



Carolyn Bailey papers

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. . PAUL POLICE TRAINING UN

Lesson Plan

COURSE: _____ St. Paul Police Recruit Academy _____
TITLE: _____ Vice _____
INSTRUCTOR: _____ Sergeant J.J. Feckey _____
TIME: _____ 2 hour _____
INSTRUCTIONAL AIDS: _____ Overhead projector _____
STUDENT EQUIPMENT: _____ None _____
HANDOUTS: _____ None _____
REFERENCE MATERIALS: _____ Department Manual, City Ord., State Criminal Code, _____
I.A.C.P. Training Key #151 _____

COMMENTS: (Include objectives, procedures, assignments)

OVERALL OBJECTIVE: To demonstrate to the police recruit the four (4) main categories of Vice and how, as a police officer, they will attempt to control them.

INSTRUCTIONAL OBJECTIVE: The recruit will be able to list the four (4) main categories of Vice, sub-types, methods of control and laws which pertain, with a performance accuracy of at least 80%.

A. Prostitution.

1. The prostitute:

a. Types:

- (1) Street walker
- (2) Bar girl
- (3) Masseuse
- (4) Call-out-service
- (5) Hotel

b. Method of control:

- (1) City ordinance
- (2) State Statutes
- (3) Pressure (use of laws)

2. The Pimp
 - a. Types:
 - (1) Street (Dude-man)
 - (2) Sauna operator (business man)
 - b. Method of control:
 - (1) City ordinance
 - (2) State Statutes
 - (3) Pressure (use of laws)
- B. Liquor Law Violations:
 1. Off-Sale Liquor
 - a. Hours of operation
 - b. I.D. necessary to purchase
 - c. License required.
 2. On-Sale Liquor
 - a. Hours of operation
 - b. I.D. necessary to purchase
 - c. License required
 - (1) On-sale
 - (2) Off-sale
 - (3) Tavern
 3. Unlicensed liquor sales
 - a. After-hours places
 - b. Halls
 - c. Keggers
 4. Public consumption
 - a. Parks
 - b. Public street or way
- C. Sale and/or Distribution of Pornography
 1. Theatres
 - a. City license

2. Book stores

- a. No license required if they deal in only new books.
- b. Movie machine must have city license.

3. City ordinance regulating pornography.

D. Gambling

1. Book making operations

- a. Are they here in St. Paul?
- b. Would legalized booking force them out?

2. After-hours places

- a. Craps
- b. Cards

3. Bingo - legalized gambling

4. Laws that control

- a. City ordinance
- b. State statutes

Outline

Instructor

- A. What is vice?
 - 1. Prostitution
 - 2. Gambling
 - 3. Liquor
 - 4. Obscenities (pornography)

- B. Who is responsible for enforcing vice laws, which in effect, control vice?
 - 1. The patrol officer.
 - 2. The Vice Unit
 - a. 320.04, Department Manual, states "The (Vice) Unit will respond to and/or investigate all complaints received from all sources and assist the Patrol Division in the suppression of Vice."

- C. Prostitution:
 - 1. The prostitute
 - a. Types:
 - (1) Street walker
 - (a) New to the trade
 - (b) Youngest - 13 and 14 years old
 - (c) Wear the cheap flashy clothes - hooker shoes.
 - (d) Lowest prices
 - (e) Most liable to generate robbery and extortion, etc. of the "trick"
 - (f) Age quickly
 - (g) Best informant
 - 1. Don't trust her unless you have her between a "rock and a hard place".
 - (h) Most likely to be a juvenile run-away.

(2) Bar girl

- (a) Usually a streetwalker who is old enough to enter bars.
- (b) Usually works both the bars and the street.
- (c) One step above the streetwalker.

(3) Masseuse

- (a) Fronts as a legitimate masseuse.
- (b) Turns her tricks in the massage room.
- (c) Generates few citizen complaints.

(4) Call-Out-Service (Dial-a-Model, etc.)

- (a) Works out of their own house or apartment through an answering service.
- (b) Fronts as a masseuse who makes house calls.

(5) Hotel

- (a) Works through bellboy or other hotel employee.
- (b) Usually harder to detect
 - 1. Appears to be a business woman.
- (c) May be in from out of town.
- (d) Moves from city to city.
- (e) Usually high priced.
- (f) Few citizen complaints.

b. Method of control:

(1) City ordinances

- (a) 470.01 - Solicitation to Vice
- (b) 470.03 - Loitering or Lurking for Unlawful Purposes.

(2) State Statutes

- (a) 609.32, Subd. 4 (4)

(3) Pressure - Use the law.

- (a) Patrol areas frequented by streetwalkers.
 - 1. Early evening
 - 2. At bar closing time

Overhead
Projector
#1 & #2

P. 17, CC of 63

- (b) Write F.I. cards on prostitutes.
- (c) Use 470.01 when you see them get into a trick's car.
- (d) Stop and F.I. tricks when trolling.
- (e) Check cabs carrying passengers with "flag up". Caution - might also be a stick-up.

2. The pimp

a. Types:

(1) Street (dude, man)

- (a) Flashy big car.
- (b) Flashy clothes.
- (c) Never far away (from the girl).
- (d) Will almost never interfere with police-prostitute encounter
- (e) Possible rip-off.
- (f) Possible "doper".

(2) Sauna operator (business man)

- (a) Manages the sauna
- (b) Stays clear of trick money
- (c) Gets all the masseuse money
- (d) No way the masseuse can make money without turning tricks.

b. Method of control:

(1) City ordinance

- (a) Solicitation to Vice 470.01

(2) State Statutes

- (a) 609.32, Subd. 2 (1) 10 years - \$10,000
- (b) 609.32, Subd. 3 (1), (2), (3), (4), and (6).
- (c) 609.32, Subd. 4 (2) and (3).

(3) Pressure (use the law)

- (a) Good preventative patrol.
- (b) Saunas are licensed by the city - check the premises
- (c) F.I. cards
- (d) Transporting girls - 609.32, Subd. 3, (6)

D. Liquor law violations

1. Off-sale liquor

a. Hours of operation 308.20 - A

- (1) 0800-2000 hours, Monday through Friday
- (2) 0800-2200 hours, Saturday and the day before New Years Day, Independence Day and Thanksgiving
- (3) No sales on any statewide election day.

-Overhead #3
Projector
-Overhead #4
Projector

b. State Statute 340.039, Drivers License or Non-Qualification Certificate

c. City, off-sale license, \$1,000.00 per year and expires January 31.

2. On-sale liquor

a. Hours of operation

- (1) 0800-0100, Monday through Saturday
- (2) 2000-0100, Days of a statewide election
- (3) 1200-2400, Sundays

b. State Statute 340.039, Drivers License or Non-Qualification Certificate

-Overhead #5
Projector

c. License required

#6

- (1) On-sale liquor, \$1,750.00 per year, expires January 31
- (2) Tavern, \$150 per year, expires one year from date of issue
 - (a) Must have, for live music or entertainment
- (3) Off-sale non-intoxicating malt liquor (3.2%). \$15.00 per year. Expires one year from date of issue.
- (4) On-sale non-intoxicating malt liquor, \$150.00 per year and expires one year from date of issue.
- (5) Out time for all on-sale 314.02, City Ord.

3. Unlicensed liquor sales

a. After-hours places

(1) Identifiable - usually after 0100

- (a) Neighborhood complaints
- (b) Heavy traffic at a residential address
- (c) Dispatched for fight, disturbance, and shooting calls.

Overhead Projector
#7

(2) Control

- (a) Patrol - visibility
- (b) City ordinance 469.00 Disorderly House
- (c) State Statute 340.14, Subd. 3 - Gross Misdemeanor

b. Halls

(1) Usually identified by complaint

- (a) Charge to enter or hear the band
- (b) Beer is free

(2) Control

- (a) Patrol - check it out inside
- (b) State Statute 340.14, Subd. 3 - Gross Misdemeanor

c. Keggers

(1) Identified as a large party in the park - usually disorderly

(2) Control

- (a) Patrol the known "kegger areas" in your district
- (b) City Ordinance 314.01

Overhead Projector
#8

4. Public Consumption

a. Parks

(1) Usually would fall under "kegger" class

(2) Control

- (a) Patrol
- (b) City Ordinance 314.01 Drinking in Public
- (c) City Ordinance Park Restrictions (new 7-7-77)

1. 0800-2000 in specific areas of the parks

- (d) Nothing over 3.2% anytime in park

b. Public street or way

(1) Usually after sporting events and rock concerts - but could be any time

(2) Control

(a) City Ordinance 314.01 Drinking in Public
Note: Does ~~not~~ prohibit 3.2% beer

Tag and/or write reports on violations

E. Sale and/or distribution of pornography

1. Theatres

- a. City license - theatre
- b. Complaints - few
- c. Control

(1) Supreme Court has ruled must conform with citizen standards.

2. Book stores

- a. No license is required if they deal in only new books, films, etc.
- b. Movie machines must be licensed (mechanical amusement device-like pinball machine)

3. City Ordinance regulations

- Overhead Projector #9
- a. 476.01 Obscene Books, Pictures, Etc.
 - b. Six new ordinances authored by Councilwoman Butler - not court tested as yet.

F. Gambling

1. Bookmaking operations

a. Are they here in St. Paul?

(1) Yes, mostly on professional sporting events

b. Would legalized gambling force out the bookies?

(1) No. No credit.

2. After-hours places
 - a. Craps
 - b. Cards
3. Bingo - legalized gambling
4. Laws that control
 - a. City Ordinances

Overhead Projector
#10

(1) 468.01 through 468.11 (in selected ordinance book) Misdemeanor

(2) State Statutes - Much the same as city ordinance, SS 609.75, 609.755 and 609.76. Misdemeanor or Gross Misdemeanor.

G. Summary: Vice, is it a victimless crime?
Should we legalize it? Will the problems it generates go away?

1. Prostitution
2. Liquor Law Violations
3. Sale and/or Distribution of Pornography
4. Gambling

CRITERION TEST

1. Which of the following criminal categories in the St. Paul Police Department does not fall under the heading of Vice?
 - A. Prostitution
 - B. Gambling
 - C. Pornography
 - *D. Narcotics
 - E. Liquor Law Violations

2. Name the only two forms of identification, which are authorized by State Statute, that can be used for proof of age when purchasing alcoholic beverages.
 - A. Draft card
 - B. Official I.D. card
 - C. Military I.D. card
 - *D. Minnesota Drivers license
 - E. Minnesota Liquor Control card
 - *F. Nonqualification certificate

3. Book stores that sell new books must have a City of St. Paul license to sell books.

True _____ False _____ *

4. Why would legalized gambling not force the bookies out of business?
 - A. No credit.

5. Who in the St. Paul Police Department has the main responsibility for the suppression of Vice?
 - A. L.E.A.U.
 - B. Internal Affairs
 - C. Vice Unit
 - D. Detective Division
 - *E. Patrol Division

✓6. Which type of prostitute is most likely to be a juvenile runaway?

- *A. Streetwalker
- B. Bar Girl
- C. Masseuse
- D. Call-Out-Service
- E. Hotel

7. The street pimp will almost never interfere with police-prostitute encounters.

True _____ *

False _____

8. An "On-Sale Liquor License" must be kept posted in a conspicuous part of the business to which it is issued.

True _____ *

False _____

9. All forms of prostitution are classed as misdemeanors.

True _____

False _____ *

470.00

SOLICITATION TO VICE

470.01 PROHIBITION

ANY PERSON WHO SHALL, WITHIN THE CORPORATE LIMITS OF THE CITY OF SAINT PAUL, INVITE, INDUCE OR ATTEMPT TO INVITE OR INDUCE ANOTHER, OR OTHERS, BY ANY MEANS OF COMMUNICATION, INCLUDING TELEPHONE, TO COMMIT LEWD AND ILLICIT SEXUAL INTERCOURSE OR INDECENT BEHAVIOR OF WHATSOEVER TYPE OR NATURE, OR WHO SHALL APPEAR IN OR BE WITHIN THE CORPORATE LIMITS OF THE CITY OF SAINT PAUL FOR THE PURPOSE OF INDUCING, INVITING OR ATTEMPTING TO INDUCE OR INVITE ANOTHER OR OTHERS TO COMMIT LEWD AND ILLICIT SEXUAL INTERCOURSE OR INDECENT BEHAVIOR OF WHATSOEVER TYPE OR NATURE, SHALL BE GUILTY OF A MIS-DEMEANOR.

#2

470.03 LOITERING OR LURKING FOR UNLAWFUL PURPOSES

NO PERSON SHALL LOITER OR LURK ON THE STREET, OR IN A PUBLIC PLACE, OR IN A PLACE OPEN TO THE PUBLIC, WITH INTENT TO SOLICIT FOR THE PURPOSE OF PROSTITUTION OR ANY OTHER ACT PROHIBITED BY LAW.

#3

340.039 DRIVERS LICENSE OR NONQUALIFICATION CERTIFICATE

PROOF OF AGE FOR PURPOSES OF CONSUMING, PURCHASING, OR POSSESSING AN ALCOHOLIC BEVERAGE, THE CONSUMPTION, SALE, OR POSSESSION OF WHICH IS REGULATED BY AGE, MAY ONLY BE ESTABLISHED BY A VALID DRIVERS LICENSE OR A CURRENT NONQUALIFICATION CERTIFICATE ISSUED PURSUANT TO MINNESOTA STATUTES 1971, SECTION 171.07.

#4

ORIGINAL—TO APPLICANT

RECEIPT NO.

APPLICATION NO.

CITY OF SAINT PAUL
FINANCE & MANAGEMENT - LICENSES & PERMIT DIV.

No 2901

FEE:

LICENSE

INTOXICATING LIQUORS "OFF SALE"

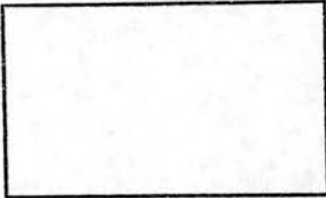
THIS IS TO CERTIFY THAT _____

Having paid the above fee and having complied with other ordinance requirements and the requirements of Chapter 46, Laws of Minnesota, Special Session, 1933, is hereby authorized to sell

INTOXICATING LIQUORS—"OFF SALE"

in accordance with ordinance No. 7537, approved January 18, 1934 and all amendments thereto.

PLACE OF BUSINESS _____



THIS LICENSE MUST BE KEPT POSTED IN A CONSPICUOUS PART OF THE ABOVE PLACE OF BUSINESS

Not Transferable from Person to Person
or Place to Place

THIS LICENSE IS ISSUED SUBJECT TO THE PROVISIONS OF ALL ORDINANCES OF THE CITY OF SAINT PAUL, MINNESOTA, AND MAY BE REVOKED AT ANY TIME IF SAID PROVISIONS ARE VIOLATED.

THIS LICENSE EXPIRES _____ 19 _____

DATE OF ISSUANCE _____ 19 _____

CITY CLERK



5

ORIGINAL—TO APPLICANT

RECEIPT NO. _____	CITY OF SAINT PAUL FINANCE & MANAGEMENT - LICENSES & PERMIT DIV.	Nº 9261
APPLICATION NO. _____	LICENSE INTOXICATING LIQUORS "ON SALE"	FEE: 1st Half. _____ 2nd Half. _____
THIS IS TO CERTIFY THAT _____ HAVING PAID THE ABOVE FEE AND HAVING COMPLIED WITH OTHER ORDINANCE REQUIREMENTS IS HEREBY AUTHORIZED TO SELL		
INTOXICATING LIQUORS—"ON SALE" IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE No. 7537, APPROVED JANUARY 18, 1934, BUT SUBJECT TO ANY AMENDMENT OR AMENDMENTS OF SAID ORDINANCE No. 7537, IN THE FOLLOWING DESCRIBED PORTIONS ONLY OF THE BUILDING STRUCTURE KNOWN AS		
LOCATED AT _____ VIZ: _____		
_____ _____ _____		
THIS LICENSE MUST BE KEPT POSTED IN A CONSPICUOUS PART OF THE ABOVE PLACE OF BUSINESS		
Not Transferable from Person to Person or Place to Place		
THIS LICENSE EXPIRES _____ 19 _____	THIS LICENSE IS ISSUED SUBJECT TO THE PROVISIONS OF ALL ORDINANCES OF THE CITY OF SAINT PAUL, MINNESOTA, AND MAY BE REVOKED AT ANY TIME IF SAID PROVISIONS ARE VIOLATED.	
DATE OF ISSUANCE _____ 19 _____	CITY CLERK _____	



#6

Data Documents, Inc. 02 - 30298

APPLICATION NO. _____

CITY OF SAINT PAUL
LICENSE AND PERMIT DIVISION

FEE COLLECTED

LICENSE
POST LICENSE IN A CONSPICUOUS PLACE

\$

B 05415

THIS IS TO
CERTIFY THAT _____

PLACE OF BUSINESS _____

Having paid the above fee and complied with other ordinance requirements applicable thereto,
is hereby authorized to conduct the business of:

	\$		

**Not Transferable
from Person to Person
or Place to Place**

THIS LICENSE IS ISSUED SUBJECT TO
THE PROVISIONS OF ALL ORDINANCES
OF THE CITY OF SAINT PAUL,
MINNESOTA, AND MAY BE REVOKED
AT ANY TIME, IF SAID PROVISIONS
ARE VIOLATED.

THIS LICENSE EXPIRES _____ 19 _____

DATE OF ISSUANCE _____ 19 _____

LICENSE INSPECTOR

7

469.00 DISORDERLY HOUSES

ANY PERSON OR PERSONS WHO SHALL, WITHIN THE LIMITS OF THE CITY OF SAINT PAUL, KEEP A HOUSE OF ILL-FAME, OR A PLACE RESORTED TO FOR THE PURPOSE OF PROSTITUTION OR LEWDNESS, OR WHO SHALL KEEP A DISORDERLY OR ILL-GOVERNED HOUSE OR PLACE, OR A HOUSE OR PLACE FOR THE PRACTICE OF FORNICATION, OR FOR THE RESORT OF PERSONS OF EVIL NAME OR FAME, OR DISHONEST CONVERSATION, OR WHO SHALL PERMIT OR SUFFER TO COME TOGETHER, AT SUCH HOUSES OR PLACE, PERSONS OF ILL NAME OR FAME, OR WHO SHALL COMMIT OR SUFFER TO BE COMMITTED THEREIN ANY IMMORAL, IMMODEST, OR OTHER IMPROPER CONDUCT OR BEHAVIOR, OR ANY TIPPLING, REVELLING, RIOTING, OR DISTURBANCE, AND ALL PERSON, MALE OR FEMALE, WHO RESORT TO OR VISIT SUCH DISORDERLY HOUSES OR HOUSE OF ILL-FAME FOR THE PURPOSE OF FORNICATION OR DISHONEST CONVERSATION OR ANY IMMORAL, IMMODEST OR OTHER IMPROPER CONDUCT OR BEHAVIOR, OR ANY TIPPLING, REVELLING, RIOTING, OR DISTURBANCE, SHALL BE GUILTY OF A MISDEMEANOR.

314.01 DRINKING IN PUBLIC PROHIBITED

NO PERSON SHALL DRINK INTOXICATING LIQUORS IN ANY PLACE OPEN TO THE PUBLIC WITHIN THE CITY OF SAINT PAUL, NOR SHALL THE PROPRIETOR OR MANAGER OF ANY SUCH PUBLIC PLACE, IF SUCH PUBLIC PLACE IS A BUILDING STRUCTURE, PERMIT SUCH DRINKING UPON HIS PREMISES.

#9

476.01 PROHIBITED

ANY PERSON WHO SHALL KNOWINGLY EXHIBIT, SELL OR OFFER TO SELL
ANY OBSCENE, LEWD, LASCIVIOUS OR FILTHY BOOK, PAMPHLET, PICTURE,
MOTION PICTURE, FILM, PAPER, LETTER, WRITING, PRINT OR OTHER
MATTER OF INDECENT CHARACTER SHALL BE GUILTY OF A MISDEMEANOR.

468.01

Gambling Prohibited

That all descriptions of gaming and fraudulent devices and practices in gaming, and all playing cards, dice, or other games of chance are hereby prohibited.

468.04

Betting

No person shall bet any money or other property at or upon any gaming table, game or device prohibited by this ordinance.

468.05

Gambling Houses

No person shall keep any house or place for the purpose of gambling, nor shall any person suffer any gaming table, bank, or gambling device prohibited in this ordinance to be set up or used for the purpose of gaming in any house, building, steam boat, raft, keel, boat, or boom, lot, shop, ward, or garden to him belonging, or by him occupied, or of which he has the control.

468.06

Seizure of Gambling Devices, Etc.

If any person or persons shall keep tables, or furniture, or fixtures, or instruments for gaming, or used or intended for use in gaming or gambling, in or out of any house, room, or place, such tables or instruments may be seized and taken into custody by any police officer of the City of St. Paul; and it is hereby made the express duty of all police officers or policemen to enter any place, house, room, or tent, or booth, and seize said gaming tables, instruments, or fixtures, and hold and keep the same.

468.07

Visitation of Gambling Places

No person shall visit any place, or house, or room used, occupied or in any way designed for gaming purposes, and there bet any money or valuable thing on any game or device, or the happening of any event, or the result of any event, and whether played with cards or otherwise; and it shall be the duty of police officers of the city to visit all houses, places, rooms, tents, or booths, where any such gambling is carried on in violation of this ordinance, and to arrest all persons violating any part of this section, or any part or portion of this chapter.

VICE: A two-hour Instructional Period

Prepared for the trainees of
The St. Paul Police Recruit Academy

Sgt. W. Bostrom

May 24, 1979

Overall Instructional Goal: To identify for police recruits the four main categories of Vice and show how they as police officers will attempt to control them.

Instructional Objectives:

- ✓ I. At the conclusion of the training session the recruit will list in writing the following four (4) main categories of Vice and the methods used to control them:

✓ A. Four Main Categories

1. Prostitution
2. Liquor law violations
3. Sale and/or distribution of pornography
4. Gambling

B. The Methods of Control

1. City Ordinance
2. State Statutes
3. Pressure (use of laws).

- II. At the conclusion of the training session the recruit will list in writing the following five (5) principal types of prostitution:

A. The Five Principal Types of Prostitution

1. Street Walker
2. Bar Girl
3. Masseur
4. Outcall Girl
5. Hotel Girl

- ✓ III. At the conclusion of the training session the recruit will list in writing the following three (3) basic points needed for a prostitution arrest:

A. The Three Basic Points Needed for a Prostitution Arrest

1. Engaging in sexual penetration for hire
2. Offering sexual penetration for hire
3. Agreeing to engage in sexual penetration for hire

B. The Four Forms of Sexual Penetration is defined as:

1. Cunnilingus
2. Fellatio
3. Anal Intercourse
4. Sexual Intercourse

IV. At the conclusion of the training session the recruit will list in writing the following two (2) conditions necessary for an arrest for operating a disorderly house:

- A. A place, house, or public resort whereby the peace, comfort, or decency of a neighborhood is disturbed.
- B. The owner or person in control of A. above intentionally permits them to be so used.

V. At the conclusion of the training session the recruit will list in writing the following four (4) functions a pimp has in regards to a prostitute:

- A. Soliciting for the prostitute
- B. Receiving the earnings of a prostitute
- C. Protecting the prostitute by posting bond and providing safety from other pimps
- D. Portraying several personal roles for the prostitute such as:
 1. Personal advisor
 2. Confidant
 3. Lover

VI. At the conclusion of the training session the recruit will list in writing two (2) things a patrol officer does in preventing and enforcing liquor law violations.

- A. Inspects licensed on-sale liquor establishments, 3.2 bars, and off-sale liquor stores.
- B. Enforces the applicable law

VII. At the conclusion of the training session the recruit will be familiar with the performance objective of the Minnesota Liquor Laws 340.034 (340.035 - 340.36), 340.14, 340.73, 340.731 - 340.732, 340.79, 340.80, 340.83, 340.85, 340.86, and 340.95

- A. List in writing the Closing Laws regulations for the sale of non intoxicating malt liquor (340.034)
- B. List in writing the regulations concerning a person under 19 years doing the following with non intoxicating malt liquor (3.2 beer) (340.035 - 340.036)
- C. List in writing the requirement necessary for proving age in relation to consuming, purchasing, or possessing alcoholic beverages (340.039)
- D. List in writing the requirements of licensees in relation to conducting the business of selling alcoholic beverages and related activities (340.14)
- E. List in writing the person to whom the sale of liquor is illegal and state the punishment for violation (340.73)
- F. List in writing the regulations governing alcoholic beverages and persons under 19 years, in the following categories concerning
 - 1. Entering a licensed premise
 - 2. Consuming alcohol
 - 3. Purchasing
 - 4. Misrepresenting or misstating age
 - 5. Selling or serving
 - 6. Possessing (340.731-340.732)
- G. List in writing the regulations involving liquor, concerning the following
 - 1. Giving to or procuring for person, and
 - 2. Inducing certain persons to enter a saloon and
 - 3. Sales to parolees from the State Institutes (340.79, 340.80, 340.83)
- H. List in writing the duties of police officer concerning the enforcement of Chapter 340. of the Minnesota State Statutes and cite the penalties for failing to do so (340.85 - 340.86)
- I. List in writing the civil liabilities created by injuries caused by intoxication (340.95)

VIII. At the conclusion of the training session the recruit will:

- A. Write the definition of an obscene work which is:
any work which when taken as a whole appeals to the prurient interest in sex (used to cause lust)
- B. Know that standards for an obscene work are established by the community.

IX. At the conclusion of the training session the recruit will be familiar with Minnesota Statutes 609.75, 609.755 and 609.76 and will list in writing the following two (2) ways to prevent and control gambling while on patrol:

1. Observations while on patrol
2. Information from street people, hookers, bar owners, cab drivers, etc.

VICE CRITERION EXAMINATION

1. What are the four (4) main categories of Vice?
✓
 - a) Prostitution
 - b) Liquor Law Violations
 - c) Sale and/or Distribution of Pornography
 - d) Gambling

2. What are the three (3) measures used to control the four (4) categories of Vice?
 - a) State Statutes
 - b) City Ordinances
 - c) Pressure use of the law
LICENSE INSPECTOR, CITY COUNCIL, LICENSING REGULATIONS

3. Name the five (5) principle types of prostitutes?
 - a) ~~Streetwalker~~, *BARS, HOTELS (BY LOCATION)*
 - b) ~~Bar Girl~~ *ESCORT SERVICE*
 - c) Masseur
 - d) Outcall Girl
 - e) ~~Hotel Girl~~ *HOME*

4. What three (3) points are needed for a prostitution arrest?
 - a) Engaging in sexual penetration for hire
 - b) Offering sexual penetration for hire
 - c) Agreeing to engage in sexual penetration for hire

5. Name four (4) forms of sexual penetration.
 - a) Cunnilingus
 - b) Fellatio
 - c) Anal intercourse
 - d) Sexual intercourse

6. Name the two (2) conditions necessary for a Disorderly House arrest.
 - a) A place, house, public resort whereby the peace, comfort, or decency of a neighborhood is disturbed.
 - b) Is the owner, or person in control of the above (a) and intentionally permits them to be so used.

7. What does a pimp do for a prostitute?
 - a) Solicits for her
 - b) Receives all or part of her earnings
 - c) Protects her
 - d) Portrays several personal roles
 1. Lover
 2. Confidant

8. State what a police officer can do to prevent and enforce liquor law violation.
 - a) Inspects on-sale liquor establishments, 3.2 businesses, and off-sale liquor stores
 - b) Enforces the applicable law

9. List the closing hours for on-sale liquor establishments.
 - a) 0800-0100 Monday through Saturday
 - b) 2000-0100 Days of state-wide elections
 - c) 1200-2400 Sundays

- ✓ 10. When may a person under 19 years drink 3.2 beer in a 3.2 bar?
 - a) When he/she is with his parents or guardians.

- ✓ 11. What are the only two (2) forms of identification authorized for proof of age that can be used to purchase alcoholic beverages?
 - a) Minnesota Driver's License
 - b) Minnesota Nonqualification Certificate

12. What two activities are expressly prohibited in on-sale liquor establishments?
- a) Keeping a gambling device
 - b) Keeping a resort for prostitutes or other disorderly persons.
13. To whom is the sale of alcoholic beverages illegal?
- a) A person under 19 years
 - b) A prostitute
 - c) An intoxicated person
14. Name six (6) acts a person under 19 years is prohibited from doing relating to alcoholic beverages. He/she may not:
- a) Enter a licensed premise
 - b) Consume alcohol
 - c) Purchase alcohol
 - d) Misrepresent or mistake his/her age to procure alcohol
 - e) Sell or serve alcohol
 - f) Possess alcohol
15. M. S. 340.79 Prohibits giving or procuring intoxicating liquors to persons under 19 years and...
- a) any other person to whom the sale of intoxicating liquor is forbidden by law.
16. M. S. 340.80 Prohibits inducing a person under 19 years to obtain alcoholic beverages.
- a) True
17. M. S. 340.83 states no sale of alcoholic beverages may be made to paroles from State Corrections Institutions.
- a) True
18. A police officer's duty is to _____ when he sees a violation of the State Liquor Law.
- a) Arrest

19. A police officer who fails to perform an official duty is
 - a) guilty of a malfeasance

20. Civil actions may be taken against a person who causes the intoxication of another by an injured party.
 - a) True

21. Define an obscene work, or any work, which when taken as a whole, appeals to the prurient interest in sex (used to cause lust).

22. What determines if a work is obscene?
 - a) Standard established by the community.

23. A patrol officer can help prevent and control gambling in his area by...
 - a) Reporting his observations
 - b) Reporting information received from street people

PAGE 1

VICE

FOUR MAIN CATEGORIES

1. PROSTITUTION
2. LIQUOR LAW VIOLATIONS
3. SALE AND/OR DISTRIBUTION OF PORNOGRAPHY
4. GAMBLING

FIVE PRINCIPLE TYPES OF PROSTITUTES

1. STREETWALKER
2. BAR GIRL
3. MASSEUSE
4. OUTCALL GIRL
5. HOTEL GIRL

ENGAGING IN PROSTITUTION

GROSS MISDEMEANOR

1 YEAR/\$1000

1. ENGAGES IN SEXUAL PENETRATION FOR HIRE
2. OFFERS SEXUAL PENETRATION FOR HIRE
3. AGREES TO ENGAGE IN SEXUAL PENETRATION FOR HIRE

SEXUAL PENETRATION DEFINED

1. SEXUAL INTERCOURSE
2. CUNNILINGUS
3. FELLATIO
4. ANAL INTERCOURSE

EMISSION OF SEMEN IS NOT NECESSARY

LIST OF MATERIALS

Transparencies

Overhead Projector

Magazines from Vice Unit

Students will have with them

-Minnesota State Statutes

-Criminal Code of 1963

I. What is Vice?

- A. Prostitution
- B. Gamblin
- C. Liquor
- D. Obscenities (pornography)

II. Who is Responsible for Enforcing Vice Laws, Which in Effect Control Vice?

- A. The patrol officer
- B. The Vice Unit

- 1. 320.04, Department Manual, states "The (Vice) Unit will respond to and/or investigate all complaints received from all sources and assist the Patrol Division in the supervision of Vice."

III. Prostitution

A. The prostitute

1. Types:

a. Street walker

- (1) New to the trade.
- (2) Youngest - 13 and 14 years old.
- (3) Wear the cheap flashy clothes - hooker shoes.
- (4) Lowest prices.
- (5) Most liable to generate robbery and extortion, etc. of the "trick".
- (6) Age quickly.
- (7) Best informant.

- (a) Don't trust her unless you have her between a "rock and a hard place".

- (8) Most likely to be a juvenile runaway.

b. Bar girl

- (1) Usually a streetwalker who is old enough to enter bars.
- (2) Usually works both the bars and the street.
- (3) One step above the streetwalker.

c. Masseur

- (1) Fronts as a legitimate masseur.
- (2) Turns her tricks in the massage room.
- (3) Generates few citizen complaints.

d. Call-Out-Service (Dial-a-Model, etc.)

- (1) Works out of their own house or apartment through an answering service.
- (2) Fronts as a masseur who makes house calls.

e. Hotel

- (1) Works through bellboy or other hotel employee.
- (2) Usually harder to detect.
 - (a) Appears to be a business woman.
- (3) May be in from out of town.
- (4) Moves from city to city.
- (5) Usually high priced.
- (6) Few citizen complaints.

2. Method of control:

a. City ordinances.

- (1) 470.01 - Solicitation to Vice.
- (2) 470.03 - Loitering or Lurking for Unlawful Purposes.

b. State Statutes

- (1) 609.32, Subd. 4 (4)

c. Pressure - Use the law.

- (1) Patrol areas frequented by street-walkers.
 - (a) Early evening.
 - (b) At bar closing time.
- (2) Write F.I. cards on prostitutes.
- (3) Use 470.01 when you see them get into a trick's car.
- (4) Stop and F.I. tricks when trolling.
- (5) Check cabs carrying passengers with "flag up". Caution - might also be a stick-up.

B. The pimp

1. Types:

Overhead
Projector #1 & #2

P. 17, CC of 63

a. Street (dude, man)

- (1) Flashy big car.
- (2) Flashy clothes.
- (3) Never far away (from the girl).
- (4) Will almost never interfere with police-prostitute encounter.
- (5) Possible rip-off.
- (6) Possible "doper".

b. Sauna operator (business man)

- (1) Manages the sauna.
- (2) Stays clear of trick money.
- (3) Gets all the masseuse money.
- (4) No way the masseuse can make money without turning tricks.

2. Method of control:

a. City ordinance

- (1) Solicitation to Vice 470.01.

b. State Statutes

- (1) 609.32, Subd. 2 (1) 10 years - \$10,000.
- (2) 609.32, Subd. 3 (1), (2), (3), (4), and (6).
- (3) 609.32, Subd. 4 (2) and (3).

c. Pressure (use the law)

- (1) Good preventative patrol.
- (2) Saunas are licensed by the City - check the premises.
- (3) F.I. cards.
- (4) Transporting girls - 609.32, Subd. 3, (6).

IV. Liquor Law Violations

A. Off-sale liquor

1. Hours of operation 308.20 - A

- a. 0800-2000 hours, Monday through Friday.
- b. 0800-2200 hours, Saturday and the day before New Years Day, Independence Day and Thanksgiving.
- c. No sales on any statewide election day.

Overhead
Projector #3

Overhead
Projector #4

Overhead
Projector #5

Overhead
Projector #6

Overhead
Projector #7

2. State Statute 340.039, Drivers License or Non-Qualification Certificate.
3. City, off-sale license, \$1,000 per year and expires January 31.

B. On-sale liquor

1. Hours of operation.
 - a. 0800-0100, Monday through Saturday.
 - b. 2000-0100, Days of a statewide election.
 - c. 1200-2400, Sundays.
2. State Statute 340.039, Drivers License or Non-Qualification Certificates.
3. License required.
 - a. On-sale liquor, \$1,750 per year, expires January 31.
 - b. Tavern, \$150 per year, expires one year from date of issue.
 - (1) Must have, for live music or entertainment.
 - c. Off-sale non-intoxicating malt liquor (3.2%), \$15 per year. Expires one year from date of issue.
 - d. On-sale non-intoxicating malt liquor, \$150 per year and expires one year from date of issue.
 - e. Out time for all on-sale 314.02, City Ord.

C. Unlicensed liquor sales.

- ✓ 1. After-hours places.
 - a. Identifiable - usually after 0100 hours.
 - (1) Neighborhood complaints.
 - (2) Heavy traffic at a residential address.
 - (3) Dispatched for fight, disturbance, and shooting calls.
 - b. Control
 - (1) Patrol - visibility.
 - (2) City ordinance 469.00 Disorderly House.
 - (3) State Statute 340.14, Subd. 3 - Gross Misdemeanor.

2. Halls

- a. Usually identified by complaint

Overhead
Projector #8

- (1) Charge to enter or hear the band.
 - (2) Beer is free.
- b. Control.
- (1) Patrol - check it out inside.
 - (2) State Statute 340.14, Subd. 3 - Gross Misdemeanor.
3. Keggers
- a. Identified as a large party in the park - usually disorderly.
 - b. Control.
- (1) Patrol the known "kegger areas" in your district.
 - (2) City Ordinance 314.01.
- D. Public Consumption
1. Parks
- a. Usually would fall under "kegger" class.
 - b. Control.
- (1) Patrol.
 - (2) City Ordinance 314.01 Drinking in Public.
 - (3) City Ordinance Park Restrictions (new 7-7-77).
 - (a) 0800-2000 in specific areas of the parks.
 - (4) Nothing over 3.2% any time in park.
2. Public Street or way.
- a. Usually after sporting events and rock concerts - but could be any time.
 - b. Control.
- (1) City Ordinance 314.01 Drinking in Public. Note: Does prohibit 3.2% beer.
- E. M.S. 340.035 - 340.036
- Acts a person under 19 years is prohibited from doing concerning non-intoxicating malt liquors.
1. May not consume alcohol.
 2. Procure alcohol.
 3. Misrepresent age in order to purchase alcohol.
 4. Possess alcohol.

F. M.S. 340.039

Two forms of I.D. authorized for proving age in order to purchase alcohol.

1. Minnesota Drivers License.
2. Minnesota Non-Qualification Certificate.

G. M.S. 340.14

1. Prohibits keeping a gambling device.
2. Keeping a resort for prostitutes or other disorderly person.

H. M.S. 340.73

Sale of alcoholic beverages to the following is illegal:

1. A person under 19 years old.
2. A prostitute.
3. An intoxicated person.

I. M.S. 340.731 - 340.732

Six acts a person under 19 years of age is prohibited from doing relating to alcoholic beverages.

1. Enter a licensed premise.
2. Consume alcohol.
3. Purchase alcohol.
4. Misrepresent or mistake his/her age to procure alcohol.
5. Sell or serve alcohol.
6. Possess alcohol.

J. M.S. 340.79 - 340.83

Prohibits giving or procuring intoxicating liquors to persons under 19 years of age and any other person to whom the sale of intoxicating liquor is forbidden by law.

K. M.S. 340.80

Prohibits inducing a person under 19 years of age to obtain alcoholic beverages.

L. M.S. 340.83

States no sale of alcoholic beverages may be made to parolees from State Corrections Institutions.

M. M.S. 340.85

A police officer's duty is to arrest when he sees a violation of the State Liquor Law.

N. M.S. 340.86

An officer who fails to perform his official duty is guilty of malfeasance.

O. M.S. 340.95

Civil action may be taken against the person who causes the intoxication of another.

Tag and/or write reports on violations.

V. Sale and/or distribution of pornography.

A. Theatres

1. City license - theatre.
2. Complaints - few.
3. Control.

- a. Supreme Court has ruled must conform with citizen standards.

B. Book stores

1. No license is required if they deal in only new books, films, etc.
2. Movie machines must be licensed (mechanical amusement device - like pinball machine).

C. City Ordinance regulations.

1. 476.01 Obscene Books, Pictures, etc.
2. Six new ordinances authored by Councilwoman Butler - not court tested as yet.

VI. Gambling

A. Bookmaking operations.

1. Are they here in St. Paul?
 - a. Yes, mostly on professional sporting events.
2. Would legalized gambling force out the bookies?
 - a. No. No credit.

Overhead
Projector #9

Overhead
Projector #10

- B. After-hours places.
 - 1. Craps
 - 2. Cards
- C. Bingo - legalized gambling
- D. Laws that control
 - 1. City Ordinances
 - a. 468.01 through 468.11 (in selected ordinance book) Misdemeanor.
 - b. State Statutes - Much the same as city ordinance, SS 609.75, 609.755 and 609.76. Misdemeanor or Gross Misdemeanor.

VII. Summary: Vice, is it a victimless crime?
Should we legalize it? Will the problems
it generates go away?

- A. Prostitution.
- B. Liquor Law Violations
- C. Sale and/or Distribution of Pornography.
- D. Gambling.

BIBLIOGRAPHY

Minnesota State Statutes

St. Paul City Ordinances

Department Manual

TIPS ON REPORT WRITING

1. Document all case activity. When in doubt, write a report.
2. Write reports as soon as possible. This is especially important in complex investigations. Significant details are lost, information becomes confused, facts can be challenged in court, and reports get sloppy when more than two days lapse before documenting activities.
3. Turn in all reports to records, except those involving on-going, confidential investigations (such as pending raids, decoy operations).
4. Write final disposition reports when case is completed (and check "Status" box).

TRAINING OUTLINE

- I. (blackboard) Four primary categories of Vice:
Prostitution.
Liquor Law Violations.
Gambling.
Pornography.

1. Since Vice Enforcement is a matter of maintaining some control and all vice is not likely to be eliminated, priorities in enforcement are determined by the extent of the problem and the communities response to it.

The majority of complaints received by the Vice Unit relate to prostitution and consequently the majority of our time has been focussed on PROSTITUTION.

(overhead) Laws pertaining to prostitution.

Possible charges summarized:

1. Engaging in Prostitution
2. Loitering with Intent to Commit Prostitution
3. Promoting Prostitution
4. Indecent Conduct/ Public Indecency
5. Transportation for Purposes of Prostitution.

- * Engaging in prostitution & Indecent Conduct are Gross Misdemeanors when there is a previous conviction (within two years for Engaging). Consequently, persons arrested for Engaging have been held in our jail until Vice investigators can determine if there has been a previous conviction (contrast to Mpls. P.D. procedure).

Demonstrating "Intent" for a Loitering charge can be difficult. Officers should be careful to note & include in their report:

1. Defendant waving or gesturing to passing cars.
2. Manner of clothing.
3. Overheard conversations.
4. Admissions.
5. Loitering with no apparent purpose over a period of time.

2. LIQUOR VIOLATIONS:

(Overhead) Liquor License should be displayed with effective date at all times.

(Overhead) Laws.

Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid driver's license, Minn. identification card or valid passport.

DISORDERLY HOUSE:

A "Disorderly House" is any building, dwelling place, establishment, or premises in which actions or conduct occur in violation of any law or ordinance relating to:

1. Sale of liquor.
2. Gambling.
3. Prostitution.
4. Sale or use of drugs.

Patrol officers who are alert and know their neighborhood, particularly those on Tour I, can be very effective in assisting with this problem, in the following ways:

1. Determine location of Disorderly House.
2. Document complaints from neighbors, etc. through reports.
3. Document vehicle traffic in immediate area over specified time period, including license numbers of parked vehicles.
4. Identify who is operating the Disorderly House
5. Identify visitors (names or numbers entering during specific period of time) and obtain statements regarding payments for liquor, any cover charge at door, and any other illegal activity occurring inside.
6. If known, describe interior premises, including location and re-enforcement of doors, presence of weapons, etc.
7. Collect evidence of presence/consumption of liquor in the immediate exterior vicinity and, if observed, inside.
8. Write General Report, Information to Vice Unit. (As often as possible)
9. During execution of search warrant, assist in securing premises & visitors, collection and preservation of evidence.

(Overhead) Example of excellent report involving Disorderly House. The Vice Unit has traditionally sent in informants or undercover officers to make buys before obtaining search warrants. However, with a few reports such as this, we have now been able to obtain warrants without buys.
Example: 175 N. Oxford.

3. GAMBLING:

Illegal gambling is an extensive problem in this area. It is important to recognize illegal gambling vs. charitable gambling: The City Council permits the on-sale liquor licensee to allow qualified charitable organizations to sell pull-tabs & tipboards on the premises (Permit must be displayed in public place)
A state licensed charitable organization may conduct bingo & raffles. All other gambling is illegal.

Detail if time allows.

4. Pornography:

In our community at the present time, the only area where there is significant enforcement through court process is the Use of Minors in Sexual Performance.

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(OVER-HEAD)

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DISORDERLY HOUSE

Definition: Any building, dwelling, place, establishment, or premises
271.01 in which actions or conduct occur in violation of any law or ordinance relating to the following:

- (1) Sale or regulation of intoxicating liquor or non-intoxicating malt liquor.
- (2) Gambling.
- (3) Prostitution, solicitation to vice, or lewd & indecent behavior.
- (4) Sale or use of drugs or controlled substances.

Operation: No person shall own, operate, manage, maintain, or conduct
271.02 a disorderly house or invite or attempt to invite others to visit or remain in such disorderly house.

Visiting: No person shall knowingly visit or remain in a disorderly house.
271.03

How the patrol officer can assist:

- (1) Determine location of Disorderly House.
- (2) Document complaints from neighbors, etc. through reports.
- (3) Document vehicle traffic in immediate area, including license numbers of parked vehicles.
- (4) Identify who is operating the Disorderly House.
- (5) Identify visitors (names or numbers entering during specific period of time) and obtain statements regarding payments for liquor, any cover charge at door, and any other illegal activity occurring inside.
- (6) If known, describe interior premises, including location and re-enforcement of doors, presence of weapons, etc.
- (7) Collect evidence of presence/consumption of liquor in the immediate exterior vicinity and, if observed, inside.
- (8) Write General Report, "Information to Vice Unit".
- (9) During execution of search warrant, assist in securing premises and visitors, collection and preservation of evidence.

LIQUOR

On-Sale - Hours and Days of Sale:

340A.504 Subdivision 2

No sale of intoxicating liquor for consumption on the licensed premises may be made:

- (1) between 1:00 A.M. and 8:00 A.M. on the days of Tuesday through Saturday;
- (2) between 12:00 midnight and 8:00 A.M. on Mondays;
- (3) after 1:00 A.M. on Sundays, except as provided by subdivision 3 (in conjunction with the sale of food between the hours of 12:00 noon and 12:00 midnight on Sundays)
- (4) between 8:00 P.M. on December 24 and 8:00 A.M. on December 25, except as provided by subdivision 3.

Off-Sale - Hours and Days of Sale:

340A.504 Subdivision 4

No sale of intoxicating liquor may be made by an off-sale licensee:

- (1) on Sundays;
- (2) before 8:00 A.M. on Monday through Saturday;
- (4) after 8:00 P.M. on Monday through Thursday and after 10:00 P.M. on Friday and Saturday, provided that an establishment may sell intoxicating liquor until 10:00 P.M. on December 31 and July 3 unless otherwise prohibited under clause (1);
- (5) on New Years Day, January 1;
- (6) on Independence Day, July 4;
- (7) on Thanksgiving Day;
- (8) on Christmas Day, December 25; or
- (9) after 8:00 P.M. on Christmas Eve, December 24.

LICENSE NO.

CITY OF SAINT PAUL
LICENSE AND PERMIT DIVISION

FEE COLLECTED
\$

LICENSE
POST LICENSE IN A CONSPICUOUS PLACE

THIS IS TO
CERTIFY THAT

DOING BUSINESS AS

PLACE OF BUSINESS

HAVING PAID THE ABOVE FEE AND COMPLIED WITH OTHER ORDINANCE REQUIREMENTS APPLICABLE THERETO, IS
HEREBY AUTHORIZED TO CONDUCT THE BUSINESS OF:

NOT TRANSFERABLE
FROM PERSON TO PERSON
OR PLACE TO PLACE

THIS LICENSE IS ISSUED SUBJECT TO
THE PROVISIONS OF ALL ORDINANCES
OF THE CITY OF ST. PAUL, MINNESOTA
AND MAY BE REVOKED.

THIS LICENSE EXPIRES
DATE OF ISSUANCE

LICENSE INSPECTOR

GENERAL REPORT											
1. PAGE <u>1</u> OF <u>1</u>		CITY OF ST. PAUL				DEPARTMENT OF POLICE				2. C.N. <u>8,001,246</u>	
3. DAY <u>02</u>	MO. <u>Jan.</u>	DATE <u>04</u>	YEAR <u>88</u>	4. TIME <u>0300</u>	5. DISTRICT <u>NW</u>	6. SQUAD <u>119</u>	7. OFFENSE <u>Poss. of An Assault Weapon</u>			8. CLASS <u>1540</u>	
9. LOCATION OF CALL <u>On tour</u>					10. LOCATION OF CRIME SCENE <u>University & Victoria</u>			11. DATE & TIME OCCURRED OR BETWEEN HOURS <u>01-04-88 0300</u>			
12. COMPLAINANT'S NAME LAST FIRST MIDDLE					ADDRESS			RES	PHONE	SUB.	
13. DESCRIBE ARTICLES RECOVERED <u>1 set of wooden num-chunks</u>					DISPOSITION			RECORDS <input type="checkbox"/>	CRIME LAB LOCKER <input type="checkbox"/>	CRIME LAB <input type="checkbox"/>	PROPERTY ROOM <input type="checkbox"/>
14. NARRATIVE: RECONSTRUCT CRIME, IDENTIFY AND DESCRIBE PHYSICAL EVIDENCE. SHOW EXACTLY WHERE FOUND AND HOW DISPOSED OF. INCLUDE STATEMENTS OF VICTIM, WITNESS AND SUSPECTS. INDICATE SOBRIETY OF VICTIM IF POSSIBLE, AND SOBRIETY OF WITNESSES AND SUSPECTS. STATE EXACT LOCATION OF WITNESSES AT TIME OF CRIME AND DISTANCE FROM SCENE. GIVE COMPLETE DESCRIPTION OF SUSPECTS, INCLUDING NAME IF KNOWN, NICKNAME, HEIGHT, WEIGHT, COLOR EYES, HAIR, COMPLEXION, SCARS, MARKS, ETC.											
15. IF ARREST: BY											
ARREST NUMBER <u>Crim. Tag #3-19807</u>		LAST NAME <u>TAYLOR,</u>		FIRST <u>ROY</u>	MIDDLE <u>C.</u>	ADDRESS <u>670 Fuller</u>		D.O.B. <u>07-04-67</u>	AGE <u>20</u>	SEX <u>M</u>	RACE <u>B</u>

Good Example

Squad 119 while out on tour I was monitoring pedestrian activity at 476 University the after-hours club above 474 University the Bar-Ba-Q-King. From 0230 hrs. to 0300 hrs. I observed approx. 7 people go into 476 University. I observed one BM later ID as [REDACTED] DOB 03-28-57, get out of a vehicle Lic. #810-CCR that had pulled up across the street from 476 University. [REDACTED] then ran across the street and into 476 Uni. After approx. 5 minutes he came out and got into the vehicle 810-CCR. The vehicle then went westbound on University. As the vehicle passed my squad I observed that the Lic. tabs were from Nov. 87. I stopped the vehicle on University at Victoria. As I approached the vehicle on foot I observed the passenger in the front seat [REDACTED] bend down as if he was attempting to hide something from me under the front seat. I asked [REDACTED] to step out of the vehicle after I had ID the driver with a Minnesota DL as [REDACTED] DOB 07-04-67. I then looked under the front passenger's seat and found a small vial case that appeared to be a gun case used to carry a hand gun in. I recovered the case and found a set of wooden handled numbsucks. I asked [REDACTED] if these were his and he stated "no". [REDACTED] then stated that they were his, because he is a Karate man and uses them for practice. He stated that he always carries them to and from his Karate lessons. I then recovered the numbsucks and later placed them in PL #5 at HQ. [REDACTED] stated that he just went into the Bar-B-Q-King to buy a half pint of Christian Brothers Brandy. I then issued TAYLOR traffic citation #1-496697 for expired lic. tabs and criminal citation #3-19807 for Possession of an

15. REPORTING OFFICER		BADGE	REPORTING OFFICER	BADGE	TYPIST	SUPV.	H.O.	CODE CLERK	CARD
#1		#2	J. PYKA	556010	CS		SS		CS

CHF 1 CO. 2 ID LAB PROP REC TEAM COORD OTHER Vice-2, D/C

Assault Weapon. I set a court date for 01-14-88 at 1315 hrs. for [REDACTED] Please send a copy of this report to the Vice Unit.

06-02-89

Carolyn;

Just got your note (I have been on vacation).
I would estimate that each double arrest
takes about 2 hrs & 45 min.

Another thing to consider, I only am able
to make arrests on about 30-~~40~~% of the females
that I observe or try to follow. This is because
I lose sight of them or no deal is made.

I would say that each week about 4-5 hrs
are spent in observation & following vehicles
in which no arrests are made.

Hope this helps you for your speech.

Wemy

* Note decrease from 1980 = 117 calls though 34.8 min. per call
(conservative estimate)

Observation spent = 12 hrs. per week \times 52 = 624 = \$11,394.24

Excludes cost of Chief, etc. in time spent.

\$80,983.97

281,283.01
Total Salary
70 time spent on prostitution

1988 - 614 prostitution arrests

\$ cost for john sweep - Don Winger

(over)

By C. Bailey

PREFACE

Effective enforcement of illegal vice activities depends on the efforts of all police officers within our department. As a patrol officer, you are out there twenty-four hours a day every day of the year. You know your neighborhood, the businesses, and the activities which occur during your tour of duty.

This information is intended as a guide to assist and encourage you. No actions suggested are mandatory. It is expected that you will use your usual good judgement in the execution of your responsibilities.

Wm. W. McCutcheon
Chief of Police

PROSTITUTION

1. SITUATION: You observe a person known to you to be a prostitute in an area known for prostitution activity flagging down three or more cars and talking to the drivers.

ACTION: If possible, take photographs of suspect showing clothing apparel, location and activities. Ask suspect for ID. If admissions are obtained that suspect is there for the purpose of prostitution (may be indirect admission, such as, "I haven't made any money because you're out here bothering me!"), tag for Loitering with Intent to Solicit for Prostitution. Remember, it must be proven that suspect is doing more than taking a stroll (must overcome the constitutional right to be on a public street). Include in your General Report your observations of: 1) loitering over a period of time (more than 20 minutes); 2) waving or gesturing to cars, etc.; 3) manner of clothing; 4) any conversation overheard with "johns"; 5) any admissions.

272.03

2. SITUATION: You observe apparent solicitation and agreement, observe suspected prostitute get in car with suspected "john", follow the car, wait briefly, then approach the car and observe sexual conduct between the two suspects.

ACTION: If you obtain incriminating admissions from one or both suspects regarding the exchange of money or the offer or agreement to hire for sexual acts, arrest and hold for Gross Misd. Engaging in Prostitution. If there are no admissions by either suspect, tag for Indecent Conduct, Misd. (617.23) or hold for Gross Misd. Indecent Conduct if there is a prior similar conviction. Where the sexual conduct is oral or anal, the tag can be Indecent Conduct. Under this factual situation, the prosecutor will charge neither fornication nor sodomy. Include in General Report a description of the area i.e. lighting conditions, people present, residential, etc.

3. SITUATION: Undercover police officer (male) allows himself to be propositioned by a prostitute, obtains incriminating evidence and arrests the prostitute.

ACTION: Book for Engaging in Prostitution, Gross Misd.

609.324
Subd. 3

4. SITUATION: Undercover police officer (female) obtains an agreement from a "john" to pay for sexual acts.

ACTION: Same as # 3.

PROSTITUTION

LAW State Statute:

609.324 OTHER PROHIBITED ACTS.

Subdivision 1. Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

- (1) Engages in prostitution with an individual under the age of 18 years; or
- (2) Hires or offers or agrees to hire an individual under the age of 18 years to engage in sexual penetration or sexual contact.

Subd. 2. Whoever solicits or accepts a solicitation to engage for hire in sexual penetration or sexual contact while in a public place may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000 or both.

Subd. 3. Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both:

- (1) Engages in prostitution with an individual 18 years of age or above; or
- (2) Hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact.

Whoever violates the provisions of this subdivision within two years of a previous conviction may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

History: 1979 c 255 s 4; 1984 c 628 art 3 s 11

609.325 DEFENSES.

Subdivision 1. It shall be no defense to a prosecution under section 609.322 that an individual solicited or induced to practice prostitution or whose prostitution was promoted, did not actually engage in prostitution.

Subd. 2. Consent or mistake as to age shall be no defense to prosecutions under section 609.322 or 609.323.

Subd. 3. It shall be no defense to actions under section 609.322 that the individual solicited or induced to practice prostitution, or whose prostitution was promoted, had engaged in prostitution prior to that solicitation, inducement, or promotion.

State Statute:

LAW 617.23 Indecent Conduct Penalties.

Every person who shall wilfully and lewdly expose his person, or the private parts thereof, in any public place, or in any place where others are present, or shall procure another to so expose himself, and every person who shall be guilty of any open or gross lewdness or lascivious behavior, or any public indecency other than hereinbefore specified, shall be guilty of a misdemeanor, and punished by a fine of not less than \$5, or by imprisonment in a county jail for not less than ten days.

Every person committing the offense herein set forth, after having once been convicted of such an offense in this state, shall be guilty of a gross misdemeanor.

Ordinance:

LAW 272.03 Loitering or Lurking for Unlawful Purpose.

No person shall loiter or lurk on the streets, or in a public place, or in a place open to the public, with intent to solicit for the purpose of prostitution or any other act prohibited by law.

LIQUOR

1. SITUATION: You are called to a party and observe liquor consumption. All parties appear to be of age, and you suspect the sale of liquor (example: \$2.00 for a cup at kegger) based on admissions and/or you see collections for money, hands or cups stamped, etc.

ACTION: Seize liquor, signs, money associated with sale, stamp (if hands or cups are stamped). ID individuals, including DOBs, check for warrants, and obtain statements from them. Take photos of set-up, minors, other evidence. If individuals have admitted or there is proof of sale to them (stamped hand, etc.), they can be tagged for Visiting Disorderly House. If there have been repeated calls or complaints at this address, operator can be arrested for GM Operating a Disorderly House and, if there is an admission, Furnishing Liquor to a Minor. 340A.702
2. SITUATION Based on prior complaints of loud parties and illegal sale of liquor at an address, you observe a person leave a residential building carrying a package which appears to contain a bottle. Upon your investigation, the package turns out to contain an alcoholic beverage.

ACTION ID person. Attempt to determine if liquor was purchased there and who sold it. If there is an admission or other evidence of illegal sale, confiscate the liquor. Obtain a statement, including who sold the liquor. If person is drinking the liquor outside, tag can be issued for Consumption in Public Place. ID person in house who sold liquor; if probable cause, arrest can be made for GM Sale Without a License. 340A.702
3. SITUATION While on patrol, you make a routine check on a bar. You discover under-age drinkers there.

ACTION ID minors that have valid ID. If they do not have ID and you suspect they are underage, there is probable cause to arrest and transport for purposes of ID and age verification. Try to ascertain who sold liquor to them. Confiscate liquor as evidence. Minors between 18 and under 21 years of age can be tagged for Minor Consumption. The person who provided the liquor can be arrested and held on GM Sale to Minor. Write a General Report, Liquor Violation. 340A.503, Subd. 1
4. SITUATION You observe a person leaving an off-sale liquor establishment carrying a package that may contain liquor bottles. You think this person is underage.

ACTION ID customer, who should have DL, ID card or passport. If underage, confiscate liquor and sales receipt. Ask who sold liquor to him, and ID seller. Get statement from minor (verbal), seller & any owner or employee present during sale. Do not tag employee, who can be charged later as Gross Misdemeanor. Minor can be tagged for Possession of Alcoholic Beverage or Misrepresentation of Age. 340A.503, Subd. 3 & 5

5. SITUATION You are on patrol and observe a bar that has activity occurring between 0100 and 0800 hours.
- ACTION Check the premises for evidence of liquor being sold or consumed. Traditionally, patrons have been allowed to finish consuming until 030 hrs., at which time no patrons should be in bar. If violations are evident, ID patrons and employees in bar. Tags can be issued for Consumption to patrons, employees & owner who is present. Write General Report, Liquor Violation. 409.07
Subd. 3
6. SITUATION While on tour, you observe a minor in possession of an alcoholic beverage.
- ACTION Identify the minor. If minor purchased beverage at store, describe ID used, if any. If underage, confiscate liquor, can tag. Document where liquor was acquired and from whom. If possible, get written statement. Write General Report, Liquor Violation. 340A.50
Subd.2,
7. SITUATION Juvenile with liquor states that liquor was furnished by an adult. This could be at a party, buying, giving or selling to juvenile.
- ACTION If sale is involved, same action as # 4. Confiscate liquor. Attempt to ID person who provided liquor and location. If at party, interview witnesses to obtain proof of sale or furnishing liquor. If probable cause, tags can be issued to juvenile for Possession and adult for Furnishing. 340A.503
Subd. 2.1, 3.
8. SITUATION While on patrol, you observe people carrying packages from an off-sale liquor store beyond the permitted hours of sale.
- ACTION Identify the customer and contents of package. Retain sales receipt. Identify employees of the store. Write General Report for Liquor Violation. Issue tag to store employee for illegal Sale. 340A.504

LIQUOR

- LAW 340A.702 It is a Gross Misdemeanor:
- (1) to sell an alcoholic beverage without a license authorizing the sale.

On-Sale - Persons Under 21, Illegal Acts

- LAW 340A.503, Subd. 1

Consumption. It is unlawful for any:

- (1) retail intoxicating liquor or nonintoxicating liquor licensee or bottle club permit holder under section 340A.414, to permit any person under the age of 21 years to consume alcoholic beverages on the licensed premises; or
- (2) person under the age of 21 years to consume any alcoholic beverages unless in the household of the person's parent or guardian and with the consent of the parent or guardian.

Please Note: Grandfather Rule on Age - Those persons born 9/1/67 are grandfathered in under this rule.

Off-Sale - Age of Purchaser

- LAW 340A.503 Subd. 2, 3, 4, 5, 6

Subd. 2 Purchasing. It is unlawful for any person:

- (1) to sell, barter, furnish, or give alcoholic beverages to a person under 21 years of age, except that a parent or guardian of a person under the age of 21 years may give or furnish alcoholic beverages to that person solely for consumption in the household of the parent or guardian;
- (2) under the age of 21 years to purchase or attempt to purchase any alcoholic beverage; or
- (3) to induce a person under the age of 21 years to purchase or procure any alcoholic beverage.

Subd. 3 Possession. It is unlawful for a person under the age of 21 years to possess any alcoholic beverage with the intent to consume it at a place other than the household of the person's parent or guardian. Possession at a place other than the household of the parent or guardian is prima facie evidence of intent to consume it at a place other than the household of the parent or guardian.

Subd. 4 Entering Licensed Premises.

- (a) It is unlawful for a person under the age of 21 years to enter an establishment licensed for the sale of alcoholic beverages or any municipal liquor store for the purpose of purchasing or having served or delivered any alcoholic beverage.
- (b) Notwithstanding section 340A.509, no ordinance enacted by a statutory or home rule charter city may prohibit a person 18, 19, or 20 years old from entering an establishment licensed under this chapter to:
 - (1) perform work for the establishment, including the serving of alcoholic beverages, unless otherwise prohibited by section 340A.412, subdivision 10;
 - (2) consume meals; and
 - (3) attend social functions that are held in a portion of the establishment where liquor is not sold.

Subd. 5 Misrepresentation of Age. It is unlawful for a person under the age of 21 years to claim to be 21 years old or older for the purpose of purchasing alcoholic beverages.

Subd. 6 Proof of Age. Proof of age for purchasing or consuming alcoholic beverages may be established only by a valid drivers license or Minnesota identification card, or in the case of a foreign national by a valid passport.

On-Sale - Hours and Days of Sale

340A.504 Subd. 1, 2, 3

Subd. 1 Nonintoxicating Malt Liquor.

No sale of nonintoxicating malt liquor may be made between 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 12:00 noon on Sunday, provided that an establishment located on land owned by the metropolitan sports commission may sell nonintoxicating malt liquor between 10:00 a.m. and 12:00 noon on a Sunday on which a sports or other event is scheduled to begin at that location on or before 1:00 p.m. of that day.

Subd. 2 Intoxicating Liquor, On-Sale .

No sale of intoxicating liquor for consumption on the licensed premises may be made:

- (1) between 1:00 a.m. and 8:00 a.m. on the days of Tuesday through Saturday;
- (2) between 12:00 midnight and 8:00 a.m. on Mondays;
- (3) after 1:00 a.m. on Sundays, except as provided by subdivision 3;
- (4) between 8:00 p.m. on December 24 and 8:00 a.m. on December 25, except as provided by subdivision 3.

Subd. 3 Intoxicating Liquor, Sunday Sales, On-Sale .

- (a) A restaurant, club, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon and 12:00 midnight on Sundays.
- (b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, or club to sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. and 12:00 midnight on Sundays, provided that the licensee is in conformance with the Minnesota clear air act.

LIQUOR

Off-Sale - Hours and Days of Sale

LAW

340A.504 Subd. 4

Intoxicating liquor-Off-Sale. No sale of intoxicating liquor may be made by an off-sale licensee:

- (1) on Sundays;
- (2) before 8:00 a.m. on Monday through Saturday;
- (3) after 10:00 p.m. on Monday through Saturday at an establishment located in a city other than a city of the first class or within a city located within 15 miles of a city of the first class in the same county;
- (4) after 8:00 p.m. on Monday through Thursday and after 10:00 p.m. on Friday and Saturday at an establishment located in a city of the first class or within a city located within 15 miles of a city of the first class in the same county, provided that an establishment may sell intoxicating liquor until 10:00 p.m. on December 31 and July 3 unless otherwise prohibited under clause (1);
- (5) on New Years Day, January 1;
- (6) on Independence Day, July 4;
- (7) on Thanksgiving Day;
- (8) on Christmas Day, December 25; or
- (9) after 8:00 p.m. on Christmas Eve, December 24.

CITY

ORDINANCE

409.07 Subd. 3

No consumption or display when prohibited. No person shall consume or display or allow consumption or display of liquor upon the premises of an "on-sale" licensee at any time when the sale of such liquor is not permitted.



STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55155

December 9, 1987

Carolyn Bailley, Lieutenant
Vice Squad
St. Paul Police Department
St. Paul, MN

Dear Lieutenant Bailley:

Lance Boelter gave me a copy of your enforcement guide on liquor activities, which I have read and make the following comments.

Situation 1): I concur with the action, however, you would have a much better case if buys could be made by plain clothes officers prior to any arrests and seizures. This is generally how most kegger parties are handled in the state.

Situation 3): If an officer observes what turns out to be a person under 21 years of age consuming liquor on a premises of a licensed establishment, he may immediately charge that establishment with a violation of state law, Minn. Stats. 340A.503, subd. 1, which prohibits any licensee to permit any person under the age of 21 years to consume alcoholic beverages (possession is prima facia evidence of intent to consume). Therefore, it is not necessary for the officer to prove that liquor was sold or who sold it. Selling or furnishing liquor to a person under 21 is a gross misdemeanor. Allowing a person under 21 to consume, however, is only a misdemeanor, and a much easier case to make.

Situation 8): In most after hours violations, it is necessary to prove sale. Sale takes place when the liquor changes hands, not when it is paid for. If a person purchased the liquor and took delivery of the liquor during legal hours, the mere fact that he was carrying such liquor out of a store might not necessarily constitute a violation. If officers did see people exiting from a liquor store, however, it would be my recommendation that undercover work be directed at this establishment.

In reading your situations and subsequent actions, I agree with your method of handling. If I can be of further assistance or should you wish further clarification on the case comments, please feel free to contact me at 296-6979.

Yours truly,

A handwritten signature in dark ink, appearing to read "Walter E. Perlt", is written over a large, light-colored scribble or stamp.

Walter E. Perlt
Chief of Enforcement
LIQUOR CONTROL DIVISION

AN EQUAL OPPORTUNITY EMPLOYER

DISORDERLY HOUSE

1. SITUATION: You are called to a loud party or disturbance. Upon arrival, you see persons out and inside the building. You enter the building and observe empty beer cans and cups, a dice table.

ACTION: Try to identify who is operating the place. Identify the visitors and get statements regarding payments for liquor, any cover charge at the door, gambling for money, or etc. Collect evidence of liquor, liquor receipts, account books, signs, money associated with sale when in plain view. Diagram lay-out for later recollection. Order visitors to leave. If evidence of above, operator can be arrested for Gross Misd. Operating Disorderly House and visitors can be tagged for Visiting. 271.02-.03
2. SITUATION: While patrolling area of suspected after-hours operation, you observe numerous cars and people frequenting the building.

ACTION: If you have a complainant who reports he just bought liquor there, same action as # 1. If you observe large quantities of beer or liquor but have no direct evidence that it is being offered for sale, no action can be taken unless there is a violation of the Noise Ordinance.
3. SITUATION: You observe people coming and going from an address in your patrol area. Most individuals leave carrying a bottle or beer. You don't suspect after-hours drinking on the premises but believe this may be a boot-legging operation.

ACTION: Document actions of customers (how many, times, etc.). Attempt to make associated arrests (Drinking in Public, DWI, Open Bottle), Determine the owner/operator of the premises and any specifics of activity. Forward information to Vice Unit for future surveillance, investigation, under-cover detail, and possible charging.
4. SITUATION: You observe known prostitutes coming and going from a specific house, and they appear to be doing their business there.

ACTION: Document actions witnessed and information gathered in a General Report, "Information to Vice Unit". The Vice Unit will follow-up investigation for possible charging as Operating a Disorderly House and prostitution offenses. 609.33

5. SITUATION: In responding to a call on large crowd and noise, you observe people milling around outside and large numbers of people dancing inside with admission being charged on entry.

ACTION: Determine if a Dance Hall license is posted. Identify operator/manager, discuss purpose of dance, responsibilities inside and outside, etc. If possible, determine: a) if police were notified 24 hours in advance; b) if persons under 16 yrs. of age are being admitted; c) if liquor is being sold, given away or used; d) hours dance being held (illegal between 2300-0600 hrs.) and if any pass-out checks or tokens are being issued to allow patrons to return inside without paying regular entrance fee.
If no dance hall license has been obtained (and City Council has not waived fee to a lodge or society), tags can be issued to operator (and owner if present) for No Dance Hall License.
405.01-.04.

6. SITUATION: While taking another offense report, complainant informs you that they just bought liquor in an after-hours place.

ACTION: Determine location. Detail time of purchase, what was bought, how much was paid, who sold the liquor (name, if known, and description), who runs the operation (if known) and if they were present. Determine if complainant is willing to have name used (without address) on a search warrant. Return to location. If you see evidence inside which corroborates complainant, you can tell patrons to leave, confiscate liquor. Describe activities occurring inside (number of people, others buying or consuming liquor, other illegal activities, etc.), where liquor is kept, type and quantity seen. Note: You cannot force entry without a search warrant but, with probable cause, can arrest person at/controlling door. 271.01-.04
Can tag owner/operator for Operating Disorderly House 609.33

7. SITUATION: Having knowledge of an illegal after-hours operation, arrangements are made to send in a citizen who has frequented the operation or a plainclothes officer.

ACTION: All of ACTION # 6. Retain purchased liquor, if possible.

NOTE: Keep in mind that follow-up action pertaining to Public Nuisance State Statute 617.80-.87 can be taken to enjoin/close building for one year upon proof of three or more misdemeanor convictions or two convictions, of which at least one is a gross misdemeanor or felony, of Keeping or Permitting a Disorderly House, prostitution or gambling related offenses committed within the building.

DISORDERLY HOUSE

LAW St. Paul Chapter 271.01-271.04

271.01 Disorderly House, Definition.

A disorderly house in this chapter means any building, dwelling, place, establishment, or premises in which actions or conduct occur in violation of any law or ordinance relating to the following:

- (1) Sale or regulation of intoxicating liquor or non-intoxicating malt liquor.
- (2) Gambling.
- (3) Prostitution, solicitation to vice, or lewd and indecent behavior.
- (4) Sale or use of drugs or controlled substances.

271.02 Operation.

No person shall own, operate, manage, maintain, or conduct a disorderly house or invite or attempt to invite others to visit or remain in such disorderly house.

271.03 Visiting.

No person shall knowingly visit or remain in a disorderly house.

271.04 Evidence.

Evidence of unlawful sales of intoxicating liquor or non-intoxicating malt liquor, or of gambling or acts relating to gambling, shall be prima facie evidence of the existence of a disorderly house. Evidence of sales of intoxicating liquor or non-intoxicating malt liquor between the hours of one o'clock a.m. and eight o'clock a.m., while a person is within such disorderly house, shall be prima facie evidence such person knew it to be a disorderly house.

LAW 609.33 Disorderly House.

Subd. 1 Definition.

For the purpose of this section, "disorderly house" means a building, dwelling, place, establishment, or premises in which actions or conduct habitually occur in violation of laws relating to:

- (1) the sale of intoxicating liquor or non-intoxicating malt liquor;
- (2) gambling;
- (3) prostitution as defined in section 609.321, subdivision 9, or acts relating to prostitution; or
- (4) the sale or possession of controlled substances as defined in section 152.01, subdivision 4.

Subd. 2 Prohibiting Owning or Operating a Disorderly House.

No person may own, lease, operate, manage, maintain, or conduct a disorderly house, or invite or attempt to invite others to visit or remain in the disorderly house. A violation of this subdivision is a gross misdemeanor.

Subd. 3 Mandatory Minimum Penalties.

- (a) If a person is convicted of a first violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$300 nor more than \$3,000.
- (b) If a person is convicted of a second violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$500 nor more than \$3,000.
- (c) If a person is convicted of a third or subsequent violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$1,000 nor more than \$3,000.

Subd. 4 Evidence.

Evidence of unlawful sales of intoxicating liquor or non-intoxicating malt liquor. of prostitution or acts relating to prostitution. or of gambling or acts relating to gambling, is prima facie evidence of the existence of a disorderly house. Evidence of sales of intoxicating liquor or non-intoxicating malt liquor between the hours of 1:00 a.m. and 8:00 a.m., while a person is within a disorderly house, is prima facie evidence that the person knew it to be a disorderly house.

Subd. 5 Local Regulation.

Subdivisions 1 to 4 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions.

405.01 Dance Hall License required.

No person shall conduct a public dance hall in Saint Paul without a license. "Public dance hall" means and includes any room, place or space open to general public patronage in which is carried on dancing wherein the public may participate, whether or not a charge for admission for dancing is made, and a public dance is hereby defined to be one which is or may be attended by the public generally, whether or not a charge for admission for dancing is made.

GAMBLING

1. SITUATION: While on tour, you observe persons shooting dice outside.

ACTION: Identify persons involved. Attempt to get statements. Seize dice and any money that appears to be involved with betting. If there is evidence that betting occurred for money or other property, can tag for Betting or write General Report "Gambling". 270.08
2. SITUATION: You are sent on a Loud Party call. You enter the residence legally and observe gambling devices (roulette wheel, dice, cards, etc.).

ACTION: Gambling devices are permissible in a private home. Unless you have evidence that money has been exchanged in the gambling (or some "consideration"), no action can be taken. Write a General Report "Gambling Devices" for further investigation by Vice Unit. 270.02-.03
3. SITUATION: You enter an on-sale liquor establishment and observe gambling devices.

ACTION: Determine if it is lawful gambling. If not, identify employees and some customers. Determine if customers pay to gamble and if there is any "consideration" won (example: you observe bar tender giving customer pay-offs for video poker machine). If so, gambling devices and money associated with gambling can be seized. Employee making pay-off and owner, if present, can be tagged for Illegal Gambling. Customer can be tagged for Betting. 270.01 -.06-.08
4. SITUATION: During a premise check of an on-sale liquor establishment, you observe three video gambling devices and only one of the machines has a license affixed to the machine.

ACTION: You can seize the machines which don't have licenses affixed or /and write a General Report to Vice Unit. No more than two licensed games of chance may be operated in any location.
5. SITUATION: While on tour, you stop at a bingo hall.

ACTION: Note the license issued to the organization. Check for liquor being served and age of players. If there are minors under 21 years of age present or liquor is served in bingo room, write General Report "Gambling Violation. Identify employees, minors, and witnesses. Attempt to get statements.

6. SITUATION: You enter an on-sale liquor establishment and observe pull-tabs on the floor.

ACTION: Check for rules and regulations that should be posted, as well as a separate booth (not just the bar itself). If present, this is probably a lawful gambling situation. If not present, inquire and write General Report for Vice Unit.

GAMBLING

Chapter 270.01-270.08

270.01 Gambling Prohibited. All descriptions of gaming and fraudulent devices and practices in gaming, and all playing cards, dice, or other games of chance are hereby prohibited.

270.02 Devices, Gambling Houses, etc.

All E. O. or roulette tables, faro or pharo banks, and all gaming with cards, gaming tables, or gambling devices, and all description of gaming, and all houses and places for the purpose of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, are hereby prohibited from being set up or used, or kept for gaming or gambling purposes in the city of Saint Paul.

270.03 Faro and Gambling Devices.

No person within the city of Saint Paul shall deal cards at the game called faro, pharo, or forty-eight (48), whether the same shall be dealt with 52 or any other number of cards, and no person shall keep, to be used in gaming, any gambling device whatever.

270.04 Betting. No person shall bet any money or other property at or upon any gaming table, game or device prohibited by this chapter.

270.05 Gambling Houses. No person shall keep any house or place for the purpose of gambling, nor shall any person suffer any gaming table, bank, or gambling device prohibited in this chapter to be set up or used for the purpose of gaming in any house, building, steam boat, raft, keel, boat, or boom, lot, shop, ward, or garden to him belonging, or by him occupied, or of which he has the control.

270.06 Seizure of Gambling Devices, etc.

If any person or persons shall keep tables, or furniture, or fixtures, or instruments for gaming, or used or intended for use in gaming or gambling, in or out of any house, room, or place, such tables or instruments may be seized and taken into custody by any police officer of the city of Saint Paul; and it is hereby made the express duty of all police officers or policemen to enter any place, house, room, or tent, or booth, and seize said gaming tables, instruments, or fixtures, and hold and keep the same.

270.07 Visitation of Gambling Places.

No person shall visit any place, or house, or room used, occupied, or in any way designed for gaming purposes, and there bet any money or valuable thing on any game or device, or the happening of any event, or the result of any event, and whether played with cards or otherwise; and it shall be the duty of police officers of the city to visit all houses, places, rooms, tents, or booths, where any such gambling is carried on in violation of this chapter, and to arrest all persons violating any part of this section, or any part or portion of this chapter.

GAMBLING (Chapter 270.) (Continued)

LAW 270.08 Betting on Games, Races.

No person shall, within the limits of the city of Saint Paul, either directly or indirectly, bet or risk any money or other property at or upon any game or device, or horse race or contest of any kind whatever, or upon the happening of any event, or the result of any event, or engage in any gaming of any kind whatever in which money or other property is directly or indirectly bet, wagered, staked, or risked, or aid or abet, directly or indirectly, any other person or persons in doing any of said acts.

LAW 349.33 Peace Officers to Observe and Inspect Premises.

Every sheriff, deputy sheriff, constable, marshal, police officer, and peace officer shall observe and inspect the premises where occupations are carried on under license and ascertain whether gambling devices are present thereon and immediately report the finding thereof to the authority or authorities issuing the license or licenses applicable to the premises in question.

LAW 340A.410 Subd. 5a and 5b Gambling Prohibited.

- (a) No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein except as provided in this subdivision.
- (b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized under chapter 349.

LAW 349.52 Video Game of Chance Licenses.

Subd. 1 Requirements. In addition to a license, an operator must obtain from the commissioner an annual nontransferable license for each video game of chance. The license fee is \$120 per game. The fee must be prorated according to the number of months remaining in the calendar year at the time of the license application.

LAW 349.55 Game Specifications.

No payment may be made directly from any game or in connection with the operation of any device. Each game must contain a random character generator, and any internal meter must be nonresetable. Any game canceling replays or credits must cancel them no more than one at a time.

LAW 349.57 Subd. 1 and 2 Placement Limitations.

Subd. 1 Numerical. No more than two video games of chance may be operated in any location.

Subd. 2 Locations. Video games of chance may be operated only at licensed on-sale intoxicating liquor establishments and private clubs.

LAW 349.58 Penalties. A violation of any of the provisions of sections 349.50 to 349.57 is punishable as a misdemeanor.

LAW 349.59 Subd. 1, 2, 3 Contraband.

Subd. 1 Packages Declared to be Contraband.

The following are declared to be contraband:

- (1) all video games of chance which do not have a licensing stamp affixed to them and all containers that contain contraband video games of chance;
- (2) all video games of chance to which the commissioner or designated representatives have been denied access for the inspection of contents. In lieu of seizure, the commissioner or designated representatives may seal the game to prevent its use until inspection of contents is permitted;
- (3) all video games of chance at a location at which there is no location agreement in force; and
- (4) all video games of chance illegally brought into the state.

Subd. 2 Seizure.

Contraband may be seized by the commissioner or designated representatives or by any sheriff or other police officer, with or without process, and is subject to forfeiture as provided in subdivision 3.

GAMBLING

The laws pertaining to gambling in St. Paul, Minnesota, are:

State Statutes: Chapter 609.75 - 609.762
Chapter 349 - Bingo, Gambling Devices, Video Games of Chance
Chapter 240 - Para-Mutual Horse Racing

St. Paul Ordinances: Chapter 270 - Gambling
Chapter 402 - Lawful Gambling
Chapter 409 - Intoxicating Liquor in Reference to
Charitable Gambling

LAW

402.03 General Regulations.

Subd. 1. The following regulations and restrictions shall apply to lawful gambling conducted within the City of Saint Paul and shall apply to organizations licensed by the State pursuant to Minnesota Statutes, Chapter 349, and to organizations issued permits pursuant to this chapter.

Subd. 2 Prize Limits. Prize limits for lawful gambling shall not exceed the limits permitted by State law.

Subd. 3 Liquor and Minors/Bingo. No intoxicating or non-intoxicating liquor or beer shall be sold, served or consumed in the room where the bingo game is conducted.

Subd. 4 Bingo - Game Conduct and Procedure.

(1) Public view of proceedings. All bingo games shall be conducted in full view of the public and all accounting for and changing of money shall take place in the game room or hall in full view of game participants.

(2) Numbers. The selection and calling of numbers shall be in view of game participants and all numbers called shall be determined by chance by use of a fix-proof device of a kind approved by the inspector.

(3) The organization shall maintain in full public view a record of the number of bingo games played or that is being played at all times during each bingo session.

Subd. 5 Time and Place Limitations.

No organizations may conduct more than one bingo occasion per week in the City of Saint Paul, or for a period longer than four consecutive hours; provided, however, that when an application requests a permit hereunder for not more than one week's duration on condition that the permittee will not apply for or receive another bingo permit within the succeeding eleven months, the council, in its discretion, may issue a permit to such applicant for more than one day or for every day of said week. At the expiration of the year applied for, the applicant shall, if it is desired to conduct further bingo games on the same premises, file a new application which shall take the course of the original application.

Gambling (Continuation)

Subd. 6 Bingo Regulations - State Licenses.

The following regulations apply only to charitable organizations licensed by the State Charitable Gambling Control Board for the conduct of bingo.

- (1) No person under the age of 18 years shall be allowed in the room while bingo games are conducted.
- (2) Limitation of Number of Bingo Licenses. No more than 70 bingo licenses shall be issued or permitted to be issued in the City of Saint Paul. This restriction shall apply only to bingo licenses issued for more than four bingo occasions during a twelve month period issued by the Minnesota State Charitable Gambling Control Board.
- (3) Pull-Tabs and Tip Boards may be sold only during the hours that bingo may be conducted and one-half hour before and after each bingo occasion, shall be sold only from a booth approved by the inspector and used solely by the charitable organization for that purpose. Pull-Tabs and Tip Boards shall be sold only by members of the charitable organization.

LAWFUL GAMBLING

On-Sale licenses may request permission of the City Council to permit qualified charitable organizations to conduct lawful gambling in the form of pull-tabs and tipboards only on the licensed premises.

LAW

409.21 Pull-Tabs and Tipboards in Bars

Pull-Tabs and Tipboards shall only be sold from a booth used solely by the charitable organization, and pull-tabs and tipboards shall neither be sold by employees of the license nor sold from the bar service area.

LAW

409.22

Shall post in a conspicuous place rules and regulations concerning charitable gambling as required the the license inspector.

LAW

349.12 Subd. 2

Other lawful gambling is the operation, conduct, or sale of bingo, raffles, paddlewheels, tipboards, and pull-tabs if done by a state licensed charitable organization.

LAW

349.214 (2)

Raffles without license - if value of all prizes in cash value does not exceed \$750.

LAW

349.211 Subd. 1, 2, 3, 4

Subd. 1 Bingo. Prizes for a single bingo game may not exceed \$100 except prizes for a cover-all game, which may exceed \$100 if the aggregate value of all cover-all prizes in a bingo occasion does not exceed \$500. Total prizes awarded at a bingo occasion may not exceed \$2,500, unless a cover-all game is played in which case the limit is \$3,000. For purposes of this subdivision, a cover-all game is one in which a player must cover all spaces except a single free space to win.

Subd. 2 Bingo Cumulative Prizes.

A prize of up to \$1,000 may be awarded for a single bingo game if the prize is an accumulation of prizes not won in games in previous bingo occasions. The total amount awarded in cumulative prizes in any calendar year may not exceed \$12,000. For bingo occasions in which a cumulative prize is awarded the aggregate value of prizes which may be awarded for the occasion is increased by the amount of the cumulative prize so awarded less \$100.

Subd. 2a Pull-Tab Prizes. The maximum prize which may be awarded for any single pull-tab is \$250. An organization may not sell any pull-tab for more than \$2.

LAWFUL GAMBLING (Continuation)

Page 2

Subd. 3 Other Gambling. The board by rule shall establish a schedule of prize limits for all other forms of gambling consistent with the purposes set out in section 349.11. The schedule may include daily and annual prize limits and prize limits for each game, raffle or operation of a gambling device.

Subd. 4 Prize Value. Merchandise prizes must be valued at their fair market value. For purposes of sections 349.11 to 349.22 "prizes" do not include free plays awarded.

USE OF MINORS

1. SITUATION: You observe pornography involving children under 18 yrs. of age.
ACTION: Seize pictures, film, projector or recorder. Identify the operator, others present, and owner, if possible. Write General Report including any other relevant information you can obtain.

2. SITUATION: You are called to a home by parents, who complain about their child having obscene materials.
ACTION: If material is obscene (see 276.02), seize it. Interview the child to ascertain age and who provided the material. If sold to them, who sold it for how much and where.

USE OF MINORS

LAW 617.246 Use of Minors in Sexual Performance Prohibited.

Subd. 1 Definitions.

- (a) For the purpose of this section, the terms defined in this subdivision have the meanings given them:
- (b) "Minor" means any person under the age of 18.
- (c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.
- (d) "Sexual performance" means any play, dance or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts sexual conduct as defined by clause (e).
- (e) "Sexual conduct" means any of the following if the depiction involves a minor:
 - (i) An act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal.
 - (ii) Sadomasochistic abuse, meaning flagellation, torture, or similar demeaning acts inflicted by or upon a person who is nude or clad in undergarments or in a revealing costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
 - (iii) Masturbation or lewd exhibitions of the genitals.
 - (iv) Physical contact or simulated physical contact with the clothed or unclothed public areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
- (f) "Work" means an original or reproduction of a picture, film, photograph, negative, slide, videotape, videodisc, or drawing.

Subd. 2 Use of Minor. It is unlawful for a person to promote, employ, use or permit a minor to engage in or assist others to engage in posing or modeling alone or with others in any sexual performance if the person knows or has reason to know that the conduct intended is a sexual performance.

Any person who violates this subdivision is guilty of a felony and may be sentenced.

LAW 275. Public Display to Minors of Indecent Pictures, Etc.

275.01 Public Display to Minors; Prohibited.

It shall be unlawful to knowingly display to view at newsstands or any other business establishment frequented by minors under the age of 18 years or where said minors are or may be invited as a part of the general public, any motion picture, or any still picture, or any photograph, or any book, pocket book, pamphlet or magazine the cover of which exploits, is devoted to, or is principally made up of descriptions or depictions of illicit sex or sexual immorality or which is lewd, lascivious, or indecent, or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit sex, lust or perversion for commercial gain or any article or instrument of indecent or immoral use.

LAW 276.02 Prohibited.

Subd. 1 It shall be unlawful for any person knowingly to disseminate, sell, or loan for monetary consideration to a minor:

- (1) any picture, photograph, drawing, sculpture, motion picture film, or similar visual reproduction or image of a person or portion of the human body which depicts nudity, sexual conduct or sado-masochistic abuse and which is harmful to minors; or
- (2) any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in the preceding subparagraph (1) hereof, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse and which, when taken as a whole, is harmful to minors.

Subd. 2 It is unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct, or sadomasochistic abuse and which is harmful to minors.

PRELIMINARY VICE INVESTIGATIONS

Prepared for the St. Paul Police Recruit Academy by Lt. Carolen Bailey

Instructional Goal:

To identify for police recruits the four primary categories of Vice, the related laws, and the officers' responsibilities in enforcing these violations.

Instructional Objectives:

1. At the conclusion of the training session, the recruit will list in writing the four primary categories of Vice:
 - a) Prostitution
 - b) Liquor Law Violations
 - c) Gambling
 - d) Pornography

2. At the conclusion of the training session, the recruit will list in writing three of the possible prostitution related charges:
 - a) Engaging in Prostitution
 - b) Loitering with Intent to Commit Prostitution
 - c) Promoting Prostitution
 - d) Indecent Conduct/ Public Indecency
 - e) Transportation for Purposes of Prostitution

3. At the conclusion of the training session, the recruit will list the hours when sale of on-sale and off-sale liquor is prohibited:
(on-sale) Between 1:00 A.M. & 8:00 AM on Tuesday through Saturday, between 12:00 midnight & 8:00 A.M. on Mondays, and after 1:00 A.M. on Sundays except where food is served.
(off-sale) On Sundays, before 8:00 A.M. and after 8:00 P.M. on Monday through Thursday, and after 10:00 P.M. on Friday & Saturday.

4. At the conclusion of the training session, the recruit will define "Disorderly House" and list how the patrol officer can assist in such enforcement:
A disorderly house is any building, dwelling, place, establishment, or premises in which actions or conduct occur in violation of any law or ordinance relating to sale of liquor, gambling, prostitution, sale or use of drugs or controlled substances.

(next page)

How the patrol officer can assist:

- a) Determine location of Disorderly House.
 - b) Document complaints from neighbors, etc. through reports.
 - c) Document vehicle traffic in immediate area, including license numbers of parked vehicles.
 - d) Identify who is operating the Disorder House.
 - e) Identify visitors (names or numbers entering during specific period of time) and obtain statements regarding payments for liquor, any cover charge at door, and any other illegal activity occurring inside.
 - f) If known, describe interior premises, including location and re-enforcement of doors, presence of weapons, etc.
 - g) Collect evidence of presence/consumption of liquor in the immediate exterior vicinity and if observed inside.
 - h) Write General Report, Information to Vice Unit.
 - i) During execution of search warrant, assist in securing premises & visitors, collection and preservation of evidence.
5. At the conclusion of the training session, the recruit will distinguish between lawful gambling and illegal gambling:
On-sale liquor licensees may request permission of the City Council to permit qualified charitable organizations to conduct lawful gambling in the form of pull-tabs and tipboards only on the licensed premises. Pull-tabs and Tipboards shall neither be sold by employees of the licensee nor sold from the bar service area.

Other lawful gambling is the operation, conduct or sale of bingo, raffles, paddlewheels, tipboard, and pull-tabs if done by a state licensed charitable organization.

All descriptions of gaming and fraudulent devices and practices in gaming, and all playing cards, dice, or other games of chance are prohibited. This includes roulette and gaming tables and faro banks.

VICE CRITERION EXAMINATION

1. List the four primary categories of Vice:
 - a) Prostitution
 - b) Liquor Law Violations
 - c) Gambling
 - d) Pornography

2. List three of the possible prostitution related charges:
 - a) Engaging in Prostitution
 - b) Loitering with Intent to Commit Prostitution
 - c) Promoting Prostitution
 - d) Indecent Conduct/ Public Indecency
 - e) Transportation for Purposes of Prostitution

3. When is Engaging in Prostitution a Gross Misdemeanor (as opposed to a misdemeanor)?
 - a) When the act is actually completed.
 - * b) When the defendant has a prior conviction for the same charge.
 - c) When the defendant offers or agrees to receive more than \$100.00.
 - d) Engaging in Prostitution is never a Gross Misdemeanor.
 - e) All of the above except d.

4. List three methods in which "Intent" can be demonstrated in a Loitering complaint:
 - a) Waving or gesturing to passing cars.
 - b) Manner of clothing
 - c) Overheard conversations
 - d) Admissions
 - e) Loitering with no apparent purpose over a period of time.

5. When an officer observes a person under 21 years of age consuming liquor in a licensed liquor establishment, the officer can:
 - a) Tag the licensee for Permitting Minor Consumption.
 - b) Tag the minor for Minor Consumption.
 - c) Arrest the person who provided the liquor for Furnishing Liquor to Minor.
 - d) Write General Report, Liquor Violation.
 - * e) All of above.

6. No sale of intoxicating liquor for consumption on licensed premises may be made:
 - a) On Sundays.
 - * b) Between 1:00 A.M. & 8:00 A.M. on Tuesday through Saturday.
 - c) Between 12:00 mid-night and 8:00 A.M. on Mondays through Saturday.
 - d) None of above.

7. No sale of intoxicating liquor may be made by an off-sale licensee:
- * a) On Sundays, before 8:00 A.M. & after 8:00 P.M. on Monday through Thursday, and after 10:00 P.M. on Friday and Saturday.
 - b) On Saturdays.
 - c) Before 10:00 A.M. on Saturdays.
 - d) After 8:00 P.M. and before 8:00 A.M. on Monday through Saturday.
8. Proof of age for purchasing or consuming alcoholic beverages may be established only by:
- a) Any valid I.D. with photograph.
 - b) Verbal verification by a parent.
 - * c) Valid driver's license, Minnesota identification card, or valid passport.
 - d) All of above.
9. A "Disorderly House" is any building, dwelling, place, establishment, or premises in which actions or conduct occur in violation of any law or ordinance relating to:
- a) Sale of liquor.
 - b) Gambling.
 - c) Prostitution.
 - d) Sale or use of drugs.
 - e) All of above.
 - f) a and b, but not c or d.
10. List three ways in which the patrol officer can assist in the enforcement of suspected "disorderly houses":
- a) Determine location of Disorderly House.
 - b) Document complaints from neighbors, etc. through reports.
 - c) Document vehicle traffic in immediate area, including license numbers of parked vehicles.
 - d) Identify who is operating the Disorderly House.
 - e) Identify visitors (names or numbers entering during specific period of time) and obtain statements regarding payments for liquor, any cover charge at door, and any other illegal activity occurring inside.
 - f) If known, describe interior premises, including location and re-enforcement of doors, presence of weapons, etc.
 - g) Collect evidence of presence/consumption of liquor in the immediate exterior vicinity and, if observed, inside.
 - h) Write General Report, Information to Vice Unit.
 - i) During execution of search warrant, assist in securing premises & visitors, collection and preservation of evidence.
11. Lawful gambling can be allowed when:
- a) City Council permits the on-sale liquor licensee to allow qualified charitable organizations to sell pull-tabs & tipboards on the premises.
 - b) A state licensed charitable organization conducts bingo and raffles.
 - c) Both a and b.
 - d) All gambling for money is illegal.

(next page)

12. Considering court rulings, the area where enforcement of pornography legislation is least disputed is:
- a) Magazine photographs which clearly depict sex acts between more than two individuals.
 - b) All commercial publications which are devoted primarily to sexual perversion for commercial gain.
 - c) Depictions of sado-masochistic abuse.
 - * e) Use of minors in sexual performance.

When detained in sqd., advisable to give
Miranda, even tho there are certain
circumstances where detaining allowed
without actually considered in custody.

Tainted confessions without miranda may
not be able to correct next day
with correct miranda before additional
confession. ^{should} Well attempt anyway.



STATE OF MINNESOTA
DEPARTMENT OF PUBLIC SAFETY
SAINT PAUL 55155

December 9, 1987

Carolyn Bailey, Lieutenant
Vice Squad
St. Paul Police Department
St. Paul, MN

Dear Lieutenant Bailey:

Lance Boelter gave me a copy of your enforcement guide on liquor activities, which I have read and make the following comments.

Situation 1): I concur with the action, however, you would have a much better case if buys could be made by plain clothes officers prior to any arrests and seizures. This is generally how most kegger parties are handled in the state.

Situation 3): If an officer observes what turns out to be a person under 21 years of age consuming liquor on a premises of a licensed establishment, he may immediately charge that establishment with a violation of state law, Minn. Stats. 340A.503, subd. 1, which prohibits any licensee to permit any person under the age of 21 years to consume alcoholic beverages (possession is prima facia evidence of intent to consume). Therefore, it is not necessary for the officer to prove that liquor was sold or who sold it. Selling or furnishing liquor to a person under 21 is a gross misdemeanor. Allowing a person under 21 to consume, however, is only a misdemeanor, and a much easier case to make.

Situation 8): In most after hours violations, it is necessary to prove sale. Sale takes place when the liquor changes hands, not when it is paid for. If a person purchased the liquor and took delivery of the liquor during legal hours, the mere fact that he was carrying such liquor out of a store might not necessarily constitute a violation. If officers did see people exiting from a liquor store, however, it would be my recommendation that undercover work be directed at this establishment.

In reading your situations and subsequent actions, I agree with your method of handling. If I can be of further assistance or should you wish further clarification on the case comments, please feel free to contact me at 296-6979.

Yours truly,

A handwritten signature in black ink, appearing to read "Walter E. Perlt", is written over a large, light-colored scribble or stamp.

Walter E. Perlt
Chief of Enforcement
LIQUOR CONTROL DIVISION

AN EQUAL OPPORTUNITY EMPLOYER

TIPS ON REPORT WRITING

1. Document all case activity. When in doubt, write a report.
2. Write reports as soon as possible. This is especially important in complex investigations. Significant details are lost, information becomes confused, facts can be challenged in court, and reports get sloppy when more than two days lapse before documenting activities.
3. Turn in all reports to records, except those involving on-going, confidential investigations (such as pending raids, decoy operations).
4. Write final disposition reports when case is completed (and check "Status" box).