



# **An Overview of Vehicle Seizures for Sex Buyers in the United States**

**Summary Based Upon  
Research from the Study,  
“A National Assessment  
of Prostitution and Sex  
Trafficking Demand  
Reduction Efforts”**

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## An Overview of Vehicle Seizure in the United States

Most state criminal codes allow for the seizure of vehicles used in the commission of crimes. Often this is applied to the use of vehicles in felonies such as kidnapping, drug smuggling, etc., but over 125 communities have seized autos used for soliciting prostitution, a misdemeanor or a civil ordinance violation in nearly all cities and counties in the United States.

In most communities that seize the autos of men attempting to purchase sex, the fees or fines tied to the seizures are generally less than \$1,000. These penalties even at the lower end of the scale represent a substantial enhancement in the overall penalties paid for buying sex. The fines meted out to johns for soliciting sex are typically no more than \$500 in the absence of additional fees or fines, such as impound fees, or fees for community service supervision or john school participation. There are a few examples of cities imposing a civil fine or impound fee of \$1000 or more:

- In Oct 2011, the city council of Oklahoma City voted to impose a \$1,900 impound fees for vehicles seized while being used to buy sex.
- Detroit and Flint, MI seize the vehicles of arrested johns, and have first-time offenders pay a \$900 impound fee or fine to retrieve them. In Flint, the costs rise to \$1,800 and then \$2,700 for second and third offenses, respectively.
- In Memphis, TN, arrested sex buyers may retrieve their seized vehicles by paying a \$2,500 fine.

Year	City or County	State
1980	Roanoke	VA
1987	Birmingham	AL
1988	Detroit	MI
1990	Milwaukee	WI
1990	Harrisburg	PA
1990	Portland	OR
1990	Long Beach	CA
1991	Toledo	OH
1991	New York	NY
1993	Bridgeport	CT
1993	South Bend	IN
1994	Waukegan	IL
1995	Rochester	NY
1995	Kissimmee	FL
1997	Hollywood	FL

Auto seizures have been successfully challenged in courts. The basic objections generally are whether the auto seizure constitutes a penalty that exceeds the maximum allowed for misdemeanors, and in other instances, local ordinances may be too vaguely written or in conflict with state law. For example, on July 26, 2007 the California State Supreme Court overturned the city of Stockton's ordinance, causing the practice to be suspended throughout the state while ordinances were reviewed

or revised. Seizures resumed in several California cities in 2008 (e.g., Riverside, Sacramento). Similarly, a Miami ordinance that was passed by the city council in 1997 was declared unconstitutional in response to a 1999 case, and that decision was upheld on appeal. Washington, DC had a seizure program that was declared unconstitutional and suspended in 2003, and later resumed after revision.

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*“The vehicle is where most if not all the activity occurs, at least for street-level prostitution.”*

Assistant City Attorney Jennifer Cacciapaglia,  
Rockland, Illinois<sup>1</sup>

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A few communities have instituted forfeiture programs in which cars used by men to solicit sex with prostituted persons could be forfeited, sold at auction, and the proceeds retained by law enforcement to fund their prostitution operations. For example, the Easton, Pennsylvania city council passed an ordinance in 2008 allowing for forfeiture of vehicles within one year of arrest, allowing time for due process. However, the first set of men arrested in reverse stings who had their autos seized filed suit, challenging the forfeitures as excessive punishment since the penalty of the local ordinance exceeded misdemeanor penalty standards for prostitution violations. Within two months of the ordinance’s passage and the first set of arrests to which it was applied, all of the autos in Easton were returned and forfeitures suspended pending the outcome of the lawsuit. In Genesee and Wayne Counties, Michigan, johns have been required to forfeit vehicles, and can buy them back for \$900 after a first arrest, \$1800 for a second, and \$2,700 for a third arrest. If they don’t pay, the vehicle is sold at auction. Similarly, in Memphis, Tennessee, arrested sex buyers may retrieve their seized vehicles by paying a \$2,500 fine – otherwise, they forfeit the vehicle.

Stockton, CA has a program called the Special Prostitution Enforcement Reporting System (SPEARS) which encourages citizens to report the license plate number of vehicles involved in prostitution. The registered owner of a vehicle identified receives a letter saying the car was seen in an area known for prostitution. Additionally (through 2007), police would seize the autos of those charged with prostitution, but the California Supreme Court ruled that police could only hold a vehicle for 48 hours after an arrest for soliciting. Among the reasons for the Supreme Court decision was that the city ordinance underlying the auto seizures was too vaguely stated. This decision essentially led to the suspension of auto seizure programs for prostitution offenses in 2008, until cities could re-write their ordinances. Many California cities have resumed auto seizures under new ordinances.

## References

References for the materials cited in this summary can be found in the bibliography of the National Assessment final report, and in each site’s webpage at DemandForum.net.

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<sup>1</sup> <http://www.rrstar.com/carousel/x414777201/Proposed-ordinance-targets-cars-in-prostitution-fight>