



Evaluating Prostitution Diversion Programs

The Complexities of Care and Coercion in a Neoliberal State

Produced in collaboration with ESPLER Project Inc., The Sidewalk Project, and the Critical Trafficking and Sex Work Studies Research Cluster in the Centre for Feminist Research, York University

Nora arrived in the United States with only a work permit and limited English, determined to build a new life in California. She found a job in a private home in Sacramento, where she quickly formed close bonds with her colleagues, who became like friends. The steady work, with regular clients, provided her not only with financial security but also with a sense of belonging and stability she had longed for. Then, without warning, two police cruisers pulled up, and five officers aggressively arrested her, detaining her for 24 hours. After her release, Nora sought legal representation and faced a trial.

As a first-time offender, she was offered the court-reset program (also known as the prostitution diversion program), which required her to complete 20 hours of community service and 15 hours of remedial education. In exchange for completing the program, the case was dismissed before any arraignment or plea hearing. She successfully finished both requirements and had her case expunged, but the arrest remained on her record, complicating her already precarious immigration process. The ordeal came at a steep price—legal fees, a new phone, a new ID, travel expenses to and from court, and the fees for the community service and program. When asked what she had gained from the experience, her answer was simple: “Nothing.” For someone already struggling to survive, it was an overwhelming burden—one embodied in the weight of her “nothing.” This nothing, however, spoke volumes: it was a symbol of all the trauma, emotional scars, and disillusionment she had endured. With a quiet exhale, Nora shared that, in her experience, it is primarily Black, Asian, and low-income migrant women who are subjected to such treatment—a harsh reality she believes is all too often overlooked.

Introduction: Understanding Prostitution Diversion Programs (PDPs)

Prostitution Diversion Programs (PDPs) are increasingly recognized as alternative interventions designed to provide support and rehabilitation for individuals involved in the criminal justice system, whether as sex workers or clients. These programs aim to divert people facing arrest, conviction, or detention for low-level prostitution offenses away from the criminal justice system and toward supportive services. PDPs can be implemented at various stages, including pre-arrest, pre-bookings, pre-adjudication, or post-adjudication and sentencing.

In 2025, efforts to further institutionalize these programs gained momentum in California with the introduction of AB 379: The Survivor Support and Demand Reduction Act, proposed by Maggy Krell of the 6th Assembly District. The bill criminalizes loitering with the intent to commit a commercial sex act, establishes a fund for sex trafficking survivors, reaffirms that purchasing sex from minors is always a criminal offense, and encourages that individuals charged with prostitution be offered diversion programs. However, the effectiveness of these court-affiliated programs in meeting the needs of sex workers has been questioned.

While PDPs claim to offer positive outcomes, evidence suggests they may reinforce existing systemic issues, such as racism, criminalization, and discrimination, rather than addressing the root causes of sex work.

The first PDP was introduced in San Francisco, California, in 1995, known as the First Offender Prostitution Program (FOPP). This program was a collaborative effort between law enforcement, community organizations, and prosecutors, designed to reduce demand by educating clients about the social, legal, and personal consequences of prostitution. Shortly after, the Toronto Prostitution Offender Diversion Program was launched in the late 1990s, modeled after San Francisco's initiative but adapted to Canada's local legal and social context.

Evaluations of these early programs revealed mixed results. While they raised awareness of harmful prostitution legislation, they often failed to produce meaningful behavioral changes.

¹ See list of available court-ordered classes, which range from anger management to workplace violence, costing \$11.95-25 USD per class: <https://courseforcourt.com/course-options>

Literature Review: Effectiveness, Ethical Concerns, and the Impact on Sex Workers

The first evaluations of programs targeting clients of sex work appeared only after the turn of the century. A significant assessment of the Toronto program, conducted by the National Crime Prevention Center of Canada, revealed mixed results. According to Wortley et al. (2002) and Fischer et al. (2002), the program succeeded in raising participants' awareness of the consequences of prostitution and promoting personal accountability.

However, these attitudinal shifts did not result in meaningful behavioral change. The program showed minimal deterrent effects, with only a slight decrease in participants' intention to reoffend—from 12.8% to 11%. Notably, 10% of participants still indicated they might return to sex work, a figure much higher than the program's reported recidivism rate of 2.4%.

Beyond its limited effectiveness, the evaluation raised significant concerns about the program's operation, social impact, and legal implications. Issues included confusion among participants about the program's goals, an overrepresentation of working-class and immigrant men, and insufficient accommodations for language diversity. A particularly troubling aspect was the program's requirement for participants to plead guilty to enter, waiving their right to a fair trial. Furthermore, participants had to pay a \$400 fee for enrollment—unlike publicly funded alternatives such as jail or probation. The researchers questioned whether the modest benefits justified these legal and ethical compromises, suggesting that the program might function more as a revenue-generating mechanism than as a genuine rehabilitative effort.

In a 2006 evaluation of the Salt Lake City Prostitution Diversion Program (PDP), Wahab emphasized the need for more comprehensive, critical assessments of such programs. She argued that, despite their intended purpose, these programs can inadvertently reinforce systemic inequities, particularly for people engaged in sex work who face socio-economic marginalization. Wahab noted that PDPs often promote middle-class, white, and gender-normative ideals of success—such as full-time employment, sobriety, and heteronormative family structures—that may not align with the lived realities of those in the sex work sector. Her study concluded that many street-based sex workers in Salt Lake City did not necessarily seek to exit sex work.

Their primary concerns, beyond the legal consequences of prostitution charges, were issues such as poverty, health, and the effects of sexism and misogyny. A later study of a similar PDP in Baltimore confirmed these findings, further demonstrating the mixed results of such interventions. Kogler et al. (2019) found no significant reduction in rearrest rates among participants compared to a control group, suggesting that while diversion programs aim to “rehabilitate,” they often fail to address the underlying factors driving people into sex work or the societal stigma surrounding it.

A 2018 working paper from the Global Health Justice Partnership at Yale Law School and Yale School of Public Health, in collaboration with The Sex Workers Project of the Urban Justice Center, titled “Diversion from Justice: A Rights-Based Analysis of Local ‘Prostitution Diversion Programs’ and their Impacts on People in the Sex Sector in the United States,” argues that these programs often fail to uphold the human rights and dignity of participants due to their inherently coercive design and implementation.

The paper highlights that these programs consistently fall short in providing sex workers with health and social services that are available, accessible, acceptable, and of quality. Moreover, they lack the intention or resources to address the deeper structural needs of people engaged in sex work. Operating in an ad hoc and unreviewable manner, such programs tend to further entrench individuals within the court and criminal justice systems. Additionally, they suffer from a lack of transparency, sustainability, and accountability to the people most directly impacted.

In a supplementary report titled “Un-Meetable Promises: Rhetoric and Reality in New York City’s Human Trafficking Intervention Courts,” the Global Health Justice Partnership at Yale Law School and Yale School of Public Health, in collaboration with The Sex Workers Project of the Urban Justice Center, examined court-affiliated prostitution diversion policies and practices in New York City.

The report emphasizes that the primary needs of most defendants are stable housing, employment opportunities, long-term mental health support, and the decriminalization of their livelihoods, identities, and actions. Unfortunately, the services offered through these programs are often limited in both scope and capacity, hindering their ability to produce meaningful change. Moreover, embedding social services within a coercive penal system that labels defendants as “victims” while treating them as “criminals” raises significant concerns about both the effectiveness and ethics of these interventions.

While some defendants may report positive experiences and benefit from certain services, this does not address the core issue: making access to support contingent on a presumed “victim” status and involvement in the criminal justice system. Even minimal involvement in the system can be destabilizing and disempowering for those affected.

The moralizing framework embedded in many prostitution interventions, as critiqued by Welch and Zhao (2022), exacerbates the challenges faced by sex workers. These interventions often silence sex workers’ voices and undermine their agency, reinforcing harmful stereotypes. Giametta and Bail (2022) point out how societal and moral boundaries shape the support provided to sex workers within programs such as the “prostitution exit program.”

The stigma surrounding sex work severely erodes rhetorics of care, especially for migrant and racialized individuals. The intersection of stigma, law enforcement attitudes, and health disparities plays a significant role in shaping the experiences of those entering Prostitution Diversion Programs (PDPs). Analyzing how these programs operate and are experienced reveals the high costs women bear under the neoliberal state. Despite the compassionate efforts of workers within these programs, neoliberal policies that have slashed welfare assistance continue to worsen, rather than resolve, the challenges faced by sex workers.

Leon and Shdaimah (2012) describe the neoliberal state as a retreat from its role as a protector, shifting responsibility onto individuals for their own circumstances, including poverty, unemployment, and poor health. Neoliberal policies blur the distinction between therapeutic and coercive measures, subjecting individuals to increased scrutiny while focusing on personal issues instead of addressing the broader systemic factors that contribute to their struggles.

In their subsequent investigation of Baltimore’s Specialized Prostitution Diversion Program and Philadelphia’s Project Dawn Court program, Leon and Shdaimah (2021) show how racial and ethnic composition deeply impacts participants’ experiences. Racialized individuals often encounter complex expectations and biases from both law enforcement and society, resulting in either targeted sympathy or neglect depending on their demographics.

The involvement of sex work advocacy organizations is crucial to ensuring that diversion programs are truly responsive to the needs of sex workers (Wagenaar, 2017).

Elene Lam (2025) offers a powerful depiction of the “carceral web” that low-income Asian migrant women are forced to navigate. She defines the “carceral web” as the complex network of policies and laws across various levels of government that entrap migrant massage and sex workers (p. 65). Her research is vital in exposing how the “survivor/victim” narrative is often co-opted by anti-sex work and anti-migrant forces, further silencing and criminalizing the very people these processes purport to protect.

Lam advocates for a non-policing, non-carceral approach to addressing violence against women and marginalized communities, calling for solutions that move beyond punitive measures. Importantly, she emphasizes the need for Asian massage workers and sex workers to be actively listened to and understood. Rather than passive victims of trafficking or deviant criminals, workers are autonomous agents in their own lives, organizing and fighting for their rights and against whorephobic hate. This nuanced understanding is essential to comprehending the varied impacts of diversion programs on sex workers and the resulting disillusionment with state actors who claim to rehabilitate.

Court-affiliated prostitution diversion programs thus affirm research on migrant and racialized sex workers and highlight how these programs intersect with broader systemic inequalities. Studies by Oliveira et al. (2023) reveal how prostitution policies, particularly the Swedish Model, disproportionately affect migrant sex workers. These workers face compounded vulnerabilities that PDPs fail to address.

Similarly, Platt et al. (2022) discuss how policing practices against sex work are shaped by racism and anti-immigration sentiments, disproportionately affecting racialized and marginalized communities. This systemic bias undermines the effectiveness of diversion programs, hindering genuine rehabilitation efforts. Studies comparing local prostitution policies reveal that even within progressive frameworks, operational practices can still lead to negative outcomes for sex workers, particularly migrant, racialized workers.

Ronco’s (2020) analysis of law enforcement practices in Antwerp, Belgium, and Catania, Italy, reveals that sex workers—particularly migrant women—often face similarly harmful outcomes despite differing national regulatory frameworks. In Belgium, where red-light districts are managed through collaborative governance, and in Italy, where such areas are more informally tolerated, exclusionary effects persist. The study identifies two key differences between the cities: the degree of access to support services available to sex workers and the extent of proactive police surveillance.

Despite these contrasts, Ronco argues that local practices in both contexts ultimately converge in their underlying ethos. They reinforce the socially constructed image of migrant sex workers as either offenders or victims of trafficking—figures to be controlled, and in the latter case, also “protected.” This convergence underscores a critical gap between policy intent and on-the-ground implementation, wherein even seemingly progressive approaches can unintentionally reproduce harm, particularly for racialized and undocumented sex workers.

Conclusion: the Case for Decriminalization and Broader Care Reform

Ultimately, the criminalization of sex work remains a critical issue. Platt et al. (2018) argue that punitive measures reduce access to health services, isolate sex workers, and exacerbate the stigma they face. In contrast, jurisdictions with more liberal legal frameworks, like New Zealand, have seen positive outcomes following the decriminalization of sex work. Research indicates that decriminalization led to increased health service access, reduced violence and police harassment, and lower rates of sexually transmitted infections (Laverack & Whipple, 2010; Harcourt et al., 2010). In Canada, Machat et al. (2019) highlight challenges faced by sex workers under end-demand criminalization policies. While non-prosecutorial approaches may seem beneficial, criminalizing clients continues to create risks for sex workers, particularly those from racialized backgrounds who are already vulnerable due to intersecting forms of discrimination.

In conclusion, the impact of prostitution diversion programs is complex, with alleged benefits and significant drawbacks—justifying scrutiny and gendered surveillance, fitting neatly into a neoliberal paradigm of deflecting responsibility from the state and hyperresponsibilizing individuals.

While these programs aim to provide alternative pathways and support, their effectiveness depends on underlying legal frameworks, societal attitudes, and the active involvement of sex workers in program design. For migrant and racialized sex workers, intersecting issues of racism, immigration policy, and stigma complicate their participation and benefit from these programs. To optimize outcomes, future strategies must prioritize the voices of marginalized sex workers, addressing disparities and ensuring that interventions are responsive to their needs. Ongoing evaluation and adaptation of these programs, alongside a broader societal reckoning with the criminalization and stigma surrounding sex work, is essential for creating more effective, inclusive, and supportive frameworks.

Resources

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