

No. 13-1175

IN THE

Supreme Court of the United States

CITY OF LOS ANGELES,

Petitioner,

v.

NARANJIBHAL 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 DRUG FREE AMERICA
FOUNDATION, INC., COMMUNITY
ANTI-DRUG COALITIONS OF AMERICA,
AND THE INSTITUTE ON GLOBAL
DRUG POLICY AS *AMICI CURIAE*
IN SUPPORT OF PETITIONER**

[Additional amici listed on inside cover]

ORLY DEGANI

Counsel of Record

KATHARINE J. GALSTON

DEGANI & GALSTON LLP

12400 Wilshire Boulevard

Suite 400

Los Angeles, CA 90025

(424) 270-1900

orly@deganigalston.com

Attorneys for Amici Curiae

List of Additional Amici

SAVE OUR SOCIETY FROM DRUGS (S.O.S.)

NATIONAL NARCOTICS OFFICERS ASSOCIATION
COALITION (NNOAC)

INTERNATIONAL SCIENTIFIC AND MEDICAL FORUM ON
DRUG ABUSE

COALITION FOR A DRUG FREE CALIFORNIA

NATIONAL INSTITUTE OF CITIZEN ANTI-DRUG POLICY

MT. HOOD COALITION AGAINST DRUG CRIME

NATIONAL DRUG-FREE WORKPLACE ALLIANCE (NDWA)

DRUG FREE PROJECTS

MANATEE COUNTY SUBSTANCE ABUSE COALITION

AEGIS SCIENCES CORPORATION

OREGONIANS AGAINST LEGALIZATION OF MARIJUANA

PORT RICHMOND COMMUNITY GROUP

SAM, INC.

STUDENTS TAKING ACTION NOT DRUGS (STAND)

TAKE BACK AMERICA CAMPAIGN

AMBASSADOR MELVYN LEVITSKY

PETER BENSINGER

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INTEREST OF *AMICI CURIAE*¹

Amici curiae are nonprofit organizations, for-profit corporations, policymakers, and individuals who share a common interest in combating drug trafficking, drug abuse, and other drug-related crimes in our communities:

Drug Free America Foundation, Inc. is a drug prevention and policy organization committed to developing, promoting and sustaining national and international policies and laws that will reduce illegal drug use and drug addiction. Drug Free America Foundation, Inc. is a Non-Governmental Organization (NGO) in special consultative status with the Economic and Social Council of the United Nations.

Community Anti-Drug Coalitions of America (CADCA) is a non-profit, member based organization that was founded in 1992 as an outgrowth of the President's Drug Advisory Council, and is headed by Major General Arthur T. Dean (U.S. Army, Retired). CADCA's mission is to build and strengthen the capacity of community coalitions to create safe, healthy and drug free communities. CADCA is the only national drug prevention organization that

¹ The parties have consented to the filing of this brief in letters that are on file with the Clerk of the Court. In accordance with Supreme Court Rule 37.6, this brief was not written in whole or in part by counsel for any party and no person or entity other than counsel for *amici* has made a monetary contribution to the preparation and submission of the brief.

works at all governmental levels—federal, state, and local—to build and sustain community coalitions. CADCA represents more than 5,000 coalitions in the United States and has worked with international communities in 20 countries around the world.

The Institute on Global Drug Policy is an alliance of physicians, scientists, attorneys and drug specialists advocating public policies that curtail the use of illicit and misuse of licit drugs and alcohol.

Save Our Society From Drugs (S.O.S.) is a 501(c)(4) national nonprofit organization committed to establishing, promoting, and enabling sound drug laws and policies that will reduce illegal drug use, drug addiction and drug-related illness and death. S.O.S. works to educate our nation's lawmakers and activate grassroots anti-drug coalitions to combat drugs and the effects of drug use on our communities.

National Narcotics Officers Association Coalition (NNOAC) is a 501(c)(6) non-profit organization that provides a unified voice for state and local narcotics officers in the nation's capital. NNOAC is currently comprised of 40 individual state narcotic associations, the six Regional Information Sharing System projects and the Territory of Puerto Rico—representing more than 55,000 law enforcement officers from across the nation. NNAOAC serves as an umbrella organization, coordinating the efforts of these associations in our nation's capital.

The International Scientific and Medical Forum on Drug Abuse is a brain trust of the world's leading researchers involved in drug-related research and

physicians concerned about the problem of drug abuse.

The Coalition for a Drug Free California is a non-profit 501(c)(3) organization incorporated in the state of California. Its mission is to reduce youth drug use.

The National Institute of Citizen Anti-Drug Policy is a Christian outreach ministry for drug prevention, originated in Great Falls United Methodist Church, Great Falls, Virginia. Its purpose is to advocate and promote governmental anti-drug policies.

Mt. Hood Coalition Against Drug Crime is a citizen volunteer organization with a mission against illegal drug crime. Its purpose is to create a community free from illegal drug crime.

The National Drug-Free Workplace Alliance (NDWA) is a national network dedicated to the prevention of substance abuse in the workplace. NDWA has a two-fold mission—to directly assist small businesses in the state of Florida in establishing comprehensive drug free workplace programs and to support a national coalition of drug free workplace service providers.

Drug Free Projects is a non-profit organization organized in the state of Florida that works to prevent substance abuse.

The Manatee County Substance Abuse Coalition is a non-profit substance abuse prevention organization based and operating in Manatee County,

Florida, and focused on health and wellness across the lifespan.

Aegis Sciences Corporation is a for-profit forensic and healthcare laboratory focused on testing humans for legal and illegal substance abuse. Aegis Sciences Corporation knows first-hand the harm of substance abuse in our communities due to its provision of toxicology services to law enforcement, hospitals and coroners/medical examiners.

Oregonians Against Legalization of Marijuana is a citizen volunteer organization with a mission to bring awareness to the impacts of marijuana in our communities. Its purpose is to oppose the legalization of Marijuana.

Port Richmond Community Group is a volunteer community improvement organization, and a Registered Community Organization with the City of Philadelphia. Founded after its president's 17-year-old niece died from a heroin overdose, this group focuses on the devastation that drugs wreak on the local community and families.

SAM, Inc. is a non-profit organization incorporated in Delaware and doing business in California. It envisions a society where marijuana policies are aligned with the scientific understanding of marijuana's harms, and the commercialization and normalization of marijuana are no more. Its mission is to educate citizens on the science of marijuana and to promote health-first, smart policies and attitudes that decrease marijuana use and its consequences. SAM, Inc. is greatly concerned with preventing drug

trafficking, drug abuse, and drug-related crimes in our communities.

Students Taking Action Not Drugs (STAND) is a growing, student focused movement to disseminate accurate, science-based drug information on campuses to promote awareness among students.

The Take Back America Campaign was founded to deter and prevent adolescent use of marijuana and other drugs.

Ambassador Melvyn Levitsky, a retired Career Minister in the U.S. Foreign Service, is a prominent individual with years of experience in national and international drug policy who is deeply concerned about the drug problem in this country and supports sensible solutions to curb drug use here and around the world. Among many other aspects of his distinguished career, Ambassador Levitsky is a member of the University of Michigan's Substance Abuse Research Center; was elected by a vote of the United Nations Economic and Social Council to a seat on the International Narcotics Control Board; and formerly served as Assistant Secretary of State for International Narcotics Matters.

Peter Bensinger is a prominent individual who has years of experience in national and international drug policy, is deeply concerned about the drug problem in this country, and supports sensible solutions to curb drug use here and around the world. Among the many aspects of his distinguished career, Mr. Bensinger has served as Administrator of the United States Drug Enforcement Administration, as Director of the Illinois Department of Corrections, as

Chairman of the Illinois Youth Commission, and as a member of the Executive Committee of the International Association of Chiefs of Police and Chairman of its Narcotic and Dangerous Drug Committee. Mr. Bensinger currently serves on the Board of Directors of the DEA Educational Foundation, and is also Chief Executive Officer of the Prescription Drug Research Center (PDRC), which provides comprehensive risk management surveillance programs for prescription drugs. He is a nationally recognized expert on the issues of drugs and alcohol in the workplace, has authored a special report on this subject for the Harvard Business Review, and has been quoted in national and international publications on this subject. He received the first Lifetime Achievement Award from the Association of Former Federal Narcotic Agents and U.S. Drug Enforcement Educational Foundation; he has been recognized for his leadership efforts to combat drug abuse by the Mayor and City Council of Chicago—who declared August 10, 2006 “Peter Bensinger Day in Chicago”; and he has received honorary Doctor of Law degrees from San Marcos University in Lima, Peru, and Dankook University in Seoul, Korea, for outstanding leadership in International Drug Control.

Collectively, *amici* have extensive knowledge of the devastating impacts of drug use and drug-related crimes on individuals, communities, and the nation as a whole. *Amici* are actively involved with promoting policies and legislation aimed at the drug problem at both the local and national levels. Through their work, *amici* have become familiar with the particular problem of hotels and motels,

especially budget motels, serving as hotbeds for drug-related criminal activity. *Amici* believe that local laws like the guest registry inspection ordinance at issue in this case, Los Angeles Municipal Code § 41.49 (“LAMC § 41.49”) are important and necessary tools for deterring drug crimes at these risky venues. Because similar laws exist throughout the country, *amici* believe the outcome of this case could have a far-reaching impact on the war that *amici* are helping our country wage against illicit drugs.

INTRODUCTION AND SUMMARY OF ARGUMENT

Criminal activity related to illegal drugs is a significant problem in virtually every community in the United States. Crimes ranging from illegal drug use, distribution, trafficking, and manufacturing are pervasive throughout the country, consuming extensive federal and local law enforcement resources and bringing with them addiction, violence, death, and other significant social costs.

One place that has become a haven for drug crimes is the American budget motel. Conveniently located along major thoroughfares, inexpensive, and easy to use anonymously and access without detection, budget motels attract drug dealers, drug manufacturers and drug users, among other criminals. These budget motels frustrate police in communities throughout the nation with their seemingly intractable illegal drug activity and other crime and disorder problems.

The City of Los Angeles, has enacted guest registry requirements to deter criminal activities at

motels by removing the anonymity that makes these facilities so conducive to crime—particularly, drug dealing, drug trafficking, drug use, and other drug-related crime. The City requires overnight lodging establishments to record basic information about their guests—including, the guest’s name and address; the number of people in the guest’s party; the make, model, and license plate number of the guest’s vehicle, if parked on the property; the guest’s date and time of arrival and scheduled date of departure; the room number assigned to the guest; the rate charged and the amount collected for the room; and the method of payment. LAMC § 41.49. Guests who pay for a room with cash or walk in without a reservation must also present a valid form of identification on check-in. *Id.* Pursuant to the ordinance, the guest registries collecting this information are subject to police inspection. *Id.*

Similar guest registry ordinances exist in communities throughout the United States. These laws serve an important role in shining a light in the dark areas of motels and assisting law enforcement in their efforts to eradicate drug-related crimes from communities.

ARGUMENT

I. BUDGET MOTELS OFTEN SERVE AS HUBS FOR ILLICIT DRUG CRIMES.

A. Conditions At Budget Motels Attract Drug-Related Criminal Activity.

American budget motels come from humble beginnings. They became popular in the 1930s, when

families began using automobiles to see the country. To accommodate these travelers, motels—a combination of the words “motor” and “hotel”—sprang up along major highways across the country. Motels served as family-friendly rest spots because they were conveniently located, offered rooms with no advance reservations at lower rates than hotels, were better equipped than campgrounds, and accepted cash payment. They also made arriving and departing quick and easy, as most were physically configured to allow access to rooms directly from the parking lot. See Karin Schmerler, *Disorder at Budget Motels*, Problem-Oriented Guides for Police No. 30 (U.S. Department of Justice, Office of Community Oriented Policing Services 2005), at 5-6; Joseph Petrocelli, *Crime at Budget Motels*, POLICE, Mar. 1, 2007, <http://www.policemag.com/channel/patrol/articles/2007/03/patrol-response-to.aspx>.

The very features that made budget motels attractive for travelling families now make them perfect locations to conduct criminal activity. In communities throughout the nation, budget motels have come to pose a unique challenge for law enforcement, often serving as nests for criminal activity—including illicit drug use, drug dealing, drug trafficking, and even drug manufacturing. See Schmerler, *Disorder at Budget Motels*, at 1-2, 5; Petrocelli, *Crime at Budget Motels*, <http://www.policemag.com/channel/patrol/articles/2007/03/patrol-response-to.aspx>; Gisela Bichler, Karin Schmerler & Janet Enriquez, *Curbing Nuisance Motels: An Evaluation of Police as Place Regulators*,

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The anonymity afforded by the ability to rent cheap rooms without reservations, pay with cash, and access rooms without having to pass through a lobby or by a main desk makes budget motels attractive to the criminal element. Budget motels also are typically lightly staffed and do not provide security, adding to their conduciveness to criminal conduct. *See* Schmerler, *Disorder at Budget Motels*, at 2-6; Petrocelli, *Crime at Budget Motels*, <http://www.policemag.com/channel/patrol/articles/2007/03/patrol-response-to.aspx>; Bichler, Schmerler & Enriquez, *Curbing Nuisance Motels*, at 438-39.

Illicit drug crimes, in particular, can be undertaken with less risk at budget motels than in private residences. One reason is that other motel guests have little incentive to report criminal drug activity because they have no long-term stake in the facility. *See* Schmerler, *Disorder at Budget Motels*, at 2-3; Petrocelli, *Crime at Budget Motels*, <http://www.policemag.com/channel/patrol/articles/2007/03/patrol-response-to.aspx>. Another is that, due to seizure laws, dealing drugs out of motel rooms offers criminals some measure of protection from law enforcement seizures of homes, cars and other property connected to drug dealing. *See, e.g.*, Flynn McRoberts & Joseph Kirby, *Drug Dealers Check In At Cheap Motels*, CHI. TRIB., July 16, 1993, http://articles.chicagotribune.com/1993-07-16/news/9307160334_1_black-tar-heroin-seizure-drug.

In a common “motel setup,” two or more individuals use aliases to rent at least two rooms. One room is used to set up drug deals, another to safeguard the narcotics in case of a police raid or an attempted robbery by the potential buyer, and a third room is sometimes used as a dummy room to mislead authorities and thieves. Drug deals are then arranged using pagers, texts, or cell phones as dealers and their associates inform buyers when and where to pick up the narcotics. In this manner, a dealer can use a motel for as many as 100 deals in the course of a day for as little as \$40-\$60. McRoberts & Kirby, *Drug Dealers Check In At Cheap Motels*, http://articles.chicagotribune.com/1993-07-16/news/9307160334_1_black-tar-heroin-seizure-drug; *see also* Schmerler, *Disorder at Budget Motels*, at 3 (noting that budget motels offer rooms at prices as low as \$20, and up to a high of \$80, per night).

Like drug dealers, drug manufacturers also may use motels as centers for their operations. Clandestine methamphetamine labs, for example, are routinely set up in places like motels that allow operators to move their operations in and out quickly. *See* Michael S. Scott & Kelly Dedel, *Clandestine Methamphetamine Labs 2nd Edition*, Problem-Oriented Guides for Police, No. 16 (U.S. Department of Justice, Office of Community Oriented Policing Services 2006), at 9; *see also* City of Portland, Oregon, *A Guide to Crime Prevention in Overnight Lodging*, <https://www.portlandoregon.gov/police/article/31556> (describing how “meth cooks” can set up an operation in a motel room and manufacture methamphetamine in as little as 12 hours).

Numerous cities have invested resources in creating programs and guides to help motel owners identify criminal activity—and, in particular drug-dealing and drug manufacturing—taking place on their premises. *See, e.g.*, City of Portland, Oregon, *A Guide to Crime Prevention in Overnight Lodging*, <https://www.portlandoregon.gov/police/article/31556>); Columbia Police Dept., *Crime Free Hotel/Motel Program*, Columbia, MO (2000), available at http://www.gocolumbiamo.com/Police/Crime/Crime_Free/documents/crime_free_hotel_book.pdf; Hampton, Police Dept., *Hotel/Motel Interdiction Program*, Hampton, VA, <http://www.hampton.gov/index.aspx?NID=757>); Reno Police Dept., *Motel Interdiction Program*, Reno, NV (2006), available at <http://www.popcenter.org/library/awards/goldstein/2006/06-43.pdf>; *see also* Schmerler, *Disorder at Budget Motels*, at 18 (recommending resources for educating motel managers regarding effective crime prevention measures). The need for cities to take such action demonstrates just how pervasive the problem of drug-related crimes at budget motels has become in communities across the United States.

B. Reports Of Drug-Related Criminal Activity At Budget Motels Are Ubiquitous.

News articles throughout the country report on budget motels that drain community resources and serve as dangerous dens for drug-dealing, drug use, and other crimes. The following are just a handful of examples of news articles reporting on drug-related

criminal activity at budget motels in diverse communities across the nation.

1. Toccoa, Georgia

Police in Toccoa, Georgia, recently conducted a three-month undercover investigation into illegal drug activities at various area motels. According to the Toccoa Police Chief, “We started noticing a pattern where individuals were going from one motel to another motel renting rooms for the sole purpose to do nothing more than to sell or use narcotics.” The Police Chief stated: “For far too long, these hotel establishments have served as ‘hotbeds’ for both those involved in the demand side and those involved in the supply side of illegal drug activity.” Rob Moore, *Toccoa Motel “Hotbeds” Put On Notice About Illegal Drug Activity*, AccessNorthGa.com, Apr. 10, 2014, <http://www.accessnorthga.com/detail.php?n=273618>.

2. Columbus, Ohio

In June 2014, a Columbus, Ohio, motel was temporarily shut down after numerous complaints of drug activity and prostitution there. Covert operations had uncovered evidence of extensive drug dealing, including several purchases of heroin, cocaine, and oxycodone at the motel. Denise Yost & Rick Reitzel, *North Columbus Motel Closed After Allegations Of Drug Use, Prostitution*, nbc4i.com, June 24, 2014, <http://www.nbc4i.com/story/25859412/north-columbus-motel-closed-after-allegations-of-drug-use-prostitution>.

A year earlier, in June 2013, Columbus police executed a court order to board up another motel that officials said was “a haven for drug dealing and prostitution.” According to the court order, Columbus police said they had been dispatched to the motel 497 times between January 1, 2012, and March 19, 2013. In court documents, police and prosecutors “paint[ed] a picture of constant drug activity, including the sale of heroin and crack cocaine” at the motel. Mark Ferencik, *City Shuts Down North Side Motel, Calling It A Haven For Drug Dealers, Prostitutes*, COLUMBUS DISPATCH, June 13, 2013, <http://www.dispatch.com/content/stories/local/2013/06/12/City-shuts-down-North-Side-motel.html>.

3. Bellingham, Washington

The City of Bellingham, Washington, recently announced its intent to condemn the Aloha Motel after years of drug-related crime at the facility. According to city officials, there were two deaths, two confirmed drug overdoses, and several drug-related arrests at the motel in September 2014 alone. Local neighborhood associations described the motel as a magnet for drugs and crime in the area. The Bellingham Health Department confirmed methamphetamine contamination in 15 motel rooms in the area near the Aloha Motel in recent months, with 8 of those rooms at the Aloha Motel. The City of Bellingham previously condemned another hotel, the Bellingham Inn, in 2002 after pervasive drug crime at that facility. The City, in announcing that it sought to condemn the Aloha Motel, indicated that it is attacking the problem of drug crimes at motels by targeting one problem property at a time, and that its

plan would eventually include other motels with similar problems. Samantha Wohlfeil, *Concerned About Drug Activity, Bellingham Looks To Condemn Aloha Motel*, THE BELLINGHAM HERALD, Sept. 22, 2014, <http://www.bellinghamherald.com/2014/09/22/3871987/concerned-about-drug-activity.html>.

4. Los Angeles, California

Authorities in Los Angeles, California sought an injunction against a local motel “known as a hub for gang activity and alleged drug sales.” City Attorney Mike Feuer said in a statement: “This noxious dynamic at the Motel corrodes public safety—including that of several young children currently living at the Motel—and causes a significantly disproportionate drain on law enforcement resources.” In a 26-page complaint, the City Attorney alleged that undercover officers have observed known gang members and drug deals at the motel, which is located within three blocks of both a high school and an elementary school. Samantha Tata & Gordon Tokumatsu, *South LA Motel Near Schools Is “Stronghold” for Gang*, NBCLosAngeles.com, Dec. 20, 2013, <http://www.nbclosangeles.com/news/local/Las-Palmas-Motel-South-Los-Angeles-Gang-Injunction-LA-City-Attorney-Mike-Feuer-Florencia-13-236814431.html>.

5. Clearwater, Florida

In Clearwater, Florida, police responded to two motels located within blocks of each other nearly 900 times in an 18-month period for disturbances including drug offenses. Mike Deeson, *Two*

Clearwater Motels Draw Nearly 1,000 Police Calls,
 10 News, Oct. 22, 2014,
<http://www.wtsp.com/story/news/investigations/2014/10/21/two-clearwater-motels-draw-nearly-1000-police-calls/17673173/>.

6. Costa Mesa, California

The City of Costa Mesa, California, has identified 12 area motels that “siphon[] off disproportionate levels of police resources” because of the level of criminal activity, including drug-related crimes, that take place there. In 2011, these 12 motels accounted for 1,677 calls for service, an average of just under five per day. Costa Mesa police officers confirmed that “policing the motels is a substantial part of their jobs.” Lauren Williams & Jill Cowan, ‘*Problem Motels Drain Resources*, DAILY PILOT, Sept. 21, 2013, http://articles.dailypilot.com/2013-09-21/news/tn-dpt-me-0922-costa-mesa-motels-20130921_1_motels-costa-mesa-motor-inn-righeimer.

7. Tukwila, Washington

In Tukwila, Washington, a suburban city outside Seattle, federal and state law enforcement officers made arrests and seized three motels located in the same highway-adjacent area in August 2013 after a year-long investigation into criminal activity occurring in and around these facilities. Mike Carter & Christine Clarridge, *Raid Shuts 3 Motels on Troubled Strip of Tukwila*, SEATTLE TIMES, Aug. 27, 2013, http://seattletimes.com/html/localnews/2021696848_tukwilaraidsxml.html.

The three motels had been operated as “havens for drug dealing and sex crimes.” Press Release, Federal Bureau of Investigation, U.S. Attorney’s Office, Western District of Washington, Oct. 18, 2013. The motel owners and managers admitted to knowing that drugs were being sold on their premises and to profiting from that drug activity, including by directing customers to rooms where drugs were being sold after taking a fee from the customers. Carter & Clarridge, *supra*, http://seattletimes.com/html/localnews/2021696848_tukwilaraidsxml.html.

In 2011 and 2012, the three motels accounted for approximately 17 percent of the Tukwila Police Department’s calls for service. Press Release, U.S. Attorney’s Office, Western District of Washington, Oct. 22, 2013. After the motels were shut down, U.S. Attorney Jenny A. Durkan stated that the number of police calls to the immediate area dropped by one-third. *Id.* According to Durkan, these motels “were a blight on the community, creating an unsafe environment, and soaking up police resources to the detriment of the community.” *Id.*; *see also* Gene Johnson, *Big Drop in Crime Since Feds Seized Tukwila Motels*, WASH. TIMES, Mar. 11, 2014, <http://www.washingtontimes.com/news/2014/mar/11/big-drop-in-crime-since-feds-seized-tuwila-motels/>.

8. Granite City, Illinois

Madison County, Illinois, officials filed court documents seeking to take possession under drug asset forfeiture laws of two Granite City motels where police have found repeated drug activity. The

filings stated that on three occasions since 2012, police busted drug labs or found residents in possession of drugs in the rooms of one of the motels. A tenant of that motel also fatally overdosed on heroin, ethanol and three other intoxicants in one of the rooms. At the second motel, authorities conducted four drug busts in the last year alone, and found another victim of a fatal overdose in one of the rooms. Elizabeth Donald, *Madison County Tries to Seize Two Crime-Ridden Motels*, BND.com, Aug. 29, 2014, <http://www.bnd.com/2014/08/29/3373365/madison-county-trying-to-seize.html>.

9. Gillette, Wyoming

In Gillette Wyoming, authorities have said that they are dealing with a rise in drug crimes at local hotels and are increasing detection and enforcement efforts, including the dispatch of drug-sniffing dogs. Associated Press, *Wyoming Police See More Drug Crimes at Hotels*, BILLINGS GAZETTE, Sept. 21, 2014, http://billingsgazette.com/news/state-and-regional/wyoming/wyoming-police-see-more-drug-crimes-at-hotels/article_70811d33-c598-52a7-bfca-a8fb6f28a208.html.

10. Cincinnati, Ohio

Earlier this month, police in Cincinnati, Ohio, mandatorily evacuated guests at a motel following a shooting. A long-term motel guest described a night away from the motel as a welcome respite from the drug activity and violence there. Police documents supported his claim, indicating that in the past two years, police have responded to 667 calls at the motel,

including for drug overdoses and a heroin bust, among other incidents. In the six months before the heroin raid, police responded to 185 calls for service, or about one every day, at the motel, and in the six months following the raid, police responded to 152 calls, visiting the motel 5.8 times a week. Patrick Brennan, *Nightmare at Dream Street Super 8 Motel*, *cincinnati.com*, Dec. 3, 2014, <http://www.cincinnati.com/story/news/crime/2014/12/02/nightmare-at-dream-street-super-8-motel/19801883>.

11. Niles, Ohio

In Niles, Ohio, ten people were arrested this month during a raid on a suspected meth lab inside a local motel room. Authorities said that “the suspects appear to have been moving from hotel to hotel while making and selling the drug.” Staff Report, *10 Arrested in Drug Bust at Niles Motel*, *The Vindicator*, Dec. 7, 2014, <http://www.vindy.com/news/2014/dec/07/-arrested-in-drug-bust-friday-in-niles/>.

12. New Stanton, Pennsylvania

Local police and state agents recently raided a motel in New Stanton, Pennsylvania, arresting individuals who had been running what authorities described as a “drive-through” drug operation out of several rooms at the motel. Renatta Signorini, *Arrests Halt “Drive-Through” Drug Business At New Stanton Motel, Police Say*, *Trib Live*, Sept. 11, 2014, <http://triblive.com/news/westmoreland/6779167-74/drug-morrison-police#axzz3MLItVEgx>.

13. Pulaski County, Virginia

In Pulaski County, Virginia, police made three drug-related busts in a single week at one Budget Inn motel. During one of the busts, they discovered an inactive methamphetamine lab. Melissa Powell, *Pulaski Motel Is Besieged by Drugs*, ROANOKE TIMES, Apr. 2, 2013, http://www.roanoke.com/news/crime/pulaski_county/pulaski-motel-is-besieged-by-drugs/article_d812a69c-3f09-5f23-888a-28dc444589b1.html?mode=story).

14. Knoxville, Tennessee

A police raid on a Knoxville, Tennessee, motel that allegedly had been the scene of repeated drug sales marked the 30th such operation conducted in Knoxville between 2010 and 2012. According to authorities, the owners of the motel were aware of the illicit drug activity on the premises and helped their drug-dealing guests evade detection. In a two year period, police responded to 213 calls for service and made 30 arrests at this motel. Hayes Hickman, *KPD Nuisance Raid Targets Motel Drug Sales*, KNOXVILLE NEWS SENTINEL, Sept. 6, 2012, <http://www.knoxnews.com/news/local-news/kpd-nuisance-raid-targets-motel-drug-sales>.

15. Irvington, New Jersey

A motel in Irvington, New Jersey was a “regular stop for Irvington police officers, who were called to the motel as often as several times a day, usually for narcotics offenses,” until a suspicious fire broke out there in 2005, killing several people. The city’s police chief said “drugs were a blatant problem at the

motel,” and there had been “numerous calls and raids, for narcotics concerns” there. Tina Kelley, *Drugs And Arrests: The Unseen Life Of A Motel*, N.Y. TIMES, Oct. 9, 2005, http://www.nytimes.com/2005/10/09/nyregion/09motel.html?pagewanted=all&_r=0.

II. GUEST REGISTRY LAWS LIKE LAMC § 41.49 ARE AN IMPORTANT TOOL IN DETECTING DRUG CRIMES AT BUDGET MOTELS.

The pervasive drug-related criminal activity at budget motel properties has presented serious challenges for law enforcement throughout the country. Guests conducting illicit business at these establishments—whether there to sell drugs, buy drugs, use drugs, or manufacture drugs—can slip in and out, anonymously and undetected. The City of Los Angeles, in enacting LAMC § 41.49, has adopted a strong deterrence strategy, intended to shine a light on these dark areas and remove the cloak of anonymity that facilitates drug-related criminal activity at these establishments.

LAMC § 41.49 requires hotel and motel operators to record basic information about their guests (such as the guest’s name and address; the number of people in the guest’s party; the make, model, and license plate number of the guest’s vehicle, if parked on the property; the guest’s date and time of arrival and scheduled date of departure; the room number assigned to the guest; the rate charged and the amount collected for the room; and the method of payment) and to make those registers available for

police inspection. LAMC § 41.49. Guests who pay for all or part of the cost of the room in cash and walk-in guests are also required to present an identification document at the time of check in. *Id.*

In setting forth the purpose behind § 41.49 and the city's strategy to deter drug-related crime in hotels and motels, the Los Angeles City Council recognized that "persons who rent rooms for illegal purposes generally pay for their rooms with cash and do not have advance reservations." L.A., Cal., Ordinance 177966 (Oct. 6, 2006). These persons prefer to remain anonymous. *Id.* The City of Los Angeles therefore concluded that requiring guests to provide identification "will discourag[e] the use of hotel and motel rooms for illegal activities, particularly prostitution and narcotics offenses." *Id.* "[R]equiring certain minimum information to be maintained in hotel and motel registers and inspection of hotel and motel registers by the police department is a significant factor in reducing crime in hotels and motels." *Id.*; *see also* JA 116 (Declaration of Detective Moore, explaining how those conducting criminal activity in motels are reluctant to provide true identifying information and how requiring such information deters criminal activity in these motels).

A guest identification requirement, like LAMC § 41.49 "reduces the perception of anonymity at motels, reinforces personal accountability for behavior, and provides police with important information should a crime occur—all reducing the motel's appeal to problem guests and visitors."

Schmerler, *Disorder at Budget Motels*, at 21; *see also id.* at 42.

By reducing drug-related crime at these problem budget motels, communities can reclaim valuable law enforcement and community resources that have been disproportionately spent on responding to criminal activity at these facilities, protect guests and residents with legitimate business at these motels, and support motel operators and managers in efforts to removal drug-related criminal activity from their properties. Guest registry laws like LAMC § 41.49 provide important tools to stop budget motels from serving as hubs for the drug trade in our country. And, by ending drug-related crime at these motels, cities can protect the surrounding communities.

CONCLUSION

For the foregoing reasons, the Ninth Circuit's en banc decision striking LAMC § 41.49 should be reversed.

Respectfully submitted.

Orly Degani
Counsel of Record
Katharine J. Galston
DEGANI & GALSTON LLP
12400 Wilshire Blvd.,
Suite 400
Los Angeles, CA 90025
(424) 270-1900
orly@deganigalston.com

Attorneys for Amici Curiae

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