



Eric Paul Leue
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June 28th, 2017

Mayor Theresa "Tita" Smith
City of Orange, City Council
300 E. Chapman Ave.
Orange, CA 92866

Thomas C. Kisela
Chief of Police
1107 N. Batavia St.
Orange, CA 92866

Chairwoman Michelle Steel
Orange County, Board of Supervisors
333 W. Santa Ana Blvd.,
5th Floor
Santa Ana, CA 92701

Todd Spitzer, Supervisor 3rd District
Orange County, Board of Supervisors
333 W. Santa Ana Blvd.,
5th Floor
Santa Ana, CA 92701

cc: *City of Orange, City Council*
Orange County Board of Supervisors
Orange County District Attorney
California Attorney General
LA County Board of Supervisors
FBI - Counter Human Trafficking Unit
Steven Choi, California Assemblymember District 68
Tom Daly, California Assemblymember District 69
Janet Nguyen, California Senator District 34
John Moorlach, California Senator District 37
Mimi Walters, US Congresswoman 45th District
Lou Correa, US Congressman 46th District
Kamala Harris, United States Senator
Diane Feinstein, United State Senator

RE: *Failure by the Police Department of the City of Orange to Pursue an Act of Rape*

Dear Mayor Smith, Chiefe Kisela, Chairwoman Steel, and Supervisor Spitzer,

We see it as our duty to inform you of the City of Orange's Police Department's failure to pursue an act of rape that potentially falls within the United Nations definition of Human Trafficking¹.

As the national adult industry trade association we are strongly opposed to any form on non-consensual sex acts and human trafficking², and are dedicated to work closely with law enforcement and counter human trafficking organizations to address any potential situations.

¹ UN Definition of Human Trafficking

<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

² Countering Human Trafficking

<https://www.freespeechcoalition.com/priorities/advocacy/countering-human-trafficking/>



On June 21st, Penthouse Media Group Inc. was contacted by the victim of a scam artist. The female victim is a Florida resident who had been recruited by the scam artist to travel to the the City of Orange, California with the promise of a layout in Penthouse Magazine. She was promised reimbursement for her flight and hotel expenses. Upon arrival, the offender told her that as a precondition of the shoot, she needed to be recorded having sex with him. She consented based on his fraudulent representations. The incident occurred on June 20th, 2017; she was not reimbursed by the scam artist who had falsely claimed affiliation with the company, and was left without any means to return home.

Penthouse Media Group Inc. acted immediately with sincere concern for the victim's well-being, sending an attorney to assist the victim with the filing of a police report, and get her to a safe location while the company could arrange for a safe return home.

Despite the victim's request to have the attorney present during any interview, the police officers informed the attorney that he could not be present. The officers also denied the victim her request for a rape kit. The victim left the interview room when told by the police that no charges would be filed unless she provided them her cell phone to be duplicated and reviewed for illegal activity. The officers said that the duplication of the telephone was a requirement of the Orange County District Attorney, and that even if filed this would merely be a misdemeanor citing Penal Code section 647(j)³. It is noteworthy that the officers stated that an "almost identical" case had been pursued as a misdemeanor and dismissed because of supposed "illegal activity" by the victim in the other case.

Penal Code section 261(a)(4)(D)⁴, defining rape and "unconscious of the nature of the act", reads "Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose".

In addition to failure to pursue an act of rape, we also take issue with the police department's apparent inability to recognize an act of potential human trafficking according to the United Nations definition of Human Trafficking⁵. The victim in this case was recruited by means of fraud to be sexually exploited.

While the Orange Police Department failed to act, Penthouse Media Group Inc. was able to safely return the victim home, and our organization ensured that the victim was connected to a Florida based counter human trafficking organization, The Wayne Foundation⁶, to support her through

³ Penal Code Section 647(j) is not pertinent to the perpetrator's conduct.
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=647.&lawCode=PEN

⁴ Penal Code section 261(a)(4)(D)
http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=261.

⁵ UN Definition of Human Trafficking
<https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html>

⁶ The Wayne Foundation <http://waynefdn.org/>



this difficult time. Our organization further issued an industry alert about the situation that was shared with ancillary industries, worker groups, and trade associations.⁷

We are greatly concerned that law enforcement is not willing to respond adequately to these substantial threats to the safety and well-being of our communities. It doesn't serve our community's sense of security if workers in our industry are not able to engage with law enforcement in a meaningful and cooperative manner to fight crimes to which we are unanimously opposed.

We ask that this failure to act is taken seriously and the situation investigated. We further recommend that the officers receive training to become trauma aware, and are able to access informational material to be better equipped to act appropriately.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Leue', with a stylized flourish at the end.

Eric Paul Leue
Executive Director

⁷ INDUSTRY ALERT: PERFORMER RECRUITMENT SCAM ACTIVE IN FL, CA, NY, AZ
<https://www.freespeechcoalition.com/blog/2017/06/22/industry-alert-performer-recruitment-scam-active-in-fl-ca-ny-az/>