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THE MOTEL

I TOOK my seat in court with a stack of color-coded files. Each one contained a police report, a rap sheet, and a complaint charging the defendant with violating some specific section of the California Penal Code. Green files were DUIs. Purple were “regular” misdemeanors like bar fights or shoplifting or the occasional illegal cockfight. Red were domestic violence. I was sorting through them, attempting to match the order of my stack with the order on the court’s December 7, 2004, calendar sheet so that I would be ready when the judge came out and began calling the arraignment names. If he called a name and I was not ready with the file, he would become impatient and make a dramatic scene about having to wait for me. The court’s calendar was loosely alphabetical, except that there were add-ons. Add-ons were extra names that had been added to the end of the calendar. Half the calendar turned out to be the extra names, so there I was, furiously sorting so that I would not be fumbling through folders when the judge came out of his chambers and took the bench.

I was the prosecutor. My job was to seek justice on behalf of the people of the state of California, county of San Joaquin, and also to organize the color-coded files. Each of my files contained a story—about a person who made a choice, or a series of choices, that resulted in harm to another person and a law being violated. My job was to ensure that the individual responsible for the crime was held accountable, to insist on fairness, and to empower the victim.

Every morning, typically wearing a crisp, ironed, white button-down shirt, a black skirt-and-jacket set, pearls, and heels, I kissed

my boyfriend, Cary Huxsoll, good-bye and traveled about fifty miles through thick Central Valley fog from Sacramento to Stockton, San Joaquin County's seat. I was only twenty-five years old, but I was tasked with decisions that would impact people for the rest of their lives, and I was trying to look at least thirty while doing it.

Just as I finished arranging the files, the judge took the bench. As the metal door on the side of the courtroom was closing, I saw a cluster of defendants in orange jumpsuits hovering by the door and peering into the courtroom. The bailiff now had to call them into the courtroom one at a time, in calendar order. After the bailiff and the court clerk consulted, the judge announced that he would be calling the in-custody female defendants first. This of course threw my ordering system completely out of whack, as I shuffled through the enormous stack trying to filter out the female defendants. It wasn't as if I could just grab Mary and Janis and Susie. The files were labeled with last names only, like Clark and Smith and Barkley, so I had to actually open them to determine the gender of the defendant inside. As I frantically reordered, the public defender and other defense attorneys started showing up. The public defender was there to represent anyone who did not have a lawyer, could not afford a lawyer, and wanted a lawyer, which tended to be almost everyone. There were a couple of private attorneys with private clients, there to obtain discovery (a copy of everything in my file), get their clients out of custody, and make sure the next court date coincided with their schedule.

The private attorneys would approach me, and I would pull their client's file. In many cases, we would agree to release from custody pending the next court date. Sometimes, based on the crime charged or the defendant's criminal history, I would argue that the defendant should stay in custody. The defense attorney would argue that his or her client posed no risk if released, and the judge would decide whether to reduce bail, release the defendant, or impose any other conditions. The private attorneys usually had

other courtrooms they needed to be in for other clients at the exact same time, so they would ask the clerk if their cases could be called first. This meant more shuffling of the file stack, but by 9:45 a.m., the court finally started calling the 8:30 a.m. in-custody calendar. San Joaquin County Superior Court was in session.

The judge would read the name, ask the defendant whether it was true and correct, and proceed to read the charge: driving under the influence of alcohol or drugs; stealing from Walmart; battery; vandalism; prostitution. He would then ask the prosecution for an offer—a plea deal in which a defendant could accept responsibility for a charge at an early date in the proceedings and receive a lighter sentence than the maximum. This meant the defendant would be giving up a series of constitutional rights—to remain silent, to be presumed innocent, to receive a jury trial, and to subpoena and question witnesses against him or her. But it also meant that the defendant could receive a favorable sentence and move on with his or her life without being dragged through the criminal justice system and risking a more serious and consequential outcome. Some defendants did not get offers, either because the crimes were too serious or because the crimes required further investigation and were not suitable for early resolution. And so the judge made his way through the female in-custody calendar reading charges, advising defendants of rights, continuing cases for further proceedings, and taking pleas.

There were more female defendants than normal because there had been a sting operation over the weekend, ensnaring many young women who were selling their bodies for commercial sex.

All the files read the same: all the defendants were women. And they were all young, many of them teenagers. Almost all were African American. They were all being arrested late at night. The police reports and booking information listed their clothing, their address, and their property. The clothing was universally skimpy, consisting of short skirts, tank tops, and heels, even though it was December. The police report also listed the weather, which was in

the high thirties. The property was typically a purse with a little bit of makeup inside, a toothbrush, forty dollars or less, and occasionally a few condoms.

The home address was almost always “transient”—the address that gets listed on the intake sheet if someone did not have or would not give the police an address and had no ID. The defendants were either homeless or wouldn’t say where they were staying. Most of them didn’t have an emergency contact to list when being booked into jail.

In court, they just wanted to get out of custody. They would say their names and answer the court’s questions almost robotically. They would plead guilty if it meant getting out of jail. They stared blankly into space and looked numb and lifeless. They didn’t seem to care whether the court appointed an attorney, whether the court pronounced their names right, or whether they gave up their constitutional rights.

The police reports described scripted encounters in which an officer working in an undercover capacity approached one of these young women and asked her to perform some degrading sex act for a small amount of money that he negotiated. She would agree and initiate physical contact, and then he’d give a signal to officers waiting nearby and she’d be arrested. It was freezing cold in a dangerous stretch of downtown. Anything could happen to these young women who were offering commercial sex acts to whatever perverted stranger drove up on them. And they never seemed to even have money to show for it.

Some people say prostitution is a victimless crime, but there in the San Joaquin County courtroom, I saw the defendants for the victims they truly were—thrust into scary Stockton parking lots on a nightly basis, nowhere else to go, no one to even call. With no money and no address, were they merely having sex for money to survive? What led these young women to this brutal place? Where were their families? Who was making money off their misery? And was anyone standing up for them?

For the first time as a prosecutor, I did not want to prosecute. I was supposed to be prosecuting people who made choices to harm other people or chose to violate the law. What choices were these young women making? Was there a choice? In the women before me, in the stories in the files on my desk, I did not see that they had any choice.

I got through the morning calendar without getting yelled at by the judge, and I wheeled my stack of DUIs, thefts, and vandalism cases back to my office. But I couldn't get my mind off the prostitution defendants. I sat at my shabby plastic desk eating a peanut butter and jelly sandwich and reading through the police reports again. I was picking a jury for an elder-abuse trial at 2:00 p.m., but I was fully engrossed in this stack of purple files until then. I noticed one other matching detail: all the defendants were being arrested in the parking lot of the same seedy motel on a corner near downtown. I did some more research. It turned out that the motel received dozens of disturbance calls from neighbors and had been the site for many sting operations. The motel owner had to know what he was profiting from inside those rooms. Why was this business able to profit from sexual exploitation?

What if, I wondered, we could target that motel? It was ground zero for this ongoing crime—a crime that I saw as a manifestation of human suffering. For a small amount of money, grown men were buying homeless teenagers in the motel parking lot. Instead of providing refuge to the teenagers and calling the police, I suspected that the motel owner was probably taking a cut on every single transaction. The teenagers never reported being victims; but that did not mean they weren't, nor would it necessarily prevent me from making a case.

Before our system of constitutional democracy, people fended for themselves. It was not the job of the public or the government to get involved when a bandit stole a man's mule, much less when a man hit a woman in the comfort of his own home. These were

private matters between private parties, and the party with more power would usually win. There was no public mechanism for protecting the vulnerable. The relatively modern concept of a public prosecutor means that the public will protect the victim of a crime. When a defendant violates a law, he or she has committed a crime not just against one victim but against all of us, against society, against the people. And I was the attorney representing the people. My job was to enforce the people's laws, protect the integrity of the system, and stand up for vulnerable victims, including those who do not stand up for themselves.

Sometimes this was more challenging than it seems. I had domestic violence cases in which the victim would not want the case to move forward—she would recant her statement to police, say she had previously lied, and beg us to dump the case. Or she would not show up to court at all.

But those were sometimes the most important cases to prosecute. We had pictures of a woman with a bloody lip or a black eye. We had a 911 call with her sobbing and hyperventilating into the phone, gasping, "He's going to kill me." We had the officer who got to the apartment to find a terrified woman, a crying baby, and broken dishes. And when the officer found the suspect a few blocks away, we had a web of lies about where he'd been.

Because the prosecutor's role is not just to protect the victim but also to protect the public, we are empowered to file cases without victim cooperation, if we believe we can prove the case with the evidence we have. Victims do not always self-identify as victims because of the way they have been manipulated and because they have internalized so much trauma.¹

I suspected that the women pleading guilty to prostitution might actually be victims, regardless of whether they identified as such or ever felt able to report crimes committed against them.²

When I wasn't in trial on a variety of domestic violence, vandalism, and DUI cases, I was discovering everything I could about that motel and attempting to build a case. I learned that the owner

often worked the front desk, and he and his employees regularly gave out condoms to hotel guests. They rented rooms for short periods of time—less than a night. They had ongoing calls and complaints from neighbors and many visits from the Stockton Police Department.

One of the women working around the motel eventually explained how it worked. She said the men she met who were interested in commercial sex would walk into the office, ask the owner for a room key, pay cash, and even be given a condom. The owner would tell them to have a good time.

The owner was not just complicit in making a living off the commercial sex trade but was actually promoting it. It kept him in business, and he did not care that a teenager might be getting raped in one of his dingy little rooms.

Based on surveillance, cooperation from witnesses, and other evidence we were able to collect, I wanted to charge the owner with conspiracy and aiding and abetting prostitution. To my knowledge, no one had ever used that theory before to prosecute a motel owner.³

My supervisor was excited about the case from the beginning. His name was Chuck Schultz. He was bright and charismatic, and he brought incredible energy with him to work each day. If you ever had a case you weren't sure about, you could count on telling him the facts and him being absolutely outraged about what the defendant had done. "You're telling me he purposely busted his neighbor's fence? Of course you should go to trial on that! What a horrific thing for a person to do!"

Chuck was predictably furious with the motel owner for aiding and abetting in commercial sex acts, and he thought we could use the case to send a strong message by shutting down the motel and holding the owner accountable.

In 2004, laws criminalizing human trafficking were still in their infancy. Conceptually, the crime was akin to involuntary servitude or slavery, but the statutory framework was not applicable to what

was happening on the streets. In California, sex trafficking was not yet defined as a crime in the Penal Code. But prostitution was a crime, one of the oldest on the books. And the concept of aiding and abetting—that anyone who knowingly helps facilitate a crime can be held accountable for that crime—is a long-enshrined legal principle. There was also conspiracy—agreeing with another person (either the sex worker or the sex buyer) to commit a crime and committing one or more overt acts toward that crime—such as supplying a motel room. And there was also pimping, knowingly receiving earnings from prostitution in whole or in part; and pandering, soliciting on behalf of or providing a place for commercial sex. All of these statutes were designed to stop the economic expansion of the sex trade. This motel fit directly within what the law was designed to prevent.

We charged the motel owner and manager with conspiracy to commit prostitution and pimping. Our theory was that in several individual instances, the owner received funds and provided a room, knowing that it would be used for commercial sex acts. The owner knowingly and willfully contributed to those crimes and received financial benefit as a result. As a backup plan, I had researched nuisance-abatement laws and city code violations that could have also taken the motel out of business. But I didn't want this to be categorized as a "nuisance." It wasn't about the neighbors who were complaining. It was about the proliferation of the commercial sex trade and how young, vulnerable women of color were being exploited.

It was a novel approach and caught the judge off guard, but it actually worked out. The motel owner was represented by a private attorney. We agreed to several terms, the defendant pled guilty, and the motel was shut down. It was a good first little step, but I knew that there was much more that needed to be done. We needed a cosmic shift in how we treated young people ensnared in the dangerous life of the commercial sex trade. We needed to build cases against those who were quietly selling people for sex

acts. And we needed to create a support system for victims. The images of those girls from that motel in Stockton were etched into my brain and would drive me throughout my career.

More than a decade later, their suffering became the inspiration for the biggest case I ever prosecuted. By the time I became a supervising deputy attorney general at the California Department of Justice, the seedy motel, I realized, had metamorphosized into a website: Backpage.com. Backpage was more lucrative, more prolific, and more evasive than the motel had ever been—but my legal strategy was the same: follow the money and disrupt the system.