

Illicit Massage Parlors

CSPD – Metro VNI Division
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Overview

- Scope of problem
- Current government options
- Past and current enforcement
 - Prostitution stings / Pimping arrests
 - Masseuse licensing audits
 - Felony Pimping / Money Laundering
 - Public Nuisance Order process
- Looking forward
- New City Ordinance

Definitions*

- Prostitution: sex act for money or something of value (petty offense unless involves juvenile)
- Pandering: arranging a situation where someone else can prostitute (misdemeanor)
- Pimping: living off of, in whole or in part, someone else prostituting (class 3 felony)
- Sex trafficking: coercing someone into prostitution (class 3 felony)
- Labor trafficking: coercing someone into labor / services
- Unlicensed practice: working as masseuse without State license

– *Lay definitions, not the actual C.R.S. language

Definition: Coercion

- Force / threat of force
- Use or threaten use of law for which it was not designed
- Threaten to notify law enforcement of illegal immigration status
- Destroys/takes property or ID documents
- Control access to controlled substance victim is dependent on
- Debt bondage / indentured servitude: undefined debt
- Exploit physical/mental impairment

Scope of the Problem

- Illicit Massage Parlors (IMPs) in Colorado Springs: ~25-30
 - Includes some home / small-business illicit massage practices as well
- A small number of massage parlors located in strip malls are legitimate, and offer no sex acts
- 1-2 workers in each location, typically 40–60-year-old females; based on CSPD investigations
- Some masseuses have licenses, most do not
- Massage parlors register trade names with CO Secretary of State business records, but no license specific for the massage parlor
- Suspected but not confirmed Human Trafficking (both sex and labor trafficking). Victims don't disclose it. Must prove coercion by C.R.S.

Current government options

- Criminal charges: Prostitution/pandering/pimping
 - Targets the worker and/or the manager, who is likely not the owner
 - Sting op: 25 staffing hours
 - Full felony case: 350+ staffing hours
- Unlicensed practice: masseuse license
 - Targets the unlicensed masseuse / worker
 - License audit: 3 staffing hours
- Public Nuisance Order (PNO) seizure
 - Targets the property, usually to get landlord to voluntarily comply and evict
 - Requires (2) separate times, evidence of prostitution; then, initiation of PNO, then 3rd sting operation
 - PNO: ~100 staffing hours

Past enforcement efforts

- 2014: Vice & Human Trafficking Unit started.
- 2014-2018: prostitution sting operations. Charges of Prostitution (misdemeanor) and Unauthorized Practice (no masseuse license, misdemeanor)
- 2018: started writing warning letters to registered agent of business; potential Keeping Place of Prostitution charge if the prostitution continues
- 2019: focused mostly on license checks. More IMPs contacted, more Unauthorized Practice summonses given (no masseuse license).
- All had no effect on businesses, and no workers disclosed being victims of human trafficking

2018-2021 IMP-related charges

- 2018: (3) prostitution charges, (2) unauthorized practice charges
- 2019: (1) prostitution charge, (9) unauthorized practice charges
- 2020: (1) prostitution, (1) pimping
- 2021: (4) prostitution, (9) soliciting, (1) pimping
- 2022: (1) prostitution

Current IMP enforcement efforts

- Complete unit turnover, late 2019 – early 2020; train 3 new detectives in 1st quarter 2020
- Study: long-term effectiveness, vs. efficiency
 - Begun 2nd quarter 2020
 - Some COVID delays
 - Process 1: Full felony investigation: 1 IMP, Rose Spa
 - Process 2: PNO process: 2 IMPs
- 2020-2021, (4) IMPs closed

Process 1: Full felony investigation.

Rose Spa

- 2013 and 2015, multiple sting ops, prostitution charges; no prior effect on business
- 2020: investigation into potential Sex Trafficking, Labor Trafficking, Pimping, and Money Laundering charges
- Investigative actions:
 - Surveillance
 - Sting operation
 - Search Warrants for business, residence, bank records
 - Crime lab serology analysis (confirm presence of semen in stains)
 - Search and review multiple cell phones and tablets with Mandarin translator
 - Interview two victims, with victim advocate and Mandarin interpreter
 - Suspect interview
 - Interviewed owner of legitimate massage business for comparison of business norms

Full felony investigation

- Suspicion of sex and labor trafficking, insufficient proof to charge. No disclosure or evidence of coercion.
- Owner Xia arrested on Pimping, Money Laundering
- DA filed on Pimping charge
- 300+ CSPD staffing hours
- Strip mall owner voluntarily terminated lease, closed IMP; legally could have allowed business to remain open
- Have not yet seen business re-open elsewhere, however, 2nd IMP, Energy Day Spa, by same owner Xia is still open
- Our info indicates Energy Day spa is likely legitimate massages only.

Public Nuisance Order

- Late summer 2020, sting operation at (2) IMPs
- Early January 2021, sting operation at same IMPs
- Investigated for potential HT
- When no HT victimization disclosures, (3) citations for prostitution
- Will then need 3rd instance of prostitution
- Each operation, at each IMP, takes ~25 staffing hours
- Unknown long-term effectiveness
- Both IMPs voluntarily closed by landlord
 - One permanently
 - One re-opened with new IMP

2020 HT-related, non-IMP cases

- 116 non-IMP cases: sex trafficking, pimping, soliciting/patronizing prostituted child
- 16 felony arrests: soliciting for child prostitution, sex assault on a child, other child-sex crimes
- 16 felony arrests for sex trafficking, pimping, sex trafficking of a minor
- 3 other felony arrests

Looking forward

- Metro Vice Unit expanded staffing in Q2, 2021; struggling to fill in Department-wide officer shortage
- Still measuring long-term effectiveness of full felony investigation vs. PNO seizure
- Will either have true long-term results?
- Landlord Education Program: request voluntary eviction with evidence of prostitution

New City Ordinance

- Suspected unlicensed location
 - CSPD will inspect/investigate premise for massage activity
 - Verify with City Clerk's office there is not a license
 - Document findings in a report
 - CSPD will post the location with a posting:
 - "The Colorado Springs Police Department has investigated this premises and determined that it is not validly licensed to operate as a massage business pursuant to City Code Section 2.3.101 et seq. Any further operation of this premises as a massage business may result in criminal prosecution ."

New City Ordinance

- Suspected unlicensed location
 - Non-binding posting-no violation if posting is removed
 - Cannot physically close premise at this time
 - Advise all employees and patrons present that this is not a licensed massage business and any further massage activity could result in charges. (citation issued)
 - CSPD will monitor location and issue citations as appropriate.
 - The criminal citation will be written into Colorado Springs Municipal Court. The first appearance occurs in approximately 21 days. The case will be handled by City Prosecutors. Potential penalties for a conviction are in the General Penalty section of City Code and can include a fine of up to \$2,500, a sentence to probation, or a jail term not to exceed 189 days.

New City Ordinance

- Suspected unlicensed location
 - Will document and give to City Clerk's Office
 - Pursuant to City Code 2.1.808(B) Cease and Desist Order- the City Clerk's Office may issue a cease and desist order to the premises. CSPD will assist with proper service of said order.
 - Aurora has had good results in these businesses shutting down. We hope to have the same results.
 - CSPD could still use established methods to investigate illicit massage businesses if needed
 - State is moving forward with legislation giving Counties permission to regulate massage businesses.