

The Consequences of Arbitrary and Selective Enforcement  
of Prostitution Laws

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### Overview

This paper examines the serious and hopefully unintended consequences of arbitrary and selective enforcement of laws prohibiting prostitution, where police agents are given opportunities to be intimate with suspected prostitutes and are allowed to pick and choose which ‘victims’ they will arrest.

In policing criminal activity, law enforcement agents generally do not have to decide which bank robber, rapist, car thief, kidnapper, pedophile or murderer to search for and apprehend. A victim or a victim’s family files a report and the police launch an investigation. While they may not catch every suspect, the case remains open until it is solved. The goal of the justice system is to arrest, prosecute and punish *every* individual who commits such crimes.

Such is not the case when policing victimless crime- that is ‘crimes’ which are perpetrated by the ‘victim.’ Because the ‘victims’ (or prostitutes) are not likely to contact law enforcement and file a complaint against themselves, the police become the complainant. Because there are so many ‘victims’ and their clients who are also ‘criminals,’ there are simply not enough financial resources available to any law enforcement agency anywhere to apprehend every suspected prostitute and every client. Therefore the laws must be arbitrarily enforced. This paper examines what happens when laws can be enforced selectively; the damage done to society as a whole, in the corruption of the judicial system, as well as the damage to the prostitutes/victims and even to the law enforcement officers who arrest them.

*Keywords:* prostitution, police corruption, arbitrary law enforcement

## The Consequences of Arbitrary and Selective Enforcement of Prostitution Laws

As long as prostitution has existed, there have been government and religious crusades to eliminate it, and when those crusades were not successful, the focus turned to controlling those who practiced it. Throughout the history of the attempted abolition of prostitution, many reasons have been given for the need to do so, ranging from lofty moral arguments that sex outside of marriage is a sin to the more recent pedantic declarations that all prostitution demeans or degrades all women. In the late 20th century, a hybrid claim that gave a nod to both the moral and sententious arguments came into vogue again, attempting to convince politicians and the public that prostitution was not only an evil enterprise, but the prostitutes themselves were actually victims of modern day slavery.

Anti-porn/prostitution feminists and their religious conservative accomplices allege that all prostitutes are coerced one way or another into prostitution and are emotionally if not physically harmed by their pimps and/or clients. Accordingly, the only way to eliminate the harm is to rescue the prostitute through the continued prohibition against commercial sex and even more stringent penalties for those who break the law. The anti- prostitution folks claim they want to punish the clients but remove the criminality of being a prostitute. Meanwhile, it is the prostitute who is 'rescued/arrested' by the cops and the occasional client snagged in periodic sting operations. For example, on April 3, 2010, Modesto, CA cops<sup>1</sup> had nothing to do so they decided to bust the prostitutes who worked out of the California Inn. But rather than take the time to make a proper arrest, the cops used a law that allows them to arrest prostitutes on the suspicion of intending to commit prostitution. They arrested 7 women, but the men were not cited or arrested and were encouraged to "go home and not come back."

As I will show, being rescued is far more detrimental to prostitutes than any imagined affliction that results from taking money for an act of sex. There are abundant counter arguments to the prevailing specious exploitation hypotheses, but in this context, it is irrelevant whether all prostitutes are victims or whether prostitution is degrading, nor does it matter where or how the prostitute works or how much the prostitute earns or whether they consent to engage in commercial sex. What matters is the serious harm to prostitutes, cops and society that is a direct consequence of the arbitrariness inherent in the laws and the human nature of those who enforce them. While agents of the government are expected to apply the laws in a constitutional, equitable manner; laws which can be selectively enforced tempt even the most trustworthy officers to fudge reports and make dubious arrests.

I witnessed this first hand. I should mention that in 1972 at the age of 21, I was employed by the Los Angeles Police Department as a civilian traffic officer in the years before women were hired as sworn police officers. I was primarily assigned to the night watch, driving a patrol car without a gun and usually without a partner. I spent the next decade watching with dismay the way my sworn colleagues went about selectively enforcing many laws, but in particular, those related to prostitution and pornography. Pornography was legalized by a court decision in the early 1980s which left prostitutes out in the cold. I knew from the time that two of my LAPD colleagues offered me \$200 to be the going away present for a retiring captain there something was very wrong with laws which could be so arbitrarily enforced. After ten years of looking the other way, I could no longer justify remaining silent, and after a series of on-duty traffic accidents, I decided that I would rather be an honest whore than to continue working for the LAPD. My outspoken criticism of police corruption led to a sting operation, the confiscation of my unfinished manuscript, and I ended up a convicted felon serving time at the California Institute for Women. My case is chronicled in my autobiography, "Cop to Call Girl" (1993, Simon and Schuster) and in television interviews such as "60 Minutes" and "American Justice." I have been a sex worker rights activist since I left the LAPD in 1982 and, due to my notoriety, after prison I had to forgo earning a living as a prostitute in order to focus on my activism in the sex worker rights movement.

The purpose of police agencies is to protect the life and property of the citizens of the communities they serve from those who use force, the threat of force, fraud or coercion against others. Laws which prohibit one individual or group of individuals from violating the rights of others are justifiable and proper. Victims of a crime, known as 'complainants,' call the police and file a report. An investigation is launched and if the investigation shows that a crime was indeed committed and a perpetrator is found, the police make an arrest and then it is up to the prosecutor to persuade a judge and/or jury of the suspect's guilt. If convicted, the perpetrator is punished in whatever manner is prescribed for the offense.

If this had been the extent of law enforcement's role in the community when I joined the LAPD, there is no question that the pervasive corruption would not prevail as it does in nearly every city in the country. Of course there would still be some corruption, as it is a sad fact of life that humans can be and are corrupted by money, position and power. The temptations for law enforcement agents exist for any number of illegal human activities, from robbery to murder.<sup>2</sup> John Marzulli of the NY Daily News (3/16/2010) reports, "2 Cops Who Killed for Mafia: Feds Say Retired Detective Pals are Linked to at Least 8 Murders." And the NY Daily News also reported (3/5/10) "2 NYPD Police Officers Charged In \$1M NJ Perfume Heist." Fortunately, the number of officers who do not succumb to those temptations far exceeds the number who do. Unfortunately, there are a growing number of officers who succumb to other temptations when making arrests for 'victimless crimes.'

The majority of police are less likely to overlook serious criminal activity when it involves child abuse, rape, robbery, assault, murder or anything for which there is a *real* victim, except when *cops* commit those crimes. In 2006, NYPD Officer Angel Negrón<sup>3</sup> was arrested and charged with molesting a young girl for 4 years... starting from the time she was 8 years old. And LAPD officer Michael Casados got caught- not once but twice- for having sex with underage female explorer scouts, including one who was 10 years old when he started having sex with her. He was fired but did not go to prison for his activities, and neither did any of the other officers who were involved in the Explorer Scout sex scandals in Hollywood in the 1980s.

When serious crimes do occur, police resources are rightfully spent to locate and apprehend the perpetrator, regardless of how long it takes. The police may not always be successful and sometimes the statute of limitations runs out on ‘lesser’ crimes, but as a rule the police do not pick and choose which cases they will pursue. Serious criminals are not given a free pass nor are they offered more opportunities to commit crimes by agreeing to cooperate with the police and give the police information on other ‘criminals,’ as they often are if they are prostitutes or madams.<sup>4</sup>

Infamous Hollywood Madam Heidi Fleiss’ predecessor Elizabeth Adams, aka Madam Alex, is a prime example of cooperation. She operated one of the most successful prostitution rings in Los Angeles history for over 25 years, with the full knowledge and consent of the LAPD. She was considered an asset to law enforcement because of the types of information she was able to provide them, which ‘*lead to major, major criminals going to jail,*’ according to defense witness LAPD Detective Daniel Lott, during Madam Alex’s 1988 criminal hearing after she had been arrested for failing to give information to another vice cop, LAPD Detective Alan Vanderpool. In the arrest report, Vanderpool stated, “*No contact. Inactive. Should go to jail.*” As long as she provided him with information, she was free to ‘exploit’ the women who worked for her and make as much money as she could. During her criminal hearing, in May of 1990,<sup>5</sup> the LA Times reported ‘Court Told of Help Madam Gave Police,’ “*Beverly Hills Madam’ Elizabeth Adams was lauded for her undercover police work by a member of the same agency that arrested her on suspicion of pandering in 1988. “She was the best informant I ever met,” veteran LAPD Detective Daniel Lott testified at a hearing on a defense motion to dismiss charges against her. Lott, who acknowledged an ongoing professional relationship with Adams during most of his 27 years on the force as a vice and narcotics detective said that...“the department looked the other way at her brothel activities because of the help she provided on numerous criminal cases.”*”

Ironically, if, rather than threaten to expose her list of clients, Heidi Fleiss had agreed to become an informant like Madam Alex from whom she stole the “little black book” Alex kept in a Kleenex box on her bed, Heidi might still be operating her call girl ring.

In September of 1990, San Diego's cozy relationship between prostitutes and cops was exposed by the San Diego Union; 'Alleged Links Between Cops, Prostitutes Raise many Deeply Troubling Questions.' Joe Cantlupe wrote, "*Police Chief Bob Burgreen said 'dealing with prostitutes- especially on an informant basis- is a very large part of our business' and that perhaps citizens in a largely conservative community like San Diego may have a hard time understanding that.*"

Unfortunately for the victims of real crimes, the police and the community- a small segment of society has saddled the police with a mandate to enforce a myriad of prohibitionist regulations which turn the police from impartial protector and ally of true victims to the arbiter of moral values. According to politicians who support these regulations, the laws are 'for our own good.'

Where the 'victim' is also the 'criminal,' the police officer becomes the 'complainant' who must instigate a violation of law to make an arrest. The cops are permitted to go as far as necessary to ensure a conviction, including having sex<sup>6</sup> with a suspected prostitute/victim, or hiring<sup>7</sup> someone from the community to have sex with the suspected prostitute and then testifying against that victim/criminal. In 1979, Spokane, WA, Judge Daniel Maggs said '*Police agents may engage in sex to carry out prostitution investigations as long as they don't try to trap anyone into the crime, a Spokane County District Court Judge has ruled. Judge Daniel Maggs said "It may violate public morals but personal beliefs can't be substituted for the law."*'

More recently, Tom Jackman of the Washington Post reported (2/13/06) 'Spotsylvania(VA) Deputies Receive Sex Services in Prostitution Cases,'

*"They enter the massage parlors as undercover detectives. They leave as satisfied customers. In Spotsylvania County, as part of a campaign by the sheriff's office to root out prostitution in the massage parlor business, detectives have been receiving sexual services from "masseuses." During several visits to Moon Spa on Plank Road last month, detectives allowed women to perform sexual acts on them on four occasions and once left a \$350 tip, according to court papers..."*

Although many police agencies claim they no longer allow this practice, the reality is that the cops often go beyond what is necessary to "catch suspects in the act." As Spotsylvania, VA County Sheriff Howard Smith said, he stands by the practice of allowing detectives to receive sexual services in the course of their investigations, "*because fondling alone is not a crime in Virginia and that the massage-parlor employees spoke little English. For those reasons, Spotsylvania authorities said the detectives were advised to allow the acts of prostitution to proceed further than in a simple street prostitution arrest, in order to build a case that the owner of the business knew of and profited from illegal sexual acts for money by employees...we are left*

*with the fundamental moral question of all criminal justice enforcement -- what is worse for our community: Organized prostitution and all of the crime which is proven to arise from it -- or a few police officers engaging in illicit sex acts in order to ultimately drive such crime from their jurisdiction & to better protect their community?"* Thoughtfully though, *"only unmarried detectives are assigned to such cases..."* Smith continued, *"It's not something the sheriff likes his people to do, but in these cases, it's the only way to prosecute these people [for being victims of exploitation...]."* He said that the practice is not new and his department's approach was not a secret since detectives had testified to similar experiences in trials of other massage parlor operators.

Where cops are not allowed to engage in sex with alleged prostitutes to make their case, it is nice to know that there are civic minded men in the community who will step up to bat for them. From the Associated Press out of Nashville, Tennessee (02/02/05) comes this interesting story: 'Tenn. Prosecutor Probes Police Tactics,' *"Police have paid confidential informants thousands of dollars to engage in sexual encounters with prostitutes as part of a crackdown on the sex business in Nashville, drawing criticism from the top prosecutor. Police spent almost \$120,000 over three years to foster the encounters, which involve sexual touching and sometimes more. The evidence has helped the city close more than 35 businesses believed to be selling sex and disconnect phone lines to about 100 escort services. 'What's the greater good?' asked Capt. Todd Henry, who heads the department's specialized investigations division. 'It may be distasteful to some people, but it's better that we have those places shut down.' Police pay informants about \$300 for up to three prostitution 'buys,' and an extra \$100 for each additional transaction, department officials said."*

As recently as November 2009, the cops have paid informants to have sex with prostitutes in Pennsylvania, even though this particular case got thrown out by the appellate court:

'Prostitution Case Tossed Over Gov't- Funded Sex,' *"An appeals court has ruled Pennsylvania State Police botched a prostitution investigation in which troopers gave an informant money to pay for sex four times at a massage parlor, along with a total of \$180 for the man's trouble."*

There are numerous laws prohibiting all kinds of 'immoral' behavior, including laws prohibiting the use of drugs and gambling, which also result in selective enforcement and its accompanying corruption. However the consequences of the prohibition of consenting adult prostitution are the most harmful to those whom the laws were intended to protect because they are the most vulnerable.

Using drugs can alter one's behavior, 'selling' intimate access to ones body does not. The 'crime' of prostitution is committed when one asks for, is offered or receives *compensation*<sup>8</sup> for performing sexual services which could otherwise be legally *given* away to as many sexual partners as one wishes. The same sexual activities can be *legally*<sup>9</sup> compensated when performed in front of a camera and crew. California penal code states that to "Commit prostitution" means to

engage in sexual conduct for money or other consideration, *but does not include sexual conduct engaged in as a part of any stage performance, play, or other entertainment open to the public.*

When identical sexual activity can be legal under some commercial circumstances, including porn and adult stage shows, and also when there is *no* compensation, the consequences to those who ‘illegally’ engage can be disastrous. Once again, it is the ambiguity of the laws that is the direct cause of selective and arbitrary enforcement. Such enforcement is where the ‘complainant’ police officer can offer the criminal/victim leniency and the opportunity to continue violating the law in exchange for cooperation. The use of prostitutes and madams as informants has been a major tool for law enforcement in the apprehension of supposedly more ‘serious’ criminals. How are the cops able determine which prostitute/victims to rescue/ arrest and which prostitute/victims can be sacrificed for the greater good; that is, allowed to continue being exploited by their clients or these madam informants for money? It comes down to who is ‘cooperative’ and who is not.

There are far more people engaged in prostitution, as providers and clients, than can ever be apprehended and prosecuted by currently available law enforcement resources. For every prostitute, there must be at least 10 clients if the prostitute is to have a business. If every tax dollar was allocated to the enforcement of prostitution laws and every police officer in every city was assigned to the vice detail full time, and the vice detail operated 24 hours per day each and every day, and every courtroom expropriated for the sole purpose of prosecuting prostitution cases, there would still not be sufficient resources to arrest, prosecute and incarcerate every prostitute and every client. Given that there are crimes with real victims which need solving, the only option for law enforcement is to selectively enforce the laws.

When it comes to determining which clients to arrest, there is no question that there is a double standard for those who are wealthy and have power and influence, and those who are poor and more likely to seek a street worker than hire upscale prostitutes at \$5,000 an hour. Former NY Governor and billionaire Eliot Spitzer not only hired prostitutes but took them across state lines, a federal offense. He was not arrested for any crime while the madam who ran the high end escort agency who provided Mr. Spitzer’s call girls, went to prison. The madam who provided prostitutes to Louisiana’s Republican Senator David Vitter was convicted of federal offenses and sentenced to prison while David Vitter is still a senator. Other men like 75 year old Charles Fletcher of Cape Coral, Florida, are not so lucky. Mr. Fletcher was arrested and charged with solicitation, and his name and photo appear on a website dedicated to exposing everyone engaging in prostitution activity.

The police have no way of ‘eliminating’ much prostitution and certainly not *all* prostitution as many radical leftist feminists and religious conservatives are demanding. The draconian enforcement of laws and even more draconian punishment necessary to ‘eradicate’ even a small portion of prostitution would nullify everyone’s civil liberties. There is no constitutionally acceptable way to mandate the intrusion into the most private activities of *everyone* or impose the

kind of harsh laws and penalties that would have any significant impact on those who are willing to break the law.

In California, the definition of prostitution is not ‘sex for money’ but rather it is defined as ‘a lewd act for money or other consideration.’ And ‘lewd act’ is defined as ‘the touching of breasts, buttocks or genitals for the purpose of sexual gratification *or* arousal.’

To make an arrest, a police officer can *assert* that the suspect/victim ‘*possesses the intent to commit prostitution,*’ and the suspect/victim may be in a vehicle, whether moving or not.<sup>10</sup> The law says that there has to be an ‘act of furtherance’ to make the arrest legitimate, but that ‘act’ can be the possession of a condom. This tends to discourage prostitutes from carrying condoms, if having one on their person means that they will be arrested and sent to jail. If our goal is to minimize the spread of sexually transmitted diseases, penalizing those who carry them is not a good idea.

Beyond the health issues raised by penalizing the possession of a condom, more serious issues should be considered: why would legislators pass a law that implies cops have the ability to read minds? At present this law only pertains to prostitution, but if it passes constitutional muster, why not make this useful tool available to all law enforcement to combat murder, bank robberies, drug deals, domestic violence, terrorism, and even child sexual abuse within the Catholic Church<sup>11</sup> and the Boy Scouts?<sup>12</sup> Wouldn’t it enable the cops to quickly solve all crimes if, for example, they only had to *allege* their arrestee *intended* to rob a bank, and if the ‘suspect’ was outside a bank, it could be considered an ‘act of furtherance’?

This presents a major problem for the courts, though, as they cannot always rely on the honesty of the police in writing the reports upon which the arrests were based. I fondly recall my training days at the LAPD academy<sup>13</sup> when I was taught ‘creative report writing’ in which the ‘facts’ may be embellished to give more substance to the allegations, making it much more likely that the defendant would be convicted of whatever crime or infraction of which they were accused.

Fortunately I am not the only one pointing out the problem with lying cops. A respected federal judge, Jack Weinstein, slammed the New York Police Department<sup>14</sup> ‘*as plagued by "widespread falsification by arresting officers." He said that while the vast majority of cops don't engage in crooked practices, it was common enough to be an institutional problem.*’

The Wall Street Journal’s Amir Efrati reports (1/29/09): ‘Legal System Struggles With How to React When Police Officers Lie,’ ‘*It is an open secret long shared by prosecutors, defense lawyers and judges that perjury is widespread among law enforcement officers, though it's difficult to detect in specific cases,*” said Alex Kozinski, a federal appeals-court judge, in the 1990s.’ And Alan M. Dershowitz, told the House of Representatives Judiciary Committee (12/1/1998) “*Police perjury in criminal cases - particularly in the context of searches and other exclusionary rule issues - is so pervasive that the former police chief of San Jose and Kansas City has estimated that 'hundreds of thousands of law-enforcement officers commit felony perjury*

*every year testifying about drug arrests alone.”*

There is actually a term for cops lying on the stand and in writing their reports- ‘Testilying’<sup>15</sup> for giving false testimony on the witness stand and ‘Reportilying.’ According to the 1993 Mollen Commission Report, *“The practice of police falsification in connection with such arrests is so common in certain precincts that it has spawned its own word: ‘testilying.’ . . . Officers also commit falsification to serve what they perceive to be ‘legitimate’ law enforcement ends - and for ends that many honest and corrupt officers alike stubbornly defend as correct. In their view, regardless of the legality of the arrest, the defendant is in fact guilty and ought to be arrested.”*

As Christopher Slobogin notes in his 1996 University of Colorado Law Review article,<sup>16</sup> *“Police perjury also occurs in connection with the fabrication of their reports. Although not technically testimony, police know these reports may be dispositive in a case resolved through plea bargaining, and can be compared to testimony in cases that aren’t. As a result, ‘reportilying’ also appears to be pervasive in some jurisdictions. The Mollen Commission, for instance, described how narcotics police ‘falsify arrest papers to make it appear as if an arrest that actually occurred inside a building [in violation of departmental regulations] took place on the street...’ That perjury persists despite these risks can be explained by one simple factor: police think they can get away with it. Police are seldom made to pay for their lying. To some extent, this immunity may be due to their own expertise at deceit. Many prosecutors and judges believe perjury is systematic and often suspect it is occurring in individual cases. But they also frequently claim that they are not sure enough to do anything about it; after all, the typical situation pits a police officer, well trained on how to ‘constitutionalize’ a case, against a person charged with a crime, who is decidedly less aware of the relevant law.”*

And more recently, the Boston Globe’s Dick Lehr (7/31/09) reported ‘A new Bright Line Rule against lying.’ Asks Lehr, *“The question I have for Boston Police Commissioner Ed Davis is this: Why does it take a federal judge to throw a judicial tantrum about a lying cop before the Boston Police Department investigates one of its own? The judge, Mark Wolf, kicked off a legal brouhaha this spring by ruling that an arresting officer in a Boston gun case had testified falsely. Wolf is mulling sanctions against a federal prosecutor in the case who failed to turn over police records to defense attorneys revealing the cop’s credibility gap...”*

*Indeed, it turns out the commissioner has plenty to say about police lying and the damage it does to policing, not just in Boston but everywhere. ‘Dishonesty is inconsistent with the duties of a police officer,’ he says. ‘We are paid to be witnesses, and when we are untruthful the system breaks down.’”*

Given that prostitutes are less believed on the stand than narcotic suspects, it is likely that ‘reportilying’ occurs more frequently in prostitution arrests. As Pasadena (CA) Superior Court Judge Alston<sup>17</sup> said, *“Who in the hell is going to believe a whore on the witness stand, anyway?”*

I am sure that's what Houston Police Officer Samuel Roccaforte, a 28 year veteran of the force, was counting on when on October 6, 2009, he arrested 46-year-old Phyllis Stokely. According to the police report he filed subsequent to her arrest, she agreed to sexual intercourse for \$200. Unfortunately for the officer, Ms. Stokely secretly taped the conversation and presented the tapes to her attorney. According to the tape, the conversation went as follows<sup>18</sup>:

Roccaforte could be heard saying, *"I will tell you what I want. I'll take an (expletive) or sex with a condom. Can you do that for me?"* Stokely replied, *"Sir, like I said, I don't provide that kind of service."*

Roccaforte went on, *"Well, you did. You know you did, I know you did. There's no audio, there's no video. It's going to be my word against yours and who do you think they're going to believe?"*<sup>19</sup>

Had the tape not existed, no doubt Ms. Stokely would be doing a stint in the pokey after being coerced into accepting a plea. It is interesting to note what Roccaforte's attorney, Chip Lewis, had to say about the charges against his client: *"I find it very hard to put this whore's credibility ahead of a well-decorated, exemplary officer. I'm very comfortable calling her a prostitute because we have the ad (on the internet)."* There is no question in my mind that Officer Roccaforte and his fellow vice cops frequently took liberties with the truth on the prostitution arrest reports they wrote because 'well decorated, exemplary officers' know that the judge and jury will always believe them over the 'whores,' who in these situations, are considered criminals, not 'exploited trafficking victims.' Maybe I am too quick to judge Officer Roccaforte a liar- it could be that this *well-decorated, exemplary officer* was just so desperate to protect poor Phyllis from exploitation and abuse at the hands of her real clients that he was willing to risk his career by committing perjury just to ensure her physical and mental well being by arresting her even *if she hadn't actually broken the law*. As a Philadelphia vice cop said after a sting operation took down 5 or more suspected prostitutes operating out of Center City, *"Jail just may be the safest place these high end hookers have ever been..."*<sup>20</sup>

Many cops insist that arresting women and locking them up is really for 'their own good.' Such was the contention of now retired Boston vice officers Bill Dwyer and his partner Mark Molloy. In 1982, a young Boston prostitute named Robin Benedict was working in Boston's Combat Zone. Vice officers Dwyer and Molloy *"became aware of her activity and were actively trying to stop her from working by arresting her multiple times."*

However, they couldn't get any of her 'johns' to testify against her so that they could 'put her out of business' for her own safety. They even asked one of her primary clients, Professor William Douglas, to testify against her so she could do some time in jail and be safe from predatory clients like... Professor Douglas. Douglas, an overweight, married, father of three and

respected professor at Tufts University, had become enamored of his sex worker and began blowing through his personal savings to pay for his dates with her. He fantasized that their relationship was something more than it was, and when he learned it was not, on Friday, March 5, 1983 Professor Douglas, brutally murdered her. Vice Detective Dwyer opined to a reporter that if he had only been able to put Robin in jail, she might still be alive... but is this an appropriate or viable solution to protecting *potential* victims of violence?<sup>21</sup> Would we consider applying this ‘solution’ to victims of domestic violence or rape? If it is good enough to keep prostitutes safe, why not use it to protect wives and rape victims?

Although her body was never found, Professor Douglas admitted to bashing her head in with a sledgehammer, “*pounding her so hard that her skull crumpled and he could see deep inside her head.*” In 1984 he was convicted and sent to prison for 18 to 20 years. He was released in 1993, after serving less than half his sentence.<sup>22</sup> The first few years after her murder, Robin’s mother, Shirley Benedict, faithfully placed her daughter's picture and a notice of her annual memorial Mass in the local paper. Each year, someone tore that picture from the newspaper, scrawled the word ‘whore’ across it and mailed it to the Benedicts' home. There are unfortunately many people out there, including cops and judges, who believe that if a woman is a whore, she deserves whatever she gets. Pasadena (CA) Superior Court Judge Gilbert C. Alston,<sup>23</sup> a former police officer, said “*A woman who goes out on the street and makes a whore out of herself opens herself up to anybody. She steps outside the protection of the law...* ”

If the ‘safety’ of women in potentially dangerous jobs is really what concerns society, why was no one worried about *my* safety when I worked nights during most of my ten year career with the LAPD, driving a patrol car without a gun or a partner, handling radio calls until 3 or 4 in the morning? Now *that* was dangerous work! But no one sought to have me arrested and taken to jail where I would be safe.

What cops don’t tell you is that prostitutes often get raped while in custody by the the very men who are supposed to protect them. Men such as Los Angeles County Sheriff’s Deputy Kenneth Lawrence,<sup>24</sup> who raped a woman prisoner shortly after she was sentenced for prostitution. And like Corrections Officer Willis, who coerced me into giving him oral sex at the halfway facility where I was housed during my incarceration in 1988. This officer extorted sexual favors from many women who came through the facility, and eventually, after I mentioned this incident on a national television show upon my release, the officer was transferred to work in a men’s prison. As he did not get arrested or lose his job, one can conclude that being extorted for free sexual favors is not as harmful to women as consenting to be *paid* for sexual services.

According to Melissa Farley, “*the experience of prostitution is just like rape. Prostitutes are raped, on the average, eight to ten times per year...*”<sup>25</sup> I have no idea where she came up with those statistics, because as a prostitute, I was never raped- not once. While individuals who propagate this misinformation have a right to their unqualified opinions, why don’t us prostitutes

have just as much right to say we are NOT victims- except for being victims of the laws which make us criminals and of the stupidity, ignorance and arrogance of those who refuse to listen to our voices, those who believe we are better off being arrested and branded as prostitutes for the rest of our lives?

Furthermore, those who claim that prostitution is like rape clearly have never been raped. Anyone who has been raped knows that consensual sex for money is *nothing* like rape. Apparently though, when a prostitute is actually raped or extorted into having sex by a law enforcement agent, it is not a big deal.

But the rapes and extortions don't just happen when a prostitute is in jail. They happen when cops and judges decide to be 'generous' to prostitutes and allow them to continue working, sex for protection, in exchange for free services.<sup>26</sup>

David Kocieniewski of the NY Newsday reported in 1991 'Bronx Cop Charged in Rape,' "*A police officer arrested yesterday on charges of raping a Bronx prostitute is being investigated in connection with the slaying of another prostitute last year... Sources familiar with the case said Office Kevin Burke allegedly made comments while assaulting the victim yesterday that may tie him to the strangulation of a prostitute in the Bronx last year. The slaying occurred near the scene of yesterday's alleged rape.*" Tellingly, while the author of the article said it was an 'alleged' rape, he did not state that either of the victims were 'alleged' prostitutes, just that they were prostitutes.

When Hollywood Madam Heidi Fleiss was prosecuted for pandering in 1994, a number of editorials were written about the waste of taxpayer dollars on the prosecution of victimless crimes. Heidi's girls were from upscale backgrounds and none were forced into their life of highly paid sex with celebrities and politicians. One of those editorials in the New York Times was written by Anna Quindlen, a Pulitzer Prize-winning journalist and best-selling novelist.

In response, Heidi's prosecutor, Alan Carter, wrote a letter to the editor dated December 7, 1994, protesting the statement that Ms. Quindlen made that 'prostitution was a victimless crime.' He stated "*I have prosecuted and reviewed cases in which prostitutes were beaten, kidnapped, raped and murdered. As Ms. Quindlen correctly states, there are statutes specific to each of these crimes. However, she fails to recognize that prostitutes are particularly vulnerable to such offenses and that panderers gain from placing prostitutes in jeopardy...*"

What he failed to note is that none of Heidi's girls had ever been raped, kidnapped or murdered, and neither had any of the women working for Madam Alex, police informant; or that even as he was prosecuting Heidi for *potential* harm to her employees, a Long Beach Police Officer, Bryon Ellsberry, was being tried for actually raping a prostitute and upon his conviction, was given a probation sentence.<sup>27</sup> Unfortunately, prostitutes being raped or extorted for sexual favors by cops happens far too often,<sup>28</sup> which is ironic, as one of the main arguments for keeping prostitution illegal is because, according to Prosecutor Carter, prostitutes are vulnerable to rape and murder.

In June of 1985 San Diego Tribune journalist Vicki Torres wrote, ‘Slain Woman Linked to Police Sex Case.’ According to Ms. Torres, “*A woman found 11 days ago beaten and strangled near Sunrise Highway in Pine Valley has been identified as Donna Marie Gentile, a convicted prostitute whose involvement with two San Diego police officers resulted in the demotion of one and the firing of another...*” Gentile was the second victim in the string of prostitute murders, which ultimately numbered over 45. A street sex worker and police informant, Gentile was found strangled to death, her mouth stuffed with gravel, a month after she testified against two police officers.

Donna’s death and the murder of 45 other prostitutes from 1985 to 1992 became a rallying point for a number of San Diego artists, who were horrified to learn that the police consider homicides of prostitutes to be ‘NHIs’ - an unofficial police term meaning ‘No Humans Involved.’<sup>29</sup> To have those who are supposed to protect prostitutes categorize prostitute murders as NHIs does not render LA Prosecutor Alan Carter’s concern for Heidi’s girls at all credible! Unfortunately the use of the term ‘NHI’ is not limited to San Diego cops. It is used by cops nationwide to denote the homicides of ‘disposable people.’

I’d say these are reasons to keep cops *away* from prostitutes! There are too many cops who cannot be trusted to refrain from ‘reportilying’ or using their authority to rape/extort or even kill them.<sup>30</sup> Cops like Florida’s prolific serial killer Gerard Schaefer, who is estimated to have killed between 34 and 170 women, many of them murdered during his tenure as a police officer and deputy sheriff in Broward County. Schaefer would lure young women, with the help of his badge, to rape, torture, mutilate and murder them. He enjoyed tying his victims to trees, leaving them there while he went about his work as a police officer. According to author Stacy Dittrich in her 2010 book “Murder Behind the Badge,” Schaefer considered himself to be an angel of God, ‘*A self proclaimed messiah put on earth to rid the world of all whores, sinners and disobedient women.*’

In 1982, the year I left the LAPD in disgust, a cop scandal broke out that seemed at first to only involve the so called Hollywood burglary ring in which the cops who were part of the ‘special burglary response unit’ would set off the alarms of various electronic equipment stores and then go in and steal whatever equipment was on the list of desired merchandise submitted by other cops. When caught, one of the partners, Jack Myers, admitted committing so many burglaries that he couldn’t remember exactly how many, but at least 150.

The burglary ring was just one of the many nefarious activities of the cops in the Hollywood Division. According to Officer Myers before he was killed in a tragic auto ‘accident,’ “*the corruption was a hundred times worse than anyone thought.*” He said, “*the illegal activities also involved policemen picking up prostitutes on the boulevard and taking them up to the ‘tree’ (in Griffith Park) for sexual activity that he said involved ‘half of the division.*’ In return for sexual favors, the police would not hassle the women during their solicitations. Once the ‘main

*man' had the police involved with the prostitutes, gambling and drinking on duty, he had them in a position where they could not divulge other improprieties."*

A prostitute named Sandra Bowers<sup>31</sup> was set to be a key witness against the officers, but she was murdered prior to giving testimony. With two witnesses no longer around, none of the other officers were convicted.

Also that year, as I learned from the late attorney Harry Weiss, considered to be the granddaddy of all Los Angeles criminal lawyers, that three LA call girls who had filed a lawsuit against the LAPD cops for having sex with them before they were arrested, had met with fatal car accidents not unlike burglar officer Jack Myers. Harry did not think it was a coincidence.

In 1984, the year I was arrested for one count of pandering and for which I ultimately served a nearly six year sentence,<sup>32</sup> two San Francisco vice cops were given a pass after they hired a prostitute to orally copulate a recruit during a Police Academy graduation party at the Rathskeller Restaurant. A day after she testified against the cops, the prostitute was arrested, standing on a street corner talking with two friends. The vice cops were not charged with pandering,<sup>33</sup> even though it clearly was a case of 'encouraging a person to commit an act of prostitution' - the same crime for which I had been arrested, prosecuted and incarcerated. In the San Francisco case, the prostitute actually orally copulated the recruit, but in my case, the *date never took place*.

In 1988, a Kern County (CA) Sheriff's Deputy, David Rogers, was sentenced to die in the gas chamber for the murder of two prostitutes. Rogers admitted shooting one of the women in an argument over the amount due for a sex act.

Also in 1988, two LAPD officers, Richard Ford and Robert Von Villas, were convicted of attempting to murder an exotic dancer to collect a \$100,000 life insurance policy they took out on her.

And again in 1988, another LAPD sergeant, Emmanuel Valencia, was found to have participated in lewd acts with a transvestite prostitute on numerous occasions. He received a 6 month suspension without pay. He did not lose his job. He did not go to jail.

In November 1988, ex- CHP Officer William Taylor was convicted of running a teenage prostitution ring and sentenced to 8 years. He could have received 16 years.

In 1991, Officer Charles Jiles, from Upland California, was convicted of operating a prostitution ring in Orange County.

In 1996, San Francisco police officer Francis Hogue, was sentenced to 6 years in prison for kidnapping a masseuse and forcing her to orally copulate him while on duty.

In 1997, the New York Daily News reported "Ex-Cop guilty of paralyzing prostitute." A former cop was convicted of shooting and paralyzing a Queens prostitute who mocked him after he failed to perform sexually.

In 1998, five years after the 'clean up' of police corruption that spawned the Mollen Commission and subsequent report, a sex scandal of epic proportions erupted in the Midtown

South Precinct where numerous cops had been for years protecting a local brothel and having sex with the prostitutes on a regular basis.

The “worst kept secret on the block” came to light when a factory owner caught one of the prostitutes sneaking a client into a bathroom of his handbag factory. He threatened to call the cops, but she retorted

*“What would you say if I told you my boyfriend is... a cop, so when you call the police, you’ll be calling him.”* According to the Daily News, *“Up and down the block, immigrant garment workers, factory managers and short order cooks spoke matter-of-factly about the alleged deal that kept the hookers in business and the cops happy... Police officers were a regular sight at one of the more notorious hooker hangouts...”*

On July 22, 1998, NY Post’s Murray Weiss wrote *“As many as 40 cops will face criminal or departmental charges in the police brothel scandal- twice the number of officers already stripped of their guns and badges... Sources say cops implicated in the decade long sex-for-protection racket face the stiffest charges...”*

In 1999, the Associated Press reported that *“Three current or former Hartford police officers were arrested by federal agents... and another arrest was possible.”* The officers were charged with violating the civil rights of Hartford area prostitutes by forcing them to engage in sex under the threat of arrest...

In 2004, during an undercover sting, former Chatham Township (NJ) Police Chief Thomas Ramsey *“was caught trying to set up a prostitution business with a female convict in Mount Olive, promising her he could bring security and unique qualifications to the enterprise.”*

Also in 2004 and also in New Jersey, Runnemede Police Chief James M. Leason was charged with misconduct in office after authorities raided an apartment where a prostitution ring was allegedly operating. Leason, 56, was charged with promoting prostitution.

On March 11, 2005, a Middlesex Township (PA) Police corporal accused of coercing female suspects to have sex with him. Kenny Johnson, faced 20 charges, including rape, involuntary sexual intercourse, sexual assault, bribery, tampering with evidence, oppression and offenses related to prostitution.

On March 20, 2010<sup>34</sup> Camden, New Jersey, 29-year-old Officer Kevin Parry pleaded guilty the in US District Court, admitting having stolen drugs and money along with other officers after conducting illegal searches, arresting illegally and for having planted and *traded drugs for securing information from prostitutes and issued threats to arrest those unwilling to cooperate in their illegal acts.*

On April 9, 2010, from the Orange County Register- Two California officers Anthony Orban, a five-year officer with the Westminster police, and Jeff Jelinek, a state prison guard at the Chino Institute for Men, now face life in prison if convicted of the crime that unfolded in the parking lot of the Ontario Mills Mall on April 3. The two had an all day drinking spree and then decided to kidnap and rape a 25 year old waitress who just got off work. Perhaps they mistook her

for a hooker because as Ronald Huff,<sup>35</sup> a criminologist at UC Irvine, said, "*Crimes of random violence by police officers are unusual. It's statistically bizarre to have an officer assault a woman in broad daylight and rape her like this case alleges. This is really rare.*" Huff said that "*if you hear about a cop sexually assaulting a woman, it's usually involves a prostitute or a traffic stop in a remote location.*" And it 'usually involves' a prostitute because the cops *usually* get away with it. Too bad for them, because if she had been a prostitute, no doubt they would get probation sentences.

Even judges use their authority and influence to get sexual favors or to escape punishment when they get caught with prostitutes, like Judge Benjamin Diaz.<sup>36</sup> In 1984, Sacramento Superior Court Judge Diaz was caught with a prostitute, Kassandra Daniels, whom he picked up "for laughs." The judge was cited and released on his promise to appear at his arraignment while the prostitute was arrested and released after posting a \$2,000 bond.

In 1988, the Los Angeles Times reported that Orange County Municipal Judge Brian Carter was ordered to go to a formal hearing on allegations that he and Judge Calvin Schmidt had given lenient treatment to prostitutes in return for sexual favors.

The US Government allows law enforcement agents to hire prostitutes to have sex with other suspected criminals to gain information and a conviction. In March, 1987, the LA Times reported that the US 9th Circuit Court of appeals ruled that it is "*unrealistic to expect law enforcement officers to ferret out criminals without the help of unsavory characters, a federal appeals court reinstated criminal charges against a suspected heroin dealer caught with the help of a prostitute acting as a government informant. Helen Miller, who according to evidence presented in the case was known to the government as a prostitute and heroin user, was employed by the FBI as an informant in an investigation of a suspected heroin dealer...*"

Are we to believe that it is okay for the government to pay a prostitute to have sex with someone, as long as the 'someone' is a worse criminal than the prostitute? Evidently the judges were not aware that pandering is worse than rape or robbery because 'prostitution is like rape,' and thus the judges ruled that taxpayers can pay for a woman to be raped by a drug suspect. How is it that the same government that wants to protect 'prostituted' women from exploitation, considers those 'exploited women' to be 'unsavory characters'?

The above examples of police and judicial corruption in connection with the enforcement of prostitution laws are unfortunately but a few of the thousands I have collected through the years, from early 1900 to the present. There is overwhelming evidence police officers are not only hypocritical in the enforcement of prostitution laws, but have much to gain personally and professionally to keep women under the control of such laws. I knew from the time that two of my LAPD colleagues offered me \$200 to be the going away present for a retiring captain there something was very wrong with laws which could be so arbitrarily enforced.

Recently there has been a change in the dialogue about prostitution. While many anti-prostitutionists still posit the 'exploitation of women and children' argument, others have begun

using another, equally fatuous, argument to keep consenting adult prostitution illegal. They are now suggesting that even if a woman consents to engage in sex work, she doesn't really have 'choices'<sup>37</sup> and decriminalizing prostitution will not change that, so they oppose decriminalizing consenting adult prostitution on that basis. As long as prostitution remains a crime, the only 'choices' prostitutes really have are whether or not to cooperate with the cops; give the cops sex for protection, become an informant, or go to jail. Inasmuch as being arrested for prostitution renders us nearly unemployable, making us criminals will ensure that we never have any other choices!

Having established that law enforcement agents, being human, are prone to abuse their powers when it comes to enforcing victimless crime laws- I can state unequivocally that it is unconscionable to continue to give cops authority over adults who, for whatever reason, engage in sex work. The actual harm done to those who are victims of arbitrary law enforcement is far more serious than any supposed harm that may be inflicted on 'victims' by being paid for sexual activities that would be legal if they were *not* paid, or the dubious harm of not having 'choices' such as finding other jobs that pays anywhere near \$100 or \$5,000 an hour. Those who end up cleaning toilets for minimum wage don't have any other job options or 'choices,' or they wouldn't be cleaning toilets for a living. No one would suggest that lack of choices for janitors is a legitimate reason to criminalize their work and throw them in jail, would they?

How great is the harm to true victims of trafficking and sexual slavery, who cannot be helped because there are no resources available to help them? The limited resources that are available are squandered by law enforcement agencies arresting prostitutes and their clients without proof of exploitation or abuse. But why would we arrest 'victims' in the first place? Using the pretext of ferreting out underage prostitution, sex slavery and trafficking, the police and FBI arrest everyone first and then sort out the 'victims.' If an adult prostitute is not a victim, should they be arrested because they *aren't* victims? And if a client or 'john' has not abused a sex worker or hired an underage person, is it appropriate to charge them with a crime<sup>38</sup>? Or threaten to label them as sex offenders?<sup>39</sup> Wouldn't it be better for underage persons if we started labeling the pedophiliac priests and Boy Scout leaders as sex offenders *before* we do this to non-abusive clients of prostitutes whose only 'crime' is being horny... or lonely?

The harm done to law enforcement, through the enticement of good officers into accepting money or other favors from those 'victims,' is immeasurable. Police officers learn quickly that the best way to score convictable arrests is by reportilying, and they know that the prosecutors, judges and juries will always believe them over the whores. Society looks the other way because, after all, the cops are 'rescuing' the women and children.

Finally, there is the harm that is done to society, which loses confidence in its law enforcement agents and the criminal justice system, because trust has been lost and faith in the system irreparably damaged. Victims of real crimes are left with the unpleasant realization that the system cares more about pursuing and punishing 'victims' of a subjective theory- that

commercial sex harms and exploits all women regardless of their age or consent- than it cares about their plight, providing no justice for those who did not consent to being robbed or raped.

Ask the rape victims in Los Angeles, San Diego and Chicago<sup>40</sup> how they feel about the rape kits<sup>41</sup> that have gone untested for years because those police departments don't have the financial resources to process the kits and search for the rapists, but can afford to send 100 officers<sup>42</sup> out to arrest 14 unarmed 'suspected prostitutes.'

Those who press for stronger penalties and more restrictive legislation for commercial sex fail to take

into account the historic corruptibility of vice law enforcers. When even those with money, power and position- men who write the laws like former New York Governor Eliot Spitzer and Louisiana Senator David Vitter- are willing to risk everything for a tryst with a prostitute- how can we expect the average law enforcement agent to resist temptation when he knows the odds are in his favor that he won't get caught? How many cases does it take before society understands that these abuses are not an aberration but the general rule? Police perpetrators find prostitutes easy targets for the same reason serial killers do- because they believe no one is going to care if a whore is raped or killed. And the only people who say they do care, want to put us in the custody of the men who are more likely to harm us than protect us!

The cumulative and unacceptable damage to every segment of society from the arbitrary enforcement of victimless crime laws should cause us to reconsider our priorities. With the limited resources we have, we should concentrate on protecting citizens from those who would do them real harm. Unfortunately, the greatest harm to society as a whole comes from those wishing to protect us from ourselves, 'for our own good.'

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<sup>1</sup> 7 Arrested In Prostitution Bust Modesto Bee Staff Reports 4/3/10

Seven women were arrested Thursday night on suspicion of intending to commit prostitution at a South Ninth Street motel, authorities said. Given a relatively slow night, a few Stanislaus County Sheriff's deputies decided to "put a dent" into the area's prostitution problem, according to Lt. Charles Grom. Deputies converged at the California Inn, 1130 S. Ninth St.

There, they watched as various women flagged down cars. As soon as one of the women got a customer, an officer would alert another deputy who would watch the two enter a motel room. Less than two minutes later, they would knock on the door and arrest the woman, Grom said. Since the arrest came before anything was consummated, Grom said, the women were charged with loitering with the intent to commit prostitution, a misdemeanor. Grom said taking that approach, instead of waiting for the act that would lead to prostitution charges, was less time-consuming and complicated. "This was a spur of the moment thing by our deputies," he said. "We're making it known that this type of activity is not welcome and if you're going to do something, do it somewhere else." The men were not cited but were encouraged to "go home and not come back."

<sup>2</sup> 3/16/10 NY Daily News by John Marzulli "2 COPS WHO KILLED FOR MAFIA: FEDS SAY RETIRED DETECTIVE PALS ARE LINKED TO AT LEAST 8 MURDERS"

9/26/07 CBS 2 "CHICAGO COP ARRESTED CHARGED WITH MURDER-FOR-HIRE FEDS: OFFICER PLOTTING TO KILL POTENTIAL WITNESS AGAINST HIM"

3/5/10 NY Daily News 2 NYPD POLICE OFFICERS CHARGED IN \$1M NJ PERFUME HEIST

<sup>3</sup> 10/11/06 New York Sun "Police Officer Is Charged With Sexually Abusing Stepdaughter"

<sup>4</sup> 9/30/1990 San Diego Union

<sup>5</sup> 5/19/90 LA Times Lois Timnick "COURT TOLD OF HELP MADAM GAVE POLICE"

<sup>6</sup> 1979 Associated Press- Spokane, WA PROSTITUTION INVESTIGATORS MAY HAVE SEX *'Police agents may engage in sex to carry out prostitution investigations as long as they don't try to trap anyone into the crime, a Spokane County District Court Judge has ruled. Judge Daniel Maggs said "It may violate public morals but personal beliefs can't be substituted for the law."'*

5/6/09 Beaumont Texas BEAUMONT POLICE OFFICER WHO HAD SEX WITH PROSTITUTE REINSTATED

1/25/05 ASSOCIATED PRESS: UNDERCOVER COPS CAN GO NAKED NOW ON PROSTITUTION STINGS *"A Harris County prosecutor says Houston police are now allowed to undress as part of prostitution investigations. Some hookers demand johns take off all their clothes before negotiating a price. They mistakenly believe a real cop won't get naked. Prosecutor Ted Wilson says some plainclothes officers were without their clothes during a four-month sting operation. The investigation ended in November with 56 arrests."*

2/13/06 Washington Post By Tom Jackman "SPOTSYLVANIA DEPUTIES RECEIVE SEX SERVICES IN PROSTITUTION CASES"

<sup>7</sup> 11/6/09 Gettysburg Times PA. BY Mark Scolforo (AP) - "PROSTITUTION CASE TOSSED OVER GOV'T-FUNDED SEX" *HARRISBURG, Pa. — An appeals court has ruled Pennsylvania State Police botched a*

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*prostitution investigation in which troopers gave an informant money to pay for sex four times at a massage parlor, along with a total of \$180 for the man's trouble.*

02/02/05 Associated Press NASHVILLE, Tenn. (AP) - "TENN. PROSECUTOR PROBES POLICE TACTICS" "

<sup>8</sup> Legally defined as money or other consideration, which includes dinner, drinks or even mowing someone's lawn.

<sup>9</sup> Freeman V. California 1984- the judge ruled that it may be prostitution but the first amendment protected the same activity when it was being filmed for the sexual gratification of a third party who was not present during filming.

<sup>10</sup> California Penal Code 653.24. (a) it is unlawful for any person to loiter in, on, or near any **public place with the intent to commit prostitution.** (b) "Public place" means an area open to the public, or an alley, plaza, park, driveway, or parking lot, or an automobile, whether moving or not...

<sup>11</sup> 3/19/10 ABUSE CLAIMS IN POPE'S EX-DIOCESE *'Pope Benedict XVI's former diocese in Germany is facing daily allegations of physical and sexual abuse, the head of its new sex-abuse task force says.'*

3/15/10 The National Post- by Araminta Wordsworth *"But what staggers me is once again the immediate, visceral circling of the wagons — when what is being revealed — again! — is a pattern of criminal abuse, aided and abetted by a powerful elite, led by the Pope himself. If this were a secular institution, the police would move in and shut it down."*

<sup>12</sup> 3/19/10 LA Times "OREGON LAWSUIT CLAIMS BOY SCOUTS SEX ABUSE COVERUP"

3/19/10 News Wire Services "SECRET BOY SCOUT 'PERVERSION FILES' MAY BLOW LID OFF DECADES OF SEX ABUSE OF YOUNG BOYS" PORTLAND, Ore. *'Six boxes of evidence could blow the lid off decades of hidden sexual abuse in the Boy Scouts of America...'*

<sup>13</sup> 3/13/96 LA TIMES by Joseph D. MacNamara "ARE THE UNITED STATES' POLICE OFFICERS A BUNCH OF CONGENITAL LIARS?" "WHY COPS LIE ABOUT DRUG EVIDENCE" *"Not many people took defense attorney Alan M. Dershowitz seriously when he charged that Los Angeles cops are taught to lie at the birth of their careers at the Police Academy. But as someone who spent 35 years wearing a police uniform, I've come to believe that hundreds of thousands of law-enforcement officers commit felony perjury every year testifying about drug arrests. These are not cops who take bribes or commit other crimes. Other than routinely lying, they are law-abiding and dedicated. They don't feel lying under oath is wrong because politicians tell them they are engaged in a `holy war' fighting evil."* And when it comes to prostitution, the cops feel that they are "protecting women and children from exploitation and trafficking. So of course it is okay to falsify an arrest report... right? [Joseph MacNamara was a police officer and also the Chief of Police in San Jose, CA]

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<sup>14</sup> 11/30/09 NY Daily News by John Marzulli “JUDGE JACK WEINSTEIN RIPS NYPD ON FALSE ARRESTS..

1/29/09 Wall Street Journal by Amir Efrati ‘LEGAL SYSTEM STRUGGLES WITH HOW TO REACT WHEN POLICE OFFICERS LIE’ *“It is an open secret long shared by prosecutors, defense lawyers and judges that perjury is widespread among law enforcement officers, though it's difficult to detect in specific cases,”* said Alex Kozinski, a federal appeals-court judge, in the 1990s.

12/1/1998 Testimony of Alan M. Dershowitz before the House of Representatives Judiciary Committee. And even more cops perjure themselves on prostitution arrest reports. Most prostitutes do not go to trial as the prosecutors threaten to give the prostitute a much longer sentence if he/she dares to request a trial. If the prostitute has children, they threaten to have Social Services take them away. So prostitutes are usually offered a probation sentence, not realizing that once they are on probation, the cops can bust them for ‘possessing the intent to commit prostitution’ and send them straight to jail without a trial. And given the amount of reportilying done by police everywhere, it doesn’t really take an actual violation of law on the part of the prostitute to end up in jail.

<sup>15</sup>7/31/09 Boston Globe By Dick Lehr “A NEW ‘BRIGHT LINE RULE’ AGAINST LYING”

<sup>16</sup> Fall 1996 University of Colorado Law Review by Christopher Slobogin ‘REFORM THE POLICE-TESTILYING: POLICE PERJURY AND WHAT TO DO ABOUT IT’

<sup>17</sup> Alston (n <sup>26</sup>)

<sup>18</sup> 3/1/10 Houston Chronicle by Brian Rogers ‘HPD VICE OFFICER ACCUSED OF RECORD TAMPERING’

<sup>19</sup> 8/6/09 CBS News HOLLYWOOD, Fla. (AP) POLICE CAMERAS DON'T LIE, BUT DID FLA. COPS? *Veteran Hollywood Police Officer Dewey Pressley said he hated lying. But if bending the truth a little would keep a fellow officer out of trouble, well, he was all for it. A dashboard police camera video that surfaced recently showed Pressley chuckling as he wrote a fake police report, calling his creativity "a little Walt Disney" so another officer wouldn't get in trouble for rear-ending a 23-year-old woman's car in February.*

12/1/1998 Testimony of Alan M. Dershowitz before the House of Representatives Judiciary Committee *“I represented, on appeal, a lawyer accused of corruption. The major witness against him was a policeman who acknowledged at trial that he himself had committed three crimes while serving as a police officer. He denied that he had committed more than these three crimes. It was subsequently learned that he had, in fact, committed hundreds of additional crimes, including some he specifically denied under oath. He too was never prosecuted for perjury, because a young Assistant U.S. Attorney, named Rudolph Giuliani, led a campaign against prosecuting this admitted perjurer. Shortly afterward, the policeman explained: ‘Cops are almost taught how to commit perjury when they are in the Police Academy. Perjury to a policeman- and to a lawyer, by the way - is not a big deal. Whether*

*they are giving out speeding tickets or parking tickets, they're almost always lying...* [And you can be certain when they are arresting prostitutes, they are lying too!] *Nor is the evidence of police perjury merely anecdotal. Numerous commission reports have found rampant abuses in police departments throughout the country. All objective reports point to a pervasive problem of police lying, and tolerance of the lying by prosecutors and judges...*"

4/22/94 New York Times by Joe Sexton "New York City police officers often make false arrests, tamper with evidence and commit perjury on the witness stand, according to a draft report of the mayoral commission investigating police corruption. The practice — by officers either legitimately interested in clearing the streets of criminals or simply eager to inflate statistics — has at times been condoned by superiors, the report says. And it is prevalent enough in the department that it has its own nickname: 'testilying.' 'Perjury is perhaps the most widespread form of police wrongdoing facing today's criminal justice system,' the draft report says."

1999 St. John's University School of Law by Larry Cunningham: 'TAKING ON TESTILYING: THE PROSECUTOR'S RESPONSE TO IN-COURT POLICE DECEPTION' Criminal Justice Ethics, Vol. 18, p. 26, 1999 "When an officer is deceptive in court, he is 'not quite lying' but 'not quite testifying truthfully either. 'Testilying' is seen as a middle ground between pure honesty and pure dishonesty... This alleged 'ethical middle ground' is perhaps the best evidence of the ethical problems with testilying. Officers invented a word in part to avoid acknowledging that testilying sometimes involved committing perjury and other illegal acts. The fact that they do not call their actions perjury or deception or some other term with clearly unethical implications evinces their belief that testilying- whatever form, illegal or legal- is somehow justified." The same goes for reportilying, which as I mention elsewhere, is all that a vice cop usually has to do to force a suspected prostitute to accept a plea deal from the prosecution.

<sup>20</sup> Fox News, Philadelphia PA Sharon Crowley reporter (as quoted in a March 2010 John Stossel report on Fox Business News)

<sup>21</sup> Perhaps those who support such a solution for saving the lives of prostitutes would also support the idea of cops arresting victims of domestic violence and keeping them in jail, so those women might not end up dead either, like Scott Peterson's pregnant wife Laci in 2002, or like Bolingbrook Illinois Police Officer Drew Peterson's ex wife Kathleen Savio and wife Stacy, whose body has yet to be found. If only the cops could have put those wives in jail to protect them from their abusive spouses, they might still be alive today! But when the husband who kills his wife is a cop, who is left to protect them for their own good? 11/2007 See BLUE BADGE of MURDER: DISTURBING AMERICAN TREND; POLICE OFFICERS KILLING THEIR WIVES ON THE RISE; "MISSING AND MURDERED COP'S WIVES..." By Marc Chamot <http://marcchamot.blogspot.com/2007/11/disturbing-american-trend-police.html>

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3/21/10 WNEP Moosic, Pa By Renie Workman “DEADLY SHOOTING IN SUNBURY” *A Sunbury police officer has died after a shooting early Saturday morning in Northumberland County that also killed his wife. Investigators believe the shooting was a result of a domestic dispute between the two... State police said 38-year-old Robin Miller died Saturday in their home on Catawissa Avenue and 37-year-old Michael Miller was taken to Geisinger Medical Center with critical injuries. Officials at the hospital said he passed away early Sunday morning, a little more than 24-hours after the shootings.*

<sup>22</sup> 6/4/1993 Boston Herald by Eric Fehrstrom and Joe Heaney “DOUGLAS RELEASE SPARKS OUTRAGE”

<sup>23</sup> 4/24/86 LA Times by Mark Arax “JUDGE SAYS LAW DOESN’T PROTECT PROSTITUTES, DROPS RAPE COUNT” *“Pasadena Superior Court Judge Gilbert C. Alston granted his own motion last week for a find of not guilty in the case against Daniel Zabuski, 25, of Alhambra, a former South Gate police jailer. In granting the motion, court transcripts show, Alston made a general statement that a working prostitute could not be the victim of rape, even if she was forced to engage in sexual intercourse.”*

<sup>24</sup> 3/14/1984 LA Times by Ted Rohrlich “DEPUTY CHARGED WITH RAPE AT COURTHOUSE”

<sup>25</sup> <http://www.prostitutionresearch.com/factsheet.html> *Prostitution is: a) sexual harassment b) rape c) battering d) verbal abuse e) domestic violence f) a racist practice g) a violation of human rights h) childhood sexual abuse i) a consequence of male domination of women j) a means of maintaining male domination of women k) all of the above*

<sup>26</sup> 2/1/91 NY Newsday

2/11/05 Courant Staff Writer (Hartford Connecticut) by Tina Brown *“A federal judge ruled that a jury should decide if the city of Hartford and former Police Chief Joseph Croughwell can be held liable in a civil suit that claims a lack of supervision in the late 1990s created and condoned an environment that allowed cops to sexually assault prostitutes without fear of discipline, court papers say.*

*But U.S. District Judge Alan H. Nevas said in federal court papers that several former supervisors in the department could not be held personally liable in the suit, filed by a former drug-addicted prostitute, because they were not the direct supervisors of the two officers Salvatore Abateillo and Jesus Rivera -who were convicted of sexual misconduct in the criminal case. Nevas also ruled that Abateillo and Rivera will join Croughwell as defendants in the civil trial.*

*In a strongly worded decision, Nevas said, ‘Chief Croughwell had ultimate supervisory authority over every officer under his command. Nevertheless, during his watch, at least five department officers were prosecuted and convicted of sexually assaulting city prostitutes.’”*

<sup>27</sup> 1/18/95 LA Times “LONG BEACH OFFICER GETS PROBATION IN SEX CASE” (original news article in the LA Times in May, 1994, “OFFICER TO STAND TRIAL IN RAPE OF PROSTITUTE”) “*A Long Beach police officer who admitted to forcing a prostitute to have sex with him in his patrol car was sentenced Tuesday to five years **probation**... Prosecutors had asked the judge to sentence Ellsberry to the maximum term of four years in prison...*” It is NOT mandatory to send a convicted rapist to prison, even though it is a cop who did the raping, while it is mandatory to send a convicted panderer to prison for three to nine years even if none of the prostitutes were ever raped or were ever in jeopardy of being raped (except by vice cops who might force the victims to give them a blow job or go to jail...). This is an interesting way to protect prostitutes from ‘exploitation’ and potential harm!

<sup>28</sup> 2008 IN THE WINDY CITY, PROSTITUTES SLEEP WITH POLICE MORE OFTEN THAN GET ARRESTED BY THEM by Carolyn O'Hara reviewing the Freakonomics book “*It is estimated that roughly 3 percent of all tricks performed by prostitutes who aren't working with pimps are freebies given to police to avoid arrest. In fact, prostitutes get officially arrested only once per 450 tricks or so, leading the authors to conclude that "a prostitute is more likely to have sex with a police officer than to get officially arrested by one." When freebies given to gang members are factored in, about one in 20 tricks go solely for protection and the "privilege" of plying their trade.....*” from ‘An Empirical Analysis of Street-Level Prostitution’ by Steven D. Levitt and Sudhir Alladi Venkatesh September 2007

<sup>29</sup> [http://crca.ucsd.edu/~esisco/info/nhi\\_article.html](http://crca.ucsd.edu/~esisco/info/nhi_article.html)

<sup>30</sup> 6/85 San Diego Tribune by Vicki Torres “SLAIN WOMAN LINKED TO POLICE SEX CASE” “*A woman found 11 days ago beaten and strangled near Sunrise Highway in Pine Valley has been identified as Donna Marie Gentile, a convicted prostitute whose involvement with two San Diego police officers resulted in the demotion of one and the firing of another...*” Gentile was the second victim in the string of prostitute murders, which ultimately numbered over 45. A street sex worker and police informant, Gentile was found strangled to death, her mouth stuffed with gravel, a month after she testified against two police officers.

Donna’s death and the murder of 45 other prostitutes from 1985 to 1992 became a rallying point for a number of San Diego artists, who were horrified to learn that the police consider homicides of prostitutes to be ‘NHIs’ - an unofficial police term meaning ‘No Humans Involved.’

[http://crca.ucsd.edu/~esisco/info/nhi\\_article.html](http://crca.ucsd.edu/~esisco/info/nhi_article.html) To have those who are supposed to protect prostitutes categorize prostitute murders as NHIs does not render as credible LA Prosecutor Alan Carter’s concern for Heidi’s girls! Unfortunately the use of the term ‘NHI’ is not limited to San Diego cops. It is used by cops nationwide to denote the homicides of ‘disposable people.’

<sup>31</sup> 9/16/82 LA Times by William Farr “PROSTITUTE, KEY WITNESS IN LAPD SCANDAL, SLAIN” “*A prostitute who was to be a key witness in the investigation of the burglary and sex scandals plaguing*

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*the Los Angeles Police Department's Hollywood Division has been murdered, The Times learned Wednesday. Sandra Bowers, 26, was found Sunday night ...with her throat slashed and a dozen stab wounds in her back. She is the second witness in the ongoing investigation to die violently. Jack Myers, the first policeman to be caught in the burglary scandal and the first to incriminate fellow officers, was killed May 12 when he somehow lost control of his pickup truck and was hurled out of the vehicle, landing on his head in the middle of the Simi Valley Freeway..."*

<sup>32</sup> That's counting the 50 days in solitary confinement to be studied to see if I was dangerous to society, the 2 years and 7 months on probation with no violations, the 18 months in prison and another 18 months on parole.

<sup>33</sup> 8/2/84 San Francisco Chronicle by Robert Popp "NO INDICTMENTS DUE IN S.F. COPS' SEX PARTY" But in 1985, the Los Angeles District Attorney appealed my probation sentence because "*in terms of impact on the victim, whereas a robbery may have a traumatic effect on the victim lasting weeks or months pandering can lead its victim to a lifetime of shame and degradation, robbing her of her bodily integrity, personal privacy, self respect and reputation. Whereas rape is accomplished by one act of force, pandering can cause a woman to be pressured into an endless series of acts of indiscriminate sexual intercourse which progressively rape her spirit, character and self image... it is clearly a vicious practice.*" Unless the cops or the FBI are doing the pandering? And if the prostitutes are indeed the victims, what are we to make of the 1995 Florida legislation that allows the prosecutors to fight prostitution by charging 'suspected prostitutes' with racketeering and then face up to 30 years in prison? Their clients are not charged, and in fact, can get out of testifying in court against the women they hired by giving sworn statements to the cops. Palm Beach County authorities say that the 20 unidentified 'johns' who were not charged with a crime, 'may stay anonymous' as long as they volunteer as good citizens to assist police and prosecutors in convicting the 'suspected prostitutes.'

8/19/95 Palm Beach Post by Tim Pallensen "POLICE HAVE NEW TOOL FOR BATTLING PROSTITUTION"

<sup>34</sup> 3/20/10 <http://www.timesnewsline.com/news/CAMDEN-POLICE-CORRUPTION-SCANDAL-UNRAVELED-185-Drug-Cases-Dropped-1269081864/>

<sup>35</sup> 4/09/10 Orange County Register by Denisse Salazar and Greg Hardesty "Police Chief: 'morale low' after officer charged in rape"

<sup>36</sup> 11/5/1984 LA Times AP "JUDGE PUT ON PROBATION, FINED FOR SEX INCIDENT"

<sup>37</sup> The Poppy Project's (2008) report on indoor prostitution in London states: "*On a fundamental level, prostitution is an absolute expression of men's power against women's subordination and lack of choices. Paying for prostitution services enables men to assert power and control over women in a way which would be deemed unacceptable in any other sphere*" (p. 8)

<sup>38</sup> As widespread as domestic violence and spousal abuse are, should we criminalize marriage to protect women from husbands who may abuse them? Should we arrest husbands who haven't abused their wives, just in case they might someday?

<sup>39</sup> 3/24/10 The Star By DAVID KLEPPER *"Kansas ponders adding prostitutes' customers to sex offender list A bill passed by the Kansas House on Wednesday would land people convicted of hiring a prostitute on the state's sex offender list for 10 years. Many states, including Kansas, already require sex offender registration for those soliciting minors. Some states, such as California, give judges the discretion to require registration in solicitation cases. But adding solicitation to the crimes requiring offender registration would be a significant expansion of the offender registry, critics said."*

<sup>40</sup> 3/20/10 ASSOCIATED PRESS EVIDENCE FOUND ROTTING IN CLOSED ILL. POLICE HQ. *'A sheriff's department in suburban Chicago has been shocked to find a roomful of evidence left behind by a village police department that shut down two years ago -- including a moldy sexual assault kit that authorities said linked a man to the 2006 rape of a 13-year-old girl, nearly 200 guns and hundreds of bags of narcotics... In all, seven rape kits had been left rotting in an unplugged refrigerator in the former Ford Heights Police Department, Cook County Sheriff Tom Dart said. "You're not talking about ineptness, neglect, you're talking about outrageous conduct of a police department that didn't care about the residents out there," Dart said.'*

<sup>41</sup> CBS News online As of December 2009, Los Angeles had a backlog of 12,000 untested rape kits in storage. San Diego Has Over 2,000 Untested Kits *"We can only do so much with the resources we have."* -Greg Matheson, Los Angeles Police Department Criminalistics Lab director, City of Los Angeles crime laboratory

<sup>42</sup>In 2003, a prostitution sting called "Operation Silver Bullet" was conducted, which was, according to the LA Daily News *"one of LAPD's largest prostitution stings in several years. Vice Detectives fanned out across the San Fernando Valley and simultaneously raided seven suspected prostitution dens fronting as legitimate businesses."* And the LAPD proudly reported that *"approximately 100 officers took part in Operation Silver Bullet, netting 14 arrests... which were all for solicitation, operating a house of prostitution and residing in a house of prostitution..."* Anyone who can do the math can figure out that if it took 100 officers to bust 14 'suspected victims,' that's 7 cops per hooker/victim. The cops were later given an awards banquet to honor them for their heroic work in making these dangerous arrests...