

OFFICE OF COLLECTIVE BARGAINING  
BOARD OF COLLECTIVE-BARGAINING

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In the Matter of the Impasse Between

SERGEANTS' BENEVOLENT ASSOCIATION OF  
THE POLICE DEPARTMENT OF THE CITY  
OF NEW YORK

Case No. I-145-79

-and-

LIEUTENANTS' BENEVOLENT ASSOCIATION  
OF THE POLICE DEPARTMENT OF THE  
CITY OF NEW YORK

-and-

CITY OF NEW YORK AND POLICE DEPARTMENT  
OF THE CITY OF NEW YORK

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BEFORE THE IMPASSE PANEL: Philip Feldblum,  
Arnold M. Zack  
Daniel G. Collins, Chairman

REPORT OF THE IMPASSE PANEL

This is an impasse proceeding, under section 1173-7.0.c of the New York City Collective Bargaining Law (NYCCBL). The proceeding arises out of a Police Department Operations Order providing for the assignment of Police Sergeants and Lieutenants to solo supervisory radio motor car patrols.

The parties are: Sergeants' Benevolent Association (SBA), represented by Kaye, Scholer, Fierman, Hays & Handler, Esqs., the late Seymour Goldstein, Esq., Jay W. Waks, Esq. and Brian

S. Conneely, Esq., of counsel; Lieutenants' Benevolent Association (LBA), represented by O'Donnell & Schwartz, Esqs., Joel C. Glanstein, Esq., of counsel; and the City of New York (City) and the Police Department of the City (Department), represented by the Office of Municipal Relations, Frances Milberg, Esq., Associate General Counsel.

Hearings were held on September 20, October 8 and 24, November 6, 12, 13, 14 and 15, December 19 and 20, 1979, and January 24 and 25, 1980. Shortly thereafter, as the result of the slaying of Police Officer Cecil Sledge, discussed hereinafter, the hearing was reopened, but was delayed by the illness and untimely death of Seymour Goldstein, Esq., the chief counsel for the SBA. Reopened hearings were held on March 10 and May 13, 1980. Post hearing briefs were submitted by the parties on or about July 27, 1980. The record consists of a stenographic transcript of 1809 pages, 48 exhibits, some multiple in form, and the transcript, exhibits and briefs in a prior Board of Collective Bargaining (BCB) proceeding (the "scope" proceeding).

#### BACKGROUND OF THE DISPUTE

To fully understand the issues and positions of the parties, it is necessary to review the background of the issues herein.

Section 1173-4.3.b of the BYCCBL provides:

"It is the right of the city, or any other public employer, acting through its agencies, to determine the standards of services to be offered by its agencies; determine the standards of selection for employment; direct its employees; take disciplinary actions; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of the performing its work. Decisions of the city or any other public employer on those matters are not within the scope of collective bargaining, but, notwithstanding the above, question concerning the practical impact that decisions on the above matters have on employees, such as questions of workload or manning, are within the scope of collective bargaining."

(emphasis added)

In February, 1975, in a proceeding between the City and the Patrolmen's Benevolent Association (PBA), the BCB held that if a City proposal "to change the manning of [non-supervisory] precinct radio motor patrol cars raises questions of the practical impact on the employees, then the City must bargain with the Union concerning that practical impact;" that bargaining for the "alleviation" of the impact which fails to produce agreement, will be subject to impasse procedures. (Decision No. B-5-75).

In October, 1977, the Police Department issued Operations Order 85 (0/0 85) providing for solo radio motor patrols (RMPs) by non-supervisory Police Officers.

0/0 85 provides, inter alia, that its application is limited to 43 of the 73 precincts in the City (excluding thirty "high-risk" precincts). In each of the covered 43 precincts, "trigger" numbers have been established specifying the number of two-man RMPs that must be activated on each tour before solo RMPs may be used. Solo RMPs are assigned to quiet sectors of the precinct and may be dispatched as primary response cars only to specified low-risk incidents. They may be dispatched as back-up units, and if no two-man RMP is available, two solo RMPs may be dispatched.

After unfruitful discussions between the City and PBA, the matter was submitted, by mutual consent, to an impasse panel (the "Levin" panel), which found no practical impact upon safety. As neither party appealed the panel's finding to the BCB, it became final and binding. Pursuant to 0/0 85, solo, non-supervisory RMPs were instituted by gradual phases beginning in 1977.

On April 6, 1979, the Department issued Operators Order 40 (0/0 40) providing for solo supervisory patrols by Sergeants and Lieutenants in the 43 precincts covered by 0/0 85, and in the Harbor Unit, the Mounted Unit and the Highway District. That Order reads in part as follows:

"2. Supervisors assigned to solo patrol will perform duties within the scope of their supervisory function and will not be assigned as the primary response unit on radio runs by Communication Section dispatchers.

3. To provide for the safety of supervisors operating solo, the dispatcher will be notified whenever such member is required to leave his vehicle.

4. In the event that an unusual condition arises, a commanding officer may suspend the provisions of this order and assign a police officer as operator of the supervisor's vehicle on a given tour. If such condition continues for more than a week period, a report with recommendations will be forwarded to the Chief of Patrol.

5. Any provision of the Department Manual or other department directives in conflict with this order is suspended."

Thereafter, the SBA initiated Improper Practice and Grievance proceedings before the BCB, and a court proceeding to enjoin implementation of 0/0 40. On April 13, 1979, the parties entered into a stipulation providing, among other things, for submission to the BCB of the question whether 0/0 40 involves a practical impact upon the safety of the employees.

On May 24, 1979, the BCB held (Decision No. B-6-79) that 0/0 40 constituted a proper exercise of the City's reserved powers under NYCCBL, section 1173-4.3.b, but that

it presented risks. to the safety of supervisors, beyond those concededly present in police work generally, which increased risks were the result of certain omissions from 0/0 40, specifically, that 0/0 40:

"fails to define or set standards as to the point at which the reduced numbers of Radio Motor Patrol cars in operation in a given precinct or a given tour, with due consideration to the varying levels of police activity, would render the use of solo supervisory patrol cars unsafe, and fails to provide for supervisory patrols by Sergeants or Lieutenants unfamiliar with the precinct or covering more than one precinct, including a precinct where no solo RMP vehicles are permitted at any time."\*

The BCB, ordered the parties to undertake good-faith collective bargaining for the purpose of "reaching agreement on terms for the alleviation of the said practical impact." The BCB's Decision and Order were upheld by the Supreme Court in all pertinent respects, including "the Board's determination to limit collective bargaining to three areas", i.e., (1) the failure to provide trigger numbers, (2) the failure to provide

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\* The BCB found that the Unions' evidence and arguments based on age, training, the absence of precinct surveys, the additional driving duties of solo supervisors, and the timing and phasing in of 0/0 40 "do not rise to the level of a practical impact", and that "It was not shown that the three additional patrol commands [Harbor, Mounted and Highway] were unsafe for purposes of solo supervisory patrol." Decision No. B-6-79. We note that some of the parties' arguments as hereinafter set for under "Contentions", are not, therefore, within the scope of this proceeding.

for patrol of an unfamiliar precinct and (3) the failure to provide for multi-precinct patrols. Sergeants' Benevolent Assn. and Lieutenants' Benevolent Assn. v. Board of Collective Bargaining, et al., 183 NYLJ P.6 col. 2 (N.Y. Sup. Ct., N.Y. Co., Aug. 7, 1979).

Negotiations took place between the parties concerning "terms for the alleviation of the said practical impact." A mediator was appointed on June 22, 1979 and met with the parties between June 28 and July 1, 1979. The negotiations having been unsuccessful, on August 27, 1979, the undersigned Panel was appointed to resolve the impasse.

After the hearings before this Impasse Panel had been closed on January 25, 1980, certain events occurred which necessitated reopening of the proceedings. On January 28, 1980, Police Officer Cecil Sledge was slain while operating alone in a police car in the 69th Precinct. Although that precinct is one in which solo RMF is permitted (the precinct's trigger number had been reached for the tour), Sledge was not operating under 0/0 85. He previously had volunteered for, and been assigned, with a partner, to a "precinct conditions" car which carries out certain tasks throughout the precinct, such as checking churches for vandalism, checking out disorderly groups, and observing known narcotics locations. On January 28, Sledge was riding alone because of the illness of his partner. He had been instructed to pay particular attention to parking summonses. He was slain when he stopped

a car, driven by a man he previously had arrested, and left his car to question the man.

The death of Sledge resulted in a threat of job action by the PBA which told its members not to ride solo and threatened a walkout if officers were suspended for refusing to do so. On January 29, the Police Commissioner temporarily suspended the use of solo RMP. On February 13, by agreement between the Commissioner and the then President of the PBA, the suspension was continued until solo RMPs could be equipped with shotguns and officers trained in the use and care of that weapon. It appears, however, that the PBA Board of Delegates rejected this agreement. Subsequently, provision was made for a volunteer program and for equipping solo officers with shotguns, and training them in the use thereof.

On March 10, the use of solo RIVs under 0/0 85 was reinstated with mandated shotguns and training. The Order contains no reference to a volunteer program.

There is confusion and conflict as to the use of volunteers. On February 13, the Commissioner expressed the hope that the solo RMP program would be fully staffed by volunteers. An article in "Front & Center," an official publication of the PBA, states that "only officers who volunteer" will be assigned to solo RMP. Publication of the article immediately resulted in a letter from the First



Deputy Commissioner to the PBA stating that the article was inaccurate; that the Department had retained its right to assign officers to solo patrol; and that the agreement was that if there were insufficient volunteers, trained non-volunteers would be assigned to the solo patrol units. There was no reply to this letter.

It was stipulated that former PBA President Samuel DeMelia, if called as a witness, would testify that the PBA has no objection to the program "as long as Police Officers are not pressured or ordered to ride solo" and that the PBA is neither encouraging nor discouraging volunteers, but still "feels one-man cars are unsafe." \*

Whether or not the solo car program for supervisors should be wholly voluntary, the three areas of safety impact specified by the BCB remain basic issues herein.

#### CONTENTIONS OF THE SBA

The SBA argues that the City has demonstrated a callous indifference to the safety of its Sergeants in this issue and that the responsibility for the safety and lives of its members now rests in the hands of this Panel.

It asserts that by the suspension of 0/0 85, and the subsequent provision of shotgun-trained and-equipped volunteers, the City has openly conceded that solo patrol is totally unsafe;

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\* It had been found that 0/0 85 had no practical impact on safety (BCB Decision No. B-6-79, p.5).

that Sergeants, like Officer Sledge, operate precinct-wide and deal not merely with quiet sectors or activities; that they, like he, engage in pick-up jobs such as car stops; and that such killings could well be averted by the presence of a partner. The SBA contends, however, that while the PBC was content to agree to the voluntarism-shotgun arrangement, the SBA believes that approach is inadequate and merely a cosmetic attempt to convince the public that officers' safety is protected.

The SBA asserts further that the City's position erroneously views Sergeants as mere supervisors, who do not become involved in dangerous situations; that such a view ignores their sworn oath to uphold law and order; that Sergeants cannot sit idly by to await a back-up unit; and that neither the RMF radio or portable radio unit provide any real protection for solo riding Sergeants. It contends that there is no evidence of safety of solo supervisory patrol in the testimony of the City's witnesses, while the SBA has submitted an abundance of evidence, in the form of testimony, exhibits, statistics and crime data, proving beyond any doubt that solo supervisory patrol constitutes an unreasonable hazard, for which no realistic safeguards can be provided. The SBA asserts that the City never adequately surveyed crime in regard to supervisors prior to 0/0 40; that in issuing 0/0 40 it failed to take into account its own crime data as to precincts and

to take into account changes in the levels of criminal activity; that it virtually ignored the triggerpoints it alleged contributed to the safety of 0/0 85; that it ignored crime variations by tours, precinct, and type and number of calls; that it ignored the reality of frequent initial response by Sergeants; that it gave inadequate recognition to the stress, tension and rigor of driving supervisory solo patrols; and that it failed to provide a realistic phase-in period for its program.

The SBA concludes that the "interest and welfare of the public", as demonstrated by its unrebutted evidence as to public opinion, favors and demands two-car RNP cars as a guarantee of safety to its officers and the public. Accordingly it urges rejection of the City's experiment with solo patrol by supervisors, since the City and Police Department have utterly failed to establish that any program of solo supervisory patrol is safe, and since the SBA has established the need for continuation of two-officer supervisory RPM by Sergeants and their partners.

#### CONTENTIONS OF THE LBA

The LBA contends that the evidence fully justifies and warrants the conclusion that 0/0 40 should not be applied in any respect to Lieutenants on patrol in the City. It argues that the suspension of 0/0 85 underscores the fact that solo

patrol is inherently unsafe; that the level and intensity of a Lieutenant's duties precludes solo patrol; that 0/0 40 ignores the greatly increased stress level that medical evidence establishes would result from loss of a patrol partner; that the implementation of 0/0 40 would be even more onerous for the Lieutenants than 0/0 85 was for solo police officers; that the risks of solo supervisory patrol would be augmented by the rising level of crime and decreasing manpower levels in the precincts covered by 0/0 40; that the present workload of Lieutenants is overly heavy; and that Lieutenants under current policy are primarily desk officers and thus have little patrol familiarity with the respective precincts. The LBA further argues there has been no probative evidence: that 0/0 40 as applied to Lieutenants is safe, but rather that such patrols are unsafe and unwarranted, and therefore should be denied.

CONTENTIONS OF THE CITY AND THE POLICE DEPARTMENT

The City and the Department contend that 0/0 40 as amended during this proceeding is a valid and proper exercise of its managerial rights; that there has been no showing of any adverse practical impact as to safety; that 0/0 40 is predicated upon the admonition to supervisors not to expose themselves to undue hazards or to take undue risks; and that the Department has had many different forms of solo patrol, which are not

subject to either 0/0 85 or 0/0 40, and which have been accepted as safe over the years.

The City and the Department argue that the two modifications made in 0/0 40 during the proceedings leave only trigger numbers as "potential safety concern"; that the trigger numbers now to be utilized under 0/0 40 are sufficient to meet and alleviate the remaining area of possible safety act. The City notes, in this connection, that trigger numbers are absent in other cities with-solo patrol.

Finally, the City and Department argue that since the SBA and LBA have failed to meet their burden of proving an adverse safety impact, the Panel must conclude that 0/0 40 is a valid exercise of management prerogative.

#### DISCUSSION

1. In its brief to the BCB in the prior scope proceeding, the SBA stated it "realistically understands the limitation of law--which gives neither party an absolute veto over the interests of the other party." It also listed numerous areas of "creative negotiation" to "alleviate the impact on safety," stating: "What is eminently clear...is that any number of realistic solutions are possible through negotiations." The areas of "creative negotiation.." mentioned by the SBA, included "utilization of one-man RMP cars for supervisors only upon reaching a certain "trigger point" level of scheduled two-man car patrols."

Nevertheless, at the hearings before this Panel, as well as in their post-hearing briefs, the SBA and the LBA proposed neither trigger points nor any alternate means or method of alleviating the impact, insisting (even before the slaying of Officer Sledge) that 0/0 40 must be abrogated in toto. This position is inconsistent with the City's statutory right to determine manning levels, upheld by the BCB and the Court, and with the SBA's admission that it does not possess an absolute veto power. It also is inconsistent with the BCB's finding, upheld by the Court, that the safety impact, and hence the scope of bargaining, is limited to the three specified deficiencies in 0/0 40.

2. 0/0 40, as promulgated, contained no trigger points for solo supervisory-patrols, the City contending that trigger points were not necessary because solo supervisory patrols would not be dispatched as primary response units. The BCB rejected that contention (Decision No. B-6-79, pp. 25-26).

At the hearings before this Panel, the City revised its proposal so as also to bar the dispatching of solo supervisory patrols as back-up units, except in an emergency when no two-man RMP is available. This revised proposal is subject to the same deficiency which led to BCB rejection of the first proposal.

Although solo supervisory patrols would not be "dispatched" by the "911" radio dispatchers (whether as primary or back-up units), supervisors concededly are required to respond to all crimes in progress and other serious calls to which their

subordinate units are dispatched. The supervisory patrol on many occasions is the first to arrive at the scene, and the supervisor, even if solo, is required, as a police officer, to take such immediate police action as may be necessary, without awaiting the arrival of other units. Additionally, Department officials testified that although 0/0 85 bars the dispatch of solo RMPs as primary responses to serious calls, two solo RMPs may be dispatched if no two-man RMP is available. In view of the exception contained in the City's proposal, regarding dispatch of solo supervisors in an emergency, it is clear they would be dispatched similarly, The City's posthearing brief affirms this position.

3. The City's proposal of a supervisory trigger number of "T" involves a constant number applicable to all precincts and tours without "due consideration of the varying levels of police activity." Manifestly, the risks incurred on supervisory patrols increase as the number of available two-man RMPs decreases. To minimize the risk, there must be an adequate number of two-man RMPs as a condition precedent to solo supervisory patrols. Such a safeguard is all the more important in that the number of available two-man RMPs decreases during each tour as officers make arrests, attend to bookings, appear in court, etc.

The City's proposal, moreover, could, and would, lead to illogical results. For example, a supervisor in the Central Park Precinct, which has an 0/0 85 trigger point of 1 two-man

RMP (a low risk precinct) would have a driver at all times. On the other hand, a supervisor in a high risk precinct, with a trigger number of "7", would have no driver even if there was a deficiency of 5 two-man cars.

The 0/0 85 trigger numbers set for each precinct and tour represented experienced judgments as to the number of two-man RMPs necessary to meet anticipated calls requiring responses by two-man units, and were indicative of existing crime levels and police activity. The SBA and LBA, however, have submitted statistical evidence showing increased felonies in 1979, and changes of the levels of crime, and police activity, in the various precincts.

The SBA and LBA's argument that this increase is due to the use of solo RMPs is not persuasive. The 1979 increase in felonies is based upon comparison with 1978, which had the lowest number of felonies in the reported five year period. The number of felonies in 1976 (the last year before 0/0 85) exceeds the number in 1979, as well as the number in 1978 (the first full year of operation under 0/0 85).

The statistics do establish, however, that there have been, and are, substantial swings and changes in the levels of crime and police activity in the individual precincts. In 20 of the 43 precincts operating under 0/0 85, the crime rate increased with the result that a number of those precincts now have higher crime rates than some "high risk" precincts in which solo RNPs are not permitted. For example, in 1979,



nine of those precincts (13, 19, 61, 70, 107, 109, 113, 114 and 120) had higher levels of serious crimes than 19 of the 30 precincts in which solo RMFs are not allowed. These fluctuations demonstrate the need for periodic review and re-evaluation of trigger numbers.

4. The City has agreed that a supervisor should be provided with a driver if he is not familiar with the precinct which he is assigned to patrol. The question remains as to the criteria of "familiarity."

Department officials testified a supervisor can acquire familiarity with a precinct in six weeks to two months. SBA and LBA witnesses testified it requires six months for a Sergeant, and eight months for a Lieutenant (who typically patrols less frequently).

Supervisors on patrol are expected to be familiar with conditions, crime problems, community trends and tensions. While on patrol, they must check known crime-prone areas. Responding to a crime in progress, supervisors radio instructions to other responding units as to routes to be taken, to cut off escape routes and avoid collisions. At the scene, they must deploy officers to cover all exits, control traffic and crowds, etc.

The extent of familiarity needed may be gauged from provisions in the Tactical Response Manual which refer to knowledge of the streets, dead-ends and emergency routes,

building entrances, exits, rooftops, stairways, fire escapes and apartment layouts; crime-prone locations include public transportation stops, back streets, parks, parking lots, etc.; locations where crowds are likely to collect; and time factors, such as shift changes, school dismissals, closing times, rush hours, etc.

Such detailed knowledge manifestly cannot be acquired overnight or through occasional or sporadic patrols. The knowledge, moreover, must be ingrained, for it is required for spontaneous reaction to emergency situations.

5. The slaying of Officer Sledge, although he was not operating solo under 0/0 85 or 0/0 40, highlighted the potential risks of solo patrol. The City has introduced evidence and contends that this tragic event was an isolated incident; that in the two-plus years that 0/0 85 has been in effect, there has been no serious injury to any police officer operating a solo RMP under the safeguards provided therein. It further points out that for years there have been, and continue to be, solo foot, horse, scooter and motorcycle patrols, without complaint; that the Sledge incident involved a risk inherent in police work generally and was not the result of the promulgation of 0/0 85 with its built in safeguards.

On the other hand, the increased risks of solo patrols was conceded by representatives of the Department and is

inherently recognized in those safeguards in 0/0 85: it excludes from its coverage 30 high-risk precincts; requires a minimum number of two-man cars for each tour in each of the other precincts; provides for the assignment of solo RMPs to quiet sectors of the precincts; and limits the primary responses of solo RMPs to low risk calls.

Furthermore, the decision by the Police Department, following the killing of Officer Sledge, first to seek volunteers for solo RMP and to provide shotguns can reasonably be read as bespeaking recognition that solo RNP constitutes an assignment carrying more than normal risk.

The risks of solo supervisory patrols are at least comparable to those of solo PMPs. Solo supervisors patrol the entire precinct (not just a quiet sector) and must respond to all serious calls. In addition, there is some reason to believe that volunteers, who to this point apparently have been available for all solo RMP, would not similarly be available for solo supervisory patrol. The evidence indicates, in this respect, that at times there is only one Sergeant available in a Precinct--if he or she were not to volunteer for solo supervisory patrol there is no indication how such patrol could be implemented except by assigning that individual.

6. Under present circumstances very few Lieutenants--only 24 of the total of 349 Lieutenants assigned to patrol precincts--actually engage in supervisory patrol. This reflects

certain borough-wide policies requiring Lieutenants normally to remain at the precinct headquarters and even absent such borough-wide policies, similar exercise of the precinct commander's discretion.

There is also evidence that Lieutenants who might go on supervisory patrol must carry with them some additional duties incumbent upon them as the precinct operations officer.

#### CONCLUSIONS

Issues as to whether or not a practical impact exists involve the scope of bargaining and are determinable by the BCB. Here the BCB has found that 0/0 40 constituted a proper exercise of the City's managerial right to determine levels of manning, but that it also has a practical safety impact on the employees involved because of the omission of certain safeguards. Upon the inability of the parties to agree "on terms for the alleviation of the said practical impact," this Panel was designated to recommend the terms necessary to alleviate the impact. Our function is the difficult one of drawing lines which will provide the maximum possible safety for the employees while preserving to the fullest extent possible the City's statutory managerial right.

The evidence demonstrates to us that solo supervisory patrol is no less dangerous than solo RMP. Thus, at a minimum, the conditions presently in force for implementation of 0/0 85

must be met before Sergeants and Lieutenants are assigned to solo supervisory patrol. These conditions involve the exclusion of certain high risk precincts; the use of trigger numbers, provision for shotguns, with training, and the use, first, of volunteers.

The evidence also demonstrates that Sergeants and Lieutenants face risks that go beyond-those present in solo RMP under 0/0 85. Sergeants and Lieutenants must respond to serious crime calls and on many occasions arrive first. Moreover, they may be assigned to patrol more than one precinct or an unfamiliar precinct and, especially in the case of Lieutenants, may have had limited recent patrol experience. We believe that these risks can be alleviated to a tolerable degree by the City's agreement that one-man supervisory cars will only be assigned to back-up in "an emergency where there is no other back-up car available", thus reducing the likelihood of the supervisor arriving first on the scene of a serious crime, while increasing the number of cars so responding and the number of officers at that scene. Similarly, we believe that the risks associated with unfamiliarity will in part be alleviated by the City's modifications of 0/0 40 to provide drivers for supervisors assigned to cover more than one precinct or "flying" to another precinct. In addition, we will recommend that Sergeants and Lieutenants shall have had three months of

service in a precinct before assignment to solo supervisory patrol. We will also recommend that such supervisors shall have been on regular supervisory patrol in the precinct on at least thirty occasions in the preceding twelve-month period prior to assignment to solo supervisory patrol.

We are concerned by the evidence that the crime levels in the precincts to which 0/0 85 and 0/0 40 are applicable, vary from year to year and, in a number of instances, now are higher than in precincts where no solo RMP is permitted. At the same time the evidence indicates that there have been no reported serious injuries in connection with the use of solo RMP under 0/0 85. We thus cannot conclude that the lack of precise correlation between crime levels and trigger numbers necessarily demonstrates that the 0/0 85 triggers pose an undue risk. We believe, though, that this is a matter which should appropriately be addressed by the parties themselves and to that end, among others, will recommend the parties establish an on-going consultative mechanism to monitor implementation of 0/0 40.

Upon consideration of the entire record and the briefs and arguments of the parties, we find, conclude and recommend that the following safeguards are necessary to alleviate the impact of 0/0 40 on the safety of Sergeants and Lieutenants on solo supervisory patrols:

1. Solo supervisory patrols (whether voluntary or involuntary) shall not be assigned unless the "trigger point" of two-man RPMs for the precinct and tour shall have been met. The current trigger points shall be those now in effect under 0/0 85. Such trigger points may be increased by the City, but shall not be decreased during the term of the contract except on mutual consent.

2. The City shall supply and equip supervisors on solo patrol with operational portable radios, and shotguns, with adequate training in the use and care of that weapon. Adequate training shall be a condition precedent to assignment.

3. All supervisory patrols shall first be filled on a volunteer basis, and involuntary assignments shall be made only if no volunteers are available.

4. Solo patrol supervisors shall not be dispatched as primary response units, and shall not be dispatched as back\*up units except in emergencies when no back-up RPM is available.

5. A supervisor not familiar with the precinct or area which he is assigned to patrol shall be provided with a driver. Familiarity with the assigned precinct or area shall require the supervisor to have had a minimum of three months served in the precinct, and to have engaged in thirty supervisory patrols in the precinct in the twelve month period preceding the assignment.

6. A supervisor assigned to patrol more than one precinct shall be provided with a driver.

7. In the event of an unusual condition occurring, the Commanding Officer shall have authority to assign a police officer as operator of a supervisor's vehicle on a given tour. If such condition continues for more than one week, a report with recommendations shall be forwarded to the Chief of Patrol.

8. The aforesaid recommendations shall be incorporated in the SBA and LBA's contracts with City for the period July 1, 1980 to June 30, 1982. In addition, the parties shall establish a joint Labor-Management Committee on Safety, consisting of equal representatives of the City and of the two Associations, to consider and recommend changes in O/O 40, including trigger numbers. Such Committee shall meet at the request of the City or either Association, but more frequently than every six months, except on mutual consent.

Dated: October 3, 1980

s/ Philip Feldblum

s/ Arnold M. Zack

s/ Daniel G. Collins, Chairman