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Police Charged with False Arrests of Gay Men at Adult Video Stores

by Andy Humm
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There has been a sharp increase recently in the number of gay men arrested for prostitution at adult video stores in Manhattan.

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Anger is building against the police department in the wake of an increase in arrests of gay men for prostitution at Manhattan adult video stores. Last week, City Council Speaker Christine Quinn joined in the outcry. She said she is working with the mayor's office and commanders of the police department to set up a meeting that will include gay community groups "to get to the bottom of this."

The arrests have been documented by Duncan Osborne of the Gay City News over the last several months. Police are allegedly using handsome young undercover cops to cruise middle-aged gay men, offering to go home with them for consensual sex. As they leave the store together, the cop offers to pay the man for the sex, confusing the victims who can't imagine why the younger man would make such a proposal. Then, as they walk out of the store, the victim, despite never having agreed to any exchange of money, is surrounded by undercover cops, handcuffed and charged with prostitution.

Gay activists and civil libertarians see the arrests as part of a continuing effort to shut down porn operations in the city and a tendency by the police department to criminalize gay sexual behavior.

"We need to see [the arrest policy] stopped and to figure out how it started," Quinn told Gotham Gazette, calling the arrests of gay men "the most egregious I have heard of" going back to her days as executive director of the [Gay and Lesbian Anti-Violence Project](#), which is part of a coalition to stop these arrests. "It's not even entrapment," she said. "These are false arrests."

Recounting the Arrests

Anger over the arrests also brought more than 200 people to a town hall meeting at the Lesbian, Gay, Bisexual and Transgender Community Center in January.

Robert Pinter, a 52-year-old gay man who was arrested for prostitution at the Blue Door in the East Village on Oct. 10, spoke at the town hall meeting. He said a young man — a 29-year old undercover cop who, Pinter said, looked even younger — cruised him in the store. He was "charming and persistent, and we agreed to go home for consensual sex, but as we were leaving he said, 'I want to pay you \$50 [to have sex].' I didn't respond, but I thought it was strange," Pinter recounted. As the men left the store, Pinter said, a group of men who did not show police identification pushed him against the wall

"I thought I'd been set up by a gang," he said. "I asked them why they were doing this to me. I was totally clueless. They handcuffed me and said, 'Why the f--- do you think we're arresting you — loitering for the purpose of prostitution.'"

Pinter spent several hours in a police van, more time at the Seventh Precinct, and "16 or 17 hours in the Tombs," the city jail downtown. His Legal Aid attorney



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"strongly suggested I plead guilty to disorderly conduct," which he did, although he now regrets it. He was also ordered to go to city-sponsored classes on how to engage in prostitution more safely.

Most of the victims, some of whom are foreign tourists and almost all of whom have never been arrested before, have been encouraged by their lawyers to plead guilty to "disorderly conduct" and end their ordeal, rather than risk trial on the much more serious charge of prostitution. But as the arrests have piled up, civil rights and Legal Aid lawyers have convinced some of the men to fight the charges.

Michael Spiegel, a veteran civil rights litigator, who won a landmark case in 2006 against the Port Authority police for targeting and falsely arresting gay men in Port Authority restrooms, is the process of identifying men caught up in the current sweep who are interested in fighting the charges. "Their civil rights have been violated," he said.

The arrests at the Blue Door, Osborne said, "are suspect and improbable. While overall, 17 percent of men arrested for prostitution in New York City are over 40 years of age, 66 percent of the men arrested at this location targeted by police were over 42.

The experience has radicalized Pinter, who founded a Coalition to Stop the Arrests that meets on an ongoing basis at the LGBT Center. "We have to hold the NYPD accountable," he said, "and keep the pressure on until it ends."

Going After 'Nuisances'

At the town hall meeting and in his stories in Gay City News, Osborne has tied the arrests to the city's aggressive enforcement of the 1977 "nuisance abatement law." Former Mayor Rudolph Giuliani and now Mayor Michael Bloomberg have used the law to sue and close businesses where alleged "criminal activity is demonstrated." According to Osborne, such nuisance abatement cases increased from 110 in 1994 to 709 in 1996 to 899 last year, closing everything from chop shops to unlicensed massage parlors.

"The commander of Midtown South said that civil enforcement is a police commander's best friend," Osborne said, who noted the city has had an ongoing effort to shut porn stores.

Following a spate of arrests at another porn shop, the Unicorn in Chelsea, the city sued to close it, citing the arrests by undercover officers.

The Police Department did not respond to Gotham Gazette's e-mailed query after the town hall meeting. Previously, Paul Browne, the department's deputy commissioner for public information, [told Gay City News](#), "The fact remains that the locations had become notorious for solicitation of sex acts, with complaints from the public resulting in police attention."

Bloomberg's press office refused comment, referring questions to the police department. District Attorney Robert Morgenthau's spokesperson, Alicia Maxey Greene, also "declined to comment" on the arrests or his office's prosecution of these cases.

State Sen. Thomas Duane said he has been in contact with the district attorney's office and placed a call to Morgenthau himself, but almost a week later had not received a call back from the district attorney.

Duane, who spoke at the town hall meeting, called for the arrests to stop immediately. "People's lives are being ruined," he said. He was noncommittal about whether there should be a criminal investigation into the police conduct. "We have to take things one step at a time," he said.

City Councilmember Rosie Mendez of the Lower East Side issued a statement criticizing the police for "targeting and criminalizing behavior that is legal."

"In this instance, they are targeting the sexual conduct of gay men. This type of targeting is simply the harassment of certain type of commercial ventures and of potential customers of legitimate businesses. This type of harassment infringes upon an individual's civil liberties," she wrote.

At the town hall meeting, some speakers said police use of false prostitution charges has gone beyond the video stores. Jennifer Ramirez of the Anti-Violence Project said that police go on the "casual encounters" section of Craig's List to trawl for potential arrestees.

"The cops go on the assumption that everyone's a sex worker," she said. "It's not getting better, it is getting worse." As a transgendered outreach worker, she said, "When I'm out on the street doing education, I'm perceived [by the police] as a

sex worker and I'm criminalized."

Andrea Ritchie of the [Urban Justice Center's Sex Workers Project](#) said police arrest gay and transgendered people for conduct "that would be ignored or winked at in heterosexual people." African American and Latino people are particularly at risk, she added.

There was a sense at the town hall meeting that the public outcry might prompt the police to end their arrests of middle-aged white gay men on false prostitution charges. However, they said, the wider problem of police abuse of their arrest powers for gay, lesbian and transgendered people will continue unless the political leaders protesting the former look into the latter.

The Gay City News series on the arrests:

[Five More Prostitution Busts IDed in Chelsea Video Store](#) (Jan. 22, 2009)

[Community Mobilizes Over False Prostitution Arrests at Video Stores](#) (Jan. 16, 2009)

[NYPD, City Respond to Questions About Prostitution Arrests](#) (Dec. 5)

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This is so typical of out-of-touch (with the gay community) police forces, and goes to show how clueless strait guys are concerning any kind of gay sexual negotiations. Ironically, if the cops had targeted guys asking for money for sex, they would have been on much more solid ground. But, that would have been too logical, not to mention -a TOTAL WASTE OF TIME.

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