

the San Francisco POLICEMAN

OFFICIAL PUBLICATION OF THE SAN FRANCISCO POLICE OFFICERS ASSOCIATION

To Promote the Efficiency and Good Name of the San Francisco Police Department and its Members

Member of COPS - California Organization of Police & Sheriffs

Member of IUPA - International Union of Police Assns.

VOL. 13

SAN FRANCISCO, FEBRUARY 1982

NO. 2

FEDERAL LITIGATION REPORT

by Theodore A. Schlink III
Chairman, Federal Litigation Committee

Gale: I would greatly appreciate front page space for my article, just as Sgt. Kidd has been able to. Thank you, Ted

I would like to start this article off by first explaining the duties of the committee, and our responsibilities to the membership. During the mid-seventies, the Officers for Justice of the SFPD, filed a suit with the Federal Court of the United States of America. Their suit alleged that the San Francisco Police Department and the City and County of San Francisco, had been engaged in the practice of denying equal opportunity in the form of discriminatory employment opportunities for minorities. The San Francisco Police Officers' Association was not sued by the Officers for Justice, however, the Association was allowed to enter the case as interveners, which in laymen's terms, means that we were permitted to participate in the litigation due to the affect of the litigation upon the entire membership.

When the litigation came to an end, we had what was to be called a Consent Decree. A Consent Decree is entered in an equity suit on consent of the parties. Such a decree, when entered, is binding on the consenting parties, and it cannot be heard or reviewed except on a showing that consent was obtained by fraud or that the decree was based on mutual error. (27 Am J2d Eq sec.246)

At the time our membership voted in favor of the decree, it looked like an equitable compromise to those who were to immediately benefit with promotions, and likewise to those who would benefit in the future. The losers in this agreement were those pre-Consent Decree Sergeants who would be denied promotional advancement until the summer of 1983.

A person, who would come to be known as the Auditor/Monitor, was appointed to administer the decree with the parties to the suit. Everything got off to a good start in those early days of the decree, however, as time passed by, it began to seem as though everyone had a different interpretation of what the real intent of the parties were when the decree was drawn up and executed by those who consented.

The beginning to a foreseeable end was quite obvious, because by now, everyone had figured out an angle to shift the burden of compliance upon everyone else. In addition, the intent of the parties changed when it was realized that their positions were not as good as had been hoped.

From my standpoint as chairman, I viewed the Association's position as being superior to the others, as promotions had been effectuated, a Sergeants exam was to be given prior to August of 1982, and a lieutenants exam prior to August of 1983. In addition, the decree mandates that the SFPD maintain a full compliment of 1971 officers through 1989, and provisions were set forth to require the aforementioned appointments at no less than 25 per year. Too good to be true, yes, because all that is changed now.

Opponents of the current POA leadership are very quick to point their fingers at what they have termed a "rudderless ship" (January 1982 POLICEMAN) and they now seem to assert that the leadership has again failed us with regard to the Consent Decree.

Last year around this time, a ballot measure was submitted to the membership on the issue of accelerating the lieutenants' exam so that it would be given sooner than 1983. At that time it was disapproved by a bare

majority, but a majority nevertheless. Less than nine months later, the same issue came before the membership, and this time the majority voted to require the POA to go along with the accelerated lieutenants' exam.

On the front page of the January POLICEMAN, Mr. Kidd writes:

This development, and Mike's (Hebel) article, serve to underscore the points I and others have been trying to make, namely, that postponement, delay and juggling of specific promotional examinations only makes a complex situation more confusing, for invariably some will benefit while others lose, with each given proposal."

I am relieved that Sergeant Kidd has the ability to recognize the complexity of the situation, however, he should have noted in his article that we as members, or at least a majority of us, voted to subject ourselves to the eventual postponement, delay and juggling of specific promotional examinations. I don't think that it was a secret, that if we went along with any changes to the decree, there existed the possibility of delays. Anytime an agreement is changed, there are going to be competing interests that have their own views on what the changes should be. What I am leading up to is the fact that the Board of Directors voted to appeal the judges order issued in December of 1981, and I am certain that we will experience delays. On the other hand, I would recommend that Sergeants continue to study whatever materials they believe will be beneficial in the upcoming lieutenants' exam, because no one knows what will happen.

In my opinion, we as an Association should have op-

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IRS: DISABILITY PENSIONS

by Mike Hebel
Secretary, SFPOA

On July 28, 1978 the Chief of the Examination Division, San Francisco District, Internal Revenue Service issued a memorandum pertaining to disability retirement. Since the issuance of that memorandum a multitude of retired (industrial disability retirement) police officers and firefighters have had their tax returns audited and examined by agents of the Internal Revenue Service. These audits have involved police officers and firefighters residing throughout the State of California. The Chief of the Examination Division took the firm position that his office and those throughout California would strictly follow the holdings of revenue ruling 72-44 which previously had been overlooked. The aggressive position by the IRS in California with regard to the taxability of industrial disability retirements has led to requiring a new strategy in preparation of the 1981, 1040 form, individual income tax return.

Revenue Ruling 72-44

The Internal Revenue Service is relying on its Revenue Ruling of 72-44 and more recently Revenue Ruling 80-44 in order to tax a certain portion of industrial disability retirements. The first ruling discuss the tax treatment of amounts received under various circumstances by disabled firemen from the Firemen's

Pension and Relief Fund of the City of New Orleans. In this extensive opinion, it concludes: That payments received under the Pension and Relief Fund by a fireman retired for disability incurred in the performance of duties are (a) fully excludable from gross income under Section 104(A) (1) of the Internal Revenue Code in the case of a fireman who had not completed 20 years of service (minimum required for service pension); and (b) are excludable from gross income only to the extent that the pension does not exceed one half of the monthly compensation allowed at salary at the date of disability retirement in the case of a fireman who had completed 20 years or more of service.

The rationale of his revenue ruling is now being applied in the State of California to police officers and firefighters who have received the industrial disability retirement. In essence the ruling holds that if a police officer or firefighter received an industrial disability retirement prior to the date that he or she is eligible for a service retirement, all monies received from the Retirement System are excludable from gross income under Section 104 of the Internal Revenue Code. However when the firefighter or police officer, who left the police/fire service after 1969, becomes eligible for a service retirement (25 years of service and age 50 in San

Francisco) that portion of the payment which is attributed to age and years of service and is in excess of the industrial disability retirement (50%) becomes fully taxable unless there is a permanent disability rating from the Workers' Compensation Appeals Board establishing permanent disability at a figure at or above the amount which the police officer or firefighter would normally receive for and as a service pension. For example, if a 35-year-old police officer is retired after 1969 due to an occupational injury and his disability is set at

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WIDOWS & ORPHANS



POLICE POST #456 NEWS

THE PREAMBLE AT WORK

One thing that a catastrophe brings out is the beauty in people. The month of January saw more than its share of tragedy but at the same time brought out so many instances of caring and sharing that it helps us to gain strength in the knowledge that all is not lost. Let us pray that something like this, although it creates a common bond, will never happen again.

Now, we can all get ready for filling out our income tax forms. There are lots of forms that I would rather look at and none of them remotely resemble income tax forms.

When questioned by his son how soon he'd be old enough to do as he pleased, a wise father answered: "I don't know, son — nobody has ever lived that long, yet." Which only goes to prove that the person that knows everything has yet to be born. The guy that thinks up those income tax forms might come close but he leaves most of us in the dark. Oh well, that is in the American tradition and we could bet our last dollar that a lot of people in this world would love to be in our shoes. Please excuse my thinking out loud. Till next issue, keep smiling, and may God hold you in the palm of his hand —

Your Scribe,
John A. Russell

The January meeting was called to order by President James Sturken at 2:05 p.m., Wednesday, January 20, 1982, in the Traffic Bureau Assembly Room, Hall of Justice.

Trustee M. Kemmitt excused, court appearance. All other officers and trustees present. The Secretary reported the following donations: Mrs. James Murray — In memory of her husband Lt. James Murray and her son, Patrolman Lloyd Enmark; Mrs. Helen Lanella — For assistance by members of Richmond Station; Antonio Meneses — For court assistance by Off. James Curran.

Pres. Sturken proceeded to Unfinished Business at this time and turned the meeting over to the Installing Officer, Past President Michael Barling. Past President Barling installed Vice President William Hardeman and President Bernard Becker. President Becker at this time appointed Robert Kurpinsky to fill the balance of the term of W. Hardeman. Past President Barling then proceeded to install the balance of the officers: William Parenti, Treasurer; Robert McKee, Secretary; and Trustees, Mark Hurley, Frank Jordan, Robert Kurpinsky and Michael Lennon. Pres. Becker thanked P. Pres. Barling for his fine work as Installing Officer.

Treasurer Parenti announced the following deaths:

GEORGE MC ARDLE — Born in San Francisco in 1902, George entered the Department in 1926 at age 24. Worked the various district stations, finally winding up at Northern where he worked until his retirement on disability in 1945. George continued to have contact with members of the Department as a salesman for Risnik Uniforms, outfitting many policemen until the City took over furnishing of same. George was quite active in the Veteran Police Association until his death at age 80.

EUGENE MC DONNELL — Another San Franciscan born in 1902 who became a policeman in 1925 at age 23. Worked old Northern Station until assigned to the Ingleside, where he worked for 5 years. He was transferred to the Bureau of Inspectors in 37, became an Assistant Inspector in 1940 and a full Inspector in 1944, serving most of his time in the Burglary Detail. Gene retired on disability in 1953 at age 51. He received a 2nd Grade Meritorious for the capture of an armed suspect in a liquor store holdup. Gene was 79 at the time of his death.

JOHN M. ROCHE — Born in the City in 1898, John was a locomotive fireman before he joined the Department in 1919 at age 30. After a period of one year the outside presented more for him than the work of a policeman so he resigned in 1920. John continued to be a member of the Widows & Orphans, paying his dues for 63 years. He was 93 at the time of his death.

JEROME SMITH — Still another San Franciscan, born in 1903, who became a policeman at age 25 in 1928. After working at various district stations for 10 years, Jerry was assigned to the Bureau of Inspectors. He was promoted to Sergeant in 1939, became an Assistant Inspector in 1940, Inspector in 1944, working in the Robbery Detail until his retirement for service in 1964 at age 61. Jerry had received a 1st Grade Meritorious in 1939 for the arrest of an armed woman kidnapper of a 5-year-old boy. He was 77 at the time of his death.

Under New Business — The Treasurer and Secretary requested permission from the Trustees to destroy unimportant communications. Granted.

Trustees Report — Sr. Trustee F. Jordan reported that the last Treasury Bonds purchased were at a return of 14.125% instead of the 13.25% originally reported.

Under Good of the Association — Members are reminded that the next meeting will be Wednesday, February 17, 1982.

There being no further business to come before the membership, the meeting was adjourned at 3:05 p.m. in memory of the above departed Brothers.

Fraternally,
Robert McKee, Secretary

In answer to many calls from members on payroll, the yearly dues are \$36.00. In answer to members paying cash who have not received a notice, dues of \$36.00 pay be sent to Hibernia Bank Trust Department, P.O. Box 3808, Rincon Annex, 94119.

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OF COURSE, WIVES ARE INCLUDED

the San Francisco
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- Address letters to the Editor's Mail Box, 510 - 7th St., San Francisco, CA 94103
- Letters must be accompanied by the writer's true name and address. The name, but not the street address will be published with the letter.
- Unsigned letters and/or articles will not be used.
- Writers are assured freedom of expression within necessary limits of space and good taste.
- Please keep letters and/or articles brief and legible.
- The editor reserves the right to add editor's notes to any article submitted, if necessary.
- Articles should be limited to two pages, typed, double-spaced.

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STARTLING BUY OUT STATISTICS

by Mike Hebel

The Retirement Board has recently released their preliminary statistical analysis of the Buyout Charter Amendment authorized by the voters in November of 1980. Propositions F and G of 1980 allowed police officers in the first tier Retirement Benefits (pre-1976) to receive a monetary award for giving up the benefits of that system and moving into the inferior benefits of the Tier II (post-1976) Retirement System. It had been widely assumed throughout the police department that since the buyout offers such a poor financial trade-off, that very few would avail themselves of this opportunity to receive a buyout.

241

Two hundred and forty-one (241) waivers were filed by police officers and firefighters by the deadline of December 31, 1981. Of that figure, 156 were police officers while 85 were firefighters. These 241 members then abandoned the Tier I benefit and moved into Tier II. Of this total, only 11, all police officers, took the buyout, vested their benefits, and resigned from police service. The figure of 11 was welcomed by the police administration who felt that larger numbers would require increased recruitment in order to meet the goal set forth in the Consent Decree.

The savings to the City and County by these 241 waivers is presently being analyzed and will be known by April 15, 1982. In the police department, 137 male police officers took the buyout while 19 female officers took it. Predominant rank in the police department was that of Q-2 of which there were 125 followed by 12 sergeants of police; in the fire department the predominant classification taking the buyout was H-2 firefighters with 56 followed by H-20, captain, with 20 takers.

The range of the buyout went from \$11,833 to \$40,000. There were only two individuals receiving \$40,000 while 39 will receive monies in the area of \$30,000 to \$39,990. The predominant range with 74 individuals was that of the \$25,000 to \$29,999. Thirty one officers will receive \$10,000 to \$14,999. The City has paid these members a total of \$5,655,500 with the average member receiving \$23,663.

The range of ages taking the buyout was that of age 26 through 54½ years. The largest grouping of members taking the buyout fell within the age range of 30-34 with 82 followed immediately by 70 members in the grouping of 35-39. Most surprisingly there were 8 taking the money being more than 50 years of age.

Costly

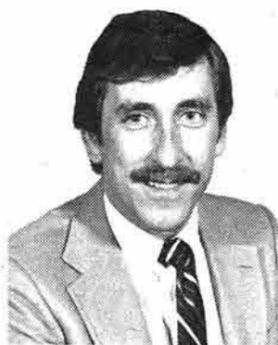
The administrative cost for the program of implementing Propositions F and G came to a total of \$600,000. Most which was paid to the Actuarial Firm which handled this matter — Coopers and Lybrand. Whether this was a worthwhile expenditure remains to be seen and will not be known until April of this year. The City paid out in January of this year a total of \$5,655,500 to the 241 individuals who waived their Tier I benefits and went into Tier II. Preliminarily the large numbers would seem to indicate that the City chose wisely in offering this proposal to police officers and firefighters.

Applauds

While this author had often written that the buyout was a "bombout" and that it should be avoided unless financially necessary, credits must be given to the City and County Employees Retirement System for the very professional way in which they handled Propositions F and G. The project was coordinated by Claire Murphy at the Retirement System and received excellent assistance from Kosrof Chantikian, a retirement system analyst. These individuals should be recognized for their efforts in insuring that employees receiving all the facts before making a decision.

In trying to analyze why police officer and firefighters would move from one system to another at a seemingly poor pay-off rate, an analysis should be done to determine the reasons. From what preliminary data is available, it appears that a large number of police officers and firefighters who took the buyout did so either for monies to be used as a down payment on a home or to pay off a second deed of trust which was coming due in 1982 and could not be met by other sources of funds.

PRESIDENT'S REPORT



by BOB BARRY

SUPERVISORS APPROVE TRAINING FUNDS "FTO'S BENEFIT"

On February 1st, the Board of Supervisors by a vote of 9 - 1 approved the department's request to increase the training fund by \$300,000 annually.

Included in that proposal is a POA sponsored request to increase FTO compensation by three additional hours per week for FTO's, and one additional hour for FTO Sergeants.

Although the budget analyst for the Board of Supervisors recommended disapproval to the Finance Committee and the full board, the proposal went through without much debate. Supervisor Silver, however, attempted to stall the ordinance but was rebuffed by Supervisors Molinari, Hongisto and Dolson. On the second reading, the board unanimously adopted the ordinance.

On February 9th, Chief Murphy and I, along with POA Board members Chignell, Linehan, Swall and Nevin met with the mayor to discuss this proposal as well as a number of other issues and Mayor Feinstein gave her full approval for the training fund increase. It is now incumbent upon Chief Murphy to apply these funds to the appropriate training areas.

On behalf of the POA and all FTO's, I extend my thanks to the chief for his support, Commander Canepa and the FTO staff for their assistance, Captain Klapp for his continued efforts to constantly upgrade our training and to Bob Swall, POA representative Co. A for all his efforts in putting this proposal together.

CAL-OSHA CITES POLICE DEPARTMENT

In early December, a chemical spill of an unknown substance occurred in the Crime Lab that caused a great deal of concern for many members assigned to details in the area surrounding the Crime Lab.

Complaints of foul odorous vapors, eye irritation and nausea continued for a week after the spill without any adequate explanation given as to whether or not the substance was toxic. Crime Lab personnel had disposed of the two gallons of liquid without testing the material to determine if it was dangerous. The material was confiscated in a drug raid.

After investigating the spill and finding out that the chemical was poured down the sink, I contacted CAL-OSHA and filed a complaint of unsafe practices.

On December 28th, an Industrial Hygienist from CAL-OSHA inspected the premises and cited the department for unsafe practices in regards to chemical storage, labeling and disposal. Other violations of safety orders were noted and citations were issued accordingly. The department is now required to develop proper safety procedures that comply with state law. CAL-OSHA was not able to identify the chemical.

WIVES WIVES WIVES

Our meeting in February at President Jean Calabro's home was a great success for our San Francisco and San Mateo County members. We welcome all the new members and remind all our present members that our membership dues are now being accepted gratefully.

We are also working on a monthly meeting in the Marin and East Bay.

Again, the time has come for working on National Police Week and our Family Day Picnic. Any wife interested in making suggestions or volunteering, we will be discussing this at our next few meetings. The picnic is a real great time and we hope to see you all there.

Our March meeting will be held on the 9th at 7 p.m. in the Police Commission Hearing Room 551.

All are welcome to our March meeting. You do not have to be a member to attend. If you need a ride or have any questions, please contact Pat Barsetti at 566-5985.



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IN MY OPINION

by Ed Collins, Police Academy

In late January, Senator S.E. Hayakawa officially declared that he would not seek re-election. This dismayed me a great deal because I admire Senator Hayakawa and I hoped he'd continue as California's Junior Senator.

Oh, I admit, that in a world plagued with injustice, Senator Hayakawa displayed a certain, "Let them eat pizza" attitude. On the whole, though, he was a breath of fresh air when compared to the inveigling denizens of Capitol Hill.

The good Senator actually has the nerve, gall if you will, to advance the traditional work ethic. Such an ethic is traditional but revolutionary by contemporary standards. When people were complaining about the price of gasoline and advocating government intervention, he put it quite simply when in effect he said, if one can't afford gas — one shouldn't drive.

Senator Hayakawa proved that you don't have to be a member of the radical set to enjoy a confrontation with controversy. He often addressed racial issues and astounded those who felt that he, being a minority, would automatically proceed with a biased eye.

Senator Hayakawa came under heavy fire for a variety of alleged ills but the one criticism that stands out in my mind, is the attack on his supposed inability to speak Japanese. Well, as far as I know, I'm of Irish ancestry and I'll be tar'd and feathered and rode out of town on a shamrock if I can speak more than one word of Galic. That one word, by the way, is "Jamsion's."

I'm going to miss old "Sleepin' Sam", but I shall toast the man at the Round Table — anybody like anchovie and mushrooms?

AROUND THE DEPARTMENT

by Al Casciato

... The 7th Annual Bob Mahoney Invitational Family Roller Skaing Party has been set for a March date. For details and reservations, call Bob Mahoney at 752-6255 (Police Stables) or drop by the Golden Gate Park Stables ...

... During the Great Storm of '82 when the Golden Gate Bridge had to be closed, many officers believed that City Hall would raise the residency issue once again. Well, it wasn't and the reason is probably the fact that many of the high ranking City Hall officials own second homes in Marin and were busily shoveling mud out of them. Gee, I wish I could have two full time residences with no questions asked ...

... Most veteran police officers and social service workers predict that when the federal government transfers welfare responsibilities to the states, 37 states will shut down their welfare programs and a great exodus of Freedom Buses will leave those states carrying welfare recipients to California ...

... Born in the last week of January during the Super Bowl XVI activities were William Ian, 8 lbs, the first arrival for Michael and Sharon Lewis, Academy Staff; Robin Lynn, 7 lbs. 9 oz., was the second arrival for Dave and Sue Herman, Co. C; while James Andrew, 9 lbs. 14 oz., made his debut as the third member of the Forrest and Teresa Fulton Family, Court Liaison ...

... Now that the 49ers have won and the city politicians are being forced to pay attention to their repair responsibilities at Candlestick, talk of a dome is stronger than ever. Seeing will be believing, say I. But my eternally optimistic Uncle Gregorio, has already submitted his suggestion for naming the dome: "The Giant 49er Dome".

... Nighttime Family Feud will soon feature the Donnelly police family of San Francisco. Father Bob is a retired S.F.P.D. Inspector, son David is an officer currently assigned to the Academy 147th Class, daughter Cynthia is an officer assigned to Ingleside Station and daughter Dorree is an officer assigned to the Airport. The show was taped on Feb. 15th and will be shown sometime in March ...

Editor's reflections . . .

The central theme of this police newspaper, from my point of view, is to be informative, but not necessarily controversial. My perspective is that 99% of the persons writing articles for this newspaper are dues-paying members, and since their dues subsidize the overhead, then yes, by all means, they are entitled to space for their prose.

Of late, however, there seems to be a strong undercurrent of unhappiness with not only some of the subject content, but the placement of such articles in this newspaper. Ted doesn't like Bill's articles on the front page; Paul doesn't like Bill's articles on the front page, and both gentlemen claim a right to equal treatment. Paul also says this newspaper is being used politically to embarrass the present leadership.

I emphatically deny using the POLICEMAN as a political publication. Again, I repeat, all members are entitled to space in the POLICEMAN. If any article offends anyone, then please, write a rebuttal. But don't accuse me of being political. Rather, consider the articles as being educational, a time for reflection on the subject matter content, a different point of view.

If I wished to use this newspaper as a political voice, there are plenty of D'Amicos, Peras and Kidds to fill these pages. But there are also plenty of Barrys, Chignells and Schlinks to sing the praises of the Association leadership. The membership is certainly entitled to more than one point of view on any subject.

By the way, the measurements for the front page are only 10" x 16", usually just enough room for three articles, the banner and a table of contents. I try to go with the three "weightiest" articles on the front page to get the readers' attention. Obviously, not all requests for front page space can be honored.

Deadline for articles to be submitted is the first Wednesday of each month. No exceptions.

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FBI graduates announced

San Francisco police officer Sandi Daly was among 249 police officers from the United States and seven foreign countries to recently graduate from the Federal Bureau of Investigation Academy in Quantico, VA.

Daly, who lives in Pacifica, is the San Francisco Police Department's first female graduate.

The academy ceremonies concluded 11 weeks of executive-level training for officers from each of the 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands and officers from Australia, Canada, Egypt, Korea, England, the Netherlands and Thailand.

A total of 15,640 officers have graduated from the FBI National Academy since it began in 1935.

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SAN FRANCISCO POLICE DEPARTMENT YOUTH PROGRAM

by Walt Scott and Tim Foley

During the rainy month of January, the SFPD Youth Program still provided exciting urban adventuring. Officers and youth joined together to experience Ropes Course, rock climbing, rappelling, and backpacking.

With the support of Luisa Esquerro of the San Francisco Unified School District, we worked with a special class of recent immigrants from Central America and Asia. Many of these youth are having a difficult time adjusting to their new life in San Francisco. Luis Duran and Art Tapia of the Community Relations Unit taught a class once a week to this group, emphasizing law and relationships with police officers. They felt outdoor experiences with officers build understanding, self-respect, and trust; so they contacted the Youth Program. Officers Susan Meyer, Ron Artale, and Luis Duran worked together with the youth.

We soon learned that the youth needed work on responsibility and respect for others. We required daily class attendance, attentiveness in class, and prompt return of application papers of those who wanted to participate in our program. We lost some youth that way, but the youth who followed through made huge and evident strides in personal growth.

Our first Ropes Course was quite chaotic as the young people let out their energy in a new environment. By the end of the day, after firm and caring instruction from officers, the youth thanked the officers for sticking with them, for their patience and understanding, and for the commitment of the SFPD to work with them.

We had fewer numbers for the rock climbing and rappelling, but dramatically improved behavior in those who did attend. We turned away ten eager participants because the rock climbing was the first class they had shown up for in one whole week. They learned a lesson as they fully understood that these activities are for those who want to put out an effort. We invited them to participate in the future, after they showed their teachers that they were willing to attend and participate constructively in class.

We wanted to show the youth that they did not have to travel far and spend a lot of money to gain an outdoor experience and some peace and quiet. We began our backpack trip on a sunny, clear Friday morning at the Golden Gate Bridge toll plaza. This unlikely looking but eager and enthusiastic group of sixteen backpackers led by Officers Duran and Meyer headed across the Golden Gate Bridge, west up the Marin Headlands with a spectacular view well above the Golden Gate Bridge, and then around Point Bonita to a group campsite at Battery Alexander.

Officers Scott and Foley went ahead to the destination and set up a barbecue of garlic sausages, fresh fruit and vegetables and the real highlight, gourmet chili and beans prepared by former Chief of Police Don Scott. Some of the youth made quite moving toasts to the officers and the police department, the Latin youth gave a big cheer of "Gung Hay Fat Choy" to the Chinese youth, and then after a thorough clean-up we retired to the campfire.

Lively and warm discussion continued into the night, interspersed with songs and a hike to the beach. The campfire began with a big cheer by the youth for their responsibility in class that allowed them to go on the backpacking trip. We continued with a discussion game during which the officers asked the youth such questions as, "Why do young people sometimes stare at officers with a hard expression (mad dogging) rather than being friendly to them?" and "Why do youth from different neighborhoods fight each other?" The youth asked the officers, "Why do you sometimes come on so strong to us when we are standing on the sidewalk?" and "Why are you interested in coming on a trip such as this with us?" The evening ended with an obvious bond of friendship and understanding forming between officers and youth.

The group spent the next evening at the Marin Headlands campus of the Yosemite Institute, and the next two days on nature walks, at the Marine Mammal Rescue Center, and at the beach. Some of the highlights of the walk with the Yosemite Institute naturalist included spotting a large bobcat, sighting numerous hawks, and catching lizards with a loop made from a piece of grass. The lizards got short rides on the shoulders of the youth and were then placed back where they came from.

Some of the other highlights of the trip were some of the youths first taste of salami (they liked it), some of the youths first attempt at the use of knife and fork rather than chopsticks (worked well for the chili and garlic sausage), the youths and officers eagerness to learn words and phrases from each others primary languages, and the Chinese youth who, when asked where he was born, said, "I was born in Hong Kong — you might say I was 'made in Hong Kong'."

We also received strong words of praise for the San Francisco Police Department from the park rangers, from the naturalists, from the people of the Yosemite Institute, and from others who inquired about our group. They were both openly surprised and thrilled at the same time that the department and its officers are providing such a program. They were also highly complimentary of the demeanor and enthusiasm of the youth.

One final result needs to be mentioned and that is the positive joy and satisfaction the officers received from working with the youth in this positive and challenging expedience. That is what the SFPD Youth Program is all about.

JAMES ARTHUR MCGEE

Pastor of Souls
Priest Forever

Pastor St. Joseph's Church
San Francisco
1951 - 1982

Born May 21, 1906

Ordained June 20, 1931

Died January 7, 1982

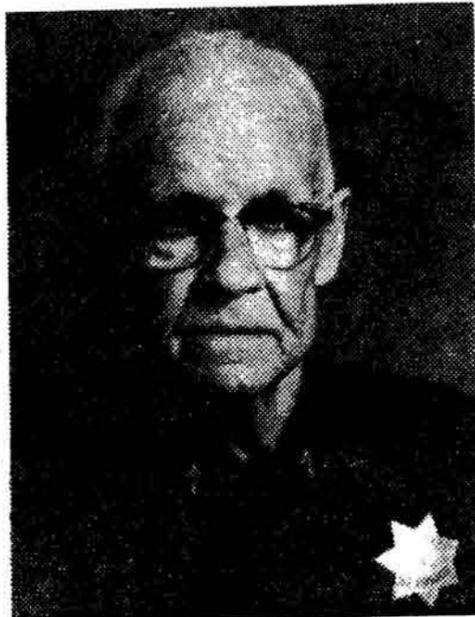
Dear Editor:

As you know, Father McGee was the first Police Chaplain in the San Francisco Police Department. He passed away on January 7th.

Father McGee, along with the other Police Chaplains, routinely gave the Invocation and Benediction at the recruit graduations. The last time Father McGee participated in the graduation was on July 6, 1979. These words were particularly moving and I would like to share them with others in the department.

I request the following be published in the next issue of the POLICEMAN.

Sincerely,
James P. Shannon
Deputy Chief Of Police
Administration Bureau
San Francisco Police Department



Ladies and gentlemen, if you can keep your heads, when all about you are losing theirs, you will be a head taller than your adversaries. Ladies and gentlemen, all that is necessary is — to know that you are right, and then don't be afraid of anyone or anything.

In Catholic Confirmation, we believe that we receive the Seven gifts of the Holy Spirit. Three of them are **WISDOM, KNOWLEDGE AND FORTITUDE**. Wisdom means taking every circumstance into consideration. What we might do, may be right, but under the circumstances, would it be the wise thing to do. **Wisdom** is that delicate balance, which foresees consequences, and acts only with judgment. **Knowledge** — means knowing our business thoroughly, and acting only within that knowledge. **Fortitude** — means courage. Follow your conscience no matter what it may cost you.

Remember, ladies and gentlemen, that your duty will be to keep the Peace of Christ among your brothers and sisters. Your duty will also be to enforce the laws, those guidelines laid down by Christ, showing us how to love our neighbor. Those laws guarantee that we will enjoy our personal right only as long as we respect those same rights in others. Our rights are concomitant with our duties. Without one, you cannot have the other.

You are beginning your careers in a very complex, confused and sick world. The escalation of crime and violence will require that you be, in the words of Sacred Scripture, "wise as serpents, yet simple as doves". You will be expected to be men and women of firmness and yet restraint, men and women of justice, yet tempered with charity toward all. Like St. Michael the Archangel, patron saint of all police officers, you will bear the sword of your God against all evil and oppression — and like St. Michael, you will be loyal to your God and your country and against all the evils that may beset them. May God bless you in your new careers as champions of the good against all of the forces of evil.

BENEDICTION

Almighty God, we pray your blessing upon these young men and women who, like the early Christians in the time of persecution, have come to swell the ranks of those who would bring sanity to the world. Bless them for they do "know what they do". Give San Francisco the grace to welcome them with open arms. They represent the best our community has to offer.

May their addition to the department help to make San Francisco once again the city we used to know. Watch over them and protect them, even as they watch over and protect us. Give them Wisdom, Knowledge, Courage, Piety and Fear only of offending You. Let their Idealism be the joy and comfort of their families. Let them be "iron in war, and golden in peace". Let them walk in the incorruptibility of the kindly St. Francis, whose city they will serve. May the sweet Mother of God shield them with her mantle, and keep them close to the hear of her Divine Son. May their hearts be as sterling as the silver of their stars.

Almighty God, these are the newest of Your "finest". They are yours, to do your will. Manifest Your will to them constantly, and give them the courage, confidence and reverence to carry it out. These are your policemen and women, You are their Supreme Commander. To be with you forever in heaven, they pledge themselves to serve you in all conscience here on earth.

Ladies and gentlemen: May the blessing of Almighty God, the Father, the Son and the Holy Spirit, descend upon you now, and may it remain with you forever.
AMEN.

INVOCATION

Ladies and gentlemen of the recruit class: Tonight you will become full-fledged members of the San Francisco Police Department. You are coming into the department at a time most critical in the world's history. You are going to be expected to keep the Peace in a world which knows no peace. You are going to be the symbols of Authority, in a world which is gradually repudiating all authority, whether it be in the home, society or in the church. You are going to be asked to act in a Democratic way, in a culture which seems bent on destroying Democracy.

Some of you will be assigned to one phase of police work, others of you to another. As time goes on you will have to face crises of one kind or another. You will make arrests, you will have to prosecute your cases in the courts. Very often after doing your best, you will be surprised to find yourselves on trial instead of the suspect. Even when you defend your lives you will have to undergo intensive investigations to satisfy the public hue and cry. Those who were constantly maligning our troops in Vietnam, while saying nothing of the atrocities committed by the enemy, will cry Police Brutality, when you have to subdue the most vicious of thugs.

Inside the Bureau of Inspectors

THE MAGIC OF KEN MURPHY

by Insp. Mike Nevin
Board of Directors

Once in a while rare talent is found in our business. Talent, all of us have to some degree, but the raw and rare type I refer to shows up periodically. Ken Murphy, in my opinion, is one such talent.

Inspector Murphy has been in the SFPD over a quarter century now, and has performed well. Murphy was born to be a policeman and never considered any other career since childhood. His personnel file is as good as they come with over one hundred Captain Commendations, one First Grade, a Second Grade and three Third Grade Meritorious Awards for action above and beyond the call of duty. The list goes on and on with a commendation from the F.B.I. for the apprehension of a suspect wanted for armed robbery and several letters of thanks from other police jurisdictions as well as the public at large.

Murphy's sense of humor and style of conversation is known to all of us that have worked with him and is appreciated during the tense and frustrating moments in our business. Kenny is con wise and street smart and can accomplish more in five minutes than it takes some of us hours. Insp. Murphy is 54 years old. He and his wife JoDell have five children, three sons and two daughters: Brian, Danny, Tim, Kimberly and Leslie. He joined the police department in February, 1955. Ken is the product of the Mission District and the son of a former San Francisco fireman. Ken's brother Don, retired from the police department a few years ago after long service in the Juvenile Bureau.

Inspector Lou Hutzler of Burglary is Kenny's partner and knows him as well as any. Hutzler told story after story about the magic of Murphy. Hutzler said: "He is

the funniest, the most likeable, the best cop I ever met. Kenny has natural instincts. He smells things out before they happen and he is extremely hard working. I can't begin to tell you the amazing, quick and intelligent acts he has performed in police work." Hutzler continues: "Ask Bruce Jones or Bob Martin or Eddie Grant about Murphy. They worked with him as long as I have. Ken is extraordinary, he is something else. One day at Mission Station years ago, I had to make an arrest report and at the same time transport the suspect from Central Emergency to Mission Station for booking. Murphy said: 'You make the report, Lou. Al Bragg and I will pick him up.' On the way to Central Emergency, Murphy and Bragg saw three guys enter a grocery store at 22nd and Valencia. They just didn't look right. Murphy circled the block, came back by the store and heard gun shots. The suspects ran out of the store and Murphy and Bragg were in a shootout with all three. Murphy went to the radio car to go on the air for help and found a barking German shepard on the front seat. Needless to say he could not get to the radio. Later at the station, Kenny thanked me for the opportunity to help out and suggested I call Joe Friday the next time I needed anything."

Sometimes we don't realize how valuable a policeman like Ken Murphy is to the rest of us. Inspector Murphy deserves all accolades we could muster. An entire edition of this paper could be filled with facts about his colorful career. I hope we have him in the Bureau for several years to come. Imagine the Burglary Detail without the magic of Murphy. We are aware of your presence, Kenny. All of us stop for a moment, stand tall and salute. Kenny Murphy just walked by.

SPECIAL GENERAL MEMBERSHIP MEETING January 6, 1982

The meeting opened with the Pledge of Allegiance at 12:05 p.m. by acting President Michael S. Hebel. A quorum was present.

ITEM #1

The matter of the collective bargaining charter amendment with or without pension benefits was discussed. A motion was made by Schmidt S/Wright that the Board of Director's motion of December 15, 1981 pertaining to the submission to the general membership of the issue of the collective bargaining amendment with or without pensions be rescinded. This motion passed on voice votes.

M/Wode S/Wright that any collective bargaining measures placed fore the electorate should not contain any provisions concerning retirement or pensions and furthermore that this Association in later ballot

measures address the concerns of Association members in the Tier II Retirement System. This motion passed by a voice vote.

There then ensued Mike's discussion and debate on the issue of the nature of vesting of retirement benefits, when vesting occurs, what benefits vest, and whether or not retired members benefits could be affected by the vote of active members.

Meeting adjourned at 1:30 p.m.

Submitted by:
Michael S. Hebel
Acting President

CHRISTMAS BLOOD DRIVE AIDES AN OFF YEAR FOR DONORS

by Tom Vigo, Chairman
Blood Bank Committee

On Tuesday, December 22, 1981, the SFPD conducted its annual Christmas Blood Drive at the Irwin Memorial Blood Bank. 85 donors responded and helped redeem an otherwise dismal year for blood donors. The Blood Bank Committee wishes to thank all who took a few minutes to donate at this drive.

The below account of our donations for the year 1981 shows a deficit of 55 units (644 less 589). We were very fortunate that we only had to replace 644 units of blood. In past years, we have released as much as 1,000 units. This would have placed a severe strain on reserves had the need arisen to release the above amount with so few donations to offset the units used.

There are several reasons why a person should donate blood as often as possible. Without delving into the humanitarian aspects of donating, let us examine the financial and medical purposes. Neither reason requires a genius to figure out. If a person uses blood and does not replace it with another unit, he is charged a "non-replacement" fee, usually consisting of about \$30.00 per unit. If we don't have units on hand to replace those used, obviously the patient will be charged the non-replacement fee. Of all the medical reasons a person should donate, the best one is that the ONLY source of human blood is from people.

Hopefully, 1982 will be a banner year for our blood bank. A person can donate every two months and as much as five times in any twelve month period. Please consider trying to donate at least three times this year. If there are any questions about donating or receiving blood credits, contact any of the Blood Bank Committee or The Irwin Memorial Blood Bank.

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RESPONSE TO PAUL CHIGNELL

by William Kidd

I am obliged to question your casual handling of the facts regarding the current status and evolution of police retirement provisions, as described by you in the attached article from the January 1982 issue of the POLICEMAN, entitled "Your Pension Benefits Will Be Protected".

Firstly, you correctly point out that the pre-1976 "benefit structure" is "higher" than that for post-1976 officers. But you then state "Tier 2 officers will first be eligible for retirement in the year 2001." You seem to have discounted the many unfortunate post-1976 officers who will lose thousands of dollars in the 19 YEARS between now and 2001.

FACT:

If one chooses to refer only to service retirement, your statement would be correct. In fact, since August, 1977, and henceforward, post-1976 officers will be "eligible" to receive benefits under the disability retirement provisions of the Charter whenever any such officer has the misfortune of having to be retired on disability, which can occur any time after Academy graduation, and many years prior to the 25 year minimum for service retirement.

SIGNIFICANCE:

You drastically understate the gross inequities which post-1976 officers have yet to comprehend or face; such officers, retired on disability, not only will be limited to a flat 50% disability rating (compared to our 55-90%), but additionally will be subjected to the income limitations of section 8.586-13 (C). And these inequities will begin to be imposed soon, much sooner than 2001.

Second, you note the beneficial modifications made to the "OLD" system (Tier 1) in 1972 and 1974.

FACT:

Though it may be a minor point, some of us note the significance of the unmentioned fact that these modifications occurred under prior P.O.A. leadership.

Third; you refer to the "unattractive buy-out" proposal. Why was it that this proposal, ordered by Mayor Feinstein, was never opposed by you or the President, when offered up at the November, 1980 election? Only now, when so many officers wisely chose not to forfeit their Tier 1 benefits, does our Association Vice President dare to criticize the buy-out?

Fourth: "The Tier 2 system with less benefits . . . was the result of a Charter Amendment placed on the ballot in November, 1975 as part of various punitive measure sponsored by the Board of Supervisors after the August 1975 police strike."

This interesting distortion is the primary purpose of my letter. For one who claims to deplore "division" of the Association membership over "emotions", it is indeed curious that you have chosen to over-simplify and omit some pertinent facts.

FACT:

In 1974, the City of New York went through a period of great fiscal uncertainty, with indications of possible bankruptcy, default, and financial disaster, and which climaxed in debate over the need for the State of New York and the federal government having to come to its rescue. Among several causes, "excessive pension benefits" was cited as one of those most to blame. Municipal representatives throughout the country pointed to New York City as an example of how now to run their own cities. As pension benefits were being improved for S.F. police and firefighters, Supervisors Barbagelata and Kop took up the same cries here.

FACT:

By early 1975, Barbagelata was managing to use the New York City scare, the burgeoning costs of retirement benefits, and the resulting increase in property taxes to turn around the Board of Supervisors, most of whom were facing re-election that same year and many of whom had endorsed increased retirement benefits just months before. One form this turnaround took was the decision by the Board of Supervisors to ignore precedent, cut our pay raise in half, and adamantly refuse to condescend to even discuss the issue with us. For these, and many other reasons, the August 1975 police and fire strike came about.

Meanwhile, the press fueled growing public anxiety over the costs to the City of Proposition M (1974), which increased our benefits and those of Proposition H (also 1974), which also increased the benefits of every previously retired police or fire member.

It was then that the die was cast on retirement benefits for City employees; decreases in retirement benefits became INEVITABLE. But they did not come

with the punitive measure of the November 1975 election.

FACT:

Tier "2" was put before the electorate in November, 1976, not in 1975.

It is also incorrect to state that "Tier 2 came about because of the police strike," to punish the police. There is no question that this was indeed part of the motivation, but there was far more to it. Anyone who fails to recognize this need only examine the City Voter's Pamphlet for the election of November 1976.

FACT:

Proposition "L" (Nov. 1976) established new, lower pension benefits for ALL CITY EMPLOYEES.

The Second Tier does not simply apply to police and fire. This was the case, again, because the momentum had shifted toward across the board reduction in retirement costs.

SIGNIFICANCE

You tell me, Paul. Why do the leaders of this Association choose to mislead members by withholding pertinent facts from them? Facts which, if openly addressed, could greatly diminish the dichotomy between younger and older, Tier 2 and Tier 1 officers, which allegedly concerns you?

It seems to me a grave injustice to blithely place all blame for Tier 2 benefit reductions on those of us who struck on August 18, 1975. I, for one, am not afraid to admit my participation then, or to bear responsibility for the aftermath, unlike some others, Paul. But to accuse those of us who took our stand in 1975 for Tier 2 is neither historically nor factually correct.

Fifth, and finally; from your fourth paragraph: "As the years go forward, officers employed after 1976, will become the majority of the department in Tier 2." This has obviously become of great concern as the number of Tier 2 officers approaches the point where, upon reaching that "majority", they will force this Association to get to work on Tier 2 retirement provisions.

It is unfortunate that it has taken this long for you and the president to recognize these inequities and begin to act. It is also unfortunate that Tier 2 members are just beginning to wake up to the fact that the Association leadership should have long ago faced up to the problem, as I and other advocated last year. (See attached letter of January 12, 1981)

But then, this is the leadership the membership wants. Right? Paul?

January 12, 1981 Campaign Literature

Dear Member of Second Tier Retirement System:

HAVE YOU EVER ASKED YOURSELF: "Why does the City want to pay up to \$40,000 to Tier One Members to join your plan, (Buy-Out)?"

You may not be aware of it, however when you retire, you will be paid less than many of the officers with whom you are now working — that's because you are in a different retirement system than they are. You should also know that in the past two years, nothing has been done to change the system. Frankly, we think your system "stinks".

WHAT WILL WE DO?

Our team member, Bill Kidd, was elected to and served two and one-half years as a commissioner on the Retirement Board and is intimately familiar with the inner workings of the Retirement System. Since leaving the Retirement Board in January 1980, Bill has kept in continuous contact with the upper management and current commissioners of the Retirement System. Bill is already in the process of drafting legislation which (if pushed by the P.O.A.) can start the process of upgrading Tier 2 to Tier 1 standards.

The last time the P.O.A. fought to upgrade the retirement system, it took ten years to accomplish. It will also take a lot of hard work to upgrade your system. It can be done — if someone starts working now! With your vote we are the team that will start this process and, those of you who support this, will be the part of the team that finishes it.

SUPPORT THE TEAM THAT SUPPORTS YOU!

President	Secretary
Jack Ballentine	Gerry Schmidt
Vice President	Treasurer
Bill Kidd	Al Casciato

My Right to Respond and My Response

Editor:

On 02/08/82 I received a lengthy letter from Brother Bill Kidd with a copy for the SF POLICEMAN. Based upon your last editing I assume that #1. Mr. Kidd's letter will be published — #2. It will be on the front page.

Accordingly I believe that I have the right to respond in the same space to these unwarranted criticisms. Therefore I enclose a short response to Kidd's latest diatribe that should accompany his comments.

It seems to me that for the first time in recent memory the front page of the paper is being used for partisan attacks on the leadership of the organization outside of the regular election articles. This must be addressed.

Paul Chignell
Vice-President

William Kidd, Member
San Francisco Police Officers' Assn.

Your letter criticizing my article on pension benefits must be given an appropriate response.

1. My article was not intended to give a comprehensive review of various pension benefits but rather to allay the fears of a certain segment of this Association who feared that their vested pension rights would be bargained away. If you feel that the membership is not aware of their pension benefits, I urge you to distribute the booklets that Michael Hebel prepared that are available at the POA office.

2. Your statements about prior POA leadership being responsible for pension upgrading in 1972 and 1974 is a disservice. To categorize changes beneficial and detrimental to "prior POA leadership" is simplistic and juvenile. I was very much a part of the "POA leadership" in those years and resent your statement. It is interesting to note that you have never been a part of "the POA leadership".

3. The "buyout" proposal has always been opposed by me. I have consistently been advising members not to fall into the buyout trap. I have consistently advised members of the lack of benefits in that plan.

4. There is no doubt in my mind that the changes in pension benefits for new officers which was passed by the electorate in November 1976 was directly attributable to the police strike August 1975 and was a continuation of the punitive measures offered by the Board of Supervisors in retaliation for the strike. The figures of pension costs were the figures used to justify failing to adhere to the salary formula by the Board. The public press fueled the flames as did Supervisor Barbagelata. Finally, across the board reduction in pension costs for all City employees resulted from the police experience.

5. YOUR DIATRIBES ABOUT "POA LEADERSHIP" DESERVE FINAL CONSIDERATION. I URGE YOU TO QUIT YOUR HARANGE AND DO SOME WORK. IT IS EASY TO SIT ON THE SIDELINES AND CHOOSE WHAT ISSUE TO TALK ABOUT, IGNORING OTHERS. SERVE ON A COMMITTEE, REPRESENT A MEMBER IN NEED, WORK ON LEGISLATION, SPEND SOME TIME IN THE OFFICE, RUN FOR THE BOARD OF DIRECTORS, WORK YOUR WAY THROUGH THE CHAIRS OF THIS ASSOCIATION, LEND YOUR EXPERTISE IN RETIREMENT MATTERS BY ASSISTING MIKE HEBEL WITH THE HUNDREDS OF OFFICERS NEEDING HELP IN SP-DP DETERMINATIONS, ETC. IN SUMMATION BILL, LEAVE THE WORDS AT HOME AND PITCH IN AND DO SOME WORK FOR ALL OF US, THE MEMBERS.

Paul Chignell

Bill Gives Cops and Firemen Right To Sue

Courtesy of Dick Trueb

Sacramento — injury occurred after the firefighters or police arrived on the scene, or where the conduct violated a law designed to protect firemen or police officers.

Assemblyman Byron Sher, D-Palo Alto, has authored Assembly Bill 2351 in an attempt to clarify the so-called "fireman's rule" which the state Supreme Court recently interpreted as meaning no firefighter to police officer can sue even if citizen negligence was purposefully meant to cause injury.

AB 2351 would expressly permit firefighters and police officers whose presence is occasioned by the wrongful act of another person, to recover damages where the wrongful conduct was intended to cause the injury, where the conduct causing

the injury occurred after the firefighters or police arrived on the scene, or where the conduct violated a law designed to protect firemen or police officers. Sher said the bill was prompted by a recent case in San Diego, where a policeman was injured while pursuing a vehicle at speeds of up to 100 mph. The state Supreme Court held that the officer could not sue for damages because the "fireman's rule" prevented such an action.

"The courts have interpreted the 'fireman's rule' far too broadly," says Sher, a law school professor. "Police and firefighters are continually faced with hazardous conditions without any recourse for their injuries against persons guilty of reckless or wanton conduct."

KEEP YOUR BENEFICIARY CURRENT

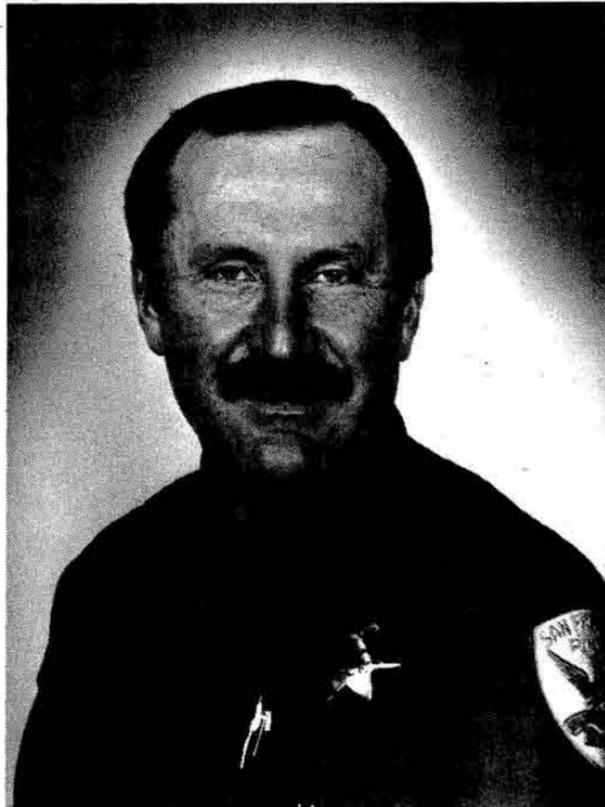
It is important to you that the beneficiary we have listed in the Association office for your \$2,500 insurance be kept current. (Active officers only)

If you have changed your status in any way (married, divorced, etc.) then you should contact our office and sign a new beneficiary card.

In checking our files we find that there are many of our members who have not even signed a card, although we have sent several notices in the past.

If you are not sure if you have a card on file, or you wish to make a change, please call the Association office (861-5060).

TRAFFIC ENFORCEMENT OFFICER OF THE MONTH DECEMBER 1981



OFFICER GERALD R. GOLZ

Officer Gerald Golz was born and raised in Chicago and after being honorably discharged from the Marine Corps in 1956, he attended the University of Illinois on a football scholarship.

In 1958, Officer Golz joined the Hillside, Illinois Police Department. He attained the rank of sergeant and was nominated for Police of the Year Award by the International Association of Chiefs of Police prior to joining the San Francisco Police Department in 1969.

Officer Golz has served at the Central Station for the last 13 years acquiring over 25 Captain's Commendations and a Bronze Medal of Valor.

He is married and the proud father of three children.

ON BEING NEGATIVE!?

by Vic Wode

On Tuesday, after we had counted the ballots for the Board of Directors election, Paul Chignell and I were discussing his chances in his attempt at an Assembly seat when Bob Barry came over and stated that I was always negative and had been like that for the past three years.

On reflection, I must say that I was not negative the first year of Bob's presidency. After all, I had actively supported him and was awaiting great things.

After some time, however, I began to realize that I had perhaps been mistaken. Let's face it. To this day we have no Memorandum of Understanding and no new benefits and the outlook for getting any seems at present rather remote.

So, Bob, if I am negative then please give me some reasons to be positive about because at present I can't find anything.

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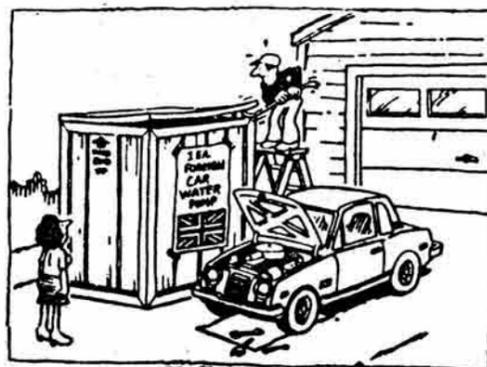
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Transfer of Personnel

Inspector Paul Chignell

Dear Inspector Chignell:

Thank you so much for all the help you gave in support of our position in opposing the transfer of personnel as well as duties to the Sheriff's Department. Everything is being held in abeyance for a while (see memo).

Many thanks again and be assured of our deepest appreciation and gratitude.

Sincerely,
 Louise Statzer
 Fingerprint Technician III
 Supervisor

Transfer of Processing Room

The department will not pursue the transfer of the Processing Room functions in the County Jail to the Sheriff's Department at this time.

I wish to thank the members of the Identification Section who attended the informational meetings for their interest and comments.

Stanley F. Cordes
 Deputy Chief, S.F.P.D.

District Health Center #1

3850 - 17th Street 94114

Contact: Ron Snyder, 558-2226

District Health Center #1 is sponsoring a unique twelve-week weight reduction program beginning March 9, 1982. All twelve sessions will be held at the Center, located at 3850 - 17th Street, on Tuesday evenings, 6:00 p.m. to 7:30 p.m. The last session will be May 25.

This program is unique because it employs a behavior self-management approach developed at Stanford University. The focus is on the participant understanding his/her behavior. With the assistance of the trained professional, and the support of fellow group members, the participant will gain the necessary skills to control his/her weight.

The fee for the twelve-week program is \$28.00, which includes all materials, and is payable by exact change or by check at the end of the first session.

Enrollment is limited. To register, or for more information, call 558-3905 between 9:00 a.m. and 4:00 p.m., Monday through Friday.

SPLIT ROLL INITIATIVE LAUNCHED

800,000 Signatures Needed

Initiative petitions are now available to collect signatures for the Split Roll Property Tax Initiative to qualify for the statewide ballot.

The Split Roll proposal is designed to reform Proposition 13 so it works for all of us. Proposition 13 accomplished one thing: it lowered what had been excessive homeowner property taxes.

However, Prop. 13 shafted renters, created unequal taxes between neighbors and gave most of the relief to big business. Finally, it necessitated significant cuts in community services such as health care, police, education and fire service.

"Split roll is an attempt to make Proposition 13 work for everyone, which means increased relief for homeowners and renters but adequate funding for critical public services such as public safety. Although we have until June 14 to turn in 800,000 signatures, we should turn them in by April 29th to guarantee being on the November ballot. To do that, we are all going to have to go out and collect signatures." *Stephen Smith, Director of Split Roll*

Split Roll increases home property tax relief for recent home purchasers while solving some of these problems. Split Roll:

—exempts 50% of a recent home purchaser's assessment increase from taxation.

—increases the renter's credit to \$100 for single people and \$200 for couples.

—reassesses commercial/industrial property to full value and increases their tax rate by only 1/3.

—protects homeowners who haven't moved since 1975 from tax increases.

The result: lower, more equal taxes for homeowners, at least some Proposition 13 relief for renters and big business still only paying 50% of what they paid before Proposition 13's passage. Finally, \$1.6 billion raised for local services, police, education, etc.

Proposition 13 was supposed to be for homeowners, but the corporations got almost two-thirds of the benefit. Split Roll redistributes that benefit so while the corporations still keep most of their relief, some of it is redistributed to homeowners, renters and local services. That's only fair.

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CTRA is working with a coalition of organizations under the banner of Taxpayers For California to collect the 800,000 signatures necessary to make the ballot. Although the campaign gets 150 days (until early June) to circulate the petitions, we should turn in the signature by April 29th to insure making the November, 1982 ballot. So, that's the goal.

Donations or requests for information or material can be sent to Taxpayers for California, c/o CTRA, 1228 1/2 H Street, Sacramento, CA 95814, or call (916) 446-0145.



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BOARD OF DIRECTORS MEETING

January 19, 1982

Opened with the Pledge of Allegiance at 5:12 p.m. Roll Call: Nineteen present (Swall, Linehan, Schmidt, Dempsey, Parenti, Gannon, Grant, Doherty, Wright, Collins, Strange, Sullivan, Huegle, Nevin, Bell, Chignell, Rapagnani, Hebel) and two absent (Bernardini and Minkel).

PRESIDENT'S REPORT

President Barry spoke on the following issues:

1. Supervisor Silvers' Residency Ordinance was tabled at the Board of Supervisors by Supervisors Britt and Hongisto.
2. Secondary employment issue is now before the California Assembly and a bill is sponsored by Assemblyman Alatorre (Bill AB 253).
3. President Barry requested all board members to canvas their respective units to determine if any POA members have sustained flood damage. A report will be made at the next meeting to determine if the Community Services Committee should offer financial aid to these members.

SPECIAL ORDER OF BUSINESS

Mr. Doug Keener representing the District Attorney's Investigators Association made a presentation concerning their organization's desire to become an associate member of this Police Association. Their group was formally in the bargaining unit of Local 400 — said placement was in conflict with government code 3508. They are now discussing whether they should form their own bargaining unit or seek associate membership with the Police Officers' Association to serve as their representative. There are 40 investigators who serve as full time peace officers at the pleasure of the incumbent district attorney. Present POA By-Laws prohibit their membership since they are not part of our Retirement System; the By-Laws would have to be changed to allow associate membership. They presently pay \$65.00 a year dues to their organization. Their salary is the same as a sergeant in the police department. Our attorneys were directed to research this proposal and issue an opinion regarding the legality of this Association offering associate membership to the District Attorney's investigators or to any other similar group of police officers.

FEDERAL LITIGATION

PENDING LEGAL CASES REPORTS

Attorney Ralph Saltsman spoke on the following court cases: 1. Judge Peckham's December 30th order; 2. Seniority rights of certain passed over members of E-90 list; 3. The Superior Court case involving the Captain's examination; 4. The Bill Byrne attorney fee case (\$13,000; this has now been paid through a writ of attachment); 5. The Pacific Telephone invasion of privacy case; 6. The 77-78 Pay Suits.

It was motion by Hebel S/Dempsey to rescind the prior Board of Director's vote of Sept. 15, 1981 to appeal the Municipal Court decision in the Byrne O'Byrne case and to drop the appeal. Motion passed on a vote of 16 yes (Swall, Linehan, Schmidt, Dempsey, Gannon,

Grant, Doherty, Wright, Collins, Strange, Sullivan, Huegle, Nevin, Bell, Barry, Hebel) and one no (Chignell).

It was moved by Gannon S/Collins to instruct our attorneys to appeal Judge Peckham's order filed 12-30-81 in total to the Ninth Circuit. Motion passed by a vote of 17 yes (Swall, Linehan, Schmidt, Dempsey, Gannon, Grant, Doherty, Wright, Collins, Strange, Sullivan, Nevin, Bell, Barry, Chignell, Rapanani, Hebel).

STATE CONSTITUTIONAL AMENDMENT

Stephen Smith, Taxpayers for California, presented an initiative proposition concerning a split roll property tax and an attempt to rectify some of the problems resulting from Proposition 13. According to the terms of this proposition tax on commercial and industrial property will be taxed separately and at a higher rate than residential property; there will be an increase state renter's tax credit; and there will be a reduction of the inequity of individual property taxes. This proposal will increase local revenues and is estimated that if passed it would bring in about \$150 million more to the Treasury of the City and County of San Francisco. By April 29, 1982, 540,000 valid signatures will be needed to qualify this for the November 1982 ballot. The supporters of this require 180,000 needed to qualify for the ballot. The organization proposing it requested contributions and help with signatures from this Association. It is presently being endorsed and financially supported by the AFL-CIO, the California Teachers' Association, California PTA Groups, and the Retired Peoples' Association. Petition gathering started on January 18, 1982.

M/Chignell S/Collins to endorse the initiative petition for the split roll property tax and to donate \$500 to the initiative campaign.

The above motion was amended by Gannon S/Hebel to donate \$1,500 to the campaign. Amendment passed by a vote of 11 yes (Swall, Linehan, Schmidt, Dempsey, Gannon, Grant, Strange, Sullivan, Nevin, Barry, Hebel) and 5 no (Doherty, Wright, Collins, Bell, Chignell) and one abstain (Rapagnani).

The motion to endorse the initiative and donate \$1,500 to it passed by a vote of 14 yes (Swall, Linehan, Schmidt, Dempsey, Gannon, Grant, Collins, Strange, Sullivan, Nevin, Barry, Chignell, Rapagnani, Hebel) and three no (Doherty, Wright, Bell).

Motion by Nevin S/Collins to give our office staff a 15% pay raise effective 7-1-82. Motion passed by a vote of 15 yes (Swall, Linehan, Schmidt, Dempsey, Gannon, Doherty, Collins, Strange, Sullivan, Nevin, Bell, Barry, Chignell, Rapagnani, Hebel) and one abstain (Wright).

Motion by Gannon S/Nevin to establish an individual retirement account for our office staff to be established effective February 1, 1982 with the following contributions to be made: Laverne Petrucci-\$2,000, Louise Wright-\$2,000, Yvonne Huey-\$1,500 (\$2,000 on 2-1-83) and that a yearly contribution be made to the

individual retirement account so long as these employees remain with the Police Officers' Association. Motion passed on a vote of 15 yes (Swall, Linehan, Schmidt, Dempsey, Gannon, Doherty, Collins, Strange, Sullivan, Nevin, Bell, Chignell, Barry, Rapagnani, Hebel) and one abstain (Wright).

Motion by Nevin S/Hebel that this Association establish a policy whereby it shall pay to its president into an interest bearing trust fund on an annual basis the amount the incumbent president would pay into the City's retirement Fund (7% of salary) where he now is on a leave of absence to serve as president of the POA. This trust fund to be retroactive to February 1, 1981 and shall be given to the president when he leaves office. This account will be established as #778 (Trust Fund-Executive). Motion passed by a vote of 14 yes (Linehan, Schmidt, Dempsey, Gannon, Doherty, Wright, Collins, Strange, Sullivan, Nevin, Bell, Chignell, Rapagnani, Hebel) and one abstain (Barry).

1982-83 BUDGET PROPOSAL

Treasurer Rapagnani presented the proposed budget for our fiscal year (February 1, 1982 through January 31, 1983). The income projection was \$554,000 with the expenses shown as \$485,750. Presently there is \$260,000 in the liquid assets account. The income figures do not reflect the approximately \$100,000 which the Association should receive from Dick George Productions as a result of the two variety shows sponsored by this organization. Presidednt Rapagnani went down the items on this three page proposal explaining them in detail. Motion by Gannon S/Wright to approve the presented budget as amended. Motion passed by a vote of 13 yes (Linehan, Schmidt, Dempsey, Gannon, Wright, Collins, Strange, Sullivan, Nevin, Bell, Chignell, Rapagnani, Hebel).

Endorsement of Warren Demeritt for Retirement Board Election: Moved by Hebel S/Chignell that this Association endorse the candidacy of Warren Demeritt for the Retirement Board's position. Passed unanimously by voice vote.

Motion by Rapagnani S/Nevin to endorse Chuck Prandi for Sheriff in Marin County and to give him a contribution of \$500. Motion failed on a vote of 8 yes (Linehan, Schmidt, Dempsey, Collins, Sullivan, Nevin, Barry, Rapagnani) 5 no (Gannon, Wright, Strange, Bell, Hebel) and 1 abstain (Chignell). Motion failed in that it did not get nine affirmative votes.

Motion by Strange S/Dempsey that no monetary donation be made to Chuck Prandi as an amendment to the immediately prior motion. Motion failed on a vote of 6 yes (Linehan, Dempsey, Strange, Sullivan, Bell, Hebel) and 8 no (Schmidt, Gannon, Wright, Collins, Nevin, Barry, Chignell, Rapagnani).

Motion by Rapagnani S/Sullivan to endorse the candidacy of Chuck Prandi for Sheriff in Marin County

Continued on Next Page

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BOARD 1/19/82 continued

and to give him a \$250 political donation. Motion failed by a vote of 8 yes (Linehan, Schmidt, Dempsey, Collins, Sullivan, Nevin, Barry, Rapagnani) and 5 no (Gannon, Wright, Strange, Bell, Hebel) and 1 abstain (Chignell). Motion failed in that it did not get 9 affirmative votes.

Motion by Chignell S/Hebel to endorse Prandi for Sheriff in Marin County and donate \$100 to his campaign. Motion failed on a vote of 6 yes (Schmidt, Linehan, Collins, Nevin, Barry, Rapagnani) and 7 no (Dempsey, Gannon, Wright, Strange, Sullivan, Bell, Hebel) and 1 abstain (Chignell).

Motion by Sullivan S/Strange to endorse the candidacy of Chuck Prandi for Sheriff in Marin County. Motion passed on a vote of 12 yes (Linehan, Schmidt, Dempsey, Gannon, Wright, Collins, Strange, Sullivan, Nevin, Bell, Barry, Rapagnani) and one no (Hebel) and one abstain (Chignell).

This Association will request the appearance of Inspector Ken Moses to appear at its February Board of Directors meeting to discuss the software proposal for the Fingerprint Computer. The Board's prior motion pertains to a contract to be written concerning the Rockwell computer and it now appears that the Fingerprint Committee may want a different computer. Inspector Moses asked to appear in order to straighten out the appearing confusion that has now arisen.

Motion by Rapagnani S/Gannon that this Association purchase two tickets (\$300) for Assemblyman Richard Floyd's Dinner. Passed on a voice vote with Chignell abstaining.

A proposed constitutional amendment was submitted by Secretary Hebel dealing with voting rights of retired members on pension issues. This was distributed and will be taken up at the February 1982 Board meeting. It was referred to the Constitution and By-Laws Committee for comment.

Motion by Rapagnani S/Barry that this Association purchase one ticket (\$500) for a dinner to be held for Assemblyman Alatorre who is presently authoring AB 253 dealing with Secondary Employment. Passed on a voice vote with Chignell abstaining.

COPS CONVENTION

President Barry reported that the Annual COPS Convention will be held in Sacramento from February 2 through February 6 at \$100 per delegate. Moved by Hebel S/Wright that the POA will financially support all members of the Board of Directors who wish to attend the COPS Convention. Motion passed on a voice vote. All members desiring to attend shall contact the Office Staff and indicate their intentions.

TREASURER'S REPORT

Treasurer Rapagnani presented his report for the period ending December 1981. Motion Collins S/Dempsey to approve it. Motion passed by voice vote. Meeting adjourned at 9:27 p.m.

Submitted by:
Michael S. Hebel, Secretary

SPECIAL BOARD OF DIRECTORS

MEETING, January 28, 1982

Opened with the Pledge of Allegiance at 12:10 p.m. Roll Call: Sixteen (16) present (Swall, Linehan, Schmidt, Dempsey, Gannon, Grant, Doherty, Wright, Collins, Strange, Sullivan, Huegle, Bell, Barry, Chignell, Hebel); one excused (Rapagnani); four absent (Parenti, Bernardini, Minkel, Nevin).

JUDGE PECKHAM'S ORDER - FILED 12-30-81

President Barry and Attorney Ralph Saltsman spoke regarding Judge Peckham's recently filed order with

emphasis on the fact that the judge indicated that the city had failed to meet its goal for minority and women hiring and that the judge had indicated that the city was not in compliance with Article 10(c) of the Consent Decree regarding the appointment of limited tenure lieutenants. In addition, President Barry spoke about Consent Decree Unit Coordinator Ray Wong's plan for action dated January 25, 1982 which calls for preferential training for protected class members for the upcoming lieutenants examination which is tentatively scheduled from June 28, 1982. President Barry indicated that at the Auditor/Monitor's meeting of January 25, 1982 he formally objected to this preferential training proposal.

Secretary Hebel made a presentation regarding the Q-50 lieutenants examination and reasons why that examination should continue as scheduled in June 1982. Hebel listed the recent vote of the membership directing that the lieutenants exam be accelerated, the long standing promise to pre-consent decree sergeants that an examination would be accelerated, and the recent report from the Budget Section of the police department showing 59 vacant positions for permanent Q-60 lieutenants. Hebel then indicated that he was going to make a motion to rescind the prior Board's motion so as to allow the Consent Decree to be intact in its entirety with the exception of the lieutenants examination. Motion by Hebel s/Wright that the January 19, 1982 motion of the Board of Directors instructing our attorneys to appeal Judge Peckham's order of 12-30-81 in total be rescinded. Motion failed on a vote of 3 yes (Sullivan, Huegle, Hebel); 10 no (Swall, Linehan, Schmidt, Dempsey, Gannon, Grant, Doherty, Wright, Collins, Strange, Barry, Chignell) and 1 abstain (Bell). Meeting adjourned at 1:25 p.m.

Michael S. Hebel
Secretary, S.F.P.O.A.

CERTIFICATION OF CONSTITUTIONAL AMENDMENT

I hereby certify that a petition has been submitted to me as Secretary of this Association, containing the signatures of well in excess of 100 members of this Association requesting a change to the Constitution of the San Francisco Police Officers' Association. This constitutional change does meet the requirements of Article VIII Section 1 of the Constitution and By-Laws of the San Francisco Police Officers' Association. The petition is as follows:

"The below signed members of the San Francisco Police Officers' Association propose the following Constitution Amendment.

Further, these members urge immediate action on this proposal (publication, action at a special membership meeting, and mailed ballot).

Article III, Section 2

Members of the San Francisco Police Department who are retired may elect to become retired members of this Association and in such status are entitled to all rights, privileges, and benefits of membership, but cannot hold office except as otherwise provided in this Constitution and By-Laws. Further, retired members may vote only for their representative on the Board of Directors and for those Association ballot measures which specifically and directly affect them, excluding a vote for the Executive Officers of this Association. Provided further, retired members may vote for any and all Association ballot measure, proposition, proposals or Charter Amendments concerning or pertaining to, directly or indirectly, specifically or remotely, any retirement/pension provisions and/or benefits which may affect them; provided further that retired members may also vote in any Association ballot measure proposing to alter or amend the provisions of this subsection.

'Amended , 1982'
Mike Hebel
Secretary, SFPOA

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RETIREMENT SYSTEM SLEUTHS
by Mike Hebel
BEWARE!! The Retirement System has hired private investigators with offices in Petaluma and Novato to surreptitiously observe the conduct of disabled police officers and their families. The two sleuths perform their reconnaissance in the following automobiles:
1980 blue Pontiac, Cal. license plate 1BFC 467
1980 green Pontiac, Cal. license place 1CLX 610
The Police Association is presently monitoring the activities of these private "eyes" to determine if their activities have crossed the line of legitimate, lawful investigative activity into the area of tortuous and unlawful harassment and invasion of privacy.
If any member of his/her family is or has been unnecessarily or intentionally vexed or annoyed by Retirement System investigators, please contact the Association office so that a determination may be made regarding the filing of a formal complaint with the California Department of Consumer Affairs and/or filing a law suit for unlawful invasion of privacy.

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LETTERS

Dir. Gannon

Voskanian

Editor:
Just a word to tell you about a great man.

Mr. Edward Voskanian, who was named citizen of the year in 1977 for saving the life of police officer Albert Maracci by Mayor Moscone, is still continuing his efforts to assist policemen.

The other night he housed and fed two policemen in his home who were unable to get to their homes in Novato because of the closure of the Golden Gate Bridge.

Is it possible that this good man be named an honorary member of the S.F.P.D.?

Mr. Voskanian operates Ed's Deli at 27th Ave. and Geary, where all cops are welcomed — he even cashes their checks.

John M. Sweeney
S.F.P.D., Retired

P.S. Ed spent two months in the hospital as a result of the Maracci incident.

Examinations

Nathaniel Trives
Auditor/Monitor

Mr. Trives:

It has been brought to my attention that the San Francisco Police Department is this year's host for the California State Olympics. The dates for this event will be July 6th through the 10th.

It is requested that your office make a good faith attempt to coordinate the scheduling of any and all examinations prior to or subsequent from the above dates with Officer Joseph Mollo of the Police Academy.

Very truly yours,
Theodore A. Schlink III
Chairman, Fed Lit

Chairman Schlink:

We have today discussed the matter with Ms. Kathleen Hurley of the Consent Decree Division. We foresee no problem in accommodating your request.

Please feel free to contact Mr. Louis Lagarejos, my new Administrative Assistant, at 864-1919 during normal business hours for further information if necessary.

Yours truly,
Nathaniel Trives,
Auditor/Monitor

Dear Editor:

I wish to take this opportunity to congratulate Rick Bruce on becoming the POA Rep. for Park Station and to extend my heartfelt thanks and appreciation to the entire Board, and in particular, the members of Park Station, for the many years I enjoyed as Representative.

It wasn't always easy, nor always a pleasure; often the unquestionable character and integrity of our members were coldly scrutinized, tested, and even assaulted in some of the ordeals at I.A.B., in Skelly and Commission Hearings, and even in the Courts. It wasn't always comfortable, especially grappling with unfavorable decisions handed down to us, and taking responsibility for some unpopular decisions we, ourselves, rather painfully arrived at.

However, it was at all times an honor of the highest degree, and a source of deep personal pride to be granted the charge of advancing the interests and protecting the rights of the finest people I know, the members of F Troop, and all our members in the Dept. I'd like to thank the executive and fellow Board members for their unceasing efforts and devotion; my supervisors at Park for their support and Trust. Good luck to all in the challenging years ahead.

Sincerely,
Mike Gannon
Co. F

Oakland Judge

Editor:

Oakland Municipal Court Judge James S. White proved that possessing a Law Degree, becoming a Lawyer, and then a Judge does not necessarily mean that one is endowed with an overabundance of gray matter.

He proved this when a convicted cop killer was brought before him the other day, on charges that he tried to pull a gun on two Oakland police officers during a traffic stop. The suspect, Robert Earl Simmons, was convicted and served 7 years for the murder of Oakland Police Officer Robert Blan, in 1973.

Judge White displayed

his dim-wittedness by releasing the paroled murderer after listening to the bleeding heart oration, by one of his acquaintances, that he was "not a violent person". To make matters worse, this "non-violent person" was released on his own recognizance. (OR)

Congratulations, Judge White. You're really something. I just haven't figured out what, yet.

Sgt. James R. Pera
Park Station, S.F.

**St. Anthony
Dining Room**

Dear Gale:

Thank you for helping us to help others — and to be helped by others.

Certainly part of the "good news" of the holiday season has been that people did love and care, that they both gave and received. I felt this strongly in St. Anthony's Dining room during the holidays. There was so much love in giving and receiving.

We at St. Anthony's served over 8,000 needy men, women and children the complete turkey dinner with all the trimmings on Thanksgiving and Christmas. Thank you for all you did toward making it possible.

"It is in giving that we receive." I have discovered this in my own life and I am sure you have also.

May God bless you and those you hold dear. Please call me whenever I can be of service to you.

Peace & Joy!
Floyd A. Lotito, O.F.M.
Director
St. Anthony Dining Room

Thank you for your fine news coverage and support of St. Anthony's.

Senior Escort

Outreach Program

Dear Officer Barry:

One of the motions made at this morning's meeting of the Presidents Council was that a letter of thanks be written to you for the gift of Christmas trees which were distributed to elderly families in the areas served by our program.

The motion was not necessary; we were all appreciative and felt moved to thank you anyway!

The members of your organization may well enjoy their own holiday season better in knowing that in this year of expensive trees so many families have one.

Thank you all!

Sincerely,
Thelma Kavanagh, Pres.
Senior Advisory Councils
Senior Escort-Outreach Program

Chignell

I am greatly disturbed by the recent disbursing of TEN THOUSAND dollars to a political campaign of a public office seeker.

I admit that I have sat back and said nothing most of the time. I have not been pressed when so called "political doles" were given to the "police supporters". Political contributions are a way of life. Dinners are attended at political functions to show we are alive and well.

Most of these expended monies have been for naught. All one has to do is look at the voting record and/or the political affiliations of these recipients.

I have been a member of this Association my entire career. I have seen and heard of some strange goings on within the Association, but this takes the prize.

I intend to seek a change in the by-laws preventing such a dole of Association funds without the vote of the entire membership.

If certain members are upset because of this by-law change (it will pass), then let them remember who voted to give this unheard of amount away.

Again, I do believe in political contributions. But TEN THOUSAND for a first time runner who does not even have a track record to fall back on?!?! I don't believe in bankrolling anyone.

Fraternally,
William R. Leet

Editor
S.F. POLICEMAN:

I am writing this letter in regard to an article recently published in the POLICEMAN. The article stated that \$10,000.00 had been donated to Paul Chignell for the purpose of his personal campaign. I was amazed that \$10,000.00 can be donated without the knowledge of the dues paying members. It was at this time I first became aware that I had no control over what is done with my dues. I, along with other members of Park Station, were outraged by the evasiveness of our station rep when questioned about the amount of the donation.

At this point I am frustrated. Unless something can be done changing the by-laws (ceiling on amount of money to be donated by POA without an entire vote of the membership) I will be forced to drop out of the POA. I realize that the purpose of political contributions is to elect pro-police politicians into office but we must draw the line somewhere. In the past, supporting Burton has proven our contributions ineffective but at

least the donation was within reason.

I hope that the POA will respond with an adequate explanation as to why the members were not notified of the POA's intention to donate such a large amount of money so I can remain a members of the POA.

Respectfully submitted,
Robert Johnston
Park Station

Editor:

I was not pleased when I learned that the SFPOA had contributed \$10,000 of our dues money to the Chignell for Assembly Campaign. I am especially annoyed, because I am voting for his Republican opponent, William Filante.

When I registered my verbal protest to a member of the Board of Directors, I received the following reply: "The Association has a \$260,000 surplus".

If this is true, perhaps a dues reduction is in order, so that we members might be able to buy something extra for our families.

Incidentally, not only am I not pleased with the Chignell contribution, I am generally fed up with the usual assortment of garden variety liberals, some of whom I consider to be "pinkos", whom the Association consistently endorses in every election.

James R. Pera
Park Station

Dear Jim:

I was saddened to hear

Filante Letter

Dear Mr. Pera:

I greatly appreciate the opportunity to respond to the charges made by Paul Chignell that I am not supportive of efforts to combat crime, and to his criticism of two of my bills.

AB 1512 would require basic visitor facilities for persons visiting inmates at San Quentin. This bill was based upon research showing that violence by prisoners who are visited is reduced, and that family visits also reduce the rate of recidivism more than almost any other factor. That's "less-crime" not "soft-on-crime" as Paul Chignell mistakenly intimated.

AB 625 was sponsored by Marin County at the request of its District Attorney, to eliminate in Marin the requirement for a formal appearance on technical procedural matters that have nothing to do with the merits or prosecution of the case. These appearances use up valuable D.A. time which could better be devoted to speeding up the investigation and prosecution of actual crimes. This bill then, is an aid to crime fighting efforts.

Another bill of mine, AB 53, is a measure which will increase sentences for a repeat felony conviction for robbery using a deadly weapon. Although robbery constitutes 40% of all crimes against persons, a veto by Governor Brown has left this as the only major felony not covered by sentence enhancement. Any crime in which a deadly weapon is used should be considered violent, and dealt with accordingly in our court system.

I hope this letter answers your concerns. If it does not, I will be more than happy to respond to any unanswered questions. This is much too important an area for confusion!

Sincerely,
William J. Filante, M.D.
Assemblyman, Ninth District
(Marin and Sonoma Counties)
California Legislature

that you intend to vote for Assemblyman William J. Filante in the 1982 elections. Especially since you have not asked me about certain positions that I hold that concern you. I had hoped that you would talk to me about your concerns.

I am not a far-out liberal or "pinko" as you characterize certain candidates for elected office. In fact, I truly believe that many of the ideals and principles that you hold dear to your heart are also embraced by me.

All members of the California State Assembly vote on issues affecting all Californians, including issues directly affecting San Francisco. Some of the biggest battles that San Francisco police officers have faced over the past ten years could have been won or lost and were won and lost in Sacramento in the California State Assembly.

As for Mr. Filante's record for law enforcement, ask most Marin or Sonoma police officers for their analysis of his "support". His law enforcement package includes upgraded visitor facilities for persons visiting convicts at San Quentin and a proposal to eliminate having assistant district attorneys at certain juvenile crime proceedings. Ask the District Attorney of Marin or the District Attorney of Sonoma about his "support" for their efforts to combat crime in the North Bay. That support has been non-existent.

Fraternally,
Paul Chignell

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PRE-GAME PROGRAM FOR:

COPPERBOWL V

San Francisco CENTURIONS

vs.

San Jose Police CHOIRBOYS

at

San Jose's PAL Stadium

1 p.m. Kickoff

Pre-game Synopsis

Today's game, proceeds of which benefit the Police Amateur Athletic Foundation of San Jose, is the first meeting between the San Francisco and San Jose teams. And while the game is the Centurions' initial contest on their 1982 schedule, San Jose already has one game behind them this season, having played the Oakland PD "Thunderhogs" on February 6, 1982.

Both teams are relatively recent entries into the area of law enforcement football. This is San Francisco's third year of operation after many successful years of play in the City's flag



HOORAY FOR Football



league. San Jose has also operated under its current administration for three seasons, but some team members have participated on other law enforcement-related teams in the past.

Wide-open offenses, with plenty of passing, and hard-hitting defenses characterize both teams, and football fans should be entertained by a level of play close to that of a junior college game.

Inside this program, you'll find team and coaching rosters, as well as highlighted players, and a map to PAL Stadium in San Jose. The Centurions and the Choirboys are looking forward to your attendance, and, especially, to your enjoyment of COPPER-BOWL V!

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San Jose Police "CHOIRBOYS"

Number	Position	Player	Height	Weight
8	RB	Art Munoz	5'10"	170
10	QB	Jim Woods	5'11"	180
11	DB	John Lax	5'8"	160
12	QB	Jim Tomaino	5'10"	185
15	DB	Jeff Bense	6'0"	180
22	DB	Mike Ross	5'10"	165
24	WR	Jess Gonzales	5'10"	165
25	DB	Jim Wheeler	5'8"	170
28	RB	Gary Madison	5'9"	170
29	DP-P	Reese Gwillim	6'0"	180
30	RB	Bill Santos	5'8"	170
33	DB	Tom Murphy	5'11"	190
34	DB	Curtis Jckson	6'0"	185
35	DB	Nick Muyo	5'10"	160
36	DB	John Boyles	5'8"	165
37	RB	Greg Korver	5'9"	175
39	FB	Tom Messier	6'1"	220
40	RB	Ernie Carter	5'9"	175
44	FB	Mike McIntyre	6'0"	190
49	DB	Domingo Rico	5'8"	175
50	C	Rich Reyes	5'9"	200
51	LB	Bob Bennett	5'11"	200
52	DE	Jim Overstreet	5'11"	200
53	DL	Ed Marini	5'10"	220
54	DE	Jerry Smith	5'10"	205
55	C	Ted Marfia	5'8"	195
60	OG	Pat Boyd	6'0"	190
61	CB	Joe Ascencio	5'8"	175
62	LB	Bob St. Amour	5'8"	190
64	LB	Louis Hill	5'9"	185
65	OL	Will Battaglia	5'11"	230
66	DL	Charlie Brown	6'1"	230
67	TE	Don Gage	6'5"	215
69	DE	John Torres	6'1"	210
70	DL	Ed Horn	6'2"	230
71	OL	John Venzon	5'9"	180
72	DT	Bill Wiskel	6'2"	230
73	OL	Loren Priddy	6'1"	210
74	OL	Steve Ronco	6'3"	230
75	OL	Steve Winger	5'11"	210
76	DL	Pete Aguilar	6'0"	220
77	DL	Joe Giorgianni	6'1"	230
78	OL	Jaime Saldivar	6'0"	225
79	DE	Ron DeLoach	6'3"	215
80	WR	John Shaver	5'11"	170
81	TE	Armando Elemen	5'11"	180
83	WR	Lawrence Russell	5'8"	175
85	WR	Mike Caldarulo	6'0"	175
89	TE	Walt Adkins	6'3"	235
90	DL	Stan White	6'2"	245

Head Coach: Dave Costello

Assistant Coaches:

**Don Darnell
Vern Erickson**

**Roy Geiss
Dennis Huston
Jim Woods**

★ ★
**Numbers to
WATCH!!**

- #8 Art Munoz
- #12 Jim Tomaino
- #39 Tom Messier
- #77 Joe Giorgianni



"One of the highlights of the 1981 Centurion season was the ability to donate \$10,000 to the San Francisco Special Olympics. Above, Special Olympics' President Allen Gehrige accepts the check from Chief Con Murphy (center) and Police Commissioner Burl Toler (right)."



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Time



San Francisco Police CENTURIONS

Number	Position	Player	Height	Weight
7	QB	Gary Delagnes	6'1"	185
11	DB	Robert Red	5'10"	180
12	DB	Nelson Lum	5'8"	165
14	QB	Joe Dutto	6'3"	220
22	RB	Ken Foster	5'9"	180
23	DB	Mike Lawson	6'0"	200
24	WR	Leroy Lindo	6'0"	185
25	DB	David Faingold	6'1"	185
26	DB	Michael Slade	5'10"	180
28	RB-LB	Francis Murphy	5'10"	170
29	DB	David Robinson	5'11"	215
30	RB	Joe Currie	5'9"	200
31	RB	John Currie	5'8"	185
32	DB	Ken Mathis	5'11"	180
33	RB-WR	Jack Minkel	5'9"	180
35	FB	Joe McKenna	6'0"	210
40	K-DB	John Brandt	6'1"	185
42	RB	Frank Walker	5'10"	155
43	LB	Bill Sweeney	5'10"	185
44	RB	Bob Barbero	5'11"	205
47	DB	Frank McDonagh	5'11"	170
48	K-DB	Jim Drago	5'8"	180
50	LB	Mike Niland	6'2"	185
51	G	Mike Garner	5'10"	195
52	LB	John Blessing	6'1"	190
53	G	Bob Barnes	5'10"	190
55	LB	Jim Miller	5'8"	150
58	LB	Bill Darr	5'10"	190
61	K	Curt Dowling	5'10"	190
62	G	Mike Favetti	5'11"	185
63	C	Corrado Petruzzella	5'10"	205
65	DT	Wayne Hom	5'11"	200
66	LB	Mike Puccinelli	5'8"	175
67	LB	Bob Rasmussen	6'0"	185
68	LB	Al McCann	5'11"	200
71	DT	Jim Deeley	6'1"	210
73	C-DT	George Fogarty	5'8"	200
74	OT-DT	Mike Evanson	6'3"	235
75	OT-DT	Gerry Calgaro	6'3"	225
76	DL	Gile Pursley	5'11"	200
77	C-OT	Mike Travis	5'11"	200
78	LB	Gene Kalinin	6'0"	215
79	OT	Charlie Tedrow	6'5"	250
80	DL	Mike Williams	5'9"	185
81	DE	John Shine	6'0"	200
85	DE	Harry Pearson	6'0"	190
86	TE	Bob Del Torre	6'0"	185
87	WR	Tony LaRocca	5'8"	160
88	WR	Tim Flaherty	6'4"	185
89	WR	Andy O'Mahoney	6'4"	210

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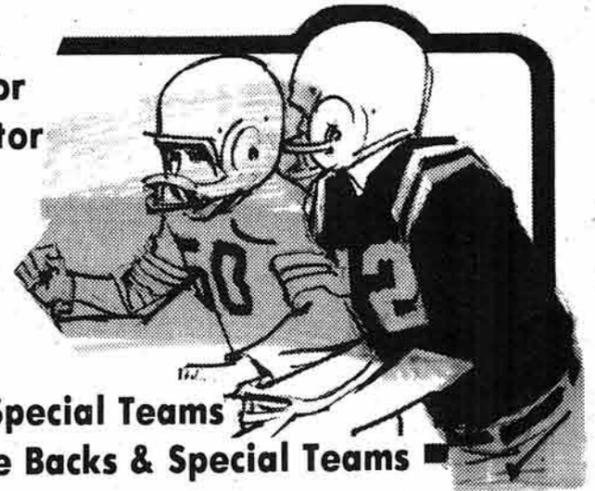
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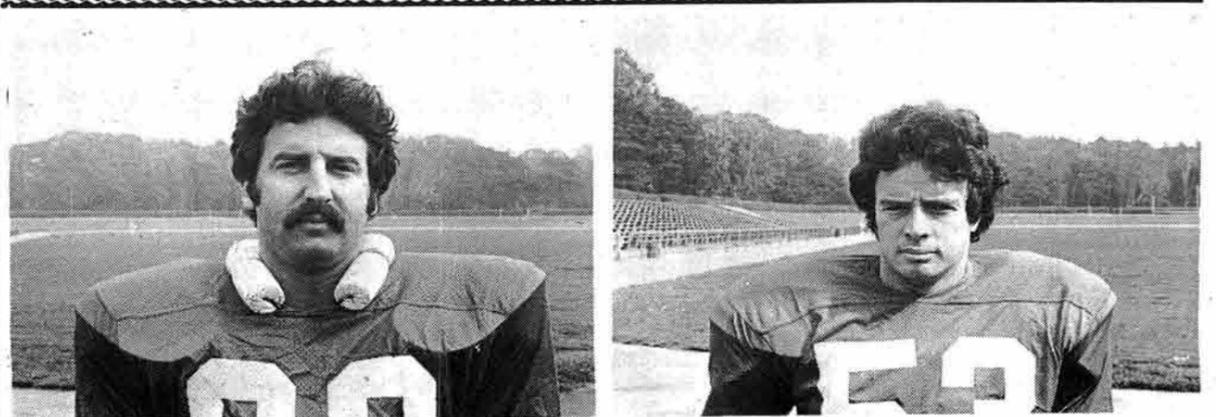
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★ **Numbers to WATCH!!** ★

#11 Robert Red #50 Mike Niland #29 David Robinson
 #30 Joe Currie #53 Bob Barnes #86 Bob Del Torre



"Key returning players, such as Tight End Bob Del Torre (left, above) and Guard Bob Barnes (right), should provide the experienced and inspiration needed for another successful Centurion season."

DIRECTIONS

From San Francisco: Take Bayshore southbound to San Jose. Go off at Storey Road (which is where 280 meets 101). Take Storey Road to King Road; left on King to Virginia; left on Virginia to the Stadium.

From the Peninsula: South on 280 to Storey Road, etcetera.

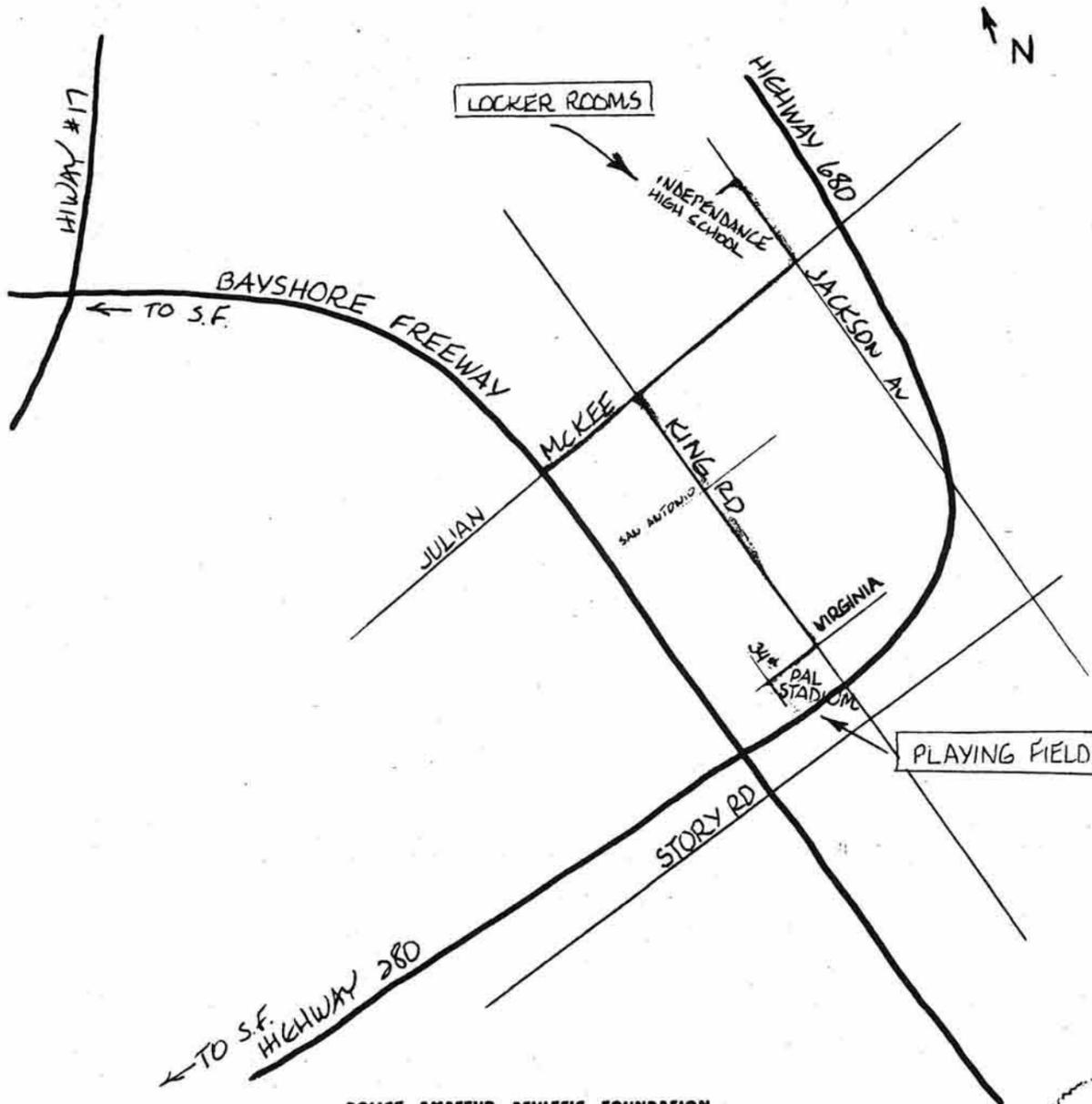
From the East Bay: Take Highway 17 to Storey Road, etcetera.



SAN JOSE POLICE "CHOIRBOYS"

vs.

SAN FRANCISCO POLICE "CENTURIONS"



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DA of the Month

by Julie Smith, S.F. DA's Office

San Francisco's best liar's dice players are known for their coolness and jugular instincts. In liar's dice, the person playing last is usually referred to as "the hammer". Although his is the toughest position on the board, inevitably it is the best player who has the position because he must keep it as long as he continues to be the winner. This month's featured Assistant District Attorney is John Carbone of the Special Prosecutions Unit. He was chosen by a committee of team leaders and department heads in the District Attorney's office voting on recommendations from the staff because he is consistently a winner of tough cases — "The Hammer".

JOHN "THE HAMMER" CARBONE

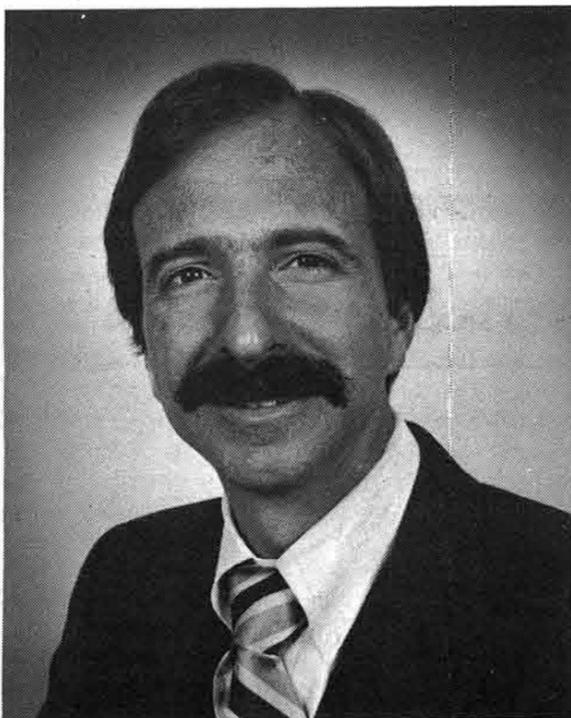
During the summer of 1981 it was common knowledge in the District Attorney's office that District Attorney Arlo Smith intended to continue his policy of improving the office by broadening his attorneys' skills through a program of equal opportunity in assignments. He would, therefore, soon be rotating a large part of his staff to different assignments. However, several in the office did not view this policy with exactly the wildest of enthusiasm.

On August 13, 1981, only hours after 35 assignment changes were announced, no-one would have guessed that 33 of the changes were received favorably by the District Attorney's staff. Page 2 of the San Francisco Chronicle headlined, "LOW MORALE, DISTRICT ATTORNEY OFFICE GETS A BROAD SHAKEUP." One week later page 2 of the San Francisco Examiner bannered, "DISTRICT ATTORNEY IS PARALYZING PROSECUTION OF MURDERERS, 3 TOP COPS CHARGE." Several pages later another Examiner reporter captioned his column, "FEUD ERUPTS INTO VERBAL SHOOTOUT AT HALL OF JUSTICE."

Six months later the smoke had cleared. The shootout was over, the sky had not fallen, and the Chicken Littles were nowhere in sight. Since its change in personnel, the District Attorney's office has handled 50% more homicide cases; improved its conviction rate by over 25%; and posted the best overall conviction rate — 98% — in the history of the office and the best of any District Attorney's office anywhere.

The office's trial record in homicide cases was an incredible 95% conviction rate. Two death penalty verdicts were returned — more than in the previous five years. Eight 1st degree murder verdicts were returned — more than in the previous two years. Most importantly, every case that the Chicken Littles had prophesized could not be won was won — triumphantly — and as charged. Yet, not a murmur was heard nor a drop of printers ink seen acknowledging this fact. *People v. David Baca* was the final case in this series. It was prosecuted by Mr. Carbone.

At 6:00 a.m. on June 19, 1980, a man walking his dog in McClaren Park came upon the bloody and battered body of a young woman. She was fully clothed and had been strangled by a cord stripped from the hood of her sweater. She had also been beaten about the head and face with such severity that her skull was crushed in several places. There was no identification on her body. An autopsy performed by Chief Medical Examiner Dr. Boyd Stephens and his assistant Dr. N.D. Sisson revealed that the young woman had been raped and sodomized either shortly before or shortly after her death. The time of death was determined to be approximately 4:00 a.m.



Assistant D.A. John Carbone

In an attempt to identify the decedent, Homicide Inspectors Frank McCoy and Jim Crowley provided the media with photos of the many unusual rings she had been wearing. When this information was publicized on a local television news show, friends of the murdered woman recognized the rings and called police. They identified the decedent as eighteen year old Miss Rene Burr, a cashier at the Geneva Drive-In who lived in the Mission with her grandmother. These witnesses also told McCoy and Crowley that Burr was last seen entering a white van on Mission Street at midnight on June 18. They identified the driver of the van as one David Baca.

Following an anonymous tip, Crowley and McCoy found the van in front of Baca's brother's house on Niagara Street. The next morning Baca, in the company of two attorneys, surrendered himself to McCoy. Baca refused to discuss the case.

Baca's case went to trial in February of 1980 and 5 weeks later ended in a hung jury. A mistrial was declared and in August of 1980 a second trial commenced. Five weeks later it also ended in a hung jury.

District Attorney Arlo Smith assigned the third trial of the Baca case of a different prosecutor — Assistant District Attorney Carbone. Immediately Carbone went back to the drawing board. He and District Attorney Investigator Douglas Keener conducted an independent investigation. They carefully scrutinized every bit of evidence and meticulously analyzed every word of testimony given at the preliminary hearing and two previous trials. Carbone knew that each retrial made the People's case that much tougher and that his presentation of the case would be the fourth shot Deputy Public Defender Michael Gaines would have at the People's witness. Nevertheless, Carbone and Keener riveted together the tightest possible case.

Carbone showed the jury how diligent police work had uncovered strong evidence of Baca's guilt. How it was established that Baca knew the victim. How two important witnesses were located and their statements tape-recorded. How Baca's girlfriend told the police that Baca had telephoned her from jail; that he stated that while driving his brother's van on the night in question he had picked up Rene Burr; that they had driven to the park; that along the way they had picked up a male hitchhiker; that while in the park Burr and the hitchhiker had left him (Baca) alone in the van and never returned; and that he (Baca) subsequently panicked and fled the area. Carbone also introduced evidence of how, a short while earlier, Baca's brother had informed the police that the defendant had also told him the very same story.

Carbone knew that far from being a shield, Baca's statements to his brother and girlfriend could ultimately be woven by Dr. Stephens into a noose. Thus, it was San Francisco's Coroner who was Carbone's piece-de-resistance. Although Baca had washed down the floor of the van, the expertise and relentless efforts of Dr. Stephens led to the discovery of minute droplets of blood about the ceiling and sides of the van's interior. The blood matched Rene Burr's. And, in Dr. Stephen's expert opinion, the pattern of the droplets was consistent with only one conclusion: Rene Burr had been killed in the van.

On the other hand, Baca was by now a polished courtroom performer. He did not deny that he and Ms. Burr had indeed been together on the night in question. In fact, according to Baca, they had gone to McClaren Park to drink beer and smoke marijuana with a man and woman whom they had picked up hitchhiking. A 23 year old ex-Marine, Baca calmly and politely explained to the jury that the four of them had been in the Park for several hours when he and the woman hitchhiker took a walk. Upon returning he found the brutalized body of Rene Burr, panicked and fled. Aside from the inconsistencies in his prior statements to his brother and girlfriend which they had repudiated in front of the jury, there appeared to be no way of impeaching Baca's testimony. At all times he was neatly dressed, quietly confident, and unshakable.

However, if Dr. Stephens was Carbone's piece-de-resistance, Officer Robert Barbero was the coup de grace. The independent investigation by Carbone and Investigator Keener had determined the existence of additional evidence — a new witness — Officer Barbero from Southeast Police Station. Barbero testified that he had been through McClaren Park looking for trouble makers during the early morning hours Baca said he was there partying. However, Barbero had not observed Baca or anyone else in the Park at that time. Baca's alibi was shattered. On January 21, 1982, following a month long trial, the jury returned its verdicts finding Baca guilty as charged: guilty of murder in the first degree, guilty of rape, and guilty of sodomy. On February 18, 1982, Baca faces a possible sentence of 33 years to life by Superior Court Judge Ray Arrata, Jr.

Assistant District Attorney Carbone was born and raised in San Francisco. He earned his undergraduate degree at the University of California Davis campus in 1969. In 1972 he graduated from the University of San Francisco School of Law and in February of 1974 became an Assistant District Attorney. Since joining the District Attorney's office, Carbone has earned the reputation of being one of its most capable prosecutors. He has successfully prosecuted virtually every type of case within the jurisdiction of the District Attorney's office. He has been assigned to felony litigation teams specializing in burglary/robbery/assault/and auto theft, fraud and white collar crime, sexual assault and child abuse, and the past 3 years the Special Prosecutions Unit handling organized crime, major conspiracies, and political corruption. Since joining the District Attorney's staff, Carbone has graduated from the National District Attorney's College in Houston, Texas and the F.B.I. Computer Crime School in Quantico, Virginia. He resides in San Francisco with his wife Susan, also an attorney, and his year old daughter, Sara Nicole.

Upon learning of Carbone's selection as "District Attorney of the Month", District Attorney Smith commented, "San Francisco is truly blessed to have a prosecutor of John's caliber and commitment. He has a knack for delivering when the chips are down."

Deadline for articles to be submitted is the first Wednesday of each month. No exceptions.

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Fellowship of Christian Peace Officers

Isn't the God of the Old Testament a God of hate while the God of the New Testament is one of love?

Another of the frequent accusations against the Bible is that it contains two different conceptions of God. The Old Testament allegedly presents only a God of wrath, while the New Testament allegedly depicts only a God of love.

The Old Testament contains stories of God's commanding the destruction of Sodom, the annihilation of the Canaanites and many other stories of God's judgment and wrath. The accusers claim his demonstrates a primitive, warlike deity in contradistinction to the advanced teachings of Jesus to love one another and to turn the other cheek, as contained in the Sermon on the Mount.

These ideas about God seem to be in direct conflict, but a moment's reflection will show otherwise. Jesus Himself declared that the Old Testament may be summed up by the commandments to love God and love your neighbor (Matthew 22:37). He also observed that God in the Old Testament had continually desired love and mercy rather than sacrifice (Matthew 9:13; 12:7).

This attitude can be seen with statement such as, "Have I any pleasure in the death of the wicked . . . and not rather than he should turn from his way and live?" (Ezekiel 18:23, RSV).

God would not have destroyed certain nations except that He is a God of justice and their evil could not go unchecked and condoned.

He did intend and desire to punish them as a part of His plan, in consistency with His holy nature and jealousy for His war faring people. What He desires in consistency with His pure character, He does in justice, in their case, providing they have not repented and come into harmony with His nature (Jeremiah 18).

In the case of the Amorites, God gave them hundreds of years to repent, yet they did not (Genesis 15:16). Noah preached 120 years to his generation before the great flood (Genesis 6:3). The proper Old Testament picture is one of a very patient God who gives these people untold opportunities to repent and come into harmony with Him, and only when they continually refuse does He judge and punish them for their evil deeds.

Contrary to some popular belief, the strongest statement of judgment and wrath in the Bible were made by the Lord Jesus Himself. In Matthew 23, for example, He lashed out at the religious leaders of His day, calling them hypocrites and false leaders, and informing them that their destiny was eternal banishment from God's presence.

In Matthew 10:34 (KJV), Jesus says that the purpose of His mission is not to unite but to divide. "Think not that I am come to send peace on earth; I came not to send peace, but a sword." He goes on to say that His word will cause a father to be against his son, a mother against her daughter, and a daughter-in-law against her mother-in-law (Matthew 10:35).

We find judgment as well as love scattered very pervasively throughout the New Testament, and love and mercy as well as judgment throughout the Old Testament. God is consistent and unchanging, but different situations call for different emphases. Therefore, when the two Testaments are read the way they were intended, they reveal the same holy God who is rich in mercy, but who will not let sin go unpunished.

CAL STATE AUTO ASSOC. ISSUING HANDICAPPED PERSON PARKING CARDS

The California State Automobile Association now issues placards for display in vehicles operated by disabled persons. Heretofore, the blue and white parking cards were available only from the California Department of Motor Vehicles. CSAA offices also provide applications for special "DP" license plates. In order to be eligible for either the placard, special plate or both, applicants must have temporary or permanent disabilities that satisfy DMV requirements. application forms, to be signed by both the applicant and endorsed by a qualified physician, are also available at CSAA offices. The fee for the placards is four dollars.

Special parking spaces set aside for handicapped persons are identifiable by posted signs displaying a wheelchair with an occupant, or if the space is outlined in blue markings and the familiar wheelchair insignia painted on the pavement, or both.

With the passage of Assembly Bill 2192, police authorities are now empowered to enter private parking lots open to the public to enforce handicapped parking regulations. Only vehicles displaying either a disabled person's license plate or the appropriate placard, are authorized to use the designated spaces. Violators are subject to fines of up to fifty dollars.

CSAA RESPONDS TO HOMEOWNER NEEDS FOLLOWING STORM

In order to afford some immediate relief to victims of the recent storm, supplementary additional living expense and personal property coverage for all current homeowner policyholders insured with the California State Automobile Association Inter-Insurance Bureau was made effective retroactive to January 1, 1982.

According to Richard V. Patton, president, of CSAA and CSAA-IIB, losses resulting from storm or flood damage are not normally covered under a standard homeowner policy. "But the crushing financial burdens imposed by the devastating storm which struck Northern California early in January, dramatized the need for these new benefits," Patton said.

Geared to meet the immediate financial needs of policyholders forced from their homes because of damage, CSAA insureds will have available up to \$1,500 in additional living expense coverage, and damage to their personal property will be covered up to 5 percent of the amount of their regular unscheduled personal property coverage.

"While it is not possible to compensate a policyholder for the loss of a home due to landslide or flood if the homeowner did not purchase coverage for those catastrophic event, these new benefits will provide some immediate financial relief," Patton continued.

This broadened coverage applies immediately at no added premium to all 100,000 CSAA-IIB homeowner policies now in force throughout California.

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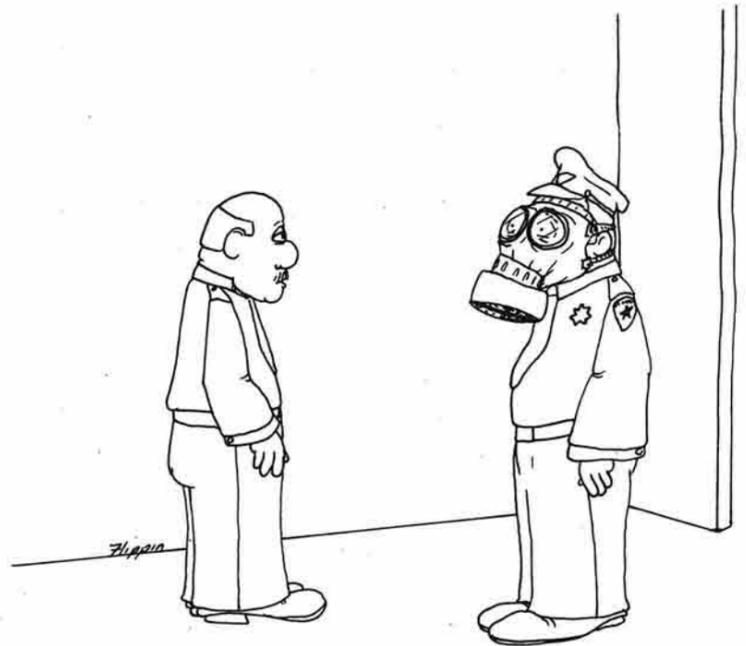
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CRIMINAL'S JUSTICE PLEA-BARGAIN

by Elliott E. Alhadeff
Editor, Law Enforcement Legal Reporter
L.A. County Deputy District Attorney

"Manslaughter? Voluntary manslaughter? I don't believe it! Didn't somebody tell you that he told her daughter he was going to kill her just before he did it? He fired at least two shots and one of them hit her in the head. That's premeditation. That's murder in the first degree — and you let him plead to manslaughter? This place stinks. This rotten system stinks. How can we put you D.A.'s in jail for what you do? You don't think you're committing crimes? You may not be guilty of murder — but what you did today — reducing that murder charge to manslaughter — was criminal!"

The D.A. stood stoically; expressionless. He knew he might get some heat from some of the "interested parties". But he had analyzed the case and he came up with voluntary manslaughter. He wasn't going to argue why he did it. He was willing to explain his reasons. He was willing to answer any questions. But trying to convince people who had deep and sincere feelings about that he had done would be an "exercise in futility."

"But maybe they're right," he thought.

FACTS: Sunday afternoon. Victim and defendant had been married eight years. It was a stormy marriage. Victim-wife was, by this time, a confirmed alcoholic and defendant-husband was borderline. Probably, the only thing that kept him from being a fullblown member of the fifth-a-day-club was his business. He operated a medium-sized market employing over 15 persons, and he had to be sober for at least the first three or four hours of the weekdays.

The daughter was from the wife's previous marriage. She was ten years old. On this Sunday afternoon, as usual, when "mommy was fighting with Clint," she was in their bedroom watching TV. She would stay there until the fighting was over, or they both passed out drunk, or "Clint would leave to get away from mommy's knife attacks."

Suddenly, Clint burst into the bedroom. He was drunk. He looked tired. He was mad. "I'm going to kill your mommy," he said. "I'm going to kill your mommy this time," he said again, as he reached into the closet shelf and pulled out his pistol. Then he staggered out of the bedroom door and down the stairs with the gun clenched tightly in his fist.

"Mommy, daddy's got his gun. He's going to kill you. Mommy!"

Clint disappeared into the living room. She heard her mommy say in her slurred voice "You don't scare me. I'm not afraid of you..." Then she heard a shot. Then another. Then a thud.

When she ran down the stairs and into the living room, the ten year old saw her mommy on the floor, blood coming out of her head "in spurts". Clint was on his knees, his elbows on the floor, his hands holding his head, the gun was next to him and the knife, "the one mommy's used so many times before, was on the table that separated mommy and Clint."

Clint got up and brought the telephone over next to the victim. He fell to his knees again, and called the ambulance, then the police.

PROBLEM: What's this case worth? Let's see . . .

P.C. 189: All murder which is perpetrated by means of . . . willful, deliberate, and premeditated killing . . . is murder of the first degree . . .

P.C. 190: Every person guilty of murder in the first degree shall suffer death, confinement in the state prison for life without possibility of parole, or confinement in the state prison for life.

When he said "I'm going to kill your mommy" he must have thought about it and deliberated about it.

He shot two times.

It appeared to be at fairly close range. At that range he knew what he was shooting at.

He hit her in the head, so that has to be where he intended to shoot her — it was no accident, it was not just an unlucky shot.

It was premeditated. The law says it's murder one.

But — he was drunk. She was drunk. It wasn't completely coldblooded. Sure, he knew what he was doing, but he might not have done it if he weren't drinking. It mitigates, not much, but it mitigates.

(But the law says it's murder one)

He's got no priors. Never arrested. Not even for a 23102. No violent or non-violent priors. Even ran his own business. Never on welfare. Paid his taxes. Employed others. Besides this, he was a good citizen. This is a hell of a "besides", but you can't ignore his past, good or bad.

(But the law says it's murder one)

They were fighting. Domestic argument. Not a robbery, rape, burglary, etc. It was "situational". A good bet not to happen again to this guy in a million years. Probably happen to someone else who never had this experience before it would happen again to him.

(But the law says it's murder one)

He could raise a meager defense that he killed in self-defense. Sure, she had attacked him in the past and he went out of his way to avoid her. There was even the knife on the table, the same one she used before. You know if this case goes to trial he's going to say he shot her when she came at him with the knife. But the story just doesn't hold water. When he went to get the gun he didn't say "I'm going to kill your mommy — in self-defense." So there are no substantial problems with the proof. Still, who knows what one or two out of 12 people would do in this case. It isn't much of a defense, but it's more than nothing at all.

(But the law says it's murder one)

Hate to have this kind of guy do that much time on these facts.

But he took a life — intentionally.

He's not getting off "scot-free", he's going to do time.

How much time is a human life worth? If you told the guy just before he killed her that he was going to burn in hell for eternity, and he believe you, would he have killed her anyway?

What is the case worth? A better question is what is the defendant worth.

Considering the fact, what should he be offered — if anything? And suppose we offer a voluntary manslaughter (six years plus two for the gun; total eight years in state prison. But he's eligible for probation — so maybe one year in the county jail and three years probation) and he refuses?

Well then, we "roll the dice" and chances are we'll convict the S.O.B. for murder one, and he'll do 25 years in the joint, less a third off for good behavior. If he looses, he'll be going to prison, more because of his refusal to "cop a plea" than because of killing somebody — and this doesn't sit right — but the system does not completely protect one against his own stupidity — no matter how high the stakes.

But why didn't the legislature say, "It's murder of the first degree unless the killing was in the course of a domestic dispute, the defendant was drunk, he had no priors, he owned his own business, he probably would never do it again, he has learned his lesson, and the D.A. would hate to have a guy like this do that much time." You may have noticed all of the reasons for the bargain are personal to the case. Little, if any, consideration is given to the consumption of time or the ability to administer a courtroom effectively if this case were to go to trial. Rarely does the D.A. consider the potential congestion of the court if the defendant chooses to go to trial. The offer made by the Deputy D.A. ordinarily considers only the potential penalty as applied to the facts in any particular case. Rarely does a D.A. refuse to offer any deal in any given case.

On the other hand, if the defendant is utterly hopeless, there are no problems with the case being tried, the maximum sentence set by the statutes are actually too lenient and the defendant deserves to be in jail for an even longer period of time than the maximum, then ordinarily no offer will be made and the case will be set for trial. But there aren't many of those kinds of cases. Instead, most cases are plea bargained, and because the defendant is offered something less than the maximum sentence, the emphasis is on bargain.

Determining whether the plea is appropriate very often depends on who you are. The interests of the victim, the police officer, the defendant, the attorney, the judge, the witnesses, the People of the State of California, the legislature, the press, and a dozen or so others are rarely the same, and so it's impossible to satisfy all of them. The purposes of punishment are to deter, to rehabilitate, to isolate, and to vindicate. But this doesn't help much because all of the above people who are involved in the case have different ideas as to how much of any of these purposes are being fulfilled by any particular plea bargain. It would be so easy for the legislature to say after describing the penalty for every crime ". . . no exceptions". It might even be right. If we end up offending more people because the plea bargains are not good, then we ought to eliminate please bargaining. No statistics on this issue. All we have are the "gut feelings" of the judges, the lawyers, victims, police officers, defendants, etc.

But there are some limits. The Los Angeles District Attorney's Office established a felony case settlement policy a few years back which makes an attempt to find some reasonable limits as to how much of a case may be given away. For example, the defendant must plead to a felony charge or charges which most accurately reflect the seriousness of his conduct. If he is charged with multiple murders, he must plead to all of the murders. If there are special allegations alleging an armed or use of a firearm, or deadly weapon, or great bodily injury, or if he has a prior felony conviction which could enhance his sentence, then he must plead to these special allegations or they are to be "vigorously litigated". If he is charged with a sale, or a possession for sale, it can't be reduced to a lesser offense.

If the deputy wants to deviate from the standards, he must get approval from a supervisor, and the paperwork explaining his conduct has to be forwarded to the head office. The only kind of sentence commitment he can make is agreeing to no immediate state prison time "but nothing else". A "no immediate state prison" commitment, can be justified on the basis of the defendant's prior record, the severity of the crime, the probability of continued criminal conduct, and the defendant's eligibility for probation and the "integrity of the criminal justice system".

This is a very brief description of the felony case settlement policy which covers over 18 pages and reflects a responsible attempt to establish standardized guidelines keeping the plea bargaining activity from being completely arbitrary and subject to the whim of the particular D.A. who happens to be handling the case. If the legislature is not going to prohibit plea bargaining, and if the courts are going to encourage the activity, then the use of a standardized felony case settlement policy which is subject to public scrutiny is at least a reasonable effort to administer the activity.

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RESIGNATION WITH FOND MEMORIES

Dear Editor:

After almost ten years in the employ of the San Francisco Police Department, I have resigned and am in pursuit of a more lucrative future along two new roads. The wisdom of that decision will be known only with the passage of some time. The experiences of my years in uniform are known and, for the most part, treasured memories. Never having been one to hesitate to express my opinion (God knows I've eaten enough shoe leather to prove that), I find that there is within myself, a need to reflect and evaluate.

My most precious possession, gained within my tenure, is the knowledge that I have been fortunate enough to have been befriended by some extremely special human beings. The list could go on almost ad infinitum, but there are those special few about whom I wish to comment. The first is the man who taught me more about police work than I was ever able to remember, Sergeant Dan Hallisy. Dan is the finest person it has ever been my pleasure to encounter, professionally or personally. He is also the finest "street cop" I have ever seen. I wish for Dan and his new bride the best of everything life has to offer; and, am certain that even when Dan becomes a Captain of Police, which he undoubtedly will, he will remain the same caring, fair-minded person that we all love.

The second is Sergeant Bob Martinez. Bob's refusal to give up in the face of terrible personal adversity, and his refusal to accept any advantage due to an accident of birth, stand as an example to all. His personal courage and determination make a mockery of the oft published notion that police officers are malingering loafers who want nothing more than something for nothing. Third, and final, and certainly not least, is Sergeant Ken Cottura. Were it not for Kenny, I surely would have died long ago. For two years we rode and walked together throughout the Mission. Sometimes we both wondered at 7:00 a.m., "How the hell did we get out of that?". We had because Ken is the kind of a partner of which every street cop dreams. He believes that his partner's life is more valuable than even his own; and, proved that to me dozens, if not hundreds, of times. I love him as if he were my own brother.

There are, to be sure, some negative emotions welled up inside me but, expressing them would be counterproductive in this particular forum and at this point in time. However, a look at the lot of a police officer in San Francisco today does seem proper. These are my observations, and mine alone. They are my true thoughts and feelings; but, are not put forth as irrefutable dogma. Experience tells me that many others share these views.

Police officers, in general, have become society's step-children; and, are treated as third class citizens.

This is true more so in San Francisco than in most California cities.

Police officers are called by citizens who have some problem or have encountered some adversity. It is expected that the police officer be as patient as a Saint; as knowledgeable as a Justice of The Supreme Court; have the mental dexterity of a professor of philosophy; the physical prowess of an Olympic decathlon gold medalist; and, the strength of a world champion power lifter. Furthermore, he/she is expected to apply the appropriate tool from these talents instantaneously, in every situation he/she encounters in a manner which satisfies the citizen involved, his superior officers (who are usually not at the scene), his/her department's administration, The United States Federal Government, the almighty and infallible press, and, of course, anyone else who decides to stick their noses in. Add to that, in San Francisco, all the time being certain not to offend any "politically in" individual, group, or organization. I, doubt, that Jesus Christ could satisfy today's job scope for being a peace officer without finding Himself in Internal Affairs; no human being can. The rewards are surely commensurate with the task.

San Francisco police officers are paid less than their counterparts in most large cities throughout the nation. A secretary working at union scale makes more money than a San Francisco police officer (4th year patrolman's salary), for a similar work week. Police officers work nights, but receive no added compensation. Night differential is standard practice in private industry. San Francisco's police officers are compensated at their normal hourly earnings for overtime hours; such practice is illegal in most other industries. Police officers must attend court during off-duty hours and are given minimal compensation for their inconvenience. I say inconvenience, because the current norm is to spend six to eight hours of your own time waiting for a case to be called, while being paid for four hours at straight time. The list goes on and on and on. Benefits are virtually non-existent; since the costs are borne solely by the employee.

The one exception being retirement; and, even here, the City's leadership has foisted off a totally untrue preception. Police officers do not vest into the retirement system until they retire; and, they receive none of the taxpayer's money until they do retire. Even then,

the City coughs up reluctantly after they have received 25 or 30 years of service, only when the employee's contributions are exhausted via retirement pay. In other words, for the first two or three years of retirement police officers have their own money doled back to them before the City puts up a penny. For God's sake, San Francisco finds building inspectors to be of more value than "street cops"; at least they are paid about \$7,000.00 per year more, with fully paid or reimbursed benefits. Justice truly is only a word in the dictionary. Enough of the negative though. The bottom line is that I chose to do it and I live knowing that a least three of my fellow human beings are alive today because of something that I was fortunate enough to have been in a position to do for them.

Lastly, I wish to comment on two ranking officials for whom I have great respect and admiration. Commander Ray Canepa and Captain Don Taylor. Each member of the department who is privileged to work with or for either of these two fine gentlemen is, indeed, fortunate. I doubt that anything I could say would effect Ray Canepa's well-earned, outstanding reputation, both within and without the department. He is beyond any question, the most respected member of the current administration; and rightfully so. As to Don Taylor, who has the most difficult command in the department, how can I add anything to his own deeds, which have so clearly demonstrated his devotion to his men and the S.F.P.D.

There is a wealth of tradition within the San Francisco Police Department which no one can ever take away. Moreover, there are a group of fine men and women who risk their lives daily for a City we all love. San Franciscans are blessed to have them; and, hopefully will soon find some improved method of demonstrating their appreciation.

The well being of every San Francisco police officer will remain in my daily prayers.

Sincerely,
Bill Kelly

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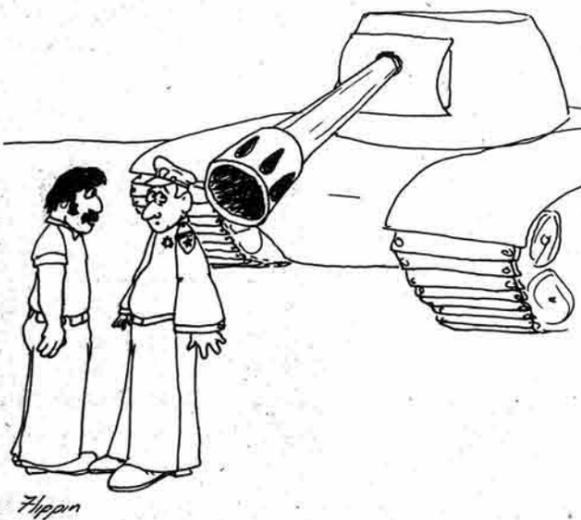
THANK YOU

TO: Members of Southern Station
FROM: Captain Forni

At this time, I wish to express my thanks to members of Southern Station for the professional manner and attitude displayed during the past two days. On Sunday, January 24, 1982, members of Southern Station were one of the first squads to appear on the scene to assist Central Station. This squad received many injuries but remained at their assigned area.

On Monday, January 25, 1982, during the riot condition on the 1000 block of Market Street, members (squads) from Central, Potrero and the TAC Division were first to assist Southern Station.

In conclusion, I wish to express my thanks to members from Southern, Central, Potrero and the TAC Division for a task well done in a professional manner.



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Smoking Doubles Risk of Attack

Smoking is a factor in an estimated 325,000 deaths each year. The fact that cigarette smoking is linked to lung cancer has been well recognized for years. But did you know that twice as many smokers die of heart disease as do of lung cancer?

American Heart Association experts warn that all cigarette smokers run a higher risk of heart disease, especially if they also have high blood pressure and/or high levels of cholesterol in their blood, which are the other two major risk factors. The risk of heart attack increases with the number of cigarettes smoked. Those who smoke a pack a day have more than twice the risk of heart attack that a non-smoker has.

When you smoke a cigarette, the nicotine stimulates the heart to beat faster. Because the heart is working harder, it needs more oxygen. But it gets less because the carbon monoxide from tobacco smoke cuts down the amount of oxygen carried in the blood to the heart.

Researchers have found that smokers are more likely than non-smokers to have hardening and narrowing of the arteries that nourish the heart, the "coronaries," and of the body's main artery,

the "aorta." Smoking is also linked to narrowing of blood vessels that carry blood to the leg and arm muscles. If a blood clot blocks an already narrowed artery, the result could be damage or even loss of an arm or leg.

Women who use birth control pills have a greater risk of having a heart attack than women who do not. A combination of using the pill and smoking cigarettes increases a woman's risk of heart attack even more.

The earlier a person begins smoking cigarettes, the greater the risk to the smoker's health. As a teenager, the risk of heart attack in later life seems a remote danger. But there is evidence of harmful effects even in young, healthy people. A survey of 1,000 school children by researchers at the Cincinnati, Ohio, Lipid Research Clinic demonstrated that smoking produces immediate damaging changes in the blood fats of teenagers.

Help your heart! Stop smoking now. Regardless of how long or how much you have smoked, your risk of heart disease will be reduced if you stop. Ten years after quitting, the risk of death from heart disease is almost the same as if you had never smoked.



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POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Director of Activities



Supervisor Wendy Nelder is shown assisting "Connie" Grieder (2nd from left), a San Francisco businessman, in dedicating a pitching machine which Grieder recently donated to the PAL. The machine will be used for batting practice and to teach youngsters the fundamentals of batting.



Members of the PAL Law Enforcement Cadets pose with symbols of Number 1. The occasion was the recent KYA-Ice Capade sponsored 1st Annual Winter Carnival held in Union Square. Eleven non-profit organizations were invited to participate in a snow building project. Alas, the San Francisco Boys Club won. Our Cadets, however, came in 2nd place with their snow projects of the Coit Tower, the Louise M. Davies Symphony Hall, the Transamerica Pyramid Building, and the George Moscone Convention Hall. Congratulations to everyone. (All photos by Herb Lee)

PAL PRESIDENT-ELECT

Sergeant William Leet of the San Francisco Police Department was recently elected President of the San Francisco Police Activities League at the annual PAL Board of Directors meeting. Sgt. Leet previously served as Secretary and Vice President of the PAL Board of Directors.

Sgt. Leet, a product of San Francisco, attended Holy Name Grammar and Riordan High School where he excelled in intramural sports. He continued his education at City College of San Francisco where he received an AA Degree in Horticulture.



PAL President-elect Sgt. Bill Leet (Park Station). Leet will take office at the 21st Annual PAL Boy and Girl of the Year Awards Dinner on March 25, 1982.

Sgt. Leet joined the San Francisco Police Department in 1961, and served on the patrol force at Ingleside and Potrero Stations. He was also assigned to city prison, Park Station, and three-wheel motorcycles. He is currently assigned to Park Station.

In 1974, Sgt. Leet formed the PAL Hunter Safety Program of which he is still involved with as the Instructor. In addition, he started the PAL Rifle Team with another officer. The 43-year-old Sergeant, an avid fisherman, is also a member of the San Francisco Police Fishing Program and the PAL Fishing Program, donating hundreds of hours teaching youngsters how to fish.

Sgt. Leet and his lovely wife Maurene have three children: Mike, 15, Melissa, 12 and Courtney, 4.

On March 25, 1982 Sgt. Leet will take office at the 21st Annual PAL Boy and Girl of the Year Awards Dinner which will be held at the Italian American Social Hall, 25 Russia Street.

PEE WEE BASEBALL

WANTED — Boys and Girls between the ages of 7 and 10. Must be interested in Pee Wee Baseball. No experience necessary. There will be a **ONE TIME** signup for Pee Wee Baseball Players on Sunday, March 7, 1982 at Larsen Park, 19th Avenue and Ulloa at 10 a.m. The season begins in April and ends in June. All games are played on Sundays. All players will be placed in teams from their neighborhoods as much as possible. Mrs. Thelma Williams, PAL Pee Wee Director, expects a crowd of 500 kids. She further states "The More the Merrier".

BOY AND GIRL OF THE YEAR DINNER

The PAL Boy and Girl of the Year Awards Dinner is scheduled for Thursday, March 25, 1982 at the Italian American Hall, 25 Russia St., 6 p.m. Awards and trophies will be given to our outstanding youngsters who excel in his or her sport. In addition, Sgt./Insp. Tom Bruton (Auto), the current President of the PAL, will be turning over the President's gavel to President-elect Sgt. Bill Leet, Park Station. Anyone interested in attending please call PAL Headquarters (567-3215) for reservations. Come help us honor our kids!!

BOXING

The PAL is currently continuing the PAL Boxing Program held at the old National Guard Armory located at 14th and Mission Sts. daily from 3:30 p.m. to 7 p.m. Mondays through Fridays. Anyone between the ages of 10 and 21 years are invited to call PAL Headquarters (567-3215) for signups. All uniforms, equipment, workout gloves, headgear, and facilities are provided free of charge. Participants must be members of the Pacific Association American Boxing Federation. Head Coach Bill Mateo will be fielding teams for upcoming shows including some out of state shows.

SOCCER

Signups are now being taken for anyone between the ages of 6 through 18 for the upcoming PAL Soccer Season. Simply call PAL Headquarters (567-3215). All uniforms, equipment, balls, etc. are provided free of charge. Beginners **ESPECIALLY** welcome. Signups end Friday, March 5, 1982. No signups accepted after that date.

JUDO

PAL Judo Commission Officer Joe Mollo (Personnel) announces that signups are being taken for youths 10 to 21 years of age interested in Judo. The classes are taught each Saturday from 11 a.m. to 1 p.m. For signups, simply report to the Police Academy, 2055 Silver Avenue the **FIRST SATURDAY** of each Month.



A typical Rugby game scene. These games are practically no holds barred and played without helmets or pads.



Officer Dale Allen (Dog Unit), Commission of Rugby, shown here exhorting his team to victory. The games are played each Friday at 4 p.m. at the Polo Fields.

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POLICE ACTIVITIES LEAGUE

by Herbert P. Lee
Director of Activities



LAW ENFORCEMENT

The PAL Law Enforcement Cadet Program, which began in October 1981 with twelve returning Cadets, is currently enjoying a strength of 45 high school boys and girls. The Cadets meet every Tuesday night at the Police Academy, and also at the Hall of Justice. The Program will conclude in May with a graduation. Requests for PAL Cadets continue to rise. The Cadets will be assisting in the upcoming California Police Olympics. They have participated in passing out anti-crime literature, ushers at police recruit graduations, national police week celebration, PAL sponsored football games, and the Summer In-Service Training at the Hall of Justice. Anyone interested in signups, call PAL Headquarters (567-3215) for further information.



PAL Cadets (left to right) Stacey Pitts, Jackie Jennings, and Lyris Wolfe with their Coit Tower rendition using snow.



Shown above (right) is a smiling newly appointed PAL Cadet Sergeant Annamarie Viglizzo being congratulated by PAL Cadet Program Assistant Director Ernie Galaviz.



(Left to right) PAL Cadets Richard Mah, Jose Pubill, Randy Williams, Bill Bermudez, and Sgt. Humberto Navarro.



Six PAL Law Enforcement Cadets recently promoted to Sergeant. They are (left to right) Sergeants Lynn Tracey, Lorraine Perez, Humberto Navarro, Annamarie Viglizzo, Gavin McEacheran, and Michael Ziganti.

RIFLE-PISTOL

The PAL Rifle Team is conducting practice sessions at the Presidio. PAL Rifle Commissioner Sgt. Tom Morris, (Ret) is seeking youths between the ages of 14 and 21 for the program. For further information and signups, call PAL Headquarters. In addition, the PAL is offering a pistol program for youths 14 through 21. Sessions will be held in the Presidio every Friday night at 7 p.m. All interested persons must signup with the PAL. PAL Pistol Program Commissioner Officer Ed Collins has a staff of Instructors assisting in the program including Tom Collins, Cliff Johnson, and yours truly.



Two PAL Cadets shown during a recent pistol team practice at the Presidio. Sergeant Lynn Tracey (left), and Lt. Ron Banta (right).



PAL Pistol Team Instructor Off. Ed Collins (Academy) (2nd from left) is shown instructing PAL Cadets on the firing line. The classes are conducted at the Ft. Scott Indoor Range in the Presidio.



PAL Cadet Daisy Daisug (left) in preparation for a pistol match under the watchful eye of PAL Pistol Team Instructor Tom Collins.

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Police Sgt. Herbert Lee

By Caroline Drewes
Examiner staff writer

Given the spirit of this city at its benign best, Herbert P. Lee is a native son with special claims to distinction as a True San Franciscan.

Not the least of these is the fact that he was the first Chinese-American police officer, the first sergeant of Asian ancestry in the San Francisco Police Department. As such, for many years he was the link between the Chinese community and the police department.

Chief Frank Ahern swore him in as a rookie in October 1957. Lee had been a student at San Francisco State, under the GI bill, when a friend about to take the department examination talked him into taking it too. Lee passed, the friend failed. And so it happened that then and there, fate — or chance, as you will — handed him the opportunity to serve his city.

A man of good cheer, of vast vitality and warmth, today's Herbert Lee is a veteran of years as an inspector in undercover work, years with the narcotics bureau and of many more with the Youth Service Bureau. When Chief Al Nelder set up the first police-sponsored city-wide special educational program on the school narcotics problem, he put Lee in charge and the inspector became a popular lecturer. (That was Project DAP — Drug Abuse Prevention)

At present he is liaison between the department and the Police Activities League, where, as he says, he wears several hats — as director of PAL activities, overseeing all 14 sports and other programs, and as commissioner of the fishing and law enforcement cadet programs.

Last year he took on the latter program — for high school sophomores, juniors and seniors who meet at the Hall of Justice and learn what it means to be a police officer — and has built it from 12 to 43 cadets, ready to serve as volunteers, to save manpower.

"I've always loved kids," he says. "They're our future." His feeling for children and the fine art of fishing led him to pioneer the PLA fishing program, which has introduced the sport to thousands of young people. "I've fished all my life, at Fisherman's Wharf and off Muni Pier, we used to go spearing for perch and catch baby crabs along the rocks. The PAL program is a beginners' deep sea program. You take a kid out with his friends, you put a rod and reel in their hands, you're not going to have any trouble."

It was a private enterprise originally, at the behest of his friend Art How, maybe 12 years ago. On this own time and at his own expense, Herb began taking kids fishing aboard his

25-foot fiberglass boat, the Ah-Choo (whose name, in its owner's ears, is a nice blend of East and West). Then PAL got wind of it (the Chinatown center was opened a decade or so ago). "Now we have a fleet of three boats, with 36 volunteers, and we go out every weekend, rain or shine, from May through October, taking an average of 300 kids a year. Talk about fun!" And now there is a PAL fishing award named for Lee.

So these are some of the activities of Sgt. Herbert P. Lee, which make him a happy man, and a True San Franciscan. For the record, for 10 years he was also chairman of the Chinese New Year parade here, and is founder of the Northern California Oriental Peace Officers Association.

Now ask yourself a question: What does the word home mean? It could mean your family, or the house where you live, or it could mean your city. To a true San Franciscan, perhaps first of all it means The City.

And Herb Lee has The City in his heart. He likes to say, "I was born here, I live here, and I expect to die here."

His maternal grandmother was also born here, subsequently rearing her family near Visalia. It was here that his mother met his father, Al Lee, who had come from China. She worked as a waitress and a seamstress, her husband as a waiter, and they lived with their five daughters and three sons, as Herb puts it, "in Chinatown in the shadow of the Fairmont in an alley one block away from Clay and Mason." For some reason, he was the only one born at home.

Herb attended St. Mary's Chinese Catholic School (where one of the sisters changed his middle name, Quan — a Chinese warlord's name — to Patrick). He was graduated from Polytechnic High School and served two years in the Navy before marrying his childhood sweetheart who was born four blocks from his own birthplace.

They have two sons and two daughters, the youngest 20, the oldest 25. "I guess I had the concept of a large family instilled in me," their father says. "Now I warn them not to have children until they can afford them."

He is justifiably proud of his four, as they are proud of him. Penny, the eldest, is working for a computer company, while her Stanford and Tufts Medical School-educated husband is interning. Lynette has an accounting degree from San Francisco State and a good position, rivaling in pay her mother's job with the Alcohol, Tobacco and Firearms Agency, where Dorothy Lee is a supervisor. Both daughters, as it happens married Chinese-Americans; Lynette's husband, a postman, was one of the first kids Herb took out on his boat; years later, having never forgotten the excursion. David Seid became a volunteer deck hand, and he met his bride-to-be aboard the Ah-Choo. Herb says, "I sang at their wedding." They were married last July, then David passed the department examination and became a member of the 147th recruit class — the second police officer in the family.



Sgt. Herbert Lee: 'I was born here, I live here, and I expect to die here'

Ricky, 21 and 6 feet tall, is a trainee in sales for a wholesale meat business, and the Lees' youngest son, whom his father still calls John John, is majoring in criminology at San Jose State, with the intention of joining the force.

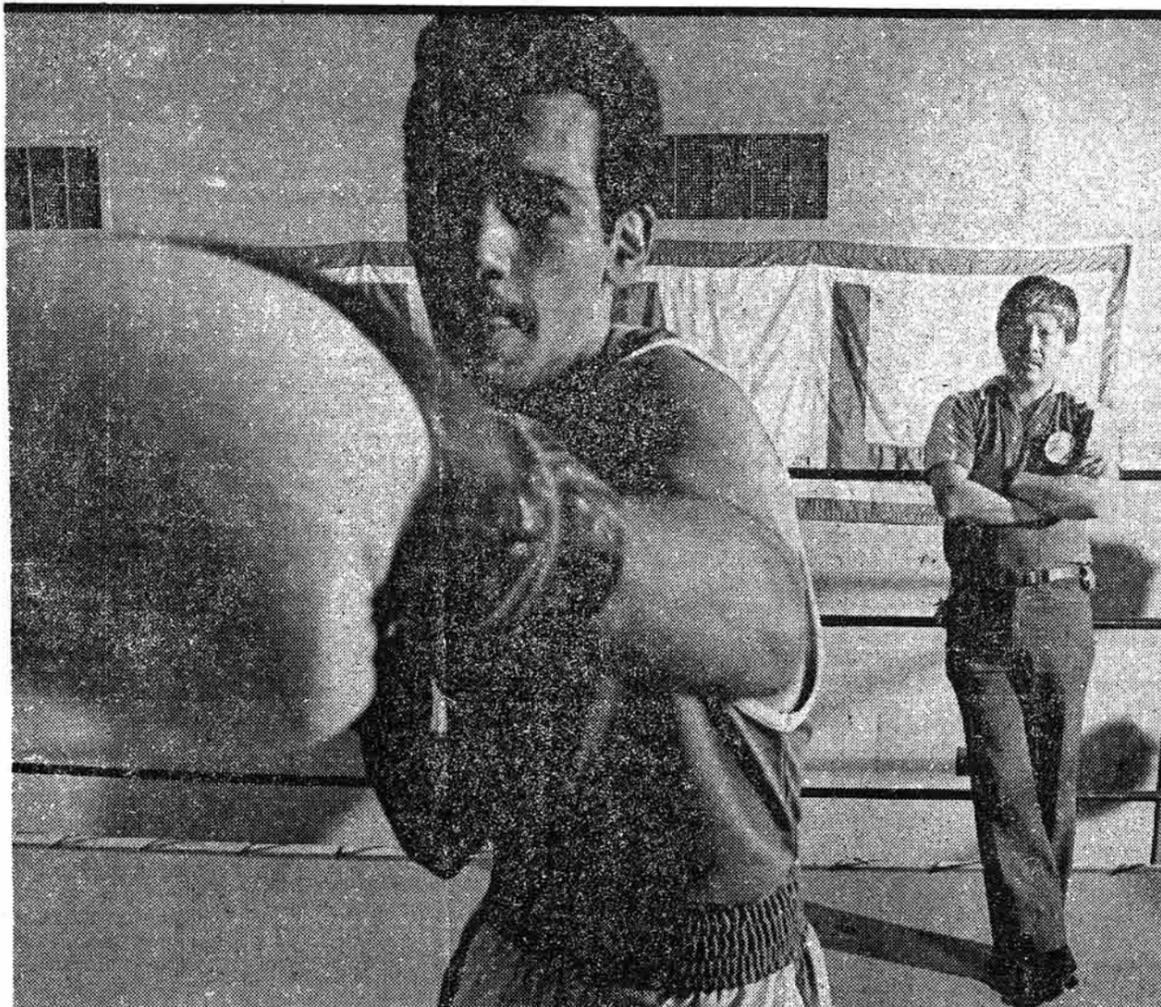
The Lees live in the Excelsior District now. When it came time to buy a house, Herb says, "It broke our hearts to have to leave Chinatown, which is really a voluntary ghetto. The schools, the family, the relatives are all there. We moved out reluctantly."

Sgt. Lee looks back with love and nostalgia on his San Francisco youth. He remembers when he and his little sister used to buy three crabs for a dollar at Fisherman's Wharf and crack and eat them while they fished. He remembers the sisters and the fathers at St. Mary's Cathedral School where he was an original member of the "Teeng Mings . . . believe it or not, a square dance group. We used to make our own Western-style costumes."

The afternoons when he and his friends hiked up to Coit Tower and the boys looked for slugs to throw at the girls. The N car rides to the Beach, "Laughing Lady" at the Fun House. The chicken pies you bought at Playland. Hay rides in a rented truck from St. Mary's to Santa Cruz. And his freshman dance at Poly, when the three Chinese-American boys in the class attended shyly, expecting to leave early, and a Caucasian girl asked Herb to dance. "I'd never danced with anyone but Chinese girls. I've never forgotten that classmate's name."

Herbert P. Lee, below right, is director of the Police Department's PAL activities

Examiner photos by Paul Glines



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SPORTS

Golf Club News

The year 1982 got off to a great start. On Wednesday, January 27, 1982, on a super day between storms, the golf club traveled to San Jose Muni for the first tournament of the year.

It was such a beautiful day, I found it hard to believe the Bob Guenley's group cancelled the day before because they were afraid of the weather.

Tom Gordon and Dennis Martel tied for low gross with seventy-fives but Tom won in the matching of scorecards. Mike Doherty was the low net winner after shooting a ninety-five minus his thirty-one handicap for a net score of sixty-four.

The fight winners were: first, Dennis Martel, Johnny Phillips and Dave Kranci; second, Bill Tull, John McClelland and Grosward; third, Jim Kerr, Larry Minasian and Emmet Cooney; fourth, Al Sonoda, Gordon Hendrickson and Ray Seyden.

The hole-in-one winners were Dennis Martel at the seventh hole with a shot 17'7" and Bob Lall at twelve with a near perfect shot of 3'2" away.

The guest flight was won by Ray Gomez, the Lee Trevino of Petaluma, who was followed by Bill Lee and Bill Dyer of Co. D playing as a guest until he establishes a handicap.

Already in 1982 the club membership is up to one-hundred and eighteen members which is more than we have ever had at this time.

The schedule is nearly complete and will include starting in February, Franklin Canyon, Skywest, Napa Muni, Tilden Park, Bennett Valley, Richmond Contry Club, Santa Rosa Country Club, Palo Alto Muni, Willow Park, Mt. Shadow's North and Sunnyvale Muni.

We will also have a weekend trip to Reno in June. This will be a four day, three night trip including three days of golf and all the extras. Any S.F. policeman interested, give me a call and I'll send you the details. The trip will include wives and usually is a real good time.

Jerry Cassidy
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S.F.P.O.A. BASKETBALL LEAGUE ENDS IN 3-WAY TIE

by Bob Puts

The SFPOA Basketball League ended the regular season in a three-way tie: TAC, Northern and Central each completed a nine win, three loss season. Since there was a three-way tie, no team will get a bye, but rather eight teams made the playoffs.

The spoiler for the top teams proved to be the Airport Police, who beat a strong Central Station Team (94-91) in overtime, and finally edged out the TAC Division (99-90) in a triple overtime marathon. In the final game of the regular season, Northern Station was upset by Central Station 82-75. Gerry Calgaro (24 ptss.) cleared the boards, while Ed Rodriguez and Jim Deignan continually put pressure on Northern's Ben Vigil and Kurt Bruneman.

Another game which figured in a playoff spot, was the Narcotic Bureau's 75-65 victory over Ingleside Station. Narcotics, who played without Kevin Gotchet, continually went to Joe Dutto (36 pts.) for their scoring needs. Jeff Barket, along with numerous assists, also had time to throw in 17 points. Jerry Lankford led the losers with numerous rebounds and 29 points.

A team which won 5 out of their last 7 games, but finished one win shy of a playoff berth, was Park Station. Park went down to the wire in a disappointing loss to the TAC Div. 68-67, and again two weeks later as they lost to Central Midnight, 63 to 60. Park Station, which is always a scrappy team, has always lacked a "big" man. Along with some gutsy rebounding by Bob Barnes and John Cleary, Park Station had to rely on the outside shooting of Rene Mariluch (19 pt. avg.), Joe Cutin (17 pt. avg.), and Mark Porto (13 pt. avg.) in finishing the season out at .500 (6-6). Maybe next year Park Station will recruit their "Elmo", that they need so bad.

(Next month the Playoffs)

ALL-STAR BALLOTING (70 pt. max.)

First Team

Kurt Bruneman (E) 70 pts.

— Unanimous MVP

Charley Mahoney (H) 40 pts.
Gerald Calgaro (A) 39 pts.
Jerry Lankford (H) 31 pts.
Ed Chow (B/G) 30 pts.

Second Team

Jerry Donovan (TAC) 29 pts.
Mike Scott (Air) 26 pts.
Bob Puts (TAC) 17 pts.
Tony Rodriguez (A) 16 pts.
Jim Collard (CHP) 15 pts.

Final Standings

	W	L		W	L
TAC	9	3	Airport	7	5
Central	9	3	Narcotics	7	5
Northern	9	3	Park	6	6
Central Mid.	8	4	Southern/Rich.	3	9
Ingleside	7	5	Mission	3	9
CHP	7	5	Inspectors	2	10
			Southeast	1	11

Scoring Leaders (6 games Min.)

	G	Pts.	Avg.
Chow (B/G)	6	209	34.8
Bruneman (E)	6	194	32.3
Langford (H)	8	207	25.8
Calgaro (A)	10	231	23.1
Collard (CHP)	7	150	21.4
Vigil (E)	11	231	21
Delagnes (Am)	12	251	20.9
Spencer (Air)	9	182	20.2

Free-Throws

	FTM/FTA	Percentage
E. Rodriguez (A)	27/29	93.1%
Bruneman (E)	38/44	86.3%
Sorrhondo (Am)	19/22	86.3%
Vigil (E)	43/50	86%
Frachia (Air)	25/29	86%
Mahoney (H)	28/34	82.3%

COORDINATORS NEEDED!!!

The S.F.P.D. is hosting the 1982 California Police Olympics, July 6-11, 1982. Time is getting short and a few coordinator positions remain unfilled.

To insure S.F. hosts a successful Olympics, you help is needed. Anyone interested in volunteering time or coordinating badminton or the pentathlon, please contact Joe Mollo or Jeff Barker, Ext. 1243, at the Police Gym.

DAN NILAN TENNIS TOURNAMENT

The SFPOA is sponsoring this year's Dan Nilan Tennis Tournament to be held May 17-21, 1982. This tournament will be open to all S.F. police officers, S.F. sheriffs, S.F. district attorneys, Highway Patrolmen and the local F.B.I. office for singles, doubles and a special mixed doubles event that will be open to con-

testants and their spouses.

Top police finishers in this tournament will be invited to compose a police olympic team to compete in the California Police Olympics, July 6-10, 1982. Any officers interested should contact Jeff Barker, 553-1243 at the Police Gym.

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Federal Report con't.

posed any changes to the decree. First of all, when the original document was approved by the parties, their signature evidence the fact that they knew and understood its contents, and that they had the ability to figure out the promotional timetables. I was not on the list for promotion which was a horse on me, however, I knew that if I voted in favor of the decree, I would benefit later with the time table as it had been originally drafted.

Well, I for one did vote in favor of the decree that we used to have, however, I am now being told by a majority of the membership that things were amiss at the original signing, and changes have to be made. As chairman of the committee, I assisted our attorneys in implementing the proposals for change. OK, now we have the change, but I still am nonetheless concerned with the internal morale problems delays will cause. I am also concerned with the criticism of President Barry, Vice President Chignell and myself by Sergeant Kidd.

Sgt. Kidd, who as you will remember ran unsuccessfully for vice president of the POA last year, refers to the Federal Litigation Committee as such; "Now, that Committee, as a showcase of Association leadership, flounders, without talented leadership, imagination or direction." Sergeant Kidd also makes reference in his January 1982 article to Jack Ballentine and Al Casciato as being the POA's primary representatives in the design of the decree, and that because they dared to oppose Barry and Chignell, they were bounced off the Federal Litigation Committee. If in fact they were the primary representatives to the drafting of the original decree, why didn't they oppose any changes that were proposed?

The committee under the current leadership has been very effective in protecting each and every members rights under the Consent Decree. The current difficulties we now have with the decree will be remedied in time, however, it must be remembered that the POA's actions were based upon a popular vote of the membership, and until such time as there is a change in thought, we will continue to pursue the accelerated implementation of the lieutenants exam.

In closing, I would like to remind those persons that so actively criticize the current leadership, that the majority of us who do the work, do so with no compensation and on our off-duty hours. Those persons who unjustly criticize the current leadership at every juncture, should instead turn their efforts to active volunteer participation. Not only would active volunteer participation improve their creditability, but it would aid the current volunteers in achieving mutual goals as they relate to our alliance as San Francisco police officers.

Disability Pensions continued

50% of his final compensation, his monthly disability allowance is fully excludable and is not subject to federal or state income tax. Assuming at age 50 he qualifies for his service retirement, he would receive 55% of his final compensation. Because the additional 5% is based on age and length of service, it does not meet the criteria set forth in Section 104 of the Internal Revenue Code and is therefore taxable, unless the same police officer had received a disability rating from the Workers' Compensation Appeals Board establishing his disability at or above the figure of 55%.

Using the same 35 year old police officer but substituting a disability rating of 65% (established by the Workers' Compensation Appelas Board) due to a severe occupational injury, his or her allowance is fully excludable and his or her entire service retirement would also be excludable since the disability rating (65%) is more than the percentage he will receive as a service retirement (55%).

Disability Leave

The Charter of the City and County of San Francisco provides that occupationally injured police officers and firefighters are entitled to a leave of absence with full salary for a period of up to 365 calendar days for any one injury sustained in the line of duty. The Internal Revenue Service Memorandum and the ruling (72-44) which is being discussed in this article has nothing to do with the taxability of those monies. Since they are in the nature of a worker's compensation award, they are and remain fully excludable and not subject to either federal or state taxation.

Light Duty Assignment

Revenue ruling 80-137 discusses the following issues: Are payments made by a municipality to a disabled police officer performing light duty excludable from gross income under Section 104 of the Internal Revenue Code?

This revenue ruling discusses payments made by a municipality to a disabled police officer who has returned to work, but is assigned to light duty because the injury keeps the officer from performing the regular police duties. The Internal Revenue Service, in this ruling, stated that monies received by a police officer assigned to light duty are payment of regular salary made and return for services performed by the police officer and therefore do not fall under the exclusion from gross income provided in Section 104(A) (1). This means that, unfortunately, monies received by officers performing a light duty capacity are fully taxable.

Disability Rating

It appears now that more attention will have to be given to obtaining a rating from the Workers' Compensation appeals Board after the industrial disability retirement has been awarded by the Retirement Board. (It should be noted at this point that police officers and firefighters who are under the Tier II Retirement System — Post 1976 — are not entitled to a disability rating since their disability is firmly set at 50%.) That rating, if it falls below 50%, has no effect whatsoever on the retirement since the minimum retirement is 50%. However, an award above 50% has now become important for a second reason (the first being the additional monthly monies received); the rating is now necessary in order to protect the non-taxabilities of these retirement monies once the police officer or firefighter reaches normal retirement age.

The procedure for obtaining such a rating is as follows: An application for adjudication of claim is filed with the Workers' Compensation Appeals Board and the matter is then calendared for a rating conference. An informal rating based on medical reports in evidence is then obtained from the Disability Rating Bureau; the rating thus obtained is presented to the Judge for purposes of having that rating fixed in an award or fixed by stipulation of the Attorneys involved.

1981 Tax Return

The completion of the U.S. Individual Income Tax Return for 1981 has now required some adjustments. Pensions and annuities, which in former years were reported on Schedule E, are now reported on the front sheet of the 1040 Form at lines 15 and 16. Computation for completing lines 15 and 16 are found on a worksheet provided at page 10 of the Federal Income Tax Forms and Instruction Documents which is sent to all taxpayers. Line 15 is for the reporting of fully taxable pensions and annuities. On this line would be found, for example, the reporting of service pension monies received, after all exclusions have been made for monies which the member has already contributed.

Lines 16 (a) and 16 (b), along with the worksheet on page 10, are for the reporting of industrial disability retirement pensions. It should be kept in mind that the Retirement System in January of each year forwarded to each member receiving an industrial disability retirement a W-2P form indicating the amounts of money which the Retirement System has paid to the member in the prior year. Please take note that a copy of this form is also sent to the Internal Revenue Service Center in Fresno and can be matched with monies which should be reported on lines 16 (a) and 16 (b). A police officer or firefighter who has received an industrial disability retirement and does not report such event on lines 15 or 16 on form 1040, runs a significant risk of an audit and an embarrassing situation in attempting to explain why significant monies were not accounted for on the 1040 return.

For the police officer or firefighter who received the industrial disability after being eligible for service retirement or who received it before being eligible but who has become eligible for a service retirement, the reporting can be complicated. It required consideration of the fact that monies already paid into the System will not be received in three (3) years, consideration of a permanent disability award fixing a rating, and the percentage by which the service retirement exceeds the industrial disability retirement. All those factors are used to determine the amount of an industrial disability that is taxable. In my experience in working on these matters, I have found that approximately 20-25% of the monies received pursuant to an industrial disability retirement, after reaching the age of service retirement, are taxable and the remaining is excludable from gross income.

Members wishing advice on this are urged to contact me on an individual basis in that this matter is complex and not readily given to addressing outside of a specific context. The general rule however remains that Section 104 does not apply to a retirement pension to the extent that it is determined by reference to an employee's age or length of service even though the employee's retirement is occasioned by an occupational injury or sickness. Revenue ruling 80-44 fully sets this forth and gives example showing what part is excludable and what part is not.

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<p>Constitution & By-Laws Changes:</p> <p>1. Moratorium Yes 520 No 95</p> <p>2. Political Solicitations be included on agenda Yes 578 No 36</p> <p>3. No solicitations to be considered unless on agenda Yes 559 No 41</p> <p>Petition to Withdraw from the IUPA Yes 421 No 186</p>	<p>Unopposed officers election to the Board of Directors:</p> <p>Central — Bob Swall Southern — Dan Linehan Potrero — Gerry Schmidt Mission — Mike Dempsey Northern — Ron Parenti Richmond — Woody Tennant Taraval — George Grant Tactical — Duane Collins Bureau — Bob Huegle & Mike Nevin Retired — Tony Bell</p>
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