



City of Dallas

Sexually Oriented Businesses Regulations and Public Hearing

December 6, 2021

Eddie Garcia, Chief of Police
Dallas Police Department
City of Dallas

Presentation Overview



- Definition Sexually Oriented Business
- Purpose of Chapter 41A
- Constitutional Considerations
- Texas Senate Bill 315
- Regulation of SOBs
- Crime Activity Overview
- Research & Study Findings
- Recommendations
- Next Steps
- Research References



Definition Sexually Oriented Business



- Sexually oriented business means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency or nude model studio *as defined in Dallas City Ordinance Chapter 41A.*



Purpose of Chapter 41A



- To promote the health, safety, morals and general welfare of the citizens of the city
- To establish reasonable and uniform regulations
- To minimize the secondary harm or damage inside or outside the SOBs
- NOT intending to restrict or deny access by adults; protected First Amendment



Constitutional Considerations



- Regulation of SOBs implicates freedom of speech protections under the U.S. and Texas Constitutions.
- Any regulation of SOBs:
 - must further a substantial governmental interest that is unrelated to the suppression of free expression; and
 - the restriction shall not be greater than is essential to the furtherance of that interest



Texas Senate Bill 315



- Texas Senate Bill 315
- Became law September 1, 2021
- Prohibits a Sexually Oriented Business from employing or contracting with a person under the age of 21
- This change brings Chapter 41A in line with the new law



Regulations of SOB



- Regulated by:
 - SOB ordinance
 - Texas Alcohol Beverage Code
- “All-nude” establishments are BYOB
- BYOBs are not regulated by TABC
- These regulations do not restrict hours of operations for SOB



Regulation of SOBs – Hours of Operation



Texas Cities	Hours of Operation Provisions - SOBs
El Paso	requires sexually oriented businesses to be closed between 2:00 a.m. and 6:00 a.m.
Fort Worth	requires sexually oriented businesses to be closed between 2:00 a.m. and 10:00 a.m., Sunday through Thursday, and between 3:00 a.m. and 10:00 a.m., Fridays and Saturdays. A sexually oriented business may remain open until 4:00 a.m. on Fridays and Saturdays if the business has a valid food establishment permit issued by the city.
San Antonio	requires sexually oriented businesses to be closed between 2:15 a.m. and 7:00 a.m.
Plano	requires sexually oriented businesses to be closed between 2:00 a.m. and 10:00 a.m.
Grand Prairie	requires sexually oriented businesses to be closed between 2:00 a.m. and 7:00 a.m., Monday through Saturday, and between 2:00 a.m. and 12:00 p.m. on Sunday.



Northwest “Club” Task Force 2021



- Task Force created in March 2021.
- Created due to multiple shootings, violent crimes and crime data showed it increasing after midnight
- Primarily occurred at or near the SOBs
- 8 officers starting at Midnight on Thursday. Friday and Saturday
- The arrest range from Drugs, UCW, UPF, Warrants, Jail Traffic, and various other arrests



Northwest Club Task Force Activity

March – October 2021



Taskforce Activity	Felony	Misdemeanor	Citations	Calls Answered	Traffic Stops	Stolen Recovered	Weapons Seized	Drug Seized	Staff Hours
Total	101	149	1,036	118	1,454	7	94	205	997.5



Crime Activity-Arrests



- The following 9 slides are data related to SOB locations
- Reviewed aggravated assaults, robberies, prostitution, gun and drug-related arrests over three-year period (2019-2021)
- Guns and drugs comprise 58% of all arrests 10p-2a and 63% of all arrests 2a-6a
- Gun and drug arrests have steadily increased during both time frames, the greatest increase occurring 2a-6a
- In 2021, more total arrests occurred 2a-6a, 94 vs 83



Crime Activity Overview 2019-2021 (Reported Violent Crimes)



Violent crimes include aggravated assault, rape, robbery, and murder (UCR Part I)

- 2a-6a comprised nearly 67.16% of all reported violent crime
- In 2021, 2a-6a had 76% of all reported violent crime
- Across all years, violent crime decreased 29% during 10p-2a but increased 80% during 2a-6a



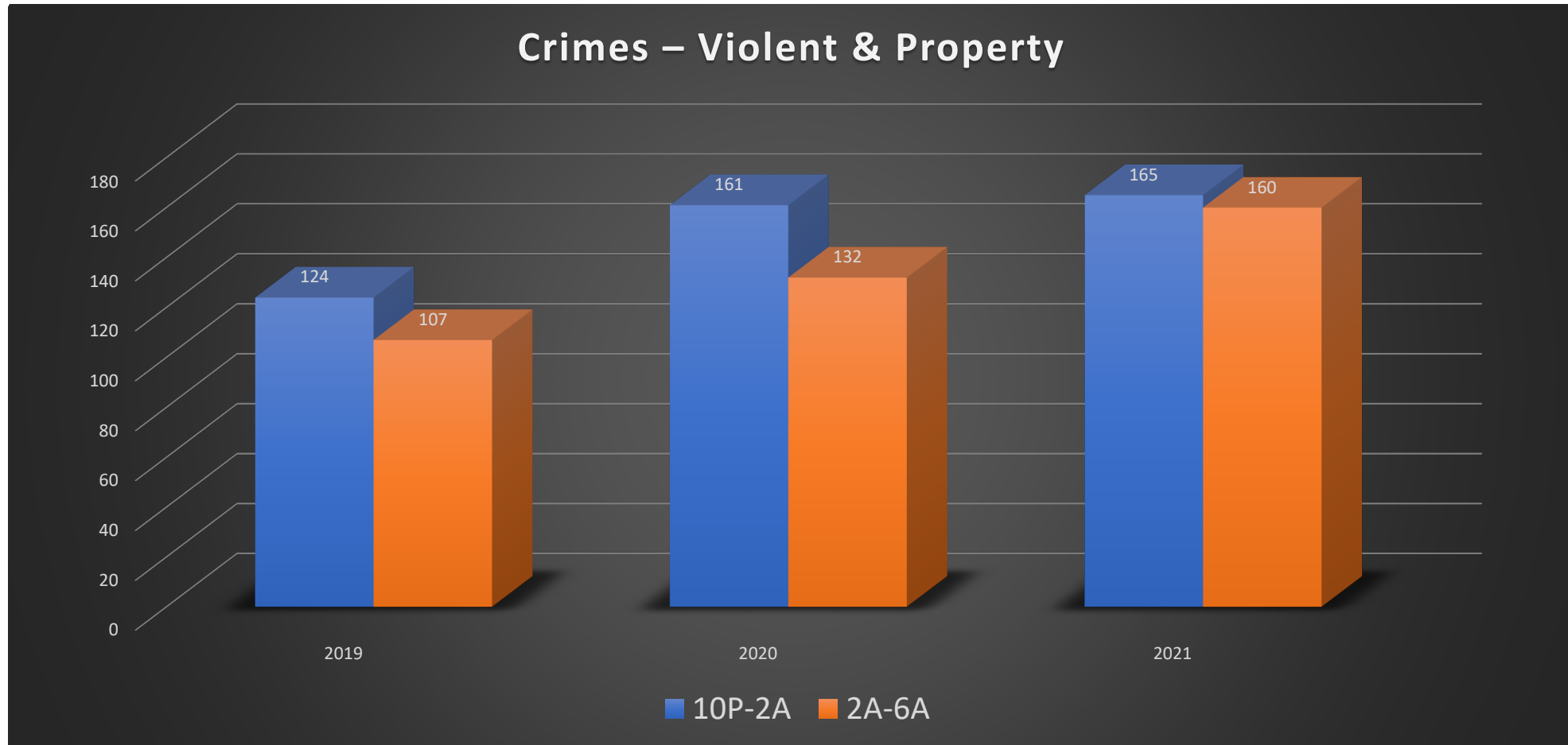


Property crimes include burglary, theft, and motor vehicle theft (UCR Part I)

- Unlike violent crime, more property crime occurred 10p-2a (59%) than 2a-6a (41%)
- Across all years, property crime increased during both times; 10p-2a (48%), 2a-6a (38%)



Comparison Crimes Reported



Arrests Activity – Certain Times

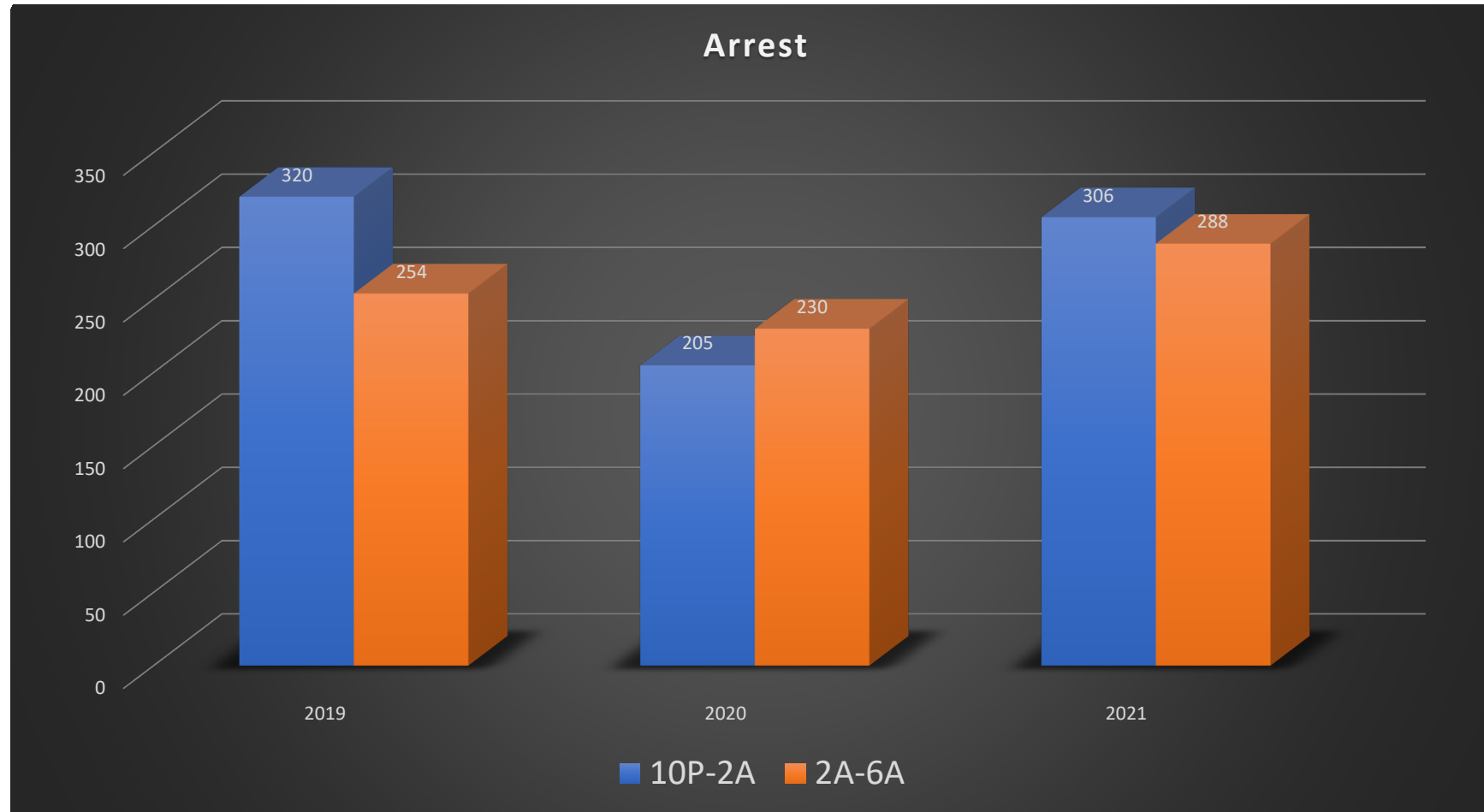


There were 2,082 custodial arrests at SOB locations, 2019-2021.

- 1,603 (77%) occurred between 10p-6a
- 10p-2a – 831 arrests
- 2a-6a – 772 arrests
- No discernable increase/decrease



Comparison Arrests at SOB Locations



Calls for Service - Police

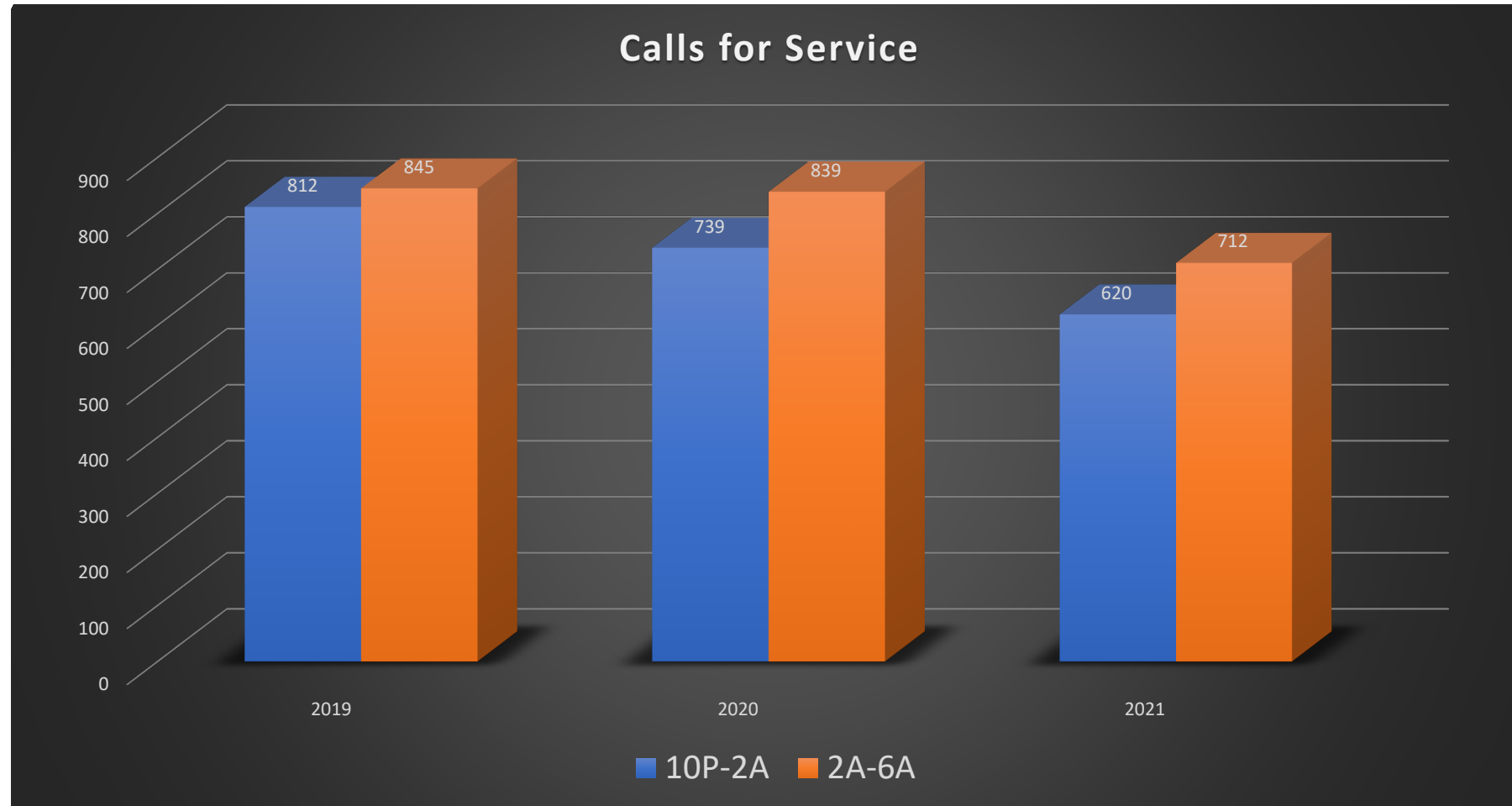


Between 2019-2021, 11,999 calls for service (CFS) were generated at SOB locations.

- More than 4,500 were between 10p-6a
- 10p-2a – there were 2,171 CFS, 165 were Priority 1 (code 3 response)
- 2a-6a – there were 2,396 CFS, 214 were Priority 1



Calls for Service – Police



Calls for Service - Fire



Between 2019-2021, 1,317 calls for service (CFS) were generated at SOB locations.

- Of those, 675 occurred between 10p-6a
- 10p-2a – there were 270 CFS
- 2a-6a – there were 405 CFS



Research Findings



McCord & Tewksbery (2012): Spatial analyses using buffer zones of rates of violent, property, and public order offenses in the vicinity of sexually oriented businesses in Louisville, Kentucky.

- Results show there were higher rates of all types of offenses in the immediate vicinity of the business
- Effects continue to significantly impact local community even further from the SOB

McCleary (2008): Examined whether criminological theories can be generalized to rural areas.

- When an adult entertainment business opens on an interstate highway off-ramp to a small rural village, total crime rises by 60%
- Total crime in the village dropped by approximately 60% within 2 years of the SOB closing

Weinstein & McCleary (2012): Law review examining SOB industry attacks on “secondary-effects” of crime.

- Adult businesses are associated with heightened incidences of crime regardless of location
- Routine Activities Theory is prevailing explanatory theory
- SOB industry studies finding no secondary crime effects methodologically or analytically flawed



Study & Report Findings



A number of Texas cities* found recognized many factors that they considered in developing city ordinances regulating SOB.

- Recognized that conduct occurring at SOB “is detrimental to the public health, safety and general welfare” and should be regulated
- SOB promote prostitution, drug use, an other criminal activity
- Positive correlation between SOB, specifically their hours of operation, people attracted, and higher crime rates
- SOB - deleterious effect on existing businesses and the surrounding residential areas adjacent to them,
- Increased crime and downgrading of property values

*

Beaumont, Texas Planning Department entitled "Regulation of Adult Uses" & Amarillo, Texas - Planning Department: "A Report on Zoning and Other Methods of Regulating Adult Entertainment in Amarillo"



Recommendations



- Change City Ordinance to minimum age of 21 to comply with new state law
- Set Hours of Operations to decrease criminal activity, improve safety and reduce the demand on City Services
- Hours of operation to end at 2am and remain closed until 6 am
- Consistent with TABC and all other entertainment districts
- Adopt the 2am closing time which is consistent with surrounding agencies



NEXT STEPS



- City Council consideration and direction based on this initial briefing
- City Staff research for ordinance based on City Council direction
- City Staff present final options to City Council
- City Council review presentation for approval





City of Dallas

Sexually Oriented Businesses Regulations and Public Hearing

December 6, 2021

Eddie Garcia, Chief of Police
Dallas Police Department
City of Dallas

Research References



McCleary, R. (2008). Rural hotspots: The case of adult businesses. *Criminal Justice Policy Review*, 19(2), 153-163.

McCord, E. S., & Tewksbury, R. (2013). Does the presence of sexually oriented businesses relate to increased levels of crime? An examination using spatial analyses. *Crime & Delinquency*, 59(7), 1108-1125.

Weinstein, A. C., & McCleary, R. (2011). The association of adult businesses with secondary effects: Legal doctrine social theory, and empirical evidence. *Cardozo Arts & Ent. LJ*, 29, 565.

