

“GLITTER TRACK”

THE USE OF A TEMPORARY RESTRAINING ORDER TO SOLVE THE PROSTITUTION PROBLEM

SAN DIEGO POLICE DEPARTMENT, CALIFORNIA, 1994

- THE PROBLEM:** A boulevard strip comprised of businesses and residential areas is plagued with persistent open-air prostitution market. Having reached a national reputation known as the “Glitter Track”, prostitutes infested the area for several years causing area business owners and residents to complain of flagrant behavior by prostitutes. Police received calls nightly logging complaints requesting police to do something about the problem.
- ANALYSIS:** Two types of prostitutes worked the area, those who lived in the local vicinity, and those who lived elsewhere and came to the “Glitter Track” for work. “Johns” coming to the area for sex were not deterred by police arrest or public notification of their act of soliciting illicit sex. Pimps avoided police inspection by maintaining proper motor vehicle requirements and savvy prostitutes were able to identify undercover vice squad agents thereby avoiding arrest. A review of the physical environment provided little opportunity to manipulate street patterns to discourage illegitimate traffic flow into the area.
- RESPONSE:** Officers solicited multiple business owners and residents in the area to sign a petition to take out a temporary restraining order (TRO) on the known prostitutes who worked the “Glitter Track” boulevard. These prostitutes were identified through police surveillance operations and gathered intelligence. The TRO expanded authority over these individuals which allowed police to place them under arrest if they were found loitering on the street or soliciting vehicles.
- ASSESSMENT:** The reduction in prostitution was beyond expectation and happened immediately following service of the TRO’s on the identified prostitutes. Compliance of the order was widespread and not one prostitute was arrested for violating the restraining order. Community members began to move back into the area and business owners reported an increase in their customer activity.
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SCANNING

The City of San Diego, like many cities throughout the United States, has struggled to deal with prostitution and the associated problems that accompany it. The criminal justice

apparatus including the San Diego Police Department, the jail system, attorneys, judges, probation officers and legislators have all been involved. While there have been successes in individual cases, the entire system has failed to develop a large scale effective solution to the problem.

Within the geographic boundaries of the police department, Western Division had two areas with a high concentration of prostitutes. One area, the Midway/Rosecrans area was known throughout the western United States as the "Glitter Track" of the west coast. The area had the appearance of an open air sex market. Prostitutes openly strutted their profession and men in vehicles lined up on various side streets waiting for the women to approach them. The second area, El Cajon Boulevard, west of I-805, had been infested with prostitutes for years and was the pickup spot for several prostitutes murdered by a serial killer in the mid 1980's.

Businesses and citizens living in both vicinities complained to the politicians and the police department about the flagrant behavior of the prostitutes. On a nightly basis, the police department received calls from irate citizens requesting officers deal with prostitutes. Responding officers would contact the women, field interview (FI) them, arrest or cite them when possible and then go on their way. Politicians sent Route Slips to Western Division requesting information on the problem and the response the police were taking. Through it all little progress was being made.

ANALYSIS

In January 1994, Western Division Patrol supervisors came to the conclusion that prostitution was the number one patrol problem within the division. It was decided to address the problem by first developing a more organized and coordinated response within the division itself. Prior to January 1994, individual officers, squads or other units within the department had dealt with the problem in a sporadic fashion. There had been little overall planning, a seemingly random execution of plans and little or no sharing of ideas or intelligence information.

In order to improve the organization and hopefully the efficiency of the divisional response, Western Division created the position of the Prostitution Intelligence-

Enforcement Officer, or PIE Coordinator. In Western Division this responsibility fell to a patrol sergeant.

After getting the division more in order, the next step was to analyze the prostitution problem. Any analysis of the problem had to start with the question of, "Why Midway Drive, why El Cajon Boulevard?" In order to avoid the frustrations of past failures, it was decided to keep things simple and focus primarily on Midway Drive.

Geographically, Midway Drive between Rosecrans and West Point Loma Boulevard is almost exclusively a commercial business area. Some of the businesses include hotels and motels, bars, liquor stores, fast food restaurants, a car dealership, a large grocery store, a bank, clothing stores, two gyms, several adult entertainment businesses featuring topless or nude dancing, and an adult bookstore. The Naval Training Center (NTC) is nearby and the Marine Corp Recruit Depot is within five minutes driving time. There are also many other small commercial retail businesses. The area does not appear to be an "older" part of San Diego, nor does it look run-down or decayed.

There is normally a high amount of vehicle traffic in and out of the area. While most of the vehicle traffic is legitimate. It also provides a sort of camouflage for those seeking the prostitutes. Even after they retail businesses closed in the evening, there were enough adult entertainment businesses, bars and liquor stores open to provide valid reasons for lone males to be driving through the area.

Obviously, each business and/or strip mall had their own driveways and most had their own parking lots. This led to countless areas where "johns" could park, blend in with other vehicles and commit illegal sex acts.

After defining the geography of the area, the Division next looked at the prostitutes and pimps themselves. We soon discovered there were essentially two kinds of prostitutes working the area. One group was labeled the

"circuit girls". These prostitutes were hardcore. They always worked for a pimp. They traveled from city to city, staying in an area only as long as it was profitable. They left only after they had been arrested several times and their court dates were approaching, or they had failed to appear in court and warrants had been issued. In San Diego, due to the lack of jail space for females, the "circuit girls" stayed in spite of numerous warrants because officers had no way to get them into court.

The pimps that worked the "circuit girls" were hardcore pimps. Most had well-established criminal histories if you were able to determine who they really were. Most were low profile, although they would consistently cruise the area, making sure their girls were working and protecting their money source from other predatory pimps. These pimps seldom had warrants of a substantial nature and were easily able to make bail on minor warrants. These pimps usually drove flashy Cadillacs, Mercedes, or new rental cars and were careful to keep the vehicles legal to avoid police stops for traffic violations.

The second type of prostitutes working the area were local women. Their permanent residences were in San Diego. Most had family here; many had grown up locally or had lived here for a number of years.

Most, but not all, of the local prostitutes worked for pimps. Most of the local pimps were prior local gang members, or were affiliated with local gang sets. While no longer involved in "gang banging" rivalries, they were not past physical violence in order to protect their property or their reputation. Through casual prostitute conversations and one pimp informant, officers learned of several violent beatings after the fact.

Just like the traveling pimps, local pimps had substantial criminal histories. Generally, local pimps were less financially well-off. They drove older, less flashy vehicles. Officers were more successful in stopping local pimps for traffic violations.

The prostitutes working Midway were not drug addicts. They were in business to make easy money, support their pimps and their babies, not drug habits.

After looking at the pimps and prostitutes, officers profiled some of the "johns" utilizing the prostitutes. It was discovered there really was no profile. Those utilizing the prostitutes came from every walk of life. The men were from every race, married, single, working and unemployed.

Past Vice operations targeting the "johns" had been run several times. In recent years, literally hundreds of men had been arrested by undercover Vice officers posing as prostitutes. They had no noticeable effect on the number of men searching out women on Midway Drive.

Using the team concept. Western Division looked at what resources were available to combat the problem. The patrol division was only staffed at 78% of its recommended strength. That was actually higher than some of the other divisions within the department.

The Street Crime Unit, a uniformed squad of eight to ten officers, had been spending almost all of their time on Midway Drive. Second and Third Watch patrol officers were also working Midway as time permitted. The result was that at any given time after 9:00 p.m., when Second and Third Watch overlap, you could find eight to fourteen officers in a five-block stretch of Midway. While that allotment of manpower did have a suppressing effect, it was not making progress in eliminating the problem. Furthermore, the Street Crime Unit was scheduled to begin yearly beach enforcement duties when summer arrived.

The Vice Unit had tried to impact the area with their "john" details. Those details had little, if any, impact. Vice also spent countless hours trying to get the prostitutes to solicit their undercover male officers. Reference the solicitation method, a Vice sergeant stated, "The girls on Midway are just too smart. They know all the detectives. We can spend a maximum amount of time and only get minimal results."

The overall conclusion of the analysis was that traditional law enforcement methods had only limited success and were highly expensive. Massive amounts of manpower, flooding the area, did curtail prostitution. Prostitutes left San Diego for a while but as the division reallocated officers, the prostitutes eventually returned.

The lack of jail space was another major consideration in the overall ineffectiveness of the traditional approach. Without the ability to incarcerate, the officers had no effective way to impact the ability of the women to make money. A ticket or a fine simply meant more time on the street to make up the difference.

RESPONSE

Our response was now ready to address the three main components of the problem, namely: 1) the location, 2) the "johns" and 3) the prostitutes/pimps. It was immediately apparent there was little we could do to change the geography of the neighborhood. Any changes a business might make (i.e. fences, lighting, private security) would be expensive, counterproductive to the business climate, and of limited value. Also, any geographic response would have to occur throughout the entire business community, or the prostitutes would simply move to the next lot or side street.

Past efforts to curb the "johns" had been ineffective. No matter how many men were arrested, there was a never ending supply of men looking for illicit sex. Past efforts to get the local newspapers to print the names of those arrested had been fruitless. For unknown reasons, the media was not interested in assisting law enforcement's efforts."

In 1993, in another neighborhood within the division, Officer Susan Hays utilized the first known police assisted, civil, neighborhood restraining order against a woman who had terrorized the community for over a year. The woman, named Karen, was a chronic drug abuser with signs of mental illness. She had created a sense of fear among elderly area

residents, by vandalizing their homes, yards and vehicles, dumping their trash, flooding their yards, gardens and homes with water, killing pets, and having sex in the open.

By the time officers arrived, Karen was usually gone. If she was still present, the misdemeanor nature of her acts required the victim or witness to make a citizen's arrest. The elderly residents were very reluctant to make an arrest and other victims viewed Karen's acts as minor inconveniences.

Officer Hays, frustrated by repeated calls to the neighborhood, contacted over fifty residents and asked them to sign a civil temporary restraining order. The order prohibited Karen from engaging in certain types of criminal behavior plus actions that could be considered harassment. At the same time, the order preserved Karen's rights to traverse through the neighborhood.

The most important aspect of the restraining order was that violation of the order was one of the few sections that qualified a female arrestee to be booked into jail. The order also enabled officers to arrest Karen for offenses that were not themselves criminal, but were a violation of the judge's restraining order.

Two officers took the same neighborhood restraining order concept and applied it to the prostitution problem on Midway Drive. The only difference was instead of having multiple plaintiffs and one defendant, the officers sought to line up numerous plaintiffs against multiple defendants.

The first phase of the plan required officers to gain an accurate knowledge of which prostitutes were specifically working the Midway area. Using high visibility patrol, undercover surveillance, combined teamwork, and shared intelligence; the officers developed an accurate profile of which prostitutes were consistently on Midway. That phase of the operation took approximately three months.

Next, the officers took their idea to the judge who had issued the restraining order

against Karen. Unsure of the legality of their idea, (multiple plaintiffs versus multiple defendants), they asked the judge to research it before they invested any more time or resources. After two weeks, the judge advised them the idea appeared to be legally sound. The judge also informed the officers the order would be a single restraining order rather than multiple orders. This helped the officers pitch the idea of a united business community to subsequent plaintiffs. It also split the cost of the order between all of the plaintiffs.

The officers then contacted about thirty-five business owners, managers and landlords on Midway Drive. The officers explained their plan and asked each owner, manager, or landlord to be part of the area TRO. The officers also requested they be allowed to act as representatives for the plaintiffs. Twenty-eight businesses agreed to do so. Those that did not participate cited fear of retaliation by the pimps, or a lack of prostitution related problems as reasons for not getting involved.

Each of the plaintiff businesses then documented the problems or damage they had suffered as a result of prostitution in the area. Some of the reasons given included: littering on the property (used condoms, underwear and trash); vandalism: loss of customers: lack of return customers; changes in business hours (closed earlier); and increases in the number of employees working the late shifts for added protection. Hotels reported families left after one night, when prostitutes knocked on their doors. A bank planned to leave the area but was unsure it could lease the building due to the negative climate in the area.

The standard TRO requires defendant(s) to remain at least 100 yards away from the plaintiffs. The officers made sure they had at least one plaintiff every 100 yards. The officers also made sure they had plaintiffs on every corner to prevent the prostitutes from simply moving around the corner.

After lining up the plaintiffs, the officers went back to the judge with a list of sixty-nine prostitutes who had been contacted at least once

on Midway Drive. The judge advised the officers to list only the hardcore prostitutes, so the TRO could withstand possible legal challenges. The list of prostitutes was reduced to thirty-one.

While the officers were in the process of obtaining the TRO, the City of San Diego opened its long awaited female jail facilities. The impact was immediate. The number of prostitutes dropped as several left town, or laid low until they had enough money to cover the bail on their outstanding warrants. After two weeks, the number of prostitutes rose slightly but still remained lower than it had previously been, as the women cleared up their warrants or were released from custody pending new court dates.

At the end of April, the officers obtained the desired TRO against thirty-one hardcore prostitutes. Intentionally included in the thirty-one were several circuit prostitutes as well as local women. The goal was to utilize the circuit women to spread the word throughout the United States that San Diego was not the place to be.

Of the initial thirty-one named defendants, officers were able to locate and serve twenty-four with their TRO paperwork. One of the women was located in Tempe, Arizona where she was in custody for prostitution. With the assistance of the Tempe Police Department, she too was served with the TRO.

Sixteen of the twenty-four prostitutes who had been served showed up in court two weeks later to contest the order. After listening to the prostitutes' arguments as to why the TRO should not apply to them, and the officers' arguments as to why it should, the judge upheld the TRO against twenty-three of the twenty-four. The lone exception was a pregnant woman who claimed she had not been on Midway in several weeks. The officers agreed they had not seen her in some time and the judge removed her name from the order. The judge also upheld the TRO against the eight women who chose not to show up in

court to contest the order (a standard procedure).

The judge thoroughly explained the TRO to the defendants. He took special care to make sure the women understood they were not being prevented from being in the Midway area, only that they were prohibited from engaging in the behavior that lent itself to prostitution (flagging down motorist, loitering on corners, repeatedly walking up and down the street, etc.).

The judge warned them that any violations of the order would result in an immediate five days in jail and a \$1,000 fine. The judge explained that any subsequent violations would instantly double the in-custody time to ten days and the fine to \$2,000. The judge's statements had immediate credibility because of the just opened women's jail facility.

ASSESSMENT

The impact of the TRO was immediate and beyond all expectations. Prior to the TRO, Midway averaged eight to twenty-five prostitutes a night. The entire first month after the TRO, there was not a single prostitute to be seen. Since then, there has never been more than two prostitutes on any given night. Only one prostitute has been seen repeatedly, so officers went to court and had her added to the original TRO list. After being served her TRO papers, the woman returned to her home in Baltimore.

Since the TRO went into effect, several of the Midway regulars moved their trade to El Cajon Boulevard; others moved to National City or Oceanside. Not one prostitute has been arrested for violating the Midway order.

Follow-up interviews with several of the businesses revealed a marked improvement in their business. One hotel reported profits increased 15% to 20%. They also noted families have returned to the area and are staying for more than just one night. Every business has reported increased revenue or at least a safer business climate.

Those crimes directly attributable to prostitution, such as grand theft person, pick pocketing and vandalism, have disappeared completely. The circuit pimps, the local gang member pimps, and the "johns" no longer cruise Midway Drive. Vehicle traffic and cabs cruising the area have noticeably decreased.

It is significant to note that of the sixty-nine prostitutes originally documented, the TRO only applies to twenty-four of them. One might have expected other circuit prostitutes or local women to fill the void, but that has not happened. Obviously the impact went beyond the twenty-four served and spread to the prostitute/pimp subculture at large. That was the intent, identifying and serving both the circuit women and locally based prostitutes.

Summary

The success of the TRO project on Midway Drive occurred for several reasons. First, the San Diego Police Department has sought to develop an attitude among all its employees of being problem solvers. Within that context, officers are encouraged to look for new and creative ways to work with the community in resolving community problems. In this case, officers stepped outside of the traditional criminal/legal arena and into the civil/legal arena for a possible solution.

Second, Western Division developed an organized teamwork approach to the problem. Officers were encouraged to share ideas, information and resources. The PIE position was created and a monthly prostitution intelligence report was disseminated to all interested officers.

Last but not least, officers analyzed the problem and identified the factors they could change and those they could not. The police and business community were able to form a partnership in civil court to accomplish what neither party had been able to accomplish on their own.

The TRO/police/community process has proven successful twice now in San Diego. Hopefully, other communities can use the same approach to solve some of their problems.

FOR MORE INFORMATION

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