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Report on Adult Prostitution in Portland

City Club of Portland (Portland, Or.)

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REPORT
ON
ADULT PROSTITUTION IN PORTLAND
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Report on
ADULT PROSTITUTION IN THE CITY OF PORTLAND

To the Board of Governors,
City Club of Portland:

I. INTRODUCTION AND SCOPE

A. Charge

The research committee was charged to:

"1. Determine the social and economic costs of current enforcement policies in light of their positive or negative impact on the problem of prostitution and associated crime, health issues and human exploitation;

"2. Examine current enforcement policies and consider alternatives;

"3. Examine the attitudes of neighborhood groups, economic classes, and community organizations toward this issue; identify areas of consensus that may serve as a basis for formulating public policy; and

"4. Offer its recommendations to the Legislature, City Council, Multnomah County Board of Commissioners, and the many organizations concerned with this problem."

B. Procedure

The Committee adopted the suggestion of the Standing Committee on Law and Public Safety and limited the scope of this charge in three respects: (1) by confining its recommendations to adult prostitution, leaving the problems of juvenile prostitution to be addressed within that specialized system of juvenile courts, agencies and community services, while acknowledging that juvenile prostitution is a complex and pressing problem, often serving as a precursor to adult prostitution; (2) by electing not to discuss the moral aspects of prostitution within this report, but by recognizing that some people object to prostitution on moral grounds while others do not make judgments about consensual adult activity; and 3) by restricting its consideration to prostitution within the Portland metropolitan area even though such activity occurs throughout the state.

The Committee interviewed approximately thirty individuals from city and county offices, courts, probation agencies, social service agencies, churches and neighborhood associations; private researchers, prostitutes, public officials and other concerned citizens. We reviewed materials for a City Club Second Wednesday program which provided a forum for members regarding the issue. We went on police ride-alongs (1) during the evening shift in the summer of 1983. We were, however, unable to knowingly interview any "johns," the male buyers of sexual services (2), or male prostitutes, sellers of sexual services.

Both neighborhood groups and law enforcement representatives directed our attention to street prostitution. Off-street prostitution (3) (e.g., massage parlors (4), call girls (5)) which isn't in a residential area does not appear to be a target of community concern or law enforcement priority.
We also focused on female sellers of sex (by default) because male sellers are predominantly juvenile, are rarely, if ever, arrested and tend to congregate in downtown Portland, rather than in residential areas.

In March 1984, we conducted a community forum in Northeast Portland. We presented summaries of six alternative approaches to dealing with the prostitution problem in an open evening meeting, followed by an hour's question-and-answer period. An appraisal of this session may be found in Section IV of this report.

II. A HISTORICAL AND CROSS-CULTURAL PERSPECTIVE

A. History

Since antiquity, societies have held a wide variety of views about prostitution, sometimes requiring it, sometimes condoning it, sometimes attempting to control it. The ancient Hebrews condemned prostitution, but provided a market place for harlots. The Babylonians sanctified "temple prostitution" as homage to the fertility goddess.

1. Courtesan. Meretrix, Temple Maidens ("...beggarman, thief?")

In 7th and 6th centuries B.C. Egypt there are descriptions of prostitutes as an element of tavern life and as awards to the victors in battle. The Greeks also practiced temple prostitution in Corinth and Athens. Later, laws made prostitution a state-regulated activity, rather than one directed by religious laws, but prostitution was prevalent in a variety of forms: houses which offered different classes of service, at various prices and for different clientele; street prostitutes; and courtesans, a respected and influential group of prostitutes, well-educated and with high social standing. Some courtesans were mistresses of prominent military leaders and heads of state; some like Aspacia and Thais, were considered intellectuals and philosophers. There are many references to prostitutes in Greek literature — presumably because "proper" women didn't spend much time with the men who shaped the literature. Most of the social contacts of important men were with prostitutes; prostitution appeared to bear no social stigma in their society.

The Romans were ambivalent about the propriety of prostitution, neither honoring nor forbidding it. It was seen as a necessary trade. (The Roman word for prostitute, "meretrix" means "she who earns.") After the first century AD, they registered and taxed prostitutes. Most European cities followed this practice until the Reformation; its moral and ethical codes, (coupled with an outbreak of syphilis) caused a period of prohibition. Street prostitution continued, but without the approval of society; prostitutes were persecuted more or less harshly according to the vagaries of officialdom. During the 17th Century, attitudes changed once again, and prostitutes and courtesans resumed accepted positions in society. By the 18th and 19th centuries, much of Europe returned to policies of regulation. (6) (7)

The United States had little prostitution until the 19th Century when waves of immigrants brought poor and unskilled women into the business for economic survival. Prostitution was usually illegal, and the penalties were levied exclusively on women. The 20th Century saw expanded legal restraints on pimping and other third-party profiteering. Nevertheless, illegal brothels (8) were common. With
World Wars I and II prostitution increased despite military attempts at control, and was followed by increased prohibitions and enforcement. From the late 1940s on, prostitution apparently declined in most American cities. The view prevailed that effective law enforcement reduces prostitution, and "vice" or morals squads were established.

2. Portland's Past

The history of prostitution in Portland parallels that of most of the nation. The late 1800s brought single men as sailors, farm workers, lumbermen, and railroad workers to the city; the large number of Chinese immigrants came almost exclusively without families. To serve them, northwest Portland housed bordellos and bawdy houses; Portland was considered a "wide open city." In the early 1900s, brothels were plentiful and often owned by prominent individuals despite the "tin plate law," an attempt to embarrass the building owners by requiring their names—on a tin plate—to be posted on the buildings housing brothels. As part of a cleanup campaign (with accompanying political and community controversy) the Abatement Law was passed by the State Legislature in 1913 and remains on the books (O.R.S. 465.110-465.180). It places the onus on building owners for preventing "lewdness, assignation, prostitution or any other immoral act" on the premises.

By 1948, "The town was wide open [with] hookers of every color, size and shape". A City Club report that year recommended "conscientious and vigorous enforcement of all laws designed for the suppression of gambling, prostitution or other forms of vice ... ." Dorothy McCullough Lee's election as mayor in 1948 brought a new attempt at reducing prostitution by strict enforcement of the vice laws. With the resulting closure of houses, one historian states, "she dampened things down ... put a lot of working girls on the streets for awhile. Eventually she even drove them out; but in the county ... it was business as usual." The closed Portland houses, however, did not re-open — at least not in their prior semi-public manner.

By the 1970s a growing number of organizations took the stance that enforcing prostitution laws was not worth the expense incurred. Both the Republican Dorchester Conference and the Oregon Democratic party advocated some form of legalization or decriminalization of prostitution. No legislative action ensued, and the 1980s brought new concerns in the community, and the efforts of several groups (including this one) to evaluate the effectiveness of existing prostitution laws and their enforcement. The present situation in Portland is covered in Section III.

B. Current Policies in Other Cultures

Communities throughout the world approach prostitution in different ways. In 1958 the United Nations General Assembly passed a resolution advocating decriminalization in member countries, but most countries
continue to have some form of regulation or abolition policy (9). The communities of North America are among the few to attempt to prohibit and abolish prostitution.

1. Regulation (Legalization)

In Asia, Western Europe, and South America, prostitution is generally regulated, with licensing, examinations, and restrictions on activities sometimes amounting to paternalism. In Taipei, for instance, the customer must contract with the state for the prostitute's services (9, 17). Examples of industrialized nations where prostitution is legalized are Australia, Denmark, England, Italy, France, Norway, Mexico and West Germany (18).

In much of Europe, prostitution is legal, but pimping is not. In Great Britain, pimping and other third-party profiteering bring heavy penalties; this law has failed to lessen prostitution activity, and illegal solicitation on the streets is unabated (19). France also failed to reduce prostitution activity by attempting to limit pimping and procuring; enforcement of these laws has been seen as harassment, and a prostitutes' "strike" resulted in 1975 (20).

Prostitution has been legal since World War II in West Germany; federal law permits each city to regulate it by local ordinances. Multiple-zone, single-zone, and no-zone policies have been developed in various cities. The various types of zoning have both advantages and drawbacks. Multiple-zoning (as in Munich with approximately 1100 prostitutes) allows prostitution in several designated areas of the city, and reduces the problems of associated crime and noise, but requires additional police time to enforce. No-zoning (e.g. West Berlin which listed 3000 registered prostitutes in 1976) creates few problems of location since prostitution tends to locate near adult entertainment centers, but the policy makes it more difficult to locate and register prostitutes. Single-zoning (such as Hamburg's St. Pauli district with over 5000 prostitutes) limits what is seen as undesirable activity to one area of the city, but increases the power of the pimp and tends to link prostitution to other vices. West German police sources report that prostitution outside the designated areas is not a significant problem. Zones "tend to become self-reinforcing, since customers naturally gravitate toward the areas where prostitution is publicly known to be available and legal." (18)

In B. Yondorf's Policy Analysis article (18), the effects of legalized prostitution on five associated problems are considered, comparing the experience in West Germany with the situation in the United States. Narcotics traffic and organized crime were not part of this analysis, because neither was linked with prostitution in West Germany. The conclusions of this study may be summarized as follows:

1. Incidence of associated crime - Federal German police report some minor crime associated with prostitution (mostly theft and "cheating" of customers). Police sources note that "prostitutes generally do not want to become involved in crime, as it would hurt their business." Prostitutes are often the victims of crime, their cash trade making them likely prey for thieves and robbers. West German police have taken several steps (e.g., silent alarms in rooms, increased lighting, more patrols) to protect
prostitutes. Because the market is illegal in the United States, the author reports that the perpetrators of crime associated with prostitution believe that they are "immune."

2. Public expenditures and revenues - West Germany realizes "great savings" by not processing prostitutes in the criminal justice system and "public coffers are . . . swelled" by the trade and its taxation. One Munich house alone paid approximately $400,000 in taxes in 1976. Collection difficulties persist; nonetheless, there is a net gain for municipalities.

3. Incidence of Veneral Disease - In West Germany, they manage the VD problem by requiring regular government-paid health checks. Positive VD checks result in government confiscation of health cards until after treatment. This is only possible with legalization.

4. Prevalence of Pimps - 80-90 percent of West German prostitutes still have pimps. The reasons for this continuing role varied from protection to dependence.

5. Public Nuisance - Regulation appears to have abated the public nuisance aspects of prostitution in West Germany. Reporters describe prostitution there as "less obtrusive, less offensive than it is in New York City." This may be in large part due to the predominance of off-street prostitution, so that "prostitutes need not parade themselves in order to advertise their services."

In an attempt to reduce the possibility of organized crime "take over" of legalized prostitution, West Germans have forbidden brothels. Yondorf states that the practice of having prostitutes rent their own rooms and fix their own rates works well: "No individual or establishment may legally collect all or any fraction of a prostitute's fees. . . . The establishments in which prostitutes conduct their business may only charge rental" (18).

West German police and social workers maintain that the use of civil penalties is both cost-effective and of long-range benefit in controlling legalized prostitution. Prostitutes have developed a "vested interest" in staying clear of the criminal law. Social service agencies also have more success in helping prostitutes who have not been stigmatized with criminal records (18).

A witness well-versed in the West German model says that the attitude of Germans towards prostitution is pragmatic. They recognize that prostitution provides a service for which there is a market, and that no way of dealing with it is totally without problems. They strive for a method of regulation that will create the least accompanying crime and abuse, and be the most easily supervised. Houses are seen as the solution best meeting these criteria. However, in large cities, houses have failed to eradicate street prostitution, and zoning is seen as the next best measure (21).

Germany is a more homogeneous and tightly knit society than that of the United States. People are more likely to successfully intervene and impose social sanctions on buyers and sellers who violate the
zoning rules. For those who persist, a police "reminder" will usually move them back into the designated place and/or time. The German law is quite loosely worded: those who consistently violate its provisions are subject to prison up to 6 months or a fine of unspecified amount. Citizens' complaints about prostitution usually center on its nuisance (rather than moral) aspect — especially the noise associated with prostitution-related activities (21).

2. Toleration

In The Netherlands, prostitution is not legal, but it is clearly tolerated. It is informally controlled and limited to certain areas by selective enforcement of the laws. Red light districts are unofficially established, and other prostitution, streetwalking, and teenage prostitution are prohibited (19, 22).

During the EDO period (16-3-1867), prostitution was legal and was licensed and strictly controlled in the Japanese empire. As Dalby describes them: "...the women who worked in the pleasure quarters were called Yujo. Geisha were male entertainers who served as comedians and musicians during the parties held by Yujo and their customers. The geisha were mood makers. Then in 1751, a female entertainer appeared ...by 1800, geisha referred to a female entertainer." (23)

In Japan, prostitutes are readily found among present-day geishas (23), although streetwalking is not obvious. The cultural institution known as the geisha house still enjoys the respect of the community, although it is less prevalent than prior to World War II. Traditional geisha districts were known areas and legally tolerated; present-day prostitution associated with geishas is not legal, although often tacitly accepted.

3. Decriminalization

Decriminalization of prostitution implies that sexual activity between consenting adults is not a matter of governmental concern, except perhaps insofar as the manner, place or time of such activity violates other laws and regulations (e.g., public indecency).

In a research report to the Oregon Legislature (1981), F. Leonhardt states that Sweden has no laws prohibiting prostitution or solicitation, but notes that it is almost nonexistent in their sexually permissive society in any event (19). This is the only current example of decriminalization which our research revealed.

4. Prohibition

In most nations of the world, including the U.S., Canada, Islamic countries and most communist nations, prostitution is illegal. However, to your Committee's knowledge, no country has wiped out the practice through prohibition (25).

C. Policies in the United States

Most of the states of the United States differ from the rest of the world in their policies surrounding prostitution. Prostitution is legal only in some counties in Nevada, and the nature of the regulation there
makes it difficult to apply data from the Nevada experience to urban areas. In Nevada, prostitution is permitted only in counties with population less than 200,000 (excluding the major cities of Reno and Las Vegas). Participating counties and the cities within them develop their own laws, in addition to the quasi-legal regulations imposed by madams and communities. For the most part, houses of prostitution are permitted only in the specific locations where they had historically been tolerated, prior to the zoning law. They are taxed and licensed, and the movements of the prostitutes are closely regulated (26). In the big cities, all forms of prostitution continue to flourish illegally (27).

In Boston, a law to legalize prostitution has been introduced and defeated several times. Boston had an unofficial policy of toleration for prostitution, confining it to one area (the "Combat Zone") by selective enforcement. When crime rates rose and street solicitation became highly visible, the police returned to an enforcement policy in this area (17, 19).

In the rest of the United States, the act of prostitution is illegal, but enforcement is generally directed at specific aspects such as soliciting. Often, "loitering" ordinances are enacted to control public soliciting. While generally well-accepted by law enforcement agencies, they are attacked on civil liberties grounds. Portland's "loitering to solicit prostitution" ordinance, discussed in the following section, is an example of this kind of approach.

There has been increased emphasis throughout the country on laws governing pimping, but very few resultant arrests. Many locales, including Oregon, have written their laws to be "sex blind" (28), making prostitution equally illegal for male or female, buyer or seller, but in practice male buyers and sellers are rarely arrested.

III. PROSTITUTION IN PORTLAND

A. Prostitution Under Oregon Law

One of the early legal definitions of a prostitute, in Oregon, was made in the case of Davis v. Sladden: "A prostitute is a female given to indiscriminate lewdness for gain; it is the practice of a female offering her body to an indiscriminate intercourse with men."(29) Convictions were handled under other existing laws such as adultery, fornication, lewd cohabitation, etc. A woman could only gain the character of being a prostitute ". . . by a long continuance in the vice of lewdness."(29)

The first Oregon statute specific to prostitution was a vagrancy statute (ORS 166.060). Enacted in 1911, included as a vagrant was "a common prostitute." The statute did not "purport to proscribe and make punishable a specific act of prostitution; it defines the crime in terms of the defendant's status or condition. The crime consists not in proscribed action or inaction, but in the accused having a certain personal condition or being a person of a specific character." (30)

This vagrancy statute was repealed in 1971 and replaced by ORS 167.007, which provided that "a person commits the crime of prostitution if he [sic] engages in or offers or agrees to engage in sexual conduct in return for a fee." This statute was amended in 1973 to its current wording:
(1) A person commits the crime of prostitution if:

(a) He [sic] engages in or offers or agrees to engage in sexual conduct or sexual contact in return for a fee; or

(b) He [sic] pays or offers or agrees to pay a fee to engage in sexual conduct or sexual contact."

Conviction of either the buyer or seller carries a maximum fine of $2,500 (ORS 161.635) and one year in jail (ORS 161.615); the court can be flexible in sentencing. (The full text of the state statutes on prostitution are on file at the City Club office. Copies can be provided on request.)

B. Ordinances of the City of Portland

In 1942, all prior City ordinances were codified. The ordinances pertaining to prostitution, so codified, stated it was unlawful: 1) To own, operate or keep a bawdy house; 2) For any person to solicit from a bawdy house so as to attract passers-by; 3) For any woman to solicit on the public streets or at windows or doors of any building; 4) For any woman to roam the streets at night and accost men on the public streets; 5) For any woman to be or become immoral. An immoral woman is one who permits or consents to lewdly consort with men for or without a price; 6) For a man to place, leave, permit, or consent that his wife be in a house of prostitution; 7) For a male to live with or off the earnings of a prostitute; 8) To aid or transport for immoral purposes; 9) To act as or become a pimp. Common fame of being a prostitute, a landlady of a house of prostitution, pimp or vagrant was competent evidence of violation of the code.

In 1967 and 1970, the City Council repealed all of the above sections and added new provisions which, in turn, were repealed on May 16, 1974.

Enacted on April 2, 1970 was:

Ordinance 14.24.050 which states that it is a crime to loiter on streets or public places for the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Certain acts, including repeated beckonings, stopping, attempted stoppings of male passersby or motor vehicles may be considered as manifesting loitering to solicit prostitution. The potential defendant is granted the right to explain her (or his) conduct before an arrest can be made.

Enacted on July 13, 1983 were:

Ordinance 14.36.065 defines "deviate sexual intercourse," "sexual conduct," "sexual contact," and "sexual intercourse," making it a crime to engage in or offer to engage in such acts for a fee or to pay or offer to pay a fee.

Ordinance 14.08.025 establishes certain minimum penalties upon conviction of loitering to solicit, prohibited touching, or prostitution. Two District Court judges recently have ruled this penalty ordinance to be unconstitutional. The city intends to appeal these decisions. (31) (The full text of the City ordinances are on file at the City Club office. Copies can be provided on request.)
The Metropolitan Public Defender's Office is litigating the 1974 loitering to solicit ordinance. In a letter to Multnomah County District Court Judge Stephen Gallagher, the Public Defenders' office states that "the City has run afoul of the law by different treatment of men and women in (1) determining what conduct constitutes the requisite overt act, . . ., and (2) applying the inculpatory statement by the man only against the woman." Police officers called to testify in the Public Defenders' case revealed that, when the conduct of a man and a woman was identical (e.g., engaging in conversation admitted to be asking for sex), only the woman was arrested, while the action of the man was used as evidence against the woman. The police officers' testimony also makes it clear that there is no universally understood definition of what constitutes the "certain acts" described in the ordinances. For example, officers differed on whether a prostitute's halting a car containing more than one passenger would be one "stopping" or "repeated stoppings."

The American Civil Liberties Union of Oregon is entering an amicus brief (32) supporting the position of the Public Defenders' Office. Proposed ordinances targeting Johns are similarly targeted for constitutional attack based on their vague language (Appendix C).

C. Prostitute Profiles

The word "prostitute" historically has referred to a female seller of sexual services. The legal meaning was changed by Oregon statute in 1973 to encompass both the buyer and the seller of sex (of either gender).

The female seller of sexual services may be a call girl, a frequenter of bars, a streetwalker, or a "girl" in a "bawdy house." The male seller generally frequents gay bars, porno shops, or certain street locations in downtown Portland. We have learned that sellers of both sexes may be heterosexual, homosexual, or bisexual.

1. The Male Prostitute

Portland has a nickname on the streets because of a high number of male teenage street prostitutes: "Boys Town." These male sellers are 90 percent runaways and "throwaways," according to representatives of the Salvation Army's Greenhouse project for street youth ages 10-20. They stated that a high incidence of physical and sexual abuse at home causes minors (18 and under) to run away. Outside In, an agency dealing with prostitution and other problems, reported that the majority of male prostitutes counseled by them can be described as "throwaways," rather than runaways. A counselor at the North-Northeast Mental Health Clinic said he sees three types of male juvenile sellers - street youth who sell sex to survive economically, young homosexuals, and what he calls "weekend warriors," who leave adequate homes temporarily for the money and "glamour" of the streets.

Contrary to some common misconceptions about male prostitutes, agencies interviewed said: 1) they are not all gay - there are both gays and straights; and 2) the juveniles are not necessarily promiscuous - they are on the streets to survive. Greenhouse may see 70-100 minors per evening, with a ratio of five to one males over females. Outside In estimates that 60 percent of the male prostitutes counseled are minors (40 percent legally are adults).
Greenhouse says the average age for a male prostitute is 14. The youngest boy at Greenhouse has been 10 years of age. Outside In could not provide an exact figure for male prostitutes who come to that agency but estimated the average age at older than 14. None of the youth organizations take anyone over 20, so there are no real statistics for male sellers over 20 years of age. However, young boys are much more marketable and a male seller may be "tired" (too old to be marketable) by the time he is 17 or 18 so the incidence of older male sellers is low on the streets and it is difficult for older boys to compete with the younger. The younger the boy, the more marketable he is. However, the younger ones don't realize their value and may charge as little as $5 or $10 when they could command much more. Older boys frequently cite a $30 price (and the price increases depending on the act) for a "date," although it is difficult to determine exact prices. Outside In reports that it appears that males tend to enter prostitution slightly younger and to exit earlier. One reason cited is that "as boys get older, they are able to work in bars and bookstores, or to become established callboys, so the apparent number (as measured by street prostitution) decreases" (33).

A worker with Project LUCK, a group formed to deal with juvenile prostitution, said, "Once boys reach 18 years, they have options other than street soliciting. They frequent adult bookstores, pornographic movie arcades and bars to make their contacts. The typical adult male prostitute is white, under 25 years, and heavily involved in the street scene. He is not regularly employed nor in school. He lives, when he can afford it, in one of the inexpensive downtown hotels" (34).

According to Greenhouse, boy prostitutes are frequently found in the SW Third and Yamhill area, "The Camp." But, they also can be found in other parts of Portland, including NE Sandy Blvd. and NE 82nd Avenue. Boys may stay in Portland for a couple of years or become transient, traveling to Seattle, San Francisco or Los Angeles, making it difficult to estimate numbers at any given time. Portland has a floating population with some out-of-towners. The mortality rate of male sellers is high due to drug overdoses and violence resulting in murders. Other juveniles may bring new juveniles into street prostitution, effecting a kind of pimp relationship. They can be either male or female.

Information derived from our ride-alongs and individual observations indicate that male sellers, located primarily in Southwest Portland, may represent a sizeable proportion of the total prostitution population. We have not been able to analyze that population, however, since arrest data inadequately reflect the situation due to the lack of enforcement of the laws against these sellers.

The male sellers' customer in downtown Portland is generally described as a middle-aged businessman, mostly white, educated, fairly affluent, and married with children. Because of the nature of the male and female sellers' business, they do not release names of their customers. There were no references to female customers and it was stated this would be a highly unusual situation for street sellers. One expert reported a reference to a female customer, but attributed this to embellishment by a male seller embarrassed by his low position on the street.
In October 1983, new laws became effective that allow juveniles to be held by police only three hours unless they have committed a violent crime. Then they must be released. Without the power to hold juveniles, the police may be less likely to arrest them.

2. The Female Prostitute

From police sources, criminologists, social service program counselors and prostitutes themselves, the following composite characteristics of the female seller emerge. The street-walking female in Portland typically has been physically and sexually abused as a child. She has a low sense of self-esteem, and has socialization and emotional difficulties. She lacks employment skills, has little social support system, and has drifted into prostitution for economic reasons. Often she lacks basic reading and writing skills. She is usually white, between 18 and 32 years of age, with a career expectancy of 4 to 10 years. Usually she "turns out" after 5 years (or 35 years old) and gets a low-paying job, turns to welfare for support or commits property crimes (e.g., shoplifting, mail theft or forgery) to finance a drug habit or simply to survive. She lives in her area of work, and may be the sole support of children or other family members. She denies having a pimp. The streetwalker is on the lowest rung of the socio-economic ladder of prostitution.

Your Committee heard a variety of testimony that suggested motives for women to turn to prostitution. Many times prostitutes feel this to be the only option for supporting themselves and their families, as they are often undertrained and unprepared for any other employment — certainly not at comparable wages. Fees for prostitution services arranged for on-street generally start at about $25-$30. Other speakers referred to a lifestyle that encompasses disdain for "straight" employment and preference for the excitement and camaraderie of the street. Many referred to the gullibility and dependence of women in relation to their pimps.

Social service providers report that drug traffic does play an important part in the lives of female sellers and their close associates such as pimps or boyfriends. Police testimony and literature studied have confirmed that addiction often propels the activity of the prostitute whether or not the habit is her own. This may explain, in part, the apparent poverty of this group in the face of the adequate earning potential in their trade.

National studies corroborate that prostitutes have low self-esteem, a history of exploitation by males, and backgrounds involving child abuse or incest. Frequently there is a history of juvenile status offenses, such as truancy and curfew violations.

In Portland, the typical buyer of sex (a "john") has been described by some of our witnesses as being white, male, 35 to 50 years of age, nicely dressed, and married. We heard from testimony that many are from out of town, but no demographic analysis has been done. When arrested for prostitution (first offense), the john will generally plead guilty to a reduced charge of disorderly conduct; re-arrests are rare, and police claim johns do not return to the prostitution areas.
Committee research and Portland Police Bureau testimony indicate that organized crime has not been involved in Portland prostitution. Robbery and assault are among crimes sometimes associated with prostitution; but while women sellers and their "boyfriends" have been reported to attack buyers, for the most part the victims of prostitution-related violence are female. These sellers of the service are beaten, raped and murdered with alarming frequency and apparent impunity. While the numbers do not match those of the Seattle reports of the Green River killings, several Portland murders of prostitutes remain unsolved. Witnesses are reluctant to come forward if they, themselves, may become the subjects of investigation.

D. Community Attitudes

Some community groups believe the real victims of prostitution are the sellers because they suffer loss of self-esteem, are sexually degraded and often brutalized, and are without police help. Such groups support decriminalization or some form of legalization. They use their limited resources to aid women who wish to get out of prostitution.

Neighborhood groups, however, see themselves as the primary victims, pointing to decreased property values, the harassment of the residents by cruising johns, noise and traffic associated with arranging transactions and with the sightseers who want to see—and often comment loudly on—the action, litter and public indecency accompanying acts of prostitution. Such neighborhood groups seek increased law enforcement to abolish prostitution in their areas.

The larger population of the city, however, expresses little public concern until or unless prostitution touches their neighborhood or family. They are not well represented at public meetings about prostitution. Many people believe prostitution is a "victimless crime."

Our information on the attitudes of the business community is limited. We received no response to our invitations to business organization representatives to attend our meetings. One businessman contacted by phone stated that many women customers would not come to his office because of nearby prostitution activity. Some of his customers had been solicited. He felt that his business image was tarnished and he personally felt dirty. He has since moved his business elsewhere.

E. Enforcement

It no longer is Portland Police Bureau policy to give a citation (35) for prostitution. Instead, prostitutes are arrested and taken to the Downtown Detention Center where they undergo a "booking" (36) process, including fingerprinting and photographs. Because of lack of jail space, the person is usually released after booking. Females are generally back on the street within twelve hours; johns do not generally reappear in the area of arrest. In 1983-84, 483 women were arrested one or more times (193 of them 2 or more times); 194 men were arrested (nine of them twice or more).

For the period January 1, 1983, through March, 1984, the City Auditor's Special Report on "Compilation of Prostitution Statistics" (See Appendix D) provided the following arrest statistics:
CITY CLUB OF PORTLAND BULLETIN

The crime of prostitution itself is a misdemeanor, not a felony, and the procedures followed after arrest and booking are no different from the handling of any other misdemeanor case. The accused has the right to appear in court to have the charge read and to enter a plea of guilty or not guilty to the charge. If the defendant pleads guilty, sentence may be imposed at that time. If the plea is not guilty, defense counsel advises the court whether a jury is requested. The case is then entered on the trial docket. If the accused is indigent, he or she is entitled to a court-appointed attorney.

City ordinances enacted in 1983 require a fine and incarceration upon conviction of prostitution, but contain no provision for additional jail space for prostitutes, leaving the justice system in a quandary—to provide space for convicted prostitutes, other prisoners must be released. Voters defeated a serial levy proposal in May 1984 that would have provided more corrections beds as well as other correctional services. Interestingly enough, a June 1984 public opinion poll conducted by T.H. Research, Inc. for the Multnomah County Department of Justice Services found that more than 50 percent of the voters might not oppose repealing "statutes such as prostitution" to create additional jail space, rather than building more beds (37).

Multnomah County District Court Presiding Judge Frank L. Bearden described this problem in The Oregonian on April 5, 1984 (38):

"Every day inmates are released early on furlough or given a pass out of jail because 'soft' judges have filled the jails beyond capacity. There are 64 beds in Multnomah County for women. There are more than 100 arrests each month for prostitution alone. Most of the available beds are taken by women held for parole or probation violations, who are awaiting trial on serious charges, or who have been sentenced."

Many commenters charge that enforcement activities are directed at or are disproportionately harsh on women. This disparity has increased slightly in recent years. The most recent statistics on prostitution-related arrests were approximately 79 percent female and 21 percent male. Five hundred of the 1,800 total prostitution-related arrests were for "loitering to solicit;" of those 500, 494 were women.

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Prostitution</td>
<td>355*</td>
<td>904</td>
</tr>
<tr>
<td>B. Loitering/Soliciting</td>
<td>6</td>
<td>494</td>
</tr>
<tr>
<td>C. Attempted Prostitution</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>D. Compelling Prostitution</td>
<td>10</td>
<td>2</td>
</tr>
<tr>
<td>E. Promoting Prostitution</td>
<td>7</td>
<td>5</td>
</tr>
</tbody>
</table>

* Men are rarely arrested except in short-lived periodic sweeps to "crack down" on johns. Male sellers remain virtually immune from arrest.
Portland Police Bureau arrests for prostitution-related crimes have been as follows:

<table>
<thead>
<tr>
<th></th>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td>1982</td>
<td>75%</td>
<td>25%</td>
</tr>
<tr>
<td>1983</td>
<td>77%</td>
<td>23%</td>
</tr>
<tr>
<td>1984 to May</td>
<td>79%</td>
<td>21%</td>
</tr>
</tbody>
</table>

Police sources report that male officers dislike and avoid the propositioning and negotiation necessary to arrest male sellers. The Police Bureau has few female officers assigned to "decoy" activities aimed at male buyers; police report that such decoy activities require two or three back-up officers. News reports and testimony from former women police officers indicate that women officers also resist or are opposed to decoy duties.

From May 1983 to March 1984, 1660 cases involving prostitution were booked or cited to the Multnomah County District Court. Of these, 131 cases (7.9%) had no complaint filed and therefore were dismissed. One hundred sixteen cases (7%) were dismissed for other reasons. Bench warrants were issued in 531 cases (32%) for failure to appear in court; twenty-six cases (1.6%) were transferred to the Circuit Court on related felony charges or to juvenile court (offenses involving minors). Guilty pleas were entered in 505 cases (30.4%). Seven cases were tried and six found guilty. (1660 cases does not mean that many individuals charged with prostitution; a number of them represent multiple arrests.)

RESULTS FROM 1660 PROSTITUTION BOOKINGS

- No Complaint -- 131
- Dismissed -- 116
- Failure to Appear -- 531
- Transferred -- 26
- Tried -- 7
- Guilty Pleas -- 505
- Cases Pending -- 344*

*The 344 pending cases are in addition to other pending cases filed prior to May 1983—the total number pending could be significantly higher.

At present, the average time from trial request to the case's first scheduling is 219 days.
The most current information to be found on enforcement of prostitution laws in Portland is contained in the City Auditor's Special Report "Compilation of Prostitution Statistics". It confirmed the disparity in female/male arrests and the inefficiency of the current enforcement procedure as a deterrent to the female. There was a marked dip in the number of arrests in July 1983, following a publicized "crackdown" on prostitution. Total arrests rebounded to former levels beginning in August 1983. As best we have been able to determine, none of these statistics concern off-street prostitution. While other reporters, including the City Auditor's Office, said arrests for off-street prostitution were virtually non-existent, Chief of Police Ronald Still, in a letter to your Committee, stated that "...the charge for off-street prostitution remains "Prostitution" and is not discernible from street prostitution on statistical reports. I would estimate the approximately 20% of the prostitution charges stem from off-street situations."

F. Economic Costs
The Portland Police Bureau calculates its average cost for each prostitution arrest at $201; the District Attorney's office states its average costs to be $200. No figures were available on court costs. A number of those arrested are provided court-appointed attorneys, adding further to the cost. Jail costs are pre-calculated at $40 per day. Summing the figures across the 1800 arrests detailed in the City Audit, a minimum estimate of the city's prostitution prosecution expense was $757,000 for the 14-month period studied.

Witnesses estimated that the average fee per "trick" is $25 and that a seller's daily earnings vary from $75 to $300. It is unlikely that taxes are paid on this income.

Several of the persons interviewed stated that the money allotted to prostitution control instead should be spent in controlling other criminal activities. They noted that police and court time spent on prostitution cases is not available for other criminal work.

G. Social Costs
Social and human costs must also be considered. Among the principal social costs of current enforcement limitations is the disruption of family life and harassment of neighborhood women and children because of the failure to eliminate street prostitution. North and Northeast residential areas (along North Interstate and Northeast Union Avenues) have been the most affected, according to law enforcement authorities and residents of those areas. (Male sellers of prostitution and their male contacts are most often found in largely non-residential downtown areas.)

Social costs of arrests for prostitution and prostitution-related crimes include court and jail time spent by prostitutes, often creating child care and support problems and precluding diversion into legitimate activities. Going through the system, from arrest to court, is reported to be degrading and reinforces their sense of self-worthlessness. It has been suggested that the disproportionate enforcement effort directed at females works to diminish their sense of worth, since it presents a societal picture of the female as the only "criminal". Criminal records for prostitutes create a barrier to their seeking other employment. In addition, when a prostitute is the victim of rape, assault, robbery, or other crimes, often he or she does not seek or seems unable to secure protection from the criminal justice system.
The arrest of the john for prostitution can have costs as well, damaging business or political careers and marriages.

Professional public health literature shows that prostitutes are accountable for only a small part of venereal disease (VD) rates (39, 40). We have no figures on the incidence of VD or other contagious diseases among prostitutes. One source stated that 5 percent of reported VD originates with prostitution. In most reported locales there is a high awareness of the diseases and the necessity for regular checkups among prostitutes. Testimony from a former director of the Portland public venereal disease clinic agreed with many national reports, placing responsibility for the growing incidence of venereal disease on promiscuous sexual activity in non-prostitution settings among individuals often not included in public health reporting.

IV. ALTERNATIVE SERVICES FOR PORTLAND PROSTITUTES

When the new Portland ordinance which assigns mandatory fines and sentences to second offender prostitutes was passed in July 1983, City Council members recognized the need for alternatives to jail. The law permits such alternatives as residential programs or non-residential support services providing counseling and job training or placement. In Portland, a few programs meeting this description have evolved under the auspices of concerned groups and individuals. Portland has had a tradition of community compassion for women who wished to find "honest jobs" dating back to 1895 when the First Congregational Church established a residence for prostitutes who were trying to change their lives. According to the 1948 City Club report, "Most of Portland's main business institutions contributed to this so called 'open door'" (13). No exact parallel exists in Portland today, although some church groups use volunteer time and resources to address the problem on a small scale. However, there is currently no well-funded service network to address this social need.

To wide differences in individual needs and motivations, a wide range of approaches is necessary. Program directors have stated that alternative programs must include adequate referral personnel so that response and placement can be made promptly when prostitutes express readiness. All sources consulted seem to agree that the need for alternative programs will persist regardless of enforcement policies.

Following are descriptions of five existing programs in the community which offer help to Portland female prostitutes.

A. Temple Baptist Church (The Reverend Terry Hollister)

Having formerly compaigned against prostitution in his church neighborhood, the Rev. Terry Hollister has developed instead an informal program of counsel and assistance to women, which he feels is more consistent with his mission. He is convinced that an out-of-town facility is necessary to allow women to make changes away from the influence of old associates and neighborhoods, and to separate and protect them from their pimps. He is able to provide this for a few women in cooperation with the Mary Magdalene Center in Reseda, California. His approach has led to lifestyle changes for sixteen women in the past two and a half years. The program is without outside funding and all help has been voluntary.
B. **The Friendship House** (Paul Salgado)

Friendship House, in Southeast Portland, offers a "family home" atmosphere with a "soft-pedaled" religious orientation. A family, supplemented by outside volunteers, operates the home. It has a capacity of six women, who participate in its management and maintenance. Educational and job placement counseling and motivational and socialization activities are offered. Religious instruction is available, but there is no denominational requirement for participation in the program. Director Paul Salgado says that the Friendship House is appropriately placed in a residential community in Portland, since that is the setting to which the women must adapt. In the past three years, Friendship House has helped 46 six of whom have returned to street prostitution. Some public and private funding is received, but personnel are unpaid.

C. **Friends of Sisters on the Street** (Lisa Clay)

Friends of Sisters on the Street is another volunteer group that offers help to female prostitutes, targeting those who have been abused and/or are homeless. Women who seek their help are offered a place to stay in a volunteer's home. Support is provided as resources allow. Director Lisa Clay says there is a high incidence of substance abuse, illiteracy, and involvement with pimps among these women. She said that small residential programs have the greatest chance for success and would like to see the participation of individual "advocates," who would act as stable friends and helpers to these women. She spoke in favor of decriminalization of prostitution, citing her experience with women who have developed negative behaviors and attitudes during incarceration for minor offenses. The program is linked to the Apostolic Church of All Nations, but affiliation is not required for participation in the program.

D. **Our New Beginnings** (Carol Pope)

A relatively new program for female offenders, Our New Beginnings, receives minimal funding from foundations and public sources. It has a capacity of ten women. Founder Carol Pope states that most of the participating women have prostitution in their backgrounds (possibly 98 percent), are repeat offenders, and have limited job skills. Attempts are made to refer these women to prospective employers. Acquisition and retraining of socialization skills are emphasized. The budget does not include salaries for a full staff; services are supplemented by volunteers. The program is accepted by officials in the criminal justice system as an alternative to jail sentencing.

E. **YWCA - Women's Residential Program** (Ann Kohler)

The YWCA Women's Resource Center provides services to prostitutes and their families through three programs.

First, the Transitional Opportunities Project, a work release program for court mandated clients, provides a structured residential atmosphere to facilitate productive re-entry into the community. Ninety percent of these clients have histories of severe sexual abuse and battering. Most prostitutes are single heads of households, and twenty five percent are substance abusers.
The second program available is an out-patient counseling program offering both individual and group experiences. Most prostitutes seen through this service have been court ordered to receive mental health counseling; however, there are some self-referred women taking advantage of the support groups.

The third program offers short-term emergency services. Women and their children may receive housing, food, clothing, advocacy, and referral to community services. Many times prostitutes needing this service are fleeing violent situations involving johns and pimps.

The above programs constitute all of the alternatives available to prostitutes which your Committee was able to locate in Portland. Other programs serve prostitutes, but are not specifically geared to them. Portland City Commissioners and Multnomah County Commissioners have expressed concern about the lack of alternatives to jail, and there is a joint effort to coordinate living and employment alternatives for prostitutes in the Portland metropolitan area.

F. Council for Prostitution Alternatives

A steering committee representing city and county agencies and private contractors has formed the Council for Prostitution Alternatives, and recommends that it be funded at $96,000 annually, to coordinate efforts of Portland organizations attempting to help prostitutes, to seek funding for alternative programs, to help agencies (e.g., neighborhood associations) work together to resolve related issues, and to provide a discussion forum for the issues. County Commissioner Gladys McCoy and City Commissioner Margaret Strachan have been spearheading this effort. An ordinance was passed by City Council on July 11 to begin approving these proposals.

It appears that the number of women who need comprehensive services in order to leave prostitution far exceeds the capacity of existing programs. Those which do exist, or are proposed, rely on volunteers and minimal funding. Still, citizen participation in hearings conducted by the Council has been very sparse, and the interest of the community in supporting these alternatives is not clear.

G. Response to Community Forum

To further ascertain the interests of the community, your Committee sponsored a community forum in March 1984 inviting debate and discussion on a range of enforcement models identified by the Committee. In a panel presentation, we described some different ways in which Portland might deal with prostitution, answered questions about the models, and listened to comments and opinions from the audience of approximately forty people. The spectrum of alternatives we described (see Appendix E) included a strict enforcement model, keeping the present system, increasing penalties for johns, legalization and zoning of prostitution, legalization and regulation of prostitution, and decriminalization.

Responses from the audience carried a theme of frustration among neighborhood residents over the long-standing nature of the problem on their streets. Presentation of the alternative models brought no opposition to finding solutions other than incarceration, although there was much hostility toward current policies. Emphasis was on getting the activity off their streets. It was noted that there is a disproportionate impact on lower socio-economic neighborhoods.
V. MAJORITY DISCUSSION

During the course of our study, your Committee became convinced that, as history attests, no degree of legislation or punishment has ever abolished prostitution — it appears to be an age-old fact of life. Our efforts were directed to discovering ways to ameliorate its adverse side-effects.

Prostitution is no ordinary crime. It fulfills biological and sociological needs; it is generally consensual; it is tolerated or condoned in many parts of the world. Even within Portland, prostitution has not always been regarded as an illegal activity. While we cannot find any model which is perfect, we have found some examples which merit further exploration to see if they could be adapted to Portland's needs.

A. Problems

Of paramount concern is the widespread public perception that what Portland is presently doing — sporadically and disparately enforcing the state statute and city ordinances — is not effective. (See Appendix F presenting excerpts of newspaper accounts demonstrating that local law enforcement efforts have waxed and waned over the course of our study.) The City Auditor's analysis substantiates this public perception by documenting annual costs of nearly three-quarters of a million dollars to rotate prostitutes through the Downtown Detention Center in less than a day, only to put them back on the streets to earn the money to pay their fines.

Graphs and charts in the City Auditor's Report make it clear that the $240 spent to arrest and jail a prostitute for an average of twelve hours (often no more than 2 hours) is unjustified. Such expensive, but fleeting, detention does not address the concerns of neighborhoods to which the female sellers immediately return, and diverts jail and police resources from other misdemeanants and felons. Moreover, enforcement procedures do not ameliorate any public health problems associated with prostitution. While your Committee is not persuaded that prostitution activity can be blamed for Portland's VD rate, whatever contagious diseases may be carried by people engaged in prostitution are not treated by brief exposure to the Detention Center's revolving door. No health inspection or treatment takes place during the booking and release process.

Another reason for enforcement's failure is general public apathy, punctuated by periodic outcry from particular areas when streetwalking activity accelerates. Attitudes appear to fluctuate according to the location of the prostitution activity. Objections to prostitution activity arise primarily from its proximity to unwilling bystanders (e.g., residences, community and religious centers, businesses). "Crackdowns" in one neighborhood simply shift the sellers to another area, and the buyers soon follow.

Residents in whose neighborhoods prostitution activities appear experience increased anxiety and annoyance. North and Northeast residential areas have been most affected as the concentration and congestion of prostitution varies with the enforcement efforts along North Interstate and Northeast Union Avenues. Male sellers and their buyers have been found largely in downtown Portland between Southwest Front and Fourth Avenues. As noted, few arrests for prostitution occur in this district
because the sellers are largely juvenile and also because police are reluctant to employ the tactics they believe are necessary to secure a conviction of an adult male seller. This activity also appears to be tolerated by the businesses within this "zone."

Your Committee found the complaints of residents credible and consistent. Neighborhood meetings revealed discontent with police activity in any area of town. Police methods of "sweeping" prostitution activity from one precinct to the next often merely postpone its return to an earlier favored location. Because those "sweeps" never went far, North and Northeast neighbors found little support from their west-side or suburban counterparts.

People who have not experienced the difficulty of prostitution activity around their homes tend not to voice concern. Yet your Committee was convinced of the need to find an approach which would shield non-participants from the shouts and gestures of aggressive negotiators for sexual services, from the joy-riders who motor through the "zone" just to observe or heckle the participants, from buyers harassing neighborhood children or women, from "pimpmobiles" following children from school to solicit new recruits to the trade and from the open acts of copulation or oral sex performed in vehicles at curbside. Affected citizens also expressed concern over damage to property values, as well as the difficulties caused by street and sidewalk congestion and blocked driveways, all of which has been verified by independent observers.

Social costs because of arrests for prostitution and prostitution-related crimes are high, especially considering the fact that the parties are agreeing to an act that would not be illegal but for the fee paid or offered. Women bear the brunt of the costs, whether social, psychological or economic, for they are the most often arrested. The state statute on prostitution makes no distinction between sellers or buyers, nor between male or female, yet statistics show a consistent pattern over the last three years of three female arrests for every male. The Metropolitan Public Defenders' office, among others, cite such statistics as evidence of arbitrary and unequal enforcement of the laws and are continually contesting these cases. This practice may well result in substantial legal costs to the City.

For female sellers, the human costs also are very high. The women continue to visibly ply their wares out of economic necessity, while the male buyers simply pass through.

B. Policies

Given the high improbability of eliminating prostitution and the inherent problems posed by inconsistent and demeaning enforcement efforts, what policies should direct our search for solutions? Your Committee sought ways to reduce the 1) individual impacts; 2) economic costs; and 3) disparate treatment, of current enforcement. Accordingly, we established criteria for evaluating potential solutions.

We examined the conclusions in Section VI of this report in light of their effect on neighborhoods, families, individuals, public health and efficient allocation of law enforcement resources. We also took into account Portland's economic and political climate and its national reputation. Finally, we considered long-term benefits to society, the
workability of various approaches and reduction of the more degrading aspects of prostitution activity and control.

After learning of the ability of many contemporary societies in other parts of the world to recognize and regulate prostitution activity so that some social benefits are realized and negative aspects reduced, we studied adaptations of those approaches to Portland's situation. We looked to history for guidance from past attempts to provide legitimate outlets for persistent patterns of "immoral" behavior (e.g., the replacement of speak-easies when taverns reopened). If successful models could be altered to fit Portland's mold, some of the costs, disruption and frustration surrounding prostitution law enforcement efforts in our city could be reduced, if not channeled in a more positive direction.

C. Alternative Approaches

Your Committee seriously debated three alternative approaches: (1) stringent and equal enforcement of the laws against all buyers and sellers (male or female) of sexual services; (2) legalization (with various forms of regulation) of prostitution; and (3) decriminalization, leaving consensual sexual activity between adults free to occur in any manner, place or time.

We agreed that no matter what approach is eventually adopted, programs providing alternatives for prostitutes needed additional funding. The figures on prostitution earnings make taxable minimum wages for "legitimate" work a less attractive alternative. Nonetheless, we have heard enough alternative program providers describe a "burnout syndrome" to believe that five years is a sufficient street career for most prostitutes. We second their appeal for more funding to help prostitutes at this juncture in their careers. The few successful programs we have identified operate on shoestring budgets with extensive reliance on volunteers. No matter what enforcement policy is ultimately adopted by the City of Portland, every year will bring more sellers who are ready to retire but who must find some other means of supporting themselves and their families. We concur with the advocates of the Council for Prostitution Alternatives that a substantial allocation of public money is needed in this area.

1. Equal Enforcement of the State Statute

Many enforcement personnel and representatives of affected neighborhoods say that arresting Johns is an effective approach to clearing the streets of prostitution. But your Committee has also heard that it is very expensive to conduct the police work necessary to make arrests of Johns for either prostitution or loitering, because of the "backup" needed for female decoys. Data collected by the City Auditor show that arresting more buyers is probably only a short term solution to the problem. There is no available jail space to house male buyers or sellers, nor does it appear that any new space, if provided, would be used for those detained.

Witnesses have pointed out that prostitution laws are unequally enforced so that a disproportionate number of women wind up in the criminal justice system. This is clearly true from the Auditor's report. Female sellers are arrested while male buyers and sellers rarely are. Male sellers of sex are virtually ignored by the police, who claim they are rarely able to arrest males soliciting males because
of the nature of the "pick-up" procedures. While no witness was in favor of discrimination or unequal enforcement of the laws, many noted that greater efforts to arrest johns would not be cost-effective and would cause additional litigation expense.*

2. Legalization with Zoning

We looked to the approach used in West Germany of regulation of times and places of prostitution activity for possible application to Portland. Though Nevada has also been suggested as a model, the series of articles which appeared in The Oregonian last summer, as well as our other research, argue persuasively that Nevada's brothel system would not be a useful model for a number of reasons including its lack of impact on city street prostitution and its undue restrictions on licensed prostitutes.

Under a legalization approach, enforcement costs would be reduced. If regulation consisted of defining an allowed area, enforcement resources could be concentrated on only those who chose to stray beyond its limits. In addition, revenue might be produced because income from prostitution would be taxable. The possibility of bribery and corruption might also be curtailed, by providing legitimate outlets for the sale of sexual services.

With legalization, the pimp could become dispensable, but experience in other countries indicates that there will always be some pimping with prostitution activity. Prostitutes would not be stigmatized by criminal records. Both buyers and sellers would have more access to legal rights and protections with recourse against harm associated with the activity. Prostitutes could organize for better working conditions and benefit packages. Families of buyers and sellers would not suffer as a result of their arrests and incarcerations.

The privacy of adults making decisions about private, consensual sexual behavior would be preserved under this system, as would the privacy of neighborhood residents or others who choose not to have to witness prostitution-related activity. Moreover, citizens could be involved in the decision-making when specific non-residential, non-retail areas, such as light industrial areas, were considered for prostitution zoning.

Finally, one form of discrimination against women would be eliminated. In implementing a legalization approach, the City could abandon its controversial ordinances and enforcement sweeps and enforce zoning violations equally against anyone disregarding the boundaries where prostitution activity is allowed. Buyers (who tend to take fewer risks in any event) would be drawn to areas where their activity could not lead to arrest, thereby discouraging sellers from trying to solicit elsewhere.

* On August 2, 1984, the Portland City Council adopted several amendments to the City's anti-prostitution ordinances. One amendment, banning "unlawful prostitution procurement activities," is aimed specifically at potential buyers of street prostitution.
On the other hand, opponents would argue that since prostitution is a predominantly cash business, taxing would remain difficult. Organized crime might find this kind of industry attractive, as evidenced by Nevada's experience. Countries which have legalized prostitution have found that the pimp relationship persists.

Furthermore, legalization is said by some to put the state in the role of the pimp. It might not be politically palatable to condone prostitution officially. Portland's image may suffer, and undesirable role models could be presented to our youth. It is also conceivable that sellers might suffer if legalization were used as a reason to cut or eliminate programs that help sellers.

On balance, your Committee finds the arguments in favor of legalization by zoning persuasive. We were intrigued by descriptions of the system in West Germany and believe Portland could benefit by exploring that model further. Simple confinement of prostitution activity to a non-residential, non-commercial area would meet most of the policy concerns identified earlier in reducing economic and social costs, addressing neighborhood concerns and alleviating enforcement inequities.

We commend the concluding paragraphs of Yondorf's analysis to Portland policy-makers:

"Munich is happy with its multiple zones, West Berliners have few complaints about their no-zone policy, and Hamburg is proud of its famous St. Pauli district. This suggests that the United States might do well to follow West Germany's example of leaving prostitution zoning to local discretion. . .Legal prostitution. . .is not seen as a significant criminal, health, or social problem. West Germans are convinced that the only sensible way of handling prostitution is to legalize and regulate it. What the West German experience suggests is that legal prostitution can be no more, and might indeed be less, a problem than illegal prostitution now is. . ." (18)

Off-street prostitution in non-residential settings has not been the target of enforcement or neighborhood opposition, except when it involves some other offense, such as noise, harassment or objectionable advertising. For legalizing off-street prostitution, all of the favorable and unfavorable arguments cited above apply. Legalization of off-street prostitution reflects de facto policy. To maintain a law on the books which is not enforced is hypocritical and demeans other laws in the public eye.

Your Committee finds the arguments in favor of this proposal convincing. However, such a change should not be implemented immediately without community consultation. It should be preceded by extensive community dialogue and referenda or opinion surveys. The impact of applicable restrictions should be analyzed. Because off-street prostitution currently has such a low profile and is tolerated, we have not been able to find many descriptive data.

Portland's planning process lacks a survey of exactly when, where and how—or whether—buying and selling of sexual services between consenting adults might be acceptable to its citizenry. These are the types of questions that would be addressed by the normal public hearings and rules-setting processes that would precede establishment of a legalized system.
This system seems to have worked well in other countries, and efforts should be made to obtain all available information on their experiences. Based on our 18 months' study, your Committee believes that such a shift in official policy, embodying existing informal practice, would have minimal adverse impact on the community. It might not lead to any great influx of entrepreneurs, since the market is already fairly well established.

While legalization of street prostitution may be a long while in gaining acceptance, its departure from current practice may again be more imagined than real. Street prostitutes are generally allowed to congregate in an area until someone complains, and then they move elsewhere in response to police pressure. If they were to assemble in an area away from residences, and during non-business hours, chances are few would complain. At least under the legalized system, the area would be chosen by the citizenry and would not shift unpredictably. It could be made a subject of the standard long-range city planning process.

3. Decriminalization

After much discussion, your Committee rejected decriminalization as an acceptable alternative. While decriminalization carries many of the same advantages and disadvantages of legalization described above, it does not address the concern of the unwilling bystander. Simple repeal of the state statute, without an accompanying enactment of laws legalizing prostitution, would allow municipalities to fill the void in many different (and potentially discriminatory) ways. What might be okay in Portland might be a Class A misdemeanor in another nearby city. Decriminalization invites social and legal chaos.

If the state were to decriminalize prostitution by simply repealing the statutes, then municipalities such as Portland would be free to enact their own ordinances either adopting decriminalization or legalizing prostitution with or without zoning, or making it a crime within its own boundaries.

The only model of decriminalization your Committee was able to find is in Sweden. Swedish social mores are more liberal than Portland's so that the model is virtually untransferrable. Simply stated, it appears that for Portland, at least, the effects of prostitution go beyond the "pure" activity of the participants and must, therefore, be subject to some control.

VI. MAJORITY CONCLUSIONS

The Majority of your Committee agrees on the following conclusions to be drawn from the information studied. These conclusions might also be areas of consensus to be further explored by policy-makers in a public forum. We begin by reiterating our underlying premise that prostitution is inevitable.

It also is appropriate at this point to reiterate that the laws against prostitution are not being fairly enforced in that many more women are arrested than men. However, we are not convinced that devoting more resources to arresting males would provide a long-range solution to the problems raised in this report. The current situation is intolerable for
neighborhood residents - which is only one of our reasons for seeking solutions to what we see as irrepressible activity. Experience reveals that enforcement simply shifts prostitution among neighborhoods, relocating the problem rather than confining it within manageable limits. There is no evidence that "equal enforcement" would eliminate discrimination; it would only address one aspect of the issue. Indeed, it might even replace sex discrimination with socio-economic discrimination, as those who can afford off-street prostitution would escape prosecution, while streetwalkers and their johns were arrested.

A. Social and Economic Costs

1. Current anti-prostitution laws are not being enforced equally against men and women, or against buyers and sellers in Portland. Male sellers of prostitution are granted virtual immunity from arrest, and male buyers constitute less than 1/3 of the total arrests for prostitution and prostitution-related crime. Therefore, there is a disproportionately high social and economic impact on female sellers collectively.

2. The high economic costs of enforcing prostitution laws in Portland are not justified by benefits to the community as a whole because enforcement only provides temporary relief in limited areas. In addition, some city ordinances and the practice of unequal enforcement of city and state laws regarding prostitution face considerable legal challenges, which could result in high legal fees for the city.

3. Enforcement of prostitution laws will not substantially reduce public health problems.

4. Incarceration is costly and has not been demonstrated to be a deterrent.

5. The legal rights of prostitutes are rarely exercised or protected in cases where they are the victims of rape, robbery and murder.

6. All witnesses said that juvenile participation in prostitution is a serious social problem which should be addressed independently.

7. Portland could gain revenue if, under local option granted by the state, it legalized and taxed prostitution as a business.

8. Many sellers of prostitution engage in prostitution out of economic necessity and will not be motivated to change unless they can earn comparable wages in other occupations.

B. Alternatives

9. Crime problems associated with prostitution already are covered by existing criminal laws. There are, for instance, laws against indecent exposure, harassment, assault, traffic violations, and narcotics abuse. Prostitution laws are separate from these enforcement tools, and are unnecessary for dealing with the objectionable behaviors which are the focus of community complaints.

10. Residential neighborhoods deserve a community-wide response to the problem of street prostitution. Increased law enforcement efforts in
one location, resulting in moving street prostitution to another residential neighborhood, are not an acceptable solution to the problem.

11. Legalization of prostitution in Portland could have the benefit of regulating its locations in a manner which would not disrupt other neighborhood and business activities. Decriminalization, with no accompanying regulation, would not give the city adequate control.

12. Residential, training and counseling programs for prostitutes who want to pursue other occupations should be funded whether prostitution is legal or illegal.

C. Attitudes

13. Few are satisfied with the current system of enforcing prostitution laws in Portland.

14. Some segments of Portland society view prostitution in any form as immoral and inherently criminal and believe all should be prosecuted; others believe that consensual adult activity should not be a governmental concern.

15. "Call girls" and other less visible prostitutes are not perceived as a public problem. Pressure for enforcement focuses on street activity in residential settings.

16. Most people simply do not care about prostitution activity as long as it is not in their neighborhoods and is not foisted upon them.

VII. MAJORITY RECOMMENDATIONS

Accordingly, the Majority of your Committee makes these recommendations:

1. The City of Portland and Multnomah County should:

   A. Continue to budget supplemental funding to support and enlarge successful established programs providing alternatives for sellers who wish to leave their trade;

   B. Continue funding a liaison/referral position to facilitate communication among the service programs and to expedite referrals. This position provides liaison with similar programs in other states to help clients who need to relocate. In addition, it identifies funding sources to expand programs, and assists in grant writing, needs assessments, evaluation designs, and provides other services to enable programs to work more effectively.

2. The Oregon Legislature should:

   A. Repeal O.R.S. 167.002 and 167.007, thereby decriminalizing the act of prostitution and enact laws making prostitution legal, consistent with zoning requirements and sex-blind enforcement; and

   B. Grant local option to communities in Oregon (with established penalty guidelines for zoning violations) to permit or exclude prostitution within their own boundaries.
3. The Portland City Council should:
   A. Repeal City Ordinance 14.08.25 which imposes mandatory penalties for prostitution;
   B. Under local option, authorize prostitution generally, but prohibit it in all areas zoned residential or commercial, and exclude areas in proximity to schools, churches, or other incompatible uses; and
   C. Until such time as prostitution becomes legalized in Portland, instruct the Police Bureau to enforce equally the existing laws against prostitution without regard to the gender of the buyers or the sellers. However, no additional resources should be devoted to the enforcement process.
   D. Create a city task force of citizens including representatives of the Police Bureau, defense bar, business, education, labor, neighborhood groups, civic interests and the media to monitor prostitution activity so controlled, to conduct public opinion surveys, and to submit recommendations to change, improve, and adjust the city's procedures for acceptable regulation within one to two years after their implementation.

4. The City Club Standing Committee on Law & Public Safety should:
   A. Monitor implementation of recommendations contained in this Report;
   B. Appoint a representative to testify before various governmental bodies, if necessary; and
   C. Seek membership on any city task force which is formed to consider these issues and appoint a subcommittee to evaluate any task force report issued pursuant to these recommendations.

   Respectfully submitted,
   Gretchen Counsman
   Floyd Hinton
   Elizabeth Geiger
   Kevin Rivers
   Charles Williams
   Kristine Olson Rogers, Chair

VIII. MINORITY DISCUSSION

Despite substantial agreement with the Majority's findings, the Minority does not feel that legalization of prostitution is the most desirable policy at this time. We do not believe that the social and economic costs of prostitution will be alleviated by such a change, and we agree with the Majority's statement that "Portland's image may suffer. . ." Like the Majority, we deplore the limited options available to assist sellers of prostitution into other lifestyles.

We believe that most of the community problems identified in the Committee's research could be resolved if existing state and local laws were enforced equally with regard to sex and to role.
That prostitution laws are unequally enforced in Portland is evident from the research presented earlier. The idea of any law on any subject being enforced unequally is intolerable. Furthermore, the city is exposed to potentially costly litigation through its unequal enforcement.

The legal risk to the city from current enforcement practices is twofold. First, state and city laws describe both the seller and buyer as being guilty of prostitution— but sellers are arrested in vastly greater numbers than buyers. Second, the freedom from arrest for male sellers of prostitution creates a privileged class immune from responsibility for its criminal activity. In both cases, the city is at risk of being held liable for violating constitutional and statutory provisions for equal enforcement and equal protection.

Portland's unequal law enforcement undermines the integrity of our local justice system, creating contempt for law enforcement.

In addition to addressing the legal and ethical concerns outlined above, equal enforcement of existing laws would, the Minority believes, result in a reduction in street prostitution activity— the major concern identified in this report.

We believe the Johns (male buyers) are more likely than the sellers to be affected by enforcement efforts for several reasons. Among them:

1) Johns are largely "recreational buyers," free to abandon their pursuit of sellers, change their buying habits or move their activities inside or to another locale;

2) they have more to lose—in terms of reputation, disruption of lifestyle or establishment of a police record—than do sellers of prostitution who have already elected to join a counterculture;

3) once "burned" by an encounter with the criminal justice system, a buyer is known to be deterred from similar behavior in the future—much more so than is a seller of prostitution who has gone through the revolving door of the justice system many times.

For these reasons, it seems evident to the Minority that by arresting male buyers equally with sellers, police could sharply reduce the willingness of those buyers to openly seek prostitution on the streets. And if there were a reduction in the number of prospective buyers cruising the streets, it seems only logical that there also would be a reduction in the number of sellers walking the streets.

The Minority agrees with the Majority that no more public resources should be spent on enforcing prostitution laws. However, we feel that if the city budget dedicated toward prostitution arrests were applied more equitably, both toward men and women and toward buyers and sellers, the overall benefits would far exceed those likely under the more expensive program suggested by the Majority.

The Minority can offer no precedents to show that such a policy would work, or that it would not. The fact is that equal enforcement has never been attempted, as far as our research has revealed. Despite the widely publicized crackdowns on buyers in Portland (about once each year), actual arrest statistics show a steady decrease in the percentage of buyers among those arrested over the past three years.
It is important to note, however, that on those occasions when there actually has been a spurt in effort to arrest more buyers, there has been a drop in all arrests during the month immediately following that effort (see figure PPB-6, City Auditor Special Report, Appendix D). This suggests that equal enforcement very likely could have the effect the Minority believes it would — that of reducing street prostitution.

The Minority does not agree with the view that legalization of prostitution would bring about these benefits at the same small cost. Legalization as proposed by the Majority would simply change control of prostitution from the state to the local governments, making it possible to have different laws in each of the local jurisdictions. The recommendation to repeal our sex-blind ORS 167.007 and replace it with a law enabling local districts to develop their own laws represents an extremely difficult task of legislative cooperation and implementation, and might be politically unfeasible. It seems likely that the public would be more supportive of a policy of equal enforcement of existing laws than of a move to legalize an activity as controversial as prostitution and start from scratch at the local level to shape new regulations.

The Minority is hesitant to repeal ORS 167.007, along with other sex-blind and carefully framed regulations, until it is assured that subsequent laws would not result in even greater inequities than exist in Portland today.

The problem is not with the existing laws. In general, they are reasonable and equitable. The problem is with the blatantly unequal enforcement of those laws. That is what needs to be changed — not the laws themselves.

The very language our society uses in discussing prostitution carries with it an insidious bias, whether that language comes from our press, our governmental agencies or from ourselves. Phrases like "prostitutes and their customers" carry a clear message to the reader of an unequal partnership — a criminal and a neutral (non-criminal) person, when, in fact, both parties are criminals under Oregon law.

Arguments by police that two or three "backup" officers are necessary to protect a female officer acting as a decoy to arrest male buyers, do not explain why buyers are seldom arrested even when they freely admit to being on the street in search of prostitution. The statement that officers "do not like to" approach or negotiate with male sellers fails to satisfy the Minority, who believe that this is as much a part of the duty of a male police officer as is decoy duty to female officers. There are qualified people in our community willing to do the jobs which must be done, and the Minority believes it is the duty of the Police Bureau to find and hire such people.

The Majority's recommendations to repeal and legalize would be costly in both time and money, while the equal enforcement of existing laws could be achieved with little if any additional expense. A policy of arresting both buyers and sellers would be politically practical, while effectively discouraging both participants at minimal cost.
IX. MINORITY CONCLUSIONS

The Minority rejects Majority conclusions 4, 7, and 11, and makes the following additional conclusions:

1. Before consideration of any more extreme, more expensive and more time consuming changes in state and city law, the equitable application of current law deserves to be tried in Portland.

2. Equal enforcement of present laws will be likely to result in a shift from street prostitution to off-street activity, thus eliminating many of the complaints of residential citizens and retailers in the areas favored by sellers and buyers of prostitution.

3. Arrest statistics are not adequately monitored on a regular basis.

X. RECOMMENDATIONS

The Minority urges rejection of the Majority recommendations and substitution of the following:

1. The City Club should urge the Mayor and Portland City Council to:
   
   A) immediately effect a change in Portland's enforcement policy on prostitution and prostitution-related crime to one of equality in arrest and penalty, and
   
   B) direct the Police Internal Investigation Auditing Committee, or another appropriate existing group, to monitor enforcement procedures by gathering arrest statistics relating to the sex, and role as buyer or seller, of the offender; and to provide this information on a regular basis to City Council for its use in evaluation of the effects of equal enforcement.

Respectfully submitted,

Barbara C. Ring
Katherine Draham

Your Committee wishes to acknowledge the contributions of Michael Dane, Sharon Noone, Dan Herborn, Gary McClellan, Diana Koin and Marilyn Cover, who participated in earlier stages of the study.

Approved by the Research Board July 12, 1984 for transmittal to the Board of Governors. Received by the Board of Governors on July 23, 1984 and ordered published and distributed to the membership for consideration and action on August 31, 1984.
Appendix A

REFERENCES

(1) Ride-alongs are offered by the Portland Police Bureau to citizens who wish to accompany officers during their rounds. Specific arrangements need to be made in advance.

(2) There seems to be no female equivalent to this term.

(3) Off-street prostitution is the term used for the selling of sex in places other than city sidewalks as contrasted with street-walking.

(4) Massage parlors have often been used as a facade for off-street prostitution.

(5) Prostitutes who arrange business by appointment by the telephone or other off-street communication.


(7) M. Schreiber, "Lecture on Prostitution and the politics of crime," unpublished manuscript, University of Munich Law School, no date.

(8) A brothel is a house of prostitution (also known as whorehouse, bordello, bawdy house).


(14) D. McKean, Personal communication, May 5, 1984.

(15) An annual "grass roots" meeting of Oregon Republicans to discuss state policies.


(20) K. Barry, excerpt from Female Sexual Slavery provided by U.S. Prostitutes Collective, San Francisco, CA, August 3, 1983.


(24) A geisha is a woman trained to provide entertainment, such as singing and dancing, for men.


(28) Sex-blind laws omit reference to gender and do not specify activities as male or female in nature.


(30) State v. Perry, 249 OR 76, (1968).

(31) "City Council Renews Attacks on Prostitution," The Oregonian, July 1, 1984.

(32) An amicus brief, or amicus curiae (friend of the court), is an argument, statement or evidence on legal matters presented to the court. It may be solicited by either side, requested by the court, or volunteered by an outsider.


(35) A citation is a criminal summons issued by police officers requiring defendants to appear in court on a given date in lieu of arrest.

(36) Booking is the process of gathering information about people taken into custody. It includes fingerprinting, photographing, and documenting personal and criminal history.

(37) In a memo dated June 26, 1984, Tim Hibbits of T.H. Research, Inc. reported to Deke Olmsted, Director of the Multnomah County Department of Justice Services, that when 300 representative voters were asked to consider, among various options, the possibility of repealing statutes such as prostitution, they rated this idea on a range of 1 (strong opposition) to 5 (strong support) as 3.05 — that is, slightly more than 150 respondents might favor such an approach.


BIBLIOGRAPHY

Books, Reports and Published Documents


Worlock, M., Community Task Force on Prostitution: Final Report and Recommendations, Multnomah County, April 1, 1982.

Newspaper and Magazine Articles


"End to Prostitution Laws Sought," The Oregonian, October 7, 1983.


McCoy, G. "Victims of Blight," Letter to Editor The Oregonian, August 29, 1983.


"Prostitution Crackdown Ends," The Oregonian, November 12, 1983


Correspondence, Speeches and Other Sources


Appendix B

PERSONS INTERVIEWED

Claire Argow, Expert, Community Corrections
Hon. Linda Bergman, Multnomah County District Court Judge
Lisa Clay, Friends of Sisters on the Street, Portland
Nanette Davis, Professor of Sociology, Portland State University
Marguerite Elia, Radical Women, Portland
Margi Duchenne, Greenhouse Project
Rose Gangle, Friends of Sisters on the Street, Portland
Rev. Jack Garlington, Albina Ministerial Alliance, Portland
Leslie Haines, Coordinator, Tri County Youth Service Consortium/Project

LUCK

Lloyd Haynes, staff member, City Auditor's office
Sandy Herman, staff member, Office of City of Portland Commissioner
Margaret Strachan

Terry Hollister, Temple Baptist Church, Portland
Annette Jolin, former Portland police officer and graduate student, Portland State University
Peter Keefer, Administrative Assistant for Hon. Frank Beardeon, Multnomah County District Court

Ann Kohler, NWCA Women's Residential Program
Ike Lacefield, Director, Probation Services, Multnomah County
Sharon McCormack, NE Prostitution Task Force, Portland
Gladys McCoy, Multnomah County Commissioner
Michelann Ortloff, NE Prostitution Task Force, Portland
Fred Peterson, former Mayor, City of Portland

Robert Phillips, State of Oregon, Affirmative Action
Carol Pope, Director, Our New Beginnings, Portland
Edna Robertson, NE Prostitution Task Force, Portland
Paul Salgado, Director, Friendship House, Portland
Michael D. Schrunk, Multnomah County District Attorney
Gordon Shadbourn, Multnomah County Commissioner
Emily Simon, Chief Misdemeanor Attorney, Metropolitan Public Defenders' Office, Multnomah County

Beverly Stein, staff member, Office of City of Portland Commissioner
Margaret Strachan

Ronald R. Still, Chief, Portland Police Bureau
Stewart Staple, Outside In
Robert Tobbin, Chief of Detectives, Portland Police Bureau
Morio Toyoshima, Portland
Linda Williams, former staff writer, The Oregonian
Rob Wolf, Attorney and former chairman, City Club Law & Public Safety Standing Committee

Three women who work as prostitutes in the Portland area gave comments to the committee (two in person, one on tape) in response to our standard list of questions. These women preferred to remain anonymous.
Anti-prostitution plan branded as 'absurd'

By JOHN PAINTER JR. of The Oregonian staff

A portion of an anti-prostitution ordinance to be voted upon by the Portland City Council Thursday was branded as "absurd" Monday by the head of the Metropolitan Public Defender's Office.

James D. Hennings scoffed at the ordinance as clearly unconstitutional, saying it was "marvelous of the City Council to give us all this work to do. It's a great training ground for my younger attorneys."

The ordinance to which Hennings referred is an amendment the the City Code that bans "unlawful prostitution procurement activities."

The amendment defines "prostitution procurement activity" as "any conduct by any person that constitutes a substantial step in furtherance of an act of prostitution."

Such conduct includes, but is not limited to, "lingering in or near any street or public place, repeatedly circling an area in a motor vehicle, or repeatedly beckoning to, contacting or attempting to stop pedestrians or motor vehicle operators."

Another amendment to the City Code also contains similar language, but is captioned "loitering to solicit prostitution."

The amendment, which has been months in the drafting, seeks to respond to citizen complaints about male customers or "Johns" who are seeking sex from prostitutes harassing uninvolved women on city streets.

Both amendments are part of the council's effort to deal with Portland's longstanding prostitution problem.

Commissioner Margaret Strachan has been vigorous in pressing for equity in prostitution arrests. Citing prostitution arrest statistics that show many more women than men being arrested, Strachan repeatedly has asked, "Where are the Johns? Why aren't they being arrested?"

Hennings said that overturning the amendment on constitutional grounds would be "like shooting fish in a barrel."

He said the language of the amendment invited abuse by the police.

"Look at Pioneer Courthouse Square and all those people 'lingering' there," he said. "We know that's what the police will use it for."

"And what about those pickup basketball games in Northeast Portland?" he continued. "That's certainly lingering near a public place."

"What I'm waiting for is the first time some guy from the West Hills drives his wife downtown to a flower shop and circles the block while she picks something up. Do you think they're going to arrest him?"

"What about the lawyer that takes his secretary to lunch," Hennings said, weaving yet another scenario. "The boss goes and gets the car and circles the block waiting for her to come down. And when he sees her he waves at her to get her attention. Is he going to get arrested?"

Hennings said he wished the first arrests could be brought as civil cases so he could seek damages.

"The district attorney should charge the city for having to defend such a foolish law," Hennings said. "If it was the attorney general's office the city would be paying $70 an hour."

"Isn't it time that the city stopped wasting everybody's time and got about getting the real predators off the street?" he asked.

Another amendment to be voted upon in the same package Thursday changes the language of the city's ill-fated mandatory minimum penalties ordinance for prostitution code violations.

The ordinance has been successfully challenged twice in Multnomah County District Court on the grounds that its key elements — mandatory minimum fines and jail terms — violate the separation of powers clause of the Oregon Constitution by requiring a separate branch of government — the judiciary — to impose mandatory sentences.

The reworded portion permits suspension of part or all of fines for first offenses because of inability to pay and also includes provisions for alternatives to jail sentences for both customers and prostitutes.

It is likely that the rewording also will be challenged by defense lawyers on constitutional grounds if the council adopts it.
Appendix D

SELECTED REFERENCES

from

SPECIAL REPORT

INTERNAL AUDIT DIVISION

OFFICE OF THE CITY AUDITOR

CITY OF

PORTLAND, OREGON

OFFICE OF CITY AUDITOR

May 14, 1984

Francis Ivancie, Mayor
Charles Jordan, Commissioner
Mildred Schwab, Commissioner
Margaret Strachan, Commissioner
Mike Lindberg, Commissioner

Re: Compilation of Prostitution Statistics,
Special Report #AA-84

Attached is our Special Report #AA-84 on statistical information related to prostitution in the Portland area. This study was requested by Commissioners Margaret Strachan and Mildred Schwab in Council meeting of July 13, 1983. An introductory section explaining our scope and methodology prefaces the presentation of statistical information.

Our study was limited to the compilation and presentation of prostitution-related data. Because of this limited scope, we do not present conclusions or recommend specific actions with respect to City anti-prostitution efforts.

We appreciate the assistance provided throughout this report by Commissioners Schwab and Strachan, and their staffs.

Lloyd E. Hayne
EDP Auditor
Internal Audit Division

Attachment

LH:st

CC: Jewel Lansing, City Auditor
Richard Tracy, Manager, Internal Audit Division
Chief Ronald Still, Portland Police Bureau
Chris Thomas, City Attorney
PPB Prostitution Arrests, 1/83-3/84

Adult to Juvenile Arrest Comparison

Source: Compiled from Portland Police Bureau, Drug and Vice Division Activity Reports.

Reference Table PPB-1
PPB Prostitution Arrests, 1/83–3/84
By Gender (Inc. Loitering to Solicit)


Reference Table PPB-1
TABLE CCD-5

PROSTITUTION INCARCERATION DATA, July 1983 - March 1984
Prostitution Releases, Reason for Release by Gender

1. Releases by Race and Gender

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2. Releases by Stated Reason

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3. Releases by Gender

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Source: Multnomah County Corrections Division Records, Daily Release Reports, #SX-9301, July 2, 1983 to April 1, 1984
PPB Prostitution Arreasts by Gender
Excluding Loitering to Solicit

Reference Table PPB-2
### TABLE MDC-1

#### Multnomah County District Court Prostitution Statistics

May 1983 through March 1984

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#### GENDER BREAKDOWN (New Cases Only):

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| 1. Citation info for 5/83 may be | 42.6% | 30.3% | 28.9% | 17.6% | 9.4% | 15.7% | 8.3% | 8.3% | 10.9% | 15.6% | 9.4% | 9.4% |
| 57.4% | 69.7% | 71.1% | 82.3% | 90.5% | 84.3% | 91.6% | 81.1% | 84.4% | 90.5% | 9.4% | 9.4% |
| Source: Multnomah Co. District Court Administrator |
| Note: District Court personal advised that Citation figure for May, 1983 may be inaccurate |
| 1. District Court addition error. Should be 103. |
MULTNOMAH COUNTY DISTRICT COURT

Added Prostitution Jury Trials Pending

Source: Multnomah Co. District Court Administrator

Reference Table MDC-1
Appendix E

COMMUNITY FORUM HANDOUT

COMMUNITY FORUM, THURSDAY, MARCH 8, 1984

CITY CLUB OF PORTLAND

COMMITTEE FOR THE STUDY OF ADULT PROSTITUTION

IN THE CITY OF PORTLAND

This committee has been studying adult prostitution, its enforcement and alternatives in the City of Portland. We have talked to prostitutes, to people who try to help them, and to people who try to punish them. We have read articles describing prostitution and prostitution laws in other cities and countries. We have visited parts of the city where sellers and buyers of sex often meet.

Prostitution and the activities which sometimes occur along with it are old and complicated problems — ones that can threaten our neighborhoods and exhaust our social agency resources. Because it is such a vast topic, we have limited our study. We know how sensitive the moral issues are. We know how important the problems of juvenile prostitution are. We know how concerned ALL Oregonians are about this subject. However, we have limited our study to factual aspects of adult prostitution in the City of Portland.

In this Community Forum, we will describe some different ways that Portland might attempt to deal with prostitution, and the way the City is trying to handle it now; we will tell you what we can about the advantages and disadvantages of each approach; and we will ask you to share your ideas and reactions with us.

Here is a list of the possibilities which we have identified:

1. "Crackdown." Strict enforcement of present laws; enactment of "get tough" laws; priority assignment of law officers to this enforcement, priority use of jail/prison space for this enforcement.

2. "Status Quo." A description of the present enforcement system and its results.

3. "Status Quo + Increased Penalties for Buyers of Sex." Increased enforcement and fines constituting a "user's tax" on buyers in the prostitution market.

4. "Legalization and Zoning." A regulated prostitution zone emphasizing "houses."

5. "Legalization and Independent Contractors." Regulation of prostitution like any business, with licensing, inspections, etc., of practitioners and sites.

6. "Decriminalization." Repeal of laws referring to prostitution, leaving the sexual aspect a private matter between adults, and any accompanying crime to be handled under other statutes.
Residents fed up with prostitution problems to try petition

**METRO/NORTHWEST**

Police to launch new program against prostitution

**Prostitution penalties toughened**

Plan to jail women criticized

Prostitution crackdown ends

Panel studying prostitution sets plans for public comment

**Appendix F**

**Prostitution laws shrouded with myths**
Billboard warns prostitution "shoppers"

Prostitution crackdown hits 41 men

New tactic thwarting prostitutes

Prostitution panel eyes budget plan

Prostitution problems studied