An Argument Against Sex Stings and the Public Disclosure of Private Information: Alternative to Address Public Sex but Avoid Unforeseen Consequences

Sex stings, and the public disclosure of private information associated with them, have numerous unforeseen consequences for police departments.

- **Legal Liability**: Sex stings, and more specifically the public release of personal information of men charged with public sex related offenses, can result in legal allegations against police departments. In particular, the men affected can claim that their Equal Protection rights have been violated, as was recently done in a lawsuit filed on September 30th in Federal Court.

- **Inefficiency**: The public disclosure of private information often associated with sex stings can have high costs that outweigh the benefits of this tactic as a means of addressing the issue of public sex. Most importantly, it can lead to hate crimes against the alleged participants of such activity as a result of their perceived sexual orientation, thereby creating more work for police departments.

- **Appearance of Impropriety**: Sex stings can also damage the image and reputation of police departments. They can lead to allegations of entrapment, and also cause the department to appear unprofessional.

Police Departments have available to them more effective alternative strategies for addressing the issue of illicit public sex.

- **Enforcement-Based Responses**: Posting notices, issuing warnings, creating the illusion of surveillance, establishing highly visible patrols, shifting enforcement responsibility to private security firms, or imposing “stay away” orders.

- **Environment-Based Responses**: Designating geographic boundaries, improving lighting and cutting back bushes and other vegetation to reduce perceived privacy, redesigning restrooms, relocating remote facilities to areas where they will have more legitimate users, increasing the area’s legitimate-activity levels, limiting the location’s hours of operation, or closing the problem facility, street, or area.

- **Publicity-Based Responses**: Using the media to deter potential offenders by highlighting the community’s focus of the problem and stressing the possible consequences of improper behavior, or
requesting the removal of website and guidebook references to locations where public sex occurs.