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ARTICLE

Evaluating the Usefulness of a Prostitution Diversion Project

Stéphanie Wahab

University of Utah, USA

ABSTRACT

As social workers are increasingly collaborating with the criminal justice system through diversion programs to create and provide alternative approaches to working with legal offenders, practitioners and researchers must consider evaluating such projects. While there exist numerous prostitution diversion programs for both sex workers and clients of commercial sex workers, often referred to as 'John Schools', throughout the USA and Canada, there have been no published evaluations, until now, of any of the programs for commercial sex workers. This article presents the research methods and discussions concerning some of the study findings of a qualitative evaluation of Salt Lake City's Prostitution Diversion Project (PDP). This article explores the usefulness of the PDP by discussing the program's objectives, its strengths and limitations as perceived by the stakeholders. The author discusses how the various stakeholders perceived and experienced the PDP. Discussions in this article pay particular attention to the stakeholders' experiences of working with and across significant theoretical and practical differences.

KEY WORDS:

criminal justice
 harm reduction
 prostitution
 diversion
 qualitative
 evaluation
 sex work

INTRODUCTION

Diversion programs are an increasingly popular phenomenon in contemporary criminal justice. Diversion can mean diversion away from jail or it can mean diversion away from the legal system all together. The main purpose of diversion is to use the authority of the court to reduce crime by providing treatment instead of punishment. While the way in which diversion programs are structured and organized varies across regions and countries, diversion programs typically aim to change people's criminal behaviors by providing treatment and services, rather than jail sentences (Bonta et al., 2002). Social workers are increasingly involved in diversion programs as intervention and service providers. In the study upon which this article is based, MSW student interns created and delivered components of the program intervention, social workers in various community agencies provided drug abuse treatment to the Prostitution Diversion Project participants, and they served on the PDP review panel.

This article is based on a qualitative evaluation of Salt Lake City's Prostitution Diversion Project (PDP) conducted in 2003–2004. What follows is a presentation of the research methods and discussions of some of the study findings. Specifically, this article discusses what the PDP stands to learn from its stakeholders. The PDP program's objectives are discussed, as are the strengths and limitations of the program as perceived by the stakeholders. The article concludes by discussing how the various stakeholders experienced the PDP, as well as the usefulness of the program. Questions for future inquiry are presented.

DIVERSION PROGRAMS

Diversion programs were created to provide offenders of certain crimes alternatives outside of traditional criminal justice systems (Nuffield, 1997; Walgrave, 1995). Diversion programs are utilized throughout the world (Galaway and Hudson, 1996; McCold, 1998) including the USA, Canada, the UK, South Africa, New Zealand, and Australia to address a number of offenses including but not limited to drug offenses (Spohn et al., 2001; VanNostrand and Tewksbury, 1999), domestic violence offenses (Johnson and Kanzler, 1993), intra-familial child sexual abuse (Skibinski, 1994), shoplifting offenses (Deng et al., 1992), and juvenile offenses (Campbell and Retzlaff, 2000; Pogrebin et al., 1984; Rose, 1997). There is an increasing prevalence of diversion programs despite limited empirical evidence of recidivism benefits for such programs (Nuffield, 1997; Wortley et al., 2002). Nuffield (1997: ii) notes that available evaluation studies have produced mixed results regarding the outcomes and benefits of such programs:

Expectations that diversion programs will reduce justice costs have not been supported in the literature. Most programs affect only a very small number of

criminal cases, some studies have shown that diverted cases experience the same number of court appearances as their controls, and no instances were found of diversion programs which resulted in reductions of justice system expenditures. Indeed, some studies suggest that diversion can increase justice system workloads and that the diversion alternative is more expensive than the traditional alternative.

The USA's first John School (diversion program for clients of commercial sex workers), *First Offenders of Prostitution Program* (FOPP), was a joint project created in 1995 by Norma Hotaling, an ex-San Francisco sex worker who left the streets and started *Standing Against Global Exploitation* (SAGE) in 1993, the San Francisco Police Department, and the District Attorney's Office. The program serves both clients and sex workers who have been charged with first-time prostitution offenses. The FOPP claims that it has served as a model for John Schools and prostitution diversion programs all over the country.¹ No formal evaluations of the FOPP have been published to date.

While there exist numerous prostitution diversion programs for both sex workers and clients of commercial sex workers throughout the USA and Canada, there are no published evaluations to date of any of the programs for commercial sex workers. The only published evaluation to date for a John School program, the Toronto Prostitution Offender Diversion Program, was conducted by the National Crime Prevention Center Department of Justice Canada. Wortley et al. (2002) and Fischer et al. (2002) discuss the findings. Wortley et al. report that the pre- and post-program survey of participants (clients of commercial sex workers) demonstrates that the program appears 'somewhat successful in achieving several of its principal objectives' (2002: 393), including encouraging participants to take responsibility for their actions and admit they engaged in an illegal activity, increasing participants' awareness of the various 'victims' of prostitution, increasing the participants' awareness of the potential dangers of purchasing sex from prostitutes, as well as changing participants' attitudes towards prostitution. Despite these post-program changes, the researchers state that the 'attitudinal changes did not seem to translate into significant changes in anticipated future behavior' (2002: 393). They also report that the program's greatest weakness is its inability to deter future prostitution related activities. During the registration interview 12.8 percent of the respondents indicated that they would certainly return to prostitutes in the future. After completion of the John School that figure dropped to 11 percent, a statistically insignificant decrease. One out of every 10 participants reported that they might return to prostitutes in the future, 'this figure is more than four times greater than the official program recidivism rate (2.4%)' (2002: 389).

Noteworthy is the attention the researchers draw in their publications towards 'serious concerns' with the Toronto Prostitution Offender Diversion

Program. Through the course of their research, they identified ‘serious [operational, social and legal] concerns or problems with the John School model’ (2002: 394). These concerns include ‘considerable confusion’ among participants regarding the main objective for the program, the disproportionate representation of working-class, immigrant populations in the program, a lack of attention to participant language diversity, and perhaps more importantly, the compromising of due process rights where offenders must provide a guilty plea and consequently waive their ‘presumption of innocence’ and opportunity to challenge the charges in court. Another major concern addresses the fact that program participants must purchase the intervention services they receive through diversion by paying \$400 (to be enrolled) while other criminal justice services (jail, probation, etc.) are free. To conclude, the researchers note that the serious concerns may outweigh the ‘modest benefits’ revealed in their study; do the ‘limited post-program changes to prostitution-related knowledge and attitudes – justify the temporary suspension of due-process rights and the creation of an “arrests for revenue” diversion process?’ (2002: 397).

HISTORY OF SALT LAKE CITY PROSTITUTION DIVERSION PROGRAM (PDP)

The catalyst for both the creation and provision of services to sex workers in SLC, and eventually, the creation of the Salt Lake City PDP was a local escort worker. An anonymous female sex worker attended a public meeting with Salt Lake City’s Mayor in 1998 and asked the Mayor why there weren’t any services for sex workers in the city. According to some of the study participants, it was after this meeting that the Mayor assembled a collaborative group of service providers to assess the needs of sex workers in Salt Lake City. The working group was called ‘Turning Out’, and endeavored to inform the Mayor about the needs of local sex workers. With grant funding, the Mayor’s office created the Prostitution Outreach Project (POP) that contracted the Salt Lake Valley Health Department, 4th Street Clinic/Intermountain Harm Reduction Project, and the Salt Lake City Police Department to provide services to sex workers. The POP provided case management and group support services for women who had been involved in prostitution or any form of illegal commercial sex work. Also providing services to commercial sex workers prior to and during the POP was the Salt Lake Valley Health Department, who started the *Coffee Klatch* weekly meetings at a local Denny’s restaurant. Documentation for the *Coffee Klatch* dates back to 1997. In addition, an employee of the Intermountain Harm Reduction Project and an employee of the Salt Lake Valley Health Department started a weekly drop-in group at a local motel for commercial sex workers in June 2001. The motel group was eventually named WAR, Women Against Risk, and continues today.

In November 1999, Salt Lake City established its first Johns program for clients of commercial sex workers, titled John's Offender Program, a collaboration between the City Prosecutor, Salt Lake County Criminal Justice Services and UMOJA (a private clinical practice). A diversion program for clients of sex workers was established prior to establishing one for commercial sex workers because of its self-sustaining ability; diverted men pay US\$350 to receive the services. To advocate for funding and services for commercial sex workers is viewed as a political suicide by many public officials.

The creation of the Salt Lake City PDP occurred in 2001. The partners formally credited for creating the PDP include the Harm Reduction Project (HRP) (formally the Intermountain Harm Reduction Project), the City Prosecutor, and the Salt Lake Valley Health Department. The Salt Lake City PDP is not a diversion program in the technical sense of the term. That is, individuals who are enrolled in the program are not diverted away from the legal system. They are however, diverted away from jail. Not all sex workers charged with prostitution offenses are deemed eligible for the PDP. Commercial sex workers enter the program by one of the following mechanisms: 1) they are identified by the SLC Prosecutor's Office and offered an opportunity to participate in the program; 2) they walk in; 3) they are recruited by outreach; or, 4) they are referred by an agency. If the sex worker is a defendant, she is offered a plea in abeyance and the case is diverted. The defendant enters a guilty plea but the plea is not entered, she is not fined or jailed. If the sex worker is offered and accepts the PDP, the plea is not allowed to move forward and is held until she has successfully completed the PDP. After successful completion of the program the arrest record remains and the case is dismissed. If the sex worker does not successfully complete the PDP, the guilty plea is entered, and the case moves forward in the courts according to usual protocol.

A BRIEF OVERVIEW OF THE STRUCTURE OF THE SALT LAKE CITY PDP

While numerous changes occurred to the structure of the PDP throughout the course of this evaluation, the PDP was originally designed and operationalized as a three-phase program with 16 weeks in Phase 1, 12 weeks in Phase 2, and 12 weeks in Phase 3. During Phase 1 participants were required to attend weekly group sessions facilitated by Harm Reduction Project (HRP) counselors, weekly individual sessions with HRP counselors, and a bi-weekly eight-session life skills course, also with HRP staff. During Phase 2 participants were required to attend bi-weekly (HRP) group counseling, bi-weekly (HRP) individual counseling, and outside treatment by other community programs as deemed necessary by the PDP review panel. During Phase 3 participants were required to attend bi-weekly individual counseling and attend outside

treatment as deemed necessary. Successful completion of the program depended on participants' fulfilment of these requirements. A review panel comprised of a former/non-active sex workers, representatives from local women's service agencies, a prosecuting attorney, defense council and case management (consisting of criminal justice services [CJS] individuals) assessed the women's attendance and progress on a bi-monthly basis. During the first year of the PDP, CJS individuals and the review panel determined if and how often women enrolled in the program had to be drug tested through urine analyses. Abstinence from drugs was a requirement for successful completion of the program.

STUDY OBJECTIVES

The primary objective of this study was to qualitatively evaluate Salt Lake City's PDP. The evaluation was concerned with how commercial sex workers were served, if at all, by the program. Because the PDP did not have clearly stated or documented objectives and protocols (discussed later), and because recidivism data was not made accessible to the researcher, the study concerned itself with program usefulness rather than program effectiveness. Consequently, this evaluation was concerned with understanding how the various stakeholders understood their roles, responsibilities, and experiences, including their relationships to one another. The secondary objective was to contribute to the creation and provision of services to commercial sex workers, particularly in Salt Lake City, by evaluating the PDP. Given the absence of published evaluations on prostitution diversion programs, despite their proliferation, the researcher hoped to help create a foundation from which to ground and build future studies and designs of such programs.

DESIGN

The inquiry was grounded in a constructivist ontology where meaning and reality are viewed as socially constructed. Because stakeholders came from diverse social locations and identities and they possessed varied agendas, such as political and social investments in the PDP, it was important to ground the study in a framework that allowed for different knowers possessing different values and ideals to construct different meanings (Greene, 2000). In addition, the absence of documented PDP objectives and protocol lent itself to a constructivist inquiry that would explore the meaning of individual experiences within the PDP. Constructivist researchers endeavor to 'understand contextualized meaning, to understand the meaningfulness of human actions and interactions – as experienced and constructed by the actors – in a given context' (Greene, 2000: 986). This inquiry strove to speak to multiple audiences, and include

multiple perspectives, diverse experiences, and understandings regarding the PDP.

RESEARCH QUESTIONS

The study attempted to explore the PDP's usefulness by asking: What are the objectives of the PDP? Does the PDP meet its objectives? How is the PDP experienced by its stakeholders? What are the strengths and limitations of the PDP? How are commercial sex workers in SLC served by the PDP?

METHODS

Sample and Recruitment

Purposive sampling was utilized to recruit potential study participants in order to ensure that certain types of individuals, that is, representatives of all the different types of stakeholders, were included in the study. Once approval for conducting the study was granted to the primary investigator (PI) by the City Prosecutor, the executive director of HRP, and the program director for Court and Treatment Services with Salt Lake County Criminal Justice Services, the City Prosecutor and the Salt Lake County Criminal Justice Services provided the researcher with a list of names of all of the stakeholders involved in the program, with the exception of the names of women enrolled in the PDP. Potential volunteers were contacted through an individualized letter (from the researcher) that was distributed to stakeholders by the Salt Lake County Criminal Justice Services. Sex workers who were diverted into the PDP at the time of the study received a (generic) letter of recruitment from the PDP counselors during a group session. Potential volunteers were asked to contact the PI if they were interested in the study. All participants were compensated US\$20 an hour for their participation.

The study sample was comprised of stakeholder representatives from the following key informant groups: women who were currently enrolled as participants in the PDP, women who had already graduated from the first PDP cohort,² case managers and program directors from the Salt Lake County Criminal Justice Services (SLCCJS), Harm Reduction Project (HRP) staff, PDP panel members (defense attorney, prosecuting attorney, social workers, etc.), staff from the City Prosecutor's office, judges, vice officers, substance use counselors, mental health counselors, and social work interns. The total sample consisted of 31 participants: 12 sex workers (program participants) and 19 non-sex workers (service providers). In order to participate in the study, volunteers had to be at least 18 years old, speak English or Spanish, and they had to have been involved in the PDP at some point in time. At least one representative from each stakeholder category was represented in this inquiry. The sex workers' ages

ranged from 22 years to 43 years old. The ages at which they began sex work ranged from 15–22 years old. Education levels ranged from some years (1–3) of high school to a college degree. Three women identified as Hispanic, one identified as African-American, seven identified as White or Caucasian, and one identified as bi-racial (Hispanic and White).

Data Collection

Stakeholder narratives were collected to hermeneutically describe and understand the meaningfulness and usefulness of the PDP, as well as the varied experiences of stakeholders. Semi-structured qualitative interviews, on-site extended observations, field notes, and written program materials were collected by the PI from February 2003 to August 2003. Interviews lasted between one and two hours per study participant, and were audio-taped with participant consent. Some participants were contacted by telephone and email by the researcher for additional clarification of statements and issues raised during individual interviews. Telephone calls were not audio-taped. In such instances, the PI took notes during and after the conversation. The notes and email communications were transcribed and entered into Atlas-TI.

Although some stakeholders were under the impression that the program would serve first-time offenders, the majority of those referred to the PDP prior to and during the course of this study had many years of sex work experience, as well as previous arrests (for prostitution and/or drugs). Their experiences in the sex industry collectively ranged from one month to 27 years.

Data Analysis

A professional transcriber transcribed the audio-taped interviews. All transcribed data, including field notes and program literature, were qualitatively analysed for known and emerging themes and constructs. The coding and analysis processes were informed by critical theory to explore the different social, political, and economic locations from which the participants spoke.

All transcripts were coded through open and in-vivo coding techniques (Strauss and Corbin, 1998). Open coding is the analytic process through which themes and concepts are identified. It is also during open coding that the dimensions and properties of the concepts and themes are exposed. In-vivo codes are conceptual names and/or phrases that are taken from the words of the participants (Strauss and Corbin, 1998). Through open coding, ideas and experiences were compared for similarities and differences, which allowed for discrimination and differentiation of codes until saturation was met. The coded concepts are then organized into categories and subcategories. The process of relating categories to subcategories is called axial coding (Strauss and Corbin, 1998). Once saturation was met, selective coding (Strauss and Corbin, 1998) takes place where codes are organized into analytic and thematic categories. Selective

coding is the process of integrating and polishing categories and codes to form a broader theoretical scheme. Memos were utilized to record constructs, ideas and questions as they emerged. A computer software program, Atlas-TI, was utilized for data management and analysis.

Rigor

There are several ways to increase rigor in qualitative research, including immersion in the field, immersion in the data, participant checks, peer debriefing, sufficient data, managing researcher subjectivity, and an audit trail (Morrow and Smith, 2000; Patton, 2002).

Immersion in the Field and Data

The PI has 12 years of practice and research experience with commercial sex workers. Her past experiences in this area and connections with community members facilitated her immersion in the field for this study. She also immersed herself in the data by conducting all of the interviews, listening to each audio-taped interview, creating initial open codes, and through the later phases of analysis.³

Participant Checks

The PI returned to stakeholders (through phone calls and emails) after the face-to-face interviews when additional clarity was needed. Piecing together the history of the PDP required the most extensive amount of participant checks as conflicting reports and data were pervasive. The researcher continued checking in with participants about the history narrative that was emerging until major inconsistencies in stakeholders' reports were resolved. All stakeholders were asked to give the researcher feedback once they had read the final report. Out of the 31 participants, 6 provided feedback and offered critical suggestions.

Peer Debriefing

The research assistant and PI met regularly to discuss issues related to commercial sex work. We also met regularly to discuss the various phases and progress of the analysis phase. The PI regularly shared her process and findings with colleagues who have expertise in qualitative research methods. The colleagues provided outsider perspectives as well as additional mentoring during the various phases of the study.

Sufficient Data

The sample size of 31 informants provided sufficient data to encompass the diversity of perspectives and experiences of a majority of the PDP stakeholders. All of the PDP non-sex-worker stakeholders were interviewed for this study.

It was estimated by the CJS worker who enrolled sex workers into the PDP that 20–24 women had been enrolled since the beginning of the program. Consequently, approximately one half of the sex workers were interviewed for this study.

Managing Researcher Subjectivity

The PI recorded her thoughts, impressions and feelings into a tape recorder after every interview. These tapes were also transcribed by the professional transcriber and entered into Atlas-TI as a part of the study data. The PI's thoughts and reflections were also analysed as relevant data to be published elsewhere. The PI kept an audit trail that includes log entries that describe dates, times, and places of data collection, as well as a record of evolving themes and memos during the open and axial coding.

HARM REDUCTION AND CRIMINAL JUSTICE PHILOSOPHIES

Stakeholders universally spoke of and referenced two primary stakeholders within the PDP-CJS and HRP. Each of these stakeholders were viewed as possessing distinct ideologies, agendas, and practices. Some stakeholders even identified CJS and HRP as constituting two separate programs.

So the diversion program is to steer people away from prostitution, and Harm Reduction is just to support people wherever they are. (Stakeholder #5, sex worker)

CJS stakeholders were identified (by HRP stakeholders and the program participants) with punishment and order of the law, and HRP stakeholders both identified themselves and were identified by all stakeholders with personal risk assessment and management, and support. Everybody understood that the criminal justice system's agenda was to get people to change their behaviors in order to comply with the law.

I really don't think that the Criminal people know exactly what Harm Reduction's about, cause if they did, they probably wouldn't be sending the girls over there. (Stakeholder #26, service provider)

CJS was also perceived (by all stakeholders) as having a close relationship with law enforcement. It was also perceived by most study participants that CJS works towards its objectives through coercion and punishment, and more recently through clinical and therapeutic services via diversion programs. On the other hand, the HRP was viewed as an agency that doesn't tell people what to do or how to live their lives, but rather provides support and empowerment for people to be safer when engaging in risky behaviors.

Harm Reduction is just . . . if you're gonna go out there and do it, you know, that's fine, but just try do it in the safest way you can and try and, you know, don't try and hurt anybody, or try and . . . you know, make yourself so obvious, you know, if you're gonna go . . . just harm reduction, to, you know, do it the safest way you can. (Stakeholder #6, sex worker)

Unlike CJS, HRP was not perceived as having a close relationship with law enforcement. For this reason, numerous stakeholders spoke to the novelty of the CJS and HRP collaboration.

HRP and CJS stakeholders differed on several issues and approaches including urine analyses (UAs), whether sanctions and consequences should be given for 'dirty' urine analyses, what information about participants should be reported (by the PDP counselors) to the review panel and consequently the judge, and on best practices concerned with behavior change (Wahab and Davis, 2004).

THE PDP OBJECTIVES

Neither sex worker stakeholders nor service provider stakeholders were able to refer to written documents or explicit verbal instructions regarding the intended objectives of the program. Consequently, the objectives discussed in this report are objectives that were perceived by the stakeholders. The two tables (1 and 2) of objectives generated by the PDP stakeholders indicate that sex worker and service provider stakeholders held consistent and differing understandings of the program objectives. There were 22 perceived objectives articulated by the stakeholders: 10 articulated as strictly CJS objectives, 6 articulated as strictly HRP objectives, and 6 articulated as shared (CJS and HRP) objectives.⁴ The two tables distinguish sex worker and service provider responses. The quotation marks signify in-vivo codes. In-vivo codes are conceptual names and phrases that were taken from the words of the participants (Strauss and Corbin, 1998).

The stakeholders were not prompted by the researcher to think in terms of dual objectives, nor were they asked to identify whether each objective was considered an HRP or CJS objective. However, as previously mentioned, stakeholders universally spoke of and referenced CJS and the HRP as the two major stakeholders in the PDP.

The Criminal Justice . . . they expect you to stop right away and not do anything, and just be perfect right away. (Stakeholder #6, sex worker)

I think there might have been two agendas; but ultimately, I think they're the same goal, and that's to keep women safe, and our community safe. (Stakeholder #18, service provider)

Table 1 SEX WORKERS' PERCEPTIONS OF THE PDP OBJECTIVES

- Provide counseling to help address/resolve personal issues (drugs, abuse, self-esteem, depression, etc.) **HRP**
- Get women out of the sex industry **CJS**
- 'Get the prostitutes off of the streets' **CJS**
- 'Support people wherever they are' **HRP**
- 'Make people more aware of why they are doing sex work' **CJS/HRP**
- Engage in harm reduction behaviors **HRP**
- Educate PDP staff and volunteers about prostitution **CJS/HRP**
- 'Clean 'em up' **CJS**
- Teach sex workers better ways of conducting their lives **CJS**
- Prevent the spread of HIV/AIDS **HRP**

Notes

ⁱ The list is not in any particular order.

ⁱⁱ CJS = Criminal Justice Services, HRP = Harm Reduction Project.

Additional Clarity of Certain Objectives

The following objectives: 'clean 'em up'; teach sex workers better ways of conducting their lives; protect the community; and help them establish more sophisticated and healthier relationships, merit additional clarification. When sex workers stated that one of the objectives was to 'clean 'em up', they understood that that one of the objectives of the PDP was to 'clean' them of socially and morally undesirable behaviors and activities.

I think to . . . um . . . it's an attempt to clean 'em up . . . help clean people's lives up, and to teach them better ways of conducting their lives. (Stakeholder #2, participant)

'Clean 'em up' refers to getting women out of sex work, off of drugs, and out of street life. 'Teach sex workers better ways of conducting their lives' refers to the messages sex workers received suggesting that certain aspects of their lives were dysfunctional, broken, and not good enough.

I think their objective was to help people clean up their lives and live more productively. (Stakeholder #2, participant)

I think that the whole objective and main goal is to . . . to find alternatives to destructive behavior. (Stakeholder #5, participant)

'Protect the community' refers to protecting non-sex workers from sex workers. More specifically, this objective refers to protecting non-sex workers from

disease, drugs, immorality and crime – inflictions and activities that are presumed perpetrated by sex workers.

I would suppose that if you ask the City Prosecutor, I'm sure he'd say that these women pose a risk to the community, for whatever reason. We don't want them doing what they're doing. We can protect the community by locking them up, or we can try to do it another way, and this was the best other way. (Stakeholder #12, service provider)

Consequently, some of the women also understood that 'law-abiding, Christian citizens' (Stakeholder #4, sex worker) perceived them as threats and dangers to the community.

'Help them establish more sophisticated and healthier relationships' refers to perceptions that sex workers' personal and professional relationships are unhealthy, dysfunctional, and lacking positive qualities.

I know another objective is to get . . . to help these women establish more sophisticated and healthier relationships, and it's not they they're necessarily in . . . more unhealthy relationships. (Stakeholder #23, service provider)

These objectives articulated by sex workers and service providers speak to the negative stigma-projected and internalized – that continues to accompany those 'fallen women' (Kunzel, 1993) that trade sex for material gains.

Diverting Sex Workers Away from Jail

Although the PDP literature states that one of the program aims is 'to assist and empower the participant's transition away from the criminal justice system and the conduct that brings them there' (Colona, 2001), none of the sex workers ever mentioned diversion from the criminal justice system or jail as a perceived objective or benefit of the program. On the other hand, all of the service providers mentioned it as both an objective and benefit. Perhaps sex workers' omission of this perceived objective and benefit is in its silence an actual naming of the program's less explicit objective – to get women to stop doing sex work.

DOES THE PDP MEET ITS OBJECTIVES?

Participants were asked whether they believed that the PDP met its objectives. Since participants consistently spoke to two sets of objectives, answers to the question also fell into these two categories. Answers to this question are discussed along sex worker and service provider stakeholder categories.

CJS Objectives

Service providers reported that the program met its objectives in part rather than in full. They reported that the PDP kept women out of jail, it provided

a safe space for sex workers to gather, share and learn, and CJS stakeholders learned about sex work from the women in the program. They also reported that despite feeling safe in individual and group counseling sessions to discuss a number of sensitive issues including addictions, abuse, trauma, mental health, health, and relationships, sex workers never spoke about whether they were still working while in the PDP. Service provider stakeholders did not believe that sex workers felt safe disclosing their (sex) working status while in the program.

Most service provider stakeholders agreed that the program succeeded in keeping sex workers out of jail while they were in the program; however, they did not believe that the program helped women obtain housing, nor did they believe that the program reduces prostitution in SLC. Because the PI was unable to obtain re-arrest statistics of those who had participated in the PDP, we are unable to comment on how useful the program is in keeping women out of the sex industry and out of jail once they have completed the program. The majority of stakeholders, including the sex workers themselves, were doubtful that the PDP could facilitate women's permanent exit from the sex industry, nor did anybody believe that they PDP could eliminate sex work from Salt Lake City.

HRP Objectives

Sex workers reported that the HRP objectives were met. Sex workers received counseling, they felt supported by counselors, and believed that they taught PDP stakeholders about sex work. In addition, they reported engaging harm reduction behaviors, and consequently believed that they were protecting themselves from HIV/AIDS by using harm reduction.

On the other hand, the sex worker stakeholders reported that CJS objectives were not met. They stated that the PDP did not get women out of the sex industry, nor did it get them off of the streets, nor off of drugs, despite the fact that some women found support for sobriety while in the program. In addition, sex workers who were still working while in the PDP reported not feeling safe or comfortable talking about their active work status while in the program.

Cause we're all court-ordered. Nobody's gonna risk their life. Nobody's gonna talk about that shit [still working] and get . . . face the chance of going to jail. You know, when you're on the third strike like me, you're looking at one to three years. (Stakeholder #4, sex worker)

They feared punitive consequences for such disclosures. Consequently, none of the six women who disclosed (to the PI) that they were still working while in the program ever told their counselors or other PDP stakeholders. Two of these

six women mentioned that although they were still working, they were working 'in a different way' than prior to entry into the PDP.

So . . . but I mean, I still . . . I stopped working on the streets, but I still . . . um . . . and then after I stopped going to Harm Reduction, I kind of got in contact with some old clients, but I wasn't working on the streets. (Stakeholder #6, sex worker)

Without having explored with the participants why they were working differently, we are left wondering if the harm reduction interventions' objectives may have informed women's decisions to work off the streets and in different, safer venues.

Similar to the 'still working' issue, women who were still using drugs while in the program did not worry about HRP stakeholders' reactions to their drug use, they did however, express concern about CJS stakeholders' reactions.

I haven't done it for 2 years, but, you know, with [HR counselor], you know, I can pretty much tell her anything that I'm feeling. She knows I'm not gonna go use, because she said, you know, I came strong this long, and she trusts that I won't go use, or if I tell [CJS person to whom they report], you know, I don't want her to come out thinking I'm gonna use, and start all these UA's, cause I've been free from those for quite a while now. (Stakeholder #1, sex worker)

The lack of clearly stated and defined objectives and the lack of protocol or measures to assess success, program utility, progress, strengths, and limitations render accurate assessment of the PDP objectives difficult, if not impossible. Consequently, the PDP and similar programs may consider developing clear and consistent objectives, sharing them with all of the stakeholders, as well as engaging dialogue across different theoretical and practical approaches of the objectives.

STRENGTHS AND LIMITATIONS OF THE PDP

Strengths

All stakeholders overwhelmingly reported positive benefits to sex workers as a result of PDP participation. Service provider stakeholders' perceptions of PDP benefits for sex workers included added structure to the participants' lives, harm reduction information, referrals to social services, support, attention, and diversion from jail.

The strengths of the program were that we gave women the opportunity to change their life if they wanted it to be changed. We gave the women the

opportunity to be safe and to learn how to protect themselves if they chose that; whereas if they went to jail, they wouldn't have been given those opportunities, and they would've just been incarcerated, which we can't teach someone to swim in a box. It's kind of a common phrase. You know, we give them the opportunity to learn how to swim, if that's what they wanted, or at least be safe. The strengths, I think, are endless, because we're giving a population that's been so discarded by our society, respect, opportunity, options, choices, safe environment, places to communicate, and whereas, they would not . . . if they chose their lifestyle, they would not be given those opportunities at other places if they wanted to maintain their lifestyle. (Stakeholder #18, service provider)

The city of SLC and CJS were also viewed as benefiting from the PDP through the perceived fiscal savings attributable to diversion from jail. In addition, the uniqueness and novelty of the collaboration between HRP, the City Prosecutor's office, and Salt Lake County Criminal Justice Services was cited as a benefit to Salt Lake City.

I think the fact that the program even came into being, and the fact that we were able to send women into it, is already a success. And it's a success because we were able to put individuals there. It was a success that we were able to create a model where people thought it . . . this couldn't be done. So that's a success. (Stakeholder #15, service provider)

Sex workers named a number of personal benefits as a consequence of their participation in the PDP, including individual 'therapy,' information and resource referrals, help with sobriety, support and empowerment, and 'being out'.

I like the individual therapy with my counselor. (Stakeholder #2, sex worker)

[I]n the individual therapy part of the program, it's been pretty awesome. I've been able to talk about some of the stuff there. (Stakeholder #5, sex worker)

But, other than that, they have a great program. They really do. They work with you. I like my one-on-one session with, you know, counselor. She was really good. She just . . . you know . . . I could call her, you know if I need just to talk to her or ask her something. (Stakeholder #7, sex worker)

She was great. She's the bomb! I think she was mainly the reason why I actually kept going. (Stakeholder #27, service provider)

A frequent theme addressing why the women seemed to appreciate and connect with their counselors as much as they did was the feeling that the counselors 'had been there' and understood them. Not only did the women feel supported but they also felt accepted without judgment.

She's really great. She's been there. She knows exactly what a lot of us are going through. She's actually; all the counselors are great. (Stakeholder #1, sex worker)

Another reported benefit was the information and resources that women received while in the PDP. Women received information and resource referrals for substance use, domestic violence, rape, self-defense, housing, welfare assistance, self-esteem, and vocational rehabilitation.

This one, you get to learn lessons, and you get to learn information to help you get a job, for resources for day cares, or resources for parenting classes. There's resources for people that are still using drugs, and having unprotected sex. There's condoms available, and Vitamin C pills. (Stakeholder #2, sex worker)

Yet another referenced benefit was the help that women who were actively trying to be clean and sober received for sobriety.

Cause I've always got somebody to watch me [in the PDP]. Now I won't. That's the honest truth. I'm happy as shit, boy! I can't wait to be completely free, but I'm really scared. I've always had somebody to keep me on the straight and narrow . . . without that group right now, I'd be out there smoking crack like crazy. (Stakeholder #4, sex worker)

The broadest benefit theme was that of support and empowerment. Women reported feeling supported in a number of ways, including through their exchanges with each other. They reported feeling listened to, and felt supported and empowered as a consequence of their ability to 'be out' as sex workers.

Man, the support, and the way that I can relate to other women's stories about, you know, what a real bummer of a life that is, and gaining support and empowerment by talking about, you know, things that may have happened, or . . . just gaining tools to better our lives, as far as jobs, and self-esteem issues. (Stakeholder #2, sex worker)

Yea, like I said, I've been through all kinds of counseling and stuff, but never in a group where there were other sex workers, you know, where we all have something in common. (Stakeholder #7, sex worker)

They reported that being out contributed to decreased feelings of isolation. The most frequently mentioned benefit by sex workers was the opportunity to gather with other sex workers and service providers in an environment where they felt accepted and supported. Consequently, this benefit was an unintended consequence of the program; none of the stakeholders who created the program ever intended to create a support system for commercial sex workers.

Limitations and Challenges

PDP challenges and limitations articulated by service provider stakeholders included an absence of consistent protocol and procedures, insufficient funding, lack of direction and leadership, insufficient clinical training to address the issues raised by the program participants, ethical issues, and inconsistent program ideologies.

Ambiguous Protocol and Procedures

The absence of clear and consistent objectives, protocols, and procedures was evidenced through divergent understandings of the PDP objectives and of individual roles and responsibilities. The absence was also evidenced through inconsistent and subjective use of urine analyses (UAs), differential treatment of program participants, and inconsistent protocol and procedures among the review panel members.

Urine Analyses

Given frustrations with inconsistent protocol and procedures, the issue that raised the most conflict and confusion for all stakeholders was the UA. All of the service provider stakeholders stated that there was no consistent or clear protocol for administering UAs and for knowing what to do with 'dirty' UAs.

So when a UA would happen and it would be dirty, they would base it on an individual case basis. (Stakeholder #18, service provider)

I was the one that could get you in trouble. (LAUGHS) I was the one (inaudible word) request a bench warrant, you know, I was the one. If you didn't do a UA, I could get you in trouble . . . So I would put some of them twice a week . . . it was my decision, and it all depends on what they told me about their use, what their prior history was. I would put . . . I know the couple that were just escort workers, I . . . we tested them just randomly maybe once a month. (Stakeholder #25, service provider)

The confusion and lack of clear protocol may be attributed to the fact that the harm reductionists and the criminal justice stakeholders have divergent and opposing ideological positions on UAs. The harm reductionists don't believe in using UAs; they feel that it challenges trust in the relationship with the client, and imposes a paternal (monitoring) component to the intervention that is not consistent with harm reduction philosophy. Harm reduction philosophy embraces non-judgmentalism and does not support coercion as a means to support people to change their behaviors. The criminal justice stakeholders, on the other hand, embrace UAs because they are utilized in Drug Court (and the PDP is partly modeled after the SLC Drug Court program), and because they believe it helps support behavior change.

I think it . . . it just provides that little bit of push . . . a little bit of motivation to keep, you know, for the girls to be clean and sober. Because really, for the most part, I mean, I realize it's not everybody . . . not every street worker, you know, who is drug addicted. But for the most part they are; and for the most part, that's why the girls are in our program, you know, were hooking, was to supply their drug habit. (Stakeholder # 11, service provider)

The lack of consistent and clear protocol around UAs created opportunities for individual bias and perceptions to inform a subjective treatment of the participants concerning drug use.

After significant conflict and debate around UAs the harm reductionists refused to have any part of the UAs, and CJS consequently agreed to take over responsibility for mandating and administering them. Interestingly enough, when asked, none of the supporters of UAs, including the CJS program director, knew if there was empirical support for the use of UAs as an intervention tool.

The use of UAs raises an interesting theoretical and practical question. Given that the PDP participants' criminal offenses are for prostitution, why are they drug tested, and why is successful completion of the program determined, in part, by their sobriety?

Victims Treated Differently

The lack of clear and consistent protocol was also evidenced in the differential treatment of sex workers. Sex workers perceived as victims were viewed as 'more innocent' than those who were not perceived as victims; as a result, they received differential and preferential treatment by some of the service providers.

There might be victims, and so I try to take all that in, and then I make that whole decision. And a lot of times, when I hear the victim talk, it has an impact on me. I may decide that this person's gonna get probation and no jail, and I listen to the victims and I hear their side of the story, and I see the tears and well up, and I see the trauma that they've been through, and I change my mind. And I may be a little harsher in the sentencing. (Stakeholder #24, service provider)

Punishment, also, has to be tailored to the person that you are going to be punitive with. So, for example, my approach is different for somebody who comes out of the escort business, than somebody who's a street walker, because I know that their infrastructure supports are different. So for example, somebody who's in the escort business will not get a plea in abeyance from me, because they come under a very conscious guise of a legitimate business, under some very conscious decision-making to enter into acts of prostitution. So you don't get 'plea in abeyances' automatically from me, if you're an escort, because your analysis to leading up to the conduct is different. (Stakeholder #15, service provider)

Those perceived as ‘real’ victims were given opportunities to enter into the diversion program (i.e. avoid jail time) that were not granted to those perceived as more empowered. Furthermore, service provider stakeholders reported exercising more compassion and empathy towards women who were perceived as victims.

Funding

Another consistent complaint dealt with the lack of funding for the PDP. At the time of the study, the HRP had only received a one-time US\$5000 grant to run the services they provided (intervention design, individual and group counseling, referrals, work on the review panel). The program consistently faced closure and never had the resources it needed to provide its services. This is the main reason they relied on Master’s of Social Work interns to provide the clinical services.

Ethical Issues

Some stakeholders expressed concerns about ethical dilemmas they encountered with their roles and responsibilities in the PDP. For instance, one of the HRP counselors felt that it was unethical to be a participant’s counselor and be expected to be a part of the review panel that reported back to CJS and the judge about a woman’s progress and activities.

Another ethical concern raised by several stakeholders was the lack of confidentiality during the review panel meetings. Not only did counselors sit on the review panel, but participants met the panel all at the same time, and were privy to each other’s dealings with the panel. Furthermore, some women expressed concerns that what they shared in the group and with the panel might get back to the streets, jeopardizing their own personal safety.

... [t]here’s a lot of people that I don’t care to reveal myself to, cause I don’t know where they’re gonna go with it. I don’t know who they know that I know, and it’s people they know don’t know that I was doing what I was doing, you know, they don’t need to know. (Stakeholder #4, sex worker)

Concerns with due process also surfaced as ethical issues for some stakeholders.

Administration of UAs was subjective. Whether participant received punitive sanctions from the panel for having a dirty UA was also entirely subjective. Some participants were reprimanded for dirty UAs while others were not, some were ordered (as a punitive sanction) to go talk to the judge while others were not.

The sex worker stakeholders spoke of PDP challenges and limitations less frequently than did the service provider stakeholders. However, one of their complaints was the ‘come one come all’ approach to group participation, where

individuals in different phases of drug use and sobriety participated in PDP groups together. While the harm reductionists didn't demand sobriety for participation in the groups, the CJS stakeholders did, evidenced by their demand for UAs. Unfortunately, these different expectations were never explicitly negotiated or settled. Some sex workers felt that their participation in a group where individuals were either showing up high or using outside of group threatened their own sobriety.

You know, they got to sit there, you know, and it was kind of a distraction and kind of a . . . like . . . kind of like, you know, drug addicts, you know, it gives you the urge to use watching somebody else, you know, that's that way, you know. And I think was a really big distraction for me, you know, and that's what I think they need to change when somebody comes in there like that, you know.
(Stakeholder #7, sex worker)

STAKEHOLDERS' EXPERIENCES OF THE PDP

There was no universal experience of the PDP stakeholders. While individual stakeholders in the study represented a number of interests and agencies, all stakeholders fell into the categories of sex worker (program participants) or service provider. How stakeholders perceived and experienced the PDP was largely informed by their role(s) in the program. In addition, while affiliation with HRP and CJS practices was not always mutually exclusive, there were no stakeholders who worked within the harm reduction model that claimed to embrace the criminal justice model⁵ in part or completely, despite the fact that there were some stakeholders who worked within the criminal justice system and claimed to embrace the harm reduction model in part or completely. Most stakeholders strongly identified with one model or the other. Consequently, in addition to sex worker and service provider identities, CJS and HRP identities seemed to also inform how stakeholders perceived and experienced the PDP.

There appeared to be no escaping the CJS–HRP polemic that distinguished stakeholders theoretically and practically. Nowhere was the outward expression of tensions within the CJS–HRP relationship more prominent than around the urine analysis issue. Despite these tensions, stakeholders reported that for the most part, they did not feel like the integrity of their respective program ideologies and practices was compromised as a result of the working relationship. What did appear to be compromised however, were consistent and clear protocols for the program. Stakeholders reported a lack of clear and consistent protocol concerning objectives, operationalization of objectives, individual and review panel roles and responsibilities, UAs, and treatment of program participants. This lack of consistent protocol and procedures created significant concerns for some of the attorneys. Specifically, they were concerned about due

process issues raised by inconsistent and apparent subjective treatment of program participants.

Although most of the women believed that the criminal justice system wanted to get them off of the streets and out of sex work, they also felt that CJS stakeholders involved with the PDP sincerely wanted to help them.

I think they want to get the girls off the streets mostly, but in doing so, they do offer a lot of information and resources that you can use to um . . . I don't know, make it an easier transition, I guess. (Stakeholder #3, sex worker)

Participants received information and resource referrals for substance use, domestic violence, rape, self-defense, housing, welfare assistance, self-esteem, and vocational rehabilitation. Participants reported feeling supported, specifically through their interactions with HRP stakeholders, in a number of ways including their exchanges with each other. They reported feeling listened to, and felt supported and empowered as a consequence of their ability to 'be out' as sex workers. Their out status contributed to overall decreased feelings of isolation in their lives.

Consequently, sex worker and service provider stakeholders reported that the program participants benefited positively as a consequence of their participation in the PDP; this finding merits some qualification (see Table 2).

Since all but two of the women who were enrolled in the program were street workers, and the majority of the street workers in the PDP reported

Table 2 SERVICE PROVIDERS' PERCEPTIONS OF THE PDP OBJECTIVES

- Keep people out of jail, 'treatment not punishment' **HRP/CJS**
- 'Get women off of drugs' **CJS**
- Get women out of sex work **CJS**
- Learn from the women **CJS/HRP**
- 'Provide a safe space for sex workers to gather, share, learn' **HRP**
- 'Reduce prostitution in SLC' **CJS**
- Help them obtain housing **HRP/CJS**
- Reunite kids with their moms **CJS**
- 'Find a normal job' **CJS**
- Protect the community **CJS**
- Engage in harm reduction behaviors **HRP**
- 'Help them establish more sophisticated and healthier relationships' **CJS**

Notes

i The list is not in any particular order.

ii CJS = Criminal Justice Services, HRP = Harm Reduction Project.

having some drug addiction, we might specify that the program appears to serve and support drug-addicted female street workers. Because so few non-street workers ($n = 2$) were ever enrolled in the PDP, and because only one of the two was interviewed for this study, it is difficult to know if and how the PDP supports escort workers. Questions for future research may consider asking how women who have already been exposed to certain amounts of counseling and 'treatment', and women who do not have substance abuse issues are served by the program. How are non-street working sex workers served by the PDP? In addition, how do social constructions and discourse of victims inform who gets diversion opportunities and who does not? Similarly, how do issues of class inform who gets diverted?

CONCLUDING REMARKS ON THE USEFULNESS OF THE PDP

This study found that the PDP mostly serves female, drug-addicted, street, commercial sex workers with prior arrest records for prostitution. The PDP appears to be useful in a number of ways. First, it provides an opportunity for certain commercial sex workers to avoid jail time, despite the fact that they may not regard this as a benefit of participation in the program. Second, it is one of the few programs that provide services specifically to female commercial sex workers in Salt Lake City, Utah. Third, the PDP infuses a model, harm reduction, that has been conceptualized as a peace movement and is aligned with the humanistic values around which social work is organized (Brocato and Wagner, 2003). Fourth, it provides a forum for diverse community agencies and entities to network, share information, and create services across ideological and practical differences. Fifth, there is a belief that the PDP saves the city money, that is, diverting individuals away from jail is assumed to be less costly than placing them in jail. If this is indeed true, we must wonder why has there been such limited financial support for the PDP. Future research may explore what it would take for the PDP and similar programs to receive sufficient financial support.

Future research may also explore, in more depth, the implications of creating legal and social programs across ontologically and practically different paradigms. How might criminal justice stakeholders and harm reductionists collaborate in such a manner where program objectives are equally shared and supported by all stakeholders? What processes may support stakeholders to negotiate and resolve ideological and practical differences? These issues are explored in more detail elsewhere (Wahab, in press).

Regardless of one's political beliefs about the existence of prostitution diversion programs, the PDP and its stakeholders' experiences reported in this study offer additional opportunities for learning about street sex workers' lives, their needs and realities. If we consider the ways in which sex workers reported benefiting from the PDP, we might surmise that drug-addicted street sex workers

in Salt Lake City may not necessarily need help or assistance for sex work. That is, while they greatly appreciated and benefited from the opportunity to support and care for one another as sex workers, their most pressing needs (other than dealing with the criminal justice system due to their prostitution charge) revolved around issues of poverty, health, substance use, and dealing with sexism and misogyny.

Notes

- 1 The program's web site claims that, '28 other jurisdictions in the United States, Canada, and Europe have replicated or are exploring replicating FOPP', http://www.sageprojectinc.org/html/about_services_fopp.htm
- 2 By the time this evaluation was conducted, there had been two cohorts.
- 3 The research assistant did the first pass of coding of the transcripts by engaging open and in-vivo coding. The PI engaged all axial and selective coding processes.
- 4 References to CJS include any and all stakeholders involved with the criminal justice system (includes Salt Lake County Criminal Justice Services employees, Judges, defense attorneys, and staff from the City Prosecutor's Office) as CJS.
- 5 Despite efforts to utilize a less punitive approach to crime (via a restorative justice approach), evidenced by their collaboration with the HRP and support for the PDP, CJS stakeholders (including judges, prosecuting and defense attorneys, and CJS staff) were not perceived by non-CJS stakeholders as embracing the harm reduction model.

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Stéphanie Wahab is an assistant professor in the College of Social Work at the University of Utah. She teaches in the areas of diversity and social justice, practice, and qualitative methods. She has published in the areas of commercial sex work, interpersonal violence, and empowerment of marginalized populations.

She is the editor of a special edition of the *Journal of Interpersonal Violence* on sex work published in March 2005. Address: University of Utah, College of Social Work, 395 S. 1500 E, Salt Lake City, UT 84112-0260, USA. [email: swahab@socwk.utah.edu]