

CITY



ILLUSTRATION/SARAH GOODYEAR

Helping or hiding?

Can police crackdowns on public sex do any good? Or do they just drive activity elsewhere?

■ RICK MACPHERSON

It's a recent Saturday night at the Fine Arts Theater on Congress Street. The audience is tiny — three men seated in the straight theater, two in the gay theater. No sexual activity is going on. Signs on the wall warn such behavior will not be tolerated.

The scene is very different from the potentially unsafe sexual activity witnessed at the theater over the summer and reported in "Risking Your Life" (*CBW*, 7.27.95). A week after that story was published, Portland plainclothes police officers arrested one patron of the Fine Arts Theater and two patrons of the Video Expo on charges of public indecency.

The original investigation sought to draw attention to the public health hazard of anonymous, unprotected public sex occurring on a regular basis inside these businesses. With few exceptions, however, subsequent media attention was focused not on health and safety issues, but on the public outrage that such activity was going on in downtown Portland.

Public health is one of the primary concerns of The AIDS Project (TAP) of Portland. Professionals trained in outreach and referral, TAP representatives try to reach people in Portland public sexual environments (PSEs) such as the Video Expo and the Fine Arts Theater. But as John Holverson, TAP's director of outreach and education, said, "Education alone does not equal change in behavior."

Holverson wasn't surprised by the public response to the article. He remarked that he's observed similar public outcry and police response to other PSEs, both in Maine and elsewhere. The heat is turned up for a while, and traffic slows down. But eventually things go back to the way they were. Holverson believes that looking for solutions without considering the motivations behind unsafe sexual behavior is futile. "If you don't address the cultural and behavioral issues that compel individuals to seek out PSEs, then your response to the situation becomes nothing short of a witch hunt."

In the two months since the story appeared, no further arrests have been made.

Casco Bay Weekly decided to follow up on this story, examine the city's response to the situation and revisit the establishments in question to determine what, if anything, has changed.

City attorney Gary Wood drafted letters to both the Fine Arts Theater and the Video Expo, asking the owners and managers of both establishments to post signs stating that sexual activity on the premises is both illegal and not endorsed by the businesses. The two businesses were also directed to ensure that personnel would regularly patrol the facilities to discourage such activity; that individuals engaging in illegal activity would be evicted; that lighting would be improved; and that holes in walls of adjacent private viewing booths would be covered with 1/4-inch steel sheets.

In order to investigate compliance with these requests, I revisited both the Fine Arts and Video Expo on days of the week when I had previously observed greatest activity. The Fine Arts Theater had posted handwritten signs at the entrance to the theater complex and inside the gay theater, stating that sexual activity or exposing oneself was illegal and against theater policy. I noticed a marked decrease in the number of patrons.

The lighting in both theaters was improved, and the door to a long hallway in the front of the straight theater (where frequent sexual activity was previously observed) was now locked so patrons could not reenter the theater after leaving. During both visits to the Fine Arts, I observed the clerk making rounds through both theaters. I also found a

condom wrapper on the back floor of the gay theater.

At the Video Expo, the "glory holes" in the walls of private viewing booths had been covered — not with 1/4-inch steel sheets but with the same Masonite-like material the booths are made of. A "No Loitering" sign was posted in the mostly empty hallway, which was being checked regularly by the clerk. I did observe two patrons seated in their booths, watching videos with the doors to their booths slightly ajar. One gentleman beckoned me in with a hand gesture.

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— John Holverson, The AIDS Project

The managers of the Fine Arts Theater and Video Expo refused to comment for the story.

"The community as a whole needs to ask if public sexual activity of the type reported is a crime," remarked Mark Dion, Portland's deputy chief of police. "Public sexual activity of this kind, like prostitution, is illegal, and the police can intervene. All we can do is provide an immediate but short-term response to the situation." Dion stressed that intervention of this sort has never demonstrated much success. "You can stop the transaction, but you never completely eradicate the activity," he admitted. "We can displace it, but it invariably comes up in another site."

Dion hopes that a community concern over the legal issues in this case "does not overshadow the equally significant issue of public health."

The police and TAP agree that compulsive, potentially dangerous public sexual behavior is a complex issue. Many parties must be involved before progress can be made. "The police can set boundaries regarding behavior," said Dion, "but they also need the cooperation of the community, civic leaders, and educators to look for strategies that help reduce the frequency of dangerous behavior."

For Holverson, the problem is practical rather than intellectual. Because of the negative fallout at the Congress Street PSEs, his team has observed increased activity at other Portland PSEs — some not as safe for the players as the theaters. "We live in a society that remains sex-phobic, homophobic, and pleasure-phobic," said Holverson. "How can we not expect that kind of culture to produce individuals that are isolated and have no self worth? It's unrealistic to expect that people are not going to seek each other out. Sadly, it becomes apparent why many participants in PSEs are not choosing life." **CBW**