

**In The
Supreme Court of the United States**

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CITY OF LOS ANGELES,

Petitioner,

vs.

NARANJIBHAI PATEL, RAMILABEN PATEL,
LOS ANGELES LODGING ASSOCIATION,

Respondents.

—◆—
**On Writ Of Certiorari To The
United States Court Of Appeals
For The Ninth Circuit**

—◆—
**BRIEF OF THE COUNTY OF LOS ANGELES,
THE LEAGUE OF CALIFORNIA CITIES, AND
THE CALIFORNIA STATE ASSOCIATION OF
COUNTIES AS AMICI CURIAE IN SUPPORT
OF PETITIONER CITY OF LOS ANGELES**

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ORDINANCE

Los Angeles Municipal Code,
Section 41.493, 7, 9, 11, 12

The County of Los Angeles, The League of California Cities, and The California State Association of Counties respectfully submit this amici curiae brief in support of Petitioner.



INTERESTS OF THE AMICI CURIAE¹

The County of Los Angeles encompasses more than 4,000 square miles, with a population of over 10 million residents spread among 88 cities and 120 unincorporated communities. The Los Angeles County Sheriff's Department has more than 9,500 sworn law enforcement personnel who provide police services to unincorporated areas of the County, and work in conjunction with other law enforcement agencies, such as the Los Angeles Police Department ("LAPD"), in combating the very serious problem of human trafficking and the sexual exploitation of children.

The League of California Cities is an association of 473 California cities dedicated to protecting and restoring local control to provide for the public health,

¹ Pursuant to Supreme Court Rule 37.3(a), this brief is being filed with the Court with the consent of all parties, as reflected on the Court's docket in the blanket consent letters filed by petitioner and respondents on November 17, 2014 and November 18, 2014, respectively. This brief was not authored in whole or in part by counsel for a party, and no person or entity, other than amici curiae, their members, or their counsel has made a monetary contribution to the preparation or submission of this brief.

safety, and welfare of their residents, and to enhance the quality of life for all Californians. The League is advised by its Legal Advocacy Committee, which is comprised of 24 city attorneys from all regions of the State. The Committee monitors litigation of concern to municipalities, and identifies those cases that have statewide or nationwide significance. The Committee has identified this case as having such significance.

The California State Association of Counties (“CSAC”) is a non-profit corporation. The membership consists of the 58 California counties. CSAC sponsors a Litigation Coordination Program, which is administered by the County Counsels’ Association of California and is overseen by the Association’s Litigation Overview Committee, comprised of county counsels throughout the state. The Litigation Overview Committee monitors litigation of concern to counties statewide and has determined that this case is a matter affecting all counties.



INTRODUCTION AND SUMMARY OF ARGUMENT

17 children condemned to a life of continued abuse and exploitation in just seven months. That is potentially the price of insulating hotel and motel guest registries from on-demand review by law enforcement officers.

Specifically, 17 fewer children have been rescued from human trafficking by LAPD officers following

suspension of enforcement of Los Angeles Municipal Code section 41.49 after the Ninth Circuit's decision in *Patel v. City of Los Angeles*, 738 F.3d 1058 (9th Cir. 2013), than were rescued in a similar period prior to the decision.

As amici discuss, this disturbing information is not surprising. Motels and hotels play a central role in the business of human trafficking and sexual exploitation of children. The requirement that such business owners record identifying information on every guest, and provide such information to law enforcement officers on demand, is a significant tool that enhances the ability of law enforcement officers to apprehend and prosecute those who would exploit children, and more significantly, allows officers to rescue children from these most dire of circumstances.

The purpose of this brief is to provide the Court with real world data on how the hotel and motel industry plays a central part in human trafficking and the sexual exploitation of children. The brief provides concrete examples of the manner in which regulations such as section 41.49, allow law enforcement officers to bring criminals to justice and save children from further abuse, illustrating the effectiveness and importance of such provisions in addressing public health and safety issues in cities and counties across the country.



ARGUMENT

MOTELS AND HOTELS PLAY A CENTRAL ROLE IN THE BUSINESS OF HUMAN TRAFFICKING AND THE SEXUAL EXPLOITATION OF CHILDREN THAT CAN ONLY BE EFFECTIVELY COMBATED BY REQUIRING SUCH BUSINESSES TO RECORD GUEST INFORMATION AND PROVIDE IT TO LAW ENFORCEMENT OFFICERS ON DEMAND.

A. The Intimate Link Between Motel And Hotel Occupancy And The Sexual Exploitation Of Children Through Human Trafficking.

Saving Innocence is a nonprofit organization that works with local law enforcement in the Los Angeles County area in pursuit of its core mission of protecting children from sexual exploitation through prostitution.² The organization provides children who have been taken into custody during law enforcement operations with shelter, counseling, and access to social services, with the goal of helping them leave the life of sexual slavery and recover from its devastating effects.³

35% of children taken into the Saving Innocence Project were recovered by law enforcement in

² <http://www.savinginnocence.org/about/> (last accessed December 15, 2014).

³ *Id.*

operations against motels and hotels.⁴ Their average age at the time of being taken into custody is 15, though the average age at which they first entered into a life of sexual exploitation is 12.⁵

Many of the children from Saving Innocence report that their first entry into this living nightmare started when a trafficker secured a motel room for them to stay in while having no place to live.⁶ It is there that they may have been beaten for the first time and coerced into prostitution.⁷ The clear willingness of motel owners to “look the other way” or “turn a blind eye” no matter what happens within the walls of the rooms snuffs out any hope that a call for help will bring relief.⁸ One Saving Innocence client reported being savagely beaten by her pimp and screaming, but knowing that no help would be forthcoming from the owners of the motel and that no one was likely to call the police.⁹

Aside from serving as a starting point for entry into a life of sexual exploitation, the motels are an integral part of an ongoing transient and itinerant

⁴ Letter from Kim Biddle, Founder and Executive Director of Saving Innocence, to Los Angeles County Board of Supervisors (Dec. 3, 2014) at 1.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

process by which the children are moved across state lines, and transported from motel to motel by a trafficker depending upon the perceived demand for services, such as a special sporting event, convention or the like.¹⁰ Some children are moved on a daily basis, so that they do not know where they are at any given time, or even what day it is.¹¹

Even if “settled” in a particular region, such as the vast area covered by Los Angeles County, these children may be moved from motel to motel throughout the county, from the city of Los Angeles, to the cities of Compton, Long Beach, Carson, Inglewood and Pasadena.¹² In some instances the trafficker may secure a room and force the child to perform sex with clients – “Johns” – in the room, with the trafficker later staying in the room.¹³ Other times, the trafficker may have the Johns rent the room, and in some instances, the exploited children may be allowed to stay in the rooms once the Johns leave.¹⁴

Even after children are rescued and secured placement through programs such as Saving Innocence, these same motels ironically provide a hiding place for those children who resist assistance and flee the program, since the children have learned that

¹⁰ *Id.* at 1-2.

¹¹ *Id.* at 2.

¹² *Id.* at 1.

¹³ *Id.* at 2.

¹⁴ *Id.* at 1.

they may obtain a room on a cash basis from individuals unlikely to ask questions or provide information to authorities.¹⁵

Quite literally, from start to finish of the entire process, motels and hotels are intimately involved in the sexual exploitation of children on a commercial basis. For many such businesses, human trafficking is, very simply, a core part of their operation.

B. The Practical Application Of Los Angeles Municipal Code Section 41.49 And Similar Statutes In Combating Human Trafficking, And More Critically, Rescuing Children Victimized By The Direct Participation Of Motels And Hotels In Trafficking And Prostitution.

Los Angeles Municipal Code (“LAMC”) section 41.49 and similar statutes throughout the nation combat the anonymity that shields human traffickers, their customers, and their victims from scrutiny. Requiring motels and hotels to record identifying information of all guests may deter Johns from participating at all, fearing later revelation of their identities. Traffickers too, may be deterred from using a particular hotel or motel if they are required to give verifiable identifying information that could lead to their arrest. As Los Angeles County Sheriff Jim McDonnell notes, “when motels accurately maintain

¹⁵ *Id.* at 2.

their registries, the criminal clientele moves on. At that point, legitimate business motel owners not only address operational deficiencies but make cosmetic improvements to attract law-abiding customers.”¹⁶

Of course, merely requiring that such information be recorded in a timely fashion does not assure that it will be done, absent some realistic threat that the failure to record such information will be detected. The ability to demand on-the-spot production of registration books to verify that the information is being recorded is the only practical means to assure compliance with such regulations. Advance notice of such inspections through the procurements of an administrative warrant would afford those subject to the statute the opportunity to *ex post facto* manufacture identifying information, accurate or not, and therefore evade the underlying purpose of the ordinance.

But even putting aside the need to assure that accurate information is kept in the first instance through the threat of on-demand production of the registration material, the accurate recording and, more critically, production of such information is crucial to the ability of law enforcement to not simply combat prostitution, but more importantly, to rescue

¹⁶ Letter from Jim McDonnell, Los Angeles County Sheriff, to Los Angeles County Board of Supervisors (Dec. 15, 2014) at 3. Prior to his election as Sheriff, McDonnell served as an Assistant Chief of the Los Angeles Police Department and Chief of the City of Long Beach Police Department. *Id.* at 1.

those children ensnared in human trafficking. In an age in which information travels with the speed of a text message or a cell phone call, the ability to identify the occupants of rooms in a motel or hotel on an expedited basis is vital to the ability of law enforcement to combat prostitution and human trafficking in such businesses by enabling law enforcement to expeditiously arrest pimps and rescue children before they once again disappear into the labyrinth of seedy motels.¹⁷

Information provided to the Los Angeles County Sheriff's Department by local law enforcement agencies provides insight into the day-to-day application of section 41.49 and similar statutes. For example, in one incident, City of Long Beach Police Department detectives learned a 16-year-old runaway was involved in a commercial sex activity in the City of South Gate. The runaway had been arrested for prostitution and was currently advertising for commercial sex services on the internet. The detectives attempted to arrange an undercover operation to contact her, which led them to a motel. When she answered no further phone calls, detectives were able to inspect the motel ledger and quickly determine the room in which she and the suspect were most likely staying. Detectives went to the room and found her, naked and hiding under the bed, as well as the suspect, and took appropriate law enforcement action.¹⁸

¹⁷ *Id.* at 1.

¹⁸ *Id.* at 1-2.

Without the ability to immediately inspect the registration ledger, this enforcement and rescue action would have been impossible. The officers would not have been able to secure a warrant, given the absence of information as to which of the numerous rooms the girl might be occupying. Similarly, a room by room search of the establishment would make finding the 16-year-old girl and the suspect impractical, as once such a large-scale operation commenced, the suspect would have had the opportunity to flee with his victim long before law enforcement officers might chance upon the correct room.

An incident involving LAPD detectives is similarly instructive. Detective Support and Vice Division received a tip that a 17-year-old runaway from Portland, Oregon was advertising for commercial sex on the internet. Vice detectives organized an undercover operation and detained the runaway. During an interview, she told investigators that two additional girls were with the trafficker at another nearby motel, but she did not know in what room they were staying. Detectives conducted a surveillance of the motel and saw two young females who met the description given to them by the 17-year-old runaway. The females were detained, but the trafficker was not with them, and they did not know his true name. However, they said he was due to return to the motel shortly. Investigators were able to quickly check the motel ledger where they obtained his true name and the vehicle he was driving. Being able to inspect the ledger without delay allowed the detectives to

apprehend the suspect while he was still in the area and prevent further exploitation of the two girls.¹⁹

In another incident, LAPD vice detectives worked with the Federal Bureau of Investigation to rescue two children who were runaways from out of state. Federal agents established that the two children were staying at a motel near Los Angeles International Airport with a violent trafficker. The motel had well over 100 rooms, making the task of surveillance nearly impossible on such a large location. Detectives asked the motel operator to inspect the ledger. Initially, he was uncooperative, however, after advising him of the provisions of section 41.49, he complied and the room was identified. Detectives contacted the occupants of the room, where two child victims were rescued and the trafficker was arrested.²⁰

The incidents recounted above resulted in the arrest of three traffickers, but more importantly, the rescue of six children from a life of sexual exploitation. The effectiveness of section 41.49, and the devastating human cost of stripping law enforcement of this important regulatory tool in combating human trafficking and the sexual exploitation of children, is readily discerned from review of arrest and rescue statistics immediately prior to, and just after the City of Los Angeles suspended enforcement of the provision following the Ninth Circuit's en banc decision.

¹⁹ *Id.* at 2.

²⁰ *Id.*

Information received from the LAPD reveals that between June 1, 2013 and January 31, 2014 – when section 41.49 was still enforced – LAPD officers rescued 32 children from human trafficking. On February 10, 2014, the LAPD suspended enforcement of section 41.49. From March 1, 2014 through October 31, 2014, only 15 children were rescued – a 53% decline in rescues. Not surprisingly, there was also a sharp reduction in arrests for related offenses. Arrests for human trafficking fell 43%, with arrests for pimping and prostitution declining 66% and 23% respectively.²¹

The human cost of suspending enforcement of section 41.49 for as little as seven months is sobering – 17 fewer children rescued from the nightmare existence of human trafficking and sexual exploitation. As Los Angeles County Sheriff Jim McDonnell notes, “[h]uman sex trafficking, especially involving the exploitation of children, is a serious problem in Los Angeles and in many cities throughout the nation” and “[o]rdinances such as LAMC section 41.49 are an important tool for law enforcement to have in order to combat this growing problem, and to facilitate rescues and arrests that in some cases may not otherwise have been possible.”²²



²¹ *Id.*

²² *Id.* at 1.

CONCLUSION

For the foregoing reasons, the judgment of the Ninth Circuit should be reversed.

Respectfully submitted,

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