Heyrick Research

SNAPSHOT – FACTORS OF SUCCESSFUL MASSAGE ORDINANCES

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Cities that have successfully used ordinances to create an inoperable environment for illicit massage businesses (IMBs) as part of their anti-human trafficking efforts have a balance of effective prevention and strong enforcement measures. First, they focus on preventing the initial establishment of IMBs via rigorous application processes that check applicants' backgrounds and certify their licenses. Second, they implement swift, tough corrective measures for ordinance violations to sustain impact. Heyrick reviewed massage ordinances from cities around the country and conducted interviews with police departments, city councils, and code enforcement officials to find the common elements in jurisdictions that have deterred IMBs from operating there. To add rigor, we checked the claims of local officials and media reports against our own data: cities with highlighted successes below are those where our data shows either the significant reduction or the elimination of IMB presence since the passage of their ordinances.

ORDINANCE PROVISIONS

According to our research and interviews, ordinances contain provisions that generally fall into the 2 equally important categories of preventing the opening of IMBs via a thorough application process and/or attempting to regulate characteristics and behaviors associated with IMBs.

1. **Characteristic/Behavior-based components:** These elements[1] regulate the characteristics and behaviors that set IMBs apart from legitimate massage businesses to create an inoperable environment for storefronts selling commercial sex, or at least to provide legal grounds to inspect and investigate suspect enterprises. Jurisdictions often seek to prohibit behaviors known to be red flags for IMBs such as late operating hours, ads placed on websites catering to commercial sex buyers, and/or workers living onsite.

2. **Preventative components:** These elements focus on a rigorous application process with background checks and stipulate that massage businesses must satisfy certain requirements to obtain a local license before opening. This allows law enforcement to check for criminal history, verify state massage licenses and other credentials, and ensure that the businesses—and the names and phone numbers affiliated with them in the applications—are not advertising illegal services on adult-entertainment websites.[2]

PREVENTATIVE ELEMENTS

Jurisdictions with solid preventative measures have reported that suspected IMBs either voluntarily dropped out of the application process or closed once an ordinance was passed, even before enforcement mechanisms went into effect. While local licensing requirements vary, a best practice is to confirm that all employees—not just the owner on record—are licensed, do not have criminal records related to prostitution or human trafficking, and are not affiliated with illicit activities elsewhere, including in online commercial sex ads. In some locations, massage business owners wishing to obtain a license must appear in person to submit their credentials and plan or accept a home visit and interview. Another best practice is to request timely notification of all personnel changes that includes new employees' licensing information, as IMBs frequently rotate their employees.

- In 2016, Johnston, Iowa implemented an ordinance[3] requiring an application process that details the credentials and backgrounds of all employees who will be working at the location, including massage license numbers issued by the state. In addition, the application is followed up by an in-person interview. Heyrick could find no IMBs listed on sex buyer review sites for Johnston since 2016.

[1] https://www.ktvq.com/news/local-news/billings-city-council-passes-massage-ordinance-designed-to-fight-human-trafficking
[2] https://iowanaht.org/wp-content/uploads/Johnston-Massage-Therapy-Ordinance-Case-Study-Examples-2016-17.pdf
[3] https://www.cityofjohnston.com/DocumentCenter/View/4111/Massage-Therapy-Business-License-Ordinance-Revision---Ordinance-No-980-?bidId=

- The California Massage Therapy Council (CAMTC) recommends that businesses be required to keep updated lists with their city authorities of *all* personnel, instead of only massage therapists, as unlicensed workers sometimes claim to be cleaning crews, cooks, or receptionists during inspections or law enforcement operations. CAMTC also recommends that businesses be required to keep original copies of all licenses on premises to avoid the illegal copying/duplication of credentials: something multiple state massage boards have noted as a persistent problem.
- In Woodstock, Georgia, a pre-licensing inspection at one business in 2018 turned up an unlicensed worker, 2 naked clients, and other violations—all before a license to operate had been granted. The city ultimately denied the owner's application to operate within city limits.[4] While most pre-licensing inspections are less eventful, they often uncover red flags that help city officials make informed decisions.

ENFORCEMENT-FOCUSED PROVISIONS

It is often difficult to close IMBs once they have opened and doing so can take significantly more time and resources than preventing them from opening in the first place. Depending on the laws, even if owners and employees are committing multiple code violations, the business may be subject only to small fines or other penalties that lack the severity to close it. Additionally, law enforcement may not be authorized to enter or inspect businesses without probable cause, leaving them dependent on citizen tips to investigate suspect locations. Our analysis indicates that ordinances that allow unannounced city inspections, and contain swift and meaningful accountability measures when violations are identified, have been the most impactful.

- In several Des Moines suburbs, businesses where unlicensed workers are caught giving massages are immediately closed and a placard telling customers that the business may not operate until it has obtained the necessary licenses is posted.[5]
- In Cedar Rapids, Iowa, multiple massage businesses were closed in the first half of 2019 for further investigation after police found indications of illicit activity online.[6] [7] Heyrick's data shows a nearly 60% drop in IMBs in Cedar Rapids since its ordinance passed in November 2018.
- In Aurora, Colorado, multiple IMBs predated the passage of its ordinance in May 2018. By allowing the city to close businesses for committing certain violations, such as operating without a license, Aurora closed 18 IMBs within a year after its regulations went into effect, according to local media reports. According to Heyrick's data and interviews, in the past three years Aurora has achieved at least a 93%, and likely a 100%, closure rate.

OVERCOMING CHALLENGES TO BUILD SUSTAINABLE INITIATIVES

In our research, we found two main challenges that can undermine even well-written ordinances: (1) Enforcement that is not sustained in the long term, sometimes often due to the turnover of key leaders in the police department or local government; and (2) Displacement effects inadvertently increase IMB presence in neighboring communities. Both challenges are surmountable.

- **Continuous enforcement:** Interviewees from multiple states indicated that the success of ordinances depended on sustained enforcement. In some cases, once an initial champion retired or changed roles, successors did not prioritize these regulations, creating an environment for the re-entry of IMBs. In some places, annual reviews or inspections are mandated in the regulations to try and ensure longevity.
    - Cities like Springboro, Ohio and Johnston, Iowa review massage businesses each year; this allows them to practice a 2-zone defense where some businesses are prevented from opening, while those that open in disregard of local regulations are more likely to be identified and closed quickly.

[4] https://www.tribuneledgernews.com/ledger/july-massage-denied-business-license-after-violations/article_3852e320-b761-11e8-8c35-bf81cf03e980.html

[5] https://www.desmoinesregister.com/story/news/2018/12/17/massage-therapists-iowa-state-license-work-des-moines-prostitution-human-trafficking-beaverdale/2342923002/

[6] https://cbs2iowa.com/news/local/cedar-rapids-discovers-non-compliant-massage-businesses-through-new-ordinance

[7] https://www.kcrg.com/content/news/Two-businesses-advertising-massages-accused-of-prostitution-561481971.html

- Troy, Michigan reduced its IMB presence from 4 in November 2017, the date of its ordinance, to 1 as of August 2021. The city has taken a proactive approach to enforcement, judging from local media coverage.[8]
- Roswell, Georgia was an early adopter of a massage ordinance in 2004, but according to local media,[9] is aware that results have not been maintained long-term and its city council has discussed the need for stricter licensing requirements. As of August 2021, Roswell had 15 IMBs, according to Heyrick's data.

- **Enlisting allies to prevent spillover effects:** Some cities that had significant initial success with their ordinances heard complaints of increased IMBs in neighboring communities due to displacement. Subsequently, these jurisdictions began engaging in outreach[10] to encourage and assist their neighbors in joining their efforts, broadening the impact by creating larger geographic areas with shared initiatives. However, regional efforts are only as effective as their weakest link, so it is essential to have all cities equally committed to tested prevention and enforcement mechanisms.
  - After Aurora's ordinance went into effect, some IMBs simply moved to Denver and its other suburbs.[11] In response, officials in Aurora assisted neighbors with developing their own responses across the greater Denver metro area. Several other suburbs passed ordinances modeled on Aurora's the following year,[12] as did the City of Denver in July 2021.
  - Multiple suburbs of Dayton, Ohio, passed similar ordinances between 2018 and 2020.[13] The cities of Kettering and Springboro, among others, now require application processes with background checks, unannounced inspections, and requirements for the state licensing of all employees. Kettering and Springboro had no IMBs as of August 2021, according to Heyrick's data.

SUMMARY OF BEST PRACTICES

The combination of strong pre-emptive processes and sustained, impactful enforcement has met with success in both large and small cities. We encourage communities that have met with success to continue assisting others in developing regulations and enforcement plans based on lessons learned. Based on our research, Heyrick highlights the following best practices:

- City inspectors should be able to make unannounced visits to suspected IMBs, as is done with health code inspections of restaurants, hotels, and other types of businesses; pre-scheduling allows for the moving of workers and the hiding of evidence.
- City officials should be empowered to close businesses on the spot for certain violations, such as unlicensed employees giving massages, sexual activity, and evidence of women living on premises.
- Ordinances should require that the city be notified of personnel changes promptly, given the frequent rotation of victim workers in IMB settings.
- When neighboring communities present a unified front, it is harder for sex buyers to easily find nearby IMBs. The larger the covered geographic area, the harder it will be for IMBs to retain their clients.
- Communities may want to study options for information-sharing about applicants who have been denied licenses or shut down due to criminal activity and/or false statements in other jurisdictions. Interviewees told us that applicants affiliated with IMBs have lied about past arrests and license revocations on their paperwork. Some states lack statutes that would allow cities to access federal information for background checks; amending this would help identify traffickers as they move between states and allow for the tracking of broader patterns and histories of their criminal enterprises.

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[8] https://www.candgnews.com/news/seven-arrestedin-connectionwith-prostitution-at-troy-massage-parlor-107951
[9] https://www.ajc.com/news/local/alpharetta-clarifies-business-rules-for-spas-massage-parlors/X78mNLPfJapbvjJYPuzsKJ/
[10] https://apnews.com/article/a98f20c023e7478288f3e7b3bec2cd13
[11] https://www.9news.com/article/news/investigations/businesses-shut-down-for-suspected-human-trafficking-in-aurora-reopen-just-a-few-miles-away/73-555df664-b8de-404a-92b2-0e32ad7be92f
[12] https://krdo.com/news/2021/05/06/colorado-cities-find-success-with-ordinances-aimed-to-shut-down-illicit-spas/
[13] https://www.daytondailynews.com/news/beavercreek-cracking-down-on-sex-trafficking-with-new-massage-parlor-legislation/4MAQECVH3JGDTNEOHMKYUE5WEE/

- The passage—or pending passage—of a well-crafted ordinance coupled with a good public messaging campaign can have a strong preventative effect: officials from multiple cities reported that some suspected IMBs voluntarily closed prior to enforcement.[14] [15]
- Ordinances can be combined with other anti-IMB efforts. Billings, Montana had already reduced its IMBs by a third via a landlord engagement project in the two years prior to passage of its ordinance.

[14] https://destinyhosted.com/bilmtdocs/2021/CCWS/20210119_1132/7820_MASSAGE_BUSINESS_LICENSE_ORDINANCE_DRAFT_-_1.15.2021.pdf

[15] https://www.eastbaytimes.com/2015/04/27/santa-clara-county-cracks-down-on-massage-parlors/