

Case 3.

After the Spotsylvania, Virginia, Sheriff's Department noticed that men frequented the Moon Spa late at night, the spa was put under investigation. Undercover officers, posing as customers, paid for and received sexual services.

Many law enforcement departments specifically prohibit officers from engaging in sex to aid in conviction. However, in Spotsylvania, as in some other jurisdictions, prostitutes cannot be convicted of a criminal offense without evidence that sexual acts were performed. Receiving money for sex without performing sexual acts is not sufficient for conviction, nor is a verbal promise of sex grounds for prosecution.

Supporters, such as Spotsylvania County Sheriff Howard Smith, defend the practice as the only way to gain convictions and rid the county of prostitution. Without proof of sexual activity, the charges are misdemeanors. Once sexual activity is initiated, the crime becomes a felony, allowing seizure of assets, which, Smith says, is the only way to discourage prostitution from becoming establishing in the area.

Opponents argue that this practice poses a serious risk to officers' health, as well as to their current or future partners. Many sex workers are illegal aliens, coerced into the sex trade through a network of human traffickers: victims too ashamed or fearful of prosecution or deportation to escape or seek help. Further, they contend that the credibility of law enforcement agencies is compromised when officers engage in the criminal activity they are prosecuting, thus breaking the law in order to uphold it. Attorney Irv Maze of Jefferson County, Kentucky (where the practice was supported until recently) said, "We in law enforcement have a higher standard than to act like that. Otherwise, we're no better..."

Similarly, in many jurisdictions, law enforcement officers buy drugs with public funds as part of their investigations. Some see a difference in buying drugs and buying sex. They argue that buying drugs gets them off the street and prevents their further distribution and use. Others see no difference, and contend that buying drugs increases demand, and therefore, supply.