

**THE
PROSTITUTION
DILEMMA**

**A COMBINED PROBLEM SOLVING
EFFORT CONDUCTED BY OFFICERS OF
THE AURORA POLICE DEPARTMENT
FOOT PATROL UNIT**

The Prostitution Dilemma

Aurora Police Department's Foot Patrol Unit started in late April 1992. The two man unit expanded to four officers three months after its inception. Their primary responsibility was to patrol on foot along the East Colfax Avenue corridor in a sixteen block area which bordered the City and County of Denver, Colorado. The east Colfax Avenue corridor is made up of over 160 businesses which are mostly small business specialty shops. This area is located in the Northwest quadrant of the City of Aurora and is traveled by over 20,000 vehicles on a daily basis. East Colfax Avenue 4 to 6 lanes of travel each way link with the City of Denver to the West and to the east the eastern plains of Colorado and Denver's International Airport. Its buildings are of historical value in that some had been constructed in the early 1900's with most being built throughout World War II and into the early 1950's. This area of town is considered by most to be "Old Town Aurora". Surrounding neighborhood areas are low cost single family dwellings along with transient motels and apartment buildings. Conducting business daily in this area are:

- 7 Temporary Employment/Labor agencies**
- 2 Missions/Charities which serve up to 1500 homeless daily**
- 9 Pawn Shops**
- 7 Liquor Stores**
- 8 Low rate Daily/Weekly Motels**
- 5 Indoor flea markets**
- * Remainder of the businesses are of the small business specialty shops**

These businesses were solely responsible for the Foot Beat Program and are well organized through the efforts of the Downtown Aurora Business Association. Their major complaints for more visible policing were:

- Open and visible Prostitution and related activities
- Open drug usage and dealings
- Open vagrancy and alcoholism

Members of the Foot Patrol in the first 8 months of operation advised the businesses that the majority of their problems resulted from:

THE PROSTITUTION DILEMMA

Statistically, Foot Officers, contacted over 260 known prostitutes in that first year and, of those contacted, four are known HIV infected carriers. Presently, the Foot Officers have a known Prostitution file that exceeds 1200 persons contacted in 4 and 1/2 years. Of those 1200 Officers noted that many were duplicate contacts (approximately 1/4 of these have been contacted up to 8 to 10 times. With these numbers, similar related crimes were noted with prostitution:

The Prostitution Dilemma

Alcohol Violations - open container violations are obvious and a constant complaint from both citizens and business persons alike.

Assaults - both simple and aggravated assault Prostitutes are consistent on being both the victim and suspect in each case

Auto thefts and Vandalism to automobiles

Criminal Impersonation - prostitutes continually utilize fictitious and or identities to avoid criminal prosecution

Damaged property - numerous reports of damaged hotel and motel rooms

Disorderly conduct

Harassment - of legitimate customers and citizens along the corridor

Littering and Loitering

Drug abuse and transactions - near, behind, and also in front of businesses

Possession of dangerous and concealed weapons - many are armed

Robbery - both victim and suspect

Traffic violations - continually interfering with the flow of traffic

Rapes and sexual assault - Prostitutes are easy targets for these crimes. They also file false reports due to the "no pays" of clients

Sexually transmitted diseases - known to carry and pass on to others

Business Persons Concerns

Business persons have consistently expressed their concern regarding prostitutes and related activities in the City of Aurora. A primary concern is that of loitering by prostitutes in front of businesses.

There are regular complaints that females cannot walk East Colfax Avenue without males in vehicles trying to pick them up as prostitutes.

Many businesses have complained to police that this prostitution problem has moved business away from the corridor. Business persons have indicated that the

The Prostitution Dilemma

prostitutes not only confront potential customers, but harass those who are gainfully employed as they arrive and leave for work.

According to some business owners, these prostitutes often sell and distribute drugs in the areas surrounding their business, thus attracting a criminal element such as gang members, and drug abusers, into their business area. The type of people brought into the area by the prostitutes has caused illegal drug activity and other criminal activity to increase.

The risk of businesses (such as transient motels) being declared a nuisance by City Ordinance and subject to civil litigation and seizure for allowing criminal behavior to take place on their property.

Actions requested and taken by business persons

Coordinate efforts with patrol and Foot Beat Officers regarding Crime Reporting

Allow utilization of their business to officers for surveillance, video taping, and subsequent apprehension of those involved in prostitution

Allow officers to use their vehicles (through used car dealerships) for sting operations

Make all of their public pay phones "outgoing calls only"

Fence off their properties' boundaries as to deter loiterers

Erected signs such as "No Trespassing", "No Loitering", "Drug Free Motel", on their buildings and properties perimeters

Receive and utilize education conducted by Foot Officers on stricter policies regarding rental applications and motel registrations. Owners have posted "No unregistered Guests allowed in room" signs at several motels along the corridor.

Planned and Implemented Programs by Foot Patrol Officers

Foot Beat Officers were responsible for the following programs and law changes that directly impacted the east Colfax avenue corridor:

1. The utilization of a little known state law requiring convicted Prostitutes to subject themselves through a court order a mandatory HIV test (paid for by the defendant) and result's reported to the district attorney's office. Foot Officer's met with the City's Municipal Judiciary and coordinated efforts with the City Attorney's Office to implement the same law through

The Prostitution Dilemma

municipal courts. Foot Officers developed a pre-printed form for all of to use to attach to a criminal summons and complaint reminding prosecutors and judges to invoke the mandatory HIV testing pursuant state law. (See appendix A)

2. Developed and utilized a pre-formatted affidavit for arrest form through the municipal courts to be utilized in sting operations. This form saves time for the decoy officer and enables him to quickly complete his reports and returning to the operation in a timely fashion. (See appendix B)
3. Foot Beat Officers coordinated efforts with the Regional Transportation District (RTD) to remove and displace bus benches that were located in areas frequented by Prostitutes. Two such bus benches (which were known areas to pick up a Prostitute) were displaced to heavy pedestrian traffic areas where they were open to view by more of the passing public thus deterring such activity.
4. Foot Beat Officers initiated the first draft of the City Ordinance entitled "Loitering for Drug related activity". This ordinance was implemented to curtail those who Loiter or stand idly about in high crime areas. (See appendix C)
5. Foot Beat Officers initiate, plan, organize, and implement prostitution sting operations. Officers have conducted training for decoy operations involving patrol persons as "Johns". Procedures issues as well as the laws pertaining to prostitution are taught by Foot Beat Officers. Foot Officers organize the use of rental cars (through local dealers), and obtain the use of local motels for these operations. To date Foot Officers organized sting operations have netted over 240 arrests for prostitution and prostitution related activity.

Therein posed another problem for the Foot Patrol Unit. Officers were continually arresting the same persons. Notably were the Prostitutes who continually practiced there profession solely in our city due lenient court sentences and low fines (as compared to Denver). Officers noted that some of the prostitutes were "caught up" and "hooked" on their profession and streetlife. Frequently arrested Prostitutes would convey to arresting officers that they would only be "working" so they could save enough to return home (usually far away out of state). Foot Beat Officers developed two distinct programs from this:

The "Order Off" Program, where the arrested Prostitute is:

1. "Court Ordered off of East Colfax Avenue" by a Municipal Judge, for a year time period (This area is an 144 square block area)

Probation Dilemma

2. In lieu of a 60, 90, or 120 day jail sentence
3. As a condition of probation, the offender agrees not to be within the Colfax avenue area or the jail sentence will be imposed.

This list of Prostitutes' "Court Ordered off of E. Colfax Avenue" (see appendix D) is supplied to Foot Officers on a weekly basis through the City of Aurora's Probation Department. Foot Beat Officer's supply Patrol Officer's with the list and have instructed them through the courts that if an offender is spotted along the E. Colfax Avenue corridor:

1. arrest immediately under Municipal Code 27-27
Violation of Court Order (See Appendix E)

At one time the Prostitutes "Court Ordered Off" list totaled 48 known offenders. An arrest arose from the Probation Ordinance 25-51 which clearly states "The officer has probable cause to believe that the conditions of probation or other order of the court relating to sentencing of the probationer have been violated." (See Appendix F)

This "Violation of Court Order" dealing with the "Court Order Off" has been constitutionally challenged by the Public Defender's Office who represented three known Prostitutes who appealed the ruling of the court. The presiding judge ruled in our favor basically stating that probation and the agreement of a plea bargain arrangement can restrict the freedom of movement. The Public Defendants' Office has not challenged this argument to date through state appellate review.

The "Court Order Off" program seems to be working. It is noticeable by both uniform officers and those who patronize the E. Colfax Avenue corridor. Those placed on the list and fulfill their commitment to stay off the corridor usually go elsewhere and practice their trade.

Foot Patrol Officers are also responsible for the "Send a Prostitute Home" Program which involves sending known prostitutes out of state, with the cooperation and funding of the Downtown Aurora Business Association. This displacement of the problem to another state only occurs within the following guidelines:

1. The prostitute is placed on probation through the court and agrees not to return or have any further violations in the city for a court mandated period of time (usually a year) and,
2. The candidate is qualified, (e.g., officers check their destination and require that a person designate him or herself to be responsible for the welfare of the offender)

The Prostitution Dilemma

3. The court reviews the findings of the Foot Officers
4. The proposal is submitted to the Downtown Aurora Business association and,
5. Through an agreement with Trailways the offender is placed on a bus to her destination.

Foot Officers receive all the stops the bus makes throughout its trip and officers contact each respective Law Enforcement Agency to check that the offender stays on the bus throughout the trip. To date, the Foot Patrol Unit is responsible for displacement of three Prostitutes to other states. In one case a Municipal Judge granted officers the temporary placement of a juvenile offender in a detention facility while officers made arrangements with the airlines for displacement of this Prostitute. The airlines were so cooperative that the pilots (once notified of our intentions and who one of their passengers were) wanted Officers to accompany the offender to her destination.

Addressing the problem with "Johns"

With the implementation of the "Order off" program members of the Foot Patrol Unit observed an increase of suspected "Johns" or, clients of those looking to engage in Prostitution related activity. Officers researched the Portland, Oregon plan where:

1. Upon first arrest and conviction the "John" would be fined and given a warning that upon subsequent arrest his vehicle would be towed and possibly face civil seizure involving his automobile.
2. That upon second and subsequent convictions the "Johns" auto would be seized by the city

Officer Kirby of the Foot Patrol Unit addressed the Crime Task Force committee concerning this issue. Members of City council were not keen on the idea of expenditures, etc., and involvement of this magnitude at this time but did agree with the City Attorney's Office and the Judiciary that:

1. Upon conviction the offender would have to pay the mandatory fine of \$1000
2. Upon arrest the "John" would get his "Mug shot" placed in the local Newspaper (see Appendix G)

In addition, members of the Task Force Committee recommended the Police Department, specifically the Vice and Narcotics Unit to conduct "Op-Johns" stings once a month to deter and possibly displace this activity. On any given operation run this detail averages 20 persons arrested for soliciting a Prostitute.

The Prostitution Dilemma

Project Safehouse

Foot Officers are currently looking into a "Project Safehouse" plan For Prostitutes. Similar to the probation requirements in the "Order Off" program the Offender would be sentenced to:

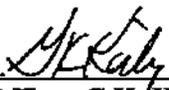
1. A Safehouse- a renovated building donated by the private sector made into an apartment building.
2. The offender would receive free rent in lieu of job skills training and or attendance of a local junior college
3. The offender would be drug free and actively looking or engaged in employment.

Conclusion

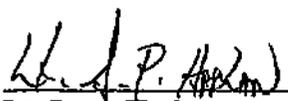
The Foot Patrol Unit of the Aurora Police Department, in cooperation with the Aurora Municipal Courts, is currently working on a process to remove prostitutes from our city streets. Historically, conventional techniques to remove prostitutes from a specific area have failed because the prostitute would always return to where the money making possibilities were most lucrative. Even if a judge sentenced the woman to jail time there are no procedures within the criminal justice system to encourage reform. Hence, the offender returns time and time again to the street and continues to engage in prostitution, which in turn not only harms legitimate business in the area, but contributes greatly to the drug trade, robberies, thefts, etc.

The **Foot Patrol Unit** has experienced a great deal of success in removing working Prostitutes and the **dilemma** which they create. These officers are committed to exploring creative methods to impact the street Prostitution problem on East Colfax Avenue. Any and all legal and effective measures that are available will be pursued by this Unit.

Respectfully Submitted,



Officer G.K. Kirby
Foot Patrol



Lt. Steve Harlan
Watch Commander

The Prostitution Dilemma

Editor's note: The Foot Patrol Unit is currently staffed by Officers' G.K. Kirby, S. DeBow, T. Jeffery, and G. Reininger. Four other officers have been assigned to this unit in the past and should be recognized for all they had contributed. They are Officers' G. Valko, L. Martinez, M. Leiker, and Sgt R. Brandt