

Time To End Legalized Prostitution In RI

By David N. Cicilline
Mayor of Providence

The law is supposed to protect victims.

The law is supposed to enhance public health and safety.

The law is supposed to punish those who exploit others.

However, in Rhode Island there is one notable area where our laws fail every one of these simple standards for success: prostitution.

Rhode Island's unique legal treatment of prostitution — which draws a distinction between soliciting sex indoors versus on the street — serves none of these goals and only protects the interests of those who profit from exploiting the vulnerable.

Our laws do nothing to protect women compelled to sell their bodies, many held in the modern equivalent of slavery. They impede the ability of law enforcement to end an activity that the public has overwhelmingly concluded is contrary to the best interests of the community. By legally permitting an essentially underground activity, the law creates an environment where related criminal activity — human trafficking, money laundering, tax evasion, drug smuggling, violence, and more — flourishes and is uniquely difficult to combat.

It is frequently noted we share our permissive legal framework with “a few counties in Nevada.”

This is not the case. Rhode Island, not Nevada, is a true “wild west.” Even where prostitution is permitted in the counties in Nevada, it is subject to strict and comprehensive regulation. Here the activity is both legal and unregulated. I raise this not to suggest in any way that the solution is regulation, but only to underscore the point that in Rhode Island there are no prohibitions or any regulatory protections at all.

Every other commercial activity in this state — from getting a haircut to biomedical manufacturing — is overseen, regulated, and monitored to ensure, among other things, basic public health and safety.

And yet, for an activity rife with risk and danger — to public health and personal safety — our laws are silent and oversight is absent.

A dog getting a flea and tick bath in Rhode Island is better protected than the individuals working in the brothels permitted by our law.

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For too long, legal reform has been characterized by opponents as “re-victimizing the victims.”

Others have suggested that since our laws do speak to “pimping” and “profiting from prostitution,” no changes are needed to prosecute the most venal. However, legal experience shows this is not the case. When there is no underlying crime of prostitution — i.e. when commercial sex occurs “indoors” — getting evidence of and prosecuting the related, ancillary “crimes” proves to be, in practice, impossible.

Those compelled by a desire to protect the victims, often forced into prostitution, have, in fact, only perpetuated the legal cover for the exploiters and profiteers.

Given the constraints on law enforcement, in Providence we have deployed with some success innovative strategies to combat the spread of “indoor prostitution.”

I testified in a Superior Court hearing personally when the city was sued because we refused to issue a certificate of occupancy and prevented the opening of a “spa” across the street from a school, a public library and a recreation center. Using our building and fire codes we shut down another such business.

Recognizing the needs of the women in the brothels, we developed an investigation team that includes a female Korean translator as well as sexual assault counselors.

Together, they interview the women in a separate room offering a safe place to go along with services and legal help. So complete is the power of those who control the women, not a single person has accepted our offer of help.

This does not have to be the case. It is possible to reform our laws and offer protection to those forced into prostitution while penalizing the profiteers and customers.

The first step is to make commercial sex illegal. But we should not stop there. A progressive response could achieve broader goals by including the following:

Greater penalties for the customers, compared with those who are selling sex. These penalties should increase, and increase steeply, for subsequent offense by customers.

The ability for an individual to avoid criminal prosecution when she has been compelled or forced into commercial sex.

Require the creation of an interview protocol to be used by police in cross-examinations to help identify victims of human trafficking and identify and prosecute the profiteers.

Penalties for landlords who knowingly rent to brothel operators.

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Using assets seized in prosecution of this crime, create a diversion program where those arrested for selling sex can avoid penalties by participating in a program of comprehensive services that will allow them to escape the conditions that compelled them into prostitution.

Additionally, seized assets could be used to provide training to local police departments and fund partnerships that can assist victims of sexual trauma, provide translation services, and more.

In recent years, the news stories about Rhode Island's prostitution laws have become an annual event. Some progress has been made, but every year the debate rages and no fundamental change takes place.

The industry permitted by our laws continues to flourish. Rhode Island is, and will continue to be, a haven, in fact a magnet, for this activity. Our state offers the legal equivalent of a welcome mat to commercial sex.

Once again, there are proposals before the General Assembly that point the way to a better future. The House has already passed a bill overwhelmingly, and the matter is before the Senate. Rhode Islanders deserve swift action.

I urge the General Assembly to act decisively and end legalized prostitution in Rhode Island once and for all.

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