

Prostitution Diversion Program

TYLASM

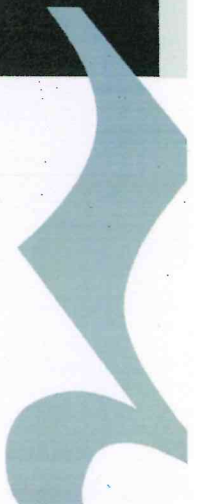
Turn Your Life Around



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TYLA exists to identify individuals/victims who are being sexually trafficked and provide them with resources and strategies to help them escape the sex trade industry. TYLA provides an alternative to anyone being arrested for the act of prostitution

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Scope Of The Problem

As society evolves, perspectives on old problems change. When we talk about old problems, there are none older than sex trafficking, human trafficking, and the act of prostitution. When society's perspectives change, the criminal justice system is compelled to change. In today's climate, society is calling for more innovative, compassionate, and rightful ways of addressing social problems, especially when methods of the past have proven to be unsuccessful. Much of law enforcement's efforts in the United States are driven by calls for service and complaints; especially when open air prostitution is the topic.

For decades, law enforcement's traditional response has solely been enforcement in an attempt to quell the public outcry. What this response has yielded is a temporary and costly resolution due to high recidivism rates. The cycle of prostitution can't be broken without understanding the root problems and recognizing that for years we have been arresting victims of sexual exploitation.

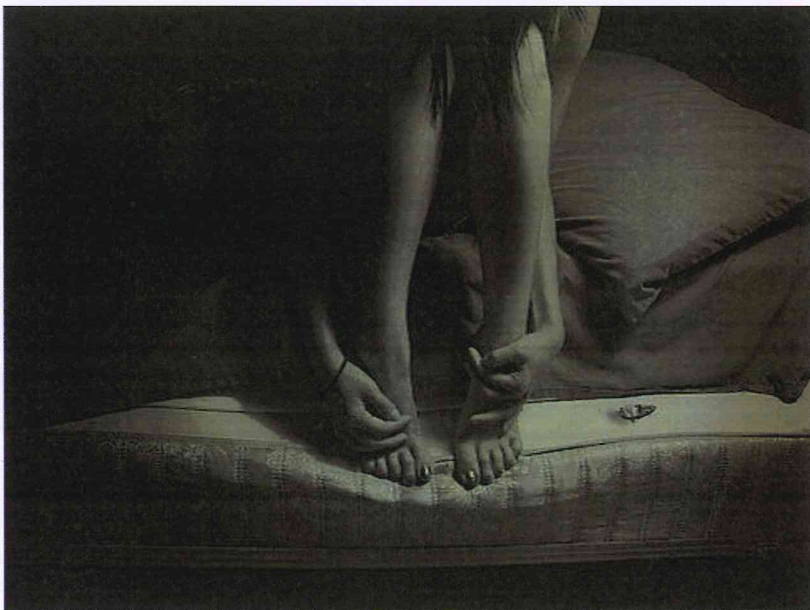
Once the root problems are understood, the entire criminal justice system must regroup and adapt to make the process more efficient and humane. However, the criminal justice system cannot do this without collaboration with the community. When someone has been sexually exploited, society has failed somewhere down the line. To make great change, society must come together or else the effort will be futile.

Prostitution has been a problem in the city Sarasota for decades. Although those engaging in prostitution include boys, girls and adults this handbook will focus mainly on the adult female population. Precursors often found in the makings of a person engaging in prostitution often include sexual, physical, mental abuse, mental illness, and drug abuse.



Scope Of The Problem (continued)

Sadly, many adult women engaging in the act of prostitution started on the streets as adolescents. Unfortunately, the adolescents turn into adults with nothing changing in their world other than their age. Adulthood itself, contrary to the thoughts of many doesn't immediately bring wisdom or erase a lifetime of scars without professional intervention. Their vulnerability to exploitation still exists. Adults struggling in a life of prostitution are not "throw-aways." They are someone's daughter, sister, wife, or mother and they are worthy of being helped.



In order to holistically understand the scope of human trafficking, the "trafficker" must be highlighted and defined. The term "human trafficker" often connotes visions of an organized crime figure who stashes women from abroad in containers of a cargo ships to be sold. This is an accurate depiction however it is not the only one. Pimps running women on street corners in the open air prostitution markets of our country

are also traffickers. Essentially, any person who exploits another human being in the sex trade for their benefit is a trafficker. Traffickers and pimps use physical, emotional and psychological abuse to coerce young women and girls into a life of sex trafficking. Traffickers are master manipulators and employ tactics to create trauma bonds with victims. Traffickers often use the threat of violence against victims or victim's loved ones to secure their submission. Under the Trafficking Victims Protection Act (TVPA) sex trafficking requires force, fraud or coercion UNLESS the victim is a minor.

Any minor used in a commercial sex act (the exchange of any item of value for a sex act) is a victim of trafficking, regardless of their willingness or desire to engage in the sex act.¹

¹ Shared Hope International. <http://sharedhope.org/the-problem>

Solutions

An effective approach to preventing trafficking and exploitation through prostitution is the 'Nordic Model', a human rights and gender equality-based approach. This set of laws and policies penalizes the demand for commercial sex while offering services to those who wish to exit prostitution.²

In 2012, the non-governmental organization (NGO) Selah Freedom began conversation with the Sarasota Police Department in an attempt to form a community partnership to tackle sexual exploitation/prostitution. These talks led to the formation of the prostitution diversionary program TYLA - Turn Your Life Around.

Currently, TYLA is comprised of Selah Freedom, the Sarasota Police Department, First Step (detox), and the State Attorney's Office of the 12th Judicial Circuit of Florida. TYLA's mission is to identify individuals/victims who are being sexually trafficked and provide them resources and strategies to help them escape the sex trade industry. TYLA is the alternative to traditional law enforcement techniques.



² What is the 'Nordic Model'. http://equalitynow/sites/default/files/nordic_model_EN.pdf

Solutions (continued)

Anyone trapped in the sex trade industry are victims and should be treated accordingly. This should be reflected in law enforcement's strategic plan. Enforcement efforts should be directed to those benefiting from the sexual exploitation.

- The buyers of sex "Johns"
- Sex/human traffickers "pimps"
- Hotel/motel owners/proprietors
- Sauna/Massage Parlor Owners
- Advertisers of prostitution/sex (websites/pornography)

If one is arrested for the solicitation of prostitution or related crime in the City of Sarasota, the following sanctions will be levied:

- The public dissemination of the arrest to include booking photograph
- Vehicle seizure under Sarasota City Code
- Criminal charges • \$5000 fine upon conviction (state sanction)

If a buyer makes contact with an undercover officer during a "John sting" and there is overt conversation in the furtherance of sexual assignation, but the threshold of probable cause was not met (no arrest), a prostitution advisory letter is sent to the registered owner of the vehicle. The letter does not accuse anyone of committing a crime. It merely advises the vehicle registrant that their vehicle was in an area known for prostitution and that someone occupying their vehicle engaged an undercover officer in conversation pertaining to prostitution. It further warns that

the Sarasota Police Department takes a no tolerance approach to prostitution

and enumerates potential ramifications for anyone arrested for such offenses. A general rule of thumb that predicates the mailing of a prostitution advisory letter is audio and video evidence that clearly provides the criminal intent of the subject.

Change of Perspective

Since 2012, there has been a sweeping change of perspective across the United States regarding human trafficking in the criminal justice system on the local, state, and federal levels. The construction and adoption of anti-human trafficking laws such as Florida's Safe Harbor Act (2012) have been enacted giving law enforcement more tools to combat traffickers but also to protect the victims of trafficking as well. Florida has updated the penalties for persons arrested for soliciting prostitutes "Johns" from a 2nd degree misdemeanor to a 1st degree misdemeanor. Also, public records exemptions have been enacted specific to the protection of victims of sex trafficking. With this new awareness, more jurisdictional human/sex trafficking task forces are being constructed enabling information sharing.

Law Enforcement Buy-In

Obtaining support from the entire criminal justice system is essential; however, because law enforcement officers are the "boots on the ground" and the ones making daily contacts with the victims and offenders, their buy-in is imperative.

Law enforcement of old viewed prostitution only as criminals. That is what was taught in police academies across the country and it paralleled a societal consensus as well. In the police academy and at individual police agencies, prostitution and related crimes were categorized as "vice crimes" perpetuating the idea that "buyers" of sex merely had a character flaw and in the big scheme of things, were not hurting anybody but themselves. Beliefs such as this promoted law enforcement's anemic approach to solving the problem.

Diversification programs for individuals engaging in prostitution were nonexistent and when law enforcement initiated enforcement efforts, those engaging in prostitution were not treated as victims. They were often treated disrespectfully and were stigmatized by having their arrests disseminated in the media, which ultimately re-victimized them.

Law Enforcement Buy-In (continued)

In order to obtain law enforcement buy in, the following is recommended:

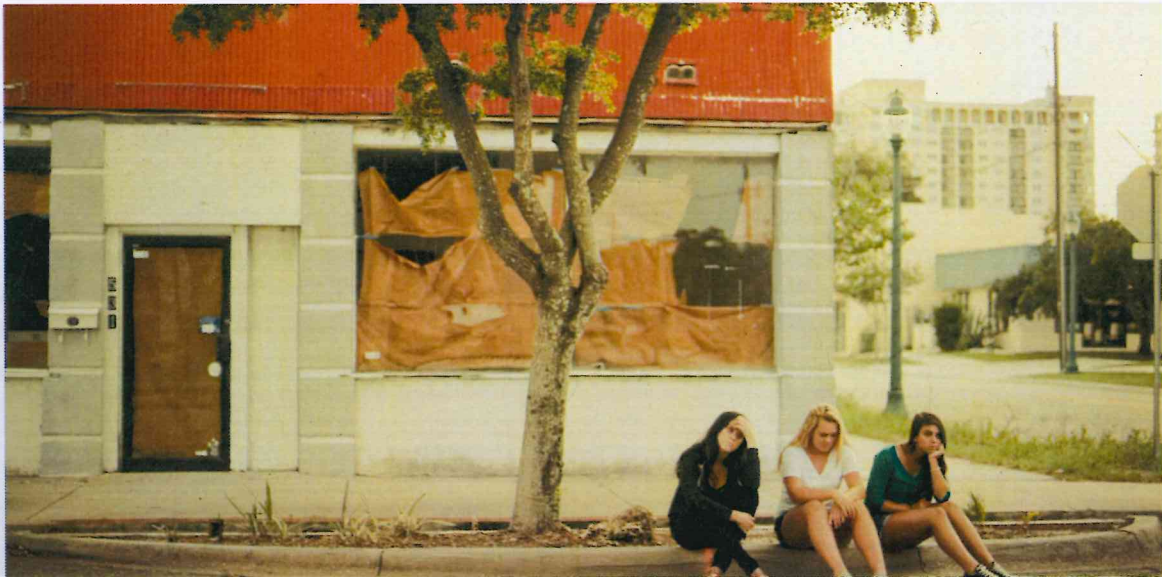
- Human Trafficking Training in the police academy
- Embrace a community policing philosophy department wide that promotes outreach initiatives
- Conduct in-service training pertaining to human trafficking in order to train veteran officers and to give new legislation updates
- Have a designated unit for the investigation of human trafficking
- Provide patrol officers with human trafficking contact/hotline information

With the training of veteran officers, the following touch points should be discussed:

- Those engaging in prostitution are exploited victims and not willing participants
- Prostitution is not a victimless crime
- Pimps are street level sex traffickers
- Human trafficking is on our local streets
- Non-Governmental Organizations (NGO) can work with law enforcement symbiotically (diversion/enforcement).



Change of Perspective



During law enforcement training there are many common concerns expressed by officers. Generally, the basis for the concern usually comes from the experience of veteran police officers. Listed below are the most prevalent concerns followed by the answers.

- “If those engaging in prostitution are given the option of diversionary services over going to jail, won’t they always pick diversionary services? No. It is an easier path to go to jail than start to face detox and counseling. With that being said, these women are carefully vetted. Not all are immediately afforded the opportunity for detox.
- “Why should anyone engaging in prostitution get more than one chance to accept and follow through with diversionary services?” It is naïve to believe that one or two counseling sessions or opportunities is enough to fix a lifetime of trauma. Statistically it takes 7-8 interventions for a victim to decide they want to receive assistance.
- “Why shouldn’t “Johns” be afforded the same opportunity?” There are jurisdictions that have diversionary programs for “Johns.” The 12th Judicial Circuit of the State of Florida is finalizing measures to enact such a program. Every person should be afforded the opportunity to make positive change in their life, however in the realm of sex trafficking, “Johns” are considered to have a higher degree of culpability because they are the driving force behind sex trafficking. Without demand there would not be a supply.
- “Why are we putting effort into helping this population?” Every life matters. The primary role of a law enforcement officer is to protect and serve.

How TYLA Works

Historically, the undercover prostitution sting was the preferred method of attack law enforcement used to disrupt open air prostitution in its “red light districts” or “tracks” where prostitution was prevalent, along with an occasional “John sting” targeting the buyers of sex. In order to make criminal cases, undercover operatives would be sent out to these areas posing as buyers. Once probable cause had been met, usually based on a successful assignation or deal, the one engaging in prostitution would be arrested and booked into the county jail on a misdemeanor charge. The arrest was the only desired goal. Unfortunately, the results were temporary. Arrestees would quickly be back on the streets in time for the next prostitution sting and the process would be repeated. Even though the same people would be arrested over and over, law enforcement viewed these arrests as “wins,” announcing the victory to the public in an attempt to relieve political pressure.

The basis behind TYLA is to change an unsuccessful process by dealing with the core issues surrounding prostitution/sex trafficking by finding more permanent and fiscally responsible solutions and doing so in a humane and rightful way.

First Contact & Screening



The TYLA initiative still promotes the enforcement element in regards to prostitution/sex trafficking, however, the following adjustments have been made (see diagram in this section). Law enforcement still conducts undercover prostitution stings utilizing the same technique. Instead of taking the detainee directly to jail, the subject

is taken to a location to meet with case managers from TYLA representing a detox facility and an NGO specializing in sex trafficking diversion; preferably an NGO who provides residential services and takes a holistic approach to rehabilitation.

How TYLA Works (continued)

During the meeting, TYLA case managers vet the detainees for candidacy into the diversion program. Not every detainee is automatically accepted. Some reasons that preclude the immediate acceptance into the program include:

- Outstanding warrants
- Felony charges
- The subject being identified as a “recruiter”
- An unwillingness to receive diversionary services

It should be noted that initial preclusion into the program does not forever disqualify someone's acceptance into a diversionary program. Sometimes acceptance is temporarily delayed or that a different diversionary path is constructed. As an example, TYLA case managers will conduct in jail assessments in order to form new diversionary strategies.

If during the initial vetting process a candidate for diversionary services has been identified and the subject is willing, they are transported to the detox facility under Florida's Hal S. Marchman Alcohol and Other Drug Services Act. The Florida Marchman Act provides for the involuntary or voluntary assessment and stabilization of a person allegedly abusing substances like drugs or alcohol, and provides treatment of substance abuse. The criminal charge is not discarded. The detainee is given a Notice to Appear in court to answer to the prostitution charge. Following a maximum three-day stay at detox, NGO follow up services commence dependent on the needs of the subject.

If the subject has agreed to diversionary services and is a good faith participant, notice is given to the State Attorney's Office so that prosecutors can be made aware prior to the arraignment date. TYLA representatives attend the arraignment date. At a minimum, law enforcement and an NGO representative should be present. Often times, one of the representatives is called to speak to the court in order to advocate for the client. TYLA representatives attend all future criminal proceedings in order to provide the courts with accurate case management updates. TYLA representatives work with both prosecutors and public defenders in the best interest of the client. Subsequent to the Marchman Act/Notice to Appear or incarceration, notification is made to the State Attorney's Office about potential candidates for the TYLA program.

How TYLA Works (continued)

Discussions occur with the State Attorney's Office about specifically tailored placement and treatment plans for the candidates, as well as their eligibility for the program. If a candidate is accepted into the TYLA program, the State Attorney's Office assists in ensuring that the Court is informed of the legal status of the case and recommends that the case be continued on the court docket. This allows the client the opportunity to successfully complete the diversionary program. Upon successful completion of the diversionary program, the State Attorney's Office will seek to completely dismiss the criminal charges.

Assessment/Referral

Within the first week after initial law enforcement contact starts a full assessment to include;

- Mental health screening
- Medical screening (infectious disease screening)
- Age verification/eligibility
- Gender identification
- LGBTQ considerations/designation
- Screening for "recruiters"
- Criminal history check (violent tendencies)

The assessments are conducted by trauma care specialists and/or a victim advocate specializing in human trafficking. The assessment provides case managers a guide how to individually customize a case plan.

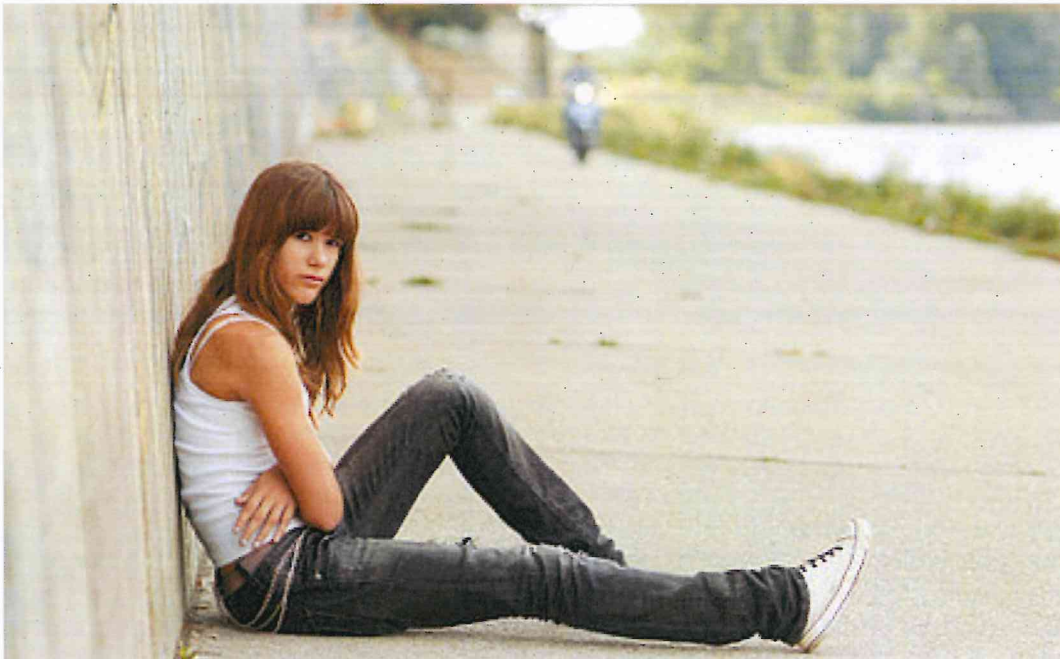


How TYLA Works (continued)

Court

In order for the TYLA prostitution diversionary program to work efficiently, there must be open communication between law enforcement, case managers, prosecutors, public defenders, and judges. There must be an understanding and an acceptance of the ultimate goal – the victim's successful completion of the diversionary program so that they may move on to a full and productive life. In order to fully understand and accept goals, all of the aforementioned entities must be trained on human/sex trafficking.

For the TYLA case manager, it is their responsibility to provide weekly status updates to the State Attorney's Office as to the victim's progress. The case manager will also keep the public defender updated as well.



During the case management phase, the case manager will accompany the victim to quarterly court dates until the successful completion of the program, which can last from 6 to 12 months. Upon completion of the program, a dismissal of the criminal charges will be sought.

Case Management

Each individual is referred to services based on their own specific needs. The case manager will connect the victim to resources and cover the following topics although not limited to: legal issues, financial obligations, healthy relationships, trauma therapy, employment, housing and safety.

Case Study

Jill was sexually abused by her mother's boyfriend intermittently throughout childhood. Jill's mother was an abuser of crack cocaine. When Jill disclosed the abuse to her mother, her mother introduced her to crack cocaine as a coping mechanism. Broken, Jill ran away from home. She had no shelter, food or clothes and was seduced by a pimp who sexually exploited her. This is how Jill first began engaging in prostitution as a child. By the time she was in her early 30's, she was addicted to drugs, homeless and had been arrested for prostitution multiple times.

For many specialists who work with women coming out of prostitution or sexual exploitation, this is a typical scenario. These women believe they are worthless. A lifestyle of prostitution is all they know. When asked by a prostitution diversionary case manager why it takes so long for her to escape from prostitution,

Jill replied, "I have never been given an opportunity or treated with respect before." Jill was vulnerable to prostitution because of her traumatic childhood.

Jill now has a job. She is enrolled in college and has a relationship with her son because of the services she received from a prostitution diversion program. This is how she expressed her feelings about the program; "I was arrested one morning, which led to my second felony prostitution charge, a serious offense.



I was given an opportunity through a diversion program. I decided that I was done walking the streets and being sold for others gain. I choose to take and apply any and every tool they provided me. Throughout my time in the program I have been able to receive in-depth counseling, groups, individual therapy, and life changing skills. I have redeveloped MYSELF! I am confident, trustworthy, giving, loving and completely grateful."

Gauging Success

What is the measure of success in this program? There is not a black and white answer. The answer is that the measure of success is different for every client. Every client has a litany of personal issues and trauma that led them into a life of prostitution. Some have more of a capacity to develop the necessary tools to move forward than others. Some have a better support system in place to help them in their journey. Having this understanding in mind, any positive outcome within that journey should be considered a success.



As with any endeavor, having the right people in the right places is the key. From every entity involved, there must be key players who are true believers in the cause. People who have been forced into such initiatives do not bring the needed intensity or zeal. In the government arena with all the red tape, initiatives like TYLA would not prevail without an unwavering belief and perseverance of its members. Blending law enforcement, prosecutors, and NGO staff can be difficult. Each group comes with their organizational goals, protocols, and limitations. Each participant brings their own biases and preconceptions of what the other organizations require. Open communication becomes paramount. When open communication exists, trust is developed. A collaborative effort such as this requires equal buy in, decision-making authority, responsibility and mutual respect.

Phases of TYLA

Phase I: Goals & Objectives

It is important to set and understand the mission at the beginning of a diversion program in order to develop the goals and objectives. Understanding the mission sets a positive tone. Each jurisdiction has their own set of problems. Therefore, their mission, goals, and objectives, will be unique.

1. Why do you need a prostitution diversionary program?
2. Are there other social services in the area that work with victims of sex trafficking?
3. Who investigates sex trafficking cases within the jurisdiction?
4. Who are the necessary players?
5. What community resources are available that may help victims of sex trafficking?
6. Is there any funding available?
7. Who are the decision makers?

Phase II: Creating a Team or Task Force

Collaboration will be vital to the success of the program. Not every team member needs to be a part of each process but each member should know their role so there is no confusion. Here are some resources that should be considered for your team or task force.

- Victim's Advocate/Victim Agencies
- Case Manager
- Prosecutors Office
- Defense Bar
- Domestic Violence Services
- Drug/Alcohol Treatment
- Housing
- LGBTQ Services
- Law Enforcement
- Mental Health Services
- Hospital and/or Health Screener

Sometimes it is best to start with a small group. It's easier to add services than to remove them. The TYLA team started with the following; victim's advocate, case manager, prosecutor's office, drug/alcohol treatment, housing and law enforcement. These were vital pieces of the program's start up. There are three main categories that need staffing (members can be a part of more than one group):

Phases of TYLA (continued)

Phase II: Creating a Team or Task Force (continued)

Procedural: Diversion court procedures, court calendar, and case identification are the main functions of this group.

Services: This group communicates with the court, provides program updates, gives prompt referrals and case management for those in diversion court, and trains or coordinates trainings for all team members on human trafficking.

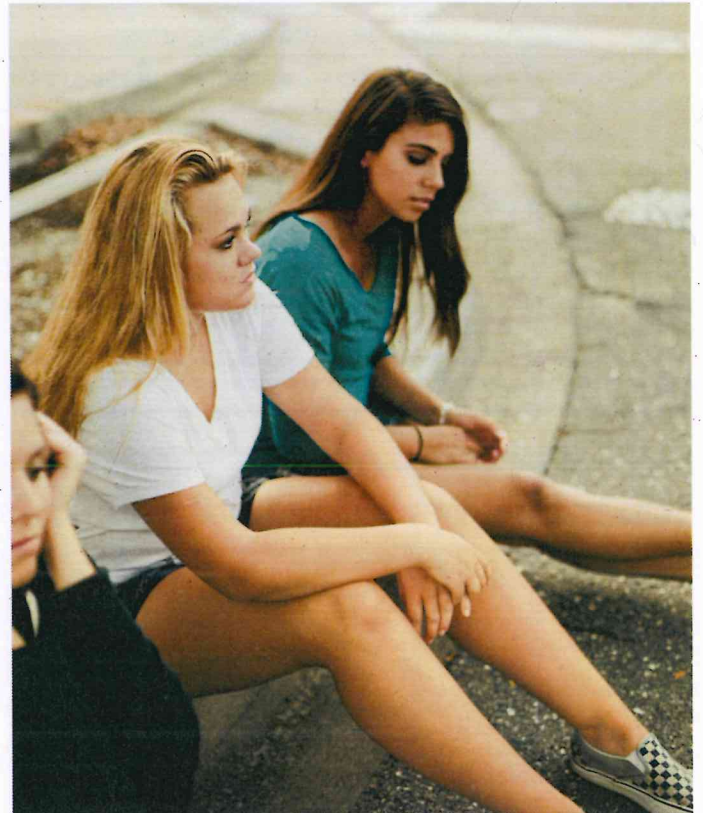
Safety: Sets safety protocols for non-law enforcement personnel, assesses security needs for clients with pimps or traffickers that may be looking for them, and creates a courtroom/waiting room security plan to keep clients away from negative influences.

There are established human trafficking organizations and other social service providers that have a track record showing positive results. They are the ones to include on your team or to use for referrals. Unfortunately, there are groups who claim to provide services but have not established legitimacy. Before bringing them onto the team make sure that they have the necessary qualifications so that they can be a valuable asset rather than a hindrance.

Phase III: Resources and Stakeholders

Case managers must know what resources are available so that they may make appropriate referrals.

Understanding the costs associated with each resource or referral is also crucial. Determining who will assume financial responsibility for the case managers of the diversion court should be addressed at the beginning.



Phases of TYLA (continued)

Phase IV: Data Collection

Evaluation Framework- Data collection is vital in the evaluation of a program. Data will provide an evaluator real measurements for successes or failures of the program, which could lead to future funding opportunities, create validity in the community and courts, demonstrate the need to continue the existing program, or spark interest of other jurisdictions to start a program of their own. Consider these things before collecting data.

- What data is pertinent?
- Who should be the caretaker of the data (confidentiality and HIPPA regulations are the driving considerations)?
- Will the data be public record?
- How will the data be obtained and used?
- Who will report the data and/or analyze it?

Because some of the data collected comes from the client's personal history, there are ethical considerations that need to be addressed prior to collection and/or dissemination. Each client has their own comfort level with the disclosure of their personal information. Some are very private and refuse to sign confidentiality releases. Some are very open wanting to get their entire story out while others itemize what they are willing to release. Not confirming the client's comfort level jeopardizes the client - program relationship but it also may open up the program to civil litigation.

Summary

The TYLA initiative has been constructed based on the needs and resources available within the greater Sarasota area. This manual is intended to be used as a template or a starting point for others who wish to delve into similar endeavors. TYLA is always a work in progress. With humility and open mindedness, new methods and procedures will always be considered. Evolution is not only anticipated but anxiously awaited. The TYLA initiative's successes have been attributed to perseverance, patience, and grace from all contributors. However, most importantly, it is the victims who have been able to pull themselves out of their own darkness who should be recognized for their efforts where far greater than any others.

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