The Massage Parlor Problem

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The so-called massage parlor, which has recently proliferated in our Nation's cities and towns and in many foreign countries, has been the subject of much discussion among local law enforcement agencies. Judging from the number of inquiries the Chicago Police Department has received of late from various jurisdictions, both domestic and foreign, the inability to control its existing operations and prevent its spread has become a subject of prime concern.

The opening of a new massage parlor in a neighborhood usually precipitates an immediate negative response on the part of the community, which is apparent in the complaints received by the local police department. These complaints frequently include demands for immediate cessation of massage parlor activities at a given location. But, unfortunately, immediate restraint is rarely possible.

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We should perhaps, at the outset, establish a working definition of the so-called massage parlor toward identifying the problems involved in coping with it. There are, of course, many respectable massage practitioners who are employed in legitimate establishments the world over; these are to be considered exceptions to the observations contained in this article. Our experience with the massage parlor in Chicago indicates that often it is simply a house of prostitution.

The owners and operators of massage parlors, in an attempt to circumvent the laws of the jurisdiction in which they are located, employ a variety of labeling and advertising techniques. The parlor may be variously named and advertise many different kinds of services, but the end result is the same—prostitution.

A few examples of labeling used in Chicago include "Nude Manicures," "Nude Shoeshine," "Nude Keymaking," "Nude Wrestling," and "Nude Sex Consultations," but the general

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modus operandi of the parlors is the same. A customer enters and is greeted by the manager or deskman. After a brief conversation and possibly a check of the customer's identification, he is required to pay a fee ranging from $15 to $50. He then selects an available girl. The girl leads him to one of the several small rooms or cubicles, and in most cases, immediately informs him of the prices she charges for various sexual activities. This additional fee usually ranges from $25 to $75, but can be higher depending upon what the traffic will bear.

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The first parlors originated in California, then spread to New York and eventually reached Chicago. One of the first parlors in Chicago advertised "Nude Massages," but specialized in masturbation for a fee. It was the contention of the owner of the establishment that masturbation for money violated no criminal statute, and that consequently, he and his employees were free from criminal prosecution.[1] His research into the prostitution statute of Illinois, which only prohibited acts of intercourse or acts of deviate sexual conduct for money, had been thorough and precise. His logic, however, proved faulty when he had assumed that masturbation for money was legal in Illinois. The purported loophole was quickly closed by applying the Illinois Obscenity Statute to this type of conduct.[2] Under this statute, the performance of an obscene act for gain is clearly prohibited. The application of the statute has been tested in the Illinois Appellate Court and has been affirmed by said court.[3]

As the parlors increased in number, the competition among them brought forth a full range of sexual performances that could be engaged in for a price. The parlors became increasingly blatant in their advertising. Business cards were handed out at train depots, airline terminals, hotels, and indiscriminately to persons on the street without regard to the age of the recipient. Bondage, masochism, sadism, and other sexual deviations were categorically listed on placards within the parlors, along with the prices for each. Massage parlors became the "supermarkets for sex." Understandably, these efforts on the part of the parlor operators to generate business resulted in a flood of complaints from citizens requesting police action.

"Massage parlors became the 'supermarkets for sex'."

In order to counter techniques circumventing prosecution under city licensing ordinances, a new and stronger massage parlor ordinance was passed by the city council, which defined a massage parlor by the activities performed rather than by the name of the establishment.[4] The new massage parlor ordinance spelled out in detail the types of activities that could not take place in the establishments.[5] It further prescribed the attire of employees of the parlor. The licensing procedure required that only licensed masseurs and masseuses could be employed in a massage parlor. Violations of the new licensing ordinance were charged against the applicable arrestees, along with the violations of the State statute. It was at this point in time that the parlors' operators, in circumvention of the stringent requirements of the new ordinance, dropped all pretense, stopped all claims to operating as massage parlors, and began to advertise themselves as nude wrestling studios, nude keymaking stores, and the like.

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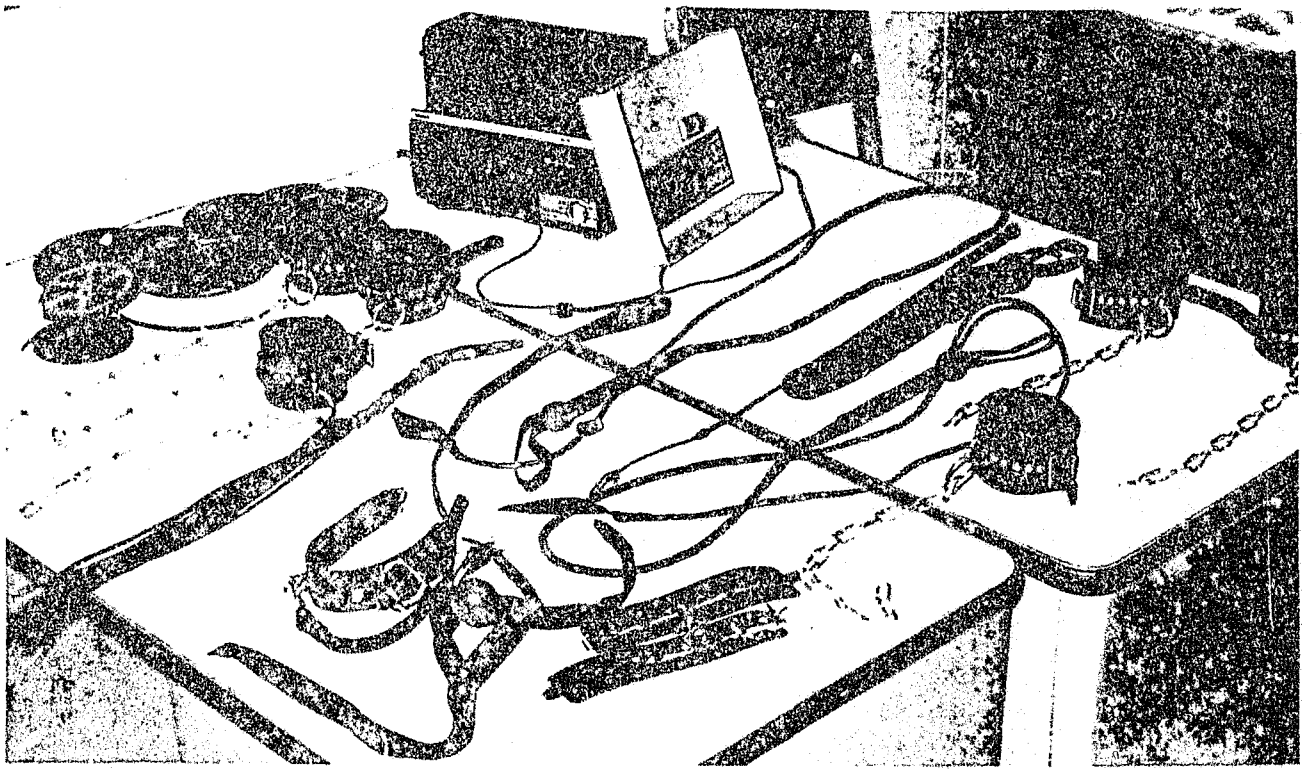
Supt. James M. Rochford



Paraphernalia recovered by police as a result of a massage parlor raid.

In a period of just over 2 years, the Prostitution Section of the Vice Control Division, Chicago Police Department, conducted about 280 separate raids, arresting over 950 individuals in the 63 parlors that operated in this city over that period of time. A study of the results disclosed some interesting statistics with reference to those arrested for prostitution in the parlors. It appeared that over half of those arrested had prior arrest records for prostitution and a good portion had a prior history of other criminal activity, ranging from murder to theft. In addition, officers often made arrests for prostitution in situations removed from the parlors, but found that the arrestee had been previously employed at one or more of the parlors.

Searches made during arrest situations disclosed torture equipment, such as the rack, crosses complete with specially made manacles, and an assortment of whips; leather bondage equipment, such as dog collars and facemasks; and various other types of restraints—indications of the depths to which the operators of these establishments will sink in their frantic efforts to make money and of the nature of the individuals who frequent these places. Any sexual perversion of human debasement could be obtained if the proper fee were paid.

Homosexual as well as heterosexual liaisons were offered in some parlors. Although the Criminal Code of Illinois does not attach criminal sanctions to homosexual conduct between consenting adults, the prostitution and obscenity statutes applied because the sexual conduct was engaged in for money.[6]

A new approach to the problem had to be developed that would be effective on a citywide basis. With this thought in mind, a meeting was set up with the attorneys for the city of Chicago, the Corporation Counsel's Office. As a result of this meeting and the ones that followed, a multifaceted attack was decided upon.

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The first innovation was taking civil action, in addition to criminal action, against the parlor operators. Equity courts have the inherent power to take jurisdiction of any situation where it can be evidentially shown that repeated criminal acts are occurring and that the criminal sanctions applied have been ineffectual in eliminating those acts.[7] It was therefore decided that evidence of repeated criminal violations would be presented by the city of Chicago to the Chancery Court of Cook County in the form of a petition

to enjoin the continued operation of a parlor as a public nuisance. Undercover police officers, who had made arrests for prostitution and obscenity at a particular parlor, were to sign an affidavit, which would state in detail the arrests they had made. This affidavit, along with a petition, would be filed with the clerk of the Chancery Court. The presiding judge, before whom the petition is presented, will decide on the sufficiency of the petition and supportive affidavit. He may grant an immediate temporary restraining order which is in effect for 10 days. The restraining order, when served, closes the operation under penalty of contempt of court for failure to do so.[8]

At a subsequent court hearing, upon a request for a preliminary injunction, the parlor operator has an opportunity to appear and be heard, as are the undercover police officers who had previously signed the affidavit and who now testify orally before the court. The judge may then grant a preliminary injunction, which extends the closing order until a permanent injunction is granted at the conclusion of the case.

The resources of the inspection division of the city's building department have likewise been effectively utilized as an enforcement tool. After the first few massage parlor raids, it became apparent that, due to the hasty construction of these establishments and the shoddy material used, numerous violations of the city's building code were present. In some instances, the violations were of such magnitude as to present a serious threat to the safety and well-being of other tenants in the buildings housing the parlors. A complete report on suspected violations was sent to the building department which conducted comprehensive inspections of the entire premises and in most cases found sufficient evidence to justify an immediate petition to the court for a "board up" of the premises.

The foregoing procedures have met with significant success in Chicago and have reduced the number of these establishments to a total of four—all four of which have cases, either criminal, civil, or both, pending against them.

> ***"It has been the policy from the onset of the investigations into massage parlor activity to consider persons who patronize prostitutes as being of equal fault with the prostitute; they have been arrested and charged as patrons under applicable city ordinances."***

The reader may, at this point, pose a question regarding the unequal application of sanctions. If females are arrested, what about the customers? It has been the policy from the onset of the investigations into massage parlor activity to consider persons who patronize prostitutes as being of equal fault with the prostitute; they have been arrested and charged as patrons under applicable city ordinances.[9]

The tenacity of the operators of these parlors has been such that constant pressure and continually updated, innovative procedures were required to effectively combat this growing menace.

As a logical reaction to increased raid activity by the prostitution section, the parlor operators began to demand extensive background information and proof of identity from every potential customer. Credit checks were conducted in most cases, and a 24-hour to 3-day waiting period was required before each new customer could be accepted and allowed to participate in the activities of the particular parlor.

In addition to these precautions, the various parlors joined forces and distributed among themselves a list containing the name, description, and

cover identity of every police officer who was involved in an arrest situation in any parlor in the city. This list was updated with each successive raid. Despite the increased difficulty engendered by these security procedures, the raids continued. New men were deployed, complete cover identities were developed, and penetration of the parlor operations remained at a high level.

"The media made an independent decision . . . to no longer accept [massage parlor] advertising."

The news media had been accepting advertising from massage parlor owners and operators, and it was felt that such publicity was contributing to enforcement problems. Meetings were arranged with the media at which time the nature of these establishments was disclosed. The media made an independent decision at that time to no longer accept their advertising. This put a decided crimp in the economic situation of the parlors.

"When a jurisdiction makes a decision to take effective action against parlor operators, the most important step is early detection and swift enforcement action."

When a jurisdiction makes a decision to take effective action against parlor operators, the most important step is early detection and swift enforcement action. Police officials responsible for this area of enforcement should consult with their local prosecutors, research the law as to applicable statutes and ordinances of their own jurisdiction, coordinate their activities with other city agencies, and keep continuous pressure on the parlor operations with the end result in mind of ridding the community of these eyesores.

When vice operations such as these are allowed to operate with impunity, the general tenor of the neighborhood changes. The type of clientele attracted offers no positive contribution to the community, and other crimes, such as thefts, extortions, and drug violations, are spawned as a result of the initial violation.

"The crackdown could not have been accomplished by dedicated Chicago police officers without . . . high-level endorsement and support."

The successful drive by the Chicago Police Department gained substantial support from the community because of repeated public statements by the late Mayor Richard J. Daley and Police Superintendent James M. Rochford, who seized every opportunity to voice their personal distaste of this blight on the city and their dedication to obliterating it. The crackdown could not have been accomplished by dedicated Chicago police officers without such high-level endorsement and support.

The Chicago plan is one other similarly plagued cities might well use against a base and shameful enterprise—the illicit massage parlor. ☐

FOOTNOTES

[1] Ill. Rev. Stat. ch. 38, para. 11-14 (1973); *City of Chicago* v. *Vincent Geraci, et al.*, 30 Ill. App. 3d 699 (1975).

[2] Id., para. 11-20.

[3] *Touskin* v. *City of Chicago*, 23 Ill. App. 3d 797; 320 N.E. 2d 202.

[4] Committee Comments Ill. Rev. Crim. Code 239, 265 (1961).

[5] Chicago, Ill. Code ch. 152.

[6] Id.

[7] *Supra* note 3; *People ex rel. Dyer* v. *Clark*, 260 Ill. 156; 108 N.E. 991.

[8] Ten-day time limit on Temporary Restraining Orders is statutory Ill. Rev. Stat. ch. 69, para. 3 1 (1975).

[9] Chicago, Ill. Code ch. 192, para 1.

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