



City Council Report

Date: December 1, 2016
To: City Council
Through: John Pombier, Assistant City Manager
From: John Meza, Police Chief
Thomas Intrieri, Commander
Frank Bryner, Lieutenant
Subject: Mesa City Code – Chapter 24, Escort Services (Citywide)

Strategic Initiatives



Purpose and Recommendation

The purpose of this report is to present a request to City Council to authorize the creation of Mesa City Code Title 6, Chapter 24 (Escort Services) for the regulation of the activities of escorts, escort assistants, and escort bureaus, and to make corresponding amendments to portions of Mesa City Code, Title 6, Chapter 16 (Sexually Oriented Businesses). The Mesa Police Department recommends making the proposed changes to the Mesa City Code regarding escort services to enhance the professionalism of the escort industry and provide a more effective tool for law enforcement to protect the health, safety, and welfare of our community by strengthening oversight and enforcement. As a result of these updates, Mesa will have a model ordinance and one that is consistent with comparable cities.

Background

Over the past several years there has been a nationwide trend involving individuals and organized sex trafficking organizations utilizing a variety of internet sites to advertise “escort services” and “casual encounters;” these websites advertise services in a number of cities, including Mesa. An overwhelming percentage of these “escort services” and “casual encounters” are a front for prostitution that takes place in Mesa. Although the current language of Mesa City Code, Title 6, Chapter 16 (Sexually Oriented Businesses)

requires the licensing of escort agencies, the Police Department believes that a necessity exists to add additional regulations to the escort industry in Mesa to help negate the unlawful and unprofessional practices that are committed by certain elements of the escort industry.

The proposed code will require escorts, escort assistants, and escort agencies, who will be providing services within Mesa, to first secure a valid escort license prior to advertising and conducting business. The new city code would prohibit an escort from advertising and working within the City of Mesa without a license. If the escort is not in compliance with the licensing requirement, the escort would be subject to criminal sanctions.

Discussion

In drafting the new ordinance, members of our department reviewed successful escort ordinances of other municipalities within the Phoenix metro area, including Chandler, Phoenix, Scottsdale, and Tempe. Based on the success of the use of escort specific ordinances in the other cities and the necessity for additional regulation in Mesa, the Police Department recommends removing the requirements related to escorts in our Sexually Oriented Business Code and creating a separate code specifically related to the escort industry.

The most significant changes include:

- Removing escort services from Title 6, Chapter 16 of the Mesa City Code (Sexually Oriented Businesses)
- Creation of a new code specific to the escort industry that requires the licensure of persons providing services in Mesa that meet the definition of an escort, escort assistant or escort bureau (also known as an escort agency/service)
- Require all escorts, escort assistants, and escort bureaus advertising services within Mesa to have an escort license
- Implement additional licensing requirements; of note would be those related to criminal and business licensing history of both applicants and controlling persons for applicants
- Establish criminal sanctions for violators
- Sets forth more specific requirements related to suspension, revocation, and denial of an escort license

Alternatives

Approve the creation of Mesa City Code Title 6, Chapter 24 (Escort Services), which would strengthen the City's oversight and enforcement over escort industry, as well as improve the level of professionalism of the escort industry in Mesa.

Leave Title 6, Chapter 16 of the Mesa City Code (Sexually Oriented Businesses) unchanged which currently defines escort agencies in Mesa as a sexually oriented business requiring a license.

Fiscal Impact

There is no cost to the Mesa Police Department or City of Mesa to create Mesa City Code 6 Title 6, Chapter 24 (Escort Services). There may be some costs related to enforcement of the new code and the processing of licenses; however, the City of Mesa may receive additional revenues from licenses issued, and the fines collected on citations that are issued for failing to comply with the escort licensing requirements.

As it pertains to the potential fee to be charged by the City for an escort license, City staff looked at the fees of other cities that are collected under their respective escort ordinances. The range of fees charged by the major cities in the Phoenix metro area for an escort industry license are \$23 to \$600. City staff determined that a reasonable licensing fee, based on the time and processing of the license, would be potentially approximately \$200 for an escort or escort assistant, and \$420 for an escort bureau. The proposed fees will be brought to Council for consideration in the Spring of 2017.