



City of Dallas

Sexually Oriented Businesses (SOB): Age Change and Hours of Operations

**City Council Briefing
January 5, 2022**

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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
- Research References
- Recommendations
- Next Steps
- SOB-related Arrest December 23, 2021



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 SOBs



- Regulated by:
 - SOB ordinance
 - Texas Alcohol Beverage Code
 - TABC will NOT issue to an 'All Nude' Cabaret
 - TABC may issue to a 'Topless' Cabaret
 - 'All Nude' Cabarets in Dallas are BYOB (consumption of alcohol)
- These regulations do not restrict hours of operations for SOBs



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 SOB's
- 8 officers starting at Midnight on Thursday, Friday and Saturday
- The arrest range from Drugs, UCW, UPF, Warrants, and various other arrests



Northwest Club Task Force Activity March – December 2021



Taskforce Activity	Felony	Misdemeanor	Citations	Calls Answered	Traffic Stops	Stolen Recovered	Weapons Seized	Drug Seized	Man Hours
Total	123	183	1,141	134	1,767	8	113	244	1,241



Aggravated Assaults within Northwest



- For the year 2021, 549 Aggravated Assaults have occurred within the Northwest Patrol Division's boundaries
- 10p - 2a 110 Agg. Assaults or 20% occurred
- 2a - 6a 130 Agg Assaults or 23.7% occurred



Aggravated Assaults within Northwest



- NW three most violent beats are
 - 521 and 534 and 522
- Collectively, these beats have 39% of the licensed SOBs in the City
- 521 – 3 SOBs
- 534 – 10 SOBs
- 522 – 2 SOBs
- Total 38 licensed SOBs in the City



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



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



Crime Activity Overview 2019-2021

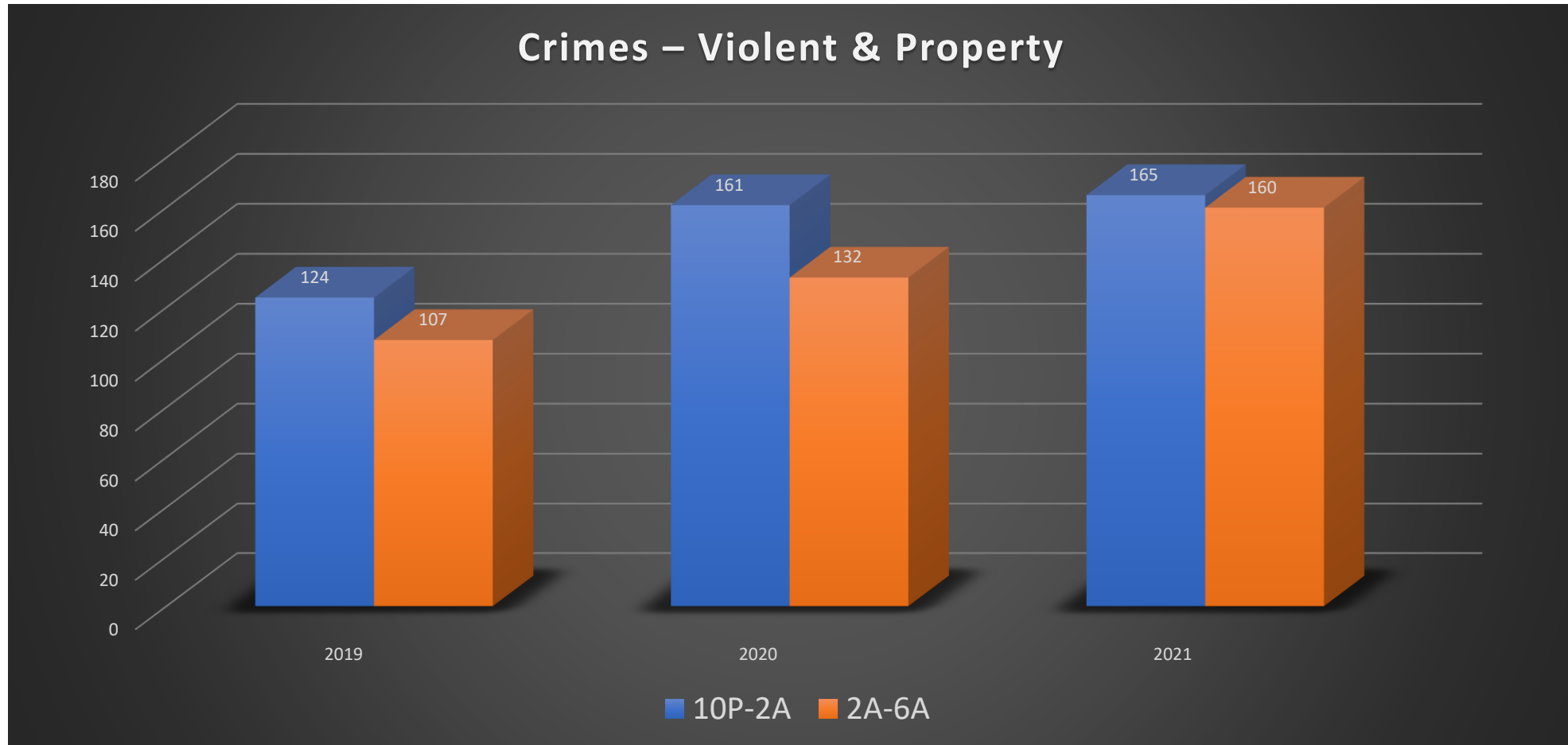


Property crimes include burglary, theft, and motor vehicle theft (UCR Part I)

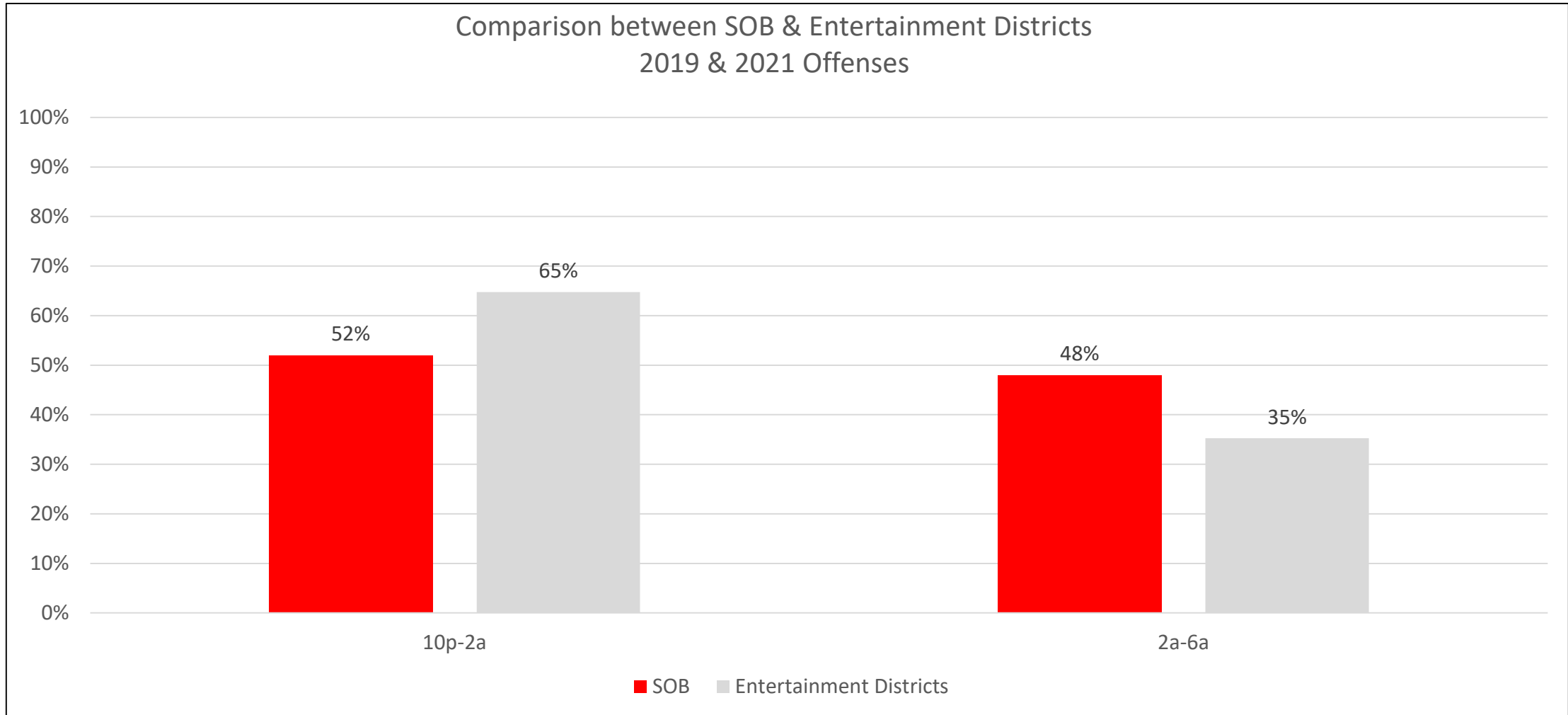
- Unlike violent crime, more property crime occurred 10p-2a (59%) than 2a-6a (41%)
- Across all years, property crime increased during both times; 10p-2a (48%), 2a-6a (38%)



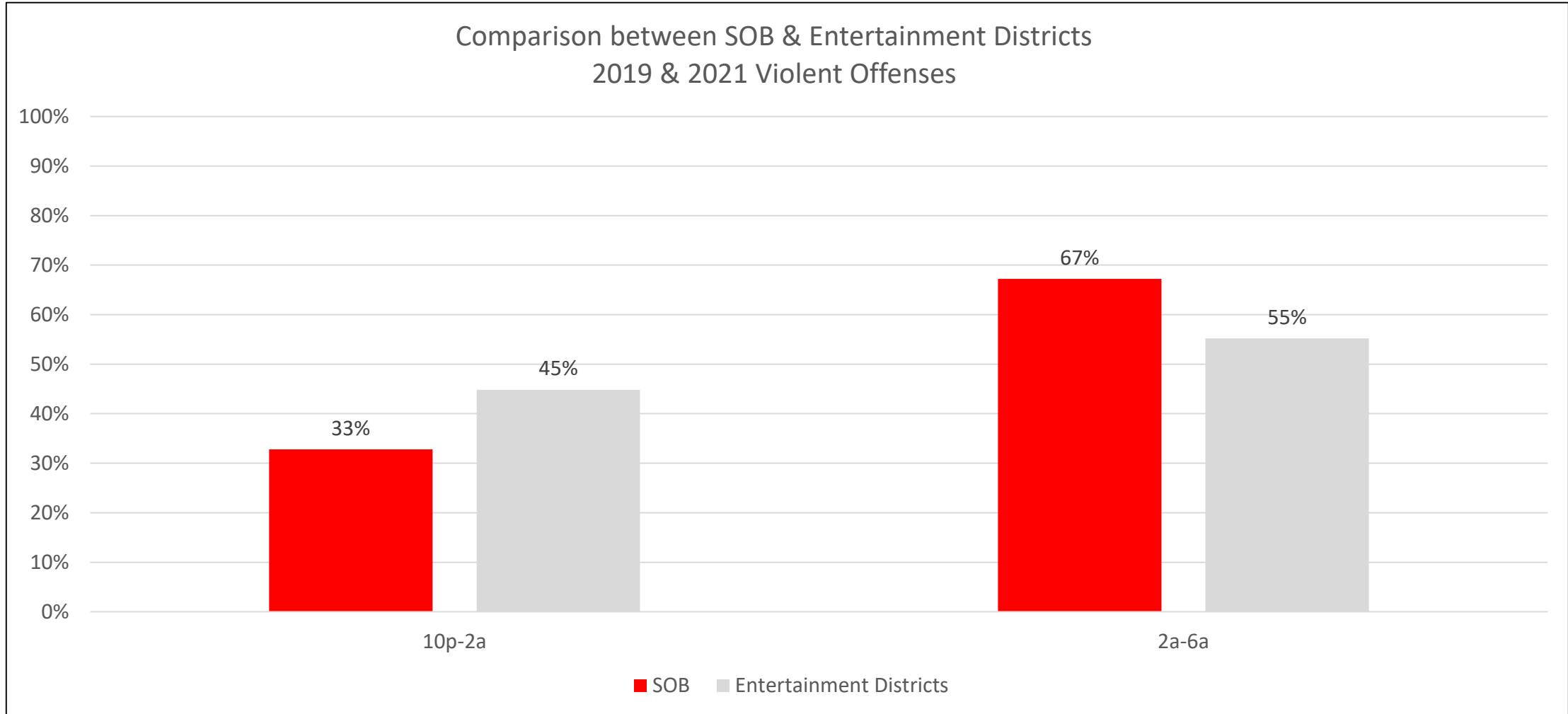
Comparison Crimes Reported



2019 & 2021 All Crimes by Time Period



2019 & 2021 Violent Crimes by Time Period



Arrests Activity – Certain Times

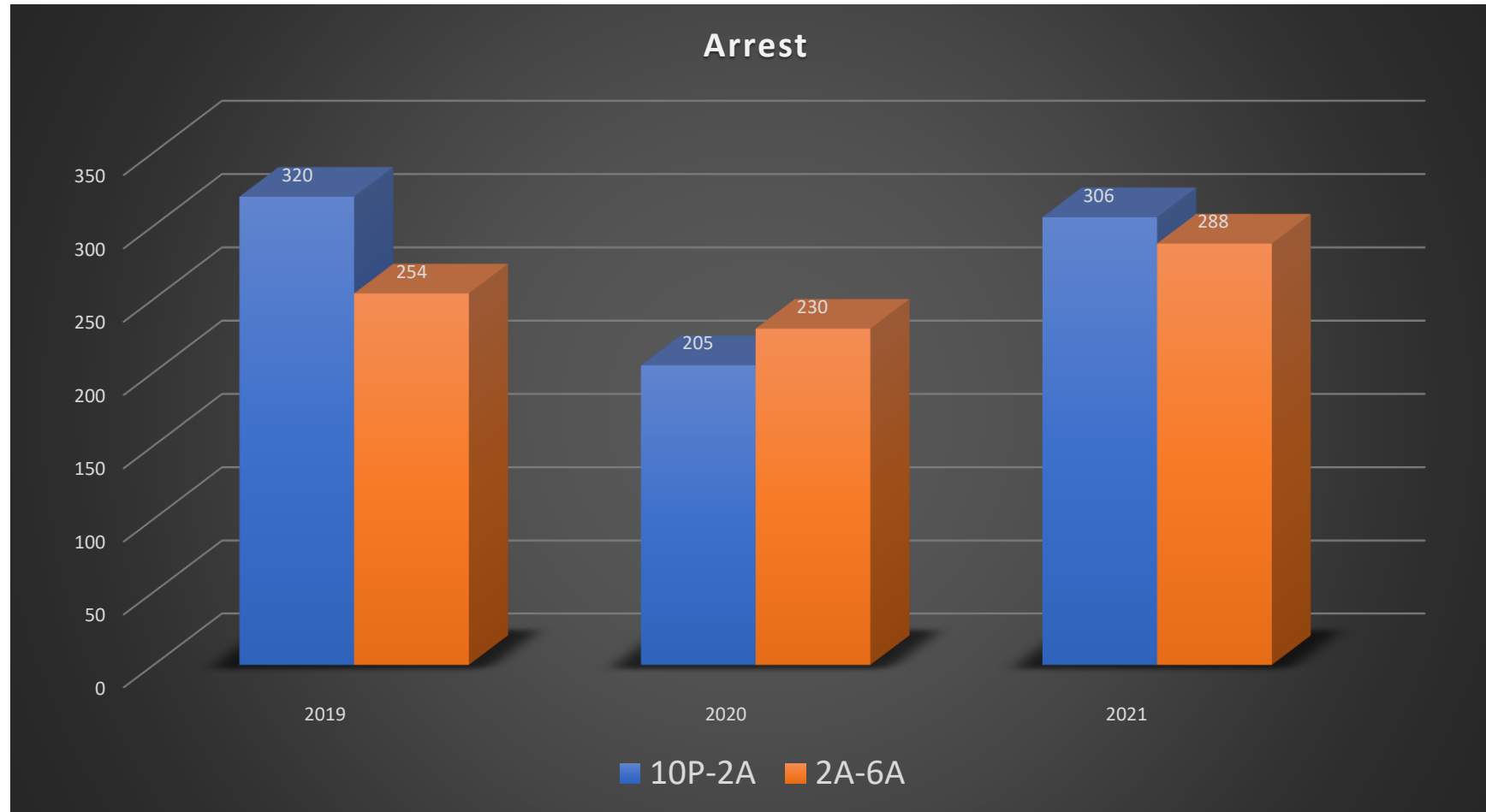


There were 2,082 custodial arrests at SOB locations, 2019-2021.

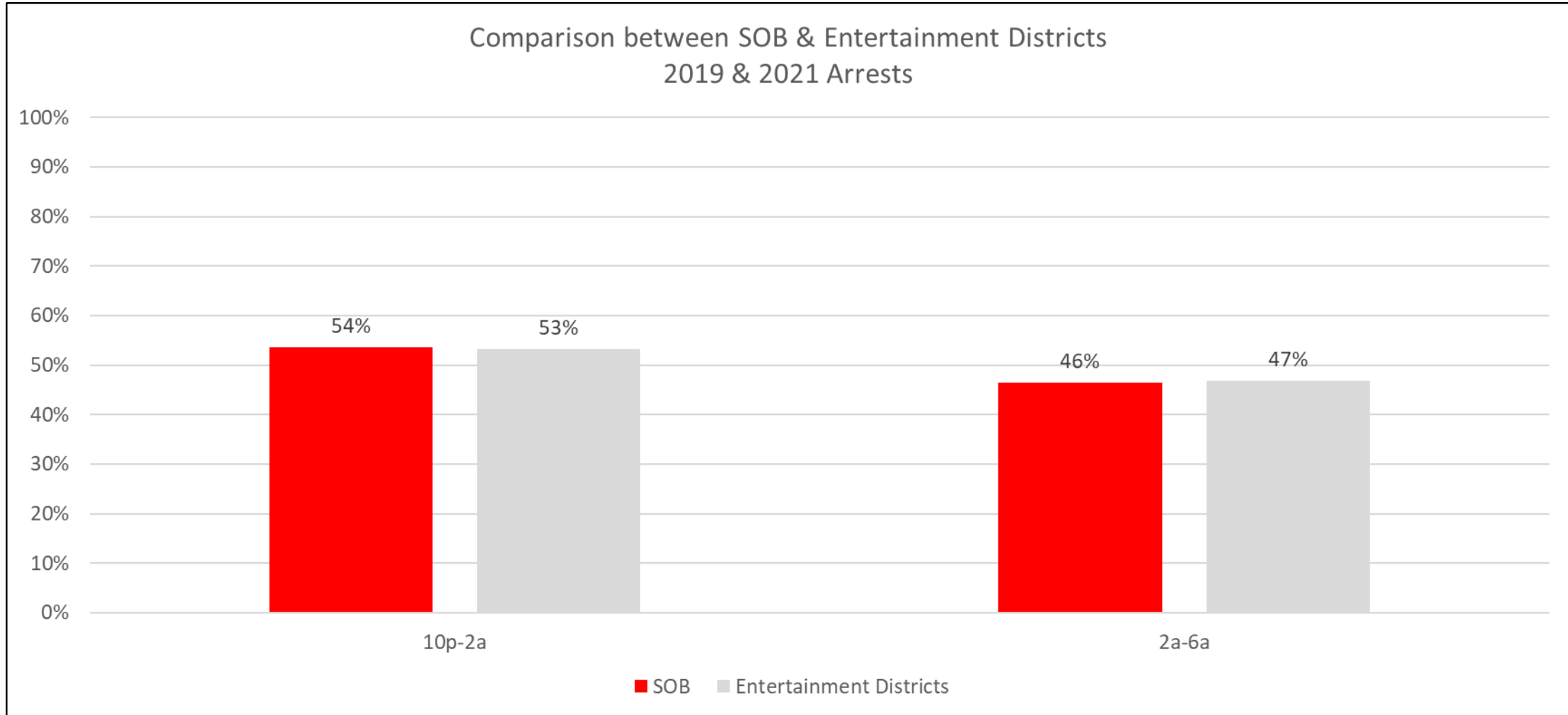
- 1,603 (77%) occurred between 10p-6a
- 10p-2a – 831 arrests
- 2a-6a – 772 arrests
- No discernable increase/decrease



Comparison Arrests at SOB Locations



2019 & 2021 Arrests by Time Period



Calls for Service - Police

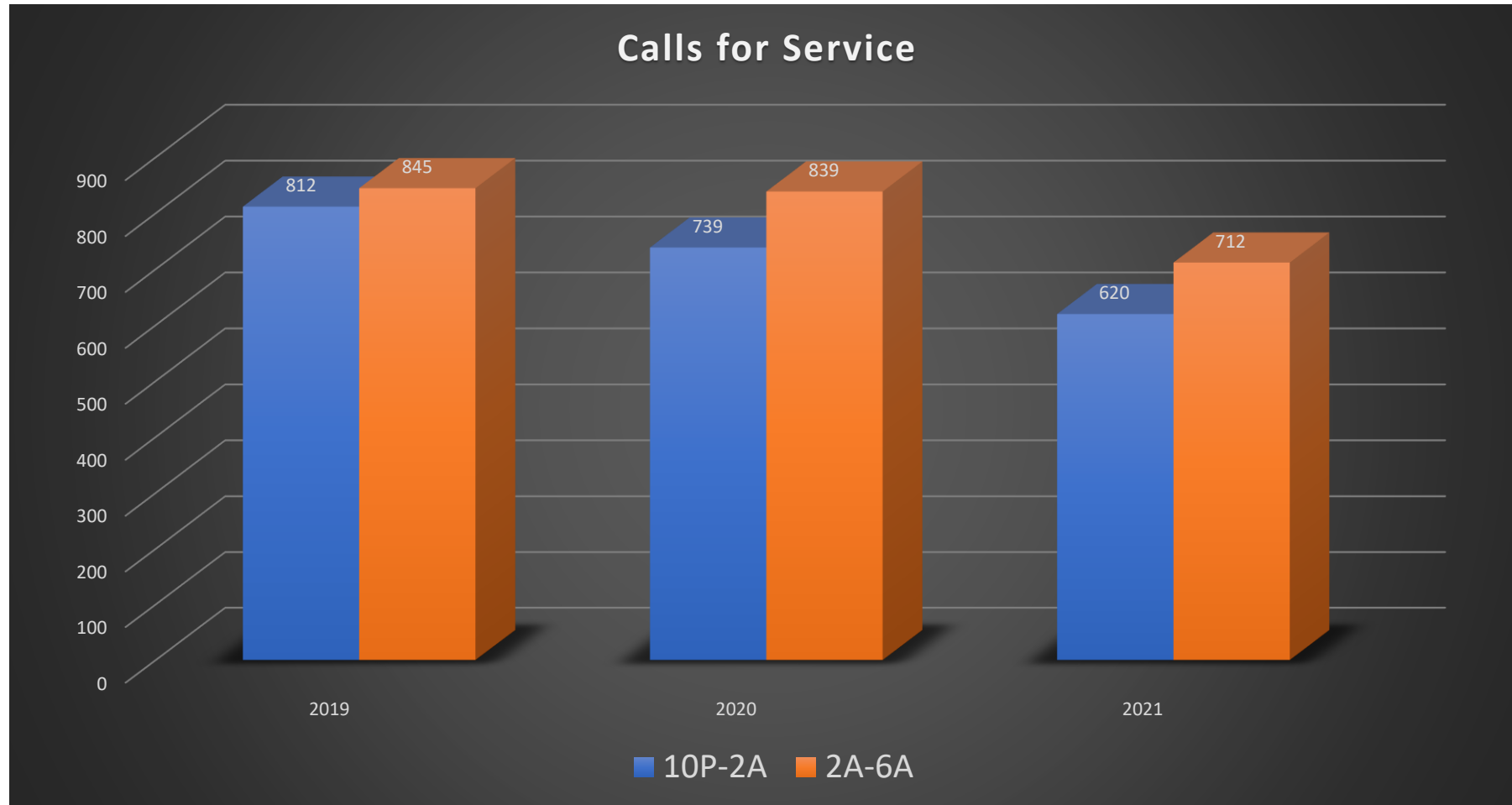


Between 2019-2021, 11,999 calls for service (CFS) were generated at SOB locations.

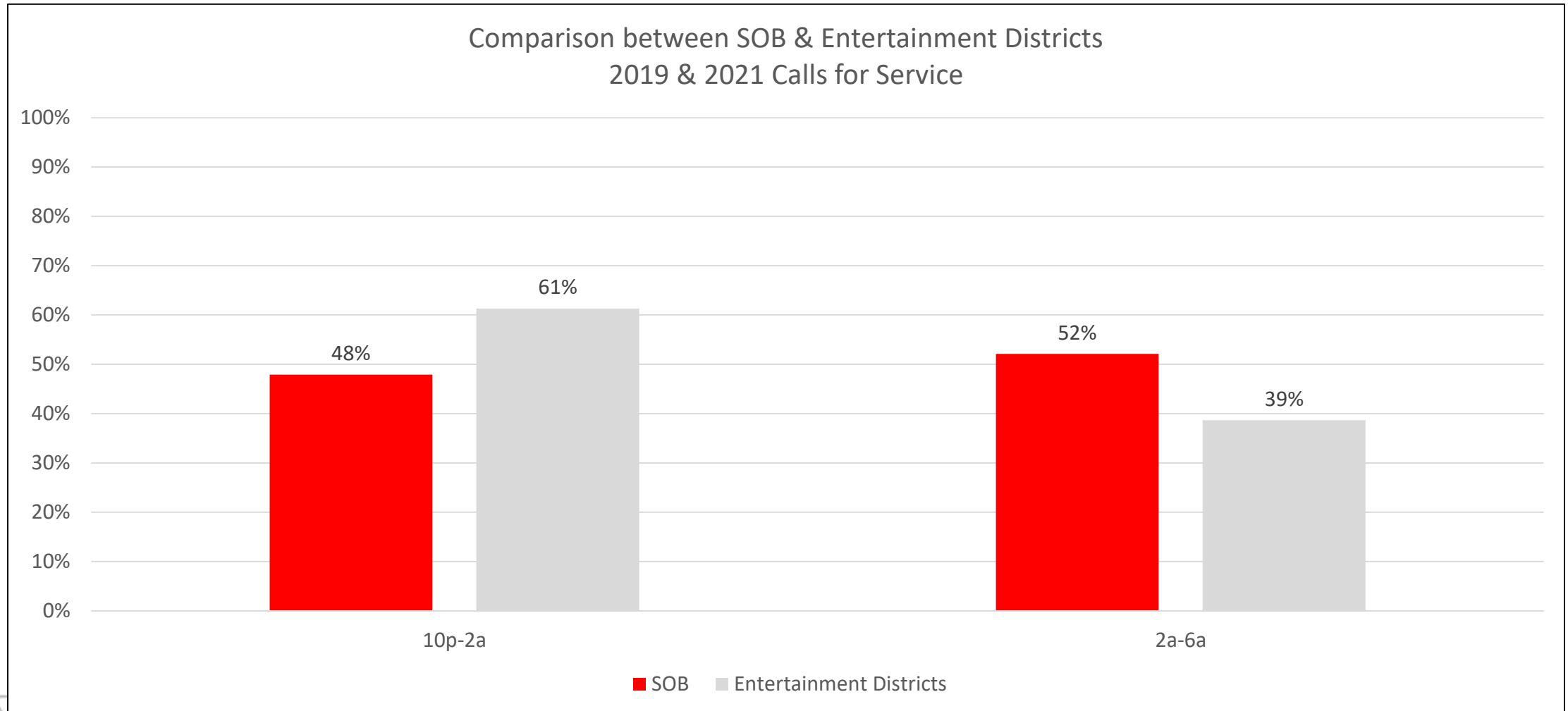
- More than 4,500 were between 10p-6a
- 10p-2a – there were 2,171 CFS, 165 were Priority 1 (code 3 response)
- 2a-6a – there were 2,396 CFS, 214 were Priority 1



Calls for Service – Police



2019 & 2021 Calls by Time Period



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 SOBs.

- Recognized that conduct occurring at SOBs “is detrimental to the public health, safety and general welfare” and should be regulated
- SOBs promote prostitution, drug use, and other criminal activity
- Positive correlation between SOB, specifically their hours of operation, people attracted, and higher crime rates
- SOBs - 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"



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.



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 cities



NEXT STEPS



- Seek City Council direction regarding:
 - The adoption of the recommended ordinance changes
 - The creation of a Task Force on SOB regulations as established by the Quality of Life, Arts and Culture Committee



SOB-related Arrest December 23, 2021



Recent arrests of SOB patrons

- Two arrestees just left an SOB location, “Just left a strip club.”
- One arrestee was 20yrs old
- Three handguns
- One AR pistol
- Several hundred rounds (one drum magazine)
- Drugs
 - Possession of dangerous drug
 - Possession of drug paraphernalia





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