



Carolyn Bailey papers

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Section 470.03

CITY ORDINANCE

*Apr 22
June 2
Aug 1*

Chapter 470. Solicitation to Vice

470.03--Loitering or Lurking for Unlawful Purpose.

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

(Added ord. 14290, Oct. 1, 1969).

STATE STATUTE

609.32 PROSTITUTION: Subdivision 1. Definitions. (1)

"Prostitution" means engaging or offering or agreeing to engage for hire in sexual intercourse, as defined in section 609.29, or sodomy as defined in section 609.293, subdivision 1. (2) A "place of prostitution" is practiced or from which prostitution is promoted.

Subdivision 4. Further acts prohibited. Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

- (1) Engages in prostitution; or
- (2) Is supported in whole or in part by the earnings of a prostitute; or
- (3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy with a prostitute.

(1967 c 507 s 9)

DEPARTMENT OF POLICE
CITY OF SAINT PAUL
INTER-OFFICE COMMUNICATION

CURRENT STATUTE REGARDING PROSTITUTION
(as of 11-5-'75)

-- 609.32 **PROSTITUTION.** Subdivision 1. **Definitions.** (1) "Prostitution" -- means engaging or offering or agreeing to engage for hire in sexual intercourse, as defined in section 609.29, or sodomy as defined in section 609.293, subdivision 1.

(2) A "place of prostitution" is a house or other place where prostitution is practiced or from which prostitution is promoted.

Subd. 2. **Acts prohibited.** Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both:

(1) Solicits or induces another under the age of 18 years to practice prostitution; or

(2) Being a parent, guardian, or other custodian of the person of a child under the age of 18 years consents to his being taken or detained for the purposes of prostitution.

Subd. 3. **Other acts prohibited.** 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 \$5,000, or both:

(1) Keeps a place of prostitution; or

(2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or

(3) Solicits or induces another over the age of 18 years to practice prostitution; or

(4) Solicits another under the age of 18 years to have sexual intercourse or to commit sodomy with a prostitute or admits him to a place of prostitution; or

(5) Engages as a prostitute in an act of sexual intercourse or sodomy with another under the age of 18 years; or

(6) Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.

Subd. 4. **Further acts prohibited.** Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

(1) Engages in prostitution; or

(2) Is supported in whole or in part by the earnings of a prostitute; or

(3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy with a prostitute; or

(4) Hires or offers or agrees to hire another person to engage in sexual intercourse or sodomy.

[1967 c 507 s 9; 1974 c 507 s 1, 2]

PROSTITUTION (Minnesota Statutes § 609.32).

(Felony and Gross Misdemeanor)

The gross misdemeanor (Minnesota Statutes § 609.32, Subd. 4) consists of:

- A. Engaging or offering or agreeing to engage,
- B. for hire,
- C. in sexual intercourse or sodomy.

The felony (Minnesota Statutes § 609.32, Subds. 2 and 3) consists of:

- D. soliciting or inducing another to practice prostitution, or
- E. a parent, or guardian or other custodian consenting to a child under 18 being taken or detained for prostitution, or
- F. keeping, leasing or operating premises to be used for prostitution, or
- G. transporting a prostitute for prostitution, or
- H. soliciting for a prostitute, or
- I. being supported in whole or in part by earnings of a prostitute, or
- J. hiring or offering or agreeing to hire another person to engage in sexual intercourse or sodomy, or
- K. soliciting another under the age of 18 years to have sexual intercourse or to commit sodomy with a prostitute or admitting him to a place of prostitution, or
- L. engaging as a prostitute in an act of sexual intercourse or sodomy with another under the age of 18 years.

[Loitering for the purpose of prostitution is a misdemeanor, Minnesota Statutes § 609.725(3), as are all local ordinances. Some ordinances, such as the one in Hennepin County, do not require that the proposed act be for hire]

Aids to Investigation:

1. Either the prostitute or the customer can be charged with the offense.**
2. The sexual act need not be attempted or completed in order to sustain a conviction, as long as there is a firm offer or agreement.

** To avoid claims of discriminatory enforcement, 1) the customer should also be charged where he is not an undercover officer, and 2) female under-cover officers should be used for the prostitution customers.

PROSTITUTION (cont.)

3. The statute applies either to sexual intercourse or sodomous acts. (Some ordinances refer only to intercourse).
4. A contractual relationship must be established - price must be discussed.
5. This statute also makes it a crime to be supported in whole or in part by the earnings of a prostitute or to solicit for a prostitute.
6. This statute also makes it a crime to transport a customer to a prostitute or a prostitute to a customer.
7. This statute makes a felony out of certain practices with those under 18, to keep or permit the use of a house for prostitution purposes, to transport a prostitute from one house of prostitution to another, or to solicit or induce a person to engage in the practice of prostitution. Vice or morals or chief's squads should study this law carefully and consult with their prosecutor now.

470.03

Loitering or Lurking for Unlawful Purposes

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.

474.00

Window Peeping

474.01

Unlawful

It is hereby declared to be unlawful for any person surreptitiously to look, gaze, stare, or peep in the window of a home or place of dwelling of another with intent to intrude upon or interfere with the privacy of a member of the household thereof.

475.00

Distribution of Obscene Matter to Minors

475.01

Prohibited

Any person who knowingly gives, furnishes, sells, offers to sell, distributes commercially, or has in his possession with the intent to give, furnish, sell, offer to sell, or distribute commercially to any minor or to any person for sale or resale to any minor 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.

476.00

Obscene Books, Pictures, Etc.

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.

469.00

Disorderly Houses

Any person or persons who shall, within the limits of the City of St. 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.

469.02

Disorderly conduct

No person or persons within the City of St. Paul, shall commit or suffer to be committed, in any house or other building or premises by him, or her, or them occupied, any rioting, quarreling, fighting, revelling, drunkenness, or any other disorderly conduct, calculated to disturb the neighborhood, or annoy travelers or others.

470.00

Solicitation to Vice

470.01

Prohibition

Any person who shall, within the corporate limits of the City of St. 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 St. 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 misdemeanor.

470.02

Telephones

Any offense committed by or with the use of a telephone as set forth in Section 470.01 may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received.

**SUGGESTIONS
FOR
TESTIFYING IN COURT**

1. **APPEAR IN SUIT AND TIE OR FULL UNIFORM.**
2. **GIVE YOUR FULL NAME AND SPELL YOUR LAST NAME.**
3. **WHEN TESTIFYING, DO SO IN A LOUD, CLEAR VOICE.**
4. **DON'T COME INTO COURT CHEWING GUM AND DON'T TAKE THE STAND WITH CANDY, ETC. IN YOUR MOUTH.**
5. **AVOID PLAYING WITH OBJECTS WITH YOUR HANDS OR CLOTHING.**
6. **DON'T BE FLIPPANT, ARGUMENTATIVE, ARROGANT OR AUTHORITATIVE.**
7. **DO BE COURTEOUS, BUSINESS-LIKE, COOPERATIVE AND UNASSUMING. DISAGREE WITHOUT BEING DISAGREEABLE.**
8. **BE FRIENDLY AND NATURAL AND LET YOUR FAIRNESS AND HONESTY SHOW THROUGH.**
9. **BE WILLING TO ANSWER ALL QUESTIONS IF YOU CAN, WHETHER THEY ARE ASKED BY THE PROSECUTOR OR BY DEFENSE ATTORNEY ON CROSS EXAMINATION.**
10. **DO NOT TESTIFY POSITIVELY ABOUT MATTERS YOU ARE NOT SURE ABOUT.**
11. **DON'T BE A VOLUNTEER, ANSWER THE QUESTIONS ASKED AND LET THE ATTORNEYS TRY THE CASE.**
12. **TESTIFY AS TO WHAT YOU SAW, DON'T DRAW CONCLUSIONS AND INFERENCES EVEN THOUGH THEY ARE OBVIOUS, LET THE JURY DRAW THEM.**
13. **AS A GENERAL RULE YOU MAY ONLY RELATE CONVERSATIONS IF IN THE PRESENCE OF THE DEFENDANT.**
14. **DON'T ARGUE OR ENGAGE IN CUTE TRICKS WITH THE DEFENDANT'S ATTORNEY - DON'T BE TRAPPED. YES SIR, NO SIR, I DON'T KNOW, SIR, ARE FAR MORE EFFECTIVE THAN A DISPLAY OF TEMPER.**
15. **DON'T MENTION A REFUSAL TO TAKE A CHEMICAL TEST - IT WILL RESULT IN A MISTRIAL.**
16. **TESTIFYING IS AS MUCH A PART OF GOOD POLICE WORK AS ANYTHING ELSE, GET READY FOR IT MENTALLY BY REVIEWING YOUR MEMORY AND YOUR NOTES.**
17. **A TRIAL IS A SEARCH FOR TRUTH UNDER STRICT RULES WHICH NEITHER ATTORNEY MADE - DON'T LET THE TRIAL SEEM TO BE A PERSONAL MATTER - BE BUSINESS-LIKE ABOUT YOUR BUSINESS.**
18. **DON'T TREAT THE COURT OR ITS PROCESSES OR YOUR WORK AS FUNNY OR UNIMPORTANT OR THE JURY WILL.**
19. **DON'T ACT LIKE IT IS AN IMPOSITION TO BE QUESTIONED ABOUT YOUR WORK, ETC. - WELCOME THE QUESTIONS AND THE SCRUTINY AND DISPEL DOUBTS.**
20. **DON'T BE TOO THIN-SKINNED, IF YOU ARE UNFAIRLY TREATED DON'T SINK TO THE LEVEL OF YOUR OPPONENT.**

C.N. _____

CERTIFICATE OF ARREST BY PRIVATE PERSON

Date _____ Time _____ Place _____

I, _____ hereby declare and certify that
(Name of private person)

I have arrested

Name _____

Address _____

for a misdemeanor committed or attempted in my presence to wit _____

I understand that under the laws of the State of Minnesota no one, including a police officer, may arrest a person for a misdemeanor unless the offense is committed in that person's presence.

I hereby request that you Officer(s) _____
(Name of Police Officer(s))

take custody of the above named person, that he may be dealt with according to the law.

Police Officer witness to this statement:

Signature of private person making this arrest:

The law of the State of Minnesota reads in part as follows:

M.S. 629.37--A private person may arrest another for a public offense committed or attempted in his presence.

M.S. 629.39--Every private person who shall have arrested another for the commission of a public offense shall, without unnecessary delay, take him before a magistrate or deliver him to a peace officer.

PM 15-69

CN _____

SAINT PAUL POLICE DEPARTMENT

WRITTEN STATEMENT

DATE _____ TIME _____ PAGE _____

I, _____ AGE _____ DOB _____
First Middle Last

ADDRESS _____ MARITAL STATUS _____ PHONE _____

EMPLOYED AT _____
Name of firm Address

EDUCATED AT _____
Name of school/s Last grade completed

have been advised of my rights to protection against self-incrimination to wit:

- 1. I have the right to remain silent and to refuse at any time to answer any questions asked by a Police Officer. _____
- 2. Anything I say can or will be used against me in court. _____
- 3. I have the right to talk with a lawyer and to have the lawyer with me during questioning. _____
- 4. If I cannot afford a lawyer, one will be appointed for me by the judge when I appear in Court and I may remain silent until I have talked to him. _____

The above statements have been read to me and I understand what they mean. I have initialed each paragraph to show that I have read it.

SIGNATURE _____

I am giving this statement voluntarily to _____
Name of Officer

whom I know to be a member of the St. Paul Police Department. No threats or acts of force have been made against me nor have any promises of any kind been made to me.

DETAILS _____

1. PAGE _____ OF _____

SUPPLEMENTARY

2. C.N. _____

CITY OF ST. PAUL

DEPARTMENT OF POLICE

3. DAY MO. DATE YEAR

4. TIME 5. DISTRICT

6. SQUAD OR UNIT

7. OFFENSE ORIGINALLY REPORTED

8. OFFENSE CHANGED TO

9. OFFENSE RECLASSIFIED

10. TIME & DATE OF THIS REPORT

11. MULTIPLE CLEAR UP
YES NO

12. ADDITIONAL PROPERTY TAKEN IN ORIGINAL OFFENSE

13. VALUE

14. DESCRIBE ARTICLES RECOVERED

DISPOSITION
RECORDS CRIME LAB LOCKER
CRIME LAB PROPERTY ROOM

15. VALUE

16. NARRATIVE: SHOW CASE DEVELOPMENTS SINCE LAST REPORT. DESCRIBE PROPERTY RECOVERED AND VALUE. GIVE NAMES AND ARREST NUMBERS OF PERSONS ARRESTED. IF OFFENSE CLASS CHANGED EXPLAIN WHY. IF MULTIPLE CLEAR UP LIST ALL ORIGINAL C.N.

IF ARREST: ARREST NUMBER LAST NAME FIRST MIDDLE ADDRESS D.O.B. AGE SEX RACE

17. FURTHER ACTION AND REPORT REQUIRED
YES NO

18. STATUS:
CLEARED BY ARREST NOT CLEARED UNFOUNDED EXCEPTIONAL CLEARANCE

19. REPORTING OFFICER
#1

BADGE REPORTING OFFICER BADGE TYPIST SUPV. P.O. CODE CLERK CARD
#2

CHF _____ C.O. _____ ID _____ WAR _____ DRC _____ LAB _____ PROP _____ REC _____ OTHER _____

CONTINUE NARRATIVE HERE



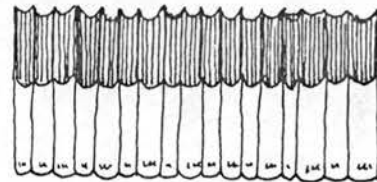
questions

The following questions are based upon material in this Training Key. Select the best answer.

1. In directing the attack on prostitution in the community the police should adopt the policy of:
 - (a) Driving out every vice offender.
 - (b) Allowing public opinion to dictate enforcement policy.
 - (c) Attacking it like other crime problems.
 - (d) Stopping prospective customers from entering the vice section of the community.
2. Which of the following categories of prostitution is the most difficult to detect and control?
 - (a) Call Girl Operations.
 - (b) Street Walkers.
 - (c) Houses of Prostitution.
 - (d) Cab Driver Operations.
3. An inherent difficulty in enforcing prostitution laws is which of the following?
 - (a) Participants are willing and satisfied customers.
 - (b) The laws of entrapment prevent vigorous enforcement.
 - (c) The courts believe prostitution is a personality weakness.
 - (d) It is difficult to detect.

answers

1. (c) Attack vice problems as you would any other crime. It would be an impossible goal to attempt to drive out every vice offender, just as it would be impossible to eliminate all traffic violations, stealing and other offenses.
2. (a) The precaution (avoiding public contact, checking caller's authenticity, etc.) taken by call girls make it the most difficult. Street walkers, taxicab operations and houses of prostitution operate within the public eye, and are easier to detect.
3. (a) The customer of a prostitute is a willing participant of the act, and even if he is a target for another crime (theft of wallet, car accessories, etc.), he is usually reluctant to report it and will not admit his actual purpose.



Have you read . . .



POLICE ADMINISTRATION: 2nd Ed., O. W. Wilson, McGraw Hill Book Co., 1963, New York.

Chapter 15 deals with Organized Crime and Vice Control. Discusses the problems of commercial vice and police policy in controlling the situation.

THE ELEGANT PROSTITUTE: A SOCIAL AND PSYCHOANALYTIC STUDY, Harold Greenwald, Walker and Company, New York; Revised Ed. 1970.

A study of the Call Girl profession, this text gives insight to the psychological makeup of the prostitute.

PURPOSE:

NOTES

- (B) Liquor Establishments
 - ... Can persons convicted of prostitution be on the premises?
 - ... Is it unlawful for women to solicit drinks for a percentage?
 - ... Can convicted prostitutes work as waitress, bar maid, or entertainer?
- (C) Prostitution
 - ... What is the law for men soliciting a woman for an act of prostitution?
 - ... What constitutes solicitation from a prostitute?
 - ... Can a woman convicted of prostitution operate a rooming house, boarding house, etc.?
- (D) Hotel and Motel Operations
 - ... Must a person register under his real name?
 - ... What proof is needed to show that a room was rented by the owner for the purpose of prostitution?

3. The confidential informant is a valuable tool in prostitution and other commercial vice investigations. Discuss the use of informants as the traditional "short cut" to the solution of crime and the location of suspects.

- (A) Motive of Informant
 - ... Fear
 - ... Vanity
 - ... Civic Mindedness
 - ... Repentance
 - ... Avoidance of punishment
 - ... Gratitude or gain
 - ... Competition
 - ... Revenge
 - ... Jealousy
 - ... Remuneration
- (B) Requisites of Informers
 - ... Inside knowledge
 - ... Business techniques
 - ... Employment
 - ... Residence
 - ... Associates
 - ... Hangouts
 - ... Habits
- (C) Possible Informants
 - ... Bartenders
 - ... Waitresses
 - ... Restaurant employees
 - ... Taxicab drivers
 - ... Neighbors
 - ... Deliverymen
- (D) How to Develop Informants
 - ... No positive ground rules
 - ... Try what has been successful in the past
 - ... Ask more experienced officers what they have found successful
- (E) For further information concerning police use of informants, review Training Key #135.



Discussion Guide

PURPOSE:

1. To discuss the rotation of personnel assigned to vice control activities.
2. To discuss the laws and ordinances of local jurisdictions directed toward control of commercial vice.
3. To discuss the use of informants in vice investigations.

DISCUSSION QUESTIONS:

1. Continued involvement in vice enforcement subjects an officer to deprived conditions and exposes him to temptations for longer than is generally considered healthy from either a psychological or physiological standpoint. Identify the needs and describe the advantages of rotation of vice unit personnel.

(A) Need

- ... Vice work frequently calls for new faces
- ... Older officers can train new officers on a continuing basis as the rotation of personnel is conducted
- ... Some vice officers develop isolationist attitudes toward the rest of the police department and attempt to operate individually or outside the framework of the department
- ... Rotation would alleviate the long and arduous hours of work with the degenerating effect on physical health of vice officers

(B) Advantages

- ... Mandatory rotation provides an opportunity to train more personnel in undercover work
- ... Prevents the unit from becoming staffed with personnel who have passed their investigative usefulness
- ... Rotation of persons with specialized vice unit enforcement training and experience into other assignments will facilitate the vice enforcement efforts of other units.
- ... In some instances, the loss of perspective of basic police goals, due to long association with vice problems and persons, may be avoided
- ... An awareness of those conditions which contribute to commercialized vice would be provided to a larger percentage of patrolmen through forced rotation, with the ultimate result being a more efficient and effective patrol force.

(C) Disadvantages

- ... There is some validity to the argument that informants may be lost when experienced vice officers are rotated. However, newly assigned specialists can cultivate new informants who may actually open previously untapped areas of information.

2. The patrol officer can do a great deal toward the control of commercial vice in his beat area if he is familiar with the state laws and local ordinances aimed at preventing these conditions. Discuss and review the laws in your jurisdiction concerning this problem.

(A) Vagrancy laws

- ... Is it unlawful for known prostitutes to loiter on the street?
- ... What about persons with no visible means of support frequenting bars or taverns?
- ... Is it unlawful for persons convicted of commercial vice violations to consort together?

NOTES

Police Responsibility

Hotel Operations: Hotel employees in many cities work with prostitutes by locating prospective clientele from their guest lists. The clerk, bellboy or elevator operator may inquire if the registrant is "looking for a good time," or they may wait until the man makes the initial opening by asking about a girl, before continuing the screening process. In some cases, the procurer will tell the customer to go to a local bar and return in 30 minutes or an hour. While he is gone, the hotel employee goes through the personal belongings left in the hotel room to determine if the identification given when registering is authentic. If they are convinced that the person is not a police officer, they send a girl to his room. The girls negotiate the price of the sexual act with the customer, pay only a percentage to the hotel employee for his service.

When arresting girls working the "hotel circuit," check for a notebook containing the names, addresses, and telephone numbers of hotels or hotel employees willing to work with them. This information is valuable in future vice control operations.

"B Girl" Operations: In some cities "B Girl" taverns and cocktail lounges still operate. The tavern operator pays the girls a proportion of the cost of each drink they solicit from male customers. These drinks are usually low in alcoholic content, or in some cases may be tea or a soft drink. Although "B Girls" are not prostitutes in the sense of actively seeking customers, they occasionally make a "date" with a patron of the bar after closing hours for the purposes of prostitution.

Aura of Crime

Prostitution is found in various community settings, from the upper and middle class neighborhood to the poorest section of the city. However, it is usually found in areas of high crime concentration, and while we cannot say that prostitution is directly related to other crimes, we can show that where prostitution flourishes, there is also a high incidence of thefts, robberies, drug violations, extortions, and other street crimes.

Men who engage in "trolling" for a prostitute are easy victims for the strongarm robber often working with a prostitute. After contact is made, the customer is directed to a meeting site (vacant lot, dark street, or private room), where accomplices wait to strongarm him. A variation includes the theft of the customer's wallet while the "trick" is being entertained. The client's automobile is also a target, including the radio, tape player, transmission, tires, etc., or even the auto itself.

Persons who are careless about their identity may find that they are contacted with a demand for money, a few days after an encounter with a prostitute, and if they refuse to comply, face exposure to their family or business associates. Pictures may have been taken, or professed to be held by the person making contact with the extortion victim.

These victims are reluctant to report the incident to authorities, and those that do make reports of thefts and robberies usually will not admit that they were involved with a prostitute. They are concerned only with the recovery of their property, and many complaints are dropped once the victim discovers that a court appearance is required. Recognizing the reluctance of victims to disclose their involvement, criminals working the prostitute district operate with a feeling of safety while attacking the person or property of customers.

It has been advocated by many administrators that the patrol officer be held generally responsible for the crime in his assigned area, including vice operations. Too often, the beat officer feels that the suppression of prostitution should be the responsibility of a specialized vice unit, and that there is little that he can do about controlling vice conditions in his area. There is a great deal that the patrol officer can do to control prostitution activities, with or without specialized vice units.

Areas where "street walking" activities are conducted or are suspected should be patrolled regularly during the hours when this practice is most common, usually in the late evening and early morning hours. If these areas are inspected in a random pattern, it discourages patrons and prostitutes alike from frequenting these districts.

Regular checks of taverns and restaurants should be made. The officer's appearance in establishments where contacts are suspected does a great deal to discourage prospective customers. Bartenders are less likely to allow prostitutes in their establishment, or encourage "B girl" activities if they are aware that patrol officers are making periodic checks for this purpose.

While on preventive patrol, officers should be alert for any type of unusual activity which might indicate prostitution or other commercial vice activities are taking place. A residence, office building, or hotel with an unusual number of visitors at odd hours may be the location of an illegal business. Addresses and other pertinent information should be recorded and forwarded to the unit in the department responsible for follow-up investigation.

Taxicabs carrying passengers without the "fare flag" in the down position, or the "for hire" sign lighted, should be stopped and checked, approaching these vehicles with caution, as this is also a signal sometimes used by cab drivers indicating distress or trouble. Suspicious activities requiring a greater amount of attention than you can provide should be turned over to the appropriate unit, with complete and detailed information on the situation you observed so that the best surveillance or undercover tactics can be planned. The follow-up unit should acknowledge receipt of the information and inform you what action was taken and the results.

Personnel selected for prostitution investigations must be knowledgeable in the law concerning entrapment and solicitation. Active, experienced prostitutes are aware that you have no case if you solicit her (even if you know her to be a prostitute), and quite often she will wait until the prospective customer has made an offer before negotiating the price, act, place, etc.

The cars driven in vice operations are very important. The typical detective car is often as conspicuous as the marked patrol vehicle. In some cases it is advisable to use rental cars, or the personal car of the officer. Officers using these cars will need to be equipped with portable radios.

An officer working on a "trolling" investigation should be in radio contact with a partner. While working on hotel assignments, have a partner in the vicinity who is aware of your location and can respond quickly in case he is required to make the arrest. When the number of a suspected "call girl" operation is obtained, the number should be called and if a contact is made, the same officer should complete the investigation by keeping the "date" and making an arrest.

Prostitution and Venereal Disease

Historically, prostitution has been associated with venereal disease. In the recent past, it was hoped that venereal disease would be eliminated by the introduction of new drugs and increased technological competence in the medical field. Reports indicate, however, that venereal disease is on the increase. The number of reported cases of gonorrhea in the United States in 1969 was double the number reported in 1957. The Venereal Disease Branch of the Public Health Service (PHS) estimates that at least 1,680,000 cases of gonorrhea occurred in the United States during 1969. Of this estimate, 494,227 were diagnosed and reported to health departments. The reported rate for males between the ages of 20 and 24 was one case for every 47 males.

Gonorrhea and syphilis are underreported because not all cases are diagnosed and not all diagnosed cases are duly reported. Cases of primary and secondary syphilis in the United States are reportable by law. Between July 1, 1968 and June 30, 1970, physicians and clinics reported 18,679 cases to state or local departments of health. PHS currently estimates that the actual occurrence of syphilis was about 72,400 cases in 1969, of which about one out of every four cases was diagnosed and reported to health departments.

Narcotic Addiction and Prostitution

Narcotic addiction is a major problem in communities of every size throughout the United States. It may be assumed that since drugs have become a "life style" to persons living in some social circles, and because obtaining a "fix" or some soft drug costs a great deal of money, girls within these groups may be inclined to turn to prostitution to help support their addiction or may be persuaded to "hustle" for their boy friends who are users.

In a social and psychoanalytic study of prostitutes, it was found that a large percentage of streetwalkers are drug addicts with more than 90% of female addicts having worked as prostitutes from time to time.³ Some persons feel that the substantial increase in heroin addiction is a major factor in the increase of streetwalkers in our largest cities.

Prostitution is defined as the business of providing sexual relationships for an exchange of money. In order to prove prostitution, the officer must produce clear evidence that a "price" was quoted for a sexual service. Many times these "business arrangements" are completed by hint and suggestion, and not by an explicit agreement. This makes the task of gathering the required proof most difficult. It is not enough to prove that a man and a woman engaged in fornication, or even that a girl promiscuously engaged in sexual relations. The indiscriminate solicitation of men in bars, hotels and on the public streets assists in establishing that the proposed relationship was a commercial one, but the basic question remains, "Was a price quoted to provide a sexual service?"

Prostitution Operations

Call Girl Operations: Call girl prostitution is conducted through telephone contacts from persons either known by the prostitute or referred to her number by a former client,

³Greenwald, Harold, *The Elegant Prostitute: A Social and Psychoanalytic Study* (New York: Walker and Company, 1970), p. XI-XII.

associate, cab driver, bell boy, and the like. Call girls are popular with men who travel, conventioners, and those who seek prostitutes regularly. These operations are not easily detected by authorities. Business fronts, such as escort services, date bureaus, model agencies, and message parlors are used by call girls, while others conduct activities from apartments, hotels, or places mutually agreed on by the two parties.

Usually the caller is asked a series of questions to assure that he does not represent a threat to the operation. In some cases more than one number is used, and the caller must satisfy the first party of his identity before further arrangements are made. Many times the prostitute will not talk to the customer directly or quote any price, the price being negotiated by an associate at the telephone number called by the customer. When arrangements are completed, a meeting site is selected in a restaurant, bar, or hotel room, giving the impression of a "normal" meeting.

An advantage some call girls have over their competitors is their appearance as young career women. These girls are well versed in the art of conversation, and may be engaged for an evening's companionship without the inclusion of sexual relationships.

Street Walkers: The most commonly known type of prostitute is the "street walker". These girls, working alone or in pairs, loiter on busy thoroughfares, around hotel districts, and in the vicinity of bars and cocktail lounges. The customer or "trick" usually comes to the area by automobile and drives slowly through the district where several girls are walking or standing on corners near a traffic signal. This method of obtaining the services of a prostitute is called "trolling" or "fishing", and signals the prostitute that they have a prospective customer. If the girl is fairly certain that the police are not in the vicinity, she or her "pimp" will approach the car and bargain with the customer. Once the price is established, the man is directed to a vacant lot, dark street, or a room where the service is to be performed. On evenings when the weather is inclement, the "street walker" may be found in local all-night restaurants, taverns, bus stations, and similar places.

Taxicab operations: A few taxicab drivers refer prospective customers to prostitutes. Acting as a contact, the driver receives a portion of the fee for directing the customer, or he may be a "pimp" who has a "stable" of several girls. In this situation, the driver solicits customers, and his prostitutes pay him a percentage of their earnings. In selecting customers, he is responsible for screening (being sure they are not police officers), and for providing protection against customers who attempt to hurt the girl, refuse to pay the agreed-upon price, or in some way create a disturbance.

Another variation of the "taxicab operation" involves the driver who takes a prostitute in the vehicle and picks up a "trick". The sexual service is performed while the cab drives around the city.

Houses of Prostitution: In the early twentieth century, houses of prostitution brought infamous publicity to some cities. These bawdy houses were operated in the open, with the full knowledge of the citizenry and police.

Today, houses of prostitution still operate within our communities; however, they are much less "open" than they were in the past. These businesses—and they are businesses—may be situated in private homes or apartment houses, with only a few girls working under the direction of a "madam". The "madam" oversees the logistics—screening customers, collecting fees, etc. Patrons may be brought to the "house" by a former client, or directed by a cab driver, bartender, or hotel clerk.

Prostitution



Prostitution, once the illegal enterprise that helped to support underworld operations, today plays a small and declining role in organized crime operations.¹ This does not mean, however, that prostitution itself is waning. On the contrary, arrests have increased 80.1% since 1960, an ever-increasing number of young persons are involved (in 1969, almost six out of ten persons arrested were under the age of 25.)² Prostitution by any measure is still a police and particularly a community problem. This Training Key discusses prostitution offenses and techniques that can be used in their control.

Training Key

#151



There are several difficulties inherent in enforcing morals laws in any jurisdiction because morals offenses are quite different from crimes such as burglary, theft, or robbery. The buyer of illegal goods or services is often a satisfied customer, making his attitude toward his involvement substantially different from that of the usual victim of a crime. In fact, he may be guilty of a crime by virtue of his participation in the transaction. Consequently, he does not ordinarily report the offense to the police, nor is he anxious to cooperate in the prosecution. Prostitution offenses are characterized by the absence of direct harm to anyone except the willing participants, although in some cases the family and associates are indirectly injured, and the public health hazards are always present.

Many persons believe that enforcement of ordinances regulating personal conduct is outdated and inconsistent with modern life. Other persons live by double standards, holding the opinion that such laws are made for the weak persons who may tend to fall into financial or family difficulties if they indulge in these "pastimes", but are not meant for those who are financially able to afford them and emotionally adept enough to rationalize their behavior.

There are advocates for the legalization of prostitution and other commercial vices. Justifying their arguments on the grounds that legalization would control the spread of venereal disease, they naively contend that prostitution would not be harmful if it were permitted under supervision in certain areas of the community.

These proposals are not new to the world; indeed, they have already been tried in England, France and Germany. The results of these social experiments show that the legalization of prostitution brought the opposite of the desired goals. Venereal disease increased, and in areas where legalized prostitution was allowed, other crimes increased to the point that prospective customers would no longer seek out the designated areas, forcing the prostitutes to leave the regulated districts in search of customers. Control by officials was in fact lost.

¹Task Force Report: *Organized Crime*, The President's Commission on Law Enforcement and Administration of Justice, (Government Printing Office, Washington, D. C., 1967) p. 4.

Society's answer to vice offenses implies that the strong must help the weak by protecting them from their own folly. Because of this philosophy, morals laws have been enacted to shield the weak from their own lack of good judgment. The public fails to realize the relationship between the single violation and the need to suppress all forms of vice. The individual violation itself is not of great importance, but it cannot be excused because in the cumulative sense it sets the stage for a variety of corruptive influences, such as:

- The spread of venereal disease
- The threat of organized vice operations
- The effects on family life, and especially on young people, in the community where prostitution flourishes
- The negative image created within and about a community where prostitution exists to the point that it is recognized by a substantial number of persons

Enforcement of laws relating to all commercialized vice (gambling, prostitution, narcotics, pornography, and liquor control) is a police responsibility, although it may be shared with other agencies. However, vice often flourishes in spite of the law and the legal procedures established for its control. Prostitution exists in a community because of public apathy (reflected in police attitudes toward the offense), police inefficiency, and sometimes corrupt public officials. Laxity or indifference to the enforcement of vice laws, which receives tacit approval by the public, is the primary reason why vice exists in any community. It is therefore a legitimate task of the police department to point out the advantages of its control. (It could be argued that the police reflect the community's attitudes, and so if the community wants prostitution, police should overlook offenses. The argument does not address the problem of existing ordinances, however, and all the difficulties of the exercise of police discretion in such instances.)

²Uniform Crime Reports for the United States: 1969, U. S. Department of Justice, F.B.I. (Government Printing Office, Washington, D. C., 1970), p. 111 and 115.

PROSTITUTION (Minnesota Statutes § 609.32).

(Felony and Gross Misdemeanor)

The gross misdemeanor (Minnesota Statutes § 609.32, Subd. 4) consists of:

- A. Engaging or offering or agreeing to engage,
- B. for hire,
- C. in sexual intercourse or sodomy.

The felony (Minnesota Statutes § 609.32, Subds. 2 and 3) consists of:

- D. soliciting or inducing another to practice prostitution, or
- E. a parent, or guardian or other custodian consenting to a child under 18 being taken or detained for prostitution, or
- F. keeping, leasing or operating premises to be used for prostitution, or
- G. transporting a prostitute for prostitution, or
- H. soliciting for a prostitute, or
- I. being supported in whole or in part by earnings of a prostitute, or
- J. hiring or offering or agreeing to hire another person to engage in sexual intercourse or sodomy, or
- K. soliciting another under the age of 18 years to have sexual intercourse or to commit sodomy with a prostitute or admitting him to a place of prostitution, or
- L. engaging as a prostitute in an act of sexual intercourse or sodomy with another under the age of 18 years.

[Loitering for the purpose of prostitution is a misdemeanor, Minnesota Statutes § 609.725(3), as are all local ordinances. Some ordinances, such as the one in Hennepin County, do not require that the proposed act be for hire]

Aids to Investigation:

1. Either the prostitute or the customer can be charged with the offense.**
2. The sexual act need not be attempted or completed in order to sustain a conviction, as long as there is a firm offer or agreement.

** To avoid claims of discriminatory enforcement, 1) the customer should also be charged where he is not an undercover officer, and 2) female under-cover officers should be used for the prostitution customers.

PROSTITUTION (cont.)

3. The statute applies either to sexual intercourse or sodomous acts. (Some ordinances refer only to intercourse).
4. A contractual relationship must be established - price must be discussed.
5. This statute also makes it a crime to be supported in whole or in part by the earnings of a prostitute or to solicit for a prostitute.
6. This statute also makes it a crime to transport a customer to a prostitute or a prostitute to a customer.
7. This statute makes a felony out of certain practices with those under 18, to keep or permit the use of a house for prostitution purposes, to transport a prostitute from one house of prostitution to another, or to solicit or induce a person to engage in the practice of prostitution. Vice or morals or chief's squads should study this law carefully and consult with their prosecutor now.

DEPARTMENT OF POLICE
CITY OF SAINT PAUL
INTER-OFFICE COMMUNICATION

TO: Lieutenant Weida
Lieutenant McDonald ✓

FROM: Deputy Chief McCutcheon

DATE: April 23, 1976

The following is the list of names of clerical personnel who are now employed by the City and who would be interested in assisting Vice in the discharge of its responsibilities:

Gayle Baker (Capt.'s Office)
Barb Jones (Auto Theft)
Evie Peterson (Traffic)
Betty Anderson
Finance Department, Rm. 109, Court House (298-4038)
Kathy Kantorowicz
City Adm. Office (298-4354)

We have discussed the matter of using clerical personnel for these assignments with the City Attorney and have been assured by his office that there is no legal impediment in the training and use of these employees. Proceed.

WMcC/mg



DEPARTMENT MANUAL

TITLE: DEPARTMENT ORGANIZATION ADMINISTRATIVE DIVISION - VICE UNIT			GENERAL ORDER NO. 3
DATE OF ISSUE 4-1-74	DATE EFFECTIVE 4-1-74	SUBDIVISION NUMBER 320.04	PAGE OF 2 - 2

320.04

VICE UNIT:

UNIT PERSONNEL:

Unit personnel are accountable to the Unit Commander for the performance of their duties.



DEPARTMENT MANUAL

TITLE: DEPARTMENT ORGANIZATION ADMINISTRATIVE DIVISION - VICE UNIT			GENERAL ORDER NO. 3
DATE OF ISSUE 4-1-74	DATE EFFECTIVE 4-1-74	SUBDIVISION NUMBER 320.04	PAGE OF 1 - 2

320.04

VICE UNIT:

PURPOSE:

The Vice Unit is responsible for the enforcement of laws that regulate and control Prostitution, Gambling, Liquor, Traffic and Obscenities.

COMMAND:

The Vice Unit Commander is a member of the Deputy Chief Administrative Division's staff, and is directly accountable to the Deputy Chief for the operations of the Unit.

FUNCTIONS:

The Unit will respond to and/or investigate all complaints received from all sources and assist the patrol division in the suppression of Vice.

The Unit shall prepare cases and present them to the City or County Attorney for formal charging and prosecution of offenders.

The Unit shall assist the patrol division in the supervision and inspection of licensed on-sale liquor establishments, beer parlors and package liquor stores and cause the laws and ordinances pertinent to their operation to be enforced.

The Unit shall investigate liquor licensing infractions and prepare cases against violators and make appropriate recommendation to the license inspector and/or the license committee.

The Unit will utilize undercover personnel and informants to combat clandestine "Disorderly House" operations and prostitution.

The Unit will prepare, execute and return search warrants as proper procedure in the enforcement of "Disorderly House" laws.

The Unit will maintain files of open cases, a name index, and reports of inspections of licensed liquor establishments.

The Unit is responsible for the custody of certain Vice evidence to assure its safe custody and presentation in court.



DEPARTMENT MANUAL

TITLE:			DEPARTMENT POLICY	GENERAL ORDER NO.	
			VICE AND NARCOTIC ENFORCEMENT	1	
DATE OF ISSUE	DATE EFFECTIVE	SUBDIVISION NUMBER		PAGE	OF
4-1-74	4-1-74	191.00 - 192.00		1	1

191.00

VICE ENFORCEMENT

The people through their elected representatives, have decided that criminal sanctions should be imposed against certain behavior which has been traditionally labeled as "vice". The Department is charged with the enforcement of all criminal statutes including those defining vice offenses. Where vice conditions are allowed to continue, they are soon exploited by organized crime and the money thus obtained is often used to finance other criminal ventures or attempts to corrupt public officials. To prevent the spread of vice conditions, the Department will take aggressive enforcement action against all commercialized vice activities, against those vice activities which have been complained of, and against conspicuous vice conditions which appear on the streets and in the public places of the city.

DEPARTMENT OF POLICE CITY OF ST. PAUL

R. H. ROWAN
CHIEF OF POLICE



101 E 10TH STREET
ST PAUL, MINNESOTA 55101
(612)-291-1111

PROPOSED "DECOY" TRAINING COURSE

DATE: May 5-6, 1976

LOCATION: Police Training Facility, 100 E. Tenth Street, 3rd floor

STUDENTS: Gayle Baker (Captain's Office) ext. 251, 252
~~Barb Jones (Auto Theft), ext. 231~~
 Evie Peterson (Traffic) ext. 320, 326-329
 Betty Anderson (Finance Department, rm. 109, Court House)
 298-4038
 Kathy Kantorowicz (City Administrators Office) 298-4354
Deborah Schramm (Systems) ext. 291, 292
Donna Woolfel (Records) ext. 321-325

Wednesday, May 5, 1976

Thursday, May 6, 1976

1300

Deputy Chief McCutcheon Purpose Lt. Dave Weida Sgt. Carolen Bailey Paul Lindholm, Assistant County Attorney Vice Staff Probable Cause Entrapment Crime Elements Operations ↓	Training Staff Vice Staff Observation Report Writing Statements Citizen Arrest Forms Testimony ↓
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1600

D.J. BLAKELY
DEPUTY CHIEF OF POLICE
PATROL DIVISION

J.S. GRIFFIN
DEPUTY CHIEF OF POLICE
SERVICE DIVISION

R.F. LABATHE
DEPUTY CHIEF OF POLICE
INVESTIGATIVE DIVISION

W.W. MCCUTCHEON
DEPUTY CHIEF OF POLICE
ADMINISTRATIVE DIVISION