

COMMENTS

Addressing the Tension Between the Dual Identities of the American Prostitute: Criminal and Victim; How Problem-Solving Courts Can Help

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INTRODUCTION

Prostitution is often referred to as the world's oldest profession, but those who know what prostitution is really like call it the "world's oldest oppression."¹ Prostitution of American women, children, and even men occurs in every state in the United States.² Helping those trapped in prostitution is not "like saving damsels in distress, charging in like white knights and carrying them off to a happily-ever-after."³ Rather, "[i]t is about respecting them, offering them hope, and nourishing the inner strength they need in order to break the very strong bonds of prostitution."⁴ Prostitution is about exploitation and violence. The majority of women and girls engaged in prostitution entered the "profession" before the age of eighteen.⁵ While the exact number of trafficked individuals is unknown, it is estimated that hundreds of thousands of children are at

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1. Heather Monasky, Note, *On Comprehensive Prostitution Reform: Criminalizing the Trafficker and the Trick, but Not the Victim—Sweden's Sexköpslagen in America*, 37 WM. MITCHELL L. REV. 1989, 1995 (2001).

2. KRISTIN M. FINKLEA ET AL., SEX TRAFFICKING OF CHILDREN IN THE UNITED STATES: OVERVIEW AND ISSUES FOR CONGRESS I (2011).

3. JULIAN SHER, SOMEBODY'S DAUGHTER: THE HIDDEN STORY OF AMERICA'S PROSTITUTED CHILDREN AND THE BATTLE TO SAVE THEM 43 (2011).

4. *Id.*

5. Monasky, *supra* note 1, at 2005.

risk of being forced or coerced into commercial sexual exploitation in the United States each year.⁶

Prostitution and its legal status are the subject of a heated global debate.⁷ Currently, prostitution is illegal everywhere in the United States except Nevada, where it is legal in several counties.⁸ An important consideration of that debate is how prostitution laws affect law enforcement's ability to identify and prosecute sex traffickers, or "pimps" as they are commonly known.⁹ To date, there is still no uniform approach to trafficking prosecutions in the United States, and many states continue to criminalize the acts of prostitutes while failing to enforce criminal laws against those who exploit them.¹⁰ As a result of this debate, four legal responses to prostitution have arisen: complete criminalization, legalization, complete decriminalization, and partial decriminalization.¹¹ Complete criminalization makes both the sale and purchase of sex illegal.¹² Legalization makes both the sale and purchase of sex legal but brings it under heavy government regulation.¹³ Complete decriminalization removes criminal punishment and sanction for the purchase and sale of sex, whereas partial decriminalization continues to make the purchase of sex illegal while decriminalizing the sale of sex.¹⁴ Based on a utilitarian analysis, which recognizes the value of these four theories, this Comment reaches the conclusion that any scheme of legalization or decriminalization is not the optimal solution to the problem of prostitution because it leaves victims in a worse situation than they are currently in and subjects them to further exploitation. This Comment argues for continued criminalization for prostitution in the United States. An appropriate way to deal with women arrested for prostitution is to set up a problem-solving court, similar to a drug court, which would provide a multidisciplinary approach to helping those trapped in prostitution.

This Comment focuses on the sexual exploitation of both adult women and girls in the life of prostitution. The primary purpose will be to explore the difficulties faced by American citizens who are exploited in prostitution (as opposed to foreign nationals who are subject to exploi-

6. Lindsay Strauss, *Adult Domestic Trafficking and the William Wilberforce Trafficking Victims Protection Reauthorization Act*, 19 CORNELL J.L. & PUB. POL'Y 495, 505 (2010).

7. Kristina Day, *Addressing the Sex Trafficking Crisis: How Prostitution Laws Can Help*, 2 CREIGHTON INT'L & COMP. L.J. 149, 151 (2012).

8. Micloe Bingham, *Nevada Sex Trade: A Gamble for the Workers*, 10 YALE J.L. & FEMINISM 69, 88 (1998).

9. Day, *supra* note 7, at 152.

10. Strauss, *supra* note 6, at 510.

11. Monasky, *supra* note 1, at 2009.

12. *See id.*

13. *See id.*

14. *See id.*

tation). This Comment focuses only on state and local prostitution laws, as opposed to global or federal laws on prostitution. It takes the position that prostitution is not a chosen profession for the vast majority and that prostitution is sexual exploitation. Part I discusses the reality of prostitution. Part II addresses the issues posed by the current system of criminalized prostitution in the United States. Part III discusses the experiment of legalization and decriminalization in the Netherlands and Sweden as well as in Nevada. The benefits of and issues with the current system in the United States are compared to the benefits and issues with legalization. This Part concludes that legalization of any kind is not the answer. Part IV of this Comment proposes a drug-court based problem-solving court model, which would allow women accused of prostitution to opt into a program with the end result of services and eventual removal of prostitution-related charges from their record. Part IV also discusses critiques of problem-solving courts and explains how those critiques are overcome. Necessary next steps for implementation are also outlined. Part V concludes.

I. PROSTITUTION—THE REALITY

In order to determine the best legal solution for prostitution, it is important to understand the reality. Any viable solution must work within the existing dynamics of domestic prostitution. This Part discusses the reality that hundreds of thousands of prostituted persons in the United States face every day in order to provide the backdrop for the solution proposed by this Comment. The first section of this Part covers victim characteristics, the role of third-party exploiters, and the violence and money involved. The second section addresses the current lack of services available for prostituted persons.

A. A Grim Reality

“Prostitute” has long been a pejorative word in the United States, and it is this denigration of prostitutes that has allowed law enforcement and society to turn a blind eye to the coercion and violence often associated with it.¹⁵ While prostitution may represent a chosen profession for a few, it is certainly not a choice for the vast majority.¹⁶ It is difficult to determine the exact number of adult women trapped in domestic prostitution due to the unwillingness and inability of most victims to come forward.¹⁷ Between 244,000 and 325,000 American youths are considered

15. Strauss, *supra* note 6, at 504.

16. *Id.* at 505.

17. *Id.*

at risk for sexual exploitation, and an estimated 199,000 incidents of sexual exploitation of minors occur each year in the United States.¹⁸ When it comes to America's prostituted children, "nobody reports them, nobody is looking for them, and nobody cares about them [because] they're the forgotten children."¹⁹

1. Characteristics of Victims

There are common trends among prostituted women and girls: abusive family background, entry before age of majority, and violence after entry.²⁰ Many victims come from unstable homes in which their parents often abandon them, or the victims run away due to sexual or physical abuse.²¹ Those who enter under the age of eighteen come from poverty and often run away from home.²² The average age at which girls are first exploited through prostitution is twelve to fourteen years old, but that age is dropping all the time.²³ Most of the young women in prostitution lack a father figure.²⁴ Most of these women and girls also experienced abuse in their childhoods: physical, sexual, and emotional, with severe and negative lasting effects from the acts of sexual abuse.²⁵ In one study, as many as 70% of the women responded that sexual abuse influenced their entry into prostitution.²⁶ One young woman stated, "You don't even like the sex . . . [I]t has never been anything to me, because I got raped. I got it taken away from me and I tried to turn it around and change it into something that benefited me, to make money."²⁷

2. The Pimp Factor

Many people are unaware of the overwhelming presence of third-party exploiters in the world of prostitution. The majority of women in the sex trade were recruited by a pimp, but for those who entered on their own, a pimp soon entered the scene to take control.²⁸ As many as 75% of female youths subject to domestic sex trafficking are connected to a

18. HEATHER J. CLAWSON ET AL., HUMAN TRAFFICKING INTO AND WITHIN THE UNITED STATES: A REVIEW OF THE LITERATURE 4 (2009), available at <http://aspe.hhs.gov/hsp/07/HumanTrafficking/LitRev/>.

19. SHER, *supra* note 3, at 22.

20. Monasky, *supra* note 1, at 2003.

21. Strauss, *supra* note 6, at 508.

22. Monasky, *supra* note 1, at 2005.

23. CLAWSON ET AL., *supra* note 18, at 7.

24. SHER, *supra* note 3, at 86.

25. Monasky, *supra* note 1, at 2003-04.

26. *Id.*

27. SHER, *supra* note 3, at 30.

28. JODY RAPHAEL & JESSICA ASHLEY, DOMESTIC SEX TRAFFICKING OF CHICAGO WOMEN AND GIRLS i (2008).

pimp.²⁹ Typically, a pimp ensnares young females by using a process that destroys the child's sense of personal identity by gradually breaking her down.³⁰ Pimps prey on at-risk women and girls in order to more easily manipulate and control them: the runaways, homeless, and victims of sexual abuse are prime targets for exploiters.³¹ A pimp will first act as a "boyfriend," promising love and a better life while playing on a young girl's vulnerability.³² At first, when a pimp introduces a young girl into prostitution, she fails to recognize that she is even a victim and becomes trapped.³³ Teenage girls who find themselves in prostitution are particularly at risk because of a "unique and potentially dangerous blend of adolescent impetuosity and stubbornness."³⁴ The girls are "[t]oo young to recognize they are being manipulated and too old to see themselves as helpless children, they come to endure, if not accept, their own exploitation because, rightly or wrongly, they do not see a better alternative."³⁵ Teenagers often cling to the promise of emotional and economic security that the pimp can provide.³⁶ As with any abusive relationship, the relationship involves control, dependence, and brainwashing.³⁷

Pimps have a unique ability to manipulate and engage young women, unparalleled by any other force in the young girl's life. In describing the pimp, one officer comments that "[h]e has no letters out after his name [for a college degree], but he has a firm grasp on child psychology"³⁸ Pimps are experts in human nature, manipulation, and seduction; a deadly combination for a young girl seeking love.³⁹ One convicted pimp stated that "with young girls, you promise them heaven, and they'll follow you to hell."⁴⁰ Pimps also know exactly which girls to target: describing his methods in a documentary film, a pimp stated that

[s]omeone with low self-esteem is going to be your first choice. . . . More often than not . . . the girls will have been molested already—by a boyfriend, an uncle, a father, their mother's boy-

29. Megan Annitto, *Consent, Coercion, and Compassion: Emerging Legal Responses to the Commercial Sexual Exploitation of Minors*, 30 YALE L. & POL'Y REV. 1, 12 (2011).

30. *Id.* at 13.

31. *Addressing Misconceptions: Domestic Violence and Prostitution*, CHICAGO ALLIANCE AGAINST SEXUAL EXPLOITATION, http://g.virbcdn.com/_f/files/21/FileItem-196244-AM_DomesticViolenceProstitution.pdf (last visited Mar. 20, 2014) [hereinafter *Addressing Misconceptions*].

32. Annitto, *supra* note 29, at 13.

33. *Id.* at 13–14.

34. SHER, *supra* note 3, at 24.

35. *Id.*

36. *Id.* at 55.

37. *Id.*

38. *Id.* at 104.

39. *Id.*

40. Annitto, *supra* note 29, at 14.

friend. . . . That's the main reason why they left home. . . . You have females who can't deal with the pain and pressure at home and would rather take their chance with me.⁴¹

Once ensnared by a clever pimp, fear and shame keep many girls in "the life," and pimps make threats against a girl's family if she considers going to the police.⁴² "If the girls do manage to make it off the streets, the disgrace and humiliation attached to prostitution can drive them back."⁴³

3. Violence, Exploitation, and Money

Prostitution is a life of violence and exploitation. Many women and girls experience violence at the hands of a "customer," and roughly 66% reported that a pimp had battered them.⁴⁴ The promises of love and a better life turn into threats, violence, and continued isolation from former sources of support.⁴⁵ Pimps resort to slapping, punching, and forced sex, with the amount of violence increasing over time.⁴⁶ Pimps use fists and objects such as wire hangers, broomsticks, baseball bats, telephone cords, hammers, screwdrivers, and brass knuckles.⁴⁷ Many women also report not being allowed to keep any of the money they earn.⁴⁸ Pimps do not need a reason to physically abuse the women they prostitute; the abuse is a method of establishing and maintaining dominance and control.⁴⁹ Women also report the number of customers they "served" as increasing the longer they were in the sex trade, with an average of ten per day.⁵⁰

B. Lack of Available Services

The inadequacy of community services available for this population of youth is "nothing less than shocking."⁵¹ There are not nearly enough funds designated to help prostituted women and girls, and at a cost of \$5,600 a month for safe residential treatment, an estimated \$1.7 million

41. SHER, *supra* note 3, at 103.

42. *Id.* at 55.

43. *Id.*

44. Monasky, *supra* note 1, at 2006.

45. Annitto, *supra* note 29, at 17–18.

46. RAPHAEL & ASHLEY, *supra* note 28, at iii.

47. *Id.*

48. *Id.* at iv.

49. *See Addressing Misconceptions*, *supra* note 31.

50. RAPHAEL & ASHLEY, *supra* note 28, at ii.

51. DEBRA BOYER, SEATTLE HUM. SERVS. DEP'T, WHO PAYS THE PRICE?: ASSESSMENT OF YOUTH INVOLVEMENT IN PROSTITUTION IN SEATTLE 22 (2008), available at http://www.seattle.gov/humanservices/domesticviolence/Report_YouthInProstitution.pdf.

per year will be needed to support just twenty-five girls.⁵² There are only four residential facilities in the United States that currently help children who survive commercial sexual exploitation:⁵³ (1) Girls Education and Mentoring Services (GEMS) in New York, with nine beds; (2) Standing Against Global Exploitation (SAGE) in San Francisco, with six beds; (3) Children of the Night in Van Nuys, California, with twenty-four beds; and (4) Angela's House in Georgia, with six beds.⁵⁴ Collectively these organizations have fewer than fifty beds.⁵⁵ Other facilities, such as runaway and homeless youth shelters and foster care homes, are inadequate for meeting the needs of victims or keeping them secure from pimps, traffickers, and other abusers.⁵⁶

In addition to needing housing, victims are in need of mental health assistance, medical assistance, job training, and drug rehabilitation. Victims of prostitution need public benefits to provide them with basic mechanisms to reorder their lives.⁵⁷ There is a need for early intervention, training for social service providers in order to be more effective with the sexually exploited youth population, safe and secure housing with specialized support services, reintegration, aftercare, and intensive case management.⁵⁸ Those encountering and serving this vulnerable population feel severely underequipped in the face of the overwhelming problems of youth and women in prostitution.⁵⁹ Advocates of prostitution reform contend that not only are the services available grossly inadequate to assist victims, but also that the legal state of prostitution creates additional issues for victims to overcome.

II. PROBLEMS & BENEFITS POSED BY THE CURRENT SYSTEM

A. Problems with the Current System

Advocates of decriminalization and criminalization alike note that there are a number of issues with the current system in the United States. First, rather than getting the access to services, victims end up spending time in jail before going right back to a life of prostitution. Second, there is a disparity between the treatment of citizen and non-citizen victims,

52. Brenda Zurita, Beverly LaHaye Inst., *Children in Prostitution: What to Do?*, CONCERNED WOMEN FOR AM. (July 2012), http://www.cwfa.org/wp-content/uploads/2013/11/CWA_Decriminalization-of-Prostitution-for-Minors2012.pdf.

53. *Id.*

54. *Id.*

55. FINKLEA ET AL., *supra* note 2, at 4.

56. *Id.*

57. Monasky, *supra* note 1, at 2023.

58. BOYER, *supra* note 51, at 6.

59. *Id.* at 22.

with more services available for victims trafficked from other counties.⁶⁰ Third, because police officers are arresting victims and putting them in jail, there is a lack of trust between law enforcement and women in prostitution. This lack of trust is particularly troubling because law enforcement often serves as the first point of intervention for victims. As a result, victims may reject services because it is the vehicle of law enforcement presenting them. Finally, there is concern over simultaneously labeling these women and girls as criminals and victims. The “criminal” label results from the arrest, incarceration, and charging of women in prostitution. However, this criminal identity is at odds with the way these women and children should really be seen—as victims.

1. Lack of Access to Services

One of the biggest issues with the current system of complete criminalization is that victims do not get access to services needed to exit prostitution, but sit in jail before returning to the streets. While women also do not have a place to go, child victims pose a particular problem because they are minors and must be placed somewhere for their own safety. Child victims may also be arrested and placed in juvenile detention facilities because they are perceived to be responsible for prostitution or because they often need protection from pimps.⁶¹ As mentioned above, there are not nearly enough secure facilities to place young girls in. Often the choice is between jail and insecure group homes from which the girls could easily flee.⁶² Many advocates agree that girls’ safety cannot be guaranteed in the community, and long-term confinement is the only answer they have, even if that answer is unsatisfactory to many.⁶³ Any viable solution must create access to services that can facilitate an exit from prostitution.

2. Disparity Between Citizen and Non-Citizen Victims

U.S. citizen and foreign national victims of trafficking are treated differently when they are identified, characterized, and offered services.⁶⁴ Services are not provided for victims who are U.S. citizens because Congress has not provided funding specifically for that purpose.⁶⁵ In addition, the United States has focused on sex-trafficking of foreign nationals and imposed a high standard for access to services that few victims meet,

60. FINKLEA ET AL., *supra* note 2, at 21.

61. *Id.* at 5.

62. SHER, *supra* note 3, at 118.

63. BOYER, *supra* note 51, at 22.

64. FINKLEA ET AL., *supra* note 2, at 21.

65. *Id.* at 22.

preventing many from accessing the services needed to escape the life of prostitution.⁶⁶ In practice, services authorized through the federal government continue to aid primarily the non-citizen victim population.⁶⁷ Unfortunately, government services available for trafficked U.S. citizen children are not as well-coordinated.⁶⁸ All the methods employed demonstrate a policy that views foreign prostitutes as victims, whereas U.S. prostitutes have made a “choice.”

3. Lack of Trust for Law Enforcement

Many believe that victims often forgo available services because of a distrust of law enforcement since most of the people offering help to women also tend to be the ones arresting and incarcerating them.⁶⁹ The concern is that if prostituted people distrust law enforcement, then the criminal justice system is not the appropriate place to facilitate their recovery, even via alternative court programs modeled towards prostituted people.⁷⁰ People in prostitution lack basic freedom over their bodies, to manage their own lives, and to live without fear.⁷¹ Groups advocating for decriminalization believe that help for prostituted individuals should not be forced, but rather offered assistance by social workers trained to help those escaping traumatic situations.⁷² For many women, an encounter with the criminal justice system facilitates the first contact with social service providers and others who seek to help them.⁷³ However, advocates of decriminalization note that these valuable points of intervention need to come earlier, and social service providers—not law enforcement—should be the ones offering the help.⁷⁴

4. Criminal Label and Lack of Victim Identification

Advocates of decriminalization are particularly concerned that the current system of criminalization brands victims as criminals rather than treating them as victims. Youths in particular are usually arrested for another offense (loitering, theft, etc.), leaving them sitting in a jail cell without the attention they need and unidentified as a victim of prostitution.⁷⁵ Because these crimes are not easily identified as being related to

66. Monasky, *supra* note 1, at 1997–98.

67. FINKLEA ET AL., *supra* note 2, at 4.

68. *Id.* at 9.

69. Monasky, *supra* note 1, at 2038.

70. *Id.* at 2039.

71. *Id.* at 2003.

72. *Id.* at 2045.

73. *Id.* at 2039.

74. *Id.*

75. See BOYER, *supra* note 51, at 12.

prostitution, their involvement may or may not surface as a part of their social history, and these youths will not be identified as being victims.⁷⁶ The arrest data and social service data available are likely to under-represent the number of youths involved in prostitution.⁷⁷ The arrest rates for juveniles are low compared to adults, and this is potentially because many youths are arrested and detained for charges other than prostitution-related offenses.⁷⁸

On a first prostitution charge, a youth would generally be released, and if the case is filed, the result would likely be low-level probation.⁷⁹ However, a youth may be terminated from probation because she will not accept services.⁸⁰ If new charges are filed, the process repeats.⁸¹ If youths were deferred on the first charge and there is a new arrest, the deferred sentence is revoked and they will have two charges, and those charges begin to stack up very quickly.⁸² A girl's penalty may include a fine, community service hours, or both; however, repeat arrests will result in probation and detention time.⁸³ Because of this lack of identification of child victims, many girls continue to be involved in prostitution as adults without gaining access to the help they need, all the while creating a criminal record that will prohibit them from seeking a normal life.

In addition to the lack of services provided, there is tension between the criminal label of prostituted persons and their status as victims of exploitation. Advocates of decriminalization find it shocking that victims of prostitution are put in jail, particularly when no other victims are locked up.⁸⁴ "They're being held as criminals. They sleep in cells. They're handcuffed. That's totally traumatizing to these girls. The system just hardens them, and we reenforce [sic] in their minds that they're not victims because we're not treating them like victims."⁸⁵ Those in law enforcement do not see the issue the same way, however, and argue that the girls—while not suspects or criminals—do not realize they are a danger to themselves.⁸⁶ "We are putting them in a situation where they are being protected from the pimp and from whatever abuse made them run from home. A girl needs to be in a safe place until we can find a realistic

76. *Id.*

77. *Id.* at 18.

78. *Id.*

79. *Id.* at 19.

80. *Id.*

81. *Id.*

82. *Id.*

83. *Id.* at 21.

84. See SHER, *supra* note 3, at 240–41.

85. *Id.* at 240.

86. See *id.* at 240–41.

alternative for her and her future.”⁸⁷ Officers argue that “[w]hen she’s locked up she makes good decisions, but when outside, she’s easily malleable.”⁸⁸

The legal contradiction most concerning to advocates of decriminalization for the youth is the age of consent for sexual activity and the arrest and prosecution of young girls in prostitution.⁸⁹ A fourteen-year-old who is molested or raped by an older man would be treated as a victim because she cannot consent by law, while a girl of the same age who is exploited through prostitution is arrested.⁹⁰ Many such advocates are in favor of laws like the Safe Harbor for Exploited Youth Act in New York, which diverts children arrested for prostitution to counseling and treatment programs.⁹¹ These advocates believe that laws already exist or can be amended to permit a child welfare agency to provide medical and therapeutic services to survivors of commercial sexual exploitation.⁹² Decriminalization advocates believe that concern over prosecution of pimps and the safety of the young women does not justify ignoring the wishes of the girls or arguments about rational consent.⁹³

Additionally, decriminalization advocates believe the juvenile justice system is simply the wrong venue to provide services to young girls.⁹⁴ Those who push decriminalization of prostitution for minors contend that arresting these victims further traumatizes them and want to completely remove the possibility of arrest.⁹⁵ They argue that what the children need are services directed toward restoring their dignity and rehabilitating them out of a life of selling sex and want this accomplished outside the juvenile justice system.⁹⁶ There is also a concern that we are placing the responsibility for prevention of prostitution on the shoulders of children and youth alone when we fail to address the cultural norms that shield the dynamics of demand and normalize the behavior of buying sex.⁹⁷ While these concerns are valid, there are benefits to the current system that cannot be ignored and would disappear if any form of legalization or decriminalization took hold.

87. *Id.*

88. *Id.* at 241.

89. *See id.* at 252.

90. *See id.*

91. *Id.* at 253.

92. Annitto, *supra* note 29, at 29.

93. *Id.* at 29–30.

94. *Id.*

95. Zurita, *supra* note 52.

96. *Id.*

97. BOYER, *supra* note 51, at 8.

B. Benefits of the Current System

There are a number of benefits posed by the current system that should not be overlooked. First, law enforcement currently occupies the role of first responder for victims of commercial sexual exploitation. Law enforcement has the ability to physically go out, locate victims, and arrest and remove them from their current situation. Second, the current system allows for critical separation from third-party exploiters, which can allow for victims to gain access to services. Third, criminalization debunks the myth of choice, which risks gaining acceptance if prostitution were to become legal. Finally, criminalization leaves all possible tools available to those who assist victims. Each victim is different and requires a unique approach, even if that involves arrest.

1. Law Enforcement As First Responders

Law enforcement officers fill the first responder role, a role other social service organizations could not fill. Organizations such as Child Protective Services (CPS) may not be able to respond adequately to the needs of child sex-trafficking victims if not all workers are knowledgeable about human trafficking.⁹⁸ CPS can only respond when the case fits within the carefully defined criterion, which prostitution cases likely do not.⁹⁹ CPS investigates crimes that are referred to them as opposed to going out and locating victims.¹⁰⁰ Victims of sexual exploitation have too often been failed by the social systems designed to protect them,¹⁰¹ and thus such systems should not be left solely responsible for protecting them from sexual exploitation. The greatest chance for victims to be identified is through arrests made by law enforcement pursuant to state prostitution and commercial vice statutes.¹⁰² Law enforcement officers are more likely to come across victims of prostitution than most people because they are out on the streets actively patrolling for criminal activity.¹⁰³

Ultimately, eliminating police jurisdiction over potential trafficking victims, particularly minors, prevents the victim's escape from prostitution. While a criminal conviction is not ideal, it is only when the victims are arrested and detained that they have a chance to receive the help they so desperately need.¹⁰⁴ Vednita Carter, founder and executive director of

98. FINKLEA ET AL., *supra* note 2, at 4.

99. *See id.* at 26.

100. *See id.*

101. Annitto, *supra* note 29, at 9.

102. CLAWSON ET AL., *supra* note 18, at 13.

103. Zurita, *supra* note 52.

104. Day, *supra* note 7, at 150.

Breaking Free, a program that helps women leaving prostitution, noted that if the sale of sex were decriminalized, then some prostituted women would lose a valuable intervention point with law enforcement.¹⁰⁵ Carter noted that while intervention in the form of law enforcement is only effective for some women, until a better solution is put in place, it is the only form of assistance that many of the women receive.¹⁰⁶

2. Critical Separation from and Prosecution of Pimps¹⁰⁷

By discovering and detaining victims, police are able to separate victims from those who exploit them. Pimps are master manipulators who seek out vulnerable young women, often come from broken homes, and convince them that he—the pimp—is the only person who will love, care, and provide for them.¹⁰⁸ Sometimes, arresting a minor for prostitution and putting her into the system separates her from her pimp long enough for her to realize she needs help.¹⁰⁹ While a detention center or prison may not be the ideal environment for prostituted persons, organizations specializing in serving child victims of prostitution collectively have fewer than fifty beds across the country, and other facilities are inadequate for meeting the needs of victims or keeping them secure from pimps.¹¹⁰ Minors with multiple arrests will likely remain in a juvenile detention center because past experience has shown that pimps will send girls to foster homes and group homes to recruit others.¹¹¹ Law enforcement is concerned not only with protecting current victims of sexual exploitation, but also with preventing pimps from creating new victims, which is primarily accomplished by prosecution of the exploiter.

Ultimately, cases against third-party exploiters rise or fall based upon the testimony of the woman or girl who was subject to the exploitation.¹¹² Maintaining police jurisdiction allows officers to glean information about the pimps for prosecution and encourage the victim to testify, without which it is unlikely that any pimps would ever be successfully identified and prosecuted.¹¹³ Prostitution cases are unlike drug trafficking cases where the contraband itself is proof of the illegal activity;¹¹⁴ the

105. Monasky, *supra* note 1, at 2040.

106. *Id.*

107. This Comments uses the term “pimp” to refer to all third-party exploiters who profit from prostituted persons.

108. Zurita, *supra* note 52.

109. *Id.*

110. FINKLEA ET AL., *supra* note 2, at 4.

111. Zurita, *supra* note 52.

112. See SHER, *supra* note 3, at 163.

113. Day, *supra* note 7, at 165.

114. FINKLEA ET AL., *supra* note 2, at 14.

prostituted person must testify to convince a jury that a crime occurred. Because pimps can keep re-selling women and make more money, they must be arrested and prosecuted, otherwise they will simply find another woman or child to exploit. The critical separation between pimp and victim created through the actions of law enforcement officers is essential for these prosecutions to take place. The separation allows police to break the bond between the pimp and victim so she can be convinced to testify.¹¹⁵

3. Debunking the Myth of “Choice”

Another important benefit of criminalization is that it calls attention to a problem that would otherwise be branded as a “legal choice.” The illusion of choice is the greatest obstacle in getting people to see girls trapped in prostitution as the victims they are.¹¹⁶ “In order to have a choice you need to have two viable options to choose from. . . . The choice for these girls is not ‘[d]o you want to turn a trick or do you want a wonderful life?’ That’s not even on the table.”¹¹⁷ Keeping laws against prostitution in place sets a community standard that prostitution is not acceptable.¹¹⁸ Without the label of criminalization, there is a risk that those engaged in prostitution will be seen as making a choice, and no one will think twice about whether they truly made a choice to participate.

Decriminalization in the context of youth under eighteen presents a particular set of issues distinct from the issues presented by adults. Teenagers in particular do not always make the best decisions due to their youth and inexperience; thus, the law should not make it easier for them to experiment in this dangerous world of prostitution.¹¹⁹ In addition to reinforcing society’s views about choice, decriminalization of prostitution for minors also sends a message to the pimps that it is less risky to pimp minors, providing them with a better opportunity to recruit; they can simply coach the girls to say they are under eighteen and the police will not pursue the issue further.¹²⁰ As mentioned above, police jurisdiction is the best vehicle for identifying and getting services to youth involved in prostitution, and its effectiveness would be in jeopardy if decriminalization for minors were to take effect.¹²¹

115. See Zurita, *supra* note 52.

116. SHER, *supra* note 3, at 53.

117. *Id.*

118. Zurita, *supra* note 52.

119. *Id.*

120. *Id.*

121. See Day, *supra* note 7, at 150.

4. Individualized Approach to Each Victim

Ultimately, it is important to recognize that there is no “one size fits all” solution to this problem, and it is important to keep all tools available. One of these tools is discovery and detention by law enforcement. Allowing for discretion in choice of tools allows victims to be treated on a case-by-case basis best fitting their unique situation.¹²² Children’s advocates arguing for continued criminalization believe that a comprehensive approach is necessary and best accomplished by leaving every option available, including arrest and detention, to ensure the evaluation and handling of victims’ situations on a case-by-case basis.¹²³ For many, that path will lead to services and rehabilitation, while for others, that path will lead to detention because they do not see themselves as victims and may need time in detention, separate from their pimp, to see things differently and prevent them from returning to their pimp.¹²⁴ For those who prostitute to afford luxuries, society must send a message that prostitution for any reason is a wrong and harmful decision, and that there are consequences for engaging in this behavior.¹²⁵ Others need separation from other victims because they are using their time in contact with them to recruit for their pimp.¹²⁶ Some may be violent towards other women and girls thus making detention the best fit.¹²⁷ Keeping the laws in place that criminalize prostitution gives law enforcement and the judiciary the tools necessary to combat prostitution and sex-trafficking, and find help for victims.¹²⁸ It gives the police access to victims through the right to investigate suspected prostitution offenses.¹²⁹ Prosecutors can utilize prosecutorial discretion in handling cases brought to them by law enforcement and can choose not to prosecute every case.¹³⁰ Some advocates believe the women need to be challenged, not coddled, and while they do not ever like to see someone in jail, “[s]ometimes that is what you need, to be locked up repeatedly before you decide that you don’t want to do this anymore.”¹³¹ Continued criminalization, as opposed to any form of decriminalization or legalization, allows for a flexible approach.

Up until this point, this Comment has discussed a number of theoretical arguments about legalization, but legalization is not simply a theo-

122. See Zurita, *supra* note 52.

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. See *id.*

128. *Id.*

129. *Id.*

130. *Id.*

131. SHER, *supra* note 3, at 281.

ry: Legalization has been attempted in a number of places with varying degrees of success. Legalization involves heavy government regulation and may present an alternative that allows for freedom of those who wish to participate in prostitution and protection for those who are forced. However, as the next Part demonstrates, the reality of legalization falls far short of these high hopes.

III. LEGALIZATION

This Part outlines a number of issues presented by legalization—some about practical results, others about the message that legalization sends about the sale of women and children for sex. Ultimately, the benefits of the current system, as previously discussed, would be lost if prostitution were legalized or decriminalized. Prostitution would be branded as a choice, police would lose jurisdiction over victims, and third-party exploiters would rarely face prosecution. Prostitution has been legalized or decriminalized all over the world, including in the United States. First, this Part examines the Netherlands, which completely legalized prostitution. Second, this Part analyzes the Swedish model of partial decriminalization of prostitution, meaning that the sale of sex is legal but the buying of sex remains illegal. Third, it examines the United States' own experiment of legalization in Nevada. Fourth, this Part shows how the most vulnerable people in society will remain susceptible to exploitation through prostitution. Fifth, this Part demonstrates that prostitution is, on a philosophical level, an inevitable social evil that cannot be condoned by society. Finally, this Part comes to the conclusion that legalization, ultimately, is not the answer.¹³²

A. A Look at Different Models

1. Complete Legalization: The Netherlands Model

In 2000, the Netherlands legalized prostitution for persons eighteen and older. The Netherlands's system requires, among other things, that all participants be free from coercion.¹³³ The police also established the Regional Prostitution Control Teams (RPCT) to inspect the licensed sex institutions for involuntary or illegal prostitution.¹³⁴ The RPCT has no

132. It should be noted that when prostitution is "legalized" or "decriminalized," it is for those over the age of eighteen. Decriminalization for minors falls under a different theory—the conflict with statutory rape laws—mentioned above. This Part deals with legalization for those who are of the age of consent.

133. Cindy Braspenning, *Human Trafficking in the Netherlands: The Protection of and Assistance to Victims in Light of Domestic and International Law and Policy*, 1 INTERCULTURAL HUM. RTS. L. REV. 329, 336–37 (2006).

134. *Id.* at 342.

control over prostitution victims.¹³⁵ Prostitution in sex institutions—licensed businesses where prostitution is allowed to occur—seems to be more or less under control, but the problem of illegal prostitution has not disappeared, but rather has moved.¹³⁶ Illegal prostitution occurs outside of government regulation that prohibits coercion and under-aged prostitution.¹³⁷

With the heavy regulation of the sex industry, illegal prostitution has shifted to other non-regulated forums, such as escort services or unlicensed sex institutions, because these forums are less susceptible to control by the government. It is here that illegal prostitution flourishes.¹³⁸ Some might suggest that simply legalizing these forums would subject them to regulation and solve the problem of underage prostitution and coercion, but this is not the case.¹³⁹ Such legalization would most likely result in a shift in illegal prostitution and human trafficking to another sector of society that presents less risk of exposure for the traffickers, such as the Internet or Turkish coffee houses.¹⁴⁰ Ultimately, there is widespread misinformation about prostitution, based on propaganda that neutralizes the harms and which is disseminated by organizations that present prostitution as legitimate, if unpleasant, labor.¹⁴¹ Even in places like the Netherlands where prostitution is legal, it continues to inflict harm on those involved in it.¹⁴² While it is assumed that legalization decreases the violence of prostitution, many women involved in prostitution do not feel safer from physical and sexual assault in places where prostitution is legal.¹⁴³ Sixty percent of prostituted women have reported suffering physical assaults, seventy percent experienced verbal threats of assault, forty percent experienced sexual violence, and forty percent were forced into prostitution, sexual abuse by acquaintances, or both.¹⁴⁴ While the outcomes experienced in the Netherlands are not overwhelmingly negative, legalization has not brought enough change in conditions for those who work in prostitution to warrant accepting legalization as the best model. This Comment concludes that the Netherlands model does not solve the problems discussed above.

135. *Id.* at 344.

136. *Id.* at 347.

137. *See id.*

138. *Id.*

139. *See id.* at 348.

140. *Id.*

141. MELISSA FARLEY ET AL., PROSTITUTION AND TRAFFICKING IN NINE COUNTRIES: AN UPDATE ON VIOLENCE AND POST-TRAUMATIC STRESS DISORDER 60 (2003), available at <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>.

142. *Id.* at 61.

143. *Id.* at 63.

144. *Id.*

2. Partial Decriminalization: The Swedish Model

Many supporters of decriminalizing prostitution praise Sweden for its partial decriminalization model. Sweden has been applauded because the measures put in place have been seemingly effective in reducing the number of street prostitutes and the rate of trafficking.¹⁴⁵ A positive feature of Sweden's partial decriminalization model is that it recognizes prostitution as a form of violence against women.¹⁴⁶ Sweden places emphasis on prosecuting the buyers, extending help to prostitutes who want to get out of the sex industry, running awareness campaigns to educate society on the harms of prostitution, and training law enforcement to understand the dynamics and psychological components behind the sex trade.¹⁴⁷ Sweden does not criminally sanction individuals in prostitution; rather, social workers offer them help in finding a new life outside of prostitution.¹⁴⁸ In a system of partial decriminalization, laws do not penalize those who sell sex, thus distinguishing it from total decriminalization because the government can still punish buyers and other third-party exploiters.¹⁴⁹ Partial decriminalization properly places victims who are coerced into prostitution before those who voluntarily engage in sex work because this system weighs the costs and decides that the human right to live free from violence and fear trumps the privilege of choosing one's occupation.¹⁵⁰ There are three overriding justifications for Sweden's partial decriminalization system, the "Sexk pslagen": "(1) a legalized sex trade is incompatible with gender equality; (2) prostitution has increased in counties that have legalized it, such as the Netherlands and Germany; and (3) the social costs of prostitution in terms of disease and crime damage society as a whole."¹⁵¹

There are some valid criticisms of the Swedish law worth discussing. One major issue with the current Swedish law is that it punishes the purchase of sex to the same extent as it punishes shoplifting.¹⁵² If the intent is truly to send the message that the buying of a woman's body is unacceptable, then there should be higher maximum sentences and stricter penalties for those convicted of buying sex.¹⁵³ The result of such low penalties for these purchasing crimes is that law enforcement does not

145. Day, *supra* note 7, at 166.

146. *Id.*

147. *Id.*

148. Monasky, *supra* note 1, at 1997.

149. *Id.* at 2011.

150. *Id.*

151. *Id.* at 2015.

152. *Id.* at 2016.

153. Day, *supra* note 7, at 167.

prioritize violations of the ban on buying sex.¹⁵⁴ Initially, the law suffered from a lack of enforcement by police, due in large part to police concerns regarding the ability to enforce the ban as well as concerns about issues of proof.¹⁵⁵ A 2001 report found that while street prostitution had declined, the reported violent crimes against prostituted women had actually increased.¹⁵⁶ While fewer men were willing to purchase sex, the disappearing customers tended to be those less violent who would no longer risk getting caught.¹⁵⁷ The customers that remained insisted on violent, perverted, and unprotected sex—“sometimes demanding sex acts with urine and feces, among other humiliating acts.”¹⁵⁸ Thus, women in prostitution found that there were fewer “johns” (i.e., customers), greater rivalry, and a greater exposure to sexually transmitted diseases, leading some to wonder whether they were truly better off.¹⁵⁹ As in the Netherlands, there is concern that prostitution has not decreased but only moved underground to forums that are more difficult to regulate because Swedish police only target “streetwalking.”¹⁶⁰ Thus, this Comment concludes that the Swedish model is also an unsatisfactory solution to the issues discussed above.

3. Regulated Legalization: The Nevada Model

Only one state in the United States has attempted legalization: Nevada. In 1973, local communities in Nevada were allowed to legalize prostitution.¹⁶¹ Prostitution, solicitation, and pandering remain illegal, while an exception is granted for prostitution that occurs in a licensed house of prostitution under the Nevada Revised Statute § 201.354.¹⁶² The Nevada counties vary widely in terms of how prostitution is regulated.¹⁶³ There is a Board of County Commissioners, which holds a significant amount of power to issue requirements and revoke licenses.¹⁶⁴ In addition, local sheriffs control unincorporated parts of a county, and public officials often have their own extralegal rules that are applied to prosti-

154. See Monasky, *supra* note 1, at 2029–30.

155. *Id.* at 2029.

156. *Id.* at 2030–31.

157. *Id.*

158. *Id.*

159. See *id.*

160. *Id.* at 2032.

161. Bingham, *supra* note 8, at 84.

162. *Id.* at 87.

163. For example, in Nye County all houses of prostitution must display “one sign no larger than twenty-four square feet, to be located on the entrance of the house of prostitution and to contain the following words and no others: Brothel or House of Prostitution (name of establishment).” *Id.* at 88.

164. *Id.* at 89.

tutes.¹⁶⁵ These rules can involve regulating when prostitutes go into town, when they can change employment, and discouraging freelancing.¹⁶⁶ Prostitutes are divided into two categories: (1) licensed prostitutes who are legal; and (2) all other prostitutes who are illegal, who “do not gain anything from the regulatory system since most prostitution remains illegal.”¹⁶⁷ Nevada is particularly important to examine because it exists within the social, economic, cultural, and legal constraints of the United States, and it is a better test for how legalization would actually look in the United States.

On a philosophical level, one of the most concerning features of a legalized system of prostitution is that the state, in effect, becomes a pimp. Because only licensed brothels are allowed, the limited number of brothel owners who have direct links with the local government to become licensed are, in essence, the only legal pimps.¹⁶⁸ “Some might consider this arrangement to mean that the state becomes the pimp by exploiting and abusing prostitutes through the system of licensed brothels.”¹⁶⁹ Legalization also implicitly legitimizes the pimps’ and traffickers’ system of manipulation and emotional dependence by allowing the sale of women and children to continue legally.¹⁷⁰

While legalized prostitution aims to give women engaged in prostitution more control over their lives by removing the fear of arrest and allowing women to choose their profession, the reality falls far short of that expectation. Prostitutes are not allowed to work independently outside the brothel system, and as a result, Nevada has essentially institutionalized third-party management.¹⁷¹ A regulatory system such as Nevada’s provides the state with a controlled means by which to sell women’s bodies, rather than providing a way for prostitutes to gain some degree of control over their lives.¹⁷² Licensed prostitutes in Nevada do not get worker benefits like other employees because they are considered independent contractors and are trapped in brothels that are more akin to prisons than a place of employment.¹⁷³ A legal prostitute must share her earnings with the brothel, leaving her with about 50% of her earnings, unlike the unlicensed prostitute who can at least try to work on her own

165. *Id.*

166. *Id.*

167. *Id.* at 93.

168. *Id.*

169. *Id.*

170. *Legalized Prostitution Is a Failed Social Experiment*, OPPOSING VIEWS (June 22, 2009), www.opposingviews.com/arguments/legalized-prostitution-is-a-failed-social-experiment.

171. See Bingham, *supra* note 8, at 93–94.

172. See *id.*

173. *Id.*

and keep all of her earnings.¹⁷⁴ Despite giving up these freedoms in the hope of a safer existence, the women in Nevada brothels continue to face harassment and violence on an almost daily basis.¹⁷⁵ Many women in prostitution feel safer in street prostitution as compared to Nevada brothels, where they are not permitted to reject any customer.¹⁷⁶ Brothel prostitutes have little to no control over their “work” because the individual counties dictate where, when, and to a certain extent, how prostitutes are to perform their services.¹⁷⁷ Because the state severely limits how a prostitute can engage in prostitution, the women must work on the terms set forth by the brothel.¹⁷⁸ A prostitute is essentially a prisoner in a brothel for a three-week shift and cannot collect unemployment insurance if she is fired because she is considered an independent contractor.¹⁷⁹ Because of this independent contractor model, prostitutes do not gain the benefits of health care, vacation pay, retirement benefits, or any of the other benefits and rights many workers have.¹⁸⁰ It is doubtful whether licensed prostitutes in Nevada gain anything by the limited governmental permission to engage in prostitution.¹⁸¹

Legalization in Nevada does nothing to diminish the stigma of prostitution: “Just because something is not criminal does not necessarily remove the stigma of being considered an ‘other’ woman or a source of ‘filth’ and contagion.”¹⁸² While legal prostitutes in Nevada may no longer suffer the stigma of being criminals, they simply traded one stigma for another: women are stigmatized by the licensing scheme and widespread belief that prostitutes are the source of disease.¹⁸³ Many prostitutes do not want to risk further stigmatization by going public as a prostitute because they obtained a license or give up their freedom by working in a brothel, so the vast majority of prostitutes in Nevada remain illegal.¹⁸⁴ The state heavily regulates those who engage in legal prostitution and places heavy restrictions upon licensed prostitutes.¹⁸⁵ Upon receiving a license, a prostitute gives up some of her rights, including the right to freely travel when and where she wants, her right to refuse testing for sexually trans-

174. *Id.*

175. *Id.* at 96.

176. FARLEY ET AL., *supra* note 141, at 60.

177. Bingham, *supra* note 8, at 96.

178. *Id.*

179. *Id.*

180. *Id.* at 93.

181. *Id.* at 96.

182. *Id.* at 94.

183. *Id.*

184. *Id.* at 93–94.

185. *Id.*

mitted diseases, as well as her right to live and work where she wants.¹⁸⁶ Health is the most heavily regulated area of prostitution; Nevada statutes require those engaged in prostitution to submit to HIV testing.¹⁸⁷ A person seeking a license for prostitution is required to submit to “a medical lab test for HIV, syphilis, and gonorrhea, monthly HIV and syphilis tests, and weekly gonorrhea and chlamydia tests.”¹⁸⁸ These stringent health regulations reinforce society’s image of the prostitute as a transmitter of HIV but do not reduce the spread of the disease because those who seek the services of prostitutes are not subject to any health tests.¹⁸⁹

B. Inherent Characteristics of Prostitution

Some may wonder, in light of these three examples, if the models used were the problem and not legalization or decriminalization in general. As discussed in Parts I and II, there are characteristics inherent to prostitution that lead to the victimization of its participants. These characteristics demonstrate most clearly why prostitution should not be legalized, no matter the model used. By its very nature, prostitution perpetuates abuse, stigmas, and violence that decriminalization and legalization cannot stop.¹⁹⁰ The significant amount of physical and sexual abuse involved leaves many victims suffering from post-traumatic stress disorder (PTSD).¹⁹¹

Violence is the norm for women in prostitution; incest, sexual harassment, verbal abuse, stalking, rape, battering, and torture are points on a continuum of violence, all of which occur regularly in prostitution. By definition, prostitution involves the purchase of sexual power over another—a practice that is inherently exploitative and naturally fosters sexual violence.¹⁹²

Legalized prostitution shows that the state allows people to be bought and dominated for personal pleasure, and legitimizes their commodification, which is an “unconscionable abdication of the state’s responsibility to protect its citizens.”¹⁹³ Prostitutes are social outsiders existing without honor or public worth, eventually losing their identity by becoming what their exploiters want them to be.¹⁹⁴ As discussed above, the most vulner-

186. *Id.*

187. *Id.* at 89.

188. *Id.* at 90.

189. *Id.* at 94–95.

190. Day, *supra* note 7, at 154.

191. Annitto, *supra* note 29, at 10–11.

192. *Legalized Prostitution Is a Failed Social Experiment*, *supra* note 170.

193. *Id.*

194. FARLEY ET AL., *supra* note 141, at 58.

able among us tend to be exploited through prostitution and therefore require the most protection; legalization is society's abdication of its responsibility to protect those populations. Shame, stigmatization, violence, and coercion are experienced by prostitutes in places where prostitution is both legal and illegal, demonstrating that the violent and exploitative nature of prostitution cannot be alleviated through its legal status.

Ultimately, the normalization of prostitution and sexual exploitation must be seen as an inevitable social evil.¹⁹⁵ "Prostitution is not a sin, it is a social injustice," said Norma Ramos of the Coalition Against Trafficking in Women.¹⁹⁶ "Legalization leads to an expansion of the sexploitation industry and protects no one. You don't tax a human rights abuse; you abolish it."¹⁹⁷ Legalization does not remove the stigma of prostitution and does not protect women from violence.¹⁹⁸ Prostitution myths, which conceive of the nature of prostitution as harmless, are akin to rape myths and result from attitudes that consider sexual violence to be normal.¹⁹⁹ On a moral level, society cannot condone violence against women and children, and unfortunately, despite some of the good intentions surrounding legalization, such exploitation becomes normal—a result which cannot be ignored.

C. Why Legalization Is Ultimately Not the Answer

Legalization simply cannot accomplish what advocates hope it will; however, some changes can be made to the current system in order to better assist victims. As stated above, the protection of victims must be of greatest concern, and the inherently violent and exploitative nature of prostitution makes legalization completely antithetical to that concern. While legalization is supported by several valid theories, it is simply not practicable in the United States at this time, and perhaps never will be. Too many children in the United States suffer from the risk factors which eventually lead so many into a life of prostitution, and for society to legalize it would simply leave such children at the mercy of those who would exploit them. "This is a crime of hidden victims."²⁰⁰ Legalization and decriminalization will only make victims more difficult to identify because the most valuable first responders to the problem, police, would no longer have jurisdiction. As mentioned in Part I.B, the United States

195. *Id.* at 65.

196. Norma Ramos, Letter to the Editor, *Don't Legalize Prostitution*, N.Y. TIMES (May 23, 2009), http://www.nytimes.com/2009/05/24/opinion/124prostitute.html?_r=0.

197. *Id.*

198. See Day, *supra* note 7, at 157–58.

199. FARLEY ET AL., *supra* note 141, at 62.

200. SHER, *supra* note 3, at 136.

already lacks the resources necessary to assist victims of sexual exploitation, and it is unlikely that the United States could develop the infrastructure necessary to ensure that only “voluntary prostitution” occurs. In addition, as stated above, where legal prostitution exists, illegal prostitution usually flourishes and the problem of coercion only grows. Even with the label of “voluntary,” there will be no way to ensure that the most vulnerable will not become victims of sexual exploitation. However, there is a way in which we can use the current system to increase victim access to services and ensure that normalization of sexual exploitation does not occur.

IV. A NEW SOLUTION: USING THE DRUG COURT MODEL FOR DEALING WITH PROSTITUTION IN THE LAW

A model that takes the previously mentioned realities of prostitution into account is necessary to provide help to those engaged in prostitution. A problem-solving court model, similar to the model used by drug courts across the country, provides the best framework for these women and girls to move forward with their lives. A problem-solving court would bring together advocates, criminal justice system players, and community partners, and work within the existing system which already provides the best opportunity for their rehabilitation. This Part proposes a “prostitution court” based on the drug court model in order to assist victims of prostitution. First, it explains the drug court model and addresses one used in King County, Washington. Second, this Part applies the model to the issues of women and girls engaged in prostitution by showing what features the court would need to be most effective. Third, it discusses the pros and cons of the model, including a critique of the problem-solving court model as applied to prostitution. Finally, this Part demonstrates how to overcome these critiques.

A. The Drug Court Model: The King County Drug Court

Problem-solving courts are not a new concept, and successful models are available for emulation. The court proposed in this Comment is modeled after the drug court in Washington’s King County. A drug court is set up by law, which allows the drug court to function.²⁰¹ One of the most established and progressive drug courts in the country—the King County Drug Court—became the first in the nation to receive the Transforming Communities Award from the National Association of Drug

201. WASH. REV. CODE § 2.28.170 (1999); KING CNTY. DRUG DIVERSION COURT, POLICY AND PROCEDURE MANUAL 4 (2011) [hereinafter POLICY AND PROCEDURE MANUAL].

Court Professionals in 2007.²⁰² While the court strives to hold offenders accountable, it also seeks to reduce recidivism and provide the offenders with the tools necessary to stay sober.²⁰³ A drug diversion court team is put in place and consists of a judge, prosecutor, and defense counsel, as well as administrative and treatment staff, police liaisons, and other treatment providers.²⁰⁴ In order to enter this program, an offender pleads guilty to the underlying charge with the understanding that failure to complete the program will result in the offender being sentenced on the original charge, but success will lead to the charges being removed from the participant's record.²⁰⁵ There are multiple phases to the program, each designed to bring the offender closer to the goal of sobriety.²⁰⁶ The court also has the flexibility to add or change the requirements as necessary to support the offender's goals.²⁰⁷ Participation in the King County Drug Diversion Court requires a minimum of ten months but on average takes about fifteen months to complete.²⁰⁸ The diversion court is built on a unique partnership between the criminal justice system and the drug treatment community.²⁰⁹ Treatment and intervention are structured around the authority of a single personally involved drug court judge.²¹⁰ In order to be successful, the atmosphere of drug court is purposefully non-adversarial.²¹¹ A single judge and a team of court officers and staff "work together toward a common goal of breaking the cycle of drug abuse and criminal behavior."²¹²

1. Application of the Model to Prostitution

This model combines the reach and accountability of the criminal justice system with the social services necessary to support those attempting to exit prostitution. This model can be used for adult women as well as juveniles, with some minor modifications. A number of social service providers need to collaborate to make this model effective, and the model must be flexible to accommodate the unique needs of each woman. One of the most important components of this model is the Wraparound Case Management Model. This model requires a team-

202. *Drug Diversion Court*, KING COUNTY, <http://www.kingcounty.gov/courts/DrugCourt.aspx> (last updated Feb. 6, 2014).

203. POLICY AND PROCEDURE MANUAL, *supra* note 201, at 3.

204. *See id.* at 5.

205. *Id.* at 3.

206. *See id.* at 11.

207. *See id.*

208. *Id.* at 3.

209. *Id.*

210. *Id.*

211. *Id.*

212. *Id.*

oriented approach including “individualized services, identification of support networks, . . . cross-agency teams, and a unified plan for care.”²¹³ Due to the complex and extensive needs of trafficking victims, it is impossible for a single agency to respond effectively to this population.²¹⁴ Advocates working with women in prostitution note that comprehensive services for prostitution recovery generally need to include outreach, detention-based services, emergency needs, housing, community service, employment training, legal advocacy, survivor support groups, and skill building.²¹⁵

Any successful program requires a continuum of care involving three phases: “crisis intervention and assessment, comprehensive as-

213. BOYER, *supra* note 51, at 35.

Wraparound is a team-based planning process intended to provide individualized and coordinated family-driven care. Wraparound is designed to meet the complex needs of children who are involved with several child and family-serving systems (e.g., mental health, child welfare, juvenile justice, special education, etc.); who are at risk of placement in institutional settings; and who experience emotional, behavioral, or mental health difficulties. The Wraparound process requires that families, providers, and key members of the family’s social support network collaborate to build a creative plan that responds to the particular needs of the child and family. Team members then implement the plan and continue to meet regularly to monitor progress and make adjustments to the plan as necessary. The team continues its work until members reach a consensus that a formal Wraparound process is no longer needed. The values associated with Wraparound require that the planning process itself, as well as the services and supports provided, should be individualized, family driven, culturally competent[,], and community-based. Additionally, the Wraparound process should increase the ‘natural support’ available to a family by strengthening interpersonal relationships and utilizing other resources that are available in the family’s network of social and community relationships. Finally, Wraparound should be ‘strengths-based,’ helping the child and family recognize, utilize, and build talents, assets, and positive capacities.

Id. at 42.

214. CLAWSON ET AL., *supra* note 18, at 18.

215. BOYER, *supra* note 51 at 30. Boyer’s report defines the terms of comprehensive services as follows:

Outreach—The trust and trauma issues of prostituted youth makes street outreach a cornerstone of service continuums; Detention-based Services—Detention services that include referrals for post-custody housing, case management, and other aftercare services, self-esteem/gender-based groups, life skills, and education; Emergency Needs—Shelter, personal needs/hygiene/clothing, transportation, medical care, and protection; Housing—Emergency shelter, safe housing, transitional and permanent housing; Community Services—Family reconciliation, education, health education, trauma recovery counseling, and case management; Employment training, vocational preparation, and job placement; Legal advocacy and assistance; Survivor support groups; Substance-abuse treatment; Skill Building and support groups that include topics on positive relationships, sexual exploitation, personal and neighborhood safety, anger management, recognizing perpetrators, communication skills, and recreation programs; and Services Addressing Customers including diversion schools that address HIV and STD prevention and education on the harm of prostitution.

Id.

assessment and case management, and social reintegration.”²¹⁶ As with the King County Drug Court, any successful court model must involve collaboration between the key players in any court system: judges, prosecution, and defense. These players must be able to work together in a non-adversarial environment, made possible by the voluntary nature of participation in a problem-solving court. There are a number of barriers that often prevent victims from accessing services, and any programming needs to be sensitive to those barriers.²¹⁷ For example, women may not have access to resources, lack trust for those offering help, or may simply be too afraid to seek help.²¹⁸ Trained service providers would assist the court in overcoming these barriers and create a successful pathway to services. Flexibility is also critical because prostituted persons face individualized struggles, and the court must have the ability to form an individualized plan for each participant based on the unique needs of each person. However, there are certain components that should be available in any successful prostitution court, which are outlined below.

2. Necessary Program Components

First, because of the prevalence of substance abuse²¹⁹ in the world of prostitution, any successful court must have drug treatment available. Drug treatment can be instrumental in assisting women and girls to safely exit prostitution.²²⁰ There are dramatic links between prostitution and substance abuse because women involved in prostitution tend to have extremely high levels of such abuse.²²¹ If women are still struggling with addiction, they will be unable to deal with the other issues in their lives, leaving them trapped in a life of prostitution.

Second, mental health counseling is another important component of a successful prostitution court. Young girls trapped in prostitution suffer emotionally as a result of their engaging in prostitution, with high rates of dissociative disorders, self-destructive behaviors, suicide attempts, and clinical depression.²²² Service providers are becoming in-

216. CLAWSON ET AL., *supra* note 18, at 22.

217. Examples of barriers that victims face include the following: inability to self-identify; lack of knowledge of services; fear of retaliation; fear of law enforcement, arrest, or deportation; lack of trust; shame or stigma; learned helplessness; PTSD; cultural or language barriers; and lack of transportation. CLAWSON ET AL., *supra* note 18, at 15; *see also Independent Domestic Violence Advocates: Information Briefing, Prostitution and Domestic Violence*, AGAINST VIOLENCE & ABUSE, 1 (Dec. 2010), <http://www.avaproject.org.uk/media/62312/idva%20policy%20briefing%20december.pdf> (U.K.) [hereinafter *Prostitution and Domestic Violence*].

218. *Prostitution and Domestic Violence*, *supra* note 217.

219. *Id.*

220. RAPHAEL & ASHLEY, *supra* note 28, at 42.

221. *Prostitution and Domestic Violence*, *supra* note 217.

222. CLAWSON ET AL., *supra* note 18, at 11.

creasingly aware of the need for integrated treatment due to the trauma, substance abuse, and mental health disorders suffered by victims of prostitution.²²³ In order for the counseling to be more effective, peer-to-peer counseling models should be utilized. “Talking with peers, or even talking to a non-peer in a predominantly peer-led setting, lessens sex trade workers’ fears of confessing to a stigmatized identity and producing in service providers a range of reactions from horror to titillation.”²²⁴ This model will be most effective and will help victims feel more comfortable and trusting; therefore, survivor counseling should be a part of the model prostitution court.²²⁵

A third key component is job or skills training. Women engaged in prostitution need an alternate source of income to ensure that their exit from prostitution is a permanent one.²²⁶ In order to assist with job training, many women and girls will need assistance completing or continuing their education. Because many women started prostituting under the age of eighteen, they may not have completed high school.²²⁷

Fourth, physical health treatment may also be important because the women are exposed to so much physical abuse, and they may also be exposed to sexually transmitted illnesses (STIs).

Fifth, and perhaps most urgent, is that those escaping prostitution have reported housing, both transitional and long-term, as an urgent need.²²⁸ Some youth, for example, are likely to be involved with a pimp or gang and thus will need safe and secure housing when released from juvenile detention.²²⁹ Involving community organizations could be beneficial to help achieve these goals provided that the court monitors such organizations. Community organizations may have more specialized knowledge or training and may be better received by women who enter the program because they are not law enforcement agents.

Ultimately, the program would involve the arrest of a suspected prostituted person by police; police would be responsible for identifying prostituted persons and making the referral to the prostitution court. Police would require training in order to ensure that prostituted persons are not charged under a different crime, thereby remaining unidentified as victims of prostitution. The person would then be presented with the option of participating in the prostitution court, and by doing so, she would plead guilty to the charged crime. The understanding would be that by

223. *Id.* at 12.

224. *Id.* at 21.

225. *Id.*

226. BOYER, *supra* note 51, at 31.

227. CLAWSON ET AL., *supra* note 18, at 11.

228. *Id.*

229. BOYER, *supra* note 51, at 23.

pleading guilty and entering the court, the person will participate in the services recommended by the court with the assistance of community partners. Successful completion of the program would result in all prostitution-related crimes being removed from the criminal record, whereas failure to complete the program would result in sentencing for the original offense. This Comment recommends that the prostitution court remove all prostitution-related crimes from the person's record, as opposed to only the presently charged offense, in order to better assist the person in making a successful exit from prostitution. Participants would be encouraged to participate in the prosecution of third-party exploiters to ensure that more women and children are not victimized. A program could even require participating in prosecuting of the pimp. The court would be under the control of the county court system with cooperation from the local prosecuting attorney's office and the defense agencies.

B. Advantages of Using a Prostitution Court

A problem-solving court, such as the one proposed here, works within the preexisting system to create a pathway to social services, helping to prevent recidivism by giving participants the skills necessary to make a life outside prostitution. As outlined above, police are already the most effective first responders, and they would continue to be, allowing for more victims of prostitution to be identified. However, unlike the current system, prostituted persons would not sit in jail, labeled as criminals and unable to access services. Their discovery by police would serve as a catalyst for access to services to help rebuild their lives. The court would be transformed into a less adversarial environment to provide the appropriate setting for recovery and facilitating services. The system would ensure that all prostituted women have the option to access services, while still maintaining the accountability that the criminal justice system provides. By providing the opportunity to remove the charge from a participant's record upon successful completion, the court would allow participants to move forward with their lives without the black mark of a criminal record that can inhibit their ability to obtain employment and housing. The model also protects victim autonomy by allowing them to opt into the court as opposed to simply forcing services on them. Such a court would help bridge the gap between the "victim" and "criminal" labels that currently exists. Presently, prostituted persons are victimized by those around them, and as a result, the system criminalizes them. The proposed model recognizes that while participants need to be held accountable, they also need help to move past the abuse and gain control over their lives. This model also encourages, or even requires, partici-

pants to cooperate with the prosecuting of pimps in order to ensure that pimps are held legally accountable for exploiting women.

C. Critiques of Using a Prostitution Court

The strongest critique of using a problem-solving court comes from an article by Mae C. Quinn discussing Anna Moscowitz Kross's critiques of both unsuccessful attempts at problem-solving courts, as well as the concerns of using such courts. The critique of the courts centers on the involvement of private actors in the criminal justice system, the lack of effectiveness, the lack of sensitivity for the women going through the system, and ultimately, the concern over whether prostitution should be criminalized at all.

1. How Previous Women's Courts Came to Be

A specialized court designed to deal with the issue of prostitution has been attempted before—once in the form of a night court, established in 1907 within the City's Magistrates Court system, and again, less than 100 years later, in the form of the Midtown Community Court.²³⁰ The court's stated operational directives were to provide "'swifter justice' and 'visible justice,' to 'encourage enforcement,' to 'leverage community resources,' and to deliver 'community restitution'.... [The court] appl[ied] the oft-cited 'Broken Window' theory to low-level crime in Midtown so that it would not fester to destroy the 'social fabric' of the community."²³¹ Neither courts were plea-based courts, but rather women were funneled to the court directly after arrest.²³²

2. Negative Influence of Private Actors in the Criminal Justice System

Both courts shared a particularly concerning flaw: they were strongly controlled by the interests of private groups. In regards to the first Women's Night Court,

vocal anti-vice advocates like Reverend Charles H. Parkhurst of the Madison Square Presbyterian Church, and the Committee of Fourteen, a group of wealthy, influential citizens, complained that city

230. See Mae C. Quinn, *Revisiting Anna Moscowitz Kross's Critique of New York City's Women's Court: The Continued Problem of Solving the "Problem" of Prostitution with Specialized Criminal Courts*, 33 *FORDHAM URB. L.J.* 665, 672 (2006).

231. *Id.* at 700–01 (quoting MICHELE SVIRIDOFF ET AL., *CTR. FOR COURT INNOVATION, DISPENSING JUSTICE LOCALLY: THE IMPLEMENTATION AND EFFECTS OF THE MIDTOWN COMMUNITY COURT 2* (2012)).

232. *Id.*

officials . . . were not doing enough to prevent prostitution or fight the spread of venereal disease in New York City.²³³

These private interest groups used the Women's Night Court as a platform to press a "moral reform" agenda.²³⁴ The result was corruption in the court. Court officials were subject to bribes by third parties in exchange for favorable treatment of some accused prostitutes and to judges altering trial records.²³⁵

Just as with the Women's Night Court, the Midtown Community Court was developed in response to the concerns of vocal groups seeking to suppress prostitution in the area.²³⁶ Gerald Schoenfeld, chairman of the Schubert Theater Organization, and Herbert Sturz, a real estate executive, helped fund the court.²³⁷ Another private supporter, Barbara Feldt, founded Residents Against Street Prostitution (RASP), a group that called upon the police and the court system to take a more aggressive stand against prostitution and felt criminal courts treated prostitutes too leniently.²³⁸ The wealthy private actors who pushed for both courts to be set up remained active in the court after its creation to ensure that their moral reform agendas were successful.²³⁹ These groups cared little for the women coming through the courts' doors because as long as they did not see prostitution and street walking in their neighborhood, they were satisfied.²⁴⁰

3. Courts Did Not Solve the Problem, Only Pushed It Elsewhere

Neither of these courts solved the problem and merely pushed it into less visible sectors. In regards to the first Women's Night Court, the anti-prostitution crusaders declared victory in their war against prostitution because of the decreasing visibility of street prostitution, when in reality those engaged in prostitution were changing their practices in order to avoid arrest.²⁴¹ The same was true of the Midtown Community Court: "[I]nterviews with sex workers suggested that many of the women who worked through those strolls had merely changed habits, behaving more discreetly and wearing casual clothing so as to blend in with other pedestrians."²⁴² While prostitution became less obtrusive in the area, very

233. *Id.* at 671–72.

234. *Id.* at 673.

235. *Id.* at 684.

236. *Id.* at 698.

237. *Id.*

238. *Id.* at 700.

239. *Id.*

240. *Id.* at 712.

241. *Id.* at 682.

242. *Id.* at 707.

few women left the life of prostitution as a result of the intervention provided by the court.²⁴³ Ultimately, the court had “largely negative effects on the street prostitutes who it targeted without providing sufficient means for those who were entrenched in ‘the life’ to make meaningful life changes.”²⁴⁴

4. The Court Did Not Have the Women’s Best Interests As Its Primary Purpose

Both the influence of private anti-vice groups and the practices of the courts demonstrated that they did not have the interests of the women engaged in prostitution as their guiding concern. Both courts actively encouraged visitors and created a spectacle of the women brought before the court.²⁴⁵ Women were wrongly stereotyped and lost the presumption of innocence upon entering both courts.²⁴⁶ The sentences used by the Midtown Community Court demonstrated its lack of understanding of the struggles of women in prostitution and served only to embarrass, not to facilitate recovery.²⁴⁷ Both courts served merely to shame the women working as prostitutes, inconsistent with the purported desire to uplift them.²⁴⁸ If the only purpose is to make prostitution less of an eyesore, then neither the women nor the community will be served in any meaningful way.

5. Concern That Prostitution Simply Should Not Be a Crime, Social Services Needed

While the critics’ concerns of the problem-solving courts are valid, their ultimate concern is that prostitution should not be criminalized. No

243. *Id.* at 709.

244. *Id.*

245. The Women’s Night Court continually encouraged visitors stating that “there is considerable space for spectators, the floors sloping from the entrance, so that all have a clear view of the proceedings.” *Id.* at 677. The court created a spectacle with

one side frequented by a crowd of men, either associates of the woman tried there, or those drawn by morbid curiosity, and on the other by a more shifting but almost always present group of fashionable men and women, who drop in after theater or dinner as they would perhaps to some vaudeville show.

Id. Similarly, the Midtown Community Court sent invitations to the community. *Id.* at 702.

246. *Id.* at 681.

247. For their first offense, women were made to complete community service, during which they were expected to wear “blue vests emblazoned with the Court’s name.” *Id.* at 703. While the vests were “not intended to publicly shame offenders, but to show the neighborhood that offenders are paying back the community for the damage they have done,” this punishment served only to embarrass and degrade offenders. *Id.* Failure to complete either the community or social service components would result in incarceration, with the sentences being significantly longer than those usually imposed for similar offenses in other courts. *Id.* at 704, 720.

248. *Id.* at 719–20.

problem-solving court will ever solve such critics' concerns over whether prostitution should be decriminalized, and this area is one on which this author and such critics must agree to disagree. Critics like Kross suggest that the only real way to deal with the issue of prostitution is to remove it from the courts completely and provide the women with access to social services from trained social workers.²⁴⁹ Critics do not want to see important services under the control of courts because they fear it may prevent some who would otherwise access services from doing so. It also sends the message that those receiving social services should be monitored by courts, serving to further stigmatize and marginalize people.²⁵⁰ Additionally, critics are concerned that these experimental courts are expensive and simply wasteful because the criminal justice system is used too often to solve societal problems.²⁵¹

Kross suggested a “medical–social” method of handling such matters and proposed the creation of an “informal tribunal consisting of a doctor, a psychiatrist, and a lawyer who would ensure appropriate social services, medical treatment, and other programs for prostitutes instead of the Women’s Court.”²⁵² Kross envisioned the court as being similar to other administrative boards created under the law, and while detention might be used under some circumstances, her intention was to replace the then existing “punitive and repressive” system with one based upon cooperation and voluntary involvement in treatment.²⁵³ Ultimately, Kross’s solution sounds similar to the solution proposed in this Comment. Although the criminal justice system is involved in the solution proposed by this Comment, it would serve all the functions that Kross would like to see her proposed “tribunal” serve. Creating an entirely new system to handle such claims would be far more wasteful than using experimental courts in the currently existing criminal justice system.

D. Overcoming Critiques and Necessary Future Steps

When done in a sensitive, meaningful way, problem-solving courts can be an effective way to change how vulnerable and exploited people interact with the law. While the criticisms put forth by Kross and others are valuable, they do not all necessarily apply. With the exception of the concern over the continued criminalization of prostitution in general, all of the concerns could be addressed if the court was put together in a way that aimed to address the real issues faced by prostituted persons. The

249. *Id.* at 668–86.

250. *Id.* at 719.

251. *Id.* at 726.

252. *Id.* at 688.

253. *Id.*

court need not, and should not, involve private actors who influence the criminal justice system. The criminal process, as critics correctly note, protects criminal defendants from the “unfettered will of the public,” which can be driven by any number of private concerns such as prejudice, bias, or other religious or moral beliefs.²⁵⁴ Criminal matters involve the state, in the form of the local prosecutor, lodging claims against a single person.²⁵⁵ Therefore, the potential influence of private groups is especially concerning and may leave defendants open to the vindictive practices of the community.²⁵⁶ While this concern is valid, it is not a *per se* component of such problem-solving courts. As with the King County Drug Court, private actors have no reason to be involved in a partnership between the courts and social service providers, thus vocal anti-vice reformers would not have control over the court. A court that had the welfare and rehabilitation of the women in prostitution as its primary goal would be more successful and do more than merely push prostitution into a different more dangerous neighborhood. The court would not focus on meaningless busywork and community service to “repay the community for harm done,” but instead would focus on providing meaningful treatment plans facilitated by service providers. The women would also opt into the court, as opposed to being brought there immediately after arrest and sending a message of guilt throughout their presence with the court. The author of this Comment and critics of special courts will have to remain in disagreement over the continued criminalization for the reasons outlined above; however, this plan would likely meet their approval based on the solutions they have proposed. While the critiques put forth by Kross and others have been overcome, they should not be dismissed; such critiques serve as a valuable warning of what well-intentioned courts can become. These courts must constantly maintain focus on the mission of helping victims make a successful exit from prostitution and ensuring that private actors are not able to control the courts. The court cannot simply serve some archaic notion of community repayment, but rather it must always focus on the services that are proven to facilitate a successful exit from prostitution.

Several steps must be taken before more progress can be made. State legislatures must pass a law empowering such a court to exist and allowing that court to remove charges from criminal records upon successful completion of the program. The most urgent need for women, as discussed above, is assistance in finding both short- and long-term housing. Many of these women were runaways in their youth and do not have

254. *Id.* at 713.

255. *Id.* at 714.

256. *Id.*

housing. Others use prostitution as their sole source of income and thus need housing until they are able to obtain alternative means to support themselves. Housing is costly, and additional government funds must be designated to this purpose, which may be difficult. Youths in particular may need secure housing to stay safe from pimps and prevent them from running back to their exploiters. Police training is needed to ensure that police are able to identify victims of prostitution, even if the victims are arrested on charges other than prostitution. With more training, police will be able to recognize victims more readily, and victims will receive access to the services they desperately need rather than becoming trapped in the revolving door of the criminal justice system. Police may also require training to understand the complex issues surrounding domestic sex-trafficking and allow them to be sensitive to victims. Lastly, additional training for service providers may be needed to ensure that they can provide the most meaningful assistance possible to victims of prostitution.

V. CONCLUSION

Advocates are correct when they call prostitution the world's oldest oppression.²⁵⁷ Prostitution is dominated by violence, abuse, and exploitation. While there are many valid theories behind legalization and decriminalization, such solutions are simply not practical in American society with children and young women being funneled into the trap of prostitution everyday as a result of socioeconomic conditions into which they are born. Police remain the best first responders for the problem, and legalization would no longer allow them to fill that role. No other social service organization can identify victims as effectively as police. Eliminating police jurisdiction would also destroy law enforcement's ability to arrest and prosecute traffickers. Legalization has yet to yield the desired results, both abroad and even in the United States.

A problem-solving court, similar to a drug court, is the best solution for the problem of prostitution. Law enforcement would still be able to identify the women involved in prostitution; however, the women would also gain access to the services needed to regain control over their lives. The court and service providers would be able to work together to come up with a comprehensive service plan for each participant that would address her unique needs. While many critiques of problem-solving courts are valid, they are based on historical attempts at squashing the vice rather than helping the women trapped in prostitution. These unsuccessful courts are reminders of how prostitution courts can fail, but they

257. Monasky, *supra* note 1, at 1995.

should not be used as an excuse to exclude the use of courts to assist prostituted persons. Even though some critics remain opposed to prostitution's continued criminalization, the proposed court may be the best way to satisfy all involved by providing a meaningful opportunity for women to remove the charges from their record and gain the help necessary to begin to reorder their lives. Such a court has the potential to help restore the dignity, value, and worth with which prostituted persons were born, and it can help free them from a secret life of violence and exploitation.