

RED LIGHT FOR 1992

Dr Susan Edwards compares Britain's short-term expedients for policing prostitution with continental systems

With the run-up to 1992, there is one problem for Britain which has attracted little attention as yet, but which will become of increasing importance: how to police prostitution.

Among the important basic questions we must ask first are: Is the prosecution of the street-walker the best way of dealing with the problem? Is the prosecution of women oppressive and fundamentally sexist? Does Europe, with its various forms of legalised prostitution, have a better system?

People often do not realise that, in Britain, prostitution itself is not illegal. What's against the law is soliciting for the purposes of prostitution. The criminal law penalises loitering, soliciting and allied offences, including living off immoral earnings (pimping), procuration, brothel-keeping, and managing premises used for prostitution. It also comes down now on clients on the streets (kerb crawlers).

On the continent, there is a very different approach. In West Germany, for example, prostitution is State-regulated; women work from State-controlled premises (brothels), contacting clients on the street in the zoned areas, between certain locally stipulated times. In the Netherlands, we find a mix of State regulation, licensed premises and street soliciting in certain areas.

Within the EEC, the official response to street soliciting in England and Wales is unique. The focus of the law is still directed mainly against women street prostitutes and not the pimp or client. The Street Offences Act 1959 regulates these women's activities by firstly administering two cautions, followed by arrest and charge for loitering/soliciting.

Since 1985, the Sexual Offences Act has provided as well for the prosecution of kerb crawlers, with evidence of 'persistent soliciting' 'as the crux of the offence. In practice, though, the pimp or controller and the client or kerb crawler have been prosecuted only occasionally, relatively speaking. In 1987, there were 405

prosecutions for procuration (including pimping or living off immoral earnings), 115 prosecutions for brothel-keeping, and 355 prosecutions and 180 cautions for kerb crawling. In the same year, there were 8,486 prosecutions and 4,699 cautions for street-walking.

Now let us compare the two 'street offences' — solicitation/loitering by women and kerb crawling by men. In 1988, legal action was taken against 622 men for kerb crawling, but against 9,196 females for prostitution: a ratio of almost 1:16.

Harsh treatment

On top of this, women are much more harshly dealt with both before and after the trial. In 1987 (the latest figures available), a total of 176 women — 41 of them aged under 21 — were imprisoned for fine default over prostitution offences. Many women also spend a night in police custody before appearing before the magistrate, because the custody officer takes the view that she will probably fail to answer bail.

Can we justify these remands and the time and resources spent prosecuting prostitutes?

Current legislation is a failure. It is almost impossible, for instance, to provide sufficient evidence to prove section 1 of the Sexual Offences Act, concerning 'persistent soliciting'. This has led some police forces to resort to section 2 and prosecute kerb crawlers for nuisance.

The Court of Appeal gave credence to the wisdom of this move in *Paul v DPP*, April 26, 1989, when it overturned a High Court decision and said that 'likely to cause a nuisance' could be interpreted on the basis of local knowledge, the history of prostitution in a given area, and an expression of disapproval by local residents. As a result of this ruling, there has since been an increase in prosecutions and convictions for kerb crawling.

But more prosecutions for street offences lead more people into massage parlours and clip joints. In consequence,

recent case law indicates a sharpening of the interpretation of 'disorderly house'. In the case against Julie Martin 1989 (CAR (S):339), she worked alone from premises in Marylebone, London, where she advertised and provided a telephone number for spanking and caning services. Although she was the sole person involved, she was convicted of keeping a disorderly house and was sentenced to nine months — reduced on appeal to three.

Each British police force approaches the problem differently, but all share the philosophy that a long-term solution to prostitution is beyond policing alone. Police forces can only make the problem less visible.

In Merseyside, Supt Bernie Keegan has devised a package of measures to deal with it. He estimates that there are about 800 prostitutes in the Toxteth area of Liverpool. Last year, there were 880 arrests of prostitutes, and 257 kerb crawlers were identified.

'We have now set up a system designed, through traffic management, to design out prostitution,' Mr Keegan says, emphasising that he wants the local community to be involved. His new scheme, which provides the deterrent of conspicuous high-visibility policing, was introduced last September 4 in the form of horseback patrol.

Before *Paul v DPP* five months earlier, prosecuting the kerb crawlers had proved enormously difficult, up and down the country. Usually, such men were cautioned rather than being taken to court.

In Merseyside, out of 40 men given cautions, only three are known to have re-offended. The force has also been sending the men a letter — although officers, aware of the 'drastic family repercussions', have often preferred instead to give them a good talking to about health problems, Aids, and the consequences for family life.

In Wolverhampton, the Birmingham Road vice squad, under Sgt Terry Maiden, has had considerable success with the use of section 2 of the Act. Up to autumn, for instance, the squad had already prosecuted 120 kerb crawlers this year, with fines averaging £175 to £200. While arresting and prosecuting prostitutes, Sgt Maiden's approach to the street-walking problem also gives priority to protecting the women from abuse.

In Nottingham, Insp Neil Heathcote has introduced a package of measures, including horseback and dog patrols. Kerb crawlers are prosecuted for the substantive offence under section 2. Another measure which is perhaps unique in Britain is that men who cruise round the area persistently without actually soliciting women are also prosecuted — a move which pleases residents and women passers-by who are not prostitutes. The 'cruisers' are prosecuted

under the 1361 Justice of the Peace Act for causing a nuisance and behaving in a way likely to result in a breach of the peace.

'These men are a bigger menace than those who get prostitutes,' Insp Heathcote comments. 'We are fed up with the men who drive round and round, staring at women and frightening local residents.'

His package also includes targeting pimps (37 have been proceeded against so far this year) as well as prostitutes who can afford to pay higher fines.

In 1987, when I and Gary Armstrong researched London's greatest problem area for prostitution, the West End, the Street Offences Squad under Insp Peter Bucknole was based at West End Central and drew its officers from all over the Met's 8 Area. By July of that year, however, there was very much a feeling that, since prostitution was mainly centred in Paddington, the squad should be based there and run by Paddington's officers.

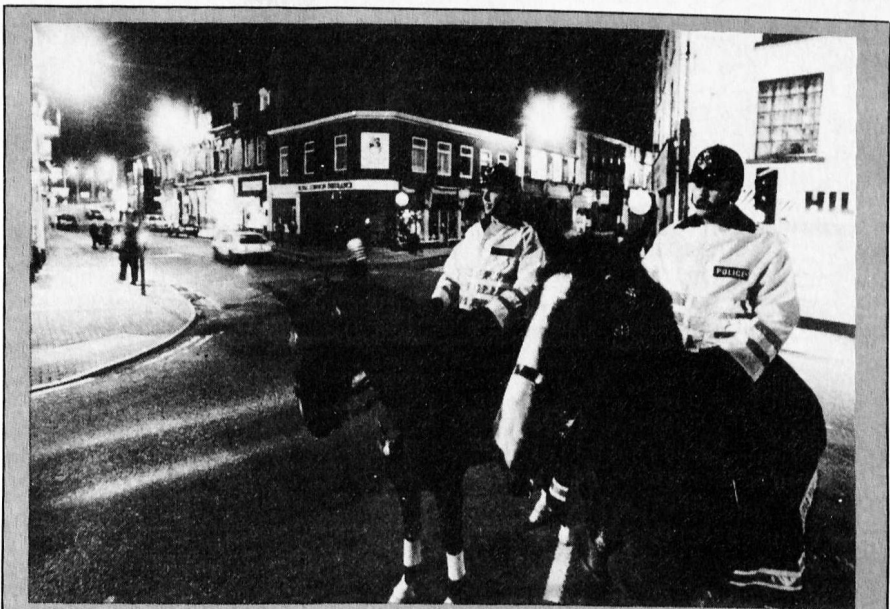
The following month, the squad moved up to its present home at Paddington Green, recruiting officers from those 8 Area divisions which had a prostitution problem. Today, the squad is run by an inspector and three sergeants, with a complement of 20-24 PCs.

After prostitutes moved in strength to the King's Cross area, a specialised squad became necessary. One was formed last September in a joint enterprise between the King's Cross and Holborn police stations, respectively responsible for north and south of the Euston Road, with each supplying one sergeant and three PCs.

Kerb crawlers are again the main problem — dealt with by way of warning and prosecution under section 2. The main 'business area' is still Argyle Square, outside the Post Office on the Euston Road opposite Kings Cross concourse, York Way and the St Pancras Road. At nearby Clerkenwell magistrates' court, the going fine for soliciting is about £30 — which is also the going rate for straight sex in a car.

Farther to the north in Stoke Newington, the vice squad is comprised of one sergeant and six officers, including two WPCs. The area's prostitution problem dates all the way back to the 1914-18 war, when American servicemen were billeted in a camp there. The squad's approach embraces cautioning, prosecuting and sending letters to the kerb crawlers, as well as arresting and prosecuting prostitutes. The two main areas for prostitution are Queen's Drive in Finsbury Park and Amhurst Park.

PC Steve Longhorn, community involvement officer and press liaison officer, says the big problem now is that men are leaving their cars and soliciting on foot some distance away. This lends itself to additional problems, eg sex in alley-



VICE PATROL: Greater Manchester Police have found that high-profile mounted officers can be used very successfully against prostitutes and kerb crawlers. In a four-night blitz in August on the residential Whalley Range area of Manchester, the officers were welcomed by local residents 'sick of kerb crawlers.' A three week campaign in early November in the Sackville Street area of the city centre proved again that highly visible mounted officers can quickly clear the area and provide reassurance to local people that the force is doing something about the problem. GMP has found that best results are achieved using the mounted branch in conjunction with plain clothes officers working in the surrounding areas. The prostitutes quickly clear out when it becomes obvious the mounted officers are staying on patrol in the area, and plain clothes officers can report or arrest them as they try to set up elsewhere

ways, doorways, council high-rise stairways, etc with all the attendant detritus.

In South London, Chief Supt Roger Street of Streatham Division has developed a new three-pronged approach to the policing. It concentrates first on the prosecution of kerb crawlers, under either section 1 or section 2. This is backed up by environmental traffic schemes — crawlers circulating the area can expect to be prosecuted for road traffic offences.

The third 'prong' is prosecution of the prostitutes. But that is not all. For Mr Street, whose vice squad consists of one sergeant and four PCs, a combination of prosecution and social support for the women is at the centre of his strategy. As he explains: 'The ultimate goal would be to encourage some groups to assist those women who wanted to get out of prostitution — self-help groups and women's support groups.'

None of the schemes I have described is more than a short-term expedient, aimed at control and containment. Long-term strategies are a matter for the Government and the Home Office. Inevitably, we get back to the main question: have other countries got a better system?

In Hamburg's Reeperbahn area, where prostitution is legalised, there are special meeting places for transvestites, male homosexuals and lesbians, and the number of prostitutes working is put at 2,000. There are also three brothels, in which

women live, and one street (the Herrbesstrasse) where window girls can be seen; the street is signposted as a 'no go' area for women and children, 'for the protection of prostitutes'.

Prostitution is allowed from 8pm to 6am — yet a vice squad of nine men and two women officers is normally enough to police the whole area.

In Amsterdam, members of the vice squad (Zedenpolitie) police prostitution in the district where it is legalised. But pimps still control window girls, often brought in from Third World countries. Much of the sex industry is supported by British businessmen, visiting Amsterdam on holidays advertised in some popular tabloid newspapers here.

From the end of 1992, British women will be free to work in Europe and European women free to work in Britain. Will this freedom of movement apply equally to the sex industry? If so, what will the implications be?

My view is that street soliciting should be decriminalised. But that would be a step towards legalisation and State-controlled brothels, which I do not support.

I can't help agreeing with Chief Supt Street's personal view. 'Prostitution,' he says, 'should not be legalised. It is morally wrong for one individual to purchase the body of another for personal gratification — that, in my view, is verging on slavery. The choice that women have in this matter is only superficial.'