



Amir Tavakkoli, Policy Analyst

Work: (512) 441-8123, ext. 115

Cell: (832) 677-4894

atavakkoli@TexasCJC.org

www.TexasCJC.org

FACT SHEET 2013

H.B. 3377

Texas Should Implement Effective Programs to Reduce Prostitution *Targeted Assistance and Data Tracking will Create 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.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, permanent exit from prostitution, while simultaneously saving the state and counties much-needed funds and positively impacting both public health and public safety. We urge legislators to pass H.B. 3377 to expand 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, an *Austin American-Statesman* study estimated that there are **currently 350 individuals serving time in state jail or prison due to prostitution convictions**. According to the study, **94% of all individuals incarcerated in Texas state prisons for prostitution came from only four counties: Harris, Tarrant, Bexar, and Dallas**.³
- It costs an average of \$15,500 to \$18,500 annually to house an individual in a state jail or prison, while participation in a community-based rehabilitation program costs only \$4,300 per individual per year.⁴ **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.⁵
- 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; if left untreated, these conditions will result in continuous relapses, re-offending, and re-incarceration, at further taxpayer expense.⁶
- **Unfortunately, current laws have failed to adequately address the problems related to prostitution, and 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.

Continued on reverse.

EXAMPLES OF SUCCESSFUL PROSTITUTION DIVERSION PROGRAMS

One model for consideration is Law Enforcement Assisted Diversion (LEAD). 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.⁷ Though it was developed in response to drug offenses, LEAD can easily be applied to the diversion of prostitutes from the criminal justice system.

Another model for consideration is the Phoenix-based Prostitution Diversion Program. This program helps participants understand their options, the risks they face, and how they can better take care of their mental and physical health. Working in collaboration with other community services and employing former sex workers, the program has been able to help many individuals transition out of prostitution while providing substantial savings for the city.⁸ **The city's Project Rose program does not require individuals to plead guilty to receive access to services, and its success rate is the same as another post-conviction prostitution diversion program.**⁹

The Dallas Police Department's Prostitution Diversion Initiative (PDI) has seen great success. Since its establishment in 2007, the Dallas PDI has drawn 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

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS OFFERED BY H.B. 3377

- **H.B. 3377 clarifies the criteria and authority for establishing county-based or regional prostitution prevention programs, as well as stipulates a funding source in order to significantly reduce the number of individuals working as prostitutes and save taxpayer money.** The new diversion programs under H.B. 3377 will apply only to eligible participants with the consent of the district attorney, and they will provide access to coordinated information and services relating to substance abuse, mental health, and sex-related issues; successful completion of the program, followed by two subsequent years of law-abiding behavior, may result in an individual receiving an order of nondisclosure – an incentive to remain on the right path. As a further benefit, certain programs under H.B. 3377 will be established and maintained with federal funds.
- **H.B. 3377 develops an auditing system to track the new diversion programs in Texas and their corresponding outcomes.** This will enable decision-makers to better understand the scope of the problem, be clear about the successes of the programs, and respond with effective and appropriate policies to improve or expand such programs, where necessary.

References

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- ¹ Mike Ward, "Texas Rethinks Law Making Repeat Prostitution a Felony," *Austin American-Statesman*, August 25, 2012.
 - ² Dominique Roe-Sepowitz, 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 Mike Ward, "Texas Rethinks Law."
 - ⁴ *Ibid.*
 - ⁵ *Ibid.*
 - ⁶ Melissa Farley & Howard Barkan, "Prostitution, Violence, and Posttraumatic Stress Disorder." *Women & Health* 27, no. 13 (1998): 37-49.
 - ⁷ The Defender Association-Racial Disparity Project, *Law Enforcement Assisted Diversion (LEAD): A Pre-Booking Diversion Model for Low-Level Drug Offenses*, Seattle.
 - ⁸ Dominique Roe-Sepowitz, *et al*, "Adult Prostitution Recidivism."
 - ⁹ JJ Hensley, "Phoenix police fight prostitution with a human approach," *The Republic*, April 24, 2012.
 - ¹⁰ Martha Felini, Amy Abraham, & Gloria Mendoza, *Annual Report: October 2008 - September 2009 Prostitution Diversion Initiative*, Dallas Police Department, 2010.