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MARCH 1978

McGrath To Leave June 1

Chief of Police Corrin J. McGrath announced his resignation effective June 1 at a news conference in the Safety Building on February 27.

Chief McGrath said the decision to resign was his alone and that no one had asked or pressured him to step down. The chief said he would take employment in another city.

As of yet, no one is certain who will replace Chief McGrath but according to inside sources there are several front runners in line for the job.

Chief McGrath was hired by the city in 1974.

INSIDE

Toledo Police Patrolmen's Association President Gary Dunn said the chief's resignation was a surprise and stated that relations between the T.P.P.A. and Chief McGrath had been improving. The T.P.P.A. under former president Ken Perry had called for the chief's resignation early last summer.

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P.D.'s Finding It Tougher To Secure Liability Policies As Civil Suits Increases

By Patrick O'Donnell
Staff Reporter of the
Wall Street Journal

The police in Mansfield, Ohio, are jittery. So are those in Charlotte, N.C., and in a growing number of other communities.

The reason: More and more insurance companies are refusing to write liability policies for police departments. Or if they do, premiums are skyrocketing, often for sharply reduced coverage. Thus shorn of some or all of their insurance, officers in many cities and towns are worrying that their personal financial futures may be on the

line every time they make an arrest, chase a suspect or answer a radio call. And many policemen concede that their protection of the public may suffer.

The insurers have become reluctant to write police coverage because in recent years, deservedly or not, more and more police are winding up in court in the unaccustomed role of defendant. "It used to be all you had to worry about was some bad guy shooting you. Now, the people you arrest are suing you," a Dade County, Fla., officer says. Among the police, he adds, "There's a certain amount of justifiable paranoia."

Nobody is sure how many of the nation's estimated 400,000 policemen are sued each year. However, experts say the changing legal and social climate, which has sharply increased malpractice litigation in medicine and other fields, has created an open-season atmosphere for false-arrest and police-brutality lawsuits.

Trend May Worsen

"There has been an explosion of suits against policemen in recent years, and it will get worse," declares Kenneth Henning, a University of Georgia professor and a specialist in municipal - government problems. "People are more aware of their rights, and they want to hold a specific individual responsible - not just the system - when they feel their rights have been violated," he says.

When that happens, it can send a city's insurance company running for the bunkers. Consider the case of Mansfield, which in the year ended last April had paid \$6,934 for coverage on about 130 people (some of whom weren't police officers and thus had only limited liability exposure):

The trouble there began about a year ago when a group of

schoolchildren on a field trip trooped through the city jail. They saw, among other things, a woman being held on auto-theft charges because a routine computer check indicated that she had been driving a stolen car. But it turned out that the computer was wrong, and the charges were dropped.

Shortly later, the woman sued, claiming she had been falsely arrested and then "exhibited like an animal in a circus cage." Her \$5 million suit named the state policemen who arrested her, the Mansfield mayor and police chief who run the jail, and International Business Machines Corp., which made the computer.

The suit was settled out of court for \$1,200, but city officials say it cost Mansfield its police liability insurance. "About 12 insurance companies have told me we're too big a risk - just because somebody sued us for \$5 million," said Clayton Long, the city's safety director, who runs the police and fire departments. "The men have been almost afraid to make an arrest since we lost our insurance in April," he adds.

Doubts Over City's Stand

Mansfield police fear that now they would have to pay attorney fees and adverse judgments out of their own pockets if they are sued, Mr. Long says. "The city says it'll back the police in court," he adds, "but we don't have anything in writing." A nervous policeman agrees. "If the guys in city hall don't like you, they could just hang you out to dry if you got sued. An insurance company couldn't do that," he says.

In many ways, the Mansfield episode is typical. Despite a few spectacular awards - like a still-contested \$12 million judgment against the U.S. Capitol Police over their handling of the 1971 May Day



Some members of the Toledo Police Patrolmen's Association played Federation basketball this season under the sponsorship of Gene's Town Tavern. In the picture above Mike Goetz reaches for a rebound.

(Cont. on Page 5)

A Letter From the ICPA President

As is customary I want to report on the progress of the International Conference of Police Associations for the year. The report this year will be centered around the recent action in Congress on the Social Security bill. This bill was reported out of Committee by the House Ways and Means Committee as H.R. 9346.

As you know, the ICPA was organized in 1952 for the express purpose of organizing police groups throughout the country in the fight to keep the United States and Canada. Our members are active in legislative efforts on our part and have been paying into municipal and state pension systems to make this possible. In most cases the benefits from these pension systems are better than benefits that could be obtained from Social Security. The main fear in 1952 was that Social Security would be integrated into police pensions so that at no time would a police officer be able to get his pension plus Social Security. In some states, such as New York, legislation had been passed which provided for supplementary pension benefits that had accrued over the years. It was feared that this would mean that Social Security would be integrated into police pensions at age 62 or 65 and still retain the pension benefits that were accumulated in the years prior to 1952.

As you know, we were successful in 1952 in stopping the integration of Social Security systems with the police pension system, and I am happy to report that we were again successful in 1977 in blocking that legislation. On October 26 of last year, the full House considered H.R. 9346. One of the first orders of business was the acceptance of an amendment that had been sought by the ICPA and other municipal unions which would exclude police officers, as well as other Federal, State and municipal employees from inclusion under the present bill. Congressman Joseph Fisher from Virginia introduced the Fisher Amendment, which was accepted by Congress in an overwhelming vote of 386-38. This amendment exempts those government employees from the provisions of the mandated coverage and once again keeps police officers who do not wish to be covered.

It is ironic that 27 years after the initial formation of our Association as an outgrowth of a fight against mandatory coverage of Municipal Employees were in favor of an inclusion of police officers into the Social Security system. This once again proves the validity of our claim that only police officers in the areas of collective bargaining, legislation and benefits.

I wish to extend my thanks on behalf of all of us to all of you who contacted personally and sent letters and telegrams and local Congressmen in order to enlist their support for the Fisher Amendment. Needless to say, the huge vote in favor of the Fisher Amendment proves the success of our strategy and once again reaffirms our feeling that we need the assistance of every state and local association when we get involved in legislation such as this. I wish to compliment you on your assistance and your support of us in Washington and I sincerely hope that this is an indication that we can expect in the future when we face other bills of this type.

The ICPA has grown considerably in the past year with the admission into membership of House-Senate Conference. Unfortunately, during our campaign to have the Fisher Amendment sustained there was a similar bill passed in the Senate and is now in a House-Senate Conference. A similar bill passed in the House as amended by Congressman Fisher. A similar bill passed in the House and Means bill passed the Ways and Means bill as amended by Congressman Fisher. A similar bill passed in the House and Means bill passed the Ways and Means bill as amended by Congressman Fisher. A similar bill passed in the House and Means bill passed the Ways and Means bill as amended by Congressman Fisher.

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Police Pistol Range In For Face Lifting

By "SCOOP" JOHNSON
It was learned this afternoon from reliable sources closest to the Chief's office that the City of Toledo has authorized bids for a new pistol range. The Range Officer will be able to bring the target into view by the use of a control box located behind the target. It is basically a Good-Guy-Bad-Guy set-up. When the target is swung into place, the earth with approximately 8 feet of range is swung up. The areas fronting the firing line will be backstopped in addition to the existing lighted areas, new lights will be installed to facilitate night shooting operations. Although the range house will remain in its present condition, the two portable buildings will be placed end-to-end and a new roof will be added to them. The cost of refurbishing the existing facility will be approximately \$80,000 and will be done by a private contractor.

It was also learned from the Range Officer that the city has purchased a completely new target system. It will be installed in the target range before he pulls the trigger. So now the officer is being trained to make a split second decision in addition to being able to put it all in the black. This \$50,000 target practice device will be a big step forward for our range.

Bids for the construction should be opened soon and construction should begin some time early this year. When the work is completed and the new target system is installed, our range will be available for year round shooting.

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Letters To The Inspector

NOTE: Due to the great response from our readers regarding the activities of our Internal Affairs Section, we have selected a number of these correspondences for your reading.

Dear Inspector: We have heard a rumor that I.A. has a number of people working as undercover agents. Tell me if this is true or not.

Answer: How totally idiotic and moronic. Why I have never heard such distorted information. The very idea that our own I.A. would stoop so low as to use such sophisticated equipment against its own officers. Why, I cannot believe you could have written such a preposterous accusation. Let me alleviate your fears and frustrations by telling you that the only piece of equipment that they have is this secret spy on the officers of this police department?

Answer: This is a pure fabrication blown out of proportion by a handful of radicals in our ranks. Feel assured that I.A. is a professional and scrupulous group of individuals working for the betterment of the department. P.S. During our investigation, I feel that I.A. has a number of people working as undercover agents or makes any improper comments to her. I.A. some far away areas like Boston or Guadalajara, and you receive a cablegram from the Internal Affairs Division.

Answer: Sleep well tonight. Those accusations were not about the work of a twisted and malicious man. I cannot believe anyone would or could conjure up such a wild claim. I personally investigated this one and let me assure you that the first female officer I touched, well, my body was shorted out on her electric bra causing my tie to light up.

Dear Inspector: As a police officer of this city, an American citizen and a former veteran of both W.W. II and Korea, I feel that I can speak freely and without fear of reprisal or sanction. Please forward my comments to the head of the Internal Affairs Division. Tell them that I will stand on my rights and oppose their unconstitutional practices.

Answer: We directed your letter to the head of I.A. and we noted the following reaction, he smiled knowingly, adjusted his glasses and said, "Does he have relatives living in the Netherlands?"

Dear Inspector: I have heard that the Internal Affairs Division has just been granted a large sum of money from the Federal Government to be used to purchase such surveillance equipment as shotgun mikes, wire-tapping equipment, bugging telephoto lenses, bugging devices, two way mirrors, body transmitters, and infra-red heat seeking missiles. Is this correct?

and say "Kiss me quick" while he braces melted. As this was taking place, up in their office, the members of I.A. were dancing to the strains of "Let's Boogie in Blue", that was coming over their receiver.

Dear Inspector: I was shocked to read that a number of your officers had been charged with unprofessional conduct in their association with a young lady of questionable character. What have you to say about this scandal?

Answer: It is the same old story — 495 officers get into trouble and it automatically gives the whole department a bad name.

Dear Inspector: The rumor that I have heard regarding our I.A. is to say the least, damaging and altogether distasteful. Please tell me that it is a lie. I heard that the female officers are the Chief's son-in-law.

1. When one is apprehending a criminal suspect for such things as triple-x murders, rape, a nun or poisoning the city's water supply, he must smile and tip his hat before opening the door, pull it inside and climb inside and shut the door up to your front door, ring the bell and run like mad. You then fabricate a story that I.A. has a number of people working as undercover agents or makes any improper comments to her. I.A. some far away areas like Boston or Guadalajara, and you receive a cablegram from the Internal Affairs Division.

2. When issuing a citation to a powerful political official, one should not tell the rate and amount the individual that you are vacationing in some far away area like Boston or Guadalajara, and you receive a cablegram from the Internal Affairs Division.

3. If you have the nerve to deny that you are guilty, — 15 days. (Passing gas in a patrol car. Penalty: 15 days. (Passing gas in I.A.'s office — 30 days.)

4. Making any derogatory comments about I.A. in any publication is an AUTOMATIC FINE — 15 days.

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Red Riding Hood Revisited

In light of the continuing judicial trend of ignoring common sense in making decisions and relying instead on legal technicalities, it may be time to have another look at an old story.

Reprinted from an earlier edition of The Shield.

ONCE UPON A TIME, a little girl called Red Riding Hood was taking a basket of fruit to her grandmother, who lived alone in a forest cottage.

A wolf lurking nearby wanted the goodies for himself so he killed and ate grandma, dressed in her nightgown and jumped into bed to wait the little girl.

A woodcutter heard her cries, rushed to the rescue and saved her life by killing the wolf with his axe. The townspeople proclaimed the woodcutter a hero.

But, at the inquest, several facts emerged: rights.

(1) The wolf had never been advised of his rights.

(2) The woodcutter had made no warning swings before striking the fatal blow that killed the wolf.

(3) Advocates for Basic Legal Equality stressed the point that although the act of eating

As the village official spoke at the dedication, but it was Red Riding Hood who gave the most touching tribute.

She said that, while she had been selfishly grateful for the woodcutter's intervention, she realized in retrospect that he had indeed

marked at least two dollars a month from either side increases before you, we'll be able to put a minimum of \$1,000

our own. In a year and a half, we can shop for a decent place with a hall and hopefully a lounge

As we all know there are a myriad of problems with the radio and any solution seems

introduction of the short antenna to the uniform shirt portion. These are less likely to break off and thus render the

officers clothing as the old style short antennas should not snag

The new short antennas are being phased in as soon as they are received. The Committee

first suggested these in February, 1976! The Committee

welcomes any input from TPA members which might alleviate the radio problems. We all

depend on our radios and we stake our lives on the assumption they will work at all times.

The Safety Committee hopes to receive input from members on all safety matters. Without

Patrolman Al Lohner Managing Editor
Barb Knaamin Business Representative

Patrolman Garry Dunn Editor
Patrolman George Gerkin Sales Representative

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Toledo Police Patrolmen's Association: President, Garry Dunn; 1st Vice F., Frank Calipetro; 2nd Vice F., George Gerkin; Recording Secretary, Jack McLuckie; Financial Secretary, Mike Goetz; Treasurer, Tom Roth; Sgt. at Arms, Ron Scanlon.

TRUSTEES: Bill Dunn, Larry Knaamin, Ed Lawo, Roger Reese, Charles Vann, and Charles Stupker, General Counsel.
The Police Shield Editorial and Advertising Offices are located in the Toledo Police Patrolmen's Hall, 320 W. Woodruff, Suite 202, Toledo, 43624. Telephone 241-8914. Advertising, 474-6000.

Safety Committee Report

By DAVE E. SMITH

To enable the members of the TPA to communicate with the Safety Committee, boxes for suggestions and complaints have been placed in each precinct house. At the Central Station, the box is in the old assembly room, and the box is located in the assembly room at Scott Park. All complaints and

If any one topic has been constantly before the Committee, it is the radio situation. We all

know there are a myriad of problems with the radio and any solution seems

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Letter To The Editor

The citizens and taxpayers of this community are being short

changed if unqualified persons are being hired and in essence, hand carried into a position that should be reserved only for persons who are highly

qualified and who genuinely want to be law enforcement officers. It is highly demanding

to push through anyone who is not highly qualified or needs good qualified persons

regardless of race, creed or sex. If we are forced to have a recruitment program, should it

not be directed toward all and not just a select few?

Sgt. Ross M. Roder Toledo Police Division

or Mexican Americans? Recruitment team are only black

Is it equal when members of the Is it equal when members of the

recruitment team are only black or Mexican Americans?

recruitment team are only black or Mexican Americans?

From The

President's Desk

By Gary Dunn, T.P.A. President

Fellow Members:

As your President, I have the responsibility to report to you the needs of your organization accurately. We have found ourselves attempting to provide full services to all members —

Three-fourths of one percent as of January 1, 1978 amounts to \$93 per man per month.

With two dollars per man per month set aside for the building fund and three dollars per man

per month set aside for legal ourselves in the election process and fight our battles in Federal

Court, we will be needing a reasonable dues structure to not

increase services in a number of areas.

One year from the date of the "incident at the ground.

Several nights later his cottage was burned to the ground.

As the village official spoke at the dedication, but it was Red Riding Hood who gave the most touching tribute.

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working very closely with other Associations in Indiana, Ohio and Illinois in order to effective-ly lobby on behalf of a collective bargaining law that would establish binding arbitration for police officers in those three states.

My ranks are swelling, and all 450,000 police officers in the United States, Canada and other coun-tries throughout the world. We have set a goal for the next three years to recruit into our ranks the all 450,000 police officers in the United States as well as to broaden our operations in Canada and with other member associations in countries such as Australia and Great Britain. It will not be an easy task, and assistance it could very well be an impossible one.

Last but not least, we have just finalized with Un-derwriters in London one of the most comprehensive false arrest insurance programs available to police officers anywhere in the world and are currently soliciting members into this false arrest insurance program in most of the States in the United States. Ultimately we hope to bring this program to

(Cont. from Page 2)

I.C.P.A. President

We have witnessed the cer-tification of the Cleveland Police Officers Association as the sole bargaining agent for the officers in Cleveland. The Association has successfully been certified as the bargaining agent for police officers in Indiana, Fort Wayne, Indiana Police Association has successfully established a strong statewide Association. Our Memphis bargaining law has now become reality. We are currently

return to our ranks of the Los Angeles Police Association. In addition, we have successfully recruited a great number of other associations throughout the country including many in the State of Pennsylvania which previously had not been a strong I.C.P.A. State.

I.C.P.A. President

Edward J. Kiernan
I.C.P.A. President

all of our members in the United States and elsewhere.

Allow me once again in clos- ing to commend you for your successful fight against our inclusion into the Social Securi- ty system and to thank you on behalf of all of us in Washington for your constant support of our goals. We hope that we will continue to get your cooperation in the future. God bless you all.

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abundance. Some believe that a "belt". More people are conscious of energy and its cost and bitter cold winter perpetuated the French Revolution. And in our own country, the year 1816 was called "The Year Without a Summer" when snow and freezing temperatures ruined crops in Pennsylvania in July and August.

In the United States and Canada, our major resource is food production. In fact, it is our number one export. If we were to consider the effect that the weather would have on this great source of food for millions both here and abroad, we could better see how a change in good growing conditions could have a devastating effect on all of us. California produces more than any other state. Its wines are some of the best in the world and have the advantage of a controlled climate. Another agricultural state, Florida, was hard hit by cold in the freeze of 1977. We have never been more conscious of the fragile relationship of sun, water and wind.

All this is very interesting and scientific, but what has it to do with you and I today? Well, consider what effect it has had on people over the past few centuries. There have been mass migrations, famine, lost battles, victories, forests turned to deserts, civilizations born and civilizations destroyed all because of a change of climate. Some historians believe that change in the dry temperate area of what is now France and Germany caused the barbarians to overthrow Rome and into the Dark Ages. In the years between 800 and 1000 A.D., the Vikings came to England and found wine grapes growing in

According to well kept records of the National Weather Bureau, from 1880 to about 1940, the world — particularly the Northern hemisphere — went through a significant warming period. During this time we had growing seasons that were both extended and exceptional in that rain and snow were not as common as they are now. The great dust storms that ravaged the plains areas were forested by hot, dry winds. Now we have noted a change in the wind. According to the U.S. National Science Board, "during the last 20 to 30 years, world temperatures have fallen irregularly at first but more steadily over the past decade." Does this mean we are headed for a new Ice Age? Scientists are divided on what really is happening to our weather. Some, like the University of Wisconsin's Reid A. Bryson, feel that with an exploding population producing greater and greater amounts of pollution, dust from cultivation into the atmosphere, we are blocking the sun's rays, and thus, keeping the surface temperatures down. Others argue that with the burning of fossil fuel — coal and oil — we have now a higher level of the coldest, odorless gas, carbon dioxide and this tends to warm the planet by the so-called "greenhouse effect" of holding in the infrared radiation.

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KRUISSING with KENDRICK
By Patrolman Bill Kendrick

Civil Suits Increase

(Cont. from Page 1)

demons-trations in Washington — huge court verdicts are rare. It is estimated that less than 5% of suits against police succeed. What is bothering insurers is that they are footing the bill for what is being called "a rising number of suits being filed."

"Isn't the settlements we worry about, it's the cost of legal work about it," says an underwriter for American Home Assurance Co., a New York concern that once was a major insurer of police. In the past 18 months, American Home has cancelled half of the 500 police departments on its books and has stopped writing new policies.

Officials of the insurance industry, which on average has doubled police liability premiums in the past two years, concede that they are running scared. But they contend that they have made no concessions in premium rates or in the way they handle claims. For example, Los Angeles in the late 1960s paid only about \$27,000 a year in police misconduct claims. In the past three years, however, the average has been \$873,000 a year, or about \$125 for each of the city's 7,000 officers.

"It's like playing the slot machine," says Wayne Schmidt, supervising attorney for the Americans for Effective Law Enforcement, a private organization that provides legal help to sued police departments. "Self-insured departments are playing the odds, trying to settle enough cases out of court so that their losses won't be more than the huge premiums they'd pay if they could get insurance."

Lately, the definition of what constitutes a big city has been narrowing. "We don't even try to get liability coverage for 100,000 population," says a spokesman for Professional Coverage Management, a New York agency specializing in liability-policy programs for 20 years, searched rationally for a new carrier for the 55,000 of officers covered under its plan. "Six companies came close to signing wish us and then backed out," says Ferris Lucas, executive director.

Finally, the association helped set up Law Enforcement Insurance Co. a Hamilton, Bermuda, concern formed specifically to insure the association's members. But because the offshore company

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the smaller towns," one Detroit-680-person department at a executive for Drake Insurance Co., New York. Drake has been swapped with applications since it began offering police coverage in March 1976. "We've accepted about 400 of the 800 departments that have applied," the official says. "We look for departments of 10 or 15 officers with no losses in misconduct cases in cities of less than 25,000 people. There tend to be fewer incidents in small towns where people know one another."

On the other hand, too-cautious policemen may face another financial hazard. "If officers back away from guaranteeing liability coverage to local governments will insure. Prof. Henning says, "They could be sued for not performing their duty."

City officials in Alton, Ill., learned the hard way about low liability limits. Alton, with a population of 50,000 per incident, recently lost a \$1.5 million suit brought by a man crippled by a policeman's bullet. The city, however, the police department, has decided to pay the \$1,450,000 it needs to get the judgment. "It's a rather large sum," says Alton Mayor Paul Lenz says, "but we've got to do something."

The fact that a rising number of uninsured or under-insured policemen feel like they are walking on eggs isn't inconsequential. "The economic threat against policemen is a growing and significant thing," says Glenn King, executive director of the International Association of Chiefs of Police. "An officer may fail to act in his public interest if he thinks his in conflict."

Many policemen on the street agree, "I'll feel awful edgy where police liability coverage obtained through the Sheriff's Association ran out Oct. 31. "There will probably be a lot of arrests I should make that I won't because I can't afford to lose my house and car," he says. Because Charlotte officials haven't been able to find replacement coverage for their departments, "Carriers don't like to cover departments small, generally lower-risk insurers away from nearby large municipalities can scare worse, the more shadow of a York agency specializing in police policies.

So about a year ago, Appalachean told the National Sheriff's Association that it would end its police coverage effective Oct. 31. The association has offered a new carrier for the 55,000 of officers covered under its plan. "Six companies came close to signing wish us and then backed out," says Ferris Lucas, executive director.

Finally, the association helped set up Law Enforcement Insurance Co. a Hamilton, Bermuda, concern formed specifically to insure the association's members. But because the offshore company

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Contracts Around the Country

Base Pay \$17,458
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New York officers in the City of

tract bringing to an end two years of negotiations. Members

Association gave their approval to what was the city's third

attempt at achieving a contract. The final contract represented a

modification of terms recommended by an arbitrator.

The new two-year police provides the city's 18,000 police

officers with a pay hike of about \$1,200. This represents an in-

crease of 6 percent and brings the base pay of a policeman to

\$17,458. A \$1,200 jump - sun, cost-of-living increase has also

been included. In the past, one important feature of the agree-

ment was that a union representative termed "clearly

better duty charts" which would eliminate the 56-hour "swings"

in the time off between weekly tours of duty. Instead there will

be a total of 44 72-hour swings, three 64-hour swings and three

80-hour swings.

On another critical issue involving one-man patrol cars

the city agreed to phase in the plan as an experiment. Seven

precincts will deploy the one-man cars and they will later

send representatives to a bargaining session with the PBA and city officials to decide whether the remaining 36 Civil Service Commission. Commanders will now be given the right to suspend officers for up to three days where previous-ly only the police chief could suspend officers. Appeals from these suspensions can then be taken to the chief, and to the arbitration board if necessary.

The contract also increases monthly incentive pay for college courses from 60 cents to 70 cents for each credit hour. An officer with a bachelor's degree could receive a maximum of \$87.50 extra per month.

Legal defense will also be provided to an officer in any action, criminal or civil, which arises out of the performance of his duties. Both the union and the city will, under the contract, work together to develop a more effective promotion system which could better assess the supervisory capabilities of officers.

Downey, CA, P.D. Gets 13% Pay Hike After Bitter Baiting

The City of Downey, California, approved a two-year contract with the city which will grant them a basic 6.7 percent increase over the next twenty-four months. The settlement brought an official end to about 10 months of bitter bargaining

between the city and the Corpus Christi Police Officers' Association expired.

The agreement includes a provision for increased dependent health insurance coverage partly by the city undertaking payment of a part of the insurance premiums. At one time the issue had threatened to deadlock contract negotiations.

Among the other changes in the new contract is the fact that

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