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*Vern Ryan's Express*

## Maumee Police Get Railroad Job in City Negotiations

The newly - formed Maumee Police Patrolmen's Association entered their first bargaining as a recognized union of the City of Maumee, representing Patrolmen members of that city in serious negotiations with Safety Director Vern Ryan as a go - between spokesmen for the Maumee Council Finance Committee.

They came out with a preposterous package offered by the City of Maumee as a counter - proposal, especially in light of recent raises placed on Maumee public officials.

Maumee Patrolmen's Association President, Pat Bailey, and Vice President, Darrel Roberts, reported that they have asked the city administration to provide life insurance coverage for Maumee Patrolmen in the amount of \$10,000 but that the finance committee, according to Ryan, has offered a meager \$2,000. "To our knowledge, patrolmen in the City of Maumee do not even have life insurance at the

present time, or at least any that we can find out about," said Bailey.

The M.P.P.A. bargaining team presented a request for an across - the - board increase of \$2,500. Maumee Patrolmen now receive from \$10,344 to \$11,630 in four steps. The Patrolmen's union officials said that Ryan said the finance committee has told him they will get no more than one percent. That would give Maumee Patrolmen an increase of about \$118 per year.

The City of Maumee has not been so niggardly when it comes to their own salaries. Under the new salary ordinance passed by the Mayor and City Council, the Mayor's salary will go from \$6,200 to \$7,500 per year effective Jan. 1, 1976, an increase of \$1,300. Council members generously appointed themselves a \$600 a year increase on Jan. 1, 1976, from \$1,800 to \$2,400.

(Cont. on Page 2)

## City Missing Boat On Decentralization

By Patrolman Frank Calipetro

Announcement in January by the City administration that it will hire a consultant to study its proposed Police Decentralization Plan which would establish three districts, each served by its own headquarters, is no new concept to the City of Toledo.

Members of the Toledo Police Patrolmen's Assn. have been aware of the administration's desire to decentralize the Toledo Police Dept. for some time. The concept is not new to many other cities or to Toledo. Toledo operated under such a system several years ago when the old East Side Precinct was in operation.

During the time former Police Chief Robert Duck was under scrutiny by City officials because of increased crime in Toledo, the plan was brought

to the surface again. In recent months, present Chief Corrin McGrath has placed the decentralization issue as a top priority for efficient deployment of manpower and continuing good police service to the community.

It is not our intention to criticize the decentralization plan, but the TPPA, as a union, has an obligation to its members to insure that the provisions of our contract with the City are not violated in establishing the new program.

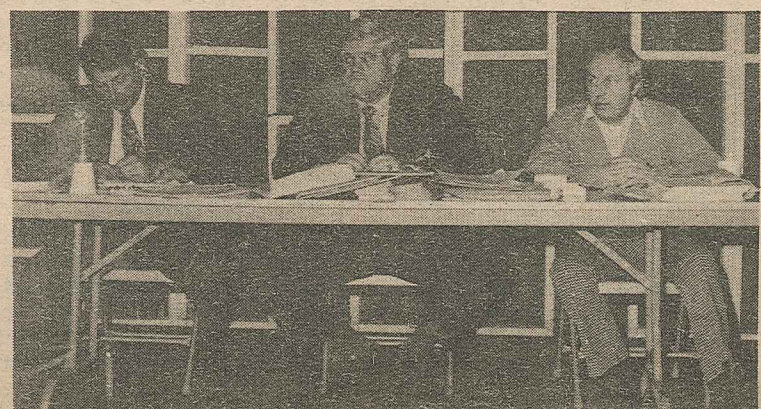
Certainly professional policemen cannot argue with any system that would provide the citizens of Toledo with a reduction of crime and with better community relations with all segments of the populace.

We do offer one suggestion to the Chief and the Task Force

(Cont. on Page 2)

*Assistance Pledged*

## OUPA Meet Here Cites Growth



OUPA Officers at Confab

The Ohio Union of Patrolmen's Assn.'s executive board meeting and labor seminar held at Luke's Barn, Maumee, Jan. 22-23, has gone on record to support any affiliate in the course of labor negotiations.

The OUPA chose Maumee as the site for its state executive board meeting because Maumee Police Patrolmen's Assn. is the newest official affiliate of the organization, which is the state body for police patrolmen's unions in the State of Ohio.

(Cont. on Page 2)

*Fun at Fuzz Frolic*

## 600 Attend TPPA Annual Dance

More than 600 Toledo Police Patrolmen's Assn. members, escorts and guests attended the annual TPPA dance at the Lucas County Recreation Center exhibition hall on Saturday night, Jan. 18, in spite of icy street conditions resulting from the weather.

Ken Perry, president of the TPPA, said that the board and the union were very pleased with the turnout, especially in light of the inclement weather.

Johnny Knorr's orchestra provided music ranging from



President Perry

Ken Perry, President of the T.P.P.A. introduces guests and board members at the union's dance at Lucas County Rec. Center.

light rock to old standards and square dancing for the pleasure of the crowd. Patrolman Dick Mohr, chairman of the dance this year, also expressed gratitude for the excellent turnout of the crowd. "There were some vacant tables," said Mohr, "but all in all, the crowd had a fine time and we have had many favorable comments from our members and the public who purchased tickets."

Among the guests were Toledo Police Chief Corrin McGrath; Harry Broadway, president of the Ohio Union of Patrolmen's Assn., and Pat

Bailey, president, and Darrel Roberts, vice president, of the newly - formed Maumee Police Patrolmen's Assn.

Door prizes were awarded following a drawing during the dance intermission. Members of the TPPA executive board and various committees were introduced as a part of the program.

Perry said that plans are already in the making for an even larger dance next year. A full page of pictures from the dance appear on page 12 in this edition of The Police Shield.



TPPA Exec. Board at Dance

(Left to right) T.P.P.A. executive board members at the dance included: Ross Schaeffer, Tom Purcel, Frank Calipetro, John Connors, Bill Morrissey, Ron Scanlon and Whitey Kannlein.





### On Talk Show

T.P.P.A. President Ken Perry and Vice President John Connors are shown answering questions as they recently appeared on a minority-oriented talk show on Station WKLR.

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## OUPA

(Cont. from Page 1)

Harry Broadway, president of the OUPA, and a former head of the Toledo Police Patrolmen's Assn., announced that the state organization took action in the meeting to support the Mansfield and Maumee Police Patrolmen's Assns., both affiliates currently stalemated in negotiations with their respective city administrations.

Broadway reported to the board that four other Ohio cities have obtained information from him toward setting up police unions for patrolmen in those cities. Alliance, Ohio has almost completed necessary steps to become an official union for patrolmen.

Among local delegations attending the meetings were a delegation of Toledo made up of Ken Perry, Bob Morrissey, Whitey Knannlein, Ron Scanlon, Bob Mason, Tom Purcel and Dick Mohr of the Toledo Patrolmen's union; and Pat Bailey and Darrel Roberts, of the Maumee Patrolmen's union.

President Broadway opened the meeting with the organization's accounts, giving reports on corporate structure and legal steps necessary to comply with local, state and federal laws for the OUPA and affiliated police local unions.

Broadway also reported on the recent mid-winter conference of the International Conference of Patrolmen's Assns. in Tennessee. Wage and hour revisions sought by police unions at all levels, a Supreme Court holding in abeyance provisions of the wage and hour standards opposed by the ICPA were outlined by Broadway.

Another support action from the board was in supporting the East Cleveland Police Patrolmen's Assn., which was on strike at the time of the meeting.

Toledo was picked as the site for the 1975 OUPA convention. The convention will be held May 22 through 24 at the Commodore Perry Hotel in Toledo.

Action was initiated by the board to enlarge the executive board of OUPA for additional executive board member - at large positions, to give consideration to newly formed affiliates for positions on the state board.

The labor seminar also was held on the second day of the meeting, with collective bargaining, grievance handling and other legislative issues being discussed in panel sessions. Delegations from Mansfield, Cleveland and surrounding cities, and Alliance, attended the seminar, in addition to representatives from Toledo, Maumee and Oregon.

## Vacancy For TPPA Stewards

We are permitted to have two union stewards representing the TPPA on each of the respective shifts under our new contract with the City. At the present time we have one steward only on each shift, and when the steward is off work, this shift is left without a union steward.

To conform with the democratic process the Executive Board of the TPPA desire to conduct elections on each shift among interested candidates. Please drop your name and shift you are presently serving on on a Sergeant's report stating your willingness to serve. Members are urged to get involved.

Ron Scanlon, Chr.  
Grievance Committee

## TPPA Trustee Post Vacant

A vacancy currently exists on the Toledo Police Patrolmen's Assn. executive board for the position of trustee. Anyone interested is asked to drop a sergeant's report in the TPPA box expressing his willingness to serve in this position. Federal labor law requires nomination and election of officers, but interested members may be recommended for nomination by the nominating committee. To get action, members are urged to get involved. If you are willing to serve in this position, please let us know.

Tom Purcel

## Decentralization

(Cont. from Page 1)

assigned to this project that we feel could help with a smoother transition of the plan if placed in effect and during the course of such study.

The suggestion we make to the Chief was first made by him just a few weeks ago. During the Toledo University course on planning techniques, Chief McGrath, as our final speaker for the course, applauded the course as a means of "giving the department some good consultation and advisors from the inside."

We of the TPPA, as sponsors of this college-accredited course, feel that such schooling is wasted when not utilized by the department and the City as a whole. Often, the patrolman working a beat, can give some better advice on proposals from the fact that he is often closer to the problem.

We took the college courses not simply as a requirement but in anticipation of using what we learned to be both better police officers and to benefit the department. We feel that both the City and the Department could derive greater benefit from consulting with Patrolmen who have studied planning techniques and other useful courses, on many occasions, than by the use of outside consultants. We suggest they take a closer look within the department and they may be surprised to find that a lot of solutions to some problems facing the department at the present time could and would come from the patrolmen's ranks.

## Area Bar Owners Protest Release

Owners of some half dozen Toledo area taverns who were victims of armed robberies by the same individual expressed their vehement irritation at the release of the suspect who was charged with another armed robbery within 48 hours of his release on his own recognition after being arrested for the earlier robberies.

The suspect, Leo Hoskins, was wounded in an attempted hold-up of the Parisian Cleaners, 2529 Detroit Ave., on Saturday, Jan. 4, when one of the owners wounded one of the two gunmen. Police took Hoskins to Mercy Hospital for treatment. He was scheduled to appear in the Toledo Municipal Court for three preliminary hearings on robberies days earlier at Harold's Bar, 3627 Monroe St.; Katty's Bar, 502 Junction Ave., and the Shoreline Cafe, 707 Matzinger Rd.

He was also charged with the

holdup of the Abner Wolf Co., 433 W. Delaware.

Following the shooting incident, and the subsequent protests of several owners of the bars, including the Milner Hotel and Lounge, the suspect was held without bond. The arrest of Hoskins came after owners of two of the bars saw him walking on Monroe Street and followed him to a near-by apartment building, where he was apprehended with his girl companion.

Harold Holt, owner of Harold's, and another reported that they were disturbed over the way the cases were being handled in the courtrooms, and charged that continuing appearances of witnesses were necessary, and at one point a defense attorney said there were no witnesses available when in fact, there were six in the courtroom.

The incidents are being investigated further by Citizens Against Crime, a public group formed to investigate such incidents and to cooperate with Toledo area police.

## Ryan's Express

(Cont. from Page 1)

One point of contention of the M.P.P.A. negotiating committee is the fact that they must meet with the Safety Director without the Finance Committee present. "This means all of our demands must go through and come back by a third party," they pointed out.

A request for a raise in shift differential was refused. The request by the M.P.P.A. for three personal days was counter-offered by the finance committee with the offer of one.

Uniform allowance in the past was a \$140 check presented each year on the officer's anniversary of hiring date. The patrolmen's union requested a \$200 annual uniform allowance to be placed on credit at Harry's Uniforms, and the finance committee responded with a proposal that the City pay 80% and the patrolmen pay 20% up to \$200.

The patrolmen's bargaining committee pointed out that two members of the finance committee are teachers, one being a school principal. Maumee teachers recently received a 14% increase over two years and do not have a residency requirement.

Maumee Police officers have a residency requirement and point out that the cost-of-living in the City of Maumee is considerably higher than in adjacent areas.

Maumee Police Patrolmen's Association officials report that they are looking into the possibility of obtaining services of an impartial tri-community committee of one representative of labor, management and clergy to serve as a mediation panel for the negotiations deadlock.

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# Labor Dept. Police Wage Survey Differs with Toledo's Bradley

By Tom Purcel,  
Chairman, TPPA  
Educational Committee

Ever wonder why the policemen are chained with "me too" clauses and also restricted to raises in the area of one and two per cent? All this in spite of many months of negotiations? It makes you even more curious when the Mayor can get a 22% wage increase after one single request from Council and a time lapse of just one week.

The City Manager did even better with the taxpayers' money with the aid of the Mayor. He got approximately a \$9,000 increase in a one year span without the citizens hardly seeing his hands in their pockets. It's amazing how big and quick the raises can be if you work and rub elbows with the people who hold the purse strings.

Note in Ken Perry's column of how the City suddenly couldn't come up with the incentive pay for Patrolmen completing specified college courses and obtaining degrees. This letter turned out to be just another big lie from the City negotiations team as they absolutely refused to discuss compensation for any advanced formal education credits. They completely ignored their own communication and promise of 1973.

According to the U.S. Dept. of Labor, Bureau of Labor Statistics report of Dec. 19, 1974, there is a wide gap between what other cities are doing in their negotiations.

According to the report, minimum salary scales for police and firefighters combined in January 1974 were 6.2% above January 1973 levels, and maximum scales were 6.4% higher, according to a study by the Bureau of Labor Statistics of the U.S. Dept. of Labor. Police minimum scales were up 6.2% and firefighters

6.1%; maximum scales rose 6.3 and 6.6%, respectively, but maximum salary levels for firefighters remained below those for police. The average annual starting salary (during the first 12 months of employment) for police was \$10,539 in January 1974, compared with \$10,055 for firefighters. Maximum salaries averaged \$13,041 and \$12,308, respectively. As a result of the increases, the index of maximum salary scales for both police and firefighters was 167 (1967=100) in January 1974.

The study, covering 153 cities having populations of 100,000 or more, combined information compiled by the International City Management Assn., supplemented by surveys of salaries and working conditions conducted by the Fraternal Order of Police and the International Assn. of Fire Fighters, as well as direct inquiries by the Bureau. Data were limited to the patrolman and firefighter classifications. Changes in scales negotiated subsequent to Jan. 1, 1974, and made retroactive to that date or earlier were not included.

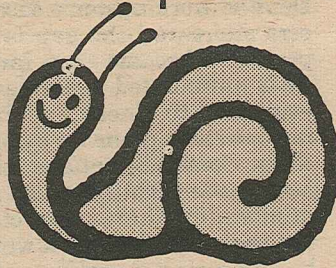
The increases in minimum scales in 1973 were higher than those of a year earlier, when they averaged 5.1% for police and 5.5% for firefighters. Increases in maximum scales, however, were well below the January 1972 to January 1973 advances, which averaged 8.7% for police and 8.1% for firefighters.

Increases in both minimum and maximum scales were largest in the West and generally smallest in the North Central region. Salary scale levels, both minimum and maximum, were largest in the West for firefighters, while police salaries were highest in the Northeast. Average salary levels in the South continued to be the lowest.

Cities with 250,000 to 499,999 populations had the largest increases in both minimum and maximum scales between January 1973 and January 1974. Increases were smallest in cities with populations of 500,000 to 999,999. Traditionally, average salary levels for police and firefighters have varied in direct proportion to population size of city. In January 1974, however, because of the relatively large 1973 salary increases in cities of 250,000 to 499,999 and relatively small increases in cities of 500,000 to 999,999, the two city-size categories were transposed at the minimum salary level. Maximum salaries continued to vary in direct proportion to city size.

Over the 5-year January 1969 - January 1974 period, increases in average minimum scales for firefighters and police were the same — 37.2%, increasing at an annual rate of 6.5%; maximum scales also went up by about the same amount for the two groups — 42.8% for police and 42.3% for firefighters, annual rates of 7.4 and 7.3%, respectively.

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THIS SPACE CONTRIBUTED BY THE PUBLISHER

## Readers Write

Sir,

I got my copy of The Shield today and noticed in the President's Report on the front page that exception was being taken to Daken's statement that no plans were in the mill to hire new police. We know that Toledo never plans, look at any report of councilmatic action, every resolution or ordinance is passed as an emergency measure, however if we want to make better use of the manpower we now have, let's take the uniformed tax collectors out of the radar cars and put them on the street being policemen. Nothing has caused the lowering of respect for law enforcement agencies as this entrapment which I fought in two wars against that type of governing.

I passed 9 cars with one headlight, and two driving with their parking lights, on my way home tonight, one of the later at the site of a parked unit, in my block there is evidence of three garbage cans having been overturned by stray dogs — these are violations also, sir. I did however, observe a 1975 or maybe a '74 car getting a ticket for speeding — he's pretty sure to be able to pay toward O'Dell's fleet.

Coming home from the hospital at Wright - Paterson a couple of weeks ago, I counted three OSHP cars and four TPD cars, or maybe vice-versa on radar patrol — I also counted 19 hitch-hikers on limited access highways? I'm supposed to respect law with that kind of alignment of values? I know the hitch-hikers couldn't pay a fine, but they could pick up some of the rubble along the highway that other law violators have thrown from their cars.

Harry Broadway is getting too fat — tell him to go on a diet before he has a heart attack.

Tell P.J. Moore that he forgot CHEC an organization that was formed a long time ago and which Jim Guest (and others) worked their tails off on only to be ignored.

I liked Sherry Liedigk's note on our \$3 every three-years rip-off — I too observed that gun control is only for honest

people — and it's true it was a help to Hitler and other dictators.

Keep telling it like it is, especially tell us what happened to the persons arrested by those officers that received the citations, McGrath is wasting the taxpayers money if the courts don't put them away at hard labor, he might better spend it for hollow point bullets and sawed off shot guns.

Sincerely  
M.S.F.T. L. J. Beringer  
U.S. Army Retired

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## Editorial Page

Guest Editorial

### Does Shock Probation Work?

By Curtis E. Posner, Assistant Lucas County Prosecuting Attorney

Recently, there has been a great outcry from many people interested in the criminal justice system casting blame for the increase of crime on plea-bargaining prosecutors and soft-hearted judges who either grant probation to the convicted criminal or let him off with a minimum sentence so that, in either event, he is right back on the street committing more crimes. These complaints, for the most part, are made against the wrong segment of the criminal justice system.

What the critics of our criminal justice system overlook are the parole boards and the power that is vested in them. Judges and prosecutors for the most part adequately and properly enforce the laws in their jurisdictions. Probably one of the causes of criticism directed towards the Courts was the fact that only until recently were the Courts given any real discretion in dealing with the law breaker. In Ohio, prior to Jan. 1, 1974, when the new criminal code went into effect, the judges had little choice in handling persons convicted of serious crimes. However, the new code for the first time gives the Courts the flexibility in sentencing which has been so badly needed. The sentencing judge may now make the punishment fit not only the offense, but also the offender.

Unknown to many people who criticize the Courts for being too soft is the fact that the Ohio Courts cannot even consider probation for persons convicted of any crime in which the criminal is armed with a firearm. In addition, repeat and dangerous offenders may not have the benefit of probation.

However, while the Ohio State Legislature has enacted some good laws pertaining to criminal justice, they have also passed, what in my opinion, are some bad provisions. One of those sections pertains to Shock Parole. The term is quite appropriate because it is a shock to every law-abiding citizen in this State.

A prisoner sentenced to a state penal institution by one of our judges may now be released on parole at any time after serving only six months if he has not been convicted of murder and has not been confined previously for more than thirty days in a state penal institution. What this means is that all persons except the ones mentioned are eligible for release from prison after serving just six months, no matter how long of a sentence was imposed by the judge or no matter how serious the offense committed. And what is even more shocking is the fact that a person convicted of a crime for which he cannot even be considered for probation, may be given shock parole.

For example, a criminal convicted of armed robbery and sentenced to serve 7-25 years in prison can be released by the Ohio Parole Authority after serving just six months of his sentence. A rapist serving the same sentence can be released after serving just six months. The parole Authority has even established a quota system to determine just how many inmates will be given this preferential treatment each month. And all of this, in spite of the fact that the Court has sentenced the defendant to a period of years. The Parole Board is the sole determiner as to granting early release. Judges and prosecutors are responsible to the public and must answer to the public by way of the voting booth, but the Parole Board has no such responsibility and is virtually untouchable.

Early parole of some offenders is an example of one of the most grievous failings of our criminal justice system. Once a crime has been committed, the victim is forgotten and certain segments of the system turn all of their energies towards a tender solicitude for the thief, robber and rapist. Parole Boards are apparently quite willing to risk the safety of the public in their concern for the convict. That is not to say that rehabilitation of convicted criminals is not a major concern and necessary goal of our criminal justice system; it is. But it does not follow from this that society does not have the right to punish those guilty of serious crime.

When we talk about the early release of criminals, there is also the question of deterrence, or non-deterrence, to other criminals. Early release does not deter offenders and when a criminal knows that he will serve a minimal amount of time if he is caught, the already hazardous job of law enforcement will become infinitely more difficult and dangerous.

Finally, the question arises, is society ready and willing to leave the final determination of when criminals may return to society to institutional staffs and parole boards? Rehabilitation of criminals is far from an exact science and if those responsible for

(Cont. on Page 9)

### As We See It



By Ken Perry, President Toledo Police Patrolmen's Assn.

Many new actions relative to our membership have taken place since we reported to you in this column last month. The Toledo Police Patrolmen's Assn. still feels that one of the top issues pertaining to both our organization and the public is over the current shortage of manpower within the Toledo Police Dept.

We reported in the last edition that the Toledo Police Dept. is working some 42 officers short and the gap is expected to become even larger with anticipated retirements, leaves due to illness, and there is no definite plans for a police class. Some indications have been made within the City Administration that a police class may be scheduled, but it would be late spring or early summer before that class could be functioning on the street.

Couple this with the fact that the recently-released December crime statistics reveal a whopping increase in Answered Calls for Service of 20,427 over last year, and reflected in those is a rise of 13.5% in "Offenses Against the Person" calls. Offenses Against Property calls were down by 12.6% over the previous month.

In November of 1974 there were 26,253 "Calls for Service" answered by the Toledo Police Divisions, while in December the total was reduced to 25,565. In December there were 1,183 arrests by the T.P.D. for all offenses with 1,226 being adults and 587 being juveniles. This compares to 1,952 arrests in November.

The whole point of showing these statistics is that we cannot better combat growing crime rates with a reduction of the force. The TPPA has contended that overtime to fill shortages on shifts should be offered in order to provide the best protection to the public.

Toledo has a fine police force and the article on the FBI crime statistics in last month's Shield showed that Toledo has one of the finest rates of solving crimes of any comparable-sized city in the nation — in fact, much better than most.

(Cont. on Page 9)



### MORRISSEY'S CORNER By Patrolman Bob Morrissey

Old Willie was sitting in his wooden chair looking out the second story window of the cheap hotel. It was a dark night. His eyes were focused on the multicolored neon lights in front of the numerous bars on the street. He thought to himself, "Here I sit, eighty years old, and the only company I have are these four lonesome walls." It seemed just like yesterday when he was a young man and he used to go into the taverns back in Tennessee and have all kinds of fun.

The more he sat there the more the lights seemed to beckon him to get out of the room and have some fun. He decided to go. He went to the dresser and took out a clean flannel shirt. He got dressed and the next thing he knew he was walking down the bright street. He looked in a couple of the bars and it was very quiet. He wanted one where there were a lot of people and activity. A big bright light going off and on caught his eye. He went to the big bay window and cupped his eyes with his hands to get a good look. There were numerous people sitting at the bar and the tables.

This is what he was looking for. As he went inside and walked to a table the bartender yelled out, "What's it going to be, Pops?" "Bring me a big mug of beer." Willie sits down at a table and starts exploring the surroundings. At the bar were a couple of large men with silver metal helmets on their heads. At the tables were couples talking and listening to the juke box.

The bartender brings him a glass of beer and puts it on the table in front of him. His fingers rub up and down the glass erasing the frosty moisture. His thoughts go back to his home town. It must be at least forty years since he sat in that bar back in the hills. He began smiling when he thought of how he used to take beer in his mouth and then squirt it through his teeth at the red hot potbellied stove in the middle of the room.

It really made a crackling, sizzling noise when it hit. The bartender used to come running from behind the bar and try to catch the one who did it. Willie was just too quick for him. He must have done this a hundred times and never got caught. When he was at his best, he could hit an object twenty feet away.

Willie began thinking if he could still do it. His tongue went to the roof of his mouth and started counting teeth. Just two left. But they were the important ones. They were the front ones and this is where the beer would have to pass. Willie thought to himself, "All I need is a good target." Looking at the bar and the two men with the silver metal helmets on, the one on the right reminded him of the potbellied stove back in Tennessee. He was built just like it.

Willie took a big mouthful of beer. He then got his tongue behind the liquid and began forcing it behind his two front teeth. He good a good aim at the metal helmet. His upper lip rises and a solid stream of beer is on its way. Willie immediately brought the glass back to his lips and looked the other way. The stream of beer falls short and goes into the man's left ear. The man almost

(Cont. on Page 9)

POLICE

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# Patrolmen and Polygraph Tests

By  
George Royer, Attorney

## The Fifth Amendment and Polygraph Examinations In Police Disciplinary Matters

### A. General

The recent widespread use of the lie detector is a disturbing development in police disciplinary procedures. The prevailing view among police department officials throughout the country is that a police officer who is a suspect in a departmental disciplinary action must submit to a polygraph examination or face additional disciplinary action for failing to do so. The usual reasoning advanced is that disciplinary matters are internal administrative concerns and consequently the usual array of constitutional rights need not be granted under such circumstances.

This article discusses the legal ramifications of polygraph usage in police investigations relative to internal disciplinary matters, and the rights of individual police officer involved in the process. The purpose of the article is to discuss some of the court decisions and other legal aspects in order to aid police officers who are somehow confronted with the threat of a polygraph examination in the disciplinary process.

In discussing the various aspects of polygraph usage in police administration of internal discipline, there are three gen-

eral areas of legal concern which must be reviewed in examining the overall problem.

First, there is a basic right of a suspect to remain silent (in view of possible criminal implications) as guaranteed by the Fifth and Fourteenth Amendments of the United States Constitution. Exercising this right presupposes that a police officer will not testify or yield admissions against himself by submitting to questioning by way of lie detector questions. This issue is directly related to and overlaps the question of whether a policeman must submit to take the polygraph examination at all.

The second aspect of the problem is the right of a police officer to have an attorney present while the polygraph examination is being given.

Thirdly, there is a problem of admissibility of polygraph evidence at either a subsequent trial or at an internal police administrative proceeding.

A final conclusionary portion of this discussion will center on some of the remedial solutions adopted to overcome the difficulties encountered with widespread polygraph usage by a particular police department. Each of the foregoing areas will be discussed separately.

### B. The right to remain silent

The issue that is of paramount concern in an internal police investigation is whether a police officer has the right to remain silent when faced with questions which may force him to utter incriminating statements. There are certain United States Supreme Court rulings which are pertinent in this regard. In *Garrity v. New Jersey* (385 U.S. 473, 87, Sup. Ct. 66, 1967), the United States Supreme Court ruled that any statements emanating from a police officer and made pursuant to a disciplinary investigation under threat of dismissal would not be admissible evidence in subsequent criminal proceedings. In the *Garrity* case, each police officer was being interrogated during an investigation of alleged ticket fixing. Each officer was warned that anything he might say could be used against him in a state criminal proceeding, and that consequently he could invoke his Fifth Amendment rights.

However, it was asserted that if the officer refused to answer he would be subject to disciplinary action and removal from office. Thereupon, each officer's respective answers were used over his objections

in subsequent criminal proceedings, which resulted in convictions. The United States Supreme Court rules that this process rendered the resulting statements involuntary, and therefore, inadmissible in state criminal proceedings, since the ostensible choice given to petitioners amounted to coercion. The court viewed the issue as whether the accused was deprived of his "free choice to admit, to deny, or to refuse to answer." The court said "Where the choice is between the rock and the whirlpool, duress is inherent in deciding on one against the other." Coercion thus was the reprehensible tactic in *Garrity* which led to the reversal.

Subsequently, in 1968, as a sequel to the *Garrity* case, in *Gardner v. Broderick* (392 U.S. 273, 88 Sup. Ct. 1913, 20 L. Ed. 2d, 1082, 1968), the United States Supreme Court both modified and clarified somewhat its prior stance in *Garrity*. The court held that a police officer can be confronted with the choice between openly and frankly answering as to the subject matter of the investigation or invoking his privilege of self-incrimination, but possibly forfeiting his job for refusal to answer. In this respect, the Court remarked that a police officer has a duty of allegiance to the political subdivision that hired him, and consequently could be rightfully compelled to cooperate in an investigation (by answering questions via polygraph or other methods). This duty to answer is limited, however, to situations where a police officer is being asked to answer narrowly and specifically directed questions relating to the performance of his official duties without requiring relinquishment of the benefits of constitutional privilege and immunity from criminal prosecution. (See also, *Uniformed Sanitation Workers Association v. Commissioner of Sanitation*, 392 U.S. 280, 88 S. Ct. 1917, 20 L. 2d. 1089, 1968).

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(Cont. on Page 6) (Cont. on Page 6)



## FROM THE CHAPLAIN'S DESK

Father Al Ceranowski, Chaplain  
Toledo Police Patrolmen's Association

By Al Ceranowski

Urban problems have proven to be among the most urgent difficulties of this decade. A war and a Watergate only camouflaged the tremendous troubles our major cities really have. Among the causes are the facts that urban expenses have increased by more than 10 and 20% while at the same time the tax bases have decreased by at least 10 and 20%.

Any major city, therefore, that could receive the contin-



Father Al

ued services of any labor group for an increase in costs of only 1% ought to be very grateful. This is exactly the position of the city of Toledo and the Toledo Patrolmen. The city of Toledo had asked the patrolmen to: "Bite the Economic Bullet". The patrolmen voted to work for only a 1% pay increase during 1975. In their personal

lives, as in all our lives, living costs have gone up between 10% and 20% or more. Thus, our patrolmen have short changed themselves to help us all live in a fiscally sound city.

Not only is the city of Toledo receiving the same professional services of well trained patrolmen for an inflation rate of only 1%, but we all are benefiting from the services of personnel who are even more qualified than the year before. Each day a patrolman works he gains experience. Collectively, as our patrolmen put their gained experience to work, we all are more expertly protected and served. Also many Toledo patrolmen are taking college courses to still further educate themselves. This time and effort spent at self improvement speaks well of the professionalism of our patrolmen.

We as citizens of this great city of Toledo owe a special debt of gratitude to our fine patrolmen. Their pay checks have hardly increased. However, the dangers and work loads have grown tremendously. Working short-handed, facing more numerous and sophisticated criminals, meeting more demanding domestic obligations, suffering frustrations from the courts — our patrolmen have demonstrated well their devotion and dedication to protect and serve the citizens of the city of Toledo.

May God give them the courage to continue and may God bless their efforts.

### Four-footed Cops

## So Where's Their Dog-gone Cards?

Lassie helped the Rangers; Rin Tin Tin aided many a marshal, and the Mounties may not have nabbed their man without Yukon King. Now rumor has it that Dick Mohr is teaching his four-footed partner to drive the cruiser! TPPA Recording Secretary Bob Mason is going out of his mind looking through the by-laws to see how he can get them to pay dues into the union, and President Ken Perry says he'll be damned if he is going to be the officer who gives them the union obligation oath even if Mason does find a way!

In all seriousness, however, the canine addition to the Toledo Police Dept. made points in their first 48 hours in use when one was called to a downtown used-clothing organizational store and assisted in apprehending a group of juveniles who had broken into the store. The group, learning that a dog had been brought on the scene, yelled to officers not to let the dog loose, disclosing their hiding place in the basement of the store.

Officially placed on the TPD rosters Jan. 15, 1975, the three German Shepherds and their handlers completed extensive training at the canine training school in Plymouth, Mich., and are now on regular patrol.

They will be used in the tracking of suspects, missing persons, help locate lost articles or implements of crime, and in the search of buildings for suspects and to deter located suspects from escaping.

Dogs will not be used for crowd control or strikes, it was emphasized by Chief Corrin McGrath.

Dogs are being housed in the homes of their handlers and will basically work one to a shift with the others to be brought in if needed on call. Handlers are Patrolmen Virg Oliver, Dick Mohr and William Shinevar.

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# SHIELD SPORTS

## Police Basketball Team

By Patrolman Gary Thomas

Again a few officers from the department have formed a basketball team. The team is sponsored by Damschroder's who provided the money for the entry fee, uniforms, and equipment. This was accomplished through the hard work of our coach Ulysses Howard.

The team plays in the City Amateur Basketball Federation Class "B" Atlantic League. The games are played in the DeVilbiss High School boy's gym. The members of the team are Tom Van Camp, John Preston, David Smith, Mike Yeager, John Phillips, Denny Rose, Pete Siefertues, David Layson, Cornell Grant, Phil Kuhlakowski, and Gary Thomas.

If anyone is interested in playing for the team contact Ulysses Howard. Don't hold back thinking this team is run by the "buddy system" because it isn't. In fact the thing which makes our team click is the united effort put forth by all the team members. We have no room for individualism but rather combine the individual talents of all into well co-ordinated team effort.

The team has played two fine games so far this season. In the opening game we lost a hard fought contest to Curtis Heating by the score of 50 - 42. The game was closer than the final score indicates. We earned our first victory of the 1974 - 75 season over Hobbs Builders by defeating them 50 - 47. With only eighteen seconds left in the game, and the score 49 - 47, our favor, John Preston sank the first shot of a one and one free throw situation icing the game for us.

We, the members of the team, would also like to see some members of the department come out and support us at the games. You will find included a schedule of our remaining games. We are only a small portion of the police department, but we are representing our department. Our success as a team is dependent upon having all its members there. So, if you are asked to trade a day off remember it will help the team. Here is the schedule of our remaining games:

Thursday, Feb. 6, 7:40 p.m. against Hobbs Builders.

Wednesday, Feb. 12, at 7:40 p.m. against 1st National Bank.

Thursday, Feb. 20, at 6:40 p.m. against Norb Wells.

We will play anybody anytime. If anyone would be interested in playing our team please contact Ulysses Howard at the Detective Bureau. In the past years we have played against the Toledo Fire Department, Detroit Police Department, and several area high school faculty teams. These games are fun for us and have provided some good public realtions work.

## Toledo Police Revolver Club

By Bob Matecki, President

The Toledo Police Revolver Club is made up of Police Officers from the Toledo Police Department. Any officer is eligible to belong to the club from Patrolman to Chief. At present, the club has 14 members and is going to start a membership drive. Our members are interested in competition shooting and in having fun as a social organization.

One of the big highlights is the annual revolver match against London, Ontario which is held twice a year; once in the spring in London, and in Toledo in late summer.

The match is somewhat of a International type affair with the pride of the Canadians in competition against that of the Americans. In both, spring and summer matches, officers and their wives are given the red carpet treatment as members from each country serve as hosts in their respective cities.

An example of the spring match is as follows: the American (Toledo) officers and wives are entertained by couples who play hosts and house the Toledo couples.

The day of the match, the wives of both groups get together for a day of shopping, horse racing, dining or whatever meets their fancy. The men of course are trying to ease their large heads back into shape for the match. The match is started at 10 a.m. and is over by 2 p.m. with a lot of

serious competitive shooting and a lot of light humor.

After the big day on the range, the Americans are led by their hosts to an afternoon of fun and spirits in preparation for the Award Banquet, complete with music, dancing, jokes, speakers and fine food. The awards are presented to the top six shooters from both London and Toledo. The floating International Team Trophy is presented to the winning team.

Many other matches are attended by Toledo officers who at one time were rated as being one of the best teams in this section of the country.

Unfortunately, our City Fathers have cared less about our range and our pride has fallen by the wayside.

Some of the Toledo Officers to get awards at the Perrysburg Winter match were the following:

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Vic Miller ..... 3422 - 100X,  
Larry Mallory .... 3405 - 97X  
Art Marx ..... 3392 - 82X

Team awards — Vic Miller TPD and R. Parsons BGPD, 6903 - 242X; Bob Matecki TPD and R. Pratt BGPD, 6612 - 163X; Larry Mallory TPD and D. Carr B.P.D. 6401 - 132X.

Officers of the Toledo Police Revolver Club are Bob Matecki, President; Bob Arhens, Vice President; G. Langerfer, Secretary; L. Preslawski, Treasurer; D. Parton, Range Officer, and D. Perkins, Sgt. - at - Arms.

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Q. — I'm a veteran in a state which has no burial space left in its national cemetery. Does the Veterans Administration pay anything toward cost of burial plots in private cemeteries for such veterans?

A. — Yes, Public Law 93-43 (June 1973) allows VA to pay up to \$150 in plot and interment costs of veterans not buried in national cemeteries.

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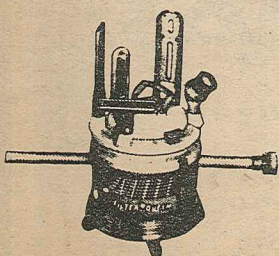
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## Patrolmen and Polygraph Tests

(Cont. from Page 5)

The circumstances in the Gardner case are somewhat different from those involved in Garrity. Specifically in Gardner, a police officer was subpoenaed to appear before a grand jury investigating bribery. The officer was advised of his right against self-incrimination but was requested to sign a "waiver of immunity" from the criminal prosecution after being warned he would be discharged if he did not sign the waiver. But unlike Garrity, the officer in Gardner refused to testify and sign the waiver. He was subsequently disciplined for such action. The court in Gardner by unanimous action held the dismissal of the officer to be in violation of the officer's constitutional rights. But the court made a fine distinction, stating that the reprehensibility for the dismissal in Gardner was that the officer was punished for failing to waive his constitutional rights, and thus he could not be dismissed for refusing to waive immunity from criminal prosecution in the criminal investigation. He could be disciplined if he failed to answer questions narrowly directed to the investigation, as long as he is not required or compelled to waive his immunity from criminal prosecution. Obviously, admissions so coerced, from the police officer, who refuses to waive immunity from criminal prosecution could not be used against him in subsequent criminal proceedings.

In still another recent case involving Fifth Amendment concerns with polygraph examinations, the Supreme Court of Washington, in *Seattle Police Officers Guild v. City of Seattle* (494 P. 2d 485, Wash. Sup. Ct. 1972) ruled on this issue in a situation involving a group of police officers who had been suspected of some involvement in a corruption scheme. An investigation was conducted by the Oakland, California Police Chief, Charles R. Gain, who was assigned as the acting Chief of the Seattle Police Department.

Some of the officers were confronted with polygraph examinations and each officer was threatened with dismissal upon failure to cooperate. The questions directed were to be narrowly constructed and each officer so suspected was not required to waive his immunity from criminal self-incrimination. Advise was also explicitly given before the test to the effect that any statement made by the officer during the polygraph test could not be used against him in a criminal proceeding.

The Seattle Police Officer's Guild, a professional association for police officers, filed for injunctive relief before the polygraph testing process commenced. The trial court granted the injunction and the City of Seattle appealed. The Washington Supreme Court reversed, holding that a police officer does not have a right to remain silent in view of potential self-incrimination (in an

internal administrative investigation) so long as the following criteria and guidelines are satisfied:

(a) The questions asked of the officer pertain specifically and narrowly to the prior performance of his job;

(b) The officer is not required to waive immunity from criminal prosecution;

(c) Further, the police officer is advised that the information supplied through his answers cannot be used against him in a later criminal proceeding; but that his failure to cooperate in the investigation could result in disciplinary action, including dismissal.

The latter three conditions clearly spell out the fact that once a police officer gives information (under order) in the polygraph process the resultant information derived cannot be used in a criminal prosecution unless immunity is specifically waived.

### C. Right to counsel during polygraph examinations

There are other issues indirectly related to the question of whether a police officer may remain silent in disciplinary proceedings employing polygraph investigations. One is the claimed right to refuse to take a polygraph examination without the presence of legal counsel. The Sixth Amendment to the United States Constitution provides a guarantee of legal counsel to suspects in criminal proceedings and reads as follows:

"In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

This right to legal counsel, as set forth in the foregoing amendment will be discussed as it may relate to the individual police officer who is compelled to undergo a polygraph test. The difficulty is that most courts have not been sympathetic with granting such rights and thus police officers have not had significant success in gaining the right to be accompanied by legal counsel during the administration of the polygraph test. Certain of the more significant cases in this latter respect should be examined to understand the judicial reasoning used.

One such significant case was *Grabinger v. Conlisk* (320 F. Supp. 1213, U.S. District Court, Northern Dist. Illinois, 1970), (affirmed 455 F. 2d 490, 1972). This particular case involved the central issue of the right to counsel during internal disciplinary proceedings in police departments.

However, the case also appears to cover the specific area of a right to counsel during polygraph administration procedures.

In the *Grabinger* case, two Chicago police officers instituted legal action under Section 1983 of the United States Civil Rights Act, employing the theory that pursuant to the United States Constitution they had a right to have counsel present during the course of a polygraph examination. The plaintiff officers who were charged with police brutality also claimed they had a right to have an attorney present at a hearing before the Chicago Complaint Review Panel. As a consequence of the disciplinary proceedings, the officers were suspended fifteen days upon the recommendation of the review panel of the police department. In the suit initiated by the police officers involved, defendants argued that the hearing before the Complaint Review Panel was only a departmental hearing as opposed to an administrative hearing and that right of counsel was not necessary in those circumstances.

The decision of the Federal District Court for the Northern District of Illinois in *Grabinger* affirmed the Review Panel holding, reasoning that a law enforcement officer is in a peculiar and unusual position of public trust, and therefore, the public has an important interest and expectation that an officer give frank and honest replies. This, the court further reasoned, would be particularly true where questions arise on fitness for the office he holds. In light of this latter concern, and the minimal penalty which could be imposed (less than thirty one days suspension), the court held that there was neither a denial of right to counsel or a violation of procedural due process. The District Court went on to recognize the possible prejudice and jeopardy to the disciplinary processes if the review panel had to afford the full array of constitutional due process rights to police officers in all such cases.

The court did find that the minimal standards of due process were granted in allowing the hearing to the officers. Additionally, the court reasoned that the entire process was just investigatory rather than adjudicatory, with the panel's recommendations being sent to the Superintendent of Police for final disposition. In summary, the court in *Grabinger* ruled that a police officer can be disciplined for insubordination if he refuses to submit to a polygraph exam. The officers' Fifth Amendment rights against self-incrimination is not violated when required to take a polygraph, and that legal counsel was not improperly denied during such procedures.

A situation in New Orleans gave rise to one of the leading cases of polygraph usage in police investigations (*Roux v. New Orleans Police Department*, 223 So. 2nd 905, La. App. 1969). This case centered around the death of a New Orleans girl who apparently died of suffocation during or after sexual intercourse. Evidence procured from witnesses in the apartment in

which the girl was found dead revealed that the victim had acquaintance on the New Orleans Police Department.

As a result of this disclosure, the New Orleans Police Superintendent ordered an investigation, requiring in the process that certain officers give samples of fingernail scrapings and hair. Additionally, written statements were taken, and officers' families were questioned. Finally, polygraph examinations were administered to some of the suspected policemen. One such policeman was George Roux, who, while technically not a suspect at the time, was ordered to give the requested samples. His suspicion was based solely on the fact that the name "George" appeared in the girl's diary, along with the names of several other policemen. Roux refused to take the requested polygraph, and after refusing again upon direct command order, was discharged on the grounds of insubordination. The New Orleans Civil Service Commission upheld the firing of Roux and the matter was appealed to the Louisiana Court of Appeals.

Part two will appear in the March Shield.

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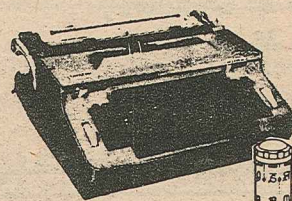
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## Shock Probation

(Cont. from Page 4)

releasing potentially dangerous individuals, long before their terms have been served, happen to guess wrong and the individual so released victimizes someone else, it is society who pays. Institutional staffs and parole boards are not accountable to society if, as a result of their misjudgment as to when release was proper, one who should have been in prison kills, rapes, or robs again.

The victim of such a crime has no recourse against those whose advanced social theories have placed the criminal at liberty to continue his anti-social activities. Since it is society which pays for errors in judgment made by institutional staffs and parole boards, then society, in the form of the concerned citizen, should take a much longer and harder look at the entire process. Just as there are individual citizens and groups who are, quite commendably, concerned with prison reform and the rights of the prisoners, so should there be groups equally concerned with the rights of society. We cannot lose sight of the fact that our penal institutions have an obligation to protect as well as correct.

Your December-January issue carries an article about a Citation For Meritorious Service issued by Chief Corrin J. McGrath to Officer Paul Sontchi and Officer Louis Langlois for the arrest of subjects perpetrating an armed robbery. I also wish to commend the officers for a job well done. This particular case was assigned to me for prosecution and I feel it is important for you and your readers to know the disposition. There was no plea-bargaining; there was not leniency by a soft-hearted judge. The three adult defendants were immediately sentenced upon their pleas of guilty to the indictment charging aggravated robbery. The offender with the worst prior record was sentenced 7-25 years. The other two, without serious past records were sentenced 4-25 years. A juvenile who also was involved was committed to an institution by the juvenile court. In this example, the Court and the prosecutor did their part. It will be interesting to see what the Adult Parole Authority does. How much time will these defendants really serve before being granted a parole or some other form of release from actual confinement?

## Morrissey's Corner

(Cont. from Page 4)

falls off the bar stool. He is on his feet. His hand goes to his ear and wipes. He then brings it to his nose to smell it. He must have stood there for about five minutes looking for the one who did it. He again sits down. He and his friend are talking about it. Every once in awhile he looks over his shoulder.

Willie almost chokes, but he does not laugh for fear of being exposed. Willie has another couple of beers and everything is back to tranquility. He figures his old talent has not died. As he looks around again, he sees a man sitting at a table talking to a girl. He notices the fat overlapping his collar on the back of his shirt. He looked at him and then back to the bar where the man was sitting with the silver helmet. Willie thought he would try for a double banger.

Willie again takes a large mouthful of beer. He primes his tongue. He raises his upper lip and a stream of beer is on its way, aimed at the back of the neck of the man sitting at the table. He quickly turns his head and shoots another stream at the man with the metal helmet. "Two direct hits." Both men are on their feet wiping the beer from their necks. They look at each other. The man with the helmet yells out at the other one, "So you're the wise guy. You like to play jokes, huh?" They were both running toward each other. Their hands were rolled up into fists. A lady jumps up and yells, "Wait a minute! I saw the whole thing. That little guy sitting there, who looks like a rabbit, has been spitting beer at your two."

Both men are looking at Willie. Willie was contemplating whether to run, but he knew them old legs would not carry him fast enough. The man with the helmet was now standing next to the table pointing his finger at him. "You old coot, I ought to knock them front teeth out so you'll never do that again."

A beat officer walking outside heard the commotion. He immediately goes inside. Old Willie jumps up and stands behind the officer. The officer asks the man with the helmet on what happened. The man told him. The officer takes Willie from the bar and escorts him home. Willie looks up at the officer. "I swear, officer, I'll never pull that stunt again!"

## As We See It

(Cont. from Page 4)

Some of our Patrolmen's Assn. members have received a lot of response on the "Cops in the Classroom" article and expressed surprise that so many Toledo policemen held degrees or were working toward them. In our original negotiations, the City originally agreed to attempt to implement an incentive pay program for the patrolmen whereby the officer's pay would be increased as he successfully completes additional educational college level courses.

Patrolmen attending the various courses at Toledo University and other schools were more than miffed over the March 30, 1974, memo of Don Bradley, director of personnel and labor relations for the City, when he announced that the City's response to the proposal was that the City was not "prepared to establish such a program right now" and went on to say it was not an outright "rejection of the underlying philosophy behind the recommended program".

Meanwhile our TPPA members keep right on going to school so we can understand the language our City Fathers use in rejecting proposals that would be beneficial to both the Patrolman and the Public.

## TPPA Service Officer Sought

The Toledo Police Patrolmen's Assn. is seeking a volunteer from its ranks to serve as a Service Officer for the union, it was announced this week by Ken Perry, president.

Perry said the individual will be schooled in social agencies, city compensation and sick time provisions, and in how to coordinate efforts with various agencies in resolving personal problems of members, especially those injured or ill.

Any member of the TPPA willing to serve as Service Officer for the union is requested to contact Ken Perry. One of the prime functions of the job will be to call on members who are hospitalized or home recuperating from illness to assist them in filing claims, obtaining maximum benefits from the City, Veterans Administration and any other agency which may be able to assist the member and his family.

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## Former Sheriff Sees Deliberate Destruction of Law Enforcement

By Bill Metzger,  
Former Sheriff  
of Lucas County

The destruction of law enforcement appears to be the prime objective of some dissident groups and individuals in our country. They are making headway, slowly, but surely, operating under a cloak of intimidation and harassment. As the result of their efforts they are causing a great problem to the officer and courts who are attempting to enforce the laws.

Our complex society is a system of law. The system is headed for chaos unless the laws are enforced. Unless law enforcement officers have the support of government and the people it represents, they will become totally ineffective in their efforts to maintain the peace and protect life and property. The latter is their sworn oath and obligation to the people.

Since local law enforcement represents the first line of defense of this great nation, it becomes the primary target of those who challenge establishing authority. Even with the increasing crime problem today, law enforcement now must also be defended if it is to exist at all. One of the contributory factors for this problem is that many of these groups seek altercations with the police to gain publicity and sympathy; another is a move to have federal courts take over certain police departments and supervise their operations.

By appointing themselves as a special master with full administrative powers over local affairs, police departments under court direction are ineffective from the top command down to the patrolman on the street.

One of the basic concepts for the protection of our democracy is "no federal police", and this great nation has no place for, nor does it need a national police force. It should be definite that in a democracy such as ours, effective law enforcement is a local responsibility. Just as our Constitution states "self-government reserved for states, counties and municipalities", the enforcement of laws is not only their right, but their duty.

It is time that citizens and local officials vigorously oppose the planned attacks against law enforcement and related

moves to destroy local authority and replace it with federal police power.

Think about it!

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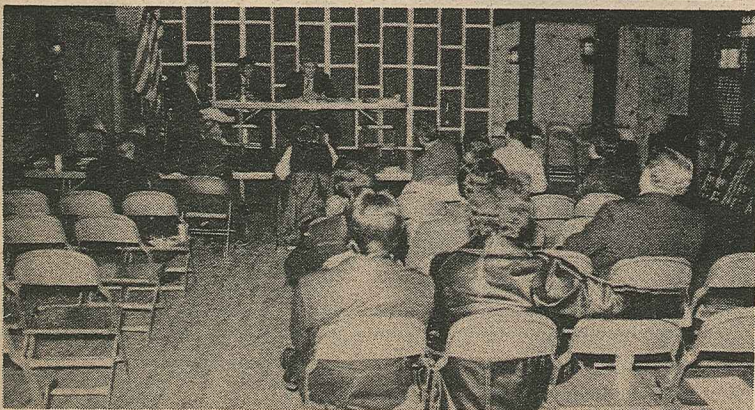
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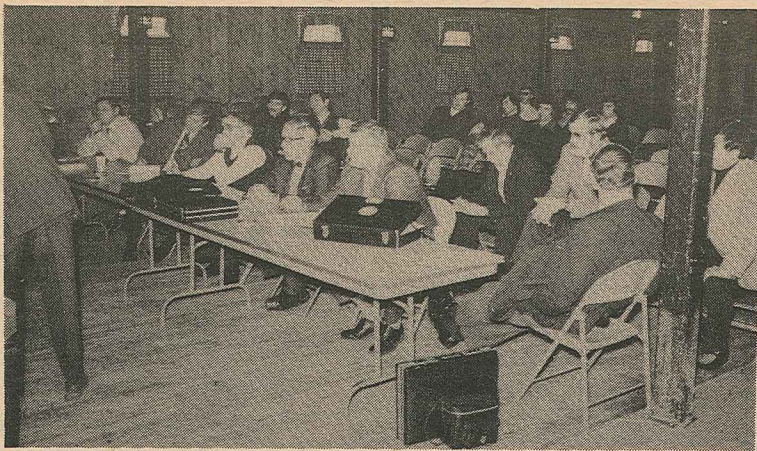
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## Discussing OUPA Issues

Executive board members of the O.U.P.A. discuss various legal and legislative issues at the recent conference in Maumee.





### Labor Seminar at Maumee

Ohio Union of Patrolmen's Associations board members and delegates are shown at the opening of the O.U.P.A. state executive board meeting and labor seminar at Luke's Barn, in Maumee.

## Perry-Connors Defend Shield On WKLR Radio Program

Ken Perry, President, and outgoing Vice President John Connors spent two hours defending positions of the Toledo Police Patrolmen's Assn. and its newspaper, The Toledo Police Shield, on Radio Station WKLR-FM, on Sunday, Jan. 11.

Appearing by invitation on the WKLR program, during which listeners call in to ask questions and make observations, Perry emphasized that the Toledo Police Patrolmen's Assn. has given endorsement and signed the affirmative action program under which minority populace applicants will be hired by the Police Dept. to bring about a greater percentage of minority representation on the department.

Perry pointed out that both officially and unofficially, the patrolmen's union in Toledo is attempting to bring about a closer relationship and respect between the union and minority groups. Questioned on the running of the prison and conviction record of a spokesman for a Black group on an issue pertaining to the shooting of two persons by a Toledo Police officer, Perry was very emphatic in pointing out that this individual had been in name - calling of the selective enforcement division and specific officers. Perry said that the article was run so that the public could draw their own conclusions as to qualifications of the individual to lead any group critical of police actions. Perry quoted the old adage: "If you live in a glass house, don't throw stones."

Some of the callers defended the stands and position of the police union on the issues discussed. The moderator began the first several minutes of the program criticizing both the publication and the TPPA.

## Recruiting Announced

The Toledo Police Dept. has announced that an intensive recruiting drive for prospective personnel, primarily among minority groups, has been placed underway. Chief McGrath said the new recruiting program is needed to bring the department from its present 726 persons to authorized strength of 772.

Officer Joel Kaminski is coordinating the program of recruiting, and said his team will go to churches, community and other groups with their campaign. They predicted that the Civil Service Commission would have the eligibility test completed by early in February.

The recruiting theme of the program is "It Takes All Kinds and You Just Might Be One of Them."

Only recently, the City administration has stated that no plans for hiring would be forthcoming in the near future. The Toledo Police Patrolmen's Assn. and The Police Shield had been publicizing the shortage on the force for the past two months.

## Animal Shelter Offers Aid In Selecting Watch Dogs

Considering the size of this city with the rapid increase in crime in this city, I believe our Police Department, though understaffed and forced to work longer hours, has done a fine job in not letting crime get out of hand.

I think there is a good deterrent to crime which could well help our over-worked Police Department and at the same time help ourselves to feel a little more secure, particularly at night, if we could get a good watch dog and give it a good home. In no way does it have to be a pedigree dog to make it a better watch dog. It will make just as good a watch dog if it is of mixed breeds, so I am told. It will require love and attention on your part; made to feel there is a special place in your life for it and you'll be surprised what this animal will do for you in return.

The Toledo Animal Shelter, located at 640 Wyman Road, has a large variety of dogs just waiting to find the right home. These animals, for one reason or another, are brought to us to find new homes for them and this we do.

For the little old lady who lives alone in a neighborhood beset with petty crime, what a relief it must be for her to know that she has protection twenty four hours a day and at the same time a sort of warm companion. She can take her dog for a walk to the store or market and not be afraid and for this type of protection she wouldn't have to have the largest of dogs — a medium size dog would do just as well. For the family where the father works nights and there are small children, a larger dog would be better because they understand the demands of children and it would make a most effective deterrent for anyone trying to break in at night.

Did you know that with all the rape cases that have been reported here in Toledo, not one occurred in a place where there was an animal or watch dog; think about that considering the large number of reported cases where there was a break in and reported rape.

The Police Department deserves all the help it can get, you can help yourself and help make life easier for the Police Department if you were to get yourself a good watch dog which in turn would give you life long devotion, and would

greatly help to cut down on burglaries and break-ins. If you haven't been out to the Shelter for your very special type watch dog, why don't you try us?

You'll be pleasantly surprised.

Huge Hutchinson  
President  
Toledo Animal Shelter  
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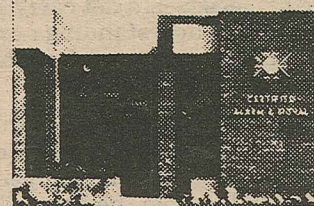
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## I.C.P.A. Wins Restraining Order On Labor Standards

Edward J. Kiernan, president of the International Conference of Police Associations, has forwarded a letter containing the opinion of Chief Justice Burger in the National League of Cities vs. Brennan Supreme Court case overturning the District Court and in effect, granting a temporary restraining order relative to implementation of the Fair Labor Standards Act Amendments and the regulations affecting both fire and police.

Kiernan said the effect of the interim order to allow the full Court to hear this case as soon as possible. The Fair Labor Standards Act Amendments and the regulations scheduled to have taken effect on Jan. 1, 1975, as reported in the last edition of the Police Shield, have thus been placed in limbo pending the outcome of the Supreme Court decision.

The following is the opinion of Justice Burger:

This matter came to me as an individual Circuit Justice for the District of Columbia Circuit after the close of regular business hour of this court on Tuesday, Dec. 31, 1974, on a motion of the above named appellants, states and municipalities, the National League of Cities and the National Governors' Conference. The application of said parties requests a stay of those parts of the 1974 Amendments to the Fair Labor Standards Act, Pub. L. 93-259, 88 Stat. 55, amending 29 U. S.C. S201, et. seq, which go into effect Jan. 1, 1975, to stay Regulations promulgated by the Secretary of Labor, 29 C.F.R. Part 553 — Employees of Public Agencies Engaged in Fire Protection or Law Enforcement Activities, including security personnel in correctional institutions of said states and municipalities, and for an injunction against enforcement by the Secretary of Labor or by any other person in any Federal court to enforce parts of the said 1974 Amendments to the above - described Act, which went into effect May 1, 1974.

The above - entitled case was filed in the United States District Court for the District of Columbia on Dec. 12, 1974. A Three - Judge District Court was convened and on Monday, Dec. 30, 1974, heard arguments on Plaintiffs' and Plaintiff Intervenors (all of who, except for Plaintiff Intervenor State of California, are Appellants on this Application) Application for a Preliminary Injunction. Earlier today an order was entered dated Dec. 31, 1974, denying a Preliminary Injunction and dismissing the Complaint in the above - entitled action.

The Three - Judge District Court in denying the relief sought on the same day as it heard arguments expressed the view that the Complaint raised "a difficult and substantial question of law" but concluded that it was bound by

this Court's holding in Maryland v. Wirtz, U.S. 188 (1968).

In light of the pervasive impact of the judgment of the District Court on every State and municipal government in the United States, the novelty of the legal questions presented and the expressed concern of the District Court as to the substantiality of the constitutional questions raised, the brevity of time available to the District Court and to me as Circuit Justice, the extent and nature of the injury to the applicants, it is not appropriate to take final action as an individual Justice.

Against this background, and balancing the injury to the contemplated enforcement of the regulations by the Secretary, against the injury to the applicants if they are ultimately successful, and sharing the doubts and concerns articulated by the District Court, I am not prepared — less than five hours before the Regulations of the Secretary become effective — to do more than enter an interim order granting the relief prayed for until the application can be presented to the full Court at the earliest convenient date, at which time the entire matter can be considered with the benefit of a response from the Solicitor General on behalf of the Secretary.

Accordingly, an order will be entered forthwith, granting the relief prayed until further order of the Court and referring the application to the full Court.

The Solicitor General has been directed to file any response he desires to make on or before Wednesday, Jan. 8, 1975.

December 31, 1974  
1:30 P.M.

## TPPA Installs New Officers

Installation of two new officers for the Toledo Police Patrolmen's Association were made following elections created on the board following the resignation of John Connors. Connors resigned as Second Vice President on the T.P.P.A. board due to illness in his family.

Robert Morrissey was nominated and elected to the office of Second Vice President, replacing Connors. Morrissey vacated his incumbent office of Recording Secretary to accept the vice presidency. He is also a trustee on the Ohio Union of Patrolmen's Associations board.

Robert Mason was nominated and elected to the office of Recording Secretary. Both men were installed at the Toledo Police Patrolmen's Association meeting Thursday night, Jan. 16.

## Physical Training Program Planned for Toledo Police

By Sgt. Buddy Carr

On Oct. 4, 1971, a Police Physical Conditioning Program for members of the Toledo Police Department was successfully launched. The program is one of continuous physical training exercise which is supervised by Sgt. Ramon "Buddy" Carr and administered by the Police Academy. The location of the gym used for the program is at the Holy Spirit Seminary at 5201 Airport Highway. Since its inception, approximately 75% of the Toledo Police officers have attended this voluntary conditioning program.

One of the popular programs at the training center is the run for your life jogging contest. The program starts the first of October and ends the following October.

Chief Corrin McGrath presented the awards to the winners of this year's program. They were Officers Terry Schroeder, Pete Sifuentes, Tom Purcel, Dave Dumas and Ed Petersen.

An award for most participations was given to Lt. Arthur Pasadny, who was closely followed by Capt. Ferd Wiegand, Deputy Chief Ray Vetter and Lt. Tom Gray.

It is most gratifying to see that the police Command Officers are those who are most active in this program.

If testimonials of on - the - job performance were taken regarding the officers who regularly attended the Toledo Police Department's Physical Conditioning Program and other professionally organized and administered physical conditioning programs, it would be clearly seen that a wide performance gap separates the participating groups from the non - participating individuals.

The result would be many success stories would be obtained wherein properly - conditioned officers consistently chased and apprehended law violators without adverse ef-

fects due to sudden physical exertion.

Regular participation has a significant impact upon officers' presence and professional attitude that each officer must have while being subjected to the stresses and tensions peculiar to law enforcement practice.

★★★

### Carr Olympic Gold Medalist

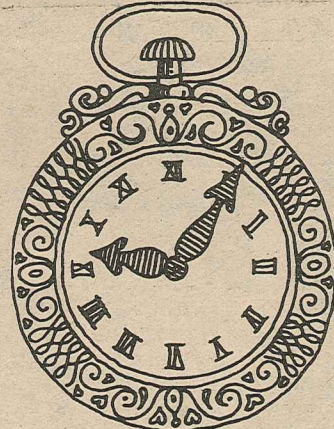
Sgt. Ramon (Buddy) Carr, author of the adjacent article on the Police physical fitness program, was coach of the 1960 U.S. Olympic Boxing team which brought home to Toledo a Gold Medal won by Wilbur "Skeeter" McClure.

Sgt. Carr is a nationally recognized boxing figure who has the unusual distinction of winning all his fights, but lost his decision when he applied for a leave of absence from the Toledo Police Department to further his boxing career. He is an expert in self - defense tactics and lends his knowledge of these skills to new police classes and established law enforcement agencies of the area.

He has 25 years on the Toledo force.

Tom Purcel

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### JIM'S SHELL

601 NEBRASKA  
PH. 241-0795

### SCANNER CRYSTALS SCANNER RADIOS

Police, Fire, Alert  
Radio Service

### ADVANCED COMMUNICATIONS

125 N. WESTWOOD  
8:30 - 4:30  
DAVE ZAWODNY

### KATTY'S BAR

502 JUNCTION AVE.  
TOLEDO, OHIO  
241-3483



# TPPA Dance Photos Attest to Evening of Fun

