

A Study of Secondary Crime Effects in the Township of Union New Jersey

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Executive Summary

In the present study, we ask the following question concerning secondary crime effects in the Township of Union New Jersey: Do crime statistics show that police activity and resources are disproportionately attributed to the address where an adult entertainment business is located compared to other retail, eating and entertainment venues in Union? For the analyses we rely on calls for service (CFS) to the Township of Union Police Department. This included records of dispatches or calls for service that were either police-initiated or calls from the public from 2002 to 2006. An analysis by specific address was undertaken to determine if the adult business “Hott 22” located at 1721 US Highway 22 has required special attention from the police compared to other addresses in the Township of Union,

The results showed that there is no evidence that ‘Hott 22’ is disproportionately more often the source of police attention than other addresses. Crime does not tend to accompany, concentrate around, or be aggravated by this adult business. Likewise, the results of this study show no evidence of an increase in narcotics distribution and use, prostitution, violence against persons and property around this

adult business. We therefore conclude that Hott 22 is not associated with so-called “adverse secondary effects.” These results are consistent with and completely predicable from modern criminological theory and with past empirical research.

THE SUPREME COURT AND THE ASSUMPTION
OF NEGATIVE SECONDARY EFFECTS OF
ADULT BUSINESSES

Since 1976, the United States Supreme Court has decided a series of cases focusing on whether the Free Speech clause of the First Amendment allows cities and states to enact legislation controlling the location of “adult” businesses (*See e.g., Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976); *City of Renton v Playtime Theatres Inc.*, 475 U.S. 41 (1986)). “Zoning” regulations (e.g., laws or ordinances that, for example, prevent a sex-related business from operating within a certain number of feet from residences, schools and houses of worship, or a given distance from one-another) have been predicated on the notion that municipalities have a substantial interest in combating so-called “negative secondary effects” on the areas surrounding adult businesses. These secondary effects are generally said to include alleged increases in crime, decreases in property values, and other indicators of neighborhood deterioration in the areas surrounding “adult” businesses. Typically, communities have either conducted their own investigations of potential secondary effects or have relied on studies, reports or other materials utilized by other cities or localities.

The rationale for the secondary effects doctrine was most completely laid out in *Renton v. Playtime Theatres, Inc.*, in 1986. In *Renton* the Supreme Court considered the validity of a Renton, Washington, municipal ordinance that prohibited any adult theater from locating within 1,000 feet of any residential zone, family dwelling, church, park or school. The Court's analysis of the ordinance proceeded in three steps. First, the Court found that the Renton ordinance did not ban adult theaters altogether, but merely required that they be a certain distance from so-called sensitive locations. The ordinance, the Court said, was properly considered to be a time, place and manner regulation. The Court next considered whether the ordinance was content neutral or content based. If the regulation were content based, it would be considered presumptively invalid and subject to the "strict scrutiny" standard. The Court held, however, that the ordinance was not aimed at the content of the films shown at adult theaters, but rather at the secondary effects of such theaters on the surrounding community, namely at crime rates, property values, and the quality of the city's neighborhoods. Given this finding, the Court stated that the ordinance would be upheld so long as the City of Renton showed that its ordinance was designed to serve a substantial government interest, such as a reducing crime rates or maintaining property values.

Most recently (in 2002), a plurality of the Supreme Court (Justice O'Connor joined by the Chief Justice, Justice Scalia and Justice Thomas), with Justice Kennedy's concurrence, added an important

methodological caveat concerning the evidence necessary to validate the assumption that adult businesses cause secondary effects. The Court warned in *City of Los Angeles v. Alameda Books., et al.* that:

“This is not to say that a municipality can get away with shoddy data or reasoning. The municipality’s evidence must fairly support its rationale for its ordinance. If plaintiffs fail to cast direct doubt on this rationale, either by demonstrating that the municipality’s evidence does not support its rationale or by furnishing evidence that disputes the municipality’s factual findings, the municipality meets the Renton standard. If plaintiffs succeed in casting doubt on a municipality’s rationale in either manner, the burden shifts back to the municipality to supplement the record with evidence renewing support for a theory that justifies its ordinance.”

THE TOWNSHIP OF UNION ORDINANCE

AND IT'S LACK OF JUSTIFICATION

On April 11, 2006 the Township of Union passed Ordinance No. 4942, an ordinance deleting Article V, entitled ‘Sexually oriented businesses’ chapter 164 in its entirety and replacing it with a new chapter. This new chapter established a license requirement for adult oriented businesses, limiting hours of operation to 10:00 am until 11:00 pm and restrictions on dancer patron proximity (e.g., dancers must perform on an elevated platform and dances may not occur closer than 6 feet to any patron or customer).

The Township makes no reference to studies conducted by other communities concerning the so-called adverse effects of adult businesses. Had the Township relied on these outside studies however,

the ordinance would not have been justified on the basis of these research endeavors as most of the studies conducted by other municipalities do not adhere to professional standards of scientific inquiry necessary in order to insure methodological integrity and thus study reliability and validity. Further, the authors of several of the studies themselves often admit that they do not find evidence of adverse secondary effects associated with adult businesses. Finally, many of the so-called studies are not empirical investigations of secondary effects at all but rehashes of other cities' efforts at collecting evidence or reports from city officials concerning zoning laws or other legal alternatives available to municipalities.

The conclusions stated above are based on the peer-reviewed published paper entitled: Governmental Regulation of "Adult" Businesses Through Zoning and Anti-Nudity Ordinances; Debunking the Legal Myth of Negative Secondary Effects, *Paul, et al.*, Communication Law & Policy, Vol. 6, No. 2, Spring, 2001, pp. 355-391. This paper is attached as **Exhibit A**.

In this paper we examined over 100 reports and "studies" of secondary effects undertaken by municipalities in the United States. We engaged in a detailed examination of the methodological flaws in the "Top Ten" studies cited by municipalities. We conclude that the studies relied upon by other communities throughout the country do not adhere to professional standards of scientific inquiry, and nearly all failed to meet the basic assumptions necessary for methodological validity. Those studies that

are scientifically credible demonstrate either no negative secondary effects associated with adult businesses, or a reversal of the presumed negative effects.

The Township of Union conducted no formal secondary effects study of its own. The Township did not examine crime incidents in the areas surrounding the adult cabaret and compare them to other suitably matched locations. In our opinion the only reliable information that could have provided the Township of Union with a reasonable basis for concluding that sexually oriented business/establishments are related to adverse secondary effects would have been obtained by systematically collecting police call-for-service information or similar data involving crime incidents and adhering to the minimal methodological standards outlined above for a study of such data as described in *Paul*.

This would have included obtaining from the police department the computerized records of calls for service. This information is easily generated as most cities have a computerized aided dispatch (CAD) system. This system logs each call made to the police and each report generated by the police. It is not, therefore, an onerous task for the Township to have obtained these calls for service and analyzed them according to proper methodological standards to determine whether secondary effects existed. Without such evidence, the Township has failed to demonstrate the existence of adverse secondary effects. We have undertaken such a study.

THE PRESENT STUDY

The purpose of the present study is to conduct the type of empirical analysis in the Township of Union that avoids both the collection of “shoddy data” and the use of (shoddy) “reasoning” as demanded in *Alameda Books*. We ask whether a relationship, in fact, exists between the presence of an adult cabaret and negative secondary effects in Township of Union. Further, this evidence is obtained in accordance with established methodological procedures so as to insure a high level of scientific reliability.

Specifically, in the present study, we ask the following question concerning secondary crime effects in the Township of Union, New Jersey: Do crime statistics show that calls for service to the police occur with disproportionate frequency to the address where an adult entertainment business “Hott 22” is located compared to other retail, eating and entertainment venues in the Township?

DATA AND METHODS

Overview

The methodological approach taken here involves a focused analysis by specific address to determine if the adult business “Hott 22” has required special attention from the police compared to

other addresses in the Township. “Hott 22” is an adult cabaret that features exotic dancing but that does not serve alcohol. Patrons are permitted to bring their own bottles of wine or beer.

Choosing the Comparison Locations

Locations defined by businesses that served alcohol, food, offered retail shopping or entertainment were chosen as comparison addresses. In addition, certain public institutions such as the local high school were chosen for examination. The establishments chosen for the study represent a nearly exhaustive list of neighborhood bars, fast food businesses and shopping locations in the Township of Union.

Adult Business and Comparison Locations

Figure 1a-c displays a map of the adult cabaret “Hott 22” and the comparison locations in the Township of Union. As can be seen from the figures most of the comparison businesses are located along the same major route and comprise retail shopping establishments, fast food restaurants, bars as well as a public institution, the local high school. These businesses are a mix of establishments some located in shopping centers, some free standing.

Measuring Crime and Disorder Incidents

For the analyses below we rely on data collected by the Township of Union Police Department. This included records of dispatches or calls for service (CFS) at “Hott 22” and the comparison locations.

We requested data for the period 2001 to 2006. Each record contained the date, location of the call and the classification of the call. For many establishments, including “Hott 22,” the police record keeping was unable to distinguish between calls for service and police dispatches to individual businesses that shared the same address (e.g., businesses located in shopping malls). “Hott 22,” for example, shares its address with a very popular bowling alley that serves alcohol and a check-cashing establishment.

Individualized address data was requested for each of the businesses in the study, however, we were informed that the record keeping system was inoperative and these could not be provided. Upon repeated requests only one individualized calls for service report was issued, this individualized report was for the “Hott 22” establishment.

Table 1 displays the total number of all reported incidents before and after filtering all obviously non-criminally related reports for adult and comparison areas. The number of calls for service ranged from approximately 3000 calls and dispatches during the study period for the high school to approximately 400-700 calls for the businesses “Chuck E. Cheese’s” and “Tiffany Gardens” “Hott 22” was at the low end of the establishments in terms of police attention with 795 calls and dispatches. The largest percentage of the calls to the police or dispatches for all locations were classified as traffic stops, followed by patrol checks and routine patrol checks. **Figure 2** displays histogram of the breakdown of calls for service to the police for all of the study addresses.

In the next step of the analyses we eliminated the categories: Directed Patrol, Parking Violations, Parking Complaints, 911 Excused, Parking Complaints, Traffic Stop, Disabled Vehicle, Accident, Medical Aid, Fire Inspection, Fire Inspection, Duplicate Call, Unfounded Call, Lockout Vehicle, Premise Check, False Alarm, Tow/Private, Sewer. The analyses was then completed with incident categories such as Suspicious Acts, Robbery, Dispute, Disorderly Persons, Vehicle Theft, Assault and other more crime-related activities.

Examination of crime related incidents only reveal that “Hott 22” has 409 instances of these events. Comparing this number to other locations we may infer that the area surrounding the adult cabaret “Hott 22” is approximately as likely to receive police attention for crime related matters as the areas surrounding “Hooters” (411) or Chuck E. Cheese’s (360). The “Hott 22” area is substantially *less* likely to be associated with crime than the area surrounding “Pizza Hut” (698) or “Applebee’s (882). The area surrounding Wal-Mart-McDonald’s was three times as likely to receive police attention for criminal matters and constituted a significantly greater source of police activity than “Hott 22.”

Finally, as noted above we were able to obtain the records for the “Hott 22” individual address. Only 16 incidents (or approximately two incidents per year) specifically occurred at “Hott-22” between 2001 and 2006. These are listed below.

1. Dec 23, 01 Dispute
2. March 01, 02 Burglary of M.V
3. March 22, 02 Cooperate Municipality Agency
4. March 26, 02 Suspicious Act,
5. March 27, 02 Criminal Report after the fact
6. Sept. 28, 02 Dispute
7. Oct. 5, 02 Dispute
8. Dec. 9, 02 Suspicious Act in progress
9. Jan. 13, 03 Disorderly person
10. June 20, 03 Armed Robbery
11. Sept. 3, 03 Detective Burglary Investigation, active Burglary
12. Apr. 3, 04 Arrest all others
13. July 17, 04 Harassment report
14. Nov. 6, 04 Local code violation
15. Sept. 17, 05 Dispute
16. Oct. 1, 05 Arrest Warrant

SUMMARY AND CONCLUSIONS

There is no evidence that the adult business “Hott 22’ is more often the source of police attention than other addresses in Union. When compared to other locations there is no evidence that crime tends to accompany, concentrate around, and be aggravated by the adult business. In summary, the adult gentleman’s club “Hott 22’ are neither more or less likely to require special police attention proportionately compared to other businesses. These results are consistent with modern criminological theory and with evidence from published peer reviewed empirical studies of the adult businesses that show no adverse effects associated with adult businesses in communities across the United States.

THE ROUTINE ACTIVITIES MODEL

That the gentlemen's club "Hott 22" is not a particularly salient source of criminal activity in the Township of Union and in fact requires far less police attention than other businesses such as fast food restaurants, retail shopping locations and alcohol serving bars is completely consistent with Cohen and Felson's (1979) routine activities theory of crime. This theory and its progeny are expertly summarized by criminologist Dr. Terry A. Danner of *Saint Leo University* (see: *Violent Times: A Case Study of the Ybor City Historic District in Criminal Justice Policy Review*, Volume 14, Number 1, March 2003 3-29, 2003). Danner notes that this theory explores the link between social change, routine activities, and criminal opportunities. Based on the assumption of interdependence between legal and illegal routine activities, the essence of this theory can be reduced to the following formula: $(O + V) - G = C$, where O represents the "motivated offender"; V indicates the victim (which can be either the victim's person or property and is thus often referred to as "target."); G denotes "guardianship," which, in this version of the theory, is any person who can deter the criminal act; and C is the probability that a direct contact predatory crime will occur.

The theory emphasizes the idea that whenever the economic, demographic, and social forces that shape a community bring potential offenders and suitable targets together in the absence of effective guardianship, the probability that a criminal event will occur increases. In terms of analyzing possible criminogenic locations, the three essential questions are: How does this location influence the motivation, decision-making, and presence of potential offenders? How does it affect the supply and suitability of potential targets? What physical and social characteristics of the location inhibit or facilitate guardianship?

As will be shown below, exploration of each of these questions shows that there is nothing unique about gentleman's clubs in general, and "Hott 22" located in the Township of Union, in particular, that increases the probability of crime at this location relative to other locations in the community. Modern criminological theory, in contrast to the assumptions made by municipalities and courts in the past, does not support the idea that adult cabarets will any more likely to be associated with criminal activity, and in some cases less likely to be sources of criminal activity in the community compared to other locations.

First, we discuss the theory's explication of offender characteristics, then we describe the theory's notion of victim characteristics, finally we describe what has been termed place, offender, and

target convergence taking special note of the implications of routine activities theory for gentlemen's clubs.

Offender Characteristics

Research studies have identified four relevant characteristics of potential offenders that, through interaction with the situational factors of place, are likely to influence the potential offender's decision-making process. They are 1) lifestyle proximity, 2) offender knowledge, 3) offender anonymity, and 4) offender impairment. The question for each of these factors is: is an adult business such as a gentlemen's club more or less likely to associated with processes that capitalize on the offender's decision making processes?

Lifestyle proximity. Lifestyles that regularly bring potential offenders into proximity with suitable targets have been found to facilitate crime (Brantingham & Brantingham, 1981; Cohen&Felson, 1979; Eck&Weisburd, 1995; Felson, 1995). If there exists congruence between the lifestyles of populations that tend to be at high risk for crime commission, the lifestyles of people who might be suitable targets for these potential offenders, and the activities that commonly occur at a particular place, then this would tend to increase offender-victim proximity and thus facilitate crime occurrences.

Offenders are theoretically attracted to areas and locations that bring them into proximity with suitable targets. Congruent with this element of the theory we found in the present study that the most

likely areas for police activity in the Township of Union would be shopping malls, large retail store parking lots, and fast food restaurants. These locations are far more likely to be both target rich and congruent with lifestyle of people that are likely to committing crime than other locations. The "Hott 22" gentlemen's club does not present an environment as target rich as several fast food restaurants or shopping malls in the Township of union. "Hott 22" gentlemen's club may be too expensive a location and therefore incongruent with the lifestyles of the most likely offenders. This business charges an expensive entry fee and alcohol service and entertainment fees are likely incongruent with the lifestyles of high risk for crime commission populations.

Offender knowledge. The presence of potential offenders with an extensive knowledge of the areas wherein suitable targets can be found is a facilitator of crime (Brantingham & Brantingham, 1993; Clarke, 1992; Eck & Weisburd, 1995; Reppeto, 1976). Beyond the more obvious advantages of knowing the routes of access and escape, potential offenders who are familiar with the physical layout and social rhythms of a specific environment are also more aware of the local crime opportunity structure. Familiarity with the criminal opportunities and physical layout of an environment should thus facilitate the criminal activity of potential offenders in the area wherein they possess this level of awareness.

This element of the theory was confirmed in that shopping areas adjacent to neighborhoods and bars and restaurants located within or adjacent to residential neighborhoods were most likely to be areas of areas of criminal perpetration. Strange areas unknown to criminals would not be favored. Offenders would not know the routes of access and escape, potential offenders who are familiar with the physical layout and social rhythms of a specific environment are also more aware of the local crime opportunity structure. Because adult businesses including gentleman's clubs are often subject to zoning regulations that do not permit them to locate near residential areas the probability of criminal predation may be reduced compared to shopping malls, fast food restaurants, and bars.

Offender Anonymity. The presence of potential offenders whose identity is unknown to possible capable guardians in the area is a facilitator of crime (Felson, 1995; Roncek & Bell, 1981; Roncek & Maier, 1991; Sampson, 1987). This anonymity can result from the sheer volume and turnover of people in an area or its lack of community solidarity, but it may also result from the potential offender's purposeful actions to remain unknown. Whatever the source, it is a characteristic of potential offenders that facilitates their criminal activity because it can reduce the effectiveness of whatever capable guardianship (a concept discussed in greater detail below) might exist.

Since anonymity can result from the sheer volume and turnover of people in an area the theory suggests that shopping malls, fast food restaurants and bars that are extremely popular would be the

most likely targets for offenders. The study reported here confirms this prediction.

There may be additional implications for adult gentlemen's clubs such as "Hot 22". If there are offenders in the area unknown to potential guardians the probability of crime may increase. Because of the extensive guardianship at the gentlemen's clubs in general and the "Hott 22' location in particular this proved not to a problem.

Offender Impairment

The presence of potential offenders whose decision-making capabilities have been impaired by the ingestion of psychoactive substances is a facilitator of crime (Block & Block, 1995; Clarke, 1992; Roncek & Maier, 1991; Roncek&Pravatiner, 1989 Obviously, areas in which psychopharmacological disinhibitors are freely distributed and ingested are likely to have a higher concentration of disinhibited people, and this in turn increases the potential for offending (for a review of the literature examining the connection between alcohol intoxication and aggression, see Fagan, 1990). This suggests that premises that sell alcohol such as liquor stores and bars and some restaurants most likely to be crime targets by offenders. The "Hott 22" gentlemen's club does not sell alcohol. The club is a BYOB establishment and this policy excludes bringing hard liquor onto the premises. Consequently, the possibility that business is the source of predators who are impaired is greatly reduced.

Characteristics of Targets

Routine activities theory also implies that people and their property vary in suitability as targets for predatory crime and that these differences influence which are chosen by offenders, or whether or not a crime even occurs at all (Brantingham & Brantingham, 1993; Felson & Cohen, 1980; Miethe & Meier, 1990). At the aggregate level, given a stable exposure to potential offenders and consistency in capable guardianship, the more a place attracts suitable targets and/or increases their suitability, the greater the frequency of crime that will result. Research has identified three constructs that can be considered characteristics of potential targets that, in interaction with the situational factors of place, are likely to influence the probability of a person or his or her property becoming a victim of crime.

Target Value

The presence of people or their property that have high value as crime targets is a facilitator of crime (Felson & Cohen, 1980; Roncek & Maier, 1991). The most obvious form of target value is economic. This suggests that fast food customers will be the most likely targets as will bar patrons and indeed the findings of this study bear out the idea that the police are frequently summoned to these locations. These customers are most likely to be carrying cash for their transactions. Further, a range of soft targets such as elderly men and women, mothers with small children in tow carrying cash would be considered theoretically the most valuable targets and these are not frequent patrons of the “Hott 22” establishment.

Perhaps less likely to be attractive targets are Wal-Mart and other retail outlet customers who will probably use credit cards rather than cash, however these locations. However, since credit card transactions are available in gentlemen's clubs and "Hott 22" has an ATM to dispense cash within the premises thus relieving the customer of the need to carry cash there should theoretically be no greater target attractiveness at this location. The findings of this study show that retail outlets are far more likely to attract police attention and utilize police resources than an adult business such as "Hott 22."

However, a target's usefulness as an outlet for retaliation, sexual aggression, or as a means for improving the offender's self-concept is also possible. Target's outlet for retaliation implies high school. Indeed, the present study revealed that the local high school is by far the most criminogenic source of police activity in the Township of Union. One would be more likely to expect sexual assault surrounding gentlemen's club if the theory is correct. However, no evidence of this criminal activity was found in the present study.

Target Visibility

The presence of people or their property that are highly visible as suitable targets is a facilitator of crime (Felson & Cohen, 1980; Roncek & Maier, 1991). Some places attract or produce large concentrations of people with high profile levels of vulnerability. People who are inattentive to their surrounding, appear to lack "street smarts," are physically incapacitated due to medical conditions or

intoxication, or any combination of these characteristics, are at a higher risk of victimization when exposed to potential offenders than are those without such characteristics.

The presence of people who are inattentive to their surrounding is far more likely at bars rather than “Hott 22.” Because “Hott 22” does not serve alcohol and because “Hott 22” and similar venues are controversial in the community, customers are far more likely to be especially vigilant. The low rate of victimization found in the present study is congruent with these ideas.

Target Guardianship

The presence of people and their property without capable guardianship is a facilitator of crime (Cohen & Felson, 1979; Eck & Weisburd, 1995; Felson, 1995; Riccio, 1976; Roncek & Maier, 1991; Roncek & Pravatiner, 1989; Shannon, 1986; Sherman, Gartin, & Buerger, 1989). Guardianship is defined as the presence of persons who can protect would-be victims through the deterrence power of their potential to intervene in one way or another. Guardians may physically stop the offense from occurring. They may have the potential to report the crime to authorities, identify the offender, or even apprehend or injure the perpetrator. In this sense, guardianship can be a feature of place, but it can also be a characteristic that people bring with them.

Although places that consistently have large numbers of people present are likely to increase contact between potential offenders and suitable targets, they can also provide high levels of

guardianship. The presence of an audience should generally increase the probability that a potential offender will choose not to commit a crime. “Hott 22” is an establishment with an exceptionally high level of guardianship. The establishment employs several male floor hosts and “bouncers” (3-4 employees Sunday through Wednesday and 5 bouncers security personnel Thursday through Saturday). These security personnel also patrol the parking area and the business establishment has a multitude of security cameras that oversee every entry and egress location in the club. These guardianship practices undoubtedly contribute to the relatively low level of police activity found at the “Hott 22” location.

Place of Offender/Target Convergence

As Danner points out it is the essential nature of a place that influences the interaction of potential offenders, suitable targets, and guardianship. The context of where the place is located, what kind of people it attracts, and the routine activities that occur there are essential to its criminogenic potential. Some elements of this backcloth can work to inhibit crime while other features facilitate it.

Danner notes that research into the environments of crime has identified five characteristics of place that, through interactions with the characteristics of the people who frequent the location, influence the probability of a person becoming a victim of crime.

Place Management

Places in which there is little active management of behavior facilitate crime (Block&Block,

1995; Clarke, 1992; Eck&Weisburd, 1995; Felson, 1995; Mazerolle, Kadleck, & Roehl, 1998; Sherman, 1995). Places where “anything goes” can allow relatively minor incivility to escalate into crime.

Conversely, it has been found that places in which managers and employees are assigned guardianship roles that include the consistent enforcement of clear rules of behavior have lower occurrences of crime. As noted above “Hott 22” is an establishment with an exceptionally high level of guardianship. The establishment employs security personnel inside the premises and security personnel also patrol the parking area. These active guardianship practices contribute to the relatively low level of police activity found at the “Hott 22” location.

Ecological Labeling

Places that have been labeled as a “devalued area” wherein deviance is tolerated facilitate crime (Block & Block, 1995; Brantingham & Brantingham, 1991; Sherman et al., 1989). Once a place starts to develop a reputation as an environment in which deviance is tolerated, a deviation amplifying feedback loop can begin. That is, the more deviance occurs, the more normal it appears to be, and the more it is accepted as normal behavior, the more people choose to act in deviant ways. For places, being labeled as an environment of unlimited personal freedom attracts people who wish to behave without restraint. It is possible that areas with reputations of this type may also repel potential victims who want to avoid dangerous places.

Research has shown that this kind of environmental labeling does tend to attract relatively higher numbers of potential offenders and that this “attractor effect” can increase the probability of crime. The exceptionally high level of guardianship at the “Hott 22” establishment apparently dampens any possibility that such an “anything goes” environment could be created.

Place Proximity

The location of places close to concentrated populations of potential offenders facilitates crime (Brantingham & Brantingham, 1991, 1993; Dunn, 1980; Felson, 1986; Roncek & Maier, 1991; Roncek & Pravatiner, 1989; Sherman, 1995; Sherman et al., 1989). Affluent areas are often victimized by offenders who live in less affluent places that are close by. These more affluent areas attract predatory offenders because they provide a concentration of suitable targets in a conveniently located environment.

Youth Attractors

Areas that attract a high number of young people are facilitators of crime (Block & Block, 1995; Brantingham & Brantingham, 1981, 1993; Roncek & Faggiani, 1985; Roncek & Lobosco, 1983; Roncek & Pravatiner, 1989). Because age is strongly related to both offending and being victimized, places that attract large numbers of young people concentrate, and thus increase, the contact between offenders and suitable targets. This is not a problem for gentlemen’s clubs. Instead, as the data from the present study

indicates it may be more of a problem for fast food restaurants and the local high school.

Bars

Areas that contain public establishments that serve alcohol as an important part of their retail activity facilitate crime (Block & Block, 1995; Minnesota Crime Commission, 1980; Roncek & Bell, 1981; Roncek & Maier, 1991; Roncek&Pravatiner, 1989; Shannon, 1986; Sherman, 1995). Not all bars are criminogenic, but certain types of bars and clusters of bars within night entertainment areas can facilitate crime by concentrating a number of the conditions described above. These circumstances can be counteracted through the practice of patron management, providing guardianship, and other types of crime prevention activities. It has also been shown that higher levels of alcohol outlet density are geographically associated with higher rates of violence (Scribner, Cohen, Kaplan, & Allen, 1999; Scribner, MacKinnon, & Dwyer, 1995). This appears not to be a problem for “Hott 22,” itself but it suggests that the bar in the adjacent bowling alley could attract people who will be the source of crime.

FURTHER EMPIRICAL SUPPORT FOR ROUTINE ACTIVITIES THEORY AND LACK OF EFFECTS FOR ADULT BUSINESSES

Peer reviewed empirical studies that do not suffer from the basic methodological flaws we enumerate in *Paul* have confirmed the routine activities theory of crime.

Dr. Bryant Paul, (currently an assistant professor in the Department of Telecommunications at Indiana University) and I undertook an examination of adult cabarets in the City of Ft. Wayne, Indiana, which serve alcoholic beverages and provide exotic entertainment. The report of this study received a top award from the United States Department of Justice and thus has been vetted for its methodological soundness. This work was awarded “Top Student Paper” at the student paper competition at the conference: Translating Spatial Research Into Practice: The Fifth Annual International Crime Mapping Research Conference, Sponsored by the Crime Mapping Research Center, National Institute of Justice, U.S. Department of Justice. A copy of the award letter is attached as **Exhibit B**. A subsequent version of this report authored by Mr. Paul and myself was presented at the 2002 International Communication Association where it was recognized as one of the “Top Four Refereed Papers in Communication, Law and Policy.” “Using Crime Mapping to Measure the Negative Secondary Effects of Adult Businesses in Fort Wayne, Indiana: A Quasi-Experimental Methodology.” This paper is attached to this report as **Exhibit C**.

In this study a 1000 foot circumference surrounding each of eight exotic dance nightclubs in Fort Wayne was established. Comparison areas were selected in the city of Fort Wayne and matched to the

club areas on the basis of demographic features associated with crime and commercial property composition. The number of calls to the police from 1997-2000 in the areas surrounding the exotic dance nightclubs that served alcohol was compared to the number of calls found in the matched comparison areas. Our analysis showed little difference, overall, between the total number of calls to the police reported in the areas containing the exotic dance nightclubs and the total number of offenses reported in the comparison areas. We concluded from these findings that there was no evidence of adverse secondary effects associated with this form of adult business,

Also relevant here is an additional study conducted in Charlotte North Carolina which I undertook with my assistant Bryant Paul and Kenneth C. Land, Jay R. Williams and Michael E. Ezell of Duke University. This paper is entitled: *An Examination of the Assumption that Adult Businesses are Associated with Crime in Surrounding Areas: A Secondary Effects Study in Charlotte, North Carolina*. The report of this study has been published in the peer reviewed scientific journal *Law and Society Review*, March 2004. This report is the only secondary effects study published in a peer-reviewed journal. This published article is attached as **Exhibit D**.

This study sought to determine if a relationship exists between adult erotic dance clubs in Charlotte, North Carolina that feature topless dancing and serve alcohol and negative secondary effects in the form of increased numbers of crimes reported in the areas surrounding the adult businesses.

Specifically, the study addressed the following research question: Once variables known to be related to crime events suggested by social disorganization and routine activities theories have been taken into account we asked: does the presence of an adult business in a localized area increase the concurrence in space and time of offenders motivated to commit crimes together with suitable targets for the crimes in the absence of guardians capable of preventing or deterring the crimes? This is the only peer reviewed published study testing routine activity theory as it applies to alleged secondary crime effects and adult businesses.

For each of 20 businesses, a control site (matched on the basis of demographic characteristics related to crime risk) was compared for crime events over the period of three years (1998-2000) using data on crime incidents reported to the police. We found that the presence of an adult nightclub does not increase the number of crime incidents reported in localized areas surrounding the club (defined by circular areas with 500 and 1,000 feet radii) as compared to the number of crime incidents reported in comparable localized areas that do not contain such an adult business. Indeed, the analyses imply the opposite, namely, that the nearby areas surrounding the adult business sites have smaller numbers of reported crime incidents than do corresponding areas surrounding the three control sites studied.

What accounts for these findings? Why did the local areas surrounding the adult nightclubs in Charlotte have lower numbers of reported crime incidents than corresponding areas around the control

sites? Why did we not find empirical evidence of the social disorganization/crime opportunity spillover of these adult establishments? First, the adult nightclub business beginning in the late-1990s in many respects may be quite unlike that of the 1960s and 1970s when these establishments were relatively new forums of entertainment in American society. Adult nightclubs have been subjected to over two decades of municipal zoning restrictions across the country, and they usually must comply with many other regulations as well. These clubs do not appear to be locations where potential offenders gather to prey on desirable targets in the absence of crime suppressors, such as employees whose role is to ensure the safety of customers and the maintenance of order within the clubs. The establishments themselves have evolved more closely into legitimate businesses establishments with management attention to profitability and continuity of existence. To meet these objectives, it is essential that the management and/or owners of the clubs provide their customers with some assurance of safety.

Accordingly, adult nightclubs, including those in Charlotte, often appear to have better lighting in their parking lots and better security surveillance than is standard for non-nightclub business establishments. These may be factors producing fewer crime opportunities and lower numbers of reported crime incidents in the surrounding areas of the clubs. The extensive management of the parking lots adjoining the exotic dance nightclubs, in many cases including guards in the parking lots, valet parking, and other control mechanisms, may be especially effective in reducing the possibility of

violent disputes in the surrounding area. In addition, unlike other liquor-serving establishments (bars and taverns that do not offer adult entertainment) that may be present in the control areas, violent disputes in the areas surrounding exotic dance clubs between men over unwanted attention by other males to dates or partners are minimal due to the fact that the majority of patrons attend the clubs without female partners. Thus, the possibility of interpersonal aggression may be greatly reduced in the vicinity of adult dance clubs, compared to most other locations where adults congregate, such as bars or taverns that do not feature adult entertainment.

Findings from a qualitative, anthropological case study of several of the exotic dance clubs included in this study undertaken by Hanna (2001) are consistent with these speculations. Three adult clubs were chosen to reflect three different kinds of economically developed neighborhoods. Neighborhood residents had few complaints about the adult businesses and most neighboring business owners were quick to note that the reason they felt the adult clubs had few negative effects was because of very efficient management of the property and facilities.

Another empirical study entitled, *A Secondary Effects Study of Peep Show Establishments in San Diego, California*, by myself and Bryant Paul, Department of Telecommunications, Indiana University, was undertaken to test whether there is a greater incidence of crime in the vicinity of peep show establishments in San Diego, California than comparable “control” areas which do not contain peep

show establishments, and to determine whether any secondary crime effects of peep show establishments in San Diego are disproportionately greater between the hours of 2 a.m. and 6 a.m. The city of San Diego was chosen for study because of a recently passed ordinance that makes it unlawful for any person to operate a “peep show booth” or “peep show device” between the hours of 2:00 a.m. and 6:00 a.m. The city claimed that the ordinance was needed to further a substantial government interest in combating crime. “Calls for service” to the police within a 1000-foot area on either side of the peep show establishment (i.e., involving an uninterrupted 2000 foot wide area) were compared to comparably sized control areas. The levels of crime within a 1000-foot area on either side of peep show establishments during the 2a.m. to 6 a.m. hours of operation were also compared to levels for the entire day.

We found neither evidence of differences in crime levels, nor any evidence of disproportionately greater amounts of crime within the 2 a.m. to 6 a.m. time period. We conclude that this study constitutes evidence that the city of San Diego does not have a special problem with crime at the peep show establishments generally, nor is there a heightened problem with crime during the 2 a.m. to 6 a.m. period. This study, also ignored by Dickinson County has been peer reviewed and presented at the annual meeting of the Western Region Conference of the Society for the Scientific Study of Sexuality,

in San Diego, California, in April 2004. This study has been peer reviewed once again and is now published in the *Journal of Sex Research*. This study is attached hereto as **Exhibit E**.

Another peer-reviewed paper is now available. It is entitled, *Examining the Link Between Sexual Entertainment and Sexual Aggression: The Presence of Adult Businesses and the Prediction of Rape Rates in Florida*, by Randy D. Fisher, Bryant Paul and myself. This paper was presented to the Law and Policy Division at the 2004 annual meeting of the International Communication Association: New Orleans, LA.

The purpose of this study was to systematically examine whether rates of rape and other crimes are associated with the presence of adult businesses in each of the 67 counties of Florida once other variables known to be related to crime are controlled. Three kinds of crime are examined: UCR Index crimes, rape, and domestic violence. In addition, three measures of adult businesses are included: the total number of adult businesses that offer some form of live nude or semi-nude entertainment, the number of such businesses that provide nude entertainment, and the number of nude dancing clubs. In the case of the crimes of rape and domestic violence, zero order correlations between all three measures of nude entertainment and rates of rape and domestic violence were essentially zero. In the case of the relationship between index crimes and nude entertainment, there is evidence of a significant correlation between these variables. The statistically significant correlations between measures of nude

entertainment and Index crimes disappear when other variables are considered. The results of this study show that a causal link between nude entertainment and secondary effects as measured by crime rates at the county level is extremely improbable. This study is attached hereto as **Exhibit F**.

We have recently undertaken an investigation of crime rates (and contributing factors to the crime rates) in and around four major Ohio cities. Our study shows a lack of correlation between the presences of liquor-serving establishments featuring nude or semi-nude dancing and crime. Hierarchical regression analysis in Toledo revealed that the presence or absence of adult cabarets in a given neighborhood did nothing to explain the presence of crime in that same neighborhood. Similarly, in Columbus, the addition of alcohol-serving adult cabarets as a factor in our analysis resulted in zero explanatory power. The work in Dayton revealed a negative correlation between adult cabarets and incidents of rape, such that the presence of an alcohol-serving adult entertainment establishment is actually indicative of fewer rather than more rape events. Finally, in Cleveland, we found that the addition of alcohol-serving adult cabarets as a factor in his analysis also added no ability to explain crime incidents. We suggest that the negative correlation between adult establishments and violent crime might be explained by the fact that in alcohol serving establishments that do not feature adult entertainment, people fight with one another particularly men over women. None of that exists in an adult entertainment venue. This peer-reviewed paper is attached as **Exhibit G**.

Finally, in order to test the assumption that adult cabarets are associated with negative secondary effects, an extensive and detailed empirical study of criminal activity in and around these businesses in Daytona Beach, Florida was undertaken utilizing data provided by the Police Department. We first asked: Does the presence of an adult cabaret in a neighborhood increase the occurrence of crime in Daytona Beach?

In order to answer this question we considered the entire city using census blocks as the unit of study. We examined demographic variables previously used by criminologists and found to be related to criminal activity, such as a local area's population, age structure (especially the presence of young adults) and race/ethnic composition. We also examined indicators of social disorganization such as housing vacancies and female-headed households. Finally, congruent with routine activities theory we included a variable that measured the number of alcohol retail sale establishments in each block.

These variables, as expected, were statistically strongly related to crime events in the final analysis. We are able to account for crime events in Daytona Beach with a relatively high level of accuracy (explaining approximately 60 percent of the variability). The social disorganization and routine activity variables and especially the presence of an alcohol beverage retail sale establishments in the blocks accounts largely for this explanatory power. The presence of an adult cabaret in the census block accounted for an insubstantial amount of explanatory power.

We then asked: Does the presence of adult cabarets contribute to increased crime in the local vicinity of these establishments. We focused on the areas surrounding the adult cabarets (1000 foot radius). We found that far from being the source of crime activity, only one to three and half-percent of the crime events could be attributed to the adult cabarets themselves. Instead, other businesses in the area, primarily alcohol-serving establishments that do not feature adult entertainment, accounted for far more crime events.

Because the City of Daytona Beach specifically maintained that the primary justification for its regulation of nudity was because it was associated with increases in prostitution and sexual assaults we undertook a separate set of analyses using each sex crime type as an outcome variable. We found that often the adult cabarets accounted for zero or near zero percent of the sex crime activity in the near vicinity. Consequently, we concluded that there is not support for the City of Daytona Beach's theory that nudity is associated with increases in sex crime incidents such as prostitution or sexual assault. A copy of this study and the subsequent US District Court ruling and opinion concerning this study is attached as **Exhibits H and I**.

SUMMARY

In summary, modern criminological theory and past research that has been peer reviewed and published in scientific journals does not suggest that gentleman's clubs such as "Hott 22" are neither more or less likely to require special police attention proportionately compared to other businesses. That the gentlemen's club "Hott 22" is not a particularly salient source of criminal activity in the Township of Union is completely consistent with Cohen and Felson's (1979) routine activities theory of crime. We conclude that the gentlemen's club "Hott 22" presents no special problems for the police and the community and therefore should not be associated with so-called adverse secondary effects of adult businesses.

Respectfully Submitted.

Daniel Linz

