

## Gambling Law Enforcement In Major American Cities



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National Institute of Law Enforcement and Criminal Justice  
Law Enforcement Assistance Administration  
United States Department of Justice



# **Gambling Law Enforcement In Major American Cities**

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## ABSTRACT

This project was designed to achieve two major goals: 1) to examine the effects of legislative decisions related to gambling, with particular attention to recent decisions to permit some forms of legal commercial gambling; and 2) to examine the way gambling laws are enforced, with particular attention to variation in enforcement practices and the significance thereof.

Sixteen randomly selected cities with populations 250,000 or larger were studied. The cities included a representation of various amounts of available legal gambling - from none to off-track betting, a legal lottery and legal horse racing. A Nevada city was also studied. In each city, key police officers, prosecutors, and judges were interviewed. Legal statutes were analyzed and record data collected. In 14 cities, a probability sample of police officers completed a self-administered questionnaire. In addition, a special set of questions dealing with gambling law enforcement was included in a national survey to provide data on citizen goals for gambling law enforcement.

Our findings and conclusions can be summarized fairly succinctly:

1) The laws against gambling in private are primarily a symbolic gesture on the part of legislators; they are neither enforced or enforceable in any reasonable sense of the word.

2) Legislators have given police a relatively unattractive job, for which police can get little credit if they do a good job and considerable abuse if they fail.

3) The laws against public social gambling and commercial gambling probably are enforceable to the extent that other comparable laws are enforceable. Consistent with the relatively low priority of gambling, the resources devoted to gambling law enforcement are very modest. The results, with a few notable ex-

ceptions, are modest as well. Most departments realistically strive for one of several models of limited enforcement.

4) Citizens are much more likely to be concerned about non-enforcement of gambling laws than about aggressive enforcement. Citizens are very likely to view non-enforcement of gambling laws as an indication of police corruption.

5) Regional, multi-service criminal organizations were reported to directly control all or a substantial portion of illegal commercial gambling operations in about half the cities. These cities were much more likely than others to have had publicly disclosed gambling-related corruption in the past. In the balance of the cities, bookmaking and numbers were said to be run primarily by local, independent organizations that specialized in gambling. There had been no significant publicly disclosed gambling-related corruption in any of these cities in the past ten years.

6) The prosecutors of gambling cases generally do not recommend penalties for conviction which any reasonable person would think would be a deterrent to further involvement in commercial gambling. Police and prosecutors differ markedly on whether or not serious penalties are appropriate for convicted commercial gambling operators not directly tied to large-scale criminal organizations.

7) Prosecutors are not held accountable for their decisions due to the lack of information about the decisions they make.

8) As states have made available legal horse tracks or lotteries, there is no evidence that this has made the enforcement task of police harder or easier.

9) Legislators need to understand that, because of the nature of gambling offenses, the meaning of gambling laws and the resulting constraints on gambling behavior are determined less by what legislators write than by how local police and prosecutors carry out their responsibilities.

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## PREFACE

This project was undertaken in order to understand better the ways in which the criminal justice system goes about enforcing anti-gambling laws and the meaning of these laws for that system. The study is timely because laws against plaintiffless crimes in general, and gambling in particular, are being discussed in many state legislatures.

Because of the link in some people's minds between gambling and corruption, it might seem likely that corruption would be the focus of this study. This was not the case. The limit of survey research is what people are willing and able to report. There was never any idea that a project such as this would be investigative in any sense. Rather, the idea behind the project was much simpler: we wanted to know what was being done to enforce the gambling laws in the major cities of this country. To do this, we needed to get information from people with responsibilities in gambling law enforcement about what they know and what they do. Such information is not deeply hidden. However, it has never been assembled systematically to provide a truly national perspective on gambling law enforcement in major cities.

In order to accomplish this goal, it was obviously necessary to have the cooperation of the relevant agencies in each city. Without exception, we obtained the cooperation of the appropriate prosecutors, court clerks and judges. However, obtaining the cooperation of the police departments was somewhat more difficult.

There are several reasons why police cooperation was more difficult to obtain than that of other relevant agencies. First, major city police departments receive many requests to help with research. They have the rather inappropriate task of trying to decide which research projects they will cooperate with and

which they will not; we were forced to compete with these various other requests.

Second, a significant number of police chief executives feel that research is commonly not helpful and, indeed, is not infrequently deleterious to their interests. One concern is the potential for embarrassment if research showed a department to be deficient in some respect. There is no question that a study of gambling law enforcement was viewed as particularly sensitive in some departments, though by no means in all. In addition, chief executives expressed the view that research conclusions are often misleading or even inaccurate. One particular concern was that by participating they might in some way be viewed as endorsing or condoning the conclusions of the project.

Third, because all police officers potentially have a role in gambling law enforcement, we felt it essential to get some feedback from them. We wanted a sample of police officers to fill out a questionnaire. This aspect of the research posed a particular problem for the project. That the time needed to answer the questionnaire would take away from police duties was one concern; survey data from police officers on gambling law enforcement were seen by some departments as potentially embarrassing; and there was concern that the men themselves would resent being asked to participate in the survey.

Of the 17 cities originally selected for the sample, two, Baltimore and Dallas, refused to participate in any way. Four other departments agreed to let us interview persons informed about gambling law enforcement policy but decided not to permit distribution of the questionnaire. Because Akron and Pittsburgh also limited the number of people with whom we could speak in their departments and because there were reasonably comparable substitutes possible, we did substitute for those two cities. Because New York and Los Angeles were extremely cooperative with respect to on-site interviews and there were no substitutes that would not seriously affect the representativeness of the sample, we included

these two cities in the sample without police questionnaire data. In the final sample, there were 14 departments that cooperated fully,\* (three that were substitutes for originally selected cities) and two cities which permitted on-site interviewing but not the administration of the police questionnaire.

We considered several of the concerns expressed by police chief executives to be legitimate, and we worked hard to be responsive to their concerns. The following are some of the compromises or agreements made:

1. We agreed not to present data for individual cities. After meeting with several police executives, we did become convinced that there was potential for embarrassment even in fairly descriptive and non-evaluative information. Because the purpose of the study was to present a national perspective on gambling enforcement in large cities, the research design did not require that individual cities be identified. Although in some cases it made the presentation more difficult, cities are not identified in this report.

2. We worked closely with police officials in two pilot cities to reduce the length of the questionnaire to under ten minutes and to eliminate or modify the questionnaire items which they considered to have the most potential for embarrassment to the department. There were some significant items that were lost in this process. However, we feel that these were more than compensated for by the level of cooperation which we received from police departments and by the response rate from police officers.

3. To allay the concerns that police officers might have about completing the questionnaire candidly, procedures were established so that responses were absolutely anonymous. There was no way to link the answers on a specific ques-

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\*A fifteenth city, Reno, was also fully cooperative. However, because of the unique situation in Nevada, the police questionnaire was not administered.

tionnaire to any individual officer. Questionnaires were returned directly to the research team so that no one in the department could view the answers. Apparently the combination of the short questionnaire and the data collection procedures was successful in eliminating the concerns of most police officers. Although participation was voluntary, the response rates were extremely high. In fact, only in the two departments where we were asked to change our procedures drastically was the response rate below 75 per cent.

4. We gave police departments an opportunity to review a near final draft of the final report, and agreed to note any criticisms or comments they had which we felt we could not be responsive to in the final revision.

We want to emphasize that the final report contains changes and revisions that the departments have not reviewed. Moreover, in no way should any department's participation be construed as endorsement of the conclusions of this report. However, we hope that by this review process we have minimized the number of factual errors in the report. Moreover, at this time, we would like to point out the comments made by responding police executives that might still be valid criticisms of the conclusions we reached.

First, at least two chiefs felt that we did not sufficiently emphasize the importance of the link between organized crime and gambling. We have tried to be responsive to this concern in the final revisions of this report. We in no sense intended to minimize the importance of organized crime in those cities where it is a major force in gambling. However, we also did have to point out that local police see illegal gambling operations directly tied to multi-service criminal organizations in only about half of the sample cities.

Second, we received several comments about our treatment of wiretaps. One respondent noted that saying gambling law enforcement can be successful without wiretaps is "similar to saying that horsedrawn transportation is as effective as

motor vehicle transportation". Another comment was that we understated the value of wiretapping for developing intelligence about the structure of criminal organizations. Still another critic said that our comments might be appropriate to the way wiretaps are used at present by local district attorneys and police, but the conclusion that they were not necessary to gambling law enforcement was not justified because of the potential value of wiretapping. We have placed less emphasis on wiretapping in the final version of the report than we did in the earlier draft, because these criticisms highlight the fact that wiretapping was not a primary focus of this project. In addition, the National Wiretap Commission has reported on this issue in greater depth for many of the same cities. However, we stand on our conclusion, horse and buggy or not, that there are departments in our sample that are as effective against numbers and bookmaking without using wiretaps as those departments that use them. The specific policies and procedures of a department probably make more difference in how effectively the laws against commercial gambling are enforced than does the presence or absence of wiretap privileges.

Third, one chief executive thought it was unfortunate that we had left out some interesting examples of major city gambling law enforcement such as Philadelphia, Chicago and San Francisco. The sample as drawn is representative of the population of all cities 250,000 or larger in terms of size, region of the country, type of legal games available and patterns of arrests. Although any sampling scheme can miss an individual case that is unique, taken as a whole the sample is representative of the various approaches to gambling law enforcement in the country and provides a reasonably accurate estimate of the prevalence of various approaches to gambling law enforcement.

Finally, at least two chief executives thought that we were not strong enough in our opposition to increased legal gambling. Our research does not

justify such opposition. There is no evidence and no statement in this report that suggests that legal commercial gambling would help law enforcement efforts in any way unless it was accompanied by the establishment of another gambling law enforcement agency to take over the responsibilities of local police in this area. There is some evidence that increased legalization has some effect on citizen support for gambling law enforcement efforts; but those effects are modest and not consistent. They do not, in our judgment, provide a basis for concluding that legalized gambling will make the job of enforcing gambling laws significantly more difficult. In short, our conclusion is that the issue of legalized gambling will have to be argued and resolved on economic, moral and social grounds rather than on the basis of its significance for gambling law enforcement.

Again, we want to thank the police officials, as well as the prosecutors and court officials who cooperated in this project. We have made every effort to present our findings in an objective and accurate fashion, only to present conclusions that we feel are justified by the data, and to present the interests and concerns of the criminal justice system participants in a fair and even way. If we have managed that, we will be very gratified.

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Dennis M. Crowley, Jr. and Richard Bickelman of the New England Bureau were an integral and important part of the study team. Mr. Crowley's extensive experience in criminal intelligence, law enforcement and criminal justice research enabled him to make invaluable contributions to all phases of the research project. He was personally responsible for all on-site data collection and interviewing in the participating police departments, as well as providing basic input for our understanding of police procedures and policies. Mr. Bickelman, an attorney, was responsible for interviews with prosecutors, court clerks and judges, as well as analysis of state laws and city ordinances. Both also made important editorial and critical contributions to the final report.

We also want to acknowledge the contribution of our Advisory Committee; they were extremely helpful in reviewing the research design and objectives at an early stage and our presentation of results when data collection was complete. The Advisory Committee members were: Maurice J. Cullinane, Chief, Metropolitan Police Department, Washington, D.C.; Jonathan Rubinstein, Research Associate, Policy Science Center, New York City; Peter Reuter, formerly Research Director, Commission on the Review of the National Policy toward Gambling, currently Research Associate, Policy Science Center; Charles Wellford, currently a researcher with the Department of Justice; Richard Israel, attorney and former

Attorney General, State of Rhode Island; the late Joseph Weintraub, former Chief Justice, Supreme Court of New Jersey.

Gary Marx, Associate Professor of Urban Studies at M.I.T., was a consultant to the project and provided helpful criticism and comments throughout.

On the Center staff, we also want particularly to acknowledge the help of Cindy Martin, who contributed to the project in a number of ways, and was especially valuable in working with the collation of the massive amounts of information collected in the course of the project.

Of course, this project was possible only with the significant cooperation of law enforcement officials throughout the country. We cannot single out the various prosecutors, court clerks, judges, and police officers who generously contributed their time to make this project a success. Our demands were heaviest on the participating police departments, however, since they had the most people involved in gambling law enforcement, and we would like to acknowledge individually the help given to us by the police chief executives\* in the 17 sample cities:

Atlanta Public Safety Department, A. R. Eaves, Commissioner

Birmingham Police Department, James C. Parsons, Chief

Boston Police Department, Joseph Jorden, Commissioner\*\*

Buffalo Police Department, Thomas Blair, Commissioner

Cleveland Police Department, Lloyd J. Garey, Chief

Detroit Police Department, Phillip C. Tannian, Chief

El Paso Police Department, Robert M. Minnie, Chief

Los Angeles Police Department, Edward M. Davis, Chief

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\*Chief executives listed are those in office at the time the data collection was carried out.

\*\*Robert J. diGrazia, the previous Commissioner, was also most helpful.

Newark Public Safety Department, Hubert Williams, Director  
New York City Police Department, Michael J. Codd, Commissioner  
Phoenix Police Department, Lawrence M. Wetzel, Chief  
Portland Police Bureau, Bruce R. Baker, Chief  
Reno Police Department, James Parker, Chief  
San Jose Police Department, Robert Murphy, Chief  
St. Louis Police Department, Colonel Eugene Camp, Chief  
Tampa Police Department, Charles Otero, Chief  
Toledo Police Department, Corrin McGrath, Chief

In these departments we want to add a special word of thanks to the 2,600 police officers who contributed their time to complete the police officer questionnaire. Some 78 per cent of all officers asked to complete the questionnaire did so on a voluntary basis.

Finally, we would like to express our appreciation to Fred Heinzelmann, Project Monitor at NILECJ, for his patience and support through the various delays and complexities of this project. We also want to acknowledge the help of Lois Mock at NILECJ for helpful criticisms of the initial proposal and research design.

These people, and more, contributed to making this project a success. However, the authors want to make clear that the final data collected, the analysis and presentation of the data, and the conclusions that are drawn are solely their own; and no cooperating individual or organization should be construed as having endorsed any of the findings or conclusions of this project.



## CHAPTER I

### INTRODUCTION AND METHODS

#### Background and Purposes

This project was designed to learn as much as possible about the way state anti-gambling laws are enforced, in order to assess the likely significance of increased legal gambling for law enforcement and to provide insights into ways in which anti-gambling law enforcement might be made more effective.

A number of different societal policy concerns converged to make this project timely. Fiscal pressures on state budgets have led legislatures to look for alternative sources of revenue. One such source is legalized gambling. Since 1963, 13 states have begun to run state lotteries, 2 states have set up jai alai arenas and Atlantic City is about to go into the casino business. The likelihood is high that there will be even more legal opportunities to gamble in the coming years.

There are also people who are concerned with the extent to which criminal laws are used to regulate what some see as essentially private moral decisions. Laws against sexual behavior between consenting adults, prostitution and the use of marijuana have all been called in question. Some of the laws against gambling clearly fall into a similar category.

A third important trend in American society is to try to deal more harshly with serious or repeat criminal offenders. Along with chronic armed robbers, terrorists and sex offenders, targets of special interest have been persons working for large-scale criminal organizations. Numerous changes have been made in federal and state laws to assist law enforcement agencies in apprehending such persons. Strike forces, both federal and local, that target organized crime figures have been established over the past ten years throughout the

country. Revenues from illegal gambling operations have often been said to be a major source of support for criminal organizations. Reflecting this view, some state legislatures have been increasing the maximum penalties for gambling violations.

A fourth trend of importance in recent years has been to take a hard look at the criminal justice system. A principal theme of LEAA's Task Force on Standards and Goals was the need for specifying clear policies, setting priorities, reducing discretion and increasing professionalism among elements of the criminal justice system. Gambling law enforcement frequently has been cited as one area in which such steps might be most needed.

Legislatures across the country are in the process of discussing at least three kinds of issues:

a) Should there be more legal commercial gambling? There are many aspects to the discussion - moral, economic and psychological. One important aspect of the debate is predicting the impact of legalized gambling on the enforcement of the remaining anti-gambling laws.

b) Should certain forms of gambling be decriminalized? Again, there are moral considerations that may lie beyond research, but one important needed basis for the discussion is a good understanding of the nature of current gambling laws, the kind of responsibility they place on police, and how those laws are enforced.

c) Should harsher penalties be set for serious gambling offenders; and should certain penalties be mandated legislatively? Again, the issues are complex, but one important part of the discussion should be an understanding of the significance of current penalties and existing attempts to mandate sentences.

Police and prosecutors also must set policies with respect to gambling enforcement. What are realistic and attainable goals? What should be the priori-

ties? How should gambling law enforcement be managed to maximize goal attainment and minimize the potential for internal problems?

These issues may be more or less salient in different parts of the country. However, at least some of them are relevant almost everywhere. At the time this project was proposed the available information relevant to gambling enforcement policy was very limited. The extent of knowledge about citizen gambling behavior was based on two very limited national studies (Smith and Li, 1971 and NORC, 1974), and a set of local or state studies of uneven quality, mostly sponsored by existing or prospective lottery commissions (see the review of these in Weinstein and Deitch, 1974).

There was, of course, a considerable literature on the police. Wilson (1968), Reiss (1971), and Skolnick (1975) had each looked at police behavior in more than one city, but none focused particularly on gambling. Gardiner (1970) looked more carefully at gambling, but only in the context of the politics of corruption, not at what police were actually doing. In addition, his study was limited to one small city. Kretz (1975) studied officer views of various law enforcement responsibilities with special emphasis on "plaintiffless crimes" in Washington, D.C., and Rubinstein (1973) reported the problems caused by gambling-related corruption in the Philadelphia Police Department. These were the major empirically-based studies on which we could build. Also, and perhaps more important, were the highly publicized findings of the Knapp Commission in New York City (1973) and the reports of the Pennsylvania Crime Commission (1974).

While this project was in progress, the Commission on the Review of the National Policy toward Gambling (1976) and the National Wiretap Commission (1976) issued reports that were very relevant to some of our work. In particular, the Gambling Commission sponsored a national survey of gambling behavior and attitudes that produced a great deal of important knowledge (Kallick, et al.,

1976). Included in that survey was a set of questions designed specifically for this project to provide data on the perceptions and expectations of citizens regarding gambling law enforcement. A summary of these data was published by the Commission (Mangione, et al., 1976). We make use of those data, where relevant, in this report. The Gambling Commission also sponsored a mail survey of police departments, which was analyzed by this study team (Pratter and Fowler, 1976). Also, during this period, Blakey (1976) completed an analysis of the history of gambling laws, on which we were able to draw.

Thus, at the onset of this research, the systematic knowledge in the area consisted of a few studies of police that, while sound, were limited to only a few cities or were not particularly concerned with gambling. Considerable relevant information has been compiled very recently. We shall attempt to cite information from all sources to the extent that it provides a context for our project findings. In addition, we shall cite informed opinions from time to time. The latter may be particularly helpful in appreciating what has been learned from this project.

A project that has a descriptive goal is unlikely to produce findings that are totally inconsistent with informed opinion. However, to a major extent, the goal of this research was to provide a perspective, to determine the importance of various characteristics or consequences of gambling law enforcement.

The project specifically addresses the following issues;

- a) What is the effect of current experiences with legalized gambling on law enforcement?
- b) What is the effect of the way anti-gambling laws are drafted on law enforcement?
- c) What is the effect of gambling law enforcement responsibilities on police officer morale or on the potential for police corruption?



- d) What is the effect of gambling law enforcement responsibilities on citizen respect for police?
- e) How are gambling laws enforced?
- f) What administrative or management decisions have been shown to, or seem likely to, improve gambling law enforcement?

#### Methods\*

In order to adequately address the issues relating to gambling enforcement, a research design was constructed which would give a representative view of current enforcement efforts.

To obtain this representative view the following elements were included:

- 1) Information was collected from a variety of sources (police administrators, vice officers, patrolmen, prosecutors, court clerks, judges, newspaper reporters, citizens), using a variety of data collection methods (self-administered questionnaires, structured interviews, record data, and loosely structured interviews;
- 2) A random sample of cities with populations in excess of 250,000 was drawn;
- 3) Data were collected using standardized procedures; and
- 4) Cities were included which had different amounts of legalized gambling available.

#### Sample

The original sample was randomly selected to yield five cities each from states representing the three main types of legal gambling situation, two cities from a state with legal off-track betting, and one Nevada city. The police de-

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\*A more detailed description of our methods including sample design, development of measures, types of data sources and copies of materials can be found in the Appendices to this report.

partments in four of the originally selected cities refused to participate. In three cases, a substitute city was selected and participated. The resulting sample was:

- 1) four cities with no legal gambling allowed (except charitable bingo games) -- Atlanta, Birmingham, El Paso, and St. Louis;
- 2) five cities which allowed on-track betting on horses or dogs -- Los Angeles, Phoenix, Portland, San Jose and Tampa;
- 3) five cities which, in addition to on-track betting, had legal state-run lotteries -- Boston, Cleveland, Detroit, Toledo and Newark;
- 4) two cities which, in addition to on-track betting and lotteries, also allowed off-track betting -- Buffalo and New York City; and
- 5) one city which had extensive legal gambling -- Reno.\*

#### Data Sources

There were three major sources of data upon which most of our analyses were based.

Semi-structured interviews were conducted with various key figures in the police department and the rest of the local criminal justice system in each city. Interviews were taken at least with the chief, head of the vice squad, one or more gambling specialists, the head of the detective division, the head of field operations, the head of the organized crime unit (if any), the

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\*In Reno we discovered that the enforcement situation was so different that it was impossible to compare to the other cities. Given the extent of legal gambling in Nevada, all enforcement efforts have been taken from the police and are the responsibility of the Gaming Control Commission. However, this body approaches its task as a licensing and regulatory body. Illegal gambling is that which is not licensed or which is operating in violation of various regulations. Much of the cost of "regulation" is borne by the legal gambling operator. For these reasons, although offering an important anchoring point, the Reno situation was just not comparable to efforts in other cities and therefore we do not include Reno in our analyses.

head of intelligence (if separate from organized crime), and the head of the internal affairs unit (if any). Interviews were also taken with prosecutors most involved with gambling cases, court clerks, and judges.

Information gathered from these interviews was of different types. Some of the information was objective (e.g., how many officers in vice); some was informed opinion (e.g., what is the structure of organized crime in the city); and some was attitudinal (e.g., how important is gambling enforcement to you).

In considering the information from a department we usually averaged opinions from various officers. However, in some instances the study team considered some officers' opinions as more informed and thus gave more weight to their opinions (e.g., the information supplied by the head of intelligence and the head of the vice squad on the structure of organized crime in their city).

Self-administered questionnaires were administered to a sample of police officers as well as all vice specialists in 14 of the 16 sample cities. Approximately 200 officers in each city were included in the random sample. The overall response rate was 78 per cent. The questionnaire took about ten minutes to fill out and covered several areas relating to the "debate" on gambling enforcement.

Areas included were police perceptions of citizen support for gambling enforcement, perception of support received from courts and prosecutors; officers' attitudes about the seriousness of gambling offenses compared to other crimes as well as their perception of citizen ratings of seriousness of gambling and other crimes; the extent to which gambling enforcement was seen to be important and satisfying; the difficulties and problems in the enforcement of gambling laws; attitudes about legalization; perceptions about the amount of illegal gambling in their city; the role of the patrol officer; and questions on effectiveness, corruption and organized crime.

Given the size of the police officer sample, the data provide fairly precise information. When information is presented for all officers, these data should be viewed as having a range of plus or minus four percentage points. Individual department averages (although never presented in a way which would identify a department) have a range of about plus or minus eight percentage points.\*

We felt that to gain cooperation from the department and to facilitate candid responses from officers, we had to promise never to present data on individual departments with departments identified. We have followed that rule throughout this report with the exception of information about willingness to participate and response rates so that readers can judge the quality of the sample.

Citizen attitudes were obtained through a special set of questions about gambling law enforcement that were incorporated for this project into a national survey on gambling participation and attitudes. Citizens were asked about their attitudes toward enforcement; how serious they felt gambling was; and how they saw police enforcing gambling laws. The sample size was 1736. The response rate overall was 76 per cent.

In addition to these major sources of data, we also gathered arrest and disposition data where available, took interviews with newspaper reporters in each city, and did an analysis of each state's anti-gambling laws.

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\*These figures are estimates of the confidence interval; that is, the range around the sample estimates that one can be 95 per cent sure is the limit of error due to chance sampling variation alone. We did calculate the design effect of clustering, estimating the variability due to sampling to be about twice that for a simple random sample of the same size. These figures do not take into account possible response error or the effects of non-response, which cannot be calculated but which can affect estimates in any sample survey. More detail on response rates and sampling variability is provided in Appendix B where the number of cases on which percentages are based is also provided for both the police officer and citizen survey data.

## Conclusion

Necessarily, any project can only achieve a limited set of goals; some of the important issues were beyond the reach of a single project, so that choices had to be made. Several critical choices include:

- 1) The decision to draw a representative sample of cities rather than to select a set of interesting types of cities. This meant that certain individual examples of innovative enforcement strategies or problems might by chance alone be omitted, but the need to provide a representative perspective seemed compelling.
- 2) The decision to spend four or five days interviewing on-site in 17 cities, rather than spending more time in fewer cities, or less time in more cities. This, in turn, defined the depth and amount of detail we could obtain about each city.
- 3) The decision not to do citizen surveys in each city but to rely, instead, on national sample survey data for citizen input. This was a fiscal decision made by LEAA, not a design decision, and it severely limited some of the conclusions we could make.
- 4) The decision to severely limit the length and content of the police officers' questionnaire in order to maximize the percentage of departments that would participate and the response rate of police officers in departments.
- 5) The decision not to attempt to go beyond available case disposition data, except insofar as we could obtain knowledgeable estimates.
- 6) The decision to focus on only on large cities, where two-thirds of gambling arrests are made, rather than expanding the sample to include smaller cities.
- 7) The decision to focus on local enforcement efforts and not stretch resources to attempt to describe the federal effort as well.

These decisions generally appear to have been sound, given the alternatives, except for the omission of the citizen surveys; but they meant there were important questions we could not answer, and others for which our answers are not as definitive as we would like. Nonetheless, there are many important questions that we can now answer, that no one could answer as well before.

### Analysis

The analysis process for this project was complicated because of the variety of data sets that needed to be meshed and the complexity of the issues.

A particular difficulty was compiling information about police and prosecutors' activities and policies. We wanted to take advantage of the insights and judgments of our on-site interviewers and yet reach conclusions that were replicable. We attempted to obtain information both on formal and informal policies and actual practices. The main technique we relied on was asking the same questions different ways and of different people. We also had arrest data, interviews with other criminal justice system officials and interviews with crime reporters that provided some potential for validation. By intensive review of all relevant answers, the study team attempted to develop factual criteria for coding such things as priorities, the types of cases worked on, and primary investigative procedures. These data were then checked with the on-site interviewers to insure that our objective codes fit with their more global judgments.

The process was aided by the fact that the interviewers attempted to reconcile conflicting answers on-site. For example, in one city an interviewer was told that the vice squad made most of the arrests; but the figures did not add up. When he went back to the vice squad, they did some checking and found out that, in fact, district detectives had made many more street-gambling arrests in 1975 than they suspected. There were many occasions such as this where we believe we found the "right" answer to an apparent inconsistency as a result of

cross-checking. However, necessarily there are some places in the report where we use ratings or judgments that are difficult to precisely operationalize. We usually made independent ratings that were then reconciled, so we believe they could be replicated. However, our main approach has been to clearly label judgments and to attempt to present consistent objective or quantifiable evidence to buttress our conclusions.

The other major challenge was how to present the findings to make them most meaningful. We finally decided to begin with police - what they are trying to do, what their problems are, and what they are actually doing. One of our initial insights and, in the end, one of our important conclusions is that gambling laws are enforced in many different ways, and that local police policies play a major role in determining what the laws mean practically. This sense of variety (described in Chapters III through VII) seemed an essential background for discussing the significance of prosecution and sentencing (Chapter VIII), and the significance of legalized gambling (Chapter IX).

The final two chapters deal with the implications of the data. Chapter X addresses the management of the police and prosecutorial efforts against gambling - summarizing what we learned and what it might mean. The final chapter addresses the broader implications of our research for legislation and the societal stance toward gambling.

These final chapters may be the kind of practical products that should emerge from a project such as this. However, our fundamental goal in the analysis and report was to produce an understanding of and perspective on what the enforcement of anti-gambling laws is about, how it is carried out and how laws such as these interact with the realities of the criminal justice system.

## CHAPTER II

### THE CONTEXT OF GAMBLING LAW ENFORCEMENT

#### Introduction

In order to better understand the information to be presented in this report concerning the enforcement of gambling laws, a review of the context of enforcement is necessary: the nature of the gambling offense, the laws relating to gambling, and the gambling behavior of citizens. The information presented in this chapter is drawn from our analysis of the laws and the work of the Gambling Commission. Some well-versed readers may want to proceed directly to our research findings, which begin in Chapter III; but for most readers we believe the information in this chapter will be valuable to understanding the research.

#### Gambling Laws

The National Advisory Commission on Criminal Justice Standards and Goals (1973) has noted the following about the nature of vice crimes, including gambling offenses:

First, these offenses involve a consensual act between the person that desires the service and the person who provides the service. In many jurisdictions the individual who seeks out or receives the illegal services is also violating the law. Second, community attitudes often reflect a high level of tolerance toward certain vice activities. Finally, syndicate crime is involved directly and indirectly in many vice crimes.<sup>1</sup>

Because of this particular nature of the offense, gambling enforcement is seen as more difficult than enforcement against crimes with victims. The fact that there is rarely a plaintiff in a gambling case creates a different type of enforcement responsibility for police and the rest of the criminal justice system.



The police have the initial responsibility of determining whether the law has been broken. Therefore, the nature of the laws with which the police must work are particularly important to the context of enforcement.

In each city, three different sets of legal codes (federal, state, and municipal) create the legal context for gambling law enforcement. This section focuses primarily on the variation in state laws. Federal laws relate primarily to interstate conspiracy by criminal organizations to engage in gambling. Since our focus was local enforcement, we considered federal laws to be outside the scope of our inquiry. Also, of course, the context of federal law is identical for all cities. Municipal ordinances were only considered when we found that police used the ordinances in a significant proportion of cases.

### Legal Gambling

The states have without exception retained the power to determine who shall gamble, on what types of games, where, when and with whom. In some states, non-commercial (social gambling) in private places is not prohibited. There are numerous states which permit certain kinds of commercial gambling (where someone systematically profits from the game), either run by the states themselves or licensed and regulated by the states.

Nevada is the state with the greatest range of legal commercial gambling. However, even in Nevada, there are certain types of games, notably lotteries, which remain prohibited. In all other states, most forms of commercial gambling are illegal. There are 16 states in which no form of gambling is legal.

Those forms of gambling that are legal in some states and the number of states in which they are legal are indicated in Table 2.1. On-track betting on horses is the most frequent form of legal gambling and is allowed in 29 states. Eight of these states also allow betting on dogs at the track. One more state allows betting on dog races, but not horse races. Twelve\* states allow state-

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\*Delaware also had a legal state-run lottery which was discontinued.

Table 2.1

Availability of Legal Gambling\*

Type of Legal Gambling	Number of States** Where Legal
State Lotteries	12
Off-track Betting on Horses	1
On-track Betting on Horses	29
On-track Betting on Dogs	8
Jai Alai	3
Legal Card Room	2
Casino Gambling	1

\* Commission on the Review of the National Policy Toward Gambling, First Interim Report. Washington, 1975. pp. 15-16.

\*\* Nevada is excluded from this table.

run lotteries; in all but one of these betting on horses at the track is also legal. Other than Nevada, only one state has active off-track betting on horses.

### Gambling Prohibitions

The information presented in the next sections was gathered only for the 13 states in which the 16 sample cities (excluding Reno) are located. The information was developed by reviewing the state gambling statutes in each of these states, as well as through interviews with prosecutors, judges and court clerks, and is summarized in Table 2.2.

The types of prohibitions among the sample cities can be summarized as follows:

1. Profiting from an illegal gambling business was always banned. This includes running or profiting from a bookmaking operation, a lottery, or card and dice games. We refer to these offenses throughout the report as commercial gambling.

2. Gambling in public (participating) was almost always banned whether commercial or non-commercial (social). Only one state did not have a gambling statute specifically aimed at playing in a non-commercial public game. We refer to this offense as public gambling.

3. Placing a bet was often illegal. In eight out of 14 states it was illegal to place a bet with a bookmaker and in five it was illegal to place a bet on a lottery.

4. Gambling in a non-commercial game in a private place was illegal in nine of the 14 states. We refer to this offense as private social gambling.

The definition of prohibited conduct. Early legislative attempts to control gambling took a piecemeal approach. As a gambling form was identified and found to be against the public welfare, the state legislatures would adopt a statute prohibiting that specific activity. A number of problems arise from

Table 2.2

Prohibited Gambling Forms - Thirteen Sample States

Type of Gambling Activity	Number of States Where Prohibited
Social gambling in private	9
Placing a bet with a bookmaker or buying a number	8
Taking a bet or selling a number	13
Public gambling	12
Running a commercial card or dice game	13

this approach. It requires new legislation every time a new gambling form is invented or an older form is modified to avoid existing prohibitions. Thus, there is always a "lag" time where a specific activity is legal until declared otherwise.

Following the lead of a 1952 American Bar Association model, there has been a trend toward writing "generic" gambling statutes. The wording of the generic statutes does not address particular games, but gambling in general. In theory, all forms of gambling, including new games or variations on the old, are covered. Thus, further legislative action is unnecessary. Since only a few statutes are necessary, it is easier for prosecutors to become familiar with their uses and their application. The drafting of indictments or complaints is also simplified because specific aspects of the game need not be individually identified or proven so long as the general features of the activity constitute gambling. Five states in our sample have adopted generic anti-gambling laws.

One other feature of laws in states that have adopted generic laws should be noted. In accordance with the Model Code recommendations, four of the five states specifically excluded social gambling in private from legal prohibition. Only in states with generic laws did we find private social gambling permitted. Although this is not a necessary part of the generic approach to gambling laws, it has generally been part of the reform of anti-gambling laws.

Serious offenses. Another important feature of gambling laws has been in the way in which "serious" offenses are defined. Most state laws attempt to differentiate between more and less serious offenders. In the older laws certain activities (e.g., "keeping a gaming table") were designated as more "serious" than others and therefore liable to more severe penalties. In some states, virtually indistinguishable statutes were written designating a particular behavior as a felony or high misdemeanor according to one statute but as a lower

offense according to another. In these instances, prosecutors have discretion to charge one or another offense, as it seems appropriate to them.

The states with generic laws have taken a slightly different approach, attempting to define "seriousness" in terms of the volume of business or the role of the defendant in the illegal gambling organization. Under two of the generic state anti-gambling laws, operators who can be proven to have done more than a given amount of illegal business in a day can be charged with a more serious offense. (There are certain evidentiary presumptions in case law which have developed to make this a simpler task.) In addition, being an indirect participant in a gambling operation, by receiving money or bets from a person who actually took the bets, or by conspiring to run a gambling operation, is defined as a more serious crime.

Another approach to the definition of "serious" offenders is the so-called "second offender" laws. Five of the states had laws designed to provide more serious treatment for repeat offenders. In four, such laws were aimed specifically at gambling offenders. In the fifth, there was a general law attempting to increase penalties for all repeat felony convictions, which could apply to gambling.

Proof of Prohibited Conduct. All state gambling laws, whether they use a generic approach or not, must somehow describe the prohibited activity. Under the generic laws, it was necessary to demonstrate only that the conduct engaged in was gambling, and that the defendant was involved. The specific approach added the further requirements that the prosecution prove a) what kind of gambling it was that the defendant was alleged to have done, b) the particular elements of the offense, and c) that it was covered by the statutes. For these reasons, it is usually necessary to show that the defendant was in possession of some kind of gambling records or paraphernalia, and in some states valuata

as well.

The major difficulty in gambling enforcement was the care which must be exercised by the arresting officer not to violate the defendant's rights against illegal search and seizure. Since, as is the case with all so-called "victimless crimes", there is usually no plaintiff in gambling cases, the whole burden of proof rests on the quality of the evidence and how it was obtained. In most cases, the evidence is gathered pursuant to the issuance of a warrant, and this must be impeccable, since defective warrants were a common reason for dismissal.

The other evidentiary difficulty, besides seizure of evidence, is proving that the conduct engaged in was prohibited by law. As noted, this may be more easily done under a generic type state law. Under the specific type of law, the particular type of gambling must be proven as well as the general activity; this is generally accomplished by expert testimony at the trial.

Penalties. The penalty provisions of the gambling laws of the 13 states in our sample (excluding Nevada) are presented in Table 2.3. This summary focuses on the penalties for cards and dice, illegal lotteries (numbers or poolselling) and bookmaking, and distinguishes between merely participating in versus running the illegal game.

In 12 states was illegal to play cards for money in public and in 13 states it was illegal to run a card game. One of the states did not distinguish between playing and running, while another state made only running a game illegal.

For playing cards and dice, the range of the maximum fines prescribed was \$100 to \$1,000 with the median maximum fine being about \$300. Most laws also provided an optional jail term. The maximum sentence was three years with the median maximum being six months.

The penalties for running an illegal card or dice game were somewhat more serious. In two states, running a game was considered a felony. The maximum

Table 2.3

## Penalties for Illegal Gambling - Thirteen Sample States

Prohibition and Penalties	Cards and Dice	Lottery	Bookmaking
<u>Playing Cards, Dice or Placing Bet:</u>			
Number of States where playing is prohibited	9*	5	8
<u>Maximum Penalty 1st Offense:</u>			
Range of Fines	\$100-\$1,000	\$200-\$5,000	\$200-\$5,000
Median Fine Prescribed	\$200	\$500	\$1,000
Range of Jail	0-3 yrs	0-5 yrs	0-5 yrs
Median Jail Term Prescribed	6 months	1 year	1 year
<u>Running a Gambling Game:</u>			
Number of States Where Running a Gambling Game is a Felony	2	5	7
<u>Maximum Penalty 1st Offense:</u>			
Range of Fines	\$300-\$5,000	\$500-\$5,000	\$500-\$5,000
Median Fine Prescribed	\$1,000	\$2,500	\$5,000
Range of Jail	0-10 yrs	0-10 yrs	0-10 yrs
Median Jail Term Prescribed	1 year	5 years	5 years

\* As noted above, 12 states prohibit playing cards in public.



finer ranged from \$300 to \$5,000 with the median at \$1,000. The maximum for the optional jail term was ten years with the median among the 13 states being one year.

It was illegal to place a bet on a lottery (or pool or numbers or policy) in five of the 13 states. The penalties for playing in illegal lotteries were slightly more severe than for playing cards and dice. The range of maximum fines was \$200 to \$5,000 with the median at \$500. The maximum optional jail term was five years with the median being one year.

Running an illegal lottery was considered to be more serious, however. All 13 states made it illegal to run a lottery (except, of course, as specifically authorized for state-run lotteries). Five states considered it a felony. The range of maximum fines was similar to playing, \$500 to \$5,000, but the median maximum fine was somewhat higher at \$2,500. Optional jail sentences were more severe with the maximum being ten years and the median being five years.

In eight states it was illegal to place a bet with a bookmaker. The penalties were similar to playing lotteries. The maximum fines ranged from \$200 to \$5,000 and the median fine was \$1,000 (slightly higher than lotteries). The maximum optional jail sentence was ten years with the median maximum sentence being one year.

In all 13 states it was illegal to run a bookmaking operation. In seven states it was considered a felony. The penalties were more serious than for placing a bet with a bookmaker and similar to running a lottery. The maximum fines ranged from \$500 to \$5,000 and the median was \$3,000. (This was higher than for running a lottery.) The maximum optional jail sentence was ten years with the median at five years.

Summary of penalties. Based on this overview, it is clear that legislators consider running an illegal game to be more serious than playing, and that book-

making offenses are slightly more serious than lottery offenses, which, in turn, are more serious than card and dice offenses.

### City Ordinances

In four cities, police used city ordinances extensively to supplement state gambling laws. These ordinances prohibit being present at a place where some socially undesirable activity such as gambling is taking place. They generally carry low maximum fines. The highest encountered was \$200; a typical fine would be \$10 or \$25, about the equivalent of a parking ticket.

There are a number of advantages to the use of municipal ordinances for charging less serious gambling violators. They provide additional charging discretion in cities where state laws provide more serious penalties and the prosecution does not feel that a judge would convict under the more serious state laws. They can be handled quickly, without using scarce legal system resources; usually they are settled by bail forfeiture or a voluntary plea and a small fine. In some cities, fines for municipal ordinance violations go to the city treasury rather than to the state. The most important advantage, however, is that they usually have less complex evidentiary requirements than state laws against gambling. In every city where municipal codes were used, it was only necessary to show that the defendant was present where gambling was taking place.

### Gambling Participation

One common argument for legalizing gambling is that everyone gambles. The best available data on this topic come from the National Survey of Citizens done by the Survey Research Center at the University of Michigan in 1975.

There is indeed some truth to the statement that most people gamble. Approximately 60 per cent of the adults in the United States admitted to placing at least one bet during 1974.

Having said this, it is important to understand the kinds of betting be-

havior that people were reporting. There were four kinds of bets which were most common and which were the only kinds engaged in by at least 15 per cent of the population in 1974: playing cards with friends, buying a lottery ticket, betting on professional sports with friends and bingo. Of these, the most common form of gambling was playing cards with friends for money, engaged in by close to 40 per cent of the adult population in 1974. Although as we saw in the previous section, in many states those playing cards or betting with friends were breaking the law, this was still social gambling. None of the most common forms of gambling involved participation in illegal commercial gambling (Kaillick, et al., 1976).

Of course, betting was not equally prevalent among all segments of the population. Table 2.4, for example, presents data on participation in legal commercial gambling. Persons who were 65 years of age or older, or had incomes under \$5,000 were much less likely to bet on legal games than the average American. Betting was also considerably less common in the South, where only 30 per cent of the adults had placed a legal bet in 1974, than elsewhere in the country. Non-whites were less likely to have placed legal bets than whites.

Finally, Fundamentalist Protestant adults were less likely to bet than other Protestants and much less likely to have placed a bet than Catholics or Jews.

These findings are, of course, interrelated. There are, for example, more Fundamentalist Protestants in the South than elsewhere in the country. Nevertheless, the general statement that the majority of people in the United States have gambled for money in one way or another is accurate.

#### Illegal Commercial Betting

The next question, then, is the extent to which citizens participate in illegal commercial gambling. Again, we must rely on the Michigan National Survey of Citizens for the best available estimate of the participation in illegal gamb-

Table 2.4

Influence of Seven Economic and Demographic  
Factors on Illegal Gambling Participation in 1974

Factors	Per Cent Placing Illegal Bets		
	Sport Books	Horse Books	Numbers
Region			
Northeast	3%	6%	8%
Northcentral	3	2	2
South	1	2	1
West	*	1	1
Income			
Under \$5,000	*	1	1
\$5,001-\$10,000	1	2	4
\$15,001-\$20,000	1	3	3
\$20,001-\$30,000	3	3	3
Over \$30,000	5	4	5
No answer	3	3	3
Education			
Grade school	1	2	3
High School	2	4	5
Some college	3	2	3
College degree	3	1	1
No answer	*	*	*
Religion			
Jewish	6	3	4
Catholic	3	4	5
Fundamentalist	2	2	2
Other Protestant	1	2	2
Age			
Under 25 years	2	3	4
25-44 years	3	3	4
45-64 years	2	2	3
Over 65 years	*	1	*
Sex			
Male	4	4	4
Female	*	1	2
Race			
White	4	2	2
Non-white	2	3	9

\* Less than .5 per cent.

ling. Although the researchers readily admit the possibility of some underestimation from their survey procedures, due to the unwillingness on the part of some respondents to admit to illegal wagering or unwillingness on the part of heavy illegal bettors to participate in the survey at all, there are reasons to believe that their estimates were relatively accurate. For example, their estimates of participation in forms of legal gambling for which there are public records, such as lottery purchases or betting at the race tracks, came very close to matching the record data.

If one looks at the four major forms of illegal commercial gambling (taking bets on sports or horse races, selling illegal numbers, and running a commercial card game), the Michigan study estimates that 11 per cent of the adult population in the United States (about 15 million adults) placed such an illegal commercial bet in 1974 (see Table 2.5).<sup>\*</sup> The patterns of betting differed by game. People who bet on sports or horse races wagered considerably more per year than those who played numbers or sports cards.

Residents of the Northeast were twice as likely as the national average to have placed illegal commercial bets in 1974. In contrast, only six to seven per cent of the adults in the South and West regions of the country placed such illegal bets in the same period. Those with Italian or Spanish backgrounds were also more likely than average to have placed illegal bets during 1974. Males were more than four times as likely to have placed illegal bets than females during that period. Those who bet on horses and sports illegally were mainly whites with average or above average incomes. In contrast, numbers players were disproportionately non-white (Table 2.6).

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<sup>\*</sup>Note that these figures do not include gambling socially in public or in private which are much more common violations of state gambling laws.

Table 2.5

1974 Illegal Commercial Gambling  
Participation of United States Adults

Illegal Game	Participation (Per Cent of Adult Population)	Average Annual Wagers per Bettor
Sports books	2%	\$ 623
Horse books	2	417
Numbers	3	273
Sports cards	3	44
Total illegal participation	11%	\$ 318

Table 2.6

Influences of Seven Economic and Demographic Factors  
on Legal Gambling Participation in 1974

Factor	Per Cent Placing Legal Bets on			
	Horses, Track	Casinos	Bingo	Lotteries
Region				
Northeast	20%	9%	25%	55%
Northcentral	12	5	22	32
South	10	2	11	6
West	16	31	17	3
Income				
Under \$5,000	7	4	9	10
\$5,001-\$10,000	12	8	19	15
\$10,001-\$15,000	10	6	20	24
\$15,001-\$20,000	16	12	22	31
\$20,001-\$30,000	19	12	22	35
Over \$30,000	22	21	17	32
No Answer	17	7	20	24
Education				
Grade School	8	4	14	18
High School	14	8	23	27
Some college	14	15	21	26
College degree	23	16	16	31
No answer	13	9	9	2
Religion				
Jewish	28	23	11	52
Catholic	20	10	29	39
Fundamentalist	7	4	9	5
Other Protestant	12	10	16	20
Age				
Under 25 years	14	6	27	17
24-44 years	17	12	21	30
45-64 years	13	10	16	24
Over 65 years	3	4	8	10
Sex				
Male	16	9	16	29
Female	12	10	21	20
Race				
White	17	9	19	25
Non-white	13	11	17	20

These figures, of course, were averages. There may indeed be certain neighborhoods in a few cities where a substantial majority of the population did participate in illegal gambling. However, that does not contradict the fact that in most places, even including central cities, only a minority of the population participated in illegal commercial gambling.

#### Conclusion: Gambling Participation

Given the way laws are currently written, more than a third of all U.S. citizens probably violated state gambling laws in 1974. However, if one excludes social gambling and looks only at illegal commercial gambling, the best estimate is that only about 11 per cent of the adult population placed an illegal bet in 1974. The result of their activity was not insignificant. These people bet between five billion and thirty billion dollars in 1974; and even the lower figure represents a good sized business.\*

There is some illegal commercial gambling in all the major cities in our sample. It appears that the greatest amount of illegal gambling activity is in the Northeast, the least in the West. Illegal numbers and horse betting are more narrowly distributed than either sports bookmaking or illegal card and dice games. While the openness and amount of the bookmaking and card and dice games activities varies from city to city, they exist at some level in virtually all cities.

#### Summary

The context of gambling law enforcement is made up of contrasts. A large proportion of citizens gamble each year. However, most gambling is either with

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\*The lower figure is the projection from the survey; the higher figure is a Justice Department estimate. The Gambling Commission concluded that the survey-based estimate was too low. However, the bases for the Justice Department's estimate were tenuous. There has been no systematic analysis that justifies rejecting the five to ten billion survey estimate.



friends or using the various forms of legal gambling available. Only a relatively small proportion of citizens gamble on illegal commercial games. There is a moderate amount of regional variation in the popularity of various illegal commercial games.

Many states have some forms of legal gambling available, and in about a quarter there are several legal games. However, most types of gambling are illegal including the most popular form - playing cards for money with friends. The statutory penalties are moderate for participation but potentially severe for persons who run illegal, commercial gambling operations. The severity of potential penalties varies considerably from state to state.

## CHAPTER III

### GAMBLING LAW ENFORCEMENT BY POLICE: AN OVERVIEW

#### Introduction

In the previous chapter, we have described the anti-gambling laws and the gambling behavior of the American public. In looking at the response of the criminal justice system to violations of the anti-gambling laws, we must begin with local police. It is they who have assumed almost total responsibility for the enforcement of state gambling laws; and most of that responsibility falls particularly on police departments in major cities.

The nature of this responsibility is limited by what the police can do. The majority of states have laws against social gambling in private. About a third of all U.S. adults break such laws each year. However, police cannot enforce these laws unless there is a complaint made - a very rare event for the Saturday night poker game. Moreover, given the size of the enforcement problem, the resources needed for even a modest effort in this direction would be enormous. Therefore, the police responsibility for gambling enforcement is restricted pragmatically to gambling that occurs either in public places or that is a commercial operation. One important part of understanding gambling law enforcement is to recognize that realistically it only relates to a part of the illegal gambling transactions made.

Another important point is that gambling itself is not considered to be a serious offense. Table 3.1 shows the ratings by police officers of the seriousness of taking bets compared to ratings of seriousness of several other offenses. Table 3.2 shows police ratings of how serious they think citizens feel the same offenses to be. It is clear from both tables that gambling is considered less

Table 3.1

Police Officers' Perception of Seriousness  
of Illegal Gambling and Other Offenses

Seriousness	Offenses					
	Book- making	Numbers	Burglary	Pursesnatches	Prostitution	After Hours Liquor
Extremely	5%	9%	83%	74%	15%	4%
Very	15	20	16	22	25	15
Somewhat	32	34	1	3	31	36
Not very	33	27	0	1	20	33
Not at all	<u>15</u>	<u>10</u>	<u>0</u>	<u>0</u>	<u>9</u>	<u>12</u>
	100	100	100	100	100	100

Table 3.2

Police Officers' Perception of Seriousness to  
Citizens of Illegal Gambling and Other Offenses

Seriousness	Offenses					
	Book- making	Numbers	Burglary	Pursesnatches	Prostitution	After Hours Liquor
Extremely	1%	2%	65%	54%	5%	1%
Very	3	5	31	36	14	3
Somewhat	18	23	4	9	41	17
Not very	53	50	0	1	33	53
Not at all	<u>25</u>	<u>20</u>	<u>0</u>	<u>0</u>	<u>7</u>	<u>26</u>
	100	100	100	100	100	100

serious by police than any offense on the list except, perhaps, liquor violations, and that police perceive citizens to concur.

It is not surprising that gambling is seen as relatively less serious than other crimes. As we have seen in Chapter II, more people gamble each year than smoke cigarettes. Although the occasional compulsive gambler or loanshark client is cited as a possible victim, most people who gamble obviously do so of their own volition, with few negative consequences.

Despite the fact that gambling is not seen to be a serious crime, gambling law enforcement is important to police - probably more so than the enforcement of laws against many offenses commonly considered to be more serious. From talking with police officials and studying citizen survey data, it appears that the importance of gambling law enforcement stems from three special characteristics of illegal gambling.

The first reason gambling law enforcement is important is the perceived link between illegal gambling profits and organized crime. In those cities where multi-service, criminal organizations profit from gambling, gambling is seen to finance activities such as loansharking, highjacking and drug sales, all of which are considered serious crimes. Police see the curtailment of commercial gambling as one way of attacking these other more serious crimes. Even where organized crime is not currently thought to control gambling operations in a city, one way of keeping large-scale criminal organizations from developing in a city is said to be to keep gambling profitability low.

Second, gambling law enforcement is important because it affects public confidence in the police. The existence of public gambling and commercial gambling may communicate to the public that police lack integrity or dedication to law enforcement. It is important that they handle their enforcement responsibilities in ways that maintain their good reputation.

Third, gambling law enforcement is important because it has a significant potential to adversely affect the department itself. The potential for police corruption associated with illegal gambling is one of the most serious concerns. However, the way gambling enforcement is handled may also have negative consequences for police morale.

In the next three chapters we shall explore in more detail the nature of gambling law enforcement as it relates to each of these three important reasons for enforcing the gambling laws. First, as background for this discussion, we want to present some basic descriptive material about the structure of police enforcement efforts.

#### Responsibility for Enforcement

In the cities we studied, the local police have almost sole responsibility for gambling law enforcement. County sheriffs were never mentioned as exercising enforcement responsibilities within the city limits. There was one city where the local police had joined forces with the county prosecutor's office to handle countywide enforcement. For our analyses, we have treated that unit as the city's local gambling enforcement unit.

Most state police agencies play a minimal role in local gambling law enforcement. There was only one city where there was significant activity by the state police that affected the city enforcement efforts. The state police organized occasional strikes against widespread state gambling operations. The local police, in these cases, made the actual arrests within their jurisdictions.

The FBI, the Internal Revenue Service and Federal Strike Forces all mostly target individual figures in criminal organizations. There was only one city where, in the view of local police, the federal efforts were seen to have had any significant impact on local illegal gambling situations. This is not to say that the federal efforts were ineffective. It only means that the nature of the

federal effort, at best, will affect local gambling operations indirectly and over a long period. The federal government is not trying to enforce the state or local anti-gambling laws but rather federal laws against criminal organizations.

#### Organization of Gambling Enforcement

Of the 16 sample departments, eight were totally centralized and eight had district offices. All departments had a centralized gambling unit or a central vice unit that handled gambling. The eight departments with district offices handled gambling enforcement in various ways. Three departments had vice specialists assigned to districts; and in two of these departments these specialists were active in gambling enforcement. In the other five decentralized departments there were no vice specialists assigned to the district, but in two of these, general district detectives were active in gambling enforcement.

It was only in the latter two departments that general detectives played any significant role in gambling law enforcement. In the other 14 departments, almost all gambling law enforcement was done either by gambling specialists or vice specialists.

Patrol officers played virtually no role in gambling law enforcement. There were only a few cities where vice officers said they received a significant number of reports from patrol officers about illegal gambling activity. There was only one city where patrol officers made as many as five per cent of gambling arrests; and most of those were secondary offenses along with after hours liquor violations or disturbing the peace.

In addition to enforcement being carried out almost exclusively by specialists (either gambling or vice specialists), another important aspect to note was the relatively small proportion of police resources devoted to gambling enforcement. No department in our sample devoted more than one and one-half per cent

of its departmental manpower to gambling enforcement, and the average was about one-half of one per cent (Table 3.3).

#### Sources of Cases

There were two main sources of cases: the police department's own intelligence work, including tips from informants, and citizen complaints. There were five departments in the sample that said the majority of their gambling cases came from citizen complaints; eleven initiated most of their own cases. Most cases initiated by citizen complaints were concerned with commercial operations (bookmakers, numbers operators, and commercial card games) while most cases initiated by police were for card and dice violations.

#### Arrests

The FBI Uniform Crime Reports divide gambling arrests into three categories: bookmaking, lottery or numbers and "other". The "other" category mainly consists of card and dice violations and persons arrested for placing bets.

Table 3.4 presents the range of arrest data for the 16 cities in the sample. Several features should be noted. First, there is a very wide range of overall arrest rates--from 2 to 294 per 100,000 citizens. The median overall arrest rate was 41 per 100,000. Second, "other" gambling arrests dominated the figures in almost all cities. Third, three cities made a relatively high number of bookmaking arrests, while five cities stood out from the rest in their rate of numbers arrests. Finally, Table 3.5 shows that departmental arrest rates were remarkably stable from year to year.

Of course arrest rates do not tell the whole story and may even be misleading. One reason is that arrests can occur which do not lead to prosecution and conviction. Thus, the arrest figures can be artificially high if "poor" arrests are made. As it happens, with two exceptions, the cities in the sample all get convictions at comparable rates--about 50 to 80 per cent of their arrests. Only



Table 3.3

Proportion of Department Personnel Assigned to Gambling Enforcement  
Compared to Other Assignments  
Sixteen Sample Cities

Department (Ranked by Size)	Assigned to Gambling	Assigned to Investigation	Assigned to Patrol
1	0.3%	13%	78%
2	0.8	23	62
3	0.3	21	63
4	0.4	-- *	-- *
5	0.7	20	68
6	0.3	12	66
7	1.2	17	69
8	0.4	11	43
9	0.8	15	38
10	0.6	13	-- *
11	0.7	15	62
12	0.4	-- *	-- *
13	0.4	25	57
14	0.3	15	56
15	1.3	26	63
16	0.2	17	57

\* Not Available

Table 3.4

Gambling Arrest Rates per 100,000 Population - 1975

Rank of Department by Overall Arrest Rate	Bookmaking Arrest Rate	Numbers Arrest Rate	Other Gambling Arrest Rate	Overall Arrest Rate
1	*	22	272	294
2	*	*	268	268
3	*	39	197	236
4	35	*	104	140
5	18	36	85	138
6	11	14	67	92
7	1	1	48	50
8	4	3	35	42
9	1	6	34	41
10	1	10	14	25
11	2	*	20	22
12	*	*	20	20
13	1	8	6	15
14	3	*	11	14
15	1	*	9	10
16	*	8	2	10

\* Fewer than 0.5 per 100,000 population

Table 3.5

Sample Cities Rank Ordered by Overall Gambling  
Arrest Rates for 1970, 1973 and 1975

Rank Order 1975	Rank Order 1973	Rank Order 1970
1	3	1
2	2	2
3	5	6
4	4	5
5	1	3
6	7	8
7	6	11
8	8	7
9	9	9
10	10	10
11	11	12
12	13	15
13	12	4
14	15	13
15	16	16
16	14	14

Note - The rank order correlation between 1975 and 1973  $r$  was .94 (significant at the .001 level), between 1975 and 1970  $r$  was .81 (significant at the .01 level).

one city would change markedly in relative position if an adjustment were made for conviction rates.

A second possible concern with arrest rates is that the categories mask differences in the seriousness of the offense. A person running a commercial card game would be considered a more serious offender than someone playing dice in a public place. However, both would be counted as "other" gambling arrests. Low level numbers runners are easier and less important arrests than numbers bankers, yet they would be included as numbers arrests. Telephone bookmakers are harder to arrest than street bookies and, in turn, these are generally considered less important than persons higher in the bookmaking organizations; yet all would be classified as bookmaking arrests.

Departments did not have tabulated information available which made those distinctions described above. However, from our interviews it was relatively clear that most numbers and bookmaking arrests were of the people who take bets or write numbers. The number of "higher ups" arrested would not substantially affect the comparisons. In the same vein, the figures on arrests for "other" gambling offenses do not include very many "higher ups", though the rates did vary depending on different departmental policies toward arresting public social gamblers.

Finally, all police activity was not reflected in arrests. However, there was only one city that reported any significant gambling enforcement activity that was not reflected in the local arrest rates.

Thus, despite these limitations, arrest rates do provide meaningful indicators of police efforts, and in subsequent chapters we will use arrest figures as one measure of police activity.

### Conclusion

Police departments were similar in the resources they devoted to gambling

(usually less than one per cent) and (with two or three exceptions) in their reliance on vice or gambling specialists for enforcement.

Police departments differed in the way they were organized to enforce gambling laws and the major sources of cases, and they differed markedly in the number and types of arrests they made. For most departments, however, patterns of arrests were remarkably stable from year to year.

Given the context in which police must operate and the enforcement resources of police departments, the central questions are, first of all, what police departments are doing to enforce the gambling laws and, perhaps more importantly, what they are trying to accomplish with their efforts.

The next three chapters focus on police efforts as they relate to the three most commonly cited reasons for enforcing gambling laws--criminal organizations, public confidence, and internal departmental consequences. Chapter VII then summarizes the orientations of the departments and looks at the effects of giving priority to a specific enforcement orientation.

## CHAPTER IV

### LAW ENFORCEMENT AGAINST COMMERCIAL GAMBLING

#### Introduction

Although, as we have seen, many forms of gambling are against the law, most people probably think of the commercial gambling operator as the most significant target for law enforcement.

Commercial gambling operations are of three main types: 1) bookmaking -- taking bets on sporting events and horse races; 2) numbers -- taking bets on what number will be selected or occur in some random way; and 3) commercial card and casino games. The way these operations are organized has been described by others; but it may be useful (to the average reader) to present a brief summary of their nature and distribution so the law enforcement problem can be better understood.

Bookmaking involves taking bets on sports events or horse races. The bookmaker makes money by taking a percentage of all money wagered. A bookmaker needs information in order to operate. For sports, there usually is a point spread that is standard for a given event; for horse races, the bookmaker needs to stay abreast of the parimutuel odds for each race. A bookmaker also needs access to some way to "cover" his bets. Bets are not always evenly distributed. If, on a given event, there are more bets on the winning team than the losing team, the bookmaker will have to pay out more than he took in. If a bookmaker is working for an organization with considerable capital, it may be able to "cover" his bets. If he is independent, he may need access to some means of "laying off" bets he cannot cover - essentially selling them or transferring them to someone who can cover them.

Bookmakers may be independent, buying information and layoff services as needed, or they may work for a larger organization. They may take bets in person in public places, such as a bar or newsstand, or they may take bets on the telephone.

Although estimates are that a great deal of money is bet each year with bookmakers, the profit margin is small. For sports betting, it is usually five per cent of all money wagered, before expenses. Thus, the people who make a sizeable amount of money on bookmaking either have to take a lot of bets, be members of an organization that has many bookmakers working for it or be part of an organization which sells services to other bookmakers. Those who make the most money are often shielded by several organizational layers from the actual betting transactions.

Local police in all but one sample city told us there were sports bookmakers in their jurisdiction. Cities varied a great deal, however, in how open sports bookmaking was and how difficult it would be to make contact with a bookmaker. Horse bookmaking was not as widespread as sports, mainly because there is a lack of interest in horse races in some parts of the country (places far away from a legal track). There were at least five sample cities where police said there was very little illegal horse race betting.

Illegal lottery or numbers operations are slightly different from bookmaking operations. Because individual numbers bets are small, it is more important to have a large volume business. To achieve this, the public must have good access to numbers sellers. Hence, the people who sell numbers tend to be numerous and to operate in public places.

Numbers bets have to be in before the drawing (or whatever the event is that determines the winning number). To prevent tampering, numbers bets are usually collected each day from various sellers (or writers) and delivered

to a central place. These collectors are called "runners".

Runners and writers are usually paid a fee for their work. The main beneficiaries of these games are bankers, who take in the bets and make the payoffs.

There is much less need for ties to high level organizations for numbers than for bookmaking. The number is usually independently generated (e.g., the last three digits of the daily treasury balance). Layoffs are seldom needed, because the take-out is so high. When a bank is only paying off 500 dollars per dollar bet on a three-digit number (where the odds are 1,000 to 1), there will be few days when the amount bet does not exceed the total to be paid to winners.

Illegal numbers operations are not evenly distributed in the country. All the sample cities east of the Mississippi River had significant numbers operations, while only one of the six sample cities west of the Mississippi had an organized illegal numbers game.

Commercial illegal casinos have reportedly been largely eliminated. There were, however, commercial card games in some cities, where there is a "house" or a fee to pay and the stakes are high. The games are usually run in private homes or clubs, the schedule and location of games change, and they are difficult to find. Generally speaking, however, the major law enforcement problem for police with respect to card and dice games was non-commercial gambling, such as public or "social" games.

In summary then, most commercial gambling in major cities involves bookmaking and numbers operations. These are not evenly distributed, with numbers being rarer in the West than elsewhere in the United States. In the case of both bookmaking and numbers operations, there are a lot of people who actually take bets, make relatively little money and are relatively vulnerable to law enforcement. They are vulnerable because they take bets; it must be known that they do so and thus are likely to possess physical evidence of the betting transaction which is



needed for an arrest and conviction. There are also typically a few individuals who do not take bets directly, who make a lot of money, and who are much less vulnerable. Although this summary may occasionally have overgeneralized in an attempt to simplify, it basically represents the situation with which police must deal.

### The Significance of Illegal Commercial Gambling

Commercial gambling is more important to most police officials than social gambling, per se. Why this is so may not be immediately obvious. After all, although it is difficult to find a friend who will take a 100 dollar bet, there is no real difference between a five dollar bet with a friend and a 100 dollar bet with a bookie, except money.

Yet there is a difference, and the difference is not the act itself, but where the money goes. Gambling is not itself seen as a serious crime by citizens or police. Even taking bets commercially is considered relatively non-serious by police officers (see Table 3.1). However, commercial gambling is linked in people's minds to organized crime, and that is serious. As the Police Guide on Organized Crime, a manual recently prepared for the use of law enforcement officers by the Technical Assistance Division of LEAA, states:

Gambling activity is the most serious form of organized crime. This activity supplies the financial grease that lubricates the machinery of other operations, such as importation of narcotics, penetration of legitimate business, corruption of officials, and so on.<sup>1</sup>

The link between organized crime and commercial gambling is firmly embedded in the minds of police. More than 70 per cent of all police officers surveyed agreed that profits from illegal gambling are the major source of income for organized crime, and a similar percentage disagreed that gambling operations in their part of the country were independent of organized crime (Table 4.1).

Table 4.1

Police Officer Perceptions About Gambling  
and Organized Crime by Region

Perceptions of Gambling and Organized Crime	Per Cent of Officers Who Agreed				Total Sample
	North- east	North- central	South	West	
Profits from illegal gambling operations are the major source of in- come for organized crime	85%	75%	66%	68%	72%
Illegal gambling opera- tions in this part of the country are not independent of organi- zed crime	71	69	73	68	71

The public also sees this link. An overwhelming majority, 86 per cent, in the national survey of citizens felt that illegal gambling profits were used to finance activities such as drug sales and loansharking (Table 4.2). In addition, only about a third of the citizens thought illegal gambling was not run by organized crime. These data were consistent with information provided by interviews with police officials. Criminal organizations were nearly a universal concern; fighting organized crime was either the first or second most important reason for the enforcement of gambling laws given by administrators interviewed in all but two cities. In contrast, the goal of preventing gambling was almost always rated as comparatively less important.

The link between organized crime and illegal gambling has long been the important issue for law enforcement officials, as the involvement for multi-service regional and national criminal organizations in gambling has been of primary concern.

In 1951, in hearings conducted by the Senate Special Committee to Investigate Organized Crime in Interstate Commerce, public attention was focused on the existence of a nationally powerful criminal organization which was involved in many different types of illicit activities such as illegal gambling, loansharking, prostitution, narcotics and labor racketeering. That committee, popularly referred to as the Kefauver Committee, concluded that:

1. There is a nationwide crime syndicate known as the Mafia, whose tentacles are found in many large cities. It has international ramifications which appear most clearly in connection with the narcotics traffic.
2. Its leaders are usually found in control of the most lucrative rackets in their cities.
3. There are indications of a centralized direction and control of

Table 4.2

Urban Citizen Perceptions About Gambling  
and Organized Crime by Region

Perceptions about Organized Crime	Per Cent of Citizens Who Agreed				
	North- east	North- central	South	West	Total Sample
Very few illegal gam- bling operations are run by organized crime	26%	31%	35%	38%	32%
Profits from illegal gambling operations are often used to finance drug and loan- sharking operations	90	85	82	89	86

these rackets, but the leadership appears to be a group rather than a single individual.<sup>2</sup>

In the early 1960s, Joseph Valachi, an FBI informant, gave a new name to what had been called the Mafia. In testimony before the Permanent Subcommittee on Investigation of the Senate Committee on Government Operations (The McClellan Committee), Valachi described his membership in "La Cosa Nostra", a confederation of criminal groups operating in the major cities (Maas, 1968; U.S. Senate Committee on Government Operations, 1962).

In 1967, the President's Commission on Law Enforcement and Administration of Justice, in its Task Force Report: Organized Crime, described the national confederation and its activities in greater detail than other previous publications. The Task Force stated that:

Organized crime is a society that seeks to operate outside the control of the American people and their governments. It involves thousands of criminals working within structures as complex as those of any large corporation, subject to laws more rigidly enforced than those of legitimate governments. Its actions are not impulsive, but rather the results of intricate conspiracies, carried on over many years and aimed at gaining control over whole fields of activity in order to amass huge profits. The core of organized crime activity is the supplying of illegal goods and services - gambling, loan-sharking, narcotics and other forms of vice - to countless numbers of citizen customers.<sup>3</sup>

The President's Commission reported that illegal gambling was the greatest source of revenue for organized crime and that most large-city illegal gambling was established and controlled by organized crime.

There is considerable ambiguity today about what is meant by "organized

crime". For purposes of understanding gambling law enforcement, however, there are three characteristics that are important: 1) the organizations are involved in a variety of criminal activities that are considered serious as well as in gambling; 2) the organizations are large enough to have the potential to buy protection through corrupting police and other public officials; and 3) the individuals who profit from and insure the continuity of illegal activities are many organizational steps away from those directly involved in breaking state gambling laws, for example by taking illegal bets (National Advisory Committee on Criminal Justice Standards and Goals, 1976).

### Criminal Organizations and Illegal Gambling

For reasons which should be obvious, there is not very much good information on the organization of illegal gambling operations. In our interviews with police, we asked them to describe the organization of illegal gambling in some detail. Several of the most knowledgeable persons in each department were questioned, and attempts were made to corroborate their opinions from other sources. The findings they reported here are what they told us. We cannot guarantee the accuracy of what they said. However, this study represents one of the few systematic attempts to gather such information across the nation. Furthermore, one could argue that what the police believe is happening is important in and of itself.

Because the definitions of organized crime differ, we tried to obtain as specific descriptions as possible of the organizations involved in illegal gambling. In particular, we obtained information on four topics:

- 1) relationship to regional, multi-service organizations, such as the traditional "La Cosa Nostra" type of organization or the "Dixie Mafia", a group of organizations reportedly operating in the South;

- 2) the extent to which gambling organizations were involved in providing

other illegal services;

3) the extent to which the gambling services were tightly controlled; that is, the degree of difficulty for a small independent to operate without a formal relationship to existing major criminal organizations; and

4) the extent to which bookmaking and numbers were run by the same organizations within the city.

Police views on organizational structure of illegal bookmaking are summarized in Table 4.3. There were seven cities in which police officers believed regional, multi-service organizations played a major direct role in illegal bookmaking. In seven other cities, there was known or suspected to be some organized crime present in the city, ranging from the mere presence of an identified organized crime figure to documented involvement in one or more illicit enterprises. However, in none of these seven cities did the police know of any significant involvement of these people or organizations in illegal bookmaking. In two other cities, there was no known organized crime present.

There were nine cities in which one or a few organizations were said to control most of the illegal bookmaking in that city. However, there were only four cities where we were told that an independent, not directly affiliated with one of the major organizations, could not operate.

Finally, there were only three cities in which the organizations running bookmaking were thought to be also involved in illegal numbers operations. In two of these cities, one or two organizations were said to run all the illegal gambling. In a third, the organizations running bookmaking were said to have some numbers operations, but there were also many independents.

In general, numbers operations were less likely to be tied to regional, multi-service organizations than were bookmaking operations (Table 4.4). There were only three cities in the sample where such connections were reported, and

Table 4.3

The Organization of Illegal Bookmaking  
in Sixteen Sample Cities

Organizational Characteristics	Number of Cities
<u>Are persons with known national or regional organized crime ties present in the city and are they involved in bookmaking operations?</u>	
Yes, and involved in bookmaking	7
Yes, but not known to have major involvement in bookmaking	7
No	2
<u>Do one or a few organizations control bookmaking?</u>	
Yes, none or only a few independents	9
No, many independents	7
<u>Could an independent operate?</u>	
Yes	12
No	4
<u>Are same people involved in bookmaking and numbers?</u>	
Yes	2
Sometimes	1
No	8
No numbers in city	5



Table 4.4

The Organization of Illegal Numbers  
in Sixteen Sample Cities

Organizational Characteristics	Number of Cities
<u>Illegal numbers operations run by or associated with multi-service, regional organizations</u>	
Yes	3
No	8
No numbers in city	5
<u>Can an independent operate?</u>	
Yes	8
No	3
No numbers in city	5

only three cities in which an independent could not operate.

We do not intend to minimize the problem of organized crime in the United States. Although there were several cities in the sample in which illegal gambling was not controlled by multi-service regional criminal organizations, there are important ways that illegal gambling operations can support large-scale criminal organizations without being directly controlled. In particular, selling wire services, providing lay-off services and loansharking - all of which go hand-in-hand with bookmaking - can be very lucrative. Yet it appeared that in about half the major cities in this country, police did not think that illegal bookmaking was run directly by a multi-service, large-scale criminal organization; numbers operations were said to be even more independent. Also, there were a half dozen cities known to have an organized crime presence which was not involved in bookmaking.

One can argue that perhaps the local police were naive and did not really know about the situation in their cities. After all, most police departments did not use wiretaps. However, because of the salience of organized crime to law enforcement officials, most of those interviewed had paid attention to the possibility, and had been on the lookout for signs of organized crime involvement in gambling.

In general, then, according to police, illegal gambling and organized crime were not necessarily synonymous on a city-by-city basis. In about half the major cities in the country they were directly linked; in about half, they were not, according to the best information we could obtain. Moreover, in only about a quarter of our sample cities was all illegal gambling thought to be tightly controlled by one or a few criminal, multi-service organizations. These patterns emphasize the heterogeneity of the nature of the gambling enforcement situation in the United States and the importance of setting goals, priorities and policies

which are appropriate to each local situation. They also are important background for understanding the variety of police responses to commercial gambling.

### Responses to Commercial Gambling

Although criminal organizations were frequently said to be a central concern in gambling law enforcement, in fact it was not common to see this concern translated into action. There is a variety of reasons why this might be a perfectly reasonable policy on the part of police. First, however, let us review the basis for the statement.

One possible response to criminal organizations is to attempt directly to apprehend criminal organization leaders. The majority of police departments in our sample had an organized crime unit. However, for the most part, these were only intelligence gathering units that took no direct action themselves. Moreover, their ability to gather intelligence about criminal organizations was limited. There were only five police departments in the sample which used wiretaps in gambling-related cases. Because criminal leaders were not often vulnerable to arrest by virtue of possession of physical evidence related to gambling, the most likely offense of which they could be charged was "conspiracy" to break state laws. Wiretaps, and sometimes testimony of co-conspirators, were the main ways to obtain evidence of conspiracy, and to find out about the structure and operations of criminal organizations in general. Federal wiretap results were seldom shared with local police. Thus, there was little potential for direct action by local police against leaders of criminal organizations in 9 of the 14 cities where organized crime was considered to be present.

We did not obtain good descriptions of the criminal connections of persons arrested for gambling violations in the sample cities. However, we do not need them in order to say that local police did not arrest very many "higher-ups" in criminal organizations. The local police did not claim to do so. There was

only one city in which law enforcement officials said they were making significant arrests that directly affected leaders of criminal organizations. Another police department was making a very significant resource investment in that direction; but it had not yet begun to produce results. In the rest of the cities, including three where wiretaps were used for gambling cases, significant arrests of criminal leaders were not reported.

Another way to attack criminal organizations, and one that seemed more feasible for most departments, was to make it difficult for illegal gambling operators to do business. Police cannot do this alone, of course; they can only make arrests. The real disruptive effect of an arrest on an operator occurs if he is convicted and given a jail sentence, probation or a heavy fine. Nonetheless, as far as the police are concerned, the final step is the arrest. Police officials cited the goal of reducing gambling revenues -- by putting operators out of business or by forcing them to be more cautious and thereby less accessible -- as a way of affecting criminal organizations or of discouraging further involvement in gambling operations where such organizations were not currently thought to be heavily involved.

Bookmaking investigations and arrests can be difficult and time-consuming for police. Considerable time has to be invested in monitoring wiretaps or, more often, in physical surveillance before a search warrant can be obtained and an arrest attempted. The majority of bookmaking arrests in the sample cities were made on warrants, obtained through intelligence work by police on their own and from other law enforcement agencies. Even an on-view arrest, however, in many cases requires a great amount of preliminary investigative work.

All but one police department in the sample reported that there were illegal bookmakers operating in their cities. There was variation in how openly they operated and how prevalent they were. Such concepts are difficult to

quantify exactly. However, there was no question that police departments differed widely in the extent to which they were successful in apprehending illegal bookmakers (Table 4.5). Of the five cities rated as having highly available illegal bookmaking,\* two had a high bookmaking arrest rate, one had a medium rate, and two had a low rate. There was likewise variation in bookmaking arrest rates at the medium and even some at the low level of bookmaking availability.

It is significant to note, in light of the fact that 15 departments said they had illegal bookmaking operations, that of the 16 sample cities, ten made one or fewer bookmaking arrests per 100,000 population in 1975. There were several reasons given by departments for those low arrest rate figures. In three departments the fact that wiretapping was not allowed by state law was cited as a main reason that bookmakers were not arrested. However, two of the three sample cities that made the most bookmaking arrests did so without benefit of wiretaps. Table 4.6 elaborates this point. Cities that did use wiretaps did not always make many bookmaking arrests, and there clearly were departments without wiretap opportunities that made as many or more bookmaking arrests.

Departments in several other cities cited the extreme difficulty of apprehending bookmakers operating in factories or that bookmakers used sophisticated technology to protect themselves, using tape recorded phone messages and other such devices. The fact that bookmakers were harder to catch in some cities than in others probably accounts for some variation in bookmaking arrests. However, it also seems certain that departmental priorities played a role in these

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\*This is the first of several places in the report where a rating of the availability of illegal gambling is used. This rating was created by ordering cities on the basis of interview data and police questionnaire responses. This rating was then replicated by the on-site interviewers. Any significant discrepancies were reconciled by reviewing the evidence and criteria.

Table 4.5

1975 Bookmaking Arrest Rates by the Availability of  
Illegal Sports and Horse Bookmaking

Bookmaking Arrest Rate	Availability of Illegal Bookmaking			All Departments
	Low	Medium	High	
High ( $>4/100,000$ )	0	1	2	3
Medium ( $2-4/100,000$ )	1	1	1	3
Low ( $<2/100,000$ )	<u>3</u>	<u>5</u>	<u>2</u>	<u>10</u>
	4	7	5	16

Table 4.6

Reported Use of Wiretaps in Gambling Enforcement  
by Bookmaking Gambling Arrest

Wiretaps Used in Gambling Enforcement	Book Gambling Arrest Rate			All Departments
	<2/100,000	2-4/Medium	>4/High	
Yes	3	1	1	5
No	<u>7</u>	<u>2</u>	<u>2</u>	<u>11</u>
	10	3	3	16

differences.

The availability of illegal numbers games was not as universal as bookmaking. In five of the 16 sample cities there were no organized illegal numbers games (see Table 4.4). However, for the 11 cities where there were illegal numbers games, there was considerable variation in the police department response. Police in three of these departments made almost no arrests for numbers violations in 1975, even though one of the cities had a very large illegal numbers operation. There were four departments that had a relatively high numbers arrest rate; all of these departments were in cities where illegal numbers were comparatively available (Table 4.7).

In the case of numbers arrests there can be no doubt that departmental priorities had a significant effect on the arrest rate. Numbers arrests were not that hard to make in any city with an illegal numbers operation. The most common explanation by vice officers in cities where the rate of numbers arrests was low was that the games were restricted to neighborhoods where residents did not want the lottery laws enforced. In other words, police felt they were not under any general public pressure to enforce the laws, and they perceived specific neighborhood pressure not to make arrests.

One other aspect of the police response to commercial gambling should be discussed here. If criminal organizations are the target of enforcement efforts, it could be expected that cases would be initiated on the basis of police intelligence that a given operation was tied to a criminal organization. However, as Table 4.8 shows, half of the six departments that were oriented toward commercial gambling (which is arbitrarily defined in the table as making at least 20 per cent of all gambling arrests for bookmaking or lottery violations) relied primarily on citizen complaints for initiation of their cases, whereas most of those departments initiating their own cases did not concentrate on commercial



Table 4.7

1975 Numbers Arrest Rates by  
the Availability of Illegal Numbers

Numbers Arrest Rate	Availability of Illegal Numbers.		All Departments
	Yes	No	
High (>10/100,000)	4	0	4
Medium (2-10/100,000)	4	0	4
Low (>2/100,000)	<u>3</u>	<u>5</u>	<u>8</u>
	11	5	16

Table 4.8

Proportion of all 1975 Gambling Arrests That Were for Numbers  
or Bookmaking by Source of Initiation of Majority of Gambling Cases

Per Cent of Arrests that are for Numbers or Bookmaking	Source of Initiation		All Depart- ments
	Independent Initiation by Vice Officers	Initiated by Citizen Complaints	
Less than 20%	8	2	10
20% or more	<u>3</u>	<u>3</u>	<u>6</u>
	11	5	16

gambling.

### Conclusion

This chapter began by describing the significance of illegal commercial gambling for criminal organizations and stating that this link is almost universally cited by police as an important basis of their concern about gambling. However, when one looks at the actual responses of police, there is little basis for concluding that very many departments are likely to make much of an impact on criminal organizations. Direct efforts against "higher-ups" in criminal organizations were only claimed in two departments; and in only one did the local law enforcement officials claim some success due to their efforts. Only six departments made 20 per cent or more of their gambling arrests for commercial gambling. Five of these departments made at least 2/100,000 bookmaking arrests. However, of these five departments only two initiated the majority of their cases from their own investigative efforts. Although most departments consider commercial gambling and criminal organizations to be very important targets, only two departments at most could be viewed as aggressively pursuing an enforcement goal of attacking commercial gambling operations.

The vast majority of local police departments neither emphasize commercial gambling enforcement nor actively seek out commercial operations that might be tied to or support criminal organizations.

## CHAPTER V

### MAINTAINING PUBLIC CONFIDENCE

#### Introduction

In addition to directly combatting illegal gambling operations, police gambling enforcement efforts can have as a goal the maintenance of public confidence in the police. This goal is particularly important given the different responsibilities that police have in enforcing plaintiffless crimes compared to other types of crimes. Rather than simply responding to calls, it is the responsibility of the police to find and bring charges against those who would provide illegal services (and in some cases those who would partake of illegal services). If the police fail in this responsibility, the confidence of the public in the police department may be lowered, not only with respect to gambling enforcement, but with respect to all police actions; it may even affect citizen respect for the law in general (Gardiner, 1970).

From the citizen perspective, there are two ways that the police can fail in carrying out their responsibilities. If a citizen complains about a gambling violation, and subsequently sees no indication that the police responded to his/her complaint, confidence in the police may be lowered. Although gambling is a plaintiffless crime, police departments do receive some complaints about gambling. Police interviewed in the sample cities reported that in most cases they are from uninvolved third parties or relatives of "victims". In a less direct way, the public might feel police are failing in their responsibilities if citizens see illegal gambling operations in their neighborhoods. They may surmise that if they can see it and nothing is being done, then police must be inept, corrupt or both.

From the police perspective, maintaining public confidence is a latent goal, but one which has important pragmatic consequences if confidence is shattered. Very few police chiefs (or mayors) are likely to stay in office after a vice corruption scandal. The goal of maintaining public confidence or improving it may become particularly salient after a vice-related scandal.

This chapter presents information which relates to the enforcement goal of maintaining public confidence. The issues addressed are:

- 1) to what extent do police see maintaining public confidence as a gambling enforcement goal;
- 2) how do citizens want police to enforce gambling laws;
- 3) what are the reactions of citizens when police fail to do what citizens want; and
- 4) how are police currently responding to this enforcement goal?

Police Views: Public Confidence as an Enforcement Goal

In our interviews with police chief executives in the sample cities, there was almost unanimous agreement that an "extremely important" reason for enforcing gambling laws was to "maintain the good reputation of the police department". Most chiefs thought that a "very important" reason for enforcing the gambling laws was to "satisfy citizen complaints".

Answers to the police officer questionnaire showed that line officers also perceived a relationship between enforcing gambling laws and public confidence (Table 5.1). Two-thirds of all officers and an even higher proportion of gambling specialists (85 per cent) felt that "it was just as important to enforce the gambling laws as any other law". Over half of all officers felt that "tough enforcement of the gambling laws is important to citizen respect for the law in general". Three-quarters of the gambling specialists felt this way.

However, Table 5.2 presents some related opinions of police officers that

Table 5.1

Police Officers' Perceptions of Importance  
to Citizens of Gambling Law Enforcement

Questionnaire Item	Per Cent of Officers by Assignment Who Agreed					
	Gambling Specialists	Other Vice	Detective	Patrol	Other	All Officers
Tough enforce- ment of laws against gambling is important to citizen respect for the law in general	74%	63%	56%	57%	59%	58%
Enforcing gamb- ling laws is just as impor- tant as enforc- ing any other laws	85	75	64	62	72	66

Table 5.2

Police Officers' Perception of Support from  
Citizens for Gambling Law Enforcement

Questionnaire Item	Per Cent of Officers by Assignments Who Agreed					
	Gambling Specialists	Other Vice	Detective	Patrol	Other	All Officers
Citizens do <u>not</u> care whether or not gam- bling laws are enforced	79%	77%	80%	78%	70%	76%
People in this part of the country think gambling is wrong	32	29	28	25	29	27
There is very little citizen cooperation with the enforcement of gambling laws	83	77	89	88	83	86
How the police enforce gambling laws is particular- ly important to the way citizens rate overall po- lice performance	42	40	32	31	33	32
Some respectable citizens actively oppose tough en- forcement of gam- bling laws	89	89	88	87	86	87

illustrate the conflicting nature of gambling law enforcement. Just as police did not believe that citizens consider gambling to be a serious offense (Table 3.2), they also saw little citizen cooperation with gambling law enforcement. They said that citizens did not care whether or not the laws were enforced, and saw opposition to tough law enforcement. Only a minority (32 per cent) thought gambling law enforcement was "particularly" important to citizen ratings of police. Thus, the police responded that it is important to enforce gambling laws to maintain citizen respect, but citizens consider gambling law enforcement unimportant. If this appears confusing on the surface, we shall see in the next section that it only mirrors the complexity of the views of citizens themselves.

#### Citizen Concerns about Gambling Enforcement

One premise which underlies the enforcement goal of maintaining public confidence is that citizens want gambling laws enforced and will react negatively if they are not enforced. The data that we collected through the Michigan National Survey of Citizens provides an estimate of citizen concern about gambling enforcement. These data were analyzed for citizens living in central cities, since this corresponds most closely to the constituency of the departments in our sample.

This section will focus on what urban citizens want for gambling enforcement; how satisfied they are with current enforcement efforts; how they perceive police activities; how willing citizens are to assist police in gambling enforcement; and how citizens' views on gambling enforcement affect their overall ratings of police.

#### Urban Citizen Desires for Enforcement

Citizens felt that gambling enforcement was of relatively low priority. Citizens were asked to compare the importance of enforcing gambling laws to several other crimes (Table 5.3). These crimes ranged from selling pornography and





Table 5.3

## Urban Citizens Priorities for Enforcement of Gambling Laws Relative to Other Offenses

Relative Importance of Gambling	Comparison Offense								
	Selling Heroin	Driving Car When Drunk	Burglary	Stealing Cars	Buying Stolen Property	Selling Marijuana	Public Drunk- ness	Pros- titu- tion	Selling Porn- ography
More Important	1%	2%	2%	3%	8%	18%	24%	25%	25%
Equally Important	10	12	15	6	21	18	25	27	29
Less Important	<u>89</u>	<u>86</u>	<u>83</u>	<u>81</u>	<u>71</u>	<u>64</u>	<u>51</u>	<u>48</u>	<u>46</u>
	100%	100%	100%	100%	100%	100%	100%	100%	100%



**CONTINUED**

**1 OF 4**

prostitution to burglary and selling heroin.. Relative ratings ranged from 89 per cent of urban citizens feeling that gambling was "less important to enforce" than selling heroin to 46 per cent feeling that gambling was "less important to enforce" than selling pornography. These comparative figures, however, mask an important aspect of citizen views on the topic. Additional questionnaire items dealt with the importance of strict gambling law enforcement, whether offenders should be arrested, and whether convicted offenders should go to jail. All represent standards for enforcement that citizens may hold.

Only about a quarter of all urban adults rated gambling law enforcement "not very important", while 39 per cent considered it "very important". More directly, there was little evidence of tolerance for non-enforcement. Nearly three-quarters said bookmakers should be arrested; and over half believed jail to be an appropriate sentence for convicted bookmakers (Table 5.4). Thus, one part of the problem for police is that gambling law enforcement is one of the lowest priorities for citizens and yet the majority clearly want the law enforced.

Feelings about the value of enforcing gambling laws were not universal, however. We wanted to learn more about the factors related to a desire for gambling law enforcement. In the analyses presented below, the three items representing citizen standards for enforcement were combined into one scale. Each citizen was given "1" to "3" points depending on how high his/her standards were on each item. Then the sum across all three items was calculated. The resulting scale ranged from "3" to "9" points with a population average of 6.5.

Analyses using multiple regression (Table 5.5) showed that citizen standards for enforcement were primarily associated with two personal characteristics: whether a citizen believed there should be laws against plaintiffless crimes, and the citizen's betting behavior during the past year.

Table 5.4

## Urban Citizens' Standards for Gambling Law Enforcement

Standards for Enforcement	Per Cent of Urban Citizens
<u>Importance of enforcing gambling laws?</u>	
Very important	39%
Fairly important	34
Not very important	<u>27</u>
	100%
<u>Should bookmakers be arrested?</u>	
Yes	71
No	<u>29</u>
	100%
<u>Should convicted bookmakers go to jail?</u>	
Yes	52
No	<u>48</u>
	100%

Table 5.5

Multiple Regression Analysis of Selected  
Individual and Situational Factors on  
Urban Citizens' Gambling Enforcement Standards

Predictive Factors in Order Entered	Simple r	Cumulative R	Beta
Religion - Catholic	.03	.03	.08
Religion - Other Protestant	.02	.04	.02
Religion - Fundamentalist Protestant	.03	.06	.06
Religion - No Preference	.02	.06	.02
Sex	.10	.12	.04
Gambling Perceived Connected to Organized Crime	.01	.12	.04
Age	.20	.23	.07
Legal Status of Gambling	.03	.23	.03
Attitude Toward other Plaintiff- less Crimes	.38	.41	.33
Gambling Behavior in 1974	.29	.45	.22

Citizens were asked whether there should be laws against public drunkenness, possession of marijuana, prostitution, selling pornography, or adult homosexuality. The more of these activities the citizen felt there should be laws against, the higher were his/her standards for gambling enforcement. Citizens were also asked about their betting behavior during 1974 and then classified as having done no betting (34 per cent), betting only legally or only with friends (51 per cent), or betting on illegal commercial games such as horses, sports or numbers (15 per cent).<sup>\*</sup> Citizens who had not bet at all had the highest standards for enforcement while citizens who had bet on illegal commercial games had the lowest standards.

For those unfamiliar with regression analysis, the two important points to note are in columns 1 and 3. Column 1 shows that the correlations (simple  $r$ ) with gambling enforcement standards are highest for the two factors cited. In column 3, the numbers show the relative importance (or weight) each factor would have in an equation that used all the factors to make the best prediction of gambling enforcement standards. The items with the largest Betas are the most important, in this instance, the last two items in the table.

Table 5.6 shows the combined effect of these two personal characteristics on standards for gambling enforcement. Citizens who felt strongly that there should be laws against plaintiffless crimes and who had not bet on an illegal commercial game during the past year had the highest standards for gambling enforcement, an average of 8.0.

#### Urban Citizen Perceptions of Police Activities

Citizens were asked several questions relating to police activities and

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<sup>\*</sup>These figures differ slightly from those given in Chapter II because they apply only to urban residents.



Table 5.6

Average Overall Standards for Gambling Enforcement\*  
for Selected Sample Subpopulations of Urban Citizens\*\*

Total Sample 6.5	Support for Laws Against Plaintiff-less Crimes	High	7.6 (36%)	Gambling Behavior in 1974	Never Bet	8.0 (18%)
					Bet Legally	7.3 (15%)
					Bet Illegally	6.0 (3%)
		Medium	6.3 (36%)	Gambling Behavior in 1974	Never Bet	6.5 (9%)
					Bet Legally	6.4 (19%)
					Bet Illegally	5.8 (5%)
		Low	5.4 (28%)	Gambling Behavior in 1974	Never Bet	6.1 (5%)
					Bet Legally	5.4 (16%)
					Bet Illegally	5.0 (6%)

\* The standards for the Gambling Enforcement Scale ranges from a low of "3" to a high of "9".

\*\* Size of each group as a proportion of the total sample is given in parentheses.

gambling enforcement. For urban citizens who saw, or knew, of illegal bookmaking activity in their city, almost all (89 per cent) felt that the police also knew about it (Table 5.7). This view holds true for citizens all over the country.

For urban citizens who saw illegal numbers activity, 82 per cent felt that the police also knew about it. This view, however, exhibits considerable regional variation. In the Northeast, 90 per cent thought police knew, while in the West 66 per cent thought police knew about it.

For those citizens who knew of illegal gambling and thought police knew about it, we asked how they thought people involved in these activities continued to operate. The answers were similar for both bookmaking and illegal numbers operations (Tables 5.8 and 5.9). In all parts of the country except the West, urban citizens thought the main reason was that police were bribed. However, in the West the most cited reason was thought to be the difficulty of the enforcement task. The ineffectiveness of courts and prosecutors was cited more often in the West than anywhere else.\*

Citizens were asked two other questions about corruption and police activities. About two-thirds of the urban citizens thought that most police officers would not take a bribe. A similar proportion felt that "bookies had to bribe policemen in order to stay in business" (Table 5.10). For both questions urban citizens in the West rated police more positively than citizens in other regions of the country; and citizens were most skeptical about police honesty east of the Mississippi.

It is clear from these findings that visible illegal gambling is interpreted

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\*These views are consistent with information given by police about the openness of illegal gambling, particularly numbers. In the West, police felt there was less open bookmaking and much less open numbers than in other parts of the country.

Table 5.7

Urban Citizens' Perceptions About Police  
Knowledge of Illegal Gambling Activity  
by Region

Perceptions of Police Knowledge of Illegal Gambling	Region				All Urban Citizens
	North-east	South	North-central	West	
Per Cent of those who knew of illegal bookmaking who thought the police also knew about it.*	90%	87%	91%	89%	89%
Per Cent of those who knew of illegal numbers who thought police also knew about it.**	90	78	83	66	82

\* 81 per cent of the urban sample said they knew of illegal bookmaking in their city.

\*\* 59 per cent of the urban sample said they knew of illegal numbers in their city.

Table 5.8

Urban Citizens' Perceptions of Most Likely Reason Why  
Bookmaking Operations Continue\*

Reasons Bookmaking Operations Continue	Region				All Urban Citizens
	North- east	North- central	South	West	
Police, authorities paid off	61%	43%	47%	19%	50%
Police cooperate, look the other way	14	19	17	19	19
Gamblers hide, go undercover	14	22	17	36	15
Legal system ineffective	2	4	8	17	7
Other reasons (each <5%)	<u>9</u>	<u>12</u>	<u>11</u>	<u>9</u>	<u>9</u>
	100	100	100	100	100

\*Excludes respondents who thought police did not know about illegal bookmaking operations or who did not know of illegal bookmaking in their city.

Table 5.9

Urban Citizens' Perceptions of Most  
Likely Reason Why Numbers Operations Continue\*

Reason Numbers Operations Continue	Region				All Urban Citizens
	North-east	North-central	South	West	
Police, authorities paid off	59%	42%	56%	17%	45%
Police cooperate, look the other way	17	28	12	12	17
Gamblers hide, go undercover	10	14	16	36	21
Legal system ineffective	4	4	8	29	7
Other reasons (each <5%)	<u>10</u>	<u>12</u>	<u>8</u>	<u>6</u>	<u>10</u>
	100%	100%	100%	100%	100%

\* Excludes respondents who thought police did not know about illegal numbers operations or who did not know of illegal numbers in their city.

Table 5.10

Urban Citizens' Perceptions About  
Police Corruption by Region

Perceptions About Police Corruption	Region				All Urban Citizens
	North- east	North- central	South	West	
Most policemen in this city would <u>not</u> take a bribe to overlook a gambling opera- tion	50%	65%	63%	79%	63%
Bookies have to bribe police- men in order to stay in business	80	60	71	40	65

by many citizens as being a sign of police corruption. Table 5.11 reinforces this point. An index was created by combining the answers to the three questions described above: why do illegal gamblers continue to operate, most police officers will not take bribes, and bookmakers have to bribe to stay in business. It is clear that this index of the perception of gambling-related corruption is strongly related to the perceived amount of numbers operators. The same association holds for the perception of bookmakers.

The final issue addressed was whether or not citizens were satisfied with the level of gambling law enforcement. They were asked whether the police should do "more", "less" or the "same" amount of gambling law enforcement. For citizens in urban areas, 48 per cent wanted police to do "more", 45 per cent wanted police to do "about the same" and only 7 per cent wanted police to do "less". Again, we see evidence that non-enforcement is not valued by citizens. Less than 10 per cent of any group wanted "less" gambling law enforcement. Indeed, slightly over half of the urban citizens in the Northeast and South as well as non-white citizens across the country wanted police to do "more" in gambling enforcement (Table 5.12).

#### Citizen Cooperation with Police

In the national citizen survey, questions were asked about willingness to report a gambling violation to police (Table 5.13). Only 23 per cent of urban citizens said they thought they would report a known illegal sports bookie to police. Urban citizens living in the Northeast were least likely to say they would report (16 per cent) and those in the West most likely (33 per cent). Non-white citizens were significantly less likely to say they would report than whites (14 per cent versus 26 per cent).

Citizen willingness to report illegal gambling was much lower than willingness to report other crimes. Among urban citizens, 94 per cent said they would

Table 5.11

Urban Citizens' Perception of Gambling-Related Police  
Corruption by Perceived Amount of Numbers Writers in City

Perception of Gambling-related Corruption*	Perceived Amount of Numbers Writers				
	A Lot	Some	Few	Almost None	None
None	4	19	34	52	46
Low	27	25	29	23	41
Medium	32	35	22	10	13
High	<u>37</u>	<u>21</u>	<u>15</u>	<u>15</u>	<u>--**</u>
	100%	100%	100%	100%	100%

\* "None" equals an answer of not corrupt to all three questions. "Low" equals yes to one, "medium" equals yes to two, "high" equals yes, "corrupt", to all three.

\*\* Less than 0.5 per cent.



Table 5.12

Urban Citizens' Satisfaction with Current Police  
Enforcement Efforts by Race and Region

Satisfaction with Gambling Enforce- ment Efforts	All Urban Citizens	Race		Region			
		White	Non-White	Northeast	North- Central	South	West
Want Police to do More	48%	46%	54%	53%	47%	51%	37%
Same	45	47	41	39	46	45	54
Less	<u>7</u>	<u>7</u>	<u>5</u>	<u>8</u>	<u>7</u>	<u>4</u>	<u>9</u>
	100%	100%	100%	100%	100%	100%	100%

Table 5.13

Urban Citizens' Willingness to Report Illegal Gambling  
Compared to Other Crimes by Race and Region

Willingness to Report	All Urban Citizens	Race		Region			
		Non-White	White	Northeast	North- Central	South	West
Illegal Bookie	23%	14%	26%	16%	23%	23%	33%
Selling Stolen Goods	59	41	66	44	59	60	79
Selling Marijuana	52	37	58	43	51	53	63
Burglary, nothing stolen	80	79	81	75	83	81	83
Robbery	94	90	96	91	96	94	96

report a robbery, 80 per cent said they would report a break-in even though nothing was taken, 59 per cent said they would report someone selling stolen goods, and 52 per cent said they would report someone selling marijuana. Regional and racial variation for reporting the two plaintiffless crimes (selling stolen goods or marijuana) was similar to that for reporting of an illegal bookie but there was no such variation for burglary or robbery. It should be pointed out that, based on what we know about the rates at which robberies and burglaries are reported, respondents considerably overestimated their likelihood of reporting a crime. Thus, we must conclude that fewer than 23 per cent would actually report a bookmaker to police. Clearly, police are correct in their perception that they can expect little direct citizen cooperation in the enforcement of gambling laws.

Analysis of the correlates of citizen willingness to report a bookmaker to police showed three factors to be of primary importance in determining a citizen's view. Citizens were more likely to say they would report if their standards for gambling enforcement were high, if they believed there should be laws against plaintiffless crimes, or if they believed that the police would act on their complaint if they made one.

Overall, 60 per cent of urban citizens thought police would act on a citizen complaint (Table 5.14). This perception was least frequent in the East (51 per cent) and most often reported in the West (78 per cent).

Large differences in the willingness of citizens to report to police are accounted for by two factors: citizen standards for gambling enforcement and citizen beliefs about the likelihood of police acting on a citizen complaint. Table 5.15 presents the proportion of each group that would report an illegal sports bookie for combinations of these two most potent predictors. Among citizens who had low standards for gambling enforcement and who felt that police



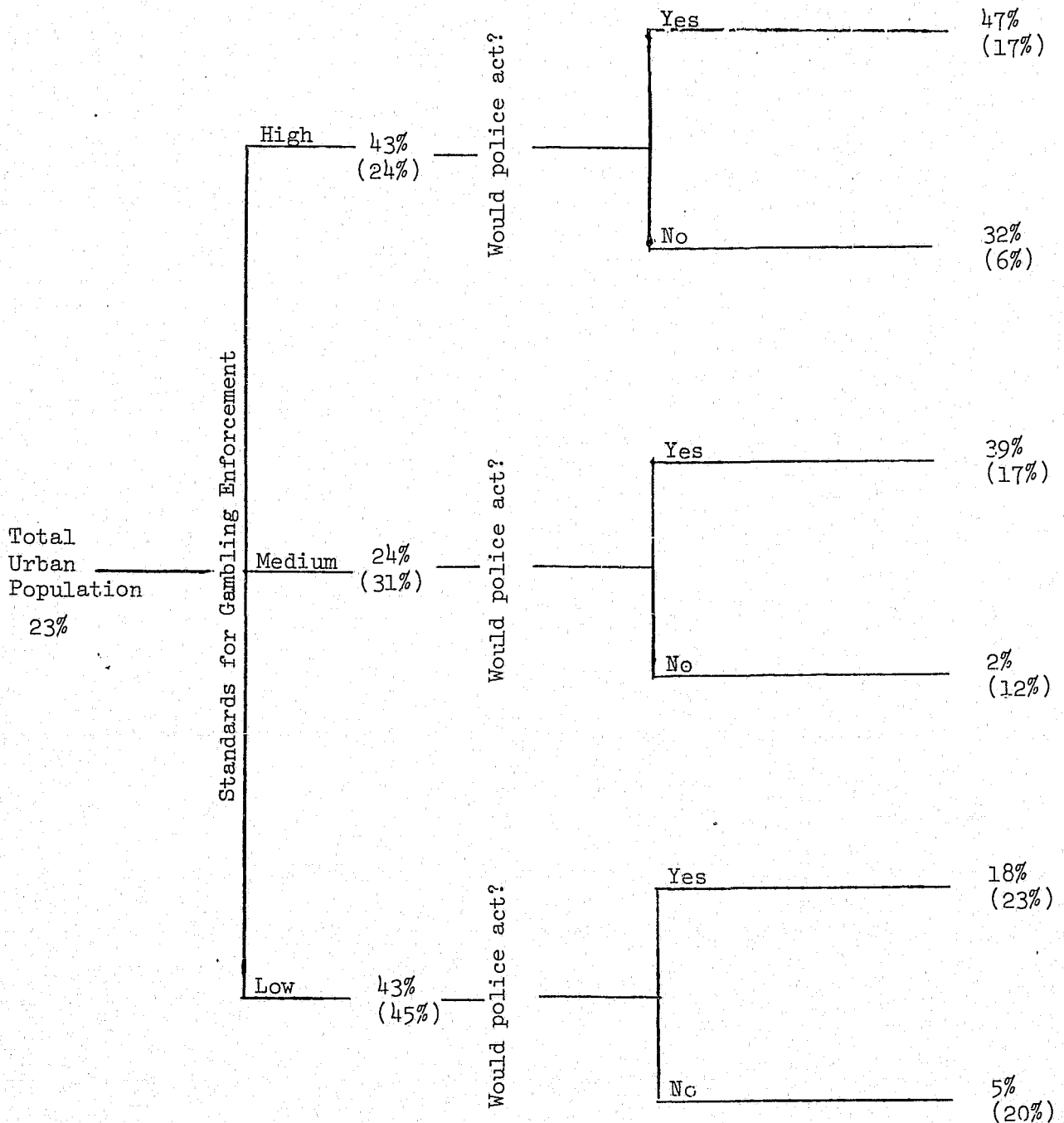
Table 5.14

Urban Citizens' Perceptions of Police Willingness to Act on Citizen  
Complaints for Gambling and Other Crimes by Race and Region

Police Would Act on Citizen Complaint of:	All Urban Citizens	Race		Region			
		Non-White	White	Northeast	North- Central	South	West
Illegal Bookie	60%	54%	63%	51%	61%	58%	78%
Selling Marijuana	81	72	85	69	83	87	87
Selling Stolen Goods	78	68	83	68	81	79	87

Table 5.15

Per Cent of Urban Citizens Willing to Report an Illegal  
Sports Bookie for Selected Sample Subpopulations\*



\* Size of each group as a proportion of the total sample is given in parentheses.

would not respond to a citizen's complaint, only 5 per cent indicated they would report an illegal sports bookie. Among citizens who had high standards for gambling enforcement and who felt that police would respond, 47 per cent said they would report an illegal sports bookie.

We see, therefore, that the way the police enforce the gambling laws in conjunction with citizen standards has a major impact on the level of cooperation police could expect from citizens. Even those citizens with low standards for enforcement were affected in their willingness to report by their perception of police willingness to follow through on a complaint. Among all identifiable groups, the likelihood of helping the police with gambling violations was low compared to other crimes. This likelihood, however, was significantly affected by the perception of police responsiveness.

#### Overall Citizen Ratings of Police

Does the way in which the police enforce gambling laws have any impact on citizen ratings of overall police quality? Vigorous enforcement may alienate those who want to gamble. Lack of enforcement may disappoint those who think gambling is wrong. On the other hand, given the low priority of gambling enforcement among citizens in general, what the police do either way may have little impact on overall ratings by citizens.

For urban citizens as a whole, 27 per cent rated the job the police were doing as "excellent" or "very good", 38 per cent said "good" and 35 per cent said "fair" or "poor" (Table 5.16). As other studies have found, non-whites rated police lower than whites.

The citizen survey also found that citizens who perceived corruption were much more likely to rate police as "fair" or "poor" than citizens who saw little or no corruption (47 per cent versus 19 per cent) (Table 5.17). Citizen perceptions of police willingness to act on citizen complaints were also strongly

Table 5.16

Urban Citizens' Rating of the Quality  
of Police by Race and Region

Rating of Police	All Urban Citizens	Race		Region			
		Non-White	White	Northeast	North- Central	South	West
Excellent	6%	4%	7%	4%	3%	9%	5%
Very Good	21	18	22	24	10	25	22
Good	38	27	42	31	50	30	45
Fair	29	38	25	27	32	32	25
Poor	<u>6</u>	<u>13</u>	<u>4</u>	<u>14</u>	<u>5</u>	<u>4</u>	<u>3</u>
	100%	100%	100%	100%	100%	100%	100%



Table 5.17

Urban Citizen Ratings of the Quality of Police by Perceptions  
of Gambling-Related Corruption and Police Willingness to Act on  
Complaints About Gambling

Ratings of Police	Perceptions of Gambling- Related Corruption			Perceptions of Gambling- Related Complaints	
	High	Medium	Low	Police Would Respond	Police Would Not Respond
Excellent; Very Good	20%	36%	26%	34%	16%
Good	33	37	45	37	38
Fair; poor	<u>47</u>	<u>37</u>	<u>19</u>	<u>29</u>	<u>46</u>
	100	100	100	100	100

associated with ratings of the police. Citizens who thought police would not act on complaints of bookies taking sports bets rated police much lower than citizens who felt police would act on these complaints (46 per cent versus 29 per cent "fair" or "poor").

Based on a multiple regression analysis, the best predictors of overall ratings of police quality were: perception of police corruption; police willingness to act on a citizen complaint about a sports bookie; and race (Table 5.18).

In order to assess the joint impact on overall ratings of the police, groups were formed from combinations of the two best predictors other than the citizen's race. Table 5.19 shows the average overall police rating for each of the groups formed by the combination of values on the predictors. The most positive rating of the police was given by a group of citizens who perceived no corruption related to gambling, and thought the police would act on citizen complaints about illegal sports bookies. This group, which makes up about a fifth of urban citizens, rated police 2.6 on a five-point scale where "two" was "very good" and "three" was "good". The lowest ratings were given by groups who thought the police were corrupt in their gambling enforcement activities and that the police would not act on a citizen complaint. This group encompassed about a quarter of the citizens and rated police with a score of 3.5, where "3" was "good" and "4" was "fair".

### Conclusion

Although police sometimes feel that the job they do goes unnoticed, the findings in this section support the notion that citizens do react to the way in which the police do their job. In particular, perceptions of police willingness to follow up citizen complaints and perceptions of little or no police corruption related to gambling were associated with high ratings of the police.

The important aspect of these findings is that factors which relate to

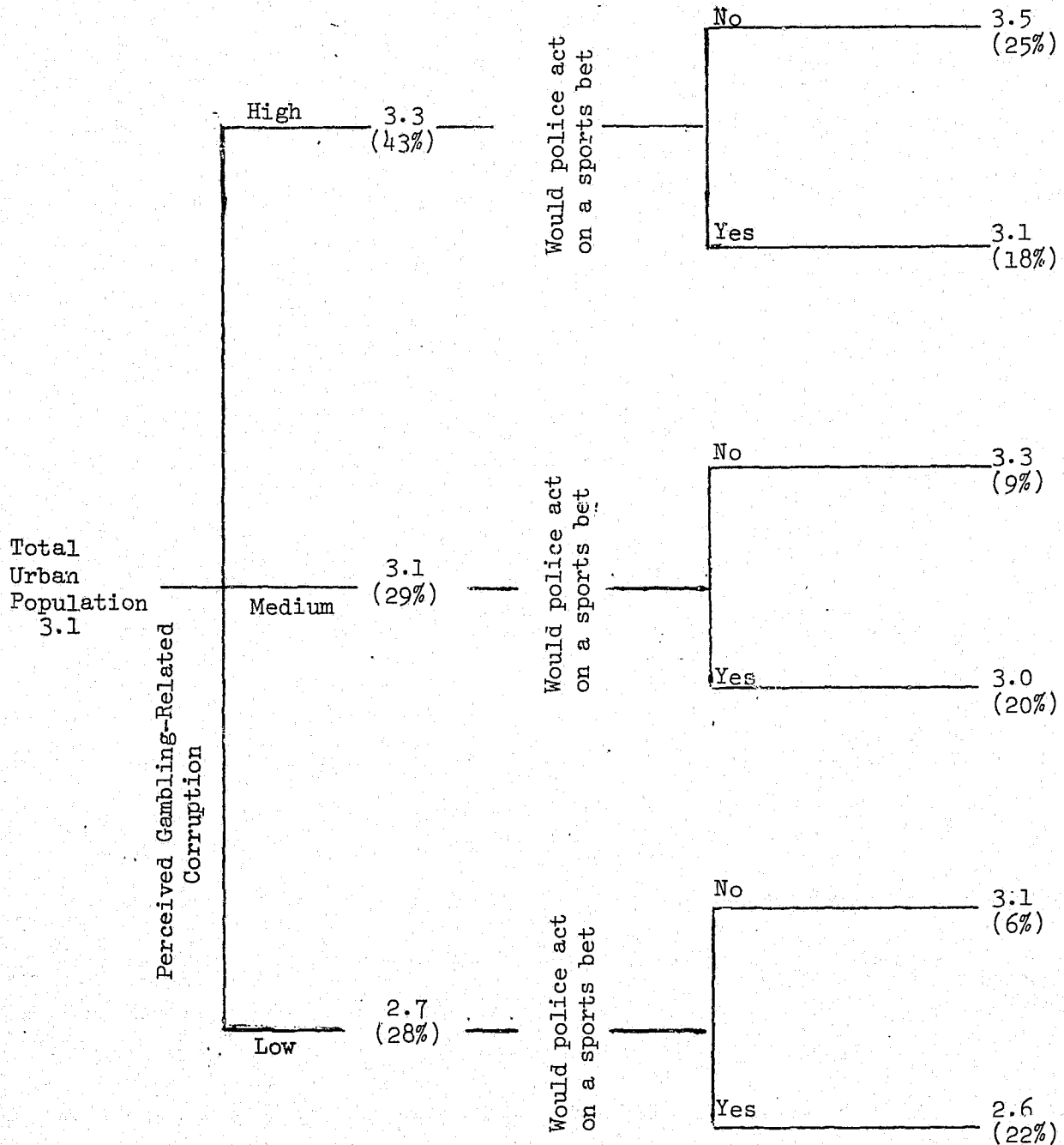
Table 5.18

Multiple Regression of Selected Individual  
and Situational Factors on Overall Rating  
of Police by Urban Citizens

Predictive Factors in Order Entered	Simple r	Cumulative r	Beta
Race	.17	.17	.14
Age	.07	.18	.07
Police Ineffectiveness	.08	.20	.02
Perceived Amount of Numbers	.13	.22	.02
Satisfaction with Current Level of Enforcement	.11	.24	.07
Would Police Act on Reported Sports Bet	.23	.31	.18
Perceived Gambling-related Corruption	.24	.34	.14

Table 5.19

Average Overall Rating of Police\* for  
Selected Sample Subpopulations\*\*



\*The rating ranged from "1" equals "excellent" to "5" equals "poor".

\*\* Size of each group as a proportion of the total sample is given in parentheses.

overall ratings of police are ones that can be addressed by the police themselves. Mechanisms for insuring responsiveness to citizen complaints, and publicizing the fact that this is done, clearly would have positive benefits for the police. No police chief wants to have corruption in his department. However, the important fact is that non-enforcement of gambling laws is very likely to be interpreted by citizens as indicative of corruption; and the perception of police corruption is highly damaging to citizen overall ratings of police.

Therefore, it is important to citizens that police enforce gambling laws not so much because the offense itself is serious to citizens, but rather because non-enforcement is associated with the perception of corruption and loss of confidence in police.

The complex views of citizens about gambling produce a real problem for police. Gambling is a low priority offense to citizens; but they do not like unenforced laws. Citizens are unlikely to help with enforcement, according to their own reports. Yet, they interpret the existence of illegal gambling as an indicator of police corruption. Despite what some say, there is virtually no sentiment for less gambling law enforcement.

#### Police Activities Which Maintain Public Confidence

Based on the data provided by citizens, there seem to be three types of police activities which could maintain public confidence in police. The first would be to avoid the appearance of non-enforcement by making vigorous efforts to arrest illegal gamblers that are visible (e.g., card or dice games in public or semi-public places or numbers runners). The second would be to insure that the department responds to all citizen complaints concerning illegal gambling; and that citizens are aware of these efforts. Both of these, as we have seen, will probably reduce the likelihood of perceived police corruption. The third would be to prevent corruption related to gambling.

This section of the report will focus on specific police practices which relate to the first two of the activities described above. The third issue, corruption prevention activities, will be discussed in Chapter VI.

### Arrests

As we have observed previously, there is a great deal of variation in arrest rates, and most of the variation in total arrests is attributable to the departments' arrests for visible gambling. Most arrests for visible gambling are classified as "other" in the Uniform Crime Report. Arrests of numbers writers can also be important in communicating an aggressive stance toward gambling to citizens; but the number of such arrests is much lower than for "other" gambling offenses.

Table 5.20 shows that the rated availability of card and dice games is related to the number of gambling arrests for "other" gambling offenses.\* It is important to note, however, that two of the four departments with arrest rates in excess of 100 per 100,000 population were rated as only "medium"; and two of the departments rated "high" in the availability of illegal cards and dice games had low arrest rates. Although arrest rates clearly tend to be associated with amount of illegal gambling, other factors seem to play a role as well.

Two of these are presented in Tables 5.21 and 5.22. We have seen previously that 11 sample departments initiate most of their own cases, while five work mostly on cases initiated by a complaint. Table 5.21 shows clearly that those departments that concentrate on complaints are very unlikely to make a large number of "other" gambling arrests.

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\*This rating was developed in the same way as those for the availability of book-making and numbers discussed in Chapter IV.

Table 5.20

Rated Availability of Organized Card and Dice  
Games by 1975 "Other" Gambling Arrest Rate

Availability of Card and Dice Games	"Other" Gambling Arrest Rate/ 100,000 Population		
	High > 100	Medium 25-100	Low < 25
High	2	1	2
Medium	2	4	1
Low	<u>0</u>	<u>0</u>	<u>4</u>
	4	5	7

Table 5.21

Source of Initiation of Majority of Gambling  
Cases by "Other" Gambling Arrest

"Other" Gambling Arrest Rate/100,000 Population	Source of Majority of Cases		All Departments
	Independent Initiation	Citizen Complaints	
High (>100)	4	0	4
Medium (25-100)	4	1	5
Low (<25)	<u>3</u>	<u>4</u>	<u>7</u>
	11	5	16



Table 5.22

Structure of Gambling Investigation by  
"Other" Gambling Arrest Rate

"Other" Gambling Arrest Rate/100,000 Population	Structure of Gambling Enforcement	
	Some Decentralization of Investigation	All Centralized Investigation
High (>100)	3	1
Medium (25-100)	1	4
Low (<25)	<u>0</u>	<u>7</u>
	4	12

Four\* of the 16 sample cities have detectives in district units involved in gambling law enforcement; the other 12 have most or all gambling enforcement carried out by a central unit. Table 5.22 shows a very clear pattern. Decentralized gambling enforcement clearly is likely to produce a high rate of arrests for visible gambling.

Numbers violations are somewhat different from public gambling in that they are commercial as well as being somewhat visible. There is not the same kind of association between numbers arrest rates and either decentralized enforcement or relative emphasis on response to citizen complaints. Moreover, there were five sample cities where there were no significant illegal numbers operations, which limits our analysis. Nonetheless, as Table 5.23 shows, for those cities with illegal numbers, there is some apparent association between numbers arrests and arrests for "other" gambling offenses. Departments that were aggressive against public gambling were likely (though not inevitably so) to be relatively active against numbers as well. Conversely, departments that were relatively less aggressive against numbers seemed to be less aggressive against public gambling. It is impossible to determine an exact number of departments to label "aggressive" using arrest rates as an index of aggressiveness, particularly given the fact that there are differences in the amount of visible gambling in cities. However, the important point, in light of the apparent consequences in citizen views of police of seeing illegal gambling, is that there are major differences among departments in their policies toward gambling, and probably only a minority are actively concerned with controlling visible gambling per se.

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\*As described in Chapter III, there were departments that had district offices but where district detectives did little or no gambling law enforcement. There also was one department in which the central gambling unit had its own district offices. All of these are coded as having centralized gambling enforcement in Table 5.22.

Table 5.23

"Other" Gambling Arrest Rate by "Number" Arrest Rate  
(for those cities with illegal numbers operations)

"Other" Gambling Arrest Rate/100,000 Population	Number Arrest Rate/100,000 Population		All Departments
	11 or Higher	10 or Lower	
High (>100)	2	1	3
Medium (25-100)	2	3	5
Low (<25)	<u>0</u>	<u>3</u>	<u>3</u>
	4	7	11

## Following Up on Citizen Complaints

Every department indicated that they considered following up on citizen complaints to be an important part of gambling enforcement. Given citizen concerns about follow-ups, this seemed sensible. However, departments did vary quite a bit on the number of complaints they did receive or at least on the number of complaints they estimated they received.

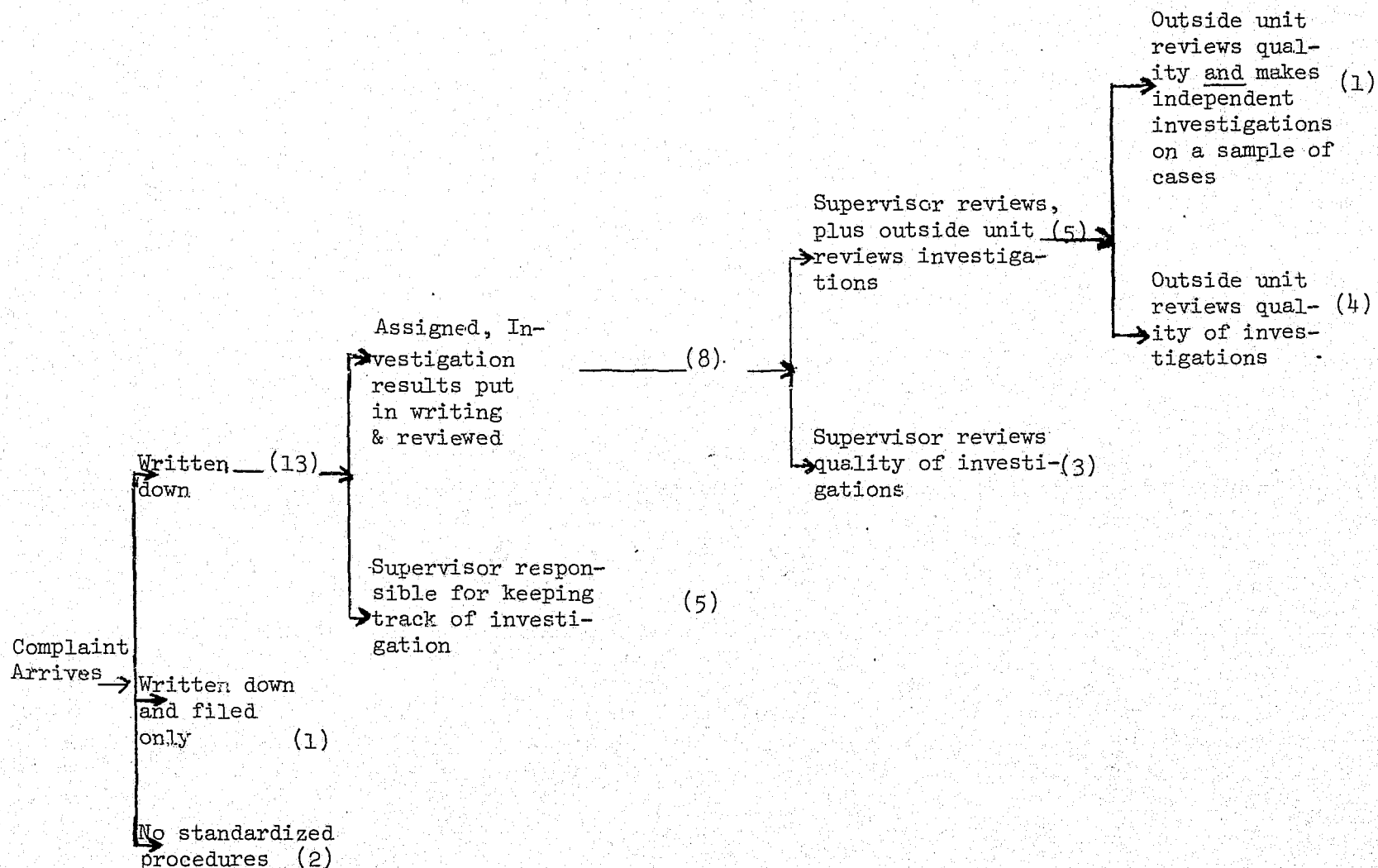
Only one department routinely (monthly) tabulated the types and numbers of complaints it received. One other department tabulated specifically for us the number of complaints received. In the other departments, we had to rely on estimates made by the head of the vice unit.

There was considerable variation in the way the sample departments handled citizen complaints about gambling (Table 5.24). Almost all departments wrote down on some standardized form all complaints received (including gambling complaints). There were two departments that did not have standardized procedures; whoever answered the phone in the vice squad made a note of the complaint and processed it in whatever way he deemed appropriate. In one additional department, complaints were written down by a central operator, but communication to the vice unit about this complaint was not standardized.

There were five departments in which after the complaint was received and recorded on a standardized form, it was transmitted to the supervisor responsible for vice enforcement. In departments where there was decentralized district vice enforcement, some complaints would go directly to the district vice supervisors. When the supervisor received the complaints, it was his responsibility to see that appropriate action was taken on the complaint. The quality and thoroughness of the investigation and any follow-up quality control were left to the discretion of the supervisor and to the officer to whom he assigned the complaint.



Table 5.24  
Schematic of Accountability Structures  
in Response to Citizen Complaints  
(The Number of Departments Using Each Structure is Indicated in Parentheses)



In the remaining eight departments, at least one additional step was taken; the results of the investigation were required to be written, returned to the supervisor and kept on file. In three of these eight departments, the procedures ended here with the supervisor being the sole instrument of quality control and accountability.

In five of the eight departments personnel outside the vice unit investigating the complaint reviewed the written outcome of the investigation. If the quality or thoroughness left something to be desired, the case was returned to the vice unit for more investigation. In one of these five departments, not only was there outside review of all complaint cases, but the headquarters vice squad did independent investigations on a sample of complaints sent to district vice units for investigation.

The type of administrative procedures used had no relationship to the number of citizen complaints received by the department, as far as we could tell. There was, however, a strong relationship between the size of the department and the degree of detail in administrative procedures. The larger departments were more likely to have formal administrative accountability systems, while smaller departments were more likely to depend on the vice supervisor to insure complaint follow-up.

### Conclusion

The first part of this chapter dealt with what citizens want and the way gambling law enforcement may be related to public confidence. The findings may be summarized as follows:

- 1) Police perceived citizens as giving low priority to gambling violations and not cooperating in law enforcement; yet they felt gambling law enforcement was important to citizen respect.

- 2) In general, citizen responses were consistent with police officer views.

However, at least five important additional points emerged from analysis of citizen data:

a) Although gambling law enforcement is very low in priority, it nonetheless is important to citizens that the laws be enforced.

b) There is virtually no desire for less gambling law enforcement, and considerable sentiment for more.

c) Citizen cooperation with gambling law enforcement is low, but it is higher if police are perceived to be responsive to complaints.

d) Known illegal gambling operations lead a high percentage of citizens to infer police corruption.

e) Unenforced gambling laws, and the related perception of corruption, are associated with lower overall ratings of police.

3) Emphasis on visible gambling offenses is found in some departments. Decentralized gambling enforcement (i.e., giving district officers some responsibility) appears to be almost essential to active enforcement against public gambling.

4) There is a great deal of variation in procedures for insuring full follow-up of citizen complaints. In about half the departments, mainly the smaller ones, vice officers have a great deal of autonomy in handling complaints, and there is no routine opportunity for administrative review or quality control by someone outside of the service squad.

5) Although aggressive enforcement against visible gambling and responsiveness to citizen complaints are both important to public confidence in the police, the former leads to aggressive action against public social gambling (and often numbers operators) while the latter is concerned primarily with commercial gambling.



## CHAPTER VI

### INTERNAL DEPARTMENTAL CONSEQUENCES OF ENFORCING THE GAMBLING LAWS

#### Introduction

Whenever an organization sets out to accomplish specific goals, the effect of working towards those goals has an affect on the members of the organization. Many of these effects can be positive in terms of accomplishment and worker satisfaction. However, they can also be negative effects like frustration, dissatisfaction and feelings of failure.

In particular, this may be true of gambling enforcement by police departments. Testimony by police and other law enforcement officials to the Commission on the Review of the National Policy toward Gambling indicated that gambling enforcement was perceived to be a burden and a task which received little support from the community, prosecutors, or courts (Gambling Commission, 1976). This lack of support may be one of the factors leading to low morale and frustration in officers trying to enforce the gambling laws. Furthermore, the discontent and frustration combined with the lack of support from others might well contribute to a climate conducive to corruption.

It is the responsibility of police administrators to structure the enforcement of gambling laws in such a way as to reduce the negative consequences to officers and to the department as a whole. One proposed strategy is the legalization or at least decriminalization of gambling to "stop the hypocrisy, the wasted resources, the police and court time and, of course, the corruption."<sup>1</sup> However, in our interviews with police chiefs in the sample cities, none advocated extensive legalization or decriminalization. A few chiefs were adamant that gambling should remain illegal either on moral grounds or because gambling statutes were seen as one weapon to attack organized crime.

In this chapter we will focus on three potential consequences of enforcing gambling laws: police officer satisfaction, frustration, and corruption. In the sections that follow, we will describe the extent to which officers perceive these consequences to exist and what other attitudes may be related to these perceptions.

### Satisfaction

Officers in 14 departments were asked whether they thought gambling enforcement was one of the more satisfying assignments for a police officer. Overall, only 11 per cent of the officers surveyed agreed that it was (Table 6.1). For the vast majority of officers, gambling enforcement was not considered a very satisfying assignment. Most of these officers had never worked on gambling. When answers were tabulated for officers who were more familiar with gambling enforcement, the results changed somewhat. About a fifth of the officers who had worked on gambling in the past thought gambling was among the more satisfying assignments. Among those who were currently devoting more than half time to gambling, 40 per cent felt gambling enforcement was satisfying.

Among the 14 departments, there was variation as to how gambling enforcement was seen on the average. In the department in which a gambling assignment was seen as the least satisfying, only three per cent of the officers thought gambling assignments were satisfying. The most positive rating was in a department in which 18 per cent of the officers thought gambling was one of the more satisfying assignments.

It is clear from these data that a large majority of police officers do not view gambling as a very satisfying assignment. However, it was also true that there were some officers who felt that gambling enforcement was a satisfying assignment. The next section focuses on those perceptions which are associated with rating gambling as a satisfying assignment.

Table 6.1

Police Officer Perception that Gambling  
Enforcement is a Satisfying Assignment

Types of Officers	Per cent agreeing that "gambling" enforcement is one of the more satisfying assignments for a police officer".
<u>All Officers</u>	11%
<u>Assignment:</u>	
Gambling Specialist	40
Other Vice	12
Detective	12
Patrol	10
Other	11
<u>Gambling Enforcement Experience:</u>	
None	10
In the past, but not now	20
Present	40
<u>Department Variation:</u>	
Lowest Department	3
Median	10
Highest Department	18

### Correlates of Satisfaction

Two general factors influenced the officers' feelings about gambling enforcement satisfaction -- how serious an offense he felt gambling was and how important he felt it was to enforce gambling laws (Table 6.2). Officers who thought gambling enforcement was satisfying were more likely to believe that bookmaking, numbers, after hours liquor violations and prostitution were serious violations. Also, they were more likely to feel it was just as important to enforce gambling laws as other laws. They were less likely to believe gambling was a victimless crime, and more likely to believe that profits went to organized crime. Furthermore, they were more likely to feel that the way police enforce the gambling laws was particularly important to the way citizens rate overall police performance and that tough enforcement of the gambling laws was important for citizen respect for the law in general.

These differences were all significant and worth noting. However, the percentages of officers who rated gambling assignments as satisfying remained low in all cases. The overwhelming facts are: 1) few police officers rate gambling as more satisfying than other assignments; and 2) gambling specialists, either through familiarity, commitment or self-selection, are much more positive about it than others, but, even for them, only a minority rate it as more satisfying than other assignments.

### Frustration

Another aspect of officer morale is the sense of frustration that was felt by officers trying to enforce the gambling laws. Although this could be viewed as the opposite reaction to "satisfaction", the pattern of associations with other beliefs indicates that frustration was not simply that.

Overall, nearly three-quarters of all officers felt that trying to enforce the gambling laws was more frustrating than enforcing most other types of laws

Table 6.2

Police Officers' Belief That Gambling Enforcement Is  
Satisfying by Various Officer Attitudes Toward Gambling  
and Other Plaintiffless Crimes

Beliefs About Gambling and Other Plaintiffless Crimes		Per cent who agreed that "gambling en- forcement is one of the more satisfying assignments for a police officer".
All Officers		11%
Perceived seriousness of illegal bookmaking	Low	8
	High	14
Perceived seriousness of illegal numbers	Low	7
	High	14
Perceived seriousness of after hours liquor	Low	8
	High	14
Perceived seriousness of prostitution	Low	10
	High	14
Enforcing gambling laws is just as important as enforcing any other laws	Agree	14
	Disagree	6

Table 6.2 (continued)

Police Officers' Belief That Gambling Enforcement Is  
Satisfying by Various Officer Attitudes Toward Gambling  
and Other Plaintiffless Crimes

Beliefs About Gambling and Other Plaintiffless Crimes		Per Cent who agreed that "gambling en- forcement is one of the more satisfying assignments for a police officer".
Running illegal gambling operations doesn't hurt anyone; it is a victimless crime	Agree	8
	Disagree	12
Profits from illegal gambling operations are the major source of income for organized crime	Agree	14
	Disagree	9
How the police enforce gambling laws is particularly important to the way citizens rate overall police performance	Agree	16
	Disagree	9
Tough enforcement of laws against gambling is important to citizen respect for the law in general	Agree	15
	Disagree	7

(Table 6.3). There were not any noticeable differences among officers of different religious backgrounds, tenure, education or race; nor was there much difference among departments, with from 67 per cent to 83 per cent of the officers feeling that gambling was more frustrating than other assignments. Current gambling enforcement responsibilities did make some difference, however. Those currently having gambling enforcement responsibilities were less likely to see it as frustrating. Even so, 60 per cent of these officers felt it was more frustrating than other assignments.

#### Correlates of Frustration

There were several attitudes of the officers which were related to their perception that gambling enforcement was frustrating (Table 6.4).

Difficulty of enforcement. Officers were more likely to feel that gambling enforcement was frustrating if they agreed that gambling laws were harder to enforce in a fair and even-handed way than most other laws, and agreed that it was often impossible to get enough evidence to convict known street-level bookies.

Clarity of departmental policies. Gambling enforcement was more likely to be frustrating to those who felt that gambling enforcement policies were not clear to most police officers, and who disagreed that the responsibilities of officers on patrol were clear.

Assistance of patrol officers. Officers who thought that the efforts of patrol officers were of little or no help in the effective enforcement of gambling laws, were more likely to feel that gambling enforcement was frustrating. Likewise, if an officer thought that without special training or experience the average police officer was not able to recognize evidence of an illegal gambling operation when he sees it, he probably rated gambling enforcement as frustrating.

Citizen cooperation. When citizens were seen as giving little cooperation,

Table 6.3

Police Officer Perception that Gambling  
Enforcement is a Frustrating Assignment

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Types of Officers	Per cent who agreed that "trying to enforce the gambling laws is more frustrating than enforcing most other types of laws"
<hr/>	
<u>All Officers</u>	74%
 <u>Assignment:</u>	
Gambling Specialist	60
Other Vice	76
Detective	76
Patrol	76
Other	71
 <u>Gambling Enforcement Experience:</u>	
None	74
In the past, but not now	74
Present	60
 <u>Department Variation:</u>	
Lowest Department	67
Median	75
Highest Department	83

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Table 6.4

Police Officer Beliefs That Gambling Laws are More  
Frustrating Than Enforcing Most Other Types of Laws  
by Various Officer Attitudes Toward Gambling  
Enforcement

Attitudes Toward Gambling Enforcement	Per cent who agreed that "trying to enforce the gambling laws is more frustrating than enforcing most other types of laws".	
<u>All Officers</u>		74%
<u>Clarity of Policies, Responsibilities</u>		
Gambling enforcement policies are <u>not</u> clear to most police officers	Agree	79
	Disagree	59
In enforcing gambling laws responsibilities of the individual officer on patrol are clear	Agree	68
	Disagree	77
<u>Assistance of Patrol</u>		
The efforts of officers on patrol are of little or no help in the effective enforcement of gambling laws	Agree	78
	Disagree	67
Without special training or experience, the average police officer is <u>not</u> able to recognize evidence of an illegal gambling operation when he sees it.	Agree	78
	Disagree	67
<u>Difficulty of Enforcement</u>		
Gambling laws are harder to enforce in a fair and evenhanded way than most other laws.	Agree	82
	Disagree	58
It is often impossible to get enough evidence to convict known street level bookies.	Agree	78
	Disagree	67

Table 6.4 (continued)

Police Officer Beliefs That Gambling Laws are More  
Frustrating Than Enforcing Most Other Types of Laws  
by Various Officer Attitudes Toward Gambling  
Enforcement

Attitudes Toward Gambling Enforcement	Per cent who agreed that "trying to enforce the gambling laws is more frustrating than enforcing most other types of laws".	
All Officers		74%
<u>Citizen Cooperation</u>		
There is very little citizen cooperation with the enforcement of gambling laws.	Agree	77
	Disagree	59
<u>Prosecutor Support</u>		
Prosecutors treat gambling as a serious crime.	Agree	68
	Disagree	76
Prosecutors are too willing to settle for reduced charges in gambling cases.	Agree	76
	Disagree	63
<u>Legal Gambling</u>		
Having some legal games, like lotteries, makes illegal gambling operations seem less serious to citizens.	Agree	78
	Disagree	55
Having some legal gambling, like lot- teries, makes it harder for police to enforce laws against illegal gambling.	Agree	81
	Disagree	67

gambling enforcement was more likely to be seen as frustrating. The perception that citizens did not consider gambling violations as serious did not lead to higher frustration, however.

Prosecutor support. When police felt that prosecutors did not take gambling cases seriously or when they felt that prosecutors were too willing to settle for reduced charges in gambling cases, they were more likely to feel that gambling enforcement was frustrating. The perceived levels of court sentences and fines were not related to reported officer frustration, however; only the perceived behavior of the prosecutors affected frustration levels.

Presence of legal gambling. In general, officers felt that increased legalization made gambling enforcement more frustrating. When officers perceived that legal games made citizens feel that illegal games were less serious, they were also more likely to think that gambling enforcement was frustrating. Also, those who believed that legal games make it harder to enforce remaining gambling laws were more likely to think gambling enforcement was frustrating.

All of the above factors associated with frustration relate to the difficulty of carrying out the job of gambling law enforcement. They do not relate to the seriousness of the task or to whether or not efforts are successful. The sources of frustration come from those elements surrounding the officer -- his fellow officers, departmental policies, citizens, prosecutors and laws which allow some legal gambling.

### Corruption

Corruption is that consequence of gambling enforcement which has received the most attention both within and outside police departments. Corruption scandals, particularly ones which involve malfeasance, incense the public and many times result in the police chief losing his job. However, it is difficult to assess the extent of corruption related to gambling.

Looking at reports from the Pennsylvania Crime Commission (1974a,b) and the Knapp Commission (1973) or the studies by Rubenstein (1973 and Gardiner (1970), one would infer that gambling-related malfeasance is common and, perhaps in many instances, system-wide.

Our project was not designed to conduct an investigation of each department to assess the degree of corruption. We were limited, instead, to the public record in terms of recent corruption scandals, as well as assessing factors which others have considered as making up a "climate conducive to corruption". We also were able to learn the extent to which departments used special procedures or policies to either detect or prevent corruption.

During the ten years preceding our visit to each department in the sample, four departments had had public disclosure of gambling-related corruption. Each of these departments was considered at those times to have had extensive corruption related to gambling usually in the form of payoffs or pads to officers and supervisors. Each of these departments is now operating with a first or second generation reform administration.

Two other departments had suffered some significant public embarrassment within the last ten years. One had had a scandal relating to drugs and organized crime; the connection to gambling was secondary in that the organized crime figures had ties to both. The other department had had publicity about lack of vigorous enforcement. Although charges were not brought, the vice operation unit has undergone a major overhaul.

There are two important points about these corruption scandals. First, they show clearly that gambling enforcement sometimes does lead to corruption, and, in some cases, widespread corruption. Second, a large proportion (a clear majority) of departments in major American cities have not had any publicly disclosed gambling-related corruption scandals over the past ten years.

Although a cynical reader would retort that this only means that corruption has not been exposed, the fact that the newspaper reporters and others outside the police departments we contacted did not perceive corruption in these departments lends credence to the position that many departments have not experienced widespread, systematic corruption relating to gambling enforcement.

#### Officer Perceptions about Corruption

Two agree-disagree items were included in the officer survey relating to corruption: whether most officials would not take a bribe; and whether gambling enforcement leads to more bribery offers than almost any other kind of enforcement. Almost every officer (95 per cent) agreed that most officers would not take a bribe (Table 6.5). This perception was shared by all types of officers. Only among non-white officers was the perception slightly less positive (88 per cent), but still the vast majority agreed with the statement.

On the other hand, a sizeable majority of all officers (68 per cent) also agreed that gambling enforcement leads to more bribe offers than almost any other type of enforcement (Table 6.6). Officers who were currently involved in gambling enforcement were less likely to think so; even so, half of the gambling specialists agreed. It was clear, therefore, that officers perceived that one of the risks of gambling enforcement responsibilities was the potential for a bribe offer.

Most of the other opinion items gathered through the police officer questionnaire did not correlate with beliefs about the likelihood of bribe offers. A few items had significant but relatively low correlations (Table 6.7). Officers who saw gambling enforcement as relatively frustrating also thought gambling enforcement led to bribe offers. The same was true of officers who saw legalized gambling as making enforcement harder for police and less serious for citizens.

Table 6.5

Proportion of Officers Who Agreed  
that Most Officers Would Not Take a Bribe

Types of Officers	Per cent agreeing that "most police officers would <u>not</u> take a bribe to overlook a gambling operation".
<u>All Officers</u>	95%
<u>Assignment:</u>	
Gambling Specialist	95
Other Vice	94
Detective	94
Patrol	95
Other	96
<u>Race:</u>	
White	97
Non-White	88
<u>Department Variation:</u>	
Lowest Department	89
Median	98
Highest Department	99

Table 6.6

Proportion of Officers Who Agreed that Gambling  
Enforcement Leads to More Bribery Offers

Types of Officers	Per cent agreeing that "gambling enforcement leads to more bribery offers than almost any other kind of law enforcement".
<u>All Officers</u>	68%
<u>Assignment:</u>	
Gambling Specialist	50
Other Vice	65
Detective	68
Patrol	68
Other	67
<u>Gambling Enforcement Experience:</u>	
None	68
In Past	66
Present	50
<u>Department Variation:</u>	
Lowest Department	54
Median	69
Highest Department	80

Table 6.7

Police Officer Perception That Gambling Enforcement Leads to More Bribe Offers  
by Attitudes About Gambling Enforcement

Attitudes About Gambling Enforcement		Per cent agreeing that "gambling enforcement leads to more bribery offers than almost any other kind of law en- forcement".
<u>All Officers</u>		67%
Profits from illegal gambling operations are the major source of income for organized crime.	Agree	70
	Disagree	58
Having some legal gambling, like lotteries, makes it harder for police to enforce the laws against illegal gambling.	Agree	72
	Disagree	61
Trying to enforce the gambling laws is more frustrating than enforcing most other types of laws.	Agree	71
	Disagree	58
How the police enforce gambling laws is particularly important to the way citizens rate overall police performance.	Agree	75
	Disagree	62
Some respectable citizens actively oppose tough enforcement of gambling laws.	Agree	69
	Disagree	58
Having some legal games, like lotteries, makes illegal gambling operations seem less serious to citizens.	Agree	69
	Disagree	56



Officers who specialized in gambling or other vice enforcement (and therefore might be in a better position to know) perceived factors both in the nature of the local gambling situation and within the department itself that were related to the potential for getting bribe offers (Table 6.8). Interestingly, the most significant association was with the perceived role of organized crime in gambling. Vice specialists who felt that profits from illegal gambling operations went to organized crime and that local gambling operations were connected to organized crime were much more likely than others to believe that gambling enforcement leads to bribe offers.

Vice specialists also saw internal management factors as related to the likelihood of bribe offers being made, particularly as they involved patrol officers. Vice officers who thought patrol officers' responsibilities were unclear were more likely to believe that bribe offers result from gambling enforcement. Under the circumstances where patrol officers encountered illegal gambling, if the vice specialists felt patrol officers would report it to their supervisors or to the vice enforcement officers, then the specialists were less likely to agree that more bribe offers resulted from gambling enforcement.

#### Corruption Prevention as an Enforcement Goal

The relationship between corruption control and enforcement is a circular one. On the one hand, if the police had no gambling enforcement responsibilities, there would be little potential for gambling-related corruption. This has long been one of the arguments made for decriminalization of gambling. It is also one argument made for specialization. If only a few officers have responsibilities, then the rest of the officers have no reason or opportunity to be exposed to the potential for corruption.

However, from another view, vigorous enforcement may help prevent corruption. By pushing for tough enforcement, corrupt officers might be easier to

Table 6.8

Vice Specialists' Perception That Gambling Enforcement Leads to More  
Bribe Offers by Attitudes About Gambling Enforcement

Vice Specialists' Attitudes About Gambling Enforcement	Per cent who agreed that "gambling enforcement leads to more bribe offers than almost any other kind of law enforcement.	
<u>All Vice Specialists</u>	60%	
Profits from illegal gambling operations are the major source of income for organized crime.	Agree	65
	Disagree	43
Illegal gambling operations in this part of the country are not independent of organized crime.	Agree	70
	Disagree	40
In enforcing gambling laws responsibilities of the individual officer on patrol are clear.	Agree	50
	Disagree	65
How likely patrol officer would report suspicious gambling to immediate superior.	Very Likely	54
	Possible	60
	Not Very Likely	78
How likely patrol officer would report suspicious gambling to vice officers.	Very Likely	53
	Possible	69
	Not Very Likely	66

detect, of at least norms may develop which could help protect against the temptation of corruption.

Within this perspective of tough enforcement, there is another strategy for departments -- that of highly controlled enforcement. In this approach, those officers who have gambling enforcement responsibilities are watched very closely, there are procedures that have to be followed to initiate cases and supervision is tight. The concern that corruption not develop can be so great that it may even take priority over making many arrests.

Within the sample of cities, the four departments which had had corruption scandals within the last ten years were very concerned about avoiding corruption. In response to public embarrassment, each had set up procedures that were aimed at avoiding or detecting corruption. One of these departments depended on a small group of centralized gambling specialists under the close supervision of a head of vice whose integrity was beyond reproach. A second department established several formal administrative procedures which kept tight control over vice enforcement efforts, including review of the quality of investigations and prohibition of patrol officer arrests without prior written approval. A third department used the central vice squad as a check on district gambling enforcement. Also, written response to each citizen complaint had to be in the chief's office within two weeks of receipt of the complaint. The fourth department shifted gambling enforcement responsibility away from the force as a whole and placed it instead in the district attorney's office.

There were five additional departments in which vigorous enforcement was seen as a way to avoid corruption. Although some of these departments were more oriented toward street gambling and others toward commercial gambling, they all shared the perspective that vigorous enforcement prevented corruption.

In the remaining seven departments, although corruption prevention was a

concern, management systems or policies had not been instituted to insure its prevention. To a great extent, these departments put their faith in the integrity of the supervisors and officers directly responsible for gambling enforcement and not in formal systems to prevent or detect corruption. These departments were also the smallest departments, and therefore such informal systems may well be appropriate.

### Conclusion

Gambling assignments are seen by police as distinctively unsatisfying, frustrating and likely to lead to bribery offers. Satisfaction in gambling enforcement is tied to thinking it is a worthwhile activity. Frustration is tied to the perception of the difficulty of the task, particularly impediments from agencies outside the control of police such as prosecutors. Variation in these perceptions is greater within departments than between departments, with the most positive views found among gambling specialists.

Perception of the likelihood of gambling-related bribe offers is linked to an absence of clear policies. We could find no department level association that supported the view that accountability systems or clear policies helped. However, we did find one interesting and important association.

As we discussed in Chapter IV, there were seven departments that thought local gambling operations were directly tied to regional criminal organizations. Of these seven, six have had public embarrassment in regard to gambling-related corruption in the last ten years. None of the cities where gambling operations were reported to be more independent has had any embarrassment in the same period. Admittedly, the cities in the first group are largely in the East and have other unique characteristics. However, the presence of criminal organizations in gambling dominates all other potential factors in our sample in explaining police embarrassment. Certainly there is a strong basis for concluding that

accountability systems are most likely to be needed when there are regional or multi-service criminal organizations involved in gambling operations.

As far as reducing the other negative consequences of gambling law enforcement is concerned, no department specifically discussed a concern with making gambling law enforcement more satisfying to police officers. The data indicate that general vice specialists may take gambling more serious than others though they do not have a more positive attitude toward gambling law enforcement than other officers, but those who are gambling specialists are much more positive than others, as well as taking it more seriously (Tables 6.9 and 6.10). Gambling law enforcement is, overall, relatively unattractive. The data suggest that increased use of gambling specialization, which is common and becoming more so, offers the best way of giving this job to someone who might value it.

Table 6.9

Per Cent of Officers Perceiving Negative Internal Consequences  
of Gambling Enforcement by Degree of Specialization of Assignment

Internal Consequence	Degree of Gambling Specialization of Assignment				
	Gambling Specialists	Vice Officer	Detective	Patrol	Other
Gambling Enforcement Not Among Most Satisfying Assignments	60	88	89	90	89
Gambling Enforcement Among Most Frustrating Assignments	61	76	76	76	71
Gambling Assignments Lead to More Bribe Offers	50	65	68	68	67

Table 6.10

Officers' Perceived Seriousness and  
Importance to Citizens of Gambling by  
Current Assignment

Questionnaire Item	Current Assignment					All Officers
	Gambling Specialists	Other Vice	Detective	Patrol	Other	
Running illegal gam- bling operations does not hurt anyone; it is a victimless crime						
Agree	6%	8%	16%	20%	18%	18%
Disagree	<u>94</u>	<u>92</u>	<u>84</u>	<u>80</u>	<u>82</u>	<u>82</u>
	100	100	100	100	100	100
Tough enforcement of laws against gam- bling is important to citizen respect for the law in general						
Agree	74	63	56	57	58	58
Disagree	<u>26</u>	<u>37</u>	<u>44</u>	<u>43</u>	<u>42</u>	<u>42</u>
	100	100	100	100	100	100
How the Police en- force gambling laws is particular- ly important to the way citizens rate overall police performance						
Agree	42	40	32	30	33	32
Disagree	<u>58</u>	<u>60</u>	<u>68</u>	<u>70</u>	<u>67</u>	<u>68</u>
	100	100	100	100	100	100

Table 6.10 (continued)

Officers' Perceived Seriousness and Importance  
to Citizens of Gambling by Current  
Assignment

Questionnaire Item	Current Assignment					All Officers
	Gambling Specialists	Other Vice	Detective	Patrol	Other	
Perceived seriousness of bookmaking						
High	51%	34%	21%	19%	17%	20%
Medium	25	29	30	31	35	32
Low	<u>24</u>	<u>37</u>	<u>49</u>	<u>50</u>	<u>48</u>	<u>43</u>
	100	100	100	100	100	100
Perceived seriousness of numbers writing						
High	49	40	27	30	28	29
Medium	29	26	31	34	36	34
Low	<u>22</u>	<u>34</u>	<u>42</u>	<u>36</u>	<u>36</u>	<u>37</u>
	100	100	100	100	100	100
Enforcing gambling laws is just as important as enforcing other laws						
Agree	85	75	64	62	72	66
Disagree	<u>15</u>	<u>25</u>	<u>36</u>	<u>38</u>	<u>28</u>	<u>32</u>
	100	100	100	100	100	100
Enforcement of gambling laws uses police manpower that could better be used against other types of crime						
Agree	39	35	51	54	50	52
Disagree	<u>61</u>	<u>65</u>	<u>48</u>	<u>46</u>	<u>50</u>	<u>48</u>
	100	100	100	100	100	100



## CHAPTER VII

### GAMBLING ENFORCEMENT ORIENTATIONS

#### Introduction

In Varieties of Police Behavior, (1964), James Q. Wilson described police departments in terms of their different orientations to law enforcement. He identified three orientations that helped to explain differences in police behavior: serving citizens, keeping order in public places, and enforcement of the laws as written. While all the departments he studied had, to some degree, all of these concerns, one or the other orientation appeared to be primary when he looked at the politics, priorities and behaviors of a given department.

In the preceding three chapters, we have examined three areas of potential concern or priority for police departments in enforcing gambling laws. When interviewing police chiefs and vice officials in police departments, concern was expressed about criminal organizations and organized crime, with being responsive to citizens, and about the public's confidence in the police department.

However, even though departments expressed concern about these three areas, it was clear that there was a great deal of heterogeneity in the way in which police departments actually went about enforcing the gambling laws. For example, in nearly two-thirds of the sample departments, few, if any, bookmaking arrests were made. Most, but not all, departments in cities where there were illegal numbers operations made at least some numbers arrests. There were four departments that aggressively enforced laws against public gambling; the rest of the sample departments made many fewer arrests for this offense. About half the departments had a system for insuring that citizen complaints would be followed up; while in the other half, there was no formal system. About a quarter of the de-

partments had a system for monitoring gambling investigations by someone outside of the vice squad, while in the balance of the departments, the activities of the vice squad were relatively autonomous.

This heterogeneity is in and of itself important. Legislators, city leaders and concerned citizens need to realize that both the enforcement of gambling laws and the laws themselves can only be assessed within the context of local police priorities and policies; and those policies differ significantly from city to city.

We have attempted to identify for each department a main orientation toward gambling law enforcement. In doing this, we took into consideration the answers given in departmental interviews, the sources and kinds of cases on which the departments worked, and the way in which they had organized gambling law enforcement.

A major difficulty in accomplishing this task was the lack of clear policies and priorities that we found in many departments. There were only four departments in the sample of sixteen where policies for gambling law enforcement had been explicitly addressed and written down. We believe it is fair to say that many departments visited had not come to terms with the necessity for setting priorities given limited resources. There was in fact no department in the sample from which we have questionnaire data where fewer than 60 per cent of the officers agreed that gambling enforcement policies were unclear. Nonetheless, there were three types of departments that stood out from the others in terms of an identifiable set of enforcement goals.

#### Department Orientations

##### Corruption Control

Accountability and control of vice enforcement activities in order to avoid corruption was the primary orientation in three of the sample departments. These

three departments had a number of characteristics in common. All were located east of the Mississippi River. All three acknowledged that there was a considerable amount of all types of illegal gambling in their cities. Perhaps most important, however, was that all three had had public disclosure of police corruption related to gambling within the last ten years.

When we visited these departments, all three had reform administrations that were dedicated to preventing future embarrassment to the department. The particular strategies that they used differed somewhat from department to department, however. In one city, the vice unit reported directly to the chief. The head of vice was an officer with a long reputation for integrity, who kept tight control over all gambling-related activities by any of his men. Enforcement in this department was carried out only by this centralized unit.

In the other two departments, independent units were established to monitor the quality of gambling enforcement activity. In one of these departments decentralized gambling enforcement was abandoned; in the other, it was maintained but with tight monitoring of investigations arising from citizen complaints that had been referred to districts.

Another common characteristic of the three cities was that the vast majority of cases on which they worked emanated from citizen complaints. As part of the means whereby the departments attempted to tightly control and monitor enforcement activities, the extent to which officers initiated their own cases was quite limited. Because commercial gambling operations were more often the subject of citizen complaints than public social gambling, these three departments devoted a relatively high proportion of their resources to commercial operations. However, because of their essentially reactive stance with respect to gambling enforcement, their commercial gambling arrest rates were considerably below those departments (described below) who attacked commercial gambling operations in a more

aggressive manner.

Although the three departments differed in some elements of their gambling enforcement activities, they had many things in common, and the most important commonality was their concern with avoiding corruption.

#### Aggressive Street-level Enforcement

The main concern in three of the other sample departments seemed to be street-level enforcement. The most outstanding characteristic of the three departments was that they all had arrest rates in excess of 200 persons per 100,000 population. These rates were over twice as high as the next highest arrest rate observed in the sample and four or five times the median arrest rate in the sample. This fact alone helped us in classifying these three cities together; but there were other similarities as well.

For the most part, the high arrest rates reflected aggressive activity against public social gambling rather than commercial gambling. Although numbers arrests accounted for a substantial portion of police activity in two of the cities, none of the three departments made any bookmaking arrests at all in 1975. Each city did have a moderate level of illegal bookmaking activity. Moreover, officials in these three departments were fairly explicit about the belief that an aggressive gambling arrest policy would maintain public confidence in the police.

In only one of the three cities was there dissatisfaction expressed with the fact that more commercial gambling arrests, particularly of bookmakers, were not being produced. Even in that department, and certainly in the other two departments, officials felt that maintaining a high level of arrests and projecting an aggressive image of enforcement against street-level gambling was the most effective way to serve their constituency and to show they were doing their job.

## Aggressive Commercial Gambling Enforcement

Two of the sample departments\* could be described as focusing their main enforcement efforts on commercial operations. The most outstanding feature of these departments was their bookmaking arrest rate: 35 and 18 per 100,000 population respectively in 1975. The next highest bookmaking arrest rate was 11 per 100,000; the one below that was 4 per 100,000. In both cities, more than 30 per cent of gambling cases involved commercial gambling. Clearly the effort in these two departments against bookmaking was considerably more extensive than in most cities in the country. Moreover, in the one of these two cities where there were illegal numbers operations, the rate of arrests for numbers was the second highest in the sample.

Other than their aggressiveness against commercial gambling, these cities did not have much in common. They were in different parts of the country. Organized crime was heavily involved in the gambling operations in one city, but not at all in the other. Their enforcement activities were organized in very different ways. One department had a centralized unit while the other relied heavily on district vice enforcement. One used wiretaps heavily and the other did not use them at all.

There was another way in which these two departments were alike, however. Both departments were using innovative and seemingly competent management of their enforcement efforts. One of the departments worked in a coordinated unit with county prosecutors. Their success against commercial operations was clearly

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\*It should be noted that one of the two departments classified here as having an aggressive orientation to commercial gambling could well go in either one of the first two categories as well. The accountability system in that department was as elaborate as any department visited; and while its street arrest rate was lower than those classified as oriented toward street gambling, this department has, and acts upon, an aggressive street arrest policy.

related to this mechanism. The other department had a most extensive quality control system, including independent investigations of a sample of cases. Furthermore, their information systems about their enforcement activities were highly developed, providing supervisors with quality control information. They also worked very closely with patrol officers to reinforce their role as information providers.

Therefore, while most departments talked about the importance of enforcement against commercial gambling, it was these two departments which stood out in the extent to which they acted aggressively, that is proactively, on their own initiative to intervene in commercial gambling operations.

### Generalists

The eight departments described above appear to us to stand out from other departments in their response to the complexities of gambling law enforcement. In terms of the discussion in the preceding three chapters, the first group seemed to be most concerned with accountability and internal problems, the second group gave highest priority to establishing public confidence through aggressive street-level enforcement, while the third group was aggressively enforcing laws against commercial gambling.

The remaining eight departments in our sample can best be described as "generalists". For the most part, they enforced all types of gambling laws without giving priority to any one type. These departments were found in cities throughout the country which had varying amounts and types of illegal gambling. Two departments primarily responded to citizen complaints, while the balance initiated most of their own cases. Two departments acknowledged significant organized crime involvement in gambling, while the balance did not. Two points stand out, however, about all of these departments. First, they did not arrest very many people for any type of gambling. None of the departments had a book-

making arrest rate higher than four per 100,000 nor a numbers arrest rate higher than six per 100,000 nor a total gambling arrest rate higher than 50 per 100,000. Second, in our judgment, none of these departments had come to terms with the task of setting priorities and clear policies in the area of gambling law enforcement.

#### Setting Priorities and Making Clear Policies

In Chapter VI, we discussed some of the ways that police officers reacted to gambling law enforcement. In many respects officers expressed negative feelings about gambling enforcement. Setting priorities could be expected to accomplish at least two things. First, it should help to clarify departmental policies. Second, if a specific set of goals is established, the likelihood of achieving those goals should be increased.

From the police officer questionnaire we found that police officers felt that policies were not clear and that, overall, gambling law enforcement was not considered to be effective. However, by comparing departments that had comparatively clear orientations to departments that did not (the generalists) we noticed two important results.

Table 7.1 presents data on officers' perceptions of the clarity of departmental policies toward gambling enforcement. Although absolute clarity of policies seemed to be lacking in all departments, the percentage of officers who found policies clear was higher in those departments which had clear orientations than in the "generalist" departments. At the departmental level, we see that, with only one exception, the officers in every department which had a clear orientation rated clarity of policies higher.

A closely related item is shown in Table 7.2, officers' perceptions of the clarity of patrol officers' responsibilities in gambling enforcement. Again, the same pattern was observed. Departments with clear orientations rated clarity of

Table 7.1

Officers' Perceived Clarity of Gambling Policies for  
Departments with Different Gambling Enforcement Orientations

Departmental Orientation	Number of Departments	Per Cent Officers Perceiving Policies As Clear	
		For Each Department	Average For Each Orientation
Aggressive Commercial Enforcement	2	39%, ---*	39%
Aggressive Street-level Enforcement	3	39,33,23	32
Corruption Control.	3	33,32,---*	32
Generalists- No Priority Orientation	8	38,21,18,16 16,11,11,9	18

\* No police questionnaire data available for this department.



Table 7.2

Officers' Perceived Clarity of Patrol Officer Responsibilities  
Departments with Different Gambling Enforcement Orientations

Departmental Orientation	Number of Departments	Per Cent Officers Perceiving Responsibilities As Clear	
		For Each Department	Average For Each Orientation
Aggressive Commercial Enforcement	2	48%,---*	48%
Aggressive Street-level Enforcement	3	57,38,33	42
Corruption Control	3	50,49,---*	49
Generalists- No Priority Orientation	8	43,33,31,29 24,24,22,17	28

\*No police questionnaire data available for this department.

responsibilities higher than generalist departments (again with only one exception).

Table 7.3 shows officers' perceptions of the effectiveness of gambling enforcement efforts. Again, the same pattern was observed. Officers in departments with clear orientations rated effectiveness higher than those in "generalist" departments (with one exception).

There were only two departments in which the data deviated slightly from the dominant pattern. Officers in one generalist department felt enforcement policies and patrol responsibilities were relatively clear. This department had had a major change in its gambling enforcement organization. The vice unit had been given considerably more resources than in the past and had been given a clear mandate to work on commercial gambling and organized crime. When we visited the department, however, these changes were still in the process of being made and results were not yet evident. It may well be that the police officer responses reflected a new clarity of policy that was not yet evident in the results of the departments' efforts.

One of the three departments classified as aggressive against street gambling rated itself low in effectiveness, and it also was the lowest of that group with respect to clarity of policy. This was the one of those three departments which expressed a desire to make more bookmaking arrests. Of the eight departments classified as having a clear orientation to enforcement, this was the department in which there was the most discrepancy between the stated goals of police officials and the operational activities that were observed and reported.

#### Conclusion

In looking at local law enforcement policies and practices, we identified three departments whose primary emphasis seemed to be on internal control, stimulated by past allegations of corruption. Three other departments clearly

Table 7.3

Officers' Perceived Effectiveness of Gambling Enforcement  
for Departments with Different Gambling Enforcement  
Orientations

Departmental Orientation	Number of Departments	Per Cent Officers Perceiving Efforts As Effective	
		For Each Department	Orientation
Aggressive Commercial Enforcement	2	57%, -- *	57%
Aggressive Street-level Enforcement	3	56,47,38	47
Corruption Control	3	56,50, -- *	53
Generalists- No. Priority Orientation	8	45,44,42,40 39,38,34,30	39

\* No police questionnaire data available for this department.

emphasized aggressive enforcement of street-level gambling, while two others demonstrably were making an effort to control commercial bookmaking and numbers operations.

In half of the departments, however, we were unable to identify any clear enforcement priorities. We have discussed in other parts of this report reasons why setting priorities may be particularly important in the enforcement of gambling laws. In most cities, there was more to do in gambling enforcement than current resources (averaging less than one per cent of the department) could manage. There are tradeoffs to be made between lengthy investigations leading to a relatively small number of commercial arrests versus making numerous arrests for public social gambling and numbers writing. There may even be tradeoffs between aggressive enforcement and tight control of investigative activities. In this context, it seems likely that setting priorities and clarifying policies may be important. In this chapter we have developed additional evidence that this is the case.

Gambling law enforcement policies were not viewed as clear and enforcement efforts were not seen as effective by the majority of all police officers in our sample cities. However, in these departments in which we could identify relatively clear policies and priorities, police officers were more likely to think that policies were clear and they were more likely to see that enforcement efforts were effective. This was the case regardless of the orientation a particular department chose to emphasize.

Thus, it seems to us that there is little basis for saying that there is only one way police departments should go about enforcing the gambling laws. Depending on the local situation, their constituency, and the departmental history, one or another of the orientations to gambling enforcement discussed above may be appropriate. On management grounds alone, the case for clearly specified priorities and policies could be made because of the complexity and ambiguity

involved in enforcement of the gambling laws. However, in this chapter, we have seen that those departments which have through good management, necessity or accident evolved specific orientations to enforcement have attained direct benefits in terms of clarity of departmental policies and perceived effectiveness.

The other point that emerges from the last four chapters is that gambling laws are enforced in very different ways in different cities. The particular policies of police departments make the meaning of anti-gambling laws for citizens, including illegal gamblers, vary from city to city independently of the way the laws are written. We will elaborate further on this point later in the report.

## CHAPTER VIII

### THE PROSECUTION AND SENTENCING OF GAMBLING OFFENDERS

#### Introduction

In the preceding chapters we focused on the goals that police had for enforcing gambling laws. In this chapter we will look at the process of prosecuting and sentencing gambling offenders and assess how this processing affects the enforcement goals of police.

Before we begin that discussion, however, there are two issues that should be raised. First, interviews were conducted with judges, court clerks, and prosecutors who were identified as being "most knowledgeable" about the handling of gambling cases in each city. To some extent, these data were more qualitative than the other data sets addressing police and citizen issues. Our analyses thus have a more subjective basis and involve judgments made by the study team about the workings of the prosecutorial and judicial systems as they relate to gambling enforcement.

Our initial hope had been to utilize disposition data in each city as a quantitative basis for our analysis. Although we did not expect to find many cities with PROMIS\* systems to facilitate this analysis, we did expect reasonably good information to be available from prosecutors on their gambling cases, policies, procedures, and case outcomes. Unfortunately, this did not prove to be the case. Systematic information about prosecutor behaviors and court dis-

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\*PROMIS (Prosecutive Management Information System) is a computerized record keeping system which enables analysis of case dispositions by type of crime and offender characteristics. Originally developed in Washington, D.C., it has been made available to other county prosecutors and state attorneys general across the country.

positions were simply not kept in almost all the cities we visited. Furthermore, as we shall elaborate below, since there was little specialization, informed judgments about dispositions were difficult to obtain in a reliable fashion. Therefore, our analysis focuses more on the processing of cases, and our judgments about that processing are based on criteria of common sense, standards of efficiency and management principles rather than hard data about outcomes.

The second point is that police are not always affected in the pursuit of their goals by the actions of prosecutors and judges. There are police enforcement goals that can be reached on the basis of police performance alone (i.e., keeping a visible presence in some areas of town or maintaining order without arrests). The prosecution and sentencing process is most relevant to the efforts of police against commercial gambling and organized crime.

### Prosecuting Gambling Cases

#### Prosecutorial Structure

We have seen that there was considerable variation in the way police gambling efforts were organized. In contrast, the overall system of prosecution and trial of gambling cases was fairly similar across the cities in our sample. There were usually two levels of courts in a city: a lower court which handled misdemeanors and a higher court which handled felonies. In three cities there was a municipal court which handled minor misdemeanors and municipal code violations. There was usually a separate group of prosecutors for each level of court.

#### Level of Charges

Most gambling cases were handled in the lower level court. There were two main reasons for this. First, as we have seen from the arrest data, over two-thirds of all gambling arrests fall into the "other gambling" category; these were mostly card and dice violations or arrests for placing a bet or being pres-

ent in a gambling house. Almost all of these cases were misdemeanor charges and thus were tried in the lower courts.

Second, although bookmaking and numbers arrests can be tried as felonies, in about half the states (eight and five respectively out of 13 states), it was also possible to bring charges at the misdemeanor level for these offenses or to reduce the charge to misdemeanor offense. This decision was left to the prosecutors' discretion. Although we did not have data from many cities, we would estimate that about 90 per cent of recent gambling cases in the sample cities were prosecuted as misdemeanors.

#### Dismissal Rates

Relatively few gambling cases were dismissed (by judges or prosecutors) or refused for prosecution. The primary reasons for this seem to be that police vice or gambling specialists (who made most of the arrests) were very familiar with the legal requirements for convictions and that many arrests were made after obtaining warrants based on a preliminary judgment of probable cause.

There were only three cities in the sample that had any notable problem with cases being refused for prosecution. In one, the issue was social gambling. Police made arrests, but the prosecutors' office, as a matter of policy, refused to prosecute these cases. In a second city, social gambling was also the issue. Here, however, the prosecutors claimed that social gambling was not illegal under state law. In a previous year 50 cases were brought to trial, and all were dismissed by the courts. In another city the problem involved wiretap cases. Although the District Attorney's office was authorizing wiretaps, it refused to prosecute cases based solely on wiretap evidence.

These situations were, as noted, exceptions. In most cities, gambling arrests were probably prosecuted at a higher than average rate.



## Conviction Rates and Plea Bargaining

The overall conviction rate for the sample cities for gambling offenses was probably higher than for most other offenses, averaging about 70 per cent. Again, although we did not have complete data from every city, all available information did point in this direction.

The annual FBI Uniform Crime Reports include data on a proportion of all gambling cases disposed within that year. Although only a minority of cases were resolved in the same year as the arrest, gambling cases had a higher conviction rate than other crimes. Estimates by police and prosecutors agreed that conviction rates for gambling offenses were high.

One reason for a high conviction rate was that almost all cases were plea bargained. Although this was true for all types of cases, gambling cases were plea bargained at least as often as other cases. Plea bargains consisted not only of bringing reduced charges in return for a guilty plea, but, in many cases, agreement on a recommended sentence.

There was only one city in the sample where over half the gambling cases went to a trial of fact. In this city, police prosecuted their own cases in the lower courts and no prosecutor was involved. In the balance of the sample cities, it is probably conservative to say that less than 15 per cent of cases went to trial.

## Prosecutor Actions in Relation to Police Goals

In previous chapters we have discussed the three goals of police in gambling enforcement: corruption control, maintaining public confidence, and attacking commercial gambling operations (and thereby, in many cases, organized crime). The activities of prosecutors can relate to these goals in different ways.

In terms of maintaining public confidence in police through aggressive

enforcement of street-level gambling (public cards and dice, or numbers writers), the primary consideration is that an arrest be made. Whether the case is accepted for prosecution and the amount the defendant is fined do not really affect police efforts to prove to citizens that they do not let known illegal gambling occur.

Prosecutor behavior has more potential to impact on police efforts to control corruption with the department, albeit an indirect effect. One finding from the police officer questionnaire was that there was a relationship between officers feeling frustrated with gambling enforcement and seeing more bribe offers being made for gambling enforcement. Others (see Rubinstein, 1973) have hypothesized a relationship between officer frustration and susceptibility to bribes. Furthermore, police attitudes about the supportiveness of prosecutors were associated with frustration. If prosecutors do not take gambling cases seriously or too often settle for reduced charges, police may feel that vigorous enforcement is not worth it. This, in turn, may create a climate conducive to corruption. There is no direct evidence from this or any study that such a relationship exists in fact, but the correlations are there in the police officer perceptions.

Of the three police goals we have discussed, the quality of prosecution and sentencing is most critical to attacking commercial gambling organizations. In order to make any impact on commercial operations, the penalty for arrest must be either jail, a large fine, or probation with the threat of jail for violation of probation. Therefore, the actions of prosecutors in commercial gambling cases are important to police.

In almost every police department, fighting organized crime was stated to be a very important reason for gambling enforcement. There is little question that prosecutors share with police a concern about organized crime. Seven cities

had special prosecutorial units for cases involving organized crime figures; and an additional three cities had county-wide strike forces that targeted organized crime figures. One city had both. Even in those cities in which there was not a specialized unit for organized crime cases, prosecutors were consistent in saying they would give these cases high priority and seek severe penalties.

The problem is that very few gambling cases provided by local police directly involve these organized crime figures. Therefore, these special units make little impact on the enforcement of state anti-gambling laws.

The primary source of disagreement between police and prosecutors seems to be the treatment of commercial gambling cases that do not involve individuals who can be tied to large-scale criminal organizations. Many police officers believe that the way to render gambling unprofitable or difficult to operate is to treat all commercial gambling violators seriously. Prosecutors and judges seem to consider numbers runners and street-level bookies as petty criminals and, when compared to other types of criminals, tend to recommend only low or modest fines. This statement is based on interviews with police, prosecutors and judges themselves.

Whether giving more serious penalties to these cases would indeed affect commercial operations is not known. In the one city in the sample where prosecutors and courts were treating these cases seriously, police and others felt they were being effective. Police in many cities feel that this is the correct policy, but prosecutors and the courts do not seem to agree. It is this discrepancy between prosecutors and police on the perceived seriousness of low level commercial operators that the study team considers one of the critical factors in the enforcement of gambling laws.

#### Policies and Accountability

Considering the extreme amount of discretion that prosecutors have in deal-

ing with arrested offenders, the absence of clear guidelines for making those decisions and the lack of accountability systems for reviewing them was striking.

As we have discussed above, the problem of prosecutors refusing to accept cases brought by the police was not very common. Prosecutors apparently prosecute a case if they think there is a reasonable chance for conviction; and police generally seem to provide reasonably good gambling cases. Moreover, there were four cities in which all decisions not to accept a case were reviewed and two additional cities where cases that may be "sensitive" (including gambling cases) were reviewed by a superior prosecutor before they were refused.

The critical decision that the prosecutors make, however, is not whether or not to prosecute, but what bargain to make, and particularly, what sentence to recommend. As we noted above, almost all gambling cases were decided in advance of the trial through an agreement between the defendants and the prosecutor. It was in this critical decision area that we found no written guidelines or policies in District Attorney's offices. Moreover, in our interviews with prosecutors, we generally were able to obtain only vague kinds of information about the criteria used to decide on an appropriate fine or sentence for gambling offenders.

In addition to the absence of policies and guidelines for plea bargaining, there also was virtually no accountability for the decisions made, either outside the District Attorney's office or within it. There was no routine review of the plea bargains made by prosecutors in any city we visited. In four cities, the plea bargain was made in the presence of and with the participation of a judge; in the balance of the cities, the plea bargain was made by the prosecutor, the defendant and his lawyer. Thus, individual prosecutors had a great deal of autonomy in deciding what kinds of bargains they would accept.

The most serious flaw in the system was the lack of information about bar-

gains and dispositions. In only seven of the sixteen sample cities were disposition data of any kind available. Moreover, there was no city in the sample where anyone had systematically collected information about the size of fines given to convicted offenders.

Prosecutors sometimes argued that they were acting as the citizens wanted, and that if citizens were dissatisfied they would hear it. However, there is no way that any citizen in any sample city could get information that would enable him to evaluate the performance of prosecutors and decide whether or not the policies being carried out were appropriate.

Police are accountable to the citizens in at least two ways. If citizens are aware of illegal gambling operations and do not see a police response, they can blame the police. In fact, our survey data made it very clear that police were blamed when citizens became aware of illegal gambling operations. Moreover, at least the number of arrests made for gambling offenses by police is a matter of public record. In contrast, prosecutors were essentially accountable to no one. Almost 60 per cent of adults interviewed in the Michigan survey felt that a convicted bookmaker should be sent to jail. In fact, a very small number of convicted bookmakers actually go to jail. Whether the prosecutors or the citizens are right in this instance is not at issue. What is at issue is that there is no way for the citizens to know what the prosecutors are doing. Moreover, the District Attorneys themselves do not know what their staff is doing; and yet their decisions are the most important ones in connection with the enforcement of laws against illegal commercial gambling.

#### Specialization of Prosecution

When looking at the structure of the prosecution of gambling cases, the issue of specialization looms large. In contrast to the police approach to gambling, most prosecution was done by non-specialists. It is the conclusion of the

study team that the enforcement of anti-gambling laws would be improved if the prosecution of gambling were done by specialists. The bases for this conclusion follow:

In 11 of the 16 sample cities, there was no specialization at all in the prosecution of gambling. Assistant District Attorneys simply were assigned to cases as they occurred. Certain gambling cases, if they were more complicated, would be likely to be assigned to a more experienced attorney. The frequency and criteria for making these assignments were not very clear.

In three other cities there was a very limited amount of specialization; most or all vice cases would be handled by the same attorneys.

There were two cities in which there was specialization of gambling prosecution. In one city, there was an individual in the prosecutor's office who took responsibility for all gambling cases, handling them himself or supervising the way they were handled by someone else. There were very few gambling arrests in this city, however. In the other city, gambling investigations and prosecutions were handled by a special combined unit of police and prosecutors. The prosecutors were gambling specialists; and all gambling cases were handled by prosecutors with demonstrated expertise in gambling cases.

There were a number of consequences of non-specialization. Evidentiary requirements in gambling cases are more complicated than those for many other types of cases. The study team consistently found that non-specialists were not familiar with the details of the gambling statutes. This is not surprising, since without specialization, a given prosecutor may handle only a few gambling cases in a year. Consequently, there is little opportunity to become familiar with the gambling laws.

Prosecutors who were not specialists were relatively unfamiliar with the illegal gambling situation in their communities. Considering the fact that

prosecutors were often setting the penalties for an offense, this lack of familiarity meant that discrimination about the importance of different cases was difficult.

We have already observed that there were no written policies or guidelines for how gambling cases were to be treated, particularly at the plea bargaining stage. With specialization at least informal policies would develop.

The evidence was clear that police specialists in gambling consider gambling cases to be more serious than non-specialists. Although we do not know that the same is true for prosecutors, we did find that non-specialists did not seem to care as much about how gambling cases were handled. In contrast, the few specialists we talked to often cared a great deal.

Specialization of prosecutors would make it easier for coordination to occur between police and prosecutors. Not only could priorities be agreed upon, but the prosecutors could become involved in cases before arrests were made, insuring that the case met evidentiary requirements for convictions.

Finally, data in the police questionnaire provided some evidence that, from the police perspective, prosecutorial specialization was better. In general, police officers thought prosecutors were too willing to reduce gambling charges (89 per cent agreed) and did not take gambling cases seriously (85 per cent agreed). However, in the one city where there was a high level of specialization, police officers felt quite differently. A significant but much lower percentage (46 per cent) agreed that prosecutors were too willing to reduce charges, and 80 per cent (compared to 15 per cent nationwide) felt that prosecutors took gambling cases seriously.

There are several aspects of the gambling enforcement procedures in this city which are distinctive in addition to the specialized prosecutors. It is always risky to base a conclusion on one case. However, since the perceptions of police

were so dramatically more positive here than elsewhere, and since they coincided with the judgment of our on-site interviewers, we believe the data constitute at least tentative quantitative support for the hypothesis that specialization of prosecutors is better from the police point of view.

The considerations presented above, taken together, appear to us to make a compelling argument for specialization. Considering the importance of the prosecutorial role, the discretion that prosecutors exercise and the lack of control over that discretion, specialization of prosecutors seems to us to be one of the most important reforms that could be made to improve the quality of gambling law enforcement.

#### The Effect of the Judicial Process

As we noted previously in this chapter, there was only one sample city in which more than 50 per cent of all gambling cases went to a trial of fact. That city, interestingly, was one in which the police prosecuted a high percentage of their own cases. They presented the case to a district court judge, and if the defendant was found guilty, as happened in as high a percentage of cases as in any other city in the sample, the judge set a sentence. In the balance of the cities, the judge merely heard the plea in court, took the prosecutor's recommendation on the penalty and sentenced the defendant (usually a low fine).

Judges, like most prosecutors, were unspecialized in all but one city. Our interviews with judges, like our interviews with prosecutors, indicated a low level of familiarity with the gambling laws, little or no familiarity with the local illegal gambling situation, and an absence of criteria for determining the relative seriousness of a commercial gambling offender. The one criterion enunciated to us most often was that, of course, a gambling offender who could be demonstrated to have a close connection with a criminal organization would receive very harsh treatment. Judges, like prosecutors, did not share the belief



so important to police: that every person involved in an illegal commercial operation is or potentially is a contributor to an environment in which multi-service criminal organizations thrive.

There was one city in the sample that was unique in its judicial structure relating to gambling cases. All convicted gambling offenders received sentences from one judge who specialized in sentencing gambling cases. It was the perception of the police and the prosecutors in that sample city that jail terms and/or large fines were considerably more likely under this system than was the case before the system was instituted. Moreover, the police questionnaire data confirmed that fact that the police officers as a whole rated the performance of the courts much more favorably in this city than in any other sample city.

Because we found only one example of judicial specialization, it is difficult to reach a firm conclusion about its advantages. However, for many of the same reasons enunciated with respect to prosecutorial specialization, such a procedure seems extremely sensible. Since one goal of prosecution and sentencing is to make distinctions among offenders so that the more serious are treated more seriously, it seems critical that the person responsible be expert and knowledgeable. Given a crime such as gambling, where cases are complicated but account for only a small percentage of all judicial cases, specialization appears to be the only way to develop expertise and informed judgment.

#### Variations in the Way the Laws are Written

Recently, there has been a trend in state legislatures to upgrade the penalties for gambling offenses and to mandate serious penalties for more serious offenders. This trend, of course, is not unique to gambling cases. There are other crimes for which legislatures have attempted to punish certain offenders more severely. We attempted in this project to determine the extent to which legislative decisions affected the disposition of convicted gambling offenders.

Although our conclusions were limited by the poor quality of available disposition data, particularly in terms of the size of fines levied, we are convinced that such legislative efforts were relatively ineffective under the current system. Three examples may suffice to prove our point.

Some attempts to differentiate between serious and non-serious offenders have been made by defining felony offenses in the wording of the law. Examples of these criteria include conspiring to promote a gambling operation, being in possession of more than a specified number of dollars' worth of betting slips, or indirectly benefiting from an illegal gambling operation. Such criteria were sensible approaches to defining the more serious gambling operator. However, these criteria also made proving the case more complicated. For example, there are evidentiary problems involved in establishing that an individual actually took bets of more than a certain amount in a given 24-hour period. Also, conspiracy charges usually can be proven only through wiretap evidence, which involves a number of legal complexities. A dominant theme in the prosecution of gambling cases was to dispense with these cases as quickly and easily as possible. As a result, our interviews with prosecutors and police suggested that most often prosecutors decided not to pursue a more serious charge and instead would settle for a lesser charge and, of course, a lesser penalty.

There was a wide variation in the possible sentences for gambling convictions from state to state. However, there seemed to be no relationship between the possible penalties and the penalties that resulted. For example, in one state which prescribes very severe jail terms for certain kinds of gambling offenders, the police no longer take their major gambling cases to the county prosecutor because the fines for convicted offenders were so trivial. The police now use a federal grand jury instead, where they obtain penalties they find more appropriate to the more serious kinds of commercial gambling offenses.

Several states have enacted so-called second offender laws. In these instances the legislature has provided that a person convicted of the same offense twice within a certain period of time must receive a mandatory jail sentence. The intention of the law, again, was to identify the most serious offenders and insure that they would be harshly treated. In fact, as a result of prosecutorial discretion, these second offender laws are almost never used. Some prosecutors argued that there were technical problems with these laws that made them difficult or impossible to use. Others noted that the intent of the law did not fit reality. While the assumption of the law was that second offenders were somehow more serious offenders, in fact multiple offenders were most often persons at the lowest level of gambling operations.

Based on the limited evidence which we have, we believe that legislatures are unlikely to successfully mandate penalties for gambling convictions. In fact, this may be the wrong approach. Appropriate discriminations between serious and less serious offenders are difficult, or even impossible, to write fairly into the law. For the overwhelming majority of gambling cases, the outcome of the case has little or nothing to do with how the laws are written but rather rests mainly with the discretion of the prosecutor.

#### Conclusion

In this chapter we have reviewed the prosecutorial and judicial processes for gambling cases. For the most part we found that the prosecutors were the primary or sole determinants of the disposition of a case.

Police departments have three goals in enforcing gambling laws. The goal which most directly depends on prosecutor behavior is that of attacking commercial gambling operations. There is a discrepancy between police and prosecutors as to how serious these cases are when the offender is not directly involved with a large-scale criminal organization. In general, prosecutors treat

these crimes as misdemeanors and agree to plea bargains involving small fines. Police feel they should be treated more seriously.

We found that although prosecutors were the principal determinants of case dispositions, in most cities, prosecutors were not specialists in gambling cases, were unfamiliar with the intricacies of state gambling laws, settled almost all cases through plea bargaining in a context of no guidelines or policies about appropriate bargains, and were not accountable for these bargains.

Judges played a minor role in case dispositions. For the most part, they merely accepted prosecutor-arranged plea bargains. In the one city in which there was judicial specialization at the sentencing stage for gambling cases, police and prosecutors felt that fines and penalties given out were much more appropriate.

The efforts of legislatures to upgrade penalties for some types of gambling cases appear to be ineffective. This is especially true for commercial gambling cases. The degree of prosecutorial discretion appears to override variations built into law to discriminate among levels of gambling cases.

In order to improve the quality of dispositions in gambling cases, and most especially commercial gambling cases, changes probably are needed in the nature and structure of prosecution, particularly with regard to specialization, clarifying priorities and policies and establishing accountability systems.

CHAPTER IX  
THE IMPACT OF LEGALIZATION ON THE ENFORCEMENT  
OF GAMBLING LAWS

Introduction

Of the various decisions legislators can make in relation to gambling, certainly whether or not to permit legal commercial games has received the most attention. Among the issues involved are economics, morality and mental health, none of which lies within the province of this project. However, there are also possible law enforcement consequences of legalized gambling that this project was specifically designed to study.

Police testimony regarding legalized gambling has been primarily of two types. Some police officials feel that gambling law enforcement presents problems for police and hope that legal gambling will help to reduce their responsibilities and related problems. Perhaps more common is the view that legal gambling will make the job of the police officer harder: the public will become less supportive of and cooperative with efforts to stop illegal gambling, the courts will less frequently give harsh sentences, and police officers themselves may come to see gambling as less serious. The crux of the argument is that legal gambling will make laws against illegal gambling appear to be increasingly arbitrary and efforts to enforce those laws less worthwhile.

This project produced a good deal of data on these issues. Before presenting the results, however, it should be noted that there were three limitations of the study design which affected our ability to provide definitive answers.

1. The best test of the impact of increased legalization would have been a research design which collected information both before and after an increase

in legal gambling was made within a state. This project did not have such a design. Instead, we had to rely on comparisons of states which have different degrees of legal gambling, buttressed by interviews with persons in the criminal justice system about the major changes which may have occurred with the advent of new legal forms of gambling in their city.

2. Although we originally proposed collecting information from citizens in each city, this part of the project was not funded. Because we do not have city-level information from citizens, we were not able to assess carefully the possible significance of other factors in a city which may have led to differences in attitudes or behavior vis-a-vis gambling law enforcement. In particular, we know that variation in the availability of legal gambling options is highly correlated with region of the country. The Northeast and Northcentral states have the most legal gambling; the West and particularly the South have fewer forms of legal gambling. Without citizen data, it is difficult to differentiate between the effects of increased legalization per se and effects due to differences in the attitudes or behaviors of people that live in different regions of the country.

Considerable relevant information about citizen attitudes and behavior was provided through the Michigan National Survey of Citizens. Although these data were cross-sectional (not longitudinal) and did not allow city-level analyses, the data did provide an estimate of the impact of increasing legalization on citizens.

3. There are numerous examples of states with on-track betting and lotteries. However, outside of Nevada, there was only one state with active off-track betting and none with casinos or legal sports betting. Our conclusions must be limited to the impact of those forms of legal gambling that are currently available and may not necessarily apply to more extreme possibilities.



**CONTINUED**

**2 OF 4**



The first section of this chapter focuses on the attitudes and behaviors of citizens under different amounts of legalized gambling. The next section focuses on police activities and attitudes, and the last section focuses on attitudes of both citizens and police toward further legalization. The data are generally tabulated by the following types of legal gambling:

Stratum I - No legal commercial gambling (except, in some cases, charitable bingo).

Stratum II - Legal betting at horse races (and, in some cases, dog races).

Stratum III - Legal lotteries plus betting at horse races.

Stratum IV - (New York) - Legal off-track betting, lottery, and betting at races.

#### Impact on Citizens

##### Gambling Participation

It would be expected that increased opportunities to gamble legally would increase the number of people who gamble legally.

This in itself would not affect law enforcement. However, we saw some evidence in Chapter V that those who gamble at all are less concerned about enforcing gambling laws than those who do not. Moreover, even if this is not a causal relationship, having more people gamble may lead police to conclude that citizens care less about gambling law enforcement.

The effect of legal games on illegal gambling is less easy to predict. It would be hoped, of course, that citizens would turn from illegal to legal gambling. However, the legal alternatives available outside of Nevada in 1974 were not particularly competitive with the most popular illegal games. There was no legal sports betting. The state-run lotteries generally did not permit choosing one's

own number or provide a daily drawing\*- features considered to be important to the appeal of the illegal numbers game. New York was offering legal off-track betting. However, a surtax made legal OTB odds less good than those offered at the track or with a bookie; and the winnings were taxed, unlike those from a bookie.

Thus, it is difficult to predict that the legal games could actually be expected to reduce illegal gambling. In fact, there are those who have suggested that legal games could even increase illegal gambling: by increasing the number of people who gamble at all, the number of potential illegal gamblers may increase.

We cannot address all of the issues raised above with our data. However, the overall relationships between the status of legal gambling and gambling participants are presented in Tables 9.1 and 9.2.

Table 9.1 shows the rate of participation in "legal" commercial gambling\*\* or betting with friends for citizens in each of the four strata of legalized gambling. The data are presented separately for citizens living in rural areas, suburban areas, and urban areas. In rural or suburban areas, it is clear that more people bet legally when there are more forms of legal gambling available. However, for urban residents (the constituency of the police departments in our sample) there was no consistent relationship. The amount of legal betting participation was virtually constant regardless of the status of legal gambling.

Table 9.2 shows the rates of participation in illegal commercial gambling for each stratum. For citizens living in suburban and rural areas, there was

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\*The exception in 1974 was the "Pick-it" game in New Jersey. Since then, there have been other daily drawings introduced as part of legal state-run lotteries.

\*\*For purposes of this dataset, "legal" gambling was defined as social gambling or playing a legal commercial game. In many states, this social gambling was illegal.

Table 9.1

Percentage of Officers Who Placed a Legal Bet in 1974  
By Legal Status of Gambling and Degree of Urbanization

Per Cent Who Bet Legally:

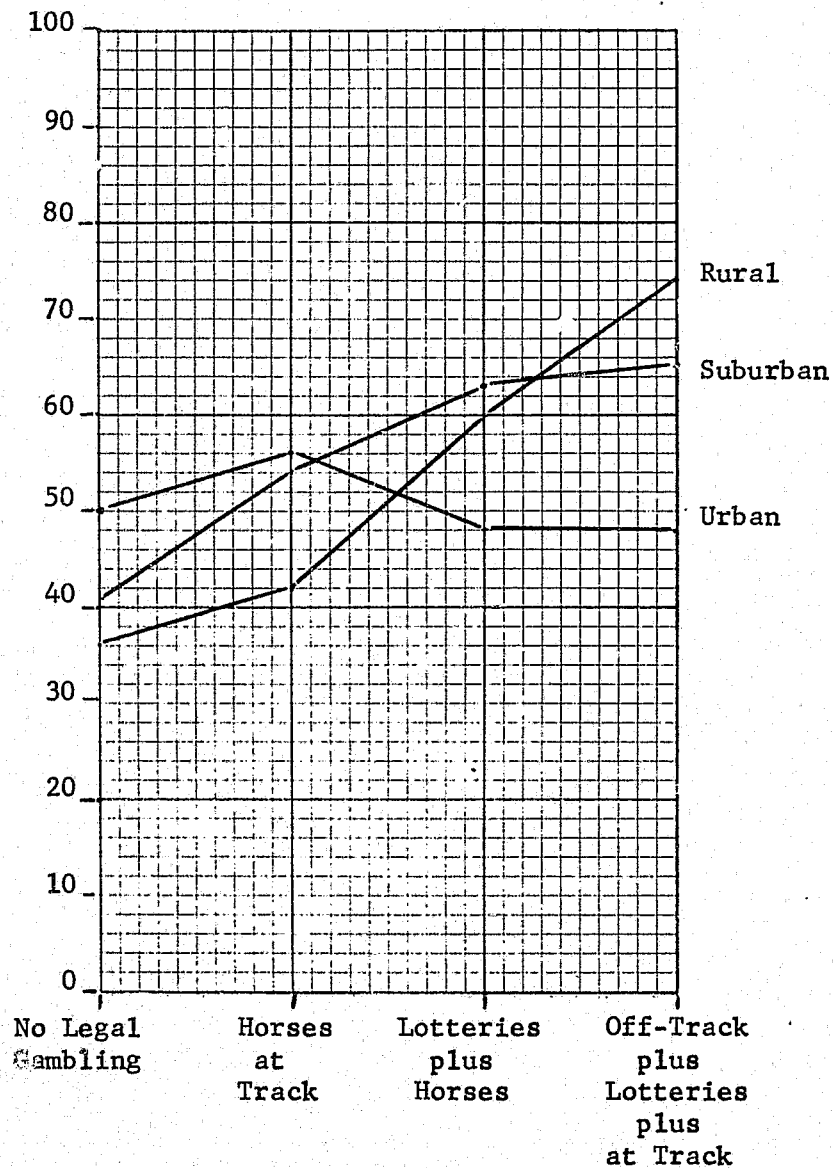
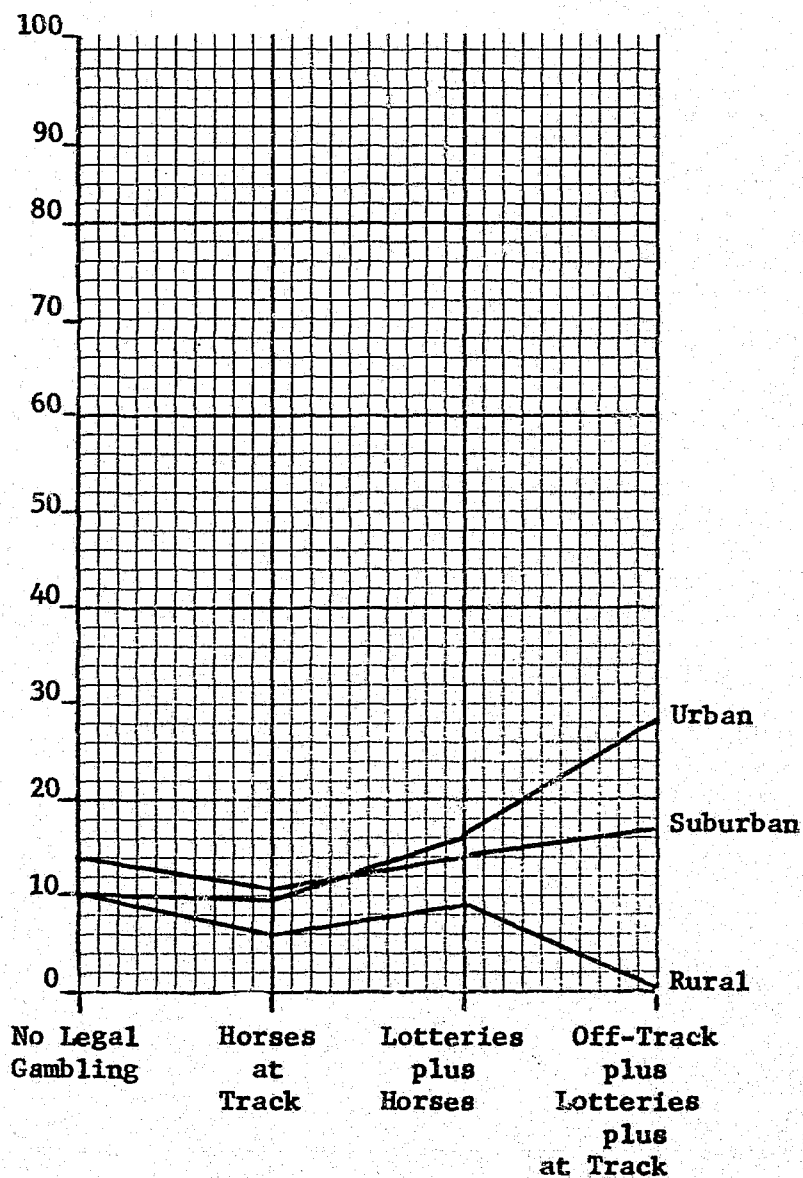


Table 9.2

Percentage of Citizens Who Placed an Illegal Commercial Bet in 1974  
By Legal Status of Gambling and Degree of Urbanization

Per Cent Who Bet Illegally:



no significant difference in the proportion betting illegally associated with more forms of legal gambling.\* Among urban residents, the pattern was almost the same, except those who lived in states with lotteries bet illegally more than others and residents of New York (Stratum IV) had a significantly higher level of participation in illegal commercial gambling than those in the other strata.

Since the data are not longitudinal, a definitive explanation cannot be offered for the pattern of these results. It would seem, however, that the following observations can be made.

1. As more forms of gambling were legalized, the increase in legal bettors occurred among rural and suburban residents.

2. Among urban residents, there was no increase in legal betting or betting with friends associated with more forms of legal gambling.

3. There was no decrease in the proportion of citizens betting illegally associated with more forms of gambling.\*\*

4. There is somewhat more illegal commercial gambling in states with legal lotteries and a great deal more in New York. It is impossible from our data to determine the extent to which legalized gambling caused these facts. Given the fact that there was no increase in legal gambling among urban residents in Table 9.1, it seems to us more plausible that a distinctive penchant for illegal gambling preceded, rather than succeeded, the introduction of legal lotteries and off-track betting.\*\*\*

In sum, increased legalized gambling is associated with considerably more

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\*The size of the rural sample in the OTB stratum was too small to be reliable.

\*\*This point has been documented elsewhere by Weinstein and Deitch (1974) and the Gambling Commission (1976).

\*\*\*Kallick et al. (1976) concluded that legal gambling options may have increased illegal gambling participation.

legal gambling among suburban and rural residents, but not among urban residents. There is more illegal gambling among urban residents in states with lotteries; but only in New York does the percentage of adults who said they placed an illegal bet in 1974 exceed 16 per cent.

#### Citizen Standards for Gambling Law Enforcement

A second hypothesis is that citizens care less about gambling law enforcement when there is more legal gambling available. The data from the Michigan National Survey of Citizens are mixed on this issue. There were three questions which focused on citizen standards for the enforcement of gambling laws:

1. "How important is it to enforce the gambling laws?"
2. "Should gambling operators be arrested?"
3. "Should convicted operators go to jail?"

Table 9.3 shows the proportion of urban citizens who felt that it was "very important" to enforce gambling laws, who said illegal gambling operators should be arrested, and who said convicted operators should go to jail. The data are presented for urban citizens in each stratum of legal gambling.

On the items concerning arresting and jailing gambling operators, there was no significant effect due to the degree of available legal gambling across the first three strata. However, in New York (stratum IV), there was a significantly lower proportion of citizens who agreed with both of these items.

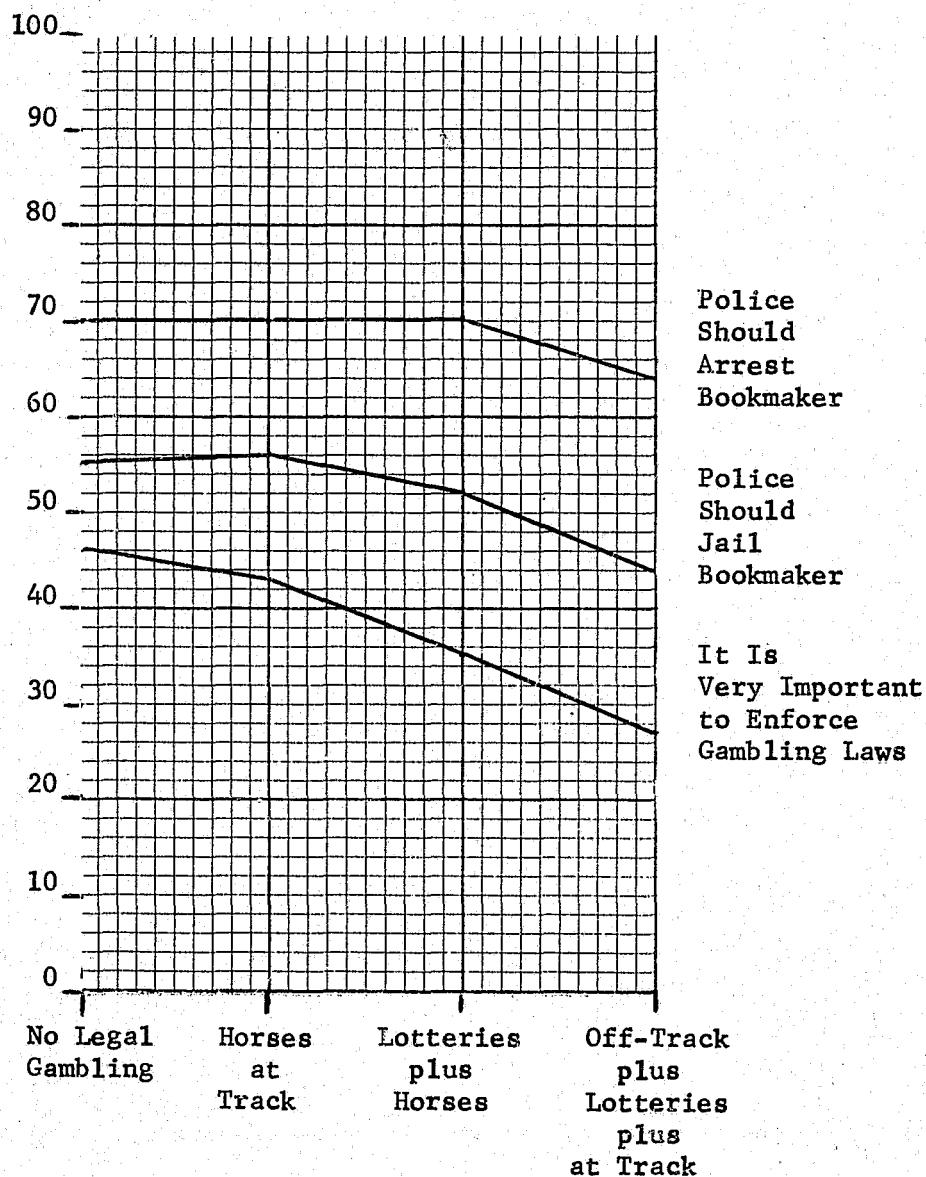
For the item dealing with importance of enforcement, there was a statistically significant decrease in the proportion of citizens feeling it was "very important to enforce the gambling laws" as the number of legal forms of gambling increased.

The question becomes whether this decrease is due to increasing legalization per se or some other factor. As we saw in Chapter V, attitudes about enforcement were strongly correlated with citizens' general feelings about plain-

Table 9.3

Urban Citizens' Standards for Gambling Enforcement  
By Legal Status of Gambling

Per Cent Agreeing That:



tiffless crimes. Therefore, further analyses controlled for the citizens' feelings about plaintiffless crimes.

Citizens were asked whether they thought there should be laws against five different plaintiffless crimes: prostitution, adult homosexuality, public drunkenness, possession of marijuana, and the sale of pornography. Citizens who thought there should be laws against all five were labeled as having "high" desire for laws against plaintiffless crimes; citizens who felt this way for three or four crimes were labeled "moderate", and citizens who felt this way for none, one or two were labeled "low".

Table 9.4 shows the proportion of urban citizens who felt that enforcing the gambling laws was "very important" for different levels of legal gambling and for different levels of desire for laws against plaintiffless crimes. For citizens with "high" desire for laws against plaintiffless crimes there was no decrease in the proportion who thought it was "very important" to enforce gambling laws across the first three strata. Over 70 per cent thought it was "very important" to enforce gambling laws. However, there was a lower proportion who thought it was "very important" in the off-track betting stratum (New York).

For those citizens who had "low" desire for laws against plaintiffless crimes, there was no significant effect on the proportion who thought it was "very important" to enforce gambling laws. It was low for all of these citizens regardless of the amount of legal gambling available in their cities.

The picture was different for those citizens with "moderate" feelings about laws against plaintiffless crimes. As more forms of gambling were legalized, there is a downward trend in the number of citizens who thought it was "very important" to enforce gambling laws.

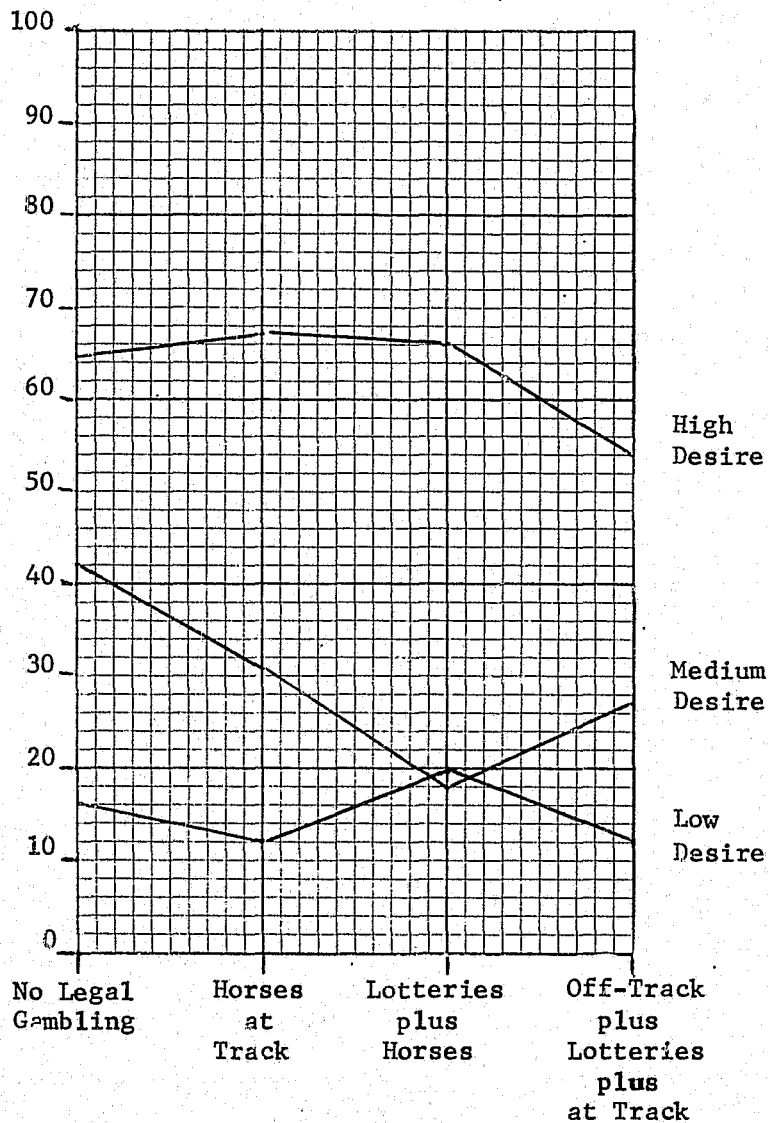
It turns out that the proportion of urban citizens who have "strong" feelings about having laws against plaintiffless crimes varied across the four strata



Table 9.4

Percentage of Urban Citizens Who Said Gambling Law Enforcement Is Very Important by Legal Status of Gambling and Desire for Laws Against Plaintiffless Crimes

Per Cent Saying It Was Very Important to Enforce the Gambling Laws:



of legal gambling: no legal gambling stratum (46 per cent), on-track betting (42 per cent), lotteries (36 per cent) and off-track betting (24 per cent).

The decrease in the proportion of urban citizens feeling gambling enforcement is "very important" as more forms of gambling become legal seems to be due to two factors. First, the number of citizens who had strong feelings about plaintiffless crimes (and who also were the most likely to think enforcing gambling laws was very important) was lower in each stratum of increasing legalization. Second, for those who held a "moderate" view about having laws against plaintiffless crimes, the importance of gambling enforcement declined as more forms of gambling were legalized.

As more forms of gambling are legalized, there may be an effect on the enforcement context for police in terms of level of citizens' support. However, at most, only part of this effect is due to legalization per se (the effect on those with moderate views about plaintiffless crimes). The remaining part of the effect is an artifact due to the number of citizens living in the area with a particularly "strong" view on plaintiffless crimes. Simply stated, the states where there is more legal gambling have populations that are less interested in having laws that govern morality. However, this difference, while statistically significant, should not be overemphasized. The majority (over 60 per cent) of citizens in all strata said bookmakers should be arrested, and the majority in all strata except New York said convicted bookmakers should be jailed. For the most part, police throughout the country are working in a similar climate of citizen expectations about gambling law enforcement, regardless of the status of legal gambling in their particular city or state.

#### Willingness to Report Illegal Gambling

One of the most direct ways in which citizens can support police enforcement efforts is to report illegal gambling operations to police. In the Michigan

Survey, citizens were asked whether they thought they would report a known illegal bookmaker to the police. As we saw in Chapter V, less than a quarter of the urban citizens said they would report a gambling offense, many fewer than any other offense that was asked about.

Even though this is a relatively low proportion of citizens, the question can still be asked whether this willingness to report was related to the number of legal gambling forms available. Table 9.5 shows the proportion of citizens who said they would report a gambling offense to police in each stratum of gambling. There was not a systematic decline of willingness as more forms of gambling were legalized though it was true that citizens of states with no legal gambling were significantly more likely to say they would report a gambling offense than others.

The variation that is found in willingness to report is more likely due to variations in those factors which were shown in Chapter V to be associated with it, rather than to the effects of legalization per se. These factors were citizen perceptions of gambling-related corruption, perceptions of police willingness to act on a citizen complaint and citizen standards for gambling law enforcement.

#### Enforcement Satisfaction

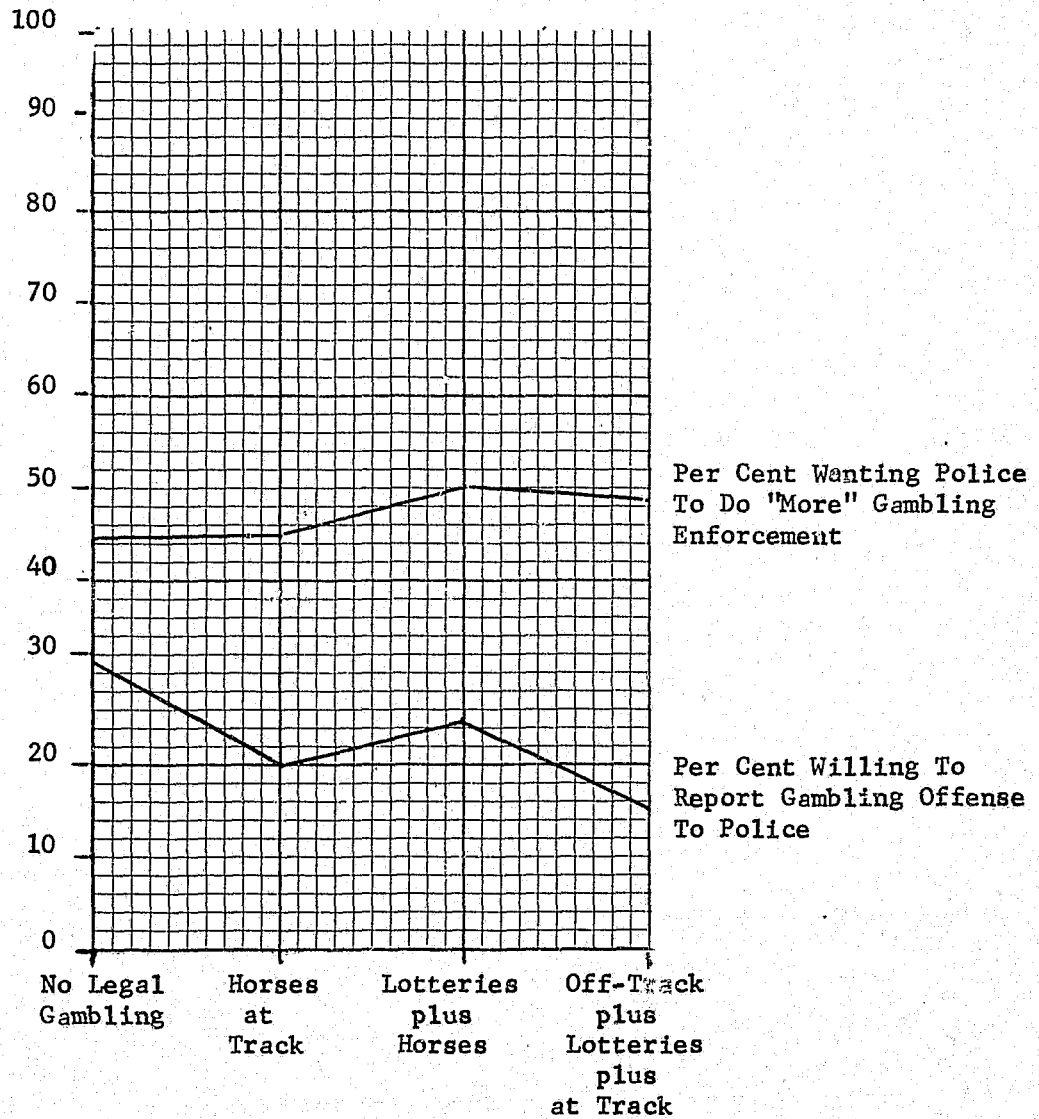
There were no significant differences in the rate at which citizens expressed a desire for more police efforts against illegal gambling among the different strata of legal gambling (Table 9.5). Buttreassing the data presented earlier, close to half of all urban residents said they wanted more gambling law enforcement, regardless of the status of legal gambling. Less than 10 per cent of the citizens in any stratum said the police should do less.

#### Summary

The data on the effect of legal gambling on citizen attitudes are not un-

Table 9.5

Urban Citizen Support for Gambling Enforcement  
By Legal Status of Gambling



equivocal. They are confounded by the fact that areas where people hold strong views about the legislation of individual behavior have been less likely to authorize legal gambling; and these personal views have a strong influence on people's desires for gambling enforcement. In addition, the New York population, the only state with legal off-track betting except Nevada, stands out in two of the tables. Overall, however, one would have to conclude that the introduction of horseracing or lotteries has either no effect or only a modest effect on citizens' desires for and orientation toward gambling law enforcement. In almost all significant respects, the major city police are operating in a similar climate of public opinion - where about half the population bets legally or with friends\* (except in New York) less than a tenth patronize illegal commercial operations, and where citizens, on the whole, want the gambling laws enforced and a near majority wants more than the current levels of gambling law enforcement.

#### Police Department Efforts

One of the project's main research goals was to determine whether police departments made adjustments in the way they enforced gambling laws as more forms of gambling were legalized.

The Reno situation does show one possible impact on police of extensive legalization. The Reno police department had no gambling enforcement responsibilities per se. Instead, the State Gambling Control Board was responsible for insuring that all gambling taking place in Nevada was properly licensed. The question of more general interest, however, is whether or not under the conditions of limited increased legalization that were observed in the remainder of our sample, there were any systematic effects on enforcement efforts that could be attributed to increased legalization. In particular, one might hypothesize

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\*Again note that betting with friends is illegal in most states.

that police would decrease their gambling enforcement efforts when more legal gambling became available.

Table 9.6 shows that there was no direct correlation between overall arrest rates and the status of legal gambling. There was, however, a pattern with respect to commercial arrest rates. In those states with lotteries or off-track betting, police were slightly more likely to make a relatively high number of commercial arrests.

The amount of resources a department devotes to gambling enforcement was not associated with the legal status of gambling; no more resources were devoted to gambling law enforcement in places where there was no legal gambling than in places where there are more legal forms of gambling. Certainly the resources devoted to gambling law enforcement are not less in states with lotteries than elsewhere (Table 9.7).

One of the difficulties in assessing these data is that, as Table 9.2 shows, there was more illegal gambling in cities where there was legal off-track betting. Thus, there may be more for police to do in these cities. Nonetheless, it is clear that there is no evidence that police in Strata III and IV are less aggressive toward illegal gambling than police elsewhere. If anything, they are more aggressive against commercial gambling. Furthermore, there is no evidence of a decline in arrests when a new form of legal gambling is introduced.

There were seven sample cities which introduced a new form of legal gambling since 1969. We could not obtain complete arrest data back to 1969 for one of these cities. A second city completely reorganized its gambling enforcement policies in the early 1970's in a way that dramatically decreased arrests for reasons that were not related to legal gambling. Therefore, there are five cities for which we can meaningfully examine the impact of the introduction of a new legal game. Table 9.8 shows the results. Although there is some variation

Table 9.6

Number of Departments at Various Levels  
of Gambling Arrest Rates by Legal Status  
of Gambling

Arrest Rates/ 100,000 population	Status of Legal Gambling			
	No Legal Gambling	Horses at Track	Lotteries plus Horses	Off-Track plus Lotteries plus at Track
<u>All Gambling:</u>				
Low (<25)	1	3	1	1
Medium (25-100)	1	1	2	1
High (>100)	2	1	2	0
<u>Commercial Gambling (Bookmaking and Numbers):</u>				
Low (<5)	3	3	1	0
Medium (15-20)	0	1	1	2
High (>20)	1	1	3	0

Table 9.7

Police Gambling Enforcement  
Resources by Legal Status of Gambling

Per Cent of Department Assigned to Gambling Enforcement*	Legal Status of Gambling			
	No Legal Gambling	Horses at Track	Lotteries plus Horses	Off-Track plus Lotteries plus at Track
>1%	0	1	1	0
5-1%	1	3	2	1
<.5%	3	1	2	1

\*Full-time equivalent.



Table 9.8

Effect of Introducing New Legal Gambling  
on Overall Arrest Rates in Five Cities

City	Overall Arrest Rates by Year						
	1969	1970	1971	1972	1973	1974	1975
A	32	40	44	27	34 <sup>*</sup>	25	NA
B	440	420	380	324	280	240 <sup>*</sup>	294
C	55	88	59	53	49	-- <sup>*</sup>	41
D	15	10	10	23 <sup>*</sup>	23	17	22
E	205	335 <sup>*</sup>	377	353	355	318	138

\* Year in which new legal commercial game was introduced

\*\* Arrest Rate not available for this year in this department

in arrest rates from year to year, there is no evidence at all that arrest rates drop after legal gambling is increased.

Looked at from several aspects, there is no evidence that increased forms of legal gambling are associated with less aggressive gambling law enforcement by police.

### Attitudes of Police

In addition to checking whether departmental efforts were affected by the amount of legal gambling, we also wanted to determine whether or not police attitudes about gambling were affected by increased legalization.

### Perceived Availability of Illegal Gambling

In the interviews with police, we asked informed officers for their perceptions about the availability of different types of illegal gambling. For illegal card and dice games, there was no variation in availability that was associated with the amount of legal gambling. Also for sports bookmaking, there was no association.

However, for horse bookmaking, we did find a relationship. It seemed that it was necessary to have a legal horse track nearby in order to create a market for illegal horse bookmaking. The cities that said they had little or no illegal horse bookmaking were cities with no legal gambling that also were not near a legal track (i.e., across a nearby state line).

The availability of illegal numbers varied considerably. As we have noted before, there was little or no numbers activity in the West. This variation in availability seems to have no relationship, however, to the availability of legal gambling.

### Perceptions of Gambling Law Enforcement Tasks

Data on police officer attitudes, gathered through the police officer questionnaire, were analyzed to determine what effects increasing legalization might

have. The central hypothesis was that legal gambling would affect perceptions about gambling law enforcement. In particular, we thought that perceptions about the following areas might be affected:

1. The importance of enforcing gambling laws;
2. The seriousness of gambling;
3. Citizen support;
4. Support from courts and prosecutors;
5. The difficulty of enforcement; and
6. The results of gambling enforcement.

Tables 9.9 through 9.15 present the police officer data by three levels of legal gambling: no form legal, legal betting on horses at the track, and more legal gambling.\*

The results in these tables can be summarized very easily. With only a few exceptions, there was no systematic change in attitudes as more forms of legal gambling became available. In fact, the most frequently observed pattern was that the perceptions of officers in Stratum II (legal horse track betting) were different from those in the other two strata. It seems clear, therefore, that other factors, either the local gambling situation or the particular characteristics of citizens that live in an area, account for most or the observed responses of police.

Reviewing the tables more carefully helps to highlight the absence of systematic relationships. Although most officers disagreed that gambling was a victimless crime, this was particularly true in cities with legal gambling. In a related response, organized crime was more often perceived as profiting from

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\*Since Buffalo was the only off-track betting city to let police officers fill out questionnaires, the confidentiality of individual department responses was protected by including Buffalo's data with the other lottery cities.

Table 9.9

Police Perceptions of the Importance of  
Enforcing Gambling Laws by Legal Status  
of Gambling

Perceived Importance to Police of Gambling Enforcement	Per Cent Agreeing		
	Status of Legal Gambling		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
Enforcing gambling laws is just as important as enforcing any other laws.	65%	69%	66%
Enforcement of gambling laws uses police man- power that could better be used against other types of crimes.	56	38	57
Running illegal gambling operations doesn't hurt anyone; it is a victim- less crime.	25	14	16
Illegal gambling opera- tions in this part of the country are not in- dependent of organized crime.	71	72	69
Profits from illegal gambling operations are the major source of income for organized crime.	65	69	78

Table 9.10

Police Perceptions of the Seriousness  
of Gambling Offenses by Legal Status of  
Gambling

Offense	Per Cent Officers Rating Offense as at Least Somewhat Serious		
	Legal Status		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
Taking bets on horses, dogs or sports	50%	55%	51%
Taking bets on numbers	65	72	58

Table 9.11

Police Perceptions of Citizen Views of  
Seriousness of Gambling Offenses by Legal Status of Gambling

Offense	Per Cent Officers Saying Citizens Consider Offense at Least Somewhat Serious		
	Legal Status		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
Taking bets on horses, dogs or sports	28%	21%	18%
Taking bets on numbers	34	42	19

Table 9.12

Police Perceptions of Citizen Support for  
Gambling Enforcement by Legal Status of Gambling

Police Perceptions of Support from Citizens	Legal Status		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
People in this part of the country think gambling is wrong.	41%	25%	18%
There is very little citi- zen cooperation with the enforcement of gambling laws.	86	83	89
Tough enforcement of laws against gambling is important to citizen respect for the law in general.	56	51	63
How the police enforce gambling laws is particularly important to the way citizens rate overall police per- formance.	31	27	36
Some respectable citizens actively oppose tough enforcement of gambling laws.	86	88	86

Table 9.13

Police Perceptions of Court and Prosecutor  
Support for Gambling Enforcement by Legal Status of  
Gambling

Police Perceptions of Support of Courts and Prosecutors	Legal Status		
	No Legal Gambling	Dogs at Track	Lotteries or Off-Track Betting
Prosecutors are too willing to settle for reduced charges in gambling cases.	93%	97%	84%
Prosecutors treat gambling as a serious crime.	9	12	22
The fines and sentences the courts give convicted gamblers are not tough enough.	87	92	83



Table 9.14

Police Perceptions of the Difficulty  
of Gambling Enforcement by Legal Status of  
Gambling

Difficulty of Gambling Enforcement	Legal Status		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
No matter how hard police try, they cannot really cut down on the amount of illegal gambling in big cities.	56%	62%	60%
It is often impossible to get enough evidence to convict known street-level bookies.	78	73	68
Gambling laws are harder to enforce in a fair and evenhanded way than most other laws.	70	57	71
In forcing gambling laws, responsibilities of the individual officer on patrol are clear.	43	28	31
Gambling enforcement policies are <u>not</u> clear to most police officers.	72	80	77
Without special training or experience, the average police officer is not able to recognize evidence of an illegal gambling operation when he sees it.	62	75	62
The efforts of officers on patrol are of little or no help in the effective enforcement of gambling laws.	62	60	58

Table 9.15

Police Perceptions of the Results of  
Gambling Law Enforcement by Legal Status of  
Gambling

Results of Enforcement Efforts	Legal Status		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
Police efforts are effective in limiting and controlling gambling operations.	41%	42%	44%
Gambling enforcement is one of the more satisfying assignments for a police officer.	10	9	14
Trying to enforce the gambling laws is more frustrating than enforcing most other types of laws.	76	75	72
Gambling enforcement leads to more bribery offers than almost any other kind of law enforcement.	68	66	67
Most police officers would <u>not</u> take a bribe to overlook a gambling operation.	94	99	94

illegal gambling in Stratum III (Table 9.9).

In Tables 9.10 and 9.11 illegal numbers gambling was rated, and perceived to be rated by citizens, as less serious in states with legal lotteries, which were also those states with more active illegal numbers games. In Table 9.12, officers in Stratum I, no legal gambling, more often agreed that citizens considered gambling to be wrong - probably correctly perceiving their largely southern constituency. However, there was no consistent association between the legal status of gambling and the perceived response of prosecutors and courts (Table 9.13). There was no relationship with the way police rated the frustration or satisfaction of gambling law enforcement efforts. Most important, there were no differences of note in ratings of the difficulty or effectiveness of the enforcement efforts (Tables 9.14 and 9.15). Given the number of items, a few differences were inevitable. The lower rating of seriousness of numbers in Stratum III may be an effect of legal lotteries. However, overall, it would be very difficult to conclude that legalized gambling has had a consistent adverse effect on the orientation of police officers to gambling law enforcement, or that the enforcement task seemed more difficult to them.

#### Attitudes toward Legalization

In addition to looking for changes in citizen and police attitudes about enforcement issues as more forms of gambling were legalized, we also asked both citizens and police directly for their position on the favorability of legalizing various types of gambling. Tables 9.16 and 9.17 show the results of these questions.

For citizens living in urban areas, there was an overall trend of increasing favorableness toward legal gambling as more forms of gambling became legal. It is always true that when a particular form of gambling was legal, a sizeable majority of citizens favored legalization. Betting on horses at the track and

Table 9.16

Urban Citizens Favorability Toward Legalizing  
Various Forms of Gambling by Legal Status of Gambling

Type of Legal Gambling	Per Cent Favorable*			
	Legal Status			
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries	Off-Track Betting
Horses and Dogs at Track	58%	71%	68%	74%
Lotteries	53	58	79	87
Off-track Betting	34	44	38	67
Sports Betting with Bookie	18	25	21	38
Casinos	36	45	47	53

\* Favorable means citizen was in favor of legislation where it wasn't legal or felt it should continue where it was legal.

Table 9.17

Police Officer Favorability Toward Legalization  
of Various Forms of Gambling by Legal Status of Gambling

Type of Gambling	Per Cent Who Agree Should be Legal		
	Legal Status		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
Horses or Dogs at Track	85%	83%	94%
Lotteries	82	70	91
Off-track Betting	45	38	71
Getting on Sports Events	52	41	57
Casinos	58	49	72

lotteries received majority support at all levels of current legalization. The least favored form of legal gambling was sports betting, with only about a quarter of urban citizens overall favoring legalization.

There are two main points to be made about police attitudes toward legalization of gambling. First, for all types of gambling in all legal situations (with one exception), police officers were more favorable toward legalization of gambling than their citizen constituency.\* The one exception was that citizens were slightly more favorable toward off-track betting in Stratum II than were police. Second, citizens in states with legal lotteries were most positive about legalized gambling. Officers in Stratum II were least favorable toward legalization, but even there a sizeable majority of officers favored legal betting at tracks and lotteries.

We also asked officers directly about the impact of legalization on their jobs. Table 9.18 shows these data. A slight majority of officers felt that legalization does make enforcement harder. However, the proportion holding this view did not increase as more forms of gambling were legalized. Also, sizeable majorities of officers felt that increased legalization made illegal gambling seem less serious to citizens. The prevalence of this view also is not associated with the status of legal gambling, however.

Even though many think it might make their job harder, police were in favor of legalizing some forms of gambling, particularly the more common ones -- betting at the track and lotteries.

### Conclusion

One of the major objectives of this project was to determine whether in-

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\*Although citizens and police were not asked identical questions, so that exact comparisons are not possible, the order of magnitude of the differences probably justifies this statement.

Table 9.18

Police Officer Perceptions of the Effects  
of Legalization by Legal Status of Gambling

Effects of Legalization	Percentage of Officers Who Agreed		
	Legal Status		
	No Legal Gambling	Horses and/or Dogs at Track	Lotteries or Off-Track Betting
Having some legal gambling, like lotteries, makes it harder for police to enforce laws against illegal gam- bling.	55%	57%	51%
Having some legal games, like lotteries, makes illegal gambling operations seem less serious to citizens.	85	88	85

creasing legalization had any impact on enforcement efforts. This chapter has focused on the data collected from citizens, police departments, and police officers to ascertain whether there has been an effect.

Simply stated, given the range of legalization currently existing in the United States, we find that there is little or no reason to believe that increased legalization has had a major impact on gambling law enforcement. For a certain segment of citizens (those who hold moderate views about plaintiffless crimes) there may have been a decrease in their feelings about how important it is to enforce gambling laws. However, for other citizen attitudes, including their stated willingness to report a gambling offense to police, and their desire for more gambling law enforcement, there was no effect of increased legalization. In most important respects, the climate of public opinion is similar across the country.

There was even less impact on police attitudes about gambling law enforcement and no discernible decline in police enforcement activities associated with the legal status of gambling. Officers did favor legalization more than citizens, but this did not vary systematically with increasing legalization. In response to a direct question, they were likely to say legal gambling made their job harder but their perceptions of a variety of factors that might affect their job were unrelated to the status of legal gambling.

All in all, then, it seems that the local gambling situation and departmental priorities were more likely to cause variation in police responses than was the extent of legalized gambling. Although the passage of time, or the introduction of more elaborate legal gambling options, may bring about changes not yet apparent, in 1975 there was little evidence that legal gambling had made enforcement of gambling laws either harder or easier for local law enforcement agencies.



## CHAPTER X

### IMPLICATIONS FOR THE MANAGEMENT OF GAMBLING ENFORCEMENT

One goal of this project was to learn things about the management of gambling law enforcement that might be useful to police, prosecutors or court officials. Gambling enforcement has been cited in the past as a particularly difficult responsibility and we have seen evidence that this is true. In this chapter, we attempt to summarize what we believe to be the management implications of this research, based on quantified evidence wherever possible but also based on informed judgment and general management principles.

It is important to keep the problem of gambling law enforcement in perspective. It is easy, when focusing on a single problem, to exaggerate its importance and uniqueness. On the scale of criminal justice priorities, illegal gambling is near the bottom for most citizens and many police.

Yet gambling enforcement responsibilities cannot be ignored. The citizens and legislatures of this country have opted for a model of limited legalized gambling, where betting with certain people on certain outcomes in certain places is all right, while other forms of gambling are prohibited. In many cities criminal organizations are involved with illegal gambling operations. Citizens have given the local police, prosecutors and courts primary responsibility for apprehending and punishing those who take, and in many places make, illegal wagers. On the other hand, 11 per cent of adult Americans help to break those laws each year by placing illegal bets on horses, dogs, numbers and sports events; and many more break state laws each year when they play cards or bet with friends in their homes.

It is always easy to suggest that more resources be devoted to a problem.

In some places, more vice officers would no doubt produce more arrests. However, we do not believe very many criminal justice agencies are going to increase the resources devoted to gambling, and we have kept that in mind as we drew implications from the data.

Basically, there are four themes that permeate our recommendations about the management of law enforcement:

- 1) specialization of responsibility;
- 2) coordination among agencies;
- 3) setting and communicating priorities; and
- 4) accountability.

Specialization in gambling for police, prosecutors and judges means increased expertise, increased likelihood of consistent policies and priorities, and, perhaps most important, increased caring. We believe that one way to deal with a problem that has low priority overall is to make it high priority for a few people; and the easiest way to do this is to make gambling enforcement their main job.

Coordination between police, prosecutors and courts means achieving consistent goals and priorities. Unless each of them has a common conception of what is illegal and how seriously to treat various offenses, no set of goals can be achieved.

Setting and communicating priorities within organizations are particularly important in gambling law enforcement. Each of the agencies must make choices or judgments reflecting priorities. All have scarce resources. Priorities need to be explicit, so they can be discussed and reviewed, and they need to be communicated so that all relevant persons are acting together.

Accountability systems for prosecutors and police seem essential, particularly in larger organizations, to insure that policies are carried out consist-

ently.

The rest of this chapter will discuss these themes in detail within the context of the major components of the criminal justice system: police departments, prosecutors and the courts.

### Police Departments

#### Specialization

Most gambling enforcement in larger cities is carried out by vice officers. Overall, very few arrests are made by patrol officers, particularly arrests requiring extended investigation and warrants. There were only four departments which gave enforcement responsibilities to general detectives at the district level and only in two of them did detectives make a significant number of arrests.

There were several degrees of specialization within vice enforcement units. A few departments had separate gambling units apart from the vice squad, a few departments had officers in the vice unit who specialized in gambling, and there were several departments in which gambling was one of several responsibilities for all vice officers.

The more specialized an officer's assignment with respect to gambling the more important he thought gambling law enforcement was; the more serious he felt gambling was; and the more satisfied he was with gambling enforcement as an assignment. We found that vice officers felt this way more than patrol officers or detectives, and that gambling specialists felt this way more than vice officers.

We believe that gambling enforcement will be better if it is carried out by specialists. One basis for this belief has to do with expertise. Officers who are going to make arrests that are more complicated than on-view arrests have to be skilled and knowledgeable about laws and procedures. In fact, the general

impression of the study team is that the gambling specialists in police departments are consistently more knowledgeable about gambling laws than anyone in the criminal justice system.

A more important reason for recommending gambling specialization, however, has to do with priorities. Across the span of responsibilities that police departments have, gambling is relatively low in priority. However, that does not mean it is not important or that enforcement should be ignored. If an individual officer has responsibility for gambling enforcement and other kinds of law enforcement, including violent and property crimes, gambling is likely to receive little of his attention. If he is a general vice officer, gambling is still competing for priority with prostitution and after-hours liquor violations. In that context, gambling may well receive its fair share of attention. However, gambling specialists looked on gambling enforcement even more positively than general vice officers. As a general management principle, it seems to us that the job will be done best if it is being done by someone who thinks that the work is important, serious and worthwhile. Thus, given a choice between having a ten-person vice squad, all spending a third of their time on gambling. or assigning three persons to work almost full time on gambling within the vice squad, it seems to us that the latter strategy is preferable.

The extreme of specialization is to have a special "gambling squad". The size of the resource commitment to gambling enforcement in many departments would not justify having a specialized gambling unit. Moreover, having gambling specialists within a vice unit provides the potential for increased coordination with related investigations, such as after-hours liquor, and provides a potential for additional manpower for special operations. Which method is best for a department would depend on the local situation.

To a large extent, as we have indicated, police departments in major cities

have put gambling law enforcement in the hands of vice specialists, if not gambling specialists. Our data would suggest this to be a positive trend and that even more specialization would be beneficial for those departments that do not have gambling specialists.

### Coordination

Police efforts in gambling enforcement would be improved if coordination were better between gambling enforcement units and others in the police department as well as with others in the criminal justice system. This is not an unusual statement, but it was surprising to find few serious attempts at coordination.

Within the Police Department. There are several parts of the police department that do not work closely together on gambling enforcement in many departments. The relationship between gambling enforcement units, detectives and patrol units is one that depends primarily on information flow. In particular, vice officers report receiving very little information from patrol officers. Although there are limits to the role that patrol officers can play in gambling law enforcement, in many cities they probably could be a good source of information if the kind of information that would be helpful were made clear.

One department was actively doing something to encourage this information flow. This department sent vice officers to district roll calls to brief officers on enforcement efforts, targets and problems. They also reported back on the outcomes of cases that had been referred to vice by officers in that district. This type of effort clearly reinforces officers' willingness to communicate to vice; and the vice officers felt they received more help from patrol officers than was the case in most cities.

With Prosecutors. One of the most important groups with which police must interface is the prosecutors. Coordinating efforts and agreeing on priorities

would seem to be especially helpful. Perceived lack of support from prosecutors was one of the major factors associated with police frustration in gambling enforcement.

We found only a few cities where there were obvious discrepancies between police and prosecutor definitions of a "good" case, such as the one department which had 98 per cent of its cases refused by the prosecutor's office. However, there were many places where police and prosecutors did not agree on the appropriate penalty for a bookmaker or numbers operator who could not be definitely tied to a major criminal organization. Moreover, there were only two cities in which police and prosecutors worked together closely on all gambling cases. A few more cities had close coordination on cases involving organized crime. For the rest of the cities there was little evidence of joint efforts or even close coordination.

This need is particularly important because prosecutors almost always determine the outcome of a gambling case. Individual prosecutors have a great deal of latitude in deciding whether to dismiss a case, what charge to file, whether to plea bargain, the terms of the bargain, and what penalty to recommend. By close coordination with prosecutors, the police can improve the effectiveness of their efforts. If nothing else, if they can accurately anticipate how a case will be disposed, they can take it into account in setting their own priorities.

#### Accountability Systems

We found that departments had three major but interrelated reasons for having accountability systems in gambling law enforcement:

1. To insure that vice enforcement strategies and priorities were carried out in ways that were consistent with departmental priorities and goals;
2. As a management tool, to insure that citizen complaints were followed up

effectively; and

3. To minimize opportunities for corruption or the appearance of corruption.

We found that the number of men devoted to gambling enforcement varies considerably from department to department. Elaborate accountability systems may be both feasible and more necessary in large departments than in small ones. However, some departments were using better accountability systems than others, and it seems likely that all departments in cities over 250,000 population could improve their enforcement efforts by implementing these types of procedures if they have not already done so.

In order to ensure that gambling enforcement activities coincide with departmental priorities and goals, there were several steps which were being taken by some departments that could be useful in the remaining departments.

One very useful but modest procedure is to have a monthly briefing of the chief, or some senior administrator officer designated by the chief, on vice enforcement activities. We found that in a significant number of departments, as many as half, there was no one outside of the vice squad itself who had good knowledge of vice enforcement activity. There is nothing wrong with autonomy, but there should be accountability in the form of an information flow to insure a correspondence between vice squad activities and departmental goals.

Another simple procedure is that vice enforcement goals and priorities be put in writing. We found this was the case in only two departments in the study sample. Writing down policies and priorities is not simply a matter of creating paper. It is a way of being explicit about trade-offs that otherwise might go unnoticed, permitting explicit discussion and review of the desirability of those trade-offs.

Every department said it wanted to be responsive to citizen complaints.

When a department receives a citizen complaint, it is important that it be followed up adequately. One of the primary reasons citizens were dissatisfied with enforcement efforts was their perception that police would not act on a citizen complaint. Also, citizens were much less likely to call in a complaint if they felt police would not act.

One way to help insure adequate responses to citizen complaints is to have a multi-copy standard complaint form filled out when the complaint arrives. It is difficult to monitor follow-ups to complaints if they are not in writing. The key step, however, is to have a copy that goes in a file maintained by an officer outside the vice or gambling unit, who reviews the results of follow-up to the complaint. Such procedures do not insure full follow-up, but they would appear to be an important first step.

In fact, there is another aspect of complaint management which could be very useful, and applies to complaints of all kinds. In every department, we asked about the number and types of gambling-related complaints received. Only one department routinely keypunched and tabulated this information. This provides an excellent, low-cost procedure by which to evaluate the correspondence between citizen concerns and the activities of the department. Although citizen complaints are only one source of information about citizen concerns, they are a ready source of information. It would seem that such tabulations would serve a variety of useful managerial purposes within police departments.

The control of corruption in connection with gambling law enforcement was not a particular focus of this project. Those departments most concerned with the problem adopted various remedial steps that resulted in close monitoring of cases initiated and responses to complaints. It appeared that departments that took such steps were generally successful, though sometimes with some cost in the aggressiveness of their gambling enforcement efforts. Local conditions and



the presence of multi-service criminal organizations in gambling appeared to be important predictors of the likelihood of police corruption problems.

There is one final administrative procedure which has much to say for it to help departments achieve effective accountability: namely, having a separate unit that is independent of the vice enforcement unit review a sample of all cases. This means not only reviewing the paper work associated with cases but also actually carrying out independent investigations on a sample of citizen complaints and investigations initiated by vice officers. While smaller departments might want to have such a procedure for all vice cases, rather than simply gambling cases, such a procedure would be a major addition to the quality control efforts of police departments.

### Priorities

Perhaps the most important management-related finding of this project was the need for police departments to clarify their policies and priorities with respect to gambling law enforcement. Three-fourths of all sample officers felt departmental policies were not clear and two-thirds said the responsibilities of patrol officers were not clear. In addition to the lack of clarity being undesirable in itself, it also contributes to a sense of frustration and ineffectiveness in gambling law enforcement.

One source of ambiguity lies in the assignment of responsibility. In most departments, almost all gambling law enforcement is done by a vice or gambling specialist. Formal policies continue to imply that all officers have a role to play, but the nature of that role is unclear. Few departments have routine procedures set up to encourage and reinforce reporting possible gambling violations to specialists, nor clear guidelines for what is, or is not, a circumstance that should be reported. Moreover, it was generally conceded, and reinforced by the police questionnaire responses, that non-specialists lack the

expertise to be much help even in identifying possible illegal gambling operations. Thus, non-specialists have a responsibility, but lack a clear definition of what it means and lack the expertise to fulfill what they think it might mean.

A second source of ambiguity occurs at a departmental level. About half the sample departments appeared to have established some priorities (usually unwritten) within the wide range of concerns they might have about illegal gambling. Three were clearly very aggressive against street-level gambling. Two were distinctively aggressive against commercial gambling. Three were most concerned with corruption control. The balance of the departments had a more general approach to gambling law enforcement, basically trying to cover all their possible concerns as well as they could, given the available resources. Only one sample department could be said to be aggressive against both street-level gambling and bookmaking.

Analysis showed that the departments where clear priorities could be identified by the study team gained some additional benefits. Not only did officers consider policies and responsibilities to be clearer in those departments, they also considered the department's efforts to be more effective in gambling law enforcement than did the officers in departments with a more general approach to gambling. It appears, therefore, that there is real merit in a department deciding what it can do and wants to do and emphasizing some aspects of gambling law enforcement over others.

The above data do not suggest that any one emphasis is better than another. Among the alternative goals observed, it is clear that most departments with a publicly exposed corruption problem would emphasize control of that over everything else. Given a choice between aggressive street-level enforcement and emphasis on commercial gambling, however, the choice may be more difficult.

Public confidence is a potential problem for police. The data are fairly

clear that non-enforcement, rather than strict enforcement, is most likely to undermine citizen respect for police. The sample departments that have set clearer priorities have (with one exception) either emphasized public gambling and numbers, and neglected bookmaking, or emphasized bookmaking and numbers, dealing with public social gambling only when necessary for other reasons (such as a complaint or public disturbance).

As with most choices, there are pros and cons to an emphasis on either street-level or commercial gambling. Aggressive street-level enforcement produces a large number of relatively non-serious arrests for public gambling. It seems to require a decentralized enforcement effort. It does not require much support from prosecutors, as the arrest itself accomplishes the goal of breaking up the game and communicating a police presence.

Emphasizing commercial gambling will lead to the arrest of what are considered to be more serious offenders. Because such cases are time-consuming, fewer arrests will result and enforcement may be less comprehensive. Moreover, to be effective in controlling commercial gambling, appropriate sentences are probably needed for convicted gambling operators, which requires a coordination with prosecutors that is relatively rare.

An important aspect of commercial gambling is its link to multi-service criminal organizations. This potential or perceived link helps to transform commercial gambling from a non-serious to a serious crime. Police officials may need to be careful about the way they present the role of organized crime in gambling law enforcement. In cities where multi-service organizations are directly involved in gambling, local police usually are not particularly effective in dealing directly with these organizations. Their main role would seem to be to stop illegal commercial activities, such as gambling, that finance the organizations. For police in these cities, a main problem seems to be to com-

municate to prosecutors and courts their conviction that all or most commercial gambling offenses are serious, even if they cannot be directly tied to criminal organizations.

In cities in which organized crime is less present, the rationale that commercial gambling law enforcement helps to keep out organized crime may be even harder to sell to prosecutors. It would seem that the importance of enforcing laws and delivering appropriate sentences to law breakers as a way of reflecting the wishes of the public and communicating an effective law enforcement system to the citizens may be a more important rationale for commercial gambling law enforcement. Police need to remember that citizens generally want laws enforced; that commercial gambling violations are certainly more serious to citizens (and more likely associated with corruption) than public social gambling; and that responding to the public is probably the most concrete and stable basis on which to establish priorities.

In the end, we cannot definitely recommend one set of priorities over another on the basis of our data. However, we do believe that addressing the issues discussed above squarely, communicating the answers clearly, and translating the answers into clear policies that recognize the choices that police officers need to make can only be beneficial to police departments.

#### Prosecutors

After an arrest is made, the prosecutor becomes the most important element in the criminal justice system in determining what will happen to the case.

It turns out that very few gambling cases actually result in a trial of fact. Therefore, the prosecutor is the central figure in all the remaining decision points of a case. The prosecutor decides whether to dismiss the case

or not; he decides what charge to file, particularly whether to file for a misdemeanor or felony-level charge; he decides whether to plea bargain or not (and in the vast majority of cases the decision is to bargain); he decides what bargain to make; and he decides what penalty to recommend to the courts.

Given the extreme importance of the prosecutor's role, it was startling to discover that there is little specialization, only casual expertise on gambling law, no written policies about criteria for plea bargaining, few close working relationships with police, and little accountability for bargains made.

There was only one city in which the prosecutor's office had designated a team of attorneys to specialize in gambling and organized crime cases. In this city, prosecutors had to demonstrate knowledge and expertise in gambling trials before they were formally qualified as gambling specialists. This team worked closely with police at all phases of the investigation. Only one other city had designated a prosecutor who worked closely with police on all gambling cases after the arrests had been made. In the latter city, the level of support from prosecutors perceived by police was higher than average. However, it was only in the first city, where there was extensive specialization, that a majority of the police considered prosecutors to be serious about gambling cases.

In a few other cities, if and when an organized crime figure was involved, there would likely be closer coordination with police. For the remaining cases, in the vast majority of cases, prosecutors took over the case after the arrest and had relatively little interaction with police. Furthermore, with the exceptions noted above, gambling cases were spread among prosecutors, and hence prosecutors did not develop expertise in gambling prosecutions.

There were no district attorneys' offices which had specified criteria as to the circumstances under which bargains should be made, or about what penalties should be recommended. There was no system of accountability to assess

whether or not the convictions were the right ones. There was no information routinely kept on conviction rate, size of penalties recommended, and circumstances in which pleas were made. Not only were we unable to gather the data, but more importantly no one within the cities themselves could review what was happening in order to determine whether the prosecutors' decisions were consistent with the demands of the local situation.

Based on our findings we feel that the following are implications for the prosecution of gambling cases:

1. Within a prosecutor's office, there should be at least one individual who is identified as a gambling specialist. In those places where one person would not be kept busy full time working on gambling cases, we would suggest having a specialist on all vice-related crimes. We think that an individual who is given more responsibility and has more involvement in gambling prosecution is likely to be more expert in gambling prosecution, more knowledgeable about the different kinds of gambling laws and possible charges, better able to discriminate serious violators from those who are less serious, and will treat the prosecution of gambling cases more seriously.

Furthermore, if only one or a few prosecutors handle gambling cases, it will be much easier to formulate and implement prosecutorial policies and to coordinate those policies with police departments' activities.

2. The arresting officer probably should play a more significant role in the prosecution of gambling cases. In many cities, we found that police gambling specialists were the most knowledgeable people about local illegal gambling organizations and best able to make distinctions among various kinds of gamblers. Moreover, these men were most likely to feel that gambling offenses were serious.

3. There should be written criteria for plea bargaining which spell out in considerable detail the kinds of penalties that are deemed appropriate for var-

ious kinds of defendants. Having written guidelines would serve two obvious functions: it would improve the consistency of prosecutorial bargaining, and it would make it possible for prosecutorial policies (which are now largely unstated) to be reviewed within the district attorneys' offices and coordinated with police and judges.

4. Information systems should be developed which keep track of convictions, plea bargains, penalties recommended, and reasons for dismissals. Only by having this type of information available can anyone effectively review the decisions being made by the prosecutors.

We want to emphasize that we are not necessarily saying anything about the current content of the decisions made by prosecutors - whether they are too tough or too lenient with gambling offenders. There is a clear discrepancy in many cities between police and prosecutors about the seriousness of a commercial gambling offense when it cannot be directly tied to a criminal organization; but it is difficult to tell which position is more just. All of the above recommendations imply only three criteria for prosecution: that it be expert, that it be consistent, and that it be reviewable, through written policies and documentation of decisions.

#### Courts

Few gambling cases result in a trial of fact. Either the defendants plead or the cases are dismissed. Therefore, judges play a relatively passive role in the enforcement of gambling laws. For many of the cases the defendant pleads guilty, the prosecutor recommends the penalty (that was arrived at as part of the bargain for a guilty plea) and the judge imposes the sentence.

Although disposition data were not available in many cities, the information we could gather suggested that a relatively low fine, under \$200, was the most common penalty. There were indications in some cities that for felony con-

victions, about 20 per cent were given jail sentences. Since the overwhelming majority of cases were misdemeanor cases, however, there were relatively few gambling defendants that were given jail sentences.

The severity of the penalty seemed to be the largest concern of police with respect to courts; 86 per cent of the officers responding to the police questionnaire felt that fines and sentences given to convicted gamblers were not severe enough.

As noted before, the problem seems to be most acute with cases that are of a medium level of severity (i.e., street-level commercial gambling). Police, prosecutors, and judges were more confident that higher ups in criminal organizations would receive stiff penalties and/or jail terms if convicted. Police, prosecutors and judges were also in agreement that a low fine was the appropriate penalty for card and dice violations.

The system does not seem to be discriminating very well on cases that are somewhere in between these two extremes. Some of the improvements discussed above as part of police and prosecutor efforts may help in this regard. However, another aspect of the problem is that there was no specialization among judges with respect to gambling cases (with one notable exception). Judges saw relatively few cases in which a trial of fact was necessary. The cases which did go to trial were spread among all judges. This discouraged the development and implementation of a systematic set of criteria for penalties. It probably also contributed to their playing a relatively passive role in setting sentences.

One city has a special sentencing judge who imposes penalties in all gambling cases in the county. In this city, police were much more satisfied with the penalties imposed by the courts. This structure provides a mechanism for policy to be developed and consistently applied.

This structure also circumvents the problem where in many courts a con-



victed gambler is compared with robbers, burglars, murderers, and rapists. Gambling is a crime of running a business in a way that is not permitted by state law. The appropriate penalties for businesses which defy regulations are those which make it less profitable to be in business: that is, either large fines or putting them out of business. It happens that one way to put a bookmaker out of business is to put him in jail. Fines and probation may be equally appropriate ways of punishing a business, however.

A single judge deciding on penalties appears to us to be much more likely to implement consistent policies and appropriate level penalties. In a city where there are not enough gambling cases to keep one judge busy, the role could be expanded to sentencing all offenders convicted of vice-related crimes.

The important change, however, is to have a specific judge responsible for imposing penalties. This would facilitate coordination of criteria and policies between police, prosecutors, and the courts.

## CHAPTER XI

### CONCLUSION

In Chapter I, we said there were three issues confronting legislatures to which this project might contribute:

- 1) legalization of commercial gambling;
- 2) decriminalization of social gambling; and
- 3) upgrading or mandating penalties for convicted gambling operators.

In this chapter we will provide a brief review of what we have learned.

#### Legalization

There is no evidence, from this study or any others that have been done to date, that legalization of commercial gambling does law enforcement agencies any favors. Excluding the special case of Nevada, increasing the number of available legal gambling options has not been shown to reduce illegal gambling. It is difficult to see how the police could be helped unless legalization of commercial gambling came in a package which offered competitive alternatives to illegal numbers, horse betting and sports betting, and created a special regulatory agency with investigative powers, basically taking the regulation of gambling out of the hands of the police. The problems of developing competitive legal games have been thoroughly explored by the Commission on the Review of the National Policy toward Gambling, and those problems are substantial. Moreover, such a regulatory body must be a full-scale investigative body that is well funded. The model for this exists in Nevada. In Nevada, police have been relieved of gambling law enforcement responsibilities. However, short of some such steps, it is difficult to see how legal commercial gambling could make the job of local law enforcement agencies easier.

Moreover, it is important to understand how modest would be the benefits of completely relieving local law enforcement agencies of gambling responsibilities. Less than one per cent of the manpower in police departments, and a comparable percentage of prosecutorial and court time, is now allocated to the enforcement of anti-gambling laws. The principal benefit to police departments of such a change would be to relieve them of a responsibility which has been associated in some cities with internal corruption and loss of public confidence. Such a benefit is not insignificant. However, this benefit would be considerably more important to departments east of the Mississippi River than west of it.

On the other hand, it is also difficult to document that the legalization of some forms of commercial gambling makes it more difficult to enforce anti-gambling laws. It has been hypothesized that increased legalization decreases citizen support for gambling law enforcement. We did discover a wide variation in the level of citizen support in regions of the country with different degrees of legal gambling available. Citizens in areas with no legal gambling thought gambling enforcement was more important than did citizens in areas with several forms of legal gambling. However, citizen views toward other types of "vices" -- prostitution, marijuana, homosexuality -- also showed the same patterns. It is more plausible, therefore, to conclude that people have different views in different regions of the country and that the existence of legal commercial gambling is an effect, not a cause, of these differences.

Other attempts to identify deleterious effects of legal gambling on law enforcement efforts were not successful. Even though the majority of police officers felt that legal games, such as lotteries, made the job of enforcing gambling laws harder because citizens took them seriously, there was no indication that police officers themselves considered gambling violations less serious in cities with legal games. In the five cities in our sample in which a new form

of legal gambling had been introduced in the last five years and where data were available, there was no evidence of a diminution in arrests associated with that introduction. On the contrary, police were generally more active against commercial gambling in states with lotteries.

Conviction rates in cities throughout the sample were sufficiently high that it is difficult to think that they had been seriously affected by the introduction of legal games, though we could not trace conviction rates over an extended period of time. Similarly, our data on sentences, and particularly the size of fines, were inadequate to examine the hypothesis that fines become lighter as legal gambling becomes more available. However, we found no evidence of significantly stiffer fines in states where there was no legal gambling compared to other states.

We cannot predict in detail the long-range impact of legal lotteries, nor the impact of more elaborate legal options under the general model of limited legalization. However, just as we saw few benefits to law enforcement officials of increased legal commercial gambling, we also think the existing evidence does not support the notion that limited legal gambling makes the enforcement of anti-gambling laws significantly more difficult.

#### Decriminalization

The argument for decriminalization applies primarily to social (i.e., non-commercial) gambling. The laws against social gambling in private, which are common, are not enforced and not enforceable. Probably a third of U.S. adults violate these state laws each year by playing cards for money in their own homes with friends. From a law enforcement point of view, the main value of such laws is their potential use for breaking up private, commercial games without the evidentiary problems of proving that the game is commercial. The Gambling Commission's model statute, which would require participants in a suspected commer-

cial game to prove that it was commercial, appears to be a solution, if this law is upheld in judicial review. For some, there may be a symbolic value in having laws that express the view that gambling in any place is wrong. From a practical point of view, however, it is difficult to see how such laws against private, social gambling are useful.

Laws against public social gambling are somewhat more complicated. There is great variation from city to city in the extent to which such laws are enforced. Public gambling can create public nuisances. However, such laws are discriminatory in effect if not intent, as the Gambling Commission notes. Because members of minority groups are more likely to gamble socially in public, they are much more likely to be arrested than others doing the same thing in places not readily accessible to police. Arrests for public social gambling account for a majority of all arrests for gambling offenses and UCR data show the vast majority of those arrested to be minority group members. Since public order can be maintained in a variety of ways without using state anti-gambling laws, it does seem that there is a case to be made for decriminalization of social gambling, both in public and private.

#### Upgrading Penalties

The efforts of legislatures to upgrade the penalties for serious illegal gamblers and to mandate penalties for repeat offenders appear to have had little or no effect on the enforcement of gambling laws. Punishments meted out to the occasional convicted high-level gambling operator may be harsher when maximum penalties are higher; we cannot say. However, most arrested commercial gambling operators are numbers runners or people who take bets; and for these people we were unable to find evidence that the punishments depend on the maximum penalties the legislature has provided. The variations in case disposition are primarily a function of the judgments of the prosecutors and courts. Until the

management of the prosecutorial and judicial systems is changed, it appears to us that decisions by the legislatures about how to treat various kinds of gambling offenders will be largely irrelevant to what actually happens.

### The Effects of Anti-Gambling Laws on the Criminal Justice System

In addition to addressing legislative issues relating to gambling, this project also has provided a systematic review of the way gambling laws are enforced in major American cities and the effects of these efforts.

At the time this project was proposed, the working title was "The Effects of Anti-gambling Laws on the Criminal Justice System". What are these effects? One important effect of current anti-gambling laws is to place the police in a relatively vulnerable position. Laws against private social gambling are unenforceable. Laws against public, social gambling and commercial gambling can be enforced to a degree, so enforcement must be an on-going process. Given current resource allocations, however, most police departments have to make a trade-off between aggressive public gambling enforcement and aggressive commercial gambling enforcement. In our sample we found only one department that was succeeding in vigorously enforcing laws against commercial gambling as well as vigorously enforcing laws against public social gambling.

When police do not fully enforce the gambling laws, or any laws, they risk losing the confidence citizens have in them. When citizens see visible, illegal gambling they tend to conclude that the police are inept, corrupt or both. Police can gain little public acclaim for effective enforcement of gambling laws, for it is a low-priority offense to most citizens; but they can lose a great deal of public confidence for failure to fully enforce the gambling laws, for citizens want the laws that are on the books to be enforced.

Gambling enforcement responsibility also has been associated with police corruption. We found, however, that the only departments that had had serious

problems were in those sample cities where regional, multi-service, criminal organizations were said to be directly involved in gambling operations. In those cities, there have been severe costs to police departments for having gambling enforcement responsibilities.

In most cities in our sample, local independent criminal organizations were involved in gambling operations. These organizations may have bought services from regional, multi-service criminal organizations (i.e., wire services, lay-offs), but were not directly controlled by these organizations. In many cities several organizations were involved in gambling operations. These findings do not minimize the need for the enforcement of commercial gambling laws, but they do indicate that for many cities this enforcement may not be directed at multi-service criminal organizations.

For a variety of reasons discussed in Chapter VI, gambling law enforcement is not a particularly attractive assignment to police, and therefore police administrators must figure out how to manage enforcement efforts with as few costs to officer morale as possible. It also is important to understand that if a police department can avoid public embarrassment, the negative effects of anti-gambling laws on the police are minimal. Few resources are devoted to the enforcement of gambling laws and current gambling enforcement is becoming increasingly specialized. As a result, fewer and fewer police officers are affected in any way by gambling law enforcement responsibilities.

Prosecutors and courts devote as little time to gambling enforcement as police and probably less. There is no specialization, and little special attention is paid to gambling, except to make sure that embarrassment is avoided or when, infrequently, an organized crime figure is involved.

Indeed, the most important conclusions to be made from this research do not deal with the way that the laws affect the actions of the criminal justice

system but rather the way that the criminal justice system is affected by factors that take precedence over variations in the ways the laws are written.

There is some variation in state laws governing gambling. There were five sample cities in which private social gambling was not specifically prohibited by state law. There is a moderate amount of variation in the maximum penalties prescribed by state laws for gambling violations. However, the most common gambling violations for which arrests are made are prohibited in all of our sample cities: taking bets on sports events or horses, running an illegal numbers game and playing cards and dice in public. Yet, these laws are enforced in very different ways in different cities. There are cities in which bookmakers are virtually never arrested, though bookmakers are known to be operating. There are other cities in which numbers operators are almost never arrested, though numbers operations are known to be active. There are cities in which a person is very likely to be arrested for public social gambling, while in others, an arrest would be made only if there were some other kinds of disturbance or problem associated with the game. While the laws, as written, are fairly constant from city to city, the laws, as enforced, are very different, depending on local situations, policies and priorities.

In the same way, sentences given to convicted gambling offenders are not a product of legislative decision-making but rather the result of prosecutorial and judicial discretion. Even attempts by legislators to mandate serious penalties seem to be consistently circumvented.

Others before us have pointed out the importance of police and prosecutorial discretion in the enforcement of laws. In fact, as we have said previously in this report, discretion is probably necessary to achieve justice. Legislatures cannot take into account all possible extenuating circumstances and relevant criteria when writing laws. However, the variations that we have observed in



the way in which gambling laws are enforced go well beyond discretion to achieve justice. For practical purposes, anti-gambling laws are being made not by legislators but by police and prosecutors.

We set out to understand what current anti-gambling laws mean to the criminal justice system. Our findings can be summarized fairly succinctly:

1) The laws against gambling in private are a symbolic gesture on the part of legislators; they are neither enforced or enforceable in any reasonable sense of the word.

2) Legislators have given police a relatively unattractive job, for which police can get little credit if they do a good job and considerable abuse if they fail.

3) The laws against public social gambling and commercial gambling probably are enforceable to the extent that other comparable laws are enforceable. The resources devoted to gambling law enforcement are very modest and the results, with a few notable exceptions, are modest as well. Most departments realistically strive for one of several models of limited enforcement.

4) Citizens are very likely to view non-enforcement of gambling laws as an indication of police corruption.

5) Regional, multi-service criminal organizations were reported to directly control all or a substantial portion of illegal commercial gambling operations in about half the cities. These cities were much more likely than others to have had publicly disclosed gambling-related corruption in the past. In the balance the cities, bookmaking and numbers were said to be run primarily by local, independent organizations that specialized in gambling. There had been no significant publicly disclosed gambling-related corruption in any of these cities in the past ten years.

6) The prosecutors of gambling cases generally do not recommend penalties

for conviction which any reasonable person would think would be a deterrent to further involvement in commercial gambling. Seriously impinging upon commercial gambling operators would seem to require serious penalties for convicted commercial gambling operators.

7) Prosecutors are not held accountable for their decisions due to the lack of available information about the decisions they make.

8) Legislators need to understand that the meaning of gambling law enforcement and the resulting constraints on gambling behavior will be determined less by what legislators write than by how local police and prosecutors carry out their responsibilities.

These findings have different implications depending on the perspective one takes.

For police departments, given available resources, choices must be made as to the types of gambling enforcement that will be pursued. Departments that had made clear choices were considered by officers to be more effective than those that had not made these choices. Without clear policies, officers were unclear about their responsibilities. This leads to frustration and dissatisfaction.

For prosecutors and courts, clear policies must also be created. In particular, given the role of prosecutors in determining the penalties for convicted offenders, their behavior in pursuit of these policies must be accountable. District Attorneys should develop information systems that enable them to insure that prosecutors are recommending sentences consistent with police and citizen concerns.

Legislators must come to the realization that changing the wording of gambling laws has little impact on the way these laws are enforced. Instead, legislators must address the way that enforcement is managed both by police and by prosecutors. Providing resources for specialization and accountability would

probably do more to influence the way laws are enforced than almost any other measure.

Citizens must demand that their public servants -- police, prosecutors, courts, legislators -- are accountable to them. Community values related to gambling enforcement must be clearly understood and information must be systematically kept to enable citizens to know whether these public servants are indeed behaving in ways consistent with these values. There will almost inevitably be a considerable amount of local discretion in the way laws against gambling are enforced. In theory, this discretion will reflect the differences in community values. There is a case to be made that such discretion is appropriate. There is, however, no basis for exercising that discretion in a way that is not subject to public accountability. Until there is better public information about what police, and particularly prosecutors and courts, are doing, however, we will continue to have exactly that occurring in the enforcement of anti-gambling laws in major American cities.

## NOTES

### Notes to Chapter II

<sup>1</sup>National Advisory Commission on Criminal Justice Standards and Goals.  
Police, Washington, 1973, p. 243.

### Notes to Chapter IV

<sup>1</sup>Police Guide on Organized Crime, Washington, 1974, p. 16.

<sup>2</sup>President's Commission on Law Enforcement and the Administration of  
Justice, Task Force Report: Organized Crime, Washington, 1967, p. 1.

<sup>3</sup>Ibid.

### Notes to Chapter VI

<sup>1</sup>Boston Police Commissioner Robert di Grazia testifying before the Com-  
mission on the Review of the National Policy toward Gambling, Boston, 10  
April 1973.

## APPENDICES

In the Appendices we have included several types of materials which were an important part of this study, although not central enough to be included in the main body of the report. The Appendices are divided into three sections:

A. A summary of gambling enforcement in the Los Angeles Police Department. We have singled out Los Angeles (with the permission of the Department) as an example of an efficient, well managed gambling enforcement effort.

B. A detailed description of the methods used to gather data in this study including sampling methods and a description of the pilot efforts, and more detailed descriptions of data collection strategies.

C. Copies of all the materials used for collecting data in this study.

D. Information about subgroup sample sizes.

## Appendix A

### GAMBLING LAW ENFORCEMENT IN THE LOS ANGELES POLICE DEPARTMENT

As the study progressed, several important differences among cities emerged in the manner in which police departments were organized to enforce gambling laws and the degree to which gambling enforcement policies were clearly stated. Very few of the departments visited had formulated and put into writing their gambling enforcement policies and priorities. The degree of accountability for, and control of, gambling complaints and investigations varied greatly from department to department, ranging from permitting vice officers to choose their investigations from a pile of complaints, to requiring that every complaint be put into writing, assigned to specific officers and be audited by a separate team of police personnel.

At approximately the half-way point in the study, we began to wonder what the results would be if a department had all three factors present: a highly sophisticated and well-trained enforcement organization; clearly defined written policies and procedures; and a high degree of accountability. We found that to be the case in the Los Angeles Police Department. Furthermore, the LAPD came as close as any department to actively trying to enforce all gambling laws. Because the results achieved in gambling enforcement by the Los Angeles Police Department appear to be significant, we felt that other police departments might benefit from a description of the Los Angeles Police Department's system. We have obtained permission from the LAPD to describe their gambling enforcement operations and they have had a chance to review this chapter.

#### Organization

##### Area Vice

In Los Angeles, vice enforcement is the responsibility of the Area (district) commanders, the captains who command the city's seventeen police areas. This is

in keeping with the general departmental policy that an area captain is totally accountable for all police activities within his assigned area.

Each Area has a group of specially selected and trained vice officers, commanded by a Lieutenant who reports to the Area Captain. There are 149 police officers assigned to vice enforcement in the 17 areas.

There are no places in an Area which are off limits to the assigned vice officers. Each vice officer is assigned specific investigations on a Vice Complaint form 3.18, and a full, prompt and complete investigation into every assigned vice complaint is his primary responsibility. In addition, each officer is given a great deal of latitude and encouragement to develop and investigate vice activity on his own. In fact, at the Area level, over half of the vice investigations related to gambling are self-initiated by Area vice officers.

Area vice officers are also encouraged to involve the uniformed personnel of their area in the vice enforcement. They do this by attending roll calls, discussing current activities with the patrol personnel, and by advising patrol personnel of the results of investigations initiated as a result of information furnished by uniformed officers. It is estimated that approximately 20 per cent of the Area vice investigations result from information provided by uniformed personnel. This suggests that a cooperative relationship exists between patrol officers and vice officers.

Area vice personnel are rotated on a 18-month basis. Although this means that none of the Area vice personnel have more than 18 months experience, the LAPD does not find that this is a disadvantage; in fact, it results in several benefits. Personnel rotated out of vice usually return to a uniformed assignment, often in the same Area. As a result, they are a valuable and well-trained resource for the Area vice unit. Further, the rotation policy provides the department with new and enthusiastic personnel coming into vice enforcement at

regular intervals. They are not easily recognizable in the Area and can be used immediately on surveillances and undercover assignments. Another benefit of the rotation policy is that no officer gets well established in the Area, reducing the potential for corruption.

To insure coordination among the Area vice units and to insure that departmental policies are discussed and disseminated, one staff officer is assigned as a department-wide coordinator. He chairs a monthly meeting of all Area vice Lieutenants. Minutes are kept of those meetings and the minutes are then disseminated through the department. He also acts as liaison between the department and the prosecutorial agencies.

Vice crimes which are the responsibility of the Area vice units are: gambling, prostituion/pimping, pandering, pornography, liquor law violations and sex offenses.

#### Administrative Vice

In addition to the Area vice units, the LAPD has an Administrative Vice Division. Administrative vice exists to insure that effective enforcement against major and organized violators occurs and as a check and balance system against Area vice units. This unit has four major responsibilities.

1. City-wide enforcement activities concentrating on larger scale operations which may cross police Area boundaries and which require more extensive experience and equipment;
2. Supplementing the activities of any Area vice unit where the investigative requirements exceed the resources of the Area unit;
3. Auditing the activities and investigations of the Area vice units; and
4. Correlating and maintaining intelligence information related to organized vice activity.



The Administrative Vice Division, which has approximately 52 personnel under the command of a captain, works out of Police Headquarters. There is no rotation policy for Ad Vice Personnel as with the Area vice officers. As a result, the experience level of personnel in Ad Vice is greater than that of personnel in the Areas.

Five senior Ad Vice investigators are assigned to the audit function, one of the most interesting and significant features of the LAPD system. The audit function focuses on the activities of the Area vice units and includes: monitoring of all vice complaints, investigative reports and arrest reports; reviewing all actions for completeness and quality; auditing all "secret service" fund expenditures and receipts; and preparing bi-weekly audit reports to the Chief of Police reflecting the two-week findings. The Audit Section also has the authority to run parallel investigations or to re-investigate complaints handled by Area vice units.

Ad Vice personnel not assigned to the audit section are responsible for the other functions of the division. In its city-wide enforcement activities, Ad Vice's primary concerns are bookmaking, prostitution and pornography. In bookmaking enforcement, they attempt to work up the ladder, concentrating on back offices and higher level operators. Aggressive use of the California Red Light Abatement Law has closed nearly all organized gambling locations. Therefore, the division's thrust in this field is aimed at monitoring activity and gathering criminal intelligence information.

As an additional check and balance, there is one staff officer in the Office of Special Services assigned to review reports, complaints and audit reports of both Area and Ad Vice units. That officer receives copies of all complaints, city-wide, and maintains suspense data controls over the investigative activity which follows up on every complaint.

## Policies

Of all the departments visited, Los Angeles had the most clearly defined goals, policies and procedures relating to gambling and vice enforcement. All goals, policies and procedures were in writing. Every Area had a vice unit manual which set forth, in great detail, the department's vice enforcement policy, reporting requirements, investigative techniques, procedures applicable to that Area, and a glossary of terms. All in all, it was impressive to find that much detail furnished to the enforcement officers at the lowest level in the hierarchy.

Basically, the LAPD priorities in gambling enforcement are the same as for all vice crimes. The priorities are based on activities which come under the three C's: "commercial", "conspicuous", and "complained of". The Chief of Police feels that the responsibility for police enforcement in the vice area is as great as for any other violation of a criminal statute. He realizes that total enforcement is not a reality; however, a police department can reach a satisfactory level of enforcement when there are no open or easy-to-find vice activities and both the purveyors and customers fear apprehension.

The LAPD places a high priority on the three C's. The department's rationale was presented as follows: strong and vigorous enforcement against commercial vice helps remove the third party profit. Without such profit, it is thought that organized crime cannot develop a foothold in the jurisdiction. By putting a high priority on conspicuous vice, such activities will be driven underground, thereby removing the temptations and opportunities from the view of those who might otherwise not be able to resist the temptation to violate the law. Finally, any vice complaint which is complained of is considered a flagrant violation and treated as a high priority.

In our interviews with informed persons they all made a reference to the three C's, evidence that the policy is quite well disseminated in the department. A number of officers commented that the existence of the policy makes Los Angeles a comfortable city in which to be a vice officer. The individual officers had a clear understanding of the department's vice efforts. The police officers feel that the clear statement of policy, the department's vigorous enforcement efforts in accordance with that policy, and the check and balances in the system virtually insure that corruption cannot exist. Without the fear of internal corruption and with the knowledge that the department's administration will provide strong support, the police officers in Los Angeles seem to outperform most other police departments in their gambling enforcement activities.

#### Accountability

The bedrock of the LAPD accountability system is the responsibility placed on each Area Captain for all police officers under his command and for all police activities in his area. Most police activities, including vice enforcement and internal investigations, are decentralized. The department's excellent computerized management information system monitors activities city-wide, as do the headquarter's units, to insure that Area Commanders are fulfilling their responsibilities.

One particularly useful output of this system is a summary of citizen complaints received. These summaries are published monthly, comparing the patterns of complaints each month with those of the preceding month, the pattern for the year to date, and the pattern for the preceding year. This system provides a context within which to assess patterns of arrests; an index of the extent to which police activity is consonant with citizen concerns.

In the vice enforcement area, LAPD permits any police officer to initiate

a gambling investigation and to make gaming arrests. That is not too different from several other departments visited. However, in Los Angeles, any such investigation which does not result in immediate arrest and permanent cessation of the activity must be reflected on a Vice Complaint Form 3.18. All citizen or other agency complaints of vice activity also must be entered on a 3.18. The 3.18 is initiated immediately in multiple copies and suspense files are opened in at least three locations (Area Vice, Ad Vice and Office of Special Services) to monitor progress on the investigation.

Once a Form 3.18 has been initiated and the complaint assigned, the officer to which the complaint is assigned has 30 days in which to close the case by arrest, disproving the complaint, or having all activity stop before an arrest can be made. Under unusual circumstances, the close-out report period can be extended for fifteen days; however, approval for the extension must come from a Bureau Commander. Follow-up reports are required at the end of each consecutive fifteen day period that the complaint is open, and the report must reflect at least four investigations on the activity in that 15-day period.

### Results

Although it is not possible to say with certainty that the reason Los Angeles does an excellent job in gambling enforcement is because the above factors are present, the results achieved by the LAPD seem to indicate that organization, policies and accountability do bear on the number and quality of gambling arrests made by a police department.

The Los Angeles Police Department made a higher number of gambling arrests than any other city in the sample. This is especially remarkable since they made no arrests for illegal numbers violations; illegal lotteries historically have never been a large problem in California. Even more significant is the fact that while they are fourth overall in terms of the gambling arrest rate

per 100,000 population, their arrest rate for bookmaking (38 per 100,000 in 1975) is nearly twice that of the next highest sample city. The contribution of the LAPD in the area of bookmaking enforcement can be measured by the fact that in 1975 they made approximately three-quarters of all the bookmaking arrests in the sample cities; the other 15 cities together made up the remaining 25 per cent.

Nationwide, in 1975, there were approximately 62,600 gambling arrests. The LAPD made about 4,000, or a little more than six per cent of these. There were only 5,500 bookmaking arrests reported, however, and of these nearly a thousand, or 18 per cent, were made in this one city.

These figures indicate that the LAPD is making a substantial contribution in the area of gambling enforcement, particularly against illegal bookmaking.

#### Conclusion

There are several features of Los Angeles that may mean the procedures described above might not be applicable in all settings, or might not achieve the same results.

a) There is not thought to be much or any organized crime involvement in gambling in Los Angeles.

b) There is not a history of serious political or police corruption in Los Angeles.

c) The goal of fairly complete enforcement is easier to publish and disseminate than a policy of limited enforcement, which may open a department to public criticism.

Yet what stands out about the LAPD is the quality of management: clear goals, clear responsibility, a good deal of communication between Ad Vice Division and Area Vice units, accountability not only for complaints but for investigations that are self-initiated, sample checks for quality of work,

feedback on performance and results. The percentage of the department's resources devoted to gambling enforcement is about average for large cities; yet the number of arrests was very high. Perhaps because of the nature of the illegal gambling situation, high-level criminal offenders are not commonly arrested. However, such arrests are rare even for units that target organized crime. A comparatively large number of Los Angeles arrests are for bookmaking, and they accomplish this without wiretaps.

We are not suggesting that other departments might choose the policies or emphasis of those in Los Angeles. However, the management practices and productivity of the department would appear to be worth considering, whatever a given department's goals happened to be.

## Appendix B

### METHODS

#### General Considerations

The basic purpose of the research design and methodology was to obtain a representative view of the way the anti-gambling laws are enforced in this country. There were several initial decisions that should be reviewed briefly.

One primary design decision (which established the basic character of the study) was to collect information from a variety of sources (police administrators, vice officers, patrolmen, prosecutors, court clerks, judges, newspaper reporters, citizens) using a variety of methods (self-administered questionnaires, structured interviews, record data, loosely structured interviews). Basically, we wanted to obtain first-hand information from all the people who have a role in gambling law enforcement and on whom it has an effect.

Another major design decision was to select a random sample of central cities with populations in excess of 250,000. By drawing a random sample of cities rather than gathering data in a purposive sample (cities that met some specified criteria) or a haphazard group of cities, we were able to have a stronger basis for generalizing to the whole population (in this case, all central cities over 250,000 in the continental U.S.).

One of the major foci of this project was to determine the impact of increased legalization of gambling on the enforcement efforts of the criminal justice system. In order to address this question, we decided to select cities representative of the range of legal gambling situations in this country.

The final major design decision which affected the character of the study was to collect data using standardized procedures. This did not mean that we asked only for closed-ended responses to standardized questions. Rather it

meant (particularly for our interviews) that we would conduct interviews with persons in comparable roles in the criminal justice systems across cities and that these interviews would have standardized objectives.

### Selecting the Sample

In order to draw the sample of cities, several decisions leading to specific procedures were made. Each of these procedures was used to insure a random as well as representative sample of cities. Because we were selecting a relatively small sample it would have been very possible to select a random sample which by chance had parameters quite different from those of the total population. For instance, in the total population of 57\* cities, 25 (44 per cent) had populations over 500,000. It would not be unlikely that a random sample might be selected in which only 25 per cent of the cities were over 500,000. In order to insure a reasonable degree of representativeness, as well as randomness, the following procedures were followed.

1. The cities were divided into four strata; each with a different level of legalized gambling. These strata were: "no legal forms of gambling (except bingo)"; "on-track betting on horses or dogs"; "lotteries" (plus on-track betting), and "off-track betting on horses" (plus on-track and lotteries).

For three cities this procedure deviated slightly. Birmingham, Alabama, was placed in the "no legal gambling" stratum even though Alabama allows betting on dogs. The only dog track, however, is in Mobile. Therefore we characterized Birmingham as having no legal outlets. Omaha, Nebraska was placed in the "on-track betting on horses and dogs" stratum even though Nebraska has a local option

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\*There were 58 cities in the United States in 1973 with a population over 250,000. Honolulu, Hawaii was excluded (much to the disappointment of the research staff).



allowing city lotteries. During the study period a city lottery was run for a few weeks in Omaha, but court challenges halted the lottery there. Reno, Nevada was added as an example of a fifth stratum of cities where the availability of legalized gambling was at an extreme. Reno does not have a population greater than 250,000, but we felt it was important to include it for potential comparison purposes.

2. We decided to select five\* cities from each of the first three strata, two cities from the "off-track betting" stratum, and Reno for a total of 18 cities. This resulted in selection probabilities of 5/22 in the "no legal gambling" stratum; 5/19 in the "on-track betting" stratum; 5/13 in the "lottery" stratum; and 2/3 in the "off-track betting" stratum.

3. Within each of the strata, we tried to insure representativeness on three additional dimensions -- arrest rates, size of city, and geographical location. We felt that these three dimensions in addition to legal status of gambling were factors that might affect the nature of gambling enforcement and we wanted to insure that our sample had a reasonable level of representativeness on these dimensions as well. The procedures followed are described in detail in the following three sections.

#### Criteria for Representativeness

Arrest rates. For each of the cities, arrest figures for gambling offenses were available for 1969 to 1973. It was thought that arrest rates could reflect

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\*A stronger sampling design would have been to select a sample proportionate to the size of the stratum using a constant sampling fraction. For instance, selecting at a rate of 1/3 would have resulted in seven, six, four, one, and one cities respectively in each of the five strata, for a total of 19 cities. A concern for costs after the pilot stage led us to take a more conservative strategy.

some aspect of enforcement policy in a city. Because of the wide variation in gambling arrest rates (and hence, perhaps, arrest policy), it was felt that the sample in each stratum should conform roughly to the distribution of arrest rates in the stratum. Cities were divided into three groups of total gambling arrest rates -- 200 and over arrests made per 100,000 population; 50-199 per 100,000; and 49 or fewer per 100,000.

City size. Although the population of all the cities under study was over 250,000, there remained a wide variation in city size. Since it was hypothesized that city size might make some difference in regard to the problems associated with anti-gambling law enforcement and the amount of police resources available, it was felt that the sample from each stratum should roughly correspond to the range of city size variation found in that stratum. Cities were grouped into those over 500,000 in population and those under.

Regional dispersement. Within each stratum, the cities were distributed in several parts of the country. The drafting of anti-gambling laws and also the values of the citizen population may vary with the region. Both of these factors could influence how the criminal justice system enforces anti-gambling laws. To insure representativeness, it was felt that the sample drawn in each stratum should conform (within predefined limits) to the geographical distribution of the stratum and that cities which were "contiguous" should not both be in the sample (e.g., Los Angeles and Long Beach).

The limits on representativeness for each stratum are listed in Table A.1, which also shows the categorization of cities on the four dimensions. If a random sample was selected which did not meet all the predefined constraints it was discarded and another random sample selected until one was chosen which met all the representativeness criteria.

Table A1

## Stratum #1 - No Legal Gambling

Arrest Rates	Size of City	Region			Arrest Rate Totals
		Southeast	South-Central	North-Central	
High ( 200)	small cities		Ft. Worth		5
	large cities	Memphis	Dallas Houston	Kansas City	
Medium (50-199)	small cities	Norfolk Atlanta Nashville	San Antonio Tulsa Oklahoma City Austin	St. Paul	11
	large cities	Washington		Indianapolis St. Louis	
Low ( 50)	small cities	Charlotte Birmingham*	Whichita El Paso	Minneapolis	6
	large cities			Milwaukee	
Region Totals:		7	9	6	City Size Totals: 14 small cities 8 large cities

Predefined Constraints

- Cities from one level of arrest rates cannot all come from the same region.
- Neither St. Paul and Minneapolis nor Dallas and Ft. Worth can fall into the sample.
- City size: 3 out 5 should be small.
- Arrest rate: 1-2 high, 2-3 medium, 1-2 low.
- Region: 1-2 southeast, 2 south-central, 1-2 north-central.

The Randomly Selected Sample: Atlanta, Birmingham, Dallas, El Paso, St. Louis

\*Although Alabama allows dog racing, the only track is in Mobile, so we considered Birmingham to have no legal outlets.

Table A1 - continued

## Stratum #2 - Betting on Horses and/or Dogs at the Track

Arrest Rates	Size of City	Region			Arrest Rate Totals
		Southeast	Central	West Coast	
High ( 200)	small cities				0
	large cities				
Medium (50-199)	small cities	Tampa	Louisville		6
	large cities	Jacksonville New Orleans		Los Angeles San Francisco	
Low ( 50)	small cities	Miami	Omaha* Albuquerque Tucson	Long Beach Oakland, San Jose Sacramento Portland	13
	large cities		Phoenix Denver	San Diego Seattle	
Region Totals:		4	6	9	City Size Totals: 11 small cities 8 large cities

Predefined Constraints

- Cities from one level of arrest rates cannot all come from the same region.
- No two cities from the following groups can appear in the sample:  
Tampa-Jacksonville-Miami; Tucson-Phoenix-Albuquerque;  
San Francisco-Oakland-San Jose; Los Angeles-Long Beach
- City size: 2 out 5 should be large cities.
- Arrest Rates: 0 high, 1 or 2 medium, 3 or 4 low.
- Region: 1 southeast, 1 or 2 central, 2 or 3 west coast.

The Randomly Selected Sample: Tampa, Phoenix, Los Angeles, San Jose, Portland

\*Nebraska allows lotteries under local option. Omaha had a city-run lottery for a short time during the period of the study; because of court challenges, however, it was discontinued.

Table A1 - continued

Stratum #3 - State Lotteries and  
Betting on Horses and/or Dogs at the Track

Arrest Rates	Size of City	Region		Arrest Rate Totals
		East Coast	North-Central	
High ( 200)	small cities	Newark		3
	large cities		Cleveland Chicago	
Medium (50-199)	small cities	Jersey City	Cincinnati	6
	large cities	Philadelphia Baltimore Boston	Pittsburgh	
Low ( 50)	small cities		Toledo Akron	4
	large cities		Columbus Detroit	
Region Totals:		5	8	City Size Totals: 5 small cities 9 large cities

Predefined Constraints

- Cities from one level of arrest rates cannot all come from the same region.
- City size: 3 out 5 should be large.
- Arrest rates: 1 high, 2 medium, 2 low.
- Region: 2 east coast, 3 north-central

The Randomly Selected Sample: Akron, Baltimore, Detroit, Newark, Pittsburgh.

Following these procedures the following cities were selected as the initial sample:

No Legal Gambling Stratum

Atlanta, Birmingham, Dallas, El Paso, St. Louis

On-Track Betting on Horses or Dogs Stratum

Los Angeles, Phoenix, Portland, San Jose, Tampa

Lottery Stratum

Akron, Baltimore, Detroit, Newark, Pittsburgh

Off-Track Betting Stratum

Buffalo, New York City

Extensive Legal Gambling Stratum

Reno

Although we hoped for cooperation from all police departments, we planned a strategy for substituting new departments for those that would not cooperate. The plan was to choose a substitute city which as nearly as possible was identical on our four criteria for representativeness -- legal status, arrest rate, city size, geographical location. If there was more than one city which met these criteria, we would randomly select among them. If no city met all criteria, we would choose the one which was most similar.

Four departments refused to participate: Dallas, Akron, Baltimore, and Pittsburgh. Comparable cities were found, selected and cooperated for three cities. They were: Toledo for Akron, Boston for Baltimore, and Cleveland for Pittsburgh. No substitute for Dallas was obtained (Table A2).

Table A2

## The Sample

Cities Originally Selected	Police Department Cooperation	Substitute City	Final Sample
<u>No Legal Gambling:</u>			
Atlanta Birmingham Dallas El Paso St. Louis	Refused	None	Atlanta Birmingham El Paso St. Louis
<u>On-Track Betting:</u>			
Los Angeles Phoenix Portland San Jose Tampa	Partial	None	Los Angeles Phoenix Portland San Jose Tampa
<u>Lottery:</u>			
Akron Baltimore Detroit Newark Pittsburgh	Refused Refused  Refused	Toledo Boston  Cleveland	Toledo Boston Detroit Newark Cleveland
<u>Off-Track Betting:</u>			
Buffalo New York City	Partial Partial	None None	Buffalo New York City
<u>Extensive Legal Betting:</u>			
Reno			Reno

## Data Collection

The major data collected for this project were a) a set of interviews with those persons in the criminal justice system most knowledgeable about gambling law enforcement, b) a questionnaire survey of a sample of police officers in each city and c) a short section of questions about attitudes toward gambling enforcement built into a national survey of citizens perceptions about gambling.

### Police Officer Questionnaire

One major component of the study was to collect data on issues related to gambling enforcement directly from those most involved with enforcement -- the police officers themselves. The goal was to have questionnaires filled out by all vice squad officers within the selected departments, as well as a random sample of detectives and patrol officers. The target size of each group was between 50 and 100 detectives and about 100 patrol and other officers; overall about 200 officers from each department. Since we were drawing about the same number of officers from each department regardless of department size, the officers had different probabilities of selection from department to department. In analyses which combined departments, the data were weighted in such a way as to compensate for the unequal probabilities of selection. In this way police officers' data contributed to the national average approximately in proportion to the size of the department and to the number of officers in that assignment within the department.

During the pilot phase of the study several issues related to the Police Officer Questionnaire needed to be resolved. We had to determine what questions could be asked, how the study would be presented to the officers, what guarantees of confidentiality were important, what official endorsements were necessary, how long the instrument could be, how to insure a reasonable response rate and whether a mail back strategy would work.



Discussions with police departments in two pilot cities, Atlanta and Buffalo, resulted in major changes in the nature of the Police Officer Questionnaire. Primarily the changes resulted in a drastically shorter instrument (reduced from 30 minutes to 10 minutes) which focused on questions about officers' attitudes and opinions on various statements about gambling enforcement. Questions specifically asking for evaluation of current department policies or practices were dropped as well as an extensive series of questions dealing with morale and stress. This made the questionnaire more acceptable, but obviously meant we were getting less information.

The final instrument was a five page questionnaire composed of "agree-disagree" items or rating scales and eight demographic items. (A copy of the questionnaire is included in Appendix C.) These items focused on a variety of issues related to the "debate" on gambling law enforcement. Areas included were: police perceptions of the degree of citizen support for gambling law enforcement; perceptions of support received from courts and prosecutors; the officer's attitudes about the seriousness of gambling offenses compared to other crimes, as well as their perceptions of citizen ratings of seriousness of gambling and other crimes; the extent to which gambling enforcement was seen to be important and satisfying; the difficulties and problems in the enforcement of gambling laws; attitudes about legalization; perceptions about the degree of the gambling problem in their city; the role of the patrol officer in the enforcement of gambling laws; and questions on effectiveness, corruption and organized crime.

The pilot phase was also used to test the viability of a mail questionnaire strategy. Results from the pilot phase indicated that a mail strategy would produce good response rates if there were follow-up reminders, mechanisms for insuring anonymity, and a letter from the chief of the department encouraging cooperation.

In most mail-back questionnaire studies there is a trade-off between anonymity and the ability to send reminders to nonrespondents. Our pilot work indicated we needed both. To insure anonymity the following procedures were used: demographic questions were kept to a minimum and focused on those factors most likely to influence attitudes about the enforcement of gambling laws; the categories for responses in the demographic questions were not too narrow; officers were not asked for their names; no individual officer identification number was placed on the questionnaire (the city the officer was in, was stamped on the questionnaire); officers were assured that no one in the department would see individual questionnaires; and officers were asked to send the questionnaires directly\* back to the Survey Research Program in Boston in an enclosed, postage-paid, business-reply envelope.

In order to provide the ability to send reminders to non-responders, a separate postcard was enclosed which had a unique officer identification number on it. The officer, after sending his questionnaire to us, was to send separately to us the postcard indicating he had returned his questionnaire and hence needed no further reminders.

In summary, the procedure for collecting the Police Officer Questionnaire data was as follows:

1. A roster of officers was obtained from the department.
2. A sample was selected which included all of vice and a sample of detec-

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\*In three departments this procedure was varied in that packets were distributed at roll calls directly to officers we had selected. They were asked to return their questionnaire sealed in a plain envelope to their superior who would in turn send it to the Program. In the departments where this was suggested the chiefs felt this would insure a better response rate. In one department, we could not use officer names. Units were randomly selected and supervisors were told to give questionnaires to all officers in the unit or in some large units, officers with even numbered badges. Indications were that for the most part the data collection procedures were comparable. If anything, the direct mailing to the officers at the department went more smoothly.

tives and a sample of all other police officers, for a total of about 200 officers.

3. Officers were sent a packet through the department mail which included: a questionnaire, a letter from the Survey Research Program, a letter from the chief, a postcard with an identification number on it, and a business reply envelope. They were instructed to send the questionnaires directly to the Program.

4. After two or three weeks a letter was sent to nonresponding officers reminding them to send in their questionnaires.

5. After two or three more weeks, if the response rates had not reached desired levels (above 80 per cent), a second reminder was sent out which included another set of all materials plus a letter from the Survey Research Program indicating the level of departmental response to date and encouraging the officers to send in their questionnaires.

#### Police and Other Criminal Justice Interviews

Another major data collection effort in this project involved interviews with key figures in the police department and the rest of the local criminal justice system in each city. Through these interviews we hoped to learn about gambling enforcement policies, procedures, problems, resources, the nature of the local gambling problem and the level of support received from citizens.

The goal was to talk directly with those persons whose jobs actually or potentially related to gambling law enforcement. On the basis of our experience in two pilot cities, it was decided that we needed to talk with the chief of police, the head of the vice squad, one or more gambling enforcement specialists (if any), the head of the detective division, the head of field operations, the head of the organized crime unit (if any), and the head of intelligence unit (if separate from organized crime), and the head of the internal affairs unit (if any). If a department had district level enforcement of gambling laws, we also felt we needed to talk with a few persons involved in gambling enforcement in

some of the districts. This list constituted the core set of interviews we conducted in each department. In some cities, additional individuals were identified who had special knowledge about gambling law enforcement or gambling-related problems with whom we also spoke.

Outside the police department, we attempted to identify and interview those prosecutors most involved in gambling cases. We also interviewed one or two court clerks and judges in each city. If there were different levels of courts and prosecutors, as is usually the case, we interviewed representatives at each level.

A series of protocols was developed to be used with persons in various roles (e.g., there was a "chief's protocol", a "head of vice's protocol", etc.). These protocols insured that the information gathered would be comparable. The protocols were a mixture of mostly open-ended questions, and a few fixed alternative questions. The questions addressed issues of fact (e.g., "how many officers are on the vice squad") as well as more subjective information (e.g., "what is the degree of cooperation between the department and the prosecutors office?"). The head of vice's protocol plus the prosecutor's protocol are reproduced in Appendix C to this report.

#### Michigan National Survey of Citizens

The third major type of data was collected as part of a study sponsored by the Commission on the Review of the National Policy Toward Gambling -- a national survey of citizens conducted by the University of Michigan's Survey Research Center. Although the national survey did not provide enough data to make city-by-city estimates, it did enable a breakdown of the data by factors such as region of country, legal status of gambling, and city size. This provided some opportunity to understand the public environment in which law enforce-

ment agencies must work in trying to enforce the gambling laws.

The project team built into the national survey about 10 minutes of questions relating to law enforcement desires and perceptions about police and illegal gambling (see Appendix C).

Other questions in the survey dealt with gambling participation both legal and illegal; attitudes toward luck and excitement; attitudes about legalization of gambling; personality measures; and demographic and background information.

Citizens were eligible for the sample if they were 18 years old or older and were living in housing units in the continental United States (excluding those in military reservations). The sample of households was designed to oversample households in urban areas. Furthermore, respondents were randomly selected from within households through selection procedures which enabled an oversampling of males (approximately two-thirds of the sample were male).

There were 1736 interviews obtained overall, 1148 from males and 558 from females. Weighted by the appropriate reciprocals of the selection probabilities, the overall response rate was 75.5 per cent; 11.9 per cent were refusals and the rest could not be interviewed for various reasons, including never at home, language problems or illness.

In the analyses of these data, weighting was used to compensate for the differential sampling rates by area and sex. The sample was also weighted to compensate for regional and other variations in response rate. This was accomplished by dividing the inverse of the probability of household selection by the response rate for the region to obtain a weight that adjusted for the variation in both these factors.

In addition to the major data sources, a number of other data sources were used to prepare this report.

## Arrest Data

During the visit to the police department to obtain interviews, we also attempted to gather gambling arrest data in as complete a fashion as possible. Our goal was to obtain accurate arrest data for the past five years. Data from 1969 through 1973 for each of the sample cities were obtained from the FBI, through the Commission on the Review of the National Policy Toward Gambling. Data from 1974 and 1975 were gathered from the departments. We did not ask departments to do any special tabulations for the project. In some cases, the available data were less complete or less clearly coded than we would have liked.

Several different problems were encountered. Some departments (for various reasons) did not follow Uniform Crime Report conventions in breaking down arrests as "bookmaking", "numbers" and "other gambling" and instead put all arrests in one category. In another city we found that records prior to 1975 counted "charges" rather than "persons arrested" which inflated the apparent gambling arrest rate. In some of the cities, we were able to get good estimates of what was included under the various arrest categories, but in other cities the estimates were less good.

In each department we were interested in determining what types of arrests were classified as "other gambling". In most places this turned out to be mostly card and dice arrests. However, in some cases it turned out to be "being present" as opposed to actual involvement; and in one case, it may even have included bookmaking arrests.

Another problem was caused by the separation within police departments of the arresting officers from the record keeping officer who coded the offense. The former might not know how the latter coded particular arrests, while the latter sometimes was not sure of the categories used because gambling arrests were only a few out of thousands coded.

With all these problems, however, we feel that the information is reasonably accurate and certainly the errors are not ones which would lead to a substantial level of misclassification.

### Disposition Data

In addition to arrest data, the project also attempted to obtain disposition data for gambling defendants in each city over the past five years. This endeavor was much less successful in achieving comparable information across cities. The major problem was the lack of a central record keeping function for courts; in some cities our only information on dispositions comes from estimates made by prosecutors and police, while for several others there are almost complete figures available.

Ideally, we would have liked to obtain a complete accounting of all gambling arrests during the five preceeding years. Since this was not possible in many cities, the major objectives for disposition data were to obtain estimates of 1) the proportion of arrests subsequently accepted for prosecution; 2) the proportion of defendants who pleaded guilty; 3) the proportion of defendants found not guilty; 4) the proportion of those either pleading guilty or found guilty who were sentenced to jail; and 5) the average fine imposed.

One of the major problems we encountered in trying to get these estimates was the relatively small amount of contact individual prosecutors or judges had with gambling cases, either because few arrests were made, or because there was no specialization of personnel on gambling cases.

### Newspaper Reporter Interviews

In addition to interviewing persons who were directly involved with the criminal justice system, we also attempted to gather information from someone "outside" the system. In each city we conducted telephone interviews with newspaper reporters. We were able to talk with at least one and usually two

reporters who worked for major daily newspapers in each city and who were knowledgeable about police activities.

The interviews took about a half hour and included open-ended questions addressing several issues: the nature of illegal gambling in the city, police efforts to control gambling, effectiveness of police efforts, citizen perceptions of police, and citizen perceptions of police corruption (see Appendix C).

These interviews were seen primarily as a way of "validating" the overall picture which resulted from the more intensive interviews with various persons in the criminal justice system. They were generally not used as primary data sources, but we thought they would provide a possible check on other data.

### Law Analysis

In order to fully understand the context in which the criminal justice system was attempting to enforce gambling laws, an analysis of relevant gambling statutes was done for each state in the sample. Our goal was to determine whether there were any aspects of the laws which made enforcement either harder or easier.

Laws were compared as to the way they defined illegal gambling and the penalties and evidentiary requirements they prescribed. This analysis was supplemented by on-site interview data in which police, prosecutors and judges were asked specifically about the way the laws were written and the extent to which the form of the laws made their jobs harder or easier.

### Overall Procedures

The first step in the data collection process in each city was to obtain cooperation from the police department. A letter was sent from the Survey Research Program to the Chief of the department explaining the sponsorship and purpose of the study and detailing the requests to be made of the department. At the same time, a letter was sent from the Director of NILECJ to the Chief also emphasizing the importance of the study and requesting cooperation.



A few days after the department received the letters, Mr. Dennis Crowley would call the department and attempt to talk with the Chief to ascertain whether the department would cooperate and to try and answer any questions. In some departments he talked with the Chief directly and in others he spoke with aides. All verbal contacts with the departments were through Mr. Crowley. We felt his background in law enforcement facilitated discussions with departments.

If the department was willing to cooperate, Mr. Crowley arranged appointments with key persons to be interviewed. At that time, Mr. Bickelman would call the District Attorney's office and the court clerks to set up appointments for his interviews.

While in the department conducting interviews, Mr. Crowley would gather whatever arrest and disposition data were available through the department; he would obtain a roster of the department to bring back to the Program so we could draw a sample; and he would obtain a letter from the Chief encouraging the officers to participate in filling out the survey questionnaire.

A sample of officers was drawn from the roster, including all officers working in vice, 50-100 detectives, and about 100 patrol and other officers. Packets were assembled which included the questionnaire materials and sent to the department to be delivered through the department mail. Subsequent follow-up mailings were also distributed by the department.

A summary report was provided by the interview-team to the Program of the interviews taken in each city.

If a department initially was uncertain about participation or if it refused directly, we attempted to arrange a meeting with the Chief in person, to discuss the project. In several departments, a second letter from the director of NILECJ requesting cooperation was sent. Various negotiations and compromises were made to gain police cooperation. Except for the omission of police question-

naires in Los Angeles and New York, these compromises or alternative procedures were relatively minor and there is little reason to think they had an important effect on the comparability of the data.

### Field Results

Since so much of the data collection efforts involved the police departments selected, the level of cooperation of the department in each city was a critical element in the research effort.

Of the 18 cities originally selected for the sample, the police departments in 11 cities gave complete cooperation. Three other departments gave partial cooperation. In two of these, we were permitted to conduct on-site interviews, but not to distribute the police questionnaire. In the third, questionnaires were distributed through the police union without a letter of endorsement from the Commissioner. Four departments refused to cooperate with the study. For three of these departments, we were able to substitute a city of comparable size in the same region with comparable arrest rates. Those three cities all cooperated completely. Thus, our analysis are based on data from 17 cities (Table A.3).

The cooperation received from prosecutor's offices in the study cities was outstanding. In no city did a prosecutor's office refuse to cooperate. Court personnel were also cooperative, although in some cases the schedule of the judges made it difficult to see judges in each level of court in the city.

Of the 17 police departments which cooperated with the study, police questionnaires were not administered in three departments--Reno, Los Angeles and New York City. As explained in Chapter I, Reno's situation was so different that the questionnaire did not seem applicable. Los Angeles and New York City declined authorization for administration of the police officer's questionnaire. In the remaining 14 cities, participation rates were outstanding. Only in three departments, Boston, Buffalo and Detroit, did the overall response rates fall

Table A3  
Field Results

Cities	Interviews			
	Police	Prosecutors	Courts	Reporters
<u>No Legal Gambling:</u>				
Atlanta	Yes	Yes	Yes	Yes
Birmingham	Yes	Yes	Yes	Yes
Dallas	Refused			Refused
El Paso	Yes	Yes	Yes	Yes
St. Louis	Yes	Yes	Yes	Yes
<u>On-Track Betting:</u>				
Los Angeles	Yes	Yes	Yes	Yes
Phoenix	Yes	Yes	Yes	Yes
Portland	Yes	Yes	Yes	Yes
San Jose	Yes	Yes	Yes	Yes
Tampa	Yes	Yes	Yes	Yes
<u>Lottery:</u>				
Boston	Yes	Yes	Yes	Yes
Cleveland	Yes	Yes	Yes	Yes
Detroit	Yes	Yes	Yes	Yes
Newark	Yes	Yes	Yes	Yes
Toledo	Yes	Yes	Yes	Yes
<u>Off-Track Betting:</u>				
Buffalo	Partial	Yes	Yes	Yes
New York City	Yes	Yes	Yes	Yes
<u>Extensive Legal Betting:</u>				
Reno	Yes	Yes	Yes	Yes

Table A3 - continued

## Field Results

Cities	Police Questionnaire Response Rate			
	Overall	Vice	Detectives	Patrol/ Other
<u>No Legal Gambling:</u>				
Atlanta	85%	96%	69%	89%
Birmingham	90	93	89	90
Dallas	Refused	--	--	--
El Paso	83	100	83	82
St. Louis	78	82	80	76
<u>On-Track Betting:</u>				
Los Angeles	Refused	--	--	--
Phoenix	89	93	95	86
Portland	91	100	96	87
San Jose	90	94	89	90
Tampa	82	80	80	83
<u>Lottery:</u>				
Boston	49	51	78	37
Cleveland	89	90	89	89
Detroit	75	78	79	74
Newark	82	100	80	80
Toledo	84	94	96	79
<u>Off-Track Betting:</u>				
Buffalo	53	17	51	58
New York City	Refused	--	--	--
<u>Extensive Legal Betting:</u>				
Reno	Not applicable			

below 75 per cent. Detroit had just announced a 25 per cent cut in personnel, and the morale issues may have affected cooperation there. The lack of departmental encouragement in Buffalo may have affected cooperation there. The Patrolman's Union in Boston would not allow names to be used in the sample or on mailing envelopes. This certainly affected the response rate there.

As expected, returns from the vice squads were even better than departmental averages (except in Buffalo); in six departments the vice squad response rate exceeded 90 per cent. Concerns that patrol officers would be much less motivated to return questionnaires were generally unfounded.

Except for the underrepresentation of officers from the largest cities (New York City, Los Angeles, Dallas), the police officer data represent a national sample of police officers in cities over 250,000 seldom before accomplished.

#### Coding and Analysis of the Data

Questionnaires from the police officers were directly keypunched as soon as they were received by the Program. A city code was punched as well as a sampling fraction which indicated the rate at which the officer had been selected. This weight compensated for the higher probability of selection in each department of the vice officers.

When data were combined across cities, weights were also used to compensate for the unequal probabilities of selection of each city across the stratum of legal status of gambling as well as for participation rate differences in each stratum.

Based on a factor analysis of inter-item correlations from the police questionnaire data, indices were created which measured police perceptions of the degree of citizen support for the enforcement of gambling laws; the degree of support received from courts and prosecutors; police opinions on the serious-

ness of gambling offenses; police perceptions of citizen opinions on the seriousness of gambling offenses; the importance of gambling enforcement; officer favorability toward legalization; the level of the gambling problem in their city; and the difficulty of enforcing gambling laws.

Data from the on-site interviews were integrated in four different ways.

1) Many of the items of information were factual. In most cases more than one person was asked the same question. When inconsistent information was given, the interviewer reconciled these differences on-site. The "correct" answer was then recorded in a summary form.

2) There were some items which were clearly matters of perception and opinion - such as the importance of gambling law enforcement - for which all key people were asked to answer standardized questions. The answers given by these key individuals in a department to these questions were recorded in the summary report for each city.

3) In some cases, there were matters of opinion or perception for which there were not standardized questions - e.g., the involvement of organized crime in gambling in a city. In these cases, the interviewer weighed the information provided - taking into account the knowledgeability and plausability of various informed persons - to provide the most accurate answer in his judgement. The criteria used to make this judgement and the answers given by various respondents were available for review by project staff.

4) In a few cases, indices were created from various sources to describe cities, e.g., overall availability of gambling. In these cases, criteria were spelled out and, in the event there was a judgemental element, at least two persons scored cities independently. Differences were discussed and agreement reached on the ratings.

There were, then, the following sources of data:

- 1) Interviews with prosecutors
- 2) Interviews with court clerks and judges (except Reno)
- 3) Interviews with police
- 4) Police officer questionnaires (except Reno, New York and Los Angeles)
- 5) Analysis of laws
- 6) Michigan Nationwide Citizen Survey
- 7) Arrest Data (except Reno)
- 8) Disposition Data (12 cities)
- 9) Interviews with newspaper reporters (16 cities)

## APPENDIX C

### Materials for Data Collection

In this section we have reproduced the following materials which were used in the project:

- a) The initial letter to police departments;
- b) Materials for the survey of police officers;
- c) Protocols used for on-site interviews with the head of vice and prosecutors; and
- d) The section of the Michigan survey questionnaire devoted to law enforcement concerns.





**CONTINUED**

**3 OF 4**

# SURVEY RESEARCH PROGRAM

*A facility of*  
THE UNIVERSITY OF MASSACHUSETTS-BOSTON  
*and the*

JOINT CENTER FOR URBAN STUDIES OF M.I.T. AND HARVARD UNIVERSITY

100 ARLINGTON STREET  
BOSTON, MASSACHUSETTS 02116  
TELEPHONE (617) 542-7037

October 13, 1976

Chief

Police Department

Dear Chief

I am writing to ask for the assistance of your department with a project that we are doing for the U.S. Department of Justice, Law Enforcement Assistance Administration (LEAA) entitled "The Effect of Anti-Gambling Laws on the Criminal Justice System". The study will be carried out in 18 large cities (over 250,000 population). is one of the cities in the national sample. Although each city has been selected by chance, the scientific method used makes it critical that we obtain data for each city in order to accurately describe the range of policies and procedures for the nation as a whole.

Gambling laws are being reviewed in most state legislatures around the country. The current debate concerning changes in anti-gambling laws and the effectiveness of current law is taking place with very little information about the experiences of police and other local officials with existing laws. Gambling law enforcement is primarily a local responsibility. If one is to say anything meaningful about gambling law enforcement the most important step is to talk with those people who have day-to-day experience in working with the laws: police, prosecutors and judges. This is the first carefully designed effort to learn about local gambling enforcement on a national scale.

One way in which this study is different is the inclusion of a practical law enforcement perspective. I have served as Deputy Director of the New England Organized Crime Intelligence System, as Chief of Intelligence for the Massachusetts Attorney General's Organized Crime Section, as Massachusetts representative to LEIU, have taught at police academies and have talked at national seminars on organized crime, gambling and police intelligence. We felt it was critical for interviews to be conducted by someone with a thorough knowledge of the day-to-day realities of police work, so I will be personally responsible for on-site interviews in the department.

The project will address several important issues such as the amount of manpower devoted to gambling, the range of procedures and enforcement practices, the problems and desirable aspects of different laws, the effect of the way laws are written on the ease or difficulty of enforcement, and the impact of changing laws on gambling enforcement.

October 13, 1976

We have designed the data collection so that it takes a very minimum of time and effort on the part of the departments. The main step is to arrange to talk with half a dozen key personnel in the department -- the head of your vice operations, one or two officers directly responsible for gambling enforcement, yourself, and a few other department administrators whose responsibilities relate to gambling enforcement. The interviews with the head of vice and the officers most involved with gambling take a couple of hours. The other interviews take much less time. In addition, we will want to mail a questionnaire to all vice officers and a random sample of about 200 other officers in the department. The questionnaire takes less than ten minutes to fill out, and the process has gone smoothly in other cities.

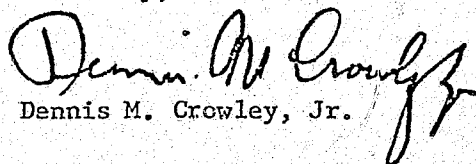
I want to assure you that we take the issue of confidentiality very seriously. The men filling out the questionnaire will be provided with strict anonymity; there will be no way in which anyone will be able to link the answers to a specific individual. The men who are interviewed will of course be known to the interviewer, but we guarantee that their answers will be held in strictest confidence, and that no individual officer's response will ever be presented in any reports or analysis.

Although cities which participate in the study will be known, almost all tables will report summary information combining several cities. In order to ensure that the research fairly represents and protects participating departments, we will be glad to make available copies of a near-final draft of our report to your department for pre-publication review.

Within the next few days, I will be calling you to make appointments to talk with key personnel, and obtain a sample of officers. If you feel you need more information, however, I will come to to discuss the project in more detail with you or your staff.

If you want to contact us at any time about the study, please do, or you can also contact the project monitor, Dr. Fred Heinzelmann, National Institute of Law Enforcement and Criminal Justice (202-376-3994). Thank you for your time, and I hope I can soon meet with you and begin to learn about your department's experiences in this area.

Sincerely,

  
Dennis M. Crowley, Jr.

DMC/lis

### Survey Questionnaire Packet

Each officer selected received a large manilla envelope containing one copy of the questionnaire, a postage-paid, business-reply envelope addressed to the Survey Research Program, a letter from the department chief executive explaining the purpose of the study and requesting cooperation, and a postage-paid postcard which the officer was asked to return separately. Because the questionnaires had no identifying information besides the city name, the postcard was necessary to determine who should be sent follow-ups.

**POLICE PERSPECTIVES ON THE  
ENFORCEMENT OF GAMBLING LAWS**

Survey Research Program  
a facility of  
The University of Massachusetts-Boston  
and the  
Joint Center for Urban Studies of M.I.T.  
and Harvard University

**Confidential:** Information shall not be used or presented in any way that would permit identification of any individual.

# SURVEY RESEARCH PROGRAM

*A facility of*  
THE UNIVERSITY OF MASSACHUSETTS - BOSTON  
*and the*  
JOINT CENTER FOR URBAN STUDIES OF M. I. T. AND HARVARD UNIVERSITY

100 ARLINGTON STREET  
BOSTON, MASSACHUSETTS 02116  
TELEPHONE (617) 542-7037

Dear Officer:

We need your expert opinion and the benefit of your experience.

Across the country there is a debate concerning gambling laws. In the debate a number of statements have been made about the enforcement of these laws. The enclosed questionnaire lists many of these arguments, including issues of effectiveness, community support, benefits and problems. This is the first time that those most directly concerned, the police officers themselves, have been asked for their opinions.

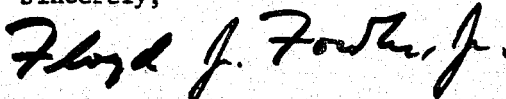
Your city is one of twenty across the country randomly selected to participate in a nationwide, systematic study of gambling law enforcement. In each city we will be reviewing arrest statistics and talking with key persons in the courts, district attorney's office, and police administration, as well as getting the opinions of police officers.

You and about 200 of your fellow officers in the department were selected by scientific sampling procedures. We would like to get opinions from all types of officers, not just those presently assigned to gambling, and the only practical way of doing this is the survey method.

Your response to the questionnaire is completely voluntary; however, each response is critical to the accuracy of our conclusions. If you don't respond, we will underestimate the number of officers who see things as you do. No one in your department will see any completed questionnaires; your response is anonymous.

Please return your completed questionnaire as soon as possible by mailing it in the enclosed postage-paid envelope. Mail the enclosed post card separately; this maintains your anonymity, but lets us know we don't have to send you a reminder to return your questionnaire. Your cooperation in this important effort will be greatly appreciated.

Sincerely,



Floyd J. Fowler, Jr.  
Director

FJF/ls

The following statements have been made about gambling law enforcement. Based on your experience, we would like to know whether you agree or disagree with each statement.  
(CIRCLE ONE NUMBER ON EACH LINE)

	<u>Completely Agree</u>	<u>Generally Agree</u>	<u>Generally Disagree</u>	<u>Completely Disagree</u>	<u>Don't Know or No Opinion</u>	
1. Police efforts are effective in limiting and controlling gambling operations.	1	2	3	4	5	:12
2. Profits from illegal gambling operations are the major source of income for organized crime.	1	2	3	4	5	:13
3. Citizens do <u>not</u> care whether or not gambling laws are enforced.	1	2	3	4	5	:14
4. Enforcing gambling laws is just as important as enforcing any other laws.	1	2	3	4	5	:15
5. Enforcement of gambling laws uses police manpower that could better be used against other types of crimes.	1	2	3	4	5	:16
6. Running illegal gambling operations doesn't hurt anyone; it is a victimless crime.	1	2	3	4	5	:17
7. Tough enforcement of laws against gambling is important to citizen respect for the law in general.	1	2	3	4	5	:18
8. No matter how hard police try, they cannot really cut down on the amount of illegal gambling in big cities.	1	2	3	4	5	:19
9. People in this part of the country think gambling is wrong.	1	2	3	4	5	:20
10. There is very little citizen cooperation with the enforcement of gambling laws.	1	2	3	4	5	:21
11. Gambling enforcement is one of the more satisfying assignments for a police officer.	1	2	3	4	5	:22



	<u>Completely Agree</u>	<u>Generally Agree</u>	<u>Generally Disagree</u>	<u>Completely Disagree</u>	<u>Don't Know or No Opinion</u>	
12. Prosecutors treat gambling as a serious crime.	1	2	3	4	5	:23
13. Without special training or experience, the average police officer is <u>not</u> able to recognize evidence of an illegal gambling operation when he sees it.	1	2	3	4	5	:24
14. Most police officers would <u>not</u> take a bribe to overlook a gambling operation.	1	2	3	4	5	:25
15. Police officers feel special pressure from superiors to enforce gambling laws.	1	2	3	4	5	:26
16. Gambling laws are harder to enforce in a fair and even-handed way than most other laws.	1	2	3	4	5	:27
17. Having some legal gambling, like lotteries, makes it harder for police to enforce laws against illegal gambling.	1	2	3	4	5	:28
18. In enforcing gambling laws responsibilities of the individual officer on patrol are clear.	1	2	3	4	5	:29
19. It is often impossible to get enough evidence to convict known street level bookies.	1	2	3	4	5	:30
20. Prosecutors are too willing to settle for reduced charges in gambling cases.	1	2	3	4	5	:31
21. Gambling enforcement policies are <u>not</u> clear to most police officers.	1	2	3	4	5	:32
22. Trying to enforce the gambling laws is more frustrating than enforcing most other types of laws.	1	2	3	4	5	:33

	<u>Completely Agree</u>	<u>Generally Agree</u>	<u>Generally Disagree</u>	<u>Completely Disagree</u>	<u>Don't Know or No Opinion</u>	
23. How the police enforce gambling laws is particularly important to the way citizens rate overall police performance.	1	2	3	4	5	:34
24. Some respectable citizens actively oppose tough enforcement of gambling laws.	1	2	3	4	5	:35
25. Very few illegal gambling operations in this part of the country are independent of organized crime.	1	2	3	4	5	:36
26. The efforts of officers on patrol are of little or no help in the effective enforcement of gambling laws.	1	2	3	4	5	:37
27. Having some legal games, like lotteries, makes illegal gambling operations seem less serious to citizens.	1	2	3	4	5	:38
28. Gambling enforcement leads to more bribery offers than almost any other kind of law enforcement.	1	2	3	4	5	:39
29. The fines and sentences the courts give convicted gamblers are not tough enough.	1	2	3	4	5	:40
30. Disregarding for the moment that some of the following types of gambling may already be legal in this state, please indicate whether you personally agree or disagree that each should be legal in this state.						
a. Betting on horses or dogs at tracks should be legal	1	2	3	4	5	:41
b. Off-track betting on horse races should be legal.	1	2	3	4	5	:42
c. Lotteries should be legal.	1	2	3	4	5	:43
d. Betting on sports events should be legal.	1	2	3	4	5	:44
e. Casinos should be legal.	1	2	3	4	5	:45

31. Please rate how serious an offense you feel most of the citizens in this city consider each of the following to be.

	<u>Extremely Serious</u>	<u>Very Serious</u>	<u>Somewhat Serious</u>	<u>Not Very Serious</u>	<u>Not At All Serious</u>	
a. After hours liquor violations	5	4	3	2	1	:46
b. Taking bets on horses, dogs or sports events	5	4	3	2	1	:47
c. Burglary	5	4	3	2	1	:48
d. Taking bets on numbers	5	4	3	2	1	:49
e. Purse snatching	5	4	3	2	1	:50
f. Prostitution	5	4	3	2	1	:51

32. Based on your knowledge and experience, please rate how serious an offense you personally consider each of the following to be.

	<u>Extremely Serious</u>	<u>Very Serious</u>	<u>Somewhat Serious</u>	<u>Not Very Serious</u>	<u>Not At All Serious</u>	
a. After hours liquor violations	5	4	3	2	1	:52
b. Taking bets on horses, dogs or sports events	5	4	3	2	1	:53
c. Burglary	5	4	3	2	1	:54
d. Taking bets on numbers	5	4	3	2	1	:55
e. Purse snatching	5	4	3	2	1	:56
f. Prostitution	5	4	3	2	1	:57

33. Now we would like to know something about the role of the officer on patrol in gambling enforcement. If, in the course of his regular tour of duty, an officer on patrol became suspicious that illegal gambling activity might be taking place, what would he be likely to do?

	<u>Very Likely</u>	<u>Possible</u>	<u>Not Very Likely</u>	<u>Don't Know</u>	
a. He would himself investigate further	1	2	3	4	:58
b. He would report his suspicions to his immediate superior	1	2	3	4	:59
c. He would report his suspicions to the officers responsible for vice enforcement	1	2	3	4	:60

34. Based on your experience in this city, about how often would you say the following types of gambling laws are broken?

	Never	Almost Never	Sometimes	Often	Don't Know	
a. Laws against taking bets on numbers	1	2	3	4	5	:61
b. Laws against taking bets on horses or dogs	1	2	3	4	5	:62
c. Laws against taking bets on sports events	1	2	3	4	5	:63
d. Laws against running card or dice games	1	2	3	4	5	:64

Now we would like to get some background information from you that will be used for comparing answers from different types of officers across the country.

35. What is your present assignment?

- 1 Vice-mainly gambling :65  
(SKIP TO Q 37)
- 2 Vice-other areas
- 3 Detective or criminal investigation
- 4 Patrol
- 5 Traffic
- 6 Other

36. Have you ever had an assignment where you spent a lot of time working on gambling enforcement?

- 1 Yes :66
- 2 No

37. On your present assignment, in an average month, how much of your time do you spend on the enforcement of the gambling laws, including time spent in court?

- 0 None :67
- 1 A little
- 2 Less than half
- 3 More than half
- 4 Almost all

38. In what religion were you raised?

- 1 Protestant :68
- 2 Catholic
- 3 Jewish
- 4 Other

39. How many years have you been a police officer?

- 1 Less than 5 years :69
- 2 5 - 9 years
- 3 10 - 19 years
- 4 20 years or more

40. How many years have you lived in or around this city?

- 1 Less than 5 years :70
- 2 5 - 9 years
- 3 10 - 19 years
- 4 20 years or more

41. How many years of education have you had?

- 1 Some high school or less :71
- 2 High school diploma or equivalent
- 3 Some college
- 4 College degree (4 year) or more

42. What is your ethnic origin?

- 1 White :72
- 2 Black
- 3 Spanish
- 4 Other

THANK YOU FOR YOUR TIME. PLEASE SEND YOUR QUESTIONNAIRE TO US AS SOON AS POSSIBLE IN THE ENCLOSED POSTAGE-PAID ENVELOPE, AND MAIL THE POSTCARD SEPARATELY.



# CITY OF BIRMINGHAM

DEPARTMENT OF POLICE  
Birmingham, Alabama 35203

JAMES C. PARSONS  
CHIEF OF POLICE

DAVID VANN  
MAYOR



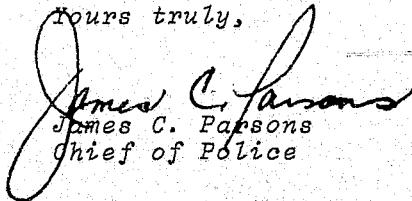
Dear Officer:

The enclosed questionnaire was prepared by the Survey Research Program in Boston, a facility of the University of Massachusetts and the Joint Center for Urban Studies of Harvard and M.I.T., to get your views concerning the enforcement of the gambling statutes. The study cannot be successful without your cooperation in answering the questions.

You are one of two hundred officers in the Police Department selected. Officers were included in the sample either because their main responsibilities are in vice, or because they were randomly selected from a list of all officers in the Bureau. I am assured that the procedures to be used in the study will guarantee your anonymity. No one in the Police Department will see any completed questionnaire.

The Birmingham Police Department encourages you to respond candidly to this questionnaire.

Yours truly,

  
James C. Parsons  
Chief of Police

JCP:se

Enclosure



## OPERATION IDENTIFICATION

CALL - 254-2000

265

Officer's Sampling Number: \_\_\_\_\_

I HAVE RETURNED THE COMPLETED QUESTIONNAIRE IN THE  
ENVELOPE PROVIDED.

Check box if you would like a copy of a Summary Report to  
be mailed out in the summer, 1976: ☐

Thank you for your cooperation.

### Follow-up Letter to Officers

After the response rate reached 50 per cent, or two weeks after initial mailing, a follow-up questionnaire packet was mailed. This contained a persuasion letter, a second copy of the questionnaire, another postcard, and another copy of the Chief's letter. In several departments, it was necessary to send a second follow-up letter requesting participation. This was mailed approximately two weeks after the first follow-up, and consisted of a letter only.



# SURVEY RESEARCH PROGRAM

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100 ARLINGTON STREET  
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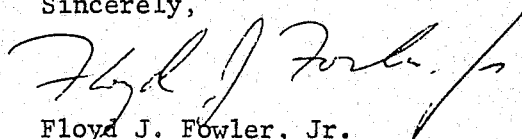
Dear Officer:

We are very pleased with the rate of return so far from your department. Well over half of your fellow officers have mailed in their completed questionnaires. However, we need to do better than that to fairly represent the views of all the officers in the department.

We have not yet received your postcard indicating that you have completed your questionnaire and sent it to us. In case you've misplaced the questionnaire or your postcard, we are enclosing another copy of the materials.

If you have already sent in your questionnaire and postcard, thank you, and please disregard this letter. If not, please send in your completed questionnaire so that your views will be represented in this important study.

Sincerely,



Floyd J. Fowler, Jr.  
Director

### Interview Protocols

Each of the persons interviewed was asked a standardized set of open-ended questions depending on his role vis a vis gambling law enforcement. These protocols were not, strictly speaking, interview schedules but rather an attempt to insure that the on-site team asked the same questions of each role in each city.

Protocols 1 and 2 ("General Facts" and "Chief") were used only once in each city; Protocols 3 through 6 would be used several times depending on the number of interview subjects.

PACKET #3

GAMBLING ENFORCEMENT OPERATIONS

ASK:

Head of Vice Unit .

Vice Officers

Head of Detectives (if responsible for vice enforcement)

District Detectives (if responsible for vice enforcement)

CONTENTS:

Q#

A. Vice Squad Organization (Ask only of Head of Vice)	3.1 - 3.7
B. Illegal Gambling Operations	3.8 - 3.22
C. Investigative Strategies, Procedures	3.23 - 3.43
D. Role of Patrol Officers	3.44 - 3.52
E. Role of Other Detectives	3.53 - 3.60
F. Role of Intelligence	3.61 - 3.64
G. Role of Organized Crime Unit	3.65 - 3.68
H. Role of Internal Affairs Unit	3.69 - 3.76
I. Prosecutions	3.77 - 3.89
J. Other Investigative Agencies	3.90 - 3.114

A. Vice Squad Organization

3.1 How is the Vice Squad organized? (Who does the Head report to?)

- a. How many personnel are assigned to the vice unit?
- b. How many are sworn personnel and how many are administrative?
- c. How many persons have full-time gambling enforcement duties?
- d. How many others spend some time on gambling? (What percent?)
- e. Have any of the sworn officers in this department been qualified by the courts to testify as an expert on gambling?

3.2 How many vehicles are assigned to the vice unit?  
How many of these vehicles are leased vehicles?

3.3 Which of the following are responsibilities of the vice unit?

	<u>Yes</u>	<u>No</u>
A. Gambling	1	2
B. Prostitution	1	2
C. Violation of liquor laws	1	2
D. Organized crime	1	2
E. Narcotics	1	2
F. Pornography	1	2
G. Other (Specify) _____	1	2

3.4 Who has the authority to initiate a gambling investigation?

1. Head of vice operations only
2. Individual officer receiving complaint
3. Individual officer on own sources of information
8. Other, specify \_\_\_\_\_

3.5 What types of legal advice are available to the vice squad?

1. Police department legal advisor
2. District Attorney's office
3. Both

4. None
  5. Other, specify \_\_\_\_\_
- 3.6 Does the department limit the length of time an officer may be assigned to gambling enforcement?
1. Yes, one-year limit
  2. Yes, two-year limit
  3. Yes, limit is \_\_\_\_\_
  4. No limit
- 3.7 Is there a waiting list of officers who want to work on vice? (About how long?) Why do you suppose vice work is attractive to these officers?

B. Illegal Gambling Operations

- 3.8 What is the main gambling problem here in (CITY)?
- 3.9 Do you have an estimate of the amount of illegal gambling in the city in terms of annual revenues? In terms of the number of persons involved?
- 3.10 Is there an organized crime syndicate operating in the city of the surrounding area?
- 3.11 Is there a single organization which controls most of the numbers and bookmaking in the city? (IF YES SKIP TO 3.14)
- 3.12 Is there a single organization which controls the numbers game in (CITY)? If yes, what kinds of regional ties does it have? Does it offer other services besides numbers?
- 3.13 Is there a single organization which controls bookmaking on sports, horses, and dogs? (If no, ask 3.14-3.15 separately for each organization mentioned)
- 3.14 What kinds of regional ties does it have? Where do they layoff? Where do they get their line?
- 3.15 What kinds of other services do they provide (e.g., prostitution, narcotics, labor rackets)?
- 3.16 Is it possible for a small independent gambling operation to operate without interference from the larger organizations?
- 3.17 Are illegal gambling operators likely to be involved in other kinds of crimes? What kinds besides loansharking?
- 3.18 In summary, which of the following best describes the structure of illegal gambling in this city? Would you say one organization controls most of the illegal gambling, a few organizations control most illegal gambling, or are a number of organizations operating?
- 3.19 In general, how available to the public is illegal sports betting?
- a. Is sports action available at all (IF NO, SKIP TO 3.20)
  - b. Are there some places in the city where it is more available than other areas? Where?
  - c. Is it easy for out-of-towners to find out where to place a sports bet?
  - d. Is sports betting under control or more wide open?
  - e. How easy is it to place a sports bet by phone without being known personally to the bookmaker?

- 3.20 In general, how available to the public is illegal horse or dog betting?
- Is illegal horse/dog action available at all? (IF NO, SKIP TO 3.21)
  - Are there some places in the city where it is more available than other areas? Where?
  - Is it easy for out-of-towners to find out where to place a horse or dog bet?
  - Is horse or dog betting under control or more wide open?
  - How easy is it to place a bet on a horse by phone?
- 3.21 In general, how available to the public is illegal numbers/policy betting?
- Is there a numbers game in (CITY)? (IF NO, SKIP TO 3.22)
  - Are there some places in the city where it is more available than other areas? Where?
  - Is it easy for out-of-towners to find out where to place a numbers/policy bet?
  - Is numbers/policy betting under control or more wide open?
- 3.22 In general, how available to the public are illegal organized card and dice games?
- Are there some places in the city where they are more available than other areas? Where?
  - Is it easy for out-of-towners to find out where to join organized card or dice games?
  - Are organized or dice games under control or more wide open?

# C. Investigative Strategies, Procedures

(HAND R SHEET 3)

3.23

	<u>None</u>	<u>A Few</u>	<u>Lt Half</u>	<u>Mt Half</u>	<u>Almost All</u>
A. What proportion of investigations are initiated independently by the vice unit?	0	1	2	3	4
B. What proportion are initiated as a result of citizen complaints?	0	1	2	3	4
C. What proportion are initiated as a result of convicted gamblers providing evidence?					
D. What proportion are initiated by referrals from the patrol force?	0	1	2	3	4
E. What proportion are initiated by referrals from other agencies?	0	1	2	3	4

(HAND R SHEET 4)

	<u>Not Used</u>	<u>Not at all Important</u>	<u>Very Important</u>
A. Paid informants	0	1 2 3 4	5
B. Salaried informants	0	1 2 3 4	5
C. Unpaid informants	0	1 2 3 4	5
D. Wiretaps	0	1 2 3 4	5
E. Other Electronic surveillance	0	1 2 3 4	5
F. Physical surveillance	0	1 2 3 4	5
G. Undercover police officers	0	1 2 3 4	5
H. Videotape	0	1 2 3 4	5



- 3.25 Does the department provide enough special funds and equipment for vice operations?
- Yes, sufficient
- No, insufficient
- No, none
- 3.26 Does the department provide for enough personnel in vice operations (particularly gambling)?
- Yes, sufficient
- No, could use some more
- No, could use a lot more
- 3.27 Do you have a figure for the number of gambling arrests and vice squad (your unit) made last year? (Break down book, numbers, card and dice)
- 3.28 Approximately what percent of the gambling arrests made by your unit were:
- A. On-view arrests \_\_\_\_\_%
- B. Arrests on search or arrest warrants \_\_\_\_\_%
- 3.29 Is placing a bet (as opposed to taking one or "being present") illegal in this city?
- Yes
- No (SKIP TO 3.35)
- 3.30 If yes, how frequently does the department arrest someone for placing a bet?
- Frequently
- Sometimes
- Rarely
- Never
- Inap.

3.31 Is "being present" illegal?

Yes

No (SKIP TO 3.37)

3.32 If yes, does the department ever arrest anyone for "being present"?

Frequently

Sometimes

Rarely

Never

Inap.

3.33 Are the men assigned to gambling enforcement expected to make a certain number of arrests each month?

Yes, stated quotas

(DESCRIBE)

Yes, unstated expectations

No, no quotas

3.34 Does the department have a standard policy for dealing with vice complaints from citizens? Is it available in writing? What is that policy?

a. Does it insure accountability for follow-up action?

b. Who is accountable for insuring adequate follow-up action on citizen vice complaints?

c. Do any of the vice complaints go to the chief?

3.35 How are men on the vice squad evaluated?

3.36 How closely are they supervised?

(HAND R SHEET 1)

3.37 How important would you say each of these goals on this list are to the department with respect to gambling enforcement?

	<u>Extremely Important</u>	<u>Very Important</u>	<u>Somewhat Important</u>	<u>Not Very Important</u>	<u>Not all all Important</u>
a. Fighting organized crime	5	4	3	2	1
b. Satisfying citizen complaints	5	4	3	2	1
c. Arresting all lawbreakers	5	4	3	2	1
d. Maintaining order and preventing citizen conflict	5	4	3	2	1
e. Keeping people from gambling	5	4	3	2	1
f. Maintaining the good reputation of the police	5	4	3	2	1

(HAND R SHSET 5)

3.38 Rate the effectiveness of the department's gambling enforcement effort against each of the following types of offenses:

	<u>Not Available</u>	<u>Not Effective</u>	<u>Effective</u>	<u>Very Effective</u>
a. Bookmaking - street level and bars	0	1	2	3 4 5
b. Bookmaking - phones	0	1	2	3 4 5
c. Sale of numbers	0	1	2	3 4 5
d. Organized card and dice games	0	1	2	3 4 5

- 3.39 What indications do you have that you are being effective in enforcing gambling laws?  
(IF R DOES NOT MENTION THE FOLLOWING, ASK ABOUT a-d)
- a. How much enforcement activity is carried on in the city by outside agencies?
  - b. Have bookies instituted any procedures such as moving telephone locations, not carrying slips and money, requiring a new bettor to be introduced, etc., to tighten up on security?
  - c. Have citizen complaints about gambling dropped off?
  - d. Is it getting more difficult to make quality arrests? Why?
- 3.40 Have there been any changes in gambling enforcement activity in the last five years? What were they? Why were they made? What effect have they had?  
(IF R DOES NOT MENTION THE FOLLOWING, ASK ABOUT a-e)
- a. Limited legalization of some form of gambling?
  - b. A reform municipal administration?
  - c. Media attention to the gambling situation?
  - d. Investigations by the department or the city administration by a non-city agency/organization/commission?
  - e. Personnel changes in the department?
- 3.41 Do you have any problems with loopholes in the present law? How could the laws be improved?
- 3.42 Are there any particular aspects of the present laws which make enforcement easier?

3.43 What impacts do you see on this department if there is further legalization of gambling in (CITY)? How would it affect enforcement?

Law Enforcement Would Be:

	<u>A lot Easier</u>	<u>A Little Easier</u>	<u>No Dif- ference</u>	<u>A Little Harder</u>	<u>A Lot Harder</u>
a. How would legal off-track betting affect enforcement against bookies?	2	1	0	-1	-2
b. How would legal casinos affect enforcement against illegal card and dice games?	2	1	0	-1	-2
c. How would legal sports betting affect enforcement against bookies?	2	1	0	-1	-2

Law Enforcement Would Be:

	<u>A lot Easier</u>	<u>A Little Easier</u>	<u>No Dif- ference</u>	<u>A Little Harder</u>	<u>A Lot Harder</u>
d. How would a legal lottery like "Pick-it" in New Jersey affect enforcement of the laws against numbers or policy?	2	1	0	-1	-2
e. How would a legal lottery in which the ticket buyer does not choose his number affect enforcement of the laws against numbers or policy?	2	1	0	-1	-2

D. Role of Patrol Officers

3.44 What are the patrol officers' responsibilities in gambling enforcement?

3.45 If, in the course of his regular tour of duty, a patrolman in this department became suspicious that illegal gambling activity might be taking place, what would he be likely to do?

	<u>Very Likely</u>	<u>Possible</u>	<u>Not Very Likely</u>
A. He would himself investigate further?	3	2	1
B. He would report his suspicions to his immediate superior	3	2	1
C. He would report his suspicions to the detective responsible for vice enforcement	3	2	1
D. He would ignore it	3	2	1

3.46 How good is the cooperation between patrol officers and the vice unit?

3.47 Approximately how many cases in the past year were referred to vice on information from patrol officers?

3.48 (If district detectives enforce gambling laws) Approximately how many cases were referred last year by patrol officers to district detectives?

3.49 How important is the role of patrol officers in enforcement of gambling laws in this city?

3.50 How many patrol officers work on foot patrol?

3.51 How many gambling arrests were made by patrol officers?

3.52 a. For what types of gaming violations do they make arrests?

b. (If small number of arrests) Why don't they make more gambling arrests?

E. Role of Other Detectives

- 3.53 Outside of the Vice Squad, about how many detectives on the force spend most of their time on gambling enforcement?
- 3.54 How important is the role of detectives not on the vice squad in gambling enforcement in this city?
- 3.55 What kinds of gambling cases do they work on? (When?)
- 3.56 (If there are district detectives working on gambling) How good is cooperation between district detectives and the vice unit?
- 3.57 Approximately how many cases have district detectives referred to the vice unit in the past year?
- 3.58 How many gambling arrests were made by detectives not assigned to the vice unit?
- 3.59 For what types of gaming offenses do they make arrests?
- 3.60 (If small number of arrests) Why don't they make more gaming arrests?

F. Role of Intelligence

- 3.61 Is there a separate Intelligence Unit?
- YES
- NO (SKIP TO NEXT SECTION)
- 3.62 What kinds of things do they do? Do their responsibilities include gambling? (Are they proactive?)
- 3.63 How important is their role to gambling enforcement in this city?
- 3.64 How good is cooperation between Intelligence and Vice?

G. Role of Organized Crime Unit

3.65 Is there a separate Organized Crime Unit?

YES

NO (SKIP TO NEXT SECTION)

3.66 What kinds of things do they do? (Are they proactive?)

3.67 How important is their role to gambling enforcement in this city?

3.68 How many cases were referred to Vice in the past year by the Organized Crime Unit?

H. Role of Internal Affairs Unit

3.69 Is there an internal affairs unit in the department?

YES

NO (SKIP TO NEXT SECTION)

3.70 Is there a special corruption unit?

YES

NO

3.71 What kinds of things do they do? (Are they proactive?)

3.72 How does a complaint reach Internal Affairs?

3.73 Describe career path of Internal Affairs investigators.

3.74 Have there been any gambling-related corruption investigations in the last few years?

3.75 In the last few years, were there any departmental or criminal trials resulting from gambling-related investigations by departmental investigators? Any convictions?



- 3.76 Has the department ever been investigated by an outside agency? When? If investigation was recent (last 5 years) did any trials result? Any convictions?

I. Prosecutions

- 3.77 What is the usual course of a gambling case from time of arrest through trial?
- a. When does it go to records as a final arrest?
  - b. Who is at the arraignment?
  - c. What is the role of the arresting officer at the arraignment?
  - d. How long after an arrest is the arraignment usually held?
  - e. Who presents evidence?
- 3.78 About what percent of gambling cases are settled without a trial?
- 3.79 Are some kinds of cases more likely to go that way than others?
- 3.80 In district court, if a case goes to trial, does a prosecutor present evidence? What is the role of the police officer in a trial?
- 3.81 What is a typical fine for a bookmaking conviction?
- 3.82 How about for a numbers conviction?
- 3.83 How about running an illegal card game?
- 3.84 How many people in the last year, do you know of, who have gone to jail for a gambling conviction in this city?
- 3.85 How do you feel about the sentences given to convicted gambling offenders?
- 3.86 How do you feel about the way judges handle sentencing? (Anything they could or should do differently?)
- 3.87 How do you feel about the way prosecutors handle gambling cases? (Anything they could or should do differently?)

3.88 In general, what is the quality of cooperation between the police and the prosecutor's office?

3.89 Is there anything about the way the laws are written in the state that affects the fines and sentences you think gambling offenders should get?

J. Relationship to Other Investigative Agencies

(1) Special Investigative Unit

3.90 Is there an investigative unit in the District Attorney's office that works on gambling cases?

YES

NO (SKIP TO NEXT SECTION)

3.91 What is their role in gambling enforcement? (Are they proactive?)

3.92 How important is their role to gambling enforcement in this city?

3.93 How good is cooperation between Special Investigative Unit and Police Department?

3.94 Approximately how many cases did they refer to the Police Department in the past year?

(2) Sheriff's Office

3.95 Does the county sheriff's office or County Police have jurisdiction within the city?

YES

NO

3.96 Do they ever investigate in the city or refer gambling cases to the police department?

YES

NO (SKIP TO NEXT SECTION)

3.97 What is their role in gambling enforcement? (Are they proactive?)

3.98 How important is their role to gambling enforcement in this city?

3.99 How good is cooperation between Sheriff's office and police department?

3.100 Approximately how many cases did they refer to the police department in the past year?

(3) State Police

3.101 Do the State Police ever investigate gambling cases in the city or refer cases to the Police Department?

YES

NO (SKIP TO NEXT SECTION)

3.102 What is their role in gambling enforcement (Are they proactive?)

3.103 How important is their role to gambling enforcement in this city?

3.104 Approximately how many cases did they refer to Police Department in the past year?

(4) FBI

3.105 Does the F.B.I. ever investigate gambling-related cases in this city?

YES

NO (SKIP TO NEXT SECTION)

3.106 What kind of cases have they worked on recently in this area related to gambling or organized crime?

3.107 How important is their role to gambling enforcement in this city?

3.108 How good is the cooperation between the F.B.I. and the police department?

3.109 Approximately how many gambling cases did the F.B.I. refer to the police department in this past year.

(5) Special Strike Force

3.110 Is there a Federal Strike Force in (CITY)?

YES

NO (SKIP TO NEXT SECTION)

3.111 What is their role in gambling enforcement? (Are they proactive?)

3.112 How important is their role to gambling enforcement in this city?

3.113 How good is cooperation between Federal Strike Force and Police Department?

3.114 Approximately how many cases did they refer to Police Department in the last year?

PROBATION

- 5.48 How many cases were referred to the probation authorities in the city during 1975?
- 5.49 How many of these were convicted gambling offenders? (If data are not available, get an estimate.)
- 5.50 How many probation officers (case workers) were employed in the city?
- 5.51 Are gambling cases assigned in any special way? If yes, describe.
- 5.52 How are probation recommendations made?
- 5.53 Are any special conditions imposed on gambling offenders?
- 5.54 How effectively do the police, the courts, and prosecutors do their job?
- 5.55 Does the way they do their job have any impact on staff performance?

A. Structure and Organization

- 5.56 Please describe the organization of this office. (Obtain chart if available).
- 5.57 What is the size of the prosecuting staff?
- 5.58 Are there any non-attorneys attached to office? If yes, how many investigators, accountants, electronic technicians, etc. (See attached protocol for investigators).
- 5.59 Are attorneys full time?
- 5.60 Are attorneys permitted on outside practice?
- 5.61 What are the salaries of attorneys and investigators?
- 5.62 Any gambling specialists on prosecuting staff?
- 5.63 Is there an internal OC of Gambling unit? If yes, describe funding, size, and function of unit.
- 5.64 Is there another unit operating in the city which has investigative and prosecutory powers but which is separate from the District Attorney's Office? If yes, describe funding, size, and function.
- 5.65 In which courts do the district attorneys practice?
- 5.66 What roles are applicable for the attorneys in each court?
- 5.67 Is there a state or county grand jury?
- 5.68 Are these grand juries permanent or called for special purposes?
- 5.69 How often does it hear gambling cases?

## PROSECUTORS

### B. Case Handling

- 5.70 Please describe how a criminal case moves through office from time of first contact until that case's final disposition.
- 5.71 Are there any special procedures for handling gambling cases?
- 5.72 How many cases reach office each year?
- 5.73 How many of these are gambling cases?
- 5.74 What dispositions are possible for a case at the time of arraignment and do gambling cases tend to deviate from the normal disposition pattern?
- 5.77 After a case reaches trial, what dispositions are available?
- 5.80 What authority does an individual attorney have to dismiss or not to pursue a case to its conclusion?
- 5.81 What administrative controls exist over the handling of gambling cases?

### C. Pleas

- 5.82 Please describe the plea bargaining process.
- 5.85 Are gambling cases more or less likely to result in pleas?
- 5.86 Outside of the plea bargaining process, is there any other way an individual attorney could lessen the charges at the arraignment?
- 5.87 What type of gambling offenders would rather go to trial than bargain a plea?
- 5.88 What type would rather bargain?

D. Laws

- 5.89 What sections of the gambling laws are most often used by prosecutors?
- 5.90 Does the manner in which the gambling statutes are drafted create any special problems for prosecutors?
- 5.91 Are there any particular aspects of the statutes which makes it easier to enforce the gambling laws?
- 5.92 How do you think increased legalization would affect the way gambling cases are handled?



- 6.50 In general, how available to the public is illegal sports betting?
- Is sports action available at all (IF NO, SKIP TO 3.20)
  - Are there some places in the city where it is more available than other areas? Where?
  - Is it easy for out-of-towners to find out where to place a sports bet?
  - Is sports betting under control or more wide open?
  - How easy is it to place a sports bet by phone without being known personally to the bookmaker?
- 6.51 In general, how available to the public is illegal horse or dog betting?
- Is illegal horse/dog action available at all? (IF NO, SKIP TO 3.21)
  - Are there some places in the city where it is more available than other areas? Where?
  - Is it easy for out-of-towners to find out where to place a horse or dog bet?
  - Is horse or dog betting under control or more wide open?
  - How easy is it to place a bet on a horse by phone?
- 6.52 In general, how available to the public is illegal numbers/policy betting?
- Is there a numbers game in (CITY)? (IF NO, SKIP TO 3.22)
  - Are there some places in the city where it is more available than other areas? Where?
  - Is it easy for out-of-towners to find out where to place a numbers/policy bet?
  - Is numbers/policy betting under control or more wide open?
- 6.53 In general, how available to the public are illegal organized card and dice games?
- Are there some places in the city where they are more available than other areas? Where
  - Is it easy for out-of-towners to find out where to join organized card or dice games?
  - Are organized or dice games under control or more wide open?

### Newspaper Reporter Interviews

A series of questions were asked of newspaper reporters in each of the sample cities. An interviewer from SRP called the major dailies in the city and asked for the person who knew the most about gambling law enforcement. The accompanying schedule was used to structure the interview and all responses by the reporters were recorded verbatim.

PROTOCOL FOR INTERVIEW OF OUTSIDE INFORMANT

Hello.

My name is \_\_\_\_\_. I'm with the Survey Research Program at the University of Massachusetts in Boston. We are doing a study of the effects of anti-gambling laws on the criminal justice system sponsored by LEAA.

As part of the study, we have been talking to police and prosecutors in 18 large U.S. cities about gambling and law enforcement. We have already talked to a number of people in the criminal justice system in (CITY), but we wanted to be sure our information was complete, so we thought that an experienced newspaper reporter, somebody who was outside the system, would be able to help us out. Could you answer a few questions for us based on your experiences in (CITY)?

Before I start, I should say that your answers will not be quoted directly or indirectly. We just want to get some background information about (CITY) for our report.

Name of Paper: \_\_\_\_\_

1. First, I'd like to ask you some questions about the availability of various kinds of illegal gambling in the city.

In general, how available to the public are sports cards or bookies?

Do the same bookies take sports and horse bets, as far as you know?

Is it easy for out-of-towners to find out where to place a bet?

How easy is it to place a sports bet by phone? A horse bet?

From what you know, are there offices within the city or not?

2. In general, how available to the public is numbers or policy?

Are there some areas of the city where it is more available than others?

Is it easy for out-of-towners to find out where to buy an illegal number?

From what you know, are there offices in the city or not?

3. In general, how available to public are organized card or dice games?

Are there some areas of the city where they are more available than others?

Is it easy for out-of-towners to find one?

4. What kinds of things are the police doing to enforce the gambling laws?

What do they concentrate on? Are there things they tend to put less emphasis on?

What do you think the main goals of the police department are in their gambling law enforcement?

How well do you think they are doing?

Why do you say that?

5. In general, how do people in (CITY) feel about the police department?

Have there been any allegations in the last few years of police misconduct in connection with gambling enforcement in (CITY)?

6. From what you know, how seriously do prosecutors treat illegal gambling cases?

What kinds of sentences are typical for convicted gambling operators?

7. How is illegal gambling organized in (CITY)?

Would you say one organization controls most of the illegal gambling, a few organizations control most illegal gambling, or are there a number of organizations operating?

(IF ONE OR A FEW ORGANIZATIONS) What kind of regional ties does it/do they have?

What other services does it/do they offer besides gambling?

Are the different kinds of illegal gambling in (CITY) run by the same group or by different groups?

Is it possible for a small independent gambling operator to function without interference from the larger gambling organizations?

8. How do citizens feel about gambling enforcement in (CITY)?

Has there been much discussion of increased legalization of gambling in your state?

What kinds of people tend to be in favor of it, in your experience?

What kinds of people or groups tend to be against it?

In general, how do you think the majority of people in (CITY) feel about this issue?

9. Is there anything else about gambling law enforcement activities in (CITY) that you would like to add to what you have already told us?

10. Is there anyone else you could suggest that we should talk to who could give us another view on gambling enforcement in (CITY)?

## Michigan National Survey of Citizens

As part of a survey conducted for the Commission on the Review of the National Policy Toward Gambling, the Survey Research Center at the University of Michigan included the following section on gambling law enforcement, drafted by the SRP project staff. As noted in the text, the responses to these items were used, at a national level, to get some information about how urban citizens viewed local police efforts against gambling.

SECTION W: LAW ENFORCEMENT

INTERVIEWER CHECKPOINT

R LIVES IN A TOWN OR 10,000 OR MORE

1. YES USE THE NAME OF THE CITY
2. NO SEE INSTRUCTION BOOK FOR LOCALITY NAME

\_\_\_\_\_  
(LIST NAME USED)

W1. How many people do you think there are here in (CITY/LOCALITY) who are in the business of taking illegal bets on sports or horses--a lot, some, only a few, almost none, or none at all?

LOT.....	1
SOME.....	2
FEW.....	3
ALMOST NONE.....	4
NONE.....(GO TO P. 111, W4)	5
DON'T KNOW.....(GO TO P. 111, W4)	6

W2. Do you think the police know about these people, or not?

YES.....	1
NO.....(GO TO P. 111, W4)	2

W3. How do you think these people continue to operate?

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W4. How many people are there in (CITY/LOCALITY) who take bets on numbers--a lot, some, only a few, almost none, or none at all?

LOT.....	1
SOME.....	2
FEW.....	3
ALMOST NONE.....	4
NONE.....(GO TO W7)	5
DON'T KNOW.....(GO TO W7)	6

W5. Do you thknk the police know about these people, or not?

YES.....	1
NO.....(GO TO W7)	2

W6. How do you think these people continue to operate?

---

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W7. Do yo personally think the police in (CITY/LOCALITY) should do more to enforce laws against illegal gambling than they do now, should they do less, or should they do the same as they are doing now?

MORE.....	1
LESS.....	2
SAME.....	3
DON'T KNOW.....	4



W8. INTERVIEWER: SEE INSTRUCTION BOOK FOR DEFINITIONS OF "NEAREST METROPOLIS" AND "SAMPLE AREAS ADJACENT TO METROPOLIS".

1. R LIVES IN METROPOLIS → TURN TO P. 114, W16

2. R DOES NOT LIVE IN SAMPLE AREA ADJACENT TO METROPOLIS → TURN TO P.114, W16

3. R LIVES IN SAMPLE AREA ADJACENT TO METROPOLIS

W9. How about in (NEAREST METROPOLIS) how many people are in the business of taking illegal bets on sports or horses--a lot, some, only a few, almost none, or none at all?

LOT.....	1
SOME.....	2
FEW.....	3
ALMOST NONE.....	4
NONE.....(TURN TO P.113, W12)	5
DON'T KNOW...(TURN TO P.113, W12)	6

W10. Do you think the police know about these people, or not?

YES.....	1
NO.....(TURN TO P.113, W12)	2

W11. How do you think these people continue to operate?

---

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W12. And how many people in (NEAREST METROPOLIS) take bets on numbers-- a lot, some, only a few, almost none or none at all?

LOT.....	1
SOME.....	2
FEW.....	3
ALMOST NONE.....	4
NONE.....(GO TO W15)	5
DON'T KNOW.....(GO TO W15)	6

W13. Do you think the police know about these people, or not?

YES.....	1
NO.....(GO TO W15)	2

W14. How do you think these people continue to operate?

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W15. Do you personally think the police in (NEAREST METROPOLIS) should do more to enforce laws against illegal gambling than they do now, should they do less, or should they do the same as they are doing now?

MORE.....	1
LESS.....	2
SAME.....	3
DON'T KNOW.....	4

W16. I'm going to read some things that are illegal in some or all states. I want you to tell me if you think there should or should not be laws against each.

Should there be laws in your state against (\_\_\_\_\_)?

	<u>YES</u>	<u>NO</u>
W16a. public drunkenness.....	1	2
W16b. possession of marijuana.....	1	2
W16c. prostitution.....	1	2
W16d. selling pronography (dirty books and pictures).....	1	2
W16e. having a homosexual relationship with another adult...	1	2

W17. In this state, like all others, there are laws against some forms of gambling, such as betting on sports with a bookie or playing the numbers. How important to you is it that these laws are strictly enforced? Is it very important, fairly important, or not important at all?

VERY IMPORTANT.....	1
FAIRLY IMPORTANT.....	2
NOT IMPORTANT AT ALL.....	3

W18. There are laws against many things. As I read some of those things, please tell me which laws you think are more important for police to enforce than gambling laws; and which are less important to enforce?

Is it more important or is it less important to enforce laws against ( ) than laws against gambling?

CARD 21

COLS.

	<u>EQUALLY</u> <u>IMPORTANT</u>	<u>MORE</u> <u>IMPORTANT</u>	<u>LESS</u> <u>IMPORTANT</u>
W18a. Burglary, breaking into houses?	3	1	2
W18b. Driving a car when drunk?	3	1	2
W18c. Stealing cars?	3	1	2
W18d. Selling marijuana?	3	1	2
W18e. Buying stolen property?	3	1	2
W18f. Selling pronography (dirty books, and pictures)?	3	1	2
W18g. Selling heroin?	3	1	2
W18h. Public drunkenness?	3	1	2
W18i. Prostitution?	3	1	2

W19. Overall, how would you rate the job the police do here in (CITY/LOCALITY)--  
excellent, very good, good, fair, or poor?

EXCELLENT.....	1
VERY GOOD.....	2
GOOD.....	3
FAIR.....	4
POOR.....	5

W20. Do you think that people who are known to take illegal bets usually get arrested in (CITY/LOCALITY)?

YES.....	1
NO.....	2
DON'T KNOW.....	3

W21. If such a person is arrested, how likely is he or she to go to jail--very likely, fairly likely, not too likely or not likely at all?

VERY LIKELY.....	1
FAIRLY LIKELY.....	2
NOT TOO LIKELY.....	3
NOT LIKELY AT ALL.....	4
DON'T KNOW.....	5

W22. In your opinion, should people who are known to take illegal bets be arrested?

YES.....	1
NO.....	2

W23. If they are arrested do you think they should go to jail?

YES.....	1
NO.....	2

W25. Now I'm going to read a list of statements that people may have different ideas about. I'd like you to tell me whether you think each is probably true or probably not true.

	<u>PROBABLY TRUE</u>	<u>PROBABLY NOT TRUE</u>
W25a. No matter how hard police try, they can not really cut down on the amount of illegal gambling in big cities.	1	2
W25b. Very few illegal gambling operations are run by organized crime.	1	2
W25c. Most policemen in (CITY/LOCALITY) would <u>not</u> take a bribe to overlook a gambling operation.	1	2
W25d. Profits from illegal gambling operations are often used to finance drug and loan-sharing operations.	1	2
W25e. Bookies (that is, illegal gambling operators) in (NEAREST METROPOLIS) who are white are less likely to be arrested than bookies who are black.	1	2
W25f. Bookies have to bribe policemen in order to stay in business.	1	2

Let's talk specifically about the police here in (CITY/LOCALITY)

W26. If you came home and found signs that someone had tried to break in but nothing was stolen, do you think you would probably report it to the police, or not?

REPORT.....	1
NOT REPORT.....	2

W27. If you were robbed in the street and had some money stolen, di you think you would probably report it to the police, or not?

REPORT.....	1
NOT REPORT.....	2

W28. If you were certain that you knew about someone who was selling stolen property, do you thknk you would probably report it to the police, or not?

REPORT..... 1

NOT REPORT..... 2

W29. (If you did report it) Do you think the police here in (CITY/LOCALITY) would try to do something about it, or not?

DO SOMETHING..... 1

NOT DO SOMETHING.. 2

W30. If you were certain that you knew that someone was selling marijuana, do you think you would probably report it to the police, or not?

REPORT..... 1

NOT REPORT..... 2

W31. (If you did report it) Do you think the police here in (CITY/LOCALITY) would try to do something about it, or not?

DO SOMETHING..... 1

NOT DO SOMETHING... 2

W32. And if you were certain that you knew of someone who was in the business of taking illegal sports bets, do you think you would probably report it to the police, or not?

REPORT..... 1

NOT REPORT..... 2

W33. (If you did report it) Do you think the police here in (CITY/LOCALITY) would try to do something about it, or not?

DO SOMETHING..... 1

NOT DO SOMETHING... 2

## APPENDIX D

Included in this appendix are tables which show the actual number of respondents for various demographic subgroups for the Michigan Citizen Survey and the Police Questionnaire.

These numbers give an indication of the reliability of the data base for each subgroup. The larger the number of persons in any one group, the more reliable the data.



Table D.1

Sample Sizes for Various Demographic Subgroups  
for the Michigan Citizen Data Set

Demographic Characteristic	Total Sample	Urban Sample
<u>Total</u>	1736	864
<u>Region</u>		
Northeast	468	251
North Central	525	273
South	408	173
West	335	167
<u>Income</u>		
< \$5,000	194	89
\$5-10,000	316	178
\$10-15,000	399	195
> \$15,000	716	339
<u>Education</u>		
< High School Graduation	554	292
High School Graduate	516	261
Some College	367	181
College Graduate	293	128
<u>Age</u>		
8-24	250	134
25-44	738	369
45-64	524	250
65 and over	222	110

Table D.1 (continued)

Sample Sizes for Various Demographic Subgroups  
for the Michigan Citizen Data Set

Demographic Characteristic	Total Sample	Urban Sample
<u>Total</u>	1736	864
<u>Sex</u>		
Male	1148	560
Female	588	304
<u>Race</u>		
Non-White	409	308
White	1327	556
<u>Legal Status of Gambling</u>		
No Legal Gambling	293	113
Horses and Dogs at Track	514	217
Lottery	630	369
Off Track Betting on Horses	213	141
<u>Religion</u>		
Catholic	562	327
Jewish	65	47
Protestant (excludes Fundamentalist)	877	411
Fundamentalist Protestant	144	38
Other	69	28

Table D.2

Sample Sizes for Various Demographic Subgroups  
for the Police Officer Questionnaire

Demographic Characteristic	Sample Size
<u>Total Sample</u>	2589
<u>Assignment</u>	
Gambling Specialist	90
Other Vice Officers	186
Detectives	629
Patrol	1062
Traffic	133
Other	447
<u>Ever Assigned to Gambling</u>	
Yes	462
No	2015
<u>Race</u>	
Non-White	343
White	2116
<u>Legal Status of Gambling</u>	
Nothing Legal	717
Horses and Dogs at Track	802
Lotteries and Horses	932
Off-Track and Lotteries and Horses	138

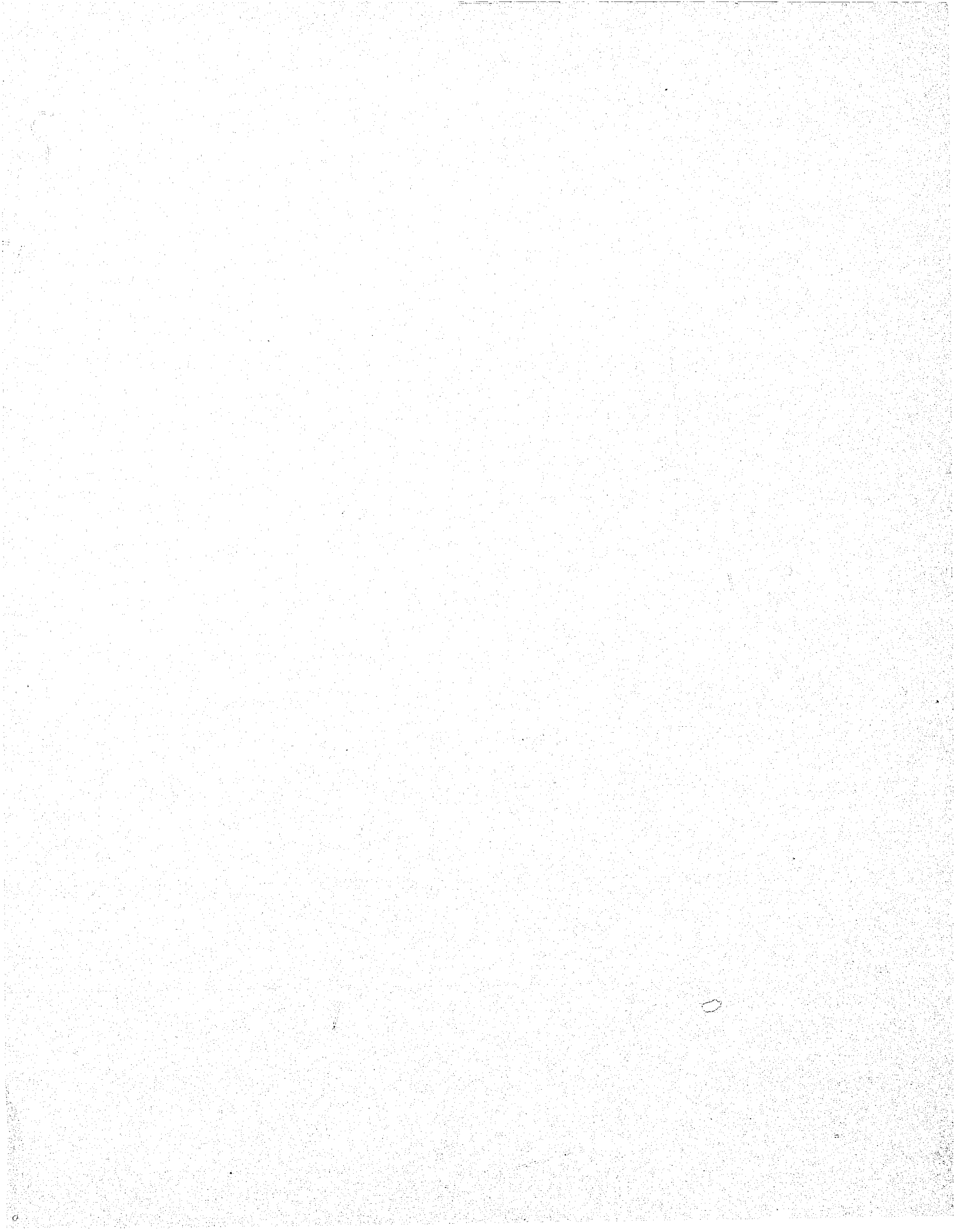
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