, Dana Hunt, Ph.D., *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report*, iv (2012). <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>.

<sup>43</sup> *Id.*

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44 *Id.*  
45 *Id.*  
46 *Id.*  
47 *Id.*  
48 *Id.*  
49 *Id.*  
50 *Id.*  
51 *Id.*  
52 *Id.*  
53 *Id.*  
54 *Id.*  
55 *Id.*  
56 *Id.*  
57 *Id.*  
58 *Id.*  
59 *Id.*  
60 *Id.* at v.  
61 *Id.*  
62 *Id.*  
63 *Id.* at vi.  
64 *Id.*  
65 *Id.*  
66 *Id.*  
67 *Id.*  
68 *Id.* at vii.  
69 *Id.*  
70 *Id.*  
71 *Id.*  
72 *Id.*  
73 *Id.* at vii-viii.  
74 18 PA. CONS. STAT. ANN. § 3013(a) (2014).  
75 *Id.*  
76 *Id.*  
77 *Id.* § 3013(b).  
78 *Id.*  
79 18 Pa.C.S. §3011(a). The term “involuntary servitude” includes “sexual servitude” – which occurs whenever “any sex act or performance involving a sex act for which anything of value is directly or indirectly given, promised to or received by any individual or which is performed or provided by any individual and is induced or obtained from... a minor, [or]...by...means of  
(1) Causing or threatening to cause serious harm to any individual.  
(2) Physically restraining or threatening to physically restrain another individual.  
(3) Kidnapping or attempting to kidnap any individual.  
(4) Abusing or threatening to abuse the legal process.  
(5) Taking or retaining the individual's personal property or real property as a means of coercion.  
(6) Engaging in unlawful conduct with respect to documents, as defined in section 3014 (relating to unlawful conduct regarding documents).  
(7) Extortion.  
(8) Fraud.  
(9) Criminal coercion, as defined in section 2906 (relating to criminal coercion).  
(10) Duress, through the use of or threat to use unlawful force against the person or another.  
(11) Debt coercion.  
(12) Facilitating or controlling the individual's access to a controlled substance.  
(13) Using any scheme, plan or pattern intended to cause the individual to believe that, if the individual does not perform the labor, services, acts or performances, that individual or another individual will suffer serious harm or physical restraint. See, 18 Pa.C.S. §3001 and 18 Pa.C.S. 3012(b).  
<sup>80</sup> United States v. Jungers, 702 F.3d 1066, \*\*\*\* (8th Cir. 2013).  
<sup>81</sup> Justice for Victims of Trafficking Act, H.R. 181, 114th Cong. § 109(4) (2015).