



Back-bar inspection

Trends, tips, and useful information . . .

The “back-bar inspection” portion of our newsletter is designed to provide law enforcement personnel and our stakeholders with up-to-date information on alcohol-related crime trends, enforcement tips, and additional information that may be useful in enhancing ABC investigations. Although this section is specifically written for the purpose of increasing officer awareness and reducing alcohol-related crimes, it will also enlighten all readers as to what is new in terms of our response to irresponsible alcoholic beverage sales, service, and consumption.

Slot Machine Investigations

■ Enhancing and Developing Your Expertise



In recent months, Operation ABC personnel have noted a marked increase in the number of illegal slot machine investigation and seizures by Area vice unit personnel. Due to this increase, this edition of the “back-bar inspection” will deal with the legal requirements relating to slot machines. It is anticipated that by enlightening officers to the legalities of slot machines investigations, they will be able to ensure criminal and administrative prosecution through sound investigative practices.

The first mechanical slot machine was the Liberty Bell, invented in 1895 by Charles Fey, a San Francisco car mechanic. Fey's slot machine had three spinning reels, with diamonds, spades, hearts and one cracked Liberty Bell painted around each reel. Since the invention of these devices, slot machines have been used in a legal and illegal fashion, for amusement, and to the detriment of many. Illegal slot machines can be found in some ABC-licensed premises and their presence can be used in gambling schemes by irresponsible operators as a means of acquiring illegal earnings.

Officers involved in ABC enforcement should be knowledgeable in slot machine regulations due to the likelihood that they many encounter these devices during on-site investigations. Properly documented investigations can result in substantial administrative sanctions against licensees who illegally use these machines as gambling devices. The mere possession of an illegal slot machine inside a licensed ABC premise can result in a 15-day suspension of the licensee's privileges to sell alcoholic beverages. If used as a gaming device, the penalty is typically increased to 30-days, with 15-days stayed for a period of two years.

Chapter 10 (Gaming), Section 330 of the California Penal Code (PC), and related subsections, address a majority of the regulations governing the possession and use of mechanical and non-mechanical slot machines. This portion of the Penal Code outlines criminal liabilities regarding the exchange of money or items of value, for other items of value, which are dependent upon hazard or chance. In simplistic terms, anyone who **pays a fee, takes a chance, to win a prize**, is gambling and thereby guilty of a misdemeanor (with legally denoted exceptions). Specific gaming activities (i.e. monte, roulette, twenty-one, or banking/percentage games played with cards or dice) are denoted in this section and officers should be versed in their application prior to enforcement action.

Not all slot machines are illegal. Any slot machine not operated for gaming purposes that is over 25 years of age is considered to be an antique and is legal to possess (§330.7 PC). Antique slot machines (photograph 1), generally referred to as one-arm bandits, should be easily identifiable by their appearance, mechanical operation, and lack of electronics and video display. It is unlikely that Officers will encounter an antique slot machine being used as a gaming device, however, to protect the collection and restoration of antique slot machines



FOR MORE ARTICLES on ABC enforcement topics, go to lapdonline.org to view downloadable electronic tips and techniques from the *ABC Debrief*. This edition's article, “Slot Machine Investigations,” is available in its entirety. Enter *ABC Debrief* into the search engine to be linked with training topics.

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because of their aesthetic interest and importance in California history their destruction should be delayed until final court determination (§330.7(b) PC).

The most common illegal slot machine officers will encounter will be a free-standing, or table-top, video slot machine. Frequently identified as an “8 Line” or “Super 8 Line,” (referring to the number of possible winning combinations) these machines will have a video screen, which will typically replicate a variation of the spinning wheels of the original Liberty Bell slot machine. The machine will have some type of coin or currency receptacle to activate the game (*pay a fee*), an activation device to start the game (*take a chance*), and method of receiving payment, either direct cash payment or accumulation of credits (*win a prize*). The mere possession of these machines is a violation (§330b PC) and officers may take enforcement action against any person in control of these devices.



The San Fernando Valley has seen an influx of a new type of game of chance that is being placed inside neighborhood markets and liquor stores (photograph 3). An adaptation of an arcade game, the device is typically crudely constructed of particleboard and plexi-glass. A slot allows a player to drop a coin onto a metal surface (*pay a fee*) and while a metal bar cyclically pushes coins in the direction of previously deposited coins (*take a chance*). As the coinage accumulates, the player has a chance of pushing coins beyond the metal surface into a retrieval box (*win a prize*). As the player cannot control where the coin may land, this is a game of chance and therefore can be enforced under laws governing slot machines.



Non-mechanical slot machines (photograph 4) have been found frequently in service and veterans clubs licensed under ABC Type 51 and 52 licenses (Members & Guests Only). These small cardboard cards (punchboards or pull-cards) are typically sold for one-dollar each and offer the purchaser a chance of possibly winning up to \$50.00 by pulling back paper windows to reveal icons similar to that of a mechanical slot machine. Cards are sold to the retailer in boxes that have a predetermined pay-out and profit percentage (20 to 30 percent profit). These devices have been classified as slot machines (§330c PC) and are illegal to possess or use as a gaming device. Evidence collection should involve both used and unused pull-cards.



In order to establish that the slot machine is used as a gaming device (§330a PC), officers must witness or participate in the activity. Elements necessary to establish a violation will include determining who is in control of the slot machine; method of payment; and house payment; and house knowledge that establishes a nexus between the illegal activity and the licensed premise. Statements from involved persons relating to amount of loss or wins, frequency cash collection, and length of time at the location, will assist investigating officers in establishing a nexus to the licensee. Persons observed playing slot machines may be cited for gambling (§330 PC) and employees observed engaged in paying-off for wins can be cited for using the slot machine as a gaming device (§330a PC).

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Officers enforcing regulations relating to slot machines will obviously take the slot machines into police custody due to their evidential value. Prior to recovering the involved slot machine, officers should photograph the machine inside the premise. Photographs should depict the location of installation and clearly show the machine's video display and operating panels. Several photographs may be necessary to show video display variations. All currency should be removed and booked as evidence at the time of seizure. This eliminates confusion and additional evidence collection when monies are discovered inside slot machines by property disposition personnel prior to destruction.

California law allows for the disposal of monies seized in connection with illegal slot machines (§330.3 PC) and destruction of the involved slot machines (§335a PC), provided a Destruction Order is posted at the location of seizure. The slot machine must be held for 30-days without action for recovery or pending court jurisdiction. Los Angeles Police Department policy requires posting of Destruction Orders at locations where officer's seize illegal slot machines (see page 4). Operation ABC personnel can also be contacted to obtain copies of Slot Machine Destruction Orders.

Provided officers have an understanding of the legalities of their possession and use, slot machine investigations are neither complex nor involved. Operation ABC personnel are committed to ensuring that all law enforcement agencies have the ability to conduct quality investigations and utilize all legal means to promote responsible ABC retail operations. Through the expansion of officer knowledge and expertise, we can better serve the business and residential communities that look to law enforcement to provide quality service.

In an attempt to provide our stakeholders with direct access to Operation ABC personnel, inquiries can now be made through the STAR webpage. The "ASKABC" link can be used for questions, comments, or to report alcohol-related crimes.



LOS ANGELES POLICE DEPARTMENT

**NOTICE OF INTENTION TO DESTROY MACHINES AND DEVICES
UNDER THE PROVISIONS OF SECTION 335a PENAL CODE**

DR No. or Booking No. _____

NOTICE IS HEREBY GIVEN THAT at the expiration of thirty (30) days from and after the _____ day of _____ 20 _____, the undersigned Chief of Police of the City of Los Angeles will summarily destroy those certain machines and devices the possession or control which is penalized by the laws of the State of California prohibiting lotteries and gambling, which were heretofore seized in the City of Los Angeles, California, by a peace officer at and upon the premise commonly known as No. _____

unless before the expiration of said time an action be commenced in a court of competent jurisdiction to recover the possession of said machines or devices, which said machines and devices are more particularly described as follows:

Date Posted _____

CHARLIE BECK
Chief of Police

BY _____ SERIAL NO. _____
DIVISION _____ TITLE _____