

Examining Prostitution Diversion Initiatives

by Marc Levin
Director, Center for Effective
Justice

In 2011, there were 6,526 arrests for prostitution and commercial vice in Texas.¹ The first three convictions for prostitution constitute a misdemeanor, which means that the primary incarceration costs for prostitution fall on counties. Beyond three offenses, prostitution becomes a felony, and there are 350 such prostitutes in state lockups, costing Texas \$6.5 million per year.²

Incarceration terms for prostitution tend to be short relative to violent offenses that carry longer sentences. Indeed, current approaches to addressing prostitution whether a short stay behind bars, a fine, and/or basic probation all seem to amount to a revolving door, given that nationally 80 percent of those arrested for prostitution are repeat offenders.³ However, Dallas' Prostitution Diversion Initiative (PDI) "New Life" program, a law enforcement led initiative in conjunction with non-profit and faith-based organizations providing treatment, may be part of the solution to cost-effectively reduce prostitution and the degrading impact it has on individuals and neighborhoods.

One night a month, sheriff's deputies and police officers set up a staging area to which they bring prostitutes who they intercept at locations where they are known to congregate, such as truck stops. Those prostitutes who law enforcement has probable cause to arrest are given an ultimatum; they can choose traditional prosecution or, pending judicial approval, the diversion program. If they successfully complete the program, they can avoid having a criminal record. Only misdemeanor offenders are eligible. Once taken into custody, the prostitute is brought to the staging area where the medi-

cal services are present along with the specially trained judge who accepts the plea and approves the individual's entrance into the program.

However, by design the program is not easy. It begins with confiscating all contraband and performing a medical screening, including testing for HIV and other diseases. The participants must attend extensive treatment sessions held by the non-profit and faith-based providers, which include drug and alcohol rehabilitation, job counseling, and mental health interventions. To complete the program, participants must also refrain from returning to prostitution or violating any laws.

Among the PDI staff who work to shepherd participants out of their destructive lifestyle are volunteers who themselves escaped a life of prostitution. Karen Green, who was a prostitute and drug addict for 15 years, now volunteers with the program every month.⁴

However, there are not just anecdotes but also data to support the program. Although outcomes are still being assessed since the program began just a few years ago, results of the PDI so far are encouraging:

- The re-arrest rate for participants from 2007-2010 was 47 percent compared to 64 percent among those who went to jail.⁵
- The number of offenses reported to the Dallas Police Department on beats where the targeted truck stops are located fell from over 900 in 2006-07 before the program was implemented to under 400 in 2009-10 after it was in place.⁶

- Significant jail costs have been averted, including booking and classification costs.⁷

These results are consistent with a national peer reviewed study by researchers at Arizona State University, which found that those who completed this type of prostitution diversion program were 75 percent less likely to be re-arrested than the control group over a 50 month period.⁸

Texas policymakers are now considering legislation—Senate Bill 484—that would build on this pilot program in Dallas by authorizing other populous Texas counties to begin such a program.⁹ Among the features of the bill is allowing counties that establish such a program to collect a fee from participants. Such a fee will help defray the costs of the program and will in most cases be less than the fines and court costs the participant would have incurred through the traditional judicial process.

Under the bill, the on-site court in Dallas would be treated as another type of specialty court, the most common of which is a drug court. Like these other courts, referrals would require prosecutor approval. When this prerequisite is combined with the bill's provision that those who already completed the program are ineligible for another diversion, the legislation ensures this program is available as a one-time opportunity for those committed to change, not a get-out-of-jail card that could be subject to abuse.

It is clear that traditional responses to prostitution have fallen far short of fully addressing this problem. There will always be a role for a jail and, indeed, some of those arrested in the PDI choose to go to jail and be prosecuted. However, there are also those prostitutes seeking to escape. By thinking outside the cell, Texas can both hold these prostitutes accountable and connect them with resources in the community that can put them on a path to a law-abiding and dignified life. ★

¹ 2011 Texas Arrest Data, Texas Department of Public Safety.

² "Texas rethinks law making repeat prostitution a felony," *Austin American-Statesman* (26 Aug. 2012).

³ First Offender Prostitution Program, Harvard John F. Kennedy School of Government.

⁴ Charlene Israel, "Program Offers Prostitutes Jail or New Life," Christian Broadcasting Network (11 Sept. 2012).

⁵ Dallas Prostitution Diversion Initiative Annual Report, 2009-10.

⁶ *Ibid.*

⁷ Dallas Prostitution Diversion Initiative Annual Report, 2010-11.

⁸ Dominique E. Roe-Sepowitz, et. al., "Adult Prostitution Recidivism: Risk Factors and Impact of a Diversion Program," *Journal of Offender Rehabilitation*, 50 no. 5 (2011): 272-285. See also authors' presentation "Prostitution Diversion: Survival Analysis for Recidivism in Prostitution."

⁹ Senate Bill 484, 83rd Texas Legislative Session.

