

PROSTITUTION AND ADULT USE OFFENSES:

A HILLSBOROUGH COUNTY ASSESSMENT

Administrative Office of the Courts

Thirteenth Judicial Circuit Court

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EXECUTIVE SUMMARY

Report :

Prostitution and Adult Use Offenses: A Hillsborough County Assessment (2001)

Prepared by:

Administrative Office of the Courts, Thirteenth Judicial Circuit

Purpose:

The report was prepared in response to the concerns of the community about the problem of prostitution and the role the courts in addressing the problem.

Methodology:

A population census of the cases with charges of prostitution, adult use, and/or lewd and lascivious/exposure occurring on the county court misdemeanor dockets and completed (both arraignment and disposition date) between September 18, 2000, and March 18, 2001, was reviewed for disposition dates and sentences on the automated Banner System.

Background:

The total of all criminal misdemeanor cases coming through the court in a six-month period was approximately 22,123.

Description of Population:

Originally, 1,010 cases matching the targeted charges were tracked in the six-month study. There were 528 cases included in the survey, which represents the cases matching the targeted charges that were disposed within the six-month time frame. The charges included: prostitution related violations (75%); lewd/lascivious and exposure violations (26%); and adult use related violations (10%). Note that there is some overlap in categories. Demographically,

55% of the defendants were male; and 45% of the defendants were female; 70% of defendants were white; 28% were black; and .4% were Asian.

Findings:

The community concerns of ineffective sentences by county courts in prostitution cases appear unfounded. Of all of the cases in the survey (528), only 4% were re-arrests (21 cases). Additionally, the survey results indicated that a wide range of sentences was imposed with the most prevalent being court costs (69%), jail (30%), probation (23%), prohibiting return to area (23%), and health testing (18%).

Of those cases receiving jail time, the amount of jail time received was most commonly 60 days (34%), 30 - 45 days (14%); 20 - 25 days (13%), and 90 days (12%). The range of jail time received was from 4 to 364 days. Of those cases receiving jail time (156 cases), 78% received credit (122 cases).

Of those cases receiving probation, the most common probation time was either 6 months (58%) or 12 months (28%). Of those cases receiving probation (120 cases), one half received early termination (60 cases).

The length of time between offense date and disposition date (all charges combined) averaged 69 days. The length of time between arraignment date and disposition date (all charges combined) averaged 17 days. The vast majority of offenders are pleading out at arraignment.

Future research is suggested for drug use related to prostitution. Although not formally recorded in this survey, drug charges appeared to correlate to prostitution charges.

A detailed analysis of the data is available from the Administrative Office of the Courts in a report entitled: Prostitution and Adult Use Offenses: A Hillsborough County Assessment.

Research Methodology

Research significance

The purpose of this research is to address community concern regarding prostitution in Hillsborough County. Research will indicate the number of prostitution charges filed in the county, the disposition rate in these charges, and the majority sanctions received by guilty offenders, as well as re-arrest rates. In addition, findings will help to determine whether prostitution offenses, within the City of Tampa, have become more or less prevalent within the last few years.

Hypothesis

Variables (Operationalization)

Gender. Gender will be defined as male or female.

Race. Race will be defined as White, Black or Asian.

Re-arrests. Re-arrests will include all those who are charged with a prostitution related, adult use related, or lewd and lascivious/exposure related violation on more than one occasion

Banner System. The Banner System is the computer software used by the Thirteenth Judicial Court's to track, record, and keep records of all offenders and cases circulating through the system.

Charges:

Prostitution related violations. Prostitution related violations will include: Prostitution, solicitation to commit prostitution, offering to procure another for purposes of prostitution, entering or remaining in place for prostitution (all as defined in Fla. Stat. 796.03-.07), transporting another for purposes of prostitution (as defined in Tampa Ord. No. 14-27), and unlawful acts as a precursor to prostitution (as defined in Tampa Ord. No. 14-80).

Adult use related violations. Adult use related violations will include: Adult use ordinance violations (as defined in Tampa Ord. No. 14-146, 14-147), nudity where alcohol is sold, allowing nudity where alcohol is sold (as defined in Tampa Ord. No. 14-97), and operating an unlicensed business/dance hall.

Lewd and lascivious/Exposure related violations. Lewd and lascivious/Exposure related violations will include both lewd and lascivious acts and/or behavior and Exposure of a sexual organ, as they are defined in Florida Statute, 800.04.

SENTENCES:

Court Costs. Court costs are statute defined monetary amounts mandatory in most cases. However, judges have the option to suspend these costs.

Fines. Fines will include those sanctions imposed by the court where payment in dollars is required.

Mapping. Mapping will be defined as those areas in which an offender is to stay out of for the time prescribed to him/her by

a judge; either permanently or as a term of probation.

Psychological evaluation/treatment. Court order to have an offender examined by a psychologist. Treatment may be sanctioned if it is determined that an individual is in need of medical help.

Community service. Community service will be defined as number of hours one is required to volunteer his/her time to the community at a place and for a period of time to be set by a judge.

Probation (w/early termination. Probation is the release of an offender without imprisonment subject to certain conditions specified by the court and supervised by a probation officer. Early termination may be given as a condition of that probation upon completion of all requirements.

Jail (w/credit for time served). Jail is the detention of an offender for a period less than one year in a county facility. With credit for time served is a jail condition imposed by a judge wherein, an offender may receive credit on his sentence for days previously served in jail(after arrest and before trial or bond) for the charge at hand.

No Detail. No Detail refers to cases that were closed out but no sentence was found recorded in the Court's Banner System.

Nolle Prosequi. Nolle Prosequi is the discontinuation of prosecution by the State.

Acquittal. A case is acquitted when a defendant is found not

guilty of charges by either a judge or jury.

Misdemeanor Intervention Program. Program offered by the State of Florida, wherein offenders may complete conditions similar to that in probation. If the program is completed the offender will have no record.

Arraignment Date. The arraignment date is the initial date wherein the defendant is formally charged and a plea is entered.

Offense Date. Offense date will be defined as the date of arrest.

Disposition Date. The disposition date is the date in which the case was closed out, either through sentencing, dismissal, or acquittal.

Population and Sample

The population being assessed for purposes of this research is of all criminal misdemeanor cases coming through the court in a six-month period; a total population of approximately 22,123 (this number is only through February 1, 2001). A non-probability judgmental sample was used to pull from the docket those cases where prostitution, adult use, and/or lewd and lascivious/exposure violations existed; a total population of 1010 cases. After data was collected another judgmental sample was used to separate out the complete cases, those which have

both arraignment and disposition dates. This resulted in a final research population of 528 cases.

Design

This is a cross-sectional study that lasted six months. Data was collected between September 18, 2000 and March 18, 2001. Unobtrusive measures were used to gather archival data from the daily misdemeanor docket for divisions A, B, C, D, E, and V (video court). The daily docket was picked up from the clerk of the circuit court, Misdemeanor division, and looked at every day. All cases pertaining to prostitution, adult use violations, or lewd and lascivious/exposure violations, were pulled and tracked. The court "Banner System" was used to determine the disposition dates of each case as well as the sentence imposed.

After all data was collected, complete cases (those having an arraignment date and disposition date within the six months) were pulled to use in determining findings for purposes of this research.

Threats

Validity.

The court keeps records of race categorized only as Black

or White. Therefore, findings will not indicate race specifics.

Additional charges unrelated to this study and prior records were not tracked therefore, sentences may not be as accurate.

The first arraignment date was used whenever possible when tracking these cases, however, the possibility exists that second arraignment dates might have been tracked on cases recorded in the first few months of the study. This may slightly affect the average length of time between dates that was recorded.

Reliability.

The research has come at a time when there is a great concern for prostitution in the city of Tampa as well as large controversy over adult use restrictions. Therefore, judicial sanctioning and the number of arrests may be indicative of these extraneous variables.

Data Analysis

Distribution of Charges

The charges tracked were categorized into three general groups, prostitution-related violations, adult use related violations, and lewd and lascivious/Exposure related violations. Prostitution violations made up the largest portion of the charges (75 percent); lewd and lascivious the second (26 percent); and adult use the smallest (10 percent) [see figure 1.0]. Research has indicated that many of these offenders have been charged with multiple related counts. It is due to this overlap of charges that the percentage here does not add up to an even 100 percent. Lewd and lascivious/exposure violations, in particular, were charges often filed simultaneously with other like charges, generally, adult use ordinance violations and some prostitution.

Within these three categories, prostitution was the most visible offense and made up 46 percent of the total offenses committed within this time period. Solicitation to commit prostitution, Exposure of sexual organs, lewd and lascivious act/behavior, and adult use ordinance violations followed respectively [see figure 1.1].

Gender and Race

In assessing gender and race for all charges the male to female ratio was close, however males had a slightly larger percentage [see figure 2.0]. By far, Whites are committing a large majority of all offenses [see figure 2.1]. White males are committing a majority of solicitation to commit adult use ordinance violations, operating unlicensed business and/or dance halls, lewd and lascivious behavior and exposure of sexual organs. Prostitution, unlawful acts as a precursor to prostitution, nudity where alcohol is sold are offenses primarily committed by White females [see figures 2.2 - 2.11]. Entering and remaining in a place for prostitution is the only charge that showed a close ratio of male to female offenders. Here 57 percent of offenders were White female and 42 percent were White male [see figure 2.5].

Offering to procure another for prostitution, transporting another for prostitution, and allowing nudity where alcohol is sold all counted for less than one percent of all charges. However, White males were the only offenders in each case.

Sentence Distribution

Out of 528 total cases a majority of them received court costs, jail, mapping restrictions, probation, and health

screenings, respectively. As far as dismissal, sentencing was undetermined in 8 percent of all cases (no detail was available in the Banner System) and 3 percent were nolle prosequi by the state [see figure 4.0].

Court costs were by far the largest percentage sanction given out. However, court costs did not have the largest distribution in two offenses; unlawful acts as a precursor to prostitution and adult use ordinance violations. In the unlawful acts charge, jail was the top sanction making up 44 percent of all sentences. In the adult use ordinance violations, the majority, 36 percent, were nolle prossed by the state [see figures 4.5, 4.6]. A majority of the adult use ordinance violation cases have not yet been disposed of, as motion hearings regarding the ordinance are still in process. Therefore, most that came through with disposition dates were dismissals.

Probation was one of the top sanctions given in almost every offense, aside from unlawful acts as a precursor to prostitution, where jail was the top sanction. Mapping restrictions were given in prostitution, solicitation to commit prostitution, and lewd and lascivious and exposure related cases. Solicitation charges received the highest distribution of

this regulation; almost half of their offenders received a stay away sanction [see figure 4.2].

Fines made up for 3 percent of all sentences. For all, twenty-five dollars was the majority fine given, followed by \$10, \$250, \$50, and \$500 respectively [see figure 5.0].

Community service hours ranged from 8 to 50 hours. On average a term of 8 to 25 hours was imposed [see figure 5.2].

Probation made up for 23 percent of all sentences. A majority, 58 percent, of sentences imposed was for six months. Twenty-eight percent received a 12-month sentence [see figure 5.1]. Out of 120 sentences of probation, 6 percent were given early termination as a condition [see figure 5.4].

Jail time, which made up 30 percent of all sanctions, ranged from 4 to 364 days. An extreme majority received a 60-day sentence [see figure 5.3]. Of the 156 jail sanctions that were distributed, 78 percent received credit for time-served [see figure 5.4].

Re-arrests

The re-arrest rate for all charges was very low. In the total number of cases tracked in six months, 1010, only 60 were re-arrests (6 percent). Of the research population of 528 cases, only 21 were re-arrests (4 percent) [see figure 3.0].

Furthermore, most of these re-arrests were the same person charged multiple times on the same date.

Length Between: Offense date to disposition date and arraignment date to disposition date

On average, for all charges, the length between offense date (date of arrest) and the disposition of the case was 69 days [see figure 6.0]. For time lapsed between the offense date and the arraignment date, the average was 53 days, and from arraignment date to disposition, the average was 17 days [see figure 7.0]. A significant finding here is that the mode for all charges but one, were zero days. This means that a vast majority of the offenders in these cases, prostitution related, adult use related and lewd and lascivious/exposure related, are pleading out at arraignment [see figure 7.0]. The only charge that did have a mode that was not zero was operating an unlicensed business and/or dance hall. However, this is due to the fact that there were only four counts of this offense total and all were of the same offender.

Within each of the separate charges, prostitution related violations were very close in the number of days between. As well, these charges had the least amount of time lapsed between both in offense to disposition and arraignment to disposition

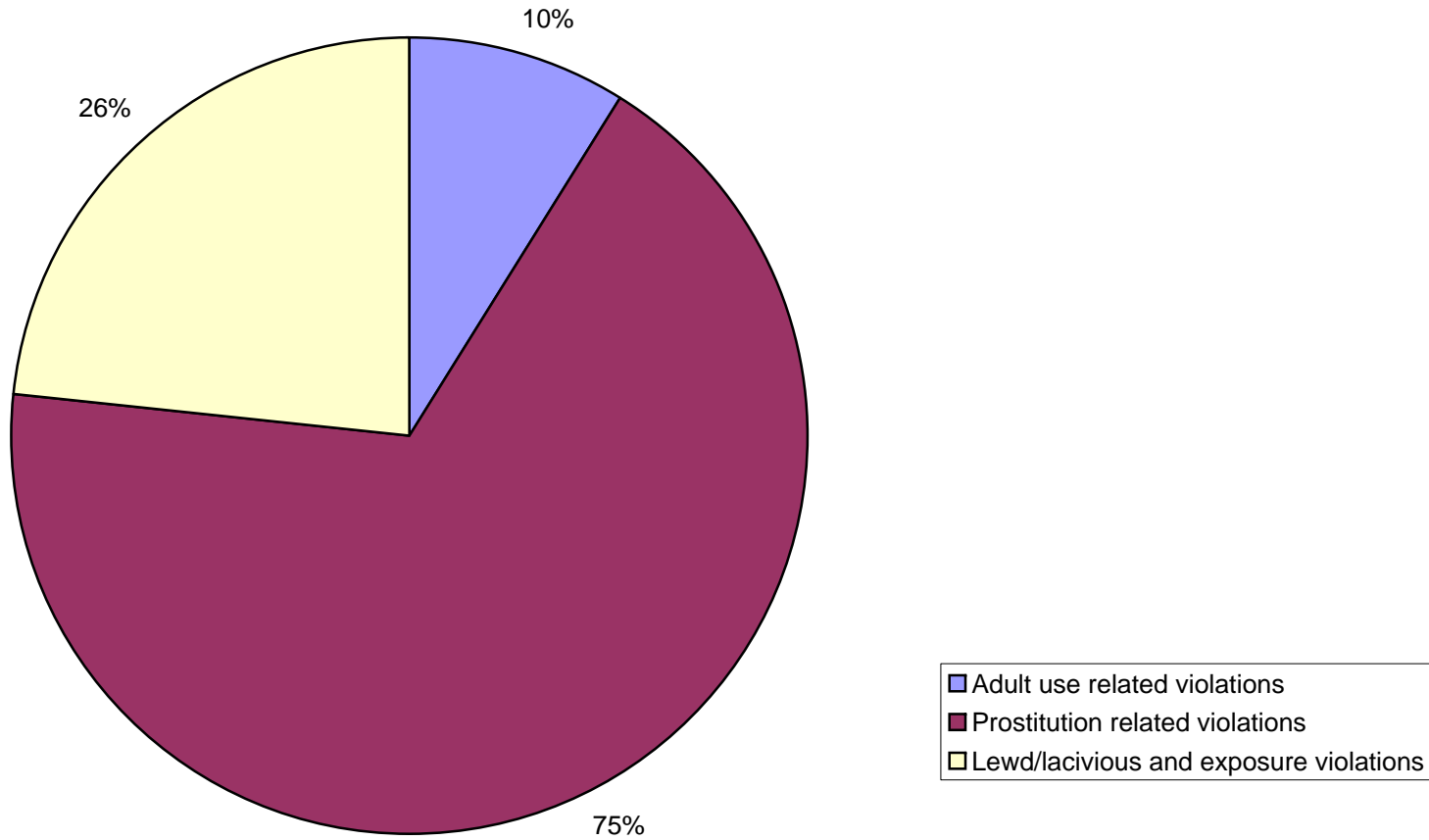
dates. The only exception within these offenses was the charge of entering or remaining, which had numbers significantly higher [see figures 6.1, 7.1]. However, this obscure figure is also due to the small number of total counts for that charge.

The adult use related and lewd and lascivious/exposure related violations showed higher numbers of days between dates as compared to the prostitution violations. The number of days between offense date and disposition was close and averaged about 89 days, however the length between the arraignment to the disposition was a bit more scattered, an average of 33 days [see figures 6.1, 7.1]. Again, because of the very low number of unlicensed business charges, the length between dates for this offense will be obscure, somewhat throwing off the average count of days between.

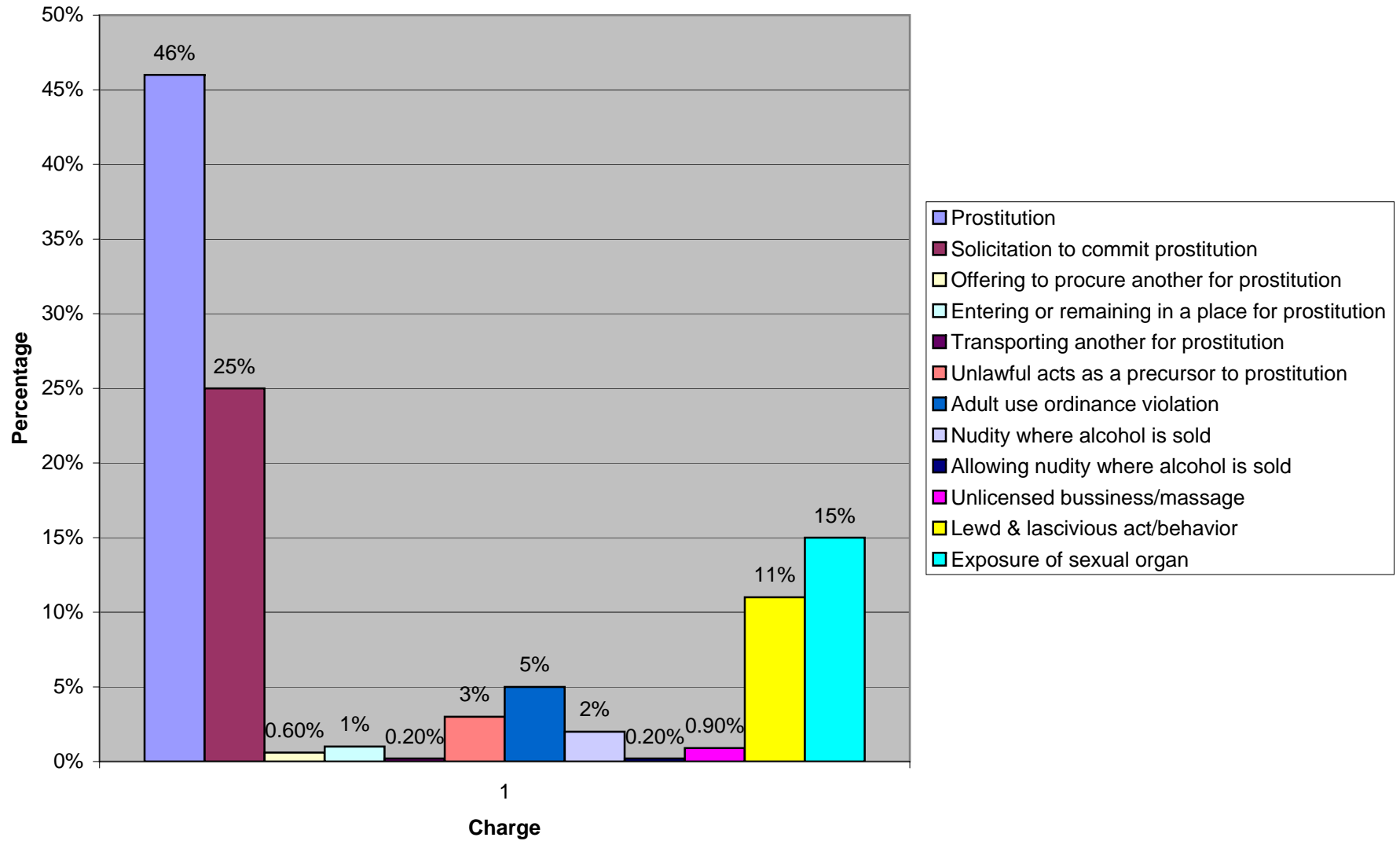
APPENDIX

CHARTS

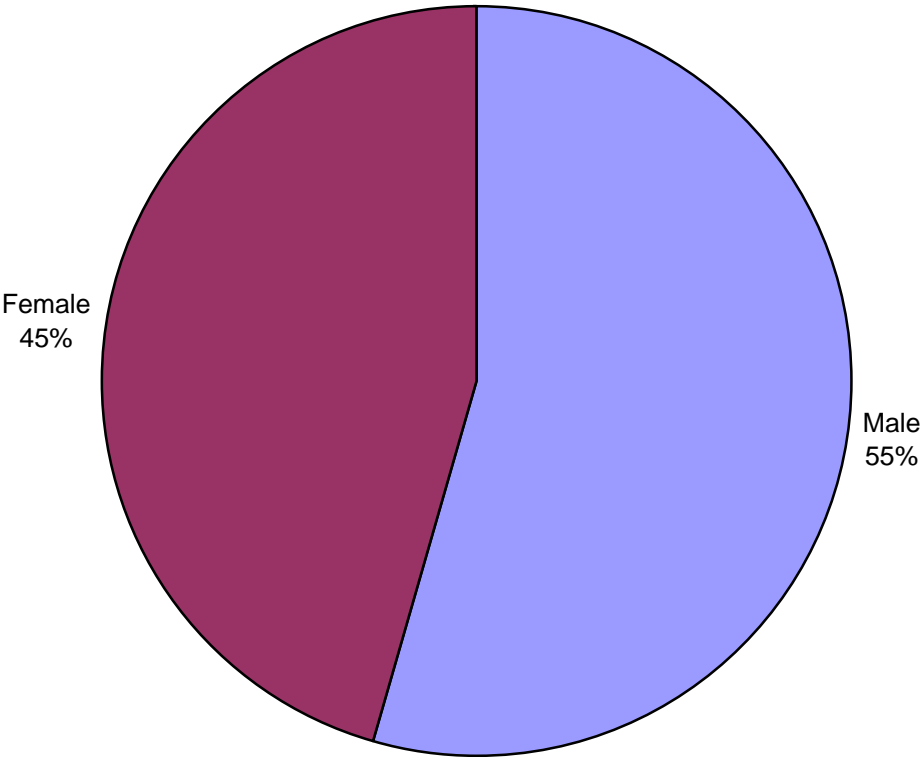
(Figure 1.0) Distribution of Charges



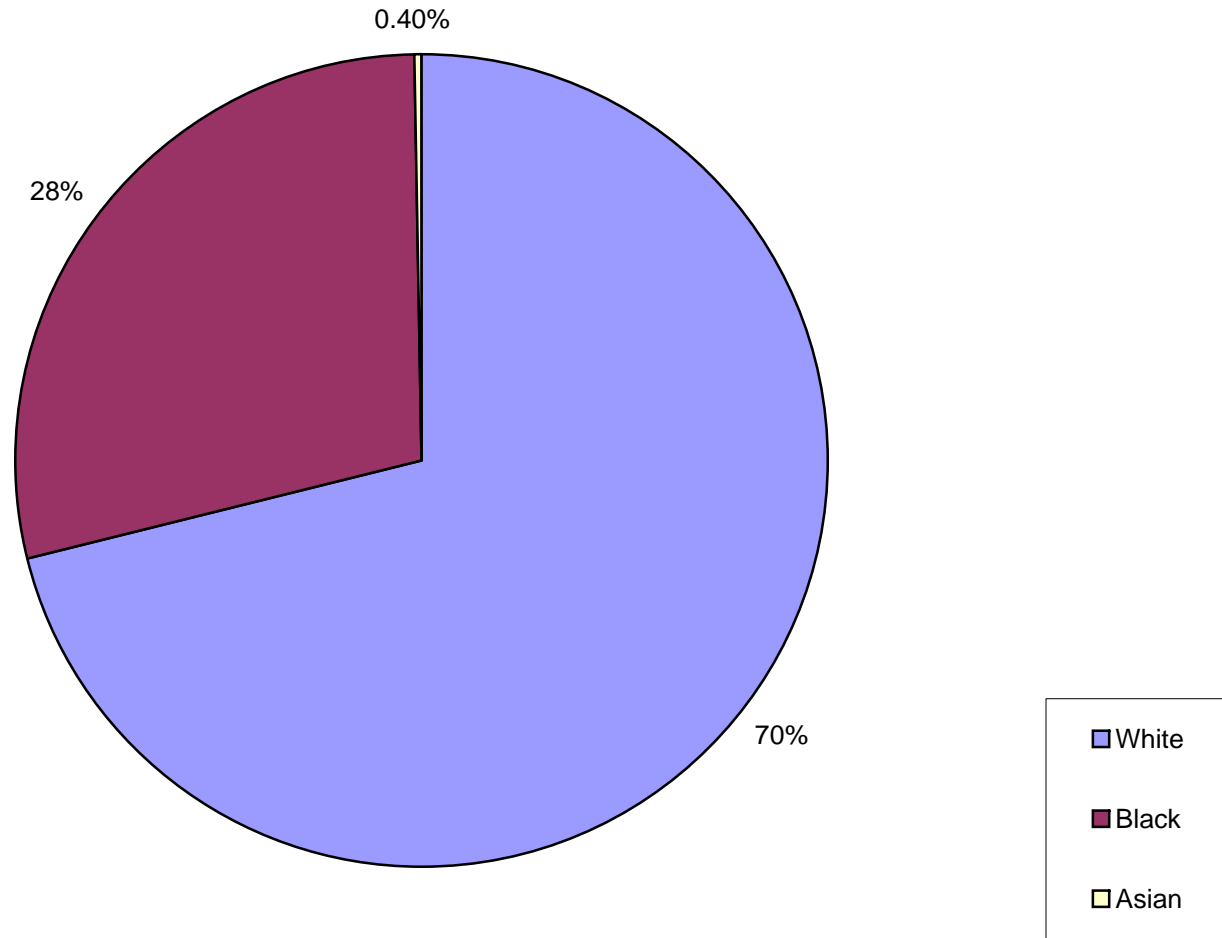
(Figure 1.1) Distribution of Charges



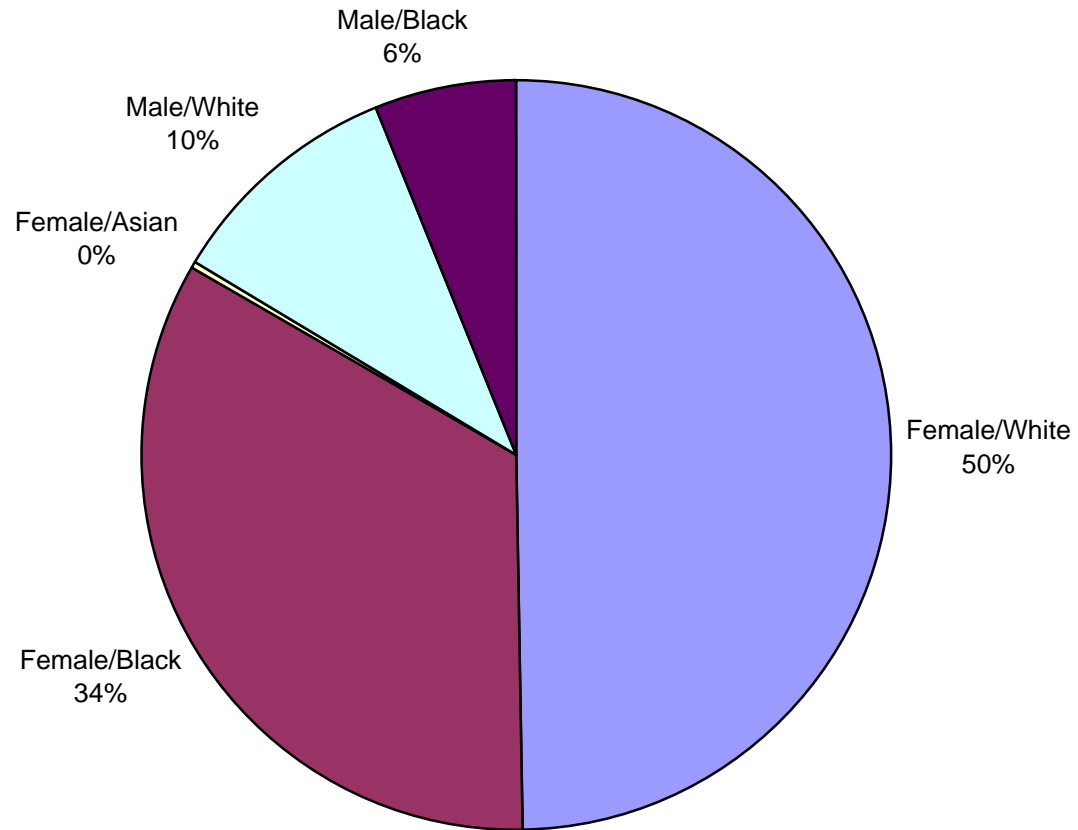
(Figure 2.0) Division of all charges by gender



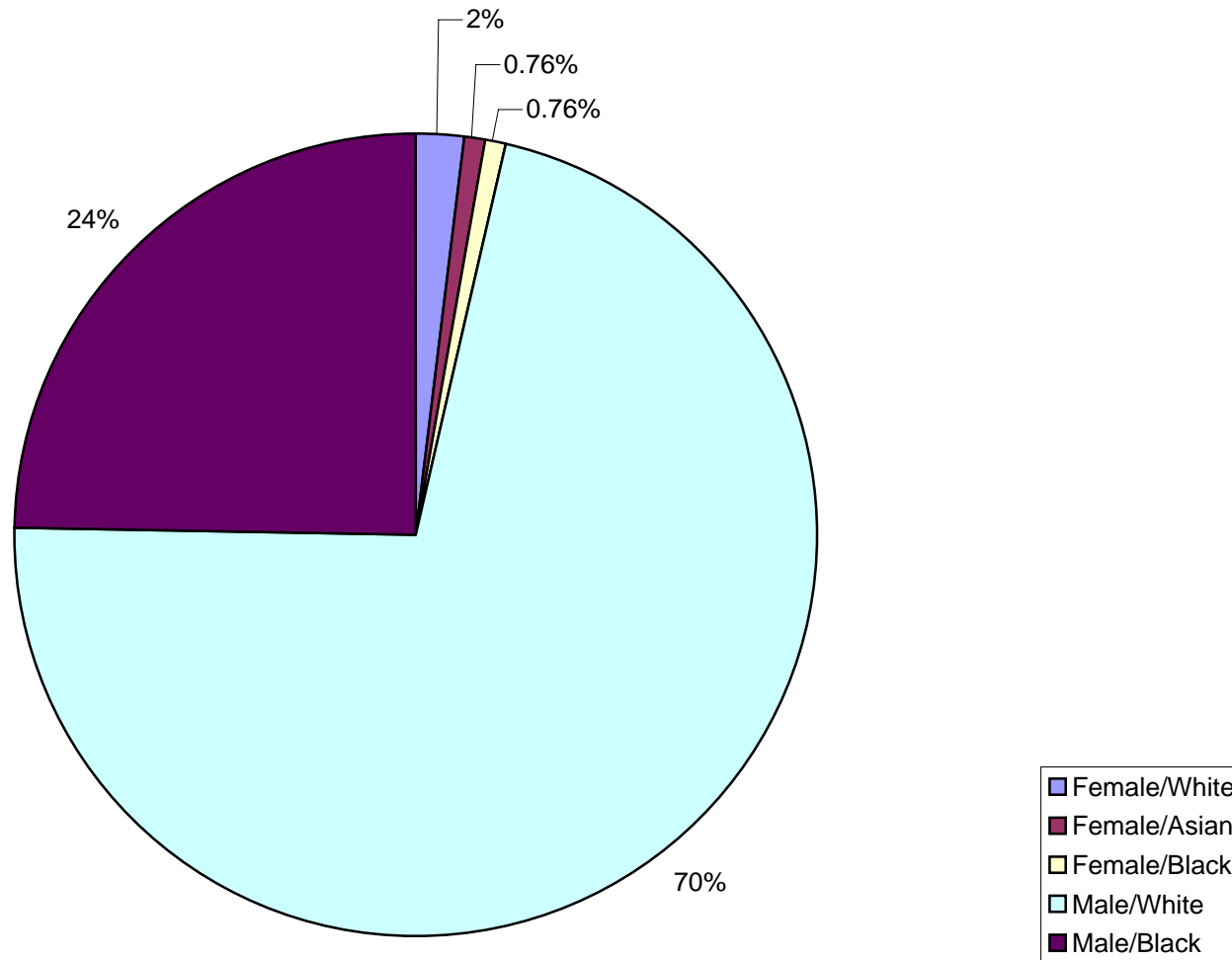
(Figure 2.1) Division of all charges by Race



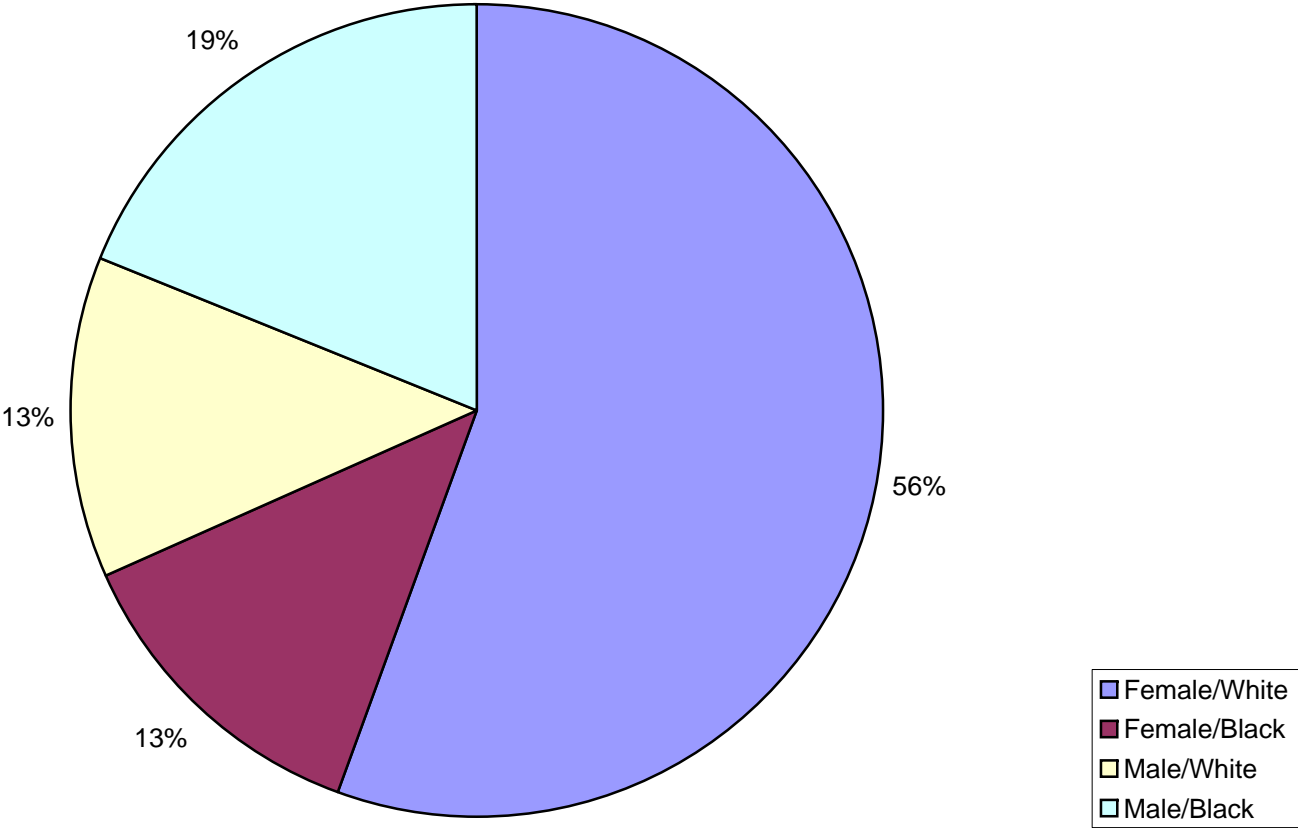
(Figure 2.2) Gender and race distribution: Prostitution



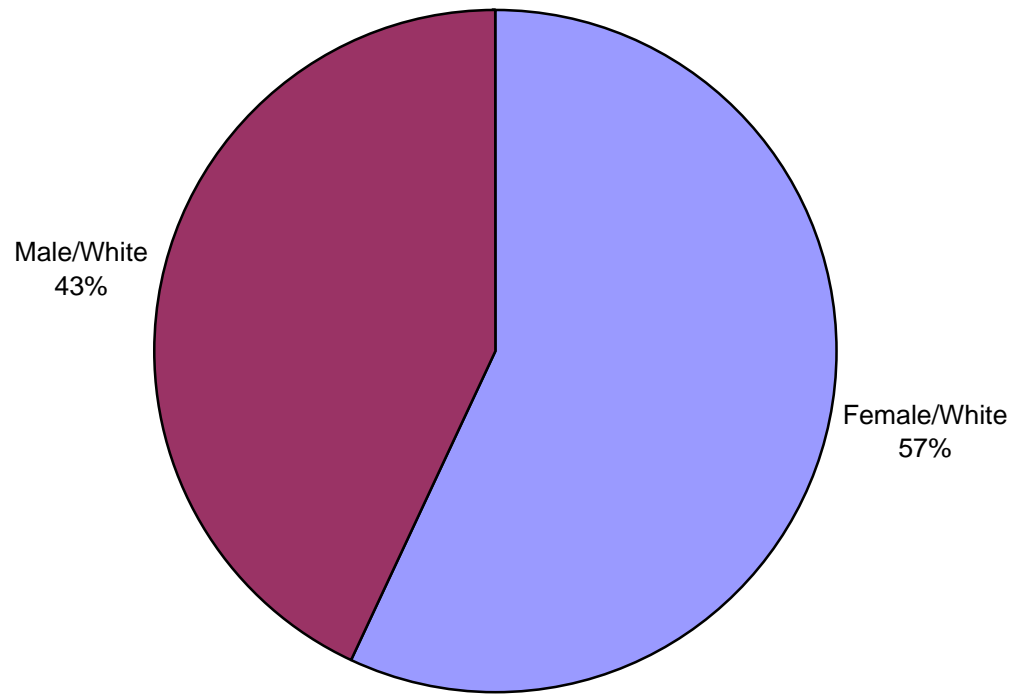
(Figure 2.3) Gender and race distribution: Solicitation to commit prostitution



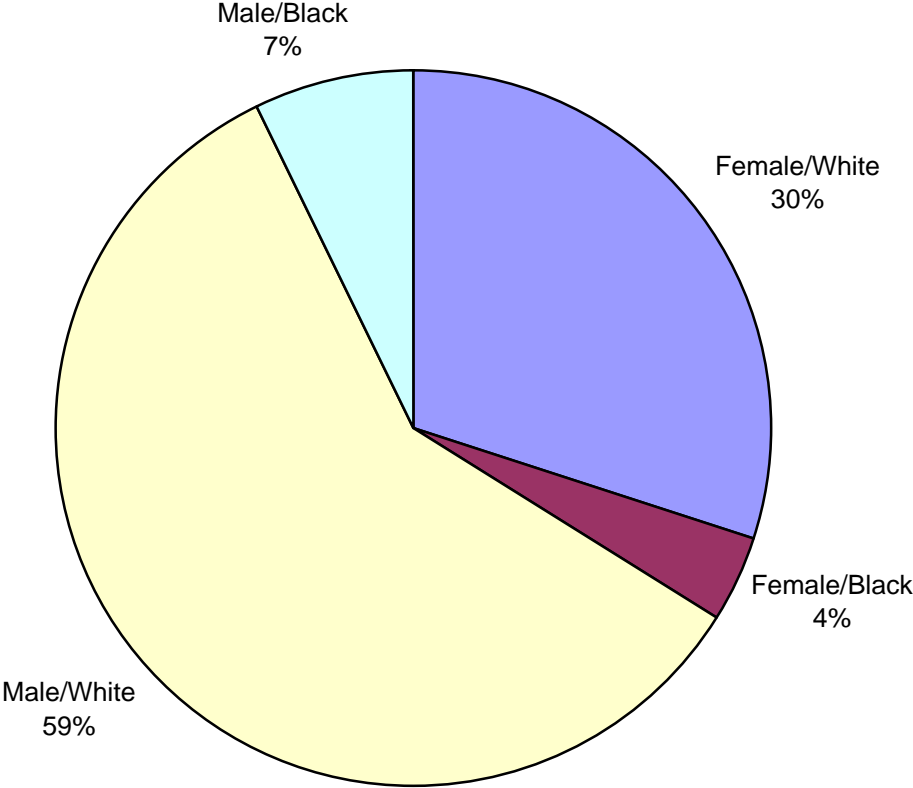
(Figure 2.4) Gender and race distribution: Unlawful acts as a precursor to prostitution



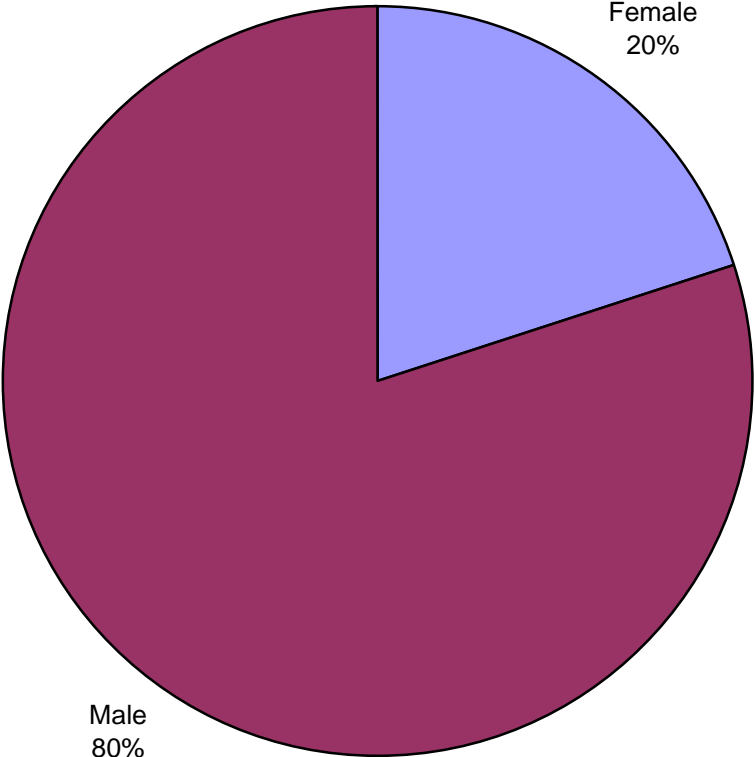
**(Figure 2.5) Gender and race distribution:
Entering or remaining in a place for prostitution**



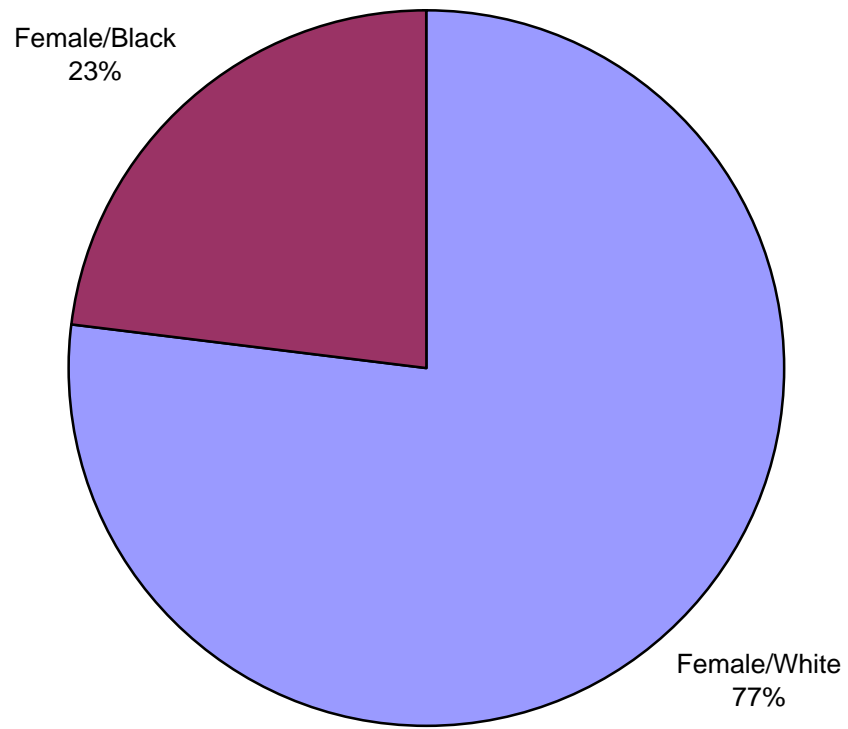
(Figure 2.6) Gender and race distribution: Adult use ordinance violations



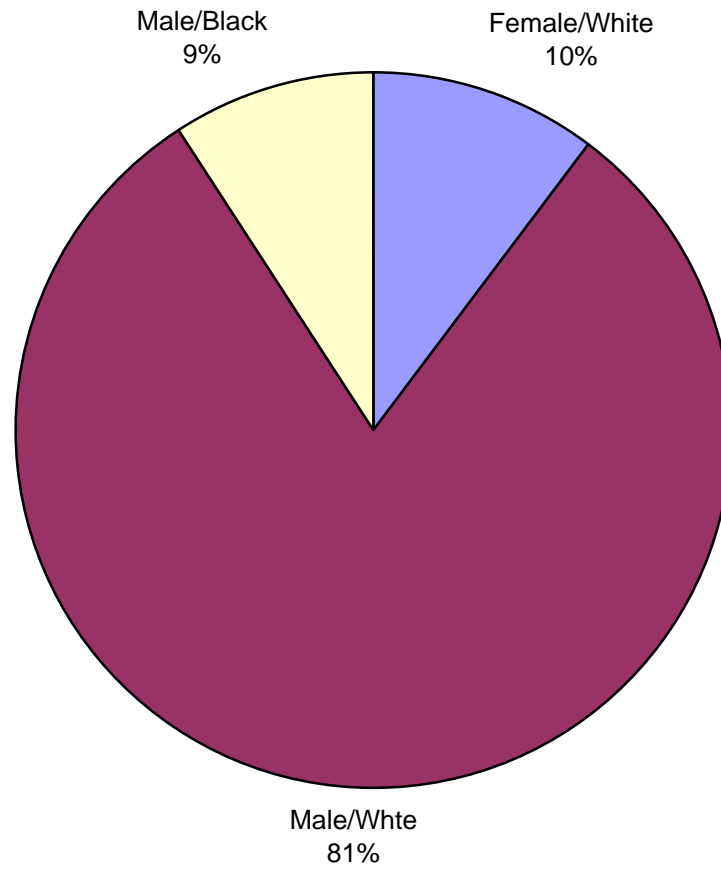
(Figure 2.7) Gender distribution: Unlicensed business/dance hall



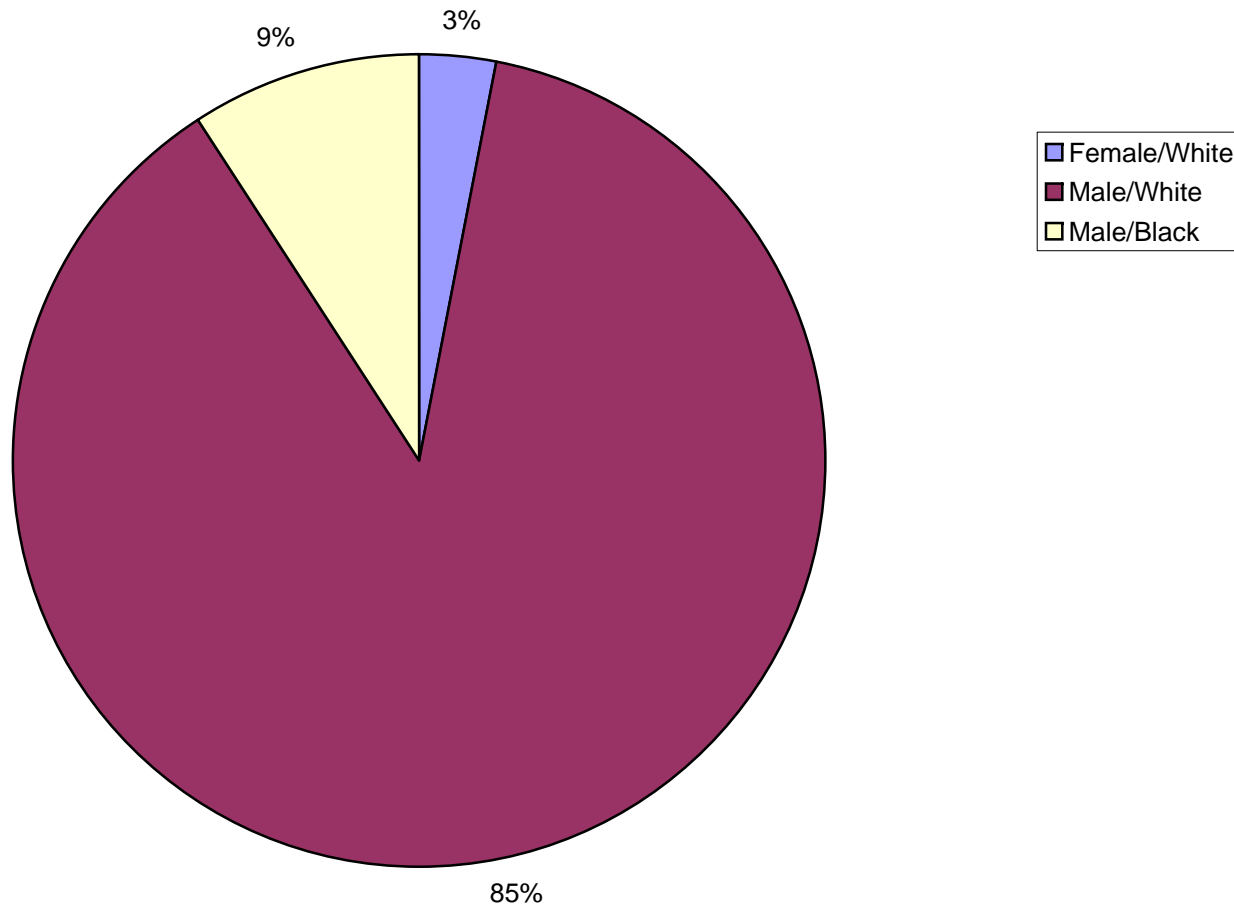
(Figure 2.8) Gender and race distribution: Nudity where alcohol is sold



(Figure 2.9) Gender and race distribution: Lewd & lascivious acts/behavior



(Figure 2.10) Gender and race distribution: Exposure of sexual organ



Male	54
Female	45

REARRESTS	
All Cases (open & closed)	60
Closed Cases	21

PROSTITUTION

Female	82
Male	16
Female/White	49
Female/Black	33
Female/Asian	0.4
Male/White	10
Male/Black	6

SOLICITATION

Female	3%
Male	95%
Female/White	2%
Female/Asian	0.76%
Female/Black	0.76%
Male/White	70%
Male/Black	24%

ENTERING OR REMAINING

Female/White	57
Male/White	43

UNLAWFUL ACTS AS PRECURSOR

Female	69%
Male	31%
Female/White	56%
Female/Black	13%
Male/White	13%
Male/Black	19%

ADULT USE ORDINANCE VIOLATION

Female	32%
Male	64%
Female/White	29%
Female/Black	4%
Male/White	57%
Male/Black	7%

NUDITY AND ALCOHOL

Female/White	77
Female/Black	23

UNLICENSED BUSINESS

Female	20
Male	80

LEWD AND LACIVIOUS

Female/White	10%
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Male/White	79%
Male/Black	9%

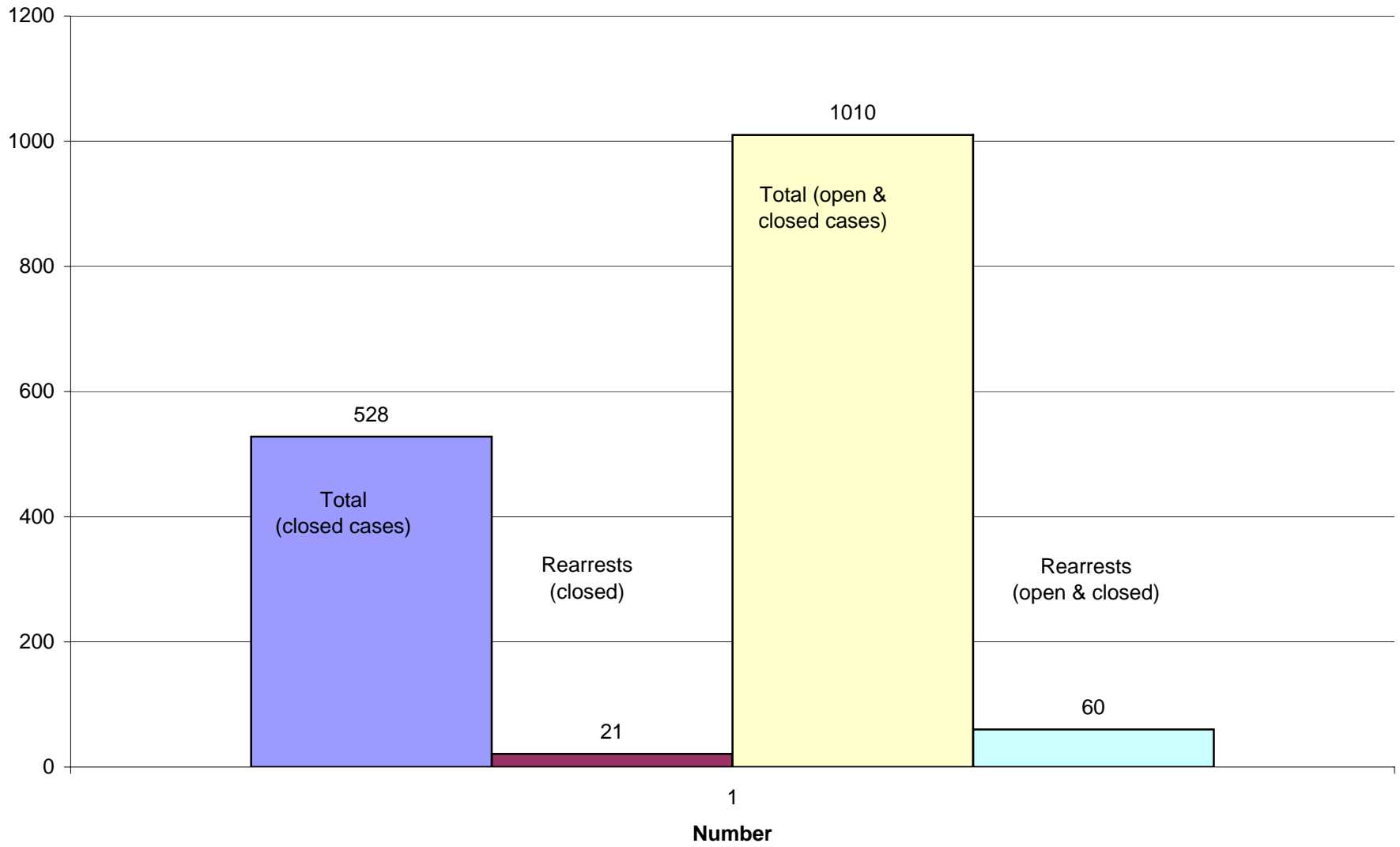
EXPOSURE

Female/White	3%
Male/White	85%
Male/Black	9%

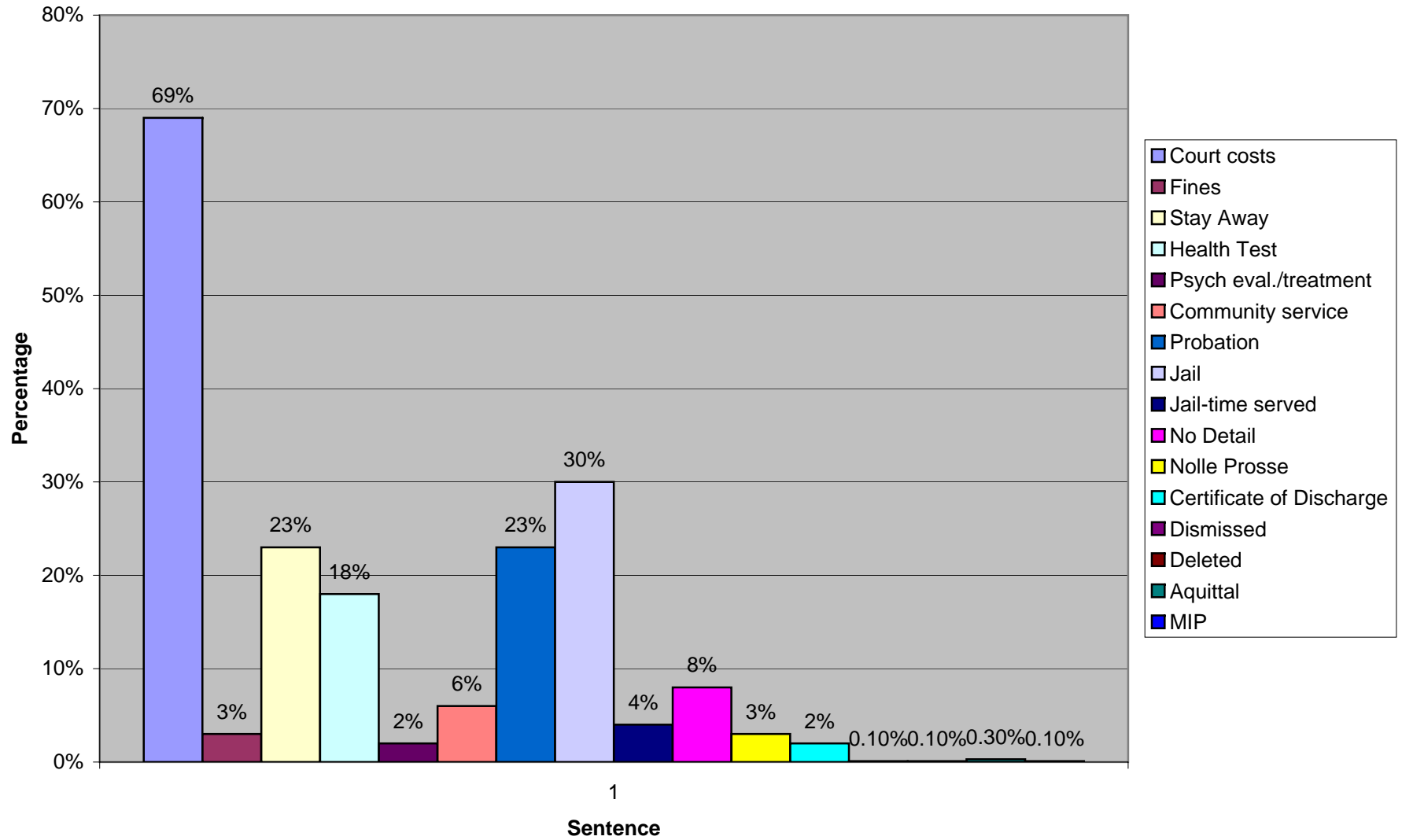
RACE (TOTAL)

White	70%
Black	28%
Asian	0.40%

(Figure 3.0) Re-arrests



(Figure 4.0) Distribution of Sentences



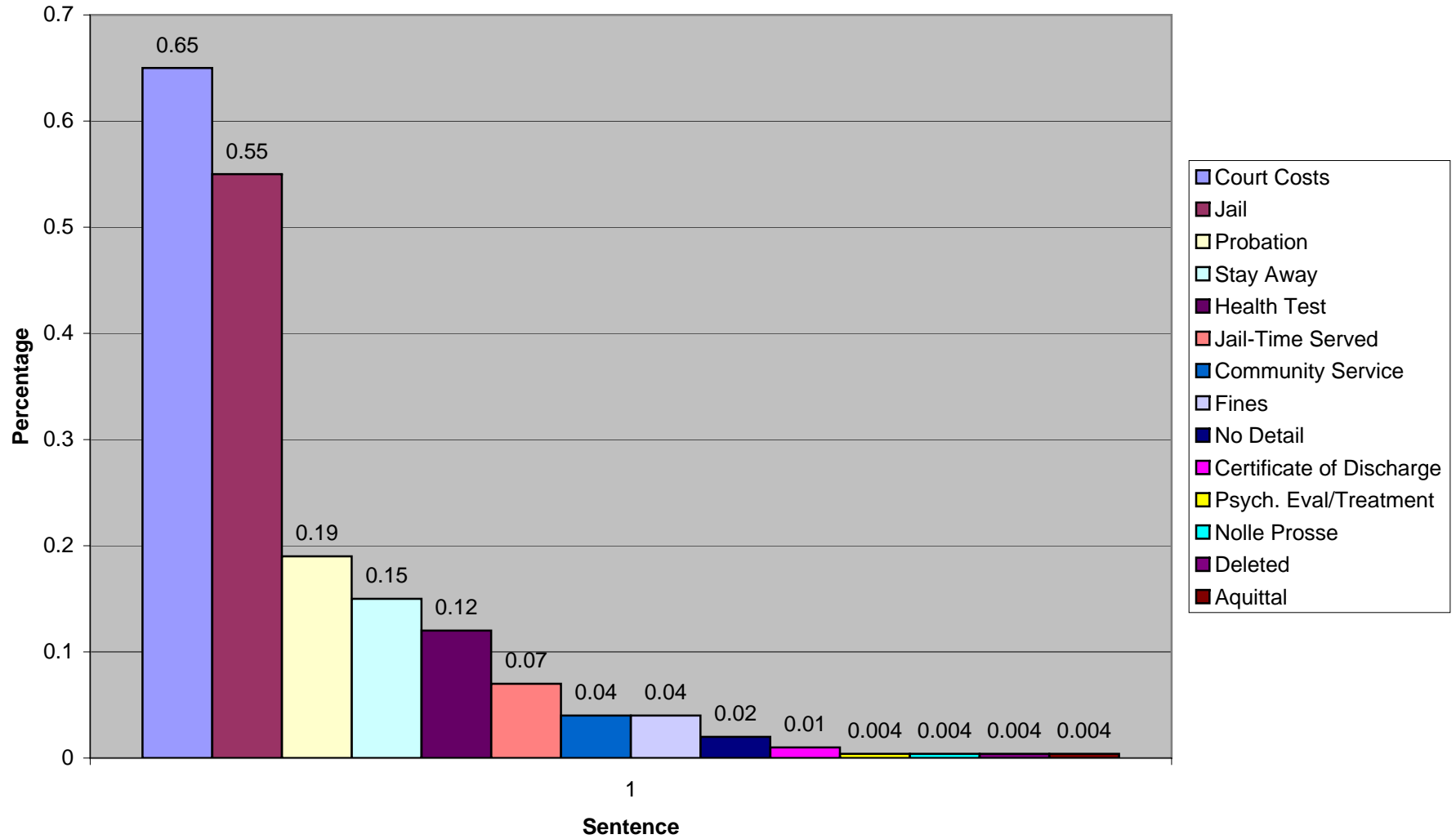
CHARGE DISTRIBUTION

Prostitution	46%
Solicitation to commit prostitution	25%
Offering to procure another for prostitution	0.60%
Entering or remaining in a place for prostitution	1%
Transporting another for prostitution	0.20%
Unlawful acts as a precursor to prostitution	3%
Adult use ordinance violation	5%
Nudity where alcohol is sold	2%
Allowing nudity where alcohol is sold	0.20%
Unlicensed bussiness/massage	0.90%
Lewd & lascivious act/behavior	11%
Exposure of sexual organ	15%

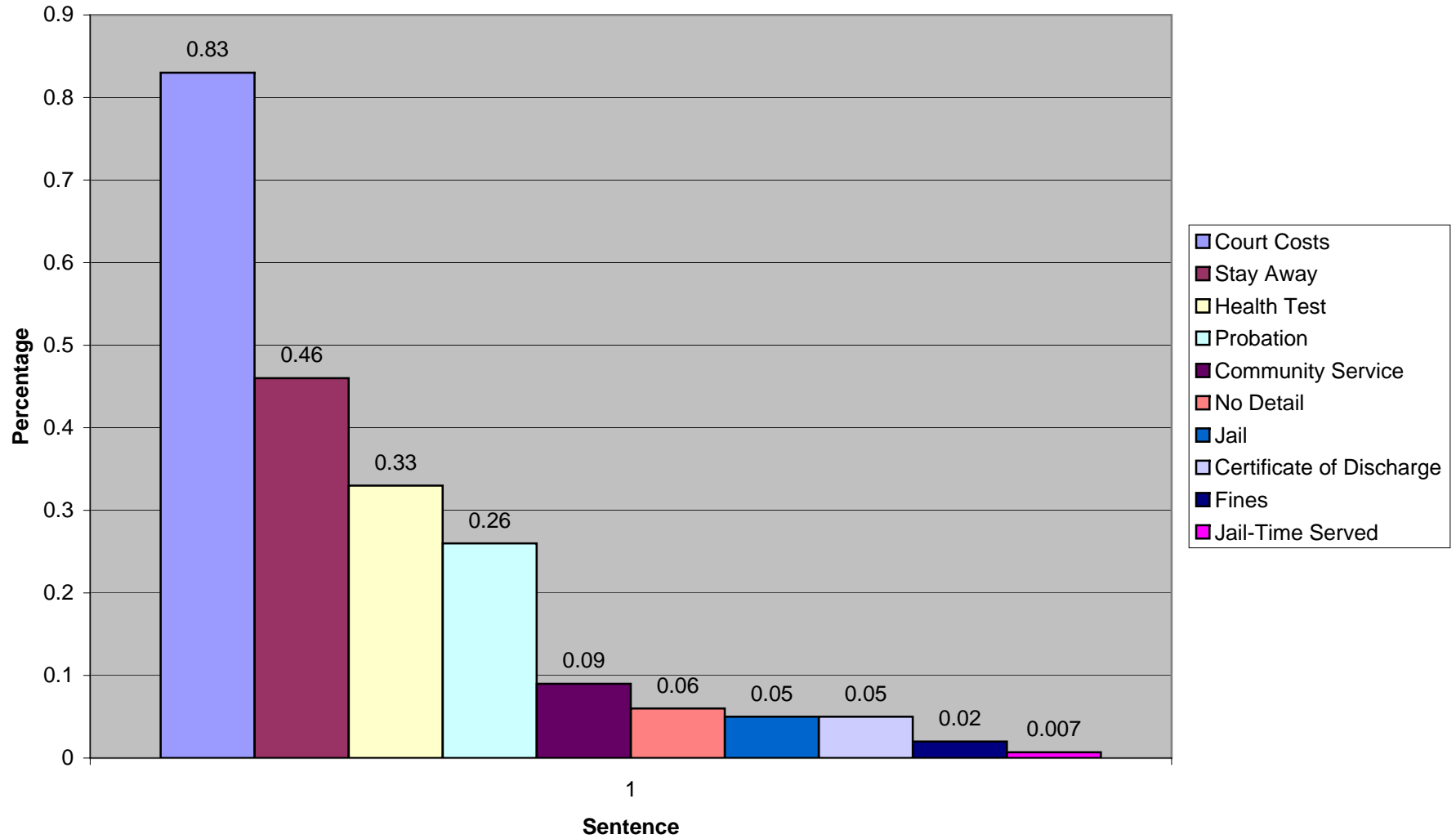
Adult use related violations	10%
Prostitution related violations	75%
Lewd/lacivious and exposure violations	26%

Court costs	69%
Fines	3%
Stay Away	23%
Health Tes	18%
Psych eval	2%
Community	6%
Probation	23%
Jail	30%
Jail-time se	4%
No Detail	8%
Nolle Pross	3%
Certificate	2%
Dismissed	0.10%
Deleted	0.10%
Aquittal	0.30%
MIP	0.10%

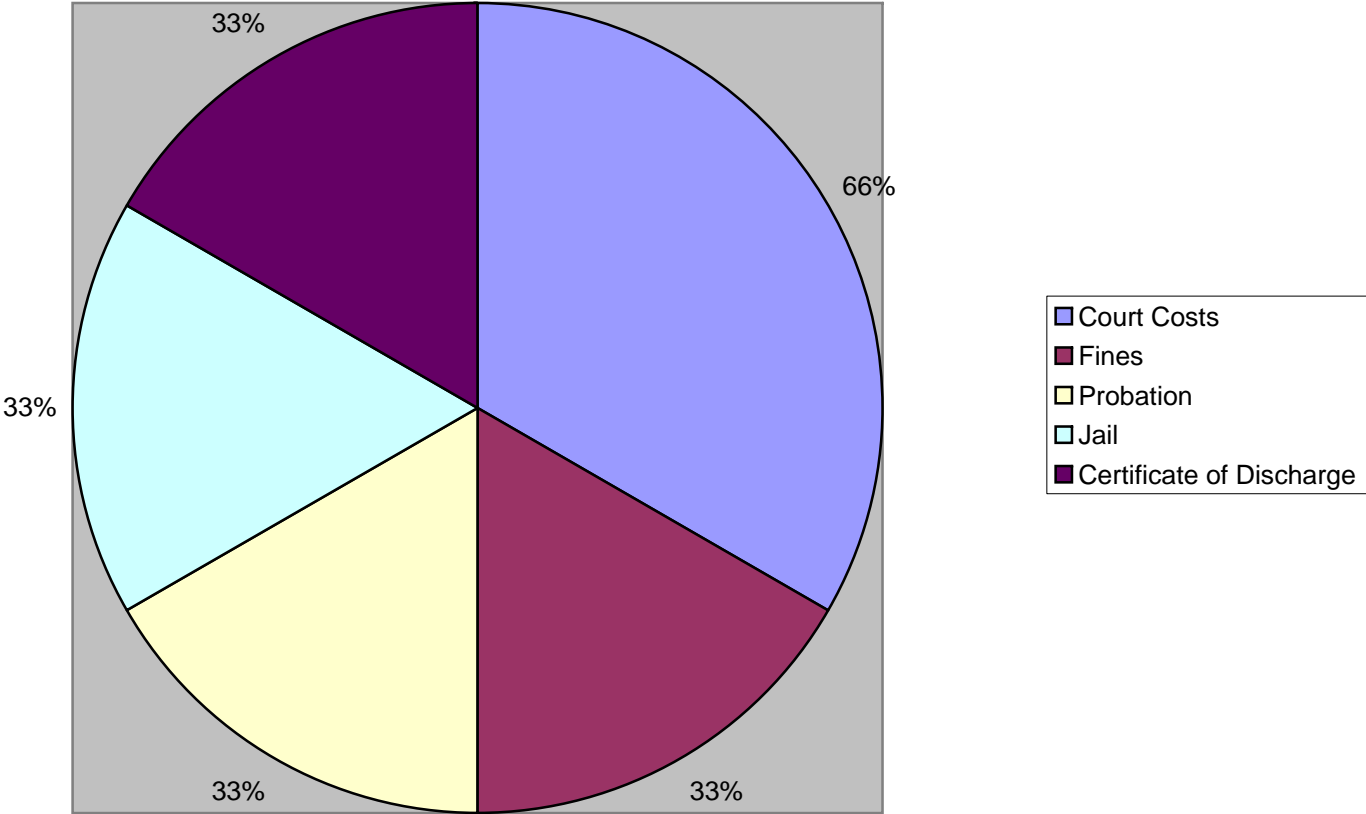
(Figure 4.1) Sentence Distribution: Prostitution



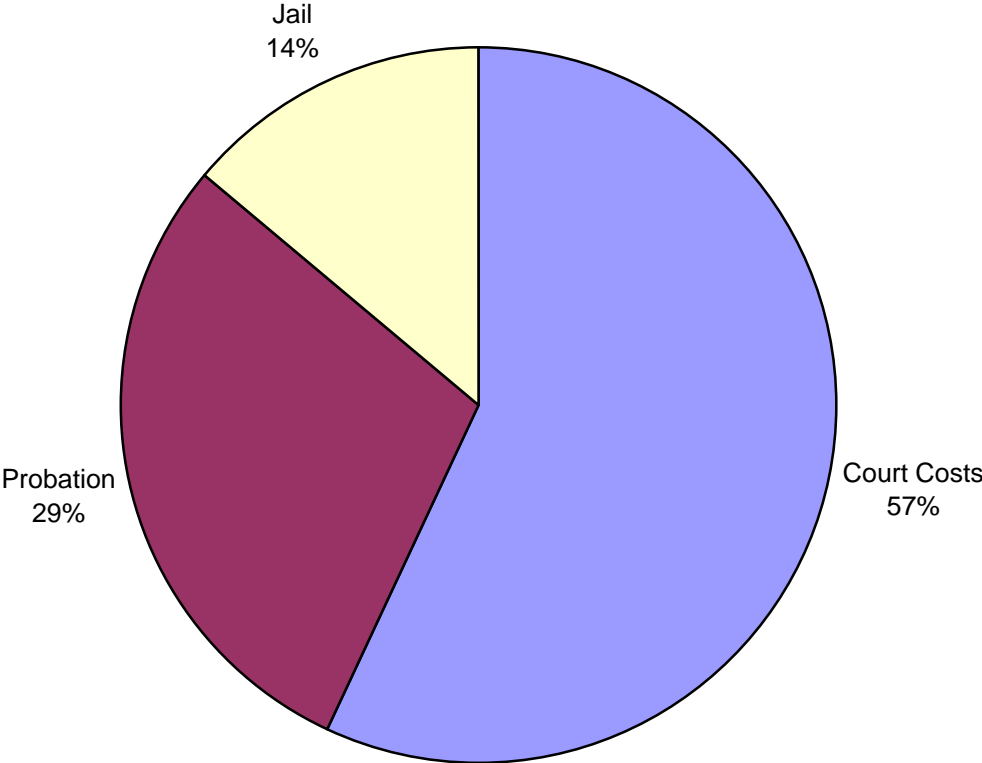
(Figure 4.2) Sentence Distribution: Solicitation to Commit Prostitution



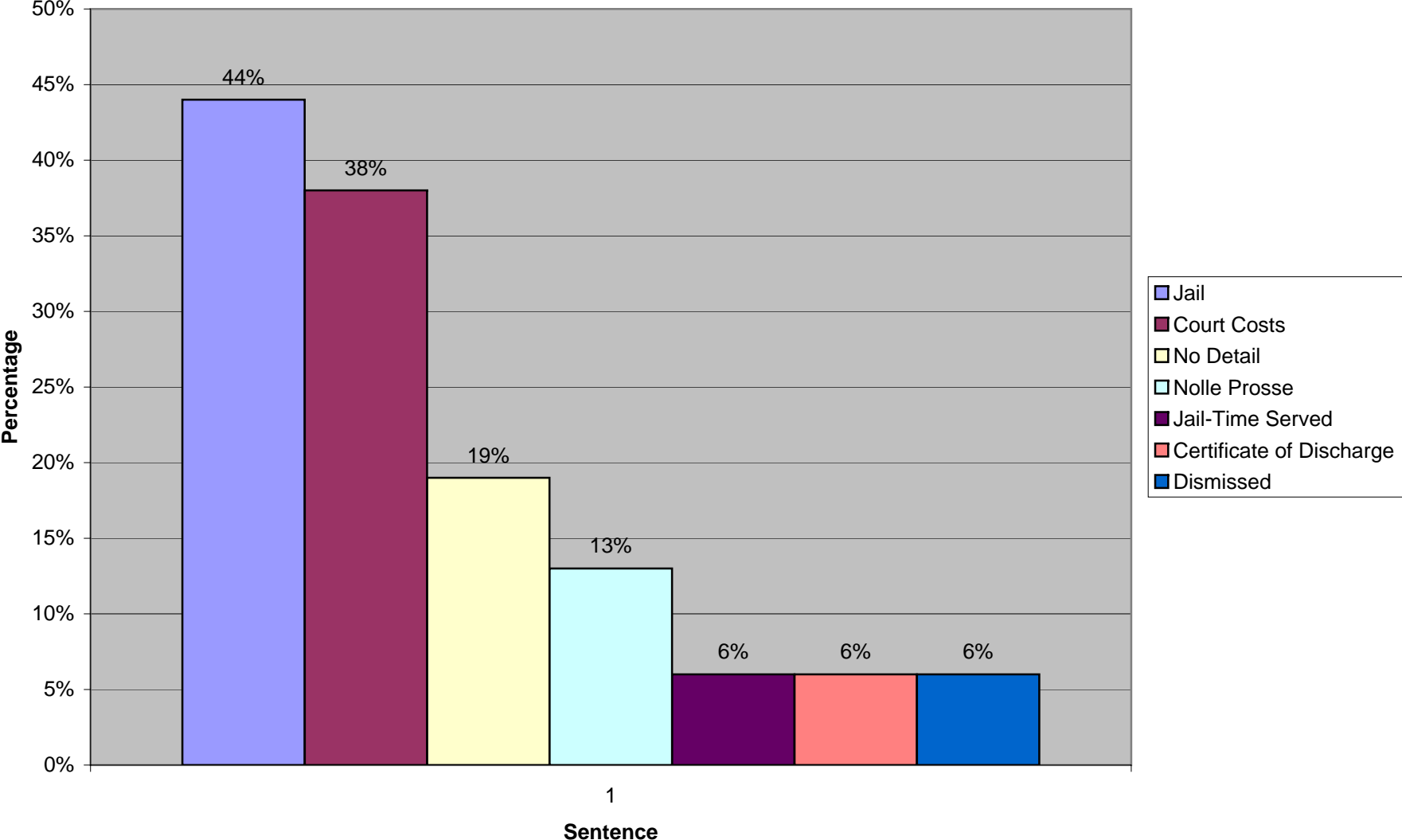
(Figure 4.3) Sentence Distribution: Offering to Procure for Purposes for Prostitution



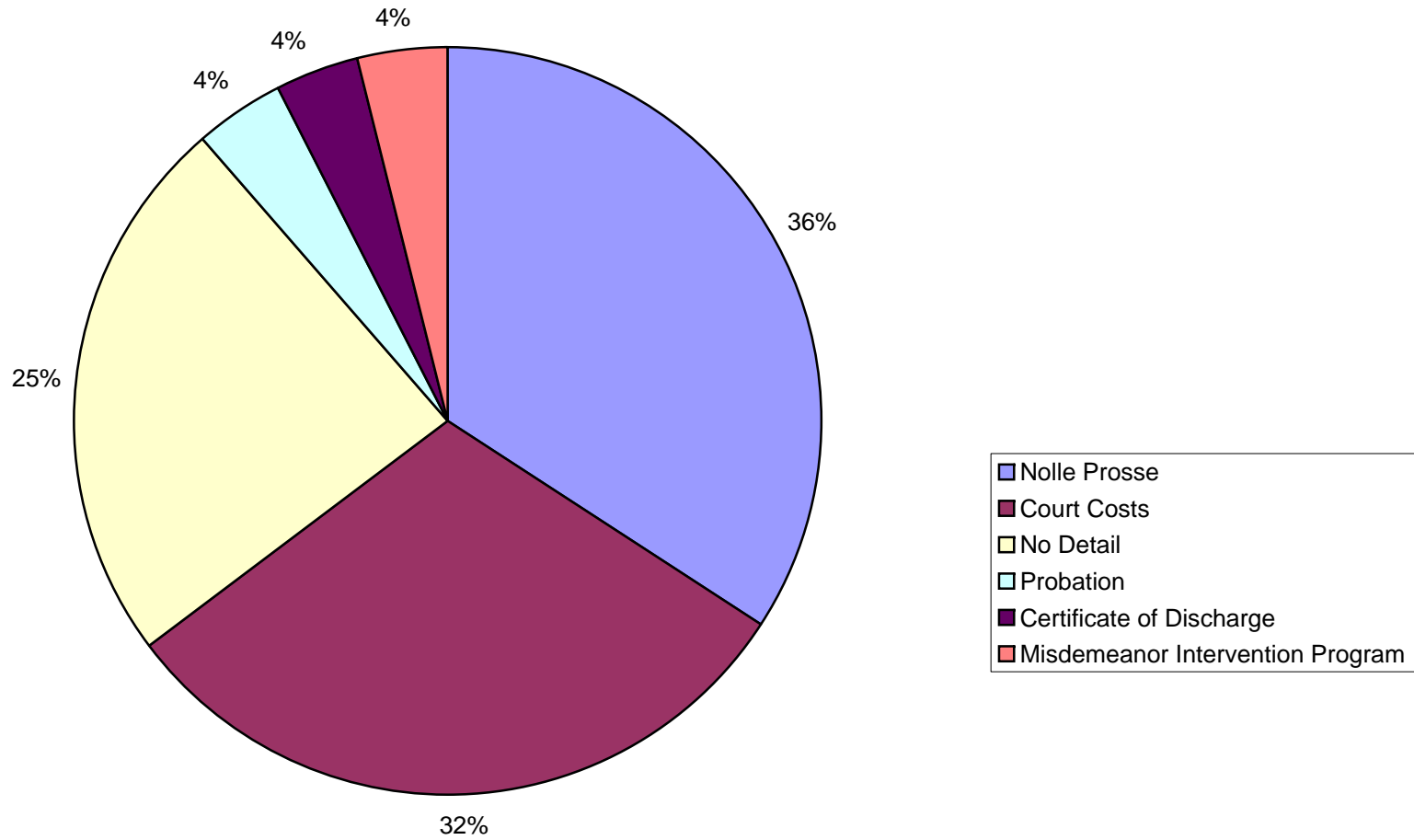
(Figure 4.4) Sentence Distribution: Entering or Remaining in a Place for Prostitution



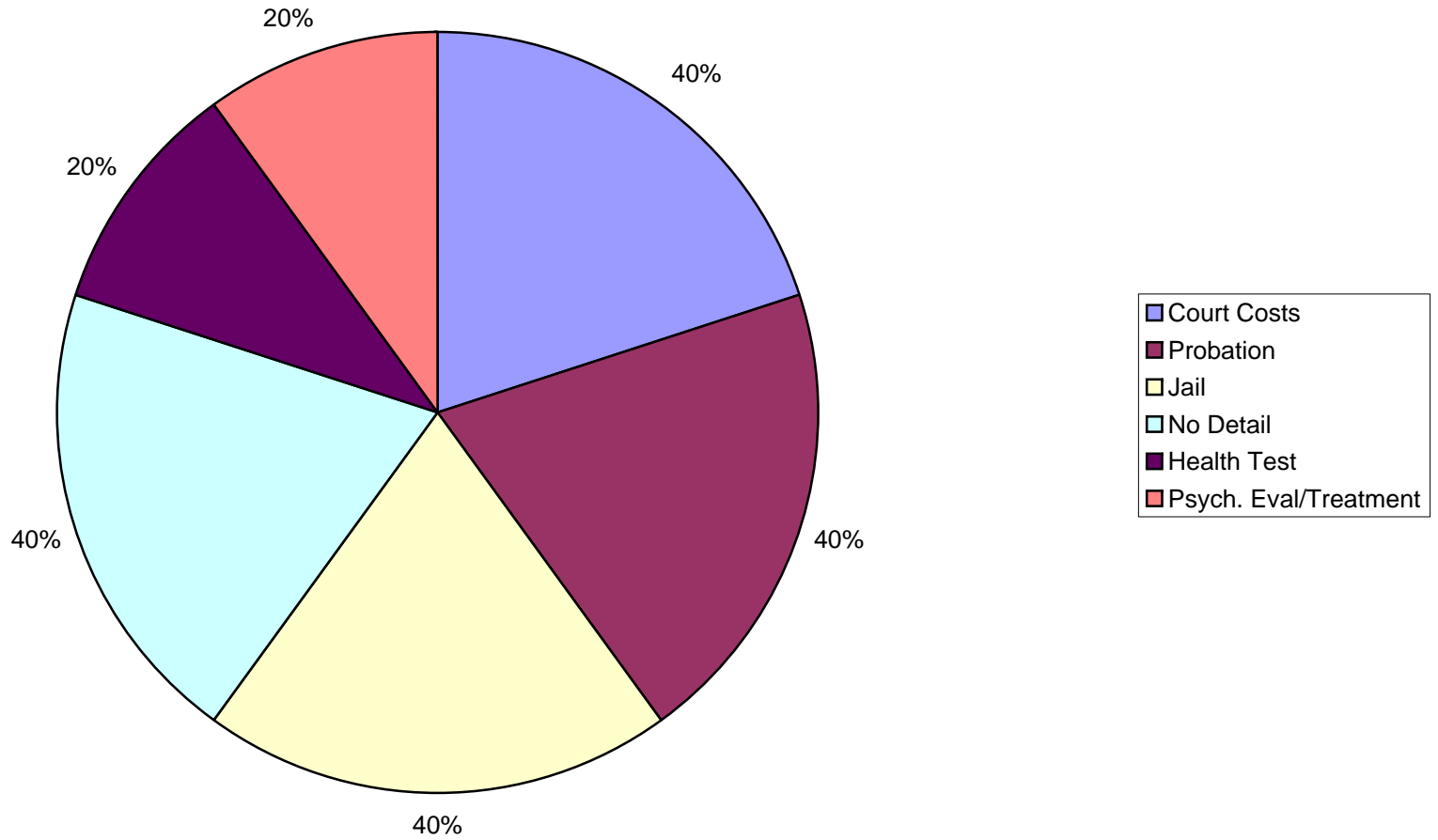
(Figure 4.5) Sentence Distribution: Unlawful Acts as a Precursor to Prostitution



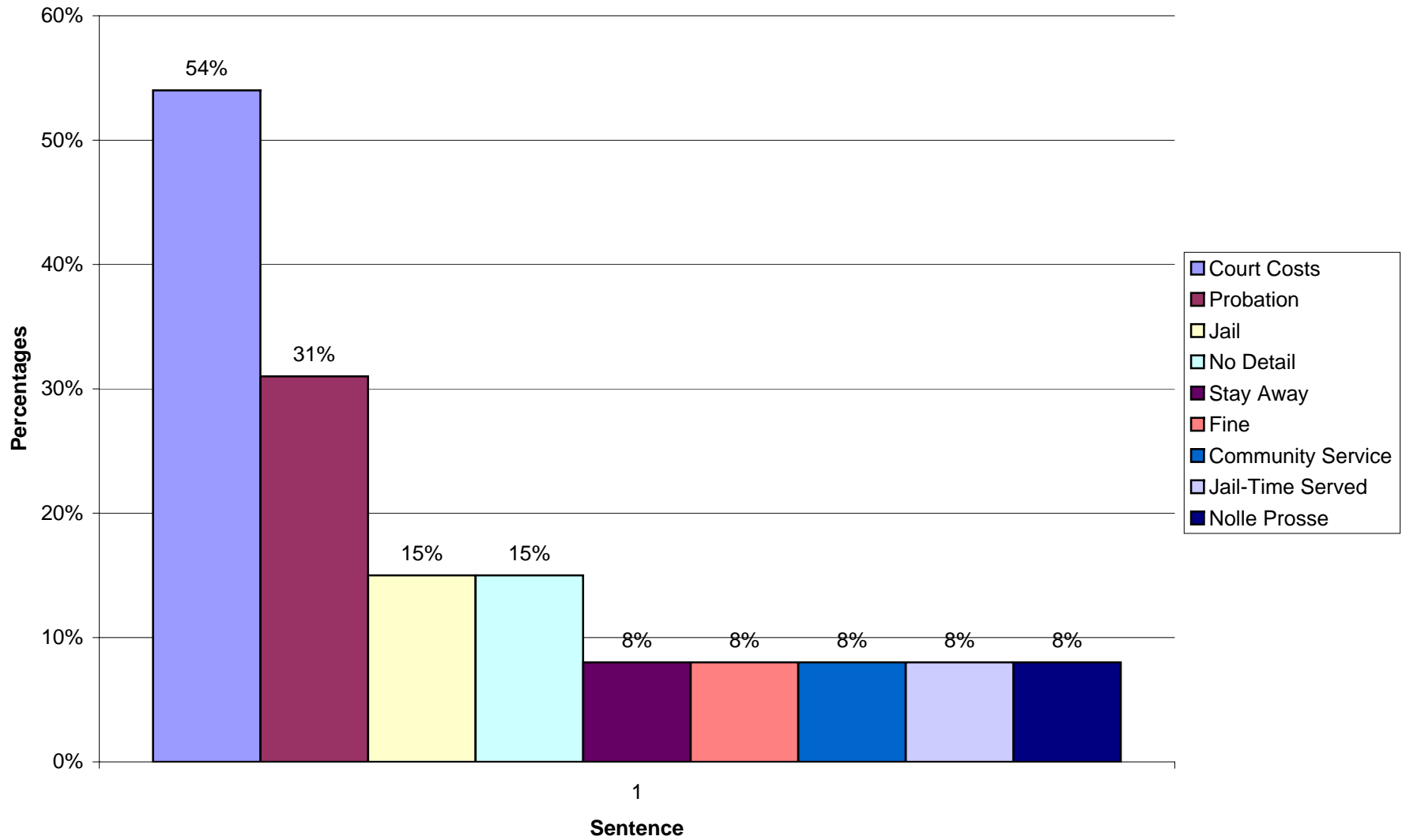
(Figure 4.6) Sentence Distribution: Adult Use Ordinance Violation



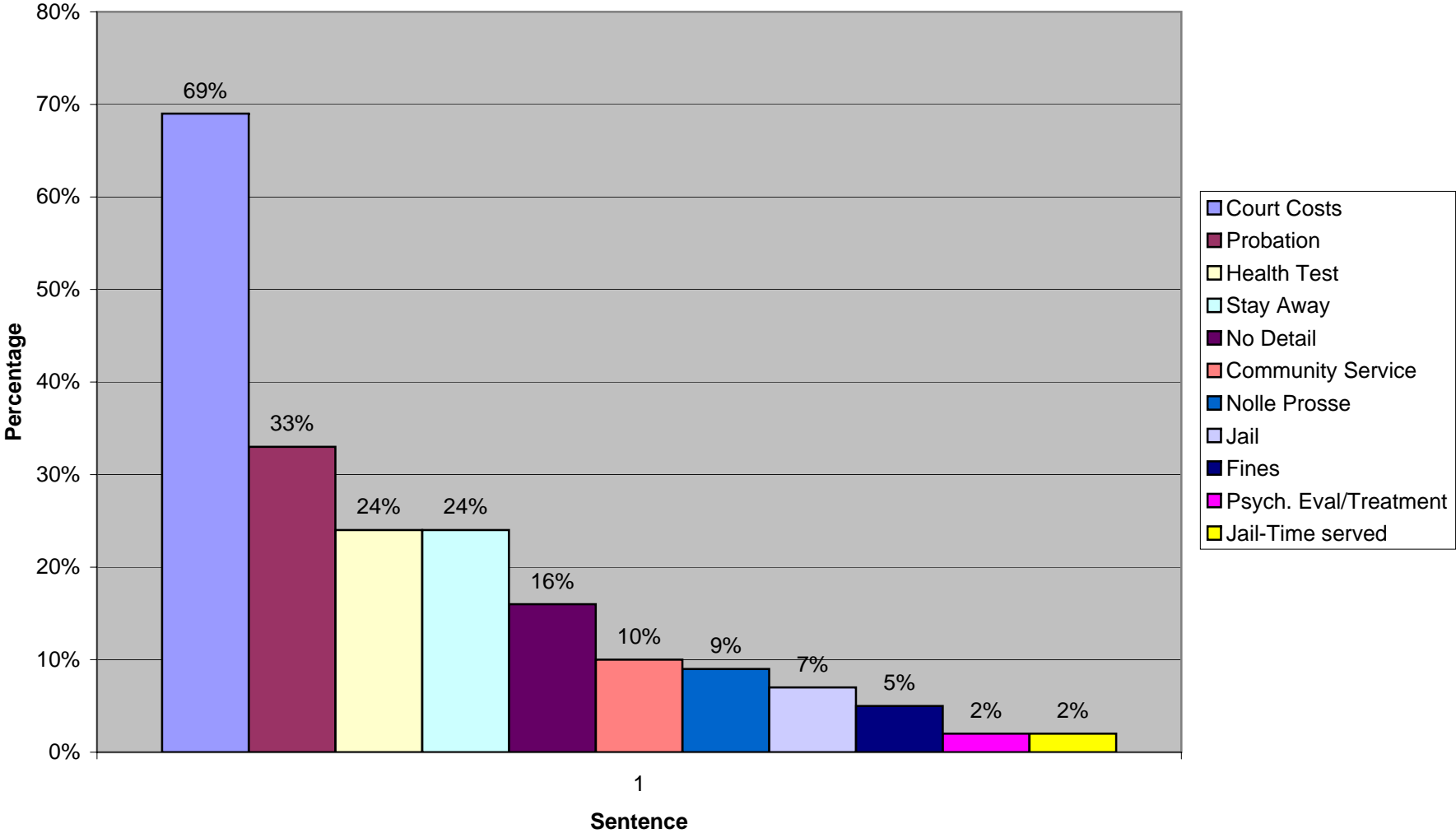
(Figure 4.7) Sentence Distribution: Unlicensed Business/Dance Hall



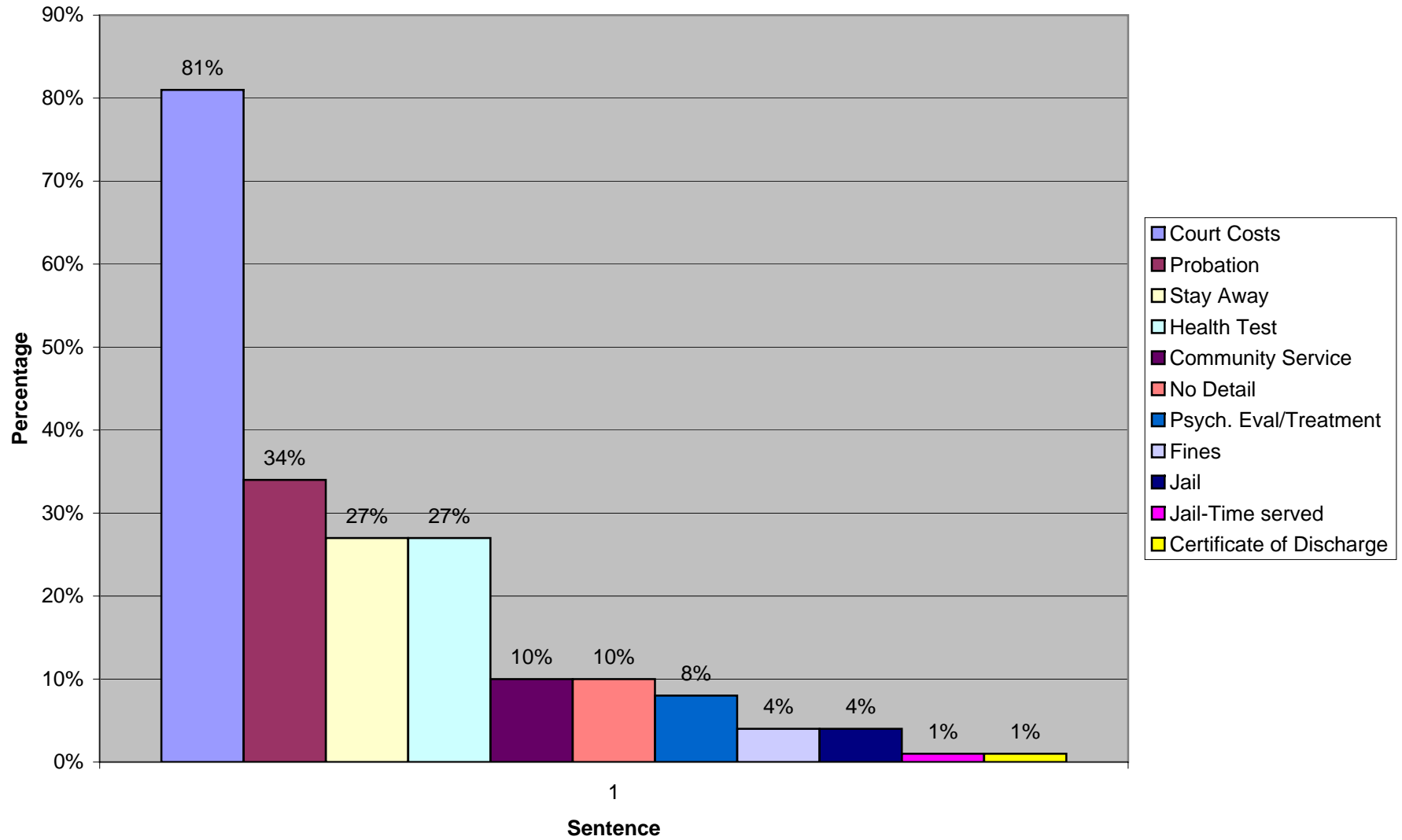
(Figure 4.8) Sentence Distribution: Nudity Where Alcohol is Sold



(Figure 4.9) Sentence Distribution: Lewd & Lascivious Acts/Behavio



(Figure 4.10) Sentence Distribution: Exposure of Sexual Organ



PROSTITUTION

Court Costs	65%
Jail	55%
Probation	19%
Stay Away	15%
Health Test	12%
Jail-Time Served	7%
Community Service	4%
Fines	4%
No Detail	2%
Certificate of Discharge	1%
Psych. Eval/Treatment	0.40%
Nolle Prose	0.40%
Deleted	0.40%
Aquittal	0.40%

SOLICITATION

Court Costs	83%
Stay Away	46%
Health Test	33%
Probation	26%
Community Service	9%
No Detail	6%
Jail	5%
Certificate of Discharge	5%
Fines	2%
Jail-Time Served	0.70%

OFFERING TO PROCURE FOR PURPOSES OF PROSTITUTION

Court Costs	66%
Fines	33%
Probation	33%
Jail	33%
Certificate of Discharge	33%

ENTERING OR REMAINING IN A PLACE FOR PROSTITUTION

Court Costs	57%
Probation	29%
Jail	14%

UNLAWFUL ACTS AS A PRECURSOR TO PROSTITUTION

Jail	44%
Court Costs	38%
No Detail	19%
Nolle Prose	13%
Jail-Time Served	6%
Certificate of Discharge	6%
Dismissed	6%

ADULT USE ORDINANCE VIOLATION

Nolle Prose	36%
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Court Costs	32%
No Detail	25%
Probation	4%
Certificate of Discharge	4%
Misdemeanor Intervention Program	4%

NUDITY WHERE ALCOHOL IS SOLD

Court Costs	54%
Probation	31%
Jail	15%
No Detail	15%
Stay Away	8%
Fine	8%
Community Service	8%
Jail-Time Served	8%
Nolle Prose	8%

UNLICENSED BUSINESS/DANCE HALL

Court Costs	40%
Probation	40%
Jail	40%
No Detail	40%
Health Test	20%
Psych. Eval/Treatment	20%

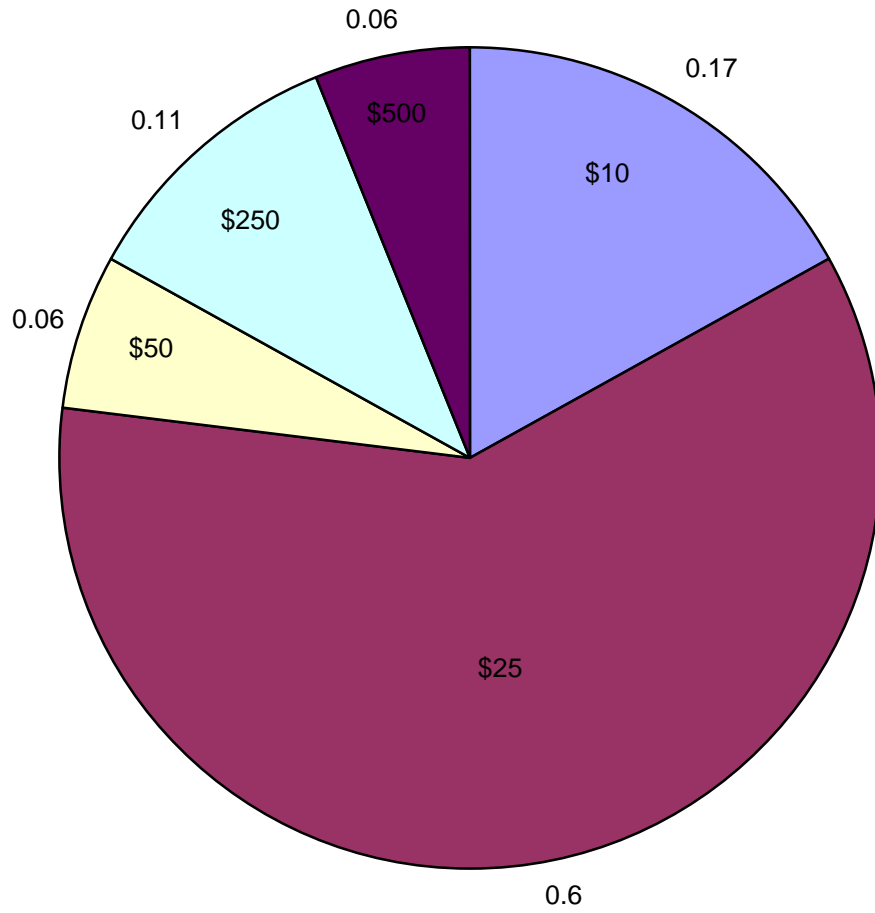
LEWD & LASCIVIOUS ACT/BEHAVIOR

Court Costs	69%
Probation	33%
Health Test	24%
Stay Away	24%
No Detail	16%
Community Service	10%
Nolle Prose	9%
Jail	7%
Fines	5%
Psych. Eval/Treatment	2%
Jail-Time served	2%

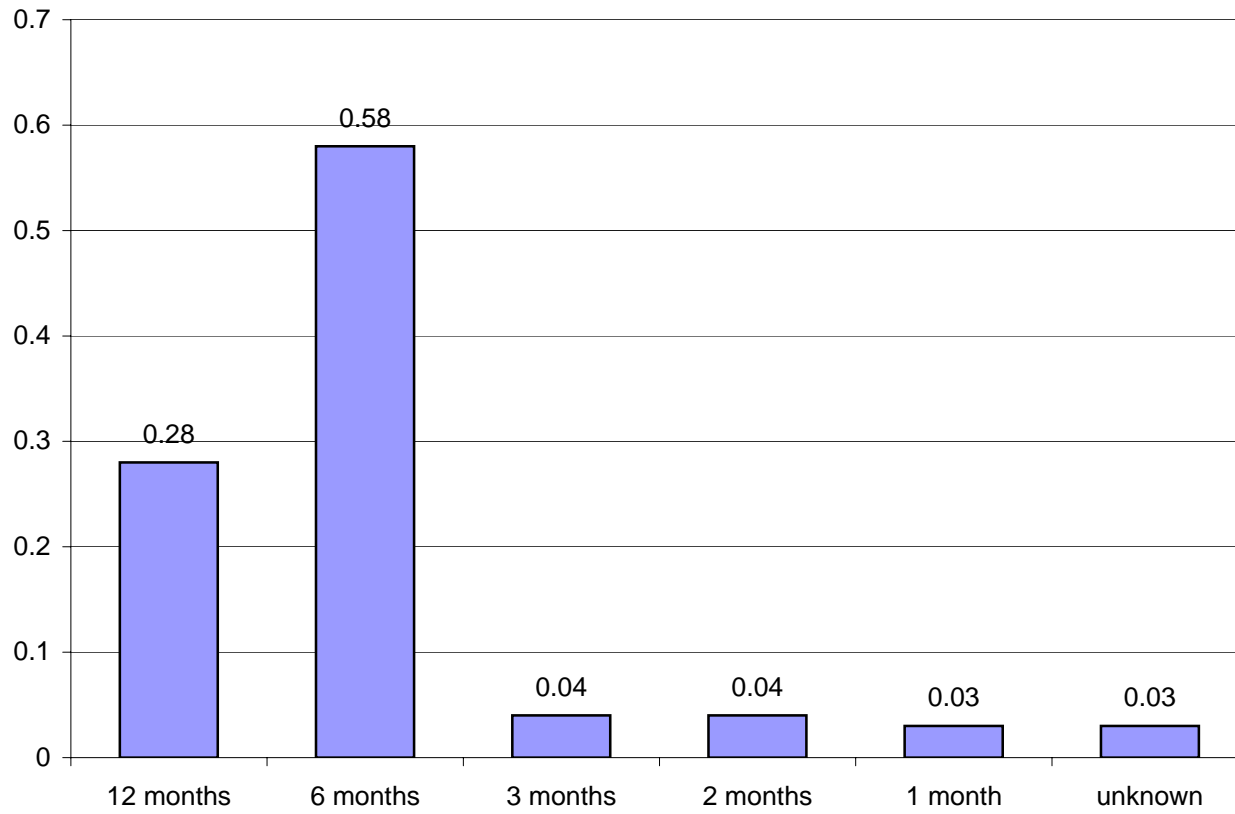
EXPOSURE OF SEXUAL ORGAN

Court Costs	81%
Probation	34%
Stay Away	27%
Health Test	27%
Community Service	10%
No Detail	10%
Psych. Eval/Treatment	8%
Fines	4%
Jail	4%
Jail-Time served	1%
Certificate of Discharge	1%

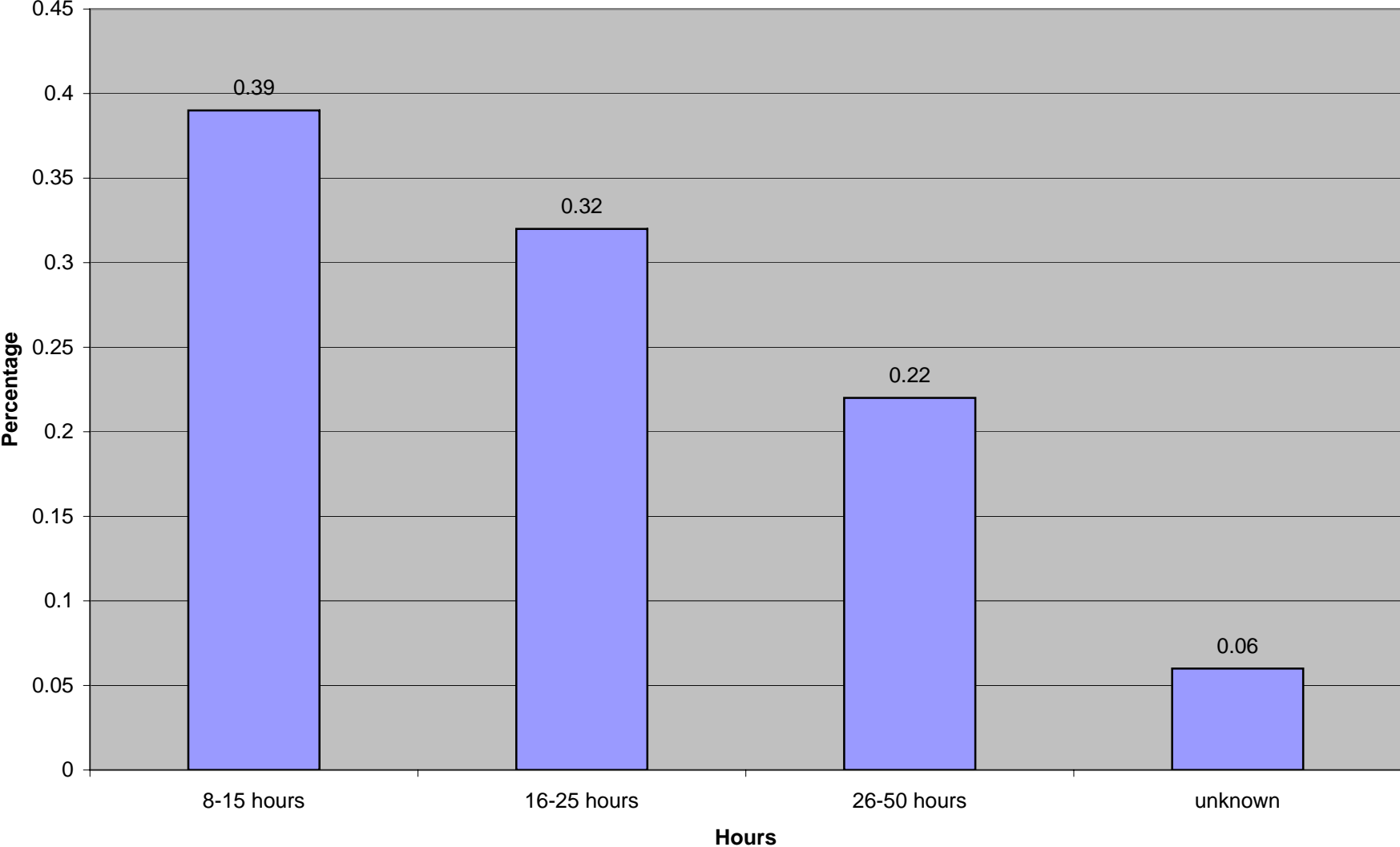
(Figure 5.0) Distribution of Fines (All Cases)



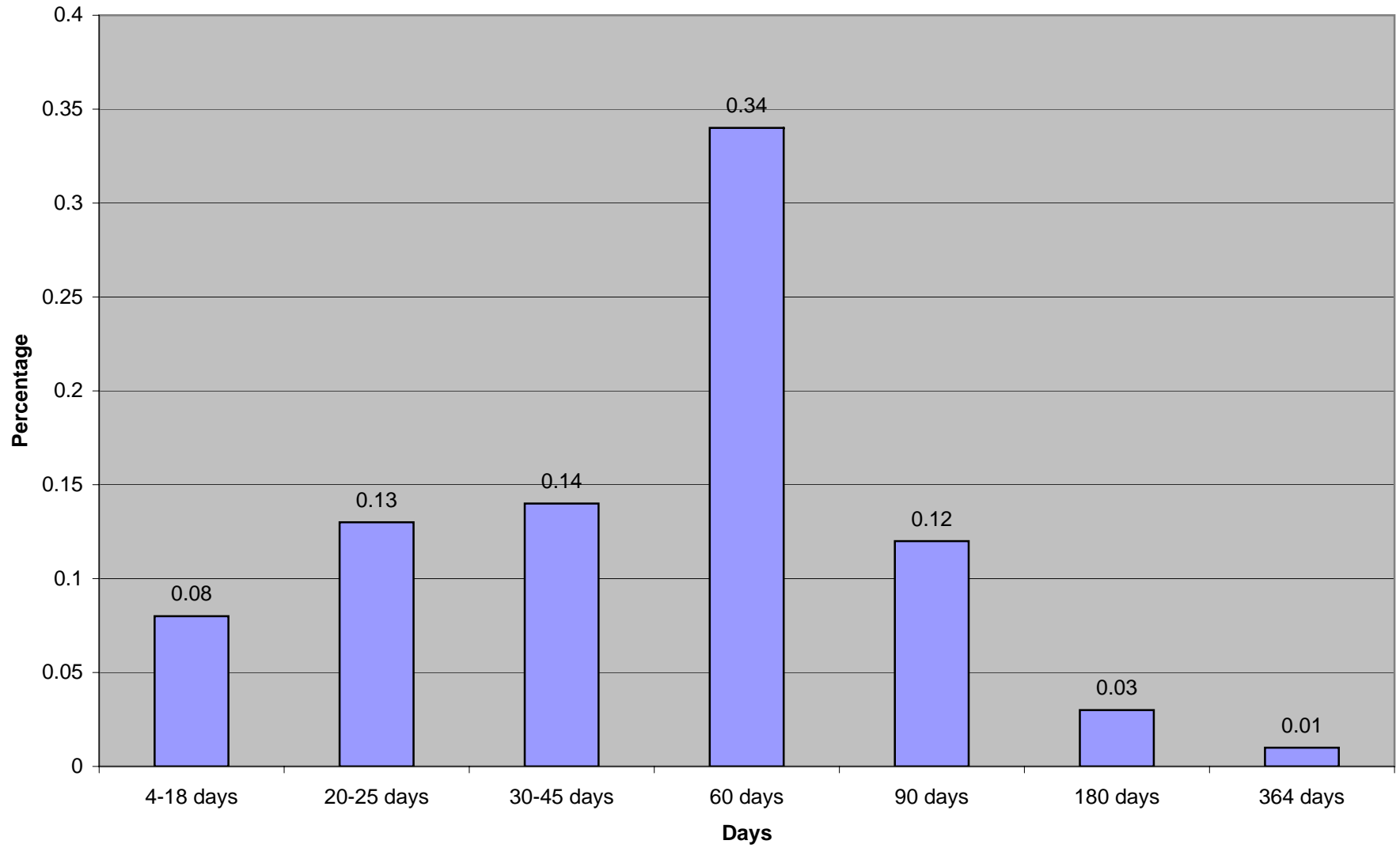
(Figure 5.1) Probation Distribution (All Cases)



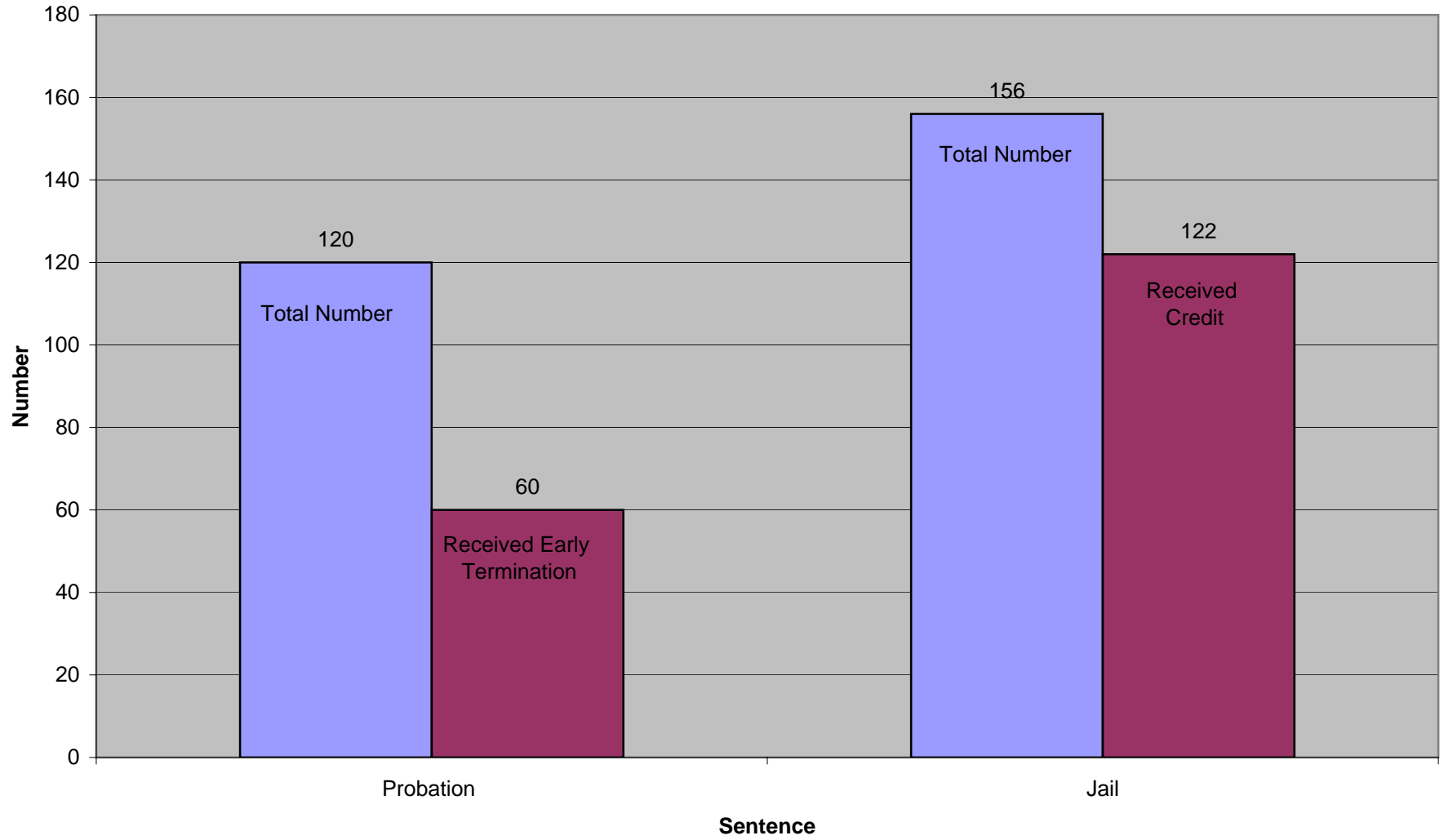
(Figure 5.2) Distribution of Community Service Hours (All Cases)



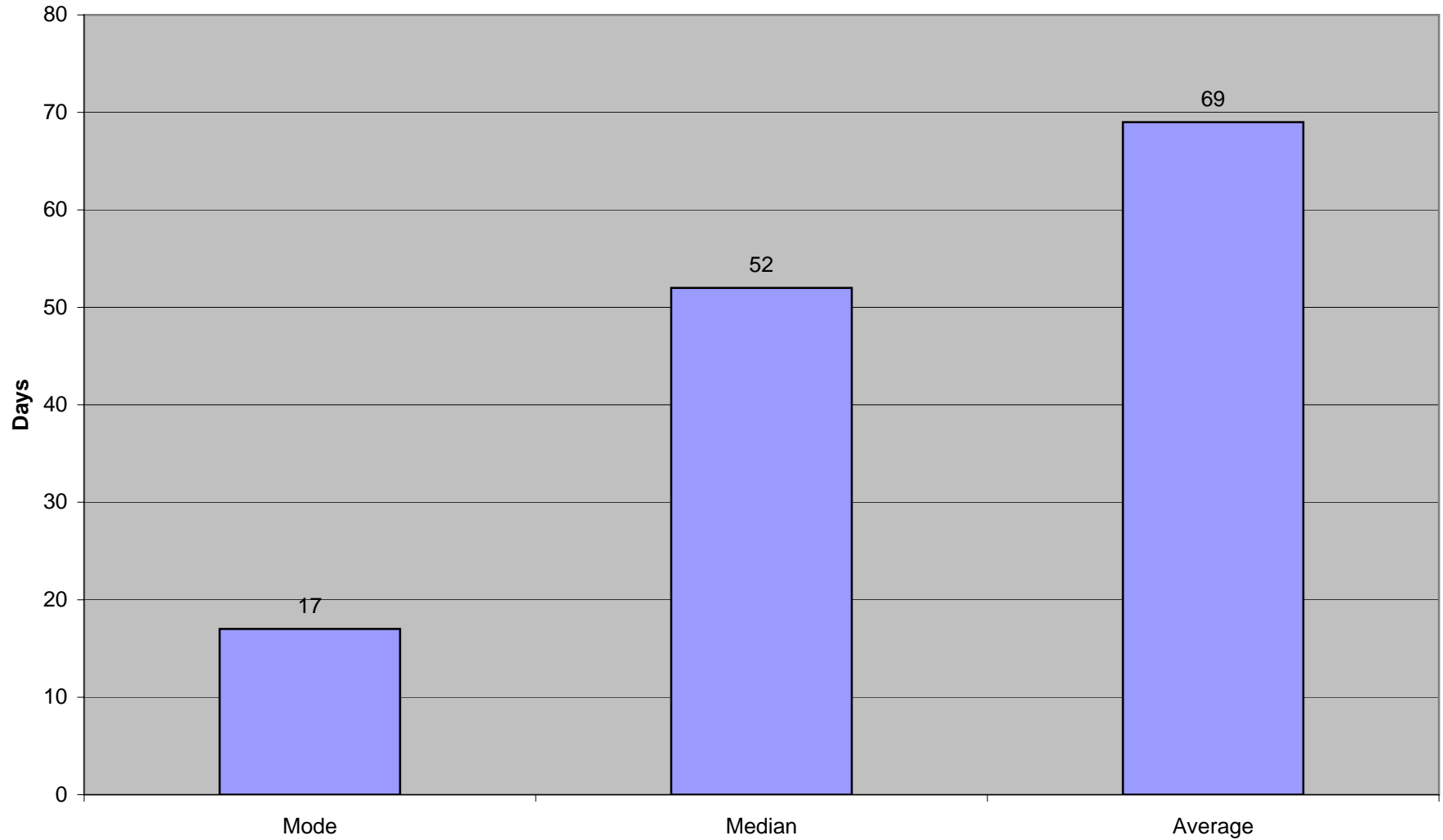
(Figure 5.3) Distribution of Jail Time (All Cases)



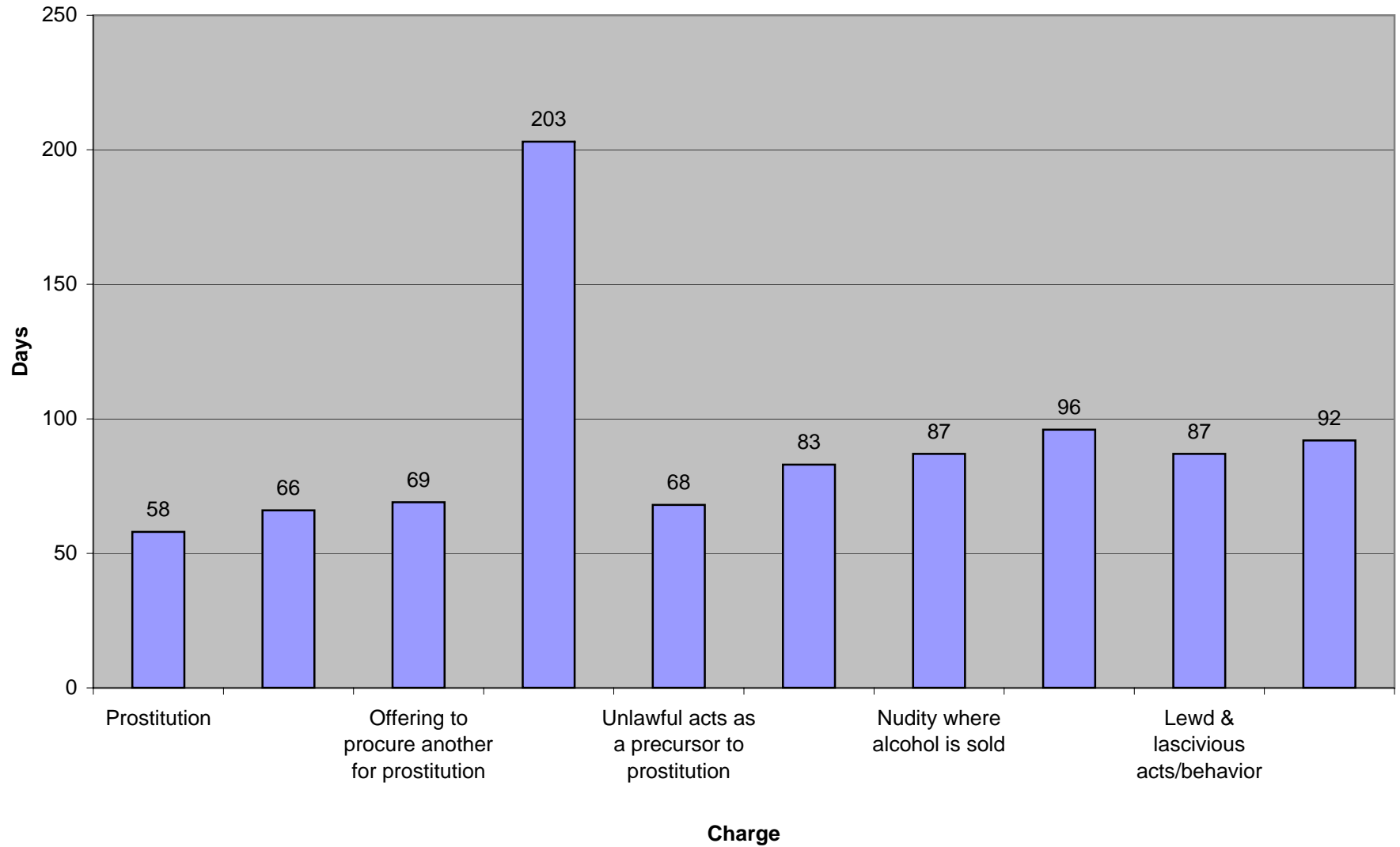
(Figure 5.4) Jail Time and Probation Time



(Figure 6.0) Length of Time Between Offense Date and Disposition Date (All Charges)



(Figure 6.1) Average Length of Time Between Offense Date and Disposition Date



(Figure 7.1) Average Length of Time Between Arraignment Date and Disposition Date

