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No prosecution of 60 in prostitution sting

Romley assistant assails deputies, upsetting Arpaio

by David J. Cieslak and Emily Bittner - Jun. 16, 2004 03:04 PM
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About 60 people arrested last year in a prostitution sting will not be criminally charged because Maricopa County sheriff's deputies used tactics including nudity and sexual contact in their undercover operations, county prosecutors announced Tuesday.

County prosecutors believe the two-month sting, which targeted prostitution suspects and men accused of soliciting sex for money, was botched by sheriff's officials who allowed undercover deputies and Sheriff's Posse members to remove their clothing and engage in sex acts on videotape.

"The credibility of the officers and the tactics they used are so abhorrent that we believe the likelihood of conviction has disappeared," Special Assistant County Attorney Barnett Lotstein said. "At no time did our office ever, explicitly or implicitly, sign off on anything relating to the conduct that they employed."

Sheriff Joe Arpaio pledged to forward the rejected cases to the U.S. Attorney's Office, hoping federal prosecutors will pursue criminal charges against the suspects.

In a hastily scheduled news conference, a visibly frustrated Arpaio defended his staffers, saying he believes they acted professionally and followed the law.

Arpaio hinted that politics played a role in Tuesday's decision to reject the cases but would not discuss a renewed strain on his relationship with Maricopa County Attorney Rick Romley.

"I do my job, politics or no politics, and I'm going to continue to do my job, politics or no politics," Arpaio said. "My main mission is to protect the public, protect the kids. We're going to continue to do our jobs."

The cases rejected by county prosecutors stem from arrests made from September to November last year during two investigations dubbed Operations House Call and Destiny. Deputies targeted 33 homes and 10 massage parlors in House Call, while Destiny was a sting operation out of three Valley hotels.

Among the suspects arrested were a local radio station's sales manager, a state corrections officer and a woman who billed herself as a former Miss Canada. Some of the women were tracked down after sheriff's investigators found suggestive ads in local publications.

The operations, which drew national attention, were criticized at the time by some community members, who believed devoting about 400 officers to such a low-level crime was a waste of resources.

But Arpaio remained defiant Tuesday, saying prostitution endangers public safety and spreads sexually transmitted diseases.

"What are we coming to?" Arpaio asked. "If you want prostitution, change the law, but don't go criticizing my officers who are trying to enforce the law under difficult circumstances."

Schneidmiller, who raised his voice several times while discussing Tuesday's developments, described the prosecutors' decision as "ridiculous" and accused the County Attorney's Office of misrepresenting his operation.

"I can't begin to tell you how offended I am by this," Schneidmiller said. "My guys were professional, they were responsible. I view this ... as a slap in the face, and I know my guys do, too."

Lotstein insisted prosecutors were unaware of any plans for nudity and would not have condoned such tactics.

"We did not sign off on nudity," Lotstein said.

David Dusenbury, a retired deputy chief of police who has lectured and taught vice investigations in California, said authorities who engage in sexual contact have committed a crime.

"Oh, my. That's not acceptable," Dusenbury said. "You just have to back away and figure out another way to skin the cat."

If investigators had sexual contact with the women, "then what you have is vice officers actually engaged in prostitution," Dusenbury said. "Then you've committed a crime yourself."

Vice officers can make their cases in other ways than doing anything illegal, he said. Surveillance, questioning johns and having a known customer introduce the investigator are all widely acceptable ways of making prostitution collars, he said.

Dozens of the women arrested were unavailable for comment or didn't return messages on Tuesday.

One of the women had a message on her cellphone asking callers to tell her which ad prompted them to call.