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PUBLIC OPINION

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Some police officers may be going to extreme lengths in prostitution stings

‘At what point do they stop?’

Dylan Segelbaum and Sam Ruland

York Daily Record
USA TODAY NETWORK — PENNSYLVANIA

Inside the bedroom, Heather Strausbaugh sat talking with her client — the conversation ranged from nightlife and bars to their families. The man seemed nervous. But, eventually, he took off his clothes and laid beside her on the bed. That’s when she began to massage his leg and touch his genitals. ■ Minutes later, police officers barged through the front door, and saw the young woman, naked holding a blanket wrapped around her body, and the man she had just been in bed with was walking toward them. ■ He was an undercover police officer. Now, Strausbaugh was under arrest.

The West Manchester Township Police Department received reports that “something fishy” had been going on in the home. And they even found an online ad confirming their suspicions.

It featured alluring photos of a woman who offered “a more professional, truly not rushed, discreet service.” The post mentioned that an hour consultation was “\$80,” but did not include a dollar sign. And the listing was on backpage.com — a website that the U.S. Department of Justice would later describe as the internet’s leading forum for prostitution ads.

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“I don’t think this was a win in society,” Heather Strausbaugh said of her arrest and subsequent conviction for prostitution. “I don’t think it was worth it to them.” PAUL KUEHNEL, YORK DAILY RECORD

Pennsylvania ranks highest for student loan debt

Kim Strong York Daily Record
USA TODAY NETWORK — PENNSYLVANIA

Pennsylvania has the nation’s highest debt among its recent college graduates.

That’s according to Peterson’s financial aid survey, an annual voluntary survey of four-year colleges and universities. The survey uncovered that the average loan debt is \$36,193 for a 2017 graduate of a Pennsylvania

school, compared to the national average of \$28,288.

Michael Brown, a data analyst for LendEDU, studied the numbers and found that schools in the Northeast consistently ranked among the highest in the nation for debt per student.

“I think, just in general, the cost of living in this part of the country is just more expensive than it is in other parts of the country,” Brown said. Loans cover every-

thing the student can’t afford to pay, so beyond tuition, lump in housing, food and transportation costs as well.

While Pennsylvania comparatively has a high number of colleges, the second and third states with higher student debt do not: Rhode Island, at \$35,371, and Delaware, at \$34,144, according to Peterson’s.

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USA TODAY

Federal judge blocks President Trump from building parts of border wall. **9A**

Local news

Penn State Extension will be holding its Youth Dairy Day event next month. **11A**

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Stings

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Strausbaugh argued that what she had been doing was legal — there was never an exchange of money for sex. But a jury disagreed, finding that what had been happening was clearly prostitution.

So if that was true, she wondered in a recent interview, shouldn't law enforcement have had their case more than 20 minutes before they barreled through her door — before the police officer took off his clothes, before she undressed and climbed into bed with him, before she started touching his leg and long before she began touching his genitals?

"I had posted an ad. I had arranged to meet him," said Strausbaugh, 28, of Heidelberg Township, shifting in her seat as she recounted the details of her case. "If all of that made me guilty, then that should have been enough. At what point do they stop?"

A York Daily Record/Sunday News investigation into undercover prostitution stings in south-central Pennsylvania has found several recent cases that raise questions about whether police officers needed to go as far as they did to make an arrest and successfully prove the crime beyond a reasonable doubt:

■ On several occasions, police officers took off all, or most, of their clothes. In one case, a woman masturbated an undercover detective for "several minutes" before law enforcement made the arrest.

■ Prostitution is one of the lowest-level offenses in the crimes code. Several of these cases ended with someone being sentenced to probation or ordered to pay fines and court costs.

■ Police departments that made these arrests seldom had written policies about how to conduct prostitution investigations — or, if they existed, the guidelines did not outline what conduct is prohibited.

■ The lack of policies — and latitude that police officers are provided under the law — has created the potential for abuse. Every time a person is prostituted, experts say, he or she is further victimized.

'There was no need for the officer to participate in the sexual activity'

In Pennsylvania, prosecutors must prove that a person "engaged in sexual activity as a business" to convict him or her of prostitution.

The Pennsylvania Superior Court examined the question of whether someone needed to actually have sex to be found guilty of prostitution in 1980. In the case, Trooper Donald Fredericks of the Pennsylvania State Police Squad went to a hotel in Delaware County and arranged for a woman to give him a massage on May 31, 1978.

She eventually agreed to perform oral sex for \$55, and she undressed. Fredericks gave her the money and then placed her under arrest.

The woman was found guilty of prostitution. But she challenged the sufficiency of the evidence because she "did not actually engage in any intercourse." That argument didn't change the minds of the three judges.

"There was no need for the officer to participate in the sexual activity to the extent of having intercourse," President Judge Edmund B. Spaeth Jr. wrote in the opinion.

So what about Strausbaugh's case?

West Manchester Township Police Sgt. Adam Bruckhart testified about what happened on April 21, 2016. He had volunteered to go undercover and made arrangements to meet her that afternoon.

When Strausbaugh opened the door, she was wearing some type of lingerie and escorted him up to the bedroom. They had a 15-minute conversation.

At some point, Bruckhart testified that he asked how much money he owed "for her services." She replied that she didn't discuss payment and referred him to the ad. "She said, 'Those are my prices, and you leave it on the dresser when you leave,'" he testified. After a few minutes, Bruckhart said she asked him to remove his clothes — he did. Then, she requested that he lie on the bed beside her.

"She began to massage my leg. Her hand slowly moved up and she touched my testicles," said Bruckhart, who then told her he had to go to the bathroom. "I put my pants on, walked across to the bathroom, and I texted the arrest team to move in."

Later, on cross-examination, Assistant Public Defender Connor Tarr, Strausbaugh's attorney, asked about when his client instructed Bruckhart to take off his clothes.

"Did it appear at that time it was her intention to have sex with you?" Tarr asked.

"Yes, it did," Bruckhart replied.

Strausbaugh was found guilty of prostitution in less than an hour. Common Pleas Judge Gregory M. Snyder sentenced her to spend one year on probation.

"I got to be frank with you, I'm not sending you to jail over this. It's not happening. Although I could if I wanted to," Snyder said. "But you know, you've cost a lot of people a lot of time and money."

In an email, West Manchester Township Police Chief John Snyder, who took over in 2018, said Bruckhart "will not be making a statement."

Chief County Detective Art Smith, who served as chief of the West Manchester Township Police Department at the time, "will not be commenting as part of your story, per office policy," said Kyle King, a spokesman for the York County District Attorney's Office, in a text message.

'What in the world?'

In Cumberland County, Middlesex Township Police Sgt. Keith Seibert called a woman named "Kylie" on Dec. 3, 2015, who had an ad on Backpage in which she promised to "fulfill all of your playful desires."

"Kylie" was Joemarlie Hoffman. She asked him questions — including if he was law enforcement — before stating that it would be \$150 for a half-hour.

Later, Seibert met her in a motel room. They again talked about the length of the session and the price.

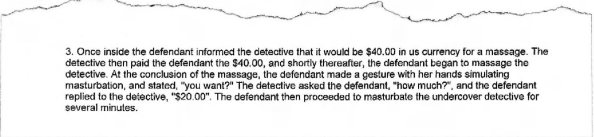
Hoffman, 29, of Hagerstown, Maryland, told him to feel her breast, so he did. "OK," she said, "you're good." She then started taking off her clothes. He did the same, except for his underwear, and laid down on the bed.

In an affidavit of probable cause, Seibert said she got a condom and lube from the nightstand. "She placed the condom on my penis and sat down on the bed," he wrote. "She leaned forward to perform oral sex and was stopped."

He identified himself as a police officer and called for law enforcement to come in the room.



"If there is enough circumstantial evidence to prove it, and they can prove it through cellphone communication, or they can prove it through emails, or they can prove it through any type of electronic communication, done. It's over," York County District Attorney Dave Sunday said of prostitution cases. "And if an arrest can be made at that point, that arrest should be made." CAMERON CLARK, YORK DAILY RECORD



When an undercover detective with the Lancaster County Drug Task Force investigated a massage parlor on Feb. 21 in New Holland, a woman masturbated him for "several minutes" before law enforcement arrested her on prostitution charges, according to an affidavit of probable cause. DYLAN SEGELBAUM, YORK DAILY RECORD

In an email, Seibert said he received a reporter's requests for an interview. He said he also had a conversation with Middlesex Township Director of Public Safety Barry Sherman.

Seibert said he was not interested in discussing the case.

"I also in your letter reviewed a statement where you indicate some sexual contact occurred," Seibert said. "That is false, at no time did any sexual contact occur."

Hoffman pleaded guilty to two counts related to prostitution and was ordered to pay almost \$625 in fines and court costs.

Meanwhile, in Lancaster County, the New Holland Police Department, in conjunction with the Lancaster County Drug Task Force, scheduled a massage at a spa where law enforcement had received multiple complaints about possible prostitution.

A task force detective went to the spa on Feb. 21, 2019. He's not named in court documents.

A woman, who was later identified as Zhimin Wang, 59, of East Hempfield Township, told him it would cost \$40 for a massage.

When it was over, Wang "made a gesture with her hands simulating masturbation" and asked, "You want?" The detective replied, "How much?" She said \$20.

"The defendant then proceeded to masturbate the undercover detective for several minutes," police wrote in an affidavit of probable cause.

Michael Marinaro, whose associate is representing Wang, said he showed the court documents to other lawyers in his office. "It just doesn't make any sense," he said.

"We're like, 'What in the world?' I think it's time to stop," Marinaro said. "When we saw that, we could not believe it."

Wang is expected to appear back in court on Aug. 8. New Holland Police Chief William Leighty said the undercover detective was not a police officer with his department. He said he could not comment any further because it's an active investigation.

The New Holland Police Department, he said, had reached out for assistance with the case.

In a statement, Brett Hambright, a spokesman for the Lancaster County District Attorney's Office, said law enforcement attends training about investigative tactics and trends related to these crimes.

The legal standard for what constitutes a crime, he said, is "somewhat complex."

"These can be complex investigations and our police do everything they can to ensure their investigative work does not go beyond the required legal threshold to support a charge," Hambright said.

When asked why the detective allowed the sex act to go on for "several minutes," Hambright replied, "I have to stay with my prior comments."

Police departments and their policies ... or lack of policies

The York Daily Record filed Right-to-Know Law requests with more than 25 police departments in Pennsylvania, including all of them in York County, for copies of written memos, procedures and policies on how police officers are to conduct prostitution investigations.

Many did not have policies. One emphasized that it rarely encounters prostitution in its jurisdiction.

But other police departments that have recently conducted these investigations did not have any policies, either.

The West Manchester Township Police Department said the records "do not exist in the format that you requested." The Middlesex Township Police Department and the Lancaster County District Attorney's Office said they had no responsive records.

Meanwhile, the Fairview Township Police Department has a general order called "Vice Investigations."

The policy does not discuss what police officers can and can't do in prostitution cases.

'Old-fashioned police work is the typical way in which an arrest can be made'

No two prostitution cases are the same, Fairview Township Police Chief Jason Loper said.

Loper emphasized that he's not an expert and has never participated in a prostitution detail. But he said there isn't going to be a blanket procedure for how to meet the burden of proof. Sometimes, people don't speak English, so a policy could hinder investigations in certain cases.

There aren't policies for every single crime that's out there.

"We don't have a policy, 'If you have a robbery, this is how it's going to be done,' or, 'If you have a theft, this is how it's going to be done,'" he said.

In his opinion, Loper said just seeing an ad online is not enough to warrant an arrest for prostitution on its own. The listing is certainly evidence, he said, but the wording is often too vague.

On Oct. 13, 2016, Harrisburg City Police Detective Donald Heffner acted as the undercover police officer in a prostitution investigation with Fairview Township Police Department.

Heffner found an ad on Backpage for a woman named "Honey." She agreed to meet him at a hotel.

The woman, who was later identified as Malakia Dowdell, checked the room and asked for \$180. He gave her \$200.

Dowdell hugged and patted him down.

Next, Dowdell, 25, of Columbus, Ohio, started giving him a back massage. "She then turned him over after several minutes and pulled his underwear down and started rubbing his genitalia," according to an affidavit of probable cause. He gave the arrest code.

Later, Dowdell pleaded guilty to prostitution in exchange for paying about \$620 in court costs.

Heffner could not be reached.

The Harrisburg Bureau of Police did not respond to a Right-to-Know Law request for its policies. The York Daily Record filed an appeal with the Office of Open Records, which ruled that the city failed to comply with the requirements of the law and ordered that the records be provided within 30 days.

Tiffany Baldock, senior deputy city solicitor for the City of Harrisburg, later filed a petition for reconsideration that stated that the records do not exist.

Loper said what happened in that case is "an unusual occurrence."

Because there was no "verbalization" going on to prove the elements of prostitution, that's why "it ended up going to that point where the pants were removed, the underwear was removed, and then there was contact," he said.

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