The Treatment of Prostitutes within Law Enforcement

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**Introduction**

Within our current criminal justice system, victimized prostitutes have been abused by the malpractice of law enforcement and have been silenced by the voice of the public. The prostitution industry has become a high demand in an over sexualized male dominated society, and has criminalized the women involved in the industry. As a misunderstood and marginalized population that deals with serious issues of violence with pimps, johns, and police officers, prostitutes are incredibly trivialized women who are put into the criminal justice system and work to survive the streets. Due to police authority and recurrent contact with prostitutes, law enforcement often abuses their power within their interactions on the streets.

When looking at this issue in the form of context, it is difficult for the general public to understand how women become a part of the sex industry and specifically work as street prostitutes. Often it is viewed as a simple link to money, especially for drug use, and is commonly affected by young homeless women who experience the street life (Hester & Westmarland, 2004). Young men are also affected by prostitution and their situations tend to be more private due to stigma to homosexuality, whereas women are more visibly in street prostitution (Hester & Westmarland, 2004). Although sex work is not exclusively women, this paper will especially focus on the criminalization of female prostitutes, although men are also subject to prostitution and objectification in the sex industry.

The issue of sex work brings varying beliefs of how prostitution and the sex industry can be harmful to women. The dominant view that society is brainwashed with through media and porn perceives prostitution as “easy money,” that it is harmless and misunderstands the complexity of the issue. The use of women and sex as a commodity has become a norm through media and these attitudes reach the general public, including those with power within the criminal justice system.

There is considerable racial and class biases within policies and when working with street prostitutes. In poor, urban communities, sex trafficking and exploitation is prevalent and common for women, especially women of color who commonly live in poverty-stricken and violent neighborhoods. Women, who are voluntarily in the sex industry, work as a means of survival in oppressed neighborhoods. Soliciting is an accessible way to make money when there are little opportunities for work. However, many women are also forced into prostitution by being drugged or coerced into working through manipulation and violent tactics from pimps. Even in these situations, law enforcement does little to get women out of these situations. Sex workers regularly get arrested while the pimps remain out of sight.

**U.S. Laws Against Sex Work (Policies)**

Between 1890 and 1900, as more immigrants came to America from Northern and Southern Europe, urbanization and more possibilities for economic independence became possible for women who were experiencing their first freedom from the monogamous, private life at home. Women were offered jobs in the cities, which created a strong working class, and along with financial freedom, for the first time women had sexual autonomy. Most prostitutes during this time were considered foreigners or were part of “New Immigration,” as they were imported to the United States and put in brothels in New York City by primarily French, Jewish, and Italian pimps. The laws that were passed however, reinforced white middle-class norms of monogamy and chastity to keep women in the home and unable to seek economic and sexual independence.

In 1910, the Mann Act was passed through Congress that first made prostitution a crime, and that put another form of control on women who were considered independent and “immoral” from these practices (Langum, 1994). From the perspective of a prostitute, their job is simply seen as “work” and nothing more. Society and customers associate prostitutes with “sex” as it is not viewed as a respectable and reputable profession. This includes the negative perception of women having sex outside of marriage, paid sex, and sex for pleasure without intentions to reproduce that conflict with the mainstream view of keeping sex monogamous for women. The dominant view sees this work as aberrant and there is a need to control these practices, especially by shaping social and legal policies through legislature to directly isolate women in prostitution. These laws that have criminalized prostitution and governed women’s sexuality have greatly shaped our American policies of social control to our current day situations (Lucas, 1995). Police officers who work directly with prostitutes are the ones who regularly enforce these systemic laws and go to unnecessary means to inflict their power on vulnerable sex workers. It is through law enforcement, that malpractice of misused privileges and policies are enforced through personal attitudes and biases.

**Structures**

Police officers give a considerable amount of discretion when dealing with issues of vice and misconduct (Baker, Cluse-Tolar, Jenkins, & Williamson, 2008). Throughout United States history, there have been various ways of dealing with female “criminals” or prostitutes and some ways have been inappropriate methods of arresting prostitutes on the street due to ill perceptions and attitudes towards sex workers and their working position.

A study was done to learn about what Police-Prostitute interactions are like from the prostitute’s point of view (Baker, Cluse-Tolar, Jenkins, & Williamson, 2008). The interactions often led to misconduct as police officers abuse their power and take advantage of the prostitutes with the vulnerable position they are in. Incarcerated prostitutes explained six different types of interactions with police and many officers were reported as violent “perpetrators”, “paying customers”, or “fringe benefit cops” (Baker, Cluse-Tolar, Jenkins, & Williamson, 2008). While some cops were considered “good cops,” many situations ended in an abuse of power and exchange of services. Cops would often request, force, or demand sex as exchange for freedom by not arresting the prostitutes. It became an expectation for some prostitutes to perform sexual acts for officers as they would make violent threats, manipulate them, or threaten to increase their charges for other misdemeanors such as loitering, soliciting, indecent exposure etc. (Baker, Cluse-Tolar, Jenkins, & Williamson, 2008). These interactions become a routine between officers and the women working on the streets, and this results in a cycle that continues to degrade the women getting arrested, raped, and abused.

Police decisions are seldom a subject of review as the criminal justice process is little known or publicized. In most unfortunate cases women could not report their perpetrator because the person to report to was most often the person who raped or abused them (Baker, Cluse-Tolar, Jenkins, & Williamson, 2008). Police officers can deny their actions, and they will never be persecuted because the prostitutes opinions and experiences are not believed or valued through the court system. Most verbal and physical abuses go unreported and officers do not lose their position and continue to commit violent and hateful acts towards sex workers regularly.

The process of arresting prostitutes only lasts a few days and it continues to be a cycle of them being in and out of jail regularly. Police officers will arrest prostitutes on the street and take them to the station to be prosecuted. Within the few days they are in jail they go to court, pay a fine, and then go back on the streets. This cycle continues because now they have to work extra to pay off these court fines and they continue to be arrested over and over again. Police officers have reported the same prostitutes being arrested regularly, and within this cycle nothing good comes out of it. Officers abuse their power within their arrests, and prostitutes come in and out of jail and simply go back to the streets to repeat the same process. Rarely do cops refer prostitutes to social services and treatment programs to help them get out of their situations. Especially when considering societal and dominant negative attitudes towards prostitutes, there is little progression for support for their situation.

**Practices**

Radical feminists bring perspectives of prostitution as a distinctly feminized form of exploitation that reflects male-dominant norms that are internalized by women and men (Jaggar, 1997). In the journal *Contemporary Western Feminist Perspectives on Prostitution*, Jaggar introduces the idea that radical feminists do not see a distinction between forced and voluntary prostitution. The idea is that women who are voluntarily prostituting themselves are “brainwashed” and internalize that sex and pleasing men is all they are good for. Jaggar raised an important question, “Since everyone’s choices are surely influenced by unconscious processes, why should prostitutes’ decisions be singled out for skeptical challenge?” (Jaggar, 1997). Those who are voluntary prostitutes due to external social and psychological factors have made the subconscious decision to enter the field. Even if women are voluntarily in the field of prostitution, it is still not a respected profession and ultimately devalues the women involved. Ultimately, this ability to “brainwash” society has influenced women to enter a field by choice to exploit them through degrading and “shameful” interactions with men.

Negative societal and systematic views of prostitution have are highly influential in police work and ultimately lead to the demeaning and interactions between prostitutes and officers. Officers that have an apathetic and dismissive attitude when working with prostitutes go beyond necessary means to abuse their power. These attitudes from cops and other male dominated forms of power become extremely degrading and indirectly affect most women, given the nature of disrespect for vulnerable women.

**Conclusion**

All throughout history, the sex industry has been around because of a high demand from men for sex. The exploitation and objectification of women through prostitution and pornography is predominantly for the male desire (Jaggar, 1997). . The current issue of prostitution is not only a battle of sexual exploitation, but is a socioeconomic issue that affects poor women of color involved in street prostitution. Within our economic and political systems of poverty, prostitution itself is the bottom of a monetary trap. If the laws continue to criminalize sex workers and police continue to arrest them, these women will have limited options, and will not find a way to get out of the industry and off the streets.

Social services that offer treatment and safe homes for domestic violence victims are a temporary solution. Social workers spend a lot of time and money to heal individual women, who have worked as prostitutes and have been battered within the system by clients, officers, and pimps. Commonly, prostitutes and domestic violence victims who have been on the streets do not know another way of life and this service itself becomes a repeated process of treatment, when these women go right back to the streets. Within treatment centers and safe homes, there should be more education opportunities and encouragement to find a legal job with benefits. Most of these women have criminal records and that makes it extremely difficult to get a job. With transitional housing as a safe way to avoid going back to the streets, women can try to find a new way to be free from the system.

Although many safe homes and opportunity centers help women with these forms and treatment and healing, there is still a large socioeconomic factor and political power that exploits and degrades women worldwide. It is important to focus on prevention and education for the general public to know how soliciting women and supporting the sex industry is damaging to all women. Police officers need more thorough training in how to deal with issues of soliciting, along with recognizing their biases and power within their work and how to not abuse that.

Systemically, attitudes and beliefs towards prostitutes need to change for them to be supported and gain equal rights and opportunities for a better life.

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