

ENROLLMENT(S)

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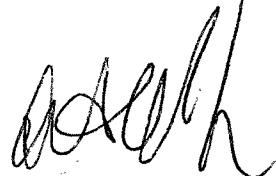
COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-130

**"Safe Streets Anti-Prostitution Amendment
Act of 1996".**

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-439 on first and second readings, February 6, 1996 and March 5, 1996 respectively. Following the signature of the Mayor on March 15, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-237 and published in the March 29, 1996, edition of the D.C. Register (Vol. 43 page 1570) and transmitted to Congress on March 29, 1996 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-130, effective May 24, 1996.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

March 29

April 15,16,17,18,19,22,23,24,25,26,29,30

May 1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23

ENROLLED ORIGINAL

**AN ACT
D.C. ACT 11-237**

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MARCH 15, 1996

To amend An Act To provide for the more effective prevention, detection, and punishment of crime in the District of Columbia to make the name, address, date of birth, occupation, and photograph of a person convicted of a violation of An Act For the suppression of prostitution in the District of Columbia available to the public upon written request and in exchange for a reasonable fee; to amend An Act For the suppression of prostitution in the District of Columbia to increase criminal penalties for prostitution, to allow a judicial officer to order a person convicted of an offense to stay away from a specified area where the offense occurred as a condition of receiving a suspended sentence and to create a lien in the District of Columbia's favor in an amount equal to the costs of towing, storing, and administrative processing of conveyances seized and subject to civil forfeiture; to amend the District of Columbia Traffic Adjudication Act to clarify that 18 DCMR 2000.2 applies to pedestrians as well as motor vehicle operators; and to amend 18 DCMR 2000.2 to increase the fine for certain violations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Safe Streets Anti-Prostitution Amendment Act of 1996".

Sec. 2. Section 389 of An Act To provide for the more effective prevention, detection, and punishment of crime in the District of Columbia, approved June 29, 1953 (67 Stat. 99; D.C. Code § 4-135), is amended as follows:

**Section
4-135**

- (a) By designating the existing text as subsection (a); and
- (b) By adding a new subsection (b) to read as follows:

"(b) The name, address, date of birth, occupation, and photograph of any person convicted of a violation of An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Code § 22-2701 *et seq.*), shall be made available to the public upon written request, in exchange for a reasonable fee established by the Mayor or his or her designee.".

ENROLLED ORIGINAL

Sec. 3. An Act For the suppression of prostitution in the District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Code § 22-2701 *et seq.*), is amended as follows:

(a) Section 1(a) (D.C. Code § 22-2701(a)) is amended by striking the second sentence and inserting the following sentence in its place: "The penalties for violation of this section shall be a fine of \$500 and no less than 1 day but no more than 90 days imprisonment for the 1st offense, a fine of \$750 and no less than 1 day but no more than 135 days imprisonment for the 2nd offense, and a fine of \$1,000 and no less than 1 day but no more than 180 days imprisonment for the 3rd and each subsequent offense.". Section
22-2701

(b) Section 3 (D.C. Code § 22-2703) is amended by striking the second sentence and inserting the following sentence in its place: "Conditions thus imposed by the court may include an order to stay away from the area within which the offense or offenses occurred, submission to medical and mental examination, diagnosis and treatment by proper public health and welfare authorities, and such other terms and conditions as the court may deem best for the protection of the community and the punishment, control, and rehabilitation of the defendant.". Section
22-2703

(c) Section 5 (D.C. Code § 22-2723) is amended by adding a new subsection (a-1) to read as follows:

"(a-1)(1) A lien in favor of the District of Columbia is hereby created in an amount equal to the costs of towing, storing, and administrative processing of a conveyance seized and subject to forfeiture pursuant to this act.

"(2) The Mayor, or his or her designee, shall establish a reasonable cost for the towing, storing, and administrative processing of seized conveyances.

"(3) The Corporation Counsel of the District of Columbia, or his or her designee, may agree to release a lien by stipulation with the registered owner or lienholder of a seized conveyance.".

Sec. 4. Section 301 of the District of Columbia Traffic Adjudication Act, effective September 12, 1978 (D.C. Law 2-104; D.C. Code § 40-621), is amended by inserting the phrase "section 202(s) and" after the phrase "except as provided in". Section
40-621

Sec. 5. Title 18 of the District of Columbia Municipal Regulations (Vehicles and Traffic) is amended as follows:

(a) Section 2000.2 is amended by inserting the following sentence at the end: "This section shall apply to pedestrians and to the operators of vehicles.".

(b) Section 2000.10 is amended by striking the phrase "not less than ten dollars (\$10) nor more than fifty dollars (\$50)" and inserting the phrase "not less than one-hundred dollars (\$100) nor more than one-thousand dollars (\$1,000)" in its place.

(c) Section 2600.1 is repealed.

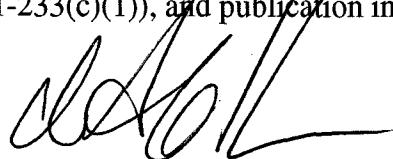
(d) Section 2603.1 is repealed.

ENROLLED ORIGINAL

Sec. 6. The Council of the District of Columbia finds that the fiscal impact of this act will be as follows:

The Metropolitan Police Department ("MPD") has forwarded a fiscal impact statement indicating that the MPD will perform the new requirements of the law as part of their on-going functions and with no new resources needed. The Department of Corrections ("Department") has forwarded a fiscal impact statement estimating that the provisions in section 3, which increase the fines and penalties for prostitution, will cost \$9 million over a 6-year period. Section 3 sets the penalty for the first offense of prostitution at no less than 1 day imprisonment and no more than 90 days. Current law imposes only a \$300 fine for the first offense. The Department's analysis is based on the assumption that all persons confined for prostitution will be confined for 90 days. Currently, the Department estimates that there are 29 persons incarcerated each month and assumes that all of these persons will be incarcerated under the new law, for a full 90 days. Based on this assumption, the change in law would increase yearly costs by \$1,760,810. However, the Department is assuming a worst-case scenario and a more realistic assumption is that only a handful of persons convicted of prostitution would receive 90 days in jail under the new law.

Sec. 7. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Organization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: March 15, 1996





COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B11-439

 ITEM ON CONSENT CALENDAR ACTION & DATE

ADOPTED FIRST READING, 02-06-96

 VOICE VOTE

APPROVED

 RECORDED VOTE ON REQUEST

ABSENT

ALL PRESENT

 ROLL CALL VOTE - Result

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Clarke | | | | | Jarvis | | | | | Smith, Jr. | | | | |
| Brazil | | | | | Lightfoot | | | | | Thomas, Sr. | | | | |
| Chavous | | | | | Mason | | | | | Whittington | | | | |
| Cropp | | | | | Patterson | | | | | | | | | |
| Evans | | | | | Ray | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not Voting

Chayse

CERTIFICATION RECORD

Secretary to the Council

March 6, 1996

Date

 ITEM ON CONSENT CALENDAR ACTION & DATE

ADOPTED FINAL READING, 03-05-96

 VOICE VOTE

APPROVED

 RECORDED VOTE ON REQUEST

ABSENT

RAY

 ROLL CALL VOTE - Result

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Clarke | | | | | Jarvis | | | | | Smith, Jr. | | | | |
| Brazil | | | | | Lightfoot | | | | | Thomas, Sr. | | | | |
| Chavous | | | | | Mason | | | | | Whittington | | | | |
| Cropp | | | | | Patterson | | | | | | | | | |
| Evans | | | | | Ray | | | | | | | | | |

X - indicates no

AB - Absent

NV - Present not Voting

Chayse

CERTIFICATION RECORD

Secretary to the Council

March 6, 1996

Date

 ITEM ON CONSENT CALENDAR ACTION & DATE VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

 ROLL CALL VOTE - Result

| Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB | Councilmember | Aye | Nay | NV | AB |
|---------------|-----|-----|----|----|---------------|-----|-----|----|----|---------------|-----|-----|----|----|
| Chmn. Clarke | | | | | Jarvis | | | | | Smith, Jr. | | | | |
| Brazil | | | | | Lightfoot | | | | | Thomas, Sr. | | | | |
| Chavous | | | | | Mason | | | | | Whittington | | | | |
| Cropp | | | | | Patterson | | | | | | | | | |
| Evans | | | | | Ray | | | | | | | | | |

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

Council of the District of Columbia

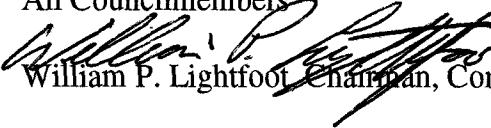
Report

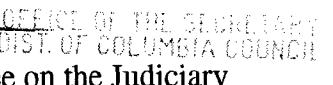
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1350 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

'95 DEC 21 P5:33

To: All Councilmembers

William P. Lightfoot, Chairman, Committee on the Judiciary

From: 
William P. Lightfoot, Chairman, Committee on the Judiciary

Date: December 22, 1995

Subject: COMMITTEE REPORT ON BILL 11-439, "SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF 1995"

The Committee on the Judiciary, to which Bill 11-439, the "Safe Streets Anti-Prostitution Act of 1995" was referred, submits it for consideration and recommends its passage by the Council of the District of Columbia

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I. BACKGROUND AND NEED

Prostitution is a serious problem in the District of Columbia. Certain areas of downtown Washington, particularly the eastern portion of downtown (near 12 and K Streets, N.W.), Logan Circle and Blagden Alley, are suffering terribly from the effects of the prostitution trade. The presence of prostitutes increases noise, litter, and crime in the neighborhood. Residents, both old and young, are constantly confronted with the evidence of prostitution activity and tourists are driven away from seeking accommodations in affected areas. The Metropolitan Police Department ("MPD") reported that in fiscal year 1995, the MPD made a total of 2,438 arrests for prostitution-related offenses. Of these, only 892 arrests were made under the prostitution laws. The remainder, 1,546, were made for Failure to Obey ("FTO"). FTO is a criminal charge brought against a driver or a pedestrian who fails to obey the lawful order of a police officer in a traffic situation. This fine is currently set at a maximum of \$50. Although FTO is a

statute of general applicability, it is often used in prostitution cases because proving the crime of prostitution requires extensive police resources, including the use of undercover police officers. However, these FTO arrests have not made a dent in the prostitution market. Prostitutes simply forfeit collateral as a cost of doing business and are back on the streets within a few hours.

Bill 11-439, as originally introduced, contained the following provisions:

- o It authorized the Metropolitan Police Department to release to the public the name, address, date of birth, occupation, and photograph of any person arrested under the prostitution statute, in exchange for a reasonable fee.
- o It increased the criminal penalties for those who are found guilty of prostitution.
- o It permitted courts to require defendants to stay away from the area within which a prostitution offense occurred, as a condition of probation.
- o It amended the current civil forfeiture law to create a lien in favor of the District of Columbia in an amount equal to the cost of towing, storing, and processing vehicles seized and subject to civil forfeiture.
- o It amended the detention statute, D.C. Code § 23-1321, by specifying that a judge may order a defendant to stay away from the area within which the offense allegedly occurred, as a condition of pre-trial release.
- o It repealed section 23-1321(c)(3) of the D.C. Code to allow bond to be used as a means of pre-trial detention in all criminal cases.
- o It increased the fine for FTO from a maximum of \$50 to a minimum of \$100 and a maximum of \$1,000.

II. PURPOSE AND EFFECT

The legislation is designed to create barriers to prostitution, to make it more difficult and expensive to engage in the business of prostitution in the hopes that the "professional prostitutes" will move on to another jurisdiction. These prostitutes are part of a circuit of prostitutes, creating an influx of prostitutes from other cities. Increasing penalties for prostitution and FTO is central to this strategy and remain as originally proposed. However, certain provisions of the bill have been eliminated or modified in the Committee Print as a result of testimony received during public hearings. The Committee Print:

- o Permits the release of photographs and other personal information of persons who have been convicted of a prostitution-related offense. Photographs of persons who have been arrested

but not convicted could not be released.

- o Leaves the detention statute unchanged.
- o Permits the courts to require defendants to stay away from the area within which a prostitution offense occurred, as a condition of probation.
- o Clarifies that FTO applies to pedestrians, as well as motor vehicle operators.
- o Increases the fine for FTO.
- o Increases the fines and penalties for prostitution.
- o Amends the current civil forfeiture law to create a lien in favor of the District of Columbia in an amount equal to the cost of towing, storing, and processing vehicles seized and subject to civil forfeiture.

The rationale behind increasing the fine for Failure to Obey, which is the most commonly used charge against street prostitutes, is to make prostitution economically unfeasible in the District of Columbia. Persons cited for FTO are often required to post collateral before being released. The current collateral is \$50. Prostitutes will pay the \$50, go back on the streets, not appear for trial, and forfeit the collateral. The increased fine will allow for a higher collateral, in the range of \$200 to \$300, which will be presumably less easy to sacrifice than \$50. Collateral amounts are established by the D.C. Superior Court Board of Judges and are based on the size of the fine. D.C. Code § 23-1111(b)(3) provides that persons arrested on misdemeanors (including FTO), may be released on their own recognizance if the police officer issuing the citation has reason to believe that the arrested person will not cause injury or damage to persons or property and that the person will make an appearance in answer to the citation. Given this provision, it is more likely than not that prostitutes who live outside the jurisdiction will be required to post collateral, while those who are local residents will be given citation release.

III. LEGISLATIVE HISTORY

| | |
|--------------------|---|
| September 18, 1995 | Bill 11-439 introduced by Councilmember Lightfoot and referred to the Committee on the Judiciary. |
| October 25, 1995 | Hearings on Bill 11-439 |
| December 13, 1995 | Committee Mark-up |

SECTION BY SECTION ANALYSIS

Section 1

States the short title of Bill 11-439, the "Safe Streets Anti-Prostitution Amendment Act of 1995".

Section 2

This section amends An Act To provide for the more effective prevention, detection and punishment of crime in the District of Columbia to authorize the Metropolitan Police Department to release to the public the name, address, date of birth, occupation, and photograph of any person convicted of a violation of the act, in exchange for a reasonable fee.

Section 3

This section amends An Act For the suppression of prostitution in the District of Columbia.

Subsection (a) increases the penalties for persons convicted of prostitution. The current penalties are \$300 for the first offense, a fine of \$300 and 10 days imprisonment for the second offense, and a fine of \$300 and 90 days imprisonment for each subsequent offense. Bill 11-439 would raise the fine to \$500 and no less than 1 day but no more than 90 days imprisonment for the 1st offense, a fine of \$750 and no less than 1 day but no more than 135 days imprisonment for the 2nd offense, and a fine of \$1,000 and no less than 1 day but no more than 180 days imprisonment for the 3rd and each subsequent offense.

Subsection (b) provides that a judge may order a defendant accused of prostitution to stay away from the area within which the offense occurred, as a condition of probation.

Subsection (c) creates a lien in favor of the District of Columbia in an amount equal to the cost of towing, storing, and administrative processing of a conveyance seized and subject to forfeiture. It provides that the Mayor shall set a reasonable cost and that the Corporation Counsel may agree to release of a lien by stipulation.

Section 4

This section is a conforming and technical amendment to clarify that Failure to Obey has always applied to pedestrians and as well as operators of motor vehicles.

Section 5

This section amends Title 18 of the District of Columbia Municipal Regulations.

Subsection (a) amends section 2000.2 by adding a sentence to clarify that a pedestrian, as has always been the case, can be cited for Failure to Obey.

Subsection (b) amends section 2000.10 by increasing the fine for FTO. The current fine is not less than \$10 and not more than \$50. The fine will be increased to not less than \$100 and not more than \$1,000.

Subsection (c) repeals section 2601.1. This is a technical and clarifying amendment.

Subsection (d) repeals section 2603.1. Section 2603.1 lists the fine for Failure to Obey in the civil infractions section and sets the fine as \$25. This is in conflict with the fine provided for in section 2000.10. To eliminate confusion and for clarity, this section is repealed.

Section 6

This section states the fiscal impact.

Section 7

This section states the effective date.

V. SUMMARY OF PUBLIC HEARINGS

Terry Paey, Steven A. Goldberg Company, testified that this legislation is needed to address the detrimental impact the prostitution problem is having on the tourism industry. Mr. Paey said that approximately 30 prostitutes congregate on the corner of 12th and K in front of his hotel, scaring away tourists. He said most of the prostitutes appear to be from out of town and are not threatened by the current fines for prostitution.

Deputy Chief Philip A. O'Donnell, Commanding Officer, Support Services, testified that current laws against prostitution are inadequate. Chief O'Donnell said that the provisions in the proposed bill would address some of the problems in prostitution enforcement by increasing penalties. In fiscal year 1995, the Metropolitan Police Department made a total of 2,438 arrests for prostitution-related offenses, including soliciting prostitution, soliciting for lewd and immoral purposes, indecent sexual proposals and failure to obey. "Failure to obey" is a violation of the D.C. Municipal Regulations, which prohibits any citizen from disobeying a lawful order given by a police officer. It is often used as a tool in prostitution arrests where prostitution activity impedes traffic and the prostitutes refuse to obey the police officer's order to move. During fiscal year 1995, the Metropolitan Police Department seized 88 vehicles from persons who were soliciting prostitutes. Chief O'Donnell supported the increased fines and penalties for prostitution but was concerned that the judges had too much discretion in imposing a sentence. He was strongly in favor of section 3 of the bill, which provides for a lien against conveyances seized by persons convicted of a prostitution offense. This lien would represent the cost of towing, storing and administrative processing of the vehicle, a cost he estimated to be \$121 per vehicle. Chief O'Donnell was concerned that the increased penalty for Failure to Obey would result in more cases being adjudicated in the courts, although there would be an obvious deterrent value.

Robert Pittman, Adams Morgan Advisory Neighborhood Commission 1C-03, testified in support of Bill 11-439. He said that prostitution was ruining the quality of life for residents of the community. He supports increasing fines and sentences for prostitution and supports allowing citizens the right to obtain the vital statistics and photographs of persons arrested on prostitution-related charges.

Robert Rigsby, Deputy Corporation Counsel, Criminal Division provided the views of the executive on Bill 11-439. He testified that the "Duncan Ordinance" prohibits the police department from releasing personal information about an arrest unless the person was convicted or forfeited collateral and the arrestee consents. In order for the police to have the authority to release photographs of persons who were arrested, the "Duncan Ordinance" would have to be amended. Rigsby said that a condition of release which included a "stay away" order could only be imposed to ensure the appearance of the defendant or for the safety of another person and the community. He said that it would be unlikely that a prostitute would pose a threat to public safety in the usual sense of the word. In addition, he did not think a money bond should be used to assure the safety of the public. If a person poses a threat to the public, he or she should be detained, not released on bond. Finally, Rigsby was concerned that the increased fine for Failure to Obey might be unduly harsh.

Jo-Ann Wallace, Director, and Robert Wilkins, Special Litigation Counsel, Public Defender Service opposed the bill in its entirety. In particular, Ms. Wallace was concerned about the repeal of D.C. Code § 23-1321(c)(3), which would allow the posting of a money bond to ensure public safety. Money bonds are supposed to be used to assure that a person charged with a crime shows up for trial, not to detain dangerous criminals. Using money bonds to detain dangerous criminals is unconstitutional, Ms. Wallace said. Instead, if a person is determined by the court to be dangerous, he or she should be detained prior to trial. The PDS also objected to the provisions in the bill allowing for the release of photographs of persons charged with prostitution crimes and giving the courts the authority to require a person charged with a prostitution-related offense to stay away from a particular area. Both of these provisions are unconstitutional, in the opinion of the PDS.

Colin Dunham, President, Superior Court Trial Lawyers Association, testified in opposition to the bill, adopting the recommendations of the Public Defenders Service.

Mary Jane DeFrank, Executive Director, American Civil Liberties Union opposed the bill in its entirety. The ACLU is particularly concerned about the provision that would repeal D.C. Code § 23-1321(c)(3). The repeal of section 23-1321(c)(3) would rewrite the law regarding bail and pretrial detention in all criminal cases, not just those involving prostitution. Under current law, suspects can be preventively detained if they are considered a threat to the community or who present a serious risk of flight. A judge may require the posting of bond in an amount necessary to assure appearance at trial, but it can not be used as a means of preventive detention. Under the provisions of the bill, the restrictions on the use of bond would be eliminated, allowing the judge to set bond purposely high as a means of preventive detention. Ms. DeFrank said the poor would

suffer the most, because they will be less likely to be able to meet bail. In addition, in Ms. DeFrank's view, the increased penalties for prostitution are disproportionately high, resulting in more severe punishment for a repeat prostitution than a habitual thief. The increased penalties may drive prostitutes into more violent crimes. The provision allowing the court to order persons arrested for prostitution to stay away from certain areas, may violate the First Amendment of the Constitution, Ms. DeFrank testified. Finally, Ms. DeFrank opposed the increase in the fine for Failure to Obey because it invites abuse by the police and the provision allowing the distribution of photographs of persons accused of prostitution-related crimes because it violates Due Process.

John Boardman and Mabel Boatwright, Local 82 testified in support of the legislation.

Emily Durso Vetter, President of the Hotel Association of Washington, D.C., testified that Bill 11-439 was necessary to preserve the quality of life in the District of Columbia, especially in Ward 2. In addition, the hotel business in D.C. competes with hotels in suburbia, where rates are lower and there is a perception that crime is lower. The presence of prostitutes discourages tourists and businesses from booking accommodations in the area.

Marcia Rosenthal and Carrie Rutmiller, Franklin Square Association, testified in favor of the legislation. Ms. Rosenthal testified that the Franklin Square Association, which represents businesses in the Franklin Square area, supports policies that would reduce or eliminate the prostitution trade that is flourishing in their neighborhood. Ms. Rutmiller also testified on behalf of the Franklin Square Association in favor of Bill 11-439. Ms. Rutmiller stated that, although she supported the legislation, she believed that it did not go far enough. She supported a provision that would enable the prosecution to make a *prima facie* case of prostitution without establishing the exchange of money. She also favored provisions criminalizing the obstruction of traffic for prostitution purposes. She testified that she did support the provisions in the current bill establishing a lien in favor of the government and the increased fines and penalties for prostitution and Failure to Obey.

Don Minkler, Member, Potomac Hotel Group, testified in support of the legislation.

Phillip A. Doyle, Irene Williams, Mary Boyde, Ernestine Baker, and Dollie Tann, all representing Days Inn, Downtown, located at 12th and K Streets, N.W., testified from their own personal experiences, on the need to enact Bill 11-439.

Bill Selak, private individual, testified concerning his experiences as an employee of the Close Up Foundation, which rented rooms for participants in their program, all of whom are minors, at the Days Inn, Downtown. He said the continued presence of prostitutes around the Days Inn would probably force the program to seek accommodations elsewhere.

Rudi Bertschenger, Henley Park Hotel, testified in support of the legislation.

Bill Petrella, Morrison Clark, testified in support of the legislation.

Helen Kramer, President, Logan Circle Community Association, testified that the people in her community struggled daily with the prostitution problem. Ms. Kramer said that prostitution is not a victimless crime. It increases the volume of noise and littering in the community, and creates a bad environment for children. She believes that increasing the fine for Failure to Obey will have an economic impact on the prostitution trade and make D.C. a less desirable place for prostitutes.

Eric Korpon, Logan Circle Community Association, testified in support of the legislation. He provided a videotape which showed prostitution activity in front of him home on 12th St., N.W. at various hours.

Laura Shell, Old City Coalition Citizens Patrol, testified in support of the legislation. Her group patrols the neighborhood and knows the type of problems the prostitution trade can create.

Leslie Miles, Blagden Alley Association, testified that her neighborhood has been troubled by transvestite prostitution. She testified to the detrimental effect that the prostitution trade has on families attempting to raise children in the area. She was in favor of the increased fine for failure to obey, "stay away" order for prostitution offenders and increased penalties for persons convicted of prostitution-related offenses.

Melvin F. Brown, President, O Street Community Association, testified about the increase in trash, noise and crime in his area, which is frequented by prostitutes. He said that tougher laws, including an increase in the fine for failure to obey, would help in attacking the problem.

Robert Riddle, ANC Commissioner, 2F05, testified in favor on the legislation. He is especially concerned about the impact witnessing prostitution-related activity has on young children.

Grace Bradford, Asbury United Methodist Church, testified that her church, located at 11th and K Streets, N.W., has been affected by prostitution activity. She testified that increases in penalties would be a help, but that an increase in counseling services is also needed.

Ruth Burness, a resident of the Thomas House Retirement Home testified in favor of the legislation.

Dorothy Boyd, City Center Hotel, testified in support of the legislation.

Nancy Riker, Owner, Washington DC Accommodations, testified that the city must do everything it can to encourage and support the tourism industry. She said that customers are discouraged from seeking accommodations in areas frequented by prostitutes.

VI. FISCAL IMPACT STATEMENT

The Metropolitan Police Department has forwarded a fiscal impact statement indicating that the MPD will perform the new requirements of the law as part of their on-going functions and with no new resources needed. The Department of Corrections has forwarded a fiscal impact statement estimating that the provisions in section 3 which increase the fines and penalties for prostitution will cost \$9 million over a 6 year period. Section 3 sets the penalty for the first offense of prostitution at no less than 1 day and no more than 90 days. Current law imposes only a \$300 fine for first offense. Corrections' analysis is based on the assumption that all persons confined for prostitution will be confined for 90 days. Currently, the Department of Corrections estimates that there are 29 persons incarcerated each month and assumes that all of these persons will be incarcerated, under the new law, a full 90 days. Based on this assumption, the change in law would increase yearly costs by \$1,760,810. However, the Department is assuming a worst-case scenario and a more realistic assumption is that only a handful of persons convicted of prostitution would receive 90 days in jail under the new law.

VII. IMPACT ON EXISTING LAW

Bill 11-439 amends An Act To provide for the more effective prevention, detection and punishment of crime by adding a new subsection that will authorize the police to release the name, address, date of birth, occupation, and photographs of a person convicted of a prostitution offense, including soliciting and procuring. It also amends An Act For the suppression of prostitution in the District of Columbia by increasing the penalties for persons convicted of prostitution and by specifying that a judge can order a person convicted of prostitution to stay away from the area where the offense occurred as a condition of probation. The existing provisions regarding forfeiture of vehicles seized from persons engaging in prostitution-related activities are amended to create a lien in favor of the District of Columbia to pay the costs associate with storing, towing and administrative processing of vehicles. Chapter 18 of the D.C. Municipal Regulations is amended to increase the fine for Failure to Obey and to clarify that FTO applies to pedestrians as well as motor vehicle operators.

VIII. COMMITTEE ACTION

The Committee on the Judiciary met on December 13, 1995 to consider Bill 11-439, the "Safe Streets Anti Prostitution Amendment Act of 1995." The following councilmembers were present, constituting a quorum: William P. Lightfoot, Jack Evans, and Kevin Chavous. All voted to approve Bill 11-439 as follows:

| <u>Bill</u> | <u>Vote</u> | <u>Report</u> | <u>Vote</u> |
|-------------|-------------|---------------|-------------|
| Lightfoot | yes | Lightfoot | yes |
| Evans | yes | Evans | yes |
| Chavous | yes | Chavous | yes |

There were no amendments proposed or accepted to the draft Committee Print. Councilmember Lightfoot expressed the concerns that local prostitutes, who turn to prostitution primarily to support their drug addiction and who are almost universally poor, will be forced to languish in jail because they cannot pay the collateral for Failure to Obey. However, statistics provided by the Metropolitan Police Department indicate that the majority of arrests, 67 of 113, for FTO during the period of July 1, 1995 through November 30, 1995, occurred in Police Districts 1D, 2D, and 3D, the area with the greatest concentration of street prostitutes.

IX. ATTACHMENTS

- Committee Print
- Introduced Version
- Fiscal Impact Statements
- Testimony of Public Witnesses

A BILL2
3**IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**4
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To amend An Act To provide for the more effective prevention, detection,
and punishment of crime in the District of Columbia to make the name, address,
date of birth, occupation, and photograph of a person convicted of a violation of
An Act For the suppression of prostitution in the District of Columbia available to
the public upon written request and in exchange for a reasonable fee; to amend
An Act For the suppression of prostitution in the District of Columbia to increase
criminal penalties for prostitution, to allow a judicial offer to order a person
convicted of an offense to stay away from a specified area the offense occurred
as a condition of receiving a suspended sentence and to create a lien in the
District of Columbia's favor in an amount equal to the costs of towing, storing,
and administrative processing a conveyance seized and subject to civil forfeiture;
to amend the District of Columbia Traffic Adjudication Act to clarify that 18
DCMR 2000.2 applies to pedestrians as well as motor vehicle operators; and to
amend section 2000.10 of Title 18 of the District of Columbia Municipal to
increase the fine for violations of 18 DCMR 2000.2.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
this act may be cited as the "Safe Streets Anti-Prostitution Amendment Act of 1995".

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Sec. 2. Section 389 of An Act To provide for the more effective prevention,
detection, and punishment of crime in the District of Columbia, approved June 29, 1953
(67 Stat. 99; D.C. Code § 4-135), is amended as follows:

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- (a) By designating the existing matter as subsection (a); and
- (b) By adding a new subsection (b) to read as follows:

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"(b) The name, address, date of birth, occupation, and photograph of any 1
person convicted of a violation of An Act For the suppression of prostitution in the 2
District of Columbia, approved August 15, 1935 (49 Stat. 651; D.C. Code § 22-2701 *et* 3
seq.), shall be made available to the public upon written request, in exchange for a 4
reasonable fee established by the Mayor or his designee.". 5

Sec. 3. An Act For the suppression of prostitution in the District of Columbia, 6
approved August 15, 1935 (49 Stat. 651; D.C. Code §22-2701 *et seq.*), is amended as 7
follows: 8

(a) Section 1(a) (D.C. Code § 22-2701(a)) is amended by 9
striking the second sentence and inserting the sentence "The penalties for violation of 10
this section shall be a fine of \$500 and no less than 1 day but no more than 90 days 11
imprisonment for the 1st offense, a fine of \$750 and no less than 1 day but no more 12
than 135 days imprisonment for the 2nd offense, and a fine of \$1,000 and no less than 13
1 day but no more than 180 days imprisonment for the 3rd and each subsequent 14
offense." in its place. 15

(b) Section 3 (D.C. Code § 22-2703) is amended by striking the 16
second and inserting the sentence "Conditions thus imposed by the court may include 17
an order to stay away from the area within which the offense or offenses occurred, 18
submission to medical and mental examination, diagnosis and treatment by proper 19
public health and welfare authorities, and such other terms and conditions as the court 20
may deem best for the protection of the community and the punishment, control, and 21
rehabilitation of the defendant." in its place. 22

- (c) Section 5 (D.C. Code § 22-2723) is amended by adding a new 1
subsection (a-1) to read as follows: 2
- "(a-1)(1) A lien in favor of the District of Columbia is hereby 3
created in an amount equal to the costs of towing, storing, and administrative 4
processing of a conveyance seized and subject to forfeiture pursuant to this act. 5
- "(2) The Mayor or his designee shall establish a reasonable cost 6
for the towing, storing, and administrative processing of seized conveyances. 7
- "(3) The Corporation Counsel of the District of Columbia or his 8
designee may agree to release a lien by stipulation with the registered owner or 9
lienholder of a seized conveyance.". 10
- Sec. 4. Section 301 of the District of Columbia Traffic Adjudication Act, effective 11
September 12, 1978 (D.C. Law 2-104; D.C. Code § 40-621) is amended by inserting 12
the phrase "and section 202(s)" after the phrase "section 302". 13
- Sec. 5. Title 18 of the District of Columbia Municipal Regulations is amended as 14
follows: 15
- (a) Section 2000.2 is amended by adding the sentence "This section shall apply 16
to pedestrians and to the operators of vehicles." at the end. 17
- (b) Section 2000.10 is amended by striking the phrase "ten dollars (\$10) nor 18
more than fifty dollars (\$50)" and inserting the phrase "not less than \$100 but not to 19
exceed \$1,000" in its place. 20
- (c) Section 2600.1 is repealed. 21
- (d) Section 2603.1 is repealed. 22

Sec. 6. The Council of the District of Columbia finds that the fiscal impact of this
act will be as follows:

The Metropolitan Police Department has forwarded a fiscal impact statement indicating
that the MPD will perform the new requirements of the law as part of their on-going functions
and with no new resources needed. The Department of Corrections has forwarded a fiscal impact
statement estimating that the provisions in section 3 which increase the fines and penalties for
prostitution will cost \$9 million over a 6-year period. Section 3 sets the penalty for the first
offense of prostitution at no less than 1 day and no more than 90 days. Current law imposes only
a \$300 fine for first offense. Corrections' analysis is based on the assumption that all persons
confined for prostitution will be confined for 90 days. Currently, the Department of Corrections
estimates that there are 29 persons incarcerated each month and assumes that all of these persons
will be incarcerated, under the new law, a full 90 days. Based on this assumption, the change in
law would increase yearly costs by \$1,760,810. However, the Department is assuming a worst-
case scenario and a more realistic assumption is that only a handful of persons convicted of
prostitution would receive 90 days in jail under the new law.

Sec. 7. This act shall take effect following approval by the Mayor (or in the event
of veto by the Mayor, action by the Council to override the veto), approval by the
Financial Responsibility and Management Assistance Authority as provided in section
203(a) of the District of Columbia Financial Responsibility and Management Assistance
Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-
392.2(c)), and a 60-day period of Congressional review as provided in section 602(c)(2)
of the District of Columbia Self-Government and Governmental Organization Act,

approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(2)), and publication 1

in the District of Columbia Register. 2

COUNCIL OF THE DISTRICT OF COLUMBIA

1350 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Memorandum

Attachment 2

To: Members of the Council

From: Phyllis Jones, Secretary to the Council M

Date: September 18, 1995

Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation has been introduced in the Office of the Secretary on September 18, 1995. Copies are available in Room 28, Legislative Services Division.

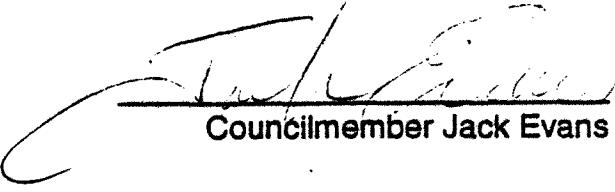
TITLE: Safe Streets Anti-Prostitution Amendment Act of 1995, Bill 11-439

INTRODUCED BY: Councilmember Evans

The Chairman is referring this proposed legislation to the Committee on the Judiciary.

cc: General Counsel
Legislative Services Division

'95 SEP 18 P4:15


Councilmember Jack Evans

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RECEIVED
DISTRICT OF COLUMBIA COUNCIL

A BILL

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4

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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Councilmember Jack Evans introduced the following bill, which was referred to the
Committee on _____.

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To amend An Act To provide for the more effective prevention, detection,
and punishment of crime in the District of Columbia to make the name, address,
date of birth, occupation, and photograph of a person arrested for a violation of
An Act For the suppression of prostitution in the District of Columbia available to
the public upon written request and in exchange for a reasonable fee; to amend
An Act For the suppression of prostitution in the District of Columbia to increase
criminal penalties for prostitution and to create a lien in the District of Columbia's
favor in an amount equal to the costs of towing, storing, and administrative
processing a conveyance seized and subject to civil forfeiture; to amend section
23-1321(c)(1)(B)(iv) of the District of Columbia Code to allow a judicial officer to
order a person charged with an offense to stay away from a specified area where
the offense occurred; to repeal section 23-1321(c)(3) of the District of Columbia
Code; and to amend title 18 of the District of Columbia Municipal Code so that
section 2000.2 applies to pedestrians, and to increase the fine for this offense.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
this act may be cited as the "Safe Streets Anti-Prostitution Amendment Act of 1995".

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Sec. 2. Section 389 of An Act To provide for the more effective prevention,
detection, and punishment of crime in the District of Columbia, approved June 29, 1953
(67 Stat. 99; D.C. Code § 4-135), is amended by adding new subsection (b) to read as
follows: "(b) The name, address, date of birth, occupation, and photograph of any
person arrested for a violation of §22-2701 *et seq.* shall be made available to the public
upon written request, in exchange for a reasonable fee established by the Mayor or his
designee.".

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Sec. 3. An Act For the suppression of prostitution in the District of Columbia,
approved August 15, 1935 (49 Stat. 651; D.C. Code §22-2701 *et seq.*), is amended as
follows:

(a) Section 1(a) (D.C. Code § 22-2701(a)) is amended by amending
the second and third sentences to read as follows: "The penalties for violation of this
section shall be a fine of \$500 and no less than 1 day but no more than 90 days
imprisonment for the 1st offense, a fine of \$750 and no less than 1 day but no more
than 135 days imprisonment for the 2nd offense, and a fine of \$1,000 and no less than
1 day but no more than 180 days imprisonment for the 3rd and each subsequent
offense.".

(b) Section 3 (D.C. Code § 22-2703) is amended in the second
sentence to read as follows: "Conditions thus imposed by the court may include an
order to stay away from the area within which the offense or offenses occurred,
submission to medical and mental examination, diagnosis and treatment by proper
public health and welfare authorities, and such other terms and conditions as the court
may deem best for the protection of the community and the punishment, control, and
rehabilitation of the defendant.".

(c) Section 5 (D.C. Code § 22-2723) is amended by adding a new
subsection (a-1) to read as follows:

"(a-1)(1) A lien in favor of the District of Columbia is hereby
created in an amount equal to the costs of towing, storing, and administrative
processing of a conveyance seized and subject to forfeiture pursuant to this act.

"(2) The Mayor or his designee shall establish a reasonable cost
for the towing, storing, and administrative processing of seized conveyances.

"(3) The Corporation Counsel of the District of Columbia or his
designee may agree to release a lien by stipulation with the registered owner or
lienholder of a seized conveyance."

Sec. 4. Title 23 of the District of Columbia Code is amended as follows:

(a) Section 23-1321(c)(1)(B)(iv) is amended to read as follows:
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"(iv) Abide by specified restrictions on personal associations, place of abode, or travel,
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and such restrictions may include an order to stay away from the area within which the
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offense allegedly occurred;".
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(b) Section 23-1321(c)(3) of the D.C. Code is repealed.
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Sec. 5. Title 18 of the District of Columbia Municipal Regulations (Vehicles and
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Traffic) (18 DCMR) is amended as follows:
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(a) Section 2000.2 is amended by adding the following sentence:
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"This section shall apply to pedestrians and to the operators of vehicles."
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(b) Section 2603.1 is amended by striking the figure "\$25.00" after the
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phrase "Lawful Order or Direction of Police Officer, Failure to comply with (§2000.2)
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....." and inserting the phrase "not less than \$100.00 but not to exceed \$1,000.00" in
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its place.
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Sec. 6. This act shall take effect following approval by the Mayor (or in the event
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of veto by the Mayor, action by the Council to override the veto), approval by the
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Financial Responsibility and Management Assistance Authority as provided in section
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203(a) of the District of Columbia Financial Responsibility and Management Assistance
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Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-
18
392.2(c)), and a 30-day period of Congressional review as provided in section 602(c)(1)
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of the District of Columbia Self-Government and Governmental Organization Act,
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approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication
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in the District of Columbia Register.
22

Finance, Budget and Planning Services

Director

Executive Director

Sincerely,

If you require additional information, I can be reached on 727-4321.

which is currently being set by an already resource strained department. Furthermore, this law would not place any additional financial burden on MPD other than that mentioned. Therefore, the department does not plan to assign additional officers to this task. Amendment Act of 1995, are typical police functions that are currently being performed by MPD and limited funding. However, the amendments outlined in the "Safe Streets Anti-Prostitution in the District" section, it has been very difficult to operate with severe cuts to our operation. As you are aware, the Metropolitan Police Department is experiencing unprecedented difficulties

Dear Mr. Black:

Washington, D.C. 20001
441 14th Street, N.W. Suite 1010
Office of Intergovernmental Relations

Legislative Counsel
Hon. Huie

METROPOLITAN POLICE DEPARTMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA

Attachment 3

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*** C/M LIGHEFOOT 1000-00

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Attachment 4

**Impact Assessment, Cost Analysis - Bill 11-420
Emergency Legislation
"Safe Streets Anti-Prostitution Emergency
Amendment Act of 1995"**

OVERVIEW

The "Safe Street Anti-Prostitution Emergency Amendment Act of 1995", would increase the criminal penalties for prostitution within the District of Columbia, thereby affecting the D.C. Department of Corrections (DOC) population at sentencing Institutions and or Community Correctional Centers. This would be accomplished by virtue of increasing the penalties for prostitution as follows:

- Sec 2. Section (a) of An Act for suppression of prostitution in the District of Columbia, approved August 15, 1995 (49 Stat. 651:D.C. Code 22-270a(a)), is amended by striking the 2nd and 3rd sentences, and inserting the following sentence in their place: "The penalties for violation of this section shall be a fine of \$500 and no less than 1 day but not more than 90 days imprisonment for the 1st offense, a fine of \$750 and no less than 1 day but no more than 135 days imprisonment for the 2nd offense, and a fine of \$1000 and no less than 1 day but no more than 180 days imprisonment for the 3rd and each subsequent offense.

The D.C. Department of Corrections has been asked to evaluate the impact of this "Emergency Legislation" on the prison population and associated operational cost.

ASSUMPTIONS

The following assumptions were utilized in the development of the methodology of this impact assessment:

- that the increase in penalties for these D.C. Code violators would raise the Department of Corrections population, thereby increasing annual expenditures.
- that increased number of these D.C. Code violators (Prostitution) would be housed by the Department of Corrections and would decrease the bedspace available for violent offenders due to court ordered population ceilings.
- based on information obtained from the U.S. Attorney's office, from January 1, 1995 to July 31, 1995, 458 individuals were arrested under Prostitution charges. Of these 429 were adjudicated (papered), 296 were detained,

162 were released on personnel recognizance, 66 entered guilty pleas, 31 cases were dismissed, 37 government dismissals, 58 fines imposed, 22 placed on probation, 57 bench warrants and 8 incarcerated (4 time served, 2 ten day suspended sentenced and 2 ninety day suspended sentence). This analysis assumes that the above stated arrest and disposition numbers will remain constant.

- based on the U.S. Attorney's Office, of the 458 arrests, 79 percent (362) were released on personal recognizance while 21 percent (96) were sent to Third Party Custody. This analysis assumes that the above stated numbers will remain constant.

METHODOLOGY

The methodology used in developing the impact assessment was as follows: (Note: For the purpose of this assessment, only the impact as it relates to the Department of Corrections will be explored.)

As of July 31, 1995, there were 458 arrests for prostitution. Of the total number of arrests, 203 or 44 percent had guilty dispositions and were not incarcerated (Third Party Custody, Probation, Fines only, etc.). This estimates a monthly pool of potential incarcerated individuals at 29.

PROJECTED IMPACT OF BILL 11-420 ON INCARCERATED POPULATION

The projected impact of Bill 11-420 is based on assumptions regarding the future direction of prostitution arrests and incarceration.

As stated earlier, this analysis is based on the assumption that arrests and guilty dispositions will remain constant. If arrests for prostitution increases, as a result of this legislation, the impact on the Department of Corrections will increase both population and annual expenditures. Finally, if there is an increase in the average length of stay for prostitution offenders, the impact on the Department will increase.

FISCAL IMPACT

The District of Columbia is currently operating under financially austere times. A review of the fiscal ramifications of Bill 11-420 indicates the following:

- Over the projected six (6) year period (October 1995 through CY 2000, an additional 1,827 inmates will be incarcerated, an average of 90 days, at a cost of \$56.22 per manday (Average Department of Corrections per manday cost for FY 1995 (Projected)). This amounts to approximately \$1,630.38 per manday for 29 inmates or

\$293,468 per year increase in operational expenses for the first year (October through December 1995). Additionally, for the remaining period of this assessment the Department will incur a \$1,760,810 per year increase, which equates to a total increase of \$9,097,518 due to enactment of Bill 11-420.
(See Table 1.1 below)

Table 1.1
Department of Corrections
Population and Cost Information

| Calendar Year | Average Yearly Population Increase | Projected Operational Cost Increase |
|--------------------------------|------------------------------------|-------------------------------------|
| CY 1995 Includes only 3 mos | 87 | \$ 293,468 |
| CY 1996 | 87 | 1,760,810 |
| CY 1997 | 87 | 1,760,810 |
| CY 1998 | 87 | 1,760,810 |
| CY 1999 | 87 | 1,760,810 |
| CY 2000 | 87 | 1,760,810 |
| Total Cost: | ////////// | \$9,097,518 |

(Note: The average yearly increase remains constant at 87. This figure is based on the monthly intake of 29 offenders at a 90 day length of stay)

If we apply this base cost without inflation to the projected increase in the inmate population for prostitution charges, between October 1995 and the year 2000, the Department would spend an additionally \$9,097,518 as a result of Bill 11-420 over the analysis period.

POPULATION IMPACT

The Department of Corrections population will be impacted by a potential of 348 inmates with an average stay of 90 days. The expected annual population increase would be as follows:

| | |
|------------------------------|---|
| Number of Yearly Commitments | 348 |
| Average Length of Stay | 90 days |
| Total number of inmate days: | 31,320 or a yearly increase of 87 inmates |

(31,320 divided by 365)

This legislation would increase the Department of Corrections population by an average of 87 inmates per year.

Attachment 5

Superior Court of the District of Columbia
Washington, D.C. 20001

Eugene N. Hamilton
Chief Judge

(202) 879-1600

October 20, 1995

The Honorable Jack Evans
Councilmember, Ward 2
Council of the District of Columbia
Washington, D.C. 20004

RE: "Safe Streets Anti-Prostitution Amendment Act of 1995"
Bill 11-439

Dear Councilmember Evans:

I have carefully reviewed the provisions of Bill 11-439, referred to as the "Safe Streets Anti-Prostitution Amendment Act of 1995." Please be advised, with respect to that Bill, as follows:

1. Sec.2, Section 389 (67 Stat. 99; D.C. Code § 4-135):

The court takes no position on this section.

2. Sec.3(a), Section 1(a) (49 Stat. 651; D.C. Code § 22-2701(a)):

The court is in favor of increasing the maximum sentence for convictions under this statute. However, the court would not favor any mandatory minimum sentence. The administration of criminal justice is better served when the courts have complete discretion to fashion an appropriate sentence.

Moreover, a mandatory minimum fine of \$500.00 could result in a dramatic increase in the demand on the court's time and resources in its efforts to enforce such a fine. Enforcement proceedings would include, but would not be limited to, the scheduling of show cause hearings to evaluate and determine one's ability to pay, the issuance of summons and the issuance of bench warrants when defendants fail to appear.

The court supports an overall increase in the maximum penalty so as to give the court sufficient leverage to supervise, treat, and prevent individuals from reengaging in prostitution. However, the court suggests that it be given maximum latitude and

discretion without the imposition of any mandatory minimum. Accordingly, the court suggests that D.C. Code § 22-2701(a) be modified as follows:

"The penalties for violation of this section shall be a fine not to exceed \$300 or not more than 90 days imprisonment or both for the first conviction, a fine not to exceed \$750 or not more than 135 days imprisonment or both for the second conviction, and a fine not to exceed \$1,000 or not more than 180 days imprisonment or both for the third and each subsequent conviction."

3. Sec.3 (b), Section 3 (49 Stat. 651; D.C. Code § 22-2703):

The court supports the proposed amendments to this section as these are the types of treatment measures needed to rehabilitate persons who have been involved in prostitution. Moreover, these measures are typical of the conditions normally and routinely imposed by the court under existing law as conditions of probation.

4. Sec.3 (c), Section 5 (49 Stat. 651; D.C. Code § 22-2723):

The court takes no position on this section.

5. Sec.4 (a) (D.C. Code § 23-1321(c)(1)(B)(iv)):

The court is in favor of this amendment as these are the types of conditions of pre-trial release which are normally and routinely used to supervise individuals, who have been arrested and charged with prostitution offenses, and to prevent or deter them from engaging in prostitution activities pending trial.

6. Sec.4 (b) (D.C. Code § 23-1321(c)(3)):

The court is in favor of this provision, for the court is in dire need of authority to impose a reasonable monetary condition to reasonably assure reappearance of defendants who have no ties to the District of Columbia or metropolitan area.

7. Sec.5 (a) and (b) (18 DCMR §2000.2 and 18 DCMR 2603.1):

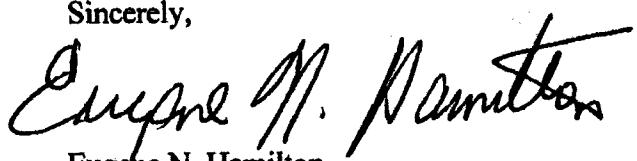
The court takes no position on these sections.

8. Sec.6:

The court takes no position on this section.

I am available to testify at the October 25th hearing if you feel it is necessary. However, should any questions arise prior to that date, please do not hesitate to call me.

Sincerely,



Eugene N. Hamilton
Chief Judge

ENH/tap

Superior Court of the District of Columbia
Washington, D.C. 20001

Eugene N. Hamilton
Chief Judge

(202) 878-1600

October 24, 1995

Councilmember Jack Evans
Council of the District of Columbia
Washington, D.C. 20004

Dear Councilmember Evans,

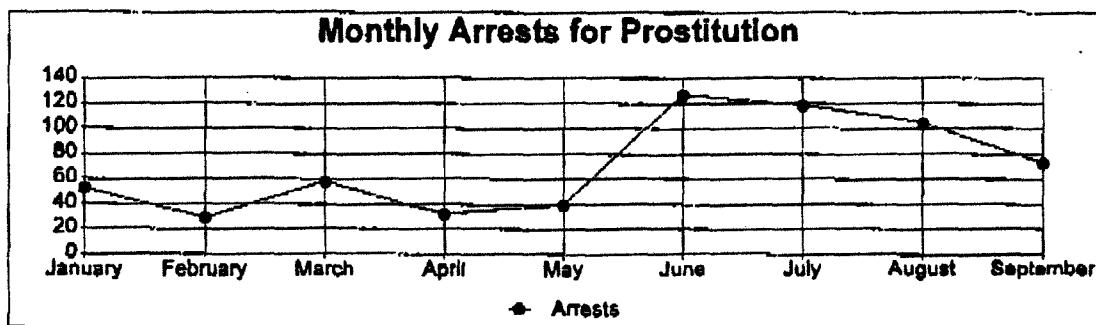
In response to your request for information from the Superior Court on the effect of the *Safe Streets Amendment Act of 1995*, Bill 11-439, the following answers to your questions are respectfully submitted:

1. **The number of prostitution and solicitation cases pending in the D.C. Superior Court at this time**

According to court records, there are 117 prostitution or solicitation cases pending before the court.

2. **The estimated number of new prostitution and solicitation cases to be filed in the future**

As you know, the workload of the court is driven primarily by the activities of the various police departments and prosecutors in the District of Columbia. Although prostitution and solicitation cases tend to increase in the summer months, it is difficult to speculate with any degree of certainty at the number of future arrests because this number is dependent solely on the activities of Executive Branch agencies. The chart below indicates the monthly filings from January through September of this year.



3. Historical data on the disposition of prostitution and solicitation cases

The vast majority of prostitution and solicitation cases are calendared for trial at arraignment. Specifically, 558 cases (88%) were calendared for trial, while only 50 cases (8%) were no-papered. The average number of days between arraignment and trial is 47.41 days.

4. The amount of fines to be imposed pursuant to Bill 11-439

The court's records reflect that there have been 636 filings for prostitution and solicitation in 1995. The difficulty in extrapolating an exact dollar figure in terms of fines is caused by the high incidence of rearrest in these cases. Specifically, Bill 11-439 creates increased fines for second offenses and for subsequent offenses after a second offense. Although court records reflect that 44 defendants have been arrested twice, 7 defendants have been arrested three times, 2 defendants have been arrested four times, and 1 defendant has been arrested five times, it is still incumbent upon the prosecutor to file repeat papers in order for a defendant to be subject to repeat offender status and thus, the greater fines.

5. The number of cases affected by the repeal of D.C. Code §23-1321(c)(3), and any cost associated with disposition of these cases

The repeal of D.C. Code §23-1321(c)(3) would affect all of the cases that come through arraignment court in which the defendant is not detained under D.C. Code §23-1322 or §23-1325. Also affected would be all cases in which a defendant is initially detained under either D.C. Code §23-1322 or §23-1325, moves the court for modification of conditions of release, and is released under conditions provided in D.C. Code §23-1321. Bill 11-439 deletes the code section restricting the imposition of financial conditions that result in the detention of defendants.

The projected impact on the court resulting from the repeal of D.C. Code §23-1321(c)(3) would be minimal. On the contrary, it is almost certain that the impact on the Department of Corrections would be significant. Prior to the amendment of the Bail Reform Act in 1992 that limited the instances in which a monetary condition restricting any defendant's liberty could be imposed, there were approximately 375 defendants committed to the D.C. Jail in a pretrial or presentence status on a money bond at any given time. Even with the legislative changes in 1992, which were further restricted with additional amendments in 1994, there remains approximately 200 defendants detained on money bonds. If the prohibition against the preventive detention of defendants on money bonds is repealed, it is inevitable that the number of defendants committed as a result will increase. Recently, the Department of Corrections estimated that the cost of housing pretrial and presentence defendants committed only on money bonds is nearly \$5,000,000 per year.

6. Any action taken by the Board of Judges or the Bond and Collateral Committee regarding the collateral amount for prostitution, solicitation, or failure to obey offenses

On September 15, 1995, the Board of Judges ordered Superior Court Criminal Rule 117(c) amended to expand the jurisdiction of commissioners to include offenses prosecuted pursuant to D.C. Code §22-2701(a), for which the defendant is prosecuted as a first offender. This amendment was enacted with the intention of avoiding the addition of a large number of filings to the six misdemeanor calendars presided over by judges with already massive caseloads. Cases in which defendants are prosecuted as repeat offenders will be heard by judges.

Additionally, I informed the Metropolitan Police Department on July 7, 1995, that police officers, acting as Clerks of the Superior Court for the purpose of receiving collateral or bond, had errantly been requiring persons arrested pursuant to D.C. Code §22-2701 to post \$1000. I advised that the court had an established bond of \$500 for such cases.

7. The bill's affect, if any, on the caseloads of judges and hearing commissioners

Presently, there is an average of 71 filings per month for solicitation and prostitution cases, with a noticeable spike in filings in the summer months. Any affect on caseloads will depend in large part on the increased activity of Executive Branch agencies.

8. A listing of additional resources, if any, the court would require in order to implement Bill 11-439

It is premature to predict if the court will require additional resources to implement Bill 11-439 because of the uncertainty of the activities of the police and prosecutors, but I respectfully reserve the right to revisit this issue with you as the need arises.

Please let me know if I can provide further information or answer any additional questions on the projected effect of the *Safe Streets Amendment Act of 1995*, Bill 11-439.

Sincerely,



Eugene N. Hamilton
Chief Judge

PROPOSED PROSTITUTION LEGISLATION

Testimony of Terry Peay, Executive Vice President of The Stephen A. Goldberg Company.

Mr. Chairman and Members of the City Council - My name is Terry Peay. I am the Executive Vice President of the Stephen A. Goldberg Co., a real estate developer and property owner in the District of Columbia.

I would like to thank you for taking the time to consider, and I sincerely hope, pass this important piece of legislation that is before you.

For the past several months, I have heard a tremendous outcry for help from the downtown residential community, various business groups and most importantly of all, the Washington Metropolitan Police Department, the Courts, the U.S. Attorney's Office and Corporation Council regarding the prostitution problem that plagues our City.

The District of Columbia's prostitution problem was brought into sharp focus one evening when I was driving downtown. At the corner of 12th & K, in front of our hotel, I witnessed approximately 30 prostitutes congregating on the street corner. They were accosting our guests as they were coming in and out of the hotel. Many of the prostitutes were practically nude, and some were charging students of the Close Up Foundation \$5.00 per student for them to have their photographs taken with a D.C.

prostitute. A great souvenir to take home and show their parents.

The prostitutes were so brazen that even with a police car parked on the street, they wouldn't disburse immediately. One of our security guards was speaking to a prostitute and she told him that she was making \$70,000 a year, driving a Corvette, and she wasn't about to stop conducting business for a mere \$50 fine.

The prostitutes appear to be from out of state and their pimps are well organized with cellular phones and street maps. The pimps direct the prostitutes where to go when the police show up.

As you all know, tourism is one of the leading industries in the District of Columbia and I cannot begin to tell you the devastating effect that prostitution has on business. We were told by a law enforcement agency, the F.B.I., various student groups and many other tourist groups that they were afraid to stay at our hotel for fear of being accosted in the evenings by the prostitutes. The fact that you could look out of the hotel windows and witness numerous sex acts going on both across the street and in the alley is very disconcerting.

The Washington Metropolitan Police Department, the courts and the U.S. Attorney General's office have all expressed a desire to help and they have made an attempt to do so. Without increases in the fines and possibly mandatory jail sentences the prostitutes are right back out on the street the same evening to conduct business.

I ask you on behalf of all parties concerned that you pass

this very important piece of legislation that is before you. I want to make a special note of thanks to Councilman Jack Evans who has tirelessly appeared before all of the various groups and has lent his support, and for the Committee Chairman, Bill Lightfoot's attendance at our last meeting and his support.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
METROPOLITAN POLICE DEPARTMENT**

NOV 20 1995

The Honorable Jack Evans
Councilmember, Ward Two
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Councilmember Evans:

This is in response to your recent request for clarification of the Metropolitan Police Department's support for Bill 11-439, the "Safe Streets Anti-Prostitution Emergency Amendment Act of 1995," which is designed to combat prostitution. First and foremost, let me assure you that it is the policy of the Metropolitan Police Department to enforce all laws and regulations enacted in the District of Columbia. The Metropolitan Police Department also remains committed to any legislation designed to disrupt and eliminate prostitution activities within the District of Columbia.

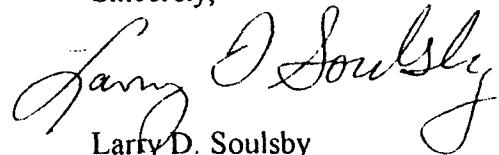
Our position on this legislative proposal was set forth previously in the prepared testimony of Deputy Chief Philip A. O'Donnell, that was delivered to the Committee on the Judiciary in October, 1995. We will not repeat all of those comments here. However, as stated in the testimony, we believe that Bill 11-439 does address some problems in prostitution enforcement by adopting stricter sentencing requirements and by increasing the sanctions against violators of the prostitution laws. We also believe that there is a need for careful consideration of the impact that these changes will have if the bill is enacted into law.

For example, the increased penalty for disobeying the "Lawful Order or Direction of Police Officer . . ." has obvious deterrent values. As you know, this law is intended to augment pedestrian and vehicular traffic regulations. It is not solely related to prostitution enforcement, yet it remains a useful tool for officers involved with the control of prostitution activities. The problem as we see it is that the increased penalty may cause defendants to challenge their arrests, resulting in more officers being taken from the streets to handle court hearings. We feel that other legislation similar to the loitering for purposes of prostitution efforts that failed court review here some years ago would be more beneficial than merely increasing the penalty for disobeying an officer's order. We offered several other ideas in our testimony and we hope that the Council would give serious consideration to them.

The Honorable Jack Evans
Council of the District of Columbia
Page Two

Once again, let me emphasize that we support your efforts to develop laws that will assist the Metropolitan Police Department in its efforts to combat prostitution. We trust that this is responsive to your request. If you have any additional questions, please notify me.

Sincerely,



Larry D. Soulsby
Interim Chief of Police

TESTIMONY BEFORE THE
COMMITTEE ON THE JUDICIARY
A PUBLIC HEARING ON BILL 11-439,
THE "SAFE STREETS ANTI-PROSTITUTION AMENDMENT
ACT OF 1995"

Good afternoon Chairman Lightfoot and members of the Committee on the Judiciary. I am Deputy Chief Philip A. O'Donnell, Commanding Officer of Support Services, Metropolitan Police Department. I am pleased to appear today representing Interim Chief of Police Larry D. Soulsby, to present testimony regarding Bill 11-439, the "Safe Streets Anti-Prostitution Amendment Act of 1995."

It is the policy of the Metropolitan Police Department to enforce all laws and regulations in the District of Columbia. At present, laws

relating to the enforcement of prostitution-related crimes fail to adequately curtail the continued proliferation of these offenses.

In Fiscal Year 1995, the Metropolitan Police Department recorded a total of 2,438 arrests for prostitution-related offenses; not included in these figures are juvenile arrests and arrests made by other law enforcement agencies. These arrests are broken down as follows:

| | |
|--|--------------|
| Soliciting Prostitution | 433 |
| Soliciting for Lewd and Immoral Purposes | 420 |
| Indecent Sexual Proposal | 39 |
| Failure to Obey | <u>1,546</u> |
| Total | 2,438 |

The 1,546 arrests for Failure to Obey were for violations of Title 18 of the District of Columbia Municipal Regulations (DCMR), which prohibits any citizen from disobeying a lawful order given by a police officer. This law is used as a tool in areas known for prostitution, and where vehicular and pedestrian traffic is impeded in flagrant violation.

The vast majority of these arrests were made in the First and Third Police Districts where the heaviest concentration of street prostitution is located in the Franklin Square and Logan Circle communities. Most of these arrests were made during late night and early morning hours.

During Fiscal Year 1995, the Metropolitan Police Department seized 88 vehicles for violations of D.C. Code 22-2701, "Inviting for Purposes of Prostitution."

It is the belief of the Metropolitan Police Department that Bill 11-439, entitled, "Safe Streets Anti-Prostitution Amendment Act of 1995," addresses some of the problems in prostitution enforcement by adopting stricter sentencing requirements and levying greater sanctions against violators of laws governing prostitution.

The Act provides for an amendment to District of Columbia Code 4-135 by providing the name,

address, date of birth, occupation and photograph of an arrestee to the public. As you are aware, all information, excluding the photograph, of all adult arrestees appears on departmental arrest books which are available to the public for inspection, at no cost to the reviewer. Releasing the photographs of persons arrested for prostitution offenses may serve as a deterrent in some communities, in that it exposes the identity of the arrestee and it alerts citizens in the community of those individuals likely to carry out activities associated with prostitution.

However, careful consideration must be given to the publication and circulation of these

photographs because of the propensity to expose these individuals to such offenses as stalking, blackmail, or other acts of retaliation.

Section 3 of the act provides for more stringent sentences and fines against those guilty of prostitution-related offenses, which we all agree are needed to abate prostitution.

However, in the past, the court has permitted individuals found guilty of prostitution offenses six to eight months to make payment on imposed minimum or discretionary fines.

Following these arrangements, many individuals simply move on to other localities without satisfying their sentencing requirements.

It is estimated that 85% of the prostitutes arrested in this city are transient. Prostitutes are known to travel an informal circuit throughout the United States, visiting sporting events, conventions, and other high profile events in various cities. This transient behavior affords them the opportunity to avoid the arrests and sentencing requirements of many jurisdictions. In the past, the court has permitted the time incarcerated pending arraignment (which is usually no more than one to two days), to substitute for the imprisonment clause of the Bill. It is recommended that a provision be included in this legislation as

deemed appropriate by the Committee which limits the discretion of the court in matters of sentencing.

The Metropolitan Police Department fully endorses the stay away provisions of the Act which provides additional security to the community and serves as a deterrent. The Department also fully endorses the power of the court to order submission to medical and mental examinations by defendants when deemed appropriate. Many defendants suffer from physical and psychological illnesses.

Section 3 of the act also provides for a lien against the conveyances of those guilty of

prostitution offenses in favor of the District of Columbia in an amount equal to the cost of towing, storing and administrative processing of a conveyance seized pursuant to this law. It is estimated that the average cost associated with the seizure of each vehicle is \$121.00.

Approximately 90 minutes is used to impound each vehicle. An additional four hours are used to process the impounded vehicle. The average hourly rate associated with these seizures is \$22.00. This section of the legislation will surely aid in curtailing the cost of associated expenses.

The increased penalty for disobeying the "Lawful Order or Direction of Police Officer..." has

obvious deterrent values, but may inevitably result in more cases being adjudicated in the courts. This will require more officers to attend court, making them less available for regular street and investigative duties.

It must be emphasized that this law is intended to augment pedestrian and vehicular traffic regulation, and it is not solely related to prostitution enforcement. Other legislation along these avenues limited to prostitution enforcement may need consideration.

While this law has much substance, it may not adequately address the most significant problems associated with prostitution, the pandering and

procurement practices of pimps. Pimps are responsible for the continuous influx of prostitution into our city. In addition to prostitution, they encourage crimes of violence, pornography, drug trafficking, and the deterioration of families. Any additional legislation that does not consider increased enforcement against these individuals will not address the core of the problem. For these reasons I offer the following alternatives which I feel should be taken into consideration with this bill:

TARGETING PIMPS

- D.C. Code 22-2705, "Pandering," 22-2706, "Compelling a Life of Prostitution," and 22-2707, "Procuring," specifically pertain to

female victims. These statutes should be amended to include any person rather than the limitation to just females. Males as well as females fall victim to the cunning behavior of pimps. Additionally, these statutes should provide an enhanced penalty whenever the victim is under 18 years of age.

TRANSPORTATION FOR PROSTITUTION

- Presently, the District of Columbia has no laws prohibiting transportation for the purposes of prostitution solely within this jurisdiction. Often times, prostitutes and their pimps are seen traveling throughout the city but are careful to avoid interstate transportation because of federal guidelines involving the Mann Act, which is interstate

transportation for the purpose of prostitution. Furthermore, the surrounding jurisdictions, Maryland and Virginia, have such laws prohibiting the transportation for prostitution within their respective states. Enacting legislation prohibiting this type of transportation would provide an additional tool for combating prostitution enforcement against pimps, customers, or anyone with an interest in utilizing transportation to facilitate prostitution.

LOITERING FOR PROSTITUTION

- Numerous locations within the District have historically been known for prostitution activities. The majority of our prostitution arrests are made in these areas. Individuals

known to engage in prostitution activities have characteristics indicative to this trade. A law prohibiting one from loitering in these known areas, for the purpose of prostitution, would also aid as an enforcement tool.

Currently, New York State has legislation which prohibits loitering for the purpose of prostitution. We should review that legislation, as well as similar legislation for possible adoption here.

In closing, the Metropolitan Police Department remains committed to any legislation designed to disrupt and eliminate prostitution activities within the District of Columbia.

ADAMS MORGAN ADVISORY

NEIGHBORHOOD COMMISSION 1C-03

**WEDNESDAY, OCTOBER 25, 1995
12:00P.M.**

TESTIMONY

before

THE COMMITTEE ON THE

JUDICIARY

ISSUE:

**"SAFE STREETS
ANTI-PROSTITUTION AMENDMENT
ACT OF 1995"**

GOOD AFTERNOON MR. LIGHTFOOT...

MEMBERS OF THE JUDICIARY COMMITTEE...

AND TO EVERYONE HERE...

**I AM COMMISSIONER ROBERT PITTMAN, REPRESENTING
THE VIEWS OF MY SINGLE MEMBER DISTRICT 1C-03. I COME
HERE TODAY, TO OFFER MY SUPPORT TO BILL 11-439. THE
"SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF
1995".**

**AS A COMMISSIONER AND AS A FORMER VICE CHAIR OF THE
POLICE CITIZENS ADVISORY COUNCIL... I HAVE HAD THE
OPPORTUNITY ON MANY OCCASIONS TO SEE HOW
PROSTITUTION HAS AFFECTED THE QUALITY OF LIFE IN
THE LOGAN CIRCLE AND GUMPER PARK COMMUNITIES. I HAVE
WALKED WITH THE OLD CITY COALITION PATROL, AND
WORKED WITH RESIDENTS IN THAT AREA IN AN ATTEMPT
TO FIGHT THE PROBLEM OF PROSTITUTION.**

**I ALSO KNOW THE WORK THAT INSPECTOR SONYA PROCTER,
COMMANDER OF THE 3RD DISTRICT, LIEUTENANT WARREN
BISDORF, MANY SERGEANTS AND OFFICERS HAVE DONE TO
ATTEND TO THE COMPLAINTS RECEIVED FROM RESIDENTS**

**WHO ARE TIRED OF PICKING UP USED CONDOMS, DEALING
MAJOR TRAFFIC JAMS IN THE MIDDLE OF THE NIGHT,
FIGHTS, DRUGS, AND IT GOES ON AND ON.**

**BILL 11-439, WOULD GIVE POLICE AN ADDITIONAL TOOL
TO GET THE "GIRLS' AND "BOYS" OFF THE STREETS FOR
A REASONABLE PERIOD OF TIME. IN OTHER WORDS IT
WOULD ALLOW THE RESIDENTS A CHANCE TO HAVE PEACE
IN THE NEIGHBORHOOD THEY CHOSE TO LIVE IN AND THAT
RIGHT SHOULD NOT BE DENIED TO ANY CITIZEN.**

**INCREASING THE FINES AND SENTENCES ARE CRITICAL
TO MAKING THIS EFFORT WORK. THIS BILL STATES THAT
THE TERM OF IMPRISONMENT WOULD BE NOT LESS THAN
1 DAY, I WOULD LIKE TO SEE THE MINIMUM BE NO LESS
THAN 2 DAYS, THIS COULD REALLY RUIN THE
PROFITABILITY OF PROSTITUTION IN THAT AREA.**

**I ALSO SUPPORT ALLOWING CITIZENS THE RIGHT TO
OBTAIN THE VITAL STATISTICS OF THE ARRESTED
INDIVIDUAL ALONG WITH PHOTOGRAPHS.**

**I URGE THIS COMMITTEE AND THE COUNCIL OF WHOLE
TO SUPPORT THIS BILL AND GIVE POLICE AND CITIZENS
THE TOOLS THAT THEY NEED TO FIGHT THIS WAR.**

THANK YOU

Attachment 11

TESTIMONY OF

**ROBERT RIGSBY
DEPUTY CORPORATION COUNSEL
DISTRICT OF COLUMBIA**

**BEFORE THE COMMITTEE ON THE JUDICIARY
DISTRICT OF COLUMBIA COUNCIL**

ON BILL 11-439

THE SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF 1995

OCTOBER 25, 1995

DRAFT

GOOD MORNING CHAIRMAN LIGHTFOOT AND MEMBERS OF THE COMMITTEE. I AM ROBERT RIGSBY, DEPUTY CORPORATION COUNSEL FOR THE DISTRICT OF COLUMBIA. THANK YOU FOR GIVING ME THE OPPORTUNITY TO SHARE IN PRESENTING THE VIEWS OF THE EXECUTIVE ON BILL 11-439, THE "SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF 1995."

IN ORDER TO DETER SOLICITATION FOR PROSTITUTION AND ACTS OF PROSTITUTION, BILL 11-439 WOULD (1) MAKE THE NAME, ADDRESS, DATE OF BIRTH, OCCUPATION, AND PHOTOGRAPH OF A PERSON ARRESTED FOR A VIOLATION OF THE PROSTITUTION ACT AVAILABLE TO THE PUBLIC UPON WRITTEN REQUEST AND PAYMENT OF A REASONABLE FEE; (2) INCREASE THE CRIMINAL PENALTIES FOR PROSTITUTION SO THAT IMPRISONMENT FOR AT LEAST ONE DAY IS REQUIRED; (3) CREATE A LIEN IN FAVOR OF THE DISTRICT OF COLUMBIA IN AN AMOUNT EQUAL TO THE COSTS OF TOWING, STORING, AND ADMINISTRATIVE PROCESSING OF A CONVEYANCE THAT IS SUBJECT TO CIVIL FORFEITURE; (4) ALLOW A JUDICIAL OFFICER, AS A CONDITION OF PRETRIAL RELEASE FOR ALL EXCEPT CERTAIN SPECIFIED OFFENSES AND AS A CONDITION FOR THE SUSPENSION OF A SENTENCE FOR INVITING FOR PURPOSES OF PROSTITUTION, TO ORDER THE DEFENDANT TO STAY AWAY FROM THE AREA IN WHICH THE OFFENSE OCCURRED; (5) REPEAL SECTION 23-1321(c)(3) OF THE DISTRICT OF COLUMBIA CODE, WHICH PROVIDES THAT A JUDICIAL OFFICER MAY NOT IMPOSE A FINANCIAL CONDITION TO ASSURE THE SAFETY OF ANY OTHER PERSON OR THE COMMUNITY; (6) AMEND 18 DCMR § 2000.2 TO CLARIFY THAT CRIMINAL

~~DRAFT~~

FAILURE TO OBEY A LAWFUL ORDER OF A POLICE OFFICER OR OTHERS WHO HAVE THE AUTHORITY TO DIRECT TRAFFIC APPLIES TO PEDESTRIANS; AND (7) INCREASE THE FINE FOR FAILURE TO OBEY A LAWFUL ORDER OF A POLICE OFFICER.

CURRENTLY, CITIZENS CAN INSPECT SOME OF THE INFORMATION ON ARRESTEES THAT THIS BILL WOULD REQUIRE THE GOVERNMENT TO MAKE AVAILABLE TO THE PUBLIC. UNDER D.C. CODE § 4-135, THE METROPOLITAN POLICE ARREST BOOK, CONTAINING AMONG OTHER THINGS THE NAME, ADDRESS, DATE OF BIRTH, COLOR, BIRTHPLACE, OCCUPATION, AND MARITAL STATUS OF PERSONS ARRESTED, IS AVAILABLE FOR PUBLIC INSPECTION. SECTION 2 OF THE BILL WOULD REQUIRE THE GOVERNMENT TO RELEASE TO THE PUBLIC SOME OF THIS INFORMATION AND A PHOTOGRAPH OF THE ARRESTEE. THE DUNCAN ORDINANCE, 1 DCMR § 1004.4, HOWEVER, PROHIBITS THE POLICE DEPARTMENT FROM RELEASING FROM ITS CENTRAL RECORDS A RECORD OF AN ARREST UNLESS THE ARREST RELATES TO AN OFFENSE FOR WHICH THE PERSON WAS CONVICTED OR FORFEITED COLLATERAL AND THE ARRESTEE CONSENTS. THUS, IF THE COUNCIL WANTS TO MAKE THOSE RECORDS AVAILABLE TO THE PUBLIC, THE DUNCAN ORDINANCE WOULD NEED TO BE AMENDED AS WELL.

UNDER THE CURRENT PROSTITUTION ACT, AS A CONDITION FOR THE IMPOSITION OF A SUSPENDED SENTENCE, THE COURT MAY REQUIRE THE DEFENDANT TO SUBMIT TO MEDICAL AND MENTAL EXAMINATION, DIAGNOSIS AND TREATMENT AND SUCH OTHER TERMS AND CONDITIONS AS THE COURT DEEMS NECESSARY FOR THE PROTECTION OF THE COMMUNITY AND FOR THE

PUNISHMENT, CONTROL, AND REHABILITATION OF THE DEFENDANT.

SECTION 3(B) OF THE BILL WOULD ADD TO THIS LIST OF CONDITIONS AUTHORITY FOR THE COURT TO ISSUE AN ORDER REQUIRING THE DEFENDANT TO STAY AWAY FROM THE AREA IN WHICH THE OFFENSE OCCURRED.

SIMILARLY, SECTION 4(A) OF THE BILL WOULD AMEND D.C. CODE § 23-1321 TO INCLUDE A STAY AWAY ORDER AS A CONDITION FOR PRE-TRIAL RELEASE. CURRENTLY, SECTION 23-1321(c)(1)(B)(iv) ALLOWS A JUDICIAL OFFICER TO REQUIRE AS A CONDITION OF PRE-TRIAL RELEASE THAT THE DEFENDANT "ABIDE BY SPECIFIED RESTRICTIONS ON PERSONAL ASSOCIATION, PLACE OF ABODE, OR TRAVEL." SUCH CONDITIONS MAY ONLY BE IMPOSED, HOWEVER, TO ENSURE THE APPEARANCE OF THE DEFENDANT OR FOR THE SAFETY OF ANY OTHER PERSON AND THE COMMUNITY, AND IT APPEARS UNLIKELY THAT THE COURT WILL FIND THAT A PROSTITUTE OR HER CUSTOMER POSES A RISK TO THE SAFETY OF OTHERS, AT LEAST AS THAT TERM IS GENERALLY UNDERSTOOD, OR THAT SUCH AN ORDER WOULD AID IN ENSURING THE DEFENDANT'S APPEARANCE.

SECTION 4(b) OF THE BILL, BY REPEALING D.C. CODE § 23-1321(c)(3), WOULD PERMIT A JUDICIAL OFFICER TO IMPOSE FINANCIAL CONDITIONS FOR THE PURPOSE OF ASSURING THE SAFETY OF OTHER PERSONS OR THE COMMUNITY IN ADDITION TO THE NOW-AUTHORIZED PURPOSE OF ENSURING THAT THE DEFENDANT WILL APPEAR FOR COURT PROCEEDINGS. AS THIS OFFICE HAS INDICATED IN ITS COMMENTS ON EARLIER BILLS, WE CONTINUE TO BELIEVE THAT MONEY BAIL SHOULD NOT BE USED FOR THIS PURPOSE AND THAT, IF A PERSON POSES A THREAT TO

OKAY

SAFETY, THAT PERSON SHOULD BE DETAINED PURSUANT TO THE PRETRIAL DETENTION STATUTE.

SECTION 5(A) OF BILL 11-439 WOULD AMEND 18 DCMR § 2000.2 BY ADDING THE SENTENCE "THIS SECTION SHALL APPLY TO PEDESTRIANS AND TO THE OPERATORS OF VEHICLES"; HOWEVER, SECTION 2000.2 ALREADY APPLIES TO BOTH PEDESTRIANS AND DRIVERS, PROVIDING THAT "NO PERSON SHALL FAIL OR REFUSE TO COMPLY WITH ANY LAWFUL ORDER"

SECTION 5(B) OF THE BILL WOULD AMEND 18 DCMR § 2603.1 BY INCREASING THE FINE FOR FAILURE TO OBEY A LAWFUL ORDER OF A POLICE OFFICER FROM \$25.00 TO AN AMOUNT "NOT LESS THAN \$100.00 BUT NOT TO EXCEED \$1,000.00." OUR CONCERN WITH THIS PROPOSAL IS THAT THE FINE ESTABLISHED BY 18 DCMR § 2603.1 IS A CIVIL FINE, WHILE U.C. CODE § 40-612(19) MAKES FAILURE TO OBEY A LAWFUL ORDER A CRIMINAL OFFENSE. WE SUGGEST, THEREFORE, THAT THE PENALTY FOR FAILURE TO OBEY SHOULD NOT BE INCLUDED IN SECTION 2603.1. INSTEAD, SECTION 2603.1 SHOULD BE REPEALED AND THE PENALTY FOR VIOLATION OF SECTION 2000.2 SHOULD BE INCLUDED AS AN AMENDMENT TO 18 DCMR § 2000.10 OR AS A NEW SUBSECTION 2000.11.

BECAUSE THE OFFENSE OF FAILURE TO OBEY COVERS A RANGE OF CONDUCT WIDER THAN SUSPECTED SOLICITATION FOR THE PURPOSE OF PROSTITUTION, THERE IS A RISK THAT THE PROPOSED MANDATORY PENALTY MAY, IN SOME CASES, BE TOO HARSH. ON THE OTHER HAND, PARTICULARLY FOR REPEAT OFFENDERS, IT MAY BE UNDULY LENIENT, AND

LEAD

THE COUNCIL MAY, THEREFORE, WISH TO CONSIDER WHETHER IT WOULD BE APPROPRIATE TO GRANT THE COURT DISCRETION TO IMPOSE SOME TERM OF IMPRISONMENT IN SUCH CASES.

WE SUGGEST THAT THE BILL ALSO AMEND SECTION 301 OF THE DISTRICT OF COLUMBIA TRAFFIC ADJUDICATION ACT OF 1978, D.C. CODE § 40-621. SECTION 301 PLACES ALL PEDESTRIAN TRAFFIC OFFENSES UNDER THE TRAFFIC ADJUDICATION ACT. THAT SECTION SHOULD BE AMENDED TO CLARIFY THAT FAILURE TO OBEY A LAWFUL ORDER OF THE POLICE (18 DCMR § 2000.2), WHICH APPLIES TO BOTH PEDESTRIANS AND DRIVERS, IS A CRIMINAL OFFENSE.

FINALLY, SECTION 6 OF THE BILL SHOULD PROVIDE FOR A 60-DAY, RATHER THAN A 30-DAY, PERIOD OF CONGRESSIONAL REVIEW BECAUSE THE BILL INCLUDES PROPOSALS TO AMEND TITLES 22 AND 23 OF THE D.C. CODE.

THANK YOU FOR GIVING ME THE OPPORTUNITY TO PRESENT THESE REMARKS.

COMMENTS OF THE PUBLIC DEFENDER SERVICE
FOR THE DISTRICT OF COLUMBIA

concerning

THE SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF 1995
Bill 11-439

presented by

Robert L. Wilkins
Acting Special Litigation Counsel

before

THE COMMITTEE ON THE JUDICIARY
COUNCIL OF THE DISTRICT OF COLUMBIA

The Honorable William P. Lightfoot, Chair

October 25, 1995

Jo-Ann Wallace
Director
Public Defender Service
451 Indiana Avenue, N.W.
Washington, D.C. 20001
(202) 628-1200

Chairman Lightfoot, members of the Judiciary Committee, thank you for the opportunity to testify about the Safe Streets Anti-Prostitution Amendment Act of 1995. Our first and foremost priority here today is to express our extreme concern that this bill proposes to eliminate D.C. Code § 23-1321(c)(3). We strongly oppose this provision of the legislation. Its clear intent is to reinstitute the repeatedly discredited practice of allowing poor people to be detained indefinitely without any of the procedural safeguards contained in the bail laws. In addition to raising constitutional concerns this proposal is bad policy. It has nothing to do with public safety. Money bonds are supposedly used to make sure a person charged with a crime shows up for trial, not to lock up people for long periods of time. When such a provision was last before the Council, it was opposed by the United States Attorney and the Pretrial Services Agency, as well as the Public Defender Service, and it is uniformly disfavored by the Department of Corrections and the defense bar. Fortunately, the provision was eventually eliminated from the Safe Streets Anti-Prostitution Emergency Amendment Act of 1995. It should be rejected again and finally laid to rest.

Eliminating D.C. Code § 23-1321(c)(3) would upset the balance of the entire, carefully structured bail statute, because this provision serves a number of important purposes. To truly appreciate this point, we must look briefly to the history of this provision in particular and the bail statute in general.

The Supreme Court has declared time and time again that "[i]n our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." United States v. Salerno, 481 U.S. 739, 755 (1987). Thus, the Supreme Court and the Court of Appeals of the District of Columbia have mandated numerous procedural safeguards and limitations on when a person may be locked up in jail before they even have a trial, after what kind of hearing and for how long. Id. See generally Lynch v. United States, 557 A.2d 580 (D.C. 1989) (en banc); Kleinbart v. United States, 604 A.2d 861 (D.C. 1992). Our statute provides that criminal defendants can be preventively detained (held in jail without bond and with no possibility of release before trial) if he or she is such a danger to the community that no type of conditions could assure the community's safety if that person were to be released. See D.C. Code § 23-1322(b)(2). A person can be preventively detained based on dangerousness if they are charged with certain types of dangerous or violent crimes. D.C. Code § 23-1322(c)(1)-(4). A person can also be preventively detained if he or she is such a risk of flight that no set of conditions could assure their return to court if they were to be released. D.C. Code § 23-1322(b)(1)(D). Under the current statutory scheme, without the proposed amendment, a person can be preventively detained based on risk of flight in any misdemeanor or felony case, including on a solicitation charge. However, before a defendant may be preventively detained, both the statute and the courts have

declared that he or she is entitled to certain rights, including a hearing where the government must prove by clear and convincing evidence that preventive detention is justified. If a defendant is preventively detained, he or she has a right to trial within no more than 100 days from the beginning of their detention.

D.C. Code § 23-1322(h).

D.C. Code § 23-1321(c)(3)¹, which was last amended by the Omnibus Criminal Justice Reform Amendment Act of 1994, has several purposes, but it was primarily intended to prohibit sub rosa detention, "'invidious discrimination' whereby a person remains incarcerated solely because of his limited financial means." Russell v. United States, 131 U.S. App. D.C. 44, 45, 402 F.2d 187, 188 (1968).² The statute allows the court to set a bond in an amount necessary to assure the defendant's presence at future court proceedings, and higher or lower bonds can be set depending upon the judge's assessment of the defendant's risk of flight. However, section 1321(c)(3) provides that if a judge sets a bond too high for the defendant to make, then that judge

¹ That section currently provides:

A judicial officer may not impose a financial condition under paragraph (1)(B)(xii) or (xiii) of this subsection [the money bond provisions] to assure the safety of any other person or the community, but may impose such a financial condition to reasonably assure the defendant's presence at all court proceedings that does not result in the preventive detention of the person, except as provided in § 23-1322(b).

² See generally Testimony of John A. Carver III, Esq., Director of the District of Columbia Pretrial Services Agency, from the hearings on the Omnibus Criminal Justice Reform Amendment Act of 1994 (attached).

should do either one of two things. First, the judge should determine if a lower bond or other conditions such as electronic monitoring or third-party custody would assure the defendant's presence in court. If so, then the judge should make that adjustment. Second, if the judge believes that the bond should not be reduced or other conditions imposed, then the court and the government should treat the defendant as a preventive detention case, giving the defendant all of the rights to which she is entitled. Section 1321(c)(3) prohibits the court from allowing people to languish in jail indefinitely solely because they cannot afford to make bond, without the procedural rights to which they are entitled. Thus section 1321(c)(3) enforces the important constitutional principle that criminal defendants should not be discriminated against and afforded less rights solely because they are poor.³

Eliminating this section would disrupt the currently orderly interplay between the various statutory provisions and create confusion in the administration of bail and the detention procedures in the courts. J. Ramsey Johnson, then acting United States Attorney for the District of Columbia, testified in favor

³ See, e.g. Williams v. Illinois, 399 U.S. 235 (1970) and Tate v. Short, 401 U.S. 395 (1971) (equal protection prohibits imprisonment of an indigent defendant because of inability to pay a fine). See also Smith v. Bennett, 365 U.S. 708 (1961) (cannot prohibit those unable to pay filing fees from seeking post-conviction relief); Burns v. Ohio, 360 U.S. 252 (1959) (cannot deny appeal to indigent defendant unable to pay filing fee); Griffin v. Illinois, 351 U.S. 12 (1956) (state is prohibited from denying a pretrial transcript to an indigent defendant who needs it to prosecute an appeal).

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of this legislative scheme on September 30, 1993, during the hearings on the 1994 Omnibus Criminal Justice Reform Act. Mr. Johnson, along with his successor, current United States Attorney Eric Holder, joined us and the Pretrial Services Agency to fight any efforts by the 1994 Omnibus Act to reinstate sub rosa detention.

Furthermore, eliminating section 1321(c)(3) would have a serious negative impact on the District. Even under the current scheme, hundreds of people sit in jail for long periods of time because they cannot make the bond which is set for them. At some point, such individuals get back to court to try to get their bonds reduced, and many are eventually successful. In the meantime, however, they occupy much needed jail space at a great cost to District taxpayers. Department of Corrections and court officials have determined that the cost of people sitting in jail unnecessarily because they cannot make their money bonds is millions of dollars per year. To alleviate this problem, the Mayor proposed a bill earlier this year to require defendants to be returned to court within five days if they cannot make their money bonds. Eliminating section 1321(c)(3), as proposed by this bill, would only exacerbate the problem of overcrowding and be more costly to the city. In conclusion, we sincerely hope that proposals to eliminate the protections in section 1321(c)(3) are finally laid to rest. We would urge the Committee to reject this proposal.

Section two of this bill proposes to make the name, address, date of birth, occupation and photograph of anyone arrested for a prostitution-related offense available to the public. The police department currently does not release arrest photographs to the public. Currently, MPD will release an arrest photograph to an accused in response to a subpoena by his or her attorney, but a specific court order is required for anyone other than the counsel of the arrestee to obtain an arrest photograph. The current practice reflects the seriousness with which the police department and the courts treat "mug shots" and arrest photographs, which are private and extremely prejudicial. This provision of the bill dangerously departs from that long-standing practice without sufficient justification.

The provision makes confidential information provided to the police by a presumptively innocent person public information. It is unfair. The information available to the public should be the public record: the court file. If the arrestee is officially charged by the United States Attorney, then the court file will contain the Pretrial Services Agency report, which documents the arrestee's name, address, date of birth, occupation and prior criminal record. However, not everyone who is arrested by the police is prosecuted by the United States Attorney. This bill would mandate the release of confidential information and photographs of those arrestees--people who are never even formally charged. This provision of the bill will result in unfair branding and labeling of people -- akin to a modern day

"Scarlet Letter" -- based simply on an arrest, even if no official charges are brought, charges are filed but later dismissed or they are acquitted.

Such an extreme measure is unwise and unwarranted even in when a person is convicted of this misdemeanor offense. Branding a person for life by publishing a photograph would severely interfere with the rehabilitative goals of the criminal justice system. Men and women who get involved in prostitution-related activity are often young, and fortunately, it usually is not a life-long occupation. I am presently trying to assist a woman who was convicted of solicitation over twelve years ago. It was her first and last arrest. She had just moved to the District and was young when it happened. She is married now, she has a different last name, and she has turned her life around. But this conviction still haunts her. It haunts her when she thinks about applying for a job. It haunts her when she thinks about family members, including her children, finding out. She would like to expunge that conviction, but there is really not much of anything that can be done. Publishing photographs of persons in this woman's situation would only exacerbate such problems. Society loses when we create impediments that prevent people from being productive members of a community.

This bill also proposes to expand a judge's power to order people arrested for solicitation to stay away from a particular location pending trial or after sentencing, for the entire time that they are placed on probation. This provision will quickly

find challenge in the courts, because it impacts on constitutionally guaranteed rights of freedom of movement, association and travel. See Attorney General of New York v. Soto-Lopez, 476 U.S. 898, 901 (1986). Under the current law people are sometimes ordered to stay away from a particular location pending trial if there is a potential threat to witnesses or people at the location. See In re A.H., 459 A.2d 1045 (D.C. 1983). However, this provision appears to contemplate that such orders may be made in the routine solicitation case where danger to witnesses or potential violence is not a concern. This bill also makes such a "stayaway" order an option for probation, which can last up to five years. This extreme measure can result in the severance of positive community ties, and be a severe impediment to rehabilitation. This proposed expansion of the authority to issue a "stayaway" order is unnecessary, unconstitutional and should be rejected.

In conclusion, we believe that this bill has several problematic sections which should be rejected by the Judiciary Committee and the full Council. We urge the Committee to report the bill unfavorably to the Council.

TESTIMONY OF

MARY JANE DEFRAK

AMERICAN CIVIL LIBERTIES UNION
OF THE
NATIONAL CAPITAL AREA

BEFORE THE

COMMITTEE ON THE JUDICIARY

REGARDING

BILL 11-439

"SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF 1995."

October 25, 1995

The American Civil Liberties Union of the National Capital Area appreciates the opportunity to testify before the Committee on the Judiciary regarding Bill 11-439, the "Safe Streets Anti-Prostitution Amendment Act of 1995." My name is Mary Jane DeFrank, and I am the executive director of the ACLU of the National Capital Area.

The ACLU understands the concern of residents and businesses about the problems associated with the presence of prostitution in their neighborhoods. However, this bill unnecessarily intrudes upon individual liberty and due process. Furthermore, many of its provisions would do little to limit criminal activity; in fact, they may have the exact opposite effect. Finally, one provision of the bill does not address prostitution, but proposes a radical change in the law regarding pretrial detention in criminal cases. Parenthetically, I would like to mention that this sweeping bail provision was offered in a similar anti-prostitution bill on emergency legislation in July 1995. District residents are ill served by the abuse of emergency legislation procedures which make sweeping changes in the criminal justice system. For these reasons, we oppose this legislation and respectfully ask the Council to defeat it.

Section Four is not Germane to the Rest of the Bill
and Proposes an Evisceration of Existing Law
Protecting the Freedom From Excessive Bail

Section 4 of the bill is the most onerous. In a bill purporting to deal solely with prostitution, this section proposes a complete reworking of the law regarding bail and pretrial detention - not just for prostitution arrests, but in all criminal cases. This Council has dealt with the issue of bail recently, in the Bail Reform Amendment Act of 1992. That law already greatly increases the number of suspects held without bond pending trial. ("Bail Law's Results Mixed", Washington Post, September 4, 1992, D1.) Now, if this bill is passed, the rights of the accused will be dealt another harsh blow. The District of Columbia already has the highest rate of incarceration in the United States and a very high rate of preventive detention.

Under current law, suspects can be preventively detained who are considered a threat to the community and have been accused of a "dangerous or violent crime;" crime of obstructing justice; serious risk the defendant will obstruct justice or will flee. For other suspects, a judge may only require the posting of a bail bond or other collateral in an amount necessary to assure appearance at trial. This bill repeals the extremely fair section of the existing bail law that forbids the use of bail as a means of preventive detention. This bill would allow a judge to set bail in any amount, without regard to the defendant's ability to pay, and without regard to the requirement that preventive detention be restricted to individuals who have been found at a separate hearing

to be a threat to the community.

This provision creates the possibility of bondless detention for anyone facing trial in the District. The tradition of liberty in this country is a firmly rooted one. A person cannot be convicted of a crime without being found guilty beyond a reasonable doubt. Even the pretrial detention of potentially dangerous defendants is based upon clear and convincing evidence of a threat to the safety of the community. But if this bill becomes law, a person may be imprisoned based merely upon being charged with a crime, a charge which requires only probable cause. Probable cause is the most easily met standard in criminal law. It can be met by a mere accusation from a person of dubious credibility and motive. Yet, under this bill a person could be jailed based on just such a minimal showing.

The most outrageous consequence of this lessened standard for detention is that the poor will undoubtedly suffer disproportionately from it. It is the poorer members of society who will be least likely to be able to afford the excessive bail permissible under this provision. Our government must not allow a system of justice under which a rich person accused of a crime is free pending trial while a poor person accused of the same crime must stay behind bars merely because he lacks financial resources.

The prospect of imprisonment without bail under this provision is even more ominous when one considers that the period of such incarceration is likely to be much longer than the period of incarceration for defendants who have been found to pose a threat

to the community. Persons held without bail as a threat to the community are guaranteed an expedited trial calendar and must be released within 100 days if their trial has not begun. (D.C. Code Section 23-1322(d).) On the other hand, the new law would not provide for an expedited calendar. A person who is detained under the new provision and who is unable to make bail would be incarcerated until trial, however long that might be. Even if a person is ultimately acquitted of the crime for which they are accused, the government cannot return the months they took from that person by incarcerating them pending trial. Finally, studies have shown that jailed defendants are more likely to be convicted than those who remain free on bail. It is unjust for a defendant to face a higher risk of conviction based upon his lack of financial resources.

Finally, I would like to further emphasize that this provision has no relation to the issue of prostitution, which the legislation before the Council proposes to address. This provision proposes sweeping changes in the law regarding pretrial detention. Such a radical change in our criminal justice system should not be taken lightly merely because it is in an unrelated piece of legislation. The Council should not allow this radical new proposal to strip the rights of the accused under the guise of preventing prostitution.

**Increased Penalties for Prostitution-Related Offenses
Would Do Little to Curb Criminal Activity**

The increased fines for prostitution offenses will do little to curb prostitution. A woman convicted for her third prostitution

offense will face a mandatory fine of \$1000. Women engaged in prostitution generally do not have this sort of money readily available. In order to pay such a hefty fine, an offender will most likely be forced to continue as a prostitute. Worse yet, prostitution may not be a lucrative enough activity to meet the expense of such a fine, and the woman, her boyfriend, her family members, or her pimp may be forced to engage in more violent criminal activity in order to raise the money.

In fact, the deterrent effect of increased penalties may have the unwelcome effect of increasing the amount of more harmful criminal offenses. Under the proposed law, a third time prostitution offender must receive a fine of \$1000 and will be incarcerated for between one and 180 days. By contrast, the penalty for second degree theft (that is, theft of items with value of less than \$250) is a fine of up to \$1000 and/or a sentence of up to 180 days, with no increase for subsequent offenses. (D.C. Code Section 22-3812(b).) Thus, under the revised law, a habitual thief may receive no fine at all, and could receive a fine no greater than \$1000, while a third-time prostitution offender must receive a fine of \$1000. The thief may receive no jail time, while the prostitute is required to be incarcerated. In short, a person may face a more severe punishment for prostitution than for theft. While this bill's supporters no doubt believe that it will reduce the criminal activity associated with prostitution, it may have the opposite effect by driving people from prostitution into more violent criminal activities.

The Bill's Sentencing Provisions Raise Constitutional Concerns
and Their Cost to the District Outweighs Their Benefit

The bill also calls for mandatory jail time for anyone convicted of prostitution-related offenses. It is short-sighted to believe that mandatory incarceration of these offenders will result in a reduction in crime. Incarcerating a first-time offender may expose them to other criminals during their incarceration. Also, it seems unwise for the financially strapped city government to spend money on the incarceration of those who commit a victimless crime while serious criminals serve no jail time. Additionally, even if jail time were the best solution for some prostitutes, a blanket sentencing decision cannot cover every possible situation. Sentencing decisions are best made on a case-by-case basis, and are therefore best left to the discretion of a judge, who can review each individual's case and make a sentencing decision that is appropriate under the circumstances. Many defendants whom judges would not sentence to time in jail must now receive a sentence of at least one day. It is likely that defendants who would have previously served no time will now receive the minimum one-day sentence. Such a sentence serves no valid purpose. A one-day jail sentence is unlikely to have any deterrent effect on prostitution. However, the District must bear the cost of processing each new inmate in its jails, as well as the cost of supporting that inmate during the period of incarceration. In addition, the new inmate will occupy space in the District's already crowded jails. The slight crime prevention benefit that twenty-four hours in jail might create is far outweighed by the costs to the District of a

one-day sentence.

A court may, in its discretion, impose conditions upon a defendant in exchange for the suspension of that defendant's sentence. While we support the flexibility of sentencing that this provision allows, we oppose the additional condition allowed under this bill, namely that a judge may order a defendant to stay away from the area where the offense was committed. This provision raises First Amendment concerns. A court should not suspend a sentence on the condition that a defendant forfeit her constitutional rights, in this case the right to association. Such a condition also raises more pragmatic concerns. Some prostitutes work out of their homes. If convicted for an offense committed in or near their home, these women may face a choice between incarceration and a reverse house arrest, where they are banned from their own home. Denying these women access to their own home will remove them from an element of stability in their lives. Finally, this proposal will not affect the amount of prostitution, only its location. If, as Councilmember Evans has alleged, prostitutes are "brought into downtown Washington literally by the busload" and are "given maps, and are directed to work certain streets or blocks," (Memo from Evans to Council, 7/6/95.) then banning certain prostitutes from certain locations will only result in a shuffling of locations as prostitutes are directed to a new street after being banned from their original location.

The Legislation Invites Abuse By Police
Through Its Raising of the Fine for FTO

The bill amends District traffic regulations by raising the fine for a pedestrian's failure to obey a lawful order of a police officer ("FTO"). The fine, formerly \$25, would be raised to between \$100 and \$1000. The section amended is intended to set fines for pedestrian traffic violations such as jaywalking, hitchhiking, and crossing against a red light. The fine for other offenses in the section is generally just five dollars; the \$25 fine for failure to obey is the highest fine in the section. (18 DCMR 2000, 2603.1.) While the higher fine is directed at prostitutes, it applies to everyone. The possibility of a \$1000 fine is an invitation to police abuse of this provision. Police may target an individual whom they suspect of crime and charge him with FTO when they have insufficient evidence to convict him on another charge. If someone is engaged in prostitution-related activities, the police already have the ability to arrest and charge that person under existing law. Expanding the scope of an unrelated statute will only allow the police to harass those who may have committed no crime.

Other Provisions of the Bill Also Invite Abuse
and Violate Due Process

The bill includes several violations of due process. Section 2 permits the release of the "name, address, date of birth, occupation, and photograph of any person arrested for a violation of [prostitution laws]." The District should not be publicizing

the identity of arrestees in this way. To do so places an undeserved stigma on those who, under our system of justice, are innocent until proven guilty. This provision could be used by law enforcement officials to coerce an innocent defendant into pleading guilty in order to avoid the embarrassing publicity that could be created by releasing photos and information about the defendant to the public.

The provision of the bill creating a lien on seized vehicles also violates due process. We recognize that this provision improves upon current law by providing a mechanism under which a person whose vehicle has been confiscated may reclaim the car. However, the revised law still has flaws. This provision can require a person whose vehicle is seized to pay "the costs of towing, storing, and administrative processing" of the vehicle, even if the person is acquitted of all charges. The amount of money involved here is not trivial. A vehicle might be in storage for weeks, or even months between a person's arrest and his trial. If acquitted after a long trial, it would allow for the person to be able to reclaim his vehicle after paying a lien that could amount to several hundred dollars. In addition to having been deprived of his vehicle for several weeks for an offense he did not commit, this person must now pay the District in order to have his vehicle returned.

It is unjust for a person to have to pay for the return of a vehicle that should never have been taken from him. It is even more unfair that this inequity gives a prosecutor an unfair

advantage in his case against a suspect. Since this proposal gives the Corporation Counsel the power to release this type of lien, a prosecutor can induce a guilty plea on prostitution-related charges by holding out the carrot of the free return of the defendant's vehicle. A prosecutor could also use the stick instead of the carrot by threatening the continued impoundment of the vehicle if he considers the defendant's behavior to be uncooperative.

Conclusion

This bill would do little to curb criminal activity; in fact, it could even lead to an increase in crime. In addition, it has numerous harmful provisions. The bill's sentencing provision raises First Amendment concerns and removes sentencing discretion from judges who are most suited to make such decisions. Furthermore, the minimum sentences mandated by the legislation would be unnecessarily costly for the District. The raise in the fine for FTO offenses is an invitation for police abuse. The provision permitting the release of defendants' photographs is a violation of the principal of innocence until proven guilty. Also, the amendment of the law regarding forfeiture of vehicles, while an improvement on current law, still raises due process concerns.

Most importantly, the bill proposes vast changes in the law regarding bail and pretrial detention. I would like to once again stress the magnitude of the changes involved here. The legislation would allow nonviolent pretrial detainees to be held indefinitely if they are unable to make bail. The Council addressed this issue

in depth only three years ago and passed a less severe measure than the one now before it. The proposed changes are drastic and should not be approved under any circumstances. It would be even less prudent to approve them merely because they are included in an unrelated bill. Because of the unrelated provisions regarding bail reform, as well as the numerous other reasons outlined above, we urge the Council not to approve this bill.



TESTIMONY

BEFORE THE COMMITTEE ON THE JUDICIARY

CHAIRPERSON WILLIAM P. LIGHTFOOT

REGARDING

BILL 11-439, "THE SAFE STREETS ANTI-PROSTITUTION

AMENDMENT ACT OF 1995"

GOOD AFTERNOON COUNCILMEMBER LIGHTFOOT AND OTHER
MEMBERS OF THE COMMITTEE ON THE JUDICIARY. THANK YOU FOR
HOLDING THIS HEARING TODAY ON THIS LEGISLATION . MY NAME IS
EMILY DURSO VETTER AND I AM PRESIDENT OF THE HOTEL
ASSOCIATION OF WASHINGTON D.C. WE ARE A CONFEDERATION OF
78 HOTELS IN THE DISTRICT OF COLUMBIA AND 72 ALLIED

- 2 -

MEMBERS THROUGHOUT THE METROPOLITAN WASHINGTON AREA.

THE LEGALITY OR ILLEGALITY OF PROSTITUTION IS NOT THE DEBATE NOR THE REASON WHY A LARGE GROUP OF PEOPLE HAVE BEEN WORKING WITH COUNCILMEMBER EVANS TO DRAFT THIS LEGISLATION. THE ISSUE IS QUALITY OF LIFE AND THE ABILITY TO RUN A BUSINESS IN THE DISTRICT OF COLUMBIA.

THERE WILL BE TESTIMONY TODAY BY A NUMBER OF RESIDENTS IN WARD 2 AND FROM A NUMBER OF OUR MEMBERS. I WILL NOT PREEMPT THEIR COMMENTS EXCEPT TO SAY THAT YOU WILL HEAR NUMERABLE STORIES THAT ARE ALMOST UNBELIEVABLE. THOUGH THEY MAY SOUND AMUSING SOMETIMES, THE HARD COLD FACT FOR OUR MEMBERS IS THAT THIS KIND OF OVERT AND

- 3 -

AGGRESSIVE BEHAVIOR CAUSES OUR MEMBERS TO
LOSE A CONSIDERABLE AMOUNT OF VALUABLE BUSINESS.

OUR INDUSTRY, AS I KNOW YOU ARE AWARE, IS HEAVILY TAXED
THROUGH THE HOTEL SALES TAX, THE FOOD AND BEVERAGE TAX,
REAL ESTATE CLASS 3, RETAIL AND PARKING TAXES. IN ADDITION,
WE ARE EXTREMELY LABOR INTENSIVE EMPLOYING A GREATER
PERCENTAGE OF DISTRICT RESIDENTS THAN ANY OTHER INDUSTRY
IN THE DISTRICT, INCLUDING THE DISTRICT GOVERNMENT. WHEN
WE LOSE BUSINESS, THE CITY LOSES JOBS AND REVENUE.

OUR MEMBERS CAN TELL YOU THAT EVERY DAY THEY ARE IN HAND
TO HAND COMBAT TO KEEP THE LEISURE MARKET AND BUSINESS
MARKET TRAVELER IN THEIR PROPERTIES AND IN THE DISTRICT.
OUR COMPETITORS FOR THIS BUSINESS ARE SEVERAL METRO

- 4 -

STOPS AWAY IN VIRGINIA.

NOT ONLY ARE OUR HOTELS MORE EXPENSIVE TO STAY IN,
BECAUSE OF THE HIGH TAXES AND WAGES PAID BY DISTRICT
BUSINESSES, BUT OUR HOTELS MUST FIGHT THE PERCEPTION OF
SAFETY. AGGRESSIVE PROSTITUTION, ALONG WITH AGGRESSIVE
PANHANDLING, SCARE VISITORS. THEY ARE NOT THE LEAST
AMUSED AND CAN EASILY, ON THEIR NEXT VISIT, STAY IN
NORTHERN VIRGINIA WHERE THERE IS EXCELLENT METRO SERVICE
INTO THE DISTRICT, LOWER PRICES AND A HIGHER PERCEPTION OF
SAFETY. NO ONE IS DROPPING OFF VANS OF PROSTITUTES IN
FRONT OF VIRGINIA HOTELS.

THIS LEGISLATION BEFORE THE COMMITTEE ON THE JUDICIARY,
WAS DRAFTED BY COUNCILMEMBER EVANS AFTER CONSIDERABLE
DISCUSSIONS WITH THE COMMUNITY, THE HOTEL INDUSTRY, THE

POLICE DEPARTMENT, THE US. ATTORNEYS OFFICE AND THE JUDICIARY. IT ADDRESSES NOT ONLY THE PROSTITUTE, BUT THE MEN WHO BRING THESE YOUNG WOMEN INTO OUR NEIGHBORHOODS. IT ALSO INCREASES FINES, ALLOWS FOR THE FORFEITURE OF VEHICLES ENGAGED IN ANY ACTIVITY RELATED TO THE ACT OF PROSTITUTION AND ALLOWS THE POLICE TO BAN THE PURVEYOR OF THIS SERVICE FROM ANY AREA WHERE REPEAT OFFENSES OCCUR.

MR. CHAIRMAN, WE URGE YOU AND THE COMMITTEE TO MOVE QUICKLY ON THIS LEGISLATION. THE COMMUNITY AND THE BUSINESS IN THESE COMMUNITIES, NEED LEGAL RELIEF AS SOON AS POSSIBLE.

THANK YOU HOLDING THIS HEARING AND ALLOWING US TO TESTIFY.

"SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF 1995"

TESTIMONY BEFORE THE COMMITTEE ON THE JUDICIARY

DISTRICT OF COLUMBIA CITY COUNCIL

WEDNESDAY, OCTOBER 25, 1995

By:

**Marcia Rosenthal
Executive Director**

Franklin Square Association

Chairman Lightfoot and distinguished members of the Committee on the Judiciary, good afternoon. I am Marcia Rosenthal, the Executive Director of the Franklin Square Association. I appear before you as the official spokesperson for the organization. I should also note that I have been a DC resident for the past 11 years.

First, let me thank you for calling this hearing on the "Safe Streets Anti-Prostitution Amendment Act of 1995" and allowing us the opportunity to provide earnest support for its immediate passage. As you and many of your colleagues on the Council know, Franklin Square has long been an advocate for more aggressive enforcement and legislation against the prostitution activity that has plagued our neighborhood for so long.

We began the Association with the mandate of cleaning the neighborhood of sexually oriented businesses to make way for a premier office district. Along the way, we have worked with Metropolitan Police Department, the Department of Public Works and at times, the Council to help in achieving our goals.

In the last 11 years, we have developed some 8 million square feet of office space and contribute in excess of \$55 million more in taxes per year than was paid in 1983. We have also seen the last of the 14th Street sex shops close. But we are still trying to convince the city's leadership that more aggressive enforcement and legislation must exist to truly make a dent in the illegal activity of prostitution. While prostitution is not considered a "violent crime"— or even a crime that takes precedence in our city of decay, it most definitely affects the quality of life of a neighborhood. Whether commercial or residential.

Companies moved to Franklin Square on the promise of a clean and safe neighborhood. However, this can not be realized when there are prostitutes soliciting office tenants — sometimes as early as 7 a.m. in the morning and 5 p.m. in the afternoon. Or, pimps regularly beating-up prostitutes outside of office buildings.

Prostitution and the associated threat of crime effect all office tenants. The ever-present existence of pimps slowly circling a building in search of "his prostitutes" is a very real, and very scary reality. To us, it is an unacceptable occurrence on our streets.

The District's financial and crime problems are no longer a secret. Employers no longer have to be located in the District, and as we all know, many have decided to relocate for the "better

quality of life" offered in the suburbs. The prostitution problem can only discourage potential investments— further shrinking the city's tax base. Now is the time for the Council to show leadership.

Back in 1991, Jack Evans introduced the original "Safe Streets Forfeiture Act" at the urging of our Association. While we assisted in drafting the legislation, we were unaware that the actual enforcement of the law would prove so time-consuming and difficult for the different city agencies to enforce. In response to these concerns, we have come-up with new amendments which we believe will allow the police and the courts to make arrests and process the cases more efficiently.

I would like to make clear that the legislation before you now is not nearly as aggressive as what we had originally requested. We had hoped to have stricter fines and mandatory sentencing. We have made it quite clear that the existing laws are doing little to discourage the growing business of street prostitution. It is too easy to be in the prostitution business in the District. And obviously, the prostitutes and their pimps agree because they are coming here in record numbers from Boston, New York, Philadelphia and elsewhere.

While legitimate businesses flee to the suburbs, it seems ironic that the prostitution activity is one of the biggest businesses in this town. And of course, one that pays no taxes. Now, you have an opportunity to change this occurrence.

Our local economy will soon be getting a much needed boost when the MCI Arena is completed. However, I do not think that the 20,000 spectators to the stadium will enjoy the hassles associated with prostitution. Something must be done to protect the existing and planned businesses of this city.

To the members of the Council that have not witnessed the magnitude of the prostitution problem, we encourage you to "spend the night with us." I cannot imagine any member of this Council responding to their constituency with a vote of none-support — after they have witnessed the activity on our streets. It is just bad business. And after a while, it is just plain embarrassing.

Today, you will hear from members of law enforcement, the court system, corporation counsel, the business community, the residential community and the hospitality industry — in

short— the tax base. Like many others, we are looking to this Council to move this city in a new direction. We have earnestly done our part in getting all the agencies together that are needed to make a difference. It seems that they are in agreement on enforcement and increased penalties.

We now need the Council to accept their recommendations and send a message to the residential and business communities that times are changing.

The District must follow the lead of other major jurisdictions and pull together to enforce, prosecute and eliminate prostitution activity. For us, it is not only a moral issue, it's about public safety and economics. It is what this city's leadership should be focused on.

It is our hope that each of you will endorse the proposed legislation. It is clearly in the best interests of our city. And based on what you will hear today, it is clearly what your constituency's are seeking..

We urge your immediate action by approving this bill. Thank you.

At this time, I would like to yield to Robert Rader, a partner at Winston & Strawn — and a member of the Association's board of directors. Mr. Rader can discuss the legal aspects of the legislation, as he co-drafted the original "Safe Streets" bill. Bob.....

"Safe Streets Anti-Prostitution Amendment Act of 1995"

Testimony Before The Committee On The Judiciary

District of Columbia City Council

October 25, 1995

By:

**Robert M. Rader
Director
Franklin Square Association**

Mr. Chairman and Distinguished Members of the Committee on the Judiciary,

On behalf of the Franklin Square Association, I am grateful for this opportunity to support passage of the Safe Streets Anti-Prostitution Amendment Act of 1995. As many of you are aware from earlier hearings when this Council enacted the Safe Streets Forfeiture Act of 1992, prostitution and the open solicitation of prostitution have been a major concern of merchants and professionals in the Franklin Square neighborhood for some time. As citizens, taxpayers and professionals active in the Franklin Square area, we continue to endorse strict enforcement of the Safe Streets Forfeiture Act and all efforts to alleviate prostitution and prostitution-related crimes in the District.

Initially, the Safe Streets Forfeiture Act proved to be an effective tool in curtailing prostitution trafficking. When first begun, the seizure of vehicles used in the solicitation of prostitution had the desired effect of discouraging others from venturing into known areas of prostitution solicitation and reducing

the visibility and impact of prostitution upon everyday residential and commercial activities. In monitoring enforcement of Safe Streets Forfeiture Act, however, those of us who had championed passage of this legislation became increasingly convinced that further refinement of the law is necessary to make it more effective. For this reason, we support the proposed amendments.

Let me make clear, however, our strong conviction that the proposed legislation, while an important step forward, does not include each of the measures originally proposed as amendments that would maximize the fair and efficient enforcement of this law.

We continue to believe, for example, that enforcement of the laws against prostitution are unnecessarily restricted by the requiring proof of a cash payment or solicitation of a cash payment. For that reason, we endorsed a provision introduced by Councilmember Evans, but narrowly rejected by the Council in earlier emergency legislation, that would have enabled the prosecution

to make out a *prima facie* case of prostitution by proving conduct universally associated with prostitution alone. We believe that the law can reasonably define what shall constitute *prima facie* evidence that a person has committed an illegal act like prostitution. Under current law, a prostitute or man soliciting prostitution can avoid prosecution by simply avoiding any mention of a cash payment until such is satisfied that the other is not really a police officer, even though the sexual nature of the transaction is unmistakably clear. For example, it is common for a prostitute to ask a "John" to expose himself or fondle the prostitute to prove he is not a police officer. In our opinion, this kind of blatant sexual activity, coupled with repeated attempts to hail or stop moving traffic, should be sufficient to constitute *prima facie* evidence of soliciting prostitution.

Our second proposal was a new provision criminalizing solicitation of sex by obstruction of traffic. The obstruction of vehicular and pedestrian traffic by prostitutes roaming the streets and sidewalks is a well known public

nuisance and threat to public safety in the District. No one has the right to appropriate the sidewalks and streets of the District for this purpose. Further, we see no reason why the interference with the free flow of traffic for the purpose of sexual solicitation should require proof of a fee to alleviate this public nuisance and remove this obstruction from our streets. From the perspective of public safety, we think it is simply irrelevant whether money changes hands when drivers and pedestrians are put at risk by flagrant solicitation for sex on the District's sidewalks and streets.

I might add that we were surprised to learn that some regarded this straightforward provision as a potential means for the police to abuse civil liberties. I would respectfully point out that when this Council first deliberated the Safe Street Forfeiture Act, some critics similarly suggested that civil liberties would be eroded. Yet, since the Act's passage, there has never been even a single allegation that the police have abused their authority under this statute.

There has not been a single instance in which the courts of the District of Columbia have ordered the return of any vehicle seized under authority of the Safe Streets Forfeiture Act. I have not heard reported a single instance in which anyone has alleged that a police officer has exceeded his or her authority in seizing or forfeiting any vehicle. And finally, no individual has successfully challenged any provision of the Safe Streets Forfeiture Act as violating any right of due process, freedom of expression or any other right guaranteed by the Constitution or by statute. Yet, the mere suggestion of possible police excesses under the legislation previously proposed by Councilmember Evans was sufficient to achieve its defeat by a single vote. So while we endorse the current proposal, we respectfully submit to the Council that it should reconsider the more significant and more effective measures it narrowly rejected only a few months ago.

Some of the measures originally proposed by Councilmember Evans and strongly endorsed by the Franklin Square Association are included in the present bill. In particular, we support the creation of a lien in favor of the District of Columbia in an amount equal to the cost of towing and storing vehicles seized under the Safe Streets Forfeiture Act. This lien provision ensures that, where the District elects to show leniency by returning a seized vehicle to a first-time offender, even though a violation of law has occurred, the District will recoup its out-of-pocket expenses in seizing and storing the vehicle. Also, the imposition or threat of such a lien will deter acts of solicitation in the District. Finally, the imposition of the lien gives the District a mechanism for returning the vehicles to first-time offenders, thus avoiding the serious backlog of stored vehicles that has impaired enforcement of the law.

The Franklin Square Association also supports and endorses the increased fines and terms of imprisonment provided by this bill. In our view,

these increased penalties afford flexibility to prosecutors and the Courts and are warranted in the face of growing recidivism in the trafficking of prostitution. We also support and endorse the availability of "stay away" orders as an additional tool that should be made available to law enforcement officers and the courts.

I cannot personally endorse, however, the provision of this bill permitting the Metropolitan Police Department to cooperate with private citizens in the release of the names of individuals arrested for prostitution or soliciting prostitution. In my view, this is an invitation to public vilification and is inconsistent with the rights of an accused under our system of criminal justice. Whatever private citizens might choose to do on their own, I believe it is unseemly for the District of Columbia government to facilitate and cooperate with efforts whose avowed purpose is public humiliation of an accused.

Again, we thank you for this opportunity to share our views and concerns on this important legislation and to urge its prompt passage.

"Safe Streets Forfeiture Amendment Act of 1995"

Testimony Before the Committee on the Judiciary

District of Columbia City Council

Wednesday, October 25, 1995

By:

**Philip A. Doyle
General Manager**

Days Inn - Downtown

Chairman Lightfoot, distinguished members of the Judiciary Committee,
good afternoon.

My name is Philip Doyle, and I am employed by Potomac Hotel Group, and The Stephen A. Goldberg Company, as General Manager of the Days Inn Downtown at 1201 K Street, NW. I represent the interests of Conrad Cafritz and Stephen A. Goldberg, two prominent citizens of the District as well as leasees of our office building and employees of the hotel.

I would like to thank Council Member Lightfoot for calling this hearing on the Safe Streets Anti-Prostitution Amendment Act of 1995. I appreciate the invitation to appear before you and submit testimony that would encourage you to support passage of legislation that effectively addresses our concerns.

Potomac Hotel Group was selected by Mr. Stephen Goldberg to manage the Days Inn and took possession of the property on June 24, 1994. We were retained to revitalize and reposition this hotel, to make it a viable competitor in the market place and a profitable entity in the owner's portfolio. Although we have made great strides toward this goal, outperforming competitors in a tough market, we are plagued at every turn by this ongoing problem: We are able to obtain the business but are having difficulty in retaining it for future years. This problem in no way has undermined our resolve. If anything, it has reinforced our commitment.

You may ask, "Why this synopsis of our accomplishments"? This tells you about my accountability to all concerned parties and my sense of obligation.

I am responsible to my owners, clients, tenants, community and employees. I take this commitment very seriously and owe much of our success this year to my ability to instill the notion in my staff that we must all be accountable for our words and deeds as they affect all of us.

It is my duty to react to the prostitution problem that affects the city. The streets immediately outside the hotel became an all night sideshow 7 days a week. This began in early March of this year. I reacted by hiring additional off-duty security to patrol the sidewalks adjacent to the hotel at a cost of \$12,000 per month. I contacted members of the Franklin Square, community associations, the school board, local churches, union hall and Council Member Jack Evans with their support we formed a community action committee. I was proactive in letting my clients know there was a serious problem around our hotel. Initially, they were secure in the fact that I could resolve the problem. However, they, as well as I, recognize that this problem is greater and too far reaching, to solve on our own. I can make a hotel perform under the most difficult circumstances, but I can not control the streets around the hotel. This is why I am here today.

It is my perception that some of the Council Members feel that this is a

downtown problem, unique to the business district. I disagree with this thought, and as you will hear from the people that will follow my testimony, this problem touches all of our lives in some way. This blight on our community has become so far reaching that it is a quality of life issue. I find it hard to believe that it is easier to pass tough legislation on dumping trash in vacant lots in the city. The fine is up to \$500 and impoundment of the vehicle. The law was touted as an effective deterrent during the city-wide clean up day on October 21st. I see no difference between dumping and performing sex acts on our city streets. They both leave refuse that we all must deal with.

I have a video tape that depicts a typical scenario of the night life that exists on our streets.

We have a foundation that uses our hotel 14 weeks of the year producing revenues just under a million dollars for our hotel. They conduct programs that bring in senior citizens, new American citizens and high school students to visit this city to see their government at work. This is an intense six day program with the goal of making them better informed and responsible citizens. While they were housed in our hotel their participants were approached by hookers, in various states of semi-nudity, to take pictures with them to send home as mementos of their visit to the Nation's Capital. They only asked \$5.00 for this privilege. I ask you, can you imagine the parents outrage when their child comes home with these pictures. "What kind of organization

goes into such a neighborhood and houses students where prostitution is a nightly activity"?

Our Director of Sales called a contact that housed a Secret Service contingent, a "past client" in our hotel during Arafat's visit. They told her "we really enjoyed our stay, the renovation looks great, the service was outstanding and we really liked the show". "Show"? Was her response. "Yes, the show that went on every night outside my window". Do you honestly think that they will rebook our hotel? I think not.

What about a member of the Future Farmers of America that is granted a summer scholarship to study in the Nation's Capital for a week? They come from small towns across this great nation. They come to learn how to be better citizens and effective business managers so that when they return to their community they can help make an effective change. Some have never been to a large city, rode a plane or even an elevator. Only to return home to tell stories about hookers swarming the streets of the Nation's Capital. This organization normally used northern Virginia locations to house their groups as they believed that area was safer. They felt it would be good to try the District as it was the seat of the government. We did not try to hide the prostitution problem, we tried to deal with it providing 24-hour security and planned arrival and departure activities around the hookers' business hours. We will not see this business which means a loss of \$300,000 in summer business for our hotel. How would you like to work in a place where you are late to work because the traffic was rerouted and you had to back track to get to work.

Maybe I am wrong in disagreeing with your perception that this is a business related problem. You were right in your original assumptions. It is a business problem.

A very profitable business has been set up in our city. These prostitutes are not crack whores or the transvestites that roamed our streets in years past. These are an effective army of professional adults and minors that are muscled out on our streets to ply their trade. These ladies are well directed by pimps from New York, Florida, New Orleans and Texas. These girls are dropped off in vans and cars on our street corners supplied with area maps leading them to the prime spots to conduct their business. We are supplying Detective Haggard with license tags to effect some sort of change. He can only do what the law empowers him. You must make the change.

I hope you found the video informative. It highlights various forms of activity that occur on our streets. The video was supplied by a student, Keith Olwell, of American University. He is doing an anthropology study about prostitution in Washington, D.C. He was given my name by a member of the Hotel Association that shares our problem. In our initial conversation, I asked him why D.C? He stated that the reason was well known around the country: It is easier to conduct prostitution in this city, even easier than in Nevada. The laws on our books have not been addressed since 1901. Other areas around the country know our laws need to be revamped. They know that there is little cause to worry. That is why they come here to set up shop.

There is a biblical phrase that would apply to some of the attitudes that exist with regard to this problem: "He who is without sin cast the first stone". How does this apply? Quite simply. This problem exists in all wards in the city, whether it a professional hooker or a crack whore. To believe that it does not exist In your ward is to deceive yourself. There are employees of my hotel that will testify that it does exist in their neighborhoods, wards 3, 4 and 8. It exists in the alleys, side streets, on the school playground, and the church steps. This problem weighs heavy on all of us. It effects the city tourism and incurs additional governmental expenses (Strong John Thompson School was forced into putting up an 8 ft. chain link fence to prevent the whores, pimps and Johns from performing sex acts in the school yard). This alone cost the city and businesses tax dollars that could be put to better use. Our streets are blocked off with cones and flares to impede the traffic flow. We are prisoners in our city. Isn't this a good impression on visitors from other communities and countries? This isn't Council Member Evans or Ward 2 problem. This is a city problem. We are loosing our tax base to the suburbs or other cities without this problem.

Some people know what a viable business prostitution can be. They are afraid that the pimps will take retribution on those who interfere. We cannot, and will not, hide in fear. Harry Truman was fond of saying "Bring the battle to them, don't wait for someone to bring the battle to us." That is what we are doing today, bringing you the battle.

I look to all of you on the City Council, what would you have me say to clients that ask are you in a safe area? What would you reply to a major tour operator in a meeting in New York, that knows about the prostitution, when they pose the question "I understand there is a serious prostitution problem in your city, what you are doing about it?" Fortunately, for now, they trust us and believe that we will be able to effectively deal with this problem.

Ladies and gentlemen, time and faith are running out for us both! I ask that as you listen to the testimony that follows, please listen with a clear mind and an open heart. Let our various voices become one, showing you that as a group, the police, courts, businesses, churches, unions and citizens, we all sing from the same sheet of music. We are united in solving this problem. We need you to provide us with the score, the tools to deal with this issue, "enact effective legislation". Add additional strength to this legislation, change the Failure to Obey to Loitering for Prostitution. The courts and defense attorneys view implementation of the FTO statute as an over-used and abused citation by the police. They tend to be more lenient.

The Days Inn and Potomac Hotel Group both contribute valuable tax revenue to the city and employ hundreds of people.

At the Days Inn we contribute 326,000 in real estate taxes, 30,000 in personal property, 540,000 in sales and use tax, and employ over 60 people.

Potomac Hotel Group provides 880,324 in real estate taxes, 147,346 in personal property taxes, 137,000 in vault taxes, 32,000 in franchise taxes and employ a total of 400 employees.

As a vital instrument of tax payment and employment, we ask that you give the utmost consideration to what should be a deterrent and NOT a free ride.

As we are united, so must all of you. Support this bill. Hear our voice, not one alone, but a united group with a purpose. Give us an answer. Pass effective legislation. Thank you.

"Safe Streets Forfeiture Amendment Act of 1995"

Testimony Before the Committee on the Judiciary

District of Columbia City Council

Wednesday, October 25, 1995

By:

Irene Williams

Days Inn - Downtown

Members of the Judiciary Committee, Chairman Lightfoot. Thank you for allowing me to appear before you today. My name is Irene Williams and I live at 453 Valley Avenue, S.E., in Ward 8 of this city.

When I walk down the street to catch the bus I see crackheads hussling near the school daily. The kids can see the exchange of drugs and money right in front of them. This is terrible that we cannot raise our children in a city free from drugs and whores.

I want you to know that there are prostitutes that live in my neighborhood. Prostitution is all over the city - from my home to where I work.

Won't you please put a stop to this! Pass effective laws. Free us from this problem.

"Safe Streets Forfeiture Amendment Act of 1995"

Testimony Before the Committee on the Judiciary

District of Columbia City Council

Wednesday, October 25, 1995

By:

Dollie Tann

Days Inn - Downtown

Council Member Lightfoot, members of the Council, good afternoon. My name is Dollie Tann and I live at 3680 22nd Street, S.E., in Ward 8.

I come here today to complain about crack dealers dealing on the streets of my neighborhood. This activity attracts whores as they will do anything for money. This involves the teenagers in the neighborhood as well.

I have seen a man killed right in front of my house on the other side of the street because he was stalking a girl. He was stabbed 17 times with a butcher knife. I am afraid for my grandchildren and my safety as there is constant gun fire because the whores and dealers are fighting over territory.

Clean this up. We did not have this problem before. We have security patrol this area but they are always late. I cannot live this way.

"Safe Streets Forfeiture Amendment Act of 1995"

Testimony Before the Committee on the Judiciary

District of Columbia City Council

Wednesday, October 25, 1995

By:

Ernestine Baker

Days Inn - Downtown

Good afternoon Chairman Lightfoot and members of the Judiciary Committee. My name is Ernestine Baker and I reside at 4910 Kansas Avenue, N.W., in Ward 4 of this city.

I work at the Days Inn Downtown at 12th & K Streets, N.W. Every morning as I come to work I see hookers on the streets, in almost no clothes. I find this a disgrace and offensive. By coming here today, we hope that we can put a stop to prostitution. I need to work and it is going to drive our business away.

"Safe Streets Forfeiture Amendment Act of 1995"

Testimony Before the Committee on the Judiciary

District of Columbia City Council

Wednesday, October 25, 1995

By:

Mary Boyde

Days Inn - Downtown

Good afternoon members of the Judiciary Committee, Council Member Lightfoot. Thank you for allowing me to give testimony here today. My name is Mary Boyde. I live at 449 Valley Avenue, S.E., in Ward 8.

When my co-workers and I enter through the back of the hotel we must walk over used condoms after the prostitutes have used the loading dock and back alley as a room. Sometimes you will find the prostitutes in the back alley or across the street at the car rental agency. These activities take place near the playground in view of the children. Not only is this going on downtown, but also in my neighborhood.

Where I live, whores are servicing delivery truck drivers near my buss stop. This is early in the morning as I come to work. I am frightened by this activity. Do something about it!

Moving it from area to area is not helping. Put in a law that will work and clear my street.

"Safe Streets Forfeiture Amendment Act of 1995"

Testimony Before the Committee on the Judiciary

District of Columbia City Council

Wednesday, October 25, 1995

By:

William Selak

Close Up Foundation



44 Canal Center Plaza • Alexandria, Virginia 22314-1592 • 703-706-3300 • Fax: 703-706-0000
Councilmembers and guests:

My name is William Selak. I am employed as a Program Supervisor with the Close Up Foundation. Close Up is a non-profit, non-partisan civic education organization that brings high school students and teachers from around the country to Washington for a six day program of intensive government and political study. From January until May 1995 I served as the program supervisor for the Days Inn Downtown where Close Up conducted several program weeks and the students and teachers resided for their week. As program supervisor I directed a staff of instructors responsible for the students education and supervised between 150 and 200 students weekly. In this latter capacity I acted as the "principal" for the students, responsible for disciplinary actions and their general welfare and safety for the week.

As supervisor I encountered numerous difficulties with the prostitution activity in the vicinity of the Days Inn hotel. The prostitutes were both blatant and aggressive in conducting their business in the presence of students, teachers and Close Up staff. Their presence was unavoidable from the early evening hours when the students would return to the hotel, throughout the night and in to the early hours of the morning. On several occasions the prostitutes were still on the street at morning rush hour when we would leave the hotel for the day. They would aggressively proposition teachers and students. Dismissals of their approaches simply encouraged more, or resulted in the prostitutes heckling or verbally abusing the individual teacher or student. This behavior at times even intruded into the main lobby of the hotel. This level of sexual solicitation around adolescents did not have positive results and detracted from the educational purpose of the week.

A further concern was the overall environment the prostitutes fostered with their constant presence. The students saw a nightly show from their windows as prostitutes and pimps conducted their business, potential customers cruised the street corners and police units patrolled the area. The nightly street activity included yelling, honking car horns and loud arguments that disrupted the sleep of students and teachers well into the night. In early February I required the hotel to seal student room windows in response to student discipline problems directly related to this activity. I also feared any verbal exchange from an open window between students and prostitutes could have disastrous consequences. This nightly activity hampered educational efforts to show the positive side of the District and diminished any objectivity on the part of the students.

The most serious problem presented by the prostitution activity around the hotel was the overall impression it left on students and teachers as they departed for home. Every week the issue of the prostitutes and their business was raised by teachers and adult sponsors, who would have to explain to parents why their children were confronted with such distasteful and outright illegal activities. Many teachers told me they seriously questioned bringing students on future Close Up programs in this environment. Using a District hotel has been a goal of Close Up for some time. We believe that residing in the district provides students with a unique educational opportunity not afforded by our usual Virginia hotels. However, the continued presence of prostitution around the Days Inn would likely force Close Up to respond to our consumers' safety and integrity concerns by ceasing our use.

★ 25 Years ★
EDUCATION FOR DEMOCRACY

BILL 11-439, THE "SAFE STREETS ANTI-PROSTITUTION AMENDMENT ACT OF 1995"

Testimony of Helen M. Kramer
President, Logan Circle Community Association
October 25, 1995

Before the Committee on the Judiciary

Good afternoon, Chairman Lightfoot and members of the Committee. My name is Helen Kramer, and I am the president of the Logan Circle Community Association, whose 300-odd members include both residents and area businesses, all of whom are fed up with prostitution in our neighborhood.

LCCA activists have taken time off from work to appear before you today to urge you to support a different approach to the problem of prostitution, one designed to work within the budgetary constraints placed on city agencies and the police in 1995.

Logan Circle residents have been struggling against prostitution in our neighborhood since the 1970s. During the 1980s, we worked closely with the police to set up a system of elaborate roadblocks around the Circle itself, in an effort to drive the streetwalkers away. I'm happy to report to you that today, on some streets north and west of the Circle, a prostitute is a rare sight. Unfortunately for those of us living south and east of the Circle, dealing with prostitution is a way of life.

Within a 10 block area bordered by Massachusetts Avenue on the south and Rhode Island Avenue on the north, from 13th Street on the west, and 7th Street on the east, you can observe:

- Women selling themselves to men
- Transvestite men selling themselves to men
- Men dressed as men selling themselves to other men
- And saddest and least known of all, adult pimps selling children

You can find prostitutes all dressed up in satin and lace, wearing five-inch spike heels. You can find crack addicts who have not bathed in days looking to make money for their next hit. You can find prostitutes cruising the neighborhood in their cars, sporting Maryland and Virginia tags, and soliciting johns at stop lights. You can find them in their young teens, or some older women that by their late 20s look aged well beyond their years. They are mostly white, but also black and Hispanic. And worst of all, they are open for business 24 hours a day, 7 days a week, 365 days of the year.

Prostitution is not a victimless crime. This is what it does to our neighborhood. It gets noisy. It gets dirty. Used condoms are discarded on the streets, in the grass and in the alleys. Prostitutes use our stairwells and green spaces as toilets. Johns pee in our driveways, alleys and gardens. It becomes a much less desirable place to live. It's a bad environment for children. It's definitely the worst in mild weather, when people try to sleep with their windows open. Large conventions have a tendency to attract prostitutes, who arrive from other east coast cities to do business here. The District of Columbia has a national reputation for lax anti-prostitution laws. When other cities crack down, the prostitutes come here. This summer was particularly gruesome. We experienced an unusually large influx of prostitutes who arrived by vanloads from New York and New Jersey, and who were directed into our neighborhood by pimps with street maps.

After my testimony today, the next community speaker, Eric Korpon, is going to narrate for you a video tape that he made about prostitution in our neighborhood. It will give you a real feel for the kind of disruption that takes place night after night on the residential streets of Logan Circle.

Of course, all of this activity has a measurable effect on the property values of homes in our neighborhood, the willingness of small business people to invest in the revitalization of the 14th Street commercial corridor and the city's tax base. Prostitution is robbing the city of precious tax dollars. You can't afford to allow it to continue, and neither can we.

The Logan Circle Community Association has a long and positive history of working with the Third District of the Metropolitan Police Department on this issue. We deeply appreciate how hard they are working to help us with limited resources.

However, we must tell you that the tools they have to combat the prostitution problem are not sufficient. To make a prostitution arrest, the police department must organize a labor-intensive "sting" operation. If the "sting" is targeted to arresting the prostitutes, undercover policemen pose as johns. If the "sting" is targeted to arresting johns and seizing cars, undercover policewomen loiter on street corners. In either case, these operations occupy a tremendous amount of police resources. Between 6 to 10 officers are needed to run a sting, and the undercover officers must be wired.

With the police budget and staffing levels approaching new historical lows, there is no way that regular sting operations can be staged. There isn't enough money and there aren't enough people. Instead, what the police do is arrest prostitutes on a "Failure to Obey" charge,

which calls for a \$50 maximum fine for failing to obey an officer's orders to get out of the street. This "FTO" charge takes the prostitutes off the streets for about three hours. Most of them forfeit the fine in lieu of appearing in court to challenge the charge. In fact, the police have told us that most of the streetwalkers carry the \$50 fine with them each night--it's considered a cost of doing business.

Mr. Chairman, with tools this few and fines this low, the economics of prostitution is working against the city of Washington, against the police department, and against city residents. A prostitute can earn between \$250 and \$1,000 a night. Unless our enforcement mechanisms hit them in the pocketbook, we have no chance to win this battle. We must make Washington a less desirable place to engage in prostitution.

We believe that the bill introduced by Jack Evans does that. It increases the minimum FTO fine to \$100. It also allows even stiffer fines to be charged to repeat offenders, up to a maximum of \$1,000. This one tool, more than any other in the legislative package before you, will be of maximum benefit to our thinly-staffed police force.

The bill benefits the war on prostitution in other ways, too. It seeks improvements in the law concerning seizure of johns' cars, so that vehicles can be processed more quickly and the city receive fines more quickly. It increases the fines for prostitution, and compels a night in jail for those found guilty of prostitution. It allows the courts to impose "stay away" orders that would keep prostitutes out of a particular neighborhood. And it allows residents access to police photos of those arrested for prostitution-related offenses, so that the community can play a role in enforcing stay-away orders.

These changes are all positive improvements to the District's ability to return

neighborhoods to law-abiding residents. There will be no drastic increase in our jail populations. Indeed, the whole point is to encourage prostitutes and pimps to leave town. No expensive or time-consuming processes are added to our police or judicial enforcement system. There are no hidden "costs" of voting for this bill.

The residents of Logan Circle urge you to vote in favor of this bill in its entirety. If not for us, then for residents throughout the District who are facing the same problems that we are.

Good afternoon, Chairman Lightfoot and other distinguished members of the Judiciary Committee. I am Laura A. Shell. I live at 1221 Massachusetts Avenue, NW. I have lived at this address for twenty-three years. I am the Field Coordinator for the Old City Coalition Citizens Patrol, an orange hat group in downtown Washington, and I am Metro Orange Coalition's Coordinator for all the orange hat groups in the Third District. I am also Vice Chairman of the Third District's Citizens Advisory Council.

In September of 1991, the citizens in downtown Washington, DC came together to form an orange hat group called Old City Coalition Citizens Patrol. Citizens from Logan Circle Community Association, Blagden Alley Association, Wisteria Mansion Condominium Association, Cambridge Tenants Association, Massachusetts House Tenants Association and O Street Association united because prostitution in the downtown area was ruining our quality of life. An alliance was formed with the Third District of the Metropolitan Police Department and together we vowed to fight prostitution in our neighborhood. So, on Fridays and Saturdays, we walk our streets until midnight and normally later trying to rid our neighborhood of prostitutes, male and female.

There are people who do not understand the value of a citizens patrol. Also, there are those who believe prostitution is a victimless crime. We who live in downtown Washington are victims. We are victims of serious traffic jams, vehicular noise, street

altercations, screaming, yelling, etc. Often crowds of men (old and young, rich and poor) gather to observe the women walking up and down our sidewalks and in our streets trying to attract customers at all hours of the day and night, particularly at night. Prostitution plays havoc with our peace and quiet at night. Our patrol is our way of peaceably moving the criminal element out of our neighborhood. And, that is all we can do. We move it. And, it comes back.

When we are on patrol, we encounter prostitutes who have no fear of being arrested. They will tell us and the police officer with us that they have fifty dollars, so arrest them. Often, when they are released after being arrested on the fifty dollar Failure to Obey, they immediately go back to the street to work. Many are arrested again that night. When we are on patrol on Saturdays, like this past Saturday, October 21, we encountered prostitutes who had been arrested on Friday, October 20. The fifty dollar charge for Failure To Obey is no deterrent to prostitution. Repeated fifty dollar arrests are no deterrent to prostitution.

*Cops
aren't
scared
of us
Buy some
orange
cones*

Residents from the Logan Circle and Bladgen Alley communities collected donations and purchased orange traffic cones. With the assistance of the Third District, these cones were used in an attempt to break the traffic flow on those streets that prostitutes normally work at night. The cones were reasonably effective in breaking the traffic flow. It brought a quiet we had not experienced in a long, long time. Then, our cones slowly but

surely were destroyed and stolen by the prostitutes and pimps.

Our patrolling of the neighborhood continues. We have no real weapons in this war. We often find ourselves hoping there is a traffic charge or a parking ticket that can be issued on the cars of the prostitutes and pimps. Sometimes, the police are actually able to impound some of these cars. We have had some of our patrollers stop patrolling because they felt that what we do is short term and all in vain. We have had some of our patrollers move out of the area because after real personal involvement in trying to improve the quality of life and failing, their frustration and despair forced them to leave. But, those of us who are left, and there are quite a few of us, keep trying. Our police officers keep trying. We are tired and frustrated but we must continue fighting as best we can.

In September, 1991, citizens in downtown Washington joined with our police department to fight prostitution. It is now October, 1995, and we are still fighting as hard as ever. We cannot succeed without your help. We have to have legislation that makes prostitution a costly means of making a living in Washington, DC. Without the "Safe Streets Anti-Prostitution Amendment Act of 1995", we cannot make a real difference in our war against prostitution. Please help the Metropolitan Police Department and the citizens of the District of Columbia by voting in favor of this bill.

Bill 11-439, "The Safe Streets Anti-Prostitution Amendment Act of 1995"

Testimony of

**Leslie Miles
President, Blagden Alley Community Association
October 25, 1995**

Good afternoon, Mr. Chairman and members of the Committee. My name is Leslie Miles, and I am president of the Blagden Alley Community Association. Our association represents residents and businesses within the area bordered by Seventh Street, Thirteenth Street, H Street and Q Street, Northwest. Our neighborhood is at the core of our city-- including the K Street Corridor, the Convention Center, the new arena and the proposed convention center site. We appreciate the opportunity to address you on this important subject.

Our small corner of the city has the misfortune of being plagued by prostitution, with a peculiar specialty, transvestite prostitution. Transvestite prostitutes congregate in Gompers Park at 10th and Massachusetts Avenue, making the park unavailable to other patrons, and daily walk the residential streets of our neighborhood. While it is true they have been with us a long time, we feel that the time has certainly come to make the streets safe for the rest of us.

These larger-than-life "women" are not harmless eccentrics out of "La Cage Aux

Folles."They are big strong men who carry weapons and use serious drugs. They are not invisible nocturnal creatures-- they work round the clock. And they are full-time, long-term professionals with established routes, beats and clienteles, composed mainly of customers from the suburbs. This is their life, 24 hours a day, and it's destroying the life of our community.

Other witnesses have discussed different aspects of prostitution and how this "victimless crime" affects legitimate residents of our community. In my testimony, I want to focus, from a women's perspective, on some very real, and very negative, quality of life issues that arise when communities are asked to coexist with prostitution.

Imagine for a moment what it might be like to be a woman, walking home alone to your Blagden Alley home after working all day in your downtown office. You are dressed in your business suit and overcoat, carrying a briefcase, and trying to enjoy one of the best features of downtown living -- the ability to commute on foot.

As you walk down the sidewalk, a car pulls up beside you. Inside it are perhaps one, or two, or three men. They roll down the window and ask you "Hey, Baby. How much?"

Is this a joke? Are they serious? Do you run? Will they follow? Do you answer? How do you answer? Should you get mad? If you get mad, will they harm you? It doesn't matter that you don't "look like" a hooker. Every woman walking our

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neighborhood streets is assumed to be at work.

This scene is played almost daily in my neighborhood. It has happened to me a dozen times, dressed as you see me today. It has happened to my neighbors. At neighborhood events and social occasions, it is commonplace to exchange stories about our latest "encounters" with these confused johns. And you should know that these encounters can be very frightening. These johns can be drunk. They can be using drugs. If the car is full of men shopping for sex, they may not be concerned that you are not selling sex. The encounter can be even worse if a language barrier is involved.

Let me tell you about some other kinds of encounters we have. Some of my neighbors have families, and are attempting to raise children in this environment. Not too long ago, a new mother decided to walk one block to the store to buy a newspaper.

It's 8 o'clock in the morning, and off she goes with the new baby in her arms, heading for the store. Coming down the sidewalk are a couple of transvestite prostitutes, decked out in their dresses and heels. Spying the mom and her baby, they start making cooing noises and lean over asking mom if they can take a look at the little baby. That young mom and her husband are closing on a home in suburban Maryland this week, and our neighborhood is losing a committed, activist member.

And what about the parents of slightly older children, children who are old

enough to wonder why that strange-looking woman with large feet and legs like a man's is dressed in a micro-mini-skirt? Often these men expose their genitals on the street and sidewalk. How do you explain this to kids? Unfortunately, the answer most often is that you don't. You move. And, if you can't move, you never, ever let your kids outside to be exposed to prostitution.

When I am out walking and have to pass the transvestites, which happens almost every day, I face this dilemma-- do I talk to them and make them feel unwelcome? Do I tell them that they kept me up all night? They don't hesitate to speak to me and make me feel unwelcome. They talk trash, bum cigarettes. As my husband and I contemplate raising a family downtown we wonder, how do we do this? Do I want my daughter harassed by johns, jostled by hookers?

Let me direct your attention to another problem -- noise. It's difficult to capture on videotape the volume of noise that prostitution brings. The first thing to understand about why noise is such an issue is to understand that people who become prostitutes are not highly skilled in resolving conflict or problems in their life. When anything goes wrong, they begin to yell. Screaming profanity somehow gives the disenfranchised a sense of power. And once they begin to scream, no one can sleep.

They could be set off by a john who dumped them without paying, or by a rival prostitute who set up shop on the block uninvited. They could be mad because someone owes them money and hasn't paid them back. Any little thing produces a

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They could be set off by a john who dumped them without paying, or by a rival prostitute who set up shop on the block uninvited. They could be mad because someone owes them money and hasn't paid them back. Any little thing produces a

torrent of vulgarity that would make a Teamster blush. And, it goes on all night.

I live in the middle of a residential block of houses and small apartment buildings, but my street is a thoroughfare and communication link for streetwalkers. Sometimes the screaming is right under my bedroom window. Often one screamer is on M Street, the other on N and my street, Tenth, is the telephone line. Or the combatants walk down the street screeching.

One O Street resident reported waking up at 2 a.m. this summer to a screaming contest that degenerated into a fistfight when two female prostitutes began squabbling over a john. Again, these are not a bunch of ladies out of a romance novel. They are dangerous.

The children and families of this city deserve better.

Residents and businesses in Blagden Alley call upon you to vote in favor of the Safe Streets Act. The Blagden Alley Neighborhood Association has worked closely with the police department to combat prostitution in our neighborhood, we know and appreciate our Inspector, Captain and officers, and we respect their efforts. But we have come to the conclusion that existing laws are not enough.

We must give the police broader authority to tackle prostitution, and to stiffen the penalties associated with this crime. The police desperately need to be able to apply

increased fines associated with the "Failure To Obey" charge. The existing fine, a \$50 maximum, is insufficient. Failure to Obey is a quick, resource-efficient way to turn the economics of prostitution on its head. By driving up the cost of doing business, and doing so in a way that does not require increased police resources, you can make a real difference in the quantity of prostitutes that will be roaming my neighborhood. They will move to a jurisdiction that where the costs of doing business are less.

We also need to be able to allow the courts to impose "stay away" orders, particularly for repeat offenders. For that reason, the bill before you contains a provision authorizing stay away orders in prostitution cases, and calls upon the police department to make the photos of those arrested available to the public for a reasonable fee.

You probably heard about our neighborhood's program to publicize prostitutes and their customers by posting their activities on the Internet. We even hung a banner on a building at the corner of 10th and M Streets to announce our plan to the intended targets, in the hope that publicity would scare them away. Our efforts won Blagden Alley international media attention, but in the end, did little to stem our problem. Because collecting the names of those arrested as johns and hookers is not very effective-- unfortunately, police make very few arrests for prostitution. Making that charge stick requires resource-intensive undercover operations that this city can no longer afford. That's why FTOs, stay-away orders, minimum fines and sentences that will serve as a real deterrent and publicity for offenders are all so important: if this law

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passes we will copy the photographs of those persons who have been sanctioned with a "Stay Away" order, and post those pictures on the Internet for all our neighbors to see.

The increase in minimum fines and sentences to a night in jail will make a tremendous difference. Those convicted of prostitution will face some real penalty, raising the cost of doing business so that we are not the attractant to crime we are today. The bill also streamlines the city's ability to process cars seized from johns so we can enforce current law. These important changes ensure that when the police do run an undercover operation, the penalties that the accused will face are real.

Councilman Evans has worked closely with our community and all its members to assess the problem and craft this flexible, creative, workable solution. We thank him for his efforts, and call on you to make those good intentions a reality for our neighborhood, our safety and our city. We urge you to pass the Safe Streets Anti-Prostitution Amendment Act, and thank you for your consideration.

Leslie Miles

Blagden Alley Community Association

1244 Tenth Street, N.W.

Washington, D.C. 20001

202-408-1622

Testimony of Melvin F. Brown

President, O Street Community Association
October 25, 1995

Bill 11-439, "The Safe Streets Anti-Prostitution Amendment Act of 1995"

Good afternoon, Mr. Chairman and members of the Judiciary Committee. My name is Melvin F. Brown and I am a seven-year resident of the 1400 block of 10th Street NW. In addition to being president of the O Street Association, I and my wife are members of both the Logan Circle and the Blagden Alley Community Associations. I am also active in committee work for the local Advisory Neighborhood Commission.

My wife and I are consummate urbanites. We decided that we would like to settle in an urban neighborhood, where we were close to city amenities like theaters, museums, shopping and restaurants, and where our neighbors would be as diverse as the architectural styles of the buildings we live in. We found a house on 10th Street that was sorely in need of renovation, and for the past six years we've been putting it together so that it is now ready to be lived in. While the physical improvements to our house are tangible expressions of our optimism for urban life, the physical conditions in the surrounding neighborhood is wanting in many respects. Our neighborhood is plagued with alcoholism, drug abuse, prostitution and the crimes related to these social problems. Today, I want to focus on just one of these problems -- prostitution.

Prostitution is not a victimless crime. Prostitution takes a toll on our community and its people. We desperately need your help in bringing this threat to our neighborhood under control by passing laws that will allow the police to effectively deal with their part of the solution to the

problems that prostitution creates.

Let me give you a few examples of how bad the situation is. For those of you who don't experience the effects of prostitution on a daily basis, like I do, it can be hard to understand how difficult it is to cope.

One Sunday morning, I came out the front door of my house to run an errand. Parked directly in front of my home was a car containing two people -- a john being serviced by a hooker. This activity occurred in bright sunshine in full view of anyone passing by. What if my kids and grandchildren had been coming to visit that morning? What if my neighbor had been taking her kids to church? This is not a scene that I want to see from my front steps, and it is certainly not what I want my grandchildren or any children to see.

Another weekend day, my wife and I were in the backyard doing some gardening. When we drove into the alley next to my house to unload some supplies, we found another john and another prostitute parked in the alley about 15 feet from where we were working, engaging in sex. The prostitutes use our alley not only for sex but also as bathrooms and as areas to settle their frequent squabbles.

Another time, my wife and I were out in front of our house and saw a john stop his car and talks to a known prostitute. My wife circled the car to signal to the john that we knew what was going on and to get into position to see and write down the license plate of his car to report it to the police. The john saw her, and threatened us -- using obscenity -- before driving off.

These are the kinds of experiences that we put up with almost daily. Streetwalkers use my block and the alleys around our home to service their customers. We find used condoms, surgical gloves, candles and other paraphernalia used by prostitutes all the time. They defecate and urinate in our alleys. These same prostitutes also buy drugs from dealers on 11th and 12th Streets, further contributing to the decline of our neighborhood. I have personally witnessed this, and have observed many prostitutes who can barely walk because they are so high on crack cocaine or heroine.

I have been at the receiving end of harangues by prostitutes, who don't like the fact that I encourage them to go elsewhere. I have picked up the trash they leave on my block -- beer bottles, fortified wine, sodas, food containers, condoms.

Mr. Chairman, you have seen Mr. Korpon's film. It was shot on the Southwest corner of 12th Street and O, NW. What you saw was only the nighttime activity. Until Inspector Proctor of the Third District began to give us serious police support, the southwest corner of 11th and O Street NW was a haven for daytime solicitation and a rest stop for prostitutes. This is no way to live. The Council must support the community's effort to make a decent and safe place to live. The police need your help, by having tougher legislation. Tougher penalties on prostitution, and a change in the "failure to obey" law are necessary to start to assist the police in attacking the problems caused by prostitution.

Simply increasing the fines for prostitution is not enough. The police are too short-handed to operate on a frequent enough basis the elaborate undercover operations needed to arrest prostitutes or johns for sexual solicitation. That is why we are asking you to also raise the fines for "Failure To Obey". Today, "failure to obey" is used to charge prostitutes with unlawfully walking in the street against a police officer's direct order. By raising the fine to a \$100 minimum, you have an opportunity to make prostitution uneconomic in our neighborhood and our city. Prostitutes (and there are many) who can, will move to another jurisdiction. Tougher prostitution laws would also make Washington less attractive to out-of-town prostitutes who come to Washington to do business.

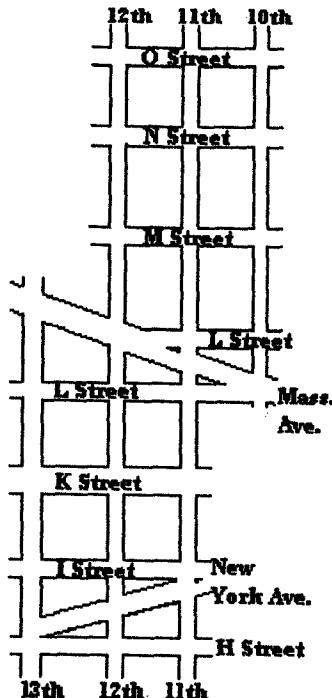
Over the past two years, my wife and I have been very involved in other community clean-ups, zoning issues, ABC issues, and matters related to the downtown arena and new Convention Center. We've spent hours with rakes and brooms cleaning up trash and weeds in our neighborhood and throughout the Logan Circle area. But we can't stop the problems associated with prostitution with a rake and a broom. We need laws that will make prostitution too expensive to survive in Washington. We need you to vote for this bill. Thank you.

★★★ ANC 2F05

Commissioner Robert Ryan Riddle

Government of the District of Columbia 1400 Q Street, N.W., D.C. 20005

(202) 371.9640 Serving portions of Shaw, Blagden Alley, and downtown



William P. Lightfoot, Chairperson
Committee on the Judiciary, Room 500
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Wednesday, October 25, 1995

Public hearing on Bill 11-439, the "Safe Streets Anti-Prostitution Amendment Act of 1995

Dear Mr. Chairman and members of the Committee,

My name is Robert Ryan Riddle, and I am Advisory Neighborhood Commissioner for 2F05. I have served as Commissioner for the past two years. The single member district I represent in Northwest D.C. is bordered by O Street on the north, H Street on the south, 13th Street on the west and 10th Street on the east. In my estimation it is the area hardest-hit by this season's unprecedented wave of prostitution in our city.

I have received numerous complaints from constituents along 10th, 11th, and 13th Streets, and along Massachusetts Avenue, since the wave began in early spring. Our neighborhoods have been inundated by women in G-strings and little else. While that may seem a victimless crime to some, those of us in whose NEIGHBORHOODS this is taking place have to live through weeknights of interrupted sleep because of prostitution's accompanying problems: frequent shouting to solicit; unwelcome invitations; obstruction of traffic; long lines of cars circling our blocks, blowing horns at 1am, 2am, and 3am; crowds gathered on street corners, talking all night; public beatings of prostitutes by their employers; and assemblies of pimps in thier flashy cars, in front of our homes.

The constituents I represent are a diverse mix of apartment and condominium dwellers, single-family homeowners, and public housing residents. The single member district is majority hispanic and African-American. The most vocal complaints have come from African-American residents of Frontiers Public Housing.

My friend and neighbor there, Wayne Person, says the pimps park in front of their houses because they assume public housing residents won't care, or won't have weight with city officials or police. They don't know these people are enrolled in a home-

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ownership plan, are tax-payers, and do care A GREAT DEAL about the quality of life here.

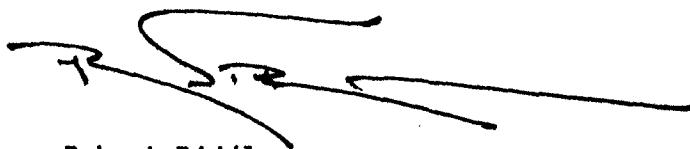
Wayne's wife, Charlene, worries about her young son's premature exposure to an ugly picture of human sexuality. Like many children in our neighborhood, he is regularly awakened at night by sexual activities in the alley right behind their house.

The police are overworked and, thanks to City Council's ill-advised cuts in police pay, have sometimes been less than responsive. But with existing laws, what can they tell taxpayers who complain about prostitutes on the corner? When they level with you, the answer is not much; they've got bigger issues to deal with, and the only tool they have to fight our deteriorating quality of life is the "Failure to Obey." It must be as frustrating to them as it is to us that the women they arrest can pay the low fine and be back on the street the same night.

Interim Chief Soulsby, the District commanders, and the Sector Captains have all worked closely with community leaders and Councilmember Evans' office, over the course of several months, to address the problem and to draft this proposed legislation. We, the citizens, trust their judgement and integrity to use the additional powers as they're intended. In addition, we have been generously assisted by Judicial officials in the creation of this legislation.

What can I tell my constituents when they complain about the disruption in their lives? I've been telling them we're working on it. Please, I urge you to adopt this legislation, making it possible to actually DO something concrete about this problem. If you don't, citizens who can afford to do so will have one more reason to leave our city behind. Thank you.

Sincerely,



Robert Riddle

STATEMENT ON BEHALF OF ASBURY UNITED METHODIST CHURCH

on the

"Safe Streets Anti-Prostitution Amendment Act of 1995

Good afternoon, Mr. Chairman, other members of the Council of the District of Columbia. My name is Grace Bradford. I am a member of Asbury United Methodist Church where, among other things, I serve as Chairperson of the Council on Ministries. This statement is provided to the Council as it considers anti-prostitution legislation introduced by Councilmember Evans. We support the "Safe Streets Anti-Prostitution Amendment Act of 1995". Its purpose is aimed at curbing prostitution in downtown Washington, especially as it occurs in and around our Church and Child Development Center.

As you may know, Asbury United Methodist Church has been a part of the Washington, D.C. community for more than 159 years. Throughout our 159 year history, we have been located at the corner of Eleventh and K Streets, N.W. Never before in the history of our Church have we been so clearly affected by the practice this bill is aimed at stopping.

Page two

On a number of occasions after evening services or meetings, our congregants and others visiting our Church have been greeted by heavy traffic circling the street blocks near the Church. People in these cars appear to be talking from their cars to young women and men on the street, and sometimes the person on the street gets in the car.

We have been advised by the police and businesses in the area that prostitution is now flourishing in and around our area. This practice must stop. It is indecent. As a Church community, it violates the most basic tenets of our faith. That it is now so prominently and flagrantly practiced near a Church and a church affiliated nursery school speaks volumes about the hardened sensitivities of everybody involved in this activity. We must use all reasonable means at our disposal to combat it. That is why we think the approach taken by this legislation may prove helpful.

While Asbury United Methodist Church wholeheartedly supports this bill, our membership also believes that the District, in cooperation with private groups, must also seek to discourage the behavior in the first instance and rescue these young girls and boys from this type of life.

There are groups in the District which counsel the people involved in this activity. They are small, and often lack adequate funding. But they must be encouraged and supported. Our Church has an outreach program for the homeless and the hungry. While we have not targeted our efforts at eliminating prostitution, believing this to be mainly a matter for law enforcement, we now understand that these groups need our support. They may now expect to get it.

Making the penalties stricter for being involved in this activity is a necessary step to curbing it. However, we are not naive. Tougher sanctions alone will not stop it. But making it more costly to be caught in the act will help.

This community may also help to abate this problem by providing more counseling on sexually transmitted diseases, making available more drug treatment opportunities, and working tirelessly to keep our children in school and helping them to identify meaningful employment. As an inner-city Church, we are committed to these goals.

Page four

Mr. Chairman, Asbury recognizes that help comes in many forms. This legislation is one way to help. It is a proven method of altering behavior. So is prayer and petition to a Source greater than ourselves. You may count on Asburyans to do this and a great deal more.

Thank you for providing Asbury United Methodist Church with an opportunity to submit this statement in strong support of legislation to clean up our streets and save our community from further decay.

My name is Ruth Burness. I am Chairman of the Community Liaison Committee and one of 200 Senior Citizens living at Thomas House Retirement Home at 1330 Massachusetts Ave, N.W. We are directly and constantly increasingly bombarded and affected by the prostitution activity. It goes on in front of our building. Vehicles unload the girls at the curb in front of our building. The girls solicit business and perform their acts on our front lawn and/ⁱⁿ the adjacent alley. This is unendurable, distasteful, obscene, dangerous and filthy.

Thanks to Jack Evans for caring enough to draft and to introduce this legislation. Hopefully there are sufficient teeth in this bill, and hopefully it will be stringently enforced by our courageous police and hopefully we soon will experience a more livable downtown that will benefit our Thomas House residents as well as all of the District of Columbia.

Thank you

Ruth C. Burness

October 23, 1995

Ruth C. Burness
1330 Massachusetts Avenue, NW
#405
Washington, DC 20005
202-347-2837



Washington D.C. Accommodations

25 October 1995

Mr. William Lightfoot
Chair, The Judiciary Committee
The District Government
1350 Pennsylvania Avenue NW
Washington, D.C.

Mr. Lightfoot,

I am a D.C. resident and the owner of the DC based company, Washington DC Accommodations, a hotel reservation service for the nation's Capital. I am also a Board Member of the DC Chamber of Commerce and Chair of the Chamber's Convention and Tourism Committee.

As you know, the businesses that make up the tourism industry in Washington are the largest private sector generator of revenue and jobs for this city. The city must do everything it can to encourage and support these businesses. Hotels and specifically the Days Inn Downtown 1201 K Street NW, have spent millions of dollars upgrading their private properties as well as the public space like tree lawns, and sidewalks to enhance the beauty of this city and to attract and retain visitors. It is unacceptable that the business community spends its money and pays its taxes, but can not, in return, get the city government to impose and enforce strict prostitution laws to drive that business out of the District.

Each caller we assist with hotel reservations asks us about the neighborhoods and their safety. We assure them that they will be comfortable with our recommendations. The presence of prostitutes does not reinforce their feeling of safety and comfort.

All residents of this city benefit from the money spent by the millions of tourists and conventioneers who stay in Washington DC. My company's commitment is to sell people into the city hotels instead of the suburbs. The Council's commitment to the economic well-being of the city must be to make DC a desirable place to stay by having and enforcing stricter prostitution laws.

Sincerely,



Nancy Riker