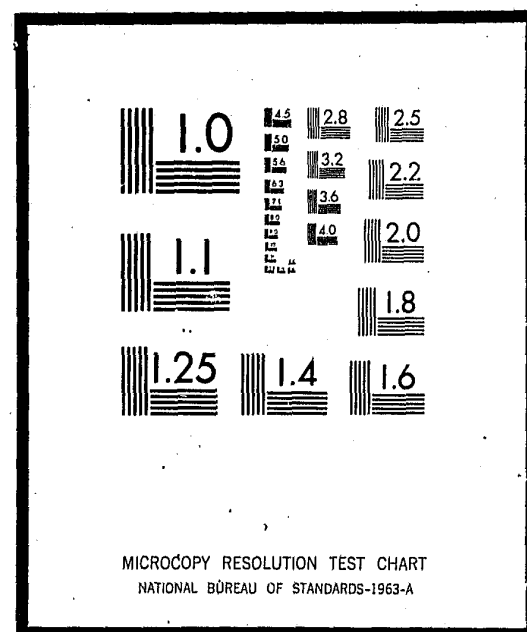


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POLICING INTER-COMMUNITY MASS TRANSIT SYSTEMS

PROPOSED LEGISLATION FOR CHICAGO WITH A CONSIDERATION OF OTHER CITIES

Research Report No. 7

by

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ABSTRACT

The purpose of this report is to present model legislation that will require inter-community mass transit systems to be responsible for the safety of their passengers while using transit facilities.

An effort is made to show why this legislation is necessary and how it is a solution to the present problem of high crime and low passenger safety on mass transit systems. With Metropolitan Chicago, Illinois as the selected example, a recent history is given (1967-1972) of the rise in transit crime there and the inadequate police response.

Some explanation for the present inadequate situation in Chicago is provided through a consideration of the conflicting perspectives and pressures upon the parties involved: the passenger, the suburban police department, the Chicago Police Department, the Chicago Transit Authority. Then, the effects of the present multi-community policing are stated and explained.

Before giving the proposed legislation (with a commentary), the authors take a brief look at the policing of three other inter-community mass transit systems: Boston, Cleveland and Toronto. Some brief concluding remarks are appended.

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POLICING INTER-COMMUNITY MASS TRANSIT SYSTEMS:

PROPOSED LEGISLATION FOR CHICAGO

WITH A CONSIDERATION OF OTHER CITIES

I. INTRODUCTION

The Chicago Transit Authority (CTA) is a "Municipal Corporation, Body Politic and Political Subdivision" of the State of Illinois.¹ Organized to furnish mass public transportation to the metropolitan Chicago area, the organization is headed by a seven man appointed board. The Governor of Illinois appoints three members, the Mayor of Chicago appoints four - each having a veto power over the appointees of the other. This statutory dual relationship allows the CTA to operate in a state of ambivalence, whereby it is not clear who is responsible for any particular set of problems, the city or the state. This ambiguity has repeatedly come to the attention of Chicago area residents during the past decade as frequent violations of personal safety have been publicly reported. When demands for protection are made by passengers, there has been recurrent confusion over who is responsible: the CTA or the Chicago Police Department?

The present Illinois Law authorizing the CTA to have a police force (presumably for passenger safety) evolved from the need for such police over a period of 10 years (from 1949 to 1959). The CTA provided for a Police Department in 1949 by resolution.² With time, a need for specific statutory clarification arose and in 1959 the Illinois Legislature passed a law defining CTA duties and police powers. This law is weak because it leaves the decision to have such a force to the CTA; specifically, it ". . . may provide for the appointment . . . from time to

time, of such police force as it may find necessary and practicable to aid and supplement the police force of any municipality . . . "3 The application of the statute is uncertain and has created a continuing unsafe condition for passengers. The law as it applies now is archaic and needs to be re-written to assure the CTA, its passengers and the serviced communities the best possible policing of a mass transit system. The CTA was created to deal with a fundamental necessity (to transport people from point A to point B); security of passengers using the CTA would seem to be an obligation, not an option.⁴

II. RISING CRIME AND REDUCTION OF CHICAGO TRANSIT AUTHORITY POLICE FORCE (1967-1972)

In the years following 1959, the CTA expanded its police department until, in 1967, it had 104 men. Incidents and complaints continued to increase, however, and it eventually became apparent that something had to be done to provide further protection.

In May, 1967, an assistant city editor of the Chicago Sun Times became involved as a "good samaritan" in preventing a robbery of a sleeping passenger on the rapid transit at 5:00 a.m. He was unsuccessful in securing the cooperation of CTA personnel, even though the offender at one time was trapped on board. Totally frustrated and angered, he told his full story in the newspaper, repeating often that all involved claimed they were unconcerned because "it happens every night."⁵

Chicago as a jurisdiction became involved when, on August 31, of the same year officers of the Chicago Police Department were assigned to ride CTA trains and check platforms in high crime areas. Public concern increased as the Chicago Sun-Times ran a four-day series in September exposing crime on the CTA.⁶ All the other major Chicago newspapers responded with articles of their own. On September 7, Mayor Richard J. Daley ordered an around-the-clock patrol of subway and elevated trains and stations. The commander of the Chicago Police Department task force headed this drive against public transportation violence and the CTA police force was placed under his direction. For a short while, matters seemed to be improving.

Early in 1968 it became evident that the protection of CTA passengers was to be considered a permanent responsibility of the Chicago Police Department.

On January 17, Superintendent James B. Conlisk, Jr. announced that the elite task force was removed for another assignment and replaced by 200 officers re-assigned from various police districts.

Truly serious crimes continued to occur, however.⁷ For example, the Chicago Crime Commission relates the following incident:

On January 30, 1968, Mrs. Frances Fosco, age 46 years of 4823 Cortez Street, Chicago, boarded a Homan Avenue bus after having visited a doctor's office at Madison and Austin Boulevard. The bus was crowded with teenagers presumably returning home from school. The youngsters began to jeer Mrs. Fosco and as she reached the rear of the vehicle, someone shouted, "Let's kill her." One youth pulled off her glasses and scratched her face. Another struck her on the nose as she reached down to pick up her glasses. A girl hit her on the head with a book. She made her way to the exit and as she attempted to leave the bus at Jackson Boulevard, she was pushed out. Four of the youths followed her, knocked her down and fled.⁸

On February 4, about 100 youths attempted to take control of a CTA elevated train and subjected the passengers to a reign of terror. In March, a shoot-out between three youths occurred on a bus; a stray bullet struck a 54 year old female passenger; another woman was attacked and raped on CTA property.

On the same day, April 9, a 25 year old woman was stabbed 6 times and murdered; later, only five blocks away, the subway station cashier was held up and robbed of \$125. These and other crimes continued to occur and were reported in the daily press. A confusing picture emerged. On the one hand:

At a press conference on June 4, 1968, Lieutenant Henry Brinker, Commander of the Chicago Police Department CTA detail, stated that during the preceding twelve days, nine arrests had been made for armed robbery, ten for thefts including pickpocketing, three for battery, and thirty-two for disorderly conduct. Brinker asserted that

before the organization of the special CTA detail on September 7, 1967, over 4000 incidents on CTA facilities were reported during a period of one year and few arrests were made. Superintendent of Police James B. Conlisk, Jr. reported that from September 7, 1967 to June 4, 1968, police officers assigned to the CTA detail had made 1,700 arrests. The police also reported in July, 1968, that the crime rate on the CTA rapid transit trains dropped thirty-two per cent in June, 1968 when compared with June, 1967.⁹

Yet, at the same time serious crime continued and the public impression was one of personal danger (fear of rape, murder, robbery, assault, etc.): the newspapers were talking of a "CTA CRIME WAVE."¹⁰

Along with the alleged improved arrest record and heightened public fears, there was a reduction of the CTA police force. In February, 1968, nineteen of the 104 men resigned: eventually the force was reduced to almost half its manpower. It seemed that as Chicago increased the number of its officers assigned,¹¹ the CTA withdrew its force. When pressed about who was responsible for the safety of passengers, the spokesmen for both parties contradicted one another. In August, 1968, George DeMent, Board Chairman of the CTA, publically stated that, "The protection of the public is up to the Chicago Police Department."¹² Yet, when the question of additional Chicago police involvement arose, Richard Lionhood, task force commander stated, "Riding trains is a CTA obligation. There has been no change in the agreement. We have not asked for more men for our CTA detail. If the CTA security force is understaffed, it is up to them."¹³

On November 29 and 30, 1968, the situation again made headlines with the rapes of two women at an 'L' station.¹⁴ The Chicago American ran a front page spread showing that nothing had been resolved but that Chicago and CTA

officials were aware of the situation and managed to agree that something should be done; just what should be done was not said.¹⁵ The Chicago Crime Commission in their report for 1968 made this concluding statement: "Violence, including armed robberies and murder, on CTA buses and trains, posed a serious threat to public safety in Chicago during 1968 and presented a major law enforcement problem."¹⁶

By August, 1969, the CTA Police Force had dropped to 58 men and been removed from active patrol duty in the suburbs. The reason offered was that the Chicago Department had taken over police protection duties; yet, Chicago policemen have no jurisdiction outside Chicago city limits. Only the CTA police can perform this function in lieu of each local jurisdiction providing its own men.¹⁷

The years following evidenced an increase in fear on the part of potential riders, a growing dissatisfaction with the security and safety provided by the Chicago Police Department and, finally, continuing conflicts between Chicago and the CTA over responsibility for passenger safety. Continuing newspaper accounts reported the situation.

In May, 1970, the Chicago Today ran a poll asking riders various questions about their relationship with the CTA. The questionnaire was extensive; yet, among all the questions asked none related to crime. Blank lines were available for "additional comments."¹⁸ On May 18, 1970, the newspaper printed an article which quoted some of the written answers; chief among these was the fear of riding the CTA.¹⁹

In November, 1970, the Chicago Tribune gave the results of a check it had made on the effectiveness of the Chicago Police CTA Detail. A team of investigators found that "Help would be far, far away if you were assaulted, robbed or

raped . . ."²⁰ In most major crime areas the team found that officers were either absent or, if in the vicinity, grossly negligent. The head of the Chicago Police Department CTA task force did not dispute their findings.

Public concern was heightened in December, 1970; the narrow range of responsibility delegated to the CTA police force became more evident. The Chicago Today published a four-day series on the CTA giving the results of a two-month investigation of passenger security.²¹ The articles stated that the significant lack of safety on the CTA is one reason for the more than 50 per cent decline in ridership from one billion a year in the 1940's to an estimated 427,524,000 in 1970. The article on December 16 discussed an order from the CTA general manager to the superintendent of security. It stated the instances in which "assistance by the CTA Police Department is not to be rendered unless specifically requested by the Superintendent of Transportation of his authorized representative."²² This prohibition was summarized in a concluding editorial:

They include crimes committed against the authority, a CTA employee, or a passenger; collisions, derailments, fires, riots and the like; and disturbances or the presence of drunks on CTA vehicles or property. That list covers just about anything that can happen on a bus or train, so it leaves the security force with no authority to protect any one while on duty.²³

The CTA appeared to have limited its range of responsibility solely to the protection of its own property.

This was confirmed in August, 1971, in an order from the CTA transportation superintendent limiting the duties of the force to the protection of CTA property.²⁴ The responsibility for passenger protection was now totally in the hands of the Chicago Police Department.

This CTA policy soon was confirmed in another order. In July, a prominent doctor was murdered in the State Street subway where a Chicago policeman was supposed to be assigned.²⁵ This caused such a stir that a resolution was introduced in the Chicago City Council demanding an investigation of policing practices on CTA properties.²⁶ In response, the chairman of the CTA Board declared his policy on protection of CTA passengers.

The physical protection of the citizens of Chicago is properly the responsibility of the Chicago Police Department . . . it is professionally trained. I do not see the necessity for duplicating its efforts.²⁷

In succeeding months, serious and frightening crimes continued to plague the CTA. On July 28, 1972, the Committee on Local Transportation of the Chicago City Council held public hearings. At this time the CTA again reiterated its position that policing was the responsibility of the Chicago Police Department.

Between the years, 1967-1972, the CTA police force (now called a "security operations department") waned in size and responsibilities; the Chicago Police Department (the Mass Transit Unit, Division of Operational Services) partially filled this gap.

This did not resolve the problem central to this report - the need for effective passenger safety throughout the entire CTA system. A fundamental function of any municipal government is to provide protection for its citizens as well as for property. The Chicago Transit Authority is truly a "Municipal Corporation, Body Politic and Political Subdivision"²⁸ of the State of Illinois. It can be effectively argued then, that passengers of the CTA, while residing in its territories (i.e., while on its properties and legitimately using its facilities), are truly CTA

citizens. It makes no sense for the governing body of these territories to have the option to decide whether it will care for the safety of its citizens or not. Furthermore, it is inappropriate to rely on the benevolent, uncertain cooperation of a neighboring jurisdiction (the City of Chicago) for this fundamental function. This is all the more true when the ability of this municipality to provide public safety for its own citizens is already heavily overtaxed. In addition, Chicago's law enforcement jurisdiction does not extend to other surrounding municipalities (the suburbs) through which the CTA also passes. Clearly a solution is needed!

III. PRESENT PERSPECTIVES IN CHICAGO MASS TRANSIT POLICING

Every community has a responsibility to protect persons and property within its boundaries; this would seem to include the passengers and property of any transit facility within the community as well. Hence, two aspects of current Chicago Transit Authority policy require some explanation: the lack of adequate passenger protection throughout the system and the maintenance of a separate CTA security force (confined solely to the protection of property).

It would seem helpful to consider the problem from the perspective of the parties involved. Conflicting "definitions of the situation" appear to be a necessary condition of human conduct - at least in public and political life. "Defining the situation" and its implications for social order has long been discussed by social theorists,²⁹ even before W. I. Thomas' famous aphorism, "If men define situations as real, they are real in their consequences."³⁰

In the CTA policing situation there are different parties involved with their different definitions or perspectives of the situation: the passenger, the suburban police department, the Chicago Police Department, and the Chicago Transit Authority.

A. The Passenger. A passenger using mass transit facilities would naturally expect that he/she is entitled to safe passage, not only in terms of mechanical safety to prevent accidents, but also for protection of person and property from criminal acts. He/she is not particularly interested in who furnishes this protection, only that it is furnished and the ride is unmolested.

Let us consider the passenger who boards a train or bus and rides through three different communities. When the train stops at a station in the first

community, a policeman in a blue uniform is evident; in the second, one in an olive uniform and, in the third, a tan uniform. What will register in the passenger's mind is that three policemen were seen and, hence, there is a feeling of security. If you were to ask what color the uniforms were, he/she probably could not say.

Just as obvious is the case of the passenger who, after continuously riding a line for a period of time, sees no policemen. Add to this fact that there is a drunk lying on a platform, a gang of teenagers running from a train car, several lurking figures in the shadow of a station; he/she begins to fear for personal safety in the belief that no police protection is furnished. Enough exposure to this feeling of insecurity and the passenger begins to consider alternate means of transportation. Given this scenario, augmented by frequent news accounts of violent crimes on transit systems, the potential passenger will begin to define mass transportation as a situation involving personal danger and insecurity. Here, it seems, is a significant aspect of the present mass transit crisis in Chicago - the loss of present riders and alienation of potential ones.

Just as any public transportation facility must have an accurate time schedule (trains and buses arriving frequently and on time) to create an atmosphere of reliability and convenience; correspondingly, the creation and maintenance of a sense of personal safety and security is just as vital to the passenger. Not only must transit systems create these conditions, they must be evident to all (present and potential passengers). To paraphrase W. I. Thomas, "If passengers define situations as dangerous, they are dangerous and will be avoided."

B. The Suburban Police Department. The CTA serves the City of Chicago and approximately thirty suburbs. Those communities,³¹ like every jurisdiction trying to meet the needs of citizens with present tax dollars, are subject to budgetary constraints. Because of this, they view CTA policing problems from a very distinct perspective. The reality of the budget has persuaded these communities to be satisfied with small police departments. There is always then a question of whether present police resources are sufficient to protect citizens. For a community to provide additional police patrol to mass transit, three alternatives are available:

1. The police department would increase patrol man-hours, this involves new personnel or payment of overtime. The present level of community police service to its citizens is maintained. With the increase allocated to mass transit facilities, a larger budget is necessary.

2. The department re-schedules available manpower to cover the broadened patrol areas; thus, the present level of community police service is lowered to keep the same budget.

3. The department furnishes service to mass transit facilities on an "as-called" basis. This represents present practice. Outside of Chicago (to return to the passenger's perspective), there is almost never a police officer visible unless some crime or emergency has occurred.

Any of these alternatives would most likely be unacceptable in communities where the majority of citizens do not use the transit system as their means of transportation. These non-riders are not interested in whether or not transit

facilities get patrolled. They want their police protecting their homes, businesses, families and patrons. They are the ones who would have to pay the added taxes necessary to make the first alternative feasible. It is doubtful whether they would be willing to do this.

Implementation of the second alternative (spreading thinner present resources) would prove easier since it can be done administratively. The same negative citizen reaction should be expected, however, since again service is taken away from the direct interests of non-riders (homes, businesses, patrons, etc.).

The suburban communities presently follow the third alternative. An aggressive patrol is not maintained; the police respond to calls initiated by acts of criminality: they make out the reports necessary and, if needed, transport victims to hospitals. By providing this minimum amount of service, suburban police departments feel that they are performing their duties and meeting legal responsibilities - as defined from their perspective.

C. The Chicago Police Department. The past history of Chicago Police Department involvement in the policing of CTA facilities has already been related.³² Chicago is the only department attempting an aggressive crime control effort in the metropolitan area. It is also the only department allocating men whose sole task is the protection of passengers; this protection is limited within the city to the rail system. For these reasons, it is helpful to know more in detail what this policing at present entails.

In 1970, the Field Operations Division of the International Association of Chiefs of Police (IACP) surveyed the Chicago Department. In their

report³³ the IACP detailed the operations of what is now known as the Mass Transit Unit.

The second largest unit in the Task Force is the CTA Detail. Presently, almost 250 police officers are regularly assigned to this detail. The Chicago Transit Authority also has its own police force which presently numbers about 58. However, this number is insufficient to protect Chicago Transit Authority patrons from the rising incidence of robbery, felonious assault, and other crimes occurring in the subway, elevated stations and on trains.

Whether or not municipal police officers should be employed as guards in Transit Authority facilities and on rolling stock is a moot question. All that can be said for certain is that as crimes against persons increase in Chicago Transit Authority facilities, considerable pressure is put on the Police Department to provide safety for patrons. The Police Department response is the CTA Detail.

Essentially, the operations of the detail consist of manning approximately 60 posts established on subway and elevated station platforms. Additionally, during certain hours of the day eight patrolmen are detailed to ride Transit Authority trains on what amount to linear beats. The importance given to the manning of these posts and beats is illustrated by the fact that many of them are provided with a lunch relief to provide continuous coverage during the tour of duty. For supervisory purposes, these posts and beats are divided into six geographic areas, and a sergeant is assigned to each area.

In addition to the detail officers assigned to posts and train-riding beats, there is a mobile striking force (Tactical CTA Detail) consisting of 36 officers and three sergeants. This group is utilized in patrolling platforms and trains in high crime areas. Two of the sergeants and 22 of the police officers are assigned to nights, and one sergeant and 14 officers are assigned to days. Missions are assigned to the group in much the same fashion as they are assigned to the Tactical Section of the Task Force. The men may work either in plainclothes or in uniform depending upon the assigned mission.

Basically, the CTA Detail operates on two shifts. Roll calls are held at 10:30 a.m. and 6:00 p.m. at 1179 South State Street. Check-off roll calls are also held at this site. Patrol officers are required to travel to and from the roll calls to their posts by Transit Authority trains.³⁴

This report, though written in 1970, approximates present practice. No mention is made of any efforts to insure passenger safety on buses. This is because crime on buses is not handled by the Mass Transit Unit, but by the District Station in which it occurs.³⁵

It is interesting to observe the broad recommendations made by the I.A.C.P. to increase the effectiveness and efficiency of the Chicago Department in Mass Transit Security:

1. Encourage the Chicago Transit Authority to establish and maintain its own police force.
2. If transfer of the current CTA Detail duties to the Transit Authority is not possible, transfer the CTA Detail to the Special Functions Section of the proposed Special Operations Division and assign these responsibilities to it.
3. Arrange weekend scheduling of officers to reduce the need for as many reliefs as are presently assigned.³⁶

Like most organization, the Chicago Police Department has endorsed the "maximization principle";³⁷ that is, it has chosen to continue and increase an operation once it has started; more importantly, it has decided not to follow the first recommendation of the I.A.C.P.'s Field Operations Division.

Chicago's perspective of mass transit policing is typical of any police department under fire: since the Chicago force has come into the picture,

it has claimed that crime on the CTA is no longer that bad; statistics are cited to prove this, the validity of which could be questioned.³⁸ Perceptions of crime, Chicago would contend, have been blown out of proportion by newspaper coverage, sensationalizing a few violent crimes. The Chicago Department states that police operations (in CTA facilities) are most efficient as they are set up at present, i. e., with the same department handling all crime in Chicago, whether on CTA property or not.³⁹ Chicago district stations will always have to assume responsibility for crime on buses, they claim, because the cost of a separate unit or distinct police department responsible for bus security is financially prohibitive. Furthermore, the problems encountered when the Chicago Park District had its own police department are vividly remembered and applied to the supposedly similar mass transit situation - disputes over boundaries, inefficiencies, etc.

Despite these disclaimers, it cannot be denied that "if passengers define situations as dangerous, they are dangerous and will be avoided." Ridership on the CTA has been declining steadily. When asked to express themselves by questionnaire, passengers rank fear of crime near the top of their concerns even when there is no mention of crime on the questionnaire.⁴⁰ In too many hours of the day and at too many locations, fear for personal safety is a definite factor for passengers. Armed male police officers, it seems, can too easily forget how their fellow citizens - unarmed female, old and informed, etc., perceive the public mass transit experience.

As for the suburbs, it is natural that the Chicago Police Department does not send its aggressive patrol into suburban facilities. Complicated legal jurisdiction disputes would arise. Besides, the passengers who come from the suburbs return there to their homes whose real estate taxes support their local police

departments, not Chicago. This, no doubt, is a rough approximation of how the Chicago Police Department perceives CTA security in Chicago.

D. The Chicago Transit Authority. The CTA has its own distinctive definition of the crime situation. It perceives two major reasons why passenger security should be provided by the different communities served:

1. the cost would be prohibitive for them to assume without outside aid, and
2. any police services that they would provide would "duplicate" existing services by already trained professionals.⁴¹

Lack of funding truly does seem to be the major problem. The CTA does not want to take on the financial burden of a police department. Given their inadequate ridership and minimal government assistance, this feeling that "the cost would be prohibitive" seems reasonable.

As for duplication of services, it can be said in a broad sense that having a separate transit police force would duplicate existing police services. There would be more than one department performing police functions in communities that have CTA facilities. Yet, it must be said that a police force maintained by the CTA would be primarily for CTA facilities and not for general community patrol. There would be two distinct forces, with two distinct missions to perform. While it could be argued that some support services would be duplicated, e.g., radio systems, detention facilities, records and identification systems, this could be minimized by utilizing the latter existing services of community police departments. There would be only two exceptions to this: a central communication center for the Transit Police necessary to provide the maximum protection to passengers and a central

records section for CTA incidents. There is no need for detention facilities, since community police have them, and as is the practice now, prisoners would be taken to the jail in the community of arrest or occurrence.

It is true that the CTA is so confined by budgetary problems (ceasing operations has even been discussed) that any duplication would have to be avoided. The CTA should not have to assume alone, the cost of complete passenger safety. Since it protects citizens of different communities in the metropolitan Chicago area, it would only be fair that some financing plan be worked out calling upon resources from all these communities and possibly the state government.

At this time, there is concentrated discussion and debate in the state about the formation of a Regional Transit Authority with adequate funding (taxing) powers.⁴² Hence, the present is an ideal time to look into alternate methods for insuring the safety of mass transit passengers. One should be able to say that passenger safety is part of the policing perspective of the present Chicago Transit Authority.

IV. THE EFFECTS OF PRESENT MULTI-COMMUNITY POLICING

Before considering the method proposed for insuring passenger safety on the Chicago Transit Authority, the results of the present situation should be noted. Just what effects does heterogeneous multi-policing have on intercommunity mass transit systems? Among the effects the following are considered most significant: 1) jurisdictional confusion; 2) inadequate reporting and response to crime; 3) poor concentrated patrol efforts; 4) inadequate crime recording; and 5) lack of specialized training.

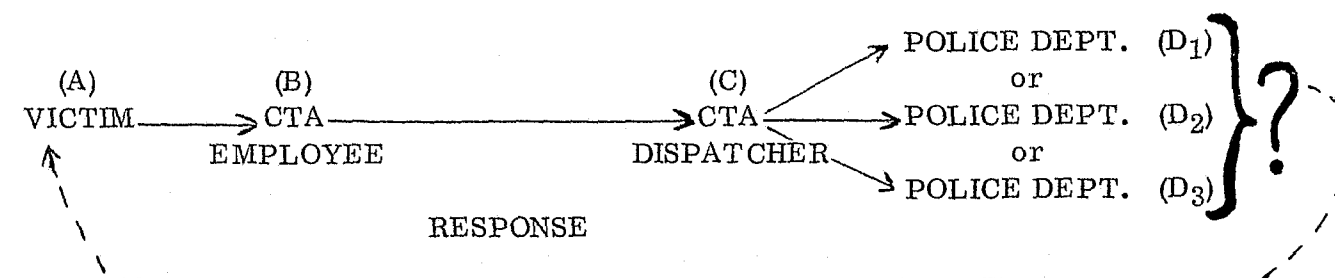
A. Jurisdictional Confusion. The major problem in policing an intercommunity mass transit system is jurisdictional. Each community within the system is a separate political entity. It has no power to investigate a crime occurring in another jurisdiction. Also, no community wants a crime charged to it statistically if the crime occurred in another jurisdiction. If there is some confusion as to which community a crime occurred in, neither police department wants to accept responsibility for it. To further complicate matters, the CTA is a separate governmental entity from the communities it serves,⁴³ and yet the responsibility for passenger safety is in the hands of each of the more than thirty jurisdictions served by the system.⁴⁴

In a crime situation moving vehicles create a jurisdictional problem in themselves in that during the crime occurrence they may be passing through different communities (each with its own police department). A crime can be perpetrated in one community and not reported until the next. When that community's police respond and then find out that the crime probably occurred in another jurisdiction, the complainant is usually instructed to notify the police department of the community in which the crime occurred. This "multi-jurisdictional" nature of crime causes two kinds

of confusion: first, for the complainant who does not know where to report the crime; and then for the police departments involved, who do not know who is truly responsible. One mass transit police department (part of an already separate municipal entity) responsible for all passenger safety would solve the confusion.

B. Reporting of and Response to Crime. Because of the nature of multi-community policing, there is no central reporting location or standardized method of reporting acts of criminality committed on mass transit systems. This causes serious delays in unified police response with concomitant loss of public confidence. More importantly, there is no consistent response from a central body accountable to someone for efficient crime control of the whole system. One of the findings of a recent survey on public safety features of mass transit systems states, "Immediate responses by public safety services to crime, fire and emergencies, and immediate corrective and preventive responses by the transit authority whenever necessary, are the best methods for maintaining public confidence in the use of the transit system."⁴⁵

Figure 1 is an effort to illustrate the lack of centralization at the present time.

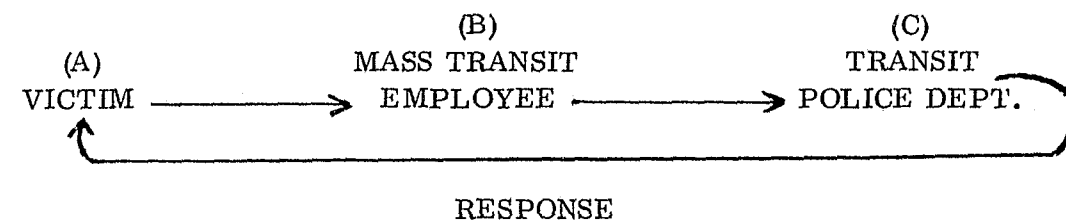


When a crime is committed in a CTA station, for example, the routing of the report depends on whether a CTA agent (B) is on duty. If there is an agent, most passenger-victims (A) report the incident to the agent. The agent must phone the CTA

dispatcher (C), who then calls the appropriate community police department (D). If a crime is committed on a radio equipped vehicle, the same route is followed: victim (A) to CTA employee (B) to CTA dispatcher (C) to community police department (D). Here the situation can be confusing because the vehicle is in movement; more than one jurisdiction can be involved; the dispatcher can be confused or mistaken; and the police department called can deny responsibility and refer the call to another department (D₁ or D₂ or D₃ ?). If the CTA agent is not on duty, or the vehicle is not radio-equipped, the victim must find a phone and call "information" or the operator to be referred to the police; another alternative is to call the CTA who will then relay the message to the police. Inherent in these methods is the factor of built-in police response-delay due to busy phones, misdialled numbers, wrong information, jurisdictional dispute, etc. In most cases, the present reporting procedures require third and maybe fourth party relays which in themselves cause undue confusion resulting in delay of police response.

Even more important is the fact that in the chain of police response the key link is an outside party, viz., a police department not responsible to the transit system. This would seem to make the other links weak also in that 1) the parties involved (CTA employees) are already aware of the communication inefficiencies of the present system and tend to be pessimistic about adequate response; and 2) because of the presence of an outside key link they could not be held accountable for poor response time.

With a metropolitan mass transit police force responsible for passenger safety throughout the system, the reporting of and response to crime would be similar to Figure 2.



Here every employee is made part of the security system and would be held accountable for poor response time. In addition, a system-wise police number would be prominently posted in all stations and each vehicle. This would allow the passenger to call direct - the ideal communication flow.

C. Police Patrol. Patrol is a basic policing technique common to all communities through which mass transit systems operate; police patrol of the streets is as strong and aggressive as possible. Patrol is expensive and so communities are not willing to provide it for any territory not within their jurisdiction. As an example, the Chicago police maintain a patrol force for the CTA, but it is confined to the Chicago city limits. Suburbs provide no police forces for patrol of the CTA suburban facilities. The result is a thin and uneven distribution of manpower in an important aspect of basic police protection.

What would an effective patrol of an intercommunity mass transit system look like? There are usually two distinct sub-systems requiring two methods of patrol: surface (bus) lines, and the rapid transit (subway and 'L') lines.

1. Surface (Bus) Lines. Large crowds of people served by buses (community events, sports events, factory let-outs, shopping centers, rush-hour transfer points) require aggressive deterrent policing to curtail crimes around stops (pickpocketing, purse snatching, non-payment of fare). They could be patrolled by

uniformed police in conspicuously marked patrol cars. Aiding them would be plain-clothed mobile and foot police who ride the buses or mingle with the crowds as necessary.

Some areas require patrolling only at specific times (factory breaks, rush-hour crowds), others on a constant basis (shopping centers, transfer points). Examples of such crowds are the ingoing and outgoing CTA passengers to race tracks located in the suburbs. Pickpockets work the buses going to the track in which the people are carrying money to bet, or they identify winners at the track and follow them on to the buses after the races.

With this effective transit police patrol, the prime concern of suburban police departments could then be traffic control. In fact, this reflects current practice. Suburban departments are not large enough to handle both traffic control and crime prevention. At present, crime prevention on buses is left to the CTA whose security force is responsible only for property. It is the bus drivers who are expected to handle unruly passengers and drive the bus; they cannot in addition prevent crimes.

2. Rapid Transit (the 'L' and Subway) Facilities. When a passenger takes the rapid transit he or she is isolated from the surrounding community areas. The person is either above the street or underground or separated by fences and the "live" third rail. Added to this is the fact that the passenger must stand and wait with strangers in a relatively confined area (and later ride with them). The noise of trains can often conceal a crime; swiftly moving vehicles both create a sense of danger and provide a rapid means of escape. In short, there is an atmosphere conducive to crime.

Rapid transit facilities require constant aggressive deterrent policing of stations, platforms, trains, connecting tunnels, and inter-connecting transfer points. By its very nature, this policing is limited to foot patrol, uniformed and plainclothed. To be effective, the uniformed policing should patrol those areas that lend themselves to acts of criminality (seldom-used stations, connecting tunnels, trains) while the plainclothed police should intermingle with the crowds on the platforms and trains. Compact crowds on platforms during rush hours attract pickpockets. At other times rapists, expositors and molesters find these areas suitable. Trains at night become "hotels" for vagrants; they become the victims of jackrollers who prey on drunk and sleeping passengers. An effective twenty-four hour transit police patrol is clearly necessary to handle these situations - both in the central city area and all suburbs served by the rapid transit.

D. Crime Recording. Each community police department has its own method of reporting crimes; these methods and forms vary considerably (to correct this, the Illinois Department of Law Enforcement is currently trying to establish a statewide uniform crime reporting system). The compilation of crime statistics connected with the CTA is diffused throughout the thirty or more jurisdictions it serves. An information gap exists, therefore, that tends to prevent accurate reporting of all crime. Interested persons (policemen, prosecutors, lawyers, victims) must have an adequate knowledge of many reporting systems.

The solution of this information gap is simple. If the transit system had a police department responsible for all crime connected with its system, that department would provide a uniform method for recording crime.

E. Specialized Training. All community police should receive basic training; they should also be given specialized training to meet the peculiar needs of their communities. The same can be said of mass transit policing. As frequently shown above, policing of a mass transit system has very special characteristics; for example, mass transit facilities almost always involve crowds of people in an unusual environment. The officer needs more than the basic instruction in crowd control. He must be prepared to handle distinctive mass transit emergency situations (fires, accidents, breakdowns, etc.).

In place of the more than thirty police departments (with their own specialized training) a metropolitan mass transit police department, responsible for all crime and emergencies connected with mass transportation, would train its officers appropriately.

To have effective and comprehensive security for the Chicago Transit Authority it is clear that something in place of the present heterogeneous multi-policing situation is necessary. A single police force accountable to its single jurisdiction is needed; it would provide the following: 1) a central reporting location, 2) specialized patrol procedures, 3) accurate recording of crime, and 4) basic police training with specialized training in mass transit policing problems.

V. POLICING INTER-COMMUNITY MASS TRANSIT SYSTEMS: BOSTON, CLEVELAND AND TORONTO

An examination of the problems involved in Mass Transit Policing in Chicago has been presented. It is important, at this time, to study the police efforts of several other cities which also have unified inter-community mass transit systems that must cope with police jurisdictional and security problems. In an attempt to identify these mutual problem areas, three cities (Boston, Cleveland and Toronto) were visited.⁴⁶ A comparative description of the transit police systems of these cities follows: an effort has been made to report on the type of system, number of personnel on the force (police and civilian), type of facilities, relations with local police, operational and patrol methods, crime reporting methods, and various problems encountered.

A. Boston.⁴⁷ The Metropolitan Boston Transit Authority (MBTA) is composed of an integrated rapid transit system and surface system that operates in a metropolitan area comprised of 79 separate communities. The rapid transit system operates in subsurface (subways), surface and elevated sections.

In 1965, as a response to rising crime on this system, the MBTA board voted to create an MBTA Police Department, hence, the necessary organizational and legislative planning was initiated. As an interim measure, the Boston Police Department assigned a thirty-five man unit to the MBTA (who reimbursed the City for the cost). Three years later, in October, 1968, the enabling legislation authorizing an MBTA Police Department was passed by the Massachusetts Assembly.⁴⁸ On December 9, 1968, a civil service police force of thirty men was formed. At this time, the Boston Police detail was withdrawn. In 1971, the MBTA force was expanded to sixty-five men.

The sixty-five man police force consists of a Chief and Assistant Chief, four sergeants, two clerks, three K-9 (canine) officers, and fifty-four patrolmen who are trained in accordance with state training standards (ten-week attendance at a police academy); in addition, periodic in-service training is offered. The force has full police powers within the territory of the MBTA which covers seventy-nine separate communities.

For facilities, the Chief and Assistant Chief's offices are located in the MBTA headquarters building; the patrol force operates out of small quarters in an old 'L' station miles away. The department experimented with a closed circuit TV system at the 'L' station; it proved to be non-functional because of the configuration of the station. For communications with their own units, the MBTA police have a remote broadcast capability which utilizes the MBTA police desk at the 'L' station; the call can then be broadcast to the MBTA police units. When the police dispatcher transmits, it automatically cuts out the broadcasts from the MBTA communications center until the police use is over. Separate communications frequency would be the optimal situation; it seems, however, that this system, which utilizes existing equipment, is the most efficient of the four cities studied.

In addition to the MBTA Police, the MBTA has about 500 men who have full police power on the property of the MBTA system. These men were given the police power as "Street Railway Police" prior to the formation of the MBTA Police Department. They receive no police training and are not armed. While they still retain this power they serve as operating personnel under the Transportation Department and very seldom perform a police function.

The MBTA police force is small in size due to budgetary problems; thus, it is unable to patrol the whole metropolitan area. The force has mobile and foot posts. Part of their duties are dictated by employee union contract. It limits its patrol efforts to high crime areas where it provides passenger, employee, and property protection on a twenty-four hour basis. If recurring problems appear in other areas manpower is assigned to resolve the situation. In response to pressure from the operators union in 1969, the police force had to put a man on every bus after 7:00 p.m. in high crime areas. This was taken to arbitration, and at present the police must patrol these crime areas at night (Monday through Thursday) making periodic checks of the buses. The MBTA Police do not belong to any union that represents other employees; they have their own association which bargains for them, however; those classified as Street Railway Police do belong to an operating union.

The present manpower level forces the MBTA police to depend upon the individual communities' desires for extensive police service. One community, Newton, Massachusetts - with the cooperation of the MBTA - installed emergency phones (conspicuous in color and location) at the stations within its jurisdiction. If a passenger needs help, he just lifts up the phone and is in contact with the Newton Police. With the exception of Boston, communications between the MBTA and all other communities is by normal phone. The Boston police maintain no active patrol of any MBTA facilities since it is the responsibility of the MBTA to police itself. They will answer calls and provide auxiliary support, e.g., crime lab, lock-up, etc., for the MBTA police. No system-wide uniform crime reporting or recording system has been developed. The MBTA must rely on the other communities to notify them of any incidents that passengers report to them.

One of the biggest problems for the MBTA police is that of status; in relation to regular community police, they are considered "a second-class police department." This is being slowly changed through a vigorous public relations program. Other problem areas are lack of manpower, separate facilities, and separate communications system.

The MBTA maintains an aggressive public relations program to educate citizens in ways to reduce opportunities for victimization. They do this by utilizing electronic media, lectures, and demonstrations to organizations and community groups. In its own monthly publication entitled the "Commuter," the MBTA allocates substantial coverage to the operations of their police force.⁴⁹

B. Cleveland.⁵⁰ The Cleveland Transit System (CTS) is composed of an integrated rapid transit and surface system operating through twenty-eight communities in three counties. This rapid transit system is comprised of one line, with the surface system (buses) serving the rest of the area. The CTS maintains a small security force to patrol this system.

The force is comprised of a chief, secretary, two uniformed police officers and seven inspectors (eleven men). The two police officers have full police powers and are trained in a police academy in accordance with state law.⁵¹ They belong to the union which represents the other CTS employees and are assigned exclusively to the rapid transit line. The seven inspectors, who do not belong to any union, are not sworn police officers and serve an internal security function. The force reports to the superintendent of transportation and operates from two locations. The chief, inspectors and secretary have offices in what was an old restaurant located in the bus overhaul shops. Because of budgetary problems, they do not have much equipment. There is

only one car assigned to the personnel. The two policemen report directly to the downtown rapid transit station. In addition, the CTS utilizes outside protection agencies to provide security for their shops during non-working hours; they operate through the CTS Security Department.

CTS management considers passenger protection to be the responsibility of the community police departments; the communities, in turn, feel it is the responsibility of the transit system. No community police department, including the City of Cleveland, maintains active patrolling of the CTS within their respective areas - they will, however, respond to calls. Continuing cooperation is hard to achieve. At one time, it was arranged for the Cleveland Police, University Circle Police,⁵² and the CTS Police to patrol a particularly high-crime rapid transit station on a daily rotating basis. The Cleveland Police discontinued this arrangement which forced the CTS police (with only two men) to also terminate patrol.

While no formal system-wide crime reporting or recording system exists, the CTS does have arrangements with the Cleveland Police, East Cleveland Police, and University Circle Police to report all incidents concerning the CTS to them. All buses and trains are equipped with radio-telephones that operate through the CTS communications center. If any problems occur, the communications center will call the respective community police department. To further aid the passengers, stations on sections of the rapid transit line that pass through Cleveland and East Cleveland have been equipped with emergency telephones that are connected directly to the respective department. Conspicuously placed, there are two phones on each platform and one immediately outside each station entrance. However, at stations not so equipped, the passengers are without protection. The University Circle Police maintain surveillance

over the rapid transit station that serves the University Circle area. To aid in this they have installed a closed circuit television system incorporating a laser beam to monitor it. The camera is located on a building one-half mile from the station.⁵³

Problem areas for the Cleveland Transit System are pickpockets, vandalism, fare disputes, objects thrown onto tracks, and shooting at buses and trains. Additionally, they have equipped their outlying stations with parking lots. These lots are not patrolled and are poorly lighted. Cars have been subject to theft and burglary, and passengers have been exposed to different kinds of victimization - the result is that these lots are not used to capacity.

C. Toronto.⁵⁴ The Toronto Transit Commission operates an integrated rapid transit and surface system throughout the Metropolitan Toronto area. While the rapid transit system is comprised of a subway system, the surface system is comprised of bus, trolley bus and streetcars. Toronto is unique in that it has a metropolitan form of government which includes five boroughs and the City of Toronto. Of advantage here is the fact that certain governmental services are provided by one overseeing government; one police force, the Metropolitan Toronto Police Force, provides the police services for the entire metropolitan area.⁵⁵ This eliminates the problem of the Transit Commission operating through numerous separate communities with accompanying jurisdictional problems. The commission has its own regulations in the form of by-laws (equivalent to our city ordinances) to regulate "the conduct of persons using the public transit system and property of the Toronto Transit Commission."⁵⁶ The Transit Commission does, however, maintain a small security force of its own.

The Security Force consists of a supervisor, assistant supervisor, five investigators, and a secretary (eight persons) who operate from penthouse offices in

the Transit Commission Headquarters Building. Their duties consist of investigating all security matters (internal and external) that concern the commission, including passenger security. Having no police powers, they are not armed and do not receive any formal police training, only "in-house training." If they effect an arrest, it is a citizen's arrest. Reporting directly to the assistant general secretary, they are staff members and do not belong to any union. In addition to this regular force, the Commission has non-uniformed watchmen who operate under the Plant Department; they are assigned to all locations during any period when they are closed.

The Commission has no formal agreement with the Metropolitan Police Department to furnish police protection for the system and no special unit exists for that purpose; their security force will, however, respond to calls. Communications are simplified in that there is one common phone number throughout metropolitan Toronto for the police, negating the necessity of passengers finding the number to call. There is direct contact between the respective communications centers. Crime reporting and recording is easier. The Commission compiles its own crime statistics from the reports of passengers, employees, and the Metro Police. Though the Commission maintains a low security profile, they utilize modern equipment to minimize their security incidents. For example, at subway entrances they have money changers for the convenience of the passengers when there is no agent on duty. These areas are covered by closed circuit TV; the receivers are located in an area where they are under constant surveillance. In addition, there is a portable TV system which is used advantageously; for example, vandalism of buses by students at a given location was resolved when the equipment was used to film the incidents of vandalism. The security force went to the school with the tapes, the students were identified by school personnel, the Metro Police were called in, and

the situation terminated. The subways are equipped with a public address system; through this the security personnel are notified by code when a problem arises. Rooms that are conspicuously marked "Security" are provided in the subway for the use of security personnel and Metro Police for interrogation purposes. The Commission maintains a positive public relations program with the police and judiciary to maximize the importance of maintaining a crime-free transit system.

D. Summary. The security systems for the four transit agencies (Chicago included) have evolved from small units within predecessor companies that were combined to form these agencies. Their duties were primarily internal investigation. With increasing crime rates and the resulting effect on passenger ridership, the agencies made token attempts to provide protection. The basic function of these newly formed units was property protection with passenger security relegated to a secondary position. With the exception of Boston, no attempts were made to create professional transit police departments, instead, manpower was added when the need arose.

The transit agencies state it is the responsibility of the communities through which they operate to furnish police protection for the passengers. The communities, in return, state it is the obligation of the transit agencies to provide their own protection. The agencies reason that the cost of furnishing adequate police protection for the passengers would be expensive with no proven return on the investment.

Clearly, there has been no system-wide approach to policing the inter-community mass transit systems of Chicago, Boston or Cleveland. Certain communities within these cities have made individual attempts at providing some security; yet, they have no centralized crime reporting or recording systems with which to ascertain the actual amount of crime that exists on the whole system.

VI. PROPOSED LEGISLATION

It has been stated that present Illinois law concerning the Chicago Transit Authority is archaic; it needs to be re-written to assure the CTA, its passengers, and the serviced communities the best possible policing of a mass transit system. The CTA exists to deal with a fundamental necessity of a modern urban area, viz., transporting people from one location to another. Security while in passage is an obligation of any mass transit system, not an option. This chapter offers model legislation which incorporates this obligation into law and corrects existing organizational deficiencies.

The model legislation was formulated using relevant parts of statutes which authorize police departments analogous to mass transit policing (i.e., entities having no permanent residents of their own). The statutes used in part, for example, were those authorizing the Southern Illinois University Police, the University of Illinois Police, the New York City Transit Police, and the Massachusetts Bay Area Transit Police.

In drafting this legislation, the following specific sources were used:

1) Illinois Statutes, to determine the current views of the Illinois Legislature as reflected by recent changes in Illinois law; 2) As stated above, statutes of Illinois,⁵⁷ New York, and Massachusetts authorizing police departments with analogous duties (a combination of general police functions and property security);⁵⁸ and, 3) The recommendations of the President's Commission on Law Enforcement and Administration of Justice.⁵⁹

The effort here is to establish a highly trained, specialized, professional police department; one that can serve as a model for other inter-community mass transit systems. By its adoption, Illinois would be following New York and Massachusetts (Boston) who have already found it more effective and efficient to have their own transit authority police.

Proposed Legislation with Commentary. This "Proposed Act Creating A Metropolitan Transit Authority Police Department for the Metropolitan Chicago Area" has five parts.

Part I. Definition of Terms. As in every act it is necessary to begin by defining the terms used.

The term "Board" shall refer to the Chicago Transit Authority Board.

"Chairman of the Board" shall refer to the Chairman of the Chicago Transit Authority.

"Department" shall refer to the Police Department of the Chicago Transit Authority.

"Commission" shall refer to the Civil Service Commission created for the operation of the Police Department.

"Director" shall refer to the Director of the Civil Service Commission.

Part II. Duties of Board. Here the duties of the Chicago Transit Authority Board are defined; furthermore, it is delegated as the policy-making body.

The Board shall make and adopt rules and regulations for the direction, control, discipline, and conduct of the Department; fix the compensation of all ranks and employees of the Department; ratify the appointment of the Superintendent of Police; fix the minimum qualifications for entrance and promotions to each rank; and such other rules for the government and operation of the Department as they deem necessary.

Part III. Police Department, Powers and Personnel Qualifications. Here the police department itself is created - its powers and duties, superintendent, qualifications for appointment, rules and regulations, ranks, promotion, training, its personnel benefits and restrictions.

Section I. Police Department. This delegates clear responsibility to the CTA to provide protection for its passenger, employees and properties within the framework of one organization.

The Authority and its successor agencies shall establish and maintain a Police Department known as the Chicago Metropolitan Transit Police, hereinafter, called the Department. The Department shall be of a size sufficient to give adequate protection to its passengers, employees, employees' families, and to its properties.

Section II. Powers and Duties. This defines the police powers, sets geographical jurisdiction of the police department, limits the authority of the department, both in civil actions and internal administrative activities of the CTA (the primary concern of the employee unions).

The two important elements here are: 1) the police powers the Transit Authority Police should have, and 2) the geographical jurisdiction of the Transit Authority Police. New York and Massachusetts grant full police powers as peace officers to the Transit Police Forces. In Illinois the University Police (Illinois and Southern Illinois) are clothed with full police powers as peace officers. By the very nature of their job the Chicago Metropolitan Transit Authority Police should have full police powers as peace officers. They are working within many different communities where their passengers and employees live and where many physical plants (depots, terminals, etc.) must be patrolled. While their prime mission is the policing of mass transit facilities, they should not be limited to the physical grounds of the Authority; this would hamper investigatory functions.

Being an ever-expanding transit system, the jurisdictional limits should not be rigid to preclude transit police from following such

expansion. The term ". . . within the Territorial Limits of the Authority." allows for just such expansions. This is the method Massachusetts adopted. While the CTA operates in over 30 communities, Massachusetts Bay (Boston) operates in 79 communities.⁶⁰ It is interesting to note that the Moscow Subway system has a separate 400 man transit police force.⁶¹

Members of the Department shall be conservators of the peace and as such, shall have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants for violations of state statutes, authority ordinances and regulations, and city, village, town or county ordinances within the territorial limits of the Authority. They shall be responsible for the protection of the passengers, employees, employees' families, and properties of the Authority. They shall aid and supplement the police of the cities, towns, villages and counties when specifically requested by appropriate state, county or local law enforcement officials and otherwise in the furtherance of ends for which the Department was established. However, such officers shall have no power to serve and execute civil processes and shall not engage in the administrative activities of the Authority with reference to other employees of the Authority, except as required in the exercise of their powers and duties as peace officers and in the protection of persons and property.

Section III. Appointment, Qualifications and Authority of the Superintendent. This section sets minimum standards

for, and the authority and duties of the Superintendent of Police. An interesting feature here is the fact that the minimum educational and professional requirement is stipulated by law. This follows recommendations of the President's Commission on Law Enforcement and Administration of Justice that police departments ". . . should take immediate steps to establish the minimum educational requirement of a baccalaureate degree at an accredited institution for all major administrative and supervisory positions.⁶² This recognizes the fact that ". . . there are problems of police management that are quite

similar to problems of big business, and soluble in familiar managerial techniques, efficiency, planning, communications, and technological innovations.⁶³ As stated long ago, it should be clear that "a police officer who has walked his beat as a patrolman, investigating crime as a detective and managed the technical routine of station house activity as Lieutenant or Captain is not fitted by his experience to administer the complex affairs of a large police department."⁶⁴

This section also requires that the superintendent be directly responsible to the board. It also requires that a record keeping system be maintained.

The Chairman of the Board of the Authority (hereinafter called the Chairman) with the consent of the Board of the Authority (hereinafter called the Board) shall appoint a Superintendent of the Police Department (hereinafter called Superintendent). The Superintendent shall be directly responsible to the Board for the management and control of the Department. The Superintendent shall possess a baccalaureate degree from an accredited institution and have successfully demonstrated his ability in the law enforcement field, through his progressive advancement in the law enforcement qualifications as it deems necessary.

It shall be the responsibility of the Superintendent to keep accurate records of all data pertaining to the Police Department and to furnish the Illinois Department of Law Enforcement with all information required by law.

Section IV. Appointments of Policemen - Qualifications - Preferences. Minimal educational and physical

requisites are set for patrolmen; an allowance is made for a probationary period of evaluation. No height requirement is included.

The appointment of policemen shall be made from those applicants who have been subject to and successfully passed such mental and physical tests as required by the Commission in accordance with applicable civil service laws, and have been certified by the Commission as being qualified for appointment. All persons so appointed shall, at the time of their appointment, be not less than 21 years of age and shall possess a high school diploma or an equivalent high school education or may be 20 years of age. In addition all persons so appointed shall be not more than the maximum age limit fixed by the Board from time to time, be of sound mind and body, be of good moral character, be a citizen of the United States, have no felony convictions, possess such prerequisites of training, education and experience as the Board from time to time may fix. No applicant shall be appointed to the Department if he has suffered the amputation of any limb unless the applicant's duties will be only clerical or as a radio operator. However, any person having been appointed to the Department shall not be deprived of employment if such amputation occurs after appointment. He shall be assigned to such duties that he may perform with safety. No applicant shall be examined as to his political or religious opinions or affiliations. All appointees shall serve a probationary period of 12 months and during that period may be discharged by the Commission for sufficient cause, at the recommendation of the Superintendent.

Section V. Classification of Ranks of Policemen. This section establishes the ranks of policemen (patrolman or patrolwoman, sergeant, lieutenant, captain). Finally, it creates the interesting statutory position of Liaison Officer who will be familiar with other metropolitan community police departments.

Each member of the force shall be designated by one of the following ranks: patrolman or patrolwoman, sergeant, lieutenant, or captain. The Superintendent, with the approval of the Board may designate a lieutenant or captain to serve in higher ranks to be known as exempt rank. Any member

serving in an exempt position shall retain his rank in the force and shall be eligible for promotion the same as if serving in the capacity. The Superintendent shall appoint a member of the force (to serve in an exempt rank) as a Liaison Officer, who shall be directly responsible to the Superintendent. The Liaison Officer shall take care to make himself familiar with all pertinent rules, regulations, and procedures of the police departments of the areas in which the Authority operates, to advise the Superintendent of same and to assist in formulating operating procedures of the Department in respect to other departments.

Section VI. Promotion-Vacancies in Ranks. Here authority to have promotions is delegated: physical and mental tests for them are required. The minimal educational requisites for promotion to the rank of lieutenant or above are set (at least two years of college work).

Promotion of the policeman shall be made by the Superintendent from those candidates who have been certified to him as being qualified for promotion by the Commission. No policeman may be promoted to the rank of lieutenant or above who has not successfully completed two years of college. All vacancies in all ranks above the lowest shall be filled by promotion.

Section VII. Training. In addition to setting the educational requirements for initial employment and future promotion, this section insures that the professional training will meet minimal standards as set by the Illinois Police Training Act. Additional training is mentioned: it should be emphasize crowd control techniques, specialized training peculiar to mass transit needs, i.e., train or bus accidents with multiple injuries, fire control, property protection, etc. There should also be a re-training period within a certain length of time, to insure that the policemen are up to date on changing laws, court decision, etc. The Illinois State Attorney General has

given an opinion⁶⁵ that the present CTA Police are eligible for state aid for training purposes under the Police Training Act⁶⁶ and the CTA has passed "an ordinance authorizing Chicago Transit Authority to participate under the Illinois Police Training Act."⁶⁷ At present, however, this is not utilized.

All policemen shall be trained with the minimum requirements deemed necessary for policemen by the Illinois Local Governmental Law Enforcement Officers Training Board, or its successor, in accordance with the standards and provisions of the Police Training Act. In addition all transit policemen shall receive such additional formal training in such areas specified by the Board as deemed necessary for the adequate performance of their duties.

Section VIII. Benefits, Collective Bargaining, Union Affiliations.

This section sets minimum benefits and allows transit policemen to select a bargaining agent to represent them. Strikes are made illegal; the investment of present members in union benefits is protected.

Present members of the CTA Security Force must belong to Division 241 of the Amalgamated Transit Union which represents the majority of CTA employees. This creates an inherently ambivalent situation in that the policeman must serve three masters: the State (in his law enforcement role); his employer (in his CTA employee role); and his union. This makes it difficult for him to enforce laws against fellow union members because of the possibility of union retaliation. This act insists, therefore, that transit policemen if they choose to have a bargaining agent, make it a separate agent from any representing other CTA employees.

Another problem area is that of a strike. Policemen by law cannot strike, yet if the union should call a legal strike, and the CTA policeman crosses the picket lines, he can be expelled from the union⁶⁸ (in effect this causes him to

lose his job). If he does strike, then he is in violation of state law. The proposed act places him under civil service and this section removes him from the present union, while allowing him to retain a partial membership to protect his investment. Thus, the transit policeman would have a bargaining agent with a no-strike prohibition.

Members of the Department shall be entitled to all benefits given the employees of the Authority except that the Board shall be allowed in accordance with law to select a bargaining agent to represent them. However, they may not have as a bargaining agent any organization who bargains with the Authority for other employees of the Authority. Transit policemen shall not have the right to stike and all disputes shall be settled by binding arbitration in accordance with applicable laws. However, any member of the Department at the enactment of this act who has been a member in good standing of the Amalgamated Transit Union for a period of five years shall be allowed to continue membership in the Amalgamated Transit Union, solely to maintain eligibility for the death benefits due them.

Section IX. Political Affiliations and Participation in Politics of Personnel. Here, political activity is prohibited for transit policemen (a standard law enforcement restriction) while voting rights are protected.

All appointments and promotions shall be made in accordance with the provision of this Act and the rules and regulations of the Board without considering the political affiliation of any applicant. Such civil service principles and laws pertaining to political activities of public employees shall be observed. Neither the Superintendent nor any transit policeman shall participate in any manner in the activities or interests of any political party or of any candidate for public office or for the nomination therefor, nor participate in any manner in any political campaign for the nomination or election of candidates for public office. Violation of any provision hereof shall be cause for removal of the Superintendent or any policeman so offending:

provided, that nothing contained herein shall be deemed to interfere with the right of any person to vote for any candidate and upon any issue as his reason and conscience may dictate.

Section X. Exemption from Examination. This section makes the present CTA security personnel the nucleus of the new Transit Police Department. At the same time present CTA policemen who wish to remain with the Authority may do so in another position without penalty.

Any member of the present CTA Security Department who has served at least one year as a full time member of the Department may become a member of the classified service of the Metropolitan Transit Authority Police in the position held by him at the time this Act is approved. Any member of the present CTA Security Department who does not wish to become a member of the new Department may be placed in another position within the Authority without any loss of employee benefits or wages.

Part IV. Civil Service Commission. In this part, a Civil Service Commission is created; its powers and duties are specified; its membership, meeting and staff defined.

Section I. Duties.

Pursuant to recognized civil service laws and principles of public employment the Commission shall formulate, adopt, and put into effect rules, regulations, and procedures for its operations, and the transaction of its business. They shall subject candidates to such physical and mental tests as are deemed necessary to meet the qualifications set for entrance and promotion to each rank, review suspension or discharges ordered by the Superintendent in accordance with the procedures described in this act, and perform such duties as proscribed by the Board within the meaning of this Act.

Section II. Appointment of Members, Term, Etc.

There shall be created a Civil Service Commission, hereinafter called the Commission, for the Department only. The Commission will consist of three members: one to be appointed by the Governor; one to be appointed by the President of the Cook County Board; one to be appointed by the Mayor of the City of Chicago. The initial terms of office shall be: by the Governor - four years; by the President of the Cook County Board - three years; by the Mayor of the City of Chicago - two years. Upon the expiration of the terms of office of the initial appointees, their respective successor shall be appointed for terms of five years and until their successors are appointed and qualified for a like term. No more than two members of the Commission shall be affiliated with the same political party, nor shall any appointees have held or have been a candidate for an elective office within five years preceeding his appointment, nor have been an employee of the Authority at any time.

Section III. Meetings and Organization - Quorum.

As soon as practicable after the members of the Commission have been appointed, they shall meet, upon the call of the Chairman and shall organize by selecting a Director and a Secretary. The initial Director and Secretary, and their successors, shall be selected by the Commission from among its members for a term of two years or for the remainder of their terms of office as a member of the Commission, whichever is the shorter. Two members of the Commission shall constitute a quorum for the transaction of business. The Commission shall hold regular quarterly meetings and such other meetings as may be called by the Director.

Section IV. Vacancies.

In case of a vacancy in the office of any members of the Commission, the nominator of the persons who held such office shall appoint some person to fill such office for the remainder of the term, and any person so nominated shall hold his office during the remainder of the terms and until his successor shall be appointed and qualified.

Section V. Clerical and Technical Staff.

The Authority shall furnish the Commission such clerical and technical staff assistance as may be necessary to enable the Commission to transact its business, providing that legal counsel to the Commission shall not be provided by the Authority. The Commission shall obtain from an attorney not employed by the Authority or having been employees of the Authority at any time. The compensation for such counsel shall be fixed by the Board.

Section VI. Payment.

The Authority shall pay each member of the Commission the sum of \$75.00 per day for each day during which he is engaged in transacting the business of the Commission and, in addition thereto his actual traveling and other expenses necessarily incurred in discharging the duties of his office; provided no member of the Commission shall receive compensation for more than fifty days of work in any one fiscal year.

Part V. Retirement, Disciplinary Actions and Funding. Here Administrative matters and funding are included.

Section I. Retirement. This section sets a maximum retirement age, yet protects those who may be disabled in the line of duty.

No person may be retained in service as a transit policeman after he has reached 65 years of age. If a transit policeman is unable to pass the physical, medical or other examinations required of persons employed as transit policemen and can perform no other duties for the department, he may be retired at such pension due him. However, no transit policeman shall be retired or dismissed for any injury received in the performance of his duties if he can perform other duties with safety.

Section II. Disciplinary Measures - Suspension of Policemen -
Petition for Review by Commission - Hearing. This

section limits the disciplinary authority of the Superintendent, sets minimal administrative appeal procedures, provides for policemen charged with a crime, and delegates responsibility for charges against the Superintendent. It is an effort to strike a balance between the management's right to discipline and the employee's right not to be harassed.

Disciplinary measures prescribed by the Board may be taken by the Superintendent for the punishment of infractions of the rules and regulations of the Department as promulgated by the Board. Such disciplinary measures may include suspension of any transit policeman for a reasonable period, not exceeding 30 days.

Any transit policeman so suspended, within 24 hours after suspension, may petition the Commission in writing to review the suspension and upon the filing of such petition with the Commission, the Commission shall at the earliest convenient time set the written petition for hearing before the Commission upon not less than 10 days' notice at a place to be designated by the Chairman thereof. The Commission may sustain the action of the Superintendent, or may reverse or modify it. Suspensions for infractions of rules, regulations, and procedures shall not take effect until all appeals, if any, are concluded. In the event a transit policeman is charged with a crime, the Superintendent may suspend him with or without pay until the

disposition of the charges. If the policeman is not found guilty of the crime charged, he shall be returned to full duties. If he was suspended without pay, all back pay and allowances shall be given him. If a policeman is found guilty of a crime, he may be subjected to such disciplinary action, including discharge, as prescribed by the Board.

In the event that disciplinary action is initiated against the Superintendent, the Board shall hear such charges and may take such action as it deems necessary.

Section III. Removal, Demotion or Suspension - Charges - Hearing.

Here the administrative handling of disciplinary actions is defined. Subpoena power is delegated and allowance is made for judicial contempt action.

Except as is otherwise provided in this act, no transit policeman shall be removed, demoted or suspended except for clear cause, upon written charges filed with the Commission by the Superintendent and a hearing before all Commission members thereon upon not less than 10 days' notice at a place to be designated by the Director thereof. At such hearing, the accused policeman shall be afforded full opportunity to be heard in his own defense and to produce proof in his defense and to be represented by counsel. The Commission shall have the power to secure the production of books and papers, in support of the charges or for the defense. Each member of the Commission shall have the power to administer oaths. If the charges against an accused policeman are established by a preponderance of evidence, the Commission shall make a finding of guilty and order either removal, demotion, suspension for a period of not more than 180 days, or such other disciplinary punishment as may be prescribed by the rules and regulations as set by the Board which, in the opinion of the members thereof, the offense merits. Thereupon the Superintendent shall direct such removal or other punishment as ordered by the Commission and if the accused policeman refuses to abide by any such disciplinary order, the Superintendent shall remove him forthwith.

In the case of the neglect or refusal of any person to obey a subpoena issued by the Commission, any circuit court or a judge thereof, upon application of any member of the Commission, may order such person to appear before the Commission, and give testimony or produce evidence, and any failure to obey such order is punishable by the court as a contempt thereof.

The provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of any order of the Commission rendered pursuant to the provision of this section.

Section IV. Funding. This section makes the transit police eligible for grants, funds, etc., from any source.

The Department shall be eligible for aid under the Police Training Act or its successor, and shall be eligible for all grants and funds the same as any police department of other political subdivisions from the Illinois Law Enforcement Commission or its successor agency or for any other federal or private funding source.

VII. CONCLUSION

The problem central to this report is the need for effective passenger safety throughout inter-community mass transit systems. Just as every municipality is responsible for providing protection of person and property for its citizens. So also is every mass transit system - a separate municipal corporation. It makes no sense for the transit system (vital for the life-pulse of every major city) to have the option whether it will care for the safety of its citizen-passengers or not.

The legislation proposed as the solution to this problem will help to create in mass transit systems the sense among passengers of personal safety and security that can maintain and even enhance ridership. Certainly, in these days of fuel scarcity everything possible should be attempted to lure citizens away from their self-imposed isolation, to sharing a (common) experience with fellow citizens as they travel from home, abroad, and back again. Effective policing of urban mass transportation certainly is an essential factor!

REFERENCES

1. Public Utilities Act, Illinois Revised Statute, Chapter III 2/3 1971.
2. Chicago Transit Authority Resolution No. 49-190 (1949).
3. Public Utilities Act, Illinois Revised Statutes, Chapter III 2/3 1971. Emphasis added.
4. Letsos v. Chicago Transit Authority, 42947 Agenda 65, Ill. Sup. Ct., 1972.
5. Leighton McLaughton, "Fear Rides the Elevated," Chicago Sun-Times, May 24, 1967.
6. Chicago Sun-Times, September 4, 5, 6, 7, 1967.
7. Standardized procedures have not been developed for reporting CTA crime. Hence, we are limited to newspaper accounts and the annual reports of the Chicago Crime Commission, when it discusses the problem.
8. Chicago Crime Commission, A Report on Chicago Crime for 1968, Chicago, 1969, p. 159.
9. Ibid. 160-161. The arrest figures include arrests by CTA police.
10. Chicago's American, Nov. 30, 1968.
11. On Nov. 30, 1968. Fifty more officers were added to the Chicago force.
12. Greg Ramshaw, "Who's Guarding CTA? It's a Good Question," Chicago's American, August 18, 1968.
13. Ibid.
14. Chicago Sun-Times, November 29, 1968.
15. Chicago's American, November 30, 1968.
16. Chicago Crime Commission, A Report on Chicago Crime for 1968, (Chicago, 1968) p. 167.
17. Ronald Kosiol, "CTA Police End Patrols on 'L' in Suburbs," Chicago Tribune, August 26, 1969.
18. Chicago Today, May 11 through 16, 1970.
19. C. Owsley Sheperd, "Violence and Rowdiness Scare off CTA Riders," Chicago Today, May 18, 1970.

20. Jack Houston, "Fear Still Waits on CTA Platforms as Night Falls," Chicago Tribune, November 8, 1970.
21. C. Owsley Sheperd, "Security Snarl Rides CTA," Chicago Today, December 16, 1970.
22. Chicago Today, December 21, 1970.
23. Ibid., December 24, 1970.
24. See "Ban CTA's Police from Theft Arrests," Chicago Today, December 1971.
25. Chicago Sun-Times, July 6, 1971.
26. Journal of the Proceedings of City Council of the City of Chicago, Illinois, October 6, 1971.
27. Chicago Sun-Times, July 8, 1971.
28. Public Utilities Act, Illinois Revised Statutes, Chapter III, 2/3, 1971.
29. See: Thomas Hobbes, The Leviathan (London: J. M. Dent and Sons, 1928), 6; Emile Durkheim, On the Division of Labor in Society, (New York: The Mac Millan Co., 1933); Talcott Parsons, The Structure of Social Action, (Glencoe, Illinois: The Free Press, 1949.)
30. For the later analysis of situation-defining in terms of social interaction see: George Herbert Head, Mind, Self and Society (Chicago: U. of Chicago Press, 1934); John Dewey, Experience and Nature (Chicago: Open Court, 1926); Alfred Schutz, Collected Papers, Vols. I and II, (The Hague: Martinus Nijhoff, 1962); W. I. Thomas, Social Behavior and Personality, (New York: Social Science Research Council, 1951).
31. The authors currently are studying Police Chiefs' perceptions of the crime problem on mass transit. The Chiefs being interviewed are those in suburbs surrounding Chicago through which mass transit facilities pass (or are contiguous to). These are Alsip, Bedford Park, Bellwood, Berwyn, Burbank, Calumet Park, Cicero, Elmwood Park, Evanston, Evergreen Park, Forest Park, Forest View, Harwood Heights, Hometown, Lincolnwood, Maywood, Merrionette Park, Morton Grove, Niles, Norridge, Oak Lawn, Oak Park, Park Ridge, Riverdale, Skokie, Stickney, Summit, Westchester, and Wilmette, all of Illinois. This research is being funded by the Department of Transportation, Urban Mass Transportation Administration (Grant No. IL-11-0024).
32. See above, Chapter II of this report p. 7-13.
33. I.A.C.P., Field Operations Division, A Survey of the Police Department, Chicago, Illinois; by Ralph E. Anderson, and others, June, 1970.

34. Ibid., Vol. II, 786-787. Emphasis added. Since this report the following changes have occurred. There are three shifts now, a canine patrol has been started, and radio communications have been improved (December 1973).
35. For a more recent discussion of the Chicago Police Department's efforts to control robberies on the CTA buses see Allocations of Resources in the Chicago Police Department, U.S. Department of Justice, Law Enforcement Assistance Administration (Washington, D. C. 1972), 129-132.
36. Op. Cit., Vol. II, p. 788. Emphasis added.
37. See for example Daniel Katz and R. L. Kahn, The Social Psychology of Organizations. John Wiley & Sons, N. Y., 1966, 99-108.
38. Criminologists have always exhibited a substantial scepticism concerning crime rates. This is further compounded here by the reporting of two police forces with their differing policies and organizational distinctness.
39. At present, there are plans for mechanical devices to aid crime preventing efforts of the Chicago Police Department: a cable that would provide antenna capabilities enabling officers to use portable radios in the subway system and push button boxes placed strategically throughout the subway system for passengers to use in emergency situations. Chicago Cook County Criminal Justice Commission, Strategies for the Seventies, Plan II, 1973.
40. See above Chapter III of this report p. 20, concerning the questionnaire of Chicago Today in 1970.
41. Cafferty, Michael, Chairman, Chicago Transit Authority, Security on Chicago Transit Authority, a statement submitted to Chicago City Council Committee on Local Transportation, August 11, 1972.
42. The Regional Transit Authority, including the counties of Cook, Du Page, Kane, Lake, McHenry and Will, is to be created only following approval by a majority of Illinois voters at the March 19, 1974 primary election. Passage of this legislation does not, however, insure that adequate police protection will be provided. Part I, Article II, Section 2.08. "Protection Against Crime" is ambiguous in terms of definite responsibility: "The Authority may provide by ordinance for an authority police force" Third Special Session, 78th General Assembly, State of Illinois, Springfield, Illinois, 1973-1974.) Our report seems vital at this time when a major change in facility consolidation might transpire.
43. Public Utilities Act, Illinois Revised Statute, Chap. III, 2/3, 1971.
44. For a legal analysis of the jurisdictional problems facing metropolitan areas in this regard, see: Max A. Pock, "Are Metropolitan Police Districts Legally Feasible?", Journal of Public Law, 12: 313-331, 1963.
45. Metropolitan Washington Council of Governments, Comparative Evaluation of Public Safety Services in Selected Metropolitan Areas with Rapid Rail Transit Systems, (Washington, D. C., February, 1973) p. 1.

46. Funds for the purpose were obtained under the Department of Transportation, Urban Mass Transportation Administration Grant No. IL-11-0024.
47. Interview with Chief William Burke and Deputy Chief Richard Kenner of the MBTA Police on July 11, 1973.
48. Massachusetts Acts, 1968, Chapter 664.
49. Commuter, May and June, 1973, Vol. 9, No. 5.
50. Interview with Chief William Jordan of the Cleveland Transit System Security Division on July 20, 1973.
51. Required 120 hours of training in a certified police academy before a candidate can become a commissioned police office.
52. The University Circle Police is a private force whose purpose is to patrol a cluster of public buildings within the confines of a 1½-2 square mile area known as University Circle.
53. For further information on this system confer: William O. Thomas, "TV by Laser Beam Transmission," FBI Law Enforcement Bulletin, (February, 1974), pp. 6-10 ff.
54. Interviewed Mr. James G. McGriffin, Assistant General Secretary, Mr. J. B. Brennan, Security Supervisor, and Mr. J. A. Heaney, Assistant Security Supervisor of the Toronto Transit Commission, on July 18, 1973.
55. Section VII of an Act to provide for the Federation of the Municipalities in the Toronto Metropolitan Area for Certain Financial and Other Purposes: The Municipality of Metropolitan Toronto Act, Revised Statutes of Ontario, 1960.
56. By-Law 1, Toronto Transit Commission, Amended April 29, 1971.
57. The following contributing statutes are from the Illinois Revised Statutes, 1971, showing the Act, Authorizing Chapter, Subsection, and latest date of revision.

ACT	Authorizing	Charter	Subsection	Latest Date of Revision
Cities and Villages	Municipal Police	24	3-9-4	August 24, 1971
Cities and Villages	Municipal Police	24	10-2.1-5	August 10, 1965
Cities and Villages	Municipal Police	24	10-2.1-5	September 2, 1971
Criminal Code	Crime Statistics	38	206-5	August 30, 1971
Local Government	Police Training Act	85	475	September 16, 1969
Public Utilities	CTA Police	111 2/3	327	July 24, 1971
Roads & Bridges	State Police	121	307	July 31, 1971
Universities, Etc.	So. Ill. Police	144	658, 658A	August 12, 1971
Universities, Etc.	U. I. Police	144	28, 28A	August 12, 1971

58. The following are relevant statutes from New York and Massachusetts.

New York Public Authorities Law

Article 5, Title 9, Section 1204, No. 16

New York Code of Criminal Procedure

Section 154, No. 6

Massachusetts Bay Transportation Authority Police Act, 1969

Chapter 664

59. Task Force Report: The Police, The Presidents Commission on Law Enforcement and Administration of Justice, Nicholas Deb. Katzenbach, Chairman, (Washington: U. S. Government Printing Office) 1967.
60. Boston Plans to have own Transit Police, Passenger Transport, August 9, 1968.
61. Younger, James, Finds CTA Could Learn from Russ, Chicago Tribune, May 11, 1971.
62. Op. Cit. p. 127.
63. Franklin M. Kreml, "The Role of Colleges and Universities in Police Management, The Police Yearbook (Washington: I.A.C.P., 1966) p. 36.
64. Raymond B. Fosdick, "American Police System" (New York: The Century Co., 1921) p. 220.
65. William J. Scott, Atty. Gen., State of Illinois File No. 5-226 (1970).
66. Police Training Act, Illinois Revised Statutes, Chapter 85
67. C.T.A. Ordinance No. 71-36 (1971)
68. The constitution and general laws of the Amalgamated Transit Union (revised, amended and adopted at the Fortieth Convention at New York, New York, September 8-11, 1969) contain penalty provisions for members who violate the union rules. Since a police officer for the CTA must belong to this union, these rules apply to him also. Section 85 states that:

"Each member will be entitled to all benefits, rights and privileges of this union by strictly adhering to his obligation and by him and his L. D. (Local Division) obeying the constitution and laws. He must have been obligated into membership, properly enrolled in the general office and be in possession of a membership card."

Section 86 goes on to state:

"No member shall be allowed to injure the interests of a fellow member, by undermining him in place, wages, or in any other willful act by which the reputation or employment of any member may be injured."

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