

## ARBITRATOR RULING ON LOCK-UP CLOSINGS

On 27 Jul 04 we received a decision from Arbitrator Cox on the grievance filed over the closing of 7 district lock-ups. Arbitrator Cox unbelievably denied the grievance. The Arbitrator found that the Department had the authority to close the lock-ups pursuant to Article 4, Management Rights. Article 4 states that the Employer will continue to retain the right to operate and manage its affairs in each and every aspect, unless they have negotiated something different in another contract provision. The Lodge believes management did exactly this when they negotiated 23.9 of the contract. However the arbitrator found that the language of 23.9 was ambiguous, specifically "The Employer agrees not to eliminate any Unit Duty Assignments listed in this Section for the duration of this Contract." Not only is this language very clear, the Lodge and the Department negotiated an increase in unit duty assignments in the current contract.

The Department testified that the decision to close the lock-ups came from a "couple of meetings". They also testified that the only documentation that was relied upon was a prisoner population report. Research and Development was not utilized to examine possible ramifications of closing the lock-ups. There were no studies done. Not one police officer that works in these districts was consulted to determine if this was a viable program or a disaster in the making. No other Police Departments were consulted. The Boston Police Department has just re-opened several of their lock-ups after a 1 year pilot program. The pilot program in Boston was an abysmal failure. By the Department's own testimony the closing of the 7 district lock-ups was done on a whim. Unbelievably the arbitrator found the Department was not being arbitrary or capricious in their exercise of management rights.

The arbitrator even accepted the Department's stated reason for the lock-up closing. Their reason was to "streamline" arrest procedures and to put more police officers on the street. Any WORKING POLICE OFFICER knows this program has just the opposite effect. Using the Department's numbers, over 36,500 prisoners now have to be transported to districts other than the ones they were arrested in. That creates a huge waste of manpower hours.

We do not believe there is any likelihood of this decision being overturned in court. This would be a futile attempt, and a waste of time and money. Outside of court action we are currently assessing our options regarding the closing of the lock-ups, and this unbelievable arbitration decision. Please keep checking the website for any further developments.