

## Rules for vice officers can get touchy

By Kristen Convery / July 7, 2005

They didn't engage, but they could have: Columbus police raided the Jade Clinic last month. Relatively speaking, the Columbus police vice squad's investigations of the Oasis Health Spa and Jade Clinic, which they raided June 22, were a piece of cake.

At both Oasis, 4392 Indianola Ave., and Jade, 691 E. Dublin-Granville Road, vice squad Sgt. Richard Curry said, the officers avoided having any sexual contact with prostitutes—which is the goal, under the policy that has governed vice officers since 2001 and outlines when it's acceptable for a police officer to e "momentarily" engage in a sex act.

The eight-page policy covers everything from how to target prostitutes to a handy list of clinical terms for sexual acts and their slang counterparts. The list informs vice officers that intercourse is also known as "screw," "sex," and "make love"; explains that "blow-job" and "head" are other words for fellatio; and that anal sex can be called "Greek" or "Back Door."

At Oasis and Jade, Curry said, "We just sent an officer in to get a massage and see what happens." What happened, he said, was that the prostitutes were very forthright after they'd done their perfunctory rub down. "They would just whisper in your ear what other services they offer besides the massage," he said.

That let the officers get enough information to charge five women with promoting prostitution and engaging in a pattern of corrupt activity, without having the complication of getting intimate with any of their underlings, he said.

But often, Curry said, that's not possible. Columbus's policy notes that a prostitute will frequently ask a customer to prove he isn't a cop by touching her breasts or allowing her to touch his genitals. Vice detectives are allowed to participate in this so-called "cop test" and are "permitted to strip completely if this is absolutely necessary," it says.

"Detectives are not to purposely engage in sexual conduct. However, in those cases where the prostitute momentarily engages the officer in what can be termed sexual conduct, in spite of all reasonable efforts of the officer to stop such conduct, the officer will not be in violation of policy," the policy says before continuing in bold type: "However it is to be understood that the officer will make every effort to stop such conduct before it occurs."

"We have a variety of excuses we use" to avoid engaging in a sex act, Curry said. "We make up an excuse and stop." Curry declined to give examples.

The policy goes on to say that detectives "should" tell their spouses or significant others about the potential for sexual activity in their work and should get regular STD training.

According to Curry, an officer will indulge in sexual conduct only when he can't get the prostitute to verbally solicit him but still needs evidence. "You go into some places and they won't talk to you, but they will do the physical stuff, so there's really no way of preventing anything," he said. "If there's no words, then you have to let to something else happen."

The policy is dated 2001, two years after the Dispatch reported that a vice officer had sex with prostitutes before arresting them; after the story ran, the officer left vice and detectives were ordered not to have sex with prostitutes.

Since then, it's been a matter of contention between Chief James Jackson, who believes officers should be allowed to get completely naked with prostitutes and do some touching, and Deputy Chief Antone Lanata, who thinks Jackson's rules are too lenient.

According to a Dispatch story, Lanata was disturbed after reading lusty details of sexual contact between detectives and their suspects in 2003. So, while Jackson was on vacation, Lanata altered the policy to prohibit any sex and bar officers from stripping to get an arrest. But when Jackson returned to work, he promptly reinstated the rules that are now in place.

Curry said sexual conduct "usually doesn't happen, and if it does, then we have to address it with the detective." Asked if a vice squad detective has ever had intercourse with a prostitute, he said, "None that I know of."

Joshua Dressler, a criminal-law expert at OSU's Moritz College of Law, said the Columbus policy goes "further than the law requires them to." Legally, he said, it's OK for a vice officer to have sex with a prostitute in the course of an investigation, just as a narcotics officer is permitted to buy drugs from a dealer.

Many police departments, including Cleveland's, don't have written rules about how cops must investigate prostitutes. Dressler said most of those that do have regulations similar to Columbus's.

Dressler said juries are at the root of such policies. Most police departments understand that juries will likely be disgusted with cops who have sex with hookers and then arrest them, he said. "The sex act seems a little touchier" than a drug bust, Dressler said.

"Juries are very often going to rebel and acquit if they learn that the police officer was actually involved in a consummated sexual act with a prostitute."

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