

# Illicit Massage Establishments



## Proposed Ordinance Amendments

Minal Patel Davis

Special Advisor to the Mayor on Human Trafficking

[minal.davis@houstontx.gov](mailto:minal.davis@houstontx.gov) and 832.393.0977

Todd Latiolais with Children at Risk

[Tlatiolais@childrenatrisk.org](mailto:Tlatiolais@childrenatrisk.org) and 713.869.7740



## Role Overview

- Appointed as Special Advisor to the Mayor on Human Trafficking on June 29, 2015
- Role includes coordinating services, managing the affairs of the Mayor's Houston Area Council on Human Trafficking, increasing awareness
- I was the volunteer chair of this Council/Task Force for 6 months prior to being appointed
- Examining ordinances and making recommendations that set a different tone in our city



## Outline

- Overview on Human Trafficking and reasons for change
- National and Local Information on Illicit Massage Businesses (IMB's)
- Local IMB Advertisements and Scope
- Dallas and San Antonio Ordinances, district breakdowns
- Discuss proposed changes to Chapter 28, Misc. Offenses and Provisions, Article XII. Massage Establishments
- Benefits and Costs
- Timeline and Stakeholders

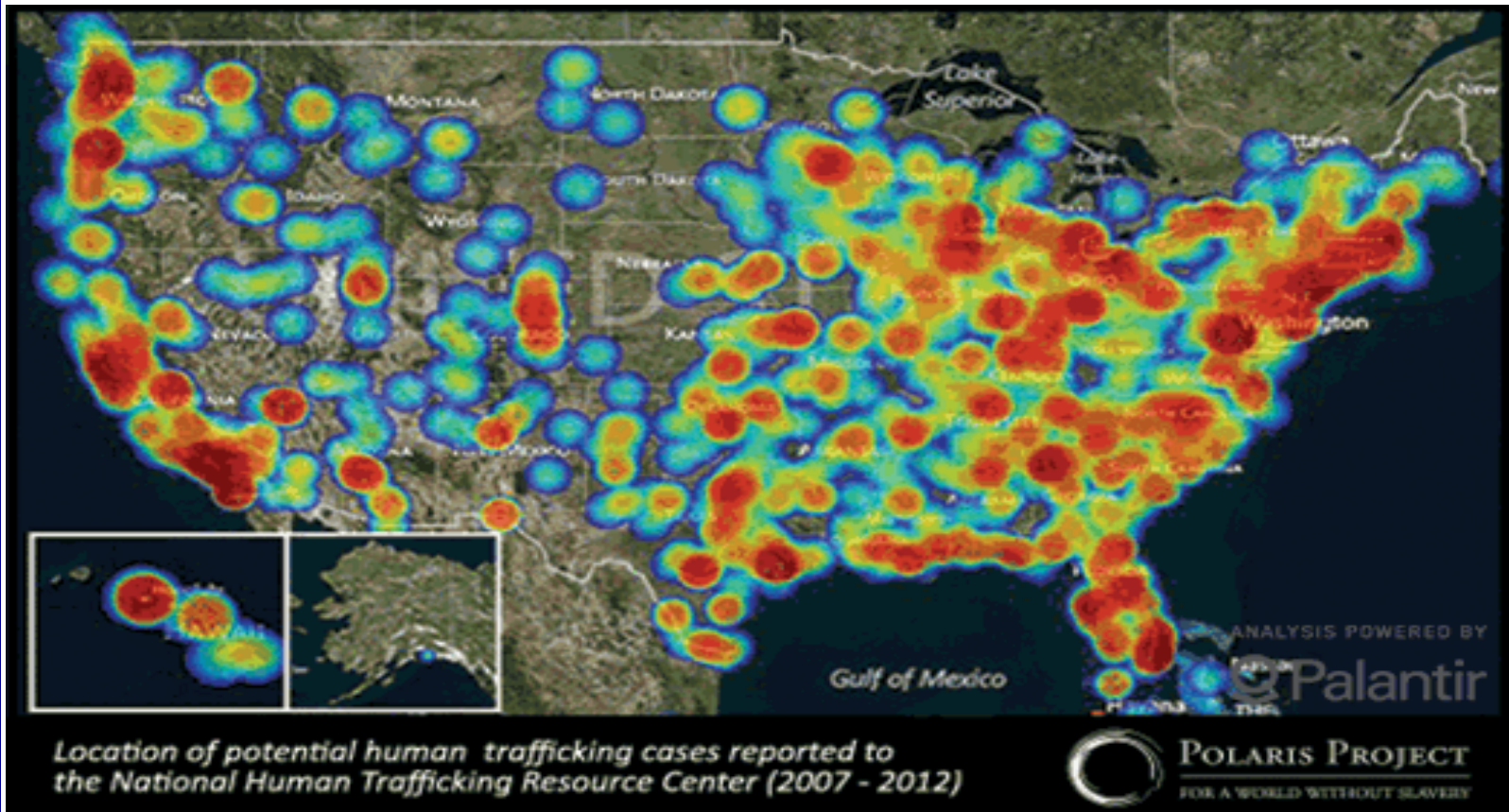


## Human Trafficking Definitions

- Human Trafficking occurs when a trafficker uses force, fraud or coercion to control another person for the purpose of engaging in commercial sex acts or soliciting labor or services against his or her will
- No force fraud or coercion is required if the person engaged in a commercial sex act is under 18 years old
- The crime despite its name does not require movement
- Some examples are street or web based, pimp controlled prostitution
- Relevant manifestation for today are the IMB's that are sometimes fronts for Human Trafficking



## Polaris Project - National Hotline calls





## National IMB Estimates

- Polaris has experience serving women from IMB's, has reviewed law enforcement reports, service provider reports, public records, and media accounts
- Polaris estimates that 1 IMB on average has 3 women who average 4 customers a day, each customer pays the average house fee of \$60
- With an estimated 9,000 IMB's based on sex buyer review boards, they generate an estimated \$6,000,000 a day



## Purpose

- In order to help combat human trafficking in the City of Houston, City Council is asked to amend Chapter 28 of the code of ordinances
- IMB's often help to facilitate the illegal sex trade, human trafficking and pose a particular threat to the safety, health and wellbeing of Houstonians
- Recent research shows that Houston is home to more active IMB's than any other city in Texas
- The latest search conducted on 9/14/2015 showed 240 IMB's offering services online out of a running list of 387 places because the IMB's open and close



## Purpose

- On the same day, the list of 240 IMB's was crossed with a list of state licensed establishments, only 9 of the establishments that advertised suggestive services on the internet had a state license
- The current ordinance only authorizes law enforcement to conduct inspections at state licensed massage establishments
- The proposed ordinance changes will allow law enforcement to inspect businesses that have a state license, but also those that advertise massages and should have a state license
- It will also recognize that law enforcement action and access is required to assist in closing these parlors while balancing legitimate business owners interests





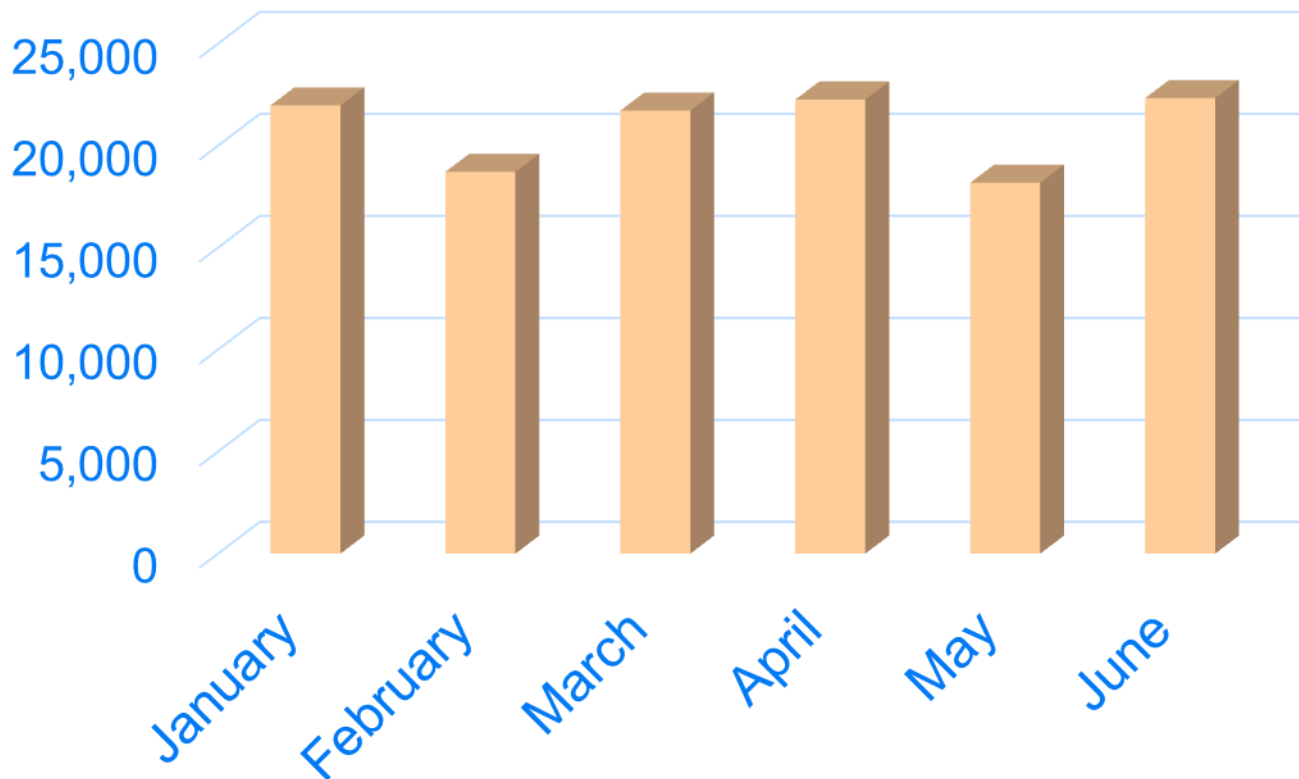
## Illicit Spas/Massage Parlors

- Open at odd hours, legal hours of operation are from 8 AM -10 PM
- Unusual suggestive names
- Barred Windows
- Cameras
- Asian Populations
- Commercial Sex with 4-5 men per day





## Volume of Paid Sex Ads in Houston







# Buyer Reviews

Houston message parlor r x

/houston-message-parlors-tx

Message parlors Houston TX

Message parlor reviews Houston, happy ending erotic massages Houston

Message Parlors Houston

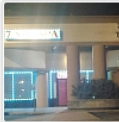



Houston erotic massage parlors with reviews - 400

Add message parlor

1 2 3 4 5 6 >>

Photos only:

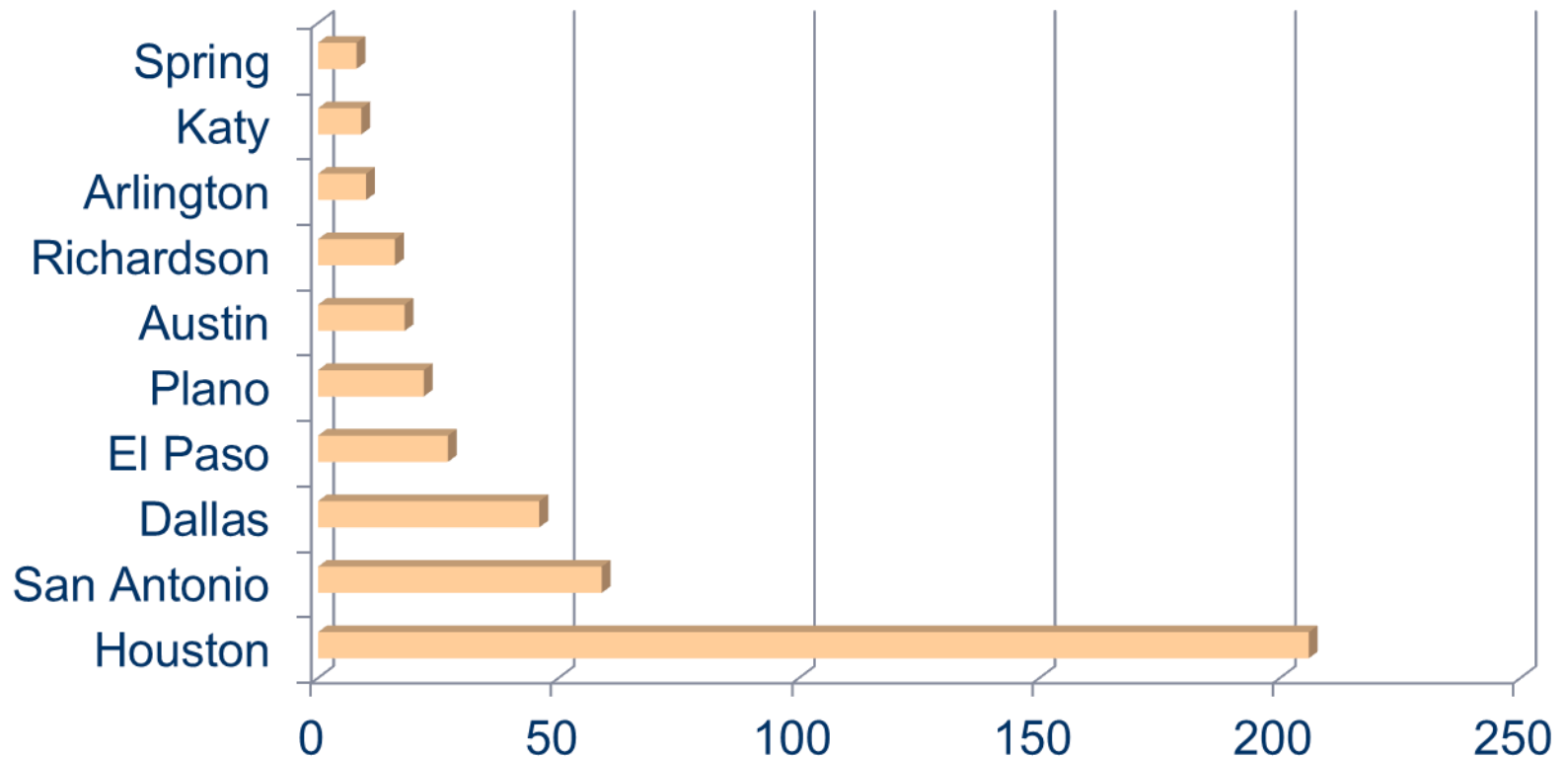
Sort by Reviews No.

	\$ 60 per hour	Asian, Latina massage	Cash Only	Newest Review 3 weeks ago
	\$ 60 per hour	Asian, Korean massage	Cash Only	Newest Review 1 week ago
	\$ 60 per hour	Asian, Caucasian, Ebony, Latina massage	Visa Mastercard Discover American Express	Newest Review 3 weeks ago
	\$ 50 per hour	Asian massage	Visa Mastercard	Newest Review 3 days ago



## How Does Houston Compare?

### Active Illicit Massage Parlors in Texas



Source: Polaris Project; (2014)



## Ordinance Comparison

- **Dallas** – Local permit required and a \$200 permit fee for each establishment; inspector may inspect for health and safety reasons. If they have probable cause to enter, entry is denied, they make application for a search warrant
- **San Antonio** – Local permit required, \$75 annual fee, and ordinance declares all massage establishments public places
- **City of Houston** - No recommendation of permitting, expanding definition of Massage Establishment to include those that advertise using massage and to incorporate access language at the local level

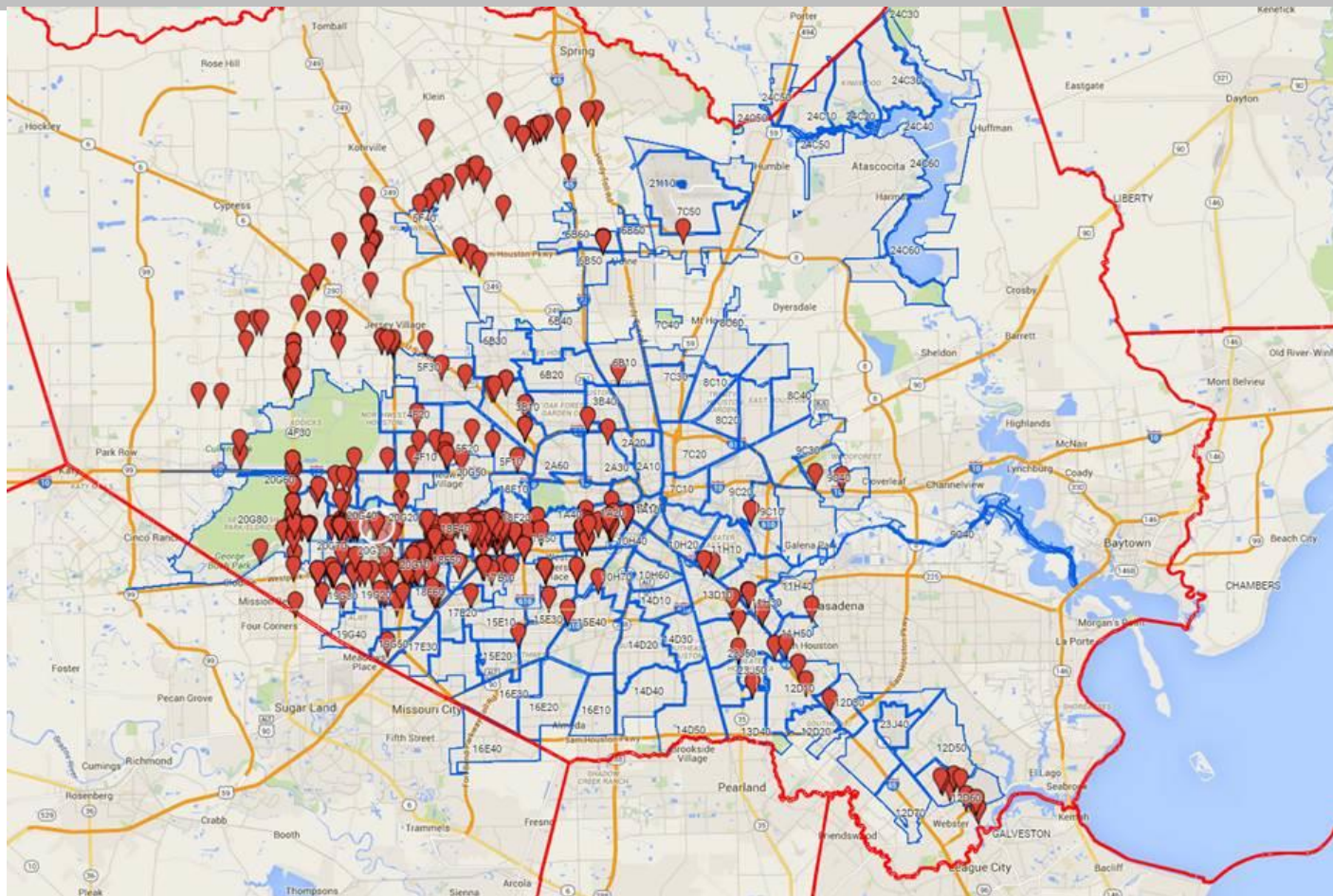


## District Counts

DISTRICT [REDACTED] ILLICIT MASSAGE ESTABLISHMENTS		
Council Member	Count of Name	Percentage of Total
RICHARD NGUYEN	87	22%
OLIVER PENNINGTON	62	16%
OUTSIDE AREA	62	16%
MIKE LASTER	59	15%
BRENDA STARDIG	46	12%
ELLEN R COHEN	31	8%
ROBERT GALLEGOS	12	3%
DAVID MARTIN	10	3%
JERRY DAVIS	9	2%
DWIGHT BOYKINS	4	1%
LARRY GREEN	3	1%
EDWARD GONZALEZ	2	1%
<b>Grand Total</b>	<b>387</b>	



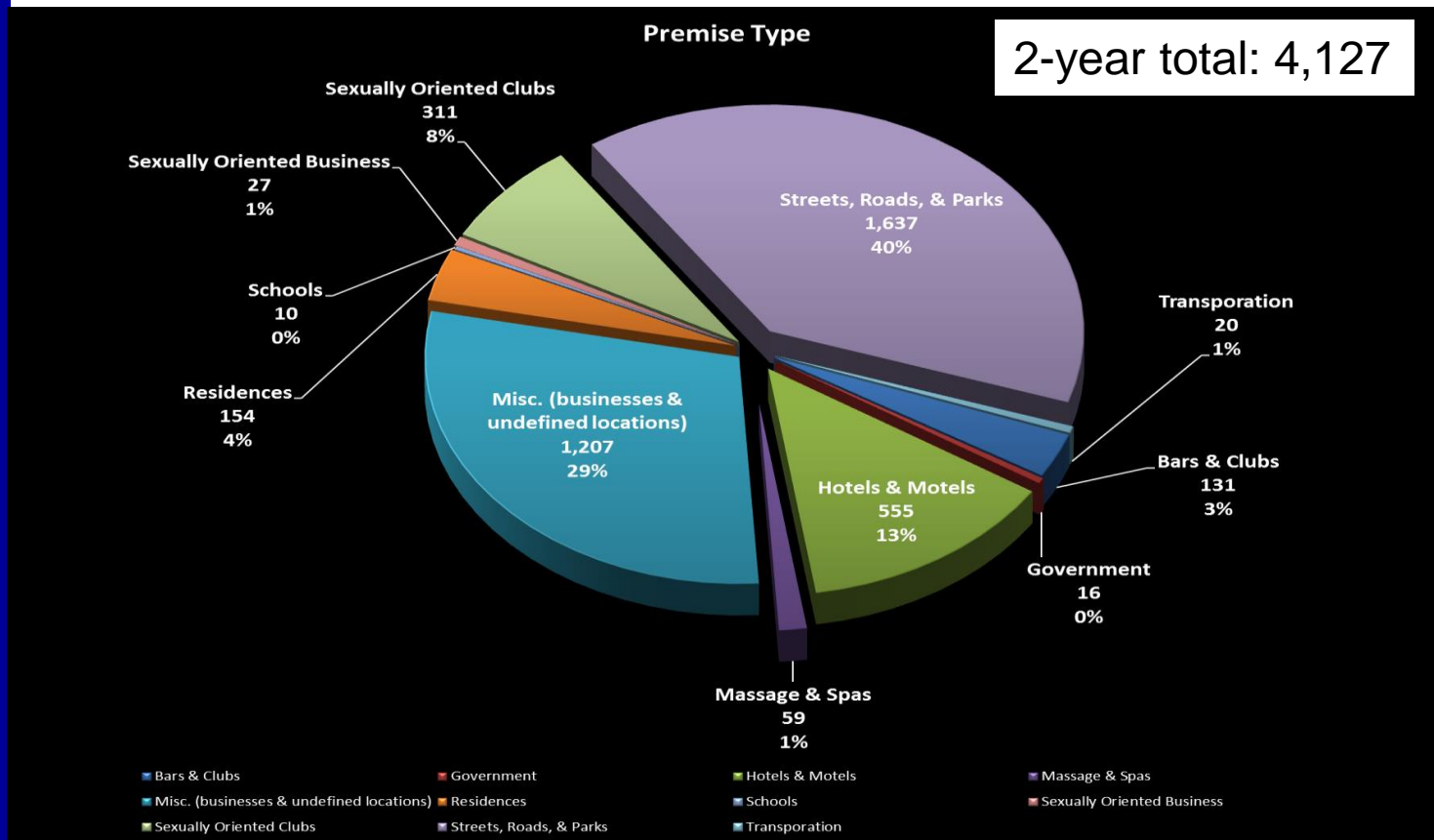
# Illicit Massage Businesses







# Human Trafficking & Prostitution-Related Incidents by Premise Type



Note: "Government" indicates locations such as police stations and hospitals. Addresses are sometimes used to generate reports while investigations are ongoing.  
 Source: HPD Crime Database  
 Extracted 11/17/2015 –for time period Nov. 17, 2013 – Nov. 17, 2015)



## Proposed Changes Sec. 28-361. Definitions.

*Massage establishment* means any building, room, place, or any establishment whose business includes advertising or offering a massage or other massage services, ~~other than a regularly licensed hospital, medical clinic, or licensed physical therapy treatment facility where massage is practiced upon the human body for compensation by any person not a duly licensed physician or chiropractor, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses. This term shall not include~~ beauty parlors or barbershops duly licensed by the state, or licensed hospitals, medical clinics, ~~however, beauty parlors or barbershops duly licensed by the state, or~~ licensed physical therapy facilities or establishments ~~places~~ wherein registered physical therapists treating only patients recommended and referred by a licensed physician and operate only under such physician's direction.



## Proposed Changes Sec. 28-361. Definitions.

Additionally, the term shall not include a place of business where a licensed massage therapist practices as a solo practitioner in a manner consistent with the applicable provisions of Section 455.155 of the Texas Occupations Code, as amended.



## Proposed Changes: Sec. 28-370. Access; right of entry.

A peace officer appointed or employed by a law enforcement agency of this state may enter the premises of a massage establishment pursuant to Sections 455.104 and 455.353 of the Texas Occupations Code. If entry and access to the premises of the massage establishment is denied, entry shall be made under the authority of a warrant to inspect the massage establishment.



## Proposed Changes: Sec. 28-361. Definitions.

### **Sec. 28-361. Definitions.**

- *Massage definition - Adding massage therapy and including devices used to offer massage*
- *Massage therapist definition – Adding someone who practices massage therapy and references other massage services as ascribed in TOC section 455.001*

### **Sec.28-362. ME license display requirement**

- *Adding massage establishment or a place of business that advertises massage therapy*

### **Sec 28-363. Maintenance of premises and equipment**

- *Instruments shall be sterilized on a regular basis and rendered free from harmful organisms in a manner consistent with state law*



## Proposed Changes: Sec. 28-361. Definitions.

### **Sec 28-369. Accommodation of diseased patrons prohibited.**

- *Adding operator, manager or person in charge instead of custodian*

### **Sec. 28-371. Penalty.**

- *Adding each violation shall constitute and be punishable as a separate offense*

### **Sec. 28-372 Cumulative Effect.**

- *The provisions of this article are cumulative of applicable state law and regulations concerning massage establishments. To the extent there exists any difference or inconsistency between the provisions of this article and applicable state law or regulations, the more restrictive shall apply.*



## Benefits and Cost

- Close a loophole that allows the IMB's to proliferate
- Enable DRT to more easily obtain a search warrant
- Increase the ratio of officers and make it easier for them to assist in enforcing this regulation against IMB's
- Assets in place and already involved, proposed changes will have increased impact
- No additional cost to City



# Timeline - Stakeholders

June	July	August	September	October	November	December
MPD Started Job	-HPD Vice and Children at Risk Input	Start outreach to stakeholders	Massage Envy Regional Therapist Support Manager	<b>Started Council Member Outreach</b>	<b>-Council Member Outreach Continues and follow up emails sent</b>	Council Agenda, planned for 12/2
	-DRT Illicit Massage Establishment Training	AMTA Houston Chapter Board President	NCBTMB National Certification Board for Therapeutic Massage and Bodywork	Human Trafficking Symposium	<b>-City Legal provides stakeholder draft for circulation</b>	
	-HPD Ride Along - Illicit Massage Establishment Operation	Eliminated chains with no Houston locations	ABMP-Associated Bodywork and Massage Professionals		<b>-MPD circulated draft for input to below stakeholders same day</b>	
					<b>-Massage Envy Franchisee, Regional Therapist Support Manager, AMTA Houston Unit Board Chair and AMTA TX Chapter President engage. AMTA TX Chapter President provides letter of support. All provide input.</b>	
			Hand and Stone Massage Heights City Legal - Attorney assigned		<b>-Laurel Massage School -Massage Instructor Lonestar College -Stakeholder Meeting</b>	
					<b>-Draft reflecting stakeholder concerns circulated to stakeholders and posted to COH website</b>	
					<b>-Public Safety Committee Meeting</b>	





## Letter of Support

Letter of Support from the American Massage Therapy Association:

“...Texas Chapter supports efforts of COH in amendments to Chapter 28 for the purposes of helping eliminate human trafficking and illicit businesses hiding behind the profession of massage therapy.”



## Conclusion

- Changes to Chapter 28, Misc Offenses and Provisions Article XII. Massage Establishments
- Proposed changes will expand the definition of massage establishments to include those that advertise and added access language will make it easier for HPD to engage
- Contact information, Minal Patel Davis:
  - email: [minal.davis@houstontx.gov](mailto:minal.davis@houstontx.gov)
  - office: 832.393.0977
  - mobile: 832.596.9965
- Contact information, Todd Latiolais:
  - email: [tlatiolais@childrenatrisk.org](mailto:tlatiolais@childrenatrisk.org)
  - office: 713.869.7740