



## POLICY BRIEF

# ACCOUNTABILITY FOR BUYERS IN THE COMMERCIAL SEX MARKET

*The following policy brief explores the latest evidence, statistics, and front-line perspectives on buyer accountability as a means to end demand for human trafficking.*

House Bill 1540 (S.Thompson et al./Huffman) passed during the 87th Texas Legislative Session and went into effect on September 1, 2021. This bill is a key component of the Texas Model to combat commercial sex and its associated harms – including the fueling of sex trafficking – through strengthening buyer accountability. Although buyers are more culpable for their actions and more sensitive to deterrents than prostituted individuals, they have nonetheless historically been arrested at lower rates across the state. The Texas Model increases penalties for sex buyers and holds them accountable for the harm they cause.

HB 1540 makes solicitation of sex a state felony on the first offense, and law enforcement agencies across the state have already begun to conduct major stings and operations to implement these increased penalties. The implementation of this bill, as well as continued collaboration between stakeholders, can help ensure that our justice system holds buyers accountable for their role in perpetuating the sex trafficking market.

## **Demand for commercial sex fuels human trafficking and other forms of exploitation and suffering.**

The commercial sex market and sex trafficking are fundamentally intertwined. Demand for commercial sex drives the trafficking of both local and foreign vulnerable women and children (Shared Hope International, 2007). One study estimated as many as 66-90% of women who are sex workers experienced sexual abuse as children (Anklesaria & Gentile, 2012). Sex workers are also more likely to experience substance abuse, violence, abuse, rape, and even murder in their work compared to the general public (Potterat, 2004). Evidence suggests that sex workers/trafficking victims experience PTSD at levels comparable to war veterans, and 9 in 10 do not want to participate in the commercial sex market (Farley et al., 2003).

*“Without buyers, humans would not be sold. As such, repeat buyers should be prosecuted. True accountability, however, is getting buyers to understand the harmful nature of their actions through rehabilitation. Buyers should be required to actively participate in anti-trafficking programs and contribute financially to the restitution of their victims.”*

– **Kathy Givens**, *Survivor Leader*

## **Buyers are more culpable than sex workers and human trafficking victims but have historically faced lower risk or criminal penalties.**

High-frequency sex buyers—those who purchase sex weekly or monthly and account for 75% of market transactions—tend to be married, college-educated, and have an annual salary of over \$100,000 (Who Buys Sex?, 2021). In Houston, considering the likelihood of arrest and penalties in 2019, the annual cost of risk to sex workers was likely many hundreds of times higher than the annual cost of risk to sex buyers (Houston, We Have a Problem, 2021). Before HB 1540 passed, major metropolitan law enforcement agencies in Texas were arresting many more sex workers and potential trafficking victims than sex buyers. From 2017-2020, buyers accounted for only between 3-19% of arrests (depending on the agency).

*“Holding buyers accountable means that we are finally going after the true perpetrators of trafficking AND prostitution. Buyers are the driver behind the commoditization of human bodies and they have operated with impunity far too long.”*

– **Bekah Charleston**, *Survivor Leader*

However, the trend was positive in Fort Worth and Dallas (National Incident-Based Reporting System (NIBRS) & Summary Reporting System (SRS), 2017–2020).

## **Buyers are more responsive to deterrents than trafficking victims.**

Sex buyers have more agency to change their behavior than victims participating in the sex market through force,

manipulation, or desperation. Disrupting demand for commercial sex has the potential to prevent vulnerable children, women, and men from ever becoming victims of sex-trafficking. Our culture has a long way to go. One in five men who have never bought before, “could envision buying sex in the future if the circumstances were right.” But it is not without hope, an estimated one-third of active buyers “strongly agree” they want to stop. High-frequency buyers are more sensitive than low-frequency buyers to police presence and are more likely to shift to a different location and diminish their behavior (Who Buys Sex?, 2021).

### **Arresting victims of human trafficking is harmful to their recovery and risks re-victimization.**

Trafficking survivors with a criminal record face additional challenges in finding housing, child care, and employment (Barnard, 2014). Reliance on law enforcement or the juvenile justice system may inhibit healing and recovery. Even alternative, service-oriented justice avenues like formal diversion and CINS programs can induce re-victimization and compounded trauma (Roberts et al., 2021). After being arrested, victims may again fall prey to exploitation, but now may have less trust in the criminal justice system and therefore be less likely to reach out to law enforcement when in need (Farrell et al., 2019).

*“When victims do not trust or ‘comply’ with prosecution efforts, charges may be held over their head and used as a bargaining chip to gather intel. Victims should be protected from further exploitation by the abusive overuse of arrest for the sake of furthering an investigation.”*

**– Houston Service Provider**

*“[I hope buyers] think twice. Think about their futures and families more than their impulses, and that causes them to choose not to purchase sex.”*

**– Fort Worth CEASE Cyber  
Patroller**

*“[I hope buyers] they are required to complete an educational program that specifically outlines the tragedies associated with human trafficking and sexual exploitation... I truly have a hope for humanity when it comes to people who have committed this type of crime.”*

**– Houston CEASE Cyber  
Patroller**

### **Law enforcement agencies voluntarily report arrest data to the National Incident-Based Reporting System (NIBRS).**

Publicly-available data can be found on the [FBI’s Crime Data Explorer](#) website, under the ‘Arrests for Prostitution Violations’ section. For states like Texas (which began to distinguish between different types of prostitution charges in 2016), the data is broken down into three categories: Prostitution (sex workers/victims), Assisting or Promoting Prostitution (traffickers/pimps), and Purchasing Prostitution (buyers). This data comes from the voluntary reporting of law enforcement agencies to the FBI’s National Incident-Based Reporting System (NIBRS).

## **Four Texas agencies reported the largest volume of prostitution arrests from 2017 – 2020 -- Houston, Dallas, Fort Worth, and Austin in descending order of volume.**

While this data paints a valuable general picture of the disparity between buyer arrests and victim arrests, there are various limitations to interpreting the data more precisely. According to NIBRS, “The FBI strongly advises against using this data to do any sort of ranking or comparison among states or other entities. The exception being that it is appropriate to compare a city to its respective state, and that state to a national perspective.” Thus, in this brief CHILDREN AT RISK does not present city-level data side-by-side in favor focusing on comparisons with the state and national averages.

The data is self-reported by law enforcement agencies, which have faced changing reporting requirements and challenges with their reporting management systems. Thus, agencies contacted for comment cautioned that the NIBRS numbers were likely inaccurate. Comparison with Texas Department of Public Safety (DPS) data and comments from individual law enforcement agencies suggest an under-reporting of buyer arrests in NIBRS.

As an alternate source of data, [Allies Against Slavery's Lighthouse](#) is compiling prostitution arrest data from the Texas Department of Public Safety's Computerized Criminal History. According to this more accurate data, the overall Texas proportion of buyer arrests out of all prostitution arrests averages 17.5% since 2015.

*“Working in demand reduction has changed my life... Engaging buyers at a very vulnerable time in their lives is a way to make a real personal connection with someone struggling with serious issues... Many buyers don't know a way out of that lifestyle either and they need to be seen as human also. When you can educate someone using empathy and accountability... it is a very rewarding process.”*

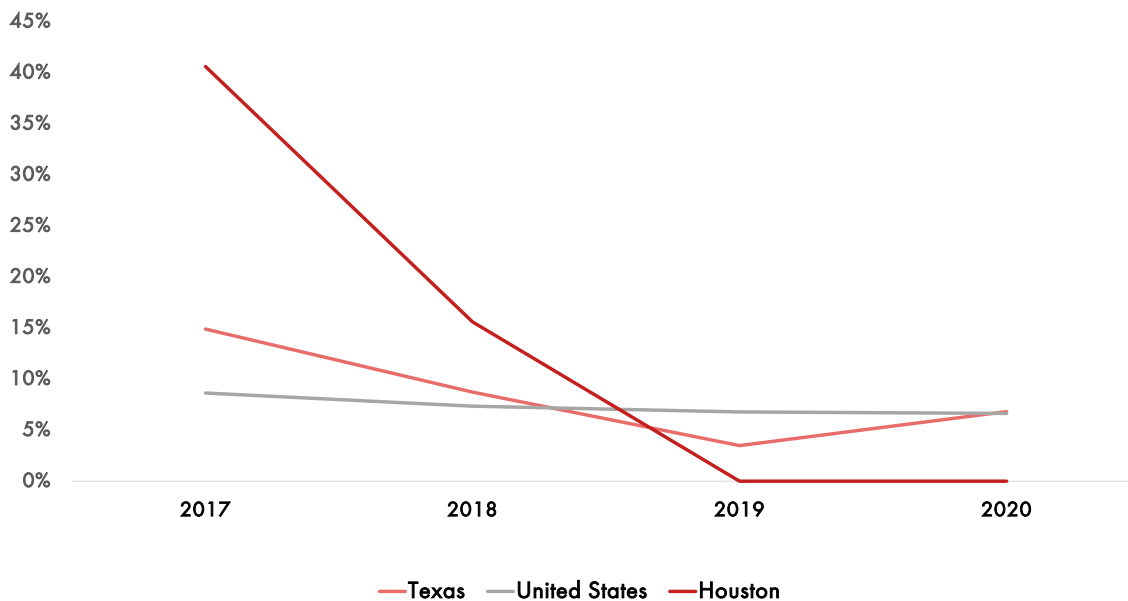
**– Houston CEASE Cyber Patroller**

Given these limitations, the data below should be interpreted in only terms of general trends and proportions – NOT in terms of precise numbers, and NOT in comparisons between cities. Despite these limitations, we have decided to present these general trends/proportions in order to spotlight the historical disparity between buyer and victim arrests – and how some agencies are improving over time. We hope this serves not only as a starting point for constructive discussion of the need for greater focus on buyer accountability but also a discussion of the need for improved reporting systems and practices.

## **National Incidents Based Reporting Systems (NIBRS) data on the proportion of prostitution arrests that were buyer arrests, and the ratio of buyer to sex worker/victim arrests:**

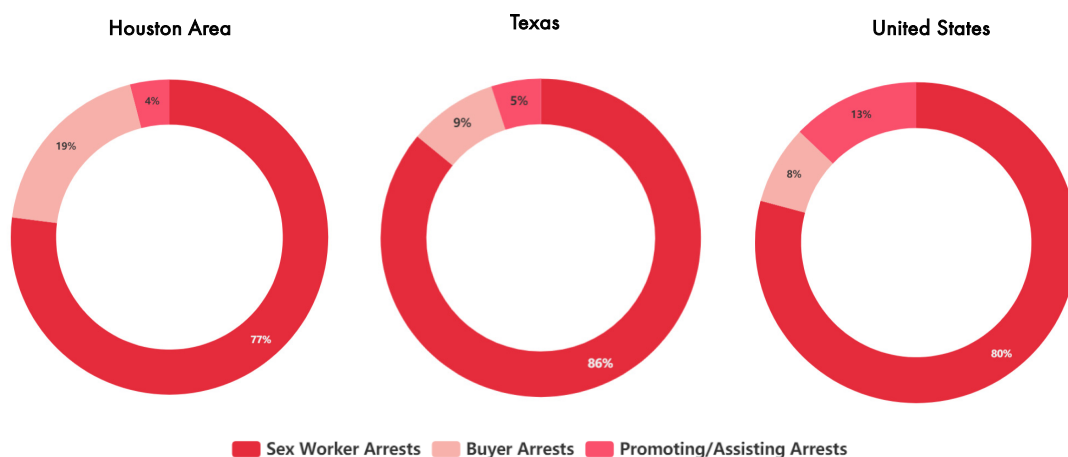
**HOUSTON** According to law enforcement data reported to NIBRS, the proportion of prostitution arrests that were buyer arrests started relatively high in 2017, but then dropped below the Texas and US average by 2019-2020. As mentioned above, police departments have faced challenges in reporting their data to NIBRS, and the Houston Police Department publishes additional data via their [November 2021 report](#) and [2019 yearly report](#). This data indicates that HPD has focused in on arresting buyers, particularly in the latter half of 2021.

### % BUYER ARRESTS BY GEOGRAPHY, HOUSTON 2017-2020



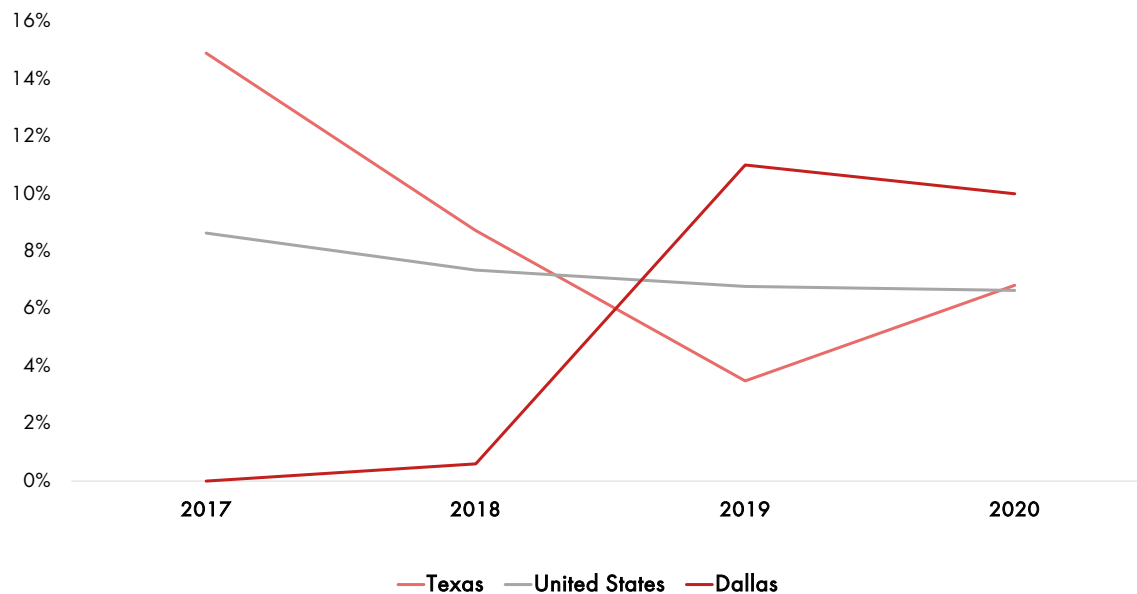
Houston had a greater overall average percent of buyer arrests over 2017-2020 compared to the overall Texas or US averages. This was driven by the much greater proportion of buyer arrests in 2017-2018 in particular.

### PROPORTIONAL TOTAL PROSTITUTION RELATED ARRESTS, HOUSTON 2017-2020



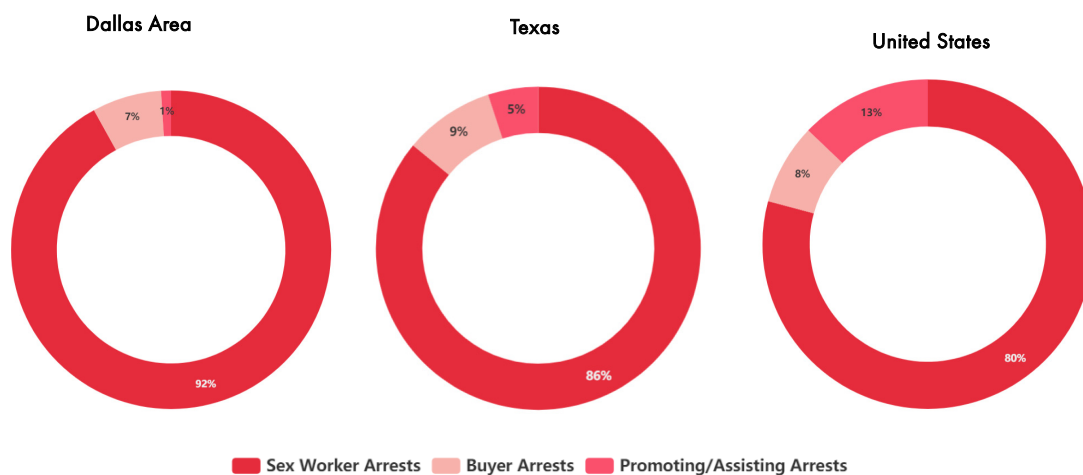
**DALLAS** According to law enforcement data reported to NIBRS, the proportion of prostitution arrests that were buyer arrests started far below the Texas and US averages in 2017-2018, but increased to above the Texas and US averages by 2019-2020.

### % BUYER ARRESTS BY GEOGRAPHY, DALLAS 2017-2020



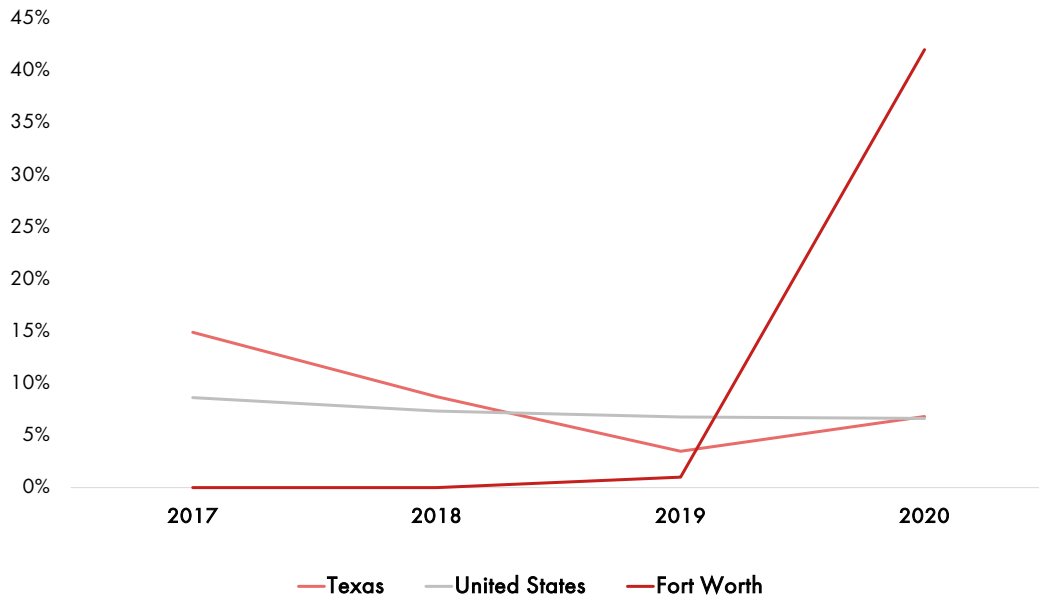
The overall average percent of buyer arrests in Dallas from 2017-2020 was comparable to the overall Texas and US averages.

### PROPORTIONAL TOTAL PROSTITUTION RELATED ARRESTS, DALLAS 2017-2020



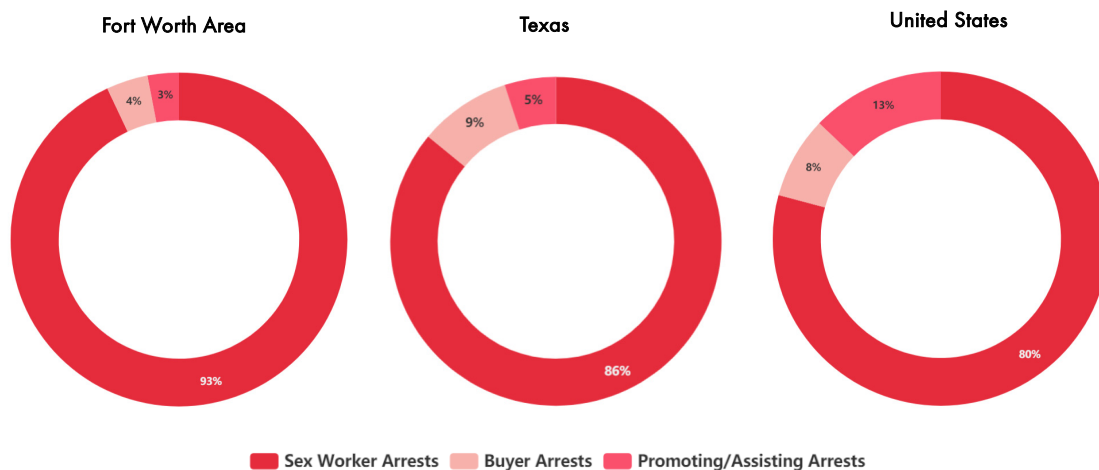
**FORT WORTH** According to law enforcement data reported to NIBRS, the proportion of prostitution arrests that were buyer arrests started far below the Texas and US averages in 2017-2019, but shot up to far above the Texas and US averages in 2020.

**% BUYER ARRESTS BY GEOGRAPHY, FORT WORTH 2017-2020**



However, the overall average percent of buyer arrests in Fort Worth from 2017-2020 was lower than the overall Texas and US averages. This was driven by the lower percent of buyer arrests in 2017-2019.

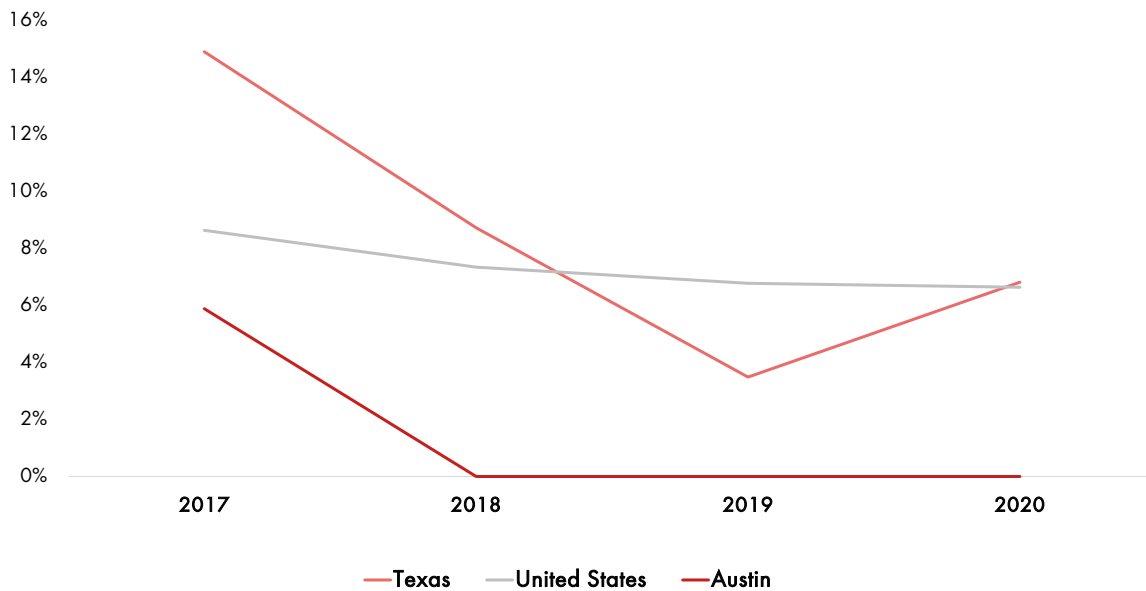
**PROPORTIONAL TOTAL PROSTITUTION RELATED ARRESTS, FORT WORTH 2017-2020**





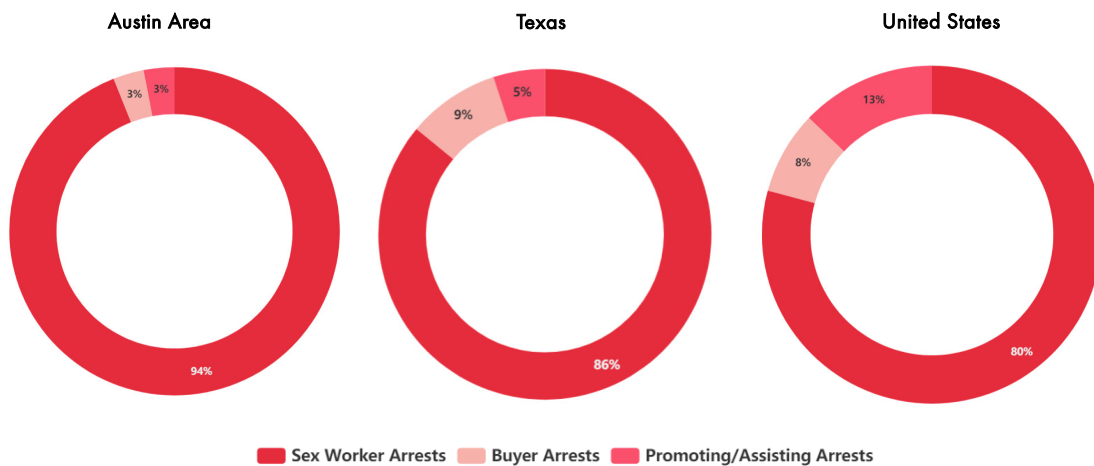
**AUSTIN** According to law enforcement data reported to NIBRS, the proportion of prostitution arrests that were buyer arrests started below the Texas and US averages in 2017, and decreased even lower from 2018-2020.

**% BUYER ARRESTS BY GEOGRAPHY, AUSTIN 2017-2020**



Thus, the overall average percent of buyer arrests in Austin from 2017-2020 was lower than the overall Texas and US averages.

**PROPORTIONAL TOTAL PROSTITUTION RELATED ARRESTS, AUSTIN 2017-2020**





## Recommendations for law enforcement and policymakers:

Many law enforcement agencies are already increasing their focus on arresting buyers, while focusing on connecting victims to services rather than arrest. According to the Texas Attorney General's Office, law enforcement made 730 buyer felony arrests in the first four months after HB 1540 came into effect (2021). This momentum should be maintained – and other law enforcement agencies can learn from examples like Dallas and Fort Worth, who got an early start on developing policies and strategies to increase arrests and prosecution of buyers.

Furthermore, there is a need for more accurate reporting into NIBRS. It will be important for law enforcement agencies to streamline their reporting practices, but also for the FBI to ensure their input systems are as user-friendly as possible. .

HB 1540 was a major win in building a Texas Model to combat sex trafficking and exploitation through strengthening buyer accountability. Further legislation will be necessary to ensure that victims – especially child victims – of trafficking are not the focus of arrests and prosecutions. Survivors will also need access to shelter and services to start them on the path to healing and recovery.

### How can you help?

Consider joining or supporting a CEASE (Cities Empowered Against Sexual Exploitation) Cyber Patrol team near you!

In partnership with the Office of the Governor's Child Sex Trafficking Team, EPIK, and The Net, CHILDREN AT RISK supports teams of Cyber Patrol volunteers to intercept buyers who call into decoy sex ads, taking a compassionate approach to educating and warning them about the harms of purchasing sex as well as offering resources to help them stop. For more information, see the [CEASETexas.org](https://CEASETexas.org) website.

*"I testified on HB 1540 to make sure law makers knew exactly how violent and dehumanizing sex buyers are to the most vulnerable among us. No one deserves to be bought, used and discarded by men that hide behind power and privilege."*

– **Bekah Charleston**, Survivor Leader

*"[Being a Cyber Patroller] has increased my empathy and understanding for both men and women involved in the commercial sex industry. At the same time, has raised the degree of boldness with which I speak on matters of justice."*

– **Fort Worth CEASE Cyber Patroller**

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# children at Risk

CHILDREN AT RISK's [Center to End the Trafficking & Exploitation of Children \(CETEC\)](#) uses data and research to strengthen public policies around human trafficking and demand, directly disrupts online sex-buying, and works closely with stakeholders statewide to improve outcomes. CETEC leads Texas in reducing the demand for illegal commercial sex through its [CEASE \(Cities Empowered Against Sexual Exploitation\)](#) Texas Initiative, which includes operating an ever-expanding network of online disruption teams and anti-demand coalitions, increasing community education, and harvesting and analyzing unique sex-buyer and sex market data.

**CHILDREN AT RISK** is a 501(c)(3) non-profit organization (EIN: 76-0360533). Visit [childrenatrisk.org](https://childrenatrisk.org) or follow us on social media @**childrenatrisk** to learn more.

