



MILFORD POLICE DEPARTMENT

Thomas J. O'Loughlin
Chief of Police

***250 Main Street * Milford, MA 01757 * Tel. (508) 473-1113 * Fax (508) 473-5087*
milfordchief@aol.com***

May 6, 2008

Planning Board
Town of Milford
52 Main Street
Milford, MA 01757

Dear Ladies and Gentlemen:

I would like to take this opportunity to present information to you in support of the Application of the Board of Selectmen to amend Section 2.3, Use Regulation Schedule, of the Zoning By-Law related to Adult Entertainment Enterprises.

In reviewing numerous studies and in my professional experience as a police official for thirty (30) years, twenty-two of which I have served as a Chief of Police in the Commonwealth of Massachusetts, it is my professional opinion that there exists a number of secondary or derivative effects that emanate from Adult Entertainment Enterprises.

In 1991, the City of Garden Grove, CA, examined ten (10) years of crime statistics and found that there was a significant increase in property crimes (burglary, theft, auto theft) and personal crimes (assault and robbery) within 1,000 feet of sexually oriented businesses, particularly if these businesses were located near an establishment that sells alcohol. "On Garden Grove Boulevard, the adult businesses accounted for 36% of all crime in the area. In one case, a bar opened less than 500 feet from an adult business, and serious crime within 1,000 feet of that business rose more than 300% the next year."

The study also found that sexually oriented businesses created conditions that draw outsiders to the area thus providing venues for opportunistic crimes; and further, that public and semi-private spaces, such as parking lots, alleys, and parks, are subjected to use for illicit purposes. These activities engender an increased level of fear of crime, particularly as the transient male population harasses and/or propositions women of all ages in the area assuming that they are associated with sexually oriented activities.

In a separate study conducted by Bothell, WA, the issues related to the transient nature of the customer base of sexually oriented businesses was highlighted when it was shown

that of the 321 vehicles parked within the lot at a sexually oriented business, only 8 or 2.5% were registered to residents of Bothell. This study also found that “a regional customer base, as opposed to a neighborhood customer base makes sexually oriented business owners less responsive to neighborhood problems, decreases the informal social control of behavior, and increases the potential for opportunistic crime.” The study also indicated that “the negative effects of an sexually oriented business in a small town will likely be more magnified than in a bigger city.”

Likewise, a 1988 study in Adams County, CO, “revealed that 76% of patrons were transient” and in “a rural area of Adams County with a single topless nightclub”, they “experienced a 39% increase in crime” over a one year period. Also, a 1986 study in Austin, TX, found that “of 81 license plates traced for owner address, only 3 lived within one mile of the sexually-oriented business”, while “44% were from outside Austin.”

A 1979 study in Phoenix, AZ, examined crime statistics for 1978 and compared areas that had sexually oriented businesses against those that did not. “On average, the number of sex offenses was 506% greater in neighborhoods where sexually oriented businesses were located” and “in one of the neighborhoods the number was 1,000% above the corresponding control area”. “Of the sex offenses, indecent exposure was the most common offense and the largest contributor to the increase of crimes in areas where sexually oriented businesses were located.” However, “even without considering the crime of indecent exposure, the number of other sex crimes, such as rape, lewd and lascivious behavior, and child molestation, was 132% greater than in the control areas without sexually oriented businesses”. Also, the study found that “on average the number of property crimes was 43% greater in neighborhoods where sexually oriented businesses were located, and the number of violent crimes was 4% higher”.

A 1990 study in Tucson, AZ, found that “at virtually every [adult] business, employees were arrested for prostitution or obscene sex shows. Dancers were usually prostitutes where, for a price, customers could observe them performing live sex acts. At several businesses, customers were allowed inside booths with dancers and encouraged to disrobe and masturbate. Many times, dancers would require customers to expose themselves [to ensure that they were not police officers] before they would perform. Underage dancers were found, the youngest being a 15 year old female.”

In 1977 a study by the City of Los Angeles, CA, revealed that “compared to city-wide statistics for 1969-75, areas with several such businesses experienced greater increases in pandering (340%), murder (42.3 %), aggravated assault (45.2%), robbery (52.6%), and purse snatching (17%). Street robberies, where the criminal has face to face contact with his victim, increased almost 70% more in the study areas. A second category of crime, including other assaults, forgery, fraud, counterfeiting, embezzlement, stolen property, prostitution, narcotics, liquor laws, and gambling increased 42% more in the study areas over the city as a whole.” While a 1978 study in Whittier, CA, found that “in the adult business area, criminal activity rose 102%” while “the entire city had only an 8.3% increase”. Additionally it was noted that “certain crimes skyrocketed (malicious mischief

up 700%; all assaults up 387%; prostitution up 300%)” and “all types of theft (petty, grand, and auto) increased more than 120% each.”

The 1992 study in Oklahoma City, OK, found a direct correlation between entertainers, the buying of expensive drinks, and prostitution.

Along with prostitution there are the very real public health concerns related to these illicit sexual activities. In 1997, the City of Chattanooga, TN, cited statistics from Shelby County which indicated that “33% of all prostitutes jailed in 1990 tested positive for VD, and 13% of all prostitutes jailed tested positive for HIV, (all dying within 3-5 years at an estimated cost of \$500,000 per person, at tax payer expense). In one topless club 8 out of 9 female employees tested positive for VD.”

The 1986 study conducted by the City of El Paso, TX, found that “sex-related crimes occur more frequently in neighborhoods with even one sexually oriented business” and that these areas had a 72% higher crime rate.

A study in Newport News, VA, showed that these very real secondary effects require greater police attention through investigation, inspection, enforcement and calls for police services. In reviewing alcohol related businesses, the study found that “one particular downtown adult entertainment establishment had more than double the number (116.7) of police calls per 100 occupancy compared to a regular restaurant, non-adult use, located across the street (50 calls per 100 occupancy).

As part of its study in 1995, the City of Rome, GA, found that the secondary effects can be illustrated by reports from the LaGrange, GA police department that they responded to 106 calls at one adult club in a single year; reports from the Augusta, GA police department that during a two year period they responded to 971 calls from three adult entertainment businesses; and, reports from the Whitfield County Sheriff’s Office that they had reported instances of prostitution, drugs, thefts, and aggravated assaults involving discharging of firearms at adult entertainment establishments.

In a more recent study conducted for the City of Los Angeles, CA, in 2007, Dr. Richard McCleary, Ph.D., reported several findings or opinions:

“OPINION 1: The criminological theory of ambient crime risk, known as the “routine activity theory”, predicts that SOBs have large, significant crime-related secondary effects. The effect is a product of three factors. (1) SOBs draw patrons from wide catchment areas. (2) Because they are disproportionately male, open to vice overtures, reluctant to report victimizations to the police, etc., SOB patrons are “soft” targets. (3) The high density of “soft” targets at the site attracts predatory criminals, including vice purveyors who dabble in crime and criminals who pose as vice purveyors in order to lure or lull potential victims.

OPINION 2: In the last thirty years, empirical studies employing a wide range of quasi-experimental designs have found that SOBs have large, significant crime-related secondary effects.

OPINION 3: Given that strong criminological theory predicts the effect, and given the prediction is corroborated consistently by the empirical literature, it is a scientific fact that SOBs pose ambient crime risks.”

Dr. McCleary then went on to render three additional opinions that he indicated are “specific to Alameda Books”. Nevertheless, I believe these opinions may also be relevant to your assessment and consideration of the By-Law proposal before you.

“OPINION 4: Since the theoretical risk factors specified in my first opinion are common to all SOB subclasses, all are expected to pose ambient public safety hazards. The qualitative nature of the hazard may vary by subclass nevertheless. This will occur when the defining characteristics of a subclass creates opportunities for a particular type of crime; or when the characteristic interferes with routine policing strategies.

OPINION 5: In this suit, the two relevant subclasses are SOBs that sell video tapes and DVDs for off-site viewing (hereafter, “stand-alone bookstores” or “bookstores”) and SOBs that sell video tapes and DVDs for off-site viewing while, also providing private or semi-private booths for on-site viewing of video tapes and DVDs (hereafter, “combined bookstore-arcade” or “bookstore-arcade”). Although both subclasses have large, significant crime-related secondary effects, there are salient qualitative differences. Compared to stand-alone bookstores, e.g., combined bookstore-arcades pose higher risks of crime. Geo-coded crime incident data for the neighborhoods around 19 Los Angeles SOBs corroborate this theoretical expectation.

OPINION 6: Poisson regression analyses of crime incidents in the vicinity of 19 Los Angeles SOBs demonstrate a significant relationship between ambient crime victimization risk and distance from the site. Victimization risk at the site of a combined bookstore-arcade is more than double the risk at the site of a stand-alone bookstore. For both subclasses, victimization risk diminishes rapidly with distance until, at approximately 900 feet, the risks are roughly equal for the two subclasses. In general, victimization risk for bookstore-arcades is more densely concentrated in the immediate vicinity of the site.”

It remains clear, from each of the aforementioned studies and the study conducted by Dr. McCleary that there are “large, significant crime-related secondary effects” associated with adult entertainment enterprises, that adult entertainment enterprises “pose ambient crime risks” and that adult entertainment enterprises in which the customers remain on-site as contrasted to taking products with them off-site or to their homes for viewing, pose a higher risk for crime related secondary effects.

In reviewing these studies, I took the liberty of creating a spreadsheet for your consideration indicating the distances that were proposed and/or adopted by various communities requiring adult entertainment businesses to be situated away from other adult entertainment businesses; schools; residential zones and dwellings; bars or liquor establishments; parks; places of worship; child care facilities; libraries; recreation centers; and hotels or motels. I also developed a spreadsheet showing those communities that adopted regulations requiring that rooms within adult entertainment enterprises be open and viewable by establishment managers and the police; that require the licensure of adult entertainment employees by police; that require background investigations be conducted to determine if the person should be licensed to work as an employee at an adult entertainment enterprise and prohibits licensing of people who have been convicted of committing certain criminal offenses; that provide for a hearing if said license is denied or revoked; that regulate and prohibit the use of underage entertainers; that address issues of prostitution and other crimes; that restrict hours and days of operation; that control signs at the business location; that limit the property to one adult use; that prohibit the purchase of drinks for entertainers; that provide for and address public health and disease concerns; that exclude minors from admittance into adult entertainment enterprises; that require a license application fee; that provide for lighting requirements within the adult entertainment establishment; and that address concerns related to organized crime.

In closing, I would urge the Planning Board to adopt the proposed amendments to Section 2.3, Use Regulation Schedule of the Zoning By-Law related to Adult Entertainment Enterprises by replacing footnote #15 and adding a new Section 3.14 as proposed by the Board of Selectmen.

Respectfully submitted,

Thomas J. O'Loughlin
Chief of Police