

Super Bowl XLV Hoteliers – Beware of Sporting Woman

By Richard Barrett-Cuetara, Cowles & Thompson

According to the Dallas Morning News, at the National Prostitute Diversion Conference in Dallas, Texas, a police officer said to brace for some 50,000 to 100,000 “hookers traveling to the region for the Super Bowl.” Confidential sources also stated that in excess of 50,000 hookers attended the NBA All-Star Game which was held in Dallas last year. In 2008, CBS news reported that the Super Bowl in Phoenix, Arizona attracted “circuit girls,” girls who travel from bowl to bowl, hotel lobby to bedroom, as part of a clandestine sex trade dependant on mingling with the wealthy. Unfortunately, young children are unwilling participants in the worldwide sex trade of prostitution.

Although prostitution is the oldest profession, the Dallas Police Department, Dallas Mayor Tom Leppert, U.S. Senator John Cornyn, Texas Attorney General Greg Abbot, and the FBI will attempt to prevent criminals from transporting under age women, as part of an underground sex-trade that borders on involuntary servitude, to Super Bowl XLV.

Lately, prostitution in the hotel industry has received too much press. Last year, Pro Football Hall of Famer Lawrence Taylor was charged with raping a 16 year-old runaway in a NY Holiday Inn. In 2008, NY Governor Eliot Spitzer was wiretapped confirming plans for a woman prostitute, connected with the Emperors Club VIP, to travel from NY City to Washington, D.C. to meet at the Renaissance Mayflower Hotel. In December 2010, the Oakland California City Attorney filed lawsuits against three hotel owners alleging their hotels were used for prostitution.

The United States is not alone in this fight. In June 2010, police in Chongqing, China closed the Hilton Hotel after the vice squad raided the karaoke club in the basement of the hotel. The investigation uncovered “a complete chain” of people involved in prostitution “involving the hotel managers, security guards, luggage carriers, receptionists and staff.” Hilton denied any wrongdoing, stating the karaoke club was run by a third-party. In May of 2010, Beijing police arrested 118 girls and paraded them out of the Great Wall Sheraton Hotel in handcuffs.

This article is not an indictment of the hospitality industry. Instead, it is a road-map to avoid complicity in prostitution. The legal ramifications are significant if operators and brands overlook prostitution in their hotels.

SECTION 463.001 of the TEX. HEALTH & SAFETY CODE should scare the daylights out of any hotel operator. In pertinent part, it states the following:

Contributing to Delinquency of Habitual Drunkard; Criminal Penalty

(a) In this section, “*delinquency*” means an act that tends to debase or injure the morals, health, or welfare of a habitual drunkard and includes:

...

(2) entering or remaining in a *bawdy house* [and] *disorderly house* [both refer to brothels or a house of prostitution] ...*hotel*...where prostitutes, ... are permitted to enter and ply their trade;

(b) A person commits an offense if the person by any act or in any manner encourages, causes, acts in conjunction with, or contributes to the *delinquency*....;

(c) An offense ... is punishable by a fine of not more than \$500, confinement in jail for not more than one year, or both. (2010)(emphasis added).

The Mann Act is a federal statute prohibiting interstate or foreign transportation of an individual with the intention of engaging such individual in sexual activity or prostitution - it is known as the White Slave Traffic Act (*see* 18 U.S.C.A. § 2421 et seq.). Criminal penalties include imprisonment for not more than five years, or fine, or both.

Liability under Texas law is not remote. Understanding California's enforcement of an equivalent law will help Texas hoteliers avoid similar liability.

In February 2010, LAPD Vice Squad Officers attempted to rent a room at a full-service hotel. The front desk clerk requested a credit card but the male vice officer only had cash and stated "I don't want to use a credit card, because I'm here with a prostitute, and I don't want my wife to find out." To avoid a confrontation, the "desk clerk told the vice officer that a credit card was required to rent the room, but that he could *pay cash at the end of the stay*, if he chose to." Big mistake - the LAPD vice officer heard "If you had a credit card, I would rent you a room." The clerk was issued a citation for "keeping a disorderly house."

To avoid liability for renting rooms to prostitutes/johns and deadly liaisons at the hotel resulting from drug overdoses, murder, robbery, etc., hotels should develop/implement security risk management strategies from loss prevention/security experts and insurance carriers. Front desk managers must train staff to say "no," to accept credit cards, and learn to avoid excluding potential guests within a protected class status (e.g., religion, nationality, race, gender, etc.). Finally, hotels must establish a media crisis response team to deal with the negative coverage of arrests and illegal acts associated with prostitution.

The North Texas Dallas/Ft. Worth law enforcement community is ready to prevent human trafficking in the illegal sex trade of prostitutes that will arrive for Super Bowl XLV. The hotel industry will be ready as well.

Post-script: On a positive note, worldwide hotel brands, including Choice Hotels and Hilton International, are beginning to adopt the ECPAT-USA (End Child Prostitution and Trafficking) Code of Conduct to protect children from prostitution and sexual exploitation. In December 2010, the U.S. Senate unanimously approved the Domestic Minor Sex Trafficking Deterrence and Victims Support Act, sponsored by U.S. Senators John Cornyn (R-Texas) and Ron Wyden (D. Ore.), that enables law enforcement to crackdown on pimps and traffickers and create

shelters, provide treatment, counseling, and legal aid for the underage girls that are forced into sexual slavery.

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