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FACT SHEET 2012

Texas Must Adopt More Effective Approaches for Reducing Prostitution

Diversion Programs and Data Tracking will Lead to Cost Savings and Healthier Communities

PUNITIVE APPROACHES TO PROSTITUTION ARE COSTLY AND INEFFECTIVE, THREATENING PUBLIC HEALTH AND SAFETY

Texas incarcerates sex workers at a higher rate than most other states, and it is the only state in the nation to charge individuals engaging in prostitution with a felony.¹ This punitive approach has not significantly deterred individuals from prostitution or decreased the number of prostitution arrests. Instead, Texas' policies have resulted in high costs associated with policing, prosecuting, and incarcerating these individuals, and they have created collateral consequences for the arrested individuals themselves and the communities where prostitution occurs.² Indeed, individuals face lifelong barriers associated with conviction, including limited access to housing and employment, while communities struggle to address populations that are under-employed or homeless, and thus draining local budgets.

Prostitution diversion programs throughout the country, including one in Dallas, have a proven track record of success in offering individuals a safe exit from prostitution. We urge legislators to consider expanding such programs throughout the state. Without assistive services in place, it is not easy for prostitutes to simply abandon their primary means of support.

KEY FINDINGS

- As per a 2001 Texas law, prostitution is a felony if an individual has been convicted of the offense on three or more occasions. In the summer of 2012, the *Austin American-Statesman* estimated that there are **currently 350 individuals serving time in state jail or prison due to prostitution convictions.**³
- It costs an average of \$15,700 to \$18,500 annually to house an individual in a state jail or prison,⁴ while participation in a community-based rehabilitation program costs only \$4,300 per individual per year.⁵ **The repeal of the 2001 law and the increased use of prostitution diversion programs could result in savings of over \$4 million annually,** money that could instead be funneled into much needed treatment programs.⁶
- Individuals become involved with prostitution for a variety of reasons. It may be a conscious, voluntary decision; it may be a means of survival; or it may have been forced upon them. The men and women who engage in sex work are **far more likely to suffer from mental illness, drug and alcohol addiction, and past trauma** than both the general population and many other individuals entering the criminal justice system.⁷
- Criminalizing prostitution and incarcerating prostitutes is a clear example of a policy driven by public opinion rather than systematic analysis. One theory is that criminalizing prostitution makes it an unattractive option to those who might consider this line of work, and also encourages those already working as prostitutes to search for other livelihoods. **Unfortunately, the current laws related to prostitution have not only failed on both fronts, but have actually made it more difficult for prostitutes to leave the profession,** since once a prostitute has a criminal record, finding legitimate work becomes that much more difficult. In addition, the criminalization of prostitution forces prostitutes to retreat even further from public view, making an already vulnerable population even more susceptible to violence and abuse.

Solutions offered on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS

In order to significantly reduce the number of individuals working as prostitutes, a coordinated approach that addresses the various problems and needs of this population over a longer period of time is critical.

(1) Develop and implement prostitution diversion programs in Harris, Tarrant, and Bexar counties, and provide the resources necessary to make such programs a success. Prostitution diversion programs that offer critical services to individuals engaged in prostitution are, to date, the only proven method to offer prostitutes a viable and permanent exit from the business, while simultaneously saving the state and counties much needed funds and positively impacting both public health and public safety.

According to the above-mentioned *Statesman* study, **94% of all individuals incarcerated in Texas state prisons for prostitution come from only four counties: Harris, Tarrant, Bexar, and Dallas.**⁸ Texas lawmakers must pursue the implementation of diversion programs in these communities.

One model for consideration is Law Enforcement Assisted Diversion (LEAD), is a pre-booking diversion program developed by the Seattle city government in collaboration with community interest groups to address low-level drug crime in a more cost effective and sustainable manner. This program diverts individuals engaged in low-level drug activity into community-based services in an attempt to improve public safety and public order, while reducing the criminal behavior of the program's participants.⁹ Though it was developed in response to drug offenses, LEAD can easily be applied to the diversion of prostitutes from the criminal justice system.

(2) Continue to support Dallas' Prostitute Diversion Initiative (PDI). The Dallas Police Department established the PDI in 2007 after recognizing that its punitive approach to prostitution was ineffective and a constant drain on resources. The program draws upon a vast array of community-based resources, engaging a broad range of organizations in an effort to help individuals exit prostitution. **Over time, it has been able to connect service providers with many in need of treatment and other help,** and by engaging individuals prior to a trip to jail, the PDI not only saves money but also avoids criminalizing these individuals.¹⁰

(3) Develop a system to track all prostitution cases in Texas and their corresponding sentences and outcomes. This will enable decision-makers to better understand the scope of the problem and respond with effective and appropriate policies.

(4) Repeal the 2001 law that stipulates a felony conviction following a third conviction for prostitution.

References

¹ Ward, Mike. "Texas Rethinks Law Making Repeat Prostitution a Felony." *Austin American-Statesman*, August 25, 2012.

² Roe-Sepowitz, Dominique, Kristine Hickle, Martha Perez Loubert, & Tom Egan. "Adult Prostitution Recidivism: Risk Factors and Impact of a Diversion Program." *Journal of Offender Rehabilitation* 50, no. 5 (1990): 272-85.

³ Ward, Mike. "Texas Rethinks Law Making Repeat Prostitution a Felony."

⁴ Legislative Budget Board, "Criminal Justice Uniform Cost Report, Fiscal Years 2008 – 2010," Submitted to the 82nd Texas Legislature, January 2011, p. 6 (using FY 2010 average system-wide prison costs-per-bed-per-day of \$50.79, and average system-wide state jail costs-per-bed-per-day of \$43.03).

⁵ Ward, Mike. "Texas Rethinks Law Making Repeat Prostitution a Felony."

⁶ *Ibid.*

⁷ Farley, Melissa & Barkan, Howard. "Prostitution, Violence, and Posttraumatic Stress Disorder." *Women & Health* 27, no. 13 (1998): 37-49.

⁸ Ward, Mike. "Texas Rethinks Law Making Repeat Prostitution a Felony."

⁹ The Defender Association-Racial Disparity Project. "Law Enforcement Assisted Diversion (LEAD): A Pre-Booking Diversion Model for Low-Level Drug Offenses." Seattle.

¹⁰ Felini, Martha; Abraham, Amy; & Mendoza, Gloria. "Annual Report: October 2008 - September 2009 Prostitution Diversion Initiative." In *Annual Report*. Dallas: Dallas Police Department, 2010.