

TRAINING BULLETIN



DISTRICT OF COLUMBIA

Subject
**Prostitution and Prostitution-Related
Offenses and Penalties Related to the
Omnibus Public Safety Amendment
Act of 2006**

Series	Number
08	01

Effective Date
March 24, 2008

Related to:
**SO-06-16 (Implementation of the “Omnibus
Public Safety Congressional Review
Emergency Amendment Act of 2006”) dated
October 19, 2006**
**SO-06-14 (Prostitution Free Zones) dated
August 28, 2006**

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I. BACKGROUND

The Omnibus Public Safety Congressional Review Emergency Amendment Act (OPSCREA) of 2006 expanded the definition of prostitution to include engaging in prostitution in addition to soliciting for purposes of prostitution; revised the prostitution-related definitions; extended the prohibition against abducting or enticing a child from his/her home for prostitution purposes, and harboring such child, to all persons under 18 years of age; added prostitution offenses involving minors to the Sex Offender Registration Act; granted the Chief of Police the authority to establish Prostitution Free Zones; and established the penalty for congregating for the purpose of engaging in prostitution or a prostitution-related offense in a Prostitution Free Zone. The OPSCREA became law on April 24, 2007.

The purpose of this Training Bulletin is to advise members of the prostitution and prostitution-related offenses and penalties related to the Omnibus Public Safety Amendment Act of 2006 and to provide the Criminal Justice Information System (CJIS) codes to be used when booking prostitution or prostitution-related offenses. Prostitution Free Zones shall be established in accordance with SO-06-14 (Prostitution Free Zones).

II. DEFINITIONS

When used in this directive, the following terms shall have the meaning designated:

1. Arranging for prostitution – Any act to procure, or attempt to procure or otherwise arrange for the purpose of prostitution, regardless of whether the procurement or arrangement occurred or a fee was paid.

2. Committed Relationship – A familial relationship between two (2) individuals characterized by mutual caring and the sharing of a mutual residence.
3. Domestic Partner – A person with whom an individual maintains a committed relationship and who has registered as a domestic partner by executing a declaration of domestic partnership to be filed with the Mayor. Each partner shall be at least eighteen (18) years old and competent to contract; be the sole domestic partner of the other person; and not be married.
4. Prostitution – A sexual act or contact with another person in return for giving or receiving a fee.
5. Sexual Act – Penetration, however slight, of the anus or vulva of another by a penis; contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or penetration, however slight, of the anus or vulva by a hand or finger or by any object; with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person. The emission of semen is not required.
6. Sexual Contact – The touching with any clothed or unclothed body part or any object whether directly or through the clothing of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
7. Solicit for prostitution – To invite, entice, offer, persuade, or agree to engage in prostitution or address for the purpose of inviting, enticing, offering, persuading, or agreeing to engage in prostitution.

III. PROSTITUTION-RELATED OFFENSES ESTABLISHED BY THE OPSCREA

The following prostitution and prostitution-related offenses were established by the OPSCREA:

1. § 22-2701 Inviting for Purposes of Prostitution Prohibited

It is unlawful for any person to engage in prostitution or to solicit for prostitution.

Penalty: Misdemeanor (Fine of \$500 or up to 90 days imprisonment, or both, for first offense; fine of \$750 or up to 135 days imprisonment, or both, for second offense; fine of \$1000 or up to 180 days imprisonment, or both, for third and each subsequent offense)

2. § 22-2704 Abducting or Enticing a Child From His/Her Home for

Purposes of Prostitution; Harboring Such Child

It is unlawful for any person, for purposes of prostitution, to:

- (1) Persuade, entice, or forcibly abduct a child under 18 years of age from his/her home or usual abode, or from the custody and control of the child's parents or guardian; or
- (2) Secrete or harbor any child so persuaded, enticed, or abducted from his/her home or usual abode, or from the custody and control of the child's parents or guardian.

Penalty: Felony (Up to 20 years imprisonment, or fine of up to \$20,000, or both)

3. § 22-2705 Pandering; Inducing or Compelling an Individual to Engage in Prostitution

a. It is unlawful for any person, within the District of Columbia, to:

- (1) Place or cause, induce, entice, procure, or compel the placing of any individual in the charge or custody of any other person, or in a house of prostitution, with intent that such individual shall engage in prostitution;
- (2) Cause, compel, induce, entice, or procure or attempt to cause, compel, induce, entice, or procure any individual;
 - (a) To reside with any other person for the purpose of prostitution;
 - (b) To reside or continue to reside in a house of prostitution; or
 - (c) To engage in prostitution; or
- (3) Take or detain an individual against the individual's will, with intent to compel such individual by force, threats, menace, or duress to marry the abductor or to marry any other person.

b. It is unlawful for any parent, guardian, or other person having legal custody of the person of an individual, to consent to the individual's being taken, detained, or used by any person, for the purpose of prostitution or a sexual act or sexual contact.

Penalty: Felony (Up to 5 years imprisonment or fine of up to \$5000, or both) except when a child is involved (Up to 20 years imprisonment, or fine of up to \$20,000, or both)

4. § 22-2706 Compelling an Individual to Live Life of Prostitution Against His or Her Will

It is unlawful for any person, within the District of Columbia, by threats or duress, to detain any individual against such individual's will, for the purpose of prostitution or a sexual act or sexual contact, or to compel any individual against such individual's will, to reside with him or her or with any other person for the purposes of prostitution or a sexual act or sexual contact.

Penalty: Felony (Up to 15 years imprisonment, or fine of up to \$15,000, or both) except when a child is involved (Up to 20 years imprisonment, or fine of up to \$20,000, or both)

5. § 22-2707 Procuring, Receiving Money or other Valuable Thing for Arranging Assignment

It is unlawful for any person, within the District of Columbia, to receive any money or other valuable thing for, or on account of arranging for or causing any individual to engage in prostitution or a sexual act or contact.

Penalty: Felony (Up to 5 years imprisonment or fine of up to \$5000, or both) except when a child is involved (Up to 20 years imprisonment or fine of up to \$20,000, or both)

6. § 22-2708 Causing Spouse to Live in Prostitution

Any person who by force, fraud, intimidation, or threats, places or leaves, or procures any other person or persons to place or leave, a spouse or domestic partner in a house of prostitution, or to lead a life of prostitution.

Penalty: Felony (Not less than one year nor more than 10 years imprisonment)

7. § 22-2720.01 Prostitution Free Zones

It shall be unlawful for a person to congregate in a group of two (2) or more persons on public space or public property within the perimeter of a Prostitution Free Zone established pursuant to § 22-2720.01(b) and thereafter to fail to disperse after being instructed to disperse by a uniformed officer of the Metropolitan Police Department (MPD), or a non-uniformed officer of the MPD upon display of MPD identification,

who reasonably believes the person is congregating for the purpose of engaging in prostitution or prostitution-related offenses.

Penalty: Misdemeanor (Fine of up to \$300, or up to 6 months imprisonment, or both)

NOTE: § 22-2720.01 (b)(1) provides that the Chief of Police may declare any public area a Prostitution Free Zone for a period not to exceed two hundred forty (240) consecutive hours. The Chief of Police shall inform his/her commanders, the Mayor, and the Council of the declaration of a Prostitution Free Zone.

In determining whether persons are congregating for the purpose of engaging in prostitution or prostitution-related offenses in a Prostitution Free Zone, members shall consider the totality of the circumstances. Among the circumstances which may be considered in determining whether such purpose is manifested are:

Conduct – Whether the person being observed is:

- a. Repeatedly beckoning to, stopping, attempting to stop, or attempting to engage passers-by in conversation for the purpose of prostitution;
- b. Stopping or attempting to stop motor vehicles for the purpose of prostitution; or
- c. Repeatedly interfering with the free passage of other persons for the purpose of prostitution.

Information – Information from a reliable source indicates that:

- a. A person being observed routinely engages in prostitution or prostitution-related offenses within the Prostitution Free Zone; or
- b. A person being observed is currently engaging in prostitution or prostitution-related offenses within the Prostitution Free Zone;

Identification - Physical identification by an officer:

Of the person being observed as a member of a gang or association which engages in prostitution or prostitution-related offenses;

Knowledge – Knowledge by an officer that:

- a. A person being observed is a known participant in prostitution or prostitution-related offenses; or
 - b. Any vehicle involved in the observed circumstances is registered to a known participant in prostitution or prostitution-related offenses, or a person for whom there is an outstanding arrest warrant for a crime involving prostitution or prostitution-related offenses.
8. § 22-2722 Keeping Bawdy or Disorderly Houses

Whoever is convicted of a bawdy house or disorderly house in the District shall be subject to the following:

Penalty: Felony (Fine of up to \$5000, or up to 5 years imprisonment, or both)

IV. OTHER PROSTITUTION-RELATED OFFENSES

Additionally, the DC Official Code outlines the following prostitution-related offenses:

1. § 22-2709 Detaining an Individual in Disorderly House for Debt There Contracted

Any person or persons who attempt to detain any individual in a disorderly house or house of prostitution because of any debt or debts the individual has contracted, or is said to have contracted, while living in the house of prostitution or disorderly house shall be guilty of a felony.

Penalty: (Not less than 1 year, up to 5 years imprisonment)

2. § 22-2710 Procuring for House of Prostitution

Any person who, within the District of Columbia, shall pay or receive any money or other valuable thing for, or on account of the procuring for, or placing in, a house of prostitution, for purposes of sexual intercourse, prostitution, debauchery, or other immoral act, any individual shall be guilty of a felony.

Penalty: (Up to 5 years imprisonment, or fine of up to \$1000)

3. § 22-2711 Procuring for Third Persons

Any person who, within the District of Columbia, shall receive any money or other valuable thing for, or on account of procuring and placing in the charge or custody of another person for sexual intercourse, prostitution, debauchery, or other immoral purposes, any individual shall be guilty of a felony.

Penalty (Up to 5 years imprisonment, or fine of up to \$1000)

4. § 22-2712 Operating House of Prostitution

Any person who, within the District of Columbia, knowingly, shall accept, receive, levy, or appropriate any money or other valuable thing, without consideration other than the furnishing of a place for prostitution or the servicing of a place for prostitution, from the proceeds or earnings of any individual engaged in prostitution shall be guilty of a felony.

Penalty: (Up to 5 years imprisonment, or fine of up to \$1000)

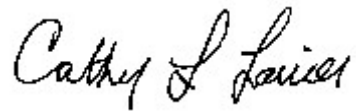
V. CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS) CODES

The below listed CJIS codes have been assigned for use when booking prostitution and prostitution-related offenses (new CJIS codes are denoted by an asterisk):

1. 1600 Prostitution (Sexual Solicitation)
2. 1605 Pandering: Adult*
3. 1606 Pandering: Juvenile*
4. 1607 Compelling Into Prostitution (Adult)*
5. 1608 Compelling Into Prostitution (Juvenile)*
6. 1630 Crime of Prostitution*
7. 1631 Procuring
8. 1632 Keeping Disorderly House (Bawdy House)
9. 1633 Prostitution (Soliciting for Lewd Purposes)
10. 1636 Congregating in a Prostitution-Free Zone*
11. 1650 Other Prostitution/Commercial Sex Charge

VI. CROSS REFERENCE

A. SO-06-14 (Prostitution Free Zones)

A handwritten signature in black ink that reads "Cathy L. Lanier". The signature is written in a cursive, flowing style.

Cathy L. Lanier
Chief of Police

CLL:JAE:JGW:CWS:DEP:pas